



NOTICE OF SPECIAL MEETING

PLANNING AND ZONING COMMISSION

6:00 P.M. – September 28, 2021

30360 Cougar Bend, Bulverde, TX 78163

MEETING AGENDA

1) CALL TO ORDER, PLEDGE OF ALLEGIANCE AND ROLL CALL

2) REGULAR AGENDA ITEMS

- A. CA-21-09: Public Hearing and Consideration of an Ordinance of the City Council of the City of Bulverde, Texas, amending Chapter 14, Zoning, The City of Bulverde Code of Ordinances by amending the Use Table in Section 14.04.002 to delete specific columns for Special Use Permits and Planned Development Districts and to allow Caretaker's Quarters in the R-2, R-3, R-4, and R-5 Residential Districts by Special Use Permit; repealing conflicting Ordinances; providing a severability clause; and providing an effective date.
- B. CA-21-10: Public Hearing and Consideration of an Ordinance of the City of Bulverde, Texas, Amending Chapter 14, Zoning, The City of Bulverde Code of Ordinances, by amending Section 14.15.008 to remove the Bulverde Hills and Bulverde Estates from Relaxed Setback Requirements; repealing conflicting ordinances; providing a severability clause; and providing an effective date.

3) EXECUTIVE SESSION

The Planning and Zoning Commission reserves the right to adjourn into executive session at any time regarding any item on the agenda for any reason authorized by Chapter 551, Texas Government Code, including but not limited to the following sections:

551.071 – Consultation with attorney

551.072 – Deliberations regarding real property

4) PUBLIC COMMENTS NOT RELATED TO POSTED AGENDA ITEMS

Persons desiring to address the Commission regarding issues not on the agenda will be received at this time. Those wishing to speak should present a completed comment form to the Chair prior to the meeting. Speakers are limited to 3 minutes and should conduct themselves in a civil manner. In accordance with the Texas Open Meetings Act, the Commission cannot take action on items not listed on the meeting agenda.

5) REPORT BY CITY OFFICIALS AND STAFF ON ITEMS OF COMMUNITY INTEREST

In accordance with Section 551.0415 of the Government Code, topics discussed under this item are limited to expressions of thanks, congratulations or condolence; information regarding

holiday schedules; an honorary or salutary recognition of a public official, public employee or other citizen; a reminder about an upcoming event organized or sponsored by the governing body; information regarding a social, ceremonial or community event; and Announcements involving an imminent threat to the public health and safety of people in the political subdivision that has arisen after the posting of the agenda.

6) ADJOURNMENT

City Hall is wheelchair accessible and accessible parking spaces are available. Requests for accommodations must be made 48 hours prior to the meeting. Please contact the City Secretary at 830.980.8832 or FAX 830.438.4339 for information or assistance. I, the undersigned authority, do hereby certify that the above Notice of Meeting was posted on the bulletin board in front of Bulverde City Hall, which is readily accessible to the public at all times, by 5:00 pm on September 23, 2021.

Susana Huerta, Planning Director



PLANNING & ZONING COMMISSION ITEM

CA-21-09

Chapters 14: Code Amendment Caretaker's Quarters Special Use Permit

MEETING DATE: September 28, 2021
DEPARTMENT: Planning & Development
PRESENTED BY: Susana Huerta, Planning Director

REQUEST:

Public Hearing and Consideration of an Ordinance of the City Council of the City of Bulverde, Texas, amending Chapter 14, Zoning, The City of Bulverde Code of Ordinances by amending the Use Table in Section 14.04.002 to delete specific columns for Special Use Permits and Planned Development Districts and to allow Caretaker's Quarters in the R-2, R-3, R-4, and R-5 Residential Districts by Special Use Permit; repealing conflicting Ordinances; providing a severability clause; and providing an effective date.

SUMMARY:

The City Council at the July 13, 2021, regular meeting requested that staff draft an ordinance creating a Special Use Permit (SUP) application process for caretaker's quarters in R-2, R-3, R-4 and R-5 Residential Districts. Current ordinance only allows caretaker's quarters in AG Agricultural and R-1 Residential Districts. The proposed ordinance would require a Special Use Permit approval from City Council in order to allow a proposed caretaker's quarters in the R-2, R-3, R-4 and R-5 Residential Districts. Any proposed caretaker's quarters would be required to comply with other code requirements including maximum lot coverage, setbacks and building permit requirements in addition to the SUP. Section 14.02.001 of the Bulverde Code of Ordinances defines a caretaker's quarters as:

Caretaker's quarters. A dwelling unit located on the same lot as the main building or portion of the main building, used and occupied as living quarters for persons employed on a full-time basis by the occupant of the premises as domestic help, such as a maid, gardener, chauffeur, cook, [or] ranch hand, residing on the premises. Such quarters shall not be rented or otherwise used as a separate dwelling and shall not have separate utility connections.

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BULVERDE, TEXAS, AMENDING CHAPTER 14, ZONING, THE CITY OF BULVERDE CODE OF ORDINANCES BY AMENDING THE USE TABLE IN SECTION 14.04.002 TO DELETE SPECIFIC COLUMNS FOR SPECIAL USE PERMITS AND PLANNED DEVELOPMENT DISTRICTS AND TO ALLOW CARETAKER’S QUARTERS IN THE R-2, R-3, R-4, AND R-5 RESIDENTIAL DISTRICTS BY SPECIAL USE PERMIT; REPEALING CONFLICTING ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City Council desires to amend Chapter 14, Code of Ordinances of the City of Bulverde, Texas (the “*Zoning Ordinance*”) to delete columns for special use permits and planned development districts and to allow caretaker’s quarters in the R-2, R-3, R-4, and R-5 Residential Districts by Special Use Permit;

WHEREAS, the Planning and Zoning Commission of the City of Bulverde, Texas, and the City Council of the City of Bulverde, Texas, in compliance with the Charter and State law with reference to the Zoning Ordinance, have given requisite notices by publication and otherwise, and after holding a due hearing and affording a full and fair hearing to all persons interested, the City Council, having received the final report of the Planning and Zoning Commission and having determined that the revisions to the Zoning Ordinance adopted by this Ordinance will promote the health, safety, morals, and general welfare of the City of Bulverde and the safe, orderly, and healthful development of the City of Bulverde, is of the opinion that the Zoning Ordinance should be revised as set forth in this Ordinance; and

WHEREAS, the City Council finds and determines that the meeting at which this Ordinance was passed was open to the public, that public notice of the time, place and purpose of said meeting was given as required by the Texas Open Meetings Act, Chapter 551, Texas Government Code; and that the City of Bulverde complied with all other requirements, including but not limited to the notice requirements in Chapter 211, Texas Local Government Code;

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

1. **Findings of Fact.** The foregoing recitals are incorporated into this Ordinance by reference as findings of fact as if expressly set forth herein.
2. **Enactment.** Section 14.04.002 is amended as shown in Exhibit A.
3. **Repealer.** All ordinances, resolutions, or parts thereof, that are in conflict or are inconsistent with any provision of this Ordinance are hereby repealed to the extent of such conflict or inconsistency, and the provisions of this Ordinance shall be and remain controlling as to the matter regulated herein.
4. **Severability.** Should any section, subsection, sentence, provision, clause or phrase be held to be invalid for any reason, such holding shall not render invalid any other section, subsection, sentence, provision, clause, or phrase of this ordinance and same are deemed severable for this purpose.

5. Effective Date. This Ordinance shall be effective as of the date of adoption.

PASSED AND ADOPTED this ____ day of _____, 2021.

Bill Krawietz, Mayor

ATTEST:

Maria Franco, City Secretary

EXHIBIT A

Section 14.04.002, Code of Ordinances of the City of Bulverde, Texas is amended as shown below, with insertions indicated by underlines (e.g. underlines) and deletions indicated by strikethroughs (e.g. ~~strikethroughs~~):

1. **PD and SUP Column Deletion.** The table in Section 14.04.002 is amended such that the columns labeled “PD” and “SUP,” and their contents, are deleted in their entirety.

2. **Caretaker’s Quarters.** The table in Section 14.04.002 is amended to allow Caretaker’s Quarters by special use permit in the R-2, R-3, R-4, and R-5 Residential Districts. Accordingly, the row labeled “Caretaker’s Quarters” in the table below Section 14.04.002 is amended to read as follows:

	AG	R-1	R-2	R-3	R-4	R-5	C-1	C-2	C-3	I-1	AV
Caretaker’s quarters	X	X	<u>S</u>	<u>S</u>	<u>S</u>	<u>S</u>					



PLANNING & ZONING COMMISSION ITEM

CA-21-10

Chapters 14: Code Amendment Relaxed Setback Requirements

MEETING DATE: September 28, 2021

DEPARTMENT: Planning & Development

PRESENTED BY: Susana Huerta, Planning Director

REQUEST:

Public Hearing and Consideration of an Ordinance of the City of Bulverde, Texas, Amending Chapter 14, Zoning, The City of Bulverde Code of Ordinances, by amending Section 14.15.008 to remove the Bulverde Hills and Bulverde Estates from Relaxed Setback Requirements; repealing conflicting ordinances; providing a severability clause; and providing an effective date.

SUMMARY:

Staff received a request from concerned citizens and the Architectural Control Committee for the Bulverde Landowner's Association that oversees construction for the Bulverde Hills and Bulverde Estates neighborhoods to have them removed from Section 14.15.008 that allows for relaxed setback requirements. Any new proposed construction will be required to comply with setbacks in the Zoning Ordinance. The proposed ordinance will only remove Bulverde Hills and Bulverde Estates from being eligible for the relaxed setback requirements. The ordinance will continue to permit relaxed setback requirements in neighborhoods including Bulverde Ranchettes, Oakland Estates, and Oak Village North subdivisions.

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BULVERDE, TEXAS, AMENDING CHAPTER 14, ZONING, THE CITY OF BULVERDE CODE OF ORDINANCES BY AMENDING SECTION 14.15.008 TO REMOVE BULVERDE HILLS AND BULVERDE ESTATES FROM RELAXED SETBACK REQUIREMENTS; REPEALING CONFLICTING ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City Council desires to amend Chapter 14, Code of Ordinances of the City of Bulverde, Texas (the “*Zoning Ordinance*”) to remove Bulverde Hills and Bulverde Estates from the relaxed setback requirements in Section 14.15.008 of the Zoning Ordinance;

WHEREAS, the Planning and Zoning Commission of the City of Bulverde, Texas, and the City Council of the City of Bulverde, Texas, in compliance with the Charter and State law with reference to the Zoning Ordinance, have given requisite notices by publication and otherwise, and after holding a due hearing and affording a full and fair hearing to all persons interested, the City Council, having received the final report of the Planning and Zoning Commission and having determined that the revisions to the Zoning Ordinance adopted by this Ordinance will promote the health, safety, morals, and general welfare of the City of Bulverde and the safe, orderly, and healthful development of the City of Bulverde, is of the opinion that the Zoning Ordinance should be revised as set forth in this Ordinance; and

WHEREAS, the City Council finds and determines that the meeting at which this Ordinance was passed was open to the public, that public notice of the time, place and purpose of said meeting was given as required by the Texas Open Meetings Act, Chapter 551, Texas Government Code; and that the City of Bulverde complied with all other requirements, including but not limited to the notice requirements in Chapter 211, Texas Local Government Code;

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

1. **Findings of Fact.** The foregoing recitals are incorporated into this Ordinance by reference as findings of fact as if expressly set forth herein.
2. **Enactment.** Section 14.15.008(2) is amended as set forth in Exhibit A.
3. **Repealer.** All ordinances, resolutions, or parts thereof, that are in conflict or are inconsistent with any provision of this Ordinance are hereby repealed to the extent of such conflict or inconsistency, and the provisions of this Ordinance shall be and remain controlling as to the matter regulated herein.
4. **Severability.** Should any section, subsection, sentence, provision, clause or phrase be held to be invalid for any reason, such holding shall not render invalid any other section, subsection, sentence, provision, clause, or phrase of this ordinance and same are deemed severable for this purpose.
5. **Effective Date.** This Ordinance shall be effective as of the date of adoption.

PASSED AND ADOPTED this ____ day of _____, 2021.

Bill Krawietz, Mayor

ATTEST:

Maria Franco, City Secretary

EXHIBIT A

Section 14.15.008(2), Code of Ordinances of the City of Bulverde, Texas is amended as shown below, with insertions indicated by underlines (e.g. underlines) and deletions indicated by strikethroughs (e.g. ~~strikethroughs~~):

Sec. 13.15.008 Nonconforming Lots

...

(2) The relaxation of setback requirements shall only apply in the R-1, R-2, and R-3 districts. For the ~~Bulverde Estates, Bulverde Hills,~~ Bulverde Ranchettes, Oakland Estates, and Oak Village North subdivisions, the front setback shall be 25 feet, the side setback shall be six feet, and the rear setback shall be 10 feet.