

Mrs. Julie Couch

City Council
Rockwall, Texas

RE DISCUSSION OF PERMITTED USE OF COMMERCIAL PROPERTY

On Monday night February 19th, 1990, at the request of Mr. P.V. George, I presented to the City Council his Statement of Position regarding the Leasing of light trucks and trailers at 811 Yellow Jacket Lane, which is Zoned Commercial.

I was not aware that the City's attorney was present and I apologize for not furnishing him a copy of the paper prior to presentation.

The Position Statement is the result of a citation issued by the City claiming violation of Zoning Ordinance 83-23 Art II, section 2.12(D)2. It is the City's position that Mr. George is storing material outside, id est, "The Outside Storage of U-HAULS are (is) not allowed"

After the presentation Mrs. Julie Couch, when ask if she concurred with those statements which indicated the City and Mr. George were in agreement, requested time to study the statements.

Mrs. Couch and I met in her office Wednesday February 21, 1990 at 9:30 A.M. Several subjects were discussed where there may be opposing opinions. They are:

- 1). Trailers may have to be hooked to tow vehicles. (It is the responsibility of the leasor to determine the suitability of towing vehicle if a supplemental hitch is required. They may assist or attach the hitch. An analogy is the placing in or on a vehicle material from an outside display.)
- 2). The trucks are parked off-street, but it is contention of the City that Ownership and end use are the determining factors regarding possible violation. (All trucks are for hauling, and neither the City or Mr. George can control how the trucks are used after leaving the property. Ownership is not under the jurisdiction of either Mr. George or the City.)

- 3). Mrs. Couch indicated a concern that there may not be enough parking spaces. (The plans, approved by the City, include more than the requirements of one space for every 200 sq.ft. of retail space and one space for every 300 sq.ft. of Office space.)

In Texas, the Courts of Record are a combination of both law and equity. One of the requirements in equity hearings is that the party exhaust all avenues of relief available. The Statement of Position gives the City Council which has final responsibility for the actions of subordinate employees, an opportunity to review their actions.

On August 10, 1989 after several discussions with City Personnel, Mr. George filed for a Special Exception/Variance (\$50.00 Fee), which was rejected.

On October 10, 1989 Mr. George was ruled to be in violation in Municipal Court. Mr. George, when informed that his only avenue of relief through the City was to request a change in zoning from commercial to heavy commercial, did so on October 10, 1989. (Filing fee \$101.00).

The P & Z Committee rejected the request for a change in Zoning, which was appealed to the City Council for action February 19, 1990.

Concurrently, the P & Z Committee, possibly due to data presented during the hearing, made recommendations for change in the zoning ordinance. This was rejected by the City Council.

Upon advice from Council, Mr. George and/or Mr. Mitchell wish to withdraw their request for a rehearing of the P & Z recommendations. Thus, when a final ruling is issued, Mr. George will be free to take action in District Court.

Mr. George does not question the action of the City Council in rejecting the request for a zoning change or the recommendations of the P & Z Committee. There are only two leasing companies that are actively covering small sized areas and this condition should remain for many years. Rejection on this basis appears to be an appropriate action.

The validity of the ordinance is not presently in dispute; the interpretation is. Mr. George contends that he is not violating the ordinance. The City claims that although off-street parking is specifically excluded in the ordinance, that the ultimate use of the trucks and the ownership of the equipment is the controlling factor.

Some of you may not be familiar with "Blacks Law Dictionary". It is the instrument whereby the legal definition of terms mean the same in all States, unless changed by legislation. The term "storage" has not been changed and is in effect in Texas.

Store, v. To keep merchandise for safe custody, to be delivered in the same condition as when received, where the safe-keeping is the principal object of deposit, and not the consumption or sale.

It should be noted that length of time and quantity of material are not factors in determining when "storage" occurs.

The pertinent legal conditions which must be present to constitute storing are:

- 1). A contract for safe custody, written, orally or implied, must be present.
- 2). A consideration for the safe-keeping must be present, otherwise there is no contract.
- 3). Safe-keeping must be the PRINCIPAL object of the deposit.
- 4). The material is not intended for consumption or sale.
- 5). The material is returned to the depositor in the same condition as received.

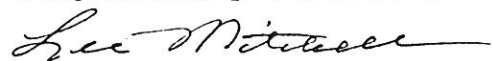
The City attorney's off-the-cuff opinion of display possibly being confined to a few items is contrary to court decisions that permit such stores as K Mart and WalMart to display tons of material outside.

As owner of the property, I have legal responsibilities to Mr. George's use of the property. This is complicated by his difficulty in expressing his position and the difficulty some people have in understanding him as he is a native of India. It is for this reason I have agreed to present his position for him.

I have attempted to furnish you the reasons why Mr. George and several attorneys are of the opinion that they can obtain a summary judgment in District Court. You should rely on your attorneys input taking into consideration any possible effects of an adverse decision.

Upon the rejection of the request for a zoning change, all items of record will have been disposed, and since Mr. George has indicated that he plans to appeal to a Court of Record you may discuss it in Executive Session. There you may decide that the use is permitted, invoke the "Rule of Reason" declaring that trucks and trailers serve the same purpose and are a permitted use under section (E), or compromise with Mr. George to permit parking in the rear for most of the vehicles.

Respectfully submitted



Lee Mitchell

February 24, 1990

Members of City Council
City Of Rockwall
Rockwall, Tx.

In the meeting of February 19th during the questioning period Mr. George indicated that I had talked with City personnel regarding U-HAUL trucks at 811 Yellow Jacket Lane. When ask, I replied that I had talked with Mr. Ed Heath.

The local newspaper reported that I said that Mr. Heath approved the use.

It was a unilateral decision of Mr. George to lease trucks. I was informed as a matter of information.

I did have a conversation with Mr. Heath. We did discussed if Mr. George might have a problem with the City. He did state that Mr. George should check with the City if he wished confirmation. In no way did Ed Heath give or indicate permission of this use, nor did the conversation have any bearing on the actions that Mr. George had already taken.


Lee Mitchell

M E M O

TO: Mayor Frank Miller
Members of the City Council
City Manager Bill Eisen
Assistant City Manager Julie Couch

FROM: City Attorney *PE*

RE: True Value - Mitchell

This memo is in response to the discussion at the council meeting of February 19 regarding the rental of U-Haul trailers at the True Value Hardware Store. Mr. Mitchell has given Julie Couch a further position statement on the matter and I have reviewed Mr. Mitchell's statement in reviewing this matter. Basically, this memo will address the points raised by Mr. Mitchell.

Mr. Mitchell contends that the trailers and trucks do not constitute storage and that the rental of such trailers/trucks is permitted under the current zoning classification - (C) commercial.

Under the permitted uses in the (C) commercial district Item No. 22 states as follows: "an accessory use customarily related to a principal use authorized in this district." Under the required conditions section Item 2 states as follows: "all business operations including storage shall be conducted within a completely enclosed building unless specifically authorized for the use as listed (except for off street parking and loading, and incidental display of retail items for sale) excluding retail outlets where gasoline products are sold and drive-in business." Under prohibited uses Item 3 states as follows: "The storage, sale, lease or rental of more than one (1) boat, or more than five (5) hauling trailers is prohibited."

All of the above references to the zoning ordinance are clear and unambiguous. The term "storage" is defined in the definition section of the ordinance and no other reference or interpretation of the terms is necessary. Under applicable Texas law, once a defined term is clear, parole evidence is not available to determine its meaning. Stated another way, it is not necessary to go beyond the meaning given the term in the ordinance.

The commercial district is geared toward business operations conducted within an enclosed building without parts of the particular business being conducted outside. The intent of the ordinance is that businesses with large scale outside

activities must be conducted within a heavier or more intense zoning classification. The ordinance recognizes certain minor exceptions such as the allowance for five trailers and incidental display. Mr. Mitchell's tenant desires to keep more than 5 trailers for business purposes, which clearly is not allowed.

Incidental displays would encompass retail items for sale that are displayed on the premises usually next to the entrance or in close proximity to the building. Such items are usually and customarily brought inside after business hours. Examples would be lawnmowers and other yard equipment, plants, and fertilizer bags. Such incidental display does not include a steady rotation of trailers or trucks for rental purposes.

With respect to the accessory use provision mentioned above I would suggest to the council to reflect on whether the rental of trucks or trailers is customary and usually as an item of business for a hardware store. Invoking the accessory use provision would depend on the circumstances of each case, but I would submit to the council that the rental of trucks or trailers kept outside on the premises is too heavy or intense a use to be considered an accessory use to a normal retail hardware store. One could say the same thing about either Skaggs or Brookshires desiring to rent U-Haul Trailers. Keep in mind that the application of any provision of the zoning ordinance is concerned with land use and whether such use is appropriate under the circumstances then existing.

Conclusion

Based on the above, I am of the opinion that the rental of more than five (5) trailers is not allowed in the (C) commercial district. The Council has studied other alternatives such as a change in zoning to heavy commercial or to expand the commercial district so as to allow such uses of this type by the issuance of a CUP. The council has determined that the heavier zoning classification would not be appropriate but expansion of the commercial district may still be a viable alternative if there is some council interest to pursue the matter further. I will be available for any questions the council may have.

MEMORANDUM

March 5, 1990

TO: Mayor and Members of the City Council

FROM: Julie Couch, Assistant City Manager

RE: Rental Trucks and Trailers within the Commercial District

In discussing this matter further today with our City Attorney he indicated another administrative remedy that the applicants may have available to them if the Council denies their request to consider amending the Commercial classification to allow such a use with a Conditional Use Permit. Under state law and our zoning ordinance the Board of Adjustments has the authority to interpret enforcement of the zoning ordinance if an owner or applicant believes a decision of the Zoning Administrator to be in error. It is our attorney's opinion that such authority would extend to determining the correctness of a land use interpretation within a zoning district. If the applicant does believe that the zoning ordinance has been incorrectly interpreted by the Zoning Administrator in regard to whether or not such a use is allowed under the provisions of the Commercial District they may appeal that decision to the Board. Our attorney will be prepared to discuss this matter if the Council has any questions.

CITY OF ROCKWALL
Planning and Zoning Agenda

Agenda Date: December 14, 1989

Agenda No: IV. B.

Agenda Item: Discuss Amending the "C" Commercial District for Renting and Leasing of Trucks and Trailers and Take Any Necessary Action

Item Generated By: Commission

Action Needed: Discuss and take any action deemed necessary

Background Information:

At the last meeting the Commission indicated that you wished to review amending the Commercial District to allow the renting of trucks and trailers on a conditional basis. As the Commission is aware the only district that the renting and storage of trucks and trailers is allowed is Heavy Commercial. The True Value hardware store on Yellowjacket wishes to be allowed to rent and store trucks and trailers as an accessory use to the hardware store. If the Commission wishes to make this change you might consider the following possible requirements:

1. That such a use be required to obtain a CUP under commercial
2. That such a use be allowed only as an accessory use, not as a primary use
3. That the area in which the trailers are stored have either an all weather surface or be paved
4. That the area in which the trailers and trucks are stored be screened on all sides with a 6 foot opaque fence
5. That the area for storage not be located in any required front or side setback
6. That a site plan shall be submitted and approved as a part of any request for such a use
7. That display of trailers or trucks outside the storage area shall only be allowed as approved by the Commission and Council and shall be limited to no more than 2 trucks or trailers.

These requirements could be the minimum requirements that must be met for any such application. As a part of the review of the specific CUP request additional requirements could be established.

Attachments:

Agenda Item: U-Hauls and Trailers CUP Discussion

Item No: IV. B.

**CITY OF ROCKWALL
City Council Agenda**

Agenda Date: December 4, 1989

Agenda No: V. I.

Agenda Item: Hold Public Hearing and Consider Amending the Comprehensive Zoning Ordinance Regarding the Establishment of Time Periods for Approval of Site Plans and Consider Approval of an Amendment to the Landscaping Regulations Regarding Time Periods for Approval of Landscaping Plans

Item Generated By: Planning and Zoning Commission

Action Needed: Hold public hearing for the proposed change to the zoning ordinance and consider approval of the ordinance amending the zoning ordinance and the landscaping ordinance

Background Information:

Several months ago the Council considered a recommendation from the Planning and Zoning Commission that certain amendments be made to the zoning ordinance and the landscaping ordinance to establish time periods for approval of plans approved under those ordinances. The Council reviewed the proposed wording prepared by the Commission and instructed staff draft the appropriate ordinances and to initiate hearings to adopt the changes. The Commission has held their hearings and has recommended that the attached ordinances be adopted.

To review the changes, the proposed ordinances will generally establish a time period of three years for completion of site plans approved under the zoning ordinance, development plans if approved under a PD, or landscape plans approved under the landscaping ordinance. There are provisions for the approval of phased development and provisions for requesting an extension. The ordinances also provide that all existing plans not completed within three years of adoption of this ordinance will expire. Upon approval of these ordinances property owners affected by these changes will be notified of the time periods that must be complied with.

Attachments:

1. Proposed zoning and landscaping ordinance amendments

Agenda Item: Site Plan Time Period Ordinances

Item No: V. I.

**CITY OF ROCKWALL
City Council Agenda**

Agenda Date: January 3, 1990

Agenda No: V. D.

Agenda Item: Discuss and Consider Initiating Hearings to Amend the Zoning Ordinance Regarding Rental of U-Hauls in a Commercial District

Item Generated By: Planning and Zoning Commission

Action Needed: Discuss and take any action deemed necessary

Background Information:

In November of this year the Commission received a request from the tenant of the True Value Hardware store, with concurrence from the property owner, Lee Mitchell, to rezone his property from Commercial to Heavy Commercial. The reason for the request was to permit the current operator of the hardware store to lease U-Haul trucks and trailers from that location. He has been conducting this operation for some time and has already received one citation for violating the zoning ordinance. We had agreed to not issue another citation while he had an application for zoning to correct his problem pending. He has indicated that he needs to generate additional income to stay in operation.

At the public hearing regarding the zone change the Commission voted to deny the application to rezone the property but indicated that they wanted to consider amending the Commercial district to allow such a use on a limited basis. The only district that the renting and storage of trucks and trailers is allowed is Heavy Commercial. The True Value hardware store on Yellowjacket wishes to be allowed to rent and store trucks and trailers as an accessory use to the hardware store. The Commission has considered this issue and has recommended that the Council consider amending the Commercial district to allow this use with a CUP. They have recommended that the following minimum requirements be considered in such a CUP:

1. That such a use be required to obtain a CUP under Commercial
2. That such a use be allowed only as an accessory use, not as a primary use
3. That the area in which the trailers are stored have either an all weather surface or be paved
4. That the area in which the trailers and trucks are stored be screened on all sides with a 6 foot opaque fence
5. That the area for storage not be located in any required front or side setback
6. That a site plan shall be submitted and approved as a part of any request for such a use
7. That display of trailers or trucks outside the storage area shall only be allowed as approved by the Commission and Council and shall be limited to no more than 2 trucks or trailers.
8. That use appropriateness be considered as a part of the request

These requirements could be the minimum requirements that must be met for any such application. As a part of the review of the specific CUP request additional requirements could be established. If the Council does direct that hearings be considered these conditions would be discussed during the hearings and additional requirements could be considered.

Attachments:

Agenda Item: U-Hauls and Trailers CUP Discussion

Item No: V. D.

**CITY OF ROCKWALL
City Council Agenda**

Agenda Date: January 15, 1990

Agenda No: V. F.

Agenda Item: Discuss and Consider Initiating Hearings to Amend the Zoning Ordinance Regarding Rental of U-Hauls in a Commercial District

Item Generated By: Planning and Zoning Commission

Action Needed: Discuss and take any action deemed necessary

Background Information:

In November of this year the Commission received a request from the tenant of the True Value Hardware store, with concurrence from the property owner, Lee Mitchell, to rezone his property from Commercial to Heavy Commercial. The reason for the request was to permit the current operator of the hardware store to lease U-Haul trucks and trailers from that location. He has been conducting this operation for some time and has already received one citation for violating the zoning ordinance. We had agreed to not issue another citation while he had an application for zoning to correct his problem pending. He has indicated that he needs to generate additional income to stay in operation.

At the public hearing regarding the zone change the Commission voted to deny the application to rezone the property but indicated that they wanted to consider amending the Commercial district to allow such a use on a limited basis. The only district that the renting and storage of trucks and trailers is allowed is Heavy Commercial. The True Value hardware store on Yellowjacket wishes to be allowed to rent and store trucks and trailers as an accessory use to the hardware store. The Commission has considered this issue and has recommended that the Council consider amending the Commercial district to allow this use with a CUP. They have recommended that the following minimum requirements be considered in such a CUP:

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4. That the area in which the trailers and trucks are stored be screened on all sides with a 6 foot opaque fence
5. That the area for storage not be located in any required front or side setback
6. That a site plan shall be submitted and approved as a part of any request for such a use
7. That display of trailers or trucks outside the storage area shall only be allowed as approved by the Commission and Council and shall be limited to no more than 2 trucks or trailers.
8. That use appropriateness be considered as a part of the request

These requirements could be the minimum requirements that must be met for any such application. As a part of the review of the specific CUP request additional requirements could be established. If the Council does direct that hearings be considered these conditions would be discussed during the hearings and additional requirements could be considered.

Attachments:

Agenda Item: U-Hauls and Trailers CUP Discussion

Item No: V. F.

**CITY OF ROCKWALL
City Council Agenda**

Agenda Date: **February 19, 1990**

Agenda No: V. c.

Agenda Item: Appointment with Lee Mitchell to Request Initiation of Public Hearings to Amend the Zoning Ordinance Regarding Rental of Trucks and Trailers in Commercial Zoning and Take Any Necessary Action

Item Generated By: Lee Mitchell

Action Needed: Hear the request and take any necessary action.

Background Information:

Mr. Mitchell is aware that the Council declined to initiate hearings regarding the proposed changes to the Commercial classification as recommended by the Commission. He would like to submit his request that the Council reconsider amending the district. Attached are copies of the agenda notes from that meeting.

Attachments:

1. Previous Agenda Notes

Agenda Item: Mitchell Request for Trailers

Item No: V. c.

**CITY OF ROCKWALL
City Council Agenda**

Agenda Date: March 5, 1990

Agenda No: VII. A.

Agenda Item: Discuss and Consider Initiating Hearings Regarding an Amendment to the Comprehensive Zoning Ordinance as it Pertains to Rental of Trucks and Trailers in the Commercial District

Item Generated By: Lee Mitchell and P.V. George

Action Needed: Take any necessary action after discussion of item.

Background Information:

At the last meeting the Council tabled this item in order to give our attorney an opportunity to review the statements of Mr. Mitchell regarding the storage of trailers on his property. Mr. Eckert has prepared an opinion regarding this matter and a copy is attached for your review. Attached also is another letter from Mr. Mitchell elaborating on his discussion from the last meeting. His letter indicates that neither he nor Mr. George wish to pursue the possibility of amending the Commercial District to allow this use. They apparently plan to appeal the issue to District Court. We have attached a copy of the proposed conditions if the Council wishes to pursue this matter.

Attachments:

1. Letter from Mr. Mitchell
2. Proposed Conditions

Agenda Item: Truck and Trailer Rental Request

Item No: VII. A.

**CITY OF ROCKWALL
City Council Agenda**

Agenda Date: May 21, 1990

Agenda No: VII. C.

Agenda Item: Discuss and Consider Initiating Hearings Regarding Certain Amendments to the Comprehensive Zoning Ordinance

Item Generated By: Staff

Action Needed: Consider recommending initiation of hearings.

Background Information:

The City Council has already requested initiation of hearings to amend the incidental display requirements in the Zoning Ordinance as they were reviewed in conjunction with the Highway Commercial District. In reviewing the changes that need to be made to the ordinance to adopt this change, we also need to make some revisions to the General Retail and Commercial Districts in regard to the storage of trailers or boats. During our discussion of the incidental display requirements it was noted that the current ordinance allows the storage of no more than 4 trailers or 1 boat in the General Retail and Commercial districts. We have discussed deleting this provision from all districts where such storage is not a permitted use. In order to accomplish this we not only need to adopt the provisions as outlined in the incidental display provisions, we need to amend the GR and C districts to remove this authorization.

I have attached the Incidental Display requirements as they have been recommended by the Commission. There were several items that were discussed at the worksession regarding incidental display and the following is a discussion of the Commission's review.

1. In the original draft of the ordinance we proposed a storage area for tires not to exceed 100 square feet. In reviewing this we feel the area should be somewhat larger if they are going to be allowed to have the storage. The current area is less area than a standard parking space. The Commission has recommended that this be increased to 400 square feet, which is the equivalent of 2 parking spaces.
2. There was some discussion at the Council meeting regarding the ability to display other landscape materials besides just plant materials in the parking lot. The current draft would only allow those items to be displayed adjacent to the building. As the Commission is aware, Walmart currently stores all types of landscape materials in their parking lot seasonally. The Commission has recommended that we allow other landscape materials to be displayed as well.

The Commission has recommended that the General Retail and Commercial districts be amended in conjunction with the adoption of the Incidental Display requirements that are attached. In addition to the above change we would like to amend the landscaping provisions found in the zoning ordinance. We currently have both the landscaping ordinance and landscaping provisions within the Zoning Ordinance that address landscaping requirements for the City. The provisions in the Zoning Ordinance are less restrictive than the landscaping ordinance and it can be confusing for a builder or developer to know exactly what requirements must be met. I would recommend that the landscaping section of all of the non-residential districts be amended to state that the landscaping requirements which must be met are those in the City's currently approved landscaping ordinance.

Attachments:

1. Incidental Display Requirements

DRAFT REQUIREMENTS
INCIDENTAL DISPLAY

Amend Article VIII of the Comprehensive Zoning Ordinance as follows:

SECTION 8.5 INCIDENTAL DISPLAY REQUIREMENTS

A. General:

The outside storage, display, or sale of goods, products, inventory, or equipment is not permitted in the "O", "NS", "GR", "C", "CBD", "Hwy C" and "LI" Districts except as set forth herein or as specifically authorized in each District.

1. Outside storage, display, or sale of goods, products, inventory, or equipment shall be permitted only on the sidewalk adjacent to the building, provided such goods, products, inventory, or equipment shall not extend more than five (5) feet from the building and shall not be more than five (5) feet in height, and provided further, that there shall be at least five (5) feet in width of unobstructed sidewalk remaining.
2. The restrictions in Section 1. shall not be construed to prohibit the following, providing the sidewalk clearances are met:
 - a. The above prohibition shall not apply to storage and display of Christmas trees for a period not to exceed sixty days prior to Christmas Day each year.
 - b. The above prohibition shall not be construed to apply to merchandise dispensing units placed adjacent to a building limited to not more than three (3) for any one business establishment.
 - c. The above prohibition shall not be construed to prohibit the storage and display of merchandise normally placed on gasoline pump islands, when placed on such islands.
 - d. The above prohibition shall not be construed to prohibit storage, display, and sale of newspapers in newspaper racks or the outside display of merchandise by a retail landscape nursery.
 - e. The above prohibition shall not be construed to prohibit "sidewalk sales" for periods not exceeding five (5) days in each month. All sidewalk sales require a permit from the Building Inspector.

- f. The above prohibition shall not apply to the storage of tires for establishments involved in the selling and mounting of automotive tires. Storage of tires for such facilities, if not located within a totally enclosed building, shall be located in a screened area not exceeding six (6) feet in height and not exceeding an area of four hundred (400) square feet. Such storage area shall have an allweather surface and shall not be located in any required parking space. Such screen shall be solid and shall be constructed of masonry comparable to the exterior material of the main structure. Such screen shall be constructed of brick if the main structure does not have a masonry exterior, as defined herein. The tires shall not exceed the height of the screen.
 3. The accessory seasonal display of plants and related landscape materials such as fertilizer, peat moss, and ornamental landscape items by a permitted retail use may be displayed upon approval by the Building Inspector only under the following conditions:
 - a. The plants and related materials shall be located on an all weather surface.
 - b. All of the plants and related materials shall be located behind the building line.
 - c. The storage area for display of plants and related materials shall not occupy any required parking spaces as outlined in Section 5.9 herein. Excess parking spaces may be used if all other requirements in this section are met.
 - d. The storage area for display of plants shall not occupy more than 5% of the total lot area.
 4. The restrictions in Section 1. shall be construed to prohibit the storage and display of rental trailers and trucks except in districts where such uses are indicated as permitted uses.
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CITY OF ROCKWALL
City Council Agenda

Agenda Date: July 2, 1990

Agenda No: V. C.

Agenda Item: Hold Public Hearing and Consider Approval of Certain Changes to the Comprehensive Zoning Ordinance Regarding Incidental Display, Storage, Sale or Lease of Boats and Trailers, and Landscaping Requirements for Non-Residential Development (1st Reading)

Item Generated By: Staff

Action Needed: Discuss and take any necessary action.

Background Information:

We are now ready to hold the public hearing on the changes to the incidental display requirements that were discussed as a part of the Highway Commercial District development as well as making the changes to the Commercial and General Retail requirements and the landscaping provisions as outlined in the May 21 packet. A copy of those notes are attached. The changes that need to be considered are as follows:

1. Add the incidental display requirements to the Zoning Ordinance. A copy of the requirements are attached.
2. Delete the Sections in the General Retail and Commercial Districts that allow the outside storage, lease or sale of trailers or boats. A copy of the wording to be deleted is attached.
3. Amend the nonresidential districts to change the area requirement that addresses landscaping to state that development shall meet the City's current landscaping requirements and delete any specific landscaping requirements in the Zoning Ordinance.

If the Council approves the changes we will prepare an ordinance that adopts these provisions for consideration at the next meeting.

Attachments:

1. May 21 Notes
2. Incidental Display Requirements
3. Current Trailer and Boat Requirements

Agenda Item: Incidental Display Hearing

Item No: V. C.