

MINUTES
PLANNING AND ZONING COMMISSION MEETING
FEBRUARY 28, 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 7:01 P.M.

Commissioners Present:

X	Chairperson Wright	X	Commissioner Stone
X	Commissioner Schroeder	X	Commissioner Lozano
X	Commissioner Stanislav		

X	Alternate Raney	Alternate Herzberger
	Alternate Sutaria	

Staff Present

X	City Administrator Flanigan	X	City Secretary Smith
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Others Present

X	Councilmember Leamy
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PLEDGE OF ALLEGIANCE

The pledges to the American and Texas flags were recited.

INDIVIDUAL CONSIDERATION ITEMS

1. CONSIDERATION AND/OR ANY APPROPRIATE ACTION ON MEETING MINUTES FOR JANUARY 24, 2013.

MOTION: Commissioner Lozano moved to approve the minutes as written. Commissioner Stone seconded with Commissioners Stone, Schroeder, Lozano, and Wright voting for. Motion carried 4 to 0. Stanislav abstained.

2. PUBLIC HEARING, CONSIDERATION AND/OR ANY APPROPRIATE ACTION ON PROPOSED CHANGES TO THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF PARKER. THE CHAPTERS OF THE ZONING ORDINANCE ARE

SECTIONS 156.32,J ANIMALS; 156.33,J ANIMALS; 92 ANIMALS; 156.37,D LOT MAINTENANCE; AND 94 NUISANCE.

Commissioner Stone read his comment letter. Exhibits 2A

Current Ordinance:

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.

Proposed Changes:

(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 (20) 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.

Chairperson Wright took public comments on mowing and animals separately. Beginning with mowing, he opened the public hearing at 7:30 p.m.

- Keith Mantey, 2709 Dublin Road – he grows wildflowers and they grow over the 12 inches allowed. He would like the ordinance changed to allow wildflowers.
- Lash Larue, 4408 Sycamore Road - he feels government is interfering with his property rights. He bought his property for the country lifestyle. He objects to restrictions on animals as long as it is not offensive.
- Ed Standridge, Hogge Road – agrees with making changes, but concerned about enforcement.
- Scott Jeffries, 4600 Sycamore Road – Mr. Jefferies questions how the 20 feet will be measured, he would not want to mow that far into his pasture.
- Alan Meyer, 7278 Moss Ridge - he does not mow his back acre down to 12 inches while the wildflowers are in bloom and reseeding.
- Ellen Meyer, 7278 Moss Ridge – wants to be able to grow Texas Blue Bonnets on her property, but they grow 1 to 2 feet tall. She agrees with regulating the front of the house but not the back.
- Todd Fecht, 7234 Moss Ridge – 12 inch limitations are not representative of county lifestyle. If property owners want restrictions, they should move to an HOA. Any restrictions beyond the front yard are unnecessary.

Chairperson Wright closed the public hearing at 7:53 p.m.

It was agreed by the Commission to change section (D) (1), of the proposal, from 20 feet to 10 feet:

– 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 ten (10) ~~twenty (20)~~ feet into the property from said right of way and within ten (10) feet of adjoining property.

There was a lengthy discussion on how to measure the 10 feet. Should it be from the edge of the pavement or from the right of way? Chairperson Wright requested a note be provided to Council that discussion is needed to determine if it should be measured from the right of way or edge of payment.

MOTION: Commissioner Stone moved to forward the proposal to Council subject to reducing the distance from 20 feet to 10 feet in section (D) (1). Commission Lozano seconded with Commissioners Stone, Schroeder, Wright, Lozano and Stanislav voting for. Motion carried 5-0.

Chairperson Wright moved to Ordinance 92.3, Animals. The current ordinance is very restrictive on animals. The proposal is an attempt to relax the ordinance and allow people with these animals keep them.

Chairperson Wright opened the public hearing at 8:40 p.m.

- Keith Mantey, 2709 Dublin Road – he thanked the Commission for the changes they are recommending to Council.
- Lash Larue, 4408 Sycamore Lane – he wants to have roosters, guineas and turkeys, which are currently prohibited.
- Todd Fecht, 7234 Moss Ridge – thanked the Commission for their work because he feels the current ordinance needs to be revised.
- Buck Mahney, Dublin Road – Gave a petition of signatures in support of amending or revoking the current animal ordinance. He thanked the Commission for their recommended changes.

Chairperson Wright closed the public hearing at 8:49 p.m.

MOTION: Commissioner Schroeder moved to forward the proposed changes to Council. Commissioner Stone seconded with Commissioners Stone, Schroeder, Wright, Lozano and Stanislav voting for. Motion carried 5-0.

ROUTINE ITEMS

3. FUTURE AGENDA ITEMS

Next regular meeting is March 14, 2013.

- March 14- review of City thoroughfare map.
- Proposed development concept plan.

4. ADJOURN

Adjourned at 8:53 p.m.

Minutes Approved on _____ day of _____, 2013.

Chairman Russell Wright

Attest:

Commission Secretary Stanislav

Prepared by City Secretary Carrie L. Smith