



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.

Cmr. Byrom moved to approve the preliminary plat as presented; motion was seconded by Cmr. 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.

Cmr. Jones moved to approve the preliminary plat as presented; motion was seconded by Cmr. 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.

Cmr. 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, Cmr. Zuber closed the public hearing at 4:43 p.m.

Cmr. Byrom moved to approve the replat and amending plat; motion was seconded by Cmr. 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

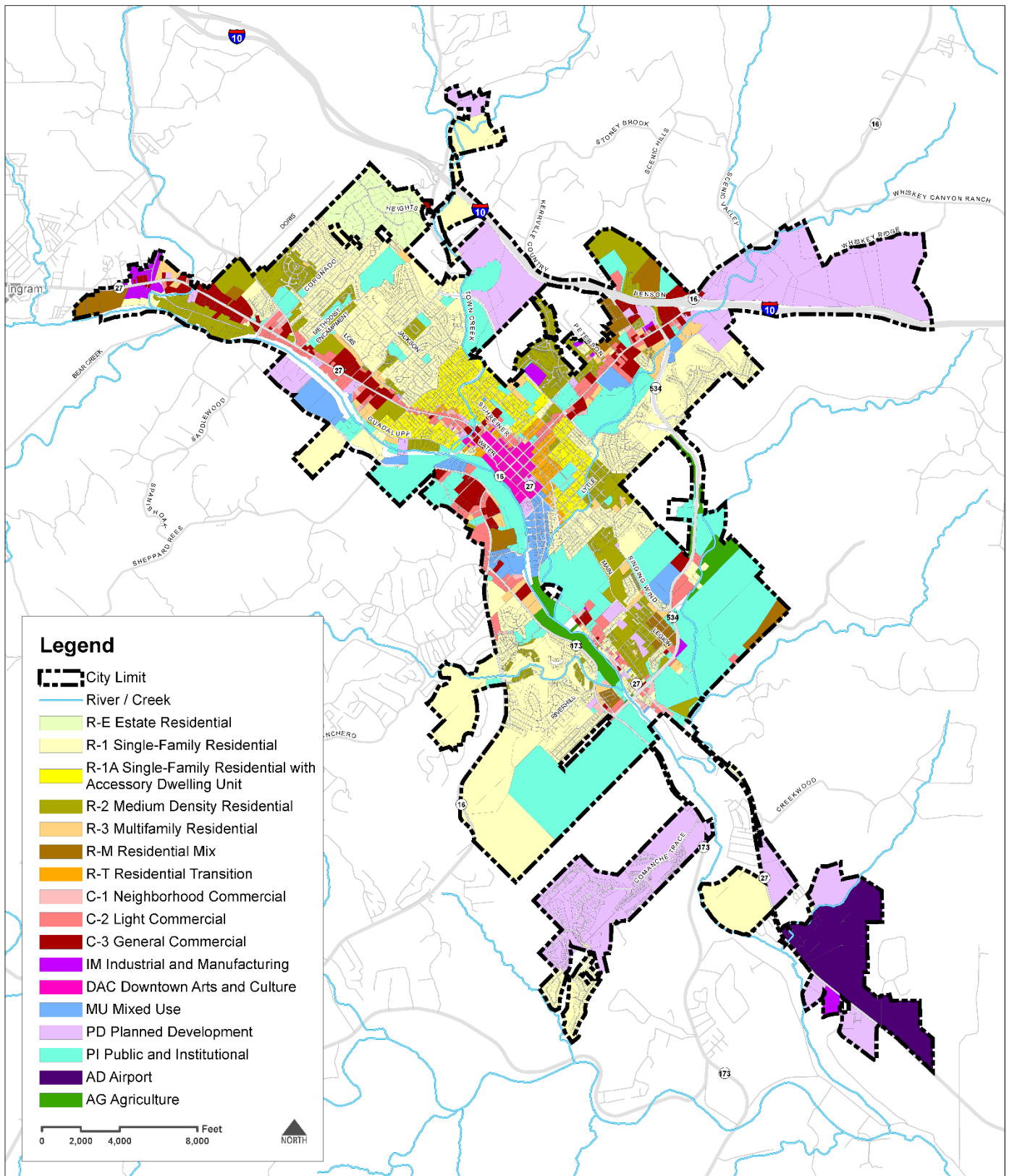
Recommendation

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*



June 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					
Accessory Building or Structure	P	P	P	P ₁	P	P ₁	P	P	P	P	P	C	C	P	P	1 Not permitted for patio homes or townhomes				
Accessory Dwelling (see Dwelling Unit, Single-Family with Accessory Dwelling Unit)																				
Agricultural Services										P					P					
Agriculture, General	P														P					
Airport															P					
Alcoholic Beverage Sales for Off-Premise Consumption							P	P	P		P	P								
Amateur Radio Antenna																2 For single-family and multifamily residential uses				
Ambulance Service, Private																				
Ambulatory Surgical Center											P ₂									
Amenity Center	P ₂	P ₂	P ₂	P ₂	P ₂							P ₂								
Amusement Center, Indoor												P			P					
Amusement Center, Outdoor												C	P							
Antenna																				
Antique Store																				
Apartment (See Dwelling, Multifamily)												P								
Appliance Repair/Sale, Used Appliances																				
Appliance Store																				
Art Studio/Gallery																				
Artisan's/Craftsman's Workshop															P					
Assisted Living Facility							P	P	P	P		P								
Automated Teller Machine (ATM)							C	C	C	P		P			P					
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										P ₃						3 Subject to requirements of Article 11-1-11(d)				
Automobile Towing/Wrecker Service																3 Subject to requirements of Article 11-1-11(d)				
Automotive Body Shop																				
Bail Bonding Agency																				
Bank or Financial Institution																4 Drive-thru subject to requirements of Article 11-1-11(f)				
Bar or Cocktail Lounge							P ₄	P ₄	P ₄	P ₄	P ₄	P ₄			P ₄					
Barber or Beauty Shop								P	P	P		P			C					
Bicycle and Bicycle Accessory Sales and Repair																				
Boarding Home Facility							P	P	P	P		P								
Boat (Marine) Dealership	P ₅	P ₅	P ₅	P ₅	P ₅	P ₅	P ₅	P ₅	P ₅	P ₅		P ₅			P ₅					
Boat Store																5 Subject to Article 1, Chapter 30, and Article 11-1-11(g)				
Book Store							P	P	P	P		P								
Brewpub												P			C					
Building Contractor, General																				
Building Contractor, Maintenance and Repair																				
Building Contractor, Temporary Field Office																				
Building Contractor, Trade Specialist	P ₆	P ₆	P ₆	P ₆	P ₆	P ₆	P ₆	P ₆	P ₆	P ₆		P ₆			P ₆	6 Subject to requirements of Article 11-1-11(o)				
Building Contractor's Storage Yard																				
Cabinetmaking Shop																				
Car Title Loan Business																				
Car Wash, Full-Service or Self-Service																				
Caretaker's Residence																7 Subject to requirements of Article 11-1-11(e)				
Cemetery																				
Check Cashing Business																				
Church, Temple, Mosque, or Place of Worship	P	P	P	P	P	P	P	C	C	C	C	C								
Civic, Fraternal, Philanthropic, Charitable, or Nonprofit Organization																				
	P	P	P	P	P	P	P	P	P	P	P	P	P	P	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		
Clothing and Apparel Store								P	P	P		P	P					
College or University, Private								P	P	P	P	P	P	P				
College or University, Public								P	P	P	P	P	P	P	P	P	P	
Community Garden	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	P ₈	§ Subject to requirements of Article 11-I-11(h)
Concrete/Asphalt Batch Plant, Permanent																		
Condominium (See Dwelling, Multifamily)																		
Convenience Store with Fuel Sales										P ₉	P ₉					P ₉		§ Subject to requirements of Article 11-I-11(a)
Convenience Store without Fuel Sales								P	P	P	P	P	P	P	P	P		
Country Club	C	C	C														C	
Custom Manufacturing (See Manufacturing, Custom)																		
Dance Hall/Event Venue																		
Day Care Services, Adult																		
Day Care Services, Children							C ₁₀	P ₁₀	P ₁₀	P ₁₀		P	P	P ₁₀				10 Subject to requirements of Article 11-I-11(c)
Department or General Merchandise Store							C ₁₀	P ₁₀	P ₁₀	P ₁₀		P ₁₀	P ₁₀	P ₁₀				10 Subject to requirements of Article 11-I-11(c)
Detention Facility								P	P	P		P	P					
Dinner Theatre										P	P		P			P		
Distillery										P	P	P	P					
Distribution Center (See Warehousing and Distribution)																		
Driving Instruction School										P								
Drug Store									P	P			P	P		P		
Duplex (See Dwelling, Duplex)																		
Dwelling, Duplex				P		P	P											
Dwelling, Live/Work							P	P	P	P	P	P	P			P		
Dwelling, Multifamily					P	P	C			P		P	P					
Dwelling, Patio Home (Zero Lot Line Home)				P		P												
Dwelling, Single-Family Detached	P	P	P	P		P	P											
Dwelling, Single-Family Detached with Accessory Dwelling Unit	C	C	P	P ₁₁		P ₁₁	P											11 Accessory Dwelling Unit in R-2, R-M only on lots of at least 5,000 square feet
Dwelling, Small-Lot Single-Family Detached				P		P												
Dwelling, Townhome				P		P						P	P					
Electronic Sales/Service								P	P	P		P	P					
Equipment Rental, Heavy, No Outdoor Storage										P	P							
Equipment Rental, Heavy, With Outdoor Storage											P							
Equipment Rental, Light, No Outdoor Storage									P	P	P							
Equipment Rental, Light, With Outdoor Storage										P	P	P	P					
Fabric Store								P	P	P		P	P					
Fabrication Processes											P				P			
Fair/Rodeo Grounds or Exhibition Hall or Arena										C	C						C	
Farm Supply Store, Retail										P	P						C	
Farmers' Market									P	P		P	P				P	
Feed, Grain, or Hay Storage and Sale, Bulk/Wholesale											P						P	
Fine Arts Classes								P	P	P		P	P					
Fitness Center								P	P	P		P	P					
Flea Market, Indoor										P	P	P	P					
Flea Market, Outdoor/Open Air Market										C	C							
Florist								P	P	P		P	P					
Food Processing (craft)								P	P	P		P	P					
Food Processing (manufacturing)										P	P							
Food Truck Park																		
Fuel Sales, Bulk										C	C	C	C			C		
Fuel (Gasoline/Propane) Sales, Retail											P ₉							9 Subject to requirements of Article 11-I-11(a)
Funeral Services								P	P	P		P	P					9 Subject to requirements of Article 11-I-11(a)
Furniture, Home Furnishings, and Home Decorating and Decor Store								P	P	P		P	P					

¹¹ Accessory Dwelling Unit in R-2, R-M only on lots of at least 5,000 square feet

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	P	P				
Group Medical Care Facility								P	C	C	P		P	P				
Guest House	P	P	P	P ₁			P ₁	P										
Guidance Services																		
Gunsmith and Locksmith Shop				P			C	C	C	P	P	P	P	P				
Hardware Store								P	P	P	P	P	P	P				
Home Improvement Center										P								
Home Occupation	P ₁₂	P ₁₂	P ₁₂	P ₁₂	P ₁₂	P ₁₂	P ₁₂			P		P ₁₂	P ₁₂			P ₁₂		12 Subject to requirements of Article 11-1-11(f)
Hospital											P			P				
Hotel (See also, Motel)										P		P	P	P	P			
Independent Living Facility for Seniors							C	C	C	P	P	P	P	P				
Jewelry Store								P	P	P	P	P	P	P				
Job and Vocational Training Center								P	P	P	P	P	P	P				
Junkyard																		
See Chapter 58, Kerrville Code of Ordinances																		
Kennel, Up to 11 Animals, Indoor Pens									P	P	P							
Kennel, 12 or More Animals, Indoor or Outdoor Pens										P	P						P	
Landscape Nursery, Commercial/Wholesale											P		P	P			P	
Laundromat									P	P	P	P	P	P				
Laundry/Dry Cleaning Drop-Off/Pick-Up Station								P ₄	P ₄	P ₄		P ₄	P ₄	P ₄				4 Drive-thru subject to requirements of Article 11-1-11(f)
Laundry/Dry Cleaning Plant									C	C	P							
Life Care Development							C	C	C	P	P	P	P	P				
Limousine/Taxi Service										P	P							
Livestock Sales, Wholesale																	C	
Luggage and Leather Goods Store								P	P	P	P	P	P	P				
Lumber Yard										P	P	P			P			
Machine Shop										P	P	P	P	P	P			
Mailing Service																		
Manufactured Home or Manufactured Housing																		13 Subject to requirements of Article 11-1-11(f)
Manufactured Housing Sales										C ₁₃	P ₁₃							13 Subject to requirements of Article 11-1-11(f)
Manufacturing, Custom (see Artisan's/Craftsman's Workshop)																		
Manufacturing, Assembly											P					C		
Manufacturing, General											P					C		
Microbrewery										P	P	P	P	P				
Mining and Mineral Extraction																		
Mini-Storage																		
Minor Emergency/Urgent Care Medical Clinic								P ₁₄	P ₁₄	P ₁₄	P ₁₄							
Modular Home	P	P	P	P		P	P	P	P	P	P	P	P	P			P	
Motel										P			P	P				
Motor Freight/Trucking Company											C							
Motorcycle, All Terrain Vehicle, Personal Watercraft Dealership										P	P							
Movie Theater										P		P	P	P				
Musical Instrument Sales and Repair								P	P	P	P	P	P	P				
Newspaper																		
Nursing/Convalescent Home										P	P	P	P	P				
Office, General (Business or Professional)								P	P	P	P	P	P	P	P			
Office, Medical								P	P	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																		

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		
Parking Lot, Stand-Alone								C	C	P	P	P	P	P	P	P	
Parking Structure										P		P	P	P	P	P	
Pawnshop																	
Payday Loan Business																	
Personal Care Facility	P ₅	P ₅	P ₅	P ₅	P ₅	P ₅	P ₅	P ₅	P ₅	C	P						5 Subject to Article 1, Chapter 30, and Article 11-1-11(g)
Pet and Pet Supply Sales								P	P	P		P	P				
Pet Grooming								P	P	P		P	P				
Photography Studio								P	P	P		P	P				
Photography/Camera Supply Store								P	P	P		P	P				
Portable Building Sales											P						
Print Shop								P	P	P	P	P	P				
Public or Institutional Facility or Use	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
Quadplex (See Dwelling, Multifamily)																	
Radio or Television Station or Broadcasting Studio with Tower											P						
Radio or Television Station or Broadcasting Studio without Tower									P	P	P	P	P				
Recreational Skills Classes								C	P	P	P	P	P				
Recreational Vehicle Dealership										P							
Recreational Vehicle or Trailer Park						C				C			C				
Rectory/Parsonage	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
Repair Shop, Household Items								P	P	P	P	P	P				
Repair Shop, Personal Items								P	P	P		P	P				
Research and Development Lab										P							
Residential Care Service	P ₅	P ₅	P ₅	P ₅	P ₅	P ₅	P ₅	P ₅	P ₅	P ₅	P	P ₅	P ₅		C		5 Subject to Article 1, Chapter 30, and Article 11-1-11(g)
Restaurant, Food and Beverage Shop																	
Restaurant, General, With Drive-Thru or Drive-In Service											P ₄	P	P		P		4 Drive-thru subject to requirements of Article 11-1-11(f)
Restaurant, General, Without Drive-Thru Service																	
Salvage, Reclamation, Recycling of Materials											C						
Sand, Gravel or Stone Extraction																	
Sand, Gravel, or Stone Storage and Sales											C						C
School, Private, Elementary	C	C	C	C	C	C	C			C	C			P			
School, Private, Intermediate and Secondary	C	C	C	C	C	C	C			C	C			P			
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								P	P	P		P	P				
Security Service										P	P	P	P				
Security Systems Installation and Monitoring Company										P	P	P	P				
Sexually Oriented Business																	
See Chapter 30, Kerrville Code of Ordinances																	
Short-term Rental Unit	C	C	C	C	C	C	P					P	P				C
Showroom, in Conjunction with Warehousing and Distribution								P	P	P	P	P	P		P		
Showroom, without Warehousing and Distribution									P	P	P	P	P		P		
Smoke Shop																	
Solar Energy Facility								C	C	C	P			P			C
Special Care Facility								C	C	C	P	P	P				
Sporting Goods Store					P							P	P				
Stables, Commercial								P	P	P		P	P				P
Stables, Private																	P
Stationery Store	P																
Tailor, Seamstress, or Needlework Shop								P	P	P		P	P				
Tattoo or Permanent Cosmetics Shop, Body Piercing								P	P	P		C	C				
Taxidermy Shop																	
Townhome (See Dwelling, Townhome)																	

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		C	P						
Transportation Terminal, Bus/Aviation										C	C	C			P				
Triplex (See Dwelling, Multifamily)																			
Truck Stop and Fueling Station											C ₉								
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								P	P	P						P			
Warehousing and Distribution										C	P					P			
Welding Shop											P					P			
Wholesaling										C	P					P			
Wind Energy System, Small								See Chapter 26, Kerrville Code of Ordinances											
Winery									P	P	P	P	P				C		
Wireless Telecommunications Facilities								See Ordinance 2003-35											
Zero Lot Line Single-Family Dwelling (See Dwelling, Patio Home)																			

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 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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