

ORDINANCE NO. 2022.10.11.A

AN ORDINANCE AMENDING THE ZONING ORDINANCE OF THE CITY OF GLEN ROSE, TEXAS, BY AMENDING CHAPTER 14.02.005 *DEFINITIONS*; CHAPTER 14.02.152(F) *AMENDMENTS*; AND APPENDIX A *NOTES TO SCHEDULE OF USES*; PROVIDING FOR REPEALING, SEVERABILITY AND PROPER NOTICE, MEETING AND QUORUM CLAUSES; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City of Glen Rose, Texas (City) is a Type A general-law municipality located in Somervell County, created in accordance with the provisions of Chapter 6 of the Texas Local Government Code and operating pursuant to the enabling legislation of the State of Texas; and

WHEREAS, the City heretofore adopted Zoning Regulations, which regulate and restrict the location and use of buildings, structures, and land for trade, industry, residence and other purposes, and provide for the establishment of zoning districts of such number, shape, and area as may be best suited to carry out these regulations; and

WHEREAS, the City's Planning and Zoning Commission held a public hearing on November 1, 2022, and the City Council held a public hearing on November 8, 2022 with respect to the amendments described herein; and

WHEREAS, the City has complied with all requirements of Chapter 211 of the Texas Local Government Code, and all other laws dealing with notice, publication and procedural requirements for the adoption of these zoning regulations; and,

WHEREAS, the City Council has determined for the good government, peace, and order of the municipality, to amend the City's Zoning Ordinance to provide for the reasonable definition of and location for Alcohol Sales to Include Mixed Beverages within the City.

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

**SECTION 1
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
AMENDING 14.02.005 *DEFINITIONS***

The following definitions are hereby repealed and replaced with the following:

Accessory building is replaced with *Accessory building or use*. One which is located on the same building lot as the principal use served:

- a. Is subordinate to and serves a principal building or building use; and
- b. Is subordinate in area, extent, or purpose to the principal building or principal use served; and
- c. Contributes to the comfort, convenience, and necessity of occupancy of the principal building or principal use served.

Apartment (multifamily) building is replaced with Apartment/Apartment Building. A building that contains rooms or a suite of rooms intended, designed, or occupied as a home or residence by a single family, individual, or group of individuals living together as a single housekeeping unit.

Auto sales lot is replaced with Auto and/or motorcycle sales lot. An open area or lot used for the display or sale of automobiles or motorcycles where no repair work is done except minor reconditioning of the automobiles or motorcycles to be displayed and sold on the premises, nor is there any dismantling of automobiles or motorcycles for sale or keeping of used parts or junk on the premises.

Auto repair shop is replaced with Automotive repair shop. A facility that is categorized in any one of the following Standard Industrial Classification (SIC) codes: 5013, 5014, 5541, 7532, 7533, 7534, 7536, 7537, 7538, or 7539.

- a. Facilities with SIC code 5013 that have no outside storage of any recycled oil or other hazardous substances are not included.
- b. Facilities with SIC code 5014 that do not engage in any repair work are not included.
- c. Facilities with SIC code 5541 that do not engage in any on-site repair work are not included.

Bakery, retail is replaced with Bakery or confectionary (retail). An establishment or any part of an establishment that manufactures or prepares bread or bread products, pies, cakes, cookies, crackers, doughnuts, candy, or other similar products, including chocolate or sugar confectionary.

Bed and Breakfast (B&B) is replaced with Bed and Breakfast accommodation (residential home). A property with a structure existing prior to December 1, 1993, that is designed for and occupied as a single-family residence providing overnight accommodations to transient guests. The structure serves as the primary residence or homestead of its owner-operator with the bed and breakfast home considered to be an accessory use of the property. The establishment must be operated by the property owner.

Boarding (rooming) house. A dwelling with at least one common exterior entrance where separate sleeping rooms are available for rent for a period of seven or more consecutive days for compensation, pursuant to previous arrangements. The owner, agent, or rental manager may or may not reside within the dwelling. Excludes hotels or motels.

Building materials and lumber yard is replaced with Building material sales, lumber yard, monument sales. A business which stocks building materials such as fencing, wire, brick, concrete, and lumber for use in building construction and landscaping.

Cabinet shop is replaced with Cabinet or carpentry shop. Cabinet shop. A building or premises used for the design and construction of cabinets, shelves, and similar structures for subsequent sales, installation, and use in homes, businesses, and offices.

Child care center or facility. A facility that provides care or supervision of more than 12 children under the age of 14 for less than 24 hours per day and the children who are not related by blood, marriage, or adoption to the owner or operator of the facility, regardless of whether or not the facility is operated for profit or charges for the services it offers.

Child day care home. A facility, sometimes referred to as a registered family home, that regularly provides care in the caretaker's residence for not more than 6 children under the age of 14 years, excluding the caretaker's own children. When more than 6 children are kept in the home, it shall be considered as either a group day care home or child care center.

The following definitions are hereby added:

Amusement, commercial (indoor). An amusement enterprise wholly enclosed in a building which is treated acoustically so that noise generated by the enterprise is not perceptible at the bounding property line, including but not limited to a bowling alley or billiard parlor.

Assisted living facility, nursing home, or rest home. A private facility that provides care for chronically ill, aged, or disabled persons who need health supervision and related care, not including hospital care. Does not contain facilities for surgical care or the treatment of alcoholism, drug addiction, communicable disease, or injury.

Athletic field or stadium. Land or building that allows community members and organized sporting events and teams to practice and play various sports. Also allows other civic, community, athletic, educational, cultural, and commercial activities to take place on the property.

Auction house. A firm that conducts public sales in which real or personal property, animals, or other items are sold to the highest bidder.

Auditorium or amphitheater. An open, partially enclosed, or fully enclosed facility used or intended to be used primarily for spectator sports, entertainment events, expositions, and other public gatherings.

Auto paint and body shop. An establishment for the repair and/or painting of motor vehicle bodies. Does not include facilities for the sale of fuels, lubricants, or automotive accessories, nor for mechanical or electrical repairs.

Auto parts sales (indoor). A retail establishment that sells new automobile parts, tires, and accessories. May install minor parts.

Automated teller machine (ATM). A machine that dispenses currency prompted by a customer's credit or debit card and are not affixed to any gaming device or considered a gaming device.

Automobile, trailer, light truck, or tool rental. A facility where automobiles, trailers, lightweight trucks and/or specialty tools can be rented for short-term use upon agreement of payment terms.

Bakery (wholesale or commercial). A facility that is primarily engaged in the manufacture of products such as fresh or frozen bread, bread-type rolls, or dry bakery products such as biscuits, crackers, or cookies for wholesale or retail sale.

Brewery/Microbrewery. Premises where beer is manufactured, including everywhere beer is stored or issued from.

- a. A brewery is a manufacturer producing packaged and key products for mass distribution regionally or nationally; will typically produce several hundred truckloads daily.
- b. A microbrewery is a small enterprise where the product is served onsite and/or distributed locally.

Bus stop. An open location where buses may stop for a short duration to allow passengers to embark or disembark from a bus.

Bus terminal. Premises for the storage or parking of buses or the loading or unloading of passengers, not including public transportation service offered by a public entity.

Carnival or circus (temporary).

- a. A circus is an event that can be held outdoors or in a large area where people perform for a crowd; animals may be included in the act
- b. A carnival typically has amusement rides, vendor stalls selling a variety of products, and entertaining shows.

Civic and social organizations. A society or association organized for the pursuit of some common objective by working together in a brotherly union.

Community garden. A shared garden space, managed by a public or nonprofit organization, a neighborhood association, community group, or individuals, used to grow and harvest crops for use by those cultivating the land and their households.

SECTION 3 AMENDING CHAPTER 14.02.152(F) AMENDMENTS

Section 14.02.152(f) *Planning and zoning commission consideration and report* is hereby amended as follows:

The planning and zoning commission, after conducting a public hearing on a request to change a zoning regulation or boundary, shall report its recommendations on said request to the city council for its consideration. In its report, the planning and zoning commission may recommend to either approve or deny the request and shall state the reason for its recommendation. Should the recommendation be to deny the request, an affirmative vote of at least three-fourths of all the city council members is required to overrule the recommendation.

SECTION 4 AMENDING CHAPTER 14, APPENDIX A NOTES TO SCHEDULE OF USES

Chapter 14, Appendix A *Notes to Schedule of Uses* is hereby amended as follows:

- (1) Allowed with mini-warehouse use only.
- (2) Home occupations are permitted when in accordance with section 14.02.103. Home occupations not specifically permitted in section 14.02.103 may be permitted only with a specific use permit. Home occupations do not allow for customer visitations or 2 or more employees working from the home.
- (3) Allowed for a period of one year or until the development is sold out, whichever is longer.
- (4) Not allowed in the confines of the Glen Rose Historic District or within 500 feet of any historical property, school, park, or day care facility.

- (5) Residential living quarters are allowed as a mixed use within the same building as the commercial use provided it represents no more than 50% of the total floor area of the development **and must not be storefront or first floor (if a second floor is available)**. This is **for business owners or business managers residence only**. No parking of recreational vehicles of any kind will be authorized. Up to two (2) personal transportation vehicles will be allowed in the existing downtown parking.
- (6) **Residential living quarters are allowed as mixed use in a different building if the property has more than 3 building on premise and is over 3 acres in total plat. This is for business owner's or business manager's residence only. This residence may not be rented to any persons not affiliated as management in the business.**
- (7) Allowed only within a beauty salon / spa (full service) providing a minimum of two (2) of the service categories listed under its definition, for a minimum total of three (3) services.
- (8) **Kiosk is permitted for a limited time period, not to exceed 30 days, with property owner permission. This is for walk-up traffic only and drive thru is not permitted. All state, city, county health, fire, safety regulations must be met along with all permits required.**
- (9) The sale of alcoholic beverages is prohibited within 300 feet of any church, public or private school, or public hospital (Chapter 4.02.02 *Alcoholic Beverages*)
- (10)**Recreational Vehicle Storage is permitted on private single family home lots for an unlimited amount of time. This is for storage purposes only and may not be connected to sewer or water lines or in use for housing for any length of time while in storage. It is recommended that the RV be stored on a non-porous surface. No street parking of a Recreational Vehicle is permitted at any time.**
- (11)**Private Street Development may occur in community developments that request it with their preliminary and final plats and must be approved by City Council. The development must maintain reserves to provide all utility and street maintenance required, no city funds will be available for street or utility repairs. The city retains the right to provide law enforcement within the community.**

SECTION 5 SAVINGS/REPEALING CLAUSE

Chapter 14 of the City's Code of Ordinances 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 6 SEVERABILITY CLAUSE

It is hereby declared to be the intention of the City Council that the sections, paragraphs, sentences, clauses, and phrases of this Ordinance are severable, and if any section, paragraph, sentence, clause, or

phrase of this Ordinance shall be declared unconstitutional by the valid judgment of decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining sections, paragraphs, sentences, clauses, and phrases of this Ordinance, since the same would have been enacted by the City Council without the incorporation in this Ordinance of any such unconstitutional section, paragraph, sentence.

SECTION 7
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 8
EFFECTIVE DATE

This Ordinance shall be in full force and effect from and after the date of its passage.

PASSED AND APPROVED this 8th day of November, 2022.

APPROVED:

Julia Douglas, Mayor

ATTEST:

Staci L. King, City Secretary