

ORDINANCE NO. 1683

AN ORDINANCE ADDING ARTICLE II “ZONING DISTRICTS” DIVISION “F” CORRIDOR OVERLAY TO THE DEVELOPMENT CODE OF THE KILGORE CODE OF ORDINANCE PERTAINING TO MAJOR CORRIDORS IN THE CITY OF KILGORE; PROVIDING A CONFLICT CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A SAVINGS CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, The City of Kilgore is a home rule municipality located in Gregg and Rusk Counties, Texas, and created in accordance with the provisions of Chapter 9 of the Local Government Code and acting under its Charter adopted by the electorate pursuant to Article 11, Section 5 of the Texas Constitution; and

WHEREAS, the City Council desires to add guidelines to Article II “Zoning Districts” for a “Corridor Overlay” zoning district in the City of Kilgore.

WHEREAS, the City Council desires to renumber Article II Division E in order to provide more clarity to the Overlay Districts section of the Zoning Code.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF KILGORE, TEXAS:

That Chapter 14 “Zoning” Appendix A “Development Code” Article II “Zoning” Division E of the Code of Ordinances of the City of Kilgore, Texas is hereby amended removing struck through words, and adding the words and phrases which are bold:

Division E - ~~Main Street Overlay District and Conditional Overlay Combining District (COCD)~~ **Overlay and Special Districts Additional Regulations**

~~Sec. 44A-~~ **44 Conditional Overlay Combining District (COCD)**

~~Sec. 44~~ **45 Main Street Overlay District MS-O**

A. Main street Overlay Description

~~Sec. 45~~ **B. Establishment and Designation**

~~Sec. 46~~ **C. Notification**

~~Sec. 47~~ **D. Applicability**

~~Sec. 48-~~ **E. Façade Design**

~~Sec. 49~~ **F. Signage**

~~Sec. 50~~ **G. Recommended Standards**

Sec. 46 Corridor Overlay District (CO)

- A. The extent of the Corridor Overlay District shall be defined and modified by the following legal description and is hereby subject to the Corridor Overlay District regulations and requirements contained in this section. The district boundaries shall be included on the City of Kilgore Official Zoning Map.**

1. The first two-hundred and fifty feet (250') beginning at the end of the right-of-way line on each side of the following major corridors within the City Limits of Kilgore.
 - a. Business US Hwy 259
 - b. Hwy 259 (North Henderson and South Henderson Boulevard)
 - c. SH 42 North and SH 42 South
 - d. Stone Road (FM 2204)
 - e. FM 349
 - f. SH 135 North and SH 135 South
 - g. East SH 31 and West SH 31

B. Regulations specific to the Corridor Overlay District

1. The Corridor Overlay applies to the first two hundred and fifty feet (250') beginning at the end of the right-of-way line on each side of the major corridors in the City of Kilgore as described in Section "A".
2. Manufactured Homes are a prohibited use in the designated corridor overlay.
3. A minimum of 5% of the lot to be developed for commercial or industrial use shall be landscaped.
 - a. Required vertical plantings using trees, shrubs and small plantings spaced at a maximum of 10 ft.
 - b. Landscaping shall be placed on the corridor facing side of the development.
 - c. For any lot greater than one acre, the applicant may request only one acre be considered for landscaping requirements.
4. For commercial or industrial uses, any chain link fence facing the corridor must have vertical plantings placed in front with 6-foot minimum maturity height; at a maximum 10-foot spacing if a single species is used, or at a maximum 12-foot spacing for two or more species. This area may be calculated as part of the 5% landscaping requirement.
5. Dumpster screening is required on corridor facing side if the dumpster is visible from the corridor.
 - a. Dumpsters are to be screened with wood fencing, vertical plantings, or any other material approved by the Director of Planning.
6. The Corridor Overlay regulations apply to all new construction and expansion or renovation on projects valued at the lesser of 50% or

more of the current appraised value as determined by the Appraisal District or the project is valued at over \$100,000.

Sec. 47-49 Reserved

SECTION 2. Conflict Clause

This ordinance shall be cumulative of all provisions of the City of Kilgore, Texas, except where the provisions of this ordinance are in direct conflict with the provisions of other ordinances, in which event the conflicting provisions of the other ordinances are hereby repealed.

SECTION 3. Severability Clause

It is hereby declared to be the intention of the City Council that the phrases, clauses, sentences, paragraphs, and sections of this ordinance are severable, and if a phrase, clause, sentence, paragraph, or section of this ordinance shall be declared unconstitutional by the valid judgment or decree of a court of competent jurisdiction, such unconstitutionality shall not effect the remaining phrases, clauses, sentences, paragraphs, and sections of this ordinance, since the same would have been enacted by the City Council without the incorporation in this ordinance of the unconstitutional phrase, clause, sentence, paragraph, or section.

SECTION 4. Savings Clause

All rights and remedies of the City of Kilgore are expressly saved as to any and all violations of the provisions of any ordinances regulating the official zoning map of the city and have accrued at the time of the effective date of this ordinance; and, as to such accrued violations and all pending litigation, both civil and criminal, whether pending in court or not, under such ordinances, same shall not be affected by this ordinance but may be prosecuted until final disposition by the courts.

SECTION 5. Effective Date

This ordinance shall be in full force and effect from and after its passage and publication as required by law, and it is so ordained.

PASSED AND APPROVED ON THIS 14th DAY OF MARCH, 2017.

R. E. SPRADLIN, III, MAYOR

ATTEST:

DEBORAH DANE, CITY CLERK

APPROVED AS TO FORM AND LEGALITY:

ROBERT G. SCHLEIER, JR., CITY ATTORNEY