



**TOWN OF SHADY SHORES
PLANNING AND ZONING COMMISSION
REGULAR SESSION
MAY 11, 2017; 7:00 PM
SHADY SHORES COMMUNITY CENTER
101 S. SHADY SHORES ROAD
SHADY SHORES, TX 76208**

AGENDA

1. CALL TO ORDER

2. ROLL CALL

Establish a quorum

3. MINUTES

Consider and act on approval of the April 13, 2017 Planning and Zoning Commission meeting minutes.

Documents:

[PZ MINUTES 04.13.2017.PDF](#)

4. THOROUGHFARE PLANNING WORKSESSION

Review the updated thoroughfare plan for the Town of Shady Shores. Consider and take any appropriate action.

Documents:

[AGENDA MEMO THOROUGHFARE PLAN 05.11.2017.DOCX](#)

5. WORKSESSION -COMPREHENSIVE ZONING ORDINANCE

Consider and discuss the previous work done regarding the revision of the Town of Shady Shores Zoning ordinance relative to the area known as Old Town Shady Shores or the Historic District in Shady Shores. Consider and take any appropriate action.

Documents:

[MEMO COMPREHENSIVE PLAN 05.07.2017.PDF](#)

6. PARKING ISSUES

Conduct a worksession relative to parking of vehicles in the Town of Shady Shores.

Documents:

AGENDA MEMO PARKING ISSUES 05.06.2017.PDF
ARTICLE 8 JUNKED VEHICLES.PDF
ARTICLE 12 PARKING.PDF

7. ADJOURN

I, Wendy Withers, Town Secretary of the Town of Shady Shores do hereby certify that the above notice of the Planning and Zoning Commission Meeting was posted on the bulletin board at the Community Center, 101 S. Shady Shores Road, Shady Shores, Texas on _____ day of _____, 2017 at _____.

Approved:

Wendy Withers, Town Secretary

IN ADDITION, A QUORUM OF CITY COUNCIL MEMBERS MAY CHOOSE TO ATTEND THE PLANNING AND ZONING MEETING POSTED ABOVE. THEREFORE, THIS IS NOTICE OF A CITY COUNCIL MEETING AT THE SAME TIME AND PLACE, WITH THE SAME AGENDA AS THE P&Z MEETING. IN THE EVENT A QUORUM OF COUNCIL IS PRESENT AT THE MEETING, NO ACTION OF THE COUNCIL WILL BE TAKEN. THIS NOTICE IS POSTED AT THE TIME STATED ABOVE.



**TOWN OF SHADY SHORES
PLANNING AND ZONING COMMISSION
REGULAR SESSION
APRIL 13, 2017; 7:00 PM
SHADY SHORES COMMUNITY CENTER
101 S. SHADY SHORES ROAD
SHADY SHORES, TX 76208**

MINUTES

| | | |
|-----------------|-----------------------------|---------|
| Allen Lea | Chairman | Present |
| Rebecca Morgan | Vice-Chairman | Present |
| Tillman Strahan | Commissioner | Present |
| Linda Winter | Commissioner (Alternate) | Present |
| Paul Brown | Commissioner | Present |
| Tom Spencer | Commissioner | Present |

Also Present: Wendy Withers, Town Secretary; Jim Shepherd, Town Attorney; Jack Nelson, Council Liaison

1. CALL TO ORDER

Chairman Allen lea called the meeting to order at 7:00 pm

2. ROLL CALL

Establish a quorum

Chairman Lea called the roll and a quorum was established for the record.

3. MINUTES

Consider and act on approval of the March 9, 2017 Planning and Zoning Commission meeting minutes.

Documents: [PZ MINUTES 03.09.2017.PDF](#)

Rebecca Morgan made a motion to approve the minutes of the March 9, 2017 Planning and Zoning Commission meeting. Paul Brown seconded the motion

DISCUSSION: NONE

AYES: Spencer, Strahan, Morgan, Brown, Lea

NAYS: NONE

The motion passed unanimously.

4. WORKSESSION -COMPREHENSIVE ZONING ORDINANCE

Consider and discuss the previous work done regarding the revision of the Town of Shady Shores Zoning ordinance relative to the area known as Old Town Shady Shores or the Historic District in Shady Shores. Consider and take any appropriate action.

Documents:

- 1. [MEMO COMPREHENSIVE PLAN 03.09.2017.PDF](#)
- 2. [PROPOSED MAP HISTORIC SS.PDF](#)

Commissioners discussed alternate zoning designations for the area known as Old Town Shady Shores including the designation of an historic district.

5. ADJOURN

Tillman Strahan made a motion to adjourn. Rebecca Morgan seconded the motion.

DISCUSSION: None

AYES: Spencer, Strahan, Lea, Morgan, Brown

NAYS: None

The motion passed unanimously and the meeting was adjourned at 7:48 pm.

PASSED AND APPROVED THIS THE _____ DAY OF _____, 2017.

Approved:

Allen Lea, Chairman

Attest:

Wendy Withers, Town Secretary



To: Chairman Allen Lea and Commissioners
From: Wendy Withers, Town Secretary
CC: Jim Shepherd, Town Attorney; Richard Arvizu
Date: 09/08/2016
Re: Thoroughfare plan

ACTION REQUESTED: Review the updated thoroughfare map
consider and act on approval of the updated map.



To: Chairman Allen Lea, and Commissioners
From: Wendy Withers, Town Secretary
CC: Jim Shepherd, Town Attorney
Date: 05/06/2017
Re: Comprehensive Zoning Plan Amendments

ACTION REQUESTED: Consider and take action relative to creating a comprehensive zoning plan for the Town of Shady Shores.

BACKGROUND INFORMATION: Due to the increased development and traffic concerns in Shady Shores and the surrounding areas, a need has been determined to review the Comprehensive Plan for the city and develop a plan to address future zoning, developments, traffic and infrastructure concerns.

The Commission has proposed 4400 square foot lots with 10 ft. front and rear yard setbacks, 1200 square foot minimum structure size with 2 off-street parking spaces, the garage should be located 20' from the road, 20' road ROW.

This information was presented to the Town Council at the June 8th, 2015 meeting. Planning and Zoning tabled this work in order to work on other projects. After successful review and proposed amendments to the Subdivision Ordinance, the Planning and Zoning Commission is now ready to resume discussions on this Ordinance.



To: Chairman Allen Lea and Commissioners
From: Wendy Withers, Town Secretary
CC: Jim Shepherd, Town Attorney; Richard Arvizu
Date: 05/06/2017
Re: PARKING ORDINANCE

ACTION REQUESTED: Conduct a worksession relative to the parking regulations for the Town of Shady Shores. Consider and take any appropriate action.

BACKGROUND: Review parking regulations for the Town of Shady Shores to include parking regulations for recreational vehicles, overnight parking; parking on approved surfaces and other parking issues.

ARTICLE 8.04 ABANDONED OR JUNKED VEHICLES*

Division 1. Generally

Sec. 8.04.001 Adoption of state law

(a) Junked vehicles. Attached to Ordinance 254-3-2013 is a copy of various provisions of the Texas Transportation Code, chapter 683, regarding junked or abandoned motor vehicles.

- Sec. 683.071. Definition and applicability
- Sec. 683.0711. Municipal requirements
- Sec. 683.072. Junked vehicle declared to be public nuisance
- Sec. 683.073. Offense
- Sec. 683.074. Authority to abate nuisance; procedures
- Sec. 683.075. Notice
- Sec. 683.076. Hearing
- Sec. 683.0765. Alternative procedure for administrative hearing
- Sec. 683.077. Inapplicability of subchapter
- Sec. 683.078. Junked vehicle disposal

Pursuant to section 683.0711 of the Texas Transportation Code, an ordinance adopted by a governing body of a municipality may provide for a more inclusive definition of a junked motor vehicle subject to regulation under this chapter. Therefore the town adopts the wording of the sections of the Texas Transportation Code set forth in the attached exhibit A as a portion of this section, and further adopts the definitions of junked vehicles, abandoned vehicles, public nuisance, and abatement set forth therein. The town specifically adopts the language in exhibit A. Any conflicting statutes in state law are not adopted. Changes subsequent to the adoption of this section by the state legislature of any of the Transportation Code sections noted in exhibit A shall also become amendments to this section.

(b) Abandoned vehicles. The town further approves and adopts the regulations set forth in chapter 683 of the Texas Transportation Code regarding abandoned motor vehicles.

(Ordinance 254-3-2013, sec. 6(B), (C), adopted 5/6/13)

Sec. 8.04.002 Definitions

Abandoned motor vehicle means a motor vehicle that is left unattended on public property for more than forty-eight (48) hours, or a motor vehicle that has remained illegally on public property for a period of more than forty-eight (48) hours, or a motor vehicle that has remained on private property without the consent of the owner or person in control of the property for more than forty-eight (48) hours, or in excess of twelve (12) hours on any turnpike project constructed and maintained by the state turnpike authority.

Antique auto means passenger cars or trucks that are twenty-five (25) or more years old.

Collector means the owner of one or more antique or special interest vehicles who collects, purchases, acquires, trades or disposes of special interest or antique vehicles or parts of them for his own use in order to restore, preserve and maintain an antique or special interest vehicle for historic interest.

Demolisher means any person whose business is to convert a motor vehicle into processed scrap or scrap metal, or otherwise to wreck or dismantle motor vehicles.

Junked vehicle means any motor vehicle as defined in V.T.C.A., Transportation Code, sec. 683.071, as amended, which:

- (1) Is inoperative and which does not have lawfully affixed thereto both an unexpired license plate or plates and a valid motor vehicle safety inspection certificate and which is wrecked, dismantled, partially dismantled, or discarded; or
- (2) Remains inoperable for a continuous period of more than one hundred and twenty (120) days.

Motor vehicle means any motor vehicle subject to registration pursuant to the Texas Certificate of Title Act.

Special interest vehicle means a motor vehicle of any age which has not been altered or modified from original manufacturer's specifications and, because of its historic interest, is being preserved by hobbyists.

(Ordinance 52, sec. 1, adopted 4/2/90)


Sec. 8.04.003 Penalty

Any person violating any of the provisions of this article shall be deemed guilty of a misdemeanor and, upon conviction in the municipal court of the town, shall be subject to a fine in accordance with the general penalty provided in [section 1.01.009](#) of this code for each offense, and each and every day such offense shall continue shall be deemed to constitute a separate offense. (Ordinance 52, sec. 12, adopted 4/2/90; Ordinance adopting Code)

Sec. 8.04.004 Authority to enforce

The administration of the provisions of this article shall be the responsibility of the elected officials of the town, or by whomever that they may authorize. Whoever is so authorized may enter upon private property for the purposes specified in the procedures adopted in this article

to examine vehicles or parts thereof, to obtain information as to the identity of vehicles and to remove or cause the removal of a vehicle or parts thereof declared to be a nuisance pursuant to the procedures. The municipal court shall have authority to issue any order necessary to enforce the procedures set out in this article. Nothing in this article shall affect parking or other ordinances of the town which permit the immediate removal of a vehicle left upon public property or on public rights-of-way when said vehicle constitutes an obstruction of traffic. (Ordinance 52, sec. 10, adopted 4/2/90)

 **Secs. 8.04.005–8.04.030 Reserved**

 **Division 2. Abandoned Vehicles**

 **Sec. 8.04.031 Authority to take possession**

The sheriff's department is authorized to take into custody any abandoned motor vehicle found on public or private property. (Ordinance 52, sec. 2, adopted 4/2/90)

 **Sec. 8.04.032 Notification of owner and lienholders**

The sheriff's department shall notify within ten (10) days, by certified mail, return receipt requested, the last known registered owner and all lienholders of record that it has taken into custody an abandoned motor vehicle under the provisions of this article. The notice shall be as prescribed by V.T.C.A., Transportation Code, section 683.012, as amended, for abandoned motor vehicles. The notice shall specifically state, in addition to the other requirements, that the failure of the owner or lienholders to exercise their right to reclaim the vehicle within the time provided shall be deemed a waiver by the owner and all lienholders of all right, title and interest in the vehicle and their consent to the sale of the abandoned motor vehicle at a public auction to be held by the sheriff's department. (Ordinance 52, sec. 3, adopted 4/2/90)

 **Sec. 8.04.033 Sale at auction**


(a) If an abandoned motor vehicle has not been reclaimed within twenty (20) days after the date of notice and payment of all towing, preservation and storage charges resulting from its impoundment have not been paid, the sheriff's department shall sell the abandoned motor vehicle at a public auction. Proper notice of the public auction shall be given in accordance with the requirements of this code. The giving of notice of the sale of abandoned property shall be sufficient to comply with the requirements of this section.

(b) The sheriff's department shall furnish a sales receipt for each vehicle to the purchaser thereof at the public auction. The proceeds shall be applied first to reimburse the sheriff's department for the expenses of the auction, costs of towing, preserving and storing the vehicle, and all notice and publication costs. Any remainder from the proceeds of the sale shall be held for the owner of the vehicle or entitled lienholder for ninety (90) days, and then shall be deposited into a special fund which shall remain available for the payment of auction, towing, preserving, storage and all notice and publication costs which result from placing other abandoned vehicles in custody, whenever the proceeds from the sale of such other abandoned motor vehicles are insufficient to meet these expenses and costs.

(Ordinance 52, sec. 4, adopted 4/2/90)

 **Sec. 8.04.034 Disposal to demolisher**

The sheriff's department is authorized to apply to the state department of transportation for authority to sell, give away, or dispose of any abandoned vehicle, or vehicle parts, in its possession to a demolisher in accordance with the provisions of V.T.C.A., Transportation Code, chapter 683, as amended. (Ordinance 52, sec. 5, adopted 4/2/90)

 **Secs. 8.04.035–8.04.060 Reserved**

 **Division 3. Junked Vehicles**

 **Sec. 8.04.061 Declaration of nuisance**

Junked vehicles or parts thereof which are located in any place where they are visible from a public place or public right-of-way are detrimental to the safety and welfare of the general public, reduce the value of private property, invite vandalism, create fire hazards, constitute an attractive nuisance creating a hazard to the health and safety of minors, and are detrimental to the economic welfare of the state, by producing urban blight which is adverse to the maintenance and continuing development of the town, and such vehicles or parts thereof are therefore declared to be a public nuisance. (Ordinance 52, sec. 6, adopted 4/2/90)

 **Sec. 8.04.062 Abatement procedures**

The town, when desiring to remove and dispose of junked vehicles, or parts thereof, as public nuisances, from private property, public property or public right-of-way shall comply with the following procedures:

(1) A notice of not less than ten (10) days, stating the nature of the public nuisance and that it must be removed and abated within ten (10) days, and further that a request for any hearings regarding said nuisance must be made before the expiration of said ten (10) day period. Such notice(s) shall be mailed, by certified mail with a five (5) day return receipt requested, [and] must be sent to the owner or the occupant of the private premises whereupon such public nuisance exists and to the last known registered owner of said vehicle and all lienholders of record. If the notice(s) is/are returned undelivered by the United States Postal Service, official action to abate said nuisance shall be continued on a date not less than ten (10) days from the date of such return.

(2) The requirements of subsection (1) above shall apply to the case of a public nuisance on public property or on a public right-of-way, and such notice(s) shall be sent to the owner or the occupant of the premises adjacent to the public right-of-way whereupon such public nuisance exists and the last known registered owner of said vehicle and all lienholders of record.

(3) Where a hearing is requested by the owner of the vehicle, or by the owner or occupant of the premises on which, or adjacent to the public right-of-way on which,

such vehicle is located, within ten (10) days after service of the notice to abate the nuisance, a public hearing, prior to the removal of the vehicle or part thereof as a public nuisance, must be held before the municipal judge of the town. It shall be the responsibility of the town prosecuting attorney to prosecute the case on behalf of the town, and should the municipal judge find that such vehicle is a public nuisance as defined herein, he shall enter an order requiring the removal of the vehicle or part thereof from the public or private property or public right-of-way where it is situated, and such order shall include a description of the vehicle, or parts thereof, and the correct identification number and license number of the vehicle, if available at the site.

(4) If the nuisance is not removed and abated and a hearing is not requested within the ten (10) day period provided in this section, a complaint may be filed in municipal court for the violation of maintaining a public nuisance. Any person found guilty of maintaining a public nuisance as defined in this section shall be guilty of a misdemeanor and be subject to a fine in accordance with the general penalty provided in [section 1.01.009](#) of this code for each offense and the municipal court shall order the removal and abatement of the nuisance.

(5) The town shall give notice to the state department of transportation within five (5) days after the date of removal of the nuisance, identifying the vehicle or part thereof.

(6) The procedure set out in this section shall not apply to a vehicle or part thereof which is completely enclosed within a building in a lawful manner or where it is not visible from the street or other public or private property.

(Ordinance 52, sec. 7, adopted 4/2/90; Ordinance adopting Code)

Sec. 8.04.063 Disposal

Junked vehicles or parts thereof may be disposed of by removal to a scrap yard or demolisher or by any suitable means authorized by the town. (Ordinance 52, sec. 8, adopted 4/2/90)

Sec. 8.04.064 Special interest or antique motor vehicles

Unlicensed operable or inoperable special interest and/or antique motor vehicles may be stored by a collector on his property provided that:

(1) The vehicles and any outdoor storage areas are maintained in such a manner that they do not constitute a health hazard; and

(2) The vehicles or parts thereof are screened in a manner where they are not visible from the street or other public or private property by means of a fence, rapidly growing trees and shrubbery or other appropriate means.

(Ordinance 52, sec. 9, adopted 4/2/90)

ARTICLE 12.03 PARKING*

Sec. 12.03.001 Definitions

For purposes of this article, the following words, terms, and phrases shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Motor vehicle, whether it be a passenger vehicle, truck, tractor or other motorized vehicle, as defined in the Texas Transportation Code.

Recreational vehicle means:

- (1) A vehicle primarily designed as temporary living quarters for recreational camping or travel use, including a travel trailer, camping trailer, truck camper, and motor home.
- (2) A boat, boat trailer, personal watercraft, and similar equipment.

(Ordinance 254-3-2013, sec. 1, adopted 5/6/13)

Sec. 12.03.002 Penalty

Any person, firm or corporation (collectively referred to as “person”) violating any of the provisions of this article shall be subject to the penalty as provided herein, and upon conviction shall be punished by a fine not to exceed the sum of five hundred dollars (\$500.00) for each offense, and each and every day such violation shall continue shall be deemed to constitute a separate offense. (Ordinance 254-3-2013, sec. 9, adopted 5/6/13)

Sec. 12.03.003 Parking of recreational vehicles in right-of-way

It shall be unlawful for the owner, occupant or person in charge of property zoned for residential district uses to permit the parking, standing or storing of recreational vehicles within the right-of-way of any town or county street or highway located within the municipal limits of the town. (Ordinance 254-3-2013, sec. 2, adopted 5/6/13)

Sec. 12.03.004 Parking of certain vehicles prohibited in residential zones

(a) It shall be unlawful to park or stand the following vehicles upon property zoned for residential district uses, or any street, alley or public or private property adjacent to such property:

- (1) Box-truck, box-van, tow-truck, dump truck, concrete-mixing truck, road tractor, truck tractor, tractor trailer, semi-tractor, truck equipped with a boom or platform or similar vehicles.
- (2) Motor vehicle, truck, van, bus or similar vehicle which is more than 23 feet in length, eight feet in width or ten feet in height.

(b) This section does not prohibit the parking of any of the vehicles listed in subsections (a)(1) and (2) above for the purpose of expeditiously loading or unloading passengers, freight or merchandise, a recreational vehicle, as defined in section 12.03.001, that is parked or stored in accordance with said section, or the storage of vehicles customary and incidental to the operation of a school or child care center.

(Ordinance 254-3-2013, sec. 3, adopted 5/6/13)

 **Sec. 12.03.005 Parking of trailers in right-of-way**

(a) Definitions. For purposes of this section, the following words, terms and phrases shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Trailer means a vehicle without means of motivation and designed to be towed, hauled or pulled by a motor vehicle.

(b) Prohibition. It shall be unlawful for the owner, occupant or person in charge of property zoned for residential use to permit the parking, standing or storing of a trailer on public right(s)-of-way.

(c) Exceptions. This section does not prohibit the temporary parking of a trailer for the purpose of expeditiously loading or unloading freight or merchandise, or a recreational vehicle as defined in section 12.03.001 that is parked or stored in accordance with that section, or the storage of trailers customary and incidental to the operation of a school.

(Ordinance 254-3-2013, sec. 4, adopted 5/6/13)

 **Sec. 12.03.006 Overnight parking on public street**

No motor vehicles, tractors, trailers, boats, recreational vehicles, or motor home shall be parked on a public street or road easement at any time between the hours of 1:00 a.m. through 5:00 a.m. on any day of a week. Said motor vehicles, tractors, trailers, boats, recreational vehicles, or motor home need not be parked on the public street continuously between the hours of 1:00 a.m. through 5:00 a.m. to be in violation of this section. (Ordinance 254-3-2013, sec. 5, adopted 5/6/13; Ordinance 289-03-2016 adopted 3/14/16)

 **Sec. 12.03.007 Parking junked or abandoned motor vehicle on street or street easement**

Junked or abandoned motor vehicles shall not be parked on a public street or street easement at any time. (Ordinance 254-3-2013, sec. 6(A), adopted 5/6/13)