



City of Chandler Planning & Zoning Commission

811 Hwy. 31 East
CHANDLER, TEXAS 75758

THE CITY OF CHANDLER PLANNING & ZONING COMMISSION WILL MEET FOR A REGULAR MEETING May 3, 2016, IN CITY HALL OF CHANDLER, TEXAS AT 6:00 PM

AGENDA

- A. CALL TO ORDER
- B. INVOCATION
- C. ROLL CALL AND ANNOUNCE IF A QUORUM IS PRESENT
- D. AGENDA CHANGES
- E. **REGULAR SESSION:**
 - 1. **Hold public hearing** on Zoning Change from R-1 to R-2 for the purpose of building two single family houses on approx. .26 acres located on Fifth Street south of Cherry Street with the approximate address of 616 Fifth Street.
 - 2. Consider and act on Zoning Change from R-1 to R-2 for the purpose of building two single family houses on approx. .26 acres located on Fifth Street south of Cherry Street with the approximate address of 616 Fifth Street.
 - 3. Consider and act on Final Plat 5TH Street Subdivision for 2 lots with variances for lot depth of minimum of 79' rather than the 90' required and waiver of the sidewalk requirement.
 - 4. **Hold public hearing** on amendment to CHAPTER 3 BUILDING REGULATIONS ARTICLE 3.09 SIGNS / Sec. 3.09.038 POLITICAL SIGNS
 - 5. Consider and act on amendment to CHAPTER 3 BUILDING REGULATIONS ARTICLE 3.09 SIGNS / Sec. 3.09.038 POLITICAL SIGNS

I, the undersigned authority, do, hereby, certify that this Notice of Meeting was posted on the bulletin board, at the City Hall of the City of Chandler, Texas, a place convenient and readily accessible to the general public at all times, and said notice was posted on the following date and time:

Posted May 29, 2016 by 6:00pm and remained so posted at least 2 hours before said meeting was convened.

Shirley Parmer/City Secretary



CITY OF CHANDLER

Staff Report

PROJECT: Z-16-01 Fifth Street Subdivision Rezoning

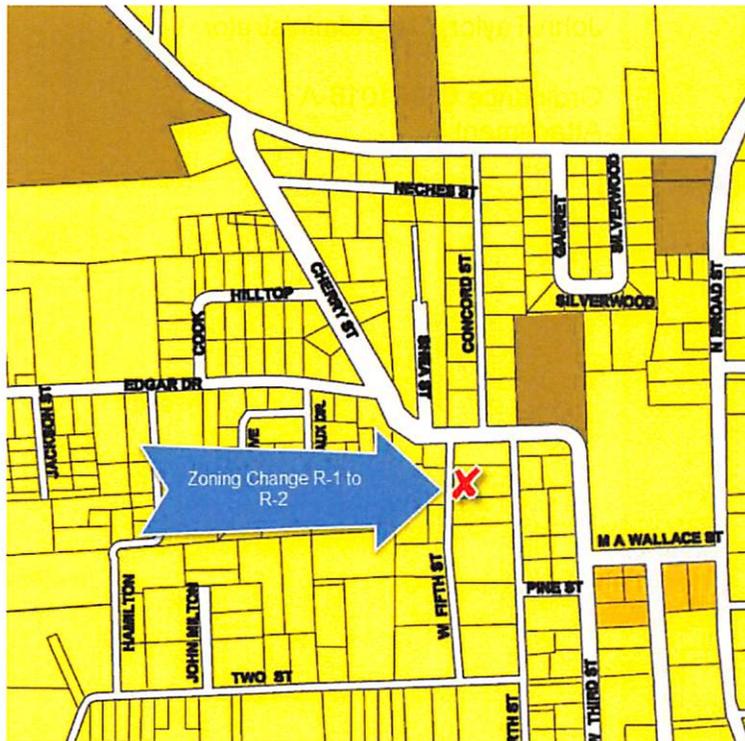
DATE: PZ: 5-3-16 CC: 5-10-16

REQUEST: The property owner is requesting approval to rezone the subject property from R-1 to R-2.

APPLICANT: Neches Construction - Mathew Berry

PROPERTY OWNER: same

PROPERTY DESCRIPTION:



AB 799 S Weiss Survey, located on Fifth Street south of Cherry Street with the approximate address of 616 Fifth Street

ZONING: Existing R-1 – Proposed R-2

SIZE: Approx. 0.26 acres

OVERVIEW: The applicant is requesting to plat the subject property into 2 single family lots with dimensions conforming to the R-2 Zoning, except for lot depth.

Therefore, prior to acting on the plat of these properties a rezoning is required.

If the rezoning fails, the plat and the associated variances will have to fail as the plat it is premised on R-2 zoning.

"R-1" to "R-2" both are single family residential zoning with the biggest difference the minimum lot area. R-1 has a minimum lot area of 7,500 sq. ft. and the R-2 district has a minimum lot area if 6,500. Other differences include a side setback of 5' rather than the 7.5' and a rear setback of 10' rather than the 20' required in R-1. Both districts require a minimum lot depth of 90'

All property owners within 200' of the subject property were notified of the public hearings and notice was put in the newspaper.

**RECOMMENDED
ACTION:**

Consider and act O-051016-A.

CITY CONTACT:

John Taylor, City Administrator

ATTACHMENTS:

Ordinance O-051016-A
Attachment A

ORDINANCE NO. O-051016-A

AN ORDINANCE OF THE CITY OF CHANDLER, TEXAS AMENDING THE CITY ZONING ORDINANCE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A SAVINGS CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, the City of Chandler, as an incorporated municipality in the State of Texas, has been given the authority by Chapter 211 of the Local Government Code to establish zoning and amend zoning in accordance with Chapter 211; and

WHEREAS, the City Council of the City of Chandler has heretofore adopted zoning ordinances for the City of Chandler, Texas, which regulates and restricts the location and use of buildings, structures, and land for trade, industry, residence, and other purposes, and provides for the establishment of zoning districts of such number, shape and area as may be best suited to carry out these regulations; and

WHEREAS, all requirements of Chapter 211 of the Local Government Code, and all other laws dealing with notice, publication, and procedural requirements for zoning of property have been complied with; and

WHEREAS, a public hearing was held by the Planning and Zoning Commission on May 3, 2016 and by the City Council of the City of Chandler on May 10, 2016 and a recommendation has been received from the Planning and Zoning Commission with respect to the amendments described herein; and

WHEREAS, the City Council of the City of Chandler does hereby deem it advisable and in the public interest to amend the Zoning Ordinances of the City of Chandler, Texas, so that henceforth and hereafter the Zoning Ordinance is amended;

THEREFORE, BE IT ORDAINED by the City Council of the City of Chandler, Texas as follows:

Section 1

The property described in Attachment A is hereby declared to be R-2 from R-1.

Section 2

The City Zoning Map shall be updated to properly demonstrate the property rezoned in Section 1.

Section 3

This ordinance shall be and is hereby declared to be cumulative of all other ordinances of the City of Chandler, and this ordinance shall not operate to repeal or affect the Code of Ordinances of the City of Chandler or any other ordinances except insofar as the provisions thereof might be inconsistent or in conflict with the provisions of this ordinance, in which event such conflicting provisions, if any, in such Code of Ordinances or any other ordinances are hereby repealed.

Section 4

It is hereby declared to be the intention of the Chandler City Council that the phrases, clauses, sentences, paragraphs, and sections of this ordinance are severable, and if any phrase, clause, sentence, paragraph, or section of this ordinance shall be declared unconstitutional by the valid judgment or decree of any court or competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs, or sections of this ordinance, since same would have been enacted by the City Council without the incorporation in this ordinance of any such unconstitutional phrase, clause, sentence, paragraph, or section.

Section 5

Any person, firm, association of persons, corporation, or other organization violating the provisions of this ordinance shall be deemed to be guilty of a misdemeanor and, upon conviction, shall be fined an amount not to exceed \$2,000.00 per offense. Each day that a violation occurs shall be deemed a separate offense.

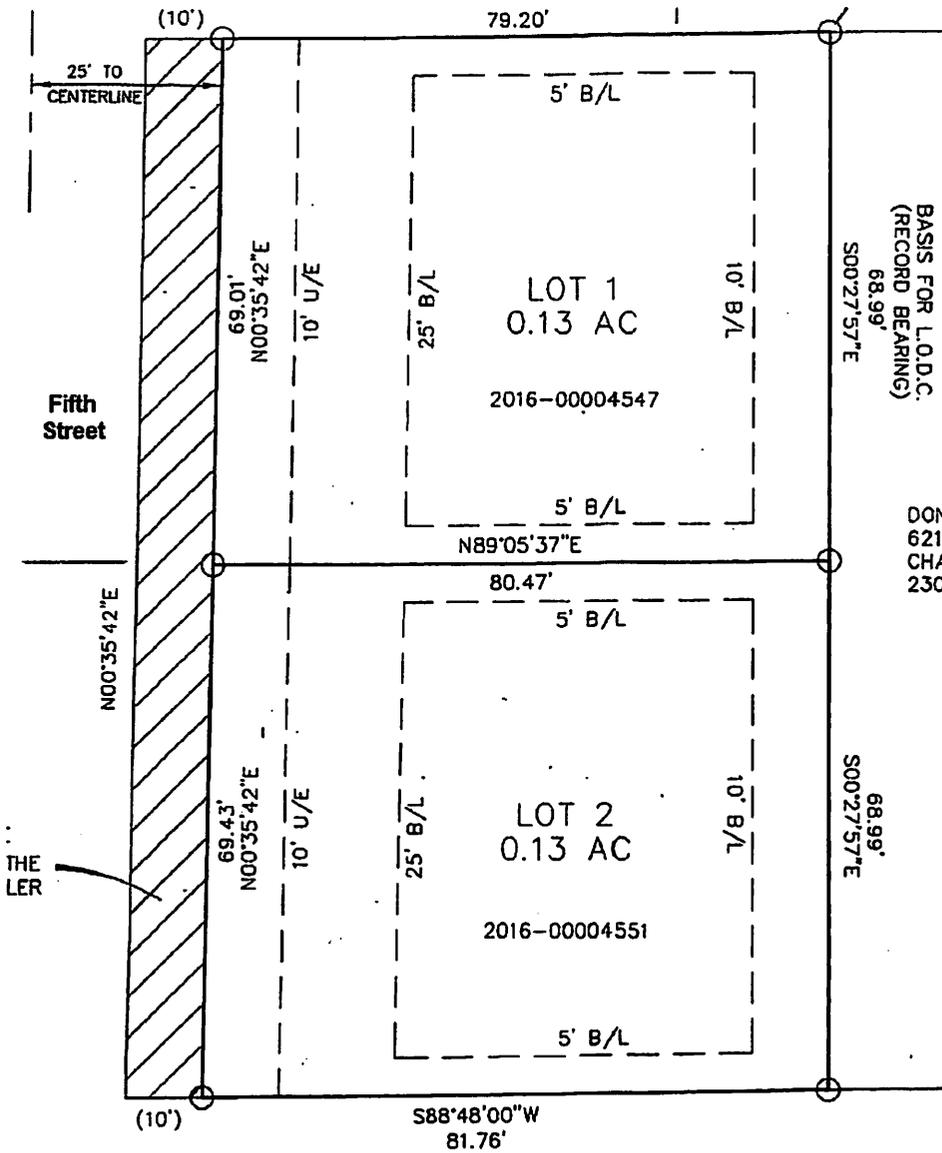
Section 6

This ordinance shall take effect immediately from and after its passage and publication in accordance with the provisions of the laws of the State of Texas.

Passed and approved by the Chandler City Council on the 10th day of May, 2016 and effective upon passage.

Mayor Libby Fulgham

Shirley Parmer, City Secretary



BASIS FOR L.O.D.C.
(RECORD BEARING)
S00°27'57"E
68.99'

DOA
621
CHA
230

S00°27'57"E
68.99'

MERCEDES WILLIAMS
PO BOX 686
CHANDLER, TX 75758
2779/187

FIELD NOTES

NECHES CONSTRUCTION
0.26 ACRES

SIMON WEISS SURVEY
ABSTRACT 799

HENDERSON COUNTY

All that certain lot, tract, or parcel of land situated in the Simon Weiss Survey Abstract 799, Henderson County, Texas, being all of a called 0.13 acre tract described by deed recorded in Instrument 2016-00004547 and being all of a called 0.13 acre tract described by deed recorded in Instrument 2016-00004551, Official Records of Henderson County, Texas. Said tract or parcel of land being more fully described by metes and bounds as follows.

BEGINNING on a set 1/2" iron rod for the northeast corner of this tract and the northeast corner of the above mentioned 0.13 acre tract recorded in Instrument 2016-00004547;

THENCE S00°27'57"E 137.98 feet to a set 1/2" iron rod for the southeast corner of this tract;

THENCE S88°48'00"W 81.76 feet to a set 1/2" iron rod for the southwest corner of this tract located in the new east line of 5th Street;

THENCE with said new east line N00°35'42"E 138.44 feet to a set 1/2" iron rod for the northwest corner of this tract;

THENCE N89°05'37"E 79.20 feet to the place of beginning and containing 0.26 acres of land.



CITY OF CHANDLER

Staff Report

PROJECT: Fifth Street Subdivision

DATE: PZ: 5-3-16 CC: 5-10-16

REQUEST: The property owner is requesting approval of a 2 lot plat of a 0.26-acre parcel, generally located at 616 and 618 Fifth Street, south of Cherry Street for the purpose of building 2 single family dwellings.

APPLICANT: Neches Construction

PROPERTY OWNER: same

PROPERTY DESCRIPTION: AB 799 S Weiss Survey, generally located at 616 and 618 Fifth Street, south of Cherry Street

ZONING: R-1

SIZE: .26 acres

OVERVIEW: The first action to be acted upon will be the rezoning of this property. If the rezoning fails, the plat and the associated variance will have to fail as it is premised on the R-2 zoning.

The proposed plat meets all the minimum standards of the R-2 district except for that of lot depth. The minimum depth of one of the lots is 79.2'. The minimum lot depth of an R-2 District is 90'. Ten feet of this parcel is being donated for right-of-way for Fifth Street in order to provide 25 feet from centerline. If this dedication was not being made the lot depth minimum would be 89.2', just short of the requirement.

The other variance being requested is to not construct a sidewalk as there are no sidewalks in this area of town, nor is there likely to ever be any.

Variance –

The plat requires with the following variances:

1. Minimum 79' lot depth from the 90' minimum lot depth in the R-2 zoning.

2. No sidewalks will be required to be constructed.

According to the Subdivision Ordinance, no variances will be granted unless the Council finds the following:

- (a) There are special circumstances or conditions affecting the land involved such that the strict application of the provisions of the ordinance would deprive the applicant of the reasonable use of his land.
- (b) The variances are necessary for the preservation and enjoyment of a substantial property right of the applicant and the granting of the variance will not be detrimental to the public health, safety, or welfare of individuals, or injurious to other properties in the area.
- (c) The granting of the variance will not have the effect of preventing the orderly subdivision of other lands in the area in accordance with the provisions of this ordinance.

Pecuniary (related to money) hardship to the subdivider, standing alone, shall not be deemed to constitute undue hardship.

Any variance thus authorized is required to be entered in writing into the minutes of the Commission and/or the City Council and the reason which justified the departure to be set forth, and such variance must be authorized by affirmative vote of not less than two-thirds (2/3) of the entire members of the City Council.

**RECOMMENDED
ACTION:**

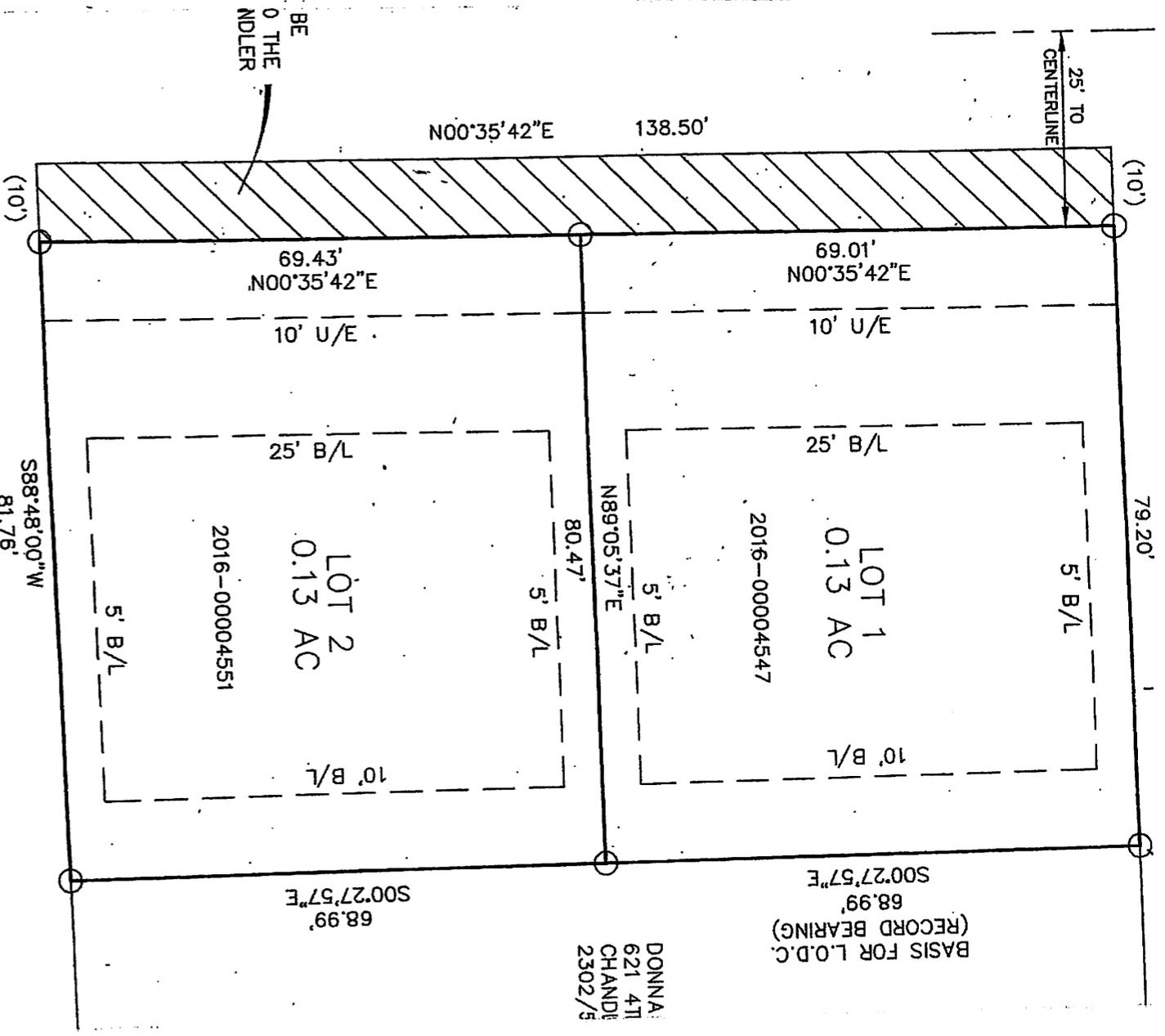
This plat meets all the requirements of the City of Chandler and the State of Texas.

CITY CONTACT:

John Taylor, City Administrator

ATTACHMENTS:

Proposed Plat



BASIS FOR L.O.D.C.
 (RECORD BEARING)
 68.99'
 S00°27'57\"/>

DONNA:
 621 4TH
 CHANDLER
 2302/5

MERCEDES WILLIAMS
 PO BOX 686
 CHANDLER, TX 75758
 2779/187

FIELD NOTES

NECHES CONSTRUCTION
 0.26 ACRES

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SIMON WEISS SURVEY
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THENCE N89°05'37"E 79.20 feet to the place of beginning and containing 0.26 acres of land.



CITY OF CHANDLER

Staff Report

- PROJECT:** City of Chandler Sign Ordinance Amendment
- DATE:** **Planning and Zoning Public Hearing: 5/03/2016**
City Council Public Hearing: 5/10/2016
- REQUEST:** Hold Public Hearing
Review and Act on Ordinance #O-051016-B
- STAFF REVIEW:** This Ordinance revision attempts to address a sign issue that was recently brought up to City Council as it relates to political signs and one clean up to bring the city's rules into conformance with State Law. The proposed changes are as follows:
1. Limiting the number of days, you may put up a political sign on public property to 90 days before the election, as in State Law.
 2. Removing the requirement that political signs be removed from the polling place between the end of early voting and the start of regular voting (typically 3 days).

Proposed Wording of Ordinance

(A) Political Signs on Private Property

1. Except as otherwise provided in this subsection, the political sign shall not be erected prior to 90 days before the election and must be removed within ten (10) days after the date of the primary election, run-off election, general election or referendum it concerns, unless the candidate remains a viable candidate for the office sought and there are subsequent elections within the same election period.

(B) Political Signs Placed at Polling Places

1. Political signs may be placed on public property, including rights-of-way or easements in favor of the state or city, which are designated as official polling places on election day;

2. Any such political signs may be posted not more than twelve (12) hours preceding the designated time for the opening of the polls and must be removed within twelve (12) hours after the designated time for closing of the polls. **Political signs may be posted not more than twelve (12) hours preceding the designated time for the opening of the polls for early voting and must be removed not more than twelve (12) hours after the designated time for closing the polls on the regular voting day. This allows political signs to remain posted on the polling place property between the end of early voting and 12 hours after the regular election;**

**RECOMMENDED
ACTION:**

Review and act on Ordinance #O-051016-B
Adopting an amendment to Article 3.09 Signs

CITY CONTACT:

John Taylor, City Administrator

ATTACHMENTS:

Ordinance O-051016-B

ORDINANCE NO. O-051016-B

AN ORDINANCE AMENDING CHAPTER THREE BUILDING REGULATIONS OF THE CITY OF CHANDLER CODE OF ORDINANCES ARTICLE 3.09 SIGN REGULATIONS; SECTION 3.09.038 REGULATING POLITICAL SIGNS LOCATED WITHIN THE CITY OF CHANDLER, TEXAS, AND ITS ETJ PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER CLAUSE; PROVIDING FOR A PENALTY; PROVIDING FOR AN EFFECTIVE DATE; AND PROVIDING FOR PUBLICATION.

WHEREAS, the City of Chandler, Texas finds it is in the best interest of its citizens and promotes the health, safety and welfare of the public of the City of Chandler and its citizens to regulate outdoor signs;

WHEREAS, it is the city's intent to enact a comprehensive system of reasonable, effective, consistent, content-neutral, and nondiscriminatory standards and requirements for signs within the city and its extraterritorial jurisdiction;

WHEREAS, it is the city's intent to preserve and protect the public health, safety and welfare of the citizens of the City of Chandler and to balance public and private objectives by allowing adequate signage for business identification, to maintain and enhance the aesthetic environment and the city's ability to attract sources of economic development and growth;

WHEREAS, it is the city's intent to improve pedestrian and traffic safety; to protect property values, the local economy, and the quality of life by preserving and enhancing the appearance of the streetscape which affects the image of the City of Chandler; and to enable the fair and consistent enforcement of these sign regulations;

WHEREAS, the city adopted the current sign ordinance through Ordinance O-041012 and now finds it is in the best interest of the citizens of Chandler to amend this ordinance;

OW, THEREFORE, BE IT ORDAINED by the City Council of the City of Chandler, Texas: The existing Article 3.09 of the Chandler Code of Ordinances be amended with the following:

Section 3.09.018 Political Signs

(A) Placed on Private Property

The following conditions apply to political signs in the City of Chandler that are placed on private property with the consent of the owner and that contain political messages. Such signs may:

1. Except as otherwise provided in this subsection, the political sign shall not be erected prior to 90 days before the election and must be removed within ten (10) days after the date of the primary election, run-off election, general election or referendum it concerns, unless the candidate remains a viable candidate for the office sought and there are subsequent

elections within the same election period.

2. Political signs may not be placed on city-owned property which shall include, but is not limited to, city parks, police stations, libraries, city hall, water and sewer facilities, or any other property of which the city has an ownership interest in;
3. Political signs may not be placed in roadway medians or in any state right-of-way or any right-of-way and/or easement;
4. Political signs shall not be installed in any manner that may result in a potential safety hazard of any type;
5. Political signs shall not exceed thirty-six (36) square feet aggregate total at any location; and
6. Political signs may be no more than eight (8) feet high, may not be illuminated, and shall not have any moving element on or within the sign.

(B) Political Signs Placed at Polling Places

1. Political signs may be placed on public property, including rights-of-way or easements in favor of the state or city, which are designated as official polling places on election day;
2. Any such political signs may be posted not more than twelve (12) hours preceding the designated time for the opening of the polls and must be removed within twelve (12) hours after the designated time for closing of the polls. Political signs may be posted not more than twelve (12) hours preceding the designated time for the opening of the polls for early voting and must be removed not more than twelve (12) hours after the designated time for closing the polls on the regular voting day. This allows political signs to remain posted on the polling place property between the end of early voting and 12 hours after the regular election;
3. Any such placement of political signs at polling places shall be no closer than one hundred (100) feet from the entrance to the polling location;
4. The restrictions found within this division do not apply to existing billboard signs upon which political advertising may be placed.

Severability. It is hereby declared to be the intention of the City Council that the sections, paragraphs, sentences, clauses, subsections, and phrases of this Ordinance are severable, and if any phrase, clause, sentence, paragraph, subsection, or section of this Ordinance shall be declared unconstitutional by the

judgment or decree of any court of competent jurisdiction, such unconstitutionality or illegality shall not affect any of the remaining phrases, clauses, sentences, paragraphs, subsections, and sections of this Ordinance, since the same would have been enacted by the City Council without the incorporation in this Ordinance of any such unconstitutional or illegal phrase, clause, sentence, paragraph, subsection, or section.

Repealer. Any and all Ordinances of the City of Chandler, Texas in conflict with the provisions of this Ordinance shall be, and the same are hereby repealed, and all other provisions of the Ordinances of the City of Chandler not in conflict with the provisions of this Ordinance shall remain in full force and effect.

Penalty. Any person, firm, or corporation found guilty of violating any of the provisions of this division shall be subject to a fine of not more than the maximum fine as provided for in Section 1.01.009 of the City of Chandler Code of Ordinances together with the costs of such prosecution. Each day during which a violation continues shall be a separate offense.

Effective Date. This Ordinance shall take effect immediately from and after its passage and its publication as required by law.

PASSED and APPROVED by the City Council of the City of Chandler, Texas this _____ day of _____, 2016.

APPROVED BY:

Libby Fulgham, Mayor

ATTEST:

Shirley Parmer, City Secretary

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