



**NOTICE OF REGULAR MEETING
CITY OF PILOT POINT
PLANNING AND ZONING COMMISSION**

NOTICE IS HEREBY GIVEN THAT THE PLANNING AND ZONING COMMISSION OF THE CITY OF PILOT POINT, TEXAS, WILL HOLD A REGULAR MEETING ON:

MONDAY, JANUARY 11, 2021

AT 6:00 PM

**PILOT POINT CITY HALL COUNCIL CHAMBERS
102 E. MAIN STREET PILOT POINT, TEXAS**

This meeting will be in person, as well as, virtual. From your computer, tablet or smartphone.

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AGENDA

A. ROLL CALL/CALL TO ORDER

B. Public Forum: (Citizens are allowed 3 minutes to speak. If the issue is on the agenda, the Planning and Zoning Commission may choose to discuss and consider the item. If the issue is not on the agenda, the Commission is not permitted by state law to respond to or discuss the item other than to make statement of specific facts in response to a citizen's inquiry or to recite existing policy in response to the inquiry. The Commission may request the issue to be placed on a future agenda for action in accordance with state law. This forum is not the appropriate place to address complaints against Public Officials and/or Staff. Complaints of this nature should be made in writing and filed with the City Manager.)

- C. Discuss, consider, and possible action on the October 5, 2020, Planning and Zoning Commission meeting minutes.
- D. Public Hearing on proposed ordinance amendment to Chapter 14. Zoning of the City of Pilot Point Code of Ordinances providing requirements for fences, walls and screening.
- E. Discuss, consider and possible action on proposed ordinance amendment to Chapter 14. Zoning of the City of Pilot Point Code of Ordinances providing requirements for fences, walls and screening.
- F. Discuss, consider and possible action on a prioritized list of needed ordinance revisions.
- G. Discuss upcoming training session on **Saturday, January 23 with City Council 10:00 to 2:00** (lunch provided) (topics will include zoning 101, open meetings, ethics, procedural review, others yet determined.)
- H. Items for Future Discussion - The Planning & Zoning Commission may identify issues or topics that they wish to schedule for discussion at a future meeting. Commissioners shall not comment upon, deliberate, or discuss any item that is not on the agenda. Commissioners shall not make routine inquiries about operations or project status on an item that is not posted. Any Commissioner may, however, state an issue and a request that this issue be placed on a future agenda.
- I. Adjourn

The Planning & Zoning Commission reserves the right to meet in Executive Session closed to the public at any time in the course of this meeting to discuss matters listed on the agenda, as authorized by the Texas Open Meetings Act, Texas Government Code, Chapter 551, including §551.071 (private consultation with the attorney for the City); §551.072 (discussing purchase, exchange, lease or value of real property); §551.074 (discussing personnel or to hear complaints against personnel); and §551.087 (discussing economic development negotiations). Any decision held on such matters will be taken or conducted in Open Session following the conclusion of the Executive Session.

In compliance with the Americans with Disabilities Act, the City of Pilot Point will provide reasonable accommodations for disabled persons attending this meeting. Requests should be received at least 24 hours prior to the scheduled meeting by contacting the City Secretary's office at 940-686-2165.

I the undersigned authority do hereby certify this notice was posted on the official bulletin board for the City of Pilot Point, Texas on **1/7/2021 by 5:00 p.m.**, and shall remain posted for at least 72 hours preceding the scheduled time of said meeting.

Lenette Cox, Acting City Secretary

City of Pilot Point, Texas
Minutes of the October 5, 2020

Planning and Zoning Commission Meeting

The Planning and Zoning Commission of the City of Pilot Point, Texas met on October 5, 2020 at 6:00 p.m. for a regular meeting of the Planning and Zoning Commission. Planning and Zoning Commissioners present were Brian Heitzman, Steve Keith, Rebecca Millikin and Gary Speer. City staff present were Planning Development Director John Taylor, Development Services Administrative Assistant JoAnn Wright.

A. ROLL CALL/CALL TO ORDER

Commission Chairman Heitzman announced a quorum and called the meeting to order at 6:00 p.m.

B. Public Forum

Commission Chairman Heitzman opened the public forum at 6:01 p.m. There were no public comments. Public Forum was closed at 6:02 p.m.

C. Discuss, consider and possible action on the 9/08/20 Planning and Zoning Commission meeting minutes.

Commissioner Keith made the motion to approve the minutes of the 9/08/20 Planning and Zoning Commission meeting. Commissioner Speer seconded the motion. The motion passed unanimously.

D. Discuss, consider and possible action on classification of a new and unlisted use – “Smoke shops/tobacco/CBD stores” and direction on a possible ordinance regulating the same.

Development Services Director Taylor stated the regulation of smoke shops/tobacco/CBD store is necessary and in the interest of the public health, safety and general welfare because there is the substantial likelihood of the establishment and operation of smoke shops, tobacco stores, vape stores and CBD stores in the city of Pilot Point. The expansion of these stores in the city could result in undesirable impacts to the community. Among these impacts are increased potential for tobacco sales to minor, greater opportunity for the sale of illegal drug paraphernalia that is marketed as tobacco paraphernalia, and heightened risk of negative aesthetic impacts, blight, and loss of property values of residential neighborhoods and businesses in close proximity to such used.

The city has been contacted by someone that wants to open a “smoke shop/tobacco/CBD store” in the C-1/Historic District. He was told that the use is not listed in the Zoning Ordinance and that it will need to be interpreted by the Planning and Zoning Commission and the City Council to determine the appropriate zoning district for the use.

Mr. Taylor went over a sample ordinance and the meaning of some of the terms used in the ordinance concerning tobacco sales. The Commission also talked about the zoning and distances.

Commissioner Millikin made the motion to recommend the ordinance as presented with the following changes to the chapter titled “Zoning and land use standards for smoke shop and tobacco stores”:

1. Section B. Recommend the use to be allowed in Light Industrial (L1) zoning with a Special Use Permit (SUP).
2. Section C. (1) 300 feet to 500 feet.
3. Section C. (2) 500 feet to 1500 feet.
4. Section C. (4) signage will at least 8 ½ inches by 11 inches using no less than 24 size fonts.

E. Discuss, consider and provide direction on an amended landscape ordinance with tree preservation.

Development Services Director Taylor stated that City Council wants a tree preservation ordinance. The action for the Commission is to make recommendations for an ordinance.

The City of Pilot Point adopted a landscape ordinance in 2007. It has landscape requirements for multi-family development but only that 20% of any other development should be landscaped and has no requirements of what landscape is. It has requirements if you are preserving a tree but has no requirement or consequence if you don't preserve any trees.

Staff has been directed to write requirements for tree preservation which in staff's opinion should be written into a revised landscape ordinance.

In 2004, the City adopted the Corridor Design Standards which apply to all property within 350 feet of the centerline of US 377 and Washington Street.

Some of the recommendations were:

1. Needs to be a 4-inch caliper three in a pot container.
2. On new construction trees must be in place before the CO is issued.
3. Trees should be native to Texas.
4. Do not plant to close to electric lines.
5. Need to make sure they don't create blind spots.
6. Should not require a sprinkler system in residential development.
7. Require trees in parking lots.
8. There will need to be a public hearing for public opinions.

F. Item for Future Discussion:

There were no items listed for future agendas.

G. Adjourn.

Commissioner Speer made the motion to adjourn. Commissioner Keith seconded the motion. The meeting adjourned at 7:23 p.m.

Commissioner Brian Heitzman

ATTEST:

Development Services Administrative Assistant
JoAnn Wright



Planning and Zoning Commission Agenda January 11, 2021

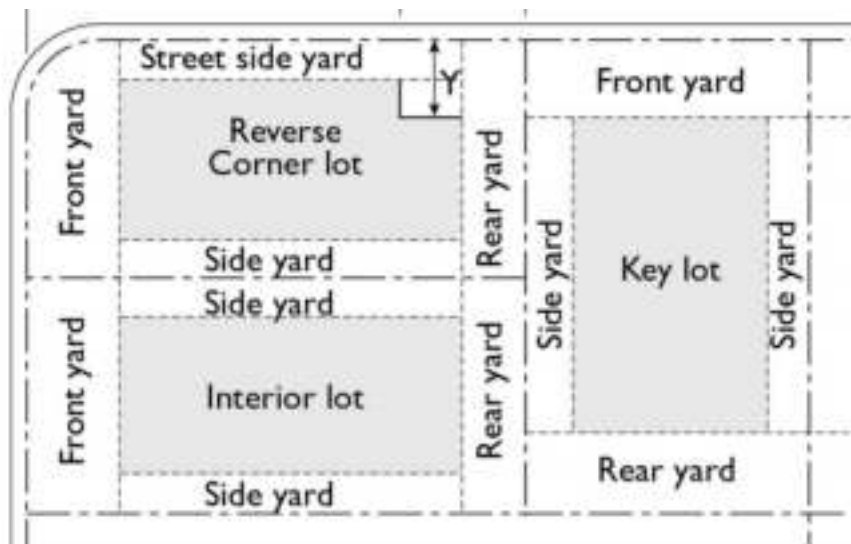
Agenda Item: Public Hearing (Discussion Item)

Agenda Description:

1. Public hearing on a proposed ordinance amending Chapter 14. Zoning of the City of Pilot Point Code of Ordinances providing requirements for fences, walls and screening.
2. Discuss, consider and possible action on an ordinance amending Chapter 14. Zoning of the City of Pilot Point Code of Ordinances providing requirements for fences, walls and screening.

Background Information:

The primary purpose of this ordinance revision is to address "Reverse frontage corner lots" and the required fence setback on those types of lots. A reverse corner lot is a corner lot where the rear lot line is adjacent to a side lot line of an abutting lot or across an alley from such side lot line.



In SF-2 zoning the front setback is 25'. Prior to this draft the side fence of a reverse corner lot could be on the property line. The draft requires the fence to be setback 15' to prevent the blocking of the line of visibility of the front yards of the adjacent house. Also, the setback will provide for safer driveway visibility. This ordinance revision only applies to new construction.

Other changes in the **Exhibit A - Fences Walls and Screening** include:

- Provides better definition of a minor fence repair and when an inspection should be called in.
- Provides clarification that all wood, regardless of whether it is stained, must be pressure treated unless it is redwood or cedar.
- Provides clarification that retaining walls over 4' require a permit and inspection.
- Provides clarification that all fence installers must be registered.
- Provides clarification as to what is required in a set of plans.
- Provides clarification that variances are heard by the Board of Adjustments.
- Makes agriculture exemptions for barbed wire and other wire fence on properties over 1 acre with permitted agriculture activities.
- Provides misc. minor clarifications.

Changes in the **Exhibit B - Walls and Screening** include:

- Changes the ability to approve an alternative equivalent screening material from the Development Services Director to the City Council.
- Provides clarification that all dumpsters placed after February 12, 2018 require screening and a permit for such screening which are not within a screened rear service area and which are visible from a public right-of-way for all nonresidential, and multifamily uses shall be visually screened by a minimum six-foot solid masonry wall on at least three sides with the fourth side being a solid gate. (per ordinance 351-12-18).
- Provides clarification that Refuse dumpster storage areas that are nonconforming may continue; however, any change to the use or expansion of the building on the property requires compliance with the screening requirements. The ordinance can not be made retroactive.
- Removes the graphic of the dumpster screen which was taken from another city and is too restrictive and detailed for ordinance purposes.

Financial Information:

N/A

Contact and Recommendations:

John Taylor, Director Development Services

Attachments:

- Redline copy of ordinance

**CITY OF PILOT POINT, TEXAS
ORDINANCE NO. ____-____-2020**

AN ORDINANCE OF THE CITY OF PILOT POINT, TEXAS, AMENDING CHAPTER 14. ZONING OF THE CITY OF PILOT POINT CODE OF ORDINANCES PROVIDING REQUIREMENTS FOR FENCES, WALLS, AND SCREENING; PROVIDING DEFINITIONS; PROVIDING FOR A REPEALER CLAUSE; PROVIDING FOR ENFORCEMENT AND PENALTIES; PROVIDING A SAVINGS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City has authority to regulate the location, height, and maintenance of fences, walls, and screening on property to protect the public health, safety, and welfare of its citizens; and

WHEREAS, the City desires to amend the Code of Ordinance to restrict the location of fences on certain lots, impose standards for fences, impose standards for screening of refuse storage areas, require permits for refuse storage areas, and add definitions so that such fences and screening do not detract from the economic value and utility of neighboring properties.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF PILOT POINT, TEXAS:

**SECTION 1
INCORPORATION OF PREMISES**

The above and foregoing premises are true and correct and are incorporated herein and made a part hereof for all purposes.

**SECTION 2
AMENDMENTS TO SECTION 14.02.302: FENCES, WALLS, AND SCREENING**

That Section 14.02.102 in Chapter 14: Zoning of the City of Pilot Point Code of Ordinances is hereby amended to read in its entirety as shown in the attached "Exhibit A," which is attached hereto and incorporated herein for all purposes.

**SECTION 3
AMENDMENTS TO SECTION 14.02.102.5: WALLS AND SCREENING**

That Section 14.02.102.5 in Chapter 14: Zoning of the City of Pilot Point Code of Ordinances is hereby amended to read in its entirety as shown in the attached "Exhibit B," which is attached hereto and incorporated herein for all purposes.

**SECTION 4
AMENDMENTS TO SECTION 14.02.002: DEFINITIONS**

That Section 14.02.002 in Chapter 14: Zoning of the City of Pilot Point Code of Ordinances is hereby amended to add the following definitions:

Lot line, front. The lot line separating the lot from a street.

Lot line, rear. The lot line farthest from and most parallel to the front lot line.

Lot line, side. Any lot line not the front or the rear lot line.

**SECTION 5
CUMULATIVE REPEALER**

That this Ordinance shall be cumulative of all other Ordinances and shall not repeal any of the provisions of such Ordinances except for those instances where there are direct conflicts with the provisions of this Ordinance. Ordinances or parts thereof in force at the time this Ordinance shall take effect and that are inconsistent with this Ordinance are hereby repealed to the extent that they are inconsistent with this Ordinance. Provided however, that any complaint, action, claim or lawsuit which has been initiated or has arisen under or pursuant to such Ordinance on the date of adoption of this Ordinance shall continue to be governed by the provisions of that Ordinance and for that purpose the Ordinance shall remain in full force and effect.

**SECTION 6
ENFORCEMENT AND PENALTY CLAUSE**

An offense committed before the effective date of this Ordinance is governed by prior law and the provisions of the Code of Ordinances, as amended, in effect when the offense was committed and the former law is continued in effect for this purpose. It shall be unlawful for any person to violate any provision of this Ordinance, and any person violating or failing to comply with any provision of this Ordinance shall be fined, upon conviction, not less than One Dollar (\$1.00) nor more than Two Thousand Dollars (\$2,000.00), and a separate offense shall be deemed committed each day during or on which a violation occurs or continues.

**SECTION 7
SEVERABILITY CLAUSE**

That should any sentence, paragraph, subdivision, clause, phrase or section of this Ordinance be adjudged or held to be unconstitutional, illegal or invalid, the same shall not affect the validity of this Ordinance as a whole, or any part or provision thereof other than the part so decided to be invalid, illegal or unconstitutional, and shall not affect the validity of the Code of Ordinances as a whole. City Council hereby declares it would have passed such remaining portions of this Ordinance despite such invalidity, which remaining portions shall remain in full force and effect.

**SECTION 8
EFFECTIVE DATE**

This ordinance shall take effect immediately from and after its passage and the publication of the caption, as the law and charter in such cases provides.

PASSED, APPROVED, AND ADOPTED by the City Council of the City of Pilot Point, Texas, on the ___ of _____, 2021.

Shea Dane-Patterson, Mayor

ATTEST:

~~Alice Holloway~~, City Secretary
Lenette Cox Acting

APPROVED AS TO FORM:

Brenda N. McDonald, City Attorney

EXHIBIT "A"

Sec. 14.02.102 Fences, walls and screening

(a) General. ~~It shall be unlawful for any person to construct or repair a fence not in compliance that does not comply with the regulations contained herein with this section.~~ Except as provided by other subsections of this section, a fence, wall, or hedge may be erected, placed, maintained, or grown along a lot line of residentially zoned property to a height not exceeding eight feet (8') above the ground level. ~~The board of adjustment may grant a variance from this subsection after a public hearing if it is found that such action is within the general purpose and intent of this article. (1993 Code, sec. 10 3A 2)~~

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(b) Definitions.

Accessory building. A subordinate building, the use of which is incidental to that of the main building on the same lot.

Build. To construct, erect or place, or cause, or allow another to construct, erect or place.

Fence. Any structure which exceeds 18 inches in height above the nearest grade and which encloses, partitions or divides any yard as defined in this chapter.

Residentially zoned. Property zoned single-family.

Reverse frontage corner lot. A corner lot where the rear lot line is adjacent to a side lot line of an adjoining abutting lot or across an alley from such side lot line.

Zoning regulations. The city zoning regulations, as set out in this chapter as amended.

(c) Measurement of fence height. Fence height shall be measured from the grade adjacent to the fence from the applicant's side of the fence. If the fence is constructed on top of a retaining wall it shall be measured from the top of the retaining wall.

(d) Permit required; inspection and maintenance.

(1) Permit required. It shall be unlawful for any person to construct, alter, add to, or repair a fence on any property without having first prior to obtaining a fence permit from the permitting authority development services. All fence construction, alterations, additions, or repair require a permit, except that repairs not involving posts or not in excess of fifty percent (50%) of any one run, such as replacing pickets or customary maintenance, may be completed without a permit with materials matching the

~~existing fence. If the cumulative effect of a series of repairs over a twelve (12) month period exceeds fifty percent (50%) of any one run or involves post installation, a permit is required. All fences require a permit; however, no permit is required for repairs minor in nature (damaged, missing slats, blown over, or as determined by the city). All damaged, removed, blown down, or missing portions of such fence shall be replaced, stood up, or repaired with comparable materials of a comparable color to the remaining portion of such fence. Minor repairs must be performed within a reasonable amount of time as determined by the city. Adequate plans and specifications, as set forth by the city, must accompany each application for a permit.~~

(2) ~~Inspection and maintenance. Once complete, a final inspection is required and must be scheduled by the installer w~~Within five business days of completion, the fence installer shall schedule a final inspection of the fence. ~~When any fence is completed, it must be inspected. The development services department shall be notified upon completion of the fence.~~ The building official (or designee) will issue an acceptance if the fence complies with the provisions of this article, or it will be rejected. All fences constructed under the provisions of this article shall be maintained so as to comply with the requirements of this article at all times. Fences shall be maintained by the owner or person in charge of the property in as near as possible the condition of such fence when it: installed and accepted as provided herein, and will be subject to code compliance notification and issuance of a citation if not maintained in such condition. Fences shall be maintained as follows:

(A) Such fence shall not be out of vertical alignment more than 20 degrees.

(B) All damaged, removed or missing portions of such fence shall be replaced or repaired with comparable materials of a comparable color to the remaining portion of such fence.

(C) If a new fence, section of fence or fence replacement is proposed to be composed of wood, all wood elements (posts, fence panels, etc.) used shall be pressure-treated with the chemicals alkaline copper quaternary (ACQ), copper azole (CA) or micronized copper quaternary (MCQ). In addition, non-pressure treated cedar and redwood are acceptable. ~~Stained non-pressure treated wood is not acceptable~~prohibited.

(3) Masonry columns or retaining walls. All masonry columns or retaining walls greater than four feet (4') in height shall require an engineered stamped design, reviewed, permitted and inspected.

(4) Registration required. ~~All fence installers are required to be registered with the city, pursuant to Section 3.05.002.~~

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(5) Plans required. ~~Adequate plans and specifications, which may includes a plot plan showing exact materials, easements, location, height, dimensions from property lines, sidewalks, curbs, and location of gates, as determined by the building official, must shall accompany a completed be attached to the permit application form.~~

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(7) Estate properties greater than one (1) acre in size that front onto a right-of-way of sixty (60) feet or more may install decorative driveway entrances. ~~Estate parcels. Decorative driveway entrances not exceeding 8' in height are permitted on residential estate parcels greater than one (1) acre in area that front a right-of-way 60 feet or more in width.~~

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(8) Valid government related facilities, including sports facilities may build fences or screening walls to industry standard and utilize alternate materials and methods, with city council approval. ~~Government-related facilities. The city council may permit the use of alternative materials and methods that comply with industry standards for fences or screening walls for government-related facilities, including sports facilities.~~

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(e) Appeals and special exceptions/variances.

(1) An appeal from a decision of the building official under the terms of this part shall be made to the board of adjustment, pursuant to Section 1.07.067.

(2) When, in its judgment, the public convenience and welfare will be substantially served and the appropriate use of the neighboring property will not be substantially injured, the ~~zoning~~-board of adjustment may authorize variance to the regulations provided in this article, after a public hearing, in order to permit reasonable development and improvement of property where the literal enforcement of the regulations would result in an unnecessary hardship and if it is found that the variance is within the general purpose and intent of this article.

(f) Prohibited materials.

(1) No person shall build any fence composed, in whole or in part, of:

(A) Welded or woven wire such as chicken wire, hog wire, and similar agricultural wires (does not include chain link);

(B) An electric fence, except for fences located on property not zoned residential and in compliance with Section 250.009 of the Tex. Loc. Gov't Code;

(C) Galvanized sheet metal, corrugated metal, or corrugated fiberglass; or

(D) Materials not approved for exterior exposure.

(2) The following are affirmative defenses to a violation of this section:

(A) When mandated by state or federal statute.

(B) When required for public safety for local governmental facilities.

[(g) Reserved.]

(h) Barbed wire fences and agricultural exemptions.

(1) Barbed wire fences or welded or woven wire fences used in conjunction with permitted agricultural and related activities on properties over one acre and in industrial districts are permitted but are expressly prohibited in all other districts except as provided in subsection (3)(B) [(h)(2) below].

(2) Barbed wire strands may be placed on top of permitted fences and screening elements in any district for the purpose of security around public utilities provided the top strand is not higher than eight feet (8') ~~nor~~ and the bottom strand lower than six feet (6') from the adjacent grade line.

(i) Construction or protrusion on public property. No fence or any part of such fence shall be constructed upon or caused to protrude over public property. All fences must be maintained in a plane so as not to overhang public property.

(j) Residential districts.

(1) General. Screening elements and fences shall be restricted to a maximum height of eight feet (8'), measured from the adjacent grade line, except as otherwise allowed.

(A) Fences may be built within the required front yard, as defined in this zoning ordinance, where lots are at least one and one-half acres or greater. Front yard fencing shall be limited to four feet (4') in height and shall be of open construction, providing that at least 50 percent (50%) of the fence be open (-e.g. lattice, wrought iron, etc.)

(2) Nonresidential uses in residential districts.

(A) Required. Nonresidential uses in residential districts shall be suitably screened from view, to a height not less than six feet (6') of any adjacent residential lot or dwelling use along the side and rear property lines of such nonresidential use.

(B) Exceptions. The screening requirements of [section 14.02.102.5\(b\)\(1\)\(A\)](#) shall not be mandatory for public schools, parks or churches, except where a parking lot of active outdoor intensive use area (such as a playground) is adjacent to a residential lot or dwelling.

(C) Parking lots. ~~Parking lot screening need not be more than three and one-half (3-1/2) feet in height. Parking lot screening shall be at least three and one-half (3-1/2) feet in height between the parking lot and an adjacent use residential or public street, including right-of-way.~~

(D) Off-street loading. Off-street loading areas of any nonresidential use shall be adequately screened from view of any residential dwelling or lot or of any other adjacent public or semipublic land use.

(3) Multifamily uses.

(A) Where a multifamily use abuts a one- or two-family residential district, the side and rear property lines of said multifamily district shall be suitably screened from view, to a height not less than six feet (6'), of any adjacent dissimilar residential dwelling or property.

(B) Garbage, refuse, and trash collection/storage or public utilities areas in any multifamily development or other nonresidential use permitted in a residential district shall be enclosed on at least three (3) sides by a dense screening element to adequately screen such area from view of the surrounding area and barbed wire is permitted for such uses.

(4) Location. No screening element or fence shall be erected, placed, or planted beyond the front building line of any permitted building in a

residential district, either on a corner lot or interior lot, unless otherwise allowed by a variance from the zoning board of adjustment.

(5) Easement access. No screening element comprised of brick, masonry, concrete, chainlink, or solid metal shall be erected or placed where it would interfere with the installation or maintenance of any public utility line, service, or drainageway, or be erected or placed within the easements reserved therefor.

(k) Nonresidential districts.

(1) General. Where a nonresidential use abuts a residential lot, use or district, the side and rear property lines abutting said residential lot, use or district shall be suitably screened by the nonresidential use so as to obscure the view from the residential lot, use or district to the nonresidential use to a height not less than six feet (6').

(2) Parking areas. Where a district boundary separating a residential district from a nonresidential district is along a street or alley, or an automobile parking lot or parking area is located in the front yard of the nonresidential use, then said parking lot or parking area facing the residential lot, use, or district shall be suitably screened to a height of not less than three and one-half (3-1/2) feet.

(3) Garbage storage. Where garbage, refuse, and trash collection/storage is permitted and the screening thereof is required, then such screening shall be provided around the exposed perimeter thereof of not less than six feet (6') in height.

(4) Off-street loading. Off-street loading areas shall be adequately screened from view of any residential dwelling or any other adjacent residential land use.

(5) Maintenance. All required screening elements shall be permanently and adequately maintained by the property owner.

(A) Required. Nonresidential uses in residential districts shall be suitably screened from view, to a height not less than six feet (6') of any adjacent residential lot or dwelling use along the side and rear property lines of such nonresidential use.

(B) Exceptions. The screening requirements of [section 14.02.102.5\(b\)\(1\)\(A\)](#) shall not be mandatory for public schools, parks or churches, except where a parking lot or an active outdoor intensive use area (such as a playground) or ballfield is adjacent to a residential lot, property or dwelling.

(C) Parking lots. Parking lot screening shall be at least three and one-half (3-1/2) feet in height between the parking lot and an adjacent use residential or public street including right-of-way.

(D) Off-street loading. Off-street loading areas of any nonresidential use shall be adequately screened from view of any residential dwelling or lot or of any other adjacent public or semipublic land use or from the public right-of-way.

(l) Multifamily uses.

(1) Where a multifamily use abuts a one- or two-family district, the side and rear property lines of said multifamily district shall be suitably screened from view, to a height not less than six feet (6'), of any adjacent dissimilar residential dwelling, lot or property.

(2) Garbage, refuse, and trash collection/storage areas in any multifamily development or other nonresidential use permitted in a residential district shall be enclosed on at least three (3) sides by a dense screening element to adequately screen such area from view of the surrounding area and shall provide access gates for humans and for garbage trucks.

(3) Location. No screening or fence shall be erected, placed, or planted beyond the front building line of any permitted building in a residential district, either on a corner lot or interior lot.

(m) Restrictions in certain locations.

(1) Fences in easements. No fence shall be located within any easement except by prior written approval of those agencies having interest in such easement. Fences within utility, surface drainage (including inlets and concrete flumes) and maintenance easements must be constructed with ornamental iron and removable fence sections. All vertical bars must be a minimum of three inches on center and must not exceed 3-15/16 inches on center. The maximum diameter of all vertical and horizontal bars shall be two inches. The minimum clearance between the bottom of the fence and grade is

two inches. Fences within drainage easements that serve underground reinforced concrete pipe (i.e., nonsurface drainage) must be constructed with metal posts and with removable fence sections.

(2) Attachment to screening wall. Where subdivisions are platted so that the rear or side yards of single-family residential lots are adjacent to a public street on which a screening wall has been provided, no wall or fence shall be attached to the screening wall.

(3) Fences on reverse frontage corner lots. On all reverse frontage corner lots it shall be unlawful to construct a fence within the required side yard area that is adjacent to a front yard area at a distance closer than fifteen (15) feet of the side property line.

(n) Gates.

(1) Any fence built so as to enclose an area shall provide a gate or other opening in the fence of at least three feet in width and with a minimum headroom clearance of six feet, eight inches in height.

(2) Gates for vehicular use must be a minimum of 24 feet from the property line for all types of property other than residential.

(o) Wind load requirement. Fences must be able to structurally support fencing materials for a 70-mile-per-hour wind speed.

(p) Swimming pool fences. Fences around swimming pools shall be in conformance with this section and with [section 14.02.103](#).

[(q) Reserved.]

(r) Sight visibility. See [section 10.02.182](#) “sight triangle” for sight visibility requirements for fences and screening walls.

(s) Special-purpose fencing. Special-purpose fencing, such as fencing around tennis courts, dog runs, etc., is permitted. Special-purpose fencing shall comply with the requirements as set forth in this section. Smooth, nonclimbable two-inch by four-inch mesh on metal posts will be acceptable behind the building line. Any other materials require approval from the building official.

(t) Back-to-back fencing. Back-to-back fencing is allowed only at a separation distance of at least five feet.

(u) Nonconforming fences. A fence that does not comply with the requirements of this part as of (date of adoption of this amendment), shall be allowed to remain unless the fence is replaced, destroyed or damaged to the extent of 60 percent or more of the value of the structure, in which event the right to maintain the structure shall terminate.

(v) Height transition. Where a privacy fence and a fence or wall that screens a thoroughfare or public street of different heights meets or connects, a stair-step transition/effect shall be provided to match the height of the fence that is lower in height. Such transition must be in lengths of no less than eight feet for each one foot of change of elevation and as approved by the city.

(w) Fence post visibility. Where a privacy fence faces a public right-of-way, the fence must be built with the posts on the inside of the property and may not be facing the public right-of-way.

EXHIBIT "B"

Sec. 14.02.102.5 Walls and screening

(a) Purpose. The purpose of this section is to encourage the most appropriate use of land and conserve and protect the privacy and value of adjacent permitted uses. Regulations in this part are prescribed for the location and type of various screening devices to be used when required in the various zoning districts or in this article in accordance with the following standards.

(b) Screening requirements.

(1) Screening for residential districts. In the event that a multi-family property sides or backs upon a single-family or duplex residential district, or in the event that a nonresidential district (including PDs) sides or backs upon any type of residential, a solid brick/masonry screening wall of not less than six feet, nor more than eight feet in height, shall be erected on the property line separating these districts by the more intense use. The purpose of the screening wall or fence is to provide a visual and protective barrier between the properties. For these required screening walls, and also for screening walls/fences along arterials, ornamental lighting and detailing that are placed on top of the masonry support columns may exceed the maximum eight-foot height limit by up to 24 inches provided that they are decorative in nature and are integrated into (and complementary to) the design of the screening wall, and provided that light fixtures do not illuminate adjacent property or cause a nuisance to adjoining neighbors. Grand entryway features into subdivisions from an arterial shall be located on private ~~property, and~~property and shall be owned and maintained by a private entity. Such features shall not extend over the public ~~right-of-way, and~~right-of-way and shall be limited to a height of ten feet above grade unless otherwise approved on the screening/landscaping plans by the development services director. All fences/walls, other than private wood fences on residential lots/tracts, which shall only require a fence permit from the city, and subdivision entryway features shall be properly engineered, and shall be approved by the city engineer.

(A) Any screening wall or fence required under the provisions of this part or under a specific use permit, planned development district, or other requirement shall be constructed of masonry, reinforced concrete, or other similar suitable permanent materials which do not contain openings, except limited gates for pedestrian access, if approved, and which are finished on both sides with the same or similar materials and colors as the main building on the property that is responsible for the

screening wall. All wall or fence openings shall be equipped with gates equal in height and screening characteristics to the wall or fence.

(B) Alternative equivalent screening [that is suited for the purpose for which the screening is proposed](#) may be approved through the consideration and approval of the site plan for suggested screening alternatives that may be used in lieu of a solid masonry wall by the ~~development services director~~[City Council](#).

(c) Screening fence or wall in yard adjacent to public street. In nonresidential, multifamily and manufactured housing districts PD, no fence or wall shall be erected in any front yard or side yard which is adjacent to a public street unless the fence/wall is required to screen the development from an adjacent residential area. In this case, the screening fence/wall shall be extended to the street right-of-way line by the developer of the nonresidential, multifamily or manufactured/mobile home development, and the fence/wall shall be finished on both sides in a manner/color that is compatible to the exterior finish materials used on the main buildings, except for a manufactured housing park. Screening fences/walls shall be placed such that they do not impede visibility for vehicles entering or exiting the nonresidential, multifamily or manufactured/mobile home development (see [section 10.02.182](#) “sight triangle” for sight visibility requirements).

(d) Permits. All fences and walls require permits, [except as provided in this Code](#).

(e) Sight visibility requirements. See [section 10.02.182](#) “sight triangle” for sight visibility requirements for fences and screening walls.

(f) Screening of open storage required. Open storage of materials, commodities or equipment shall be screened with a minimum six-foot fence or ~~wall, and wall and~~ shall not be visible from the street or from adjacent property.

(g) Standards for screening of open storage. In districts permitting open storage, screening shall be required only for those areas used for open storage. A six-foot minimum screening fence or wall shall be provided and maintained at the property line adjacent to the area to be screened by one or a combination of the following methods:

- (1) Solid masonry (brick, concrete block or concrete panels).
- (2) Wrought iron with solid landscape screening.
- (3) Alternative equivalent screening [that is suited for the purpose for which the screening is proposed](#) may be approved through consideration and

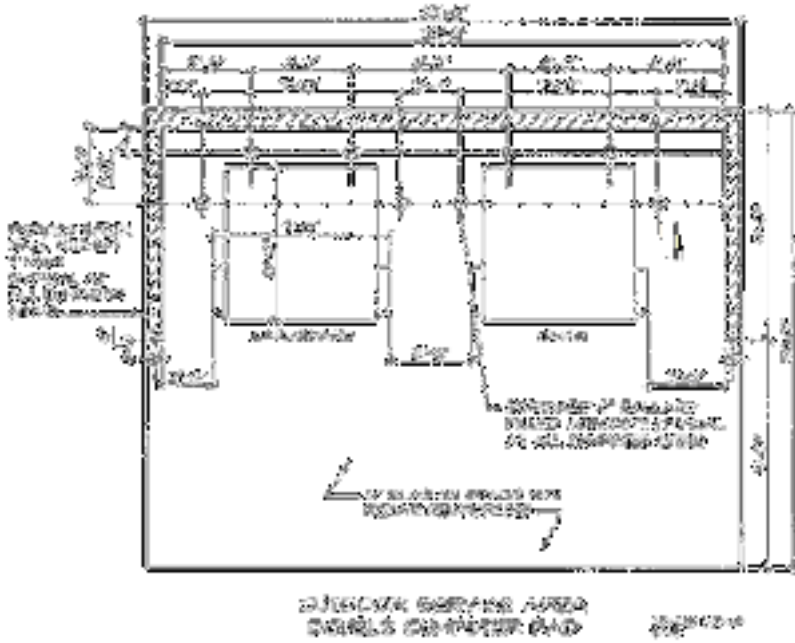
approval of ~~the aa~~ plan for suggested screening alternatives that may be used in lieu of a solid masonry wall by ~~development services~~city council.

No outside storage may exceed the height of the fence. Outside storage exceeding eight feet shall require a specific use permit.

(h) Refuse dumpster storage areas. ~~All refuse dumpster storage areas require a wall permit prior to the placement of the dumpster.~~ Refuse dumpster storage areas, constructed after the date of this ordinance~~February 12, 2018, per ordinance 351-12-2018~~insert effective date of ordinance, which are not within a screened rear service area and which are visible from a public right-of-way for all nonresidential, and multi-family uses shall be visually screened by a minimum six-foot solid masonry wall on at least three sides ~~(see illustration, refuse container enclosure diagrams, printed at the end of chapter 14 [this section])~~. The fourth side, which is to be used for ~~garbage pickup service~~access to the dumpster, shall ~~provide~~be a solid gate to secure the refuse storage area and bollards to protect the wall. Each refuse facility shall be located ~~so as to~~facilitate pickup by refuse collection agencies. Adequate reinforced paved areas shall be provided for refuse facilities and their approaches for loading and unloading. ~~This applies to all refuse storage areas in the city, constructed prior to the date of this ordinance, within 24 months unless permanently waived by the city council.~~ Refuse dumpster storage areas that are nonconforming may continue; however, any change to the use or expansion of the building on the property requires compliance with this paragraph.

(i) Ground-mounted utility structures. Plans and specifications for screening and/or fencing around ground-mounted utility structures shall be approved in writing by the affected utility company, and shall be submitted, along with an approval letter/document from the utility company, to the development services director, for review and approval prior to construction of said screening/fencing.

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(Ordinance 351-12-2018, ex. A, adopted 2/12/18)

Prioritized Ordinance Amendments

1. Parking – As written gravel parking and drives are allowed in SF-3 zoning as well as all retail, commercial and industrial zoning.
2. Downtown revision of the C-1 district – The downtown is zoned C-1 which is a retail district. It only applies to the downtown but it is not written to be a downtown district. It needs to be amended to address downtown specific issues such as shared parking, allowing residential only on the upstairs of buildings on the square, unique signage among other things.
3. Landscape Ordinance – The city loses points in the Scenic City application because our landscape ordinance is so weak. It does not apply at all to residential and it basically does not exist for commercial except for in the 377 corridor and for multifamily. Council members have requested staff to add a tree mitigation portion of the ordinance.
4. Sign Ordinance – The city loses points in the Scenic City application because we allow signs that are viewed as unattractive such as trailer mounted signs, pole signs. Also, Council has directed staff to amend the sign ordinance as it relates to banners and religious organizations.
5. 377 overlay – We should consider taking the 377 standards and applying them to the entire city. Such as landscaping and not allowing gravel commercial drives and parking lots.
6. Site Plan Ordinance - We do not currently require commercial development to submit a site plan for approval so we can not review landscaping, screening, traffic flow, dumpster location, parking etc. Sec. 14.02.253 Development site plan (Right now site plan approval is only required in a PD approved by PZ and Council. Need to make an administrative approval process for all commercial and MF-3 districts. Along with Sec. 14.02.254 Administrative action (This section gives administrative action to the Planning and Zoning Commission for “minor changes on a development plan – Should be changed to Development Services Director) (not drafted)
7. Subdivision Rules and Regulations – The entire Subdivision Rules and Regulations need to be completely rewritten as they are out of date and partially at fault for all the complications, we have had with Yarborough Farms. This is a big job that will be political so we should contract it out.
8. Zoning ordinance cleanup and Use Chart – Our ordinance has many contradictions, flaws, and errors. I started working with PZ a year ago to revise the use chart but stopped due to lack of time and the problem of keeping the Commission on track as the use chart is very broad and covers many different issues. This also is a big job that will be political and would benefit for being consultant led.
 - a. Multi-family 1 and 2 - Sec. 14.02.204.XX MF-1 Multifamily Residential District (District missing from ordinance) and Sec. 14.02.204.XX MF-2 Multifamily Residential District (District missing for ordinance)
 - b. SF-3 is missing from chart Sec. 14.02.051