

ORDINANCE NO. O-2017-009

AN ORDINANCE AMENDING CHAPTER 36, ARTICLE IV, TABLES 3, 4, AND 5 OF THE CITY OF SHAVANO PARK CODE OF ORDINANCES REGARDING THE PERMITTED USES IN BUSINESS ZONING DISTRICTS O-1, B-1 AND B-2; FINDING THIS ORDINANCE TO HAVE BEEN CONSIDERED PURSUANT TO THE LAWS GOVERNING OPEN MEETINGS; PROVIDING A SEVERABILITY CLAUSE; AND ESTABLISHING 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, The Planning & Zoning Commission after a public hearing on March 1, 2017 recommended approval of the rezoning request; and

WHEREAS, the City Council and the Planning & Zoning Commission of the City of Shavano Park have complied with all notice of a public hearing as required by the Code of Ordinances of the City of Shavano Park; 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 such use will not adversely affect the character of the area or the neighborhood in which it is proposed to locate; will not substantially depreciate the value of adjacent and nearby properties; will be in keeping with the spirit and intent of Chapter 36 of the Code of Ordinances of the City of Shavano Park; will comply with applicable standards of the district in which located; and will not adversely affect traffic, public health, public utilities, public safety, and the general welfare.

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 IV, 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

Bank/savings and loan - drive through facilities ~~require~~ (CC) approval

Chiropractor

Clinic, dental or medical

Consultants

Developers

Engineers

Brokerage services

General office uses

Insurance company and agents

Mortgage loan office

Office call center

Office data processing and management

Optician

Optometry services

Orthopedic services

Physical therapist

Real estate office

Software sales and service

Supplemental day care center - caring for not more than 12 persons

Tax preparation services

Telephone company - office use only

Travel agency

II CODE AMENDMENT

Chapter 36, Article IV, 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 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

Apothecary (drugstore)

Apparel and accessory store

Art gallery and/or museum ~~Bakery, retail store~~

Bakery, retail store

Bar/tavern

Barber/~~or~~ beauty shop

Boutique hotel

Bookstore

Business machine shop

Cafeteria

Camera/photographic store

Candy/nut/confectionery store

Catering shop

Convenience store, (CC)

Cosmetics sales

Day spa

Dairy products, retail store

Drug store

Dry goods, retail store

Electric scooters sales and service

Fitness services 6,000-2,999 square feet or less

Floor covering, retail store

Florist, retail store

Fruit and produce~~t~~ store, retail store

Food store

Furniture sales, retail store

Gift shop

Gourmet shop, retail store

Grocery store, with alcoholic beverage sales

Hardware sales, retail store without outdoor display

Hobby supply store

Hotel/motel

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

Liquor store

Locksmith

Luggage sales and service

Milliner (custom)

Movie rental

Music store

Nursery school/ ~~or~~ day care

Nursery (plant sales) - retail

Office equipment/supply store, retail store

Optical goods, retail store

Pet grooming, small animals only with no overnight boarding

Pet shop, no outdoor boarding

Photographic equipment and supplies, retail store

Picture framing

Postal center

Pottery studio

Weight Loss/Reducing salon

Religious, cultural and fraternal activity up to 5,000 square feet

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)

Sporting goods, retail store

Stamp and coin sales, retail store

Stationary sales, retail store

Tailor shop

Tobacco store

Toy store

Trophy sales

Variety store, retail store

Watch repair

III CODE AMENDMENT

Chapter 36, Article IV, 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 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

Altering/repairing of apparel

Animal clinic, ~~no outside operations~~ 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~~

Bicycle repair and sales

Churches

Club — private (including meeting hall) (CC)

Copy and photostatting shop, dry copy processes only

~~Delicatessen~~

Department store

Electronic equipment repair

Funeral home, (CC)

Fitness services greater than 6,000–2,999 square feet, (CC)

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

~~Miniature golf, indoor only (CC) Officer service facilities, rear loading only, no outside storage~~

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 (article 5069-51.01 et seq., Vernon's Texas Civil Statutes) - 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

Rug, carpet and tile store - retail store

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, ~~indoor only~~

Theater — no more than twelve-eight screens or stages (CC)

IV 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.

V 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.

VI PROPER NOTICE AND MEETING

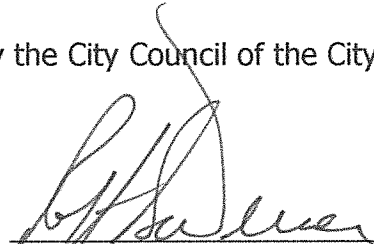
It is hereby officially found and determined that the meeting at which this Ordinance was adopted was open to the public and that public notice of the time, place and purpose of said meeting was given as required by the Open Meetings Act, Chapter 551 of the Texas Government.

VII
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 27th day of March, 2017.

PASSED AND APPROVED on the second reading by the City Council of the City of Shavano Park this the 24th day of April, 2017.



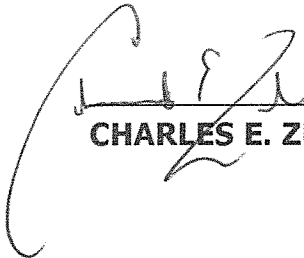
ROBERT WERNER, MAYOR

Attest:



ZINA TEDFORD, City Secretary

Approved as to Form:



CHARLES E. ZECH, City Attorney