

WEDNESDAY, OCTOBER 11, 2023 | 6:00 P.M.

The Planning and Zoning Commission will meet in a regular session on Wednesday, October 11, 2023, at 6:00 p.m. in the City Council Chambers, 9400 Municipal Parkway, Garden Ridge, Texas. This is an open meeting, open to the public, subject to the Open Meetings Law of the State of Texas, and as required by law, notice is hereby posted providing time, place, date, and agenda thereof. The meeting facility is wheelchair accessible and accessible parking spaces are provided. Requests for accommodations or interpretative services must be made to the City Secretary 48 hours prior to this meeting.

1. Call to Order/Roll Call**2. Pledge of Allegiance****3. Citizen Comment Period – limited to 30 minutes total**

Rules for Citizens' Participation: The Commission welcomes citizen participation and comments at all Commission Meetings. If you speak, you must follow these guidelines:

- a) Respect and courtesy:
 - 1. Direct your comments to the entire Commission, not to an individual member, nor to the audience.
 - 2. Show the Commission the same respect that you would like to be shown.
 - 3. End your speaking at the time allotted below.
- b) Speaking:
 - 1. First citizen comment period.
 - 1.1. You are required to sign up to speak and you are limited to one 3-minute period.
 - 2. Second citizen comment period.
 - 2.1. You are not required to sign up and you are limited to one 2-minute period.
 - 3. State your name and address before your comments begin.
 - 4. You are only allowed to speak once per topic, unless also speaking during a posted Public Hearing.

NOTE: The Texas Open Meetings Act permits a member of the public or a member of the governmental body to raise a subject that has not been included in the notice for the meeting. However, any discussion of the subject must be limited to a proposal to place the subject on the agenda for a future meeting and any response to a question posed to the City Council is limited to either a statement of specific factual information or a recitation of existing policy. TEX. GOV'T CODE § 551.042.

4. Business Items

The following items are for discussion, consideration, and action.

- a) Approval of Minutes for September 13, 2023, Planning and Zoning Commission Regular Meeting.
- b) Ordinance No. 210-102022 An Ordinance of the City Council of the City of Garden Ridge, Texas, adopting board and commission policies and procedures; providing a cumulative and savings clause; providing for severability; and declaring an effective date.
 - 1. Receive recommendations and consideration of appointment of Planning and Zoning Commission Chair and Vice-Chair for a one-year term effective October 2023.
- c) Items applicable to the Planning and Zoning Commission discussed at City Council meetings.
- d) Natural Features Overlay (NFO) District related to undeveloped properties along FM2252/FM3009.
- e) Future Agenda Items.
 - 1. Commissioners input on agenda items.
 - 2. Announce date, time, and location for next meeting (November 8, 2023, at 6:00 p.m. at City Hall).

5. **Citizen Comment Period** – limited to 20 minutes total
See “Rules for Citizens’ Participation” under Item 3.
6. **Adjournment**

AGENDA NOTICES:

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 Council Authorized: The Council may vote or act upon any item within this Agenda. The Council reserves the right to adjourn into closed session at any time during the course of this meeting to discuss any of the matters listed above, as authorized by Title 5, Chapter 551, of the Texas Government Code.

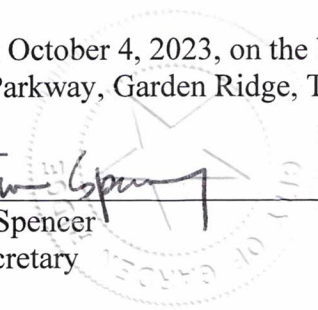
Executive Sessions Authorized: This agenda has been reviewed and approved by the City’s legal counsel and the presence of any subject in any Executive Session portion of the agenda constitutes a written interpretation of Texas Government Code Chapter 551 by legal counsel for the governmental body and 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 the other city boards, 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 City Council, 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 are specifically provided for on an agenda for that board, commission, or committee subject to the Texas Open Meetings Act.

This is to certify that I, Marisa Spencer, posted this Agenda at 11:00 a.m. on October 4, 2023, on the bulletin board located at the entrance to Garden Ridge City Hall, 9400 Municipal Parkway, Garden Ridge, Texas.



Marisa Spencer
City Secretary



WEDNESDAY, SEPTEMBER 13, 2023 | 6:00 P.M.

Commissioners Present:

Chair Karen Diaz
Vice-Chair Kerim Jacaman
Commissioner Dr. Jim Miller
Commissioner Darren Bates
Commissioner Michael Crow
Commissioner Roy Leatherberry
Commissioner Joe Maloney

Commissioners Absent: None

City Staff and City Councilmembers Present:

Nancy Cain, City Administrator
Marisa Spencer, City Secretary
Courtney Billi, Assistant City Secretary/Communications Specialist
Councilmember Jesús Valdez
Councilmember Kay Bower

1. Call to Order/Roll Call

With a quorum of the Planning and Zoning Commissioners present, Chair Diaz called the regular meeting of the Garden Ridge Planning and Zoning Commission to order at 6:00 p.m. on Wednesday, September 13, 2023, in the City Council Chambers of Garden Ridge City Hall, 9400 Municipal Parkway, Garden Ridge, Texas 78266.

2. Pledge of Allegiance: Chair Diaz led the Pledge of Allegiance.

3. Citizen Comment Period: No one signed up to speak.

4. Business Items

The following items are for discussion, consideration, and action.

a) Approval of Minutes for August 9, 2023, Planning and Zoning Commission Regular Meeting.

Motion: A motion was made by Commissioner Maloney, seconded by Commissioner Bates, to approve the Minutes for August 9, 2023, Planning and Zoning Commission Regular Meeting. The Commission voted six (6) for and none (0) opposed. The motion carried unanimously.

b) Preliminary Plat combining a 1.4-acre tract and a 1.707-acre tract to create a 3.107-acre tract to be known as Lot 1, Block 1, The Revival, located at 19186 FM 2252 and owned by Eric T. Fischer.

Eric T. Fischer presented the preliminary plat and addressed questions from Commissioners.

1. Discuss and make a recommendation.

Motion: A motion was made by Vice-Chair Jacaman, seconded by Commissioner Crow, to recommend to City Council approval of the preliminary plat combining a 1.4-acre tract and a 1.707-acre tract to create a 3.107-acre tract to be known as Lot 1, Block 1, The Revival, located at 19186 FM 2252 and owned by Eric T. Fischer. The Commission voted six (6) for and none (0) opposed. The motion carried unanimously.

c) Items applicable to the Planning and Zoning Commission discussed at City Council meetings.

Vice-Chair Jacaman and Commissioner Dr. Miller provided the Commission with an update on items applicable to the Planning and Zoning Commission discussed at City Council Meetings.

d) Future Agenda Items.

1. Commissioners input on agenda items.

Commissioner Leatherberry requested the Commission to discuss the heavy industrial zoning district during a future meeting.

2. Announce date, time, and location for next meeting (October 11, 2023, at 6:00 p.m. at City Hall).

Chair Diaz stated the next Planning and Zoning Commission Regular Meeting is scheduled for Wednesday, October 11, 2023, at 6:00 p.m. at City Hall.

5. Citizen Comment Period: No one wished to speak.

6. Adjournment

Motion: A motion was made by Commissioner Bates, seconded by Vice-Chair Jacaman, to adjourn. The Commission voted six (6) for and none (0) opposed. The motion carried unanimously. There being no further business, the Wednesday, September 13, 2023, Planning and Zoning Commission Regular Meeting was adjourned at 6:21 p.m. by Chair Diaz.

ATTEST:

Karen Diaz
Chair

Marisa Spencer
City Secretary

ORDINANCE NO. 13-032023

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GARDEN RIDGE, TEXAS, ADOPTING A COMPREHENSIVE PLANNING AND ZONING ORDINANCE; ESTABLISHING A PLANNING AND ZONING COMMISSION AND A BOARD OF ADJUSTMENT; SETTING RULES AND REGULATIONS; PROVIDING FOR PENALTIES; PROVIDING FOR SEVERABILITY; AND DECLARING AN EFFECTIVE DATE.

WHEREAS, the Texas Local Government Code empowers the City of Garden Ridge (“the City”) to enact zoning codes and regulations and provide for their administration, enforcement, and amendment; and

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

WHEREAS, the City has given appropriate and reasonable consideration to the zoning regulations and other associated code provision amendments and find them most appropriate for the City; and

WHEREAS, the regulation of zoning districts and all buildings in both residential and commercial areas by the City of Garden Ridge is necessary to protect the public health, safety, and welfare of its citizens; and

WHEREAS, the City Council desires to set minimum standards to safeguard the public safety, health, and welfare, insofar as they are affected by zoning regulations; and

WHEREAS, the City Council of the City of Garden Ridge finds that repealing and replacing the zoning regulations as provided for in this Ordinance are compliant with the requisites of the state law, including Texas Local Government Code as well as making the necessary associated amendments on signs, vegetation, and planning; and

WHEREAS, after notice on the proposed revisions to the Zoning Ordinance was provided to each owner, as indicated by the most recently approved municipal tax roll of real property and a public hearing before the Planning and Zoning Commission on September 14, 2021, the Planning and Zoning Commission has considered and recommended approval of the replacement of the zoning regulations as provided for herein; and

WHEREAS, after notice on the proposed revisions to the Zoning Ordinance was provided to each owner, as indicated by the most recently approved municipal tax roll of real property and a public hearing before City Council on March 27, 2023, the City Council considered the revisions of the zoning regulations as provided for herein; and

WHEREAS, after consideration of public input received at the public hearings, the information provided by staff, consideration of the Comprehensive Land Plan and all other information presented, and the recommendation of the Planning and Zoning Commission, the City Council finds it is in the public interest to approve the revisions of the zoning regulations as provided for herein; and

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Section 2. Zoning Regulations

Subsection 2.01. Zoning Districts

2.01.01. Zoning Districts Established

A. Purpose

The purpose of this section is to create zoning districts, to specify the nature and components of the permitted development within them, and to establish regulations regarding the physical character and intensity of development in order to protect the public health, safety, and general welfare.

B. Zoning Districts Established

The City is hereby divided into zones, or districts, and the boundaries of zoning districts set out herein are delineated upon the Official Zoning District Map. All land within the corporate limits shall be classified into the following zoning districts.

Table 2

Residential Zoning Districts

- 2.02.01.** Agriculture and Agricultural Homestead (AG) District
- 2.02.02.** Residential Estate (RE) District
- 2.02.03.** Residential Neighborhood (RN) District

Nonresidential and Mixed-Use Zoning Districts

- 2.03.01.** Neighborhood Commercial (NC) District
- 2.03.02.** Community Commercial (CC) District
- 2.03.03.** Neighborhood Mixed-Use (NMU) Overlay District
- 2.03.04.** Community Mixed-Use (CMU) Overlay District
- 2.03.05.** Light Industrial (LI) District
- 2.03.06.** Heavy Industrial (HI) District
- 2.03.07.** Public and Institutional (P) District

Special Zoning Districts

- 2.04.01.** Aquifer Protection Overlay (APO) District
- 2.04.02.** Natural Features Overlay (NFO) District
- 2.04.03.** Planned Use Development (PUD)

Subsection 2.04. Special Zoning Districts

2.04.01. Aquifer Protection Overlay (APO) District

A. Intent

The Aquifer Protection Overlay (APO) District provides for the protection of City public water supply well sites and aquifer recharge features from biological and chemical contamination. Within the APO District, no use or activity is permitted that presents a danger of bacteriologic, chemical, or radiologic pollution of the ground water aquifer.

B. Boundaries and Location

The APO District consists of a one thousand five hundred (1,500) foot radius around each City public water supply well site and geologic recharge feature within the Edwards Aquifer Recharge Zone.

C. Procedures and Standards are provided in 2.06.14. Development in the Aquifer Protection Overlay (APO) District.

2.04.02. Natural Features Overlay (NFO) District

A. Intent

The purpose of the Natural Features Overlay (NFO) District is to retain the rural and natural character of FM 3009 and FM 2252 while still allowing for future growth in a responsible manner.

B. Boundaries and Location

The NFO District consists of all properties contiguous to FM 3009 and FM 2252 creating a two hundred (200) foot overlay in these areas. The overlay only applies to the first two hundred feet (200') of property adjacent to the roadway measured from the property line.

C. Procedures and Standards are provided in 2.06.15. Development in the Natural Features Overlay (NFO) District.

2.04.03. Planned Use Development (PUD)

A. Intent

A Planned Use Development (PUD) is a zoning overlay district that may be used to permit new or innovative concepts in land utilization, master-planned communities, mixed use development that other Zoning Districts do not accommodate, and to provide site-specific compatibility standards. While greater flexibility is given to allow special conditions or restrictions that would not otherwise allow the development to occur, procedures are established to ensure against misuse of increased flexibility. PUDs are appropriate in areas where the Comprehensive Plan reflects the specific uses proposed in the PUD or where the Comprehensive Plan reflects mixed-use as a land use category.

2.06.13. Nuisances

The following regulations serve to supplement regulations in Ordinance 162 and in the event of a conflict between Ordinance 162 and the provisions detailed below, the more stringent requirement shall prevail.

Proposed land uses shall be compatible in intensity, appearance, and operation with surrounding land uses in the area, and it shall not unduly impair the usefulness, enjoyment, or value of adjacent property due to the generation of excessive noise, dust, smoke, glare, spillover lighting, or other forms of environmental or visual pollution.

The storage of hazardous waste is found to be a nuisance and is prohibited within the city limits.

2.06.14. Development in the Aquifer Protection Overlay (APO) District

A. Applicability

Unless otherwise stated in this section, the following regulations apply to all properties within the Aquifer Protection Overlay (APO) District. The APO District is an overlay district, and the following regulations are in addition to the underlying base district regulations. In the event of a conflict, the more restrictive regulations shall apply.

B. Activities Prohibited

No use or activity is permitted that presents a danger of bacteriologic, chemical, or radiologic pollution of the ground water aquifer. Specific prohibitions include: cemeteries; liquid transmission pipelines; petroleum and chemical processing, production, mixing, transmission or transfer facilities; petroleum or chemical storage tanks and vats; wood treatment facilities; sewage treatment plants, wet wells, pumping stations or drainage ditch for industrial waste discharges or wastes from sewage treatment systems, sewage sludge disposal; livestock and animal pens, feedlots, or abandoned and improperly sealed wells.

2.06.15. Development in the Natural Features Overlay (NFO) District

A. Applicability

Unless otherwise stated in this section, the following regulations apply to all properties within the Natural Features Overlay (NFO) District. The intent of this district is to preserve existing trees and landscaping to those areas that serve as gateways to the City. The following regulations are in addition to the underlying base district regulations. In the event of a conflict, the more restrictive regulations shall apply.

B. Buildings and Site Development

1. Street Frontage Buffer

In addition to the requirements of 2.06.01. Landscaping, a street frontage buffer forty (40) feet in width shall be provided along the Right-of-Way of each designated corridor. This street frontage buffer shall increase to sixty (60) feet to each side where a public or private street intersects the designated corridor.

- a. Parking areas are prohibited within this buffer.
- b. Eighty percent (80%) of Protected Trees or Heritage Trees shall be preserved in the street frontage buffer.
- c. Driveways shall incorporate a divided median at least twenty (20) feet in width for the entire depth of the street frontage buffer.
- d. The street frontage buffer shall be left in its natural state, except that it shall be augmented with additional trees and landscaping for each one hundred fifty (150) linear feet (or fraction thereof) of the street frontage buffer to achieve the following through combination of existing vegetation and new plantings:
 - i. A minimum of six (6) Shade Trees, of which at least four (4) shall be evergreen trees and no single tree species shall constitute more than one-third (1/3) of all required trees.
 - ii. A minimum of four (4) Ornamental Trees.
 - iii. A minimum of thirty (30) Shrubs.
 - iv. Certification of the street frontage buffer as a Texas Parks and Wildlife Department Texas Wildscape shall serve in lieu of ii. and iii. and shall reduce the number of required Shade Trees by fifty (50) percent.

2. Alternative Street Frontage Buffer Compliance

- a. Where conformance with the Street Frontage Buffer requirements above is not feasible or where doing so would be detrimental to the feel and function of the NFO district or compromise its purpose and intent, the applicant may request alternative compliance.
- b. The request for alternative compliance shall be accompanied by exhibits illustrating what strict compliance would look like on the site as well as what alternative is being proposed.
- c. A request for alternative compliance may be approved by City Council with a recommendation from the Planning and Zoning Commission and City Administrator or his/her designee.

- d. In acting on a request for alternative compliance, the following criteria should be considered:
 - i. The proposed alternative does not reduce a standard unless it is, to the greatest extent practical, equally mitigated or improved by increasing standards or other requirements;
 - ii. The proposed alternative preserves and enhances quality existing landscaping to the greatest reasonable extent;
 - iii. The proposed alternative is in agreement with, and shall promote, the recommendations and policies within the City's Comprehensive Plan;
 - iv. The proposed alternative enhances the site, and therefore, the overall built environment of the City; and
 - v. The proposed alternative meets the spirit and intent of the NFO overlay district.

3. Streetscape

- a. In addition to all other City Ordinances pertaining to signs, all lighted signs must use reverse channel lettering (i.e., backlighting) or fully shielded downward-facing lamps (i.e., gooseneck lighting).

Reverse Channel Lettering (Top) and Downward-Facing Lamps (Bottom)



C. Site Design Elements

All buildings or sites must incorporate at least four (4) of the following design elements:

1. Stained wood building accents (e.g., columns, shutters, trim).
2. No parking located in front of the building face.
3. Covered porch at least ten (10) feet deep and at least fifty (50) percent of the building face width (porch may extend into the required buffer above and must have a roof material consistent with remainder of structure).
4. Bicycle parking within fifty (50) feet of the main entrance, with dedicated spaces accessible without moving another bicycle to accommodate at least:
 - a. Five (5) bicycles for buildings less than seven thousand (7,000) square feet.
 - b. Ten (10) bicycles for buildings between seven thousand (7,000) and thirty thousand (30,000) square feet.
 - c. Twenty (20) bicycles for buildings larger than thirty thousand (30,000) square feet.
5. All hardscape in front of the building face constructed entirely of an enhanced design, such as stained concrete, pavers, or stone.
6. Pedestrian open space such as a park, square, piazza, green, or plaza. Pedestrian open space shall be programmed appropriately with seating and landscaping as to activate the space for pedestrian oriented activity.
7. Provide public art equivalent to one percent (1%) or more of the overall project cost. Examples of public art include but are not limited to sculpture, mosaics, earthworks, and wall murals. Public art must be outside and visually and physically accessible to the public. Public art shall not contain advertisements for businesses or products.
8. Achieve the requirements of 2.06.11. C Low-Impact Site Development.

Future Agenda Items

Planning and Zoning Commission

November 8, 2023, Regular Meeting

14 days before Meeting	(10/25/2023)	Commission and Staff items are due
8 days before Meeting	(10/31/2023)	City Administrator and Chair review agenda. City Attorney is sent the agenda for approval.
5 days before Meeting	(11/03/2023)	Post Agenda Packet to City Website
3 days before Meeting	(11/05/2023)	(72 hours) – Local Govt. Code requirement for posting

City Council = Red

Planning & Zoning = Green

Water Commission = Blue

Municipal Court = Gray

City Event = Yellow (First Friday)

City Holiday = Orange

Sun	Mon	Tues	Wed	Thur	Fri	Sat
			1	2	3	4
5	6	7	8	9	10	11
12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28	29	30		

December 13, 2023, Regular Meeting

14 days before Meeting	(11/29/2023)	Commission and Staff items are due
7 days before Meeting	(12/06/2023)	City Administrator and Chair review agenda. City Attorney is sent the agenda for approval.
6 days before Meeting	(12/07/2023)	Post Agenda & Packet to City Website
3 days before Meeting	(12/10/2023)	(72 hours) – Local Govt. Code requirement for posting

City Council = Red

Planning & Zoning = Green

Water Commission = Blue

Municipal Court = Gray

City Holiday = Orange

City Event = Yellow

- 12/1: Tree Lighting Event
- 12/8: Staff/Council Christmas Party

Sun	Mon	Tues	Wed	Thur	Fri	Sat
					1	2
3	4	5	6	7	8	9
10	11	12	13	14	15	16
17	18	19	20	21	22	23
24	25	26	27	28	29	30
31						

PENDING FUTURE AGENDA ITEMS

- Interactive Map
- Ordinance No. 55 (temporary signs/time restriction on temporary signs)
- Zoning Districts