



CITY OF KERRVILLE PLANNING & ZONING COMMISSION

AGENDA

REGULAR MEETING, JULY 18, 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

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 20, 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:

at _____ and remained posted continuously for at least 72 hours preceding the scheduled time of the meeting.

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:

Bob Waller, Chair
Garrett Harmon, Vice-Chair
Tricia Byrom, Commissioner
David Jones, Commissioner
Rustin Zuber, Commissioner
Bill Morgan, Alternate

Members Absent:

Jim Brown, Alternate

City Staff Present:

Mark McDaniel, City Manager
EA Hope, Deputy City Manager
Guillermo Garcia, Executive Director for Strategic Initiatives
Drew Paxton, Director of Planning
Rebecca Pacini, Chief Planning Officer
Dorothy Miller, Recording Secretary

CALL TO ORDER:

On June 20, 2019, Cmr. Waller 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 June 6, 2019 meeting.

Cmr. Byrom moved to approve the minutes as presented; motion was seconded by Cmr. Zuber and passed 5-0.

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)

Mr. Mark Bowers gave brief overview of the proposed Zoning Code update.

Ms. Monica Heid presented detailed changes to the draft since the last presentation that was provided at the joint Planning and Zoning Commission meeting with City Council.

Mr. Bowers presented the proposed Zoning Map and concluded the presentation.

Cmr. Waller opened the public hearing at 5:41 p.m.

Mr. Bruce Stracke spoke, stating he was generally happy with the proposed changes but had concerns with changing the zoning from commercial/transition zone back to residential along Memorial Boulevard near Loop 534. He recommended commercial use without residential along Memorial Boulevard. Mr. Stracke stated he gets more inquiries for commercial use in that area than for residential use.

Cmr. Zuber agreed, stating he has the same concerns with other areas as well.

Mr. Stracke said he would prefer a mixed use or C-2 zoning. Mr. Paxton stated the consultants were asked to specifically look at nonconformities.

Mr. McDaniel stated the old zoning allowed residential and commercial. Mr. McDaniel stated that the Mixed Use zoning district would be the only compatible zoning that allows residential and commercial uses.

Mr. Stracke stated mixed use would address his concerns.

Mr. Hoppe discussed the future land use plan that identified this area as transitional residential which includes multifamily residential uses.

Cmr. Zuber stated there were a lot of little areas like this that do not simplify the zoning code but complicate it.

Mr. Stracke discussed some other areas that seem to have incorrect proposed zoning and then thanked everyone for the work they are doing.

Mr. McDaniel stated the struggle was to make areas as consistent as possible without changing existing zoning.

Hearing no one else speak, Cmr. Waller closed the public hearing at 6:09 p.m.

Cmr. Zuber stated that he is in support of the draft Zoning Code but has similar concerns that were expressed about the proposed zoning map. Cmr. Zuber questioned changing conforming uses to a different zoning, specifically PI zoning.

Cmr. Harmon stated these issues need to be addressed before approving a recommendation to City Council. He also stated the land use chart and zoning map should be listed in the table of contents to be easily found.

Cmr. Byrom said she would like a more defined process on changing zoning.

Mr. Paxton stated there are two choices: a property owner could apply for a zone case and go through the normal process. If it is a specific area, staff can do a public study of the area taking into account the future land use plan to bring forward a zoning change.

Cmr. Jones stated there needs to be clear direction to answer these questions.

Mr. Paxton stated he had conversations with several Commissioners and citizens with similar concerns looking at the map. He said they need to find a balance. Mr. Paxton recommended adopting the code as is or with some recommendations.

Mr. McDaniel suggested Commissioners come back on July 18th after looking at these processes and make a decision then.

No motion was made in favor of bringing the item back on July 18th in order to address the concerns that were expressed in reference to the zoning map.

3. STAFF REPORT:

No report was presented.

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.

5. ADJOURNMENT

The meeting was adjourned at 6:23 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 and June 27th. This item was continued at the June 20th Planning and Zoning Commission meeting.

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
July 18, 2019 – Planning & Zoning Commission, Public Hearing

Proposed Upcoming Meetings:

August 13, 2019 – City Council, Public Hearing and Ordinance 1st Reading
August 27, 2019 – City Council, Ordinance 2nd Reading

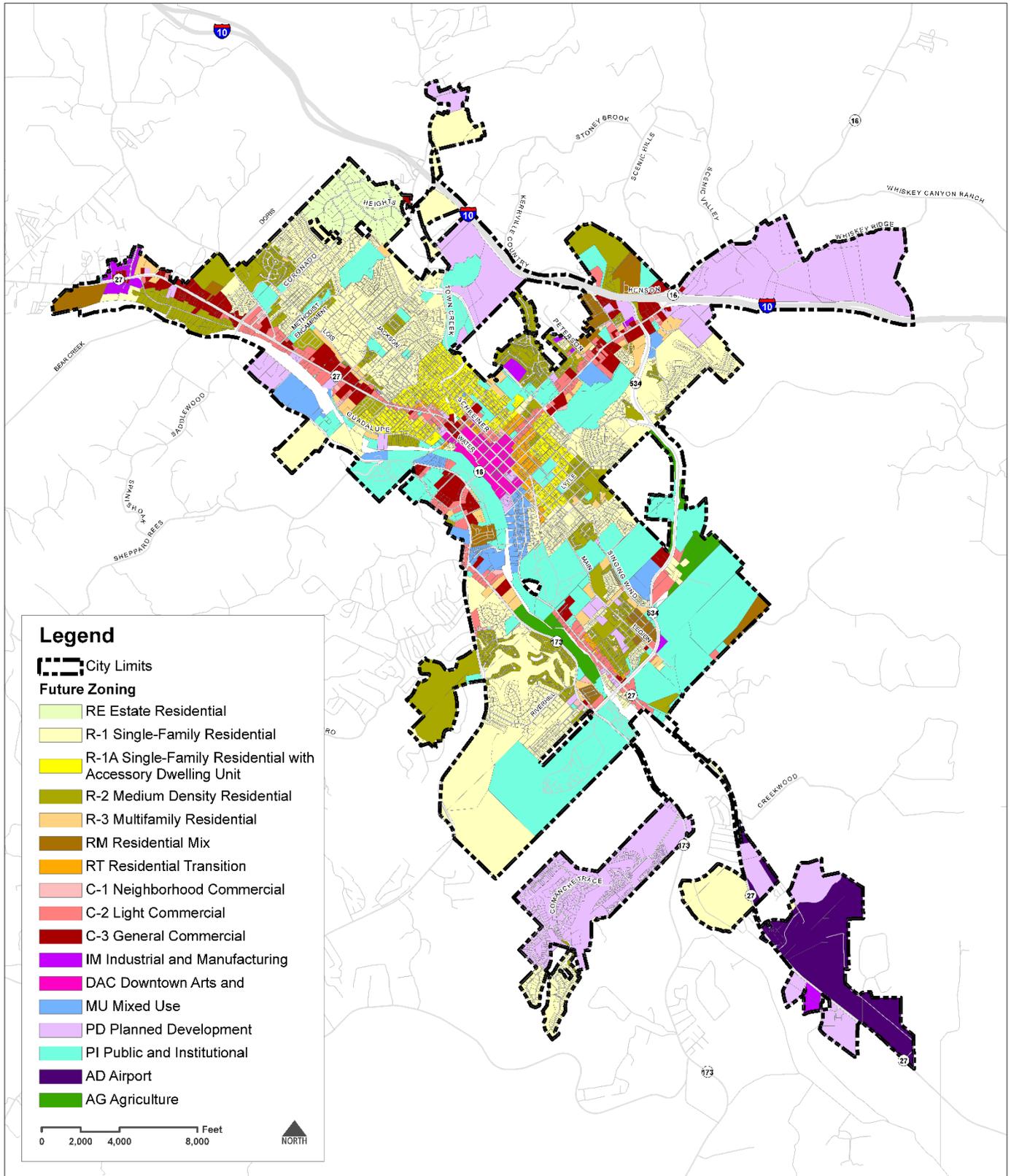
Recommendation

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*



July, 2019



Kimley Horn



LAND USES	Residential Districts							Nonresidential Districts					Special Districts							Notes
	R-E	R-1A	R-1	R-2	R-3	R-M	R-T	C-1	C-2	C-3	IM	DAC	IMU	PI	AD	AG				
Parking Lot or Structure, Accessory																				
Parking Lot, Stand-Alone																				
Parking Structure																				
Paveshop																				
Payday Loan Business																				
Personal Care Facility	P5	P5	P5	P5	P5	P5	P5	P5	P5	P5	P5	P5	P5							
Pet and Pet Supply Sales																				
Pet Grooming																				
Photography/Camera Supply Store																				
Portable Building Sales																				
Print Shop																				
Public or Institutional Facility or Use	P	P	P	P	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																				
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	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Repair Shop, Personal Items																				
Research and Development Lab																				
Residential Care Service	P5	P5	P5	P5	P5	P5	P5	P5	P5	P5	P5	P5	P5							
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							
School, Private, Intermediate and Secondary	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							
School, Public, Intermediate and Secondary	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	C	C	C	C	C	C	C	C	C	C	C	C	C							
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																				
Stationery Store	P																			
Tailor, Seamstress, or Needlework Shop																				
Tattoo or Permanent Cosmetics Shop, Body Piercing																				
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	IMU	PI	AD	
Toy, Gift, Hobby, and Novelty Shop								P				P	P			
Transportation Terminal, Bus/Aviation																
Triplex (See Dwelling, Multifamily)																
Truck Stop and Fueling Station																
Utility, Local																
Utility, Private or Franchise																
Utility, Public																
Veterinary Service, Large Animal, Indoor or Outdoor Pens								P	P			P	P	P	P	P
Veterinary Services, Small Animal, Indoor Pens								P	P			P	P	P	P	P
Warehousing and Distribution																
Welding Shop																
Wholesaling																
Wind Energy System, Small																
Winery																
Wireless Telecommunications Facilities																
Zero Lot Line Single-Family Dwelling (See Dwelling, Patio Home)																

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

See Chapter 26, Kerrville Code of Ordinances

See Ordinance 2003-35

**D R A F T 7/11/19 - Ord will adopt
Zoning Code as attachment**

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 AND ALIGNED WITH THE KERRVILLE COMPREHENSIVE PLAN (KERRVILLE 2050); SAID REWRITE TO BE KNOWN AS THE "CITY OF KERRVILLE, TEXAS ZONING CODE" AND FOUND WITHIN A NEW 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; REQUIRING A STAFF REPORT AS TO IMPLEMENTATION BY A SPECIFIC DATE; 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, 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 the establishment and location of 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") made up of 15 people with a variety of vocations and interests; and

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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, the CRC, City staff, and the City's consultants 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 October 3, 2018, the CRC has met 8 times, to date, in meetings that were open to the public; and

WHEREAS, the CRC and City staff recommend that 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 within a new 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, City Council reviewed and considered the Zoning Code; and

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

WHEREAS, during the public hearing, 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;

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avoid undue concentration of population; or facilitate the adequate provision of transportation, water, sewers, schools, parks, and other public requirements; and

WHEREAS, 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, 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, City Council will require staff to report back to Council on or before 180 days of effective date of this Ordinance as to the implementation of the new Zoning Code, to include whether any amendments need to be made; 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

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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 to implement the policies, goals, and strategies contained in the previously adopted Comprehensive Plan (Ord. No. 2018-13) 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. City Council directs the City Manager to report back to Council on or before the expiration of 180 days of the Effective Date of this Ordinance as to its implementation and whether any amendments need to be made.

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SECTION SEVEN. 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. Further, the proposed Zoning Code results from a comprehensive review, rewrite, and replacement of the City's current zoning regulations and procedures and said Code repeals and replaces, to include without limitation: Ordinance No. 97-07 and subsequent amending ordinances regarding Zoning Regulations.

SECTION EIGHT. 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 NINE. 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 TEN. The penalty for violation of this Ordinance shall be in accordance with the general penalty provisions contained in Section 1-8, 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 ELEVEN. 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 TWELVE. This Ordinance shall become effective October 1, 2019 (the "Effective Date").

D R A F T 7/11/19

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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