

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

Date: April 16, 2012

6:35 p.m.

1. The meeting was called to order at 6:35 p.m. by Mr. Fred Finch, Chairperson.

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

Town Administrator/Secretary Ms. Dianna Buchanan was present.

2. Motion made by Mr. Fletcher Phillips with second by Ms. Pamela Walker to approve the minutes of the March 19, 2012 Planning and Zoning Commission Meeting. Motion approved by all present.
3. DISCUSSION OF SECTION 151.025 ACCESSORY BUILDINGS.

Ms. Buchanan provided a chart. The first two columns reflect the regulations that were originally in Zoning Ordinance 174, predating 2010 updates. Ordinance 174 had two categories: first was when the accessory building would be less than 10 percent of the residential living area and the second category was when the accessory building would be in excess of (or larger than) 10 percent of the residential living area. Both required a primary structure on the residential property prior to an accessory building being built and both allowed for an accessory building to be constructed at the same time as a new residence, but it could not be used prior to the residence being occupied. These rules are the same in current ordinance, and it is proposed that they remain the same. This is also the same rule as Fort Worth, Southlake & Burleson.

Regarding accessory building height, Zoning Ordinance 174, under the less than 10 percent category, said “The height shall be no higher than the height of the residence or 20 feet, whichever is less.” Over the 10 percent category, it said “The height of the wall plate shall be not greater than 12 feet and it shall be a one-story structure only whose roof peak shall not exceed the height of the residence or 25 feet whichever is lower.” So even back then there were two different definitions.

Mr. Finch said that if you were here during the time of Ordinance 174, the accessory building issue was a thorn in the side of everyone and there were many long discussions on the issue.

Currently the rule is “Maximum height. 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. Extra height in excess of 12 feet may be granted upon approval of a special exception by the Zoning Board of Adjustment.” The proposed language is “No accessory building shall exceed the height of the principal building, or be taller than fifteen feet. Area, setback and height requirements may be granted relief upon approval from 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.”

Mr. Phillips asked if Mr. Finch could explain “measured from the average grade”. Mr. Finch said he doesn’t know how that got into the ordinance to begin with. Think about Wolf Creek and retaining walls—if they are set back on the property (the retaining wall) and you put a storage building here, next to the retaining wall, which is within the ten foot setback on the side, go out three feet, you may be three feet to the ground. So not sure how that got in there. Mr. Phillips says he is more inclined to say “measured from the slab or the floor of the structure” because if you had like

one of these buildings that have to be installed on blocks, if you say “twelve feet from the floor” to me, it is more logical twelve feet from the slab if you are putting on a solid foundation rather than say go out three feet and measure up, that ground could slope off. Ms. Buchanan said in most cases you are talking about a building that is large enough to have a foundation and the final finished height at the peak is what is being considered to be permitted. What we are proposing is that it be no taller than 15 feet at the peak. Before we talked about the grade, and we can put it in, or it can be understood. The building official knows it anyway but one would get relief for grade. So, if a property has a drop off from back to front, then 15 feet height would prevail. Mr. Finch said basically from the floor of the building 12 feet. Ms. Buchanan said that in that case though, it can only be 15 feet. This is why we are stating “not taller than the primary structure or not greater than 15 feet.” Look at the Fort Worth column, they say that a non-habitable accessory building is limited to one story but they do allow it to have an attic or a loft as long as they are not habitable and has no air conditioning or heating. Also, limited to a height of 8 feet and may be increased to a maximum of 12 feet provided that for each additional one feet of height over 8 feet, the accessory building is set back an additional two feet from the rear and side setback requirements of the district applicable to the residential use. The height of accessory building shall be measured from the ground to the highest point of the building.”

If an accessory building has a 12 foot wall plate, then the 15 feet will accommodate the 12 foot wall plate without having to state all of this how do you measure, how do you not, etc. but if the Commission feels that the ordinance needs to spell out how to measure then that is what needs to be added. If you look on the chart at Southlake, they say “Accessory buildings shall not exceed one story or 14 feet in height if 500 square feet or less” and then their single family zoning district SF-1A states “Height shall not exceed 20 feet for accessory buildings over 500 square feet” They split it depending on the size of the building to be built. In Lakeside, are detached garages completely separate? Are carports and RV storage areas? Will Lakeside have a storage accessory building over 500 square feet? We allow accumulated footage of accessory buildings up to a certain amount. Even a larger accessory building should be able to comply with a height of no more than 15 feet, and if not, they will come to the Zoning Board of Adjustment to ask for a variance. Mr. Elliott asked if the variance has to be for reasons other than economic hardship, correct? Ms. Buchanan said that is correct which at times can be a hard pill to swallow. Mr. Elliott said he thinks that too. Mr. Finch said he thinks 15 feet high should be adequate for our area. Mr. Elliott said the intent is to be clear on what the height requirement is. Ms. Buchanan said it is difficult for staff to assist homeowners and contractors with the current method of figuring height, and this will simplify the height determination for everyone. Currently if a determination cannot be made by in house staff as to permitted height, the contract building inspector is asked to go to the site to meet the applicant to make the determination, and that is not free. There are also companies that call the Town that want to market their product to residents, and they need a simple answer. Mr. Finch thinks 15 foot is adequate as long as it is understood it is 15 foot period. It has to be level so slopes have to be taken into consideration. Ms. Buchanan asked if the commission wants to consider putting in that the height shall be measured from the ground to the highest point of the building? Because the more specific you are, the less misunderstanding there is. Mr. Finch said we need to specify “measured from the finished floor of the building”. So, in the proposed ordinance, the wording “measured from the finished floor.” will be added to the end of the first sentence, to read “No accessory building shall exceed the height of the principal building, or be taller than fifteen feet, *measured from the finished floor.*” Mr. Phillips said this will accommodate a ready-made building or a slab.

Ms. Buchanan said the front yard location is stated many ways. In Ordinance 174 under 10 percent, “It may be placed anywhere on the property so long as it is located behind the rear building line of the residence and is not attached to or abutting the residence.” When it is stating the rear building line, what it means is here is the back of the house, this is the rear brick wall, and it is the imaginary line that goes across the property even with the back wall of the home. In the over 10 percent section, “It shall be located behind the rear building line of the residential structure on the lot.” Currently the ordinance reads “No accessory building shall be erected in any required yard area, except as allowed by other ordinances.” This is confusing, because then you have to go look up the zoning for whatever piece of property you are considering granting it for, and you have to look up the allowed yard area. The proposed wording is “No accessory building shall be located forward of the principal building on the lot.” This is another way of saying behind the rear building line. Mr. Phillips says he interprets this to mean it could also be installed or built to the side of the house if there is enough room. It would be forward of the rear building line, but not the front of the house. He is in favor of keeping the wording behind the rear building line.

Ms. Buchanan suggested the commission look at the way the other cities word it in the chart. In Fort Worth it is worded “All non-habitable accessory buildings, except private garages, private carports, and private porte cocheres, (this exception is because Fort Worth has a separate section that governs private garages, carports and porte cocheres), must be located behind the rear wall of the primary residential structure that is furthest from the street or at least 75 feet from the front property line, whichever is the least restrictive”. Southlake rules say “No accessory building shall be located forward of the principal building on the lot” and Burleson rules say “Detached accessory buildings or structures shall be located in the area defined as the rear yard”, which then you have to go look up

another definition. Burleson's regulations are very vague. Staff prefers the wording stated, "It shall be located behind the rear building line of the residential structure on the lot". Mr. Phillips says he gives his endorsement for that wording. Ms. Buchanan said the only problem could be if you had a home built facing a corner but that is when you would come and get a variance, the house was already here, I bought it, but I need a storage building. Mr. Finch said if we can keep it simple it is a lot simpler to interpret it and then if you physically look at it and they have something that qualifies for a variance, they can apply. The wording is to say, "Accessory buildings shall be located behind the rear building line of the residential structure on the lot." Mr. Phillips, Ms. Walker and Mr. Finch all said that is correct.

Ms. Buchanan said regarding side and rear yards, the old ordinance lumped it all together when it outlined lot coverage. Now what the ordinance says is "No accessory building shall be erected in any required yard area, except as allowed by other ordinances." And, "No building may be located closer than five feet from any side or rear property line...nor in any dedicated easement." That is very easy to understand. What is proposed is similar, "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." Portable accessory buildings are one of the things, say you are doing a 10 feet x 10 feet storage shed, that can be moved, that is not on a permanent foundation. It can be put closer to the property line than 5 feet. However, it is understood that if one does that, then if the building is over a utility line or easement of any type, the building will have to be moved to allow access to the utility line if the need arises. Staff does not always get requests to look up applicant's plats to let them know what their side yard distances are, and if there are easements, what the measurements are. Fort Worth actually stipulate accessory buildings "Cannot be located in any easement." It doesn't say dedicated easement, so that would be like your side yard easements. Also they stipulate "Accessory building shall comply with the side and rear setbacks for the primary structure of the zoning district applicable to the residential use as indicated in the Property Development Standards for that district". Fort Worth is stating the property owner needs to look at the side and rear setbacks for their property and they need to stick with that when you adding an accessory building. I agree with restating that. Southlake goes so far to require "Accessory buildings having a permanent foundation shall be erected no closer than ten feet to a property line located in the rear yard. Those structures not on a permanent foundation may be placed as close as five feet to a property line located in the rear yard." This is easy to understand. Mr. Phillips likes Southlake's. You are giving two options-portable and permanent. Maybe the wording "or easement" should be added after first "to a property line". Ms. Buchanan said properties with dedicated easements could be negatively impacted by adding "or easement". It would be preferred to add a separate sentence "No accessory building shall be located in a dedicated easement." Mr. Finch said use Southlake and add this separate sentence. Commission will add the "or easement" after first "property line" and also add the sentence as stated. Burleson's wording is very complicated and not easy to understand.

Ms. Buchanan said the lot coverage wording is also another section that is difficult to interpret. Ordinance 174, under 10 percent, states "Applies to any one accessory building that by itself, or whose square footage area when combined with the square footage area of any and all other accessory building then located on the property, does not exceed ten percent of the residential living area square footage area or the residence (excluding garage area)". Over 10 percent states, "Applies to any one building whose square footage exceeds ten percent of the square footage of the living area of the residence (excluding garage area) on a residential lot and shall also apply to an accessory building whose square footage area, when combined with the square footage area of any other accessory buildings existing on the property, regardless of size or number of accessory buildings, will exceed ten percent of the square footage of the living area of the residence (excluding garage area). Swimming pool support building shall be included as an accessory building." Mr. Phillips said it is reasonable to include the swimming pool support buildings. Ms. Buchanan said now the swimming pool cabanas are usually so large that they require an engineered foundation and are not included in accessory buildings. The proposed wording by the Commission at the last meeting was, "No accessory building or combined accessory structures on one lot shall exceed ten percent of the total lot area except where otherwise provided in this ordinance." Do you see where it is blank in the Lakeside Current column? That is because between Ordinance 174 and now, this did not get addressed. Mr. Phillips thought we left it at 10 percent of the space behind the rear building line. Ms. Buchanan said she means prior to the last meeting. Fort Worth states "The total area covered by all rooftops shall not exceed the maximum lot coverage for the district applicable to the residential use." Again, it is preferred to have more detail in the ordinance than to have to go refer to another book or ordinance for each zone's requirement. However, R-1 single family, which has a minimum lot area of 15,000 square feet, says the maximum lot coverage is 50 percent. Mr. Phillips says that includes the house and everything. Ms. Buchanan said according to Fort Worth if you had 15,000 square feet you could have 7,500 square feet of roof coverage on your lot. Half of your lot could be covered by buildings. I don't think that is unreasonable for a smaller lot. Ms. Walker said Southlake's rules state, "The sum total of all accessory structures and buildings on the lot shall not exceed 3 percent of the lot area or 4,000 square feet." Ms. Buchanan said if you have a home that is 5,000 square feet and it is a single story, this means 3 percent of the lot area, which is 450 square feet. So if you had a 15,000 square foot lot,

you could do accessory structures totaling 4,000 square feet, because 3 percent of 15,000 foot lot is less than the 4,000 square feet, so 4,000 square feet would prevail. Mr. Phillips pointed out that Southlake's wording says "structures and buildings" so this does include the house and garage. Ms. Walker said it could be modified if we said we do not include the main building or main structure. Ms. Walker said Southlake has many smaller lots. Mr. Phillips likes Burleson's wording that says "that portion lying to the rear of the line". He would like to see ours changed to read "10 percent of the total lot area behind the rear building line except where otherwise provided by ordinance". That way the 10 percent refers to the yard space, not the lot space. Ms. Buchanan said this could affect people that have their homes sitting closer to the rear of the property. Mr. Phillips wants it to read "10 percent of total lot area behind the rear building line of the main structure except where provided otherwise by ordinances". We could have another ordinance that has something else that could give them an exception. Ms. Buchanan wants to look at lot coverage and footage, because they are tied to each other. Look at the third page at the bottom, on Fort Worth, where it says Ag District. I know Lakeside does not have Ag zoning any longer, but we do have all these lots that are over a certain size. Fort Worth says, "accessory buildings and structures clearly incidental to farm ranch, orchard, truck garden or nursery (including but not limited to barns, stables, equipment sheds, poultry houses, swine pens, granaries, pump houses, water tanks and silos) are permitted in the "AG" District provided that accessory buildings and structures on tracts that contain less than four acres shall be limited to 50 percent of the area of the principal dwelling, provided further that such allowable area shall not be less than 1,500 square feet." That is not exactly the wording, but if you have people have more acreage, they should be...I don't know, I guess the 10 percent would limit them. Mr. Phillips suggested perhaps we need to have a table. Ms. Buchanan said look at the table right above where we were just reading, at the Fort Worth table. This is how Fort Worth does it. The lot size or range of lot size is listed, and then the maximum total square footage allowed for the accessory building(s) on the lot is listed. When it gets above 43,560 square feet or larger on lot size, which is an acre or more, then it states the maximum total square footage is 2 percent of total area of the lot. Mr. Finch wants to look at Lakeside lot sizes. Ms. Buchanan said R-1 is a minimum of 15,000 square feet.

Let's go back and look at Ordinance 174. At the last meeting, we had the discussion about the maximum amount of footage allowed for accessory buildings. I said I knew somewhere this was in Lakeside ordinances. In the old Ordinance 174, it said "by itself or when combined with other existing accessory buildings, the square footage area shall not be greater than 10 percent of the footage of the property located behind the rear building line of the residence or 900 square feet whichever is less". So then that was amended by Ordinance Number 235, which allowed accessory buildings to exceed square footage limitation if the area behind the building line of the residence exceeded one acre and the building is proposed to be placed at least 150 feet away from and to the rear of the residence. In other words, there are people that have more acreage and they may need more storage because of the size of their property. It said if you have more land that you could do more as long as you were further away from the primary structure. That makes sense as someone might have a smaller shed near the house, but if you need something larger like a barn, it should be away from the house. Ms. Buchanan said we currently have the rule that "no accessory building shall not be erected within 10 feet of any other building". Proposed last time was 500 square feet allowed for an ag structure with no permanent foundation, or temporary--like a chicken coop, or a lean-to for your goats or something like that. Mr. Finch said a shade structure basically. Ms. Buchanan said yes and that counts towards 10 percent total lot coverage. 100 square feet portable storage building without a permanent foundation is allowed and counts toward 10 percent. I don't know why greenhouse is separate from everything. Residential Greenhouse 500 square feet or less, counts toward 10 percent of the total lot coverage. Why would you get 900 square feet and then 500 square feet for a greenhouse? Mr. Phillips likes Ordinance 174 that exceeds 10 percent of the residential living area. That seems like it pretty much covers it all, it puts it behind the building line. The only thing under the current --we are not going to put anything about how much separation they need? Ms. Buchanan said currently we have that "an accessory building cannot be within 10 feet of any other building and that no building may be located closer than 5 feet from any side or rear property line or no closer than 5 feet from the principal building." Mr. Phillips said can we combine the second column here with the first part of that current, where it says that "buildings shall have a separation of 10 feet"? Ms. Buchanan said "no accessory buildings shall be erected within 10 feet of any other building?" Mr. Phillips said right, he would like to see some verbiage about separation because otherwise then you could get them so close together you could almost knock a wall out and combine them. Mr. Finch said well you take one 15 feet tall within 10 ft of another building, to me it is out of scale any way. Aesthetically is what I'm saying. Mr. Elliott said not everyone thinks aesthetically. Mr. Finch said he knows, and we need to think about things like that. Mr. Elliott said yes we do. Ms. Buchanan said the thing about it is, when you stipulate behind the rear building line, and 10 percent of the lot area, then staff will have to pull a plat,

and so that is why staff prefers the suggested chart. Mr. Finch suggests looking at 5,000 square feet to 43,559 square feet should cover everything we have here except Ag, or what used to be Ag. He doubts Ag will eventually subdivide in our lifetime. Most of Lakeside's property will eventually be an acre or less. Ms. Buchanan said yes he is right it will eventually change. There is 42 percent of Lakeside land that is not developed. Mr. Elliott said his lot is 2.5 acres and there are some large properties to the rear of it. Ms. Buchanan said like in the table example from Fort Worth, the maximum square footage shown shall be cumulative of non-habitable accessory buildings for each lot. The things that we have singled out from that would not be calculated in the cumulative. So someone is up to 450 square feet on their equipment barn for their mowers, and they have a chicken coop to, but then they decide they want to do another detached garage, as long as they position it properly, that is not going to count in with the total cumulative on accessory buildings. The primary goal of updating this chapter is so that it is easy to understand and easy to use. The commission changed it before and staff has used it for a while, and now staff knows it is not easy to administer. This is the only place I object to stating a percentage behind the rear building line. It will make it so much easier for someone that is thinking about getting a house in Lakeside, to know what is allowed. Staff gets so many calls from people that are considering purchasing property in Lakeside, and they want to figure out if they can have an accessory building, or a carport, or a RV cover. Staff really has to delve into the property and its measurements and existing structures in order to answer the question. It is so complicated. We have to get drawings, and then the potential homeowner may not know what is there, or how big. I get maybe 3 of these type of calls a week, either potential residents or current ones. Mr. Elliott said these changes being considered can relieve about 60 percent of the questions. Ms. Buchanan said there is so much detail to answer the questions that people have when they are trying to interpret our ordinance on accessory buildings. We make handouts on this topic, but then we also tell people how to go out on the website and look up the zoning rules on the codification. So they will be reading this and need to be able to interpret. Mr. Finch said if we wind up and say 10 percent behind the building line, it will fall on your shoulders, so we need to make sure it falls on the homeowner to provide a plat that says what the square footage is. Ms. Buchanan said they will have to do that in their submission, but the problem is when you are in the planning stages of it, they don't have that ready. They guess what it is. Mr. Finch said the planning stage for whom? The homeowner? Ms. Buchanan said the homeowner, the contractor, whoever is doing it, before they can even ask, "Where can I put this on the lot", they are going to have to figure out how much land is behind the rear building line where the house is, and what footage of accessory structures are already there, or I have to be able to measure it with the scale on the plat. Mr. Finch's point is if we elect collectively to do the 10 percent behind the building line, it needs to be on the homeowner's shoulders to provide us a detailed plan, a sketch, what the certified footage was behind the building line on the house, and 10 percent of that. Mr. Elliott said what he thinks Dianna is saying, is that there are going to be those who pick up the phone and say "I'm thinking about doing this, what do I need?" Mr. Finch said if we have got it written in the ordinance to require the applicant provide us with this, this and this. Ms. Buchanan said a big part of her job is confirming that information provided is correct. If you are saying 10 percent of the lot, I need to do an illustration for my own sake. Say you have a lot that is 100 feet by 100 feet, which is 10,000 square feet for lot size. So if using the table, they would be allowed 400 feet of accessory structures. The other way, they built the house right on the 25 foot building line. So then shorten the lot to 75 feet by 100 feet which is 7,500 square feet. Then the house has how many square feet—4500 square feet—then take off of 7,500 square feet—that is 3,000 square feet. Say the house is 1500 square feet off of the 7,500 square feet that is 6,000 square feet so 10 percent would be 600 square feet. It is another calculation and staff can do it. Ms. Walker said she thinks the table is the way to go. Mr. Elliott and Mr. Finch said they do too. Mr. Elliott said you still have the homeowner or builder that can come in for a variance. So this makes it simpler. Ms. Walker said if they want 600 feet and are only allowed 400 feet they can apply for a variance. Mr. Elliott said yes if they have a compelling reason. Ms. Buchanan said the commission doesn't necessarily have to use the footages in the example table if they think because it is an older neighborhood and lots are smaller. People that buy homes that were built back in the 1950's are getting a single car garage--they may need a carport, a shed, or even two sheds. They may need more footage than a new home, because the new house has the bigger garage with more built in storage, that isn't included in the new house accessory footage.

Mr. Phillips said the definition in "if it exceeds 10 percent", in Ordinance 174--that he likes that with the item that says "a separation of 10 feet" and then go in with the table to go with that. Ms. Walker said put the table with that? Mr. Phillips said with the table they can go in there and they can measure from the back of the house, from side to side, then get the number of square feet, then go on the table and look up X number of square feet, you can have this many feet of accessory building. Mr. Elliott doesn't disagree, and thinks that would be good.

Ms. Buchanan said you are saying in the second column here it says, "excludes for purposes of determining square footage and rv carports and other structures that are not fully enclosed"--that sentence and then the next sentence?

Mr. Phillips said the whole thing and then add to that right below “with a 10 ft separation”. Ms. Buchanan suggested to have the first sentence and then add “accessory buildings except for private garages, carports, or just say accessory buildings except for RV shelters, carports, and other structures that are not fully enclosed, (which is our exceptions), shall not exceed the maximum square footage for each residential lot size as depicted in the following table.” Then you could use the table. Then you could say the maximum square footage shown shall be cumulative of all non-habitable accessory buildings for each lot. Mr. Phillips said the table has to have an indication that reflects behind the building line.

Mr. Finch disagrees. Mr. Elliott said this has already been stated. The Fort Worth specifications say 2 percent. We have 10 percent in several places under lot coverage. Ms. Buchanan said that is the old one. “No accessory building or combined accessory structures on one lot shall exceed 2 percent of total lot area.” Mr. Finch said if he took Fort Worth’s chart and figured his house, “I’m under one acre, figure one acre. I’ve got 4,300 square feet under roof of the house, including garage, living area, shop so forth. I have 925 square feet in an RV barn. Take that away from the acre, leaves me 39,204 square feet. Two percent I could build a 785 square feet building in the back yard. Mr. Phillips said that is based on the entire lot. Ms. Buchanan said Mr. Finch included his house footage, but in doing the calculation, one would not include that footage. Mr. Finch said, “he knows that, but look at how large a building he could build without including the house footage at 2 percent. That’s why Ms. Buchanan thinks 10 percent is entirely too much.” Ms. Walker said it is too much which puts us back to where we started. Mr. Elliott said that is the point he was trying to get to. Mr. Elliott sees Mr. Phillips point too as does Mr. Finch. Ms. Walker said someone could build a shed that comes all the way up to their back door. For instance, the huge building built in the past on Tamarron was built because of the 10 percent being allowed. She wants to have it under control. Mr. Elliott said it should be conservative because they can apply for a variance. If someone complies with everything and that much footage is allowed to begin with there is no opportunity to review it. Mr. Finch said the variance has to be looked at and they have to prove a hardship that is not economic. Mr. Elliott wanted to clarify the variance procedure. Mr. Finch said it applies to any part of the building that doesn’t meet the regulation-height, footage, location, etc. and the applicant must prove a hardship in order for the variance to be approved by the Zoning Board of Adjustment. He thinks if you look at a normal house, they are not going to build a 6,000 square foot house on a one acre lot. That is not economically feasible. I think the 2 percent would be adequate to provide enough storage for a total of two 320 square feet buildings. That is 640 square feet. That is less than 785 square feet of the total lot. Ms. Walker’s lot is .285 acre. My footage is 25 feet off the front and house is sitting on a lot shaped like an L. There is limited yard. Technically there is no place to put a shed. Mr. Finch said that is a hardship. Ms. Walker said that is probably why her shed was attached to the back of the garage. Ms. Buchanan that when you are considering the smaller lots, then this should be designed so that residents cannot be building 600 square feet storage buildings on .25 acre lots. Mr. Finch said a proposed accessory building shall be the greater or less than 10 percent of the square building footage behind the rear building line then adjust the 10 percent. Then it becomes the responsibility of the applicant to bring the plat. Ms. Walker and Mr. Elliott thinks 10 percent is too large. Ms. Walker said at 10 percent someone should buy a ranch. Ms. Buchanan said the 10 percent allows people to have too many separate storage buildings on one piece of property. The footage of the home is on the Tarrant Appraisal District and the lot size but having to find the footage behind the rear building line is not easy. Mr. Finch said the more he looks at Fort Worth the more he can see it is more applicable to us as it is written. He thinks we can fit the smaller lots and bigger lots. Let’s say we adopt all of Fort Worth’s, it will cover all non-habitable accessory buildings, and exclude private garages, private carports and porte cocheres, so if we add that and I have an acre lot I cannot exceed covering 2 percent of the lot. I can put in an 875 square feet building, nearly 30 ft square, that’s the total they can have. Ms. Buchanan said perhaps they should consider a home addition if they need more storage, and Mr. Elliott said maybe they need a different lot. Ms. Walker said they might need to sell their home if that isn’t adequate. Mr. Finch said the 2 percent is an adequate amount but not allow an over building to get thrown in there. Ms. Buchanan said when she first looked at the Fort Worth table, she thought of how many different types of lots they have, how long have they been dealing with the issue—they have probably thought of a lot of things that we have not thought of. Ms. Walker feels that Fort Worth has everything you can think of as far as lot sizes go, and they have minimized with this table so that people that are reading it know exactly what they can do. Ms. Buchanan asked, so on the lot coverage the commission wants to use “No accessory building or combined accessory structures on one lot shall exceed two percent (2 percent) of total lot area except where otherwise provided in this ordinance.”? Mr. Phillips said we talked about lot coverage, about shall not exceed 10 percent of the total lot area behind the primary residence. Ms. Walker said that was changed to 2 percent. Ms. Buchanan confirmed that the lot coverage is to read “Accessory building shall be located behind the rear building line of the primary residential structure on the lot.” Ms. Walker and Mr. Phillips said that is fine. Mr. Phillips said we said we would use the Southlake wording on side/rear yards. Ms. Buchanan confirmed that the side/rear yards is to read “Accessory buildings having a permanent foundation shall be erected no closer than ten feet (10’) to a property line or easement located in the rear yard. Those structures not on a

permanent foundation may be placed as close as five feet (5') to a property line located in the rear yard. No accessory building shall be located in a dedicated easement.” Mr. Phillips said I think we are all happy now. Ms. Walker said it is still the 2 percent with what we said, and behind the rear property line. Mr. Finch said he thinks this will put the issue to bed for the final time.

4. DISCUSSION OF AMENDING SIDE YARD DISTANCE REQUIREMENTS IN R-1 AND R-2 SINGLE FAMILY RESIDENTIAL ZONING DISTRICTS TO 10 FEET AND 15 FEET IN LIEU OF 20 FEET EACH SIDE FOR MINIMUM INTERIOR LOT SIDE YARDS

In the packet, you have paperwork that shows what the side yard distances were prior to 2010. On interior lots, the side yard distance was 10 feet on one side and 15 feet on the other. On corner lots, it was 10 feet on the interior side and 20 feet on the street side. When the Commission updated the ordinance in 2010, and Mr. Boutwell of Municipal Planning Resources Group put Lakeside’s measurements in the charts, he put in 20 feet and 20 feet for all of the lots, in both R-1 and R-2 zoning districts. Upon review of all of the minutes and notes taken during the workshop process for the 2010 updates to the Zoning Ordinance, there is no indication that the Commission ever instructed that this be changed. This has caused some issues. The Mayor directed Staff to research the circumstances of the change in the footages. I contacted Mr. Boutwell recently about this issue, and told him Mr. Finch did not recall the Planning & Zoning Commission instructing this change, and that I could not locate anything on meeting recordings or notes instructing the change. Mr. Boutwell said even if it was a clerical error, the Planning and Zoning Commission and Council still have to have public hearings and vote just as if it were a new or amended rule. Ms. Walker said she remembers that we discussed the side yard distances, and decided to leave them as they were. Mr. Phillips said why are the distances different on corner lots? Ms. Buchanan said Wolf Creek’s deed restrictions said 10 feet and 15 feet side yard distances to match the Town’s. In 2010, the Town’s ordinance appeared to have changed and so people bought the lots years ago, and thought they would be grandfathered in, had their plans drawn up using 10 feet and 15 feet, going to a lot of expense, and then couldn’t get their plans approved. A variance was filed, and denied, which they did ask for less than 10 ft on one side, but long story short, they have gone to all of the expense and now will not spend more money to change plans and may just move on. So Mr. Finch said we need to do whatever needs to be done to get it corrected. Mr. Phillips said he proposes that we get the corrected wording to the Council for their consideration. Ms. Buchanan said that is what the next agenda item is about.

5. DISCUSS HOLDING A JOINT PUBLIC HEARING WITH CITY COUNCIL ON PROPOSED ZONING ORDINANCE AMENDMENTS ON MAY 10, 2012

Ms. Buchanan said this is a tentative date for a joint meeting with Council. The joint meeting for sure will have the side yard distance requirements, and perhaps the accessory buildings and the landscape regulations. Maybe the classification changes for new and unlisted uses. Staff will contact the Commission about when the meeting will be, and get proposed document for consideration to the Commission for review prior to the meeting.

6. The meeting was adjourned at 8:17 p.m.

CHAIRPERSON FRED FINCH

ATTEST DIANNA BUCHANAN