

**MINUTES OF THE
CITY COUNCIL WORK SESSION
MONDAY, FEBRUARY 05, 2007
KAUFMAN CITY HALL — 6:00 P.M.
209 S. WASHINGTON, KAUFMAN, TEXAS 75142**

CITY COUNCILMEMBERS

MAYOR	PAULA BACON
MAYOR PRO-TEM	LONNIE BOUNDS
COUNCILMEMBER	GIL ALTOM JR.
COUNCILMEMBER	FLOYD CHOYCE
COUNCILMEMBER	JEFF COUNCIL
COUNCILMEMBER	WILLIAM FORTNER
COUNCILMEMBER	BARRY RATCLIFFE

CALL MEETING TO ORDER: Mayor Bacon called the Meeting to order at 6:10 p.m. Councilmembers present were Mayor Bacon, Mayor Pro-Tem-Bounds, Councilmember Altom, Councilmember Choyce, Councilmember Council, Councilmember Fortner, and Councilmember Ratcliffe. The Mayor declared a quorum present. Also present were City Manager Curtis Snow, City Secretary Jo Ann Talbot and Director of Development of Services Terry Capehart.

NOTE: A Work Session is used to explore matters of interest to one or more City Council Members or the City Manager for the purpose of giving staff direction into whether or not such matters should be placed on a future regular or special meeting of the Council for citizens' input, City Council deliberation and formal City action. At a work session, the City Council generally receives informal and preliminary reports and information from City staff, officials, members of City committees, and the individual or organization proposing council action, if invited by City Council or City Manager to participate in the session. Participation by individuals and members of organizations invited to speak ceases when the Mayor announces the session is being closed to public input. Although Work Sessions are public meetings, and citizens have a legal right to attend, they are not public hearings, so citizens are not allowed to participate in the session unless invited to do so by the Mayor. Any citizen may supply to the City Council, prior to the beginning of the session, a written report regarding the citizen's opinion on the matter being explored. Should the Council direct the matter be placed on a regular meeting agenda, the staff will generally prepare a final report defining the proposed action, which will be made available to all citizens prior to the regular meeting at which citizen input is sought. The purpose of this procedure is to allow citizens attending the regular meeting the opportunity to hear the views of their fellow citizens without having to attend two meetings.

1. Receive a report, hold a discussion, and give Staff direction on the revisions of the Kaufman Zoning Ordinance.

City Manager Curtis Snow reported that the Work Session was for the City Council to discuss the final revisions of the Kaufman Zoning Ordinance before Public Hearings and adoption of the Ordinance. He reported that the Steering Committee, the Planning and Zoning Commission, and other Committees had been involved with the process of reviewing and making recommendations to the Council over the past year.

Mayor Pro-Tem Bounds asked about dilapidated houses. He would like to see stronger enforcement on condemnation regarding unsafe structures. Director of Development of Services Terry Capehart informed the Council of the newly created Building and Standards Board. He reported that the Board of Adjustment Board would serve as the Building and Standards Board. Mr. Capehart explained the condemnation procedures to the City Council.

Director of Development of Services Terry Capehart gave an overview of the amendments to the Zoning Ordinance as follows:

SECTION 1 – ENACTING PROVISIONS - Inclusion of the Building and Standards Commission in the Enacting Clause – highlighted areas where dates and ordinance numbers will need to be updated upon final adoption of the new ordinance.

SECTION 2 – PURPOSE - No changes.

SECTION 3 – ZONING DISTRICT MAP - Change “City Planner” to read “Director of Development Services” here and throughout ordinance.

SECTION 4 – ZONING DISTRICT BOUNDARIES - Updates of dates and ordinance number changes only.

SECTION 5 – COMPLIANCE REQUIRED - Parks and Recreation projects to be approved by the Parks Board and City Council rather than Parks Board, P&Z and City Council. Substituted Time Saver Standards for Landscape Architects for Development Standards, which are more appropriate for Park projects. (Less restrictive)

SECTION 6 – ZONING UPON ANNEXATION - Same as Section 3.

SECTION 7 – PENALTIES AND NONCONFORMITIES - Originally Chapter VI Sections 46 – 49 (combined into one section and moved to Chapter I with the other enacting clauses)

SECTION 8 – PLANNING AND ZONING COMMISSION - Changed vote to approve any action by P&Z from simple majority to a quorum vote also require conflicts of interests to be recorded in the minutes. **(More restrictive – vote to pass motion must be 4 votes minimum instead of 3 votes)**

SECTION 9 – ZONING BOARD OF ADJUSTMENTS – Changed number of alternates from “shall” be up to 4 to “may” be up to 4. Added restrictions to Board’s authority to modify PD’s in addition to SUP’s which is a legislative action rather than a quasi-judicial action. Added Buildings and Standards subsections per Ordinance O-05-05.

SECTION 10 – ZONING CHANGES – Subsection 10.3 – added paragraphs B and C to include reference to Comprehensive Plan and presubmittal meetings with staff prior to submitting application. Clarified language of noticing requirements for public hearings. Subsection 10.8 – included reference to Charter requirements for 2 readings. **(Clarifies procedures for better customer service)**

SECTION 11 – CERTIFICATES OF OCCUPANCY – revised text to accurately reflect the language of the Life Safety Ordinances and International Building Codes as adopted. **(Clarifies procedures for inspections and extends Temporary Utility Releases from 30 to 90 days for better customer service – Less restrictive)**

SECTION 12 – ZONING DISTRICTS ESTABLISHED – Combination of the Patio Homes (SF PH), Duplex (2F) and Single-family Attached (SFA) into a single Townhouse (TH) district. Added Washington Street Corridor to list of districts. Relocated tables and drawings from the Appendix and placed them in the appropriate Sections where referenced. Eliminated Manufactured (Mobile) Home Overlay District. **(more restrictive)**

SECTION 13 – AGRICULTURE/OPEN (AO) – Added setback requirement for barns used to house large animals (13.2.A.5.b). Added 13.4.B.4 accessory building criteria. Increased minimum house size from 800 sq. ft. to 2,000 sq. ft. (13.4.E). Removed reference to carport because parking requirement calls for 2 enclosed spaces. (13.5.D) **(More restrictive in order to prohibit single wide mobile homes)**

Changed fence height for swimming pools to agree with International Building Codes – taller fences obscure vision so responsible persons cannot see if anyone is in the pool. (this change was applied to all residential districts) **(improves safety around swimming pools)**

SECTION 14 – SINGLE-FAMILY ESTATE RESIDENTIAL-20 (SF-20) – Added home occupations to permitted uses (14.2.6). Changed minimum

lot width to 100 ft from 110 ft. (14.4.A.2). Other changes (i.e. swimming pools, accessory buildings and carports) are the same in each residential district as appropriate. (More restrictive in that carports are not allowed to be substituted for enclosed garages in SF-20, SF-10 and SF-8)

SECTION 15 – SINGLE-FAMILY RESIDENTIAL 10 (SF-10) – Changed minimum lot depth to 125 ft from 110 ft. (15.4.A.3) Added setback for “key” lots (15.4.B.2) (Changed lot dimension to make lot lines more consistent)

SECTION 16 – SINGLE-FAMILY RESIDENTIAL 8 (SF-8) – Same changes as in previous sections.

SECTION 17 – SINGLE-FAMILY RESIDENTIAL 6 (SF-6) – Combined SF-6 and SF-6A into a single district by combining parking requirements to allow for one car garages and carports on infill lots platted prior to May 13, 2002 per Ordinances O-04-01 and O-15-02 (17.4.D)

SECTION 18 – TOWNHOUSE RESIDENTIAL (TH) – PATIO HOMES, SINGLE-FAMILY ATTACHED, TWO-FAMILY DUPLEX OR GARDEN HOMES – Combined three districts into a single district for consistency and flexibility for medium density single-family developments.

SECTION 19 – MULTI-FAMILY RESIDENTIAL 1 (MF-1) TRIPLEX - QUADRIPLEX - Changed minimum sq ft per dwelling unit from 3,600 sq ft to 3,000 sq ft and minimum lot size from 7,200 sq ft to 9,000 sq ft. (3 x 3,000 for triplex) (19.4.A.1) and changed minimum lot width to 90 ft to reflect above changes. Maximum number of units should have read: “No more than four (4) units per structure.” (19.4.A.4) Included safety issue of lockouts on trash compactors if applicable. (19.5.B) (Minimum square footage per dwelling unit and minimum lot size was for a duplex not triplex and thus was revised to reflect District requirements)

SECTION 20 – MULTI-FAMILY RESIDENTIAL 2 (MF-2) – Reduced maximum density from 30 units to 24 units per acre. (20.1) Changed definition of MF-2 to any building with more than 4 dwelling units. (20.2.A.2) Changed area per dwelling unit to 1,800 sq ft per dwelling unit (24 units per acre) and minimum lot area to 1 acre (20.4.A.1) (More restrictive - density reduced to 24 units per acre in order to eliminate problems associated with very dense apartment complexes – i.e. parking, traffic, lack of open space, impact on schools, etc.)

SECTION 21 – MANUFACTURED (MOBILE) HOME DISTRICT – Included setbacks for garages and carports (21.2.A.8.c) Changed minimum side yard from 5 feet to 10 feet. (21.3.B.2) Changed minimum lot area from 3,000 sq ft to 4,500 sq ft and minimum lot width from 30 ft to 45 feet (i.e. minimum unit width 25 ft plus 2-10 ft sideyards = 45 ft)

(21.3.C.1&2) Increased minimum floor area from 800 sq ft (single-wide) to 1,000 sq ft (double-wide) (21.3.D) Included Development Standards (21.3.E) Added parking specifications (21.3.G) Eliminated single lot subdivision which would be considered spot zoning. (21.3.H) **(More restrictive – removed allowances for single-wide units and adjusted lot dimensions to accommodate double-wide units only)**

SECTION 22 – OFFICE (O) DISTRICT – Clarified purpose statement and height and residential adjacency issues (22.1). Increased height allowed to four stories if not adjacent to residential property (22.3). Standardized front yard dimension to 25 feet (22.4.A.1). Changed setback on residential adjacency to a 3:1 slope i.e. 3 feet of setback for each foot of height. (22.4.A.4). Minimum lot dimensions changed to match minimum lot size (22.4.B.2&3). Updated Special Requirements (22.5) to include restrictions on loading areas, non-office uses, screen walls and uses incompatible with adjacent residential properties. **(Overall – less restrictive)**

SECTION 23 – LOCAL RETAIL (LR) – Minimum lot area changed to match minimum lot dimensions (23.4.A.1). Standardized front yard dimension to 25 feet (23.4.B.1). Updated Special Requirements to include restrictions on screen walls and incompatible uses. (23.5) **(Less restrictive – smaller lot size allowed)**

SECTION 24 – RETAIL (R) DISTRICT – Minimum lot depth changed to 100 feet to be consistent with minimum lot area (24.4.A.3). Rear yard setback changed to 20 feet to be consistent with other similar districts (O, LR, C, & LI) (24.4.B.4). Updated Special Requirements – same as previous districts. (24.5)
(Less restrictive – lot depth reduced from 200 ft to 100 ft and rear yard setback reduced from 25 ft to 20 ft)

SECTION 25 – Central Business District (CBD) – No changes since revisions were adopted by Ordinance O-12-05. **(More restrictive in that front façade standards for new construction were adopted to preserve character of square and historic style of architecture. Less restrictive in uses allowed and parking required for new development)**

SECTION 26 – COMMERCIAL (C) DISTRICT – Increased minimum lot size from 6,000 sq. ft. to 10,000 sq.ft. and minimum lot width to 100 feet (26.4.A.1&2). Increased front yard setback to 25 feet and added residential adjacency restrictions (26.4.B.1&2). Updated Special Requirements – same as previous districts. (26.5) **(More restrictive in lot dimensions due to more intense uses allowed in this district with lots of truck traffic associated with uses.**

SECTION 27 – LIGHT INDUSTRIAL (LI) DISTRICT – Moved residential adjacency requirements from 27.3.A.2 to 27.4.B.2. Updated Special Requirements – same as previous districts. (27.5)

SECTION 28 – HIGHWAY COMMERCIAL (HC) DISTRICT – Defined maximum height for 8 story building and referenced increased setback restrictions (28.3.A.1). Increased minimum lot depth to 200 feet to be consistent with minimum lot size. (28.4.A.3). Added setback restrictions for residential adjacency (28.4.B.2) **(More restrictive lot dimensions in order to keep lot sizes consistent so that cross access and circulation can be maintained in the future)**

SECTION 29 – PLANNED DEVELOPMENT (PD) DISTRICT – Added Special Requirements 29.9 and Table 29.1.

SECTION 30 – SPECIFIC USE PERMITS (SUP) – Changed requirement for building permit from one year to six months to be consistent with other permit expiration time limits. (30.2.D). Added Special Requirements (30.5) and Table 30-1.

SECTION 31 – WASHINGTON STREET CORRIDOR – Added limitation on existing nonconforming uses. (31.2.B.2). Added minimum lot depth of 100 feet (31.2.B.3). Removed reference to a specific brand name (31.2.C.b). Removed uses from Table 31.1 designated as not allowed “No” to condense size of table. Added Washington Street Corridor Map. **(Less restrictive – added 5 more allowed uses to Use Tables)**

SECTION 32 – RESERVED – no changes

~~SECTION 33~~ – MHO MANUFACTURED (MOBILE) HOME OVERLAY DISTRICT – removed in its entirety (incorporated into the (MH) Manufactured Home Zoning District) **(more restrictive – designed to eliminate a mobile home being placed on a lot in any Single-Family district)**

SECTION 33 – USE TABLES - To simplify the Charts many similar uses were combined into a single category, for example: Architect, Attorney, Engineer, etc. were combined into “Offices, General Business and Professional”. Retail stores were combined into similar categories as well, such as, General Merchandise (Dry Goods) and Food Stores, which were then further divided into stores less than 7,500 square feet or greater than 7,500 square feet.

Chart 1 – Primary Residential Uses

- Combine Boarding or Rooming House with Bed and Breakfast
- Remove Manufactured Home from A-O District

- Move Community Home to Chart2
- Industrialized House combined with Manufactured Home
- Moved Wedding receptions to Chart 3
- Moved Personal Care facility to Chart 2

Chart 2 – Educational, Institutional and Special Uses

- Remove Community Center from SF-20, SF-10, SF-8, SF-6 and TH
- Remove SUP for Inst. for Alcoholic, Narcotic etc from O District
- Remove SUP for Rehab Care Facility from MF-1 & MF-2 and add

SUP in LI

- Cemetery SUP removed from O, LR, R, CBD, C & HC
- Daycare SUP removed from residential districts and CBD
- Fairgrounds moved to Chart 4
- Hospital SUP removed from residential districts
- Inst for Alcoholic etc allowed only by SUP in C and LI
- School SUP removed from CBD
- Rehabilitation facility only allowed with SUP in LI

Chart 3 – Accessory & Incidental Uses

- Caretaker/guard residence removed from SF-10, SF-8 and SF-6 and added to commercial districts
- Garage/accessory dwelling removed from SF-10, SF-8 and SF-6
- Changed off-street parking to on-street parking
- Added outside display
- Added temporary classroom building with same restrictions as temporary construction office.

Chart 4 – Recreational and Entertainment Uses

- Outdoor commercial amusement removed SUP from R and CBD
- Removed private country club and golf course from O, LR, R and CBD
- Commercial swimming pool allowed by SUP in R, C, LI, HC only
- Private zoo removed from LI and HC, public zoo removed SUP from HC

Chart 5 – Office and professional Uses

- Split Financial institution with or without drive-thru
- Split Radio or Television with or without tower

- Added Massage Therapist – State Licensed with SUP in O, LR, R, CBD, and C – it defined as a medical practice in definitions
- Combined similar office uses into a single category

Chart 6 – Retail and Service Uses

- Remove SUP for Convenience Store w/o gas sales from CBD to prevent liquor sales
- Add SUP for Dry Cleaners in CBD
- Remove SUP for Pawn Shop from R District
- Remove SUP for Recycling Kiosk from R District
- Added antique sales to LI
- Removed bldg. matl. sales with outside storage from CBD
- Combined many retail categories into either dry goods or food stores and then split stores into small or large @ 7,500 sq. ft.
- Allowed drycleaners in CBD with SUP but removed laundromat from CBD
- Removed recycling kiosk SUP from LR
- Removed restaurant with drive-thru service from CBD
- Removed pet shop from CBD
- Added category of produce stand with outside display allowed by right in AO, C, & LI and SUP in R & HC
- Removed Vet with inside pens from R & CBD and with outside pens from C

Chart 7 – Automotive Uses

- Auto parts and accessory sales changed permitted use in CBD by SUP only
- Minor auto repair added SUP in HC
- Removed tire dealership from CBD

Chart 8 – Commercial Uses

- Remove SUP for Food Processing Plant from C District
- Added ambulance by SUP to R & HC
- Added contractor shop with SUP to HC
- Added heavy truck rental with SUP to HC

- Removed food processing from C
- Added kennel with indoor pens to AO, C with SUP and permitted in LI
- Added kennel with outside pens to AO and LI
- Removed hotel with more than 75 rooms from R & CBD
- Combined office showroom and office warehouse into office showroom warehouse
- Combined different contractor shops into single category

Chart 9 – Transportation Related Uses

- Removed bus station from CBD
- Removed helistop from R

Chart 10 – Utility Services and Other Uses

- Remove the words “Shop, Yard” from “Public Agency Building or Facility” and add the words “Public or Private” to “Utility Shops or Storage Yards or Buildings”
- Removed noncommercial (amateur) antenna from commercial districts
- Removed farm, ranch and orchard from every district except AO & LI
- Removed water treatment plant from every district except AO and LI

Chart 11 – Industrial Uses

- Moved SUP for Petroleum distribution from AO to LI
- Removed gravel or sand pit (mining) but allowed gravel or sand sales

SECTION 34 – NONCONFORMING USES AND STRUCTURES (formerly Section 7 moved to the Development Standards) - Abandoned nonconforming structures in the current ordinance would be allowed to be reoccupied by a conforming use without having to meet any of the Development Standards. The proposed revisions allows the reoccupation only if the following conditions are met: the front façade would have to meet the masonry requirements, parking would have to meet the requirement for the proposed use and the International Existing Building Code and Fire and Safety Codes would have to be met. In addition, the all abandoned nonconforming structures would have to go through a formal Site Plan review and approval by P&Z and City Council before being reoccupied. (more restrictive) Added clause allowing alternative

materials other than masonry when the unique or historical character of the building needs to be preserved. (less restrictive)

SECTION 35 – OFF-STREET PARKING AND LOADING REQUIREMENTS -

Defined “suitably paved surface” in residential districts as 2 inches of compacted base and 2 inches of rolled asphalt or 4 inches of concrete with #3 rebar on 18 inch centers or 6 inches of crushed rock (gravel) in the A-O District for driveways over 50 feet long. Added Table 35-1 and Figure 35-1 for parking lot design.

SECTION 36 LANDSCAPE REQUIREMENTS - Added Figure 36-1 – Visibility Triangle. Updated and moved Recommended Plant List from appendix to Figure 36-2

SECTION 37 – ACCESSORY BUILDING AND USE REGULATIONS - Added that no accessory dwellings may be rented, leased or sold. (more restrictive)

SECTION 38 – FENCING, WALLS AND SCREENING REQUIREMENTS - Added permit clause. Architect or engineer required to design screening walls. Added section to define security fencing in commercial districts. Defined materials allowed in residential fencing. Added section on prohibited fencing.

SECTION 39 – SITE PLAN REVIEW - Clarified when a Site Plan review is required. Clarified submittal and plan detail requirements.

SECTION 40 – SUPPLEMENTAL REGULATIONS - Clarified setback requirements and referenced Figures 12-1 and 12-2 illustrating setbacks. Clarified “special height” requirements for elements extending above the roof line. Clarified and further defined permitted outside storage. Deleted redundant paragraph on visibility triangle that is covered in Section 36. Updated and revised conditions required for a Temporary Use Permit. Further defined uses of cementitious siding (Hardi-plank) for special architectural designs. Further defined “in-fill” in residential districts for the purpose of special architectural design. Clarified façade requirements for new additions in nonresidential districts.

SECTION 41 PERFORMANCE STANDARDS - Added clause concerning wastewater discharge permits.

SECTION 42 LIGHTING AND GLARE STANDARDS - Added exception to Parks and Recreation projects (less restrictive)

SECTION 43 HOME OCCUPATIONS - Clarified requirements for existing and nonconforming home occupations. (more restrictive)

SECTION 44 SIGN REGULATIONS - Updated and revised sign regulations in its entirety to remove ambiguities, confusion and missing definitions. Tied allowable square footage to width of front façade facing the street and made allowance for big box retail stores to have larger sign in scale with business. Increased allowable square footage on multi-tenant retail businesses to encourage use of monument signs vs. pole signs. Restricted changeable advertising signs to change message only once every 5 minutes to prevent traffic hazards. Included regulations for temporary signs to prevent proliferation. (less restrictive)

The Council discussed each Section thoroughly. A great deal of discussion was held on Section 34.5 Expansion of Nonconforming Uses and Buildings. It was recommended to remove the words in Section 34.5 F. 1. Exceptions: a. "In order to preserve the historical heritage and character of the City of Kaufman". The new sentence would read "It is recognized the unique and significant structures, which contribute or add value to the neighborhood or community should be protected, even though they may not meet current area or development standards and are thus "nonconforming"."

City Manager Curtis Snow mentioned that there is an interest of a Farmers Market in the Central Business District (downtown). The Zoning Ordinance does not allow for a Farmers Market in the Central Business District. He asked the Council if they were interested allowing this type of trade in the downtown area. He also informed them of other persons wanting to run a Farmers Market in the downtown area. After discussion the Council was open to the idea and asked Staff to develop a plan and review with Council.

ADJOURNMENT.

Councilmember Fortner moved and seconded by Mayor Pro-Tem Bounds to adjourn the meeting at 8:11 p.m. Mayor Bacon called for a vote with all voting AYE, the motion carried.

PAULA BACON
MAYOR

ATTEST:

**JO ANN TALBOT
CITY SECRETARY**

**A TAPE RECORDING OF THIS MEETING IS ON FILE AT CITY HALL.
THESE MINUTES ARE CONDENSED THEREFORM.**