

**CITY OF SHAVANO PARK  
PLANNING & ZONING COMMISSION MEETING  
CITY HALL, COUNCIL CHAMBERS  
900 SADDLETREE COURT, SHAVANO PARK, TEXAS 78231  
August 3, 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, August 3, 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](http://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(1) 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 youThe 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, July 6, 2022
5. Presentation / discussion - Shavano Park Commercial and Residential Development Semi-annual Presentation - Bitterblue, Inc. / Denton Communities
6. Public Hearing - The purpose of the public hearing is to receive comments from members of the public regarding proposed amendments to Chapter 6 – BUILDING AND BUILDING REGULATIONS and

Chapter 36 - ZONING to allow generators within building setbacks lines and require screening for certain propane tanks.

7. Discussion / action – Proposed amendments to Chapter 6 – BUILDING AND BUILDING REGULATIONS and Chapter 36 - ZONING to allow generators within building setbacks lines and require screening for certain propane tanks - City Manager
8. Discussion / action - Proposed amendments to City Ordinances for property maintenance requirements in Commercial and Residential zoning districts - City Manager
9. Presentation / discussion – Update to the City’s 2018 Town Plan as the City Comprehensive Plan for 2023 and future years – City Manager
  - 8.a. Review - Intro / Vision / Goals / History / Existing Conditions
  - 8.b. Review and discussion - SWOT input
10. Report / update - City Council items considered at previous City Council meetings and discussion concerning the same - City Manager
11. **Chairman Announcements:**
  - A. Advise members to contact City staff to add new or old agenda items.
  - B. Advise members of pending agenda items:
    - i. September: Town Plan Public Hearing: SWOTS / Vision / Goals
    - ii. September: Town Plan Topic Introduction: Residential / Commercial / Drainage / MuniTract
    - iii. 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
12. **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 29 of July 2022 at 12:55 p.m. and remained so posted continuously for at least 72 hours preceding the scheduled time of said meeting.

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Trish Nichols  
City Secretary

**1. Call to order**

Chairman Laws called the meeting to order at 6:30 p.m.

PRESENT:  
Carla Laws  
Lori Fanning  
Shawn Fitzpatrick  
Bill Simmons  
William Stipek  
Song Tan

ABSENT:  
Vickey Maisel  
Cindy Teske

**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 Fitzpatrick, 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.**

No one in the public signed up to speak at Citizens to be Heard.

**4. Consent Agenda:**

Approval - Planning & Zoning Commission minutes, June 1, 2022.

Upon a motion made by Commissioner Fitzpatrick 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 June 1, 2022 as presented. The motion carried.

**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**

Pape-Dawson Engineering presented the amending plat action and the Commission held discussion on the amending plat action.

A motion was made by Commissioner Tan to approve the amending plat of Pond Hill Garden Villas Unit-2 to adjust lot lines between Lot 1712 and Lots 1707 and 1706 with the addition of a zero-lot line indicator and zero lot line note for Lot 1706.

A second made by Commissioner Fitzpatrick. The Planning & Zoning Commission voted six (6) for and none (0) opposed to approve the amending plat of Pond Hill Garden Villas Unit-2 to adjust lot lines between Lot 1712 and Lots 1707 and 1706 with the addition of a zero lot line indicator and zero lot line note for Lot 1706. The motion carried.

**6. Presentation /discussion - Possible propane tank and generator screening and setback requirement amendments to City Ordinances - City Manager**

City Manager Hill and Assistant to the City Manager Leeth presented possible propane tank and generator regulation amendments to the City Ordinances that are allowed under State Law.

The Commission discussed the possible amendments and State Law. No action was taken.

**7. Discussion - Possible Property Maintenance Code amendments to City Ordinances - City Manager**

Assistant to the City Manager Leeth presented possible Property Maintenance Code amendments to the City Ordinances.

The Commission discussed the possible amendments. No action was taken.

**8. Report / update - City Council items considered at previous City Council meetings and discussion concerning the same - City Manager.**

City Manager Hill provided an overview of items considered at the previous City Council Meeting.

**9. Chairman Announcements:**

Chairman Laws announced the following:

- 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**

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 adjourn the meeting at 7:54 p.m. The motion carried.

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**Carla Laws, Chairman**

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**Trish Nichols, City Secretary**

## PLANNING & ZONING STAFF SUMMARY

Meeting Date: August 3, 2022

Agenda item: 5

Prepared by: Curtis Leeth

Reviewed by: Bill Hill

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### **AGENDA ITEM DESCRIPTION:**

**Presentation / discussion - Shavano Park Commercial and Residential Development Semi-annual Presentation - Bitterblue, Inc. / Denton Communities**

**Attachments for Reference:**

1) N/A; Presentation given at meeting

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**BACKGROUND / HISTORY:** Bitterblue / Denton traditionally present a semi-annual update of Residential and Commercial Development. Bitterblue / Denton presented the last semi-annual update to the Planning & Zoning Commission at the February 2, 2022 meeting.

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**DISCUSSION:** Presentation will be made by Mr. Daryl Lange, head of Commercial Marketing for Bitterblue.

Presentation was not available early for read-ahead, but will be given at the meeting.

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**COURSES OF ACTION:** Not an action item.

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**FINANCIAL IMPACT:** N/A

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**MOTION REQUESTED:** Not an action item.

## PLANNING & ZONING STAFF SUMMARY

Meeting Date: August 3, 2022

Agenda item: 6 / 7

Prepared by: Curtis Leeth

Reviewed by: Curtis Leeth

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### **AGENDA ITEM DESCRIPTION:**

6. Public Hearing - The purpose of the public hearing is to receive comments from members of the public regarding proposed amendments to Chapter 6 – BUILDING AND BUILDING REGULATIONS and Chapter 36 - ZONING to allow generators within building setbacks lines and require screening for certain propane tanks.

7. Discussion / action – Proposed amendments to Chapter 6 – BUILDING AND BUILDING REGULATIONS and Chapter 36 - ZONING to allow generators within building setbacks lines and require screening for certain propane tanks - City Manager

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#### **Attachments for Reference:**

- 1) 7a Proposed Propane/Generator Amendments
- 2) 7b Guidance for Tex. Nat. Res. Code § 113.051
- 3) 7c Fire Code Table 6104.3

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**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.

At the July 6, 2022 Planning & Zoning Commission, staff briefed the Commission on possible generator and propane tank amendments allowed under State Law. Discussion was held but no action taken.

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**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.**

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

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 6b). Guidance documents declare State Law supersedes any and all local rules or regulations regarding Liquefied-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 and City Attorney, after engaging the legal counsel of the Railroad Commission’s Office, prepared amendments in attachment 6a. Proposed amendments allow generators within setbacks, require screening for LPG tanks and require Fire inspections for LPG tanks installed within 10 feet of a property line. This Fire inspection is required so the City has an opportunity, if finding health and safety risks during inspection, to petition the Railroad Commission’s executive director to enforce the International Fire Code LPG tank setbacks (see attachment 6c). This petition is allowed under Sec. 113.054 of Tex. Nat. Res. Code and noted in the Guidance document attachment 6c.

Staff added a qualifier that proposed LPG tank regulations (Tex. Natural Resources Code) only apply to tanks sized greater than 100 pounds. Staff researches these tanks are the maximum practical portable size.



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**COURSES OF ACTION:** Recommend approval of proposed Amendments as presented; proposed additional amendments; or decline entirely and provide guidance to staff.

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**FINANCIAL IMPACT:** N/A

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**MOTION REQUESTED:** Motion to recommend approval of proposed amendments to Chapter 6 – BUILDING AND BUILDING REGULATIONS and Chapter 36 - ZONING to allow generators within building setbacks lines and require screening for certain propane tanks.

**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 sized greater than 100 pounds shall be installed in accordance with Texas Natural Resources Code § 113.052. LPG tanks shall be installed as provided in this section:

- (1) To avoid possible conflicts with the State's adopted national codes under Tex. Nat. Res. Code § 113.052, and the International Fire Code, LPG tanks should not be installed within 10 feet of a property line.
- (2) All LPG tank installed within 10 feet of the property line shall require a Fire Inspection by the Fire Marshal of the City of Shavano Park to ascertain the health and safety of such an installation near the property line. The City may elect to petition the Railroad Commission's executive director for permission to promulgate more restrictive rules and standards pursuant to Tex. Nat. Res. Code § 113.054.
- (3) All LPG tanks constructed in front yard or side yard require a screening device erected to block view from the street.

**Sec. 6-93. Flood hazard areas.**

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

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**Sec. 6-95. Portable buildings.**

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**Sec. 6-96. Swimming pools.**

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**Sec. 6-97. Driveway curb cut.**

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**Sec. 6-98. Mailboxes.**

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**Sec. 6-99. Stables and animal shelters.**

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**Sec. 6-100. Blocking of easements.**

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**Sec. 6-101. Wooden roofs.**

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**Sec. 6-102. Height regulations.**

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**Sec. 6-103. Area regulations.**

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**Sec. 6-104. Sport courts.**

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**Secs. 6-106—6-123. Reserved.**

## Chapter 36 ZONING<sup>1</sup>

### 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.

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*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.**

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**Secs. 36-7—36-30. Reserved.**

***ARTICLE II. DISTRICTS***

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**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.**

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

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**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.

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- 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.

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- 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

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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.

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- 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 sized greater than 100 pounds shall be installed in accordance with Texas Natural Resources Code § 113.052, and as provided in this section:

- 
- a. To avoid possible conflicts with the State's adopted national codes under Tex. Nat. Res. Code § 113.052, and the International Fire Code, LPG tanks should not be installed within 10 feet of a property line.
  - b. All LPG tank installed within 10 feet of the property line shall require a Fire Inspection by the Fire Marshal of the City of Shavano Park to ascertain the health and safety of such an installation near the property line. The City may elect to petition the Railroad Commission's executive director for permission to promulgate more restrictive rules and standards pursuant to Tex. Nat. Res. Code § 113.054.
  - c. All LPG tanks constructed in front yard or side yard require a screening device erected to block view from the street.

(ji) *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.

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- (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 sized greater than 100 pounds shall be installed in accordance with Texas Natural Resources Code § 113.052, and as provided in this section:
- a. To avoid possible conflicts with the State’s adopted national codes under Tex. Nat. Res. Code § 113.052, and the International Fire Code, LPG tanks should not be installed within 10 feet of a property line.

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b. All LPG tank installed within 10 feet of the property line shall require a Fire Inspection by the Fire Marshal of the City of Shavano Park to ascertain the health and safety of such an installation near the property line. The City may elect to petition the Railroad Commission's executive director for permission to promulgate more restrictive rules and standards pursuant to Tex. Nat. Res. Code § 113.054.

c. All LPG tanks constructed in front yard or side yard require a screening device erected to block view from the street.

(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:

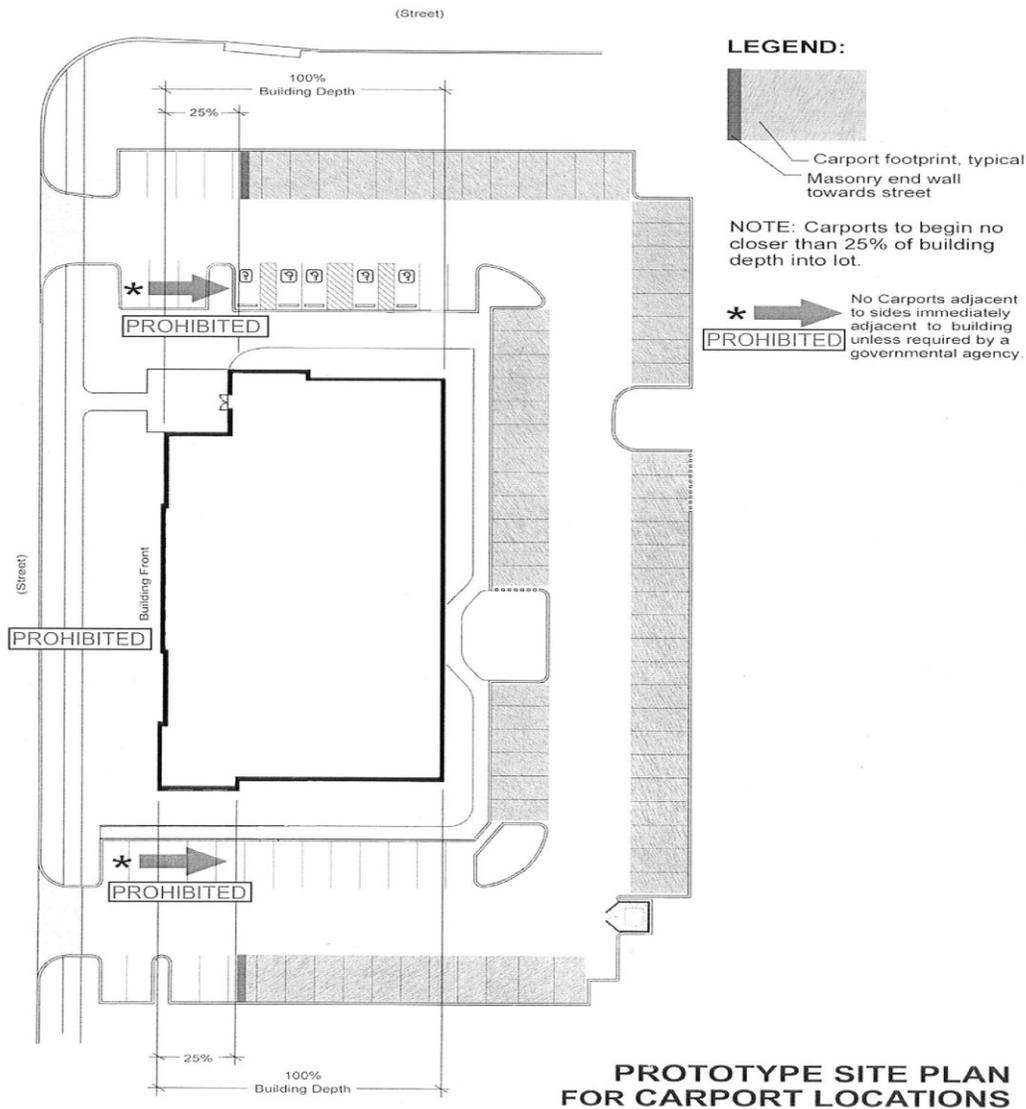
a. *Parking.*

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.

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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.
  - (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.*

- 
- 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 sized greater than 100 pounds shall be installed in accordance with Texas Natural Resources Code § 113.052, and as provided in this section:

1. To avoid possible conflicts with the State's adopted national codes under Tex. Nat. Res. Code § 113.052, and the International Fire Code, LPG tanks should not be installed within 10 feet of a property line.

2. All LPG tank installed within 10 feet of the property line shall require a Fire Inspection by the Fire Marshal of the City of Shavano Park to ascertain the health and safety of such an installation near the property line. The City may elect to petition the Railroad Commission's executive director for permission to promulgate more restrictive rules and standards pursuant to Tex. Nat. Res. Code § 113.054.

3. All LPG tanks constructed in front yard or side yard require a screening device erected to block view from the street.

(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.*

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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.
  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

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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.**

...

**Sec. 36-43. Special uses.**

...

**Sec. 36-44. Home occupations.**

...

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

...

**Secs. 36-46—36-68. Reserve**

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

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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 82<sup>nd</sup> 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.

required by the *fire code official*. Smoking within 25 feet (7620 mm) of a point of transfer, while filling operations are in progress at LP-gas containers or vehicles, shall be prohibited.

Control of other sources of ignition shall comply with Chapter 3 of this code and Section 6.25 of NFPA 58.

**6107.3 Clearance to combustibles.** Weeds, grass, brush, trash and other combustible materials shall be kept not less than 10 feet (3048 mm) from LP-gas tanks or containers.

**6107.4 Protecting containers from vehicles.** Where exposed to vehicular damage due to proximity to alleys,

driveways or parking areas, LP-gas containers, regulators and piping shall be protected in accordance with NFPA 58.

## SECTION 6108 FIRE PROTECTION

**6108.1 General.** Fire protection shall be provided for installations having LP-gas storage containers with a water capacity of more than 4,000 gallons (15 140 L), as required by Section 6.29 of NFPA 58.

**6108.2 Portable fire extinguishers.** Portable fire extinguishers complying with Section 906 shall be provided as specified in NFPA 58.

TABLE 6104.3  
LOCATION OF LP-GAS CONTAINERS

LP-GAS CONTAINER CAPACITY (water gallons)	MINIMUM SEPARATION BETWEEN LP-GAS CONTAINERS AND BUILDINGS, PUBLIC WAYS <sup>a</sup> OR LOT LINES OF ADJOINING PROPERTY THAT CAN BE BUILT UPON		MINIMUM SEPARATION BETWEEN LP-GAS CONTAINERS <sup>b,c</sup> (feet)
	Mounded or underground LP-gas containers <sup>a</sup> (feet)	Above-ground LP-gas containers <sup>b</sup> (feet)	
Less than 125 <sup>c,d</sup>	10	5 <sup>e</sup>	None
125 to 250	10	10	None
251 to 500	10	10	3
501 to 2,000	10	25 <sup>e,f</sup>	3
2,001 to 30,000	50	50	5
30,001 to 70,000	50	75	(0.25 of sum of diameters of adjacent LP-gas containers)
70,001 to 90,000	50	100	
90,001 to 120,000	50	125	

For SI: 1 foot = 304.8 mm, 1 gallon = 3.785 L.

- a. Minimum distance for underground LP-gas containers shall be measured from the pressure relief device and the filling or liquid-level gauge vent connection at the container, except that all parts of an underground LP-gas container shall be not less than 10 feet from a building or lot line of adjoining property that can be built upon.
- b. For other than installations in which the overhanging structure is 50 feet or more above the relief-valve discharge outlet. In applying the distance between buildings and ASME LP-gas containers with a water capacity of 125 gallons or more, not less than 50 percent of this horizontal distance shall also apply to all portions of the building that project more than 5 feet from the building wall and that are higher than the relief valve discharge outlet. This horizontal distance shall be measured from a point determined by projecting the outside edge of such overhanging structure vertically downward to grade or other level on which the LP-gas container is installed. Distances to the building wall shall be not less than those prescribed in this table.
- c. Where underground multicontainer installations are composed of individual LP-gas containers having a water capacity of 125 gallons or more, such containers shall be installed so as to provide access at their ends or sides to facilitate working with cranes or hoists.
- d. At a consumer site, if the aggregate water capacity of a multiple-container installation, comprised of individual LP-gas containers having a water capacity of less than 125 gallons, is 500 gallons or more, the minimum distance shall comply with the appropriate portion of this table, applying the aggregate capacity rather than the capacity per LP-gas container. If more than one such installation is made, each installation shall be separated from other installations by not less than 25 feet. Minimum distances between LP-gas containers need not be applied.
- e. The following shall apply to above-ground containers installed alongside buildings:
  1. LP-gas containers of less than a 125-gallon water capacity are allowed without a separation distance where in compliance with Items 2, 3 and 4.
  2. Department of Transportation (DOTn) specification LP-gas containers shall be located and installed so that the discharge from the container pressure relief device is not less than 3 feet horizontally from building openings below the level of such discharge and shall not be beneath buildings unless the space is well ventilated to the outside and is not enclosed for more than 50 percent of its perimeter. The discharge from LP-gas container pressure relief devices shall be located not less than 5 feet from exterior sources of ignition, openings into direct-vent (sealed combustion system) appliances or mechanical ventilation air intakes.
  3. ASME LP-gas containers of less than a 125-gallon water capacity shall be located and installed such that the discharge from pressure relief devices shall not terminate in or beneath buildings and shall be located not less than 5 feet horizontally from building openings below the level of such discharge and not less than 5 feet from exterior sources of ignition, openings into direct vent (sealed combustion system) appliances, or mechanical ventilation air intakes.
  4. The filling connection and the vent from liquid-level gauges on either DOTn or ASME LP-gas containers filled at the point of installation shall be not less than 10 feet from exterior sources of ignition, openings into direct vent (sealed combustion system) appliances or mechanical ventilation air intakes.
- f. This distance is allowed to be reduced to not less than 10 feet for a single LP-gas container of 1,200-gallon water capacity or less, provided that such container is not less than 25 feet from other LP-gas containers of more than 125-gallon water capacity.
- g. Above-ground LP-gas containers with a water capacity of 2,000 gallons or less shall be separated from public ways by a distance of not less than 5 feet. Containers with a water capacity greater than 2,000 gallons shall be separated from public ways in accordance with this table.

## PLANNING & ZONING STAFF SUMMARY

Meeting Date: August 3, 2022

Agenda item: 8

Prepared by: Curtis Leeth

Reviewed by: Curtis Leeth

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### **AGENDA ITEM DESCRIPTION:**

Discussion / action - Proposed amendments to City Ordinances for property maintenance requirements in Commercial and Residential zoning districts - City Manager

X

#### **Attachments for Reference:**

- 1) 8a Draft Property Maintenance Amendments
- 2) 8b Post-July 6 edits to Council/Staff Draft

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**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.

At the July 6, 2022 Commission meeting, the Commission considered possible amendments, provided guidance to staff but otherwise took no action.

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**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.

At the July 6, Meeting, Chairman Laws submitted a review of the proposed amendments. All proposed changes were implemented.

Attachment 7a is a track changes to the Code of Ordinances – this is a “clean” version of the amendments being proposed to City Ordinances.

Attachment 7b is the working document, this version “accepted” all changes from June 1 + Fitzpatrick review and only shows track changes from the July 6 + Laws review.

A summary changelog of edits implemented since Council/Staff Draft came to P&Z (changes from July 6 meeting are highlighted):

### Commercial

- Deleted “transfer of ownership” section and “prosecution of violation” section; re-write of “Failure of comply” 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 *Screening Device* definition (same as in existing Zoning Code)
- 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 the prohibition on chimneys, cooling towers language in Sec. 8-3
- Deleted provisions under Sec. 8-4(d) – (k) that were redundant with Sec. 8-4(b); moved some provisions to Sec. 8-5 Component Serviceability
- Deleted oxidation stains cleaning requirement under Sec. 8-4(c)
- Defacement clarified for structure exteriors not entire property
- 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.” Merged the repetitive language for Concrete, Masonry, Aluminum and Steel
  - 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
- Added that all repairs are done in compliance with the *Existing Building Code* rather than the *International Building Code* (more flexibility for code compliance with repairs)
- Clarified Pest Elimination under Sec. 8-6 applies only to commercial structures

### Residential

- Deleted “transfer of ownership” section and “prosecution of violation” section; re-write of “Failure of comply” 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)
- Defacement clarified for structure exteriors not entire property

#### General

- Added Deed restriction exceptions for requirement to cut grass/vegetation to 12 inches

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**COURSES OF ACTION:** Recommend approval of proposed Amendments; proposed additional amendments or decline entirely and give guidance to staff.

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**FINANCIAL IMPACT:** N/A

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**MOTION REQUESTED:** Recommend approval of proposed amendments to City Ordinances for property maintenance requirements in Commercial and Residential zoning districts

## **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 and operators* of *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 *owner, operator or occupant of a premise* who fails to comply with the Code Official's direction to remove a violation, remedy an unsafe condition, or otherwise meet *approved* maintenance standards under this Article, shall be subject to a fine under Sec. 1-10 of the City of Shavano Park Code of Ordinances. 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.
- (h) **Means of Appeal.** All appeals shall be governed by Sec. 36-125 of the City of Shavano Park Code of Ordinances.

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## **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.

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**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.

**RUBBISH.** Worthless, unwanted material that is rejected or thrown out; debris; litter; trash. Includes stagnant or unwholesome water, filth, carrion, rubble, junk, 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. – Maintenance of Exterior Commercial Property**

- (a) **Sanitation.** *Exterior property and premises* shall be maintained in a clean, safe and sanitary condition. *The owner, operator or occupant of every premise shall keep that part of the premise and exterior property that they occupy or control 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 and garbage 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, operator 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.*

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(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*.

**Sec. 8-4. – Maintenance of Commercial Structure Exteriors**

(a) **General.** The exterior of a **commercial** 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 Existing Building Code* under **Sec. 6-3 of the City of Shavano Park Code of Ordinances**:

- (1) 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.
- (2) 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.
- (3) 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.
- (4) 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.
- (5) 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.
- (6) 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.
- (7) 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.
- (8) Exterior gates, gate assemblies, and hardware shall be maintained in good condition.

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(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. 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.

(d) **Defacement of structure exteriors.** 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. 8-5. – Component Serviceability of Commercial Structures**

(a) **General.** The components of a **commercial** structure 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 the component or system meets any of the following conditions, the components of a structure shall be determined as unsafe and shall be repaired or replaced in compliance in accordance with the *International Existing Building Code* under Sec. 6-3 of the City of Shavano Park Code of Ordinances:**

(1) Foundations that have been subjected to collapse of footing or foundation system as determined by a licensed structural engineer.

(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) Structural members that have evidence of deterioration or that are not capable of safely supporting all nominal loads and load effects.

(4) Concrete, **Masonry, Aluminum or Steel** that has been subjected to any of the following conditions:

(A) *Ultimate deformation.*

(B) Detached, dislodged or failing connections.

(5) 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.

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

- (a) **Infestation.** Commercial structures shall be kept free from insect and rodent infestation. Commercial Structures in which insects or rodents are found shall be promptly exterminated by a process that will not be injurious to human health. After pest elimination, proper precautions shall be taken to prevent reinfestation.
- (b) **Owner.** The owner or operator 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.
- (c) **Occupant.** Except where the infestations are caused by defects in the structure, the occupant of any commercial structure shall be responsible for the continued rodent and pest-free condition of the structure.

**Secs. 8-~~7~~—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 VEGETATION<sup>1</sup>***

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<sup>1</sup>State 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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**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 curblineline;
  - (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
  - (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 **or a deed restriction**.

(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~~

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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;

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- (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

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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:
- (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.

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(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.

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*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:

- (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.

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- (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. NOISE<sup>2</sup>***

**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)

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<sup>2</sup>Editor'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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**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.
- (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

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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.

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- (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.
    - 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;

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- 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.
- (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.

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- (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.
- (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.

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- (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 and operators of 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.

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(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 owner, operator or occupant of a premise who fails to comply with the Code Official's direction to remove a violation, remedy an unsafe condition, or otherwise meet approved maintenance standards under this Article, shall be subject to a fine under Sec. 1-10 of the City of Shavano Park Code of Ordinances. 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.

(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 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

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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. – Residential 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, operator 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 structure exteriors.** 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 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 and operators* 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 *owner, operator or occupant of a premise person* who fails to comply with the Code Official's direction 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~~ remedy an unsafe condition, or otherwise meet approved maintenance standards under this Article, shall be subject to a fine under Sec. 1-10 of the City of Shavano Park Code of Ordinances. 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.

~~(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)~~(h) **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.

**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.

**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. — Maintenance of Exterior Commercial Property**

- (a) **Sanitation.** *Exterior property* and *premises* shall be maintained in a clean, safe and sanitary condition. The *owner, operator or occupant* of every ~~occupied~~ *premise* shall keep that part of the ~~premise and exterior property~~ *exterior property* that ~~such owner~~ *they* occupyies 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 and garbage 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, operator* 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)(a) **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~~ Maintenance of Commercial Structure ~~Exteriors~~**

- (a) **General.** The exterior of a commercial 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 Existing Building Code* under Sec. 6-3 of the City of Shavano Park Code of Ordinances:-
- ~~(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)(1) 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)(2) 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)(3)~~ 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)(4) 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)(5) 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)~~(6) 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)~~(7) 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)~~(8) 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.

(d) Defacement of ~~property~~ structure exteriors. 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. 8-5. — Component Serviceability of Commercial Structures**

(a) **General.** The components of a commercial 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 ~~meets any of the following conditions to be beyond its limit state~~, the components ~~or system of a structure~~ shall be determined as unsafe and shall be repaired or replaced in to

compliance in accordance with the *International Existing Building Code under Sec. 6-3 of the City of Shavano Park Code of Ordinances*:

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

~~(1)~~ ~~c~~ Collapse of footing or foundation system as determined by a licensed structural engineer.

~~(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.

~~(2)~~(3) Structural members that have evidence of deterioration or that are not capable of safely supporting all nominal loads and load effects.

~~(A)~~ ~~Inadequate soil bearing capacity as determined by a licensed structural engineer.~~

~~(3)~~(4) Concrete, Masonry, Aluminum or Steel that has been subjected to any of the following conditions:

(A) *Ultimate deformation.*

(B) Detached, dislodged or failing connections.

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

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

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

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

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

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

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

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

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

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

~~(7)~~(5) 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 or rodents 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* or operator 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 commercial 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 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 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 and operators 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 owner, operator or occupant of a premise who fails to comply with the Code Official's direction to remove a violation, remedy an unsafe condition, or otherwise meet approved maintenance standards under this Article, shall be subject to a fine under Sec. 1-10 of the City of Shavano Park Code of Ordinances. 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.~~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. -- Residential 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, operator 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 propertystructure exteriors.** 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.**

## PLANNING & ZONING STAFF SUMMARY

Meeting Date: August 3, 2022

Agenda item: 9

Prepared by: Curtis Leeth

Reviewed by: Bill Hill

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### **AGENDA ITEM DESCRIPTION:**

Presentation / discussion – Update to the City’s 2018 Town Plan as the City Comprehensive Plan for 2023 and future years – City Manager

X

#### **Attachments for Reference:**

- 1) 9a Council Powerpoint
- 2) 9b 2018 Town Plan
- 3) 9c SWOT Analysis Form
- 4) 9d Preliminary Draft – Intro Material

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### **BACKGROUND / HISTORY:**

2018 Town Plan is available at <https://shavanopark.org/townplan>

The purpose of the Town Plan is to proactively anticipate and set the foundation for future improvements for our community. The Town Plan was developed in 2010, updated in 2018 and is needed to define the future goals and direction for the city. Many of the items identified in the 2018 plan have been or are in the process of being completed and several of the sections need to be updated to reflect the current demographics and accomplishments in Shavano Park over the last 4-years.

As with any plan, it is important to periodically review and update the content of a long-range plan. This review process provides a deliberate and structured way to think about choices and the opportunity to create a future vision for our community. As a formal city document, this Town Plan is needed to establish a collective vision for the future and provide strategic direction.

Lastly, the 2018 Town Plan is a legal document adopted by Ordinance O-2018-011, as it acts as the City’s Comprehensive Plan and is regulated under State Law LGC Sec. 213:

Sec. 213.002. COMPREHENSIVE PLAN.

(a) The governing body of a municipality may adopt a comprehensive plan for the long-range development of the municipality. A municipality may define the content and design of a comprehensive plan.

(b) A comprehensive plan may:

- (1) include but is not limited to provisions on land use, transportation, and public facilities;
- (2) consist of a single plan or a coordinated set of plans organized by subject and geographic area; and
- (3) be used to coordinate and guide the establishment of development regulations.

(c) A municipality may define, in its charter or by ordinance, the relationship between a comprehensive plan and development regulations and may provide standards for determining the consistency required between a plan and development regulations.

(d) Land use assumptions adopted in a manner that complies with Subchapter C, Chapter 395, may be incorporated in a comprehensive plan.

#### Sec. 213.003. ADOPTION OR AMENDMENT OF COMPREHENSIVE PLAN.

(a) A comprehensive plan may be adopted or amended by ordinance following:

- (1) a hearing at which the public is given the opportunity to give testimony and present written evidence; and
- (2) review by the municipality's planning commission or department, if one exists.

(b) A municipality may establish, in its charter or by ordinance, procedures for adopting and amending a comprehensive plan.

**Final note that a Comprehensive Plan does not establish zoning regulations, as required under LGC Sec. 213.005:**

Sec. 213.005. NOTATION ON MAP OF COMPREHENSIVE PLAN. A map of a comprehensive plan illustrating future land use shall contain the following clearly visible statement: "A comprehensive plan shall not constitute zoning regulations or establish zoning district boundaries."

**At the July 25, 2020 City Council meeting the Council unanimous approved the following motion: "Motion to task the Planning & Zoning Commission to review the City's current**

Comprehensive Plan, and after public hearings, return to Council with proposed amendments for 2023 and future years.”

**DISCUSSION:**

Staff crafted a 2023 Town Plan update process over 10 months using same the 3-stage review for each section of the Town Plan as was used in 2018 Town Plan. Each stage incorporates public participation via Public Hearings and surveys.

Staff preliminary schedule ID’s 2 new planning areas: *Long Term City Financing* and *Internet Vision*. Staff also recommends combining NW Military and Sidewalk/Bike Lane sections together with the Bond package Street repair/reconstruction into a single *Public Infrastructure or Transportation* section.

The first focus is the SWOTS analysis and the intro material (vision, goals, history, existing conditions). Staff have prepared updates to these sections in attachment 8c. P&Z should review these amendments, complete the SWOTS analysis form in attachment 8b, and be prepared to discuss edits and a comprehensive SWOTS for Town Plan at the September 7 P&Z meeting.

Stages for each Review Area of Town Plan Update:

1. **Introduction** – staff introduce draft update and draft survey; P&Z approve survey (note: no public survey for SWOTS / intro material)
2. **Review + Public Hearing** – P&Z hold public hearing; Commission submit reviews and survey results are presented (survey responses gathered between meetings)
3. **Final** – Staff present updated section from P&Z review; Consensus gained for Final edits

Month	SWOTS / Vision / Goals / History / Existing Conditions	Residential / Commercial / Drainage / MuniTract	*NEW* Long Term City Financing	NW Military / Sidewalks & Bike Lanes / *NEW* Streets	*NEW* Internet Vision	Final Document Review
August	Intro					
September	Review+PH	Intro				
October	Final	Review+PH	Intro			
November		Final	Review+PH	Intro		
December			Final	Review+PH	Intro	
January				Final	Review+PH	
February					Final	Intro
March						Review+PH
April						PZ Final CC 1 <sup>st</sup> + PH
May						CC 2 <sup>nd</sup>

Lastly staff asks for P&Z guidance on the following on items for public participation:

- Q1: Does P&Z want to record public hearings? (like with Bond project)
- Q2: Does P&Z want to livestream the public hearings?
- Q3: Does P&Z want to offer the public zoom calls for public hearings (creating virtual public hearings)

Staff will support Town Plan process with public engagement on social media, dedicated webpage, TextMyGov and Roadrunner.

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**COURSES OF ACTION:** N/A; discussion item only; give guidance to staff on schedule, SWOTS, and public participation.

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**FINANCIAL IMPACT:** N/A

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**MOTION REQUESTED:** N/A; discussion item only; give guidance to staff on schedule, SWOTS, and public participation.



# Shavano Park Town Plan Update

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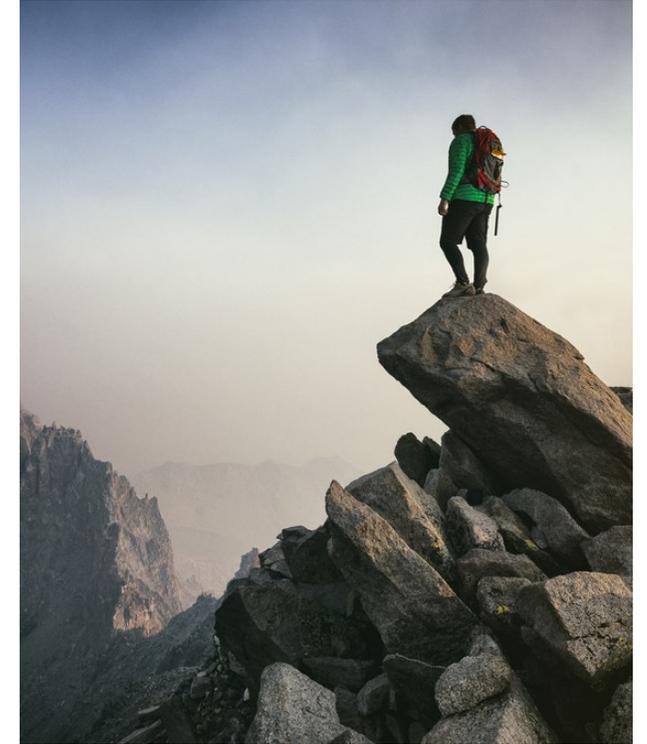
*Building a Roadmap for the Future*



**Hindsight**



**Insight**



**Foresight**

***REFLECTION: The deliberate and structured thinking about choices.***

*Updating Shavano Park Town Plan on a 5-Year cycle.*

# VALUE PROPOSITION

What is the value of updating Shavano Park's Town Plan?

Provides a Collective  
Future Vision



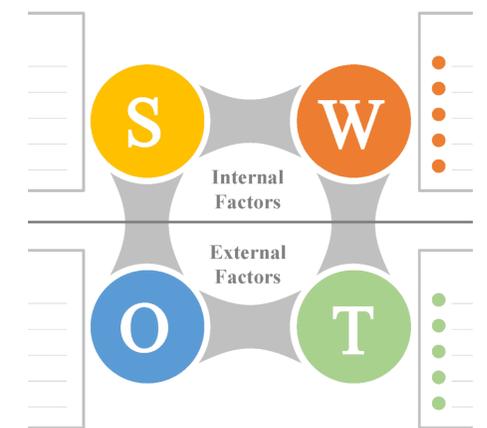
Makes the Town Plan  
Current & Usable



Instrumental for  
Multi-Year Planning



Identification of  
SWOT's / Conclusions



The 2010 and 2018 Town Plan has had a significant impact on the development of Shavano Park.

# TOWN PLAN STRUCTURE

## 2018 Plan

INTRODUCTION  
COMMUNITY VISION AND STRTEGIC GOALS  
HISTORY  
SWOT ANALYSIS  
DEMOGRAPHICS  
EXISTING CONDITIONS  
ACHIEVEMENTS AND AWARDS  
PLANNING AREA – *SIDEWALKS AND BIKE LANES*  
PLANNING AREA – *NW MILITARY HIGHWAY*  
PLANNING AREA – *RESIDENTIAL DEVELOPMENT*  
PLANNING AREA – *FLOODING AND DRAINAGE*  
PLANNING AREA – *MUNICIPAL TRACK IMPROVMENTS*  
ACKNOWLEDGEMENTS

## 2023 Plan

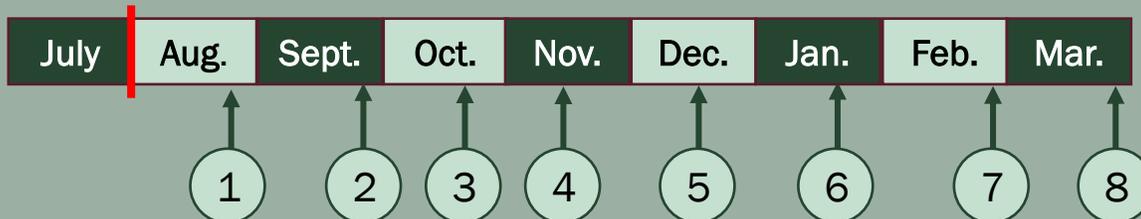
INTRODUCTION  
COMMUNITY VISION AND STRTEGIC GOALS  
HISTORY  
SWOT ANALYSIS **Update**  
DEMOGRAPHICS  
EXISTING CONDITIONS  
ACHIEVEMENTS AND AWARDS  
PLANNING AREA – TOPIC A  
PLANNING AREA – TOPIC B  
PLANNING AREA – TOPIC C  
PLANNING AREA – TOPIC D  
PLANNING AREA – TOPIC E  
ACKNOWLEDGEMENTS

**Identify the  
Areas of  
Focus**

# MULTI-STEP “FACILITATED” PROCESS



## Timeline:



- 1 Conduct SWOT Analysis & Develop Conclusions
- 2 ID Areas in Town Plan that need to be Updated
- 3 *Validation of “Planning Areas” with City Council*
- 4 *Update administrative and tactical items in Plan*
- 5 *Work teams to buildout of “Planning Areas”*
- 6 *Document consolidation and P&Z Town Plan review*
- 7 *P&Z final review of City Plan*
- 8 *Review and alignment with City Council*

# Ensuring Plan Quality

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*Plan Purpose: To present a vision that shapes our community concerning the major opportunities and challenges of our City.*

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**Feedback**



**Quality**





# **TOWN PLAN**

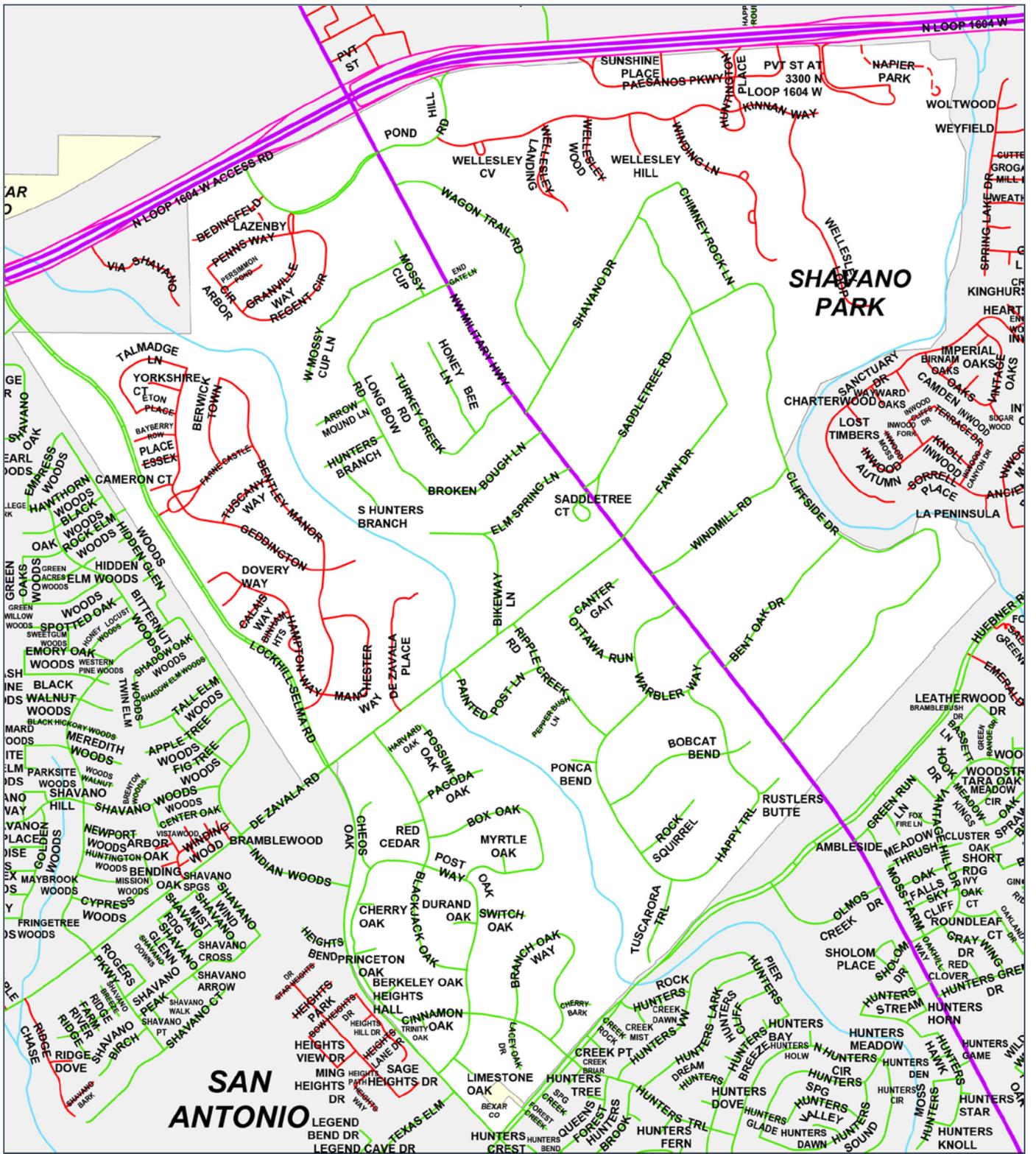
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**CITY OF SHAVANO PARK**

*City Living with Country Charm*



**2018**



**ORDINANCE NO. O-2018-011**

**AN ORDINANCE ESTABLISHING THE CITY OF SHAVANO PARK'S TOWN PLAN 2018 AS THE CITY'S COMPREHENSIVE PLAN; PROVIDING A CUMULATIVE & CONFLICTS CLAUSE, PROVIDING FOR A SEVERABILITY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.**

---

**WHEREAS**, the City of Shavano Park may adopt a Comprehensive Plan under Chapter 213 of the Texas Local Government Code; and

**WHEREAS**, the City's Town Plan 2018 document has been thoroughly crafted and reviewed by the City's Planning & Zoning Commission; and

**WHEREAS**, the City Council of the City of Shavano Park desires the Town Plan 2018 document to serve as the comprehensive plan for long-rang development of the City;

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

**I**

**COMPREHENSIVE PLAN**

The City hereby approves and adopts Town Plan 2018, attached as Exhibit A, in all respects as the City's Comprehensive Plan.

**II**

**CUMULATIVE CLAUSE**

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

**III**

**SEVERABILITY**

That it is hereby declared to be the intention of the City Council of the City of Shavano Park that the phrases, clauses, sentences, paragraphs, and sections of this Ordinance are severable, and if any phrase, clause, sentence, paragraph or section of this Ordinance

should be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs or sections of the Ordinances, since the same would have been enacted by the City Council without incorporation in this ordinance of any such unconstitutional phrases, clause, sentence, paragraph or section.

**IV  
PROPER NOTICE AND MEETING**

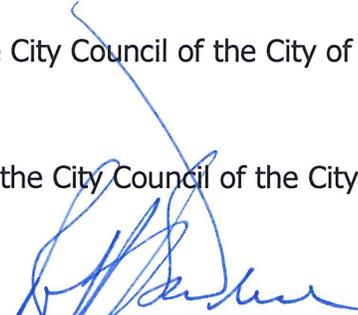
It is hereby officially found and determined that the meeting at which this Ordinance was adopted was open to the public and that public notice of the time, place and purpose of said meeting was given as required by the Open Meetings Act, Chapter 551 of the Texas Government

**V  
EFFECTIVE DATE**

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

**PASSED AND APPROVED** on the first reading by the City Council of the City of Shavano Park this the 17th day of September, 2018.

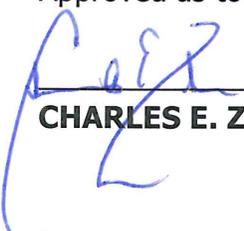
**PASSED AND APPROVED** on the second reading by the City Council of the City of Shavano Park this the 22nd day of October, 2018.

  
\_\_\_\_\_  
**ROBERT WERNER, MAYOR**

Attest:

  
\_\_\_\_\_  
**ZINA TEDFORD, CITY SECRETARY**

Approved as to Form:

  
\_\_\_\_\_  
**CHARLES E. ZECH, CITY ATTORNEY**

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# Introduction



## Purpose of Planning

*Is to proactively anticipate and set the foundation for future improvements to our community for our residents and other stakeholders.* Planning is a management process, concerned with defining goals for our future direction and determining the resources required to achieve those targets. Planning always has a purpose. By remembering our City's history and planning for its future, we hope to meet the long-term needs of our City's residents and businesses.

## Purpose of the Town Plan

*Is to present a vision that shapes our community concerning the major opportunities and challenges of our City,* including: sidewalks and bike lanes; the City's residential and commercial development; addressing flooding and drainage problems; the Municipal Tract; and improving safety and drivability on NW Military Highway.



As a formal City document our Town Plan sets forth general issues and action steps stating our collective vision for the future. The Plan provides a foundation for our City's long-term growth and development with long-range public policy statements for implementation over the next decade.



This document updates the 2010 Town Plan with new resident input and the substantial progress made in planning areas identified in the original Town Plan. This document is shaped by our residents who participated in the development of this Town Plan and it represents our collective vision for the City's future.

### **Public Participation and Input**

Public participation in the development of this document was a top priority for the Planning & Zoning Commission, City Council, and residents. The entire community was invited to participate through online surveys and public hearings. Social media was a large part of the outreach for the 2018



Town Plan, with the City's Next Door, Facebook and Twitter accounts playing prominent roles in dispersing information regarding how and where residents could participate. This mix of online and face-to-face input allowed residents multiple opportunities to participate at their convenience. City staff received 631 responses to six Town Plan online surveys, and over 100 residents participated in the six Town Plan Public Hearings in the fall of 2017.

In addition, KFW Engineers & Surveying and the Texas Department of Transportation made presentations at public hearings to provide professional and technical details on some aspects of the Town Plan. These presentations ensured residents and the Planning & Zoning Commission had all the facts before them when discussing long-term planning for topics in the 2018 Town Plan.



*1950 Real Estate Advertisement*

## **Plan Review Process**

The City's Planning & Zoning Commission will review the Plan periodically, and at such other times as requested by the City Council. We anticipate that future decisions affecting the City will be consistent with the policies established in this Plan. If City Council approves future projects which differ from the Plan's original intent, the City Council will amend the Plan to reflect those changes.

On March 27, 2017, the City Council directed the Planning & Zoning Commission to update the 2010 Town Plan, thus initiating this process. The update process was conducted by the Planning & Zoning Commission from June 2017 to August 2018.

# Community Vision and Strategic Goals



## Developing our Community Vision

The Planning & Zoning Commission together with City Staff issued an online survey of residents and hosted a public hearing to review the City's current Vision Statement. Citizen feedback was crucial to forming the new Vision Statement and amending the strategic goals previously developed by City Council. After gaining consensus by the Commission, the City Council adopted the new Vision Statement and City Strategic Goals in the Fiscal Year 2017-18 Budget.



## Vision

*Shavano Park strives to be the premier community in Bexar County, preserving and celebrating its natural setting and small town traditions amid the surrounding area's urban growth.*

This vision is an aspirational description of what the City endeavors to be in the future. It is intended to serve as an overarching guide. The City embraces two core aspirations in our vision statement:

First, Shavano Park *strives to be the premier community in Bexar County*. The City aspires to become the premier place in Bexar County to raise a family in strong neighborhoods, to be a permanent home for many generations, to provide a welcoming community for quality businesses, and provide first-class services to our community. This involves supporting community events, encouraging citizen involvement, and providing the amenities necessary to retain current residents and attract future ones.

Second, Shavano Park *preserves and celebrates its natural setting and small town traditions* amid the surrounding area's urban growth. The City embraces our past as a small rural community while recognizing the challenges of the future, especially concerning the growth and development of the surrounding San Antonio metro area. This involves maintaining large residential lot sizes, preventing the conversion of residential lots to multi-family and business uses and continuing efforts to protect the City's trees and wildlife.



*View from Cliffside Drive in Shavano Park*

### **City Strategic Goals**

These goals are adopted by the City Council each year as a part of the City's annual budget process. During the 2018 Town Plan update process, the Planning & Zoning Commission held a public hearing and gathered input from residents. Several minor changes resulted. The following are the City's strategic goals:



1. Provide excellent municipal services while anticipating future requirements;
2. Provide and protect a city-wide safe and secure environment;
3. Preserve City property values, protect fiscal resources and maintain financial discipline;
4. Maintain excellent infrastructure (buildings, streets and utilities);
5. Enhance and support commercial business activities and opportunities;
6. Enhance the City's image and maintain a rural atmosphere;
7. Promote effective communications and outreach with residents; and
8. Mitigate storm water runoff.

These broad aspirational goals should guide all City actions. Each budget year the City Council, with input from City staff, determines a number of actionable objectives under each goal. The City Manager then provides in the spring of each year a report to City Council on the progress and achievements made towards each objective.



*2018 Arbor Day / Earth Day Celebration*

### **Official Slogan**

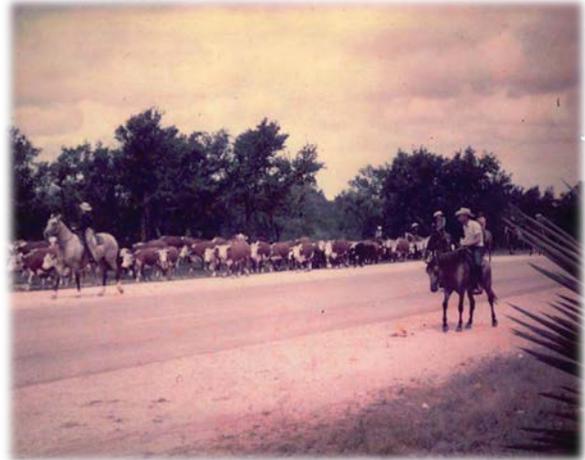
On July 23, 2018 the City adopted *Shavano Park – City Living with Country Charm* as its official City slogan after a four month public involvement campaign. The slogan captures the essence of living in Shavano Park for many of our residents who voted it as the best slogan of five options. Shavano living is convenient access to employment, retail and entertainment of the San Antonio metro while residing on quiet, dark streets and large spacious lots reminiscent of the Country. The slogan also points towards Shavano Park’s history as a quiet country town situated on ranch land between Camp Bullis and San Antonio.

# History



## City History

The City of Shavano Park (originally known just as Shavano) is located in northwest Bexar County at the edge of the Texas Hill Country, approximately twelve miles north of downtown San Antonio, and along the Olmos and Salado Creeks. In the 1800's, A. De Zavala operated a general store just west of our city limits. In 1881, the U.S. Postal Service opened a post office nearby, with De Zavala as the first postmaster. In 1884, the San Antonio and Aransas Pass Railway established a small rail station and switch. During that period, Shavano was a stagecoach stop between San Antonio and Boerne. The original town had a saloon, carpenter, grocer and fifty residents. By 1896 the population grew to nearly 100 residents, before beginning a gradual decline.



*1958 Cattle Drive on NW Military Highway*

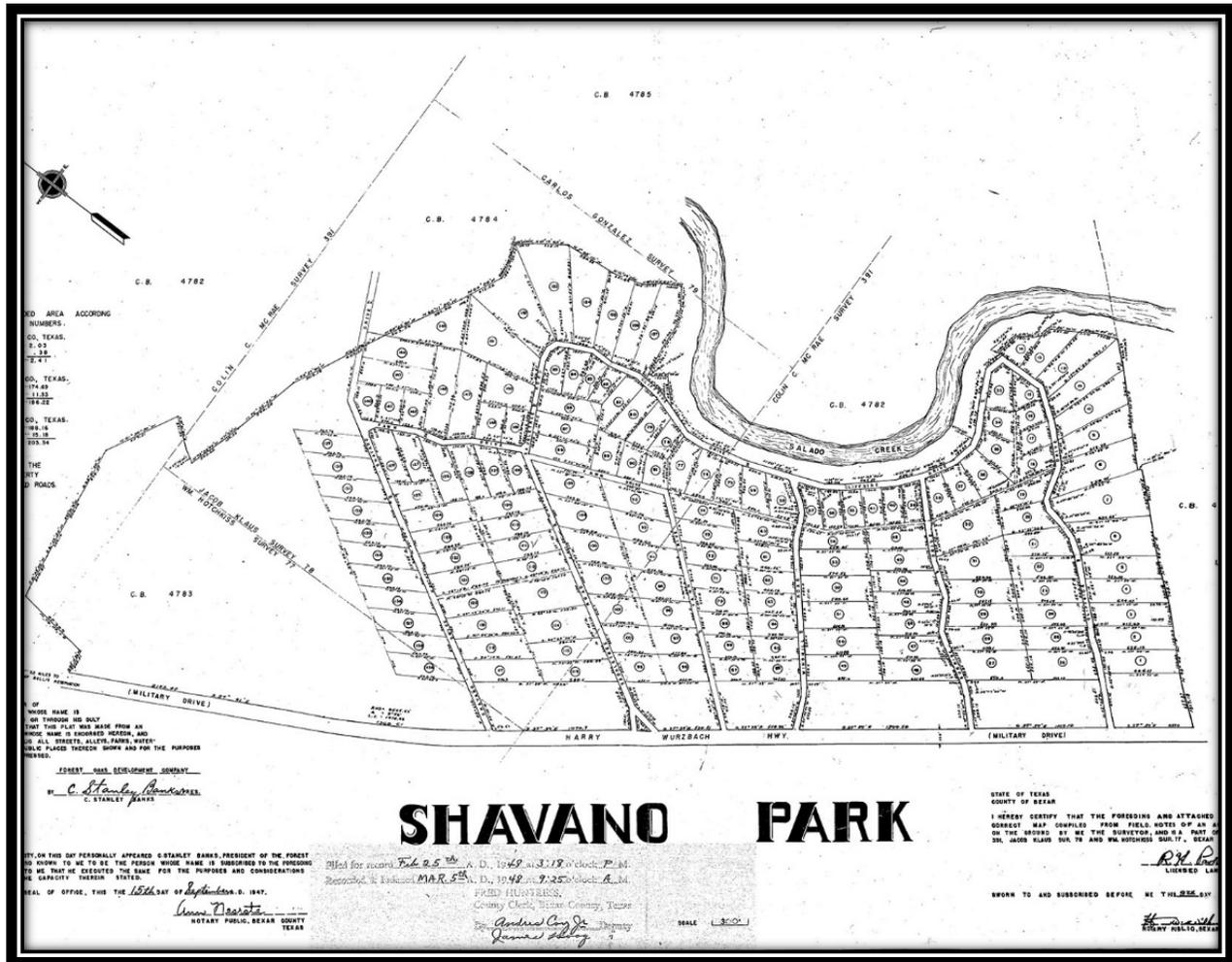


*Shavano Park Volunteer Fire Department in 1952*

By 1903, the Postal Service closed the post office and the site of the later township of Shavano Park became part of the Stowers Ranch. George Arthur Stowers came to Texas in 1889 and opened several successful furniture stores. The land Stowers acquired was originally part of a Spanish land grant. In 1947, Wallace Rogers and Sons purchased the land with plans for additional development. At that time, the road system consisted of only NW Military Highway and De Zavala Road, and residential development had begun in the Cliffside subdivision east of NW Military Highway. On June 19, 1956, the City of Shavano Park was incorporated as a General Law City. In the mid-1960s, additional roads were added, including Loop 1604 to the north, Lockhill Selma Road to the west and Huebner Road to the south.

Today, the City of Shavano Park is completely surrounded by the City of San Antonio. The City's boundaries are generally Loop 1604 to the north, Huebner Road to the south, Lockhill Selma to

the west and Salado Creek to the east. The City encompasses approximately 3.3 square miles of land and has an estimated 3, 793 residents. The City has come a long way from the rural cluster of homes east of NW Military Highway, as can be seen in this 1948 property plat of the original homes.



*Original Plat of Shavano Park from 1948*

## Digital Archives

BiblioTech, Bexar County’s all-digital public library, worked with the 26 suburban cities of San Antonio, to create individual digital anthologies. Together, these anthologies reflect and preserve the rich, diverse histories found in Bexar County. The project launched in 2018 to coincide with the 300th anniversary of the founding of San Antonio. To see the rich history of Shavano Park visit <http://bexarbibliotecharchive.org/>. This project was a joint effort by City Staff and volunteer residents. It includes sections on the City’s military influence, personal histories written by residents, newsletters from 1966 to present, photographs, and the Shavano Park Women’s Club.

# Strengths, Weaknesses, Opportunities, and Threats



## 2018 Town Plan: Strengths, Weaknesses, Opportunities, and Threats

For the 2018 Town Plan, residents and the Planning & Zoning Commission re-evaluated the strengths, weaknesses, opportunities, and threats (SWOTS) for the City of Shavano Park. This exercise helps the City identify those areas where energies and efforts should be focused.

### Strengths

- Rural Character
- Location/Access
- Outstanding Municipal Services
- Quality Development
- Safety and Security

### Weaknesses

- NW Military Highway Congestion
- Limited Future Residential and Commercial Development
- Challenges of attracting younger families
- Limited sales and property tax growth
- Pedestrian Accessibility
- Drainage

### Opportunities

- Collaborate with TxDOT on NW Military Highway Expansion
- The Municipal Tract located in the City's center
- Promote City identity & image
- Work with the City of San Antonio/Bexar County
- Engage with Developers/Property Owners to Meet City Long-term Needs

### Threats

- Other Governments Impacting the City
- Crime
- Traffic Congestion
- San Antonio Growth
- Nearby Developments

In the future the City will strive to sustain these strengths, address and correct these weaknesses, pursue new opportunities, and recognize and explore solutions to community threats.

# Demographics



## Demographic Analysis

Residents are the most important aspect of our community. Demographic and other information regarding our City’s residents provides a fundamental understanding of the nature of our community.

## Population Growth

Shavano Park has experienced a 24% increase in population between the years of 2010 and 2017. Our population has grown through implementation of our annexation program adopted in 1999 and development of new neighborhoods. These new neighborhoods are nearly built out and the City is dedicated to sustaining large lots with single family homes, so the City’s population is expected to remain stable in the future. The City’s zoning prohibits multi-family developments.

### Population, 1970-2017

Year	Population	Change	% Change
1970	881		
1980	1,448	567	64%
1990	1,708	260	18%
2000	1,754	46	3%
2010	3,035	1,281	73%
2017*	3,793	758	24%

\* = estimated  
Source: United States Census Bureau



*A home in old Shavano*

**Growth factors** include the City’s location in the majestic and beautiful foothills of the Hill Country in northern Bexar County, proximity to three major highways (Loop 1604, IH 10, and Wurzbach Parkway), the prestigious Northside Independent School District, easy commutes to employment centers and the airport, and plentiful shopping nearby.

## Demographic Characteristics

Shavano Park is a highly educated community with a strong presence of military veterans and their families.

<i>Social Characteristics</i>	Number	Percent	Texas
Population	3,793		
Median Age	48.5		
High school degree or higher	(X)	97.5%	82.3%
Bachelor's degree or higher	(X)	70.1%	28.1%
Military veterans	327	9.5%	5.35%

Nearly double the Texas average. Shavano truly is a community of veterans.

Source: Population figure from United States Census Bureau, 2017 Population Estimates

Rest of data from United States Census Bureau, American Community Survey 2016 Estimates

Shavano Park is an affluent community in a prime location with easy access to nearby businesses, parks, and the highway system of the greater San Antonio metropolitan area.

<i>Economic Characteristics</i>	Number	Percent	Texas
Number of Companies	333		
Mean travel time to work (in minutes)	20.6		25.9
Median household income (in U.S. dollars)	\$161,964		\$54,727

5 minutes less than the Texas average.

More than triple the Texas median.

Source: United States Census Bureau, American Community Survey 2016 Estimates

Shavano Park is comprised of strong residential neighborhoods. These property values are high because the community is safe, secure, has large lots, and enjoys outstanding municipal services.

<i>Housing Characteristics</i>	Shavano Park	Bexar County
Total occupied housing units	1,350	
Average value (in U.S. dollars)	\$691,512	\$211,078

More than triple the Bexar County average.

Source: The Bexar County Appraisal District, Certified Totals from 2018

# Existing Conditions



## Ad Valorem Tax Rate

For tax year 2017, the ad valorem tax rate in the City was \$0.287742 per \$100 valuation. Shavano Park's ad valorem tax rate is lower than many neighbor Bexar County cities and the Texas average, but the City still offers superior services in fire, emergency medical services, police, and public works.

<u>City</u>	<u>2017 Rate</u>
San Antonio	0.558270
Hollywood Park	0.510081
Castle Hills	0.501345
Olmos Park	0.432785
Alamo Heights	0.386439
Terrell Hills	0.347673
Fair Oaks Ranch	0.329500
<i>Shavano Park</i>	<i>0.287742</i>

Texas Average 2016  
Rate

**0.494406**

*Source: Texas Comptroller  
of Public Accounts*

*Source: Bexar Appraisal District*

## Zoning

The City's zoning districts are designed so that residential and commercial developments meet the needs and desires of residents by providing for high-quality office, retail, and dining services, and single-family homes with both large and small lot configurations. Residential zoning is solely comprised of single-family residential classifications, as multi-family zoning is prohibited by City ordinance. Commercial zoning is located predominately along Lockhill Selma Road and Loop 1604, with limited additional commercial zoning located at the northeast and southeast corners of Lockhill Selma and De Zavala Roads.

The City's zoning districts are as follows:

Zoning District	Zoning Use
<b>A-1, A-2, A-3, A-4, A-5 PUD</b>	Single Family Residential District
<b>CE</b>	Single Family Cottage Estate Residential District
<b>O-1</b>	Office District
<b>B-1</b>	Business District
<b>B-2</b>	Business District
<b>M-U</b>	Municipal Utility District
<b>MXD</b>	Mixed Use District

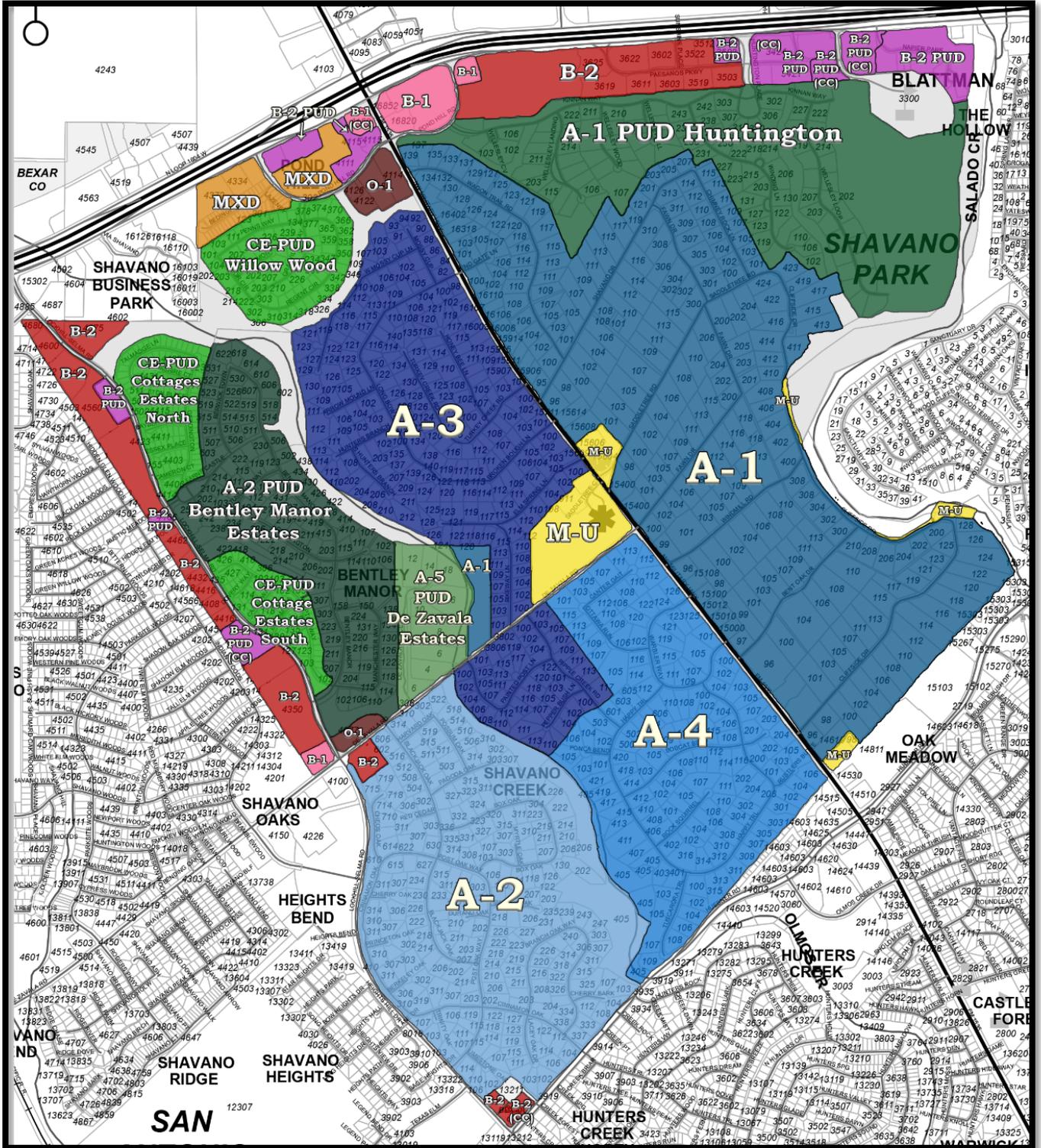
The City's newer residential developments are all either Planned Unit Developments (PUDs) or are zoned as Mixed Use zoning districts (MXD). These PUDs and MXDs give developers flexibility in designing and building quality gated communities that provide multiple home and lot configurations. For details on residential neighborhoods, see page 34 and for commercial developments, see page 43.

Residential Neighborhoods	Zoning
<b>Old Shavano</b>	A-1, A-3
<b>Huntington</b>	A-1 PUD
<b>Shavano Creek</b>	A-2
<b>Bentley Manor</b>	A-2 PUD
<b>Shavano Estates</b>	A-4
<b>De Zavala Estates</b>	A-5 PUD
<b>Bentley Manor Cottage Estates</b>	CE PUD
<b>Willow Wood</b>	CE PUD
<b>Pond Hill Garden Villas</b>	MXD



*Tower  
entrance to  
Huntington*

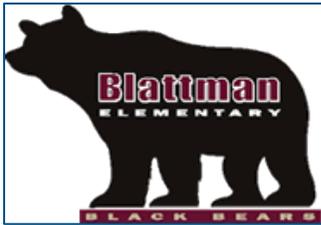
# Zoning Map



Note: A comprehensive plan shall not constitute zoning regulations or establish zoning district boundaries.

## **Local Schools**

Shavano Park is entirely within the Northside Independent School District (NISD), an award-winning school system and one of South Texas' premier school districts. NISD is the state's fourth largest school district, covering 355 square miles, operating 117 public schools and enrolling 106,066 children in the 2017-2018 school year. NISD provides excellence in education and is an accredited school district by the Texas Education Agency. The accreditation status is based on the academic accountability rating and financial ratings.



Shavano Park students attend Blattman Elementary School, located in the northeastern part of Shavano Park. The NISD middle school and high school serving Shavano Park's public school students are Hobby Middle School, located less than 3 miles from the City, and Tom C. Clark High School, located less than 2 miles from the City.

Shavano Park is also surrounded by a number of high quality private and charter schools. Two such schools located near Shavano Park and impacting the City are BASIS Shavano and Cornerstone Christian School.

## **Transportation**

The City of Shavano Park is ideally located within commuting distances to major shopping centers, restaurants, banks, schools, the Medical Center, and the University of Texas at San Antonio. Additionally, the VIA Metropolitan Transit Authority provides transportation services from numerous locations within Shavano Park to locations throughout the metropolitan area of San Antonio.

The City's three major thoroughfares are NW Military Highway, Lockhill Selma Road, and De Zavala Road. Based on the 2016 traffic map as prepared by Texas Department of Transportation (TxDOT), our City's traffic count at the intersection of NW Military Highway and De Zavala Road was 18,947 vehicles per day. With continued growth in the City of San Antonio, and with increased traffic congestion on its main thoroughfares, NW Military Highway, De Zavala Road, and Lockhill Selma Road have experienced significant increases in their traffic counts. In 2010, the traffic count at the intersection of NW Military Highway and De Zavala Road was 10,500 vehicles per day. This means traffic at this intersection has increased 80% in just six years. During the busiest times of the day, when the traffic count is at its highest, residents along NW Military Highway often find it difficult to safely turn onto or off NW Military Highway. This safety hazard for residents is the primary motivation for the City partnering with TxDOT on a project to widen

NW Military Highway and create a continuous center turn lane (see details on page 29). In addition in 2018 TxDOT is providing a west bound turnabout for the intersection of Loop 1604 Frontage Road and NW Military Highway. These projects should improve the traffic flow in our City.

### **Dark Skies**

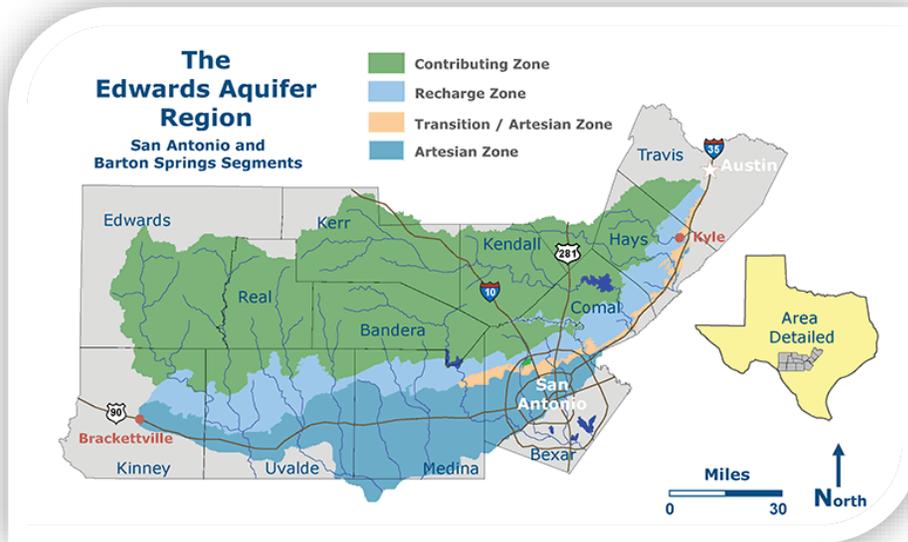
The United States Army expressed concern regarding its ability to conduct night training exercises because of excessive outdoor lighting within a five-mile perimeter of Camp Bullis. Shavano Park is located within this five-mile corridor, and in 2009, our City Council established regulations for outdoor lighting impacting Camp Bullis. These regulations support the United States Army and the community of Shavano Park benefits from the reduction of light pollution in the City.



***San Antonio region at night.***

***Night Lights imagery by NASA's Earth Observatory.***

## **Edwards Aquifer Recharge Zone**



The Edwards Aquifer is an underground layer of porous, honeycombed, water-bearing rock that is between 300-700 feet thick. The City is located entirely over the environmentally sensitive Edwards Aquifer Recharge Zone that stretches across north Bexar County. All developments over the recharge zone are regulated by the Edwards Aquifer Authority (EAA) and require Water Pollution Abatement Plans. The City considers protecting the Aquifer a serious duty, and ensures all developments meet EAA and Texas Commission on Environmental Quality (TCEQ) standards. Towards these efforts, in 2017 the City built a rain garden at City Hall to collect runoff from the City Hall parking lot.

### **Tree Preservation**

One of our City's greatest assets are our beautiful heritage trees. Trees maintain our attractive rural character, protect against soil erosion, and offer shade to homes. During the town plan process, residents made numerous comments about how our trees contributed to the allure and beauty of Shavano Park. In addition to these heritage trees, groves of "second generation trees" are found throughout the City.



Primarily established native trees within the City include: Live Oaks with a scattering of Burr, Red and Post Oaks, as well as Bald Cypress, Mountain Laurels, Texas Persimmons and Cedar Elms. A diversity of tree species is desirable because it not only adds to the aesthetic quality of the City, but it also helps prevent the widespread devastation caused by single species disease or infestation. By ordinance, sixteen native trees are protected as heritage trees during commercial development. Commercial business developers are required to conduct a tree survey of the development site and identify the location and diameter of all heritage trees. During development, 25% of the collective diameter of trees must be preserved. In addition ordinance requires preserved heritage trees be protected from damage during construction. These preserved heritage trees add to the lushness and pleasantness of the City's neighborhoods and commercial areas.



In 2005, the City adopted a tree preservation ordinance to protect certain trees during commercial development. This ordinance set the requirements for tree preservation that all commercial developments must follow. Developments are required to submit a tree survey to the City and mitigate any loss of heritage trees, as defined by ordinance, with the planting of new trees.



In 2015, the City adopted a Public Tree Care ordinance that created the Citizen's Tree Committee of Shavano Park. This committee provides advice and input regarding possible oak wilt, tree trimming and generally accepted urban forestry practices. This ordinance also granted the City Manager the authority and responsibility to oversee the planting, pruning, maintenance, and removal of trees

on public property. This ordinance ensures that the City's beautiful and lush trees are protected on public and commercial property.



In 2016 the Shavano Park Citizen's Tree Committee spearheaded the City's efforts to become a Tree City USA. This program, administered by the Arbor Day Foundation since 1976, recognizes communities committed to sound urban forestry management. Over 3,400 communities are a part of this program. A community is required to maintain a tree board, have a community tree ordinance, spend at least \$2 per capita on urban forestry and celebrate Arbor Day.

### **Sustainable Development**

Residents have also expressed support for new sustainable development ideas. The City plans to work with residents in this endeavor without creating a financial burden on the City's budget.

As of October 2015, all new residences are required to be solar-ready. A solar-ready home is a residence that comes with pre-installed electrical infrastructure necessary for the installation of solar panels. By installing the necessary conduit and panels during construction, thousands of dollars are saved by a homeowner when installing solar panels in the future. The mandate costs builders around \$200 dollars; pocket change when compared to the thousands of dollars it

would cost to install solar panels once construction of the home is complete. Shavano Park is one of the few cities in Texas to require all developers to build solar-ready homes.

In 2016, the City lowered the cost of purchasing solar permits to \$150 instead of using a valuation-based permitting fee that charged one homeowner a \$1000 to permit. This substantially lowered the cost of installing solar panels in Shavano Park.

Finally, the City also maintains and updates its building and fire codes to the latest versions from the International Code Council and National Fire Protection Association to ensure that Shavano Park protects the well-being of its residents, and adopts the latest efficient heating and cooling building construction standards.

# Achievements and Awards



## Scenic City

The City of Shavano Park has been recognized as a Scenic City by the Scenic City Certification Program since 2016. Shavano Park maintains high-quality scenic standards for its roadways and public spaces. The Scenic City Certificate is a reflection of Shavano Park's excellent civic leadership, great community pride, and strong desire to maintain its rural character.



## Firewise USA

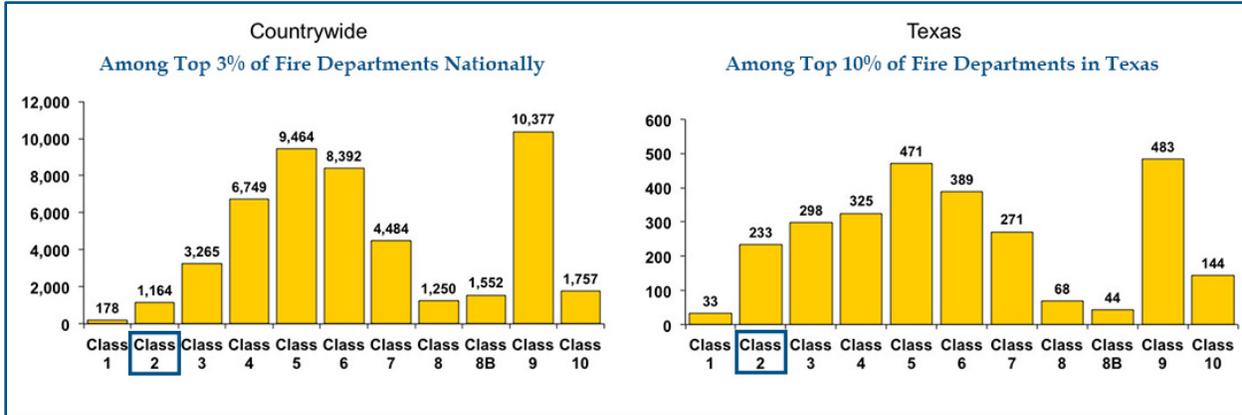
Shavano Park has been recognized as a Firewise Community by the National Fire Protection Association since 2016. The residents of Shavano Park are active participants in creating a safer community by engaging in wildfire risk reduction activities and by celebrating Firewise Day each year. Since being recognized the City completed two projects to improve wildfire safety in the City. In 2017, the City created a one acre demonstration area of a Firewise forest on the City's Municipal Tract to show residents how to improve wildfire safety on their properties. In 2018, the City with the Texas A&M Forest Service created a Shaded Fuel Break along the borders of the Municipal Tract to reduce the likelihood that any wildfire on the tract would spread to nearby areas.



## Insurance Services Office (ISO) Rating of 2

The Insurance Services Office (ISO) collects information on municipal fire protection efforts in communities and analyzes the data. ISO will then assign a Public Protection Classification ranging from 1 to 10, with 1 being the best and 10 the worst. On June 10, 2016 the City of Shavano Park Fire Department received a classification of 2.

This classification places the Shavano Park Fire Department in elite company among the nation's fire departments. In addition, this rating entitles the residential and commercial property owners within the City of Shavano Park to receive the maximum credit on their insurance premiums. With a Class 2 ISO rate, Shavano Park property owners may realize a 10 to 15% decrease in their property insurance premiums.



Source: [www.isomitigation.com](http://www.isomitigation.com)

### **Texas Fire Chiefs Association Best Practices Recognition**

In 2017, the Shavano Park Fire Department initiated efforts to certify under the Texas Fire Chiefs Association Best Practices Recognition Program. The Fire Department received comments on their submissions from the Recognition Program and is currently working on revisions.



## **Texas Police Chiefs Association Law Enforcement Best Practices Recognition**

On February 22, 2018 the City of Shavano Police Department achieved “Recognized Status” for compliance with the Texas Law Enforcement Agency Best Practices Recognition Program of the Texas Police Chiefs Association. Of the 2,667 police agencies in Texas, the Shavano Park Police Department became the 146th agency that achieved this status. This recognition is based upon the policies, standards, and practices of the department following the 168 Best Practice Standards, and involved a comprehensive two year agency process culminating in a two day audit of all areas of the agency.



The men and women of the Shavano Park Police Department are commended for their hard work and dedication in obtaining this status.



Established in 2006, the Law Enforcement Recognition Program is a voluntary process where police agencies in Texas prove their compliance with 168 Texas Law Enforcement Best Practices. These Best Practices were carefully developed by Texas Law Enforcement professionals to assist agencies in the efficient and effective delivery of service, the reduction of risk and the protection of individual’s rights.

# Sidewalks & Bike Lanes



## The 2010 Town Plan

The 2010 Town Plan called for a network of sidewalks, bike lanes, and trailheads to interconnect the City and provide access to nearby San Antonio pathways and parks. During the 2010 Town Plan discussions residents supported increasing pedestrian and bicyclist accessibility in our City. Residents desired interconnected, safe, well built, and properly maintained pathways that would not conflict with the rural aesthetic of our City. Residents believed the network of sidewalks and bike lanes would enhance local property values and improve the community's ability to enjoy the City's natural beauty. This vision informed City actions in the coming years.

## Current Sidewalk & Bike Lane Network

Since 2010 the City has made significant progress on the installation of sidewalks across the City. The City, with the assistance of Bitterblue, Inc., has completed construction of the following sidewalks and/or bike paths:

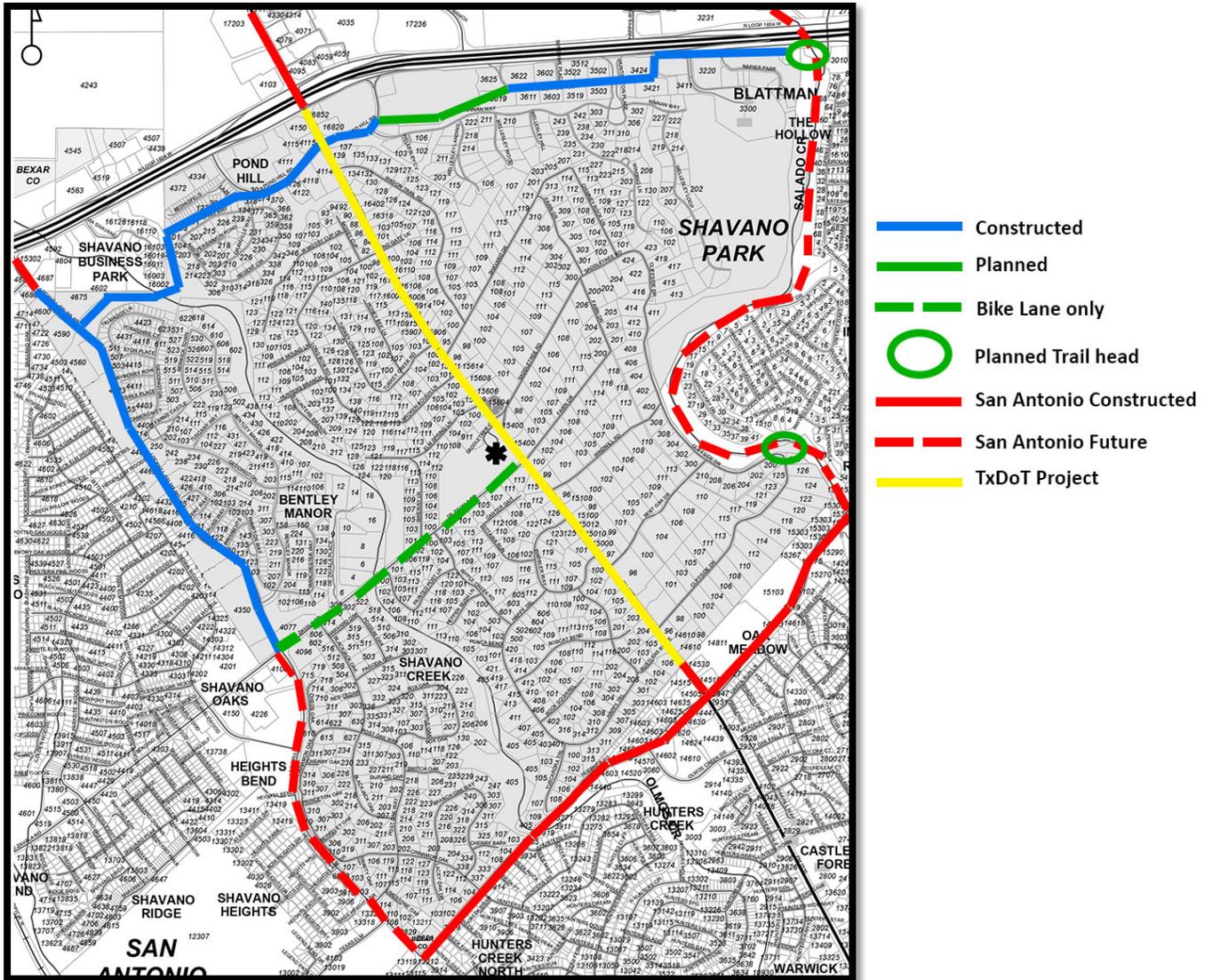
- Sidewalk from Lockhill Selma to Pond Hill



*Sidewalk from Lockhill Selma to Pond Hill*

- Sidewalks along Lockhill Selma between Loop 1604 and De Zavala
- Two portions of the sidewalks connecting NW Military Highway to the future Salado Creek Greenway
- Bike lanes on De Zavala Road from Lockhill Selma to NW Military Highway

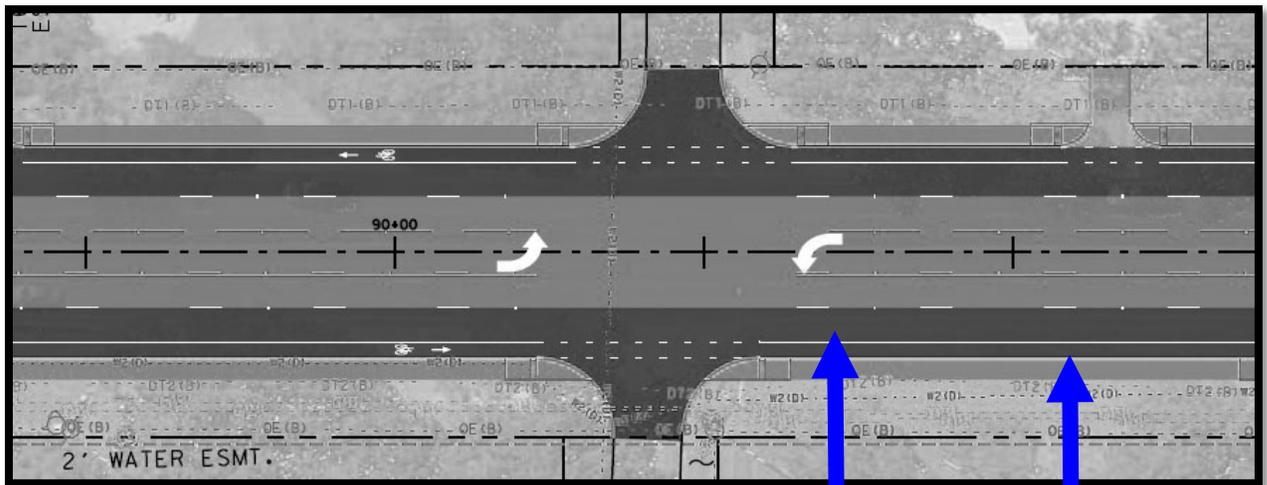
### Map of Current Sidewalk & Bike Lane Network



## **Future Additions and Plans**

In addition to these completed projects, the City approved the construction of the following projects.

- Sidewalks and bike lanes on NW Military Highway from Loop 1604 to Huebner Road. These improvements are a part of the Texas Department of Transportation (TxDOT) NW Military Improvement project slated to begin in fall 2020.



*Exhibit from 30% engineering plans near Long Bow and NW Military Highway shows the on street bike lanes and curb sidewalks next to the roadway.  
(Note subject to change)*

**On street  
Bike Lanes**

**Sidewalks next to  
roadway curb**

- A sidewalk along Lockhill Selma from De Zavala Road to Huebner Road. This portion of the sidewalk is in the jurisdiction of San Antonio and will require San Antonio efforts, but will benefit the accessibility of Shavano Park residents. Staff will continue coordination with San Antonio to seek completion of this project.
- Two connections to San Antonio's Salado Creek Greenway: one near the southern portion of Cliffside Drive and the other near Blattman Elementary School. The Cliffside Drive connection will be minimalistic and preserve the natural setting. The City intends for the trail connection near Cliffside to be used by Shavano Park residents and will not create a dedicated public parking area on Cliffside. During the Town Plan public hearings residents expressed concerns about safety and parking. The City is committed to evaluating the situation and taking necessary actions once the San Antonio portion is constructed and in use by the public.

- A connection from NW Military Highway to the future Salado Creek trailhead. Two portions of the connection have been completed, but the middle segment near the 22 acres of undeveloped land to the west of Paesanos Parkway is planned for future development. This portion will be constructed in conjunction with the property's developments.



*Huntington sidewalk (in red)  
(Note path is subject to change)*

- A sidewalk for Huntington residents that connects to the Shavano Park sidewalk network. The sidewalk will run along Kinnan Way, from Pond Hill Road to the planned future trailhead of the Salado Creek Greenway east of Blattman Elementary School.



*Connection of NW Military Highway to the future trailhead of the Salado Creek Greenway (in blue)  
(Note path is subject to change)*

## **San Antonio Salado Creek Greenway and Shavano Park**

In 2000, the City of San Antonio approved and began development on their linear park projects. This plan proposed the connection of major portions of San Antonio with hiking and biking trails. Today, approximately 65 miles of trails are available in and around the creek and river beds of the San Antonio metro area.

The Salado Creek Greenway is a 22.7 mile stretch of trail that extends from Huebner Road, through Phil Hardberger Park, to McAllister Park, to John James Park, and all the way to Southside Lions Park. The portion of the trail that is closest to Shavano Park extends from Huebner Road to Hardberger Park. In 2018, the City of San Antonio began constructing the trail portion that extends adjacent to Huntington and Cliffside Drive. The City of Shavano Park will connect the Cities' sidewalks to the Salado Creek Greenway for easy access to the San Antonio pathways by residents once the City of San Antonio portion is constructed in 2018 – 2019.

## **Sidewalk Plan – Issues and Action Steps**

### **Issues:**

- The materials and trail construction must support our City's rural aesthetic.
- Providing security on pathways and ensuring emergency access for Police, Fire & EMS services.
- Maintenance of sidewalks to ensure clear and unobstructed pathway.
- Make final determination on dedicated sidewalks for De Zavala Road.
- Design appropriate signage for positioning along sidewalks
- Be respectful of private property rights

### **Action Steps:**

- Coordinate with City of San Antonio on Cliffside and Napier Park access to Salado Creek Greenway.
- Advocate to the City of San Antonio for a sidewalk on the east side of Lockhill Selma between Huebner and De Zavala Roads.
- Continue to study the need and viability and Budget for a preliminary engineering report for dedicated sidewalks on De Zavala Road.
- Determine funding and project scope required for a dedicated sidewalk on De Zavala Road.

# NW Military Highway



## History

NW Military Highway (FM 1535) is an 8.2 mile stretch of State Highway running from Loop 410 to Camp Bullis. This roadway dates from the 1950s and was built to connect Camp Bullis to the City of San Antonio. Since the 1950s, this roadway has grown to be a key artery for north Bexar County, with approximately 1.8 miles of NW Military Highway running through the middle of the City of Shavano Park. Since its construction the highway has changed from being a quiet two lane road used for military purposes into a busy thoroughfare connecting Loop 410 with Loop 1604.

The 2010 Town Plan addressed NW Military Highway by concluding, *"Throughout the planning process, the citizens of Shavano Park strongly expressed their desire and support for the City to take control, to the greatest extent possible, of the decision-making process for development, design, and the look and feel of the impact of the future improvements to NW Military Highway. The citizens of Shavano Park want NW Military Highway to essentially be the 'Main Street' for Shavano Park and effectively be designed to support the rural look and feel the citizens want for the City. In addition, the citizens do not want NW Military Highway to further bisect the City or generate a perception that it separates one section of the City from another section."*

This vision was the guide for the City as it worked towards improving the safety and traffic flow on NW Military Highway.

## Building a Way Forward

As part of the 2010 Town Plan's action steps, in 2011 the City contracted a Traffic Study of NW Military Highway to determine present and future traffic conditions. The study counted 11,900 vehicles per day for Shavano Park's portion of NW Military Highway and also accurately predicted



that by 2016 traffic would increase by nearly 50% to 17,400 vehicles per day. By 2017 traffic counts were already at 18,365 vehicles per day - an increase of over 5% in vehicle traffic in just one year. With the accelerating rate of developments along Loop 1604, future projections call for continuing increases in traffic on NW Military Highway. It is clear the City needs to take action to ensure the safety of residents that both live or travel on NW Military Highway.

In 2015, the City Council approved a partnership with Texas Department of Transportation (TxDOT) for improvements to NW Military Highway. TxDOT agreed to submit a NW Military Highway improvement project on the City's behalf to the Alamo Area Metropolitan Planning Organization (MPO) for federal funding, provide the required 20% local match for the construction, provide payment for all non-construction related costs, and oversee construction of the project. In 2015, the Planning & Zoning Commission and the City Council developed a consensus for the City's future vision of NW Military Highway and provided it to TxDOT. In the spring of 2016, the City's project was funded by the MPO through a combination of federal and state dollars. The project is slated to begin construction in the fall of 2020 and construction will be overseen by TxDOT.

**NW Military Hwy Improvement Project**  
(Huebner Road to Loop 1604)

**Existing Conditions**

- Approximately 2 miles
- 4-lane road without a continuous center-turn lane
- Turn lanes exist at Huebner Road, De Zavala Road, and approaching Loop 1604

**Planned Improvements**

- Addition of a center-turn lane
- Addition of sidewalks and bicycle accommodations
- Intersection improvements

**Considerations**

- Safety and mobility
- Trees and landscaping
- Drainage

**Crash Data Reported (from 2012 to 2017)**

- 146 minor crashes and 7 major crashes
- 2 crashes resulted in fatalities



*Exhibit from preliminary schematic of improvement project*

## **The 2020 Improvement Project**

Beginning in 2017, the City began holding planning meetings with TxDOT on the design and development of the project. As of July 2018, TxDOT is engineering and designing the 60% schematic design – a significant step in the engineering process. The TxDOT plan thus far differs from the City’s consensus document by providing for on-street rather than off-street sidewalks. The TxDOT plan, however, is otherwise consistent with the City’s vision, and includes on-street bike lanes, road curbs, and a continuous 2-way center turn lane. City staff intends to continue to meet with TxDOT and stress the City’s desire for off-street sidewalks that would meander around roadway trees to increase the safety of our residents walking along NW Military Highway and to save as many trees as possible.



The City intends to joint bid with TxDOT any necessary relocation of the City’s water lines. This joint bidding will reduce the costs for the City due to efficiency in financing and mobilization and provide unified management of the construction and utility work. It is also known that the City will need to relocate the fiber communications conduit under NW Military Highway that connects City Hall with the Fire Station.

Even before 2015, when the City began coordination with TxDOT, the intersection of NW Military Highway and Pond Hill Road was a known safety hazard and a topic of discussion with TxDOT. The proposed improvements at the intersection are being included in the overall improvement project. The City’s position is that a traffic control device is needed to ensure the safety of residents.

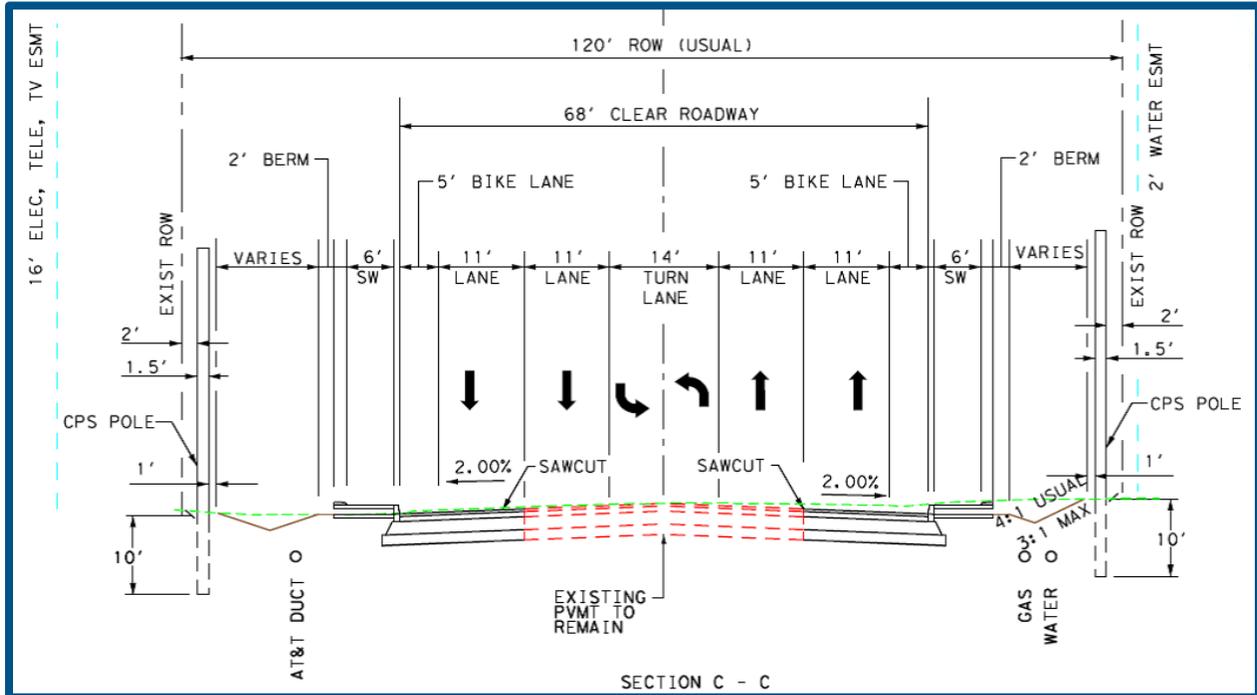


*NW Military Highway on a typical weekday afternoon*

During its initial planning, TxDOT considered several options for the intersection including a restriction on left turns at the intersection. This option is not supported by the residents or the City. During the Town Plan update, residents strongly voiced their concerns regarding restricted left turns at Pond Hill and NW Military Highway. There is, however, strong support from residents for the implementation of a signalized intersection. The City has also requested that TxDOT place

a 'No U-Turn' sign and create crosswalks at the intersection to improve resident safety and pedestrian accessibility.

After public comments received during the Town Plan Public Hearings, the City additionally requested that TxDOT place a crosswalk at the intersection of NW Military Highway and De Zavala Road.



*A typical section of NW Military improvements*

### **Concerns for Upcoming Northwest Military Highway Improvements**

The residents of Shavano Park expressed concerns about the upcoming improvements to NW Military Highway during the Town Plan update process. Residents gave the following concerns:

**Noise and access during construction.** The City and TxDOT understand that like all roadway projects, noise and limited access will be inconveniences during construction. The City will rely on TxDOT's considerable experience with roadway construction to apply best practices to reduce noise and access inconveniences to residents. In addition, the City will continue to listen to resident concerns during construction and attempt to remedy problems as they occur.

**Loss of trees and rural atmosphere.** Residents expressed concerns that the widening of NW Military Highway would cause significant loss of large heritage trees and reduce the City's traditional atmosphere as a rural community. Although it is anticipated that a significant number of trees will be lost within TxDOT's right-of-way, the City will continue to work with TxDOT during

engineering to reduce the number of trees lost. After the project is complete, the City is committed to limiting any future expansion of NW Military Highway.

**Drainage.** Considering the City’s current drainage problems related to NW Military Highway, the residents of Shavano Park have shown concern that the expanded roadway surface could increase drainage and flooding problems. Thus far in engineering as of July 2018, TxDOT has included six drainage improvements along NW Military and satisfied all the City’s requests for improvements.

**Water service during water line relocation.** With the widening of NW Military Highway, the City as well as other utility providers, will have to relocate at least some utilities to ensure they are not located under the expanded roadway surface. The City intends to joint bid the water line relocation, placing the relocation under the considerable experience of TxDOT. The City will ensure that residents along NW Military Highway will maintain reliable water service throughout the water line relocation necessitated by the project.

**Impact on driveways.** Individual property owners will meet and have a chance to coordinate with TxDOT on the specific details of how the expanded roadway may impact their property. The City staff will be available to assist residents with their concerns as needed.

### **NW Military Highway – Issues and Action Steps**

#### **Issues:**

- Safety of the intersection at Pond Hill Road & NW Military
- Loss of trees & rural atmosphere
- Drainage worsening with increased impervious cover
- Scope and cost of water line relocation
- Alleviating noise and traffic congestion during construction
- Protect NW Military Highway from further widening after project is complete
- Reducing speed limit on NW Military Highway

#### **Action Steps:**

- Continue coordination and cooperation with TxDOT
- Ensure a signalized intersection at Pond Hill Road & NW Military Highway
- Mitigate tree loss in planning stages with TxDOT
- Coordinate with TxDOT to address drainage problems identified in Master Drainage Plan
- Determine contractor staging area during road project
- Pursue joint bid with TxDOT for relocation of water lines
- Determine scope & budget for water line relocation

# Residential Development



The City of Shavano Park offers a unique blend of rural small town character with urban conveniences. Residents enjoy upscale family living in a variety of quiet neighborhood settings ranging from the original established neighborhoods built before the city was incorporated in 1956 to newly built and exclusive gated communities.

Shavano Park's neighborhoods include the Old Shavano Park, Shavano Estates, Shavano Creek, De Zavala Estates, Bentley Manor, Huntington, Willow Wood, and Pond Hill Garden Villas.



## **Old Shavano Park**

Residents consider Old Shavano Park to be comprised of two sections: East and West. The East section dates to before the original founding of the City of Shavano Park in 1956, and provides a rural atmosphere and setting. The neighborhood boasts some of the largest lot sizes of any residential area, with some lots approaching five acres. The spacious lots and quiet neighborhood roads provide the rural small town atmosphere so beloved by Shavano Park residents.



The western section of Old Shavano Park was developed in the 1970s and has a minimum lot size of 0.7 acres. It includes residential neighborhoods north of the Municipal Tract and west of NW Military as well as the homes along Ripple Creek, Pepper Bush and Painted Post south of De Zavala Road.



The Shavano Park Water System serves both sections of Old Shavano Park. All lots have homeowner-owned and maintained septic facilities for sewage.



## **Shavano Park Estates**

Shavano Park Estates is the third oldest community in Shavano Park. The neighborhood has a minimum lot size of one acre and boasts the same quiet streets and exquisite homes amid natural beauty that is the hallmark of Shavano Park living. It was developed in the 1970s and does not have a homeowner's association. The Shavano Park Water System serves all homes in the Shavano Park Estates. All lots have homeowner owned and maintained septic facilities for sewage.



## **Shavano Creek**

Located in the southwest corner of the City near the intersection of Lockhill Selma and Huebner Roads, Shavano Creek is a collection of luxury homes with minimum lot sizes of 0.7 acres. The City annexed the existing neighborhood in 2000. The community has its own homeowner's association and offers a sleepy suburban atmosphere. Shavano Creek receives its water and sewer service from the San Antonio Water System.



## **De Zavala Estates**

De Zavala Estates is a small gated subdivision of eight homes on De Zavala Place Road with its own homeowner's association. De Zavala Estates was an existing neighborhood annexed by the City in 2000. The quiet De Zavala Estates neighborhood offers a gated entry and secluded quality of life in a suburban setting. Lot sizes range from two to six acres. The neighborhood receives its water service from the San Antonio Water System.



All lots have homeowner owned and maintained septic facilities for sewage.

## **Bentley Manor**

This gated subdivision is located off of Lockhill Selma Road between De Zavala Road and Loop 1604 on the western side of Shavano Park. The City annexed the land in 1999 before Bentley Manor was developed. It is a family friendly neighborhood in a beautiful, tranquil and heavily landscaped enclave. Bentley Manor is comprised of 323 homes located in three distinct but cohesive communities.

The first section is called "The Cottage Estates" and is comprised of zero lot line homes of approximately 2,500 to 3,500 square feet in size.

The second section is called "The Garden Villas" and is also comprised of zero lot line homes of approximately 2,800 to 3,800 square feet in size.

"The Estates" section is comprised of large sized lots of approximately 0.7 acres that contain homes ranging from approximately 4,000 to 9,500 square feet in size.

Bentley Manor's water and sewer service is provided by San Antonio Water System (SAWS).



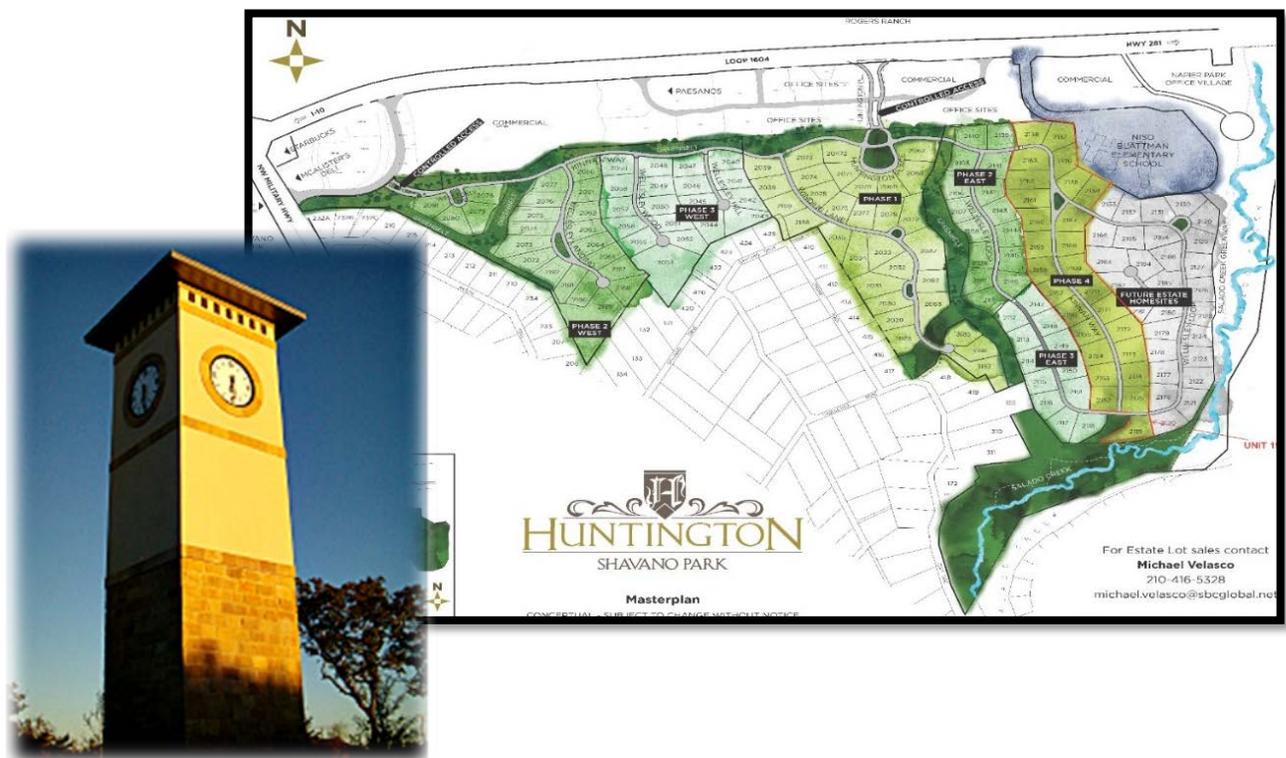
## **Huntington**

Nestled in the northeast corner of Shavano Park, Huntington is a luxurious gated community boasting large acreage homesites. The estate-sized lots are positioned to insure privacy and create a palatial feel for each homesite. The neighborhood is a recent residential development of premier custom-designed homes that will eventually encompass 142 homes.



Huntington's location near Loop 1604 and IH-10 is within minutes of restaurants and destination shopping in The Vineyard, The Rim, The Shops at La Cantera and Stone Oak.

Huntington features a distinctive gated access and clock tower, giving the neighborhood an elegant entrance and a sense of arrival. Huntington's water and sewer service is provided by San Antonio Water System (SAWS).



## **Willow Wood**

Willow Wood offers a suburban living atmosphere surrounded by natural beauty in northern Shavano Park. This gated community is situated on a 49-acre tract of land and has 93 custom-built homes. Located off of NW Military Highway and Loop 1604 commercial areas, Willow Wood is within walking distance of the Shavano Park tennis club, a great amenity for tennis lovers. Willow Wood receives its water and sewer service from the San Antonio Water System.





# Commercial Development



## Commercial Development



The commercial areas of Shavano Park are located in the prime north central area of metropolitan San Antonio. All undeveloped commercial land is owned by one developer who works closely with the City and develops upscale buildings and facilities. The City's vision is to maintain its existing rural character, charm, and quality of life while adding tax revenue and local services from future commercial developments.

The commercial property is located primarily along the Loop 1604 frontage road and Lockhill Selma Road. The majority of the City's commercial developments are office buildings. Other developments include convenience stores, upscale restaurants, coffee shops and a private tennis club. Furthermore, Shavano Park is surrounded by the City of San Antonio and a variety of shopping centers, restaurants and medical facilities are within close proximity to the City.



In the Town Plan update process, residents stated their desire for more local access to commercial services including: restaurants, retail, office, entertainment, and healthcare services. However, the residents continue to support strict regulations of commercial use and signage to preserve the high-quality business community that currently thrives within the City. Residents also desired that NW Military Highway remain residential and that zoning restrictions prevent future redevelopment for commercial use.



*Huntington Office Building along Loop 1604 Frontage*

### **Future Development**

There remains only a small amount of land for future commercial development in Shavano Park. The few lots that are undeveloped or in development include:

1. The Pond Hill east commercial, which is planned for a mix of restaurants and retail
2. 22 acres of undeveloped land near Huntington (zoned B-2)
3. An approximate 2 acre size lot on the north-east corner of Lockhill Selma and De Zavala Road (zoned B-1)
4. Paramount Healthcare Assisted Living facility, on Lockhill Selma (zoned B-2 PUD)
5. Pond Hill west office and restaurant at Pond Hill and 1604 Frontage (East Bound) (zoned B-2 PUD)
6. Napier Park Office complex east of Blattman Elementary (zoned B-2 PUD)

**Note: A comprehensive plan shall not constitute zoning regulations or establish zoning district boundaries.**



*1. Pond Hill East Commercial Subdivision*



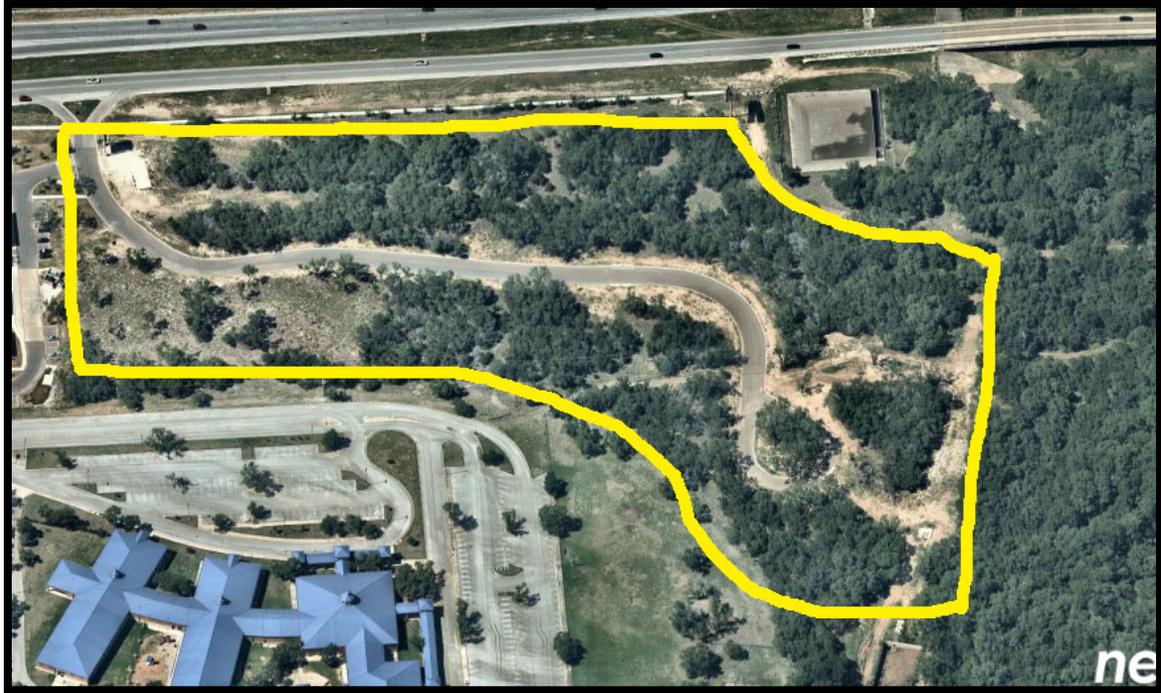
*2. Undeveloped 22 acres near Huntington*



*3. The north-east corner lot of Lockhill Selma Road and De Zavala Road*



*5. Pond Hill West Office & Restaurant*



*6. Napier Park Offices to the east of Blattman Elementary*

### **Commercial Development – Issues and Action Steps**

#### **Issues:**

- Residents want more local access to commercial services – restaurants, retail, office space, entertainment and healthcare.
- Ensuring business uses remain compatible with Shavano Park.
- Ensuring business community maintains high standards.
- Residents support City encouraging sustainable development without additional cost to the City.

#### **Action Steps:**

- Maintain strict restrictions on business signage.
- Maintain restricted allowable business uses while monitoring changing business landscape for necessary additions.
- Maintain up-to-date building codes while being responsive to local developers during code adoption.
- Explore possible actions by City to encourage environmentally friendly developments.

# Flooding and Drainage

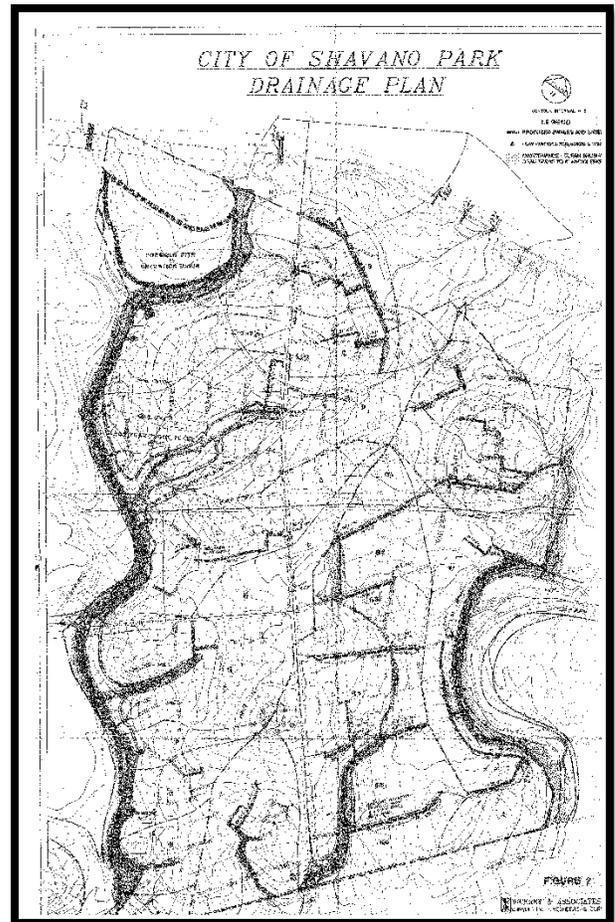


## Flooding and Drainage

Some of the land north of Shavano Park drains into Olmos Creek, which is the major watercourse of the upper San Antonio River watershed and flows through Shavano Park. The storm water drainage system serving most areas of Shavano Park consists of overland flow to natural drainage ways or to unlined open ditches and channels alongside public and private roads.

Being situated between the Texas Hill Country to the north and the lower lying areas of San Antonio proper, Shavano Park has long experienced drainage challenges. These challenges intensified during the 1990's with the rapid development within and around Shavano Park. In 1993 the City commissioned the Vickery Study to analyze the drainage pathways within the City. This engineering study guided City efforts to provide necessary drainage infrastructure in the early 2000's, but with the rapid development in the City the study quickly became outdated.

Due to an increase in intense rainfall events in recent decades, flooding has become more frequent in certain areas of Shavano Park. In the last thirty years, the City experienced several 100 and 500 year flood events. Compounding the problem is the continuing rapid development of the greater San Antonio metro area around the City.

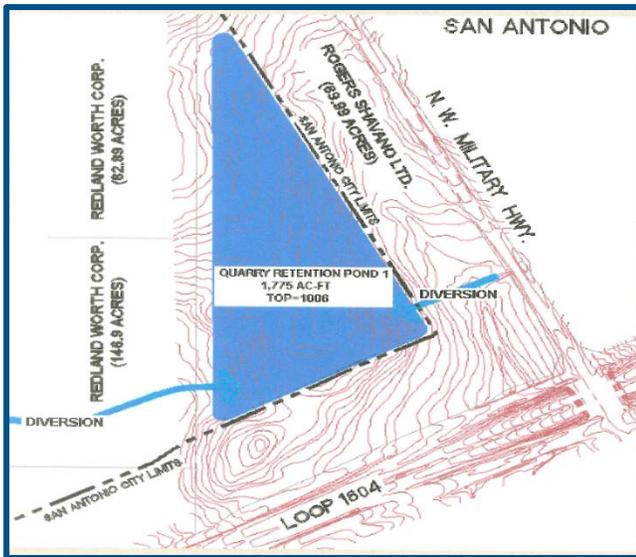


*1993 Vickery Study Map*

In 2010, the Town Plan made drainage infrastructure improvements a priority for the City and referenced two completed drainage improvement projects. From 2012 to 2015 the Planning & Zoning Commission maintained a drainage subcommittee who conducted interviews with

residents and other field work. This work laid the foundations for City efforts from 2016 to 2018.

During the Town Plan update process, residents expressed strong support for near-term action by the City to address flooding and storm water drainage problems, but provided mixed support for consideration of extra financing beyond current City reserves allocated to drainage.



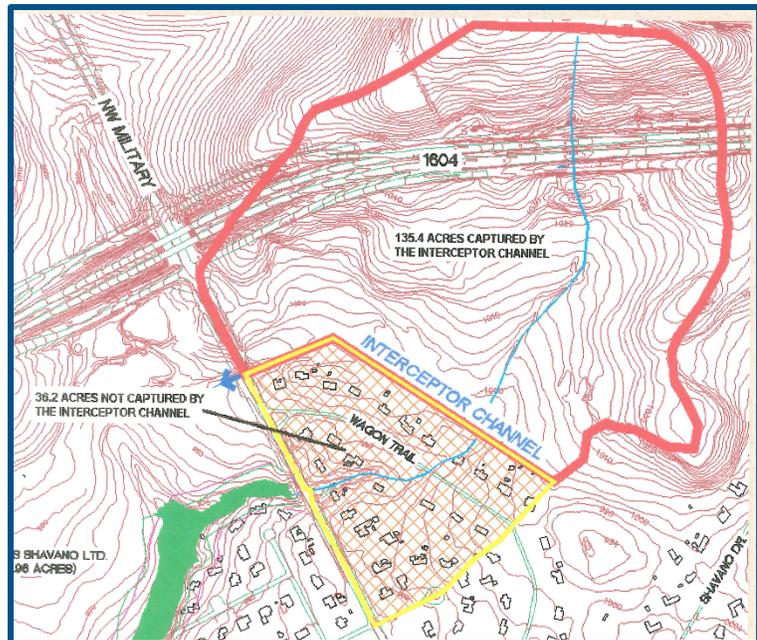
### **Quarry Retention Pond**

In 2010 the City's primary developer completed construction of the Quarry Retention Pond. This pond channels water from the area northeast of Loop 1604 and NW Military Highway to a triangle shaped retention pond. The channel connecting to the culvert under NW Military Highway alleviates flooding in the northwest quadrant of the City along the Olmos Creek. The Retention Pond eliminated many of the City's flooding problems during times of heavy rainfall.

The Quarry Retention Pond has been engineered to have a water storage capacity equal to 940 acre feet, which is estimated to exceed the requirements for storm water run-off for two 100 year floods.

### **Interceptor Channel**

The same developer constructed an interceptor channel to control periodic flooding to homes along Wagon Trail and accommodate storm water runoff from the development of Huntington. The channel intercepts storm waters from these areas and directs the stormflows downstream to the Olmos Creek Watershed.



## **Drainage Improvements: The Way Ahead**

The City, residents, and developers are currently working together to address and improve drainage infrastructure to mitigate future flooding events. In January 2016 the Planning & Zoning drainage subcommittee presented a Drainage Prioritization Concept to City Council after years of interviews with residents and other field work. In response, on February 22, 2016, City Council approved Ordinance No. O-2016-002 which set aside an additional \$1,020,445 in funds to improve the drainage throughout the City.

Equipped with the drainage subcommittee’s plans and previous drainage studies the City enhanced its engineering services and hired KFW Engineers and Surveying as the City Engineer in 2017. Their first task was to complete a Master Drainage Plan using the drainage subcommittee findings and previous drainage studies as a foundation augmented with their modern tools and engineering expertise.

At the November 27, 2017 City Council meeting KFW presented the final Master Drainage Plan to City Council. The Master Drainage Plan uses 2010 radar data to model the effects of 25 and 100 year floods in Shavano Park. The Master Drainage Plan and subsequent surveying and analysis identifies the following projects and cost estimates in 2018 dollars (note some of the larger projects were given lower alternative costs estimates as a minimum):

<b>Drainage Projects</b>	<b>Estimate - Full</b>	<b>City Estimate - Minimum</b>	<b>3rd Party</b>	
Area 1 Wagon Trail Depression	\$ -		Denton	
Area 2 Kinnan Way Channel Berm	\$ -		Denton	
Area 5 Bent Oak Clearing	\$ 15,000			
Area 3 Turkey Creek Area	\$ 5,400,000	\$ 510,000	TxDoT partial	
Area 4 Elm Spring Area	\$ 2,150,000	\$ 140,000	TxDoT partial	
Area 12 Chimney Rock LWC	\$ 165,000			
Area 11 NW Military Culvert #1	\$ -		TxDoT	
Area 5 NW Military LWC #2	\$ -		TxDoT	
Area 5 Windmill LWC	\$ 235,000			
Area 5 Bent Oak LWC	\$ 263,000			
Area 4-2 Ripple Creek Area	\$ 735,000			
Area 6 Happy Trail	\$ 617,000			
Area 7 Bobcat Bend	\$ 60,000			
Area 7 Rock Squirrel	\$ 82,000			
<b>Total Cost of Projects</b>	<b>\$ 9,722,000</b>	<b>\$ 2,822,000</b>		<b>Drainage Reserves</b>
				<b>\$ 1,456,649</b>

This undertaking will be a multi-year challenge for the City. The largest projects in the Turkey Creek Area and Elm Spring are beyond current City reserves and require additional engineering to determine a more detailed scope and further justification for City funding. With a plan and the costs laid out, City Council voted to take action at the January 22, 2018 meeting.

On January 22, 2018, City Council voted to implement and fund portions of the Master Drainage Plan. In Fiscal Year 2018, the City Council allocated \$564,188 for drainage projects.

**Action Plan**

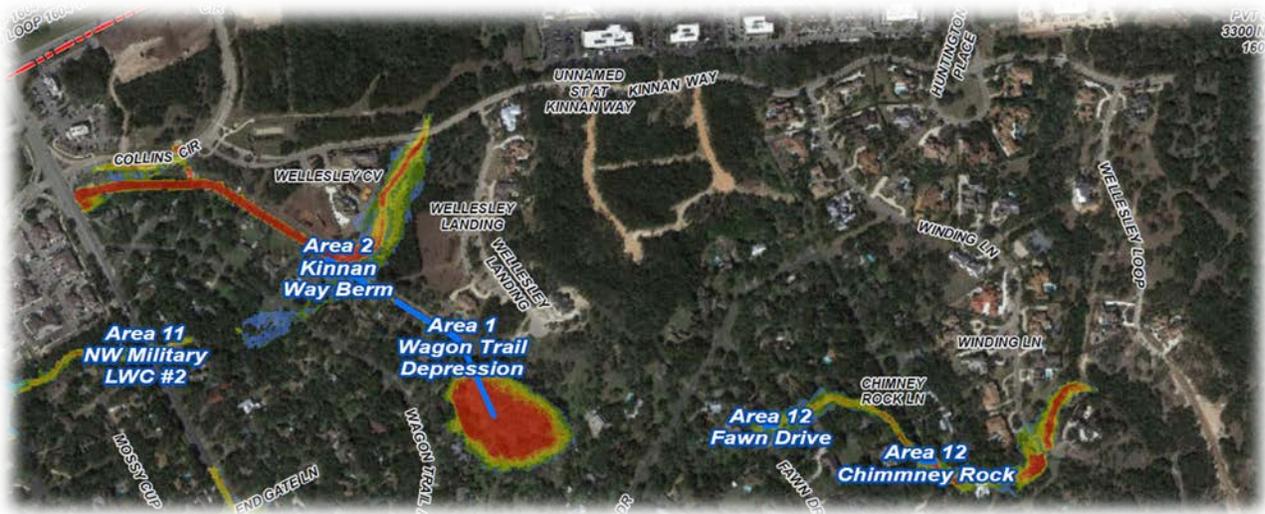
The City is addressing the drainage projects identified in the Master Drainage plan in three phases that serve as guideposts for the City moving forward. In 2018, City Council funded over half a million dollars in projects from Phase 1 with additional engineering work for Phase 2 projects. Note that estimates are in 2018 dollars and are subject to change based upon inflation, scope and market conditions in the future.

**Phase 1:** This includes tackling three small scale drainage projects as well as two low water crossings (LWC) on

Chimney Rock Lane and Fawn Drive. These LWCs are near one another and their proximity will allow projects to be bid together saving on mobilization costs. The City has already begun Phase 1 by placing an order for the survey and design of the culverts to be installed on Chimney Rock and Fawn. In addition, City staff are in-house coordinating the installation of the pump facility for the Wagon Trail Depression, berm improvements along Kinnan Way and clearing of the Bent Oak drainage channel.

All projects in this phase are planned to be completed by 2019. As of July 2018, the Kinnan Way Berm and Bent Oak clearing have been completed as well as surveying, hydrological studies and 40% plans of the culverts at Bent Oak, Windmill and Chimney Rock. Surveying, hydrological analysis and feedback from residents led City staff to drop the proposed culvert on Fawn. Progress is currently underway on the Wagon Trail Depression.

Estimate	Projects
<b>Phase 1 - FY 2018</b>	
\$ 10,000	Area 1 Wagon Trail Depression
\$ 21,400	Area 2 Kinnan Way Berm
\$ 15,000	Area 5 Bent Oak clearing
\$ 165,000	Area 12 Chimney Rock LWC
\$ ——— —	Area 12 Fawn LWC
<i>Phase 1 Cost</i>	<b>\$ 211,400</b>
<b>Phase 2 - 2019</b>	
\$ 118,000	Area 3 Turkey Creek Engineering
	Area 4 Elm Spring/Bikeway Engineering
	Area 4-2 Munitract/Ripple Creek Engineering
\$ 235,000	Area 5 Windmill LWC
\$ 263,000	Area 5 Bent Oak LWC
<i>Phase 2 Cost</i>	<b>\$ 616,000</b>
<b>Total Cost</b>	<b>\$ 827,400</b>
<b>Phase 3 - Future &amp; Possible Projects</b>	
\$ 617,000	Area 6 Happy Trail Stormsewer
\$ 60,000	Area 7 Bobcat Bend Channel
\$ 82,000	Area 7 Rock Squirrel Channel
\$ 5,400,000	Area 3 Turkey Creek Stormsewer
\$ 2,150,000	Area 4 Elm Spring Stormsewer
\$ 735,000	Area 4-2 Munitract/Ripple Creek
<i>Phase 3 Cost</i>	<b>\$ 9,044,000</b>
<b>Total Cost</b>	<b>\$ 9,871,400</b>



*Projects in Phase 1 – Areas 1, 2 and 12 in Master Drainage Plan*



*Projects in Phase 2 include two culverts in Area 5*

**Phase 2:** Phase 2 addresses engineering and construction of the three low water crossings at Windmill and Bent Oak as well as the preliminary engineering and partial surveying of Turkey Creek, Elm Spring / Bikeway and Munitract / Ripple Creek Areas.

The engineering for the culvert at Bent Oak is expected to be completed in 2018, while construction commences in 2019. After field work and speaking with residents, the proposed culvert improvement at Cliffside was removed as a project.

The three projects in the Turkey Creek area, Elm Spring area and the Munitract / Ripple Creek area are the largest and most expensive projects in the Master Drainage Plan. To better scope these projects and to justify the expenditure of potentially millions in City funds the City tasked the City Engineer to prepare partial surveys and on the ground analysis. This additional engineering will inform City Council decision-making on the projects in future years.

Upon completion of this preliminary engineering work, the City will have enough data and information to perform a cost-benefit analysis of completing any of the three projects. As of July 2018 the surveying and hydrological studies of the culverts at Bent Oak and Windmill have been completed and preliminary engineering of the three other projects is underway.

**Phase 3** This final phase is designated for future possible projects, decisions, and funding. It is unknown, at this time, if City will ultimately construct these projects or not. The findings in Phase 2 preliminary engineering will play a considerable role in further City decision making.

Decisions on these projects are likely to occur after 2019.

*Projects in Phase 2 include preliminary engineering for Areas 3 and 4 to determine further scope and cost-benefit of the largest projects.*



#### Issues:

- Flooding & Drainage challenges remain a long-term issue for community.
- Project costs require funding beyond current City reserves.
- Some projects may prove challenging for City to acquire drainage easements from residents.
- Residents seeking rapid action by City.

#### Action Steps:

- Take immediate action to address drainage projects in 2018.
- Determine scope and cost-benefit of three largest drainage projects.
- Investigate grants and other funding sources for future drainage projects.
- Coordinate with TxDOT on drainage projects impacting NW Military right-of-way.

# The Municipal Tract



## **The Municipal Tract History**

The Municipal Tract consists of approximately 22 acres of land and is located in the center of the City at the northwest intersection of De Zavala Road and NW Military Highway.

Approximately 16 acres of the property currently remains undeveloped and are covered with native trees and other vegetation.

The Municipal Tract was deeded to the City by Rogers Shavano Ranch Inc. in 2000 to be used exclusively for "general municipal, municipal recreational, or other community-orientated purposes and/or facilities."

This restriction ensures the tract is designated solely for municipal and community use and will not be developed for any residential or commercial uses.



Plans for the Municipal Tract date back approximately 20 years to the 1999 20-Year Master Plan, which included a two phase plan for a municipal recreational area on the Municipal Tract. Phase one was the construction of walking trails and paths, restroom facilities and a picnic area with an open air pavilion. Phase two was for the construction of a Civic/Community Center. The first improvements to the Municipal Tract began in 2001 with the construction of the current City Hall building and the 911 Emergency Center. Since that time other smaller projects, including the City's marquee sign, walking garden / natural area, and a rain garden for cleansing of parking lot water runoff have been completed.



The City again reviewed options for use of the remaining acreage of the Municipal Tract during the 2010 Town Plan meetings, and envisioned that "developing the Municipal Tract into a community recreational and community center would help maintain the rural character of Shavano Park and provide a place for citizens to gather for community events." The 2010



*In blue outline: The undeveloped portion of Municipal Tract*

Town Plan also proposed specific community-centered improvements for the undeveloped portions of the Municipal Tract, including a pavilion for community activities, water features, and walking trails amid the natural beauty of the property.

The 2010 Town Plan established nine action steps for devising an overall plan for improvements to the Municipal Tract. Based on these action steps, the City Council voted to fund and hire an engineering firm to study the property, address concerns regarding the suitability of the property for improvements, and determine additional improvement possibilities for the site.

### **2014 Feasibility Study**

In 2014 the City contracted with LGA Weave and IDS Engineering Group to perform a feasibility study on the unimproved portion of the Municipal Tract. This study presented a number of suitable improvements that could be made on the Municipal Tract including new storm water infrastructure, pavilions, park buildings, picnic areas, trails, dog parks, playgrounds, swimming pools, basketball courts, gardens, and even a full sized recreation center. The study concluded that the site did not have any geographical, soil, drainage or legal issues preventing improvements to the Municipal Tract.



## **2015 Core Survey**

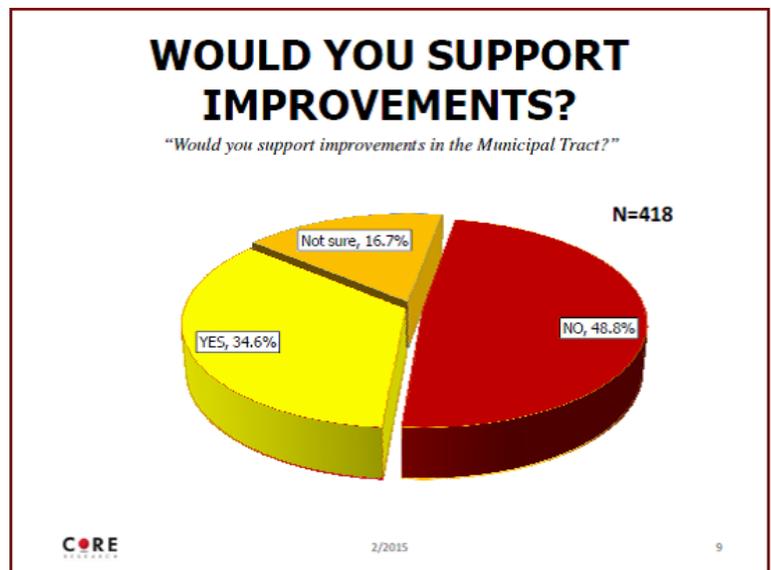
In 2015 the City conducted a survey of residents utilizing the professional services of Dr. Korbel of Core Research, a public polling company. The purpose of the survey was to seek resident input on options presented in the 2014 Feasibility Study.

This survey asked residents to respond to questions about the improvements as identified in the 2014 Feasibility Study. The survey was created as a hard copy and then mailed to each residential address in Shavano Park. There were a total of 438 responses from 416 residences, which represented about a 36% response rate from the City's residents.

The 2015 CORE survey concluded that there was no clear majority of residents favoring either "no change" or development of the Municipal Tract. A plurality of residents (48.8%) responded that they would not support improvements to the Municipal Tract, while 34.6% responded that they would support improvements, and 16.7% were unsure.

However, the survey results did show that the Municipal Tract features that would most likely be supported by residents were: a hike and bike trail; a park with gardens; a pavilion; and a picnic area.

In addition, the survey revealed two 2014 Feasibility Study development options that received over 50% support from residents as follows (next page):



The “natural” option with a series of meandering trails and the addition of gardens, picnic tables or a playground near City Hall (see below).



Drainage and storm water infrastructure improvements on the Municipal Tract, specifically with the creation of two swells leading to a detention area in the southwest corner of the tract (see below).



## **Wildfire Safety on Municipal Tract**

During 2017 the City Council concluded that the dense cedar and thick underbrush on the Municipal Tract posed a potential wildfire hazard to nearby homes. In an effort to earn recognition as a Firewise Community, the Fire Department, together with the Texas A&M University Forest Service, created a one acre demonstration area of a Firewise forest on the City's Municipal Tract. The purpose of the demonstration area was to show residents how to improve wildfire safety on their own properties. To combat any potential wildfire hazard, in 2017 the City Council established an objective to improve fire safety by reducing the risk of a forest fire on the Municipal Tract by constructing a shaded fuel break. A shaded fuel break involves removing undergrowth and the trimming up of all trees in a line similar to a fire break. Unlike a fire break however, many trees and their canopies are retained. The shaded fuel break reduces the likelihood that any wildfire on the tract spreads to nearby homes. In 2018 the Texas A&M University Forest Service team along with the Public Works Department plan to complete the shaded fuel break in the Municipal Tract and along De Zavala Road.

## **2018 Town Plan Update**

During the 2017-18 Town Plan update, the Planning & Zoning Commission requested an online survey of residents and held a public hearing on the Municipal Tract. This online survey was not meant to replace the CORE survey but instead was intended to solicit input for the Town Plan revisions. The survey responses and public hearing comments highlighted the many differing opinions regarding any future improvements of the Municipal Tract.



*2018 Arbor Day / Earth Day Celebration on Municipal Tract*

Many residents expressed their views that developing the municipal tract would enhance the sense of community by providing a beautiful and safe gathering area for neighbors. In addition, civic participation could grow with the construction of community facilities and recreation areas. The improvements could also provide amenities desired by both existing and new residents, further enhancing the image of the City. In addition, residents expressed their opinion that the

Municipal Tract represented a valuable asset to the City and that improvements should be made that would benefit the City's current and future residents.

Many other residents expressed their desire for the Municipal Tract to remain undeveloped and undisturbed. The residents within this group hope to preserve the area for the wildlife that lives on the tract and to maintain the tract's natural landscape. These residents also feel that the surrounding metropolitan area of San Antonio is overdeveloped and the undeveloped Municipal Tract helps maintain the rural character of the community. Financial concerns were raised about the initial costs of construction, as well as long term cost for maintenance, repair and replacement. Usage and security will also have to be addressed.

**Issues:**

- Residents are divided regarding changes to the Municipal Tract, especially those changes that would be visible from De Zavala Road.
- Ensure wildfire safety for homes adjacent to the Municipal Tract.
- Protect nearby neighborhoods from storm water runoff.
- Any improvements should be based upon amenities desired by both current residents and those amenities that may be necessary to attract future residents to the City.
- Financial impact of any improvements

**Action Steps:**

- City Council makes a decision regarding any changes to the Municipal Tract.
- Develop options for any City Council approved changes.
- Ensure that a buffer of trees and vegetation remain for those areas that border the Municipal Tract.
- Continue to monitor need for changes relating to wildfire safety and storm water runoff.

# Acknowledgements



## Residents of Shavano Park

### Mayor and Council

Bob Werner, Mayor  
Michele Bunting Ross, Mayor Pro Tem  
Mike Colemere  
Bob Heintzelman  
Lee Powers  
Maggi Kautz  
Mary Ann Hisel  
Mike Simpson

### Planning and Zoning Commission

Michael Janssen, Chairman  
Albert Aleman, Vice-Chair  
Kerry Dike  
Carlos Ortiz  
Jason Linahan  
Bill Simmons  
Carla Laws  
Konrad Kuykendall  
Shawn Fitzpatrick  
Richard Lazor  
Brian Harr

### City Staff

Bill Hill, City Manager  
Curtis Leeth, Assistant to the City Manager  
Leah Robertson, Intern

# **SWOTS ANALYSIS – 2023 TOWN PLAN UPDATE**

SWOT (strengths, weaknesses, opportunities, and threats) analysis is a framework used to evaluate an organization's position and to develop strategic planning. SWOT analysis assesses internal and external factors, as well as current and future potential.

A SWOT analysis is designed to facilitate a realistic, fact-based, data-driven look at the strengths and weaknesses of an organization, initiatives, or within its industry. The organization needs to keep the analysis accurate by avoiding pre-conceived beliefs or gray areas and instead focusing on real-life contexts. Organizations should use it as a guide and not necessarily as a prescription.

## **Internal Strengths and Weaknesses**

What occurs within the organization serves as a great source of information for the strengths and weaknesses categories of the SWOT analysis. Examples of internal factors include financial and human resources, tangible and intangible assets, and operational efficiencies.

Potential questions to list internal factors are:

- (Strength) What are we doing well?
- (Strength) What is our strongest asset?
- (Weakness) Where can the organization improve?
- (Weakness) Where is the organization lacking resources?

## **External Opportunities and Threats**

What happens outside of the organization is equally as important to the success of an organization's mission as internal factors. External influences, such as political, economic, demographic and socio-cultural, are categories to pull from to create a list of opportunities and weaknesses.

Potential questions to list external factors are:

- (Opportunity) What trends (Political, Economic, Socio-cultural, Technological, etc) could organization engage in?
- (Opportunity) What opportunities are made possible by organization's unique strengths and/or eliminating weaknesses?
- (Threat) What are any threatening upcoming changes to status quo (market, regulatory, political, social, demographic, etc.)?
- (Threat) What Environmental factors (market conditions, other governments actions, crime, social problems) might prevent successful outcomes?

# SWOTS ANALYSIS – 2023 TOWN PLAN UPDATE

Name: \_\_\_\_\_

INTERNAL

## STRENGTHS

- \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_

## WEAKNESSES

- \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_

## OPPORTUNITIES

- \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_

## THREATS

- \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_

EXTERNAL

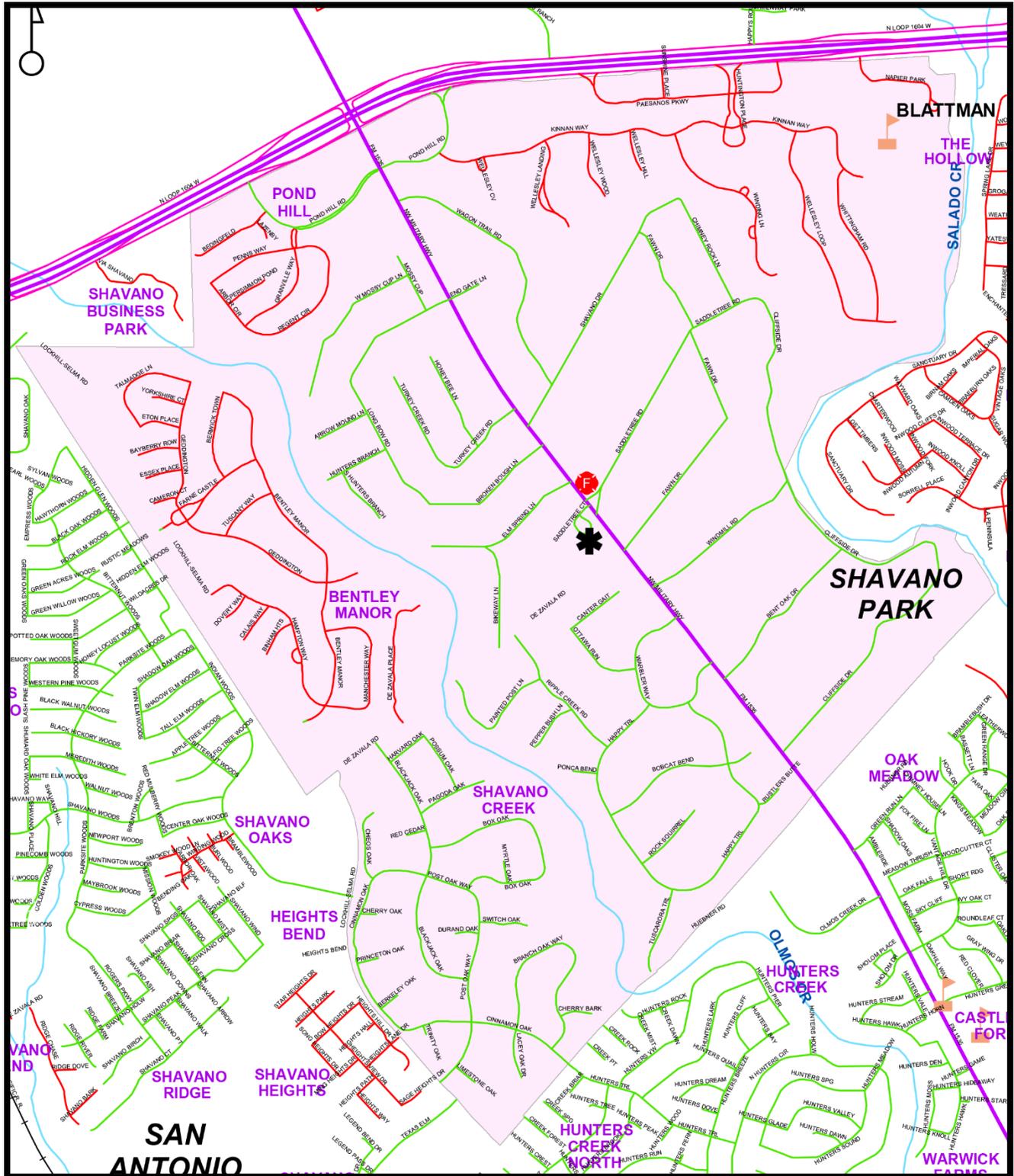


# *City of Shavano Park* **2023** *Town Plan*

*City Living with Country Charm*



# Map of the City of Shavano Park





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<b>ACKNOWLEDGEMENTS</b>	<b>60</b>



## **Purpose of Planning**

*Is to proactively anticipate and set the foundation for future improvements to our community for our residents and other stakeholders.* Planning is a management process, concerned with defining goals for our future direction and determining the resources required to achieve those targets. Planning always has a purpose. By remembering our City's history and planning for its future, we hope to meet the long-term needs of our City's residents and businesses.

## **Purpose of the Town Plan**

*Is to present a vision that shapes our community concerning the major opportunities and challenges of our City,* including: sidewalks and bike lanes; the City's residential and commercial development; addressing flooding and drainage problems; the Municipal Tract; and improving safety and drivability on NW Military Highway.

As a formal City document our Town Plan sets forth general issues and action steps stating our collective vision for the future. The Plan provides a foundation for our City's long-term growth and development with long-range public policy statements for implementation over the next five years.

This document updates the 2018 Town Plan with new resident input and the substantial progress made in planning areas identified in the previous Town Plan. This document is shaped by our residents who participated in the development of this Town Plan and it represents our collective vision for the City's future.

## **Public Participation and Input**

Public participation in the development of this document was a top priority for the Planning & Zoning Commission, City Council, and residents. The entire community was invited to participate through online surveys and public hearings. Social media was a large part of the outreach for the 2023 Town Plan, with the City's TextMyGov texting service, Next Door, Facebook and Twitter accounts playing prominent roles in dispersing information regarding how and where residents could participate. This mix of online and face-to-face input allowed residents multiple opportunities to participate at their convenience. City staff received 631 responses to six Town Plan online surveys, and over 100 residents participated in the six Town Plan Public Hearings in the fall of 2017.

In addition, KFW Engineers & Surveying and the Texas Department of Transportation made presentations at public hearings to provide professional and technical details on some aspects of the Town Plan. These presentations ensured residents and the Planning & Zoning Commission had all the facts before them when discussing long-term planning for topics in the 2018 Town Plan.

### **Plan Review Process**

The City's Planning & Zoning Commission will review the Plan periodically, and at such other times as requested by the City Council. We anticipate that future decisions affecting the City will be consistent with the policies established in this Plan. If City Council approves future projects which differ from the Plan's original intent, the City Council will amend the Plan to reflect those changes.

On July 25, 2022 the City Council directed the Planning & Zoning Commission to update the 2018 Town Plan, thus initiating this process. The update process was conducted by the Planning & Zoning Commission from June 2017 to August 2018.



## **Developing our Community Vision**

The Planning & Zoning Commission together with City Staff issued an online survey of residents and hosted a public hearing to review the City's current Vision Statement. Citizen feedback was crucial to forming the new Vision Statement and amending the strategic goals previously developed by City Council.

## **Vision**

*Shavano Park strives to be the premier community in Bexar County, preserving and celebrating its natural setting and small town traditions amid the surrounding area's urban growth.*

This vision is an aspirational description of what the City endeavors to be in the future. It is intended to serve as an overarching guide. The City embraces two core aspirations in our vision statement:

First, Shavano Park *strives to be the premier community in Bexar County*. The City aspires to become the premier place in Bexar County to raise a family in strong neighborhoods, to be a permanent home for many generations, to provide a welcoming community for quality businesses, and provide first-class services to our community. This involves supporting community events, encouraging citizen involvement, and providing the amenities necessary to retain current residents and attract future ones.

Second, Shavano Park *preserves and celebrates its natural setting and small town traditions* amid the surrounding area's urban growth. The City embraces our past as a small rural community while recognizing the challenges of the future, especially concerning the growth and development of the surrounding San Antonio metro area. This involves maintaining large residential lot sizes, preventing the conversion of residential lots to multi-family and business uses and continuing efforts to protect the City's trees and wildlife.

## **City Strategic Goals**

These goals are adopted by the City Council each year as a part of the City's annual budget process. During the 2023 Town Plan update process, the Planning & Zoning Commission held a public hearing and gathered input from residents. The following are the City's strategic goals:

1. Provide excellent municipal services while anticipating future requirements;
2. Provide and protect a city-wide safe and secure environment;
3. Preserve City property values, protect fiscal resources and maintain financial discipline;
4. Maintain excellent infrastructure (buildings, streets and utilities);
5. Enhance and support commercial business activities and opportunities;
6. Enhance the City's image and maintain a rural atmosphere;
7. Promote effective communications and outreach with residents; and
8. Mitigate storm water runoff.

These broad aspirational goals should guide all City actions. Each budget year the City Council, with input from City staff, determines a number of actionable objectives under each goal. The City Manager then provides in the spring of each year a report to City Council on the progress and achievements made towards each objective.

## **Official Slogan**

On July 23, 2018 the City adopted *Shavano Park – City Living with Country Charm* as its official City slogan after a four month public involvement campaign. The slogan captures the essence of living in Shavano Park for many of our residents who voted it as the best slogan of five options. Shavano living is convenient access to employment, retail and entertainment of the San Antonio metro while residing on quiet, dark streets and large spacious lots reminiscent of the Country. The slogan also points towards Shavano Park's history as a quiet country town situated on ranch land between Camp Bullis and San Antonio.



## **City History**

The City of Shavano Park (originally known just as Shavano) is located in northwest Bexar County at the edge of the Texas Hill Country, approximately twelve miles north of downtown San Antonio, and along the Olmos and Salado Creeks. In the 1800's, A. De Zavala operated a general store just west of our city limits. In 1881, the U.S. Postal Service opened a post office nearby, with De Zavala as the first postmaster. In 1884, the San Antonio and Aransas Pass Railway established a small rail station and switch. During that period, Shavano was a stagecoach stop between San Antonio and Boerne. The original town had a saloon, carpenter, grocer and fifty residents. By 1896 the population grew to nearly 100 residents, before beginning a gradual decline.



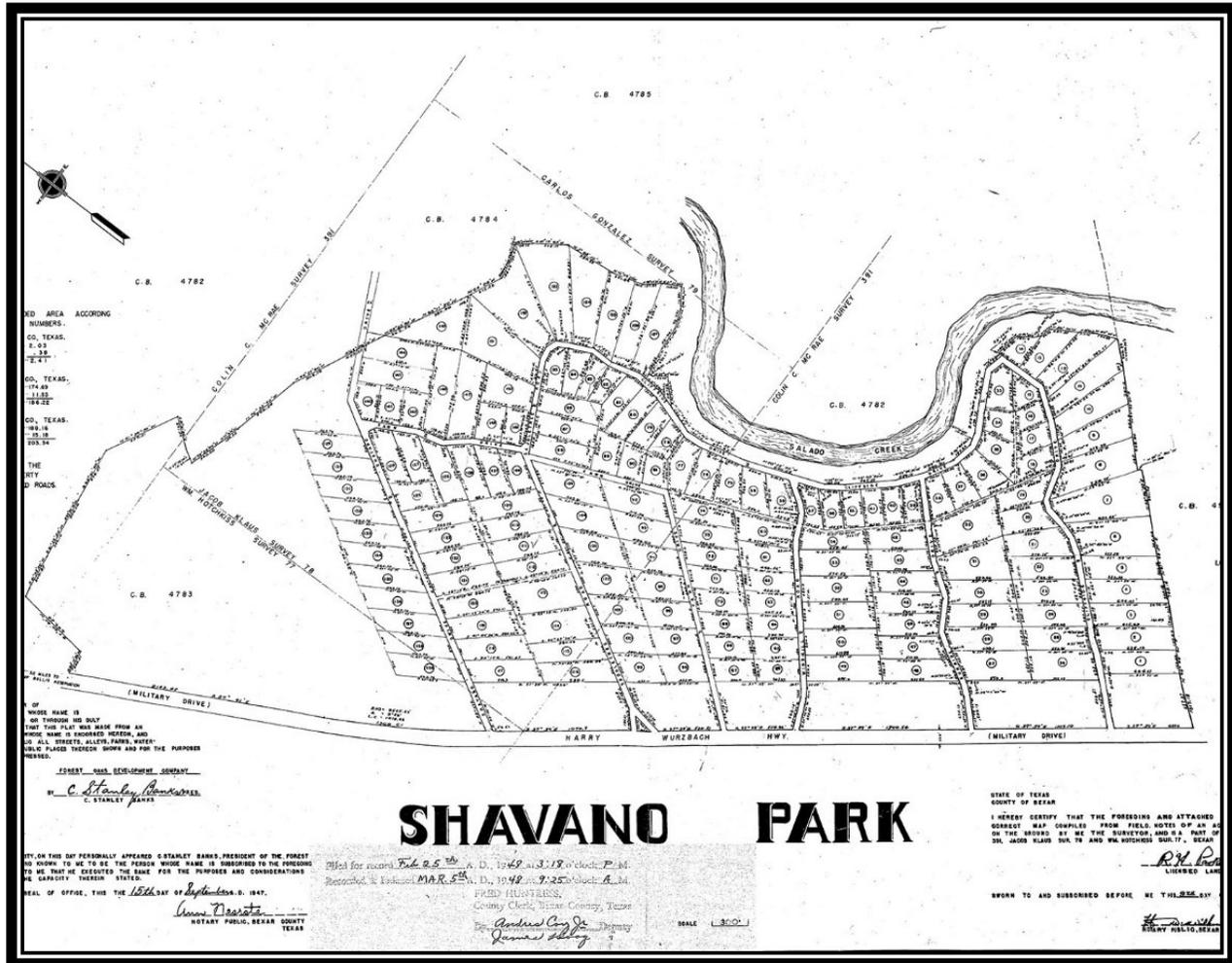
***1958 Cattle Drive on NW Military Highway***



***Shavano Park Volunteer Fire Department in 1952***

By 1903, the Postal Service closed the post office and the site of the later township of Shavano Park became part of the Stowers Ranch. George Arthur Stowers came to Texas in 1889 and opened several successful furniture stores. The land Stowers acquired was originally part of a Spanish land grant. In 1947, Wallace Rogers and Sons purchased the land with plans for additional development. At that time, the road system consisted of only NW Military Highway and De Zavala Road, and residential development had begun in the Cliffside subdivision east of NW Military Highway. On June 19, 1956, the City of Shavano Park was incorporated as a General Law City. In the mid-1960s, additional roads were added, including Loop 1604 to the north, Lockhill Selma Road to the west and Huebner Road to the south.

Today, the City of Shavano Park is completely surrounded by the City of San Antonio. The City's boundaries are generally Loop 1604 to the north, Huebner Road to the south, Lockhill Selma to the west and Salado Creek to the east. The City encompasses approximately 3.3 square miles of land and has an estimated 3, 793 residents. The City has come a long way from the rural cluster of homes east of NW Military Highway, as can be seen in this 1948 property plat of the original homes.



**Original Plat of Shavano Park from 1948**

## Digital Archives

BiblioTech, Bexar County's all-digital public library, worked with the 26 suburban cities of San Antonio, to create individual digital anthologies. Together, these anthologies reflect and preserve the rich, diverse histories found in Bexar County. The project launched in 2018 to coincide with the 300th anniversary of the founding of San Antonio. To see the rich history of Shavano Park visit <http://bexarbibliotecharchive.org/>. This project was a joint effort by City Staff and volunteer residents. It includes sections on the City's military influence, personal histories written by residents, newsletters from 1966 to present, photographs, and the Shavano Park Women's Club.



## **2023 Town Plan: Strengths, Weaknesses, Opportunities, and Threats**

For the 2023 Town Plan the strengths, weaknesses, opportunities, and threats (SWOT) were re-evaluated by the Planning & Zoning Commission.      independent SWOT analyses were submitted to the Commission from City Council, various Boards and Commissions members of the City and City staff.

SWOT analysis is a framework widely used in both the business and non-profit sectors to evaluate an organization's position and to develop strategic planning. SWOT analysis assesses internal and external factors, as well as current and future potential. A SWOT analysis is designed to facilitate a realistic, fact-based, data-driven look at the strengths and weaknesses of an organization, initiatives, or within its industry. The organization needs to keep the analysis accurate by avoiding pre-conceived beliefs or gray areas and instead focusing on real-life contexts. Organizations should use it as a guide and not necessarily as a prescription. This exercise helps the City identify those areas where energies and efforts should be focused in the future.

SWOT analysis results and conclusions are on the following page.



## Strengths

- blank
- blank
- blank
- blank
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## Weaknesses

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- blank
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- blank
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## Opportunities

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- blank
- blank



## Threats

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- blank
- blank
- blank
- blank

### ***Our Community's Conclusion is. . .***

In the future the City will strive to sustain these strengths, address and correct these weaknesses, pursue new opportunities, and recognize and explore solutions to community threats.



## **Demographic Analysis**

Residents are the most important aspect of our community. Demographic and other information regarding our City's residents provides a fundamental understanding of the nature of our community.

## **Population Growth**

Shavano Park has experienced a 16% increase in population between the years of 2010 and 2020. Our population has grown through implementation of our annexation program adopted in 1999 and development of new neighborhoods. These new neighborhoods are nearly built out and the City is dedicated to sustaining large lots with single family homes, so the City's population is expected to remain stable in the future. The City's zoning prohibits multi-family developments.

### **Population, 1970-2017**

<b>Year</b>	<b>Population</b>	<b>Change</b>	<b>% Change</b>
1970	881		
1980	1,448	567	64%
1990	1,708	260	18%
2000	1,754	46	3%
2010	3,035	1,281	73%
2020	3,524	489	16%

Source: United States Census Bureau

**Growth factors** include the City's location in the majestic and beautiful foothills of the Hill Country in northern Bexar County, proximity to three major highways (Loop 1604, IH 10, and Wurzbach Parkway), the prestigious Northside Independent School District, easy commutes to employment centers and the airport, and plentiful shopping nearby.

## Demographic Characteristics

Shavano Park is a highly educated community with a strong presence of military veterans and their families.

<i>Social Characteristics</i>	Number	Percent	Texas
Population	3,524		
Median Age	52.6		
Bachelor's degree or higher	(X)	64.3%	30.7%
Military veterans	415	11.8%	6.8%

Nearly double the Texas average. Shavano truly is a community of veterans.

Source: United States Census Bureau, American Community Survey 2020 Estimates

Shavano Park is an affluent community in a prime location with easy access to nearby businesses, parks, and the highway system of the greater San Antonio metropolitan area.

<i>Economic Characteristics</i>	Shavano Park	Bexar County
Number of Businesses	186	147,956
Median household income (in U.S. dollars)	\$198,295	\$58,288

More than triple the Texas median.

Source: United States Census Bureau, American Community Survey 2020 Estimates

Shavano Park is comprised of strong residential neighborhoods. These property values are high because the community is safe, secure, has large lots, and enjoys outstanding municipal services.

<i>Housing Characteristics</i>	Shavano Park	Bexar County
Total single family homes	1,420	542,650
Average value (in U.S. dollars)	\$800,955	\$230,697

More than triple the Bexar County average.

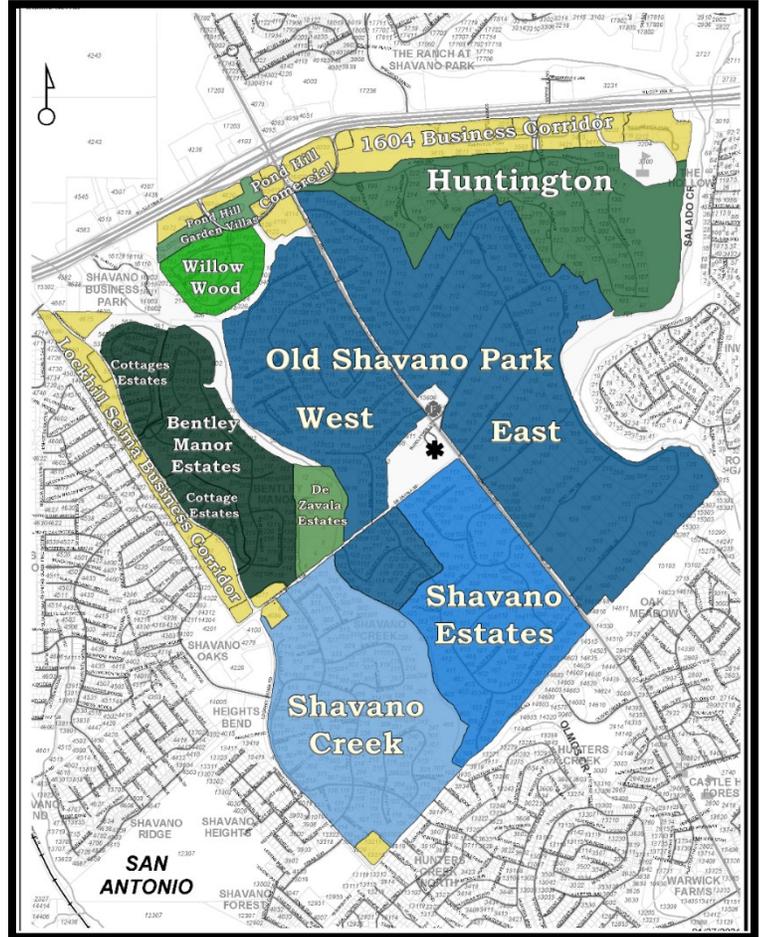
Source: The Bexar County Appraisal District, Certified Totals from 2021



The City of Shavano Park is located in northwest Bexar County at the edge of the Texas Hill Country, approximately twelve miles north of downtown San Antonio, and along the Olmos and Salado Creeks.

The City of Shavano Park is a Type A General Law City operating under a Council/City Manager form of government consisting of five council members and a Mayor.

The City of Shavano Park is completely surrounded by the City of San Antonio. The City's boundaries are generally Loop 1604 to the north, Huebner Road to the south, Lockhill Selma to the west and Salado Creek to the east. The City encompasses approximately 3.3 square miles of land and has an estimated 3,524 residents.



City	2017 Rate
------	-----------

San Antonio	0.558270
Hollywood Park	0.510081
Castle Hills	0.501345
Olmos Park	0.432785
Alamo Heights	0.386439
Terrell Hills	0.347673
Fair Oaks Ranch	0.329500
<i>Shavano Park</i>	<i>0.287742</i>

### **Ad Valorem Tax Rate**

For tax year 2023, the ad valorem tax rate in the City was **\$0.287742** per \$100 valuation. Shavano Park's ad valorem tax rate is lower than many neighbor Bexar County cities and the Texas average, but the City still offers superior services in fire, emergency medical services, police, and public works.

Source: Bexar Appraisal District

## **Zoning and Development**

The City’s zoning districts are designed so that residential and commercial developments meet the needs and desires of residents by providing for high-quality office, retail, and dining services, and single-family homes with both large and small lot configurations. Residential zoning is solely comprised of single-family residential classifications, as multi-family zoning is prohibited by City ordinance. Commercial zoning is located predominately along Lockhill Selma Road and Loop 1604, with limited additional commercial zoning located at the northeast and southeast corners of Lockhill Selma and De Zavala Roads.

The City’s zoning districts are as follows:

Zoning District	Zoning Use
<b>A-1, A-2, A-3, A-4, A-5 PUD</b>	Single Family Residential District
<b>CE</b>	Single Family Cottage Estate Residential District
<b>O-1</b>	Office District
<b>B-1</b>	Business District
<b>B-2</b>	Business District
<b>M-U</b>	Municipal Utility District
<b>MXD</b>	Mixed Use District

The City’s newer residential developments are all either Planned Unit Developments (PUDs) or are zoned as Mixed Use zoning districts (MXD). These PUDs and MXDs give developers flexibility in designing and building quality gated communities that provide multiple home and lot configurations. For details on residential neighborhoods, see [page 34](#) and for commercial developments, see [page 43](#).

According to the City’s primary developer, as of February 2022, there are only 85 additional residential lots and approximately 44 acres of commercial land to be developed

Residential Neighborhoods	Zoning
<b>Old Shavano</b>	A-1, A-3
<b>Huntington</b>	A-1 PUD
<b>Shavano Creek</b>	A-2
<b>Bentley Manor</b>	A-2 PUD
<b>Shavano Estates</b>	A-4
<b>De Zavala Estates</b>	A-5 PUD
<b>Bentley Manor Cottage Estates</b>	CE PUD

<b>Willow Wood</b>	CE PUD
<b>Pond Hill Garden Villas</b>	MXD



## **Local Schools**

Shavano Park is entirely within the Northside Independent School District (NISD), an award-winning school system and one of South Texas' premier school districts. NISD is the state's fourth largest school district, covering 355 square miles, operating 125 public schools and enrolling 101,976 children in the 2022-2023 school year. NISD provides excellence in education and is an accredited school district by the Texas Education Agency. The accreditation status is based on the academic accountability rating and financial ratings.



Shavano Park students attend Blattman Elementary School, located in the northeastern part of Shavano Park. The NISD middle school and high school serving Shavano Park's public school students are Hobby Middle School, located less than 3 miles from the City, and Tom C. Clark High School, located less than 2 miles from the City.

Shavano Park is also surrounded by a number of high quality private and charter schools. Two such schools located near Shavano Park and impacting the City are BASIS Shavano and Cornerstone Christian School.

## **Transportation**

The City of Shavano Park is ideally located within commuting distances to major shopping centers, restaurants, banks, schools, the Medical Center, and the University of Texas at San Antonio. Additionally, the VIA Metropolitan Transit Authority provides transportation services from numerous locations within Shavano Park to locations throughout the metropolitan area of San Antonio.

The City's three major thoroughfares are NW Military Highway, Lockhill Selma Road, and De Zavala Road. According to the Texas Department of Transportation (TxDOT) Annual Average Daily Traffic, our City's traffic count on NW Military Highway was 17,104 vehicles per day in 2021. This count is low though, due to the ongoing construction on NW Military since 2021. In 2019, pre-pandemic and pre-construction traffic count on NW Military was 20,607. For comparison, in 2010, the traffic count at the intersection of NW Military Highway was 10,500 vehicles per day. This means traffic at this intersection doubled in the past decade.

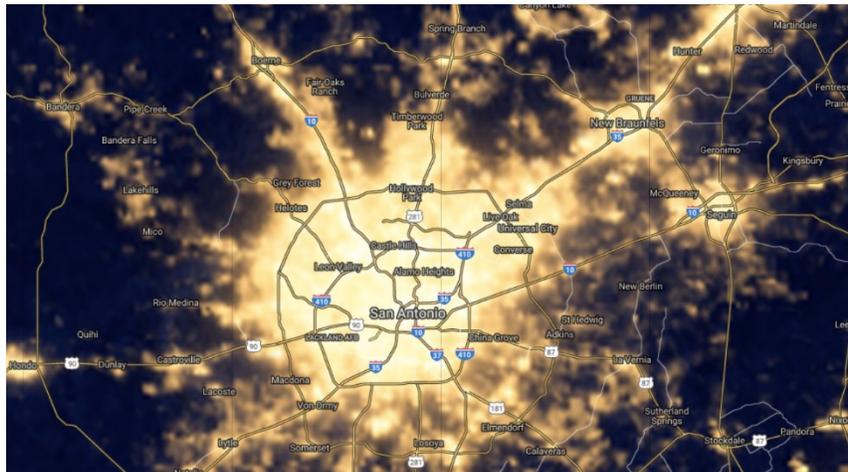
The continued growth of the City of San Antonio has caused increased traffic congestion on its main thoroughfares, NW Military Highway, De Zavala Road, and Lockhill Selma Road. During the busiest times of the day, when the traffic count is at its highest, residents along NW Military

Highway often find it difficult to safely turn onto or off NW Military Highway. This safety hazard for residents was the primary motivation for the City partnering with TxDOT on a project to widen NW Military Highway and create a continuous center turn lane (see details on [page 29](#)). This project was a major focus of the 2010 and 2018 Town Plans and has been under construction since May 2021. Project is on schedule to be completed by TxDOT by December 2023.

In addition to NW Military Highway, TxDOT has been upgrading road infrastructure around the City. In 2018, TxDOT constructed a west bound turnabout for the intersection of Loop 1604 Frontage Road and NW Military Highway. Since the 2018 Town Plan, TxDOT has been actively expanding Loop 1604, IH-10 and Highway 281 - all major throughways that surround the City. These projects should improve the traffic flow in our City and our residents' daily commutes.

### **Dark Skies**

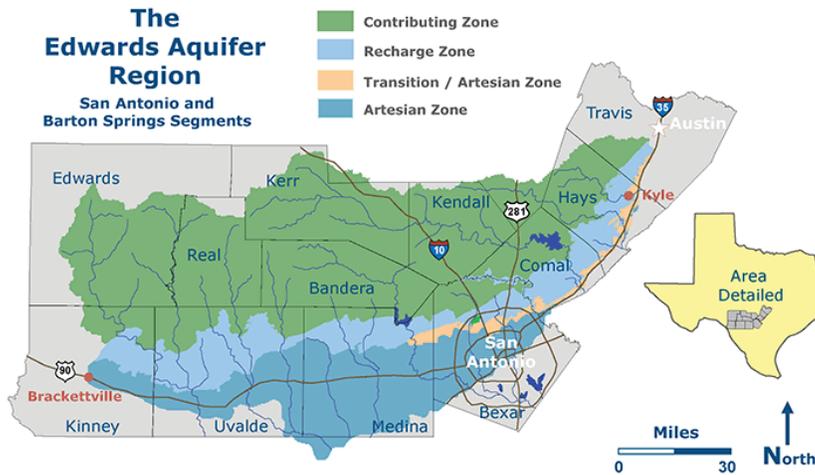
The United States Army expressed concern regarding its ability to conduct night training exercises because of excessive outdoor lighting within a five-mile perimeter of Camp Bullis. Shavano Park is located within this five-mile corridor, and in 2009, our City Council established regulations for outdoor lighting impacting Camp Bullis. These regulations support the United States Army and the community of Shavano Park benefits from the reduction of light pollution in the City.



*San Antonio region at night.*

*Night Lights imagery by NASA's Earth Observatory.*

## Edwards Aquifer Recharge Zone



The Edwards Aquifer is an underground layer of porous, honeycombed, water-bearing rock that is between 300-700 feet thick. The City is located entirely over the environmentally sensitive Edwards Aquifer Recharge Zone that stretches across north Bexar County. All developments over the recharge zone are regulated by the Edwards Aquifer Authority (EAA) and require Water Pollution Abatement Plans. The City considers protecting the Aquifer a serious duty, and ensures all developments meet EAA and Texas Commission on Environmental Quality (TCEQ) standards. Towards these efforts, in 2017 and 2019 the City built a rain gardens at City Hall to collect runoff from the City Hall parking lot.

## Tree Preservation

One of our City's greatest assets are our beautiful heritage trees. Trees maintain our attractive rural character, protect against soil erosion, and offer shade to homes. During the town plan process, residents made numerous comments about how our trees contributed to the allure and beauty of Shavano Park. In addition to these heritage trees, groves of "second generation trees" are found throughout the City. As a sign of City's commitment to protecting and preserving its native trees, the City has been a Tree City USA member since 2015, receiving Growth Awards in 2019 and 2020, and winning an Arbor Day of the Year in 2018.

Primarily established native trees within the City include: Live Oaks with a scattering of Burr, Red and Post Oaks, as well as Bald Cypress, Mountain Laurels, Texas Persimmons and Cedar Elms. A diversity of tree species is desirable because it not only adds to the aesthetic quality of the City, but it also helps prevent the widespread devastation caused by single species disease or

infestation. By ordinance, sixteen native trees are protected as heritage trees during commercial development. Commercial business developers are required to conduct a tree survey of the development site and identify the location and diameter of all heritage trees. During development, 25% of the collective diameter of trees must be preserved. In addition ordinance requires preserved heritage trees be protected from damage during construction. These preserved heritage trees add to the lushness and pleasantness of the City's neighborhoods and commercial areas.

In 2005, the City adopted a tree preservation ordinance to protect certain trees during commercial development. This ordinance set the requirements for tree preservation that all commercial developments must follow. Developments are required to submit a tree survey to the City and mitigate any loss of heritage trees, as defined by ordinance, with the planting of new trees.

In 2015, the City adopted a Public Tree Care ordinance that created the Citizen's Tree Committee of Shavano Park. This committee provides advice and input regarding possible oak wilt, tree trimming and generally accepted urban forestry practices. This ordinance also granted the City Manager the authority and responsibility to oversee the planting, pruning, maintenance, and removal of trees on public property. This ordinance ensures that the City's beautiful and lush trees are protected on public and commercial property.



In 2015 the Shavano Park Citizen's Tree Committee spearheaded the City's efforts to become a Tree City USA. This program, administered by the Arbor Day Foundation since 1976, recognizes communities committed to sound urban forestry management. Over 3,400 communities are a part of this program. A community is required to maintain a tree board, have a community tree ordinance, spend at least \$2 per capita on urban forestry and celebrate Arbor Day.

### **Sustainable Development**

Residents have also expressed support for new sustainable development ideas. The City plans to work with residents in this endeavor without creating a financial burden on the City's budget.

As of October 2015, all new residences are required to be solar-ready. A solar-ready home is a residence that comes with pre-installed electrical infrastructure necessary for the installation of solar panels. By installing the necessary conduit and panels during construction, thousands of dollars are saved by a homeowner when installing solar panels in the future. The mandate costs builders around \$200 dollars; pocket change when compared to the thousands of dollars it would cost to install solar panels once construction of the home is complete. Shavano Park is one of the few cities in Texas to require all developers to build solar-ready homes.

In 2016, the City lowered the cost of purchasing solar permits to \$150 instead of using a valuation-based permitting fee that charged one homeowner a \$1000 to permit. This substantially lowered the cost of installing solar panels in Shavano Park.

Finally, the City also maintains and updates its building and fire codes to the latest versions from the International Code Council and National Fire Protection Association to ensure that Shavano Park protects the well-being of its residents, and adopts the latest efficient heating and cooling building construction standards.



### **Scenic City**



The City of Shavano Park has been recognized as a Scenic City by the Scenic City Certification Program since 2016 (re-certified in 2021). Shavano Park maintains high-quality scenic standards for its roadways and public spaces. The Scenic City Certificate is a reflection of Shavano Park’s excellent civic leadership, great community pride, and strong desire to maintain its rural character.

### **Firewise USA**



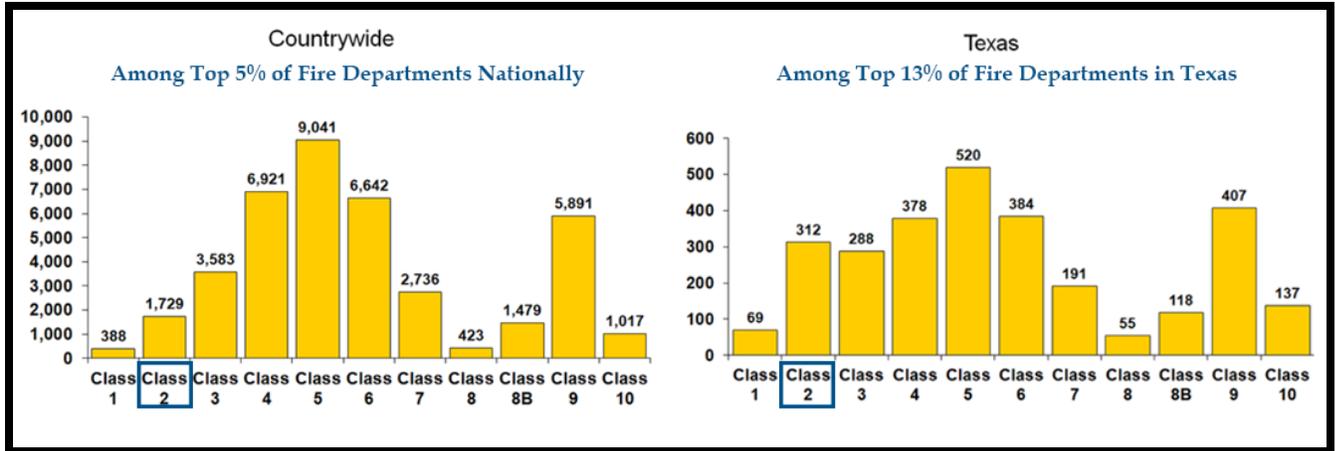
Shavano Park has been recognized as a Firewise Community by the National Fire Protection Association since 2016. The residents of Shavano Park are active participants in creating a safer community by engaging in wildfire risk reduction activities and by celebrating Firewise Day each year. Since being recognized the City completed two projects to improve wildfire safety in the City. In 2017, the City created a one acre demonstration area of a Firewise forest on the City’s Municipal Tract to show residents how to improve wildfire safety on their properties. In 2018, the City with the Texas A&M Forest Service created a Shaded Fuel Break along the borders of the Municipal Tract to reduce the likelihood that any wildfire on the tract would spread to nearby areas.



### **Insurance Services Office (ISO) Rating of 2**

The Insurance Services Office (ISO) collects information on municipal fire protection efforts in communities and analyzes the data. ISO will then assign a Public Protection Classification ranging from 1 to 10, with 1 being the best and 10 the worst. On June 10, 2016 the City of Shavano Park Fire Department received a classification of 2. The City will strive to maintained ISO classification 2 for the next ISO review.

This classification places the Shavano Park Fire Department in elite company among the nation's fire departments. In addition, this rating entitles the residential and commercial property owners within the City of Shavano Park to receive the maximum credit on their insurance premiums. With a Class 2 ISO rate, Shavano Park property owners may realize a 10 to 15% decrease in their property insurance premiums.



Source: [www.isomitigation.com](http://www.isomitigation.com)



### Texas Police Chiefs Association Law Enforcement Best Practices Recognition

On February 22, 2018 the City of Shavano Police Department achieved “Recognized Status” for compliance with the Texas Law Enforcement Agency Best Practices Recognition Program of the Texas Police Chiefs Association. The Department received re-accreditation in March 2020. Shavano Park Police Department is one of only the 181 of the 2,716 Law

Enforcement agencies in the State of Texas to be recognized and accredited – in the top 6% of all Texas Police Departments. This recognition is based upon the policies, standards, and practices of the department following the 168 Best Practice Standards, and involved a comprehensive two year agency process culminating in a two day audit of all areas of the agency.

The men and women of the Shavano Park Police Department are commended for their hard work and dedication in obtaining this status.



Established in 2006, the Law Enforcement Recognition Program is a voluntary process where police agencies in Texas prove their compliance with 168 Texas Law Enforcement Best Practices. These Best Practices were carefully developed by Texas Law Enforcement professionals to assist agencies in the efficient and effective delivery of service, the reduction of risk and the protection of individual’s rights.

## **Government Finance Officers Association** **Distinguished Budget Award**

In its commitment to financial transparency, the City of Shavano Park submits its Annual Budget to the Government Finance Officers Association (GFOA) for review under its Distinguished Budget Presentation Awards Program. The City has received this award a total of 11 times, including a 7-year streak from 2015 to 2021.

This program was established to encourage and assist state and local governments to prepare budget documents of the very highest quality that reflect both the guidelines established by the National Advisory Council on State and Local Budgeting and the GFOA's best practices on budgeting and then recognize individual governments that succeed in achieving that goal. To earn recognition, budget documents must meet program criteria and excel as a policy document, financial plan, operations guide and communication tool.

