

**CITY OF FREEPORT  
PLANNING COMMISSION  
Tuesday, July 11, 2017 6:00 P.M.  
Freeport Police Department, Municipal Courtroom  
430 North Brazosport Boulevard  
Freeport, Texas**

**AGENDA**

Eddie Virgil, Chairman  
Cindy Cain  
Lesa Girouard

Sandra Loeza  
Johnathan Sublet

NOTICE is hereby given that the Planning Commission of the City of Freeport, Texas will meet in a regular meeting on **Tuesday, July 11, 2017 at 6:00 P.M.** at the Freeport Police Department, Municipal Courtroom, and 430 North Brazosport Boulevard, Freeport, Texas to discuss the following:

1. Open Meeting.
2. Invocation.
3. Consideration of approving the minutes of April 25, 2017.
4. Discuss and consider recommending to the City council placing a speed zone sign on 1611 North Ave. N
5. Discuss and consider approving a Re-Plat of the North half of Lot 41, Block 8 Bastrop Bayou acres. John Musquez survey, A-332 Brazoria County, Texas.
6. Discuss and consider whether or not to recommend to the City Council that Section 150.011 of the Code of Ordinances be amended to adopt, as a modification of the 2015 edition of the International residential code adopted by Section 150.01 of said Code of Ordinances, a requirement that each dwelling unit shall have a minimum of one thousand three hundred, (1,300) square feet of habitable living space in area with the exclusions included therein and at minimum a single car enclosed garage, either attached or detached.
7. Discuss and consider approving a Re-Plat of a subdivision of Lots 7 and 11, Block B. Port –Au- Prince Subdivision Brazoria County, Texas, according to the Plat of

Port-Au-Prince subdivision in the J.M. Musquez survey, Abstract 332, according of the Plat recorded in volume 15, pages 145-146 of the Plat records of Brazoria County, Texas.

8. Discuss and consider whether or not to recommend to the City Council amending Chapter 72 of the Code of Ordinances of said City to provide, as an addition to Chapter 72 the Restricting of front yard parking on Residential properties; containing other provisions relating to the forgoing subject.
9. Adjourn.

NOTE: ITEMS NOT NECESSARILY DISCUSSED IN THE ORDER THEY APPEAR ON THE AGENDA. THE PLANNING COMMISSION, AT ITS DISCRETION, MAY TAKE ACTION ON ANY OR ALL OF THE ITEMS LISTED.

I, Delia Munoz, City Secretary, City of Freeport, Texas, hereby certify that this Agenda was posted on the official bulletin board/glass door of City Hall facing the rear parking lot of the building with 24-hour access at 200 West 2<sup>nd</sup> Street, Freeport, Texas on or before **Friday, July 07, 2017 at 5:00 P.M.**

---

Delia Munoz, City Secretary  
City of Freeport, Texas

State of Texas

County of Brazoria

City of Freeport

BE IT REMEMBERED, that the Planning Commission & Traffic Commission of the City of Freeport met on Tuesday, April 25, 2017 at 6:00 p.m. at the Freeport Police Department, Municipal Court Room, 430 North Brazosport Boulevard, Freeport Texas for the purpose of considering the following agenda items:

Planning Commission:                    Eddie Virgil – Chairman  
    Johnathan Sublet  
    Lesa Girouard  
    Cindy Cain  
    Sandra Loeza

Staff:    Oscar Arevalo, Building Official  
    Yvette Ruiz, Building Secretary

Visitors:                                      Simon Virgil

Open Meeting.

Eddie Virgil called the meeting to order at 6:02 p.m.

Invocation.

Johnathan Sublet offered the invocation.

Consideration of approving the minutes of March 21, 2017

On a motion by Lesa Girouard, seconded by Sandra Loeza, with all present voting “Aye”, the Planning Commission unanimously approved the minutes of March 21, 2017.

Discuss and consider the need for and whether or not to recommend to the City Council a left turn lane onto Yaupon for west bound traffic on Second Street.

On a motion by Johnathan Sublet, seconded by Lesa Girouard, with all present voting “Aye”, the Planning Commission unanimously denied the need for and whether or not to recommend to the City Council a left turn lane onto Yaupon for west bound traffic on Second Street.

Discuss and consider requesting that the City Council call a joint public hearing with the Planning Commission to consider amending the comprehensive zoning ordinance of the City to add definitions for “open space” and “greenbelt”.

On a motion by Sandra Loeza, seconded by Lesa Girourd, with all present voting “Aye”, the Planning Commission unanimously approved that the City Council call a joint public hearing with Planning Commission to consider amending the comprehensive zoning ordinance of the City to add definitions for “open space” and “greenbelt”.

Discuss and consider whether or not to recommend to the City Council that Section 150.011 of the Code of Ordinances be amended to adopt, as a modification of the 2015 edition of the International residential code adopted by Section 150.01 of said Code of Ordinances, a requirement that each dwelling unit shall have a minimum of thousand (1,000) square feet in area with the exclusions included therein.

On a motion by Lesa Girourd, seconded by Cindy Cain, with all present voting “Aye”, the Planning Commission unanimously approved whether or not to recommend to the City Council that Section 150.011 of the Code of Ordinances be amended to adopt, as a modification of the 2015 edition of the International residential code adopted by Section 150.01 of said Code of Ordinances, a requirement that each dwelling unit shall have a minimum of thousand (1,000) square feet in area with the exclusions included therein.

### Adjourn

Eddie Virgil adjourned the meeting at 6:30 p.m.

---

Eddie Virgil, Chairman  
City of Freeport, Texas

---

Yvette Ruiz, Building Secretary  
City of Freeport, Texas

**Attention: Zoning Department**

**April 18, 2017**

**My name is Sandra Watson I live at 1611 N. Avenue N. of Yellowstone in Freeport.**

**I've lived on this street since the age of 16 years old and in 1998 I bought my own home on the same street. Our street always been a dead end zone, but always been residents live at the end of the street. Recently there has been new homes built on both sides at the end of the street which is great. Happy to see our neighborhood have grown. I was asked to get in touch with the City Hall to see if they can place a Speed Zone sign on our street. The new residents is speeding and not respecting or not showing concern of others who have children. My dad almost got reared in one day pulling into his drive way, so I am requesting a specific mileage to be placed on North Avenue N. Street.**

**Thank you**

**Sandra Watson**

**979-665-5155**

**sandrawatson41@yahoo.com**



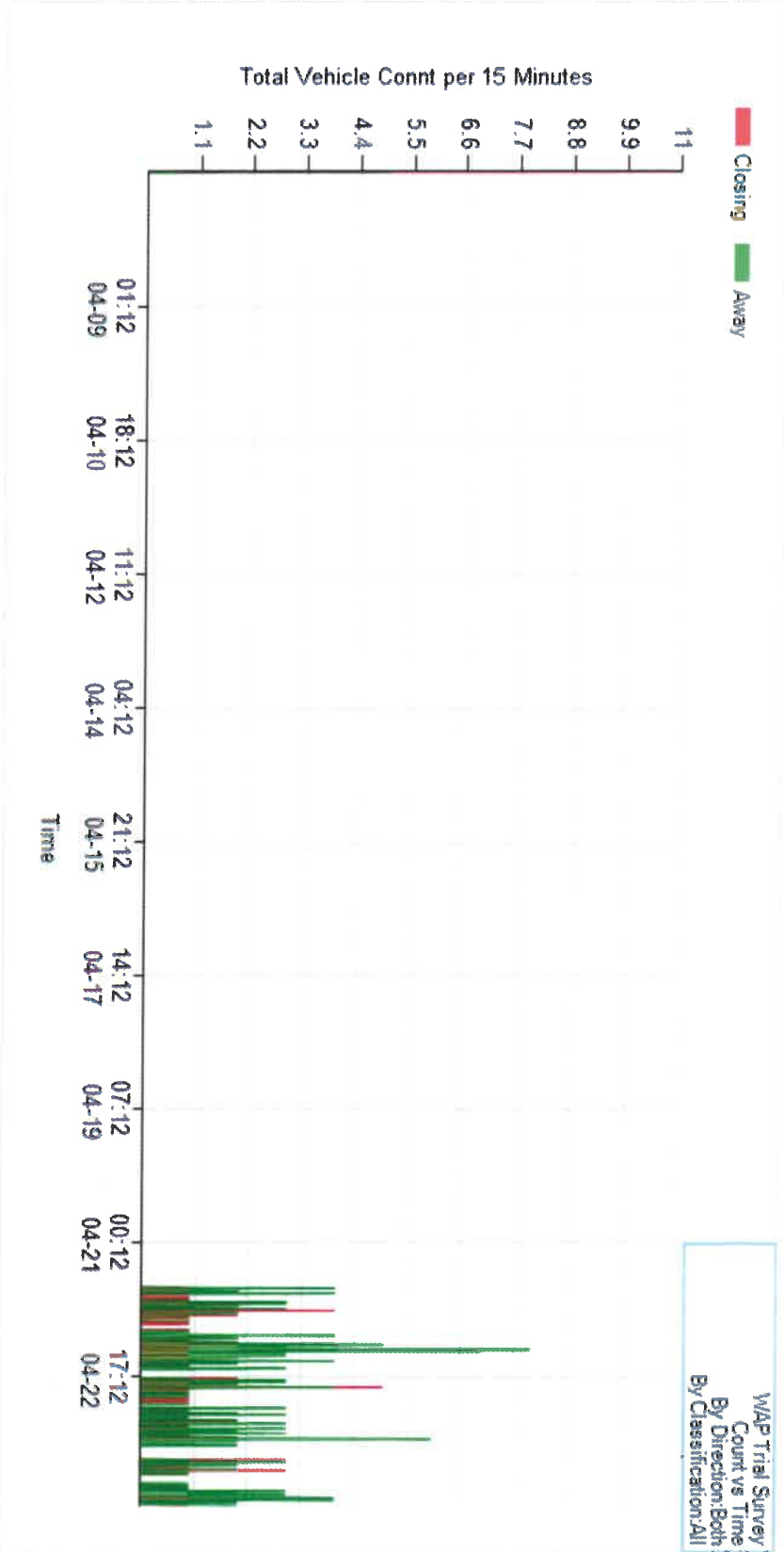
**Troy Brimage**  
*Mayor*

**Jeff Pynes**  
Chief Executive Officer  
City Manager

**Gilbert Arispe**  
Assistant City Manager

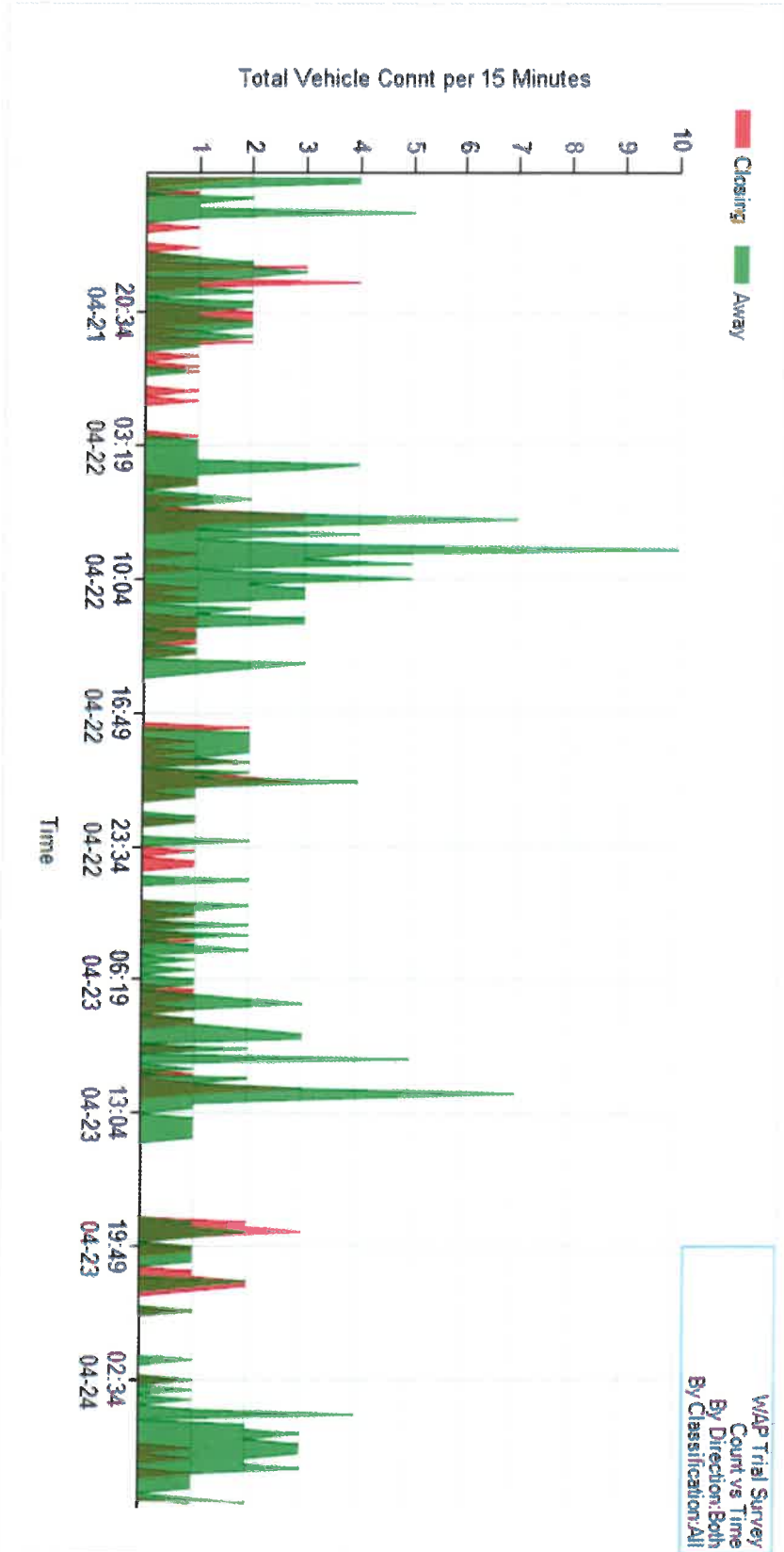
All subdivisions are 30MPH unless otherwise posted. Posting a sign is not required in neighborhoods. It is up to the Planning Commission to make the determination if they recommend the city to add any signs. To help them make their decision, we gathered the speed data for them. Now it is their call to decide if they want the city to add any sign(s) based on the data provided. Without any other information, it seems unsupported based on only 3.2% of the cars going over the limit. However, the Planning Commission may think otherwise or have additional information.





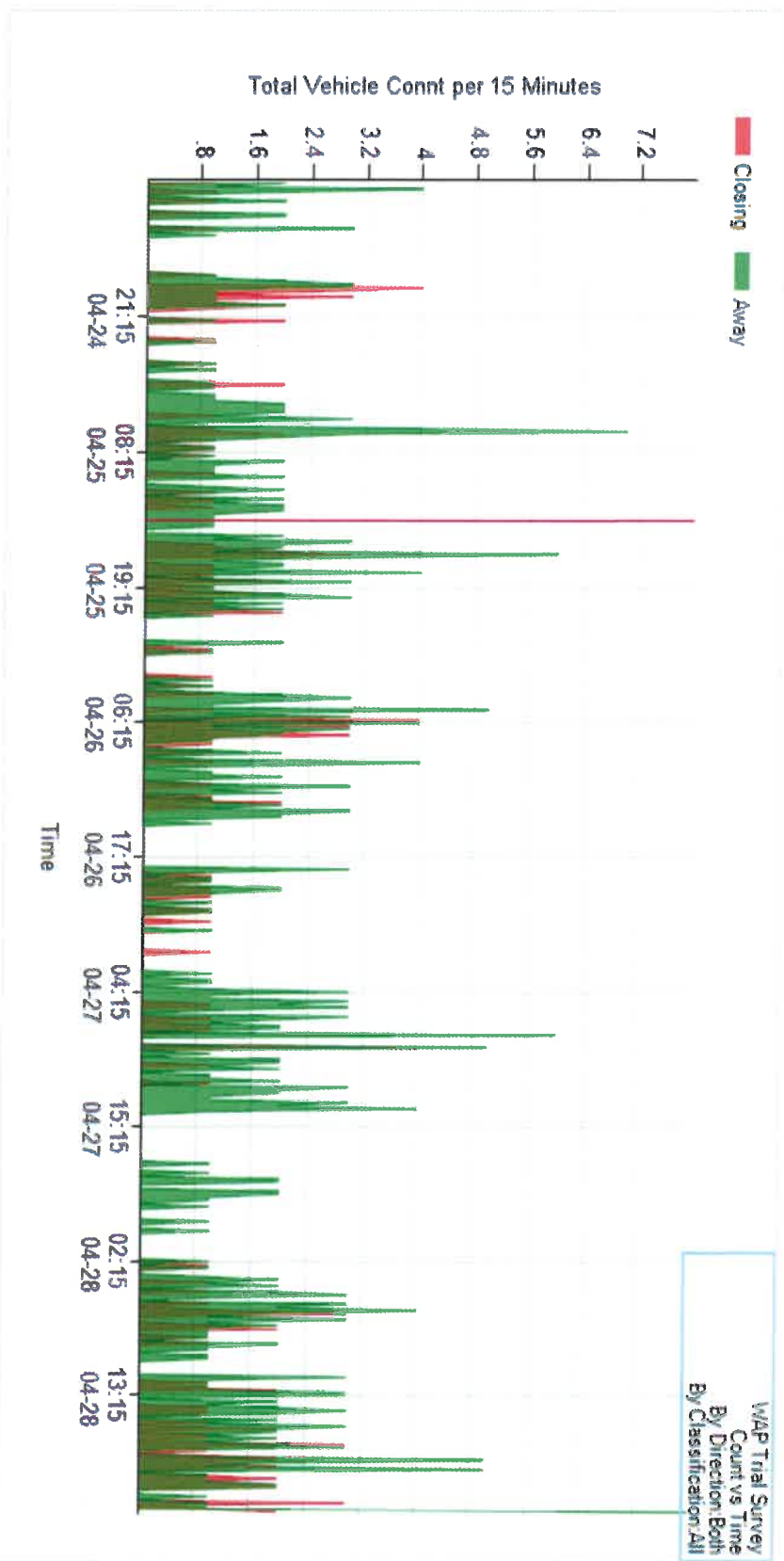
WAP Trial Survey  
 Count vs Time  
 By Direction: Both  
 By Classification: All

Survey Name	WAP Trial Survey	Speed Unit	Miles-Hour	Average Speed	21.48712 MPH	Total Volume	427	100%
Start Date	2017-04-07	Speed Limit	30	Max Speed	71 MPH	Over Limit Count	20	4.7%
Stop Date	2017-04-24			Min Speed	10 MPH	Under Limit Count	407	95.3%
				85th Percentile	27 MPH	Over Threshold Count	407	1%
				10 MPH Pace	17 - 26 MPH	In Pace Count	248	58.1%



Survey Name	WAP Trial Survey	Speed Unit	Miles/Hour	Average Speed	20.95884 MPH	Total Volume	411	100%
Start Date	2017-04-21	Speed Limit	30	Max Speed	37 MPH	Over Limit Count	13	3.2%
Stop Date	2017-04-24			Min Speed	10 MPH	Under Limit Count	398	96.8%
				85th Percentile	26 MPH	Over Threshold Count	398	0%
				10 MPH Pace	16 - 25 MPH	In Pace Count	236	57.4%





Survey Name	WAP Trial Survey	Speed Unit	Miles/Hour	Average Speed	22.46003	MPH	Total Volume	613	100%
Start Date	2017-04-24	Speed Limit	30	Max Speed	69	MPH	Over Limit Count	35	5.7%
Stop Date	2017-04-28			Min Speed	11	MPH	Under Limit Count	578	94.3%
				85th Percentile	27	MPH	Over Threshold Count	578	0%
				10 MPH Pace	18 - 27	MPH	In Pace Count	388	63.0%



**Troy Brimage**  
*Mayor*

**Jeff Pynes**  
**Chief Executive Officer**  
**City Manager**

June 22, 2017

RE: Minimum Size of Dwelling Unit

**Gilbert Arispe**  
**Assistant City Manager**

To Planning and Zoning Commission:

The 2015 Edition of the International Residential Code Adopted by the City of Freeport does not provide a minimum size for a dwelling unit. This commission proposed an ordinance mandating a 1000 square feet minimum habitable living space. The City Council asked that this be sent back to Planning and Zoning to increase the minimum size to 1300 square feet of habitable living space and also request that all residential structures be required to include a minimum of a single car enclosed garage with no requirement of either attached or detached.

Respectfully

Billywayne Shoemaker, Building Official



ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE OF THE CITY OF FREEPORT, TEXAS, CONTAINING A PREAMBLE; AMENDING SECTION 150.011 OF THE CODE OF ORDINANCES OF SAID CITY TO PROVIDE, AS A MODIFICATION THE 2015 EDITION OF THE INTERNATIONAL RESIDENTIAL CODE ADOPTED BY SECTION 150.01 OF SAID CODE OF ORDINANCES, A REQUIREMENT THAT EACH DWELLING UNIT SHALL HAVE A MINIMUM OF ONE THOUSAND THREE HUNDRED (1,300) SQUARE FEET OF HABITABLE LIVING SPACE AND AT MINIMUM A SINGLE CAR ENCLOSED GARAGE EITHER ATTACHED OR DETACHED WITH THE EXCLUSIONS INCLUDED THEREIN; PROVIDING THAT ANY PERSON VIOLATING SAID CODE OF ORDINANCES, AS AMENDED BY THIS ORDINANCE, SHALL BE GUILTY OF A MISDEMEANOR AND ASSESSED A FINE IN ACCORDANCE WITH THE PROVISIONS OF SECTION 10.99 OF SAID CODE OF ORDINANCES; PROVIDING THAT EACH DAY ANY SUCH VIOLATION OCCURS AND EACH DAY ANY SUCH VIOLATION SHALL CONTINUE SHALL CONSTITUTE A SEPARATE OFFENSE; CONTAINING SAVINGS CLAUSES; CONTAINING A SEVERANCE CLAUSE; AND PROVIDING THAT THIS ORDINANCE SHALL TAKE EFFECT AND BE IN FORCE FROM AND AFTER THIS DESCRIPTIVE CAPTION HAS BEEN PUBLISHED TWICE IN THE BRAZOSPORT FACTS.

WHEREAS, the City of Freeport, Texas ("the City"), is a "Home Rule City" and a "Home Rule Municipality" lying and situated in Brazoria County, Texas, as described in and defined by Section 5, Article XI of the Constitution of Texas and Section 1.005 of the Local Government Code, respectively; and,

WHEREAS, Chapter 214 of the Local Government Code of Texas and Sections 2.01, 2.02 and Item (u) of Section 3.07 of the Home Rule Charter of the City authorize the City Council thereof to adopt the provisions of this Ordinance; and,

WHEREAS, the City Council of the City has determined and does here now declare that the adoption of this ordinance is necessary to the health, safety and general welfare of the inhabitants of the City.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FREEPORT, TEXAS:

First, Section 150.011 of the Code of Ordinances of the City, providing modifications to the 2015 Edition of the International Residential Code hereby amended to add thereto the following modification:

"Minimum Floor Area Per Dwelling Unit. Each dwelling unit shall Have a minimum of one thousand three Hundred (1,300) square feet of habitable living space Exclusive of porches, garages and carports. The area is to be Measured from the exterior walls of the dwelling unit." All new residential constructions shall be required at a minimum to include a single car enclosed garage, either attached or detached.

Second, any person violating the Code of Ordinances of the City, as amended by this ordinance, shall be guilty of a misdemeanor and upon conviction therefor assessed a fine as prescribed in Section 10.99 of said Code; and each day such violation occurs and each day any such violation continues shall constitute a separate offense.

Third, nothing contained in this ordinance shall cause any rights heretofore vested to be altered, affected or impaired in any way and all such rights may be hereafter enforced as if this ordinance had not been adopted.

Fourth, this ordinance is cumulative of and in addition to all other ordinances of the City on the same subject and all such ordinances are hereby expressly saved from repeal. Provided, however, where the provisions of any International Code amended by this Ordinance conflict with the Standard Unsafe Building Abatement Code, 1985, adopted by Section 150.025 of the Code of Ordinances of the City, or the local amendments thereto contained in Section 150.026 of said Code of Ordinances, the provisions of said Standard Unsafe Building Abatement Code and said amendments thereto shall prevail; and where the provisions of any International Code amended by this ordinance conflicts with the Comprehensive Zoning Ordinance of the City and any amendments thereto, the provisions of the Zoning Ordinance or amendments thereto shall prevail; but where the provisions of any International Code adopted or amended by this ordinance and any other ordinance of the City conflict or overlap, whichever imposes the more stringent regulations or penalties, as the case may be, shall prevail.

Fifth, in the event any section or provision of this ordinance is found to be unconstitutional, void or inoperative by the final judgment of a court of competent jurisdiction, such defective provision, if any, is hereby declared to be severable from the remaining sections and provisions of this ordinance and such remaining sections and provisions shall remain in full force and effect.

Sixth, this ordinance shall take effect and be in force from and after its descriptive caption has been published twice in the Brazosport Facts.

READ, PASSED AND ADOPTED this \_\_\_\_ day of \_\_\_\_\_, 2016.

---

Troy T. Brimage Mayor City  
of Freeport, Texas

ATTEST:

---

Delia Muñoz, City Secretary  
City of Freeport, Texas

APPROVED AS TO FORM ONLY:

---

Wallace Shaw, City Attorney,  
City of Freeport, Texas

C\Freeport.TechOrd\TechCd#26-Ord



**Troy Brimage**  
*Mayor*

**Jeff Pynes**  
Chief Executive Officer  
City Manager

July 7, 2017

RE: Front Yard Parking

**Gilbert Arispe**  
Assistant City Manager

To Planning and Zoning Commission:

The purpose of this request is to propose the regulating of parking of vehicles or equipment on any surface that is not an improved surface in the front yard areas of an improved residential lot to prevent damage to underground infrastructure that would be caused by the weight of vehicles parked over such infrastructure and which would also result in unsightly and permanent damage to such areas, thereby having a negative effect on the aesthetics of residential areas affected by such practices and the property values of residences in those affected areas.

Respectfully



Billywayne Shoemaker, Building Official



**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE OF THE CITY OF FREEPORT, TEXAS, CONTAINING A PREAMBLE; AMENDING SECTION 72 OF THE CODE OF ORDINANCES OF SAID CITY TO PROVIDE, AS AN ADDITION TO SECTION 72, THE RESTRICTING OF FRONT YARD PARKING ON RESIDENTIAL PROPERTIES; CONTAINING OTHER PROVISIONS RELATING TO THE FOREGOING SUBJECT; PROVIDING THAT ANY PERSON VIOLATING SAID CODE OF ORDINANCES, AS AMENDED BY THIS ORDINANCE, SHALL BE GUILTY OF A MISDEMEANOR AND ASSESSED A FINE IN ACCORDANCE WITH THE PROVISIONS OF SECTION 10.99 OF SAID CODE OF ORDINANCES; PROVIDING THAT EACH DAY ANY SUCH VIOLATION OCCURS AND EACH DAY ANY SUCH VIOLATION SHALL CONTINUE SHALL CONSTITUTE A SEPARATE OFFENSE; CONTAINING SAVINGS CLAUSES; CONTAINING A SEVERANCE CLAUSE; AND PROVIDING THAT THIS ORDINANCE SHALL TAKE EFFECT AND BE IN FORCE FROM AND AFTER THIS DESCRIPTIVE CAPTION HAS BEEN PUBLISHED TWICE IN THE BRAZOSPORT FACTS.**

**WHEREAS, the City of Freeport, Texas ("the City"), is a "Home Rule City" and a "Home Rule Municipality" lying and situated in Brazoria County, Texas, as described in and defined by Section 5, Article XI of the Constitution of Texas and Section 1.005 of the Local Government Code, respectively; and,**

**WHEREAS, Chapter 214 of the Local Government Code of Texas and Sections 2.01, 2.02 and Item (u) of Section 3.07 of the Home Rule Charter of the City authorize the City Council thereof to adopt the provisions of this Ordinance; and,**

**WHEREAS, the City Council of the City has determined and does here now declare that the adoption of this ordinance is necessary to the health, safety and general welfare of the inhabitants of the City.**

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FREEPORT, TEXAS:**

**First, Section 72 of the Code of Ordinances of the City hereby amended to add thereto the following modification:**

**PARKING OF VEHICLES ON RESIDENTIAL PROPERTY**

**Sec. 72-31. Purpose.**

The purpose of this article is to regulate parking of vehicles or equipment on any surface that is not an improved surface in the front yard areas of an improved residential lot to prevent damage to underground infrastructure that would be caused by the weight of vehicles parked over such infrastructure and which would also result in unsightly and permanent damage to such areas, thereby having a negative effect on the aesthetics of residential areas affected by such practices and the property values of residences in those affected areas.

**Sec. 72-32. Definitions.**

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Driveway* means the area of a lot constructed, improved maintained or used for the primary purpose of vehicular access to a family or duplex residence from a public street or the parking of vehicles at such residence.

*Front yard* means the area of an improved single-family or duplex lot, excluding driveways, circumscribed by the front and side property lines of the lot and an imaginary line coinciding with and parallel to the front building line of the residential structure extending to the side property lines. The front yard of a corner lot shall be determined by the street address of the residence.

*Improved surface* means any area that, for purposes of this article, is not part of a driveway and that but has been paved for parking or storage of vehicles or equipment owned or operated by the occupants of a single-family or duplex residence in accordance with this article. An improved area may be paved with concrete, asphalt, pavers, shale, gravel, crushed rock or other material, constructed to a minimum thickness of not less than four inches so as to lessen or prevent the seepage of any fuel, oil, or other chemical substance



contacting such surface from penetrating to the soil below the area, and may not exceed three hundred fifty square feet.

*Park or store* means the parking or storing of a vehicle or equipment for a period up to but not exceeding three continuous hours without removing such vehicle or equipment from the parking area for a period of at least eight continuous hours and shall not include the placement of any vehicle or equipment on blocks, jacks or stands.

*Vehicle or equipment* shall include house trailers, mobile homes, motor vehicles, trucks, passenger motor vehicles, motor homes, camper cabins, motorcycles, trailers, RV, and boats.

### **Sec. 72-33. Enforcement**

The provisions of this article may be enforced by any law enforcement officer or building official or code enforcement officer of the City of Freeport.

**Section 3.** That, if any provision, section, subsection, sentence, clause, or phrase of this Ordinance, or the application of same to any person or set of circumstances, is for any reason held to be unconstitutional, void or invalid, the validity of the remaining portions of this Ordinance or their application to other persons or sets of circumstances shall not be affected thereby, it being the intent of the City Council in adopting this Ordinance that no portion hereof or provision or regulation contained herein shall become inoperative or fail by reason of any unconstitutionality, voidness or invalidity of any other portion hereof, and all provisions of this Ordinance are declared to be severable for that purpose.

Second, any person violating the Code of Ordinances of the City, as amended by this ordinance, shall be guilty of a misdemeanor and upon conviction therefor assessed a fine as prescribed in Section 10.99 of said Code; and each day such violation occurs and each day any such violation continues shall constitute a separate offense.

Third, nothing contained in this ordinance shall cause any rights heretofore vested to be altered,

affected or impaired in any way and all such rights maybe hereafter enforced as if this ordinance had not been adopted.

Fourth, this ordinance is cumulative of and in addition to all other ordinances of the City on the same subject and all such ordinances are hereby expressly saved from repeal.

Fourth, in the event any section or provision of this ordinance is found to be unconstitutional, void or inoperative by the final judgment of a court of competent jurisdiction, such defective provision, if any, is hereby Declared to be severable from the remaining sections and provisions of this ordinance and such remaining sections and provisions shall remain in full force and effect.

Fifth, this ordinance shall take effect and be in force from and after its descriptive caption has been published twice in the Brazosport Facts.

READ, PASSED AND ADOPTED this \_\_\_\_ day of \_\_\_\_\_, 2017.

Troy T. Brimage, Mayor

City of Freeport, Texas

ATTEST:

Delia Munoz, City Secretary City of Freeport, Texas