



City of Granite Shoals  
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**MEETING MINUTES  
FOR A REGULAR MEETING  
OF THE PLANNING AND ZONING COMMISSION  
GRANITE SHOALS CITY HALL, 2<sup>ND</sup> FLOOR COUNCIL CHAMBER  
2221 N. PHILLIPS RANCH ROAD  
GRANITE SHOALS, TX 78654  
TUESDAY, JUNE 21, 2016  
6:00 P.M.**

Call to Order by Chair Shannon Wilson at 6:00 PM.

Commissioners Present:

Shannon Wilson  
Susie Hardy  
Shawna Williams  
Steven Dooley  
Terry Scott  
Claudine Gonzales

Absent:

Paul Fletcher

Staff present:

Ken Nickel, City Manager  
Preston Williams, Sr. Code Compliance Officer  
Elaine Simpson, City Secretary - recording ---

*The numbering below tracks that of the agenda, whereas the actual order of consideration may have varied.*

**Public comment and announcements**

*At this time, any person with business before the Commission not scheduled on the agenda may speak to the Commission. No formal action can be taken on these items at this meeting. No discussion or deliberation can occur. Comments regarding specific agenda items should occur when the item is called. Anyone wishing to speak under this agenda item must complete a Comment Card and submit to the Chair or the Secretary, prior to addressing the Commission.*

**City Staff Announcements/Items of Public Interest**

- Volunteer Appreciation Reception June 28, 2016 at 5 PM
- Annual 'Open Government Training' with City Attorney, 6 PM June 30, 2016
- Meet with Mayor and drink lemonade after the Open Government Training 7:30 PM to 8:30 PM

There were no citizen comments.

### APPROVAL OF MINUTES

- 1) Review and consider approval of the minutes from the Planning and Zoning Commission Regular Meeting of May 17, 2016.

Commissioner Williams made a motion, and Commissioner Scott seconded, to approve, as presented, the meeting minutes from the P&Z Commission regular meeting of May 17, 2016. Motion carried with a unanimous vote of 6-0.

### PUBLIC HEARING

- 2) Proposed Ordinance #691 to amend Chapter 40 of the City Code Of Ordinances, related to Non-Conforming Structures, including Sections 40-2 (Definitions), 40-6 (Single-Family Residential District, R-1), 40-8 (Multifamily Residential District, R-2), 40-10 (Mobile Home Residential District, M-1), and 40-18 (Nonconforming Buildings And Uses) of the City Of Granite Shoals Code Of Ordinances; and creating a new section 40-29 (Overlay Districts); and providing for the following: findings of fact, savings, severability, repealer, effective date, and proper notice and meeting.
  - a. Hold a Public Hearing.

Chair Wilson recessed open meeting / called Public Hearing to order at 6:05 PM.

Chair Wilson adjourned Public Hearing and reconvened the regular meeting at 6:06 PM.

- b. Review proposed Ordinance, discuss, consider and possibly take action to forward a recommendation to City Council regarding Ord. #691.

Commissioner Scott led an extended discussion about what he perceives now as shortcomings of this proposed ordinance. He suggested that if a gross encroachment of a setback/easement exists, this Ordinance as presented, would allow the owner of the dwelling not only to build an addition, but to continue the encroachment all the way back along the fence line, and in cases of waterfront property, this could be all the way almost to the water. Although the size of the encroachment into the setback or easement could not be expanded, the existing encroachment would be 'continued'. There was a discussion of equity involving whether it was fair to the homeowner who had no encroachments, who lived in a 'conforming' house, that if this homeowner wished to build an addition, he would have to comply with all the setbacks and

easements. However, if the neighbor next door had a pre-existing encroachment, they would be able to build an addition outside the parameters of the current setbacks and easements. Someone in the same neighborhood building a new dwelling would have to comply with the current rules as 'new construction'. This would seem to favor the owners of dwellings with these encroachments.

The Commissioners were in favor of allowing owners of non-conforming structures to build additions onto their structure. As is currently written, the Ordinance forbids anything but minor repairs from being made to a non-conforming structure with encroachments of this type. There was agreement that current regulations are too rigid; that these property owners should be given the flexibility to build an addition.

There was general agreement that with this flexibility, if the property owner still could not build an addition that was compliant with current building codes, they could take their case to the Board of Adjustments.

There was a brief discussion that in the Ordinance for Marble Falls, Texas, the owner of a non-conforming property with encroachments may build an addition, but the addition must comply to the current building codes. The owner may not build an addition that expands or continues the existing encroachment.

Jim Davant, 310 South Shorewood, Granite Shoals, TX 78654: Spoke regarding his concern that if proposed Ord. 691 is not approved, or is approved with extensive modifications to how additions may be built, the city will be back in the same difficult situation that resulted from the Zoning amendments passed in July of 2015. When the July 2015 amendments passed, the manner in which encroachments were enforced became more stringent. Instead of only encroachments on the ground, the new ordinance created a new type of violations of easement/setbacks in the 'airspace' where eaves and overhangs exist.

Commissioners Williams, Scott and Dooley expressed concerns about allowing the ability of a homeowner to continue an encroachment. Vice Chair Hardy expressed support for the proposed Ordinance, as presented. Commissioner Gonzales proposed defining 'airspace' to correct the issue.

Commissioner Scott made a motion, and Commissioner Williams seconded, to forward a favorable recommendation to City Council related to proposed Ordinance #691, with the following modifications:

At each occurrence of the paragraph wording such as on page 3 of the proposed ordinance, Section 4 and Section 5, paragraphs A and B the following changes will be made:

As currently proposed:

*Eaves and overhangs. Eaves and overhangs may not encroach into the front yard, side yard, or rear yard except as follows:*

*(A) Those portions of eaves and overhangs that extend into the front yard, side yard, or rear yard, that were in existence on [the date of amended ordinance], and that have remained in continuous existence since that date may continue; and*

(B) *Eaves and overhangs described by subsection (A) may be extended within the front yard, side yard, or rear yard parallel to the corresponding lot line, but no portion of such extension may be located nearer to the lot line than the eave or overhang that was in existence on [the date of amended ordinance].*

(5) *Structural encroachments. A building or structure may not encroach into the front yard, side yard, or rear yard except as follows:*

(A) *Those portions of buildings or structures that extend into the front yard, side yard, or rear yard, that were in existence on [the date of amended ordinance], and that have remained in continuous existence since that date may continue; and*

(B) *Buildings or structures described by subsection (A) may be extended within the front yard, side yard, or rear yard parallel to the corresponding lot line, but no portion of such extension may be located nearer to the lot line than the building or structure that was in existence on [the date of amended ordinance].*

Will read as follows:

*Eaves and overhangs. Eaves and overhangs may not encroach into the front yard, side yard, or rear yard except as follows:*

*Those portions of eaves and overhangs that extend into the front yard, side yard, or rear yard, that were in existence on July 1, 2016 , and that have remained in continuous existence since that date may continue. Any additions to non-conforming structures must conform to same building regulations as new construction.*

*Structural encroachments. A building or structure may not encroach into the front yard, side yard, or rear yard except as follows:*

*Those portions of a building or structure that extend into the front yard, side yard, or rear yard, that were in existence on July 1, 2016, and that have remained in continuous existence since that date may continue. Any additions to non-conforming structures must conform to same building regulations as new construction.*

Also, the date of July 1, 2016 was inserted into the ordinance in all occurrences of the phrase '[the date of amended ordinance]'.

Motion carried unanimously by a vote of 6-0.

This recommendation will be forwarded to City Council for their June 28<sup>th</sup> meeting.

#### REGULAR AGENDA ITEMS:

- 3) Discuss, consider and possibly take action related to forwarding a recommendation to City Council regarding modifications to Granite Shoals zoning ordinance related to

fencing in residential zoning districts, as discussed at previous P&Z meetings on March 17, 2016, April 21, 2016 and May 17, 2016.

The Commissioners noted that they had 'taken for action' to do homework last month and return with individual ideas for the 'interior fences'. There was not consensus on any one definition.

Vice-Chair Hardy suggested that the Commissioners use uniform phases. She suggested the term 'Perimeter Fence or Lot Line Fence' for referring to a normal (outside) fence, such as is discussed currently in the ordinance. It was suggested that the other 'Interior' fences be defined and should be limited; the phrase 'Special Purpose Fence' being too broad and likely to cause confusion. It was generally agreed that interior fences would be garden fence, dog run fence or a patio fence.

There was an extended philosophical discussion of the wisdom of having regulations for fencing in the Zoning Ordinance at all, considering that the city Code Compliance office doesn't issue fence permits?

Mrs. Brittney Dooley, 127 W. Stonecastle DR: She noted that when she originally requested that 'garden fencing' be allowed, she presented the Commissioners with a petition signed by her neighbors. This petition requested that 'garden fencing' (interior) be allowed up to eight feet tall (8') due to the deer issue. The petition also requested that the Zoning Ordinance for the R-1 Single Family Residential District be modified to allow the building of fences with natural (unmilled) cedar.

There was a discussion of the fence (perimeter / lot line /outside) fence, as it currently is defined in the Zoning Ordinance. The Commissioners and the City Council spent a great deal of time refining this section of the Zoning Ordinance, which was part of the July 2015 Zoning Ordinance amendment.

There was a discussion related to the question of 'was an 'interior' fence section needed?' Since there is no requirement for a fence permit, was the creation of another kind of fence 'interior', a waste of effort, as it would be as impossible to enforce as the current ordinance? The Commissioners came to the general agreement that they would like to consider two types (interior and lot line) fencing. The Commissioners took for action to return to the July P&Z meeting with suggestions for both types.

No formal action was taken.

4) Continue to review and discuss the Granite Shoals Zoning Ordinance, as supplemented. *(The P&Z Commissioners have been reviewing the entire Zoning Ordinance, which is Chapter 40 in the City Code. At their meeting on June 18, 2015, the Commissioners reviewed sections 40.8 through 40.11, at their July 16th meeting they reviewed Section 40.12 General Business District GB-1 through Section 40.14 Industrial District item d. #9. At their August 20, 2015 meeting, the Commissioners resumed reviewing Industrial District and reviewed through 40.17 Height and area restrictions, generally. September 17th, the Commissioners discussed regulations of non-conforming structures, Administration, the Board of Adjustments and also driveways. At their meetings October 15th and November 19th, and January 21th, the Commissioners reviewed parking and Drive-ways section again. February 18th the Commission reviewed the Ordinance*

*related to signs, boat docks and Vacation Home Rentals. On March 17, 2016 the Commissioners reviewed requirements for annual inspection of Vacation Home Rentals. April and May the Commissioners did not review the Ordinance. Tonight, the Commission will consider moving forward through the Ordinance, starting with Planned Development Districts (PD)).*

Due to time constraints, this item was not discussed.

5) Identify future agenda items

Due to time constraints, this item was not discussed.

6) Adjourn.

With no other items on the agenda, and no objections from the Commissioners, Chair Wilson adjourned the meeting at 8:05 PM.

The next meeting of the P&Z will be held on July 19, 2016.

I, Shannon Wilson Chair of the Planning and Zoning Commission for the City of Granite Shoals, Texas, certify that the attached are true and correct minutes taken from recordings and notes of the Planning and Zoning Commission Regular meeting held on June 21, 2016

Shannon Wilson date July 19, 2016

