

**CITY OF SHAVANO PARK
PLANNING & ZONING COMMISSION MEETING
CITY HALL, COUNCIL CHAMBERS
900 SADDLETREE COURT, SHAVANO PARK, TEXAS 78231
March 4, 2020**

6:30 P.M.

AGENDA

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

The Chairman will rule any disruptive behavior, including shouting or derogatory statements or comments, out of order. Continuation of this type of behavior could result in a request by the Mayor that the individual leave the meeting, and if refused, an order of removal. In compliance with the Texas Open Meetings Act, no member of the Commission may deliberate on citizen comments for items not on the agenda. (Attorney General Opinion – JC 0169)

4. Consent Agenda:
 - A. Approval - Planning & Zoning Commission minutes, February 5, 2020
5. Discussion / action - Possible amendments to the City of Shavano Park Code of Ordinances, Chapter 36 – Zoning, regarding allowed uses of accessory buildings - City Manager
6. Discussion - Correction of scrivener error in Ordinance 100-12-03 regarding side setback requirements in Willow Wood Planned Unit Development – 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. April, 2020 - Amendments to Chapter 36 regarding MXD & PUD site plan approval to comply with the 30-day shot clocks from Texas Legislature.

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 28th day of February 2020 at 9:20 a.m. and remained so posted continuously for at least 72 hours preceding the scheduled time of said meeting.

Zina Tedford
City Secretary

1. **Call to order**

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

PRESENT:

Albert Aleman

Carla Laws

Jason Linahan

Kerry Dike

Bill Simmons

Konrad Kuykendall

Damon Perrin

ABSENT:

William Stipek

Shawn Fitzpatrick

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 Dike, 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:**

A. Approval - Planning & Zoning Commission minutes, January 8, 2020

Upon a motion made by Commissioner Laws and a second made by Commissioner Dike, the Planning & Zoning Commission voted six (6) for and none (0) opposed to approve the Planning & Zoning Commission December 4, 2019 minutes as presented. The motion carried.

5. **Presentation - Semiannual presentation by Denton Communities regarding residential and commercial development in Shavano Park and surrounding areas and discussion concerning the same.**

Laddie Denton and Daryl Lange presented the updated regarding residential and commercial development in Shavano Park and surrounding areas

6. **Discussion / action - Amendments to the City of Shavano Park Code of Ordinances, Chapter 24 – Signs, regarding banner signs, monument signs and allowed signage in residential and business zoning districts. Possible Executive Session pursuant to Texas Government Code, § 551.071, Consultation with Attorney - City Manager**

Upon a motion made by Commissioner Dike and a second made by Commissioner Linahan, the Planning & Zoning Commission voted six (6) for and none (0) opposed to approve the Planning & Zoning Commission December 4, 2019 minutes as presented. The motion carried.

7. **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.

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. March, 2020 – Possible action item for possible amendments to Chapter 24 – Signs regarding banner signs and allowed signage in residential and business zoning districts.
 - ii. March, 2020 - Amendments to Chapter 36 regarding MXD & PUD site plan approval to comply with the 30-day shot clocks from Texas Legislature.

9. **Adjournment**

Upon a motion made by Commissioner Dike and a second made by Commissioner Perrin, the Planning & Zoning Commission voted six (6) for and none (0) opposed to adjourn the meeting.

Albert Aleman
Chairman

Zina Tedford
City Secretary

PLANNING AND ZONING STAFF SUMMARY

Meeting Date: March 4, 2020

Agenda item: 5

Prepared by: Curtis Leeth

Reviewed by: Bill Hill

AGENDA ITEM DESCRIPTION:

Discussion / action - Possible amendments to the City of Shavano Park Code of Ordinances, Chapter 36 – Zoning, regarding allowed uses of accessory buildings - City Manager

X

Attachments for Reference:

- 1) 5a Draft Accessory Bldg Amendments
- 2) 5b Attorney-Client Memo

BACKGROUND / HISTORY: In 2015-16 the Commission conducted a thorough review of accessory and portable building regulations. This review greatly improved the clarity of regulations governing these structures on residential lots. That review did not address, however, allowed uses of accessory building.

Recently there was confusion between staff and the building inspector when reviewing a permit for an accessory building on whether an accessory building could be used for habitation.

The current ordinances do not prohibit the use of an accessory building for habitation, for rental or home occupations. Attorney-Client Memo has been prepared discussing this (attached).

DISCUSSION: Staff propose clarifying the ordinances by explicitly allowing habitation and rental of an accessory building. Staff during review also noticed a conflict between Sec. 36-44 and Sec. 36-102 regarding whether an accessory building can be used for a home occupation. Amendments also proposed resolving this conflict. Draft amendments in brief:

ARTICLE II. – DISTRICTS

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

...

(2) Accessory buildings.

a. An accessory building may be used as a dwelling unit as long as the use is customarily incident to a principal building or principal use (i.e. for habitation, but such habitation does not violate the Single-Family restriction).

b. Accessory building may be used for long-term rental.

ca. Size limitations.

- i. The gross floor area of all accessory buildings shall not occupy more than 20 percent of the rear yard.
- ii. In no case shall any accessory building be built closer than ten feet to the principal main building. The height of an accessory building shall not exceed one story.

db. An unattached garage, as described in section 36-36(e) and section 6-91 is regulated as an accessory building.

...

ARTICLE IV. – SPECIAL USE PERMITS

Sec. 36-102. - Special use permits for home occupations.

...

(b) Special use permit requirements.

- (1) The home occupation must be compatible with the residential use of the property and surrounding residential uses and does not alter the residential character of the premises by reason of activity, color, design, materials, storage, construction, lighting, sounds, noises, vibrations, dust, odors, noxious fumes, etc., nor shall it unreasonably disturb the peace and quiet of an individual and/or the residential neighborhood, nor interfere with area radio or television reception;
- (2) The home occupation must be confined completely within the dwelling, and occupy not more than 25 percent of the gross floor area of one floor thereof;
- ~~(3) Use of accessory buildings in the home occupation is not allowed;~~
- (34) The home occupation may only be carried on by members of the family occupying the dwelling, with the exception of one other person either by employment or as an independent contractor;
- (45) The home occupation must not generate pedestrian or vehicular traffic in excess of five visits a day;
- (56) The home occupation require no visible, structural, electrical or plumbing alterations in the dwelling;
- (67) The home occupation may not involve outdoor storage or on-premises outdoor advertising;
- (78) The home occupation must not generate any solid waste or sewage discharge, in volume or type, which is not normally associated with residential use in the neighborhood; and
- (89) Only one commercial vehicle is allowed to be parked on-premises in the operation of the home occupation.

...

COURSES OF ACTION: Provide guidance to City staff on possible amendments to City Accessory Building regulations.

FINANCIAL IMPACT: N/A

MOTION REQUESTED: Provide guidance to City staff on possible amendments to City Accessory Building regulations.

CHAPTER 36 – ZONING

Accessory building regulations in zoning code are as follows. Amendments are in track changes.

ARTICLE I. - IN GENERAL

Sec. 36-1. - Definitions. (Excerpt of relevant definitions)

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:

Accessory building or use means an enclosed four-wall building or use customarily incident to a principal building or principal use; and is subordinate in area, extent and purpose to the comfort, convenience and necessity of occupants of the principal building or principal use served; and contributes to the comfort, convenience and necessity of and is located on the same building lot as the principal building or principal use served. An accessory use may be part of the principal building.

Dwelling, single-family, means a building containing only one dwelling unit and occupied by only one family. The term does not include a mobile home.

Dwelling unit means a structure or portion of a structure which is arranged, occupied or intended to be occupied as human living quarters.

Home occupations means any occupation or activity that is clearly incidental and secondary to the use of the premises for dwelling purposes.

Family means any number of individuals living together as a single housekeeping unit, in which not more than two individuals are unrelated by blood, marriage or adoption.

Single-family residence means a structure designed for use as one dwelling unit and actually used for permanent or seasonal occupation by the owner, the owner's family or long term rental tenant under a written long-term rental agreement as a principal residence where the owner, owner's family or long term rental tenant intends to maintain a permanent or long-term residence. Short-term rentals are expressly excluded from this definition and shall not constitute single-family residential use.

ARTICLE II. – DISTRICTS

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:
- (1) Single-family residence.
 - (2) Accessory buildings.
 - a. Size limitations.
 - i. The gross floor area of all accessory buildings shall not occupy more than 20 percent of the rear yard.
 - ii. In no case shall any accessory building be built closer than ten feet to the principal main building. The height of an accessory building shall not exceed one story.
 - b. An unattached garage, as described in section 36-36(e) and section 6-91 is regulated as an accessory building.
 - c. An accessory building may be used as a dwelling unit as long as the use is customarily incident to a principal building or principal use (i.e. for habitation, but such habitation does not violate the Single-Family restriction).
 - d. Accessory building may be used for long-term rental.
- (3) Portable construction buildings under the following conditions:
- ...
- (4) Swimming pools pursuant to all applicable City regulations.
 - (5) Private tennis courts pursuant to all applicable City regulations.
 - (6) A porte cochere must be attached to the main building, remain open on three sides and must not project more than 25 feet from the main building. A porch must not project more than ten feet from the main building.
- (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. This restriction and the following requirements do not apply when any such vehicle is used for the primary transportation of the owner:
- ...
- (c) *Other use regulations.* See Table No. 1.

Intent is to clarify habitation/home occupation use of an accessory buildings is allowable

- (d) *Exterior architectural features.* Each new structure must possess an exterior in keeping with the residence and general atmosphere of the surrounding area.

. . .

- (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);¹⁷ 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.

- (f) *Fences.*

. . .

- (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) *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.

. . .

Sec. 36-44. - Home occupations.

- (a) *General.* Home occupations shall be permitted in all residential zoning districts, provided the home occupation is clearly and obviously subordinate to the main use of dwelling for residential purposes and is not prohibited by subsection (c) and complies with the conditions set forth in subsection (b). Standards for controlling home occupations are set forth to minimize annoyance and inconvenience to neighboring property owners within residential areas. These standards are intended to allow reasonable and comfortable enjoyment of adjacent and nearby property by their owners and by occupants of neighboring residential dwellings, while providing opportunities for the pursuit of home-based businesses. Administrative, office and clerical functions performed at a residence by members of the family occupying the dwelling are specifically allowed and are not considered a home occupation.
- (b) *Conditions.*
- (1) The home occupation must be compatible with the residential use of the property and surrounding residential uses and not alter the residential character of the premises by reason of activity, color, design, materials, storage, construction, lighting, sounds, noises, vibrations, dust, odors, noxious fumes, etc., nor shall it unreasonably disturb the peace and quiet of an individual and/or the residential neighborhood, nor interfere with the area radio or television reception;
 - (2) The home occupation must be confined completely within the dwelling and/or a single accessory building, and occupy in total not more than 25 percent of the gross floor area of one floor of the residential dwelling thereof;
 - (3) The home occupation may only be carried on by members of the family occupying the dwelling, with the exception of one other person either by employment or as an independent contractor;
 - (4) The home occupation must not generate pedestrian or vehicular traffic in excess of five visits a day, with not more than two client vehicles at the premises at any one time;
 - (5) The home occupation shall require no exterior structural, electrical or plumbing alterations to the dwelling;
 - (6) The home occupation may not involve outdoor storage or on-premises outdoor signage or advertising;
 - (7) The home occupation must not generate any solid waste or sewage discharge, in volume or type, which is not normally associated with residential use in the neighborhood;

Intent is to clarify habitation/home occupation use of an accessory buildings is allowable

- (8) On-premises parking of commercial vehicles, as defined in section 36-1, used in conjunction with the home occupation is prohibited, except as provided in section 36-36(b)(1) and section 36-36(b)(2); and
- (9) On-premises retail sales are prohibited.
- (c) *Prohibited home occupations.* Examples of prohibited home occupations include the following:
 - (1) Barbershops;
 - (2) Beauty shops;
 - (3) Commercial auto or boat sales, repair or maintenance;
 - (4) Auto painting;
 - (5) Sexually oriented businesses;
 - (6) Restaurants;
 - (7) Catering, or the preparation of food for resale except for Cottage Food Operations as that term is defined by the Tex. Health and Safety Code § 437.001; and
 - (8) Animal hospitals and kennels.

ARTICLE IV. – SPECIAL USE PERMITS

Sec. 36-102. - Special use permits for home occupations.

- (a) Special use permits for a home occupations shall be processed consistent with Article III of this chapter.
- (b) Special use permit requirements.
 - (1) The home occupation must be compatible with the residential use of the property and surrounding residential uses and does not alter the residential character of the premises by reason of activity, color, design, materials, storage, construction, lighting, sounds, noises, vibrations, dust, odors, noxious fumes, etc., nor shall it unreasonably disturb the peace and quiet of an individual and/or the residential neighborhood, nor interfere with area radio or television reception;
 - (2) The home occupation must be confined completely within the dwelling, and occupy not more than 25 percent of the gross floor area of one floor thereof;
 - ~~(3) Use of accessory buildings in the home occupation is not allowed;~~
 - (34) The home occupation may only be carried on by members of the family occupying the dwelling, with the exception of one other person either by employment or as an independent contractor;

Accessory Building Amendments – vAllowable

Intent is to clarify habitation/home occupation use of an accessory buildings is allowable

- | (45) The home occupation must not generate pedestrian or vehicular traffic in excess of five visits a day;
 - | (56) The home occupation require no visible, structural, electrical or plumbing alterations in the dwelling;
 - | (67) The home occupation may not involve outdoor storage or on-premises outdoor advertising;
 - | (78) The home occupation must not generate any solid waste or sewage discharge, in volume or type, which is not normally associated with residential use in the neighborhood; and
 - | (89) Only one commercial vehicle is allowed to be parked on-premises in the operation of the home occupation.
- (c) Existing Non-Conforming Home Occupations. Any home occupation that was legally in existence as of November 1, 2015 ("the Effective Date") and that is not in full conformity with the provisions herein shall be deemed a legal nonconforming use, provided that the home occupation use was not in violation of any other local, state or federal law or regulation on that date. Proof of the existence of such home occupation use prior to the effective date of this Code may be required by the City. Any legal nonconforming use may continue until not later than December 1, 2017. After that date, nonconforming home occupations are prohibited.

PLANNING AND ZONING STAFF SUMMARY

Meeting Date: March 4, 2020

Agenda item: 6

Prepared by: Curtis Leeth

Reviewed by: Bill Hill

AGENDA ITEM DESCRIPTION:

Discussion - Correction of scrivener error in Ordinance 100-12-03 regarding side setback requirements in Willow Wood Planned Unit Development – City Manager

X

Attachments for Reference:

- 1) 6a Ordinance No. 100-12-03
- 2) 6b Table No. 2 from Chapter 36 Zoning

BACKGROUND / HISTORY: In 2017 City passed Ordinance O-2017-022 amending the code of ordinances' zoning tables to add missing setback lines / zoning regulations from the City's various PUD ordinances (attachment 6b). The goal was to make those PUD ordinance regulations more accessible for developers, builders and residents. The regulations for Willow Wood's CE-PUD copied into the zoning table from Ordinance 100-12-03 (attachment 6a) as 40 feet additive side setback. Staff at the time noticed the bad examples and assumed bad math of the writer in 2003.

In January 2020 the City building official sees the 40 foot additive side setback in the online code of ordinances when reviewing building plans for one of the three final homes in Willow Wood (triggering a plan review comment). The home builder challenged the comment stating they have built multiple homes in Willow Wood and all were 30 feet additive setbacks.

The home builder provided three examples of homes they built in Willow Wood. Staff in response researched some additional examples. All lots in Willow Wood researched have a 30 or more additive feet side setback.

Builder Examples	Legal Lot Descriptions	Side Setbacks			Additive
103 Penns Way	CB 4782E (SHAVANO PARK UT-18B PH 3), BLOCK 26 LOT 2195	20	10		30
104 Penns Way	CB 4782E (SHAVANO PARK UT-18B PH 3), BLOCK 42 LOT 2201	21	10		31
123 Penns Way	CB 4782E (SHAVANO PARK UT-18B PH 3), BLOCK 42 LOT 2197	20	10		30
Staff Examples					
108 Penns Way	CB 4782E (SHAVANO PARK UT-18B PH 3), BLOCK 42 LOT 2200	21	10		31
120 Penns Way	CB 4782E (SHAVANO PARK UT-18B PH 3), BLOCK 42 LOT 2197	20	10		30
131 Penns Way	CB 4782E (SHAVANO PARK UT-18B PH 3), BLOCK 26 LOT 2202	20	10		30
219 Granville Way	CB 4782E (SHAVANO PARK UT-18B PH II), BLOCK 42 LOT 2218	20	10		30

Staff researched the 2003 meeting notes from Mayor Tommy Peyton and those contemporary notes show a 30 additive feet. Another piece of evidence is staff asked the both the current Mayor (who was on P&Z in 2003) and former Mayor Peyton what they remembered the side setbacks were and both reported 30 additive feet.

Lastly staff found that in 2008 Willow Wood HOA amended the covenant and deed restrictions for Phase 1 of subdivision to amend to 40 foot additive side setback (originally it was 30 foot additive side setback). If the Ordinance was 40 side additive feet there would be no need to amend the covenants.

All this evidence plus the inconsistency in the examples within the ordinance itself leads staff to conclude the “4” is a mistyped “3,” a scrivener error, that was only realized once the PUD ordinance regulations were made easily accessible online.

Exhibit I

COPY

Shavano Park Zoning Restrictions

Unit-18 A-2 CE, PUD

These requirements are to be imposed in conjunction with the rezoning to CE:

- 15,000 sq ft minimum lot size
- 40 ft minimum additive total side set back with a minimum of ten feet on any one side; i.e., side yards can be 10 and 20, 15 and 15, 12 and 18, etc.
- 30 ft front yard setback
- 21 ft rear yard setback
- Minimum 2500 sq ft for one story residence
- Minimum 3000 sq ft for two story residence
- All garages will side load; i.e., front facing garage doors are not allowed.

DISCUSSION: After discussion with attorney, it was determined the best legal route to correct this error was with a zoning ordinance, requiring public hearings and public notice.

This item is meant to pre-brief the Commission before public notice is made.

COURSES OF ACTION: Discussion item only.

FINANCIAL IMPACT: N/A

MOTION REQUESTED: Discussion item only.

COPY

ORDINANCE NO. 100-12-03

**AMENDING ORDINANCE NO. 100-03-99 OF THE CITY OF SHAVANO PARK
(WHICH CONSTITUTES THE CITY'S ZONING ORDINANCE) TO APPROVE
THE RE-ZONING OF CERTAIN PROPERTIES.**

WHEREAS, Chapter 211 of the Vernon's Local Government Code empowers a city to enact zoning regulations and provide for their administration, enforcement and amendment; and

WHEREAS, the City has previously deemed it necessary and desirable to adopt zoning regulations to provide for the orderly development of property within the City in order to promote the public health, safety, morals and general welfare of the residents of the City, and

WHEREAS, Ordinance No. 100-03-99 of the City of Shavano Park which constitutes the City's Zoning Ordinance requires property to be zoned in accordance with proper designations as defined by this ordinance; and

WHEREAS, Denton Communities filed as application with the City of Shavano Park Planning and Zoning Commission to re-zone properties as more particularly described in Exhibit A attached hereto and incorporated herein for all purposes ("Property"); and

WHEREAS, the Property has been zoned as A-2-PUD; and

WHEREAS, the Planning and Zoning Commission of the City of Shavano Park provided adequate notice and held a public hearing in accordance with Section X(C)(1)(d) of Ordinance No. 100-03-99 and has considered Denton Communities application for the re-zoning of properties specified in Exhibit "A"; and

WHEREAS, the Planning and Zoning Commission of the City of Shavano Park has been presented the request and has subsequently forwarded the request to the City Council; and

WHEREAS, the City Council of the City of Shavano Park has also held a public hearing regarding the re-zoning on affected properties and has issued adequate notice to all the affected parties; and

WHEREAS, the City Council of the City of Shavano Park believes the re-zoning of affected properties will not adversely effect the character of the area of the neighborhood in which it is proposed to locate; will not substantially depreciate the value of adjacent or

COPY

ORDINANCE NO. 100-12-03

**AMENDING ORDINANCE NO. 100-03-99 OF THE CITY OF SHAVANO PARK
(WHICH CONSTITUTES THE CITY'S ZONING ORDINANCE) TO APPROVE
THE RE-ZONING OF CERTAIN PROPERTIES.**

WHEREAS, Chapter 211 of the Vernon's Local Government Code empowers a city to enact zoning regulations and provide for their administration, enforcement and amendment; and

WHEREAS, the City has previously deemed it necessary and desirable to adopt zoning regulations to provide for the orderly development of property within the City in order to promote the public health, safety, morals and general welfare of the residents of the City, and

WHEREAS, Ordinance No. 100-03-99 of the City of Shavano Park which constitutes the City's Zoning Ordinance requires property to be zoned in accordance with proper designations as defined by this ordinance; and

WHEREAS, Denton Communities filed as application with the City of Shavano Park Planning and Zoning Commission to re-zone properties as more particularly described in Exhibit A attached hereto and incorporated herein for all purposes ("Property"); and

WHEREAS, the Property has been zoned as A-2-PUD; and

WHEREAS, the Planning and Zoning Commission of the City of Shavano Park provided adequate notice and held a public hearing in accordance with Section X(C)(1)(d) of Ordinance No. 100-03-99 and has considered Denton Communities application for the re-zoning of properties specified in Exhibit "A"; and

WHEREAS, the Planning and Zoning Commission of the City of Shavano Park has been presented the request and has subsequently forwarded the request to the City Council; and

WHEREAS, the City Council of the City of Shavano Park has also held a public hearing regarding the re-zoning on affected properties and has issued adequate notice to all the affected parties; and

WHEREAS, the City Council of the City of Shavano Park believes the re-zoning of affected properties will not adversely effect the character of the area of the neighborhood in which it is proposed to locate; will not substantially depreciate the value of adjacent or

nearby properties; will be in keeping with the spirit and intent of the ordinance; will comply with applicable standards of the district in which not adversely affect traffic, public health, public utilities, public safety and the general welfare of the residents of the City of Shavano Park,

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

SECTION 1. The following parcel is rezoned and the zoning ordinance and map are amended as follows:

1. 46.48 acre tract, the balance of Unit 18, from A-2 PUD CE PUD, with specific restrictions.

SECTION 2. The field notes and exhibits for the tract are attached to the ordinance along with an overall zoning map detailing the areas of the proposed change. This includes the following:

1. Field Notes and Exhibits for the tract;
2. An overall zoning map detailing the area of the proposed zoning change;

SECTION 3. The City Council, after notice to all parties affected, held a public hearing in accordance with Articles X and XII of Ordinance No. 100-03-99 of the City of Shavano Park which constitutes the City's Zoning ordinance, and hereby determines the re-zoning of residential properties:

- (i) Will not adversely affect the character of the area or the neighborhood in which it is proposed to locate.
- (ii) Will not substantially depreciate the value of adjacent and nearby properties,
- (iii) Will be in keeping with the spirit and intent of the Ordinance,
- (iv) Will comply with applicable standards of the zoning district in which it is located, and
- (v) Will not adversely affect traffic, public health, public utilities, public safety, and the general welfare of the residents of the City of Shavano Park.

SECTION 4. The Denton Communities application for re-zoning of residential properties within the areas depicted in Exhibit "A" is hereby approved and granted.

SECTION 5. Ordinance No. 100-03-99 and the Zoning District Map incorporated thereto are hereby amended to reflect the approved changes subject to the conditions set forth herein.

SECTION 6. All other provisions of Ordinance No. 100-03-99, as remain in full force and effect, including the penalties for violation provided in Article XIV of Ordinance No. 100-03-99.

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SECTION 7. The City Manager shall amend the zoning records, maps, and Ordinance 100-03-99 to reflect this amendment and the re-zoning of residential properties as depicted in Exhibit "A" attached hereto in accordance herewith. The Master Plan shall be amended to condition amending zoning on adoption of the Exhibit "T" as an attachment amending the Master Plan.

SECTION 8. It is officially found, determined and declared that the meeting at which this ordinance amendment is adopted was open to the public, and that notice of the time, place, and subject matter of the public business to be conducted at such meeting, including this amendment, was given to all as required by the Texas law and the City of Shavano Park's Ordinance No. 100-03-99.

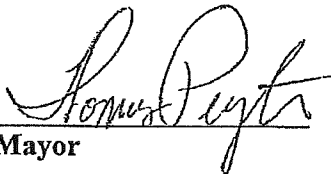
SECTION 9. This Ordinance is severable. If any part, section, paragraph, sentence, phrase or word of this amendment is for any reason held to be unconstitutional, illegal, inoperable or invalid, or if any exception to or limitation upon any general provision contained is held unconstitutional, illegal, invalid or ineffective, the remainder of this resolution shall nevertheless stand effective and valid as if it had been enacted without the portion held to be unconstitutional, illegal, invalid or ineffective.

SECTION 10. This Ordinance shall take effect immediately upon passage.

PASSED AND APPROVED this 21 day of January, 2003

APPROVE:

ATTEST:



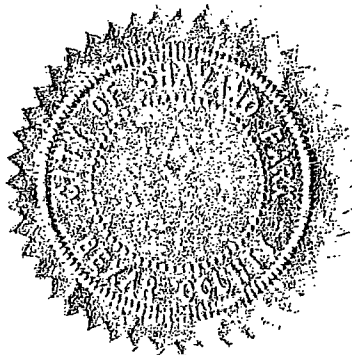
Mayor



City Secretary

APPROVED AS TO FORM:

City Attorney



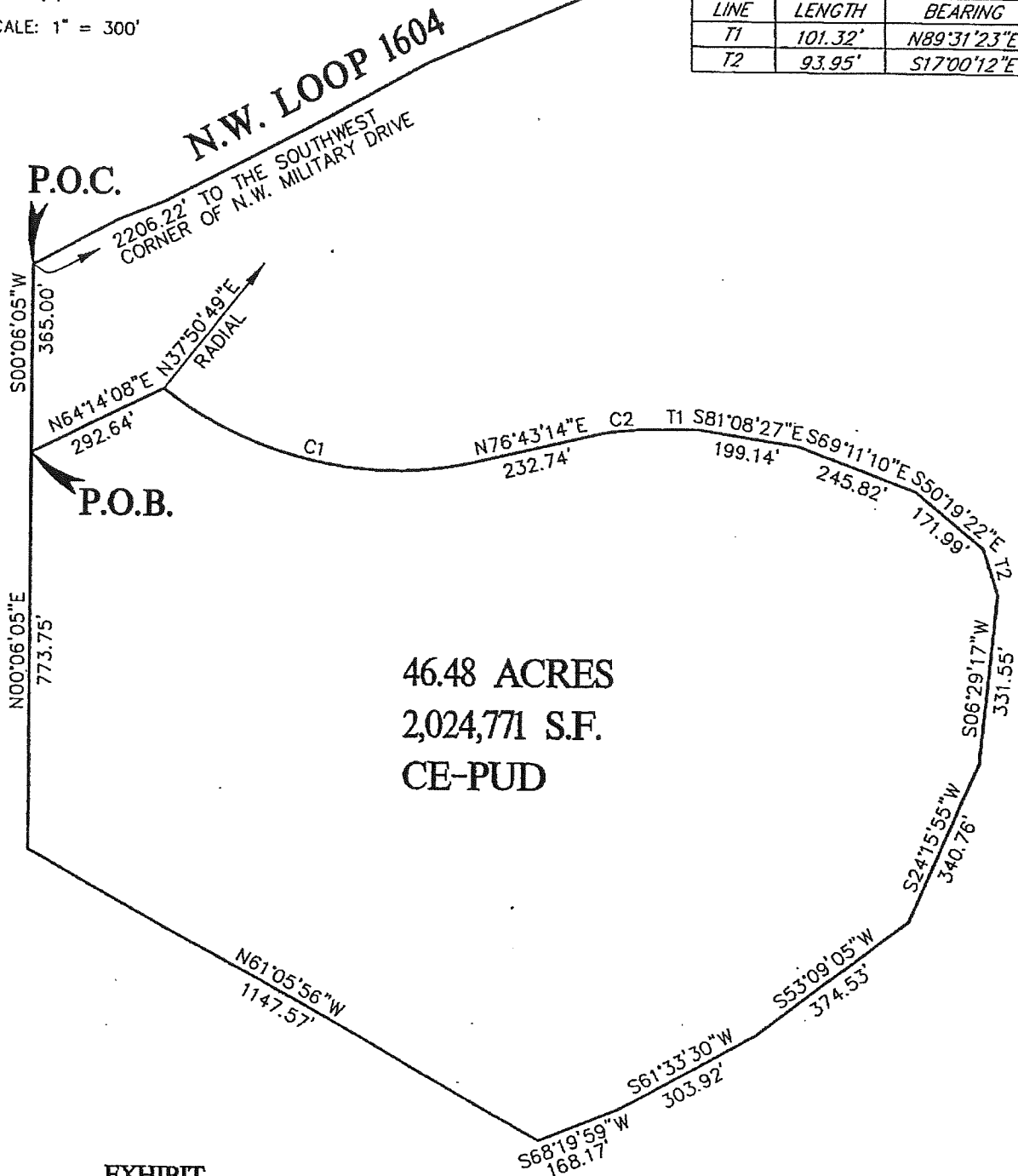


SCALE: 1" = 300'

CURVE TABLE						
CURVE	RADIUS	LENGTH	TANGENT	CHORD	BEARING	DELTA
C1	730.00'	651.39'	349.18'	630.00'		
C2	500.00'	111.72'	56.09'	111.49'		

COPY

LINE TABLE		
LINE	LENGTH	BEARING
T1	101.32'	N89°31'23"E
T2	93.95'	S17°00'12"E



**EXHIBIT
OF**

A 46.48 acre, or 2,024,771 square feet, tract of land out of a 406.8124 acre tract of land as described in instrument recorded in Volume 5553, Page 122 of the Official Public Record of Real Property of Bexar County, Texas, out of the Collin C. McCrae Survey No. 391, Abstract 482, County Block 4782 and out of the William Hotchkiss Survey No. 77, Abstract 336, County Block 4783.

PAPE-DAWSON **ENGINEERS**
CIVIL & ENVIRONMENTAL

APR 18, 2002

JOB# 4523-02

H:\4523\02\DESIGN\EXHIBIT\REZONING.dwg

Exhibit I

COPY

Shavano Park Zoning Restrictions

Unit-18 A-2 CE, PUD

These requirements are to be imposed in conjunction with the rezoning to CE:

- 15,000 sq ft minimum lot size
- 40 ft minimum additive total side set back with a minimum of ten feet on any one side; i.e., side yards can be 10 and 20, 15 and 15, 12 and 18, etc.
- 30 ft front yard setback
- 21 ft rear yard setback
- Minimum 2500 sq ft for one story residence
- Minimum 3000 sq ft for two story residence
- All garages will side load; i.e., front facing garage doors are not allowed.

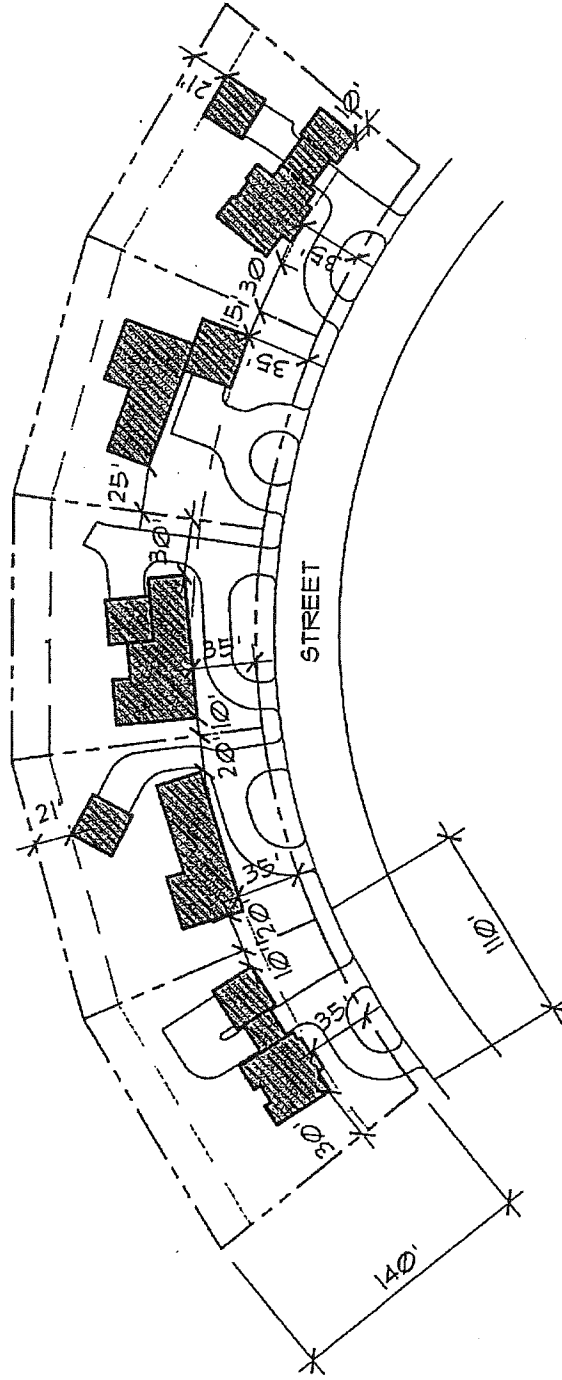
Shavano Park Unit 17 and Unit 18
Comparison of Lot Sizes, Home Product and
Building Requirements

Description	Bentley Manor Cottage Estates (CE)	Unit 18 Proposed Restricted Cottage Estates (CE)	Bentley Manor Estates (A-2)
Lot Product:			
Typical Lot Dimensions	65 ft x 120 ft	110 ft x 140 ft	150 ft x 220 ft
Minimum Lot area	7,800 sq ft	15,000 sq ft	30,500 sq ft
Required Building Setbacks:			
Front street setback	Rectangular Lot 25 ft	Rectangular lot 35 ft	Cul-de-sac lot 56 ft
Side setback	0 + 10 ft	10 ft + 30 ft	21 ft
Rear setback	10 ft	21 ft	21 ft
Home Product:			
Range of home sizes	2400 sq ft - 3300 sq ft	2800 sq ft - 5000 sq ft	3800 sq ft - 8000 sq ft
Range of home prices	\$325,000 - \$525,000	\$450,000 - \$750,000	\$550,000 - \$1,200,000
Average lot prices	\$55,000 - \$65,000	\$85,000 - \$95,000	\$115,000 - \$125,000
Average home price	\$425,000	\$550,000	\$750,000

COPY

MINIMUM SETBACKS:

- 35' FRONT YARD
- 21' BACK YARD
- 40' COMBINED SIDE YARD
 - 10' MINIMUM (ONE SIDE ONLY)
 - NOTE ACCEPTABLE MINIMUM SIDE YARD CONFIGURATIONS BELOW



COPY

City of Shavano Park, Unit 18

$$1^n = 100^1 - 0^n$$

January 1 2003

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

...

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 setback shall be required for front-load residential garages and a ten-foot minimum 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.

(Ord. No. 100-02-08, § I(exh. A), 8-12-2008; [Ord. No. O-2017-022](#), § III, 11-27-2017)