



# City of Garden Ridge

*"A way of life, not just a place to live"*

## AGENDA PLANNING AND ZONING COMMISSION REGULAR MEETING TUESDAY, MARCH 12, 2019, 6:00 P.M.

The Garden Ridge Planning and Zoning Commission will meet in a regular session on Tuesday, March 12, 2019, 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 on March 8, 2019, before 5:00 p.m. 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**
2. **Roll Call**
3. **Pledge of Allegiance**
4. **Citizen Comment Period – limited to 30 minutes total**

### **Rules for Citizens' Participation:**

The Planning and Zoning Commission welcomes citizen participation and comments at all Commission Meetings. The Commission offers citizens the opportunity to address them by signing up to speak prior to the meeting. If you speak, you follow these guidelines:

- a) Respect and courtesy:
  - i. Direct your comments to the entire Commission, not to an individual member, nor to the audience.
  - ii. Show the Commission the same respect that you would like to be shown.
  - iii. End your speaking at the time allotted below.
- b) Speaking:
  - i. First citizen comment period
    1. You are required to sign up to speak.
    2. You are limited to one 3-minute period.
  - ii. Business item period
    1. You are required to sign up to speak.
    2. You are limited to one 3-minute period.
  - iii. Second citizen comment period
    1. You are not required to sign up.
    2. You are limited to one 2-minute period.
  - iv. State your name and address before your comments begin.
  - v. 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 Commission is limited to either a statement of specific factual information or a recitation of existing policy. TEX. GOV'T CODE § 551.042.*

## 5. **Business Items**

The Commission may discuss, consider, and/or take action on the following items:

- a) Approvals/Recommendations.
  - i. Approval of Minutes for February 12, 2019, Planning and Zoning Commission Regular Meeting.
- b) Discussions/Reports/Updates.
  - i. Update on Freese and Nichols, Inc. for Zoning and Subdivision Ordinance rewrite assistance.
  - ii. An Ordinance of the City Council of the City of Garden Ridge, Texas amending the Comprehensive Planning and Zoning Ordinance for the City, establishing zoning regulations; providing policies and procedures pursuant to the Texas Local Government Code; comprehensive zoning district regulations; zoning map; general provisions; use, height and area regulations; special uses and structures; conditional uses; site plans; visual screening; off-street parking and loading regulations; non-conforming buildings and uses; zoning district boundary verification procedures; zoning of annexed areas; administrative rules and procedures; definitions; appendices; providing other provisions relating to the subject; providing for the administration, enforcement, and amendment thereof; providing a savings clause and for the repeal of all other ordinances in conflict herewith; prescribing a penalty for violations and establishing each day of such violation as a separate offense; providing for severability; and providing an effective date.
    - 1. Receive proposed changes and review the proposed Ordinance.
    - 2. Discuss and make possible recommendation on future meetings or direction regarding Ordinance development process.
  - iii. Items discussed at the March 6, 2019, City Council Regular Meeting.
  - iv. Ordinance No. 210-022018 An Ordinance of the City Council of the City of Garden Ridge adopting board and commission policy and procedures; providing that this Ordinance shall be cumulative of all Ordinances; providing a severability clause; providing a savings clause; and providing an effective date.
    - 1. Discuss and make recommendations related to application of ordinance provisions to commission members, if needed.
- c) Future Agenda Items.
  - i. Commissioners input on agenda items.
  - ii. Announce the date, time, and location for next meeting (March 21, 2019, at 6:00 p.m. at City Hall).

## 6. **Citizen Comment Period** – limited to 20 minutes total See “Rules for Citizen’s Participation” under Item 4.

## 7. **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:**

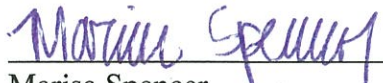
The Council may vote or act upon any item within this Agenda. The Council reserves the right to adjourn into closed session at any time during the course of this meeting to discuss any of the matter listed above, as authorized by Title 5, Chapter 551, of the Texas Government Code.

### **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 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 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 is specifically provided for on an agenda for that board, commission or committee subject to the Texas Open Meetings Act.

  
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Marisa Spencer  
City Secretary

This is to certify that I, Marisa Spencer, posted this Agenda at 12:00 p.m. on March 5, 2019, on the bulletin board located at the entrance to the Garden Ridge City Hall, 9400 Municipal Parkway, Garden Ridge, Texas.

  
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Marisa Spencer  
City Secretary



**MINUTES**  
**PLANNING AND ZONING COMMISSION REGULAR MEETING**  
**TUESDAY, FEBRUARY 12, 2019, 6:00 P.M.**

**Commissioners Present:**

Chair Dr. Jim Miller  
Vice-Chair Mark Hausheer  
Commissioner Kitty Owen  
Commissioner Karen Diaz  
Commissioner David Heier  
Commissioner David Dauer

**Commissioners Absent:**

Vacant Position

**City Staff Present:**

Nancy Cain, City Administrator  
Cynthia Trevino, City Attorney  
Marisa Spencer, Interim City Secretary

**Other City Councilmembers or Commissioners Present:**

Cynthia Shanahan-Segovia, Chair, Wildlife Management Advisory Commission

**1. Call to Order**

With a quorum of the Planning and Zoning Commission Members present, Chair Dr. Miller, called the regular meeting of the Garden Ridge Planning and Zoning Commission to order at 6:00 p.m. on Tuesday, February 12, 2019, in the City Council Chambers of the Garden Ridge City Hall, 9400 Municipal Parkway, Garden Ridge, Texas 78266.

**2. Roll Call**

See above.

**3. Pledge of Allegiance**

Chair Dr. Miller led the Pledge of Allegiance.

**4. Citizen Comment Period – limited to 30 minutes total**

No one signed up to speak.

**5. Business Items**

The Commission may discuss, consider, and/or take action on the following items:

**a) Approvals/Recommendations.**

**i. Approval of Minutes for January 8, 2019, Planning and Zoning Commission Regular Meeting.**

**Motion:** A motion was made by Commissioner Owen, seconded by Commissioner Diaz, to approve the minutes for January 8, 2019, Planning and Zoning Commission Regular Meeting. The Commission voted five (5) for and none (0) opposed. The motion carried unanimously.

- ii. **Consider amending Ordinance No. 13-122018 An amended comprehensive Planning and Zoning Ordinance for the City of Garden Ridge, Texas; establishes a Planning and Zoning Commission; establishes a board of adjustment; regulates and restricts the use and location of buildings and outbuildings, exterior lighting , fencing and landscaping; includes definitions, divides the City into zoning districts with regulations for each; sets special use permit requirements; sets broadcast and reception antenna rules; adopts a map of the City showing the boundaries and classifications of zoning districts; incorporating sign regulations herein; prescribes a penalty of not less than \$10.00 nor more than \$2000.00 for violation of this Ordinance; and repeals Ordinance 13-062017 adopted on June 7, 2017.**
  1. **Proposed amendments to Ordinance No 13-122018:**
    - a. **4.1.1.2. Farm and ranch outbuildings and accessory buildings (including but not limited to Barns, Sheds, Tool Rooms, Greenhouses, Cabanas, Gazebos, and Structures other than a primary residence).**
    - b. **4.1.1.3. Farm and ranch outbuildings and accessory buildings, including detached garages, shall not be used as a dwelling unit. Any use as a residence, apartment, guesthouse or servant's quarters temporarily or permanently; including short term and long term rental, or any other type of residential use or occupancy by a single family, individual or group of individuals is prohibited.**
    - c. **4.1.1.4. Any use of a vehicle, boat, tent, trailer, utility trailer, recreational vehicle, or any other type of vehicle having sleeping accommodations as temporary or permanent accessory living quarters or for any other type of residential use or occupancy is prohibited.**
    - d. **5.1.2. Residential outbuildings and accessory buildings (including but not limited to Garages, Sheds, Tool Rooms, Greenhouses, Cabanas, Gazebos, and Structures other than a primary residence).**
    - e. **5.1.2.1. Residential outbuildings and accessory buildings, including detached garages, shall not be used as a dwelling unit. Any use as a residence, apartment, guesthouse or servant 's quarters temporarily or permanently; including short term and long term rental, or any other type of residential use or occupancy by a single family, individual or group of individuals is prohibited.**
    - f. **5.1.3.1. Any use of a vehicle, boat, tent, trailer, utility trailer , recreational vehicle, or any other type of vehicle having sleeping accommodations as temporary or permanent accessory living quarters or for any other type of residential use or occupancy is prohibited.**
  2. **Hold a public hearing to receive comments for or against amending Ordinance No. 13-122018.**

The Commission discussed the proposed amendments to Section 4 and Section 5 of Ordinance No. 13-122018 An amended comprehensive Planning and Zoning Ordinance for the City of Garden Ridge, Texas; establishes a Planning and Zoning Commission; establishes a board of adjustment; regulates and restricts the use and location of buildings and outbuildings, exterior lighting , fencing and landscaping; includes definitions, divides the City into zoning districts with regulations for each; sets special use permit requirements; sets broadcast and reception antenna rules; adopts a map of the City showing the boundaries and classifications of zoning districts; incorporating sign regulations herein; prescribes a penalty of not less than \$10.00 nor more than \$2000.00 for violation of this Ordinance; and repeals Ordinance 13-062017 adopted on June 7, 2017.

Chair Dr. Miller opened the Public Hearing at 6:20 p.m. and asked if any citizens would like to speak for or against amending Ordinance No. 13-122018. No one wished to speak.

Chair Dr. Miller closed the Public Hearing at 6:21 p.m.

### **3. Make a recommendation to the City Council.**

**Motion:** A motion was made by Vice-Chair Hausheer, seconded by Commissioner Heier, to recommend to City Council the approval of the proposed amendments to Section 4 and Section 5 of Ordinance No. 13-122018 An amended comprehensive Planning and Zoning Ordinance for the City of Garden Ridge, Texas; establishes a Planning and Zoning Commission; establishes a board of adjustment; regulates and restricts the use and location of buildings and outbuildings, exterior lighting, fencing and landscaping; includes definitions, divides the City into zoning districts with regulations for each; sets special use permit requirements; sets broadcast and reception antenna rules; adopts a map of the City showing the boundaries and classifications of zoning districts; incorporating sign regulations herein; prescribes a penalty of not less than \$10.00 nor more than \$2000.00 for violation of this Ordinance; and repeals Ordinance 13-062017 adopted on June 7, 2017. The Commission voted five (5) for and none (0) opposed. The motion carried unanimously.

#### **b) Discussions/Reports/Updates.**

##### **i. Update on interviews for Planning and Zoning Commission Place 4 Vacancy.**

Chair Dr. Miller stated the vacant position was posted on January 18<sup>th</sup> and must be posted for a minimum of thirty (30) days before conducting interviews. The Commission agreed by consensus for City staff to notify the two (2) most recent applicants by email to make them aware of the current vacancy.

##### **ii. Update on submission of proposed Master Plan, variance, and Special Use Permit for future Northeast Bible Church expansion project.**

Nancy Cain, City Administrator, stated Northeast Bible Church submitted a proposed Master Plan for a future expansion project, and it is currently being reviewed by staff and the City Engineer. She updated the Commission regarding Northeast Bible Church applying for a Special Use Permit and variance. She stated she is expecting the proposed Master Plan to be complete for review, discussion, and consideration by the Commission at their February 21<sup>st</sup> meeting.

##### **iii. Update on Freese and Nichols, Inc. for Zoning and Subdivision Ordinance rewrite assistance.**

Chair Dr. Miller stated the technical committee is expecting to receive a proposed document by the end of the week from Freese and Nichols, Inc., and the technical committee is currently working on scheduling a meeting.

##### **iv. An Ordinance of the City Council of the City of Garden Ridge, Texas amending the Comprehensive Planning and Zoning Ordinance for the City, establishing zoning regulations; providing policies and procedures pursuant to the Texas Local Government Code; comprehensive zoning district regulations; zoning map; general provisions; use, height and area regulations; special uses and structures; conditional uses; site plans; visual screening; off-street parking and loading regulations; non-conforming buildings and uses; zoning district boundary verification procedures; zoning of annexed areas; administrative rules and procedures; definitions; appendices; providing other provisions relating to the subject; providing for the administration, enforcement, and amendment thereof; providing a savings clause and for the repeal of all other ordinances in conflict herewith; prescribing a penalty for violations and establishing each day of such violation as a separate offense; providing for severability; and providing an effective date.**

###### **1. Receive proposed changes and review the proposed Ordinance.**

**2. Discuss and make possible recommendation on future meetings or direction regarding Ordinance development process.**

Chair Dr. Miller stated he would like Commissioners to look over the short-term rentals document that was provided to Commissioners previously in order to discuss short-term rentals in detail. The Commission agreed by consensus to discuss primary residences, short-term rentals, and boarding houses at the next Planning and Zoning Commission regular meeting.

**v. Items discussed at the February 6, 2019, City Council Regular Meeting.**

Chair Dr. Miller discussed the Parks Committee report and discussion that occurred at the City Council regular meeting. Chair Dr. Miller updated the Commission on approval of Resolution No. 445 by City Council regarding proposed pocket parks. Nancy Cain, City Administrator, updated the Commission on approval of Ordinance No. 219-022019 by City Council.

**vi. Ordinance No. 210-022018 An Ordinance of the City Council of the City of Garden Ridge adopting board and commission policy and procedures; providing that this Ordinance shall be cumulative of all Ordinances; providing a severability clause; providing a savings clause; and providing an effective date.**

**1. Discuss and make possible recommendations regarding matters in Ordinance No. 210-022018.**

The Commission discussed various sections of Ordinance No. 210-022018 and provided their comments and concerns. Chair Dr. Miller stated this was not put on the agenda necessarily to make recommendations regarding amending the Ordinance, but to address any issues that may come up so the Commission can discuss those issues as soon as possible.

The Commission agreed by consensus for Nancy Cain, City Administrator, to discuss the Commission's comments and concerns with Mayor Thompson before discussing any recommendations regarding amending the Ordinance.

**c) Future Agenda Items.**

**i. Clarification on Commissioner Owen's previous request regarding wifi connections.**

Commissioner Owen stated she was referring to high speed internet along FM 2252 as part of infrastructure. Chair Dr. Miller stated this is not in the purview of the Planning and Zoning Commission.

**ii. Commissioners input on agenda items.**

Chair Dr. Miller stated the Commission will interview candidates for the Place 4 vacancy and might have information regarding Northeast Bible Church.

Commissioner Heier requested to add discussion of a Marketing Plan for the City of Garden Ridge.

**iii. Announce the date, time, and location for next meeting (February 21, 2019, at 6:00 p.m. at City Hall).**

Chair Dr. Miller announced the next Planning and Zoning Commission Regular Meeting will be on Thursday, February 21, 2019, at 6:00 p.m. at City Hall.

**6. Citizen Comment Period – limited to 20 minutes total**

Cynthia Shanahan-Segovia thanked the Commission for their work and stated she enjoyed attending their meeting.

7. **Adjournment**

**Motion:** A motion was made by Commissioner Dauer, seconded by Commissioner Diaz, to adjourn. The Commission voted five (5) for and none (0) opposed. The motion carried unanimously. There being no further business, the Tuesday, February 12, 2019, Planning and Zoning Commission Regular Meeting was adjourned at 7:47 p.m. by Chair Dr. Miller.

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Dr. Jim Miller, Chair

ATTEST:

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Marisa Spencer  
Interim City Secretary

## SHORT TERM RENTAL

Short term rental means the rental for compensation of one family dwellings as defined in the IRC [international Residential Code], for the purpose of overnight lodging for a period of not less than one night and not more than 30 days other than ongoing month-to-month tenancy granted to the same renter for the same unit.

This section is intended to provide a procedure to allow the rental of private residences to visitors on a short term basis, while ensuring that such rental use does not create adverse impacts to residential neighborhoods due to excessive traffic, noise, and density. Additionally, this section is intended to ensure that the number of occupants within such rental units does not exceed the design capacity of the structure to cause health and safety concerns, and that minimum health and safety standards are maintained in such units to protect visitors from unsafe or unsanitary conditions.

Such short term rental may be either owner occupied or not owner occupied and may not include the rental of less than the entire dwelling unit. A short term rental permit is required prior to the use of a dwelling as a short term rental. An owner shall obtain and maintain a current permit whenever a dwelling is used as a short term rental. An annual inspection will be required. In addition such short term rental may not operate without providing notification to renters of relevant city ordinances and rules.

Short-term rentals may not be located in zones other than **low density residential or mixed use**. A short term rental use may not be located on a lot that is **within two blocks** of a lot on which another short term rental use is located.

## OCCUPANCY LIMITS/ OTHER GENERAL REQUIREMENTS

In this section:

ADULT means a person 18 years of age or older.

DOMESTIC PARTNERSHIP means adults living in the same household and sharing common resources of life in a close, personal, and intimate relationship.

UNRELATED means not connected by consanguinity, marriage, domestic partnership or adoption.

ASSEMBLY for purposes of this section an assembly includes a wedding, bachelor or bachelorette party, concert, sponsored event, or any similar group activity other than sleeping.

1. Not more than two adults per bedroom plus two additional adults may reside in a short term rental between 10:00 PM and 7:00 AM.
2. A licensee or guest may not use or allow another to use a short term rental for assembly between 10:00 PM and 7:00 AM.
3. A licensee or guest may not use or allow another to use a short term rental for an outside assembly of more than six adults between 7:00 AM and 10:00 PM.

4. A short term rental may not be used **by more than two adults per sleeping area plus an additional four adults.**
5. A minimum of one off street parking space, not including the garage, per sleeping area shall be provided. There is a minimum of two and a maximum not to exceed the number of sleeping areas plus one. No required parking shall be permitted within public right-of-way or access easements as defined by city and state regulations regarding parking.
6. Excessive noise or other disturbance outside the short term rental is prohibited between the hours of 10:00 PM and 8:00 AM. This includes, but is not limited to, decks, portals, porches, balconies, patios, hot tubs, pools, saunas or spas
7. Sound equipment or a musical instrument that produces sound in excess of 75 decibels audible at and beyond the property line is prohibited.
8. A licensee of a short term rental use who does not reside within the city must identify an individual or individuals to serve as local contacts and respond to emergency conditions.
9. To obtain a permit the owner of a short term rental use must submit an application on a form approved by the city administrator. The application should include the following:
  - A. A certification by the property owner and, if applicable, property manager that the property is not subject to outstanding city code or state law violations.
  - B. The name, street address, mailing address, and telephone number of the owner of the property.
  - C. The name, street address, mailing address, and telephone number of the local contact.
  - D. The street address of the short term rental use.
  - E. Proof of Property Insurance.
  - F. Any other information requested by the city administrator.



# City of Garden Ridge

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## LEGAL NOTICE **NOTICE OF PUBLIC HEARING** **CITY OF GARDEN RIDGE** **CITY COUNCIL**

The City of Garden Ridge City Council will conduct a Public Hearing on **March 6, 2019, at 6:00 p.m. in the City Council Chambers** of the Garden Ridge City Hall, 9400 Municipal Parkway, Garden Ridge, Texas.

The public hearing will consider amending Ordinance No. 13-122018 of the City of Garden Ridge as follows:

- 1) **4.1.1.2.** Farm and ranch outbuildings and accessory buildings (including but not limited to Barns, Sheds, Tool Rooms, Greenhouses, Cabanas, Gazebos, and Structures other than a primary residence).
- 2) **4.1.1.3.** Farm and ranch outbuildings and accessory buildings, including detached garages, shall not be used as a dwelling unit. Any use as a residence, apartment, guesthouse or servant's quarters temporarily or permanently; including short term and long term rental, or any other type of residential use or occupancy by a single family, individual or group of individuals is prohibited.
- 3) **4.1.1.4.** Any use of a vehicle, boat, tent, trailer, utility trailer, recreational vehicle, or any other type of vehicle having sleeping accommodations as temporary or permanent accessory living quarters or for any other type of residential use or occupancy is prohibited.
- 4) **5.1.2.** Residential outbuildings and accessory buildings (including but not limited to Garages, Sheds, Tool Rooms, Greenhouses, Cabanas, Gazebos, and Structures other than a primary residence).
- 5) **5.1.2.1.** Residential outbuildings and accessory buildings, including detached garages, shall not be used as a dwelling unit. Any use as a residence, apartment, guesthouse or servant's quarters temporarily or permanently; including short term and long term rental, or any other type of residential use or occupancy by a single family, individual or group of individuals is prohibited.
- 6) **5.1.3.1.** Any use of a vehicle, boat, tent, trailer, utility trailer, recreational vehicle, or any other type of vehicle having sleeping accommodations as temporary or permanent accessory living quarters or for any other type of residential use or occupancy is prohibited.

The public is invited to attend and submit oral or written comments on this matter.

S/: Marisa Spencer  
Interim City Secretary  
[citysecretary@ci.garden-ridge.tx.us](mailto:citysecretary@ci.garden-ridge.tx.us)

## SECTION 4 AGRICULTURAL

### 4.1. RESIDENCE-AGRICULTURE (RA) DISTRICT.

4.1.1. Use restrictions: In the RA Residential- Agriculture District, use no land and erect no building to any other use than the following:

4.1.1.1. Farm and ranch agriculture uses, together with farm dwelling and customary agricultural accessory uses and buildings, provided such uses shall not constitute a public health threat or nuisance.

4.1.1.2. *Farm and ranch outbuildings and accessory buildings (including but not limited to Barns, Sheds, Tool Rooms, Greenhouses, Cabanas, Gazebos, and Structures other than a primary residence).*

4.1.1.3. *Farm and ranch outbuildings and accessory buildings, including detached garages, shall not be used as a dwelling unit. Any use as a residence, apartment, guesthouse or servant's quarters temporarily or permanently; including short term and long term rental, or any other type of residential use or occupancy by a single family, individual or group of individuals is prohibited.*

4.1.1.4. *Any use of a vehicle, boat, tent, trailer, utility trailer, recreational vehicle, or any other type of vehicle having sleeping accommodations as temporary or permanent accessory living quarters or for any other type of residential use or occupancy is prohibited.*

4.1.15. A school or church conditioned on City approval of a Special Use Permit according to requirements in Section 12 of this Ordinance.

4.1.1.6. A public park.

4.1.1.7. Home business or occupation as authorized in this Ordinance.

### 4.2. AQUIFER PROTECTION (AP) DISTRICT.

4.2.1. Use restrictions. The AP District is an overlay district for protection of City well sites and aquifer recharge features from biological and chemical contamination. The District surrounds each City well site and geologic recharge feature, within the Edwards Aquifer recharge zone, for a radius of fifteen hundred (1500) feet. Within the AP District, no use or activity is permitted that presents a danger of bacteriologic, chemical or radiologic pollution of the ground water aquifer.

4.2.2. 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 station or drainage ditch for industrial waste discharges or wastes from sewage treatment systems, sewage sludge disposal or effluent irrigation areas; livestock and animal pens, feedlots, or abandoned and improperly sealed wells

## SECTION 5 RESIDENTIAL

### 5.1. SINGLE FAMILY DWELLING (R) DISTRICT.

5.1.1. Use Restrictions: In Single Family Dwelling (R) District no land shall be used and no building shall be erected for or converted to any use other than the following:

5.1.1.1. A one family dwelling and associated outbuildings limited to accessory use.

5.1.1.2. A school or church conditioned on City approval of a Special Use Permit according to requirements in Section 12 of this Ordinance.

5.1.1.3. A public park or private social and recreational facilities developed as an integral part of an approved subdivision designed to serve the community.

5.1.1.4. This district shall have no mobile homes, manufactured homes, and accessory living quarters or other non-permanent living structures.

5.1.2. Residential outbuildings *and accessory buildings (including but not limited to* Garages, Sheds, Tool Rooms, Greenhouses, Cabanas, Gazebos, and Structures other than a primary residence).

~~5.1.2.1. Residential outbuildings, including detached garages shall not be used as a residence or guesthouse or servant's quarters temporarily or permanently.~~

*5.1.2.1. Residential outbuildings and accessory buildings, including detached garages, shall not be used as a dwelling unit. Any use as a residence, apartment, guesthouse or servant's quarters temporarily or permanently; including short term and long term rental, or any other type of residential use or occupancy by a single family, individual or group of individuals is prohibited.*

5.1.2.2. When a residential outbuilding attaches permanently to a main building by a slab continuous with that of the main building, it becomes part of the main building.

5.1.2.3. Residential outbuildings (not attached), together with any breezeways, shall not occupy more than thirty (30) percent of the rear yard.

5.1.2.4. Every house (main building) constructed or renovated shall have at least a two (2) car garage, either attached or detached. Attached garages shall open only to an interior lot side or to the rear of the house. Garages connected to the main structure by breezeway or gallery shall not be forward of the front plane of the house and shall not face a paved street. Detached garages shall not extend forward of the rear plane of the house and shall not face a paved street. Also, they shall be at least fifteen (15) feet from the side property line and at least seventy-five (75) feet from the front property line.

5.1.2.5. These requirements apply within subdivisions and to residential lots of less than ten (10) acres:

5.1.2.5.1. All structures shall anchor to a reinforced concrete pad or slab or shall be held by ground anchor bolts and straps installed according to manufacturer's recommendations.

5.1.2.5.2. Total impervious cover for a lot including residence, driveway, pools, outbuildings and other structures shall not exceed Thirty-five (35) percent of the lot area.

5.1.2.5.3. No more than one (1) structure of a given type or more than three (3) total structures excluding the residence shall be on a single lot. No single outbuilding or other structure shall exceed 1000 square foot (ft<sup>2</sup>) in area.

- 5.1.2.5.4. Structures with a floor area less than 100 square foot (ft<sup>2</sup>) may be of metal, wood, glass, fiberglass or masonry (brick, stone, or stucco). Structures shall not exceed fifteen (15) feet in total height. Structures shall be behind the rear plane of the residence and shall not be in any right-of-way or easement, nor block access to any right-of-way or easement. Structures shall match the exterior colors of the residence. Masonry used shall match that of the residence. Planting of perennial plants -- which will block fifty (50) percent of the structure from view from adjoining lots or streets when fully grown -- is required within ninety (90) days of completion of the structure. Plants are not necessary when a six- (6) foot in height wall or fence blocks view of the structure from adjoining lots or streets.
- 5.1.2.5.5. Structures with a floor area of 100 square foot (ft<sup>2</sup>) to 300 ft<sup>2</sup> may be metal, wood, glass, fiberglass or masonry (brick, stone, or stucco). Total structure height shall not exceed the height of the roofline of the residence. Structures shall be behind the rear plane of the residence and shall not be in any right-of-way or easement, nor block access to any right-of-way or easement. (Exception: Gazebos may be anywhere on a lot except in a right-of-way or easement if the responsible architectural review committee and City Planning and Zoning Commission approve the design and site.) Structures shall be on a gravel or reinforced concrete pad. Gravel pads shall be at least four (4) inches above grade and extend twelve (12) inches beyond all sides of the structure. Planting of perennial plants -- which will block fifty (50) percent of the structure from view from adjoining lots or streets when fully grown -- is required within ninety (90) days of completion of the structure. Plants are not necessary if a six- (6) foot in height wall or fence blocks view of the structure from adjoining lots or streets. Structures shall match the exterior colors of the residence. Masonry shall match that of the residence. Design and location require approval of the responsible architectural control committee before the City will issue a building permit.
- 5.1.2.5.6. Structures with a floor area greater than 300 ft<sup>2</sup> shall meet the building code requirements, architecture, materials and color of the residence. Total structure height shall not exceed the height of the roofline of the residence. Design and location -- to include a landscape plan for limiting visual impact to adjoining lots -- require approval of the responsible architectural control committee and City Council (with recommendation of the City Planning and Zoning Commission). Swimming pools are excepted from requiring City Council site approval under this paragraph when the pool and all its associated structures and components are: a) located entirely behind the rear plane of the residence and; b) built in-ground with an average deck height less than twenty-five (25) inches above grade with no elevated component (waterfall, slide, etc.) more than four (4) foot above grade. On corner lots, the pool must also be located behind the extended side plane of the house on the side facing the exterior lot line. Pools enclosed, or surrounded by, the house structure so as to not be visible from front or side streets shall be deemed as meeting the requirements of this exception.
- 5.1.3. Unrestricted parking of vehicles, trailers, and boats in yards adds to the deterioration of residential areas and creates a nuisance. The following may not be parked in a residential zoned area except where concealed from view in a garage or as permitted in 5.1.3.4: all types of recreational vehicles, trailers, boats, inoperable vehicles, commercial or farm vehicles (except pickup trucks) on platted residential lots.

No vehicles, trailers, boats, house trailers or any other recreational vehicles may be parked in an unpaved area of the yard outside a defined driveway or parking space except construction equipment, trucks and other vehicles and equipment necessary for delivery, construction, repairs or maintenance (e.g. roofers, tree trimmers, landscapers, etc.) may park on lawns while the project work is ongoing. Such parking may not exceed the length of the project.

Parking spaces may be constructed of concrete, pavers, bricks, crushed granite or similar materials with the same attributes and characteristics, the use of asphalt or wood is prohibited. The parking space must be of sufficient size so perimeter extends beyond the length and width of any vehicle parked in the space. If materials used do not create a clearly defined border then the space must be defined by a border of concrete, rock, brick, metal or wood. Parking spaces must be kept free of grass, weeds and other vegetation.

~~5.1.3.1. No travel, house, or utility trailer, recreational vehicle, tent, garage, barn, or other outbuilding erected on, or transported to a lot (tract), shall serve as a temporary or permanent residence. No temporary structure located on the lot (tract) shall serve as a residence or living quarters.~~

*5.1.3.1. Any use of a vehicle, boat, tent, trailer, utility trailer, recreational vehicle, or any other type of vehicle having sleeping accommodations as temporary or permanent accessory living quarters or for any other type of residential use or occupancy is prohibited.*

5.1.3.2. No person shall use a travel trailer, or other type of recreational vehicle, having sleeping accommodations, as temporary lodging for a period exceeding seven (7) consecutive days on any homeowner's property.

5.1.3.3. No person shall keep inoperable vehicles, vehicles with invalid registration, invalid inspection sticker, or expired license on residential zoned property unless the vehicle is out of sight from the front street view of the house either in a garage or rear yard.

5.1.3.4. No person shall store house, travel, or utility trailer of any type, semi-trailers, boats, motor homes, and campers in the front yard, any portion of driveway within the front yard, or exterior side yard (see Figure 1). Property owners and tenants may use only rear or interior side yards to store these classes of vehicles and trailers and boats.

5.1.3.5. No person shall load, unload, or park travel, or utility trailers of any type, semi-trailers, boats, motor homes, and campers in the front portion of their driveway for a period to exceed ten (10) consecutive days, nor for more than four (4) such periods in a year. No person shall use City right-of-way (streets, shoulders or ditches) as parking space for RV's, commercial vehicles, farm vehicles, camping trailers, utility trailers, or boats.

5.1.3.6. No person shall store commercial or farm vehicles exceeding 3,000 pounds of carrying capacity or truck tractors except in the rear or side yards on interior lots. On corner lots, parking or storage of these vehicles shall only be in the rear yard.

5.1.3.7. Subdivisions within the City may have deed restrictions or covenants with increased requirements for the parking or storage of vehicles, trailers or boats. These added requirements are "Neighborhood Association" issues and are not a City responsibility to enforce, except at the City's option.

5.1.4. No person shall use a lot as a dumping ground for rubbish or any other materials. Persons shall store trash, garbage, or any other waste only in sanitary containers. Owners shall keep incinerators or other equipment for the storage or disposal of wastes in a clean and sanitary condition, and all such items shall be of a neat and attractive appearance.

5.1.5. No person shall keep any animals other than household pets. Pets shall not be in such numbers as to be a nuisance or annoyance to other pet owners or residents.

5.1.6. No person shall initiate any noxious or offensive act or activity upon any lot, nor engage in anything thereon, that may be, or become, a nuisance to other owners or residents.

5.1.7. The following height and area regulations shall apply.

5.1.7.1. Height Regulations. No building shall exceed two and one-half (2 1/2) standard stories or thirty-five (35) feet in height.

5.1.7.2. Area Regulations.

5.1.7.2.1. Lot Size: Any lot or tract of land located within the City of Garden Ridge and served by a public water supply system, as defined by the Texas Water Commission, shall have a minimum area of thirty-two thousand six hundred seventy square feet (32,670 ft<sup>2</sup>). However, if such lot or tract of land is partially or entirely over the Edward Aquifer Recharge Zone, or is not served by a public water supply system,

then it shall have a minimum area of forty-three thousand five hundred sixty square feet (43,560 ft<sup>2</sup>) as provided for in the "Rules of Comal County, Texas, for Private Sewerage Facilities, 1987" and Amendments thereto.

- 5.1.7.2.2. Lot Width. Each lot shall front upon a public street and shall have a minimum of one hundred twenty (120) feet at the front property line as shown on the plat. On a cul-de-sac, the frontage shall be a minimum of fifty (50) feet at the front property line.
- 5.1.7.2.3. Front Yard. There shall be a front yard having a minimum setback of forty-five (45) feet.
- 5.1.7.2.4. Side Yards:
  - 5.1.7.2.4.1. Corner Lots. The street-adjacent side yards of corner lots shall have a minimum setback of twenty-five (25) feet. The side yard not adjacent to the street shall have a minimum setback of fifteen (15) feet, or as modified for interior lots.
  - 5.1.7.2.4.2. Interior Lots. There shall be a side yard on each side of all interior lots of not less than fifteen (15) feet.
- 5.1.7.2.5. Rear Yard. There shall be a rear yard having a depth of at least twenty-five (25) feet.
- 5.1.8. Exceptions:
  - 5.1.8.1. Regarding new construction, builders shall construct mailboxes of the same masonry material as the house, except in those cases where the mailbox is across the street from the new house according to the United States Postal Service requirements. In such cases, the new mailbox must conform as closely as possible to the masonry of the existing house in front of which the new mailbox will be located and to the design and construction of the existing homeowner's mailbox.. Base dimension for mailboxes shall not exceed the dimensions of the mailbox by more than six (6) inches on any side above two (2) foot elevation. Positioning of mailboxes shall be in accordance with the United States Postal Service regulations

Masonry mailboxes which are replaced must conform to new construction specifications as stated herein. Non-masonry mailboxes which are replaced must conform to size, height and positioning specifications of the United States Postal Service regulations.
  - 5.1.8.2. A detached garage or detached residential outbuilding shall have a side yard of not less than fifteen (15) feet. Also, such garage or residential outbuilding shall set back seventy-five (75) feet or more from the front property line.
- 5.1.9. House Size. The main residential structure on each lot, exclusive of basements, porches, garages, breezeways and residential outbuildings, shall contain at least two thousand (2,000) square feet of habitable space.
- 5.1.10. Masonry Construction. Single family dwellings shall be of no less than ninety (90) percent masonry or masonry veneer construction on the first floor level excluding openings. Fireplace chimneys exterior to the residence shall be constructed of the same masonry material as the residence.
- 5.1.11. Regarding new construction, roof surfaces shall be of tile, standing seam metal, concrete tile, slate, or asphalt shingles having a minimum thirty (30) year life, certified, in writing, by the manufacturer. Use of other types of roofing materials with a 30-year minimum life expectancy requires prior written approval by the City Architect. For repair of existing roofs involving less than twenty (20) percent of the roof area, or extensions to existing roofs in good condition as a result of additions to the main structure not exceeding fifty (50) percent of the ground floor area, roofing most closely matching the existing roof may be used.

5.1.12. Regarding new construction, driveways shall be constructed only of concrete, stone, or brick pavers unless City Engineer approval is given for use of an alternate masonry material. No person shall use asphalt pavement for a driveway surface.

5.1.13. Exterior Lighting.

5.1.13.1. Light fixtures shall be below the building roofline.

5.1.13.2. Lights shall not aim beyond the owner's property line nor illuminate adjoining property to more than five (5) foot-candles measured at the point of highest intensity.

5.1.13.3. No single light fixture or cluster of fixtures shall exceed 150-watt capacity.

5.1.13.4. Any variance shall meet the criteria of not causing increased illumination off the property.

# Planning and Zoning Commission Rolling Attendance

|          | 2/13/18<br>Regular<br>Meeting | 3/13/18<br>Regular<br>Meeting | 4/10/18<br>Regular<br>Meeting | 5-10-18<br>Regular<br>Meeting | 6-12-18<br>Regular<br>Meeting | 7-10-18<br>Regular<br>Meeting | 8/10/18<br>Special<br>Meeting | 8/14/18<br>Regular<br>Meeting | 08/27/18<br>Special<br>Meeting | 9/11/18<br>Regular<br>Meeting | 10/9/18<br>Regular<br>Meeting | 11/13/18<br>Regular<br>Meeting | 11/15/18<br>Regular<br>Meeting | 12/11/18<br>Regular<br>Meeting | 12/20/18<br>Regular<br>Meeting | 01/08/19<br>Regular<br>Meeting | 01/17/19<br>Regular<br>Meeting | 02/12/19<br>Regular<br>Meeting |
|----------|-------------------------------|-------------------------------|-------------------------------|-------------------------------|-------------------------------|-------------------------------|-------------------------------|-------------------------------|--------------------------------|-------------------------------|-------------------------------|--------------------------------|--------------------------------|--------------------------------|--------------------------------|--------------------------------|--------------------------------|--------------------------------|
| Miller   | P                             | P                             | P                             | P                             | P                             | P                             | P-QNM                         | P                             | P                              | P                             | P                             | P                              | P                              | P                              | P                              | P                              | P                              | P                              |
| Diaz     | P                             | P                             | P                             | P                             | VAA                           | P                             | P-QNM                         | P                             | P                              | P                             | P                             | VAA                            | VAA                            | P                              | P                              | P                              | P                              | P                              |
| Hausheer |                               | P                             | P                             | VAA                           | P                             | P                             | P-QNM                         | P                             | P                              | P                             | P                             | P                              | P                              | P                              | P                              | P                              | P                              | P                              |
| Ringle   | P                             | P                             | P                             | P                             | P                             | P                             | UA                            | UA                            | P                              | P                             | P                             | P                              | P                              | VAA                            | UA                             | UA                             |                                |                                |
| Heier    | P                             | P                             | P                             | P                             | P                             | VAA                           | P-QNM                         | P                             | P                              | UA                            | P                             | P                              | P                              | P                              | P                              | P                              | VAA                            | P                              |
| Dauer    |                               |                               |                               |                               |                               |                               |                               |                               |                                |                               |                               | P                              | P                              | P                              | UA                             | P                              | P                              | P                              |
| Owen     | P                             | P                             | E                             | P                             | VAA                           | UA                            | VAA                           | P                             | P                              | P                             | P                             | P                              | P                              | P                              | UA                             | P                              | P                              | P                              |

|          | 2/21/19<br>Regular<br>Meeting | 3/12/19<br>Regular<br>Meeting |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |
|----------|-------------------------------|-------------------------------|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|
| Miller   | P                             |                               |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |
| Diaz     | P                             |                               |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |
| Hausheer | P                             |                               |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |
| Valdez   |                               |                               |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |
| Heier    | P                             |                               |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |
| Dauer    | E                             |                               |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |
| Owen     | P                             |                               |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |

|       |                             |
|-------|-----------------------------|
| P     | Present                     |
| P-QNM | Present- no quorum          |
| E     | Excused allowed in Ord. 210 |
| VAA   | Voluntary Announced         |
| UA    | Unannounced Absence         |
|       | Not member yet              |

## Planning and Zoning Commission's Attendance at 2019 City Council Regular Meetings

|          | 1/2/19<br>Regular<br>Meeting | 2/6/19<br>Regular<br>Meeting | 3/6/19<br>Regular<br>Meeting |  |  |  |  |  |  |  |  | Total for<br>year |
|----------|------------------------------|------------------------------|------------------------------|--|--|--|--|--|--|--|--|-------------------|
| Miller   | P                            | P                            | P                            |  |  |  |  |  |  |  |  | 3                 |
| Diaz     | P                            |                              | P                            |  |  |  |  |  |  |  |  | 2                 |
| Hausheer | P                            |                              |                              |  |  |  |  |  |  |  |  | 1                 |
| Valdez   | P                            | P                            | P                            |  |  |  |  |  |  |  |  | 3                 |
| Heier    | P                            | P                            |                              |  |  |  |  |  |  |  |  | 2                 |
| Dauer    |                              |                              | P                            |  |  |  |  |  |  |  |  | 1                 |
| Owen     |                              |                              |                              |  |  |  |  |  |  |  |  | 0                 |

|  |                                       |
|--|---------------------------------------|
|  | Met requirements in Ordinance 210     |
|  | NOT met requirements in Ordinance 210 |

# Future Agenda Items

## Planning and Zoning Commission

### March 21, 2019 Regular Meeting

- |                        |            |                                                                                                                                                                 |
|------------------------|------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 14 days before Meeting | (03/07/19) | Commission and Staff items are due                                                                                                                              |
| 9 days before Meeting  | (03/12/19) | City Administrator and Chair review agenda. City Attorney is sent the agenda for approval.                                                                      |
| 7 days before Meeting  | (03/14/19) | Post Agenda on bulletin board and Commission will receive packet<br>(allowing a day and half for corrections and to request additional information to be added) |
| 6 days before Meeting  | (03/15/19) | Post Agenda Packet to City Website                                                                                                                              |
| 3 days before Meeting  | (03/18/19) | (72 hours) – Local Government Code requirement for posting                                                                                                      |

City Council = Red

Impact Fee Committee = Pink

Quarry Commission = Purple

Planning & Zoning = Green

Water Commission = Blue

Wildlife Management Advisory Commission = Brown

| 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  |     |      |     |      |     |     |

#### Approval

1. Minutes 02-21-19

#### Petition/Public Hearings/Recommendation

#### Discussion/Reports

1. Freese and Nichols, Inc.
2. Future Agenda Items
  - a. Set next meeting (if necessary) April 9, 2019 @ 6
  - b. Discuss May meeting date

#### Executive Session

# April 9, 2019

## Regular Meeting

- |                        |            |                                                                                                                                                                 |
|------------------------|------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 14 days before Meeting | (03/26/19) | Commission and Staff items are due                                                                                                                              |
| 8 days before Meeting  | (04/01/19) | City Administrator and Chair review agenda. City Attorney is sent the agenda for approval.                                                                      |
| 7 days before Meeting  | (04/02/19) | Post Agenda on bulletin board and Commission will receive packet<br>(allowing a day and half for corrections and to request additional information to be added) |
| 5 days before Meeting  | (04/04/19) | Post Agenda Packet to City Website                                                                                                                              |
| 4 days before Meeting  | (04/05/19) | (72 hours) – Local Government Code requirement for posting                                                                                                      |

City Council = Red  
 Impact Fee Committee = Pink  
 Quarry Commission = Purple  
 Planning & Zoning = Green  
 Water Commission = Blue  
 Wildlife Management Advisory Commission = Brown  
 City Holiday = Orange  
 Municipal Court = Gray  
 Early Voting = Yellow

| 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   |     |      |     |     |

- 8am-5pm: 4/22, 4/29, & 4/30
- 8am-4pm: 4/23 & 4/25
- 7am-7pm: 4/24 & 4/26

### Approval

1. Minutes 03-12-19

### Petition/Public Hearings/Recommendation

### Discussion/Reports

1. Freese and Nichols, Inc.
2. City Council Update
3. Future Agenda Items
  - c. Set next meeting (if necessary) April 18, 2019 @ 6

### Executive Session

### PENDING FUTURE AGENDA ITEMS

1. MLUP Ordinance clean up (Trevino)
2. Freese and Nichols, Inc.