

MINUTES
PLANNING AND ZONING COMMISSION MEETING
JANUARY 10, 2013

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 7:00 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

<input checked="" type="checkbox"/> City Administrator Flanigan	<input checked="" type="checkbox"/> City Secretary Smith
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Others Present

PLEDGE OF ALLEGIANCE

The pledge to the American and Texas flag was recited.

INDIVIDUAL CONSIDERATION ITEMS

1. CONSIDERATION AND/OR ANY APPROPRIATE ACTION ON MEETING MINUTES FOR DECEMBER 13, 2012.

MOTION: Commissioner Lozano moved to approve the minutes as written. Commissioner Schroeder seconded with Commissioners Stone, Stanislav, Schroeder, Wright and Lozano voting for. Motion carried 5-0.

2. COMMISSION TRAINING BY CITY ATTORNEY.

Tabled to a future date.

3. 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).

The Commission had a lengthy discussion reviewing Commissioner Stone's notes and comments provided in the packet. (See exhibit A.)

MOTION: Commissioner Stone moved to recommend approval of the proposed revisions to Council subject to changing the adjacent right-of-way from 25-feet to 20-feet. Commissioner Stanislav seconded, with commissioners Stone, Schroeder, Wright, Lozano and Stanislav voting for. Motion carried 5 to 0.

4. CONSIDERATION AND/OR ANY APPROPRIATE ACTION ON AMENDING CODIFICATION CHAPTER 92, ANIMALS.

Chairperson Wright gave a PowerPoint and suggested changes to the Commission to review. (See Exhibit 4A)

Commission discussed the suggested changes and tabled to a future meeting.

ROUTINE ITEMS

5. FUTURE AGENDA ITEMS

January 17 – training for commissioners
January 24 – animal ordinance

6. ADJOURN

Adjourned at 8:30 p.m.

Minutes Approved on 24 day of January, 2013.

\s\ Russell Wright

Chairman Russell Wright

Attest:

Commission Secretary Stanislav

\s\ Carrie L. Smith

Prepared by City Secretary Carrie L. Smith

Exhibits
3A – Mowing
4A - Animal

COMMENTS CONCERNING PROPOSED REVISIONS TO 156.37
SUPPLEMENTARY DISTRICT REGULATIONS

In wording this proposed ordinance revision I was trying to determine how certain property uses are being misused and are causing a problem with the image and laws of the City of Parker and its residents. I am well aware of how those of us responsible for making sure the health, safety and welfare of the City residents are protected. I am also aware of how we pride ourselves with the image of "Keep Parker Country". It is easy to place restrictions on things we personally feel are offensive to our personal lifestyle. It is not easy to compromise and place restrictions that can please everyone.

I know that we have specific zoning areas and yet we sometimes feel a catch all as limiting grass or weeds to 12 inches to all districts is sufficient for all zoning districts. Yet it is a difficult limitation to enforce and in some cases very unfair. I know that there are those individuals who feel all areas should be maintained in the same manner as they strive to achieve. This can lead to uncomfortable decisions on the part of those responsible for enforcement, and the need to attempt to achieve a compromise within the limits of the governing powers.

I personally observed, as many of you have, many areas which are not abiding by the mowing limitations, but are only offensive to a few. It does not seem these locations are hurting the image of Parker as a choice area for living as we are considered the best in the metroplex.

I know that the way the proposed revision is worded makes it seem that I believe all areas should be considered agriculture. I felt that by using the words "natural state" to refer to areas that could be allowed to use their property in ways that to me are more "country".

To me natural state means areas that have not been changed artificially or are in a primitive or unaltered state. That means, to me, a pasture or lot that is not being used for any activity other than what I have listed in the proposed revision (dated January 10, 2013).

This proposal would not supercede any HOA or other local restrictions that I am not aware of, but in several cases it would make it possible for those of us who want to use our property in other ways than just keeping it mowed down to satisfy others.

I like the comments of residents who want to keep Parker "Countryside in the Midst of Congestion" and keep our charm and country like quality of life.

Someday we may feel we should attain the urban lifestyle of other Cities as Highland Park, Plano, Dallas, etc., but for now I would prefer we show some latitude in how we can compromise with our neighbors and still be proud of our city.

Tom Stone
January 10, 2013



Meeting Date: January 10, 2013

Agenda Subject:

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).

156.37 SUPPLEMENTARY DISTRICT REGULATIONS (EXISTING)

(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.

156.37 SUPPLEMENTARY DISTRICT REGULATIONS (PROPOSED)

(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. The following provisions relate only to the height of grass and weeds on properties with an area or areas, which have remained in their natural state:

- (1) On lots of 2 acres or more:** that portion of the property that has remained in its natural state – grass and weeds are not permitted to grow to a height in excess of eight (8) inches adjacent to a public or prescriptive road right of way for a distance of twenty-five (25) feet into the property from said right of way and within ten (10) feet of adjoining property. Beyond the above limits, grass and weeds are not permitted to grow to a height in excess of twenty-four (24) inches, unless the vegetation is for agricultural operations.
- (2) Agricultural operation includes the following activities:**
 - a. Cultivating the soil;**
 - b. Producing crops for human food, animal feed, planting seed, or fiber;**
 - c. Floriculture;**
 - d. Viticulture;**
 - e. Horticulture;**
 - f. Silviculture;**

- g. Wildlife management;
- h. Raising or keeping livestock or poultry.

(3) This does not apply to front yards as defined in Supplemental District Regulations Section 156.37 (G) (1).

Regularly cultivated crops shall not be allowed to grow within the public or prescriptive road 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.

(For discussion at Parker P & Z Meeting on January 10, 2013)

§ 92.03 WILD, EXOTIC, AND VICIOUS ANIMALS.

(A) *Prohibited animals.* It shall be unlawful for a person to keep or harbor a prohibited animal within the city limits. Prohibited animals include the following. Any animal, regardless of state or duration of captivity, that poses a potential physical or disease threat to the public, that is protected by international, federal or state regulations, or that violates the city's nuisance ordinance, is considered to be excessively odiferous, noisy or having offensive characteristics, including but not limited to the following:

(1) Naturally Vicious Wild Animals

Those wild or vicious animals that would pose significant bodily threat to humans, animals or livestock, if not confined.

(1) *Class Reptilia.* Family Helodermatidae (venomous lizards); Family Viperidae (rattlesnakes, copperheads, cottonmouths, other pit vipers and true vipers); Family Elapidae (coral snakes, cobras, mambas and other elapids); the following listed species of Family Colubridae *Dispholidus typus* (boomslang), *Hydrodynastes gigas* (water cobra), *Boiga* (mangrove snake), and *Thelotornis* (African twig snake) only; Order Phidia, Family Boidae (racers, boas, water snakes and pythons); and Order Crocodilia (crocodiles, alligators, caimans and gavials).

Comment [R1]: Trying to say wild animals that are vicious and will attack and kill humans if they escape captivity. Is this already covered by the statement in paragraph A?

(2) *Class Aves.* Order Falconiforms (such as hawks, eagles and vultures); Subdivision Ratitae (such as ostriches, rheas, cassowaries and emus); Order Strigiforms (such as owls); genus *Meleagris* (such as turkey); genus *Inachis* (such as peacocks).

Comment [R2]: Many of these are already protected species.

(3) *Class Mammalia.* Order Carnivora, Family Felidae (such as ocelots, margays, tigers, jaguars, leopards and cougars), except commonly accepted domesticated cats; Family Canidae (such as wolves, wolf dog hybrids, dingos, coyotes and jackals), except domesticated dogs; Family Mustelidae (such as weasels, skunks, martens, mink and badgers); Family Procyonidae (raccoon); Family Ursidae (such as bears); Order Marsupialia (such as kangaroos and common opossums); Order Edentata (such as sloths, anteaters and armadillos); Order Proboscidea (elephants); Order Primata (such as monkeys, chimpanzees and gorillas); Order Rodentia (such as porcupines); Species Procine (such as swine and potbellied pigs).

(B) Prohibited animal does not mean a gerbil, hamster, guinea pig or laboratory mouse or rat.

(C) Large animal

(1) A large animal is defined as any herbivorous grazing animal over 500 pounds body weight. It shall be unlawful for any person to keep a large animal on any premises except as follows, or to keep any large animal on any premises in an unsanitary condition.

Comment [R3]: Most large animals are probably restricted by HOAs. Do we need all these rules for large animals? Has this been an issue in the past? Would it be?

Comment [R4]: Why isn't this in the definitions section?

(2) The minimum lot size for large animals is 1.8 net acres. For each lot, the portion of the lot in excess of one-half acre is determined to be the net grazing area. A person may keep large animals in accordance with the following:

(a) One large animal per one-half acre of net grazing area, when each animal is provided a fully enclosed stall inside a barn, suitable for the large animal's care and feeding, accessible by the animal and not used for storage or other use.

Comment [R5]: I understand from some cattle owners that having a single cow is not a good idea.

(b) One large animal per acre of net grazing area when no fully enclosed stall is provided for the large animal.

(c) Two herbivorous grazing animals less than 500 pounds body weight shall be considered the same as one large animal in the calculation of the number of animals permitted on a lot.

(d) A special permit may be requested by applicants wishing to keep animals with a minor variance from the terms of this division (C).

Comment [R6]: Where is this covered? Is there a process?

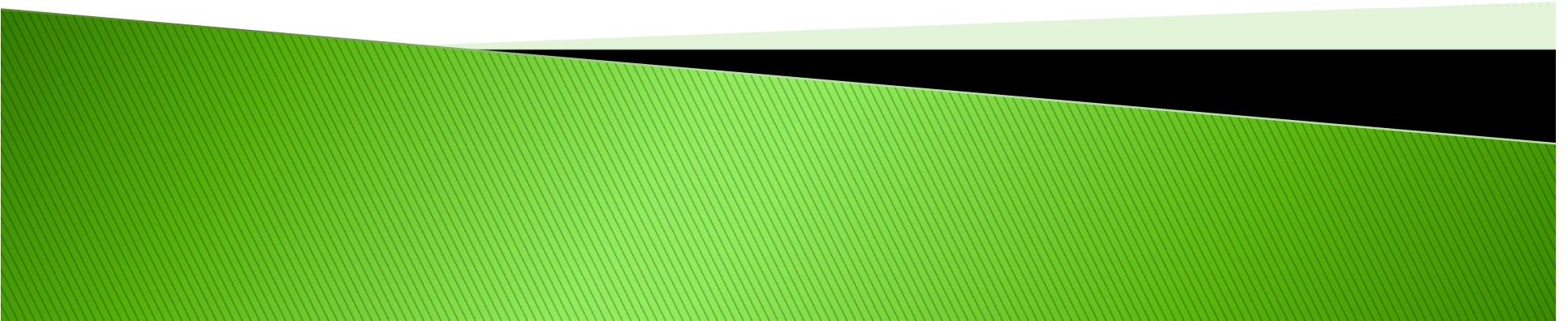
(Ord. 414, passed 12-17-1996; Am. Ord. 560, passed 10-26-2004; Am. Ord. 625, passed 7-1-2008) [Penalty, see § 92.99](#)

Exhibit 4A
January 10, 2013

Thoughts on Wild Animals

Review of 92.03

Russell Wright
1/10/2013



This is a Starting Place

- ▶ I reviewed a couple of cities' animal ordinances, looked online and jotted down some thoughts
- ▶ Do not construe my thoughts for a finished product...they are a starting place for conversation only



What is the Problem?

- ▶ Excessive restrictions for animals based on...?
 - Poisonous?
 - Wild and vicious?
 - Size?
 - Protected species?



General

- ▶ Is it covered by other ordinances?
- ▶ Is there a nuisance component?
- ▶ Are the issues real and what have we experienced?
- ▶ Can it/will it/how will it be enforced?
- ▶ Opinion
 - What constitutes good/bad animals/pets
 - Capuchin monkeys vs marmosets



Health/Safety

- ▶ Are there real safety issues?
- ▶ Should a citizen be allowed to make decisions that affect their own safety and that of their family?
- ▶ Is there something that is putting others at risk?



Parker Considerations

- ▶ Many diverse areas of Parker
 - HOA/non-HOA
 - Agricultural/City residential
 - Old/New
- ▶ One size probably doesn't fit all
- ▶ Grandfathering
- ▶ Will anyone really notice relative to the size?
- ▶ Overly complex?



Community Impact / Freedom

- ▶ More rules and regs = less freedom
- ▶ Is it something a city should control?
- ▶ Will it withstand a legal challenge?
 - City of Plano example
- ▶ How would you feel if it directly affected you?
- ▶ Does it have the potential to be misused?
 - Spite
- ▶ Does it directly conflict with freedoms guaranteed by our founding documents?



My Observations

- ▶ The primary purpose should be to protect residents from wild and vicious animals
- ▶ Definition of large animals should be moved into definitions section, 92.01
- ▶ Do we need the large animal section?
- ▶ Do we have/need a special permit process for animals?

