

**MINUTES OF THE SPECIAL CALLED MEETING  
CITY OF RIVER OAKS  
PLANNING AND ZONING COMMISSION  
MARCH 3, 2015 (*Rescheduled from February 23, 2015*)**

**MEMBERS PRESENT:**

JAMES MYRICK, CHAIRMAN, PLACE 1  
HUB MARKARWICH (VOTING MEMBER FOR PL. 2)  
RUTH TEAGUE, PLACE 3  
PAUL SIMPSON, PLACE 4  
BRAD GALLMAN, PLACE 5  
SHERRIE UPTMORE DAST, ALTERNATE 2  
JOANN GORDON, COUNCIL LIAISON

**STAFF MEMBERS PRESENT:**

MARVIN GREGORY, ZONING ADMINISTRATOR  
STEVE SANDERS, BUILDING INSPECTOR  
JOHN PAUL JONES, CODE ENFORCEMENT OFFICER

**MEMBERS ABSENT:**

KATHY RODDEN, VICE-CHAIR, PLACE 2 (SICK)

**STAFF MEMBERS ABSENT:**

SUSAN STEWART, ZONING SECRETARY (SICK)

1. CALL TO ORDER

Chairman Myrick called the Special Meeting of the River Oaks Planning and Zoning Commission to order at 6:30 p.m. at the River Oaks City Hall, 4900 River Oaks Blvd., River Oaks, Texas 76114 on Tuesday, March 3, 2015 announcing that due to icy weather the February 23, 2015 meeting was postponed to Tuesday, March 3, 2015 at 6:30 P.M.

2. INVOCATION AND PLEDGE OF ALLEGIANCE

Member Gallman delivered the invocation. The pledges of allegiance to the United States and the Texas Flags were led by Chairman James Myrick.

3. APPROVAL OF MINUTES FROM THE FEBRUARY 3, 2015 SPECIAL CALLED MEETING

**Member Teague moved, seconded by Member Simpson, to approve the minutes from the special called meeting of February 3, 2015. All voted "Aye."**

4. **PUBLIC HEARING:** in order to receive comment and testimony on the proposed text amendments to the Comprehensive Zoning Ordinance # 920-2012, as amended (Case PZ2015-01), as herein provided:

- i. Amend Article 14.03 "Zoning and Sign Ordinances" by revising Article 14.03 (a) "Zoning Ordinance" incorporating the current Zoning Ordinance and revising Article 14.03 (b) "Sign Ordinances" in that the Sign Code is now provided for in Section 3.12 "Signs" of the River Oaks Code of Ordinances.*
- ii. Amend Section 4 "Definitions" of the River Oaks Comprehensive Zoning Ordinance by revising the following definitions to read as follows:*
  - **Breezeway:** *A covered passage one story in height and 6-feet or more in width connecting a main structure and an accessory building.*

- **Carport:** *A structure, attached or detached, open on a minimum of two sides designed or used to shelter not more than two vehicles.*
  - **Driveway:** *A hard surface which meets the requirements of Section 20 extending from the pavement in a public street at the property's drive approach to the rear of the principal structure as located on the individually platted lot in order to facilitate a minimum of two parking spaces.*
  - **Hard Surface (Behind Building Line):** *A parking surface constructed of concrete, asphalt, brick, two inches of gravel over a base of six inches of approved stabilization material, or other commonly accepted pavement which must (1) be bordered edged and maintained free of litter, debris, weeds or other objectionable material or objects; and (2) meet NCTCOG specifications at the time of construction; and (3) be approved by the Building Official.*
  - **Hard Surface (Front of Building Line):** *When pertaining to the construction of a new house, driveway or drive approach, a hard surface shall mean only concrete, and must be compliant with NCTCOG Specifications and the River Oaks Code of Ordinances.*
  - **Masonry Construction:** *Exterior construction materials that conform to the applicable ASTM or other approved testing requirements for masonry products pursuant to the most recently adopted building code including but not limited to brick, stone, stucco, granite, marble, or concrete and excluding wood or metal. Hardiplank or cement fiberboard is only permitted that is installed horizontally in residentially zoned districts providing it is determined by the Building Official to be architecturally compatible within that particular zoning district with the other structures.*
  - **Porch:** *A slab, deck or platform constructed out of concrete, wood or other code approved materials attached to the structure and may be supported on opposing sides by columns, posts or other approved supports inclusive of roof extensions or awnings and is designed for egress and ingress into the main structure. When pertaining to an existing principal structure already located on a platted lot, the porch: (1) shall be located behind the front building line; (2) shall not be enclosed, except that it may be supported on opposing sides by columns, posts or other approved supports inclusive of roof extensions or awnings; and (3) may extend 10-foot in front of the existing house across the width of the principal structure and on all sides of the principal structure providing it meets all the setback requirements in its particular zoning district.*
  - **Zoning Administrator:** *a position appointed by the mayor and approved by city council, as specified by the Charter of the City of River Oaks to enforce and administer the terms of this Ordinance; the individual whose decisions and interpretations are appealed to the board of adjustment.*
- iii. Amend Section 20 "Parking and Vehicular Circulation Requirements" by revising Section 20 D "General Requirements", # 14b pertaining to the parking of major recreational vehicles in the front yard on concrete surfaces only.

- iv. Amend Section 20 "Parking and Vehicular Circulation Requirements" by revising Section 20 D "General Requirements", # 17c requiring that the parking surface after the effective date of this ordinance in any required front yard in single-family zoning district shall be concrete.
- v. Amend Section 20 "Parking and Vehicular Circulation Requirements" by revising Section 20 D "General Requirements", # 17d requiring that for a use other than a single-family use, the surface of a parking space, maneuvering area for parking, or driveway must consist of concrete, or in the alternative, may consist of hot mix asphalt paving which meets the NCTCOG specifications. The approach shall be a minimum of 10 feet or to the property line and shall be concrete.
- vi. Amending Section 21 "Fence Regulations" by revising Section 21 B "General Requirements" in that a fence shall be constructed of metal, chain link, wood, masonry, or any other code approved material.
- vii. Amend Section 21 "Fence Regulations" specifically in Section 21.C "Use Regulations" # 3 "Placement of Fences" under 3.a "Front Yard" in that fences constructed of an ornamental material such as decorative wrought iron may be allowed to a height not greater than six (6) feet measured from the natural contour of the land providing it is at least 50% open and is determined to be architecturally compatible within that particular zoning district by the Building Official.
- viii. Amending Section 21 "Fence Regulations" specifically in Section 21.C "Use Regulations" # 5 "Screening for Residential Adjacencies and Dumpsters", revising Section 21C.5b requiring approved screening where a lot zoned for commercial uses abuts property zoned for or used for residential uses.
- ix. Amending Section 22 "Accessory Uses" specifically in Section 22.A "Authorized Accessory Uses" #2 "Accessory Buildings" under 2.b in that the accessory building may not exceed the size of the principle structure on any individually platted residential lot and must meet all other applicable requirements for accessory buildings.
- x. Amending Section 22 "Accessory Uses" specifically in Section 22.A "Authorized Accessory Uses" #2 "Accessory Buildings" incorporating 2.d requiring that an approved site plan pursuant to Section 25 of the Comprehensive Zoning Ordinance as a condition for approval of a building permit application for construction of all Accessory Buildings in any commercial, industrial, Multi-Family and Planned Zoning Districts.

- xi. Amend Section 22 "Accessory Uses" in Section 22.A "Authorized Accessory Uses" # 7 in that the design and number of gasoline delivery stations or pumps be pre-approved by the City's Fire Inspector.*
- xii. Amend Section 22 "Accessory Uses" in Section 22.A "Authorized Accessory Uses" # 13.5 in that Snow cone stands previously approved by the City Council shall be permitted to operate subject to City Council approval each year for a period not to exceed 180 days unless otherwise approved by City Council.*
- xiii. Amending Section 22 "Accessory Uses" in Section 22.A "Authorized Accessory Uses" # 19.5 requiring that existing accessory buildings designed for residential human occupation may be used for human occupation, limited to family members as defined by this Ordinance providing they existed prior to the adoption of the zoning ordinance and are registered as a legal non-conforming structure.*
- xiv. Amending Section 25 "Site Plans required for Multi-Family, Commercial, Industrial, Planned Districts and Zone Changes" incorporating in Section 25 B "Application" # 4 in that a person is required to submit a site plan for approval of Accessory Buildings to be constructed and expansions in excess of 25% of the accessory building size in all Multi-Family, commercial, Industrial and Planned Zoning Districts.*
- xv. Amending Section 27A "Landscaping Requirements" by revising Section 27A.G "Nonconforming Uses and Structures" in that all uses that were in existence at the time of the adoption of the Comprehensive Zoning Ordinance as amended which do not meet the landscape requirements will be considered legal nonconforming and will be subject to the provisions established in Section 28 of the Zoning Ordinance as a legal nonconforming use.*
- xvi. Amending Section 28 "Nonconformities" specifically in Section 28D "Nonconforming Structures" # 1 "Alteration in Size of Structure" in that no such nonconforming structure may be enlarged, extended, reconstructed, repaired, or altered in a way that increases its nonconformity except as provided for in section 28 H of the Zoning Ordinance, but any structure or portion thereof may be repaired or altered to decrease its nonconformity or to comply with city building codes.*

The Zoning Administrator, **Marvin Gregory**, summarized each recommended amendment that had been updated from the previous Planning and Zoning workshops. There was discussion amongst the members about the definition of Hard Surface. After much discussion the Commission elected to amend the definition for Hard Surface (front of building line) as follows:

"Hard Surface (front of building line): When pertaining to the construction of a new house, driveway or drive approach, a hard surface shall mean a continuous solid concrete surface or

decorative concrete surface that meets the minimum pounds per square inch (p.s.i.) requirement pursuant to the most recently adopted building code, and must be compliant with NCTCOG Specifications and the River Oaks Code of Ordinances."

The Planning and Zoning Commission in discussion regarding the parking of major recreational vehicles in front of the building line pursuant to Section 20D #14 recommended the requirement be revised to read:

"For a single family use for which a building permit for new construction is applied for after the effective date of this Ordinance, the surface of a parking space, maneuvering area for parking, or driveway, a hard surface shall mean a continuous solid concrete surface or decorative concrete surface that meets the minimum pounds per square inch (p.s.i.) requirement pursuant to the most recently adopted building code,"

The Planning and Zoning Commission further recommended that fences in Section 21B be amended to read:

"A fence shall be constructed of metal, ornamental material such as decorative wrought iron, chain link, wood, masonry, or any other code approved material except that corrugated iron panels shall not be allowed on any property zoned "R-1," "R-2," "R-3," "R-4," "R-5," "R-6," or "MF" unless a specific regulation herein requires that a fence be constructed of a specific material."

The Planning and Zoning Commission further recommended that fences in Section 21C3a be amended to read:

"Fences constructed of wrought iron, ornamental iron, metal except that corrugated iron panels shall not be permitted, chain link, vinyl or other material that allows the passage of a 1 3/4" sphere are permitted in front of the designated front building line of any property zoned "R-1," "R-2," "R-3," "R-4," "R-5," "R-6," or "MF";

With that **Chairman Myrick** asked if anyone in the audience had any input on the proposed zoning text amendments before closing the public hearing. **Shirley Wheat** expressed concern on the hard surface requirements as presented. **Chairman Myrick** stated that the hard surface requirements presented to council by the Zoning Commission is only the Commission's recommendation but the Council has the final say. **Member**

**Teague** expressed concern over the short length of time the Commission had to review the text amendments. **With no other comments from the public, Chairman Myrick closed the public hearing at 7:55 P.M.**

5. **ACTION FROM PUBLIC HEARING:** Consider approval of recommendation to the City Council on the proposed text amendments to the Comprehensive Zoning Ordinance # 920-2012, as amended (Case PZ2015-01), as herein provided:

- i. *Amend Article 14.03 "Zoning and Sign Ordinances" by revising Article 14.03 (a) "Zoning Ordinance" incorporating the current Zoning Ordinance and revising Article 14.03 (b) "Sign Ordinances" in that the Sign Code is now provided for in Section 3.12 "Signs" of the River Oaks Code of Ordinances.*
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*principal structure already located on a platted lot, the porch: (1) shall be located behind the front building line; (2) shall not be enclosed, except that it may be supported on opposing sides by columns, posts or other approved supports inclusive of roof extensions or awnings; and (3) may extend 10-foot in front of the existing house across the width of the principal structure and on all sides of the principal structure providing it meets all the setback requirements in its particular zoning district.*

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**Chairman Myrick** stated to the public that at this time the Zoning Commission will consider taking action to forward their recommendation either for or against approving the proposed text amendments to the City Council. **Chairman Myrick** asked Staff in going forward that if possible to present a smaller number of amendments at any one time for them to consider.

**ZA Administrator Gregory** stated the text amendments presented this time were based from input staff had received from others over the last several years and not just something put together here recently. Gregory stated in the future that staff would try to limit the number being presented at any one-time but to remember zoning ordinances are a work in progress and are susceptible to having multiple amendments involved when that occurs.


**Member Gallman moved, seconded by Member Simpson, to recommend to the City Council approval of Ordinance # 1060-2015 as submitted with the recommended revisions made by the Planning and Zoning Commission. All voted "Aye".**

6. ADJOURN

**At 8:05 p.m. Member Teague moved, seconded by Member Simpson, to adjourn the meeting. All voted "Aye".**

**APPROVED THIS 28<sup>th</sup> DAY OF SEPTEMBER 2015:**

BY:   
**James Myrick, Chairperson**  
**Planning and Zoning Commission**

ATTEST:   
**Susan Stewart,**  
**Zoning Secretary**