

CITY OF ROCKPORT

MINUTES

CITY COUNCIL WORKSHOP MEETING 1:30 p.m., Tuesday, April 28, 2015 Rockport City Hall, 622 East Market Street

On the 28th day of April 2015, the City Council of the City of Rockport, Aransas County, Texas, convened in Workshop Session at 1:30 p.m., at the regular meeting place in City Hall, and notice of meeting giving time, place, date and subject was posted as described in V.T.C.A., Government Code § 551.041.

CITY COUNCIL MEMBERS PRESENT

Mayor Charles J. Wax
Mayor Pro-Tem Pat Rios, Ward 3
Council Member Rusty Day, Ward 1
Council Member J. D. Villa, Ward 2
Council Member Barbara Gurtner, Ward 4

CITY COUNCIL MEMBER(S) ABSENT

STAFF MEMBERS PRESENT

City Manager Kevin Carruth
City Secretary Teresa Valdez
City Attorney Terry Baiamonte
Police Commander Larry Sinclair
Public Works Director Mike Donoho
Finance Director Patty Howard
Parks & Leisure Services Director Tom Staley
Building Inspector Frank Truitt

ELECTED OFFICIALS

Opening Agenda

1. Call to Order.

With a quorum of the Council Members present, the Workshop Session of the Rockport City Council was called to order by Mayor Wax at 1:32 p.m. on Tuesday, April 28, 2015, in the Council Chambers of the Rockport City Hall, 622 E. Market Street, Rockport, Texas.

Regular Agenda

2. Hear and deliberate on presentation by Aransas County Pathways Committee on future trail development.

Aransas County Project Manager John Strothman addressed the Council. Mr. Strothman gave a

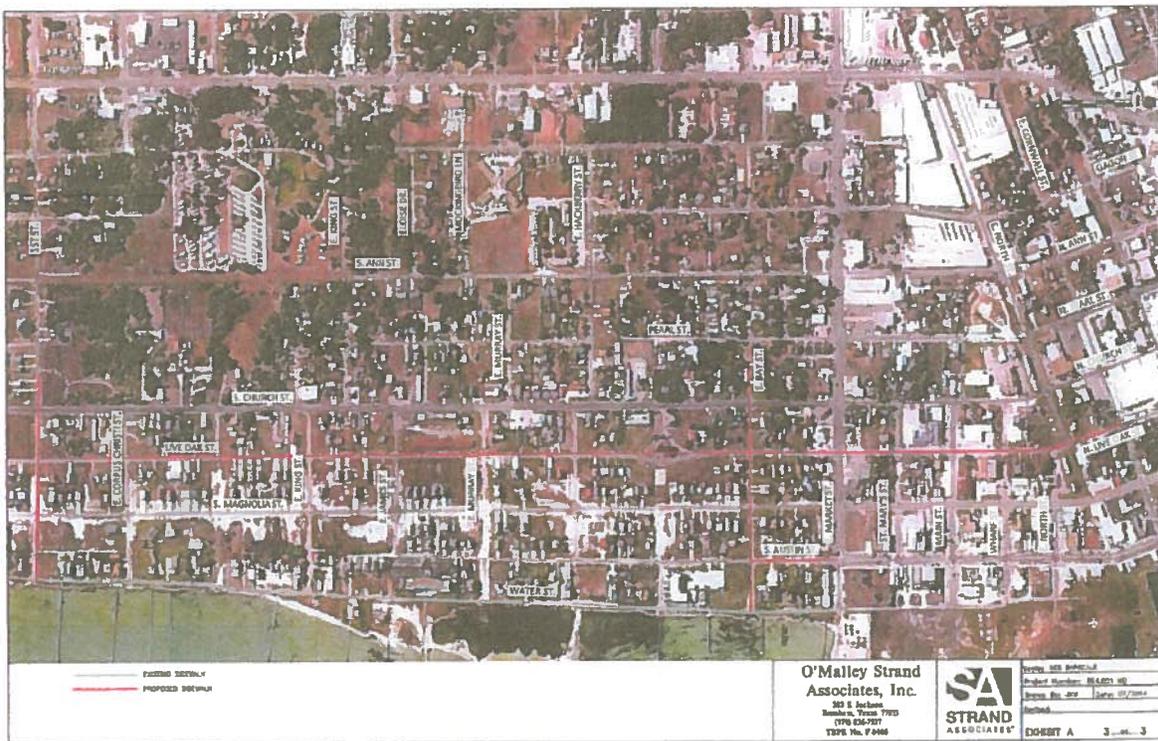
presentation on the proposed Aransas Pathway southern trail route (below).

Aransas Pathway Southern Trail Route

1. Trail starts at corner of Live Oak Street and Cornwall Street.
2. Proceed down Live Oak to Market Street (Rt. 1069)
3. Cross Market and proceed down Live Oak on the left side of street.
4. Proceed down Live Oak and cross Bay Street.
5. A short distance past Bay Street there will be a community garden/tot lot on the right side of the street. Past garden cross street and proceed down right side.
6. Continue down right side of Live Oak to 1st Street.
7. Turn Left on 1st and follow to Water Street.
8. Turn left of Water Street and use existing hiker/biker trail.
9. Follow to Bay Street and turn left.
10. Continue down the right side of the street.
11. Sidewalk ends at Live Oak.

Side Trails

1. Live Oak and 1st Street turn right and continue across Church Street to front of Connie Hagar.
2. Live Oak and Bay Street turn right on to Bay and follow to Pearl Street. Cross the Street to Zackary Taylor Park.
3. At Bay Street and Austin Street turn right onto Austin. Follow to Market Street.



Mr. Strothman informed the Council that the pathway constructed will be concrete and six (6) feet wide. Mr. Strothman said the project's estimated cost is over \$500,000 and Aransas Pathways has venue money set aside to use as match in applying for grants.

Aransas Pathways Steering Committee Co-Chairman Tom Callan addressed the Council. Mr. Callan stated the trail will be constructed on City of Rockport right-of-way, but City right-of-way lies on private property, so the Aransas County Attorney is researching the type of legal instrument that can be used for lease of right-of-way. Mr. Callan added that after that is completed the engineering contract and construction documents will be prepared. Mr. Callan said it was important to get an indication from Council at some point whether this was going to be an approved deal.

Mayor Wax stated he would welcome something that enhances the walkability of the City, especially in the southern portion of the City that includes contact with our existing parks plus the Connie Hagar birding site. Mayor Wax said the City Manager and City Attorney will be the contacts for working out the details.

Brief discussion was held among Council, Mr. Strothman and Mr. Callan in regard to the proposed trail.

3. Hear and deliberate on City of Rockport Heritage District Zoning Overlay Code.

Rockport Heritage District Board Chairman Lee Copeland addressed the Council and reviewed the letter (below) he had delivered to the Council, City Manager Kevin Carruth and Building and Development Director Mike Donoho.

Monday, April 20, 2015

To: Mayor Wax, City Manager Carruth, Council Member Day, Council Member Villa, Council Member Ross, Council Member Gurtner, and Building and Development Department Director Donoho

From: RHDB Chairman Lee Copeland and Member Janie White

Re: Request for the Rockport City Council to review the duties of the RHDB described in the RHDO, as Amended September 9, 2014, and facilitate the ability of that board to fulfill their duties as described in the code.

As you are aware, there has been much discussion on the effective implementation of the Rockport Heritage District Zoning Overlay Ordinance (RHDO). Janie and I have been present since this effort was initiated and we have constantly reviewed and studied the ordinance and its intent. While there remain a number of issues we feel must be clarified, we have prioritized that which we consider the most important and wish to utilize the RHDB to establish consensus and form amendments necessary to fulfill our duties as described in Sec. 3.8.1.vi. Duties and Responsibilities of the RHDB: "To adapt, promulgate or implement policies, rules and bylaws reasonable and necessary to govern the functions of the board and carry out the purpose and intent of the code."

Since the formation of the RHDB in August of 2013, five noted projects have received permitting in the Overlay Zone without formal review of the board—even when design issues had been brought to the City's attention. Most recently, the Austin St. Bar and Grill was presented to the RHDB in January. It was determined that the applicant had not fulfilled their duties as described in Sec. 3.7.1 of the code, yet the applicant was still able to get approval from the City as outlined in Appendix B whenever appeal was made to the City by the Developer should have been reviewed by the RHDB as described in Sec. 3.8.1, ix: "Hear appeals to staff's decisions on development applications or Design Exceptions." This did not happen.

Janie and I believe the major problem exists in Appendix B (attached). Unlike the Civic/Public side that designates the RHDB as the decision maker of compliance, the private side leaves the decision maker of compliance undeclared. Who is the decision maker? In most cases, that responsibility falls to a "review board." Examples are, Historic Review Boards, Architectural review boards, HOAs, Zoning boards. It is duty of the boards to establish appropriateness. Because of the uniqueness of architecture, many cases are not black and white issues as defined in the ordinance. One must understand the intent of the code. We feel by allowing the RHDB to make a determination on compliance first, mistakes that are happening can be avoided and this will generate a smooth flow for the Applicant. City and the RHDB. First, the Applicant can receive direction and assistance from the RHDB and make adjustments necessary for a positive recommendation as described in Sec. 3.8.1.x: "Hear requests for design direction and/or interpretation of any requirements of this code." Second, this process will remove an added duty for the City and Staff by redirecting RHDO compliance away from their duties in the permitting process.

Should the Applicant wish to appeal the decision of the RHDB they have two options. If they are "Minor Modifications," the City Manager or designee may allow only those described in Sec.

3.6.5, Table 3.1. Should the applicant not agree with the RHDB or the City Manager or Designee, they should then be able to appeal to City Council. This is the same outline on the Civic/Public side of the Appendix. Note: The decisions made by the City Manager or designee still require RHDB review as described in Sec. 3.8.1.ix.

* Note on the use of "City Manager or Designee" in Appendix B. I have discussed this issue with Gateway Planning and I believe the author of the code meant this to be "Director of Planning." Scott at Gateway has offered his assistance if requested.

Furthermore, we fail to understand how an "Appeal to the District Court" plays a role in the ordinance unless the Applicant feels his rights have been legally violated. It seems that an appeal to the District Court could only happen after a City Council denial. Again this is the same as the Civic/Public side of Appendix B.

Janie and I created and propose a revised Appendix B from the applicant's perspective. The question is, as an applicant, what must I do to seek approval? With that in mind, we created a flow chart that puts the process in order and gives reference to the specific chapter and item the applicant must follow to seek approval. We feel that amending Appendix B, as submitted, and attaching a cover letter to the applicant will simplify the process for all concerned. We feel the "cover letter" should include the fact that the RHDB is available to "Hear requests for design direction and/or interpretation of and requirements of this code" as described in Sec. 3.8.1.x. Simply stated, this method will give the Building Department a fixed response to the applicant's requirements and the applicant will have the RHDB for assistance in obtaining their goals.

We hope the discussion will include:

1. The Duties of the RHDB as described in Section 3. Administration - Page 5 thru page 14 (attached).
2. The current Appendix B and the proposed Revised Appendix B for consensus. (Both attached).
3. The consideration of the formation and content of a Cover Letter to Appendix B and the possible inclusion of said letter for distribution to applicant.

In closing, we would also like to bring to your attention to the requirement that the RHDB should be holding "Regular Meetings" and making "Quarterly Reports to City Council" (Sec. 3.8.5 - 3.8.6). The RHDO ordinance was created to play a critical role in the future of the Heritage District's preservation and development. It seems imperative that we get it working simply and effectively before the city is challenged with major development issues. In August of 2015, the RHDB members will have each served 2 years and we remain challenged to effectively apply this ordinance. We seek the City's assistance in moving forward toward our goals and responsibilities.

Respectfully submitted


Alan Lee Copeland

2.1.2 Development Standards: The RHD Zoning Overlay Code (the rest portion of this Code) enumerates the development standards with text and graphics for Character Districts, Frontages, building form, civic open space, landscape, building design, signage, lighting, and all related standards for public and private development. Building form, use, development, and design standards contained within each character district are those activities that will promote or enhance the development of a specific area of the RHD in response to the recommendations of 2006 Rockport Heritage District Plan.

3. ADMINISTRATION

This section sets forth the provisions for reviewing and approving development applications within the RHDZO. The intent is to ensure that all development is consistent with the provisions of this Code. All sections of this Code shall be applied during the review process.

3.1 All applications for development and redevelopment within the RHD Zoning Overlay shall require the approval of a site plan prior to issuance of a building permit per Table 3.1.

Table 3.1 RHDZO Applicability Matrix

Table with 12 columns for development types (e.g., Single-Family, Multi-Family, Commercial) and 10 rows for various criteria (e.g., Type of Development, Change of Use, Signage). 'X' marks indicate applicability.

- 3.4.2 Identify: i. the Character District in which the property is located; ii. the Street Type designation along all its street frontages; and iii. any specific Frontage Type that may be applicable to the subject property.
3.4.3 Examine the corresponding district standards in the Building Form and Development Standards in Section 6 to determine the applicable development standards.
3.4.4 Refer to Section 5.5 for Frontage Standards.
3.4.5 Refer to Section 7 for Building Design Standards.
3.4.6 Refer to Section 8 for Streetscape and Landscape Standards.
3.4.7 Refer to Section 9 for Signage Standards.
3.4.8 Refer to Section 10 for Civic Space and Private Open Space Standards.

The information from the above listed steps explains where the building will sit on the lot, the limits on its three dimensional form and the palette of materials that will cover it.

3.5 Development within the RHDZO that complies with the provisions of this Code may be approved by the City Manager or designee (see Appendix B for flow chart of the review process). In addition to complying with applicable City regulations that are not in conflict with this Code, the applicant shall provide the information to adequately show compliance with this Code as required in Section 3.7. The City Manager or designee shall be responsible for the following:

- 3.5.1 Reviewing site plan applications for compliance with the requirements of RHDZO Code.
3.5.2 Approving site plan applications that are in compliance with the requirements of the RHDZO Code.
3.5.3 Making determinations on the applications and interpretations of standards in this Code.
3.5.4 Approving revisions to previously approved site plans that comply with this Code and all applicable city ordinances.
3.5.5 Approving any minor modifications to the approved Regulating Plan and Code per Section 3.8.
3.5.6 Forwarding any appeals to the decision of the City Manager and/or major modifications to the Rockport Heritage District Board (RHDB).
3.6 Minor Modifications to the RHDZO Code:
The City Manager or designee shall have the authority to approve a request for minor modifications to RHDZO Code that:
3.6.1 Does not materially change the circulation and building location on the site;
3.6.2 Does not increase the building area permitted under this Code;
3.6.3 Does not change the relationship between the buildings and the street;
3.6.4 Does not allow greater height of any building or reduction of any parking requirement established in this Code; or

Table with 12 columns for development types and 10 rows for various criteria (e.g., Type of Development, Change of Use, Signage). 'X' marks indicate applicability.

* with no expansion of building

3.2 The development standards under Chapter 118 of the City of Rockport Code of Ordinances, as amended, shall not apply to the RHDZO except as specifically referenced herein. Development standards not addressed in this ordinance shall be governed by the City of Rockport Code of Ordinances to the extent they are not in conflict with the intent or text of the RHDZO Code. Land uses shall be governed by the underlying zoning district for all properties within the RHDZO per Chapter 118 in the City of Rockport Code of Ordinances. All development in RHDZO shall also meet the standards in the City's Building Code, as amended.

3.3 Sign Standards under Chapter 6, as amended, of the City of Rockport Code of Ordinances, shall not apply to RHDZO except as specifically referenced herein.

3.4 Using this Code: The following basic steps should be followed to determine the development standards applicable on property within the RHDZO
3.4.1 Locate the subject property on the RHDZO Regulating Plan.

3.6.5 Does not change any required element of the Regulating Plan beyond the thresholds established in Table 3.2 below
The City Manager or designee shall also have the authority to approve minor modifications outlined in Table 3.2. Any appeals to the decisions of the City Manager on minor modifications shall be heard by the RHDB.

Table 3.2 Minor Modifications Allowed

Table with 3 columns: Standard, Minor Modifications Allowed, and Comments. It lists various standards like Area Varying of Character District, Location of any Required Open Space, Building Form and Development Standards, etc.

3.7 All applications for development based on the applicability established in Table 3.1 within the RHDZO shall require the following:

- 3.7.1 The applicant shall prepare a site plan demonstrating compliance with the Overlay District standards and the RHDZO Regulating Plan for administrative review. A site plan application shall include maps (to an appropriate scale) and/or reports that include the following information:
- Title block containing the name of the site plan, type of application, name and address of the applicant, plan preparer, and owner and a written and graphic scale.
 - Location of the subject property including delineation of Character Districts, Required and Recommended streets (if any), and any frontage designations (if any).
 - When subdivision of land is required, the layout of proposed blocks, lots, streets, easements, alleys, and trails, if any, consistent with this Code and other city ordinances and plans;
 - The location of all physical improvements, both existing and proposed, including but not limited to buildings, sidewalks, driveways, parking, landscaping, open space, etc.
 - All proposed uses on the property and/or buildings.
 - Street designation along all public frontages of the property and compliance with the building form and development standards for the specific Character District the property is located in per Section 6 of this Code.
 - Screening, landscaping, and private open space provision as required by this Code.
 - Site plans, building plans, architectural elevations and renderings of proposed building(s) including demonstration of compliance with Building Design Standards in Section 7 of this Code.
 - Any other information that may be reasonably necessary to review and determine whether the proposed development complies with this Code.

3.8. Rockport Heritage District Board Established. The City Council shall appoint a five (5) member citizen board called the Rockport Heritage District Board (RHDB).

- 3.8.1 Duties and Responsibilities:** The RHDB shall have the following duties and responsibilities:
- To coordinate, if necessary, with both the Aransas County Historical Commission and the Aransas County Historical Society regarding studies of historic residences, buildings, properties, or landmarks and support the preparation of a plan for their preservation in accordance with the guidelines of the Texas Historical Commission and/or the National Register of Historic Places;
 - To recommend to the Rockport City Council the adoption of standards for preservation, redevelopment, and new construction of buildings within the RHDZO;
 - Make recommendations to the Rockport Building and Development Department staff regarding proposed demolitions of existing historic buildings or buildings with historic significance within the RHDZO;

- records of its meetings and all proceedings and matters brought before it, and shall make same available for public inspection to the extent required by law. All members of the board shall be familiar with and abide by the city's attendance policies, as amended from time to time. Specifically, no board members shall participate in any discussion or vote on any matter coming before the board involving property in which they have a direct ownership, financial, or business interest.
- 3.8.5 Conduct of Meetings.** The board shall adopt and make public, rules for the transaction of its business and shall hold regular meetings and specially called meetings, as deemed necessary and appropriate. Written agendas shall be prepared for all regular and specially called meetings and shall be made available for public inspection. All meetings shall comply with the Texas Open Meetings Act. A simple majority of the membership of the board shall be required to conduct the business of the board.
- 3.8.6 Quarterly Report:** The board shall report at least quarterly to the Rockport City Council on the activities and accomplishments of the board.
- 3.9 Appeals and Design Exceptions.** Any appeals to the decision of the City Manager or requests for Design Exceptions to standards in this Code may be made to the Rockport Heritage District Board (RHDB) within 30 days of such a decision in writing by the City Manager. All requests for appeals or Design Exceptions shall be heard by the RHDB within 30 days of such a request or at the next available regularly scheduled meeting of the RHDB, whichever occurs first. Appeals of decisions of the RHDB shall be made to District Court of Aransas County. All appeals shall be taken in the District Court within thirty (30) days after the action or decisions of the RHDB and all decisions which have not been appealed within thirty (30) days shall become final. After the appeal is taken, the procedure shall be governed by the rules of civil procedure.
- 3.10 Variances.** All decisions on variances to dimensional standards for setbacks and heights in the RHDO shall be determined by the Zoning Board of Adjustment after a recommendation has been made by the RHDB. In granting or denying a variance RHDB and Zoning Board of Adjustment shall evaluate the extent to which the proposed modifications result in greater or lesser conformance with the specifications of the RHDO and the extent to which the modifications meet the vision and intent of the Heritage District Master Plan.
- 3.11 In addition to standards in Section 6.6, all public/civic buildings within the RHDO may only be approved by City Council after a recommendation has been made on the application by the RHDB. In reviewing such development applications, the following shall be taken into consideration:**
- Civic and public buildings should occupy prominent sites such as at the end of a terminus vista.

- Coordinate with other departments of city government on matters of mutual interest and concern;
 - Advise and assist property owners and other persons to better understand the standards described herein for the preservation, redevelopment and construction of buildings within the RHDZO;
 - To adopt, promulgate, or implement policies, rules, and bylaws reasonable and necessary to govern the functions of the board and carry out the purpose and intent of this code;
 - To review and make recommendations to City Council on development applications for civic/public buildings (new and redevelopment of existing buildings);
 - To review and make recommendations to City Council on all development and/or redevelopment within the Harbor Destination District;
 - Hear appeals to staff's decisions on development applications or Design Exceptions, and
 - Hear requests for design direction and/or interpretation of any requirements of this code.
- 3.8.2 Board Composition:** City Council shall appoint five (5) members with at least one from each of the following categories or as determined by City Council:
- Historic Preservation representative (professional with interest and expertise in Historic Preservation, or representative of a design profession such as architecture, landscape architecture, urban design, interior design, historic preservation, engineering or similar profession with interest and expertise in Historic Preservation);
 - Development or construction industry representative (developer, builder, contractor, real estate professional, broker or similar profession)
 - Rockport community representative
 - Heritage District resident representative
 - Heritage District business owner representative
- 3.8.3 Terms of Appointment.** One (1) member of the board shall serve for a term of one (1) year, two (2) members of the board shall serve for a term of two (2) years, and two (2) members of the board shall serve for a term of three (3) years. Thereafter, the term of all members shall be for a term of three (3) years, and they may be reappointed for additional terms. Each member shall serve until the appointment and qualification of his or her successor. Vacancies on the board shall be filled by City Council when the vacancy occurs during a term of office. The person selected shall be appointed for the unexpired portion of the term.
- 3.8.4 Election of Officers.** Members of the board shall serve without compensation and the board shall annually elect from among its membership, one (1) member who shall serve as chair, one (1) member who shall serve as vice chair, and one (1) member who shall serve as secretary. The vice chair shall perform all duties and functions of the chair in the latter's absence or incapacity. The board shall keep official minutes and other appropriate

- Major entrances and exits should be clearly marked and should front on plazas or wide sidewalks that allow pedestrians safe ingress and egress into the building.
 - Major entrances and key street intersections, including locations recommended for vista terminations, shall be emphasized with vertical elements that create a unique identity to the civic building.
 - Public buildings may be larger in scale than retail and mixed use buildings and thus have larger setbacks to provide for appropriate transitions. They should be articulated horizontally and vertically with architectural elements to break the mass of the structure down.
 - Major street frontages such as Type 'A' frontages shall not be blank walls. Windows, changing building materials, arcades, building articulation, and other architectural elements shall be used to add interest at the street level.
 - Building materials used should convey the impression of permanence and stability and to the extent possible, masonry (brick, stone, stucco using the three step process, marble, or granite) should be used for a majority of the exterior building facades.
- 3.12 Harbor Destination District – All development within the Harbor Destination District may only be approved by City Council after a recommendation has been made on the application by the RHDB. In reviewing such development applications, the following shall be taken into consideration:**
- The creation of an overall Harbor Destination Master Plan complementing the Heritage District Master Plan for the various uses within the district that coordinates and integrates buildings, establishes an architectural design theme and palette of building materials, provides linkages between different uses, parking, accommodates pedestrian and automobile access, service uses, open spaces, and provides unified wayfinding signage for all destinations located within the district.
 - The extent to which the design of the building is sensitive to the context of the Heritage District and an overall Harbor Destination Master Plan, if any.
- 3.13 RHDB Review Considerations.** In providing design direction and clarification, reviewing Design Exception requests or hearing appeals, the Rockport Heritage District Board shall use the following criteria:
- the goals and intent of Rockport Heritage District Master Plan;
 - whether the proposal fits the adjoining design context by providing appropriate transitions;
 - extent to which the application provides public benefits such as usable civic and open spaces, livable streets, structured and/or shared parking, and linkages to transit; and
 - considerations of health and welfare of the general public.

3.14 Demolitions

- 3.14.1 All applications for demolition of buildings or portions of buildings within the RHD Zoning Overlay shall require the approval of a demolition permit by the City after a recommendation has been made on the application by the RHDB. In reviewing a request for demolition, the RHDB shall consider the following:
 - i. The public's interest in the preservation of the cultural resource.
 - ii. Whether the building is a contributing building that has the potential to be a historic building.
 - iii. The age of the cultural resource, its uniqueness or uncommon design, texture, and/or material and its ability to be reproduced without unreasonable difficulty and/or expense.
 - iv. The ability of the cultural resource to help preserve and protect a historic place or prehistoric site or area of historic interest in the City.
 - v. The ability of the cultural resource to promote the general welfare of the City by:
 - 1) Encouraging the study of local and American History, architecture and design;
 - 2) Developing an understanding of the importance and value of the American culture and heritage; and
 - 3) Making the City a more attractive and desirable place in which to live.
 - vi. Whether the building is being demolished for new construction on the same site which is more economically feasible than restoring the existing structure.

- 3.14.2 A request for demolition may only be approved by the City Manager or designee if the RHDB finds that:
 - i. A building or part of a building is deemed as not being historically significant to Rockport's cultural roots or is not a contributing building;
 - ii. The building can be replaced more economically by another that better supports the goals of the 2006 Rockport Heritage District Master Plan;
 - iii. A building or part of a building is structurally unstable or in a stage of advanced deterioration and has been deemed by the City as a hazard to public safety or an attractive nuisance;
 - iv. The demolition will not significantly impact adjoining properties or the integrity of Rockport's Heritage District; or
 - v. The costs of rehabilitation are prohibitive and evidence is presented that the existing improvement is incapable of reasonable use or producing an economic return.

3.15 Non-Conforming Buildings, Uses, and Signs

- 3.15.1 Regardless of transfer of ownership, existing Non-Conforming Buildings with a Non-Conforming Use that do not conform to the provisions of this Code may continue as they are until:

- i. the building is reconstructed or substantially modified such that the collective reconstructions or modifications within any continuous three (3) year period are valued at more than the greater of either \$50,000 or a total of fifty (50) % of the assessed value of the improvements in the most recently certified tax roll; or
- ii. any building facade on a designated Type 'A' Street is changed. These may include changes to architectural elements, sidewalks, windows, doors, or any other feature that alters that facade (excluding facade colors, window/glass replacement and maintenance of existing signage). Only sections of the RHDZO code that affect the facade design of a building in Section 7 of this code shall apply when Type 'A' Street facades are modified.

- 3.15.2 Regardless of transfer of ownership, existing Non-Conforming Buildings that do not conform to the provisions of this Code may change use within the same building, provided the new use is permitted in the underlying zoning district until:

- i. the building is reconstructed or substantially modified such that the collective reconstructions or modifications within any continuous three (3) year period are valued at more than the greater of either \$50,000 or a total of fifty (50) % of the assessed value of the improvements in the most recently certified tax roll; or
- ii. any building facade on a designated Type 'A' Street is changed. These may include changes to architectural elements, sidewalks, windows, doors, or any other feature that alters that facade (excluding facade colors, window/glass replacement and maintenance of existing signage). Only sections of the RHDZO code that affect the facade design of a building in Section 7 of this code shall apply when Type 'A' Street facades are modified.

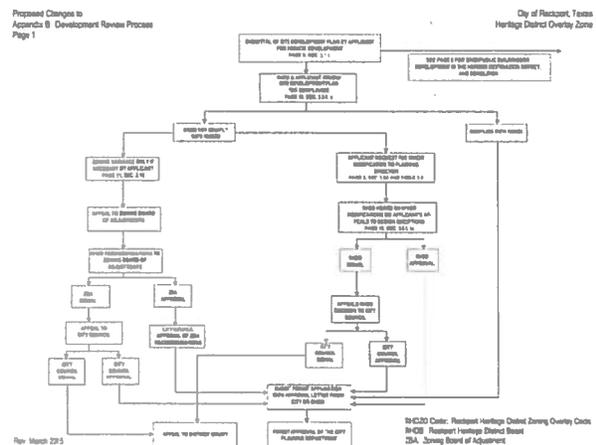
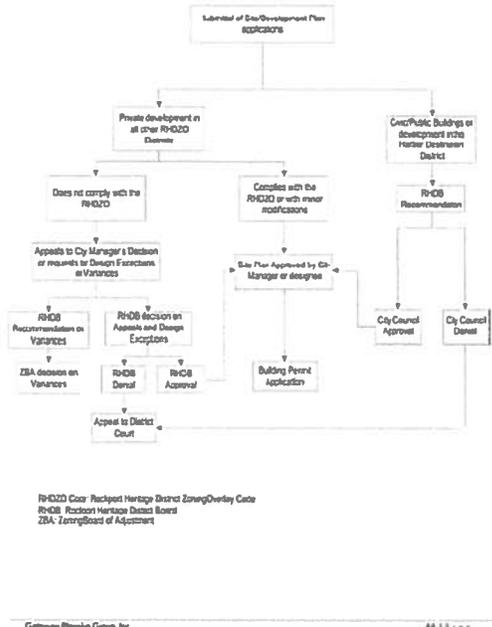
- 3.15.3 Regardless of transfer of ownership, existing Non-Conforming Signs that do not conform to the provisions of this Code may continue as they are until the sign is reconstructed or substantially modified such that the modifications are valued at more than fifty (50) % of the replacement value of the sign.

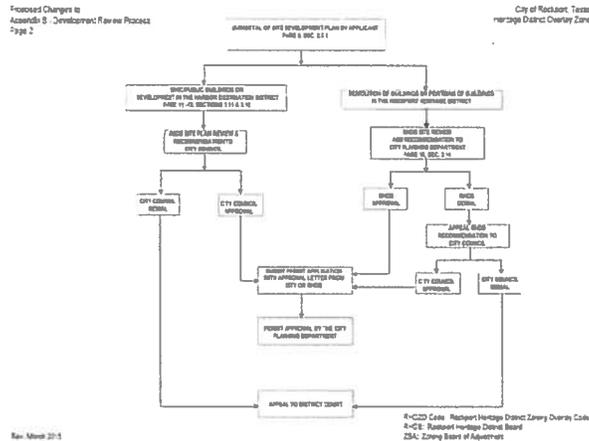
- 3.15.4 Standards in Chapter 118 of the City of Rockport Code of Ordinances shall apply to existing Non-Conforming Buildings and Non-Conforming Uses that have lost their Non-Conforming status.

- 3.15.5 Any reconstruction or modification of or change to a Type 'A' Street facade of a non-conforming building or non-conforming sign shall meet the provisions of this Code unless a Design Exception is granted by the RHDB. In granting or denying Design Exception the RHDB shall evaluate the extent to which the proposed modifications result in greater or lesser conformance

Current Appendix B

Appendix B - Development Review Process





Extensive discussion was held among Council, Mr. Copeland, Heritage District Board Members Janie White, Jim Godfrey, Penny Hong and Loretta Schindler, members of City staff, and City Attorney Terry Baiamonte regarding Mr. Copeland's letter.

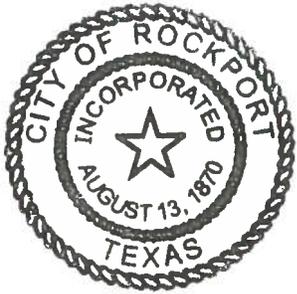
Bill Fisher addressed the Council. Mr. Fisher stated he believes everything proposed for the Heritage District should be presented to the Heritage District Board.

Todd Pearson addressed the Council. Mr. Pearson said the City is going to be faced with development of the harbor front, and the Heritage District Board should be involved.

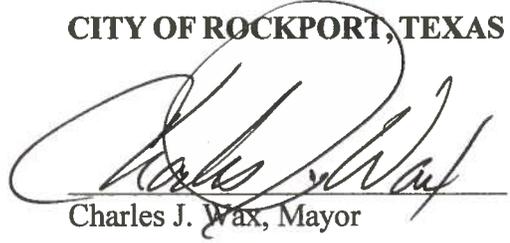
Mayor Wax stated he would like to accomplish the following: 1) Establish May 12, 2015, at 1:30 p.m., in the City Hall Council Chambers, a meeting of the Rockport Heritage District Board (RHDB), the purpose of which is to review the letter Mr. Copeland has written to the City and to provide to the City the entire Board's understanding and support or disagreement with or modification of that particular information, and then return to the Council to discuss not only the letter but also whether there are particular portions of the Heritage District Zoning Code Ordinance that the Board would like to alter, and bring a committee recommendation to the Council; 2) Understand that the Rockport Heritage District Board is not treated any differently than any other City board; the rules are exactly the same for all boards; and 3) Know that everybody in the Council Chambers tonight, the RHDB and City staff, are focused on the same goal, which is "to preserve and protect what this unique community already has and what its future will be." Mayor Wax added that the RHDB's principal point of contact will be the City's Community Planner within the Public Works Department.

4. Adjournment.

At 2:42 p.m., Council Member Villa moved to adjourn. Motion was seconded by Mayor Pro-Tem Rios and carried unanimously.



CITY OF ROCKPORT, TEXAS



Charles J. Wax, Mayor

ATTEST:



Teresa Valdez, City Secretary