

**CITY OF KERRVILLE, TEXAS**  
**ORDINANCE NO. 2002-07**

AN ORDINANCE ADOPTING A CONFORMED VERSION OF ORDINANCE NO. 85-59, SECTION 27 "SIGN REGULATIONS", AS AMENDED; DECLARING THE COUNCIL'S INTENT REGARDING THE NON-SUBSTANTIVE NATURE OF INCORPORATED CHANGES; CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; AND ORDERING PUBLICATION

WHEREAS, Ordinance No. 85-59, adopted on October 22, 1985, established zoning regulations governing the use and development of land located within the City of Kerrville, Texas, as of the date of adoption; and

WHEREAS, Section 27 of Ordinance No. 85-59 sets forth the regulations governing the location, size, design, installation, and maintenance of signs located within the City of Kerrville and its extraterritorial jurisdiction as of the date of adoption; and

WHEREAS, Ordinance No. 97-08, effective June 16, 1997, preserved Section 27 of Ordinance No. 85-59, as amended, notwithstanding the adoption of Ordinance No. 97-07, effective June 16, 1997, that revised in their entirety the zoning regulations governing the use and development of land in the City of Kerrville; and

WHEREAS, Section 27 of Ordinance No. 85-59 has been amended eight times since its original adoption fifteen years ago; and

WHEREAS, Section 27 of Ordinance No. 85-59 has never been codified into the Code of Ordinances of the City of Kerrville, Texas, resulting in no authorized document which incorporates all sign regulations into a single document; and

WHEREAS, the City Council of the City of Kerrville, Texas, finds that the lack of a single document incorporating all amendments to Section 27 of Ordinance No. 85-59 that can be referenced by city staff as well as owners, manufacturers, and installers of signs has created and, if not remedied, will continue to create confusion regarding adopted text of the regulations of signs in the City of Kerrville and its extraterritorial jurisdiction; and

WHEREAS, the City Council of the City of Kerrville, Texas, further finds that it is in the best interest of the citizens of the City of Kerrville, Texas to adopt a conformed version of Section 27 of Ordinance No. 85-59 that incorporates all amendments adopted subsequent to the adoption of Ordinance No. 85-59 along with non-substantive amendments that resolve inconsistencies in section numbering or language;

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

SECTION ONE. That the text of Ordinance No. 85-59, Section 27, as amended by Ordinance No. 86-17, Ordinance No. 86-19, Ordinance No. 87-17, Ordinance No. 88-10, Ordinance No. 88-17, Ordinance No. 88-33, Ordinance No. 97-08, and Ordinance No. 2000-20 shall be as set forth in Exhibit "A", attached hereto and incorporated herein by reference.

SECTION TWO. That the City Council of the City of Kerrville, Texas, hereby declares the adoption of this Ordinance and any amendments to the text of Ordinance No. 85-59, Section 27, as amended by Ordinance No. 86-17, Ordinance No. 86-19, Ordinance No. 87-17, Ordinance No. 88-10, Ordinance No. 88-17, Ordinance No. 88-33, Ordinance No. 97-08, and Ordinance No. 2000-20, that are contained in Exhibit "A" hereto, but that are not expressly set forth in any of the above referenced ordinances, including, but not limited to, amendments to the numbering or order of sections or paragraphs, are intended to be non-substantive and shall in no way constitute a change or amendment to the zoning regulations set forth in Title 11, Chapter I of the Code of Ordinances of the City of Kerrville, Texas, or the regulation of signs in the City of Kerrville or its extraterritorial jurisdiction as those regulations existed prior to the adoption of this Ordinance.

SECTION THREE. 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 FOUR. If any section, subsection, sentence, clause or phrase of this ordinance is, for any reason, held to be unconstitutional or invalid, such holding shall not affect the validity of the remaining portions of this ordinance. The Council of the City of Kerrville, Texas, 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 FIVE. In accordance with Section 3.07 of the City Charter and Texas Local Government Code 52.013(a), the City Clerk 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.

PASSED AND APPROVED ON FIRST READING, this the 9<sup>th</sup> day of April, 2002.

PASSED AND APPROVED ON SECOND AND FINAL READING, this the 23<sup>rd</sup> day of April, 2002.

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Stephen P. Fine, Mayor

ATTEST:

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Sheila L. Brand, City Clerk

APPROVED AS TO FORM:

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Kevin B. Laughlin, City Attorney

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ORDINANCE NO. 85-59, SECTION 27, AS AMENDED BY ORD. NO. 86-17 ON JUNE 10, 1986, ORD. NO. 86-19 ON JUNE 3, 1986, ORD. NO. 87-17 ON APRIL 14, 1987, ORD. NO. 88-10 ON JULY 12, 1988 (EFFECTIVE AUGUST 1, 1988), ORD. NO. 88-17 ON OCTOBER 11, 1988, ORD. NO. 88-33 ON OCTOBER 25, 1988, ORD. NO. 97-08 ON JUNE 10, 1997 (EFFECTIVE JUNE 16, 1997) , AND ORD. NO. 2000-20 (EFFECTIVE OCTOBER 10, 2000)

## SECTION 27

### SIGN REGULATIONS

27.0 Purpose. Recognizing that the City of Kerrville's economic base is largely dependent upon visitors and the immigration of permanent residents, in part due to its natural beauty and pleasant appearance, the proper control of signs is essential for the continued growth and economic prosperity of the City. Additionally, it is recognized that traffic safety problems can be created by the lack of control of the visual environment. The purpose of this section is to establish standards for the construction and placement of signs.

Although there is more to this City than its natural resources and appearance, the attraction and servicing of visitors constitutes one of its leading economic activities. The impressions of the visitors and investors of the City of Kerrville determine the success or failure of its economic future. After studying the many ramifications of sign usage and realizing that there are a myriad of public and private interests to be weighed in the balance, it is apparent that the economic, health, and safety factors are inseparable. Each is but a part of the same problem. Any attempt to separate them distorts the picture that is essential to this community. The recognized right of business to advertise must be kept within reasonable boundaries consistent with the objectives and goals of the community to retain its special character and the economic advantages, which rest largely on the quality of its appearance, and high standards of the public health, safety and welfare.

Signs left unregulated can become a problem for the residents of the city as follows:

1. Without abatement, abandoned or damaged signs can become a hazard to the public.
2. Signs can become a cause of garbage accumulation, an obstruction to light and air to adjoining properties.
3. The proliferation of signs without relative rhyme or reason can create a situation in which the traveling motorist is so distracted that dangerous driving conditions are created.
4. Signs may be visually incompatible with their surroundings, both with the natural environment and with adjoining buildings.
5. Signs may detrimentally affect adjoining property values, causing said abutting property to become economically less-competitive.

Therefore, the objectives of these sign regulations are as follows:

1. To assure that each business or individual maintains adequately their right to communicate to the public.
2. To insure that the size, location and lighting/coloration of each sign meets the standards necessary to protect the health, welfare and safety of the public and preserves the values of adjacent properties.
3. To insure that passing motorists or pedestrians can be adequately informed by signs providing information and directions.
4. To alleviate the proliferation of sign usage which is detrimental to the growth of the city, and the safety and welfare of the citizen traveling city streets.

In summary, the clutter and confusion of unregulated signs has been found to contribute to traffic safety problems, and to be detrimental to the economic and commercial welfare of the community.

#### 27.1 Signs Exempted from Certain Regulations.

All signs listed below, as defined, are exempt from the regulations listed in this Section. However, said signs shall remain subject to construction and electrical standards of the Building and Electrical Codes or to Title 7, Chapter IV of the Code of Ordinances of the City of Kerrville when they may be applicable, and except that no prohibited sign as listed in the following Subsection 27.2 shall be allowable as a sign exempted in this Subsection 27.1.

1. Realty signs advertising the sale, lease or rental of the premises upon which the sign is located, which shall not exceed thirty-two (32) square feet in area, except in all residential districts where the area of the sign shall not be more than six (6) square feet. This exception includes "garage sale" or similar signs in residential areas. Realty signs shall be limited to one per street frontage.
2. One professional nameplate or "shingle sign" not to exceed four (4) square feet in area.
3. Signs denoting the name and address of the occupants of the premises, not to exceed four (4) square feet in area.
4. One sign or bulletin board customarily incidental to places of worship, libraries, museums, social clubs, societies, or charitable organizations and which shall be located on the premises of such institution and which shall not exceed thirty-two (32) square feet.

5. One sign per street frontage of a building which is under construction or structural alteration or repair announcing the character of the building, enterprise or the purpose for which the building is intended, including names of architects, engineers, contractors, developers, financiers, and others, provided the area of such sign shall not exceed thirty-two (32) square feet in all districts, except sixteen (16) square feet in residential districts. Individual contractor signs, not exceeding three (3) square feet in area, are allowed in addition to the construction sign listed above. All such contractor or construction signs shall be removed within thirty (30) days of the completion of the construction project. All such signs which are larger than the subcontractor sign limitation of three (3) square feet shall be set back from the property line to the normal building set-back line required in the applicable zoning district.
6. Governmental signs not exceeding thirty-two (32) square feet in area.
7. Community service signs. A community service sign which is not placed on or over the public right of way shall not exceed thirty-two (32) square feet in area in non-residential zones, and six (6) square feet in residential zones. If said signs are placed on or over the public right-of-way, said signs shall obtain a street use permit to be placed only at one of the officially designated banner pole locations<sup>1</sup>. To obtain a street use permit, an applicant must apply to the Building Official and pay the required permit fee and demonstrate compliance with the requirements for the banners as promulgated by Resolution of the Kerrville City Council. The conditions of the street use permit shall be:
  - A. The City shall put the banners up and take them down. They shall be installed within three (3) working days from the day the permit is issued and the banner is delivered to the City, but no sooner than 6 weeks before the event. They shall be taken down within 10 days after the event and may then be picked up from the Building Official.
  - B. The Building Official shall cause the sign to be removed without the sign owner's permission and without a refund of the permit fee if the sign becomes damaged or unsafe.

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1. Resolution No. 88-107, adopted June 28, 1988, authorizes community service signs to be placed at the following locations: 1. State Highway 27 and Ernest Street; 2. State Highway 27 between Woodlawn Street and Plaza Drive next to the drainage ditch at LeMeilleur's Store; 3. State Highway 16, just north of Loop 534; 4. State Highway 16, just north of G Street (next to Stroh's Beer and L & M Enterprises; and 5. Main Street and Rodriquez Street. Resolution No. 88-118, adopted November 22, 1988, authorized community service signs to be located at State Highway 16 between Yorktown Boulevard and Wheless Avenue. Resolution No. 96-110, adopted March 12, 1996, authorized community service signs to be installed at 1726 Sidney Baker North, between Peterson Street and Roy Street. Note, however, that the Main Street and Rodriquez Street location no longer exists because of the closing of Rodriquez Street between Main Street and Jefferson Street.

- C. The entitlement to a community service sign, the installation and removal of same, and other interpretation, or application, of this community service sign ordinance, shall be solely within the discretion of the City Manager.
8. Flags or pennants attached to a building, but which are not extended over parking lots or other open areas, nor in any manner are supported apart from the building. Also exempted are flags, not to exceed six (6) in number, mounted on poles which are governmental flags, or flags carrying the emblem of the business located on the same building lots. In no case shall any one flag exceed fifty (50) square feet in size.
  9. Commemorative plaques placed by governmental or civic organizations, or integral signs.
  10. Signs specifically approved in a Planned Development District.
  11. Rearrangement/replacement of letters, numbers, characters, or pictures on existing signs, provided that the sign area is not enlarged.
  12. Political election signs, providing that such signs shall not exceed thirty-two (32) square feet in area in non-residential areas and six (6) square feet in residential areas, and provided that such signs not be placed earlier than six weeks prior to the election, and must be removed within ten (10) days following the election, and provided that said signs shall not be placed in the public right-of-way.
  13. Public service signs indicating time and temperature.
  14. Auxiliary signs.
  15. Canopy signs.
  16. Roof signs.
  17. Wall signs.
  18. Window signs.
  19. Directional signs.
  20. Signs placed on benches, trash cans, or other structures which are located in the public right-of-way, provided that the City Council has authorized the placement of the structure or receptacle in the right-of-way, and has additionally authorized the placement of the sign on the structure or receptacle.

## 27.2 Prohibited Signs

All signs listed below shall be prohibited in the City of Kerrville. Existing signs which fall into this category are subject to the amortization schedule as listed in Subsection 27.9, Abatement. A “sign” for the purpose of this subsection only, is any letter, figure, symbol, trademark, or device designed to inform people, or attract the attention of persons, to an individual, firm, profession, business, commodity or service, and which is recognizable from any public right-of-way.

1. Any signs and supports, other than those required by governmental authority or for which a street use permit has been issued pursuant to Subsection 27.1, para. 7, above, which are located on or over the public right-of-way, including public sidewalks, streets, alleys and parkways. This paragraph shall not apply to signs on commercial vehicles or commercial trailers lawfully operated or parked in such areas, except that this exception shall not otherwise be used to legitimate the use of advertising vehicles and trailers or portable or wheeled signs prohibited in this Section, neither shall this paragraph apply to those projecting signs allowed in the Central Business District, except as prohibited by State law or guidelines.
2. Signs which revolve, rotate, whirl, spin, or otherwise make use of motion to attract attention. Flags and pennants as exempted in Subsection 27.1 are not included in these prohibited signs. Except, however, barber shops having a barber pole that has a turning, striped, cylinder, which does not exceed forty-two (42”) inches in height, and which otherwise meets the requirements of this Ordinance, is not prohibited.
3. Signs which utilize flashing lights, moving lights, or traveling lighted messages, except for time and temperature.
4. No external lighting device used for the illumination of signs, buildings, or grounds shall employ sources of light which are directed at streets or any adjacent residential properties. This provision shall not include street lights. Any internal lighting devices designed to light any sign shall 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. Signs which, by reason of their 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 light of emergency or road equipment vehicles or which hide from view any traffic or street sign or signal or device.
6. Any sign which emits sound.
7. No signs other than "entrance", "exit" or directional fire escape notices shall be placed in any form, shape, or manner on any fire escape or door or window giving access to a fire escape.

8. Damaged signs, or signs that are located on property which becomes vacant and is unoccupied for a period of twelve (12) months or more, or any sign which pertains to a timer event, or purpose which no longer applies.
9. Unattached or portable signs.
10. Motor vehicles or trailers whose primary purpose is as a permanent advertising device. This shall not include the placement of wagons that are of a type that once were drawn by animals and are placed upon property for historic or landscaping purposes, provided that no signs are placed thereon.
11. Snipe signs.
12. Any sign which has been or is erected, altered, repaired or relocated without having received an applicable permit, and without being erected, altered, repaired or relocated in conformance with the Building and Electrical Codes of the City of Kerrville, or in accordance with the regulations of this Section.

### 27.3 Signs Permitted by Zone.

All of the signs listed within the paragraphs below of this subsection shall be required to meet the standards herein, and (except for banner signs) shall be required to obtain a permit from the Building Official.

1. The following signs shall be permitted in the “R-1”, “R-1A”, “R-C”, and “RM” Zoning Districts:
  - A. Subdivision name sign, not exceeding thirty-two (32) square feet in sign area.
  - B. All signs listed in Subsection 27.1 that are applicable to residential uses, or as may be allowed with a home occupation.
2. The following signs shall be permitted in the “R-3” and “PI” Districts, and Zoning Districts 7-W, 8-W, 13-C, 34-S and 35-S:
  - A. As permitted in Paragraph 1 above.
  - B. One projecting sign per building face of each business which cannot extend more than nine (9) feet from the building face (wall), and cannot be more than six (6) feet in width from the building edge of the sign to the outside edge of the sign measured perpendicularly to the building.
3. The following signs shall be permitted in all zoning districts except District 7-W, 8-W, 13-C, 34-S, 35-S, “R-1”, “R-1A”, “R-3”, “RM”, “RC”, “RT”, or “PI”:

- A. As permitted in Paragraph 2 above.
- B. Free standing signs on lots or building lots fifty (50) feet in width but less than two hundred (200) feet in width.

One free-standing sign is permitted for each building lot as outlined below, with the exceptions as noted:

(1) Sign Area: The maximum allowable sign area shall equal one hundred (100) square feet.

(2) Sign Height: The maximum height of any sign shall equal thirty (30) feet.

(3) Location of Signs: (a) No free-standing sign shall be located on a building lot that is less than fifty (50) feet in width. However, if lots less than 50 feet are combined to form a building lot for one business or a commercial center and the resulting width of the building lot equals or exceeds 50 feet, then one free-standing sign is allowed. However, in no case shall free standing signs be located less than fifty (50) feet apart, and in no case shall there be more than one free-standing sign for a commercial center.

(b) A "through lot" is allowed to have one free-standing sign on each of the two "parallel" street frontages, provided that the signs meet all other requirements of this Section, including the distance requirement of 50 feet between signs.

- C. Free-standing signs on building lots two hundred (200) feet in width but less than four hundred (400) feet in width.

One free-standing sign is permitted for each building lot or commercial center. The freestanding sign shall meet the following criteria:

(1) Sign Area: The maximum allowable sign area shall equal one hundred and fifty (150) square feet.

(2) Sign Height: The maximum allowable sign height shall equal thirty-five (35) feet.

(3) Location of Signs: (a) No free-standing sign shall be located within sixty (60) feet of any other free-standing sign. (b) A "through lot" is allowed to have one free-standing sign on each of the two "parallel" street frontages, provided that the signs meet all other requirements of this Section, including the distance requirement of sixty (60) feet between signs.

- D. Free-standing signs on building lots four hundred (400) feet or greater in width.

Two free-standing signs are allowed for each building lot or commercial center. The freestanding signs shall meet the following criteria:

(1) Sign Area: The maximum allowable sign area shall equal two hundred (200) square feet for one sign, and one hundred (100) square feet for the other.

(2) Sign Height: The maximum allowable sign height shall equal forty (40) feet for the larger sign, and thirty (30) feet for the smaller sign.

(3) Location of Signs: (a) No sign shall be closer than seventy (70) feet from any other free-standing sign.

- E. Off-Premise Advertising Signs. All off-premise advertising signs, to include billboards, are defined as free-standing signs and shall be required to meet the same standard as any other free-standing sign as follows:

(1) Sign Area: The maximum allowable sign area shall equal one hundred (100) square feet.

(2) Sign Height: The maximum allowable height of any sign shall equal thirty (30) feet.

(3) Number of Signs: No off-premise advertising sign shall be located on any unplatted lot, nor shall it be located on a platted lot less than fifty (50) feet in width. The off-premise advertising sign located on any building lot shall be considered as the one free-standing sign allowed for said building lot. Any existing or future building located on the same building lot shall not be allowed to erect or place another freestanding sign on the same building lot with the off-premise advertising sign.

(4) All off-premise advertising signs, in addition to the above listed requirements, shall not be placed upon the wall or roof of a building.

- F. Banner Signs, if and only if:

1. The entire banner sign covers portions of (1) the outside wall of any building, or (2) a wall or fence which is built along the perimeter of the property, or along the perimeter of a substantial part of such property.

2. The entire square footage of banner signs at one business location shall not exceed 80 square feet.
  3. The banner is, and remains in, good condition and without torn, or tattered portions.
4. The following signs shall be permitted in the Central Business District as defined in Article 11-I-3(a.)of the Code of Ordinances:

The same sign regulations that are listed in Paragraph 3 above shall apply to the Central Business District with the following exceptions:

Signs may extend over the sidewalk, but shall remain at least two (2) feet from the curb face, and with a minimum vertical clearance of seven and one-half (7 1/2) feet above the sidewalk.

5. Within any Planned Development District or Specific Use District, or for any conditional use permit, the sign regulations shall be as approved in the development plan for that district or that permit.
6. The following signs shall be permitted in the “RT” Residential Transition District, or on property used for Personal Services, Limited or Retail Trade, Limited, as described in Title 11, Chapter I of the Code of Ordinances:
  - A. One free standing sign which:
    - (1) has a sign area of not greater than twenty-four square feet;
    - (2) does not exceed six (6) feet in height above the ground; and
    - (3) is not internally illuminated; and,
  - B. One wall sign or projecting sign which:
    - (1) has a sign area not greater than twenty-four square feet; and
    - (2) is not internally illuminated.
7. Off-Premise Advertising Signs.

All signs permitted in the paragraphs above may be used as either on-premise or off-premise advertising signs; provided, however, no off-premise advertising sign may be located on the wall or roof of a building, nor on any fence or wall.

8. No part of a sign face shall be located within a plane measured from three (3) feet to eight (8) feet above the curb of a driveway or intersecting side street, if said sign face is located both (1) within ten (10) feet of the back curb of a driveway, and (2) within fifteen (15) feet of the back of curb of any street. Provided, however, if the driveway is at a lower elevation than the street curb, the Building Official may require that the no obstruction plane be extended to ground level within the 10' x 15' area in order to prevent traffic visibility problems.

#### 27.4 Maintenance

Every sign, including those specifically exempt from this code in respect to permits and permit fees, shall be maintained in good structural condition at all times. All signs shall be kept neatly painted, including all metal parts and supports thereof that are not galvanized or of rust-resistant material. The building inspector or his authorized representative shall inspect and shall have the authority to order the painting, repair, alteration, or removal of a sign which shall constitute a hazard to safety, health, or public welfare by reason of inadequate maintenance, dilapidation, or obsolescence.

#### 27.5 Permits Required and Conformance with Codes.

No sign shall be erected, altered, repaired or relocated without first obtaining a permit from the Building Official. The signs enumerated in Subsection 27.1 shall be an exception unless otherwise specified by the Building or Electrical Codes.

Every application for a sign permit must include (1) the name, daytime address, daytime telephone number, and signature of the owner of the property on which the sign is to be located, or (2) if the lessee or owner of the sign is different than the owner of the property on which the sign is to be located, the name, daytime address, daytime telephone number, and signature of the lessee or owner of the sign, and (3), the name, daytime address, daytime phone number, and signature of the person authorized by the sign installer to make the application for the sign permit. Those people signing the permit application shall be required to acknowledge by their signature that they are responsible for becoming familiar with and complying with all applicable federal, state, county, and city laws, regulations, and ordinances regarding the design, location, installation, maintenance, and operation of the sign which is described in the application. All applications for permits for all signs shall be accompanied by such drawings or descriptions as are necessary to fully advise the Building Official as to location, construction, details as to brackets, main guy cables, wired braces, bolts and turn buckles; if to be extended from building walls: thickness of said wall or walls and height of sign and height of building; if on standards: size and height of standards; the weight of sign, size of sign and other details which the Building Official may deem necessary. A sign permit shall become null and void on the 181<sup>st</sup> day after issuance of said permit if completion of the installation of the sign described in the permit has not occurred by said date.

Where the sign is to be attached to an existing building or free-standing sign, a current photograph of the wall face or freestanding sign is to be attached to the application. Each permit shall contain the name, address and telephone number of the owner or persons entitled to possession of the sign or maintenance of the sign, and the name, address and telephone number of the sign contractor/erector.

When a sign permit has been issued by the Building Official, it shall be unlawful to change, modify, alter, or otherwise deviate from the terms or conditions of said permit without prior approval of the Building Official. A written record of such approval shall be entered upon the original permit application and maintained in the files of the Building Official.

The Building Official shall notify the responsible party in writing of any signs which are damaged and considered to be an immediate danger to the public. The responsible party shall immediately proceed to remove or repair the sign. Should the responsible party, not later than ten days after being notified, fail to correct any such cited damage, the Building Official shall cause such sign and its supports to be demolished and removed.

Whenever the building inspector or any of his agents or any police officer finds a sign which was erected after the effective date of this Sign Ordinance and which was erected in violation hereof, the inspector or agent or officer shall require the party responsible for such sign to remove the same immediately. If the party responsible fails to remove said sign within three (3) days after being duly notified to do so or if it appears to the inspector, agent or officer that the illegal sign placement poses an immediate danger to the public then such sign may be removed by the City at the expense of the party responsible. Any sign so removed shall be stored or impounded and shall not be returned to the party responsible until all applicable charges are paid. If any sign remains unclaimed for a period of thirty (30) days after its removal, or if the removal and storage costs are not paid within the thirty (30) day period, the City may destroy, sell, or otherwise dispose of the sign.

Any owner failing to remove any sign after being duly notified to do so, shall be in violation of this ordinance, and necessary legal proceedings shall be instituted.

## 27.6 Responsible Party.

Parties responsible for signs shall be identified as follows:

1. A sign shall have printed upon it, in a legible manner, the name and address of the party responsible for the placement, maintenance and removal of the sign; or
2. A sign shall clearly indicate through its advertising medium the party responsible for the placement, maintenance and removal of the sign; or

3. All signs which do not comply with either 1. or 2. above, shall become the responsibility of the property owner upon which the sign is placed. Said responsibility shall include that of repair, maintenance or removal, as may be necessary.

27.7 Construction Standards and Compliance with Building Codes.

All regulations established in Title 7 of the Code of Ordinances, or as they may be amended, which do not conflict with this Section, shall remain in full force and effect. All portions of the said code which are in conflict with this Section are hereby repealed.

27.8 Permit Fees.

A fee shall be paid for each sign permit in accordance with the Schedule of Fees adopted by ordinance or resolution of the City Council related to the issuance of building permits, with the following clarifications and modifications:

1. An electrical permit fee shall be paid in addition to the stated sign permit fees when the sign also requires installation of electrical wiring or facilities.
2. A sign permit fee shall be waived in those cases where a responsible party voluntarily undertakes to bring his sign in conformance with this ordinance prior to the expiration of any applicable abatement period.

27.9 Abatement.

All signs shall be required to conform with the requirements of this Section in accordance with the following:

1. Those signs erected, placed, or reconstructed in accordance with applicable City Ordinances or the provision of Texas State Law or guidelines, prior to May 29, 1985, and which are not in compliance herewith shall be brought into conformance with this ordinance as ordered by the Municipal Board of Sign Control and in accordance with the provisions of Texas State Law or guidelines, relating to the regulations of outdoor signs.
2. All signs erected, placed or reconstructed not in accordance with applicable City Ordinances or the provisions of Texas State Law or guidelines, prior to May 29, 1985, shall be brought into conformance with this Section in accordance with the following schedule:
  - A. Any unattached sign located within the public right-of-way shall be brought into conformance with this ordinance by September 30, 1985. Provided, however, that any sign considered an immediate danger to the public shall be required to be removed or repaired immediately. However, signs located on benches, trash cans, or other structures in the public right-of-way may be

authorized to be so located by the City Council so long as the sign shall not become a danger or nuisance to the public.

- B. All other signs that are listed as "prohibited signs" by this ordinance which were erected, placed or reconstructed not in accordance with applicable City Ordinances or the provisions of Texas State Law or guidelines, prior to May 29, 1985, shall be brought into conformance with this ordinance by May 28, 1986. Provided, however, that any sign considered by the City Building Inspector, his agent, or any City Police Officer to be an immediate danger to the public shall be required to be removed or repaired immediately.
- 3. For all areas not within the jurisdiction of this ordinance that may come within the jurisdiction of this ordinance at some future date, the requirements and procedures of this ordinance shall apply commencing on the date of annexation or the extension of the extraterritorial authority of the City.
- 4. This Subsection does not apply to structural or electrical defects in any sign which must be brought into conformance with the building or electrical codes at an earlier date than that listed in this Section.
- 5. In order to qualify as a valid, non-conforming sign, said sign shall meet the following requirements:
  - A. A permit must have been granted by the City of Kerrville for the construction or placement of said sign; and
  - B. Said sign must be constructed or placed in a manner which conforms to any applicable City of Kerrville codes regulating the construction or placement of the sign.
- 6. At any time prior to the end of any abatement period granted for any sign, should that sign undergo a major repair or replacement, then said sign shall be required to come into conformance with this ordinance. A major repair or replacement shall occur if the cost of repairing or replacing the sign is more than sixty (60) percent of the cost of erecting a new sign of the same type at the same location.

#### 27.10 Extraterritorial Jurisdiction

- 1. The provisions of this ordinance, including but not limited to, the requirements for permits, the abatement schedule, and the means for enforcement shall apply within the extraterritorial jurisdiction of the City as defined by Chapter 42 of the Texas Local Government Code, as amended.

2. Unless provided otherwise by the City Council, for the purpose of these sign regulations, all land in the extraterritorial jurisdiction shall be subject to the regulations set forth in Subsection 27.3, paragraph 3, above.

#### 27.11 Variances

Variances may be granted to these sign regulations provided that the procedures and standards set out below are followed.

##### 1. Procedures.

- A. Application for a variance shall be filed with the Planning Department two weeks prior to the Planning and Zoning Commission meeting. The application shall include the following:

- (1) Name/address of owner/applicant.
- (2) Address/property legal description.
- (3) Statement that the applicant is the owner or authorized agent, or has a contract for sale.
- (4) Site plans, elevations, improvement plans, and other such drawings, all sufficiently dimensioned land oriented to illustrate the following:
  - i. the location and dimensions of lot lines.
  - ii. the location, appearance, and intended use of buildings and signs on the site, and the approximate location of existing buildings and freestanding signs on abutting lots. (Photographs may be used.)
  - iii. the location of site improvements including parking and loading areas, pedestrian and vehicular access, landscaped areas, utility or service areas, fencing and screening, and lighting, where applicable. (Photographs may be used.)

- B. Preliminary Conference.

The applicant shall meet with the staff to consider alternatives and the nature of his petition prior to or during the application process.

- C. Public hearing.

The Planning and Zoning 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 ordinance amendments. At the public hearing, the Commission shall review the application and shall receive pertinent evidence concerning the proposed variance.

D. Report of the Planning Department.

The Planning Department shall review the application or proposal and shall be filed with the Planning and Zoning Commission prior to the public hearing.

E. 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, traffic safety, the purpose statements as listed herein, or that will give one business an unfair competitive advantage over other businesses.

2. Evaluation Criteria

A. The Planning and Zoning Commission shall use the criteria set forth for Article 11-I-23(b.) for the granting of variances to the Zoning Code when considering variances to this ordinance.

B. Notwithstanding a., above, no variance may be granted for signs that are listed as a prohibited sign(s) in Subsection 27.2 of this ordinance.

27.12 Amortization in Event of Invalidity. In the event any provision of state law authorizing the prohibition, removal or alteration of signs after a period of amortization is held invalid; or any provision of the City sign ordinance, or any regulation, action, or decision, thereunder, is held invalid; or, any period of amortization set by the Municipal Board of Sign Control is ever held to be invalid; then the amortization period for any sign invalidly amortized under any such law, ordinance, regulation, action of decision, shall be, and is, June 3, 1994.

Except, however, this ordinance shall not apply to those signs whose amortization period was established as one year or less.

27.13 Definitions.

Sign: Any letters, figures, trademarks, or devices designed to inform people of the identity of an individual, firm, profession, business, product, goods, or service, and which is (are) recognizable from any public right-of-way. Some, but not all, kinds of signs are defined as follows:

1. Sign, "A-Frame": See definition of "Sign, Unattached".

2. Sign, Area: The square foot area enclosed by the perimeter of the sign face with each face contributing the aggregate area. The sign face shall exclude decorative wood or metal devices, or frames, or sign supports to include sign supports which are defined as a monolith. However, double-faced sign faces shall be counted only as the area of one face. In cases where the sign, or portion thereof, is composed only of letters, figures, or other characters, standing against no sign face background or secured to a monolith, then the sign face area shall be the sum of the area of an imaginary figure (circle, triangle, rectangle, or other) which fully contains all words, figures, devices, designs or trademarks which constitute the sign.
3. Sign, Auxiliary: Any sign attached to the building or canopy indicating general information, such as pricing, trading stamps, credit cards, official notices or services required by law, trade associations, or giving directions to offices, rest rooms, exits, and like facilities.
4. Sign, Banner: A piece(s) of paper, plastic, or fabric which may possess colors, characters, letters, illustrations, or ornamentations, which may be rectangular in shape or cut into streamers. This definition shall not include flags.
5. Sign, Billboard (Outdoor Advertising): See definition for "Sign, Off-Premise".
6. Sign, canopy: A sign attached to a canopy which does not exceed the following limits:
  - A. Does not exceed the width of the canopy.
  - B. Does not extend more than six (6) feet above the top of the canopy.
  - C. Does not extend more than six (6) feet above the roof line.
  - D. Does meet the requirements of a projecting sign when attached to a canopy projecting from the side of a building, except for advertisements painted onto awnings or other sun shades attached to a canopy.
  - E. Additionally, when the canopy is detached from the building, no canopy sign hangs more than three (3) feet below the canopy but allowing for seven and one-half (7 1/2) feet of ground clearance for pedestrians, except when attached to a canopy support.
7. Sign, Changeable Copy: A sign that is designed so that letters, numbers, or illustrations can be changed or rearranged without changing the face or surface of the sign. This does not include billboards.
8. Sign, Community Service (Public Service): Any sign which solicits support for or advertises a non-profit community use, public use, or social institution. Such signs may include, but shall not be limited to, seasonal holidays such as Christmas or

Easter, school activities, charitable programs, or religious activities, or events of community interest.

9. Sign, Construction: Signs temporarily placed on a construction site identifying the project, and/ or owner, developer, contractor, architect, and other information regarding the project, such as opening dates.
10. Sign, Damaged: Any sign which is unsafe, insecure, disfigured or broken.
11. Sign, Directional: Signs which are free-standing and which do not exceed six (6) square feet in sign space area and whose primary purpose is to give directions to parking lots, exits, entrances, drive-through windows, or similar directions.
12. Sign, Double-Faced: One structure containing either (1) one sign with two faces back-to-back oriented in opposite directions, or (2) two signs back-to-back with faces oriented in opposite directions with a distance of not more than three (3) feet between the two signs.
13. Sign, Flag: A rectangular piece of fabric of distinctive design bearing the official symbol of a Nation, State or other governmental or business, and which is not permanently affixed to a sign support.
14. Sign, Flashing: Signs with flashing, blinking, or moving lights, regardless of wattage, whether directly or indirectly illuminated, excepting time and temperature signs. This shall include signs which make use of traveling lights or traveling lighted messages, or flashing lights.
15. Sign, Free-Standing: Any sign which is secured to the ground, and which is not affixed to a building. Secured is defined in the definition of "Sign, Unattached". Billboards are defined for the purposes of this Ordinance as a freestanding sign; however, those signs listed in Subsection 27.1 are excluded from this definition.
16. Sign, Governmental: Any sign indicating public works projects, or other programs or activities conducted or required by any government subdivision. This is also considered a Community Service Sign.
17. Sign, Height: The vertical distance between the highest part of the sign or its supporting structure, whichever is higher, and the average established ground level beneath the sign, unless curb elevation is higher than the ground level, in which case the height shall be measured from curb level.
18. Sign, Illuminated: (a) Internally Illuminated: Any sign illuminated in any manner by an artificial light source as an integral part of sign. (b) Externally Illuminated: Any

sign illuminated in any manner by an artificial light source which is detached from the sign.

19. Sign, Integral: Any memorial signs or tablets, names of buildings, and date of erection when cut into any masonry surface or when constructed of bronze or other incombustible material mounted on the face of a building.
20. Sign, Marquee: A sign hung from or affixed to a marquee. It shall be synonymous with a canopy sign.
21. Sign, Non-Conforming: Any sign which does not conform to the regulations of this or existing city ordinances, but was placed on constructed in accordance with existing city ordinances at the time of its placement or construction.
22. Sign, Off-Premise: Any sign structure used for any sign advertising an establishment, merchandise, service or entertainment, which is sold, produced, manufactured and/or furnished at a place other than on the property on which said sign is located.
23. Sign, Pennant: A piece of fabric of any kind, tapering to a point or swallowtail, which may possess colors, characters, letters, illustrations, or ornamentations, and which is not permanently affixed to a sign support.
24. Sign, Portable: See definition of "Sign, Unattached".
25. Sign, Projecting: Any sign, other than a wall sign, which is affixed to any building or wall whose leading edge extends more than two (2) ft. beyond such building or wall. A canopy or marquee sign is not defined as a projecting sign.
26. Sign, Realty: Any sign which is used to offer for sale, lease, or rent the property upon which the sign is located.
27. Sign, Roof: Roof Sign: Any sign that is mounted on, and is wholly supported by, the roof of a building and does not extend beyond the wall line.
28. Sign, Sandwich: See definition of "Sign, Unattached".
29. Sign, Setback: Distance measured from the nearest part of any sign or sign support to the property line, or if specifically stated, measured to another point such as the street curb line.
30. Sign, Snipe: A sign made of any material when such sign is tacked, nailed, posted, pasted, glued or otherwise attached to trees, poles, stakes, or fences, or to other objects, and the advertising matter appearing thereon is not applicable to the use of the premises upon which such sign is located. Snipe signs do not include political election signs.

31. Sign, Traveling Lighted Message: Sign which utilizes lights to form letters, words, figures, symbols, etc., and which letters, words, figures, symbols, etc., are changed more than once every four (4) minutes.
32. Sign, Unattached: Any sign which is carried, wheeled or moved about without having to detach the sign from a secure anchoring device which is set in the ground or to a building which is set on an approved foundation; or, any sign which is not secured in a manner approved by the City Building Department and designed to withstand wind pressures as specified in Section 1205 of the Standard Building Code adopted by the City of Kerrville. Such signs are considered to be unattached as they can reasonably be expected to be blown about in high winds which may cause injuries to pedestrians and traffic safety hazards. Said signs include portable signs, "A-Frame" signs, and sandwich signs. However, realty signs, individual contractor signs, and political election signs which are six (6) square feet in area or less are not included in this definition, nor are signs intended for temporary use for safety reasons due to construction, dangers, traffic control, or government or community service signs which are deemed necessary to inform the public.
33. Sign, Wall: Any sign that is painted on, or attached to and erected parallel or approximately parallel to the face of, or erected and confirmed within the limits of (1) the outside wall of any building, or (2) a wall or fence which is built along the perimeter of the property or substantial part thereof. Any such sign shall be supported by the building, wall or fence, and shall display one surface for advertising. Such signs shall not extend more than two (2) feet from the building wall, nor more than six (6) inches from the fence/wall. Wall signs do not include banners, pennants, or flags.

CITY OF KERRVILLE, TEXAS  
**ORDINANCE NO. 2003-07**

AN ORDINANCE AMENDING ORDINANCE NO. 85-59, SECTION 27 “SIGN REGULATIONS”, AS AMENDED, BY AMENDING SUBSECTION 27.3 TO PROHIBIT OFF-PREMISE SIGNS FOR THOSE ZONING DISTRICTS LOCATED WITHIN THE AREAS OF STATE HIGHWAY LOOP 534 AND STATE HIGHWAY 173; REVISING REGULATIONS FOR ON-PREMISE SIGNS IN THE SAME AREAS; CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; AND ORDERING PUBLICATION

WHEREAS, the City of Kerrville has adopted regulations governing the size, design, and location of signs within the City and its extraterritorial jurisdiction, said regulations being set forth in Section 27 “Sign Regulations” of Ordinance No. 85-59, as amended by Ordinance Nos. 86-17, 86-19, 87-17, 88-10, 88-17, 88-33, 97-08, and 2002-20 (hereafter collectively referred to as “Section 27, as amended” or “the Sign Regulations”); and

WHEREAS, City staff and the City’s Planning and Zoning Commission have recently studied the issue of signs within the corridors of State Highway Loop 534 and State Highway 173; and

WHEREAS, both City staff and the City’s Planning Zoning Commission have recommended changes to the Sign Regulations applicable to these areas, which will include prohibiting off-premise signs in such areas and revising the regulations for on-premise signs; and

WHEREAS, pursuant to Texas Local Government Code §§211.006 and 211.007, notice has been given to all parties in interest and citizens by publication in the official newspaper and otherwise, of a hearing to be held before the City Council on March 11, 2003, to consider the final report of the City of Kerrville Planning and Zoning Commission regarding its recommendations on the adoption of an ordinance amending Section 27, as amended, by adding new regulations affecting the location, size, and design of certain outdoor signs; and

WHEREAS, such public hearing was held in the Council Chambers beginning at approximately 6:30 p.m. on March 11, 2003, as advertised; and

WHEREAS, after a full hearing, at which all parties in interest and citizens were given an opportunity to be heard; and after receiving and considering the recommendations of the Planning and Zoning Commission and City staff; and after considering among other things, the character of the various areas of the City and the suitability of particular uses in each area; and with a view to conserving the value of buildings and encouraging the most appropriate use of land throughout the City, the City Council finds it to be in the best interest of the health, safety, morals and general welfare of the City of Kerrville, Texas, to adopt a revision to the City’s zoning regulations relating to the installation, maintenance, location, and design of signs within the City of Kerrville;

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

SECTION ONE. That Subsection 27.3 of Ordinance No. 85-59, as amended, shall be amended by adding a new Paragraph 3:

3. The following signs shall be permitted within the 25E, 26E, 27E, 28E, 29E, 30E, 33S, 35S, 36S, and GR Zoning Districts:

A. Banner sign, subject to the following regulations:

(1) The entire banner sign covers portions of (1) the outside wall of any building, or (2) a wall or fence which is built along the perimeter of the property, or along the perimeter of a substantial part of such property.

(2) The entire square footage of banner signs at one business location shall not exceed 80 square feet.

(3) The banner is, and remains in, good condition and without torn, or tattered portions.

B. Marquee sign;

C. Projecting sign;

D. Free-standing sign, subject to the following regulations:

(1) In the case of a single building or tenant, one (1) free-standing sign is permitted with the following criteria:

(a) Sign Area: The maximum allowable sign area shall be sixty-four (64.0) square feet.

(b) Sign Height: The maximum allowable height shall be eight feet (8.0') above the top of the adjacent street or driveway level;

(c) Location of Sign: The free-standing sign shall not be located closer than sixty feet (60.0') from another free-standing sign.

(d) Lighted Area: The free-standing sign shall be front lit with ground-mounted lights or backlit, but shall not be internally lit.

- (e) Sign Material: The free-standing sign shall be anchored in a native colored masonry or other similar material to the building(s) constructed on the property and framed on all four (4) sides by, at a minimum, six inches (6") of native colored masonry, or other material similar to the building(s) constructed on the property.
- (2) In the case of multiple buildings or tenants one (1) free-standing sign is permitted with the following criteria:
- (a) Sign Area: The maximum allowable sign area shall be one hundred (100.0) square feet.
  - (b) Sign Height: The maximum allowable height shall be fifteen feet (15.0') above the top of the adjacent street or driveway level.
  - (c) Location of Sign: The free-standing sign shall not be located closer than sixty feet (60.0') from any other free-standing sign.
  - (d) Lighted Area: The free-standing sign shall be front lit with ground-mounted lights or backlit, but shall not be internally lit.
  - (e) Sign Material: The free-standing sign shall be anchored in native colored masonry or other materials similar to the building(s) constructed on the property and framed on all four (4) sides by, at a minimum, six inches (6") of native colored masonry, or other material similar to the building(s) constructed on the property.

E. Off-premise signs are prohibited within the 25E, 26E, 27E, 28E, 29E, 30E, 33S, 35S, 36S, and GR Zoning Districts.

SECTION TWO. That based upon the addition of the new Paragraph 3 delineated above, Paragraphs 3 through 8 of Subsection 27.3 shall be renumbered to Paragraphs 4 through 9 respectively.

SECTION THREE. 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 FOUR. If any section, subsection, sentence, clause or phrase of this Ordinance is, for any reason, held to be unconstitutional or invalid, such holding shall not affect the validity of the remaining portions of this Ordinance. The Council of the City of Kerrville, Texas, 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 FIVE. In accordance with Section 3.07 of the City Charter and Texas Local Government Code §52.013(a), the City Clerk 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.

PASSED AND APPROVED ON FIRST READING, this the 11<sup>th</sup> day of March, 2003.

PASSED AND APPROVED ON SECOND AND FINAL READING, this the 25<sup>th</sup> day of March, 2003.

\_\_\_\_\_  
Stephen P. Fine, Mayor

ATTEST:

\_\_\_\_\_  
Sheila L. Brand, City Clerk

APPROVED AS TO FORM:

\_\_\_\_\_  
Michael C. Hayes, City Attorney