

## **ZONING CHANGE REQUESTS AND CONDITIONAL USE PERMITS**

Prior to the submittal of an application, the applicant is encouraged to schedule a pre-application conference with the City Planner.

### **CONDITIONS FOR PROCESSING – COMPLETE APPLICATION REQUIRED**

The applicant shall submit the following information to begin the rezoning or conditional use permit process. Each and every item is considered an essential part of the application and is necessary to ensure a proper review. Once submitted, the City Planner will review the application for completeness. If the application is incomplete, the applicant will be notified and the application returned for resubmittal.

### **INCOMPLETE APPLICATIONS WILL NOT BE REVIEWED.**

**ALL APPLICATIONS:** The following items must be submitted for a zoning application to be considered complete.

- A completed Development Services “Master Application” form, including a clear description of the requested action
- The property owner’s signature on the application form, or the owner must otherwise indicate his or her consent in writing
- A planimetric map, boundary survey, or other map adequate to accurately identify and locate the subject property
- A complete metes and bounds legal description of the subject property and, if available, the street address of the property
- An application fee as noted on the “Master Application” form
- A detail description of the proposed use of the property
- For a Conditional Use Permit (CUP): A complete application must include a completed **Conditional Use Permit Submittal Checklist**
- For a Planned Development District (PDD): A complete application must include a completed **Planned Development District Submittal Checklist**

### **Concurrent Submittals**

Unless authorized by the City Planner, the applicant may **not** submit Development Site Plans, Engineering Plans, Building Plans or Plats concurrent with a zoning application.

## PROCEDURES FOR ZONING CHANGES, PLANNED DEVELOPMENT AND CONDITIONAL USE PERMITS

**Public Hearings/Notification:** Public hearings are meetings which are open to all interested parties and at which such parties may present testimony in favor or in opposition to a requested action. Once an application is accepted and the dates of the public hearings are established, notice of the requested action, hearing dates and location will be publicized by the following methods: 1) Publication in *The Kerrville Daily Times*, and 2) Written notice mailed to property owners within 200-feet of the subject property (this is the statutory notification area). Where appropriate, the notice may be distributed beyond 200-feet to increase public participation.

**Staff Comments and Recommendation:** The Planning Division staff will review all requests for a zoning change and prepare a staff report for the Planning and Zoning Commission, including comments related to the request and provide a recommendation for action. This report is made available to the applicant and is posted with the meeting agenda on the City's website, [www.kerrvilletx.gov](http://www.kerrvilletx.gov).

**Planning and Zoning Commission:** The Planning and Zoning Commission (the Commission) will hold a public hearing and make a recommendation to the City Council regarding all requests for a zoning change. The Commission's recommendation shall contain one of the following; 1) approve as requested, 2) approve with modifications recommended by staff or the Commission, and 3) deny the request. All recommendations are forwarded to the City Council unless the applicant withdraws the request.

**City Council:** The City Council (the Council) will hold a public hearing and may sustain, reverse or modify the Commission's recommendation by a simple majority vote. A  $\frac{3}{4}$  vote of the Council is required if the owners representing 20% of the property within the statutory notification area file *written* opposition to the proposed change. Council's action is final and a request that is denied may not be presented again for one year without extenuating circumstances.

**Presentation/Postponement:** The applicant or a representative must be present at all hearings to describe the proposed request and answer questions. However, hearings may be held as published and action taken with or without the applicant in attendance. Public hearings will generally **not** be postponed once notice has been published.

**Ordinance/Resolution Preparation and Adoption:** A zoning change and/or Planned Development District is not approved until an ordinance is adopted. This process takes two (2) readings of the ordinance by City Council. A conditional use permit is not approved until a resolution is adopted by City Council. This action can take place following the public hearing. The Planning staff and City Attorney will prepare the ordinance/resolution and submit it to the Council for action concurrent with the public hearing. ***Approval of a zoning change, planned development district or conditional use permit is not a permit for construction.***

**Meeting Information:** All public hearings are held in the City Council Chambers of the Kerrville City Hall, 800 Junction Highway, Kerrville, Texas.

**FIELD NOTES**

**MUST BE**

**SUBMITTED**

**WITH**

**APPLICATION.**

**THIS IS NOT A REQUEST!**

## CONDITIONAL USE PERMIT SUBMITTAL CHECKLIST

Name of Development (If any) \_\_\_\_\_

Property Location: \_\_\_\_\_

Proposed Use: \_\_\_\_\_

Current Zoning Designation: \_\_\_\_\_

Acreage of Proposed Development: \_\_\_\_\_

Submission of this completed form is part of the Conditional Use Permit (CUP) Application. All items must be "checked off" and included prior to submittal. If the applicant deems an item to be "Not Applicable" to the proposed request, it shall be marked as "NA" with an explanation. The explanation for the "NA" item must be stated in a separate document.

### **AN INCOMPLETE CHECKLIST CONSTITUES AN INCOMPLETE APPLICATION.**

#### GENERAL INFORMATION:

- \_\_\_ Pre-Application Conference Date (Optional): \_\_\_\_\_
- \_\_\_ Filing Fee (\$300), See master application
- \_\_\_ Concept Plan, If the sheet size is larger than 11 x 17, 20 copies are required
- \_\_\_ Vicinity Map
- \_\_\_ North Arrow
- \_\_\_ Date
- \_\_\_ Scale, drawn to a standard engineering scale, not less than 1" – 100'

#### SITE INFORMATION:

- \_\_\_ Location of existing/proposed building(s) showing required setbacks
- \_\_\_ Property boundaries with bearings and distances and existing easements
- \_\_\_ Elevations of proposed exterior of the building(s), if no exterior changes are proposed, photographs of the existing building(s) may be substituted
- \_\_\_ Location of existing/proposed drive approaches
- \_\_\_ Show location and dimensions of required parking, loading/unloading and services areas and drive aisles
- \_\_\_ Location of existing/proposed drainage areas, structures or water courses
- \_\_\_ Location of existing/proposed exterior lighting (parking lot) and landscape areas

- \_\_\_ 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
- \_\_\_ The number and locations of properties within one thousand feet (1000') of the applicant's property that have the same or similar use(s) as that proposed by the applicant
- \_\_\_ The use(s) of the properties immediately contiguous to the property described in the application
- \_\_\_ 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 ordinance regulating storm water runoff