



SPECIFIC USE DISTRICTS IN THE KERRVILLE ZONING CODE

The Kerrville Zoning Code presently includes provisions for the approval of a **Specific Use District**. None of the uses requiring Specific Use District approval (see the attached list) are allowed by-right at any location in Kerrville (that is, none of them are allowed without going through a zoning approval process). The approval process for a Specific Use District is almost exactly like the one required for a Conditional Use Permit or a zoning change, BUT while a request for Conditional Use Permit (CUP) must be limited to certain zoning districts, Specific Use Districts can be requested anywhere in Kerrville.

Example:

If an applicant would like to establish a feed lot operation in Kerrville, he can file an application to do so, but the current code would require the approval of a Specific Use District since that use is included on the attached list (which is excerpted from the Kerrville Zoning Code). The request can be made in any zoning district. Specific Use District approval involves:

Provision of a large amount of information from the applicant as part of the application

Notification of the request to surrounding property owners by mail and to the community in general by publication in the official newspaper

Public hearings at the Planning and Zoning Commission (P&Z) and City Council at which staff makes a report, persons in favor and in opposition are invited to speak, and the P&Z and Council deliberate and arrive at a decision

Approval of an ordinance by the City Council

The issues are:

- 1) Are the uses in the Specific Use District list ones that need to be called out in the Zoning Code?
- 2) Could the Specific Use District section be eliminated so that any of these uses, as well as other "new and unlisted uses", would be requested using the CUP process?

NOTE: *In the attached pages, there is no need to pay attention to the SIC (Standard Industrial Classification) references in the list. SIC is a system that classifies a business according to the primary activities it engages in.*



SPECIFIC USE DISTRICTS

a. **When Required:** The creation of a Specific Use District shall be required prior to the development of any property within the City which is to be used for the following purposes:

1. Businesses primarily engaged in the housing, stabling, or keeping of livestock where the intent is to sell the livestock or livestock product, such as the following:
 - i. Feed lots (SIC #021)
 - ii. Dairy farms (SIC #024)
 - iii. Poultry hatcheries (SIC #025)
 - iv. Horse farms, farms for raising fur bearing animals, breeding kennels, and other similar establishments not otherwise classified above (SIC #027)
2. Businesses primarily engaged in the slaughter, eviscerating, and dressing or processing of livestock, livestock products, or wild animals such as the following:
 - i. Meat packing plants (SIC#2011)
 - ii. Poultry dressing plants (SIC#2016)
 - iii. Taxidermy businesses that conduct on-site evisceration and processing of animal carcasses
3. Businesses primarily engaged in milling or preserving of lumber, pulp, and paper, such as the following:
 - i. Lumber products, mills, and processing (SIC #'s 241, 242, 249)
 - ii. Pulp and paper mills (SIC #'s 261, 262, 263, 266)
4. Businesses primarily engaged in grain milling operations, such as the following flour or meal from grain and corn milling (SIC #'s 2041, 2044, 2046)
5. Businesses engaged in the manufacture of pet foods, such as the following:
 - i. Dog, cat food (SIC #2047)



- ii. Prepared feeds and ingredients (SIC #2048)

- 6. Businesses primarily engaged in manufacturing and rendering of vegetable and grease, tallow, lard, etc., as listed in SIC #'s 2074, 2075, 2076, and 2077.

- 7. Except where the manufacturing process for the basic chemicals is complete, and the business is engaged in only mixing or forming the basic materials into a product for sale; businesses primarily engaged in producing basic chemicals and the manufacture of products by predominantly chemical processes, such as the following:
 - i. Manufacture of basic industrial inorganic chemicals (SIC # 281)

 - ii. Manufacture of plastics, resins, rubber, etc. (SIC #282)

 - iii. Manufacture, processing, etc., of medicinal chemicals, excluding pharmaceutical drugs (SIC #'s 2831, 2833, excluding SIC #2834)

 - iv. Manufacture of soap and detergents, cleaners, perfumes, etc. (SIC #284)

 - v. Manufacture of paints, varnishes, etc., including all of SIC 285, paints, varnishes, lacquers, enamels, and allied products.

- 8. Except business engaged in mixing fertilizers from purchased fertilizer materials, or other situations where the manufacturing process for the basic chemicals are complete, and the business is engaged in mixing or forming those basic materials into products for sale, businesses primarily engaged in manufacturing industrial organic chemicals, including all of SIC #'s 286, 287, and 289, including gum and wood chemicals, coal tar distillates, organic solvents, anhydrous ammonia, insect and rodent, poisons, pesticides, explosives, glue, ink, battery acid, etc.

- 9. Businesses engaged in petroleum refining, manufacturing, paving, and roofing materials, and compounding lubricating oils and greases, including all of SIC major group #29, including petroleum refining, the manufacture of asphalt and tar, oils and greases, and briquettes, etc.

- 10. Businesses primarily engaged in leather tanning and finishing, including all of SIC #3111.

- 11. Businesses primarily engaged in manufacturing flat glass as included in SIC #'s 321 and 322, but not including businesses engaged in manufacturing or shaping glass products from purchased glass;



- 12.** Businesses primarily engaged in the manufacture of hydraulic cement, ready mix concrete, lime, asbestos, and the crushing, grinding, pulverizing, or otherwise preparing clay, ceramic, and refractory minerals, such as included in SIC #'s 324, 3273, 3274, 3292, and 3295.
- 13.** Businesses primarily engaged in the smelting and refining of ferrous and nonferrous metals from ore, pig, or scrap, and other businesses defined in SIC major group #33.
- 14.** Businesses primarily engaged in the manufacture of weapons' ammunition, including those described in SIC #'s 3482 and 3483.
- 15.** Businesses primarily engaged in the manufacture, processing, blending, mixing, refining, storage, or distribution of hazardous materials, not otherwise listed above, but not including:

 - i. Businesses engaged in the retail sale of certain hazardous materials which are packaged for sale at normal retail stored;
 - ii. The incidental storage of cleaning materials;
 - iii. The underground storage of bulk fuel;
 - iv. The above-ground storage of bulk fuel in quantities of 550 gallons or less.
- 16.** Businesses engaged in mining activities, such as for oil and gas, sand and gravel, and other ores, coal, clays, etc. as included in SIC major group #'s 10, 11, 12, 13, and 14.
- 17.** Business defined in part or in its entirety by the Code of Ordinances as a junkyard, automobile graveyard, or open air market.



CONDITIONAL USE PERMIT

In the Kerrville Zoning Code, a **Conditional Use Permit (CUP)** is required for a use which is not permitted by-right in a specific zoning district (that is, it is not allowed without going through a zoning approval process), but which may become a compatible use if conditions related to development of the property and the operation of the use are imposed. These conditions may be spelled out in the Zoning Code, but most often are unique to the individual applications and are included in the resolution the City Council approves to grant the CUP. All of these uses except one are allowed by-right in certain zoning districts but require a CUP in others.

Example:

If an applicant would like to open an employment office in Kerrville (a use classified under Business Services I) on Highway 27 northwest of Downtown, it would be permitted as a use by-right in zoning districts W1-W6, W9 and W10, but not permitted in W7 and allowed in W8 only by CUP. The process for a CUP request is almost exactly the same as for a zoning change or Specific Use District application, but a CUP can only be requested in the designated zoning districts.

Provision of a large amount of information from the applicant as part of the application

Notification of the request to surrounding property owners by mail and to the community in general by publication in the official newspaper

Public hearings at the Planning and Zoning Commission (P&Z) and City Council at which staff makes a report, persons in favor and in opposition are invited to speak, and the P&Z and Council deliberate and arrive at a decision

Approval of a resolution by the City Council

The issues are:

- 1) The list of uses requiring a CUP in Kerrville is long (see the attached spread sheet) and the process for approval is cumbersome, which may discourage new business activity.
- 2) The multitude of CUPs makes the Land Use chart difficult to navigate and the process of doing business in Kerrville more cumbersome