

**ORDINANCE NO. 2015-13**

**AN ORDINANCE AMENDING SECTION 3.5.-1 USE MATRIX OF THE BALCONES HEIGHTS CODE OF ORDINANCES CHAPTER 153, AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, the City of Balcones Heights finds that all applications for sale of alcohol in non-restaurant (“bar”) uses should require a Public Hearing and Special Use Permit; and

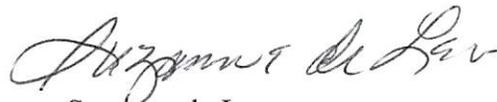
**WHEREAS**, amending the Use Matrix to reflect all bar uses require a Special Use Permit will be made in accordance with the comprehensive (master) plan for the purpose of promoting health, safety, morals and the general welfare of the community; and

**WHEREAS**, it is the stated public policy of the City to protect the character and maintain the stability of business and industrial areas within the City of Balcones Heights.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BALCONES HEIGHTS, BEXAR COUNTY, TEXAS THAT:**

1. The City of Balcones Heights Code of Ordinances Chapter 153 Section 3.5.-1 Use Matrix indicates that Bar-Indoor (Tavern) in the M-2 Zoning District requires a Special Use Permit.
2. This Ordinance shall take effect and shall be in full force and effect from and after its adoption and enrollment.

**PASSED AND APPROVED** this 22<sup>nd</sup> day June, 2015.



Suzanne de Leon  
Mayor

Attest:



Delia Flores, TRMC  
City Secretary





# Agenda Request Form

<b>Requestor:</b>	Rita Hoyl
<b>Department:</b>	Community Development
<b>Date of Meeting:</b>	June 22, 2015
<b>Subject:</b>	Requiring a Special Use Permit for Bars in M-2 Zoning District.

**Caption:**

CONSIDERATION AND ACTION TO ADOPT AN ORDINANCE REQUIRING A SPECIAL USE PERMIT FOR BAR-INDOOR (TAVERN) USE IN M-2 ZONING.

**Background:**

This agenda item is to correct an administrative error and take action on requiring Bar-Indoor (Tavern) apply for a Special Use Permit (SUP) in M-2 (Industrial Services) Zoning District. At a presentation to the Planning & Zoning Commission April 21, 2015, staff requested that the Commission consider that proposed bar uses in C-2, MXD and M-1 Zoning Districts apply for an SUP. P&Z voted unanimously to approve the request. Prior to the April 27<sup>th</sup> Council Meeting, staff discovered that our request for a Bar Use in M-1 Zoning should have read M-2 Zoning. At this meeting, Council took action and unanimously approved a requirement for an SUP in C-2 and MXD; no action was taken on the erred M-1 Zoning. Last week, at the June 15<sup>th</sup> Planning & Zoning meeting the Commission held a Public Hearing and after the Public Hearing took action and voted unanimously to forward a recommendation of approval that Bar-Indoor (Tavern) Use require a Special Use Permit in the M-2 (Industrial Services) Zoning District. Table 3.5.-1 of the Zoning Code outlines the Bar Uses in their respective zoning districts. If Council accepts the P& Z recommendation Table 3.5.-1 will be modified to indicate that a "Bar" Indoor (Tavern) use in M-2 Zoning District requires Special Use Permit. Requiring all proposed bars to apply for a Special Use Permit would provide the City with a distinct description as to the services a bar proposes to offer, i.e., specialty bar (wine, craft beers, specialty drinks); will food service be offered-full or limited menu; sports bar; will it have pool tables, etc. Furthermore, the City may impose specific requirements when granting a Special Use Permit if they deem necessary.

**Fiscal Impact:**

Application fee for an Special Use Permit

**Recommendation:**

Staff recommends approval requiring a Special Use Permit for Bar-Indoor (Tavern) use in M-2 Zoning.

**Attachment(s):**

Planning & Zoning Agenda; Staff's cover letter to Planning & Zoning; Ordinance



# Agenda Request Form

## Balcones Heights Code of Ordinances

### § 3.5.5.PERMITTED USES.

(1) *Generally.* No use shall be permitted pursuant to this chapter, and no development permit authorizing a use may be authorized, issued, or approved by any officer, official, or agency, unless said use is listed as a permitted or specific use permit (SUP) in this section and all applicable permits and approvals have been issued by the agency or official with final decision making authority.

(2) *Use categories and specific uses.* The use categories listed in the first column of Table 3.5.-1 are defined in this Code.

*P = Indicates that the listed use is permitted by right within the zoning district. Permitted uses are subject to all other applicable standards of this code. Additional development standards may be applicable (see supplemental use regulations, herein).*

*S = Indicates that the listed use is permitted within the respective zoning district only after review and approval of a special use permit, in accordance with this code. Specific use permits are subject to all other applicable standards of this code and those requirements that may reasonably be imposed by the city.*

*[ ] = Indicates that the listed use is not allowed within the respective zoning district, unless it is otherwise expressly authorized by other regulations of this code.*

**Table 3.5.-1 Use Matrix**

Permitted Uses	R 1	R 2	R 3	R 4	R 5	R 6	O 1	O 2	C 1	C 2	M D	M 1	M 2	M 3
<b>Non-Residential</b>														
Bar - Indoor (Tavern)														
**No outdoor sound systems or live music allowed without a special use permit									S	S	S		P	
Bar - Outdoor														
**Outdoor sound systems or live music allowed.									S	S	S		S	
Bar - Night Club										S	S			



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**SAN ANTONIO EXPRESS NEWS  
 AFFIDAVIT OF PUBLICATION**

STATE OF TEXAS:  
 COUNTY OF BEXAR

Before me, the undersigned authority, a Notary Public in and for the State of Texas, on this day personally appeared, Lynette Nelson, who after being duly sworn, says that she is the BOOKKEEPER of THE HEARST CORPORATON (SAN ANTONIO EXPRESS-NEWS DIVISION), a daily newspaper published in Bexar County, Texas and that the publication, of which the annexed is a true copy, was published to wit:

Customer ID: 706101  
 Customer Name: City Of Balcones Heights  
 Order ID: 2705934

Publication	Pub Date
DCR	01-JUN-15

*Lynette Nelson*

Lynette Nelson  
 Bookkeeper

Sworn and subscribed to before me, this 1 day of June A.D. 2015

Notary public in and for the State of Texas

*Dawn Hampton*



**PUBLIC NOTICE**

**CITY OF BALCONES HEIGHTS  
 PUBLIC HEARING**

The **PLANNING AND ZONING COMMISSION** will conduct a Public Hearing to hear from the public at 6:00 p.m. on Tuesday, June 16, 2015 at the Justice Center located at 3300 Hillcrest Drive in the City of Balcones Heights on the City's proposed requirement of a Special Use Permit for the following:

- Bar-Indoor (Tavern) use in M-2 Zoning

The **CITY COUNCIL** will conduct a Public Hearing to hear from the public at 6:00 p.m. on Monday, June 22, 2015 at the Justice Center located at 3300 Hillcrest Drive in the City of Balcones Heights on the City's proposed requirement of a Special Use Permit for the following:

- Bar-Indoor (Tavern) use in M-2 Zoning

*All interested parties are invited to appear at both hearings and submit their comments.*