

**CITY OF SHAVANO PARK  
PLANNING & ZONING COMMISSION MEETING  
CITY HALL, COUNCIL CHAMBERS  
900 SADDLETREE COURT, SHAVANO PARK, TEXAS 78231  
August 4, 2021**

**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 4, 2021 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 7, 2021.
5. Discussion / action - Possible amendments to the table of allowed zoning uses under Chapter 36 – Zoning, Article VI. Tables and amendments clarifying MXD Zoning District language in Section 36-41 - City Manager
6. Discussion - Mobile Food Units - City Manager

7. Report / update - City Council items considered at previous City Council meetings and discussion concerning the same - City Manager
8. **Chairman Announcements:**
  - A. Advise members to contact City staff to add new or old agenda items.
  - B. Advise members of pending agenda items, as follows:
    - i. Presentation / discussion - Shavano Park Commercial and Residential Development Semi-annual Presentation

9. **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 2021 at 5:45 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**

Vice-Chairman Fitzpatrick called the meeting to order at 6:34 p.m.

PRESENT:  
Shawn Fitzpatrick  
Michael Janssen  
Jason Linahan  
Vicky Maisel  
Damon Perrin  
Bill Simmons  
William Stipek

ABSENT:  
Kerry Dike  
Carla Laws

**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 Linahan, and a second made by Commissioner Perrin, 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 signed up to address the Planning & Zoning Commission.

**4. Consent Agenda:**

Approval - Planning & Zoning Commission minutes, June 2, 2021.

Upon a motion made by Commissioner Stipek, and a second made by Commissioner Janssen, the Planning & Zoning Commission voted six (6) for and none (0) opposed to approve the Planning & Zoning Commission minutes of June 2, 2021 as presented. The motion carried.

**5. Public Hearing - Possible City of Shavano Park ownership takeover of several Bitterblue owned greenbelts in the City**

Public hearing opened at 6:36 p.m.

City Manager Hill along with Barbara Canute, Project Manager with Bitterblue Inc, provided an overview of the City of Shavano Park ownership takeover of several Bitterblue owned greenbelts.

Public hearing closed at 6:47 p.m.

**6. Discussion / action - Possible City of Shavano Park ownership takeover of several Bitterblue, Inc. owned greenbelts in the City - City Manager**

City Manager Hill summarized the possibility of the City of Shavano Park ownership takeover of several Bitterblue, Inc. owned greenbelts in the City. The Commission asked questions and discussed their concerns with owning the green belts. Upon a motion made by Commissioner Linahan, and a second made by Commissioner Janssen, the Planning & Zoning Commission voted five (5) for and one (1) opposed (Commissioner Maisel) to recommend City Council approve the ownership takeover the greenbelts, subject to City Attorney review of the deed, deferred maintenance on the tracts be completed and a Phase 1 environmental study be done on the properties prior to City acceptance. The motion carried.

**7. Public Hearing - Possible amendments to the table of allowed zoning uses under Chapter 36 – Zoning, Article VI. Tables and amendments clarifying MXD Zoning District language in Section 36-41**

Public hearing opened at 7:09 p.m.

City Manager Hill summarized the amendments to the table of allowed zoning uses under Chapter 36 – Zoning, Article VI. Tables and amendments clarifying MXD Zoning District language Section 36-41.

Public hearing closed at 7:14 p.m.

**8. Discussion / action – Possible amendments to the table of allowed zoning uses under Chapter 36 – Zoning, Article VI. - Tables and amendments clarifying MXD Zoning District language in Section 36-41 - City Manager**

City Manager Hill summarized the possible amendments to the table of allowed zoning uses under Chapter 36 – Zoning, Article VI. - Tables and amendments clarifying MXD Zoning District language in Section 36-41, No action was taken at this time.

**9. 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.

**10 Chairman Announcements:**

- A. Advise members to contact City staff to add new or old agenda items.
- B. Advise members of pending agenda items, as follows:
  - i. August – Possible Zoning Table of Allowed Use Amendments

**11 Adjournment**

Upon a motion made by Commissioner Janssen and a second made by Commissioner Maisel, the Planning & Zoning Commission voted six (6) for and none (0) opposed to adjourn the meeting at 8:01 p.m.

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Carla Laws, Chairman

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Trish Nichols, City Secretary

## PLANNING AND ZONING STAFF SUMMARY

Meeting Date: August 4, 2021

Agenda item: 5

Prepared by: Curtis Leeth

Reviewed by: Bill Hill

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### **AGENDA ITEM DESCRIPTION:**

Discussion / action - Possible amendments to the table of allowed zoning uses under Chapter 36 – Zoning, Article VI. Tables and amendments clarifying MXD Zoning District language in Section 36-41 - City Manager

X

**Attachments for Reference:** 1) 5a Possible Draft Amendments (TRACK CHANGES)

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**BACKGROUND / HISTORY:** **UPDATES** The City of Shavano Park regulates allowed uses by zoning district under Chapter 36, Article VI. – Tables. The Commission periodically reviews the Table of Uses, especially in regards to the commercial zoning districts, to ensure that allowed uses remain compatible with the ongoing development of the City.

The last time the Commission review the Table of Uses was in 2017, which ultimately resulted in Ordinance O-2017-009.

### **For newer members:**

- Items marked **(CC)** mean the use requires a special use permit approved by Planning & Zoning & City Council after a public hearing.
- The commercial uses are setup as O-1 being the “lightest” commercial uses, with B-1 being “medium” commercial uses, and B-2 being the “heavier” commercial uses. The business zoning districts build on top of each other: all uses in O-1 are allowed in B-1, and again all O-1 AND B-1 uses are allowed in B-2. If a use is moved or added to O-1 for example it would be allowed in all business zoning districts.

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**DISCUSSION:** For the July meeting staff prepared draft amendments using feedback from The Commission at the June 2 meeting and proposed amendments from Chairman Laws and Commissioners Janssen and Linahan. **Track changes updated after Commission guidance at the July 7, 2021 meeting. Staff decided to break out Mobile Food Court/Units into another agenda item as it a separate topic.** Track Changes include:

- **Removed Mobile Food Court regulations (to be considered separately)**
- **Add Electric Vehicle (EV) Charging Stations to B-1/B-2 [Janssen]**
- **Removed “with alcohol sales” for grocery stores (not necessary/confusing) [Janssen]**

- **Mobile Food Court now a CC use**

- Amendments clarifying MXD front setback language [Janssen]
- Adds MXD setback and area regulations to the Table No. 6 [Janssen]
- Proposes some clarifying language for Banks/savings and loan use
  - o Proposes CC use for Bank drive thrus ONLY in O-1 (lighter commercial), but explicitly allows in B-1/B-2 [Linahan]
- Numerous minor edits/tweaks to allow uses from Chairman Laws. Highlights:
  - o Delete all the individual medical services and combine into 1 Clinic use
  - o Delete Boutique Hotel (redundant)
  - o Delete Movie Rental (obsolete)
  - o Delete Luggage sales and service (redundant)
  - o Delete Optical goods, retail store (redundant)
  - o Delete Churches, combine Churches into religious activity (redundant/confusing)
  - o Delete Photographic equipment and supplies, retail store (redundant)
  - o Delete Altering/repairing of apparel (redundant)
  - o Clarify sports courts allowed both outdoor/indoor (confusing)

With the pandemic coming to a close, business development is picking back up. Many both inside and outside the business community are wondering what the “new normal” in many markets will look like

Staff recommends the Commission change to the Table of Uses to allow banks and financial institutions to provide drive thru services without the requirement for a special use permit.

Drive thru services are how almost all banking services have been handled the past year amid the pandemic and staff consultation with developers is that no bank institution that serves the general public would build a building without a drive thru. The requirement for a special use permit (with public hearings) for a banking drive thru therefore seems burdensome.

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**COURSES OF ACTION:** Recommend approval of proposed amendments to the table of allowed zoning uses; or decline and give further guidance to staff.

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**FINANCIAL IMPACT:** N/A

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**MOTION REQUESTED:** Recommend approval of proposed amendments to the table of allowed zoning uses under Chapter 36 – Zoning, Article VI. Tables and amendments clarifying MXD Zoning District language in Section 36-41

## ARTICLE II. – DISTRICTS

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Sec. 36-41. - MXD—Mixed-Use District.

(a) Definitions:

As used herein the term "Density Single-Family Residential" shall refer to such uses as townhomes, condominiums, and garden homes, which are generally defined as, but not limited to, buildings containing one-family dwelling units erected as a single building or multiple buildings on a single lot. It may include horizontally-stacked dwelling units but shall in no event include apartments, which are generally defined as multi-family dwelling units at a density greater than 25 units per acre.

(b) *Use regulations:*

(1) This district allows a combination of residential, office, and commercial uses, which may or may not be in the same building, and flexibility in the planning and construction of the development in accordance with an approved site plan that allows for a broad range of mixed uses.

(2) All uses permitted in Tables 3, 4 and 5 shall be permitted in the MXD District, except that uses requiring City Council approval ("CC" uses) shall be permitted by right pursuant to an approved MXD site plan. Additionally, Density Single-Family residential uses shall be permitted pursuant to an approved MXD site plan.

(c) *Area regulations:* A MXD District shall only be permitted on tracts fronting on Texas State Highway Loop 1604 and which consist of a minimum of three acres in area.

(d) *Height, density, setbacks and other limitations:* A MXD District shall not be subject to the use, height, density, commercial intensity, setbacks, parking and other regulations of the City zoning regulations, currently codified as chapter 36 of the Code of Ordinances. The height, density, commercial intensity, setbacks, parking and other requirements shall be established pursuant to an approved MXD site plan, provided, however, the following regulations shall apply:

(1) A ten-foot minimum building setback shall be required where a non-single-family residential use within the MXD District abuts a single-family use or single-family zoning district.

(2) A 20-foot minimum front setback shall be required for front-load residential garages and a ten-foot minimum front setback shall be required for side-load residential garages.

(3) A ten-foot minimum building setback shall be required where any residential or nonresidential use abuts a public or private street.

(4) Exterior fences and walls shall be permitted along the property line of any residential use.



- (5) All streets within a MXD District may be publicly accessible and may be located adjacent to the property line of any developed or undeveloped land, provided a minimum 30-foot buffer is installed when such street is adjacent to any residential rear property line. If streets are privately owned and maintained they may be gated.
  - (6) Parking on public streets shall only be permitted on one side of the street and shall not be permitted between the hours of 2:00 a.m. and 5:00 a.m., except that on-street cut-out parking shall be allowed at any time pursuant to an approved MXD site plan. Public streets are defined, for the purpose of this section, as that portion of the roadway and shoulder from the property line on one side of the street to the property line on the opposite side of the street.
  - (7) The height of any commercial or residential structure shall not exceed 45 feet unless authorized by an approved MXD site plan and serviceable by the Fire Department.
  - (8) Where residential areas are developed with private common areas and/or privately shared open space, a mandatory homeowner's association shall be created. The homeowner's association shall be responsible for maintenance and upkeep of all private common and shared areas within the boundaries of the residential development. Board composition, dues, and other procedural aspects of the homeowner's association shall be determined by the developer of the residential area.
  - (9) A minimum two-car garage shall be required for each density single-family residence and may be rear, side, or front loaded.
- (e) *MXD site plan:* A MXD site plan shall be approved by City Council as part of a rezoning to the MXD District and shall include:
- (1) Legal description and exhibit of the property on a scaled map sufficient to determine detail showing the area to be zoned MXD.
  - (2) The general location of all land use categories. Multiple categories may be designated where a lot or building is sited to include two or more categories of uses.
  - (3) The general location of all existing and proposed streets.
  - (4) The proposed maximum heights, densities, commercial intensities, and parking ratios.
  - (5) The following existing conditions, where applicable:
    - a. Topographic contours of ten feet or less.
    - b. Existing 100-year floodplain, floodway and major drainage ways.
    - c. Utilities, including water, wastewater and electric lines.
- (f) *Amendments to approved MXD site plan:*

- (1) *Classification:* Amendments to a previously approved MXD site plan shall be classified as a minor or major amendment. Minor amendments may be administratively accepted. Within 20 working days after the filing of the proposed amendments, the City Manager or his/her designee shall provide a written response to the applicant indicating whether or not the revised MXD site plan has been approved as a minor amendment. All revisions to an approved MXD site plan not considered a major amendment shall be considered a minor amendment. Major amendments shall require a new application for rezoning and shall be processed in the same manner as the initial MXD site plan.
- (2) *Major amendments—Applicability:* Increasing the area or intensity of nonresidential uses shall be considered a major amendment.

## **ARTICLE VI. - TABLES**

### **Table No. 1**

#### **A-1, A-1 PUD, A-2, A-2 PUD, A-3, A-4 and A-5 PUD Single-Family Dwelling Districts**

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### **Table No. 2**

#### **CE Cottage Estates Residential District and MXD Mixed Use District**

- (a) *Specifications.* In a CE Cottage Estates Residential District, each residence shall have a minimum gross floor area of not less than 2,000 square feet.
- (b) *Height regulations.* No building shall exceed two stories in height and the permitted maximum vertical height shall not exceed 45 feet.
- (c) *Area regulations.*
  - (1) *Lot area.* All building lots in this district shall contain not less than 0.15 acres of land and have not less than 55 feet of average width per lot. The average width shall be calculated based on the linear width of such lot measured at the front property line and the rear property line. If any property line is curved, the measurement shall be based on a straight line running from the corners of such lot.
  - (2) *Parking spaces.* Off-street parking space shall be provided on the lot to accommodate a minimum of two motor cars for each dwelling unit. For purposes of computing the required number of parking spaces for any improvements, no "parking space" located on public land, such as the public right-of-way of a street or alley, shall be included, except for parking in a utility or drainage easement area, whether public or private.

- (3) *Setback lines* for CE and CE-PUD (Bentley Manor Cottage Estates North) and CE-PUD (Bentley Manor Cottage Estates South):
- a. Front: Minimum front setbacks shall be as follows:  
Front entry garages: 25 feet.  
20 feet - Cul-de-sac lots.  
Side entry garages: 15 feet; ten feet, cul-de-sac lots.
  - b. Side: Minimum side setbacks shall be ten feet on one side and zero feet on the side abutting an adjoining lot having a minimum ten-foot setback; provided that no side setback shall be required on any lot if there is at least a ten-foot separation between buildings with no side setback less than five feet.
  - c. Rear: The minimum rear setback shall be ten feet.
- (d) *CE-PUD Cottage Estates Planned Unit Development (Willow Wood)* (established by Ordinance 100-12-03).
- (1) *Specifications.*
    - a. One story residence: minimum 2500 square feet.
    - b. Two story residence: minimum 3000 square feet.
  - (2) *Area regulations.*
    - a. Lot area. 15,000 square feet minimum lot size.
    - b. Setback lines.
      1. Front: 30 feet.
      2. Side: 40 feet additive total side set back with a minimum of ten feet on any one side.
      3. Rear: 21 feet.
- (e) *Mixed Use District* (see Section 36-41 for zoning regulations in full). The height, density, commercial intensity, setbacks, parking and other requirements shall be established pursuant to an approved MXD site plan, provided, however, the following regulations shall apply:
- (1) A ten-foot minimum building setback shall be required where a non-single-family residential use within the MXD District abuts a single-family use or single-family zoning district.
  - (2) A 20-foot minimum front setback shall be required for front-load residential garages and a ten-foot minimum front setback shall be required for side-load residential garages.
  - (3) A ten-foot minimum building setback shall be required where any residential or nonresidential use abuts a public or private street.
- (f) *Fences.*
- (1) *Fences in general.* All fences shall comply with the other applicable ordinances of the City.

- (2) *Front fences.* Except where deed restrictions do not permit front fencing, front fencing shall be permitted. Front gates must be wide enough as to provide access for any and all emergency vehicles. Any front fence must not encompass any fire hydrant that may be present.
- (g) *Swimming pools.*
  - (1) *Definitions.*
    - a. Swimming pools shall mean and include all in-ground pools, including swimming, wading and lap pools, and all in-ground and above-ground water spas.
    - b. Swimming pool edge shall mean the edge formed where the swimming pool water meets the adjacent wall of the swimming pool.
  - (2) *Restrictions.* The setback requirements set forth in Section C.3. above shall not apply to swimming pools in Unit 18 of the CE District and the following regulations shall apply. The pool edge shall be located no closer than:
    - a. Ten feet from the main residence building.
    - b. Ten feet from any side lot line.
    - c. The existing width of any easement located along or parallel to the rear property line unless a waiver is granted by the easement holder, but in no event closer than ten feet from the rear lot line.
    - d. Ten feet from the rear lot line if there are no easements adjacent to or parallel to the rear lot line.
    - e. Three feet from the rear lot line if the lot abuts a greenbelt or street right-of-way adjacent or parallel to the rear lot line.
    - f. Above ground water spas and other swimming pool appurtenances shall be limited to no more than 30 inches in height for all areas within the prescribed setbacks.

**Table No. 3**  
**Table of Permitted Uses**  
*O-1 Zoning Category*

Accounting

Architects

Attorneys

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

Brokerage services, investment, real estate or insurance

Chiropractor

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

Consultants

Day care center, supplemental - caring for not more than 12 persons

Developers

Engineers

~~Brokerage services~~

General office uses

Insurance company and agents

Mortgage loan office

Office call center

Office data processing and management

~~Optician~~

~~Optometry services~~

~~Orthopedic services~~

~~Physical therapist~~

~~Real estate office~~

Software sales and service

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

Tax preparation services

Telephone company - office use only

Travel agency

**Table No. 4**  
**Table of Permitted Uses**  
*B-1 Zoning Category*

As required by subsection 36-39(6)a. 1., all business activities, except for outdoor dining and Convenience Store activities (including outdoor pay at the pump gasoline sales and stand-alone self-service car wash), are required to be completely contained within an enclosed structure or court.

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

Antique store

~~Apothecary (drugstore)~~

Apparel and accessory store

Art gallery and/or museum

Bakery, retail store

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

Bar/tavern

Barber/beauty ~~salonshop~~

~~Boutique hotel~~

Bookstore

Business machine shop

Cafeteria

Camera/photographic store, including equipment and supplies

Candy/nut/confectionery store

Catering shop

Convenience store, (CC)

Cosmetics sales

Day care/nursery school

Day spa

Dairy products, retail store

Drug store/pharmacy

Dry goods, retail store

Electric scooters sales and service

Electric Vehicle (EV) Charging Stations

Fitness services 6,000 square feet or less

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

Florist, retail store

Fruit and produce store, retail store

~~Food store~~

Furniture sales, retail store

Gift shop

Gourmet shop, retail store

Grocery store, ~~with alcoholic beverage sales~~

Hardware sales, retail store without outdoor display

Hobby supply store

Hotel/motel less than 45 feet in height

Hotel/motel over 45 feet in height (CC)

Interior decorating studio

Jewelry store

Laboratory, dental or medical

Laboratory, research and/or testing (CC)

Laundry/dry cleaning, pickup station only

Leather goods and luggage store [sales and services](#)

Liquor store

Locksmith

~~Luggage sales and service~~

Milliner (custom)

[Mobile food court \(CC\)](#)

~~Movie rental~~

Music store

~~Nursery school/day care~~

Nursery (plant sales) - retail

Office equipment/supply store, retail store

~~Optical goods, retail store~~

Pet grooming, small animals only with no overnight boarding

Pet shop, no outdoor boarding

~~Photographic equipment and supplies, retail store~~

Picture framing

Postal center

Pottery studio

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

Restaurant

Schools up to 5,000 square feet

~~Second hand merchandise, retail store~~

Self defense instruction

Shoe repair



Shoe sales, retail store

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

Sporting goods, retail store

Stamp and coin sales, retail store

Stationary sales, retail store

Tailor shop

Thrift shop, second hand merchandise, retail store

Tobacco store

Toy store

Trophy sales

Variety store, retail store

Watch repair

Weight loss/reducing salon

**Table No. 5**

**Table of Permitted Uses**

*B-2 Zoning Category*

As required by subsection 36-39(7)a. 1., all business activities, except for outdoor dining and Convenience Store activities (including outdoor pay at the pump gasoline sales and stand-alone self-service car wash), are required to be completely contained within an enclosed structure or court.

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

Air conditioner sales, retail store

~~Altering/repairing of apparel~~

Animal clinic, no outdoor boarding

Appliance repair

Appliance sales, retail store

Assisted Living Facility (CC)

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

Bicycle repair and sales

### ~~Churches~~

Club — private (including meeting hall) (CC)

Copy and photostatting shop, dry copy processes only

Department store

Electronic equipment repair

Funeral home, (CC)

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

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

Miniature golf, indoor only (CC)

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

Paint and wallpaper store, retail store

Pawnshops that are licensed to transact business by the Consumer Credit Commissioner under the Texas Pawnshop Act (article 5069-51.01 et seq., Vernon's Texas Civil Statutes) - No Special permit is required for this use.

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

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

Reception hall/meeting facility

Recreational facility, neighborhood only (CC)

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

~~Rug, carpet and tile store -- retail store~~

Schools over 5,000 square feet

Skating rink, (CC)

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

Tennis, basketball, volleyball, racquetball or handball courts (outdoor and indoor)

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

**Table No. 6**  
**Other District Setbacks and Other Limitations**

1. General O-1, B-1, and B-2 Zoning District Front Setback. For lots in zoning districts O-1, B-1 and B-2, an 80-foot front setback is required for a lot with a depth of 600 feet or more.

2. Optional Adjustment to O-1, B-1, and B-2 Zoning District Front Setback. For lots in zoning districts O-1, B-1 and B-2, the front setback line may be reduced by 25 percent if the front landscape buffer is increased to 100 percent of the front setback; provided, however, that in no event will the front setback be less than 25 feet, nor will the front landscape buffer be less than 25 feet.

3. Variable O-1, B-1, and B-2 Zoning District Front Setback. For lots in zoning districts O-1, B-1 and B-2 with less than 600 feet of depth, the front setback will be prorated on the basis of actual depth (e.g., a lot 300 feet deep (50 percent of 600 feet) will require a 40-foot setback (50 percent of 80 feet)), and the front setback may be further reduced by increasing the front landscape buffer as provided above (e.g., 40-foot front setback may be reduced 25 percent to 30 feet if the front landscape buffer is increased to 100 percent of the 30-foot setback).

4. Corner Lots. Corner lots shall maintain a front setback of 80 feet and a side/rear setback of 80 feet on the lot side abutting the side street, as if the lot had two frontages. The front and side/rear setbacks for corner lots shall be subject to adjustment as provided in Notes 2 and 3 above.

5. Variable B-1, and B-2 Zoning District Side Setback. For lots in zoning districts B-1 and B-2 that do not directly abut a residential use or residential zoning district, the above side setback requirement shall be reduced to 15 feet, which may be accomplished by shared setbacks or by placement of a setback on only one lot.

6. Variable Greenbelt O-1, B-1, and B-2 Zoning District Rear Setback. In zoning districts O-1, B-1, and B-2, the rear setback requirement shall be satisfied if the lot abuts a greenbelt of 100 feet or more. If a lot abuts a greenbelt of less than 100 feet, the actual width of the greenbelt shall be included in and correspondingly reduce the required 100-foot setback (e.g., if a lot abuts a 50-foot greenbelt, the rear setback requirement shall be reduced to 50 feet). No rear setback or rear landscape buffer shall be required for any lot that abuts a dedicated easement of 75 feet or more, on which permanent, habitable structures are not permitted:

7. Reduced O-1, B-1, and B-2 Zoning District Rear Setback. In zoning districts O-1, B-1, and B-2, the above provided rear setbacks and landscape buffers shall only apply to lots that abut or are separated by a street from a residential use, residential zoning district or greenbelt that abuts a residential use or residential zoning district. For lots that do not abut (including those separated by a street from such use or district) a residential use, residential zoning district or greenbelt that abuts a residential use or residential zoning district, the rear setback shall be reduced to not less than 15 feet, and for a lot in a B-1 and B-2 zoning district that does not face a street, the rear landscape buffer shall be eliminated.

8. Mixed-Use District Setbacks. Setbacks shall be determined by an approved MXD Site Plan, with the following minimum setback standards: A ten-foot minimum building setback shall be required where a non-single-family residential use within the MXD District abuts a single-family use or single-family zoning district. A 20-foot minimum front setback shall be required for front-load residential garages and a ten-foot minimum front setback shall be required for side-load residential garages. A ten-foot minimum building setback shall be required where any residential or nonresidential use abuts a public or private street. See Section 36-41 for full district regulations.

98. Area Regulation. Except as permitted in Single-Family Cottage Estates Residential District (CE\_District) or Mixed-Use District (MXD), the buildings on any one lot must not cover more than one-third of the entire area of the lot.

<i>District</i>	<i>Height Limitation (in feet)</i>	<i>Parking Stall Ratio (in feet)</i>	<i>Rear Setback (in feet)</i>	<i>Side Setback (in feet)</i>	<i>Landscape Buffer</i>	
					<i>Front Yard (in feet)</i>	<i>Rear Yard (in feet)</i>
"M-U"—Municipal/Utility	50'	1/200s.f.	50'	25'	40'	40'
"O-1"—Office District	45'	1/300 s.f.	100'	25'	40'	30'
"B-1"—Business District	45'	1/200 s.f.	100'	25'	40'	30'

"B-2"— Business District	45'	1/200 s.f.	100'	25'	40'	30'
<u>"MXD" – Mixed- Used District</u>	<u>45'</u>	<u>Determine d by Site Plan</u>	<u>Determine d by Site Plan</u>	<u>Determine d by Site Plan</u>	<u>Determine d by Site Plan</u>	<u>Determine d by Site Plan</u>

## PLANNING AND ZONING STAFF SUMMARY

Meeting Date: August 4, 2021

Agenda item: 6

Prepared by: Curtis Leeth

Reviewed by: Bill Hill

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### **AGENDA ITEM DESCRIPTION:**

Discussion - Mobile Food Units - City Manager

**Attachments for Reference:**      1) 6a Possible Mobile Food Court Regulations

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**BACKGROUND / HISTORY:** Staff decided to break out Mobile Food Court/Units into another agenda item as a separate topic.

A growing trend is *mobile food courts* – a place where food trucks (mobile food units) congregate around a permanent structure to serve customers who eat outdoors, and often enjoy services (drinks, restrooms, clean-up) from the permanent structure as well as the trucks themselves. There is a possible mobile food court coming to the City of Shavano Park and current City ordinances are silent on mobile food courts or units.

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**DISCUSSION:** Staff research indicated a variety of approaches local cities are taking to regulating mobile food units or places they congregate long term (a mobile food court):

- **Boerne** regulates under Chapter 15, Article III - Peddlers, Canvassers and Solicitors (but does not address a gathering of food trucks)
- **New Braunfels** – regulates mobile food courts under Sec. 144-5.26
- **Helotes** bans food trucks entirely under Sec. 46-13
- **Alamo Heights** makes no mention in ordinances
- **San Antonio** regulations under Chapter 13, Article IV. (quite thorough)
- **Windcrest** makes no mention in ordinances
- **Schertz** regulations under Chapter 34, Article II (annual permit, but no mention of a food truck gathering)

Staff choose New Braunfels to build proposed Ordinance. It was selected because it was thorough (but not overly bureaucratic) and it directly addressed *mobile food courts* without requiring an elaborate permitting process (like Schertz / San Antonio).

Proposed Ordinances (item 6a) are structured as the permit standards for a Mobile Food Court City Council special use permit. Once the special use permit is given the Mobile Food Court would follow normal building permitting and Certificate of Occupancy inspections (for the permanent structure). Proposal also requires that Health and Fire inspections of all Mobile food units are required:

Sec. 8-80. Mobile food unit inspections required

- (a) All Mobile food units shall be registered, inspected, and permitted by the City of San Antonio Health Department, Bexar County Environmental Services Department or pass a City of Shavano Park Health Inspection.
- (b) All mobile food units where cooking or heating is conducted in the unit or a generator is used in association with the unit require a fire safety inspection from the City of Shavano Park Fire Marshal.

Note that in staff experience all Food trucks have a City of San Antonio or Bexar County health inspection. The only practical burden to staff would be fire inspections.

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**COURSES OF ACTION:** Discussion only; give further guidance to staff.

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**FINANCIAL IMPACT:** N/A

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**MOTION REQUESTED:** Discussion only.



## Chapter 8 – BUSINESS AND BUSINESS REGULATIONS

. . . (Note – no track changes, all language is new. Modified version of New Braunfels Ordinance.)

### ARTICLE IV. MOBILE FOOD UNITS

#### Sec. 8-75. Purpose.

Establish development and operational standards for outdoor food venues so as to minimize potential negative impacts on surrounding property while enhancing additional dining experiences within the community.

#### Sec. 8-76. Definitions

##### *Mobile food court.*

A mobile food court is a parcel of land where two or more mobile food units congregate to offer food or beverages for sale to the public as the primary (OR sole) use and permanent use of the land. All mobile food courts require a permanent structure for restroom facilities located on the parcel of land.

A mobile food court shall not be interpreted to include a congregation of mobile food units as a secondary, accessory use, and temporary use on existing commercially developed land. Temporary congregations of mobile food units for longer than 24 hours is prohibited.

*Mobile food unit.* A "mobile food unit" is a business that serves food or beverages from a self-contained unit, either motorized or in a trailer on wheels, and conducts all or part of its operations on premises other than its own and is readily movable, without disassembling, for transport to another location. The term "mobile food unit" shall not include individual non-motorized vending carts.

#### Sec. 8-77. Mobile food court site regulations

- (a) No more than six individual mobile food units are permitted per mobile food court site.
- (b) All setback requirements in the underlying zoning district shall be adhered to. No mobile food unit, structures associated with the mobile food court, nor any associated seating areas shall be located in a required zoning setback, buffer yard, access easement, drainage easement, floodplain, driveway, utility easement and/or fire lane(s).
- (c) There shall be at least ten feet of clearance between all individual mobile food units and at least ten feet of clearance from any mobile food unit to any structure.
- (d) Each mobile food unit shall be located on an all-weather surface pad as approved by the building official.

- (e) Vehicular drive-through service of food and/or beverages shall not be permitted.
- (f) All mobile food unit related activity, such as seating, must occur within 25 feet from the associated mobile food unit or within a communal arrangement serving all of the mobile food units.
- (g) The placement of the mobile food unit shall not impede traffic nor visually impair any motor vehicle operation within a parking lot, driveway or street.
- (h) All activity must occur on private property outside of the public right-of-way.
- (i) A fire lane shall be provided within a mobile food court as required in the city's adopted fire code. No mobile food unit shall block access to the fire lane.
- (j) Mobile food units shall provide at least 15 feet of clearance from any Fire Department connection or any fire hydrant.
- (k) All lighting associated with the occupancy shall comply with the Dark Sky Ordinance codified under Chapter 14, Article X. – OUTDOOR LIGHTING AFFECTING CAMP BULLIS.
- (l) Accessible restroom facilities shall be provided within a permanent structure, excludes porta-potties and trailer toilets.
- (m) Electrical service may be provided to the mobile food units by a permitted temporary electrical connection (or other permitted connection) or on-board generators. All generators require inspection by the Fire Marshal.
- (n) All mobile food units and related activities must be located in compliance with the city's adopted fire code standards regarding the storage or dispensing of flammable combustible liquid or gas.
- (o) A minimum of one 100-gallon garbage receptacle shall be provided for each mobile food unit. However, a sufficient quantity of garbage receptacles shall be provided and maintained so the mobile food court shall be free of trash, debris and litter at all times. The garbage receptacles shall be maintained in compliance with the Texas Food Code Chapter 229, including:
  - (1) Such receptacles are rodent-resistant. Unprotected plastic bags and paper bags, or baled units that contain materials with food residue may not be stored outside.
  - (2) Refuse, recyclables, and returnables shall be removed from the premises at a frequency that will minimize the development of objectionable odors and other conditions that attract or harbor insects and rodents.

Sec. 8-78. Mobile food court performance standards

- (a) The visual and structural integrity of the mobile food establishment unit must be maintained continuously.
- (b) All signage shall comply with Chapter 24 - Signs.

- (c) A minimum of five parking spaces per mobile food unit shall be required.
- (d) The noise level of all operations at a Mobile Food Court shall not violate the provisions of Chapter 20, Article III. – Noise of the City of Shavano Park Code of Ordinances.

Sec. 8-79. Mobile food court special use permit required

- (a) Application for a mobile food court special use permit shall be presented to the City Secretary on forms furnished by the city as follows:
  - (1) A mobile food court permit is only a permit to indicate compliance with this section; a building permit and health permit must be obtained for the construction and operation of the identified improvements.
  - (2) The mobile food court permit application shall include the following information:
    - (i) Completed mobile food court permit application form.
    - (ii) Plans drawn to scale showing the location, dimensions, and specifications of proposed facilities as indicated in this section. Additional information to assist in determining compliance with this section may be required.
    - (iii) A permit fee per Appendix A – City of Shavano Park Fee Schedule

Sec. 8-80. Mobile food unit inspections required

- (a) All Mobile food units shall be registered, inspected, and permitted by the City of San Antonio Health Department, Bexar County Environmental Services Department or pass a City of Shavano Park Health Inspection.
- (b) All mobile food units where cooking or heating is conducted in the unit or a generator is used in association with the unit require a fire safety inspection from the City of Shavano Park Fire Marshal.

## Chapter 36 – ZONING

### ARTICLE I. – IN GENERAL

Sec. 36-1. – Definitions

Add the following definitions:

*Mobile food court.*

A mobile food court is a parcel of land where two or more mobile food units congregate to offer food or beverages for sale to the public as the primary (OR sole) use and permanent use of the land. All mobile food courts require a permanent structure for restroom facilities located on the parcel of land.

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