

CITY COUNCIL MINUTES
OF A SPECIAL MEETING

KERRVILLE, TEXAS
MAY 18, 2010

On May 18, 2010, 10:00 a.m. the Kerrville City Council special meeting was called to order in the city hall council chambers, 800 Junction Highway. The Reverend Bill Blackburn, Partners in Ministry, offered the invocation, followed by the Pledge of Allegiance to the Flags led by the Kerrville Fire Chief Robert Ojeda.

MEMBERS PRESENT:

Todd A. Bock	Mayor
R. Bruce Motheral	Mayor Pro Tem
Chuck Coleman	Councilmember
T. Scott Gross	Councilmember
Stacie Keeble	Councilmember

MEMBER ABSENT: None

VISITORS PRESENT: List on file in city clerk's office for required retention period.

1. OFFICIAL CANVASS OF VOTES. Mayor Bock opened the canvass envelop and read the results of the General Election held on May 8, 2010.

Statements were made by the outgoing councilmembers: Mayor Todd A. Bock and Councilmember Place Four Chuck Coleman.

2. RESOLUTION NO. 013-2010 CANVASSING THE RETURNS AND DECLARING THE RESULTS OF THE MAY 8, 2010, CITY GENERAL ELECTION

There were 1,844 votes cast with the following results:

Mayor:

David Wampler	1,496
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Councilmember Place Three:

Leslie Modisett	442
T. Scott Gross	896
Robert Keeble	500

Councilmember Place Four:

Gene Allen	1,115
Robert Petty	304
Paul E. Stafford	293

Mr. Coleman moved for approval of Resolution No. 013-2010; the motion was seconded by Mr. Motheral and passed 5-0.

3. CERTIFICATES OF ELECTION SIGNED AND ISSUED BY MAYOR DAVID WAMPLER. Mayor Wampler presented Certificates of Election to:

- David Wampler, Mayor
- T. Scott Gross, City Councilmember Place Three
- Gene Allen, City Councilmember Place Four

4. OATHS OF OFFICE GIVEN BY 198th DISTRICT JUDGE REX EMERSON:

Judge Emerson administered the Oath of Office to:

- Mayor: David Wampler
- City Councilmember Place Three: T. Scott Gross
- City Councilmember Place Four: Gene Allen

5. RESOLUTIONS OF COMMENDATION PRESENTED TO OUTGOING COUNCILMEMBERS:

- Mayor: Todd A. Bock
- Councilmember Place Four: Chuck Coleman

6. STATEMENTS BY NEWLY-ELECTED COUNCILMEMBERS

Statements were made by the newly-elected members of the city council:

- Mayor: David Wampler
- City Councilmember Place Three: T. Scott Gross
- City Councilmember Place Four: Gene Allen

Adjournment: Mr. Motheral moved for adjournment; the motion was seconded by Mr. Gross, and passed 5-0; the meeting adjourned at 10:26 a.m.

APPROVED: _____

ATTEST:

David Wampler, Mayor

Brenda G. Craig, City Secretary

CITY COUNCIL MINUTES
OF A SPECIAL MEETING

KERRVILLE, TEXAS
MAY 18, 2010

On May 18, 2010, 11:15 a.m. the Kerrville City Council special meeting was called to order in the city hall council chambers, 800 Junction Highway.

MEMBERS PRESENT:

David Wampler	Mayor
R. Bruce Motheral	Mayor Pro Tem
Gene Allen	Councilmember
T. Scott Gross	Councilmember
Stacie Keeble	Councilmember

MEMBER ABSENT: None

STAFF PRESENT:

Todd Parton	City Manager
Mike Hayes	City Attorney
Kristine Ondrias	Assistant City Manager
Brenda G. Craig	City Secretary
Travis Cochrane	Director of Information Technology
Kevin Coleman	Director of Development Services
Charlie Hastings	Director of Public Works
Robert Ojeda	Fire Chief
John Young	Police Chief

VISITORS PRESENT: List on file in city clerk's office for required retention period.

CONSIDERATION AND POSSIBLE ACTION

Consider city's position with regard to Lower Colorado River Authority's proposed Competitive Renewable Energy Zone (CREZ) line along IH-10.

Mr. Parton noted the Public Utility Commission (PUC) initiated a project intended to deliver electric power produced from wind generation farms in West Texas to other parts of the state, and LCRA was the successful bidder to construct the CREZ line. LCRA began the process of conducting public hearings in 2009 on several line segments, which did not include the I-10 route at that time. PUC rejected LCRA's application and requested: additional line segment proposals be developed, more constructive input be provided from affected communities, and detailed analysis of the impact on affected communities. Recently, the city received information that the I-10 segment was proposed to be constructed on the north side of I-10 through Kerrville. At the council meeting on March 23, the council directed staff to prepare documents in opposition to the line segment along I-10 in Kerrville; however, the council deferred the matter until the county re-evaluated its position and staff received more detail on that segment. LCRA's application was due to PUC July 6, 2010.

Mr. Hastings noted staff was in the process of gathering information regarding the city's

cost for extending utilities and to quantify the economic impact on future commercial and residential development in the I-10, SH 16 (Sidney Baker), and SH783 (Harper Road) area.

The following comments were also discussed by council:

- The proposed CREZ line along the I-10 corridor would be destructive to Kerrville's economic future and would eliminate the potential commercial development along I-10.
- Route maps presented at LCRA's public hearings did not show an I-10 segment.
- The value of pasture land was considerably less than the value of commercial land on I-10.
- There were already existing lines and right of ways that could be used.
- A line along I-10 would destroy the aesthetic value of the entire valley coming into Kerrville; council should strive to protect and preserve this area at all cost.
- Council should recommend not allowing the I-10 route and explain the economic impact it would have on the city.
- Council should protect Kerrville's interest, but should be prepared to suggest an alternative route.

The following person spoke:

1. Carson Conklin, member of the LCRA regional council, stated it was important that property owners had input regarding how the project would affect their property; the city was not the property owner along the affected route. LCRA had not heard from people in the Whiskey Springs area. There was a lot of resistance to other routes also. A lot of people were trying to keep the line off their property and believed the I-10 route would make more sense than running the line through pristine untouched land. If the city wanted to protect the I-10 corridor, he suggested the city not fight the entire I-10 line, rather get behind one specific area.

2. Sam Smith, resident in Whiskey Canyon, presented a color coded map of the line segments and support LCRA using existing right of ways.

Mr. Parton proposed the matter be scheduled on the May 25 agenda for council's consideration of a resolution in opposition based on economic impact. Staff was in the process of developing an economic impact analysis and contacting property owners to make sure they were aware and had the opportunity to participate in discussions regarding this newly proposed I-10 segment. He would contact LCRA and request representatives attend the May 25 meeting.

Adjournment: The meeting adjourned at 11:48 a.m.

APPROVED: _____

ATTEST: _____

David Wampler, Mayor

Brenda G. Craig, City Secretary

**TO BE CONSIDERED BY THE CITY COUNCIL
CITY OF KERRVILLE, TEXAS**

SUBJECT: Approval of a grant application to U.S. Department of Justice Office of
Community Oriented Policing Services- COPS Hiring Program

FOR AGENDA OF: June 8, 2010

DATE SUBMITTED: May 28, 2010

SUBMITTED BY: Chief John Young

CLEARANCES: Todd Parton, City
Manager

EXHIBITS: Resolution

AGENDA MAILED TO:

APPROVED FOR SUBMITTAL BY CITY MANAGER:

Expenditure Required:	Current Balance in Account:	Amount Budgeted:	Account Number:
\$	\$	\$	

PAYMENT TO BE MADE TO:

REVIEWED BY THE FINANCE DIRECTOR:

SUMMARY STATEMENT

The Kerrville Police Department is submitting an updated grant application to the U.S. Department of Justice Office of Community Oriented Policing Services – COPS Hiring Program (CHP) requesting funding to hire four (4) new law enforcement officers. The Kerrville Police Department originally submitted a grant application to the COPS Office to receive funds from the American Recovery and Reinvestment Act of 2009 to address the sworn officer personnel needs. Up to \$298 million in grant funding is available for the hiring of career law enforcement officers. Because our agency submitted an application under the 2009 CHRP and did not receive funding the COPS Office is now considering our pending application for funding.

CHP is a competitive grant program that provides funding directly to law enforcement agencies having primary law enforcement authority to create and preserve jobs and to increase their community policing capacity and crime-prevention efforts. The grants will provide 100 percent funding (no local match requirement) for approved entry-level salaries and benefits for 3 years (36 months) for newly-hired, full-time sworn officer positions, or rehired officers who have been laid off or are scheduled to be laid off on a future date as a result of local budget cuts. Any additional costs for higher salaries or benefits for particular individuals hired will be the responsibility of the grantee agency. Awards will be limited to available funding.

Grantees must retain all sworn officer positions awarded under the CHP grant for a period of one year (12 months) following the conclusion of the 3 years (36 month) grant funding. The retained CHP-funded position(s) will be added to the grantee's law enforcement

budget with local funds, over and above the number of locally-funded positions that would have existed in the absence of the grant. Applications must be submitted online no later than 11:59PM EDT June 16, 2010.

RECOMMENDED ACTION

The Police Chief recommends council approve the grant application to U.S. Department of Justice Office of Community Oriented Policing Services – COPS Hiring Program for the funding to hire four (4) new law enforcement officers.

**CITY OF KERRVILLE, TEXAS
RESOLUTION NO. -2010**

**A RESOLUTION AUTHORIZING THE SUBMISSION OF A GRANT
APPLICATION TO THE UNITED STATES DEPARTMENT OF JUSTICE
OFFICE OF COMMUNITY ORIENTED POLICING SERVICES – COPS
HIRING RECOVERY PROGRAM**

WHEREAS, the Kerrville Police Department (“KPD”) seeks authorization to submit a grant application to the United State Department of Justice Office of Community Oriented Policing Services – COPS Hiring Recovery Project (“CHRP”) for funding to hire four (4) new law enforcement officers; and

WHEREAS, the City Council of the City of Kerrville, Texas finds it to be in the public interest to authorize KPD to submit a grant application to the CHRP, for the purposes expressed above;

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

SECTION ONE. The City Council of the City of Kerrville, Texas, authorizes the submission to the United State Department of Justice Office of Community Oriented Policing Services – COPS Hiring Recovery Project, for funding to hire four (4) new law enforcement officers.

SECTION TWO. Pursuant to the grant application, the City agrees to return grant funds to the CHRP in the event of loss or misuse of any grant funds.

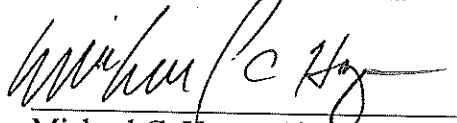
SECTION THREE. The City designates the City’s Chief of Police as the City’s authorized official who is given the authority to apply, reject, alter, or terminate the grant on behalf of the City.

PASSED AND APPROVED ON this the _____ day of _____ A.D., 2010.

David Wampler, Mayor

APPROVED AS TO FORM:

ATTEST:



Michael C. Hayes, City Attorney

Brenda G. Craig, City Secretary

**TO BE CONSIDERED BY THE CITY COUNCIL
CITY OF KERRVILLE, TEXAS**

SUBJECT: Authorize a lease of 3,750 square feet of land from the Kerrville Independent School District for off-street parking and loading operation at city-owned property located at 407 Harper Road.

FOR AGENDA OF: June 8, 2010

DATE SUBMITTED: May 27, 2010

SUBMITTED BY: Malcolm Matthews
Director of Parks and Recreation

CLEARANCES: Kristine Ondrias
Assistant City Manager

EXHIBITS: Lease

AGENDA MAILED TO:

APPROVED FOR SUBMITTAL BY CITY MANAGER:

Expenditure	Current Balance	Amount	Account
Required:	in Account:	Budgeted:	Number:
\$0	\$0	\$0	N/A

PAYMENT TO BE MADE TO: N/A

REVIEWED BY THE FINANCE DIRECTOR:

SUMMARY STATEMENT

The City has leased 3750 sq. ft. located adjacent to City property at 407 Harper Rd. from the Kerrville Independent School District since 1984. This property, adjacent to the City owned building previously used as a fire station (Blackwell), is currently used by the City for storage. The leased property allows for entry into the City owned building from the rear and provides off-street parking for service and loading. The previous lease agreement expired June 30, 2009 and the City desires to continue to lease this property. KISD also supports this action. The new lease term is 10 years.

RECOMMENDED ACTION

Staff recommends approval of the lease with KISD.

LEASE AGREEMENT BETWEEN THE CITY OF KERRVILLE
AND KERRVILLE INDEPENDENT SCHOOL DISTRICT

This Lease Agreement made this day by and between the Kerrville Independent School District ("Lessee"), and the City of Kerrville ("Lessor"), a Texas home rule municipality located in Kerr County, Texas, for and in consideration of the following promises and conditions made one to the other:

1. Leased Premises. In consideration of the rents, covenants and agreements hereinafter reserved and contained on the part of Lessee to be paid, observed and performed, Lessor hereby demises and leases to Lessee, and Lessee hereby takes and rents from Lessor, for the term provided below, property situated in the City of Kerrville, County of Kerr, Texas described as approximately 3750 square foot tract of land adjacent to Lessee's property located at 407 Harper Road as more particularly described in **Exhibit A**, attached hereto and incorporated herein by reference, hereinafter referred to as the "Leased Premises."

2. Term. The initial term of this Lease shall be for a ten (10) year period, and commence on May 25, 2010, subject to the terms, covenants and conditions herein set forth, unless earlier terminated or extended as set forth herein.

After the initial term of this Lease expires, the Lease will automatically renew for additional terms of one year, unless either party serves notice to cancel this Lease as set forth herein.

3. Rental. Lessee shall pay to Lessor One Dollar (\$1.00) per year as rent for the Leased Premises, payable due on the first day of the particular lease term.

4. Lessor's Right of Entry. Lessor shall have the right, upon reasonable notice, to enter upon the Leased Premises at reasonable times for all reasonable purposes.

5. Interpretation. The laws of Texas shall govern the interpretation and validity of, and other matters pertaining to, this Lease.

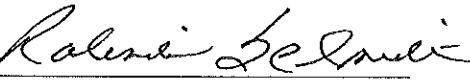
6. Partial Invalidity. If any term, covenant, or condition of this Lease or the application hereof to any person or circumstance shall, to any extent, be invalid, illegal or unenforceable, the remainder of this Lease, or the application of such term, covenant or condition to persons or circumstance other than to those which it is held invalid, illegal or unenforceable, shall not be affected hereby and shall continue in full force and effect.

7. Entire Agreement. This Lease sets forth all the covenants, promises, agreements, conditions or understanding, either oral or written, between Lessor and Lessee concerning the subject matter and the Leased Premises and there are no covenants, promises, agreements, conditions, understandings or representations, oral or written, between them other than as are herein set forth. Except as herein otherwise provided, no subsequent alteration, amendment, change or addition to this Lease shall be binding on Lessor and Lessee unless reduced to writing and signed by both parties.

EXECUTED this _____ day of _____, 2010.

KERRVILLE INDEPENDENT
SCHOOL DISTRICT:

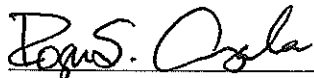
CITY OF KERRVILLE, TEXAS:

By: 
Rolinda Schmidt, President

By: _____
Jeffrey Todd Parton, City Manager

ATTEST:

ATTEST:

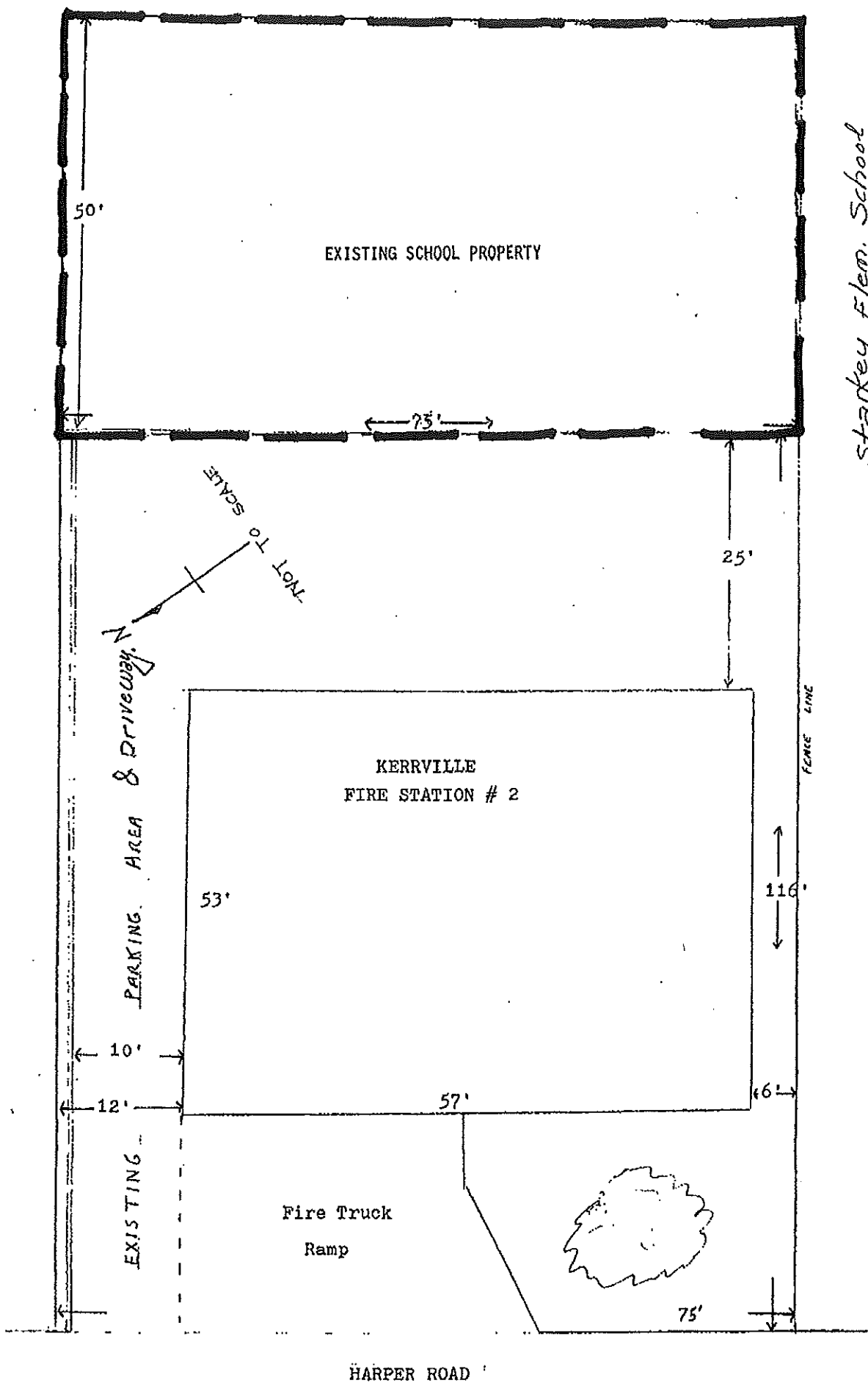

Roger Ayala, Secretary
Board of Trustees

Brenda Craig, City Clerk

APPROVED AS TO FORM:

Heather Stebbins, Assistant City Attorney

ATTACHMENT "A"



**TO BE CONSIDERED BY THE CITY COUNCIL
CITY OF KERRVILLE, TEXAS**

SUBJECT: Approval to enter into negotiations with Elements Markets for brokerage services to market carbon credits for the harvesting and use of gas produced at the city of Kerrville Landfill

FOR AGENDA OF: June 8, 2010 **DATE SUBMITTED:** June 4, 2010

SUBMITTED BY: David Vasquez  **CLEARANCES:** Charlie Hastings 
Solid Waste Manager Director of Public Works

EXHIBITS: Evaluation of Proposals

AGENDA MAILED TO: N/A

APPROVED FOR SUBMITTAL BY CITY MANAGER: 

Expenditure Required:	Current Balance in Account:	Amount Budgeted:	Account Number:
\$ N/A	\$	\$	

PAYMENT TO BE MADE TO:
REVIEWED BY THE FINANCE DIRECTOR:

SUMMARY STATEMENT

The Solid Waste Division issued a request for proposals from carbon credit brokers who are interested and qualified to provide services necessary to register, verify, and market carbon credits generated from the methane gas extraction project at the Kerrville landfill. Methane gas is known as a green house gas, and if used or flared from a landfill is eligible for carbon credits that can be sold on the Climate Action Reserve (CAR) market. The CAR quality standard is currently valued above all other registries in the US and is expected to be the quality standard recognized under a federal greenhouse gas compliance scheme in the US.

The carbon credit brokerage request for proposals was issued in April and two companies, Element Markets and Terra Pass, submitted proposals. The proposals were evaluated based on performance criteria categories and Element Markets was the most qualified. Element Markets, LLC is a leader in the North American environmental markets representing over \$450,000,000 in environmental commodity transactions over the past five years. Element Markets is active in all existing North American green house gas reduction markets, with a strong focus on the CAR standard.

Element Markets' proposal included marketing credits beginning in 2004 and ending in 2014 with an anticipated total value of approximately \$640,000 of which their fee would be approximately 45%. Terra Pass' proposal included marketing of credits beginning in 2010 and ending in 2014 with an anticipated total value of approximately \$530,000 of which their fee would be approximately 45%. The Element Markets' proposal takes advantage of carbon

credits produced in the past. Terra Pass' proposal does not utilize past carbon credits, however, assumes a higher dollar value per carbon credit unit. The Director of Public Works believes that a better fee can be negotiated with Element Markets before entering into a contract.

RECOMMENDED ACTION

The Director of Public Works recommends that council authorize the City Manager to enter into negotiations for a contract with Element Markets to provide brokerage services to market carbon credits for methane gas use at the Kerrville landfill.

Evaluation of Proposals for Gas Collection and Control System;
Carbon Credits for Landfill

Category		Element Markets	Terra Pass
1	Qualifications and Experience Cost Estimates; includes mainly Less	40	40
2	Percentage(%) for contractor service	40	35
3	Compliance	10	10
4	References	10	10

**TO BE CONSIDERED BY THE CITY COUNCIL
CITY OF KERRVILLE, TEXAS**

SUBJECT: Award a contract to Romco Equipment Co. for the lease of a 14-ton asphalt paver at a unit price of \$11,900 per month

FOR AGENDA OF: 6/8/10

DATE SUBMITTED: 5/26/10

SUBMITTED BY: Kim Greenman *KG*
Street Manager

CLEARANCES: Charlie Hastings *CH*
Director of Public Works

EXHIBITS: Contract Documents

AGENDA MAILED TO:

APPROVED FOR SUBMITTAL BY CITY MANAGER: *[Signature]*

Expenditure Required:	Current Balance in Account:	Amount Budgeted:	Account Number
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APPROVED FOR SUBMITTAL BY DIRECTOR OF Finance:

SUMMARY STATEMENT

Last budget year Council authorized the Street Division to utilize funds for the purchase of used construction equipment and employ additional personnel in an effort to expand the capabilities of the street division. This new expansion allows for in house rehabilitation of city infrastructure and improved use of city tax dollars. As part of this endeavor the Street Division will require the use of an asphalt paver suited to this task.

Due to the cost of purchasing this machine and limited funds, the Street Division was not able to purchase the appropriate paver for this type of work and will be required to lease a paver for 2010 paving operations. This process still results in a substantial savings over having this work performed by outside sources. Bid documents and specifications were prepared by the Kerrville Purchasing Officer, advertised and bid. The result of the lowest qualified bidder is listed below:

Romco Equipment Co.	San Antonio, TX.	\$11,900 per month
Holt Cat	San Antonio, TX.	No Bid
Cooper Equipment Co.	San Antonio, TX.	No Bid

The monthly quote includes delivery, pick up, scheduled maintenance and repairs. The asphalt paver is anticipated to be leased for a period of no less than three months.

RECOMMENDED ACTION

The Director of Public Works recommends that council authorize the city manager to execute a contract with Romco Equipment Company for the lease of a 14-ton asphalt paver at a unit price of \$11,900 per month.

ASPHALT PAVER

Approximately 90 day Rental
Approximately starting date of 6-15-2010
Rubber tires
10-14 Ton Material Hopper
Basic 10' electric heat screen with hydraulic heated and vibrated extension
To 18'-no bolt on
Push rollers with truck hitch
Automatic auger feed
Dual grade sensor control
Back up alarm
Rotating amber beacon
Horn
Wash down system
Owner is responsible for all maintenance and repairs except those deemed neglect
Or abuse by the city.

Monthly rental price is to include delivery to city of Kerrville Service Center and return
To vendor yard

Rent is to be paid every 30 days by invoice.

Monthly Rental Price \$ 11,900.00

COPY (CITY)

ASPHALT PAVER RENTAL '10

Signed this the 24th day of May, 2010.

Attest: _____ By: _____
Signed this the _____ day of _____, 2010.

Attest: _____ By: _____

Secretary

Supplier

(if bid by corporation)

Bradley Rihn Equipment Sales.

Authorized Agent and Title

Business Address:



BRADLEY RIHN
Equipment Sales

1042 S.E. Loop 410 • P.O. Box 200210 • San Antonio, TX 78220-0210
(210) 648-4600
1-800-966-4601
Fax: (210) 648-1282
www.romco.com
Mobile: (210) 563-0909
Email: brihn@romco.com
Home: (210) 495-0041

Accepted this the _____ day of _____, 2010.

CITY OF KERRVILLE

Todd Parton, City Manager

ATTEST:

Brenda G. Craig, City Clerk

APPROVED AS TO FORM:

Michael C. Hayes, City Attorney

**TO BE CONSIDERED BY THE CITY COUNCIL
CITY OF KERRVILLE, TEXAS**

SUBJECT: Public Hearing: Zoning Code Amendment – Consider a request to amend Article 11-I-3, Definitions and Interpretation of Words and Phrases, of the Zoning Code of the City of Kerrville, by deleting the definition of Accessory Building and Accessory Structure and adding a new definition for Accessory Building and Accessory Structure, Building Permit, Certificate of Occupancy, Development Activity, Development Review Committee (DRC), Development Standards and Vested Rights to the Zoning Code.

FOR AGENDA OF: June 8, 2010

DATE SUBMITTED: May 28, 2010

SUBMITTED BY: Gordon Browning 

CLEARANCES: Kevin Coleman 

EXHIBITS: Proposed Zoning Code amendment

AGENDA MAILED TO:

APPROVED FOR SUBMITTAL BY CITY MANAGER: 

Expenditure Required:	Current Balance in Account:	Amount Budgeted:	Account Number:
\$	\$	\$	

PAYMENT TO BE MADE TO:

APPROVED FOR SUBMITTAL BY DIRECTOR OF ADMINISTRATIVE SERVICES:

SUMMARY STATEMENT

Zoning Code Amendment Overview:

Since June 2009, ZOIC (Zoning Ordinance Input Committee) has been working on a three (3) step process to rewrite the City's Zoning Code. ZOIC completed the first step of the process in January 2010, addressing legal and performance issues of the existing ordinance. The proposed changes to the ordinance were discussed at workshops with the Planning and Zoning Commission and City Council in February and April and in two (2) public workshops also held in April. ZOIC is currently working on step two of the rewrite, correcting the baseline zoning.

At tonight's meeting staff will be presenting seven (7) amendments to the current ordinance that ZOIC and staff identified as corrective measures to address the most immediate weaknesses in the existing ordinance. The amendments will be presented in numerical order, i.e., article order, and as stated above will complete the first step in the ordinance rewrite process. The Planning and Zoning Commission held its public hearing on the proposed amendments at their May 20, 2010 meeting and recommended approval of the amendments as presented.

Following public hearings, the Council will be asked to make a recommendation on each amendment presented. At the conclusion of the public hearings, Council will be asked to consider one (1) ordinance containing all the ordinance amendments presented.

Summary: Article 11-I-3, Definitions and Interpretation of Words and Phrases

As a result of the committee's and staff's review of the current ordinance and the recommended changes and amendments that followed, several new definitions need to be added to the ordinance for clarification. In addition the definition of Accessory Building and Accessory Structure is proposed to be amended to reflect proposed changes to Article 11-I-17 (d)(10) regarding the location of accessory structures.

The proposed amendments are attached for review and discussion.

The Planning and Zoning Commission at their May 20, 2010 meeting, following a public hearing, recommended approval of the Zoning Code amendment as presented.

RECOMMENDED ACTION

1. Open the public hearing and receive comments, and
2. Approval of the amendment to the Zoning Code as presented.

“Art. 11-I-3. DEFINITIONS AND INTERPRETATION OF WORDS AND PHRASES

(1) Accessory Building or Accessory Structure: A subordinate building or structure not attached to the main building(s) or structure(s), the use of which is incidental and related to the main use and is located on the building lot; including storage buildings, satellite dish antennas, carports, and similar structures. Accessory buildings do not include guest and servant quarters; buildings with more than two plumbing fixtures connected to sanitary sewer; buildings that cover more than 50% of any rear yard; a manufactured home, motor vehicle, trailer, or similar vehicle or structure that is used or converted for use as an accessory building.

(20) Building Permit: A permit issued by the Building Official for the City authorizing the erection, construction, reconstruction, alteration, movement, repair, conversion, or expansion of any building, structure, or portion thereof, which ~~officially acknowledges-certifies and acknowledges~~ that such ~~activities or~~ use ~~with respect to the~~ ~~or building or structure~~ complies with the provisions of the ~~City’s building codes, zZoning ordinance-Code,~~ or an authorized variance therefrom.

(24) Certificate of Occupancy: A document issued by the Building Official for the City ~~which officially certifies and acknowledges~~ ~~certifying~~ that a newly constructed structure, addition to an existing structure, or ~~an~~ existing structure undergoing a change in use ~~is in full compliance~~ ~~complies~~ with the provisions of the ~~City’s building codes, zZoning ordinance-Code, or an authorized variance therefrom,~~ and that the ~~building or~~ structure is habitable ~~and in conformance with all applicable building codes and regulations.~~

(33) Development Activity: A change to improved or unimproved property that requires a permit or approval, which includes the construction or alteration of buildings or structures; filling; the deposit of refuse, debris, fill, or building materials; grading; and the clearing of natural vegetative cover. Routine repair and maintenance activities and agricultural activities are exempted.

(34) Development Review Committee (DRC): A committee consisting of representatives of local governmental entities and utility providers, to include the City of Kerrville, Kerr County, franchise utility companies, and the Texas Department of Transportation; and chaired by the City Planner, which Committee is to review plats, site plans, and building plans submitted for approval prior to construction and/or development. Such review and approval does not take the place of the purpose and authority of either the Planning and Zoning Commission or City Council, where applicable.

(35) Development Standards: Regulations that limit the size, bulk, or siting conditions of particular types of buildings, developments, or uses located within a specific zoning district.

(122) **Vested Rights**: A property right that has been legally established by submittal of an administratively complete development permit and/or the initiation of development and which cannot be revoked by subsequent conditions or changes in law without due process of law.”

TO BE CONSIDERED BY THE CITY COUNCIL
CITY OF KERRVILLE, TEXAS

SUBJECT: Public Hearing: Zoning Code Amendment – Consider a request to amend Article 11-I-4(b), Zoning Districts-Generally, of the Zoning Code of the City of Kerrville, by adding language relating to the Determination of Vested Rights and the Continuance of Development Activity to the Zoning Code.

FOR AGENDA OF: June 8, 2010

DATE SUBMITTED: May 28, 2010

SUBMITTED BY: Gordon Browning *GB*

CLEARANCES: Kevin Coleman *KE*
XD

EXHIBITS: Proposed Zoning Code amendment

AGENDA MAILED TO:

APPROVED FOR SUBMITTAL BY CITY MANAGER: *JP*

Expenditure Required:	Current Balance in Account:	Amount Budgeted:	Account Number:
\$	\$	\$	

PAYMENT TO BE MADE TO:

APPROVED FOR SUBMITTAL BY DIRECTOR OF ADMINISTRATIVE SERVICES:

SUMMARY STATEMENT

Summary: Article 11-I-4(b), Zoning Districts-Generally

The intent of this proposed amendment is to provide the determination of vested rights for property newly annexed into the City and to allow the continued development that began prior to annexation. This amendment reflects a needed addition to the zoning ordinance per recent changes to State law.

The proposed amendments are attached for review and discussion.

The Planning and Zoning Commission at their May 20, 2010 meeting, following a public hearing, recommended approval of the Zoning Code amendment as presented.

RECOMMENDED ACTION

1. Open the public hearing and receive comments, and
2. Approval of the amendment to the Zoning Code as presented.

Article 11-I-4

(b) Zoning of Newly Annexed Areas:

The Planning and Zoning Commission shall hold a hearing on all proposed annexations and shall, at the same time, hold a hearing upon the zoning that is to be given to the tract to be annexed and make a recommendation to the City Council for the zoning of the property upon annexation consistent with the purposes of the Zoning Code. Concurrently with the adoption of the annexation ordinance, the City Council shall adopt the zoning of the area or tract being annexed.

(1) Determination of Vested Rights.

Any person claiming a property interest in land located within a newly annexed area may apply to the City Planner for a determination of the vested rights, if any, to continue the development related activities or uses initiated prior to annexation. The City's determination shall be based upon all pertinent facts and written evidence submitted for consideration by the applicant. The City's determination shall be limited to a continuation of the development rights previously established under state law. The City Planner's written determination shall be final unless his or her determination is duly appealed by the applicant to the Planning and Zoning Commission in accordance with Article 11-I-23 (Appeals to Administrative Decisions). Vested rights refer to a property right that has been legally established and cannot be revoked by subsequent conditions or changes in law without due process of law. Moved to Definitions

(2) Continuance of Development Activity.

Within a newly annexed area, no person relying on a claim of vested rights shall continue any development related activity that requires a Certificate of Occupancy without first applying for and obtaining a building permit.

**TO BE CONSIDERED BY THE CITY COUNCIL
CITY OF KERRVILLE, TEXAS**

SUBJECT: Public Hearing: Zoning Code Amendment – Consider a request to amend Article 11-I-15, Planned Development Districts, of the Zoning Code of the City of Kerrville, by deleting the existing Article 11-I-15, Planned Development Districts, and adding a new Article 11-I-15, Planned Development Districts and Development Site Plans to the Zoning Code.

FOR AGENDA OF: June 8, 2010

DATE SUBMITTED: May 28, 2010

SUBMITTED BY: Gordon Browning 

CLEARANCES: Kevin Coleman 

EXHIBITS: Existing and proposed Article 11-I-15, Resolution No. 033-2009 

AGENDA MAILED TO:

APPROVED FOR SUBMITTAL BY CITY MANAGER: 

Expenditure Required:	Current Balance in Account:	Amount Budgeted:	Account Number:
\$	\$	\$	

PAYMENT TO BE MADE TO:

APPROVED FOR SUBMITTAL BY DIRECTOR OF ADMINISTRATIVE SERVICES:

SUMMARY STATEMENT

Summary: Article 11-I-15, Planned Development Districts

This recommended amendment represents a total rewrite of an existing article, Planned Development Districts, in the Zoning Code. The updated amendment outlines and defines the planned development district process while simplifying the requirements and making the planned development process an intricate part of the overall development process. Significant changes proposed in the amendment include;

- Adding a minimum tract/lot size for Planned Development Districts.
- Replacing the "site plan" requirement with a "concept plan", outlining minimum submittal requirements.
- Adding the Development Review Committee (DRC) to the review process.
- Adding a timeline for the reapplication of PDD's or a portion thereof, when the initial request is denied.

In addition, this amendment will codify Resolution No. 033-2009, Development Site Plan, into the Zoning Code. The policies and procedures for this new requirement are those as approved by Council in Resolution No. 033-2009.

The proposed amendments are attached for review and discussion.

The Planning and Zoning Commission at their May 20, 2010 meeting, following a public hearing, recommended approval of the Zoning Code amendment as presented.

Per Council direction, a timeline for Planning and Zoning Commission consideration and City Council public hearing and action has been added to the proposed amendment.

RECOMMENDED ACTION

1. Open the public hearing and receive comments, and
2. Approval of the amendment to the Zoning Code as presented.

Art. 11-I-15 PLANNED DEVELOPMENT DISTRICTS

- (a) **Definition and Purpose:** A Planned Development District is a zoning district which may be created anywhere in the city for the purpose of permitting property to be developed:
- (1) with one or more uses not otherwise permitted or conditional in the zoning district in which the property is located, subject to certain development regulations and one or more development site plans; or
 - (2) subject to development regulations not otherwise permitted in the zoning district in which the property is located.
- (b) **Types of Uses Allowed:** The ordinance creating a Planned Development District must describe the permitted uses to be allowed within the district. A Planned Development District may combine with the uses otherwise prohibited other uses which are permitted or conditional in the zoning district in which the property is located, provided, however, a Planned Development District may not include the uses defined in Section 11-I-14(a.).
- (c) **Procedures for Establishing a Planned Development District:** The following procedures shall govern the application, consideration, content, and creation of a Planned Development District:
- (1) **Application:** An owner and/or developer who desires to create a Planned Development District must file an application with the Planning Division for a zone change on forms approved by the Planning Division, which application must contain at least the following information:
 - (i) the name, address, and business phone number of the applicant;
 - (ii) if different than the applicant, the name, address, and business phone number of the record owner of the property according to the Deed Records of Kerr County, Texas;
 - (iii) if the applicant and/or owner are not individuals, the name, address, and business phone number of the person or people authorized to act on behalf of the applicant and/or owner in all matters relating to the application;
 - (iv) the full legal description of the property for which the application is made and, if available, the street address of the property. If the property is platted, the description need only include the complete lot and block description. If the property is not platted, a metes and bounds description certified by a registered public surveyor is required;
 - (v) if the applicant is not the owner of the property described in the application, a sworn statement from the owner or legal representative of the owner of the property that the applicant has been authorized by the owner to make the application for the zone change;
 - (vi) a detailed description of the proposed use(s) of the property;
 - (vii) the availability and location of off-street parking;

(viii) the projected amount of additional traffic generated in and around the property, the types of vehicles which are anticipated will visit the property, the likely changes in traffic patterns of the area around the property resulting from the proposed use, and the possible impact such changes in traffic will have on properties within 500 feet of the subject property;

(ix) the proposed number of occupants, employees, and/or users of the property and the proposed hours of occupancy or use, including peak use periods with estimated census during such peak periods;

(x) if the use proposed will require deliveries of goods to the property, provide the proposed location of loading/unloading areas;

(xi) a statement as to whether or not the proposed use requires any type of state or federal license or permit to operate, what type of license or permit is required, and the issuing agency of such license or permit, including, but not limited to, any license required for the productions, storage, use, or disposal of hazardous materials or hazardous wastes;

(xii) the use of the properties within five hundred feet (500') of the perimeter of the property described in the application;

(xiii) if the manner of development of all or part of the property is known at the time of application, one or more proposed site plans as described in Subsection (9), below;

(xiv) except for proposed one-family and two-family residential buildings, building elevation drawings for proposed buildings, any part of which are to be constructed within three hundred feet (300') of the property line of property not owned by the applicant; and

(xv) The non-refundable application fee established by the City Council by resolution for zone change applications.

(1) **Complete Application Required:** No application for creation of a Planned Development District shall be deemed to be complete until all information and items set forth in Subsection (1), above, have been delivered to the Planning Division and the required application fee paid.

(2) **Preliminary Conference:** Prior to submitting an application for creation of a Planned Development District, an applicant or the applicant's authorized representative must meet with the Director of Planning or designated Planning Division staff to receive information regarding application procedures and requirements.

(3) **Report of the Planning Division:** Upon receipt of a completed application for creation of a Planned Development District, the Planning Division will review and prepare a report and recommendation regarding the application which shall be forwarded to the Commission for consideration, which report shall contain:

- (i) a review of the application in view of the criteria set forth in Subsection (9), below;
 - (ii) a summary of any public comment received;
 - (iii) proposed conditions and development regulations to be applied if the Planned Development District is to be created; and
 - (iv) the recommendation of the Planning Director regarding the application, or, if the Planning Director has no recommendation, a statement to that effect.
- (4) **Public Hearing before the Commission:** After notice has been published in the same manner as required of a zoning amendment, but in no case earlier than fifteen (15) days after receipt of the completed application, the Commission shall hold a public hearing on the application for creation of a Planned Development District. At the public hearing, the Commission shall review the application and receive from the applicant, Planning Division staff, and others who have an interest in the matter, facts and opinions concerning the proposed use and the proposed conditions and development regulations to which such district would be subject.
- (5) **Recommendation of the Commission:** After the close of the public hearing described in Subsection (5), above, the Commission shall forward to the City Council a recommendation regarding the adoption of an ordinance creating a Planned Development District subject to the conditions recommended by staff with or without addition or modification. In the event the Commission determines that the application as presented is acceptable, but only if amended, the Commission may recommend to the City Council approval of an ordinance creating the Planned Development District subject to the incorporation of the changes recommended by the Commission.
- (6) **Public Hearing before the City Council:** After the action of the Commission and notice has been published in the same manner as required of a zoning amendment, the City Council shall hold a public hearing on the proposed ordinance creating a Planned Development District. At the public hearing, the City Council shall review the application and the recommendation of the Commission and receive from the applicant, Planning Division staff, and others who have an interest in the matter, facts and opinions concerning the proposed district and the proposed development regulations to which such district would be subject.
- (7) **Action of the City Council:** After the close of the public hearing described in Subsection (7), above, the City Council shall consider the adoption of an ordinance creating the requested Planned Development District subject to development regulations and conditions establishing requirements and standards of operation, location, arrangement, occupancy limits, and construction for the use for which the district is created. In the ordinance creating a Planned Development District, the City Council may impose such development standards and safeguards as the conditions and location indicate important to the health, safety, welfare and protection of adjacent property and its occupants from excessive noise, vibration, dust, dirt, smoke, fumes, gas, odor, traffic, explosion, glare, surface water drainage, offensive view or other undesirable or hazardous conditions and the

preservation of existing trees, natural terrain features, and navigable streams and their tributaries. Furthermore, the City Council may restrict the permitted uses in the district to only those that are described in the application or may allow other permitted uses that would otherwise have been permitted in the district had the ordinance not been approved. The development regulations set forth in the ordinance creating the Planned Development District may include, but not be limited to:

- (i) building appearance and location standards, including, if desired, building elevations, regardless of whether required as part of the application process;
 - (ii) requirements for special yards, open spaces, buffers, fences, walls and screening;
 - (iii) requirements for installation and maintenance of landscaping and erosion control measures;
 - (iv) requirements for street improvements and dedications regulating vehicular ingress and egress, and traffic circulation;
 - (v) sign regulations more restrictive than those previously adopted;
 - (vi) regulation of hours or other characteristics of operation;
 - (vii) establishment of development schedules or time limits for completing the requirements set forth in the ordinance;
 - (viii) prohibit uses that would otherwise be permitted in the zoning district in which the property is located;
 - (ix) such other conditions as the City Council may deem necessary to ensure compatibility with surrounding uses and to preserve the public health, safety and welfare.
- (8) **Development Site Plan Required:** Unless otherwise stated in the ordinance creating the Planned Development District, as such ordinance is amended from time to time, no building permit may be issued for construction of any building to be located in a Planned Development District until a development site plan has been approved by the City Council for the property on which the building and all related improvements is to be constructed. Such site plan may be adopted and incorporated into the ordinance creating the Planned Development District or subsequently approved as an amendment to the ordinance creating the Planned Development District in the same manner as originally required for the establishment of the district. The development site plan must set forth all improvement and development plans in a manner that reasonably illustrates the following relating to the property to be developed:

- (i) the location and dimensions of existing boundary lines, lot lines, easements, and required yards and setbacks of the property;
 - (ii) the location, height, bulk, general appearance, and intended use of existing and proposed buildings on the site, indicating distances from property lines and between buildings;
 - (iii) except for one-family and two-family residential properties, proposed building area(s) outside of which no building or part of a building will be constructed;
 - (iv) the approximate location of existing buildings on the properties adjacent to the property being developed;
 - (v) the location of existing and proposed site improvements including parking and loading areas, on-site pedestrian and vehicular access and circulation, landscaped areas, utility or service areas, fencing and screening, signs and lighting;
 - (vi) the location of existing and proposed watercourses and drainage features;
 - (vii) for property with an average slope greater than 15 percent, a plan showing proposed grading, drainage and erosion control measures, or plans that are necessary according to other city ordinances regulating storm runoff control;
 - (viii) the relationship of the property and the proposed use to surrounding uses, including pedestrian and vehicular access and circulation between the property and adjacent properties, and any proposed off-site improvements to be made;
 - (ix) such other elements as may be required by the City Council.
- (9) **Relationship of Site Plan to Lot Lines:** If property within a Planned Development District is also within an existing subdivision, the perimeter of a development site plan for the district must be located on existing lot lines in the subdivision. If property in a Planned Development District is the subject of an application for a final plat, the lot lines for the subdivision must be the same as the boundaries of the development site plan(s) previously approved; provided, however, a lot created subsequent to the adoption of a development site plan may include a public right-of-way, private driveway, parking lot, or easement shown on a previously approved development site plan, which site plan includes property not included in the lot being created.
- (10) **Certificate of Occupancy:** A certificate of occupancy shall be required prior to use of property for the purposes set forth in a Planned Development District ordinance. Unless otherwise set forth in the Planned Development District ordinance, as amended, no certificate of occupancy shall be granted until all items and/or structures required to be constructed, including, but not limited to, all buffering elements and traffic control devices required by the ordinance, have been completed and accepted by the City.

Art. 11-I-15 PLANNED DEVELOPMENT DISTRICTS AND DEVELOPMENT SITE PLANS

I. PLANNED DEVELOPMENT DISTRICTS:

A. Definition and Purpose:

The Planned Development District (PDD) is a separate, stand-alone district designed to provide for the development of land for single or mixed uses in accordance with a plan that varies from the established regulations of the underlying zoning district. It is the intent of a PDD to insure compliance with good zoning practices while allowing specific desirable departures from the strict provisions of current zoning classifications.

B. Minimum Development Size:

The minimum size for any PDD shall not be less than two (2) acres for nonresidential developments and five (5) acres for residential developments.

C. Application:

An application for a PDD shall be processed in accordance with this article. Prior to submitting an application for creation of a PDD, the applicant or the applicant's representative shall meet with the City Planner or designated staff to receive information regarding application procedures and requirements. The City shall not deem an application administratively complete until a pre-application conference has occurred. No application for creation of a PDD shall be deemed complete until all required information has been delivered to the Planning Division and the required application fee paid. All information required by the City and the amount of the appropriate fee shall be specified on the City's application form.

An application for a PDD deemed complete by staff shall be scheduled for consideration by the Planning and Zoning Commission no later than forty-five (45) days from acceptance.

D. Concept Plan:

An application for a PDD shall include a concept plan showing a preliminary layout of proposed uses, access, buildings, parking, open space and the relationship to existing natural features, adjacent properties and uses. The concept plan shall be construed as an illustration of the development concepts and not an exact representation of all specific details. An application for a PDD shall include a concept plan to be considered administratively complete.

E. Plan Requirements:

A concept plan shall provide the following minimum requirements;

a). Vicinity map, north arrow, date, site address (if known), and scale (not less than 1" = 100')

b). Total acreage within the proposed PDD.

c). The entire site, indicating property lines, and project phase lines, if any, public and private rights-of-way and easements on the site or abutting or intersecting the site, adjacent properties with zoning and existing uses identified.

d). Proposed general land uses and the acreage of each use, including open space. (For residential developments, the total number of units and the number of units per acre.)

e). Existing and proposed structures showing: approximate outline of perimeter walls including distances to property lines and other structure; front, side and rear building setback lines; proposed category of use(s) of structures, number of stories in height and feet, gross floor area and location of entrances and exists.

f). Proposed development standards, if different from the base zoning district for each proposed land use.

g). The minimum parking standard for each use.

h). Topographic contours of 10 feet or less of the proposed site.

i). The existing 100-year floodplain, floodway and any major drainage way.

j). Existing and proposed utilities to include water, wastewater, gas, electric, telecommunications and fire hydrant locations.

F. Phasing Schedule:

A PDD proposing phasing shall provide a phasing schedule for the development depicting the different construction timelines.

G. Review Process:

Upon receipt of an administratively complete application as determined by the City for the creation of a PDD, the Planning Division shall schedule the appropriate review and meeting as follows:

1). Development Review Committee (DRC): The Development Review Committee (DRC), made up of appropriate City staff members, shall review each PDD and make a recommendation. Where appropriate, as determined by the Planning Director, the DRC may request that the applicant or the applicant's representative attend the DRC meeting. Following the DRC review, the Planning

Director shall prepare a report for the Commission related to the request and provide a recommendation for action based upon the review by the DRC.

2). Planning and Zoning Commission (P&Z): After the City publishes notice of the request in the same manner as required of a zoning amendment, but in no case earlier than fifteen (15) days after receipt of the administratively complete application, the Commission shall hold a public hearing on the application for creation of a PDD. At the public hearing, the Commission shall review the application, receive comments from the applicant, City staff and others. After the close of the public hearing, the Commission shall adopt and shall forward a recommendation to the City Council regarding adoption of an ordinance creating a PDD subject to the conditions recommended by staff with or without addition or modification. In the event that the Commission determines that the application as presented is acceptable, but only if amended, the Commission may recommend to the City Council approval of an ordinance creating the PDD subject to incorporation of the changes recommended by the Commission.

3). Concept Plan: The Concept plan shall contain the development standards and requirements including, but not limited to, maximum height, lot width, lot depth, floor area, lot area, setbacks and minimum off-street parking and loading requirements for uses proposed shall be established for each PDD based upon the particular merits of the development design and layout. Such standards and requirements shall comply with or be more restrictive than the standards established in the base zoning district for the specific type of uses allowed in the district, except that modifications in these regulations may be granted if it shall be found that such modifications are in the public interest, are in harmony with the purposes of this article and will not adversely affect nearby properties.

4). City Council (Council): Within thirty (30) days after the action of the Commission, the City Council shall hold a public hearing on the proposed ordinance creating a PDD. At the public hearing, the Council shall review the application and the recommendation of the Commission and receive comments from the applicant, Planning Division staff, and others who have an interest in the matter, facts and opinions concerning the proposed district and the proposed development regulations to which such district would be subject. The Council may, after closing the public hearing, approve by ordinance the creation of a PDD based upon a concept plan. The approved plan shall be made part of the ordinance establishing the PDD. Should Council approve, the PDD shall be indicated on the zoning map of the City.

H. Zoning Map Reference:

A PDD approved in accordance with the provisions of this article shall be referenced on the Official Zoning Map of the City of Kerrville. The Planning Director shall maintain a list of approved PDD's, together with the category of uses permitted within them, and the attached concept plans.

I. Amendment to a Planned Development District:

Any changes in the ordinance adopting a PDD or the concept plan for a PDD shall be in accordance with the same process used to establish the original PDD.

J. Reapplication:

If an application for the creation of a PDD is denied by the City Council, another application for reclassification of the same property or any portion thereof shall not be filed within a period of one (1) year from the date of final denial, except with permission of the City Council.

II. DEVELOPMENT SITE PLANS:

A. Definition and Purpose:

The City requires the approval of a Development Site Plan prior to any site development and the issuance of a building permit for non-single family residential developments of 0.5 (1/2) acres or larger. The City requires the approval of a Development Site Plan prior to any site development and the issuance of a building permit for all non-single family residential developments as defined by the Zoning Code. The Development Site Plan shall comply with all provisions of the zoning district in which the property is located to include PDD, relating to permitted uses and development requirements and standards.

B. Application:

An application for a Development Site Plan shall be processed in accordance with this article. Prior to submitting an application for a development site plan, the applicant or the applicant's representative shall meet with the City Planner to receive information regarding application procedures and requirements. The City shall not consider an application to be administratively complete until such a meeting is held. The City shall not consider an application for a Development Site Plan to be administratively complete until all required information is delivered to the City and the application fee paid. All information required by the City and the amount of the appropriate fee shall be specified on the City's application form.

C. Development Site Plan:

Approval of a Development Site Plan shall be required prior to the issuance of building permits for any non-single family development of 0.5 (1/2) acres or larger. Review of the Development Site Plan shall confirm compliance with the conditions and stipulations of the zoning district in which it is located. A Development Site Plan shall provide the following minimum information:

- a). Vicinity map, north arrow, date, site address, and scale (not less than 1"-100').
- b). Project name and address (in the title block)
- c). Plat name with lot and block (if applicable)
- d). Site, indicating boundaries (with bearings and distances) and project phase lines if any

- e). Location and width of existing and/or proposed public and/or private rights-of-way and easements on, abutting or intersecting the site.
- f). Adjacent properties with zoning and existing uses identified.
- g). Existing and proposed structures showing approximate outline and dimensions of perimeter walls, including distances to property lines and other structures.
- h). Front, side and rear building setback lines.
- i). Provide building construction type, per the building code, if known
- j). Proposed category of use and/or uses of each structure.
- k). Number of stories in height and feet for each structure.
- l). Gross floor area for each structure.
- m). Approximate location of entrances and exists for each structure.
- n). Location, width, curve radii, of existing and proposed streets, alleys, parking areas, fire lanes and drive approaches. (Fire lanes shall be shaded on the site plan with clearly indicated width and radii)
- o). Dead end fire lanes in excess of 150-feet shall be provided with an approved turn-around.
- p). Highlight areas that exceed 5% grade or have a vertical height clearance less than 13'6" (This applies to fire lanes).
- q). Proposed location of the Fire Department Connection (FDC), if known.
- r). Location of all streets, drives and alleys which are adjacent to or dead-end into the site, including the location of existing and proposed median openings and turn lanes.
- s). "No Objection" letter from TxDOT for proposed drive approaches and/or drainage structures accessing TxDOT right-of-way, if applicable.
- t). Number, location and dimensions of regular and handicapped parking spaces, width of drive aisles, loading areas and other areas to be used for vehicular traffic.
- u). Location and width of sidewalks, handicapped ramps and other pedestrian facilities.
- v). Existing and proposed topography reflecting proposed handling of on-site surface drainage.

- w). Limits of the 100 year floodplain and floodway as shown on current FEMA maps, including an approximate location and acreage.
- x). Proposed improvements and method of maintenance for any drainage channels and storm water detention facilities.
- y). Existing and proposed sanitary sewer layout, showing point of connection to municipal lines, including existing and proposed line sizes.
- z). Existing and proposed water service layout including existing and proposed fire hydrants and showing connection to municipal lines, including existing and proposed line sizes.
- aa). Proposed location(s) of solid waste container pads and enclosures.
- bb). Location, height and building materials for any proposed or required screening walls or fences.
- cc). Location, height and type of proposed or required berm or living screen.
- dd). A table showing type of units by size, number of bedrooms and number of each type (for multifamily projects only).

D. Review Process:

The City's Development Review Committee (DRC) shall review and make recommendations on all development site plans. The Development Review Committee shall have final approval authority to approve nonresidential development site plans, provided that the development site plan does not require consideration and approval of varied or different requirements and standards than those required by the zoning district in which the project is located. An applicant may appeal the determination of the Development Review Committee to the Planning and Zoning Commission pursuant to the appeal procedure described below.

E. Appeal:

A decision of the Development Review Committee (DRC) may be appealed to the Planning and Zoning Commission by the applicant within ten (10) days after the date of decision by the Development Review Committee. The appeal must be written and must identify the specific reason(s) for and basis of the appeal. The appeal shall be delivered to the Planning Division within the ten (10) days of the receipt of the decision by the DRC. The Planning and Zoning Commission shall hear the appeal of the applicant at a regular meeting. The Planning and Zoning Commission shall review the action of the Development Review Committee and shall determine only whether or not the Development Review Committee acted within the authority under the review procedure set forth herein, and whether the decision of the Development Review Committee was based upon the evidence presented to it which would fairly support the decision made with

regard to the appealed issue. If the Planning and Zoning Commission concludes that the Development Review Committee acted without sufficient evidence, the Planning and Zoning Commission may grant the appeal and modify the site plan accordingly; or, the Planning and Zoning Commission may grant the appeal and resubmit the site plan to the Development Review Committee for further action.

F. Administrative Action:

Upon approval of a Development Site Plan by the Development Review Committee, as set forth herein, and approval of the preliminary plat (if required), application(s) may be made for the permits and certificates necessary for construction. Subsequent to such approval, minor changes to the Development Site Plan may be made authorized by the Director of Development Services when such changes will not cause any of the following circumstances to occur:

1. A change in the character of the development,
2. An increase in the ratio of the gross floor area in structures to the area of any lot,
3. An increase in the intensity of use,
4. A reduction in the originally approved separations between buildings or required screening,
5. An increase in the problems of circulation, safety, and utilities,
6. A reduction in the originally approved setbacks from property lines,
7. An increase in ground coverage by structures,
8. Reduction in the ratio of off-street parking and loading spaces to the gross floor area in structures,
9. Change in the locations, lighting or orientation of originally approved signs.

G. Expiration:

Approval of any Development Site Plan shall automatically expire three (3) years from the date of approval unless a building permit has been issued and development activity on the tract has begun. When only an initial or partial phase of a project is constructed, the approval of the development site plan for any additional phases shall automatically expire after three (3) years from the date of initial approval unless a building permit has been issued for the additional phases and development activity on the additional phases has begun. Extension of the approval period may be requested at any time prior to expiration or within 60 days after expiration. On or before, six (6) months (180 days) from the scheduled expiration of the Development Site Plan, staff will notify the applicant/owner that the development site plan will expire unless a request for an extension is submitted for review and approval by the Development Review Committee. When it is determined that no significant changes affecting the site have occurred, the City Planner may, after recommendation by the Development Review Committee, extend the approval.

CITY OF KERRVILLE, TEXAS
RESOLUTION NO. 033 -2009

A RESOLUTION ADOPTING A DEVELOPMENT SITE PLAN POLICY
AND PROCEDURE FOR NON-SINGLE FAMILY RESIDENTIAL
DEVELOPMENTS

WHEREAS, City Council created the Development Services Community Advisory Team ("DSCAT") to develop practices and procedures to enhance communication between the City's Development Services Department and users of the Department; and

WHEREAS, DSCAT met periodically since September 2008, and initially focused on improving the City's permit process for commercial projects; and

WHEREAS, based upon its discussions, DSCAT proposes changes that will require the submittal, review, and approval of a Development Site Plan for any commercial development (non-single family residential development) on property greater than a particular size; and

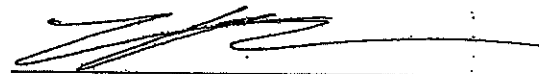
WHEREAS, the City Council of the City of Kerrville, Texas, finds it to be in the public interest to adopt the Development Site Plan Policy and Procedure as proposed by DSCAT; and

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

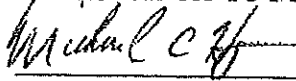
SECTION ONE. The Development Site Plan Policy and Procedure for Non-Single Family Residential Developments is adopted, the provisions of which are as set forth in Exhibit A.

SECTION TWO. The City's Fee Schedule, as adopted by Resolution No. 090-2008, is amended by adding a fee for the administration of Development Site Plans. The Council finds that such fee is estimated to encompass the approximate costs of City personnel and other resources that will be utilized with respect to reviewing and processing Development Site Plans in accordance with the Policy and Procedure adopted in Section One, above.

PASSED AND APPROVED ON this the 10th day of March A.D., 2009.


Todd A. Bock, Mayor

APPROVED AS TO FORM:


Michael C. Hayes, City Attorney

ATTEST:

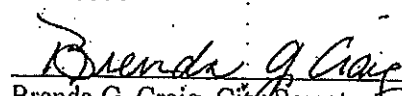

Brenda G. Craig, City Secretary

Exhibit A

DEVELOPMENT SITE PLAN POLICY AND PROCEDURE

DEVELOPMENT SITE PLANS

A development site plan is a required first step prior to any site development and the issuance of a building permit for non-single family residential developments of 0.5 (1/2) acres or larger. Approval of a development site plan by the City shall be required prior to any site development and the issuance of a building permit for all non-single family residential developments as defined by the City's Zoning Code.

The development site plan must comply with all provisions of the zoning district in which it is located, relating to permitted uses and development requirements and standards.

Pre-Application Conference: Prior to the formal submittal of an application, applicants are required to schedule a pre-application conference with the City Planner. The pre-application conference is to review the application for informational purposes only and does not constitute the filing of an application or approval for construction. An application shall not be considered complete until a pre-application conference has been held.

Application: An application shall be submitted, with all requested information and/or attachments, and in such number as required by the City. The City shall provide a checklist specifying the required information and attachments. The City Planner shall have the authority to request any other pertinent information necessary to ensure compliance with this policy and procedure, and shall modify the checklist used and seek approval of the Planning and Zoning Commission of those modifications.

Application Fee: A filing fee, as established, shall be included with the application.

Application Deadlines: All applications shall be completed and submitted to the Development Services Department in accordance with a schedule established by the City Planner.

Application Completeness: An application shall be considered submitted only after the City Planner has determined the checklist is complete. If an application is incomplete, the City Planner shall provide notice to the applicant along with an explanation of the application's deficiencies. Incomplete applications will not be processed and/or reviewed.

REVIEW PROCESS

The development site plan review and approval procedures shall be determined based on the size and nature of the project as follows:

Development Review Committee: The City's Development Review Committee shall review and make recommendations on all development site plans.

The Development Review Committee shall have final approval authority to approve nonresidential development site plans for projects of 0.5 (1/2) acres or larger, provided that the development site plan does not require consideration and approval of varied or different requirements and standards than those found elsewhere in the Zoning Code.

An applicant may appeal the determination of the Development Review Committee to the Planning and Zoning Commission pursuant to the appeal procedure described below.

Appeal: A decision of the Development Review Committee may be appealed to the Planning and Zoning Commission by the applicant within ten (10) days after the date of decision by the Development Review Committee. The appeal must be written and must identify the specific reason(s) for and basis of the appeal. The appeal shall be delivered to the Development Services Department either personally within the ten (10) days or by United States mail postmarked within the ten (10) day period.

The Planning and Zoning Commission shall hear the appeal of the applicant at a regular meeting. The Planning and Zoning Commission shall review the action of the Development Review Committee and shall determine only whether or not the Development Review Committee acted within its authority under the policy and procedure set forth herein, and whether the decision of the Development Review Committee was based upon the evidence presented to it which would fairly support the decision made with regard to the appealed issue.

If the Planning and Zoning Commission concludes that the Development Review Committee acted without sufficient evidence, the Planning and Zoning Commission may grant the appeal and modify the site plan accordingly; or, the Planning and Zoning Commission may grant the appeal and resubmit the site plan to Development Review Committee for further action.

DEVELOPMENT SITE PLAN SUBMITTAL REQUIREMENTS

General Information: Twenty (20) copies of the development site plan; vicinity map or adequate reference to intersecting streets to locate specific property; north arrow, date, scale (not less than 1" = 100'), and on sheets 24" x 36" in size.

Site and Adjacent Property Information: Site, indicating boundaries (with bearings and distances) and project phases lines, if any; public and/or private rights-of-way and easements on site or abutting or intersecting the site; adjacent properties with zoning and existing uses identified.

Building Layout: Existing and proposed structures showing approximate outline of perimeter walls, including distances to property lines and other structures; front, side and rear building setback lines; proposed category of use or uses of structures; number of stories in height and feet; gross floor area; location of entrances and exits.

Circulation and Parking: Location, dimensions and proposed construction of all streets, private drives, alleys, parking areas, and drive approaches; streets, drives, and alleys which are adjacent to or dead-end into the site, including the location of existing and proposed median openings and left-turn lanes in boulevard streets; number and dimensions of parking spaces and width of drive approaches and aisles; sidewalks and other facilities for pedestrian circulation; location, width and curve radii for required fire lanes.

Drainage and Utilities Services: Existing and proposed topography reflecting proposed handling of on-site surface drainage; limits of the 100 year floodplain and floodway as shown on current FEMA maps, including location and acreage; proposed improvements and method of maintenance for any drainage channels and storm water detention facilities; existing and proposed sanitary sewer layout; existing and proposed water service layout including fire hydrant locations; proposed locations for solid waste container pads/enclosures.

Screening, Open Space, Recreational Facilities: Location, height, and building materials for any proposed or required walls or fences; height, location, and type of any proposed berm or living screens.

Living Units: A table showing type of units by size, number of bedrooms, and number of each type (multifamily projects).

ADMINISTRATIVE ACTION

Upon approval of a development site plan by the Development Review Committee, as set forth herein, and approval of the preliminary plat (if required), application(s) may be made for the permits and certificates necessary for construction. Subsequent to such approval, minor changes to the development site plan may be authorized by the Director of Development Services when such changes will not cause any of the following circumstances to occur:

- A change in the character of the development,
- An increase in the ratio of the gross floor area in structures to the area of any lot,
- An increase in the intensity of use,
- A reduction in the originally approved separations between buildings or required screening,
- An increase in the problems of circulation, safety, and utilities,
- A reduction in the originally approved setbacks from property lines,
- An increase in ground coverage by structures,
- Reduction in the ratio of off-street parking and loading space to the gross floor area in structures,
- Change in the locations, lighting, or orientation of originally approved signs.

EXPIRATION

Approval of any development site plan shall automatically expire three years from the date of approval unless a building permit has been issued and development activity on the tract has begun. When only an initial or partial phase of a project is constructed, the approval of the development site plan for any additional phases shall automatically expire after three years from the date of initial approval unless a building permit has been issued for the additional phases and development activity on the additional phases has begun. Extension of the approval period may be requested at any time prior to expiration or within 60 days after expiration. On or before, six (6) months (180 days) from the scheduled expiration of the Development Site Plan, staff will notify the

applicant/owner that the development site plan will expire unless a request for an extension is submitted for review and approval by the Development Review Committee. When it is determined that no significant changes affecting the site have occurred, the City Planner may, after recommendation by the Development Review Committee, extend the approval.

**TO BE CONSIDERED BY THE CITY COUNCIL
CITY OF KERRVILLE, TEXAS**

SUBJECT: Public Hearing: Zoning Code Amendment – Consider a request to amend Article 11-I-17, Regulations Regarding Building Heights, Lot Width and Area and Setbacks of the Zoning Code of the City of Kerrville, amending Article 11-I-17(b) by deleting the Maximum Height of Buildings restriction from land use categories 3-9 inclusive, by deleting Article 11-I-17(c) Building Height-Central City and amending Article 11-I-17(d) Special Setback Regulations as they apply to encroachments into setback requirements in the Zoning Code.

FOR AGENDA OF: June 8, 2010

DATE SUBMITTED: May 28, 2010

SUBMITTED BY: Gordon Browning 

CLEARANCES: Kevin Coleman 

EXHIBITS: Proposed Zoning Code amendment

AGENDA MAILED TO:

APPROVED FOR SUBMITTAL BY CITY MANAGER: 

Expenditure Required:	Current Balance in Account:	Amount Budgeted:	Account Number:
\$	\$	\$	

PAYMENT TO BE MADE TO:

APPROVED FOR SUBMITTAL BY DIRECTOR OF ADMINISTRATIVE SERVICES:

SUMMARY STATEMENT

Summary: Article 11-I-17, Regulations Regarding Building Height, Lot Width and Area and Setbacks

The proposed amendments to this article will remove the height restrictions from land use categories 3-9 of Article 11-I-17(b), delete the reference to building heights in the Central City and for hospitals Article 11-I-17(c), and rewrite portions of Article 11-I-17(d) to modify and clarify the allowed encroachments in the general setback requirements as they apply to accessory buildings and structures.

The proposed amendments are attached for review and discussion.

The planning and Zoning Commission at their May 20, 2010 meeting, following a public hearing, recommended approval of the Zoning Code amendment as presented.

RECOMMENDED ACTION

1. Open the public hearing and receive comments, and
2. Approval of the amendment to the Zoning Code as presented.

Art. 11-1-17 REGULATIONS REGARDING BUILDING HEIGHT, LOT WIDTH
AND AREA, AND SETBACKS

α

- (a) Land Use Categories: The land use categories referred to in the following sections of this Article shall be as follows:

- (1) Category No. 1: Detached Single Family Homes
- (2) Category No. 2: Duplex or Zero Lot Line Homes, excluding townhouses
- (3) Category No. 3: Townhouses, Condominiums, Apartments, or Bed & Breakfast
- (4) Category No. 4: Residential Transition District Businesses, Retail Trade Limited, or Personal Services Limited
- (5) Category No. 5: Life Care Developments, Professional Offices, Personal Services I, Custom Manufacturing
- (6) Category No. 6: Business Services I, Business Services II, Elementary Schools, Funeral Services, Institutional and Public Assembly, Personal Services II, Retail Trade I
- (7) Category No. 7: Education - Secondary/College, Manufactured Housing Sales, Restaurants- General and Limited, Retail Trade II, Tourist, Visitor, and Recreation Services
- (8) Category No. 8: Agricultural Services, Building Construction-General and Specialist, Equipment Sales and Repair-Heavy, Fuel Sales, Manufacturing and Industrial-Limited as determined in Appendix "B", Retail Trade III, Vehicle Repair, Vehicle Sales - New and Used
- (9) Category No. 9: Agriculture - General, Manufacturing and Industry - Heavy as determined in Appendix "B", Transportation Terminals, Warehouse and Distribution

- (b) General Regulations: Except as noted in Section (c), below, or where different regulations are set forth in this Zoning Code, in an ordinance creating a Planned Development District or a Specific Use District, or in a resolution adopting a development site plan or conditional use permit, the maximum building height, minimum setbacks, minimum lot width, and minimum lot area for the land use categories set forth in Section (a.), above, shall be as follows:

SEE FOLLOWING PAGE FOR CHART

Land use Category	Maximum Building Height (in feet)	Minimum Set Backs (in feet)			Minimum Lot Width (in feet)	Minimum Lot Area per Dwelling Unit (in square feet)
		Front	Side	Rear		
1 and 2	35	25	6	25	60	6000
3 (if single one and two family residential uses)	35	25	6	25	50	5000, or 3000, if developed with two-family dwelling units
3 (two-family or multi-family use)	40N/A	25	10	25	60	(a) 3000, if developed with two-family dwelling units (b) if developed with three or more dwelling units, then: (1) 1600 for each one bedroom dwelling unit; (2) 1800 for each two bedroom dwelling unit; and (3) 2000 for each dwelling unit nits of three or more bedrooms.
4	35N/A	25	6	25	60	6000
5	35N/A	20	5	20	50	(a) 5000, if developed with uses other than two family or multi-family dwelling.
6	40N/A	25	7.5	25	50	(b) 3000, if developed with two family dwelling units
7	40N/A	30	10	30	60	(c) if developed with three or more dwelling units, then: (1) 1600 for each one bedroom dwelling unit; (2) 1800 for each two bedroom dwelling unit; and
8	40N/A	35	12.5	35	65	(3) 2000 for each dwelling unit of three or more bedrooms
9	40N/A	40	15	40	70	

(Reference to Ordinance No. 2005-12)

~~(c.) — **Building Height:**~~

- ~~(1) — **Central City:** The maximum building height of a structure located in any zoning district within the Central City except an R-1, R-1A, R-3, RC, RM, or RT district, may be equal to 150% of the allowable height for the use indicated in Section (b.); above.~~
- ~~(2) — **Hospital** (not including any other uses defined under “Life Care Development”): Hospitals, in zoning districts in which they are an allowed use, may exceed the height requirements of this Article 11-1-17; however, in no case shall hospitals exceed seventy (70) feet in height.”~~

~~(d.) **Special Setback Regulations:** Notwithstanding Section (b.); above, the following regulations shall apply regarding setbacks:~~

- ~~(1) **Central Fire District:** No setbacks are required in the Fire Limits described in Section 10-11-3(a) of the Code of Ordinances.~~
- ~~(2) **Corner Lots:** Unless a different setback is specified for the zoning district, the setback for the yard adjacent to the side street on a corner lot shall be a minimum of fifteen feet (15.0'), except that a residential garage shall be setback not less than nineteen feet (19.0').~~
- ~~(3) **Rear of Building Abutting a Street:** The minimum setback of the back of a building which abuts a street shall be the greater of:
 - ~~(i) the minimum front setback required for buildings on that street front;~~
 - ~~(ii) the average setback of buildings along the same side of the block; but in no case greater than twenty-five feet (25.0').~~~~
- ~~(4) **Back of Building Abutting an Alley:** The setback for the back of a building which abuts an alley may be measured from the centerline of the alley; provided, however, the minimum setback for a garage or carport with an entrance onto an alley shall be:
 - ~~(i) nineteen feet (19.0'), if the garage or carport is built for only one motor vehicle; or~~
 - ~~(ii) six feet (6.0'), if the garage or carport is built for two or more motor vehicles.~~~~

Article 11-1-3 Definitions

(1) Accessory Building or Accessory Structure:

A subordinate building or structure not attached to the main building(s) or structure(s), the use of which is incidental and related to the main use and is located on the building lot; including, but not limited to, storage buildings, satellite dish antennas, carports and similar structures, ~~but—excluding landscaping features, detached garages, carports, and guest or servant quarters.~~

Accessory buildings do not include the following:

Guest or Servant Quarters

Buildings with more than two plumbing fixtures connected to sanitary sewer

Buildings that cover more than 50% of any required rear yard

No manufactured home, motor vehicle, trailer or similar vehicle or structure may be used or converted for use as an accessory building.

Article 11-1-17 Regulations

(8) Certain Building Protrusions Beyond Setback:

(a) Application to Ground Floor: Cornices, eaves, belt course, sills, canopies, box windows, or other similar architectural features may extend a distance not to exceed two feet (2.0') beyond any setback.

~~(9)-~~ (b) Application to Upper Floors: The upper floors of a multi-story building must comply with all setback requirements; provided, however, ~~an~~ uncovered deck porch, porte cochere, upper floor balcony ~~or carport~~ which is open on all sides or open with walls not higher than three feet (3.0') from ~~ground level adjacent finish floor level~~, chimneys, or similar architectural features may extend beyond the setback a distance not to exceed one-half of the distance between the setback and the property line.

~~(10)~~

(9) Location of Accessory Structures Beyond Setback:

~~No~~ Accessory buildings or structures ~~shall~~ may extend beyond the setback, ~~except~~ as follows:

(i) structures used primarily for landscaping may extend beyond any setback, to the property line;

(ii) satellite dishes may extend beyond the side or rear

setback, but not the front setback;

- (iii) an accessory building or structure with a floor area of less than one hundred fifty (150) square feet may extend beyond the side or rear setback, but in no case closer than ~~six- three~~ feet to any property line. ~~if no fence has been constructed to screen the structure from adjoining property;~~
- (iv) an accessory building or structure ~~with a floor area of less than one hundred fifty (150) square feet~~ located on residential property may extend beyond the ~~side or rear~~ setback, but in no case closer than ~~three-the required side yard ten~~ feet to any lot line if a fence is constructed as follows:
 - a* height of not less than six feet (6.0');
 - b* constructed of weather resistant wood or masonry materials, which are opaque and provide no openings except for a gate, which shall also be opaque;
 - ~~*c* length extending not less than six feet beyond each end of the building or structure.~~
- (v) an accessory building located on non-residential property and abutting other non-residential property, including garages and carports, may extend beyond the side or rear setback, but no closer than:
 - a* three feet (3.0') to any lot line, if a screening fence as described in Paragraph (iv), above, is constructed; or
 - b* six feet (6.0') to any lot line if no screening fence is constructed;
- (vi) if the side or rear lot line of a residential property abuts the property line of a non-residential property, an accessory building located on residential property, including, but not limited to, a detached carport or garage, may extend beyond the ~~side or rear~~ setback of the lot line adjacent to the business property, but in no case shall the building extend closer than three feet (3.0') to any lot line.

**TO BE CONSIDERED BY THE CITY COUNCIL
CITY OF KERRVILLE, TEXAS**

SUBJECT: Public Hearing: Zoning Code Amendment – Consider a request to amend Article 11-I-17, Regulations Regarding Building Height, Lot Width and Area and Setbacks, of the Zoning Code of the City of Kerrville, by deleting Article 11-I-17(d)(1) Central Fire District and adding a new Article 11-I-17(d)(1) Central Business District to the Zoning Code.

FOR AGENDA OF: June 8, 2010

DATE SUBMITTED: May 28, 2010

SUBMITTED BY: Gordon Browning *lb*

CLEARANCES: Kevin Coleman *ke*
xil

EXHIBITS: Proposed Zoning Code amendment

AGENDA MAILED TO:

APPROVED FOR SUBMITTAL BY CITY MANAGER: *JP*

Expenditure Required:	Current Balance in Account:	Amount Budgeted:	Account Number:
\$	\$	\$	

PAYMENT TO BE MADE TO:

APPROVED FOR SUBMITTAL BY DIRECTOR OF ADMINISTRATIVE SERVICES:

SUMMARY STATEMENT

Summary: Article 11-I-17(d)(1) Central Fire District

The proposed amendment to this article is necessary following the proposed repeal of the City's fire district regulations and the need to retain certain setback requirements in the current Central Business District.

The proposed amendment is attached for review and discussion.

The Planning and Zoning Commission at their May 20, 2010 meeting, following a public hearing, recommended approval of the Zoning Code amendment as presented.

RECOMMENDED ACTION

1. Open the public hearing and receive comments, and
2. Approval of the amendment to the Zoning Code as presented.

Art. 11-1-17 REGULATIONS REGARDING BUILDING HEIGHT,
LOT WIDTH AND AREA, AND SETBACKS

d) Special Setback Regulations: Notwithstanding Section (b.), above, the following regulations shall apply regarding setbacks:

- (1) Central-Fire-District Business District: No setbacks are required in the Fire Limits- Central Business District as described in Article 11-1-3(a)(22)Section 10-11-3(a) of the Code of Ordinances. of this ordinance.

**TO BE CONSIDERED BY THE CITY COUNCIL
CITY OF KERRVILLE, TEXAS**

SUBJECT: Public Hearing: Zoning Code Amendment – Consider a request to amend Article 11-I-22, Planning and Zoning Commission and Board of Adjustment, of the Zoning Code of the City of Kerrville, by deleting Article 11-I-22(a)(3) Procedural Rules and adding a new Article 11-I-22(a)(3) Procedural Rules and deleting Article 11-I-22(b)(10) Meetings, Procedures and adding a new Article 11-I-22(b)(10) Meetings, Procedures to the Zoning Code.

FOR AGENDA OF: June 8, 2010

DATE SUBMITTED: May 28, 2010

SUBMITTED BY: Gordon Browning *GB*

CLEARANCES: Kevin Coleman *KC*
JD

EXHIBITS: Proposed Zoning Code amendment

AGENDA MAILED TO:

APPROVED FOR SUBMITTAL BY CITY MANAGER: *JA*

Expenditure Required:	Current Balance in Account:	Amount Budgeted:	Account Number:
\$	\$	\$	

PAYMENT TO BE MADE TO:

APPROVED FOR SUBMITTAL BY DIRECTOR OF ADMINISTRATIVE SERVICES:

SUMMARY STATEMENT

Summary: Article 11-I-22, Planning and Zoning and Board of Adjustment

The proposed amendments to Article 11-I-22 are an administrative and procedural addition to the Zoning Code. The amendments will bring the code into compliance with State law, the Texas Open Meetings Act, and with the City's procedural rules for boards and commissions.

The amendments are proposed to be added to both Article 11-I-22(a)(3) Procedural Rules for the Planning and Zoning Commission and Article 11-I-22(b)(10) Meetings, Procedures for the Board of Adjustment. The amendments primarily address ex parte communication in matters where the Commission and Board serve in quasi-judicial roles.

The proposed amendments are attached for review and discussion.

The Planning and Zoning Commission at their May 20, 2010 meeting, following a public hearing, recommended approval of the Zoning Code amendment as presented.

RECOMMENDED ACTION

1. Open the public hearing and receive comments, and
2. Approval of the amendment to the Zoning Code as presented.

**To replace Article 11-I-22 a.3 (for PNZ)
and Article 11-I-22 b.10 (for ZBA)**

1. Open Meetings Act. The Planning and Zoning Commission and its Members shall comply with the Texas Open Meetings Act and the Procedural Rules (for) Kerrville City Boards. No Member shall communicate or deliberate about a matter coming before the Commission or over which the Commission has authority outside of a posted meeting in an attempt to evade the Open Meetings Act. Such prohibited conduct also applies to email or telephonic conversations.

2. Quasi-judicial Decisions. The requirements of procedural due process necessitate a fair hearing before an impartial body with the goal of ensuring that all sides, including the public, are provided an opportunity to present their views in public meetings. Thus, all quasi-judicial decisions made by the Commission must be based upon what is in the official public record. Quasi-judicial decisions include decisions made with respect to appeals of administration decisions and requests for variances and permits. In any quasi-judicial matter, no Commission Member shall intentionally or knowingly, outside of a meeting, communicate with a person for which there are reasonable grounds for believing that the person is a party to the matter being considered, if such communication is designed to influence the Member's consideration of or action on the matter. A "party" is defined as being either an applicant or appellant to the quasi-judicial matter. This type of communication could be considered an ex parte communication as it involves one party discussing or presenting information to a Commission Member when another party or the public is not present to witness the conversation or where the other party does not receive the disclosed information. If any such communication should occur (ex parte communication), the Member shall disclose it at an open meeting of the Commission prior to its consideration of the matter and shall then recuse himself/herself from all further discussions and action on the matter. Where a Member receives an unsolicited inquiry or communication, personally or through electronic means, the Member shall not engage in such communications and if possible, return the communication to the sender. Further, the Member shall also advise the person or sender that such information should be presented at a Commission meeting.

**TO BE CONSIDERED BY THE CITY COUNCIL
CITY OF KERRVILLE, TEXAS**

SUBJECT: Public Hearing: Zoning Code Amendment – Consider a request to amend Article 11-I-24, Permits and Certificate of Occupancy, of the Zoning Code of the City of Kerrville, by adding language to clarify and define the building permit and certificate of occupancy process of the Zoning Code.

FOR AGENDA OF: June 8, 2010

DATE SUBMITTED: May 28, 2010

SUBMITTED BY: Gordon Browning 

CLEARANCES: Kevin Coleman 

EXHIBITS: Proposed Zoning Code amendment

AGENDA MAILED TO:

APPROVED FOR SUBMITTAL BY CITY MANAGER: 

Expenditure	Current Balance	Amount	Account
Required:	in Account:	Budgeted:	Number:
\$	\$	\$	

PAYMENT TO BE MADE TO:

APPROVED FOR SUBMITTAL BY DIRECTOR OF ADMINISTRATIVE SERVICES:

SUMMARY STATEMENT

Summary: Article 11-I-24, Permits and Certificates of Occupancy

The proposed amendment is an administrative addition to the permits and certificate of occupancy section of the Zoning Code. The intent of the amendment is to clearly clarify that the Building Official is the issuer of both the building permit and the certificate of occupancy while review of the use and uses conformity to the zoning districts development standards will be by the City Planner.

The proposed amendments are attached for review and discussion.

The Planning and Zoning Commission at their May 20, 2010 meeting, following a public hearing, recommended approval of the Zoning Code amendment as presented.

RECOMMENDED ACTION

1. Open the public hearing and receive comments, and
2. Approval of the amendment to the Zoning Code as presented.

Art. 11-1-24 PERMITS AND CERTIFICATES OF OCCUPANCY

- (a) **Certificate of Occupancy for Buildings:** No certificate of occupancy required by the City's Building Code shall be issued:
- (1) for a use not otherwise allowed in the Zoning District in which the building is located; or
 - (2) if applicable, until all improvements otherwise required by this Zoning Code have been completed.
- (3) The Building Official shall issue all Certificates of Occupancy. The City Planner shall review all Certificates of Occupancy prior to issuance by the Building Official
- (4) A certificate of occupancy is required for all lawful nonconforming uses or structures. However, the status and legality of a nonconforming use or nonconforming structure shall not be affected by change in occupancy except as provided elsewhere in this Code.
- (b) **Building Permits:** No building permit shall be issued until the eCity Building Official Planner has determined that the use for which the application is made is an allowable use.

**TO BE CONSIDERED BY THE CITY COUNCIL
CITY OF KERRVILLE, TEXAS**

SUBJECT: Ordinance, First Reading

An ordinance amending the City's "Zoning Code" by revising and adding definitions, adding a Determination of Vested Rights, revising the review and approval process for the creation of Planned Development Districts and Development Site Plans, revising Regulations Regarding Height, Lot Width, Area, and Setbacks for various uses and within various zoning districts, revising the procedural rules for the Planning and Zoning Commission and the Zoning Board of Adjustment, and clarifying the process for the issuance of Certificates of Occupancy and Building Permits; containing a cumulative clause; containing a savings and severability clause; providing for a penalty for a violation of any provision hereof; ordering publication; providing an effective date; and providing other matters related to the subject

FOR AGENDA OF: June 8, 2010 **DATE SUBMITTED:** June 1, 2010

SUBMITTED BY: Kevin Coleman  **CLEARANCES:** Kristine Ondrias 

EXHIBITS: Proposed Ordinance

AGENDA MAILED TO:

APPROVED FOR SUBMITTAL BY CITY MANAGER: 

Expenditure Required:	Current Balance in Account:	Amount Budgeted:	Account Number:
\$	\$	\$	

PAYMENT TO BE MADE TO:

APPROVED FOR SUBMITTAL BY DIRECTOR OF ADMINISTRATIVE SERVICES:

SUMMARY STATEMENT

The attached ordinance consolidates the proposed amendments to the zoning code presented to Council in prior public hearings. The proposed amendments are recommended by the Zoning Ordinance Input Committee as a necessary first step in the overall zoning code rewrite directed by City Council. All required public hearings have been held. In addition, a number of public workshops and input sessions have been held to insure public involvement in the review process.

RECOMMENDED ACTION

Approve ordinance on first reading.

**CITY OF KERRVILLE, TEXAS
ORDINANCE NO. 2010-__**

AN ORDINANCE AMENDING THE CITY'S "ZONING CODE" BY REVISING AND ADDING DEFINITIONS; ADDING A DETERMINATION OF VESTED RIGHTS; REVISING THE REVIEW AND APPROVAL PROCESS FOR THE CREATION OF PLANNED DEVELOPMENT DISTRICTS AND DEVELOPMENT SITE PLANS; REVISING REGULATIONS REGARDING HEIGHT, LOT WIDTH, AREA, AND SETBACKS FOR VARIOUS USES AND WITHIN VARIOUS ZONING DISTRICTS; REVISING THE PROCEDURAL RULES FOR THE PLANNING AND ZONING COMMISSION AND THE ZONING BOARD OF ADJUSTMENT; AND CLARIFYING THE PROCESS FOR THE ISSUANCE OF CERTIFICATES OF OCCUPANCY AND BUILDING PERMITS; CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A PENALTY FOR A VIOLATION OF ANY PROVISION HEREOF; ORDERING PUBLICATION; PROVIDING AN EFFECTIVE DATE; AND PROVIDING OTHER MATTERS RELATED TO THE SUBJECT

WHEREAS, pursuant to Texas Local Government Code Sections 211.006 and 211.007, notice has been given to all parties in interest and citizens by publication in the official newspaper and otherwise, of public hearings which were held before the City Council on June 8, 2010, which considered a report of the City of Kerrville Planning and Zoning Commission regarding its recommendations on this Ordinance, the adoption of which will result in revisions to the City's Zoning Code as specified herein; and

WHEREAS, such public hearings were held in the Council Chambers beginning at approximately 6:00 p.m. on June 8, 2010, as advertised; and

WHEREAS, after full hearings, at which all parties in interest and citizens were given an opportunity to be heard; and after receiving and considering the recommendations of the Planning and Zoning Commission and the City staff; 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, the Council finds it to be in the best interest of the health, safety, morals, and general welfare of the City of Kerrville, Texas, to amend the City's Zoning Code as specified herein;

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

SECTION ONE. Article 11-I-3 "Definitions and Interpretation of Words and Phrases" of the City's Zoning Code is amended by revising the definition for "Accessory Building or Accessory Structure" and adding new definitions for words and phrases as follows:

“Art. 11-I-3. DEFINITIONS AND INTERPRETATION OF WORDS AND PHRASES

(1) Accessory Building or Accessory Structure: A subordinate building or structure not attached to the main building(s) or structure(s), the use of which is incidental and related to the main use and is located on the building lot; including storage buildings, satellite dish antennas, carports, and similar structures. Accessory buildings do not include guest and servant quarters; buildings with more than two plumbing fixtures connected to sanitary sewer; buildings that cover more than 50% of any rear yard; or a manufactured home, motor vehicle, trailer, or similar vehicle or structure that is used or converted for use as an accessory building.

(20) Building Permit: A permit issued by the Building Official for the City authorizing the erection, construction, reconstruction, alteration, movement, repair, conversion, or expansion of any building, structure, or portion thereof, which certifies and acknowledges that such activities or uses with respect to the building or structure complies with the provisions of the City’s building codes, Zoning Code, or an authorized variance therefrom.

(24) Certificate of Occupancy: A document issued by the Building Official for the City certifying that a newly constructed structure, addition to an existing structure, or an existing structure undergoing a change in use complies with the provisions of the City’s building codes, Zoning Code, or an authorized variance therefrom, and that the building or structure is habitable.

(33) Development Activity: A change to improved or unimproved property that requires a permit or approval, which includes the construction or alteration of buildings or structures; filling; the deposit of refuse, debris, fill, or building materials; grading; and the clearing of natural vegetative cover. Routine repair and maintenance activities and agricultural activities are exempted.

(34) Development Review Committee (DRC): A committee consisting of representatives of local governmental entities and utility providers, to include the City of Kerrville, Kerr County, franchise utility companies, and the Texas Department of Transportation; and chaired by the City Planner, which Committee is to review plats, site plans, and building plans submitted for approval prior to construction and/or development. Such review and approval does not take the place of the purpose and authority of either the Planning and Zoning Commission or City Council, where applicable.

(35) Development Standards: Regulations that limit the size, bulk, or siting conditions of particular types of buildings, developments, or uses located within a specific zoning district.

(122) Vested Rights: A property right that has been legally established by submittal of an administratively complete development permit and/or the initiation of

development and which cannot be revoked by subsequent conditions or changes in law without due process of law.”

SECTION TWO. Section 11-I-4(b) “Zoning of Newly Annexed Areas” of the City's Zoning Code is amended in its entirety to provide as follows:

“(b) Zoning of Newly Annexed Areas. The Planning and Zoning Commission shall hold a hearing on all proposed annexations and shall, at the same time, hold a hearing upon the zoning that is to be given to the tract to be annexed and make a recommendation to the City Council for the zoning of the property upon annexation consistent with the purposes of the Zoning Code and the Comprehensive Plan. Concurrently with the adoption of the annexation ordinance, the City Council shall adopt the zoning of the area or tract being annexed.

(1) *Determination of Vested Rights.* Any person claiming a property interest in land located within a newly annexed area may apply to the City Planner for a determination of the vested rights, if any, to continue the development related activities or uses initiated prior to annexation. The City’s determination shall be based upon all pertinent facts and written evidence submitted for consideration by the applicant. The City’s determination shall be limited to a continuation of the development rights previously established under state law. The City Planner’s written determination shall be final unless his or her determination is duly appealed by the applicant to the Planning and Zoning Commission in accordance with Article 11-I-23 (Appeals to Administrative Decisions).

(2) *Continuance of Development Activity.* Within a newly annexed area, no person relying on a claim of vested rights shall continue any development activity that requires a certificate of occupancy without first applying for and obtaining a building permit.”

SECTION THREE. Article 11-I-15 “Planned Development Districts” of the City's Zoning Code is amended in its entirety as follows:

“Art. 11-I-15 PLANNED DEVELOPMENT DISTRICTS AND DEVELOPMENT SITE PLANS

I. Planned Development Districts.

A. Definition and Purpose: The Planned Development District (PDD) is a separate, stand-alone district designed to provide for the development of land for single or mixed uses in accordance with a plan that varies from the established regulations of the underlying zoning district. It is the intent of a PDD to insure compliance with good

zoning practices while allowing specific desirable departures from the strict provisions of current zoning classifications.

B. Minimum Development Size: The minimum size for any PDD shall not be less than two (2) acres for nonresidential developments and five (5) acres for residential developments.

C. Application: An application for a PDD shall be processed in accordance with this article. Prior to submitting an application for the creation of a PDD, the applicant or the applicant's representative shall meet with the City Planner or designated staff to receive information regarding application procedures and requirements. The City shall not deem an application administratively complete until a pre-application conference has occurred. No application for creation of a PDD shall be deemed complete until all required information has been delivered to the Planning Division and the required application fee is paid. All information required by the City and the amount of the appropriate fee shall be specified on the City's application form. A PDD application shall be scheduled for consideration by the Planning and Zoning Commission within forty-five (45) days of the City deeming the application administratively complete.

D. Concept Plan: An application for a PDD shall include a concept plan showing a preliminary layout of proposed uses, access, buildings, parking, open space, and the relationship to existing natural features, adjacent properties, and uses. The concept plan shall be construed as an illustration of the development concepts and not an exact representation of all specific details. An application for a PDD shall include a concept plan to be considered administratively complete.

E. Requirements of Concept Plan: A concept plan shall provide the following minimum requirements:

- 1) Vicinity map, north arrow, date, site address (if known), and scale (not less than one inch for each one-hundred feet (1"- 100'));
- 2) Total acreage within the proposed PDD;
- 3) The entire site, indicating property lines, and project phase lines, if any; public and private rights-of-way and easements on the site or abutting or intersecting the site; adjacent properties with zoning and existing uses identified;
- 4) Proposed general land uses and the acreage of each use, including open space; for residential developments, the total number of units and the number of units per acre;
- 5) Existing and proposed structures showing approximate outline of perimeter walls including distances to property lines and other structures; front, side, and rear

building setback lines; proposed category of use(s) of structures, number of stories in height and feet, gross floor area, and location of entrances and exits;

6) Proposed development standards, if different from the base zoning district for each proposed land use;

7) The minimum parking standard for each use;

8) Topographic contours of ten feet (10') or less of the proposed site;

9) The existing 100-year floodplain, floodway, and any major drainage way(s); and

10) Existing and proposed utilities to include water, wastewater, gas, electric, telecommunications, and fire hydrant locations.

F. Phasing Schedule: A PDD proposing phasing shall provide a phasing schedule for the development depicting the different construction timelines.

G. Review Process: Upon receipt of an administratively complete application as determined by the City for the creation of a PDD, the Planning Division shall schedule the appropriate review and meeting as follows:

1) Development Review Committee (DRC): The Development Review Committee (DRC) shall review each PDD and make a recommendation. Where appropriate, as determined by the City Planner, the DRC may request that the applicant or the applicant's representative attend the DRC meeting. Following the DRC's review, the City Planner shall prepare a report for the Planning and Zoning Commission related to the request and provide a recommendation for action based upon the review by the DRC.

2) Planning and Zoning Commission: After the City publishes notice of the request in the same manner as required of a zoning amendment, but in no case earlier than fifteen (15) days after receipt of the administratively complete application, the Planning and Zoning Commission (Commission) shall hold a public hearing on the application for creation of a PDD. At the public hearing, the Commission shall review the application and receive comments from the applicant, City staff, and others. After the close of the public hearing, the Commission shall adopt and shall forward a recommendation to the City Council regarding adoption of an ordinance creating a PDD subject to the conditions recommended by staff with or without addition or modification. In the event that the Commission determines that the application as presented is acceptable, but only if amended, the Commission may recommend to the City Council approval of an ordinance creating the PDD subject to incorporation of the changes recommended by the Commission.

3) Concept Plan: The concept plan shall contain the development standards and requirements, including maximum height, lot width, lot depth, floor area, lot area, setbacks and minimum off-street parking and loading requirements for uses proposed shall be established for each PDD based upon the particular merits of the development design and layout. Such standards and requirements shall comply with or be more restrictive than the standards established in the base zoning district for the specific type of uses allowed in the district, except that modifications in these regulations may be granted if it shall be found that such modifications are in the public interest, are in harmony with the purposes of this article, and will not adversely affect nearby properties.

4) City Council (Council): Within 30 days after the action of the Commission, the City Council shall hold a public hearing on the proposed ordinance creating a PDD. At the public hearing, the Council shall review the application and the recommendation of the Commission and receive comments from the applicant, Planning Division, and others who have an interest in the matter, facts and opinions concerning the proposed district and the proposed development regulations to which such district would be subject. The Council may, after closing the public hearing, approve by ordinance the creation of a PDD based upon a concept plan. The approved plan shall be made part of the ordinance establishing the PDD. Should Council approve the ordinance following two readings, the PDD shall be indicated on the zoning map of the City.

H. Zoning Map Reference: A PDD approved in accordance with the provisions of this article shall be referenced on the Official Zoning Map of the City of Kerrville. The City Planner shall maintain a list of approved PDDs, together with the category of uses permitted within them, and the concept plans.

I. Amendment to a Planned Development District: Any changes in the ordinance adopting a PDD or the concept plan for a PDD shall be in accordance with the same process used to establish the original PDD.

J. Reapplication: If an application for the creation of a PDD is denied by the City Council, another application for reclassification of the same property or any portion thereof shall not be filed within a period of one (1) year from the date of final denial, except with permission of the City Council.

II Development Site Plans.

A. Definition and Purpose: The City requires the approval of a Development Site Plan prior to any site development and the issuance of a building permit for non-single family residential developments of 0.5 (1/2) acre or larger. The City requires the approval of a Development Site Plan prior to any site development and the issuance of a building permit for all non-single family residential developments as defined by the Zoning Code.

The Development Site Plan shall comply with all provisions of the zoning district in which the property is located, to include a PDD where applicable, relating to permitted uses and development requirements and standards.

B. Application: An application for a Development Site Plan shall be processed in accordance with this article. Prior to submitting an application for a development site plan, the applicant or the applicant's representative shall meet with the City Planner to receive information regarding application procedures and requirements. The City shall not consider an application to be administratively complete until such a meeting is held. The City shall not consider an application for a Development Site Plan to be administratively complete until all required information is delivered to the City and the application fee paid. All information required by the City and the amount of the appropriate fee shall be specified on the City's application form.

C. Development Site Plan: Approval of a Development Site Plan shall be required prior to the issuance of building permits for any non-single family development of 0.5 (1/2) acres or larger. Review of the Development Site Plan shall confirm compliance with the conditions and stipulations of the zoning district in which it is located. A Development Site Plan shall provide the following minimum information:

- 1) Vicinity map, north arrow, date, site address, and scale (not less than one inch for each one-hundred feet (1"= 100'));
- 2) Project name and address in the title block;
- 3) Plat name with lot and block if applicable;
- 4) Site, indicating boundaries (with bearings and distances) and project phase lines if any;
- 5). Location and width of existing and/or proposed public and/or private rights-of-way and easements on, abutting, or intersecting the site;
- 6) Adjacent properties with zoning and existing uses identified;
- 7) Existing and proposed structures showing approximate outline and dimensions of perimeter walls, including distances to property lines and other structures;
- 8). Front, side, and rear building setback lines;
- 9) Provide building construction type, per the building code, if known;
- 10) Proposed category of use and/or uses of each structure;

- 11) Number of stories in height and feet for each structure;
- 12) Gross floor area for each structure;
- 13) Approximate location of entrances and exists for each structure;
- 14) Location, width, and curve radii of existing and proposed streets, alleys, parking areas, fire lanes, and drive approaches. Fire lanes shall be shaded on the site plan with clearly indicated width and radii;
- 15) Dead-end fire lanes in excess of 150-feet shall be provided with an approved turn-around;
- 16) Highlight areas that exceed 5% grade or have a vertical height clearance less than thirteen and one-half feet (13.5'). This standard applies to fire lanes;
- 17) Proposed location of the Fire Department Connection (FDC), if known;
- 18) Location of all streets, drives, and alleys which are adjacent to or dead-end into the site, including the location of existing and proposed median openings and turn lanes;
- 19) "No Objection" letter from the Texas Department of Transportation (TxDOT) for proposed drive approaches and/or drainage structures accessing TxDOT right-of-way, if applicable;
- 20) Number, location, and dimensions of regular and handicapped parking spaces, width of drive aisles, loading areas, and other areas to be used for vehicular traffic;
- 21) Location and width of sidewalks, handicapped ramps, and other pedestrian facilities;
- 22) Existing and proposed topography reflecting proposed handling of on-site surface drainage;
- 23) Limits of the 100-year floodplain and floodway as shown on current FEMA maps, including an approximate location and acreage;
- 24) Proposed improvements and method of maintenance for any drainage channels and storm water detention facilities;
- 25) Existing and proposed sanitary sewer layout, showing point of connection to municipal lines, including existing and proposed line sizes;

26) Existing and proposed water service layout including existing and proposed fire hydrants and showing connection to municipal lines, including existing and proposed line sizes;

27) Proposed location(s) of solid waste container pads and enclosures;

28) Location, height, and building materials for any proposed or required screening walls or fences;

29) Location, height, and type of proposed or required berm or living screen; and

30) A table showing type of units by size, number of bedrooms, and number of each type, for multifamily projects only.

D. Review Process: The Development Review Committee (DRC) shall review and make recommendations on all development site plans. The DRC shall have final approval authority to approve nonresidential development site plans, provided that the development site plan does not require consideration and approval of varied or different requirements and standards than those required by the zoning district in which the project is located. An applicant may appeal the determination of the DRC to the Planning and Zoning Commission pursuant to the appeal procedure described below.

E. Appeal: A decision of the Development Review Committee may be appealed to the Planning and Zoning Commission (Commission) by the applicant within ten (10) days after the date of decision by the DRC. The appeal shall be written and shall identify the specific reason(s) for and basis of the appeal. The appeal shall be delivered to the Planning Division within the ten (10) days of the receipt of the decision by the DRC. The Commission shall hear the appeal of the applicant at a regular meeting. The Commission shall review the action of the DRC and shall determine only whether or not the DRC acted within the authority under the review procedure set forth herein and whether the decision of the DRC was based upon the evidence presented to it which would fairly support the decision made with regard to the appealed issue. If the Commission concludes that the DRC acted without sufficient evidence, the Commission may grant the appeal and modify the site plan accordingly; or, the Commission may grant the appeal and resubmit the site plan to the DRC for further action.

F. Administrative Action: Upon approval of a development site plan by the Development Review Committee, as set forth herein, and approval of the preliminary plat (if required), application(s) may be made for the permits and certificates necessary for construction. Subsequent to such approval, minor changes to the development site plan may be made authorized by the Director of Development Services when such changes will not cause any of the following circumstances to occur:

1) A change in the character of the development;

- 2) An increase in the ratio of the gross floor area in structures to the area of any lot;
- 3) An increase in the intensity of use;
- 4) A reduction in the originally approved separations between buildings or required screening;
- 5) An increase in the problems of circulation, safety, and utilities;
- 6) A reduction in the originally approved setbacks from property lines;
- 7) An increase in ground coverage by structures;
- 8) Reduction in the ratio of off-street parking and loading spaces to the gross floor area in structures; and
- 9) Change in the locations, lighting, or orientation of originally approved signs.

G. Expiration: Approval of any development site plan shall automatically expire three (3) years from the date of approval unless a building permit has been issued and development activity on the tract has begun. When only an initial or partial phase of a project is constructed, the approval of the development site plan for any additional phases shall automatically expire after three (3) years from the date of initial approval unless a building permit has been issued for the additional phases and development activity on the additional phases has begun. Extension of the approval period may be requested at any time prior to expiration or within 60 days after expiration. On or before 180 days from the scheduled expiration of the development site plan, the City Planner will notify the applicant/owner that the development site plan will expire unless a request for an extension is submitted for review and approval by the Development Review Committee. When it is determined that no significant changes affecting the site have occurred, the City Planner may, after recommendation by the DRC, extend the approval."

SECTION FOUR. Section 11-I-17(b) of the City's Zoning Code is amended by adding the language that is underlined (added) and deleting the language that is stricken (~~deleted~~) to the section as follows:

- "(b.) **General Regulations**: Except as noted in Section (c), below, or where different regulations are set forth in this Zoning Code, in an ordinance creating a Planned Development District or a Specific Use District, or in a resolution adopting a development site plan or conditional use permit, the maximum building height, minimum setbacks, minimum lot width, and minimum lot area for the land use categories set forth in Section (a.), above, shall be as follows:

Land Use Category	Maximum Building Height (in feet)	Minimum Setbacks (in feet)			Minimum Lot Width (in feet)	Minimum Lot Area per Dwelling Unit (in square feet)
		Front	Side	Rear		
1	35	25	6	25	60	6000
2	(See Article 11-I-13)					
3 (if <u>one</u> and two single family residential uses)	35	25	6	25	50	5000, or 3000 if developed with <u>two-family dwelling units</u>
3 (two family or multi-family use)	<u>N/A</u> 40	25	10	25	60	(a) 3000 , if developed with two-family dwelling units (b) if developed with three or more dwelling units, then: (1) 1600 for each one bedroom dwelling unit; (2) 1800 for each two bedroom dwelling unit; and (3) 2000 for each dwelling unit of three or more bedrooms
4	<u>N/A</u> 35	25	6	25	60	6000
5	<u>N/A</u> 35	20	5	20	50	(a) 5000, if developed with uses other than two family or multi-family dwelling
6	<u>N/A</u> 40	25	7.5	25	50	
7	<u>N/A</u> 40	30	10	30	60	
8	<u>N/A</u> 40	35	12.5	35	65	(b) 3000, if developed with two-family dwelling units (c) if developed with three or more dwelling units, then: (1) 1600 for each one bedroom dwelling unit; (2) 1800 for each two bedroom dwelling unit; and (3) 2000 for each dwelling unit of three or more bedrooms

SECTION FIVE. Section 11-I-17(c) of the City's Zoning Code is amended by deleting the language that is stricken (deleted) to the section as follows:

“(c.) Building Height:

(1) Central City: The maximum building height of a structure located in any zoning district within the Central City except an R-1, R-1A, R-3, RC, RM, or RT district, may be equal to 150% of the allowable height for the use indicated in Section (b.), above.

(2) Hospital (not including any other uses defined under “Life Care Development”): Hospitals, in zoning districts in which they are an allowed use, may exceed the height requirements of this Article 11-I-17; however, in no case shall hospitals exceed seventy (70) feet in height.”

SECTION SIX. Section 11-I-17(d)(1) of the City's Zoning Code is amended by adding the language that is underlined (added) and deleting the language that is stricken (deleted) to the section as follows:

“(d.) Special Setback Regulations: Notwithstanding Section (b.), above, the following regulations shall apply regarding setbacks:

(1) Central Business Fire District: No setbacks are required in the Central Business District Fire Limits as defined herein described in Section 10-11-3(a) of the Code of Ordinances.”

SECTION SEVEN. Sections 11-I-17(d)(8), (9), and (10) of the City's Zoning Code are amended by adding the language that is underlined (added) and deleting the language that is stricken (deleted) to the sections as follows:

“(8) Certain Building Protrusions Beyond Setback.

i Application to Ground Floors: Cornices, eaves, belt course, sills, canopies, box windows, or other similar architectural features may extend a distance not to exceed two feet (2.0') beyond any setback.

(9) ii Application to Upper Floors: The upper floors of a multi-story building must comply with all setback requirements; provided, however, an uncovered deck porch, porte cochere, or upper floor balcony or earport which is open on all sides or open with walls not higher than three feet (3.0') from an adjacent finish floor level ground level, chimneys, or similar architectural features may extend beyond the setback a distance not to exceed one-half (1/2) of the distance between the setback and the property line.

(210) Location of Accessory Structures Beyond Setback: ~~No~~~~a~~ Accessory buildings or structures may ~~shall~~ extend beyond the setback, except as follows:

- i structures used primarily for landscaping may extend beyond any setback, to the property line;
- ii satellite dishes may extend beyond the side or rear setback, but not the front setback;
- iii an accessory building or structure with a floor area of less than one hundred fifty (150) square feet may extend beyond the side or rear setback, but in no case closer than three ~~six~~ feet (3.0') to any property line ~~if no fence has been constructed to screen the structure from adjoining property~~;
- iv an accessory building or structure ~~with a floor area of less than one hundred fifty (150) square feet~~ located on residential property may extend beyond the side ~~or~~ rear setback, but in no case closer than three ~~the required side yard~~ feet to any lot line if a fence is constructed as follows:
 - a* height of not less than six feet (6.0');
 - b* constructed of weather resistant wood or masonry materials, which are opaque and provide no openings except for a gate, which shall also be opaque;
 - c* ~~length extending not less than six feet beyond each end of the building or structure.~~
- v an accessory building located on non-residential property and abutting other non-residential property, including garages and carports, may extend beyond the side or rear setback, but no closer than:
 - a* three feet (3.0') to any lot line, if a screening fence as described in Paragraph (iv), above, is constructed; or
 - b* six feet (6.0') to any lot line if no screening fence is constructed;
- vi if the side or rear lot line of a residential property abuts the property line of a non-residential property, an accessory building located on residential property, including, but not limited to, a detached carport or garage, may extend beyond the side ~~or~~ rear setback of the lot line

adjacent to the business property, but in no case shall the building extend closer than three feet (3.0') to any lot line."

SECTION EIGHT. Article 11-I-22 "Planning and Zoning Commission and Board of Adjustment" of the City's Zoning Code is amended by revising Subsection (a)(3) "Procedural Rules" in its entirety and adding a new Subsection (a)(4) "Quasi-judicial Decisions" as follows:

- "3. **Open Meetings Act.** The Planning and Zoning Commission and its Members shall comply with the Texas Open Meetings Act and the Procedural Rules (for) Kerrville City Boards. No Member shall communicate or deliberate about a matter coming before the Commission or over which the Commission has authority outside of a posted meeting in an attempt to evade the Open Meetings Act. Such prohibited conduct also applies to email or telephonic conversations.
4. **Quasi-judicial Decisions.** The requirements of procedural due process necessitate a fair hearing before an impartial body with the goal of ensuring that all sides, including the public, are provided an opportunity to present their views in public meetings. Thus, all quasi-judicial decisions made by the Commission must be based upon what is in the official public record. Quasi-judicial decisions include decisions made with respect to appeals of administration decisions and requests for variances and permits. In any quasi-judicial matter, no Commission Member shall intentionally or knowingly, outside of a meeting, communicate with a person for which there are reasonable grounds for believing that the person is a party to the matter being considered, if such communication is designed to influence the Member's consideration of or action on the matter. A "party" is defined as being either an applicant or appellant to the quasi-judicial matter. This type of communication could be considered an ex parte communication as it involves one party discussing or presenting information to a Commission Member when another party or the public is not present to witness the conversation or where the other party does not receive the disclosed information. If any such communication should occur (ex parte communication), the Member shall disclose it at an open meeting of the Commission prior to its consideration of the matter and shall then recuse himself/herself from all further discussions and action on the matter. Where a Member receives an unsolicited inquiry or communication, personally or through electronic means, the Member shall not engage in such communications and if possible, return the communication to the sender. Further, the Member shall also advise the person or sender that such information should be presented at a Commission meeting."

SECTION NINE. Article 11-I-22 "Planning and Zoning Commission and Board of Adjustment" of the City's Zoning Code is amended by adding a new Subsection (b)(11) "Procedural Rules" and adding a new Subsection (b)(12) "Quasi-judicial Decisions" as follows:

- "11. **Open Meetings Act.** The Board of Adjustment and its Members shall comply with the Texas Open Meetings Act and the Procedural Rules (for) Kerrville City Boards. No Member shall communicate or deliberate about a matter coming before the Board

or over which the Board has authority outside of a posted meeting in an attempt to evade the Open Meetings Act. Such prohibited conduct also applies to email or telephonic conversations.

12. **Quasi-judicial Decisions.** The requirements of procedural due process necessitate a fair hearing before an impartial body with the goal of ensuring that all sides, including the public, are provided an opportunity to present their views in public meetings. Thus, all quasi-judicial decisions made by the Board must be based upon what is in the official public record. Quasi-judicial decisions include decisions made with respect to appeals of administration decisions and requests for variances and permits. In any quasi-judicial matter, no Board Member shall intentionally or knowingly, outside of a meeting, communicate with a person for which there are reasonable grounds for believing that the person is a party to the matter being considered, if such communication is designed to influence the Member's consideration of or action on the matter. A "party" is defined as being either an applicant or appellant to the quasi-judicial matter. This type of communication could be considered an ex parte communication as it involves one party discussing or presenting information to a Board Member when another party or the public is not present to witness the conversation or where the other party does not receive the disclosed information. If any such communication should occur (ex parte communication), the Member shall disclose it at an open meeting of the Board prior to its consideration of the matter and shall then recuse himself/herself from all further discussions and action on the matter. Where a Member receives an unsolicited inquiry or communication, personally or through electronic means, the Member shall not engage in such communications and if possible, return the communication to the sender. Further, the Member shall also advise the person or sender that such information should be presented at a Board meeting."

SECTION TEN. Article 11-I-24 "Permits and Certificates of Occupancy" of the City's Zoning Code is amended by adding the language that is underlined (added) and deleting the language that is stricken (~~deleted~~) to the section as follows:

"Art. 11-1-24 PERMITS AND CERTIFICATES OF OCCUPANCY

- (a.) **Certificate of Occupancy for Buildings:** No certificate of occupancy required by the City's Building Code shall be issued:
 - (1) for a use not otherwise allowed in the Zoning District in which the building is located.
 - (2) if applicable, until all improvements otherwise required by this Zoning Code have been completed.

(3) The Building Official shall issue all certificates of occupancy. The City Planner shall review all certificates of occupancy prior to issuance by the Building Official

(4) A certificate of occupancy is required for all lawful nonconforming uses or structures. However, the status and legality of a nonconforming use or nonconforming structure shall not be affected by a change in occupancy except as provided elsewhere in this Code.

(b.) **Building Permits:** No building permit shall be issued until the eCity Planner Building Official has determined that the use for which the application is made is an allowable use.”

SECTION ELEVEN. The City Secretary is authorized and directed to amend the Zoning Code to reflect the amendments adopted herein and to correct typographical errors and to index, format, and number and letter paragraphs to the existing Code, as appropriate.

SECTION TWELVE. 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 THIRTEEN. 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 FOURTEEN. The penalty for violation of this Ordinance shall be in accordance with the general penalty provisions contained in Article 1-I-9 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 FIFTEEN. 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 SIXTEEN. 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., 2010.

PASSED AND APPROVED ON SECOND AND FINAL READING, this the ____ day of _____, A.D., 2010.

ATTEST:

David Wampler, Mayor

Brenda G. Craig, City Secretary

APPROVED AS TO FORM:



Michael C. Hayes, City Attorney

**TO BE CONSIDERED BY THE CITY COUNCIL
CITY OF KERRVILLE, TEXAS**

SUBJECT: Ordinance, First Reading

An ordinance amending Chapter 26 "Building and Building Regulations", Article II "Building Codes", of the Code of Ordinances of the City of Kerrville, Texas, by amending Section 26-31 to delete Chapter 34 "Existing Structures" from the 2006 edition of the International Building Code; containing a cumulative clause; containing a savings and severability clause; providing for a penalty for violation of any provision hereof; ordering publication; providing for an effective date; and providing other matters related to the subject

FOR AGENDA OF: June 8, 2010 **DATE SUBMITTED:** May 27, 2010

SUBMITTED BY: Kevin Coleman  **CLEARANCES:** Kristine Ondrias 

EXHIBITS: Proposed Ordinance

AGENDA MAILED TO:

APPROVED FOR SUBMITTAL BY CITY MANAGER: 

Expenditure Required:	Current Balance in Account:	Amount Budgeted:	Account Number:
\$	\$	\$	

PAYMENT TO BE MADE TO:

APPROVED FOR SUBMITTAL BY DIRECTOR OF ADMINISTRATIVE SERVICES:

SUMMARY STATEMENT

The attached ordinance removes International Building Code, Chapter 34, Existing Buildings, and all amendments to that chapter.

With the pending adoption of the International Existing Building Code, IBC Chapter 34 becomes redundant and is no longer needed.

RECOMMENDED ACTION

Approve ordinance on first reading.

**CITY OF KERRVILLE, TEXAS
ORDINANCE NO. 2010-__**

AN ORDINANCE AMENDING CHAPTER 26 "BUILDING AND BUILDING REGULATIONS", ARTICLE II "BUILDING CODES", OF THE CODE OF ORDINANCES OF THE CITY OF KERRVILLE, TEXAS, BY AMENDING SECTION 26-31 TO DELETE CHAPTER 34 "EXISTING STRUCTURES" FROM THE 2006 EDITION OF THE INTERNATIONAL BUILDING CODE; CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A PENALTY FOR VIOLATION OF ANY PROVISION HEREOF; ORDERING PUBLICATION; PROVIDING FOR AN EFFECTIVE DATE; AND PROVIDING OTHER MATTERS RELATED TO THE SUBJECT

WHEREAS, the City Council has previously adopted the 2006 Edition of the *International Building Code* ("IBC"), with local amendments, as the regulations governing the conduct of construction work applicable to commercial buildings within the City; and

WHEREAS, the City Council is in the process of adopting the 2006 Edition of the *International Existing Building Code*, with local amendments, and thus, Chapter 34 within the IBC will no longer be required; and

WHEREAS, the City Council of the City of Kerrville, Texas, finds it to be in the public interest to amend the Code of Ordinances of the City of Kerrville, Texas, to reflect its adoption of the 2006 edition of the International Existing Building Code, as well as to make other appropriate amendments to various sections of Chapter 26 "Buildings and Building Regulations" of the City's Code of Ordinances;

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

SECTION ONE. Chapter 26 "Building and Building Regulations", Article II "Building Codes", of the Code of Ordinances of the City of Kerrville, Texas, is amended by amending Sections 26-31(b)(1) by adding the language that is underlined (added) and deleting the language that is bracketed and stricken (~~{deleted}~~) as follows:

"Sec. 26-31. 2006 International Building Code.

:
:
(b) *Amendments.* The 2006 International Building Code is amended as follows:
:
:

~~-(9) Section 304.1 is amended to add the following business occupancies:—~~
Small retail and wholesale (less than 5,000 square feet); the following is prohibited for this occupancy: 1) the stacking of products higher than eleven feet (11') from the floor; 2) the storage of hazardous materials; and 3) no "covered malls"; in addition, the occupancy loading for such occupancies shall remain subject to Class "B".

Small sales room (less than 5,000 square feet): the following is prohibited for this occupancy: 1) the stacking of products higher than eleven feet (11') from the floor; 2) the storage of hazardous materials; and 3) no "covered malls"; in addition, the occupancy loading for such occupancies shall remain subject to Class "B".

⋮
(14) Chapter 34 is deleted.

~~Section 3402.1 is amended by adding the following definition:~~

~~Minor addition.~~ The addition of floor coverings, painting, ceilings, and the interior non-structural walls, not including demising or fire walls between tenant spaces that do not require the addition of plumbing, mechanical equipment, fuel gas, or electrical components nor shall this reduce accessibility below what is required by state and federal law.

(15) ~~Section 3406 is amended to add the following new sections:~~

~~3406.5 Change of occupancy.~~ Changes in occupancy within the same occupancy group shall not require upgrading the existing structure to current code. Additionally, where change in occupancy to another group does not increase the hazard level based on life and fire risk and the structure was constructed to the then current codes, there shall be no requirement to upgrade the existing structure to newer or more stringent codes unless there is an existing health or safety hazard present.

~~3406.5.1 Minor additions.~~ Where a change in occupancy requires a minor addition to the existing structure, no permit is required.

~~3406.6 Public water systems.~~ Public water system connections shall not require backflow prevention assemblies except where specifically required by the Texas Commission on Environmental Quality [see Rules and Regulations for Public Water Systems, 30 Texas Administrative Code §290.47(i)]. Double check valve assemblies, atmospheric vacuum breakers, or pressure vacuum breakers may be used in irrigation systems where no chemicals are applied by pump(s) in or through the irrigation system. The owner shall have all double check valve assemblies, atmospheric vacuum breakers, or pressure vacuum breakers inspected once every year by a qualified inspector and shall provide to the City a copy of a written report prepared in compliance with 30 TAC §290.47(f).

(16) ~~Section 3409.3 is amended by adding the following:~~

~~3409.3 Extent of application.~~ Nor shall a minor alteration to an existing structure or space require the upgrading of the remainder of the existing structure or space to meet newer or current codes. All work shall be confined to

~~that specifically required for the minor alteration to an existing structure. No minor alteration shall reduce the accessibility of an existing structure.~~

~~(17) Section 3410.3.2 is amended by deleting the reference to International Property Maintenance Code.~~

~~(18) Section 3410.4.1 is amended by adding the following:~~

~~3410.4.1 Structural analysis. No structural study is required if the load bearing structure of the building is not being changed."~~

SECTION TWO. The City Secretary is authorized and directed to submit this Ordinance to the publisher of the City's Code of Ordinances and the publisher is authorized to amend said Code to reflect the amendment adopted herein and to correct typographical errors and to index, format, and number and letter paragraphs to the existing Code, as appropriate.

SECTION THREE. 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, that all prior ordinances or parts of ordinances inconsistent with or in conflict with any of the provisions of this Ordinance are hereby expressly repealed to the extent of any such inconsistency or conflict.

SECTION FOUR. 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, hereby 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 FIVE. The penalty for violation of this Ordinance shall be in accordance with that general penalty provision contained in 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). Each continuing day's violation under this Ordinance shall constitute a separate offense.

SECTION SIX. 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. This Ordinance shall become effective ten days following publication; provided, however, the provisions of this Ordinance shall be applicable only to work performed in accordance with a building permit issued pursuant to an application filed with the City on or after the effective date of this Ordinance.

PASSED AND APPROVED ON FIRST READING, this the _____ day of _____ A.D., 2010.

PASSED AND APPROVED ON SECOND AND FINAL READING, this the
_____ day of _____, A.D., 2010.

David Wampler, Mayor

ATTEST:

Brenda G. Craig, City Secretary

APPROVED AS TO FORM:



Michael C. Hayes, City Attorney

**TO BE CONSIDERED BY THE CITY COUNCIL
CITY OF KERRVILLE, TEXAS**

SUBJECT: Ordinance, First Reading

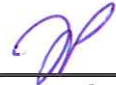
An ordinance amending Chapter 26 of the Code of Ordinances of the City of Kerrville, Texas, by adding a new section 26-41 to adopt the 2006 edition of the International Existing Building Code; adopting local amendments to said code; containing a cumulative clause; containing a savings and severability clause; providing for a penalty for violation of any provision hereof; ordering publication; providing for an effective date; and providing other matters related to the subject

FOR AGENDA OF: June 8, 2010 **DATE SUBMITTED:** May 27, 2010

SUBMITTED BY: Kevin Coleman  **CLEARANCES:** Kristine Ondrias 

EXHIBITS: Proposed Ordinance

AGENDA MAILED TO:

APPROVED FOR SUBMITTAL BY CITY MANAGER: 

Expenditure Required:	Current Balance in Account:	Amount Budgeted:	Account Number:
\$	\$	\$	

PAYMENT TO BE MADE TO:

APPROVED FOR SUBMITTAL BY DIRECTOR OF ADMINISTRATIVE SERVICES:

SUMMARY STATEMENT

The attached ordinance will adopt the 2006 International Existing Building Code (IEBC), and a series of local amendments needed to make the code meet local needs, local terminology and other adopted building codes.

The IEBC gives clear definition to code application given the scope, area and extent of work planned in any given area of an existing building. In addition, the code allows for both prescriptive code compliance and performance code compliance, allowing a higher degree of flexibility to the owner, the design professional and the City Building Code Official in the methods used to reach code compliance.

RECOMMENDED ACTION

Approve ordinance on first reading.

CITY OF KERRVILLE, TEXAS
ORDINANCE NO. 2010-___

AN ORDINANCE AMENDING CHAPTER 26 "BUILDING AND BUILDING REGULATIONS", ARTICLE II "BUILDING CODES" OF THE CODE OF ORDINANCES OF THE CITY OF KERRVILLE, TEXAS, BY ADDING A NEW SECTION 26-41 TO ADOPT THE 2006 EDITION OF THE INTERNATIONAL EXISTING BUILDING CODE; ADOPTING LOCAL AMENDMENTS TO SAID CODE; CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A PENALTY FOR VIOLATION OF ANY PROVISION HEREOF; ORDERING PUBLICATION; PROVIDING FOR AN EFFECTIVE DATE; AND PROVIDING OTHER MATTERS RELATED TO THE SUBJECT

WHEREAS, it is the intent of the City Council to protect the public health, safety, and welfare; and

WHEREAS, the City's Chief Building Official and the City's Building Board of Adjustments and Appeals have reviewed the 2006 Edition of the *International Existing Building Code* ("IEBC") and have recommended its adoption, with local amendments; and

WHEREAS, the Development Services Community Action Team ("DSCAT") also reviewed the IEBC and discussed its value, constraints, and overall effect on the community and unanimously supported the City's adoption of the IEBC; and

WHEREAS, the provisions of the IEBC will apply to the repair, alteration, change of occupancy, addition, and relocation of existing buildings within the City's limits; and

WHEREAS, the IEBC is intended to encourage the use and reuse of existing buildings by creating a reasonable and understandable balance between the protection of life and property and the burden of compliance with standardized building codes as building uses change and buildings become older; and

WHEREAS, the IEBC creates a plan whereby specific code compliance requirements are determined by the scope and purpose of permitted construction activity within isolated areas and the various systems of existing buildings; and

WHEREAS, the IEBC will serve to incrementally increase the value, use, and safety of buildings within the City's limits; and

WHEREAS, the City Council of the City of Kerrville, Texas, finds it to be in the public interest to adopt the 2006 International Existing Building Code and recommended local amendments;

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

SECTION ONE. The Code of Ordinances of the City of Kerrville, Texas ("City") is amended by adding Section 26-41 to provide as follows:

"Sec. 26-41. 2006 International Existing Building Code.

(a) *Adoption.* The International Existing Building Code, 2006 Edition, including Appendix B and Resource A ("IEBC"), and with amendments as set out in Section 26-41(b), is adopted. Copies of the IEBC and amendments thereto shall be available in the offices of the Department of Development Services and the City Secretary.

(b) *Amendments.* The 2006 International Existing Building Code is amended as follows:

(1) All references to the ICC *Electrical Code* within the IEBC shall instead refer to the City's Electrical Code.

(2) Sections 101.4.2 and 1301.3.2 are amended by deleting the references to the *International Property Maintenance Code* ("IPMC"). Any other references to the IPMC within the IEBC are deleted as the City has neither adopted nor enforces the IPMC.

(3) Section 103 is amended in its entirety to provide as follows:

Section 103 Building Inspection Division. The City has created a Building Inspection Division and the Building Official is the City employee in charge thereof. All references within the IEBC to the "Department of Building Safety" shall instead refer to the "Building Inspection Division."

(4) Section 105.2 is amended by deleting exemption No. 1 (sidewalks and driveways) under "Building".

(5) Section 105.5 is amended by adding the following sentence at the end of the section:

The Building Official shall grant a reasonable period of time to complete large projects that require an extended construction period.

(6) Section 106.1.3 is amended by deleting the last sentence of the section and replacing it with the following:

The supporting documentation shall fully describe the exterior wall system which was tested or shall be the manufacturer's installation instructions or be designed by a licensed design professional.

(7) Section 112 is amended in its entirety to provide as follows:

Section 112. Building Board of Adjustment and Appeals. The Building Board of Adjustment and Appeals shall hear appeals of orders, decisions, or determination made by the Building Official relative to the application and interpretation of the IEBC.

(8) Section 302.2.3 is deleted.

(9) Section 302.2.3.1 is amended in its entirety to provide as follows:

302.2.3.1 Alterations to existing buildings. An addition that is structurally independent from an existing structure shall be designed and constructed with the seismic requirements for a new structure.

(10) Section 302.2.3.2 is amended in its entirety to provide as follows:

302.2.3.2 Alterations. Alterations are permitted to be made to any structure without requiring the structure to comply with Section 1613 of the International Building Code, provided the alterations conform to the requirements for a new structure.

(11) Section 303.2 is amended by replacing the reference to 12 feet in the last sentence with 13.5 feet.

(12) Section 305.4 is deleted.

(13) Section 308 is amended by adding a new Section 308.1.1 as follows:

308.1.1 Standards. All structures shall conform with the State of Texas Accessibility Standards.

(14) Sections 506.1.1, 506.1.1.1, 506.1.1.2, 506.1.1.3, and Table 506.1.1.2 are deleted.

(15) Section 506.2.2.1 is amended by deleting the last sentence.

(16) Section 506.2.2.3 is amended in its entirety to provide as follows:

506.2.2.3 Extent of repair for noncompliance buildings. If the evaluation does not establish compliance of the predamaged building in accordance with Section 506.2.2.1, then the building shall be rehabilitated to comply with applicable provisions of the *International Building Code* for load combinations, including wind or seismic forces. The wind design level for the repair shall be as required by the building code in effect at the time of original construction, unless the damage was caused by wind, in

which case the design level shall be as required by the code in effect at the time of original construction or as required by the *International Building Code*, whichever is greater.

(17) Section 703.1 is amended in its entirety as follows:

703.1 Scope. The requirements of this section are limited to work areas in which Level 2 alterations are being performed, and shall only apply beyond the work area where specified on the approved drawings and specifications.

(18) Section 703.5.1 is amended by deleting "a loading dock" and replacing this phrase with "other elevated floor surface."

(19) Section 707.4.2 is deleted.

(20) Section 807.5.2 is amended in its entirety as follows:

807.5.2 Substantial structural alteration. Where more than 30 percent of the total floor area and roof areas of the building or structure have been or are proposed to be involved in structural alteration within a 12-month period, the evaluation and analysis shall demonstrate that the altered building or structure complies with the *International Building Code* for wind loading.

(21) Sections 907.3, 907.3.1, and 907.3.2 are deleted.

(22) Section 1202.4 is deleted.

SECTION TWO. Future amendments, not including clarifications or technical notices of any type, of the 2006 Edition of the *International Existing Building Code*, are not adopted by this Ordinance, and must be subsequently approved and adopted by the City Council of the City.

SECTION THREE. The City Secretary is authorized and directed to submit this Ordinance to the publisher of the City's Code of Ordinances and the publisher is authorized to amend said Code to reflect the amendment adopted herein and to correct typographical errors and to index, format, and number and letter paragraphs to the existing Code, as 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, that all prior ordinances or parts of ordinances inconsistent with or in conflict with any of the provisions of this Ordinance are hereby 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, hereby 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 that general penalty provision contained in 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). Each continuing day's violation under this Ordinance shall constitute a separate offense.

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. This Ordinance shall become effective ten days following publication; provided, however, the provisions of this Ordinance shall be applicable only to work performed in accordance with a building permit issued pursuant to an application filed with the City on or after the effective date of this Ordinance.

PASSED AND APPROVED ON FIRST READING, this the ____ day of _____, A.D., 2010.

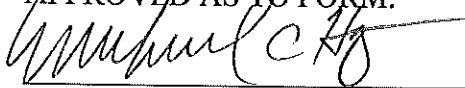
PASSED AND APPROVED ON SECOND AND FINAL READING, this the ____ day of _____, A.D., 2010.

David Wampler, Mayor

ATTEST:

Brenda G. Craig, City Secretary

APPROVED AS TO FORM:



Michael C. Hayes, City Attorney

**TO BE CONSIDERED BY THE CITY COUNCIL
CITY OF KERRVILLE, TEXAS**

SUBJECT: Ordinance, First Reading

An ordinance amending Chapter 50 of the Code of Ordinances of the City of Kerrville, Texas, titled "Fire Prevention and Protection", by deleting Section 50-1 "Construction Standards within Fire Limits"; containing a cumulative clause; containing a savings and severability clause; providing for a penalty for violation of any provision hereof; ordering publication; providing for an effective date; and providing other matters related to the subject

FOR AGENDA OF: June 8, 2010

DATE SUBMITTED: June 1, 2010

SUBMITTED BY: Kevin Coleman 

CLEARANCES: Kristine Ondrias 

EXHIBITS: Proposed Ordinance

AGENDA MAILED TO:

APPROVED FOR SUBMITTAL BY CITY MANAGER: 

Expenditure	Current Balance	Amount	Account
Required:	in Account:	Budgeted:	Number:
\$	\$	\$	

PAYMENT TO BE MADE TO:

APPROVED FOR SUBMITTAL BY DIRECTOR OF ADMINISTRATIVE SERVICES:

SUMMARY STATEMENT

The attached ordinance will delete section 50-1 of the Code of Ordinances and repeal the City Fire District and Construction Regulations.

Assuming the adoption of the IEBC, the City's Building Official and the City's Fire Marshal recommend this action as part of the effort to clarify and simplify building code enforcement. Repeal of the Fire District Regulations will allow the International Building Code, the International Fire Code and the International Existing Building Code to govern code requirements for future building and rebuilding in this area with no negative effect on public safety.

RECOMMENDED ACTION

Approve ordinance on first reading.

SECTION THREE. 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, that all prior ordinances or parts of ordinances inconsistent with or in conflict with any of the provisions of this Ordinance are hereby expressly repealed to the extent of any such inconsistency or conflict.

SECTION FOUR. 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, hereby 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 FIVE. The penalty for violation of this Ordinance shall be in accordance with that general penalty provision contained in 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). Each continuing day's violation under this Ordinance shall constitute a separate offense.

SECTION SIX. 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. This Ordinance shall become effective ten days following publication; provided, however, the provisions of this Ordinance shall be applicable only to work performed in accordance with a building permit issued pursuant to an application filed with the City on or after the effective date of this Ordinance.

PASSED AND APPROVED ON FIRST READING, this the ____ day of _____, A.D., 2010.

PASSED AND APPROVED ON SECOND AND FINAL READING, this the ____ day of _____, A.D., 2010.

ATTEST:

David Wampler, Mayor

Brenda G. Craig, City Secretary

APPROVED AS TO FORM:

Michael C. Hayes, City Attorney

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CITY OF KERRVILLE, TEXAS
ORDINANCE NO. 2010-__

AN ORDINANCE AMENDING CHAPTER 50 "FIRE PREVENTION AND PROTECTION" OF THE CODE OF ORDINANCES OF THE CITY OF KERRVILLE, TEXAS, BY DELETING SECTION 50-1 "CONSTRUCTION STANDARDS WITHIN FIRE LIMITS"; CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A PENALTY FOR VIOLATION OF ANY PROVISION HEREOF; ORDERING PUBLICATION; PROVIDING FOR AN EFFECTIVE DATE; AND PROVIDING OTHER MATTERS RELATED TO THE SUBJECT

WHEREAS, Section 50-1 "Construction standards within Fire Limits" of the City's Code of Ordinances defines a unique set of construction standards for a specifically defined area in and around downtown referred to as the City's Fire Limits; and

WHEREAS, upon reviewing the standardized building codes adopted by the City and in anticipation of the City Council's adoption of the *International Existing Building Code*, the City's Building Official and its Fire Marshal recommend that the Council delete Section 50-1 of the City's Code of Ordinances which established and defined the Fire Limits; and

WHEREAS, City staff presented this recommendation to the Building Board of Adjustment and Appeals, the Development Services Community Action Team, and the Zoning Ordinance Input Committee with each body supporting this recommended action; and

WHEREAS, this recommended action is consistent with and is intended to occur in conjunction with amendments to the City's Zoning Ordinance, which in general shall include a change from the use of the term "Fire Limits" to "Central Business District"; and

WHEREAS, the City Council of the City of Kerrville, Texas, finds it to be in the public interest to amend Chapter 50 of the Code of Ordinances of the City of Kerrville, Texas, to delete Section 50-1;

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

SECTION ONE. Chapter 50 "Fire Prevention and Protection" of the Code of Ordinances of the City of Kerrville, Texas, is amended by deleting Section 50-1.

SECTION TWO. The City Secretary is authorized and directed to submit this Ordinance to the publisher of the City's Code of Ordinances and the publisher is authorized to amend said Code to reflect the amendment adopted herein and to correct typographical errors and to index, format, and number and letter paragraphs to the existing Code as appropriate.

SECTION THREE. 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, that all prior ordinances or parts of ordinances inconsistent with or in conflict with any of the provisions of this Ordinance are hereby expressly repealed to the extent of any such inconsistency or conflict.

SECTION FOUR. 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, hereby 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 FIVE. The penalty for violation of this Ordinance shall be in accordance with that general penalty provision contained in 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). Each continuing day's violation under this Ordinance shall constitute a separate offense.

SECTION SIX. 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. This Ordinance shall become effective ten days following publication; provided, however, the provisions of this Ordinance shall be applicable only to work performed in accordance with a building permit issued pursuant to an application filed with the City on or after the effective date of this Ordinance.

PASSED AND APPROVED ON FIRST READING, this the ____ day of _____, A.D., 2010.

PASSED AND APPROVED ON SECOND AND FINAL READING, this the ____ day of _____, A.D., 2010.

ATTEST:

David Wampler, Mayor

Brenda G. Craig, City Secretary

APPROVED AS TO FORM:

Michael C. Hayes, City Attorney

T:\Legal\FIRE-EMS\ORD\Delete Section 50-1 Fire Limits_052810.doc

TO BE CONSIDERED BY THE CITY COUNCIL
CITY OF KERRVILLE, TEXAS

SUBJECT: GUADALUPE RIVER TRAIL SECTION 1

FOR AGENDA OF: CITY COUNCIL DATE SUBMITTED: 5-28-10

SUBMITTED BY: PETE MOORE CLEARANCES:
(BY A. PHILLIPS)

EXHIBITS: LETTER FROM PETE MOORE DATED 5.28.10

AGENDA MAILED TO: aphillips@integritygroup-texas.com
pmoore@huntereguity.com

APPROVED FOR SUBMITTAL BY CITY MANAGER:

Expenditure Required:	Current Balance in Account:	Amount Budgeted:	Account Number:
\$	\$	\$	

PAYMENT TO BE MADE TO:

REVIEWED BY THE FINANCE DIRECTOR:

SUMMARY STATEMENT

REQUEST AUTHORIZATION TO WORK WITH
CITY STAFF IN PREPARING PLANS & BUDGET
FOR GUADALUPE RIVER TRAIL SECTION 1.

RECOMMENDED ACTION

RECEIVED MAY 28 2010

HUNTER



EQUITY

May 28, 2010

Kerrville City Council
800 Junction Highway
Kerrville, Texas 78028

Re: Guadalupe River Trail- Joint Funding Agreement
Kerrville, Texas

Dear City Council Members:

I hereby request that the Kerrville City Council grant City staff permission to negotiate an agreement with Hunter Equity / The Family Sport Center Ownership group and HCSB regarding joint funding of the portion of the Guadalupe River Trail from Guadalupe Street to the public boat ramp. It is our intent to privately construct Section 1A, a portion of Section 1.

We look forward to making the Trail System a reality and are excited about the opportunity to work with the City in maximizing the benefit of the Guadalupe River through the City Kerrville.

Sincerely,
Pete Moore

Partner Hunter Equity, LLC
Managing Partner Family Sports Center

**TO BE CONSIDERED BY THE CITY COUNCIL
CITY OF KERRVILLE, TEXAS**

SUBJECT: Direction to city staff regarding presentations made to the City Council and other boards and commissions of the city and the corresponding staff reports included in agenda packets for those items.

FOR AGENDA OF: June 8, 2010

DATE SUBMITTED: June 4, 2010

SUBMITTED BY: Todd Parton
City Manager

CLEARANCES:

EXHIBITS:

AGENDA MAILED TO:

APPROVED FOR SUBMITTAL BY CITY MANAGER: 

Expenditure	Current Balance	Amount	Account
Required:	in Account:	Budgeted:	Number:
\$	\$	\$	

PAYMENT TO BE MADE TO:

REVIEWED BY THE FINANCE DIRECTOR:

SUMMARY STATEMENT

This item has been placed on this agenda pursuant to a request by Councilmember Scott Gross. Mr. Gross will provide a report regarding this item at this scheduled meeting.

RECOMMENDATION

Provide direction to city staff as deemed appropriate by the City Council.

**TO BE CONSIDERED BY THE CITY COUNCIL
CITY OF KERRVILLE, TEXAS**

SUBJECT: Creation of an ad hoc committee to create guidelines for routine communications with the general public.

FOR AGENDA OF: June 8, 2010

DATE SUBMITTED: June 4, 2010

SUBMITTED BY: Todd Parton
City Manager

CLEARANCES:

EXHIBITS:

AGENDA MAILED TO:

APPROVED FOR SUBMITTAL BY CITY MANAGER:



Expenditure Required:	Current Balance in Account:	Amount Budgeted:	Account Number:
\$	\$	\$	

PAYMENT TO BE MADE TO:

REVIEWED BY THE FINANCE DIRECTOR:

SUMMARY STATEMENT

This item has been placed on this agenda pursuant to a request by Councilmember Scott Gross. Mr. Gross will provide a report regarding this item at this scheduled meeting.

RECOMMENDATION

Provide direction to city staff as deemed appropriate by the City Council.

**TO BE CONSIDERED BY THE CITY COUNCIL
CITY OF KERRVILLE, TEXAS**

SUBJECT: Direction to city staff in their application and enforcement of the codes and ordinances of the City of Kerrville.

FOR AGENDA OF: June 8, 2010

DATE SUBMITTED: June 4, 2010

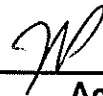
SUBMITTED BY: Todd Parton
City Manager

CLEARANCES:

EXHIBITS:

AGENDA MAILED TO:

APPROVED FOR SUBMITTAL BY CITY MANAGER:



Expenditure Required:	Current Balance in Account:	Amount Budgeted:	Account Number:
\$	\$	\$	

PAYMENT TO BE MADE TO:

REVIEWED BY THE FINANCE DIRECTOR:

SUMMARY STATEMENT

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RECOMMENDATION

Provide direction to city staff as deemed appropriate by the City Council.

**TO BE CONSIDERED BY THE CITY COUNCIL
CITY OF KERRVILLE, TEXAS**

SUBJECT: Recommendation from the Review Panel regarding the proposals for the construction of a multi-purpose meeting facility for the City of Kerrville

FOR AGENDA OF: June 8, 2010

DATE SUBMITTED: May 25, 2010

SUBMITTED BY: Mindy N. Wendele

Director of Business Programs

CLEARANCES: Todd Parton

City Manager

EXHIBITS:

AGENDA MAILED TO:

APPROVED FOR SUBMITTAL BY CITY MANAGER:



**Expenditure
Required:**

\$

**Current Balance
in Account:**

\$

**Amount
Budgeted:**

\$

**Account
Number:**

PAYMENT TO BE MADE TO:

REVIEWED BY THE FINANCE DIRECTOR:

SUMMARY STATEMENT

The Multi-purpose meeting facility review panel has concluded its evaluations of the four qualified proposals. An executive session has been scheduled to allow the panel to discuss specific contractual points that require consultation with the City Attorney and the acquisition of real property. Below please find a Project History and the Evaluation Process used for the qualified proposals.

Project History

In early 2009 several community leaders brought an idea for a convention center/conference center to the City of Kerrville and the Kerrville Convention and Visitors Bureau with a specific location designed for the Sid Peterson Memorial Hospital property in downtown. Members of the Economic Improvement Corporation asked for an in-house feasibility study from the KCVB to analyze the potential project.

During the May 26, 2009 city council meeting a presentation was given detailing the feasibility study relative to a conceptual idea for redevelopment projects for downtown. A recommendation was accepted by council to form a Downtown Task Force to study a broad plan for downtown including a convention center.

At the June 9, 2009 city council meeting, council members appointed ten community leaders to serve on the City of Kerrville Convention Center Blue Ribbon Committee. The charge from the council to the group was to research and answer the following questions:

1. Do we want a convention center (as a concept)?
2. If yes, where should it be located; and
3. How can it be accomplished?

The committee consisted of LuAnn Anderson, Kyle Bond, Gloria Dorsey, Judy Eychner, Tom Gould, Brett McDowell, Clint Morris, Jimmie Peschel, Don Voelkel and Meredith Wendele with County Judge Pat Tinley and Mayor Todd Bock ex-officio non-voting members. Members met weekly for two months collecting information to base their recommendations.

The Blue Ribbon Committee presented their findings at the August 11, 2009 council meeting and made the following recommendations by answering the council's questions:

1. Yes, we want a convention center that would be tax neutral with no tax increase; it must maintain or improve our quality of life; and must help revitalize the downtown area.
2. Facility requirements of 45,000-60,000 square feet with ability to accommodate up to 2,500 delegates; cost to be approximately \$12 - \$15 million and city owned, city managed; public/private partnership using a combination of HOT funds, EIC funds and other incentives.
3. Preferred location would be historic downtown or secondarily within walking distance to downtown and the central business district; close proximity to the river a plus. And finally, the Committee recommended the City to seek a third party, independent feasibility study to be conducted.

In October 2009, City Council approved a contract with TXP, Inc. to conduct a feasibility study for a convention center to provide an assessment of industry trends, regional competitiveness and direct economic activity associated with added capacity. Additionally, TXP, Inc. would measure total fiscal impacts and provide revenue versus cost analysis. And lastly, study factors influencing location.

At a special called meeting of the Kerrville City Council on Thursday, December 17, 2009, Council directed staff to draft a Request for Proposal for a potential convention center/conference center project. Based on the recommendations from TXP, Inc. the same evening, the RFP included a public/private partnership component, location and financial package. A draft RFP was approved with a deadline for submission for March 15, 2010.

Evaluation Process

Eligible proposals were received from Kerrville Gateway, LLP, Hunter Equity, Brass Real Estate Funds and Journeyman Harren. The documents were sent for review by a panel consisting of Sudie Burditt, Executive Director of the KCVB, Warren Ferguson, Vice-President EIC Board, ACM Kristine Ondrias, Finance Director Mike Erwin, ATCM Tara LaMontia and Director of Business Programs & Public Affairs Mindy Wendele. On-site interviews were conducted on April 15, 2010 with all proposing teams. Additional questions were issued to each team and added to the scoring process.

Each team was evaluated on criteria established in the RFP consisting of previous experience with similar project(s), best value to City, financial strength and stability of the proposer; project innovation, creativity, practicality and ability to minimize risk to the City. The proposed building program, ownership structure, and operating plans was evaluated using the following criteria:

- The extent to which the proposed MMF building program meets the City's objectives in the development of the MMF;
- The overall quality of the proposed project; the benefit to the City financial and otherwise, of the proposed ownership, and operating arrangements; and
- The proposals will also be evaluated based on the level of responsiveness to the requirements of the RFP.

RECOMMENDATION

The evaluation panel recommends that the City Council convene into an executive session under Local Government Code Sections 551.072 and 551.087 to discuss the proposals for the construction of a multi-purpose meeting facility for the city of Kerrville.

**TO BE CONSIDERED BY THE CITY COUNCIL
CITY OF KERRVILLE, TEXAS**

SUBJECT: Kerrville Budget/Economic Update

FOR AGENDA OF: June 8, 2010

DATE SUBMITTED: May 28, 2010

SUBMITTED BY: Mike Erwin 
Director of Finance

CLEARANCES: Todd Parton
City Manager

EXHIBITS: Economic Update
AGENDA MAILED TO:

APPROVED FOR SUBMITTAL BY CITY MANAGER: 

Expenditure Required:	Current Balance in Account:	Amount Budgeted:	Account Number:
\$	\$	\$	

PAYMENT TO BE MADE TO:

REVIEWED BY THE DIRECTOR OF FINANCE:

SUMMARY STATEMENT

The City of Kerrville staff will present and update Council on a biweekly basis as to the status of the City's budget and current economic trends affecting the City.

RECOMMENDED ACTION

No action required information purposes only.

CITY OF KERRVILLE
ECONOMIC UPDATE AS OF JUNE 2, 2010

	Current Month	Previous Month	1 Year Ago	Trend	Current Month
National					
Unemployment	9.90%	9.70%	8.90%	↑	April
Consumer Confidence	63.3	57.7	54.9	↑	May
1 year T-Bills	0.32%	0.39%	0.45%	↓	6/2/10

State					
Monthly Unemployment	8.30%	8.20%	7.30%	↑	April
Monthly Sales Tax	\$1,675.5m	\$1,458.9m	\$1,652.7m	↑	April

Local					
Monthly Unemployment (Kerr Co.)	6.10%	6.10%	5.10%	↔	April
Median Listing Price	\$184,000	\$188,000	\$197,000	↓	4/30/10
Monthly Sales Tax	\$406,470	\$320,921	\$456,524	↓	May
Monthly EIC Tax	\$203,235	\$160,461	\$228,262	↓	May
Monthly HOT	\$84,839	\$81,142	\$78,137	↑	May

	FY10 Budget	FY10 YTD	FY10 % Received	FY09 YTD	FY09 % Received
General Fund					
Tax Revenue	\$15,055,218	\$11,863,455	78.80%	\$12,378,074	78.87%
Property Tax	\$8,468,618	\$7,867,484	92.90%	\$7,717,915	93.65%
Sales Tax	\$4,624,000	\$2,947,818	63.75%	\$3,470,365	67.73%
Permits & Fees	\$370,750	\$214,758	57.93%	\$277,266	63.99%
Intergovernmental	\$695,156	\$468,876	67.45%	\$623,945	74.77%
Service Revenues	\$3,311,183	\$1,864,192	56.30%	\$2,243,100	68.38%
Grant Revenue	\$10,000	\$10,525	105.25%	\$32,157	105.19%
Fines & Forfeitures	\$504,510	\$323,980	64.22%	\$322,899	75.24%
Interest & Misc.	\$460,211	\$382,538	83.12%	\$267,204	56.19%
Transfers In	\$1,260,825	\$845,935	67.09%	\$567,756	64.05%
Total General Fund	\$21,667,853	\$15,974,259	73.72%	\$16,712,401	75.75%

Water/Sewer Fund					
Water Sales	\$5,060,000	\$2,578,726	50.96%	\$3,093,875	67.79%
Sewer Sales	\$3,900,000	\$2,455,554	62.96%	\$2,254,947	63.59%
Other Revenue	\$669,500	\$547,300	81.75%	\$523,494	72.67%
Total Water & Sewer Fund	\$9,629,500	\$5,581,579	57.96%	\$5,872,315	66.50%