

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

6:30 P.M.

**SUPPLEMENTAL NOTICE OF MEETING BY LIVESTREAM / TELEPHONE
CONFERENCE:**

**THIS MEETING WILL BE A LIMITED TO APPROXIMATELY 10 IN-PERSON
ATTENDEES IN ORDER TO MAINTAIN SOCIAL DISTANCING.**

In accordance with Order of the Office of the Governor issued March 16th, 2020, the governor has suspended various provisions of the Open Meetings Act pursuant to his state disaster authority, which now authorize the participation of a meeting by live-video stream or telephone. The City of Shavano Park will conduct the Regular Meeting on Wednesday, November 4, 2020 at 6:30 p.m. at 900 Saddletree Court, Shavano Park Council Chambers in part by Livestream / telephone conference in order to advance the public health goal of limiting face-to-face meetings (also called “social distancing”) and slow down the spread of the Coronavirus (COVID-19).

Livestream Participation. The livestream available via the Youtube app or website from your computer, tablet or smartphone at: <https://youtu.be/HUQF28nrXl4>

Telephone Participation. The public toll-free dial-in number to participate in the telephonic meeting is 1-833 548 0282 and requires access code 946-2657-4799. The Livestream / telephone conference will be available to join at 6:00 p.m. (30 minutes prior to the meeting). If you have issues accessing Telephone Participation or Livestream, please call City Secretary Zina Tedford at 210-787-0366.

The public will be permitted to offer comments telephonically as provided by the agenda during Citizen’s to be Heard. Citizens who want to speak during this period, should sign up to speak prior to the beginning of the meeting by stating their intent and providing Name, Address, and Topic to be addressed. Follow the guidelines under agenda item 3. If unable to participate in the meeting, you may submit public comments by email to ztedford@shavanopark.org.

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

A recording of the telephonic meeting will be made, and will be available to the public in accordance with the Open Meetings Act upon written request.

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, September 2, 2020.
5. Nomination and appointment of Chairman.
6. Nomination and appointment of Vice-chairman.
7. Discussion – Possible amendments to Sign Code regarding commercial sign regulations to comply with 5th Circuit decision in *Reagan v. City of Austin*.
8. Notice of administrative approval – Amending Plat of 123 West Mossy Cup to modify existing drainage easement by moving said easement to the north property line to follow actual flow route.
9. Discussion – Review of Recreational Vehicle Ordinance
10. Report / update - City Council items considered at previous City Council meetings and discussion concerning the same - City Manager
11. **Chairman Announcements:**
 - A. Advise members to contact City staff to add new or old agenda items.
 - B. Advise members of pending agenda items, as follows:
 - i. Public Hearing - The purpose of the public hearing is to receive comments from members of the public regarding proposed amendments to the City of Shavano Park Code of

Ordinances, Chapter 36 regarding MXD & PUD site plan approval to comply with House Bill 3167 from the 86th Texas Legislature

- ii. Discussion / action - Amendments to Chapter 36 regarding MXD & PUD site plan approval to comply with the 30-day shot clocks from Texas Legislature - City Manager

12. Adjournment

Accessibility Statement:

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

Decorum Required:

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

Action by Commission Authorized:

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

Executive Sessions Authorized:

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

Attendance by Other Elected or Appointed Officials:

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

I, the undersigned authority, do hereby certify that the above Notice of Meeting of the governing body of the above named Shavano Park Planning and Zoning Commission is a true and correct copy of said Notice and that I posted a true and correct copy of said Notice on the bulletin boards, of the City Hall of said City Shavano Park, Texas, a place convenient and readily accessible to the general public at all times, and said

Notice was posted on this the 28th of October 2020 at 1:00 p.m. and remained so posted continuously for at least 72 hours preceding the scheduled time of said meeting.

Zina Tedford, City Secretary

MINUTES

In accordance with Order of the Office of the Governor issued March 16th, 2020, the governor has suspended various provisions of the Open Meetings Act pursuant to his state disaster authority, which now authorize the participation of a meeting by live-video stream or telephone. The City of Shavano Park Planning & Zoning Commission will conduct the Regular Meeting on Wednesday, September 2, 2020 at 6:30 p.m. at 900 Saddletree Court, Shavano Park Council Chambers by Livestream / telephone conference in order to advance the public health goal of limiting face-to-face meetings (also called “social distancing”) and slow down the spread of the Coronavirus (COVID-19).

Livestream Participation. The livestream available via the GoToMeeting website from your computer, tablet or smartphone at: <https://youtu.be/C9LCFx9Uqwxw>

Telephone Participation. The public toll-free dial-in number to participate in the telephonic meeting is 1-877-568-4106 and requires access code 901-198-941. **Participants should mute their phone when not speaking.** If you have issues accessing Telephone Participation or Livestream, please call City Secretary Zina Tedford at 210-787-0366.

The Livestream / telephone conference will be available to join at 6:00 p.m. (30 minutes prior to the meeting). If you have issues accessing Telephone Participation or Livestream, please call City Secretary Zina Tedford at 210-787-0366.

The public will be permitted to offer comments telephonically as provided by the agenda during Citizen’s to be Heard. Citizens who want to speak during this period, should sign up to speak prior to the beginning of the meeting by stating their intent and providing Name, Address, and Topic to be addressed. Follow the guidelines under agenda item 3. If unable to participate in the meeting, you may submit public comments by email to ztedford@shavanopark.org.

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

A recording of the meeting will be made, and will be available to the public in accordance with the Open Meetings Act upon written request.

1. **Call to order**

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

PRESENT:

ABSENT:

Albert Aleman

Carla Laws

Kerry Dike

Michael Janssen

Jason Linahan

Bill Simmons

Shawn Fitzpatrick

William Stipek

Damon Perrin

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 Stipek and a second made by Commissioner Laws, the Planning & Zoning Commission voted eight (8) 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, August 5, 2020

Upon a motion made by Commissioner Laws and a second made by Commissioner Dike, the Planning & Zoning Commission voted eight (8) for and none (0) opposed to approve the Planning & Zoning Commission Meeting Minutes, August 5, 2020 as presented. The motion carried.

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

Daryl Lange presented the residential and commercial development in Shavano Park and nearby areas.

6. **Discussion / action – Final Plat of Napier Park, Unit-4 (PUD), a 1.157-acre tract of land out of a 289.5-acre tract described in deed to Rogers Shavano Park Unit 18/19, LTD. – City Manager**

Upon a motion made by Commissioner Janssen and a second made by Commissioner Stipek, the Planning & Zoning Commission voted eight (8) for and none (0) opposed to approve the final plat of Napier Park (Unit-4), a 1.157-acre tract of land out of the 289.5-acre tract described in deed to Rogers Shavano Park Unit 18/19, LTD. 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. Public Hearing - The purpose of the public hearing is to receive comments from members of the public regarding proposed amendments to the City of Shavano Park Code of Ordinances, Chapter 36 regarding MXD & PUD site plan approval to comply with House Bill 3167 from the 86th Texas Legislature
- ii. Amendments to Chapter 36 regarding MXD & PUD site plan approval to comply with the 30-day shot clocks from Texas Legislature - City Manager

9. Adjournment

Upon a motion made by Commissioner Perrin and a second made by Commissioner Dike, the Planning & Zoning Commission voted eight (8) for and none (0) opposed to adjourn the meeting at 7:30 p.m.

Albert Aleman
Chairman

Zina Tedford
City Secretary

PLANNING AND ZONING STAFF SUMMARY

Meeting Date: November 4, 2020

Agenda item: 6

Prepared by: Curtis Leeth

Reviewed by: Bill Hill

AGENDA ITEM DESCRIPTION:

Discussion – Possible amendments to Sign Code regarding commercial sign regulations to comply with 5th Circuit decision in *Reagan v. City of Austin*.

X

Attachments for Reference:

- 1) 7a Attorney Bulletin – *Reagan v. City of Austin*
- 2) 7b Sign Code Areas of Concern

BACKGROUND / HISTORY: In late October the City received a Texas Municipal Law Bulletin from the City Attorney Bojorquez Law Firm. The bulletin discussed implication for Municipal Sign Codes after the August 2020 decision by the 5th Circuit Court in *Reagan National Advertising of Austin v. City of Austin*.

DISCUSSION: The Attorney Bulletin (attachment 7a) summarizes the decision as:

The 5th Circuit recently held in *Reagan National Advertising of Austin v. City of Austin*, (Aug. 2020) that the distinction between “on-premise” and “off-premise” signs is content based and therefore “presumptively unconstitutional” under *Reed v. Town of Gilbert*, and subject to strict scrutiny. A court applying strict scrutiny is likely to find the sign code violates the First Amendment.

City staff identified areas (yellow highlight) of the existing Sign Code (Chapter 24 of the Code of Ordinances) in attachment 7b. There may be 3 main areas of the Sign Code needing revision:

1. Code defines off vs on premises sign (the distinction in the definition may be content-based)
2. Code prohibits off-premises flags (but allows on premises flags) in commercial areas
3. Code prohibits off-premises commercial signs (but allows on-premises signage) in both urban corridors for signage

Staff will consult with City Attorney and may propose a public hearing and amendments to the Sign Code at a future P&Z meeting.

COURSES OF ACTION: N/A; discussion item only to introduce the topic.

FINANCIAL IMPACT: N/A

MOTION REQUESTED: N/A; discussion item only to introduce the topic.

TEXAS MUNICIPAL LAW Bulletin™

A publication of the Bojorquez Law Firm, PC ★ October 2020

NEW BILLBOARD CASE—REAGAN V. CITY OF AUSTIN

The 5th Circuit recently held in *Reagan National Advertising of Austin v. City of Austin*, (Aug. 2020) that the distinction between “on-premise” and “off-premise” signs is content based and therefore “presumptively unconstitutional” under *Reed v. Town of Gilbert*, and subject to strict scrutiny. A court applying strict scrutiny is likely to find the sign code violates the First Amendment.

In 2015, the U.S. Supreme Court in *Reed* held that sign regulations that vary based on the sign’s message are content based and must meet strict scrutiny. In *Reed*, the town distinguished between ideological, political, and temporary directional signs. The court held that such distinctions were content based and did not survive strict scrutiny. In response to *Reed*, many cities updated their sign codes to differ between on-premise and off-premise signs, distinguish between commercial and non-commercial signs, and ensure non-commercial messages (e.g. political or religious) were allowed, but regulated by the size and material of the sign.

Before *Reed*, courts could consider sign regulations content neutral and subject to lesser scrutiny, even if applied based on their messages, if justified for reasons other than restricting disfavored speech. Since *Reed*, facially content-based regulations are subject to strict scrutiny regardless of the government’s intent.

The Austin ordinance at issue in *Reagan* defined an “off-premise sign” as “a sign advertising a business, person, activity, goods, products, or services not located on the site where the sign is installed, or that directs persons to any location not on that site.” The city’s code allowed digitization of on-premise but

not off-premise signs. Before *Reagan*, numerous cities relied on Justice Alito’s concurrence in *Reed*, which listed distinctions between on-premise and off-premise signs as not being content based. However, the 5th Circuit disagreed. The court noted that to decide if a sign is on-premises or off-premises requires reading the sign’s message to determine its meaning, function, or purpose; thus, the regulation was content-based.



Austin’s justification for the sign code was to “protect the aesthetic value of the City and to protect public safety.” However, the court held those justifications do not satisfy strict scrutiny. The case is pending appeal to the U.S. Supreme Court.

In light of the 5th Circuit’s decision, cities should reevaluate distinctions that categorize signs based on their messages. Content neutral sign regulations include: (a) size; (b) lighting; (c) location (right-of-way, trees, poles); (d) types of signs (pole, monuments, digital); (e) duration; (f) number; (g) zoning distinctions; and (h) condition (dilapidated signs).

This educational message was sent to clients, friends and colleagues of the Firm. If you do not wish to receive such email messages in the future, please reply to the sender, or e-mail your request to be removed from this mailing list to Info@TexasMunicipalLawyers.com. This document does not constitute legal advice.

11675 Jollyville Road, Ste 300, Austin, Texas 78759 ★ Phone: 512-250-0411 ★ TexasMunicipalLawyers.com

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BOJORQUEZ
LAW FIRM, PC

Chapter 24 - SIGNS

ARTICLE I. - IN GENERAL

Sec. 24-1. - Purpose and scope.

These regulations shall apply in the City Limits. These regulations set forth by the City of Shavano Park, pursuant to its authority to regulate structures under Tex. Local Government Code ch. 211 and any authority it may have under Tex. Local Government Code ch. 216, combine the need to protect the public safety and welfare, the need to encourage pedestrian movement, the need for a well maintained and attractive community, and the need to adequately convey ideas, provide communication, and identify features within the community. The provisions do not ensure or provide for every property or business owner's desired level of visibility for signs. The sign standards are intended to allow signs to have adequate visibility from streets and rights-of-way that abut a site, but not for visibility from streets and rights-of-way farther away. The regulations for signs and awnings have the following specific objectives:

- (1) To ensure that signs and awnings are designed, constructed, installed and maintained according to standards to safeguard life, health, property, and public welfare, and to eliminate excessive and/or confusing sign displays that create potential hazards to motorists, pedestrians, and to property;
- (2) To allow and promote positive conditions for sign communication while at the same time restrict signs which create continuous visual clutter and hazards at public right-of-way intersections;
- (3) To reflect and support the desired character and development patterns of the various zoning districts in order to plan and promote an attractive environment;
- (4) To allow for adequate and effective signs in business and office districts, while preventing signs from dominating the appearance of the area, thereby encouraging a positive business atmosphere;
- (5) To establish a sign application and sign permit review process that effectively regulates issues pertaining to the location, placement, and physical characteristics of signs in an effort to ensure compatibility with adjoining land uses, architecture, and landscape; and
- (6) To provide for consistent, fair, and content neutral application and enforcement of regulations pertaining to signs and to ensure that the constitutionally guaranteed right of free speech is protected.

Sec. 24-2. - 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:

Advertising bench means any bench providing seating to the general public without charge, which may bear advertising.

Animated or moving sign means any sign, or part of a sign, which changes physical position or appearance by any movement or rotation or which gives the visual impression of such movement or rotation.

Awning, canopy, or marquee sign means a sign that is mounted, painted on, or attached to a building or an awning, canopy, or marquee that is otherwise permitted by this chapter.

Banner sign means a sign made of fabric or any non-rigid material with no enclosing framework but does not include a flag, pennant, or feather banner.

Back-to-back sign means a structure containing two parallel signs whose faces are oriented in opposite directions and are spaced no more than ten feet apart.

Bandit sign means a sign install without the written permission of the land owner which is tacked, nailed, posted, pasted, glued, or otherwise attached to trees, utility poles, street signs, street furniture, stakes, or fences or other objects or installed in the right-of-way, and any temporary sign which is attached to another sign. No sign owned or installed by the City, the State, or a public utility shall be considered a bandit sign. A bandit sign is considered trash and may be discarded in accordance with section 24-14.

Billboard means any outdoor, off-premises sign, display, device, figure, painting, drawing, message, poster, structure, or thing that is designed, intended, or used to advertise or inform.

Billboard operator means any responsible party who installs, services, maintains, alters, repairs, or demolishes billboards.

Bill posters means advertising poster or handbill.

Chief of Police means the City's duly appointed Chief of Police.

City means the City of Shavano Park, Texas.

City Code Compliance Officer means one or more individuals duly appointed by the City to enforce City Code violations.

Commercial sign means any sign which directs the attention of the general public to a place of business that sells, rents, or leases goods, services, or property, or advertises a location that sells, rents, or leases goods, services, or property.

Dilapidation means any sign where elements of the sign area or background have portions of the finished material missing, broken, or illegible; where the structural support is visibly bent, broken, dented, rusted, corroded, or loose; or where the sign or its elements are not in compliance with the adopted electrical code and/or the building code.

Early voting period means that period as prescribed by Tex. Elections Code § 85.001, as amended.

Electric sign means:

- (1) Any sign on which letters, figures, designs, or messages are formed or outlined by electric illumination, or by a transparent or translucent medium which is electrically illuminated, whether the illuminating device is contained within or on the sign, including digital signs illuminated by LCD, LED, plasma displays, projected images, or any other illumination format;
- (2) Any outside building outlining;
- (3) Any interim decorative displays; and
- (4) Any gas tube window outlining.

Any portable sign that has electrical components attached, connected to, or part of the sign, or support, whether electrified or not, shall be considered an electric sign and all provisions of this chapter pertaining to electric signs shall apply to such signs.

Embellishments means any feature such as a cutout, neon, or plastic letters, clock, electric device, or space extension, which is added to an outdoor advertising structure. All embellishments shall be included when measuring the sign area.

Feather banner means any sign that is constructed of lightweight material (such as cloth, canvas, or vinyl) affixed to a pole or building which is similar to a flag, except that it is longer than it is wide. A feather banner resembles a feather, in that it is tall and narrow, having more surface area vertically than horizontally when fully extended.

Flag, commercial, means any fabric, banner, or bunting containing distinctive colors, patterns, or symbols used for the purpose of advertising or drawing attention to a business. Does not include non-commercial flags, which are separate and distinct by definition and treatment in this Code.

Flag, non-commercial means any flag that is not a commercial flag and is not used for the purpose of advertising or attention to a business, including any flag that has a non-commercial message including,

but not limited to, a flag of the United States, the State, the City, or foreign nations having diplomatic relations with the United States, and any other flag adopted or sanctioned by an elected legislative body of competent jurisdiction.

Flashing sign means any directly or indirectly illuminated sign that exhibits changing natural or artificial light or color effects by any means whatsoever.

Government sign means any sign that is installed or maintained by the federal, state, or local government. Local government includes any political subdivision including the county, the City, the school district, the water district, or an emergency services district.

Install means to construct, erect, place, affix, display, or attach.

Loop 1604 frontage means and shall include all Loop 1604 frontage and access roads.

Monument sign means any sign that is a ground-mounted structure of masonry, rock, brick, stone, or stucco. Monument signs shall have a minimum of 90 percent masonry materials such as rock, brick, stone, or stucco. Concrete and cinder blocks may be used structurally if faced with rock, brick, or stucco in accordance with the International Building Code.

Neighborhood means a distinct segment of the community, usually consisting of essentially similar housing stock, whose boundaries are defined by physical barriers such as major arterial streets and/or natural features such as creeks and rivers.

Non-commercial sign means any sign which does not advertise the sale, rent, or lease of goods, services, or property or a location that sells, rents, or leases goods, services, or property.

Non-conforming sign means any sign lawfully in existence on the date the provisions of this chapter are adopted that do not conform to the provisions of this chapter, but which were in compliance with the applicable regulations at the time they were installed or maintained.

Off-premises sign means any commercial sign that advertises a business, responsible party, person, activity, goods, products, real property, or services not located on the property where the sign is installed, or that directs persons to a location other than the property where the sign is located.

On-premises sign means any commercial sign identifying or advertising a business, responsible party, person, or activity, and installed and maintained on the same premises as the business, responsible party, or activity.

Pennant sign means any sign of lightweight material suspended from a rope, wire, or string and displayed in a series with or without a message, designed to move in the wind.

Pole sign means any sign:

- (1) Supported by poles, uprights, or braces which are not concealed in an enclosed base but are permanently installed on or in the ground and wholly independent of any building for support, either single- or double-faced; or
- (2) Whose only structural support consists of exposed poles, posts, beams, or other devices mounted in the ground.

Portable sign means any sign that is readily capable of being moved or removed, whether attached or affixed to the ground or any structure that is typically intended for temporary display. Portable signs include, but are not limited to:

- (1) Signs designed and constructed with a chassis or support with or without wheels;
- (2) Menu and "sandwich" board signs;
- (3) "A" and "T" frame signs;
- (4) Posters, flags, or banners affixed to windows, fences, railings, overhangs, trees, hedges, or other structures or vegetation, except for pole-mounted community event banners;
- (5) Searchlights; and

(6) Inflatables.

For the purposes of this definition, no sign owned or installed by the City, the State, or a public utility shall be considered a portable sign.

Premises means any site on which a sign is requested, required, or installed including any lot, area, facility, or building which the responsible party owns, leases, or has a right to use.

Private property means all property other than public property, as defined herein.

Prohibited neon means any use of neon lighting other than for lettering or logos. For the purposes of this chapter, all uses of neon lighting shall be considered a sign.

Public property means property owned by, or dedicated to the City, or owned by, or dedicated to other governmental entities. Signs located on public property shall be governed by a separate City policy.

Pylon sign means any freestanding sign with visible support structures or with a support structure with a pole cover or pylon cover.

Responsible party means the owner/operator of the business being identified on the sign; the owner of the property upon which the sign or sign structure is located; the owner of the sign or sign structure; the person who installs a sign or sign structure, contracts with or directs a person to accomplish the installation; and/or the person who retrieves a sign from the impound.

Right-of-way means the area on, below, or above a public road, highway, street, public sidewalk, alley, waterway, or utility easement in which a governmental entity has an interest.

Safety signs means any sign on an office or business property which point or direct a person or vehicle to a specific place or along a specific course in order to ensure the safe and orderly passage of vehicles and persons around the premises of a building, such as "entrance," "exit," "handicap access," "employee access only" or "patient drop off."

Setback means the line within a lot defining the minimum horizontal distance between a building and the property line. Building setback lines include front, rear, and side setbacks that are measured from the front, rear, and side property lines. Signs installed within building setbacks, when authorized, should not obstruct traffic vision.

Sign means an outdoor structure, sign, display, light device, figure, painting, drawing, message, plaque, poster, billboard, or other thing that is designed, intended, or used to advertise or inform.

Sign area means the area of a sign that is used to determine the maximum area of a sign including the entire advertising or communicative area of a sign. Unless otherwise addressed, sign area is measured from the highest, lowest, and widest points in a rectangular or square format. Sign area size restrictions shall apply to each respective side of the sign structure.

Site means a parcel of land developed for commercial or residential use. A site may be a single platted lot, or may be a group of lots with a common or shared frontage.

Voting period means the period beginning with the first day of the early voting period and ending when the polls close on the designated election day. The voting period corresponds only with elections administered by Bexar County.

Wall sign means any sign installed on the wall of a building or structure, with the exposed face of the sign parallel to the surface of the wall of the building.

Sec. 24-3. - Prohibited signs.

Except as otherwise provided for in this chapter, it is an offense for a responsible party to install or maintain, or cause to be installed or maintained, on private property located in the City, any advertising bench, animated, or moving sign, awning, canopy, or marquee sign, back-to-back sign, bandit sign, billboard, bill poster, electric sign, embellishment, flashing sign, monument sign, on-premises sign,

prohibited neon, blinking, rotating, moving, or intermittently illuminated sign, pole sign, portable sign, pylon sign, any sign protruding above the building roof line or parapet line, painted or Day-Glo colored sign, banner sign, valance or display constructed of cloth, canvas, light fabric, paper, pliable vinyl, plastic, or other light material, feather banner, pennant, wall sign, any sign installed in exchange for a monetary or bartered benefit, any sign displaying any matter in which the dominant theme of the material taken as a whole appeals to the prurient interest in sex, or is patently offensive because it affronts contemporary community standards relating the description or representation of sexual matters, and is utterly without redeeming social value. Such action is hereby declared to be a public nuisance. Any sign not specifically listed as being allowed in this chapter is expressly prohibited. A responsible party shall not install a sign in the right-of-way or on property owned or controlled by the City without specific written permission of the City Council. All signs installed without the permission of the property owner of the land upon which the signs is installed is considered a prohibited sign.

Sec. 24-4. - Grandfather provisions.

This chapter is not intended to require the relocation, reconstruction, or removal of a sign which is already in place at the time of the adoption of the ordinance from which this chapter is derived and which was installed in compliance with local ordinances, laws and regulations applicable at the time of its installation, to the extent that Tex. Local Government Code ch. 216 preempts the application of this chapter to those signs or to any signs otherwise approved pursuant to Ordinance [No.] 100-03-99, as amended from time to time, or by City Council approval, provided that all such signs are constructed in accordance with such approval.

Sec. 24-5. - Non-nuisance signs in business and office districts.

The following signs are not deemed to be a public nuisance and may only be installed within the City limits in accordance with the following terms and conditions:

- (1) *Construction development.* Upon final approval of a construction permit, three signs may be installed temporarily on the property of the approved plat or development, provided however, that such signs shall not exceed a total of 128 square feet in sign area and that no one sign exceeds 64 square feet in sign area. Sign area for construction development shall include its framing, trim and molding. The signs shall be installed so as not to interfere with the occupancy or use of any neighboring lots. Such signs shall only be installed during the time of active and ongoing building construction and shall be removed upon the issuance of the certificate of occupancy for the development. A responsible party shall not install any sign in the right-of-way.
- (2) *Post-certificate of occupancy.* Beginning at the time of the issuance of the certificate of occupancy, a single sign may be installed temporarily on each approved plat or development, provided, however, that such sign shall not exceed 64 square feet in sign area. Sign area for post-certificate of occupancy signs shall include its framing, trim and molding, but shall not include the pole or pylon of the sign. The signs shall be installed so as not to interfere with the occupancy or use of the business or office development. All such signs shall be installed for a maximum of one continuous 90-day period from the issuance of the certificate of occupancy. A responsible party shall not install any sign in the right-of-way.
- (3) *Monument signs.* Monument signs shall be permitted subject to the following specifications:
 - a. In general. In business and office districts each property fronting a public or private street shall be allowed one monument sign. Properties fronting two public or private streets shall be allowed one monument sign on each street, for a total of two monument signs. Monument signs may have a sign inserted into the structure provided the sign area of the insert shall not exceed 75 percent of the average height and/or 90 percent of the average width of the structure. The sign insert may be backlit or externally illuminated.

- b. Monument signs fronting Loop 1604 frontage.
 - 1. Monument signs fronting Loop 1604 frontage shall not exceed 25 feet in height from the top of the sign to the ground, except as expressly provided in section 24-5(3)b.2.
 - 2. For properties where the site elevation is below the adjacent driving lanes of Loop 1604, monument signs shall not exceed 25 feet in height as measured from the top of the sign to the adjacent elevation of the Loop 1604 driving lanes, nor shall such monument signs exceed 48 feet in height as measured from the top of the sign to the ground.
 - 3. Each monument sign located along Loop 1604 frontage shall not exceed an average of 25 feet in width at the base and not exceed an average of 20 feet in width above the base. The base shall not be less than 75 percent of the average width of the sign. The base of the monument sign can include the name and/or address for commercial center.
 - 4. The sign area insert of a monument sign shall not exceed 150 square feet of sign area per side.
 - c. Monument signs fronting N.W. Military Highway.
 - 1. Monument signs fronting NW Military Highway shall not exceed 12 feet in height as measured from the top of the sign to the ground.
 - 2. Monument signs located on N.W. Military Highway shall not exceed an average of 15 feet in width at the base and not exceed an average of ten feet in width above the base. Monument signs on N.W. Military Highway do not require that a base be constructed. If a base is constructed on the monument sign, the base can include signage for name and/or address of the commercial center.
 - 3. The sign area of the insert of a monument sign shall not exceed 55 square feet of sign area per side excluding the trim and base of the monument sign, if any. The base of the sign shall be considered when determining the height of the sign.
 - d. Monument signs fronting any other road.
 - 1. Lots with street frontage greater than 250 feet. Monument signs fronting any road other than Loop 1604 frontage or NW Military Highway shall not exceed ten feet in height as measured from the top of the sign to the ground.
 - 2. Lots with street frontage less than 250 feet. Monument signs fronting any road other than Loop 1604 frontage or NW Military Highway shall not exceed six feet in height as measured from the top of the sign to the ground.
 - 3. The sign area of the insert of a monument sign shall not exceed 50 square feet excluding the trim and the base of the sign, if any.
 - e. Convenience stores. Each convenience store, as defined by section 36-1 of the City of Shavano Park Code of Ordinances, may install one monument sign with electric display that conforms with this section. Convenience stores fronting on two streets shall be allowed one monument sign with electric display facing each street. The electric sign shall not be neon, blinking, rotating, animated, moving, flashing or intermittently illuminated. The monument sign shall meet all other requirements in this Code.
- (4) During the period that a property is for sale, rent or lease a single sign of not more than 64 square feet is permitted, provided such sign is located entirely within the property to which the sign pertains, is not illuminated, and is removed within ten days after the sale, rental or lease has been consummated. Commercial lots fronting on two streets shall be allowed one sign of not more than 64 square feet facing each street. Sign area for a sign under this section shall include framing, trim and molding.
- (5) Multi-tenant buildings.
- a. Each multi-tenant building that has exterior access to individual businesses may attach one wall sign, and one awning sign for each window and/or exterior door, as set forth in this

subsection. This sign shall be compatible with the character of the premises upon which it is installed. Each sign shall require a permit, which may be obtained separately or within a building permit. Such signs shall not exceed an aggregate of 50 square feet of sign area per wall per business on up to two walls.

- b. Each multi-tenant building that has interior access to individual businesses or office suites shall be permitted either:
 - 1. Up to three wall signs may be installed on one side of a building, and said signs shall not collectively exceed 150 square feet in sign area with no one sign exceeding 120 square feet; or
 - 2. For a building over 30,000 square feet in area, up to five wall signs may be installed on the building, and said signs shall not collectively exceed 250 square feet in sign area with no one sign exceeding 120 square feet.
 - 3. Sign area for a wall sign under this section shall include all area of the sign including the trim. The sign's framing, trim molding and/or supporting structure shall not protrude above the building roof line or parapet line.
 - c. All illuminated signs directed toward residential areas shall comply with section 24-7.
- (6) Single-tenant buildings. Each single-tenant building may have one wall sign, and in addition one awning sign for each window and/or exterior door, subject to the limitations of this section. Such signs shall not exceed an aggregate of 50 square feet of sign area per wall on up to three walls. Sign area for a wall sign under this section shall include all area of the sign including the trim. The sign's framing, trim molding and/or supporting structure shall not protrude above the building roof line or parapet line.
 - (7) If any sign is installed on a building structure, the sign and its framing, trim molding and/or supporting structure shall not protrude above the building roof line or parapet line.
 - (8) Safety and directional signs. Signs on office or business property which point or direct a person or vehicle to a specific location or along a specific course in order to ensure the safe and orderly passage of vehicles and persons around the premises of a building, such as "entrance", "exit", "handicap access", "employee access only" or "patient drop off" are allowable provided they are no larger than six square feet in sign area. Sign area for a sign under this section shall include trim, molding, and framing, but shall not include the pole or pylon of the sign, if any.
 - (9) Permits.
 - a. No non-nuisance signs in business or office districts shall be installed within the City unless a building permit for such sign has first been issued by the City's building official. The permit application shall be accompanied by engineered drawings and a site plan showing the proposed sign location.
 - b. An electrical permit shall be required for any sign requiring the use of electricity in the operation of such sign.
 - c. The responsible party must make application for a sign permit, shall pay a fee in the amount as specified in the schedule of fees as approved by the City Council, and secure the permit before beginning work.
 - d. If the City Manager or the City Manager's designee finds that the proposed sign conforms in all respects to this chapter, the City Manager shall issue the permit; otherwise the City Manager shall deny it.
 - e. Any permit that does not comply with the provisions of the chapter or which is issued in violation of any provision hereof shall be void, and no right or privilege whatsoever shall accrue thereunder.
 - f. The City Manager shall instruct the building official to immediately inspect all permitted signs upon completion to determine compliance with the permit.

- g. An applicant or responsible party may appeal any denial of a permit or determination that a sign has not been built in compliance with a permit to the Board of Adjustment as described in section 24-15.
- h. No responsible party may reinstall, move, alter, modify, or relocate any sign which requires a permit without first obtaining a sign permit from the City. However, merely changing the price of advertised goods or services is not deemed to be altering the sign and shall not require an additional permit.

(10) Any sign allowed under this section as a commercial sign may also be a non-commercial sign.

Sec. 24-6. - Non-nuisance signs in residential zoning districts.

In A-1, A-2, A-3, A-4, A-5 PUD, MXD and CE zoning districts the following signs are hereby not deemed to be a public nuisance and do not require a permit unless specifically required below:

- (1) Subdivision sign. Upon final plat approval, a single sign may be installed temporarily on each approved plat or development property, provided, however, that such sign shall not exceed 64 square feet in sign area. Sign area for a subdivision sign shall include its framing, trim and molding, and shall be installed so as not to interfere with the occupancy or use of any lots in the subdivision. All such signs shall be removed upon completion of the sale of 95 percent of the lots in the subdivision. Such sign shall not be more than ten feet in height.
- (2) Temporary non-commercial sign—Six square feet. Each residential property may erect one temporary sign non-commercial sign on the property that conforms to the following requirements:
 - a. A responsible party may install a sign in such a manner that it may be viewed from the public right-of-way for up to 60 days per calendar year;
 - b. The gross sign area shall not exceed six square feet in sign area. Sign area for a temporary non-commercial sign under this section shall include framing, trim and molding;
 - c. The sign shall not be higher than six feet above grade;
 - d. The sign cannot be illuminated or backlit.
- (3) Residential signs—Four square feet. Each residential property may erect two signs that conform to the following requirements:
 - a. No more than one of the two signs may be a commercial sign.
 - b. Each sign cannot exceed four square feet in sign area. Sign area for a temporary sign under this section shall include framing, trim and molding;
 - c. Signs shall be installed within ten feet of the front facing of the primary residence;
 - d. Signs shall not be higher than four feet above grade;
 - e. The signs shall not be illuminated or backlit.
- (4) During the period the residential property is listed for sale or lease, a sign may be installed on the property, subject to the restrictions noted in section 24-6(2)b—d. Residential lots fronting on two streets shall be allowed one sign facing each street.
- (5) Voting period signs. During voting periods as defined in section 24-2, each residential property may install non-commercial signs in addition to those described in section 24-6(2), subject to the following restrictions:
 - a. No sign shall be installed more than 60 days prior to the start of the voting period;
 - b. All signs shall be removed by 11:59 p.m. the day following the end of the voting period;
 - c. The total sign area of all voting period signs shall be no more than 44 square feet, and no one sign shall be larger than 36 square feet;

- d. A non-commercial sign shall not be higher than six feet above grade including its pole or pylon; and
 - e. The signs shall not be illuminated or backlit.
 - f. Sign area for signs under this section shall include all including trim, molding, and framing of the sign. The pole or pylon of the sign shall be considered for height above grade, but shall not be considered part of the sign area.
- (6) Neighborhood monument signs. Neighborhood monument signs may be installed on property owned by a property owner's association and shall be a maximum of ten feet in height and shall not exceed an average of six feet in width above the base, regardless of location. The base shall be included in measuring the maximum height of the sign. This sign requires a permit. This sign shall not be installed in the right-of-way without approval of the City Council.
 - (7) Street monument signs. Street monument signs may be installed subject to approval of the City Council.
 - (8) Each residential property shall prominently display its address as to be easily legible from the adjacent street. Addresses and monuments displaying the address shall not constitute a sign in terms of limiting or eliminating the rights to a sign as allowed in other sections of this chapter.
 - (9) No sign shall be installed on public property including a public easement or right-of-way unless otherwise specified in this chapter.
 - (10) Signs installed in violation of these regulations are considered a nuisance and may be removed by the City Manager or their designee. A sign so removed under the provisions of this section which has more than minimal value as determined by the City Manager shall be kept in storage for a period of ten days, and if it is not claimed by the responsible party within said period, it may be disposed of in a lawful manner. The City Manager may send notice to the sign owner within three business days of removing the sign if the sign owner's contact information is reasonably discernible from the sign itself.

Sec. 24-7. - Exterior lighting and hours for business and building wall signs.

Exterior lighting of the building and building wall signs shall not exceed the maximum height of the building or wall sign. Lighting for signs fronting on any street other than streets adjacent to or abutting commercial property shall be turned off not later than 11:00 p.m. or one-half hour after the business is no longer open to the public, if earlier. All signs shall be compliant with the outdoor lighting requirements of chapter 14 as well as all requirements of this chapter.

Sec. 24-8. - Displayed address of commercial property.

Each commercial establishment shall prominently display its address as to be easily legible from the adjacent street. Addresses and monuments displaying the address shall not constitute a sign in terms of limiting or eliminating the rights to a sign as allowed in other sections of this chapter.

Sec. 24-9. - Authorized signs.

The following signs under this section are authorized in every zoning district or property without a permit, unless specifically required below:

- (1) Government signs.

- (2) Traffic-control devices that are installed and maintained to comply with the Texas Manual on Uniform Traffic-Control Devices.
- (3) Signs required by this chapter.
- (4) Signs required by other law, including federal, state, or local law, including a sign that a property owner is required to post on the owner's property to warn of a danger or to prohibit access to the property either generally or specifically; the owner must comply with the federal, state, or local law to post a sign on the property.
- (5) Official governmental notices and notices installed by governmental officers in the performance of their duties for regulatory purposes such as neighborhood crime watch areas, to identify streets, or to warn of danger including those installed by the City, county, water district, or other governmental entity.
- (6) Signs displayed on trucks, buses, trailers, mobile food vendors, or other vehicles that have a sign area, including the entire communicative area of the vehicle, which is less than 32 square feet and are being operated as motor vehicles, provided that the primary purpose of the vehicles is not for display of signs and provided that they are parked in areas appropriate to their use as vehicles as regulated by chapter 36 of the Code of Ordinances, are in operable condition, and carry a current and valid license plate and state inspection tag. Vehicle signs shall conform to the following restrictions:
 - a. Vehicular signs shall contain no flashing or moving elements;
 - b. Vehicular signs shall not be attached to a vehicle so that the driver's vision is obstructed from any angle;
 - c. Signs, lights and signals used by authorized emergency vehicles shall not be restricted;
- (7) Vending machine signs where the sign is not larger than the normal dimensions of the machine to which the sign is attached.
- (8) Memorial signs or tablets when cut into any masonry surface or attached to a building when constructed of bronze or other metal up to six square feet as part of a building.
- (9) Any sign wholly within the confines of a building, and oriented to be out of view from outside the building.
- (10) Flags in a business or office zoning district. Each business property is allowed to install up to four flags on up to three flagpoles. No more than one of the four flags may be a commercial flag, all other flags must be non-commercial. **No business is allowed to install a commercial flag that is an off-premises sign.** Each flag may be no larger than 60 square feet in area. Flagpoles shall be no taller than 40 feet in height nor higher than the highest point of the nearest principal building's roof on the premises.
- (11) Flags in a residential zoning district. Each residential property is allowed to install up to four non-commercial flags on up to three flagpoles. Each flag may be no larger than 40 square feet in area. Flagpoles shall be no taller than 25 feet in height nor higher than the highest point of the nearest principal building's roof on the premises.

Sec. 24-10. - Destroyed nonconforming signs.

An existing nonconforming sign in the City shall not be repaired or rebuilt in the case of obsolescence, dilapidation, or destruction by fire or other causes. In case of partial destruction by fire or other causes, where the cost of repairing the sign is less than 60 percent of the cost of installing a new sign of the same type at the same location, the City Manager or the City Manager's designee may issue a "no fee" permit for the necessary repairs to be made to the sign. If the necessary repairs are not completed within 60 days of the receipt of written notification to the responsible party by the City Manager or the City Manager's designee, then the sign shall be removed either by the responsible party or by the

City at the responsible party's expense. Criminal or civil penalties may also be initiated against the responsible party as provided for in this chapter. If the cost of rebuilding or repair of an existing nonconforming sign exceeds 60 percent of the cost of installing a new sign of the same type at the same location, the sign shall be removed at the responsible party's expense. If the sign is not removed within 30 days of written notification to the responsible party, then it shall be removed by the City or its designated agent(s) at the responsible party's expense. A sign so removed under the provisions of this section shall be kept in storage for a period of 60 days, and if it is not claimed within said period, it may be disposed of in a lawful manner by the City.

Sec. 24-11. - Abandoned or discontinued signs.

An abandoned or discontinued sign is a sign that advertises a business or project that has ceased operations for more than one year, unless the property is leased, in which case the sign shall be removed after two years. The responsible party shall remove any sign and/or sign structure that has not been used for advertising or promoting a going concern for at least one year. For the purposes of this section, a business or project has ceased to operate when it is no longer engaged in the sale of products or services in the normal course of business. A violation of this section is an offense.

Sec. 24-12. - City Council sign approval.

- (a) On Loop 1604 frontage only and more than 150 feet from N.W. Military Highway, the City Council may, at its sole discretion, approve pole/pylon signs within the following parameters: one sign per site with a maximum height of 48 feet from the top of the sign to the site grade, but not to exceed 25 feet above the adjacent driving lane of Loop 1604. This sign area shall not exceed 150 square feet per side (two sides maximum) and may be allowed in place of, or in addition to, any signs allowed by other provisions of this chapter. On a corner lot that qualifies for two monument signs the total sign area allowance may be adjusted up to 70/30 for the major artery, (i.e. A total of 100 square feet of sign area may be allocated 70 square feet on Lockhill Selma Road and 30 square feet on DeZavala Road.) Such reallocation shall be at the sole discretion of the City Council.
- (b) The City Council reserves the right to establish policies governing signage on City property.

Sec. 24-13. - Authority to enforce the ordinance; issue citation.

- (a) The City Manager is authorized by City Council to enforce this ordinance. The City Manager or the City Manager's designee shall review sign regulations, permit applications, nonconforming uses and destruction, and other requests under the ordinance unless otherwise defined by this section. Any final decision made by the City Manager may be appealed to the Board of Adjustment by the responsible party.
- (b) In this chapter the term "City Manager" also includes any person designated by the City Manager to act on behalf of the City Manager to carry out the enforcement of this ordinance [from which this chapter derives].
- (c) The City Code Compliance Officer (or such other individual or classification of individuals as may be designated by the City Manager) may issue a citation requiring the removal, relocation, or reconstruction of any sign which does not meet the spacing, height, and size requirements of this chapter and other City ordinances for which the installation began on or after the effective date of the ordinance from which this chapter is derived. All safety signs shall be approved by the City Code Compliance Officer.

Sec. 24-14. - Removal of prohibited bandit signs.

Bandit signs may be removed and discarded without notice notwithstanding any conflicting regulation or requirement within this section. These signs will not be stored by the City but will be discarded.

Sec. 24-15. - Variances.

- (a) *Purpose.* Any responsible party, business, or other organization desiring to install, continue to install, reinstall, relocate, alter, or use any sign which does not conform to the provisions of this chapter may make application to the Board of Adjustment for a variance to the provisions of this chapter.
- (b) *Application.* Application for a variance from the provisions of this chapter shall be made upon a form provided by the City Code Compliance Officer. The variance application shall include the application for a sign permit and shall also state the applicant's reasons for requesting the variance in accordance with the criteria set forth in this chapter.
- (c) *Fees.*
 - (1) The applicant shall pay the fee as prescribed in the most recent adopted fee schedule passed and approved by the City Council. The fee shall be nonrefundable. If work requiring a variance is begun/completed before obtaining approval for such variance, the owner of the property and/or the responsible party for the commencement of such work shall request approval of an "after-the-fact" variance and pay triple the established, nonrefundable fee. Payment of such fee does not relieve the applicant from liability under the penalty provisions of this chapter.
 - (2) Acceptance of the increased fee by the City does not constitute any commitment or warranty to approve the variance requested, nor does it relieve any responsible party from fully complying with the requirements of this chapter. A stop work order shall be in effect until a decision on approval/denial is taken. Fees shall not be refunded if the request for variance is disapproved.
- (d) *Hearing.* Upon receipt of a variance application, the City Secretary shall set a date for hearing before the Board of Adjustment within 45 days of receipt of an administratively complete variance request.
- (e) *Standards for variances.* The Board of Adjustment may approve a variance only if it makes affirmative findings, reflected in the minutes of the Board of Adjustment's proceedings, as to all of the following:
 - (1) The variance will not authorize a type of sign which is specifically prohibited by the chapter;
 - (2) The variance is not contrary to the goals and objectives outlined by the City;
 - (3) The variance is not contrary to the public interest;
 - (4) Due to special conditions applying to the land, buildings, topography, vegetation, sign structures, or other unique matters on adjacent lots or within the adjacent right-of-way, a literal enforcement of this chapter would result in unnecessary hardship. Ordinarily, hardship that is self-induced or that is common to other similarly classified properties will not satisfy this requirement. Financial or economic hardship alone will not satisfy this requirement;
 - (5) The spirit and purpose of this chapter will be observed and substantial justice done; and
 - (6) The applicant has not sought a variance from the City Council within the past 12 months.
- (f) *Conditions of variances.* The Board of Adjustment may impose such conditions or requirements in a variance as are necessary in the Board of Adjustment's judgment to achieve the fundamental purposes of this chapter. A violation of such conditions or requirements shall constitute a violation of this chapter. A variance, if granted, shall be for a specific event, use, or other applications of a business and shall not continue with the property. If a variance is granted and the sign so authorized is not substantially under construction within three months of the date of approval of the variance, the variance shall lapse and become of no force or effect.

Sec. 24-16. - Violations to be reported as nuisances.

It is an offense for a responsible party to install a sign in violation of this ordinance. Signs posted or installed in violation hereof are hereby declared to be public nuisances and such violations shall be reported promptly to the Chief of Police or City Code Compliance Officer.

Sec. 24-17. - Provisions cumulative.

This chapter shall be cumulative of all provisions of ordinances of the City of Shavano Park, Texas, except where the provisions of this chapter are in direct conflict with the provisions of such ordinances, in which event the conflicting provisions of such ordinances are hereby repealed. Any and all previous versions of this chapter to the extent that they are in conflict herewith are repealed.

Secs. 24-18—24-50. - Reserved.

ARTICLE II. - URBAN CORRIDOR SIGNAGE

Sec. 24-51. - Purpose.

Within the City's jurisdiction, there may be roadway corridors that have been and/or will continue to be very significant to the City. These corridors are amenities and assets of great value to the City, its inhabitants and its economy. The City Council aims to preserve, enhance and perpetuate the value of these roadway corridors and hereby authorizes the establishment of urban corridors.

Sec. 24-52. - Designation criteria.

To be designated as an urban corridor, an area must meet one or more of the following criteria:

- (1) The corridor serves as a recognized primary entryway to the City.
- (2) There is substantial commitment of private resources for development of at least 50 percent of the street frontage.
- (3) The corridor traverses residential areas where housing is present along at least 50 percent of the street frontage.

Sec. 24-53. - Designation process.

- (a) This article authorizes the establishment of urban corridors within the City's jurisdiction to regulate sign standards. Ordinances designating each urban corridor shall identify the designated street corridor and specify the sign standards for that corridor.
- (b) Application for designation of a specific urban corridor shall be initiated by submission to the City Manager of an application in compliance with sections 24-54 through 25-58. After reviewing the

application for its compliance with sections 24-54 through 25-58, the City Manager shall forward any application found to be in compliance to the Planning and Zoning Commission.

- (c) The Planning and Zoning Commission shall hold one or more public hearings on a proposed urban corridor sign application and submit a recommendation to the City Council, and each public hearing shall be subject to the general notice standards that apply to zoning cases. The City Council shall also hold a public hearing prior to considering a proposed urban corridor sign application, which shall be subject to the general notice standards that apply to zoning cases.

Sec. 24-54. - Sign standards.

- (a) *General.* Ordinances establishing specific urban corridors may include requirements for on- and off-premises signs subject to the guidelines included herein. Specific corridor ordinances may include more or less restrictive standards for off-premises signs. All off-premises signs must be located solely within the specific urban corridors. In the event of a conflict between a specific corridor ordinance and other provisions of this Code, the specific corridor ordinance shall apply.
- (b) *Application.* As part of each application, the applicant must submit proposed terms and conditions for an Urban Corridor Signage Ordinance, subject to approval by both the City's Planning and Zoning Commission and City Council. The application shall be subject to negotiation and approval by the City's Planning and Zoning Commission and final revision and approval by City Council as provided herein. In such agreement between the City and such party or parties establishing a sign corridor with the City (collectively with the City the "Parties"), the Parties shall specifically provide the following in an Urban Corridor Signage Ordinance:
 - (1) Agreement term;
 - (2) Terms for extensions;
 - (3) Replacement schedule;
 - (4) Technical drawing of proposed signage;
 - (5) Master component list for non-masonry components, including heights, widths, grades, finishes, and types of components;
 - (6) Lighting limitations, if any;
 - (7) Maintenance, including replacement of faded sign fronts; and
 - (8) Other information as follows:
 - a. Legal description and exhibit of the property on a scaled map sufficient to determine details showing the area to be included in the urban sign corridor;
 - b. An exhibit showing the location and type of each sign to be located within the urban corridor sign plan;
 - c. An exhibit showing the height of each sign and the sign area of each sign to be located within the urban corridor sign plan; and
 - d. An exhibit showing the architectural drawings for each sign to be located within the urban corridor sign plan.
- (c) *Acreage limitation.* Such party or parties seeking to establish an urban corridor with the City must own or control by agreement with other property owners not less than 50 acres of real property eligible for commercial development and/or real property previously developed as commercial property located along the west side of Lockhill Selma road or the within 600 feet of improved roadway for Loop 1604.
- (d) *Prohibited signs.* Unless expressly authorized by the City Council to create a unifying theme in a specific urban corridor, signs otherwise prohibited under this chapter are prohibited as urban corridor signage.

- (e) *Temporary signs.* The City Manager shall have the authority to issue permits and approve temporary signs as urban corridor signage within the following limitations:
 - (1) Temporary signs shall only be displayed for a maximum of one continuous 90-day period beginning no earlier than 30 days from the date of the issuance of the certificate of occupancy;
 - (2) No more than three temporary signs shall be allowed during the continuous 30-day period noted above; and
 - (3) All temporary signs in total shall not exceed more than 200 square feet in sign area, including framing, trim and molding.

Sec. 24-55. - Corridor pole signs.

- (a) Corridor pole signs shall be designed with a uniform branding logo approved by the City Council comprised of materials specifically authorized in the Urban Corridor Signage Ordinance. Permitted pole signs shall be placed no more frequently than every 150 linear feet of street frontage. A pole sign shall not be erected closer than every 150 linear feet along one side of the street to another pole sign.
- (b) Except as provided in section 24-5(3) and as to signs erected prior to the date this article is adopted, signage permitted under subsection (a) is in lieu of all on-premises pole, pylon and monument signage unless otherwise allowed by the Urban Corridor Signage Ordinance.

Sec. 24-56. - Urban corridor sign plan.

The City Council, after receiving a recommendation from the Planning and Zoning Commission, shall be responsible for approving the urban corridor sign plan, approving the urban corridor sign plan with conditions, or denying the urban corridor sign plan. In order for the Planning and Zoning Commission and City Council to consider an urban corridor sign plan, the applicant must submit the materials and design information specified in section 24-54 to the City Manager not less than 45 days prior to consideration by the Planning and Zoning Commission.

Sec. 24-57. - Designation of the Loop 1604 urban corridor.

- (a) Location. The commercially zoned area fronting on the south right-of-way of Loop 1604 is hereby designated as the Loop 1604 urban corridor.
- (b) Tracts eligible for inclusion in the Loop 1604 urban corridor shall be those tracts which have a minimum of 1,000 feet of continuous frontage along Loop 1604.
- (c) The maximum height for a pole sign along Loop 1604 shall be 45 feet and a maximum of 12 feet for signage on any other street.
- (d) For 45-foot signs, the maximum allowable sign area for each pole sign in this corridor shall be 350 square feet, and for all other signs, the maximum allowable sign area for each pole sign shall 200 square feet.
- (e) Off-premise signs advertising businesses locations outside the City's city limits are prohibited in the Loop 1604 corridor.

Sec. 24-58. - Designation of the Lockhill Selma urban corridor.

- (a) Location. The commercially zoned area fronting on the west side of Lockhill Selma is hereby designated as the Lockhill Selma urban corridor.
- (b) Tracts eligible for inclusion in the Lockhill Selma urban corridor shall be those tracts, which have a minimum of 500 feet of continuous frontage along Lockhill Selma.
- (c) Within 100 feet of the City's city limits with the City of San Antonio, the maximum height for a pole sign in this corridor shall be 25 feet, and a maximum of 12 feet for any other signage.
- (d) The maximum allowable sign area for each pole sign in this corridor shall be 300 square feet.
- (e) Off-premise signs advertising businesses locations outside the City's city limits are prohibited in the Lockhill Selma corridor.

ARTICLE III. - TABLES

Table No. 1 - Chart of Sign Design Standards

Type of Sign	Maximum Sign Area	Maximum Sign Height	Maximum Number of Signs	Permit Required?	Conditions (Section Number)	Fee?
All Districts						
Government signs	n/a	n/a	n/a	No Permit	24-9	No fee
Vending machine	Size of machine	Size of machine	Equal to number of machines on site	No Permit	24-9(7)	No fee
Memorial signs	6 sq. ft.	n/a	n/a	No Permit	24-9(8)	No Fee
Residential Districts (A-1, A-2, A-3, A-4, A-5 PUD, MXD and CE)						
Neighborhood monument sign	60 sq. ft.	10 ft.	one	Permit required	24-6(6)	No fee
Flags - noncommercial	40 sq. ft.	Flagpole can be up to 25 ft.	four (on three flagpoles)	No permit	24-9(11)	No fee
Residential - subdivision sign	64 sq. ft.	10 ft.	One until completion of sale of 95 percent of lots	No permit	24-6(1)	No fee
Residential - 4 sq. ft. signs	4 sq. ft.	4 ft.	Two signs - 1 allowed with a commercial message	No permit	24-6(3)	No fee
Residential - address (required)	n/a	n/a	One (required)	No permit	24-6(8)	No fee

Residential - temporary sign	6 sq. ft.	6 ft.	One sign up to 60 days	No permit	24-6(2)	No fee
Signs during the period that a property is for sale, rent or lease	6 sq. ft.	6 ft.	One or Two signs depending on location	No permit	24-6(4)	No fee
Signs during voting periods	36 sq. ft. (one sign); 44 sq. ft. (aggregate)	6 ft.	Unlimited so long as aggregate is 44 sq. ft. or less	No permit	24-6(5)	No fee
Business and Office Districts						
Construction development sign	128 sq. ft. (aggregate) no one sign larger than 64 sq. ft.		3 (up to 128 sq. ft. aggregate)- only allowed until Certificate of Occupancy	Permit required	24-5(1)	Based on sign area size
Temporary sign-post Certificate of Occupancy	64 sq. ft.		1-only allowed for 90 days after the Certificate of Occupancy	Permit required	24-5(2)	Based on sign area size
Commercial sign (multi-tenant with exterior access)	50 sq. ft. (aggregate)	Building height	One per window/exterior door	Permit required	24-5(5)a.	Based on sign area size
Commercial sign (multi-tenant with only interior access)	120 sq. ft. or 150 sq. ft. for up to three walls (aggregate)	Building height	Up to 3 wall signs per wall	Permit required	24-5(5)b.	Based on sign area size
Commercial sign (multi-tenant with only interior access) and Building larger than 30,000 square feet.	120 sq. ft. or 250 sq. ft. for up to three walls (aggregate)	Building height	Up to 5 wall signs total	Permit required	24-5(5)b.2.	Based on sign area size
Commercial sign (single tenant)	50 sq. ft. (aggregate)	Building height	One per window/exterior door	Permit required	24-5(6)	Based on sign area size
Commercial monument signs (1604 Frontage)	150 sq. ft.	Varies by site elevation in relation to 1604	One or Two signs depending on location	Permit required	24-5(3)b.	\$200.00

Commercial monument signs (NW Military)	55 sq. ft.	12 feet	One or two signs depending on location	Permit required	24-5(3)c.	\$200.00
Commercial monument signs (All other locations)	50 sq. ft.	Varies by street frontage	One or two signs depending on location	Permit required	24-5(3)d.	\$200.00
Signs during the period that a property is for sale, rent or lease	64 sq. ft.		One or two signs depending on location	Permit required	24-6(4)	Based on sign area size
Flags - noncommercial	60 sq. ft.	Flagpole can be up to 40 ft.	Four (three if a commercial flag is installed)	No permit	24-9(10)	No fee
Flags - commercial (off-premises sign is prohibited)	60 sq. ft.	Flagpole can be up to 40 ft	one	No permit	24-9(10)	No fee

CITY OF SHAVANO PARK



October 27, 2020

Planning & Zoning Commission
City of Shavano Park
900 Saddletree Court
Shavano Park, TX 78230

Reference: Shavano Park Amending Plat of 123 Mossy Cup
Notice of Administrative Approval Letter

Dear Chairman Aleman & Commissioners:

This notification is being made in accordance with Sec. 28-47(a)(4) which requires written notice to the Planning & Zoning Commission within 60 days of City Manager administrative amended plat approval.

I am notifying the Commission of my administrative approval of the September 11, 2020 Recova, LLC request for an administrative amendment of the approved plat of 123 Mossy Cup to modify existing drainage easement by moving said easement to the north property line to follow actual flow route. This amendment will correct an error in a course or distance shown on the preceding plat as the drainage easement does not match the actual flow route on the property. This administrative approval is in compliance with Sec. 28-47(a)(2)(a)(1) of the City of Shavano Park Code of Ordinances.

In accordance with Sec. 28-47(a)(2), I am approving your administrative amended plat request after favorable recommendation for approval from the City Engineer.

Sincerely,

Bill Hill
City Manager

October 23, 2020

City of Shavano Park
Permitting Department
Attn: Marisa Knuffke
900 Saddletree Court
San Antonio, Texas 78231

Re: Amending Plat of *Shavano Park 12-A*
123 West Mossy Cup Ln, Lot 1131A, Shavano Park, TX



On behalf of the:



Staff;

We have completed our review of the resubmittal for the referenced Permit Plan Submittal as submitted by Mr. Richard M. Gallegos, P.E. of Gallegos Engineering, Inc. The name of the plat needs to be changed to *Shavano Park Unit 12-A, Lot 1131A*. Other than that, we find the plat submittal generally conforms to the City of Shavano Park's Ordinances and have no additional engineering comments.

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

Sincerely,

A handwritten signature in blue ink, appearing to read 'Christopher Otto', is written over a light blue horizontal line.

Christopher Otto, P.E., CFM
Plan Reviewer for the City of Shavano Park

M:\622\01\01\Reviews\City Plan Review\200225 Auto Alliance bldg - 3117 Napier Park\200413 3rd submittal\KFW response\200422 Auto Alliance Bldg.docx

September 11, 2020

Mr Bill Hill
City of Shavano Park
900 Saddletree Court/Wallace Way
Shavano Park, Texas 78231

RE: Amending Plat for 123 W Mossy Cup Street

Dear Bill,

On behalf of my client, Laura Resendez, the new owner of 123 W Mossy Cup, I present this letter to formally request consideration of the Amending Plat for 123 W Mossy Cup Street. The lot is a recorded plat in Volume 7500, Page 55, Records Volume 8161, Page 276. The reason for amending this plat is consistent with Section 28-47 (a)(2)(a)(1) of the Shavano Park Unified Development Code.

When 123 W Mossy Cup Street was purchased, the original purchaser bought two lots and had them replatted as one. At the time, the city drainage easement was moved to a position inconsistent with the actual flow of water, which is proven in the attached Engineer Report.

The reason for amending 123 W Mossy Cup Street is to move the existing city drainage easement to the correct location for effective drainage.

If you have any questions or require any additional information, please contact me, at your earliest convenience. I may be reached at 210-413-2622 or buntinggrossrealty@gmail.com.

Thank you,

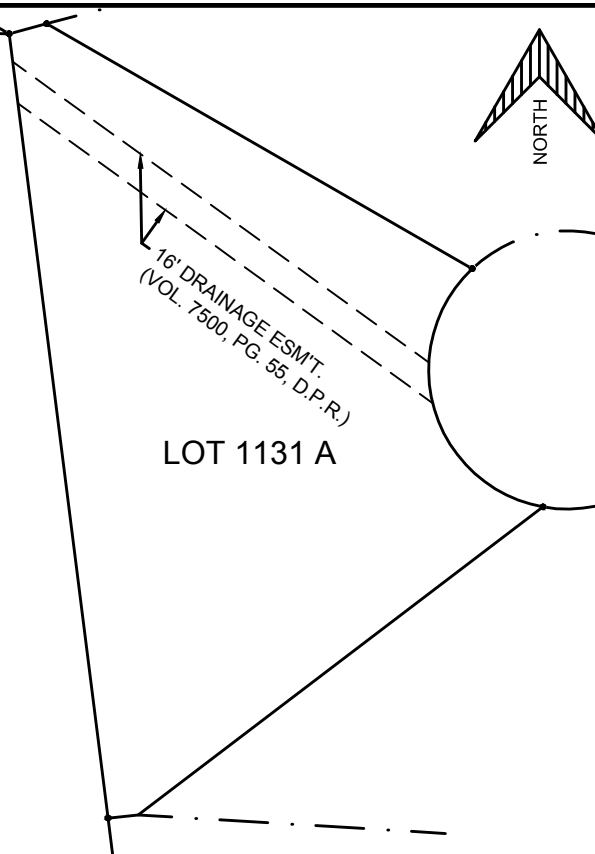


Michele Bunting Ross
Bunting Ross Realty
99 Bent Oak Drive
Shavano Park Texas 78231
Texas Real Estate Broker #512785
210.413.2622

Attachments



LOCATION MAP
NOT TO SCALE



AREA BEING AMENDED

A 16' DRAINAGE EASEMENT CREATED IN SHAVANO PARK UNIT 12-A, IN THE CITY OF SHAVANO PARK, BEXAR COUNTY, TEXAS, ACCORDING TO PLAT THEREOF RECORDED IN VOLUME 7500, PAGE 55, DEED AND PLAT RECORDS, BEXAR COUNTY, TEXAS.

LEGEND	
B.C.D.P.R.	BEXAR COUNTY DEED AND PLAT RECORDS
R.P.R.B.C.	REAL PROPERTY RECORDS BEXAR COUNTY
— 721.00 —	EXISTING CONTOUR LINE
— — —	ADJACENT PROPERTY LINE
FIR	FOUND IRON ROD
SIR	SET IRON ROD WITH PLASTIC CAP
— M.B.C. —	MARKED "M.B.C."
— C —	CENTERLINE SYMBOL
— ROW —	RIGHT OF WAY
— EASEMENT —	EASEMENT
●	1/2" STEEL PIN WITH PLASTIC CAP

SURVEY NOTES:

1. PROPERTY CORNERS ARE MONUMENTED WITH A CAP OR DISK MARKED "MBC ENGINEERS" UNLESS NOTED OTHERWISE.;
2. COORDINATES SHOWN ARE BASED ON THE NORTH AMERICAN DATUM OF 1983 (CORS 1996) FROM THE TEXAS COORDINATE SYSTEM ESTABLISHED FOR THE SOUTH CENTRAL ZONE DISPLAYED IN GRID VALUES DERIVED FROM THE NGS COOPERATIVE CORS NETWORK;
3. BEARINGS ARE BASED ON THE NORTH AMERICAN DATUM OF 1983 (CORS 1996), FROM THE TEXAS COORDINATE SYSTEM ESTABLISHED FOR THE SOUTH CENTRAL ZONE.

STATE OF TEXAS
COUNTY OF BEXAR

I HEREBY CERTIFY THAT THE ABOVE PLAT CONFORMS TO THE MINIMUM STANDARDS SET FORTH BY THE TEXAS BOARD OF PROFESSIONAL LAND SURVEYING ACCORDING TO AN ACTUAL SURVEY MADE ON THE GROUND.

REGISTERED PROFESSIONAL LAND SURVEYOR NO. 5578
JOEL CHRISTIAN JOHNSON, R.P.L.S.
MACINA, BOSE, COPELAND & ASSOC., INC., T.B.P.L.S. #10011700
(210) 545-1122

STATE OF TEXAS
COUNTY OF BEXAR

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

LICENSED PROFESSIONAL ENGINEER NO. 86916
RICHARD M. GALLEGOS, P.E.

REASON FOR AMENDING:

PURSUANT TO SECTION 28-47(o)(2)1: CORRECT AN ERROR IN A COURSE OR DISTANCE SHOWN ON THE PRECEDING PLAT AND/OR SECTION 28-47(o)(2)6 CORRECTING A SCRIVENER ERROR.

AMENDMENTS ARE AS FOLLOWS:

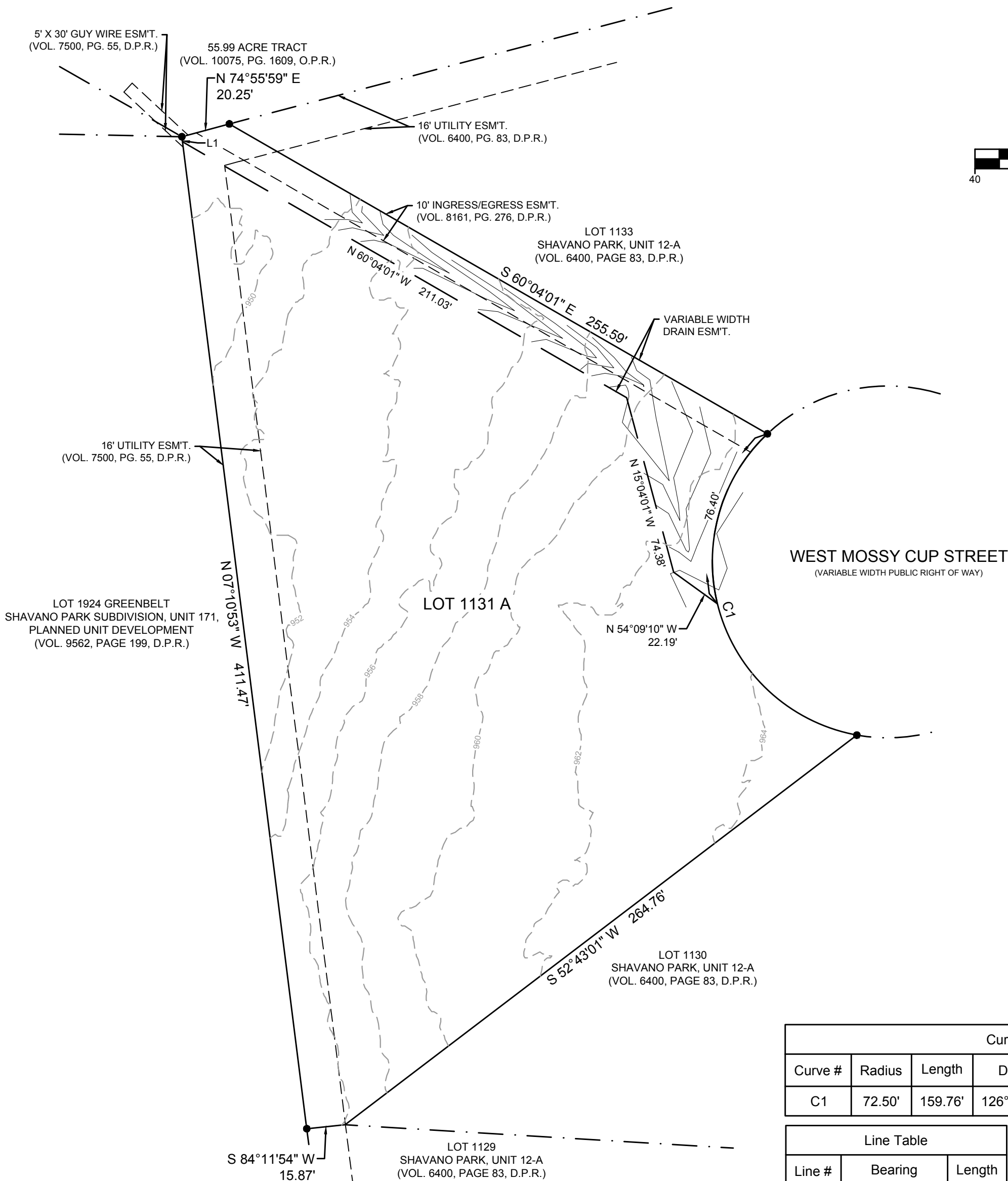
MODIFIED EXISTING DRAINAGE EASEMENT BY MOVING SAID EASEMENT TO THE NORTH PROPERTY LINE WHICH FOLLOWS THE ACTUAL TOPOGRAPHY FLOW ROUTE.

AMENDING PLAT NOTES:

THE DRAINAGE EASEMENT, AS AMENDED, GRANTS THE RIGHT, BUT DOES NOT CREATE THE OBLIGATION, FOR THE CITY TO CONSTRUCT DRAINAGE IMPROVEMENTS WITHIN THE EASEMENT FOR THE GOOD OF THE COMMUNITY. THE PROPERTY OWNER IS RESPONSIBLE TO CONSTRUCT ANY DRAINAGE IMPROVEMENTS FOR THE BENEFIT OF HIS PROPERTY.

CPS NOTES:

1. THE CITY OF SAN ANTONIO AS PART OF ITS ELECTRIC, GAS, WATER, AND WASTEWATER SYSTEMS-CITY PUBLIC SERVICE BOARD (CPS ENERGY) AND SAN ANTONIO WATER SYSTEM (SAWS) - IS HEREBY DEDICATED EASEMENTS AND RIGHTS-OF-WAY FOR UTILITY, TRANSMISSION AND DISTRIBUTION INFRASTRUCTURE AND SERVICE FACILITIES IN THE AREAS DESIGNATED ON THIS PLAT AS "ELECTRIC EASEMENT," "ANCHOR EASEMENT," "SERVICE EASEMENT," "OVERHANG EASEMENT," "UTILITY EASEMENT," "GAS EASEMENT," "TRANSFORMER EASEMENT," "WATER EASEMENT," "SANITARY SEWER EASEMENT," AND/OR "RECYCLED WATER EASEMENT" FOR THE PURPOSE OF INSTALLING, CONSTRUCTING, RECONSTRUCTING, MAINTAINING, REMOVING, INSPECTING, PATROLLING, AND ERECTING UTILITY INFRASTRUCTURE AND SERVICE FACILITIES FOR THE REASONS DESCRIBED ABOVE. CPS ENERGY AND SAWS SHALL ALSO HAVE THE RIGHT TO RELOCATE SAID INFRASTRUCTURE AND SERVICE FACILITIES WITHIN EASEMENT AND RIGHT-OF-WAY AREAS, TOGETHER WITH THE RIGHT OF INGRESS AND EGRESS OVER GRANTOR'S ADJACENT LANDS AND THE RIGHT TO REMOVE FROM SAID LANDS ALL TREES OR PARTS THEREOF, OR OTHER OBSTRUCTIONS WHICH ENDANGER OR MAY INTERFERE WITH THE EFFICIENCY OF WATER, SEWER, GAS, AND/OR ELECTRIC INFRASTRUCTURE AND SERVICE FACILITIES, NO BUILDINGS, STRUCTURES, CONCRETE SLABS, OR WALLS WILL BE PLACED WITHIN EASEMENT AREAS WITHOUT AN ENCROACHMENT AGREEMENT WITH THE RESPECTIVE UTILITY.
2. ANY CPS ENERGY OR SAWS MONETARY LOSS RESULTING FROM MODIFICATIONS REQUIRED OF CPS ENERGY OR SAWS INFRASTRUCTURE AND SERVICE FACILITIES, LOCATED WITHIN SAID EASEMENTS, DUE TO GRADE CHANGES OR GROUND ELEVATION ALTERATIONS SHALL BE CHARGED TO THE PERSON OR PERSONS DEEMED RESPONSIBLE FOR SAID GRADE CHANGES OR GROUND ELEVATION ALTERATIONS.
3. THIS PLAT DOES NOT AMEND, ALTER, RELEASE OR OTHERWISE AFFECT ANY EXISTING ELECTRIC, GAS, WATER, SEWER, TELEPHONE, CABLE TV EASEMENTS OR ANY OTHER EASEMENTS FOR UTILITIES UNLESS THE CHANGES TO SUCH EASEMENTS ARE DESCRIBED HEREON.



WEST MOSSY CUP STREET
(VARIABLE WIDTH PUBLIC RIGHT OF WAY)

Curve Table					
Curve #	Radius	Length	Delta	Chord Bearing	Chord Length
C1	72.50'	159.76'	126°15'23"	S 16°32'44" E	129.34'

Line Table		
Line #	Bearing	Length
L1	N 07°10'53" W	2.11'

AMENDING PLAT OF SHAVANO PARK UNIT 12-A, LOT 1131A

BEING A TOTAL OF 0.668 ACRES,
ESTABLISHING LOT 75, BLOCK 7, N.C.B.
11971 ALONG WITH A 0.020 ACRE RIGHT-
OF-WAY DEDICATION SITUATED IN THE
CITY OF SAN ANTONIO, BEXAR COUNTY,
TEXAS OUT OF LOT 7 OF THE H.N.
JONES FARM SUBDIVISION AS DEPICTED
ON THE PLAT RECORDED IN VOLUME 642,
PAGE 305 OF THE DEED AND PLAT
RECORDS, BEXAR COUNTY, TEXAS.

OWNER/DEVELOPER:
RECOVA, LLC

123 WEST MOSSY CUP
SHAVANO PARK, TEXAS 78231

FIRM REGISTRATION # F-003084
**GALLEGOS
ENGINEERING,
INC.**
101 FAWN DR., SAN ANTONIO, TEXAS 78231
www.gallegoseng.com
PH: 210.641.0812

STATE OF TEXAS:
COUNTY OF BEXAR:

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

OWNER'S ADDRESS:
950 ISOM, LLC
PO BOX 91137
SAN ANTONIO, TEXAS 78209

LAURA RAMIREZ-HAYES, VP REAL ESTATE

STATE OF TEXAS:
COUNTY OF BEXAR:

BEFORE ME, THE UNDERSIGNED AUTHORITY ON THIS DAY PERSONALLY APPEARED _____ TO BE THE PERSON WHOSE NAME IS SUBSCRIBED TO THE FOREGOING INSTRUMENT, AND ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME FOR THE PURPOSES AND CONSIDERATIONS THEREIN EXPRESSED AND IN THE CAPACITY THEREIN STATED.

GIVEN UNDER MY HAND AND SEAL OF OFFICE

THIS _____ DAY OF _____, A.D. 20____.

NOTARY PUBLIC
BEXAR COUNTY, TEXAS

I, BILL HILL, CITY MANAGER OF THE CITY OF SHAVANO PARK, UNDER THE AUTHORITY GRANTED TO ME PURSUANT TOT HE CITY OF SHAVANO PARK CODE OF ORDINANCES SECTION 28-47 DO HEREBY CERTIFY THIS AMENDING PLAT IS APPROVED FOR FILING OF RECORD WITH THE COUNTY CLERK OF BEXAR COUNTY, TEXAS.

CITY MANAGER _____ DATE _____

CITY CLERK _____ DATE _____

CERTIFICATION OF CITY'S ENGINEER

THE CITY ENGINEER OF THE CITY OF SHAVANO PARK HEREBY CERTIFIES THAT THIS SUBDIVISION PLAT CONFORMS TO ALL THE SUBDIVISION REGULATIONS OF THE CITY AS TO WHICH HIS APPROVAL IS REQUIRED.

CITY ENGINEER _____



GALLEGOS ENGINEERING, INC.

Firm No. F-003084

P.O. BOX 690067
SAN ANTONIO, TEXAS 78269

210-641-0812 PH

TECHNICAL MEMORANDUM

DATE: October 21, 2020

TO: Michele Bunting Ross
99 Bent Oak Drive
San Antonio, Texas 78231

FROM: Richard M. Gallegos, P.E.
President, Gallegos Engineering, Inc.

SUBJECT: Drainage Easement Re-location – 123 West Mossy Cup Ln, Shavano Park, TX

We conducted an engineering assessment of the proposed re-location of an existing drainage easement for the property located at 123 West Mossy Cup Ln., Shavano Park, TX, 78231. This memo, along with the associated exhibits and calculations provides a summary of the assessment.

The attached **Survey** prepared by MBC Engineers dated July 27, 2020 provides the legal description for the property and depicts the property boundary with the existing 16 ft. wide drainage easement. In our assessment we explored the possibility of re-locating the existing 16 ft. wide drainage easement by shifting the drainage easement to the northeastern property line as shown in the attached **Property Markup**. Based on our recent field site visit the existing storm drainage overland flow is intercepted by a small earthen channel that shifts the drainage direction out of the existing drainage easement as shown in the **Property Markup**. We have enclosed pictures of current site conditions showing storm water flow direction following the narrative of this technical memo.

Utilizing 2017 LIDAR data we computed storm water runoff values using the Rational Method – see the attached **Drainage Area Map, Time of Concentration Calculations, Composite Runoff Coefficient Calculations, and Onsite Peak Discharge Calculations**. Runoff data from the NOAA Atlas 14 study was incorporated in the calculations.

We explored two separate potential drainage improvement projects which would be constructed within the re-located drainage easement. Both drainage improvement projects were designed to convey storm water runoff from the 25YR storm event. Conceptual plans were prepared for both drainage improvement projects – see the **Conceptual Plan for Proposed Channel** and **Conceptual Plan for Proposed Storm Drain** plan. The plans are conceptual, since final design would necessitate field survey data for natural ground elevation and tree data (i.e. type of tree, location within re-located drainage easement and tree diameter).

The City can decide which drainage improvement project to construct and may need to retain the services of a professional engineer for the final design of the project. Either proposed

drainage project is feasible and can be constructed within the limits of the re-located drainage easement as shown.

It is my professional opinion that the re-location of the drainage easement and construction of a drainage improvement project within said easement, engineered per City of Shavano Park Building Codes and City Ordinances, will not induce adverse impacts to the property owner or any other adjoining properties.

If you have questions or need additional information, contact me at your convenience.



Picture 1. From street looking into property. Center of picture shows earthen channel/depression diverting storm water more of a northerly direction versus a westerly direction as shown with existing drainage easement.



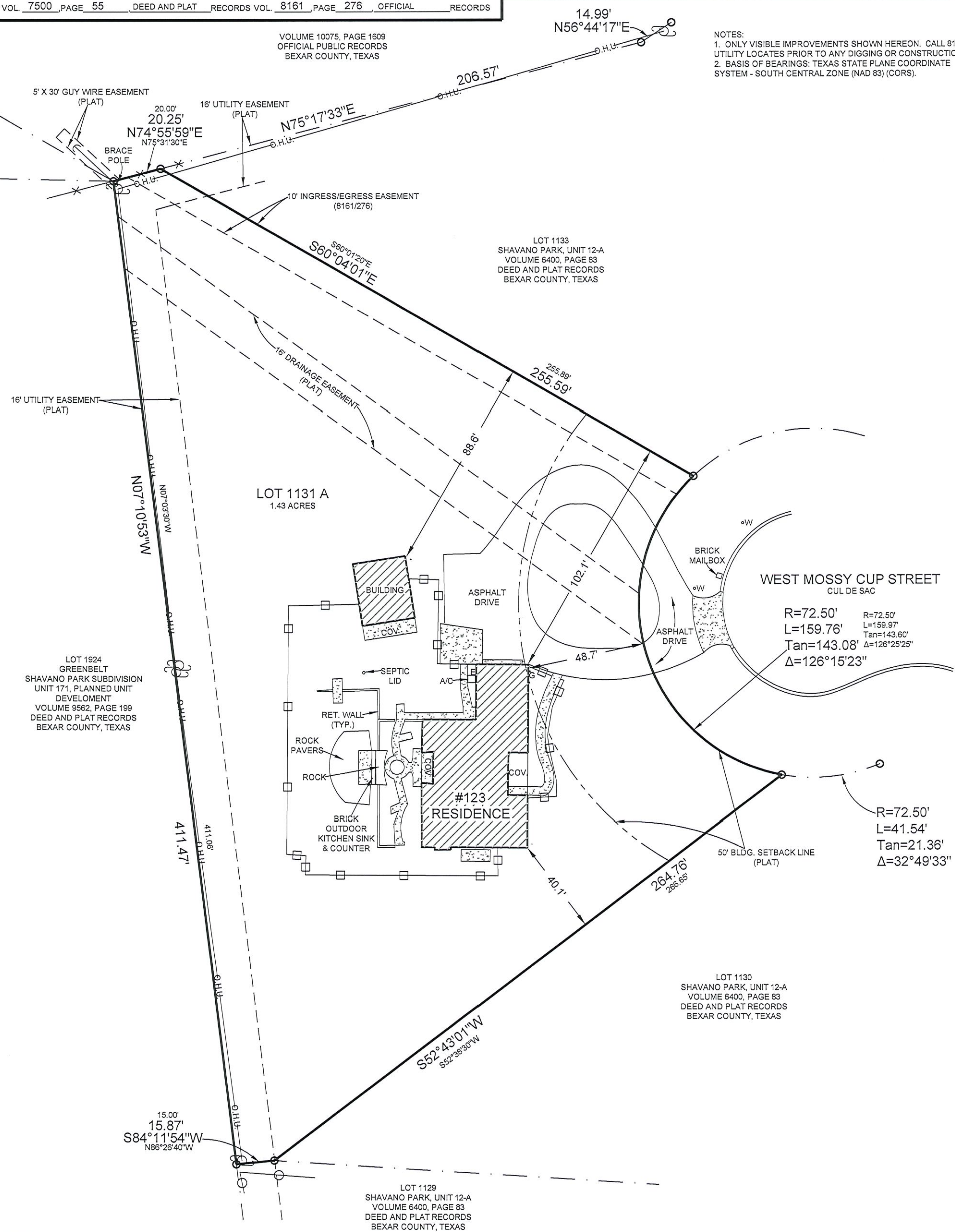
Picture 2. Closer view of earthen channel/depression show storm water flow direction more northerly versus westerly.



Picture 3. As storm water flow continues to the north crossing existing asphalt drive in a direction outside of the existing drainage easement. The proposed easement shown on the amending plat encompasses the current storm water flow direction.



Picture 4. Rock line shows existing property line direction where the current storm water flows and is not contained in the existing 16 foot drainage easement.



SURVEY OF: LOT 1131A, SHAVANO PARK UNIT 12-A, IN THE CITY OF SHAVANO PARK, BEXAR COUNTY, TEXAS, ACCORDING TO PLAT THEREOF RECORDED IN VOLUME 7500, PAGE(S) 55, DEED AND PLAT RECORDS, BEXAR COUNTY, TEXAS.

ADDRESS 123 WEST MOSSY CUP STREET, SAN ANTONIO, TX 78231
JOB NO. 701-379
CERTIFIED TO: LAURA C RESENDEZ
NETCO, INC.

Legend:
RECORD INFORMATION N89°27'41"E 65.00'
AS MEASURED IN FIELD S33°29'20"W 161.24'
— CHAIN LINK FENCE
— WROUGHT/IRON FENCE
— BARBED WIRE FENCE
— CONCRETE
— 1/2" IRON ROD FOUND (UNLESS OTHERWISE NOTED)
O.H.U. OVERHEAD UTILITY
G - GAS METER
COV. COVERED (VOLUME/PAGE)
W - WATER METER
UTILITY POLE
E - ELEC. METER
W - WATER METER

MACINA • BOSE • COPELAND & ASSOC., INC.
CONSULTING ENGINEERS AND LAND SURVEYORS

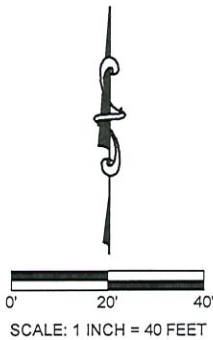
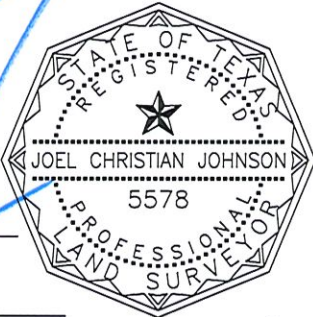


1035 Central Parkway North, San Antonio, Texas 78232
(210) 545-1122 Fax (210) 545-9302 www.mbcengineers.com
FIRM REGISTRATION NUMBER: T.B.P.E. F-784 & T.B.P.L.S. 10011700

I, A REGISTERED PROFESSIONAL LAND SURVEYOR IN THE STATE OF TEXAS, DO HEREBY CERTIFY THAT THE ABOVE SURVEY PLAT IS A TRUE AND CORRECT REPRESENTATION OF THE PROPERTY HEREON DESCRIBED ACCORDING TO MEASUREMENTS MADE ON THE GROUND, AND THAT THIS SURVEY ACCURATELY DEPICTS THE SUBSTANTIAL VISIBLE IMPROVEMENTS TO SAID PROPERTY. IT IS UNDERSTOOD THAT A FORMAL CERTIFICATION IS BEING MADE BY A COMPANY SPECIALIZING IN THE PROCEDURE OF PROVIDING FLOOD CERTIFICATIONS AND THIS SURVEY MAKES NO REFERENCE TO FLOOD INFORMATION.

JOEL CHRISTIAN JOHNSON, R.P.L.S.

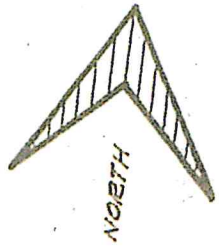
JULY 27, 2020
DATE:



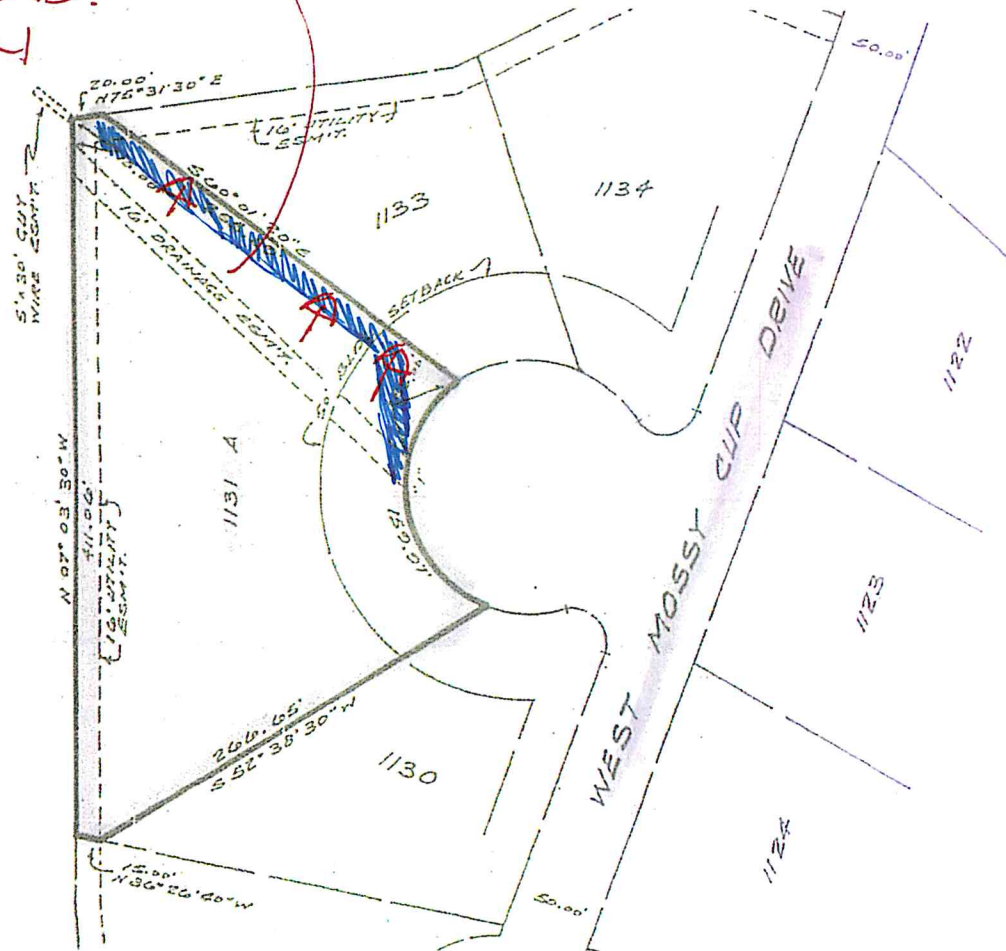
Property Markup

CURRENT

NEED TO REPLAT
AND MOVE PLAT 16'
DRAINAGE EAS.
TO PROPERTY
LINE



SCALE: 1" = 100'

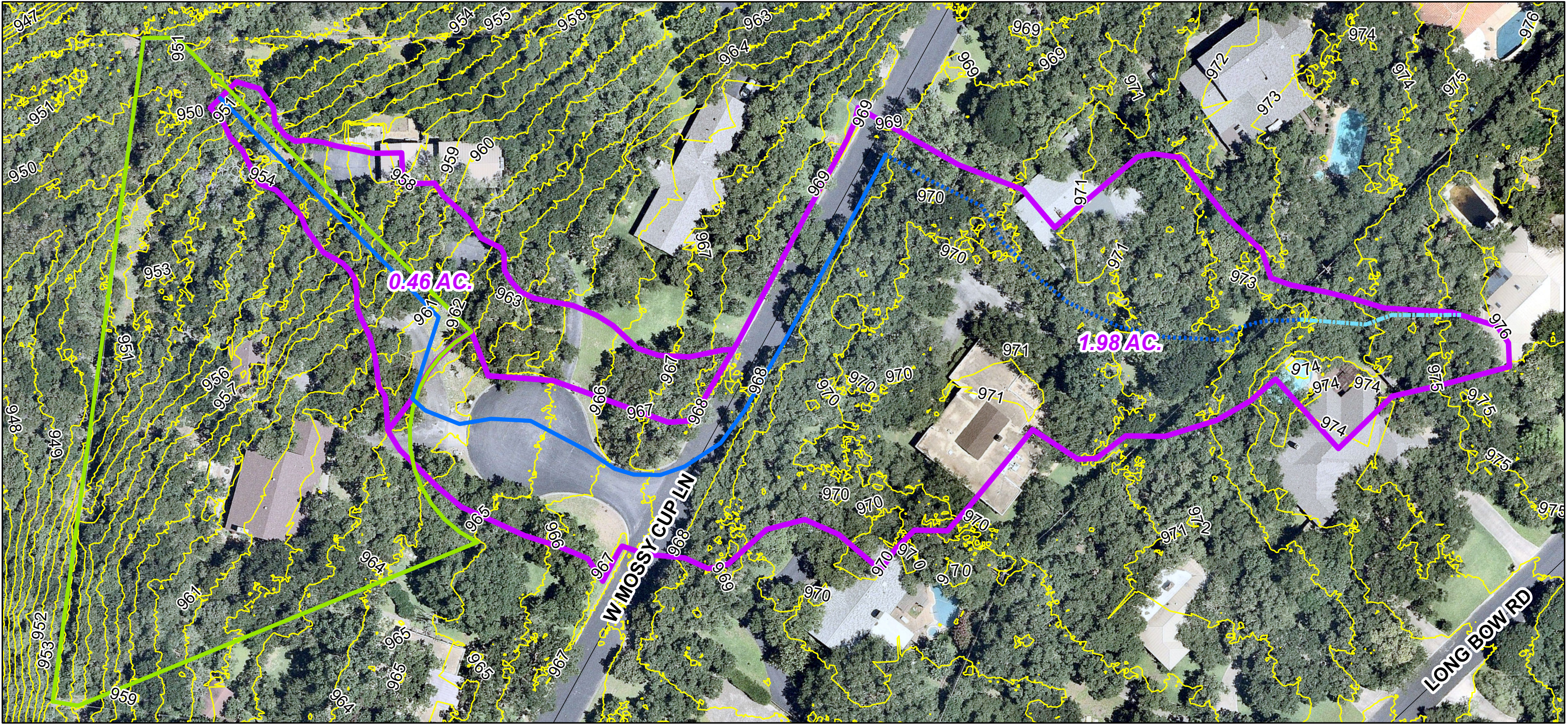


STATE OF TEXAS:
COUNTY OF BEXAR:
THE OWNER OF THE
THIS PLAT, AND W
DECLARES LOTS 11
TO BE VACATED AN
1131A, SHAVANO P
THE OWNER OF THE LAND
AND IN PERSON OR THROU
WAS MADE FROM AN ACTU
STREETS, ALLEYS, PARKS, WA
SHOWN FOR THE PURPOSES

G. J. T. a.

STATE OF TEXAS
COUNTY OF BEXAR
BEFORE ME, THE UNDERSIGNED
GEORGE F. J.
WHOSE NAME IS SUBSCRIBED
THAT HE EXECUTED THE SAA
AND IN THE CAPACITY THERE
GIVEN UNDER MY HAND AND
A. D. 1974

Drainage Area Map - 123 West Mossy Cup Lane

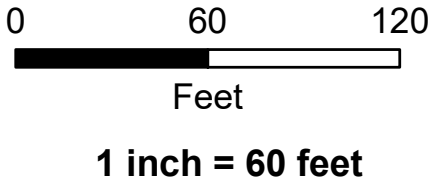


Legend

- Site Boundary
- Sub-Basins
- 1FT LIDAR Contours - 2017

Time of Concentration Flowpath type

- overland flow
- shallow-concentrated flow
- channel flow



August 20, 2020

**GALLEGOS
ENGINEERING,
INC.**

SAN ANTONIO, TEXAS www.gallegoseng.com PH: 210.641.0812
FIRM REGISTRATION # F-003084

Time of Concentration Calculations

123 West Mossy Cup Drain

Node	Overland Flow						Shallow Concentrated Flow					Channel Flow			T _c (min)
	Condition	Type	n	L	S	T _t (min)	Paved?	S	V	L	T _t (min)	L	v	T _t (min)	
1	exist	5	0.150	100	0.025	8.0	n	0.014	1.9	297	2.6	412.0	6.0	1.1	12
2	exist	5	0.150	100	0.025	8.0	n	0.014	1.9	297	2.6	655.0	6.0	1.8	12

Sheet Flow Roughness Coefficients

Type	Surface Description	n
1	Smooth Surfaces (concrete, asphalt, gravel, or bare soil)	0.011
2	Fallow (no residue)	0.05
3	Cultivated Soils (Residue Cover ≤ 20%)	0.06
4	Cultivated Soils (Residue Cover > 20%)	0.17
5	Grass - Short grass prairie	0.15
6	Grass - Dense grasses	0.24
7	Grass - Bermuda grass	0.41
8	Range (natural)	0.13
9	Woods - Light underbrush	0.40
10	Woods - Dense underbrush	0.80

From Table 3-1, TR-55 Urban Hydrology for Small Watersheds

Sheet Flow Travel Time (T_t)

$$T_t = \frac{0.007(nL)^{0.8}}{(P_2)^{0.5}S^{0.4}}$$

T_t = travel time (hr)

n = Manning's roughness coefficient

L = flow length (ft)

P₂ = 2-yr, 24 hr rainfall = 4.05 (in)

S = land slope (ft/ft)

Channel Flow

$$v = \frac{1.49R^{2/3}S^{1/2}}{n} \quad \text{(Manning's Equation)}$$

R = hydraulic radius (ft)

Shallow Concentrated Flow

Unpaved: V = 16.1345s^{0.5}

Paved: V = 20.3282s^{0.5}

From Appendix F, TR-55 Urban Hydrology for Small Watersheds

Composite Runoff Coefficient Calculations

123 West Mossy Cup Drain

Type	Land Use	$S \leq 1\%$	$1\% < S \leq 3\%$	$3\% < S \leq 5\%$	$5\% < S$
1	Business or Commercial Areas, Zoning Districts O, C, I-1, and I-2 (Table 504-1A)	0.95	0.96	0.97	0.97
2	Densely Developed Areas or Zoning Districts D, MX, NC, TOD, and Use Pattern TND (Table 504-1A)	0.85	0.88	0.91	0.95
3	Closely Built Residential Areas, School Sites, or Zoning Districts MF, R-4 (Table 504-1A)	0.75	0.77	0.80	0.84
4	Undeveloped Areas, Unknown Ultimate Land Use (Table 504-1A)	0.68	0.70	0.72	0.75
5	Large Lot Residential Areas, Zoning Districts R-20 & RE (Table 504-1A)	0.55	0.57	0.62	0.64
6	Undeveloped Areas, Existing Conditions, Cultivated or Range (Grass Cover < 50%) (Table 504-1B)	0.44	0.47	0.53	0.55
7	Undeveloped Areas, Existing Conditions, Range (50% ≤ Grass Cover ≤ 75%) (Table 504-1B)	0.37	0.41	0.49	0.53
8	Undeveloped Areas, Existing Conditions, Forest or Range (Grass Cover > 75%) (Table 504-1B)	0.35	0.39	0.47	0.52
9	Average Residential Area, Zoning District R-5 & R-6 (Table 504-1A)	0.65	0.67	0.69	0.72

From Tables 504-1A & 504-1B, CoSA UDC

Node: **1** Condition: **exist**

Type	Notes	$S \leq 1\%$	$1\% < S \leq 3\%$	$3\% < S \leq 5\%$	$5\% < S$
1					
2					
3					
4					
5	LARGE LOT RESIDENTIAL		1.98		
6					
7					
8					
9					

Total Area: **1.98** acres
Comp. C: 0.57

Node: **2** Condition: **exist**

Type	Notes	$S \leq 1\%$	$1\% < S \leq 3\%$	$3\% < S \leq 5\%$	$5\% < S$
1					
2					
3					
4					
5	LARGE LOT RESIDENTIAL		2.44		
6					
7					
8					
9					

Total Area: **2.44** acres
Comp. C: 0.57

Onsite Peak Discharge Calculations

123 West Mossy Cup Drain

Node	Condition	C	Area	Tc	I ₅	I ₂₅	I ₁₀₀	Q ₅	Q ₂₅	Q ₁₀₀
1	exist	0.57	1.98	12	5.912	8.286	10.416	7	9	12
1	exist	0.57	2.44	12	5.912	8.286	10.416	8	12	14

Rational Formula

Q = CIA

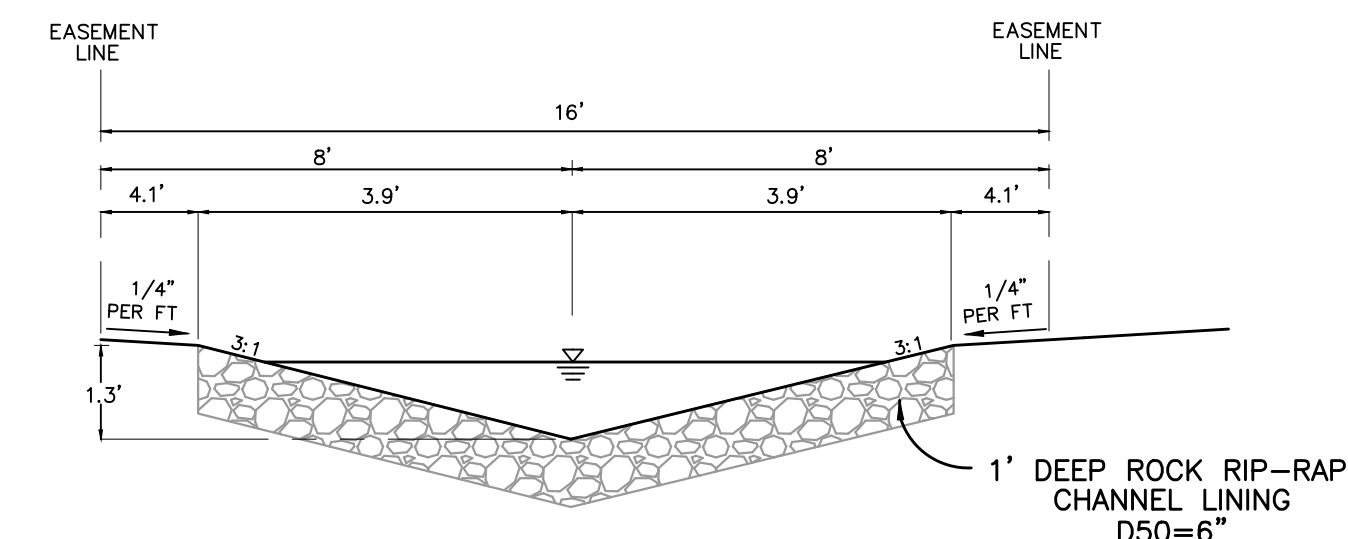
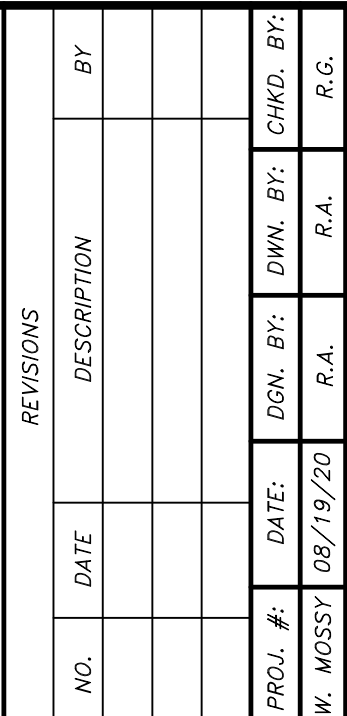
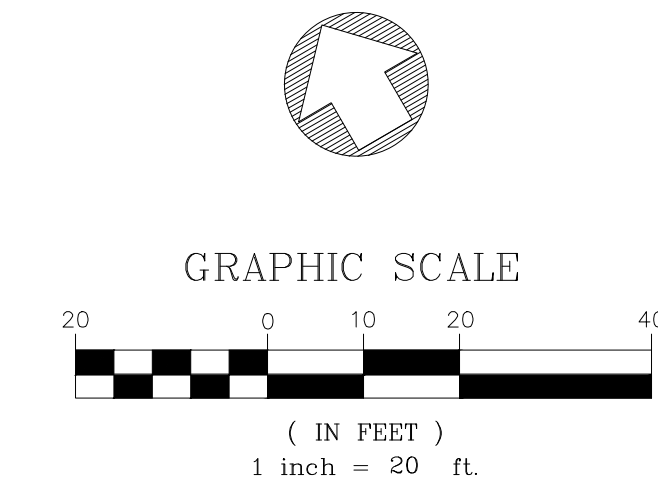
Q = flowrate (CFS)

C = runoff coefficient

I = rainfall intensity (in/hr)

A = area (acres)

S:\Projects\00-GENERAL\00-123 West Mossy Cup\CHANNEL\CONCEPTUAL PLAN - CHANNEL IMPROVEMENT



N.T.S.

INPUT PARAMETERS	
CHANNEL TYPE	TRIANGULAR
SIDE SLOPE	3:1
CHANNEL WIDTH	7.8 FT
SLOPE	2.38%
n	0.070
FLOW	12 CFS

COMPUTED RESULTS	
DEPTH	1.29 FT
A	5.06 FT ²
P _w	8.21 FT
AVG. V	2.37 FPS
TOP WIDTH	7.79 FT
FROUDE NO.	0.52
CRITICAL DEPTH	1.00 FT

THE LOCATION OF EXISTING UNDERGROUND UTILITIES ARE SHOWN IN AN APPROXIMATE WAY ONLY. THE CONTRACTOR SHALL DETERMINE THE EXACT LOCATION OF ALL EXISTING UTILITIES BEFORE COMMENCING WORK. HE AGREES TO BE FULLY RESPONSIBLE FOR ANY AND ALL DAMAGES WHICH MIGHT OCCUR BY HIS FAILURE TO EXACTLY LOCATE AND PRESERVE ANY AND ALL UNDERGROUND UTILITIES.

1. THIS PLAN IS A CONCEPTUAL PLAN SHOWING A PROPOSED CHANNEL IMPROVEMENT PROJECT FOR A RE-LOCATED DRAINAGE EASEMENT ON LOT 1131A. IT IS NOT MEANT FOR PERMITTING, BIDDING, OR CONSTRUCTION PURPOSES.
2. NATURAL GROUND CONTOURS SHOWN WERE DERIVED FROM 2017 LIDAR DATA, OBTAINED FROM THE TNRIS DIVISION OF THE TEXAS WATER DEVELOPMENT BOARD.
3. NO TREE SURVEY PERFORMED. FINAL DESIGN FOR A CHANNEL IMPROVEMENT PROJECT BASED ON THIS CONCEPTUAL PLAN MUST INCLUDE NATURAL GROUND ELEVATION DATA AND TREE DATA OBTAINED BY A FIELD SURVEY.

SHEET 1
OF 1

THE SEAL APPEARING ON
THIS DOCUMENT WAS
AUTHORIZED BY
RICHARD M. GALLEGO, P.E. 86916
AUGUST 20, 2020
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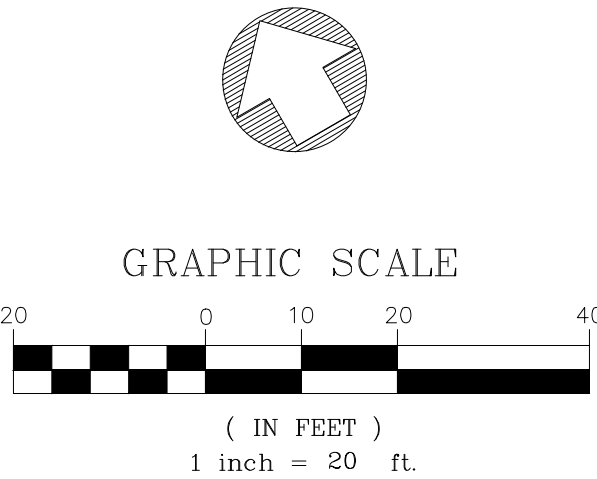
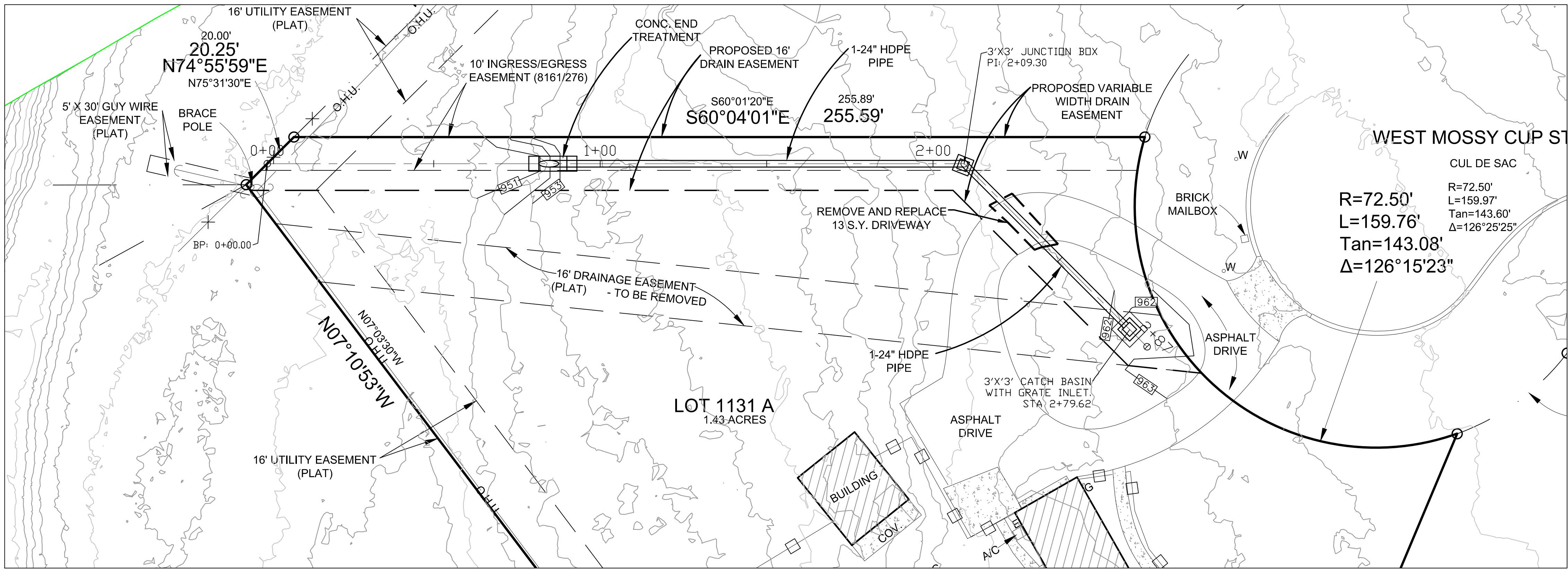


 **GALLEGOS
ENGINEERING,
INC.**

FIRM REGISTRATION # F-000084

SAN ANTONIO, TEXAS www.gallegoseng.com PH: 210.641.0812

CONCEPTUAL PLAN FOR PROPOSED STORM DRAIN



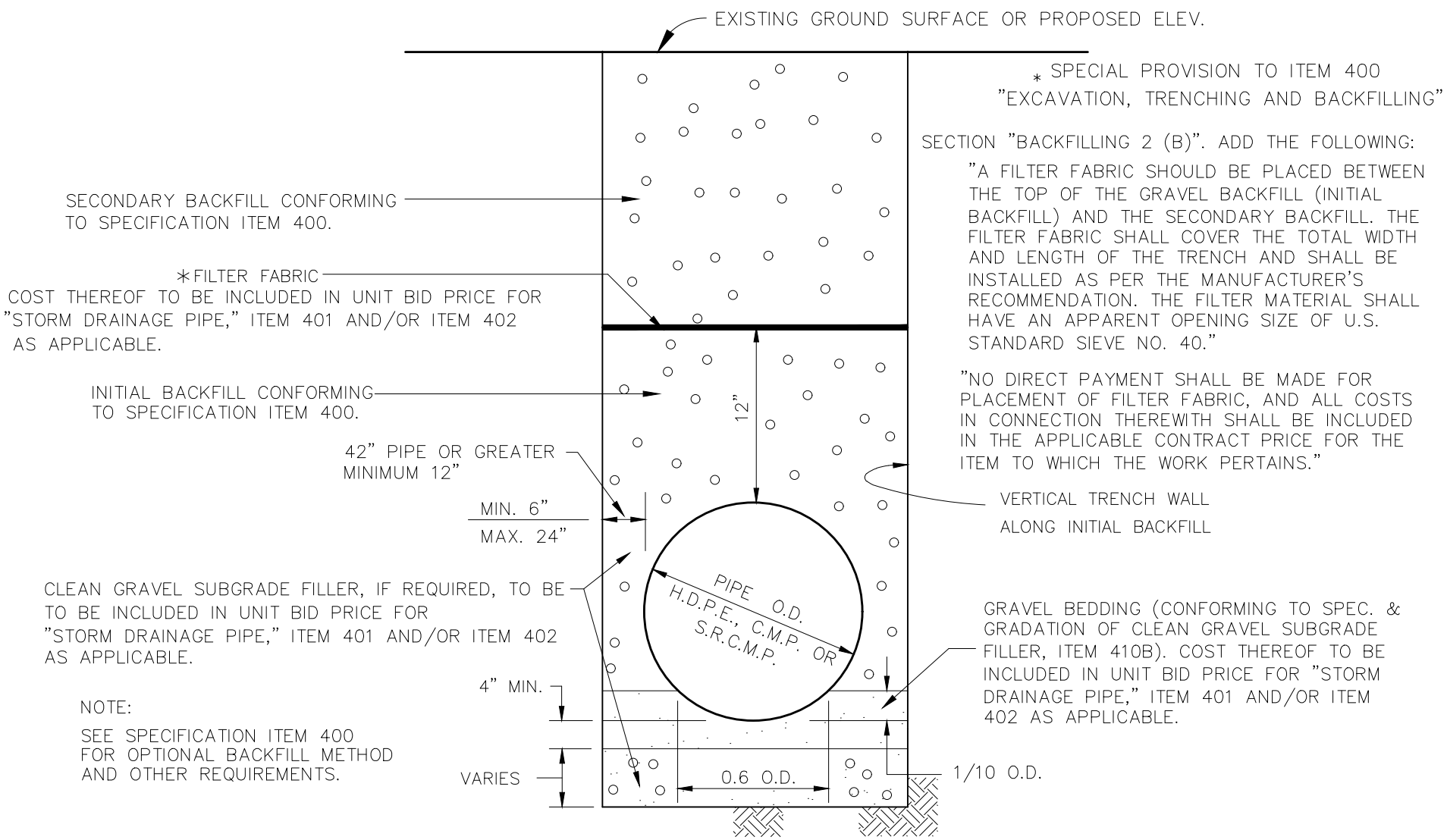
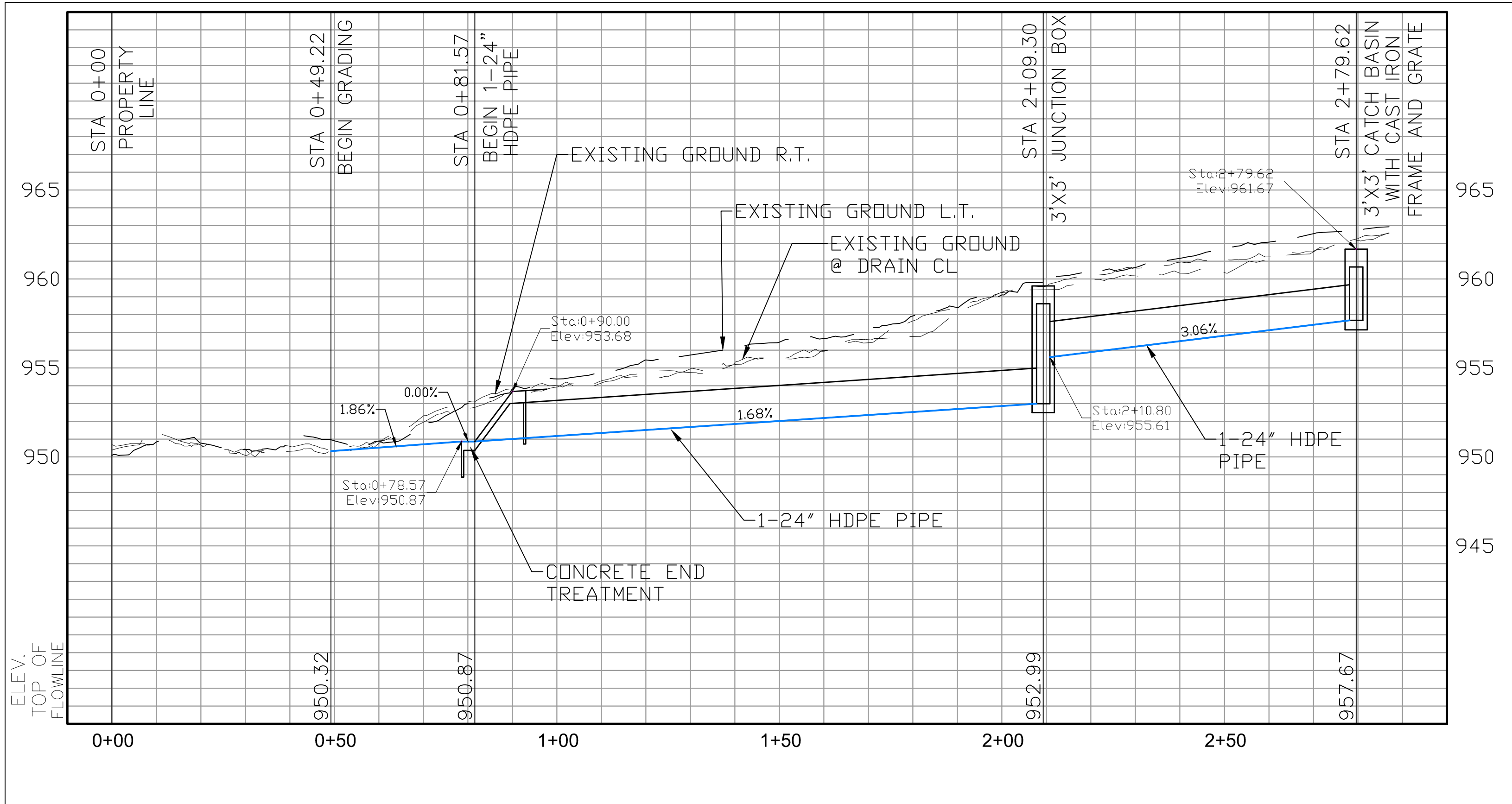
LEGEND	
1020	PROPOSED CONTOUR ELEVATIONS
1018	EXISTING CONTOURS

GENERAL NOTES

1. THIS PLAN IS A CONCEPTUAL PLAN SHOWING A PROPOSED STORM DRAIN IMPROVEMENT PROJECT FOR A RE-LOCATED DRAINAGE EASEMENT ON LOT 1131A. IT IS NOT MEANT FOR PERMITTING, BIDDING, OR CONSTRUCTION PURPOSES.
2. NATURAL GROUND CONTOURS SHOWN WERE DERIVED FROM 2017 LIDAR DATA, OBTAINED FROM THE TNRS DIVISION OF THE TEXAS WATER DEVELOPMENT BOARD.
3. NO TREE SURVEY PERFORMED. FINAL DESIGN FOR A STORM DRAIN IMPROVEMENT PROJECT BASED ON THIS CONCEPTUAL PLAN MUST INCLUDE NATURAL GROUND ELEVATION DATA AND TREE DATA OBTAINED BY A FIELD SURVEY.

PROPOSED DRAIN

SCALE: HORIZ. 1"=20'
VERT. 1"=5'



PIPE BEDDING & BACKFILL DETAILS

TRENCH EXCAVATION SAFETY PROTECTION

Contractor and/or Contractor's independently retained employee or structural design/geotechnical/safety/equipment consultant, if any, shall review these plans and available geotechnical information and the anticipated installation site(s) within the project work area in order to implement contractor's trench excavation safety protection systems, programs and/or procedures for the project described in the contract documents. The Contractor's implementation of these systems, programs and/or procedures shall provide for adequate trench excavation safety protection that comply with as a minimum, OSHA standards for trench excavations. Specifically, Contractor and/or Contractor's independently retained employee or safety consultant shall implement a trench safety program in accordance with OSHA standards governing the presence and activities of individuals working in and around trench excavation.

REVISIONS		NO.	DATE	DESCRIPTION	BY

FIRM REGISTRATION # FA0004
GALLEGOS ENGINEERING, INC.
SAN ANTONIO, TEXAS
www.gallegoseng.com
PH: 210.641.0812
W. MOSSY

THE SEAL APPEARING ON THIS DOCUMENT WAS AUTHORIZED BY RICHARD M. GALLEGOS, LICENSE NO. 88916, ALTERATION OF A SEALED DOCUMENT WITHOUT PROPER NOTIFICATION TO THE RESPONSIBLE ENGINEER VIOLATES THE TEXAS ENGINEERING PRACTICE ACT



CONCEPTUAL PLAN FOR PROPOSED STORM DRAIN
123 WEST MOSSY CUP LN., SHAVANO PARK, TX, 78231

CITY OF SHAVANO PARK



October 27, 2020

Recova, LLC
123 Mossy Cup
Shavano Park, TX 78231

Reference: Approval of request for amending the plat of 123 Mossy Cup

I acknowledge your September 11, 2020 request for administrative review and consideration for amendment of the approved plat of 123 Mossy Cup to modify existing drainage easement by moving said easement to the north property line to follow actual flow route.

On October 22, 2020 the City Engineer, KFW Engineering, completed its review of the request and found the amending plat conforms to the City of Shavano Park's Code of Ordinances. Our review of your request confirms that this amendment will correct an error in a course or distance shown on the preceding plat as the drainage easement depicted on the approved plat does not match the actual flow route on the property. This administrative approval is in compliance with Sec. 28-47(a)(2)(a)(1) of the City of Shavano Park Code of Ordinances.

In accordance with Sec. 28-47(a)(2), I am approving your administrative amended plat request after favorable recommendation for approval from the City Engineer.

Sincerely,

Bill Hill
City Manager

PLANNING AND ZONING STAFF SUMMARY

Meeting Date: November 4, 2020

Agenda item: 9

Prepared by: Curtis Leeth

Reviewed by: Bill Hill

AGENDA ITEM DESCRIPTION:

Discussion – Review of Recreational Vehicle Ordinance

☒

Attachments for Reference:

1) 9a RV Code Sections

BACKGROUND / HISTORY: The recreational vehicle (RV) regulations were first established in August 2008 (Ordinance No. 100-02-08). This ordinance was revised in 2011 after considering recommendations from the “Recreational Vehicle Ordinance Review Committee.

Revisions included establishing a provision “grandfathering” existing RVs owned prior to January 1, 2011 and permitted within 90 days. Staff has no record of the *recreational vehicle or boat storage permit (RVBSP)* called for in the ordinance ever being created or permit issued.

DISCUSSION: Recently, resident’s use of RVs have highlighted that our regulations make no provision for allowing residents to load / unload / clean prior to or immediately following a trip. Owners who store their RV off site usually need to retrieve the RV, drive it to their residence, then clean and load the RV prior to the trip. Upon return, they park at the residence to unload and clean prior to returning the RV for storage. Staff believes an amendment that provides for short periods of transition time would account for this common practice.

In 2011 at the time of the ordinance revision, residents who had existing RVs were provided a 90 day period to permit a RV owned prior to January 1, 2011, which then allowed that RV to be excepted from the regulations of the ordinance. There is no evidence that a permitting process was developed or that permits were approved. Nevertheless, this section of the ordinance is no longer applicable and can be considered for deletion.

COURSES OF ACTION: N/A; Discussion item only to introduce the topic.

FINANCIAL IMPACT: N/A

MOTION REQUESTED: N/A; discussion item only to introduce the topic.

Recreational / Commercial Vehicle Regulations (Highlighted)

ARTICLE I. - IN GENERAL

Sec. 36-1. - Definitions. (select 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:

...

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

Commercial vehicle means any motor vehicle or piece of equipment one ton and over designed for or used primarily in connection with a commercial business enterprise.

Covered vehicle/equipment means any vehicle or equipment covered with a cover or tarp type material with or without framework.

Garage, attached, means a structure designed to house motor vehicles and is attached to the main dwelling house either as an integral part thereof or by a connection such as a breezeway.

Open storage means the storage of any equipment, machinery, commodities, raw or, semi-finished materials, and building materials, not accessory to a residential use, which is visible from any point on the building lot line when viewed from ground level to six feet above ground level.

Recreational vehicle means a vehicle or piece of equipment designed or intended for recreational use, including but not limited to all terrain vehicles, airplanes, golf carts, boats, floats, camping or travel trailers, motor homes, detachable travel equipment of a type adaptable to light duty trucks, boat trailers, utility trailers over eight feet in length, and other equipment or vehicles of similar nature.

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

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

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

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

...

Sec. 36-2. - Phasing of certain regulations.

Any existing violations of the storage or parking of recreational/commercial and covered vehicles/equipment as prohibited in this chapter are hereby given six months to come into compliance with said regulations.

Commented [CL1]: Consider deletion

Sec. 36-3. - Criminal penalty.

...

Sec. 36-4. - Effect and compliance.

...

Sec. 36-5. - Enforcement and remedies.

...

Sec. 36-6. - Nonconforming uses.

Nonconforming uses are regulated as follows:

- (1) The building may not be expanded and/or structurally altered unless they are brought into conformity with the provisions of this chapter.
- (2) The building may not be enlarged or expanded vertically except for the addition of cooling, heating, exhaust, and ventilating appurtenances or facilities.
- (3) If a structure in which a nonconforming use is operated, is damaged or destroyed to the extent of more than 60 percent of its fair market value, by fire, explosion, act of God, or the public enemy, then any restoration or new construction shall be for a permitted or conforming use, except that if the lot upon which such damaged or destroyed nonconforming use was located is adjacent on both side lines to lots each occupied by a nonconforming use at the time a building is requested for restoration or new construction, then such building permit may be granted, provided that there shall be no open storage upon the lot premises and that there is compliance with the yard requirements for permitted uses in the district in which the use is to be located.
- (4) The computing of the percentage of damage or destruction to a nonconforming use composed of a group of individual structures which are principal buildings shall be based on the fair market value of the entire development comprising the group and not the individual structure.
- (5) If a nonconforming use of any land or structure or premise is voluntarily discontinued for a period of one year, the use of the same shall there after conform to the requirements of the district in which it is located. The Board of Adjustment shall have the power to grant extensions not to exceed six calendar months each when warranted by evidence presented to the Board.

Secs. 36-7—36-30. - Reserved

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.
 - ...
 - (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) *Entryway features and the front setback.* Porches or porte cocheres at the front of a residence are only allowed to extend from the primary residence into the front setback under the following conditions:
- ...

(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:

- (1) Storage or parking of recreational/commercial and covered vehicles/equipment is allowed when such vehicles and equipment is placed within a completely enclosed/building on any residential lot;
- (2) Any such vehicle eight feet or less in height may be placed on a residential lot behind the dwelling unit to include side setbacks, if properly screened from the view from the front property line by either a fence or screening device; or
- (3) Any such vehicle greater than eight feet in height may be placed on a residential lot that is greater than 0.7 acre if properly screened from view by a fence that is at least eight feet in height or a screening device. The vehicle must be placed behind the front face of the dwelling unit. Side and rear setbacks may be used provided that a five-foot side and rear setback be maintained at all times.

(4) Properly permitted recreational vehicles and boats are excepted from the regulations of this subsection. A recreational vehicle or boat is properly permitted if the owner of a recreational vehicle or boat is issued a recreational vehicle or boat storage permit ("RVBSP") by the City prior to 90 days after approval of this ordinance by the City Council. RVBSPs are nontransferable and may be issued to an owner of [a] recreational vehicle including owners with residential lots of less than one acre upon receipt of the following:

- a. A completed, signed, RVBSP application;
- b. Documentary proof that the recreational vehicle or boat was purchased prior to January 1, 2011;
- c. A copy of the recreational vehicle's title; indicating owner and homeowner are the same;
- d. Proof of insurance for the recreational vehicle if applicable;
- e. The RVBSP can be transferred to a replacement recreational vehicle or boat, only when the new or replacement recreational vehicle or boat does not exceed the size in length and height of the original recreational vehicle or boat being replaced; and
- f. An administrative processing fee in the amount of \$10.00 for the original RVBSP or to transfer it to a replacement recreational vehicle or boat.

- (c) *Other use regulations.* See Table No. 1.
- (d) *Exterior architectural features.* Each new structure must possess an exterior in keeping with the residence and general atmosphere of the surrounding area.
- ...

(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

Commented [CL2]: Consider adding an allowance for 2 or 3 days of temporary parking in the open and viewable from the street for unloading / loading.

Commented [CL3]: Consider deletion.

building pursuant to regulations in section 36-36(a). No garage shall open onto any street, roadway or cul-de-sac unless the lot in question fronts two streets which will allow the garage to face the street perpendicular to the front of the residential structure. All attached garages shall be rear or 90-degree side loaded. Conversion of an existing garage to another use shall be permitted only where replacement garage space is provided. **Doors on secondary garages for the purpose of storing recreational vehicles may be of a height necessary to store the vehicle.** Detached garages shall conform to building setback lines and structural regulations and may or may not face the street final decision is the Building Official's decision), but may not be substantially visible from the street.

- (2) *Carports.* Carports may not, under any circumstances, be substituted for garage space. No carport may open on any street, roadway or cul-de-sac. In situations where a lot fronts two streets and the garage opens to the street perpendicular to the front of the structure, no carport will be allowed. All carports shall conform to all building setback lines, structural regulations and be rear or 90-degree loaded. All carports must be built in conjunction with existing garage space and not as freestanding structures. A porte cochere is not considered a carport.

(f) *Fences.*

...

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

(a) *Use regulations.*

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

- (2) Reserved.

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

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

(d) *Exterior architectural features.*

...

(e) *Garages.* A minimum two-car garage shall be provided for each residence. An additional garage may be provided as an accessory building pursuant to regulations in section 36-36(a)(2). Conversion of an existing garage to another use shall be permitted only where replacement garage space is provided.

(f) *Height regulations.* No residential building shall exceed two livable stories in height and the permitted maximum vertical height shall not exceed the height specified in Tables 1, 2 and 6 of this chapter.

(g) *Storage or parking of recreational/commercial and covered vehicles/equipment.* Storage or parking of recreational/commercial and covered vehicles/equipment is prohibited in all residential districts. Except where the primary use of any such vehicle is for the personal transportation of the owner, the following exceptions shall apply:

(1) Such vehicles and equipment may be placed within a completely enclosed building on any residential lot; or

(2) Any such vehicles eight feet in height or less may be placed on any residential lot behind the front face of the dwelling unit, to include the side setbacks, if properly screened from view by either a fence or screening device.

Storage or parking pursuant to these exceptions shall be limited to the parcel of land upon which an inhabited dwelling unit is located and the vehicle or equipment so stored or parked shall be owned by the occupant of that unit.

(h) *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. 36-103. - Special use permits for certain fences.

(a) Special use permits for certain fences shall be processed consistent with this subsection.

(b) *Special use permit requirements.* A special use permit for a fence in any residential area exceeding eight feet in height shall be granted if the following conditions are met:

(1) A neighboring property owner is legally storing a recreational vehicle on their property; and

(2) The requested fence does not exceed ten feet in height.

(c) Permitting process

(1) An applicant shall submit a request for the special use permit to the City Secretary's office.

(2) The Commission shall consider the approval or denial of the permit based solely on the requirements within this chapter at its next regularly scheduled meeting.

CHAPTER 6 – BUILDINGS AND BUILDING REGULATIONS

ARTICLE IV. - MISCELLANEOUS CONSTRUCTION REQUIREMENTS

Sec. 6-91. - Garages and carports.

(a) *Garages.*

(1) In A-1, A-2, A-3, A-4, and A-5 PUD Single-Family Residential Districts, a minimum two-car garage shall be provided for at each residence. Residential garage doors are not to exceed ten feet zero inches in height. An additional garage may be provided as an accessory building pursuant to regulations in section 36-36(a)(2). 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

Commented [CL4]: Consider adding an allowance for 2 or 3 days of temporary parking in the open and viewable from the street for unloading / loading.

street (final decision is the Building Official's decisions but may not be substantially visible from the street.

- (2) In a CE Single-Family Cottage Estates Residential District, a minimum two-car garage shall be provided for at each residence. Substitution of another type of structure (accessory building, workshop, storage building, etc.) for an existing garage shall not be permitted; however, an additional garage may be provided as an accessory building pursuant to regulations in section 36-36(a)(2). Conversion of an existing garage to another use shall be permitted only where replacement garage space is provided.
- (b) *Carports*. Carports may not, under any circumstances, be substituted for garage space. No carport in A-1, A-2, A-3, A-4, and A-5 PUD Single-Family Residential Districts may open on any street, roadway or cul-de-sac. In situations where a lot fronts two streets and the garage opens to the street perpendicular to the front of the structure, no carport will be allowed. All carports shall conform to all building setback lines, structural regulations and be rear or 90-degree loaded. All carports must be built in conjunction with existing garage space and not as freestanding structures. A porte cochere is not considered a carport.

CHAPTER 18 – FLOOD DAMAGE PREVENTION

ARTICLE III. - PROVISIONS FOR FLOOD HAZARD REDUCTION

Sec. 18-3. – Definitions

Flood insurance rate map (FIRM) means an official map of a community, on which the Federal Emergency Management Agency has delineated both the areas of special flood hazards and the risk premium zones applicable to the community.

Recreational vehicle means a vehicle which is (i) built on a single chassis; (ii) 400 square feet or less when measured at the largest horizontal projections; (iii) designed to be self-propelled or permanently towable by a light duty truck; and (iv) designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

Sec. 18-74. - Specific standards.

In all areas of special flood hazards where base flood elevation data has been provided as set forth in section 18-5, 18-40(8) or 18-75(c), the following provisions are required:

(1) . . .

. . .

- (5) *Recreational vehicles*. Recreational vehicles placed on sites within Zones A1-30, AH, and AE on the community's FIRM either (i) be on the site for fewer than 180 consecutive days, or (ii) be fully licensed and ready for highway use, or (iii) elevated and anchored to resist flotation, collapse, or lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors. This requirement is in addition to applicable State and local anchoring requirements for resisting wind forces. A recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions.

Commented [CL5]: Included sections for Commission awareness. Not recommending amendments to this Chapter, but definition for recreational vehicle may be better than current one in Chapter 36.