

ORDINANCE #2021.08.10D

AN ORDINANCE OF THE CITY OF GLEN ROSE, TEXAS, AMENDING SECTIONS 14.02.005 “DEFINITIONS”, 14.02.041(a) ESTABLISHMENT OF DISTRICTS, 14.02.141(d)(1) SCHEDULE OF DISTRICT REGULATIONS, SECT. 14.02.041(b) NEWLY ANNEXED TERRITORY, SECT. 14.02.151 PLANNING AND ZONING COMMISSION, SECT. 14.02.152 AMENDMENTS, APPENDIX A SCHEDULE OF USES TABLES AND ADDING SECTION 14.02.055 PARKS AND RECREATION DISTRICT OF CHAPTER 14 ZONING OF THE CITY’S CODE OF ORDINANCES; PROVIDING FOR REPEALING, SEVERABILITY AND PROPER NOTICE MEETING AND QUORUM CLAUSES; AND, ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, the City of Glen Rose (City) is a Type A General Law Municipality;

WHEREAS, pursuant to §51.001 of the Texas Local Government Code (TLGC), “The governing body of a municipality may adopt, publish, amend, or repeal an ordinance, rule, or police regulation that: (1) is for the good government, peace, or order of the municipality or for the trade and commerce of the municipality; and (2) is necessary or proper for carrying out a power granted by law to the municipality or to an office or department of the municipality”;

WHEREAS, Chapter 211 of the TLGC grants municipalities zoning authority;

WHEREAS, pursuant to §211.007 of the TLGC a zoning commission appointed by the governing body of a general-law municipality may recommend boundaries and appropriate regulations for zoning districts;

WHEREAS, on June 17, 2021, the City of Glen Rose Planning and Zoning Commission conducted a workshop in accordance with the requirements of the Open Meetings Act to consider adding a new zoning district and amending some of the City’s existing zoning regulations;

WHEREAS, pursuant to §211.005 of the TLGC, “The governing body of a municipality may divide the municipality into districts of a number, shape, and size the governing body considers best for carrying out this subchapter... The regulations shall be adopted with reasonable consideration, among other things, for the character of each district and its peculiar suitability for particular uses, with a view of conserving the value of buildings and encouraging the most appropriate use of land in the municipality”;

WHEREAS, pursuant to §211.006(f) of the TLGC, “The governing body by ordinance may provide that the affirmative vote of at least three-fourths of all its members is required to overrule a recommendation of the municipality's zoning commission that a proposed change to a regulation or boundary be denied”;

WHEREAS, notice of the Planning and Zoning Commission and City Council public hearings on the proposed amendments to Chapter 14 Zoning was published in the City's official newspaper;

WHEREAS, the Planning and Zoning Commission conducted a duly posted public hearing on August 3, 2021 and forwarded a recommendation to the City Council to adopt said amendments; and,

WHEREAS, after conducting a public hearing on August 10, 2021 and deliberating the matter, the City Council has determined for the good government, peace, and order of the municipality, to carry out powers granted under Chapter 211 of the TLGC to the municipality, the amendments to Chapter 14 Zoning of the City's Code of Ordinances (CCO) as recommended by the Planning and Zoning Commission are warranted.

NOW THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GLEN ROSE, TEXAS:

SECTION 1 (OF 14) INCORPORATION OF RECITALS

All of the above recitals are found to be true and correct and are incorporated into the body of this Ordinance as if copied in their entirety.

SECTION 2 (OF 14) AMENDING SECT. 14.02.005 “DEFINITIONS”

Sect. 14.02.005 shall be amended to remove the previously adopted definitions of “Industrialized housing” and “Resort” and to include the following definitions:

Amusement redemption machine. Any electronic, electromechanical, or mechanical contrivance designed, made, and adopted for bona fide amusement purposes that rewards the player exclusively with noncash merchandise, prizes, toys, or novelties, or a representation of value redeemable for those items, with a wholesale value available from a single play of the game or device in an amount not more than 10 times the amount charged to play the game or device once or \$5, whichever amount is less.

Bed and breakfast (B&B). A type of short term rental consisting of a small lodging establishment that offers overnight accommodation and breakfast. Bed and breakfasts are often private family homes and typically have between four and eleven rooms, with

six being the average. In addition, a B&B usually has the hosts living in the house.

Game hall. A for-profit business operated in conformance with the requirements of state law, where games of chance are played and refreshments may be served. Notwithstanding any authorizations granted under Chapter 14 of the City's Code of Ordinances, pursuant to §234.133 of the Texas Local Government Code, the operation and location of a game hall conforming to the definition of a "game room" may be regulated by the Somervell County Commissions Court.

Game room. A for-profit business located in a building or place that contains six or more: amusement redemption machines; or electronic, electromechanical, or mechanical contrivances that, for consideration, afford a player the opportunity to obtain a prize or thing of value, the award of which is determined solely or partially by chance, regardless of whether the contrivance is designed, made, or adopted solely for bona fide amusement purposes.

Industrialized housing. A residential structure that is designed for the use and occupancy of one or more families, that is constructed in one or more modules or constructed using one or more modular components built at a location other than the permanent residential site, and that is designed to be used as a permanent residential structure when the modules or modular components are transported to the permanent residential site and are erected or installed on a permanent foundation system. **The modules must be originally designed specifically for residential use.** The term includes the plumbing, heating, air conditioning and electrical systems. The term does not include any residential structure that is in excess of 2 stories or 35 feet in height as measured from the finished grade elevation at the building entrance to the peak of the roof. The term shall not mean nor apply to housing constructed of sectional or panelized systems not utilizing modular components; or any ready-built home which is constructed so that the entire living area is contained in a single unit or section at a temporary location for the purpose of selling it and moving it to another location.

Resort. Any tract of land used to provide recreation and entertainment especially, but not exclusively, to tourists or vacationers, and generally but not necessarily provides overnight accommodations for their guests in the form of hotels, motels, cabins, cottages, bunk houses, tents, RV parks, RV rentals and the like.

Shipping containers for residential use. Shipping containers **or other modules** repurposed for residential use which are anchored upon a permanent foundation and comply with all the pertinent requirements of the City's building codes.

SECTION 3 (OF 14)

AMENDING SECT. 14.02.041(a)

ESTABLISHMENT OF DISTRICTS

Amend Sect. 14.02.041(a), changing "14 zoning districts" to "15 zoning districts" and adding a new row in the table, with "P&R" in the Abbreviation column and

“Parks & Recreation District” in the Title column.

SECTION 4 (OF 14)
ADDING SECTION 14.02.055
PARKS AND RECREATION DISTRICT

Section 14.02.056 P&R Parks and Recreation District shall be added to Division 14-02-2 District Regulations as follows:

14.02.056 P&R Parks and Recreation District

- (a) Purpose. The P&R Parks and Recreation District is established to accommodate recreational uses, both governmental and commercial. Land included in a floodplain is a good candidate for this type of zoning.
- (b) Permitted uses. The uses permitted in the P&R district include those listed in the schedule of uses found in appendix A of this article. Any use not expressly authorized and permitted herein is expressly prohibited in this district, unless otherwise allowed in conformance with section 14.02.107 dealing with new and unlisted uses.
- (c) Specific use permit. In order to allow for certain uses which, because of their nature or unusual character, cannot be unconditionally permitted in this district, yet would or could be an appropriate or compatible use under certain controlled circumstances and locations, the planning and zoning commission shall forward its recommendations of action to the city council, after public hearing thereon. The city council shall hold a public hearing and may authorize and grant the issuance of a specific use permit for the uses allowed in the schedule of uses in appendix A of this article. The issuance of the permit by the city council shall be contingent upon reasonable and appropriate conditions and safeguards, including the length of time, so as to properly protect any adjacent property, use or neighborhood character, as well as ensure the appropriate conduct of the conditional use of the land and buildings granted.
- (d) Area, yard, height, lot coverage and building size. The requirements regulating the minimum lot size, minimum yard sizes (front, side and rear), maximum building height, maximum percentage of lot coverage by buildings and the minimum size of buildings, as pertains to this district, shall conform with the provisions of the schedule of district regulations found in section 14.02.041 and any other applicable regulations as herein provided.
- (e) Parking requirements. **Parking requirements shall be determined by the uses involved.**

SECTION 5 (OF 14)
AMEND SECT. 14.02.041(d)(1)
SCHEDULE OF DISTRICT REGULATIONS

Amend the Schedule of District Regulations table to include a P&R column as shown below:

Schedule of District Regulations

Area Regulations	R-1	R-2	R-2m	R-3	R-4	MH	B-1	B-2	B-3	I	P&R
Minimum lot area (sq. ft.)	6,600	(A)	(A)	(B)	(B)	(C)	3,000	N/A	N/A	N/A	N/A
Minimum lot width (ft.)	60	60	60	60	50	40* 60**	25	25	N/A	N/A	25
Minimum lot depth (ft.)	110	110	110	110	120	75* 100**	120	N/A	N/A	N/A	N/A
Minimum front yard setback (ft.)	25	25	25	25	25	25* 25**	(D)	(D)	N/A	20	(D)
Minimum front yard setback - Major street (ft.)	35	35	35	35	35	25* 25**	(D)	(D)	N/A	N/A	(D)
Minimum side yard setback (ft.)	7	7	7	7	7	6* 6**	(E)	(E)	N/A	(E)	(E)
Minimum side yard setback - Corner lot	25	25	25	25	25	25* 25**	20	20	N/A	20	20
Minimum rear yard setback (ft.)	25	25	25	25	25	20* 25**	(F)	(F)	N/A	(F)	(F)
Maximum height (stories)	2.5	2.5	2.5	2.5	3	1.5	3	8	8	8	2.5
Height of structure (ft.)	35	35	35	35	45	25	45	100	100	100	35
Maximum lot coverage	40%	40%	40%	40%	40%	50%	N/A	N/A	N/A	50%	N/A
Minimum Living Area-Excluding Garage	1,000	800	550	550	550	N/A* 450**	550	N/A	N/A	N/A	N/A

SECTION 6 (OF 14)
AMEND SECT. 14.02.141(d)(2)
SCHEDULE OF DISTRICT REGULATIONS

Amend Sect. 14.02.141(d)(2) to add note (G) as follows:

(G) Where irregularly shaped lots occur on curves on a street and in cul-de-sacs, the minimum lot width requirement shall be based not on any one measurement, but on the average lot width. That portion of such a lot fronting a street must have a minimum width of thirty five (35').

SECTION 7 (OF 14)
AMENDING APPENDIX A
SCHEDULE OF USES TABLES

The following amendments shall be made to the tables found in Appendix A Schedule of Uses:

1. Add the Parks & Recreation District.
2. Add "Shipping containers for residential use" and list it as permitted for use in the MH District with a specific use permit and prohibited in all other districts.
3. Add "Resort" and list it as permitted in the P&R District and prohibited in all other districts.
4. Add "Game hall" and list it as permitted for use in the B-1 and B-2 districts with a specific use permit and prohibited in all other districts.
5. Change the B-3 "Short term rental" designation from "X" to "S".

SECTION 8 (OF 14)
AMEND SECT. 14.02.041(b)
NEWLY ANNEXED TERRITORY

Amend Sect. 14.02.041(b) to read as follows:

(b) Newly annexed territory.

- ~~(1) Annexed territory to be temporarily zoned R-1. All territory hereafter annexed to the city shall be temporarily zoned as R-1 district, until permanent zoning is established by the city council, except as provided in subsection (b)(3) below. The procedure for establishing permanent zoning on newly annexed territory shall conform to the procedure established by law for the adoption of the original zoning regulations. However, nothing herein shall prevent the granting of permanent zoning at the time of annexation and zoning that territory other than an R-1 district.~~
- ~~(2) Regulations for temporary R-1 districts. In an area temporarily classified as R-1:~~
- ~~(A) No person shall erect, construct or add to any building or structure or~~

~~cause same to be done in any newly annexed territory without first applying for and obtaining a building permit or certificate of occupancy from the city as required herein.~~

~~(B) No building permit for the construction of a building or a certificate of occupancy shall be issued other than for the construction of a building or a use permitted in R-1 district(s).~~

~~(3) Concurrent rezoning and annexation. Application(s) for permanent zoning of a newly annexed area may be considered by the city at the same time as the area is being considered for annexation, although annexation procedures must be completed prior to any final zoning actions by the city council.~~

When property is being annexed into the city, the party initiating annexation shall request a zoning designation for said property. Said request shall be subject to the procedures found in Sect. 14.02.152 of the City's Code of Ordinances except that the city council may not take final action on the zoning request until after the annexation proceedings have been completed.

SECTION 9 (OF 14)
AMENDING SECT. 14.02.151
PLANNING AND ZONING COMMISSION

Section 14.02.151 Planning and Zoning Commission shall be amended as follows:

1. Amend Section 14.02.151(f) to read as follows: Meetings. The planning and zoning commission shall meet at such times in the city hall, ~~or if city hall is unavailable at a duly posted alternate location~~, as may be designated by the chairperson, or vice-chairperson in the absence of the chairperson, and at any regular intervals as may be necessary to orderly and properly transact the business of the commission.
2. Add Sect. 14.02.151(i): Procedural rules. At its first meeting of each calendar year, the Planning and Zoning Commission shall adopt procedural rules to govern its meetings, provided that such rules are not in conflict with state law or the City's ordinances or policies.
3. Add Sect. 14.02.151(j): Recommendation for filling vacancies. The P&Z may vote to make a recommendation to the City Council on filling vacancies on the board.

SECTION 10 (OF 14)
AMENDING SECT. 14.02.152
AMENDMENTS

Sect. 14.02.152 Amendments shall be amended as follows:

1. Amend Sect. 14.02.152(d)(2) to read as follows:

Written notice of all public hearings on proposed changes in district boundaries shall be sent to all owners of property (including the owner of the subject property), or to the person rendering the same for city taxes, located within the of application and within 200 feet of any property affected thereby, within not less than 10 days before the hearing is held. These notices may be served by using the last known address as listed on the latest approved city tax roll and depositing the notice, sent certified mail, return receipt requested, in the United States mail. The direct cost for certified mail will be passed on to the applicant.

2. Amend Sect. 14.02.152(e) "Failure to appear" to read as follows:

Failure to appear. An application shall not be heard by the planning and zoning commission unless the applicant or the applicant's duly designated representative are physically present or, with the approval of the planning a zoning commission, are present via a electronic media. Failure of the applicant or his or her representative to appear before the planning and zoning commission for more than one hearing without an approved delay shall constitute sufficient grounds for the planning and zoning commission to terminate the application. The application fees will be forfeited and no refunds will be issued.

3. Amend Sect. 14.02.152(f) "Planning and zoning commission consideration and report" to read as follows:

Planning and zoning commission consideration and report. The planning and zoning commission, after conducting a hearing on a zoning request, shall report its recommendations on the zoning request to the city council for its consideration. The planning and zoning commission may recommend favorable approval of the request or that the request be denied, with or without prejudice. Every proposal which is recommended favorably ~~or unfavorably~~ by the planning and zoning commission shall automatically be forwarded to the city council for public hearing and consideration. When the planning and zoning commission determines that the proposal should be denied, it shall report the same to the city council and the applicant and state the reason(s) for the denial to City Council and applicant.. A hearing before the city council shall be set on an application recommended for denial only when an appeal is filed by the applicant with the city administrator or his or her designated administrative official, provided the appeal is requested within 15 days of the planning and zoning commission's decision. The appeal must address the planning and zoning commission's reason(s) for denial.

SECTION 11 (OF 14) SAVINGS/REPEALING CLAUSE

Chapter 14 of the CCO shall remain in full force and effect, save and except as amended by this or any other ordinance. All provisions of any ordinance in conflict with this Ordinance are hereby repealed to the extent they are in conflict. Any remaining portions of said ordinances shall remain in full force and effect.

SECTION 12 (OF 14)
SEVERABILITY CLAUSE

Should any section, subsection, sentence, clause or phrase of this Ordinance be declared unconstitutional, illegal or invalid by a court of competent jurisdiction, it is expressly provided that any and all remaining portions of this Ordinance shall remain in full force and effect. Glen Rose hereby declares that it would have passed this Ordinance, and each section, subsection, clause or phrase thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses and phrases be declared unconstitutional or invalid.

SECTION 13 (OF 14)
PROPER NOTICE, MEETING, AND QUORUM CLAUSE

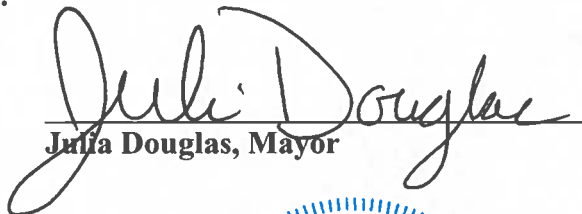
It is hereby officially found and determined that the meeting at which this Ordinance was adopted by majority vote of the City Council of the City of Glen Rose, Texas was open to the public; that public notice of the time, place, and purpose of the meeting was given as required by the Open Meetings Act, Chapter 551 of the Texas Government Code; and, that a quorum was present pursuant to Section 22.039 of the Texas Local Government Code.

SECTION 14 (OF 14)
EFFECTIVE DATE

This Ordinance shall take effect immediately from and after its passage.

PASSED AND APPROVED this the 10th day of August, 2021.

APPROVED:


Julia Douglas, Mayor

ATTEST:



Stephanie Ritchie, City Secretary

