

**AGENDA FOR THE KERRVILLE**

**PLANNING & ZONING COMMISSION MEETING**

**THURSDAY, OCTOBER 21, 2021, 4:30 P.M.**

**CITY HALL COUNCIL CHAMBERS**

**701 MAIN STREET, KERRVILLE, TEXAS**

## The Community Vision

*Kerrville will be a vibrant, welcoming and inclusive community that:*

- *Respects and protects the natural environment that surrounds it;*
- *Seeks to attract economic growth and development;*
- *Provides opportunities for prosperity, personal enrichment and intellectual growth for people of all ages; and*
- *Does so while preserving the small-town charm, heritage, arts and culture of the community.*



Kerrville2050

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## **Planning & Zoning Commission Meeting Procedures, Commission and City Staff Safety Measures and Citizen Participation Guidelines**

*COVID-19 (Coronavirus) provides a unique concern in that gathering members of the public, Planning & Zoning Commission, and City staff within a physical setting constitutes a public health risk. On March 16, 2020, the Texas Governor suspended certain requirements of the Open Meetings Act to permit open meetings to occur in a fully, or partially, virtual setting (telephonic/videoconference).*

*Due to the recent increase of Coronavirus positive cases in Kerr County, standard safety protocols will be observed by Planning & Zoning Commission, City staff, and citizens/visitors attending the meeting. Masks are voluntary and highly encouraged. Six-foot distance seating will be observed and visitor seating will be designated. Visitor overflow will be in the City Hall lobby, where social distancing will also be observed.*

*Citizens may view and hear Planning & Zoning Commission meetings on Spectrum Channel 2 or by live-streaming via the City's website ([www.kerrvilletx.gov](http://www.kerrvilletx.gov)). Planning & Zoning Commission meetings are recorded and the recordings are posted on the City's website.*

*Citizens wishing to speak during a meeting shall submit a completed "speaker request form" to City staff before the item is introduced, but are encouraged to submit the form before the meeting begins. Each speaker is limited to three minutes.*

*Written comments will be accepted for any agenda items, including Public Hearings. You are required to provide your first and last name, address, and identify the item you wish to comment on. Written comments may be emailed to [planning.division@kerrvilletx.gov](mailto:planning.division@kerrvilletx.gov) and must be received by 2:00 p.m. the afternoon of the Planning & Zoning Commission meeting. In addition, anyone may mail in comments or drop them by Development Services at 200 Sidney Baker Street.*

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Thank you for your participation!



**CITY OF KERRVILLE PLANNING & ZONING COMMISSION AGENDA**  
**REGULAR MEETING, Thursday, October 21, 2021, at 4:30 P.M.**  
**CITY HALL COUNCIL CHAMBERS**  
**701 MAIN STREET, KERRVILLE, TEXAS**

**CALL TO ORDER**

**1. PUBLIC HEARING, CONSIDERATION & ACTION**

**1A.** An ordinance amending City of Kerrville, Texas Zoning Code, Chapter 60 of the City's Code of Ordinances to include amendments to definitions and regulations concerning short-term rentals, removing a restriction as to adjacent properties with different zoning, requiring the posting of signs on properties involved in upcoming public hearings, and regulations in certain districts regarding shipping containers, building heights, traffic impact analysis, garage sales, fences, and RV parks, and amending the Land Use Table to account for these issues. (Case No. 2021-068)

**2. STAFF REPORT**

**3. 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.

**4. ADJOURNMENT**

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.

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: 10/15/2021 at 3:30 p.m. and remained posted continuously for at least 72 hours preceding the scheduled time of the meeting.

Kesha Franchina  
Deputy City Secretary, City of Kerrville, Texas

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# **Agenda Bill**

## **Case No. 2021-068**

To: Planning & Zoning Commission  
Date: 10/21/2021

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### **Proposal**

An ordinance amending City of Kerrville, Texas Zoning Code, Chapter 60 of the City's Code of Ordinances to include amendments to definitions and regulations concerning short-term rentals, removing a restriction as to adjacent properties with different zoning, requiring the posting of signs on properties involved in upcoming public hearings, and regulations in certain districts regarding shipping containers, building heights, traffic impact analysis, garage sales, fences, and RV parks, and amending the Land Use Table to account for these issues. (Case No. 2021-068)

Attached is a summary of several recommended amendments to the City of Kerrville's Zoning Code. The City of Kerrville and Development Services continues to review the codes and ordinances, striving to make the development process and regulations as clear as possible. These amendments are to address issues or concerns brought up by City Council, the Planning and Zoning Commission, customers, and city staff. Each of these are items that have been brought up over the last year from working with various customers and projects.

If approved, these items will be presented, in full ordinance format, to the City Council in December with another public hearing. The second reading should occur at the first Council meeting in January.

## Proposed Zoning Code updates – 2021

Green text – concept for amendment

Blue text – amended/added section of code

~~Strikethrough text~~ – text to be deleted from the code

### Short Term Rentals:

STR definition

Update definitions to remove bedroom count, add max occupancy (consistent with Building Codes)

*Short-term rental unit* means a facility, located in a residential zoning district, used for the purpose of providing short-term lodging for compensation, architecturally designed to look like a single-family dwelling, which may also be occupied concurrently as the residence for the owner, operator, or manager of the property, or providing separate lodging units such as cabins, guest homes, or similar residential-scale structures, **with a maximum occupancy of 10 persons**, ~~with no more than six bedrooms total on the property, and offering meals only to those who receive lodging, and providing that all bedrooms used as a permanent residence shall count toward the maximum six bedrooms of the short term rental unit.~~

Update for a license? Goal - to help with enforcement issues and concerns

Possibly add revocation or re-hearing before Council based on complaints

What language needs to be changed or just a memo to clarify the revocation process?

Require a local contact within 1 hour

This will be added as a recommended condition in the resolution for a CUP.

### Use of one property for another:

Remove Sec. 60-41. Use of Property Located in One Zoning District to Benefit Another

### Shipping Containers:

Add definition:

*Shipping Container or Intermodal Shipping Container* means a six-sided steel unit originally constructed as a general cargo container used for the transport of goods and materials.

Public and Institutional\*

Update to Land Use Table

Permitted with supplementary requirements

Supplementary requirements for Shipping Containers

Section 60-60 (16) Shipping Containers

- a. Limited to property or campus with a minimum of 5 acres.
- b. Front setback: setback behind a line mostly parallel to the front wall of the nearest adjacent building
- c. Minimum of 100 feet from any residential zoning district (RE, R-1, R-1A, R-2, RM)
- d. The container is required to be screened and/or color-matched to adjacent buildings
- e. The container shall be permanently anchored
- f. Licensed contractors may use shipping containers in any zoning district for temporary storage of equipment and materials during construction as authorized by a City building permit.

Renumber Section 60-60(17 ~~16~~) Other Uses.

Shipping containers in Residential districts

Prohibited by Land Use Table

## Building Height in PI

### 60-52(d)(3)

Maximum building height	<p><del>35 feet</del></p> <ul style="list-style-type: none"><li>• No limit except <del>Adjacent to a residential zoning district as defined in subsection (d)(3) above, one foot (1.0) of additional building height permitted for each 1 foot (1.0) of setback from the residential zoning district</del> as follows:</li><li>• Two stories of up to a maximum of 35 feet when 25 feet to 100 feet from a residential zoning district;</li><li>• 45 feet when more than 100 feet from a residential zoning district, with 1 foot of additional height allowed for each 1 foot of setback provided beyond 100 feet</li><li>• No windows serving second story building area within 50 feet of the property line on any building wall facing a residential zoning district, as defined in subsection (c)(3) above to prevent views from nonresidential to residential property</li><li>• An installation of a public or private utility exempt from this requirement</li></ul>
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## Traffic Impact Analysis

TIA worksheet etc. required for PDD and MU (both require concept plans)

## Garage Sales:

Add garage sale to exemption/exception from Home Occupation...

Was removed from old zoning code and not replaced in new code  
3 day max, 4 per year

## Updates to the Kerrville Development Standards:

Updated parking layout standards

Added Parking Standards for adequate parking surface

Include Fence Appendix - fence illustrations for ornamental and screening

## Fences:

Define ornamental fence

*Ornamental fence* means metal or steel fencing that consists of vertical tubes or bars with ample spacing between bars to not obstruct the view through the fence. The fence may also include horizontal rails, finials, or scrolls. Spacing between vertical bars shall be a minimum of four (4) inches.

Define screening fence

*Screening Fence* means a fence or wall that may be part of the structure or a standalone feature that screens from view the interior of a property so that visibility through the fence or wall shall be prevented from the exterior side of the fence or wall.

Appendix to include specs for both types of fence

60-50(a) (7) a. No structure in excess of 30 inches in height may exist between the front wall of any building and the front property line, except that ornamental fencing up to six feet in height is permitted. Ornamental fencing does not include chain link fencing, which is prohibited. **Ornamental fencing may include a brick, rock, or concrete base not to exceed 30 inches in height; overall height may not exceed 6 feet.** No element of the fence may create a visibility obstruction or otherwise interfere with pedestrian or vehicular circulation.

Same addition for sections:

60-50 (b) (7) a.

60-50 (c) (7) a.

60-50 (d) (9) a.

60-50 (e) (7) a.

60-50 (f) (9) a.

60-50 (g) (7) a.

60-51 (a) (4)

60-51 (b) (4)

60-51 (c) (4)

60-52 (a) (6)

60-52 (b) (5)

60-52 (d) (4) a.

60-52 (e) (4)

#### **RV Park regulations:**

Update Zoning to include RV Park section with specific requirements

No limit on stay (clear language...)

Include Fire Code and NFPA 1194

#### **60-60**

(13) *Travel trailers and recreational vehicles.* The use of a travel trailer or recreational vehicle shall be subject to the following regulations:

a. The use of a travel trailer or recreational vehicle as a permanent residence or business anywhere within the city is prohibited, **unless located within an RM district which is developed as a Mobile Home Rental Community (MHRC), or on property which is being used as a recreational vehicle park even if the recreational vehicle park is a nonconforming use.**

b. Travel trailers or recreational vehicles parked in an established RV Park in an RM or C-3 district shall meet the following requirements:

1. Shall remain road ready with tongue and towing equipment attached or stored immediately on site,
2. Utilize temporary utility hookups, hard wired electricity and hard plumbed water/wastewater is prohibited, and
3. Shall have current registration and trailer inspection

**b. It shall be a defense to a violation of subsection a. above if:**

- 1. The trailer or recreational vehicle is located on property within an RM district which is developed as a MHRC at the time of the offense; or**

2. ~~The trailer or recreational vehicle is located on property which is being used as a recreational vehicle park even if the recreational vehicle park is a nonconforming use; or~~

c.3. ~~The~~ trailer or recreational vehicle is:

- Parked on a **residentially zoned** lot developed with a dwelling unit;
- Occupied by one or more people who do not claim the dwelling unit as their permanent residence; and
- ~~Has been located on the lot for~~ Limited to a period not exceeding 14 days.

d. Travel trailers and recreational vehicles may be stored (parked and not in use) on a developed residential lot with a dwelling unit. The storage of a trailer or RV shall not create any traffic view obstruction.

e.4. One travel trailer or one recreational vehicle is located on property which is being used for the seasonal retail sale of holiday trees. This section shall only be valid between November 5 and December 31.

**Land use table updates:**

Add Medical Office use to PI district

Shipping Containers Permitted in PI and prohibited in R, C, DAC, and MU districts

LAND USES	Residential Districts							Nonresidential Districts				Special Districts				
	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
Office, Medical								P	P	P	P	P	P	P	P	P

LAND USES	Residential Districts							Nonresidential Districts				Special Districts				Notes (Adopted by Ord 2022-##)
	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
Shipping Containers								P <sub>15</sub>			P <sub>15</sub>	P <sub>15</sub>				is Shipping Containers subject to requirements of Article IX 60-60(--)

**Notice of Public Hearing:**

Section 60-65, Add to the public notice procedure to include posting of a sign on the applicant's property.

Posted a minimum of 7 calendar days prior to the hearing

To include general signage requirements