



**CITY OF FARMERSVILLE
PLANNING AND ZONING COMMISSION AGENDA
REGULAR CALLED MEETING
October 24, 2016, 6:30 P.M.
COUNCIL CHAMBERS, CITY HALL
205 S. Main Street**

I. PRELIMINARY MATTERS

- Call to Order, Roll Call, Prayer and Pledge of Allegiance

II. ITEMS FOR DISCUSSION AND POSSIBLE ACTION

- A. Consider, discuss and act upon minutes from September 19, 2016

III. WORK SESSION

- A. Consider, discuss and act upon the review and possible recommendations regarding establishing an Ordinance for Historic Preservation
- B. Consider, discuss, and act upon the review and possible recommendations to establishing an Ordinance for Maintaining/Preserving trees in commercial areas


IV. 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 21, 2016, by 5:00 P.M. and remained so posted continuously at least 72 hours preceding the scheduled time of said meeting.

Dated this the 21st day of October, 2016.



Paula Jackson, Interim City Secretary

II. Preliminary Matters

III. Items for Discussion and Possible Action



**CITY OF FARMERSVILLE
PLANNING AND ZONING COMMISSION MINUTES
for
September 19, 2016**

I. PRELIMINARY MATTERS

- Vice-Chairman Craig Overstreet presided over the meeting which was called to order at 6:30 pm. Commissioners Bishop, Jackson-Butler, Casada, and Overstreet were in attendance. Commissioners Thompson, Dillard, and Chandler were absent. Also in attendance were City Manager, Ben White, City Attorney, Alan Lathrom, Council Liaison, John Klostermann, Staff Liaison, Mary Tate, and Assistant to the City Manager, Paula Jackson. Mayor Piwko and Jim Foy attended as audience members. Mr. Overstreet offered the Invocation and led the pledges to the United States and Texas flags.
- Vice-Chairman Overstreet informed the Commission that Bryce Thompson has resigned from his position as a member and Chairman of the Planning & Zoning Commission. A replacement will be named shortly.

II. ITEMS FOR DISCUSSION AND POSSIBLE ACTION

- A. Consider, discuss and act upon minutes from June 20, 2016 and July 6, 2016
- June 20, 2016 Minutes
 - Motion to approve was made by Sarah Jackson-Butler
 - 2nd to approve was made by Bobby Bishop
 - All in favor thereby approving the motion
 - July 6, 2016 Minutes
 - Motion to approve made by Bobby Bishop
 - 2nd to approve was made by Sarah Jackson-Butler
 - All in favor thereby approving the motion

III. WORK SESSION

- A. Consider, discuss and act upon establishing the parameters for a preservation ordinance
- The commissioners were provided with sample preservation ordinances prior to the meeting. This item was sent down to P&Z from Council, particularly in reaction to the loss of the structures on South Main Street during a fire last May. City Manager, Ben White, assisted in facilitating a

discussion as to what the commissioners deemed most important to retaining the character of Farmersville, specifically in regard to the downtown historic commercial district. Items discussed were new construction, building height, architectural continuity, right to light and air, materials, certificates of appropriateness, a review board, and enforcement. It was determined that the scope and details of the Paris, Texas, Historic Preservation Ordinance was most relevant to what the commissioners feel is the best way to preserve and maintain the building stock of the historic district. At this time, assistance will be requested from the City Attorney and the Texas Historical Commission to help make the Paris ordinance specific to Farmersville.

B. Consider, discuss, and act upon establishing the parameters for a tree ordinance

- Council Liaison, John Klostermann, explained that this item was also passed to P&Z from City Council as a request from Councilman Leaca Caspari. Recent Council discussions focused primarily on the trees in the commercial district and how to maintain/preserve the trees. The Commissioners were provided with sample tree ordinances from the cities of Denton and Allen. Topics discussed were specific areas for a tree ordinance to be applied, such as commercial vs. residential areas, how many lots constitute a development, enforcement, private property rights, permitting, damaged trees, and debits and credits.. City Attorney, Alan Lathrom, provided some information on the how cities categorize trees for preservation based on their size and uniqueness to the region. The overall sentiment was that the Allen ordinance provided a good framework to develop an ordinance for commercial areas only at this time. A debit/credit system will not be in place as there were concerns that too many restrictions will prohibit future development. Fees for tree removal will only be applied to commercial developers.
- Meeting was dismissed for an Executive Session at 7:54 pm.

IV. EXECUTIVE SESSION: Discussion of Matters Permitted by Texas Government Code Chapter 551 as follows:

A. Section 551.071, **CONSULTATION WITH CITY ATTORNEY**

1. Conflict of Interest

- Regular Meeting reconvened at 8:03 pm.
- There was no discussion following the Executive Session.

IV. ADJOURNMENT

- The meeting was adjourned at 8:04 pm.

ATTEST:

APPROVE:

Paula Jackson, Interim City Secretary

Craig Overstreet, Vice-Chairman

III. Work Session

A. Consider, discuss and act upon establishing the parameters for a preservation ordinance

B. Consider, discuss, and act upon establishing the parameters for a tree ordinance

- **Sec. 7.06. - Tree preservation.**
- **Sec. 7.06.1. - Applicability of tree preservation.**

This section applies to all trees in the city, except trees on single-family lots and duplex lots which have received a final inspection.

- **Sec. 7.06.2. - Tree removal permits.**

No person, directly or indirectly, may cut down, destroy, remove or effectively destroy through damaging any tree within the city without first obtaining a tree removal permit, as provided in this section.

1. *Damaged trees.* The city must issue a tree removal permit for a protected tree, if the owner requests a tree removal permit and:
 - The protected tree is injured, dying, diseased or infested with harmful insects to the extent that it is not likely to survive; or
 - The protected tree is in danger of falling or interfering with utility service or creates an unsafe vision clearance; or
 - The protected tree in any manner creates a hazardous or dangerous condition so as to endanger the public health, welfare or safety; or
 - An arborist certifies that one or more of the foregoing conditions exist; and
 - The city inspects the tree and is satisfied that the foregoing conditions are met.
2. *Dangerous conditions.* If the owner determines that an emergency situation exists that requires the immediate removal of a tree to protect the safety of persons or property, then the owner may remove the tree only to the extent necessary to eliminate the dangerous situation without a tree removal permit. However, the owner must immediately apply for a tree removal permit. Removal of a tree under this section shall require the owner to comply with the mitigation requirements of this section.
3. Denial of an application for tree removal permit or any application of this section may be appealed to the board of adjustment.
4. The trees to be removed pursuant to a tree removal permit shall be completely removed from the site within 90 days after the date on the tree removal permit. The tree removal permit may be extended one time for an additional 30 days. If the work is not completed within the time limit, then a new tree removal permit must be applied for and issued before the work can continue.

- **Sec. 7.06.3. - Calculation of tree credits.**

1. *Credits for tree preservation.*

- a. For every protected tree that is preserved as part of a development, the owner shall receive tree credits, according to the following chart.
Six to ten caliper inches, one credit for each caliper inch.
10.1 to 15 caliper inches, two credits for each caliper inch.
Over 15 caliper inches, three credits for each caliper inch.
- b. The city may approve a healthy unprotected tree over 12 caliper inches for tree credits if the tree is located outside the floodplain.

2. *Negative credits for tree loss.*

- a. For every protected tree removed, including fence row trees, the owner shall receive negative tree credits or shall be required to plant replacement trees as follows:
Trees six to ten caliper inches, two negative credits for each caliper inch.
Trees 10.1 to 15 caliper inches, four negative credits for each caliper inch.
- b. For any healthy, unprotected tree over 12 caliper inches located outside the floodplain, the owner shall receive negative tree credits calculated at one-half of the caliper inches for such tree if the city determines that the tree should be preserved.

3. *Credits for replacement trees.*

- a. Trees 15.1 to 24 caliper inches shall require the replanting of replacement trees equal to two inches for each caliper inch removed. Replacement trees shall be not less than three caliper inches. This requirement shall be in addition to the requirements of section 7.05 et seq., landscaping requirements.
 - b. Trees over 24 caliper inches shall require the replanting of replacement trees equal to three inches for each caliper inch removed. Replacement trees shall be not less than three caliper inches. This requirement shall be in addition to the requirements of section 7.05 et seq., landscaping requirements.
 - c. Provided that the trees are of a species identified as overstory trees in appendix C and approved by the urban forester. Trees planted as part of the landscape buffer planting and parking lot landscaping shall qualify as replacement trees.
 - d. Each replacement tree allowed as a credit must survive in a full healthy state for at least three years. The owner shall replace any tree allowed as a credit if it dies or becomes unhealthy during the three-year period following planting. This obligation shall be evidenced in the tree mitigation agreement between the owner and the city.
4. *Calculation.* The owner's total tree credits shall be calculated in accordance with the following: Total tree credits for protected trees preserved, plus total tree credits for healthy unprotected trees preserved, less total healthy desirable unprotected trees removed; plus total tree credits for replacement trees planted, less total negative tree credits for protected trees removed.

- **Sec. 7.06.4. - Replacement of trees.**

1. If the total tree credits is a positive number, then there is no obligation to replant trees under section 7.06, except as otherwise provided.
2. If the total tree credits is a negative number, the owner must enter into a tree mitigation agreement with the city specifying the obligations of the owner prior to issuance of a certificate of occupancy or at the time public improvements are accepted by the city for maintenance, including:
 - a. The owner must plant protected trees to equal or exceed the tree credit number.
 - b. The city may allow the owner to plant the replacement trees within public parks and rights-of-way selected by the city
 - c. The owner may elect to defer the planting of the required replacement trees through the escrow of funds to cover the city's cost of planting the replacement trees at a later time based on the cost per caliper inch for planting a tree with a one-year replacement guarantee as established in the fee schedule adopted by resolution of the city council.
3. City approval of a tree loss mitigation plan shall constitute a tree mitigation agreement between the city and the owner concerning the owner's obligation to plant replacement trees or to pay money in lieu of replacement.
4. Replacement of trees shall be in accordance with the approved tree loss mitigation plan approved by the city. In approving the tree loss mitigation plan, the city shall consider the species, growing characteristics, root systems, soil conditions and proposed location of replacement trees, as well as other mitigation efforts including, but not limited to, the realignment of rights-of-way or relocation of utilities, which minimize tree loss.
5. The minimum caliper for replacement trees is three inches.
6. All replacement trees shall be planted in accordance with the American Association of Nurserymen, Inc. (AAN) Standard: American Standard for Nursery Stock (ANSI Z60.1, latest edition).
7. The city shall permit payment in lieu of planting replacement trees only in the following circumstances:
 - a. The tract is too small to allow on-site replacement;
 - b. The city declines to allow the planting of replacement trees in city parks or public rights-of-way; or
 - c. There is no suitable location for the planting of replacement trees. A suitable location is one provided with adequate irrigation, proper soils and drainage, and other conditions requisite for the survival of replacement trees.

- **Sec. 7.06.5. - Guidelines for tree protection.**

The owner shall adhere to the following tree protection measures on all building sites:

1. Prior to construction or land development, all protected trees shall be clearly marked;
2. A protective fence shall be erected around each protected tree or group of protected trees at least beyond the drip line of such tree;
3. During construction, no access is permitted within the protective fence for any purpose, except cleaning trash that has entered the area;
4. No attachments or wires of any kind, other than those of a protective nature and approved by the parks and recreation department, may be attached to any protected tree.

Any grade changes, retaining walls, tree wells or other construction activity within ten feet of the drip line of a protected tree shall require approval of the city.

- **Sec. 7.06.6. - Fence row tree preservation.**

1. The owner shall preserve all fence row trees in a residential development by providing a 15-foot protected area centered 7½ feet on each side of the centerline of the fence row trees, except that fence row trees may be removed and mitigated if approved by the city. Proposed fence row trees removed or mitigated must be identified on any plan presented to the city for approval.
2. The owner shall preserve all fence row trees in nonresidential developments by providing a 15-foot protected area centered 7½ feet on each side of the centerline of the fence row trees, unless the planning and zoning commission determines that the location of the fence row trees in the nonresidential development is such that the property cannot be developed because of the fence row trees.
3. Except as provided below, the owner shall not remove fence row trees within the protected area for the purpose of installing utility lines, digging trenches (including irrigation trenches), pouring alley paving, or constructing, erecting or placing any structures. Fence row trees may only be removed to provide access to an existing alley on the other side of the fence row. However, these fence row trees shall accrue negative tree credits as part of the development.
4. The chief building official or his designee shall approve all residential fences proposed to be located in the protected area.

- **Sec. 7.06.7. - Special provisions for agriculture/open space property.**

This section applies to real property having an agriculture-open space zoning district classification, or having an agricultural exemption for taxation purposes.

1. There is no requirement that the owner comply with the mitigation provisions of this Code at the time of the tree removal. However, the property is still subject to the development requirements at such time as development occurs and the trees removed shall be counted as part of the tree credits. The owner must provide a notice in the real property records acknowledging the obligation to mitigate the tree removal.
2. No tree removal permit may be issued under this section of the Code for any trees that are fence row trees or are historic trees.

- **Sec. 7.06.8. - Historic tree preservation.**

No tree removal permit may be issued for a historic tree unless the owner establishes that preserving the historic tree constitutes an unreasonable financial hardship on the owner. Appeals from this determination shall be to the board of adjustment.

- **Sec. 7.06.9. - Enforcement of tree preservation.**

The urban forester shall be authorized to approve tree loss mitigation plans and to enforce other provisions of this section. The urban forester shall be an employee of the city and certified as an arborist by the International Society of Arboriculture (ISA) or registered as a landscape architect by the Texas Board of Architectural Examiners.

IV. Adjournment