



**CITY OF KERRVILLE PLANNING & ZONING COMMISSION AGENDA**  
**REGULAR MEETING, THURSDAY, MAY 4, 2017 4:30 P.M.**  
**CITY HALL COUNCIL CHAMBERS**  
**701 MAIN STREET, KERRVILLE, TEXAS**

**CALL TO ORDER**

**1. VISITORS/CITIZENS FORUM:**

Any person with business not scheduled on the agenda is encouraged to briefly speak their ideas to the Commission. Please fill out the SPEAKER REQUEST FORM and give it to the Commission's Secretary prior to the meeting. The number of speakers will be limited to the first ten speakers and each speaker is limited to three minutes. (No formal action can be taken on these items as the Open Meetings Act requires formal action items be posted on an agenda no later than 72 hours before the meeting. If formal action is required, the items will be placed on an agenda for a future meeting.)

**2. CONSENT AGENDA:**

**All items listed below in the consent agenda are considered routine or ministerial in nature and will be enacted with one motion. There will be no separate discussion of items unless a Commissioner or citizen so requests; in which case the item(s) will be removed from the consent agenda and considered separately.**

2A. Approval of the minutes from the January 19, 2017 meeting. **Pg. 2**

2B. Approval of the minutes from the February 2, 2017 meeting. **Pg. 4**

2C. Approval of the minutes from the March 2, 2017 meeting **Pg. 6**

**3. ITEMS FOR DISCUSSION**

3A. Review and discuss "Home Occupations", as defined in Article 11-I-3 (57), of the City Of Kerrville Zoning Code. Pg. 8

**4. STAFF REPORTS**

**5. ADJOURNMENT**

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The facility is wheelchair accessible and accessible parking spaces are available. Requests for accommodations or interpretive services must be made 48 hours prior to this event. Please contact the City Secretary's Office at 830-258-1117 for further information.

I do hereby certify that this notice of meeting was posted on the bulletin board at the city hall of the city of Kerrville, Texas, and said notice was posted on the following date and time: April 28, 2017 at 3:30 p.m. and remained posted continuously for at least 72 hours preceding the scheduled time of the meeting.

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Cheryl Brown  
Deputy City Secretary, City of Kerrville, Texas

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# City of Kerrville Planning Department Report

To: Planning & Zoning Commission  
Agenda Item: 2A  
Hearing Date: May 4, 2017  
Representative: Staff

## Proposal

Approval of the minutes from the January 19, 2017 Planning & Zoning Commission meeting.

## **MEMBERS PRESENT:**

Bob Waller, Chairman  
Garrett Harmon, Vice-Chair  
Don Barnett, Commissioner  
Rustin Zuber, Alternate  
David Jones, Alternate (sat in for Cmr. Sigerman)  
Marty Lenard, Alternate

## **MEMBERS ABSENT:**

Michael Sigerman, Alternate

## **CITY COUNCIL LIASON:**

Glenn Andrew (present)

## **STAFF PRESENT:**

Trent Robertson, City Planner  
Dorothy Miller, Recording Secretary  
Mayor Bonnie White

## **CALL TO ORDER:**

On January 19, 2017, Cmr. Waller called the Kerrville Planning and Zoning Commission regular meeting to order at 4:30 p.m. in the City Hall Council Chambers, 701 Main Street, Kerrville, Texas.

## **1. VISITORS/CITIZENS FORUM:**

No one spoke.

## **2. CONSIDERATION AND ACTION:**

2A. Consideration & Action, Amending Plat – Consideration and action concerning a proposed amending plat for Lots 43 & 44, Block B of Comanche Trace Phase 1 Section 6 comprising 1.74 acres of land, more or less, out of William Watt Survey no. 66, abstract no. 365, in the City of Kerrville, Kerr County, Texas; being all of Lots 43 & 44, Block B of Comanche Trace Phase 1 Section 6, the plat of which is recorded in volume 7 at page 68 of the plat records of Kerr County, Texas. 3333 and 3337 Arrowhead Drive East. (File No. 2016-082).

Mr. Robertson presented the case and asked Commissioners to render a decision.

Cmr. Barnett moved to approve the amending plat as presented. Motion was seconded by Cmr. Harmon and passed 5-0.

2B. Consideration & Action, Amending Plat – Consideration and action concerning a proposed amending plat for Lots 1, Block 5 of Guadalupe Heights No. 2, being 1.30 acres of land, more or less, out of William Watt Survey no. 69, abstract no. 367, in Kerr County, Texas; comprising all of Lot 1, Block 5, of the Guadalupe Heights No. 2, a subdivision of record in volume 2 at pages 34-36 of the plat records of Kerr County, Texas, and .34 acres originally platted as the right-of-way for Cherry Way on said plat of Guadalupe Heights No. 2. 126 Hilltop Drive East. (File No. 2017-002).

Mr. Robertson presented the case and asked Commissioners to render a decision.

Mayor White made the following comments: "There has been some question from the [County] Commissioners Court to us to address the issue of both county and city in the ETJ having to do certain check offs for property owners. I went back in the minutes from meetings passed and this has been ongoing for years and years it looks like to me so at some point in the near future we probably need to get our heads together because now we'll have to see what the county does on Monday. The reason why Commissioner Letz wanted to address it is because of the delay and the expense the property owners have, having to go through two entities. I didn't realize that was the situation until recently, so something that you come up with some recommendations and remarks about to council because this is a situation that affects new developments as well. I appreciate you all taking time to look at it because like you said if we do annex it, we don't want to have to address a lot of issues that are already there. Hopefully the county will check and make sure on Monday that the county approves it and see if they have any issues with it."

Cmr. Barnett moved to approve the amending plat as presented. Motion was seconded by Cmr. Harmon and passed 5-0.

### **3. STAFF REPORT:**

Mr. Robertson reported there are no upcoming items to present at this time, however, he would like to have a training session in lieu of a regular meeting at 3:30 p.m. or 4:00 p.m.

Cmr. Waller suggested 3:30 p.m.

Mr. Robertson set the training session for Thursday, February 2, 2017 at 3:30 p.m.

Mr. Robertson said he was requested to report on the number of building permits that have been issued. For new residential permits in December, seven permits were issued and for commercial development in December four permits were issued.

### **4. ADJOURNMENT:**

This meeting was adjourned at 4:48 p.m.



# City of Kerrville Planning Department Report

To: Planning & Zoning Commission  
Agenda Item: 2B  
Hearing Date: May 4, 2017  
Representative: Staff

## Proposal

Approval of the minutes from the February 2, 2017 Planning & Zoning Commission meeting.

## MEMBERS PRESENT:

Bob Waller, Chairman  
Garrett Harmon, Vice-Chair  
Don Barnett, Commissioner  
Michael Sigerman, Commissioner  
Rustin Zuber, Commissioner  
David Jones, Alternate  
Marty Lenard, Alternate

## CITY COUNCIL LIASON

Glenn Andrew (**not present**)

## STAFF PRESENT:

Trent Robertson, City Planner  
Dorothy Miller, Recording Secretary  
Mayor Bonnie White

## CALL TO ORDER:

On February 2, 2017, Cmr. Waller called the Kerrville Planning and Zoning Commission regular meeting to order at 3:30 p.m. in the City Hall Council Chambers, 701 Main Street, Kerrville, Texas.

### **1. VISITORS/CITIZENS FORUM:**

Mr. Robertson announced that he was resigning from the City of Kerrville. He has been the City Planner for two years and will be taking a position as Director of Planning for the City of Midlothian.

### **2. CONSIDERATION AND ACTION**

2A. Consideration & Action, Amending Plat – Consideration and action concerning a proposed amending plat for Lots 6 AND 7, Block 1 of Keystone Section Two a subdivision containing .3 acres of

land, more or less, out of C. Self Survey no. 626, abstract no. 325 in the City of Kerrville, Kerr County, Texas. 1133 and 1137 Norfolk Lane North. (File No. 2017-007).

Mr. Robertson presented the case and asked Commissioners to render a decision.

Cmr. Barnett moved to approve the amending plat as presented. Motion was seconded by Cmr. Harmon and passed 5-0.

### **3. PLANNING & ZONING COMMISSION TRAINING**

Mr. Roberston held a training session to discuss the aspects of planning and zoning. The following topics were discussed:

- P&Z Makeup
- Zoning Change Requests
- Comprehensive Plan
- Subdivision Ordinance
- Sign Ordinance
- Annexation

### **4. ADJOURNMENT:**

This meeting was adjourned at 4:39 p.m.



# City of Kerrville Planning Department Report

To: Planning & Zoning Commission  
Agenda Item: 2C  
Hearing Date: May 4, 2017  
Representative: Staff

## **Proposal**

Approval of the minutes from the March 2, 2017 Planning & Zoning Commission meeting.

### **MEMBERS PRESENT:**

Bob Waller, Chairman  
Garrett Harmon, Vice-Chair  
Michael Sigerman, Commissioner  
Rustin Zuber, Commissioner  
David Jones, Alternate  
Marty Lenard, Alternate

### **MEMBERS ABSENT:**

Don Barnett, Commissioner

### **CITY COUNCIL LIASON:**

Glenn Andrew (**not present**)

### **STAFF PRESENT:**

Gordon Browning, Interim City Planner  
Dorothy Miller, Recording Secretary  
Mayor Bonnie White  
Don Davis, Interim City Manager  
EA Hoppe, Deputy City Manager

### **CALL TO ORDER:**

On March 2, 2017, Cmr. Waller called the Kerrville Planning and Zoning Commission regular meeting to order at 4:30 p.m. in the City Hall Council Chambers, 701 Main Street, Kerrville, Texas.

### **1. VISITORS/CITIZENS FORUM:**

Mr. Hoppe introduced Gordon Browning, Interim City Planner. Mr. Browning has had a long municipal career, over 30 years, retired, but spent just over 10 years in Mesquite, about six years with the City of Kerrville, and went into his interim role and has since served in Big Springs, Abilene, and Castorville and now has come back to help the City of Kerrville while they search for a new city planner.

## **2. PUBLIC HEARINGS AND ACTION:**

**2A. Public Hearing & Action, Replat** – Public hearing, consideration, and action concerning a request for replat for Lots 2 and 3, Block 1 and the Meeker Road Right-of- Way of Sendero Ridge Subdivision Unit 1A, a subdivision containing 6.71 acres, more or less, out of Samuel Wallace Survey no. 113, abstract no. 347 in the City of Kerrville, Kerr County, Texas; Comprising all of lots 2 and 3 in block 1 and the Meeker Road right-of-way of Sendero Ridge subdivision Unit 1A, a subdivision of Kerr County according to the plat of record in volume 7 at page 99 of the plat records of Kerr County, Texas, located at approximately 2500 Singing Wind Drive. (File No. 2017-011). Mr. Robertson presented the case and asked Commissioners to render a decision.

Mr. Browning presented the case and asked Commissioners to render a decision.

Mr. Waller opened the public hearing at 4:33 p.m. Hearing no one speak, Mr. Waller closed the public hearing at 4:34 p.m.

Mr. Harmon moved to approve the replat as presented. Motion was seconded by Mr. Zuber and passed 5-0.

## **3. ITEMS FOR DISCUSSION:**

**3A. Draft of Letter from P&Z Directed to City Council** – This item is concerning a letter the Planning & Zoning Commission has drafted directed toward the City of Kerrville City Council pertaining to the Comprehensive Plan.

Commissioners discussed the reason for writing a draft letter to City Council regarding the Comprehensive Plan.

Mr. Jones moved to submit the letter to city staff and city council with the edits discussed. Motion was seconded by Mr. Zuber and passed 5-0.

## **4. STAFF REPORT:**

Mr. Browning reported there are no upcoming cases at this time.

## **5. ADJOURNMENT:**

This meeting was adjourned at 5:18 p.m.



# City of Kerrville Planning Department Report

To: Planning & Zoning Commission  
Agenda Item: 3A  
Hearing Date: May 4, 2017  
Representative: Staff

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## **Discussion Item: Home Occupation**

At their April 6, 2017 meeting, the Commission directed Staff to proceed with the development of an ordinance amendment creating provisions for the operation of home occupations in the City's residential districts. Staff has reviewed ordinances from other cities, some smaller some larger, and put together a "DRAFT" document for your review. This draft document is meant to be a place to start our discussion of this topic. The draft divides the use into six (6) sections, General Provisions, Standards of Operation, Permitted Home Occupations, Uses Prohibited as Home Occupations, Administration and Existing Home Occupations.

Also attached is the current definition and list of uses allowed in the Zoning Code.

## Article 11-I-3 Definitions and Interpretation of Words and Phrases

### Existing:

**(57) Home Occupation:** An occupation, business, or activity occurring in a dwelling unit, or accessory building or garage associated with a dwelling unit, which: (see attached complete definition)

### Proposed:

**(57) Home Occupation:** A home occupation is a business activity conducted in the home or dwelling unit and is further defined in Article 11-I-19 (I), "Home Occupation Regulations".

### New Article 11-I-19 (I) – Home Occupation Regulations:

## ARTICLE 11-I-19 SUPPLEMENTAL DEVELOPMENT REQUIREMENTS

### I. Home Occupation

#### A. GENERAL PROVISIONS:

##### 1. SCOPE.

- a. These regulations shall apply in the City's residential Zoning Districts as defined in Article 11-I-10, "Residential Zoning Districts".
- b. These regulations shall not apply to:
  - i. A community home that meets the qualifications imposed under Texas Human Resources Code to be authorized in any district zoned as residential; or
  - ii. Cottage food production operations which fall under the purview of Texas Local Government Code Chapter 211, Subchapter C.

**Note:** The aforementioned exemptions shall not exempt a community home and/or cottage food production operations from applicable development, building and operation codes and regulations of the City.

2. PURPOSE. The purpose of this section is to insure the continuance of the residential character of the City's Residential Districts by permitting only low-intensity home occupations that are clearly incidental and secondary to the primary residential use of the property and that are conducted in a limited manner which creates little exterior indication of the activity and which does not create a nuisance or otherwise adversely impact the health, safety or welfare of the

neighborhood or interfere with their neighbors' peaceful and quiet enjoyment of the home and domicile.

3. **REGISTRATION REQUIRED.** Prior to conducting a home occupation, the operator shall register the home occupation by submittal of a completed home occupation registration application form to the Development Services Office.
  - a. The application may be obtained from the Development Services Department and shall, at a minimum, include the following information:
    - i. The address where the home occupation activity will be conducted.
    - ii. The names of the individuals who will be involved in the home occupation activity.
    - iii. A description of the nature and extent of the proposed home occupation activity.
    - iv. The applicant's sworn or affirmed statement that the applicant understands these regulations and that the home occupation activity shall be conducted in compliance with the standards of operation set out in these regulations.
  - b. If the home occupant activity is approved, the form shall clearly state the date of such approval.
4. **EXPIRATION.** Approval of a home occupation shall be limited to one year, from the date of approval. However, such approval shall be automatically renewed annually unless the applicant provides written notice to the Development Services Department that the home occupation has been discontinued.

**B. STANDARDS OF OPERATION:**

All home occupations shall comply with the following performance standards and limitations, except as specifically stated.

The standards set forth below are to minimize the annoyance and inconvenience to neighboring property owners within residential areas. These standards are intended to allow reasonable and comfortable enjoyment of adjacent and nearby property by their owners and by occupants of neighboring residential dwellings, while providing opportunities for the pursuit of home-based businesses.

All home occupations shall also be subject to any and all provisions of local, state and/or federal regulations and laws that govern such uses.

**1. EMPLOYEES**

No one other than an occupant of the residence shall be engaged in the home occupation.

**2. SPACE AND LOCATION**

The maximum area used for the home occupation shall not exceed 25% of the living area of the residence, including storage areas.

### 3. STORAGE

- a. Storage shall be enclosed within the residence, which includes an attached garage.
- b. If, outside storage is required in conjunction with a home occupation, such storage shall not be visible from the public right-of-way.

### 4. ALTERATIONS

No exterior alterations to the dwelling, such as the creation of a separate entrance, which changes the residential appearance or character shall be permitted.

### 5. EQUIPMENT

The installation, storage or use of any equipment or machinery not normally found in a household or general office shall be prohibited.

### 6. SALES AND DISPLAY

Direct, on-site sales, retail or wholesale and the display of goods or products on the premises shall be prohibited.

### 7. NUISANCES

The creation of any noise, orders, vibrations, glare, fumes or electrical interference which is detectable outside the structure shall be prohibited.

### 8. DELIVERIES

No deliveries related to the home occupation shall be permitted by vehicles of more than two (2) axles.

### 9. TRAFFIC

Home occupations shall not involve the regular visits of clients, employees or any other persons to the residence to the conduct of the home occupation.

### 10. ADVERTISING/SIGNS

The home occupation shall not be advertised by any sign on the premises. No advertising shall be placed in any media which contains the address of the property or otherwise encourages clients to visit the residence.

**C. PERMITTED HOME OCCUPATIONS:**

The following uses shall require registration as stated above, provided that full compliance with the standards of operation are followed, except as modified herein.

1. Home office's conducting traditional office functions for off-site activities as well as professional offices, provided client contacts/consultations are conducted off-site.
2. Individual tutoring or lessons in art, dance, music or similar activities are permitted, provided that a maximum of five (5) students per day shall be permitted at the residence.
3. Counseling and therapy services are permitted provided that a maximum of five (5) clients per day shall be permitted at the residence.
4. Author, artist, artisan or sculptor studios are permitted provided that full compliance with all standards of operation stated above are met.
5. Dressmaker, seamstress or tailor services are permitted provided that a maximum of five (5) clients per day shall be permitted at the residence.
6. Repair of small electrical appliances, cameras, watches, clocks and/or other small items are permitted, provided that the item can be carried by one person and that full compliance with all standards of operation stated above are met.
7. Uses involving small scale/item assembling such as arts and craft items.

**D. USES PROHIBITED AS HOME OCCUPATIONS:**

Except as specifically authorized, the following uses are prohibited as home occupations;

1. On-site retail or wholesale sales of any kind where customers visit the residence.
2. Vehicle repair and service of any type, to include boats and recreational vehicles.
3. Uses involving the grooming, breeding or boarding of animals.
4. Repair services for large appliances, furniture, lawn mowers or similar engine repair.
5. Uses involving manufacturing and/or assembling.
6. Uses involving the sale of fire arms, ammunition or explosives.

**E. ADMINISTRATION:**

The City Planner shall make all determinations as to whether any aspect of a proposed home occupation complies with the requirements of these regulations. However, whenever the City Planner deems it to be warranted the City Planner may submit an application for a home occupation activity request to the Planning and Zoning Commission and City Council for review under the requirements regarding a Conditional Use Permit (Article 11-I-13). In such instance, the applicant shall be required to pay all applicable fees associated with a Conditional Use Permit application.

**F. EXISTING HOME OCCUPATIONS:**

Any home occupation that was legally in existence, and not operating in violation of any local, state or federal law or regulation, as of the effective date of these regulations but, that is not in full conformity with these regulations shall be deemed a legal nonconforming use and may continue in accordance with Article 11-I-16 (Non-Conforming Uses) of the Zoning Code.

Non-Conforming home occupation operators shall be required to prove the continuation of the lawful non-conforming use. Proof may be established by the registration of the non-conforming use by submittal to the City Planner, and approved by the City Planner, of a home occupation registration application within 90 days of the effective date of these regulations. Failure to register a non-conforming use shall cause a presumption that the use is not legally non-conforming and the City Planner may take action to require the discontinuance of such use, provided that the non-conforming use operator may appeal the City Planner's action to the Board of Adjustment so long as such appeal is taken within the time period prescribed in the Zoning Code for appeals of administrative decisions.

(56) **Homesay:** An owner-occupied single-family dwelling that provides lodging for compensation to a single group not exceeding five people for periods not exceeding three consecutive days, with no fewer than ten (10) days occurring between the end of one three day period and the beginning of the next three day period.

(57) **Home Occupation:** An occupation, business, or activity occurring in a dwelling unit, or an accessory building or garage associated with a dwelling unit, which:

- (i) is managed and owned by a person residing in the dwelling unit;
- (ii) has no more than one employee who is not a member of the immediate family of the owner/manager; or be a member of the immediate family of the owner who does not live in the same dwelling unit;
- (iii) has no commercial display visible from the exterior of the dwelling unit;
- (iv) has no commercial show window visible from the exterior of the dwelling unit;
- (v) requires no outdoor storage of materials, supplies, or equipment used in the business;
- (vi) does not have vehicles or trailers parked on the premises in a place visible from adjoining property or public rights-of-way which identify by signs the occupation, business or activity are;
- (vii) except for an unlighted name plate or business sign with a face not more than two square feet attached flush to the building, uses no exterior sign to identify the occupation or business or to indicate the means of access to the business, including, but not limited to, any directional sign;
- (viii) does not generate pedestrian traffic, vehicular traffic or vehicular parking substantially greater or substantially different in kind or character than that ordinarily associated with a similar dwelling used solely for residential purposes;
- (ix) requires the use of no more than three off-street parking spaces constructed on the premises;
- (x) is no more dangerous to life, personal safety, or property than any other activity ordinarily carried on with respect to a dwelling unit used solely for residential purposes;
- (xi) does not result in the production of noise, odors, or fumes that constitute a public or private nuisance to neighboring properties;

(xii) subject to conformance with paragraphs (i) through (xi), above, may include

- (a) Child care for up to six children under the age of fourteen years of age for a period of less than 24 hours a day; provided, however:
  - (1) in no case shall the total number children related to the caretaker by birth, adoption, marriage or conservatorship plus the number of children not related to the caretaker exceed a total of twelve children; and
  - (2) care must be provided in compliance with all applicable state and federal regulations, including, but not limited to, Title 40, Chapter 715, Texas Administrative Code, as amended.  
(Ord. #2000-16, 09/25/2000)
- (b) instructional classes that are associated with art, dance, music, handicrafts, hobbies, health or fitness, and similar subjects;
- (c) grooming of dogs and cats of not more than four at any one time, provided that none are boarded as a kennel;
- (d) massage therapy, chiropractic care, or facial, hair, and nail salons, provided that no more than two clients may be served at one time;
- (e) repair of small personal items such as watches or jewelry;
- (f) photographic studios;
- (g) seamstress or tailoring services;
- (h) small custom manufacturing services; or
- (i) multi-level marketing or similar sales businesses based within the home;
- (j) gunsmithing subject to compliance with the following:
  1. all work shall be conducted in a detached structure;
  2. retail sales of firearms is prohibited;
  3. the discharge of a firearm is prohibited;
  4. signage advertising the home occupation is prohibited; and
  5. the use shall be conducted in conformance with federal and state laws and verification of all appropriate licensing, including licensing from the U.S. Bureau of Alcohol, Tobacco, and Firearms, shall be presented to the City upon request.” (Ord. #2009-06, 04/14/2009)

(xiii) does not involve the repair of vehicles, large equipment, or large appliance, unless:

- (a) not more than one vehicle or appliance is located on the property for purposes of repair; and
- (b) all work is carried on out of sight from the public by screening or conducting all work indoors; and
- (c) no vehicle left for repairs may be parked on a public street;

(xiv) does not involve retail sales except as part of a home-based multi-level marketing business or as incidental to another permissible home occupation.

(58) **Hospital Services:** The provision of medical, psychiatric, or surgical services for sick or injured persons, including convalescent services, primarily on an inpatient basis, and including ancillary facilities for outpatient and emergency treatment, diagnostic services, training, research, administration, and services to patients, employees or visitors.

(59) **Hotel; Motel:** A facility that primarily provides short-term lodging services involving rooms for rent with or without board, even if the facility has located on the same premises a restaurant or cocktail lounge as a secondary use.

(60) **Institutional and Public Use Facilities:** Middle schools, high schools, colleges, golf courses, public facilities, churches, and other facilities and locations for the assembly of the public, including auditoriums and convention facilities.

(61) **Junk:** Old, worn out, or discarded material or items which may or may not be salvageable for some other use.

(62) **Junk Yard:** Shall have that meaning as set forth in Art.9-V- I of the Code of Ordinances.

(63) **Kennels:** Shall have the same meaning as set forth in Art.10-1-3, Sec.(a)(l)j of the Code of Ordinances.

(64) **Laundry Services:** The provision of laundering, dry cleaning or dyeing services other than those classified as Personal Services, including, but not limited to, bulk laundry and cleaning plants, diaper services, and linen supply services.