

PACKET– PLANNING & ZONING COMMISSION MEETING

Agenda Item	Page #
5 Minutes	2
9 Ordinance # 56 (Commercial Zoning)	4

5 Minutes

MINUTES – PLANNING & ZONING COMMISSION MEETING

DATE: October 12, 2023

TIME: 6:00 PM

PLACE: Highland Haven Community Center

1. Open meeting and Roll Call to Establish Quorum

Marvin Filla ✓Present ☐Absent

Linda Enderlin ☐Present ✓Absent

Connie Smith ✓Present ☐Absent

Jackie Garrow ✓Present ☐Absent

Debbie Dahlstrom ✓Present ☐Absent

2. Pledge of Allegiance

The Pledge of Allegiance was led by Marvin Filla

3. Recognize visitors.

Visitors present were Bruce Robertson

Public Comment

(At this time, any person with business before the P&Z Commission not scheduled on the agenda may speak to the Commission. No formal action can be taken on these items at this meeting. No discussion or deliberation can occur. Comments regarding specific agenda items should occur when the item is called.)

4. **No public**

ACTION ITEMS

5. Consider Minutes from September 14, 2023, P&Z Meeting.

Motion to approve minutes from September 14, 2023 made by Connie Smith, seconded by Debbie Dahlstrom

Vote 4-0

6. Public Hearing for Revisions to Ordinance # 20

Public hearing for Revisions to Ordinance # 20 opened at 6:02 pm

With no public comment the public hearing was closed at 6:03 pm

7. Discussion with Possible Action – Revisions to Ordinance # 20

Motion to send recommendation to approve Ordinance #20 revisions to Board of Aldermen made by Debbie Dahlstrom, seconded by Connie Smith.

Vote 4-0

8. Discussion with Possible Action – December 2023 P&Z meeting.

There was no action taken on this item.

DISCUSSION ITEMS

9. Review and Discuss: 'Topics for Planning & Zoning Commission Review' provided by BOA.

10. Review and Discuss: Recommendations forwarded to Board of Alderman.

Ordinance #'s 56, 74, and 99 were all approved by the Board of Alderman at the October 3, 2023, meeting.

11. Review and Discuss: Ordinance #056 Zoning (Commercial Zoning)

12. Review and Discuss: Water System
 - a. Mandatory Restrictions
 - b. Cross Connections

13. Review and Discuss: Legislative Updates

INFORMATION ITEMS

14. P&Z Commission Member Comments.
15. Next Regular Meeting date November 9, 2023.
16. Items to be considered for the next agenda must be received by the Chair on or before 12 noon CDT, November 1, 2023.
17. Adjournment.

Motion to adjourn made by Connie Smith, seconded by Debbie Dahlstrom.

Vote 4-0

Meeting adjourned at 7:32 pm.

9 Ordinance # 56 (Commercial Zoning)

ORDINANCE 56

SECTION III – ZONING DISTRICTS

SUBSECTION x (pp8-9)

DISTRICT X: COMMERCIAL / LIGHT INDUSTRIAL

1. AREA (legal description)

2. PURPOSE: The purpose of the general commercial district is to set aside defined land areas within the city, commensurate with anticipated demand, for commercial uses that serve the surrounding community with retail goods and services, in locations where transportation access can be maximized, while creating an environment to enhance the public image of the city, encourage economic investment, and provide attractive gateways into the city.

No area, building, or structure may be used, constructed, or altered except for Permitted or Conditional uses. Conditional uses are permitted by positive vote of the Board only, as defined by Subchapter XX.XX

Regulation of general commercial district development is intended to support the rural and recreational quality of life enjoyed by residents and property owners of the city by promoting business uses typical of a small Texas hill country community.

Property Owners may, by petition to the City, request business use of a property zoned other than General Commercial District. Such petitions will be considered on a case-by-case basis, according to

the defined Purpose of this Chapter, subject to the guidelines defined in article 00.06 Conditional Uses, and will be permitted or prohibited by vote of the Board.

3. USE REGULATIONS:

Buildings, structures, land, or premises will not be used, and buildings or structures will not hereinafter be erected, constructed, or altered, except for one or more of the following uses:

A. PERMITTED USES

- Antique shops
- Arts, craft, hobby shop (inside sales)
- Bakery, confectionary – retail and/or commercial sales
- Bank, credit union
- Barber shop, beauty shop
- Building materials, hardware (inside sales)
- Business services
- Cabinet, upholstery shop
- Cafes, cafeterias, restaurants
- Camera, photography
- Convenience store
- Clinics without overnight services
- Department, sporting goods, novelty, variety, toy stores
- Drapery, needlework, weaving shops
- Drugstore
- Facilities for assembly of computer software products
- Florists
- Gas station
- Gym, fitness center
- Household or office furniture/furnishings, appliance stores
- Jewelry, optical goods stores
- Laundry/dry cleaning substation
- Package liquor stores (yes or no?)

Retail uses which supply common shopping needs of residents of the city

Shoe and leather repair

Apparel shop

Uses not listed are subject to conditional use by petition before the city board of aldermen.

B. PROHIBITED USES

Uses not specifically permitted above are prohibited, including but not limited to:

Cultural service and community center (?)

Bars (what about restaurants that want to sell by-the-drink?)

Temporary or storage buildings

Major auto repair, auto body repair, auto or auto parts painting, storage, or sales

Outdoor sales or storage of merchandise for sale or waste

Wholesale food processing

Activities which create a nuisance as defined (xxxxxxx)

Veterinarian/kennel services

Sales/repair/resale/manufacture/refurbishment or storage of:

- a) Boats
- b) Trailers
- c) Mobile homes
- d) Recreational vehicles
- e) Sport/power sports vehicles

Laundry/dry cleaning plants

Junkyards

Sexually oriented businesses, including but not limited to:

- a) Modeling studios
- b) Dating/escort services

Display/sale/promotion of any product that adversely affects the health, safety or general welfare of residents of the City

Hotels/Motels

Recycling or waste disposal facilities

Subdivision sales offices

Smoke/vape shops

Pawn shops (not certified under TX statute – cite needed))

Cemeteries

Mobile food vehicles (?are we sure?)

Tattoo/piercing shops

Tents or temporary buildings

Recycling

Mining/quarrying activities

C. CONDITIONAL USES: non-conforming or conditional uses are permitted in only two distinct instances.

1. Property owners may receive approval of conditional use by a positive vote of the Board of Aldermen.
2. Property owners who are actively using property for unapproved conditional purposes on (date of ordinance approval) may continue to use that property for that purpose, under the following conditions:
 - a. There will be no future expansion of such facilities or uses;
 - b. If existing facilities are expanded or remodeled, such conditional use becomes subject to the full force of this ordinance, including but not limited to, requirement that conditional use is granted only by positive vote of the Board of Aldermen;
 - c. Sale of said property will not convey conditional use approval to subsequent property owners. Conditional use of said property by new owner will be subject to the full force of this ordinance, including but not limited to, requirement that conditional use is granted by positive vote of the Board of Aldermen.

D: GENERAL CONDITIONS AND LIMITATIONS

1. That the use is not objectionable, as defined by a positive vote of the Board of Aldermen, due to traffic, odor, excessive light pollution, smoke, dust, noise, vibration or similar nuisance and that such odors, smoke, dust noise or vibration be generally contained within the property, except that which is caused by customer and employee vehicles.

2. No building shall be erected and no existing building shall be moved, structurally altered, added to or enlarged, nor shall any land, building or premises be used or designated for use for any purpose or in any manner other than provided for hereinafter in the zoning district in which the land or premises is located; provided, however, that necessary structural repairs may be made where health and safety are endangered.

4. SITE DEVELOPMENT REQUIREMENTS

- A. PURPOSE: The purpose of this section is to provide control over the structures in business and industrial areas of the City so that they will complement existing activities, structures and neighborhoods, and conform to future plans of the City's growth.
- B. REVIEW: An applicant for a building permit for new construction or remodeling on any property zoned Commercial must submit to the City for review a description of the activity to be conducted, the location, building plans, site plans with drawings, dimensions and specifications.
- C. SITE PLAN SUBMISSION: A site plan shall be accurately and legibly drawn to scale with dimensions, and shall show the following items, as may be applicable for review of the proposed improvements:
 1. Point of references to accurately locate the site;
 2. The boundary of the existing property;
 3. Existing and/or proposed buildings;
 4. Proposed occupancy;
 5. Parking layout and drives;
 6. Means of ingress and egress;
 7. Loading areas;
 8. Fire lanes;
 9. Areas to be landscaped;
 10. Screening;
 11. Public and private sidewalks;
 12. Refuse facilities with screening;
 13. Adjoining streets and alleys, including curbs, medians and storm drains;
 14. Drainage, electric, telephone, gas, cable television, and other utility easements;
 15. Zoning;

16. Size of buildings;
17. Computations of building areas for each occupancy, site area, and parking ration;
18. Existing or proposed water and sanitary sewer lines;
19. Sign locations;
20. Other such information as considered essential by the Planning Commission or City.

D. APPROVAL: approval will be given based upon the appropriateness to the specific activity at the specific location, with regards to existing activities, structures and neighborhoods, and to the plans of the City.

E. ELEMENTS OF SITE PLAN APPROVAL:

The following will be used as guidelines in determining the acceptability of submitted designs:

1. Minimum lot size will be one (1) acre.
2. Minimum square footage of buildings used for business and services will be ???
3. Drainage, driveways, sewage and water utilities, and traffic flow plans must be approved by all governing County and State entities before final approval of site plan will be granted by the Board of Alderman.
4. All plans submitted must comply with the building codes in effect for the City at the time said plans are submitted. (cite Ordinance #40/56?)
5. Surface area of any building façade must be a material approved for use by a national model code published within the last three code cycles that applies to the construction, renovation, maintenance, or other alteration of the building. Wood must be properly painted, stained, protected, sealed or otherwise treated appropriate for the type of wood material used.
6. Masonry buildings must use brick, stone, stucco and similar materials. If concrete or cinderblock is used, it must be textured and painted, or coated with stucco or a similar material.
7. Driveways and parking areas must be graded and paved, or graveled with a dust-free material (includes granite gravel).
8. Minimum landscaped open space must be provided as follows:
 - a) Office uses: fifteen percent of lot area;
 - b) Commercial uses: ten percent of lot area;
 - c) Industrial uses: five percent of lot area.

Said area must be landscaped with grass, trees, shrubs, flowers, native vegetation or drought-resistant plants.

9. Material used on the framing or exterior of any structure must be a material approved for use by a national model code published within the last three code cycles, that applies to the construction, renovation, maintenance, or other alteration of the building. Antique, reclaimed or recycled material may be used on interior surfaces at the property owner's discretion.
 10. All heating and air conditioning equipment shall be screened from the view from any public street.
 11. Rear yards shall be required, only in the instance where the property abuts, along its rear lot line, property zoned and used for residential purposes, in which case a ten foot rear yard shall be provided between General Commercial and Residential uses, and not less than a twenty foot rear yard between Industrial and Residential uses. No yard or other open space provided to comply with provisions of this Subchapter shall be considered as providing a yard or open space for a building on any other lot.
 12. Outside storage and trash receptacles shall be enclosed from view by the general public by a solid fence constructed of with masonry or wood, the fence shall be a minimum of six feet tall. Where an industrial use property abuts a Residential use, a solid fence with a minimum height of eight feet shall be provided along the entire common boundary. No outside storage or trash receptacle shall be higher than the height of screening. All screening shall be maintained in a safe and slightly condition at all times. All General Commercial or Industrial district trash dumpsters shall be serviced from the owner's property.
- F. REJECTION: If the review results in a rejection of the plans, the City will send a letter of rejection to the applicant within five business days after rejection is given stating the specific reasons for the rejection. The applicant may modify the plans accordingly, and resubmit the new plans to the City at any time after this notice is received.
- G. APPEALS: Any person may appeal the City's decision (rejection) to the board of adjustments.

H. LARGE COMMERCIAL RETAIL

I. MINIMUM LOT FRONTAGE

J. MAXIMUM DENSITY

K. MINIMUM BUILDING SETBACKS

L. HEIGHT LIMITATIONS

M. LOT COVERAGE

N. OPEN SPACE: Minimum landscaped open space must be provided as follows:

1. Office uses – Fifteen percent of lot area;
- 2.. Commercial uses – Ten percent of lot area;
3. industrial uses – Five percent of lot area.

O. BUFFER REQUIREMENTS

P. SIGN REGULATIONS

Permitted commercial signs must be on the same lot as the business establishment to which they refer, and comply with all setbacks for the relevant Zoning District..

1. Temporary signs, movable marquees, and banners are prohibited, except for construction signs during development. (cite?)
2. Commercial signs in Districts A and D for the purposes of advertising a business approved as Conditional use are prohibited.
3. Commercial signs in Districts C and X shall not be within 25 feet of a residential district; must be stationary and non-flashing if illuminated, and shall comply with other applicable provisions of this ordinance and any other applicable ordinance of the City.
4. Commercial signs in District B must be approved by a positive vote of the Board.

Q. OFF-STREET PARKING

The following rules shall be applied in computing minimum required off-street parking spaces for each individual business operating on the property:

1. Three (3) parking spaces for a business with a floor area of up to 500 square feet.
2. One (1) additional parking space for every 200 square feet of floor area in excess of 500 square feet.
3. One (1) additional parking space for each vehicle used in connection with the business.
4. ADA spaces must be provided in accordance with Federal, State, and County requirements.
5. Size of Parking Spaces
 - a) All parking spaces, shall contain a minimum of 166½ square feet and shall be approximately nine feet in width and 18½ feet in depth. All parking spaces, parking or maneuvering aisles and driveways shall be of a surface material approved by the city building official.

- b) A maximum of 25 percent of the required number of parking spaces may be compact size, measuring 7½ feet in width and 15 feet in depth. Such compact spaces shall be located in groups of at least five spaces per group, and shall be conspicuously identified by appropriate signs and markings.

R. OFF-STREET LOADING REQUIREMENTS

Any business use that receives or distributes materials or merchandise by vehicle shall provide, when required by use district regulations, off-street loading spaces in accordance with the following requirements:

1. Floor area shall mean the gross floor area of use.
2. Fractional spaces shall be rounded to the next higher whole space.
3. Whenever a building or use, existing on the date of the ordinance from which this chapter is derived, is enlarged by more than 75 percent? In floor area or area of use, the entire building or use shall then and thereafter comply with the off-street loading requirements.
4. Off-street loading spaces shall be located on the same lot as the building or use served.
5. A loading space shall contain a minimum of 420 feet and shall be approximately 12 feet in width and 35 feet in length. All loading spaces, maneuvering aisles and driveways shall be paved.
6. One loading space for each 5,000 square feet of floor area for the first 15,000 square feet of floor area. One additional loading space for each (xxxx) square feet of additional floor space in excess of 15,000 square feet.

S. DRAINAGE

T. DRIVEWAYS

U. ACCESS

V. LIGHTING

W. BINDING SITE PLAN

Compliance by the applicant to the site plan submitted and approved will be determined by the City's designee. Should said designee determine that actual construction varies from the approved plans, City designee may issue a violation, applicant may be subject to a fine, and a stop-work order may be issued until such variance is resolved.

PACKET – PLANNING & ZONING COMMISSION MEETING