



**PLANNING AND ZONING BOARD AGENDA**  
**JANUARY 06, 2022 – 6:00 P.M.**  
**COUNCIL CHAMBERS IN THE RUHMAN C. FRANKLIN MUNICIPAL BUILDING**  
**303 W. MAIN ST., KENEDY, TX. 78119**

Notice is hereby given of a Regular Meeting of the Planning and Zoning Board on the 6<sup>th</sup> day of January, 2022 at 6:00 p.m. at which time business will be conducted in accordance with Local Government Code 551 as follows:

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1. Call Regular Planning and Zoning Board meeting to order and establish a quorum is present.
2. Welcome Guests.
3. Citizen comments.
4. Discussion and approval of Regular Meeting Minutes for December 02, 2021.
5. Consideration and possible recommendation for a request to vacate and re-plat in the City of Kenedy, Karnes County, Texas an being a plat creating Lot 1 and Lot 2 in the Cardona Subdivision of the City of Kenedy, Texas, Karnes County, Texas a subdivision plat of .40 acres of land within the City limits of Kenedy out of the Carlos Martinez 15 League Grant, Abstract No. 6, Karnes County, Texas and being the land described in a conveyance to Antonio Cardona in the deed of record in document 20180002797 of the official records of Karnes County, Texas to be further know as 412 Mixon St. and 416 Mixon St.
6. Consideration and possible recommendation for a request to vacate and re-plat in the City of Kenedy, Karnes County, Texas an being a parcel of land in Block 4 Lot A7-1 and Lot A7-2 in the Levi Pullin New Mexican Subdivision of the City of Kenedy, Texas, Karnes County, Texas out of the Carlos Martinez 15 League Grant, Abstract 6, Karnes County, Texas as shown on the plat of record in Volume 122, Page 106 of the deed records of Karnes County, Texas and to be further known as 100 Snocum St. and 102 Snocum St.
7. Consideration and possible recommendation for a request to vacate and re-plat of Lot 4A Block 34 in Kenedy Addition of the Carlos Martinez 15 League Grant Abstract No. 8 in the City of Kenedy, Texas, Karnes County, Texas as shown on the plat of record in Cabinet A, Page 149 of the deed records of Karnes County, Texas and to be further know as 202 S. 6th. St.
8. Consideration and possible action on a variance request of the Code of Ordinance Chapter 90 "Zoning", Section 90-10 (c) Height and area regulations (2), to allow the encroachment of four (4') foot into the twenty-five (25') front building setback as established by the City of Kenedy, location being known as 124 Karnes St.

9. Consideration and possible action on a variance request of property located at 148 and 150 Nottingham St. of lots 91 and 92 in the Bellaire Subdivision in the City of Kenedy, Karnes County, Texas. The zone request is for lots 91 and 92 being in the Single-Family District "SF" to Commercial "C". The Commercial Zoning Classification for this Single-Family property would be consistent with its location fronting Highway 2102 so that the property can be represented and utilized as a Commercial property.
10. Items to consider for placement on future agendas.
11. Adjourn.

### **Special Accommodations**

This facility is wheelchair accessible and accessible parking spaces are available. Requests for accommodations or interpretive services must be made 48 hours prior to this meeting. Please contact the City Secretary's office at (830) 583-2230 or FAX (830) 583-2063 or email [citysecretary@kenedytx.gov](mailto:citysecretary@kenedytx.gov) for further information. Braille is not available.

The Planning and Zoning Board of the City of Kenedy reserves the right to convene in Executive Session in accordance with the Texas Open Meetings Act, Texas Government Code: Section 551.071 (Consultations with Attorney), Section 551.072 (Deliberations about Real Property), and Section 551.076 (Deliberations about Security Devices) on any of the above items.

### **Certification**

I, Ruby Mowles, certify that the above notice of this Regular Planning & Zoning Board Meeting was posted at the front doors to the City Hall, 303 W. Main St., Kenedy, Texas on the 3<sup>rd</sup> day of January, 2022 by 5:15 p.m.

  
 Ruby Mowles, City Secretary



**PLANNING & ZONING BOARD AGENDA**  
**Regular Meeting: Thursday, January 06, 2022**

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**AGENDA ITEM: 1**

Call Regular Planning and Zoning Board meeting to order and establish a quorum is present.

**SUBMITTED BY:** Chair Dupnik

**PLANNING & ZONING BOARD AGENDA**  
**Regular Meeting: Thursday, January 06, 2022**

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**AGENDA ITEM: 2**

Welcome Guests.

**SUBMITTED BY:** Chair Dupnik



**PLANNING & ZONING BOARD AGENDA**  
**Regular Meeting: Thursday, January 06, 2022**

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**AGENDA ITEM: 3**

Citizen comments.

**SUBMITTED BY:** Chair Dupnik

**PLANNING & ZONING BOARD AGENDA**  
**Regular Meeting: Thursday, January 06, 2022**

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**AGENDA ITEM: 4**

Discussion and approval of Regular Meeting Minutes for December 02, 2021.

**SUBMITTED BY:** City Secretary Ruby Mowles



**PLANNING AND ZONING BOARD MINUTES**  
**DECEMBER 02, 2021 – 6:00 P.M.**  
**COUNCIL CHAMBERS IN THE RUHMAN C. FRANKLIN MUNICIPAL BUILDING**  
**303 W. MAIN ST., KENEDY, TX. 78119**

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**MEMBERS PRESENT:**

Gretchen Dupnik, Chair  
 Jeffery Freeman, Vice Chair  
 Gary Richards  
 Robert Trevino

**MEMBERS ABSENT:**

Brandon Briones

**CITY PRESENT:**

City Manager William Linn  
 City Secretary Ruby Beaven  
 Building Official Jaime Albiar  
 Public Works Director Jerry Higgins

**CITY ABSENT:**

1. **Call Regular Planning and Zoning Board meeting to order and establish a quorum is present.**

Chair Dupnik called the meeting to order at 6:00 p.m. and announced a quorum was present.

2. **Welcome Guests.**

No guest present.

3. **Citizen comments.**

No citizen comments.

4. Discussion and approval of Regular Meeting Minutes for August 05, 2021 and Regular Meeting Minutes for September 02, 2021. No minutes to approve for October and November 2021.

**Motion:** Gary Richards made the motion to approve the Regular Meeting Minutes for August 05, 2021 and Regular Meeting Minutes for September 02, 2021 as presented. Vice Chair Freeman seconded the motion. Motion carried with all present voting in favor.

5. **Consider/Act on a variance request of Ordinance Chapter 74 “Subdivisions”, Section 74-13 “Special provisions”, to allow the continued use of a Onsite Sewer System Facility (OSSF) to be located on said property in the Carlos Martinez 19 League Grant Abstract 6, location being known as 515 East State Hwy 72.**

Sharon Chesser addressed the Board and stated she has been a resident for 30 years. Chesser stated Hurricane Harvey caused them to have to rebuild a new home and is unable to connect to City sewer since it is over 150 to 180 feet away. Chesser stated this location has always had an on-site sewer system on it and is requesting for a variance to update an on-site sewer system.

Public Works Director Jerry Higgins addressed the Board and explained this is an extraordinary situation for connection. Higgins explained there is one potential for an easement but it would cause future issues with land utilization if easement is utilized.

Building Official Jaime Albiar addressed the Board and recommended the variance and assured the Board this update for the on-site sewer system would be in compliance with code and have permits and inspections.

Discussion held among the Board, City Manager Linn, Building Official Jaime Albiar, Public Works Director Jerry Higgins, and home owner Sharon Chesser about the current system in place and the type of system seeking such as a conventional or aerobics system.

City Manager Linn recommended the variance be considered with the restriction for the on-site sewer system to be on the plat that the homestead currently resides on.

**Motion:** Gary Richards made the motion to approve a variance request of Ordinance Chapter 74 “Subdivisions”, Section 74-13 “Special provisions”, to allow the continued use of a Onsite Sewer System Facility (OSSF) to be located on said property in the Carlos Martinez 19 League Grant Abstract 6, location being known as 515 East State Hwy 72 with the restriction the new onsite sewer system be located on the plat the homestead resides on. Robert Trevino seconded the motion. Motion carried with all present voting in favor.

**6. Consider/Act on a variance request of Ordinance 11-11, Section 8 “SF” Single Family District; Section B “Use Regulations”, Article (a), “Permitted Uses” (1), Ordinance 08-9-2011; to allow the placement of a manufactured home to be located on said property in the JDN Addition of Kenedy Block 4 Lot East Part of 1 known as 249 Booe St.**

Building Official Jaime Albiar addressed the Board and discussed the owners request for a variance to place a manufactured home on the property. Albiar recommended the variance request to be approved.

Discussion held among the Board and Building Official Jaime Albiar and explained the difference between a mobile home / manufactured home and the area already having manufactured homes.

**Motion:** Vice Chair Freeman made the motion to approve a variance request of Ordinance 11-11, Section 8 “SF” Single Family District; Section B “Use Regulations”, Article (a), “Permitted Uses” (1), Ordinance 08-9-2011; to allow the placement of a manufactured home to be located on said property in the JDN Addition of Kenedy Block 4 Lot East Part of 1 known as 249 Booe St. Gary Richards seconded the motion. Motion carried with all present voting in favor.

**7. Discussion and possible action for the Planning and Zoning manual revisions.**



Gary Richards reviewed assigned section for pages 56-60 on behalf of Brandon Briones. No recommended changes for the pages.

Gary Richards reviewed assigned section for pages 61-65. No recommended changes for the pages.

Chair Dupnik reviewed assigned section for pages 66-70. No recommended changes for the pages.

Robert Trevino reviewed assigned section for pages 71-75.

Page 74, item 18 Handicapped Parking Spaces recommend moving the number up by one (1) and the 401 to 500 section to increase by 2% of total and be 401 and over. Recommend to eliminate the 501 and over section and make it fall under 401 and over.

Vice Chair Freeman reviewed assigned section for pages 76-80. No recommended changes for the pages.

Last section to be reviewed was pages 81-85. Chair Dupnik questioned if Board of Adjustments (BOA) could be removed from the Planning and Zoning Manual.

City Manager Linn addressed Chair Dupnik's question by stating yes, the verbiage will be updated throughout the manual to remove Board of Adjustments. Linn also stated the following needed to be revised:

Section 19 Board of Adjustment on pages 77, 78 and 79:

Remove Items: A, B, C, F, G, I

Keep Items: D, E

Section 20 Certificate of Occupancy on page 81 to insert the word "business" as follows:

...issued within ten (10) business days....

City Manager Linn asked for an updated summary of changes, additions, deletions for all the other sections.

Discussion held among the Board and City Manager Linn about definitions to include water park / splash pad and bar. Linn suggested we use the governor's definition with 51% revenues. Linn explained need to create an updated revision and do one more review, then go to council for approval.

## **8. Items to consider for placement on future agendas.**

City Manager suggested Planning and Zoning manual revisions draft on the February agenda.

Building Official Jaime Albiar stated a January meeting is necessary too since currently have four items pending approval.

9. Adjourn.

Gary Richards made the motion to adjourn the meeting at 7:01 p.m. Robert Trevino seconded the motion. Motion carried with all present voting in favor.

APPROVED:

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Gretchen Dupnik, Chair

ATTEST:

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Ruby Mowles, City Secretary

**PLANNING & ZONING BOARD AGENDA**  
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**AGENDA ITEM: 5**

Consideration and possible recommendation for a request to vacate and re-plat in the City of Kenedy, Karnes County, Texas an being a plat creating Lot 1 and Lot 2 in the Cardona Subdivision of the City of Kenedy, Texas, Karnes County, Texas a subdivision plat of .40 acres of land within the City limits of Kenedy out of the Carlos Martinez 15 League Grant, Abstract No. 6, Karnes County, Texas and being the land described in a conveyance to Antonio Cardona in the deed of record in document 20180002797 of the official records of Karnes County, Texas to be further know as 412 Mixon St. and 416 Mixon St.

**SUBMITTED BY:** Building Official Jaime Albiar



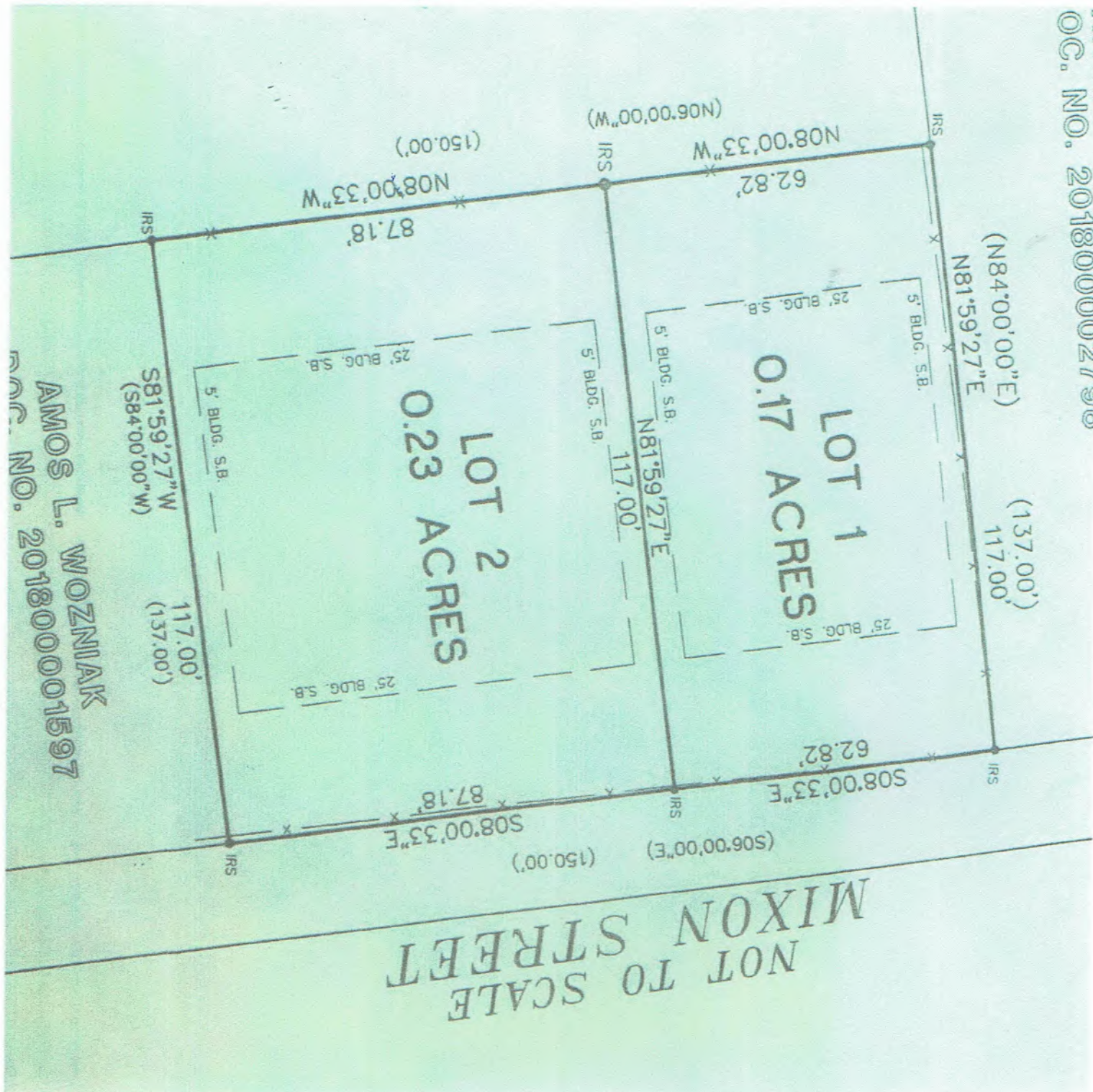


Karnes CAD Web App





NOT TO SCALE  
MIXON STREET











C. *Height and area regulations.* In the "MH-1" Manufactured Home District 1, the following requirements shall apply:

1. Floor space: Manufactured homes must have a minimum of 600 square feet of living area, exclusive of garage, porches and breezeways, and incidental storage areas. No horizontal dimension shall be less than 14 feet, except for original extensions or subsequent additions containing less than 50 percent of the total enclosed floor area.
2. Only one residential structure may be placed upon an approved lot.
3. Height: No building hereafter erected, reconstructed, altered, or enlarged shall exceed three and one-half stories nor shall it exceed 60 feet.
4. Front yard: There shall be a front yard of not less than 25 feet, or the front yard indicated on a city-approved subdivision plat as filed in the Karnes County Plat Records, whichever is greater. Corner lots shall have a minimum side yard of 15 feet on the second front yard, the yard generally parallel to the street with the greatest frontage, unless reversed frontage is approved by the administrative official. If a building line shown on a city-approved subdivision plat as filed in the Karnes County Plat Records is greater than 15 feet, then the platted building line shall be required on the second front yard. Garage doors and gates, meant for vehicle use shall be located no closer than 20 feet from the right-of-way.
5. Rear yard: There shall be a rear yard having a depth of not less than 25 feet.
6. Side yard: Lots shall have a minimum side yard of five feet.
7. Width of lot: The width of a lot shall be a minimum of 60 feet at the building line, provided that where a lot of record and in separate ownership at the time of the passage of this chapter has less width than herein required, this chapter shall not prohibit the erection of a one-family dwelling.
8. Lot area: The minimum area of a lot shall be 7,000 square feet, providing that where a lot has less than herein required and was of record and in separate ownership at the time of passage of this chapter, this chapter shall not prohibit the erection of a one-family dwelling.
9. Maximum lot coverage: The maximum portion of the lot area, which may be covered by the main building and all accessory buildings, shall not exceed 40 percent.



**PLANNING & ZONING BOARD AGENDA**  
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**AGENDA ITEM: 6**

Consideration and possible recommendation for a request to vacate and re-plat in the City of Kenedy, Karnes County, Texas an being a parcel of land in Block 4 Lot A7-1 and Lot A7-2 in the Levi Pullin New Mexican Subdivision of the City of Kenedy, Texas, Karnes County, Texas out of the Carlos Martinez 15 League Grant, Abstract 6, Karnes County, Texas as shown on the plat of record in Volume 122, Page 106 of the deed records of Karnes County, Texas and to be further known as 100 Snocum St. and 102 Snocum St.

**SUBMITTED BY:** Building Official Jaime Albiar





Karnes CAD Web App

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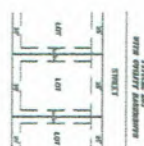




CARLOS MARTINEZ 15 LEAGUE GRANT  
ABSTRACT NO. 6  
CITY OF KENEDY

LOT A7  
LEVI PULLIN NEW MEXICAN  
SUBDIVISION

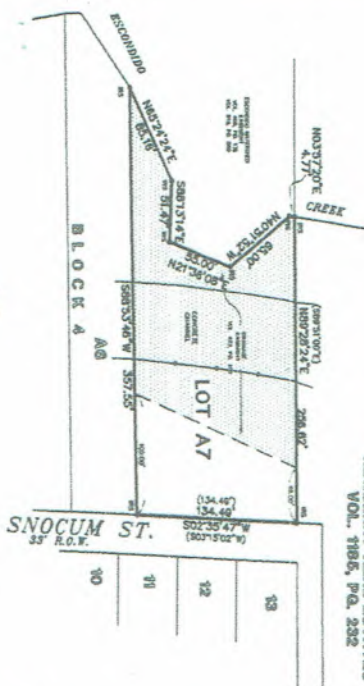
VACATE AND REPLAT OF LOT 7A, BLOCK 4, LEVI PULLIN NEW MEXICAN SUBDIVISION AS SHOWN ON THE PLAT OF RECORD IN VOLUME 122, PAGE 106 OF THE DEED RECORDS OF KARNES COUNTY, TEXAS



**ALGORD**  
 GR - SUPER AND PIANO  
 BS - 1/2" BEARD AT  
 WITH "WOLFE"  
 IN SHORT CAP  
 CP - COMEY POOL  
 BURGESS' DOLL - POND  
 GEORGE'S DOLL - RECORD  
 "X" - BARNED WOLF PITCH  
 ①A - POND/OLIVIA POOL  
 BAKER WILL/JANIS AT  
 (45 MINS)  
 ② 1/2" BE. TONS  
 ③ --- CASH TALK FIVE  
 --- 8 --- MICH PRAISEY PITCH

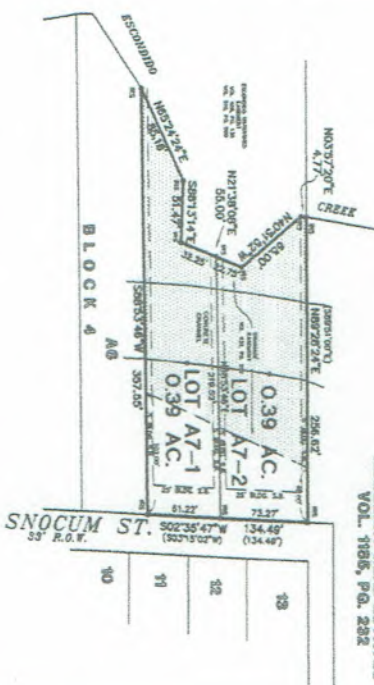
VACANTE

BEHAVIORAL SCIENCE  
VOL. 11, NO. 1, 1966



REPLAT

POWHERRY REAL ESTATE  
VOL. 1185, PG. 232

[illegible]

MANUEL DE LOS SANTOS - OWNER  
160 SHOCKAL  
KENNEDY, TEXAS 78119

SHOWN TO AND SUBMITTED BEFORE ME THIS DAY OF \_\_\_\_\_, 2021.

NOTARY PUBLIC



GRAPHIC SCALE



Preliminary, this document shall not be recorded for any purpose and shall not be used or viewed or relied upon as a final survey document

THE CITY COUNCIL ON \_\_\_\_\_ 20\_\_\_\_ VOTED  
ADDITIONALLY TO APPROVE THIS PLAY FOR FILMING  
OF RECORD.

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THE PLANNING AND ZONING COMMISSION ON 2021, VOTED AFFIRMATIVELY TO RECOMMEND THIS PLAY TO THE CITY COUNCIL FOR APPROVAL AND FOR FILING OF RECORD.

CHASSINAY, MICHELLE PLANNING & ZONING COMMISSION

I HEREBY CERTIFY THAT THIS PLAT WAS PREPARED FROM A SURVEY MADE UNDER MY SUPERVISION ON THE 12TH DAY OF MAY, 2021 AND IS CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF.

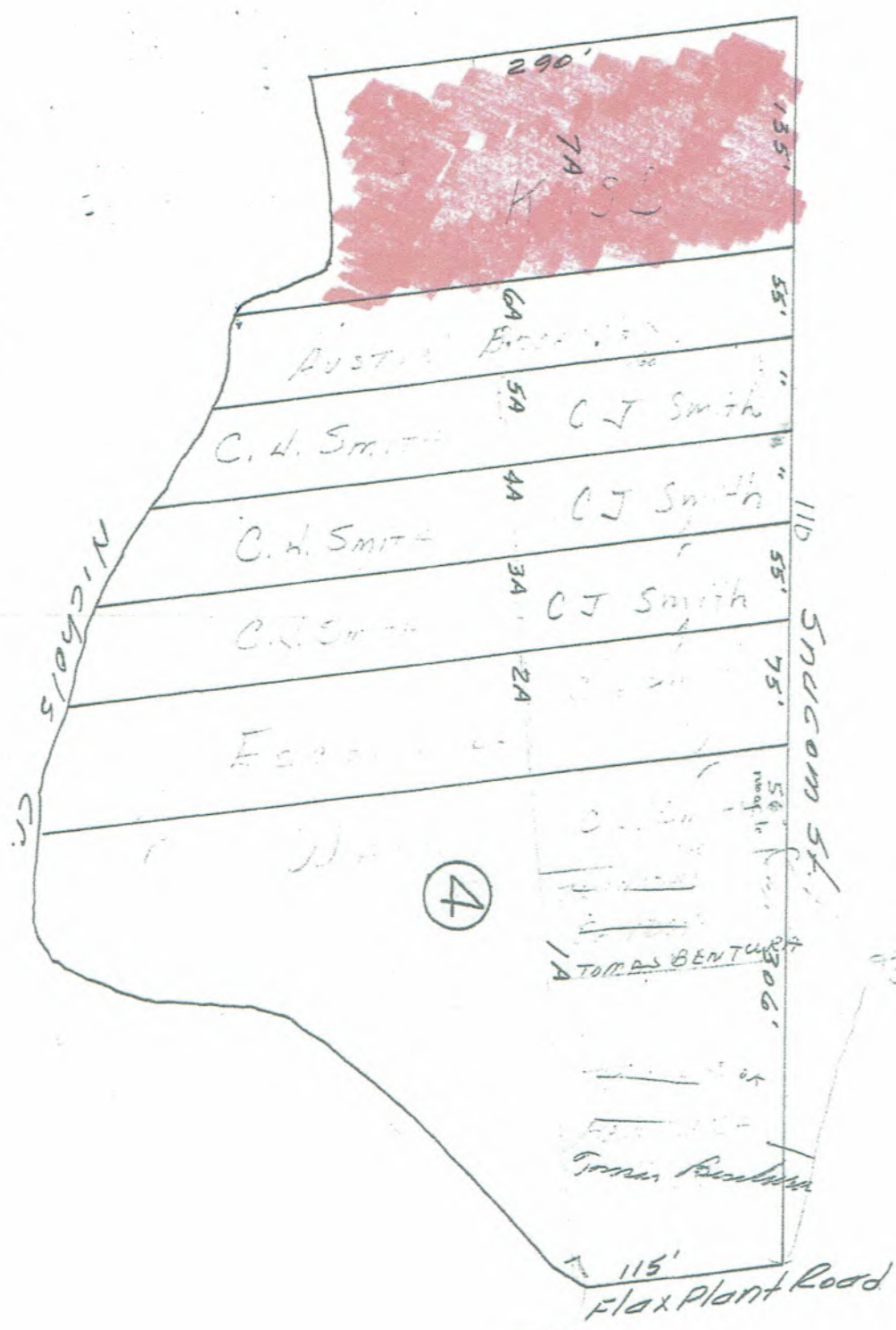
LARRY J. POLLAK, R.P.L. 5186  
1000 B STREET  
MORTESVILLE, TEXAS 78114  
(830) 383-4770

1. COUNTY CLERK \_\_\_\_\_ COUNTY CLERK  
HARRIS COUNTY, TEXAS, DO HEREBY CERTIFY THAT THE  
PLAY WAS FILED FOR RECORD IN MY OFFICE ON THE  
DAY OF \_\_\_\_\_ A.D. AT  
O'CLOCK \_\_\_\_\_ A.M. AND DATE RECORDED IN  
VOLUME \_\_\_\_\_ PAGE \_\_\_\_\_ PLAY RECORDS OF  
HARRIS COUNTY, TEXAS  
IN TESTIMONY WHEREOF, WITNESSES MY HAND AND  
OFFICIAL SEAL, OF OFFICE THIS \_\_\_\_\_ DAY  
OF \_\_\_\_\_ A.D.

COUNTY CLINIC, KANSAS COUNTY, IDU

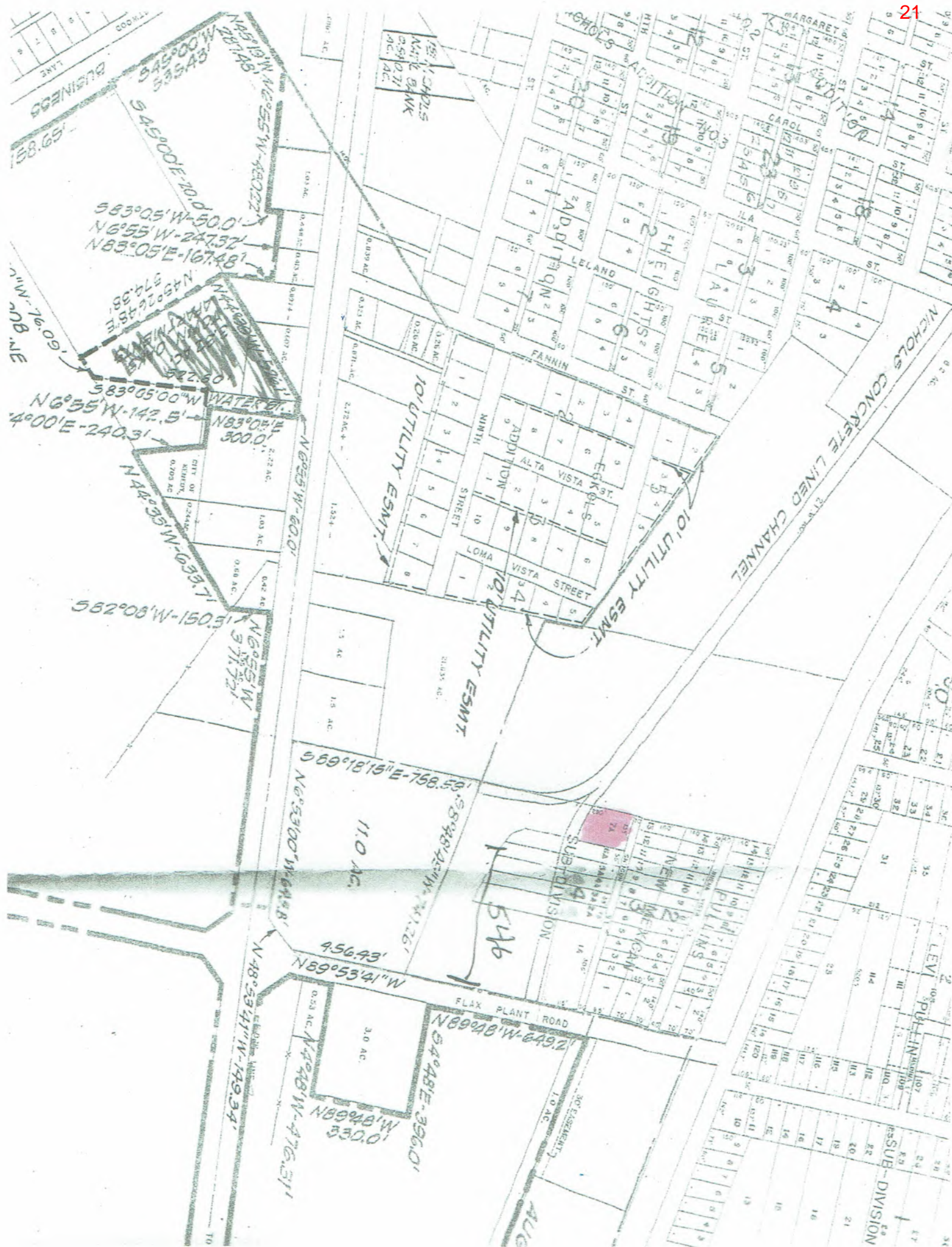
Pullins MenMex Sub-Div.

Scale 1"=100'



NEW  
MENMEX  
SUB-DIV.







*Height and area regulations.* In the "MH-1" Manufactured Home District 1, the following requirements shall apply:

1. Floor space: Manufactured homes must have a minimum of 600 square feet of living area, exclusive of garage, porches and breezeways, and incidental storage areas. No horizontal dimension shall be less than 14 feet, except for original extensions or subsequent additions containing less than 50 percent of the total enclosed floor area.
2. Only one residential structure may be placed upon an approved lot.
3. Height: No building hereafter erected, reconstructed, altered, or enlarged shall exceed three and one-half stories nor shall it exceed 60 feet.
4. **Front yard:** There shall be a front yard of not less than 25 feet, or the front yard indicated on a city-approved subdivision plat as filed in the Karnes County Plat Records, whichever is greater. Corner lots shall have a minimum side yard of 15 feet on the second front yard, the yard generally parallel to the street with the greatest frontage, unless reversed frontage is approved by the administrative official. If a building line shown on a city-approved subdivision plat as filed in the Karnes County Plat Records is greater than 15 feet, then the platted building line shall be required on the second front yard. Garage doors and gates meant for vehicle use shall be located no closer than 20 feet from the right-of-way.
5. **Rear yard:** There shall be a rear yard having a depth of not less than 25 feet.
6. **Side yard:** Lots shall have a minimum side yard of five feet.
7. Width of lot: The width of a lot shall be a minimum of 60 feet at the building line, provided that where a lot of record and in separate ownership at the time of the passage of this chapter has less width than herein required, this chapter shall not prohibit the erection of a one-family dwelling.
8. Lot area: The minimum area of a lot shall be 7,000 square feet, providing that where a lot has less than herein required and was of record and in separate ownership at the time of passage of this chapter, this chapter shall not prohibit the erection of a one-family dwelling.
9. Maximum lot coverage: The maximum portion of the lot area, which may be covered by the main building and all accessory buildings, shall not exceed 40 percent.

**PLANNING & ZONING BOARD AGENDA**  
**Regular Meeting: Thursday, January 06, 2022**

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**AGENDA ITEM: 7**

Consideration and possible recommendation for a request to vacate and re-plat of Lot 4A Block 34 in Kenedy Addition of the Carlos Martinez 15 League Grant Abstract No. 8 in the City of Kenedy, Texas, Karnes County, Texas as shown on the plat of record in Cabinet A, Page 149 of the deed records of Karnes County, Texas and to be further know as 202 S. 6th. St.

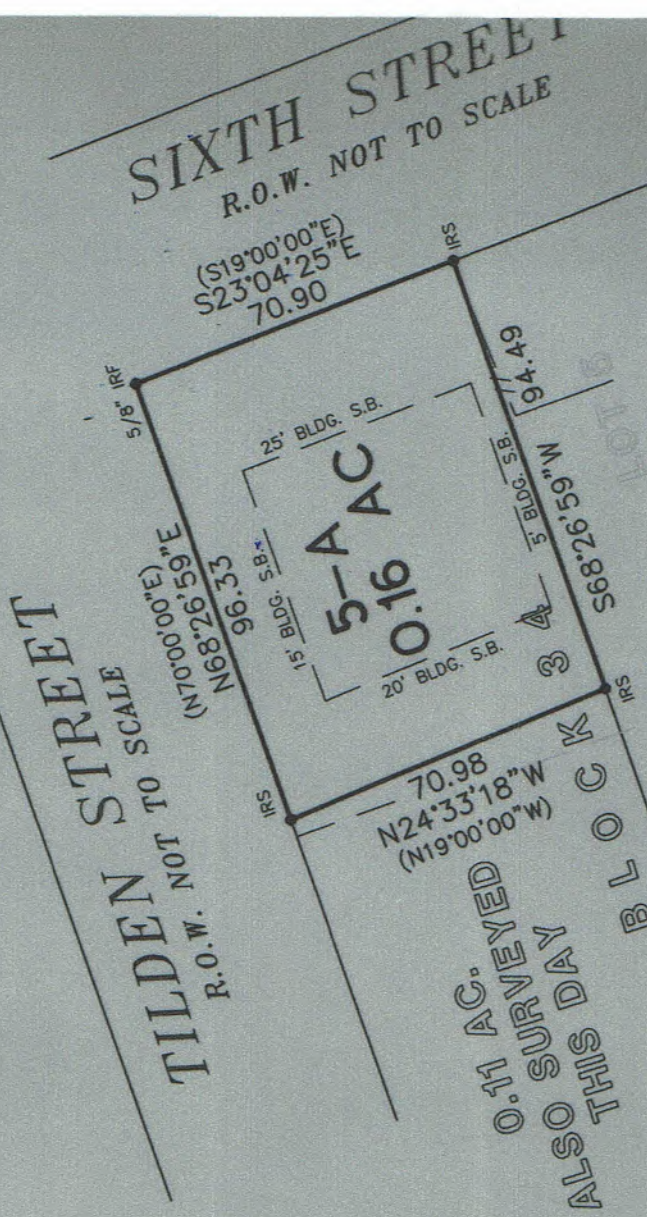
**SUBMITTED BY:** Building Official Jaime Albiar







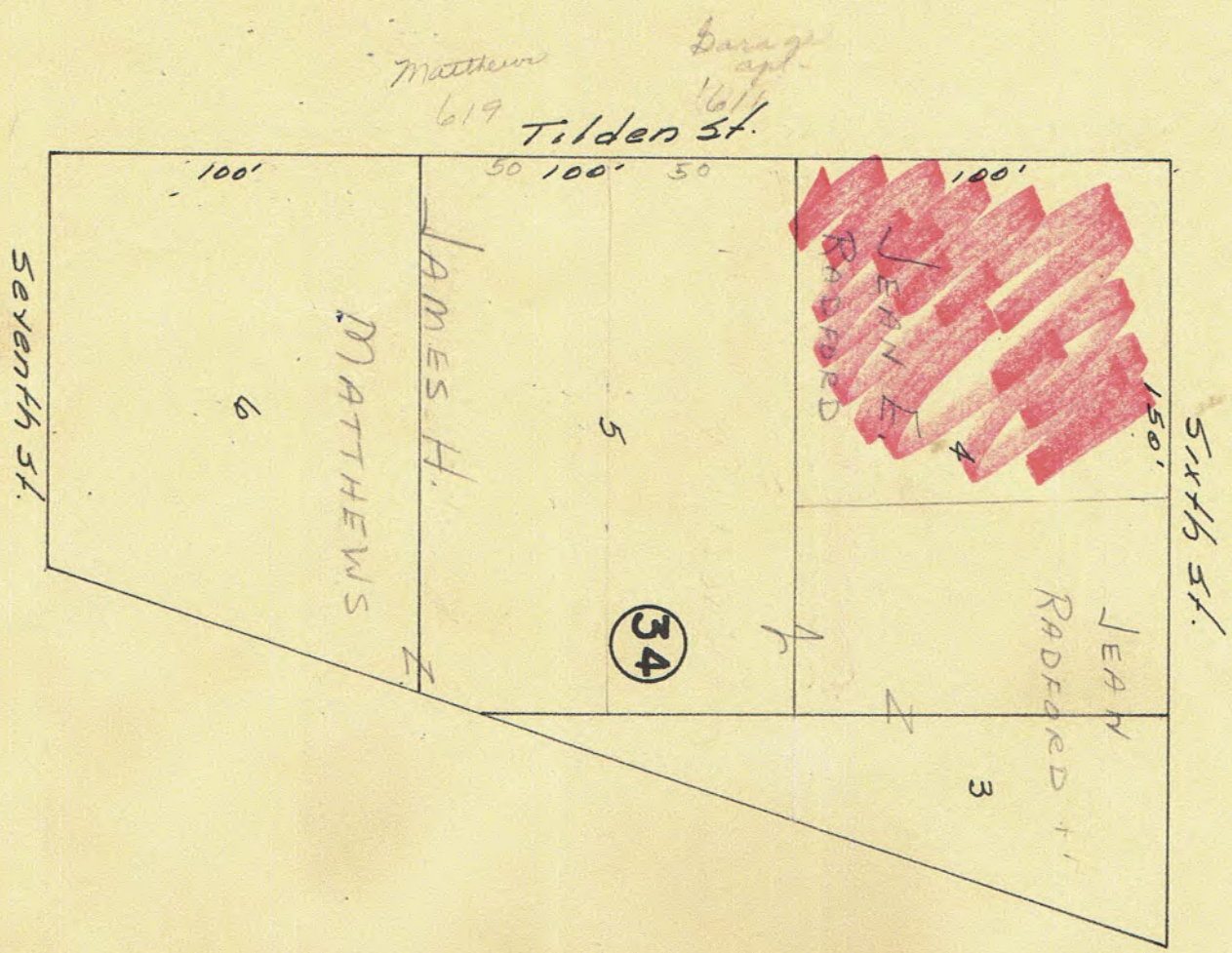
REPLAT



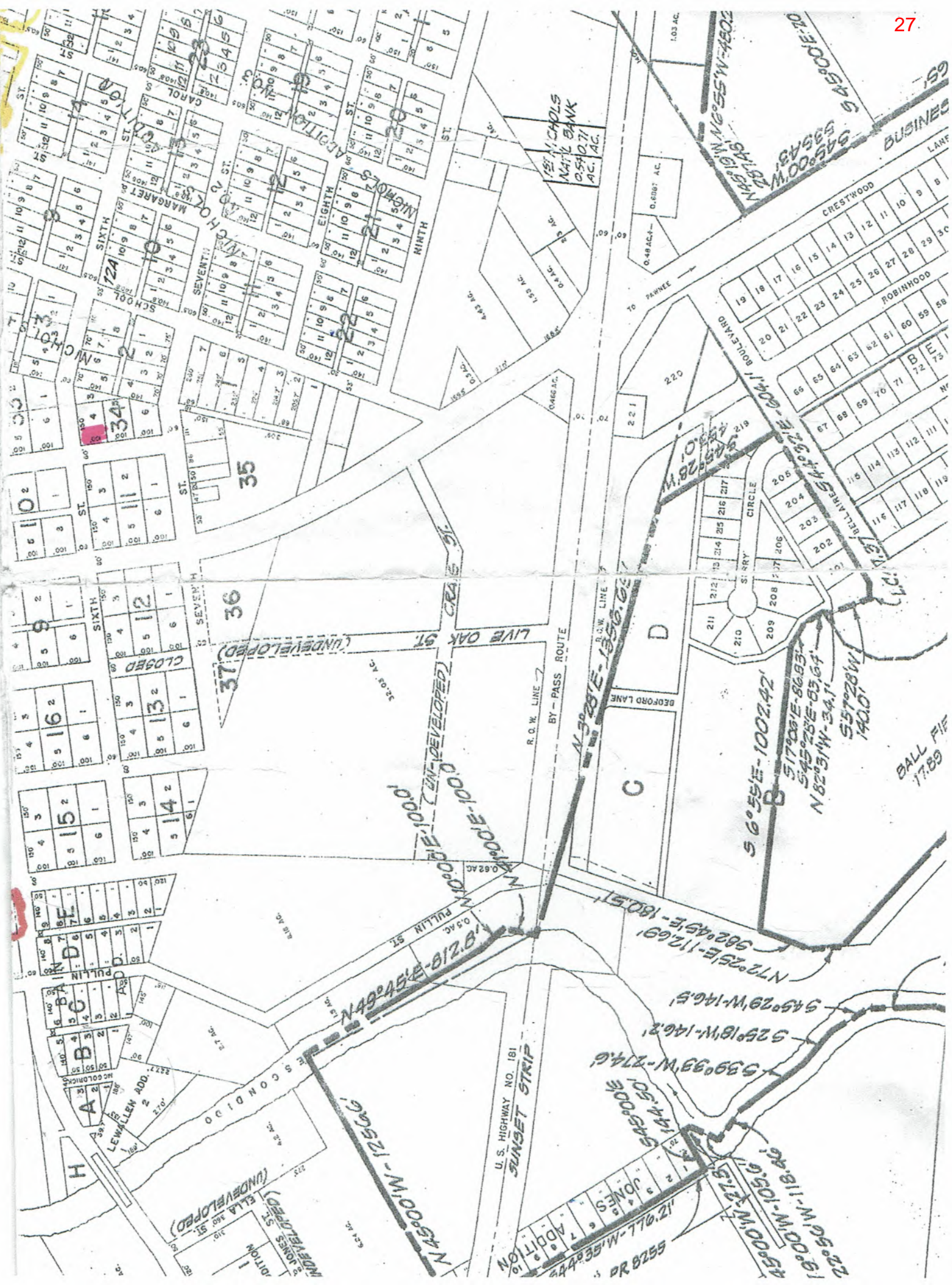
RESIDUE OF GEMBA  
DIANE N. MOCZY GEMBA  
DOC. 201800001951  
DOC. 201700002856  
VOL. 781, PG. 40  
ALSO SURVEYED THIS DAY













C. **Height and area regulations.** In the "SF" One-Family District, the height of buildings, the minimum dimensions of lots and yards, the minimum lot area, and the minimum floor space per family shall be as follows:

1. **Floor space:** The main residence shall contain a minimum of 1,000 square feet of livable floor space, exclusive of garage, porches and breezeways, and incidental storage area or a minimum of 880 square feet for residences built under the HOME grant program.
2. **Height:** No building hereafter erected, reconstructed, altered, or enlarged shall exceed three and one-half stories nor shall it exceed 35 feet.
3. **Front yard:** There shall be a front yard of not less than 25 feet, or the front yard indicated on a city-approved subdivision plat as filed in the Karnes County Plat Records, whichever is greater. Corner lots shall have a minimum side yard of 15 feet on the second front yard, the yard generally parallel to the street with the greatest frontage, unless reversed frontage is approved by the administrative official. If a building line shown on a city-approved subdivision plat as filed in the Karnes County Plat Records is greater than 15 feet, then the platted building line shall be required on the second front yard. Garage doors and gates meant for vehicle use shall be located no closer than 20 feet from the right-of-way.
4. **Rear yard:** There shall be a rear yard having a depth of not less than 20 feet. The building inspector may authorize encroachments of up to 20 square feet for fireplaces and/or bay windows that do not restrict access for public safety and/or adjacent property.
5. **Side yard:** All lots shall have a minimum side yard of five feet.
6. **Width of lot:** The width of a lot shall have a minimum of 60 feet at the building line, provided that where a lot of record and in separate ownership at the time of the passage of this chapter has width less than herein required, this chapter shall not prohibit the erection of a single-family dwelling.
7. **Lot area:** The minimum area of a lot shall be 7,000 square feet.
8. **Maximum lot coverage:** The maximum portion of the lot area, which may be covered by the main building and all accessory buildings, shall not exceed 40 percent.

( [Ord. No. 13-6](#), §§ 1, 2, 7-9-2013)

**PLANNING & ZONING BOARD AGENDA**  
**Regular Meeting: Thursday, January 06, 2022**

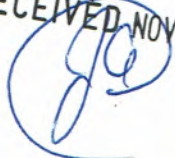
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**AGENDA ITEM: 8**

Consideration and possible action on a variance request of the Code of Ordinance Chapter 90 “Zoning”, Section 90-10 (c) Height and area regulations (2), to allow the encroachment of four (4’) foot into the twenty-five (25’) front building setback as established by the City of Kenedy, location being known as 124 Karnes St.

**SUBMITTED BY:** Building Official Jaime Albiar

To Zoning Commission:

RECEIVED NOV 05 2021  


My name is Stephen Monsivais and I am opening a Tire Shop Business at 124 Karnes St. I have put a 16 X 32 ft. building on my property. But I would like to add an extension onto the front of the building that I have on my property. I would like to add more space to my building. So I can have more space for my business and customers.

The extension that I would like to add to my building is an additional 16 X 16 foot which will encroach 4ft on the required space requested by the city.

I would greatly appreciate the consideration of the Zoning Commission in allowing me to add the additional space.

Thank You,

Stephen Monsivais



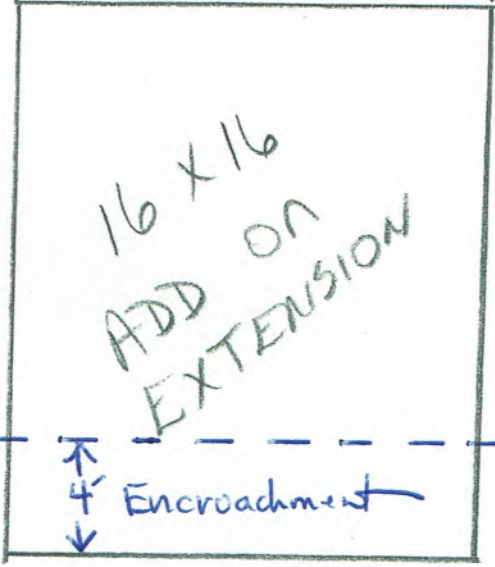
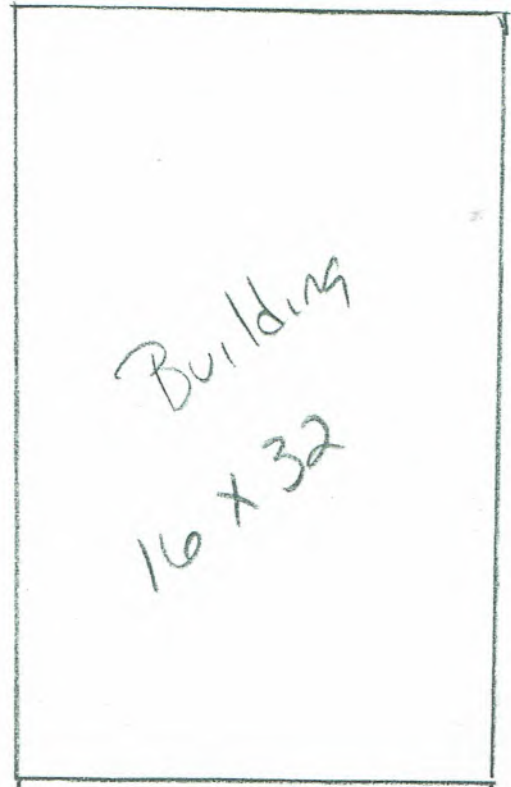
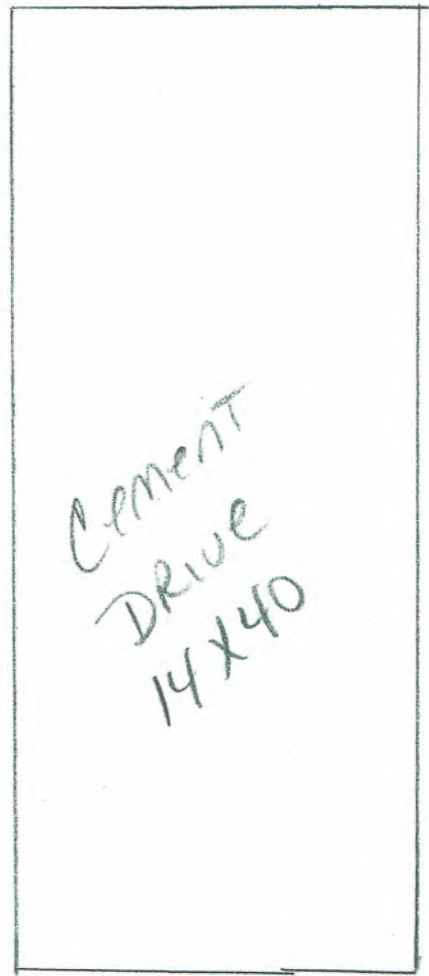


Stephen  
monsivais  
Big M Tire Shop, LLC

Truck Route  
Hwy 72

\* Not to scale

ARANSAS



25' Front  
Building Setback

4' Encroachment

124 KARNES ST. KARNES











**Sec. 90-10. - "C" Commercial District.**

- A. *Purpose.* This district is a commercial category providing a uniform set of standards for retail shopping facilities and general commercial activities. It is intended that this zoning district be served by major thoroughfares and be of such size that all parking and traffic maneuvering can take place on the commercial site. It is expressly intended that no residential dwelling be erected in this commercial district and existing dwellings will remain as legal non-conforming dwellings.
- B. *Use regulations.* In the "C" Commercial District, no buildings or land shall be used and no buildings shall be hereafter erected, reconstructed, altered or enlarged, unless otherwise provided in this chapter, except for one or more of the following uses:
- a. Permitted uses.
    1. Single-family dwellings as provided in "SF" district.
    2. Multi-family dwellings as found in "MF" district.
    3. Antique shops.
    4. Arcades, auditoriums, theaters, cinemas.
    5. Automobile parking areas.
    6. Automobile parts, retail sales.
    7. Bakeries, providing that the floor area does not exceed 3,000 square feet.
    8. Barber and beauty shops.
    9. Bicycles and bicycle repair shops.
    10. Blueprinting or photostating.
    11. Book or stationary stores, or newsstands.
    12. Business colleges, trade schools, or private schools operated as a commercial enterprise.
    13. Temporary seasonal outdoor sales operations such as Christmas tree sales, firewood sales, crafts, and food sales when such temporary operation exceeds 72 hours in a 12-month period. Such temporary sales operations may be a principal use on a property or an outdoor operation in conjunction with and subordinate to any existing permitted permanent indoor retail establishment. Such temporary outdoor sales operations shall require the submittal of an operations site plan for approval by the city planner prior to setting up operations. The operations site plan shall show the proposed location of sales areas, storage areas, parking areas, traffic flow and street access, fencing and signage in relation to existing improvements to the property. Portable signs may be approved for the duration of the temporary outdoor sales operations when such sign is included in the approved operations site plan. A temporary outdoor sales operation on a single site shall not be approved for more than three occurrences in a 12-month period, the total of which shall not exceed 120 days.
    14. Cigar or tobacco stores.
    15. Cleaning, dyeing and pressing works; laundry and washaterias, providing that the floor area does not exceed 3,000 square feet for separate or combined uses.
    16. Commercial amusement centers and bowling alleys, indoor operations only.
    17. Confectionery stores.
    18. Custom dressmaking or millinery shops.
    19. Dancing schools.
    20. Day care nurseries and kindergartens.
    21. Department stores.
    22. Dog and cat hospitals or small animal hospitals, if conducted wholly within a completely enclosed soundproof and air conditioned building, provided, that noise or odors created by activities within the building shall not be perceptible beyond the property line, and that no animals are kept outside the building at any time.
    23. Health service facilities: Clinics, offices of dentists, doctors and other practitioners of the healing arts licensed or similarly recognized under the laws of the State of Texas; offices for specialists in supportive health service fields such as physical,



audio and speech therapy, podiatry and psychological testing and counseling; dental, medical and optical laboratories and blood banks; ambulance dispatch stations, prescription pharmacies and offices, stores and display rooms for the sale and rental of medical supplies and equipment.

24. Drug stores.
25. Dry goods and notions stores.
26. Duplicating service, printing, lithographing, by mimeographing, multigraphing and offset printing, providing that the floor area does not exceed 3,000 square feet.
27. Electrical and gas appliances and supply sales, electrical and gas repair and installation services.
28. Financial institutions.
29. Florist or gift shops.
30. Frozen food lockers for individual or family use, not including the processing of food except cutting or wrapping.
31. Garages, storage only.
32. Grocery stores and meat markets.
33. Hardware, paint, wallpaper stores and other home improvement items.
34. Health and physical fitness centers.
35. Hotel, motel or motor hotel subject to the following restrictions:
  - a. No building or outside activities or facilities including dumpsters, mechanical, storage or maintenance buildings or equipment, or recreation areas, except surface parking shall be less than 50 feet from any residential district.
  - b. No building shall exceed three and one-half stories nor shall it exceed 60 feet within 100 feet of any residential zoned property.
  - c. Any external lighting shall be mounted and maintained to not illuminate any adjacent residential zoned property.
36. Household and office furniture, furnishings and appliances.
37. Jewelry stores, optical goods.
38. Golf course, including miniature course, driving tee, driving range and "pitch and putt" course. Lighting of any such use shall be directed away from residential areas.
39. Leather and leather goods shops, providing that the floor area does not exceed 3,000 square feet for separate or combined uses.
40. Mortuaries, funeral homes and undertakers.
41. Museums, libraries, fine arts centers, parks, playgrounds, community centers or recreational areas.
42. Medical care facilities: Nursing and care homes; hospitals with their related facilities and supportive retail and personal service uses operated by or under the control of the hospital primarily for the convenience of patients, staff and visitors.
43. Nursery yards or buildings for retail sales provided that all incidental equipment and supplies including fertilizer and empty containers are kept within a building.
44. Offices.
45. Parks, playgrounds, community buildings and other public recreational facilities, owned and/or operated by the municipality or other public agency.
46. Public buildings, including libraries, museums, police and fire stations.
47. Piano stores, musical instruments and supplies.
48. Plumbing and heating appliances, repair and installation services. All storage of materials must be indoors.
49. Radio and television sales and servicing.
50. Restaurants, tearooms, cafeterias, fast food and "take-out" food restaurants.
51. Retail stores, businesses, pawn shops, or shops for custom work or the manufacturing of articles to be sold at retail on the premises, providing that in such manufacture the total mechanical power shall not exceed five horse power (5 hp) for the operation of any one machine provided that the space occupied by the



manufacturing use permitted herein shall not exceed 50 percent of the total floor area of the permitted use and provided further that such manufacturing use is not noxious or offensive by reason of vibration, noise, odor, dust, smoke or fumes, and all activities shall be conducted totally within the same building.

52. Service stations, gasoline, oil, greasing, and tuning, not including fender or body repairs, major mechanical, rear end, transmission, and engine overhaul. Car washing as a secondary use. No bay door or overhead door shall face any residential district when located less than 100 feet from any residential district.
53. Showroom warehouse, subject to the following restrictions: All activities and storage shall be totally within an enclosed building; a maximum of 80 percent of the gross floor area of any unit or multiple unit facility shall be used for warehouse activity; no manufacturing fabrication or assembly operation shall be conducted in any part of any unit except for articles to be sold at retail on the premises providing that in such manufacture the total mechanical power shall not exceed five horse power (5 hp) for the operation of any one machine provided that the space occupied by the manufacturing use permitted herein shall not exceed 50 percent of the total floor area of the permitted use and provided further that such manufacturing use is not noxious or offensive by reason of vibration, noise, odor, dust, smoke or fumes, and all activities shall be conducted totally within the same building.
54. Sporting goods including gun sales and repair.
55. Studios for artists.
56. Tailor, clothing or wearing apparel shops.
57. Variety stores.
58. Public, private, and parochial elementary and secondary schools whose curricula satisfy the requirements of the state public school laws and the requirements of the state board of education.
59. Higher education institutions: Junior and senior colleges, universities, conservatories and seminaries, offering curricula recognized by collegiate, academic and professional organization accrediting boards.
60. Religious institutions, churches and facilities for related activities including those of worship, fellowship and education.
61. Radio, television, microwave broadcast, relay, transmission and retransmission facilities, satellite earth stations (home dish antennas) and any electronic emission equipment when operated in conformance with all Federal Communications Commission and other regulations, and provided the following additional conditions are met:
  - (1) No satellite dish shall exceed two meters in diameter, and
  - (2) No portion of any such dish or other equipment, in any position, shall exceed the specified height regulation of this zoning district, and
  - (3) No portion of any ground-mounted antenna or other equipment, in any position, shall be less than five feet from any property line, utility easement, or building, and
  - (4) No such dish or other antenna may be located in any required front yard or second front yard.
62. Recreational vehicle park.
63. Accessory buildings and uses customarily incident to any of the above uses including air conditioners, ice and refrigerating plants purely incidental to the main activity permitted on the premises. No accessory use shall be construed to permit the keeping of articles or materials in the open or outside the building.
64. Antennae and towers not exceeding the maximum height allowed in the district (see paragraph C.1 below), antennae attached to existing structures and not increasing the overall height of the existing structure by more than ten feet, and dish antennae not exceeding two meters in diameter. Except for satellite dish antennae, no antennae or support structure shall be located within the required front, side or rear yard setback. To protect traffic safety and community appearance, no satellite dish antennae or support structure shall be located within the required front [yard] or



second front yard setback, unless the zoning board of adjustment finds that such an encroachment is necessary to prevent impairment of installation, maintenance or reception and that a traffic sight restriction is not created.

65. Automobile, motorcycle, truck, and trailer sales, or rental areas. No more than two vehicles may be offered for sale except by an authorized motor vehicle dealer licensed or bonded by the Motor Vehicle Division of the Texas Department of Transportation. An existing business may offer up to two vehicles for sale provided that the premises contain an office that is occupied during regular business hours.
66. Boat sales, service and repair.
67. Automobile laundry and steam cleaning subject to the following restrictions:
  - a. All automobile, laundry and steam cleaning uses shall be completely within a building having not less than two sides.
  - b. Vacuuming facilities may be outside the building, but shall not be in the front yard and shall not be closer than 25 feet from "SF", "D", or "MF" districts.
  - c. The building surfaces shall be faced with masonry porcelainized steel, baked enamel steel or other material equal in durability and appearance.
  - d. The building shall not be less than 100 feet from "SF", "D", or "MF" districts.
  - e. The building set back shall be not less than zero feet from the front property line.
  - f. Any lights used to illuminate the area shall be directed away from adjacent residential properties.
68. Mini-warehouse.
69. Garages, public, for repairs or storage facilities for automobiles when such facilities and activities are maintained within a building, provided no painting or body or fender repairs shall be conducted on any premises. No bay door or overhead door shall face any residential district when located less than 100 feet from the residential district.
70. Farm implement sales and service.
71. Hotel, motel or motor hotel subject to the following restrictions:
  - a. No building or outside activities or facilities including dumpsters, mechanical, storage or maintenance buildings or equipment, or recreation areas, except surface parking shall be less than 50 feet from any residential district.
  - b. No building shall exceed two and one-half stories nor shall it exceed 35 feet within 100 feet of any residentially zoned property.
  - c. Any external lighting shall be mounted and maintained in a manner to not illuminate any adjacent residential zoned property.
72. Recreational vehicle storage.
73. Skating rinks, ice and roller.
74. Printing, lithographing, or duplicating shops.
75. Golf courses, including miniature golf, and driving ranges and batting cages.
76. Delicatessen shops.
77. Photograph, portrait or camera shops and photo finishing.
- b. Conditional uses.
  1. Utility facilities.
  2. Antennae and towers exceeding the maximum height in the district and dish antennae exceeding two meters in diameter, in order to protect community appearance from the negative visual effects of proliferation of large antennae. Conditional use permits shall be acted upon within 90 days of receipt of application. Persons aggrieved by a decision on a satellite dish antenna application may appeal to the Federal Communications Commission. Any new towers must also comply with the conditions of [section 90-16 M](#).
  3. Outdoor commercial amusement enterprise.
- c. Special exception uses.
  1. Special exception uses when authorized by the board of adjustment under the



provision of [section 90-19](#).

**C. Height and area regulations.** In the "C" Commercial District, the height of the buildings, the minimum dimensions of lots and yards, the minimum lot area, and the minimum floor space per family shall be as follows:

1. Height: No building hereafter erected, reconstructed, altered, or enlarged shall exceed three and one-half stories, nor shall it exceed 60 feet within 100 feet of a property line of "SF" zoned or "RE" zoned property. Any building in excess of 100 feet from these property lines shall not exceed three and one-half stories or 60 feet.
2. Front yard: There shall be a front yard of not less than 25 feet, or the front yard indicated on a city-approved subdivision plat as filed in the Karnes County Plat Records, whichever is greater. Corner lots shall have a minimum side yard of 15 feet on the second front yard, the yard generally parallel to the street with the greatest frontage, unless reversed frontage is approved by the administrative official. If a building line shown on a city-approved subdivision plat as filed in the Karnes County Plat Records is greater than 15 feet, then the platted building line shall be required on the second front yard. Garage doors and gates meant for vehicle use shall be located no closer than 20 feet from the right-of-way.
3. Rear yard: There shall be a rear yard having a depth of not less than 20 feet.
4. Side yard: There shall be a minimum side yard of not less than five feet. Where a lot abuts upon the side of a residentially zoned lot, there shall be a side yard of not less than ten feet. In a unified commercial development, interior side yard setbacks may be waived upon approval of the planning and zoning commission at the time of platting or site plan approval.
5. Width of lot: The width of a lot shall be a minimum of 70 feet at the building line, provided that where a lot of record and in separate ownership at the time of the passage of this chapter has less width than herein required, this chapter shall not prohibit its use for commercial purposes.

**PLANNING & ZONING BOARD AGENDA**  
**Regular Meeting: Thursday, January 06, 2022**

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**AGENDA ITEM: 9**

Consideration and possible action on a variance request of property located at 148 and 150 Nottingham St. of lots 91 and 92 in the Bellaire Subdivision in the City of Kenedy, Karnes County, Texas. The zone request is for lots 91 and 92 being in the Single-Family District "SF" to Commercial "C". The Commercial Zoning Classification for this Single-Family property would be consistent with its location fronting Highway 2102 so that the property can be represented and utilized as a Commercial property.

**SUBMITTED BY:** Building Official Jaime Albiar



November 1, 2021

Kenedy City Council  
Attention: Zoning Commission  
303 W. Main St  
Kenedy, TX 78119

Re: Rezoning lots 91 & 92 Nottingham, Kenedy, TX 78119

To Whom it May Concern:

This is a formal request to have my property, Lots 91 & 92, on the corner of Nottingham, rezoned from a single-family property to commercial. Reason for the request is that there is a local retailer interested in building an office on this property.

With a trucking company directly across the street, we are hopeful that this request would be approved as to continue bringing job opportunity and growth to the City of Kenedy.

Respectfully,

Patrick Rodriguez

A handwritten signature in black ink, appearing to be 'P. Rodriguez', with a long horizontal flourish extending to the right.

**Sec. 90-8. - "SF" Single Family District.**

- A. *Purpose.* This zoning classification is the least of the non-manufactured housing zones. This zoning classification should be applied in areas of the city to conserve neighborhood character and value and buildings. It is not intended that this zoning district be the subject of major alterations except for a possible re-classification in minor areas for a less restrictive residential use for reasonable adjustment necessary for orderly development of vacant lots or the gradual transition from other districts.
- B. *Use regulations.* In the "SF" Single Family District, no building or land shall be used and no building shall be hereafter erected, reconstructed, altered or enlarged, unless otherwise provided in this chapter, except for one or more of the following uses.
- a. Permitted uses.
    - 1. Single-family dwellings.
    - 2. Hobbies or crafts, as an accessory use.
    - 3. Temporary building to be used for construction purposes only, and which shall be removed upon completion or abandonment of construction work or removed upon request of the administrative official. Permits shall be issued for such temporary buildings for a period of six months only, with a renewal clause for similar period.
    - 4. Family day care homes (12 children or less).
    - 5. Group homes as provided under state and federal law.
    - 6. Antennae and towers not exceeding the maximum height allowed in the district (see paragraph C.2 below), antennae attached to existing structures and not increasing the overall height of the existing structure by more than ten feet, and dish antennae not exceeding one meter in diameter. Except for satellite dish antennae, no antennae or support structure shall be located within the required front, side or rear yard setback. To protect traffic safety and community appearance, no satellite dish antennae or support structure shall be located within the required front [yard] or second front yard setback, unless the zoning board of adjustment finds that such an encroachment is necessary to prevent impairment of installation, maintenance or reception and that a traffic sight restriction is not created.
    - 7. Parks, playgrounds, community buildings and other public recreational facilities, owned and/or operated by the municipality or other public agency.
    - 8. Public buildings, including libraries, museums, police and fire stations.
    - 9. Schools, public, elementary or high schools.
    - 10. Schools, private, with curriculum equivalent to that of a public elementary or high school.
  - b. Conditional uses.
    - 1. Farms, truck gardens, orchards or nurseries for the growing of plants, shrubs and trees, provided no retail or wholesale business sales offices are maintained on the premises, and provided that no obnoxious fertilizer is stored upon the premises, and no obnoxious soil or fertilizer processing is conducted thereon.
    - 2. Uses customarily incident to any of the above uses when situated in the same dwelling and when not involving the conduct of a business or industry, except for home occupations as heretofore defined, such as the office of a physician, surgeon, dentist, or art gallery.
    - 3. Real estate sales office for property located within the subdivision in which it is located. Sales offices shall require payment of an annual permit fee, to be established by the city council. Use of a sales office shall cease within 30 days of the sale of the last parcel within the subdivision. Field offices for the sale or rental of real estate shall be removed upon request of the building inspector. Sales offices shall not be used for the sale of property outside of the subdivision in which it is located.
    - 4. Any typically permitted secondary or accessory uses allowed in the district in the absence of the principal use, if after consideration of the layout, configuration and relationship to existing subdivisions and neighborhoods, the administrative official



determines that re-platting of the principal and secondary lots into a single lot is not possible or desirable.

5. Utility facilities.
6. Antennae and towers exceeding the maximum height in the district and dish antennae exceeding one meter in diameter, in order to protect community appearance from the negative visual effects of proliferation of large antennae. Conditional use permits shall be acted upon within 90 days of receipt of application. Persons aggrieved by a decision on a satellite dish antenna application may appeal to the Federal Communications Commission. Any new towers must also comply with the conditions of [section 90-16 M](#).
7. Subsidiary dwelling.
8. Churches.
9. Bed and breakfasts.
10. Beauty and flower shops.

c. Special exception uses.

1. Special exception uses authorized by the board of adjustment under the provisions of [section 90-19](#).

C. *Height and area regulations.* In the "SF" One-Family District, the height of buildings, the minimum dimensions of lots and yards, the minimum lot area, and the minimum floor space per family shall be as follows:

1. Floor space: The main residence shall contain a minimum of 1,000 square feet of livable floor space, exclusive of garage, porches and breezeways, and incidental storage area or a minimum of 880 square feet for residences built under the HOME grant program.
2. Height: No building hereafter erected, reconstructed, altered, or enlarged shall exceed three and one-half stories nor shall it exceed 35 feet.
3. Front yard: There shall be a front yard of not less than 25 feet, or the front yard indicated on a city-approved subdivision plat as filed in the Karnes County Plat Records, whichever is greater. Corner lots shall have a minimum side yard of 15 feet on the second front yard, the yard generally parallel to the street with the greatest frontage, unless reversed frontage is approved by the administrative official. If a building line shown on a city-approved subdivision plat as filed in the Karnes County Plat Records is greater than 15 feet, then the platted building line shall be required on the second front yard. Garage doors and gates meant for vehicle use shall be located no closer than 20 feet from the right-of-way.
4. Rear yard: There shall be a rear yard having a depth of not less than 20 feet. The building inspector may authorize encroachments of up to 20 square feet for fireplaces and/or bay windows that do not restrict access for public safety and/or adjacent property.
5. Side yard: All lots shall have a minimum side yard of five feet.
6. Width of lot: The width of a lot shall have a minimum of 60 feet at the building line, provided that where a lot of record and in separate ownership at the time of the passage of this chapter has width less than herein required, this chapter shall not prohibit the erection of a single-family dwelling.
7. Lot area: The minimum area of a lot shall be 7,000 square feet.
8. Maximum lot coverage: The maximum portion of the lot area, which may be covered by the main building and all accessory buildings, shall not exceed 40 percent.

( [Ord. No. 13-6](#), §§ 1, 2, 7-9-2013)



## **Sec. 90-8. - "SF" Single Family District.**

- A. *Purpose.* This zoning classification is the least of the non-manufactured housing zones. This zoning classification should be applied in areas of the city to conserve neighborhood character and value and buildings. It is not intended that this zoning district be the subject of major alterations except for a possible re-classification in minor areas for a less restrictive residential use for reasonable adjustment necessary for orderly development of vacant lots or the gradual transition from other districts.
- B. *Use regulations.* In the "SF" Single Family District, no building or land shall be used and no building shall be hereafter erected, reconstructed, altered or enlarged, unless otherwise provided in this chapter, except for one or more of the following uses.
- a. Permitted uses.
    - 1. Single-family dwellings.
    - 2. Hobbies or crafts, as an accessory use.
    - 3. Temporary building to be used for construction purposes only, and which shall be removed upon completion or abandonment of construction work or removed upon request of the administrative official. Permits shall be issued for such temporary buildings for a period of six months only, with a renewal clause for similar period.
    - 4. Family day care homes (12 children or less).
    - 5. Group homes as provided under state and federal law.
    - 6. Antennae and towers not exceeding the maximum height allowed in the district (see paragraph C.2 below), antennae attached to existing structures and not increasing the overall height of the existing structure by more than ten feet, and dish antennae not exceeding one meter in diameter. Except for satellite dish antennae, no antennae or support structure shall be located within the required front, side or rear yard setback. To protect traffic safety and community appearance, no satellite dish antennae or support structure shall be located within the required front [yard] or second front yard setback, unless the zoning board of adjustment finds that such an encroachment is necessary to prevent impairment of installation, maintenance or reception and that a traffic sight restriction is not created.
    - 7. Parks, playgrounds, community buildings and other public recreational facilities, owned and/or operated by the municipality or other public agency.
    - 8. Public buildings, including libraries, museums, police and fire stations.
    - 9. Schools, public, elementary or high schools.
    - 10. Schools, private, with curriculum equivalent to that of a public elementary or high school.
  - b. Conditional uses.
    - 1. Farms, truck gardens, orchards or nurseries for the growing of plants, shrubs and trees, provided no retail or wholesale business sales offices are maintained on the premises, and provided that no obnoxious fertilizer is stored upon the premises, and no obnoxious soil or fertilizer processing is conducted thereon.
    - 2. Uses customarily incident to any of the above uses when situated in the same dwelling and when not involving the conduct of a business or industry, except for home occupations as heretofore defined, such as the office of a physician, surgeon, dentist, or art gallery.
    - 3. Real estate sales office for property located within the subdivision in which it is located. Sales offices shall require payment of an annual permit fee, to be established by the city council. Use of a sales office shall cease within 30 days of the sale of the last parcel within the subdivision. Field offices for the sale or rental of real estate shall be removed upon request of the building inspector. Sales offices shall not be used for the sale of property outside of the subdivision in which it is located.
    - 4. Any typically permitted secondary or accessory uses allowed in the district in the absence of the principal use, if after consideration of the layout, configuration and relationship to existing subdivisions and neighborhoods, the administrative official



determines that re-platting of the principal and secondary lots into a single lot is not possible or desirable.

5. Utility facilities.
6. Antennae and towers exceeding the maximum height in the district and dish antennae exceeding one meter in diameter, in order to protect community appearance from the negative visual effects of proliferation of large antennae. Conditional use permits shall be acted upon within 90 days of receipt of application. Persons aggrieved by a decision on a satellite dish antenna application may appeal to the Federal Communications Commission. Any new towers must also comply with the conditions of [section 90-16 M](#).
7. Subsidiary dwelling.
8. Churches.
9. Bed and breakfasts.
10. Beauty and flower shops.
- c. Special exception uses.
  1. Special exception uses authorized by the board of adjustment under the provisions of [section 90-19](#).
- C. *Height and area regulations.* In the "SF" One-Family District, the height of buildings, the minimum dimensions of lots and yards, the minimum lot area, and the minimum floor space per family shall be as follows:
  1. Floor space: The main residence shall contain a minimum of 1,000 square feet of livable floor space, exclusive of garage, porches and breezeways, and incidental storage area or a minimum of 880 square feet for residences built under the HOME grant program.
  2. Height: No building hereafter erected, reconstructed, altered, or enlarged shall exceed three and one-half stories nor shall it exceed 35 feet.
  3. Front yard: There shall be a front yard of not less than 25 feet, or the front yard indicated on a city-approved subdivision plat as filed in the Karnes County Plat Records, whichever is greater. Corner lots shall have a minimum side yard of 15 feet on the second front yard, the yard generally parallel to the street with the greatest frontage, unless reversed frontage is approved by the administrative official. If a building line shown on a city-approved subdivision plat as filed in the Karnes County Plat Records is greater than 15 feet, then the platted building line shall be required on the second front yard. Garage doors and gates meant for vehicle use shall be located no closer than 20 feet from the right-of-way.
  4. Rear yard: There shall be a rear yard having a depth of not less than 20 feet. The building inspector may authorize encroachments of up to 20 square feet for fireplaces and/or bay windows that do not restrict access for public safety and/or adjacent property.
  5. Side yard: All lots shall have a minimum side yard of five feet.
  6. Width of lot: The width of a lot shall have a minimum of 60 feet at the building line, provided that where a lot of record and in separate ownership at the time of the passage of this chapter has width less than herein required, this chapter shall not prohibit the erection of a single-family dwelling.
  7. Lot area: The minimum area of a lot shall be 7,000 square feet.
  8. Maximum lot coverage: The maximum portion of the lot area, which may be covered by the main building and all accessory buildings, shall not exceed 40 percent.

( [Ord. No. 13-6](#), §§ 1, 2, 7-9-2013)



**Sec. 90-10. - "C" Commercial District.**

- A. *Purpose.* This district is a commercial category providing a uniform set of standards for retail shopping facilities and general commercial activities. It is intended that this zoning district be served by major thoroughfares and be of such size that all parking and traffic maneuvering can take place on the commercial site. It is expressly intended that no residential dwelling be erected in this commercial district and existing dwellings will remain as legal non-conforming dwellings.
- B. *Use regulations.* In the "C" Commercial District, no buildings or land shall be used and no buildings shall be hereafter erected, reconstructed, altered or enlarged, unless otherwise provided in this chapter, except for one or more of the following uses:
- a. Permitted uses.
    1. Single-family dwellings as provided in "SF" district.
    2. Multi-family dwellings as found in "MF" district.
    3. Antique shops.
    4. Arcades, auditoriums, theaters, cinemas.
    5. Automobile parking areas.
    6. Automobile parts, retail sales.
    7. Bakeries, providing that the floor area does not exceed 3,000 square feet.
    8. Barber and beauty shops.
    9. Bicycles and bicycle repair shops.
    10. Blueprinting or photostating.
    11. Book or stationary stores, or newsstands.
    12. Business colleges, trade schools, or private schools operated as a commercial enterprise.
    13. Temporary seasonal outdoor sales operations such as Christmas tree sales, firewood sales, crafts, and food sales when such temporary operation exceeds 72 hours in a 12-month period. Such temporary sales operations may be a principal use on a property or an outdoor operation in conjunction with and subordinate to any existing permitted permanent indoor retail establishment. Such temporary outdoor sales operations shall require the submittal of an operations site plan for approval by the city planner prior to setting up operations. The operations site plan shall show the proposed location of sales areas, storage areas, parking areas, traffic flow and street access, fencing and signage in relation to existing improvements to the property. Portable signs may be approved for the duration of the temporary outdoor sales operations when such sign is included in the approved operations site plan. A temporary outdoor sales operation on a single site shall not be approved for more than three occurrences in a 12-month period, the total of which shall not exceed 120 days.
    14. Cigar or tobacco stores.
    15. Cleaning, dyeing and pressing works; laundry and washaterias, providing that the floor area does not exceed 3,000 square feet for separate or combined uses.
    16. Commercial amusement centers and bowling alleys, indoor operations only.
    17. Confectionery stores.
    18. Custom dressmaking or millinery shops.
    19. Dancing schools.
    20. Day care nurseries and kindergartens.
    21. Department stores.
    22. Dog and cat hospitals or small animal hospitals, if conducted wholly within a completely enclosed soundproof and air conditioned building, provided, that noise or odors created by activities within the building shall not be perceptible beyond the property line, and that no animals are kept outside the building at any time.
    23. Health service facilities: Clinics, offices of dentists, doctors and other practitioners of the healing arts licensed or similarly recognized under the laws of the State of Texas; offices for specialists in supportive health service fields such as physical,



audio and speech therapy, podiatry and psychological testing and counseling; dental, medical and optical laboratories and blood banks; ambulance dispatch stations, prescription pharmacies and offices, stores and display rooms for the sale and rental of medical supplies and equipment.

24. Drug stores.
25. Dry goods and notions stores.
26. Duplicating service, printing, lithographing, by mimeographing, multigraphing and offset printing, providing that the floor area does not exceed 3,000 square feet.
27. Electrical and gas appliances and supply sales, electrical and gas repair and installation services.
28. Financial institutions.
29. Florist or gift shops.
30. Frozen food lockers for individual or family use, not including the processing of food except cutting or wrapping.
31. Garages, storage only.
32. Grocery stores and meat markets.
33. Hardware, paint, wallpaper stores and other home improvement items.
34. Health and physical fitness centers.
35. Hotel, motel or motor hotel subject to the following restrictions:
  - a. No building or outside activities or facilities including dumpsters, mechanical, storage or maintenance buildings or equipment, or recreation areas, except surface parking shall be less than 50 feet from any residential district.
  - b. No building shall exceed three and one-half stories nor shall it exceed 60 feet within 100 feet of any residential zoned property.
  - c. Any external lighting shall be mounted and maintained to not illuminate any adjacent residential zoned property.
36. Household and office furniture, furnishings and appliances.
37. Jewelry stores, optical goods.
38. Golf course, including miniature course, driving tee, driving range and "pitch and putt" course. Lighting of any such use shall be directed away from residential areas.
39. Leather and leather goods shops, providing that the floor area does not exceed 3,000 square feet for separate or combined uses.
40. Mortuaries, funeral homes and undertakers.
41. Museums, libraries, fine arts centers, parks, playgrounds, community centers or recreational areas.
42. Medical care facilities: Nursing and care homes; hospitals with their related facilities and supportive retail and personal service uses operated by or under the control of the hospital primarily for the convenience of patients, staff and visitors.
43. Nursery yards or buildings for retail sales provided that all incidental equipment and supplies including fertilizer and empty containers are kept within a building.
44. Offices.
45. Parks, playgrounds, community buildings and other public recreational facilities, owned and/or operated by the municipality or other public agency.
46. Public buildings, including libraries, museums, police and fire stations.
47. Piano stores, musical instruments and supplies.
48. Plumbing and heating appliances, repair and installation services. All storage of materials must be indoors.
49. Radio and television sales and servicing.
50. Restaurants, tearooms, cafeterias, fast food and "take-out" food restaurants.
51. Retail stores, businesses, pawn shops, or shops for custom work or the manufacturing of articles to be sold at retail on the premises, providing that in such manufacture the total mechanical power shall not exceed five horse power (5 hp) for the operation of any one machine provided that the space occupied by the



manufacturing use permitted herein shall not exceed 50 percent of the total floor area of the permitted use and provided further that such manufacturing use is not noxious or offensive by reason of vibration, noise, odor, dust, smoke or fumes, and all activities shall be conducted totally within the same building.

52. Service stations, gasoline, oil, greasing, and tuning, not including fender or body repairs, major mechanical, rear end, transmission, and engine overhaul. Car washing as a secondary use. No bay door or overhead door shall face any residential district when located less than 100 feet from any residential district.
53. Showroom warehouse, subject to the following restrictions: All activities and storage shall be totally within an enclosed building; a maximum of 80 percent of the gross floor area of any unit or multiple unit facility shall be used for warehouse activity; no manufacturing fabrication or assembly operation shall be conducted in any part of any unit except for articles to be sold at retail on the premises providing that in such manufacture the total mechanical power shall not exceed five horse power (5 hp) for the operation of any one machine provided that the space occupied by the manufacturing use permitted herein shall not exceed 50 percent of the total floor area of the permitted use and provided further that such manufacturing use is not noxious or offensive by reason of vibration, noise, odor, dust, smoke or fumes, and all activities shall be conducted totally within the same building.
54. Sporting goods including gun sales and repair.
55. Studios for artists.
56. Tailor, clothing or wearing apparel shops.
57. Variety stores.
58. Public, private, and parochial elementary and secondary schools whose curricula satisfy the requirements of the state public school laws and the requirements of the state board of education.
59. Higher education institutions: Junior and senior colleges, universities, conservatories and seminaries, offering curricula recognized by collegiate, academic and professional organization accrediting boards.
60. Religious institutions, churches and facilities for related activities including those of worship, fellowship and education.
61. Radio, television, microwave broadcast, relay, transmission and retransmission facilities, satellite earth stations (home dish antennas) and any electronic emission equipment when operated in conformance with all Federal Communications Commission and other regulations, and provided the following additional conditions are met:
  - (1) No satellite dish shall exceed two meters in diameter, and
  - (2) No portion of any such dish or other equipment, in any position, shall exceed the specified height regulation of this zoning district, and
  - (3) No portion of any ground-mounted antenna or other equipment, in any position, shall be less than five feet from any property line, utility easement, or building, and
  - (4) No such dish or other antenna may be located in any required front yard or second front yard.
62. Recreational vehicle park.
63. Accessory buildings and uses customarily incident to any of the above uses including air conditioners, ice and refrigerating plants purely incidental to the main activity permitted on the premises. No accessory use shall be construed to permit the keeping of articles or materials in the open or outside the building.
64. Antennae and towers not exceeding the maximum height allowed in the district (see paragraph C.1 below), antennae attached to existing structures and not increasing the overall height of the existing structure by more than ten feet, and dish antennae not exceeding two meters in diameter. Except for satellite dish antennae, no antennae or support structure shall be located within the required front, side or rear yard setback. To protect traffic safety and community appearance, no satellite dish antennae or support structure shall be located within the required front [yard] or



second front yard setback, unless the zoning board of adjustment finds that such an encroachment is necessary to prevent impairment of installation, maintenance or reception and that a traffic sight restriction is not created.

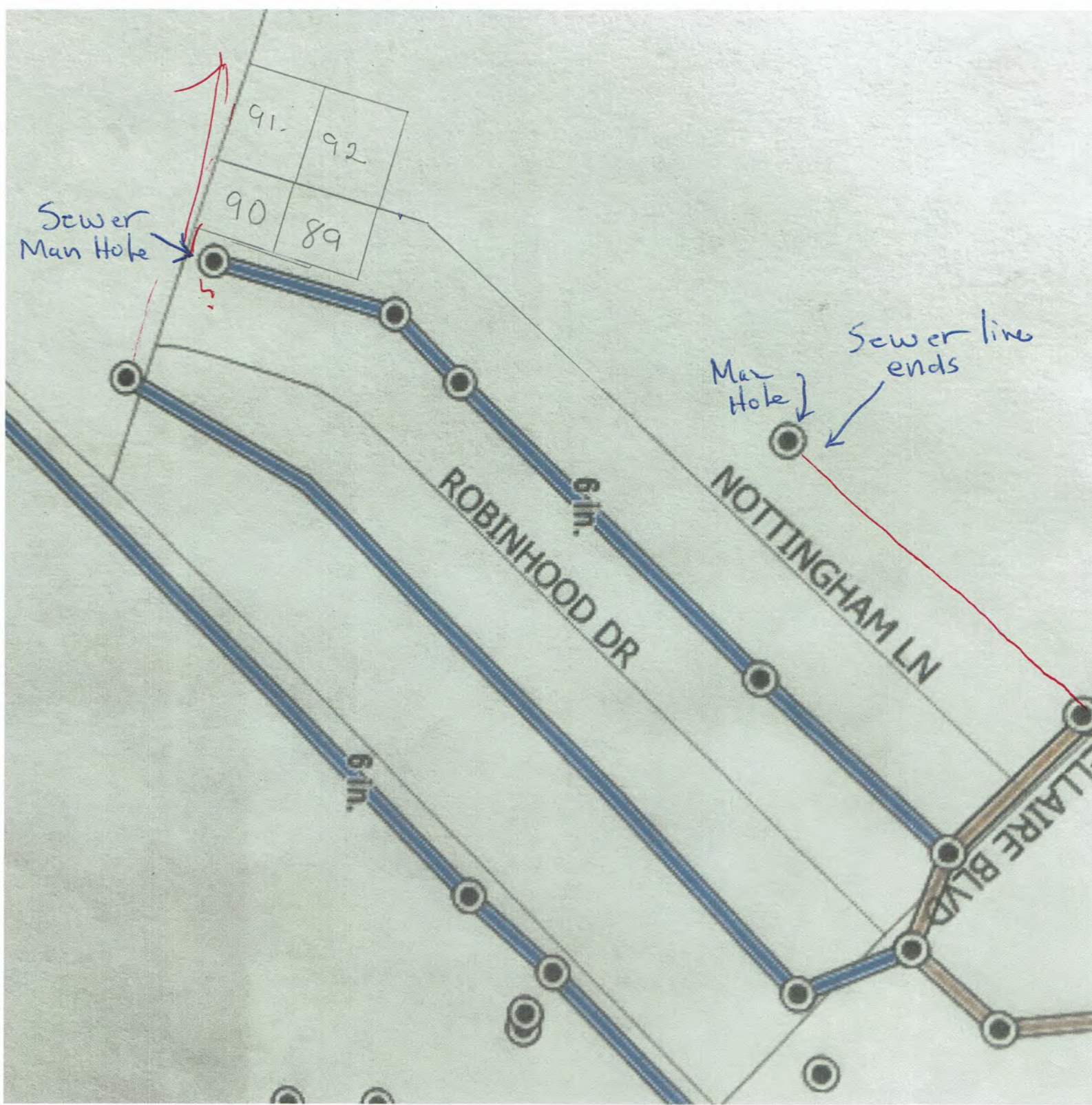
65. Automobile, motorcycle, truck, and trailer sales, or rental areas. No more than two vehicles may be offered for sale except by an authorized motor vehicle dealer licensed or bonded by the Motor Vehicle Division of the Texas Department of Transportation. An existing business may offer up to two vehicles for sale provided that the premises contain an office that is occupied during regular business hours.
66. Boat sales, service and repair.
67. Automobile laundry and steam cleaning subject to the following restrictions:
  - a. All automobile, laundry and steam cleaning uses shall be completely within a building having not less than two sides.
  - b. Vacuuming facilities may be outside the building, but shall not be in the front yard and shall not be closer than 25 feet from "SF", "D", or "MF" districts.
  - c. The building surfaces shall be faced with masonry porcelainized steel, baked enamel steel or other material equal in durability and appearance.
  - d. The building shall not be less than 100 feet from "SF", "D", or "MF" districts.
  - e. The building set back shall be not less than zero feet from the front property line.
  - f. Any lights used to illuminate the area shall be directed away from adjacent residential properties.
68. Mini-warehouse.
69. Garages, public, for repairs or storage facilities for automobiles when such facilities and activities are maintained within a building, provided no painting or body or fender repairs shall be conducted on any premises. No bay door or overhead door shall face any residential district when located less than 100 feet from the residential district.
70. Farm implement sales and service.
71. Hotel, motel or motor hotel subject to the following restrictions:
  - a. No building or outside activities or facilities including dumpsters, mechanical, storage or maintenance buildings or equipment, or recreation areas, except surface parking shall be less than 50 feet from any residential district.
  - b. No building shall exceed two and one-half stories nor shall it exceed 35 feet within 100 feet of any residentially zoned property.
  - c. Any external lighting shall be mounted and maintained in a manner to not illuminate any adjacent residential zoned property.
72. Recreational vehicle storage.
73. Skating rinks, ice and roller.
74. Printing, lithographing, or duplicating shops.
75. Golf courses, including miniature golf, and driving ranges and batting cages.
76. Delicatessen shops.
77. Photograph, portrait or camera shops and photo finishing.
- b. Conditional uses.
  1. Utility facilities.
  2. Antennae and towers exceeding the maximum height in the district and dish antennae exceeding two meters in diameter, in order to protect community appearance from the negative visual effects of proliferation of large antennae. Conditional use permits shall be acted upon within 90 days of receipt of application. Persons aggrieved by a decision on a satellite dish antenna application may appeal to the Federal Communications Commission. Any new towers must also comply with the conditions of [section 90-16 M](#).
  3. Outdoor commercial amusement enterprise.
- c. Special exception uses.
  1. Special exception uses when authorized by the board of adjustment under the



provision of [section 90-19](#).

- C. *Height and area regulations.* In the "C" Commercial District, the height of the buildings, the minimum dimensions of lots and yards, the minimum lot area, and the minimum floor space per family shall be as follows:
1. Height: No building hereafter erected, reconstructed, altered, or enlarged shall exceed three and one-half stories, nor shall it exceed 60 feet within 100 feet of a property line of "SF" zoned or "RE" zoned property. Any building in excess of 100 feet from these property lines shall not exceed three and one-half stories or 60 feet.
  2. Front yard: There shall be a front yard of not less than 25 feet, or the front yard indicated on a city-approved subdivision plat as filed in the Karnes County Plat Records, whichever is greater. Corner lots shall have a minimum side yard of 15 feet on the second front yard, the yard generally parallel to the street with the greatest frontage, unless reversed frontage is approved by the administrative official. If a building line shown on a city-approved subdivision plat as filed in the Karnes County Plat Records is greater than 15 feet, then the platted building line shall be required on the second front yard. Garage doors and gates meant for vehicle use shall be located no closer than 20 feet from the right-of-way.
  3. Rear yard: There shall be a rear yard having a depth of not less than 20 feet.
  4. Side yard: There shall be a minimum side yard of not less than five feet. Where a lot abuts upon the side of a residentially zoned lot, there shall be a side yard of not less than ten feet. In a unified commercial development, interior side yard setbacks may be waived upon approval of the planning and zoning commission at the time of platting or site plan approval.
  5. Width of lot: The width of a lot shall be a minimum of 70 feet at the building line, provided that where a lot of record and in separate ownership at the time of the passage of this chapter has less width than herein required, this chapter shall not prohibit its use for commercial purposes





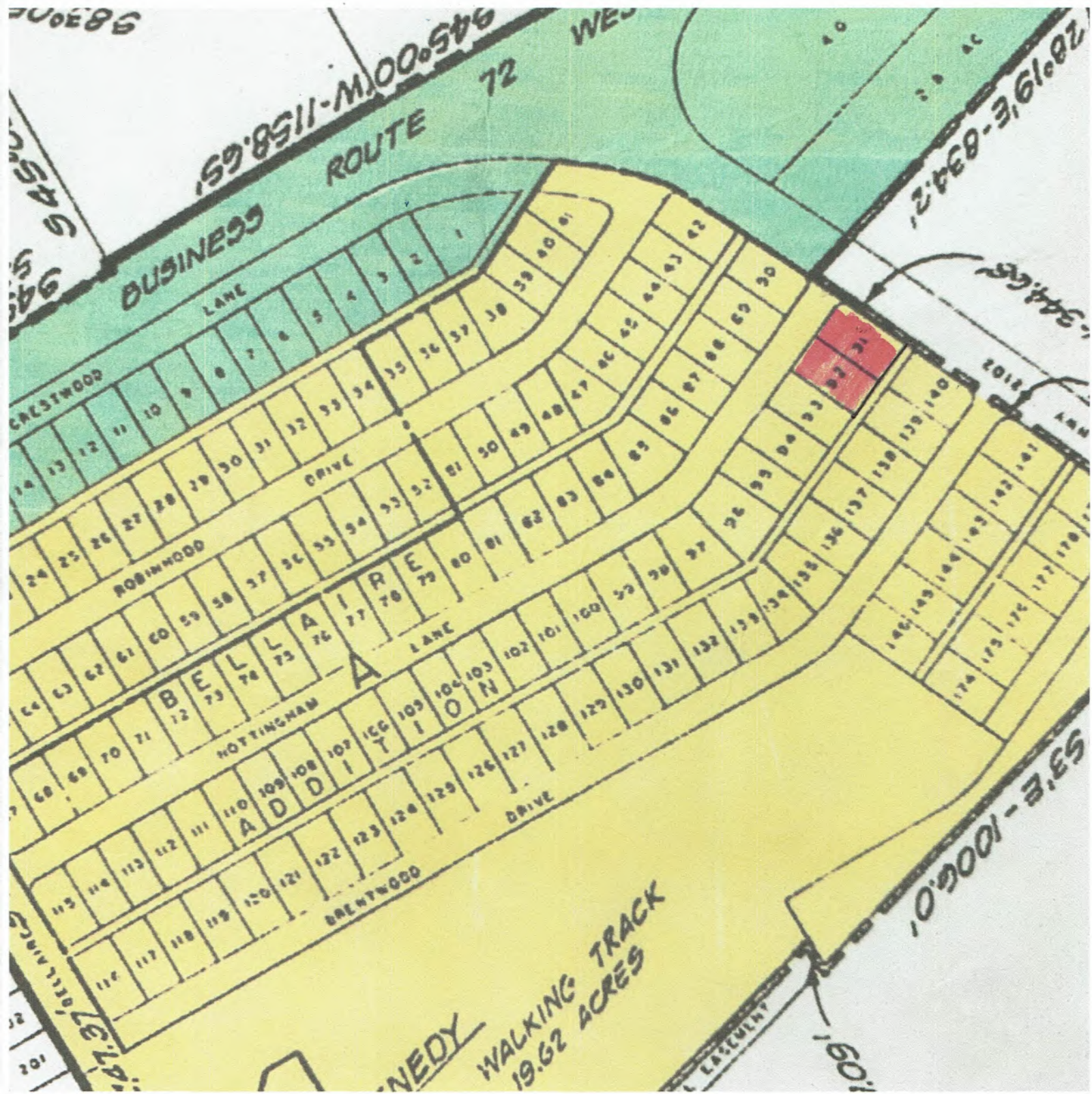














**PLANNING & ZONING BOARD AGENDA**  
**Regular Meeting: Thursday, January 06, 2022**

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**AGENDA ITEM: 10**

Items to consider for placement on future agendas.

**SUBMITTED BY:** Chair Gretchen Dupnik



**PLANNING & ZONING BOARD AGENDA**  
**Regular Meeting: Thursday, January 06, 2022**

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**AGENDA ITEM: 11**

Adjourn.

**SUBMITTED BY:** Chair Gretchen Dupnik