



**AGENDA
REGULAR MEETING
PLANNING AND ZONING COMMISSION
FEBRUARY 1, 2021
UTILITY COLLECTIONS, LARGE CONFERENCE ROOM
210 W. AVENUE C**

WORKSHOP – 4:00 P.M. – Utility Collections Conference Room

- I.** Discuss agenda items for the **February 1, 2021** regular Planning and Zoning Commission meeting.
- II.** Discussion regarding proposed donation container standards.
- III.** Discussion regarding Comprehensive Plan Community Kick-Off event on February 17, 2021.

CALL TO ORDER – 5:00 P.M. – Utility Collections Conference Room

ROLL CALL

COMMISSION	STAFF
<input type="checkbox"/> Kirk Latham, Chairman	<input type="checkbox"/> Tony D. McIlwain, AICP, CFM, Executive Director of Planning and Development Services
<input type="checkbox"/> Ramon Alvarez, Vice Chairman	<input type="checkbox"/> Wallis Meshier, CNU-A, Director of Planning
<input type="checkbox"/> Sandra O'Brien	<input type="checkbox"/> Jerry Millard Jr., Senior Planner
<input type="checkbox"/> Leo Gukeisen	<input type="checkbox"/> John Byrum, Senior Planner
<input type="checkbox"/> Randy Ploeckelmann	<input type="checkbox"/> Holli Clements, Esq., Deputy City Attorney
<input type="checkbox"/> Louie Minor	<input type="checkbox"/> MD Hossain, P.E., CFM, City Engineer
<input type="checkbox"/> Michael Hodges	<input type="checkbox"/> Paul Boyer, P.E., Project Engineer
<input type="checkbox"/> Michael Boyd	<input type="checkbox"/> David Hermosillo, Sr. CAD-GIS Technician
	<input type="checkbox"/> Maria Lopez, Assistant Planner

APPROVAL OF AGENDA

Consider approval of the agenda for the regular meeting of the Planning and Zoning Commission for **February 1, 2021**.

CONSENT AGENDA

- CA-1** Consider minutes of the regular Planning and Zoning Commission Meeting of **December 21, 2020**.
- CA-2** Consider an ordinance amending Chapter 31 of the Code of Ordinances of the City of Killeen; allowing for signage at polling places.

COMMISSION AND STAFF ITEMS

- I. Attendance Chart.
- II. Elect Chairperson and Vice Chairperson of the Planning and Zoning Commission for 2021.

ADJOURNMENT

The next regularly scheduled meeting of the Planning and Zoning Commission is **March 1, 2021** at 5:00 p.m., in the Utility Collections Large Conference Room, 210 W. Avenue C, Killeen, Texas.

The public is hereby informed that notices for City of Killeen meetings will no longer distinguish between matters to be discussed in open or closed session of a meeting. This practice is in accordance with rulings by the Texas Attorney General that, under the Texas Open Meetings Act, the Planning and Zoning Commission may convene a closed session to discuss any matter listed on the agenda, without prior or further notice, if the matter is one that the Open Meetings Act allows to be discussed in a closed session.

AMERICANS WITH DISABILITIES ACT

This meeting is being conducted in accordance with the Texas Open Meetings Law [V.T.C.A., Government Code, § 551.001 et seq.]. This meeting is being conducted in accordance with the Americans with Disabilities Act [42 USC 12101 (1991)]. The facility is wheelchair accessible and handicap parking is available. Requests for sign interpretive services are available upon requests received at least 48 hours prior to the meeting. To make arrangements for those services, please call 254-501-7630, Planning and Development Services Department, or TDD 1-800-734-2989.

I certify that the above notice of meeting was posted on the bulletin boards at City Hall, the Police Department and on the website of the City of Killeen, Texas, on or before **January 28, 2021**.

María Lopez
Assistant Planner

AN ORDINANCE AMENDING CHAPTER 8 OF THE CODE OF ORDINANCES OF THE CITY OF KILLEEN; PROVIDING FOR AMENDMENTS TO THE CITY'S BUILDING AND CONSTRUCTION REGULATIONS; ADOPTING DONATION CONTAINER STANDARDS; PROVIDING FOR THE REPEAL OF CONFLICTING PROVISIONS; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A SAVINGS CLAUSE; PROVIDING FOR PUBLICATION AND AN EFFECTIVE DATE.

WHEREAS, the City of Killeen, Texas is a home-rule city acting under its charter adopted by the electorate pursuant to Article XI, Section 5 of the Texas Constitution and Chapter 9 of the Local Government Code;

WHEREAS, the City of Killeen has declared the application and enforcement of the City's building and construction regulations to be necessary for the promotion of the public safety, health, convenience, comfort, prosperity and general welfare of the City; and,

WHEREAS, the City Council desires to establish regulations that will help ensure that future development is safe, orderly, and visually appealing; and,

WHEREAS, the City Council desires to amend the building and construction regulations to promote the health, safety, morals, or general welfare of the municipality and the safe, orderly, and healthful development of the municipality;

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

SECTION I. That Chapter 8 of the City of Killeen Code of Ordinances is hereby amended to add the following:

Article VII. Donation Container Regulations

Sec. 8-531. – Short title.

The following regulations are hereby adopted and shall be known and may be cited as "City of Killeen Donation Container Regulations."

Sec. 8-532. – Purpose.

The purpose of this article is to establish standards and regulations for new and existing donation containers within the City Limits. In the event of a conflict, the more stringent regulations shall apply.

Sec. 8-533. – Definitions.

Building shall mean any commercial building lawfully occupied by a business or charitable organization pursuant to a valid certificate of occupancy.

Donation container shall mean any box, structure, container, trailer or other receptacle, whether permanently or temporarily affixed or placed on real property, that is intended for use as a collection point for clothing, other household materials or other new and/or used personal property to be donated to a charitable organization; the term does not include recycle bins or any donation container located within a building.

Person shall mean an individual, sole proprietorship, corporation, association, nonprofit corporation, partnership, joint venture, limited liability company, estate, trust, public or private organization that is not a state agency, business trust, public corporation, or any other legal or commercial entity.

Recycle bin shall mean a receptacle used for the collection of recycle materials governed or regulated by the City's zoning code and/or building code.

Sec. 8-534. – Permit required.

- (a) It shall be unlawful to locate a donation container within the City without first obtaining a permit from the City.
- (b) To obtain a permit, a person must show:
 - a. A site plan indicating the location where the donation container will be placed and the dimensions of the container;
 - b. Be the property owner, property manager, or person who has a right to possess the property, indication that the donation container may be placed on the property and acknowledging that they will be held responsible for maintenance of the area around the donation container, and;
 - c. That the donation container will comply with all requirements of this article.
- (c) Only nonprofit charitable organizations that serve the local community and have obtained a determination letter pursuant to 26 USC 501(c)(3) may obtain a permit to locate donation containers within the City.

Sec. 8-535. – Placement.

- (a) Donation containers shall not be located within any residential zoning district.
- (b) No more than one donation container may be located on a single platted lot or unplatted tract of land.
- (c) A donation container shall not be located closer than three hundred (300) feet from another container, even if located on different tracts of land or lots.
- (d) A donation container shall not be located within ten (10) feet of travelled portion of any street, road or highway or placed in a manner that blocks driveways, interferes with traffic flow or visibility.

- (e) A donation container shall not be located within any right-of-way or easement dedicated to and/or owned by any governmental entity.
- (f) A donation container shall not be located at any location the City determines:
 - a. May pose a safety hazard to public;
 - b. Constitutes an obstruction to traffic entering, existing or circulation within the property on which the donation container is located;
 - c. Constitutes an obstruction to pedestrian traffic using any public sidewalk; or
 - d. Constitutes an obstruction to the flow of surface water on the property such that surface water will be diverted to other properties or otherwise inhibits or prevents surface water from draining to an existing drainage facility.

Sec. 8-536. – Construction.

- (a) Donation containers must:
 - a. Be constructed of metal, fiberglass, or wood;
 - b. Labeled “no dumping” and also indicate the name, address and telephone number of organization and party responsible for collection;
 - c. Be secured at all times, except when they are being emptied;
 - d. Have a lid or a top to protect the contents from the weather;
 - e. Be no larger than 120 cubic feet.

Sec. 8-537. – Maintenance.

- (a) The area around the donation container shall be kept free of any junk, debris or other materials and shall be emptied often enough so that donations do not overflow.
- (b) Donation containers shall be maintained in good condition and appearance with no structural damage, holes, or visible rust. Containers shall be kept free of graffiti.
- (c) The City shall give the permit holder seventy-two (72) hours written notice to clear any debris. If the debris is not cleared, the City may clear the debris and bill the property owner for the cost to abate any violation.

Sec. 8-538. – Existing donation containers.

- (a) Operators of existing containers or the owner of the property on which the container is located shall be given oral notice that they have thirty (30) days to obtain a permit. If the operators or owners do not apply for a permit, the operators or owners have thirty (30) days to remove the donation containers or the property owners may give the City permission to remove the donation containers.
- (b) If an operator or property owner cannot be reached, a letter will be mailed to either the address of the property owner listed on the appraisal district records of the address on the

donation container; if available, or both. Notice shall also be posted on the donation container itself. The operator or property owner shall have thirty (30) days from the day a letter is mailed or posed on the container to obtain a permit.

- (c) If the City removed the donation container, the property owner or the operator shall be billed the removal and storage costs.
- (d) Donation containers located closer than three hundred (300) feet shall not be required to be removed to comply with Section 8-535(c).
- (e) Notwithstanding subsection of this section (Sec. 8-538(d)), a donation container that was located less than three hundred (300) feet from another donation container that is removed from such location for more three (3) days must be relocated to a location that complies with Section 8-535(c).

Sec. 8-539. – Permit revocation.

- (a) The City may revoke a permit for failure of the operator or property owner to comply with the requirements in this article. The operator or owner may appeal the revocation to the City Manager or their designee within seventy-two (72) hours of the revocation notice. The City Manager's or their designee's decision shall be final.
- (b) The donation container must be removed within seven (7) days of the permit revocation or appeal hearing, as applicable. If not removed within seven (7) days, the City may have it removed and the operator or property owner shall be billed the removal and storage costs.
- (c) A donation container impounded by the City shall be released to the owner upon the payment of an impound fee of \$1,000 and a daily storage fee of \$50 for each day in City possession after impound. Any impound donation container not claimed within thirty (30) days after impoundment may be destroyed without further notice from the City.

SECTION II. That all ordinances or resolutions or parts of ordinances or resolutions in conflict with the provisions of this ordinance are hereby repealed to the extent of such conflict.

SECTION III. That should any section or part of any section, paragraph or clause of this ordinance be declared invalid or unconstitutional for any reason, it shall not invalidate or impair the validity, force or effect of any other section or sections or part of a section or paragraph of this ordinance.

SECTION IV. That the Code of Ordinances of the City of Killeen, Texas, as amended, shall remain in full force and effect, save and except as amended by this ordinance.

SECTION V. That this ordinance shall be effective after its passage and publication according to law.

PASSED AND APPROVED at a regular meeting of the City Council of the City of Killeen, Texas, this ___ day of _____, 2021, at which meeting a quorum was present, held in accordance with the provisions of V.T.C.A., Government Code, §551.001 *et seq.*

APPROVED

Jose L. Segarra, MAYOR

ATTEST:

APPROVED AS TO FORM:

Lucy C. Aldrich, CITY SECRETARY

Traci Briggs, CITY ATTORNEY

**MINUTES
REGULAR MEETING
PLANNING AND ZONING COMMISSION
DECEMBER 21, 2020
UTILITY COLLECTIONS, 210 W. AVENUE C
LARGE CONFERENCE ROOM**

ROLL CALL

PRESENT:

Commission: Kirk Latham, Chairman; Ramon Alvarez, Vice Chairman; Sandra O'Brien; Louie Minor; Leo Gukeisen; Randy Ploeckelmann; Michael Hodges

Staff: Tony McIlwain, AICP, CFM, Executive Director of Planning & Development Services; Traci Briggs, Esq., City Attorney; Wallis Meshier, CNU-A, Director of Planning; John Byrum, Senior Planner; Paul Boyer, P.E.; Maria Lopez, Assistant Planner; Wynstan Larsen, CAD/ GIS Technician

ABSENT:

Commission: Michael Boyd

Staff: Jerry Millard Jr., Senior Planner; Holli Clements, Esq., Deputy City Attorney; David Hermosillo, Senior GIS Technician

CALL TO ORDER – 5:00 P.M. – Utility Collections Large Conference Room

Chairman Latham called the meeting of the Planning and Zoning Commission to order at 5:09 p.m.

APPROVAL OF AGENDA

Commissioner Ploeckelmann made a motion to approve the agenda. Commissioner Alvarez seconded, and the motion passed by a vote of 6 to 0.

CONSENT AGENDA

CA-1 Consider minutes of the regular Planning and Zoning Commission Meeting of **December 7, 2020.**

Commissioner Minor made a motion to approve the consent agenda. Commissioner Hodges seconded, and the motion passed by a vote of 6 to 0.

PUBLIC HEARINGS

PH-1 A. HOLD a public hearing and consider a request submitted by Garrett Nordyke on behalf of Bernard Klimaszewski (**Case #FLUM20-06**) to amend the Comprehensive Plan's Future Land Use Map (FLUM) from an 'Estate' designation to a 'General Residential' designation for Lots 71-74, Llewelyn Estates 3. The property is addressed as 5011 Cunningham Road, Killeen, Texas.

Chairman Latham requested staff comments.

Mr. John Byrum, Senior Planner, presented the staff report for this item. He stated that the request is for approximately 22.505 acres. The applicant has also submitted a concurrent rezoning request. Staff recommended that the Commission recommend approval of the applicant's request to amend the Future Land Use Map (FLUM) from 'Estate' (E) to 'General Residential' (GR).

Commissioner Gukeisen asked about the current zoning designation. Mr. McIlwain stated that the properties in that area were annexed in 2008 and were zoned at the end of 2008.

Mr. Garrett Nordyke, TCG Engineering, 16 F Avenue A, Temple, Texas, was present to represent the case.

Chairman Latham opened the public hearing.

Ms. Heather McNeely and Mr. Tim McNeely, 4022 Hope Drive, Killeen, Texas, spoke against the request.

Ms. Zonzerae Watson, 3702 Love Road, Killeen, Texas, spoke against the request.

Ms. Khandiese Cooper, 5001 Cunningham Road, Killeen, Texas, also spoke against the request.

Those in opposition noted concerns regarding drainage, increased traffic, potential impact on livestock, and a general desire to not lose the feeling of living in a rural setting.

Mr. Nordyke spoke regarding the concerns and stated that some of the concerns would be taken care of at the time of the platting process.

With no one else requesting to speak, the public hearing was closed.

Vice Chairman Alvarez motioned to recommend approval of the request. Commissioner Minor seconded, and the motion tied by a vote of 3 to 3. Chairman Latham voted in support and the motion to approve passed 4 to 3. Commissioners Gukeisen, Hodges, Ploeckelmann voted in opposition.

Chairman Latham stated that the request will be forwarded to City Council with a recommendation for approval.

PH-1 B. HOLD a public hearing and consider a request submitted by Garrett Nordyke on behalf of Bernard Klimaszewski (**Case #Z20-21**) to rezone approximately 15.39 acres, Lots 71-74, Llewelyn Estates 3, from “A” (Agricultural District) to “R-1” (Single-Family Residential District). The property is addressed as 5011 Cunningham Road, Killeen, Texas.

Mr. John Byrum, Senior Planner, presented the staff report for this item. He stated that the property is addressed as 5011 Cunningham Road, Killeen, Texas. The applicant intends to develop the property into single-family residential lots.

Mr. Byrum noted that the requested “R-1” (Single-Family Residential) zoning district allows one-family dwellings on lots having a minimum area of 6,000 square feet with a minimum lot width of 60 feet and an average depth of 100 feet. The property is not within a FEMA flood hazard area.

Staff notified fifty-one (51) surrounding property owners regarding this request. As of the date of this staff report, no responses have been received. Nine (9) property owners reside outside of Killeen. Twenty-three (23) of the fifty-one (51) notified are outside of the 200-foot notification boundary required by the State but within the 400-foot notification boundary required by Council.

Mr. Byrum stated that staff recommended that the Commission recommend approval of the applicant’s request to rezone the property from “A” (Agricultural District) to “R-1” (Single-Family Residential). Staff finds that the request for “R-1” is consistent with the existing residential land uses and compatible with the prevailing community character.

Mr. Garrett Nordyke, TCG Engineering, 16 F Avenue A, Temple, Texas, was present to represent the case.

Chairman Latham opened the public hearing.

Ms. Heather McNeely and Mr. Tim McNeely, 4022 Hope Drive, Killeen, Texas, spoke against the request.

Ms. Zonzerae Watson, 3702 Love Road, Killeen, Texas, spoke against the request.

Ms. Khandiese Cooper, 5001 Cunningham Road, Killeen, Texas, also spoke against the request.

With no one else requesting to speak, the public hearing was closed.

Commissioner Minor stated that he would like additional information regarding when the property along the frontage was zoned “R-1” (Single-Family Residential).

Commissioner Minor motioned to table the request to the Planning and Zoning Commission meeting of January 4th. Commissioner Gukeisen seconded, and the motion passed by a vote of 4 to 2. Commissioners Alvarez and O’Brien voted in opposition.

- PH-2** **HOLD** a public hearing and consider a request submitted by Catalino Hernandez (**Case #Z20-27**) to rezone Lot Pt. 6, 7, Block 6, North Side Addition from “B-3” (Local Business District) to “B-4” (Business District). The property is addressed as 1401 N. 8th Street, Killeen, Texas.

Chairman Latham requested staff comments.

Mr. John Byrum, Senior Planner, presented the staff report for this item. Staff notified forty-eight (48) surrounding property owners regarding this request. Twenty-five (25) property owners reside outside of Killeen. Twenty-seven (27) of the forty-eight (48) notified are outside of the 200-foot notification boundary required by the State but within the 400-foot notification boundary required by Council. No responses have been received.

Mr. Byrum stated that, if approved, the applicant intends to convert the vacant property into an auto repair shop.

Staff recommended that the Commission recommend approval of the applicant’s request to rezone the property from “B-3” (Local Business District) to B-4” (Business District). Mr. Byrum noted that the requested zoning is consistent with the surrounding property uses and is compatible with the prevailing community character.

Mr. Catalino Hernandez, 1808 Mulford Street, Killeen, Texas, was present to represent the case.

Chairman Latham opened the public hearing. With no one requesting to speak, the public hearing was closed.

Vice Chairman Alvarez motioned to recommend approval of the request. Commissioner Hodges seconded, and the motion passed by a vote of 6 to 0.

Chairman Latham stated that the request will be forwarded to City Council with a recommendation for approval.

- PH-3** **HOLD** a public hearing and consider a request submitted by Oppidan Incorporated (c/o Jay Moore) on behalf of Noble E Central Killeen, TX L.L.C. and GM Killeen Properties, L.L.C. (**Case #Z20-28**) to rezone Lots 4A and 4B, Block 1, Gander Mountain Addition from “B-3” (Local Business District) to “B-3” (Local Business District) with a Conditional Use Permit (C.U.P) for outdoor sales and service of recreational vehicles associated with Camping World. The properties are addressed as 701 and 709 E. Central Texas Expressway, Killeen, Texas.

Chairman Latham requested staff comments.

Ms. Wallis Meshier, Director of Planning, presented the staff report for this item. She stated that if approved, approximately 6.603 acres of land would be affected by the Conditional Use Permit. Staff notified sixty-nine (69) surrounding property owners

regarding this request. As of the date of this staff report, one response in support has been received and two responses in opposition to the request were received. Twelve (12) property owners reside outside of Killeen. Thirty-nine (39) of the sixty-nine (69) notified are outside of the 200-foot notification boundary required by the State but within the 400-foot notification boundary required by Council.

Staff recommended that the Commission recommend approval of the applicant's request for "B-3" (Local Business District) zoning with a Conditional Use Permit for outdoor sales and service of recreational vehicles associated with Camping World with the following seven (7) conditions:

1. All exterior site lighting will be shielded to direct light downward, and no light shall be permitted to shine or trespass on to any abutting property or right-of-way.
2. RV parking and outdoor display of RVs will be limited to those areas on the site plan identified as "RV Parking," only.
3. The two (2) sections of fence running parallel to the front property line, and the section of fencing running perpendicular to the front property line through the parking lot, will be a wrought iron style fence not to exceed six (6) feet in height.
4. No strand wire or barbed wire fencing will be permitted anywhere on the site. All chain link fencing will be black PVC or vinyl coated.
5. No RV traffic, including test driving or demonstrations, and no freight delivery traffic will be permitted on Athens Street, Tyler Street, Malakoff Street, or Bellaire Drive.
6. One (1) ornamental or shade tree measuring at least two (2) inches in caliper shall be planted for every fifty (50) linear feet of frontage along the front (south) property line.
7. The Conditional Use Permit will expire at such time as Camping World ceases operation of their business for a period of more than ninety (90) days.

Mr. Jay Moore, Oppidan Incorporated, 400 Water Street, #200, Excelsior, Minnesota, was present to represent the case. Mr. Moore stated that a revised site plan had been sent to staff prior to the meeting, which depicts an expanded area for RV storage. Ms. Meshier stated that staff had not had the opportunity to review the revised site plan.

Chairman Latham opened the public hearing. With no one requesting to speak, the public hearing was closed.

Vice Chairman Alvarez motioned to recommend approval of the request with the conditions as recommended by staff with the following amendments:

1. Eight (8) additional RV parking spots shall be permitted along the frontage.

2. The condition regarding shielded lights shall apply only to those lights located along the perimeter of the site.
3. The Conditional Use Permit will expire at such time as Camping World ceases operation of their business for a period of more than one hundred eighty (180) days.
4. The applicant will work with staff on a revised site plan.

Commissioner Gukeisen seconded, and the motion passed by a vote of 6 to 0.

Chairman Latham stated that the request will be forwarded to City Council with a recommendation for approval.

COMMISSION AND STAFF ITEMS

I. Attendance Chart

The Commissioners reviewed their attendance chart.

ADJOURNMENT

Chairman Latham adjourned the Planning and Zoning Commission Meeting at 6:31 p.m. The next scheduled meeting of the Planning and Zoning Commission is January 4, 2020 at 5:00 p.m., in the Utility Collections Conference Room, 210 W. Avenue C, Killeen, Texas.

Kirk Latham, Chairman
Planning & Zoning Commission

Maria Lopez
Assistant Planner
Planning & Development Services

AN ORDINANCE AMENDING CHAPTER 31 OF THE CODE OF ORDINANCES OF THE CITY OF KILLEEN; ALLOWING FOR SIGNAGE AT POLLING PLACES; PROVIDING FOR REPEAL OF CONFLICTING PROVISIONS; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR PUBLICATION AND AN EFFECTIVE DATE.

WHEREAS, the City of Killeen, Texas is a home-rule city acting under its charter adopted by the electorate pursuant to Article XI, Section 5 of the Texas Constitution and Chapter 9 of the Local Government Code; and,

WHEREAS, the City of Killeen regulates signs under Chapter 31 of the City of Killeen's adopted Code of Ordinances and under the authority granted by the Texas Local Government Code; and,

WHEREAS, the Election Code prohibits entities that own or control a public building being used as a polling place from prohibiting electioneering on the premises outside of the 100 foot buffer, but may enact reasonable regulations concerning time, place, and manner of electioneering;

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

SECTION I. That Chapter 31, Article V, Division 4. Signs and Outdoor Displays, of the City of Killeen Code of Ordinances is hereby amended to read as follows:

Sec. 31-503. – Allowed without a permit.

The following signs are permitted in any zoning district without a permit:

(10) Signs for a period of time no earlier than ninety (90) days before or ten (10) days after a federal, state, or local election that neither exceeds six (6) square feet in area on residential tracts of one (1) acre or less, nor thirty-six (36) square feet on residential tracts greater than one (1) acre or on commercial tracts and otherwise complies with [section 31-507](#) provided the sign:

- i. has an effective area no greater than 36 square feet;

- ii. is no more than 8 feet in height;
- iii. is not illuminated;
- iv. has no moving element(s); and
- v. is located on private real property with the property owner's consent. For purposes of this provision, "private real property" does not include real property subject to an easement or other encumbrance that allows a municipality to use the property for a public purpose.

(11) Signs on the premises of a polling place located at a public building outside of the area within 100 feet of an outside door through which a voter may enter the building for a period beginning at 7 p.m. the day before polls are open for voting and ending at 7 p.m. the day after polls have closed, provided the sign:

- i. has an effective area no greater than 6 square feet and weighs no more than one pound;
- ii. has a total height of no more than 3 feet and is mounted to the ground by means of a stake, pedestal, or other temporary, ground mounted, self-supported means;
- iii. is not placed on existing structures, impervious surfaces, landscaping areas, or in a manner that would damage irrigation systems;
- iv. is not illuminated;
- v. has no moving element(s); and
- vi. is not located in the public right-of-way or otherwise prohibited by section 31-505.

(12) Parking lot pole-mounted banner signs. Pole-mounted banner signs shall be mounted to permanent poles two inches in diameter or larger. Such banners may contain the emblems, names, colors, products sold or services provided of business firms, religious, charitable, public or nonprofit organizations. Pole-mounted banners shall be limited to a maximum of one banner or a pair of banners per pole and each pole shall be spaced a minimum of fifty (50) linear feet apart along the street frontage. Banners shall not exceed a total of sixteen (16) square feet for each pole fronting collector, marginal access or local streets as shown on the city's thoroughfare master plan, or a total of forty-eight (48) square feet for each pole fronting principal arterial or minor arterial roadways as shown on the city's thoroughfare master plan. Banners shall be framed on at least two sides and it must be contained entirely on the property it advertises. Additional banners may be located within the interior of the lot at the same separation and size limits.

(~~42~~13) Signs located within or on the grounds of public facilities such as baseball fields, stadiums, community centers, and other public facilities.

SECTION II. That all ordinances or resolutions or parts of ordinances or resolutions in conflict with the provisions of this ordinance are hereby repealed to the extent of such conflict.

SECTION III. That should any section or part of any section, paragraph or clause of this ordinance be declared invalid or unconstitutional for any reason, it shall not invalidate or impair the validity, force or effect of any other section or sections or part of a section or paragraph of this ordinance.

SECTION IV. That the Code of Ordinances of the City of Killeen, Texas, as amended, shall remain in full force and effect, save and except as amended by this ordinance.

SECTION V. That this ordinance shall be effective after its passage and publication according to law.

PASSED AND APPROVED at a regular meeting of the City Council of the City of Killeen, Texas, this _____ day of _____, 2021, at which meeting a quorum was present, held in accordance with the provisions of V.T.C.A., Government Code, §551.001 *et seq.*

APPROVED

Jose L. Segarra, MAYOR

ATTEST:

APPROVED AS TO FORM:

Lucy H. Aldrich, CITY SECRETARY

Traci Briggs, CITY ATTORNEY