

# Kerrville Ordinance Updates

Code Review Committee Meeting #2

*November 1, 2018*



# Call to Order



# Meeting Overview

- **Call to Order**
- **Meeting Overview**
- **Zoning Overview**
  - Zoning (History, Purpose, Authority)
  - Zoning and the Comprehensive Plan
  - Kerrville Zoning Code
  - Zoning and the Subdivision Ordinance and Development Standards
- **Stakeholder Interviews / Survey**
- **Project Goals**
- **Discussion Topics / Committee Direction**
  - Zoning Districts
  - Land Use Chart
  - Conditional Use Permits
  - Specific Use Districts
  - Cumulative Zoning
  - Comprehensive Plan Implementation
  - Zoning Map
- **Next Steps**
  - Updated Zoning Ordinance
  - CRC Meeting #3 (December 12th – 4:00 PM)
  - Community Open House (Early January)
- **Adjourn**

# Zoning Overview



# Zoning (History, Purpose, Authority)

- Zoning authority allows a city to divide area within its boundaries into different geographical areas (districts, zones) for the purpose of regulating:
  - Density of buildings (height, number of stories, size)
  - Amount of open space on a lot
  - Concentration of population
  - Use of land
  - Places of historical, cultural, architectural significance



# Zoning (History, Purpose, Authority)

- History of zoning in the U.S. dates back approximately 100 years
- Purpose:
  - Prevent nuisances
  - Provide for safe living conditions (prevent the blocking of light, allow the circulation of air, separate incompatible land uses...)
- Power of cities to zone has been upheld by the Supreme Court



# Zoning (History, Purpose, Authority)

- In Texas, power to zone was granted to cities by the State in 1927 (permissive, not mandatory)
- Purpose:
  - Promote public health, safety, morals, general welfare
  - Protect and preserve places of historical, cultural, architectural importance and significance
- Legislation includes processes for:
  - Adopting and amending zoning (notification, public hearings, provisions for protesting a request for zoning change)
  - Requesting variances to standard zoning regulations
- *Note:* A city does not have the authority to zone land within its ETJ



# Zoning and the Comprehensive Plan

- Zoning should be adopted in conformance with a comprehensive plan and must be designed to:
  - Lessen congestion in the streets
  - Secure safety from fire, panic, and other dangers
  - Promote health and the general welfare
  - Provide adequate light and air
  - Prevent the overcrowding of land
  - Avoid undue concentration of population
  - Facilitate the adequate provision of transportation, water, sewers, schools, parks, and other public requirements



# Kerrville Zoning Code

- Consists of:
  - Comprehensive Plan
    - Kerrville 2050
    - Basis for land use decisions (zoning decisions, location of public facilities, etc.)
  - Zoning Ordinance (Text)
    - Kerrville Zoning Code
    - Regulations
  - Zoning Map
    - Official Zoning Map
    - Colors indicating the type and location of different districts



# Kerrville Zoning Code

- Definitions
- Zoning District regulations
- Land Use table
- Sections on Conditional Use Permits, Specific Use Districts, Non-conforming Uses
- Parking and Screening requirements
- Administrative provisions (P&Z, Board of Adjustments, process for zoning change or variance...)



# Zoning and the Subdivision Ordinance and Development Standards

- Zoning Code (**Phase 1** of the Code Review project)
  - Use of land (permitted activities, density of development)
- Subdivision Ordinance (**Phase 2**)
  - Provision of infrastructure to serve development (streets, utilities)
- Development Standards (**Phase 3**)
  - Parking
  - Screening
  - Lighting
  - Landscaping
  - Signs
  - Special requirements for some uses





# Survey Results

- Survey of stakeholders and others on their experience with Kerrville's development-related codes
- Survey period coincided generally with the week of stakeholder interviews
- **21** respondents\*
  - Architects and engineers
  - Developers and builders
  - Property owners and managers
  - Real estate brokers
  - Council or board members
  - Other (resident, business owner...)
- **37%** worked primarily with the zoning code, though all were mentioned in addition to Building Code
- The **sign ordinance** was rated as the least difficult code to work with; the **zoning code** was rated as the most difficult

\* Not everyone responded to all questions



# Survey Results

Respondents felt that special guidelines or standards for Downtown and the Guadalupe River corridor could consider the following:

## **Downtown Kerrville** (% agree)

- Building materials (100%)
- Mixing of residential and non-residential activities in a single building (100%)
- Parking requirements (100%)
- Streetscape elements (100%)
- Location and screening of utilities and service areas (100%)

## **Guadalupe River** (% agree)

- Uses (100%)
- Signage (95%)
- Building height (93%)
- Landscaping (92%)
- Building materials (91%)



# Stakeholder Interview Results

- 13 sessions, 1 to 5 people in each, October 15-17, 2018
- 31 participants
- Most of the opinions expressed were reinforced over multiple interviews
- Highlights:
  - Make health, safety, welfare the focus of the code
  - Be reasonable, logical
  - Emphasize benefits of proposed changes to the community
  - Not too many new requirements
  - Remember that private property rights are important



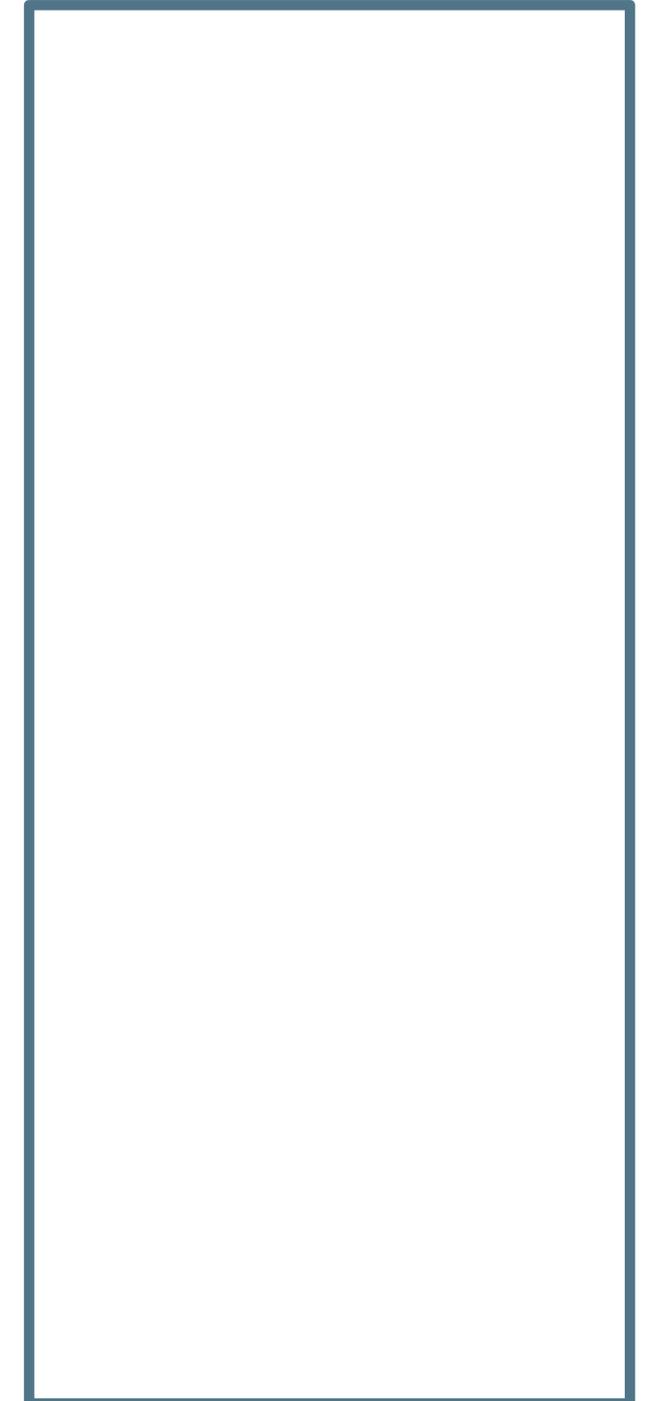
# Stakeholder Interview Results

- Highlights:
  - Need a predictable regulatory environment; otherwise economic development is hindered
  - The code needs to be cleaned up; it is cumbersome, difficult to navigate, unclear, requires too much interpretation
  - Interpretations lead to inconsistencies and a lack of confidence in the process, which is compounded by changes in personnel
  - Kerrville needs to project a more business-friendly attitude; “Open for business”...“How can we help you?”



# Stakeholder Interview Results

- Highlights:
  - There are too many zoning districts in the Kerrville code and the districts are too similar; need to consolidate into fewer classifications
  - Districts should not be based on geography, but on land use character
  - Too many uses require a CUP; CUPs may have different conditions for the same use; seems arbitrary; the process is difficult





# Stakeholder Interview Results

- Highlights:
  - Most favored some overlay standards or guidelines (or a mix) for Downtown and the River Corridor as long as they're reasonable
  - More favored standards/guidelines for the River Corridor than Downtown
  - Properties with river frontage would probably be willing to abide by special regulations in order to stay competitive or gain a competitive advantage
  - Need to consider protections for the river as a water source
  - There's a parking problem Downtown



# Stakeholder Interview Results

- Highlights:
  - Most felt landscaping was a desirable feature and that most developers expect to provide it, but preferred guidelines with incentives to regulations
  - The idea of a reasonable tree preservation ordinance was acceptable to the majority
  - Reasonable requirements for building design in major corridors (especially building materials) could improve the look and image of the city
  - Developers are willing to comply with reasonable standards if they can figure out what they are; they want to know the rules

# Project Goals



# Project Goals

- Why do we need goals?
- How will they be used?



# Project Goals

## Stakeholder Interviews

- Create a user-friendly ordinance
  - Simplify/Streamline the code
  - Clarify the regulations
  - Revise out-of-date standards and uses
  - Address inconsistencies
  - Minimize the need for interpretation by staff
- Minimize non-conformities resulting from a new code
- Support the Kerrville 2050 vision



# Project Goals

## Kerrville 2050

- Support of Kerrville 2050 Vision and Guiding Principles
  - Ensure that existing City codes, including zoning and subdivision ordinances and the zoning map, are consistent with and support Kerrville 2050
  - Ensure that Development Services processes and existing codes and ordinances are not impediments to development/redevelopment
  - Encourage reinvestment in Downtown businesses by identifying and addressing regulatory hurdles and providing incentives to attract development consistent with the community's vision
  - Enhance the aesthetics and mitigate the ecological impacts of development on the River corridor while preserving scenic views and the natural beauty of the area
  - Provide a diverse range of housing options to meet the needs and desires of all age groups, income levels, and lifestyles



# Project Goals

## Code Review Committee

- Additional goals?

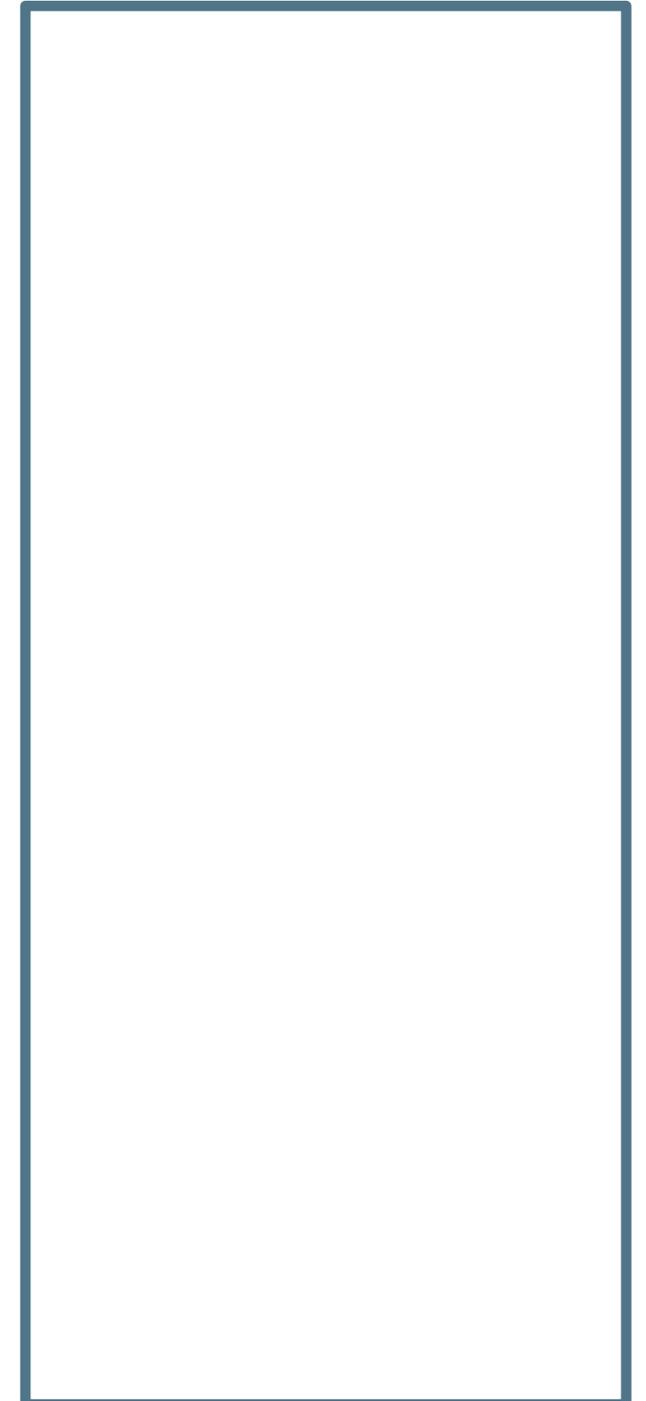
# Discussion Topics

*Committee Direction*



# Zoning Districts

- **49** Zoning Districts
  - **27** North, South, East, West
  - **11** Central/CBD/Downtown Core
  - **6** Residential
  - **4** Special (Airport, Guadalupe River, Gateway, Public/Institutional)
  - **1** PD

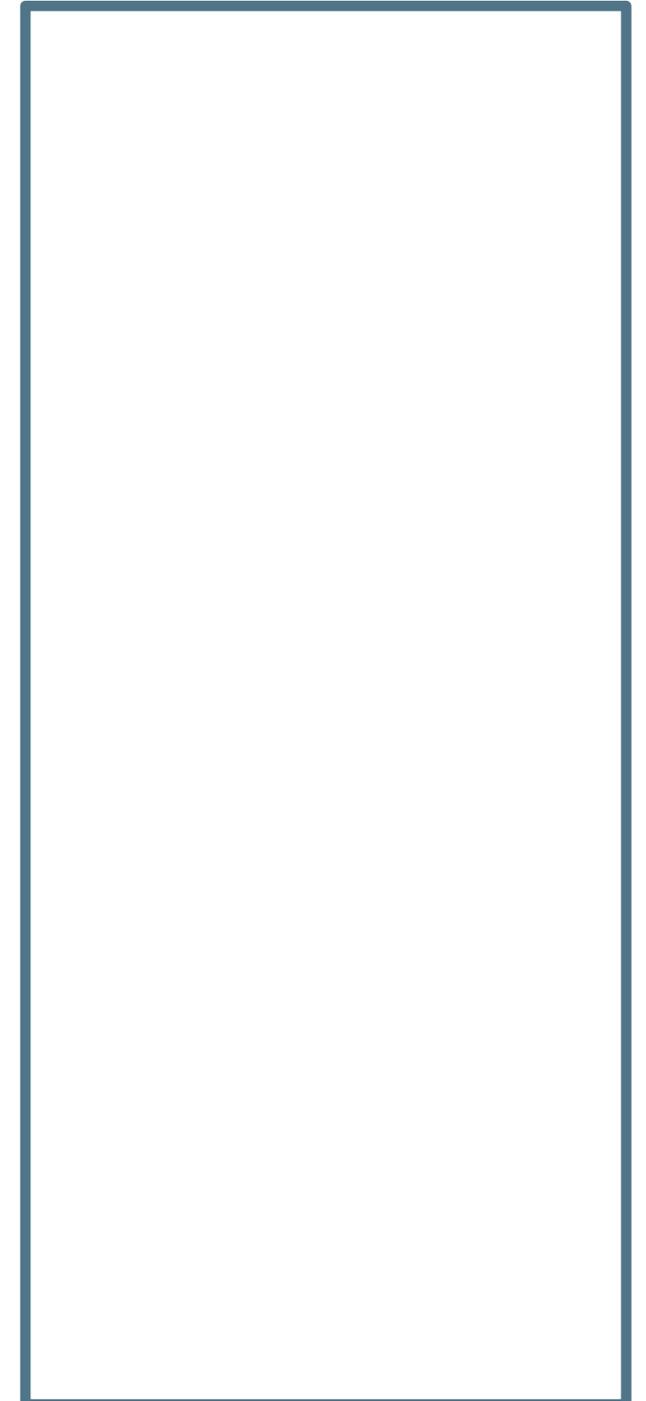




# Zoning Districts

## *Issue and Implications*

- Most district names do not indicate type of uses allowed
  - Difficult to determine where individual uses (non-residential) are allowed
  - Requires consulting multiple pages in the code or calling on staff to find out where commercial, office, industrial uses are allowed, for example
  - Not user-friendly; does not support economic development





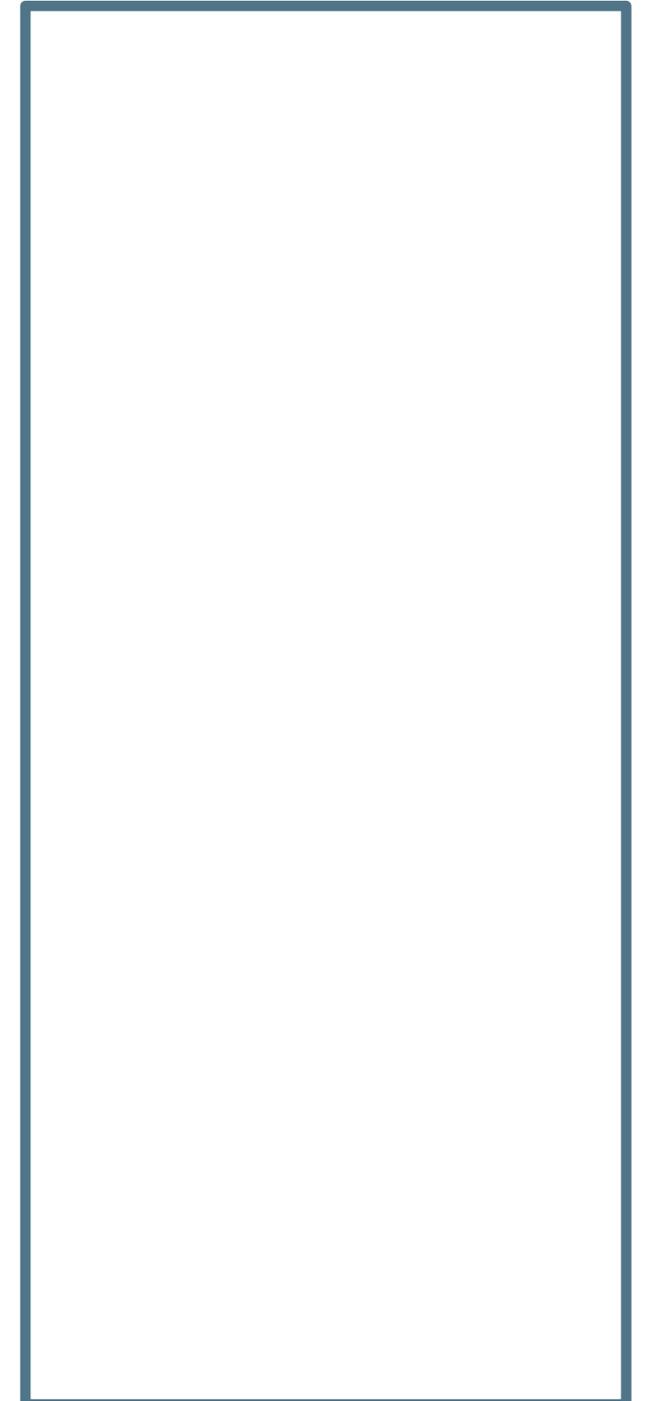
# Zoning Districts

## *Issue and Implications*

- Most district names do not indicate types of uses allowed

## *Preliminary Recommendation*

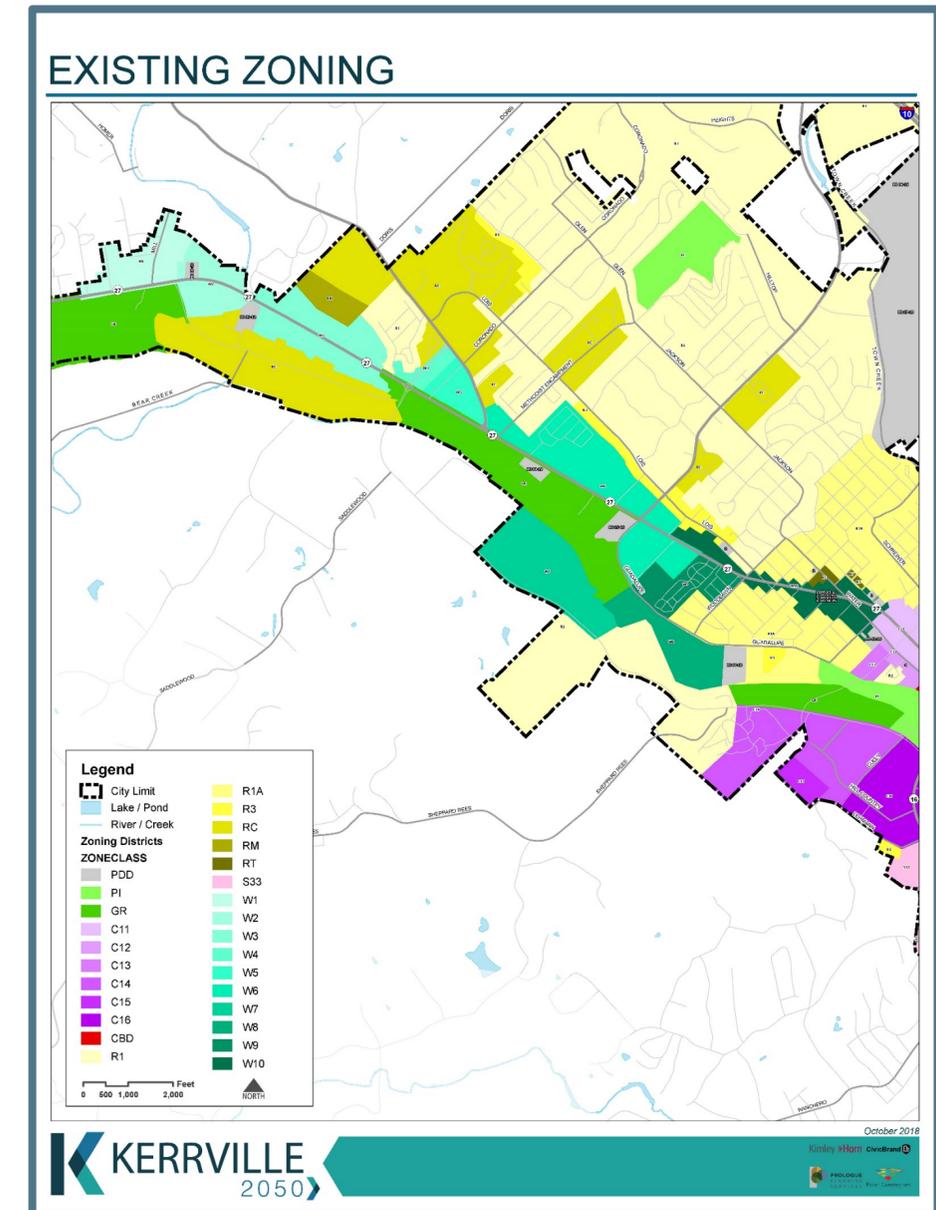
- Rename districts to reflect the character of uses allowed
  - Retail/Commercial
  - Industrial/Manufacturing



# Zoning Districts

## *Issue and Implications*

- Geographic-based district names do not indicate type of uses allowed
- District names such as North, South, East, West do not provide the information users are most interested in
- Requires consulting multiple pages in the code or calling on staff to find out where commercial, office, industrial users are allowed, for example
- Not user-friendly; does not support economic development



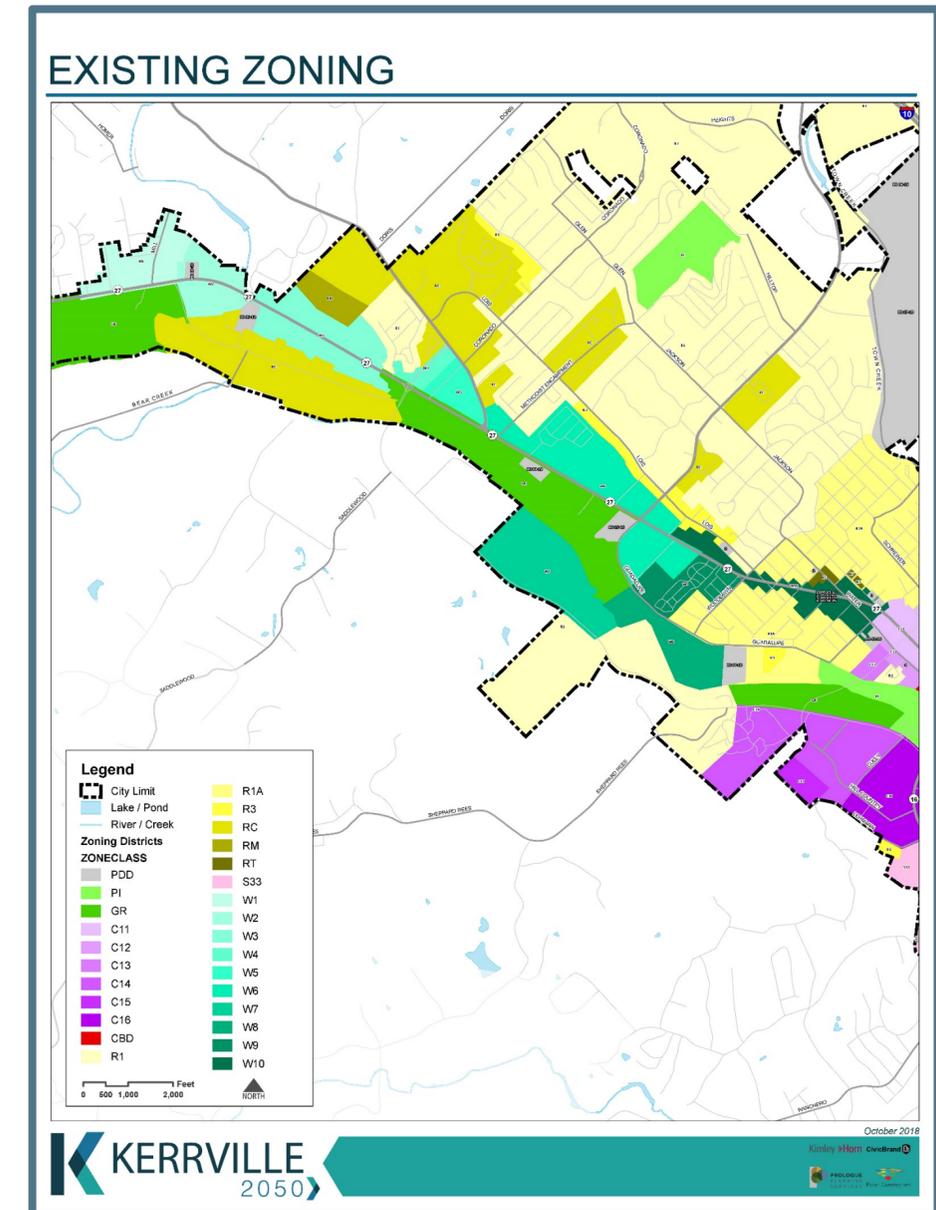
# Zoning Districts

## *Issue and Implications*

- Geographic-based district names do not indicate type of uses allowed

## *Preliminary Recommendation*

- Eliminate geographic references in zoning district names in favor of names that reflect permitted uses
- *Possible exception: Central or Downtown area*

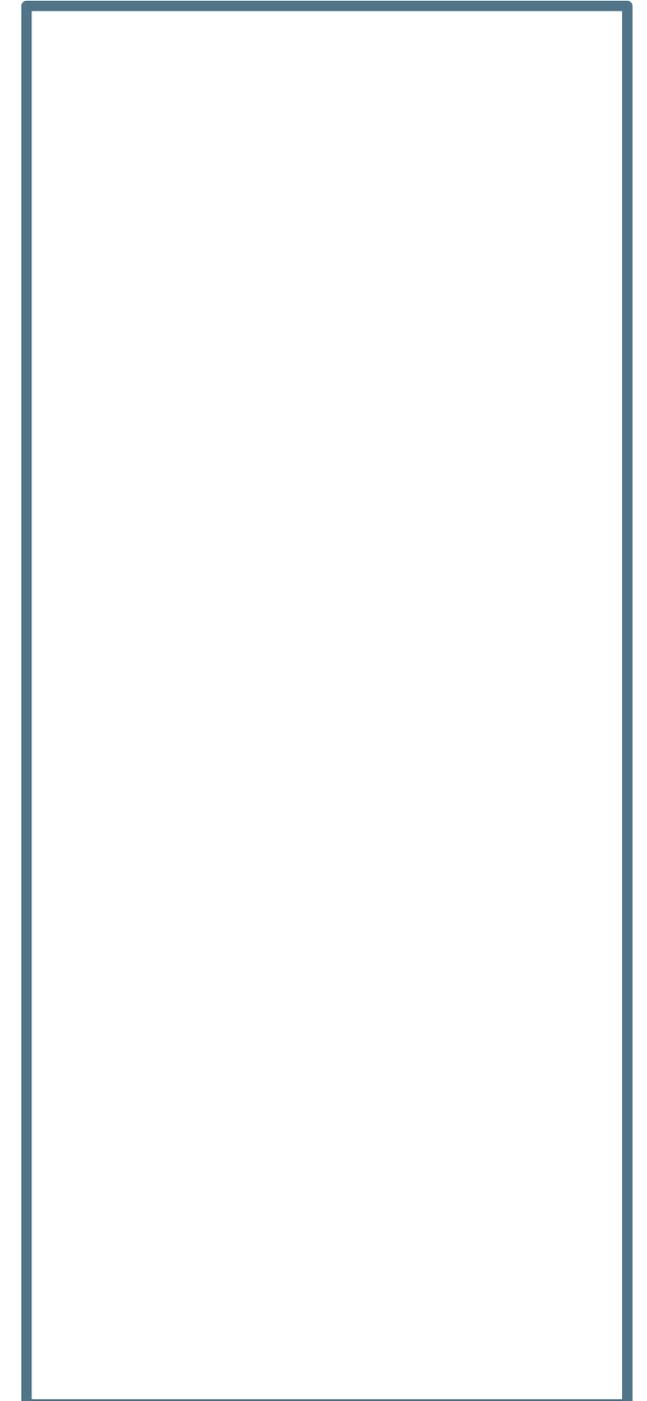




# Zoning Districts

## *Issue and Implications*

- There are too many zoning districts
  - Several districts differ only slightly from others
  - Such small distinctions make the code difficult to navigate
  - Not user-friendly; does not support economic development





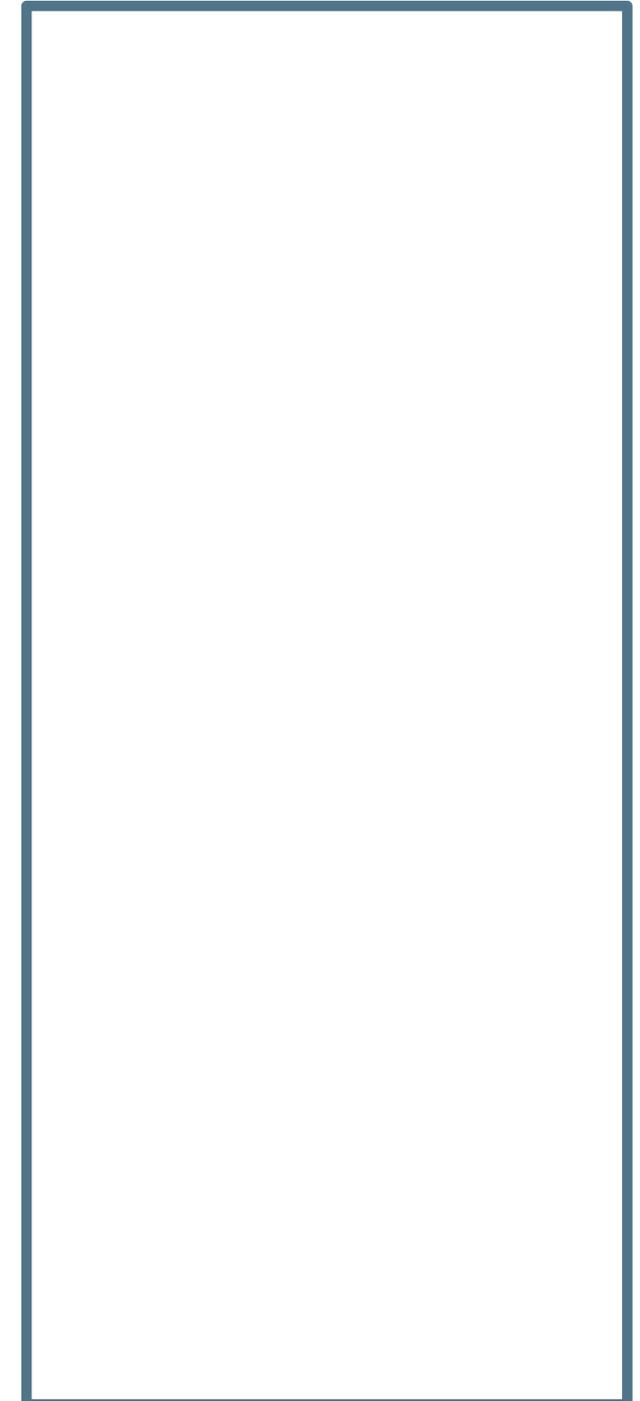
# Zoning Districts

## *Issue and Implications*

- There are too many zoning districts

## *Preliminary Recommendation*

- Consolidate similar districts
- Eliminate any districts not currently being used





# Land Uses

- Uses
  - Kerrville Land Use Table
    - 41 uses (some are use “categories”)
    - Arranged in alphabetical order
    - Table indicates zoning districts where uses are allowed, not allowed, or require special approval
      - P = Permitted
      - C = Conditional Use Permit required
      - [Blank] = Not allowed
  - “Categories” of uses require reference to Definitions section to determine specific uses allowed





# Land Use Chart

Agricultural - General  
Agricultural Service  
Bed and Breakfast  
Building Construction, General  
Building Construction, Specialist  
Business Services I  
Business Services II  
Cocktail Lounge  
Detention Facilities  
Dwelling, Single Family, Detached  
Manufactured Home or Manufactured Housing  
Dwelling, Multiple Family  
Dwelling, Single Family with Apartment  
Dwelling, RC District Uses (with plat)  
Education, Secondary and College  
Education, Primary  
Equipment Sales/Repair/Storage (Heavy)  
Fuel Sales  
Funeral Services  
Institutional and Public Use Facilities

Life Care Development  
Manufacturing, Custom  
Manufacturing and Industrial, Heavy  
Manufacturing and Industrial, Limited  
Manufactured Housing Sales  
Personal Services I  
Personal Services II  
Personal Services - Limited  
Professional Offices  
Restaurant, General  
Restaurant, Limited  
Retail Trade - I  
Retail Trade - II  
Retail Trade - III  
Retail Trade - Limited  
Tourist/Visitor and Recreation Service  
Transportation Terminals (Bus/Aviation)  
Vehicle Maintenance and Repair  
Vehicle Sales/Service - Used  
Vehicle Sales/Services - New  
Warehousing and Distribution



# Land Use Chart

## *Issue and Implications*

- Incomplete list of uses
- Some uses in the list function more like “categories”
  - May require an applicant to hunt through multiple sections of the code to try to find an answer
  - Presents challenges that may require interpretation by staff
  - Not user-friendly; does not support economic development

**Business Services I**  
**Business Services II**  
**Personal Services I**  
**Personal Services II**  
**Personal Services – Limited**  
**Professional Office**  
**Retail Trade - I**  
**Retail Trade - II**  
**Retail Trade - III**  
**Retail Trade - Limited**



# Land Use Chart

## *Issue and Implications*

- Incomplete list of uses
- Some uses function like categories

## *Preliminary Recommendation*

- Expand and update the list of uses to minimize the need to refer to definitions or request interpretations
- Possibly/Probably reorganize the Land Use Chart
- Define all uses

### **Business Services I**

Bail bonding agencies  
Bicycle repair shops  
Cablevision, radio, and television stations  
Camera repair shops  
Commercial art, photography, art, graphics  
Employment agencies  
Gunsmith and locksmith shops  
Jobs and vocational training centers  
Musical instrument, radio, television repair  
Postal services  
Taxidermy businesses (with limitations)

...

### **Business Services II**

Business Services I uses  
Appliance sales or repair, used  
Automotive towing services  
Blue printing and photo copying services  
Building cleaning services  
Car washes  
Disinfecting and exterminating services  
Laundry services  
Funeral service and crematories  
Newspapers  
Photofinishing laboratories  
Repossession services

...



# Conditional Use Permits (CUPs)

- Conditional Use:
  - “...a use of property which is otherwise not permitted in a specific zoning district but which may become a compatible use through the imposition of and compliance with conditions related to development of the specific property which are set forth in the Zoning Code or in a Conditional Use Permit approved by the City Council.”
- Required for a specific set of uses in certain districts as indicated in the Land Use Chart
- May only request a CUP *in specific zoning districts*
- Application process same as for zoning change
- Approved by Council resolution





# Conditional Use Permits (CUPs)

## *Issue and Implications*

- Number of uses requiring a Conditional Use Permit seems unusually high
  - CUP process is cumbersome
  - Can be difficult to explain why certain CUP uses are allowed on one property but not at a comparable location (seems arbitrary)
  - Not user-friendly; does not support economic development





# Conditional Use Permits (CUPs)

## *Issue and Implications*

- Number of uses requiring a Conditional Use Permit seems unusually high

## *Preliminary Recommendation*

- Reduce the number of CUP uses; allow by right where appropriate





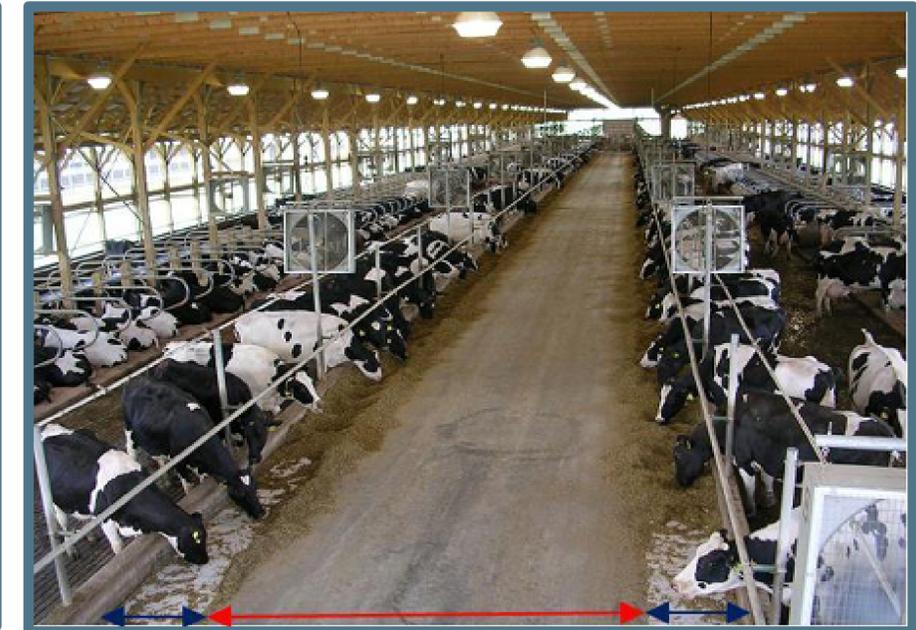
# Specific Use Districts

- Specific Use Districts:
  - “...required prior to the development of any property within the City which is to be used for...” a specific set of uses
- Set of uses which tend to be of a more noxious nature or potentially so (feed lots, paper mill, rendering plants, petroleum refining, chemical manufacturing, mining, junkyard, open air market...)
- Requests *not limited as to zoning district* (can apply for a SU in any district)
- Application processed same as for zoning change or CUP
- Approved by ordinance

# Specific Use Districts

## *Issue and Implications*

- Is there a need for a Specific Use District section in the code?
  - Are these uses desirable in Kerrville?
  - Is it necessary to list them or could they be handled if requested by CUP as “new or unlisted uses”?



# Specific Use Districts

## *Issue and Implications*

- Is there a need for a Specific Use District section in the code?

## *Preliminary Recommendation*

- Eliminate this section of the code and review these activities as “unlisted uses” by CUP, if requested (in any district or in specific districts; to be determined)



# Cumulative Zoning

- “...method of zoning in which any use permitted in a higher-use/less intensive zone is permissible in a lower use/more intensive zone. For example: under this method, a house could be built in an industrial zone but a factory could not be built in a residential zone.”

*USLegal.com*

Example of the General Concept						
USE TYPE	SF	MF	LC	HC	LI	HI
Single-Family	X					
Multifamily	X	X				
Light Commercial	X	X	X			
Heavy Commercial	X	X	X	X		
Light Industrial	X	X	X	X	X	
Heavy Industrial	X	X	X	X	X	X

# Cumulative Zoning

## *Issue and Implications*

- Is true cumulative zoning right for Kerrville?
- Cumulative zoning can create undesirable conditions for less intensive uses
  - Lack of protection in the midst of more intense uses (traffic, noise, odors, views)
- Can be difficult to plan for the provision of public services under cumulative zoning
  - Different uses have different requirements



*Photos: Fernando Ramirez, Chron, August 17, 2018*

# Cumulative Zoning

## *Issue and Implications*

- Is true cumulative zoning right for Kerrville?

## *Preliminary Recommendation*

- Develop a modified system of cumulative zoning, where:
  - Residential districts cumulate
  - Retail/Commercial districts cumulate
  - Industrial districts cumulate (perhaps allowing Retail/ Commercial uses as well)

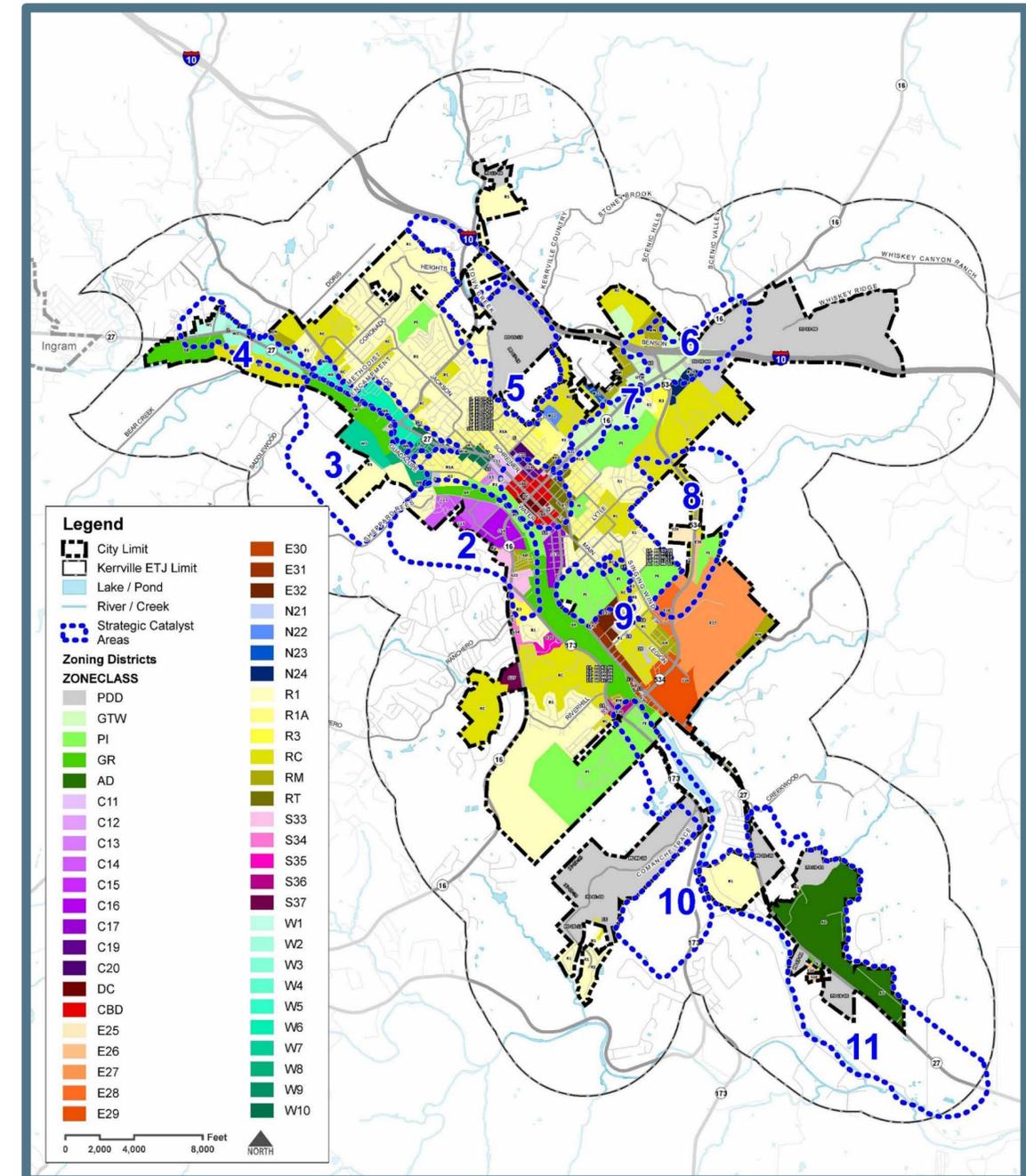
Example of the General Concept

USE TYPE	SF	MF	LC	HC	LI	HI
Single-Family	X					
Multifamily	X	X				
Light Commercial			X			
Heavy Commercial			X	X		
Light Industrial			(X)	(X)	X	
Heavy Industrial			(X)	(X)	X	X

# Comprehensive Plan Implementation

## *Issue and Implications*

- The Zoning Code should support the Kerrville 2050 Comprehensive Plan
- Kerrville 2050 includes some development concepts/types that may not be allowed by the existing code
- To encourage the type of development the community desires, barriers posed by existing codes must be removed



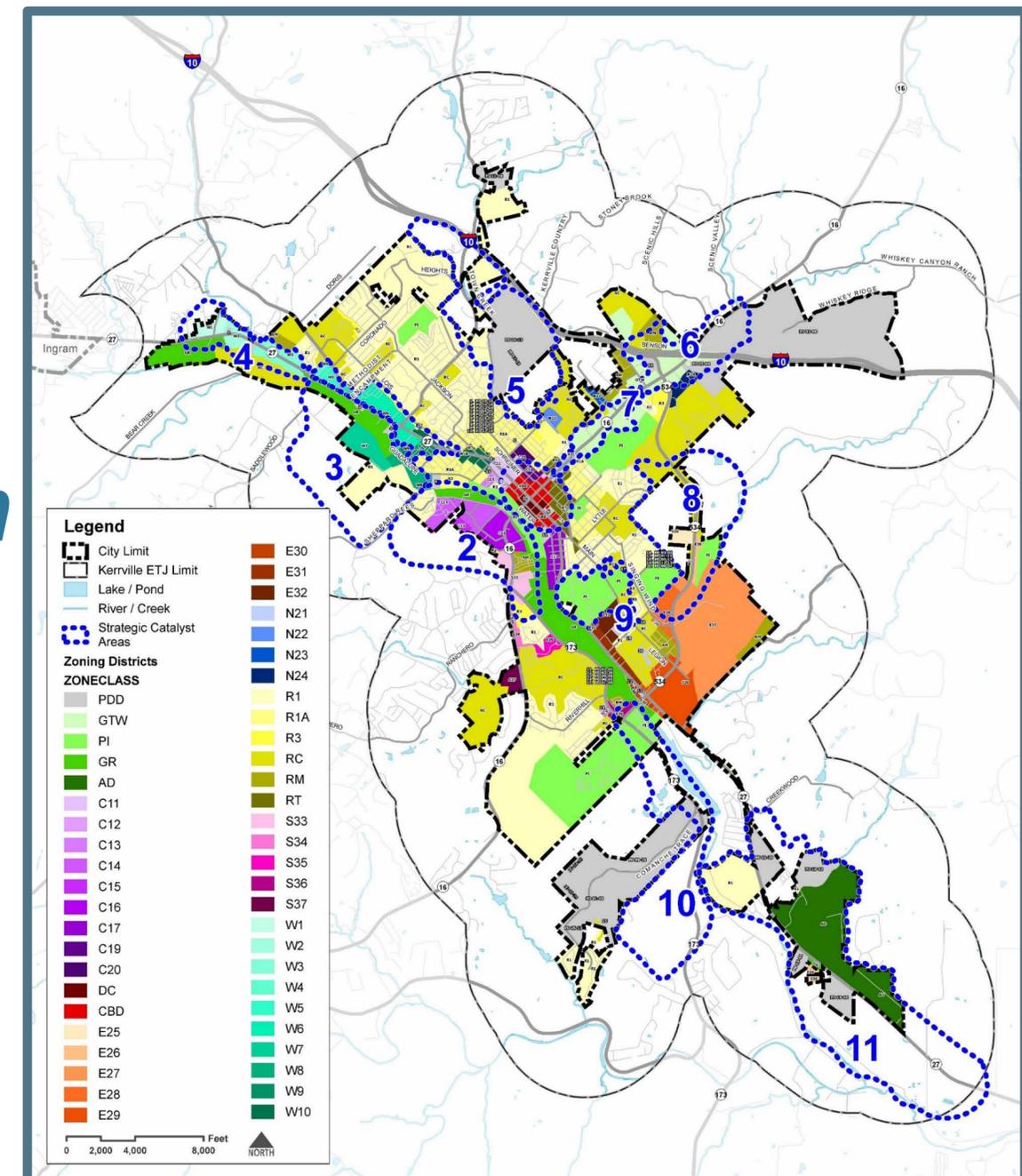
# Comprehensive Plan Implementation

## *Issue and Implications*

- Zoning should support the Kerrville 2050 Comprehensive Plan

## *Preliminary Recommendation*

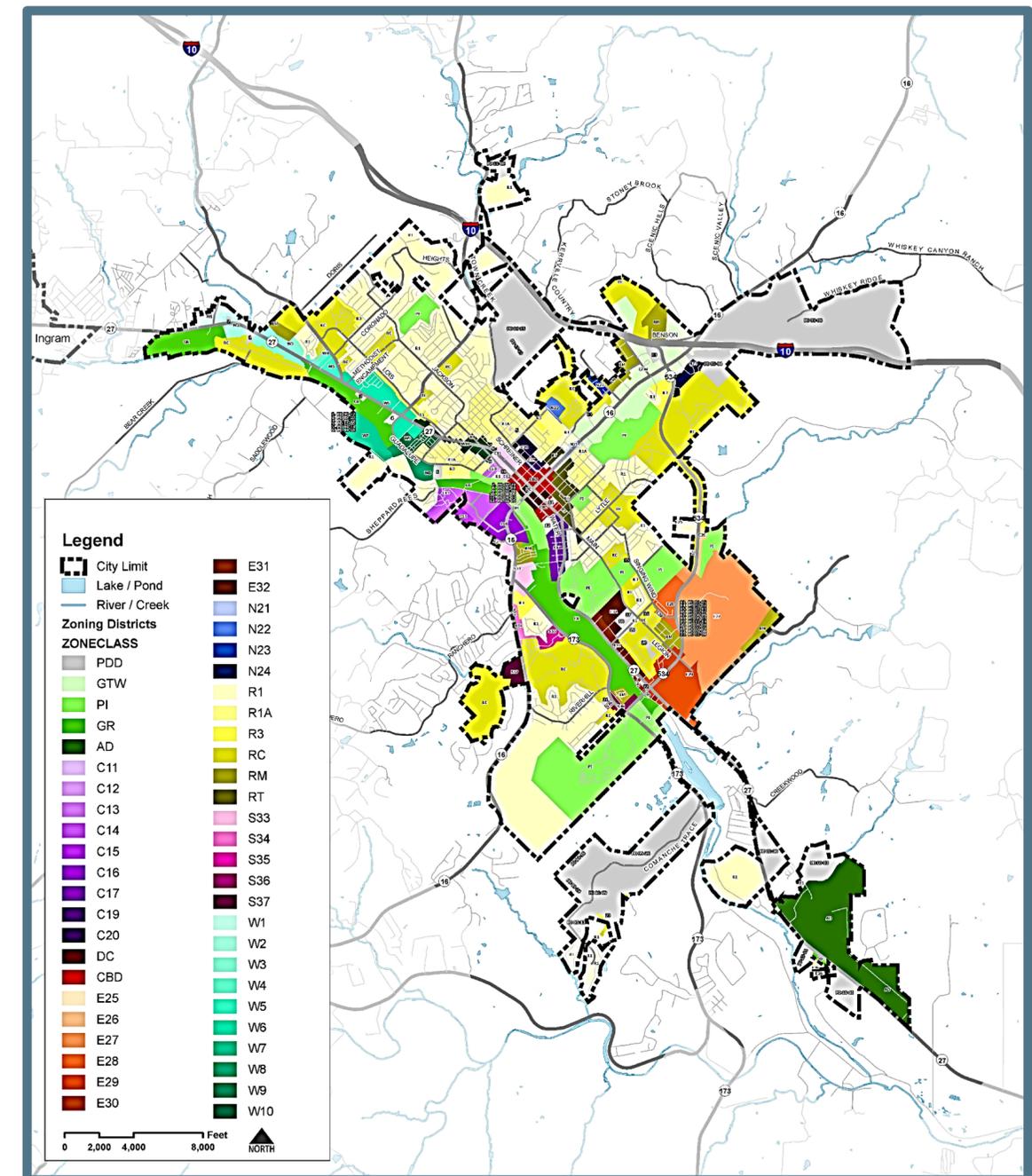
- Develop new districts/revise regulations as necessary to accommodate the Kerrville 2050 vision



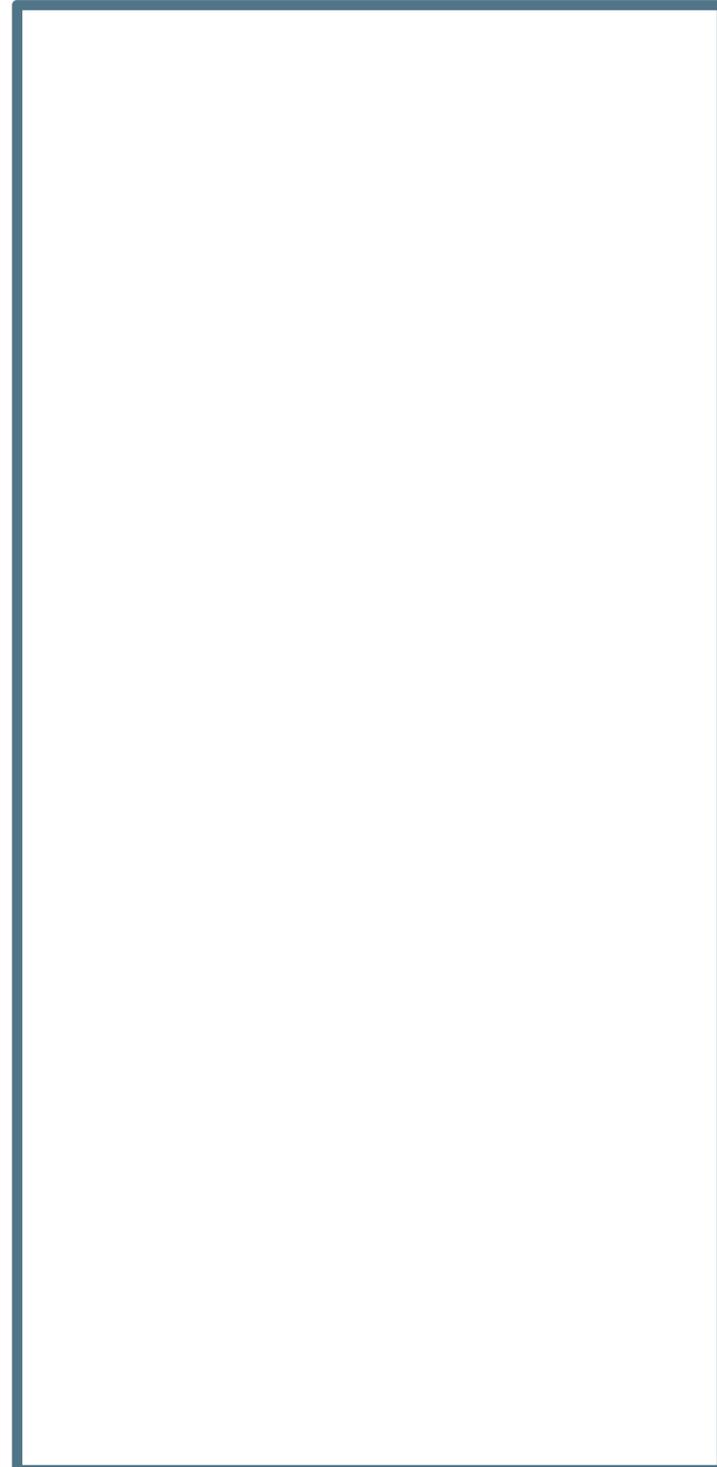
# Zoning Map

## *Issue and Implications*

- Color coding on the map is not intuitive or consistent with planning standards
- Experienced users of zoning maps (developers, builders, real estate brokers, leasing agents) cannot easily determine where specific uses are permitted
- Not user-friendly; does not support economic development



# Zoning Map



Legend on the right follows a typical land use color system

## Legend

-  County Line
-  Bulverde ETJ
-  Bulverde City Limits
-  Parcels
-  (AG) Agricultural
-  (AV) Aviation
-  (R-1) Residential
-  (R-2) Residential
-  (R-3) Residential
-  (R-4) Residential
-  (R-5) Residential
-  (C-1) Commercial
-  (C-2) Commercial
-  (C-3) Commercial
-  (I-1) Industrial
-  (PD) Planned Development

 Feet  
0 1,500 3,000 4,500



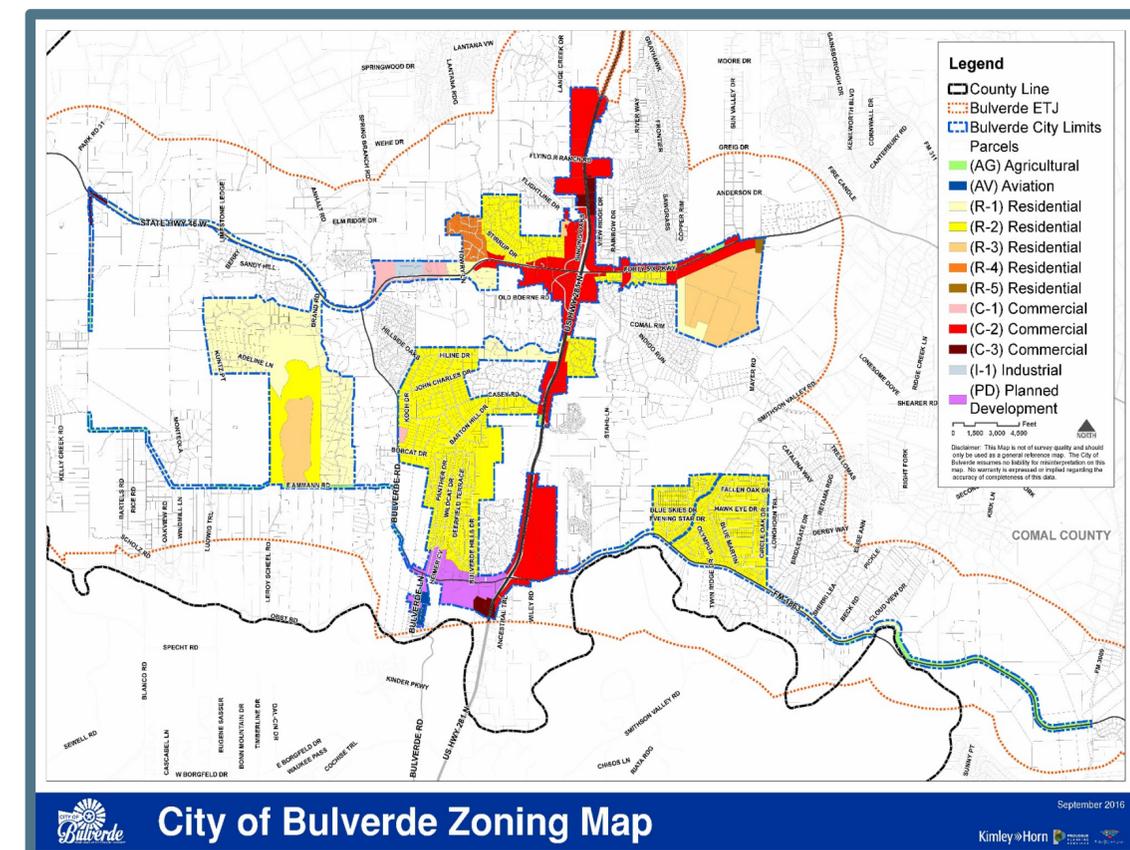
# Zoning Map

## *Issue and Implications*

- Color coding is not intuitive or consistent with planning standards

## *Preliminary Recommendation*

- Develop a color coding system based on use and consistent with planning standards
- Note: If new zoning category names are adopted, the legend will change as well





# Zoning Districts Discussion

## *Issue*

- Most district names do not indicate type of uses allowed
- Geographic-based district names do not indicate type of uses allowed
- There are too many zoning districts

## *Preliminary Recommendation*

- Rename districts to reflect the character of uses allowed
- Eliminate geographic references in favor of names that reflect permitted uses
- Consolidate similar districts and eliminate any districts not currently being used



# Land Use Chart Discussion

## *Issue*

- Incomplete list of uses
- Some uses function more like “categories”

## *Preliminary Recommendation*

- Expand and update the list of uses to minimize the need to refer to definitions or request interpretations
- Possibly reorganize the Land Use Chart
- Define all uses



# CUPs, SU Districts, Cumulative Zoning Discussion

## *Issue*

- Number of uses requiring a Conditional Use Permit seems unusually high
- Is there a need for a Specific Use District section in the code?
- Is true cumulative zoning right for Kerrville?

## *Preliminary Recommendation*

- Reduce the number of CUP uses; allow by right where appropriate
- Eliminate and review as “unlisted uses” by CUP
- Developed a modified system of cumulative zoning



# CUPs, SU Districts, Cumulative Zoning Discussion

## *Issue*

- Zoning Code should support the Kerrville 2050 Comprehensive Plan
- Color coding on the map is not intuitive or consistent with planning standards

## *Preliminary Recommendation*

- Develop new districts/revise regulations as necessary to accommodate the Kerrville 2050 vision
- Develop a color coding system based on use and consistent with planning standards

# Next Steps



# Next Steps

- Consultant Team will Prepare:
  - Updated Zoning Districts
  - Updated Development Requirements/Zoning Procedures
  - Updated Zoning Map
- Code Review Committee Meeting #3
  - December 12<sup>th</sup> (4:00 pm)
- Refinements to Updated Zoning Ordinance
- Community Open House – Draft Zoning Ordinance
  - Early January

# Adjournment