

ORDINANCE NO. O-2021-008

AN ORDINANCE AMENDING CHAPTER 36 – ZONING OF THE CITY OF SHAVANO PARK CODE OF ORDINANCES TO AMEND THE COMMERCIAL ZONING USE TABLES AND CLARIFY MIXED-USED ZONING DISTRICT SETBACK REQUIREMENTS; PROVIDING A CUMULATIVE & CONFLICTS CLAUSE, PROVIDING FOR A SEVERABILITY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Chapter 211 of Texas Local Government Code empowers the City Council of the City of Shavano Park to enact zoning regulations and provides for their administration, enforcement and amendment; and

WHEREAS, it is the intent of the City Council to provide harmony between existing zoning districts and proposed land uses; and

WHEREAS, the City Council determines that this Ordinance will be in keeping with the spirit and intent of Chapter 36 - ZONING of the Code of Ordinances of the City of Shavano Park, will not adversely affect traffic, public health, public utilities, public safety, and the general welfare; and

WHEREAS, the City Council has determined that this zoning ordinance is in the best interest of the general welfare of the City of Shavano Park.

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

I

CODE AMENDMENT

Chapter 36, Article I., Sec. 36-1 of the City of Shavano Park Code of Ordinances is hereby amended to add the following definitions:

Mobile food court.

A mobile food court is a parcel of land designated and permitted to offer food or beverages for sale to the public from two or more mobile food units. All mobile food courts require a permanent structure for restroom facilities located on the parcel of land.

A mobile food court shall not be interpreted to include a congregation of mobile food units as a secondary, accessory use, and temporary use on existing commercially developed land.

Mobile food unit. A "mobile food unit" is a self-contained unit, either motorized or in a trailer on wheels that is readily movable, without disassembling, for transport to another location, and that serves the purpose of preparing and/or serving food and

beverages. The term "mobile food unit" shall not include individual non-motorized vending carts.

II CODE AMENDMENT

Chapter 36, Article II., Sec. 36-41(d) of the City of Shavano Park Code of Ordinances is hereby amended to read as follows:

Sec. 36-41. - MXD—Mixed-Use District.

. . .

- (d) Height, density, setbacks and other limitations: A MXD District shall not be subject to the use, height, density, commercial intensity, setbacks, parking and other regulations of the City zoning regulations, currently codified as chapter 36 of the Code of Ordinances. The height, density, commercial intensity, setbacks, parking and other requirements shall be established pursuant to an approved MXD site plan, provided, however, the following regulations shall apply:
- (1) A ten-foot minimum building setback shall be required where a non-single-family residential use within the MXD District abuts a single-family use or single-family zoning district.
 - (2) A 20-foot minimum front setback shall be required for front-load residential garages and a ten-foot minimum front setback shall be required for side-load residential garages.
 - (3) A ten-foot minimum building setback shall be required where any residential or nonresidential use abuts a public or private street.
 - (4) Exterior fences and walls shall be permitted along the property line of any residential use.
 - (5) All streets within a MXD District may be publicly accessible and may be located adjacent to the property line of any developed or undeveloped land, provided a minimum 30-foot buffer is installed when such street is adjacent to any residential rear property line. If streets are privately owned and maintained they may be gated.
 - (6) Parking on public streets shall only be permitted on one side of the street and shall not be permitted between the hours of 2:00 a.m. and 5:00 a.m., except that on-street cut-out parking shall be allowed at any time pursuant to an approved MXD site plan. Public streets are defined, for the purpose of this section, as that portion of the roadway and shoulder from the property line on one side of the street to the property line on the opposite side of the street.

- (7) The height of any commercial or residential structure shall not exceed 45 feet unless authorized by an approved MXD site plan and serviceable by the Fire Department.
- (8) Where residential areas are developed with private common areas and/or privately shared open space, a mandatory homeowner's association shall be created. The homeowner's association shall be responsible for maintenance and upkeep of all private common and shared areas within the boundaries of the residential development. Board composition, dues, and other procedural aspects of the homeowner's association shall be determined by the developer of the residential area.
- (9) A minimum two-car garage shall be required for each density single-family residence and may be rear, side, or front loaded.

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**III
CODE AMENDMENT**

Chapter 36, Article VI., Table No. 2, subsection (e) of the City of Shavano Park Code of Ordinances is hereby amended to read as follows:

**Table No. 2
CE Cottage Estates Residential District and MXD Mixed Use District**

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- (e) Mixed Use District (see Section 36-41 for zoning regulations in full). The height, density, commercial intensity, setbacks, parking and other requirements shall be established pursuant to an approved MXD site plan, provided, however, the following regulations shall apply:
 - (1) A ten-foot minimum building setback shall be required where a non-single-family residential use within the MXD District abuts a single-family use or single-family zoning district.
 - (2) A 20-foot minimum front setback shall be required for front-load residential garages and a ten-foot minimum front setback shall be required for side-load residential garages.
 - (3) A ten-foot minimum building setback shall be required where any residential or nonresidential use abuts a public or private street.

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IV
CODE AMENDMENT

Chapter 36, Article VI., Table No. 3 of the City of Shavano Park Code of Ordinances is hereby amended to read as follows:

Table No. 3
Table of Permitted Uses

O-1 Zoning Category

Accounting

Architects

Attorneys

Banks, Credit Unions, and Savings and Loan Associations - drive through facilities allowed (CC)

Brokerage services, investment, real estate or insurance

Chiropractor

Clinic, dental, medical, includes optometry, orthopedics, physical therapist and psychiatry

Consultants

Day care/nursery school, supplemental - caring for not more than 12 persons

Developers

Engineers

General office uses

Insurance company and agents

Mortgage loan office

Office call center

Office data processing and management

Software sales and service

Tax preparation services

Telephone company - office use only

Travel agency

V

CODE AMENDMENT

Chapter 36, Article VI., Table No. 4 of the City of Shavano Park Code of Ordinances is hereby amended to read as follows:

Table No. 4

Table of Permitted Uses

B-1 Zoning Category

As required by subsection 36-39(6) a. 1., all business activities, except for outdoor dining, permitted sports courts (Tennis, basketball, volleyball, racquetball or handball), Electric Vehicle (EV) charging station and Convenience Store activities (including outdoor pay at the pump gasoline sales and stand-alone self-service car wash), are required to be completely contained within an enclosed structure or court.

Any use permitted in O-1 Zoning Category, See Table No. 3

Antique store

Apparel and accessory store

Art gallery and/or museum

Bakery, retail store

Bar/tavern

Barber/beauty salon

Bookstore

Business machine shop

Cafeteria

Camera/photographic store, including equipment and supplies

Candy/nut/confectionery store

Catering shop

Convenience store, (CC)

Cosmetics sales

Day care/nursery school

Day spa

Dairy products, retail store

Drug store/pharmacy

Dry goods, retail store

Electric scooters sales and service

Electric Vehicle (EV) Charging Stations (CC)

Fitness services 6,000 square feet or less

Floor covering (e.g., rug, carpet and tile), retail store

Florist, retail store

Fruit and produce store, retail store

Furniture sales, retail store

Gift shop

Gourmet shop, retail store

Grocery store

Hardware sales, retail store without outdoor display

Hobby supply store

Hotel/motel less than 45 feet in height

Hotel/motel over 45 feet in height (CC)

Interior decorating studio

Jewelry store

Laboratory, dental or medical

Laboratory, research and/or testing (CC)

Laundry/dry cleaning, pickup station only

Leather goods and luggage store sales and services

Liquor store

Locksmith

Milliner (custom)

Mobile food court (CC)

Music store

Nursery (plant sales) - retail

Office equipment/supply store, retail store

Pet grooming, small animals only with no overnight boarding

Pet shop, no outdoor boarding

Picture framing

Postal center

Pottery studio

Religious, cultural and fraternal activity up to 5,000 square feet (includes Churches)

Restaurant

Schools up to 5,000 square feet

Second hand merchandise, retail store

Self defense instruction

Shoe repair

Shoe sales, retail store

Short-term in-patient surgical center - a facility in which the average in-patient length of stay shall not exceed 96 hours (CC)

Skilled Nursing services/facility

Sporting goods, retail store
Stamp and coin sales, retail store
Stationery sales, retail store
Tailor shop
Tobacco store
Toy store
Trophy sales
Variety store, retail store
Watch repair
Weight loss/reducing salon

**VI
CODE AMENDMENT**

Chapter 36, Article VI., Table No. 5 of the City of Shavano Park Code of Ordinances is hereby amended to read as follows:

**Table No. 5
Table of Permitted Uses**

B-2 Zoning Category

As required by subsection 36-39(7)a. 1., all business activities, except for outdoor dining, permitted sports courts (Tennis, basketball, volleyball, racquetball or handball), Electric Vehicle (EV) charging station and Convenience Store activities (including outdoor pay at the pump gasoline sales and stand-alone self-service car wash), are required to be completely contained within an enclosed structure or court.

Any use permitted in B-1 Zoning Category, see Table No. 4

Air conditioner sales, retail store
Animal clinic, no outdoor boarding
Appliance repair
Appliance sales, retail store

Assisted Living Facility (CC)

Auto rental — pick up and drop off only (CC)

Bicycle repair and sales

Club — private (including meeting hall) (CC)

Copy and photostatting shop, dry copy processes only

Department store

Electronic equipment repair

Funeral home, (CC)

Fitness services greater than 6,000 square feet, (CC)

Hardware sales, retail store with outdoor display (screened from public view) (CC)

Miniature golf, indoor only (CC)

Office service facilities, rear-loading only, no outside storage

Paint and wallpaper store, retail store

Pawnshops that are licensed to transact business by the Consumer Credit Commissioner under the Texas Pawnshop Act (Chapter 371 of the Finance Code) - No Special permit is required for this use.

Personal storage facility - rock wall, full screened (CC)

Radio and/or television station - without transmission tower (CC)

Reception hall/meeting facility

Recreational facility, neighborhood only (CC)

Religious, cultural and fraternal activity over 5,000 square feet (includes Churches)

Schools over 5,000 square feet

Skating rink, (CC)

Short-term in-patient surgical center - a facility in which the average in-patient length of stay shall not exceed 96 hours

Tennis, basketball, volleyball, racquetball or handball courts

Theater — no more than 12 screens or stages (CC)

**VII
CODE AMENDMENT**

Chapter 36, Article VI., Table No. 6, subsection 9 of the City of Shavano Park Code of Ordinances is hereby amended to read as follows:

9. <u>Area Regulation.</u> Except as permitted in Single-Family Cottage Estates Residential District (CE District) or Mixed-Use District (MXD), the buildings on any one lot must not cover more than one-third of the entire area of the lot.						
District	Height Limitation (in feet)	Parking Stall Ratio (in feet)	Rear Setback (in feet)	Side Setback (in feet)	Landscape Buffer	
					Front Yard (in feet)	Rear Yard (in feet)
"M-U"—Municipal/Utility	50'	1/200s.f.	50'	25'	40'	40'
"O-1"—Office District	45'	1/300 s.f.	100'	25'	40'	30'
"B-1"—Business District	45'	1/200 s.f.	100'	25'	40'	30'
"B-2"—Business District	45'	1/200 s.f.	100'	25'	40'	30'
"MXD" – Mixed-Used District	45'	Determined by Site Plan	Determined by Site Plan	Determined by Site Plan	Determined by Site Plan	Determined by Site Plan

**VIII
CUMULATIVE CLAUSE**

That this ordinance shall be cumulative of all provisions of the City of Shavano Park, Texas, except where the provisions of this Ordinance are in direct conflict with the provisions of such Ordinance, in which event the conflicting provisions of such Ordinance are hereby repealed.

**IX
SEVERABILITY**

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

**X
PROPER NOTICE AND MEETING**

It is hereby officially found and determined that the meeting at which this Ordinance was adopted was open to the public and that public notice of the time, place and purpose of said meeting was given as required by the Open Meetings Act, Chapter 551 of the Texas Government

XI
EFFECTIVE DATE

This ordinance shall be effective upon passage and publication as required by State and Local law.

PASSED AND APPROVED on the first reading by the City Council of the City of Shavano Park this the 25th day of October, 2021.

PASSED AND APPROVED on the second reading by the City Council of the City of Shavano Park this the 22nd day of November, 2021.

ROBERT WERNER, MAYOR

Attest:

TRISH NICHOLS, CITY SECRETARY