



# AGENDA MEMO

## Business of the City Council

### City of Sweeny, Texas

Meeting Date	04/15/2025	Agenda Item	
Approved by City Manager		Presenter(s)	
Reviewed by City Attorney		Department	Developmental Services
Subject	Discussion and possible action to requested variances at 906 N Main, Ordinance §156.018 A(4)(d) for illuminated signage & §156.018 A(1)(a) for size of signage allowance; O'Reilly Auto Parts		
Attachments	Variance Request with Supporting Information, Signage Drawing		
Financial Information	Expenditure Required:	-	
	Amount Budgeted:	-	
	Account Number:	-	
	Additional Appropriation Required:	-	
	Additional Account Number:	-	

#### Executive Summary

Contractors for O'Reilly Auto Parts are proposing plans for lighted signage to be adhered to the structure. Signage requires two variances: variance to the size as it exceeds the allowable size & for illumination as it would face towards residential property.

Requestor is additionally requesting a variance to exceed the allowable size of commercial signage to be adhered to the building; with an overall square footage of 59.09 sq. ft.

Signage depicted in attached shows the proposed internally illuminated signage facing residential property in the near vicinity; 802 Texas and 807 Main. However, all of Main Street is zoned Commercial C1. Chapter 156 of the City's Code of Ordinances states illuminated signs may not be installed **facing** adjacent or adjoining residential areas.

#### § 156.018 SIGNS REQUIRING A PERMIT.

The following signs shall require a permit, issued prior to construction:

**(A) Signs on property in other than residential areas:**

**(1) Single commercial building. Signs shall be permitted as follows:**

**(a) Attached or painted onto each side of a building. No single sign may be larger than 32 square feet.**

(b) One free standing sign not larger than 24 square feet or taller than ten feet.

(c) One projecting sign not to exceed 12 square feet.

(d) The aggregate of all signs may not exceed 80 square feet.

**(2) Commercial complex. Signs shall be permitted as follows:**

(a) One free standing sign not larger than 64 square feet or taller than 12 feet.

1. A commercial complex with a land area of two acres or more may have one freestanding sign along each street which borders the complex for a distance of 200 feet.

2. If the structure of a free standing sign contains or supports more than one sign, then each sign shall be of the same construction, coloring, design, and style.

(b) Signs housed in the complex not to exceed 50% of the front wall space.

(3) **Flags.** No flagpole may be higher than 20 feet or extend beyond the maximum allowable building height limit as established in the city building regulations, whichever is shorter. At any establishment, the entire area of all flags shall be counted toward the aggregate for signs on the premises. Flags may only be illuminated in compliance with this chapter.

**(4) Illuminated signs.**



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- (a) Neon signs are prohibited except for signs no greater than 4.5 square feet located on or inside of a window of an establishment. No more than two such signs are permitted per business.
- (b) No sign shall be lighted to such intensity or in such a manner as to cause glare or brightness to a degree that it constitutes a traffic hazard. Any such sign shall constitute a nuisance.
- (c) Signs may not be illuminated by mercury arc or mercury vapor light sources.
- (d) Illuminated signs may not be installed facing adjacent or adjoining residential areas.

#### § 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

(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.—see below.

#### SEE ABOVE FOR FULL STANDARDS OF VARIANCES §156.046

Council may only approve if it makes affirmative findings reflected in the minutes as to all the following:

-it will not authorize a type of sign which is specifically prohibited by this subchapter

- is not contrary to the goals and objectives outlined by the City's comprehensive plan

-is not contrary to the public interest

-due to special conditions a literal enforcement of the ordinance would result in unnecessary hardship

-the spirit and purpose of the ordinance will be observed, and substantial justice will be done.