



AGENDA
PLANNING AND ZONING COMMISSION MEETING
TUESDAY, JUNE 2, 2020 - 6:00 PM
KAUFMAN CITY HALL COUNCIL CHAMBERS
209 SOUTH WASHINGTON STREET,
KAUFMAN, TEXAS 75142

**This meeting will be held using
videoconferencing/teleconferencing
technology with public access via:
[WWW.ZOOM.US/JOIN](https://www.zoom.us/join) OR
(888)788-0099 (TOLL FREE)
MEETING/WEBINAR ID: 811-9278-3550
PASSWORD: 429832**

PLEDGE OF ALLEGIANCE

CITIZENS COMMENTS / REQUEST TO SPEAK ON AGENDA ITEMS (5 MINUTES) Comments about any of the agenda items may be taken into consideration at this time or during the agenda item. Comments are limited to five (5) minutes per individual unless additional time is otherwise required by law for translation. Speaking time is not transferable. Citizens may address the P&Z Commission on any subject but must first complete a Request to Speak Form so that the Chairman may call your name to speak at the appropriate time on the Agenda. Comments must be directed to the P&Z Commission as a whole. **When addressing the P&Z Commission, please step forward to the speaker's podium, state your name and address, and direct your comments to the Chairman and P&Z Commission.**

CONSENT AGENDA

1. Consider and take appropriate action on the Minutes of May 5, 2020 Planning and Zoning Commission Meeting.

END OF CONSENT AGENDA

DISCUSSION/ACTION ITEMS

2. Consider and take appropriate action regarding possible amendments to Chapter 118, "Zoning" of the Code of Ordinances, specifically to Section 33.4 Use Regulations, Chart 3, Accessory and Incidental Uses, Chart 6, Retail and Services Uses, Chart 8, Commercial Uses, Section 33.5 Definitions and Section 25 Central Business District relative to outside sidewalk display of retail goods, merchandise and materials as a specific use permit in the Central Business District (CBD).

ANNOUNCEMENTS AND REPORTS FROM DEVELOPMENT SERVICES DIRECTOR

3. 380 E. Highway 175 Suite 130 Schlotzsky's Grand Opening Tentatively Scheduled for June 18, 2020
4. 380 E. Highway 175 Suite 100, Issued Building Permit for Bliss Nails

ADJOURNMENT

I, JOY HENDERSON, DO HEREBY CERTIFY THAT THIS NOTICE OF MEETING WAS POSTED ON THE WINDOW AT KAUFMAN CITY HALL, 209 S. WASHINGTON, KAUFMAN, TEXAS, A PLACE CONVENIENT AND READILY ACCESSIBLE TO THE GENERAL PUBLIC AT ALL TIMES AND SAID NOTICE WAS POSTED AT THE KAUFMAN CITY HALL, 209 S. WASHINGTON, KAUFMAN, TEXAS AT 5:00 P.M. ON FRIDAY, MAY 29, 2020 AND REMAINED SO POSTED CONTINUOUSLY FOR AT LEAST 72 HOURS PRECEDING THE SCHEDULE TIME OF SAID MEETING.

JOY HENDERSON
PLANNING TECHNICIAN,
DEVELOPMENT SERVICES

****PURSUANT TO SECTION 551.127, TEXAS GOVERNMENT CODE, ONE OR MORE COUNCILMEMBERS OR EMPLOYEES MAY ATTEND THIS MEETING REMOTELY USING VIDEOCONFERENCING TECHNOLOGY. THE VIDEO AND AUDIO FEED OF THE VIDEOCONFERENCING EQUIPMENT CAN BE VIEWED AND HEARD BY THE PUBLIC BY ACCESSING [WWW.ZOOM.US/JOIN](https://www.zoom.us/join) OR (888)788-0099 (TOLL FREE) MEETING/WEBINAR ID: 811-9278-3550 PASSWORD: 429832**

THE BUILDING IN WHICH THE ABOVE MEETING WILL BE CONDUCTED IS WHEELCHAIR ACCESSIBLE AND PARKING SPACES FOR THE MOBILITY IMPAIRED ARE AVAILABLE. PERSONS WITH DISABILITIES WHO PLAN TO ATTEND THIS MEETING AND WHO MAY NEED AUXILIARY AIDS OR SERVICES SUCH AS INTERPRETERS FOR PERSONS WHO ARE DEAF OR HEARING IMPAIRED, READERS, OR LARGE PRINT ARE REQUESTED TO CONTACT THE CITY SECRETARY'S OFFICE AT 972-932-2216 AT LEAST TWO (2) WORKING DAYS PRIOR TO THE TIME OF THE MEETING SO THAT APPROPRIATE ARRANGEMENTS CAN BE MADE.



**MINUTES OF THE
PLANNING AND ZONING
COMMISSION MEETING
BOARD MEETING
TUESDAY, MAY 5, 2020 - 6:00 PM
CITY HALL COUNCIL CHAMBERS
209 S. WASHINGTON STREET
KAUFMAN, TEXAS 75142**

PLEDGE OF ALLEGIANCE

CALL MEETING TO ORDER Chairman calls the Meeting to order, states the date and time, states members present, and declares a quorum present.

Chairman Brown called the meeting to order at 6:02 p.m. Tuesday, May 5, 2020. Commissioners present were Chairman Burton Brown, Vice-Chairman Cardoza, Commissioner Richard Dunn, Commissioner Porfilo Lopez, and Commissioner Curtis Snow. Director of Development Services Marcy Ratcliff and Planning Technician Joy Henderson were present. Present in the audience were Zoom audience were Alvin Chandler, Kellie Stolusky, David Willis, Luis Spinola, Tammy Pierce, Ashford Chancellor, Bryan Lucas, Doug Haning, Tyler Adams, 214-546-1277 and 443058.

CITIZENS COMMENTS / REQUEST TO SPEAK ON AGENDA ITEMS (5 MINUTES) Comments about any of the agenda items may be taken into consideration at this time or during the agenda item. Comments are limited to five (5) minutes per individual unless additional time is otherwise required by law for translation. Speaking time is not transferable. Citizens may address the P&Z Commission on any subject but must first complete a Request to Speak Form so that the Chairman may call your name to speak at the appropriate time on the Agenda. Comments must be directed to the P&Z Commission as a whole. When addressing the P&Z Commission, please step forward to the speaker's podium, state your name and address, and direct your comments to the Chairman and P&Z Commission.

No questions, comments or requests to speak.

CONSENT AGENDA

- 1. Consider and take appropriate action on the minutes of the March 3, 2020, Planning and Zoning Commission Meeting**

Commissioner Dunn made a motion to approve the Planning and Zoning Commission CONSENT AGENDA. The motion was seconded by Vice-Chairman Cardoza. Chairman Brown called for a vote with all voting AYE, the motion carried by a vote of 5-0.

END OF CONSENT AGENDA

PUBLIC HEARING

2. **Conduct a public hearing and make a recommendation to City Council on a request by Tyler Adams of Green Light Studio, LLC to rezone a 54 acre tract of land (PID 56876), out of the D. Falcon Survey, Abstract No. 151 and generally located at the northwest corner of S. Houston Street (FM 1388) and SH 34 Bypass, with additional frontage on S. Washington Street from Planned Development -1 (PD-1) to a new planned development district. The new planned development district is proposed to be a mixed use development including an indoor multi-sports facility, office, retail, restaurants, multi-family, townhouse and single family uses. (Z-01-20)**

Marcy Ratcliff, Director of Development Services stated Tyler Adams is requesting to rezone an undeveloped 54 acre tract of land (PID 56876), owned by the City of Kaufman from Planned Development – 1 (PD-1) to a new planned development district for a mixed use development. The development is divided into four subdistricts (A-D). The Commercial District is the base zoning for subdistricts A-C. The Townhouse District is base zoning for subdistrict D. The mixed use development is proposed to be developed in four phases. **Phase 1** (subdistrict B) includes the indoor sportsplex and hotel. The indoor multi-sports facility and hotel is proposed to have a maximum height of 6 stories, or 75 feet, above the average grade of the main building. The hotel will possibly have 80 or more rooms. The base zoning district is Commercial (C). **Phase 2** (subdistrict A) includes 4 commercial pad sites (3 for possible restaurants and a combination convenience store with gas pumps and a restaurant), an office building site and a site set aside for a City of Kaufman future water tower. Phase 2 development can occur with Phase 1. The base zoning district is Commercial (C). **Phase 3** (subdistrict C) includes a mixed use development with retail, office, commercial, and restaurants on the first floor and multi-family units above. The maximum height is proposed to be 6 stories or 75 feet. There will be underground parking in this area. Development of phase 3 cannot begin until phase 1 is complete. The base zoning district is Commercial (C). **Phase 4** (subdistrict D) includes townhouses, patio homes, duplex, and triplex development is allowed. Single family development is limited to 15% of the overall developments. There are approximately 87 lots shown on the concept plan. A maximum of 6 contiguous units may comprise a single building. Phase 4 contains a community splash pad park that will be dedicated to the City of Kaufman. Development of phase 4 cannot begin until phases 1-3 are complete. A letter defining an indoor multi-sports facility is included, showing the exact proposed planned development language and a summary of the requested differences between the planned development and the base district. There is a conceptual drawings that will be included in the planned development ordinance that also highlights the additional requirements and amendments to the base district and the applicant's

PowerPoint presentation.

Chairman Brown asked during what phase will the water towers be installed?

5/5/2020

Commissioner Snow asked if the only public streets will be on Washington Street?

Commissioner Dunn asked if the complex will eventually compliment or utilize the Conduct a public hearing and make a recommendation to City Council on a request by Alvin Chandler of Kaufman 175 Properties LLC to rezone a 1.28 acre tract of land (PID 57160), addressed as 3471 E. Highway 175, in the Charles Askins Survey, Abstract No. 2, from Agriculture-Open Space District (A-O) to Highway Commercial (HC). The property is proposed to be used for retail sales.(Z-02-20)

Marcy Ratcliff, Director of Development Services stated Alvin Chandler, of Kaufman 175 Properties, LLC, purchased 3471 E. Highway 175 in January 2020. The 1.28 acre tract has an existing 2,000 square foot metal building that has been unoccupied/unused for numerous years. The building was constructed in 2002 and occupied by Tonto and Clark Antiques and Collectables. The property was annexed into the city limits on May 21, 2012 (Ord. O-04-12) and was zoned in a city initiated case as Agriculture-Open Space (A-O). The A-O district serves as a holding pattern until the property owner in conjunction with the Future Land Use Plan decides which zoning district is needed for development. Mr. Chandler, since buying the property, has greatly improved the appearance of the property by removing the outside collectibles, storage and trash. When Mr. Chandler purchased the property he assumed it was already zoned for commercial uses. Because the property has not been occupied for several years, commercial use of the property is not allowed until it is rezoned to a commercial district. A feed store is proposed to occupy the building with no outside storage since outside storage requires a specific use permit approved by City Council.

Commissioner Snow asked about bringing the parking lot up to the current standard, which would be either concrete or asphalt.

Alvin Chandler stated that he was embarrassed that he purchased property without checking the zoning first. He had previously tried to purchase the property, but the price was too high. Things had changed and the owner offered him the property at a more reasonable price. There has been a lot of money spent on cleaning up the property that it would add a hardship to pave the parking lot.

P&Z Commissioner Richard Dunn made a motion to approve to rezone a 1.28 acre tract of land (PID 57160), addressed as 3471 E. Highway 175, in the Charles Askins Survey, Abstract No. 2, from Agriculture-Open Space District (A-O) to Highway Commercial (HC). The motion was seconded by P&Z Vice Chairman Patrick Cardoza and Passed 5/0.

DISCUSSION/ACTION ITEMS

3. **Consider and take appropriate action regarding possible amendments to Chapter 118, "Zoning" of the Code of Ordinances, specifically to Section 33.4 Use Regulations, Chart 8, Commercial Uses and 33.5 Definitions relative to permitting outside storage as a specific use permit in the Central Business District (CBD).**

Marcy Ratcliff, Director of Development Services stated the appearance of downtown structures, its sidewalks, available parking spaces and landscaping are important factors in attracting potential tenants and visitors. City Council recently invested \$3.1 million in the physical improvements to the downtown square. The improvements included replacing water and sewer lines, removing the existing sidewalks and constructing new and wider sidewalks, providing handicapped ramps, landscaping, period street lighting, new crosswalks, new driving patterns and lane striping and new signalization. All these improvements were to make the oldest and most historic commercial development in Kaufman viable, attractive and walker friendly, in order to draw more patrons to the center of town. Prior to the latest physical improvements, the downtown area was in a decline and drew fewer patrons. So, it is important to recognize how amending the use charts of the Zoning Ordinance, can affect the current and future downtown property owners, tenants, and patrons. The property at 110 E. Grove (The Mercantile) was found to be in violation of the Zoning Ordinance due to outside storage of goods in the Central Business District (CBD) along the exterior sidewalks. The Mercantile is using the display to act as advertisement they sell antiques and more retail sales. The store sub leases booth areas within the building. The booths sell clothing, clothing accessories, jewelry, pictures, art, collectables, soaps, antique appliances, hardware, building materials, furniture etc. Kellie Stalusky and Doug Haning, owners of the building and the business, came directly to speak with staff regarding the violation and questioned the steps for amending the Zoning Ordinance. **Outside display of retail goods (no overnight display)** is defined as the outside temporary (not overnight) display of finished goods being sold by the same retail business that occupies the main building on the lot that are specifically intended for retail sale but not displayed outside overnight. Displays may not occupy any designated parking space or be placed in any street or alley right-of-way. **Outside storage (or open storage)** is defined as the permanent and/or continuous keeping, displaying or storing, outside a building, of any goods, materials, merchandise or equipment on a lot or tract for more than 24 hours. The definition of outside storage includes a wide variety of items, materials and equipment that could be continuously stored/displayed. The definition of outside display of retail goods better defines what The Mercantile is trying to advertise by the displaying their wares with the exception of the temporary term. Attached is a list of items The Mercantile is currently storing on the sidewalk around the perimeter of the building. The sidewalk width on E. Grove Street is 10.5 feet wide and on N. Madison is 7 feet wide. All the sidewalks located in the CBD are located within the right-of-way. The Mercantile building has no windows on the exterior walls. The building was originally occupied by Ford dealership with large windows, but the windows were enclosed many years ago.

5/5/2020

Chairman Brown asked if the front of the building faces the Square and if any of her stuff that has been left out has ever been stolen?

Commissioner Snow state he likes the idea of merchants being able to display their wares in front of their stores, but there needs to be a limit. He likes the requirements that Georgetown has. He would like to hear what the City of Kaufman's attorney's opinion is about retailers using the city's property for sales. There should be an exception for outdoor dining tables and benches, since we are trying to encourage people to visit the restaurants and retail stores on the square. There should be a limit of 20% to 30% of the exterior wall space that can be used and it should exclude any windows, doors and delivery doors. They should not be able to put anything on the sidewalk that will impede access to the sidewalk.

Chairman Brown, Vice-Chairman Cardoza, Commissioner Dunn, and Commissioner Lopez all agreed that requiring a specific use permit and only allowing a percentage of a wall for outside displays would work.

Kellie Stalusky said she has had some stuff stolen, but she put a message on Facebook and the items were returned.

P&Z Commissioner Curtis Snow made a motion to bring proposed wording regarding possible amendments to Chapter 118, "Zoning" of the Code of Ordinances, specifically to Section 33.4 Use Regulations, Chart 8, Commercial Uses and 33.5 Definitions relative to permitting outside storage as a specific use permit in the Central Business District (CBD). The motion was seconded by Porfirio Lopez and Passed 5/0.

ADJOURNMENT

Commissioner Snow made a motion to adjourn at 7:26 p.m., seconded by Commissioner Dunn. Chairman Brown called for a vote with all voting AYE, the motion carried by a vote of 5-0.

BURTON BROWN
CHAIRMAN

JOY HENDERSON
PLANNING TECHNICIAN



Planning and Zoning Commission Agenda Item: 2

Meeting Date: June 2, 2020

Consent: No

Discussion/Action: Yes

SUBJECT: Consider and take appropriate action regarding possible amendments to Chapter 118, "Zoning" of the Code of Ordinances, specifically to Section 33.4 Use Regulations, Chart 3, Accessory and Incidental Uses, Chart 6, Retail and Service Uses, Chart 8, Commercial Uses, Section 33.5 Definitions and Section 25 Central Business District relative to outside sidewalk display of retail goods, merchandise, and materials as a specific use permit in the Central Business District (CBD).

BACKGROUND/SUMMARY:

The Planning and Zoning Commission, on May 5, 2020 directed staff to create a new definition of outside sidewalk display of retail goods, merchandise, and materials (with overnight display) and list as a specific use permit (SUP) in the Central Business District (CBD). The changes proposed distinguish that all items displayed outside are for retail sales and not outside storage. The CBD prohibits outside storage. The proposed amendments are the result of a Zoning Ordinance violation found at 110 E. Grove (The Mercantile) for outside storage of goods in the Central Business District (CBD) along the exterior sidewalks. The Mercantile is using the outside sidewalk display to act as advertisement for the selling of antiques and more retail goods, merchandise and materials inside. See the attached May 5, 2020 Planning and Zoning Commission Report for more background information.

The proposed definition was crafted to distinguish the difference between outside storage and displaying of goods, merchandise and materials on designated sidewalks for retail sales in the CBD. The proposed definition of outside sidewalk display created the need for specific regulations pertinent only to Section 25 Central Business District. The regulations define the sidewalk display area location, the display area's size and height, and adherence to the American Disabilities Act (ADA). Additionally, vending machines, propane tank sales and rental, ice machines and similar apparatus were prohibited. Accessible public seating that is manufactured for outdoor use is exempt from the specific use permit requirement and the sidewalk location area requirement.

Staff reviewed all eleven Use Charts for all uses allowed within the Central Business to best determine, which chart should include the new definition. It was determined outside sidewalk display is an accessory use to retail sales in an adjacent main building; and therefore should be listed in Chart 3, Accessory and Incidental Uses. It was drafted to include the outside sidewalk display use in Chart 6, Retail and Service Uses, because it is associated with only the retail uses allowed in the CBD. This location choice was added for the benefit of the general public, who may not know to look in Chart 3 Accessory and Incidental Uses. Outside sidewalk display was

not included in Chart 8, Commercial Uses because none of the uses (laboratory, motel or hotel, and a printing shop) allowed in the CBD would have a need for outside display.

Staff drafted the following amendments for your review based on the discussion at the previous meeting and after discussions with the City Attorney. The City Attorney expressed the following concerns with obstructions in the sidewalk area, who is going to police the obstructions, liability issues regarding possible accidents, stolen property, city sidewalk maintenance and repairs. Specific use permits are a form of zoning and go with the land. The City will not be allowed to make judgements on displays of any retail goods, merchandise, or materials that the business owner feels best represents their business. Unless you expressly prohibit what items can or cannot be displayed at the time of the SUP approval process, no arbitrary changes can be made after the fact. The City of Kaufman can only enforce what is specifically listed in the SUP. The majority of City's do not allow overnight display/storage. Please review to discuss.

Section 33.5 Definitions:

OUTSIDE SIDEWALK DISPLAY OF RETAIL GOODS, MERCHANDISE OR MATERIALS (CBD only -with overnight display) is defined as the overnight show casing, on a designated sidewalk, of finished goods, merchandise, or materials that are sold in the same retail business, that occupies the main building on the lot. Outside sidewalk display areas are not intended as additional sales space area, but as a way to exhibit a selection of items sold inside the store.

Section 25.F.4 Central Business District Regulations

4. Outside sidewalk displays of retail goods, merchandise or materials is allowed only in the Central Business District with an approved specific use permit in conjunction with all of the following requirements:
 - a) The display is for show casing finished goods, merchandise, or materials that are sold in the same retail business that occupies the main building on the lot and is not intended for additional sales space.
 - b) Display location shall be limited to designated sidewalk areas adjacent to the front or side of the main building;
 - c) No display shall be allowed to be located in the public right-of-way adjacent to the rear of the main building;
 - d) The display shall not occupy any designated parking space or be placed in any street or alley right-of-way or thoroughfare;
 - e) A condition of the specific use permit shall be to:
 - i. Enter into an encroachment agreement with the City of Kaufman
 - ii. Provide proof of insurance coverage meeting requirements specified by the City of Kaufman, including without limitation, an additional insured endorsement naming the City of Kaufman and its officials, officers and employees as additional insured and providing a waiver of subrogation in favor of the City;
 - f) The display shall not be permitted to block windows, entrances or exits, delivery and service doors, nor impair the ability of pedestrians unobstructed ingress to and egress from a building or buildings;
 - g) The display shall not extend a distance greater than five (5) feet from the front of the wall of the principal building;
 - h) At all times displays shall not interfere with pedestrian circulation in or along the sidewalk

- or right of way and shall comply with the American Disabilities Act (ADA), as amended;
- i) Display shall not be allowed on a sidewalk, which has a width that is five (5) feet or less;
- j) The display shall not occupy an area that is larger than thirty percent (30%) of the linear distance of the wall adjacent to the location of the sidewalk display. The distance shall be measured along the applicable front or side wall of the main building or suite for the retail space providing the display. Each exterior wall equivalency is a standalone area and may not be combined.
- k) The display shall not extend to a height above seven (7) feet as measured from the sidewalk;
- l) All displayed retail goods shall be actively for sale by the retail establishment providing the display and shall have a visible price tag.
- m) The display area shall be established and delineated on the approved specific use permit site plan;
- n) Prohibited items in sidewalk displays include anything expressly prohibited in the approved specific use permit. Including but not limited to vending machines, propane tank sales or rental, ice machines and other similar apparatus; and
- o) Exempted from the specific use permit requirement and only the location requirement of Section 25.F.4.g above are any accessible public seating, including table and chair sets, benches, chairs, stools, rocking chairs, etc., and that are manufactured for outdoor use.

Retail and Service Uses allowed within the Central Business District (CBD) that have the potential for outside sidewalk display of retail goods:

1. Antiques (indoors)
2. Appliance sales and repair (no outside storage)
3. Appliance, tool or furniture rental (indoors)
4. Building materials, hardware/home improvement (indoor only)
5. Consignment shop (indoors)
6. Food store less than 7,500 SF
7. Retail stores, general merchandise or services greater than 7,500 SF
8. Retail stores, general merchandise or services less than 7,500 SF
9. Personal service use (barber/beauty shop, tailor, shoe repair, seamstress, etc.)
10. Pharmacy/drug store
11. Seasonal and temporary uses
12. Studio, decorator, artist, photographer
13. Studio, music, dance or drama
14. Used merchandise or second hand thrift store (inside)
15. Wedding reception/private party facility
16. Auto parts and accessory sales (indoor)
17. Auto repair, minor (paint less, dent repair & accessory install)
18. Art gallery or museum

Retail uses specifically NOT allowed within the Central Business District that:

1. Building materials, hardware/home improvement (outside storage)
2. Convenience store with gasoline sales
3. Food store greater than 7,500 SF
4. Greenhouse/plant nursery with outside display
5. Light equipment sales or rental (outdoor display)
- 6. Pawn shop**
7. Pet shop and grooming
8. Produce stand with outside display (not temporary)
9. Auto glass, seat cover/upholstery and muffler shop

10. Auto sales – new or used
11. Auto storage or auto auction
12. Auto painting or body repair shop
13. Boat sales

The language drafted was mindful of what The Mercantile is trying to accomplish with the outside sidewalk display and Council's improvements to the oldest and most historic commercial development in Kaufman. Both parties want the CBD to become even more viable, attractive and walker friendly, in order to draw more patrons to the center of town. Staff tried to think of all instances and issues that could arise for any retail business in the CBD who wants to have outside sidewalk displays.

The Mercantile's building is 74 feet wide and the sidewalk width on E. Grove Street is 10.5 feet wide (measured from the building to the outer edge of the curb,) and on N. Madison is 7 feet wide. The usable width of E. Grove Street is 10 feet. Currently, the display area along E. Grove Street is approximately 370 SF (74 feet wide x 5 feet deep). The drafted language would allow a display area of approximately 110 SF (74 feet wide x 30% of the linear width x 5 foot deep). The 30% figure is what the City of Georgetown uses to determine the amount of outside sidewalk display area in their commercial district. Georgetown does not allow overnight outside sidewalk display area in their downtown square area.

RECOMMENDATIONS:

Staff does not have a recommendation. The Planning and Zoning Commission has three options to consider

1. Recommend authorizing staff to set a public hearing for July 7, 2020 to specifically amend the Zoning Ordinance as follows:
 - a. Amend Section 33.5 Definitions adding the definition of outside sidewalk display for retail goods, merchandise, and materials allowed overnight and only in the CBD,
 - b. Amend Section 25 Central Business District for more specific regulations define the sidewalk location, the display area's size and height, and adherence to the American Disabilities Act (ADA). Prohibiting vending machines, propane tank sales and rental, ice machines and similar apparatus' on the sidewalk area. Exempting accessible public seating manufactured for outdoor use from the specific permit requirement and the sidewalk location area requirement.
 - c. Amend Section 33.4 Use Chart 3 Accessory and Incidental Uses and Chart 6 Retail and Service Use listing outside sidewalk display of retail goods, merchandise and materials (with overnight display) as a specific use permit (SUP) in the CBD only.
 - d. Not to amend Section 33.4 Use Chart 8 Commercial Uses

or

2. Request additional time to review and consider needed research or language at a specific meeting date.

or

3. Recommend no amendments should be made to the Zoning Ordinance.

ATTACHMENTS:

1. Current Pictures of The Mercantile
2. Surveys of Other Cities Regulations of Outside Display vs. Outside Storage
3. Zoning Ordinance Section 33.5 Definitions
4. Zoning Ordinance Section 25 Central Business District
5. Zoning Ordinance Section 33.4 Use Chart 3 –Accessory and Incidental Uses
6. Zoning Ordinance Section 33.4 Use Chart 6 – Retail and Service Uses
7. Zoning Ordinance Section 33.4 Use Chart 8 - Commercial Uses

Marcy Ratcliff, Development Services

972-932-2216 ext. 117

Kaufmanplanning@kaufmantx.org

1. Current Pictures of The Mercantile



2. Surveys of Other Cities Regulations of Outside Display vs. Outside Storage

CITY	OUTSIDE DISPLAY	OUTSIDE/OPEN STORAGE
Waxahachie	SUP - No overnight	SUP Screening required
Ennis	Not in street frontage building setbacks Limited to 5% of building area Over 14 days screening required 5' wide unobstructed walkway	Not allowed in the front Rear yard only screening required
McKinney	Site Plan 16 hours per day Temporary seasonal sales allowed Restaurants outside seating allowed 10% of building only Attached to a wall Screening required	Allowed in specific districts - Use Chart Not allowed in the front of main building 10% of building only Attached to a wall Screening required
Forney	Bulk Goods - 30% of open area available & 50' from public ROW or property line No overnight	Open storage is prohibited in the Central Business District Located behind the front building line and observe all setback requirements. Screening required
Rockwall	Require a permit from the city	Not allowed
Rowlett	SUP TUP permitted a total of 14 consecutive days or less, four times per calendar year 4' wide unobstructed walkway	SUP Screening required
Georgetown for limited	Site Plan – Items actively for sale Not allowed in required setback Set back at least 15 feet from the curb limited to 30% of wall	Site Plan - Items not actively for sale Not allowed in required setback set back at least 15 feet from the curb not in front yard 1,000 sf or 20% of total site Screening required
Georgetown for general	Site Plan - Items actively for sale Not allowed in required setback set back at least 15 feet from the curb limited to 1,000 sf or 10% of site limited to no more than 30% of wall	Site Plan - Items not actively for sale Not allowed in setback Set back 15 feet from the curb 1,000 sf or 20% of total site not in front yard Screening required

3. Section 33.5 Definitions

93. **OFFICE SHOWROOM/WAREHOUSE** - An establishment with a portion of its total floor area devoted to storage and warehousing, but not accessible to the general public. The remaining area may include retail and wholesale sales areas, sales offices, and display areas for products sold and distributed from the storage and warehousing areas.
94. **OFF-STREET PARKING SPACES** - Off-street parking spaces provided in accordance with the requirements of this Ordinance, located on the same lot or tract occupied by the main use, which vehicles may not access directly from a public right-of-way.
95. **OFF-SITE PARKING SPACES** – Off-street parking spaces located on private property on a different lot as the main use it serves when the lot on which the use is located cannot provide sufficient spaces to meet the parking requirement. Off-site parking must be within 1000 feet of the use it serves and must be approved by the City Council.
96. **ON-STREET PARKING SPACES** – On-street parking is allowed only in the Central Business District and in Residential Districts, except where “No Parking” ordinances are in effect or on any State controlled right-of-way.
97. **OUTSIDE DISPLAY** - Outside temporary display of finished goods being sold by the same retail business that occupies the main building on the lot that are specifically intended for retail sale but not displayed outside overnight. Displays may not occupy any designated parking space or be placed in any street or alley right-of-way
98. **OUTSIDE SIDEWALK DISPLAY OF RETAIL GOODS, MERCHANDISE OR MATERIALS (CBD only -with overnight display)** is defined as the overnight show casing, on a designated sidewalk, of finished goods, merchandise, or materials that are sold in the same retail business, that occupies the main building on the lot. Outside sidewalk display areas are not intended as additional sales space area, but as a way to exhibit a selection of items sold inside the store.
99. **OUTSIDE STORAGE** - The permanent and/or continuous keeping, displaying or storing, outside a building, of any goods, materials, merchandise or equipment on a lot or tract for more than twenty-four (24) hours. Also referred to as open storage.
100. **PAINT SHOP** - A commercial establishment where painting services are performed (but not automotive-related painting services, which would be included under "Automobile Repair, Major"). A paint retail store would not be included in this definition but would be considered to be a dry goods store.
101. **PARCEL** - Any unplatted tract of land, or any portion of an unplatted tract of land (see "Tract").
102. **PARK OR PLAYGROUND (PRIVATE)** - A recreation facility, park or playground which is not owned by a public agency such as the City or School District, and which is operated for the exclusive use of private residents or neighborhood groups and their guests and not for use by the general public.

4. Section 25 Central Business District

SECTION 25 CENTRAL BUSINESS DISTRICT (CBD)

25.1 GENERAL PURPOSE AND DESCRIPTION:

The development standards in the CBD, Central Business District, are designed to maintain and encourage development and redevelopment within the central section (old downtown) of the City. Standards for vehicle parking, building setbacks, and building height are similar to those existing on developed properties in this section of the City.

25.2 PERMITTED USES:

A. Uses permitted in the CBD district are outlined in Section 33 (Use Charts).

25.3 AREA REGULATIONS:

A. **Size of Yards:**

1. **Minimum Front Yard** - none specified
2. **Minimum Side Yard** - none specified
3. **Minimum Rear Yard** - none specified

B. **Size of Lot:**

1. **Minimum Lot Area** - none specified
2. **Minimum Lot Width** - none specified
3. **Minimum Lot Depth** - none specified

C. **Height Regulations:**

1. **Maximum Height:**
 1. Three (3) stories or forty-five feet (45') for the main building.
 2. One (1) story for accessory buildings.
 3. Other (Section 40).

D. **Maximum Lot Coverage** - none specified

E. **Parking Regulations:**

1. **For existing structures/uses (in existence prior to the effective date of this Ordinance)** - Any existing parking, or lack of same, for any existing structure/use within the CBD district shall be considered a conforming parking arrangement. Additional parking, in accordance with Section 35.6, shall only be required for additions to an existing building or for significant expansion of an existing use (as determined by the City Planner or his designee). In the event of destruction of an existing structure within the CBD district, said structure may be rebuilt to its pre-destruction size with no requirements for additional parking provided that reconstruction commences (i.e., a building permit is applied for and issued) within one (1) year of the date of destruction. If reconstruction does not commence within the one-year time frame, or if the structure is rebuilt to exceed its pre-destruction size, then the structure's nonconforming parking status is deemed to expire and any reconstruction of the structure must provide additional parking in accordance with this Ordinance.

4. Section 25 Central Business District

2. **For new structures/uses** - One (1) space per three hundred (300) square feet of gross floor area, and each use shall provide a minimum of two (2) spaces. In order to preserve the character of the square, in which existing buildings were joined together with a common wall, required parking for new structures may be restricted to the rear of the building or to offsite parking on private property to be located not more than 1,500 feet from the site, in accordance with Section 35.8 of this Ordinance.

F. Other Regulations:

1. Open storage is prohibited in the CBD district.
2. As established in the Development Standards, Sections 34 through 44.
3. Trash receptacles must be enclosed and not visible from the front of the building. Those buildings not having alley or rear access may place a portable trash receptacle curbside on a side street to the rear of the building that is located on the square on trash pickup days only.
4. Outside sidewalk displays of retail goods, merchandise or materials is allowed only in the Central Business District with an approved specific use permit in conjunction with all of the following requirements:
 - a) The display is for show casing finished goods, merchandise, or materials that are sold in the same retail business that occupies the main building on the lot and is not intended for additional sales space.
 - b) Display location shall be limited to designated sidewalk areas adjacent to the front or side of the main building;
 - c) No display shall be allowed to be located in the public right-of-way adjacent to the rear of the main building;
 - d) A condition of the specific use permit shall be to:
 - e) Enter into an encroachment agreement with the City of Kaufman
 - f) Provide proof of insurance coverage meeting requirements specified by the City of Kaufman, including without limitation, an additional insured endorsement naming the City of Kaufman and its officials, officers and employees as additional insured and providing a waiver of subrogation in favor of the City;
 - g) The display shall not extend a distance greater than five (5) feet from the front of the wall of the principal building;
 - h) The display shall not be permitted to block windows, entrances or exits, delivery and service doors, nor impair the ability of pedestrians unobstructed ingress to and egress from a building or buildings;
 - i) The display shall not occupy any designated parking space or be placed in any street or alley right-of-way or thoroughfare;
 - j) At all times displays shall not interfere with pedestrian circulation in or along the sidewalk or right of way and shall comply with the American Disabilities Act (ADA), as amended;
 - k) Display shall not be allowed on a sidewalk, which has a width that is five (5) feet or less;
 - l) The display shall not occupy an area that is larger than thirty percent (30%) of the linear distance of the wall adjacent to the location of the sidewalk display. The distance shall be measured along the applicable front or side wall of the main building or suite for the retail space providing the display. Each exterior wall equivalency is a standalone area and may not be combined.
 - m) The display shall not extend to a height above seven (7) feet as measured from the sidewalk;
 - n) All displayed retail goods shall be actively for sale by the retail establishment providing the display and shall have a visible price tag.
 - o) The display area shall be established and delineated on the approved specific use permit site plan;
 - p) Prohibited items in sidewalk displays include anything expressly prohibited in the approved specific use permit. Including but not limited to vending machines, propane tank sales or rental, ice machines and other similar apparatus; and
 - q) Exempted from the specific use permit requirement and only the location requirement of Section 25.F.4.g above are any accessible public seating, including table and chair sets, benches, chairs, stools, rocking chairs, etc., and that are manufactured for outdoor use.

4. Section 25 Central Business District

25.4 DESIGN CRITERIA

A. Purpose

Kaufman's downtown Central Business District (CBD) has been identified by the Comprehensive Plan as a valuable resource worthy of preservation as a unique district. This district provides development and design standards that preserve the historic and architectural character of existing development, provides for adaptive reuse of existing buildings and the compatibility of new structures and uses with the historic nature of the CBD.

B. Goals

1. Historic preservation, economic development, and maintaining the pedestrian friendly character of the Central Business District shall be the primary consideration in the development design review.
2. The preservation and restoration of historically or architecturally significant buildings as well as buildings that contribute to the unique character of the CBD shall be considered as a high priority in the future development of the CBD.
3. Preservation, restoration, renovation and redevelopment should encourage and promote economic vitality, professional and business activities, tourism, and effective adaptive reuse of structures, upper floors and vacant spaces.
4. The preservation, restoration, renovation and redevelopment should encourage and promote the concept of the traditional downtown area as the origin and heart of the community as a place for people to gather as well as patronize the businesses located there.

C. District Boundaries

1. The Central Business District (CBD) is generally bounded by Oak Street on the north, Cherry Street on the south, Jefferson Street on the west, and Madison Street on the east. These boundaries are shown on the map in Figure 25-1 for informational purposes.
2. The precise boundaries of the Central Business District (CBD) shall be shown on the official zoning map of the City of Kaufman. The boundaries of the CBD may be amended from time to time based on a request from area property owners, a request of the staff, the Downtown Steering Committee, the Planning and Zoning Commission, or at the pleasure of the Council. In considering a request for a change in district boundaries, the Council shall require:
 - a. Any additions to the district shall be contiguous to the existing boundaries of the district;
 - b. Any reductions in the district shall be located on the edge of the district such that a hole is not left inside the district; and
 - c. If requested by a property owner, a petition shall be presented showing owners of more than 50 percent of the land within the district, excluding streets, and owners of more than 50 percent of the building sites in the district are in support of the requested change in boundaries.

4. Section 25 Central Business District

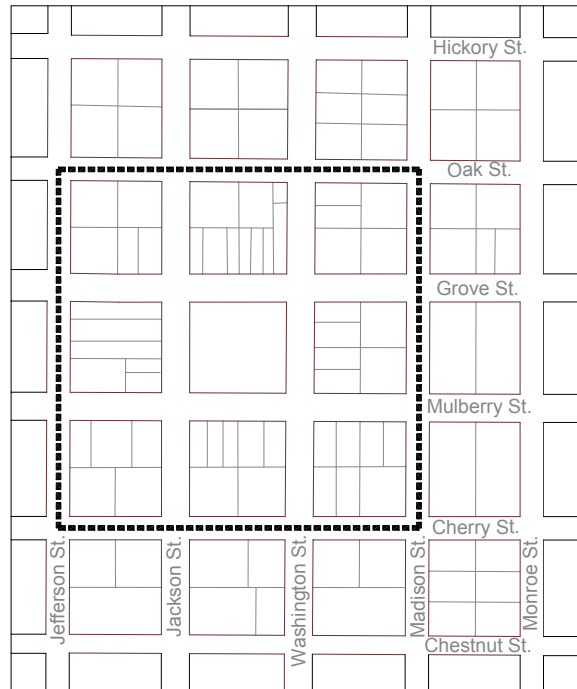


Figure 25-1 Downtown Central Business District Boundaries

D. General Provisions

1. Site plan and design review is required for new construction and substantial renovation of existing buildings within the Central Business District. Substantial renovation means:
 - a. Alterations to the exterior of existing buildings that change the placement or design of windows, doors or other exterior features of the building such as coping or pilasters;
 - b. An increase in the floor area of the building greater than 10 percent.
2. Interior renovation of existing buildings that do not alter the exterior appearance of the building do not require site plan and design review under the provisions of this section. (e.g., a drop ceiling that covers part of an existing window would alter the exterior appearance and require review)
3. Physical properties of an existing building such as setbacks, foot prints, height, or other similar characteristics that cannot be altered without substantial hardship are not required to meet the development or design standards within this section. All other provisions shall apply.
4. Site Plan applications submitted for review will first be considered by the Downtown Design Review Committee and a Certificate of Appropriateness issued within ten (10) days to accompany the application to the Planning and Zoning Commission and City Council for approval. If the Downtown Design Review Committee recommends denial of the application or approval with stipulations the Planning and Zoning Commission must render a three-fourths affirmative vote to overturn the recommendations of the Committee in order to recommend approval to the City Council.
5. All new development, exterior renovations to any existing buildings, maintenance and/or preservation of any structure, shall require an exterior paint permit to be approved by the Development Services Director.

4. Section 25 Central Business District

- (a) Request to appeal the requirements of Sections 25.4.F.5.a.(3) or 25.5.B.1.h shall be heard by the Planning and Zoning Commission. The Planning and Zoning Commission shall determine what appeals shall be approved, if any.
 - (1) An appeal request submittal shall include a proposed paint color combination scheme for the body, trim and accent features of the building.
 - (2) Notice of the appeal request shall be mailed ten (10) days prior to the meeting, to all property owners as listed at the Kaufman County Appraisal District, and to all the building addresses, located within the boundaries of the Central Business District.
 - (3) All appeal requests shall be placed on the next available Planning and Zoning Commission agenda.

E. Mixed Use Criteria

- 1. The Central Business District may contain any combination of uses shown in the Use Chart in Section 33 (Use Charts).
- 2. Within the CBD there are both residential and nonresidential uses which may be located in either residential structures or commercial structures. To maintain the architectural and historic character of existing blocks where one type of structure predominates, the following regulations shall apply.
 - a. Residential uses may be in residential structures or commercial structures. Residential uses in commercial structures are only allowed if they occupy no more than 50 percent of the floor area of the building; and do not occupy the area adjacent to the street front.
 - b. Nonresidential uses may be in residential or commercial structures. Nonresidential uses in residential structures must be in those blocks where existing residential structures predominate.
 - c. In block faces within the District that are currently developed with residential structures, new construction shall be compatible residential structures. Either residential or nonresidential uses may be located in the residential structures.
 - d. In block faces within the Central Business District that are currently developed with commercial structures, new construction shall be compatible commercial structures.

F. Central Business District Development and Design Standards

- 1. All new development and exterior renovations to existing buildings must meet requirements provided in this section for Site Design, and Architectural Standards.
- 2. **Purpose of Central Business District Design Standards.** The purpose of these design standards is to ensure the preservation of the historic and architectural qualities which make the CBD a unique place by permitting new development compatible with existing historic buildings and by maintaining the historic and architectural qualities of existing buildings.
 - a. Site Design Standards. The purpose of the Site Design Standards is to provide for building and parking placement compatible with existing development.
 - b. Architectural Standards. The purpose of the Architectural Standards is to provide for the preservation of existing historic and architectural qualities of downtown Kaufman, ensure new construction and all exterior renovations to existing buildings are compatible with these qualities, and to protect and promote the uniqueness of downtown as a commercial area.
- 3. **Design Standards Review.** All new development and all exterior renovations to existing buildings shall comply with the Site Design Standards included in Subsection 4, and the Architectural Standards in Subsection 5.

4. Section 25 Central Business District

4. Site Design Standards

a. Building Placement - Commercial Structures

- (1) Buildings shall be placed on the front property line. Building may be moved back from the front property line to provide for a wider sidewalks and entries, or pedestrian oriented streetscapes if: The buildings takes up an entire block face; or is located on a corner; or has a total frontage of more than 50 percent of the block face.
- (2) New commercial structures shall be allowed only in block faces which are predominately developed with existing commercial structures, or are predominately vacant land.
- (3) Buildings shall be placed on the side property line except when adjacent to a residential type structure in which a fifteen (15') feet minimum side yard shall be observed. Buildings may be moved back from the side property line a total of four feet to provide for wider sidewalks and entries when the side property line is along a street.
- (4) Buildings that go through a block so that they have frontage on two parallel streets, shall treat each frontage as a main façade.
- (5) All service areas, dumpsters and loading shall be from the rear of the building or alley.

5. Architectural Design Standards

a. Street Facade – Commercial Structures

- (1) Primary street facades for nonresidential buildings in the Central Business District shall have the following basic features of existing historic buildings:
 - (a) Cornice at top of facade;
 - (b) Display windows with transom windows above and lower window panels below.
 - (c) Pilasters that divide the facade vertically and separate the display windows units into discrete visual elements.
 - (d) Second floor windows, recessed with multiple lights, lintels, and sills.
- (2) Architectural elements such as doors, windows, awnings, canopies and architectural details shall be compatible with the overall visual qualities existing within the historic buildings downtown.
- (3) Choice of Paint Colors for the Primary facades, various architectural elements, and/or details.
 - (a) Paint colors should highlight architectural details based on historic tradition for the building's type and style.
 - (b) Keep colors compatible with the building style and design.
 - (c) Loud, garish, or harsh colors and bright hues are prohibited.
 - (d) Generally no more than three colors are applied per building.
 - (e) Brick, stone or other naturally unpainted materials shall not be painted unless the material has been painted previously.
 - (f) A variety of approved paint color combinations are available for reference in the Development Services Department. The approved combinations specify paint colors for the body, trim and accent areas of the building. An exterior paint permit shall be approved prior to painting any exterior portion of any building.
 - (g) Exterior grade paints shall be used for exterior siding.

4. Section 25 Central Business District

- (4) In addition to the above, all commercial structures shall have at least two of the following desirable design features as appropriate:
 - (a) Street facades on side streets that meet the requirements for primary facades; or
 - (b) Buildings on corners which create a diagonal corner cut with the entrance on the corner; or
 - (c) Pediments added to the top of the facade; or
 - (d) Decorative brickwork and architectural detailing on or around the cornice, fascia, pilasters, or around windows; or
 - (e) Use of natural wooden doors with glass windows; or
 - (f) Projecting canopies and or awnings placed over the ground floor windows and doors.
- (5) Whenever possible, new additions or alterations to existing structures shall be done in such a manner that if such additions or alterations were to be removed in the future, the essential form and integrity of the original structure would be unimpaired.
- (6) The distinguishing original qualities or character of a building should be preserved and the maintenance, repair, replacement, renovation or alteration of such structures should avoid removing or destroying any distinctive architectural features whenever possible.
- (7) Deteriorated architectural features shall be repaired rather than replaced whenever possible. In the event replacement is necessary, the new material should match the original material being replaced in composition, design, color, texture and other visual qualities. Plastic or vinyl architectural features or siding shall not be approved.
- (8) Plate glass or divided display windows should always be preserved and not covered, painted or filled in. Traditional recessed doorways with substantial wooden doors should be retained or re-installed if significant restoration is undertaken.

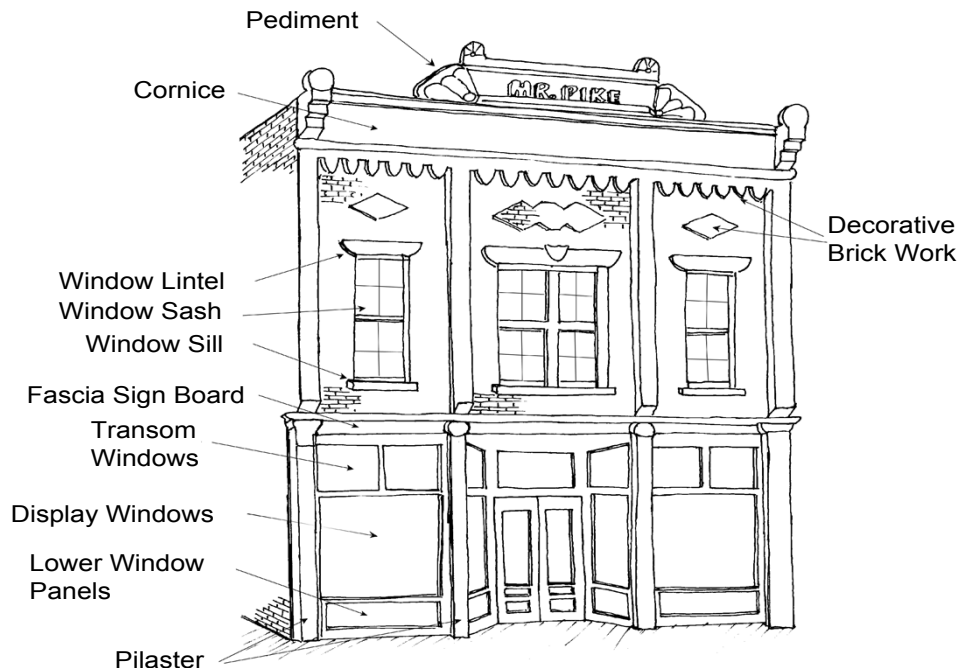


Figure 25-2 Typical Features of Commercial Structures in the Central Business District

b. Building Proportions – Commercial Structures

4. Section 25 Central Business District

- (1) Overall height of single story commercial buildings in the Central Business District shall be between 18 and 26 feet.
- (2) The proportion of the height to width of the facade between pilasters shall be in the range of 2.5 to 1 to 3 to 1. The basic window units shall be between 2 to 2.5 times the remaining height to the top of the cornice.
- (3) The ground floor facade shall have at least 45 percent of its area in transparent windows, or doors. The second floor facade shall have at least 20 percent of its area in windows. The area of windows includes any mullions framing individual lights within the window frame.

c. Building Materials - Commercial Structures

- (1) The base facade materials for commercial structures within the Central Business District shall be brick or stone. Architectural details, trim, window or door framing may be wood, stone, cast stone, cast iron, or other materials compatible with the historic and architectural character of the Central Business District.

6. Fencing – Commercial Structures

- a. Any fencing for commercial structures within the Central Business District shall be in the rear of the building not visible from the street.

25.5 MAINTENANCE AND PRESERVATION

A. Purpose

Existing buildings in the Central Business District collectively create an image that is vital to the character and attractiveness of the city that must be properly maintained and preserved in order to sustain the appearance and economic vitality of the CBD.

B. Preservation of Architectural Features and Materials

1. Facades

- a. Original doors, entrances, windows, cornices, friezes, parapets and wall treatments should be preserved or restored to the original design in as much as possible using proper maintenance, painting, cleaning and established restoration methods and techniques.
- b. Wood siding materials and architectural details are such an important feature of an historic building it should be restored and repaired using materials that resemble the original texture and character of the original material as much as possible, aluminum, plastic or vinyl siding or materials shall not be used.
- c. Wood materials should be painted at least every five years to prevent deterioration.
- d. Wood materials should not be sand blasted or stripped using wet or dry abrasives or power wire brushes that will damage the wood. Wood surfaces should be hand scraped and sanded before painting.
- e. Masonry materials usually do not require cleaning as aging produces a patina or color changes that creates a desirable appearance. Cleaning should only be done to halt deterioration or to remove heavy soiling and should be done with the gentlest method possible, such as low pressure water and detergents.
- f. Masonry walls built prior to 1860 were customarily painted and after this date were usually left

4. Section 25 Central Business District

unpainted. Surfaces that were previously painted should remain painted and unpainted surfaces should remain unpainted.

- g. Waterproofing materials may actually change the color, appearance or damage the materials and should be used with caution and tested on a small area prior to application.
- h. Choice of Paint Colors for the Primary facades, various architectural elements, and/or details.
 - 1) Paint colors should highlight architectural details based on historic tradition for the building's type and style.
 - 2) Keep colors compatible with the building style and design.
 - 3) Loud, garish, or harsh colors and bright hues are prohibited.
 - 4) Generally no more than three colors are applied per building.
 - 5) Brick, stone or other naturally unpainted materials shall not be painted unless the material has been painted previously.
 - 6) A variety of approved paint color combinations are available for reference in the Development Services Department. The approved combinations specify paint colors for the body, trim and accent areas of the building. An exterior paint permit shall be approved prior to painting any exterior portion of any building.
 - 7) Exterior grade paints shall be used for exterior siding.

2. Demolition

- a. Demolition of an existing building should only be considered as a last resort and only if the building is structurally unsafe and determined it cannot be repaired or rendered safe upon inspection by a qualified registered structural engineer or architect.
- b. If demolition reveals the side of an adjacent building that was designed never to be exposed the wall should be painted a neutral or brick color compatible with surrounding buildings. Stucco or stucco panels should only be used if the wall is too unattractive to paint.

5. Section 33.4 Use Chart 3 Accessory and Incidental Uses

CHART - 3 CITY OF KAUFMAN, TEXAS ZONING ORDINANCE

* Must follow Sec. 33.1.B

Legend for Interpreting Schedule of Uses

	Designates use prohibited in District indicated
P	Designates use permitted in District indicated
S	Designates use requires a Specific Use Permit
TU	Designates use requires a Temporary Use Permit

ACCESSORY & INCIDENTAL USES	Definitions	AO	SF-20	SF-10	SF-8	SF-6	TH	MF-1	MF-2	MH	O	LR	R	CBD	C	LI	HC	WSC
Accessory bldg. - commercial (business or industry)	2										P	P	P	P	P	P	P	
Accessory building - residential	1	P	P	P	P	P	P	P	P	P								P
Caretaker's or guard's residence	31	P	P					P	P	P	S	S	S	S	P	P	P	
* Festivals, carnivals or special events	32										TU	TU	TU	TU	TU	TU	TU	
Garage/accessory dwelling	81	P	S															
Home occupation	90	P	P	P	P	P	P	P	P	P								
Off-street parking ►►	147	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
On-street parking (subject to no parking ordinances)	149	P	P	P	P	P	P	P	P	P				P				
Outside display of retail goods (no overnight display)	150											S	P	S	P	P	P	P
Outside sidewalk display of retail goods (with overnight display)	151													S				
Seasonal and temporary uses	198 143	TU										TU	TU		TU	TU	TU	
Seasonal and temporary uses (CBD only) ►	198													TU				
Temporary classrooms for church or school	226	TU	TU	TU	TU	TU	TU	TU	TU	TU	TU	TU	TU	TU	TU	TU	TU	
Temporary field office or construction yard or office	225	TU	TU	TU	TU	TU	TU	TU	TU	TU	TU	TU	TU	TU	TU	TU	TU	
Wedding receptions in residential districts	249	TU	TU	TU	TU	TU	TU	TU	TU	TU								

- Amended May 18, 2009 by Ordinance O-05-09
- Amended May 24, 2010 by Ordinance O-09-10

6. Section 33.4 Use Chart 6 Retail and Service Uses

CHART - 6 CITY OF KAUFMAN, TEXAS ZONING ORDINANCE

* Must
follow
Sec. 33.1.B

Legend for Interpreting Schedule of Uses

	Designates use prohibited in District indicated
P	Designates use permitted in District indicated
S	Designates use requires a Specific Use Permit
TU	Designates use requires a Temporary Use Permit

RETAIL AND SERVICE USES (See definition 93) (See definition 201)	Definitions	AO	SF-20	SF-10	SF-8	SF-6	TH	MF-1	MF-2	MH	O	LR	R	CBD	C	LI	HC	WSC
* Animal humane society	96 97														S	P		
Antiques (indoors)	11										S	P	P	P	P	P	P	P
Appliance sales and repair (no outside storage)	79												P	P	P	P	P	P
Appliance, tool or furniture rental (indoors)	79											S	P	S	P	P	P	P
Bakery or confectionary (retail) (WSC only)	17																	P
Banking, automatic teller only	19										P	P	P	P	P	P	P	P
Bldg. mat'ls, hardware/home improvement (indoor only)	27												P	P	P	P	P	
*Bldg. mat'ls, hardware/ home improve (outdoor storage)	27												S		P	P	P	
*Commercial laundry (dry cleaning plant)	41														S	P		
Consignment shop (indoors)	187										S	P	P	P	P	P	P	P
*Convenience store with gasoline sales	47											S	P		P	P	S	
Convenience store without gasoline sales	47											P	P		P	P	S	
Donut, bakery or confectionery shop	17										S	P	P	P	P	P	P	
Dry cleaners	59										S	P	P	S	P	P	P	
*Food store greater than 7,500 sf	75 188											S	P		P	P	P	
Food store less than 7,500 sf	75 188											P	P	S	P	P	P	
Funeral home or mortuary	78												S		P	P	S	
Retail stores, general merchandise (indoor only) (WSC only)	187 188																	P
* Retail stores, general merchandise or services greater than 7500 sf	73 187 188											S	P	S	P	P	P	
Retail stores, general merchandise or services less than 7,500 sf	73 187 188										S	P	P	P	P	P	P	
Greenhouse/ plant nursery w/outside display (retail)	140												S		P	P	P	
Kiosk	99										S	S	S		S	S	S	
Laundromat / washateria self-service	104											P	P		P	P	P	
Light equipment sales or rental (outdoor display)	204 232														S	P		
Mini-warehouse	130												S		P	P		

6. Section 33.4 Use Chart 6 Retail and Service Uses

CHART – 6 (continued) CITY OF KAUFMAN, TEXAS ZONING ORDINANCE

* Must
follow
Sec. 33.1.B

Legend for Interpreting Schedule of Uses

	Designates use prohibited in District indicated
P	Designates use permitted in District indicated
S	Designates use requires a Specific Use Permit
TU	Designates use requires a Temporary Use Permit

RETAIL AND SERVICE USES (See definition 93) (See definition 201)	Definitions	AO	SF-20	SF-10	SF-8	SF-6	TH	MF-1	MF-2	MH	O	LR	R	CBD	C	LI	HC	WSC
<u>Outside sidewalk display of retail goods (with overnight display)</u>	151													S				
Pawn shop	159														P	P		
Personal service use (barber/beauty shop, tailor, shoe repair, seamstress, etc.)	58 73 161										S	P	P	P	P	P		P
Pet shop and grooming	162											S	P		P	P		P
Pharmacy / drug store	187										S	P	P	P	P	S	S	P
Produce stand w/ outside display (not temporary)	172	P											S		P	P	S	
Recycling kiosk	180														P	P		
Restaurant without drive thru service	186										S	P	P	P	P	P	P	P
*Restaurant with drive thru service	185											S	P		P	P	P	S
Seasonal and temporary uses	198	TU										TU	TU		TU	TU	TU	
Studio, decorator, artist, photographer	192										P	P	P	P	P	P	P	P
Studio, music, dance or drama	85										S	P	P	P	P	P	S	P
Studio, tattoo or body piercing	216														S			
Swimming instruction as home occupation	218	S	S	S	S	S	S	S	S	S								
Used merchandise or second hand thrift store (inside)	187											S	S	S	P	P		S
Veterinarian hospital (with outside animal pens)	248	P														S		
Veterinarian office/hospital (inside animal pens only)	248	P													S	P		P
Wedding reception/private party facility	249												S	S	P	P	S	

► Amended 02-16-2016 by O-08-2015

7. Section 33.4 Use Chart 8 Commercial Uses

CHART - 8 CITY OF KAUFMAN, TEXAS ZONING ORDINANCE

* Must
follow
Sec. 33.1.B

Legend for Interpreting Schedule of Uses

	Designates use prohibited in District indicated
P	Designates use permitted in District indicated
S	Designates use requires a Specific Use Permit
TU	Designates use requires a Temporary Use Permit

COMMERCIAL USES (See definition 93)	Definitions	AO	SF-20	SF-10	SF-8	SF-6	TH	MF-1	MF-2	MH	O	LR	R	CBD	C	LI	HC	WSC
*Ambulance service	6												S		S	P	S	
Bakery or confectionary (wholesale or commercial)	18												S		P	P	S	S
Bottling works	95															S		
*Contractor shop	49														S	P	S	
*Distribution center	57 241															P	P	
*Feed and grain store	68												S		P	P		
*Food processing plant (no slaughtering of animals)	74															P		
*Heavy machinery, truck tractor, trailer repair	238																	
*Heavy machinery, truck tractor, trailer sales, lease or rental	87 234 239 242															P	S	
Kennel (indoor pens)	96	S													S	P		
Kennel (outdoor pens)	97	S														S		
Laboratory, scientific or research	196										S	S	S	S	P	P	P	
*Light manufacturing and assembly processes	106 241														S	P	P	
Manufactured or industrialized home sales	125																	
Milk depot, dairy or ice cream plant	74														S	S		
*Motel or hotel (less than 75 rooms)	132												S	S	P	P	P	
*Motel or hotel (more than 75 rooms)	132														S	P	P	
Office showroom / warehouse	146												S		P	P	P	S
*Outside storage of equipment or materials (more than 24 hrs.)	151														S	P	S	
*Paint shop	152														S	P		
Portable building sales (outdoor display)	167														S	P		
Printing or lithographic shop	48 170												S	S	S	P	P	S
*Propane sales (retail)	174												S		P	P		
Storage or wholesale warehouse	207 241														S	P	P	
Taxidermist													P		P	P		S



Planning and Zoning Commission Agenda Item: 4

Meeting Date: May 5, 2020

Consent: No

Discussion/Action: Yes

SUBJECT: Consider and take appropriate action regarding possible amendments to Chapter 118, "Zoning" of the Code of Ordinances, specifically to Section 33.4 Use Regulations, Chart 8, Commercial Uses and 33.5 Definitions relative to permitting outside storage as a specific use permit in the Central Business District (CBD).

BACKGROUND/SUMMARY:

The property at 110 E. Grove (The Mercantile) was found to be in violation of the Zoning Ordinance due to outside storage of goods in the Central Business District (CBD) along the exterior sidewalks. The Mercantile is using the display to act as advertisement they sell antiques and more retail sales. The store sub leases booth areas within the building. The booths sell clothing, clothing accessories (example purses, hats, scarves, etc.) jewelry, pictures, art, collectables, soaps, antique appliances, hardware, building materials, furniture etc. (See the attached pictures) Kellie Stalusky and Doug Haning, owners of the building and the business, came directly to speak with staff regarding the violation and questioned the steps for amending the Zoning Ordinance.

Below is the definition of outside display and outside storage and the zoning district summary chart illustrating which district it is allowed as a matter of right or through approval of a specific use permit. A specific use permit requires notice in the newspaper and to property owners within 300 feet of the public hearing dates for the Planning and Zoning Commission and City Council.

Outside display of retail goods (no overnight display) is defined as the outside temporary (not overnight) display of finished goods being sold by the same retail business that occupies the main building on the lot that are specifically intended for retail sale but not displayed outside overnight. Displays may not occupy any designated parking space or be placed in any street or alley right-of-way.

Outside Display of Retail Goods – Zoning District Summary Table							
Zoning Districts	Local Retail (LR)	Retail (R)	Commercial (C)	Highway Commercial (HC)	Central Business District (CBD)	Washington Street Corridor (WSC)	Light Industrial (LI)
Allowed As	SUP	P	P	P	SUP	P	P

SUP = Specific Use Permit P=Permitted as a matter of right

Outside storage (or open storage) is defined as the permanent and/or continuous keeping, displaying or storing, outside a building, of any goods, materials, merchandise or equipment on a lot or tract for more than 24 hours.

Outside Storage of Goods, Materials, Merchandise or Equipment – Zoning District Summary Table							
Zoning Districts	Local Retail (LR)	Retail (R)	Commercial (C)	Highway Commercial (HC)	Central Business District (CBD)	Washington Street Corridor (WSC)	Light Industrial (LI)
Allowed As			SUP	SUP			P

Blank= Not Allowed SUP= Specific Use Permit P=Allowed as a matter of right

The appearance of downtown structures, its sidewalks, available parking spaces and landscaping are important factors in attracting potential tenants and visitors. City Council recently invested \$3.1 million in the physical improvements to the downtown square. The improvements included replacing water and sewer lines, removing the existing sidewalks and constructing new and wider sidewalks, providing handicapped ramps, landscaping, period street lighting, new crosswalks, new driving patterns and lane striping and new signalization. All these improvements were to make the oldest and most historic commercial development in Kaufman viable, attractive and walker friendly, in order to draw more patrons to the center of town. Prior to the latest physical improvements, the downtown area was in a decline and drew fewer patrons. So, it is important to recognize how amending the use charts of the Zoning Ordinance, can affect the current and future downtown property owners, tenants, and patrons.

The definition of outside storage includes a wide variety of items, materials and equipment that could be continuously stored/displayed. The definition of outside display of retail goods better defines what The Mercantile is trying to advertise by the displaying their wares with the exception of the temporary term. Attached is a list of items The Mercantile is currently storing on the sidewalk around the perimeter of the building. The sidewalk width on E. Grove Street is 10.5 feet wide and on N. Madison is 7 feet wide. All the sidewalks located in the CBD are located within the right-of-way. The Mercantile building has no windows on the exterior walls. The building was originally occupied by Ford dealership with large windows, but the windows were enclosed many years ago.

Downtown Development Advisory Board Summary:

The first step taken to consider such amendments was with the Downtown Development Advisory Board (DDAB), who were apprised of the issue and the possible impacts. The DDAB is a board required by the Zoning Ordinance to consider requests for physical improvements/changes to the exterior of the buildings and to report back to the Planning and Zoning Commission. The board is made up of property owners and tenants within the central business district boundaries. The DDAB requested information on what other cities with vibrant downtowns allowed. The DDAB reviewed the findings and recommended the Zoning Ordinance be amended to requiring a specific use permit (SUP) be approved prior to allowing outside

storage in the CBD (see the attached April 13, 2020 minutes). A SUP would allow an application to be reviewed on an individual basis and allow input from surrounding property owners for the Planning and Zoning Commission and City Council to use in their deliberations.

Attached is list of items from various places in and around Kaufman that have been or could possibly be stored and/or displayed. The items highlighted in yellow were items that have been displayed at one time or another by The Mercantile since their opening. Outside storage in any of our commercial type districts is a Pandora's Box. A good definition of continuous outside display would be a must.

RECOMMENDATIONS:

Staff recommends authorizing staff to set a public hearing to amend the Zoning Ordinance to either:

1. Create a second definition of continuous outside display (not as a temporary) and amend Use Chart 8 Commercial Uses by listing outside display continuously as a specific use permit in the Central Business District; or
2. Amend Use Chart 8 Commercial Uses and list outside storage as requiring a specific use permit.

The Commission can also recommend no amendments should be made to the Zoning Ordinance.

ATTACHMENTS:

1. Current Pictures of The Mercantile
2. Possible Outside Storage and Outside Display Items
3. Downtown Development Advisory Board Minutes of April 13, 2020
4. Surveys of Other Cities Regulations of Outside Display vs. Outside Storage
5. Zoning Ordinance Use Chart 8 - Commercial Uses
6. Zoning Ordinance Use Chart 3 –Accessory and Incidental Uses

Marcy Ratcliff
Development Services
972-932-2216 ext. 117
Kaufmanplanning@kaufmantx.org

1. Current Pictures of The Mercantile



1. Current Pictures of The Mercantile



2. Possible Outside Storage and Outside Display Items

Items Displayed at The Mercantile Highlighted in Yellow

Animal & Farm Supplies	Feed, feeders, cages, chicken coop, animals, leashes, harnesses, pails, wire, hay, fencing, scales, tractor seats,
Appliances	Stove, refrigerator, freezer, dishwasher, microwave, washer, dryer, pedestals,
Automobile	Fenders, tires, oils, cleaners, gas cans, cargo carriers, campers, cleaning supplies, tarps
Baby & Kids	Stroller, changing table, walkers, wagons, toys, swings, high chairs, strollers, sand boxes, potties, car seats, booster seats,
Camping	Tent, mattress, lanterns, supplies,
Construction	Windows, doors, screen doors, sinks, toilets, post, cabinets, fences, gates, mirrors, heaters, air conditioner, mail boxes, lumber, carpet, flooring, paneling, nails, screws, bolts, lighting, hardware, ceiling fan, windows, display containers, ladder,
Electronics	TV, computer, monitors, games, phones, software packages
Furniture	Couch, chairs, bench, dresser, tables, shelves, desk, beds, bed frame, bed springs, mattress, step stools, cushions, tv stands, room divider, bar stools, file cabinets, wine racks, night stand, cabinets, magazine holder, serving cart, parts of furniture
Houseware	Pots, pans, bowls, glasses, plates, utensils, irons, ironing board, books, knick-knacks, baskets, artificial flower/plants, planters, art, stained glass, water jugs or pitchers, picture frames, fans
Material	Clothing for Men, women and/or children, bedding, towels, curtains, pillows, etc.
Medical Supplies & Devices	Walker, wheel chairs, canes, crutches, beds, poles, potties,
Miscellaneous	Spools, trash cans, crates, lids, boxes, firewood, cork or laminate boards, statues, bird baths, signs,
Musical	Drums, guitars, pianos, organs, speakers,
Outdoor Items	Tables, chairs, swings, planters, wheel burrows, dolly, watering cans, barrels, rakes, shovels, pitchforks, spades, plants, potting soil, bark
Outside Equipment	Mower, weed eater, trimmers, blowers, tillers, tools, tool boxes, handles, spreaders, grills, smokers, furniture, pipe, yard tools,
Sports	Kayak, golf clubs, bikes, trikes, scooters, treadmills, exercise equipment, basketball stands, skis, tennis or racquet ball
Currently being displayed by other businesses	Redbox, ice machines, water dispenser, soda machines, propane, rock, plastic swimming pools, bench, trash cans, fire wood,

3. Downtown Development Board Minutes of April 13,-2020



**CITY OF KAUFMAN
DOWNTOWN DEVELOPMENT ADVISORY BOARD
MONDAY, APRIL 13, 2020 — 12:00 P.M.
CITY HALL – COUNCIL CHAMBERS
209 S. WASHINGTON ST.
KAUFMAN, TEXAS 75142**

PLEDGE OF ALLIGENCE

CALL MEETING TO ORDER: Chairman Phillips called the meeting to order at 12:03 p.m. and declared a quorum was present. Board members present were Keith Philips, Brandon Diviney, Misti Maddron, and Kari Rough. Board members Glee Pugh joined the meeting at 12:06 p.m. Also present were City Manager Mike Slye, Assistant City Manager Mike Holder, and City Secretary Jessie Hanks.

CITIZENS COMMENTS / REQUEST TO SPEAK ON AGENDA ITEMS (5 MINUTES)

No comments were given.

DISCUSSION/ACTION ITEMS

1. Consider and take appropriate action on the December 3, 2019, minutes.

Board member Rough made a motion to approve the December 3, 2019, minutes. The motion was seconded by Board Member Maddron and passed 4/0.

2. Consider and take appropriate action regarding to the Code of Ordinance, Chapter 118, Zoning Ordinance, Central Business District, Section 25.F.1, prohibition of open storage (sidewalk sales/storage) in the Central Business District (Kaufman Square).

Mr. Slye reviewed the discussion from the board's pervious meeting and the information collected by staff from other municipalities. There were discussions regarding other businesses in town that store products outdoors, potentially speaking to the business owners, and how the city could work with the business to allow the open storage.

Board Member Rough made a motion to make a recommendation to the City Council to amend the zoning ordinance to allow a Special Use Permit in the Central Business District to allow this issue to be reviewed on a case by case basis. The motion was seconded by Chairman Phillips and passed 5/0.

3. Consider and take appropriate action on the creation of a Tax Abatement Program for the Central Business District (Kaufman Square)

Mr. Holder gave a presentation on the creation of a Tax Abatement Program for the Central Business District. He reviewed the purpose, the proposed program, and the specific incentives associated with the program. He outlined the process for receiving an incentive, and the payout of the incentives. Mr. Slye discussed the potential role the County may take

3. Downtown Development Board Minutes of April 13,-2020

with this program. There were discussions about the benefits of creating a Tax Incentive Program.

Board Member Diviney made a motion to make a recommendation to the City Council for approval of the proposed Tax Refund Program. The motion was seconded by Board Member Rough and passed 5/0.

ADJOURNMENT

There being no further business, Chairman Phillips adjourned the meeting at 1:15 p.m.

**KEITH PHILLIPS
CHAIRMAN**

ATTEST:

**JESSIE HANKS
CITY SECRETARY**

4. Surveys of Other Cities with Regulations of Outside Display vs. Outside Storage

CITY	OUTSIDE DISPLAY	OUTSIDE/OPEN STORAGE
Waxahachie	SUP - No overnight	SUP Screening required
Ennis	Not in street frontage building setbacks Limited to 5% of building area Over 14 days screening required 5' wide unobstructed walkway	Not allowed in the front Rear yard only screening required
McKinney	Site Plan 16 hours per day Temporary seasonal sales allowed Restaurants outside seating allowed 10% of building only Attached to a wall Screening required	Allowed in specific districts - Use Chart Not allowed in the front of main building 10% of building only Attached to a wall Screening required
Forney	Bulk Goods - 30% of open area available & 50' from public ROW or property line No overnight	Open storage is prohibited in the Central Business District Located behind the front building line and observe all setback requirements. Screening required
Rockwall	Require a permit from the city	Not allowed
Rowlett	SUP TUP permitted a total of 14 consecutive days or less, four times per calendar year 4' wide unobstructed walkway	SUP Screening required
Georgetown for limited	Site Plan – Items actively for sale Not allowed in required setback Set back at least 15 feet from the curb limited to 30% of wall	Site Plan - Items not actively for sale Not allowed in required setback set back at least 15 feet from the curb not in front yard 1,000 sf or 20% of total site Screening required
Georgetown for general	Site Plan - Items actively for sale Not allowed in required setback set back at least 15 feet from the curb limited to 1,000 sf or 10% of site limited to no more than 30% of wall	Site Plan - Items not actively for sale Not allowed in setback Set back 15 feet from the curb 1,000 sf or 20% of total site not in front yard Screening required

5. Zoning Ordinance Use Chart 3

CHART - 8 CITY OF KAUFMAN, TEXAS ZONING ORDINANCE

* Must
follow
Sec. 33.1.B

Legend for Interpreting Schedule of Uses

	Designates use prohibited in District indicated
P	Designates use permitted in District indicated
S	Designates use requires a Specific Use Permit
TU	Designates use requires a Temporary Use Permit

COMMERCIAL USES (See definition 93)	Definitions	AO	SF-20	SF-10	SF-8	SF-6	TH	MF-1	MF-2	MH	O	LR	R	CBD	C	LI	HC	WSC
*Ambulance service	6												S		S	P	S	
Bakery or confectionary (wholesale or commercial)	18												S		P	P	S	S
Bottling works	95															S		
*Contractor shop	49														S	P	S	
*Distribution center	57 241															P	P	
*Feed and grain store	68												S		P	P		
*Food processing plant (no slaughtering of animals)	74															P		
*Heavy machinery, truck tractor, trailer repair	238																	
*Heavy machinery, truck tractor, trailer sales, lease or rental	87 234 239 242															P	S	
Kennel (indoor pens)	96	S													S	P		
Kennel (outdoor pens)	97	S														S		
Laboratory, scientific or research	196										S	S	S	S	P	P	P	
*Light manufacturing and assembly processes	106 241														S	P	P	
Manufactured or industrialized home sales	125																	
Milk depot, dairy or ice cream plant	74														S	S		
*Motel or hotel (less than 75 rooms)	132												S	S	P	P	P	
*Motel or hotel (more than 75 rooms)	132														S	P	P	
Office showroom / warehouse	146												S		P	P	P	S
*Outside storage of equipment or materials (more than 24 hrs.)	151														S	P	S	
*Paint shop	152														S	P		
Portable building sales (outdoor display)	167														S	P		
Printing or lithographic shop	48 170												S	S	S	P	P	S
*Propane sales (retail)	174												S		P	P		
Storage or wholesale warehouse	207 241														S	P	P	
Taxidermist													P		P	P		S

6. Zoning Ordinance Use Chart 3

CHART - 3 CITY OF KAUFMAN, TEXAS ZONING ORDINANCE

* Must
follow
Sec. 33.1.B

	Designates use prohibited in District indicated
P	Designates use permitted in District indicated
S	Designates use requires a Specific Use Permit
TU	Designates use requires a Temporary Use Permit

ACCESSORY & INCIDENTAL USES	Definitions	AO	SF-20	SF-10	SF-8	SF-6	TH	MF-1	MF-2	MH	O	LR	R	CBD	C	LI	HC	WSC
Accessory bldg. - commercial (business or industry)	2										P	P	P	P	P	P	P	
Accessory building - residential	1	P	P	P	P	P	P	P	P	P								P
Caretaker's or guard's residence	31	P	P					P	P	P	S	S	S	S	P	P	P	
* Festivals, carnivals or special events	32										TU	TU	TU	TU	TU	TU	TU	
Garage/accessory dwelling	81	P	S															
Home occupation	90	P	P	P	P	P	P	P	P	P								
Off-street parking ►►	147	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
On-street parking (subject to no parking ordinances)	149	P	P	P	P	P	P	P	P	P				P				
Outside display of retail goods (no overnight display)	150											S	P	S	P	P	P	P
Seasonal and temporary uses	198 143	TU										TU	TU		TU	TU	TU	
Seasonal and temporary uses (CBD only) ►	198													TU				
Temporary classrooms for church or school	226	TU	TU	TU	TU	TU	TU	TU	TU	TU	TU	TU	TU	TU	TU	TU	TU	
Temporary field office or construction yard or office	225	TU	TU	TU	TU	TU	TU	TU	TU	TU	TU	TU	TU	TU	TU	TU	TU	
Wedding receptions in residential districts	249	TU	TU	TU	TU	TU	TU	TU	TU	TU								