

AGENDA FOR THE KERRVILLE CITY MEETING

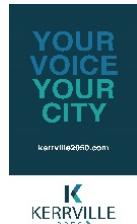
TUESDAY, SEPTEMBER 10, 2019, 6:00 P.M.

KERRVILLE CITY HALL, COUNCIL CHAMBERS

701 MAIN STREET, KERRVILLE, TEXAS



**KERRVILLE CITY COUNCIL AGENDA
REGULAR COUNCIL MEETING
SEPTEMBER 10, 2019, 6:00 PM
CITY HALL COUNCIL CHAMBERS
701 MAIN STREET, KERRVILLE, TEXAS**



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 830-257-8000 for further information.

CALL TO ORDER:

Mayor Bill Blackburn

INVOCATION:

Offered by Councilmember Clarkson

PLEDGE OF ALLEGIANCE TO THE FLAG:

Led by Councilmember Clarkson

1 ANNOUNCEMENTS OF COMMUNITY INTEREST:

Announcement of items of community interest, including expressions of thanks, congratulations, or condolences; information regarding holiday schedules; honorary recognitions of city officials, employees, or other citizens; reminders about upcoming events sponsored by the city or other entity that is scheduled to be attended by city officials or employees; and announcements involving imminent threats to the public health and safety of the city. No action will be taken.

2 VISITORS/CITIZENS FORUM:

Any citizen with business not scheduled on the agenda may speak to the City Council. Prior to speaking, each speaker must fill out the speaker request form and give it to the City Secretary. City Council may not discuss or take any action on an item but may place the issue on a future agenda. Each speaker is limited to four minutes.

3 PRESENTATIONS:

3.A. Proclamation for the City of Kerrville's 130th Anniversary - September 1889

Attachments:

[20190910_Proclamation_Kerrville 130 Anniversary September 2019.pdf](#)

3.B. Proclamation for Library Card Sign-up Month as September 2019

Attachments:

[20190910_Proclamation_Library Card Sign-up Month September 2019.pdf](#)

4 CONSENT AGENDA:

These items are considered routine and can be approved in one motion unless a Councilmember asks for separate consideration of an item. It is recommended that the City Council approve the following items which will grant the Mayor or City Manager the authority to take all actions necessary for each approval:



4.A. Ratification of Payment for Legislative Consulting Services

4.B. Minutes for the City Council workshop held August 27, 2019

Attachments:

[20190910_Minutes_Council Workshop 4pm 8-27-19.pdf](#)

4.C. Minutes for the City Council meeting held on August 27, 2019

Attachments:

[20190910_Minutes_Council meeting 6pm 8-27-19.pdf](#)

END OF CONSENT AGENDA

5 ORDINANCE(S), FIRST READING:

5.A. Ordinance No 2019-23. An Ordinance approving and adopting the City of Kerrville, Texas, Sign Code, a comprehensive rewrite of the City's sign regulations in accordance and aligned with the Kerrville Comprehensive Plan (Kerrville 2050); said rewrite to be known as the "City of Kerrville, Texas Sign Code" and found within a new Chapter 92 of the City's Code of Ordinances, which will repeal and replace Article II of Chapter 6 of the City's Code of Ordinances; adopting revised regulations concerning the installation and maintenance of signs within the City of Kerrville, Texas, and within the extraterritorial jurisdiction of the City; containing a cumulative clause; 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.

Attachments:

[20190910_Ordinance_2019-23 Sign Code Rewrite.pdf](#)

[20190910_Sign Code_Ch 92.pdf](#)

6 PUBLIC HEARING AND ORDINANCE(S), FIRST READING:

6.A. Ordinance No. 2019-22. An Ordinance creating a "Planned Development District" for agricultural, commercial, mixed-use, office, open space, residential, and wireless telecommunication facilities on tracts of land making up an approximate 264.22 acres, as defined herein, and within the City of Kerrville, Kerr County, Texas; and more generally located southeast of the intersection of Farm-to-Market Road 783 (Harper Highway) and Interstate 10 and adjacent to and north of Holdsworth Drive; adopting a concept plan and conditions related to the development of said district; repealing Ordinance Nos. 2004-15 and 2017-19, which established the previous zoning of the property, containing a cumulative clause; containing a savings and severability clause; establishing a penalty or fine not to exceed \$2,000 for each day of violation of any provision hereof; ordering publication; and providing other matters relating to the subject.

Attachments:

[20190910_Ordinance_2019-22 Planned Development District PDD at Holdsworth and Harper Highway.pdf](#)

[20190910_EXHIBIT A_for Ord 2019-22 PDD Holdsworth - Harper Road.pdf](#)

[20190910_EXHIBIT B DRAFT_Ord 2019-22 Land Use Table Draft.pdf](#)

[20190910_EXHIBIT C DRAFT_Ord 2019-22 Concept Plan-PDD_draft.pdf](#)

7 PUBLIC HEARING(S):

7.A. Public Hearing - Property tax rate (ad valorem tax) for the 2019 tax year (Fiscal Year 2020)

Attachments:

[20190910_Public Hearing_Tax Rate Public Notice.pdf](#)

[20190910_Public Hearing_Tax Rate.pdf](#)

8 ORDINANCES, FIRST READING:

8.A. Ordinance No. 2019-21. An Ordinance adopting the annual budget for the City of Kerrville, Texas, Fiscal Year 2020; providing appropriations for each City department and fund; containing a cumulative clause; and containing a savings and severability clause.

Attachments:

[20190910_Ordinance 2019-21 Adopting Annual Budget for Fiscal Year 2020.pdf](#)

8.B. Ordinance No. 2019-20. An Ordinance levying an ad valorem tax for the use and the support of the Municipal Government for the City of Kerrville, Texas, for Fiscal Year 2020; providing for apportioning each levy for specific purposes; and providing when taxes shall become due and when same shall become delinquent if not paid.

Attachments:

[20190910_Ordinance_2019-20 Ad Valorem Tax for year 2019 - FY2020.pdf](#)



9 CONSIDERATION AND POSSIBLE ACTION:

9.A. Authorization for the City of Kerrville, Texas, to make application to the City of Kerrville Economic Improvement Corporation for improvements to the Kerrville/Kerr County Airport at Louis Schreiner Field.

Attachments:

[2019 0903 EIC FY 2020 Funding Request.pdf](#)

10 ITEMS FOR FUTURE AGENDAS:

City Council may suggest items or topics for future agendas.

11 EXECUTIVE SESSION:

City Council may, as permitted by law, adjourn into executive session at any time to discuss any matter listed above including if they meet the qualifications in Sections 551.071 (consultation with attorney), 551.072 (deliberation regarding real property), 551.073 (deliberation regarding gifts), 551.074 (personnel/officers), 551.076 (deliberation regarding security devices), and 551.087 (deliberation regarding economic development negotiations) of Chapter 551 of the Texas Government Code.

12 ACTION ON ITEMS DISCUSSED IN EXECUTIVE SESSION, IF ANY:

ADJOURNMENT



**TO BE CONSIDERED BY THE CITY COUNCIL
CITY OF KERRVILLE, TEXAS**

SUBJECT: Proclamation for the City of Kerrville's 130th Anniversary - September 1889

AGENDA DATE OF: September 10, 2019 **DATE SUBMITTED:** Aug 01, 2019

SUBMITTED BY: Shelley McElhannon

EXHIBITS: [20190910_Proclamation_Kerrville 130 Anniversary September 2019.pdf](#)

Expenditure Required:	Remaining Budget Balance in Account:	Amount Budgeted:	Account Number:
\$0	N/A	N/A	N/A

PAYMENT TO BE MADE TO: N/A

Kerrville 2050 Item?	No
Key Priority Area	N/A
Guiding Principle	N/A
Action Item	N/A

SUMMARY STATEMENT:

The City of Kerrville was founded in 1889, and presented with a Proclamation for the 130th Anniversary in September 2019.

RECOMMENDED ACTION:

Present Proclamation.

PROCLAMATION

WHEREAS, On April 14, 1689, Alonso De Leon (1639-1691), Spanish explorer and governor, began exploring westward in Texas and discovered a river of rare beauty lined with giant cypress trees, native walnut and pecan trees. De Leon named the river "Our Lady of Guadalupe", and reported that the banks of the river were covered with good timber; and

WHEREAS, Joshua D. Brown was living in Gonzales when he became interested in a new industry of cypress shingles. He led a party of 10 men up the Guadalupe River and in 1846 selected a site near a large spring in what is now Kerrville. They developed one of the first shingle camps in the territory. In 1848 Brown named their settlement Brownsborough but later changed it to Kerrsville for his friend and fellow veteran of the Texas Revolution, Major James Kerr. Kerrsville became the county seat. Later the "s" was dropped and the town became "Kerrville"; and

WHEREAS, Related mercantile and freighting enterprises led to the foundation of the Charles Schreiner family empire of retail, wholesale, banking, ranching, marketing, and brokering operation. In the 1860s, Kerrville sheep raising boomed and by 1890 Charles Schreiner had elevated Kerrville to pre-eminence; and

WHEREAS, The City of Kerrville was founded in 1889 when it became incorporated, with an aldermanic form of city government. The Kerrville Water Works Company began to provide water for town dwellers in 1894, telephone service was introduced in 1896, and the town began to pave streets in 1912. Kerrville survived recessions and the Great Depression far better than many towns. Wealthy and diversified, even in the 1920s and 1930s, the town rapidly surpassed many of its neighbors economically and became a regional transportation, banking, and medical center for the western Hill County. After the 1940s the area attracted a new generation of postwar "living city but thinking and singing country" Texans; and

WHEREAS, Kerrville has displayed steady growth to the present day and Kerrville's economic base has diversified and broadened through business, agriculture, light manufacturing, health care, transportation services, education, the arts and tourism.

NOW, THEREFORE, I, Bill Blackburn, Mayor of the City of Kerrville, Texas, do hereby proclaim 2019 as the City of Kerrville's

130TH ANNIVERSARY

And call upon the citizens of Kerrville to join their fellow citizens in recognizing and participating in this special observance.



IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the City of Kerrville to be affixed hereto, the 10th day of September, 2019.

Bill Blackburn, Mayor



**TO BE CONSIDERED BY THE CITY COUNCIL
CITY OF KERRVILLE, TEXAS**

SUBJECT: Proclamation for Library Card Sign-up Month as September 2019

AGENDA DATE OF: September 10, 2019 **DATE SUBMITTED:** Sep 04, 2019

SUBMITTED BY: Shelley McElhannon

EXHIBITS: [20190910_Proclamation_Library Card Sign-up Month September 2019.pdf](#)

Expenditure Required:	Remaining Budget Balance in Account:	Amount Budgeted:	Account Number:
N/A	N/A	N/A	N/A

PAYMENT TO BE MADE TO: N/A

Kerrville 2050 Item?	No
Key Priority Area	N/A
Guiding Principle	N/A
Action Item	N/A

SUMMARY STATEMENT:

To recognize the importance of the Library, and a library card.

RECOMMENDED ACTION:

Present proclamation.

PROCLAMATION

WHEREAS, a library card is an important school supply; and

WHEREAS, signing up for a library card is a first step toward academic achievement and lifelong learning; and

WHEREAS, libraries play an important role in the education and development of children; and

WHEREAS, library programs serve students of all ages, from early literacy to digital resources to proctoring for distance learners; and

WHEREAS, libraries continue to transform and expand their services in ways that meet the needs of the communities they serve; and

WHEREAS, libraries open a world of infinite possibilities through resources and services to help people pursue their passions and give students the tools to succeed in school and beyond.

NOW THEREFORE, be it resolved that, I Bill Blackburn, Mayor of the City of Kerrville, do hereby proclaim September as:

“Library Card Sign-up Month”

in the City of Kerrville and encourage all citizens to sign up for their own library card today.



IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the City of Kerrville to be affixed hereto, the 10th day of September, 2019.

Bill Blackburn, Mayor



**TO BE CONSIDERED BY THE CITY COUNCIL
CITY OF KERRVILLE, TEXAS**

SUBJECT: Ratification of Payment for Legislative Consulting Services

AGENDA DATE OF: September 10, 2019 **DATE SUBMITTED:** Sep 03, 2019

SUBMITTED BY: Shelley McElhannon

EXHIBITS:

Expenditure Required:	Remaining Budget Balance in Account:	Amount Budgeted:	Account Number:
\$23,550	N/A	N/A	N/A

PAYMENT TO BE MADE TO: N/A

Kerrville 2050 Item?	Yes
Key Priority Area	E - Economic Development
Guiding Principle	E8. Emphasize greater support for growth of the tourism industry
Action Item	N/A

SUMMARY STATEMENT:

After consultation with outside counsel in executive session on September 11, 2018, it was a consensus of the Council to engage legislative consulting services to seek passage of a local bill (ultimately HB 4347) that would authorize the rebate of state hotel occupancy taxes and state sales and use taxes as partial funding for a hotel/conference center. Accordingly, the city manager entered into an agreement with Focused Advocacy to perform these services at a cost of \$7,850/month, for a six month term ending March 30, 2019.

Because HB 4347 was successfully passed out of the House and remained an active bill beyond March, legislative consulting services were needed up until the expiration of the Governor's veto period in June. As a result, an additional \$23,550 was incurred. HB 4347 was finally signed into law by the Governor on June 19th.

RECOMMENDED ACTION:

Ratify payment for legislative consulting services.



**TO BE CONSIDERED BY THE CITY COUNCIL
CITY OF KERRVILLE, TEXAS**

SUBJECT: Minutes for the City Council workshop held August 27, 2019

AGENDA DATE OF: September 10, 2019 **DATE SUBMITTED:** Aug 01, 2019

SUBMITTED BY: Shelley McElhannon

EXHIBITS: [20190910_Minutes_Council Workshop 4pm 8-27-19.pdf](#)

Expenditure Required:	Remaining Budget Balance in Account:	Amount Budgeted:	Account Number:
\$0	N/A	N/A	N/A

PAYMENT TO BE MADE TO: N/A

Kerrville 2050 Item?	No
Key Priority Area	N/A
Guiding Principle	N/A
Action Item	N/A

SUMMARY STATEMENT:

Minutes for the City Council workshop held on August 27, 2019 at 4:00 p.m.

RECOMMENDED ACTION:

Approve minutes as presented.

CITY COUNCIL MINUTES
WORKSHOP

KERRVILLE, TEXAS
AUGUST 27, 2019

COUNCILMEMBERS PRESENT:

Bill Blackburn	Mayor
Judy Eychner	Mayor Pro Tem
Gary Cochrane	Councilmember Place 1
Kim Clarkson	Councilmember Place 2
Delayne Sigerman	Councilmember Place 4

COUNCILMEMBER ABSENT: None

CITY STAFF PRESENT:

Mark McDaniel	City Manager
E.A. Hoppe	Deputy City Manager
Mike Hayes	City Attorney
Shelley McElhannon	City Secretary
Guillermo Garcia	Executive Director for Innovation
David Knight	Chief of Police
Dannie Smith	Fire Chief

VISITORS PRESENT: List on file in City Secretary's Office for the required retention period.

1. CALL TO ORDER

On August 27, 2019 at 4:00 p.m., the Kerrville City Council Workshop was called to order by Mayor Bill Blackburn in the City Hall Council Chambers at 701 Main Street.

2. INFORMATION AND DISCUSSION

2.A. Recovery Community Coalition (RCC) Annual Report.

Member Sabine Kuenzel presented the Recovery Community Coalition 2019 annual report, and Sabine Kuenzel, Dr. Kendall Young, and Dale Trees responded to questions.

2.B. Review, discussion, and action regarding City Council Rules of Procedure.

Mike Hayes introduced the item. The Council, Mark McDaniel, and Mike Hayes discussed possible changes to the Procedural Rules for Meetings Kerrville City Council.

Councilmember Kim Clarkson moved to approve the City Council Rules of Procedure with an amendment to 3.1 to add consensus of Council or pursuant to majority vote, and to adopt the remaining City Council Rules of Procedure as presented. Councilmember Gary Cochrane seconded, and the motion passed 5-0.

3. RECESS

The workshop was recessed by the Mayor at 4:45 p.m.

4. RECONVENE

The workshop was reconvened by the Mayor in the upstairs large conference room at 4:55 p.m.

5. EXECUTIVE SESSION

Mayor Blackburn moved to go into executive session under Section 551.071 of the Texas Government Code. Councilmember Cochrane seconded, and the motion passed 5-0.

The Council recessed into closed executive session at 4:56 p.m.

At 5:55 p.m., the Council reconvened in open session.

8. ACTION ON ITEMS DISCUSSED IN EXECUTIVE SESSION, IF ANY:

Mayor Blackburn announced that no action was taken in executive session.

9. ADJOURNMENT.

The meeting was adjourned at 5:55 p.m.

APPROVED:

Bill Blackburn, Mayor

ATTEST:

Shelley McElhannon, City Secretary

APPROVED: _____



**TO BE CONSIDERED BY THE CITY COUNCIL
CITY OF KERRVILLE, TEXAS**

SUBJECT: Minutes for the City Council meeting held on August 27, 2019

AGENDA DATE OF: September 10, 2019 **DATE SUBMITTED:** Aug 01, 2019

SUBMITTED BY: Shelley McElhannon

EXHIBITS: [20190910_Minutes_Council meeting 6pm 8-27-19.pdf](#)

Expenditure Required:	Remaining Budget Balance in Account:	Amount Budgeted:	Account Number:
\$0	N/A	N/A	N

PAYMENT TO BE MADE TO: N/A

Kerrville 2050 Item?	No
Key Priority Area	N/A
Guiding Principle	N/A
Action Item	N/A

SUMMARY STATEMENT:

Minutes for the City Council meeting held on August 27, 2019 at 6:00 pm.

RECOMMENDED ACTION:

Approve minutes as presented.

CITY COUNCIL MINUTES
REGULAR MEETING

KERRVILLE, TEXAS
AUGUST 27, 2019

On August 27, 2019, at 6:00 p.m. the meeting was called to order by Mayor Bill Blackburn in the City Hall Council Chambers at 701 Main Street. The invocation was offered by Councilmember Gary Cochrane, followed by the Pledge of Allegiance led by Councilmember Cochrane.

COUNCILMEMBERS PRESENT:

Bill Blackburn	Mayor
Judy Eychner	Mayor Pro Tem
Gary Cochrane	Councilmember
Kim Clarkson	Councilmember
Delayne Sigerman	Councilmember

COUNCILMEMBER ABSENT: None

CITY EXECUTIVE STAFF PRESENT:

Mark McDaniel	City Manager
E.A. Hoppe	Deputy City Manager
Mike Hayes	City Attorney
Shelley McElhannon	City Secretary
Stuart Cunyus	Public Information Officer
Amy Dozier	Director of Finance
Guillermo Garcia	Executive Director of Innovation
David Knight	Chief of Police
Kim Meismer	Executive Director of General Operations
Sherry Mosier	Manager of Strategic Initiatives
Drew Paxton	Executive Director of Development Services
Dannie Smith	Fire Chief
Julie Smith	Assistant Director of Finance
Charvy Tork	Director of Information Technology

VISITORS PRESENT: On file in City Secretary's Office for required retention period.

1. ANNOUNCEMENTS OF COMMUNITY INTEREST:

Items of Interest to the Community were presented by Stuart Cunyus and Councilmember Judy Eychner.

2. VISITORS FORUM:

The following persons spoke:

- George Baroody
- Richard Ferris
- Susan Deininger

3. PRESENTATIONS:

3A. Mayor Blackburn recognized the 30th Anniversary of the Hill Country CASA (Court Appointed Special Advocates). The Proclamation was received by Stephanie Cash and Goldie Rabson.

3B. Mayor Blackburn presented a Proclamation observing September as Healthy Aging Month. The Proclamation was received by the City's Senior Services Advisory Committee represented by Karen Burkett, Margie Jetton, Waverly Jones, Christine Klima, Rebecca Piszczer, and Carla Weber.

4. CONSENT AGENDA:

Citizen Peggy McKay, citizen Bill Morgan, and citizen Susan Deininger requested to pull item 4D from the Consent Agenda.

Citizen Susan Deininger requested to pull item 4E from the Consent Agenda.

Citizen Bonnie White requested to pull item 4F from the Consent Agenda.

Citizen Peggy McKay requested to pull item 4G from the Consent Agenda.

Councilmember Delayne Sigerman moved to approve items 4A, 4B, 4C, 4H, 4I, and 4J as presented. Councilmember Kim Clarkson seconded, and the motion passed 5-0.

4A. Resolution No. 34-2019 approving a negotiated settlement between the Atmos Cities Steering Committee ("ACSC") and Atmos Energy Corp., Mid-Tex Division regarding the Company's 2019 rate review mechanism filing; declaring existing rates to be unreasonable; adopting tariffs that reflect rate adjustments consistent with the negotiated settlement; finding the rates to be set by the reasonable and in the public interest; approving an attached exhibit establishing a benchmark for pensions and retiree medical benefits; approving an attached exhibit regarding amortization of regulatory liability; requiring the company to reimburse ACSC's reasonable ratemaking expenses; determining that this Resolution was passed in accordance with the requirements of the Texas Open Meetings Act; adopting a savings clause; declaring an effective date; and requiring delivery of this resolution to the company and the ACSC's legal counsel.

4B. Resolution No. 35-2019 confirming and reconstituting the Kerrville Youth Advisory Committee as the Kerrville Area Youth Leadership Academy.

4C. Resolution No. 36-2019 amending Resolution No. 28-2019, which recreated the Kerrville Main Street Advisory Board; by expanding the Main Street boundaries.

4H. Minutes for the City Council workshop held August 13, 2019.

4I. Minutes for the City Council meeting held August 13, 2019.

4J. Minutes for the City Council workshop held August 20, 2019.

END OF CONSENT AGENDA:

4D. Joint Election Agreement – Contract for Election Agreement between Kerr County and the City of Kerrville (November 05, 2019 City Charter amendments).

The following persons spoke:

- Peggy McKay
- Bill Morgan (declined to speak)
- Susan Deininger (declined to speak)

Councilmember Sigerman moved to approve the Contract for Election Agreement with Kerr County. Councilmember Judy Eychner seconded, and the motion passed 5-0.

4E. Authorize a construction contract with Progressive Commercial Aquatics, Inc. for resurfacing of the Olympic Pool in the amount of \$163,109.00.

The following person spoke:

- Susan Deininger

Mayor Blackburn and Councilmember Clarkson responded to questions.

Councilmember Cochrane moved to authorize the City Manager to finalize and execute a construction contract for resurfacing the Olympic Pool. Councilmember Eychner seconded, and the motion passed 5-0.

4F. Professional Services Agreement with Kimley-Horn and Associates, Inc. for the design and engineering of the Guadalupe River Utility Crossing project in the amount of \$123,890.00.

The following person spoke:

- Bonnie White

E.A. Hoppe provided clarification.

Councilmember Eychner moved to authorize the execution of a professional services agreement with Kimley-Horn and Associates, Inc. Councilmember Sigerman seconded, and the motion passed 5-0.

4G. Monthly Community Improvement Project (CIP) Report.

The following person spoke:

- Peggy McKay

Councilmember Eychner moved to approve the monthly Community Improvement Project as presented. Councilmember Sigerman seconded, and the motion passed 5-0. Councilmember Clarkson requested to move the monthly Community Improvement Project off of the consent agenda in the future, and there was agreement by consensus among Council members.

5. PUBLIC HEARINGS:

5A. Public Hearing on the City of Kerrville Fiscal Year 2020 Proposed Budget.

Mayor Blackburn opened the public hearing at 6:40 p.m.

Amy Dozier presented the item and responded to questions.

The following person spoke:

- George Baroody

Councilmember Eychner moved to approve Ordinance No. 2019-17 Zoning Code as presented. Councilmember Clarkson seconded, and the motion passed 5-0.

Mayor Blackburn closed the public hearing at 6:49 p.m.

5B. Public Hearing on Property tax rate (ad valorem tax) for the 2019 tax year (Fiscal Year 2020).

Mayor Blackburn opened the public hearing at 6:49 p.m.

Amy Dozier presented the item and responded to questions.

The following persons spoke:

- Bonnie White
- George Baroody
- Bruce Stracke

Mayor Blackburn closed the public hearing at 6:56 p.m.

6. ORDINANCE(S), FIRST READING:

6A. Ordinance No. 2019-19. An Ordinance authorizing the Issuance, Sale and Delivery of Up to \$10,500,000 in Aggregate Principal Amount of "City of Kerrville, Texas Combination Tax and Revenue Certificates of Obligation, Series 2019"; Securing the Payment Thereof by Authorizing the Levy of an Annual Ad Valorem Tax and a Pledge of Certain Surplus Revenues of the City's Waterworks and Sewer System; and Approving and Authorizing the Execution of a Paying Agent/Registrar Agreement, an Official Statement and All Other Instruments and Procedures Related Thereto.

Amy Dozier introduced the item. Ms. Dozier noted that per State Law, ordinances related to debt become effective with one reading and that State Law supersedes the City Charter's designation of two readings.

Anne Burger Entrekin with Hilltop Securities presented the securities market update. Tom Spurgeon with McCall, Parkhurst, and Horton was also in attendance.

The following persons spoke:

- Brenda Craig
- Susan Deininger

Councilmember Eychner moved to adopt Ordinance No. 2019-19. Councilmember Sigerman seconded, and the motion passed 5-0.

7. ORDINANCES(S), SECOND READING:

7A. Ordinance No. 2019-17. Second Reading. An Ordinance approving and adopting the City of Kerrville, Texas, Zoning Code, a comprehensive rewrite of the City's Zoning Regulations in accordance and aligned with the Kerrville Comprehensive Plan (Kerrville 2050); said rewrite to be known as the "City of Kerrville, Texas Zoning Code" and found within a new Chapter 60 of the City's Code of Ordinances; approving and adopting the

official Zoning Map of the City, providing procedures to amend said map; requiring a staff report as to implementation by a specific date; repealing in their entirety all ordinances or parts of ordinances inconsistent herewith; providing an open meetings clause; providing a cumulative clause; containing a savings and severability clause; providing for a penalty or fine of not more than \$2,000 for each day of violation of any provision hereof; ordering publication; providing an effective date; and providing other matters related to this.

Drew Paxton introduced the item. Kimley-Horn consultants Mark Bowers and Monica Heid defined and highlighted the Zoning Code schedules, project goals, and zoning map. Drew Paxton discussed regulations after adoption of the Code. Drew Paxton responded to questions.

The following persons spoke:

- Bonnie White
- Drew Raffaele
- Stephen King
- Pablo Brinkman

Discussion ensued amongst Council. Councilmember Cochrane moved to approve Ordinance No. 2019-17 on second reading as presented. Councilmember Eychner seconded, and the motion passed 5-0.

8. INFORMATION & DISCUSSION:

8A. Financial update for the month ended July 31, 2019.

Amy Dozier presented information.

9. ITEMS FOR FUTURE AGENDAS:

None

10. EXECUTIVE SESSION:

None

11. ACTION ON ITEMS DISCUSSED IN EXECUTIVE SESSION, IF ANY:

None

ADJOURNMENT

The meeting was adjourned at 8:13 p.m.

Bill Blackburn, Mayor

ATTEST: _____
Shelley McElhannon, City Secretary

APPROVED: _____



**TO BE CONSIDERED BY THE CITY COUNCIL
CITY OF KERRVILLE, TEXAS**

SUBJECT: Ordinance No 2019-23. An Ordinance approving and adopting the City of Kerrville, Texas, Sign Code, a comprehensive rewrite of the City's sign regulations in accordance and aligned with the Kerrville Comprehensive Plan (Kerrville 2050); said rewrite to be known as the "City of Kerrville, Texas Sign Code" and found within a new Chapter 92 of the City's Code of Ordinances, which will repeal and replace Article II of Chapter 6 of the City's Code of Ordinances; adopting revised regulations concerning the installation and maintenance of signs within the City of Kerrville, Texas, and within the extraterritorial jurisdiction of the City; containing a cumulative clause; 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.

AGENDA DATE OF: September 10, 2019 **DATE SUBMITTED:** Aug 14, 2019

SUBMITTED BY: Drew Paxton

EXHIBITS: [20190910_Ordinance_2019-23 Sign Code Rewrite.pdf](#)
[20190910_Sign Code Ch 92.pdf](#)

Expenditure Required:	Remaining Budget Balance in Account:	Amount Budgeted:	Account Number:
\$0	N/A	\$0	N/A

PAYMENT TO BE MADE TO: N/A

Kerrville 2050 Item?	Yes
Key Priority Area	C - Community / Neighborhood Character and Place Making
Guiding Principle	C5. Establish clear guidelines for code enforcement and zoning, educate the public on the value and importance of property maintenance, and focus on proactive code enforcement and maintaining minimum property standards.
Action Item	C5.8 - Review and amend the City's sign ordinance for greater clarity, consistency and in support of Kerrville 2050 Guiding Principles

SUMMARY STATEMENT:

The Kerrville 2050 Plan recommends the update of several existing codes in order to address any provisions that may be in conflict with the goals of the comprehensive plan. The update to the sign code stems from several of the guiding principles found within Kerrville 2050.

Guiding principles and action items that specifically support the update to the sign code:

- Economic Development, E2.12: Ensure that Development Services processes and existing codes and ordinances are not impediments to development/redevelopment
- Community & Neighborhood Character/Placemaking, C5.12: Engage third-party services to assist with the review and rewrite of existing City codes, including the zoning and subdivision ordinances and zoning map, to ensure they are consistent with and support Kerrville 2050
- Downtown Revitalization, D3 Guiding Principle: Maintain and support small businesses with a local identity
- Economic Development, E11 Guiding Principle: Promote new retail development while considering its impact on existing business
- Public Facilities and the Built and Natural Environment, F6 Guiding Principle: Focus close attention on building architecture and scale to preserve Kerrville's small-town charm

Meetings to Date:

May 9, 2019 – Code Review Committee

May 16, 2019 – Community Open House

June 6, 2019 – Code Review Committee

July 30, 2019 – Code Review Committee

August 15, 2019 - Planning and Zoning Commission

The Code Review Committee and the Planning and Zoning Commission have reviewed the proposed sign code and given their recommendation for approval. The updates to the sign code include:

Added or clarified definitions and regulations for awning signs, canopy signs, electronic displays, murals, and a few others.

Provided graphics for several terms and regulations.

Allows a one second fade transition for electronic displays to soften any flicker effect.

Lowered awning, canopy, and projecting sign heights over pedestrian areas to 6'-8" (six feet eight inches).

Combined and simplified requirements for incidental signs.

Increased focus upon content-neutrality (in response to the Reed Supreme Court decision).

A noncommercial message may be substituted for a commercial message (without approval/permitting) if sign structure is legally conforming.

Exempts governmental signs and flags.

Exempts traffic control devices (per the MUTCD).

Requires clear display of address numerals (all properties).

Requires compliance with any law that requires posting of danger/prohibited access signs.

If conflict between Sign Code and another code, the most restrictive applies.

There are two particular items that may require additional discussion.

Section 92-9 (5) d. requires a frame or border of at least 6 inches around an electronic display. The P&Z amended this to require a vented frame around electronic displays. While this area would not be counted against the allowable area for a sign, it will effectively make the overall size of the sign structure larger by twelve inches both in height and width. This may be easily achievable for a monument sign, but could be difficult for certain freestanding signs. Furthermore, this will make many existing signs non-conforming.

The current draft of the sign code expands the prohibition of free standing signs, electronic displays, and feather flags to all of the Downtown Arts and Culture District, current sign code only prohibits electronic displays in the downtown core. Based on the discussion with the Code Review Committee, staff does not believe the intent was to expand this prohibition, but rather to uphold the current regulations.

Following the Planning and Zoning Commission recommendation, the size of electronic displays has not changed, providing a maximum size of 32 square feet, consistent with the current sign code. The updates to the definitions, sign regulations, addition of graphics and diagrams, and other legislative updates are intended to make the sign code a little more user friendly.

RECOMMENDED ACTION:

Approve Ordinance No. 2019-23 as presented.

**CITY OF KERRVILLE, TEXAS
ORDINANCE NO. 2019-23**

AN ORDINANCE APPROVING AND ADOPTING THE CITY OF KERRVILLE, TEXAS, SIGN CODE, A COMPREHENSIVE REWRITE OF THE CITY'S SIGN REGULATIONS IN ACCORDANCE AND ALIGNED WITH THE KERRVILLE COMPREHENSIVE PLAN (KERRVILLE 2050); SAID REWRITE TO BE KNOWN AS THE "CITY OF KERRVILLE, TEXAS SIGN CODE" AND FOUND WITHIN A NEW CHAPTER 92 OF THE CITY'S CODE OF ORDINANCES, WHICH WILL REPEAL AND REPLACE ARTICLE II OF CHAPTER 6 OF THE CITY'S CODE OF ORDINANCES; ADOPTING REVISED REGULATIONS CONCERNING THE INSTALLATION AND MAINTENANCE OF SIGNS WITHIN THE CITY OF KERRVILLE, TEXAS, AND WITHIN THE EXTRATERRITORIAL JURISDICTION OF THE CITY; CONTAINING A CUMULATIVE CLAUSE; 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, in June 2018, City Council, pursuant to its home-rule authority and Chapter 213 of the Texas Local Government Code, adopted the *City of Kerrville Comprehensive Plan – Kerrville 2050* ("Comprehensive Plan"); and

WHEREAS, 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, in accordance with the Comprehensive Plan, City Council seeks to maintain the value of Kerrville's scenic beauty and rural charm, both of which are significant attributes of the City's quality of life, through a comprehensive regulatory program that includes zoning, subdivision control, and the regulation of signs; and

WHEREAS, following the adoption of the Comprehensive Plan, City Council created and appointed a Code Review Committee ("CRC") made up of 15 people with a variety of vocations and interests; and

WHEREAS, Council, through Resolution No. 34-2018, charged the CRC with reviewing and considering recommendations regarding development related codes, including the City's sign regulations, as currently found within Chapter 6 of the City's Code of Ordinances ("Sign Code"); and

WHEREAS, toward that end, the CRC, City staff, and the City's consultants worked diligently to review and rewrite Chapter 6 in accordance with the general principals and guidelines found within the Comprehensive Plan, as well as several recent court cases concerning the regulation of signs and Chapter 216 of the Texas Local Government Code; and

WHEREAS, beginning in October 3, 2018, the CRC has met 12 times to date, in meetings that were open to the public and which included at times the discussion of the City's existing sign regulations; and

WHEREAS, the CRC recommended a number of revisions to Chapter 6 and forwarded those recommendation to the Planning and Zoning Commission (the "Commission") for its review; and

WHEREAS, the Commission, in a meeting noticed in the newspaper, held a public hearing and a number of citizens spoke about the proposed rewrite of the Sign Code; and

WHEREAS, the Commission considered the CRC's proposal, which included new regulations for electronic message boards and various types of temporary signs, and recommended approval; and

WHEREAS, following its public hearing and discussion, the Commission recommended that City Council adopt the proposed sign regulations; and

WHEREAS, after receiving the proposed Sign Code from the Planning and Zoning Commission along with its recommendation for adoption, City Council reviewed and considered the amended sign regulations; and

WHEREAS, as part of its review and consideration of a new Sign Code, City Council held a public hearing on September 10, 2019, where it then received public comments; and

WHEREAS, at a meeting on September 10, 2019, that was open to the public as required by law, the public notice of the time, place, and purpose of said meeting was given, and at which all citizens and parties in interest were given an opportunity to be heard; and after considering the recommendations of the CRC and City staff; and after considering among other things, the character of the various areas of the City and the suitability and appropriateness of signs within 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 signs throughout the City, Council, following multiple readings of the proposed ordinance, finds it to be in the best

interest of the health, safety, morals, and general welfare of the City of Kerrville, Texas, to adopt new regulations concerning the installation and maintenance of signs within the City and its ETJ;

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

SECTION ONE. The facts, recitations, and findings contained in the preamble of this Ordinance are found to be true and correct and are incorporated by reference herein and expressly made a part hereof, as if copied verbatim.

SECTION TWO. Chapter 6 "Advertising", Article II "Signs", of the Code of Ordinances of the City of Kerrville, Texas, is repealed and replaced in its entirety with a new Chapter 92, as provided for in **Exhibit A**, which is attached, included herein for all purposes, and hereby adopted. Said new Chapter 92 will be published and included within the City's Code of Ordinances as the City's "Sign Code".

SECTION THREE. The City Secretary is authorized and directed to submit this Ordinance to the publisher of the City's Code of Ordinances and the publisher is authorized to amend said Code to reflect the provisions adopted herein, to include the addition of a new Chapter 92 into the Code, and to correct typographical errors and to index, format, and number and letter 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. Further, the proposed Sign Code results from a comprehensive review, rewrite, and replacement of the City's current sign regulations and procedures and said Code repeals and replaces, to include without limitation: Ordinance Nos. 2012-05, 2013-10, 2014-02, 2014-05, 2014-20, and 2018-05.

SECTION FIVE. It is officially found and determined that the meetings at which this Ordinance is passed were open to the public as required and that public notice of the time, place, and purpose of said meetings was given as required by the Open Meetings Act, Chapter 551 of the Texas Government Code.

SECTION SIX. 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. City Council

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 SEVEN. The penalty for violation of this Ordinance shall be in accordance with the general penalty provisions contained in Section 1-7 of the Code of Ordinances of the City of Kerrville, Texas, which provides for a fine not exceeding TWO THOUSAND DOLLARS (\$2,000.00) per day for each violation hereof.

SECTION EIGHT. 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 the law as an alternative method of publication.

SECTION NINE. 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., 2019.**

**PASSED AND APPROVED ON SECOND AND FINAL READING, this
the _____ day of _____, A.D., 2019.**

Bill Blackburn, Mayor

APPROVED AS TO FORM:



Michael C. Hayes, City Attorney

ATTEST:

Shelley McElhannon, City Secretary

Chapter 92

SIGN CODE

CHAPTER I. - SIGNS

Sec. 92-1. - In general.

A person shall not install, put up, place, reconstruct, repair, maintain, or use a sign, as defined, unless the sign complies with these regulations, known as the City's sign code, and any other applicable City Code.

Sec. 92-2. - Purpose; Legislative Findings; Interpretation; and General Matters.

(a) The City Council finds that to protect the health, safety, property, and welfare of the public it is necessary to prevent the unregulated proliferation of signs while at the same time respecting the public's right to freely engage in constitutionally protected speech and the use of private property on a content-neutral basis. The purpose of these rules and regulations is to promote and protect the health, safety, welfare, convenience, and enjoyment of the public and to achieve the following objectives:

- (1) To provide uniform sign standards and regulations in order to improve visual safety for pedestrians and traffic;
- (2) To provide for safe construction, location, and maintenance of signs;
- (3) To prevent and reduce proliferation of unauthorized, hazardous, traffic-distracting, non-maintained and abandoned signs;
- (4) To minimize the possible adverse effect of visual clutter on public and private property; and
- (5) To promote a positive image for the City by reflecting order, harmony, and consistency, and thereby strengthening the economic viability of the City's residential, commercial, cultural, and historical areas.

(b) It is not the purpose or intent of this chapter to regulate signs based solely on their content. This chapter shall be interpreted in a manner consistent with the First Amendment of the Constitution of the United States and with

Chapter I of the Texas Constitution. If any provision of this chapter is found by a court of competent jurisdiction to be invalid, such finding shall not affect the validity of other provisions of this chapter and may be given effect without the invalid provision.

- (c) A noncommercial message of any type may be substituted for any allowed commercial message or allowed noncommercial message on an existing sign; provided, that the sign structure or mounting device is legally conforming without consideration of message content. A substitution of a noncommercial message may be made without any additional approval or permitting. This provision prevails over any more specific provision to the contrary within this chapter. The purpose of this provision is to prevent any inadvertent favoring of commercial speech over noncommercial speech, or favoring of any particular noncommercial speech over any other noncommercial speech. This provision does not create a right to increase the total number or size (*i.e.*, square footage, height, etc.) of signs on a tract of land or property, nor does it affect the requirement that a sign structure or mounting device be properly permitted by the City.
- (d) This chapter is not intended to, and does not apply to signs or flags erected, maintained, or otherwise posted by the City, the state of Texas, or the U.S. federal government which may be placed in any location within the City's boundaries and within its extraterritorial jurisdiction (ETJ).
- (e) This chapter is not intended to, and does not apply to, traffic-control devices, not including directional signs, on private or public property which must be erected and maintained to comply with the Manual on Uniform Traffic-Control Devices adopted by the state of Texas and/or by the Federal Highway Administration, as applicable and as may be amended.
- (f) Every improved property within the City shall be marked using numerals that clearly and accurately identify the address of the property so that public safety agencies may easily identify the address from public right(s)-of-way. Such address markings shall comply with the City's building, fire, and other applicable codes including size, placement, and illumination if applicable.
- (g) Where a federal, state, or local law requires a property owner to post a sign on his or her property to warn of a danger or to prohibit access to the property either generally or specifically, the owner shall comply with that law by posting and maintaining such a sign on the property that meets the standards and dimensions required by applicable law.

(h) The City Manager shall be the primary City official responsible for interpreting and administering this chapter. However, the City Manager, at his/her discretion, may otherwise delegate this authority to any other City official or to a qualified outsourced entity.

(i) In the event of a conflict between this chapter and another code or ordinance of the City, then the most restrictive provision shall apply.

Sec. 92-3. - Design guidelines.

It is City policy to encourage signs which are appropriate to a rural, Hill Country setting and to discourage signs which are in conflict with the character of the community. To this end, all sign owners, operators, and installers are encouraged to conform to the following guidelines for sign location, configuration, design, and materials:

- (1) Signs should be located with sensitivity to preserving the natural landscape, environment, and surrounding views.
- (2) Signs should be incidental to the principal use of a site and should never be allowed to visually dominate a site.
- (3) The height, width, and area of a sign should relate to the adjacent street type and the length of street frontage.

Sec. 92-4. - Jurisdiction.

These sign regulations apply within the City's boundaries and within the extraterritorial jurisdiction ("ETJ") of the City, as such areas may be changed from time to time, and as defined and allowed by state and federal law.

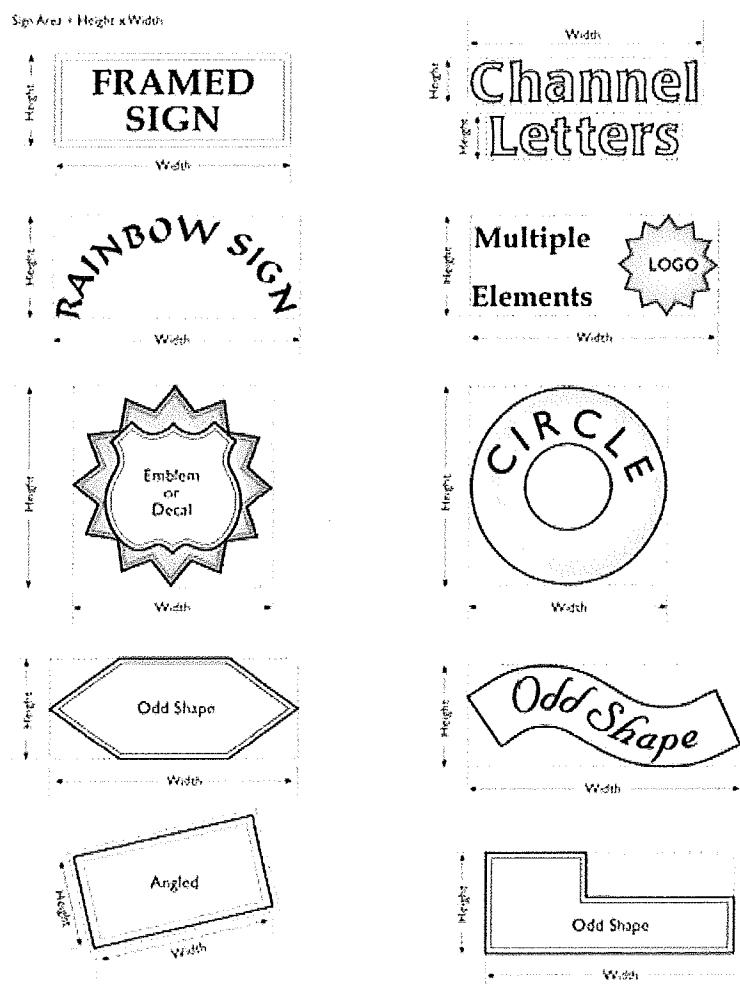
Sec. 92-5. - Definitions.

Words and phrases used in this chapter have the meanings set forth in this section. Words and phrases which are not defined in this chapter but are defined within the City's zoning code are given those meanings set forth in such code, as may be amended. Other words and phrases are given their common, ordinary meanings unless the context clearly requires otherwise. Headings and captions are for reference purposes only, and may not be used in the interpretation of these regulations.

(1) *General definitions.*

Area: The square foot area enclosed by the perimeter of the sign face with each face contributing to the aggregate area but not counting double-faced sign faces, which are counted only as the area of one face. The sign face excludes decorative wood, metal devices, frames, or sign supports, such as a monolith. In cases where the sign, or a portion, is composed only of letters, figures, or other characters not standing against a sign face background or secured to a monolith, then the sign face area is the sum of the area of the smallest simple imaginary figure, such as a circle, triangle, rectangle, or other figure, which fully contains all words, figures, devices, designs, or trademarks which constitute the sign. (See illustrations below for examples of how to determine sign area.)

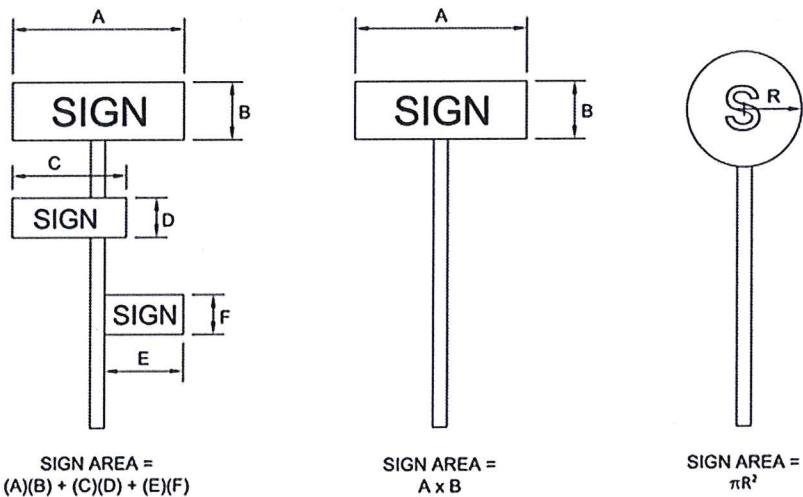
Area: Examples of Wall and Window Signs



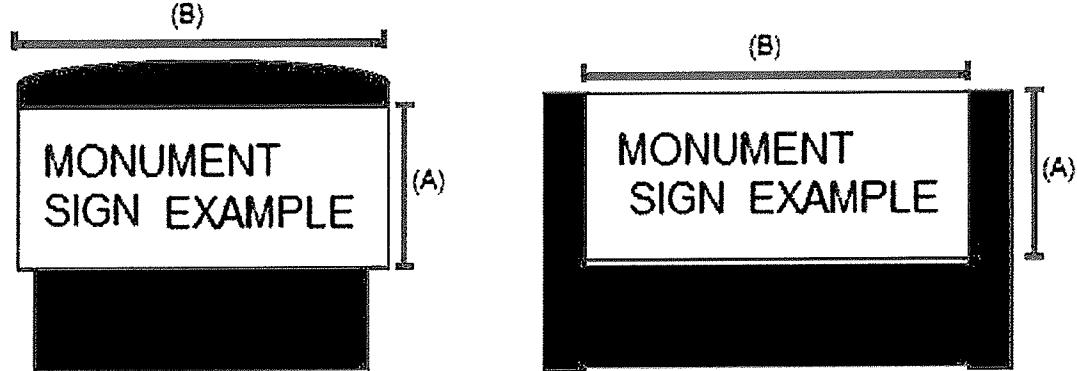
Area: Examples of Signs Composed of Individual Cutout Words or Figures



Area: Examples of Freestanding (Pole) Signs

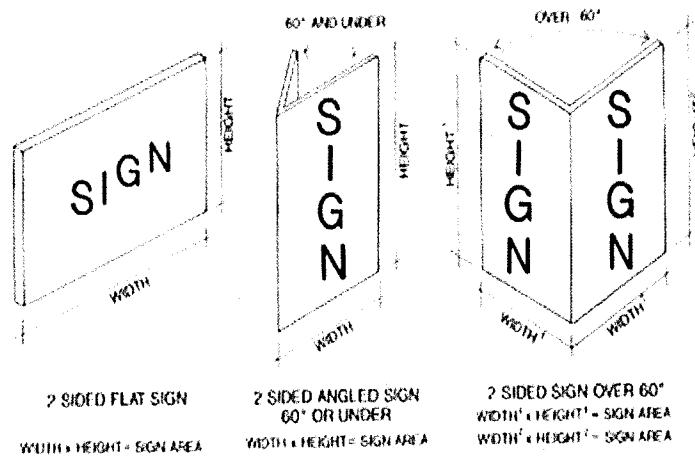


Area: Example of Monument Sign

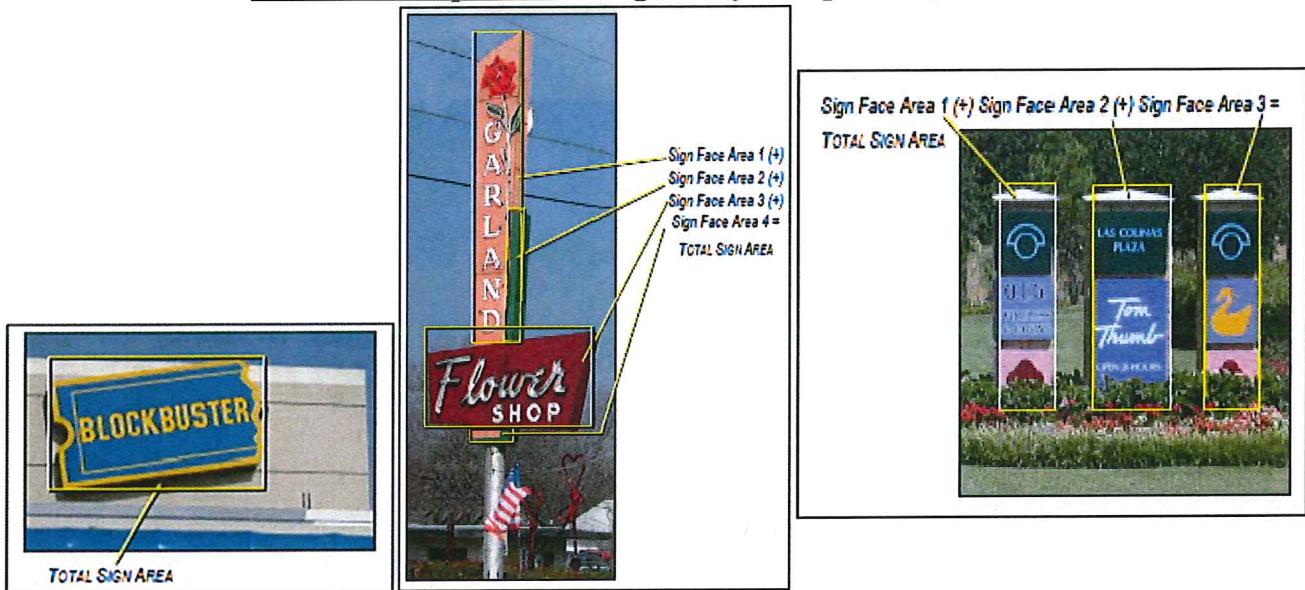


- SIGN SURFACE AREA = (A) x (B)
- Support structures and architectural features are excluded from total surface area

Area: Examples of Multi-Faced Signs



Area: Examples of Irregularly Shaped Signs



Awning: A building-attached structure such as is typically extended in front of a window or door or over a patio, deck, walkway or other pedestrian area as protection from the sun or rain, regardless of whether the structure is retractable.



Canopy: An attached structure (such as an attached porte cochere) or detached structure (such as over motor fuel islands) that is generally intended to shelter vehicles from the weather.



City: The City of Kerrville, Texas.

City Council: The City Council of the City of Kerrville, Texas.

City manager: The City Manager or designee.

Commercial complex: A development consisting of two or more establishments on a single platted lot such as a shopping center or an industrial park/business park, or a campus on two or more contiguous lots, which may be separated only by a right-of-way.

Damaged, dilapidated, or deteriorated condition: Includes instances where:

- a. Elements of the surface or background can be seen, as viewed from a normal viewing distance (*i.e.*, the intended viewing distance), to have portions of the finished material or paint flaked, broken off, missing and/or otherwise not in harmony with the rest of the surface;
- b. The structural support or frame members are visibly bent, broken, dented or torn;
- c. The sign face/panel is visibly cracked or, in the case of wood and similar products, splintered in such a way as to constitute an unsightly or harmful condition;
- d. The sign and/or its elements are twisted or leaning or at angles other than those at which it was originally erected, such as may result from being blown by high winds or from the failure of a structural support; or
- e. The message or wording can no longer be clearly read by a person with normal eyesight under normal viewing conditions.

Downtown Arts and Culture District (DAC): The downtown geographic area of the City that is defined in the Zoning Code, as may be amended.

Downtown Core (DC): An area within the Downtown Arts and Culture District (DAC), such areas as are defined in the Zoning Code, as may be amended.

Electrical sign work: Any labor or material used in manufacturing, installing, maintaining, extending, connecting, or reconnecting an electrical wiring system and its appurtenances, apparatus, or equipment used in connection with signs, outline lighting, awnings, signals, light emitting diodes, and the repair of existing outdoor

electric discharge lighting, including parking lot pole lighting. This also includes the installation of an electrical service integral to an isolated sign and/or outline lighting installation.

Electronic display: A component of a sign capable of displaying changing content by remote or automatic means without the need to physically touch the sign face. The term includes portions of signs that display messages or images by means of electronic or “digital” illumination such as cathode ray tubes, light emitting diodes (LED), plasma screens, liquid crystal displays (LCD), fiber optics, and similar technology. Includes motor fuel pricing and time/temperature displays which are regulated the same as the specific type of sign they are a component of (e.g., size, height, placement, etc.).

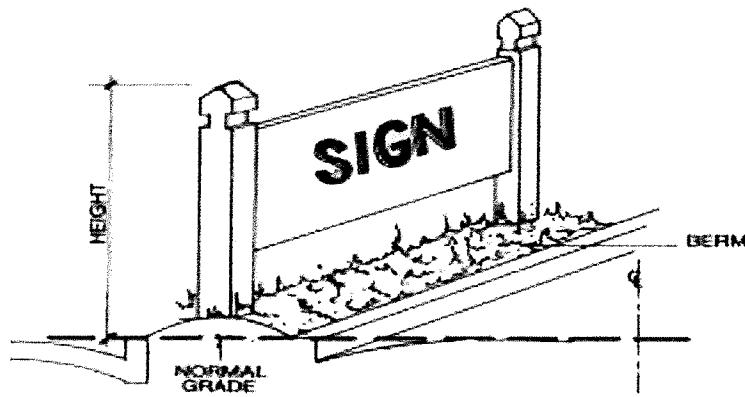


Establishment: A use of land for any purpose, with or without a building(s), regardless of the commercial, nonprofit, or public nature of the activity, but excluding a residence or active agricultural use in any form.

Extraterritorial jurisdiction (ETJ): The unincorporated area beyond the City's boundaries, the size of which is determined by state law.

Height: The vertical distance between the highest attached component of a sign or of its supporting structure, whichever is higher, and the average established ground level beneath the sign. The established ground level beneath the sign is the lower of: (1) the existing grade prior to construction of the sign; or (2) the newly established grade after construction, exclusive of any filling, berthing, mounding, or excavating solely for the purpose of locating the sign, unless the curb elevation at the street in front of the sign is higher than the established ground level, in which case the height will be measured from curb level.

Height Computation



Industrial park/business park or campus: A development intended to be either the site for a number of manufacturing, industrial, warehousing, and related uses, or a mixed-use development which includes a number of separate office, commercial, wholesaling, and compatible laboratory, industrial, and other uses which primarily support the function or employees of those uses and which are designed and developed as an integrated unit but typically the establishments are on individual lots.

Master electrician: An individual, licensed as a master electrician, who on behalf of an electrical contractor, electrical sign contractor, or employing governmental entity, performs "Electrical Work" as defined by state law.

Master sign electrician: An individual, licensed as a master sign electrician, who, on behalf of an electrical sign contractor, performs "electrical sign work" as defined above

Nonresidential area: The area within any zoning district inside the City which includes nonresidential uses; in the City's extraterritorial jurisdiction, any lot or tract of land which is the site of an establishment or commercial complex or which is vacant or in any form of agricultural use.

Planning and Zoning Commission ("Commission"): The City's Planning and Zoning Commission.

Residential area: The area within any zoning district inside the City which includes residential uses; within the City's extraterritorial jurisdiction, any lot or tract of land in which the principal use of the land is as a residence.

Responsible party: The person, firm, organization, or other entity whose product, service, activity, or enterprise of any character is announced or advertised by a sign, or whose message is carried by a sign, or who operates a sign, such as a third party, and/or the owner of the land upon which the sign is located.

(2) *Types of signs.* For the purposes of this chapter, a sign means any letters, figures, symbols, trademarks, or devices designed either to inform a person or to attract the attention of a person to an individual, firm, profession, business, organization, institution, goods, product, service, activity, cause, or purpose, and which are viewed from any public right-of-way. Particular types of signs are defined by their purpose or use, by their location, and by the nature of their construction, and therefore any one sign may be encompassed by multiple definitions and may be subjected to regulations in multiple sections of this chapter. Depictions of some types of signs are shown below. Light strings are not considered signs when consisting of uncovered 40 watt or less rated bulbs that do not blink or change color, and are used:

- (a) to outline buildings and/or awnings within the Downtown Arts and Culture District; or
- (b) for holiday lighting when the holiday lights:
 - i. do not advertise a product, service, or business; and
 - ii. are not installed more than twice a calendar year and for no more than 60 days at a time; and
 - iii. are removed within 14 days following the lighted holiday.

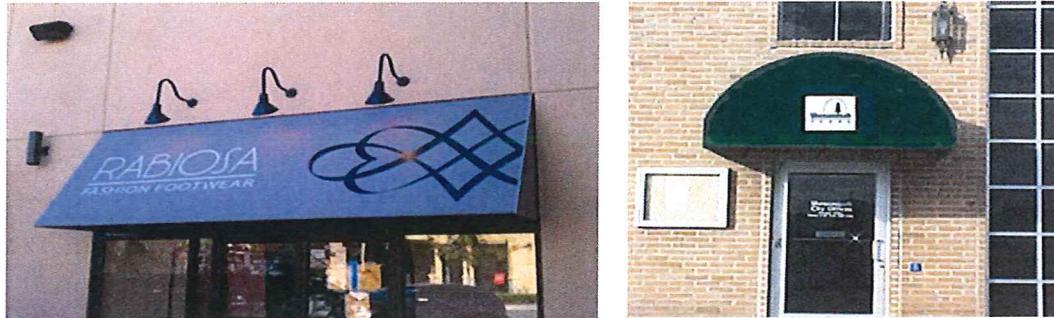
Types of signs which are regulated by this chapter are defined as follows:

Address sign: See Incidental Sign.

Auxiliary sign: See Incidental Sign.

Awning sign: A sign painted on, attached, or adhered to the outside of an awning.





Balloon: A nonporous, inflatable bag with or without letters, symbols, or numbers that is filled with either air or gas.



Banner: A flexible sign intended to be hung or mounted either with or without frames, made of paper, plastic, fabric, or any other flexible material. Flags and pole banners are distinguished from banners for the purposes of this chapter.



Beacon: Any light, including incandescent, LED, and laser, with a beam directed into the atmosphere or directed at a point which is not on the same lot or tract of land as the light source, or a light with one or more beams that rotate or move.

Billboard: A type of off-premises freestanding sign.

Bulletin board: A sign principally devoted to posting changeable announcements concerning the activities of an organization, such as is customarily installed by a church, social club, society, or charitable organization, which is located on the premises of such an organization.

Business information sign: A lighted or gaseous tubing sign which is mounted on a building, typically near an establishment's primary entrance(s) and on or inside a door or window, that identifies an operational aspect of the establishment such as "open", "closed", "vacancy", etc.

Canopy sign: A sign which is adhered to or suspended from the underside of a canopy structure or which projects into the space enclosed within or beneath a canopy structure.



Canopy roof sign: A sign which is mounted above and/or on top of a canopy roof.



Changeable copy sign: A sign or part of a sign on which characters, letters, or illustrations can be changed manually without altering the face or surface of the sign, such as a theater marquee, a gasoline price sign, or a sign identifying the occupants of a shopping center.

Commercial sign: Any sign, regardless of its location or construction, whose wording or other contents, directly or indirectly, names, advertises, or calls attention to any business, product, service, institution, organization, event, cause, purpose, or other activity.

Community service sign: A temporary sign, often in the form of a banner, soliciting support for, or participation in, a nonprofit, nonpolitical, community, public, or social purpose, cause, event, or activity, such as one marking a holiday or one supporting school activities, charitable programs, religious activities, or community interest events. When in banner form, this type of sign is often installed over City-, county- or state-owned public right-of-way pursuant to consent from the applicable jurisdiction.

Construction sign: A temporary, on-premises sign placed on a site currently undergoing active construction activities which identifies or announces the character of the project and/or the names of the owners, developers, financers, architects, engineers, contractors, leasing agents, and others associated with the project.

Directional sign: A sign which is separate from other signs, incidental and secondary to the principal use of the property on which it is located, located on private property, and whose primary purpose is to give directions to parking lots, exits, entrances, or drive-through windows, or directives such as “no parking” or “loading only.”



Event sign: See Incidental Sign.

Feather sign: Any variety of fabric signs commonly called bow, feather flags, tear drop, or ribbon signs that may or may not display a message and are supported by a horizontal or vertical pole.



Flag: A piece of fabric, usually rectangular, bearing the name, logo, and/or symbolic emblem of a governmental entity, quasi-governmental entity, educational institution, or charitable/nonprofit organization.

Freestanding sign: A permanent sign installed on a pole(s), or on twin masonry supports, anchored in the ground. It is not a monument sign.

Governmental/noncommercial sign: A sign owned or sponsored by the City or other governmental entity that is used to provide information, directions, or warnings to the public regardless of whether located on public or private property.

Handbills: Miscellaneous commercial advertising matter that is not customarily thought of as a “sign”.

Handheld sign: A sign which is not permanently or temporarily attached to the ground or to a permanent structure and which is designed to be transported or carried by an individual.



Incidental sign: A small, unlighted, on-premises sign of a noncommercial nature which is intended primarily for the convenience of the public. Included are signs identifying the building's name and/or address, historical information, hours of operation, entrances to buildings, public telephones, directions to locations such as lobbies and restrooms, “open” and “help wanted” and “no soliciting” and “beware of dog” and other similar informational or warning signs, residential “open house” and “garage sale” and “private party” and other similar temporary informational signs, etc. Also included in this group of signs are those designed to guide or direct pedestrians or vehicular traffic to an area or place on the premises of an office

building or another type of nonresidential development by means of a directory designating names and addresses only, directional arrows, etc.

Integral sign: See Incidental Sign.

Lighted sign: A sign that is back-lighted or lighted from within, a gaseous tubing (*i.e.*, “neon”) sign, an LED or LCD sign, but not a sign that is only illuminated by external lights that shine upon it. (Does not include a business information sign.)

Mobile billboard: A sign installed or displayed on a vehicle operating in the public right-of-way for the purpose of advertising a business or entity that is unrelated to the owner of the vehicle's primary business. The term does not include a sign that is displayed or installed on a vehicle that is operated in the normal course of the vehicle owner's business if the sign contains advertising or identifying information directly related to the vehicle owner's business, and is not used to display advertising that is unrelated to that business. This sign does not include a political sign.

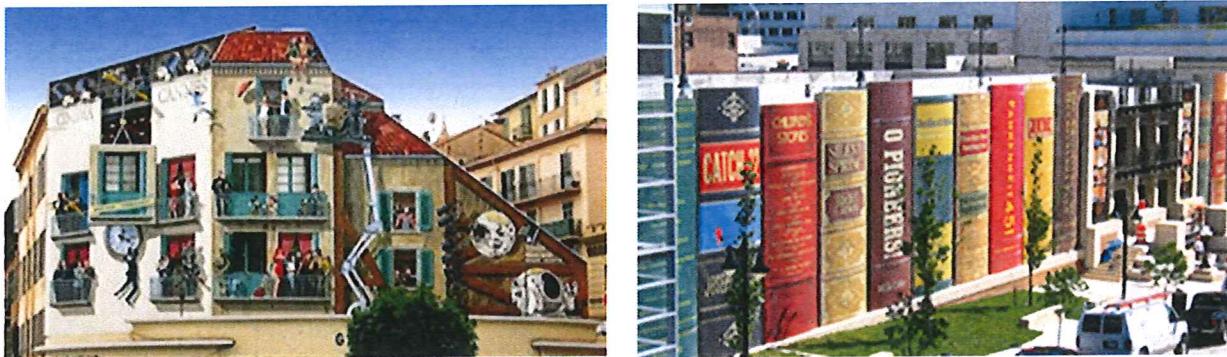


Model home sign: A sign which is located on the same lot as a model home in a residential subdivision and which calls the attention to the purpose of the model home.

Monument sign: A sign which is built as a monument on the ground and independent of any other structure for its support and which may include a changeable copy or electronic display feature. (Not a freestanding sign.)

Moving sign: A sign or any part of a sign which rotates, moves, or uses lighting to simulate motion but not to include a barbershop with barber pole that has a turning, striped, cylinder not exceeding 42 inches in height.

Mural: An original art display (i.e., a painting, frieze, etc.) on a building façade that has an artistic composition and that depicts a scene or subjects that are unrelated to, and does not advertise, the products, goods, or services offered by the establishment within the building. A mural is not considered a sign and is not subject to size or placement limitations as would be a wall sign.



Name plate: See Incidental Sign.

Neon sign: See Lighted Sign.

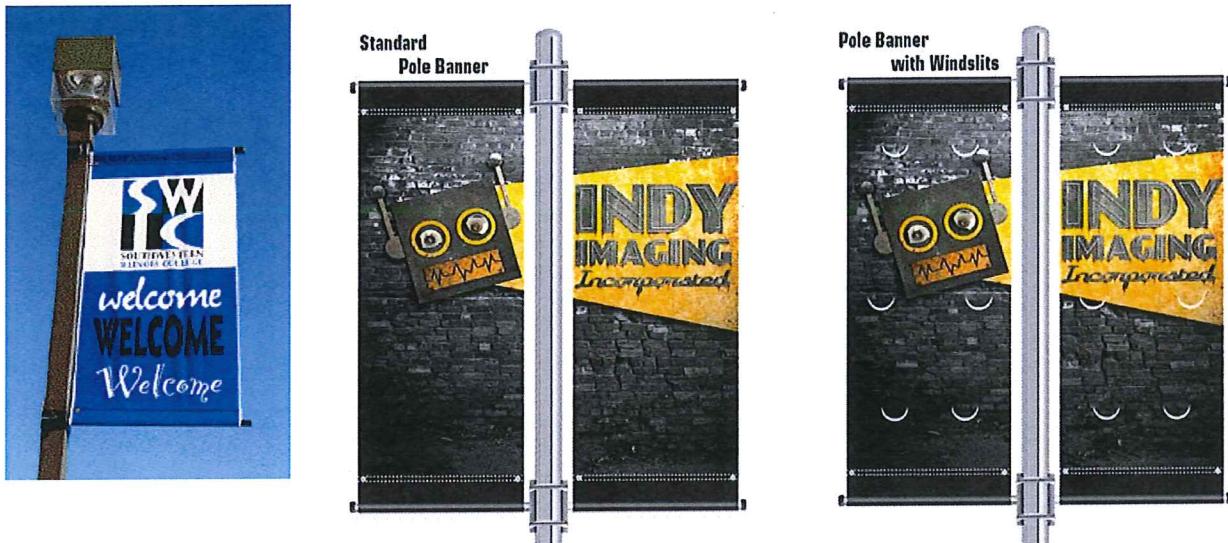
Nonconforming sign: A sign that was lawfully constructed or installed but that no longer complies with the provisions of this chapter.

Off-premises sign: Any sign used or designated to be used to advertise or call attention to any product or service which is produced or conducted at a place other than on the premises on which the sign is located, or to advertise or call attention to any establishment which is not located on the same premises as the sign. This definition includes a "billboard".

On-premises sign: Any sign that relates to the site on which it is located, pertaining to a tenant, business, person, organization, activity, event or place that has a physical presence located on the same site as the sign.

Pole banner: A banner sign that is on private property, and that is mounted to a private light pole or other commercially acceptable decorative metal pole. A pole banner can be a single "pane", or it can be dual with two vertically-oriented panes that are suspended from the support pole opposite and even with one another; the

two panes can have differing, but directly related, subject matter but such must be related in some way to the premises upon which the banner is displayed or to the establishment that occupies the premises.



Political sign: A sign which is primarily political in nature, which supports or opposes any candidate for public office or any proposition to be voted upon at an election, or which makes a political statement in the nature of constitutionally protected noncommercial free speech.

Portable sign: A sign designed to be transported, whether on attached wheels or otherwise and regardless if permanently attached or affixed to the ground or a permanent structure, but excluding construction signs, event signs, realty signs, and sidewalk signs.

Projecting sign: A sign, other than an awning sign or canopy sign, whose outside edge extends a distance from the face of a wall or ceiling and is attached either directly to the structure or to a supporting frame, pole, or similar device or which extends beyond a wall by being attached in a similar manner.

Realty sign: A sign which advertises the property on which it is located for sale, lease, or rent.

Residential development sign: A sign at the entrance to a residential development, such as townhouses, an apartment complex, or residential subdivision, and which identifies only the name, logo, and/or the address of the residential development.

Roof sign: Any sign mounted on or above the roof of a building, a sign which is painted directly on a roof, or a sign which is mounted on a sloping roof in the same plane as the roof.



Sidewalk sign: A sign, regardless of its construction, which is designed to be temporarily placed on the ground or sidewalk adjacent to an establishment in order to advertise or call attention to the goods or services offered at that establishment.



Placard sign: A typically off-premise sign made of any material when such sign is tacked, nailed, posted, pasted, glued or otherwise attached to trees, poles, stakes, fences, other objects or into the ground, and the advertising matter appearing thereon

is not applicable to the use of the premises upon which such sign is located. An off-premise "garage sale" sign is an example. A placard sign is not an incidental sign which is located on the premises of the establishment it is intended to serve.

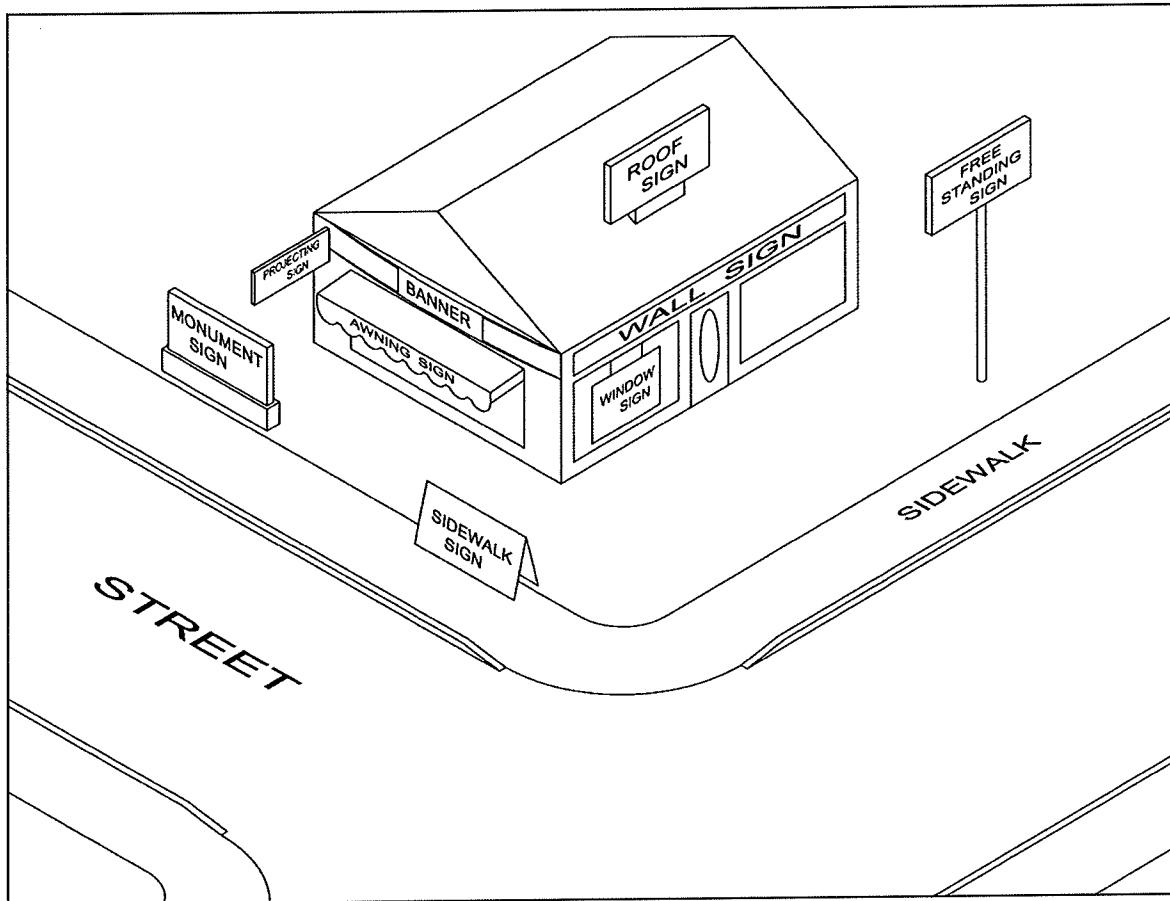


Vehicular sign: A sign attached, mounted, or painted on a vehicle, whether motorized or a trailer and operational or not, and where: 1) the sign is visible from a public right-of-way; and 2) the advertising pertains to a product, service, or business

which is located, conducted, or produced at a place other than on the premises upon which the vehicle is located, especially where the vehicle is left unattended/abandoned for more than two hours. This term does not include a customary sign on a vehicle where the vehicle is being used in the normal course of the vehicle owner's business or is in a vehicle window advertising the vehicle itself for sale or containing an incidental noncommercial statement. This sign does not include a political sign.

Wall sign: A sign, other than a wall-mounted incidental sign, that is mounted parallel to the face of a building.

Window or door sign: A sign or mural (i.e., original art display) which is painted on or placed within three feet inside or upon a window or door, or mounted against a window or door and oriented so as to be read or viewed from a public right-of-way.



Sec. 92-6. - Exempt signs.

The following signs do not require a sign permit from the City; however, these signs are subject to the requirements below and may be subject to construction and electrical standards found within other City ordinances, including its building codes:

- (1) An incidental sign but not exceeding four square feet in area and limited to one per establishment (one for each street frontage for corner/“end-cap” establishments) or more than one as long as the total square footage on each frontage for each establishment does not exceed four square feet.
- (2) A banner but limited to one per establishment and not exceeding 80 square feet in area. The banner shall be: 1) securely attached to and covering a portion of a building or other permanent structure, such as a wall; and 2) remain in good condition without torn or tattered portions.
- (3) A government sign.
- (4) A handheld sign but not exceeding six square feet in area.
- (5) A realty sign, but not exceeding 32 square feet in area, except in all residential areas where the sign area must not exceed six square feet. Realty signs are limited to one sign per street frontage and may be in the form of a banner, in which case, the banner must be mounted on and cover a solid board or a similar rigid product.
- (6) A bulletin board but not exceeding 32 square feet.
- (7) A construction sign but limited to one per street frontage for a building or property undergoing construction and which does not exceed 64 square feet in area within a nonresidential area and 16 square feet within a residential area. Individual contractor signs not exceeding three square feet in area are allowed in addition to the construction sign listed in this subsection. All contractor or construction signs must be removed within 30 days of the completion of the construction project and any sign exceeding eight square feet in area must be set back from the property line to the normal building setback line required in the applicable zoning district.
- (8) A community service sign.

- (9) A flag(s), not exceeding three per establishment at any given time, attached to a building or pole(s). In no case may any flag exceed 150 square feet in area, unless located on property directly adjacent to Interstate 10 in which case the maximum size of a flag shall be 375 square feet with a maximum height of 80 feet and affixed to a properly engineered and permitted flagpole. Flags may not be mounted on a building's roof, shall be securely anchored to the ground and capable of withstanding a 70 mph wind, and shall be set back at least 15 feet from the street right-of-way line.
- (10) The rearrangement or replacement of letters, numbers, characters, or pictures on an existing, permitted sign, provided that the area is not enlarged.
- (11) A political sign which does not: exceed 36 square feet in area, exceed eight feet in height, have any lights, or use any moving elements. A political sign may only be placed on property with the consent of the property owner. No political sign may be placed in, on, or over any public right-of-way or City-owned property, except as authorized within Chapter 70, Chapter III of the City's Code (Electioneering at Polling Locations).
- (12) Window sign but may occupy/cover no more than 25 percent of the total window surface area on any nonresidential building façade that is visible from a public street or alley and shall maintain a neat and legible appearance as viewed from a public street or alley. A window "mural" (i.e., original art display) shall count toward the total allowed window coverage as cited above. Luminous gaseous tubing, LED lights, and other strip lighting attached directly to a window, window frame, door, doorframe, or within 3 feet of a window or door shall be considered a "window sign" when forming a border, when directing attention to a premises, or when forming letters, logos, symbols, or pictorial designs of any kind. Luminaries shall not blink, flash, rotate, scroll, change color, increase or decrease in intensity. In addition to these window sign limitations, electronic/programmable window signs shall also comply with the provisions within Section 92-9.
- (13) Any permanent sign erected on school district property or any other school campus or public athletic facility for the sole purpose of displaying the school's logo, insignia, trademark, catchphrase, motto, or other similar content associated with any of the school's or facility's sports or extracurricular activities. The content may not include any type of

commercial message, including the name and/or logo of an establishment who is sponsoring such school's or facility's activities or events.

- (14) A pole banner, but subject to the following: supporting pole shall be at least 12 feet in height and include a base of four to five inches, an outside diameter of at least four inches, and a wall thickness of at least 0.125 inch; limited to not more than one per pole and one dual banner per each one acre. Where a property is less than one acre, one pole banner is allowed but each additional banner must correlate to at least one full acre, to begin at two acres. No matter the size, no property may use more than 15 pole banners, unless a variance is granted in accordance with this chapter. In addition, each pole banner must be: a) made of a material designed to withstand the weather for at least 30 days; b) 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; c) not greater than 12 square feet in area (each half or "pane"); d) mounted with a minimum vertical clearance height of six feet and eight inches to the bottom of the banner where it overhangs any sidewalk or pedestrian travel surface, and 14 feet above any vehicular parking or circulation surface; e) a maximum pole height of 30 feet; and f) remain in a condition that is not ripped, torn, or faded.
- (15) Business information sign, limited to one per primary entrance(s) into an establishment, not to exceed 3 square feet in area, shall not blink or move, and shall be turned off when the establishment is closed for business unless displaying the word "closed".
- (16) Sidewalk sign, which is only allowed within the Downtown Arts and Culture district, which includes the Downtown Core, and subject to the special standards in Section 92-9.
- (17) Maintenance to a lawfully placed sign, which includes all care and minor repairs needed to maintain a safe, attractive, and finished structure, frame pole, brackets, or surface and that does not enlarge or materially alter any face or display portion of the sign. Replacing a damaged or structurally unsound frame pole with another frame pole on a legally conforming sign of the same size and height is considered maintenance. Changing the copy on a sign without changing the dimensions of the face or the size of the copy is considered maintenance if the sign serves the same establishment or entity after the change.

Sec. 92-7. - Prohibited signs.

The following signs and devices are prohibited:

- (1) Any sign which has been or is erected, altered, repaired, or relocated without having received an applicable permit from the City to include building and electrical codes, or in accordance with the regulations of this chapter.
- (2) Any sign or support, other than those required by governmental authority or for which a street use permit has been issued, which is located on or over the public right-of-way.
- (3) A moving or animated sign, except feather signs which are allowed per Section 92-9.
- (4) No internal or external lighting device used for the illumination of signs may employ sources of light which are directed at streets or any adjacent residential properties. This subsection does not apply to street lights. Any internal or external lighting devices designed to light any sign must have the source of light shielded and not visible from the street or adjacent residential properties, except that light bulbs which do not exceed the lumen output of a 40-watt incandescent bulb may be visible from the street.
- (5) A sign which, by reason of its size, location, movement, content, coloring, or manner of illumination, may be confused with or construed as a traffic control sign, signal, or device, or the lights of emergency or road equipment vehicles or which hide from view any traffic or street sign or signal or device.
- (6) A sign which emits or causes the creation of an audio message or any type of sound.
- (7) A damaged, dilapidated, or deteriorated sign.
- (8) A sign on a vacant (*i.e.*, undeveloped) land parcel.
- (9) A sign located on property which becomes vacant and is unoccupied for a period of 12 months or more or any sign which pertains to a dated event or purpose which no longer applies. This provision does not apply to realty or off-premises signs.
- (10) An unattached or portable sign.

- (11) Vehicular sign.
- (12) Mobile billboard.
- (13) Balloons, and inflatable signs, figures, or devices.
- (14) Beacons.
- (15) Handbills, placard signs, pennants, ribbons, streamers, spinners, flutter flags, pleated fans, windsocks, or strings of any such things or similar devices:
 - a. May not be scattered or placed on or suspended from buildings, poles, sidewalks, trees, fences, or any other structure.
 - b. No person may paste, stick, stack, nail, affix, paint, mark, inscribe, or otherwise place any commercial advertisement, handbill, flyer, placard, poster, inscription or any other type of written matter or object, including any goods, wares, or merchandise, for any commercial purpose upon any building, light or utility pole, post, structure, fence or wall, railing, tree, sidewalk, parkway, driveway, or parking area, or on any other public property other than a sign defined, regulated, and allowed by this chapter or other City ordinance, with the exception of street address numbers that are placed in compliance with City ordinances, and are allowed on curbs and on residential fences to identify house numbers for public safety agencies.

Sec. 92-8. - Regulation of signs within the Downtown Arts and Culture District (DAC), including the Downtown Core (DC).

The following regulations apply to establishments and signs located within the Downtown Arts and Culture District (DAC) and the Downtown Core. Such regulations are in addition to other regulations found within this chapter unless a conflict arises between those provided here and any other, in which case the regulations found within this section will apply:

- (1) Electronic displays, freestanding signs, and feather signs are prohibited within the Downtown Arts and Culture (DAC) district and the Downtown Core.
- (2) Sidewalk signs.

- a. One sidewalk sign is permitted for each establishment within the Downtown Arts and Culture District (DAC) and the Downtown Core;
- b. A sidewalk sign, prior to placement, may be required to apply for and receive a public right-of-way license agreement from the City, which grants authority to use the sign on City property and will provide conditions for its use;
- c. A sidewalk sign may only be used when the establishment to which it refers is open for business and shall be removed upon the close of business;
- d. A sidewalk sign shall be placed in a manner that will not endanger public safety, create a pedestrian or traffic hazard, or create an ADA non-compliant obstacle or barrier in a sidewalk or public right-of-way, such that a clear pedestrian travel pathway of at least four feet is maintained at all times; and
- e. A sidewalk sign shall not exceed eight square feet in area, two feet in width, and four feet in height and shall not exceed a maximum width of 30 inches.

Sec. 92-9. - Regulations for certain types of signs.

The following signs require a permit from the City and shall comply with the following regulations:

(1) Awning signs. An awning sign:

- a. shall not be greater than the width of the awning;
- b. shall not have a height greater than the vertical face only of the awning. For purposes of this subsection, the front vertical surface area for a "bubble" awning is located only on the front of the awning and not on its sides, and comprises the awning surface as measured from the bottom edge to that point on the awning that is less than 45 degrees to the ground plane, as viewed on the elevational view of the awning;
- c. shall not be internally illuminated, but may be illuminated using downward focused wall-mounted "gooseneck" or other decorative wall lighting fixtures, and may not include an electronic display;

- d. shall not be designed and installed as an integral, architectural element of the entire building system, including compatible color and lighting;
- e. shall have a minimum vertical clearance of six feet and eight inches above any sidewalk or pedestrian travel surface and 14 feet above any vehicular parking or circulation surface;
- f. shall not specify any services or products offered for sale or rent on the premises but may consist of the name and/or logo of the business at the location of the awning; and
- g. size counts toward the building's total allowable wall sign area.

(2) *Canopy signs.* A canopy sign:

- a. is limited to one per entrance to an establishment;
- b. shall not extend beyond an edge of the canopy structure to which it is attached;
- c. shall not exceed two-thirds of the width of the canopy facia to which sign is attached; a minimum spacing of ten feet must be provided between canopy signs along the same canopy facia and also around canopy corners;
- d. shall not extend more than two feet either above or below the horizontal underside of the canopy structure;
- e. shall have a minimum vertical clearance of six feet and eight inches above any sidewalk or pedestrian travel surface and 14 feet above any vehicular parking or circulation surface;
- f. shall not specify any services or products offered for sale or rent on the premises other than motor fuel pricing and time/temperature displays which may be electronic/digital in design, but may consist of the name and/or logo of the business at the location of the awning; and
- g. size counts toward the building's total allowable wall sign area if the canopy is attached to a building, such as an attached porte cochere, or toward the site's total allowable freestanding sign area if the canopy is freestanding, such as over motor fuel islands.

(3) *Canopy roof signs.* A canopy roof sign:

- a. is limited to one per establishment;
- b. is allowed only as business identifier mounted parallel to the building wall face on top of a canopy roof which may not extend above the main building roof line. Canopy roof sign area will count against allowed area signage at the establishment and will only be allowed in lieu of a projecting sign or wall sign; and
- c. shall not exceed five feet in height with a maximum length of five feet or ten percent of the width of the canopy or wall to which the canopy is attached, whichever is greater;
- d. shall have a minimum vertical clearance of six feet and eight inches above any sidewalk or pedestrian travel surface, and 14 feet above any vehicular parking or circulation surface;
- e. shall not specify any services or products offered for sale or rent on the premises other than motor fuel pricing and time/temperature displays which may be electronic/digital in design, but may consist of the name and/or logo of the business at the location of the canopy; and
- f. size counts toward the building's total allowable wall sign area if the canopy is attached to a building, such as an attached porte cochere, or toward the site's total allowable freestanding sign area if the canopy is freestanding, such as over motor fuel islands).

(4) *Directional signs.* A directional sign:

- a. shall not contain any commercial message except the name, logo, or other symbolic identification of the establishment;
- b. shall not exceed six square feet in area;
- c. shall not exceed six feet in height;
- d. shall not be placed closer than 5 feet to any property or right-of-way line;
- e. shall be permanently mounted or installed;

- f. May be internally lit or externally lit, provided that the lighting source is fully hidden/shielded from public view, but may not contain an electronic display.

(5) *Electronic displays.* An electronic display:

- a. is only allowed on a sign, per Section 92-9, that is located along, within a distance of 100 feet, and clearly visible from a major thoroughfare or highway, but is only allowed in a residential zoning district on a platted lot if the property is actively used for and operates as a lawful nonresidential use and if the property has at least one frontage on a major thoroughfare or highway, in which case the electronic display may only be placed along such major thoroughfare or highway frontage;
- b. may be used on both on-premise and off-premise signs;
- c. shall not exceed the amount of area that is specifically cited as eligible to be electronic in this Section 92-9;
- d. shall be framed or bordered by at least six inches of masonry, metal, wood or other material that is consistent with the finishes of the building(s) on the same premises as the electronic display;
- e. shall be supplied with underground electrical service from the electric utility's feeder line/pole;
- f. shall be equipped with a properly functioning automatic dimmer and photocell that will automatically adjust the luminance of the sign relative to natural ambient light conditions so that at no time the sign will exceed the luminance limitations of subsection 92-3(14)o.
- g. shall be equipped with a properly functioning default mechanism that will cause the sign to revert immediately to a single, fixed, non-transitory image or to a solid black screen if the sign malfunctions. The owner of an electronic display shall provide the City with current, valid contact information for a person who is authorized and able to turn off the sign, or to render it completely static or solid black-screen, within two hours of notification in the event of a malfunction.
- h. may display black-and-white and/or color images;

- i. shall operate in a way that its message remains static for a minimum of four seconds;
- j. shall operate in a way that all screen transitions, including a fade, occur within one second such that the initial message does not noticeably fade, dissolve or travel;
- k. shall not transition from one display to the next in a manner that requires the viewer to read subsequent displays in order to determine the message being conveyed;
- l. shall not use motion, such as an animated or scrolling message, and may not flash, blink, "strobe", or otherwise give the appearance of movement or significant change in illumination intensity;
- m. shall not emit or cause the creation of an audio message or any type of sound;
- n. may be allowed as a portion of a window sign, as set forth in this section and in Section 92-9;
- o. shall not exceed a light intensity or brightness level of 0.3 foot-candles above natural ambient light conditions. Before issuance of a permit for an electronic display, the applicant shall provide a written certification from the sign manufacturer that:
 - 1. the sign's light intensity has been factory programmed to comply with the maximum brightness and dimming standards of this subsection; and
 - 2. the factory-programmed light intensity settings are protected from end-user manipulation by password-protected software or by other protective security method that is satisfactory to the City.
- p. shall be turned off or only display a solid black screen from 8:00 pm to 6:00 am when located within 200 feet of a residential use or a public park or playground;
- q. the owner and/or operator of an electronic display shall coordinate with local authorities to display, when appropriate, emergency information that is important to the traveling public, such as Amber Alerts or alerts

concerning terrorist attacks or natural disasters. Emergency information messages must remain in the advertising rotation, or static when necessary, according to the protocols of the agency that issues the information per state law.

(6) *Feather signs.* A feather sign:

- a. is limited to five per establishment at any given time;
- b. shall be set back at least five feet from any street right-of-way or other property line;
- c. shall not be displayed more than 20 days within any calendar year; and
- d. a permit will not be issued for less than five days.

(7) *Freestanding signs.*

- a. One freestanding sign, or possibly two if cited as allowed due to amount of street frontage as set forth in Section 92-9, is allowed on nonresidential property for an establishment that does not have a monument sign and is located such that it has frontage along one of the following highways or streets, but excluding the area within the Downtown Core:
 1. State Highways 16, 27, 173, FM 783, Loop 534, and Spur 98;
 2. Holdsworth Drive;
 3. Water Street, for the area between its intersections with State Highway 27 on the west to its termination with State Highway 27 on the east;
 4. Schreiner Street, for the area between its intersections with State Highway 16 and Paschal Avenue;
 5. McFarland Street, for the area between its intersections with Clay Street and Paschal Avenue;
 6. Clay Street, Quinlan Street, and Hays Street, for the area between their intersections with McFarland Street and State Highway 27;

7. Rodriguez Street, for the area between its intersections with McFarland Street and Jefferson Street; and
8. Francisco Lemos Street, for the area between Schreiner Street and Water Street.

- b. A freestanding sign shall not be located on a lot that is less than 50 feet wide. However, where a lot is less than 50 feet wide but is combined within another lot for one business or as part of a commercial complex and the resulting width of the combined lots equal or exceed 50 feet, then one shared freestanding sign is allowed, with an appropriate easement and/or mutual-use agreement, which shall not exceed 20 feet in height and which may be internally lit or externally lit, provided that the lighting source is fully hidden/shielded from public view. In addition, where a freestanding sign is prohibited by the 50-foot lot width requirement, a monument sign will be allowed.
- c. A freestanding sign shall not be located within 50 feet of another freestanding sign and no commercial complex may have more than one shared freestanding sign, without an appropriate easement and/or mutual-use agreement.
- d. A freestanding sign located on a lot between 50 feet and 199 feet in width:
 1. shall not exceed 100 square feet in area, of which a maximum of 32 square feet of the total allowed sign area may be an electronic display;
 2. shall not exceed 30 feet in height;
 3. may be internally lit or externally lit, provided that the lighting source is fully hidden/shielded from public view;
 4. shall not be located within 50 feet of any other freestanding sign; and
 5. Located on a through lot may have one freestanding sign on each of the two parallel street frontages, provided that the signs meet all other requirements of this chapter, including the distance requirement of 50 feet between signs.

- e. A freestanding sign located on a lot between 200 feet and 399 feet in width:
 1. shall not exceed 150 square feet in area, of which a maximum of 32 square feet of the total allowed sign area may be an electronic display;
 2. shall not exceed 35 feet in height;
 3. may be internally lit or externally lit, provided that the lighting source is fully hidden/shielded from public view;
 4. May not be located within 60 feet of any other freestanding sign; and
 5. Located on a through lot may have one freestanding sign on each of the two parallel street frontages, provided that the signs meet all other requirements of this chapter, including the distance requirement of 60 feet between signs.
- f. Up to two freestanding signs, on each street frontage, may be located on a lot 400 feet or greater in width on each frontage. Such a freestanding sign(s):
 1. shall not exceed 200 square feet in area for one sign, of which a maximum of 32 square feet of the total allowed sign area may be an electronic display, and may not exceed 100 square feet for the other sign (if utilized), of which a maximum of 32 square feet of the total allowed sign area may be an electronic display;
 2. shall not exceed 40 feet in height for the larger sign and 30 feet for the smaller one, if any;
 3. may be internally lit or externally lit (provided that the lighting source is fully hidden/shielded from public view); and
 4. shall not be located within 70 feet of any other freestanding sign.

(8) *Lighted signs.* An establishment may only have one lighted window or door sign per establishment, per street frontage, and such sign not to exceed three square feet in area. Such signs shall not blink or move and shall be turned off when the establishment is closed for business.

(9) *Model home signs.* A model home sign:

- a. may be installed but only on the site of a model home and is limited to one per site;
- b. shall not exceed 16 square feet in area or six feet in height;
- c. shall be placed at least five feet from any property or right-of-way line, and not within an easement;
- d. shall not be internally illuminated, but may have a fully hidden/shielded external light source only, and shall not contain an electronic display; and
- e. shall be immediately removed after 100 percent of the lots within the subdivision are sold by the developer or successor in interest, including the model home.

(10) *Monument signs.*

- a. One monument sign is allowed for each establishment that does not have a freestanding sign and is located on property that is 50 feet or less in width, such sign:
 1. shall not exceed 32 square feet in area of which a maximum of 100% of the sign area may be an electronic display;
 2. shall not exceed six feet in height, except in instances where a freestanding sign is allowed, in which case the height may not exceed the allowable height for the freestanding sign;
 3. shall not be located within 25 feet of another freestanding sign;
 4. may be internally lit or externally lit, provided that the lighting source is fully hidden/shielded from public view; and
 5. shall be anchored in a native colored masonry or similar material to the building(s) constructed on the property.
- b. One monument sign is allowed for each establishment that does not have a freestanding sign and is located on property that exceeds 50 feet in width, such sign:

1. shall not exceed 64 square feet in area, of which a maximum of 32 square feet of the total sign area may be an electronic display;
2. shall not exceed eight feet in height above the top of the adjacent street or driveway level, except in instances where a freestanding sign is allowed, in which case the height may not exceed the allowable height for the freestanding sign;
3. shall not be located within 50 feet of another monument or freestanding sign;
4. may be internally lit or externally lit, provided that the lighting source is fully hidden/shielded from public view; and
5. shall be anchored in a native colored masonry or similar material to the building(s) constructed on the property.

c. In the case of a commercial complex, one shared monument sign is allowed, with an appropriate easement and/or mutual-use agreement. Such a monument sign:

1. shall not exceed 100 square feet in area, of which a maximum of 32 square feet of the sign area may be an electronic display;
2. shall not exceed 15 feet above the top of the adjacent street or driveway level, except in instances where a freestanding sign is allowed, in which case the height may not exceed the allowable height for the freestanding sign;
3. shall not be located within 60 feet of another monument or freestanding sign;
4. may be internally lit or externally lit (provided that the lighting source is fully hidden/shielded from public view); and
5. shall be anchored in native colored masonry or similar material to the building(s) constructed on the property.

(11) *Murals.* A mural:

- a. shall occupy only one façade of any building.

- b. shall only be placed on the vertical façade of a building and may not exceed or protrude beyond the building façade's width or height; and
- c. shall be professionally applied by an experienced mural-painting artisan(s) using paint/media that will weather well and will generally remain legible and in its original appearance for at least five years following application.

(12) *Off-premises, freestanding signs.* All off-premises signs, to include billboards, are defined as freestanding signs and are required to meet the same standard as any other freestanding sign as follows:

- a. shall not exceed 100 square feet in area, of which a maximum of 32 square feet of the total allowable sign area may be an electronic display;
- b. shall not exceed 30 feet in height;
- c. may be internally lit or externally lit (provided that the lighting source is fully hidden/shielded from public view); and
- d. no off-premises sign may be located on any vacant (*i.e.*, undeveloped) or unplatte land parcel, nor may it be located on a platted lot that is less than 50 feet in width. The off-premises advertising sign located on any lot will be considered as the one freestanding sign allowed for the lot. Any existing or future building or business located on the same lot will not be allowed to erect or place another freestanding sign on the same building lot with the off-premises advertising sign.

(13) *Projecting signs.* A projecting sign:

- a. is limited to one per entrance to an establishment with a minimum spacing of ten feet provided between such signs;
- b. shall not exceed 16 square feet in area within any residential zoning district or 32 square feet in area within a nonresidential zoning district;
- c. shall not exceed 20 feet in height;
- d. shall not extend more than nine feet above the roofline, or top edge of parapet of the building, or more than nine feet beyond the end of the

wall to which it is attached, as measured from such roofline or wall face to which the sign is attached, as applicable;

- e. attached to a building on private property shall not extend over any public right-of-way except a sidewalk adjacent to a building which is lawfully built up to the public right-of-way;
- f. shall not be internally illuminated or contain an electronic display;
- g. shall have a minimum vertical clearance of six feet and eight inches above any sidewalk or pedestrian travel surface, and 14 feet above any vehicular parking or circulation surface;
- h. shall not specify any services or products offered for sale or rent on the premises but may consist of the name and/or logo of the business at the location of the building the sign is attached to; and
- i. size counts toward the building's total allowable wall sign area.

(14) *Residential development signs.* A residential development sign:

- a. shall not exceed 32 square feet in area with six or fewer residential units and the lesser area of either five square feet per residential unit or 50 square feet in total if more than six residential units;
- b. shall not be internally illuminated or contain an electronic display; and
- c. shall become common property of the condominium development or the subdivision homeowners and shall include adequate assurance within the condominium regime or restrictive covenants that the sign(s) and associated landscaped area(s), if present, shall be owned and properly maintained in perpetuity by the condominium or homeowners association.
- d. shall not be located within public right-of-way or within any public or utility easement.

(15) *Roof signs.* A roof sign:

- a. is allowed but only for an establishment that chooses not to install or use a wall sign;
- b. shall not exceed the height of the apex of the roof;

- c. shall not exceed 12 percent of the square footage of the area of the front building façade, which is limited to the width of specific space for establishments located within a commercial complex; and
- d. placed on a flat roof or a roof with a pitch of three on 12 shall not exceed four feet in height.

(16) *Wall signs.* A wall sign:

- a. is allowed for each wall but shall not exceed 12 percent of the square footage of the facade to which the sign is mounted;
- b. shall be securely mounted to and supported by the wall throughout the length and width of the sign;
- c. may be internally lit only if composed of individual cutout words and/or figures, unless otherwise restricted by zoning or private restrictions/covenants;
- d. shall not contain an electronic display;
- e. shall not project over any public land or public right-of-way or extend more than one foot from the face of the wall to which the sign is mounted, or extend at any point above or beyond the end of such wall; and
- f. may be painted directly on the building wall, provided that such sign is professionally applied by an experienced painting artisan(s) using paint/media that will weather well and will generally remain legible and in its original appearance for at least five years following application.

Sec. 92-10. - Prohibited sign locations.

No sign may be located within the City or extraterritorial jurisdiction as follows:

- (1) No sign shall be placed on or attached to any tree; fence, except for agricultural-related perimeter fences or gates which may display the address and name of the property's owner/occupant; a freestanding wall, such as a screening wall; post or pole; accessory building; agricultural- or farm-related building or structure; or non-habitable building or structure.
- (2) No sign shall be placed on or attached to any utility pole or pedestal, except by a utility company owning the pole or pedestal or operating facilities mounted on the pole or in the pedestal.

- (3) No sign or part of a sign, including mounting fixtures and supporting structures, shall be located on or above any City property to include public rights-of-way, except as permitted by other provisions of this chapter and Chapter 70, Chapter III of the City's Code (Electioneering at Polling Locations).
- (4) No sign or part of a sign, including mounting fixtures and supporting structures, which is mounted above or projects over any sidewalk, recreational trail, street, drive, or parking area, whether on public or private property, shall be hung with less than eight feet of vertical clearance above the sidewalk or pedestrian travel surface or less than 14 feet of vertical clearance above any vehicular parking or circulation surface.
- (5) No sign or part of a sign or its support structure shall be located between two feet and ten feet above the established ground level within the area of a clear sight triangle for traffic extending 25 feet in each direction from the point of a street intersection as measured along the projected right-of-way lines for two streets, and as measured along a street right-of-way line and the pavement edge for private driveways and fire lane entrances.
- (6) No sign shall be located closer than 12 feet to a power line.
- (7) No lighted sign and no permanent sign shall be mounted or placed on or extended above the side wall or rear wall of any building, or be located in the side yard or rear yard of any lot or tract of land, when such sign faces upon and is visible from a contiguous residential area not separated from the building, lot, or tract containing the sign.

Sec. 92-11. - Sign permits.

(a) *Permit and fee required.* No person may install, place, rebuild, alter, enlarge, extend, convert, replace, repair, or relocate those signs specified within Sections 92-8 and 92-9, without first obtaining a sign permit from the City. For purposes of this subsection, "repair" is defined as work or alterations required to be done to a sign which amounts to 50 percent or more of the value of the sign. Each permit will be granted for one year. Signs not requiring a sign permit may, however, require a permit pursuant to the City's building codes. Each application for a sign permit must be accompanied by the appropriate fee established by City Council and by such drawings, descriptions, and specifications as determined by the City to be necessary for review of the application. Upon receipt of an administratively complete

application and the requisite fee(s), the City will approve or deny said permit as soon as possible but in no instance longer than 30 days of receipt thereof.

(b) *Exemptions from permit requirement.* The following actions are exempt from the requirement of a sign permit: repainting or replacing letters or characters on an existing sign, provided that the area of the sign is not enlarged and that the height of the sign is not increased, and that the sign does not advertise or announce a new/different business; changing the copy on a bulletin board or changeable copy sign; and replacing the fabric or other material of an awning sign when no other change is made to the sign.

(c) *Expiration of certain permits.* A sign permit for any sign whose use is limited to a time period specified by this chapter or whose removal is required at a certain time by this chapter, will be issued for a specified term which shall not exceed the time limit established by this chapter.

(d) *Enforcement.* Following the issuance of a sign permit by the City, it is unlawful to change, modify, alter, or otherwise deviate from the terms and conditions of the permit without prior approval of the City. Where the City obtains evidence of a sign that was installed, constructed, rebuilt, altered, enlarged, extended, converted, replaced, repaired, or relocated in violation of this chapter or any other regulation of the City, the City may require the responsible party to remove it. If the responsible party fails to remove the sign within 72 hours after being notified to do so, or if it appears to the City that the illegal sign placement or configuration poses an immediate danger to the public, then such sign may be removed by the City and the City's actual cost of removal will be charged to the responsible party. The City will impound any sign so removed and will not return it to the responsible party until all applicable charges are paid. If any sign remains unclaimed for a period of more than 30 days, the City may destroy, sell, or otherwise dispose of the sign.

(e) *Suspension or revocation of permit.* The City may suspend or revoke any sign permit issued under the provisions of this chapter upon a determination that the permit was issued on the basis of incorrect or false information provided by the applicant. The suspension or revocation is effective immediately upon written notice being personally delivered or mailed to the person to whom the sign permit was issued at the address provided by the applicant in the respective sign permit application, to the owner or benefactor of the sign, or to the owner of the premises upon which the sign is located. Any sign installed under a revoked sign permit shall be removed by the permit

holder, sign owner, or property owner within 15 days following the hand-delivery or the mailing postmark of the written notice of the revocation.

(f) *State law.* Per the Administrative Rules of the Texas Department of Licensing and Regulations (TDLR), only a contractor who has a Texas Electric Contractor License (TECL) or a Texas Sign Contractor License (TSCL) may perform or “offer to perform” any electrical sign installation, including an electronic display. The design of an electrical sign, including an electronic display, shall only be done by a licensed master electrician, master sign electrician, or design professional as authorized by statute. The design shall not be subcontracted to an unlicensed person, firm, or corporation.

Sec. 92-12. - Sign maintenance.

(a) *Maintenance required.* All signs shall be maintained in a structurally safe condition and in good repair. The City will notify by actual notice and/or certified mail, the responsible party for any sign not so maintained and the responsible party shall perform the necessary maintenance or repairs within 30 days following the postmark date on the notice. The City may remove any sign not repaired within the allotted time and the actual cost of such removal will be charged to the responsible party. If the City removes an unmaintained or disrepairs sign and the sign remains unclaimed for a period of more than 30 days, the City may destroy, sell, or otherwise dispose of the sign without notice or liability.

(b) *Removal of hazardous signs.* Any sign which in the judgment of the City has become an imminent hazard to public safety, either because of an incident of damage or because of neglect of maintenance, shall be repaired or removed by the responsible party without delay. Notice of the existence of the hazard will specify the maximum time allowed for repairs or removal in order to ensure public safety and the notice may be served upon the responsible party by any means available. A hazardous sign which is not repaired or removed within the time specified in the notice will be removed by the City and the cost of such removal shall be charged to the responsible party. If the City removes a sign and the sign remains unclaimed for a period of more than 30 days, the City may destroy, sell, or otherwise dispose of the sign.

Sec. 92-13. - Nonconforming signs.

(a) *Continuation in use.* The lawful use of signs in existence at the time of the adoption of this chapter, including a sign which does not comply with the

regulations contained in this chapter, may continue as a legal, nonconforming sign, except as follows:

- (1) Temporary signs such as inflatable signs, figures, or devices, which are prohibited, must be removed within 30 days of the adoption of this chapter;
- (2) An electronic display must comply with the operational regulations found with Section 92-9 within 30 days of the adoption of this chapter;
- (3) Where an electronic display exceeds 32 square feet but is prohibited by this chapter from exceeding this size, such sign may be replaced to equal its existing area but may not exceed this area; and
- (4) If the use of any nonconforming sign is discontinued for a period of 180 consecutive days or more, then the responsible party shall remove or alter the sign to meet the regulations found within this chapter and any future use of the sign must fully comply with this chapter.

(b) *Limitations on modification.* No nonconforming sign may be enlarged in area, increased in height, moved, altered, or remodeled unless and until its construction, area, height and location are all in conformity with this chapter. A nonconforming sign may be repainted and the letters or characters on the sign may be rearranged or replaced, however the changes cannot be made to advertise a new business.

(c) *Removal of damaged, dilapidated and deteriorated signs.* A responsible party shall remove a nonconforming sign which is damaged by any cause to the extent of 50 percent or more of its value within 30 days of the damage. A nonconforming sign damaged to the extent of 50 percent or more of its value may not be replaced or rebuilt except by a sign that complies with this chapter. Dilapidated and deteriorated signs, conforming or nonconforming, shall be removed within 30 days following the postmark date of the written notice by the City to do so.

Sec. 92-14. - Variances.

(a) *Application.* Any person, business, or other organization desiring to continue in use, locate, construct, or otherwise place any sign or mural which does not conform to the provisions of this chapter may make application to the Planning and Zoning Commission for a variance to continue in use, locate, construct, or otherwise place such a sign.

(b) *Process.* An application for a variance must be filed with the City and include the following:

- (1) Name/address of the applicant/owner;
- (2) Address and legal description of the property;
- (3) Statement that the applicant is the owner of the property, represents the owner, or is acting pursuant to a contract for sale with the written permission of the owner;
- (4) Site plans, elevations, improvement plans, and such other drawings or depictions, including photographs that sufficiently indicate property lot lines; the location, appearance, and intended use of building/structures and signs on the property; location of other improvements, parking and loading areas, vehicular and pedestrian access, landscaped areas, and utility service lines; and the approximate location of buildings/structures and signs located on adjacent properties;
- (5) A drawing or sketch in sufficient detail to determine the location and type of construction for the proposed sign; and
- (6) Fee established by City Council.

(c) *Administrative timeline.* Upon receipt of an administratively complete application, as determined by the City, and accompanied by the requisite fee, the Commission will approve, approve with modifications, or deny said variance within 30 days of receipt thereof.

(d) *Preliminary conference.* The applicant must meet with the City to consider alternatives and the nature of the application prior to or during the application process.

(e) *Public hearing.* The Commission shall hold a public hearing on each application for a variance using the same notice requirements as required for Commission hearings conducted for zoning code amendments. At the public hearing, the Commission shall review the application and receive pertinent evidence concerning the proposed variance.

(f) *Report of the development services department.* The City's Development Services Department shall review the application prior to the hearing.

(g) *Action by the Planning and Zoning Commission.* The Commission may grant the variance as presented or in a modified form or subject to conditions, or it may deny the application on the grounds of being incompatible with a neighboring use(s), traffic safety, the purpose statements as listed in this chapter, or that it will give a business an unfair competitive advantage over other businesses. The Commission may impose such conditions or requirements in a variance as are necessary in its judgment to protect the overall character of the community and to achieve the fundamental purposes of this chapter and the City's development plan and other regulations. A responsible party who fails to comply with any such conditions or requirements is in violation of this chapter.

(h) *Evaluation criteria.*

(1) The Commission must use the following criteria when considering variances to this chapter and no variance may be granted until it makes the following findings whether collectively :

- a. That there are exceptional circumstances or conditions applicable to the property on which the application is made related to size, shape, area, topography, surrounding condition(s) or location that do not apply generally to other property in the same area and/or the same zoning district;
- b. That exceptional circumstances or conditions are such that literal enforcement of the provisions of this chapter would result in an unnecessary hardship inconsistent with the general purpose and intent of this chapter;
- c. That the granting of such variance will not be contrary to the public interest, materially detrimental to the public welfare, or injurious to the property or improvements in the zoning district or area in which the property is located;
- d. That the granting of such variance will not be contrary to the objectives and principles contained in the City's comprehensive plan;
- e. That the variance to be granted is the minimum variance that will relieve the proven hardship;

- f. That the variance is not being granted to relieve the applicant of conditions or circumstances:
 - 1. Which are not inherent in the property itself, but are the result of the use or development of the property;
 - 2. Which are caused by a division of land on or after June 16, 1997, other than a division of land resulting from the sale of a property interest to a governmental entity, which division of land caused the property to be unusable for any reasonable development under the existing regulations; or
 - 3. Which were otherwise self-imposed by the present or a previous owner;
- g. That the variance is not grounded solely upon the opportunity to make the property more profitable or to reduce expense to the current or any future owner;
- h. That the variance would not modify or effectively repeal any development or use regulations set forth in a conditional use permit or an ordinance or resolution adopting a development site plan or establishing a special use district or planned development district which are in addition to the generally applicable use and development regulations set forth in the City's zoning code; and
- i. That the variance would only affect a specific sign and is not of such a general nature as to effectively constitute a change in zoning.

(2) No variance may be granted for signs that are listed as a prohibited sign.

(i) *Conditions of variances.* If a variance is granted and the sign so authorized is not substantially under construction within 180 days following the date of approval of the variance, the variance shall immediately and automatically lapse and become of no force or effect.

Sec. 92-15. - Relation to other ordinances.

This chapter will not be construed to require or allow any act that is prohibited by any other City code or ordinance. This chapter is specifically subordinate to any other ordinance or regulation of the City pertaining to building and construction safety or to pedestrian and traffic safety.

Sec. 92-16. - Severability.

If any portion of this chapter or any section or subdivision thereof be declared unconstitutional or in violation of the general laws of the state, such declaration will not affect the remainder of this chapter which will remain in full force and effect.

Sec. 92-17. - Enforcement.

(a) *Violations and penalties.* Wherever by the provisions of this chapter the performance of any act is required or the performance of any act is prohibited, or wherever any regulation, dimension, or limitation is imposed on the location, design, or use of any sign, a failure to comply with the provisions of this chapter will constitute a violation of this chapter. The City Manager may institute any appropriate action or proceedings to prevent the unlawful installation, construction, reconstruction, relocation, alteration, repair, or use of any sign and to restrain, correct, or abate such violation. Every day on which a violation exists will constitute a separate violation and a separate offense. The penalty for each offense will not exceed \$2,000.00 but in no case will the fine for any violation hereof be less than \$200.00.

(b) *Civil remedies.* Nothing in this chapter may be construed as a waiver of the City's right to bring a civil action to enforce the provisions of this chapter and to seek remedies as allowed by law, including the following:

- (1) Injunctive relief to prevent specific conduct that violates the chapter or to require specific conduct that is necessary for compliance with the chapter; and
- (2) A civil penalty up to \$500.00 a day when it is shown that the defendant was notified of the provisions of the chapter and after receiving notice committed acts in violation of the chapter or failed to take action necessary for compliance with the chapter; and
- (3) Any other remedy available by law.



**TO BE CONSIDERED BY THE CITY COUNCIL
CITY OF KERRVILLE, TEXAS**

SUBJECT: Ordinance No. 2019-22. An Ordinance creating a "Planned Development District" for agricultural, commercial, mixed-use, office, open space, residential, and wireless telecommunication facilities on tracts of land making up an approximate 264.22 acres, as defined herein, and within the City of Kerrville, Kerr County, Texas; and more generally located southeast of the intersection of Farm-to-Market Road 783 (Harper Highway) and Interstate 10 and adjacent to and north of Holdsworth Drive; adopting a concept plan and conditions related to the development of said district; repealing Ordinance Nos. 2004-15 and 2017-19, which established the previous zoning of the property, containing a cumulative clause; containing a savings and severability clause; establishing a penalty or fine not to exceed \$2,000 for each day of violation of any provision hereof; ordering publication; and providing other matters relating to the subject.

AGENDA DATE OF: September 10, 2019 **DATE SUBMITTED:** Sep 04, 2019

SUBMITTED BY: Drew Paxton

EXHIBITS: [20190910_Ordinance_2019-22 Planned Development District PDD at Holdsworth and Harper Highway.pdf](#)
[20190910_EXHIBIT A_for Ord 2019-22 PDD Holdsworth - Harper Road.pdf](#)
[20190910_EXHIBIT B DRAFT_Ord 2019-22 Land Use Table Draft.pdf](#)
[20190910_EXHIBIT C DRAFT_Ord 2019-22 Concept Plan-PDD_draft.pdf](#)

Expenditure Required:	Remaining Budget Balance in Account:	Amount Budgeted:	Account Number:
\$0	\$0	\$0	N/A

PAYMENT TO BE MADE TO: N/A

Kerrville 2050 Item?	Yes
Key Priority Area	L - Land Use
Guiding Principle	N/A
Action Item	N/A

SUMMARY STATEMENT:

The proposed Planned Development District is replacing the previously approved PDD. The proposed development includes a mixture of agricultural uses, commercial, mixed-use, office, open space, residential, and wireless telecommunications facilities uses on approximately 264.22 acres located along Holdsworth Drive east of Town Creek Road.

Consistency with the Kerrville 2050 Comprehensive Plan: The property is located in Strategic Catalyst Area 5. Preservation of the hills which are characteristic of the Texas Hill Country is an important priority for this area. Residential, commercial, and entertainment mixed use uses are recommended in this area.

Adjacent Zoning and Land Uses

Subject Property

Current Zoning: Planned Development District (PDD) 2004-15, PDD 2017-19, and Single Family Residential (R-1)

Existing Land Uses: Vacant

Direction: North

Current Zoning: Single Family Residential (R-1) and outside of the City limits

Existing Land Uses: IH-10 and single family residential

Direction: East

Current Zoning: Residential Cluster (RC) and outside of the City limits

Existing Land Uses: Vacant

Direction: South

Current Zoning: PDD 2004-15, Single Family Residential (R-1), Single Family Residential with Apartment (R-1A), and outside of the City limits.

Existing Land Uses: Kerrville Sports Complex, single family residential, and vacant

Direction: West

Current Zoning: Single Family Residential (R-1) and outside of the City limits

Existing Land Uses: Single-family residential, vacant, and public utilities

Current land uses and design standards were adopted by Ordinances 2004-15 and updated by Ordinance 2017-19.

The change in zoning is being sought in order to establish a Planned Development District with the proposed uses detailed in Exhibit B.

Thoroughfare Plan: Holdsworth Drive is designated a Secondary Arterial. Secondary arterials primarily serve local trips of moderate length, support circulation and access in localized areas with higher traffic volumes, and connect to the principal arterials. Kerrville's standard cross section for a secondary arterial is a four-lane undivided roadway. In higher activity areas, the City may consider an alternate design with two through lanes and a center two-way left-turn lane. This also provides the option of allocating right-of-way width for other uses such as bike lanes, pedestrian facilities, and/or on-street parking. The current cross-section of Holdsworth Drive is a four lane divided roadway with a center medians, designated bicycle lanes, and sidewalks on both sides.

Town Creek Road is designated a Collector and Cailloux Boulevard is designated a proposed Collector. Collectors provide the necessary connectivity through and between residential neighborhoods and support circulation in nonresidential activity centers. A typical collector in

Kerrville is a two-lane divided roadway with a center turn lane. In constrained areas, a two-lane undivided roadway may be appropriate so that a portion of the right-of-way could be used for pedestrian space or on-street parking.

Traffic Impact: To be determined

Parking: To be determined

RECOMMENDED ACTION:

Approve the ordinance for the Planned Development District.

CITY OF KERRVILLE, TEXAS
ORDINANCE NO. 2019-22

AN ORDINANCE CREATING A “PLANNED DEVELOPMENT DISTRICT” FOR AGRICULTURAL, COMMERCIAL, MIXED-USE, OFFICE, OPEN SPACE, RESIDENTIAL, AND WIRELESS TELECOMMUNICATION FACILITIES ON TRACTS OF LAND MAKING UP AN APPROXIMATE 264.22 ACRES, AS DEFINED HEREIN, AND WITHIN THE CITY OF KERRVILLE, KERR COUNTY, TEXAS; AND MORE GENERALLY LOCATED SOUTHEAST OF THE INTERSECTION OF FARM TO MARKET ROAD 783 (HARPER HIGHWAY) AND INTERSTATE 10 AND ADJACENT TO AND NORTH OF HOLDSWORTH DRIVE; ADOPTING A CONCEPT PLAN AND CONDITIONS RELATED TO THE DEVELOPMENT OF SAID DISTRICT; REPEALING ORDINANCE NOS. 2004-15 AND 2017-19, WHICH ESTABLISHED THE PREVIOUS ZONING OF THE PROPERTY; CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; ESTABLISHING A PENALTY OR FINE NOT TO EXCEED \$2,000 FOR EACH DAY OF VIOLATION OF ANY PROVISION HEREOF; ORDERING PUBLICATION; AND PROVIDING OTHER MATTERS RELATING TO THE SUBJECT

WHEREAS, the Planning and Zoning Commission of the City of Kerrville, Texas and the governing body of the City of Kerrville, in compliance with the laws of the State of Texas and the ordinances of the City Kerrville, have given requisite notice by publication and otherwise, and after holding due hearings and affording a full and fair hearing to all property owners generally and to all persons interested and situated in the affected area and in the vicinity thereof, the governing body, in the exercise of the legislative discretion, has concluded that the Zoning Ordinance and Zoning Map should be amended as to the property, as described below;

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

SECTION ONE. The property described in **Exhibit A** (the “Property”) is placed within a newly created Planned Development District (“PDD”) for development and use as provided herein.

SECTION TWO. The Property may be developed and used but only in accordance with the following conditions:

A. Permitted Uses: The uses specified within *Table 1. Land Uses*, attached as **Exhibit B**, are permitted within the Planned Development District subject to the conditions provided herein and the applicable regulations for

each use as provided within the City of Kerrville, Texas Zoning Code (Chapter 60, Code of Ordinances) (“Zoning Code”) as adopted by City Council on August 27, 2019, and effective as of October 1, 2019. Such uses of the Property shall be permitted only in the location shown on the Concept Plan, attached as **Exhibit C**. Should a desired alteration or change in use represent a substantial departure from this approved plan, then such may be allowed only after resubmittal of the amended plan to the City, and the same approval process applicable to amendments to the Zoning Code.

B. Wireless Telecommunications Facility. Pursuant to subsection A, above, and *Table 1, Land Uses*, a Wireless Telecommunications Facility, as defined by the Zoning Code, is a permitted use within the Communications District. Such use is subject to the following:

1. The total height of the WTF shall not exceed 320 feet, which shall include any base but shall not include a lightning rod or antennas, but which in such case shall not exceed an additional twenty feet (20.0').
2. The WTF shall be setback from all property lines in a distance equal to at least fifty percent (50%) of its total height.
3. The WTF and its ancillary equipment shall be designed and constructed to accommodate the co-location and use by up to three (3) other WTFs utilizing equipment of a similar nature and type. Such co-location requirement shall be subject to each additional user not causing electromagnetic interference with an existing antenna on the WTF. The applicant shall submit a letter with an application for a building permit confirming the adherence to the co-location requirement.
4. The WTF shall be enclosed by decay-resistant security fencing not less than eight feet (8.0') in height and equipped with an appropriate anti-climbing device or other similar device, excluding razor wire, to prevent unauthorized site access.
5. The owner and/or operator of the WTF and its site is responsible for the periodic and consistent inspection and maintenance of the WTF and its site. Such person(s) shall provide ownership and contact information to the City and if the information changes, shall immediately update City as to such change. The owner and/or operator shall prevent the WTF or

its site from entering a state of disrepair due to negligence, vandalism, natural hazard, or any other source of disrepair.

6. The WTF shall be illuminated only as necessary to comply with the Federal Aviation Administration (FAA) or other state and federal laws. However, security lighting may be used as long as it is designed and installed to prevent glare or any light spillover onto adjacent properties.
7. The WTF shall not be used to exhibit any signs, writing, symbols, or any graphic representation of any kind other than safety related signs and any sign required by state or federal laws.
8. A building permit must be obtained from City prior to construction of a WTF. The building permit application shall include:
 - a. Certification of compliance with Federal Communications Commission (FCC) regulations and emission standards.
 - b. Notification of an impending Environmental Assessment (EA) required by the National Environmental Protection Agency (NEPA) and a copy when the assessment is completed.
 - c. A letter addressed to City declaring an intent and willingness to construct a proposed tower that would allow at least three (3) other service providers to co-locate on the tower.
9. The owner and/or operator of the WTF shall notify the City in writing if the use will be discontinued and the date such abandonment will occur. If the use of the facility is discontinued for a continuous period of 180 days, City may declare the facility to be abandoned, which excludes any dormancy period between construction and the initial use of the facility. City shall provide the owner and/or operator with written notice which will instruct the owner and/or operator to either re-activate the facility's use within ninety (90) days or dismantle and remove the facility within such time. If re-activation or dismantling does not occur within ninety (90) days, City may remove the facility or cause it to be removed and assess the costs to the owner and/or operator. In the case of a WTF which has multiple users pursuant to the co-location requirement provided herein, this provision does not become effective until all users have abandoned the WTF. However, the City may cause the abandoned

portions of systems on the multi-use WTF to be removed in accordance with this provision.

- C. **Prohibited Uses:** Any use not specifically allowed pursuant to subsection A, above, is expressly prohibited.
- D. **Concept Plan:** The development and use of the Property shall be substantially in accordance with the Concept Plan attached as **Exhibit C**, hereafter referred to as the “Concept Plan”. Modifications to streets, number and alignment of buildings, building areas and footprints, open spaces, and pedestrian access shown on the Concept Plan may be made at the time of Site Plan approval, as specified in subsection E, below, so long as the general alignment of streets and defined areas are substantially maintained and the location and total acreage of such areas are not altered.
- E. **Development Site Plan:** Prior to the City’s acceptance of any civil construction or building plans, a Development Site Plan shall be submitted to the City pursuant to its regulations.
- F. **Density:** The number of units per lot and the number of units per acre are limited to the specific amounts and locations specified on the Concept Plan.
- G. **Setbacks and Height:** Front, side, and rear setbacks, number of stories and height shall be consistent with the Zoning Code except as specified on the Concept Plan and subsection B, above.
- H. **Lot Coverage:** The maximum building gross floor areas will comply with the Zoning Code, except as specified on the Concept Plan.
- I. **Open Spaces:** All landscaped communal open spaces within the Property, such as the “gardens” and/or “paths” shall be maintained and managed by a Property Owners Association (POA).
- J. **Parking:** The design, number of parking spaces, and aisle dimensions shall comply with the City regulations in effect at the time individual building permits are submitted to the City unless as specified on the Concept Plan. All required parking spaces shall be constructed of asphalt, concrete or other acceptable materials and shall be marked and kept available for residents, customers, and employees.

K. Parking Lot Lighting: All outside pole lights shall be of a “shoe box” design and shall be located, shielded, and aimed in such a manner so as not to allow light to directly fall on adjacent roadways and/or properties.

L. Parking Lot and Travel Lane Surface: The vehicle and pedestrian traveling lanes and storage areas shall be asphalt, concrete, or such other surface in order to prevent mud, dirt, or other loose materials from being removed from the Property and tracked onto the public rights-of-way by vehicles traveling from the Property.

M. Sidewalks: The construction of sidewalks shall be required and constructed in accordance with City regulations in effect at the time building permits are submitted.

N. Signage: The design, installation, location, and maintenance of signs shall comply with City sign regulations existing at the time of permitting for the sign.

O. Landscaping Regulations: Landscaping shall be installed in accordance with the following:

1. Planting materials planted on the Property shall be native plants or from the list of recommended plants set forth in the most recent edition of *Recommended Plants for the Kerrville Area* published by the City at the time of planting.
2. All landscaping shall be maintained in a healthy, growing condition.

P. Screening: Screening shall be required in accordance with City regulations in effect at the time individual building permits are submitted to the City.

Q. Trash and Other Solid Waste: Solid waste collection bins and dumpsters shall be equipped with lids and screened with a gate with an opaque screen on one side and material finished to look substantially like the adjacent building(s) on the remaining three sides.

R. Outdoor Storage and Display: The outdoor storage of any materials, supplies, inventory, and/or equipment, whether in cargo containers or

similar containers or buildings, is prohibited except on a temporary basis for construction-related purposes, or pursuant to subsection A, above.

S. Platting: The development of this Property shall be subject to the City's Subdivision Regulations.

SECTION THREE. The City Manager or designee is authorized and directed to amend the City's official zoning map to reflect the change in districts adopted herein and to take other actions contemplated by and in accordance with the City's Zoning Code.

SECTION FOUR. The provisions of this Ordinance are to be cumulative of all other ordinances or parts of ordinances governing or regulating the same subject matter as that covered herein; provided however, to the extent of any irreconcilable conflict with the provisions of this Ordinance and other ordinances of the City of Kerrville governing the use and development of the Property and which are not expressly amended by this Ordinance, the provisions of this Ordinance shall be controlling. Ordinance Nos. 2004-15 and 2017-19, which provided zoning for the Property, are hereby repealed.

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. City Council hereby 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 1-7, Chapter 1 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 SEVEN. In accordance with Section 3.07 of the City Charter and Texas Local Government Code §52.013(a), 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 the law as an alternative method of publication.

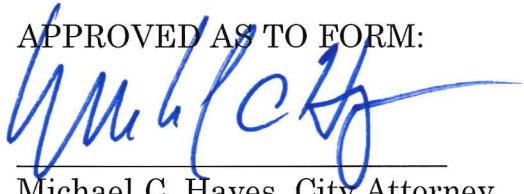
SECTION EIGHT. This Ordinance shall become effective immediately upon the expiration of ten days following publication, as provided for by Section 3.07b. of the City Charter.

PASSED AND APPROVED ON FIRST READING, this the _____ day of _____, A.D., 2019.

PASSED AND APPROVED ON SECOND AND FINAL READING, this the _____ day of _____, A.D., 2019.

Bill Blackburn, Mayor

APPROVED AS TO FORM:



Michael C. Hayes, City Attorney

ATTEST:

Shelley McElhannon, City Secretary

LEGAL DESCRIPTION OF THE PROPERTY

FIELD NOTES DESCRIPTION FOR 254.42 ACRES OF THE CAILLOUX FOUNDATION PROPERTIES, LLC. LAND ON HOLDSWORTH DRIVE IN THE CITY OF KERRVILLE, KERR COUNTY, TEXAS

Being a 254.42 acres tract land comprising, approximately 233.34 acres out of Walter Fosgate Survey No. 120, Abstract No. 138, 20.27 acres out of Jesus Hernandez Survey No. 548, Abstract No. 189, and 0.81 acre out of J. D. Leavell Survey No. 1862, Abstract No. 1435, and being a portion of that certain 304.09 acre tract of land recorded in Document No. 14-05748, Official Public Records of Kerr County, Texas; and being more particularly described by metes and bounds as follows:

BEGINNING at a $\frac{1}{2}$ " iron stake found for the north corner of the herein described tract and said 304.09 acres in the southwest right of way line of Interstate Highway No. 10, the southwest line of 6.499 acres conveyed to the State of Texas from Ralph B. Fawcett, et ux, by a Deed executed the 17th day of August, 1967 and recorded in Volume 130 at Page 248 of the Deed Records of Kerr County, Texas;

THENCE, with the common line between said 304.09 acres and the southwest right of way line of said Interstate Highway No. 10:

- a) **S 39°51'15" E 420.11 feet** (S 39°44'52" E 420.35 feet) to a fence endpost;
- b) **S 39°50'34" E 550.39 feet** (S 39°47'22" E 549.90 feet) to a found concrete right of way marker;
- c) **S 24°03'18" E 311.73 feet** (S 23°57'00" E 311.85 feet) to a found concrete right of way marker;
- d) **S 39°51'01" E 499.95 feet** (S 39°47'33" E 499.64 feet) to a found $\frac{1}{2}$ " iron stake;
- e) **S 42°39'17" E 801.08 feet** (S 42°35'42" E 801.12 feet) to a found concrete right of way marker;
- f) **S 39°50'18" E 703.06 feet** (S 39°46'10" E 702.64 feet) to a found concrete right of way marker;
- g) **S 44°07'52" E 435.45 feet** (S 44°05'38" E 435.70 feet) to a found $\frac{1}{2}$ " iron stake at base of angle post;
- h) **S 53°34'04" E 329.32 feet** (S 53°28'12" E 328.95 feet) to a found $\frac{1}{2}$ " iron stake at base of angle post;
- i) **S 59°39'53" E 219.52 feet** (S 59°39'30" E 219.58 feet) to a found $\frac{1}{2}$ " iron stake at base of angle post;
- j) **S 71°09'47" E 351.04 feet** (S 71°07'05" E 350.84 feet) to the east corner of the herein described tract and said 304.09 acres in the northwest line of 10.2 acres conveyed to Lower Colorado River Authority from Charles E Miller by a General Warranty Deed executed the 6th day of December, 1965 and recorded in Volume 122 at Page 536 of the Deed Records of Kerr County, Texas;

THENCE, with the common line between said 304.09 acres and said 10.2 acres:

- a) **S 44°55'43" W 3637.21 feet** (S 44°59'05" W 3636.10 feet) to a found $\frac{1}{2}$ " iron stake in the northeast right of way line of Holdsworth Drive, a public road, for the south corner of the herein described tract and said 304.09 acres, at the beginning of a 01°56'21" curve concave to the southwest having a radius of 2954.79 feet (2954.79 feet);

THENCE, with the northeast right of way line of said Holdsworth Drive, the common line between said 303.959:

- a) along the arc of a **curve left** with a **radius 2,954.79 feet**, a **central angle of 01°56'21"**, an **arc length of 494.54 feet** (494.42 feet), and a **chord which bears N 18°37'57" W 493.96 feet** (N 18°37'10" W 493.84 feet) to a found ½" rebar with "C. Diggs" cap;
- b) **N 23°25'17" W 868.91 feet** (N 23°21'18" W 868.69f feet) to a found ½" rebar with "C. Diggs" cap;
- c) **N 31°53'42" W 135.14 feet** (N 31°51'52" W 135.14 feet) to a found ½" rebar with "C. Diggs" cap;
- d) along the arc of a **curve left** with a **radius 1,024.93 feet**, a **central angle of 60°08'00"** (60°06'28"), an **arc length of 1,075.69 feet** (1,075.23 feet), and a **chord which bears N 53°32'58" W 1027.00 feet** (N 53°29'22" W 1026.60 feet) to a found ½" rebar with "C. Diggs" cap;
- e) **N 68°21'23" W 98.33 feet** to a found ½" rebar with "C. Diggs" cap at the south corner of the 304.09 acre tract;

THENCE, departing the northeast right of way line of Holdsworth Drive, along the common line between herein described tract and said 49.705 acres, the following courses and distances:

- a) **N 50°29'37" E 144.25 feet** to a found ½" rebar with "MDS" cap;
- b) **N 63°19'03" E 210.57 feet** to a found ½" rebar with "MDS" cap;
- c) **N 78°26'56" E 115.90 feet** to a found ½" rebar with "MDS" cap;
- d) **N 89°23'52" E 390.26 feet** to a found ½" rebar with "MDS" cap;
- e) **S 08°50'35" W 85.88 feet** to a found ½" rebar with "MDS" cap;
- f) **S 83°14'49" E 138.56 feet** to a found ½" rebar with "MDS" cap;
- g) **N 60°41'02" E 472.14 feet** to a found ½" rebar with "MDS" cap;
- h) **N 39°16'38" E 476.51 feet** to a found ½" rebar with "MDS" cap;
- i) **N 15°24'24" E 553.29 feet** to a found ½" rebar with "MDS" cap;
- j) **N 00°00'00" E 281.20 feet** to a found ½" rebar with "MDS" cap;
- k) along the arc of a **curve left** with a **radius of 300.00 feet**, a **central angle of 85°17'12"**, an **arc length of 446.56 feet**, and **chord which bears N 42°38'36" W 406.46 feet** to a found ½" rebar with "MDS" cap;
- l) **S 49°27'07" W 341.71 feet** to a found ½" rebar with "MDS" cap;
- m) **N 55°55'22" W 156.27 feet** to a found ½" rebar with "MDS" cap;
- n) **S 45°07'18" W 121.00 feet** to a found ½" rebar with "MDS" cap;
- o) **S 00°01'09" W 103.07 feet** to a found ½" rebar with "MDS" cap;
- p) **S 40°04'38" W 140.69 feet** to a found ½" rebar with "MDS" cap;
- q) **S 85°26'38" W 510.61 feet** to a found ½" rebar with "MDS" cap;
- r) **S 15°14'14" W 354.60 feet** to a found ½" rebar with "MDS" cap;
- s) **S 85°38'41" W 172.13 feet** to a found ½" rebar with "MDS" cap;
- t) **S 47°59'41" W 285.34 feet** to a found ½" rebar with "MDS" cap;
- u) **S 25°18'27" W 728.72 feet** to a found ½" rebar with "MDS" cap, returning to the northeast right of way line of Holdsworth;

THENCE, continuing with the northeast right of way line of said Holdsworth Drive and the common line between said 303.959:

- a) **S 12°21'44" E 42.90 feet** (S 12°19'33" E 42.87 feet) to a found ½" rebar with "C. Diggs" cap;
- b) **S 43°56'51" W 43.70 feet** (S 44°02'41" W 43.85 feet) to a found ½" rebar with "C. Diggs" cap;
- c) **N 77°51'15" W 22.42 feet** (N 77°45'24" W 22.50 feet) to a found ½" rebar with "C. Diggs" cap;

- a) **N 85°40'50" W 113.75 feet** (N 85°33'13" W 113.57feet) to a found ½" rebar with "C. Diggs" cap;
- b) **N 85°46'58" W 109.88 feet** (N 85°50'41" W 110.37 feet) to a found ½" rebar with "C. Diggs" cap;
- c) **N 82°17'12" W 55.59 feet** (N 82°16'00" W 55.64 feet) to a found ½" rebar with "C. Diggs" cap;
- d) **N 77°30'53" W 48.92 feet** (N 77°32'00" W 48.83 feet) to a found ½" iron stake;
- e) **S 18°24'32" E 31.30 feet** (S 18°08'00" E 31.11 feet) to a found ½" rebar with "C. Diggs" cap;
- f) **S 82°55'37" W 110.14 feet** (S 82°56'00" W 110.11 feet) to a found ½" rebar with "C. Diggs" cap;
- g) **N 86°01'27" W 282.06 feet** (N 85°58'00" W 282.01 feet) to a found ½" rebar with "C. Diggs" cap found at the beginning of a 06°39'48" curve concave to the northeast having a radius of 859.93 feet (859.93 feet);
- h) along the arc of a **curve right with a radius of 859.93 feet, a central angle of 15°40'01"** (15°37'37"), an **arc length of 235.14 feet** (234.54 feet), and **chord which bears N 67°46'08" W 234.41 feet** (N 67°36'10" W 233.81 feet) to a found ½" rebar with "C. Diggs" cap at its end for the most westerly corner of the herein described tract and said 304.09 acres;

THENCE, departing the northeast right of way line of Holdsworth Drive:

- a) **N 75°44'27" E 73.16 feet** (N 76°11 '00" E 70.93 feet) to a found ½" iron stake at base of anglepost;
- b) **N 53°46'08" E . 78.01 feet** (N 53°57'44" E 79.87 feet) to a found ½" iron stake at base of anglepost;
- c) **N 71°56'20" E 257.26 feet** (N 72°00'46" E 256.96 feet) to a found ½" iron stake at base of anglepost;
- d) **S 87°07'02" E 156.03 feet** (S 87°11'08" E 156.62 feet) to a found ½" iron stake for a reentrant corner of the herein described tract and said 304.09 acres;
- e) **N 01°31'13" W 435.99 feet** (N 01 °25'56" W 435.45 feet) to a three-way cornerpost;
- f) **N 44°04'42" E 52.27 feet** to a three-way cornerpost;
- g) **N 44°28'35" E 60.05 feet** to a three-way cornerpost;
- h) **N 44°40'17" E 222.72 feet** to a three-way cornerpost;
- i) **S 87°12'40" E 534.21 feet** (S 87°00'27" E 534.64 feet) to a found ½" iron stake;

THENCE, with a westerly line of said 304.09 acres:

- a) **N 26°00'01" E 319.52 feet** (N 26°02'30" E 319.29 feet) to a found iron stake;
- b) **N 39°13'31" W (N 38°44'18" W) 26.60 feet** to a found ½" iron stake;
- c) **N 39°14'00" W 627.05 feet** to an *unmarked point* at the north corner of said 4.87 acres, the east corner of 3.70 acres conveyed to Harvey Ray Youngblood from Harvey Ray Youngblood, Successor Trustee by a Distribution Deed of Trustee executed the 22nd day of August, 2001 and recorded in Volume 1163 at Page 832 of the Real Property Records of Kerr County, Texas;

THENCE, with the common line between said 304.09 acres and said 3.70 acres:

- a) **N 43°57'59" W 198.25 feet** (N 43°58'00" W 198.20 feet) to a found ½" iron stake;
- b) **N 45°17'31 " E 100.50 feet** (N 46°16'01 " E 96.93 feet) to a found ½" iron stake;
- c) **N 44°36'17" W 372.24 feet** (N 43°55'16" W 373.69 feet) to a found ½" iron stake at the base of a 28" diameter Live Oak tree;

d) **N 39°58'24" W 48.13 feet** (N 39°50'22" W 47.97 feet) to a found ½" iron stake found at the south corner of Lot No. 1 of Horseshoe Oaks, a subdivision of record in Volume 4 at Page 152 of the Plat Records of Kerr County, Texas;

THENCE, with the common line between said 304.09 acres and said Horseshoe Oaks:

a) **N 45°18'35" E 2203.17 feet** (N 45°22'00" E 2202.96 feet) to the **PLACE OF BEGINNING** containing 254.42 acres of land, more or less, within these metes and bounds.

FIELD NOTES DESCRIPTION FOR 9.80 ACRES OF THE CAILLOUX FOUNDATION PROPERTIES, LLC. LAND ON HOLDSWORTH DRIVE IN THE CITY OF KERRVILLE, KERR COUNTY, TEXAS

Being a 9.80 acre tract of land out of Walter Fosgate Survey No. 120, Abstract No. 138, in Kerr County, Texas; being out of the remaining portion of a called 70.65 acre tract of land recorded in Document No. 14-05748 of the Official Public Records of Kerr County, Texas; said 9.80 acre tract of land being more particularly described by metes and bounds as follows:

BEGINNING at a ½" rebar found in the west right of way line of Holdsworth Drive at the northeast corner of the remaining portion of the called 70.65 acre tract for the northeast corner of the tract herein described;

THENCE, departing the west right of way line of Holdsworth Drive, along a fence for the herein described tracts south boundary line:

a) **S 44°49'04" W (S 44°58'35" W) 358.78 feet** to a ½" rebar with "C. Diggs" cap found at a three-way cornerpost;

b) **S 44°57'12" W (S 44°58'35" W) 860.19 feet** to a fence post;

THENCE, with the common line between said 70.817 acres:

a) **N 25°26'36" W 229.39 feet** (N 25°06'00" W 229.69 feet) to a found ½" rebar and the intersection with the southeast line of 54.75 acres conveyed as Tract II to the City of Kerrville from Cailloux Foundation Properties, LLC. by a Special Warranty Deed executed the 29th day of July, 2016 and recorded in File No. 16-05119, revised in File No. 16-04624 of the Official Public Records of Kerr County, Texas;

THENCE, with the common line between said herein described tract and said 54.75 acres:

a) **N 15°59'40" E 752.46 feet** to a found ½" rebar with "MDS" cap;

b) **N 44°21'17" E 331.83 feet** to a found ½" rebar with "MDS" cap;

c) **N 23°47'37" E 14.71 feet** to a found ½" rebar with "MDS" cap, for west corner of 6.097 acres conveyed to the City of Kerrville from Cailloux Foundation Properties, LLC. by a Special Warranty Deed executed the 21st day of March, 2018 and recorded in File No. 18-01666 of the Official Public Records of Kerr County, Texas;

THENCE, along the common line between the herein described tract and said 6.097 acres:

a) **S 23°27'19" E 569.87 feet** to a found ½" rebar with "MDS" cap for a reentrant corner of the herein described tract and said 6.097 acres southern corner;

b) **N 44°54'00" E 387.52 feet** to a $\frac{1}{2}$ " rebar found upon the west right of way line of Holdsworth Drive and the north corner of the herein described tract;

THENCE, along the west right of way line of Holdsworth Drive, the east boundary line of the remaining portion of the called 70.65 acre tract:

a) **S 11°12'13" E 72.29 feet** to **PLACE OF BEGINNING** containing 9.80 acres of land, more or less, within these metes and bounds.

Exhibit B

DRAFT

Proposed 2406+/- Mixed Use PDD (consistent with potential new city wide zoning)

TABLE 1. LAND USES

	Residential – similar to Proposed R-2	Blended Transition – similar to Proposed C-1 with some C-2 plus Townhomes and Apartments	Commercial with LiveWork and Efficiency Apartments – Similar to Proposed C-3	Communications – including towers upto 320' tall	Open Space – Vineyards – Gardens – Paths
Accessory Building or Structure	P	P	P	P	
Accessory Dwelling (see Dwelling Unit, Single-Family with Accessory Dwelling Unit)					
Agricultural Services					
Agriculture, General					no animals P
Airport					
Alcoholic Beverage Sales for Off-Premise Consumption		P	P		
Amateur Radio Antenna				See Ordinance 2005-11	
Ambulance Service, Private			P		
Amenity Center	P	P			
Amusement Center, Indoor		P	P		
Amusement Center, Outdoor			P		
Antenna				See Ordinance 2003-35	
Antique Store		P	P		
Apartment (See Dwelling, Multifamily)					
Appliance Store		P	P		
Appliance Repair/Sale, Used Appliances		P	P		
Art Studio/Gallery		P	P		
Artisan's/Craftsman's Workshop		P	P		
Assembly			P		
Automobile Dealership, New Auto Sales			P		
Automobile Dealership, Used Auto Sales					
Automobile Parts Store			P		
Automobile Rental or Leasing			P		
Automobile Service and Repair, Major					
Automobile Service and Repair, Minor					
Automobile Towing/Wrecker Service					
Automotive Body Shop					
Automated Teller Machine (ATM)		P	P		
Bail Bonding Agency					
Bank or Financial Institution		P	P		
Barber or Beauty Shop		P	P		
Boarding Home Facility (Pending)			P		
Boat (Marine) Dealership			P		
Book Store		P	P		
Building Contractor, General			P		
Building Contractor, Maintenance and Repair			P		
Building Contractor, Temporary Field Office	P	P	P		
Building Contractor, Trade Specialist			P		
Building Contractor's Storage Yard					
Cabinetmaking Shop			P		
Car Title Loan Business					
Car Wash, Full-Service or Self-Service			P		
Caretaker's Residence	P	P	P		
Cemetery					
Check Cashing Business					
Church, Temple, Mosque, or Place of Worship	P	P	P		
Civic, Fraternal, Philanthropic, Charitable, or Nonprofit Organization		P	P		
Clothing and Apparel Store		P	P		
Cocktail Lounge		P	P		
College or University, Private		P	P		
College or University, Public		P	P		
Community Garden	P	P	P		P
Concrete/Asphalt Batch Plant, Permanent					
Condominium (See Dwelling, Multifamily)					
Convenience Store with Fuel Sales		P	P		
Convenience Store without Fuel Sales		P	P		
Country Club	P	P	P		
Custom Manufacturing (See Manufacturing, Custom)		P	P		
Dance Hall/Event Venue			P		
Day Care Services, Adult			P		
Day Care Services, Children		P	P		
Department or General Merchandise Store		P	P		
Detention Facility					
Dinner Theatre			P		
Distillery			P		
Distribution Center (See Warehousing and Distribution)					
Drive-Thru or Drive-In Service		P	P		
Driving Instruction School			P		
Drug Store			P		

Exhibit B DRAFT

TABLE 1. LAND USES

	Residential – similar to Proposed R-2	Blended Transition – similar to Proposed C-1 with some C-2 plus Townhomes and Apartments	Commercial with LiveWork and Efficiency Apartments – Similar to Proposed C-3	Communications – including towers upto 320' tall	Open Space – Vineyards – Gardens – Paths
Duplex (See Dwelling, Duplex)					
Dwelling, Duplex	P	P			
Dwelling, Live/Work		P	P		
Dwelling, Multifamily		P	P		
Dwelling, Patio Home (Zero Lot Line Home)	P	P			
Dwelling, Single-Family Detached	P				
Dwelling, Single-Family with Accessory Dwelling Unit	P	P			
Dwelling, Townhome	P	P			
Electronic Sales/Service			P		
Equipment Rental, Heavy, No Outdoor Storage			P		
Equipment Rental, Heavy, With Outdoor Storage			P		
Equipment Rental, Light, No Outdoor Storage			P		
Equipment Rental, Light, With Outdoor Storage			P		
Fabrication Processes					
Fair/Rodeo Grounds or Exhibition Hall or Arena			P		
Farm Supply Store, Retail			P		
Farmers' Market		P	P		
Feed, Grain, or Hay Storage and Sale, Bulk/Wholesale					
Fine Arts Classes		P	P		
Fitness Center		P	P		
Flea Market, Indoor					
Flea Market, Outdoor/Open Air Market					
Florist		P	P		
Food Processing CRAFT		Craft P	Craft P		
Food Truck Park			P		
Fuel Sales, Bulk					
Fuel (Gasoline/Propane) Sales, Retail		P	P		
Funeral Services			P		
Furniture, Home Furnishings, and Home Decorating and Decor Store		P	P		
Furniture Repair and Sale, Used			P		
Garden Center/Nursery With Outside Storage			P		
Garden Center/Nursery, No Outside Storage		P	P		
Golf Course	P	P	P		
Grocery Store		P	P		
Group Medical Care Facility (Pending)			P		
Guest House	P	P			
Guidance Services (Pending)			P		
Gunsmith and Locksmith Shop			P		
Hardware Store			P		
Home Improvement Center			P		
Home Occupation	P				
Hospital			P		
Hotel or Motel			P		
Jewelry Store		P	P		
Job and Vocational Training Center			P		
Junkyard			See Chapter 58, Kerrville Code of Ordinances		
Kennel, Up to 11 Animals, Indoor Pens			P		
Kennel, 12 or More Animals, Indoor outdoor Pens			no outdoor pens P		
Landscape Nursery, Commercial/Wholesale			P		P
Laundromat			P		
Laundry/Dry Cleaning Drop-Off/Pick-Up Station		P	P		
Laundry/Dry Cleaning Plant					
Life Care Development (Pending)			P		
Limousine/Taxi Service			P		
Livestock Sales, Wholesale					
Lumber Yard			P		
Machine Shop					
Mailing Service			P		
Manufactured Home or Manufactured Housing					
Manufactured Housing Sales					
Manufacturing, Custom (see Artisan's/Craftsman's Workshop)					
Manufacturing, General			P		
Microrbrewery		P	P		
Mining and Mineral Extraction					
Mini-Storage		near LCRA P	near LCRA P		
Minor Emergency/Urgent Care Medical Clinic			P		
Modular Home	P				
Motel (See Hotel or Motel) + B191			P		
Motor Freight/Trucking Company					
Motorcycle, All Terrain Vehicle, Personal Watercraft Dealership			P		

Exhibit B DRAFT

TABLE 1. LAND USES

	Residential – similar to Proposed R-2	Blended Transition – similar to Proposed C-1 with some C-2 plus Townhomes and Apartments	Commercial with LiveWork and Efficiency Apartments – Similar to Proposed C-3	Communications – including towers upto 320' tall	Open Space – Vineyards – Gardens – Paths
	Residential – similar to Proposed R-2	Blended Transition – similar to Proposed C-1 with some C-2 plus Townhomes and Apartments	Commercial with LiveWork and Efficiency Apartments – Similar to Proposed C-3	Communications – including towers upto 320' tall	Open Space – Vineyards – Gardens – Paths
Movie Theater			P		
Musical Instrument Sales and Repair		P	P		
Newspaper			P		
Office, General (Business or Professional)		P	P		
Office, Medical		P	P		
Office Furniture, Equipment, and Supply Store		P	P		
Outdoor Storage of Equipment and Materials as a Primary Use					
Parking Lot or Structure, Accessory		P	P		
Parking Lot, Stand-Alone			P		
Parking Structure			P		
Pawnshop			P		
Payday Loan Business					
Personal Care Facility (Pending)			P		
Pet and Pet Supply Sales		P	P		
Pet Grooming		P	P		
Photography Studio and Photography/Camera Supply Store		P	P		
Portable Building Sales		near LCRA P	near LCRA P		
Print Shop, Major			P		
Print Shop, Minor		P	P		
Public or Institutional Facility or Use	P	P	P		
Quadruplex (See Dwelling, Multifamily)					
Radio or Television Station or Broadcasting Studio with Tower				P	
Radio or Television Station or Broadcasting Studio without Tower			P	P	
Recreational Skills Classes		P	P		
Recreational Vehicle Dealership			P		
Recreational Vehicle or Trailer Park		near LCRA P	near LCRA P		
Rectory/Parsonage	P	P	P		
Repair Shop, Household Items			P		
Repair Shop, Personal Items		P	P		
Research and Development Lab			P		
Residential Care Services (Pending)			P		
Restaurant, Food and Beverage Shop		P	P		
Restaurant, General, With Drive-Thru or Drive-In Service		P	P		
Restaurant, General, Without Drive-Thru Service		P	P		
Salvage, Reclamation, Recycling of Materials					
Sand, Gravel, or Stone Extraction					
Sand, Gravel, or Stone Storage and Sales			near LCRA P		
School, Private, Elementary		P	P		
School, Private, Intermediate and Secondary		P	P		
School, Public, Elementary	P	P	P		
School, Public, Intermediate and Secondary	P	P	P		
Second-hand/Used Goods Store With Outside Storage					
Second-hand/Used Goods Store, No Outside Storage		P	P		
Security Service			P		
Security Systems Installation and Monitoring Company			P		
Sexually Oriented Business			per chapter 30 P		
Short-term Rental Unit	P	P	P		
Showroom, in Conjunction with Warehousing and Distribution					
Showroom, without Warehousing and Distribution		P	P		
Smoke Shop			P		
Solar Energy Facility		near LCRA P	near LCRA P		
Stables, Commercial					
Stables, Private					
Stationery Store		P	P		
Tattoo or Permanent Cosmetics Shop, Body Piercing					
Taxidermy Shop			P		
Transportation Terminal, Bus/Aviation			P		
Triplex (See Dwelling, Multifamily)					
Truck Stop and Fueling Station		if at freeway interchange or frontage road P	P		
Utility, Local	P	P	P	P	equipment only P

Exhibit B DRAFT

TABLE 1. LAND USES

	Residential – similar to Proposed R-2	Blended Transition – similar to Proposed C-1 with some C-2 plus Townhomes and Apartments	Commercial with LiveWork and Efficiency Apartments – Similar to Proposed C-3	Communications – including towers upto 320' tall	Open Space – Vineyards – Gardens – Paths
Utility, Private or Franchise	P	P	P	P	Equipment only P
Utility, Public	P	P	P	P	Equipment only P
Veterinary Service, Large Animal, Indoor or Outdoor Pens					
Veterinary Services, Small Animal, Indoor Pens			P		
Warehousing and Distribution					
Welding Shop					
Wholesaling			P		
Wind Energy System, Small		See Chapter 26, Kerrville Code of Ordinances			
Winery			P		Vineyards P
Wireless Telecommunications Facilities				P	
Zero Lot Line Single-Family Dwelling (See Dwelling, Patio Home)					

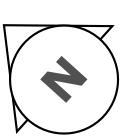
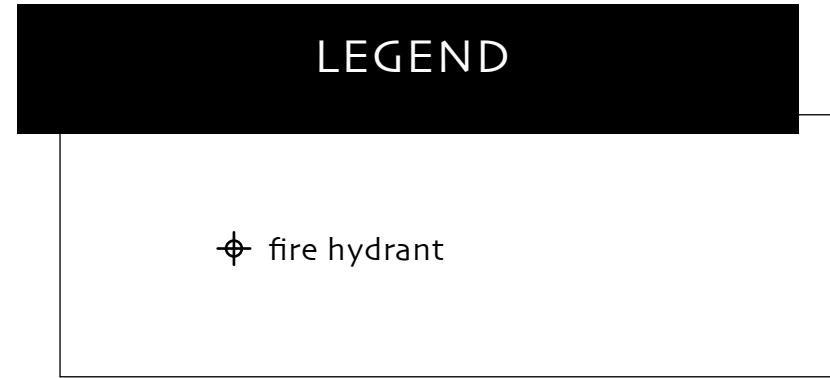
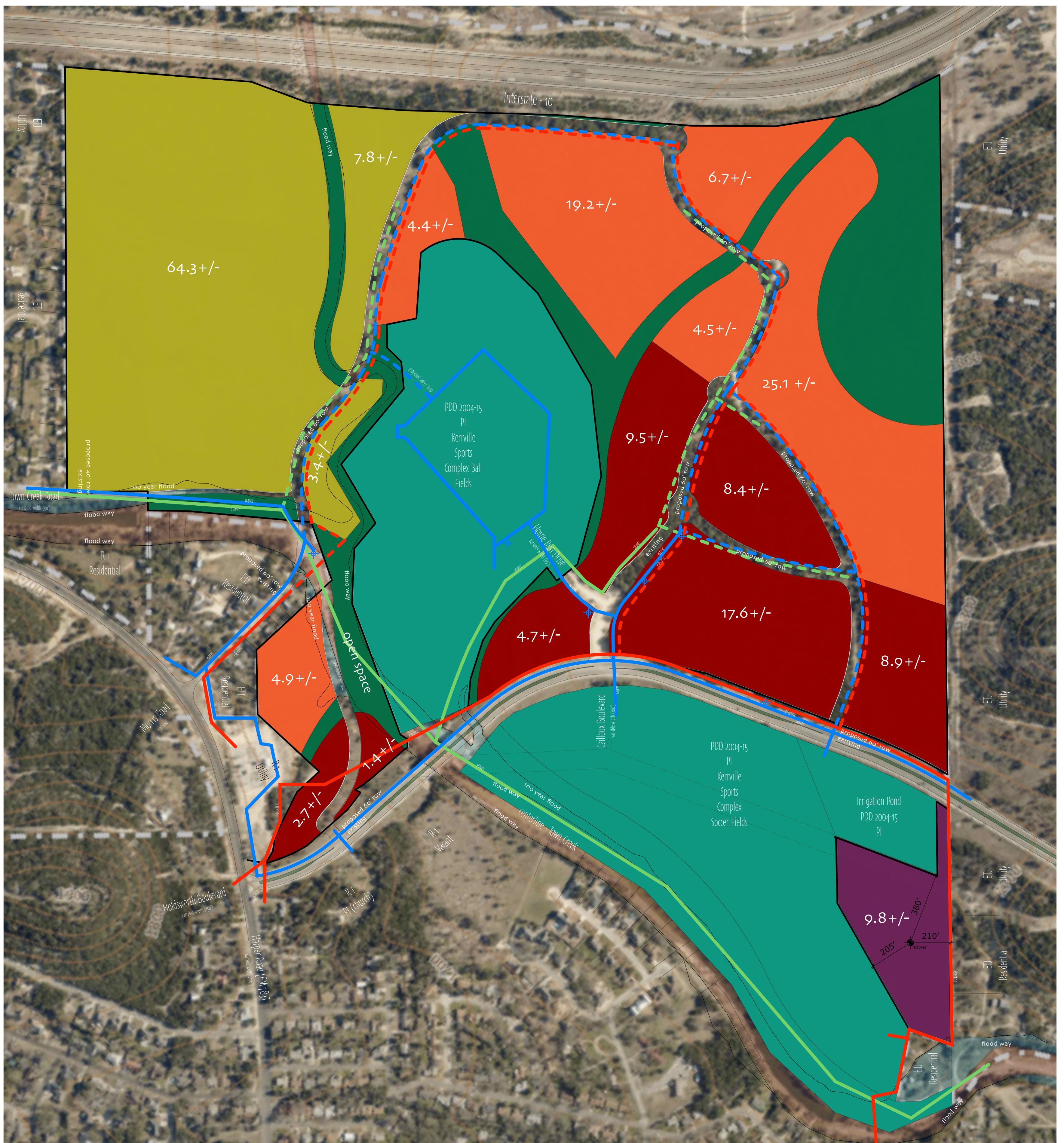


Exhibit C DRAFT



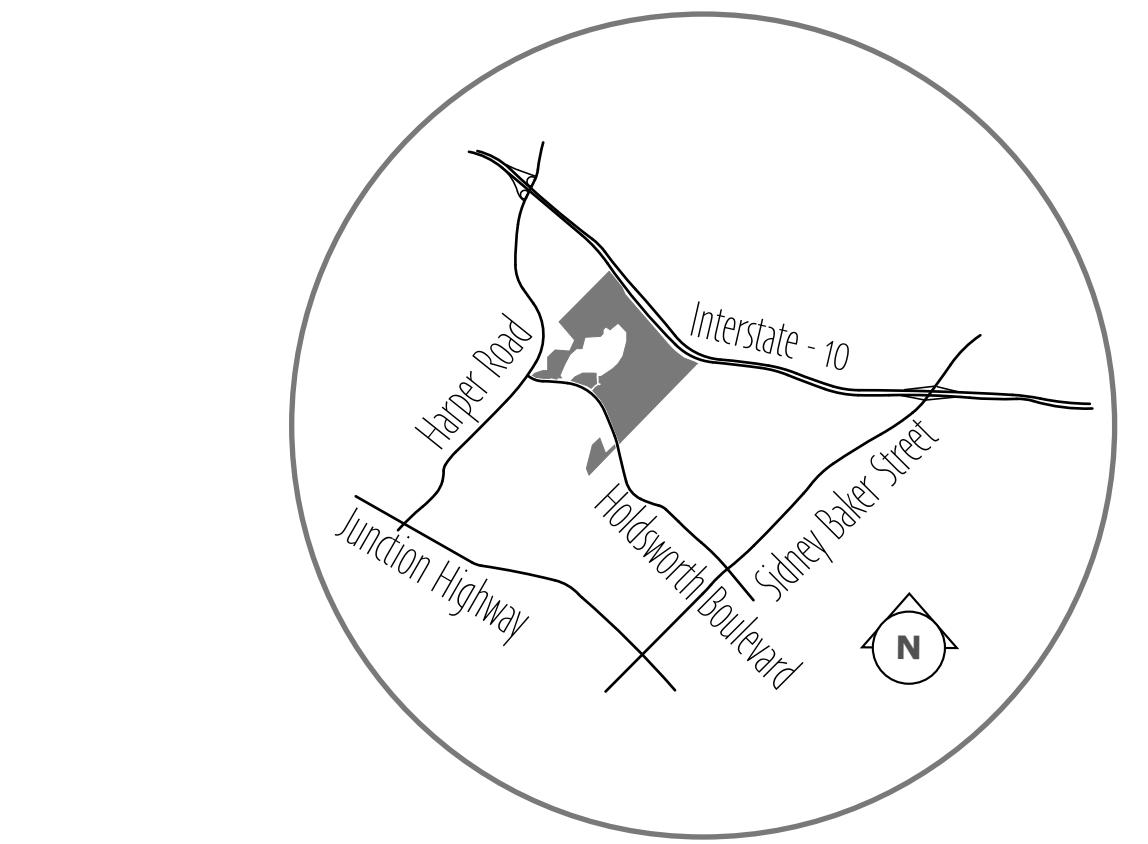
- 1– Development standards shall be consistent with current City of Kerrville subdivision and zoning code, as may be adopted, for each use within a defined zoning district, except as specified in this ordinance. In the case of discrepancies this ordinance shall govern.
- 2– The maximum number of units per acre for residential development shall be determined by use: Live/Work and Multifamily, 34 units per acre; Duplex, Single-Family with Accessory Dwelling Unit, Patio home, and Townhome, 21 units per acre; Single-Family Detached, 13 units per acre.
- 3– Existing and currently proposed structures, and their distances to property lines and other structures are represented.
- 4– Front, side, and rear setbacks, number of stories and height, gross floor area, location of entrances and exits, development standards, and parking standards shall be consistent with current City of Kerrville subdivision and zoning code, as may be adopted, for each use within a defined zoning district, except as specified in this ordinance. In the case of discrepancies this ordinance shall govern.
- 5– Fire hydrants shall be consistent with the current City of Kerrville fire code, as may be adopted, for each use within a defined zoning district.
- 6– Wireless Communications Facilities shall be consistent with this ordinance.
- 7– The general size, shape, and locations for the defined zoning districts and collector roads are represented here though variations in the actual size, shape, and locations will be allowed without amending the ordinance. The overall total acreage for each defined district as set in the ordinance shall be maintained throughout those future adjustments.
- 8– This Planned Development District is based upon the 2019-17 Zoning Ordinance as the current City of Kerrville Zoning Code.

Proposed 264.2 +/- acre Town Creek at Holdsworth

Land Uses Modifying Planned Development Districts 2004-15 and 2017-19 located at Holdsworth Extension

Commercial
Commercial with LiveWork and Efficiency Apartments
53.3 +/- acres
Blended
Blended transition from Commercial to Townhomes and Apartments
64.8 +/- acres
Residential
Modern Residential mix
75.5 +/- acres
Communications
Communications – including towers up to 320' tall
9.8 +/- acres
Open Space
Open Space – Vineyards – Gardens – Paths
43.3 +/- acres

EXHIBIT C DRAFT



- 1- Development standards shall be consistent with current City of Kerrville subdivision and zoning code, as may be adopted, for each use within a defined zoning district, except as specified in this ordinance. In the case of discrepancies this ordinance shall govern.
- 2- The maximum number of units per acre for residential development shall be determined by use: Live/Work and Multifamily, 34 units per acre; Duplex, Single-Family with Accessory Dwelling Unit, Patio home, and Townhome, 21 units per acre; Single-Family Detached, 13 units per acre.
- 3- Existing and currently proposed structures, and their distances to property lines and other structures are represented.
- 4- Front, side, and rear setbacks, number of stories and height, gross floor area, location of entrances and exits, development standards, and parking standards shall be consistent with current City of Kerrville subdivision and zoning code, as may be adopted, for each use within a defined zoning district, except as specified in this ordinance. In the case of discrepancies this ordinance shall govern.
- 5- Fire hydrants shall be consistent with the current City of Kerrville fire code, as may be adopted, for each use within a defined zoning district.
- 6- Wireless Communications Facilities shall be consistent with this ordinance.
- 7- The general size, shape, and locations for the defined zoning districts and collector roads are represented here though variations in the actual size, shape, and locations will be allowed without amending the ordinance. The overall total acreage for each defined district as set in the ordinance shall be maintained throughout those future adjustments.
- 8- This Planned Development District is based upon the 2019-17 Zoning Ordinance as the the current City of Kerrville Zoning Code.



Proposed 264.2 +/- acre Town Creek at Holdsworth

Land Uses Modifying Planned Development
Districts 2004-15 and 2017-19 located at
Holdsworth Extension

Commercial
Commercial with LiveWork and
Efficiency Apartments
53.3 +/- acres

Blended
Blended transition from Commercial to
Townhomes and Apartments
64.8 +/- acres

Residential
Modern Residential mix
75.5 +/- acres

Communications
Communications - inlcuding towers upto
320' tall
9.8 +/- acres

Open Space
Open Space - Vineyards - Gardens -
Paths
43.3 +/- acres



**TO BE CONSIDERED BY THE CITY COUNCIL
CITY OF KERRVILLE, TEXAS**

SUBJECT: Public Hearing - Property tax rate (ad valorem tax) for the 2019 tax year (Fiscal Year 2020)

AGENDA DATE OF: September 10, 2019 **DATE SUBMITTED:** Sep 04, 2019

SUBMITTED BY: Amy Dozier

EXHIBITS: [20190910_Public Hearing_Tax Rate Public Notice.pdf](#)
[20190910_Public Hearing_Tax Rate.pdf](#)

Expenditure Required:	Remaining Budget Balance in Account:	Amount Budgeted:	Account Number:
N/A	N/A	N/A	N/A

PAYMENT TO BE MADE TO: N/A

Kerrville 2050 Item?	No
Key Priority Area	N/A
Guiding Principle	N/A
Action Item	N/A

SUMMARY STATEMENT:

At the August 13, 2019 City Council meeting, Council approved a resolution establishing the proposed property tax rate ceiling for 2019 at \$0.5400 per \$100 of assessed value. This rate is lower than the current tax rate of \$0.5514, marks the 2nd time in last 3 years that the rate has been lowered and the 11th straight year of no tax rate increase. Additionally, the rate is lower than the rollback tax rate of \$0.5620. However, the rate exceeds the effective tax rate of \$0.5222, therefore two public hearings are required. Notice of the Public Hearing was published in the Kerrville Daily Times on August 16, 2019 and is running 5 times per day on the City's public access channel. In addition, the notice and all tax rate information is available on the City's website. This is the second public hearing on the proposed tax rate of \$0.5400.

RECOMMENDED ACTION:

Conduct a public hearing for the 2019 property tax rate.

NOTICE OF 2019 TAX YEAR PROPOSED PROPERTY TAX RATE FOR CITY OF KERRVILLE

A tax rate of \$0.540000 per \$100 valuation has been proposed by the governing body of CITY OF KERRVILLE. This rate exceeds the lower of the effective or rollback tax rate, and state law requires that two public hearings be held by the governing body before adopting the proposed tax rate.

The governing body of CITY OF KERRVILLE proposes to use revenue attributable to the tax rate increase for the purpose of public safety operations.

PROPOSED TAX RATE	\$0.540000 per \$100
PRECEDING YEAR'S TAX RATE	\$0.551400 per \$100
EFFECTIVE TAX RATE	\$0.522200 per \$100
ROLLBACK TAX RATE	\$0.562000 per \$100

The effective tax rate is the total tax rate needed to raise the same amount of property tax revenue for CITY OF KERRVILLE from the same properties in both the 2018 tax year and the 2019 tax year.

The rollback tax rate is the highest tax rate that CITY OF KERRVILLE may adopt before voters are entitled to petition for an election to limit the rate that may be approved to the rollback rate.

YOUR TAXES OWED UNDER ANY OF THE ABOVE RATES CAN BE CALCULATED AS FOLLOWS:

$$\text{property tax amount} = (\text{rate}) \times (\text{taxable value of your property}) / 100$$

For assistance or detailed information about tax calculations, please contact:

Bob Reeves
Kerr County Tax Assessor-Collector
700 Main Street, Suite 124, Kerrville, Texas
830-792-2242
breeves@co.kerr.tx.us
www.co.kerr.tx.us

You are urged to attend and express your views at the following public hearings on proposed tax rate:
First Hearing: 08/27/2019 6:00 PM at City Hall, 701 Main Street, Kerrville, Texas
Second Hearing: 09/10/2019 6:00 PM at City Hall, 701 Main Street, Kerrville, Texas

PROPOSED ANNUAL BUDGET FISCAL YEAR 2020

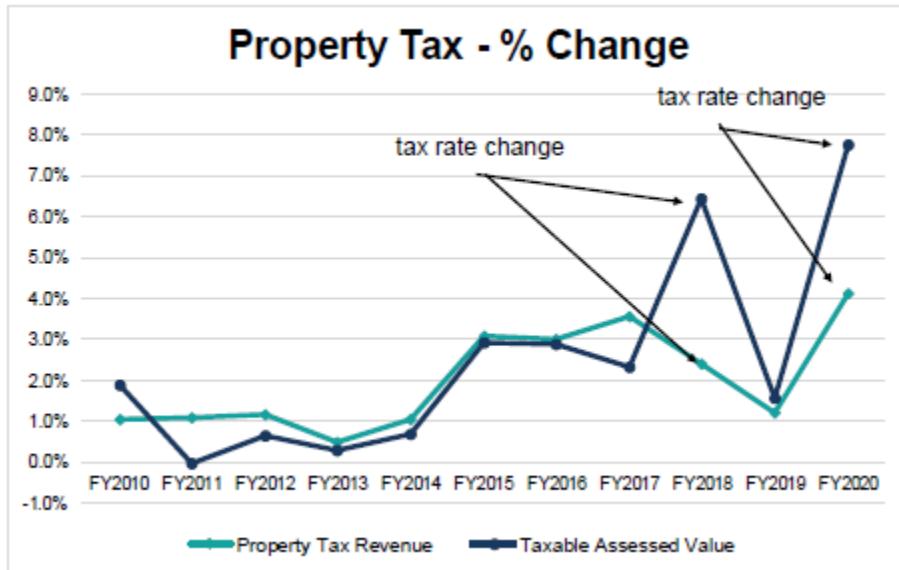


CELEBRATING A YEAR OF MOMENTUM

Calendar and Process

- June 18 Budget Workshop**
- July 16 Budget Workshop**
- July 25 Certified Roll from KCAD**
- July 30 Effective Tax Rate Calculation**
- July 31 Proposed Balanced Budget Filed**
- Aug 13 Budget Presentation, Tax Rate Resolution**
- Aug 27 Public Hearing – Budget & Tax Rate**
- Sept 10 Public Hearing – Tax Rate
Budget Ordinance & Tax Rate Ordinance**
- Sept 24 Budget Ordinance & Tax Rate Ordinance**
- Oct 1 New Year Begins**

Property Tax Rate - p. 60

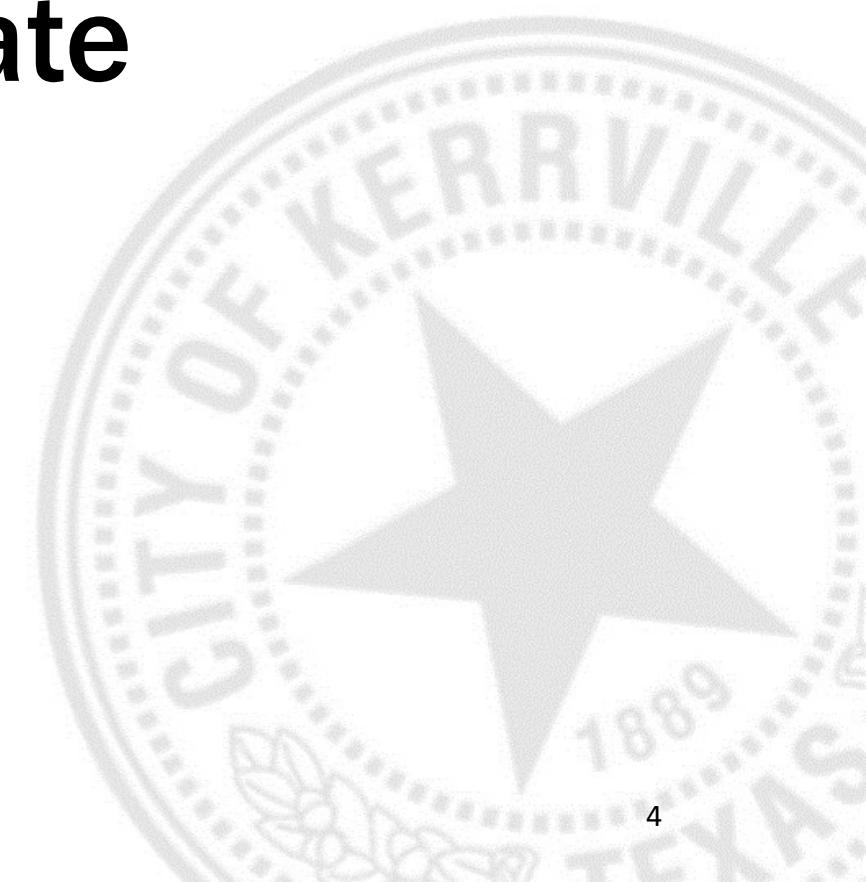


	Tax Rate	M&O	I&S
FY2010	0.5625	0.4851	0.0774
FY2011	0.5625	0.4890	0.0735
FY2012	0.5625	0.4890	0.0735
FY2013	0.5625	0.4890	0.0735
FY2014	0.5625	0.4890	0.0735
FY2015	0.5625	0.4890	0.0735
FY2016	0.5625	0.4890	0.0735
FY2017	0.5625	0.4890	0.0735
FY2018	0.5514	0.4779	0.0735
FY2019	0.5514	0.4779	0.0735
FY2020	0.5400	0.4665	0.0735

- Rate reduction is the 2nd in 3 years
- Rate has stayed the same or decreased for 11 straight years
- \$0.5400 rate equals the rate in 1980
- Debt portion of the tax rate remains unchanged at \$0.0735



Open Public Hearing on the Property Tax Rate





**TO BE CONSIDERED BY THE CITY COUNCIL
CITY OF KERRVILLE, TEXAS**

SUBJECT: Ordinance No. 2019-21. An Ordinance adopting the annual budget for the City of Kerrville, Texas, Fiscal Year 2020; providing appropriations for each City department and fund; containing a cumulative clause; and containing a savings and severability clause.

AGENDA DATE OF: September 10, **DATE SUBMITTED:** Sep 04, 2019
2019

SUBMITTED BY: Amy Dozier

EXHIBITS: [20190910_Ordinance 2019-21 Adopting Annual Budget for Fiscal Year 2020.pdf](#)

Expenditure Required:	Remaining Budget Balance in Account:	Amount Budgeted:	Account Number:
N/A	N/A	N/A	N/A

PAYMENT TO BE MADE TO: N/A

Kerrville 2050 Item?	No
Key Priority Area	N/A
Guiding Principle	N/A
Action Item	N/A

SUMMARY STATEMENT:

This is the first reading of Ordinance No. 2019-21 to adopt the budget for FY2020 with a record vote and a vote to ratify adopting a budget that will raise more revenue from property taxes than in FY2019.

The FY2020 Proposed Budget is balanced for major funds and advances many of the guiding principles of Kerrville 2050. It contains revenues of \$59.8 million and expenditures of \$78.2 million. Expenditures exceed revenues primarily due to capital projects that were funded in previous years, but will be constructed in FY2020.

The General Fund is balanced with revenues and expenditures of \$28.8 million. The proposed property tax rate is LOWERED from \$0.5514 to \$0.5400 per \$100 of assessed value. This marks the 2nd time in last 3 years that the rate has been lowered and the 11th straight year of no tax rate increase. The Water Fund is balanced with revenues and

expenditures of \$13.0 million and includes changes to water and sewer rate structures and amounts that will result in a change of less than \$1.76 per month for most customers.

Staff began the process of building the priority based budget in February 2019. Budget workshops with City Council, staff and public attendance were held on June 18, 2019, July 16, 2019 and August 13, 2019. The FY2020 Proposed Budget was filed with the City Secretary, placed on the City website and at the Butt-Holdsworth Memorial Library for public viewing on July 31, 2019. Notice of the Public Hearing was published in the Kerrville Daily Times on August 16, 2019 and is running 5 times per day on the City's public access channel. In addition, the notice and all budget information is available on the City's website. A public hearing on the budget was held on August 27, 2019. The first reading and vote for the ordinance to adopt the FY2020 Proposed Budget is September 10, 2019. The second ordinance reading and vote will occur on September 24, 2019. The new fiscal year begins on October 1, 2019.

RECOMMENDED ACTION:

Approve Ordinance No. 2019-21 on first reading with 2 separate votes using the following motions:

1st motion: "I motion to approve Ordinance No. 2019-21 to adopt the City's budget for fiscal year 2020 on 1st reading." MUST BE A RECORD VOTE

2nd motion: "I motion that we vote to ratify a budget that will require raising more revenue from property taxes than in the previous fiscal year."

**CITY OF KERRVILLE, TEXAS
ORDINANCE NO. 2019-21**

**AN ORDINANCE ADOPTING THE ANNUAL
BUDGET FOR THE CITY OF KERRVILLE, TEXAS,
FISCAL YEAR 2020; PROVIDING
APPROPRIATIONS FOR EACH CITY
DEPARTMENT AND FUND; CONTAINING A
CUMULATIVE CLAUSE; AND CONTAINING A
SAVINGS AND SEVERABILITY CLAUSE**

WHEREAS, in accordance with Section 8.01 of the City Charter and Section 102.005 of the Texas Local Government Code, the City Manager prepared and filed with the City Secretary on July 31, 2019, a proposed budget for the City of Kerrville, Texas, for the fiscal year beginning October 1, 2019, and ending September 30, 2020 (Fiscal Year 2020); and

WHEREAS, in accordance with Section 8.04 of the City Charter and Sections 102.006 and 102.065 of the Texas Local Government Code, and after providing the required public notice in the City's official newspaper not less than two weeks prior to the date of the public hearing, a public hearing was duly held on August 27, 2019, at the time and place set forth in the public notice, said date being more than fifteen days subsequent to the filing of the proposed budget by the City Manager, at which all interested persons were given an opportunity to be heard for or against any item within the proposed budget; and

WHEREAS, after due deliberation, study, and consideration of the proposed budget, and after making such amendments to the budget proposed by the City Manager that City Council has determined are (1) warranted by law or (2) in the best interest of the taxpayers of the City, City Council is of the opinion that the Official Budget for the Fiscal Year 2020, with the amendments described and discussed, should be approved and adopted, in accordance with Section 8.06 of the City Charter and Section 102.007 of the Texas Local Government Code;

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

SECTION ONE. The Official Budget of the City of Kerrville, Texas, a copy of which is on file in the office of the City Secretary, referenced by the date and number of this Ordinance, and incorporated herein by reference as if fully set out herein, is adopted, in accordance with Section 8.06 of the City Charter and Chapter 102 of the Texas Local Government Code.

SECTION TWO. The appropriations by department, fund, or other organization unit and the authorization and allocation for each program or activity are hereby deemed to provide a complete financial plan of City funds and activities

for the Fiscal Year 2020, in accordance with Section 8.05 of the City Charter and Chapter 102 of the Texas Local Government Code.

SECTION THREE. The following policies, which City Council has previously approved, are included within the budget document referenced in Section One. Some of the policies include amendments, as indicated, which City Council hereby approves. City Council may revise a policy(s) before the adoption of next year's budget, by the adoption of a resolution indicating the revisions. The policies are as follows:

- Financial Management Policy
- Investment Policy
- Purchasing Policy
- Real Estate Policy
- Travel Policy
- Vehicle and Equipment Replacement Policy
- Fee Schedule

SECTION FOUR. The provisions of this Ordinance are to be 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 hereby 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 City Council of the City of Kerrville, Texas, hereby 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.

THE MEMBERS OF CITY COUNCIL VOTED AS FOLLOWS IN ACCORDANCE WITH THE CITY CHARTER AND STATE LAW:

FIRST READING:

- 1ST MOTION TO STATE AS FOLLOWS: *Motion to approve Ordinance 2019-21 to adopt the City's budget for Fiscal Year 2020 on 1st reading.*

City Secretary to take record vote as follows:

	YES	NO
Bill Blackburn, Mayor	_____	_____
Gary Cochrane, Place 1	_____	_____
Kim Clarkson, Place 2	_____	_____
Judy Eychner, Place 3	_____	_____
Delayne Sigerman, Place 4	_____	_____

- 2ND MOTION TO STATE AS FOLLOWS: *Motion ratifying vote to adopt the budget that will require raising more revenue from property taxes than the previous fiscal year.*

PASSED AND APPROVED ON FIRST READING, this the _____ day of _____ A.D., 2019.

SECOND READING:

- MOTION TO STATE AS FOLLOWS: *Motion to approve Ordinance 2019-21 to adopt the City's budget for Fiscal Year 2020 on 2nd reading.*

City Secretary to take record vote as follows:

	YES	NO
Bill Blackburn, Mayor	_____	_____
Gary Cochrane, Place 1	_____	_____
Kim Clarkson, Place 2	_____	_____
Judy Eychner, Place 3	_____	_____
Delayne Sigerman, Place 4	_____	_____

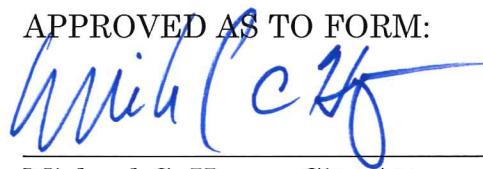
PASSED AND APPROVED ON SECOND AND FINAL READING, this the _____ day of _____, A.D., 2019.

Bill Blackburn, Mayor

ATTEST:

Shelley McElhannon, City Secretary

APPROVED AS TO FORM:

A handwritten signature in blue ink, appearing to read "Michael C. Hayes".

Michael C. Hayes, City Attorney



**TO BE CONSIDERED BY THE CITY COUNCIL
CITY OF KERRVILLE, TEXAS**

SUBJECT: Ordinance No. 2019-20. An Ordinance levying an ad valorem tax for the use and the support of the Municipal Government for the City of Kerrville, Texas, for Fiscal Year 2020; providing for apportioning each levy for specific purposes; and providing when taxes shall become due and when same shall become delinquent if not paid.

AGENDA DATE OF: September 10, 2019 **DATE SUBMITTED:** Sep 04, 2019

SUBMITTED BY: Amy Dozier

EXHIBITS: [20190910_Ordinance_2019-20 Ad Valorem Tax for year 2019 - FY2020.pdf](#)

Expenditure Required:	Remaining Budget Balance in Account:	Amount Budgeted:	Account Number:
N/A	N/A	N/A	N/A

PAYMENT TO BE MADE TO: N/A

Kerrville 2050 Item?	No
Key Priority Area	N/A
Guiding Principle	N/A
Action Item	N/A

SUMMARY STATEMENT:

This is the first reading of Ordinance No. 2019-20 on the proposed property (ad valorem) tax rate of \$0.5400 per \$100 of assessed value for Fiscal Year 2020 (FY2020). The vote must be a record vote using the language provided in the ordinance.

At the August 13, 2019 City Council meeting, Council approved a resolution establishing the proposed property tax rate ceiling for tax year 2019 (FY2020) at \$0.5400 per \$100 of assessed value. This rate is lower than the current tax rate of \$0.5514, marks the 2nd time in last 3 years that the rate has been lowered and the 11th straight year of no tax rate increase. Additionally, the rate is lower than the rollback tax rate of \$0.5620. However, the rate exceeds the effective tax rate of \$0.5222, therefore two public hearings were held on August 27, 2019 and September 10, 2019 as required by state law. Notice of the Public Hearing was published in the Kerrville Daily Times on August 16, 2019 and is running 5

times per day on the City's public access channel. In addition, the notice and all tax rate information is available on the City's website.

The rate is composed of the maintenance and operations portion and the debt rate portion. The maintenance and operations portion is being lowered from \$0.4779 to \$0.4665 per \$100 of assessed value. The debt portion of the rate remains unchanged at \$0.0735. The two rates added together result in the total rate of \$0.5400.

This tax rate will raise more taxes for maintenance and operations than last year's tax rate. The tax rate will effectively be raised by 3.4% and will raise taxes for maintenance and operation on a \$100,000 home by approximately \$14.10. The proposed increase will be used to fund public safety operations.

RECOMMENDED ACTION:

Approve Ordinance No. 2019-20 on first reading with a record vote using the following motion:

"I move that the property tax rate be increased by the adoption of a tax rate of \$0.5400, which is effectively a 3.4% increase in the tax rate."

**CITY OF KERRVILLE, TEXAS
ORDINANCE NO. 2019-20**

**AN ORDINANCE LEVYING AN AD VALOREM TAX FOR THE
USE AND THE SUPPORT OF THE MUNICIPAL GOVERNMENT
FOR THE CITY OF KERRVILLE, TEXAS, FOR THE FISCAL
YEAR 2020; PROVIDING FOR APPORTIONING EACH LEVY
FOR SPECIFIC PURPOSES; AND PROVIDING WHEN TAXES
SHALL BECOME DUE AND WHEN SAME SHALL BECOME
DELINQUENT IF NOT PAID**

WHEREAS, City Council finds that an ad valorem tax must be levied to provide for current expenses and improvements for the City of Kerrville, Texas, during Fiscal Year 2020; and

WHEREAS, City Council further finds that an ad valorem tax must be levied to provide for the payment of principal and interest on outstanding debt maturing in Fiscal Year 2020; and

WHEREAS, after due deliberation, study, and consideration of the proposed tax rate for Fiscal Year 2020, City Council has determined that adoption of the rate is in the best interest of the taxpayers of the City and it should be adopted in accordance with law;

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

SECTION ONE. There is hereby levied and there shall be collected for the use and support of the municipal government of the City of Kerrville, Texas, and to provide interest and sinking funds for the Fiscal Year 2020, a tax of **\$0.5400** on each one hundred dollars (\$100.00) valuation of all property, real, personal, and mixed, within the corporate limits of the City subject to taxation, for the specific purposes herein set forth:

A. For the current expenditures of the City of Kerrville and for the general improvement, use, and support of the City and its property, there is hereby levied and ordered to be assessed and collected for the Fiscal Year 2020 on all property situated within the corporate limits of the City, and not exempt from taxation by a valid law, an ad valorem tax rate of **\$0.4665** on each one hundred dollars (\$100.00) valuation of such property.

B. For the purpose of paying principal and interest and providing payments into various debt service funds for each issue of tax supported debt, there is hereby levied and ordered to be assessed and collected for the Fiscal Year 2020 on all property situated within the corporate limits of the City and not exempt

from taxation by a valid law, an ad valorem tax for each issue of debt described in this Section, the sum of such levies being **\$0.0735** on each one hundred dollars (\$100.00) valuation of such property.

SECTION TWO. The ad valorem taxes levied are due on October 1, 2019, and may be paid up to and including January 31, 2020, without penalty, but if not paid, such taxes are delinquent on February 1, 2020; provided, however, in accordance with Section 31.03(a) of the Texas Tax Code, the ad valorem taxes due hereunder may, at the option of the taxpayer, be paid in two payments without penalty or interest so long as the first payment of one-half of the taxes levied is paid before December 1, 2019, and the remaining one-half is paid before July 1, 2020.

SECTION THREE. No discounts are authorized on property tax payments made prior to January 31, 2020.

SECTION FOUR. All taxes become a lien upon the property against which assessed and the designated City tax collector for the City of Kerrville is authorized and empowered to enforce the collection of such taxes according to the Constitution and Laws of the State of Texas and ordinances of the City of Kerrville, and shall by virtue of the tax rolls, fix and establish a lien by levying upon such property, whether real or personal, for the payment of said taxes, penalty, and interest. All delinquent taxes shall bear interest and other charges from date of delinquency as prescribed by state law.

SECTION FIVE. THIS TAX RATE WILL RAISE MORE TAXES FOR MAINTENANCE AND OPERATIONS THAN LAST YEAR'S TAX RATE. THE TAX RATE WILL EFFECTIVELY BE RAISED BY 3.4% AND WILL RAISE TAXES FOR MAINTENANCE AND OPERATIONS ON A \$100,000 HOME BY APPROXIMATELY \$14.10.

THE MEMBERS OF CITY COUNCIL VOTED AS FOLLOWS IN ACCORDANCE WITH THE CITY CHARTER AND STATE LAW:

FIRST READING:

MOTION TO STATE AS FOLLOWS: *Motion that Ordinance 2019-20 be adopted and that the property tax rate be increased by the adoption of a tax rate of \$0.5400, which is effectively a 3.4% percent increase in the tax rate.*

City Secretary to take record vote as follows:

	YES	NO
Bill Blackburn, Mayor	_____	_____
Gary Cochrane, Place 1	_____	_____
Kim Clarkson, Place 2	_____	_____
Judy Eychner, Place 3	_____	_____
Delayne Sigerman, Place 4	_____	_____

PASSED AND APPROVED ON FIRST READING, this the _____ day of _____, A.D., 2019.

THE MEMBERS OF CITY COUNCIL VOTED AS FOLLOWS IN ACCORDANCE WITH THE CITY CHARTER AND STATE LAW:

SECOND READING:

MOTION TO STATE AS FOLLOWS: *Motion that Ordinance 2019-20 be adopted and that the property tax rate be increased by the adoption of a tax rate of \$0.5400, which is effectively a 3.4% percent increase in the tax rate.*

City Secretary to take record vote as follows:

	YES	NO
Bill Blackburn, Mayor	_____	_____
Gary Cochrane, Place 1	_____	_____
Kim Clarkson, Place 2	_____	_____
Judy Eychner, Place 3	_____	_____
Delayne Sigerman, Place 4	_____	_____

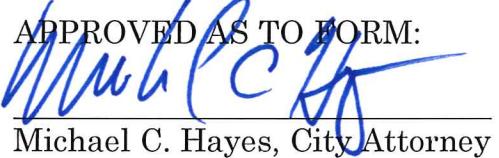
PASSED AND APPROVED ON SECOND AND FINAL READING, this
the _____ day of _____, A.D., 2019.

Bill Blackburn, Mayor

ATTEST:

Shelley McElhannon, City Secretary

APPROVED AS TO FORM:



Michael C. Hayes, City Attorney



**TO BE CONSIDERED BY THE CITY COUNCIL
CITY OF KERRVILLE, TEXAS**

SUBJECT: Authorization for the City of Kerrville, Texas, to make application to the City of Kerrville Economic Improvement Corporation for improvements to the Kerrville/Kerr County Airport at Louis Schreiner Field.

AGENDA DATE OF: September 10, 2019 **DATE SUBMITTED:** Sep 04, 2019

SUBMITTED BY: EA Hoppe

EXHIBITS: 2019 0903 EIC FY 2020 Funding Request.pdf

Expenditure Required:	Remaining Budget Balance in Account:	Amount Budgeted:	Account Number:
N/A (EIC Funds)	N/A (EIC Funds)	N/A (EIC Funds)	N/A (EIC Funds)

PAYMENT TO BE MADE TO: Kerrville/Kerr County Airport

Kerrville 2050 Item?	Yes
Key Priority Area	E - Economic Development
Guiding Principle	E4. Balance, broaden and diversify the City's tax base, shifting the tax burden away from residential property owners
Action Item	E4.3 - Promote additional hangar space at the Airport to increase property tax revenues from personal property taxes

SUMMARY STATEMENT:

The Kerrville/Kerr County Airport (KERV) at Louis Schreiner Field desires to make several infrastructure enhancements to better leverage their long-term business viability for the community. KERV has made application to TxDOT to leverage state grant funds for the construction of ten (10) "T-hangars." The City of Kerrville and Kerr County are jointly providing funding for the local match portion of this \$900,000 project. While those construction crews are mobilized, KERV feels that it would be advantageous to also complete \$200,000 in site work for the eventual construction of three "box hangars." These box hangars are typically business related, and often have small businesses run out of the facilities. As such, this expenditure is EIC eligible. The EIC-requested portion of this site work amounts to \$100,000.

In addition, KERV also has a dilapidated property on site, known as the "horseshoe"

building. The aged facility is located on KERV property near the Mooney Aircraft facility, and used to operate as a paint shop. To better market the property to future job-bearing tenants, KERV would like to demolish part of the structure and add paving infrastructure to enhance runway access. KERV estimates that \$150,000 of EIC funding will be needed to accomplish this demolition and infrastructure work.

The total near-term request from the EIC is \$250,000. A subsequent commitment of \$125,000 in funding is being requested of the EIC to fund the completion of the building shell and other exterior elements of the "Horseshoe" building at a later phase, once a specific business tenant has made a lease commitment.

The total commitment being asked of EIC is \$375,000.

RECOMMENDED ACTION:

Authorize City staff to make application to the Kerrville Economic Improvement Corporation.



TO: E.A. Hoppe, Deputy City Manager
FROM: KERRVILLE-KERR COUNTY JOINT AIRPORT BOARD
RE: FY 2020 Capital Request to Economic Improvement
Corporation
DATE: August 30, 2019

Listed below are the airport's funding requests to be considered by the Economic Improvement Corporation:

1. Build site infrastructure for future box hangars	\$100,000
2. Improve Horseshoe Building and Site <u>Phase 1-</u> Remove existing exterior walls and interiors, adjacent sheds, interiors and general clean up. Rework access drive and paving.	\$150,000
<u>Phase 2-</u> Once a tenant/user is identified; fund costs to complete building shell; install exterior metal walls and hangar door.	\$125,000
<u>TOTAL REQUEST:</u>	<u>\$375,000</u>