

**CITY OF SHAVANO PARK
PLANNING & ZONING COMMISSION MEETING
CITY HALL, COUNCIL CHAMBERS
900 SADDLETREE COURT, SHAVANO PARK, TEXAS 78231
July 6, 2022**

6:30 P.M.

This notice is posted pursuant to the Texas Open Meetings Act. Notice hereby given that the Planning & Zoning Commission of the City of Shavano Park, Texas will conduct a Regular Meeting on Wednesday, July 6, 2022 6:30 p.m. at 900 Saddletree Court, Shavano Park City Council Chambers.

The meeting agenda and agenda packet are posted online at www.shavanopark.org.

AGENDA

1. Call to order
2. Vote under Section 36-69 of the Shavano Park City Code (“Code”) concerning a finding that each of the items following item 2 on the agenda are “planning issues” or otherwise prescribed Planning & Zoning Commission duties under 36-69(l) of the Code or the severance of one or more of such items for an individual vote on such item or items.
3. The Planning and Zoning Commission welcomes “Citizens to be Heard.” If you wish to speak, you must follow these guidelines. **As a courtesy to your fellow citizens and out of respect to our fellow citizens, we request that if you wish to speak that you follow these guidelines.**
 - Pursuant to Resolution No. R-2019-011 citizens are given three minutes (3:00) to speak during “Citizens to be Heard.”
 - Members of the public may only speak once and cannot pass the individual’s time allotment to someone else
 - Direct your comments to the entire Commission, not to an individual member
 - Show the Commission members the same respect and courtesy that you expect to be shown to you

The Chairman will rule any disruptive behavior, including shouting or derogatory statements or comments, out of order. Continuation of this type of behavior could result in a request by the Mayor that the individual leave the meeting, and if refused, an order of removal. In compliance with the Texas Open Meetings Act, no member of the Commission may deliberate on citizen comments for items not on the agenda. (Attorney General Opinion – JC 0169)
4. Consent Agenda:
 - A. Approval - Planning & Zoning Commission minutes, June 1, 2022
5. Discussion / action - Amending Plat of Pond Hill Garden Villas Unit 2 to adjust lot lines between Lot 1712 and Lots 1707 and 1706 – City Manager / Pape-Dawson Engineering
6. Discussion / action – Possible propane tank and generator screening and setback requirement amendments to City Ordinances - City Manager

7. Discussion - Possible Property Maintenance Code amendments to City Ordinances - City Manager
8. Report / update - City Council items considered at previous City Council meetings and discussion concerning the same - City Manager
9. **Chairman Announcements:**
 - A. Advise members to contact City staff to add new or old agenda items.
 - B. Advise members of pending agenda items:
 - i. Town Plan Update
 - ii. Ordinance to fix the mistaken 2017 B-2 PUD re-zoning of Lots 1701 & 1702 in Block 21, CB 4782E (Lynd Building / Pond Hill Restaurant) by formally re-zoning the lots back to MXD
10. **Adjournment**

Accessibility Statement:

The City of Shavano Park City Hall is wheelchair accessible. The entry ramp is located in the front of the building. Accessible parking spaces are also available in the front and sides of the building. Sign interpretative services for meetings must be made 48 hours in advance of the meeting. Call the A.D.A. Coordinator at 817-447-5400 or TDD 1-800-735-2989.

Decorum Required:

Any disruptive behavior, including shouting or derogatory statements or comments may be ruled out of order by the Presiding Officer. Continuation of this type of behavior could result in a request by the Presiding Officer that the individual leave the meeting, and if refused, an order of removal.

Action by Commission Authorized:

The Planning and Zoning Commission may vote and/or act upon any item within this Agenda. The Commission reserves the right to retire into executive session concerning any of the items listed on this Agenda, pursuant to and in accordance with Texas Government Code Section 551.071, to seek the advice of its attorney about pending or contemplated litigation, settlement offer or on a matter in which the duty of the attorney to the governmental body under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas conflict with the Open Meetings Act and may invoke this right where the City Attorney, the Mayor or a majority of the Governing Body deems an executive session is necessary to allow privileged consultation between the City Attorney and the governing body, if considered necessary and legally justified under the Open Meetings Act. The City Attorney may appear in person, or appear in executive session by conference call in accordance with applicable state law.

Executive Sessions Authorized:

This agenda has been reviewed and approved by the City's legal counsel and the presence of any subject in any Executive Session portion of the agenda constitutes a written interpretation of Texas Government Code Chapter 551 by legal counsel for the governmental body and constitutes an opinion by the attorney that the items discussed therein may be legally discussed in the closed portion of the meeting considering available opinions of a court of record and opinions of the Texas Attorney General known to the attorney. This provision has been added to this agenda with the intent to meet all elements necessary to satisfy Texas Government Code Chapter 551.144(c) and the meeting is conducted by all participants in reliance on this opinion.

Attendance by Other Elected or Appointed Officials:

It is anticipated that members of City Council or other city board, commissions and/or committees may attend the meeting in numbers that may constitute a quorum of the other city boards, commissions and/or committees.

Notice is hereby given that the meeting, to the extent required by law, is also noticed as a meeting of the other boards, commissions and/or committees of the City, whose members may be in attendance. The members of the boards, commissions and/or committees may participate in discussions on the same items listed on the agenda, which occur at the meeting, but no action will be taken by such in attendance unless such item and action is specifically provided for on an agenda for that board, commission or committee subject to the Texas Open Meetings Act.

I, the undersigned authority, do hereby certify that the above Notice of Meeting of the governing body of the above named Shavano Park Planning and Zoning Commission is a true and correct copy of said Notice and that I posted a true and correct copy of said Notice on the bulletin boards, of the City Hall of said City Shavano Park, Texas, a place convenient and readily accessible to the general public at all times, and said Notice was posted on this the 1st of July 2022 at 9:00 a.m. and remained so posted continuously for at least 72 hours preceding the scheduled time of said meeting.

Bill Hill
City Manager

1. Call to order

Chairman Laws called the meeting to order at 6:33 p.m.

PRESENT:
Carla Laws
Lori Fanning
Shawn Fitzpatrick
Vickey Maisel
Bill Simmons
William Stipek
Cindy Teske

ABSENT:
Song Tan

2. Vote under Section 36-69 of the Shavano Park City Code (“Code”) concerning a finding that each of the items following item 2 on the agenda are “planning issues” or otherwise prescribed Planning & Zoning Commission duties under 36-69(l) of the Code or the severance of one or more of such items for an individual vote on such item or items.

Upon a motion made by Commissioner Fanning, and a second made by Commissioner Stipek, the Planning & Zoning Commission voted six (6) for and none (0) opposed to approve the agenda as it was provided as Planning & Zoning Commission issues. The motion carried.

3. Citizens to be Heard.

Citizen Marne, 211 Hunters Branch, addressed Planning & Zoning Commission regarding item 9 requirements of propane tanks and generators within the setback.

4. Recognition - In memoriam of Michael “Mike” Lynn Janssen, September 1, 1951 - May 20, 2022

Planning & Zoning Commission commented that the passing of Mike Janssen is a great loss for the City of Shavano Park and the community.

5. Consent Agenda:

Approval - Planning & Zoning Commission minutes, May 4, 2022.

Upon a motion made by Commissioner Fanning and a second made by Commissioner Simmons, the Planning & Zoning Commission voted six (6) for and none (0) opposed to approve the Planning & Zoning Commission minutes of May 4, 2022 as presented. The motion carried.

6. Public Hearing - The purpose of the public hearing is to receive comments from members of the public regarding proposed amendments to Chapter 36 - ZONING to remove Mobile Food Courts as an allowed use after adoption of Ordinance

O-2021-011 and additional amendments to clarify the existing Willow Wood swimming pool regulations.

The Public Hearing opened at 6:45 p.m.

Assistant to the City Manager Curtis Leeth presented a brief overview of this agenda item.

The Public Hearing closed at 6:49 p.m.

7. Discussion / action - Proposed amendments to Chapter 36 - ZONING to remove Mobile Food Courts as an allowed use after adoption of Ordinance O-2021-011 and additional amendments to clarify the existing Willow Wood swimming pool regulations - Assistant to the City Manager

A motion was made by Commissioner Teske to approve the amendments as presented in Chapter 36 - ZONING to remove Mobile Food Courts as an allowed use after adoption of Ordinance O-2021-011 and additional amendments to clarify the existing Willow Wood swimming pool regulations.

A second made by Commissioner Fitzpatrick.

Upon a motion by Commissioner Teske and a second by Commissioner Fitzpatrick, the Planning & Zoning Commission voted six (6) for and none (0) opposed to approve the amendments as presented in Chapter 36 - ZONING to remove Mobile Food Courts as an allowed use after adoption of Ordinance O-2021-011 and additional amendments to clarify the existing Willow Wood swimming pool regulations. The motion carried.

8. Presentation /discussion - Possible Property Maintenance Code amendments to City Ordinances - Alderman Pete Miller / Assistant to the City Manager

Alderman Miller and Assistant to the City Manager Curtis Leeth presented an overview of possible Property Maintenance Code amendments to the City Ordinances.

The Commission discussed the current regulations as well as proposed amendments. No action was taken.

9. Discussion - Allowance and screening requirements of propane tanks and generators within the setback - Assistant to the City Manager

Assistant to the City Manager Curtis Leeth provided an overview of the allowance and screening requirements of propane tanks and generators within a setback.

The Commission discussed the current regulations and gave guidance to staff. No action was taken.

10. Discussion / action – Possible rescheduling of the July 6, 2022 Planning & Zoning Commission meeting – Assistant to the City Manager

Assistant to the City Manager Curtis Leeth asked the commissioner if they needed to reschedule the July 6, 2022 Planning & Zoning Commission meeting. Chairman Laws with Planning & Zoning Commissioners consensus was to keep the July 6, 2022 meeting. No action was taken.

11. Report / update - City Council items considered at previous City Council meetings and discussion concerning the same - Assistant to the City Manager.

Assistant to the City Manager Leeth provided an overview of items considered at the previous City Council Meeting.

12. Chairman Announcements:

- A. Advise members to contact City staff to add new or old agenda items.
- B. Advise members of pending agenda items:
 - i. Ordinance to fix the mistaken 2017 B-2 PUD re-zoning of Lots 1701 & 1702 in Block 21, CB 4782E (Lynd Building / Pond Hill Restaurant) by formally re-zoning the lots back to MXD

13. Adjournment

Upon a motion made by Commissioner Fanning, and a second made by Commissioner Simmons, the Planning & Zoning Commission voted six (6) for and none (0) opposed to adjourn the meeting at 8:18 p.m. The motion carried.

Carla Laws, Chairman

Trish Nichols, City Secretary

PLANNING AND ZONING STAFF SUMMARY

Meeting Date: July 6, 2022

Agenda item: 5

Prepared by: Curtis Leeth

Reviewed by: Bill Hill

AGENDA ITEM DESCRIPTION:

Discussion / action - Amending Plat of Pond Hill Garden Villas Unit 2 to adjust lot lines between Lot 1712 and Lots 1707 and 1706 – City Manager / Pape-Dawson Engineering

X

Attachments for Reference:

- 1) 5a Pape-Dawson Submittal Letter
- 2) 5b Amending Plat
- 3) 5c Redline of Final Plat
- 3) 5d MXD Site Plan Map
- 4) 5e City Engineer Ltr + Redline Plat Review

BACKGROUND / HISTORY: At the May 4, 2022 Planning & Zoning Commission meeting the Commission approved the re-submittal of the Final Plat for Pond Hill Garden Villas Unit-2. The Plat was thereafter properly recorded with Bexar County.

On June 28, 2022 the City received an application for an Amending Plat of the Final Plat from Pape-Dawson Engineering. City Engineer completed review on July 1, 2022 with three minor administrative comments (see attachment 5e). Pape-Dawson will update the plat and have fresh hard copies for P&Z the night of the meeting.

DISCUSSION: This Amending Plat requests adjusting the common lot line between Lot 1707 (a residential lot) and Lot 1712 (open space & utility easement lot) in order to save existing trees. This request is eligible for Amending Plat action under Sec. 28-47(b) of the City of Shavano Park Code of Ordinances:

(b) Other amended plats. Subject to the following requirements, the Planning and Zoning Commission and the City Council may approve and issue an amending plat which may be recorded and is controlling over the preceding or final plat without vacation of that plat if the amending plat is signed by the applicants only and if the amending plat is for one or more of the purposes set forth in this subsection.

- (1) The procedures for amending plats shall apply only if the sole purpose of the amending plat is to:
 - a. Amend a plat described in subsection (a)(2)a.;
 - b. Relocate a lot line to eliminate an inadvertent encroachment of a building or other improvement on a lot line or easement;
 - c. Relocate one or more lot lines between one or more adjacent lots if:
 1. The owners of all those lots join in the application for amending the plat;

2. The amendment does not attempt to remove or modify recorded covenants or restrictions or easements; and
 3. The amendment does not increase the number of lots;
- d. Make necessary changes to the preceding plat to create six or fewer lots in the subdivision or a part of the subdivision covered by the preceding plat if:
1. The changes do not affect applicable zoning and other regulations of the City;
 2. The amendment does not attempt to remove or modify recorded covenants or restrictions or easements; and
 3. The area covered by the changes is located in an area that the Planning and Zoning Commission and the City Council has approved, after a public hearing, as a residential improvement area; or
- e. Replat one or more lots fronting on an existing street if:
1. The owners of all those lots join in the application for amending the plat;
 2. The amendment does not attempt to remove recorded covenants or restrictions;
 3. The amendment does not increase the number of lots; and
 4. The amendment does not create or require the creation of a new street or make necessary the extension of municipal facilities.

(2) An applicant wishing to amend an approved plat shall file with the Planning and Zoning Commission and the City Council the amending plat, together with a copy of the plat being amended and a statement detailing the amendments being proposed for their consideration and approval under this subsection.

COURSES OF ACTION: Approve Amending Plat as submitted, approve conditionally or decline approval and provide further guidance to City Staff.

FINANCIAL IMPACT: Revenues of \$400 for Amending Plat received.

MOTION REQUESTED: Approve Amending Plat of Pond Hill Garden Villas Unit 2.

June 28, 2022

Mr. Bill Hill
City Manager
City of Shavano Park
900 Saddletree
Shavano Park, TX 78231

Re: Pond Hill Garden Villas Unit 2
Letter of Intent to Amend to Plat

Dear Mr. Hill,

Please accept the final subdivision and amending plat of Pond Hill Garden Villas Unit 2. The following revisions have been made to the final plat:

- Amend to common lot line between lot 1707 and 1712, in order to save existing trees.

Please advise any questions or directions. Thank you for your consideration.




Sincerely,
Pape-Dawson Engineers, Inc.



Caleb Chance, P.E.
Vice President

P:\71\18\48\Word\Letters\220628 - Letter of Intent - Amending.docx




Land Use Code:

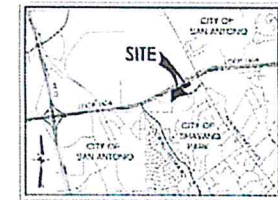
	Residential
	Commercial
	Private Open Space

Land Use Summary:

Residential			
Townhomes, East	20 d.u.'s	on	6.4 acres
Townhomes, West	46 d.u.'s	on	8.1 acres
Commercial			
East	(+/-) 27,000sf	on (+/-) 3.5 acres	
West	(+/-) 45,000sf	on (+/-) 6.8 acres	

Legend:

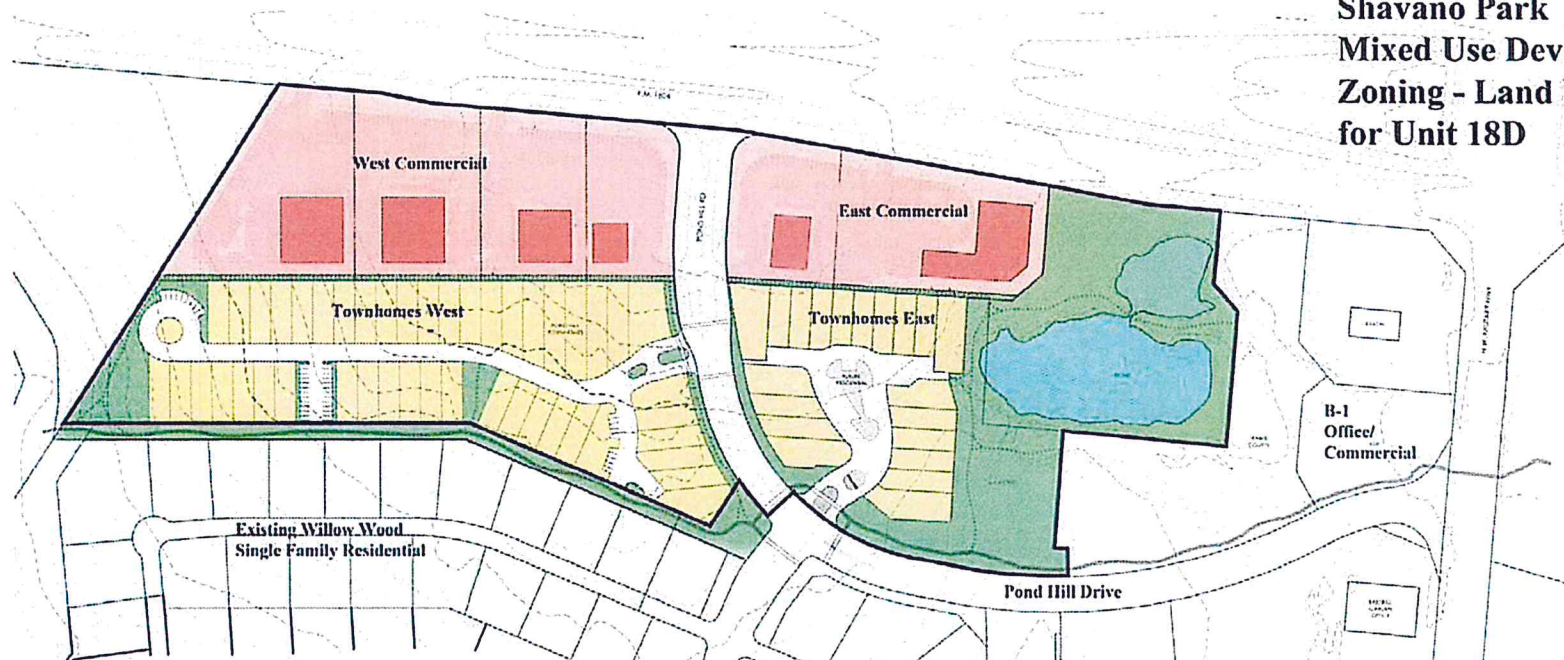
	MXD Zoning Boundary
	6' Multi-Use Pathway
	Potential Lot Lines



LOCATION MAP



Shavano Park Mixed Use Development Zoning - Land Use Plan for Unit 18D



03-07-14

REVISED MXD PLAN

July 1, 2022

City of Shavano Park
Public Works Department
Attn: Curtis Leeth
900 Saddletree Ct
San Antonio, TX 78231

Re: Plat Review Comments
Pond Hill Garden Villas Unit 2 Amending Plat

Mr. Leeth,

We have completed our review of the referenced Plat as submitted by Pape-Dawson Engineers. The following comments apply to the replat as submitted:

Plat:

Sheet 1 of 2 -

1. In the "Area Being Amended" view port show the original layout and label lots being amended. Call out adjacent right of ways.
2. Correct key note 7 just north of site.

Sheet 2 of 2 -

1. Key note 6 in the legend not called out on plat.

Our review of the plat does not relieve or release the Engineer of Record or Surveyor of Record from complying with any and all the requirements of the local, state, and federal rules and regulations or guidelines impacting this project.
If you require additional information, please contact our office.

Sincerely,

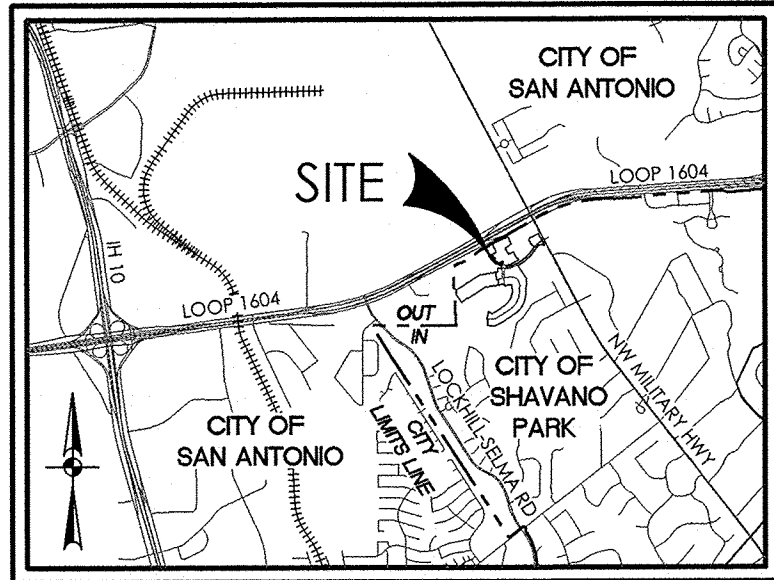


Andy Carruth, P.E.
Plat Reviewer for the City of Shavano Park

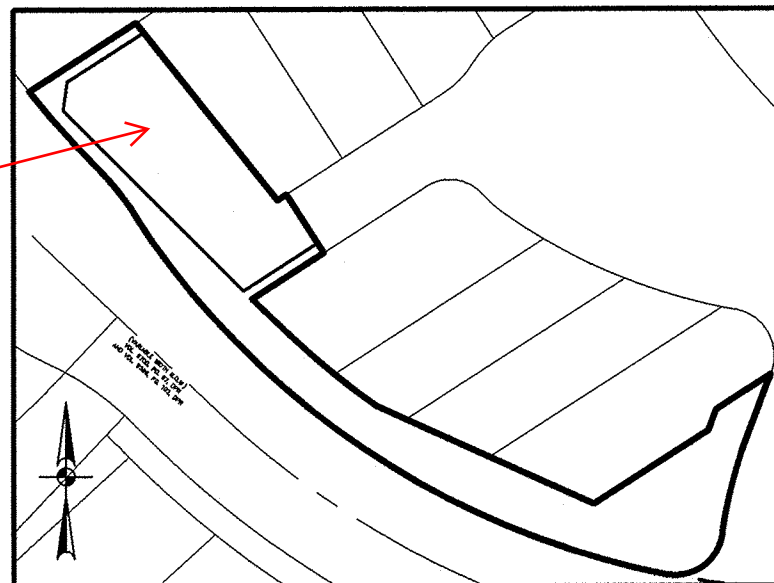


On behalf of:





LOCATION MAP
NOT-TO-SCALE



AREA BEING AMENDED
SCALE: 1"= 200'

0.458 ACRES BEING AMENDED WAS PREVIOUSLY PLATTED AS LOTS 1707 & 1712, BLK 21, CB 4782 OF THE POND HILL GARDEN VILLAS UNIT 2 RECORDED IN VOLUME 20002, PAGES 1883-1884 OF THE DEED AND PLAT RECORDS OF BEXAR COUNTY, TEXAS.

REASON FOR AMENDING:

THIS PLAT IS BEING AMENDED ACCORDING TO THE UNIFIED DEVELOPMENT CODE: SECTION 28-47(b)(1)(c)

TO RELOCATE ONE OR MORE LOT LINES BETWEEN ONE OR MORE ADJACENT LOTS IF:

- THE OWNERS OF ALL THOSE LOTS JOIN IN THE APPLICATION FOR AMENDING THE PLAT;
- THE AMENDMENT DOES NOT ATTEMPT TO REMOVE RECORDED COVENANTS OR RESTRICTIONS;
- THE AMENDMENT DOES NOT INCREASE THE NUMBER OF LOTS;

AMENDMENTS ARE AS FOLLOWS:

- AMENDED THE LOT LINE BETWEEN LOTS 1707 AND 1712.

STATE OF TEXAS
COUNTY OF BEXAR

I HEREBY CERTIFY THAT PROPER ENGINEERING CONSIDERATION HAS BEEN GIVEN THIS PLAT TO THE MATTERS OF STREETS, LOTS AND DRAINAGE LAYOUT. TO THE BEST OF MY KNOWLEDGE THIS PLAT CONFORMS TO ALL REQUIREMENTS OF THE UNIFIED DEVELOPMENT CODE, EXCEPT FOR THOSE VARIANCES GRANTED BY THE SAN ANTONIO PLANNING COMMISSION.

STATE OF TEXAS
COUNTY OF BEXAR

I HEREBY CERTIFY THAT THE ABOVE PLAT CONFORMS TO THE MINIMUM STANDARDS SET FORTH BY THE TEXAS BOARD OF PROFESSIONAL ENGINEERS AND LAND SURVEYORS ACCORDING TO AN ACTUAL SURVEY MADE ON THE GROUND BY: PAPE-DAWSON ENGINEERS, INC.

PRELIMINARY, THIS DOCUMENT SHALL NOT BE RECORDED FOR ANY PURPOSE AND SHALL NOT BE USED OR VIEWED OR RELIED UPON AS A FINAL SURVEY DOCUMENT.

REGISTERED PROFESSIONAL LAND SURVEYOR

CPS/SAWS/COSA UTILITY:

1. THE CITY OF SAN ANTONIO AS PART OF ITS ELECTRIC, GAS, WATER, AND WASTEWATER SYSTEMS - CITY PUBLIC SERVICE BOARD (CPS ENERGY) AND SAN ANTONIO WATER SYSTEM (SAWS) - IS HEREBY DEDICATED EASEMENTS AND RIGHTS-OF-WAY FOR UTILITY, TRANSMISSION AND DISTRIBUTION INFRASTRUCTURE AND SERVICE FACILITIES IN THE AREAS DESIGNATED ON THIS PLAT AS "ELECTRIC EASEMENT," "ANCHOR EASEMENT," "SERVICE EASEMENT," "OVERHANG EASEMENT," "UTILITY EASEMENT," "GAS EASEMENT," "TRANSFORMER EASEMENT," "WATER EASEMENT," "SANITARY SEWER EASEMENT" AND/OR "RECYCLED WATER EASEMENT" FOR THE PURPOSE OF INSTALLING, CONSTRUCTING, RECONSTRUCTING, MAINTAINING, REMOVING, INSPECTING, PATROLLING, AND ERECTING UTILITY INFRASTRUCTURE AND SERVICE FACILITIES FOR THE REASONS DESCRIBED ABOVE. CPS ENERGY AND SAWS SHALL ALSO HAVE THE RIGHT TO RELOCATE SAID INFRASTRUCTURE AND SERVICE FACILITIES WITHIN EASEMENT AND RIGHT-OF-WAY AREAS, TOGETHER WITH THE RIGHT OF INGRESS AND EGRESS OVER GRANTOR'S ADJACENT LANDS FOR THE PURPOSE OF ACCESSING SUCH INFRASTRUCTURE AND SERVICE FACILITIES AND THE RIGHT TO REMOVE FROM SAID LANDS ALL TREES OR PARTS THEREOF, OR OTHER OBSTRUCTIONS WHICH ENDANGER OR MAY INTERFERE WITH THE EFFICIENCY OF WATER, SEWER, GAS, AND/OR ELECTRIC INFRASTRUCTURE AND SERVICE FACILITIES. NO BUILDING, STRUCTURE, CONCRETE SLABS, OR WALLS WILL BE PLACED WITHIN EASEMENT AREAS WITHOUT AN ENCROACHMENT AGREEMENT WITH THE RESPECTIVE UTILITY.

2. ANY CPS ENERGY OR SAWS MONETARY LOSS RESULTING FROM MODIFICATIONS REQUIRED OF CPS ENERGY OR SAWS INFRASTRUCTURE AND SERVICE FACILITIES, LOCATED WITHIN SAID EASEMENTS, DUE TO GRADE CHANGES OR GROUND ELEVATION ALTERATIONS SHALL BE CHARGED TO THE PERSON OR PERSONS DEEMED RESPONSIBLE FOR SAID GRADE CHANGES OR GROUND ELEVATION ALTERATIONS.

3. THIS PLAT DOES NOT AMEND, ALTER, RELEASE OR OTHERWISE AFFECT ANY EXISTING ELECTRIC, GAS, WATER, SEWER, DRAINAGE, TELEPHONE, CABLE TV EASEMENTS OR ANY OTHER EASEMENTS FOR UTILITIES UNLESS THE CHANGES TO SUCH EASEMENTS ARE DESCRIBED HEREON.

4. CONCRETE DRIVEWAY APPROACHES ARE ALLOWED WITHIN THE FIVE (5) AND TEN (10) FOOT WIDE ELECTRIC AND GAS EASEMENTS WHEN LOTS ARE SERVED ONLY BY UNDERGROUND ELECTRIC AND GAS FACILITIES.

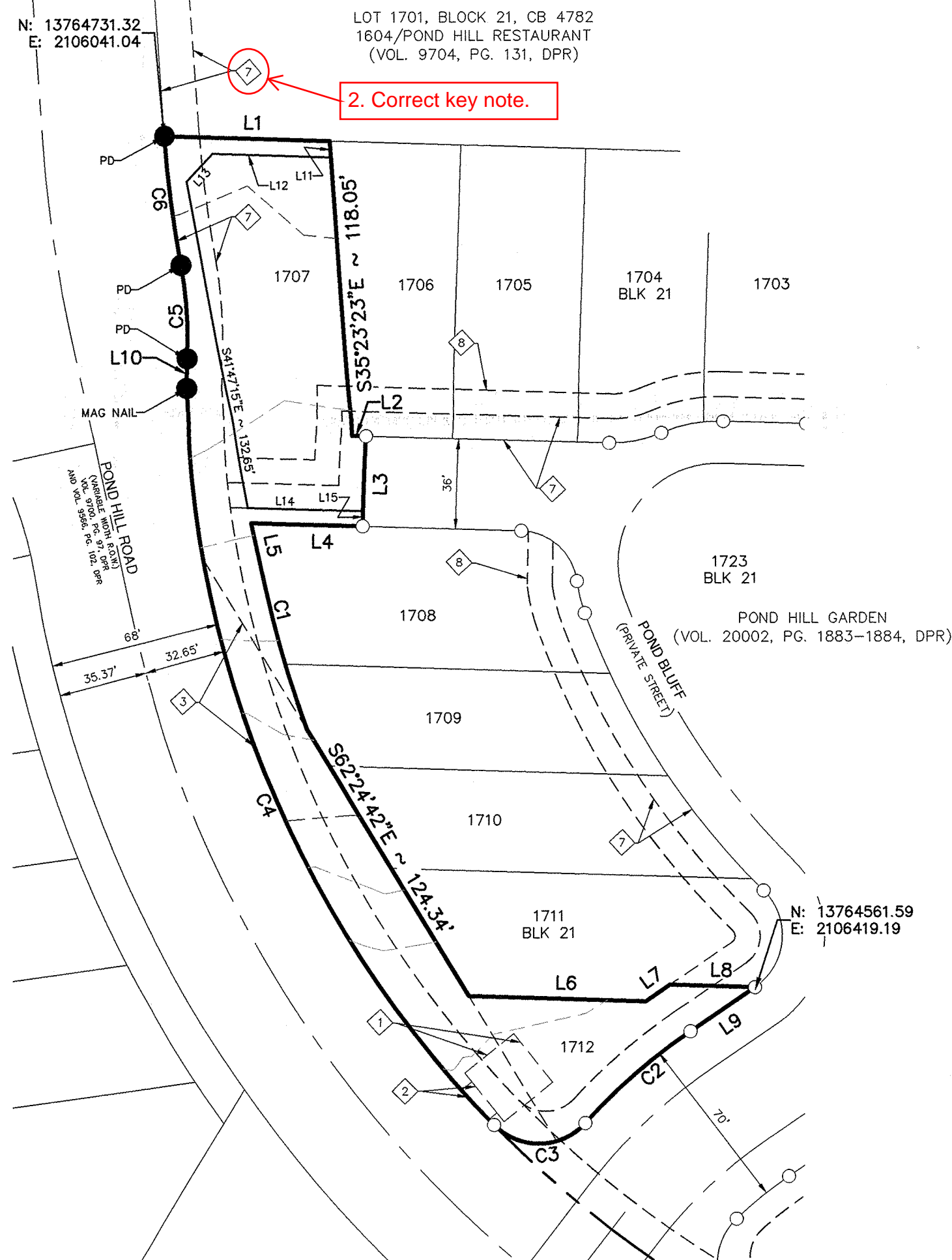
5. ROOF OVERHANGS ARE ALLOWED WITHIN THE FIVE (5) AND TEN (10) FOOT WIDE ELECTRIC AND GAS EASEMENTS WHEN ONLY UNDERGROUND ELECTRIC AND GAS FACILITIES ARE PROPOSED OR EXISTING WITHIN THOSE FIVE (5) AND TEN (10) FOOT WIDE EASEMENTS.

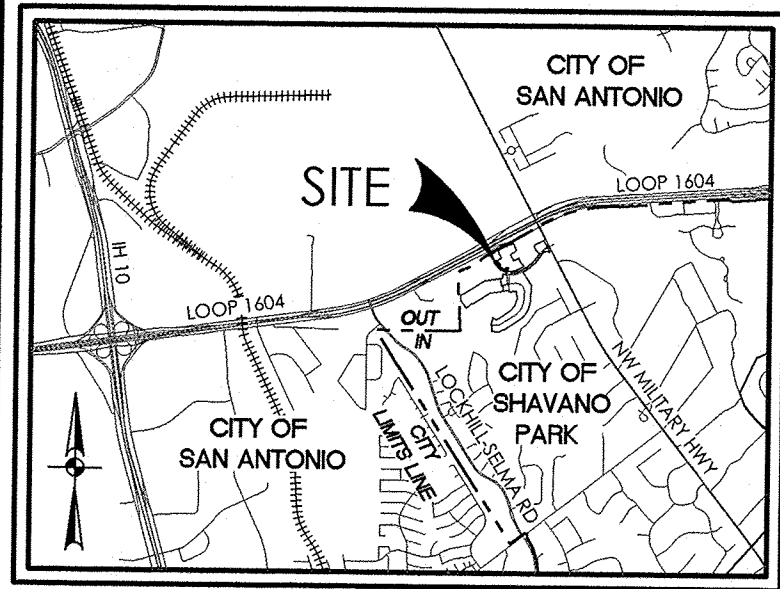
SAWS IMPACT FEE:

WATER AND/OR WASTEWATER IMPACT FEES WERE NOT PAID AT THE TIME OF PLATTING FOR THIS PLAT. ALL IMPACT FEES MUST BE PAID PRIOR TO WATER METER SET AND/OR WASTEWATER SERVICE CONNECTION.

SAWS WASTEWATER EDU:

THE NUMBER OF WASTEWATER EQUIVALENT DWELLING UNITS (EDUs) PAID FOR THIS SUBDIVISION PLAT ARE KEPT ON FILE UNDER THE PLAT NUMBER AT THE SAN ANTONIO WATER SYSTEM.





LOCATION MAP
NOT-TO-SCALE

LEGEND	
AC ACRE(S)	VOL VOLUME
BLK BLOCK	PG PAGE(S)
BSL BUILDING SETBACK LINE	ROW RIGHT-OF-WAY
CB COUNTY BLK	FOUND 1/2" IRON ROD (UNLESS NOTED OTHERWISE)
DOC DOCUMENT NUMBER	SET 1/2" IRON ROD (PD)
DPR DEED AND PLAT RECORDS OF BEXAR COUNTY, TEXAS	SET 1/2" IRON ROD (PD)-ROW
GETCTV GAS, ELECTRIC, TELEPHONE AND CABLE TELEVISION	ZERO LOT LINE
OPR OFFICIAL PUBLIC RECORDS (OFFICIAL PUBLIC RECORDS OF REAL PROPERTY) OF BEXAR COUNTY, TEXAS	MINIMUM FINISHED FLOOR ELEVATION
EXISTING CONTOURS	LOT ± 987.37 MIN BACK OF LOT ELEVATION
PROPOSED CONTOURS	
CENTERLINE	
100-YR FEMA FLOODPLAIN	

1. Not shown on plat.

25' X 25' SANITARY SEWER EASEMENT (VOL 9676, PG 224, DPR)
- 2

16" SANITARY SEWER EASEMENT (VOL 9676, PG 224, DPR) (VOL 9677, PG 1, DPR)
- 3

VARIABLE WIDTH CLEAR VISION EASEMENT (VOL 20002, PG 1883-1884, DPR) (0.132 OF AN ACRE)
- 4

14" GAS, ELECTRIC, TELEPHONE, AND CABLE TELEVISION EASEMENT (VOL 9704, PG 131, DPR)
- 5

14" GAS, ELECTRIC, TELEPHONE, AND CABLE TELEVISION EASEMENT (VOL 20002, PG 1883-1884, DPR)
- 6

20' BUILDING SETBACK (VOL 20002, PG 1883-1884, DPR)

CPS NOTES:

- THE CITY OF SAN ANTONIO AS PART OF ITS ELECTRIC, GAS, WATER, AND WASTEWATER SYSTEMS - CITY PUBLIC SERVICE BOARD (CPS ENERGY) AND SAN ANTONIO WATER SYSTEM (SAWS) - IS HEREBY DEDICATED EASEMENTS AND RIGHTS-OF-WAY FOR UTILITY, TRANSMISSION AND DISTRIBUTION INFRASTRUCTURE AND SERVICE FACILITIES IN THE AREAS DESIGNATED ON THIS PLAT AS "ELECTRIC EASEMENT," "ANCHOR EASEMENT," "SERVICE EASEMENT," "OVERHANG EASEMENT," "UTILITY EASEMENT," "GAS EASEMENT," "TRANSFORMER EASEMENT," "WATER EASEMENT," "SANITARY SEWER EASEMENT" AND/OR "RECYCLED WATER EASEMENT" FOR THE PURPOSE OF INSTALLING, PATROLLING, AND ERECTING UTILITY INFRASTRUCTURE AND SERVICE FACILITIES FOR THE REASONS DESCRIBED ABOVE. CPS ENERGY AND SAWS SHALL ALSO HAVE THE RIGHT TO RELOCATE SAID INFRASTRUCTURE AND SERVICE FACILITIES WITHIN EASEMENT AND R.O.W. AREAS, TOGETHER WITH THE RIGHT OF INGRESS AND EGRESS OVER GRANTOR'S ADJACENT LANDS FOR THE PURPOSE OF ACCESSING SUCH INFRASTRUCTURE AND SERVICE FACILITIES AND THE RIGHT TO REMOVE FROM SAID LANDS ALL TREES OR PARTS THEREOF, OR OTHER OBSTRUCTIONS WHICH ENDANGER OR MAY INTERFERE WITH THE EFFICIENCY OF WATER, SEWER, GAS, AND/OR ELECTRIC INFRASTRUCTURE AND SERVICE FACILITIES. NO BUILDING, STRUCTURE, CONCRETE SLABS, OR WALLS WILL BE PLACED WITHIN EASEMENT AREAS WITHOUT AN ENCROACHMENT AGREEMENT WITH THE RESPECTIVE UTILITY.
- ANY CPS ENERGY OR SAWS MONETARY LOSS RESULTING FROM MODIFICATIONS REQUIRED OF CPS ENERGY OR SAWS INFRASTRUCTURE AND SERVICE FACILITIES, LOCATED WITHIN SAID EASEMENTS, DUE TO GRADE CHANGES OR GROUND ELEVATION ALTERATIONS SHALL BE CHARGED TO THE PERSON OR PERSONS DEEMED RESPONSIBLE FOR SAID GRADE CHANGES OR GROUND ELEVATION ALTERATIONS.
- THIS PLAT DOES NOT AMEND, ALTER, RELEASE OR OTHERWISE AFFECT ANY EXISTING ELECTRIC, GAS, WATER, SEWER, DRAINAGE, TELEPHONE, CABLE TV EASEMENTS OR ANY OTHER EASEMENTS FOR UTILITIES UNLESS THE CHANGES TO SUCH EASEMENTS ARE DESCRIBED HEREON.
- CONCRETE DRIVEWAY APPROACHES ARE ALLOWED WITHIN THE FIVE (5) AND TEN (10) FOOT WIDE ELECTRIC AND GAS EASEMENTS WHEN LOTS ARE SERVED ONLY BY UNDERGROUND ELECTRIC AND GAS FACILITIES.
- ROOF OVERHANGS ARE ALLOWED WITHIN THE FIVE (5) AND TEN (10) FOOT WIDE ELECTRIC AND GAS EASEMENTS WHEN ONLY UNDERGROUND ELECTRIC AND GAS FACILITIES ARE PROPOSED OR EXISTING WITHIN THOSE FIVE (5) AND TEN (10) FOOT WIDE EASEMENTS.

AQUIFER NOTE:

THIS SUBDIVISION IS WITHIN THE EDWARDS AQUIFER RECHARGE ZONE. DEVELOPMENT WITHIN THIS SUBDIVISION IS SUBJECT TO CHAPTER 34, ARTICLE VI, DIVISION 6 OF THE SAN ANTONIO AND SHAVANO PARK CITY CODE ENTITLED "AQUIFER RECHARGE ZONE AND WATERSHED PROTECTION," OR THE LATEST REVISIONS THEREOF. ANY REGULATED ACTIVITY MUST COMPLY WITH ALL FEDERAL, STATE AND LOCAL REGULATIONS RELATING TO DEVELOPMENT WITHIN THE EDWARDS AQUIFER RECHARGE ZONE.

SURVEYOR'S NOTES:

- MONUMENTS WERE FOUND OR SET AT EACH CORNER OF THE SURVEY BOUNDARY OF THE SUBDIVISION AS NOTED. MONUMENTS AND LOT MARKERS WILL BE SET WITH 1/2" IRON ROD WITH CAP MARKED "PAPE-DAWSON" OR MAG NAIL WITH DISK MARKED "PAPE-DAWSON" AFTER THE COMPLETION OF UTILITY INSTALLATION AND STREET CONSTRUCTION UNLESS NOTED OTHERWISE.
- COORDINATES SHOWN ARE BASED ON THE NORTH AMERICAN DATUM OF 1983 NAD83 (NA2011) EPOCH 2010.00 FROM THE TEXAS COORDINATE SYSTEM ESTABLISHED FOR THE SOUTH CENTRAL ZONE DISPLAYED IN GRID VALUES DERIVED FROM THE NGS COOPERATIVE CORS NETWORK.
- DIMENSIONS SHOWN ARE SURFACE.
- BEARINGS ARE BASED ON THE NORTH AMERICAN DATUM OF 1983 NAD83 (NA2011) EPOCH 2010.00, FROM THE TEXAS COORDINATE SYSTEM ESTABLISHED FOR THE SOUTH CENTRAL ZONE.

CLEAR VISION:

CLEAR VISION AREAS MUST BE FREE OF VISUAL OBSTRUCTIONS IN ACCORDANCE WITH THE AMERICAN ASSOCIATION OF STATE HIGHWAY AND TRANSPORTATION OFFICIALS (AASHTO) POLICY ON GEOMETRIC DESIGN OF HIGHWAYS AND STREETS, OR LATEST REVISION THEREOF.

FLOODPLAIN VERIFICATION:

A PORTION OF THE FEMA 1% ANNUAL CHANCE (100-YEAR) FLOODPLAIN EXISTS WITHIN THIS PLAT AS VERIFIED BY FEMA MAP PANEL: 48029C0230G, EFFECTIVE DATE SEPTEMBER 29, 2010. FLOODPLAIN INFORMATION IS SUBJECT TO CHANGE AS A RESULT OF FUTURE FEMA MAP REVISIONS AND/OR AMENDMENTS.

EXCEPTIONS NOTE:

THIS PLAT COMPLIES WITH THE MIXED-USE DISTRICT (MXD) SITE PLAN APPROVED MAY 4, 2014. 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 AND SECTION 36-41 OF THE CITY OF SHAVANO PARK CODE OF ORDINANCES.

RESIDENTIAL FINISHED FLOOR

RESIDENTIAL FINISHED FLOOR ELEVATIONS MUST BE A MINIMUM OF EIGHT (8) INCHES ABOVE FINAL ADJACENT GRADE.

SAWS HIGH PRESSURE NOTE:

A PORTION OF THE TRACT IS BELOW THE GROUND ELEVATION OF 985 FEET WHERE THE STATIC PRESSURE WILL NORMALLY EXCEED 80 PSI. AT ALL SUCH LOCATIONS, THE OWNER OR BUILDER SHALL INSTALL AT EACH LOT, ON THE CUSTOMER'S SIDE OF THE METER, AN APPROVED TYPE PRESSURE REGULATOR IN CONFORMANCE WITH THE PLUMBING CODE OF THE CITY OF SAN ANTONIO.

SAWS IMPACT FEE:

WATER AND/OR WASTEWATER IMPACT FEES WERE NOT PAID AT THE TIME OF PLATTING FOR THIS PLAT. ALL IMPACT FEES MUST BE PAID PRIOR TO WATER METER SET AND/OR WASTEWATER SERVICE CONNECTION.

SAWS WASTEWATER EDU:

THE NUMBER OF WASTEWATER EQUIVALENT DWELLING UNITS (EDU'S) PAID FOR THIS SUBDIVISION PLAT ARE KEPT ON FILE UNDER THE PLAT NUMBER AT THE SAN ANTONIO WATER SYSTEM.

FIRE FLOW DEMAND NOTE (SAWS NOTE):

IN AN EFFORT TO MEET THE CITY OF SHAVANO PARK FIRE FLOW REQUIREMENTS FOR THE PROPOSED RESIDENTIAL DEVELOPMENT, THE PUBLIC WATER MAIN SYSTEM HAS BEEN DESIGNED FOR A MINIMUM FIRE FLOW DEMAND OF 1750 GPM AT 25 PSI RESIDUAL PRESSURE. THE FIRE FLOW REQUIREMENTS FOR INDIVIDUAL STRUCTURES WILL BE REVIEWED DURING THE BUILDING PERMIT PROCESS IN ACCORDANCE WITH THE PROCEDURES SET FORTH BY THE CITY OF SHAVANO PARK PERMIT OFFICE AND THE SHAVANO PARK FIRE DEPARTMENT FIRE MARSHAL.

OPEN SPACE NOTE:

LOT 1712, (0.290 ACRES), BLOCK 21, (PERMEABLE) ARE DESIGNATED AS OPEN SPACE AND AS A COMMON AREA/GREENSPACE (PERMEABLE) AND AN ACCESS, DRAINAGE, ELECTRIC, GAS, TELEPHONE, CABLE TV, SANITARY SEWER, AND WATER EASEMENT.

AMENDING PLAT OF POND HILL GARDEN VILLAS UNIT 2

THIS PLAT AMENDS LOTS 1707 & 1712, BLOCK 21 AND CB 7482 OF THE POND HILL GARDEN VILLAS UNIT 2 SUBDIVISION, PREVIOUSLY RECORDED IN VOLUME 20002, PAGES 1883-1884 OF THE DEED AND PLAT RECORDS OF BEXAR COUNTY, TEXAS.



SAN ANTONIO | AUSTIN | HOUSTON | FORT WORTH | DALLAS
2000 HW LOOP 410 | SAN ANTONIO, TX 78213 | 210.375.9000
TBPE FIRM REGISTRATION #470 | TBPLS FIRM REGISTRATION #10028800

DATE OF PREPARATION: June 28, 2022

STATE OF TEXAS
COUNTY OF BEXAR

THE OWNER OF LAND SHOWN ON THIS PLAT, IN PERSON OR THROUGH A DULY AUTHORIZED AGENT, DEDICATES TO THE USE OF THE PUBLIC, EXCEPT AREAS IDENTIFIED AS PRIVATE OR PART OF AN ENCLAVE OR PLANNED UNIT DEVELOPMENT, FOREVER ALL STREETS, ALLEYS, PARKS, WATERCOURSES, DRAINS, EASEMENTS AND PUBLIC PLACES THEREON SHOWN FOR THE PURPOSE AND CONSIDERATION THEREIN EXPRESSED.

OWNER/DEVELOPER: ROGERS SHAVANO PARK UNIT 18/19, LTD
LLOYD A. DENTON, JR.
11 LYNN BATS LANE, SUITE 100
SAN ANTONIO, TEXAS 78247
(210)828-6131

STATE OF TEXAS
COUNTY OF BEXAR

BEFORE ME, THE UNDERSIGNED AUTHORITY ON THIS DAY PERSONALLY APPEARED LLOYD A. DENTON, JR. KNOWN TO ME TO BE THE PERSON WHOSE NAME IS SUBSCRIBED TO THE FOREGOING INSTRUMENT, AND ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME FOR THE PURPOSES AND CONSIDERATIONS THEREIN EXPRESSED AND IN THE CAPACITY THEREIN STATED. GIVEN UNDER MY HAND AND SEAL OF OFFICE THIS _____ DAY OF _____, A.D. 20_____.

NOTARY PUBLIC, BEXAR COUNTY, TEXAS

THIS PLAT OF POND HILL GARDEN VILLAS UNIT 2 HAS BEEN SUBMITTED TO AND CONSIDERED BY THE PLANNING AND ZONING COMMISSION OF THE CITY OF SHAVANO PARK, TEXAS, AND IS HEREBY APPROVED BY SUCH PLANNING AND ZONING COMMISSION.

DATED: THIS THE _____ DAY OF _____, A.D. 20_____.

BY: _____
CHAIRMAN

BY: _____
CITY CLERK

THIS PLAT OF POND HILL GARDEN VILLAS UNIT 2 HAS BEEN SUBMITTED TO AND CONSIDERED BY THE CITY COUNCIL OF THE CITY OF SHAVANO PARK, TEXAS, AND IS HEREBY APPROVED BY SUCH CITY COUNCIL.

DATED: THIS _____ DAY OF _____, A.D. 20_____.

BY: _____
MAYOR

BY: _____
CITY CLERK

STATE OF TEXAS
COUNTY OF BEXAR

I HEREBY CERTIFY THAT PROPER ENGINEERING CONSIDERATION HAS BEEN GIVEN THIS PLAT TO THE MATTERS OF STREETS, LOTS AND DRAINAGE LAYOUT. TO THE BEST OF MY KNOWLEDGE THIS PLAT CONFORMS TO ALL REQUIREMENTS OF THE UNIFIED DEVELOPMENT CODE, EXCEPT FOR THOSE VARIANCES GRANTED BY THE SAN ANTONIO PLANNING COMMISSION.

STATE OF TEXAS
COUNTY OF BEXAR

I HEREBY CERTIFY THAT THE ABOVE PLAT CONFORMS TO THE MINIMUM STANDARDS SET FORTH BY THE TEXAS BOARD OF PROFESSIONAL ENGINEERS AND LAND SURVEYORS ACCORDING TO AN ACTUAL SURVEY MADE ON THE GROUND BY: PAPE-DAWSON ENGINEERS, INC.

PRELIMINARY, THIS DOCUMENT SHALL NOT BE RECORDED FOR ANY PURPOSE AND SHALL NOT BE USED OR VIEWED OR RELIED UPON AS A FINAL SURVEY DOCUMENT.

REGISTERED PROFESSIONAL LAND SURVEYOR

CURVE TABLE					
CURVE #	RADIUS	DELTA	CHORD BEARING	CHORD	LENGTH
C1	411.25'	008°07'44"	S47°28'09"E	58.30'	58.35'
C2	235.00'	013°36'30"	S17°45'25"W	55.68'	55.82'
C3	25.00'	093°36'00"	N57°45'09"E	36.45'	40.84'
C4	432.00'	043°17'52"	S53°47'55"E	318.74'	326.46'
C5	150.00'	014°18'31"	N34°46'49"W	37.36'	37.46'
C6	450.00'	006°36'34"	S38°37'47"E	51.88'	51.91'

LINE TABLE		
LINE #	BEARING	LENGTH
L1	N60°37'03"E	66.13'
L2	N60°35'46"E	5.57'
L3	S29°24'14"E	36.00'
L4	N60°35'46"E	44.53'
L5	N43°24'17"W	27.11'
L6	N60°35'46"E	70.88'
L7	S23°57'32"W	11.60'
L8	S80°35'46"W	34.00'
L9	N24°33'40"E	31.21'
L10	S29°53'16"E	11.84'
L11	N35°23'23"W	6.54'
L12	S60°37'03"W	47.43'
L13	N11°29'23"E	15.03'
L14	S60°35'46"W	46.03'
L15	N29°24'14"W	6.00'

LEGEND SEE SHEET 2 OF 2, PLAT NOTES.
LINE AND CURVE TABLES SHEET 2 OF 2

SHEET 2 OF 2

PLANNING & ZONING STAFF SUMMARY

Meeting Date: July 7, 2022

Agenda item: 6

Prepared by: Curtis Leeth

Reviewed by: Curtis Leeth

AGENDA ITEM DESCRIPTION:

Discussion / action – Possible propane tank and generator screening and setback requirement amendments to City Ordinances - City Manager

X

Attachments for Reference:

- 1) 6a Guidance for Tex. Nat. Res. Code § 113.051
- 2) 6b Possible Propane/Generator Amendments
- 3) 6c Fire Code Table 6104.3

BACKGROUND / HISTORY: **UPDATES** Recently the City received a Code Compliance complaint / inquiry regarding a large propane tank visible from the street and located in side yard. Complaint had to do with location and visibility.

City Ordinances currently only has Fire Code restrictions for the placement (setbacks) and no requirements for screening of a propane tank / generator. The 2018 Fire Code, which the City does enforce, has minimal safety standards for setbacks. Fire Code Chapter 61 covers liquefied Petroleum Gases (which includes propane) and it states the same as National Fire Protection Association 58 as far as distance and tank size (see attachment 6b).

At the June 1, 2022 Planning & Zoning Commission, staff briefed the Commission on possible generator and propane tank amendments. Discussion was held but no action taken.

DISCUSSION: City staff have engaged the City Attorney, Fire Chief and Building Inspector for what, if any, the City could require additional setbacks or screening. Attachment 8a is Attorney-Client Memo for Commission review.

Building inspector also raised concerns that City Ordinances under Sec. 36-36(i) allowed pool and HVAC equipment in the setback but not electrical / propane / gas equipment such as generator or propane tank:

Sec. 36-36. - A-1, A-2, A-3, A-4 and A-5 PUD Single-Family Residential Districts.

...

- (i) *Certain equipment allowed in setbacks.* Notwithstanding any other provision found within the City of Shavano Park Code of Ordinances, HVAC equipment and pool

equipment are allowed within setbacks, so long as an unobstructed width of five feet exists to allow for emergency services access.

Staff is asking Planning & Zoning for guidance on screening / placement requirements for propane tanks / generators. For example, if a generator is allowed in setback should screening or noise buffer be required?

In a recent permit a contractor, disputing the City's enforcement of the Fire Code setbacks (10 feet) for Propane tanks, submitted an email and guidance document for Texas Natural Resource Code Sec 113.051 (see attachment 6a). Guidance documents declare State Law supersedes any and all local rules or regulations regarding Liquified-petroleum gas (LP-gas). Furthermore, documents state City cannot enforce the Railroad Commission's own regulations regarding LP-Gas. The documents provided were submitted to City Attorney for review.

Staff also prepared possible amendments using P&Z and attorney guidance at the June 1, 2022 meeting.

City Attorney review on the above items was not complete at the time of packet issuance.

COURSES OF ACTION: Hold discussion and give guidance to staff, but take no action; or alternatively direct staff to prepare public hearing for August P&Z meeting.

FINANCIAL IMPACT: N/A

MOTION REQUESTED: N/A

From: Christopher Mann
To: @aol.com>
Cc: @aol.com>
Subject: 113.054 interpretation
Date: Fri, Oct 26, 2018 8:21 am

Please note there has been an update in the interpretation of 113.054. Per Commission legal review, cities and counties are not allowed to require permits or have a permitting process for LP-gas installations. If you receive an inquiry about the ability for a city/county to permit please inform them it is not allowed; if they ask for more information on the interpretation please have them contact the Commission's Office of General Counsel at 512-463-7149.

Christopher Mann

Engineering Specialist VI

San Antonio District 8-Inspector

Alternative Fuels Safety Department

Oversight & Safety Division

Railroad Commission of Texas



Guidance Document on Tex. Nat. Res. Code § 113.054

The Railroad Commission of Texas (“Commission”) regulates the liquified-petroleum gas (“LP-gas”) industry pursuant to chapter 113 of the Texas Natural Resources Code. Chapter 113 directs the Commission to adopt rules and standards, or both, “relating to any and all aspects or phases of the LPG industry that will protect or tend to protect the health, wealth, and safety of the general public.” Tex. Nat. Res. Code § 113.051.

In 2011, the 82nd Legislature enacted Tex. Nat. Res. Code § 113.054, Effect on Other Law. The statute states that the rules and standards adopted by the Commission:

[P]reempt and supersede any ordinance, order, or rule adopted by a political subdivision of this state relating to any aspect or phase of the liquefied petroleum gas industry. A political subdivision may petition the commission's executive director for permission to promulgate more restrictive rules and standards only if the political subdivision can prove that the more restrictive rules and standards enhance public safety.

What is the Effect of Section 113.054?

Section 113.054 means that Chapter 113 and the Commission’s LP-gas rules (found in Chapter 9, Title 16 of the Texas Administrative Code) are the controlling rules for any aspect or phase of the LP-gas industry. Any ordinance, order, or rule adopted by a political subdivision in this state was preempted and superseded upon the Legislature’s enactment of section 113.054 (effective Sept. 1, 2011).

Can a Political Subdivision Enforce the Commission’s LP-Gas Rules?

Only the Commission has jurisdiction over the LP-gas industry and its rules and is therefore the only body that can enforce the LP-gas rules. A political subdivision that has questions about its ability to enforce LP-gas rules should consult its attorney.

Can a Political Subdivision Adopt More Restrictive Rules than the Commission’s Rules?

A political subdivision may adopt more restrictive rules **only if** (1) it files a petition with the Commission’s executive director pursuant to section 113.054 and (2) the actions set forth in the petition are approved. A political subdivision that has questions about filing a petition should consult its attorney.

ARTICLE IV. MISCELLANEOUS CONSTRUCTION REQUIREMENTS

Sec. 6-87. Preliminary construction requirement.

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Sec. 6-88. Foundations.

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Sec. 6-89. Exterior architectural features.

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Sec. 6-90. Exterior walls.

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Sec. 6-91. Garages and carports.

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Sec. 6-92. ~~Reserved.~~ Liquefied Petroleum Gas Tanks

All liquefied petroleum gas (LPG) tanks shall be constructed in accordance with the International Fuel Gas Code as adopted under Sec. 6-5 and International Fire Code as adopted under Sec. 22-87 of the City of Shavano Park Code of Ordinances. LPG tanks shall be constructed as provided in this section:

- (1) All LPG tank construction requires a Fire Inspection as per the International Fire Code.
- (2) All LPG tanks shall be constructed in rear yard or side yard provided a screening device is erected to block view from the street. LPG tanks shall not be constructed in the front yard. All LPG tanks must conform to the side and rear setback lines specified on the particular lot.

Sec. 6-93. Flood hazard areas.

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Sec. 6-94. Impounding and/or diversion of surface water.

...

Sec. 6-95. Portable buildings.

...

Sec. 6-96. Swimming pools.

. . .

Sec. 6-97. Driveway curb cut.

. . .

Sec. 6-98. Mailboxes.

. . .

Sec. 6-99. Stables and animal shelters.

. . .

Sec. 6-100. Blocking of easements.

. . .

Sec. 6-101. Wooden roofs.

. . .

Sec. 6-102. Height regulations.

. . .

Sec. 6-103. Area regulations.

. . .

Sec. 6-104. Sport courts.

. . .

Secs. 6-106—6-123. Reserved.

Chapter 36 ZONING¹

ARTICLE I. IN GENERAL

Sec. 36-1. Definitions. (SELECT DEFINITIONS ONLY)

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning; terms not expressly defined herein are to be construed in accordance with customary usage in municipal planning and engineering practices:

Building line or *setback* means the line within a lot defining the minimum horizontal distance between a building and the property line. Building setback lines include front, rear and side setbacks that are measured from the front, rear and side property lines.

Fence means a freestanding structure of metal, masonry, or wood, or any combination thereof, resting on or partially buried in the ground and rising at least three feet above ground level, and used for confinement, screening, landscaping, or partition purposes, but which does not pose a threat to public safety or health. Freestanding structures under three feet are not considered a fence under this definition. A fence is categorized as either an open fence or solid fence:

- *Open fence* means a fence constructed in such a way that no more than 20 percent of the surface area of the fence obstructs a view through the fence from a position perpendicular to the fence.
- *Solid fence* means a fence constructed in such a way so that more than 20 percent of the surface area of the fence obstructs a view through the fence from a position perpendicular to the fence.

Liquefied petroleum gas, LPG, or LP-gas means any material that is composed predominantly of any of the following hydrocarbons or mixtures of hydrocarbons: propane, propylene, normal butane, isobutane, and butylenes.

Lot means land occupied or to be occupied by a building, its accessory building, and including such open spaces as are required under this chapter, and having its principal frontage upon a public or private street; or an area of land designated as a lot on a plat of a subdivision recorded pursuant to statutes of the State of Texas with the County Clerk of Bexar County, Texas; or, an area of land in single ownership described by metes and bounds upon a deed recorded or registered with the Bexar County Clerk.

Screening device. A "screening device" shall consist of a barrier of stone, brick (pierced or block), uniformly colored wood, or other permanent affixed material of quality character, density, and acceptable design, where the solid area equals at least 65 percent of the wall surface, including an entrance gate or gates. Such screening device shall be regularly maintained.

Street means a public or private right-of-way, however designated, which provides vehicular access to adjacent land.

Yard, front, means an area extending along the whole length of the front property line between the side property lines, and being the minimum horizontal distance between the property line and the main building or any portion thereof, other than any open porch or porte cochere.

Yard, rear, means an area extending across the rear of a lot between the side property lines and being the minimum horizontal distance between the rear property line and the rear of the principal building or any projections thereof, other than any balcony or open porch.

Yard, side, means an area extending along the side property line from the front yard to the rear yard, being the minimum horizontal distance between any building sidewall or projections thereof, except any balcony or open porch.

Sec. 36-2. Phasing of certain regulations.

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Sec. 36-3. Criminal penalty.

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Sec. 36-4. Effect and compliance.

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Sec. 36-5. Enforcement and remedies.

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Sec. 36-6. Nonconforming uses.

...

Secs. 36-7—36-30. Reserved.

ARTICLE II. DISTRICTS

Sec. 36-31. Established; boundaries.

For the purpose of this chapter, the City is hereby divided into zoning districts as follows:

A-1	Single-Family Residential District
A-2	Single-Family Residential District
A-3	Single-Family Residential District
A-4	Single-Family Residential District
A-5 PUD	Single-Family Residential Planned Unit Development
CE	Single-Family Cottage Estates Residential District
M-U	Municipal and Utility District
O-1	Office District
B-1	Business District
B-2	Business District
PUD	Planned Unit Development District
MXD	Mixed-Use District

Sec. 36-32. Zoning district map.

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Sec. 36-33. Rules for the interpretation of district boundaries.

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Sec. 36-34. Uniform regulations.

...

Sec. 36-35. Zoning in conjunction with annexation.

...

Sec. 36-36. A-1, A-2, A-3, A-4 and A-5 PUD Single-Family Residential Districts.

- (a) *Use regulations.* In A-1, A-2, A-3, A-4 and A-5 PUD Single-Family Residential Districts, no land shall be used and no building shall be erected for or converted to any use other than as a single-family residence. In addition, the following structures shall also be allowed together with the single-family residence:
- (1) Accessory buildings under the following conditions:
 - a. Size limitations.

-
- i. The gross floor area of all accessory buildings shall not occupy more than 20 percent of the rear yard.
 - ii. In no case shall any accessory building be built closer than ten feet to the principal main building. The height of an accessory building shall not exceed one story.
 - b. An unattached garage, as described in section 36-36(e) and section 6-91 is regulated as an accessory building.
 - c. One accessory building may be used as a dwelling unit as long as the use is consistent with the use of the property as a single-family residence.
 - d. One accessory building may be used for long-term rental as long as the use is consistent with the use of the property as a single-family residence.
- (2) Portable construction buildings under the following conditions:
- a. Authorization may be issued by the City Building Official to permit a portable construction building to be temporarily located on a lot upon which a building permit has been previously issued for construction of any building or structure.
 - b. A certificate of occupancy related to construction shall not be issued by the City Building Official until the portable construction building has been removed from the premises and further, that the certificate of occupancy shall not be issued until the electrical connection which served the portable construction building has been removed from the lot in question.
 - c. A temporary permit issued pursuant to this section shall be void upon issuance of the certificate of occupancy, or 12 months after issuance of the building permit, whichever time is shorter.
 - d. In any case in which construction is not completed within the 12-month period, the City Building Official, after due consideration and determination that active construction is being accomplished, may issue an extension of time for the temporary permit, not to exceed a six-month period.
- (3) Swimming pools pursuant to all applicable City regulations;
- (4) Private tennis courts pursuant to all applicable City regulations; and
- (5) Entryway features and the front setback. Porches or porte cocheres at the front of a residence are only allowed to extend from the primary residence into the front setback under the following conditions:
- a. A porte cochere must be attached to the main building, remain open on three sides and shall not project more than 25 feet into the front setback. See section 36-1 for full definition of a porte cochere.

-
- b. Only an open porch that is open on a minimum of three sides and no wider than 25 feet may project into the front setback. An open porch shall not project more than ten feet into the front setback. See section 36-1 for full definition of a porch.
- (b) *Storage or parking of recreational/commercial and covered vehicles/equipment.* Storage or parking of recreational/commercial and covered vehicles/equipment is prohibited in all residential districts, except as follows:
- (1) When the recreational/commercial vehicle is used for the primary transportation of the owner;
 - (2) When such vehicles and equipment are placed within a completely enclosed building on any residential lot;
 - (3) Any such vehicle of eight feet or less in height may be placed on a residential lot behind the dwelling unit, including upon side setbacks, so long as such vehicle is properly screened from the street view of the front property line by either a fence or screening device;
 - (4) When any such vehicle exceeds eight feet in height, it may be placed on a residential lot only if the residential lot is greater than 0.7 acres, and if such vehicle is properly screened from view by a fence or a screening device that is at least eight feet in height. In addition, the vehicle must be placed behind the front face of the dwelling unit. Side and rear setbacks may be used provided that a five-foot side and rear setback be maintained at all times;
 - (5) Temporary open parking of one recreational vehicle or one piece of recreational equipment in the front yard is allowed for no more than four days at a time but total open parking time in any given month shall not exceed eight days to allow for customary loading/unloading, cleaning and maintenance.
- (c) *Other use regulations.* See Table No. 1.
- (d) *Exterior architectural features.* Each new structure must possess an exterior in keeping with the residence and general atmosphere of the surrounding area.
- (1) *Exterior walls in A-1 Districts.* The City of Shavano Park recommends exterior walls of residences in areas zoned in A-1 to have a minimum of 60 percent masonry, exclusive of openings.
 - (2) *Exterior walls A-2, A-3, A-4 and A-5 PUD.* The City of Shavano Park recommends exterior walls of residences to have a minimum of 75 percent masonry, exclusive of openings. Perm stone or asbestos shingles, concrete block and cinder block, and metal exterior wall coverings, are not recommended except that concrete and cinder blocks may be used structurally

if faced with rock, brick or stucco in accordance with the International Building Code most recently adopted by the City of Shavano Park.

- (3) If a variance or other waiver from any related code, including this chapter, is requested, exterior architectural features may be a required condition of approval.

(e) *Garages and carports.*

- (1) *Garages.* A minimum two-car garage shall be provided at each residence. Residential garage doors are not to exceed ten feet in height. An additional garage may be provided as an accessory building pursuant to regulations in section 36-36(a). No garage shall open onto any street, roadway or cul-de-sac unless the lot in question fronts two streets which will allow the garage to face the street perpendicular to the front of the residential structure. All attached garages shall be rear or 90-degree side loaded. Conversion of an existing garage to another use shall be permitted only where replacement garage space is provided. Doors on secondary garages for the purpose of storing recreational vehicles may be of a height necessary to store the vehicle. Detached garages shall conform to building setback lines and structural regulations and may or may not face the street final decision is the Building Official's decision), but may not be substantially visible from the street.
- (2) *Carports.* Carports may not, under any circumstances, be substituted for garage space. No carport may open on any street, roadway or cul-de-sac. In situations where a lot fronts two streets and the garage opens to the street perpendicular to the front of the structure, no carport will be allowed. All carports shall conform to all building setback lines, structural regulations and be rear or 90-degree loaded. All carports must be built in conjunction with existing garage space and not as freestanding structures. A porte cochere is not considered a carport.

(f) *Fences.*

- (1) All fences, including screening walls, shall meet the following conditions:
- a. Fences shall be constructed of masonry, brick, stone, concrete, solid metal, wrought iron-style metal and/or rot resistant wood materials. No fence material shall be thinner than one-half inch thickness. In the A-1 district chainlink and hog wire style fences are additionally permitted, excepting all A-1 district lots in the NW Military Highway (FM 1535) Urban Corridor. For detailed fence regulations of the Urban Corridor of NW Military Highway see section 6-133.
 - b. Fences shall have colors that are aesthetically consistent with the surrounding area as determined by the Building Official during the permit and plan review process.

-
- c. No fence shall be higher than eight feet above grade.
 - d. In no event shall a fence's base width exceed 36 inches.
 - e. Fences must be constructed in such a way that does not change the natural drainage of water, as determined by the Building Official during the permit and plan review process.
 - f. Fences shall not be constructed in such a way as to obstruct roadway intersection sight lines defined under section 28-125.
 - g. Fences shall not be constructed in a public right-of-way. Fences crossing public easements must provide gates allowing public access.
 - h. Fences shall not be energized to create an electrical circuit.
 - i. Driveway gates shall have a minimum of a 12-foot opening for emergency vehicle access.
 - j. Front fences must not enclose any fire hydrant that may be present.
- (2) Open or solid side and rear fencing is allowed in all residential zoning districts provided they meet the regulations of section 36-36(f)(1).
 - (3) Open or solid front fencing to the front edge of the residence is allowed in all residential zoning districts provided they meet the regulations of section 36-36(f)(1).
 - (4) Open front and side fencing past the front edge of the residence is allowed in A-1 and A-1 PUD (Huntington) zoning districts provided the fence meets the following, as well as the regulations of section 36-36(f)(1):
 - a. Chainlink and hog wire style front fences are prohibited in Urban Corridor of NW Military Highway, see section 6-133 for detailed regulations.
 - b. Front masonry landscape structures on both sides of the primary driveway entrance to the property that are not higher than eight feet above grade or greater than 25 feet in length are not considered solid front fencing and are permitted.
 - (5) Solid front and side fencing past the front edge of the residence is allowed in A-1 PUD (Huntington) zoning district provided it meets the regulations of section 36-36(f)(1).
 - (6) For any residential property within the City limits with a side or rear yard abutting one or more of the City streets known as Lockhill Selma Road and Huebner Road (where such property presently has a solid masonry fence (i.e. a wall) along or parallel to one or more of such streets), such property owner may not construct a gate or other opening to their side or rear yard. Any property with an existing gate as of (October 1, 2020) on property lines described above is considered a non-conforming use and may continue to

exist. See section 6-133 for similar regulations for the Urban Corridor of NW Military Highway.

- (7) A summary of the fence regulations by zoning district is presented in the following table:

TABLE—FENCE REGULATIONS BY ZONING DISTRICT

ZONING DISTRICT	Solid Front and Side Fencing past the front edge of the residence	Open Front Fencing past the front edge of the residence	Open/Solid Front Fencing to the front edge of the residence	Open/Solid Side Fencing	Open/Solid Rear Fencing
A-1	Disallowed	Allowed	Allowed	Allowed	Allowed
A-1 PUD (Huntington)	Allowed	Allowed	Allowed	Allowed	Allowed
A-2	Disallowed	Disallowed	Allowed	Allowed	Allowed
A-3	Disallowed	Disallowed	Allowed	Allowed	Allowed
A-4	Disallowed	Disallowed	Allowed	Allowed	Allowed
A-5 PUD (De Zavala Estates)	Disallowed	Disallowed	Allowed	Allowed	Allowed

- (g) *Height regulations.* No residential building shall exceed the maximum vertical height specified in Tables 1, 2 and 6 of this chapter, and no residential building shall have more than two livable stories.
- (h) *Portable buildings.* Except in A-I District, a single unattached portable building (movable) constructed of light metal, wood or fiberglass used for storage only, not greater than 200 square feet in size may be erected in the rear yard providing the building is suitably screened from adjacent property, is not used temporarily or permanently as a habitation, is unattached and to a solid foundation. The highest point of the building may not exceed 12 feet from foundation. No portable building higher than eight feet in height measured from grade level base foundation to the buildings highest point shall be permitted in the building setbacks. In A-I District no more than two unattached portable buildings described in this subsection shall be permitted.
- (i) All liquefied petroleum gas (LPG) tanks shall be constructed in accordance with the International Fuel Gas Code as adopted under Sec. 6-5 and International Fire Code as adopted under Sec. 22-87 of the City of Shavano Park Code of Ordinances. LPG tanks shall be constructed as provided in this section:

a. All LPG tank construction requires a Fire Inspection as per the International Fire Code.

b. All LPG tanks shall be constructed in rear yard or side yard provided a screening device is erected to block view from the street. LPG tanks shall not be constructed in the front yard. All LPG tanks must conform to the side and rear setback lines specified on the particular lot.

(j) *Certain equipment allowed in setbacks.* Notwithstanding any other provision found within the City of Shavano Park Code of Ordinances, HVAC equipment, generators and pool equipment are allowed within setbacks, so long as an unobstructed width of five feet exists to allow for emergency services access.

Sec. 36-37. CE Single-Family Cottage Estates Residential District.

(a) *Use regulations.*

(1) In a CE Single-Family Cottage Estates Residential Districts, no land shall be used for any purpose other than a single-family residence and related amenity purposes.

(2) Reserved.

(b) *Density regulations.* No more than four dwelling units may be constructed per gross acre of land within each CE Zoning District.

(c) *Other use regulations.* See Table No. 2.

(d) *Exterior architectural features.*

(1) Each new structure must possess an exterior in keeping with the residence and general atmosphere of the surrounding area.

(2) Exterior walls. The City of Shavano Park recommends exterior walls of residences to have a minimum of 90 percent masonry, exclusive of openings. Perm stone or asbestos shingles, concrete block, metal panels, metal curtain walls and cinder block are not recommended except that concrete and cinder blocks may be used structurally if faced with rock, brick or stucco, in accordance with the International Building Code most recently adopted by the City.

(3) If a variance or other waiver from any related code, including this chapter, is requested, exterior architectural features may be a required condition of approval.

(e) *Garages.* A minimum two-car garage shall be provided for each residence. An additional garage may be provided as an accessory building pursuant to regulations

in section 36-36(a)(2). Conversion of an existing garage to another use shall be permitted only where replacement garage space is provided.

- (f) *Height regulations.* No residential building shall exceed two livable stories in height and the permitted maximum vertical height shall not exceed the height specified in Tables 1, 2 and 6 of this chapter.
- (g) *Storage or parking of recreational/commercial and covered vehicles/equipment.* Storage or parking of recreational/commercial and covered vehicles/equipment is prohibited in all residential districts, except as follows:
 - (1) When the recreational/commercial vehicle is used for the primary transportation of the owner;
 - (2) When such vehicles and equipment are placed within a completely enclosed building on any residential lot;
 - (3) Any such vehicle that is eight feet or less in height may be placed on a residential lot behind the dwelling unit, including upon side setbacks, if such vehicle is properly screened from the view from the front property line by either a fence or screening device;
 - (4) When any such vehicle is greater than eight feet in height, it may be placed on a residential lot only if that lot is greater than 0.7 acres, and if such vehicle is properly screened from view by a fence or a screening device that is at least eight feet in height. In addition, the vehicle must be placed behind the front face of the dwelling unit. Side and rear setbacks may be used only so long as a five-foot side and rear setback be maintained at all times;
 - (5) Temporary open parking of one recreational vehicle or one piece of recreational equipment in the front yard is allowed for no more than four days at a time but total open parking time in any given month shall not exceed eight days to allow for customary loading/unloading, cleaning and maintenance.
- (h) All liquefied petroleum gas (LPG) tanks shall be constructed in accordance with the International Fuel Gas Code as adopted under Sec. 6-5 and International Fire Code as adopted under Sec. 22-87 of the City of Shavano Park Code of Ordinances. LPG tanks shall be constructed as provided in this section:
 - a. All LPG tank construction requires a Fire Inspection as per the International Fire Code.
 - b. All LPG tanks shall be constructed in rear yard or side yard provided a screening device is erected to block view from the street. LPG tanks shall not be constructed in the front yard. All LPG tanks must conform to the side and rear setback lines specified on the particular lot.

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- (i) *Certain equipment allowed in setbacks.* Notwithstanding any other provision found within the City of Shavano Park Code of Ordinances, HVAC equipment, generators and pool equipment are allowed within setbacks, so long as an unobstructed width of five feet exists to allow for emergency services access.

Sec. 36-38. M-U Municipal and Utility District.

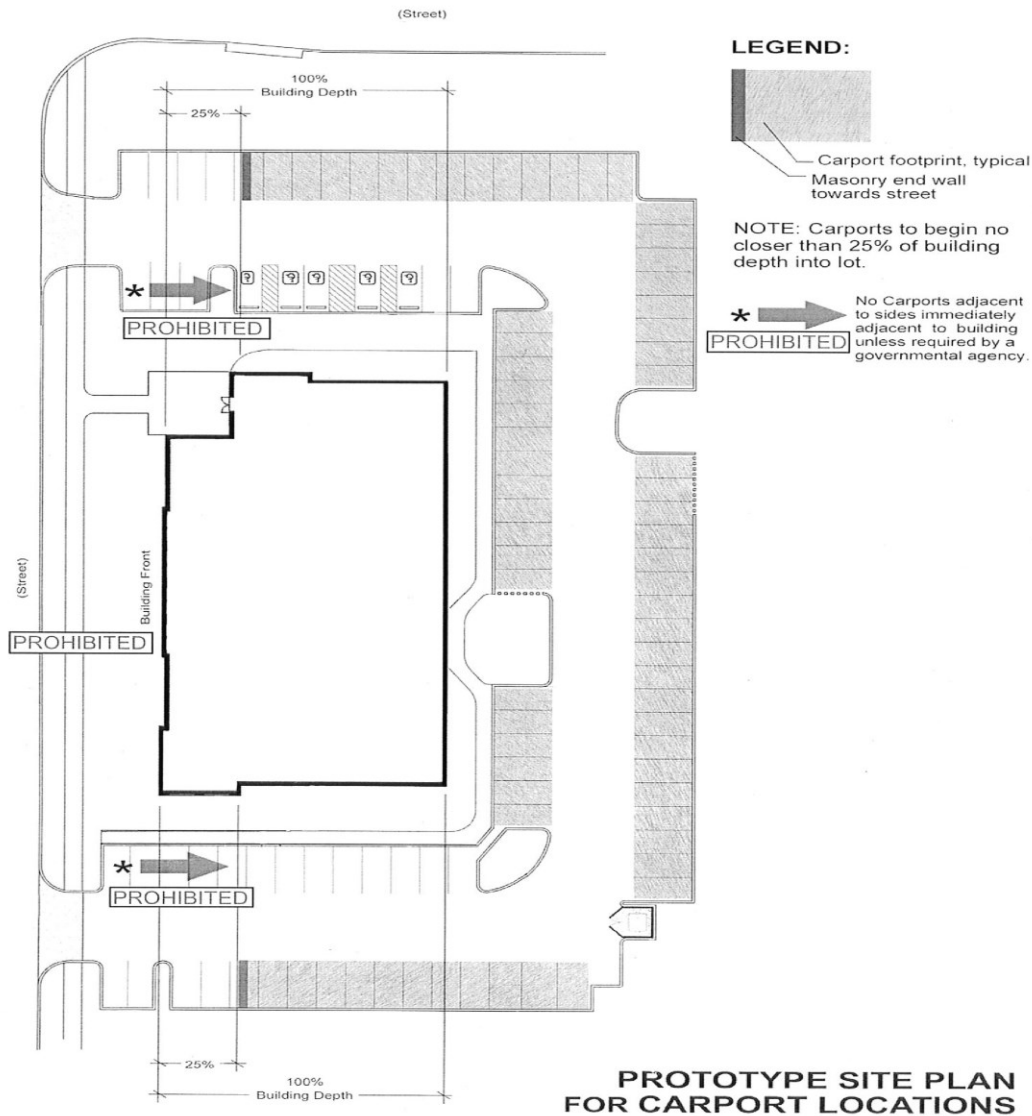
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Sec. 36-39. Business and Office Districts.

All business and office districts shall be governed by the following regulations.

- (1) *General requirements.* The following regulations shall apply to all property within the O-1, B-1 and B-2 zoning districts:
 - a. *Parking.*
 1. *Composition.* Off street parking facilities graded for drainage and surfaced of concrete, asphaltic concrete or asphalt shall be located on the lot on which the user is located.
 2. *Ingress/egress and lane width.*
 - (i) Ingress/egress shall be provided for each parking space. All circulation shall be internal with a minimum of 24-foot-wide lanes for maneuvering areas.
 - (ii) Ratio to building area. Parking stalls shall be provided so as to maintain a ratio of at least one space (stall) per the number of square feet of gross building area specified in Table No. 6.
 3. *Landscaping buffer.* A landscaped buffer shall be maintained in accordance with Table No. 6. In addition to any other landscape buffer requirement, a container grown tree having a trunk diameter of at least three inches and a minimum height of ten feet with 100 square feet of planting shall be present for each ten parking spaces. All such trees shall be within planting areas having a width of at least five feet.
 4. *Covered parking.* Covered parking shall only be permitted in a fully enclosed garage or in a carport meeting the criteria listed below. In no event shall this section be construed as to allow carports in single-family residential areas.

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- (i) Carports shall be set back from the front building wall at a distance of not less than twenty-five (25) percent of the length of the side building wall. See illustration below.
 - (ii) Carports visible from public right of ways shall have a solid masonry end wall on the portion of the carport facing the public right of way. The end wall shall be constructed with masonry that matches that of the primary structure.
 - (iii) Carports shall have support columns constructed of steel and roofs constructed of standing seam metal rated at twenty (20) gauge or higher. Roofs shall be constructed at a minimum pitch ratio of three (3) to twelve (12).
 - (iv) Carports shall only be permitted in the shaded areas on the illustration below.



- b. *Exterior walls.* The City of Shavano Park recommends exterior walls to have a minimum of 90 percent masonry construction of a residential character, exclusive of openings. Perm stone or asbestos shingles, concrete block and cinder block are not recommended except that concrete and cinder blocks may be used structurally if faced with rock, brick or stucco, in accordance with the International Building Code most recently adopted by the City. If a variance or other waiver from any related code, including this chapter, is requested, exterior architectural features may be a required condition of approval.

(2) *Setbacks.*

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- a. *Certain equipment allowed.* Notwithstanding any other provision found within the City of Shavano Park Code of Ordinances, HVAC equipment, generators and pool equipment are allowed within setbacks, so long as an unobstructed width of five feet exists to allow for emergency services access.
 - b. *Other use regulations.* See Table No. 6.
- (3) *Permitted uses.* Except as otherwise allowed by this chapter, only the uses listed on Table No. 3, Table No. 4, or Table No. 5 are permitted in zoning districts O-1, B-1 and B-2, respectively.
- (4) *Other regulations.*
- a. *Sanitary sewer.* All permitted uses under B-1, B-2 and O-1 shall be connected to a public sanitary sewer system to insure proper disposal of waste.
 - b. *Edwards recharge zone.* All land use or development occurring in the Edwards Aquifer recharge zone, or watersheds draining into the recharge zone, must comply with applicable requirements prescribed by the Texas Natural Resources Conservation Commission ("TNRCC") regarding the production of products or waste which could adversely affect the water supply if introduced into the aquifer through the recharge zone.
 - c. *Display signs.* All signs shall conform to the sign criteria set forth in chapter 24 of the Code of Ordinances of the City of Shavano Park, as may be amended from time to time.
 - d. *Portable construction buildings.* Portable construction buildings are only allowable under the following conditions:
 - 1. Authorization may be issued by the City Building Official to permit a portable construction building to be temporarily located on a lot upon which a building permit has been previously issued for construction of any building or structure.
 - 2. A certificate of occupancy related to construction shall not be issued by the City Building Official until the portable construction building has been removed from the premises and further, that the certificate of occupancy shall not be issued until the electrical connection which served the portable construction building has been removed from the lot in question.
 - 3. A temporary permit issued pursuant to this section shall be void upon issuance of the certificate of occupancy, or 12 months after issuance of the building permit, whichever time is shorter.

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4. In any case in which construction is not completed within the 12-month period, the City Building Official, after due consideration and determination that active construction is being accomplished, may issue an extension of time for the temporary permit, not to exceed a six-month period.

e. All liquefied petroleum gas (LPG) tanks shall be constructed in accordance with the International Fuel Gas Code as adopted under Sec. 6-5 and International Fire Code as adopted under Sec. 22-87 of the City of Shavano Park Code of Ordinances. LPG tanks shall be constructed as provided in this section:

1. All LPG tank construction requires a Fire Inspection as per the International Fire Code.
2. All LPG tanks shall be constructed in rear yard or side yard provided a screening device is erected to block view from the street. LPG tanks shall not be constructed in the front yard. All LPG tanks must conform to the side and rear setback lines specified on the particular lot.

(5) *O-1 Office District.*

- a. *Use regulations.* This district is composed of land and structures occupied by or suitable for general office use only.
- b. *Other regulations.*
 1. See Table No. 6.
 2. Accessory buildings. No accessory buildings may occupy more than 30 percent of the rear yard area nor shall the gross floor area of all accessory buildings on one lot exceed 50 percent of the gross floor area of the principal building structure thereon, exclusive of breezeways and attached garage; provided, however, that this regulation shall not reduce the gross total floor area of all necessary accessory buildings on one lot to less than 400 square feet and in no case shall any accessory building be built closer than ten feet to the principal main building. The height of an accessory building shall not exceed one story.

(6) *B-1 Business District.*

- a. *Use regulations.*
 1. This district is composed of light commercial uses, provided 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 completely contained within an enclosed structure or court.

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2. Except as otherwise allowed by this chapter, only the uses specified on Table No. 4 are permitted in the B-1 Business District.
- b. *Other regulations.*
 1. See Table No. 6.
 2. Accessory buildings. No accessory buildings may occupy more than 30 percent of the rear yard area nor shall the gross floor area of all accessory buildings on one lot exceed 50 percent of the gross floor area of the principal building structure thereon, exclusive of breezeways and attached garage; provided, however, that this regulation shall not reduce the gross total floor area of all necessary accessory buildings on one lot to less than 400 square feet and in no case shall any accessory building be built closer than ten feet to the principal main building. The height of an accessory building shall not exceed one story.
- (7) *B-2 Business District.*
- a. *Use regulations.*
 1. This district allows for general commercial uses, provided 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 completely contained within an enclosed structure or court.
 2. Except as otherwise allowed by this chapter, only the uses specified on Table No. 5 are permitted in the B-2 Business District.
 - b. *Other regulations.*
 1. See Table No. 6.
 2. Accessory buildings. All accessory buildings may not occupy more than 30 percent of the rear yard area nor shall the gross floor area of all accessory buildings on one lot exceed 50 percent of the gross floor area of the principal building structure thereon, exclusive of breezeways and attached garage; provided, however, that this regulation shall not reduce the gross total floor area of all necessary accessory buildings on one lot to less than 400 square feet and in no case shall any accessory building be built closer than ten feet to the principal main building. The height of an accessory building shall not exceed one story.

Sec. 36-40. Planned Unit Development.

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Sec. 36-41. MXD—Mixed-Use District.

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Sec. 36-42. Manufactured home parks.

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Sec. 36-43. Special uses.

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Sec. 36-44. Home occupations.

...

Sec. 36-45. Portable on-demand storage structures.

...

Secs. 36-46—36-68. Reserve

PLANNING & ZONING STAFF SUMMARY

Meeting Date: July 6, 2022

Agenda item: 7

Prepared by: Curtis Leeth

Reviewed by: Curtis Leeth

AGENDA ITEM DESCRIPTION:

Discussion - Possible Property Maintenance Code amendments to City Ordinances - City Manager

X

Attachments for Reference:

- 1) 7a Draft Property Maintenance Amendments
- 2) 7b Fitzpatrick edits to Council/Staff Draft

BACKGROUND / HISTORY: **UPDATES** At the January 24, 2022 City Council meeting Council gained consensus to form an informal working group led by Alderman Miller who would review and bring back recommendations to City Council.

At the May 16, 2022 City Council meeting Council Alderman Miller gave an update on the working group. Council motioned to task Planning & Zoning Commission to review possible Property Maintenance Code revisions and return to City Council with recommendations.

At the June 1, 2022 Planning & Zoning Commission Meeting Alderman Miller & Mayor Werner presented guidance on possible Property Maintenance Code revisions.

DISCUSSION: This spring Alderman Miller, City Manager and Assistant to the City Manager worked to craft consensus language using the International Property Maintenance Code and language from the Mayor.

Council consensus is that while this work is important to the community it is not time sensitive. Planning & Zoning Commission has ample experience considering complex Ordinances and issues in the community.

At the June 1 Meeting, Commissioner Fitzpatrick submitted a review of the proposed amendments from Council/Staff working group. All proposed changes were implemented. The edited version of what the Commission was presented on June 1st is under Attachment 7b.

Staff incorporated the language in attachment 7b as track changes into the existing Code of the City (attachment 7a). Extensive other sections in the relevant chapters is included so Commission can see the Code in context. Staff recommends P&Z view attachment 7a as the “starting point” for further P&Z review. Attachment 7b is included so Commissioners can see

the significant edits already implemented. A summary changelog of edits implemented from Fitzpatrick:

Commercial

- Deleted “transfer of ownership” section
- Clarified “persons” to owner of the premises in various sections
- Changed *Approved* definition to be more specific (previously too vague)
- Cleaned up *Exterior Property* definition
- Added missing “garbage” to Sec. 8-3(b)
- Deleted redundant Rodent Harborage language in Sec. 8-3
- Clarified Accessory Structures language in Sec. 8-3
- Struck some restrictive language from Motor Vehicles in Sec. 8-3
- Deleted provisions under Sec. 8-4(d) – (k) that were redundant with Sec. 8-4(b)
- Deleted oxidation stains cleaning requirement under Sec. 8-4(c)
- Deleted all conditions for unsafe structures to limit to *Ultimate Deformation* (e.g. near failure) or actual detached, failing connections, and other conditions that truly are signs of structural damage. City avoids burdensome regulating of every crack in concrete or wood plank as “unsafe structure.”
 - o Re-wrote language for “unsafe soils” as it was confusing and overly broad after consulting City Building Inspector – now focused on licensed structural engineer assessments
- Clarified Pest Elimination under Sec. 8-6 applies only to commercial structures

Residential

- Deleted “transfer of ownership” section
- Clarified “persons” to owner of the premises in various sections
- Changed *Approved* definition to be more specific (previously too vague)
- Cleaned up *Exterior Property* definition
- Added missing “garbage” to Sec 20-73(a)

Staff recommends P&Z view attachment 7a as the “starting point” for further P&Z review. All these above changes are incorporated into the edits in attachment 7a.

COURSES OF ACTION: N/A; discussion item only; give guidance to staff.

FINANCIAL IMPACT: N/A

MOTION REQUESTED: N/A; discussion item only; give guidance to staff.

Chapter 8 BUSINESSES AND BUSINESS REGULATIONS

ARTICLE I. COMMERCIAL PROPERTY MAINTENANCE IN GENERAL

Sec. 8-1. - General

- (a) **Scope.** The provisions of this Chapter shall govern the minimum conditions and the responsibilities of the owner of the premises for maintenance of structures, equipment and *exterior property* in commercially zoned districts under Sec. 36-39 and on commercial use properties in Mixed-Used Districts under Sec. 36-41 of the City of Shavano Park Code of Ordinances.
- (b) **Responsibility.** The *owner* of the *premises* shall maintain the structures and *exterior property* in compliance with these requirements, except as otherwise provided for in this Chapter. An owner shall not occupy as owner-occupant or permit another person to occupy *premises* that are not in a sanitary and safe condition and that do not comply with the requirements of this Chapter. *Occupants* of a *premises* are responsible for keeping in a clean, sanitary and safe condition that part of the *premises* they occupy and control.
- (c) **Code Official.** The City Manager, or their designee, shall be the appointed code official of this Chapter.
- (d) **Application of other codes.** Repairs, additions, or alterations to a structure, or changes of occupancy, shall be done in accordance with the procedures and provisions of the City adopted technical codes under Chapter 6, Article I of the City of Shavano Park Code of Ordinances. Nothing in this article shall be construed to cancel, modify or set aside any provisions of the Zoning Ordinance under Chapter 36 or the City of Shavano Park Code of Ordinances.
- (e) **Vacant structures and land.** Vacant structures and *premises* thereof or vacant land shall be maintained in a clean, safe, secure and sanitary condition as provided herein so as not to cause a blighting problem or adversely affect the public health or safety.
- (f) **Right of Entry.** Any entry onto a property shall be solely in the manner proscribed by Texas law.
- (g) **Failure to Comply.** Any person who shall continue any work after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be subject to a fine under Sec. 1-10 of the City of Shavano Park Code of Ordinances.
- (h) **Prosecution of violation.** Any action taken by the authority having jurisdiction on such premises shall be charged against the real estate upon which the structure is located and to the extent provided by the laws of the State of Texas shall be a lien upon such real estate.
- (i) **Means of Appeal.** All appeals shall be governed by Sec. 36-125 of the City of Shavano Park Code of Ordinances.

Sec. 8-2. - Definitions

Where terms are not defined through the methods authorized by this section, such terms shall have ordinarily accepted meanings such as the context implies.

ANCHORED. Secured in a manner that provides positive connection.

APPROVED. Meets the requirements of this Chapter as determined by the *code official*.

EXTERIOR PROPERTY. The open space on the *premises*.

GARBAGE. The animal or vegetable waste resulting from the handling, preparation, cooking and consumption of food.

GUARD. A building component or a system of building components located at or near the open sides of elevated walking surfaces that minimizes the possibility of a fall from the walking surface to a lower level.

INFESTATION. The presence, within or contiguous to, a structure or *premises* of insects, rodents, vermin or other pests.

INOPERABLE MOTOR VEHICLE. A vehicle that cannot be driven upon the public streets for reason including but not limited to being unregistered, wrecked, abandoned, in a state of disrepair, or incapable of being moved under its own power.

OCCUPANCY. The purpose for which a building or portion thereof is utilized or occupied.

OCCUPANT. Any individual having possession of a space within a building.

OPERATOR. Any person who has charge, care or control of a structure or *premises* that is let or offered for *occupancy*.

OWNER. Any person, agent, *operator*, firm or corporation having legal interest in the property; or recorded in the official records of the State of Texas, Bexar County as holding title to the property; or otherwise having control of the property, including the guardian of the estate of any such person, and the executor or administrator of the estate of such person if ordered to take possession of real property by a court.

PREMISES. A lot, plot or parcel of land including any structures thereon.

RUBBISH. Worthless, unwanted material that is rejected or thrown out; debris; litter; trash. Includes stagnant or unwholesome water, filth, carrion, rubble, junk or garbage, or impure or unwholesome matter of any kind, including, but not limited to, dead grass & vegetation, tree limbs, tree stumps, improper composting or improper storage of landscape materials, waste paper, scrap wood or lumber, scrap metal, rags, rubber tires, plastic, metal, ceramic or glass bottles, canisters, barrels or cans, combustible materials, appliances, furniture, discarded or unused flooring material, dismantled or disassembled vehicle parts, discarded or abandoned construction materials and exposed or uncovered fill materials.

ULTIMATE DEFORMATION. The deformation at which failure occurs and that shall be deemed to occur if the sustainable load reduces to 80% or less of the maximum strength.

Sec. 8-3. - Exterior Property

- (a) **Sanitation.** *Exterior property* and *premises* shall be maintained in a clean, safe and sanitary condition. The owner of every occupied premise shall keep that part of the *exterior property* that such owner occupies or controls in a clean and sanitary condition.
- (b) **Rubbish & Garbage.** *Exterior property* and *premises* of every structure, shall be free from any accumulation of *rubbish* or *garbage*. The owner of every occupied premises shall supply approved covered containers for rubbish and garbage, and the owner of the premises shall be responsible for the removal of rubbish and garbage. Containers shall be maintained to be leakproof and provided with close-fitting covers for the storage of rubbish until removed from the premises for disposal.
- (c) **Grading and drainage.** Except as to approved retention areas and reservoirs, *premises* shall be graded and maintained to prevent the erosion of soil and to prevent the accumulation of stagnant water thereon. or within any structure located thereon.
- (d) **Sidewalks and driveways.** Sidewalks, walkways, stairs, driveways, parking spaces and similar areas shall be kept in a proper state of repair. and maintained free from hazardous conditions.
- (e) **Weeds & Grass.** The owner or occupant of a premise shall not allow weeds or grass grow to a height greater than 12 inches in accordance with Sec. 14-80 of the City of Shavano Park Code of Ordinances.
- (f) **Accessory structures, fences and screening devices.** Accessory structures, fences and screening devices, shall be maintained structurally sound and in good repair.
- (g) **Motor vehicles.** Except as provided for in other regulations, inoperable motor vehicles shall not be parked, kept or stored in the open on any *premises*. Except as specifically allowed by the Code, there may be no overnight outdoor storage of vehicles.
- (h) **Defacement of property.** A person shall not willfully or wantonly damage, mutilate or deface any exterior surface of any structure or building on any property by placing thereon any marking, carving or graffiti. It shall be the responsibility of the *owner* to restore said surface to state of good repair, structurally sound and sanitary.

Sec. 8-4. - Exterior Structure

- (a) **General.** The exterior of a structure shall be maintained in good repair, structurally sound and sanitary so as not to pose a threat to the public health, safety or welfare.
- (b) **Unsafe conditions.** The following conditions shall be determined as unsafe and shall be repaired or replaced to comply with the *International Building Code*.
- (1) The nominal strength of any structural member is exceeded by nominal loads, the load effects or the required strength.
 - (2) The *anchorage* of the floor or roof to walls or columns, and of walls and columns to foundations is not capable of resisting all nominal loads or load effects.
 - (3) Structures or components thereof that have reached their limit state.
 - (4) Siding and masonry joints including joints between the building envelope and the perimeter of windows, doors and skylights are not maintained, weather resistant or watertight.
 - (5) Structural members that have evidence of deterioration or that are not capable of safely supporting all nominal loads and load effects.
 - (6) Foundation systems that are not firmly supported by footings, are not plumb and free from open cracks and breaks, are not properly *anchored* or are not capable of supporting all nominal loads and resisting all load effects.
 - (7) Exterior walls that are not *anchored* to supporting and supported elements or are not plumb and free of holes, cracks or breaks and loose or rotting materials, are not properly *anchored* or are not capable of supporting all nominal loads and resisting all load effects.
 - (8) Roofing or roofing components that have defects that admit rain, roof surfaces with inadequate drainage. or any portion of the roof framing that is not in good repair with signs of deterioration, fatigue or without proper anchorage and incapable of supporting all nominal loads and resisting all load effects.
 - (9) Flooring and flooring components with defects that affect serviceability or flooring components that show signs of deterioration or fatigue, are not properly *anchored* or are incapable of supporting all nominal loads and resisting all load effects.
 - (10) Veneer, cornices, belt courses, corbels, trim, wall facings and similar decorative features not properly anchored or that are *anchored* with connections not capable of supporting all nominal loads and resisting all load effects.
 - (11) Overhang extensions or projections including, but not limited to, trash chutes, canopies, marquees, signs, awnings, fire escapes, standpipes, outdoor parking and

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- exhaust ducts not properly *anchored* or that are *anchored* with connections not capable of supporting all nominal loads and resisting all load effects.
- (12) Exterior stairs, decks, porches, balconies and all similar appurtenances attached thereto, including *guards* and handrails, are not structurally sound, not properly *anchored* or that are *anchored* with connections not capable of supporting all nominal loads and resisting all load effects.
- (13) Chimneys, cooling towers, smokestacks and similar appurtenances are not permitted in the City.
- (14) Exterior gates, gate assemblies, and hardware shall be maintained in good condition.
- (c) **Protective treatment.** Exterior surfaces, including but not limited to doors, door and window frames, cornices, porches, trim, balconies, decks and fences, shall be maintained in good condition. Exterior wood surfaces, other than decay-resistant woods, shall be protected from the elements and decay by painting or other protective covering or treatment. Peeling, flaking and chipped paint shall be eliminated and surfaces repainted. Siding and masonry joints, as well as those between the building envelope and the perimeter of windows, doors and skylights, shall be maintained weather resistant and water tight. Metal surfaces subject to rust or corrosion shall be coated to inhibit such rust and corrosion, and surfaces with rust or corrosion shall be stabilized and coated to inhibit future rust and corrosion.

Sec. 8-5. - Component Serviceability

- (a) **General.** The components of a structure and equipment therein shall be maintained in good repair, structurally sound and in a sanitary condition.
- (b) **Unsafe conditions.** Except where substantiated otherwise by an *approved* method, where any of the following conditions cause the component or system to be beyond its limit state, the component or system shall be determined as unsafe and shall be repaired or replaced to comply with the *International Building Code*:
- (1) Foundations that have been subjected to any of the following conditions:
- (A) Collapse of footing or foundation system as determined by a licensed structural engineer.
- (B) Inadequate soil bearing capacity as determined by a licensed structural engineer.
- (2) Concrete that has been subjected to any of the following conditions:
- (A) *Ultimate deformation.*
- (B) Detached, dislodged or failing connections.
- (3) Aluminum that has been subjected to any of the following conditions:

(A) Corrosion.

(B) Ultimate deformation.

(C) Detached, dislodged or failing connections.

(4) Masonry that has been subjected to any of the following conditions:

(A) Ultimate deformation.

(B) Detached, dislodged or failing connections.

(5) Steel that has been subjected to any of the following conditions:

(A) Ultimate deformation.

(B) Detached, dislodged or failing connections.

(6) Wood that has been subjected to any of the following conditions:

(A) Ultimate deformation.

(B) Damage from insects, rodents and other vermin.

(C) Fire damage beyond charring.

(D) Inadequate support.

(E) Detached, dislodged or failing connections.

Sec. 8-6. - Pest Elimination in Commercial structures

(c) **Infestation.** Commercial structures shall be kept free from insect and rodent infestation. Commercial Structures in which insects are found shall be promptly exterminated by approved processes that will not be injurious to human health. Commercial Structures in which rodents are found shall be promptly removed/exterminated by approved processes that will not be injurious to human health. After pest elimination, proper precautions shall be taken to prevent reinfestation.

(d) **Owner.** The owner of any commercial structure shall be responsible for pest elimination within the structure prior to renting or leasing the structure and for infestations caused by defects in the structure.

(e) **Occupant.** Except where the infestations are caused by defects in the structure, the occupant of any structure shall be responsible for the continued rodent and pest-free condition of the structure.

Secs. 8-~~71~~—8-18. Reserved.

ARTICLE II. SOLICITING AND PEDDLING

ARTICLE III. FOOD AND FOOD ESTABLISHMENTS

ARTICLE IV. COMMUNITY HOMES FOR DISABLED PERSONS

Chapter 14 ENVIRONMENT

ARTICLE I. IN GENERAL

ARTICLE II. OAK WILT PREVENTION

ARTICLE III. RIGHTS-OF-WAY AND VEGETATION PROTRUSIONS

ARTICLE IV. WEEDS, GRASS AND OTHER VEGETATION¹

Sec. 14-80. Vegetation or grass of height greater than 12 inches constitutes offense.

- (a) *Violation.* A person, owner, tenant or agent responsible for or claiming or having supervision or control of any real property, occupied or unoccupied, within the City limits commits an offense by permitting or allowing weeds, grass, brush, or any vegetation to grow to a height greater than 12 inches upon any such real property. Such real property shall include, but not be limited to:
- (1) The parkway between the sidewalk and the curb;
 - (2) The right-of-way between any fence, wall or barrier and the curb or pavement if such exists or the centerline of such right-of-way;
 - (3) The area between a fence, wall or barrier and within any abutting drainage channel easement to the top of such channel closest to the property;
 - (4) The area outside the property to an abutting curblin;
 - (5) The area outside the property to a distance of ten feet from the property line if such area is part of or adjacent to a drainage easement or creek; or

¹State law reference(s)—Municipal power concerning weeds and other unsanitary matter, Tex. Health and Safety Code § 342.004; assessment of expenses and lien for abatement by municipality, Tex. Health and Safety Code § 342.007; persons not to permit abandoned property to become public health nuisance, Tex. Health and Safety Code § 341.013(e).

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- (6) Any area directly across an alley or traveled way that borders the property which is between the edge of the alley or traveled way and a screening wall or other barrier.

Vegetation not regularly cultivated that exceeds 12 inches in height shall be presumed to be a nuisance, objectionable, unsanitary and unsightly.

- (b) *Exception.* It shall not be an offense under this section to permit or allow weeds, grass, brush or other vegetation to grow to a height greater than 12 inches if they are growing in an area designated as a natural conservation area, preserve or habitat by any federal or State law or agency and the removing or cutting of the vegetation within that area is prohibited by the federal or State law or agency.

(Ord. No. 200-01-07, § 1, 7-17-2007)

Sec. 14-81. Property to be free of conditions constituting public nuisances.

~~A person, owner, tenant or agent responsible for or claiming or having supervision or control of any real property, occupied or unoccupied, within the City limits commits an offense by permitting or allowing stagnant or unwholesome water, filth, carrion, weeds, rubbish, rubble, junk or garbage, or impure or unwholesome matter of any kind, including, but not limited to, dead grass, tree limbs, tree stumps, improper composting or improper storage of landscape materials, waste paper, scrap wood or lumber, scrap metal, rags, rubber tires, plastic, metal, ceramic or glass bottles, canisters, barrels or cans, combustible materials, appliances, furniture, discarded or unused flooring material, dismantled or disassembled vehicle parts, discarded or abandoned construction materials and exposed or uncovered fill materials, or any objectionable, unsanitary or unsightly matter of whatever nature to accumulate or remain on such real property, including the improvements thereon, or within any easement area on such real property or upon any adjacent right of way for streets and alleys between the property line for such real property and where the paved surface of the street or alley begins. Such conditions are hereby defined as public nuisances. Property Maintenance is required for properties in both commercial and residential zoning districts. Property Maintenance requirements for properties in commercial zoning districts are found in Chapter 8, Article I. - COMMERCIAL PROPERTY MAINTENANCE of the City of Shavano Park Code of Ordinances. Property Maintenance requirements for properties in residential zoning districts are to be found in Chapter 20, Article IV. - RESIDENTIAL PROPERTY MAINTENANCE of the City of Shavano Park Code of Ordinances.~~

(Ord. No. 200-01-07, § 2, 7-17-2007)

Sec. 14-82. Cultivated and uncultivated agricultural properties; height limitations.

- (a) *Definition of agricultural property.* For the purposes of this section, property is considered to be agricultural property, whether cultivated or uncultivated, if it has been granted a property tax exemption by the county central appraisal district, or equivalent authority, pursuant to the Texas Property Tax Code or State Constitution, for agricultural or wildlife management.
- (b) *Uncultivated agricultural properties.* Except for property classified as Municipal District, a person, owner, tenant or agent responsible for or claiming or having supervision or control

over uncultivated agricultural property commits an offense if such person permits or allows:

- (1) Vegetation to grow to a height greater than 12 inches within 100 feet from any adjacent property under different ownership, a right-of-way or easement; or
 - (2) Vegetation to interfere with the visibility requirements at any intersection of public thoroughfares.
- (c) *Cultivated agricultural properties.* Where the distance between the growing crop and adjacent property under different ownership, a right-of-way or easement is less than 100 feet, the person, owner, tenant or agent responsible for or claiming or having supervision or control over cultivated agricultural property commits an offense if such person permits or allows:
- (1) Vegetation to grow to a height greater than 12 inches between such growing crop and any adjacent property under different ownership, a right-of-way or easement; or
 - (2) Such growing crop interferes with the visibility requirements at any intersection of public thoroughfares.

(Ord. No. 200-01-07, § 3, 7-17-2007; Ord. No. 100-02-11, § I, 5-17-2011)

Sec. 14-83. Notice of violation.

- (a) In the event any owner, tenant, agent or person responsible for or claiming or having supervision or control over real property (hereinafter "owner") governed by this article fails to comply with the provisions of this article, the City, by and through its code enforcement division or designee shall give notice of the violation to such owner. Such notice shall be given in any one of the following ways:
- (1) Personally to the owner in writing;
 - (2) By letter addressed to the owner at the owner's address as recorded in the appraisal district records of the appraisal district in which the property is located; or
 - (3) If personal service cannot be obtained, by:
 - a. Publication in the City's official newspaper at least once;
 - b. Posting notice on or near the front door of each building on the property to which the violation relates; or
 - c. Posting a notice to a placard attached to a stake driven into the ground on the property to which the violation relates, if the property contains no buildings.
- (b) If the City mails a notice to the owner in accordance with subsection (a) of this section, and the United States Postal Service returns the notice as "refused" or "unclaimed," or if the address required by subsection (a)(2) of this section was used and the notice is returned as "not deliverable as addressed" (or an equivalent marking), the validity of the notice is not affected, and the notice is considered as delivered.
- (c) In a notice provided under this section the City may inform the owner by regular mail and a posting on the property that if the owner commits another violation of the same kind or

nature on or before the anniversary of the date of the notice, the City, without further notice, may correct the violation at the owner's expense and assess the expense against the property or issue citations. If a violation covered by a notice under this subsection occurs within one year, and the City has not been informed in writing by the owner of an ownership change, then the City, without notice, may take any action permitted by section 14-84 and assess its expenses as provided in section 14-85.

(Ord. No. 200-01-07, § 4, 7-17-2007)

Sec. 14-84. Citations; work or improvements by the City; charges against owner.

If the owner fails or refuses to comply with the demand for compliance in the notice within ten days of such notice, the City may:

- (1) Issue citations; and
- (2) Do the work or make the improvement required, pay for the work done or improvements made and charge the expenses to the owner of the property as provided herein.

(Ord. No. 200-01-07, § 5, 7-17-2007)

Sec. 14-85. Assessment of expenses; lien.

- (a) In the event the owner fails or refuses to pay such expenses charged to the owner under section 14-84(2) within 15 days after the first day of the month following the month in which the work was done, a lien may be obtained against the property. To obtain a lien, the City's health or code enforcement authority or, as the Mayor's designee, the City Manager, must file a statement of the expenses incurred in correcting the condition of the real property with the County Clerk of the County in which the property is located. The statement must also state the name of the owner, if known, and the legal description of the property. The lien attaches upon filing of the statement with the County Clerk.
- (b) The City's lien shall be a prior lien on such property, second only to tax liens and liens for street improvements. The lien amount shall include simple interest, which shall accrue at the rate of ten percent per annum from the date the expenses were incurred by the City. The City may and hereby authorizes the City Attorney to bring a suit for foreclosure to recover the expenditures and the interest due.

(Ord. No. 200-01-07, § 6, 7-17-2007)

Sec. 14-86. Authority to immediately abate dangerous tall vegetation.

- (a) Notwithstanding any of the provisions of sections 14-80 through 14-85, the City may abate, without notification, weeds, grass, brush or any unsightly vegetation that has grown higher than 48 inches (hereinafter "tall vegetation") and is an immediate danger to the health, life, or safety of any person. The City must give notice, in the manner provided in section 14-83, to the property owner no later than the tenth day after the date the City abates the tall vegetation. The notification shall contain:

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- (1) An identification, which is not required to be a legal description, of the property;
 - (2) A description of the violation of this article that occurred on the property;
 - (3) A statement that the City abated the tall vegetation; and
 - (4) An explanation of the property owner's rights to request an administrative hearing regarding the City's abatement of the tall vegetation.
- (b) The City, by and through its City Manager or his designee, shall conduct an administrative hearing not later than the 30th day after the date of the abatement of the tall vegetation, if the owner files a written request for a hearing with the City. The City shall conduct the administrative hearing not later than the 20th day after the date a request for hearing is filed. At the administrative hearing, the owner may testify or present any witnesses or written information relating to the City's abatement of the tall vegetation.
- (c) The City may assess expenses and create liens under this section in the same manner and subject to the same conditions as set forth in section 14-85.
- (Ord. No. 200-01-07, § 7, 7-17-2007)

Sec. 14-87. Penalty provision.

- (a) Any owner, person, firm, corporation or business entity violating this article shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be fined a sum not exceeding \$2,000.00. Each continuing day's violation under this article shall constitute a separate offense. The penal provisions imposed under this article shall not preclude the City from filing suit to enjoin the violation. The City retains all legal rights and remedies available to it pursuant to local, State and federal law.
- (b) This article shall be cumulative of all provisions of ordinances of the City, except where the provisions of this article are in direct conflict with the provisions such ordinances, in which event the conflicting provisions of such ordinances are hereby repealed.

(Ord. No. 200-01-07, § 8, 7-17-2007)

Secs. 14-88—14-117. Reserved.

ARTICLE V. CITIZENS TREE COMMITTEE AND PUBLIC TREE CARE

ARTICLE VI. LANDSCAPING AND TREE REMOVAL FOR COMMERCIAL DEVELOPMENTS

ARTICLE VII. SOLID WASTE

ARTICLE IX. DRILLING

ARTICLE X. OUTDOOR LIGHTING AFFECTING CAMP BULLIS

Chapter 20 OFFENSES AND MISCELLANEOUS PROVISIONS

ARTICLE I. IN GENERAL

Secs. 20-1—20-21. Reserved.

ARTICLE II. NUISANCES

Sec. 20-22. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Graffiti shall mean any unauthorized inscription, word, letter, figure, symbol or design visible from a public place, public right-of-way or another person's property that is marked, etched, scratched, drawn, painted or made in any manner on any surface of tangible property regardless of its content or nature and regardless of the nature of the material of the structural component or property.

Littering or *illegal dumping* means to knowingly throw, dump, deposit, or place any litter, trash or waste material of any kind without permission to do so, including pedestrian trash as well as trash thrown from a motor vehicle. Litter shall be defined by Tex. Health and Safety Code § 365.011.

Nuisance means the unreasonable and unwarranted use of property, or improper, indecent or unlawful personal conduct, which works an obstruction or injury to the right of others, or of the public, producing material annoyance, inconvenience, discomfort, or hurt.

(Ord. No. 8, § 2, 12-18-1981; Ord. No. O-2021-002 , § I, 4-26-2021)

Sec. 20-23. Prohibited.

The creation or maintenance of a nuisance within the City limits is hereby prohibited and made unlawful.

(Ord. No. 8, § 1, 12-18-1981)

Sec. 20-24. Specific nuisances declared.

The following actions are hereby specifically declared to constitute and to be unlawful nuisances hereunder:

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- (1) The keeping of horses, donkeys, cows, goats, sheep, or animals of similar size (but excluding domestic cats, dogs and pot bellied pigs) on any platted site within the limits of the City west of N.W. Military Highway (FM 1535).
 - (2) The keeping of horses, cattle or any large animal anywhere within the limits of the City without first securing a valid permit.
 - a. Application. Large-animal permit applications are available from the City Secretary.
 - b. Completed permit applications together with the following signed statement by the applicant must be filed with the City Secretary: "I (we) hereby agree that if the keeping of the above-named animal creates an annoyance or nuisance, the City Council of Shavano Park may cancel this permit and I (we) will remove promptly such animal from the City."
 - c. The application must indicate thereon or by attachment thereto the area of the property to be dedicated to the pasture and keeping of the animal.
 - d. The permit must be approved by the City Code Compliance Officer.
 - (3) The keeping of pigs or hogs within the City limits under any circumstances.
 - (4) Parking broken down or inoperative motor vehicles of any kind.
 - (5) The staking of animals on the property of others without permission.
 - (6) The sounding of false alarms on emergency (fire or burglar) alarm systems under certain conditions.
 - (7) Any littering or illegal dumping. Violations are against State Law and shall be cited under Tex. Health and Safety Code § 365.012(a).
 - (8) Any graffiti. Violations are against State Law and shall be cited under Tex. Penal Code § 28.08.
 - (9) An animal owner or keeper who allows their animal to defecate on City Hall grounds including the playgrounds, pavilion, and trails without sanitary removal and proper disposal of the animal's fecal matter from the public property.
- (Ord. No. 8, § 3, 12-18-1981; Ord. No. 100-02-11, § I, 5-17-2011; Ord. No. 300-07-12, § I(2), 9-24-2012; Ord. No. O-2021-002 , § II, 4-26-2021)

Sec. 20-25. Enumeration in article not exhaustive.

The enumeration in section 20-24 is not exclusive, nor shall same be construed to limit the nature of offenses hereunder violative of sections 20-22 and 20-23. It shall, however, be required that other alleged nuisances be proved to be harmful to other persons, or the public in fact, which shall not be the case as to the actions denounced in section 20-24, each of which are hereby declared to be unlawful nuisances without proof of actual harm when proven to exist.

(Ord. No. 8, § 4, 12-18-1981)

Sec. 20-26. Injunction and other relief.

Upon being duly authorized by an ordinance of the City Council, the City may file and maintain a suit for injunction, including temporary restraining order and temporary injunction, in any court of competent jurisdiction to prevent or abate any nuisance committed or threatened hereunder in addition to invoking the penal provision contained in section 1-10 or in other ordinances concerning animals or other nuisances.

(Ord. No. 8, § 6, 12-18-1981)

Secs. 20-27—20-50. Reserved.***ARTICLE III. NOISE²*****Sec. 20-51. Purpose.**

The ordinance from which this article is derived is enacted to protect, preserve, and promote the health, safety, welfare, peace, and quiet of the citizens of the City through the reduction, control, and prevention of loud and raucous noise, or any noise which unreasonably disturbs, injures, or endangers the comfort, repose, health, peace, or safety of reasonable persons of ordinary sensitivity.

(Ord. No. 200-149-06, § 1, 11-14-2006; Ord. No. 100-02-11, § I, 5-17-2011)

Sec. 20-52. Findings.

- (a) Loud and raucous noise degrades the environment of the City to a degree that:
 - (1) Is harmful to the health, welfare, and safety of its inhabitants and visitors;
 - (2) Interferes with the comfortable enjoyment of life and property;
 - (3) Interferes with the well-being, tranquility, and privacy of the home; and
 - (4) Both causes and aggravates health problems.
- (b) Both the effective control and the elimination of loud and raucous noise are essential to the health and welfare of the City's inhabitants and visitors, and to the conduct of the normal pursuits of life, including recreation, work, and communication.
- (c) The use of sound amplification equipment creates loud and raucous noise that may, in a particular manner and at a particular time and place, substantially and unreasonably invade the privacy, peace, and freedom of inhabitants of, and visitors to, the City.

²Editor's note(s)—See editor's note to ch. 14, art. V.

State law reference(s)—Type A municipality may regulate certain noises, Tex. Local Government Code § 217.003(d); restricted regulation of sport shooting ranges, Tex. Local Government Code § 250.001.

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- (d) Certain short-term easing of noise restrictions is essential to allow the construction and maintenance of structures, infrastructure, and other elements necessary for the physical and commercial vitality of the City.

(Ord. No. 200-149-06, § 2, 11-14-2006; Ord. No. 100-02-11, § I, 5-17-2011)

Sec. 20-53. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

City manager means the City Manager of the City or the City Manager's designee.

Emergency means any occurrence or set of circumstances involving actual or imminent physical trauma or property damage demanding immediate attention.

Emergency work means any work performed for the purpose of preventing or alleviating physical trauma or property damage, whether actually caused or threatened by an emergency, or work by private or public utilities when restoring utility service.

Noise-sensitive area includes, but is not limited to, a posted area where a school, hospital, nursing home, church, court, public library, or similar institution is located.

Person means any individual, firm, association, partnership, joint venture, or corporation.

Public right-of-way means any street, avenue, boulevard, highway, sidewalk, alley, or similar place normally accessible to the public which is owned or controlled by a government entity.

Public space means any real property or structures on real property, owned by a government entity and normally accessible to the public, including but not limited to parks and other recreational areas.

Residential area means any real property which contains a structure or building in which one or more persons reside, provided that the structure or building is properly zoned, or is legally nonconforming, for residential use in accordance with the terms and maps of the City's zoning ordinance.

(Ord. No. 200-149-06, § 3, 11-14-2006; Ord. No. 100-02-11, § I, 5-17-2011)

Sec. 20-54. General prohibition.

- (a) No person shall make, continue, or cause to be made or continued:
- (1) Any unreasonably loud or raucous noise;
 - (2) Any noise which unreasonably disturbs, injures, or endangers the comfort, repose, health, peace, or safety of reasonable persons of ordinary sensitivity, within the jurisdictional limits of the City; or
 - (3) Any noise which is so harsh, prolonged, unnatural, or unusual in time or place as to occasion unreasonable discomfort to any persons within the neighborhood from which said noises emanate, or as to unreasonably interfere with the peace and comfort of

neighbors or their guests, or operators or customers in places of business, or as to detrimentally or adversely affect such residences or places of business.

- (b) Factors for determining whether a sound is unreasonably loud and raucous include, but are not limited to, the following:
- (1) The proximity of the sound to sleeping facilities, whether residential or commercial;
 - (2) The land use, nature, and zoning of the area from which the sound emanates and the area where it is received or perceived;
 - (3) The time of day or night the sound occurs;
 - (4) The duration of the sound; and
 - (5) Whether the sound is recurrent, intermittent, or constant.

(Ord. No. 200-149-06, § 4, 11-14-2006; Ord. No. 100-02-11, § I, 5-17-2011)

Sec. 20-55. Prohibited noises enumerated.

The following acts are declared to be per se violations of this article. This enumeration does not constitute an exclusive list:

- (1) *Unreasonable noises.* The unreasonable making of, or knowingly and unreasonably permitting to be made, any unreasonably loud, boisterous or unusual noise, disturbance, commotion or vibration in any boarding facility, dwelling, place of business or other structure, or upon any public street, park, or other place or building. The ordinary and usual sounds, noises, commotion or vibration incidental to the operation of these places when conducted in accordance with the usual standards of practice and in a manner which will not unreasonably disturb the peace and comfort of adjacent residences or which will not detrimentally affect the operators of adjacent places of business are exempted from this provision.
- (2) *Vehicle horns, signaling devices, and similar devices.* The sounding of any horn, signaling device, or other similar device, on any automobile, motorcycle, or other vehicle on any right-of-way or in any public space of the City, for more than ten consecutive seconds. The sounding of any horn, signaling device, or other similar device, as a danger warning is exempt from this prohibition.
- (3) *Non-emergency signaling devices.* Sounding or permitting sounding any amplified signal from any bell, chime, siren, whistle or similar device, intended primarily for non-emergency purposes, from any place for more than ten consecutive seconds in any hourly period. The reasonable sounding of such devices by houses of religious worship or by the City for traffic control purposes are exempt from the operation of this provision.
- (4) *Emergency signaling devices.* The intentional sounding or permitting the sounding outdoors of any emergency signaling device including fire, burglar, civil defense alarm, siren, whistle, or similar emergency signaling device, except in an emergency or except as provided in subsections (4)a and b of this section.

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- a. Testing of an emergency signaling device shall occur between 7:00 a.m. and 7:00 p.m. Any testing shall use only the minimum cycle test time. In no case shall such test time exceed five minutes. Testing of the emergency signaling system shall not occur more than once in each calendar month.
 - b. Sounding or permitting the sounding of any exterior burglar or fire alarm or any motor vehicle burglar alarm, shall terminate within 15 minutes of activation unless an emergency exists. If a false or accidental activation of an alarm occurs more than twice in a calendar month, the owner or person responsible for the alarm shall be in violation of this article.
- (5) *Radios, televisions, boomboxes, phonographs, stereos, musical instruments and similar devices.* The use or operation of a radio, television, boombox, stereo, musical instrument, or similar device that produces or reproduces sound in a manner that is plainly audible to any person other than the player or operator of the device, and those who are voluntarily listening to the sound, and which unreasonably disturbs the peace, quiet, and comfort of neighbors and passersby, or is plainly audible at a distance of 50 feet from any person in a commercial, industrial area, or public space. The use or operation of a radio, television, boombox, stereo, musical instrument, or similar device that produces or reproduces sound in a manner that is plainly audible to any person other than the player or operator of the device, and those who are voluntarily listening to the sound, and unreasonably disturbs the peace, quiet, and comfort of neighbors in residential or noise-sensitive areas, including multifamily or single-family dwellings.
- (6) *Loudspeakers, amplifiers, public address systems, and similar devices.* The unreasonably loud and raucous use or operation of a loudspeaker, amplifier, public address system, or other device for producing or reproducing sound between the hours of 10:00 p.m. and 7:00 a.m. on weekdays, and 10:00 p.m. and 10:00 a.m. on weekends and holidays in the following areas:
- a. Within or adjacent to residential or noise-sensitive areas;
 - b. Within public space if the sound is plainly audible across the real property line of the public space from which the sound emanates, and is unreasonably loud and raucous.
- This shall not apply to any public performance, gathering, or parade for which a permit has been obtained from the City.
- (7) *Yelling, shouting, and similar activities.* Yelling, shouting, hooting, whistling, or singing in residential or noise-sensitive areas or in public places, between the hours of 10:00 p.m. and 7:00 a.m., or at any time or place so as to unreasonably disturb the quiet, comfort, or repose of reasonable persons of ordinary sensitivities.
- (8) *Animals and birds.* Unreasonably loud and raucous noise emitted by an animal or bird for which a person is responsible. A person is responsible for an animal if the person owns, controls or otherwise cares for the animal or bird. Sounds made by animals or birds in animal shelters, kennels, veterinary hospitals, pet shops or pet kennels licensed under and in compliance with any required local, state or federal licensing and permitting regulations are exempt from this subsection.

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- (9) *Loading or unloading merchandise, materials, equipment.* The creation of unreasonably loud, raucous, and excessive noise in connection with the loading or unloading of any vehicle at a place of business or residence.
- (10) *Construction or repair of buildings, excavation of streets and highways.* The construction, demolition, alteration or repair of any building or the excavation of streets and highways other than between the hours of 7:00 a.m. and 7:00 p.m. on weekdays. In cases of emergency, construction or repair noises are exempt from this provision. In non-emergency situations, the Building Inspector/City Manager may issue a permit, upon application, if the Building Inspector/City Manager determines that the public health and safety, as affected by loud and raucous noise caused by construction or repair of buildings or excavation of streets and highways between the hours of 7:00 p.m. and 7:00 a.m. will not be impaired, and if the Building Inspector/City Manager further determines that loss or inconvenience would result to a party in interest. The permit shall grant permission in non-emergency cases for a period of not more than three days. The permit may be renewed once for a period of three days or less.
- (11) *Noise-sensitive areas; schools, courts, churches, hospitals, and similar institutions.* The creation of any unreasonably loud and raucous noise adjacent to any noise-sensitive area while it is in use, which unreasonably interferes with the workings of the institution or which disturbs the persons in these institutions; provided that conspicuous signs delineating the boundaries of the noise-sensitive area are displayed in the streets surrounding the noise-sensitive area.
- (12) *Blowers and similar devices.* In residential or noise-sensitive areas, between the hours of 7:00 p.m. and 7:00 a.m., the operation of any noise-creating blower, power fan, or any internal combustion engine, the operation of which causes noise due to the explosion of operating gases or fluids, provided that the noise is unreasonably loud and raucous and can be heard across the property line of the property from which it emanates.
- (13) *Commercial establishments adjacent to residential property.* Unreasonably loud and raucous noise from the premises of any commercial establishment, including any outdoor area which is part of or under the control of the establishment, between the hours of 12:00 a.m. and 7:00 a.m. which is plainly audible at a distance of five feet from any residential property.

(Ord. No. 200-149-06, § 5, 11-14-2006; Ord. No. 100-02-11, § I, 5-17-2011)

Sec. 20-56. Exemptions.

Sounds caused by the following are exempt from the prohibitions set out in section 14-122 and are in addition to the exemptions specifically set forth in section 14-122:

- (1) *Motor vehicles on City trafficways.* Motor vehicles on trafficways of the City provided that the prohibition of section 14-122(2) continues to apply.
- (2) *Utility repairs.* Repairs of utility structures which pose a clear and immediate danger to life, health, or significant loss of property.

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- (3) *Emergency sirens, whistles, etc.* Sirens, whistles, or bells lawfully used by emergency vehicles, or other alarm systems used in case of fire, collision, civil defense, police activity, or imminent danger, provided that the prohibition contained in section 14-122(4) continues to apply.
 - (4) *Emergency alerts.* The emission of sound for the purpose of alerting persons to the existence of an emergency or the emission of sound in the performance of emergency work.
 - (5) *Repairs or excavations.* Repairs or excavations of bridges, streets or highways by or on behalf of the City, the State, or the federal government, between the hours of 7:00 p.m. and 7:00 a.m., when public welfare and convenience renders it impractical to perform the work between 7:00 a.m. and 7:00 p.m.
 - (6) *Outdoor school and playground activities.* Reasonable activities conducted on public playgrounds and public or private school grounds, which are conducted in accordance with the manner in which such spaces are generally used, including but not limited to school athletic and school entertainment events.
 - (7) *Other events.* Until 12:00 a.m. on any Friday, Saturday or City holiday, indoor and/or outdoor gatherings, public dances, shows and sporting events, and other similar outdoor events, provided that a permit has been obtained from the appropriate permitting authority.

(Ord. No. 200-149-06, § 6, 11-14-2006; Ord. No. 100-02-11, § I, 5-17-2011)

Sec. 20-57. Enforcement.

- (a) The City Police Department and its officers will have primary responsibility for the enforcement of the noise regulations contained herein. Nothing in this article shall prevent the Police Department and its officers from obtaining voluntary compliance by way of warning, notice or education.
- (b) If a person's conduct would otherwise violate this article and consists of speech or communication; of a gathering with others to hear or observe speech or communication; or of a gathering with others to picket or otherwise express in a nonviolent manner a position on social, economic, political or religious questions; the person must be ordered to, and have the opportunity to, move, disperse, or otherwise remedy the violation prior to arrest or a citation being issued.

(Ord. No. 200-149-06, § 7, 11-14-2006; Ord. No. 100-02-11, § I, 5-17-2011)

Sec. 20-58. Penalties.

- (a) A person who violates a provision of this article is guilty of a misdemeanor which is punishable by a fine not less than \$100.00 and not to exceed \$500.00.
- (b) Each occurrence of a violation, or, in the case of continuous violations, each day a violation occurs or continues, constitutes a separate offense and may be punished separately.

(Ord. No. 200-149-06, § 8, 11-14-2006; Ord. No. 100-02-11, § I, 5-17-2011)

Secs. 20-59 - 70. - Reserved.

ARTICLE IV. RESIDENTIAL PROPERTY MAINTENANCE

Sec. 20-71. - General

- (a) **Scope.** The provisions of this Chapter shall govern the minimum conditions and the responsibilities of persons for maintenance of structures, equipment and *exterior property* in residential zoning districts under Sec. 36-36 of the City of Shavano Park Code of Ordinances.
- (b) **Responsibility.** The *owner* of the *premises* shall maintain the premises in compliance with these requirements, except as otherwise provided for in this Chapter. A person shall not occupy as owner-occupant or permit another person to occupy *premises* that are not in a sanitary and safe condition and that do not comply with the requirements of this Chapter. *Occupants* of a *premises* are responsible for keeping in a clean, sanitary and safe condition that part of the *premises* they occupy and control.
- (c) **Code Official.** The City Manager, or their designee, shall be the appointed code official of this Chapter.
- (d) **Application of other codes.** Repairs, additions, or alterations to a structure, or changes of occupancy, shall be done in accordance with the procedures and provisions of the City adopted technical codes under Chapter 6, Article I of the City of Shavano Park Code of Ordinances. Nothing in this article shall be construed to cancel, modify or set aside any provisions of the Zoning Ordinance under Chapter 36 or the City of Shavano Park Code of Ordinances.
- (e) **Vacant structures and land.** Vacant structures and *premises* thereof or vacant land shall be maintained in a clean, safe, secure and sanitary condition as provided herein so as not to cause a blighting problem or adversely affect the public health or safety.
- (f) **Right of Entry.** Any entry onto a property shall be solely in the manner prescribed by Texas law.
- (g) **Failure to Comply.** Any person who shall continue any work after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be subject to a fine under Sec. 1-10 of the City of Shavano Park Code of Ordinances.
- (h) **Means of Appeal.** All appeals shall be governed by Sec. 36-125 of the City of Shavano Park Code of Ordinances.

Sec. 20-72. - Definitions

APPROVED. Meets the requirements of this Chapter as determined by the *code official*.

EXTERIOR PROPERTY. The open space on the *premises*.

GARBAGE. The animal or vegetable waste resulting from the handling, preparation, cooking and consumption of food.

OCCUPANT. Any individual having possession of a space within a building.

OPERATOR. Any person who has charge, care or control of a structure or *premises* that is let or offered for *occupancy*.

OWNER. Any person, agent, *operator*, firm or corporation having legal interest in the property; or recorded in the official records of the State of Texas, Bexar County as holding title to the property; or otherwise having control of the property, including the guardian of the estate of any such person, and the executor or administrator of the estate of such person if ordered to take possession of real property by a court.

PREMISES. A lot, plot or parcel of land including any structures thereon.

RUBBISH. Worthless, unwanted material that is rejected or thrown out; debris; litter; trash. Includes stagnant or unwholesome water, filth, carrion, rubble, junk or garbage, or impure or unwholesome matter of any kind, including, but not limited to, dead grass & vegetation, tree limbs, tree stumps, improper composting or improper storage of landscape materials, waste paper, scrap wood or lumber, scrap metal, rags, rubber tires, plastic, metal, ceramic or glass bottles, canisters, barrels or cans, combustible materials, appliances, furniture, discarded or unused flooring material, dismantled or disassembled vehicle parts, discarded or abandoned construction materials and exposed or uncovered fill materials.

Sec. 20-73. - Property Maintenance Required

(a) **Rubbish & Garbage.** *Exterior property* and *premises* of every structure, shall be free from any accumulation of *rubbish* or *garbage* in accordance. The owner of every occupied premises shall supply approved covered containers for rubbish and garbage, and the owner of the premises shall be responsible for the removal of rubbish and garbage. Containers shall be maintained to be leakproof and provided with close-fitting covers for the storage of rubbish and garbage until removed from the premises for disposal.

(b) **Weeds & Grass.** The owner or occupant of a premise shall not allow weeds or grass grow to a height greater than 12 inches in accordance with Sec. 14-80 of the City of Shavano Park Code of Ordinances.

(c) **Rodent harborage.** Structures and *exterior property* shall be kept free from rodent harborage and infestation. Where rodents are found, they shall be promptly removed by processes that will not be injurious to human health. After pest elimination, proper precautions shall be taken to eliminate rodent harborage and prevent reinfestation.

(d) **Defacement of property.** A person shall not willfully or wantonly damage, mutilate or deface any exterior surface of any structure or building on any property by placing thereon any marking, carving or graffiti. It shall be the responsibility of the owner to restore said surface to a state of good repair, structurally sound and sanitary.

Secs. 20-74 - 90. - Reserved.

I

CODE AMENDMENT

Chapter 8, Article I. – GENERAL of the City of Shavano Park Code of Ordinances is hereby amended renamed to COMMERCIAL PROPERTY MAINTENANCE.

II

CODE AMENDMENT

Chapter 8, Article I. – COMMERCIAL PROPERTY MAINTENANCE of the City of Shavano Park Code of Ordinances is hereby amended to read as follows:

Sec. 8-1. - General

- (a) **Scope.** The provisions of this Chapter shall govern the minimum conditions and the responsibilities of ~~persons~~ the owner of the premises for maintenance of structures, equipment and *exterior property* in commercially zoned districts under Sec. 36-39 and on commercial use properties in Mixed-Used Districts under Sec. 36-41 of the City of Shavano Park Code of Ordinances.
- (b) **Responsibility.** The *owner* of the *premises* shall maintain the structures and *exterior property* in compliance with these requirements, except as otherwise provided for in this Chapter. An owner ~~person~~ shall not occupy as owner-occupant or permit another person to occupy *premises* that are not in a sanitary and safe condition and that do not comply with the requirements of this Chapter. *Occupants* of a *premises* are responsible for keeping in a clean, sanitary and safe condition that part of the *premises* they occupy and control.
- (c) **Code Official.** The City Manager, or their designee, shall be the appointed code official of this Chapter.
- (d) **Application of other codes.** Repairs, additions, or alterations to a structure, or changes of occupancy, shall be done in accordance with the procedures and provisions of the City adopted technical codes under Chapter 6, Article I of the City of Shavano Park Code of Ordinances. Nothing in this article shall be construed to cancel, modify or set aside any provisions of the Zoning Ordinance under Chapter 36 or the City of Shavano Park Code of Ordinances.
- (e) **Vacant structures and land.** Vacant structures and *premises* thereof or vacant land shall be maintained in a clean, safe, secure and sanitary condition as provided herein so as not to cause a blighting problem or adversely affect the public health or safety.
- (f) **Right of Entry.** Any entry onto a property shall be solely in the manner proscribed by Texas law.
- (g) **Failure to Comply.** Any person who shall continue any work after having been served with a stop work order, except such work as that person is directed to

perform to remove a violation or unsafe condition, shall be subject liability to a fine under Sec. 1-10 of the City of Shavano Park Code of Ordinances.

(h) **Prosecution of violation.** Any action taken by the authority having jurisdiction on such premises shall be charged against the real estate upon which the structure is located and to the extent provided by the laws of the State of Texas shall be a lien upon such real estate.

(i) **Means of Appeal.** All appeals shall be governed by Sec. 36-125 of the City of Shavano Park Code of Ordinances.

~~(j) **Transfer of ownership.** To the extent provided by laws of the State of Texas, it shall be unlawful for the owner of any structure who has received a compliance order or upon whom a notice of violation has been served to sell, transfer, mortgage, lease or otherwise dispose of such structure to another until the provisions of the compliance order or notice of violation have been complied with, or until such owner or the owner's authorized agent shall first furnish the grantee, transferee, mortgagee or lessee a true copy of any compliance order or notice of violation issued by the code official and shall furnish to the code official a signed and notarized statement from the grantee, transferee, mortgagee or lessee, acknowledging the receipt of such compliance order or notice of violation and fully accepting the responsibility without condition for making the corrections or repairs required by such compliance order or notice of violation.~~

Sec. 8-2. - Definitions

Where terms are not defined through the methods authorized by this section, such terms shall have ordinarily accepted meanings such as the context implies.

ANCHORED. Secured in a manner that provides positive connection.

APPROVED. ~~Acceptable to the~~Meets the requirements of this Chapter as determined by the code official.

EXTERIOR PROPERTY. The open space on the ~~premises and on adjoining property under the control of owners or operators of such premises.~~

GARBAGE. The animal or vegetable waste resulting from the handling, preparation, cooking and consumption of food.

GUARD. A building component or a system of building components located at or near the open sides of elevated walking surfaces that minimizes the possibility of a fall from the walking surface to a lower level.

INFESTATION. The presence, within or contiguous to, a structure or *premises* of insects, rodents, vermin or other pests.

INOPERABLE MOTOR VEHICLE. A vehicle that cannot be driven upon the public streets for reason including but not limited to being -unregisteredunlicensed, wrecked, abandoned, in a state of disrepair, or incapable of being moved under its own power.

OCCUPANCY. The purpose for which a building or portion thereof is utilized or occupied.

OCCUPANT. Any individual having possession of a space within a building.

OPERATOR. Any person who has charge, care or control of a structure or *premises* that is let or offered for *occupancy*.

OWNER. Any person, agent, *operator*, firm or corporation having legal ~~or equitable~~ interest in the property; or recorded in the official records of the State of Texas, Bexar County as holding title to the property; or otherwise having control of the property, including the guardian of the estate of any such person, and the executor or administrator of the estate of such person if ordered to take possession of real property by a court.

PREMISES. A lot, plot or parcel of land including any structures thereon.

RUBBISH. Worthless, unwanted material that is rejected or thrown out; debris; litter; trash. Includes stagnant or unwholesome water, filth, carrion, rubble, junk or garbage, or impure or unwholesome matter of any kind, including, but not limited to, dead grass & vegetation, tree limbs, tree stumps, improper composting or improper storage of landscape materials, waste paper, scrap wood or lumber, scrap metal, rags, rubber tires, plastic, metal, ceramic or glass bottles, canisters, barrels or cans, combustible materials, appliances, furniture, discarded or unused flooring material, dismantled or disassembled vehicle parts, discarded or abandoned construction materials and exposed or uncovered fill materials.

ULTIMATE DEFORMATION. The deformation at which failure occurs and that shall be deemed to occur if the sustainable load reduces to 80% or less of the maximum strength.

Sec. 8-3. - Exterior Property

- (a) **Sanitation.** *Exterior property* and *premises* shall be maintained in a clean, safe and sanitary condition. The owner of every occupied premise shall ~~The occupant shall~~ keep that part of the *exterior property* that such ~~occupant-owner~~ occupies or controls in a clean and sanitary condition.
- (b) **Rubbish & Garbage.** *Exterior property* and *premises* of every structure, shall be free from any accumulation of *rubbish* or *garbage* ~~in accordance~~. The owner of every occupied premises shall supply approved covered containers for rubbish and garbage, and the owner of the premises shall be responsible for the removal of rubbish and garbage. Containers shall be maintained to be leakproof and provided with close-fitting covers for the storage of rubbish until removed from the premises for disposal.
- (c) **Grading and drainage.** Except as to approved retention areas and reservoirs, *premises* shall be graded and maintained to prevent the erosion of soil and to prevent the accumulation of stagnant water thereon. or within any structure located thereon.
- (d) **Sidewalks and driveways.** Sidewalks, walkways, stairs, driveways, parking spaces and similar areas shall be kept in a proper state of repair. and maintained free from hazardous conditions.
- (e) **Weeds & Grass.** The owner or occupant of a premise ~~Premises and exterior property~~ shall not allow weeds or grass grow to a height greater than 12 inches in accordance with Sec. 14-80 of the City of Shavano Park Code of Ordinances.
- ~~(f) **Rodent harborage.** Structures and *exterior property* shall be kept free from rodent harborage and infestation. Where rodents are found, they shall be promptly removed by approved processes that will not be injurious to human health. After pest elimination, proper precautions shall be taken to eliminate rodent harborage and prevent reinfestation.~~
- ~~(g)~~(f) **Accessory structures, fences and screening devices.** Accessory structures, ~~including~~ fences and wall screening devices, shall be maintained structurally sound and in good repair.
- ~~(h)~~(g) **Motor vehicles.** Except as provided for in other regulations, inoperable ~~or unlicensed~~ motor vehicles shall not be parked, kept or stored in the open on any ~~premises, and vehicles shall not at any time be in a state of major disassembly,~~

~~disrepair, or in the process of being stripped or dismantled. Painting of vehicles is prohibited.~~ Except as specifically allowed by the Code, there may be no overnight outdoors storage of vehicles.

~~(f)(h)~~ **Defacement of property.** A person shall not willfully or wantonly damage, mutilate or deface any exterior surface of any structure or building on any property by placing thereon any marking, carving or graffiti. It shall be the responsibility of the *owner* to restore said surface to ~~an approved~~ state of good repair, structurally sound and sanitary maintenance and repair.

Sec. 8-4. - Exterior Structure

- (a) **General.** The exterior of a structure shall be maintained in good repair, structurally sound and sanitary so as not to pose a threat to the public health, safety or welfare.
- (b) **Unsafe conditions.** The following conditions shall be determined as unsafe and shall be repaired or replaced to comply with the *International Building Code*.
- (1) The nominal strength of any structural member is exceeded by nominal loads, the load effects or the required strength.
 - (2) The *anchorage* of the floor or roof to walls or columns, and of walls and columns to foundations is not capable of resisting all nominal loads or load effects.
 - (3) Structures or components thereof that have reached their limit state.
 - (4) Siding and masonry joints including joints between the building envelope and the perimeter of windows, doors and skylights are not maintained, weather resistant or watertight.
 - (5) Structural members that have evidence of deterioration or that are not capable of safely supporting all nominal loads and load effects.
 - (6) Foundation systems that are not firmly supported by footings, are not plumb and free from open cracks and breaks, are not properly *anchored* or are not capable of supporting all nominal loads and resisting all load effects.
 - (7) Exterior walls that are not *anchored* to supporting and supported elements or are not plumb and free of holes, cracks or breaks and loose or rotting materials, are not properly *anchored* or are not capable of supporting all nominal loads and resisting all load effects.
 - (8) Roofing or roofing components that have defects that admit rain, roof surfaces with inadequate drainage. or any portion of the roof framing that is not in good

repair with signs of deterioration, fatigue or without proper anchorage and incapable of supporting all nominal loads and resisting all load effects.

- (9) Flooring and flooring components with defects that affect serviceability or flooring components that show signs of deterioration or fatigue, are not properly *anchored* or are incapable of supporting all nominal loads and resisting all load effects.
- (10) Veneer, cornices, belt courses, corbels, trim, wall facings and similar decorative features not properly anchored or that are *anchored* with connections not capable of supporting all nominal loads and resisting all load effects.
- (11) Overhang extensions or projections including, but not limited to, trash chutes, canopies, marquees, signs, awnings, fire escapes, standpipes, outdoor parking and exhaust ducts not properly *anchored* or that are *anchored* with connections not capable of supporting all nominal loads and resisting all load effects.
- (12) Exterior stairs, decks, porches, balconies and all similar appurtenances attached thereto, including *guards* and handrails, are not structurally sound, not properly *anchored* or that are *anchored* with connections not capable of supporting all nominal loads and resisting all load effects.

(13) Chimneys, cooling towers, smokestacks and similar appurtenances are not permitted in the City.

~~Gates. Exterior gates, gate assemblies, operator systems if provided, and hardware shall be maintained in good condition.~~

~~(13)(14)~~

- (c) **Protective treatment.** Exterior surfaces, including but not limited to doors, door and window frames, cornices, porches, trim, balconies, decks and fences, shall be maintained in good condition. Exterior wood surfaces, other than decay-resistant woods, shall be protected from the elements and decay by painting or other protective covering or treatment. Peeling, flaking and chipped paint shall be eliminated and surfaces repainted. Siding and masonry joints, as well as those between the building envelope and the perimeter of windows, doors and skylights, shall be maintained weather resistant and water tight. Metal surfaces subject to rust or corrosion shall be coated to inhibit such rust and corrosion, and surfaces with rust or corrosion shall be stabilized and coated to inhibit future rust and corrosion. ~~Oxidation stains shall be removed from exterior surfaces. Surfaces designed for stabilization by oxidation are exempt from this requirement.~~

- ~~(d) **Structural members.** Structural members shall be maintained free from deterioration, and shall be capable of safely supporting the imposed dead and live loads.~~
- ~~(e) **Foundation walls.** Foundation walls shall be maintained plumb and free from open cracks and breaks and shall be kept in such condition so as to prevent the entry of rodents and other pests.~~
- ~~(f) **Roofs and drainage.** The roof and flashing shall be sound, tight and not have defects that admit rain. Roof drainage shall be adequate to prevent dampness or deterioration in the walls or interior portion of the structure. Roof drains, gutters and downspouts shall be maintained in good repair and free from obstructions. Roof water shall not be discharged in a manner that creates a public nuisance.~~
- ~~(g) **Decorative features.** Cornices, belt courses, corbels, terra cotta trim, wall facings and similar decorative features shall be maintained in good repair with proper anchorage and in a safe condition.~~
- ~~(h) **Overhang extensions.** Overhang extensions including, but not limited to, canopies, marquees, signs, metal awnings, fire escapes, standpipes and exhaust ducts shall be maintained in good repair and be properly *anchored* so as to be kept in a sound condition. Where required, all exposed surfaces of metal or wood shall be protected from the elements and against decay or rust by periodic application of weather coating materials, such as paint or similar surface treatment. Fabrics and plastics of any kind shall maintain not less than 75% of their original color.~~
- ~~(i) **Stairways, decks, porches and balconies.** Every exterior stairway, deck, porch and balcony, and all appurtenances attached thereto, shall be maintained structurally sound, in good repair, with proper anchorage and capable of supporting the imposed loads.~~
- ~~(j) **Handrails and guards.** Every handrail and *guard* shall be firmly fastened and capable of supporting normally imposed loads and shall be maintained in good condition.~~
- ~~(k)(a) **Gates.** Exterior gates, gate assemblies, operator systems if provided, and hardware shall be maintained in good condition.~~

Sec. 8-5. - Component Serviceability

- (a) **General.** The components of a structure and equipment therein shall be maintained in good repair, structurally sound and in a sanitary condition.

(b) **Unsafe conditions.** Except where substantiated otherwise by an *approved* method, where any of the following conditions cause the component or system to be beyond its limit state, the component or system shall be determined as unsafe and shall be repaired or replaced to comply with the *International Building Code*:

(1) Soils-Foundations that have been subjected to any of the following conditions:

(A) Collapse of footing or foundation system as determined by a licensed structural engineer.

~~(B) Damage to footing, foundation, concrete or other structural element due to soil expansion.~~

~~(C) Adverse effects to the design strength of footing, foundation, concrete or other structural element due to a chemical reaction from the soil.~~

~~(D)~~(B) Inadequate soil bearing capacity as determined by a licensed structural engineer-geotechnical investigation.

~~(E) Where the allowable bearing capacity of the soil is in doubt.~~

~~(F) Adverse effects to the footing, foundation, concrete or other structural element due to the ground water table.~~

(2) Concrete that has been subjected to any of the following conditions:

~~(A) Deterioration.~~

~~(B)~~(A) *Ultimate deformation*.

~~(C) Fractures.~~

~~(D) Fissures.~~

~~(E) Spalling.~~

~~(F) Exposed reinforcement.~~

~~(G)~~(B) Detached, dislodged or failing connections.

(3) Aluminum that has been subjected to any of the following conditions:

~~(A) Deterioration.~~

~~(B)~~(A) Corrosion.

~~(C) Elastic deformation.~~

~~(D)~~(B) *Ultimate deformation*.

~~(E) Stress or strain cracks.~~

~~(F) Joint fatigue.~~

~~(G)~~(C) Detached, dislodged or failing connections.

(4) Masonry that has been subjected to any of the following conditions:

~~(A) Deterioration.~~

~~(B)(A) Ultimate deformation.~~

~~(C) Fractures in masonry or mortar joints.~~

~~(D) Fissures in masonry or mortar joints.~~

~~(E) Spalling.~~

~~(F) Exposed reinforcement.~~

~~(G)(B) Detached, dislodged or failing connections.~~

(5) Steel that has been subjected to any of the following conditions:

~~(A) Deterioration.~~

~~(B) Elastic deformation.~~

~~(C)(A) Ultimate deformation.~~

~~(D) Metal fatigue.~~

~~(E)(B) Detached, dislodged or failing connections.~~

(6) Wood that has been subjected to any of the following conditions:

~~(A) Deterioration.~~

~~(B)(A) Ultimate deformation.~~

~~(C)(B) Damage from insects, rodents and other vermin.~~

~~(D)(C) Fire damage beyond charring.~~

~~(E) Significant splits and checks.~~

~~(F) Horizontal shear cracks.~~

~~(G) Vertical shear cracks.~~

~~(H)(D) Inadequate support.~~

~~(I)(E) Detached, dislodged or failing connections.~~

~~(J) Excessive cutting and notching.~~

Sec. 8-6. - Pest Elimination in Commercial structures

(c) **Infestation.** Commercial sStructures shall be kept free from insect and rodent infestation. Commercial Structures in which insects are found shall be promptly exterminated by approved processes that will not be injurious to human health. Commercial Structures in which rodents are found shall be promptly removed/exterminated by approved processes that will not be injurious to human health. After pest elimination, proper precautions shall be taken to prevent reinfestation.

- (d) **Owner.** The owner of any commercial structure shall be responsible for pest elimination within the structure prior to renting or leasing the structure and for infestations caused by defects in the structure.
- (e) **Occupant.** Except where the infestations are caused by defects in the structure, the occupant of any structure shall be responsible for the continued rodent and pest-free condition of the structure.

Secs. 8-7 - 8-18. - Reserved.

III CODE AMENDMENT

Chapter 14, Article IV. –WEEDS, GRASS AND OTHER VEGETATION, Sec. 14-81 of the City of Shavano Park Code of Ordinances is hereby amended to read as follows:

Sec.14-81. - Property to be free of conditions constituting public nuisances.

Property Maintenance is required for ~~both~~ properties in both commercial and residential zoning districts. Property Maintenance requirements for properties in commercial zoning districts are found in Chapter 8, Article I. - COMMERCIAL PROPERTY MAINTENANCE of the City of Shavano Park Code of Ordinances. Property Maintenance requirements for properties in residential zoning districts are to be found in Chapter 20, Article IV. - RESIDENTIAL PROPERTY MAINTENANCE of the City of Shavano Park Code of Ordinances.

III CODE AMENDMENT

Chapter 20, Article III. – NOISE of the City of Shavano Park Code of Ordinances is hereby amended to add the following:

Secs. 20-59 - 70. - Reserved.

IV CODE AMENDMENT

Chapter 20, Article IV. – RESIDENTIAL PROPERTY MAINTENANCE of the City of Shavano Park Code of Ordinances is hereby created to read as follows:

ARTICLE IV. - RESIDENTIAL PROPERTY MAINTENANCE

Sec. 20-71. - General

- (a) **Scope.** The provisions of this Chapter shall govern the minimum conditions and the responsibilities of persons for maintenance of structures, equipment and *exterior*

property in residential zoning districts under Sec. 36-36 of the City of Shavano Park Code of Ordinances.

- (b) **Responsibility.** The *owner* of the *premises* shall maintain the premises structures and exterior property in compliance with these requirements, except as otherwise provided for in this Chapter. A person shall not occupy as owner-occupant or permit another person to occupy *premises* that are not in a sanitary and safe condition and that do not comply with the requirements of this Chapter. *Occupants* of a *premises* are responsible for keeping in a clean, sanitary and safe condition that part of the *premises* they occupy and control.
- (c) **Code Official.** The City Manager, or their designee, shall be the appointed code official of this Chapter.
- (d) **Application of other codes.** Repairs, additions, or alterations to a structure, or changes of occupancy, shall be done in accordance with the procedures and provisions of the City adopted technical codes under Chapter 6, Article I of the City of Shavano Park Code of Ordinances. Nothing in this article shall be construed to cancel, modify or set aside any provisions of the Zoning Ordinance under Chapter 36 or the City of Shavano Park Code of Ordinances.
- (e) **Vacant structures and land.** Vacant structures and *premises* thereof or vacant land shall be maintained in a clean, safe, secure and sanitary condition as provided herein so as not to cause a blighting problem or adversely affect the public health or safety.
- (f) **Right of Entry.** Any entry onto a property shall be solely in the manner prescribed by Texas law.
- (g) **Failure to Comply.** Any person who shall continue any work after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be subject liability to a fine under Sec. 1-10 of the City of Shavano Park Code of Ordinances.
- (h) **Means of Appeal.** All appeals shall be governed by Sec. 36-125 of the City of Shavano Park Code of Ordinances.
- ~~(i) **Transfer of ownership.** To the extent provided by laws of the State of Texas, it shall be unlawful for the owner of any structure who has received a compliance order or upon whom a notice of violation has been served to sell, transfer, mortgage, lease or otherwise dispose of such structure to another until the provisions of the compliance order or notice of violation have been complied with, or until such owner or the owner's authorized agent shall first furnish the grantee, transferee, mortgagee or lessee a true copy of any compliance order or notice of violation issued by the code official and shall furnish to the code official a signed and notarized statement from the grantee, transferee, mortgagee or lessee, acknowledging the receipt of such compliance order or notice of violation and fully~~

~~accepting the responsibility without condition for making the corrections or repairs required by such compliance order or notice of violation.~~

Sec. 20-72. - Definitions

APPROVED. ~~Acceptable to the~~ Meets the requirements of this Chapter as determined by the *code official.*

EXTERIOR PROPERTY. The open space on the *premises* ~~and on adjoining property under the control of owners or operators of such premises.~~

GARBAGE. The animal or vegetable waste resulting from the handling, preparation, cooking and consumption of food.

OCCUPANT. Any individual having possession of a space within a building.

OPERATOR. Any person who has charge, care or control of a structure or *premises* that is let or offered for *occupancy*.

OWNER. Any person, agent, *operator*, firm or corporation having legal ~~or equitable~~ interest in the property; or recorded in the official records of the State of Texas, Bexar County as holding title to the property; or otherwise having control of the property, including the guardian of the estate of any such person, and the executor or administrator of the estate of such person if ordered to take possession of real property by a court.

PREMISES. A lot, plot or parcel of land including any structures thereon.

RUBBISH. Worthless, unwanted material that is rejected or thrown out; debris; litter; trash. Includes stagnant or unwholesome water, filth, carrion, rubble, junk or garbage, or impure or unwholesome matter of any kind, including, but not limited to, dead grass & vegetation, tree limbs, tree stumps, improper composting or improper storage of landscape materials, waste paper, scrap wood or lumber, scrap metal, rags, rubber tires, plastic, metal, ceramic or glass bottles, canisters, barrels or cans, combustible materials, appliances, furniture, discarded or unused flooring material, dismantled or disassembled vehicle parts, discarded or abandoned construction materials and exposed or uncovered fill materials.

Sec. 20-73. - Property Maintenance Required

- (a) **Rubbish & Garbage.** *Exterior property* and *premises* of every structure, shall be free from any accumulation of *rubbish* or *garbage* in accordance. The owner of every occupied premises shall supply approved covered containers for rubbish and garbage, and the owner of the premises shall be responsible for the removal of rubbish and garbage. Containers shall be maintained to be leakproof and provided with close-fitting covers for the storage of rubbish and garbage until removed from the premises for disposal.
- (b) **Weeds & Grass.** The owner or occupant of a premise ~~*Premises and exterior property*~~ shall not allow weeds or grass grow to a height greater than 12 inches in accordance with Sec. 14-80 of the City of Shavano Park Code of Ordinances.
- (c) **Rodent harborage.** Structures and *exterior property* shall be kept free from rodent harborage and infestation. Where rodents are found, they shall be promptly removed by ~~*approved*~~ processes that will not be injurious to human health. After pest elimination, proper precautions shall be taken to eliminate rodent harborage and prevent reinfestation.
- (d) **Defacement of property.** A person shall not willfully or wantonly damage, mutilate or deface any exterior surface of any structure or building on any property by placing thereon any marking, carving or graffiti. It shall be the responsibility of the owner to restore said surface to a ~~*n-approved*~~ state of good repair, structurally sound and sanitary ~~*maintenance and repair*~~.

Secs. 20-74 - 90. - Reserved.