



## PLANNING AND ZONING COMMISSION AGENDA

Regular Meeting  
Tuesday, April 8, 2014  
7:00 p.m.  
City Hall - Council Chamber  
Daniel P. Moore Community Center Complex  
1900 Billy G. Webb Drive  
Portland, Texas

1. **CALL TO ORDER:** Chairperson Naiser
2. **MINUTES:** The Planning and Zoning Commission will consider approval of the minutes of its February 11, 2014 Regular Meeting - Chairperson Naiser
3. **PUBLIC HEARING:** The Planning and Zoning Commission will conduct a Public Hearing to solicit comments from citizens and other interested parties concerning possible Unified Development Ordinance Text Amendments. A general description of possible Unified Development Ordinance Text Amendments follows:
  - Revisions to Section 406. Permitted Use Table.
  - Revisions to Section 707. Fences.
  - Revisions to Section 711. Off-Street Parking and Loading.
  - Addition of Section 713. Exterior Lighting.
  - Revisions to Section 1003. Defined Terms.
4. **UNIFIED DEVELOPMENT ORDINANCE TEXT AMENDMENTS:** The Planning and Zoning Commission will consider recommending Unified Development Ordinance Text Amendments to the City Council—Director of Public Works and Development

5. **SUBDIVISION FINAL PLAT:** The Planning and Zoning Commission will consider the final plat of Chiquita Ranch, Block 1, Lot 1 – Director of Public Works and Development
6. **ADJOURNMENT:** Chairperson Naiser

**RULES OF PARTICIPATION FOR ATTENDEES**

- a. Persons who wish to speak must fill out and turn in a speaker card before the meeting is convened (The Chairperson will notify you when it's your turn speak and direct you to the podium).
- b. Persons who wish to speak must identify themselves and their places of residence.
- c. All comments, requests and proposals must be presented to or through the Chairperson.
- d. Persons who wish to speak will be given 4 minutes to do so. The Chairperson may permit persons to speak more than once if he/she believes doing so will improve the planning process and facilitate deliberation.

*NOTICE OF ASSISTANCE*

If you plan to attend this public meeting and you have a disability that requires special arrangements to be made, please contact City Secretary Annette Hall at 361-777-4513 or [annette.hall@portlandtx.com](mailto:annette.hall@portlandtx.com) in advance of the meeting. Reasonable accommodations will be made to facilitate your participation. The City Hall is wheelchair accessible and specially marked parking spaces are located in front of its entrance. Special seating will be provided in the Council Chambers during the meeting.

**BRAILLE IS NOT AVAILABLE**

Posted: April 4, 2014 by 5 p.m.  
City Hall

By: 

**Annette Hall  
City Secretary**

## MINUTES

### PLANNING AND ZONING COMMISSION

#### FEBRUARY 11, 2014 REGULAR MEETING

The Planning and Zoning Commission conducted a January 14, 2014 Regular Meeting in the Council Chambers of City Hall (1900 Billy G. Webb) that began at 7:00 p.m. It did so in compliance with requirements of the Texas Open Meetings Act, City of Portland City Charter and Unified Development Ordinance. The following persons were in attendance:

#### MEMBERS PRESENT

Marcus Naiser (Chairperson)  
Craig Forsythe (Vice Chairperson)  
John Rooney  
Pete Stricker  
Jerry Browning  
Mark Wendland

#### MEMBERS ABSENT

Theresa Nix

#### STAFF PRESENT

Randy Wright, City Manager  
Brian DeLatte, Director of Public Works and Development

1. **CALL TO ORDER:** Chairperson Naiser called the meeting to order at 7:00 p.m.
2. **MINUTES:** The Planning and Zoning Commission will consider approval of the minutes of its January 14, 2014 Regular Meeting - Chairperson Naiser

John Rooney made a motion to accept the minutes of the January 14, 2014, Regular Meeting. Pete Stricker seconded the motion.

The motion passed (4-0) with Mark Wendland and Jerry Browning abstaining.

3. **SUBDIVISION FINAL PLAT:** The Planning and Zoning Commission will consider the final plat of Lot 1, Portland Development Inc., Unit 1 – Director of Public Works and Development

The Chairperson and Vice Chairperson recused themselves from Item No. 3. John Rooney was appointed Acting Chairperson for this item by a 6-0 vote.

The Director of Public Works and Development presented the following final plat application:

## DETAILS / STAFF ANALYSIS

A final plat application was submitted to the City of Portland for the following property:

Property Location:	Southwest corner of Buddy Ganem and Cedar Drive
Legal Description:	Being a part of a 1.837 acre tract of land being a portion of a tract of land described as Tract 2 in a deed to First National Bank as recorded in Clerk's File 539192, Real Property Records, San Patricio County, Texas and also being out of Section Q of the George H. Paul Subdivision of the Coleman-Fulton Pasture Company as recorded in Volume 1, Page 32, Map Records, San Patricio County, Texas
Applicant/Owner:	Portland Development, Inc.
Engineer/Surveyor:	LNV, Inc.

The final plat is being submitted in advance of a building permit for a 3-story, 41,079 sf hotel with 70 guest rooms.

Lot Layout and District Regulations: The proposed lots are located in the C-R - Retail Commercial District. Staff review of the final plat shows that the dimensions proposed meet the district's requirements.

Access: Access is being proposed from both Buddy Ganem Drive and Cedar Drive. Per City of Portland Unified Development Ordinance (UDO) requirements, the applicant has provided proof that the Texas Department of Transportation (TxDOT) has approved the driveway location on Buddy Ganem. The driveway location on Cedar Drive meets UDO driveway spacing requirements.

Utilities: The City's 16-inch waterline runs through the property and is available for domestic, irrigation, and fire service for the building. A fire hydrant is required on the southeast corner of the lot. Wastewater service is available on the south side of the lot upstream of the City's Cedar Drive lift station. All services are appropriately sized.

Drainage: The applicant has noted that the property lies within FEMA FIRM Zone "C". Finished floor elevations will be based on adjacent curb elevations in conformance with City codes. The applicant is proposing that the drainage on-site utilize appropriately-sized storm drain systems in Buddy Ganem Drive and Cedar Drive. The San Patricio County Drainage District engineer has reviewed the plans and found them to be acceptable.

Building Façade Articulation: Based on the geometry of the building footprint presented on the preliminary plat, it does not appear that the building's façade complies with the articulation requirements specified in UDO Section 705.B. The applicant has submitted a variance request to the Board of Adjustment for consideration of a reduced articulation requirement. Approval of the final plat does not constitute approval of the building footprint as it relates to façade articulation.

Conclusions: The following entities have reviewed the plat and find no objections other

than the conditions listed below:

City of Portland Fire Department  
Consulting City Utilities Engineer  
San Patricio County Drainage District  
City Engineer/Public Works Department

**Staff Recommendation:**

Adopt a motion that approves the final plat of Lot 1, Portland Development Inc., Unit 1, subject to the following conditions:

- (1) Compliance with all City of Portland ordinances, rules, and regulations
- (2) Payment of all platting fees and review fees
- (3) The final plat approval does not constitute approval of the building footprint as it relates to façade articulation

Pete Stricker made a motion to approve the plat subject to the conditions listed above. Jerry Browning seconded the motion. The motion was approved 4-0.

4. **SUBDIVISION PRELIMINARY PLAT:** The Planning and Zoning Commission will consider the preliminary plat of Barrera Business Park – Director of Public Works and Development

**DETAILS / STAFF ANALYSIS**

A preliminary plat application was submitted to the City of Portland for the following property:

- Property Location: Generally located in the 1500 Block of Wildcat Drive north of Chase Drive.
- Legal Description: Being a plat of 1.421 acres out of a 4.32 acre tract described in a deed recorded in Volume 270, Page 549, Deed Records San Patricio County, Texas. M.J. Mclean Survey, Abstract 203, San Patricio County, Texas.  
Applicant/Owner: Senovio & Mierlla M. Barrera  
Engineer/Surveyor: Brister Surveying and Orlando Ortiz, PE

The preliminary plat is being submitted in advance of a building permit for a multi-use commercial/office building.

**Lot Layout and District Regulations:** The proposed lot is located in the C-R - Retail Commercial District. Staff review of the preliminary plat shows that the dimensions proposed are acceptable.

**Access:** Access is being proposed from Wildcat Drive. Per City of Portland Unified Development Ordinance (UDO) requirements, the driveway must meet TxDOT requirements. The engineer will be responsible for submitting a driveway permit application to TxDOT prior to final plat. The fire lane layout has been approved by the City Engineer and the Fire Department.

**Utilities:** City waterlines run through the Wildcat and Center Drives rights-of-way and are available for domestic, irrigation, and fire service for the building. A water main

extension through the property is required as shown on the plans and will be dedicated in a 15-foot utility easement. Wastewater service is available to the property. All services are appropriately sized.

Drainage: The applicant has noted that the property lies within FEMA FIRM Zone "C". Finished floor elevations will be based on adjacent curb elevations in conformance with City codes. Final drainage plans will be required prior to final plat approval.

Conclusions: The following entities have reviewed the plat and find no objections other than the conditions listed below:

- City of Portland Fire Department
- Consulting City Utilities Engineer
- San Patricio County Drainage District
- City Engineer/Public Works Department

There are a few typographical errors on the plat that must be corrected prior to the final plat. A Site Plan for Nonresidential Use must be approved prior to the final plat approval.

Staff Recommendation:

Adopt a motion that approves the preliminary plat of Barrera Business Park subject to the following conditions:

- (1) Compliance with all City of Portland ordinances, rules, and regulations
- (2) Payment of all platting fees and review fees
- (3) Correction of typographical errors on the plat
- (4) A Site Plan for Nonresidential Use must be approved prior to final plat approval

Pete Stricker made a motion to approve the preliminary plat subject to the conditions listed above. Craig Forsythe seconded the motion. The motion was approved 6-0.

5. ADJOURNMENT: CHAIRPERSON NAISER

Chairperson Naiser adjourned the meeting at 7:10 p.m.

APPROVED:

\_\_\_\_\_  
Chairperson Marcus Naiser

ATTEST:

\_\_\_\_\_  
Brian DeLatte, P.E.  
Director of Public Works and Development





## PLANNING AND ZONING COMMISSION ACTION ITEM

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**AGENDA TITLE**      **PUBLIC HEARING:** The Planning and Zoning Commission will conduct a Public Hearing to solicit comments from citizens and other interested parties concerning possible Unified Development Ordinance Text Amendments. A general description of possible Unified Development Ordinance Text Amendments follows:

- Revisions to Section 406. Permitted Use Table.
- Revisions to Section 707. Fences.
- Revisions to Section 711. Off-Street Parking and Loading.
- Addition of Section 713. Exterior Lighting.
- Revisions to Section 1003. Defined Terms.

**UNIFIED DEVELOPMENT ORDINANCE TEXT AMENDMENTS:** The Planning and Zoning Commission will consider recommending Unified Development Ordinance Text Amendments to the City Council—Director of Public Works and Development

**MEETING DATE**      4/8/2014

**DEPARTMENT**      Building and Development

**SUBMITTED BY**      Brian DeLatte, P.E.

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### **EXECUTIVE SUMMARY**

Ordinance No. 2086 proposes several text revisions to the Unified Development Ordinance (UDO). The revisions are necessary for the UDO to remain in compliance with state law, to address current development trends, and to add clarity to conflicting ordinances. A Public Hearing and recommendation by the Planning and Zoning Commission is required prior to the City Council deliberation of the ordinance.

### **PRIOR ACTIONS OR REVIEWS**

- The City Council was briefed on the proposed modifications at its March 18, 2014, workshop.

### **PUBLIC HEARING**

It is imperative that a fair, impartial, and legally compliant public hearing be conducted, regardless of the outcome. Agendas have been posted and legal notices have been published

in compliance with applicable regulations. Please do not concern yourself with legal issues that may be raised during the presentation of public comments (you are fully indemnified and the City Attorney has been involved in this process from the beginning). When the Chairperson is satisfied that every person or party in attendance has been given an opportunity to comment, the public hearing should be formally closed.

### **STAFF ANALYSIS**

Staff analysis of the proposed text amendments is located in the attached commentary. Generally, the revisions are required to be in conformity with state law, in addressing current development trends, and clarify conflicting ordinances:

- The Permitted Use Table must be amended to conform to state law.
- The fencing ordinance requires clarification. There are several locations within the Code of Ordinances and Unified Development Ordinance that addresses fencing. This ordinance combines all requirements into one section.
- The parking chart must be updated for clarification. Additionally, language is recommended to be added into the off-street parking section to require maintenance of all portions of off-street parking lots.
- An exterior lighting section has been proposed.

### **ATTACHMENTS**

- Proposed Ordinance No. 2086
- Unified Development Ordinance Revisions Staff Commentary
- Notice of Public Hearing

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### **RECOMMENDED ACTION**

Adopt a motion that recommends to the City Council one of the following:

1. Adoption of the proposed amendments
2. Adoption of the proposed amendments with modifications
3. Denial of the proposed amendments

1 **ORDINANCE NO. 2086**

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3 **AN ORDINANCE ADOPTING REVISIONS TO THE UNIFIED**  
4 **DEVELOPMENT ORDINANCE; PROVIDING FOR THE REPEAL**  
5 **OF ORDINANCES IN CONFLICT HEREWITH; PROVIDING A**  
6 **SEVERABILITY CLAUSE; ESTABLISHING A PENALTY FOR**  
7 **VIOLATIONS; PROVIDING AND ESTABLISHING AN**  
8 **EFFECTIVE DATE; AND PROVIDING FOR PUBLICATION**  
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11 **WHEREAS** zoning and subdivision regulations in the Unified Development Ordinance  
12 implement the Comprehensive Plan according to Section 211.004 of the Local Government  
13 Code; and,  
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15 **WHEREAS** the City of Portland updated the Unified Development Ordinance on  
16 February 5, 2013 (Ordinance No. 2065); and,  
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18 **WHEREAS** the Planning and Zoning Commission conducted a public hearing on April  
19 8, 2014, to solicit comments concerning revisions to the Unified Development Ordinance; and,  
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21 **WHEREAS** the Planning and Zoning Commission, after considering and evaluating  
22 comments presented at the public hearing, recommended approval of Unified Development  
23 Ordinance revisions to the City Council on April 8, 2014; and,  
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25 **WHEREAS** the City Council conducted public hearing on April 15, 2014, to solicit  
26 comments concerning revisions to the Unified Development Ordinance; and,  
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28 **WHEREAS** the City Council on April 15, 2014, received a recommendation from the  
29 Planning and Zoning Commission comments concerning revisions to the Unified Development  
30 Ordinance; and,  
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32 **WHEREAS** the City Council deliberated approval of Unified Development Ordinance  
33 revisions on April 15, 2014; and,  
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35 **WHEREAS** the City Council has found that the approval of Unified Development  
36 Ordinance revisions will promote the health, safety, and welfare of Portland residents,  
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38 **NOW THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE**  
39 **CITY OF PORTLAND, TEXAS:**  
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42 **SECTION 1:** Line Items "Community Home" and "Pawn Shop", Section 406, Chapter  
43 4, Appendix A of the Code of Ordinances is hereby amended to read as follows:  
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Use	Residential							Special			Nonresidential			
	R-6	R-7	R-8	R-8D	R-15	RMH	R-20	RST	OT-1	OT-2	P	C-R	C-G	I
<b>RESIDENTIAL</b>														
Community Home	<u>SP</u>	<u>SP</u>	<u>SP</u>	<u>SP</u>	<u>SP</u>	<u>P</u>	<u>SP</u>	<u>SP</u>	<u>SP</u>	P	SP	SP	SP	
<b>COMMERCIAL/RETAIL</b>														
Pawn Shop								<u>SP</u>		<u>SP</u>		<u>SP</u>	<u>SP</u>	<u>P</u>

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**SECTION 2:** Section 707, Chapter 7, Appendix A of the Code of Ordinances is hereby amended to read as follows:

Fences, including but not limited to those constructed of masonry, wood, or chain link may be erected to a height not exceeding 8 feet and may be placed along the boundaries of the lot with the following restrictions.

**A. In OT-1, Olde Town Residential, OT-2, Olde Town Mixed Use, R-6, Single-Family Residential, R-7, Single-Family Residential, R-8, Single-Family Residential, R-8D, Two-Family Residential and R-15, Townhouse Residential districts, fences shall not be erected of chain link nor in front yard areas nor in side yard areas where there is double frontage. Exceptions may be made for fences in side yard areas where there is double frontage, but only is all of the following conditions are met:**

- 1. No fence shall be erected or maintained closer than five (5) feet to any side yard property line;**
- 2. No fence shall exceed a height of four (4) feet; and**
- 3. A ten (10) foot vision triangle created by an area using rear and side yard property lines shall be maintained.**
- 4. The fence shall be eighty (80) percent transparent and be constructed of decorative wrought iron, aluminum, or vinyl (chain link, wire, or other similar materials shall be prohibited).**

**A. In OT-1, Olde Town Residential, OT-2, Olde Town Mixed Use, R-6, Single-Family Residential, R-7, Single-Family Residential, R-8, Single-Family Residential, R-8D, Two-Family Residential and R-15, Townhouse Residential districts, fences shall not be constructed in front yard areas, nor project beyond an adjoining lot's front building setback line. Residential dwellings in the Olde Town districts (OT-1 and OT-2) may erect a thirty-six (36) inch high picket fence in the front yard area.**

**B. Fences shall not be erected of chain link in OT-1, Olde Town Residential, on residential lots in OT-2, Olde Town Mixed Use, R-6, Single-Family Residential,**

83 R-7, Single-Family Residential, R-8, Single-Family Residential, R-8D, Two-  
84 Family Residential, and R-15, Townhouse Residential districts.

85 C. Fences shall not be erected in side yard areas where there is double frontage in  
86 the OT-1, Olde Town Residential, OT-2, Olde Town Mixed Use, R-6, Single-  
87 Family Residential, R-7, Single-Family Residential, R-8, Single-Family  
88 Residential, R-8D, Two-Family Residential and R-15, Townhouse Residential  
89 districts. Exceptions may be made for fences in side yard areas where there is  
90 double frontage, but only if all of the following conditions are met:

- 91 1. No fence shall be erected or maintained closer than five (5) feet to  
92 any side yard property line;
- 93 2. No fence shall exceed a height of four (4) feet; and
- 94 3. A ten (10) foot vision triangle created by an area using rear and  
95 side yard property lines shall be maintained.
- 96 4. The fence shall be eighty (80) percent transparent and be  
97 constructed of decorative wrought iron, aluminum, or vinyl (chain  
98 link, wire, or other similar materials shall be prohibited).

100 D. Multifamily residential and all nonresidential properties may erect a decorative fence  
101 made of wrought iron, masonry, or a combination of both, in the front yard area.

102 E. Fences on corner lots shall not be built higher than four (4) feet when located in the  
103 vision triangle defined in Chapter 10. Definitions. Fences permitted in front yard  
104 areas by this Section shall not negatively affect the view of traffic at the entrance or  
105 exit to the subject property or adjoining properties.

106 F. Prohibited materials. No person shall build and/or maintain any fence  
107 composed, in whole or in part, of:

- 108 1. Barbed wire or razor wire, except as regulated in this section;
- 109 2. Welded or woven wire such as chicken wire, hog wire, stockade  
110 panels and similar agricultural wires;
- 111 3. Used materials;
- 112 4. An electric fence, except as regulated in this section;
- 113 5. Galvanized sheet metal, corrugated metal, or corrugated  
114 fiberglass; or
- 115 6. Materials not approved for exterior exposure.

116 G. Exceptions to prohibited materials.

- 117 1. On property used for agricultural purposes, provided that the  
118 fence is not otherwise prohibited by any other ordinance or law, a  
119 fence may be composed of barbed wire, welded wire or woven wire,  
120 or both and may include an electric fence if the electric fence  
121 charging device is approved by a nationally recognized testing  
122 laboratory.

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2. In a district zoned industrial or commercial, barbed wire may be used as a component of a fence provided that the fence is composed only in part of barbed wire and that portion of the fence is at least six (6) feet from the nearest grade. The barbed wire portion of the fence shall be a maximum height of three (3) feet vertically or horizontally from the main portion of the fence. The barbed wire portion shall consist of individual strands of wire placed parallel to the ground and shall not be placed in a coiled or wrapped position.
  3. In a residential zone, installation of electrically-charged fencing for the purpose of security, animal containment and other similar uses shall be in accordance with a nationally recognized testing agency. Upon installation such fencing shall be clearly identified with signage legible to each adjacent property owner and at each gate or section of fence facing a street The signage shall be legible from a distance of five (5) feet and shall be properly maintained while fence is in use.
  4. This section does not prohibit the use of corrugated metal material with a minimum twenty-six (26) gauge and one (1) inch corrugation when commercially designed and engineered as a fencing material as a component of a modular, prefabricated fence.

143 H. All fences required by this Ordinance shall be maintained in good repair.

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1. All portions of fences that face a public area shall not be allowed to lean so that the fence's axis is more than ten (10) degrees out of perpendicular alignment with its base.
  2. Fences shall be self supporting except that horizontal braces shall be allowed as long as the braces are mounted inside the property boundaries and are not visible from a public area.
  3. Fences that face a public area shall not have missing, loose or broken pickets, slats or panels in a fence.
  4. It shall be unlawful to allow symbols, writings and other graffiti to remain on a fence except for those which are permitted as signs under this Code or which pertain to the address or occupancy of a property.

156 I. All swimming pool enclosures shall comply with the International Swimming Pool and Spa Code, as adopted in Chapter 4, Article II, Section 4-11 of the Code of Ordinances.

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161 **SECTION 3:** Subsection C, Section 711, Chapter 7, Appendix A of the Code of  
162 Ordinances is hereby amended to read as follows:  
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164 C. *Parking Design Standards.*

- 165 1. An off-street parking space is a paved surface not in a street or alley and having a  
 166 minimum dimension of nine (9) by eighteen (18) feet, exclusive of driveways,  
 167 permanently reserved for the temporary storage of one automobile and connected  
 168 with a street or alley by paved driveway which affords unobstructed ingress and  
 169 egress to each space.
- 170 2. Minimum aisle widths shall be provided in accordance with the angle of parking  
 171 they serve. The same aisle width shall be used for either a single row or two rows of  
 172 head-in parking sharing an aisle. Where two-way aisles **with non-perpendicular**  
 173 **opposite-facing stalls** are used, the City shall determine the appropriate additional  
 174 aisle width necessary.  
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Parking Angle	<u>Parking Module Width (Stall Plus Aisle)</u>		<u>Stall Length</u>	Aisle Width
	<u>Single-Loaded</u>	<u>Double-Loaded</u>		
30° Parking			<u>19 feet</u>	12 feet
45° Parking	<u>31 feet</u>	<u>49 feet</u>	<u>19 feet</u>	14 feet
60° Parking	<u>36 feet</u>	<u>55 feet</u>	<u>20 feet</u>	20 feet
90° Parking	<u>44 feet</u>	<u>62 feet</u>	<u>18 feet</u>	24 feet

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 177  
 178 **SECTION 4:** Subsection F, Section 711, Chapter 7, Appendix A of the Code of  
 179 Ordinances is hereby amended to read as follows:  
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181 F. *Maintenance of Off-Street Parking **Lots, Driveways, Access Aisles,** and Loading*  
 182 *Areas.* All off-street parking **lots, driveways, access aisles,** and loading areas shall be  
 183 permanently maintained in safe, sound, usable condition. Minimum maintenance  
 184 standards follow:

- 185 1. All paved areas shall be free of potholes, standing water, mud, and litter.  
 186 2. Parking spaces shall be reflectively striped and, when reserved for handicapped  
 187 persons, properly signed.  
 188 3. Driveways, sidewalks, curbs, and storm sewer inlets shall be maintained in good  
 189 repair.  
 190 4. Parking lot lights shall be maintained in good repair and properly illuminate  
 191 parking as well as loading areas.  
 192 5. Fire zones and other areas where parking is prohibited shall be properly  
 193 designated by painted curbs and signs.  
 194 6. On-site traffic signs shall be maintained in good repair.  
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196 **SECTION 5:** Section 713. Exterior Lighting., Chapter 7, Appendix A of the Code of  
197 Ordinances is hereby created to read as follows:

198 **A. Nonresidential and Multifamily Exterior Building Lighting.**

- 200 1. **Exterior lighting shall be aimed and shielded to prevent glare.**
- 201 2. **Lots abutting residential dwellings or residential zoning districts shall use**  
202 **low-level lighting to minimize light visibility on adjoining properties.**
- 203 3. **Exterior lighting fixtures shall be full cut-off fixtures as defined by the**  
204 **Illuminating Engineering Society of North America (IESNA) in order to**  
205 **direct light downward.**
- 206 4. **Incandescent, fluorescent, color-corrected high-pressure sodium, or metal**  
207 **halide lighting is recommended. The use of solar-powered lighting and LED**  
208 **lighting is encouraged where feasible. Exterior lighting installations should**  
209 **include timers, dimmers, sensors, or photocell controllers that turn the light**  
210 **off during daylight hours or hours when lighting is not needed.**
- 211 5. **The following shall be exempt from this subsection:**
  - 212 a. **Lighting or illumination required by the building code.**
  - 213 b. **Holiday and temporary lighting.**
  - 214 c. **Athletic field lighting.**
  - 215 d. **Low voltage landscape lighting.**

216 **B. Parking Lot Lighting.**

- 217 1. **Parking lot lighting shall be aimed and shielded to prevent glare.**
- 218 2. **Lots abutting residential dwellings or residential zoning districts shall use**  
219 **low-level lighting and a maximum pole height of 12 feet to minimize light**  
220 **visibility on adjoining properties.**
- 221 3. **Lighting fixtures serving parking lots shall be full cut-off fixtures as defined**  
222 **by the Illuminating Engineering Society of North America (IESNA) in order**  
223 **to direct light downward.**
- 224 4. **Incandescent, fluorescent, color-corrected high-pressure sodium, or metal**  
225 **halide lighting is recommended. The use of solar-powered lighting is**  
226 **encouraged where feasible. Exterior lighting installations should include**  
227 **timers, dimmers, sensors, or photocell controllers that turn the light off**  
228 **during daylight hours or hours when lighting is not needed.**

229 **SECTION 6:** Section 1003, Chapter 10, Appendix A of the Code of Ordinances is  
230 hereby amended to read as follows:

- 231 25. *Community Home.* A community-based residential home containing not more than **8**  
232 **6** disabled persons and 2 ~~non-resident supervisory personnel~~ **supervisors that**  
233 **reside in the home** and which otherwise meets the requirements of the Community  
234 Homes for Disabled Persons Location Act, Chapter 123-~~001~~, Texas Human  
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Resources Code.

*Fence.* Any structure which exceeds twelve (12) inches in height above the nearest grade and which encloses, partitions or divides any yard as defined in the zoning ordinance. (Excluding planter boxes no taller than thirty six (36) inches).

**SECTION 7:** Section 4-2, Article I, Chapter 4 of the Code of Ordinances is hereby repealed and replaced as follows:

**(a) All fences shall be constructed and maintained in accordance with Unified Development Ordinance Section 707. Fences.**

**SECTION 8:** If any provision, section, clause or phrase of this Ordinance, or the application of same to any person or set of circumstances is, for any reason held to be unconstitutional, void or invalid, the validity of the remaining portions of this Ordinance shall not be affected thereby, it being the intent of the City Council in adopting this Ordinance that no portion hereof, or provisions or regulations contained herein, shall become inoperative or fail by reason of any unconstitutionality of any other portion hereof, and all provisions of this Ordinance are declared severable for that purpose.

**SECTION 9:** Any previously adopted ordinance, resolution, rule, regulation or policy in conflict with this Ordinance is hereby repealed.

**SECTION 10:** Any person who violates this Ordinance shall be guilty of a misdemeanor and, upon conviction thereof, shall be subject to a fine not exceeding five hundred dollars (\$500.00). Each and every day that a violation of this Ordinance occurs shall constitute a separate offense.

**SECTION 11:** This Ordinance shall be published after second reading hereof by publishing the caption thereof in the official newspaper with a statement the public may view the Ordinance in the Office of the City Secretary. This Ordinance shall be effective from and after the publication provided herein.

**PASSED and APPROVED** on second reading this \_\_\_ day of \_\_\_\_\_ 2014.

**CITY OF PORTLAND**

\_\_\_\_\_  
**David Krebs**  
**Mayor**

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**ATTEST:**

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**Annette Hall**  
**City Secretary**

**City of Portland**  
**Unified Development Ordinance**  
**Proposed Text Amendments**  
**Planning and Zoning Commission**  
**April 8, 2014**

• **Sec. 406. Permitted Use Table.**

	Residential							Special			Nonresidential			
Use	R-6	R-7	R-8	R-8D	R-15	RMH	R-20	RST	OT-1	OT-2	P	C-R	C-G	I
<b>RESIDENTIAL</b>														
Community Home	<u>SP</u>	<u>SP</u>	<u>SP</u>	<u>SP</u>	<u>SP</u>	<b>P</b>	<u>SP</u>	<u>SP</u>	<u>SP</u>	P	SP	SP	SP	
<b>COMMERCIAL/RETAIL</b>														
Pawn Shop								<u>SP</u>		<u>SP</u>		<u>SP</u>	<u>SP</u>	<b>P</b>

*Staff comment: Community Homes must be permitted by right in all residential zoning districts per THRC Section 123.003. The applicable code is as follows:*

*(a) The use and operation of a community home that meets the qualifications imposed under this chapter is a use by right that is authorized in any district zoned as residential.*

*Pawn Shops must be permitted by right in at least one zoning district per LGC 211.0035. Additionally, pawn shops may not be regulated through a Special Use Permit process. Staff recommends allowing Pawn Shops by right in the "I" Industrial Zoning District and eliminating Special Use Permits in the other zoning districts. The applicable Local Government Code is as follows:*

*(b) For the purposes of zoning regulation and determination of zoning district boundaries, the governing body of a municipality shall designate pawnshops that have been licensed to transact business by the Consumer Credit Commissioner under Chapter 371, Finance Code, as a permitted use in one or more zoning classifications.*

*(c) The governing body of a municipality may not impose a specific use permit requirement or any requirement similar in effect to a specific use permit requirement on a pawnshop that has been licensed to transact business by the Consumer Credit Commissioner under Chapter 371, Finance Code.*

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- Sec. 707. Fences.

Fences, including but not limited to those constructed of masonry, wood, or chain link may be erected to a height not exceeding 8 feet and may be placed along the boundaries of the lot with the following restrictions.

A. In OT-1, Olde Town Residential, OT-2, Olde Town Mixed Use, R-6, Single-Family Residential, R-7, Single-Family Residential, R-8, Single-Family Residential, R-8D, Two-Family Residential and R-15, Townhouse Residential districts, fences shall not be erected of chain link nor in front yard areas nor in side yard areas where there is double frontage. Exceptions may be made for fences in side yard areas where there is double frontage, but only if all of the following conditions are met:

1. No fence shall be erected or maintained closer than five (5) feet to any side yard property line;
2. No fence shall exceed a height of four (4) feet; and
3. A ten (10) foot vision triangle created by an area using rear and side yard property lines shall be maintained.
4. The fence shall be eighty (80) percent transparent and be constructed of decorative wrought iron, aluminum, or vinyl (chain link, wire, or other similar materials shall be prohibited).

A. In OT-1, Olde Town Residential, OT-2, Olde Town Mixed Use, R-6, Single-Family Residential, R-7, Single-Family Residential, R-8, Single-Family Residential, R-8D, Two-Family Residential and R-15, Townhouse Residential districts, fences shall not be constructed in front yard areas, nor project beyond an adjoining lot's front building setback line. Residential dwellings in the Olde Town districts (OT-1 and OT-2) may erect a thirty-six (36) inch high picket fence in the front yard area.

B. Fences shall not be erected of chain link in OT-1, Olde Town Residential, on residential lots in OT-2, Olde Town Mixed Use, R-6, Single-Family Residential, R-7, Single-Family Residential, R-8, Single-Family Residential, R-8D, Two-Family Residential, and R-15, Townhouse Residential districts.

C. Fences shall not be erected in side yard areas where there is double frontage in the OT-1, Olde Town Residential, OT-2, Olde Town Mixed Use, R-6, Single-Family Residential, R-7, Single-Family Residential, R-8, Single-Family Residential, R-8D, Two-Family Residential and R-15, Townhouse Residential districts. Exceptions may be made for fences in side yard areas where there is double frontage, but only if all of the following conditions are met:

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- 1. No fence shall be erected or maintained closer than five (5) feet to any side yard property line;**
- 2. No fence shall exceed a height of four (4) feet; and**
- 3. A ten (10) foot vision triangle created by an area using rear and side yard property lines shall be maintained.**
- 4. The fence shall be eighty (80) percent transparent and be constructed of decorative wrought iron, aluminum, or vinyl (chain link, wire, or other similar materials shall be prohibited).**

D. Multifamily residential and all nonresidential properties may erect a decorative fence made of wrought iron, masonry, or a combination of both, in the front yard area.

E. Fences on corner lots shall not be built higher than four (4) feet when located in the vision triangle defined in Chapter 10. Definitions. Fences permitted **in front yard areas** by this Section shall not negatively affect the view of traffic at the entrance or exit to the subject property or adjoining properties.

**F. Prohibited materials. No person shall build and/or maintain any fence composed, in whole or in part, of:**

- 1. Barbed wire or razor wire, except as regulated in this section;**
- 2. Welded or woven wire such as chicken wire, hog wire, stockade panels and similar agricultural wires;**
- 3. Used materials;**
- 4. An electric fence, except as regulated in this section;**
- 5. Galvanized sheet metal, corrugated metal, or corrugated fiberglass;or**
- 6. Materials not approved for exterior exposure.**

**G. Exceptions to prohibited materials.**

- 1. On property used for agricultural purposes, provided that the fence is not otherwise prohibited by any other ordinance or law, a fence may be composed of barbed wire, welded wire or woven wire, or both and may include an electric fence if the electric fence charging device is approved by a nationally recognized testing laboratory.**
- 2. In a district zoned industrial or commercial, barbed wire may be used as a component of a fence provided that the fence is composed only in part of barbed wire and that portion of the fence is at least six (6) feet from the nearest grade. The barbed wire portion of the fence shall be a maximum height of three (3) feet vertically or horizontally from the main portion of the fence. The barbed wire portion shall consist of individual strands of wire placed parallel to the ground and shall not be placed in a coiled or wrapped position.**

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**3. In a residential zone, installation of electrically-charged fencing for the purpose of security, animal containment and other similar uses shall be in accordance with a nationally recognized testing agency. Upon installation such fencing shall be clearly identified with signage legible to each adjacent property owner and at each gate or section of fence facing a street The signage shall be legible from a distance of five (5) feet and shall be properly maintained while fence is in use.**

**4. This section does not prohibit the use of corrugated metal material with a minimum twenty-six (26) gauge and one (1) inch corrugation when commercially designed and engineered as a fencing material as a component of a modular, prefabricated fence.**

H. All fences required by this Ordinance shall be maintained in good repair.

**1. All portions of fences that face a public area shall not be allowed to lean so that the fence's axis is more than ten (10) degrees out of perpendicular alignment with its base.**

**2. Fences shall be self supporting except that horizontal braces shall be allowed as long as the braces are mounted inside the property boundaries and are not visible from a public area.**

**3. Fences that face a public area shall not have missing, loose or broken pickets, slats or panels in a fence.**

**4. It shall be unlawful to allow symbols, writings and other graffiti to remain on a fence except for those which are permitted as signs under this Code or which pertain to the address or occupancy of a property.**

**I. All swimming pool enclosures shall comply with the International Swimming Pool and Spa Code, as adopted in Chapter 4, Article II, Section 4-11 of the Code of Ordinances.**

*Staff comment: The fencing requirements in the UDO generally describe three prohibitions: fencing in front yards, fencing made of chain link, and fencing on double frontage lots (with limited exceptions). It is recommended that Subsection (A) be split into three separate subsections to add clarity. Additionally, City Staff recommends allowing chain link fencing on non-residential lots within the OT-2 Olde Town Mixed Use District. When chain link fencing was prohibited in the residential zoning districts during the February 2013 UDO revisions, it is believed that it was desired by City Council that commercial properties would still allow the construction of chain link fencing. Consequently, Subsection (B) has been appropriately modified. Finally, City Staff recommends combining the fencing regulations contained within the Code of*

Ordinances with those contained within the Unified Development Ordinance. This eliminates any potential discrepancies in the codes.

**• Sec. 711. Off-Street Parking and Loading**

C. Parking Design Standards.

1. An off-street parking space is a paved surface not in a street or alley and having a minimum dimension of nine (9) by eighteen (18) feet, exclusive of driveways, permanently reserved for the temporary storage of one automobile and connected with a street or alley by paved driveway which affords unobstructed ingress and egress to each space.

2. Minimum aisle widths shall be provided in accordance with the angle of parking they serve. The same aisle width shall be used for either a single row or two rows of head-in parking sharing an aisle. Where two-way aisles **with non-perpendicular opposite-facing stalls** are used, the City shall determine the appropriate additional aisle width necessary.

Parking Angle	<b><u>Parking Module Width (Stall Plus Aisle)</u></b>		<b><u>Stall Length</u></b>	Aisle Width
	<b><u>Single-Loaded</u></b>	<b><u>Double-Loaded</u></b>		
30° Parking			<b><u>19 feet</u></b>	12 feet
45° Parking	<b><u>31 feet</u></b>	<b><u>49 feet</u></b>	<b><u>19 feet</u></b>	14 feet
60° Parking	<b><u>36 feet</u></b>	<b><u>55 feet</u></b>	<b><u>20 feet</u></b>	20 feet
90° Parking	<b><u>44 feet</u></b>	<b><u>62 feet</u></b>	<b><u>18 feet</u></b>	24 feet

*Staff comment: The parking table must be updated to eliminate inconsistencies. Clarity is given by adding a Stall Length column.*

**• Sec. 711. Off-Street Parking and Loading**

F. Maintenance of Off-Street Parking **Lots, Driveways, Access Aisles,** and Loading Areas. All off-street parking **lots, driveways, access aisles,** and loading areas shall be

175 permanently maintained in safe, sound, usable condition. Minimum maintenance  
176 standards follow:

- 177 1. All paved areas shall be free of potholes, standing water, mud, and litter.
- 178 2. Parking spaces shall be reflectively striped and, when reserved for handicapped  
179 persons, properly signed.
- 180 3. Driveways, sidewalks, curbs, and storm sewer inlets shall be maintained in good  
181 repair.
- 182 4. Parking lot lights shall be maintained in good repair and properly illuminate  
183 parking as well as loading areas.
- 184 5. Fire zones and other areas where parking is prohibited shall be properly  
185 designated by painted curbs and signs.
- 186 6. On-site traffic signs shall be maintained in good repair.

187 *Staff comment: Additional clarity is sought to require maintenance for all portions of*  
188 *private parking lots, not simply parking and loading areas.*

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190 • **Sec. 713. Exterior Lighting.**

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192 **A. Nonresidential and Multifamily Exterior Building Lighting.**

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- 194 1. **Exterior lighting shall be aimed and shielded to prevent glare.**
- 195 2. **Lots abutting residential dwellings or residential zoning districts shall use**  
196 **low-level lighting to minimize light visibility on adjoining properties.**
- 197 3. **Exterior lighting fixtures shall be full cut-off fixtures as defined by the**  
198 **Illuminating Engineering Society of North America (IESNA) in order to**  
199 **direct light downward.**
- 200 4. **Incandescent, fluorescent, color-corrected high-pressure sodium, or metal**  
201 **halide lighting is recommended. The use of solar-powered lighting and LED**  
202 **lighting is encouraged where feasible. Exterior lighting installations should**  
203 **include timers, dimmers, sensors, or photocell controllers that turn the light**  
204 **off during daylight hours or hours when lighting is not needed.**
- 205 5. **The following shall be exempt from this subsection:**
  - 206 a. **Lighting or illumination required by the building code.**
  - 207 b. **Holiday and temporary lighting.**
  - 208 c. **Athletic field lighting.**
  - 209 d. **Low voltage landscape lighting.**

210 **B. Parking Lot Lighting.**

- 211 **1. Parking lot lighting shall be aimed and shielded to prevent glare.**  
212 **2. Lots abutting residential dwellings or residential zoning districts shall use**  
213 **low-level lighting and a maximum pole height of 12 feet to minimize light**  
214 **visibility on adjoining properties.**  
215 **3. Lighting fixtures serving parking lots shall be full cut-off fixtures as defined**  
216 **by the Illuminating Engineering Society of North America (IESNA) in order**  
217 **to direct light downward.**  
218 **4. Incandescent, fluorescent, color-corrected high-pressure sodium, or metal**  
219 **halide lighting is recommended. The use of solar-powered lighting is**  
220 **encouraged where feasible. Exterior lighting installations should include**  
221 **timers, dimmers, sensors, or photocell controllers that turn the light off**  
222 **during daylight hours or hours when lighting is not needed.**

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225 *Staff comment: As new commercial developments are constructed in proximity to*  
226 *residential areas, it is important to utilize lighting strategies that reduce spillover onto*  
227 *adjacent lots. Additionally, it is prudent as a matter of public safety to utilize lighting*  
228 *fixtures that reduce glare onto adjacent roadways.*

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231 • **Sec. 1003. Defined Terms.**

232 25. *Community Home.* A community-based residential home containing not more than **8**  
233 **6** disabled persons and 2 ~~non-resident supervisory personnel~~ **supervisors that**  
234 **reside in the home** and which otherwise meets the requirements of the Community  
235 Homes for Disabled Persons Location Act, Chapter 123.~~001~~, Texas Human  
236 Resources Code.

237 *Fence.* Any structure which exceeds twelve (12) inches in height above the nearest grade  
238 and which encloses, partitions or divides any yard as defined in the zoning ordinance.  
239 (Excluding planter boxes no taller than thirty six (36) inches).

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## **NOTICE OF PUBLIC HEARINGS**

Notice is hereby given that Public Hearings will be held before the Planning and Zoning Commission of the City of Portland on April 8, 2014 (Tuesday) and the City Council of the City of Portland on April 15, 2014 (Tuesday) in the Council Chambers of City Hall (1900 Billy G. Webb Drive - Daniel P. Moore Community Center Complex) at 7:00 p.m. on each date to solicit comments from citizens and other interested parties concerning possible Unified Development Ordinance text amendments. A general description of possible Unified Development Ordinance text amendments follows:

- Revisions to Section 406. Permitted Use Table.
- Revisions to Section 707. Fences.
- Revisions to Section 711. Off-Street Parking and Loading.
- Addition of Section 713. Exterior Lighting.
- Revisions to Section 1003. Defined Terms.

Any questions concerning this matter should be directed to Brian DeLatte, Director of Public Works and Development, at (361) 777-4601 or [brian.delatte@portlandtx.com](mailto:brian.delatte@portlandtx.com).





## PLANNING AND ZONING COMMISSION ACTION ITEM

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<b>AGENDA TITLE</b>	<b><u>SUBDIVISION FINAL PLAT</u></b> The Planning and Zoning Commission will consider the final plat of Chiquita Ranch, Block 1, Lot 1
<b>MEETING DATE</b>	4/8/2014
<b>DEPARTMENT</b>	Building and Development
<b>SUBMITTED BY</b>	Brian DeLatte, P.E.

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### **EXECUTIVE SUMMARY**

A final plat has been submitted for 7714 CR 2004. The lot is located outside of the city limits, but within the extraterritorial jurisdiction (ETJ). The lot is currently undeveloped and is being platted for the delivery of water service to a proposed single-family residence. While the property is not zoned, it would meet single-family residential lot standards. Staff analysis shows that the final plat meets Unified Development Ordinance requirements and approval is recommended.

### **PRIOR ACTIONS OR REVIEWS**

None

### **DETAILS / STAFF ANALYSIS**

The property is being platted for the delivery of water service to the lot. Water is available to the lot upon the applicant's compliance with all City regulations, including Resolution #548 (*Policy Governing the Provision of Utility Service Beyond City Limits*). The delivery of water service is contingent upon the recordation of the final plat, and as such the property must not be occupied prior to the plat's recordation. This subdivision plat was reviewed and found to be in conformance with City of Portland regulations.

### **ATTACHMENTS**

- Final Plat of Lot 1, Block, 1, Chiquita Ranch

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**RECOMMENDED ACTION**

Adopt a motion that approves the final plat of Lot 1, Block 1, Chiquita Ranch, subject to the following conditions:

- (1) Compliance with all City of Portland ordinances, rules, and regulations
- (2) Payment of all platting fees and review fees
- (3) Recordation of the plat before occupying the property

