PLANNING AND ZONING COMMISSION
MEETING MINUTES OF JUNE 11, 2009

APPROVED

STATE OF TEXAS §

COUNTY OF TARRANT §

CITY OF BEDFORD §

The Planning and Zoning Commission of the City of Bedford, Texas, met in work session at 6:00 p.m. and regular session at 7:00 p.m. in the Council Chamber of City Hall, 2000 Forest Ridge Drive on the 11th day of June 2009, with the following members present:

Jim Davisson	**Acting Chairperson**
Karen Kavanagh	**Members**
Tom Stroope	
Mickey Hall (Alternate)	
Kenneth East	

Constituting a quorum.

Commissioners Hirrlinger, Reese, Carlson and Chairperson Lambert were absent from tonight's meeting.

Staff present included:

Bill Syblon	**Development Director**
Dan Boutwell	**Planning Consultant**
Yolanda Diaz	**Planning and Zoning Secretary**

WORK SESSION

Acting Chairperson Davisson called the work session to order at 6:00 p.m. Acting Chairperson Davisson asked the Commission if anyone had an interest or owned property within 200' of any of the items on the agenda. No one had an interest or owned property within 200' of any of the items on the agenda.

The Commission and staff reviewed and discussed items on the regular agenda.

Bill Syblon gave an economic development update on current and proposed commercial developments in the City of Bedford.

Meeting Minutes. The meeting minutes of May 28, 2009 were reviewed and there was a correction made to the minutes.

Zoning Case Z-192: Heavy Commercial/Specific Use Permit/Secondhand, Rummage and Used Furniture Sales and Moving, Transfer and Storage Companies.

Applicant: John Gipson (Big City Thrift)

Description: This request is the continuance of Zoning Case Z-190, which was withdrawn by the applicant to amend the request to include a moving business as an additional use. The applicant proposes to establish and operate a combination resale store and moving business in a lease space located in the Harwood Village Shopping Center. In order to offer the sales of used merchandise, a specific use permit is required; it is also required to obtain an SUP to operate a moving business. Both of these SUPs can be obtained from a single application. The applicant does not propose to add to the overall footprint of the structures on the lot and, with the exception of the moving vehicles, will contain their operation totally within the limits of the lease space. As such, the parking, landscaping and area requirements will not be affected; and the provisions of the originally approved site plan for the shopping center will be applicable.

Zoning Ordinance Amendment: Section 5.2A General Provisions, Subsection (10) (Carports)

Recently, the City adopted amendments to the carport regulations controlling canvas type material to be used to protect vehicles from sun and weather elements. This was primarily related to vehicles located within the single

family districts of the municipality. Recently several requests have been made of residents that related to the type of material on the carport. Staff has indicated that the material must be comparable to that on the main structure.

The only recourse of the applicant is to go to the Zoning Board of Adjustment for a variance. Recently the ZBA has received requests for a variance from the building materials and have recognized the merit in these requests. Because of the nature of the requirements of state statutes to demonstrate a hardship, according to the definition defined by the courts, the applicants cannot justify a variance—even though there is merit in their request. However, they could be granted relief in the material requirement, upon demonstrating merit, if our ordinance permitted relief by Special Exception. Currently our ordinance does not provide relief for building materials by Special Exception. Staff is requesting the Planning and Zoning Commission and the City Council consider amending the carport requirements to permit relief, by means of a Special Exception, from the building material in situations where the applicant can demonstrate merit.

<u>Zoning Ordinance Amendment</u>: Section 6.1E Certificates of Occupancy

The City recently had a case before the Zoning Board of Adjustment (ZBA) that required an interpretation of the nature of a Certificate of Occupancy (CO). As practiced in the past, and as practiced by many of our sister municipalities, the staff has always determined that a change of occupancy in a business requires a new CO with each change in owner or change in lease. The particulars of the recent case before the ZBA caused the Board to find that our ordinance does not clearly support that interpretation and the staff's interpretation was struck down.

It is clear that the section of our zoning ordinance dealing with Certificate of Occupancy needs to be clarified. We have researched how the Cities of Colleyville, Euless, Hurst, Grapevine, and North Richland Hills address the CO regulations in their respective zoning ordinances. At least three of the five clearly supports the interpretation of our building officials and addresses this issue. As a result we are proposing amending Section 6.1.E-Certificate of Occupancy to clearly address the nature of a CO as it pertains to lease space and changes of ownership. These amendments are provided as follows:

<u>Zoning Ordinance Amendment</u>: Section 1.2 Definitions; and Section 5.10 Temporary Uses and Special Events

The City is evaluating the Special Event policy as established by the zoning ordinance. Background for this evaluation is focused on an instance where a resident was required by the police department to cease an event due to the negative impact and general disruption of the peace caused to the neighborhood. The resident contends that code enforcement personnel indicated prior to the event that a permit was not necessary and the resident could precede with the event.

Our examination of the zoning ordinance concludes that the code enforcement personnel advised the resident properly. Although not specifically stated, the intent of our Special Event permit process is for gathering of persons for public assemblies not private parties (Sec. 5.10.C). Special Events are usually conducted by religious institutions, educational institutions, charitable organizations, and commercial businesses. They include events such as bazaars, auctions, revivals, play days, concerts, and rallies, to mention just a few. This interpretation is supported by the fact that the locations of Special Events are limited to non-residential districts and to only governmental entities and the ISD in residentially zoned districts [Sec. 5.10.E(1)].

Events held by citizens in their residences are not required to obtain a Special Event permit. In fact it would be very difficult to administer and enforce any requirement for special events for private parties, which could include swim parties, graduation parties, anniversary parties, birthday parties, sports parties, homecomings, wedding receptions, and even the gathering of family and friends in the home after a funeral service, among many other possibilities. We feel it would be beyond the scope of the zoning ordinance to regulate these private parties.

In summary, we believe the interpretation of the code enforcement personnel is accurate. A Special Event permit is not required for a private party. In any case, residents are required to comply with the nuisance ordinances of the City. With or without permission to hold a Special Event, citizens are not permitted to violate our ordinances.

<u>REGULAR SESSION</u>

PLANNING AND ZONING COMMISSION
MEETING MINUTES OF JUNE 11, 2009

APPROVED

The Planning and Zoning Commission reconvened in the Council Chamber at 7:00 p.m., and the regular session began.

CALL TO ORDER

INVOCATION

Commissioner Stroope gave tonight's invocation.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was given.

APPROVAL OF MINUTES

1. Consider approval of the Planning and Zoning Commission minutes of May 14, 2009 regular meeting.

Motion: Commissioner Kavanagh a motion to approve the meeting minutes of May 28, 2009,with a noted correction.

Commissioner East seconded the motion and the vote was as follows:

Motion approved 4-0-1 Acting Chairperson Davisson declared the motion approved.

PUBLIC HEARING

1. **Zoning Case Z-192, public hearing and consider request of John Gipson to rezone a portion of property known as Lot 2A1, Harwood Village Shopping Center Addition, Ste. O from Heavy Commercial to Heavy Commercial/Specific Use Permit/ Secondhand, Rummage and Use Furniture Stores. The property is generally located south of Harwood Road and west of Brown Trail.**

Acting Chairperson Davisson recognized Consultant City Planner Dan Boutwell who reviewed Zoning Case Z-192. Mr. Boutwell stated this application was the continuance of Zoning Case Z-190, which was withdrawn by the applicant to amend the request to include a moving business as an additional use.

Mr. Boutwell stated the applicant proposes to establish and operate a combination of a resale store and a moving business in a lease space located in the Harwood Village Shopping Center. In order to offer the sales of used merchandise and operate a moving company, a specific use permit is required. Both of these specific use permits can be obtained from a single application.

The applicant does not propose to add to the overall footprint of the structures on the lot and, with the exception of the moving vehicles, will contain their operation totally within the limits of the lease space. As such, the parking, landscaping and area requirements will not be affected; and the provisions of the originally approved site plan for the shopping center will be applicable.

Acting Chairperson Davisson stated the applicant was not present to represent this application.
The Commission requested to table this application because the applicant was not present.

The Commission discussed this application and recommended the following:

- **limit truck size to perhaps 30'**
- **limit the number of trucks allowed to be parked at the shopping center parking lot to perhaps three trucks.**
- **restrict the truck parking to be 100' from property line;**
- **prohibit outdoor display.**

Acting Chairperson Davisson opened the public hearing; and there being no one to speak about this application left the public hearing open until the June 25, 2009 meeting.

Motion: Commissioner East made a motion to table Zoning Case Z-192 to the June 25, 2009 meeting.

Commissioner Hall seconded the motion.

Motion approved 5-0-0. Acting Chairperson Davisson declared the motion approved.

2. **A public hearing and consider amending the City of Bedford Zoning Ordinance, Section 5.2A General Provisions, subsection (10). (Carports)**

Vice Chairperson Davisson recognized Consultant City Planner, Dan Boutwell who reviewed Zoning Ordinance Amendment, Section 5.2A General Provisions, subsection (10). (Carports). Mr. Boutwell stated recently, the City adopted amendments to the carport regulations controlling canvas type material to be used to protect vehicles from sun and weather elements. This was primarily related to vehicles located within the single family districts of the municipality. Recently, several requests have been made of residents that related to the type of material on the carport. Staff has indicated the material must be comparable to that on the main structure.

The only recourse of the applicant is to go to the Zoning Board of Adjustment for a variance. Recently the ZBA received requests for a variance from the building materials and have recognized the merit in this request. Because of the nature of the requirements of state statutes to demonstrate a hardship, according to the definition defined by the courts, the applicants cannot justify a variance—even though there is merit in their request. However, they could be granted relief in the material requirement, upon demonstrating merit, if our ordinance permitted relief by Special Exception. Currently our ordinance does not provide relief for building materials by Special Exception.

Staff is requesting the Planning and Zoning Commission and the City Council consider amending the carport requirements to permit relief by means of a Special Exception, from the building material in situations where the applicant can demonstrate merit.

Section 5.2.A – General Provisions of Section 5.2 – Parking and Loading Regulations should be amended as follows:

(10) Carports shall be permitted in the R-15,000, R-9,000, R-7,500, R-6,500 single family and MD-1, MD-2, MD-3 moderate density residential ~~**zoning districts**~~, MF and M districts in accordance with the following conditions:

a. No carport may be located in the required front yard or required side yard adjacent to a street.
b. Material and design of carports, other than portable canvas carports located behind a screening barrier, must be comparable to that material located on the main structure. **Relief from the material requirements may be granted by the Zoning Board of Adjustment by by means of a Special Exception upon demonstrating merit of the request.**
c. Carports shall be permitted in the MF and M districts in accordance with the provisions indicated on an approved site plan or concept plan.

The Commission discussed the ordinance amendment.

Acting Chairperson Davisson opened the public hearing and there being no one to speak, closed the public hearing.

Motion: Commissioner Kavanagh made a motion to approve amending the City of Bedford Zoning Ordinance, Section 5.2A General Provisions, subsection (10). (Carports) as submitted.

Commissioner East seconded the motion and the vote was as follows:

Motion approved 5-0-0. Vice Chairperson Davisson declared the motion approved.

3. **Public hearing and consider and act upon an ordinance amending the City of Bedford Zoning**

Ordinance, Section 6.1.E Certificates of Occupancy.

Vice Chairperson Davisson recognized Consultant City Planner, Dan Boutwell who reviewed Zoning Ordinance Amendment, 6.1.E Certificates of Occupancy. Mr. Boutwell stated The City recently had a case before the Zoning Board of Adjustment (ZBA) that required an interpretation of the nature of a Certificate of Occupancy (CO). As practiced in the past, and as practiced by many of our sister municipalities, the staff has always determined that a change of occupancy in a business requires a new CO with each change in owner or change in lease. The particulars of the recent case before the ZBA caused the Board to find that our ordinance does not clearly support that interpretation and the staff's interpretation was struck down.

It is clear that the section of our zoning ordinance dealing with Certificate of Occupancy needs to be clarified. We have researched how the Cities of Colleyville, Euless, Hurst, Grapevine, and North Richland Hills addresses the CO regulations in their respective zoning ordinances. At least three of the five clearly supports our building official's interpretation and addresses this issue. As a result we are proposing amending Section 6.1.E-Certificate of Occupancy to clearly address the nature of a CO as it pertains to lease space and changes of ownership.

Section 6.1.E Certificates of Occupancy

In the MF, S, L, H, I zoning districts and all non-residential uses located in all zoning districts, it shall be unlawful to use, **or occupy**, or reoccupy or permit the use, occupancy, **or reoccupancy** of any building or premises, or both, or part thereof hereafter created, erected, changed, converted, or wholly or partly altered, or enlarged in its use or structure until a Certificate of Occupancy has been issued by the Administrative Official stating that the proposed use of the building or land conforms to the requirements of this ordinance. **In addition, no change in occupancy of a building, part of a building or land shall be made until after the enforcing officer shall have issued a certificate of occupancy**

(1) **In the S, L, H, I zoning districts and all non-residential uses located in all zoning districts, a change in the ownership or name change shall require the issuance of a new certificate of occupancy.**

(2) **In the S, L, H, I zoning districts and all non-residential uses located in all zoning districts, any building or structure which is leased or subleased, in separate lease-units, must have a certificate of occupancy issued to such separate lease-unit.**

(3) No nonconforming structure or use shall be maintained, renewed, changed, or extended until a Certificate of Occupancy has been issued by the Administrative Official. The Certificate of Occupancy shall state specifically where the nonconforming use differs from the provisions of this Ordinance, provided that upon enactment or amendment of this ordinance owners or occupants of nonconforming uses or structures shall have three (3) months to apply for Certificates of Occupancy. Failure to make such application within three (3) months shall be presumptive evidence that the property was in conforming use at the time of enactment or amendment of this Ordinance.

(4) No permit for erection, alteration, moving, or repair of any building shall be issued until an application has been made for a Certificate of Occupancy and the certificate shall be issued in conformity with the provisions of this Ordinance upon completion of the work.

(5) A temporary Certificate of Occupancy may be issued by the Administrative Official for a period not exceeding three (3) months during alterations or partial occupancy of a building pending its completion, provided that such temporary certificate may require such conditions and safeguards to protect the safety of the occupants and the public.

(6) copies shall be furnished upon request to any person. The Administrative Official shall maintain a record of all Certificates of Occupancy, a

(7) Failure to obtain a Certificate of Occupancy shall be a violation of this Ordinance and punishable under Section 6.9 B, Complaints Regarding Violations, of this Ordinance.

(8) The Administrative Official shall issue a Certificate of Occupancy, and said certificate shall be required before any person, persons, corporation, association, etc., shall commence operation of any business within any classification under this Ordinance, whether same is within said zoning permitted or be by nonconforming use. Prior to the issuance of said certificate, said person, persons, corporation, association, etc., shall file an application in writing with the Building Official setting forth the purpose of use of the premises party responsible, and fee simple owner of said premises and shall charge a fee as established by the City Council by resolution. Said certificates will be issued only after the Administrative Official is satisfied that the occupancy will not be detrimental to the welfare of the general public.

The Commission discussed the ordinance amendment.

Acting Chairperson Davisson opened the public hearing and there being no one to speak, closed the public hearing.

<u>Motion</u>: Commissioner Hall made a motion to approve amending the City of Bedford Zoning Ordinance, Section 6.1E Certificates of Occupancy as submitted.

Commissioner Kavanagh seconded the motion and the vote was as follows:

Motion approved 5-0-0. Vice Chairperson Davisson declared the motion approved.

4. A public hearing and consider amending the City of Bedford Zoning Ordinance, Section 1.2 Definitions; and Section 5.10 Temporary Uses and Special Events.

Vice Chairperson Davisson recognized Consultant City Planner, Dan Boutwell who reviewed Zoning Ordinance Amendment, Section 5.10 Temporary Uses and Special Events. Mr. Boutwell stated the City is evaluating the Special Event policy as established by the zoning ordinance. Background for this evaluation is focused on an instance where a resident was required by the police department to cease an event due to the negative impact and general disruption of the peace caused to the neighborhood. The resident contends that code enforcement personnel indicated prior to the event that a permit was not necessary and the resident could precede with the event.

Our examination of the zoning ordinance concludes that the code enforcement personnel advised the resident properly. Although not specifically stated, the intent of our Special Event permit process is for gathering of persons for public assemblies not private parties (Sec. 5.10.C). Special Events are usually conducted by religious institutions, educational institutions, charitable organizations, and commercial businesses. They include events such as bazaars, auctions, revivals, play days, concerts, and rallies, to mention just a few. This interpretation is supported by the fact that the locations of Special Events are limited to non-residential districts and to only governmental entities and the ISD in residentially zoned districts [Sec. 5.10.E(1)].

Events held by citizens in their residences are not required to obtain a Special Event permit. In fact it would be very difficult to administer and enforce any requirement for special events for private parties, which could include swim parties, graduation parties, anniversary parties, birthday parties, sports parties, homecomings, wedding receptions, and even the gathering of family and friends in the home after a funeral service, among many other possibilities. We feel it would be beyond the scope of the zoning ordinance to regulate these private parties.

In summary, we believe the interpretation of the code enforcement personnel is accurate. A Special Event permit is not required for a private party. In any case, residents are required to comply with the nuisance ordinances of the City. With or without permission to hold a Special Event, citizens are not permitted to violate our ordinances.

Nevertheless, we do find that Section 5.10 should be refined to better define those events and regulations pertinent to Special Events. We propose the amendments to Section 1.2-Definitions and Section 5.10-Temorary

Uses and Events, as follows:

SECTION 1.2 DEFINITIONS

1.2.A PURPOSE

The following words, when used in this ordinance, shall have the meanings respectively ascribed in this section unless the context of this ordinance clearly indicates otherwise. For definitions of permitted uses see Section 7, "Explanations of Uses and Specific Use Permit Requirements".

1.2.B DEFINITIONS

Certain terms and words are herewith defined as follows:

EVENT, CIVIC – A public gathering sponsored by a non-profit organization, or special interest agency or group, not including a governmental entity, for the temporal good of the community and shall include any transient amusement enterprise, outdoor temporary gathering, and any similar event, including, but not limited to parades, arts and crafts shows/fairs, weddings and wedding receptions, fundraisers, photographical/promotional activities, block parties, theatrical exhibition, musical performance, public show, entertainment, amusement or other exhibition held on property not owned or controlled by the City of Bedford.

EVENT, SPECIAL - A public gathering sponsored by a for-profit organization for commercial gain or promotion of a product or service and shall include any transient amusement enterprise, outdoor temporary gathering, and any similar event.

Section 5.10 Temporary Uses And Special Events

5.10. A PURPOSE

Certain temporary uses of land are essential to the full development and utilization of the land and are deemed to promote the health, safety, and general welfare of the City. The temporary uses**, civic events,** ~~**public civic events**~~**,** and special events hereinafter enumerated shall not be deemed violations of this Ordinance when made under the conditions herein provided.

5.10. B PERMITTED TEMPORARY USES

The permissible temporary uses, the conditions of use and the zoning districts wherein the same shall be permitted and approvals required are:

Zoning Districts Allowed: In All Districts

(1) Construction Office - Temporary field or construction offices and temporary building material storage areas to be used solely for on- premise construction purposes in connection with the property on which they are erected or within the same platted subdivision may be permitted when approved by the Building Official from the time of approval until the Certificate of Occupancy is issued or a period of two (2) years, whichever is less. An application must be submitted for a "Temporary Construction Office" on forms supplied by the Building Official's Office and shall include a scale drawing showing the location and size of the building(s), all outside storage areas, and proposed construction fencing.

(2) Public School Districts, Churches, Temples, and Synagogues:

(a) Classroom, recreation, and administration needs for public school districts may be conducted in temporary buildings on public school district sites when approved by the City Manager or his/her appointed designee. However, the City Manager or his/her appointed designee may at his/her discretion require a recommendation of the Planning and Zoning Commission and approval by the City Council. An application for "Temporary Educational Building" must be submitted on forms supplied by the Building Official's office and shall

include a scale drawing showing the location, size, and material of all building(s) proposed and a schedule indicating expected phasing of all temporary structures. Such permit shall be valid for five (5) years. Temporary structures should be located so that they are screened by the permanent buildings whenever possible.

(b) Classroom, recreation, and administration needs for churches, temples, or synagogues may be conducted in temporary buildings on church, temple, or synagogue sites when approved by a Specific Use Permit amendment by the Planning and Zoning Commission and the City Council. An application for "Temporary Church, Temple, or Synagogue Building" must be submitted in accordance with the provisions for a site plan amendment to a Specific Use Permit. Such approval shall be valid for two (2) years and may be extended for an additional one (1) year period with approval of the City Council. Temporary structures should be located so that they are screened by the permanent buildings whenever possible.

(c) Paper recycling containers may be placed on a temporary basis when approved by the City Manager or his/her appointed designee. However, the City Manager or his/her appointed designee may at his/her discretion require a recommendation of the Planning and Zoning Commission and approval by the City Council. An application for Temporary Newspaper Recycling Container must be submitted on forms supplied by the Building Official's office and shall include a scale drawing showing the location, size and surrounding site features. Containers shall observe all required building setback lines and shall be placed in a visually unobtrusive location. Temporary basis shall be defined as no more than ninety (90) days per calendar year, in increments of no less than ten (10) days and no more than thirty (30) days. There must be a thirty (30) day absence of the paper recycling containers between temporary increments.

Zoning Districts Allowed: In All Residential Districts

(1) Real Estate Sales Office - Temporary field real estate offices may be permitted in residential subdivisions when approved by the Building Official from the time of approval until the related project is eighty (80) percent complete or a period of two (2) years, whichever is less. Such temporary uses may be located in a "Model Home" or a portable building within the subdivision. An application for a "Temporary Real Estate Sales Office" must be submitted on forms supplied by the Building Official's office and shall include a plat of the subdivision showing the exact location of the proposed Sales Office and the size of the building.

5.10.C ~~**Permitted**~~ **Civic Events And** Special Events

~~**For the purpose of this section, "Special Events" are defined as any activity or event meeting the following criteria:**~~ **Civic events and special events may be conducted within an existing use and ancillary to that use provided it meets the following criteria (Nothing within this section shall regulate or prevent an individual residential property owner from conducting activities normally associated with residential uses, including outdoor parties and gatherings. In addition, such outdoors activities shall be subject to the other regulations and ordinances of the City of Bedford which regulate the orderly conduct within the neighborhood and take into consideration the health, safety, and public welfare of the adjacent property owners):**

(1) The event of ~~**activity**~~ is carried on for a period of time not exceeding fifteen (15) consecutive days;
(2) No retail sales conducted except those incidental to the primary activity such as refreshment and souvenir sales. Charitable and Nonprofit Organizations may conduct retail sales for fund-raising purposes in any zoning district;
(3) ~~**Public**~~ Assemblies **are** carried on out-of-doors, in temporary shelters, or tents;
(4) **A permit is obtained in accordance with the provisions provide herein.**

5.10.D CONTENTS OF APPLICATION

An Application for Approval of an ~~**Special**~~ Event shall include the following information:

(1) Brief description of the event.
(2) **Designation of whether it is a Civic Event or Special Event**
(3) Exact Location **of where the event is to be held.**
(4) Expected Attendance.

(5) Anticipated number of automobiles and proposed methods of providing parking for the same.
(6) Location and construction of any temporary signs to be used in connection with the event.
(7) Exact Dates and times of commencement and termination of the event.
(8) Signed certification by the Responsible Party and the record owner of the land that all information provided is true and correct and that all schedules will be strictly adhered to.

5.10.E ADMINISTRATIVE APPROVAL

A request for an event may be approved by the City Manager or his/her designee if the following conditions exist, **unless otherwise provided by this ordinance:**

(1) The ~~**activity**~~ **event** is located in either the "S', 'L', 'H', OR 'I' zoning district; or in the case of **a civic event endorsed by a non-profit** or ~~**governmental activity**~~ entity, ~~**consisting of a local**~~, ~~**county, state, federal**~~, Independent District, or **religious institution**, the activity **even**t is located in any zoning district.
(2) There is no property zoned for residential within 50 ft. of the proposed ~~activity~~ **event**.
(3) The event is limited to **two (2)** ~~one (1) day~~**s**.
(4) ~~**The number of persons anticipated to attend is equal to or less than the number**~~ **that customarily** ~~**attend normal activities at the facility.**~~
(5) The activities proposed will b e limited between the hours of 7 a.m. and 11 p.m.
(6) There are no complaints on record for similar activities **events** held by the applicant.

Appeal of the decision by the City Manager or his/her designee may be made to the Zoning Board of Adjustment. A governmental entity is exempted from the required fee for a permit.

5.10.F ZBA APPROVAL

~~Approval~~ of A permit **for any event that does not meet the criteria for administrative approval shall** ~~for outside sales and/or storage may~~ be approved by the Zoning Board of Adjustment if the following conditions exist:

(1) The City Manager or his/her designee determines that approval by the Zoning Board of Adjustments is necessary.
(2) The event is proposed to last for more than **two (2)** ~~**one (1)**~~ day**s.**
~~(3) The number of persons anticipated to attend is greater than the number that customarily attend normal activities at the facility.~~
(4) The ~~activitie~~s **event** proposed will extend beyond the hours of 7 a.m. and 11 p.m.
(5) There are complaints on record for similar ~~activities~~ **events** held by the applicant.

The Commission discussed the ordinance amendment and recommended the following changes be made to Section 5.10 Temporary Uses and Special Events.

Sections 5.10.A remove "public civic events"
5.10E ….event may be approved "and issued" by…
5.10E (5) change from 11 p.m. to 12 a.m.
5.10F (4) change from 11 p.m. to 12 a.m.

Acting Chairperson Davisson opened the public hearing and there being no one to speak, closed the public hearing.

<u>Motion</u>: Commissioner Kavanagh made a motion to approve amending the City of Bedford Zoning Ordinance, Section 1.2 Definitions; and Section 5.10 Temporary Uses and Special Events with the following changes:

Sections 5.10.A remove …"public civic events"
5.10E add … "and issued" by…
5.10E (5) …change from 11 p.m. to 12 a.m.
5.10F (4) …change from 11 p.m. to 12 a.m.

Commissioner Hall seconded the motion and the vote was as follows:

APPROVED

Motion approved 5-0-0. Vice Chairperson Davisson declared the motion approved.

ADJOURNMENT

Acting Chairperson Davisson adjourned the meeting at 7:37 p.m.

_____
Acting Chairperson Davisson
Planning and Zoning Commission

ATTEST:

_____
Yolanda Diaz
Planning and Zoning Secretary