

**TOWN OF LAKESIDE
MINUTES OF THE PLANNING & ZONING COMMISSION MEETING
9830 CONFEDERATE PARK ROAD
LAKESIDE, TEXAS**

Date: March 19, 2012

6:32 p.m.

1. **The meeting was called to order at 6:32 p.m. by Mr. Fred Finch, Chair.**

Members Present	Yes	No
August Zitzka	X	
Fred Finch	X	
Fletcher Phillips	X	
Scott Arnold	X	
Pamela Walker	X	
Jim Semmens, Alternate	X	
Jim Elliott, Alternate	X	

Town Administrator/Secretary Dianna Buchanan and Mr. Dan Boutwell, Municipal Planning Resources Group were also present.

2. **A Workshop concerning proposed amendments and additions to the Zoning Ordinance was held.**
- A. Review of Proposed Addition of Landscape Requirements,**

“SECTION 151.034 LANDSCAPE REQUIREMENTS”

Revisiting establishment of landscape requirements. These requirements are mainly applicable to commercial development and set requirements for the number of trees, shrubs, size of buffer yards, irrigation, green space, and screening walls between residential and commercial properties. It also regulates plant materials and keeping same alive and aesthetically pleasing and establishes criteria on how to satisfy the rules.

The purpose is:

“A. PURPOSE

It is the purpose of this section to establish certain regulations pertaining to landscaping within the Town. These regulations provide standards and criteria for new landscaping and the retention of existing trees which are intended to:

1. Promote the value of property, enhance the welfare, and improve the physical appearance of the Town;
2. Reduce the negative effects of glare, noise, erosion and sedimentation caused by expanses of impervious and un-vegetated surfaces within the urban environment; and
3. Preserve and improve the natural and urban environment by recognizing that the use of landscaping elements and retention of existing trees can contribute to the processes of air Improve the purification, oxygen regeneration, groundwater recharge, abatement of noise, reduction in glare and heat, provision of habitats for wildlife, and enhance the overall beauty of the City of Lakeside.
4. These landscape regulations establish requirements in the MF and C zoning districts.
5. Residential uses in the R-1, R-2 and MH districts shall conform only to the requirements set forth in “E”, Residential Uses, of this Section. Non-residential uses located within the R-1, R-2, and MH. zoning districts, which consist of principle structures, parking areas, and signage, shall be required to comply with the requirements contained in this section.”

Definitions are:

“B. LANDSCAPING DEFINITIONS

The following definitions shall apply:

Buffer Yard. A buffer yard is a unit of land, together with a specified amount of planting thereon, and any structures which may be required between, land uses to eliminate or minimize conflicts between them.

Building Footprint. The area of the building in contact with the ground.

Caliper. Diameter of the trunk measured one foot (1') above ground level. Diameter of the trunk measured one foot (1') above ground level.

Canopy Trees. A perennial woody plant single or multiple trunks, contributing to the uppermost spreading branch layer of a forest and may be commonly referred to as shade trees.

Development. The changing of the existing topography in order to promote the construction of structures or infrastructure to accommodate any improvements necessary to erect facilities for dwelling or commercial or industrial uses resulting in developed property. The changing of the existing topography in order to promote the construction of structures or infrastructure to accommodate any improvements necessary to erect facilities for dwelling or commercial or industrial uses resulting in developed property.

Enhanced Pavement. Any permeable or non-permeable decorative pavement material intended for pedestrian or vehicular use. Enhanced pavement includes brick or stone pavers, grass pavers and stamped and stained concrete.

Ground Cover. Low growing, dense spreading plants typically planted from containers.

Interior Lot Area. The area of the lot remaining after subtracting out the area included in the buffer yards.

Landscape Architect. A person registered as a Landscape Architect in the State of Texas pursuant to state law.

Landscape Area. An area covered by natural grass, ground cover, or other natural plant materials.

Lawn Grasses. Thin bladed surface growing plants typically planted from seed, sprigs, or plugs.

Licensed Irrigator. A person duly licensed by the State of Texas to design and install irrigation systems.

Permeable Pavement. A paving material that permits water penetration.

R.O.W. Parkway. That area within the public right-of-way (R.O.W.) between the back of curb or edge of pavement and the right-of-way line.

Seasonal Color. Landscape areas used for annual and perennial flowers intended to maintain year-round color accents.

Shrubs. Plants that grow vertically in a multi-branched growth pattern.

Understory/Accent Trees. Small evergreen or deciduous perennial woody plants, which would grow below the top layer of the forest and typically has unique branching, textural or seasonal color characteristics.”

Mr. Phillips would like to see a definition added for credit as the regulations mention land use credits toward landscaping requirements. Mr. Finch pointed out that on the definition for “Caliper”, the sentence is listed twice and one needs to be removed. Mr. Finch said he would like “Grass Pavers” defined. Mr. Boutwell said they are usually a material that is porous and allows the grass to grow through it, and it is actually mowed. Ms. Buchanan

asked if it was used in “checkerboard” configurations where there would be a paver, and then a square of grass? Mr. Semmens said it is a brick paver or paverstone product and there are voids in it whether they be circular, rectangular etc. Mr. Boutwell said a church might want to use an area for a play field but they also want to park in the same area if needed, and this product allows for that. It has to be engineered, but will meet code for improved parking areas. It is also a permeable surface as is compacted decomposed granite.

Compliance Triggers:

“C. EVENTS CAUSING COMPLIANCE

Land uses not previously subject to landscaping requirements may be required to comply with this section upon the occurrence of one of the following events:

- A change in zoning;
- Requirement of landscaping as conditions of a Specific Use Permit;
- Issuance of a building permit; or
- Loss of legal non-conforming status.”

Mr. Zitzka asked if there would be a clause built in, like for extenuating circumstances, for drought, or what is the time allowed for replacement of dead plantings due to lack of water. Ms. Buchanan said yes there is a little bit further into the ordinance.

Landscaping is required under following circumstances.

“D. LANDSCAPING INSTALLATION REQUIRED

1. No building permit shall be issued after the effective date of this article for the construction of any new building in zoning district C unless a landscaping plan has been approved in accordance with this article. Except as otherwise provided in this article, a minimum of twenty percent (20%) of the total area of the lot on which the new building is constructed shall be landscaped.
2. Landscaping which includes the planting of new and the retention of existing shrubs, trees, and flowering plants, in addition to grass, may reduce the landscape requirement to ten percent (10%) of the total lot area. Landscaping which consists of grass only will require twenty percent (20 %) of the total area to be landscaped.
3. Where the construction is to be a single phase of a multi-phase development, only the area being constructed in the current phase need be subject to the landscape regulations. However, each phase will be required to meet the landscaping requirements as they are being developed.”

Mr. Zitzka asked if that is the place where “H” needs to be cited where it lists Credits toward Landscaping Requirements”, in other words, D-2 referred to in H1? Ms. Buchanan said under H if D-2 needs to be referred to it will be included. Mr. Boutwell said item D.3. is talking about commercial development, for instance if a commercial property has sites for six stand alone buildings, and at first they are only putting in one stand alone building, the developer will only be required to meet the landscape requirements on the area being developed at that time. Mr. Fletcher asked if the plan, the requirements, for Part One, apply to part two, three, four? Mr. Boutwell said no, each phase must stand on its own.

Residential Districts

“E. RESIDENTIAL DISTRICTS

Residential uses located in the R-1, R-2, and MH zoning districts shall be required to locate a minimum of two trees on the lot. The size of such trees shall be a minimum of 3-inches in caliper.” Mr. Boutwell said the text can be changed from “two trees on the lot” to “two trees on each lot”. Mr. Finch said if you go purchase a 3” caliper tree right now, it will cost \$800 plus. My question is are there other cities that require 3” caliper trees? Ms. Buchanan said most cities do. Mr. Boutwell said 3” caliper is the minimum size in most other cities. Mr. Finch asked if that could be an expense of either the homeowner or the developer? Ms. Buchanan said that the homeowner will ultimately pay the expense. In developed neighborhoods, where vacant lots are being built on, most homes have trees planted, and so this requirement blends in newer homes with those existing that have trees. Mr. Boutwell said usually a builder includes trees in a package building deal. He also said that most ordinances stipulate two trees in the front yard, but we have worded this as two trees on the lot. That way the homeowner can decide what part of their property they want to locate the trees on. Existing trees do count for part of the requirement, as long as they are 3” caliper. It is understood and does not need to be specifically mentioned in the ordinance, however the wording “Credit will be given for existing trees or existing trees may meet the requirement or may satisfy the requirement” will be added. Mr. Boutwell said it is uncanny the difference of growth between a 2” caliper tree and a 3” caliper tree. There is almost a five year difference in growth. You get a mature larger tree much faster by planting a 3” caliper tree compared to a 2” caliper tree. Requirements used to be for a 4” caliper tree, but the death rate for 4” caliper trees is much greater than 3” caliper trees.

Landscaping Plan Required

“F. LANDSCAPING PLAN REQUIRED

1. The landscape plan may be prepared by the applicant, or his/her designee. The landscape plan is not required to be prepared by a registered or certified professional.
2. A landscaping plan shall be submitted to the town for approval. The landscape plan may be submitted as a part of the site plan or as a separate submittal. However, a landscape plan meeting the requirements of this ordinance shall be provided and approved prior to the issuance of a building permit.
3. The landscape plan shall contain the following information:
 - (a) Drawn to scale; Minimum scale of one inch equal 50 feet;
 - (b) Location of all trees to be preserved, method of preservation during the construction phase of development shall be approved by the director of parks and recreation.
 - (c) Location of all plants and landscaping material to be used including paving, benches, screens, fountains, statues, or other landscape features;
 - (d) Species of all plant material to be used;
 - (e) Size of all plant material to be used;
 - (f) Spacing of plant material where appropriate;
 - (g) Layout and description of irrigation, sprinkler or water system, including placement of water sources;
 - (h) Description of maintenance provisions of the landscape plan;
 - (i) Persons responsible for the preparation of the landscape plan.”

Ms. Buchanan said 3(b) should be changed to “approved by staff” instead of “approved by the director of parks and recreation.” Ms. Buchanan pointed out that many trees, especially Oaks, are susceptible to damage if the roots are disturbed any closer than the outmost edge of the tree canopy, so it is important to have a tree preservation plan for existing desirable trees. Regarding item 3(c), in particular fountains, Ms. Buchanan said it was difficult to think of a fountain being included in a landscape plan because of recent drought conditions. Mr. Boutwell said it could be a recirculating fountain. Ms. Buchanan said fountains cannot be used in Drought Stage 2 unless they support aquatic life and that even recirculating fountains have to be filled due to evaporation. Mr. Boutwell said it could be removed, or left in and then considered at the time of application. Mr. Finch said it is a concern for us because of the water situation in Town. Ms. Walker said the location, size and other details could be considered at the time of the application. Mr. Phillips asked if these regulations applied to commercial and residential. Ms. Buchanan said this is only for commercially zoned properties, with the only part that has been reviewed so far that referred to Residential was E. which requires 2 trees on R-1, R-2 and MH lots. Ms. Walker asked on maintenance of landscaping, say a business comes in, complies with the landscaping requirements, and then closes business, then does the next business that comes in, do they have to follow the same restrictions? Ms. Buchanan said yes. Mr. Boutwell said if the plantings are dead, the new business would have to pull them up and replant them. Ms. Buchanan said a Certificate of Occupancy would not be issued until the requirements were met.

LOCATIONAL CRITERIA

“G. Locational Criteria

1. Not less than 40 percent of the total landscaping shall be located in the designated front yard.
2. In the I zoning district only the front yard 40 percent of the total 20 percent shall be required. The rear and side yard landscape requirements may be waived upon submittal of a landscape plan showing other requirements.
3. All landscape material shall comply with visibility requirements of the Lakeside Subdivision Regulations.”

Mr. Boutwell said number 2 could be removed since there is no “I” zoning district in Lakeside, and number 3 could become number 2. Ms. Buchanan said there are no subdivision regulations as referred to, so Mr. Boutwell said that can be changed from “of the Lakeside Subdivision Regulations” to “shall comply with visibility requirements.”

Credits Toward Landscaping Requirements

“H. Credits Toward Landscaping Requirements

Credits toward the landscaping requirements set forth in F. 3. (b) of this chapter may be granted in the following manner:

1. Grass is an appropriate landscape material. However, a variety of plant material is recommended.
2. Credits toward the landscaping requirements set forth in F.3.(b) of this chapter may be granted in the following manner:

Landscape Element	Amount of Area Credit
For each 3 inch tree	200 sq. ft.
For each 6 inch tree	400 sq. ft.
For each existing 6" tree protected and kept	800 sq. ft.
For each one-gallon shrub	10 sq. ft.
For each five-gallon shrub	25 sq. ft.
For each sq. ft. of flowering beds	2.5 sq. ft.
For each sq. ft. of xeriscape area	5 sq. ft.
For each sq. ft. of landscaped R.O.W.	0.5 sq. ft.

3. In no instance shall the total amount of landscaping on a lot be reduced through credits by more than 50 percent of the landscaped area required by this ordinance.
4. Xeriscaped areas shall be clearly located and detailed on the site plan. In addition, the xeriscape methodology shall be detailed on the site plan.
5. A flowering bed is any area where the soil has been specifically prepared for the planting of flowering plants. In addition in order to be considered for credit calculations, at least 80 percent of the prepared area must be covered with flowering plant material at the time of peak growth.
6. Caliper of trees is to be measured at a point 12 inches above top of ground.
 In order to receive credit for protecting and keeping existing trees, the area within the dripline of the tree must be protected by fencing during grading and construction.

Change wording from "set forth in F.3.(b) of this chapter" to "set forth in this chapter".

Ms. Buchanan asked if Xeriscaping has to be allowed, because it doesn't look neat and may not project the image desired. Mr. Boutwell said Xeriscaping does not provide any credits towards meeting landscaping requirements. Mr. Zitzka said it is a subjective term, and there needs to be a definition. Mr. Boutwell will prepare a definition.

Installation and Maintenance

1. INSTALLATION AND MAINTENANCE

1. All required landscaped area shall be permanently landscaped with living plant material, and shall have an irrigation system installed or shall be accessible to a bibcock, faucet, or other water source on the same lot or parcel. Synthetic or artificial lawn or plant material shall not be used to satisfy the landscape requirements of this article.
2. Landscaped areas shall be kept free of trash, litter, weeds, and other such material or plants not a part of the landscaping.
3. All plant materials shall be maintained in a healthy and growing condition as is appropriate for the season of the year. Maintenance shall include mowing, watering, trimming, pruning, etc.

4. Plant materials which die shall be replaced with plant material of similar variety and size within 90 days period, with a one time extension not exceeding 90 days being provided upon approval of the Town Administrator or his/her designee.”

Ms. Buchanan, asked if 90 days seems too long? Mr. Boutwell said the growing seasons have to be accounted for and 90 days gives the opportunity for businesses to wait to plant when conditions are better (not in winter or during hottest part of summer). Ms. Buchanan asked if wording could be added addressing dead plantings so that dead plants are required to be removed when they are first dead, even if the replacement plantings are not planted right away. Mr. Boutwell said sure, it could read “Plant material which dies shall be removed immediately and shall be replaced with similar plant materials”. Mr. Phillips asked if a similar plant variety is no longer available, will the administrator be able to allow the business to use some other plant? Mr. Boutwell said yes, a live oak could be replaced with a post oak. Mr. Phillips said he was thinking about smaller shrubs. Mr. Finch said the summer we had last year was longer than 90 days and a one-time extension. Mr. Boutwell said this is applying to dead plant materials, not new landscapes in commercial areas.

Landscaping of Parking Lots

“J.. LANDSCAPING OF PARKING LOTS

It is the intent of these landscape regulations to encourage design and construction of parking areas so that in a manner whereby areas within the parking lot are landscaped as well as areas considered unusable for parking or maneuvering space are landscaped. The following minimum requirements shall be observed:

1. A minimum of 10 percent of the gross parking area shall be devoted to living plant material. Gross parking area shall be measured from the edge of the parking and/or driveway paving and sidewalks.
2. Landscaped areas within parking lots shall be located so as to best relieve the expanse of paving.
3. The placement of additional landscaped islands throughout the parking area in a manner which best relieve large expanses of paved area is encouraged.
4. Landscape material which is located within the interior of a parking lot shall be surrounded by a curb of four inches in height.
5. Landscaping within a parking lot shall not create a visibility obstruction. A visibility obstruction within a parking lot is defined as landscaping between 30 inches in height and seven feet in height. No shrubs shall exceed 30 inches in height. Tree canopies shall be at least seven feet in height.
6. For large existing trees located in the parking area, which is being retained and incorporated into the landscaping plan, an appropriate aeration system or an alternative method of protecting the tree must be provided and detailed in the landscape plan.
7. For each landscaped island of at least 10 feet by 20 feet located within a parking lot, credit for four parking spaces will be provided. Credit for parking spaces cannot reduce the overall parking requirement by more than 20 percent or to less than ten total spaces.”

Mr. Boutwell said we do not need 3, it is merely restating 2, so it will be removed and other items below it renumbered. On 6, the credit for parking spaces cannot reduce overall parking requirement by more than 20% or to less than 10 total spaces. This is mainly to provide relief for bigger businesses, say a Walmart or a Home Depot, that may not want to landscape parking islands but do some other landscaping or larger trees in return for the relief from parking landscape requirements.

Landscaping as Related to Certificate of Occupancy

“K. LANDSCAPING AS RELATED TO CERTIFICATE OF OCCUPANCY

1. All landscaping shall be completed and installed in accordance with the approved landscape plan within 90 days of a certificate of occupancy being granted. A one-time extension not to exceed 90 days may be granted upon approval of the Town Administrator or his/her designee.
2. If these landscaping requirements have not been satisfied within the 90 days six month period from when the certificate of occupancy is issued, the property owner shall be considered in violation of this the zoning ordinance of the Town of Lakeside, and shall be subject to the penalties established herein. A one-time extension, not to exceed six (6) months, may be granted upon approval of the City Council.”

In number two, amend to read “within the time allowed from when the certificate of occupancy is issued,” instead of “within the 90 days six month period from when the certificate of occupancy is issued,”.

NONCONFORMING LANDSCAPING CONDITIONS

“L. NONCONFORMING LANDSCAPING CONDITIONS

Developments, structures, and uses that are in existence at the time of the adoption of this ordinance, which do not meet the landscape requirements provided herein, will be considered as being legal nonconforming . These nonconforming uses/structures will be subject to Section 151.030 Nonconforming Uses, Lots and Structures in the Town of Lakeside Zoning Ordinance, unless otherwise provided for in this section.”

Mr. Boutwell said If the property changes ownership, the zoning goes with the land, as does the legal nonconforming landscaping. Ms. Buchanan asked if there is any way to make a new owner or business type change of the property conform with landscape requirements. Mr. Zitzka said if the business is bought outright and still the same operation, then it should still be legal nonconforming landscape, but if the property is sold and a completely different business operation, they will have to get a new certificate of occupancy. Ms. Buchanan a new certificate of occupancy would require compliance with the landscape ordinance. Mr. Boutwell said they are still legal nonconforming, however if they expand the building and need a building permit, then they would have to conform because they would be increasing a nonconforming. Mr. Finch said as long as they occupied the existing structure? Mr. Boutwell said as long as one guy moves out and one guy moves in it will be legal nonconforming. Ms. Walker asked if there is a dead tree if the new owner would have to remove it? Mr. Boutwell said it could stay. Ms. Buchanan wants to research this more.

Landscaping in the Multi Family District

“M. LANDSCAPING IN THE MF DISTRICT

The following minimum requirements shall be observed for development located within the MF district.

1. A landscape buffer of twenty feet (20 ft.) will be required along any property line abutting a residentially zoned district.
2. Not less than twenty percent (20%) of the gross site area shall be devoted to open space, including required yards and buffer areas. Open space shall not include areas covered by structures, parking areas, driveways, and internal streets.
3. Landscaping consisting of the planting of new or retention of existing shrubs, trees, and flowering plants shall be placed in the yard facing any public roadway.
4. The method of irrigation must be indicated on site plan.

All landscaping shall be permanently maintained. Should any plant material used in any landscaping required under this ordinance die, the owner of the property shall have ninety days after notification from the City to obtain and install a suitable replacement plant material. Landscaped area shall be kept free of trash, litter, weeds, and other material or plants not a part of the landscaping.”

Mr. Zitzka wants to be sure there is consistent style for numbers that are referred to in the text of the ordinance. Ms. Buchanan said it should show the number and also be spelled out in all areas, and she will go back and check to make sure it is that way.

Relief From Landscaping Requirements

“N. RELIEF FROM LANDSCAPING REQUIREMENTS

A. Modifications

Whenever there are practical difficulties involved in complying with the provisions of this article relating to landscaping, such as the presence of existing facilities or unusual topography, the Town Administrator may grant modifications in individual cases, provided Town Administrator shall first find that a special individual circumstance makes strict compliance with this article impractical; that the modification is in conformity with the intent and purposes of this article; and that the proposed modification is at least the equivalent of the requirements prescribed by this article. Such modification may only be made upon written application filed with the town administrator and the details of any action granting the modification shall be recorded and entered into the files of the Town. In order to be considered for a modification, the applicant shall:

1. Provide the town administrator with an alternative landscape plan for review and consideration for approval.
2. The landscape plan must illustrate a plan to landscape as much area as available, provide for irrigation, and provide a phasing schedule for completing the plan.
3. All landscaping installations must be inspected and approved by the Town Administrator or his/her designee.

B. Variances and Appeals

Any applicant who desires a variance or elimination of the requirements herein or who desires to appeal a decision of the town administrator or his/her designee or the City Council, shall file a written appeal with the town administrator for consideration by the Zoning Board of Adjustments, and pay the variance application fee. Such appeal shall be accompanied by adequate graphic reproductions, a written summary of the request, and justification for the request. The Zoning Board of Adjustment shall have the authority to grant an interpretation or variance to the requirements of this article if it determines that a literal enforcement of the regulations will create an unnecessary hardship or practical difficulty in the development of the property, that the situation causing the unnecessary hardship or practical difficulty is unique to the affected property and is not self-imposed, that the variance will not injure and will be wholly compatible with the use and permitted development of adjacent properties, and that the granting of the variance will be in harmony with the intent and purpose of this article. The decision of the Zoning Board of Adjustment shall be final.”

Mr. Boutwell said if there is an existing business that comes in, and the previous business had a huge parking lot without landscaped islands, we would not make them go back and tear up the parking lot. Even if they want to expand the current structure, we would not make them tear up the parking lot and bring it into compliance. What this section is saying is that we realize the business has a particular hardship here, what you have to do is give

us your best faith interest plan on how you can and intend to landscape this.

Mr. Zitzka asked should the approval be brought forth to the committee rather than just the town administrator?

Ms. Buchanan said that number one it is a time thing, and also it is an administrative function. The administrator has a table to refer to that instructs exactly what can be substituted, what can be done, etc. The next thing is when they apply for a variance or an appeal, when it goes above the administrator. Mr. Zitzka asked "So once you deny and they appeal, it comes to the committee?" Mr. Finch said then it would go to the Zoning Board of Adjustment because basically tonight, P&Z is setting all the rules that the staff has to follow. Ms. Buchanan said the only time it gets thrown out is if an application is denied by the staff, and the applicant appeals, then the zoning ordinance sends it to the ZBA. Ms. Buchanan asked Mr. Boutwell to confirm the correctness of (B). Mr. Boutwell said the only thing he would take out is in the 2nd line where it says "desires to appeal a decision of the town administrator or his or her designee or the City Council," I think I would take City Council out. It is not going to get to the City Council. The only time the Council will see a landscape plan is when it is part of an SUP application."

Mr. Finch asked if we were voting on this tonight, but Ms. Buchanan said these are not action items, and we will be required to hold a public hearing for the amendments before they can be voted on.

B. Reviewed Proposed Additions and Amendments to Section 151.012 (B) Land Use Table

"Add uses to Land Use Table:

- 1) Moving Truck & Trailer Rental -S
- 2) Accessory Buildings Sales with Display-S
- 3) Florist Shop
- 4) Hearing Aids
- 5) Optical Exams & Product Sales
- 6) Paint, Wallpaper and Floor Covering Stores
- 7) Sporting Goods/Uniforms/Trophy Sales
- 8) Wedding or Special Events Venue/Services
- 9) Gun Shops
- 10) Upholstery Shop, Auto/Furnishings
- 11) Bicycle Sales & Repairs
- 12) Lube Center
- 13) Tire Sales & Service-should this be listed stand alone from Auto Repair Garage?
- 14) Motorcycle Sales and Service-S
- 15) Boat & Marine Sales and Service-S
- 16) Motor Home, Camper, & RV Sales and Service-S
- 17) Tanning Salon
- 18) Feed/Farm Supply Store
- 19) Resale/Consignment Store
- 20) Household Furnishing & Fixtures Store
- 21) Rental Service w/Inside Storage
- 22) Rental Service w/Outside Storage-S
- 23) Coin/Stamps
- 24) Small Engine Repair?"

7 and 24 are the same-Mr. Phillips. Ms. Buchanan said we told the commission that there would be uses that would come up that were not on the Table, and that we did not think of. There have already been two, and probably soon three, where staff has had to ask Council if a use fell under an existing use or if it needed to be a new use, or if they wanted P&Z to create a new use. Part of this is getting more uses on the Land Use Table, in case we are approached by a business to see if they can operate in Lakeside. The more detailed the list is, the easier it is to respond to a potential new business.

1) Barbershops, beauty salons-can they sell supplies without it being in the definition "with supply sales"? Yes they can.

2) Auto Rental-car and truck-does it include moving truck & trailer rental such as u-haul type, or should it be a separate use? Should moving truck and trailer rental include "with supply sales"? Mr. Phillips said Hertz Rental Car would be one thing, a U-haul truck place is completely different. Ms. Buchanan asked Mr. Boutwell what has the use been put in somewhere else? Mr. Boutwell said possibly, he will look. Ms. Buchanan said then on our uses, we understand that a business may sell supplies? Mr. Boutwell said that should be included in the definition. Mr. Boutwell said each use that is added requires two things: put it in the use table, to say whether it requires a SUP, or by right permitted, and requires to look at which conditions apply to it, and also give it a definition. So we will end up changing the ordinance in three or four different places for each one. I will get the definitions together. What I will need to know is if you want a use by right or by an SUP. Ms. Buchanan said in the information given, a copy of the land use table, on page 61, is Special Conditions for Listed Uses. On Auto Rental, what special conditions do we have? Mr. Boutwell said what we might do is to determine whether or not you want a SUP or permitted and let us go ahead and put the conditions in and let the P&Z check them over. Auto rental (car and truck) requires a SUP, so do you think that an SUP should be required for Moving Trucks and Trailers. Ms. Walker said yes. On the moving truck and trailer rental, should we allow one to come in with a storage facility, like a combination where it is being done now. Mr. Boutwell, said no, mini warehouse has its own, it is permitted with a SUP, and would be permitted separately from the Moving Truck and Trailer rental. Mini Warehouse requires site plan, storage enclosed or screened for outdoor storage, not used for wrecked vehicle storage. Ms. Buchanan said a lot of time franchised operations of this type will do more than one thing at a location to make ends meet. Mr. Phillips said he knows some of the U-haul stores sell propane gas, butane, etc. We might want to address that. Ms. Buchanan said she thinks we have that in the table. They would have to get a separate use for that as well. Mr. Boutwell said just as soon as we get this updated, we will have someone come in with something else new. Ms. Buchanan said we have Auto Repair Garage and Garage, Repair-both listed in the table, are they the same. They are both under automotive uses, so do we need to take out one? Mr. Phillips asked if the word "Auto" applies to trucks too? Ms. Buchanan said she didn't think auto should be in front of all of these uses. Auto is already in the title of the section of these uses. Do we need to define auto that it is for any vehicle used for transportation, or...? Mr. Boutwell said it is different to have an auto repair garage that works on cars, semis or mowers. He thinks small engine repair for lawn mowers, Automotive for cars, and pickups. We need to add small engine repair. And for the larger shop for diesel repair? Mr. Boutwell said the thing is you may want to permit a repair garage but not semi repair garage, then you make a use, but make it prohibitive. That could be included in auto garage. Mr. Boutwell said what if there is a permitted repair garage that is sold to the owner's brother and then the brother decides to do semi repair, that could happen if semi repairs are not split out separate. Mr. Zitzka pointed out that under Commercial retail & service uses we have retail machinery sales or repair, so would that include small engine repair on page 59. Machinery sales or repair-that could be my microwave, lawn mower, toaster or what? The definition says it is a facility for the storage, repair outside sales or rental of heavy machinery, so that would be totally different. That would be that could be a guy repairing backhoes... Like tractors and lawnmowers are not the same as a big back hoe and a John Deere, combine, zero turn mower. Let's look at the list of consider adding uses to land use table. Now we think we need small engine repair. May need another workshop.

1) Accessory buildings sales with display—we have had a business inquire if this use is allowed. For instance Lowe's has in their parking lot, they have display of nice storage buildings. This company manufactures storage buildings off site, but at this site, they have an office, and then a drive thru horseshoe configuration, with drive being compacted granite that has the storage buildings displayed neatly. Customers can drive thru and look at the buildings and then go to the office to inquire or order. There will be around five different displays where you can go in and look. Ms. Walker said there used to be a place like this in Burleson. The business wants to know if in a commercially zoned area-if they want to lease a commercially zoned lot in Lakeside, if this would be allowed? Ms. Buchanan, said the sales tax would justify allowing, because we will require them to have screened outside storage (if any), a dust free area to drive on and parking area, Under Services, General Retail-can add all of these. Ms. Buchanan-can more specific descriptions be put in Land

Use Table for all of these? If we are amending the ordinances, why not go ahead and be more detailed? Mr. Zitzka said he feels that if a new business is going to explore opening in Lakeside, they will search the internet. This information will be on the internet and they will be looking for a specific thing. If we keep it so general, we are limiting ourselves. Ms. Walker agreed and said that if a business wanted to come into a strip, they would try to look it up, and if they didn't see the use, might move on to the next City. Ms. Buchanan said a lot of times, if getting the answer is difficult, businesses just move on to the next City. Ms. Buchanan went over the possible new land uses. Mr. Boutwell asked if they would all be allowed by right or with conditions. Ms. Walker said the exterminating service is already in the table. Mr. Boutwell said we do not have coin shop. Flooring, jewelry, florist shop, optical, hearing aids, cell phones would not need a SUP. Mr. Phillips said he would prefer that gun shops not be allowed unless they are part of a bigger operation, such as a hunting supply store. Are there special rules for storing ammunition? The fire department would review all of that during the certificate of occupancy safety inspection. Mr. Finch said he would like to leave gun shops in the table, as did Mr. Elliott. Upholstery shops- auto or furniture? Mr. Arnold exited the meeting at this time. Upholstery shop for furniture permit outright, but Upholstery shop for autos, a SUP required because they may store customer's vehicles outside waiting to do the work or to be picked up by customer. Ms. Walker thinks there should be a time limit for car storage. A lube center, should it have an SUP? No, not usually to store cars overnight. Should a tire store, such as Discount Tire be listed separately? Yes. Motorcycle Sales & Service should be separate with an SUP. Boat & Marine Sales & Service with an SUP, and Motor Home, Camper & RV Sales and Services with an SUP. Tattoos already covered. Allow cosmetic tattoos but not a tattoo parlor. Tanning Salons—do they need to be stand alone? Yes by right. Feed/Farm Supply Store-do we have that? Only farmers market. So it should be added, with a SUP, and special conditions. Second Hand Rummage and Resale stores-Mr. Finch and Mr. Phillips are not excited about this. This is not the same as an antique store. Mr. Zitzka said he thinks of this such as resale of used office furniture. Mr. Boutwell said this can be consignment stores for clothing, kids clothing, etc. or furniture. Mr. Phillips said it needs to have an S. Ms. Buchanan asked if this should be called Resale Stores. No it will be Resale and Consignment Stores with an S. On number 23, Household furnishings and fixture stores-lighting stores, Havertys, Brumbaughs, Lighting, etc. What would be sold on consignments outside? Ms. Walker said Motorcycles. Ms. Buchanan said that would be under auto. The definition on resale/consignment is not going to include anything automotive so it doesn't really need to have an "S". Mr. Zitzka said you want it to be descriptive enough to draw in businesses but not so restrictive that a business would not want to open in Town. Rental Service with Inside Storage or Outside Storage. Like Northwest Equipment Rental where they have stuff outside. Then Taylor's where you rent tables, chairs, table clothes, etc. Mr. Finch said keep it with inside, but not outside. Ms. Buchanan said we could have outside with SUP and special conditions. Ms. Buchanan asked the Commission if they think of anything else to call or email. Mr. Boutwell will prepare the changes, definitions, special conditions, then we will look over all of it at a meeting.

C. Reviewed Proposed Amendments to Section 151.025 Accessory Buildings

"151.025 Accessory Buildings in Residential Districts

- A. No accessory building shall be constructed or placed upon a lot until construction of the principal building has commenced, and no accessory building shall be used until the principal building is completed and is being used.
- B. No accessory building shall exceed the height of the principal building, or be taller than fifteen feet. Relief will be available for properties where the grade of the site for the accessory building is a higher elevation than that of the principal building.
- C. No accessory building or combined accessory structures on one lot shall exceed ten percent (10%) of total lot area except where otherwise provided in this ordinance.
- D. No accessory building shall be located forward of the principal building on the lot.
- E. No accessory building shall be located in a dedicated easement, or closer to any side or rear property line than 5 feet, whichever is greater.
- F. Accessory buildings located 25 feet or closer to the principal building will match the exterior material construction and colors as the principal building.

G. No accessory building shall be erected within ten feet of any other building, except a detached garage may be located within five feet of the main dwelling.

H. Area, setback, and height requirements may be granted relief upon approval of a special exception by the Zoning Board of Adjustment. Denied permits can be appealed to the Zoning Board of Adjustment for a variance. By state law, for approval of a Zoning Board of Adjustment variance, the applicant must demonstrate hardship other than economic.

I. Permitting of Accessory Buildings:

1) No Permit is required for the following;

a) Children's play structures less than 100 square feet in size.

b) Farm structures used for agricultural needs that are temporary or without a permanent foundation such as a chicken coop or shelter for small farm animals that do not exceed 500 square feet. Note: this structure shall still be included in the ten percent (10%) total accessory building area indicated in item C above.

c) Portable storage building/shed less than 100 square feet without a permanent foundation. Note: this structure shall still be included in the ten percent (10%) total accessory building area indicated in item C above.

2) A Permit is Required for the following:

a) Portable storage building/shed that is 101 square feet or greater.

1) May not exceed 320 square feet of floor area.

2) If less than 168 square feet, may be of metal commercial "kit" construction.

3) Must be properly secured to prevent overturning with a method acceptable to the building official.

b) Residential greenhouse for domestic use.

1) These structures may not exceed 500 square feet.

c) Detached residential garages, workshops, covered parking areas, pool cabanas, covered patio with concrete foundation that may or may not include outdoor kitchen, cooking facility, and/or fireplaces.

1) These structures may not exceed 900 square feet.

3) Permit Application must be completed and submitted to allow review for approval. Must include a drawing indicating proposed location of accessory building, indicate any easements, show distance from principal building, and from side and rear property lines. A rendering of the proposed accessory building must also be submitted. The footage, dimensions and height of the accessory building must be indicated. Any accessory building that is not 100% prefabricated offsite must include at least two sets of construction plans."

The Accessory Building Section 151.025 is being looked at because the way it is written now is hard to interpret and is confusing for homeowners and staff. Staff spends too much time trying to interpret this for customers. Everything is lumped together as far as detached garages, sheds, etc. Ms. Walker asked if it is too vague. Ms. Buchanan said people want to know exactly what they can and cannot do.

Section A. is the same as it has been. An accessory building cannot be placed on a lot unless a house is already present, or it can be built at the same time as the house, but can't be used until the house is occupied.

Section B. is worded differently, and says the building will not exceed the height of the principal building, or be taller than 15 feet. Right now it says the maximum height is a single story with a maximum height of 12 feet measured from the average grade at a point three feet out from the slab to the lowest point of overhang on the roof. So if you have a house that is 14 feet tall, then your building can only be 14 feet tall. If you have a house 18 feet tall, then your building cannot be taller than 15 feet. Mr. Boutwell said you should be able to get an RV under 14 feet. Ms. Buchanan said RV is a separate chapter in our ordinance. Mr. Phillips asked if an accessory building is being built uphill of the house, what height applies? Mr. Elliot said it is from the slab, isn't it? Mr. Phillips said which will apply,

the height of the house or the 15 feet. Ms. Buchanan said the height of the home. "Whichever is greater" needs to be removed. Regarding the grade, if it is a lot sloped downward from back to front, it will make the accessory building appear taller than the primary structure. That may be the way it appears, but it would still have to meet this height requirement. Regarding the percentage of lot coverage, Mr. Boutwell said he doesn't believe this is how the ordinance is now, but it is a good change. Now the ordinance says, "No accessory building or combined accessory structures on one lot shall exceed 10% of the total lot. Mr. Boutwell said right now we don't have anything that applies to this, and what this new wording is saying is that of all the accumulated accessory structures, you can have several—storage shed, hobby shop, all of those can't exceed 10% of the total lot area. The aggregate total of all of them can't be total of 10%. Mr. Elliot said he has 2 ½ acres, that means I could have an incredible amount of accessory structures. I don't think we want that. Mr. Boutwell said if you have enough area that you can have more structures. We also have in the regular districts we have a maximum lot coverage of 50%-including house, concrete, accessory buildings. Further down the wording talks about agricultural structures that cannot be more than 500 feet, which counts towards the 10%. Ms. Buchanan said what are the average dimensions of a larger lot? Mr. Finch said his lot is 130 ft. X 200 ft = 260000 X 10% = 26000 of square feet would be his limitation for accessory buildings. But Mr. Phillips said on D it is worded that "No accessory building shall be located forward of the principal building on the lot, so that is eliminating about 1/3 of the lot." Mr. Finch asked what was the limit of the footage of accessory building combined that is allowed? Ms. Buchanan said 900 ft. combined total. However, this wording is not in the current ordinance. She will look up the ordinance prior to the 2010 amendments to see how it read and furnish it to the Commission for the next meeting.

D. Reviewed Proposed Amendment of Section 151.014 Classification of New and Unlisted Uses

The purpose of this amendment is to outline the procedure to request action regarding new and unlisted uses step by step, so that the process is easier to understand for an applicant. The requirements for advertisements and public hearings are outlined. They are not in the current section. This way, a potential new business to Lakeside understands that they may be at least 30 to 35 days out before they will get a final answer about whether a new and unlisted use will be approved or declined.

E. Discussed Clothing Donation Containers

The Commission indicated by general consensus that they have no desire to consider allowing clothing donation containers in Lakeside. The land use is not allowed now, so no further discussion is necessary on the topic at this time.

3. The meeting was adjourned at 8:57 p.m.

CHAIRPERSON FRED FINCH

ATTEST DIANNA BUCHANAN