

CITY OF SANCTUARY
ZONING ORDINANCE AMENDMENT

AN ORDINANCE OF THE CITY OF SANCTUARY AMENDING ORDINANCE NO. 1, ZONING ORDINANCE, SECTION 27.2, ALLOWABLE USES, 21.2, PERMITTED USES, 27.1, DEFINITIONS, AND SECTION 23, C-3 HEAVY COMMERCIAL DISTRICT; AND PROVIDING FOR THE FOLLOWING: FINDINGS OF FACT; ENACTMENT; REPEALER; SEVERABILITY; CODIFICATION; EFFECTIVE DATE; AND PROPER NOTICE & MEETING.

- WHEREAS,** the City of Sanctuary adopted regulations regarding Zoning within the city in 2003 under Ordinance No. 1 to ensure the safe and orderly development occurs within the City;
- WHEREAS,** the City Council seeks to protect the residents of single-family residential in the city limits by protecting their investments, quality of life, traffic safety and health; and
- WHEREAS,** the City Council finds the community wishes to amend the use classifications for intense commercial development within the city to buffer residential zoning classifications; and
- WHEREAS,** the City Council strives to further predictable use of land in the city limits with peaceful transitions between uses that are more and less intense or dense; and
- WHEREAS,** after notice and hearing required by law, a joint session of the Planning & Zoning Commission and City Council was held and a public hearing was conducted on December , 2020 to consider the proposed zoning ordinance amendment and the approval of the proposed change; and
- WHEREAS,** pursuant to Texas Local Government Code Section 51.001, the City has general authority to adopt an ordinance or police regulation that is for the good government, peace or order of the City and is necessary or proper for carrying out a power granted by law to the City; and
- WHEREAS,** pursuant to Chapter 211 of the Texas Local Government Code, the City has the authority to regulating zoning in the City; and
- WHEREAS,** the City Council finds that it is necessary and proper for the good government, peace or order of the City of Sanctuary to adopt an ordinance regulating land use.

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

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

Ordinance No. 1, Zoning Ordinance, Sections 27.2, Allowable Uses, 21.2, Permitted Uses, 27.1, Definitions, and Section 23, C-3, Heavy Commercial District of the City of Sanctuary's Zoning Ordinance is hereby amended to read in accordance with *Attachment A*, which is attached hereto and incorporated into this Ordinance and the City Code for all intents and purposes.

3. REPEALER

All ordinances, or parts thereof, that are in conflict or inconsistent with any provision of this Ordinance are hereby repealed to the extent of such conflict, and the provisions of this Ordinance shall be and remain controlling as to the matters regulated, herein.

4. SEVERABILITY

Should any of the clauses, sentences, paragraphs, sections or parts of this Ordinance be deemed invalid, unconstitutional, or unenforceable by a court of law or administrative agency with jurisdiction over the matter, such action shall not be construed to affect any other valid portion of this Ordinance.

5. CODIFICATION

The City Secretary is hereby directed to record and publish the attached rules, regulations and policies in the City's Code of Ordinances as authorized by Section 52.001 of the Texas Local Government Code.

6. EFFECTIVE DATE

This Ordinance shall be effective immediately upon passage and publication.

7. PROPER NOTICE & MEETING

It is hereby officially found and determined that the meeting at which this Ordinance was passed was open to the public, and that public notice of the time, place and purpose of said meeting was given as required by the Open Meetings Act, Texas Government Code, Chapter 551. Notice was also provided as required by Chapter 52 of the Texas Local Government Code.

PASSED & APPROVED this, the 5th day of January, 2021, by a vote of 4 (ayes) to 0 (nays) to 1 (abstentions) of the City Council of Sanctuary, Texas.

CITY OF SANCTUARY:

by: Megg Galloway
Megg Galloway, Mayor

ATTEST:

Chris Stewart
Chris Stewart, City Secretary

City of Sanctuary

CODE OF ORDINANCES

ORDINANCE NO. 1, ZONING ORDINANCE

SECTION 21.2, PERMITTED USES

A building or premise shall be used only for the following purposes:

- ~~A. Discount, variety, or department store of not greater than 10,000 square feet floor space;~~
- ~~B. Food store with floor space not greater than 10,000 square feet;~~
- ~~C. Gasoline service station (no garage or automobile repair facilities);~~
- A. ~~Other~~ Uses as listed in Section 27 of this ordinance.

SECTION 27.1, DEFINITIONS

CBD Retail Establishment – Cannabidiol (CBD) is a substance derived from the cannabis plant that does not have the psychoactive properties that tetrahydrocannabinol (THC) does. A CBD Retail Establishment derives at least 50-percent of their sales from the sale of CBD products. Such establishments shall comply with all regulations set forth by the Texas Agriculture Code and Texas Administrative Code, and shall be permitted accordingly.

~~Family Home: A community-based residential home operated by either the State of Texas, a non-profit corporation, a community center organized pursuant to State statute, or an entity which is certified by the State as a provider for a program for the mentally retarded. Family homes provide care for persons who have mental and/or physical impairments that substantially limit one or more major life activities. To qualify as a family home, a home must meet the following requirements:~~

~~Not more than six disabled persons and two supervisory personnel may reside in a family home at the same time. The home must provide food and shelter, personal guidance, care, rehabilitation services, or supervision. All applicable licensing requirements must be met.~~

Group Home – Also known as Community Home. A facility licensed by the State to provide shared residential living arrangements for the 24-hour protective care of the mentally and/or physically impaired, developmentally disabled, or victims of abuse or neglect. This term includes foster homes, congregate living facilities for persons 62 years of age or older, and maternity homes. This term does not include post-incarceration facilities for those who are a danger to themselves or others. Group Homes shall comply with all Texas Human Resources Code Chapter 123, as well as all state licensing.

SECTION 27.2, ALLOWABLE USES

Type of Use	A	SF-E	SF-1	SF-2	TH	D	MH-1	MH-2	MF	C-1	C-2	C-3	I-1	I-2
<u>CBD Retail Establishment</u>												<u>X</u>		
Convenience Store										<u>X</u>	<u>X</u>	X	<u>X</u>	<u>X</u>
<u>Convenience Store, With a Drive-Through</u>												C		
<u>Family Home</u>	<u>E</u>	<u>E</u>	<u>E</u>	<u>E</u>	<u>E</u>	<u>E</u>			<u>E</u>					
Food/Grocery Store										<u>X</u>	<u>X</u>	X	<u>X</u>	<u>X</u>
<u>Food/Grocery Store, With a Drive-Through</u>												<u>C</u>		
<u>General Merchandise Store, With a Drive-Through</u>												<u>C</u>		
<u>Group Home (6 residents or less)</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>								
<u>Group Home (more than 6 residents)</u>									<u>X</u>	<u>X</u>				
<u>Retail Shops/Stores, With Drive-Through</u>												C		