



## AGENDA

### PLANNING AND ZONING

**September 27, 2012 @ 7:00 P.M.**

Notice is hereby given; the Planning and Zoning Commission for the City of Parker will hold a Regular Meeting on Thursday, September 27, 2012 at 7:00 P.M. at Parker City Hall, 5700 E. Parker Road, Parker, Texas 75002:

#### **CALL TO ORDER – Roll Call and Determination of a Quorum**

#### **PLEDGE OF ALLEGIANCE**

AMERICAN PLEDGE: I pledge allegiance to the flag of the United States of America; and to the republic for which it stands, one nation under God, indivisible with liberty and justice for all.

TEXAS PLEDGE: Honor the Texas flag; I pledge allegiance to thee, Texas, one state under God, one and indivisible.

#### **INDIVIDUAL CONSIDERATION ITEMS**

1. CONSIDERATION AND/OR ANY APPROPRIATE ACTION ON MEETING MINUTES FOR AUGUST 9, 2012.
2. CONSIDERATION AND/OR ANY APPROPRIATE ACTION TO AMEND THE CITY ORDINANCES ON PASTURE MAINTENANCE (ORD. 553 & 571, CODIFIED IN THE PARKER MUNICIPAL CODE CHAPTER 94).
3. CONSIDERATION AND/OR ANY APPROPRIATE ACTION TO AMEND THE CITY ORDINANCES ON FENCES (COMPREHENSIVE ZONING ORDINANCE 483, CODIFIED IN THE PARKER MUNICIPAL CODE CHAPTER 156).

#### **ROUTINE ITEMS**

4. FUTURE AGENDA ITEMS
5. ADJOURN

In addition to any specifically identified Executive Sessions, the Planning and Zoning Commission may convene into Executive Session at any point during the open meeting to discuss any item posted on this Agenda. The Open Meetings Act provides specific exceptions that require that a meeting be open. Should Commission elect to convene

into Executive Session, those exceptions will be specifically identified and announced. Any subsequent action, as a result of this Executive Session, will be taken and recorded in open session.

I certify that this Notice of Meeting was posted on or before September 21, 2012 by 5:00 p.m. at the Parker City Hall, and as a courtesy, this Agenda is also posted to the City of Parker Website at [www.parkertexas.us](http://www.parkertexas.us)

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Date Notice Removed

Carrie L. Smith, City Secretary

The Parker City Hall is Wheelchair accessible. Sign interpretations or other special assistance for disabled attendees must be requested 48 hours in advance by contacting the City Secretary's Office at 972 442 6811.

**MINUTES**  
**PLANNING AND ZONING COMMISSION MEETING**  
**AUGUST 9, 2012**

**CALL TO ORDER – Roll Call and Determination of a Quorum**

The Planning and Zoning Commission met on the above date. Chairperson Wright called the meeting to order at 7:01 P.M.

Commissioners Present:

<input checked="" type="checkbox"/> Chairperson Wright	<input checked="" type="checkbox"/> Commissioner Stone
<input checked="" type="checkbox"/> Commissioner Schroeder	<input checked="" type="checkbox"/> Commissioner Lozano
<input checked="" type="checkbox"/> Commissioner Stanislav	
<input checked="" type="checkbox"/> Alternate Raney	Alternate Herzberger
<input checked="" type="checkbox"/> Alternate Sutaria	

Staff Present

City Secretary Smith

**PLEDGE OF ALLEGIANCE**

The pledge to the American and Texas flag was recited.

**INDIVIDUAL CONSIDERATION ITEMS**

Chairperson Wright appointed Alternate Raney to a voting position for the meeting.

1. CONSIDERATION AND/OR ANY APPROPRIATE ACTION ON MEETING MINUTES FOR JULY 31, 2012.

In accordance with Parker's Code of Ordinance 150.02, Places 3 and 5 were amended to expire in odd years, June 1, 2013.

MOTION: Councilmember Stone moved to approve subject to amending the expiration of Places 3 and 5 to 2013. Councilmember Lozano seconded with Commissioner's Stone, Wright and Lozano voting for. Commissioners Stanislav and Raney were not present at the meeting and did not vote. Motion carried 3-0.

2. CONSIDERATION AND/OR ANY APPROPRIATE ACTION ON A PRELIMINARY PLAT FOR MAHAN ADDITION; BEING APPROXIMATELY 6.9 ACRES IN THE S.E. DONALDSON SURVEY, ABSTRACT 277. APPLICANTS: MOHAMMAD MASSOUDI AND MARYAM H. BROUJERDI ARE REQUESTING ONE SINGLE FAMILY RESIDENTIAL LOT TO BE SUBDIVIDED INTO TWO LOTS.

Property owners Mary and Mo Massoudi would like subdivide their lot to construct a new home on the front portion.

Commission discussed Mahaney Road. Mahaney Road is a private drive shared and maintained by three property owners. Access for the home on the rear section of the property will not be changed. Access to the new home on the front section will be off Dublin Road.

City Attorney Shepherd stated the rear tract would not be a "flag lot" because access will remain the same.

**MOTION:** Commissioner Lozano moved to recommend approval of the preliminary plat subject to: 1) new waterline being installed for both homes; 2) installation of a fire hydrant; 3) right of way dedication to the City along Dublin Road; and 4) adding the name and address of the property owner to the face of the plat. Commissioner Stanislav seconded with Commissioners Stone, Raney, Wright, Lozano and Stanislav voting for. Motion carried 5-0.

## **ROUTINE ITEMS**

### **3. FUTURE AGENDA ITEMS**

Future training for commissioners  
Plat for a portion of the Bedell tract

### **4. ADJOURN**

Adjourned at 7:55 p.m.

Minutes Approved on \_\_\_\_\_ day of \_\_\_\_\_, 2012.

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Chairman Russell Wright

Attest:

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Commission Secretary Stanislav

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Prepared by City Secretary Carrie L. Smith



## Council Agenda Item

Budget Account Code:	Meeting Date: September 4, 2012
Budgeted Amount:	Department/ Requestor: Councilmember Sumrow
Fund Balance-before expenditure:	Prepared by: A Sumrow
Estimated Cost:	Date Prepared: 8/29/2012
Exhibits:	

### AGENDA SUBJECT

CONSIDERATION AND/OR ANY APPROPRIATE ACTION TO REFER THE CITY ORDINANCES ON MOWING (ORD. 553&571, Code Chapter 94), AND/OR FENCES (COMPREHENSIVE ZONING ORDINANCE 483, Code Chapter 156), TO THE PARKER PLANNING AND ZONING COMMISSION FOR RECOMMENDATIONS FOR AMENDMENTS, IF ANY.

### SUMMARY

**Zoning Ordinance Review  
Mowing/Pasture Maintenance and Gates  
By Councilmember Allison Sumrow**

There are two topics within our current zoning ordinance that I believe need review by P&Z for potential modification to allow for consistent code enforcement, and to clarify outstanding questions.

#### 1) Fences and Gates

The current Parker zoning ordinance covers fences in SF and SFT districts, but no others, and does not offer any specific guidelines about the installation of gates on properties, either as part of fence lines, or independent of fence lines. This has caused some confusion when trying to ensure code compliance, considering the construction of the gate (visibility/height/materials) and the positioning of a gate (Can a gate be built where there is not a fence supporting it?) In addition, the existence of locked gates poses access concerns for emergency vehicles.

## 2) Mowing/Wildflowers/Pasture Maintenance

The current Parker zoning ordinance requires that all vegetation be maintained at 12 inches or below, in all zoning districts. There may be some instances where this is not appropriate, such as on multiple acre lots where livestock are grazed, or where grass is grown to be baled for hay to be sold, or where wildflowers are cultivated. There may also be some state laws that are counter to our requirements on growth on acreage and/or wildflowers.

The sections of existing ordinance that address both fences and pasture maintenance are provided below. I would like P&Z to review of these two topics, in light of the questions above, to determine if there is a need to modify our current ordinance. I will provide P&Z additional questions and information, based on the questions that have been asked of me, to assist them in their review. Prior to this being placed on a P&Z agenda, I would also ask Staff to review the references I've cited, below, and provide any other ordinances on this topic, if they exist.

### Current fence ordinance

 § 156.32 SINGLE-FAMILY RESIDENTIAL DISTRICT.

 § 156.33 SINGLE-FAMILY TRANSITIONAL DISTRICT.

- (I) *Fences;*
- 1) *General restrictions.*
  - a) *No fences shall be permitted in front yard areas and side yards extending beyond the house facade on developments in the SF areas, except for lots of 2 acres or more.*
  - b) *Fencing in side yard or back yard areas shall not exceed 6 feet, 0 inches in height. All fences shall be of open construction and not solid or near-solid fabric or surfacing. Open construction shall mean that each fence panel, when viewed from an elevation perspective at a perpendicular to that elevation, shall be constructed of materials that allow at least 50% of the surface area of each panel to provide for an open unobstructed view.*
  - c) *The 50% open construction requirement for each fence panel is exclusive of columns and posts, which may be constructed of solid material including masonry or metal.*
  - d) *Fencing columns, if used, shall not be more than 2 feet square on base, and not more than 6 feet in height. The columns shall not be closer together than 6 feet center to center.*
- 2) *Chain link fencing. Chain link fences may not be used in the front yard. They cannot extend beyond the front building line of the primary dwelling on the lot. They cannot extend into the side setback on the street side of a corner lot. It is preferred that chain link fence be black or green vinyl coated rather than galvanized.*
- 3) *Privacy fencing. Privacy fences are permitted around swimming pool areas, subject to the following:*
  - a) *The fence must be built with the finished side facing the exterior of the lot; and*
  - b) *The privacy fence must not be built farther than 30 feet from the side of the pool. The side of the pool is defined as where the water's edge meets the side of the pool, not the outside edge of the pool decking, if any.*

- 4) *Inspection and maintenance. When any fence is completed, it must be inspected. The Building Inspection Department shall be notified upon completion of the fence. The Chief Building Official will issue a card of acceptance if the fence complies with the provisions of this section, or it will be rejected. All fences constructed under the provisions of this section shall be maintained so as to comply with the requirements of this section 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 the fence when installed and accepted as provided herein, and shall be maintained as follows:*
  - a) *The fence shall not be out of vertical alignment more than 20%; and*
  - b) *All damaged, removed, or missing portions of the fence shall be replaced or repaired with comparable materials of a comparable color to the remaining portions of the fence.*
- 5) *Materials.*
  - a) *Permitted materials. Materials permitted are wood, concrete, masonry, chain link, wrought iron, metal tubing, vinyl, fiberglass composite, barbed wire, or other materials approved by the Building Official for exterior exposure as fence material.*
  - b) *Prohibited materials. Materials prohibited are razor ribbon, sheet metal, corrugated steel and fiberglass panel, plywood, or any other similar material manufactured for other uses.*
- 6) *Certain locations, construction prohibited.*
  - a) *Within easements. No fence shall be located within any easement except by prior written approval of those agencies having interest in that easement.*
  - b) *Electric fences. No fence erected shall be electrically charged in a manner to be dangerous to humans.*
- 7) *Swimming pool enclosures. A building permit is required for the construction of all swimming pools, and all pools and their associated safety fences shall be built according to the building code.*

## **§ 156.37 SUPPLEMENTARY DISTRICT REGULATIONS.**

**(B) Fences, walls, and hedges.** *Notwithstanding other provisions of this chapter, fences, walls, and hedges may be permitted in any required yard, or along the edge of any yard, provided that the fences, walls, or hedges along lot lines at street intersections do not impair visibility at the intersection within an area defined by lines of joining points located 20 feet back from the intersection of all curb lines extended.*

### **Current Pasture maintenance Guidelines**

## **§ 156.37 SUPPLEMENTARY DISTRICT REGULATIONS.**

**(D) Lot maintenance.** *In all districts, lots shall be maintained in such a manner as to be free and clear of debris. All vegetation, except for regularly cultivated crops, trees, or shrubbery, which exceeds 12 inches in height shall be presumed to be objectionable and unsightly. Regularly cultivated crops shall not be allowed to grow within the right-of-way of*

*any public street or easement but shall be kept mowed. It shall be the duty of any person owning, claiming, occupying, or having supervision or control of any real property to cut and remove all weeds, brush, or other objectionable or unsightly matter as often as may be necessary; provided that the removing and cutting same at least once in every 30 days shall be deemed a compliance with this chapter; and to use every precaution to prevent the same growing on the premises to become a nuisance.*

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Inter – Office Use			
<b>Approved by:</b>			
Department Head:		Date:	
City Attorney:		Date:	
City Administrator:		Date:	

## Request to P&Z to review pasture maintenance ordinance in Parker

### Summary of Issue

The current Parker zoning ordinance requires that all vegetation be maintained at 12 inches or below, in all zoning districts. There may be some instances where this is not appropriate, such as on multiple acre lots where livestock are grazed, or where grass is grown to be baled for hay to be sold, or where wildflowers are cultivated. There may also be some state laws that are counter to our requirements on growth on acreage and/or wildflowers. Some edits, additions and clarifications to the current ordinance may be necessary to assist in code enforcement, consistent application of our current zoning regulations and protection of neighborhood integrity.

### Questions to consider in review of zoning ordinance:

- 1) Is our current limitation on grass height reasonable on acreage where livestock are currently grazing? Are there circumstances where good quality pasture at higher than 12 inches is appropriate? How should the ordinance distinguish between livestock forage growth versus weeds that are a result of lack of property maintenance? If a pasture owner claims livestock forage, should proof of livestock on the property be required?
- 2) How are "regularly cultivated crops" distinguished from lack of pasture maintenance? Does a property owner need to show ongoing proof of cultivation?
- 3) Are there special types of pasture plantings that may appear as "weeds", but are actually special plants planted for livestock feed? If so, how does a pasture owner document this and how is it enforced?
- 4) Are there state laws regarding special pasture plantings and management of "floriculture" that need to be taken into consideration in the crafting of potential edits to our current ordinances?
- 5) Do residents be able to designate specific areas on their property for wildflowers? If so, at what point after the flowering and seeding phase to plants need to be mowed? Are there state laws protecting/supporting the cultivation of wildflowers?

### Current pasture maintenance ordinance

#### § 156.37 SUPPLEMENTARY DISTRICT REGULATIONS.

*(D) Lot maintenance. In all districts, lots shall be maintained in such a manner as to be free and clear of debris. All vegetation, except for regularly cultivated crops, trees, or shrubbery, which exceeds 12 inches in height shall be presumed to be objectionable and unsightly. Regularly cultivated crops shall not be allowed to grow within the right-of-way of any public street or easement but shall be kept mowed. It shall be the duty of any person owning, claiming, occupying, or having supervision or control of any real property to cut and remove all weeds, brush, or other objectionable or unsightly matter as often as may be necessary; provided that the removing and cutting same at least once in every 30 days shall be deemed a compliance with this chapter; and to use every precaution to prevent the same growing on the premises to become a nuisance.*

## Request to P&Z to review fence ordinance in relation to gates in Parker

### Summary of Issue

The current Parker zoning ordinance covers fences in SF and SFT districts, but no others, and does not offer any specific guidelines about the installation of gates on properties, either as part of fence lines, or independent of fence lines. This has caused some confusion when trying to ensure code compliance, considering the construction the gate (visibility/height/materials) and the positioning of a gate (Can a gate be built where there is not a fence supporting it?) In addition, the existence of locked gates poses access concerns for emergency vehicles.

### Questions to consider in review of zoning ordinance:

- 1) Are gates covered under our existing zoning ordinance? If so, where? Or, does the definition of a fence automatically include a gate wherever the combination is placed?
  - a) Are gates by themselves considered a “fence”, and required to conform to the same guidelines of a fence?
  - b) Do there need to be different requirements for gates?
    - i) Material?
    - ii) Width of gate columns?
    - iii) Does the gate need to match the look of the fence?
    - iv) Does gate need to be a part of a fence, or can a gate stand alone, across a driveway or road?
    - v) How tall should the gate be?
- 2) How are locked/electric gates handled from an emergency access standpoint? Need police/fire input.
- 3) Can a gate be erected on a property when it isn't within an existing fence line, such as on a private road? If so, under what circumstances?
- 4) If a gate is added after the initial erection of a fence, is a new permit needed?
- 5) Do we need a fencing/gate ordinance in the Ag/Open Space and in the Manufactured Housing Districts? There is none now.
  - a) Should we distinguish between residential and farm/animal fencing? If so, would farm/animal fencing guidelines apply in all zoning districts?
- 6) Are solid, tall, long gate columns consistent with our visibility requirements?
- 7) Should there be any guidelines on shrubbery/vegetation on fences? Height? Density? Visibility? “Weeds” vs. shrubs?
- 8) If changes are made to the existing ordinance, will existing gates that don't meet the new specifications be grandfathered?
- 9) What changes need to be made to the wording on the fence permit application?

### Current fence ordinance – in SF and SFT and in Supplemental District Regulations

- (I) Fences;
- 1) General restrictions.
    - a) *No fences shall be permitted in front yard areas and side yards extending beyond the house facade on developments in the SF areas, except for lots of 2 acres or more.*
    - b) *Fencing in side yard or back yard areas shall not exceed 6 feet, 0 inches in height. All fences shall be of open construction and not solid or near-solid fabric or surfacing. Open*

**Request to P&Z to review fence ordinance in relation to gates in Parker**

*construction shall mean that each fence panel, when viewed from an elevation perspective at a perpendicular to that elevation, shall be constructed of materials that allow at least 50% of the surface area of each panel to provide for an open unobstructed view.*

- c) *The 50% open construction requirement for each fence panel is exclusive of columns and posts, which may be constructed of solid material including masonry or metal.*
- d) *Fencing columns, if used, shall not be more than 2 feet square on base, and not more than 6 feet in height. The columns shall not be closer together than 6 feet center to center.*
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**Examples**



Gate columns don't match the fence column requirements of our fencing ordinance.



Electric gate restricts emergency access



September 2012

**Request to P&Z to review fence ordinance in relation to gates in Parker**

Gate columns



Gate across private road, but not a continuation of an existing fence

September 2012