



CITY OF KERRVILLE PLANNING & ZONING COMMISSION AGENDA
REGULAR MEETING, THURSDAY, JANUARY 18, 2018 4:30 P.M.
CITY HALL COUNCIL CHAMBERS
701 MAIN STREET, KERRVILLE, TEXAS

CALL TO ORDER

1. VISITORS/CITIZENS FORUM:

Any person with business not scheduled on the agenda is encouraged to briefly speak to the Commission. Please fill out the SPEAKER REQUEST FORM and give it to the Commission's Secretary prior to the meeting. The number of speakers will be limited to the first ten speakers and each speaker is limited to three minutes. (No formal action can be taken on these items as the Open Meetings Act requires formal action items be posted on an agenda no later than 72 hours before the meeting. If formal action is required, the items will be placed on an agenda for a future meeting.)

2. CONSENT AGENDA:

All items listed below on the consent agenda are considered routine or ministerial in nature and will be enacted with one motion. There will be no separate discussion of items unless a Commissioner or citizen so requests; in which case the item(s) will be removed from the consent agenda and considered separately.

2A. Approval of the minutes from the December 21, 2017 meeting. **Pg. 2**

3. CONSIDERATION & FINAL ACTION

3A. **Consideration & Final Action, Replat**– Consideration, and final action concerning a request for a replat to combine twelve lots into one lot out of B.F. Cage Survey No. 116, Abstract No. 106, in the City of Kerrville Kerr County, Texas; comprising all of Lot No. 1 through 12, in Block "K" of the B.F. Cage Addition, a subdivision of record in Volume 1 at Page 1 of the Plat Records of Kerr County, Texas, and being more particularly described by metes and bounds. (Case #2017-095) **Pg. 4**

4. PUBLIC HEARING, CONSIDERATION & ACTION

4A. **Public Hearing, Consideration & Action, Rezoning & Recommendation to City Council** - Public hearing, consideration, and action concerning a recommendation of a request for rezoning of three (3) lots, 829, 837, and 851 Clay Street being lots 12, 11, and part of lot 10; lot 13 and 46 and one (1) lot, 619 Myrta Street, part of lot 13 and part of lot 14, from "RT" (Residential Transition) zoning district to "21-N" (North Side) zoning district. (Case #2017-098) **Pg. 5**

5. CONSIDERATION & ACTION ON A RECOMMENDATION TO CITY COUNCIL

5A. **Consideration & Action on recommendation to City Council** – Consideration and action concerning a request for a sign ordinance amendment regarding pole banners. (Case #2017-081) **Pg. 17**

6. STAFF REPORT

7. ADJOURNMENT

The facility is wheelchair accessible and accessible parking spaces are available. Requests for accommodations or interpretive services must be made 48 hours prior to this event. Please contact the City Secretary's Office at 830-258-1117 for further information.

I do hereby certify that this notice of meeting was posted on the bulletin board at the city hall of the city of Kerrville, Texas, and said notice was posted on the following date and time: January 12, 2018 at 5:00 p.m. and remained posted continuously for at least 72 hours preceding the scheduled time of the meeting.

Cheryl Brown
Deputy City Secretary, City of Kerrville, Texas



City of Kerrville Planning Department Report

To: Planning & Zoning Commission
Agenda Item: 2A Minutes December 21, 2017 Commission meeting
Action: Approval, approval with specific changes
Representative: Staff

Proposal

Review and approval of the minutes from the December 21, 2017 meeting.

**CITY OF KERRVILLE, TEXAS
PLANNING AND ZONING COMMISSION**

December 21, 2017

MEMBERS PRESENT:

Bob Waller, Chairman
Garrett Harmon, Vice-Chair, *arrived at 4:32 p.m.*
Don Barnett, Commissioner
Michael Sigerman, Commissioner
Rustin Zuber, Commissioner
David Jones, Alternate
Marty Lenard, Alternate

STAFF PRESENT:

Sabine Kuenzel, Chief Planning Officer
Drew Paxton, Executive Director of Development Services
Mike Hayes, City Attorney

CALL TO ORDER:

On December 21, 2017, Cmr. Waller called the Kerrville Planning and Zoning Commission regular meeting to order at 4:30 p.m. in the City Hall Council Chambers, 701 Main Street, Kerrville, Texas.

1. VISITORS/CITIZENS FORUM:

Any person with business not scheduled on the agenda is encouraged to briefly speak their ideas to the Commission. Please fill out the SPEAKER REQUEST FORM and give it to the Commission's Secretary prior to the meeting. The number of speakers will be limited to the first ten speakers and each speaker is limited to three minutes. (No formal action can be taken on these items as the Open Meetings Act requires formal action items be posted on an agenda no later than 72 hours before the meeting. If formal action is required, the items will be placed on an agenda for a future meeting.)

No one spoke.

2. CONSENT AGENDA:

All items listed below in the consent agenda are considered routine or ministerial in nature and will be enacted with one motion. There will be no separate discussion of items unless a Commissioner or citizen so requests; in which case the item(s) will be removed from the consent agenda and considered separately.

2A. Approval of the minutes from the November 16, 2017 meeting.

Cmr. Harmon moved to approve the minutes as presented. Motion was seconded by Cmr. Barnett and passed 5-0.

3. DISCUSSION ITEM

3A. **Discussion** – Provide input for City Council consideration of Sign Ordinance text amendment. (File No. 2017-081)

Ms. Kuenzel discussed proposed sign ordinance text amendment as it pertains to pole banners and asked Commissioners for their input.

Commissioners discussed more specific definitions regarding maximum number of pole banners allowed, how banners should be fastened to the pole, minimum distance of banner from the ground, maximum height of banner, and number of pole banners per acre. The consensus was to allow one pole banner with one banner up to one (1) acre, then one pole banner for every acre thereafter with a maximum of fifteen (15) pole banners allowed. Banners must be at least seven (7) feet from the ground, with a maximum height of thirty (30) feet. Banners are to be secured to a metal light pole with banners being rigidly secured top and bottom.

Commissioners requested one last look at the draft before it goes to city council, which could be done via email. Mr. Hayes agreed warning Commissioners not to “reply all” as this would constitute an illegal meeting.

4. STAFF REPORTS

Ms. Kuenzel stated there are no staff reports at this time.

5. ADJOURNMENT

This meeting was adjourned at 5:23 p.m.



City of Kerrville Planning Department Report

To: Planning & Zoning Commission
Agenda Item: 3A
Action: Consideration and Final Action on a Replat of BF Cage Addition
Planning File #: 2017-095
Representative: Mr. Don Voelkel

Proposal

This item comes before the Commission for approval of consolidation of property into a single "office" campus.

Procedural Requirements

Under State of Texas and City of Kerrville provisions, final platting authority rests with the Planning and Zoning Commission. Such decision may consist of approval, disapproval, or conditional approval.

Staff Recommendation:

The Development Review Committee reviewed the replat on December 27, 2017 and recommends approval with no conditions.

Attachments:

Copy of replat



City of Kerrville Planning Department Report

To: Planning & Zoning Commission

Agenda Item: 4A

Action: Public hearing, consideration, and action concerning a recommendation of a request for rezoning at 829, 837, and 851 Clay Street, and at 619 Myrta Street, from "RT" (Residential Transition) zoning district to "21-N" (North District 21-N))

Planning File #: 2017-098

Representative: Mr. Bruce Motheral and Mr. Joseph Rehe

Mr. Bruce Motheral owns the center at 820 Sidney Baker (location of and reports that he needs to provide more parking to adequately serve his site. He owns the property behind him at 829 Clay and proposes to install a parking. "Parking" is not considered a land use on its own – it is a site characteristic associated with the commercial use of the use that it is serving, which, in this particular case, is commercial.

Mr. Joseph Rehe owns commercial property on Sidney Baker as well, and owns lots at 837 and 851 Clay, as well as at 619 Myrta. Mr. Rehe has had tentative plans over the years to eventually consolidate his properties under the same commercial zoning classification.

These two co-applicants are therefore coming forward now under a single zoning request for these four properties to essentially expand the 21-N zoning that exists along Sidney Baker.

Zoning and Land Uses

Current Zoning/Land Uses: RT/Vacant single family home on 829 Clay; RT/paved parking area and accessory building on 837 Clay; RT/vacant lot at 851 Clay; RT/office/retail building at 619 Myrta

East

Current Zoning: North Side District 21-N

Current Land Uses: Commercial office/retail tenant spaces, including one restaurant (Soaring Dragon) with 21-N across Sidney Baker

West (across Clay Street)

Current Zoning: RT

Current Land Uses: Church; the block across Myrta is developed with mix of an apartment complex, ten single family homes, and an office building that is in the process of converting to a three-plex

South

Current Zoning: RT

Current Land Uses: Single family home

East

Current Zoning: RT

Current Land Uses: Single family home

Transportation

Thoroughfare: Clay is classified as a “local” street and therefore not reflected as a thoroughfare

Existing Character: Clay Street in this area has a relatively wide pavement section of 37’; Myrta is a local street with a typical pavement section of 27’

Proposed Changes: No changes proposed to the street system

Parking Information: The Planning Department has no record of the parking status (due to the age of the development). In 2014, the City approved a Conditional Use Permit to allow a “general restaurant” (now called “Soaring Dragon”) to be located in the center; however, there is no indication that parking was reviewed nor raised as a concern at that time. According to the applicant, the site is underparked as it is currently used.

Staff Analysis and Recommendation: Approval

1. Consistency:

The property's land use designation is Low-Density Residential on the City of Kerrville Land Use Plan. The requested 21-N zoning district is not consistent with the adopted land use designation. In order to approve a zoning district that is not in conformance with the Land Use Plan, there should be findings that there have been changes in the immediate area that would justify a departure from the Plan. Alternately, the Commission could direct staff to conduct a “special area study”, and return with recommendations regarding possible recommended changes to the Land Use Plan. As the Commission is aware, there is a Comprehensive Plan process currently underway, and this topic could become part of that overall discussion. However, the implementation portion of that work is not likely to occur in the immediate few months.

2. Adverse Impacts on Neighboring Lands:

One of the points for consideration in this analysis is the increase in traffic that will be generated by the change in zoning from the RT to 21-N. The proposed zoning change would allow the subject property to develop more intense uses than what is permitted in the existing RT zoning district. Current planning practices encourage commercial uses to be located along major roadways such as Sidney Baker (Highway 16). Clay Street does have a relatively wide pavement width, which could accommodate additional traffic than is typical on local streets.

The increase in traffic is not likely to have an adverse impact to the existing low intensity commercial uses, the church uses, nor the multi-family uses that currently exist in the area. However, there are also the single family uses - three on the west side of Clay, ten on the east of Clay, and three across Myrta) - to take into consideration.

Also to consider is that the rezoning would further isolate the single family home on the southeast corner of Myrta and Clay, protection for which has incrementally been decreasing with the encroachment of nonresidential uses in the vicinity.

The public hearing provides an opportunity for the area property owners to provide testimony for the Commission consider in further assessing impacts on neighboring properties.

3. Suitability as Presently Zoned:

The current RT zoning permits single family residential uses, as well as limited commercial uses housed in structures that resemble houses. The current zoning would permit the existing structure on the property to be converted to a variety of uses that would be compatible with the area uses and zoning.

4. Relative Potential Impacts:

In weighing the potential effects on public health, safety, and welfare, the Commission typically weighs the likely impacts of development under the existing zoning with those that could occur under the proposed zoning.

In this case, the existing zoning could result in single family, office, some personal services, limited retail, and restaurants – all these if they remain under 3,000 square feet, whose structures retain a residential style. With a Conditional Use Permit (CUP), uses such as multi-family, schools, and hotels might be permitted if the Commission and Council find they are compatible with their immediate surroundings. Certain development conditions could be imposed through the CUP approval process. No retail uses are permitted under the existing zoning.

The increase in zoning use intensity would allow the potential for non-residential style buildings. The additional uses permitted would include a full range of business services, small retail (but also potentially with a CUP if they exceed 3,000 square feet), and new vehicle sales. With a CUP, the potential would then exist for building construction specialists, detention facilities, more intense personal services, vehicle repair, and used vehicle sales.

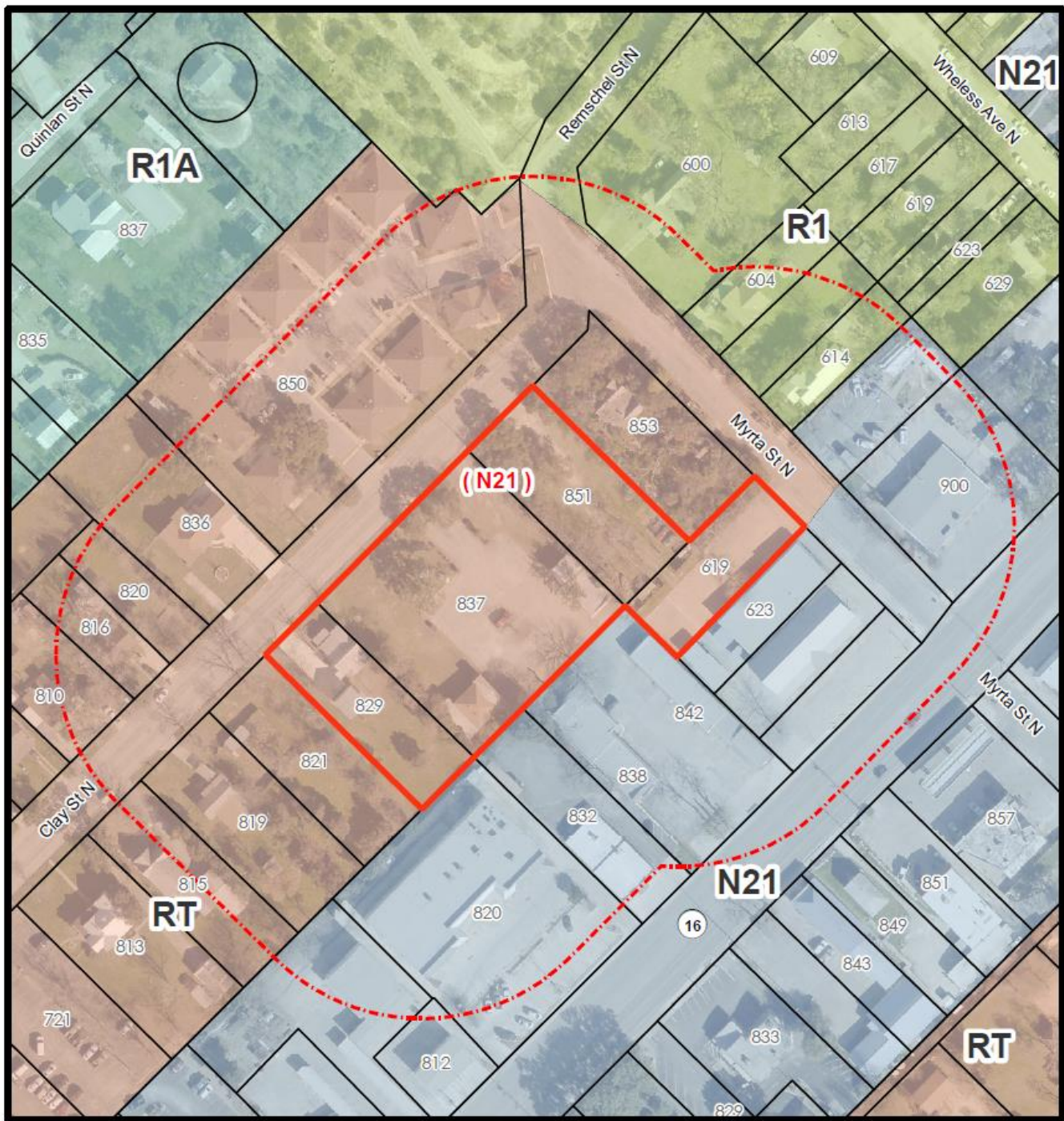
5. Other Factors:

Proceedings

Hold a public hearing and make a recommendation to Council.

Attachments:

Location Map
City of Kerrville Land Use Plan Excerpt
Excerpts of relevant Zoning Ordinance sections



Location Map

Case # 2017-098

Location:

829, 837, 851 Clay St N
619 Myrta St N

Legend

200' Notification Area
Subject Properties
Current Zoning
Requested Zoning

=====

TEXT

(TEXT)

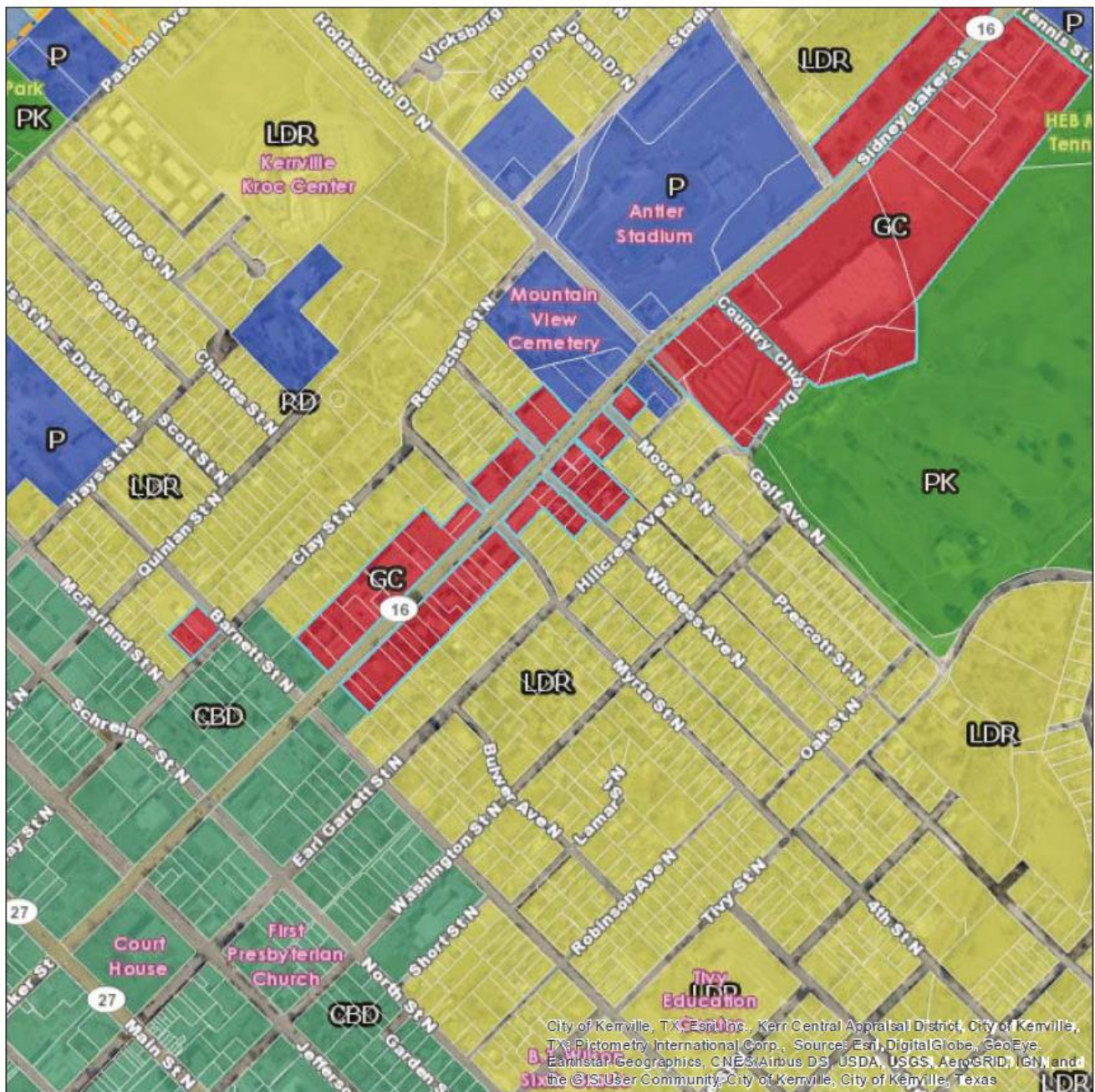


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Scale In Feet

This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not



ArcGIS Web Map



Legend

- Tax Parcels
- City Limit
- ETJ Boundaries
- ETJ Areas



Development Services
1/11/2018 5:38 PM

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Scale in Feet

EXCERPTS OF RELEVANT ZONING ORDINANCE SECTIONS

District 21-N: The purpose of District 21-N is to permit the development of small business uses along the State Highway 16 corridor into the Central City Area north of Barnett Street in a manner which:

- (i) promotes a reasonably attractive entranceway into the Central City Area; but
- (ii) does not adversely affect the adjacent residential areas through the development of incompatible businesses.

(**"RT" - Residential Transition District:** In addition to other regulations set forth in the Zoning Code, property located in the "RT"- Residential Transition Zone shall be developed in accordance with the following regulations:

- (1) **Purpose:** The "RT" Residential Transition District is specifically designed to be a transition zone between single family areas and commercial properties. Because of development regulations that require the appearance of a business located in an "RT" Residential Transition District to be that of a single family residence, the "RT" Residential Transition District can be used in various areas of the City where existing lots are occupied in part by single family houses but where limited business uses may be under certain conditions appropriate and desirable.
- (2) **Building Limit:** Except for a detached garage or servant or guest quarters, no more than one main building may be constructed on a lot in the "RT", Residential Transition District.
- (3) **Development Regulations for Non-Residential Uses:** Non-residential uses located in a "RT" Residential Transition Zone shall be developed in accordance with the following regulations:
 - (i) **Building Area:** The gross floor area of the building may not exceed 3,000 square feet;
 - (ii) **Building Appearance:** The building shall be designed to appear as a residence, with:
 - a* a wood, rock, or brick exterior;
 - b* a roof constructed of materials and with a similar pitch to other residences in the adjoining neighborhood; and
 - c.* a front door and window(s) on the side of the building facing the lot front

LAND USES	RT	21
Agricultural - General		
Agricultural Service		
Bed and Breakfast	P	P
Building Construction, General		
Building Construction, Specialist		C
Business Services I		P
Business Services II		P
Cocktail Lounge		
Detention Facilities		C
Dwelling , Single Family, Detached	P	
Manufactured Home or Manufactured Housing		
Dwelling, Multiple Family	C	P
Dwelling, Single Family with apartment	C	
Dwelling, RC District Uses (with plat)		
Education, Secondary and College	C	C
Education, Primary	C	C
Equipment Sales/Repair/Storage (Heavy)		
Fuel Sales		P
Funeral Services		
Institutional and Public Use Facilities		
Life Care Development	C	C
Manufacturing, Custom	P	P
Manufacturing and Industrial, Heavy		
Manufacturing and Industrial, Limited		
Manufactured Housing Sales		
Personal Services I	P	P
Personal Services II		C
Personal Services-Limited	P	P
Professional Offices	P	P
Restaurant, General	P	C
Restaurant, Limited	P	P
Retail Trade – I		P
Retail Trade – II		C
Retail Trade – III		C
Retail Trade – Limited	P	P*
Tourist/Visitor & Recreation Service	C	
Transportation Terminal (Bus/Aviation)		
Vehicle Maintenance and Repair		C
Vehicle Sales/Service-Used		C
Vehicle Sales/Service – New		P
*Warehousing & Distribution		

(18) **Building Construction, Specialist:** The use of land by an establishment for an operation primarily involving special trade contracting work including, but not limited to, plumbing, electrical, painting, plastering, carpentry, air conditioning, custom rock masonry (not including rock quarrying and stockpiling), welding, fencing, overhead doors, or other similar uses; provided, however, if the establishment includes the additional operations described in Subsection (17), above, the use shall be defined as Building Construction, General,

(21) **Business Services I:** The use of land for the purpose of primarily engaging in the provision of services to firms as well as to individuals, and utility services not otherwise restricted by this Chapter, including, but not limited to:

- (i) bail bonding agencies;
- (ii) bicycle repair shops;
- (iii) cablevision, radio, and television stations;
- (iv) camera repair shops;
- (v) commercial art, photography, art and graphics;
- (vi) employment agencies;
- (vii) gunsmith and locksmith shops;
- (viii) Job and vocational training centers;
- (ix) musical instrument, radio, and television repair;
- (x) postal services;
- (xi) re-upholstery and furniture repair;
- (xii) taxidermy businesses that (a) do not conduct on-site the evisceration and processing of animal carcasses or (b) whose on-site evisceration and processing operations have been determined by the Commission to not have a heavier impact on surrounding properties than other uses defined as Business Services I;
- (xiii) telephone and electric company offices (excluding storage and maintenance yards, but including telecommunications serving centers).

(22) **Business Services II:** The use of land for the purpose of primarily engaging in the provision of services to firms as well as to individuals, but which are deemed to be a more intensive use of property than uses defined as Business Services I, including, but not limited to:

- (i) appliance sales or repair, used;
- (ii) automotive towing services;

- (iii) blue printing and photo copying services;
- (iv) building cleaning services;
- (v) car washes;
- (vi) commercial testing laboratories;
- (vii) disinfecting and exterminating services;
- (viii) laundry services;
- (ix) funeral service and crematories;
- (x) newspapers;
- (xi) photofinishing laboratories;
- (xii) protective services, non-governmental;
- (xiii) refrigeration/air conditioning service and repair;
- (xiv) repossession services;
- (xv) septic tank cleaning service;
- (xvi) sign painting and outdoor advertising services;
- (xvii) swimming pool cleaning and maintenance;
- (xviii) welding shops, not elsewhere classified as a manufacturing or industry.

(33) **Detention Facilities:** The use of land for the incarceration of people arrested pursuant to law as a result of a charge of a criminal offense being levied, or the institutionalization within a secure area of people who, if not confined, may pose a danger to themselves or others.

(39) **Dwelling, Multiple Family:** A building or group of buildings on one building site containing separate dwelling units for three or more families.

(88) **Personal Services - I:** Frequently or recurrently needed services of a personal nature provided in a building with a floor area of not greater than five thousand (5,000) square feet, including, but not limited to;

- (i) beauty parlors and/or barber shops;
- (ii) day care centers;
- (iii) health or fitness studios/salons and massage therapy;

- (iv) pet services;
- (v) portrait photography studios;
- (vi) repair services of personal items such as shoes, watches, and jewelry;
- (vii) schools primarily engaged in instructional or informational classes related to art, dance, gymnastics, cheerleading, trampoline and tumbling, or martial arts;
- (viii) seamstress and/or tailor shops.

(90) **Personal Services - Limited:** The provision of the services defined in Personal Services I from a building with a maximum floor area of 3,000 square feet and architecturally designed to look like a residence, with:

- (i) a wood, rock, or brick exterior;
- (ii) a roof constructed of materials and with a similar pitch to other residences in the adjoining neighborhood; and
- (iii) a front door and window(s) on the side of the building facing the lot front.

(89) **Personal Services - II:** All of Personal Services - I without respect to the square footage of the building used, plus uses involving more intensive personal services, including, but not limited to:

- (i) guidance services;
- (ii) kennels with a maximum boarding capacity of less than twelve (12) animals;
- (iii) mini-storage;
- (iv) residential care services;
- (v) self service Laundromats; and
- (vi) veterinary services.

(101) **Restaurant, Limited:** A building or part thereof used in the preparation and retail sale for on-premise consumption of food and beverages, excluding the sale of alcoholic beverages and restaurants with drive-through service.

(100) **Restaurant, General:** A building or part thereof used in the on-site preparation and retail sale of food and beverages. A General Restaurant is permitted to provide live entertainment and the retail sale of alcoholic beverages for on-premises consumption, provided such alcoholic beverage sales constitute less than fifty percent of the gross revenue of the restaurant. Limited Restaurants are included within the scope of this definition.

(102) **Retail Trade - Limited:** Businesses located in a building not exceeding a gross floor area of 3000 square feet architecturally designed to look like a single family residence with a wood, rock, or brick exterior, a roof constructed of materials and with a similar pitch to other residences in the adjoining neighborhood, and a front door and window(s) on the side of the building facing the lot

front, which businesses are primarily engaged in the selling of new merchandise for personal or household consumption, and rendering services incidental to the sale of the goods excluding the products specifically listed in Retail Trade I and II. Typical uses include the following:

- (i) Hardware, paint, glass, and wallpaper stores;
- (ii) Lawn and garden supply, nurseries, and landscaping; (iii) Department, variety, and general merchandise stores; (iv) Food sales;
- (v) Specialty clothing and shoe stores;
- (vi) Furniture, floor covering, upholstery, and curtain stores;
- (vii) Sales of new household appliances;
- (viii) Drug stores;
- (ix) Sporting goods stores;
- (x) Toy, gift, and novelty shops;
- (xi) Stationery stores;
- (xii) Book sales;
- (xiii) Camera and photographic supply;
- (xiv) Luggage and leather goods sales;
- (xv) Sewing, needlework establishments;
- (xvi) Mail order and direct sale establishments; (xvii) Tobacco products sale;
- (xviii) Florists;
- (xix) Limited Restaurants;
- (xx) Sale of new auto parts.

(103) **Retail Trade I:** Businesses, not including open air markets, operating in a building of any architectural style with a gross floor area not exceeding 50,000 square feet including:

- (i) all businesses defined as Retail Trade, Limited;
- (ii) sales or rental of new or use merchandise, except used appliances;

- (iii) alcoholic beverage sales for off-premise consumption;
- (iv) businesses primarily engaged in the sale, rental, or repair of used furniture;
- (v) businesses primarily engaged in the sale of storage buildings.

(104) **Retail Trade II:** Businesses defined as Retail Trade I operating from a building with a gross floor area not exceeding 100,000 square feet.

(105) **Retail Trade III:** Businesses defined as Retail Trade I operating from a building of any size.

(117) **Tourist/Visitor & Recreation Services:** Businesses primarily engaged in providing food, lodging, and recreation and other leisure time activities for tourists and visitors, as well as local residents, including, but not limited to: Hotels and motels; recreational vehicle parks, which may also be developed with a camp ground developed as part of a planned complex, but which is not a part of a manufactured home development as described in the "RM" Residential Mix District;

- (i) Hotels and motels;
- (ii) recreational vehicle parks, which may also be developed with a camp ground developed as part of a planned complex, but which is not a part of a manufactured home development as described in the "RM" Residential Mix District;
- (iii) General Restaurants, except restaurants with drive through window service are not included
- (iv) Commercial or public recreation, or educational facilities and services, both indoor and outdoor, provided that in all such uses there is no sale of alcoholic beverages
- (v) A cocktail lounge if it is a secondary use in the hotel/motel, or restaurant.

(122) **Vehicle Maintenance and Repair:** All uses allowed in Vehicle Sales/Service, and businesses primarily engaged in the repair of used cars, boats, motorcycles, recreational vehicles, campers, motor homes, farm implements/vehicles, trucks, or trailers.

(123) **Vehicle Sales/Services - New:** Businesses primarily engaged in the retail sale or rental of new automobiles, pickups, boats, motorcycles, recreational trailers, campers, motor homes, and farm implements/vehicles, with the sale, repair, and service of used vehicles and the sale of parts and accessories being a secondary use only. For purposes of this definition, the phrase "new automobiles" includes "program" cars and previously leased vehicles not older than two model years relative to the then current model year for that vehicle.

(124) **Vehicle Sales/Service - Used:** Businesses primarily engaged in the sale or rental of used automobiles, pickups, boats, motorcycles, recreational trailers, campers, motor homes, and farm implements/vehicles.



City of Kerrville Planning Department Report

To: Planning & Zoning Commission
Agenda Item: 5A
Action: Input regarding Sign Code text amendment
Planning File #: 2017-081
Representative: Staff

Proposal

This item comes before the Commission as follow up to the discussion that it had during consideration of a variance request for pole banners at Peterson Hospital on October 19, 2017. On November 14, 2017, the City Council discussed amending the sign code to permit similar pole banners, but deferred action in order to allow for additional time for research and discussion.

On December 21, at the request of the City Council, the Commission discussed a draft of the Sign Code amendment. The Commission requested a few changes. A second draft was then emailed to the Commissioners. No additional changes were requested. Legal has now finalized the draft and the item comes back before the Commission for final recommendation to the City Council.

Procedural Requirements

Due to its status within the City of Kerrville Code of Ordinances, this amendment is not subject to formal Planning and Zoning Commission recommendation. However, due to its authority over sign variance decisions, the Council has requested Commission input regarding the proposed amendment. This input will be reported to the Council as part of the consideration and action process.

Staff Recommendation:

Staff recommends approval of the draft as written.

Attachments:

Draft Ordinance amendment

DRAFT

CITY OF KERRVILLE, TEXAS ORDINANCE NO. 2018-_____

AN ORDINANCE AMENDING CHAPTER 6 “ADVERTISING”, ARTICLE II “SIGNS” OF THE CITY OF KERRVILLE CODE OF ORDINANCES, TO ADD POLE BANNER SIGNS AS AN AUTHORIZED SIGN AND PROVIDING REGULATIONS THEREFOR; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR PENALTIES NOT TO EXCEED \$2,000.00; ORDERING PUBLICATION; PROVIDING AN EFFECTIVE DATE; AND PROVIDING OTHER MATTERS RELATED TO THE SUBJECT

WHEREAS, the City Council of the City of Kerrville, Texas (“City Council”) seeks to provide for the orderly development and use of property within the corporate limits of the City of Kerrville, Texas (“City”) and its extraterritorial jurisdiction (“ETJ”); and

WHEREAS, toward that end, City Council, pursuant to Ordinance No. 2012-05, as approved on July 3, 2012, adopted a new Sign Code, as codified in Article II of Chapter 6 of the City’s Code of Ordinances; and

WHEREAS, Ordinance No. 2012-05 established regulations governing the location, size, design, installation, and maintenance of signs located within the City and its ETJ; and

WHEREAS, the Sign Code is being revised to authorize the use of a pole banner sign, as defined, and providing regulations therefor; and

WHEREAS, City Council, after considering among other things, the character of the various areas of the City and the suitability of particular uses in each area; and with a view to conserving the value of property, maintaining safety, and the public health, and encouraging the most appropriate use of land throughout the City, finds it to be in the best interest of the health, safety, morals, and general welfare of the City of Kerrville, Texas, to amend the Sign Code with as provided herein;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF KERRVILLE, KERR COUNTY, TEXAS:

SECTION ONE. Chapter 6 “Advertising”, Article II “Signs”, of the Code of Ordinances of the City of Kerrville, Texas, is amended by amending Section 6-35 by adding the language that is underlined (added) to add the definition of “pole banner” sign under subsection (2) *Types of Signs*, as follows:

“Sec. 6-35. Definitions.

.
.

Pole banner: A banner sign that is mounted to a private light pole with an operational light.”

SECTION TWO. Chapter 6 “Advertising”, Article II “Signs”, of the Code of Ordinances of the City of Kerrville, Texas, is amended by amending Section 6-36 by adding the language that is underlined (added) as follows:

“Sec. 6-36. Exempt signs.

.
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(19) A pole banner but subject to the following: limited to not more than one (1) per pole and one (1) per each one (1.0) acre. Where a property is less than one (1.0) acre, a pole banner is allowed but each additional banner must correlate to at least one (1.0) full acre, to begin at two (2.0) acres. No matter the size, no property may use more than fifteen (15) pole banners, unless a variance is granted in accordance with this article. In addition, each pole banner must be: 1) made of a material designed to withstand the weather for at least 30 days; 2) mounted or secured to a pole that is anchored within concrete and within a durably constructed bracket of metal or similar material that secures the banner along both the top and bottom; 3) not greater than 12 square feet in area; 4) mounted with a minimum height of seven feet (7.0') from the bottom of the banner and a maximum height of thirty feet (30.0'); and 5) remain in a condition that is not ripped, torn, or faded.”

SECTION THREE. The City Secretary is authorized and directed to send this Ordinance to the publisher of the City’s Code of Ordinances. The publisher is authorized to amend said Code per this Ordinance, to correct any typographical errors, and to index, format, number, and letter the paragraphs to the existing Code, as appropriate.

SECTION FOUR. The provisions of this Ordinance are cumulative of all other ordinances or parts of ordinances governing or regulating the same subject matter as that covered herein; provided, however, that all prior ordinances or parts of ordinances inconsistent with or in conflict with any of the provisions of this Ordinance are expressly repealed to the extent of any such inconsistency or conflict.

SECTION FIVE. If any section, subsection, sentence, clause, or phrase of this Ordinance is, for any reason, held to be unconstitutional or invalid, such holding shall not affect the validity of the remaining portions of this Ordinance. The Council of the City of Kerrville, Texas, declares that it would have passed this Ordinance and each section, subsection, sentence, clause, or phrase hereof irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared unconstitutional or invalid.

SECTION SIX. The penalty for violation of this Ordinance shall be in accordance with the general penalty provisions contained in Section 1-8, or its successor section, of the Code of Ordinances of the City of Kerrville, Texas, which provides for a fine not exceeding TWO THOUSAND DOLLARS (\$2,000.00).

SECTION SIX. Pursuant to Texas Local Government Code §52.013(a) and Section 3.07 of the City's Charter, the City Secretary is hereby authorized and directed to publish the descriptive caption of this Ordinance in the manner and for the length of time prescribed by law as an alternative method of publication.

SECTION SEVEN. This Ordinance shall become effective immediately upon the expiration of ten days following publication, as provided for by Section 3.07b. of the City Charter.

PASSED AND APPROVED ON FIRST READING, this the ____ day of _____, A.D., 2018.

PASSED AND APPROVED ON SECOND AND FINAL READING, this the day of _____, A.D., 2018.

Bonnie White, Mayor

APPROVED AS TO FORM:

ATTEST:

Michael C. Hayes

Brenda G. Craig, City Secretary