



City of La Vernia  
**PLANNING & ZONING COMMISSION MEETING**  
102 E. Chihuahua St., La Vernia, Texas 78121  
February 07, 2023  
6:30 PM

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## **AGENDA**

- 1. Call to Order**
- 2. Invocation, Pledge of Allegiance and Texas Pledge**
- 3. Citizens to Be Heard**  
*(At this time, citizens who have filled out a registration form prior to the start of the meeting may speak on any topic they wish to bring to the attention of the governing body so long as that topic is not on the agenda for this meeting. Citizens may speak on specific agenda items when that item is called for discussion. During the Citizens to Be Heard section no council action may take place and no council discussion or response is required of the speaker. A time limit of three minutes per speaker is permitted; the council may extend this time at their discretion.)*
- 4. Consent Agenda**  
*(All consent agenda items are considered routine by Planning & Zoning and will be enacted by one motion. There will be no separate discussion of these items unless a Councilmember requests an item be removed and considered separately.)*  
**A.** Approve minutes from the January 17, 2023 - Regular Meeting.
- 5. Public Hearing**  
**A.** A. A. Public hearing regarding the request to replat 105 Juniors PI, Lot 2, Block 2 of Westover Subdivision, Unit 2.
  - A.1 Open Public Hearing
  - A.2 Requestor presentation
  - A.3 Staff presentation
  - A.4 Receive Public Comments
  - A.5 Close Public Hearing
  - A.6 Discuss and consider approval of a replat of 105 Juniors PI
- 6. Discussion**  
**A.** Discuss Ch. 38 Sec. 38-403. - Landscaping standards.
- 7. Items Specific to Future Line Items on the Agenda**
- 8. Adjourn**

### **DECORUM REQUIRED**

*Any disruptive behavior, including shouting or derogatory statements or comments may be ruled out of order to the Presiding Officer. Continuation of this type of behavior could result in a request by the Presiding Officer that the individual leave the meeting, and if refused, an order of removal.*

*The City Council for the City of La Vernia reserves the right to adjourn into executive session at any time during the course of this meeting to discuss any of the matters listed above, as authorized by the Texas Open Meetings Act, Texas Governmental Code §551.071 (Consultation with Attorney), §551.072 (Deliberations about Real Property), §551.073 (Deliberations about Gifts and Donations), §551.074 (Personnel Matters), §551.076 (Deliberations about Security Devices), and §551.087 (Economic Development), and any other provisions under Texas law that permits a governmental body to discuss a matter in closed executive session.*

*The City of La Vernia Council meetings are available to all persons regardless of disability. The facility is wheelchair accessible parking spaces are available. Request for accommodations, should you require special assistance, must be made 48 hours prior to this meeting. Braille is not available. Please contact the City Secretary at (830) 779-4541 or email [Lboyd@lavernia-tx.gov](mailto:Lboyd@lavernia-tx.gov).*

I, the undersigned authority, do hereby certify that the above Notice of Meeting of the governing body if the above named La Vernia Planning and Zoning Commission is a true and correct copy of said Notice and that I posted true and correct copy of said Notice on the bulletin boards of the City Hall of said La Vernia, Texas, a place convenient and readily accessible to the general public at all times, and said Notice was posted on **Month DD, 20YY at H:MM PM** and remained so posted continuously for at least 72 Hours preceding the scheduled time of said meeting.

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Lindsey Wheeler, City Secretary



**PLANNING & ZONING COMMISSION MEETING**

102 E. Chihuahua St., La Vernia, Texas 78121

January 17, 2023

6:30 PM

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**MINUTES**

**1. Call to Order**

The Meeting was called to order at 6:30 pm and all members of the Planning and Zoning Commission were present

**2. Invocation, Pledge of Allegiance and Texas Pledge**

Chairwoman Hennette led the invocation

**3. Citizens to Be Heard**

*(At this time, citizens who have filled out a registration form prior to the start of the meeting may speak on any topic they wish to bring to the attention on the governing body so long as that topic is not on the agenda for this meeting. Citizens may speak on specific agenda items when that item is called for discussion. During the Citizens to Be Heard section no council action may take place and no council discussion or response is required to the speaker. A time limit of three minutes per speaker is permitted; the council may extend this time at their discretion.)*

No Citizens to be heard

**4. Consent Agenda**

*(All consent agenda items are considered routine by Planning & Zoning and will be enacted by one motion. There will be no separate discussion of these items unless a Councilmember requests an item be removed and considered separately.)*

- A. Approve minutes from the December 8th, 2022 – Joint Meeting
- B. Approve minutes from the December 8th, 2022- Regular Meeting

MOTION: Motion by chairman Jacobs to accept and approve the consent agenda as listed, seconded by Chairman Raushuber ALL IN FAVOR MOTION PASSED

**5. Public Hearing**

- A. A. Public hearing regarding the request for A Special Use Permit (SUP) to allow for a drive-thru in the C-1 zoning district regarding the space specifically known as 427 Bluebonnet Rd, LA VERNIA, TEXAS 78121 legally known as CITY OF LA VERNIA, LOT 441K, ACRES 7.59 BLUEBONNET RD LA VERNIA, TX 78121, and more specifically described as Silo – Fit LLC

- A.1 Open Public Hearing
- A.2 Requestor presentation

- A.3 Staff presentation
- A.4 Receive Public Comments
- A.5 Close Public Hearing
- A.6 Discuss and consider a recommendation to City Council regarding Ordinance No. 01192023-01 the SUP of Silo – Fit LLC

The public hearing opened at 6:32 pm

Chairman Jacobs presented as the requestor

No staff presentation

No public comments

The public hearing was closed at 6:50 pm

MOTION: Commissioner Raushuber made a motion in favor of the proposed SUP, seconded by Commissioner Witherell MOTION PASSED 4-0, 1 abstained (Commissioner Jacobs)

**6. Discussion & Action**

None

**7. Items Specific to Future Line Items on the Agenda**

A Replat application for 105 Juniors Place will be heard at the next meeting

**8. Adjourn**

MOTION: Commissioner Jacobs made a motion to adjourn the meeting, seconded by commissioner Rauschuber, ALL IN FAVOR MOTION PASSED the meeting was adjourned at 7:00 pm

**DECORUM REQUIRED**

*Any disruptive behavior, including shouting or derogatory statements or comments may be ruled out of order to the Presiding Officer. Continuation of this type of behavior could result in a request by the Presiding Officer that the individual leave the meeting, and if refused, an order of removal.*

*The City Council for the City of La Vernia reserves the right to adjourn into executive session at any time during the course of this meeting to discuss any of the matters listed above, as authorized by the Texas Open Meetings Act, Texas Governmental Code §551.071 (Consultation with Attorney), §551.072 (Deliberations about Real Property), §551.073 (Deliberations about Gifts and Donations), §551.074 (Personnel Matters), §551.076 (Deliberations about Security Devices), and §551.087 (Economic Development), and any other provisions under Texas law that permits a governmental body to discuss a matter in closed executive session.*

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Lindsey Wheeler, City Secretary



Grantor does hereby bind Grantor, Grantor's heirs, executors, administrators, and successors to warrant and forever defend, all and singular, the said premises unto the said Grantee, Grantee's heirs, executors, administrators, successors, and assigns against any person whomsoever claiming or to claim the same or any part thereof.

DATED this the 4th day of November, 2022.

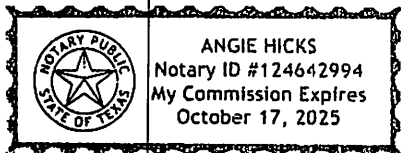
**WESTOVER HOMEOWNERS ASSOCIATION**

BY: *Amanda Hutchinson*  
**AMANDA HUTCHINSON, President**

STATE OF TEXAS  
COUNTY OF COMAL

§  
§

This instrument was acknowledged before me on this the 4th day of November, 2022, by **AMANDA HUTCHINSON, President of WESTOVER HOMEOWNERS ASSOCIATION.**



*Angie Hicks*  
Notary Public in and for the State of Texas

GRANTEE'S MAILING ADDRESS:

\_\_\_\_\_  
\_\_\_\_\_

9455.deeds  
Old Republic Title Co (AH)  
GF #14680NB









APPLICATION FOR LAND SUBDIVISION

Section 5, Item A.

102 E. Chihuahua

P.O. Box 225  
La Vernia, TX 78121  
(830) 779-4541

CHECK ONE:  Master Plan  Prelim./Final Plat  Prelim. Plat  Final Plat  Replat  Amended  Minor

1. PROPOSED SUBDIVISION NAME: Westover UNIT NO. \_\_\_\_\_

LOCATION DESCRIPTION/NEAREST INTERSECTION: 105 Juniors Pl., La Vernia TX

ACREAGE: 0.3560 NO OF LOTS: EXISTING 1 PROPOSED 2

REASON FOR PLATTING/REPLATTING \_\_\_\_\_

2. OWNER/APPLICANT\*: Daniella Bojado

(\* If applicant is person other than owner, a letter of authorization must be provided from owner.)\*

ADDRESS: 5939 Tree View St, San Antonio TX 78220

Telephone: (210) 863-8192 Fax: \_\_\_\_\_ Mobile: \_\_\_\_\_ Email: dbojado@yahoo.co

3. LICENSED ENGINEER/SURVEYOR: Pollok & Sons surveying, inc.

MAILING ADDRESS: 1008 B Street Ste. \_\_\_\_\_

TELEPHONE: (830) 393-4770 Fax: (830) 393-4771 Mobile: \_\_\_\_\_ Email: \_\_\_\_\_

LIST ANY VARIANCE REQUESTED: \_\_\_\_\_

REASON FOR REQUEST (List any hardships): \_\_\_\_\_

4. PRESENT USE OF THE PROPERTY empty lot CURRENT ZONING: R-1

5. CITY LIMITS:  IN  OUT IS ANY PART OF THE PROPERTY IN A FLOODPLAIN?  YES  NO

6. Is the property subject to any liens, encumbrances, or judgments? If so, give details. (Provide separate sheet if needed.) Permission from any lien holders and/or removal of any encumbrances or judgments will be necessary prior to filing of said plat with the County Clerk's office.

**REQUIRED ITEMS FOR SUBMITTAL PACKAGE**

- Completed application, including signature of owner/applicant and signed waiver.
- Copy of deed showing current ownership.
- 7 copies of the plat, collated and folded so that the subdivision name is visible. Staple plats with 2 or more pages.
- 2 copies of the preliminary plan of the water system showing the approximate location and size of onsite and offsite existing and proposed water lines and fire hydrants; sewer system; storm sewer and preliminary drainage plan.
- Current deed restrictions for Vacating Plats, Replats, and Townhouse and Zero Lot Line Subdivisions.
- Survey showing any existing structures on the subject property.
- List of street names approved by the appropriate county.

**PLEASE READ "IMPORTANT NOTES" ON THE REVERSE SIDE OF THIS APPLICATION**

I agree to comply with all platting and subdivision requirements of the City of La Vernia. I understand that the plat will NOT be forwarded to the Planning and Zoning Commission unless staff comments are satisfactorily addressed by the plat correction due date. I voluntarily waive my right to request a certificate stating the date the plat was filed and that the Planning and Zoning Commission failed to act on the plat within thirty days. I do not object to consideration of the plat on \_\_\_\_\_ (date of Planning and Zoning Commission meeting). This waiver expires after \_\_\_\_\_ (date of the Planning and Zoning Commission meeting). (The waiver statement is not applicable to Minor Plats.)

Daniella Bojado  
Signature of Owner/Applicant Printed Name of Owner/Applicant

01/09/2023  
Date

(If applicant is person other than owner, a letter of authorization must be provided from owner.)  
Signature indicates authorization for plat application and acceptance of waiver statement.

**APPLICATION FEES**

Section 5, Item A.

<b>Overall Development Concept Review Fee</b>	\$50 + \$1.00 per lot, plus \$2.00 per acre or portion thereof for any land within the boundaries of the plat not divided into conventional single-family residential lots, but intended for apartments, townhouses, commercial and/or industrial use.
<b>Preliminary Plat Review</b>	\$50 + \$1.00 per lot, plus \$2.00 per acre or portion thereof for any land within the boundaries of the plat not divided into conventional single-family residential lots
<b>Final Plat Review Fee</b>	\$75 + \$1.00 per lot, plus \$2.00 per acre or portion thereof for any land within the boundaries of the plat not divided into conventional single-family residential lots.
<b>Minor Subdivision Plat</b>	\$75 + \$1.00 per lot, plus \$2.00 per acre or portion thereof for any land within the boundaries of the plat not divided into conventional single-family residential lots.
<b>Vacating a Plat or Replatting</b>	\$75 + \$1.00 per lot, plus \$2.00 per acre or portion thereof for any land within the boundaries of the plat not divided into conventional single-family residential lots.
<b>Plat Amendment</b>	\$100
<b>Engineering Fees Review</b>	To be paid by the developer or property owner before the final plat approval is made by the city.
<b>Changes or request for further reviews from the developer or property owner by the City Engineer</b>	Shall be paid by the developer or property owner at the standard rates charged by the City Engineer before the final plat approval is made by the City.
<b>Legal Fees</b>	Shall be paid by the City for legal fees incurred. The subdivider shall reimburse the City prior to the final plat approval by the City.
<b>Variance Requesting Relief from the Subdivision Ordinance</b>	\$50

**IMPORTANT NOTES:**

- All staff comments must be addressed by the plat correction due date. If not, the plat will NOT be forwarded to the Planning and Zoning Commission until all staff comments have been satisfied.
- For plats on TxDOT right-of-way, it is highly recommended that a permit be submitted to TxDOT prior to submitting the plat application.
- Engineering and legal fees shall be paid to the city prior to the final plat approval.
- The following items must be provided when submitting an approved plat for recordation.
  - Tax certificate showing that no taxes are currently due or delinquent against the property.
  - Three original mylars.
  - Twelve blue line copies for Wilson County 9-1-1 Addressing in 24 X 36 inch or 24 X 18 inch format.
  - One 11 X 17 inch blue line copy.
  - An electronic copy in .pdf in 24 X 36 inch or 24 X 18 inch format and in 11 X 17 inch format.
  - Recording fee. Checks should be made out to Wilson County Clerk.

*wilson co. Approval District*

**FOR OFFICE USE ONLY:**

Date Application Fee Received: 1-9-23 Received By: [Signature]

Receipt No. \_\_\_\_\_ Cash/Check No. \_\_\_\_\_ Amount Recd. \$ 75

7 copies \_\_\_\_\_ street name appr. list \_\_\_\_\_ TxDOT approval letter

\_\_\_\_\_ letter of authorization \_\_\_\_\_ proof of ownership \_\_\_\_\_ HOA document

Plat review meeting date: \_\_\_\_\_ Planning and Zoning Commission meeting date: \_\_\_\_\_



## NOTICE OF PUBLIC HEARING

The City of La Vernia Planning & Zoning Commission will hold a public hearing on a request by Ms. Daniella Bojado to replat Lot 2, Block 2, Westover Subdivision, Unit 2.

Property: 0.35604 acres described as Lot 2, Block 2, Westover Subdivision, Unit 2, City of La Vernia (105 Juniors Pl.)

Request: Replat Lot 2, Block 2 from 1 lot into 2 lots.

Because your property is located within the Westover Subdivision, Unit 2 and within 200 feet of the request, State Law requires that we notify you of the public hearing. The public hearing process allows an opportunity to provide your written opinion of the request.

Public hearing for this request is scheduled before the Planning & Zoning Commission on Tuesday, February 7, 2023 at 6:30 PM in the City Hall Council Chambers, 102 E. Chihuahua St. and is open to the public. If you are unable to attend the hearing and desire to express an opinion in regard to the above petition, you may do so by completing the form below and return the form below, including your signature, and must be returned no later than the close of the public hearing on February 7<sup>th</sup>..

Mail: City of La Vernia  
Lindsey Wheeler  
102 E. Chihuahua St.  
La Vernia, Texas 78121

Email: [lboyd@lavernia-tx.gov](mailto:lboyd@lavernia-tx.gov)

**If you have questions, please call Lindsey Wheeler at (830) 779-4541 ext. 3.**

\_\_\_\_\_  
Lindsey Wheeler, City Secretary

### YOUR OPINION MATTERS – DETACH AND RETURN

Circle one

I am **( in favor ) ( opposed to )** the proposed re-plat at 105 Juniors Pl Lot 2, Block 2, Westover Subdivision, La Vernia, Texas 78121.

Name: \_\_\_\_\_

Address: \_\_\_\_\_

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

Comments: \_\_\_\_\_

**By State Law – Unsigned submission cannot be counted as official comment.**

- (a) *Purpose.* It is the purpose of this section to establish certain regulations pertaining to landscaping within the city. These regulations provide standards and criteria for new landscaping which are intended to:
  - (1) Promote the value of property, enhance the welfare, and improve the physical appearance of the city;
  - (2) Reduce the negative effects of glare, noise, erosion and sedimentation caused by expanses of impervious surfaces within the urban environment; and
  - (3) Preserve and improve the natural and urban environment by recognizing that the use of landscaping elements can contribute to the processes of air purification, oxygen regeneration, groundwater recharge, abatement of noise, glare, and heat, provision of habitat for wildlife, and enhance the overall beauty of the city.
- (b) *Landscaping applicable to nonconforming uses.* This section establishes landscaping requirements in all zoning districts and for all uses. Land uses not previously subject to landscaping requirements shall comply with this section upon the occurrence of one of the following events:
  - (1) A change in zoning;
  - (2) Requirement of landscaping as a condition of a specific use permit;
  - (3) Development of a vacant or undeveloped property;
  - (4) Loss of legal nonconforming status.
- (c) *General landscaping requirements.*
  - (1) Trees planted shall be a minimum of 2.5 inches in caliper measured 4.5 feet above the ground at the time of planting.
  - (2) Shrubs, vines and ground cover planted pursuant to this article should be good, healthy nursery stock. Shrubs shall be a minimum of one-gallon container size at the time of planting.
  - (3) Grass areas are required to be planted in species normally grown as permanent lawns in the city, including Bermuda, Buffalo Grass, Zoysia, or other drought-tolerant grass. Grass areas shall require the installation of solid sod.
  - (4) The use of architectural planters may be permitted in fulfillment of landscape requirements subject to approval of the planning and zoning commission and city council at the time of site plan approval.
  - (5) Developers and homebuilders are encouraged to use xeriscape plant materials to promote use of water-wise landscaping.
  - (6) Landscape planting shall not be erected or installed in such a manner to interfere with traffic view or impose a safety hazard.
  - (7)

Landscapes should be designed to provide a natural appearance whenever possible. Design alternatives may include a variety of heights, clustering plant materials or other means that will achieve the desired appearance. Section 6, Item A.

- (8) All landscaping installed pursuant to this section shall be maintained in a healthy living condition. Any landscaping that is damaged or dies within two years of initial planting shall be replaced to ensure compliance with this section.

(d) *Landscape plan required.*

- (1) A landscape plan is required to be submitted with each building permit for single-family residential uses or at the time of submittal of a site plan for all other uses. The landscape plan may be prepared by the applicant or the applicant's designee and is not required to be prepared by a registered or certified professional. A landscape plan illustrating compliance with the requirements of this section shall be provided and approved prior to the issuance of a building permit;
- (2) The landscape plan shall contain the following information:
  - a. North arrow;
  - b. Date of plan submittal;
  - c. Location, size and species of all trees to be preserved;
  - d. Location of all plants and landscaping material to be used including, but not limited to, paving, benches, screens, fountains, statues, ponds/lakes, or other landscape features;
  - e. Topography;
  - f. Size of all plant material to be used;
  - g. Spacing of plant material where appropriate;
  - h. Layout and description of irrigation, sprinkler or water system, including placement of water sources;
  - i. Description of maintenance provisions of the landscape plan; and
  - j. Persons responsible for the preparation of the landscape plan.

(e) *Landscaping required.*

- (1) Fifteen percent of the total land area in any proposed multifamily residential or nonresidential development or construction that occurs for any use after the effective date of the ordinance from which this chapter is derived shall be landscaped.
- (2) All landscaping shall be completed and installed in accordance with the approved landscape plan within 90 days of a certificate of occupancy being granted. A one-time extension, not to exceed 90 days, may be granted upon approval of the administrative official.
- (3) Where the development is to be a multiphase development, only the area being developed in the current phase need to be subject to the landscape regulations; however, each phase will be required to meet the landscaping requirements as they are being developed.

- (4) The use of native and adapted, drought tolerant plants is encouraged to meet requirements of this section.
- (5) Artificial plants or turf are expressly prohibited.
- (6) An irrigation system must be provided or a hose bib connection be available within 100 feet of all landscape areas with all landscape plans for nonresidential developments.
- (f) *Location of required landscaping.*
- (1) Not less than 40 percent of the total landscaping requirement shall be located in the designated front yard. Parcels that are adjacent to more than one roadway may count the street yards towards satisfying the front yard requirement.
- (2) In the industrial zoning district, only 20 percent of landscaping shall be required to be located in the front yard.
- (g) *Single-family residential landscaping requirements.* All single-family residential lots shall provide, at a minimum, the following landscaping:
- (1) One tree to be located in the front yard.
- (2) Solid grass sod shall be provided in the front yard.
- (h) *Multifamily and nonresidential landscaping requirements.*
- (1) *Requirement standards.* The following standards shall apply to all multifamily and nonresidential properties. Standards that are set forth in this section for the provision of trees may be met by saving existing, on-site trees of six inches minimum caliper, measured 4.5 feet above grade, or by planting new trees.
- (2) *Nonresidential and multifamily buffering and screening requirements.*
- a. In addition to any screening requirements, when a nonresidential or multifamily use is established on a lot located adjacent to a residentially zoned property, the nonresidential or multifamily use shall provide a minimum ten-foot landscape buffer strip adjacent to the property line of the residentially zoned property. A minimum of one tree shall be planted for each 50 linear feet of landscape buffer. A minimum of ten shrubs shall be planted for each 50 linear feet of landscape buffer. All other areas within the landscape buffer shall be covered with grass or another solid vegetative cover approved at the time of site plan approval.
- b. When a nonresidential or multifamily use is established on a lot adjacent to a residentially zoned property, the nonresidential or multifamily use shall construct a solid screening fence constructed of wood, masonry or other material to a minimum of six feet in height, approved by the planning and zoning commission taking into consideration aesthetic value, light, air, or open space factors and accessibility and safety concerns at the time of site plan approval. The screen shall be located no closer to the street than the property line. Such screening fence shall be maintained in good condition.



(3) *Parking area landscaping and buffering requirements.*

a. *Perimeter landscaping and screening.*

1. Any parking lot or portion thereof that fronts upon or is adjacent to a public or private street right-of-way and contains ten or more parking spaces shall provide a minimum ten-foot landscape buffer adjacent to the street right-of-way. A minimum of one tree shall be planted for each 50 linear feet of landscape buffer. A minimum of ten shrubs shall be planted for each 50 linear feet of landscape buffer. All other areas within the landscape buffer shall be covered with grass or another solid vegetative cover approved at the time of site plan approval.
2. A landscaped berm or combination of berm and shrubs may be provided in lieu of required shrubs. The berm must be an average height of three feet, but in no case less than 18 inches, above the average grade of the street and parking lot curbs. A variation in height of the berm is encouraged. Shrubs may be grouped to provide variety in design.

b. *Interior landscaping.*

1. All parking areas shall provide a minimum of ten percent of the gross parking area devoted to landscaping. Interior landscape areas shall be protected from vehicular encroachment of overhang through appropriate wheel curbs, tire stops/parking blocks or similar barriers. A minimum of one tree shall be planted for each 400 square feet of required interior landscape area.
2. Interior areas of parking lots shall contain planting islands, peninsulas, or medians located so as to best relieve the expanse of paving. Planter islands must be located no further apart than every 12 parking spaces and at the terminus of all rows of parking. Such islands shall be a minimum of 200 square feet. Planter islands shall contain a combination of trees, shrubs, lawn, ground cover and other appropriate materials provided such landscaping does not cause visual interference within the parking area.

c. *Distribution of landscaped areas.* Required landscaped areas for parking lots shall be evenly distributed throughout the parking lot. Adjustments may be approved by the planning and zoning commission and city council at the time of site plan approval when the shape or size of the parking lot, the location of existing trees or other natural constraints reasonably prevent such distribution.

(4) *Dumpster screening and buffering requirements.* All dumpsters or other solid waste collection facilities located on a nonresidential or multifamily property shall be located away from residential properties or uses and shall be enclosed on three sides by a minimum six-foot-tall masonry or other noncombustible material screening wall. Temporary dumpsters are exempt from this screening requirement. Temporary dumpsters must be removed upon completion of the event, construction, or demolition.

