

**CITY OF FARMERSVILLE
PLANNING AND ZONING COMMISSION AGENDA
REGULAR CALLED MEETING
October 20, 2014
6:30 P.M., COUNCIL CHAMBERS, CITY HALL**

I. PRELIMINARY MATTERS

- Call to Order, Roll Call, Prayer and Pledge of Allegiance
- Welcome guests and visitors: Anyone wanting to speak on any items that are not the subject of a Public Hearing on this agenda is asked to speak at this time, with an individual time limit of 3 minutes. This forum is limited to a total of 30 minutes. Please note that the City Council cannot comment or take any action on this item.

II. REORGANIZATION OF COMMISSION

- A. Election of Chairman
- B. Election of Vice-Chairman
- C. Election of Secretary

III. ITEMS FOR DISCUSSION AND POSSIBLE ACTION

- A. Consider, discuss and act upon minutes from September 15, 2014 Regular P&Z Meeting and September 29, 2014 Special P&Z Meeting
- B. Consider, discuss and act upon an ordinance regarding items being placed in, on and/or about the public right-of way

IV. WORKSESSION

- A. Consider, discuss and act upon clarification of driveway approaches, driveways & parking hazards
- B. Discuss discrepancies between the Thoroughfare Plan and the City's Design Manuals

V. ADJOURNMENT

The Planning and Zoning Commission reserves the right to adjourn into Executive Session at any time during the course of this meeting to discuss any matters listed on the agenda, as authorized by the Texas Government Code, including, but not limited to, Sections 551.071 (Consultation with Attorney).

Persons with disabilities who plan to attend this meeting and who may need assistance should contact the City Secretary at 972-782-6151 or Fax 972-782-6604 at least two (2) working days prior to the meeting so that appropriate arrangements can be made. Handicap Parking is available in the front and rear parking lot of the building.

I, the undersigned authority, do hereby certify that this Notice of Meeting was posted in the regular posting place of the City Hall building for Farmersville, Texas, in a place and manner convenient and readily accessible to the general public at all times, and said Notice was posted on October 17, 2014, by 5:00 P.M. and remained so posted continuously at least 72 hours proceeding the scheduled time of said meeting.

Dated this the 17th day of October, 2014.



Edie Sims, City Secretary



TO: Planning and Zoning Commission
FROM: Edie Sims, City Secretary
DATE: October 20, 2014
SUBJECT: REORGANIZATION OF COMMISSION

- A. Election of Chairman
- B. Election of Vice-Chairman
- C. Election of Secretary

ACTION: Commission to make each nomination and appointments.



TO: Planning and Zoning Commission

FROM: Edie Sims, City Secretary

DATE: October 20, 2014

SUBJECT: Consider, discuss and act upon minutes from September 15, 2014 Regular P&Z Meeting and October 20, 2014 Special P&Z Meeting

- Minutes are attached for review and are also available at:

http://www.farmersvilletx.com/government/agendas_and_minutes/planning_and_zoning_commission_meetings.jsp

ACTION: Approve or disapprove minutes as presented.

FARMERSVILLE PLANNING & ZONING COMMISSION
REGULAR SESSION MINUTES
September 15, 2014

The Farmersville Planning and Zoning Commission met in regular session on August 18, 2015 at 6:30 p.m. at the City of Farmersville Council Chambers with the following members present: Tom Waitschies, Patti Ford, Bryce Thompson, Charles Casada and Craig Overstreet. Commission members absent were Mark Vincent and Todd Rolen. Staff members present was City Manager Ben White, City Attorney Alan Lathrom and City Secretary Edie Sims. Council Liaison John Klostermann was present.

CALL TO ORDER AND RECOGNITION OF CITIZENS/VISITORS

Chairman Tom Waitschies called the meeting to order at 6:30pm. Edie Sims called roll and announced that a quorum was present. Craig Overstreet offered the invocation and led the audience in the Pledge of Allegiance to the American and Texas Flags.

Item II – A) CONSIDER, DISCUSS AND ACT UPON MINUTES FROM AUGUST 18, 2014 P&Z MEETING

With no discussion, Craig Overstreet motioned to approve the minutes as presented with Patti Ford seconding the motion. Motion carried unanimously.

Item III – A) DISCUSSION AND POSSIBLE DIRECTION REGARDING ITEMS BEING PLACED IN, ON AND/OR ABOUT THE PUBLIC RIGHT-OF-WAY

City Manager Ben White indicated changes had been made and presented to the Commission. Of those changes under Section 59-25 of the Code of Ordinances, the independent contractor granted the exclusive franchise with the City will maintain and clean the dumpsters rather than the end user. Item 2 has been modified to include the weight of the sanitation truck for clarification and the statement regarding the front for side or rear load has been deleted.

Item 4 has had a clarification regarding liquid waste and requiring said waste to be contained so it does not seep, pour, escape, leak or other fall into the dumpster. Item 6 deals with roll-off dumpsters requiring lids closed to prevent waste from escaping and littering the nearby area. Item 13 was amended allowing placement of dumpster improvements in, upon, over or across any easement except with approval by the City Manager. The last item amended is Item 14(b) expressing a grandfather clause exempting the dumpsters that are in place and actively used prior to October 1, 2014 as long as the said dumpsters do not violate any of the Code of Ordinances or other applicable standards.

City Manager Ben White presented a slide show of dumpsters and the current conditions including the dumpsters needing to be placed within the existing enclosure and keeping the doors closed after trash removal; need for pad; need for improved surface for dumpster and sanitation truck to approach dumpster; keeping area clean from flying debris; liquid not contained and allowed to run out of the dumpster; ensuring loading and unloading can be accomplished off the street; and moving dumpsters from the front of a business behind the setback line, preferably towards the rear of the business.

Mr. White stated he requested our Police Department to locate the dumpsters and photograph conditions as of today. The effort was to assist with discussions with

dumpster users to help improve the dumpster conditions. Enforcement will not be immediate as Mr. White would like to encourage dumpster users to bring their uses to a higher standard. A timeline will be offered before citations will be issued.

If citations are issued, a fine will be assessed and a court date will be set. The ordinance will be written as such to provide a penalty for each day of violation. Ultimately, if violations are not resolved, the property issue can be brought before the Building & Property Standards Commission. Other codes including the International Property Code addresses issues such as noxious odors and how these violations are handled.

Mark Vincent left the meeting at 7:23pm. A quorum was no longer present therefore the meeting ceased.

Item III – B) CONSIDER, DISCUSS AND ACT UPON CLARIFICATION OF DRIVEWAY APPROACHES, DRIVEWAYS AND PARKING HAZARDS

This item was not discussed by the Commission as a quorum was not present.

Item V) ADJOURNMENT

With a quorum not present, the meeting ended and will be continued at a later date.

ATTEST:

Vice-Chairman Bryce Thompson

Patti Ford, Secretary

FARMERSVILLE PLANNING & ZONING COMMISSION
SPECIAL SESSION MINUTES
September 29, 2014

The Farmersville Planning and Zoning Commission met in special session on September 15, 2015 at 6:30 p.m. at the City of Farmersville Council Chambers with the following members present: Tom Waitschies, Patti Ford, Bryce Thompson, Charles Casada and Craig Overstreet. Commission members absent were Mark Vincent and Todd Rolan. Staff members present was City Manager Ben White, City Attorney Alan Lathrom and City Secretary Edie Sims. Council Liaison John Klostermann was present.

CALL TO ORDER AND RECOGNITION OF CITIZENS/VISITORS

Chairman Tom Waitschies called the meeting to order at 6:30pm. Edie Sims called roll and announced that a quorum was present. Craig Overstreet offered the invocation and led the audience in the Pledge of Allegiance to the American and Texas Flags.

Item II – A) DISCUSSION AND POSSIBLE DIRECTION REGARDING ITEMS BEING PLACED IN, ON AND/OR ABOUT THE PUBLIC RIGHT-OF-WAY

City Attorney Alan Lathrom stated the revisions have been made in accordance with Planning & Zoning Commission's direction. Further minor changes have been made according to City Manager Ben White, of which was the addition of the word "tall" to further clarify the need for a 6' minimum enclosure to be the height and not clearance. Another change to item 9 would be to clarify the placement of a dumpster behind the building line and therefore eliminating Items 10 and 11. This statement will be in accordance with Council's direction and will allow the dumpsters to be served without blocking the street.

Craig Overstreet expressed concern regarding the enforcement of these regulations. The body of the ordinance, according to City Attorney Alan Lathrom, will include the enforcement clause where violations will constitute a Class C Misdemeanor up to \$500 per violation. Citations can be issued by either the Police Department or the Code Enforcement Officer. City Manager Ben White indicated he prefers discussing the issue with the end user first prior to a citation being issued. Mr. White also recommended allowing a transition time, especially for those cases where improvements will need to be implemented and potentially a financial burden on the end user. Overall, the proposed regulations will improve the look of our City and not display our trash.

Another commentary evolved around the implementation of these regulations and informing the dumpster users. Mr. White suggested inviting the end users to the next P&Z meeting and Council meetings. Commission concurred to bring the final version of the ordinance to the next meeting in October for final review and recommendation to the City Council.

Item II – B) CONSIDER, DISCUSS AND ACT UPON CLARIFICATION OF DRIVEWAY APPROACHES, DRIVEWAYS AND PARKING HAZARDS

City Attorney Alan Lathrom indicated the goal of this clarification was to address having multiple drive entrances to a single property and address parking areas including parking on sidewalks. The revisions presented will help clean up these issues and require improved surfaces to park on which also addresses safety issues.

With other communities being researched, Mr. Lathrom submitted a proposal including clarification of definitions, paving limitations, restrictions surrounding restricted parking areas, restrictions on uses of sidewalks, and parking restrictions.

City Manager Ben White stated the City has received multiple complaints regarding vehicles being parked in yards along with utility vehicles such as tractors. A definition has been added regarding auxiliary parking and clarifying the need for an improved surface to park on. Parking conditions that exist will be grandfathered unless there is a safety concern which will need to be addressed on an individual basis.

The parking issues will be resolved with improved parking surfaces and screening for items which need to be screened. City Manager Ben White indicated Council's direction was to have the front yards dedicated as a yard and not a parking lot. Chairman Waitschies recommended the Commission review the revisions as presented by Mr. Lathrom and discuss at the next meeting in October.

Item III) ADJOURNMENT

Commissioner Waitschies stated he is resigning from the P&Z and other City boards due to relocation. With no further business, Craig Overstreet motioned to adjourn with Patti Ford seconding the motion. Commission adjourned at 7:09:58pm.

ATTEST:

Vice – Chairman Bryce Thompson

Patti Ford, Secretary



TO: Planning and Zoning Commission

FROM: Edie Sims, City Secretary

DATE: October 20, 2014

SUBJECT: Consider, discuss and act upon an ordinance regarding items being placed in, or and/or about the public right of way

- An ordinance is attached for review.
- Commercial and industrial dumpster users have been invited to this meeting

ACTION: Approve or disapprove the ordinance and make recommendation to City Council.

Sec. 59-25. Dumpster use regulations.

- (a) The following regulations apply to dumpsters, whether such dumpsters are used for nonresidential uses, multi-family uses or residential uses:
- (1) Dumpsters shall be maintained in safe, clean, painted and sound condition by the independent contractor granted the exclusive franchise for solid waste collection or such third-party as may own the dumpster being used.
 - (2) Dumpsters shall be placed on a concrete pad capable of holding the weight of such dumpster in a fully-loaded condition. Lifting aprons shall be provided in front of each dumpster location to accommodate the wheels and weight of the sanitation truck.
 - (3) Driveways to dumpsters shall be designed to accommodate the weight of a 56,000 pound gross vehicular weight (GVW) sanitation truck.
 - (4) Dumpster customers should not place liquid waste of any type in dumpsters. Notwithstanding the foregoing, Dumpster customers shall ensure that no liquid waste of any type that is placed in a dumpster is permitted or allowed to seep, pour, escape, leak or otherwise fall from the dumpster into which liquid waste is placed and that no solid waste is placed outside the dumpster.
 - (5) Dumpsters, if enclosed, shall ~~be enclosed within a~~ minimum six-foot ~~tall~~ enclosure or be screened from public view, and be provided with an opening of at least 12 feet for collection access. A three-sided enclosure is preferred, and if gates are used, they must be kept closed and in good repair.
 - (6) Dumpster lids ~~shall~~ be kept closed at all times. Dumpsters and roll-off style containers that do not have lids affixed or attached shall at all times be covered or enclosed in a manner that will prevent solid waste from falling out of, escaping from, or otherwise resulting in litter around and about the location of the "Dumpster Improvements" (defined below).
 - (7) The maintenance and upkeep of concrete pads, lifting aprons, screening enclosures and gates shall be the responsibility of the property owner.
 - (8) Dumpsters and related concrete pads, lifting aprons, and screening enclosures and gates (collectively "Dumpster Improvements") should be located to the rear of the buildings with proper access.
 - (9) Dumpster Improvements shall be placed behind the building lines on all sides of the property on which the Dumpster Improvements are situated.
 - (10) Dumpster Improvements shall not encroach upon or be placed in, upon, over or across any sidewalks, curbs, bar ditches, streets, alleys or rights-of-way of the City.
 - (11) Dumpster Improvements shall not be placed in, upon, over or across any easement save and except to the extent only that the placement of such Dumpster Improvements is approved in advance and in writing by the City Manager.

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Deleted: be placed between the front building line and the edge of the pavement (or curb) running along the front of the property on which the Dumpster Improvements are situated. ¶

(11) Dumpster Improvements shall not be placed within the side yard setbacks of the property on which the Dumpster Improvements are situated. That is, Dumpster Improvements shall not be placed between the area designated as the side building line and the nearest side lot line.¶

(12) Dumpster Improvements shall not

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(12) Dumpster Improvements shall not be located beneath any overhead utility line.

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- (b) Dumpsters that were in place and in active and constant use prior to October 1, 2014, which do not comply with all of the provisions of this Section, may remain in their October 1, 2014 location so long as said Dumpsters do not violate subparagraphs (a)(4), (a)(6), and (a)(8) through (a)(12) of this Section 59-25, and provided further that such Dumpsters are not removed from said location or increased in size and the location of such Dumpsters while being used or emptied does not interfere with the passage of vehicular traffic or pedestrians.

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Sec. 59-26. Placement of polycarts and recycling bins.

- (a) All polycarts and recycling bins shall be placed for collection not earlier than 6:00 p.m. prior to the day of scheduled collection. Polycarts and recycling bins that are placed for collection after 7:00 a.m. on the day of scheduled collection may be missed as collection begins at 7:00 a.m. No polycarts or recycling bins shall be allowed to remain at the street side collection point after 12:00 midnight on the scheduled pickup day.
- (b) Polycarts or recycling bins shall be placed as close to the curbside of the roadway or alley as practical without interfering with or endangering the movements of vehicles or pedestrians.

Sec. 59-27. Bulky waste and bundles.

- (a) Bulky waste includes stoves, refrigerators which must have the CFCs removed by a certified technician, water tanks, washing machines, furniture, up to two cubic yards of loose brush greater than four inches in diameter which must be cut in four-foot lengths and with weights no more than 50 lbs., and other waste materials other than construction debris, dead animals, hazardous waste or stable matter with weights or volumes greater than those allowed for bins or containers, as the case may be.
- (b) Bundles include tree, shrub, and brush trimmings securely tied together forming an easily handled package not exceeding four feet in length, six inches in diameter, or 50 lbs. in total weight. The total amount of bundled material set out for collection per home shall not exceed two cubic yards (six feet by three feet by three feet).

**CITY OF FARMERSVILLE
ORDINANCE # O-2014-1104-001**

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FARMERSVILLE, TEXAS, AMENDING THE CODE OF ORDINANCES, CITY OF FARMERSVILLE, TEXAS, AS HERETOFORE AMENDED THROUGH THE AMENDMENT OF CHAPTER 59, "SOLID WASTE," BY DELETING SECTION 59-25, "COMMERCIAL DUMPSTER USE REGULATIONS," IN ITS ENTIRETY AND REPLACING SAID SECTION WITH A NEW SECTION 59-25 ENTITLED "DUMPSTER USE REGULATIONS," TO INCLUDE REGULATIONS THAT WILL PLACE DUMPSTERS OUTSIDE OF RIGHTS-OF-WAY AND SIDEWALKS AND MINIMIZE POTENTIAL NEGATIVE IMPACTS OFTEN ASSOCIATED WITH DUMPSTERS, AND BY AMENDING SECTION 59-26, "PLACEMENT OF POLYCARTS AND RECYCLING BINS," BY DELETING SUBPARAGRAPH (A) IN ITS ENTIRETY AND REPLACING SAID SUBPARAGRAPH WITH A NEW SUBPARAGRAPH (A) CLARIFYING THAT CARTS AND BINS PLACED FOR COLLECTION AFTER 7:00 A.M. MAY BE MISSED; REPEALING ALL CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; PROVIDING A PENALTY; PROVIDING FOR INJUNCTIVE RELIEF; PROVIDING FOR PUBLICATION; PROVIDING FOR ENGROSSMENT AND ENROLLMENT; PROVIDING A SAVINGS CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City desires to modify certain parts of the Solid Waste ordinance as it pertains to the placement and use of dumpsters, polycarts and recycling bins; and

WHEREAS, the City Council of the City of Farmersville, Texas, finds and determines that amending the Solid Waste ordinance as it pertains to the placement and use of dumpsters, polycarts and recycling bins is in the best interest and public health, safety, and welfare of the citizens of the City of Farmersville, Texas.

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

SECTION 1: INCORPORATION OF FINDINGS

The findings set forth above are found to be true and correct and are hereby incorporated into the body of this Ordinance and made a part hereof for all purposes as if fully set forth herein.

SECTION 2: AMENDMENT OF CHAPTER 59, "SOLID WASTE," BY DELETING SECTION 59-25, "COMMERCIAL DUMPSTER USE REGULATIONS," IN ITS ENTIRETY AND REPLACING SAID SECTION WITH A NEW SECTION 59-25 ENTITLED "DUMPSTER USE REGULATIONS"

From and after the effective date of this Ordinance, Chapter 59, "Solid Waste," is hereby amended by deleting Section 59-25, "Commercial Dumpster Use Regulations," in its entirety and replacing said section with a new Section 59-25 entitled "Dumpster Use Regulations" to read as follows:

“Sec. 59-25. Dumpster use regulations.

(a) The following regulations apply to dumpsters, whether such dumpsters are used for nonresidential uses, multi-family uses or residential uses:

- (1) Dumpsters shall be maintained in safe, clean, painted and sound condition by the independent contractor granted the exclusive franchise for solid waste collection or such third-party as may own the dumpster being used.
- (2) Dumpsters shall be placed on a concrete pad capable of holding the weight of such dumpster in a fully-loaded condition. Lifting aprons shall be provided in front of each dumpster location to accommodate the wheels and weight of the sanitation truck.
- (3) Driveways to dumpsters shall be designed to accommodate the weight of a 56,000 pound gross vehicular weight (GVW) sanitation truck.
- (4) Dumpster customers should not place liquid waste of any type in dumpsters. Notwithstanding the foregoing, Dumpster customers shall ensure that no liquid waste of any type that is placed in a dumpster is permitted or allowed to seep, pour, escape, leak or otherwise fall from the dumpster into which liquid waste is placed and that no solid waste is placed outside the dumpster.
- (5) Dumpsters, if enclosed, shall be enclosed within a minimum six-foot tall enclosure or be screened from public view, and be provided with an opening of at least 12 feet for collection access. A three-sided enclosure is preferred, and if gates are used, they must be kept closed and in good repair.
- (6) Dumpster lids shall be kept closed at all times. Dumpsters and roll-off style containers that do not have lids affixed or attached shall at all times be covered or enclosed in a manner that will prevent solid waste from falling out of, escaping from, or otherwise resulting in litter around and about the location of the “Dumpster Improvements” (defined below).

- (7) The maintenance and upkeep of concrete pads, lifting aprons, screening enclosures and gates shall be the responsibility of the property owner.
 - (8) Dumpsters and related concrete pads, lifting aprons, and screening enclosures and gates (collectively "Dumpster Improvements") should be located to the rear of the buildings with proper access.
 - (9) Dumpster Improvements shall be placed behind the building lines on all sides of the property on which the Dumpster Improvements are situated.
 - (10) Dumpster Improvements shall not encroach upon or be placed in, upon, over or across any sidewalks, curbs, bar ditches, streets, alleys or rights-of-way of the City.
 - (11) Dumpster Improvements shall not be placed in, upon, over or across any easement save and except to the extent only that the placement of such Dumpster Improvements is approved in advance and in writing by the City Manager.
 - (12) Dumpster Improvements shall not be located beneath any overhead utility line.
- (b) Dumpsters that were in place and in active and constant use prior to October 1, 2014, which do not comply with all of the provisions of this Section, may remain in their October 1, 2014 location so long as said Dumpsters do not violate subparagraphs (a)(4), (a)(6), and (a)(8) through (a)(12) of this Section 59-25, and provided further that such Dumpsters are not removed from said location or increased in size and the location of such Dumpsters while being used or emptied does not interfere with the passage of vehicular traffic or pedestrians."

SECTION 3: AMENDING SECTION 59-26, "PLACEMENT OF POLYCARTS AND RECYCLING BINS," BY DELETING SUBPARAGRAPH (A) IN ITS ENTIRETY AND REPLACING SAID SUBPARAGRAPH WITH A NEW SUBPARAGRAPH (A) CLARIFYING THAT CARTS AND BINS PLACED FOR COLLECTION AFTER 7:00 A.M. MAY BE MISSED

From and after the effective date of this Ordinance, Section 59-26, "Placement of Polycarts and Recycling Bins," by deleting subparagraph (a) in its entirety and replacing said subparagraph with a new subparagraph (a) to read as follows:

- “(a) All polycarts and recycling bins shall be placed for collection not earlier than 6:00 p.m. prior to the day of scheduled collection. Polycarts and recycling bins that are placed for collection after 7:00 a.m. on the day of scheduled collection may be missed as collection begins at 7:00 a.m. No polycarts or recycling bins shall be allowed to remain at the street side collection point after 12:00 midnight on the scheduled pickup day.”

SECTION 4: REPEALER

This Ordinance shall be cumulative of all other Ordinances, resolutions, and/or policies of the City, whether written or otherwise, and shall not repeal any of the provisions of those ordinances except in those instances where the provisions of those ordinances are in direct conflict with the provisions of this Ordinance. Any and all Ordinances, resolutions, and/or policies of the City, whether written or otherwise, which are in any manner in conflict with or inconsistent with this Ordinance shall be and are hereby repealed to the extent of such conflict and/or inconsistency.

SECTION 5: SEVERABILITY

It is hereby declared to be the intent of the City Council that the several provisions of this Ordinance are severable. In the event that any court of competent jurisdiction shall judge any provisions of this Ordinance to be illegal, invalid, or unenforceable, such judgment shall not affect any other provisions of this Ordinance which are not specifically designated as being illegal, invalid, or unenforceable.

SECTION 6: PENALTIES FOR VIOLATION OF THE ORDINANCE

Any person, firm or corporation who violates any provision of this Ordinance, upon conviction, shall be guilty of a misdemeanor and shall be fined up to \$2,000.00 per violation for a violation of a provision of this Ordinance governing fire safety, zoning, or public health and sanitation, including dumping or refuse, and up to \$500.00 for all other violations of this Ordinance. Each occurrence and each day that a violation continues shall be considered a separate offense and punished accordingly.

SECTION 7: INJUNCTIVE RELIEF

Any violation of this ordinance can be enjoined by a suit filed in the name of the City of Farmersville in a court of competent jurisdiction, and this remedy shall be in addition to any penal provision in this ordinance or in the Code of the City of Farmersville.

SECTION 8: PUBLICATION

The City Secretary is hereby directed to publish in the Official Newspaper of the City of Farmersville the Caption, Penalty, and Effective Date Clause of this Ordinance as required by Section 52.011 of the Local Government Code.

SECTION 9: ENGROSSMENT AND ENROLLMENT

The City Secretary of the City of Farmersville is hereby directed to engross and enroll this Ordinance by copying the exact Caption and the Effective Date Clause in the minutes of the City Council of the City of Farmersville, and by filing this Ordinance in the Ordinance records of the City.

SECTION 10: SAVINGS

All rights and remedies of the City of Farmersville are expressly saved as to any and all violations of the provisions of any Ordinances which have accrued at the time of the effective date of this Ordinance; and, as to such accrued violations and all pending litigation, both civil and criminal, whether pending in court or not, under such Ordinances, same shall not be affected by this Ordinance but may be prosecuted until final disposition by the courts.

SECTION 11: EFFECTIVE DATE

This Ordinance shall take effect immediately from and after its passage and publication as required by law.

PASSED on first reading on the 28th day of October, 2014, and second reading on the 4th day of November, 2014 at properly scheduled meetings of the City Council of the City of Farmersville, Texas, there being a quorum present, and approved by the Mayor on the date set out below.

APPROVED THIS 4th DAY OF NOVEMBER, 2014.

BY: _____
Joseph E. Helmberger, P.E., Mayor

ATTEST:

BY: _____
Edie Sims, City Secretary



TO: Planning and Zoning Commission
FROM: Edie Sims, City Secretary
DATE: October 20, 2014
SUBJECT: Consider, discuss and act upon clarification of driveway approaches, driveways & parking hazards

- City Attorney Alan Lathrom will present information regarding this item.
- Commercial and industrial dumpster users have been invited to this meeting

ACTION: Act as Commission deems necessary.

Sec. 71-167. Definitions.

The following words, terms and phrases, when used in this division, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Corner lot means a residential property located at the intersection or confluence of two or more streets such that public street rights-of-way are directly adjacent to at least two contiguous sides of the lot.

Driveway means the primary improved **off-street** parking surface that provides egress and ingress from a garage, carport or off-street parking area to an adjacent street or alley.

Front yard means the area between the front building lines of a residential structure to the front property line or street right-of-way line or, when a structure does not exist, the area defined as front yard in Chapter 77, Zoning.

Paving or Improved parking surface means a continuous paved surface area used for the parking or storage of vehicles that is overlaid or otherwise paved with concrete, asphalt, paving stones or other hard surfaced durable material approved by the building official.

Loop driveway means the primary improved off-street parking surface that provides egress and ingress from and to the same adjacent street.

Restricted parking area means that area of a lot which is situated outside of the driveway(s) or looped driveway(s) having an improved parking surface and as allowed or permitted by Section 77-168 or the approved Site Plan or Concept Plan for the property in question.

Side yard means the area from the side of a residential structure to the side property line or, when no structure exists, the area defined as a side yard in Chapter 77, Zoning.

Through lot or double-frontage lot means a residential property located on a tract of land situated between two streets such that public street rights-of-way are directly adjacent to opposite sides of the lot and the lot has two required front yards.

Vehicle means every device in, upon or by which any person or property is or may be transported, drawn or moved upon a street, highway, waterway or airway. The term "vehicle" includes, but is not necessarily limited to, any one or more of the following:

- a. Automobile;
- b. Bus;

Deleted: *Auxiliary parking area* means the area between the driveway and the nearest property line located on the adjoining side of the residential structure as the driveway, as indicated in the diagram on file in the city secretary's office. An exception is an improved circular driveway located directly in the front of the residence. ¶
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Deleted: and the farthest property line located on the opposite side of the residential structure from the driveway, through the front yard and side yard of the property. The restricted parking area shall include the front yard and side yard as indicated in the diagram on file in the city secretary's office. An exception is an improved circular driveway located directly in the front of the residence.

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- c. Truck;
- d. Tractor;
- e. Motor home;
- f. Farm machinery;
- g. Motorcycles;
- h. Scooters;
- i. Mopeds;
- j. All-terrain vehicles;
- k. Boats;
- l. Aircraft;
- m. Recreational vehicles;
- n. Golf carts;
- o. Go-carts;
- p. Trailers;
- q. Fifth-wheel trailers;
- r. Campers;
- s. Camper shells;
- t. Wheeled towing frames;
- u. Semi-tractor trailers;
- v. Truck beds mounted on chassis;
- w. Commercial equipment whether self-propelled or mounted on a trailer or skid; and
- w. Mobile homes.

This definition of **Vehicle** does not include:

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- a. Non-motorized bicycles;
- b. Small engine lawn mowers; and
- c. Devices of similar scale.

Sec. 71-168. Front Yard and Limits on Paving.

Deleted: Regulations

The open space in a required front yard in the A, SF-1, SF-2, SF-3, 2F, MF-1, MF-2, P, O, NS, GR, C, HC, I-1, I-2, or PD zoning classifications shall not be diminished by paving the front yard, except in compliance with the following conditions. Paving will be allowed for:

- (a) Sidewalks not more than six feet in width, or such width as is otherwise required by the City's ordinances, extending from property line to property line upon and across that portion of the lot adjacent to the roadway as well as one sidewalk not more than six feet in width extending from the curb or edge of pavement to the front door or front porch of the primary residence or primary structure on the lot;
- (b) One driveway per lot with an improved parking surface not more than 12 feet in width at the property line to serve a property that is

zoned and/or used for single-family residential purposes with a one-car garage on ~~the~~ said lot;

- (c) One driveway ~~per lot~~ with an improved parking surface not more than 12 feet in width at the property line to serve each residential unit on a property that is zoned and/or used for duplex, triplex or quadriplex residential purposes where each unit on ~~said lot the property~~ has a separate one-car garage — or otherwise to be treated as a multi-family use;
- (d) One driveway ~~per lot~~ with an improved parking surface not more than 24 feet in width at the property line to serve a property that is zoned and/or used for single-family residential purposes with one two-car garage on ~~the~~ said lot;
- (e) One driveway ~~per lot~~ with an improved parking surface not more than 24 feet in width at the property line to serve a property that is zoned and/or used for duplex, triplex or quadriplex residential purposes where each unit on ~~said lot the property~~ has a separate two-car garage — or otherwise to be treated as a multi-family use;
- (f) One loop driveway ~~per lot~~ that is situated upon and across the front yard of a lot to serve a property that is zoned and/or used for single-family residential purposes, which loop driveway extends from the adjacent street and returns to the same adjacent street, with an improved parking surface of not more than 20 feet in width;
- (g) A driveway with an improved parking surface ~~up to 24 feet and no more than 45 feet~~ in width at its narrowest point near, or at, the property line to serve a property that is zoned and/or used for multi-family or non-residential purposes, it being understood that multi-family or non-residential uses may require more than one driveway ~~per lot as set forth in the City's ordinances in which event such City ordinances shall control~~; and
- (h) An improved parking surface to provide the minimum required number of parking spaces necessary to serve a property that is zoned and/or used for multi-family or non-residential purposes.

The City Manager shall have the ability to waive one or more of the foregoing provisions to allow additional or alternative paving based on the conditions and circumstances presented on a case by case basis.

The total paving area shall not exceed 75 percent of the required front yard for any single-family residential use.

Sec. 71-169. Stopping, standing, storing, or parking in Restricted Area.

- (a) No person shall stop, stand, store, or park any vehicle within the restricted parking area of any improved or unimproved residential single-family or duplex lot or tract.
- (b) It shall be a defense to prosecution hereunder if said vehicle is concealed from view from all public street rights-of-way by:
- (1) A solid, opaque screening fence or wall at least six feet in height;
 - (2) Permanently planted vegetation consisting of a solid hedgerow of evergreen shrubs, or trees and shrubs, providing full screening from the ground to a minimum height of six feet; or
 - (3) Any combination of subsections (b)(1) and (b)(2) of this section that effectively conceals the vehicle from view and accomplishes the required screening height.

Deleted: Parking in restricted parking areas is prohibited. A person commits an offense if the person causes, suffers, permits or allows the: § <*> §
Parking or storage of

Deleted: , which includes the front yard or side yard,

Deleted: Parking or storage of any vehicle within the restricted parking area, which includes the front yard or side yard adjacent to a corner, of any residential single-family or duplex lot or tract, unless

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b.

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Sec. 71-170. Stopping, standing or parking on sidewalk.

No person shall stop, stand, or park a vehicle, except when necessary to avoid conflict with other traffic or in compliance with the directions of a police officer or traffic control device, on a sidewalk or any part of the sidewalk area, which area is hereby defined as the entire space between the curb-line or the lateral line of a roadway and the adjacent property line along any street, irrespective of whether such area has been improved by concrete, gravel or other walkways.

Sec. 71-171. Parking prohibited generally.

No person shall park, stop or stand a vehicle in violation of any official sign, curb marking or street marking erected as provided for in this article.

Sec. 71-172. Unattended vehicles in public places.

- (a) No person shall allow a vehicle to remain unattended in any place maintained by any governmental entity for a period of time in excess of 48 hours. After such a period of time, if the owner thereof cannot be located by reasonable effort, such vehicle may be impounded. The occasional movement of a vehicle within the same public area for the purpose or effect of evading the restriction imposed by this section shall not toll the running of the 48-hour period prescribed herein.
- (b) No person shall park a vehicle in any place maintained by any governmental entity unless such vehicle is currently in operable condition and in a state of good repair.
- (c) For the purpose of this section:

(1) *Currently in operable condition* means presently capable of being lawfully operated on the streets and highways of the state, being currently registered with proper license plates displayed, having a current safety inspection and being in running condition without the necessity of first being repaired such as, but not limited to, the inflating of tires or charging of the battery.

(2) *Place maintained by any governmental entity* means, but is not limited to, a street, alley, highway, park or public parking area including the grounds of a public school.

(3) *State of good repair* means the absence of such items as broken glass, substantial body damage (including, but not limited to, crushed or missing fenders, body panels, doors, hoods, or truck deck) or missing parts otherwise necessary for operable condition.

(d) The affixing of a legible notice to the vehicle regarding the prohibition of this section shall be deemed to be a reasonable effort to locate the owner.

(e) This section shall not apply to storage or repair facilities owned, operated or maintained by a governmental entity. Nothing contained in this section shall be construed to restrict or prevent the immediate removal of a vehicle in such cases otherwise allowed by law.

Sec. 71-173. Parking for sale, washing and repairing vehicles prohibited.

No person shall stand or park a vehicle upon any public street, shopping center parking lot, park, playground or athletic field for the principal purpose of displaying it for sale. No person shall wash, grease or repair any vehicle upon any public street, playground, or athletic field, except for such repairs necessitated by an emergency.

Sec. 71-174. Ten feet of roadway to be left available for traffic.

No person shall stop, stand or park any vehicle upon a street in such a manner or under such conditions as to leave available less than ten feet of the width of either lane of a roadway for free movement of the vehicular traffic, except that a driver may stop temporarily during the actual loading or unloading of passengers or when necessary in obedience to traffic regulations or traffic signs or signals of a police officer.

Sec. 71-175. Stopping, standing, parking or driving upon or across curbs.

No person shall stop, stand, park or drive a vehicle, except when necessary to avoid conflict with other traffic or in compliance with the directions of a police officer or traffic control device, upon, over or across a curb or any part of the curb area, which area is hereby defined as the concrete edging built along a street to form part of a Gutter. Gutter means a low area at the edge of a Street designed with the intent to

carry off surface water. A ~~curb~~ gutter shall only be crossed at a location having a properly constructed driveway approach permitted by the City and installed for such purpose in accordance with all applicable City regulations.

Sec. 71-176. Prohibition against overnight parking; exceptions.

(a) No person shall stop, stand or park any vehicle with a rated capacity of three quarter ton or more, or with more than four wheels, any truck, truck-tractor, trailer, semitrailer, pole trailer or any combination thereof on any street during the hours from sundown to sunup.

(b) Temporarily disabled vehicles which are protected by flares or other approved signal devices may be parked on the street during the hours from sundown to sunup.

Sec. 71-177. Presumption regarding illegally parked vehicles.

In any prosecution charging a violation of any law or regulation governing the standing or parking of a vehicle, proof that the particular vehicle described in the complaint was parked in violation of any such law or regulation, together with proof that the defendant named in the complaint was, at the time of such parking, the registered owner of such vehicle, shall constitute in evidence a prima facie presumption that the registered owner of such vehicle was the person who parked or placed such vehicle at the point where and for the time during which such violation occurred.

Sec. 71-178. Loading or unloading tractor/trailers.

No person shall cause, suffer or permit a road tractor, trailer or semitrailer to be unloaded or loaded on a roadway, except for delivery of goods, wares and merchandise permitted by ordinance.

Sec. 71-179. Parallel and angle parking.

(a) At any place where official signs do not prohibit stopping or parking, except as otherwise provided by the city council and so indicated by signs or markings, every vehicle stopped or parked shall be so stopped or parked upon a roadway where there are adjacent curbs so that the right-hand wheels of such vehicle are parallel and within 18 inches of the right-hand curb or edge of roadway, except where head-in parking is allowed.

(b) The department of public works, with the approval of the city council, shall determine upon which streets angle parking shall be permitted and shall mark or sign such streets, but such angle parking shall not be indicated upon any federal aid or state highway within this city unless the state engineer director for highways and public transportation has determined that the roadway is of sufficient width to permit angle parking without interfering with the free movement of traffic. Angle parking shall not be

indicated or permitted at any place where passing traffic would thereby be caused or required to drive upon the left side of the street or upon any railway tracks.

(c) Upon those streets which have been signed or marked for angle parking, no person shall park or stand a vehicle other than at the angle to the curb or edge of the roadway indicated by such signs or markings.

(d) Whenever parking spaces are marked by lines on the pavement, whether for parallel or angle parking, a vehicle must be parked entirely within the lines of the parking space.

Sec. 71-180. Prohibitions against stopping, standing or parking of vehicles in specific areas.

No person shall stop, stand, or park a vehicle except when necessary to avoid conflict with other traffic or in compliance with law or directions of a police officer or traffic control device in any of the following spaces:

- (a) In front of a public or private driveway;
- (b) Within an intersection;
- (c) On a crosswalk or within 15 feet of a crosswalk or intersection, unless the traffic authorities indicate a different length by signs or markings;
- (d) Within 15 feet of a fire hydrant, unless otherwise marked;
- (e) Within 30 feet of a stop sign or marking of a roadway where vehicles would normally stop;
- (f) Between a safety zone and the adjacent Curb or within 30 feet of points on the Curb immediately opposite the ends of a safety zone, unless the zone has been indicated a different length by signs or markings;
- (g) Within 20 feet of the driveway entrance to any fire station;
- (h) Alongside or opposite any excavation or street obstruction when stopping, standing, or parking would obstruct traffic;
- (i) On the roadway side of any vehicle stopped or parked at the edge or Curb of a Street; and
- (j) Where signs are erected or curbs are painted indicating that such is not allowed.

Sec. 71-181, Maintenance.

All improved parking surfaces shall be maintained in a good and safe condition and be free of holes, cracks or other failures that may affect the use, safety, appearance or drainage of the surface or of the adjoining property, **at no cost to the City.**

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DRAFT



TO: Planning and Zoning Commission
FROM: Edie Sims, City Secretary
DATE: October 20, 2014
SUBJECT: Discuss discrepancies between the Thoroughfare Plan and the City's Design Manuals

- Please click the following link for the Comprehensive Plan:
http://cms2.revize.com/revize/farmersville/government/comprehensive_planning/index.php
- Please click the following link for the Thoroughfare Map:
http://cms2.revize.com/revize/farmersville/government/city_maps/index.php
- Please click the following link for the Design Manuals (on the left side of the screen):
http://cms2.revize.com/revize/farmersville/government/city_codes_and_ordinances/index.php

ACTION: Offer direction to staff.