

Code Review

Project address: 22868 FM 1097 East
A0036 SHANNON OWEN, TRACT 7, MH SERIAL # N223036A, LABEL # TEX0499062, ACRES 0.250

Project contact: Tony Jackson

Project description:

Firewood sales

Seasonal? Days and Hours of operation?

Zoning: Residential / Corridor Enhancement

Surrounded by Residential zoning

Except for the Historic, Institutional and PD district to the south across W FM 1097

Is the proposed use permitted? permitted with conditions? nonconforming? not permitted?

Sec. 98-88. – Table of permitted uses and special uses.

(b)Any use not specifically permitted in this table or in the use regulations of each district, shall require a special use permit, after approval by city council.

- The proposed use is not specifically permitted in the use table under the residential zoning district.
- The uses found to be close to similar in use regulations in a district are listed as follows:
 - Fruit and vegetable stand or store - first permitted in B
 - Garden specialty store - first permitted in B
 - Greenhouse/nursery - first permitted in B

Sec. 98-27. - Special use permits.

(a)The city council, by an affirmative four-fifths vote, may by ordinance grant a special permit for special uses in any district, for those uses listed under "CC" in the table of permitted uses in section 98-88, or which are otherwise not expressly permitted by this chapter, and may impose appropriate conditions and safeguards, including a specified period of time for the permit, to protect property and property values in the neighborhood. A special use permit may be revoked or canceled by the city council upon violation of any permit granted. Before authorization of any of such special uses, the request therefor shall be referred to the planning and zoning commission for study and report concerning the effect of the proposed use on the comprehensive plan and on the character and development of the neighborhood. A public hearing shall be held in relation thereto before the city council, and notice and publication of the time and place for which shall conform to the procedure prescribed in subsection (b) of this section.

- To be addressed by the Planning and Zoning Commission:
 - Effect of the proposed use(s) on the comprehensive plan
According to the Comprehensive Plan guiding principles, the plan is to ensure quality new development that's balanced to provide a healthy community, protect and enhance existing neighborhoods, and provide clear direction on land use decisions.
By allowing the continued commercial use of firewood sales on a residentially zoned property, we are creating a perception that a commercial use is allowed in a residential zone. The commercial use is conducted outdoors. There is no visual screening/landscaping to buffer the outdoor storage of wood piles.
This finding is not met.
 - Effect of the proposed use on the character and development of the neighborhood
Applying home occupation standards:

The use is not conducted within the principal dwelling;
The operator of the business is not a resident residing on the premises;
The outside appearance is altered;
The use possibly occupies more than 600 sq. ft;
The use occurs outside.
This finding is not met.

(b) A public hearing shall be held by the city council before adopting any proposed special use permit. Notice of such hearing shall be given by publication one time in a newspaper of general circulation in the city stating the time and place of hearing, which time shall not be earlier than 15 days from the date of publication.

Conclusion:

At this time, code enforcement staff does not recommend approval of the request for special use permit.