

**CITY OF KERRVILLE, TEXAS
ORDINANCE NO. 2023-31**

AN ORDINANCE AMENDING ORDINANCE NO. 2003-08, WHICH CREATED A PLANNED DEVELOPMENT DISTRICT ON AN APPROXIMATE 798.7 ACRE TRACT OF LAND GENERALLY LOCATED NORTHEAST OF THE INTERSECTION OF STATE HIGHWAY 16 AND INTERSTATE HIGHWAY 10; SAID AMENDMENTS TO UPDATE THE CONCEPT PLAN AND THE LAND USE TABLE INCLUDED WITHIN ORDINANCE NO. 2003-08, TO COMBINE VARIOUS RESIDENTIAL LOT SIZES INTO A SINGLE AREA (PARCEL), AND TO ALTER THE LAYOUT OF THE GOLF COURSE AREA AND COMMERCIAL AREAS; ESTABLISHING A PENALTY AND EFFECTIVE DATE; AND PROVIDING OTHER MATTERS RELATING TO THE SUBJECT

WHEREAS, on March 25, 2003, City Council approved Ordinance No. 2003-08 to create a Planned Development (Zoning) District ("PDD") on an approximate 798.7 acre tract of land, generally located northeast of the intersection of State Highway 16 and Interstate Highway 10 (the "Property"), to allow for a mixed use development with both residential and commercial uses, to include both a hotel and golf course, such development subject to a concept plan and land use table applicable to the PDD; and

WHEREAS, a representative of the owner of the Property has requested that the City Council amend the PDD to in part, update the concept plan and land use table to align with the City's current Zoning Code (Ch. 60, Code of Ordinances); and

WHEREAS, the Planning and Zoning Commission and City Council, in compliance with the laws of the State of Texas and the ordinances of the City of Kerrville, have given requisite notice by publication and otherwise, and after holding due hearings and affording a full and fair hearing to all Property owners generally and to all persons interested and situated in the affected area and in the vicinity thereof, City Council, in the exercise of its legislative discretion, has concluded that the Zoning Code should be amended as provided herein;

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

SECTION ONE. Ordinance No. 2003-08 is amended as follows with deletions indicated by red, strikeout (~~deleted~~) and additions indicated by blue, underline (addition) as follows:

"SECTION TWO.

- A. **Planned Development District Areas:** The Planned Development District shall be generally divided into ~~18~~ 17 areas for purposes of establishing the use and development regulations for each tract, said divisions being substantially as shown on **Exhibit “B,”** attached hereto and incorporated herein by reference. References in this Ordinance to ~~“Area #R,” “Area #C,”~~ “Parcel #” or other specified areas, shall mean those enumerated area as indicated on **Exhibit “B.”**
- B. **Residential Area Development Regulations:** ~~Areas 1R, 2R, 3A R, 3B R, 3C R, 4R, 5R, 6A R, 6B R, and 6C R~~ Parcels 4, 7-13, 15, and 17 (sometimes collectively referred to herein as “the Residential Areas”) shall be developed in accordance with the following regulations:
1. **Permitted and Conditional Uses:** The Residential Areas may only be developed and used for the following purposes:
 - a. All of the Residential Areas may be developed with Dwellings, Single Family Detached and/or zero-lot line Dwellings. All residential areas may have a mix of lot sizes in accordance with the Concept Plan.
 - b. ~~Areas 1R and 2R may be developed with zero-lot line Dwellings, Single Family Detached~~ Parcel 8 may include multi-family residential pursuant to the Concept Plan.
 - c. ~~Areas 6A R, 6B R, and 6C R~~ All lots 1 acre or more may be developed with Dwellings, Single Family Detached with one attached or detached apartment subject to the following conditions:
 - i. The apartment may not be larger than one-half the floor area of the main house, excluding the area of any garage or carport attached to the apartment;
 - ii. The Property shall be developed with three (3) or more off-street parking spaces; and
 - iii. The apartment shall comply with the provisions of Paragraph B.2, below, as if it were the main structure and not an accessory building.
 - d. Property within the Residential Areas may be developed with an Elementary School ~~upon approval of a Conditional~~

~~Use Permit pursuant to Art. 11-I-13 of the Code of Ordinances.~~

- e. ~~Notwithstanding the prohibitions of Article 11-I-4 (g.) of the Code of Ordinances, pedestrian~~ Pedestrian and golf cart access to the Golf Course Area may emanate from and cross properties developed in the Residential Areas.

2. **Lot Area, Lot Width, Building Height, and Setback Regulations:** No lot in the Residential Areas shall exceed 4.5 acres in area unless such lot is developed in such a manner as to be served by public water and sanitary sewer. The minimum lot area, minimum lot width, maximum building height, and minimum building setback for properties located in the Residential Areas shall be in accordance with the following table:

Development Standard	<u>All Residential Areas</u>			
	1R & 2R	3A-R, 3B-R, 3C-R & 4R	5R	6A-R, 6B-R, & 6C-R
Minimum Lot Area (square feet)	4,000	13,500	20,000	43,560
Minimum Lot Width (linear feet)	Zero-lot line development = 40	80	100	150
	Not zero-lot line development = 50			
Maximum Building Height (linear feet)	40	50	50	50
Front Yard Setback (linear feet)	First Floor = 15	30 <u>25</u>	35 <u>25</u>	45 <u>25</u>
	Above First Floor = 20			
Front Yard Setback of garage entry (linear feet)	Front entry garage = 20	30 <u>25</u>	35 <u>25</u>	45 <u>25</u>
	Side entry garage = 15			
Rear Yard Setback (linear feet)	15	30 <u>25</u>	35 <u>25</u>	35 <u>25</u>
Side Yard Setback-not a corner lot or zero lot line development (linear feet)	5	15 <u>5</u>	15 <u>5</u>	17 <u>5</u>
Side Yard Setback- corner lot other than zero lot line development (linear feet)	15	25	25	25

	Corner lot = 10	N/A	N/A	N/A
	Not corner lot = 15			

Notwithstanding anything to the contrary in this Ordinance or any other document related to the Property, to include the Masterplan as shown by Exhibit “B”, there shall be no more than five (5) lots with a minimum area of at least 3 acres per lot along the common property line which runs South of Whiskey Ridge Trail.

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4. **Landscaping:** Landscaping of properties in the Residential Areas shall comply all landscaping regulations for residential properties adopted by the City and in effect at the time of filing of the application for a building permit for the Property being developed and shall comply with the following regulations:

- a. Planting materials planted within the Commercial Areas as described in Exhibit “B”, shall be on the list of recommended plants set forth in the most recent edition of Recommended Plants for the Kerrville Area published by the City at the time of planting; provided, however, no variety of St. Augustine Grass (Stenotaphrum secundatum (Walter) Kuntze) may be planted at any location within the Property described in Exhibit “B”, above, after the effective date of this Ordinance.
- b. Landscaping shall be waterwise or xeriscape landscaping.
- c. Lots less than 1 acre in size shall be limited to 50% turf grass. Lots 1 acre or more in size shall be limited to 30% turf grass.
- d. Preservation of the native landscape is encouraged.

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- C. **Commercial Area Development Regulations:** ~~Areas 1C, 2C, 3A-C, 3B-C and 4C~~ Parcels 1.1, 1.2, 2, 3, 5, 6, 14 (sometimes collectively referred to herein as “the Commercial Areas”) shall be developed in accordance with the following regulations:

- ...
2. **Special Height Regulations:** Notwithstanding Paragraph C.1., above, buildings constructed in ~~Area 4C~~ Parcels 5 and 6 and used for hotel or professional office purposes may be constructed with a maximum height of 75 feet.
3. **Setback Regulations:** The Commercial Areas shall be developed with the following minimum building setbacks:
- a. Front Yard Setback = ~~50~~ 25 feet.
 - b. Rear Yard Setback = 10 feet.
 - c. Side Yard Setback (not a corner lot) = ~~10~~ 5 feet.
 - d. Side Yard Setback (corner lot) = ~~50~~ 15 feet.
- ...

~~7. **Development Site Plan Required:** No building permit shall be issued for property in the Commercial Areas unless and until the City's Planning and Zoning Commission and the City Council have approved a development site plan for the property for which such permit is sought in accordance with Art. 11-I-15(e.) (9) of the Code of Ordinances. In addition to the elements required by Art. 11-I-15(e.) (9), the development site plan shall include both a detailed landscape plan that meets the standards of the provisions herein and is prepared by a licensed landscape architect and a detailed irrigation plan which complies with all state and local laws and regulations and is prepared by a licensed irrigator. Each development site plan shall be adopted as and shall constitute an amendment to this Ordinance.~~

- ~~8~~7. **Permitted and Conditional Uses:** The uses that are permitted as a matter of right or permitted upon issuance of a conditional use permit in the Commercial Areas are indicated by the letters "P" and "C", respectively, in the ~~following table:~~ Land Use Table as listed for the C-3 (zoning) district. In addition, Parcels 5 and 6 shall be limited to a Hotel, Conference Center, and associated uses.

NOTE: *The table following this subsection in Ord. 2003-08 is deleted.*

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- ~~12~~11. **Screening of Property:** The owner or developer of property located in the Commercial Areas ~~to be developed with uses in Use Categories 3 through 9, inclusive, as defined in Article 11-I-17(a.) of the Code of Ordinances,~~

shall construct and maintain a screening wall or fence along the boundary of the Property that is consistent with Section 60-51(c)(6) of the Code of Ordinances.

- ~~a. — abutting property located in the Residential Areas; or~~
- ~~b. — abutting property which is developed with a use in a more restrictive use category, regardless of whether:~~
 - ~~i. — the property being developed and the abutting property are in the same or different zoning districts; or~~
 - ~~ii. — the less restrictive use will occur in a newly constructed building or in an existing building previously used for purposes in a more restrictive use category; or~~
 - ~~iii. — developed with a use in a less restrictive use category than the abutting property and the owner or developer desires to expand such less restrictive use by more than fifty percent of the building or storage area on the property.~~

~~13. Type of Screening Required: For purposes of Paragraph C.12., above, the following table will determine whether Type “A” or Type “B” Screening shall be constructed when screening is required:~~

NOTE: *The table following this subsection in Ord. 2003-08 is deleted.*

~~14. — Type “A” and Type “B” Screening Defined: For purposes of Paragraph C.13. above, the phrases “Type ‘A’ Screening” and “Type ‘B’ Screening” shall have the same meaning as set forth in Article 11-I-18 of the Code of Ordinances.~~

~~15. — Screening on Site Plan: In the event of a conflict between the location and/or construction of screening on an approved development site plan and screening that would otherwise be required by operation of Paragraphs C.12. and C.13. above, the screening requirements set forth on the approved development site plan shall be controlling.~~

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D. Golf Course Area:

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2. Ancillary Uses:

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- b. A pro shop shall be constructed in the Clubhouse Area, either as a separate building or as part of the clubhouse, subject to the following:

~~i. The pro shop shall be constructed concurrently with the construction of the golf course.~~

~~ii. Play on the golf course may not commence until a certificate of occupancy has been obtained from the City for the pro shop.~~

~~iii.~~ If built as a separate structure, the construction of the pro shop shall comply with the building standards set forth in Paragraph F., below.

~~iv.~~ The pro shop may ~~not~~ be operated from a temporary structure, ~~manufactured home, modular/industrialized home, trailer, or any facility or structure of any construction~~ located on property not within the Clubhouse Area. Any temporary structure shall be subject to all the City's building and development codes for temporary structures and must receive a permit from the City.

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5. **Outdoor Lighting:** Outdoor lights installed in the Golf Course Area shall comply with Chapter 26, Article X of the Code of Ordinances and shall be located, shielded, and aimed so as not to allow an unshielded light or illumination source to cause glare or direct light to be viewed from any street or adjacent properties. Outdoor lights for golf course driving ranges shall not be used during the period beginning at 10:00 p.m. and ending at 6:00 a.m. the following morning.

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7. Golf Course and Landscaped areas: All landscaped areas, including the golf course, shall not be irrigated with potable water.

- ~~7~~8. **Landscaping Requirements:** The landscaping in the Clubhouse Area of the Golf Course Area shall comply with the following:

a. Planting materials planted within the Commercial Areas as described in **Exhibit “B”**, shall be on the list of recommended plants set forth in the most recent edition of Recommended Plants for the Kerrville Area published by the City at the time of planting; provided, however, no variety of St. Augustine Grass (*Stenotaphrum secundatum* (Walter) Kuntze) may be planted at any location within the Property described in **Exhibit “B”**, above, after the effective date of this Ordinance.

b. Landscaping shall be waterwise or xeriscape landscaping.

ac. A landscaped edge not less than 25 feet wide, exclusive of street rights-of-way, shall be planted along every street within the Clubhouse Area.

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89. **Setback Regulations:** Except for storage and materials buildings as set forth in Paragraph D.3., above, the Golf Course Area shall be developed with the following minimum building setbacks:

a. Front Yard Setback = ~~50~~ 25 feet.

b. Rear Yard Setback = 10 feet.

c. Side Yard Setback (not a corner lot) = ~~10~~ 5 feet.

d. Side Yard Setback (corner lot) = ~~50~~ 15 feet.

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~~11. No building permit shall be issued for property in the Golf Course Area unless and until the City’s Planning and Zoning Commission and the City Council have approved a development site plan for the property for which such permit is sought in accordance with Art.11 I-15(e.) (9) of the Code of Ordinances. In addition to the elements required by Art. 11 I-15(e.) (9), the development site plan shall include a detailed landscape plan and a detailed irrigation plan that meets the standards of the provisions herein, prepared by a licensed landscape architect and a licensed irrigator. Each development site plan shall be adopted as and shall constitute an amendment to this Ordinance.~~

D. **Hotel Area:** The area marked ~~“HCC”~~ Parcels 5 and 6 on **Exhibit “B,”** hereto (hereafter called the “Hotel Area”) may be developed for purpose of operating a hotel and conference center subject to the following:

- ~~1. **Development Site Plan Required:** No building permit shall be issued for property in the Hotel Area unless and until the City's Planning and Zoning Commission and City Council have approved a development site plan for the property for which such permit is sought in accordance with Art. 11-I-15(c.) (9) of the Code of Ordinances. In addition to the elements required by Art. 11-I-15(c.) (9), the development site plan shall include both a detailed landscape plan that meets the standards of the provisions herein and is prepared by a licensed landscape architect and a detailed irrigation plan which complies with all state and local laws and regulations and is prepared by a licensed irrigator. Each development site plan shall be adopted as and shall constitute an amendment to this Ordinance.~~

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5. **Minimum Hotel Size and Amenities:** The hotel constructed in the Hotel Area shall comply with the following minimum requirements:

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- c. The following amenities shall be provided and available to guests of the hotel and conference center:

- ~~iv. Multimedia equipment shall be available on-site to multiple parties to include audio amplification, video (all formats), data (including dial-up), telephone conferencing, and projection devices (including, but not limited to, overhead, photographic slides, and personal computer projection systems) with large projection screens.~~

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- H. **Signs:** The design, installation, location, operation, and maintenance of signs installed in the Commercial Areas, Golf Course Area, and Hotel Area shall comply with the City's ordinances regulating signs existing at the time of installation; ~~except as follows:~~

NOTE: *All subsections following this subsection in Ord. 2003-08 (H.1. – 4) is deleted.*

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~~I. **Sign Plan:** In the event of a conflict between a sign plan approved by the City Council in the same manner as an amendment to this Ordinance and Section H., above, and/or the City's current sign regulations, the provisions of the approved sign plan shall prevail unless otherwise expressly stated in the ordinance or resolution approving said sign plan. A sign plan may be approved concurrently with or separately from the development site plan.~~

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J. Open Space Area: The area marked "OS" on **Exhibit "B,"** hereto (hereafter referred to as "Open Space Area") may be used for passive recreational uses such as hike/bike trails, picnic area, nature conservancy, birding trails, or other similar and related activities. Construction within the Open Space Area shall comply with the following:

...

1. Hike/bike trails:

...

- c. if developed with lighting, lights shall comply with Chapter 26 of the Code of Ordinances and be low intensity and located, shielded, and aimed so as not to allow an unshielded light or illumination source to cause glare or direct light to be viewed from any street or adjacent properties.

...

KJ. Determination of Height: For purposes of this Ordinance, when determining the height of a building, the height of the highest point of any roof mounted structure or equipment, water cooling towers, gables, and communication dishes, towers, or antennae shall be included in the determination, except to the extent that regulation of the location and height of communication dishes, towers, or antennae are preempted by federal law or regulation. To the extent that this Paragraph ~~K J,~~ conflicts with ~~Art. 11-I-3(a.)(47)~~ Chapter 60 of the Code of Ordinances, this paragraph shall control.

LK. Attached Site Plan: The site plan attached to this Ordinance shall be used solely for the purpose of setting forth the boundaries of the various land use areas described in this Ordinance. The inclusion of **Exhibit "B"** as part of this Ordinance shall not constitute, nor be construed as constituting, approval of the lot layout, street locations, street lengths, or general circulation plan shown on **Exhibit "B"**.

Furthermore, the inclusion of **Exhibit “B”** as part of this Ordinance shall not constitute, not be construed as constituting, the approval of any waiver or variance to any provision of ~~Title 10, Chapter IV~~ Chapter 82 of the Code of Ordinances.

M. ~~References to Present Zoning Code Regulations: All references within this Ordinance to Article 11-I-1, et al of the City’s Code of Ordinances may be found at Exhibit “C” which is attached hereto and incorporated herein for all purposes.~~

SECTION TWO. Except as amended by this Ordinance, the provisions of Ordinance No. 2003-08 remain in full force and effect.

SECTION THREE. The City Manager or designee is authorized to create a new document that integrates the amendments and new wording from this Ordinance with Ordinance 2003-08, which may include renumbering, relettering, and reformatting where appropriate.

SECTION FOUR. The provisions of this Ordinance are to be cumulative of all other ordinances or parts of ordinances governing or regulating the same subject matter as that covered herein; provided however, to the extent of any irreconcilable conflict with the provisions of this Ordinance and other ordinances of the City governing the use and development of the Property and which are not expressly amended by this Ordinance, the provisions of this Ordinance shall be controlling.

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. City Council 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.

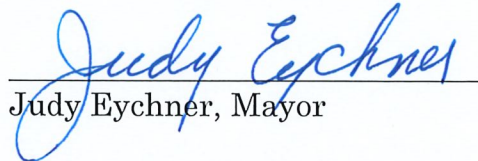
SECTION SIX. The penalty for violation of this Ordinance shall be in accordance with the general penalty provisions contained in Section 1-7, Chapter 1 of the Code of Ordinances of the City of Kerrville, Texas.

SECTION SEVEN. In accordance with Section 3.07 of the City Charter and Texas Local Government Code §52.013(a), 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.

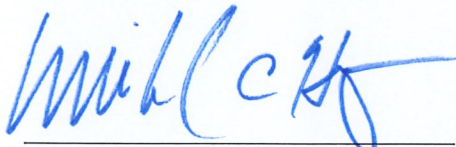
SECTION EIGHT. This Ordinance shall become effective immediately upon the expiration of ten days following publication, as provided for by Section 3.07b. of the City Charter.

PASSED AND APPROVED ON FIRST READING, this the 14 day of NOVEMBER, A.D., 2023.

PASSED AND APPROVED ON SECOND AND FINAL READING, this
the 12 day of DECEMBER, A.D., 2023.


Judy Eychner, Mayor

APPROVED AS TO FORM:


Michael C. Hayes, City Attorney

ATTEST:


Shelley McElhannon, City Secretary



WHISKEY SPRINGS

EXHIBIT B

PARCEL SUMMARY			PROPERTY SUMMARY		
AREA	DESIGNATION	LOT COUNT	AREA	DESIGNATION	LOT COUNT
1.1	COMMERCIAL	—	RESIDENTIAL	COMMERCIAL	368
1.2	COMMERCIAL	—			—
2	COMMERCIAL	18.05			273.22
3	COMMERCIAL	14.25			56.50
4	RESIDENTIAL	24.51			249.11
5	HOTEL	2.30			56.52
6	HOTEL	—			47.57
7	RESIDENTIAL	21.45			128.51
8	RESIDENTIAL	41			800.08
9	RESIDENTIAL	12.82			—
10	RESIDENTIAL	33.72			—
11	RESIDENTIAL	34.07			—
12	RESIDENTIAL	59.07			—
13	RESIDENTIAL	22.69			—
14	RESIDENTIAL	8.75			—
15	COMMERCIAL	—			—
16	RESIDENTIAL	6.48			—
17	RESIDENTIAL	8.55			—
17	RESIDENTIAL	17			—

LOT SIZE SUMMARY		
LOT SIZE		LOT COUNT
FOUNDERS	10 LOTS	—
1/10 ACRE	217 LOTS (INCLUDES CABINS)	—
1/12 ACRE	64 LOTS	—
1 ACRE	40 LOTS	—
2 ACRES +	37 LOTS	—
LOT TOTAL	368 LOTS	—
MULTI-FAMILY	70 UNITS	—



PROPERTY SUMMARY

AREA	DESIGNATION	LOT SIZE	LOT COUNT	ACRES
1R	RESIDENTIAL	40'X100'	41	5.09
1C	RESIDENTIAL	40'X100'	83	11.61
2C	RESIDENTIAL	90'X150'	9	3.42
3A-C	RESIDENTIAL	90'X150'	31	12.13
3B-C	RESIDENTIAL	90'X150'	75	30.58
4R	RESIDENTIAL	100'X200'	57	32.80
5R	RESIDENTIAL	150'X300'	20	21.42
6A-R	RESIDENTIAL	300'X400'	33	102.28
6B-R	RESIDENTIAL			69.1
6C-R	RESIDENTIAL			294.18
SUBTOTAL RESIDENTIAL				58.83
1C	COMMERCIAL			27.50
2C	COMMERCIAL			2.68
3A-C	COMMERCIAL			9.15
3B-C	COMMERCIAL			1.80
4C	COMMERCIAL			17.7
SUBTOTAL COMMERCIAL				58.83
SUBTOTAL RESIDENTIAL				294.18
SUBTOTAL COMMERCIAL				58.83
EXISTING RESERVOIR				9.67
HOTEL CONFERENCE CENTER				23.8
OPEN SPACE				128.51
TOTAL				800.08 AC

WHISKEY SPRINGS
KERRVILLE, TEXAS

MASTER PLAN

DATE: 02-13-03
SCALE: 1"=400'-0"

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FEB 17 2003

Strategic Catalyst Area 6

This area, bisected by Interstate 10, features a number of amenities close to the exit ramps, particularly regional and community-serving commercial businesses. Expansive residential and industrial uses are notably present in the northwestern quadrant of the area.

Defining Characteristics: SCA 6 is centered around the I-10/SH 16 intersection. This corridor functions as the premiere gateway to the community for visitors. Quinlin Creek is located here and unique topography is present on all sides.

Allowable Place Types: Rural Living, Neighborhood Residential, Preservation Residential, Transitional Residential, Regional Commercial, Agriculture and Outdoor Tourism

Place Type Distinctions: Regional Commercial place types are suitable close to the primary intersection. Transitional Residential housing is appropriate close to major roadways while Preservation Residential, Neighborhood Residential, and Rural Living place types are more suited to topographically challenging areas. Maintenance of the iconic hills and creeks is paramount.

Size: 449 acres

Developable Sites: 198 acres

Residents: 331

Jobs: 273

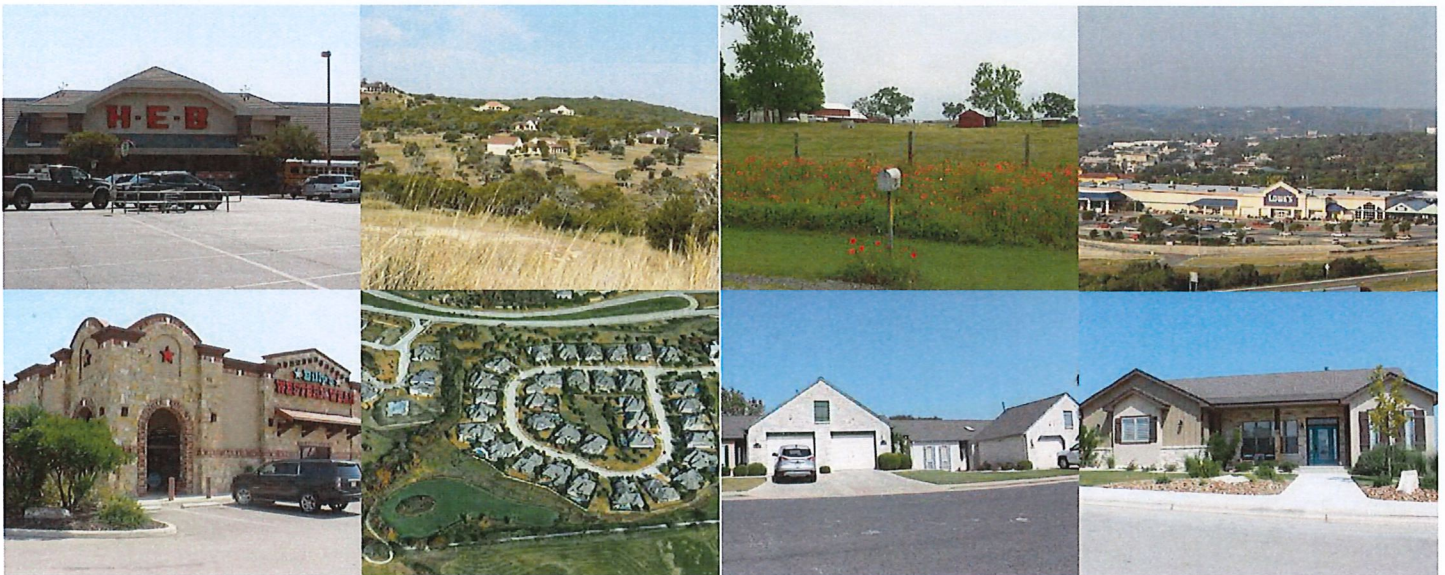


Figure 13: Strategic Catalyst Area 6

