

Kerrville Ordinance Updates

Code Review Committee Meeting #3

February 13, 2019





Meeting Overview

- **Call to Order**
- **Meeting Overview**
- **Meeting Recap/Direction (CRC Meeting #2)**
 - Zoning Districts
 - Land Use Chart
 - Conditional Use Permits
 - Specific Use Districts
 - Cumulative Zoning
 - Comprehensive Plan Implementation
 - Project Goals
- **New Draft Code (Highlights)**
- **Discussion/Committee Direction**
- **Next Steps**
- **Adjourn**

Meeting Recap/Direction

CRC Meeting #2

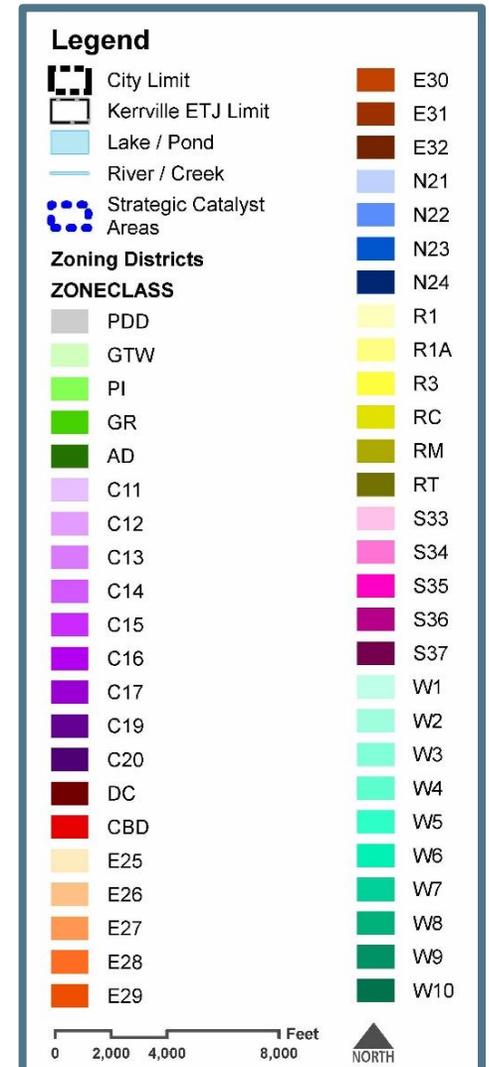


Overview of Survey/Stakeholder Interviews

- 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
 - 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?”

Overview of Survey/Stakeholder Interviews

- 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





Overview of Survey/Stakeholder Interviews

- 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



Overview of Survey/Stakeholder Interviews

- 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



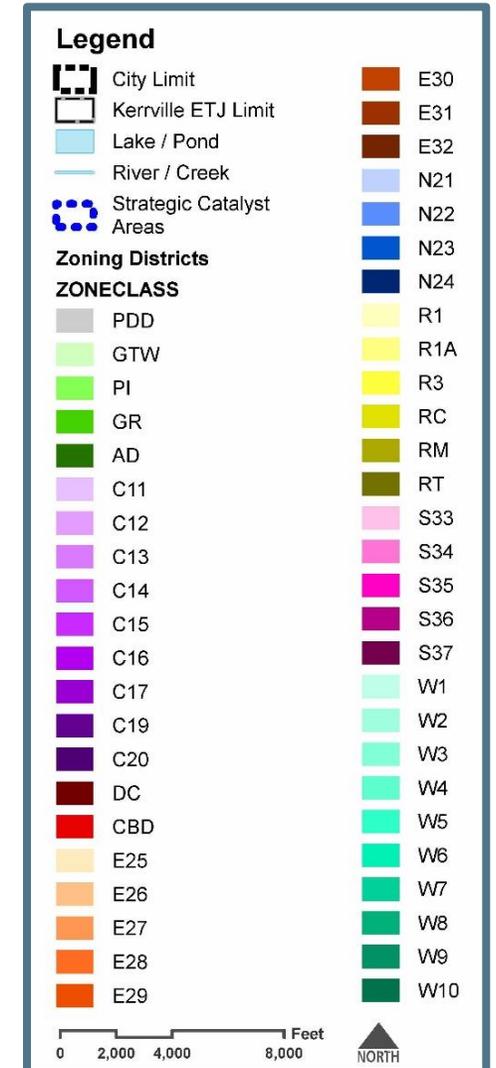
Zoning Districts

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



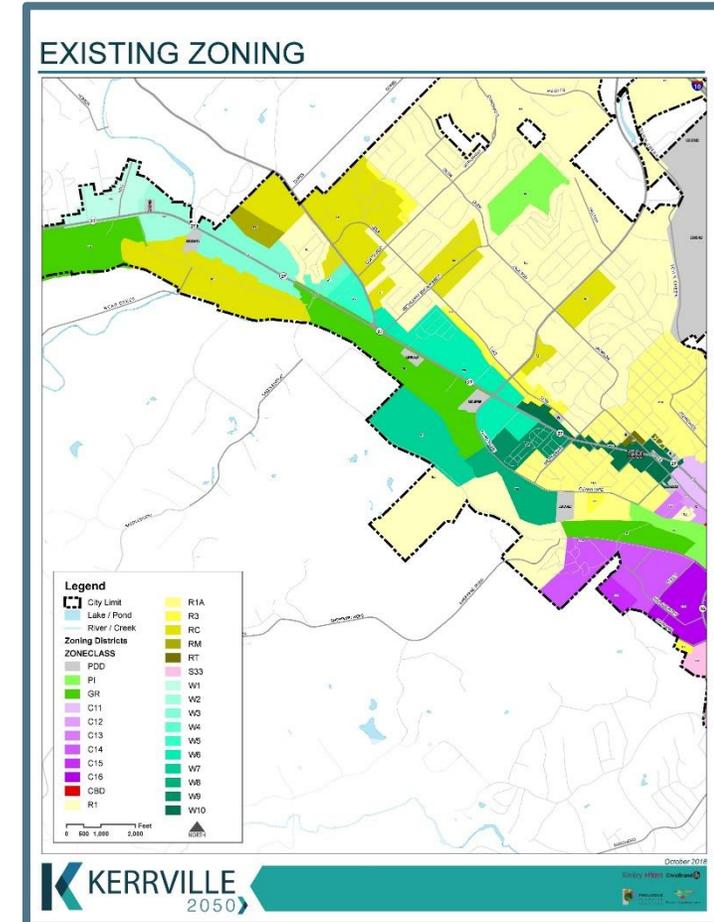
Zoning Districts

Issue and Implications

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

✓ *Preliminary Recommendation*

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





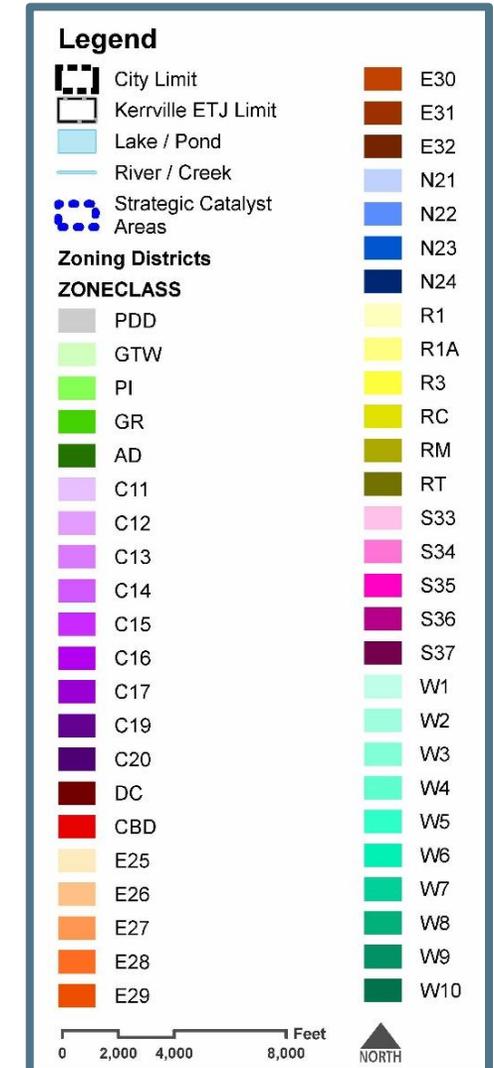
Zoning Districts

Issue and Implications

- There are too many zoning districts

✓ *Preliminary Recommendation*

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





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

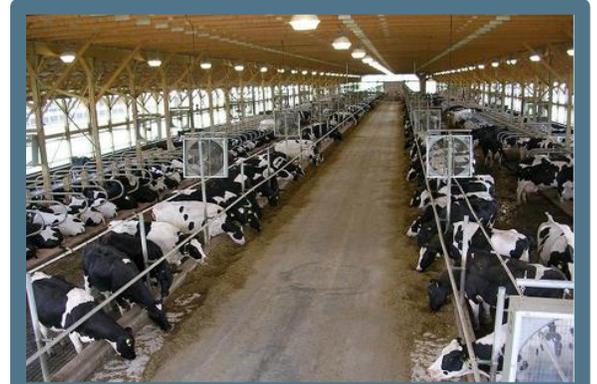
- Number of uses requiring a Conditional Use Permit seems unusually high
- ✓ ***Preliminary Recommendation***
- Reduce the number of CUP uses; allow by right where appropriate

P	P			P	P	P	P	C	P	P	P	P	P	P	P	P	P	
	C		P															
P		P	C														P	
P	P	P	P	P		C	P	P	P	P		P	C	P	P	P		
P	P	P	P	P		C	P	P	P	C		P	C	P	C	C	P	
P	P	C	P	P		C	C	C	C	P		C		P	C	P		
		C	C	C					C							C	C	
P	C					P		C	C	P	P		P		P		P	
P	C						P						P					
P	P	C		P	P	P	P	P	P	P		P	P	P	P	P	P	
						P		C	C	P	P		P		P		C	
P	C			P	P								P		P			
P			P	C	C	C		C	C				C	C	P		C	C
P	C	C	C	C	C	C	C	C	C	C	C	P	P	C	C	P	C	
P	P	P	P	P			P	C	P			P		C			P	
P	P	C		P	P	P	P	C	C	C		P	P	P	P	P		
P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
			C															
P	C	C																
P	P	P	P	P		C	C	P	P	P	P		P	C	P	C	P	P
P	P	P	P	P		C	C	P	P	C		P	C	P	C	C	P	

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

Issue and Implications

- Is true cumulative zoning right for Kerrville?

Preliminary Recommendation (Committee Desired More Discussion)

- 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

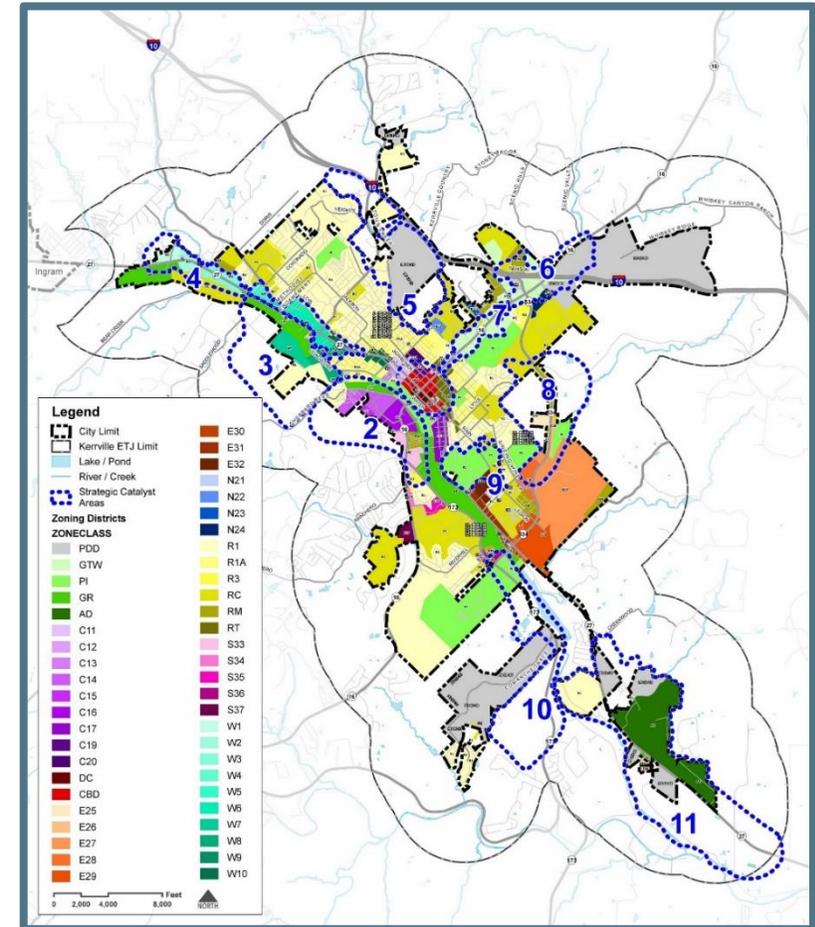
USE TYPE	SF	MF	LC	HC	LI	HI
Single-Family	X					
Multifamily	X	X				
Light Commercial			X			
Heavy Commercial			X	X		
Light Industrial			(X)	(X)	X	
Heavy Industrial			(X)	(X)	X	X



Comprehensive Plan Implementation

Issue and Implications

- Zoning should support the Kerrville 2050 Comprehensive Plan
- ✓ ***Preliminary Recommendation***
- Develop new districts/revise regulations as necessary to accommodate the Kerrville 2050 vision

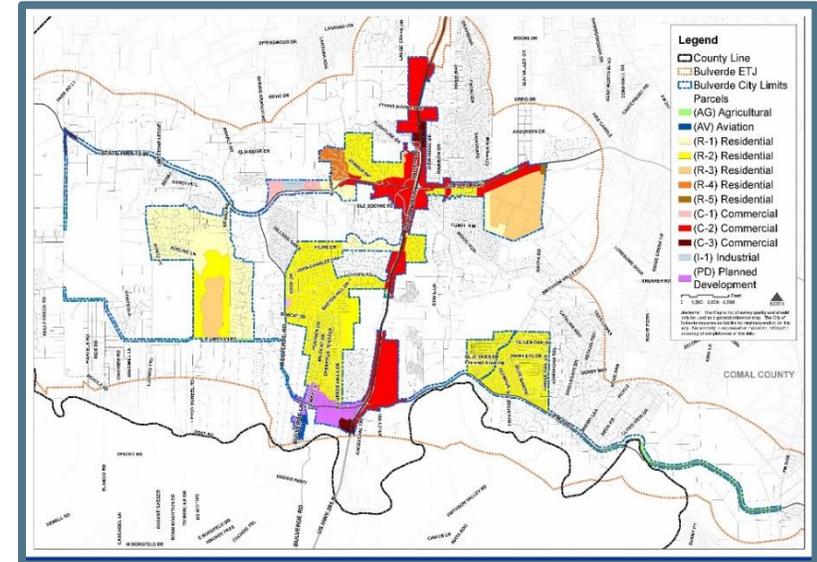




Zoning Map

Issue and Implications

- Color coding 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





Project Goals

- ✓ 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 and zoning map (consultants have performed an analysis)
- ✓ Support the Kerrville 2050 vision (comprehensive plan anticipates uses not accommodated by existing regulations)

New Draft Code

Highlights



Kerrville Zoning Code Update

- Overall Approach
 - Preserve the existing code where possible
 - Add standard zoning code verbiage (administrative sections)
 - Reorganize to improve the flow
 - Expand the list of permitted uses to minimize the need for staff interpretation and add definitions for the new uses
 - Within the district regulations, base setbacks and height on zoning rather than on use
 - Develop a more comprehensive and consistent district regulations format to minimize the need to consult multiple sections of the code to find information
 - Look for options to help with the housing affordability challenge
 - Create new districts to implement the Kerrville 2050 plan



Administrative Provisions and Definitions

- Administrative provisions (Articles 11-I-1 through 11-I-4)
 - Title, Authority, Intent and Purpose
 - Conformance with the comprehensive plan and other relevant plans and ordinances (thoroughfare plan, utility plans; current code) and how to handle applications in conflict with the plan (new)
- Definitions (Article 11-I-5)
 - Basic terms and concepts
 - Lot, Lot Width, Lot Depth, etc.
 - Front, Side, Rear Setback
 - Height
 - Each item in the Land Use Table (many new terms)



P&Z, ZBA

- P&Z and ZBA (Articles 11-I-6 and 11-I-7)
 - Standardize the content of the two sections (both current and new content)
 - Membership, appointment, terms
 - Proposing that P&Z and ZBA alternates become regular members (each board will have 7 regular members)
 - Quorum for P&Z: 4 of 7 members; for ZBA, 75% of members must be present to hear a case (state law); 5 of 7 members of 7
 - Organization (officers, meetings, quorum, record of meetings), Open Meetings Act, rules concerning ex parte contacts
 - Duties and powers of each board



Appeals of Administrative Decisions, Variances

- Appeal of Administrative Decision and Variances (Article 11-I-8)
 - Process for requesting a variance to the requirements of the zoning ordinance (current code)
 - Method for appealing a city official's interpretation of the zoning ordinance (current code)



Zoning Districts

- Zoning Districts and Supplementary Requirements for Certain Uses (Articles 11-I-9 through 11-I-10)
- Zoning of newly annexed areas
 - P&Z hearing to consider zoning proposed with the request for annexation or to zone to AG Agriculture (new district)
- Determination of zoning district boundaries
 - Along lot lines, street or railroad right-of-way, etc.
 - If unclear, interpretations to be made by the Director with provisions for appeal of the interpretation (mostly current code)



Zoning Districts

- 65% reduction in the number of zoning districts

Current Code		Proposed Code	
49 Zoning Districts		17 Zoning Districts	
27	Geographical Districts—North, South, East, West	7	Residential Districts
11	Central/CBD/Downtown Core	4	Nonresidential Districts
6	Residential	6	Special Districts (including PD)
4	Special—Airport, Guadalupe River, Gateway, Public/Institutional		
1	PD		



District Regulations Strategy

- Residential districts:
 - Maintained existing area regulations and height as much as possible or relaxed the standards slightly (in an effort to avoid creating nonconformities)
- Nonresidential districts:
 - Maintained existing area regulations and height as much as possible or relaxed the standards slightly (in an effort to avoid creating nonconformities); eliminated side and rear setback requirement unless adjacent to residential
 - Area regulations and height determined by zoning district, not by use as under the existing code
- Special districts:
 - Strategy varies by district

Zoning Districts



Fewer districts
Standard color-coding
system





Residential Districts

- **R-E Estate Residential:** One-acre, single-family lots (new); area and height regulations match R-1
- **R-1 Single-Family Residential:** 6,000 sq. ft. lot (current code)
- **R-1A Single-Family Residential with Accessory Dwelling Unit:** R-1 lot with apartment (accessory dwelling unit); revised to allow the accessory unit to be in the main building (current code) or in a free-standing structure with limits on the amount of rear yard the building can occupy (new option)
- **R-2 Medium Density Residential:** Replaces R-C Residential Cluster, but maintains the concept of allowing a variety of housing types under one zoning category—option for a 5,000 sq. ft. lot for single-family residential, new regulations for patio homes, townhomes, duplexes (revised; to address affordable housing issue)
- **R-3 Multifamily:** Exclusively a multifamily district; doesn't allow single-family uses (revised)
- **R-M Residential Mix:** Allows all housing types in R-2 in addition to manufactured housing (current code)
- **RT Residential Transition:** Allows residential and nonresidential uses in small buildings in the same neighborhood (current code); limits building size and includes minimal design requirements for buildings containing nonresidential uses (current code); churches and schools exempt (revision)

Residential Districts

- Residential districts do not cumulate

Housing Type	R-E	R-1	R-1A	R-2	R-3	R-M	R-T
Duplex				P		P	
Multifamily					P		C
Patio Home				P		P	
Single-family	P	P	P	P		P	P
Single-family with Acc. Dwelling Unit	C	C	P	P*		P*	P
Townhome				P		P	
Manufactured Home						P	



Nonresidential Districts (All new)

- **C-1 Neighborhood Commercial:** Type and intensity of uses and regulations based on most restrictive districts under current code; increased the allowable size of individual buildings—to 5,000 sq. ft. from 3,000 sq. ft. in former Retail, Limited and Personal Services, Limited categories—and proposing limit on total building area per lot—10,000 sq. ft.; adding drive-thru windows (restaurant, bank, pharmacy) as CUP use
- **C-2 Light Commercial:** Allows C-1 uses (cumulative) plus light auto-related uses, such as parts sales, leasing, minor repair, car wash, as well as drive-through service by right; allows buildings up to 100,000 square feet
- **C-3 General Commercial:** Allows C-1 and C-2 uses (cumulative) and adds heavier auto-related uses, such as dealerships and major repair, building contractor uses, car title loan/check cashing/payday lending businesses, hotel/motel, movie theater, parking lots/structures, uses involving outdoor storage—farm supply store, home improvement store, lumber yard; allows buildings greater than 100,000 square feet
- **IM Industrial and Manufacturing:** Traditional industrial uses—manufacturing, assembly, fabrication, processing, warehousing/distribution—agricultural services, some of the heavier commercial uses—auto dealerships, major repair—uses involving outside storage—equipment rental, contractor’s storage yard, commercial landscape nursery
- In general, setbacks and maximum building size requirements relaxed to allow flexibility and minimize nonconformities; added protections for residential uses adjacent to nonresidential uses



Nonresidential Districts

- C- Commercial districts cumulate
- IM Industrial and Manufacturing district allows some uses from the C- districts but not all (not cumulative)

Zoning District	C-1	C-2	C-3	IM
C-1 Neighborhood Commercial	P			
C-2 Light Commercial	P	P		
C-3 General Commercial	P	P	P	
IM Industrial and Manufacturing	*	*	*	P

* Some uses from C-1, C-2, C-3 allowed in IM



Special Districts

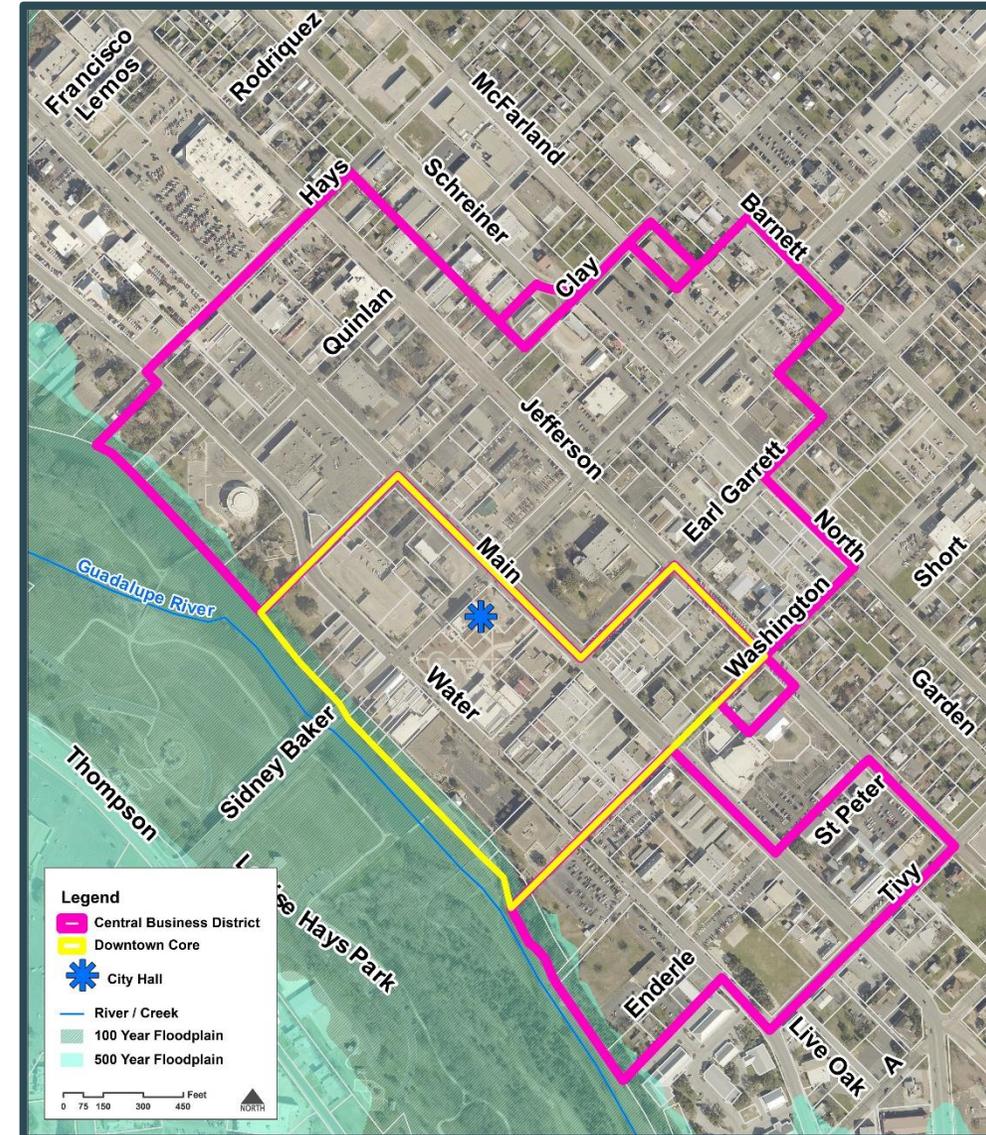
- Six districts
 - Downtown Arts and Culture
 - Mixed Use
 - Planned Development
 - Public and Institutional
 - Airport
 - Agriculture
- Each special district has a unique purpose and set of standards
- Special districts do not cumulate

Special Districts – DAC

- DAC Downtown Arts and Culture
 - Replaces references to Downtown Core, CBD (revised)

Legend

-  Central Business District
-  Downtown Core
-  City Hall





Special Districts – DAC

- **DAC Downtown Arts and Culture**
 - Emphasis on:
 - Walkable, pedestrian-oriented district (planning for people-friendly activities and amenities)
 - Supportive environment for arts and culture (mix of uses)
 - Relationship between building and street (setback *maximum* 10' with additional 10' setback for architectural features as opposed to *minimum* setback requirement; in current code, no specific setback requirement; can provide 0' under current and new code)
 - Mix of compatible residential and nonresidential uses, both within the district and in individual buildings
 - Flexible parking requirements (2 spaces/unit for residential; no on-site parking required for uses in the Downtown Core as in current code; easier to reoccupy buildings as uses change over time)
 - Implementation of the Kerrville 2050 plan (all of the above)



Special Districts – MU

- **MU Mixed Use**

- New district created to offer greater flexibility to support some of the Strategic Catalyst Area concepts in the Kerrville 2050 plan
- Allows the mixing of residential and nonresidential uses on a single lot (horizontal mixed use) or in a single building (vertical mixed use)
- Setbacks of 10' to 15' based on street type (25' at highway)
- Reduced parking requirement because:
 - Residents can walk to services
 - Mix of uses allows multiple needs to be satisfied with one stop
- Suggesting a requirement of 8% publicly accessible open space for properties containing residential uses (need CRC input)



Special Districts – PD

- **PD Planned Development**

- Goal is to create a better, more unique development, not to avoid standard code requirements (revision to current code)
- Minimum 5 acres for application
- In exchange for flexible requirements proposed by the applicant, more information is required with the application
- Once the PD regulations are adopted, minor amendments to the concept plan can be approved at the staff level if:
 - Maximum 30% increase in total building square footage, or maximum 30% increase in total residential units proposed
 - No decrease in setbacks or parking ratios
 - No substantial change in access or circulation on/adjacent to the PD site
 - No change in permitted uses
- Major amendments go to P&Z and Council (same process as zoning change)



Special Districts – PI

- PI Public and Institutional
 - District accommodates unique public services and gathering places
 - Residential no longer a permitted use (exceptions: rectory/parsonage at a worship facility; dormitory at a university)
 - Note: Worship facilities and public schools permitted in all zoning districts, not only in PI; size limitations apply in some districts
 - Requirements generally flexible (setbacks minimal, height 35' with increase allowed at 1':1' once further than 25 feet from residential)
 - Screening required if adjacent to residential property (current code requires screening of parking for these uses if in residential districts)
 - Worship facilities and public schools exempt from screening requirement under proposed code
 - Outdoor storage prohibited



Special Districts – AD

- AD Airport
 - Setbacks on airport property reduced; no specific parking requirement
 - For property zoned AD not on airport land
 - Uses compatible with airport
 - Some industrial uses, mostly by CUP
 - Some service uses for people who might work or visit at the airport (bank, convenience store, drug store, food and beverage shop)
 - Area regulations same as IM
 - 45' height limit + FAA requirements
 - Additional height restrictions and screening requirements adjacent to residential
 - Outdoor storage allowed



Special Districts – AG

- AG Agriculture
 - New district accommodating agricultural uses and can serve as a holding category for newly annexed property (new)
 - Minimum lot size 5 acres
 - Area and height requirements match R-1
 - Agricultural structures allowed 45' height compared to 35' for other structures



District Regulations Format

- Each district:
 - Purpose statement
 - Uses described generally with reference to the Land Use Table
 - Area and Height Regulations table

(NOTE: Not all districts include each of the following; included as appropriate)

- Building Regulations (generally, one main building; applies in residential districts only)
- Access limitations to certain types of streets (residential districts)
- Encroachments into setbacks for architectural features (residential, PI) or right-of-way for pedestrian amenities (DAC)
- Accessory buildings (size, height limits in both residential and nonresidential districts; same as current code)
- Outdoor storage/display (allowed in C-2, C-3, IM, AD)
- Screening adjacent to residential (all nonresidential and most special districts)



Area, Height Regulations Table

- Area and Height Regulations table
 - Lot size and dimensions
 - Front, side, rear setbacks
 - Building height (not all districts have limits)
 - Parking (in the table for residential districts and credit for mixed use); detailed parking requirements for nonresidential uses will be in Development Standards)
 - Special requirements for certain housing types
 - Accessory dwelling unit in R-1A
 - maintenance/overhang/ drainage easement on the adjacent lot for the zero setback side of a patio home)

CHARACTERISTIC	REQUIREMENT
R-1	SINGLE-FAMILY DWELLING
Minimum Lot Size	6,000 square feet
Minimum Lot Width	60 feet
Minimum Front Setback	25 feet
Minimum Side Setback	<ul style="list-style-type: none"> • Interior lot: 6 feet • Corner lot, street side: 15 feet • 19 feet to a garage door or carport eave
Minimum Rear Setback	<ul style="list-style-type: none"> • 25 feet • For a garage or carport adjacent to an alley: <ul style="list-style-type: none"> • 19 feet to a garage door or carport eave; or • 6 feet if the garage or carport is built for two or more motor vehicles • Setback may be measured from the centerline of an adjacent alley
Maximum Building Height	35 feet
Minimum Parking	2 spaces per dwelling unit

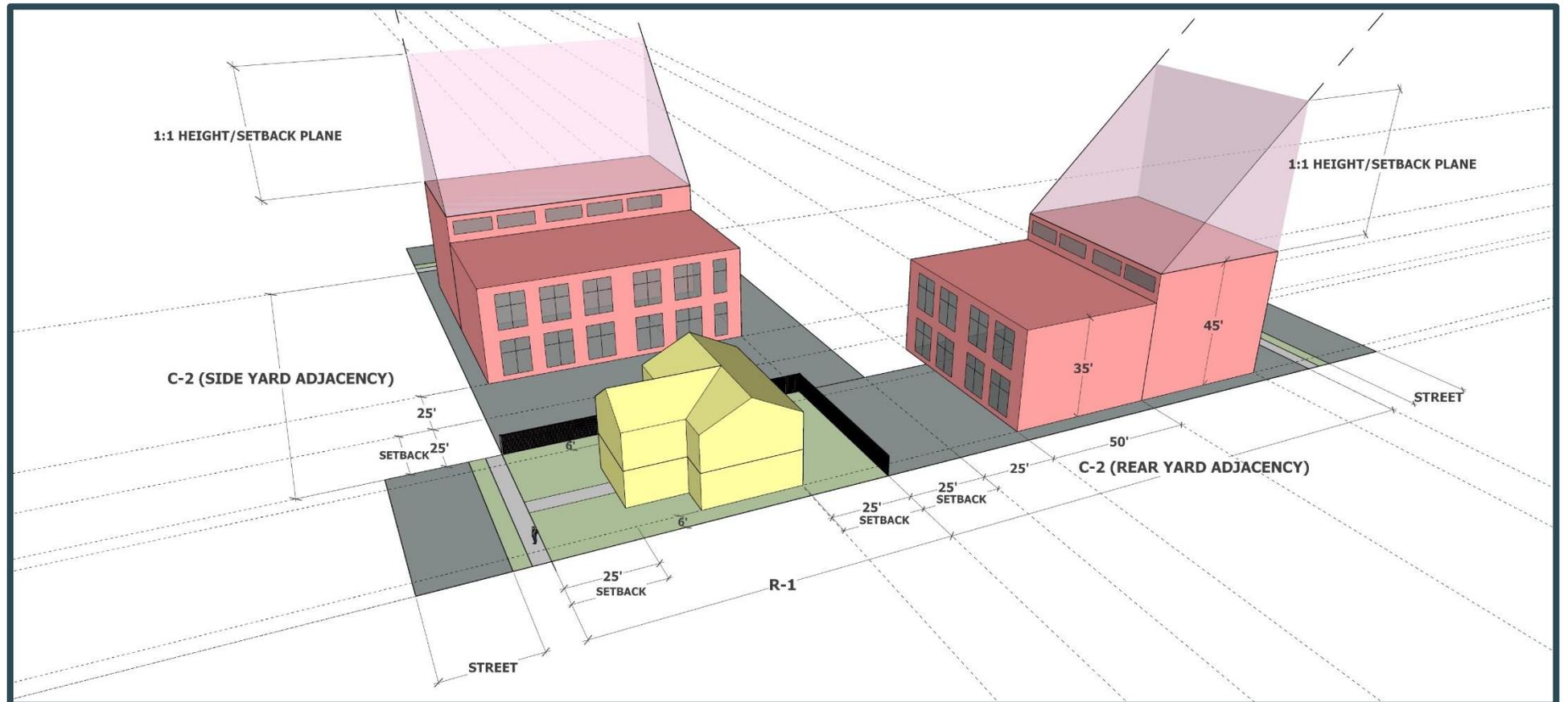


Setback/Height Adjacent to Residential

- In general, applies to Nonresidential and Special District properties adjacent to residential (new)
- “Residential”: Vacant or developed property zoned:
 - R-E, R-1, R-1A, R-2 (including medium density options—patio home, townhome, duplex)
 - R-M except manufactured housing
 - MU or PD for single-family, patio home, townhome, duplex

Setback/Height Adjacent to Residential

- 25' setback required between nonresidential building and residential property line
- At 50' setback line: 35' building height, windows permitted



Setback/Height Adjacent to Residential

ZONING DISTRICT	RESTRICTIONS APPLY
C-1	YES
C-2	YES
C-3	YES
IM	YES
DAC	NO
MU	YES
PD	PROPOSED WITH APPLICATION
PI	YES
AD	YES*
AG	NO
* Not applicable on airport property	



Screening Adjacent to Residential

- In general, applies to Nonresidential and Special District properties adjacent to residential
- “Residential”: Vacant or developed property zoned R-E, R-1, R-1A, R-2 (including medium density options), R-M except manufactured housing, MU or PD for single-family, patio home, townhome, duplex
- Screening options:
 - 6’ to 8’ in height
 - Solid masonry (can combine with landscaping)
 - Solid, weather-resistant wood (can combine with landscaping)
 - Chain link or ornamental fencing with landscaping; no slats (new option)
 - Alternate screening incorporating existing or new natural terrain or vegetation may be approved by P&Z



Screening Adjacent to Residential

ZONING DISTRICT	SCREENING REQUIREMENTS APPLY
C-1	YES
C-2	YES
C-3	YES
IM	YES
DAC	NO
MU	YES
PD	PROPOSED WITH APPLICATION
PI	YES*
AD	YES**
AG	NO

*Worship facilities, public schools exempt
**Not applicable on airport property

Outdoor Storage

- Applies to outdoor storage of materials, supplies, inventory, equipment
- Allowed in C-2, C-3, IM, AD (materials, supplies, inventory, equipment)

ZONING DISTRICT	OUTDOOR STORAGE PERMITTED
C-1	NO
C-2	YES
C-3	YES
IM	YES*
DAC	NO
MU	NO
PD	PROPOSED WITH APPLICATION
PI	NO
AD	YES**
AG	N/A

* Shipping containers allowed in I-M if painted to match building being served
 ** Not applicable on airport property

Land Use Table

- Alphabetical listing of uses
- Districts divided into Residential, Nonresidential, Special categories
- P= Permitted, C = CUP, Blank = Not Permitted, Notes (C₃) = Explanation or Reference

2	3	LAND USES	Residential Districts						Nonresidential Districts				Special Districts					Notes	
			R-E	R-1	R-1A	R-2	R-3	R-M	R-T	C-1	C-2	C-3	IM	DAC	MU	PI	AD		AG
4		Accessory Building or Structure	P	P	P	P1	P	P1	P	P	P	P				P	P	P	1 Not permitted for patio homes or townhomes
5		Accessory Dwelling (see Dwelling Unit, Single-Family with Accessory Dwelling Unit)																	
6		Adult Group Home (PENDING)																	NEED TO ASSIGN IF WE KEEP THIS USE
7		Agricultural Services										P					P	P	
8		Agriculture, General	P															P	
9		Airport																P	
10		Alcoholic Beverage Sales for Off-Premise Consumption								P	P	P		P	P				
11		Amateur Radio Antenna	See Ordinance 2005-11																
12		Ambulance Service, Private										P	P						
13		Amenity Center	P	P	P	P	P	P							P2				2 For single-family residential uses
14		Amusement Center, Indoor									P	P		P					
15		Amusement Center, Outdoor									C	P		C					
16		Antenna	See Ordinance 2003-35																
17		Antique Store								P	P	P		P	P				
18		Apartment (See Dwelling, Multifamily)																	
19		Appliance Store								P	P	P							
20		Appliance Repair/Sale, Used Appliances								P	P	P	P						
21		Art Studio/Gallery								P	P	P		P	P				
22		Artisan's/Craftsman's Workshop							P	P	P	P	P	P				P	
23		Assembly											P					C	
24		Assisted Living Facility					P		C	C	C			P					
25		Automobile Dealership, New Auto Sales											P	P					
26		Automobile Dealership, Used Auto Sales											C	P					
27		Automobile Parts Store											P	P					
28		Automobile Rental or Leasing											P	P	P				
29		Automobile Service and Repair, Major													P3	P3			3 Subject to the requirements of Article 11-I-11



Supplementary Requirements (Certain Uses)

- Supplementary Requirements for Certain Uses:
 - Fuel/Gasoline Sales, Automobile Service and Repair, Car Washes (distance from floodplain and Nimitz Impoundment Area, special setbacks for gas pumps, pump islands, air compressors, etc.)
 - Mini-Storage Facilities (parking requirement and minimal building design requirements)
 - Facilities with Drive-Thru or Drive-In Service (moved from elsewhere in the code)
 - Current code:
 - Day Care Services
 - Group Homes
 - Community Gardens
 - Home Occupations (to protect surrounding residences)
 - Manufactured Homes, Manufactured/Modular Home Sales, Mobile Homes, RVs, and similar uses/structures (varies based on temporary vs. permanent use and residential or not)
 - Other, such as Wind Energy Systems, Sexually Oriented Businesses, various antennas, (refer to regulations under Kerrville codes)



Zoning Changes, Conditional Use Permits

- Zoning Changes (Article 11-I-12) and Conditional Use Permits (Article 11-I-13)
- For both:
 - Rather than include a detailed listing of application requirements, general description plus reference to City's checklist
 - Completed application form
 - Metes and bounds description of the property
 - Description of the proposed change
 - Fee
 - Other information at varying level of detail (Example: PD, MU–concept plan; CUP–site plan)



Kerrville Zoning Code Update

- For both:
 - Allow a public hearing to be recessed to a specific date at the original hearing to avoid having to notify again
 - Where the P&Z recommends denial, the application proceeds to Council only if the applicant requests to move forward in writing within 10 days of the P&Z decision (new)
 - 3/4 vote of the Council required to approve in spite of a protest of 20% or more (state law; in current code for zoning change added to CUP)



Conditional Use Permits (CUPs)

- Zoning Change (Article 11-I-12)
 - Biggest change is in submittal requirements
 - Procedures for review of an application dictated largely by state law
- Conditional Use Permits (Article 11-I-13)
 - Reducing the number of uses requiring a CUP
 - Relaxing submittal requirements
 - Omitting sections re:uses allowed without a CUP; proposing to address in the Land Use Table
 - Maintaining sections re:termination of a CUP (current code)
 - Procedures for review of an application same as for a zoning change

Land Use Table for CUPs – Proposed

2 3	LAND USES	Residential Districts							Nonresidential Districts				Special Districts					Notes
		R-E	R-1	R-1A	R-2	R-3	R-M	R-T	C-1	C-2	C-3	IM	DAC	MU	PI	AD	AG	
6	Agricultural Services											P				P	P	
7	Agriculture, General	P															P	
8	Airport																P	
9	Alcoholic Beverage Sales for Off-Premise Consumption								P	P	P		P	P				
10	Amateur Radio Antenna	See Ordinance 2005-11																
11	Ambulance Service, Private										P	P						
12	Amenity Center	P	P	P	P	P	P							P ²				² For single-family residential uses
13	Amusement Center, Indoor									P	P		P					
14	Amusement Center, Outdoor									C	P		C					
15	Antenna	See Ordinance 2003-35																
16	Antique Store								P	P	P		P	P				
17	Apartment (See Dwelling, Multifamily)																	
18	Appliance Store								P	P	P							
19	Appliance Repair/Sale, Used Appliances								P	P	P	P						
20	Art Studio/Gallery								P	P	P		P	P				
21	Artisan's/Craftsman's Workshop							P	P	P	P	P	P				P	
22	Assembly											P					C	
23	Assisted Living Facility					P			C	C	C		P					
24	Automobile Dealership, New Auto Sales											P	P					
25	Automobile Dealership, Used Auto Sales										C	P						
26	Automobile Parts Store										P	P						
27	Automobile Rental or Leasing										P	P	P					
28	Automobile Service and Repair, Major											P ₃	P ₃					³ Subject to the requirements of Article 11-I-11
29	Automobile Service and Repair, Minor										P ₃	P ₃	P ₃					³ Subject to the requirements of Article 11-I-11



Special Use District

- Special Use District
 - Reminder: Eliminated based on discussion with CRC (those uses, often noxious in nature, will be considered as Conditional Uses if requested)



Nonconforming Uses, Structures

- Nonconforming Lots, Structures, Uses, Site Elements (Article 11-I-14)
 - **Nonconforming:** Legal prior to the effective date of the ordinance but no longer compliant upon adoption of the new code (lot, use, structure, other site element)
 - A nonconforming use can continue to exist/operate after adoption of the new code as long as it is not expanded or enlarged (“grandfathered in”)
 - Nonconforming structure/use cannot be enlarged or expanded
 - Cannot increase the size of the building containing a nonconforming use
 - Cannot increase the area within a building occupied by a nonconforming use
 - Cannot increase the seating capacity or parking/loading/storage area associated with the nonconforming use
 - Cannot build new structure(s) to accommodate the nonconforming use
 - Nonconforming building can be repaired to keep it safe, parking lot can be maintained, landscape materials can be replaced



Nonconforming Uses, Structures

- Nonconforming Uses and Structures
 - Once a building or use becomes conforming, may not revert to nonconforming status
 - Once a use is abandoned for six months or more (criteria: actual discontinuance of the use; no usage of water, sewer service, electricity), no longer considered legally nonconforming
 - A nonconforming use/structure can be reinstated/rebuilt if:
 - Discontinued due to fire, flood, explosion, windstorm, earthquake, war, riot, or other calamity
 - Amount of damage or destruction to the building does not exceed 50% of its fair market value (new; tested in court)
 - Reconstruction due to damage is initiated within 6 months of the event (exemptions for factors beyond the owner's control)
 - Reconstruction does not create a greater nonconformity than existed prior to the damage



Administrative Provisions

- Administrative Provisions (Articles 11-I-15 through 11-I-19)
 - Permits, certificates of occupancy
 - Responsibility for enforcement, penalty for violations
 - Rights in pending litigation/Violations under existing code
 - Validity/Severability/Effective date



Traffic Impact Analysis Discussion

- **Traffic Impact Analysis (TIA):** An evaluation of the effect that the projected traffic from a proposed development will have on the transportation system in the area surrounding that development
 - Prepared by a licensed professional engineer
 - Including methodology, conclusions, and recommendations
- **Net New Trips:** The number of trips per day that will be added to the roadway system by the new development, minus the number of trips per day that will be eliminated from the roadway system because of the removal of the existing development



Traffic Impact Analysis

- Proposed criteria for requiring a TIA:
 - Proposed development would generate 1,000 or more net new vehicle trips per day
 - Proposed development would generate 150 or more net new vehicle trips during the AM or PM peak hour
 - An application for any of the following uses (unique trip generation and peak hour characteristics):
 - Public/Private school or child care facility
 - Restaurant with drive-thru service
 - Movie theater
- An application for a development or land use change that provides ingress or egress to/from specific roadways
 - High volume/Limited capacity roadway in Kerrville



Traffic Impact Analysis

- Director may require a TIA under the following circumstances if deemed necessary to ensure safe traffic flow or minimize congestion:
 - Where traffic volumes on existing roadways within the study area are creating undue congestion
 - Where accident rates have been historically high
 - Where there are turn-lane, driveway, or other operational issues involving the street network within the study area
 - Where the Director, in consultation with the City Engineer, determines that unique situations or conditions warrant a TIA



Next Steps

- Refinements to Draft Zoning Ordinance incorporating CRC Direction:
 - Updated Zoning Ordinance
 - Updated Zoning Map
- Community Open House – Draft Zoning Ordinance
 - Monday, February 25, 2019
- Code Review Committee Meeting #4
 - Thursday, May 9, 2019 (4:00 pm)

Adjournment

Kerrville Ordinance Updates

Code Review Committee Meeting #3

February 13, 2019

