



CITY OF KERRVILLE
PLANNING & ZONING COMMISSION
AGENDA

REGULAR MEETING, JUNE 20, 2019, 4:30 PM
CITY HALL, COUNCIL CHAMBERS
701 MAIN STREET, KERRVILLE, TEXAS

Regular Members:

Robert Waller, Chair	
Garrett Harmon, Vice Chair	David Jones
Tricia Byrom	Rustin Zuber

Alternate Members:

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

CALL TO ORDER

1. CONSENT AGENDA

1A. Approval of the minutes from the June 6, 2019 meeting.

2. PUBLIC HEARING, CONSIDERATION & ACTION

2A. Public hearing, consideration, and action to approve an ordinance: adopting the City of Kerrville, Texas, Zoning Code, a comprehensive rewrite of the City's zoning regulations in accordance with the Kerrville Comprehensive Plan (Kerrville 2050) to be known as the "City of Kerrville, Texas Zoning Code," Chapter 60 of the City's Code of Ordinances; adopting the Official Zoning Map of the city, providing for the maintenance thereof, and for providing procedures to amend said map; repealing in their entirety all ordinances or parts of ordinances inconsistent herewith. (File No. 2019-037)

3. STAFF REPORT

4. EXECUTIVE SESSION

At any time during the meeting, the Planning and Zoning Commission may meet in executive session regarding any of the matters posted above for attorney-client consultation in compliance with the Texas Open Meetings Act.

ADJOURNMENT

I do hereby certify that this notice of meeting was posted on the bulletin board at the city hall of the city of Kerrville, Texas, and said notice was posted on the following date and time: June 13, 2019 at 9:00 a.m. and remained posted continuously for at least 72 hours preceding the scheduled time of the meeting.

Cheryl Brown
Deputy City Secretary, City of Kerrville, Texas



City of Kerrville Planning Division Report

To: Planning & Zoning Commission
Agenda Item: 1A
Action: Approval, approval with specific changes
Representative: Staff

Members Present:

Rustin Zuber, Commissioner, *Acting Chair*
Tricia Byrom, Commissioner
David Jones, Commissioner

Members Absent:

Bob Waller, Chair
Garrett Harmon, Vice-Chair
Bill Morgan, Alternate

City Staff Present:

Rebecca Pacini, Chief Planning Officer
Dorothy Miller, Recording Secretary

CALL TO ORDER:

On June 6, 2019, Cmr. Zuber called the Kerrville Planning and Zoning Commission regular meeting to order at 4:30 p.m. in the City Hall Council Chambers, 701 Main Street, Kerrville, Texas.

1. CONSENT AGENDA:

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

1A. Approval of minutes for the May 2, 2019 meeting.

Cmr. Jones moved to approve the minutes as presented; motion was seconded by Cmr. Byrom and passed 3-0.

2. CONSIDERATION AND FINAL ACTION

2A. Consideration and action concerning a Preliminary Plat of the New Hal Peterson Middle School, a subdivision containing approximately 35.05 acre tract of land out of the S. Wallace Survey No. 114, Abstract No. 348, and the S. Wallace Survey No. 113, Abstract No. 347, within the City of Kerrville, Kerr County, Texas, generally located adjacent to State Highway Loop 534. (Case #2019-032)

Mrs. Pacini presented the finding of facts.

Mr. Byrom moved to approve the preliminary plat as presented; motion was seconded by Mr. Jones and passed 3-0.

2B. Consideration and action concerning a Final Plat of the New Hal Peterson Middle School, a subdivision containing approximately 35.05 acre tract of land out of the S. Wallace Survey No. 114, Abstract No. 348, and the S. Wallace Survey No. 113, Abstract No. 347, within the City of Kerrville, Kerr County, Texas, generally located adjacent to State Highway Loop 534. (File No. 2019-036)

Mrs. Pacini presented the finding of facts.

Mr. Jones moved to approve the preliminary plat as presented; motion was seconded by Mr. Byrom and passed 3-0.

3. PUBLIC HEARING, CONSIDERATION & ACTION

3A. Public hearing, consideration, and action concerning a request for replat and amending plat of 0.41 acre of land, more or less, out of P. R. Oliver Survey No. 122, Abstract No. 265, in the City of Kerrville, Kerr County, Texas; Being all of Lots 20, 21, and 22, in Block 1 of Elm Creek Subdivision, recorded in Volume 5, Page 182 of the plat records of Kerr County, Texas generally located at 238, 300, and 304 Crestwood Drive. (File No. 2019-033)

Mrs. Pacini presented the findings of fact.

Mr. Zuber opened the public hearing at 4:41 p.m.

Mr. Don Voelkel commented that he was available to answer any questions. The same couple owns all three lots and they are moving the property line over to match the other lots.

Hearing no one else speak, Mr. Zuber closed the public hearing at 4:43 p.m.

Mr. Byrom moved to approve the replat and amending plat; motion was seconded by Mr. Jones and passed 3-0.

4. STAFF REPORT:

Mrs. Pacini reported staff is continuing with the code update. A public meeting and open house was held at the Dietert Center on May 16 where approximately 60 people attended. The Code Review Committee is meeting today, which is why Mr. Paxton was not present. Staff hopes to bring a recommendation to this board at their next meeting on June 20th. Commissioners will be given a link in their agenda packet to all of the information that was presented at the open house. The link is also on the city's website at kerrvilletx.gov.

A public meeting and open house for the Doyle Community Center was held May 30th and had a good turnout and a lot of good comments from residents of the neighborhood. A second meeting will be held this month or in July. A final vision framework for implementation strategy should be presented in the fall.

5. ADJOURNMENT

The meeting was adjourned at 4:48 p.m.



City of Kerrville Planning Division Report

To: Planning & Zoning Commission
Agenda Item: 2A
Action: Public hearing, consideration, and action to approve an ordinance: adopting the City of Kerrville, Texas, Zoning Code and Official Zoning Map
Planning File #: 2019-037
Property Owner: Various
Representative: Drew Paxton, City of Kerrville
Location: Citywide

Proposal

Public hearing, consideration, and action to approve an ordinance: adopting the City of Kerrville, Texas, Zoning Code, a comprehensive rewrite of the City's zoning regulations in accordance with the Kerrville Comprehensive Plan (Kerrville 2050) to be known as the "City of Kerrville, Texas Zoning Code," Chapter 60 of the City's Code of Ordinances; adopting the Official Zoning Map of the city, providing for the maintenance thereof, and for providing procedures to amend said map; repealing in their entirety all ordinances or parts of ordinances inconsistent herewith. (File No. 2019-037)

Procedural Requirements

The public notice was published in the Kerrville Daily Times on June 3rd.

Staff Analysis

Consistency with the Kerrville 2050 Comprehensive Plan: The Implementation Plan chapter of Kerrville 2050 specifies that a rewrite of the zoning ordinance is recommended in order to address provisions that may be in conflict with the goals of the comprehensive plan. The rewrite of the zoning ordinance addresses several of the guiding principles found within Kerrville 2050 such as: economic development; housing; community and neighborhoods/placemaking; downtown revitalization; and land use.

Action items that specifically support the rewrite of the zoning ordinance:

- Economic Development, E2.12: Ensure that Development Services processes and existing codes and ordinances are not impediments to development/redevelopment
- Housing, H2.9: Ensure that existing City codes, including zoning and subdivision ordinances and the zoning map, are consistent with and support Kerrville 2050
- Community & Neighborhood Character/Placemaking, C5.12: Engage third-party services to assist with the review and rewrite of existing City codes, including the

zoning and subdivision ordinances and zoning map, to ensure they are consistent with and support Kerrville 2050

- Downtown Revitalization, D2.1: Encourage the adaptive reuse of historic buildings and acknowledge the challenges of dealing with these older structures by revising existing codes as necessary

Adoption of the zoning rewrite and proposed zoning map directly supports and implements the Kerrville 2050 Future Land Use Plan. The place types and catalytic areas identified in the plan was used a tool to identify the proposed zoning districts. The proposed zoning map is consistent with the guiding principles of the Future Land Use Plan.

Meetings to Date:

October 3, 2018 – Code Review Committee

November 1, 2018 – Code Review Committee

February 13, 2019 – Code Review Committee

February 25, 2019 – Code Review Committee

March 19, 2019 – Code Review Committee

May 9, 2019 – Code Review Committee

May 16, 2019 – Community Open House

June 6, 2019 – Code Review Committee

June 20, 2019 – Planning & Zoning Commission, Public Hearing

Proposed Upcoming Meetings:

July 9, 2019 – City Council, Public Hearing and Ordinance 1st Reading

July 23, 2019 – City Council, Ordinance 2nd Reading

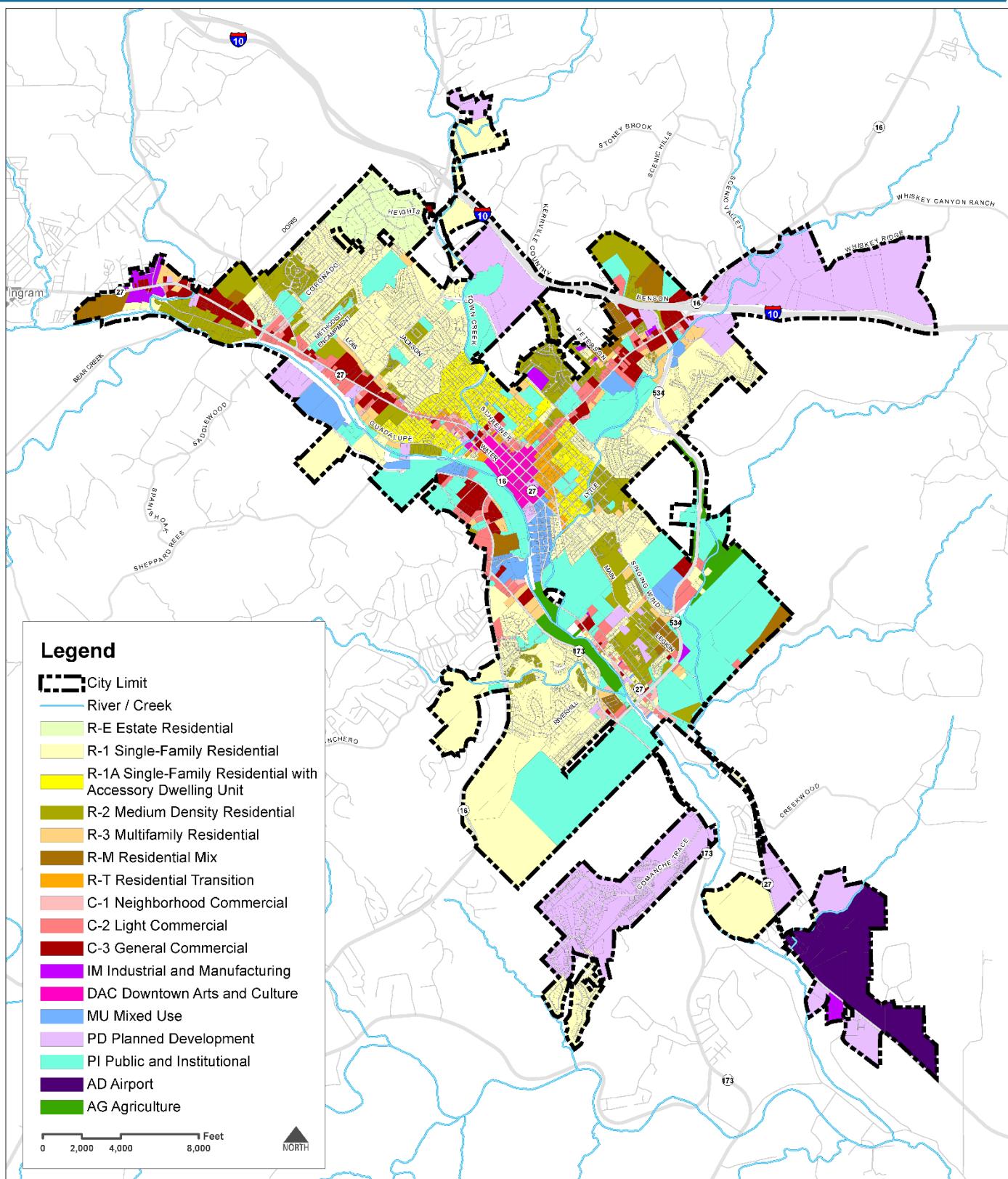
Recommendation

Staff recommends approval of the draft subject to further revision, to include formatting to make consistent with City of Kerrville Code of Ordinances.

Attachments

- A. Draft Zoning Code
- B. Proposed Zoning Map
- C. Proposed Land Use Table
- D. Draft Ordinance

Kerrville Future Zoning Map - *DRAFT*



Attachment C

1

LAND USES	Residential Districts						Nonresidential Districts						Special Districts			Notes
	R-E	R-1	R-1A	R-2	R-3	R-M	R-T	C-1	C-2	C-3	IM	DAC	MU	PI	AD	AG
Accessory Building or Structure	P	P	P	P	P	P	P	P	P	P	P	C	C	P	P	P
Accessory Dwelling (see Dwelling Unit, Single-Family with Accessory Dwelling Unit)																
Agricultural Services																
Agriculture, General																
Airport																
Alcoholic Beverage Sales for Off-Premise Consumption								P	P	P	P					
Amateur Radio Antenna																
Ambulance Service, Private																
Ambulatory Surgical Center																
Amenity Center																
Amusement Center, Indoor																
Amusement Center, Outdoor																
Antenna																
Antique Store																
Apartment (See Dwelling, Multifamily)																
Appliance Repair/Sale, Used Appliances																
Appliance Store																
Art Studio/Gallery																
Artisan's/Craftsman's Workshop																
Assisted Living Facility																
Automated Teller Machine (ATM)																
Automobile Dealership, New Auto Sales																
Automobile Dealership, Used Auto Sales																
Automobile Parts Store																
Automobile Rental or Leasing																
Automobile Service and Repair, Major																
Automobile Service and Repair, Minor																
Automobile Towing/Wrecker Service																
Automotive Body Shop																
Bail Bonding Agency																
Bank or Financial Institution																
Bar or Cocktail Lounge																
Barber or Beauty Shop																
Bicycle and Bicycle Accessory Sales and Repair																
Boarding Home Facility																
Boat (Marine) Dealership																
Book Store																
Brewpub																
Building Contractor, General																
Building Contractor, Maintenance and Repair																
Building Contractor, Temporary Field Office																
Building Contractor, Trade Specialist																
Building Contractor's Storage Yard																
Cabinetmaking Shop																
Car Title Loan Business																
Car Wash, Full-Service or Self-Service																
Caretaker's Residence																
Cemetery																
Check Cashing Business																
Church, Temple, Mosque, or Place of Worship																
Civic, Fraternal, Philanthropic, Charitable, or Nonprofit Organization																

DRAFT 06.10.2019

LAND USES	Residential Districts						Nonresidential Districts						Special Districts				Notes	
	R-E	R-1	R-1A	R-2	R-3	R-M	R-T	C-1	C-2	C-3	IM	DAC	MU	PI	AD	AG		
Clothing and Apparel Store								P	P	P	P	P	P	P	P	P		
College or University, Private	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P		
College or University, Public	P ₈	P ₈	P ₈	P ₈	P ₈	P ₈	P ₈	P ₈	P ₈	P ₈	P ₈	P ₈	P ₈	P ₈	P ₈	P ₈	§ Subject to requirements of Article 11-1-11(h)	
Community Garden																	C	
Concrete/Asphalt Batch Plant, Permanent																		
Condominium (See Dwelling, Multi-Family)																		
Convenience Store with Fuel Sales																		§ Subject to requirements of Article 11-1-11(a)
Country Club	C	C	C															
Custom Manufacturing (See Manufacturing, Custom)																		
Dance Hall/Event Venue																		
Day Care Services, Adult																		
Day Care Services, Children																		
Department or General Merchandise Store																		
Detention Facility																		
Dinner Theatre																		
Distillery																		
Distribution Center (See Warehousing and Distribution)																		
Driving Instruction School																		
Drug Store																		
Duplex (See Dwelling, Duplex)	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
Dwelling, Dwelling, Duplex																		
Dwelling, Dwelling, Live/Work																		
Dwelling, Dwelling, Multifamily																		
Dwelling, Dwelling, Multi-Family																		
Dwelling, Dwelling, Zero Lot Line Home																		
Dwelling, Dwelling, Single-Family Detached	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
Dwelling, Dwelling, Single-Family Detached with Accessory Dwelling Unit	C	C	P	P	P	P ₁₁	P	P	P	P	P	P	P	P	P	P	P	
Dwelling, Dwelling, Small-Lot Single-Family Detached																		
Dwelling, Dwelling, Townhome																		
Electronic Sales/Service																		
Equipment Rental, Heavy, No Outdoor Storage																		
Equipment Rental, Heavy, With Outdoor Storage																		
Equipment Rental, Light, No Outdoor Storage																		
Equipment Rental, Light, With Outdoor Storage																		
Fabric Store																		
Fabrication Processes																		
Fair/Rodeo Grounds or Exhibition Hall or Arena																		
Farm Supply Store, Retail																		
Farmers Market																		
Feed, Grain, or Hay Storage and Sale, Bulk/Wholesale																		
Fine Arts Classes																		
Fitness Center																		
Flea Market, Indoor																		
Flea Market, Outdoor/Open Air Market																		
Florist																		
Food Processing (craft)																		
Food Processing (manufacturing)																		
Food Truck Park																		
Fuel Sales, Bulk																		
Furniture, Home Furnishings, and Home Decorating and Decor Store																		
Funeral Services																		
Furniture, Home Furnishings, and Home Decorating and Decor Store																		

LAND USES	Residential Districts						Nonresidential Districts						Special Districts			Notes
	R-E	R-1	R-1A	R-2	R-3	R-M	R-T	C-1	C-2	C-3	IM	DAC	MU	PI	AD	AG
Furniture Repair and Sale Used								P	P	P	C	C				
Garden Center/Nursery With Outside Storage								P	P	P	P	P				
Garden Center/Nursery Without Outside Storage								P	P	P	P	P				
Golf Course	C	C	C													C
Grocery Store								P	P	P	P	P				
Group Medical Care Facility								C	C	C	P	P				
Guest House	P	P	P	P	P	P	P									
Guidance Services																
Gunsmith and Locksmith Shop																
Hardware Store																
Home Improvement Center																
Home Occupation	P ₁₂	P ₁₂	P ₁₂	P ₁₂	P ₁₂	P ₁₂	P ₁₂									
Hospital																
Hotel (See also, Motel)																
Independent Living Facility for Seniors								P	C	C	P	P				
Jewelry Store									P	P	P	P				
Job and Vocational Training Center									P	P	P	P				
Junkyard																
Kennel, Up to 11 Animals, Indoor Pens									P	P	P	P				
Kennel, 12 or More Animals, Indoor or Outdoor Pens									P	P	P	P				P
Landscape Nursery, Commercial/Wholesale																P
Laundromat								P ₁	P ₁	P ₁	P ₁	P ₁				
Laundry/Dry Cleaning Drop-Off/Pick-Up Station																
Laundry/Dry Cleaning Plant								P	C	C	P	P				
Life Care Development																
Limousine/Taxi Service									P	P	P	P				
Livestock Sales, Wholesale																C
Luggage and Leather Goods Store								P	P	P	P	P				
Lumber Yard									P	P	P	P				
Machine Shop									P	P	P	P				P
Mailing Service								P ₁₃								P
Manufactured Home or Manufactured Housing									C ₁₃	P ₁₃						
Manufactured Housing Sales																
Manufacturing, Custom (see Artisan's/Craftsman's Workshop)																
Manufacturing, Assembly																C
Manufacturing, General																C
Microbrewery									P	P	P	P				
Mining and Mineral Extraction									P ₁₄	P ₁₄	P ₁₄					C
Mini-Storage									P	P	P	P				
Minor Emergency/Urgent Care Medical Clinic																
Modular Home	P	P	P	P	P	P	P									P
Motel																
Motor Freight/Trucking Company																
Motorcycle, All Terrain Vehicle, Personal Watercraft Dealership																
Movie Theater																
Musical Instrument Sales and Repair									P	P	P	P				
Newspaper																
Nursing/Convalescent Home								P	C	C	P	P				
Office, General (Business or Professional)									P	P	P	P				P
Office, Medical									P	P	P	P				P
Office Furniture, Equipment, and Supply Store									P	P	P	P				P
Outdoor Storage of Equipment and Materials as a Primary Use																P

LAND USES	Residential Districts						Nonresidential Districts						Special Districts				Notes
	R-E	R-1	R-1A	R-2	R-3	R-M	R-T	C-1	C-2	C-3	IM	DAC	MU	PI	AD	AG	
Parking Lot or Structure, Accessory					P			P	P	P	P	P	P	P	P	P	
Parking Lot, Stand-Alone								C	C	C	P	P	P	P	P	P	
Parking Structure											P	P	P	P	P	P	
Pawnshop											P						
Payday/Loan Business											C	P	P	P	P	P	
Personal Care Facility																	
Pet and Pet Supply Sales																	
Pet Grooming																	
Photography Studio																	
Photography/Camera Supply Store																	
Portable Building Sales																	
Print Shop																	
Public or Institutional Facility or Use																	
Quadruplex (See Dwelling, Multifamily)																	
Radio or Television Station or Broadcasting Studio with Tower																	
Radio or Television Station or Broadcasting Studio without Tower																	
Recreational Skills Classes																	
Recreational Vehicle Dealership																	
Recreational Vehicle or Trailer Park																	
Rectory/Parsonage																	
Repair Shop, Household Items																	
Repair Shop, Personal Items																	
Research and Development Lab																	
Residential Care Service																	
Restaurant, Food and Beverage Shop																	
Restaurant, General, With Drive-Thru or Drive-In Service																	
Restaurant, General, Without Drive-Thru Service																	
Salvage, Reclamation, Recycling of Materials																	
Sand, Gravel or Stone Extraction																	
Sand, Gravel, or Stone Storage and Sales																	
School, Private, Elementary	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	
School, Private, Intermediate and Secondary	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	
School, Public, Elementary	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
School, Public, Intermediate and Secondary	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
Second-hand/Used Goods Store With Outside Storage																	
Second-hand/Used Goods Store, No Outside Storage																	
Security Service																	
Security Systems Installation and Monitoring Company																	
Sexually Oriented Business																	
Short-term Rental Unit																	
Showroom, in Conjunction with Warehousing and Distribution																	
Showroom, without Warehousing and Distribution																	
Smoke Shop																	
Solar Energy Facility																	
Special Care Facility																	
Sporting Goods Store																	
Stables, Commercial																	
Stables, Private	P																
Stationery Store																	
Tattoo, Seamstress, or Needlefowl Shop																	
Tattoo or Permanent Cosmetics Shop, Body Piercing																	
Taxidermy Shop																	
Townhome (See Dwelling, Townhome)																	

See Chapter 30, Kerrville Code of Ordinances

LAND USES	Residential Districts						Nonresidential Districts						Special Districts				Notes
	R-E	R-1	R-1A	R-2	R-3	R-M	R-T	C-1	C-2	C-3	IM	DAC	MU	PI	AD	AG	
Toy, Gift, Hobby, and Novelty Shop								P	P	P	P	P	P				
Transportation Terminal, Bus/Aviation																	
Triplex (See Dwelling, Multifamily)																	
Truck Stop and Fueling Station																	
Utility, Local	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
Utility, Private or Franchise	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	
Utility, Public	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
Veterinary Service, Large Animal, Indoor or Outdoor Pens																	
Veterinary Services, Small Animal, Indoor Pens																	
Warehousing and Distribution																	
Welding Shop																	
Wholesaling																	
Wind Energy System, Small																	
Wireless Telecommunications Facilities																	
Zero Lot Line Single-Family Dwelling (See Dwelling, Patio Home)																	

⁹ Subject to requirements of Article 11-1-11(a)

See Chapter 26, Kerrville Code of Ordinances

See Ordinance 2003-35

Attachment D

D R A F T 5/14/19

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

AN ORDINANCE APPROVING AND ADOPTING THE CITY OF KERRVILLE, TEXAS, ZONING CODE, A COMPREHENSIVE REWRITE OF THE CITY'S ZONING REGULATIONS IN ACCORDANCE WITH THE KERRVILLE COMPREHENSIVE PLAN (KERRVILLE 2050); SAID REWRITE TO BE KNOWN AS THE "CITY OF KERRVILLE, TEXAS ZONING CODE" AND FOUND IN CHAPTER 60 OF THE CITY'S CODE OF ORDINANCES; APPROVING AND ADOPTING THE OFFICIAL ZONING MAP OF THE CITY, PROVIDING FOR THE MAINTENANCE THEREOF, AND PROVIDING PROCEDURES TO AMEND SAID MAP; REPEALING IN THEIR ENTIRETY ALL ORDINANCES OR PARTS OF ORDINANCES INCONSISTENT HEREWITH; PROVIDING AN OPEN MEETINGS CLAUSE; PROVIDING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A PENALTY OR FINE OF NOT MORE THAN \$2,000 FOR EACH DAY OF VIOLATION OF ANY PROVISION HEREOF; ORDERING PUBLICATION; PROVIDING AN EFFECTIVE DATE; AND PROVIDING OTHER MATTERS RELATED TO THIS SUBJECT

WHEREAS, in June 2018, the Kerrville City Council, pursuant to its home rule powers and Chapter 213 of the Texas Local Government Code, adopted the ***City of Kerrville Comprehensive Plan – Kerrville 2050*** ("Comprehensive Plan"); and

WHEREAS, the Comprehensive Plan contains, in part, policies, goals, and strategies related to residential, commercial, and industrial land uses; and

WHEREAS, following the adoption of the Comprehensive Plan, City Council created and appointed a Code Review Committee ("CRC"); and

WHEREAS, Council, through Resolution No. 34-2018, charged the CRC with reviewing and considering recommendations regarding development related codes cited for possible consideration within the Comprehensive Plan; and

WHEREAS, toward that end, City staff and the CRC worked diligently to develop the land use regulations in accordance with the general principals and guidelines found within the Comprehensive Plan; and

WHEREAS, beginning in _____ 2018, the CRC met _____ times, in meetings that were open to the public; and

WHEREAS, the CRC, City staff, and the City's consultants, now recommend that the City Council approve and adopt a newly revised Zoning Code, said code to be known as the "City of Kerrville, Texas, Zoning Code" ("Zoning Code"), which will be found in Chapter 60 of the City's Code of Ordinances; and

WHEREAS, after receiving the Zoning Code from the Planning and Zoning Commission along with its recommendation for adoption, the City Council made changes to the Zoning Code as warranted by law or in the public interest; and

WHEREAS, as part of its review and consideration of the Zoning Code, City Council held a joint public hearing on _____, 2019, with the Planning and Zoning Commission, and then on _____, 2019, Council held another public hearing as required by law; and

WHEREAS, during its meetings and the public hearing, the City Council received public comments on the Zoning Code; and

WHEREAS, City Council finds that the intent of the Zoning Code is to protect the health, safety, morals, or general welfare of the City's residents and citizens and to protect and preserve places and areas of historical, cultural, or architectural importance and significance pursuant to Section 211.001, Texas Local Government Code; and

WHEREAS, City Council also finds that the Zoning Code is adopted in accordance with the Comprehensive Plan and is designed to lessen congestion in the streets; secure safety from fire, panic, and other dangers; promote health and the general welfare; provide adequate light and air; prevent the overcrowding of land; avoid undue concentration of population; or facilitate the adequate provision of transportation, water, sewers, schools, parks, and other public requirements; and

WHEREAS, the City Council now desires to implement the land use and growth policies and regulations as provided for by the Zoning Code and based upon the Comprehensive Plan; and

WHEREAS, pursuant to its authority under both federal and state law, the City Council intends to comprehensively rewrite and amend the City's Code of Ordinances by adopting the Zoning Code, Chapter 60 of the Code of Ordinances, in order to implement such policies, goals, and strategies with respect to land use regulations; and

WHEREAS, after receiving and considering the recommendations of the Planning and Zoning Commission and City staff; and after multiple meetings and public hearings, at which all parties in interest and citizens were given an opportunity to be heard; 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, 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 the proposed Zoning Code as a comprehensive rewrite of the City of Kerrville's land development regulations;

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

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

SECTION TWO. The City of Kerrville, Texas, Zoning Code, which is attached as **Attachment A** and incorporated herein by reference as if set forth in full, is adopted in its entirety, and will be a new Chapter 60, to be found within the City's Code of Ordinances. The Zoning Code is incorporated as a portion of the land use regulations and standards and includes permanent revisions to the City's Code of Ordinances so as to implement the policies, goals, and strategies contained in the previously adopted Comprehensive Plan concerning residential, commercial, and industrial land use.

SECTION THREE. The City is divided into the zoning districts as described within the Zoning Code, and as depicted on the Official Zoning Map of the City of Kerrville, which is attached hereto as part of **Attachment A** and incorporated herein, and which, together with all explanatory matter thereon, is hereby adopted

by reference as if fully laid out on this page. The Official Zoning Map is identified by the signature of the Mayor, attested by the City Secretary, and bearing the Seal of the City of Kerrville under the following words: *"This is to certify that this is the Official Zoning Map of the City of Kerrville, Texas."* The City shall locate and maintain the map in a digital format, which may be accessed via the internet.

SECTION FOUR. If, in accordance with the provisions of the Zoning Code and Chapter 211 of the Texas Local Government Code, changes or amendments are made to the district boundaries or other matter portrayed on the Official Zoning Map, such changes will be entered on the Official Zoning Map by the City Manager or designee, noting the date and number of the ordinance making the amendment. No alteration of any nature may be made on the Official Zoning Map or matter shown thereon except in conformity with procedures set forth in the Zoning Code or Chapter 211, Texas Local Government Code.

SECTION FIVE. Regardless of the existence of purported copies of the Official Zoning Map, which may from time to time be made or published, the Official Zoning Map, which shall be located in the Kerrville City Hall, shall be the final authority as to the current zoning status of land and improvements within the City. The Official Zoning Map shall be available to the public at all hours when the City offices are open.

SECTION SIX. The proposed Zoning Code results from a comprehensive review and rewrite of the City's current land use regulations and procedures and said Code repeals and replaces in its entirety the City's current zoning regulations and procedure.

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

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

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

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

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

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

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

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

Bill Blackburn, Mayor

APPROVED AS TO FORM:

ATTEST:

Michael C. Hayes, City Attorney

Shelley McElhannon, City Secretary

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