

Kerrville Ordinance Updates

CRC Meeting #6

June 6, 2019





Meeting Overview

- Call to Order
- Meeting Overview
- New Draft Zoning Code: Highlights of Changes
- Discussion/Direction: Draft Zoning Code and Map
- Overview: New Draft Sign Ordinance
- Discussion/Direction: New Draft Sign Ordinance
- Overview: Updated Subdivision Ordinance, Design Guidelines/Standards
- Next Steps

New Draft Zoning Code

Highlights of Changes



Accessory Structure Setback in Single-Family Districts, Parking in Easements

- Setbacks for accessory structures in single-family residential districts
 - 5' setback for buildings of up to 1,000 square feet in size with a maximum height of 15'
 - Exception to height limit: 35' maximum for an accessory dwelling unit in the R-1A district
- Parking in easements and rights-of-way
 - Parking permitted unless expressly prohibited, such as in a parking structure or on a retaining wall or similar structure
 - If construction is required within the easement or right-of-way, owner of the parking lot/facility solely responsible for the cost of repairs to parking areas



ZBA, Nonconformities

- ZBA section of the Code (Art. 11-I-7)
 - Specify authority to hear and decide appeals to nonconforming provisions
- Nonconforming section (Art. 11-I-15)
 - Nonsubstantive wording changes, refinements to language
 - Substantive changes



Nonconformities – Substantive Changes

- Exclusion of signs from nonconforming provisions in the Zoning Code
 - To be contained in the Sign Ordinance
- Clarification as to expansion or enlargement of a nonconforming structure or use (prohibited) to include:
 - Expansion into another building or facility
 - Increase in the number of residential units or number of nonconforming uses or units
- Clarifications to language already in the Code allowing a nonconforming use to change to another nonconforming use of the same or a more restrictive zoning category
 - Reverting to nonconforming use still prohibited



Nonconformities

- Revisions to the language regarding repair and maintenance of a nonconforming building, equipment, or site element
 - Building permit required
- Reconstruction allowed up to 100% destruction of nonconforming building by fire or natural disaster (not expansion)
- Reference to state law with regards to property that becomes nonconforming as a result of annexation



Nonconformities

- Authority of ZBA to hear and decide appeals to:
 - Allow reinstatement of a nonconforming use
 - Allow expansion of a nonconforming use
 - Allow expansion of a nonconforming structure or site element
 - Determine whether rights to a nonconforming use, structure, or site element have terminated



Care Facilities: Definitions

- Create/Revise definitions for various uses
 - Assisted Living Facility (Texas Health and Safety Code {TX HSC})
 - Boarding Home Facility (TX HSC)
 - Community Home for Persons with Disabilities* (Texas Human Resources Code)
 - Group Medical Care Facility
 - Guidance Services
 - Life Care Development
 - Nursing/Convalescent Home (TX HSC)
 - Personal Care Facility
 - Residential Care Services
 - Special Care Facility (TX HSC)

Care Facilities: Zoning

- Assign uses to zoning districts

LAND USES	Residential Districts							Nonresidential Districts				Special Districts				
	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
Assisted Living Facility					P		C	C	C	P		P	P			
Boarding Home Facility	P ₅	P ₅	P ₅	P ₅	P ₅	P ₅	P ₅	P ₅	P ₅	P ₅		P ₅	P ₅			
Group Medical Care Facility					P		C	C	C	P		P	P			
Guidance Services					P		C	C	C	P		P	P			
Life Care Development					P		C	C	C	P		P	P			
Nursing/Convalescent Home					P		C	C	C	.P		P	P			
Personal Care Facility	P ₅	P ₅	P ₅	P ₅	P ₅	P ₅	P ₅	P ₅	P ₅	P ₅		P ₅	P ₅			
Residential Care Services	P ₅	P ₅	P ₅	P ₅	P ₅	P ₅	P ₅	P ₅	P ₅	P ₅		P ₅	P ₅			
Special Care Facility					P ₅		C	C	C	P		P	P			

P₅ notation refers to Supplemental Requirements and Chapter 30



Care Facilities

- Allowed in Single-Family Residential Zoning Districts (R-E, R-1, R-1A, R-2, R-M; also R-T*)
 - Boarding Home Facility
 - Personal Care Facility
 - Residential Care Services
- Special requirements for care facilities in residential neighborhoods

*R-T uses more similar to C-1, C-2

LAND USES	ZONING DISTRICTS				
	R-E	R-1	R-1A	R-2	R-M
Assisted Living Facility					
Boarding Home Facility	P ₅	P ₅	P ₅	P ₅	P ₅
Group Medical Care Facility					
Guidance Services					
Life Care Development					
Nursing/Convalescent Home					
Personal Care Facility	P ₅	P ₅	P ₅	P ₅	P ₅
Residential Care Services	P ₅	P ₅	P ₅	P ₅	P ₅
Special Care Facility					



Care Facilities

- Allowed in Residential Transition (R-T), and Commercial (C-1 and C-2)
 - Assisted Living Facility (CUP)
 - Boarding Home Facility
 - Group Medical Care Facility (CUP)
 - Guidance Services (CUP)
 - Life Care Development (CUP)
 - Nursing/Convalescent Home (CUP)
 - Personal Care Facility
 - Residential Care Services
 - Special Care Facility (CUP)

LAND USES	ZONING DISTRICTS		
	R-T	C-1	C-2
Assisted Living Facility	C	C	C
Boarding Home Facility	P5	P5	P5
Group Medical Care Facility	C	C	C
Guidance Services	C	C	C
Life Care Development	C	C	C
Nursing/Convalescent Home	C	C	C
Personal Care Facility	P5	P5	P5
Residential Care Services	P5	P5	P5
Special Care Facility	C	C	C



Care Facilities

- Allowed in Multifamily (R-3) and Commercial (C-3), Downtown (DAC), Mixed Use (MU)
 - Assisted Living Facility
 - Boarding Home Facility
 - Group Medical Care Facility
 - Guidance Services
 - Life Care Development
 - Nursing/Convalescent Home
 - Personal Care Facility
 - Residential Care Services
 - Special Care Facility

LAND USES	ZONING DISTRICTS			
	R-3	C-3	DAC	MU
Assisted Living Facility	P	P	P	P
Boarding Home Facility	P ₅	P ₅	P ₅	P ₅
Group Medical Care Facility	P	P	P	P
Guidance Services	P	P	P	P
Life Care Development	P	P	P	P
Nursing/Convalescent Home	P	P	P	P
Personal Care Facility	P ₅	P ₅	P ₅	P ₅
Residential Care Services	P ₅	P ₅	P ₅	P ₅
Special Care Facility	P	P	P	P



Small Lot SF Detached

Consultant team researched cost/benefit of 3,300 SF lot with alleys vs 4,000 SF lot without alleys and learned the following:

- The gross square footage per lot for the 3,300 SF lot including alley right of way is 3,600 SF
- The estimated additional cost applied to each lot for the alley is \$1,800 per lot
- The 3,300 SF would allow one additional lot for every 11 lots compared to the 4,000 SF lot
- Additional efficiencies could be found with reduced street widths

Discussion/Direction

Draft Zoning Code



Purpose; Legislative Findings; Interpretation; and General Matters.

- Increased focus upon content-neutrality (in response to the *Reed* Supreme Court decision)
- A noncommercial message may be substituted for a commercial message (without approval/permitting) if sign structure is legally conforming
- Exempts governmental signs and flags
- Exempts traffic control devices (per the MUTCD)
- Requires clear display of address numerals (all properties)
- Requires compliance with any law that requires posting of danger/prohibited access signs
- If conflict between Sign Code and another code, the most restrictive applies

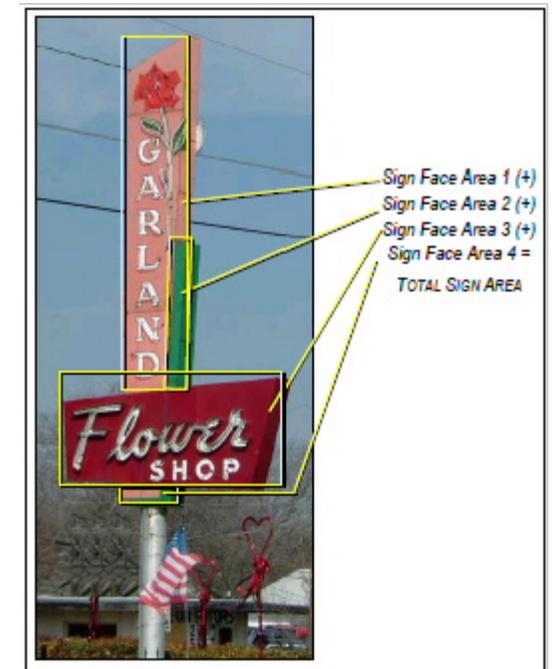


Definitions

- Clarified the differentiation between and “awning” (pedestrian-oriented) and “canopy” (vehicular-oriented)
- Added new definition for “damaged, dilapidated or deteriorated condition” to help with interpretations of such signs (which must be removed within 30 days following notice to remove)
- Added new definition for “electronic display” (which can be a component of certain types of signs such as freestanding signs, monument signs, etc.)

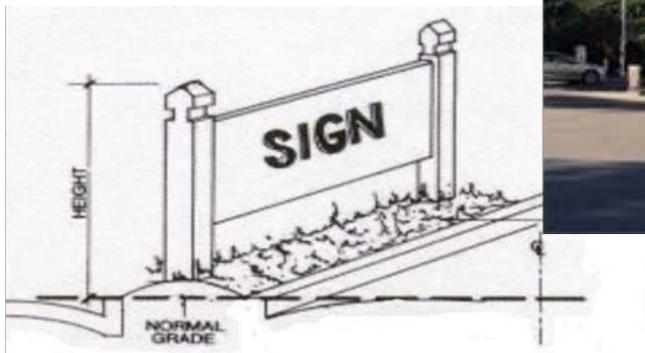
Definitions

- Added more graphics to assist with interpretations regarding how to measure “sign area” (e.g., wall/window signs, cutout words/figures, freestanding signs, monument signs, multi-faced signs, irregularly shaped signs, etc.)



Definitions

- Added graphics for several general terms (such as “awning”, “canopy”, “electronic display”, “height”, etc.) to also assist with interpretations





Definitions

- Consolidated several types of non-dominant signs into a single category called “incidental signs” (e.g., address, auxiliary, event, integral and name plate signs)
- Clarified “beacon” as also including laser light displays (prohibited)
- Clarified “directional sign” as being on-premise
- Clarified “freestanding sign” which can be on one pole or on twin masonry supports
- Added new definition for “handbills and placards” (prohibited)
- Added new definition for “mural” (original art display)



Definitions

- Consolidated “neon sign” into the definition for “lighted sign”
- Clarified “pole banner” as being on private property, can be one pane or dual panes mounted on a decorative pole
- Clarified “roof sign” as including sign painted directly on a roof (prohibited)
- Clarified “snipe sign” as typically off-premises (prohibited), not same as an “incidental sign” (allowed)
- Clarified “window sign” as including window “murals”, and also signs within 3 feet interior

Definitions

- Added graphics for many sign types, to also assist with interpretations





Exempt Signs

- Added “incidental sign” (maximum size 4 total square feet)
- Deleted several types of signs which are now classified as “incidental signs” (e.g., address, auxiliary, integral and name plate signs)
- Added to “flag” (all subject to City Attorney’s review):
 - Maximum size adjacent to IH-10: 375 square feet, 80-foot height
 - Cannot be mounted on roof
 - 70mph wind resistance
 - 15-foot setbacks from ROW/property lines



Exempt Signs

- Added to “window signs”:
 - Maximum coverage – 25% of window/door surface
 - Includes window “murals” and gaseous tubing/LED/strip lighting and also electronic/programmable signs
- Added to “pole banners”:
 - Increased vertical (i.e., bottom edge) clearance to be 8 feet above pedestrian pathways
 - Added vertical (i.e., bottom edge) clearance of 14 feet above vehicular areas
- Added general maintenance of and minor repairs to signs (including changing copy if sign will still serve the same establishment/entity)



Prohibited Signs

- Added the word “animated” to a moving sign
- Enhanced description of sign that emits or creates any type of sound/audio message
- Added a sign on vacant (i.e., undeveloped) land
- Enhanced description of inflatable signs as including “balloons”
- Added “handbills and placards”, along with descriptions of prohibited displays/activities



Regulation of signs within the Central Business District (CBD) including the Downtown Core (DC)

- Comment: The name of this district will be changing in the new 2019 Zoning Code
- Added to “sidewalk signs”:
 - Must be located within 5 feet of building
 - Must be located within close proximity of the advertised establishment’s entrance
 - Must maintain clear pedestrian pathway of at least 4 feet
 - Cannot exceed 8 square feet in area (up to 2 feet in width, 4 feet in height, and 30 inches in width)



Regulation of Certain Types of Signs

- Added to “awning sign”:
 - Clarified some specifications
 - Cannot be internally illuminated
 - Compatibility with building’s design/architecture
 - 8-foot pedestrian and 14-foot vehicular vertical clearances
 - Business name/logo only (no products/services)
- Deleted “balloons” (now prohibited)
- Added to “canopy sign”:
 - 8-foot pedestrian and 14-foot vehicular vertical clearances
 - Business name/logo only (no products/services other than motor fuel pricing which may be digital design)



Regulation of Certain Types of Signs

- Added to “canopy sign”:
 - 8-foot pedestrian and 14-foot vehicular vertical clearances
 - Business name/logo only (no products/services other than motor fuel pricing which may be digital design)
- Added to “canopy roof sign”:
 - 8-foot pedestrian and 14-foot vehicular vertical clearances
 - Business name/logo only (no products/services other than motor fuel pricing which may be digital design)
- Added to “feather sign”:
 - 5-foot setback from ROW/property lines
- Added to “directional sign”:
 - 5-foot setback from ROW/property lines



Regulation of Certain Types of Signs

- Added to “freestanding sign”:
 - Excluded these in Downtown Core
 - Clarified sharing with appropriate easement/mutual use agreement
 - Maximum height for small frontage lots (20 feet)
 - Can be internally or externally lit (hidden lighting source)
 - Maximum amount which can be electronic display (____%) in various frontage categories
 - Ability to have two on each street for large-frontage (400+ feet) lots



Regulation of Certain Types of Signs

- Added to “monument sign”:
 - Can be internally or externally lit (hidden lighting source)
 - Maximum amount which can be electronic display (___%) in various frontage categories
 - Clarified sharing with appropriate easement/mutual use agreement
- Added to “off-premises, freestanding sign”:
 - Can be internally or externally lit (hidden lighting source)
 - Maximum amount which can be electronic display (___%)
 - Not allowed on unplatted or vacant/undeveloped land



Regulation of Certain Types of Signs

- Added to “model home sign”:
 - 5-foot setback from ROW/property lines
 - Not allowed within any easement
 - External/shielded lighting only
- Added to “projecting sign”:
 - No internal illumination
 - 8-foot pedestrian and 14-foot vehicular vertical clearances
 - Business name/logo only (no products/services)



Regulation of Certain Types of Signs

- Added to “residential development sign”:
 - May not be electronic
 - Must be owned/maintained on common private condo/HOA property (i.e., not within ROW) along with associated landscaping
- Deleted “roof sign” (now prohibited)
- Added to “wall sign”:
 - Can be internally lit only if individual cutout words/figures
 - May not be electronic
 - May not be painted directly on wall (“mural”)



Regulation of Certain Types of Signs

- Added to “electronic displays”:
 - Only allowed if within 100 feet and visible from major thoroughfare or highway (or if a lawful nonresidential use in a residential district, but only if along a major thoroughfare or highway)
 - Can be on-premise or off-premise
 - Must be framed/bordered by at least 6 inches of masonry/sign frame material
 - Underground electrical service only
 - Automatic dimmer/photocell for reduced nighttime luminance
 - 8-second static message (previously 4 seconds)
 - No sequential displays



Regulation of Certain Types of Signs

- Added to “electronic displays” (cont’d.):
 - No flashing/blinking/scrolling/fading, etc.
 - No audio message/sounds
 - Maximum 0.3 foot-candles above natural ambient light conditions (may need an ambient light survey and manufacturer’s certification showing programming is set and not manipulatable by end-user)
 - Must be turned off/black screen at night if within 200 feet of residential, a public park/playground, or a scenic area (such as along the River)
 - TDLR Administrative Rules regarding who can design/erect an electrical sign (including electronic/digital)



Electronic Signs – Examples

12'x5' Sign – Rowlett, Texas





Electronic Signs – Examples

8'x4' Sign – Rowlett, Texas



Electronic Signs – Examples

6'x3.5' Sign – Rowlett, Texas



Electronic Signs – Examples

12'x8' Sign – Richardson, Texas





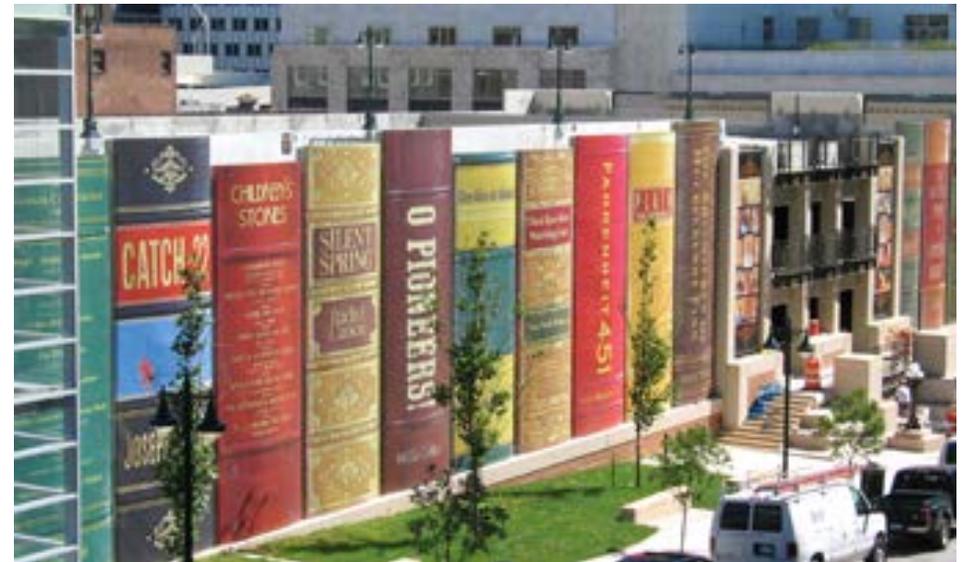
Electronic Signs – Examples

6'x4.5' Sign – Richardson, Texas



Regulation of Certain Types of Signs

- Added “murals”: only allowed on one façade of building (unless a variance is granted), only on vertical façade of building, may not exceed/protrude beyond façade’s width/height (unless a variance is granted), must be professionally applied by experienced artisan using paint/media that will weather well and remain legible for at least 5 years





Prohibited Sign Locations

- Added no signs on fences (except owner's name/address on agricultural fences/gates), screening walls, utility posts or poles, accessory buildings, agricultural- or farm-related building/structure, non-habitable building/structure
- Increased vertical clearance to 8 feet over pedestrian pathways, clarified vertical clearance of 14 feet over vehicular parking/circulation surfaces
- Clarified horizontal visibility clearance criteria (between 2 feet and 10 feet, for distance of 25 feet)



Sign Permits/Sign Maintenance

- Added section on Suspension or Revocation of Permit (if permit was issued in error or based upon erroneous/false information, or if permit was issued in violation of city sign/other ordinance or of a state or federal law) – sign must be removed within 15 calendar days following notice



Nonconforming Signs/ Variances/Enforcement

- Added removal criteria/timing for dilapidated/deteriorated signs (same 30 calendar days as a damaged sign)
- Added “mural” as eligible for a variance application (since different from a “sign”)
- No other substantive changes

Discussion/Direction

New Draft Sign Ordinance



Stakeholder Interviews/Survey Recap

- In October 2018, the planning team conducted **twelve** stakeholder interview sessions.
- Stakeholders included the following groups of community members:
 - Concerned citizens
 - Former public administrators and officials
 - Board members
 - Real estate professionals
 - Builders and developers
 - Area architects and engineers
- A few, consistent themes emerged and were synthesized into the project's **draft goals**.



Draft Goals (From Stakeholder Interviews)

- **Resolve conflicts** between Subdivision Ordinance and other part of the City Code
 - Construction standards for public v. private streets
 - Parking within easements
 - Ambiguities and inconsistencies requiring staff interpretation
- **Reduce inherent challenges** in ordinance and standards
 - Evaluate the impact of topography on developers' ability to meet ordinance requirements
 - Develop a sidewalk strategy to address the requirement to build “sidewalks to nowhere” just to satisfy the ordinance
- **Strengthen regulations** regarding development in floodplain areas



Draft Goals (From Stakeholder Interviews)

- **Develop a reasonable landscape strategy** tailored to the Kerrville community
 - Create a list of drought-tolerant plants
 - Focus on preserving heritage/specimen trees (large trees, desirable species)
 - Emphasize the value of landscaping and impervious surfaces as a means of minimizing flooding
 - Consider the option of guidelines v. requirements
- **Implement reasonable lighting standards** to help maintain dark skies
 - Fixture type
 - Bulb type
 - Amount of light at property line



Draft Goals (From Stakeholder Interviews)

- **Review and resolve** administrative issues
 - Platting process
 - Cost sharing policy
 - Final acceptance criteria for public improvements

Discussion/Input

Updated Subdivision Ordinance/Design (Guidelines or Standards)

Next Steps



Next Steps

- The Consultant Team will incorporate your feedback into a Final Draft of the Ordinances
- Planning and Zoning Commission Public Hearing–Zoning Ordinance/Sign Ordinance
 - Thursday June 20, 2019 – City Hall
- City Council Public Hearing–Zoning Ordinance/Sign Ordinance
 - Tuesday June 25, 2019 – City Hall
 - Tuesday July 9, 2019 – City Hall (Second Reading)
- CRC Meeting #7
 - Tuesday July 30, 2019 – City Hall

Adjournment

Kerrville Ordinance Updates

CRC Meeting #6

June 6, 2019

