

**CITY OF KERRVILLE, TEXAS
ORDINANCE NO. 2022-15**

**AN ORDINANCE AMENDING CHAPTER 82 OF THE CODE OF
ORDINANCES, CITY OF KERRVILLE, TEXAS, SUCH CHAPTER
MORE COMMONLY KNOWN AS THE CITY'S SUBDIVISION
CODE; BY AMENDING SECTION 82-53(Q) OF SAID CODE TO
CHANGE REQUIREMENTS FOR POINTS OF ACCESS INTO
RESIDENTIAL SUBDIVISIONS AND ALIGNING THIS SECTION
WITH CHANGES TO THE FIRE CODE; AND PROVIDING
OTHER MATTERS RELATING TO THE SUBJECT**

WHEREAS, on September 28, 2021, City Council adopted Ordinance No. 2021-24, which consisted of a full-scale revision of the City's Subdivision Code; and

WHEREAS, Ordinance No. 2021-24 was adopted in accordance with and pursuant to the City's Comprehensive Plan; and

WHEREAS, pursuant to several recent land development projects and their respective plats, City staff recommends amending the Subdivision Code as to the regulation that applies to a residential development's points of access; and

WHEREAS, the amendment referenced above will align the Subdivision Code with an amendment concurrently being made to the City's Fire Code; and

WHEREAS, pursuant to Section 212.002 of the Texas Local Government Code, notice has been given to all parties in interest and citizens by publication in the official newspaper for the City of Kerrville, Texas ("City"), and otherwise, of a hearing held before the City Council on March 22, 2022, which considered a report from City staff regarding its recommendations on an ordinance, the adoption of which will result in an amendment to the Subdivision Code as provided herein; and

WHEREAS, on March 22, 2022, City Council held a public hearing on the amendment provided herein and has considered comments, a report, and recommendations of the Planning and Zoning Commission and staff, public testimony, and other relevant support materials;

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

SECTION ONE. Section 82-53(q) of the Subdivision Code is amended in its entirety new language indicated by blue, underline (addition) as follows:
"Sec. 82-53. - Thoroughfare and street improvements.

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(q) *Points of access.* All residential subdivisions shall have point(s) of access from improved public roadways, such access points to serve as fire apparatus access roads in compliance with the Fire Code as to the number, construction standards, and separation requirements. Each point of access shall be designed to safely cross any flood prone areas with a primary point of access designed to not be impacted by a 25 year rain event. Where required, a secondary point of access shall be designed to not be impacted by a ten year rain event. Each point of access shall comply with the TCSS and the Drainage Design Manual.

SECTION TWO. The City Secretary is authorized and directed to submit this amendment to the publisher of the City's Code of Ordinances and the publisher is authorized to amend said 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 THREE. The penalty for violation of this Ordinance shall be in accordance with the penalty provision contained in Section 1-7 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 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 in direct 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. City Council hereby declares that it would have passed this Ordinance and each section, subsection, sentence, clause, or phrase hereof irrespective of the fact that one or more sections, subsections, sentences, clauses, or phrases be declared unconstitutional or invalid.

SECTION SIX. In accordance with Section 3.07 of the City Charter and Section 52.013(a) of the Texas Local Government Code, 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. The Ordinance shall then become effective in accordance with this Charter section.

PASSED AND APPROVED ON FIRST READING, this the 22 day of
March, A.D., 2022.

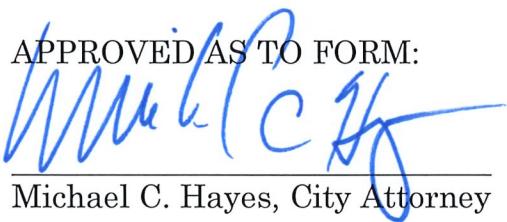
PASSED AND APPROVED ON SECOND AND FINAL READING, this
the 12 of APRIL, A.D., 2022.


Bill Blackburn, Mayor

ATTEST:


Shelley McElhannon, City Secretary

APPROVED AS TO FORM:


Michael C. Hayes, City Attorney