

CITY OF KERRVILLE, TEXAS
ORDINANCE NO. 2022-23

AN ORDINANCE CREATING A “PLANNED DEVELOPMENT DISTRICT” (ZONING) FOR LIGHT COMMERCIAL USES AND A PARKING LOT ON AN APPROXIMATELY 1.49 ACRE PROPERTY, CONSISTING OF LOT 21-R, BLOCK G, B.F. CAGE ADDITION; WITHIN THE CITY OF KERRVILLE, KERR COUNTY, TEXAS; AND MORE COMMONLY KNOWN AS 820 SIDNEY BAKER AND 829 CLAY STREET; ADOPTING A CONCEPT PLAN AND CONDITIONS RELATED TO THE DEVELOPMENT AND USE OF SAID LOT; AND PROVIDING OTHER MATTERS RELATING TO THE SUBJECT

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

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

SECTION ONE. The property described in **Exhibit A** (the “Property”) is removed from a Light Commercial Zoning District (C-2) and a Residential Transition Zoning District (RT), based upon its previous configuration as separate properties, and placed within a newly created Planned Development District (“PDD”) for development and use as provided herein.

SECTION TWO. The Property may be developed and used but only in accordance with the following conditions:

A. Permitted Uses: The following uses are permitted within the PDD subject to the conditions provided herein and the applicable regulations for each use as provided within the Zoning Code:

1) The portion of the Property located at 820 Sidney Baker Street (“Portion A”) – Portion A may only be used for those permitted and conditional uses as allowed in the Light Commercial (C-2) Zoning District as provided within the Zoning Code.

2) The portion of the Property formerly addressed as 829 Clay Street (“Portion B”) – Portion B may only be used for a parking lot

PUBLISHED 9/29/2022
EFFECTIVE 10/09/2022

("Parking Lot"), defined as parking surface or series of surfaces used or intended to be used for the parking or circulation of vehicles for which a fee may or may not be charged, and for no other purpose or use. Parking on the Parking Lot shall only be for the benefit of employees, customers, and others that are actively using Portion A.

Because Portion A and Portion B now exist as a single lot, the dividing line between each, for purposes of this PDD, will consist of the western edge of the concrete driveway behind the building on Portion A, such line as indicated on the Concept Plan attached as **Exhibit B**.

- B. Prohibited Uses:** Any use not specifically allowed in Portion A or Portion B as specified within subsections A.1) and 2) is expressly prohibited.
- C. Concept Plan:** The development and use of the Property shall be substantially in accordance with the Concept Plan. Minor modifications to number and alignment of buildings, building areas and footprints, open spaces, and pedestrian access shown on the Concept Plan may be made so long as the general alignment of building areas and lot layout are substantially maintained and the location and boundary of the lot is not altered.
- D. Setbacks:** Parking spaces on Portion B shall maintain a setback of a minimum of 15 feet (15.0') from the Property line adjacent to Clay Street. This open space area shall be landscaped and permanently maintained with healthy, growing landscaping, but with such landscaping not impairing sight distances for vehicles exiting Portion B.
- E. Parking:** The design, number of parking spaces, and aisle dimensions shall comply with the Concept Plan. All parking shall be marked and kept available for customers, employees, and others using the Property. The Parking Lot and driveway between Portion A and Portion B shall be used to provide for vehicular access traveling between the two areas and shall comply with the City's Fire Code.
- F. Parking Lighting:** All outside pole lights shall be of a full cut-off design and shall be located, shielded, and aimed in such a manner so as not to allow light to directly fall on adjacent roadways and/or properties. Up-lighting is prohibited.
- G. Parking Lot and Travel Lane Surface:** The vehicle traveling lanes and parking spaces shall be asphalt or concrete in order to prevent mud, dirt, or

other loose materials from being removed from the Property and tracked onto the public rights-of-way by vehicles traveling from the Property.

H. Signage: The design, installation, location, and maintenance of signs shall comply with City sign regulations existing at the time of permitting for the sign, except for the signs required by this subsection.

1) Required Signs for Portion B:

a) A sign with the following message shall be required for Portion B in order to notify drivers of the regulated use, such sign to be located near the access from Portion A to Portion B:

i. "Parking for Employees and Customers of 820 Sidney Baker Business Only.

b) The sign required by subsection H.1):

i. Shall not exceed six square feet in area;

ii. Shall not exceed six feet in height;

iii. Shall not be placed closer than five feet to any property or right-of-way line; and

iv. Shall be permanently mounted or installed;

2) Any additional sign applied for Portion B shall meet the sign regulations for the Residential Transition (RT) Zoning District. The sign required by subsection 2(H)(1) does not count towards the total number of signs otherwise allowed by City ordinances.

I. Landscaping Regulations: Landscaping shall be installed in accordance with the following:

1. Planting materials planted on the Property shall be from the list of recommended plants set forth in the most recent edition of *Recommended Plants for the Kerrville Area* published by the City at the time of planting.

2. All landscaping shall be maintained in a healthy, growing condition.

J. Screening: Screening shall be required along the southwest property line of Portion B, as indicated on the Concept Plan attached as **Exhibit B**. Such screening is subject to the following:

1. The wall or fence shall be constructed and maintained of at least six feet but no more than eight feet in height of solid masonry materials, weather-resistant wood fencing materials, or ornamental fencing behind a landscape screen.
2. Screening consisting of a wall or fence shall maintain a fifteen foot setback from.
3. Landscaping may be used in combination with any of the above screening and fencing techniques, and such landscaping may encroach into a setback.

K. Trash and Other Solid Waste: Solid waste collection bins and dumpsters are prohibited on Portion B.

L. Outdoor Storage and Display: The outdoor storage of any materials, supplies, inventory, and/or equipment, whether in cargo containers or similar containers or buildings, is prohibited except on a temporary basis for construction-related purposes.

M. Vested Rights: The Concept Plan constitutes a “permit” as defined in Chapter 245, Texas Local Government Code, as amended, that is deemed filed with the City on the effective date of this ordinance.

SECTION THREE. The City Manager or designee is authorized and directed to amend the City’s official zoning map to reflect the change in districts adopted herein and to take other actions contemplated by and in accordance with the City’s Zoning Code.

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

SECTION FIVE. If any section, subsection, sentence, clause, or phrase of this Ordinance is, for any reason, held to be unconstitutional or invalid, such holding shall not affect the validity of the remaining portions of this Ordinance. City Council 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.

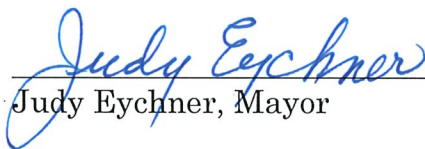
SECTION SIX. The penalty for violation of this Ordinance shall be in accordance with the general penalty provisions contained in Section 1-7, Chapter 1 of the Code of Ordinances of the City of Kerrville, Texas, which provides for a fine not exceeding TWO THOUSAND DOLLARS (\$2,000.00).

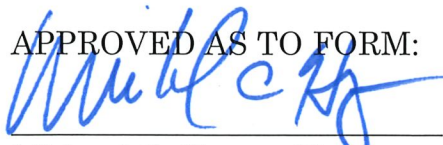
SECTION SEVEN. In accordance with Section 3.07 of the City Charter and Texas Local Government Code §52.013(a), the City Secretary is hereby authorized and directed to publish the descriptive caption of this Ordinance in the manner and for the length of time prescribed by the law as an alternative method of publication.

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

PASSED AND APPROVED ON FIRST READING, this the 09 day of August, A.D., 2022.

PASSED AND APPROVED ON SECOND AND FINAL READING, this the 27 day of SEPTEMBER, A.D., 2022.


Judy Eychner, Mayor

APPROVED AS TO FORM:

Michael C. Hayes, City Attorney

ATTEST:

Shelley McElhannon, City Secretary

T:\Legal\DEVELOPMENT SERVICES (Planning)\Zoning\ORD\PDD\820 Sidney Baker-829 Clay\829 Clay-820 Sidney Baker_092822.docx

PUBLISHED 9/29/2022
EFFECTIVE 9/29/2022

This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only approximate relative locations.

