



# AGENDA MEMO

## Business of the City Council

### City of Sweeny, Texas

<b>Meeting Date</b>	12/17/2024	<b>Agenda Item</b>	
<b>Approved by City Manager</b>		<b>Presenter(s)</b>	Requestor; Sweeny Community Hospital
<b>Reviewed by City Attorney</b>		<b>Department</b>	Developmental Services
<b>Subject</b>	Discussion and possible action to requested variance to Ordinance §156.018 A(4)(d) for Illuminated Signage at 305 N McKinney; Sweeny Community Hospital		
<b>Attachments</b>	Variance Request with Supporting Information, EM Signage Drawing		
<b>Financial Information</b>	Expenditure Required:	-	
	Amount Budgeted:	-	
	Account Number:	-	
	Additional Appropriation Required:	-	
	Additional Account Number:	-	

#### Executive Summary

Contractors for the Sweeny Hospital have submitted plans for lighted signage to the awning of the emergency department. Signage depicted in attached shows the proposed *Emergency* internally illuminated letters to be adhered to the edge of the awning. The illuminated signage will be facing Ross Street (residential property), in which would require a variance by Council for allowance. Chapter 156 of the City's Code of ordinances states illuminated signs may not be installed **facing** adjacent or adjoining residential areas.

TEXAS ADMINISTRATIVE CODE  
 TITLE 25 HEALTH SERVICES  
 PART 1 DEPARTMENT OF STATE HEALTH SERVICES  
 CHAPTER 133 HOSPITAL LICENSING  
 SUBCHAPTER I PHYSICAL PLANT AND CONSTRUCTION REQUIREMENTS  
 RULE §133.163 Spatial Requirements for New Construction

- (I) Emergency entry signage. An emergency sign shall be provided at the entry from the public road(s) or street(s) serving the site. The emergency sign at the entry to the site shall be illuminated and connected to the emergency essential electrical system. Additional sign(s) on-site may be required to direct patients to the emergency treatment area entrance when the emergency treatment area is not visible from the site entry. The letters on the entry sign shall be red with a contrasting background, all capitalized, at least eight inches in height, and an arrow indicating direction.

#### § 156.046 VARIANCES; City of Sweeny Ordinance

(A) *Application and fee required.* A variance is written approval to depart from the strict application of the provisions of this chapter. Any person, business or other organization desiring to continue to construct, reconstruct, place, install, repair, maintain, relocate, alter or use any sign which does not conform to the provisions of this article may make application to the City Council for a variance to the provisions of this subchapter. The application shall be filed with the City Manager, accompanied by the appropriate fees established by the city, which are set out in the city's fee schedule for each application for variance.

(B) *Standards for variances.* The City Council may approve a variance only if it makes affirmative findings, reflected in the minutes of the City Council's proceedings, as to all of the followings:

- (1) The variance will not authorize a type of sign which is specifically prohibited by this subchapter;
- (2) The variance is not contrary to the goals and objectives outlined by the City of Sweeny's comprehensive plan;
- (3) The variance is not contrary to the public interest; and



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(4) Due to special conditions, a literal enforcement of the ordinance would result in unnecessary hardship. Ordinarily, hardship that is self-induced or that is common to other similarly classified properties will not satisfy this requirement. Financial or economic hardship alone will not ordinarily satisfy this requirement.

(5) The spirit and purpose of the ordinance will be observed, and substantial justice will be done.

(C) *Conditions of variances.* The City Council may impose such conditions or requirements in a variance as are necessary in the City Council's judgment to achieve the fundamental purposes of this article. A violation of such conditions or requirements shall constitute a violation of this subchapter. A variance, if granted, shall be for a specific event, use or other application of a business and shall not continue with the property. If a variance is granted and the activity authorized is not substantially underway within six months of the date of approval of the variance, the variance shall lapse and become of no force or effect.

#### Recommended Action

Council Discretion:

If approving, Council must make affirmative findings per §156.046(B) to be stated in the motion.