Memorandum

To: Honorable Mayor Bill Agan and members of the Richland Hills City Council

From: Heather Shankle

Date: August 4, 2015

Subject: Public hearing, discussion and action regarding adoption of amendments to Ordinance No. 1273-14, the Zoning Ordinance, including amendments to Subsection 1.05.03 Rules of Construction; Subsection 3.02 Use Chart regarding regulations for garage apartments, guest houses, live-above mixed uses, live/work units, multifamily residences, townhomes, senior housing and senior living facilities, accessory structures, community centers, contractor's shops and/or storage yards, farmer's markets, hotel/motels, and temporary buildings for new construction; Subsection 3.02.01 Conditional Development Standards; Subsection 4.02 Accessory Structure Standards regarding regulations for residential and nonresidential accessory structures, carports, and temporary accessory structures; Subsection 4.03 Supplementary Regulations regarding regulations for residential lot regulations and front yard setbacks; Subsection 6.01 Creation of a Building Site; Subsection 6.12 Zoning Variance; Subsection 6.13 Zoning Special Exception; and Section 8 Definitions.

City Council Action Requested:

1. Continue a public hearing; and,
2. Discuss the adoption of amendments to Ordinance No. 1273-14; and,
3. Take action regarding adoption of amendments to Ordinance No. 1273-14.

Background Information:

On July 7, 2015, the City Council held a public hearing on proposed amendments to Ordinance 1273-14. Discussion was held on all items included in the proposed amendment, and the public hearing was continued to the August 4, 2015 council meeting. On June 29, 2015 the Planning and Zoning Commission met and recommended approval of amendments to Ordinance No. 1273-14 with a 2-1 vote. A Planning and Zoning Commission meeting was also held on June 8, 2015 during which staff presented the proposed amendments and collected comments from the Planning and Zoning Commissioners.

Recommendations:

Staff has identified items within the Zoning Ordinance that have conflicts, are additions and/or deletions to existing sections, require further clarification or need to be defined. All comments collected from City Council and the Planning and Zoning Commissioners during previous meetings have been incorporated into the proposed changes in the attached draft. The sections that contain proposed amendments are as follows (Please refer to the page number listed in each item below to see the proposed amendment within the attached draft Ordinance):

- Subsection 1.05.03 Rules of Construction (page 9)
- Subsection 3.02 Use Chart (page 44-51)
- Subsection 3.02.01 Conditional Development Standards (page 52-57)
- Subsection 4.02 Accessory Structure Standards (page 59 – 62)
- Subsection 4.03 Supplementary Regulations (page 65)
- Subsection 6.01 Creation of a Building Site (page 83)
- Subsection 6.12 Zoning Variance (page 116)
- Subsection 6.13 Zoning Special Exception (page 119)
- Section 8 Definitions (page 125 and 128)

Council requested further clarification during the previous meeting and discussion on the proposed amendments listed below:

Subsection 3.02 Use Chart (page 44-51)

Garage apartment to be defined as:

> A dwelling unit erected within the walls of, and/or on top of, the garage when the main structure is an owner occupied detached dwelling unit. The garage may be attached or detached from the main structure, but the **garage apartment** must have a separate entrance and may not have an access point into the main structure. A **garage apartment** shall never be rented or offered for rent.

Subsection 3.02.01 Conditional Development Standards (page 52-57)

Farmer's market to be defined as:

> Farmer's Market - A farmers' market is an outdoor marketplace for the distribution and sale of food products directly to consumers that are grown, made and offered for sale by the producing farmers, that meet all applicable federal,

state, and local laws regulating the preparation and sale of such products. Examples of product types include fruits, vegetables, herbs, spices, edible seeds, nuts, live plants, flowers, and honey. This definition does not include the sale of any type of meat, fish, poultry, eggs, refrigerated dairy products, or home canned or packaged items. In addition, unique products and goods created by local artisans, not to include mass produced products, may be sold.

Subsection 4.02 Accessory Structure Standards (page 59 – 62)

Minimum separation between exterior walls shall be set in accordance with the 2012 International Building Code as follows:

Residential accessory structures - Accessory structures must maintain a minimum separation of five (5) feet between exterior walls.

Nonresidential accessory structures - Accessory structures must maintain a minimum separation of ten (10) feet between exterior walls.

Notifications:

A notice was published in the Sunday, June 21, 2015, edition of the Fort Worth Star Telegram as required.

Financial Impact:

N/A

Staff Contacts:
Cathy Bourg, City Secretary
817-616-3810
cbourg@richlandhills.com

Kelley Ledesma, Administrative Assistant
817-616-3770
kledesma@richlandhills.com

Attachments:

Ordinance XXXX-XX

ORDINANCE XXXX-XX

AN ORDINANCE AMENDING ORDINANCE 1273-14, THE ZONING ORDINANCE OF THE CITY OF RICHLAND HILLS, TEXAS, BY AMENDING SUBSECTION 1.05.03 RULES OF CONSTRUCTION; SUBSECTION 3.02 USE CHART REGARDING REGULATIONS FOR GARAGE APARTMENTS, GUEST HOUSES, LIVE-ABOVE MIXED USES, LIVE/WORK UNITS, MULTIFAMILY RESIDENCES, TOWNHOMES, SENIOR HOUSING AND SENIOR LIVING FACILITIES, ACCESSORY STRUCTURES, COMMUNITY CENTERS, CONTRACTOR'S SHOPS AND/OR STORAGE YARDS, FARMER'S MARKETS, HOTEL/MOTELS, AND TEMPORARY BUILDINGS FOR NEW CONSTRUCTION; SUBSECTION 3.02.01 CONDITIONAL DEVELOPMENT STANDARDS; SUBSECTION 4.02 ACCESSORY STRUCTURE STANDARDS REGARDING REGULATIONS FOR RESIDENTIAL AND NONRESIDENTIAL ACCESSORY STRUCTURES, CARPORTS, AND TEMPORARY ACCESSORY STRUCTURES; SUBSECTION 4.03 SUPPLEMENTARY REGULATIONS REGARDING REGULATIONS FOR RESIDENTIAL LOT REGULATIONS AND FRONT YARD SETBACKS; SUBSECTION 6.01 CREATION OF A BUILDING SITE; SUBSECTION 6.12 ZONING VARIANCE; SUBSECTION 6.13 ZONING SPECIAL EXCEPTION; AND SECTION 8 DEFINITIONS; PROVIDING THAT THIS ORDINANCE SHALL BE CUMULATIVE OF ALL ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A PENALTY FOR VIOLATIONS HEREOF; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR PUBLICATION; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Richland Hills, Texas is a home rule city acting under its Charter adopted by the electorate pursuant to Article XI, Section 5 of the Texas Constitution and Chapter 9 of the Texas Local Government Code; and

WHEREAS, the City Council of the City of Richland Hills has adopted Ordinance 1273-14, the Zoning Ordinance, which regulates and restricts the location and use of buildings, structures and land for trade, industry, residence, and other purposes, and provides for the establishment of zoning districts of such number, shape and area as may be best suited to carry out these regulations; and

WHEREAS, the City Council has determined that it is in the best interest of the City of Richland Hills to amend Ordinance No. 1273-14, the Zoning Ordinance; and

WHEREAS, the City has complied with all notices and public hearings required by law; and

WHEREAS, the Planning and Zoning Commission has forwarded its recommendation to the City Council for consideration.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF RICHLAND HILLS, TEXAS:

SECTION 1
FINDINGS INCORPORATED.

The findings set forth above are incorporated into the body of this Ordinance as if fully set forth herein.

SECTION 2
AMENDMENTS TO ZONING ORDINANCE NO. 1273-14.

The City of Richland Hills Ordinance No. 1273-14, the Zoning Ordinance, is amended as set forth in Exhibit “A”.

SECTION 3
CUMULATIVE CLAUSE.

This Ordinance shall be cumulative of all provisions of ordinances and of the Richland Hills Municipal Code, as amended, except where the provisions of this ordinance are in direct conflict with the provisions of such ordinances and such Code, in which event the conflicting provisions of such ordinances are hereby repealed. To the extent that the provisions of the City of Richland Hill’s various development ordinances conflict with this ordinance, the terms of this ordinance shall control.

SECTION 4
PENALTY CLAUSE.

Any person, firm, corporation or entity violating this Ordinance or any other provision of as it exists or may be amended, shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be fined a sum not exceeding Two Thousand Dollars ($2,000.00). Each continuing days’ violation under this Ordinance shall constitute a separate offense. The penal provisions imposed under this Ordinance shall not preclude the City of Richland Hills from filing suit to enjoin the violation. The City of Richland Hills retains all legal rights and remedies available to it pursuant to local, state and federal law.

SECTION 5
SEVERABILITY CLAUSE.

Should any section, subsection, sentence, clause or phrase of this Ordinance be declared unconstitutional or invalid by a court of competent jurisdiction, it is expressly

provided that any and all remaining portions of this Ordinance shall remain in full force and effect. The City of Richland Hills hereby declares that it would have passed this Ordinance, and each section, subsection, clause or phrase thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses and phrases be declared unconstitutional or invalid.

SECTION 6
SAVINGS/REPEALING CLAUSE.

This Ordinance shall remain in full force and effect, save and except as amended by this or any other ordinance. All provisions of any ordinance in conflict with this Ordinance are hereby repealed to the extent they are in conflict; but such repeal shall not abate any pending prosecution for violation of the repealed ordinance, nor shall the repeal prevent a prosecution from being commenced for any violation if occurring prior to the repeal of the ordinance. Any remaining portions of said ordinances shall remain in full force and effect.

SECTION 7
EFFECTIVE DATE.

This Ordinance shall become effective from and after its adoption and publication as required by law.

DULY PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF RICHLAND HILLS, TEXAS on this 4th day of August, 2015.

_____
MAYOR

ATTEST:

_____
CITY SECRETARY

EXHIBIT A

AMENDMENTS TO ZONING ORDINANCE NO. 1273-14

ZONING ORDINANCE

City of Richland Hills

Adopted May 6, 2014 (Ordinance No. 1273-14)

As Amended Through August 4, 2015 (Ordinance No. XXXX-XX)

Freese and Nichols, Inc.
2711 North Haskell Avenue
Suite 3300
Dallas, Texas 75204

Adoption and Summary of Amendments		
Ordinance Number	Date of Adoption	Summary
1273-14	May 6, 2014	Adoption of new Zoning Ordinance; amends all previous Zoning Ordinances in their entirety.
XXXX-XX	August 4, 2015	Amends Subsection 1.05.03 Rules of Construction; Subsection 3.02 Use Chart; Subsection 3.02.01 Conditional Development Standards; Subsection 4.02 Accessory Structure Standards regarding regulations for residential and nonresidential accessory structures, carports, and temporary accessory structures; Subsection 4.03 Supplementary Regulations regarding regulations for residential lot regulations and front yard setbacks; Subsection 6.01 Creation of a Building Site; Subsection 6.12 Zoning Variance; Subsection 6.13 Zoning Special Exception; and Section 8 Definitions.

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Section 1. General Provisions

Subsection 1.01. Enacting Clause

That the Zoning Ordinance, Ordinance Number 1273-14, and Zoning Map of the City of Richland Hills, Texas, as passed and approved on May 6, 2014, together with all amendments thereto is hereby amended in its entirety to read as follows.

Subsection 1.02. Purpose

1.02.01. Zoning Ordinance Guiding Principles

The zoning regulations and districts as herein established have been made in accordance with an adopted Comprehensive Plan for the purpose of promoting the health, safety, morals and general welfare of the City.

1.02.02. Zoning Ordinance Intent

The zoning regulations and districts have been designed to lessen the congestion in the streets; to secure safety from fire, panic and other dangers; to ensure adequate light and air; to prevent the overcrowding of land, to avoid undue concentration of population; and to facilitate the adequate provision of transportation, water, wastewater, schools, parks, and other public requirements.

1.02.03. Zoning Ordinance Considerations

The zoning regulations and districts have been made with reasonable consideration, among other things, for the character of the district, and its peculiar suitability for the particular uses specified; and with a view to conserving the value of buildings and encouraging the most appropriate use of land throughout the City consistent with the Comprehensive Plan. The Comprehensive Plan has been used as a guide to develop the regulations within this Zoning Ordinance.

Subsection 1.03. Zoning District Map

1.03.01. Zoning Districts Shown on the Zoning District Map

The boundaries of zoning districts set out herein are delineated upon a Zoning District Map of the City, adopted as part of this Ordinance as fully as if the same were set forth herein in detail.

1.03.02. Official Zoning District Map

(A) Official Zoning District Map

(1) The Official Zoning District Map shall be labeled the “Official Zoning District Map of the City of Richland Hills, Texas” and shall be maintained as an electronic file and hard-copy file in the office of the Zoning Administrator.

(2) The “Official Adoption Date” and the “Last Amended Date” shall be shown on the Official Zoning District Map.

(3) In case of any question, the above mentioned electronic file shall be controlling.

(B) Maintenance of the Official Zoning District Map

(1) The Zoning Administrator shall be responsible for the care and maintenance of the Official Zoning District Map.

(2) The Official Zoning District Map shall be used for reference and shall be maintained up-to-date by incorporating all subsequent amendments enacted by official action of the City Council.

(3) The Zoning Administrator will use all reasonable means to protect the Official Zoning District Map from damage, and to ensure the accurate restoration of the map file if damage or destruction of the original file occurs.

(C) Changes or Amendments Reflected on the Map

(1) Any changes or amendments made to the zoning district boundaries shall be incorporated into the Zoning District Map file promptly after the amendment has been approved by the City Council.

(2) The Zoning Administrator shall maintain a descriptive log of amendments to the map.

(3) The Zoning Administrator will use all reasonable means to ensure that no changes are made to the Official Zoning District Map without authorization by official action of the City Council.

(D) Replacement of a Damaged, Destroyed, or Lost Official Zoning District Map

(1) In the event that the Official Zoning District Map file becomes damaged, destroyed, lost, or difficult to interpret for any reason, the City Council may adopt a new Official Zoning District Map by ordinance following a public hearing.

(2) The new Official Zoning District Map shall replace and supersede any prior Official Zoning District Map.

(3) As a true replacement map, the new Official Zoning District Map shall not amend or otherwise change district boundaries or classifications from the prior Official Zoning District Map.

(E) Zoning Map Reproductions

Reproductions for informational purposes may be made of the Official Zoning District Map.

(F) Zoning Map Adoption

By adoption of this ordinance, the Zoning Map shall also be adopted.

Subsection 1.04. Zoning District Boundaries

1.04.01. <u>District Boundary Interpretation Rules</u>

The district boundary lines shown on the Official Zoning District Map are usually along streets, alleys, property lines, or extensions thereof. Where uncertainty exists as to the boundaries of districts as shown on the Official Zoning District Map, the following rules shall apply.

(A) Centerlines

Boundaries indicated as approximately following the centerline of streets, highways or alleys shall be construed to follow such centerline.

(B) Platted Lot Lines

Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines.

(C) City Limits

Boundaries indicated as approximately following City limits shall be construed as following City limits.

(D) Railroad Lines

Boundaries indicated as following railroad lines shall be construed to be midway between the right-of-way lines.

(E) Shore Lines

Boundaries indicated as following shore lines shall be construed to follow such shore lines, and in the event of change in the shore line shall be construed as moving with the actual shore line; boundaries indicated as approximately following the centerline of streams, lakes, or other bodies of water shall be construed to follow such centerline, and in the event of change in the centerline, shall be construed to move with such centerline.

(F) Parallel to or Extensions of Features

Boundaries indicated as a parallel to or extensions of features indicated in Subsections **(A)** through **(E)** above shall be so construed. Distances not specifically indicated on the original zoning maps shall be determined by the scale of the map.

(G) Interpretation of Zoning District Boundaries

Where physical features existing on the ground are in conflict with those shown on the Official Zoning District Map, or in other circumstances not covered by **(A)** through (**F)** above, the Board of Adjustment shall interpret the district boundaries and require its inclusion on the Official Zoning District Map.

(H) Vacated Public Way

Whenever any street, alley, or other public way is vacated by official action of the City Council or whenever such area is franchised for building purposes, the vacated area shall be released to the adjoining properties and the zoning extended to the centerline. Otherwise, the vacated property shall be rezoned according to **Subsection 6.03 Zoning Text and Map Amendments**.

(I) Boundary as a Condition of Zoning Approval

The zoning classification applied to a tract of land adjacent to a street shall extend to the centerline of the street, unless as a condition of zoning approval, it is stated that the zoning classification shall not apply to the street.

Subsection 1.05. Compliance Required/Interpretation/Rules of Construction

1.05.01. <u>Compliance Required</u>

(A) Applicability

Compliance with the Zoning Ordinance shall be required for all land, buildings, structures or appurtenances located within the City that are hereafter:

(1) Occupied,

(2) Used,

(3) Erected,

(4) Altered,

(5) Removed,

(6) Placed,

(7) Demolished, or

(8) Converted.

(B) Compliance with Zoning District

The land, buildings, structures or appurtenances described in **(A)** above shall be in conformance with the zoning regulations prescribed for the zoning district in which such land or building is located as hereinafter provided or subject to penalties as per **Subsection 7.02 Penalty for Violations** of this Ordinance.

1.05.02. Interpretation

(A) Restrictiveness

Where the regulations imposed herein are either more restrictive or less restrictive than the development standards imposed by any other provision of any other applicable law, ordinance, resolution, rule or regulation of any kind, the regulations that are more restrictive and impose higher standards are the requirements that shall govern.

(B) Cumulative Effect

The provisions of these regulations are cumulative and additional limitations upon all other laws and ordinances heretofore passed or that may be passed hereafter governing any subject matter set forth in the provisions of these regulations.

(C) Error Correction

In the event that any property or Zoning District set forth on the Zoning District Map as provided in **Subsection 1.03 Zoning District Map** of this Ordinance is misnamed, designated incorrectly, the boundaries are incorrect or the property is omitted, in part or in whole, the Zoning District Map may be amended and/or supplemented according to the following.

(1) Applicants

The property owner of said tract, the City Council, or the Planning & Zoning Commission may submit an application to the Zoning Administrator to initiate the error correction process.

(2) Process

The error correction shall be processed as a zoning map or text amendment according to **Subsection 6.03 Zoning Text and Map Amendments**.

(D) Authority to Interpret the Zoning Ordinance

(1) When a question exists to the meaning or interpretation of this Zoning Ordinance, the Zoning Administrator shall have the authority to determine the intent.

(2) A person aggrieved by the Zoning Administrator's interpretation may appeal the interpretation to the Board of Adjustment pursuant to **6.11.01. Appeal of an Administrative Decision**.

1.05.03. Rules of Construction

The language set forth in these regulations shall be interpreted in accordance with the following rules of construction.

(A) Number

The singular number includes the plural and the plural the singular.

(B) Tense

The present tense includes the past and future tenses and the future the present.

(C) Mandatory and Permissive Language

The word "shall" and "must" are mandatory while the word "may" is permissive.

(D) Gender Terms

The masculine gender includes the feminine and neuter.

(E) Parentheses

Any word appearing in parentheses directly after a word herein defined shall be construed in the same sense as that word.

(F) Conflicts

If there is an expressed conflict:

(1) The text of this Ordinance controls over the charts or any other graphic display in this Ordinance; and

~~(2) The use regulations control over the district regulations in this Ordinance.~~

Subsection 1.06. Nonconforming Uses, Structures, and Lots

1.06.01. Intent of Provisions

(A) Existence of Nonconformities

(1) The purpose of this section is to establish provisions for the allowance and potential alteration of uses, lots, and/or structures that do not conform to currently applicable standards or regulations, but that were in conformance with standards in place at the time of their inception, and have been rendered nonconforming due to a change in the applicable standards and regulations.

(a) Nonconformities occur in three (3) general categories, or combinations thereof:

1. Nonconforming lots as described in **1.06.02. (A)(1)** below. For example, a nonconforming lot can be nonconforming as to lot area or dimension requirement.

2. Nonconforming structures as described in **1.06.02. (A)(1)** below. For example, a nonconforming structure can be nonconforming as to a dimension requirement, masonry requirement, or landscaping requirement.

3. Nonconforming uses are uses as described in **1.06.02. (A)(1)** below. For example, a nonconforming use can be the actual use, or the parking requirement associated with that particular use.

(2) It is the declared intent of this section that nonconforming uses and structures eventually be eliminated and be required to comply with the regulations of the Zoning Ordinance, having due regard for the property rights of the person affected, the public welfare, and the character of the surrounding area.

1.06.02. Establishment of Legal Nonconforming Status

(A) Existence

For purposes of interpretation of this subsection, any uses, structures, or lots that in whole or part are not in conformance with current zoning standards shall be considered as follows.

(1) Legal Nonconforming

Those uses, structures, or lots that in whole or part are not in conformance with current zoning standards, but were legally established at a prior date at which time they were in conformance with applicable standards. Such uses, structures or lots may be maintained or potentially altered subject to the provisions of this subsection.

(2) Illegal Status

Those uses, structures, or lots that in whole or part are not in conformance with current zoning standards and were not in conformance with applicable standards at the time of their inception shall not be considered legal nonconforming, but shall be considered illegal uses, structures, or lots and shall not be approved for any alteration or expansion, and shall undertake necessary remedial measures to reach conformance with current standards, or be discontinued.

(B) Time of Adoption

Any use, platted lot, or structure that is a lawful use at the time of the adoption of any amendment to this Ordinance but by such amendment is placed in a district wherein such use, platted lot, or structure is not otherwise permitted shall be deemed legal nonconforming.

1.06.03. Burden of Demonstration

The burden of establishing that any nonconformity is a legal nonconformity as defined in this subsection shall be borne by the owner or proponent of such nonconformity.

1.06.04. Continuing Lawful Use of Property and Existence of Structures

(A) Discontinuance of Nonconforming Use

(1) If a nonconforming use shall cease operations for a period of more than six (6) months, then such nonconforming use shall be deemed to be permanently discontinued. Unless the Board of Adjustment reinstates the nonconforming rights pursuant to **Subsection 6.10 Reinstatement of Nonconforming Rights** of this Ordinance, such a use shall not be instituted on that parcel or other parcel in any district that does not permit the discontinued use.

(2) For the purpose of this paragraph, to "cease operations" shall mean to intentionally terminate operations of the nonconforming use. Any nonconforming use that does not involve a permanent type of structure or operation and that is moved from the premises shall be considered to have been discontinued, regardless of intent.

(B) Reinstatement of Nonconforming Use Rights

An owner and/or operator of a nonconforming use that has been deemed permanently abandoned pursuant to **(A)** above may request that the nonconforming rights to the use be reinstated pursuant to **Subsection 6.10 Reinstatement of Nonconforming Rights** of this Ordinance.

(C) Prohibited Expansion or Reoccupation

A nonconforming use or structure shall not be expanded, reoccupied with another nonconforming use, or increased as of the effective date of this Ordinance except as provided in **1.06.06.** below.

(D) Existing Platted Lots are Conforming Lots

Any existing lot platted prior to May 6, 2014, which was legally conforming, shall be deemed a conforming lot.

1.06.05. Changing Uses and Nonconforming Rights

(A) Nonconforming Use to Conforming Use

Any nonconforming use may be changed to a conforming use, and once such change is made, the use shall not be changed back to a nonconforming use.

(B) Nonconforming Use to another Nonconforming Use

A nonconforming use may not be changed to another nonconforming use.

(C) Conforming Use in a Nonconforming Structure

Where a conforming use is located in a nonconforming structure, the use may be changed to another conforming use by the process outlined in **1.06.06.** below.

1.06.06. Expansion of Nonconforming Uses and Structures

An expansion of a nonconforming use or structure is allowed in accordance with the following.

(A) Nonconforming Use Expansion in Existing Building

(1) A nonconforming use located within a building may be extended throughout the existing building, provided:

(a) No structural alteration may be made on or in the building except those required by law to preserve such building in a structurally sound condition; and

(b) The number of dwelling units or rooms in a nonconforming residential use shall not be increased so as to exceed the number of dwelling units or rooms existing at the time said use became a nonconforming use.

(2) Nonconforming use within a building shall not be extended to occupy any land outside the building.

(B) Off-Street Loading, Parking, and Landscaping Requirements

Requirements for parking and landscaping for a nonconforming structure shall be as stated in the Supplementary Ordinances.

(C) Residential Lot Exemption

The minimum residential lot areas for the various zoning districts shall be in accordance with their respective districts, except that a lot having less area than herein required that was an official "lot of record" prior to May 6, 2014 may be used for a single-family dwelling.

(D) Nonconforming Building Expansion with Conforming Uses

Buildings or structures that do not conform to the area regulations or development standards in this Ordinance but where the uses are deemed conforming shall not increase the gross floor area greater than ten (10) percent from the date when the building became nonconforming. The expansion must be conforming.

(E) Reuse of Abandoned or Vacant Buildings by Conforming Uses Allowed

Buildings or structures that have been vacant or abandoned for more than six (6) months and do not meet the current area regulations or development standards shall be allowed to be reoccupied only by a conforming use.

1.06.07. Restoration of Nonconforming Structures

(A) Total Destruction

If a nonconforming structure is destroyed by fire, the elements, or other cause, it may not be rebuilt except to conform to the provisions of this Ordinance.

(B) Partial Destruction

In the case of partial destruction of a nonconforming structure up to fifty-one (51) percent of its total appraised value as determined by the Appraisal District, reconstruction will be permitted, but the existing square footage or function of the nonconforming structure cannot be expanded.

1.06.08. Movement of Nonconforming Structures

(A) Relocation of a Nonconforming Structure within a Platted Lot

Nonconforming structures may be relocated within the same platted lot.

(B) Compliance

Nonconforming structures shall comply with all setback and screening requirements once relocated.

1.06.09. Completion of Structures

Nothing herein contained shall require any change in the plans, construction, or designated use of the following.

(A) Approved Building

A building or structure for which a building permit has been issued or a site plan approved prior to May 6, 2014.

(B) Building in the Approval Process

A building or structure for which a complete application for a building permit was accepted by the Building Official on or before the effective date of these regulations, provided however, that such building permit shall comply with all applicable ordinances in effect on the date such application was filed.

Section 2. Zoning Districts

Subsection 2.01. Zoning Districts Established

The City is hereby divided into the following zoning districts. The use, height and area regulations as set out herein apply to each district. The districts established herein shall be known as the following.

Table 1. Zoning Districts Established

Section	District	Page Number
Residential Zoning Districts		
2.03.01.	SF-E Single-Family Residential Estate	15
2.03.02.	SF-10 Single-Family Residential	17
2.03.03.	SF-7 Single-Family Residential	19
2.03.04.	MF-1 Two-Family (Duplex) Residential	21
2.03.05.	MF-2 Multiple-Family Residential Medium Density	23
2.03.06.	MF-3 Multiple-Family Residential High Density	25
2.03.07.	MH Manufactured Home (HUD Code)	27
Nonresidential Zoning Districts		
2.04.01.	P Professional Office	29
2.04.02.	R Retail	31
2.04.03.	LC Light Commercial	33
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Special Zoning Districts		
2.05.01.	MX Mixed Use	39

Subsection 2.02. Equivalency Table

The following table will identify zoning districts adopted in the previous Ordinance 887-00 and the district that now applies in this Ordinance to those districts.

Table 2. Zoning District Equivalency

Previous Zoning District	Current Zoning District
R-1L Single-Family Residential Large Lot	SF-E Single-Family Residential Estate
R-1 Single-Family Residential	SF-10 Single-Family Residential
	SF-7 Single-Family Residential
R-2 Two-Family Residential	MF-1 Two-Family (Duplex) Residential
R-3 Multiple Family Low Density	MF-2 Multiple-Family Residential Medium Density
R-4 Multiple Family High Density	MF-3 Multiple-Family Residential High Density
MH Manufactured Home (HUD Code)	MH Manufactured Home (HUD Code)
C-1 Restricted Commercial	P Professional Office
C-2 General Commercial	R Retail
C-3 Multi-Story General Commercial Business	LC Light Commercial
I-1 Light Industrial	HC Heavy Commercial
I-2 Heavy Industrial	I Industrial
PB Planned Business District	
MCU Municipal Complex Use	
	MX Mixed Use

Subsection 2.03. Residential Zoning Districts

2.03.01. SF-E Single-Family Residential Estate

(A) Character Description

The **SF-E Single-Family Residential Estate** district is established to allow for larger lots with one-family dwelling structures per lot. This district is intended to provide for residential lands to accommodate more rural settings and accessory yard uses. Lots should be generally located in groups, blocks or areas where the accessory uses of the land do not either materially or in an obnoxious manner influence neighboring properties.

(B) Permitted Uses

Uses permitted in this district are outlined in **Subsection 3.02 Use Chart** on page 44.

(C) Other Regulations

Subsection 4.01 Off-Street Parking and Loading Requirements

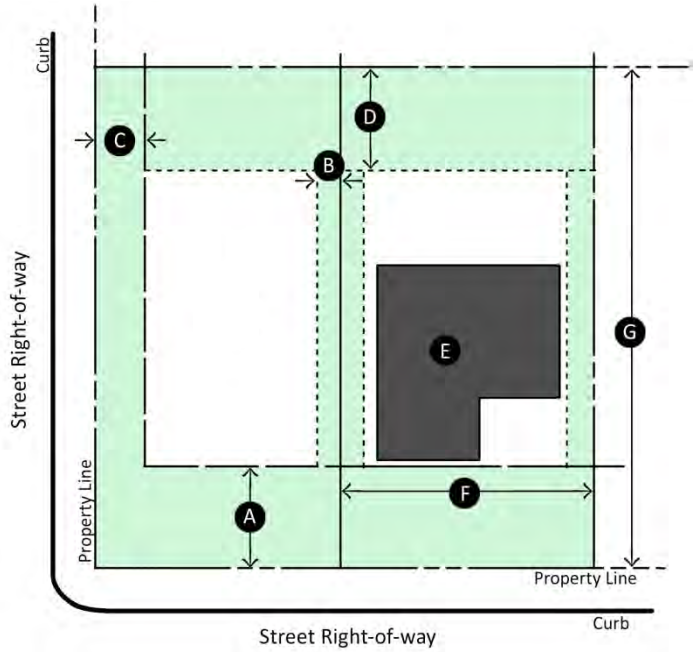
Subsection 4.02 Accessory Structure Standards

Subsection 4.03 Supplementary Regulations

Subsection 4.04 Performance Standards

Other Supplementary Ordinances

(D) Area Regulations



	SF-
	Heigh
A	Front
B	Side Y Interi
C	Side Y
D	Rear Y
E	Buildi
F	Lot W
G	Lot D
	Lot Si
	Lot Co

2.03.02. SF-10 Single-Family Residential

(A) Character Description

The **SF-10 Single-Family Residential** district is a single-family housing district in the City with lot sizes of approximately one-quarter of an acre. Development in this district is limited primarily to single-family dwellings and certain community and recreational facilities to serve residents of the district.

(B) Permitted Uses

Uses permitted in this district are outlined in **Subsection 3.02 Use Chart** on page 44.

(C) Other Regulations

Subsection 4.01 Off-Street Parking and Loading Requirements

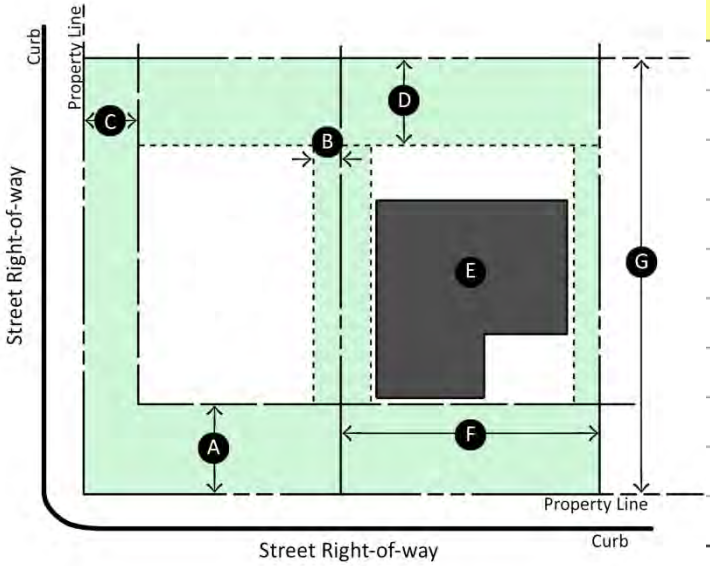
Subsection 4.02 Accessory Structure Standards

Subsection 4.03 Supplementary Regulations

Subsection 4.04 Performance Standards

Other Supplementary Ordinances

(D) Area Regulations



SF-10 Single-Family Residential		
	Height	35' maximum
A	Front Yard	25' minimum
B	Side Yard - Interior	10' minimum
C	Side Yard - Street	15' minimum
D	Rear Yard	25' minimum
E	Building Size	1,700 sq. ft. minimum
F	Lot Width	70' minimum
G	Lot Depth	120' minimum
	Lot Size	10,000 sq. ft. minimum
	Lot Coverage	40% maximum

2.03.03. SF-7 Single-Family Residential

(A) Character Description

The **SF-7 Single-Family Residential** district is a single-family housing district in the City with the most dense single family homes at about four to five homes per acre. Development in this district is limited primarily to single-family dwellings and certain community and recreational facilities to serve residents of the district.

(B) Permitted Uses

Uses permitted in this district are outlined in **Subsection 3.02 Use Chart** on page 44.

(C) Other Regulations

Subsection 4.01 Off-Street Parking and Loading Requirements

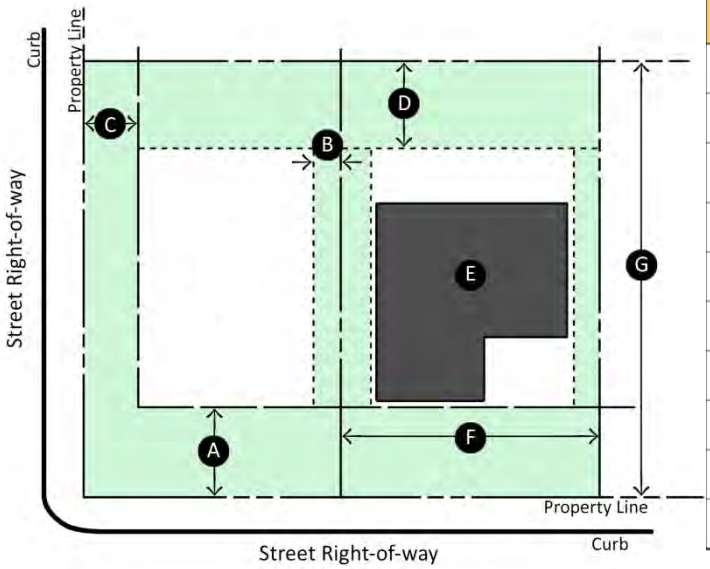
Subsection 4.02 Accessory Structure Standards

Subsection 4.03 Supplementary Regulations

Subsection 4.04 Performance Standards

Other Supplementary Ordinances

(D) Area Regulations



SF-7 Single-Family Residential		
	Height	35' maximum
A	Front Yard	25' minimum
B	Side Yard - Interior	8' minimum
C	Side Yard - Street	15' minimum
D	Rear Yard	25' minimum
E	Building Size	1,400 sq. ft. minimum
F	Lot Width	60' minimum
G	Lot Depth	100' minimum
	Lot Size	7,000 sq. ft. minimum
	Lot Coverage	40% maximum

2.03.04. MF-1 Two-Family (Duplex) Residential

(A) Character Description

The **MF-1 Two-Family (Duplex) Residential** district is established to stabilize and protect characteristics of low density residential areas. This district may be suitable as a buffer zone between single-family and higher intensity uses. Development in this district is limited primarily to single-family and two-family dwellings, and certain community and recreational facilities to service residents of the district.

(B) Permitted Uses

Uses permitted in this district are outlined in **Subsection 3.02 Use Chart** on page 44.

(C) Other Regulations

Subsection 4.01 Off-Street Parking and Loading Requirements

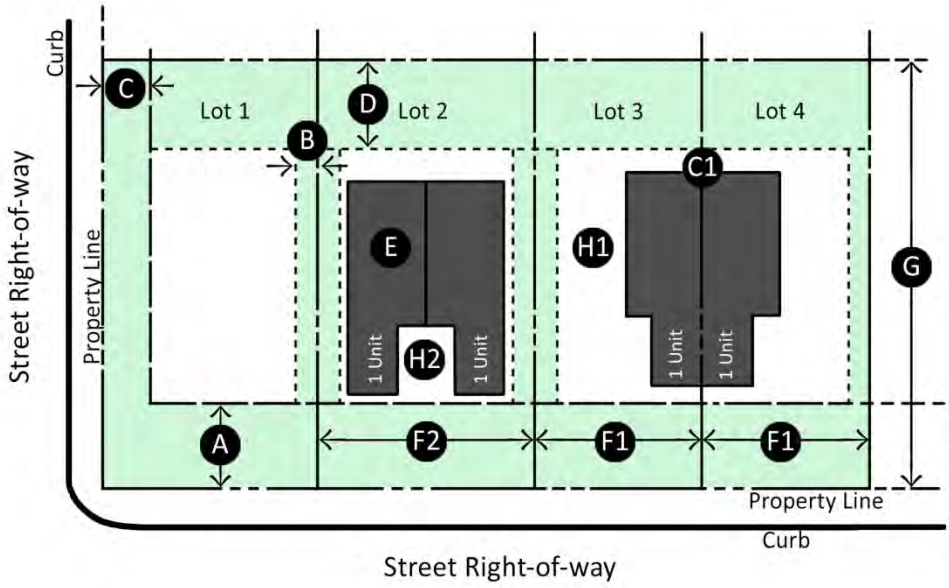
Subsection 4.02 Accessory Structure Standards

Subsection 4.03 Supplementary Regulations

Subsection 4.04 Performance Standards

Other Supplementary Ordinances

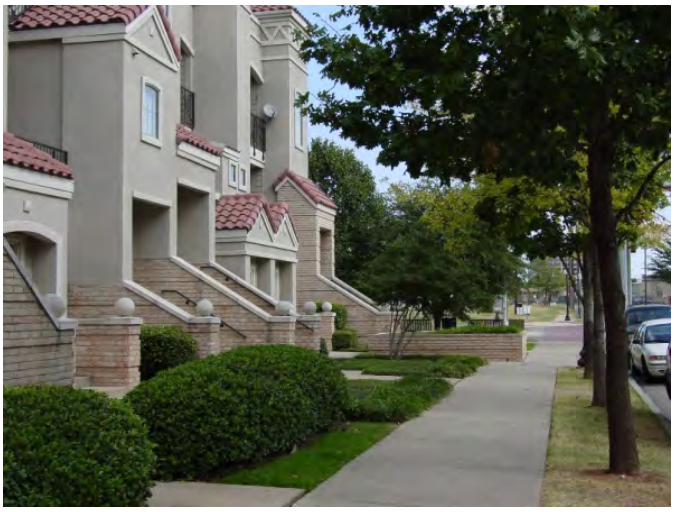
(D) Area Regulations



MF-1 Two-Family (Duplex) Residential		
	Height	2 stories maximum, but not to exceed 35'
A	Front Yard	25' minimum
B	Side Yard - Interior	8' minimum
C	Side Yard - Street	15' minimum
	*No Side Yard Setback When Duplex is Located on Zero Lot Line	
D	Rear Yard	25' minimum
E	Building Size	1,200 sq. ft. minimum
	Lot Width	
F1	One Dwelling	40' minimum
F2	Two Dwellings	70' minimum
G	Lot Depth	120' minimum
	Lot Size	
H1	One Dwelling	7,500 sq. ft. minimum
H2	Two Dwellings	10,000 sq. ft. minimum
	Lot Coverage	50% maximum

2.03.05. MF-2 Multiple-Family Residential Medium Density

(A) Character Description



The **MF-2 Multiple-Family Residential Medium Density** district is established to meet the needs for medium density residential areas where such development is in concert with area aesthetics, is environmentally sound, is compatible to the neighborhood and promotes the character of the community.

(B) Permitted Uses

Uses permitted in this district are outlined in **Subsection 3.02 Use Chart** on page 44.

(C) Other Regulations

Subsection 4.01 Off-Street Parking and Loading Requirements

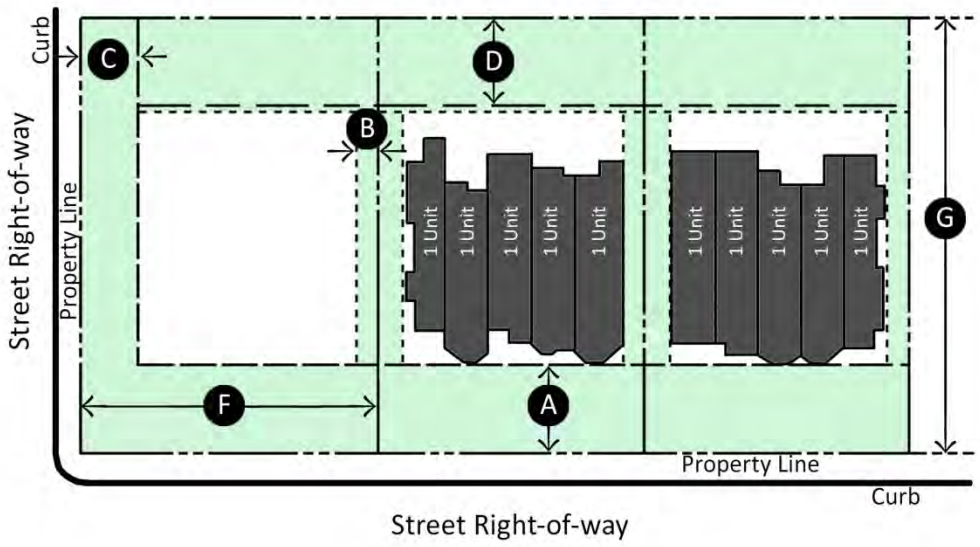
Subsection 4.02 Accessory Structure Standards

Subsection 4.03 Supplementary Regulations

Subsection 4.04 Performance Standards

Other Supplementary Ordinances

(D) Area Regulations



MF-2 Multiple-Family Residential Medium Density		
	Height	3 stories maximum, but not to exceed 45'
A	Front Yard	25' minimum
B	Side Yard - Interior	8' minimum
C	Side Yard - Street	15' minimum
D	Rear Yard	25' minimum
	Building Size	None
	Unit Size	
	One-Bedroom	1,000 sq. ft. minimum
	Two-Bedroom	1,200 sq. ft. minimum
	Three-Bedroom	1,500 sq. ft. minimum
F	Lot Width	75' minimum
G	Lot Depth	120' minimum
	Lot Size	
	1-3 Dwelling Units	9,000 sq. ft. minimum
	Each additional dwelling unit	1,500 sq. ft. minimum
	Lot Coverage	50% maximum
	Density	Up to 16 units per gross acre

2.03.06. MF-3 Multiple-Family Residential High Density

(A) Character Description

The **MF-3 Multiple-Family Residential High Density** district is primarily intended as the appropriate designation for lands suitable for higher impact development and higher volume traffic, while serving the residential needs for higher density living quarters.

(B) Permitted Uses

Uses permitted in this district are outlined in **Subsection 3.02 Use Chart** on page 44.

(C) Other Regulations

Subsection 4.01 Off-Street Parking and Loading Requirements

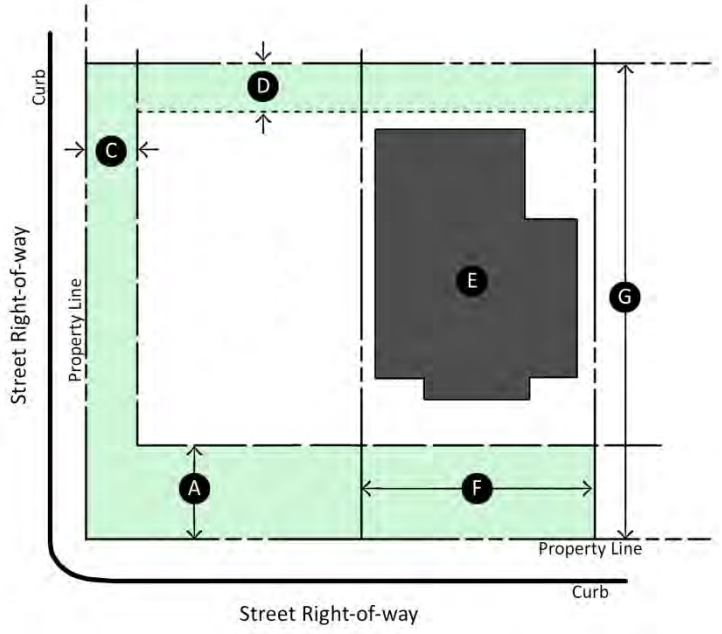
Subsection 4.02 Accessory Structure Standards

Subsection 4.03 Supplementary Regulations

Subsection 4.04 Performance Standards

Other Supplementary Ordinances

(D) Area Regulations



MF-3 Multiple-Family Residential High Density		
	Height	4 stories maximum, but not to exceed 55'
	Front Yard	25' minimum
	Side Yard - Interior	8' minimum
	Side Yard - Street	15' minimum
	Rear Yard	20' minimum
	Building Size	None
	Unit Size	
	One Unit	1,000 sq. ft. minimum
	Two Units	1,200 sq. ft. minimum
	Three Units	1,500 sq. ft. minimum
	Lot Width	75' minimum
	Lot Depth	100' minimum
	Lot Size	
	1-3 Dwelling Units	7,500 sq. ft. minimum
	For each additional dwelling unit	1,000 sq. ft. minimum
	Lot Coverage	50% maximum
	Density	Up to 24 units per gross acre

A
C
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E
F
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2.03.07. MH Manufactured Home (HUD Code)

(A) Character Description

The purpose of the **MH Manufactured Home (HUD Code)** district is to provide adequate space and restrictions for the placement of HUD-Code manufactured homes in the City within designated subdivisions. This does not include Mobile Homes, as defined in **Section 8. Definitions**. This district is also established to provide housing densities compatible with existing and proposed neighborhoods by providing alternative housing types both in construction and economy within the MH district. No HUD-Code manufactured home shall be allowed on any parcel or lot, except on parcels or lots within this district.

(B) Permitted Uses

Uses permitted in this district are outlined in **Subsection 3.02 Use Chart** on page 44.

(C) Other Regulations

Subsection 4.01 Off-Street Parking and Loading Requirements

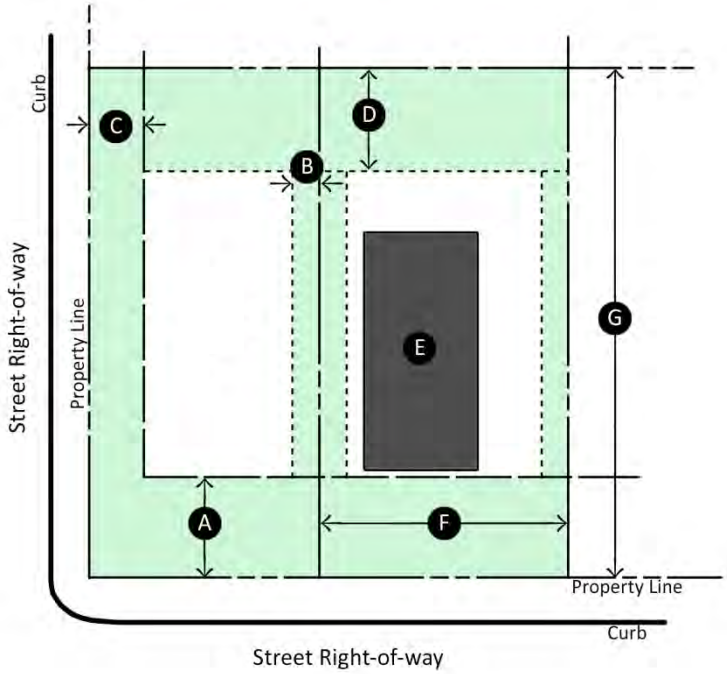
Subsection 4.02 Accessory Structure Standards

Subsection 4.03 Supplementary Regulations

Subsection 4.04 Performance Standards

Other Supplementary Ordinances

(D) Area Regulations



Subsection 2.04. Nonresidential Zoning Districts

2.04.01. P Professional Office

(A) Character Description

The **P Professional Office** district is envisioned to maintain its existing character of smaller-scale buildings and generally office-type businesses. A blend of nonresidential uses should be incorporated, but focus primarily on office and medical uses. This area should be oriented toward pedestrians over vehicles, when possible.

(B) Permitted Uses

Uses permitted in this district are outlined in **Subsection 3.02 Use Chart** on page 44.

(C) Other Regulations

Subsection 4.01 Off-Street Parking and Loading Requirements

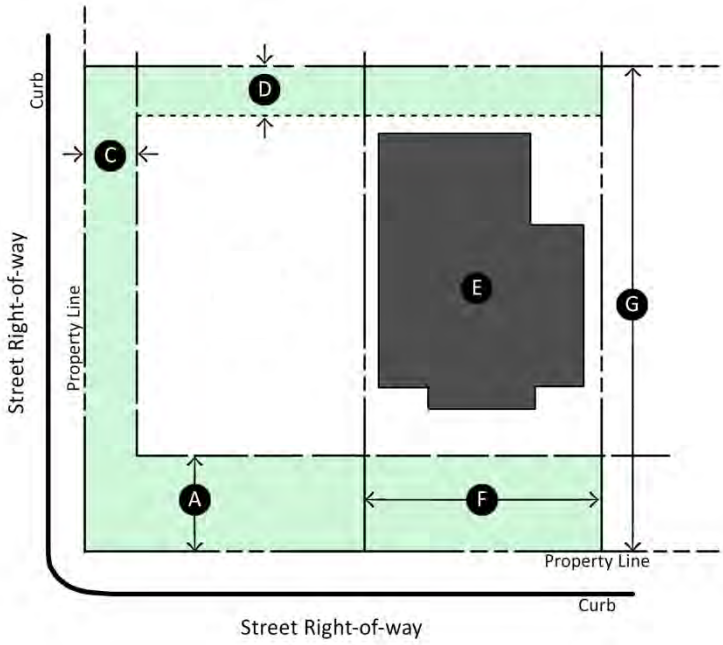
Subsection 4.02 Accessory Structure Standards

Subsection 4.03 Supplementary Regulations

Subsection 4.04 Performance Standards

Other Supplementary Ordinances

(D) Area Regulations



2.04.02. R Retail

(A) Character Description

The **R Retail** district is intended to provide locations for various types of general retail trade, business and service uses for services to one or more neighborhoods. These areas should be safely accessible for pedestrians, but may be oriented toward auto traffic. Many of these lots are small in area, and combining lots (i.e., replatting) within the district is desirable.

(B) Permitted Uses

Uses permitted in this district are outlined in **Subsection 3.02 Use Chart** on page 44.

(C) Other Regulations

Subsection 4.01 Off-Street Parking and Loading Requirements

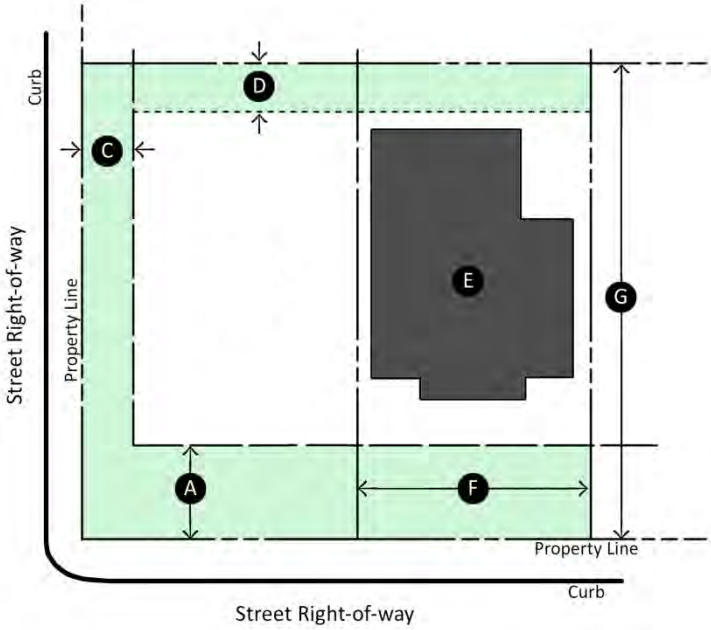
Subsection 4.02 Accessory Structure Standards

Subsection 4.03 Supplementary Regulations

Subsection 4.04 Performance Standards

Other Supplementary Ordinances

(D) Area Regulations



R Retail		
	Height	35’ maximum
	Front Yard	25' minimum
	Side Yard - Interior	None
	Side Yard - Adjacent to Residential District	Same as adjacent residential district
	Side Yard - Street	15' minimum
	Rear Yard	None
	Rear Yard - Adjacent to Residential Lot	Same as adjacent residential district
	Building Size	None
	Lot Width	None
	Lot Depth	None
	Lot Size	None
	Lot Coverage	None

A
C
D
E
F
G

2.04.03. LC Light Commercial

(A) Character Description

The **LC Light Commercial** district is intended to provide for a variety of office, retail, service, and commercial uses for the purpose of creating a quality mixture of land uses along the roadway. Although these may be heavier uses, the view from major roadways should be aesthically-pleasing. Outside storage should be limited, and adequately screened from the roadway.

(B) Permitted Uses

Uses permitted in this district are outlined in **Subsection 3.02 Use Chart** on page 44.

(C) Other Regulations

Subsection 4.01 Off-Street Parking and Loading Requirements

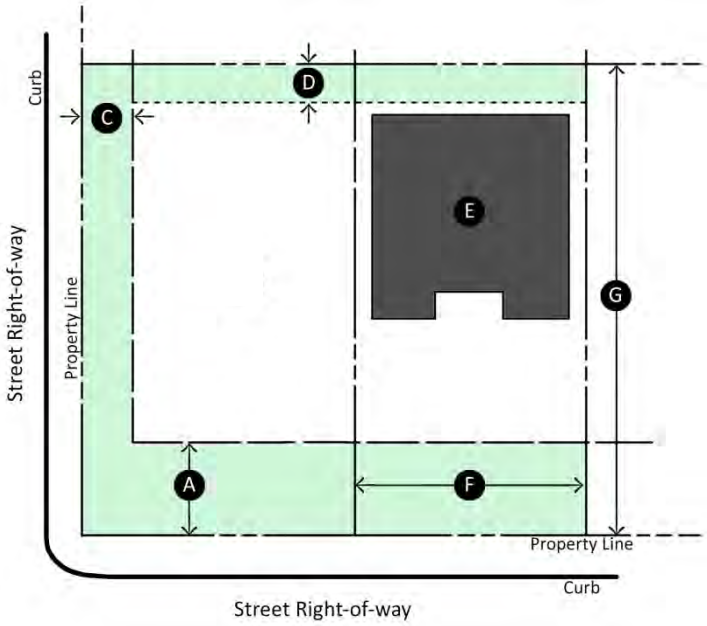
Subsection 4.02 Accessory Structure Standards

Subsection 4.03 Supplementary Regulations

Subsection 4.04 Performance Standards

Other Supplementary Ordinances

(D) Area Regulations



LC Light Commercial		
	Height	90’ maximum
A	Front Yard	25' minimum
	Side Yard - Interior	None
	Side Yard -Adjacent to Residential District	Same as adjacent residential district
C	Side Yard - Street	15' minimum
D	Rear Yard	None
	Rear Yard -Adjacent to Residential Lot	Same as adjacent residential district
E	Building Size	None
F	Lot Width	None
G	Lot Depth	None
	Lot Size	None
	Lot Coverage	None

2.04.04. HC Heavy Commercial

(A) Character Description

The **HC Heavy Commercial** district is intended to provide for more intensive uses, such as light manufacturing and assembly. These businesses may utilize outside storage, produce moderate amounts of noise, and should not be visible from the City's major roadways to preserve the community's image.

(B) Permitted Uses

Uses permitted in this district are outlined in **Subsection 3.02 Use Chart** on page 44.

(C) Other Regulations

Subsection 4.01 Off-Street Parking and Loading Requirements

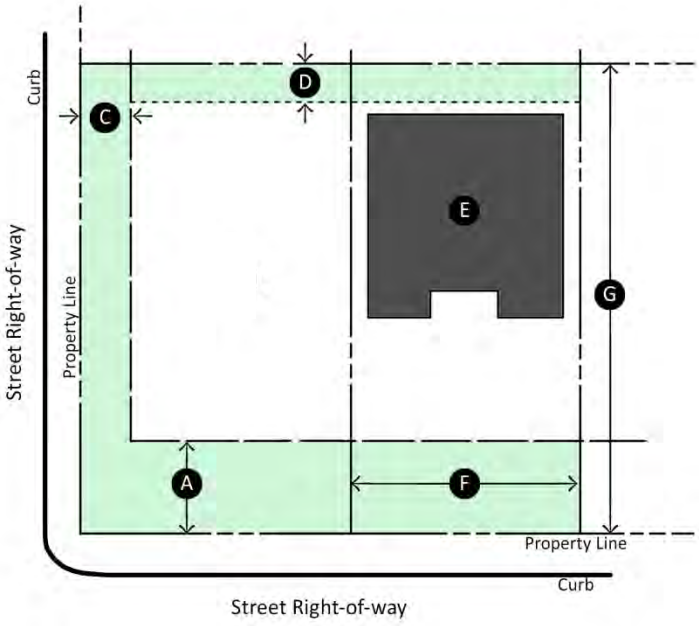
Subsection 4.02 Accessory Structure Standards

Subsection 4.03 Supplementary Regulations

Subsection 4.04 Performance Standards

Other Supplementary Ordinances

(D) Area Regulations



	Hei
A	Fro
	Sid
	Sid Adj Res
C	Sid
D	Rea
	Rea Adj Res
E	Bui
F	Lot
G	Lot
	Lot
	Lot

2.04.05. I Industrial

(A) Character Description

The **I Industrial** district is intended primarily for uses in the conduct of manufacturing, assembly, and fabrication, and for warehousing, wholesaling, and service operations. Such uses at times may produce moderate levels of noise, dust, and smoke.

(B) Permitted Uses

Uses permitted in this district are outlined in **Subsection 3.02 Use Chart** on page 44.

(C) Other Regulations

Subsection 4.01 Off-Street Parking and Loading Requirements

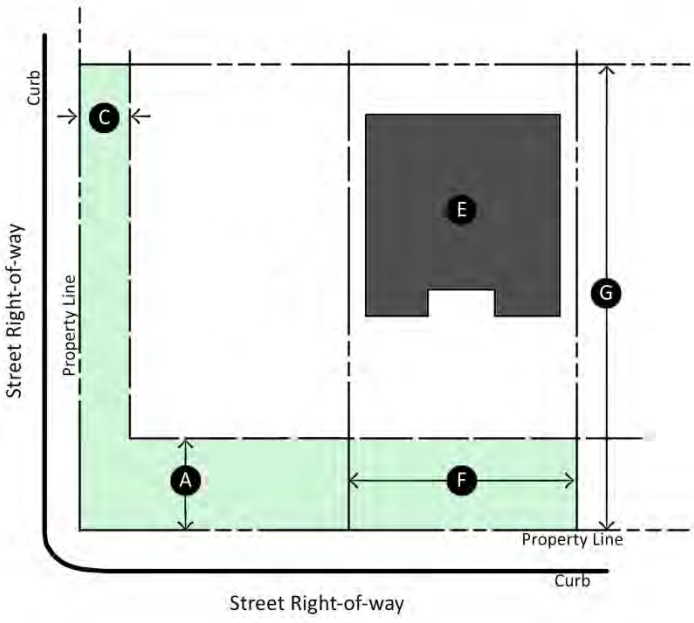
Subsection 4.02 Accessory Structure Standards

Subsection 4.03 Supplementary Regulations

Subsection 4.04 Performance Standards

Other Supplementary Ordinances

(D) Area Regulations



I Industrial		
	Height	None
A	Front Yard	25' minimum
	Side Yard - Interior	None
	Side Yard - Adjacent to Residential District	Same as adjacent residential district
C	Side Yard - Street	15' minimum
	Rear Yard	None
E	Building Size	None
F	Lot Width	None
G	Lot Depth	None
	Lot Size	None
	Lot Coverage	None

Subsection 2.05. Special Zoning Districts

2.05.01. MX Mixed Use

(A) Character Description

The **MX Mixed Use** district is intended to create unique, pedestrian-friendly areas with a blend of residential and nonresidential uses. These districts may include vertical mixed use (typically residential or office above a retail use) or horizontal mixed use (individual uses located adjacent to one another).

(B) Permitted Uses

Uses permitted in this district are outlined in **Subsection 3.02 Use Chart** on page 44.

(C) Other Regulations

Subsection 4.01 Off-Street Parking and Loading Requirements

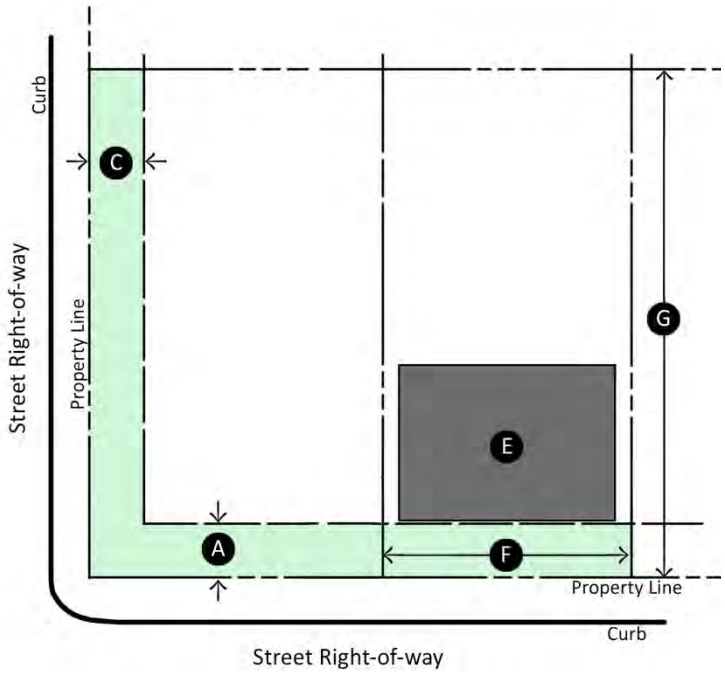
Subsection 4.02 Accessory Structure Standards

Subsection 4.03 Supplementary Regulations

Subsection 4.04 Performance Standards

Other Supplementary Ordinances

(D) Area Regulations



MX Mixed Use		
	Height	4 stories maximum, but not to exceed 55'
	Front Yard	10' minimum
	Side Yard - Interior	None
	Side Yard - Adjacent to Residential District	Same as adjacent residential district
	Side Yard - Street	10' minimum
	Rear Yard	None
	Rear Yard - Adjacent to Residential Lot	Same as adjacent residential district
	Building Size	None
	Lot Width	None
	Lot Depth	None
	Lot Size	None
	Lot Coverage	None

2.05.02. SUP Specific Use Permit

(A) General Description and Authorization

The uses listed under the various districts within the Use Chart as Specific Use Permits (SUPs) are so classified because they may have use characteristics or environmental impacts that could negatively impact adjacent land uses if not properly planned or buffered.

(1) Consideration for Compatibility

With consideration given to setting, physical features, compatibility with surrounding land uses, traffic, and aesthetics, certain uses may locate in an area where they will be compatible with existing or planned land uses.

(2) Review and Approval Authorities

(a) The City Council shall review each case on its own merit, apply the criteria established herein, and, if appropriate, authorize said use by granting a Specific Use Permit for the use.

(b) The Planning & Zoning Commission shall recommend to the City Council approval, approval with modifications, or denial for each Specific Use Permit.

(3) Time Limit

City Council may choose to place a time limit on an SUP to allow periodic reviews of the impact of the use on surrounding properties.

(B) Application and Site Plan Required

Application and public hearing procedures for a Specific Use Permit shall be completed in the same manner as an application for rezoning. A site plan shall be included with the application as outlined in **Subsection 6.06 Site Plan Requirements**.

(1) The Planning & Zoning Commission or City Council may require additional information or drawings (such as building floor plans), operating data and expert evaluation or testimony concerning the location, function and characteristics of any building or use proposed.

(2) The site plan shall comply with the standards of **Subsection 6.06 Site Plan Requirements**.

(C) SUP Procedure and Other Regulations

See **Subsection 6.08 Specific Use Permit (SUP)** for procedures and other regulations.

2.05.03. PD Planned Development

(A) General Description and Purpose

The PD District is a district that accommodates coordinated development that provides a more flexible regulatory structure than the zoning districts outlined in this Ordinance. A PD may be used to permit new or innovative concepts in land utilization or diversification than achieved under conventional zoning approaches. Procedures are established herein to ensure appropriate use of PD zoning.

(1) The PD designation shall be used for the following purpose(s):

(a) Master planning;

(b) To carry out specific goals of the Comprehensive Plan, City or public/private partnered special projects, and City Council strategic focus areas;

(c) Development of mixed use, transit-oriented, or traditional neighborhoods with a variety of uses and housing types; and/or

(d) To preserve natural features, open space, and other topographical features of the land.

(2) The PD designation shall not be used solely for the following purpose(s):

(a) To obtain variances and waivers from existing development standards;

(b) To secure agreements between an applicant and nearby property owners to receive zoning approval; and/or

(c) To assign responsibility to the City of private deed restrictions or covenants.

(B) Permitted Uses

(1) Any use permitted in this Zoning Ordinance shall be permitted in a PD District if such use is:

(a) Specified in the amending ordinance granting a PD District, or

(b) The amending ordinance shall reference a zoning district that will maintain base requirements for the PD.

(2) The size, location, appearance, and method of operation may be specified to the extent necessary to ensure compliance with the purpose of this Zoning Ordinance base zoning district.

(3) Unless specified in the amending ordinance, all buildings and uses shall comply with all City development requirements.

(C) Updated Standards to the Base Zoning District

(1) If the standards of the base zoning district are amended, then the most recently amended standards shall apply to a PD district unless the standards have been individually listed within the PD adoption ordinance as being different from the base zoning district.

(2) Base zoning district amendments are applicable to PD districts and do not require special notice to be provided to the properties within a PD district.

(D) PD Application and Review Process

See **Subsection 6.07 PD Application and Review**.

Section 3. Land Uses

Subsection 3.01. Use of Land and Buildings

3.01.01. Uses Permitted by District

Land and buildings in each of the zoning districts may be used for any of the indicated uses. No land shall hereafter be used, and no building or structure shall hereafter be erected, altered, or converted, that is arranged, designed, or used for purposes other than those uses specified as permitted uses in the district in which it is located, according to **Subsection 3.02 Use Chart** and in accordance with **Subsection 1.05 Compliance Required/Interpretation/Rules of Construction** and the provisions of this Ordinance.

(A) Legend for Use Chart

Base Zoning	
P	Use is permitted in district indicated
	Use is prohibited in district indicated
S	Use is permitted in district upon approval of a Specific Use Permit
(#)	Use is permitted in the district indicated (unless otherwise noted) if the use complies with conditional development standards or limitations in the corresponding numeric end note in **3.02.01. Conditional Development Standards**.

3.01.02. Classification of New and Unlisted Uses

It is recognized that new types of land use will develop and forms of land use not presently anticipated may seek to locate in the City. The Zoning Administrator has the authority to classify the use as similar to an existing use classification. If the Zoning Administrator is unable to classify the use under one of the existing listed uses, then the Zoning Administrator shall initiate a zoning text amendment pursuant to procedures set forth in this Ordinance.

Subsection 3.02. Use Chart

	Residential							Nonresidential					Special	Parking
	SF-E Single-Family Residential Estate	SF-10 Single-Family Residential	SF-7 Single-Family Residential	MF-1 Two-Family (Duplex) Residential	MF-2 Multiple-Family Residential Medium Density	MF-3 Multiple-Family Residential High Density	MH Manufactured Home (HUD Code)	P Professional Office	R Retail	LC Light Commercial	HC Heavy Commercial	I Industrial	MX Mixed Use	Minimum Requirement *(see Section 8(F)Parking Requirement Based on Use)*
Residential Uses														
Bed and Breakfast Inn	S	S	S											1 space per guest room in addition to the requirements for a normal residential use
Caretaker's/Guard's Residence								S	S	S	S	S	S	1 space per sleeping quarters
Garage Apartment	P	S	S										~~S~~	1 space per unit
Guest House	P	~~P~~S	~~P~~S	~~P~~			~~S~~						~~P~~	1 space per unit
Live-Above Mixed Use									~~(1)~~	~~(1)~~			(1)	Shared parking analysis required
Live/Work Units								~~S~~	~~S~~				S	2 spaces per dwelling unit
Manufactured Home (HUD Code)							P							2 spaces per dwelling unit
Modular (Industrialized) Home	(2)	(2)	(2)	(2)	(2)	(2)	(2)							2 spaces per dwelling unit
Multifamily Residence					~~S~~P	~~S~~P							S	Studio: 1 space per dwelling unit 1-2 BR: 2 spaces per dwelling unit 3+ BR: 0.5 spaces per add'l bedroom
Parish House or Parsonage	P	P	P	P	P	P	P							2 spaces per dwelling unit
Senior Housing	S	S	S	S	S	S	S						S	Independent living: 1 space per unit Assisted living: 0.5 spaces per unit
Single-Family Residence, Detached	P	P	P	P	P	P	P						S	2 spaces per dwelling unit
Townhome				~~S~~	P	P	~~S~~						S	2 spaces per dwelling unit, plus 1 per 4 units for guest parking
Two-Family Residence (Duplex)				P	P	P							S	2 spaces per dwelling unit
Nonresidential Uses														
Accessory Structure	P	P	P	P	P	P	P	P	P	P	P	P	P	No additional parking required
Airport/Heliport												S		Site analysis required
Antenna	(3)	(3)	(3)	(3)	(3)	(3)	(3)	(3)	(3)	(3)	(3)	(3)	(3)	No additional parking required
Antique Shop and Used Furniture									S	P			S	1 space per 600 square feet
Artisan's Workshop								S	S	S	S	P	S	1 space per 250 square feet
Athletic Stadium or Field, Private	S	S	S	S	S	S	S	S	S	S	S	S	S	Without fixed seating: 50 spaces per field With fixed seating: 1 space per 4 seats or bench seating spaces
Athletic Stadium or Field, Public	P	P	P	P	P	P	P	P	P	P	P	P	P	
Auction House											S	P		1 space per 500 square feet
Auto Parts Sales, Inside									P	P	P			1 space per 200 square feet
Auto Parts Sales, Outside										S	S	P		1 space per 500 square feet

	Residential							Nonresidential					Special	Parking
	SF-E Single-Family Residential Estate	SF-10 Single-Family Residential	SF-7 Single-Family Residential	MF-1 Two-Family (Duplex) Residential	MF-2 Multiple-Family Residential Medium Density	MF-3 Multiple-Family Residential High Density	MH Manufactured Home (HUD Code)	P Professional Office	R Retail	LC Light Commercial	HC Heavy Commercial	I Industrial	MX Mixed Use	Minimum Requirement *(see Section 8(F)Parking Requirement Based on Use)*
Automobile Repair, Major										S	P	P		1 space per 375 square feet
Automobile Repair, Minor									S	P	P	P		
Automobile Sales, Used												P		1 space per 500 square feet of sales floor for indoor uses, or 1 space for each 1,000 square feet of lot area for outdoor uses
Automobile Sales/Leasing, New										S	S	P		
Automobile Storage												P		1 space per 1,000 square feet of lot area
Bank, Savings and Loan, or Credit Union								P	P	P	P	P	P	1 space per 300 square feet
Beauty Salon/Barber Shop								P	P	P			P	1 space per 200 square feet, minimum of 5 spaces
Boat Sales and Repair											P	P		1 space per 500 square feet of sales floor for indoor uses, or 1 space for each 1,000 square feet of lot area for outdoor uses
Body Art Studio										S	P		S	1 space per 200 square feet, minimum of 5 spaces
Building Material and Hardware Sales, Major										S	P	P	S	1 space per 250 square feet of sales floor for indoor uses, or 1 space for each 1,000 square feet of lot area for outdoor uses
Building Material and Hardware Sales, Minor									P	P	P	P	S	1 space per 250 square feet
Business Service								P	P	P	P	P	P	1 space per 250 square feet
Cabinet/Upholstery Shop										S	P	P		1 space per 300 square feet
Car Wash, Full Service									S	P	P	P	S	1 space per 200 square feet
Car Wash, Self Service										S	P			2 spaces plus required stacking per car wash bay
Carpet Cleaners										S	P	P		1 space per 250 square feet
Cemetery or Mausoleum	S	S	S	S	S	S	S	S	S	S	S	S	S	Site analysis required
Child-Care: Foster Family Home (Independent)	P	P	P											No additional parking required
Child-Care: Foster Group Home (Independent)	P	P	P	P	P	P	P							1 space per 12 students, plus required residential parking
Child-Care: Licensed Child-Care Center								S	P	P	P	P	S	1 space per 8 pupils plus 1 space per employee
Child-Care: Licensed Child-Care Home	S	S	S											1 space per 8 pupils plus 1 space per employee, plus required residential parking
Child-Care: Listed Family Home	S	S	S											No additional parking required
Child Care: Registered Child-Care Home	S	S	S											1 space per 8 pupils plus 1 space per employee, plus residential parking
Church, Temple, Synagogue, Mosque, or Other Place of Worship	P	P	P	P	P	P	P	P	P	P	P	P	P	1 space per 100 square feet of gross floor area of the main sanctuary, or 1

	Residential							Nonresidential					Special	Parking
	SF-E Single-Family Residential Estate	SF-10 Single-Family Residential	SF-7 Single-Family Residential	MF-1 Two-Family (Duplex) Residential	MF-2 Multiple-Family Residential Medium Density	MF-3 Multiple-Family Residential High Density	MH Manufactured Home (HUD Code)	P Professional Office	R Retail	LC Light Commercial	HC Heavy Commercial	I Industrial	MX Mixed Use	Minimum Requirement *(see Section 8(F)Parking Requirement Based on Use)*
														space per 3 seats in sanctuary
College, University, Trade, or Private Boarding School								P		P	P	P	S	1 space per 4 students
Commercial Amusement, Indoor										P	P	P	S	Standalone: 1 space per 100 square feet In-line: 1 space per 250 square feet
Commercial Amusement, Outdoor										S	P	P	S	1 space per 500 square feet of site area exclusive of building
Community Center	S	S	S	S	S	S		~~P~~S	~~P~~S	~~P~~S	~~P~~S	~~P~~S	S	10 parking spaces plus 1 additional space per 300 square feet of floor area in excess of 2,000 square feet. If an auditorium is included as a part of the building, its floor area shall be deducted from the total and additional parking provided on the basis of 1 space for each 4 seats that it contains.
Computer Repair								P		P	P	P	P	1 space per 300 square feet
Concrete/Asphalt Batching Plant, Permanent												S		1 space per employee at maximum shift, but not less than 1 space per 1,000 square feet
Concrete/Asphalt Batching Plant, Temporary										(4)	(4)	(4)	(4)	1 space per employee at maximum shift, but not less than 1 space per 1,000 square feet
Construction Yard and Field Office, Temporary	(16)~~P~~	(16)~~P~~	(16)~~P~~	(16)~~P~~	(16)~~P~~	(16)~~P~~	(16)~~P~~	(16)~~P~~	(16)~~P~~	(16)~~P~~	(16)~~P~~	(16)~~P~~	(16)~~P~~	1 space per employee at maximum shift, but not less than 1 space per 1,000 square feet
~~Contractor's Shop and/or Storage Yard~~Contracotr, general/electricl/mechanical/plumbing (no outside storage)								P	P	~~S~~P	~~S~~P	P	P	1 space per employee at maximum shift, but not less than 1 space per 1,000 square feet
Contractor, general/electrical/mechanical/plumbing (outside storage)										S	P	P	S	1 space per employee at maximum shift, but not less than 1 space per 1,000 square feet of gross floor area
Contractor storage or equipment yard										S	P	P	S	1 space per employee at maximum shift, but not less than 1 spacer per 1,000 square feet of gross area
Convenience Store with Drive-Through									S	S			S	1 space per 200 square feet
Convenience Store with Fuel Pumps								(5)	(5)	(5)	(5)	(5)	(5)	1 space per 200 square feet. Parking in front of pump stations shall be counted towards meeting the required parking. A minimum of 6 parking spaces shall be provided adjacent to the main building.
Convenience Store without Fuel Pumps								P	P	P	P	P	S	1 space per 200 square feet
Day Services, Adult	S	S	S	S	S	S	S	P	P	P	P	P	P	1 space per 200 square feet
Drivers Education Training								S	S	P	P	P	S	1 space per 200 square feet

	Residential							Nonresidential					Special	Parking
	SF-E Single-Family Residential Estate	SF-10 Single-Family Residential	SF-7 Single-Family Residential	MF-1 Two-Family (Duplex) Residential	MF-2 Multiple-Family Residential Medium Density	MF-3 Multiple-Family Residential High Density	MH Manufactured Home (HUD Code)	P Professional Office	R Retail	LC Light Commercial	HC Heavy Commercial	I Industrial	MX Mixed Use	Minimum Requirement *(see Section 8(F)Parking Requirement Based on Use)*
Dry Cleaning, Major											S	P		1 space per 500 square feet
Dry Cleaning, Minor								P	P	P	P	P	P	1 space per 250 square feet, minimum of 5 spaces, minimum of 5 spaces
Electrical Power Generating Plant												S		Site analysis required; 1 space per employee plus 1 per storage vehicle
Entertainment Equipment Rental									P	P	P	P		1 space per 300 square feet
Equipment and Machinery Sales and Rental, Major											S	P		1 space per 250 square feet
Equipment and Machinery Sales and Rental, Minor									P	P	P	P		1 space per 250 square feet
Fairground, Exhibition Area, or Rodeo Arena										S	P	P		1 space per 4 seats, 1 space per 200 square feet, or 1 space per 500 square feet of site area, whichever is greater
Farmer's Market								S	S	S	S	S	~~S~~(17)	2 spaces per booth
Feed Store									P	P	P	P		1 space per 200 square feet
Flea Market, Inside										S	P	P		1 space per 500 square feet of site area
Flea Market, Outside											S	P		
Floor or Window Covering Store									P	P	P	P		1 space per 200 square feet
Florist or Gift Shop								P	P	P			S	1 space per 200 square feet
Fortune Teller/Psychic								S					S	1 space per 200 square feet
Fraternal Organization, Lodge, Civic Club, Fraternity, or Sorority								P	P	P			P	1 space per 200 square feet
Fuel Pumps (Accessory Use)								(6)	(6)	(6)	(6)	(6)	(6)	1 space per 200 square feet
Furniture Restoration								P		S	P	P		1 space per 1,000 square feet
Golf Course and/or Country Club								S	S	S	S	S	S	9 spaces per hole, plus 1 space for each 150 square feet of floor area of clubhouse/rooms
Golf Course, Miniature								S	S	S			S	1½ parking spaces per hole (or tee), plus 1 space for each 100 square feet of game room area
Governmental Office	P	P	P	P	P	P	P	P	P	P	P	P	P	1 space per 300 square feet
Grocery								P	P	P			S	1 space per 150 square feet
Gymnastics/Dance Studio								P	P	P			S	1 space per 500 square feet
Hall, Reception/Banquet/Meeting										(7)		(7)	(7)	1 space per 100 square feet
Health/Fitness Center								P	P	P			S	1 space per 100 square feet
Helistop											S	P		5 spaces for commercial pad; 2 spaces for private pad
Home Occupation	(8)	(8)	(8)	(8)	(8)	(8)	(8)							No additional parking required
Hospital								P	P	P	P	P	P	1 space per employee on the largest shift, plus 1½ spaces per each bed or examination room, whichever is

	Residential							Nonresidential					Special	Parking
	SF-E Single-Family Residential Estate	SF-10 Single-Family Residential	SF-7 Single-Family Residential	MF-1 Two-Family (Duplex) Residential	MF-2 Multiple-Family Residential Medium Density	MF-3 Multiple-Family Residential High Density	MH Manufactured Home (HUD Code)	P Professional Office	R Retail	LC Light Commercial	HC Heavy Commercial	I Industrial	MX Mixed Use	Minimum Requirement *(see Section 8(F)Parking Requirement Based on Use)*
														applicable
Hotel/Motel									S(9)	S(9)			S(9)	1 space per sleeping room or suite plus 1 space for each 200 square feet of commercial floor area contained therein
Hotel, Extended Stay										S(10)				1 space per sleeping room or suite plus 1 space for each 200 square feet of commercial floor area contained therein
Household Care Facility	(11)	(11)	(11)	(11)	(11)	(11)	(11)							1 space per bedroom, in addition to required residential parking
Indoor Gun or Archery Range											S	S		1 space per 500 square feet of indoor facilities, plus 1 space per lane or target
Laundromat									P	P	P		S	1 space per 200 square feet
Locksmith/Security System Company								P	P	P	P	P	S	1 space per 200 square feet
Machine Shop											P	P		1 space per 2 employees or 1 space per 1,000 square feet, whichever is greater
Manufacturing, General												P		1 space per employee of maximum shift, plus 1 space per 1,000 square feet
Manufacturing, Light										S	P	P		1 space per employee of maximum shift, plus 1 space per 1,000 square feet
Massage Therapy, Licensed								P	P	P			P	1 space per 200 square feet
Massage Therapy, Unlicensed														1 space per 200 square feet
Mini-Warehouse/Self-Storage											S	P		4 spaces per complex located outside of the security gates and accessible to the public. Interior parking spaces for loading and unloading may be included as parallel spaces between the fire lane and storage buildings.
Miscellaneous Hazardous Industrial Use												S		1 space per 1,000 square feet
Mobile Food Vendor								(12)	(12)	(12)	(12)	(12)	(12)	2 spaces per vendor/truck
Mortuary/Funeral Parlor								P		P	P			1 space per 50 square feet of floor space in slumber rooms, parlors or individual funeral service rooms
Motorcycle Sales/Service										P	P	P		1 space per 500 square feet of sales floor for indoor uses, or 1 space for each 1,000 square feet of lot area for outdoor uses
Municipal Uses Operated by the City	P	P	P	P	P	P	P	P	P	P	P	P	P	1 space per 300 square feet
Museum/Art Gallery								P	P	P			P	10 spaces plus 1 additional space per 300 square feet of floor area in excess of 2,000 square feet. If an auditorium is included as a part of the building, its floor area shall be deducted from the total and additional parking provided on the basis of 1 space for each 4 seats that

	Residential							Nonresidential					Special	Parking
	SF-E Single-Family Residential Estate	SF-10 Single-Family Residential	SF-7 Single-Family Residential	MF-1 Two-Family (Duplex) Residential	MF-2 Multiple-Family Residential Medium Density	MF-3 Multiple-Family Residential High Density	MH Manufactured Home (HUD Code)	P Professional Office	R Retail	LC Light Commercial	HC Heavy Commercial	I Industrial	MX Mixed Use	Minimum Requirement *(see Section 8(F)Parking Requirement Based on Use)*
														it contains.
Nightclub or Dance Hall										P		P	S	1 space per 100 square feet
Nursery, Major										S	P	P		1 space per 5,000 square feet of outdoor storage area. Any associated sales or office area shall be calculated at 1 space per 200 square feet.
Nursery, Minor									P	P	P	P	P	
Nursing/Convalescent Home						S		S	S	S	S	S	S	1 space per 5 beds
Office and Storage Area for Public/Private Utility												P		1 space per employee on maximum shift, plus 1 per storage vehicle
Office, Administrative, Medical, or Professional								P	P	P	P	P	P	Admin or Professional: 1 space per 300 square feet; Medical under 20,000 square feet: 1 space per 200 square feet; Medical over 20,000 square feet: see requirement for Hospitals
Office/Showroom										P	P	P		1 space per 500 square feet
Oil Well/Gas Well and Mineral Extraction	(13)	(13)	(13)	(13)	(13)	(13)	(13)	(13)	(13)	(13)	(13)	(13)	(13)	1 space per employee on maximum shift, plus 1 space to accommodate all trucks and other vehicles
Outside Storage and Display (Incidental Use)										S	S	P	S	1 space per 1,000 square feet
Outside Storage and Display (Primary Use)												P		1 space per 1,000 square feet
Park or Playground	P	P	P	P	P	P	P	P	P	P	P	P	P	Site analysis required
Pawn Shop or Alternative Financial Services											P	P		1 space per 200 square feet
Pet Care and Grooming, Indoor								P	P	P	P		S	1 space per 200 square feet
Pet Care and Grooming, Outdoor										P	P			1 space per 200 square feet
Pharmacy								P	P	P			P	1 space per 200 square feet
Portable Building Sales											S	P		1 space per 300 square feet of office area; 1 space per 1,000 square feet of storage area
Print Shop, Major											P	P		1 space per 2 employees or 1 space per 1,000 square feet, whichever is greater
Print Shop, Minor								P	P	P	P	P	P	1 space per 300 square feet
Private Utility (other than listed)	P	P	P	P	P	P	P	P	P	P	P	P	P	1 space per site, plus 1 space per storage vehicle
Recreational Vehicle Sales and Service, New/Used												P		1 space per 500 square feet of sales floor for indoor uses, or 1 space for each 1,000 square feet of lot area for outdoor uses
Recreational Vehicle/Truck Parking Lot or Garage												S		Site analysis required
Recycling Center											S	P		1 space per 300 square feet of office area; 1 space per 1,000 square feet of gross floor area of the processing center
Recycling Collection Point											P	P		No additional parking required

	Residential							Nonresidential				Special		Parking
	SF-E Single-Family Residential Estate	SF-10 Single-Family Residential	SF-7 Single-Family Residential	MF-1 Two-Family (Duplex) Residential	MF-2 Multiple-Family Residential Medium Density	MF-3 Multiple-Family Residential High Density	MH Manufactured Home (HUD Code)	P Professional Office	R Retail	LC Light Commercial	HC Heavy Commercial	I Industrial	MX Mixed Use	Minimum Requirement *(see Section 8(F)Parking Requirement Based on Use)*
Recycling Plant												P		1 space per 300 square feet of office area; 1 space per 1,000 square feet of gross floor area of the processing center
Rehabilitation Care Institution								S		S				Under 20,000 square feet: 1 space per 200 square feet; Over 20,000 square feet: see requirement for Hospitals
Rehabilitation In-Home Care	(14)	(14)	(14)	(14)	(14)	(14)	(14)							No additional parking required
Research and Development Center (with Animals)										S	S	S		1 space per 350 square feet. Medical facilities over 20,000 square feet shall use the parking standards set forth for hospitals.
Research and Development Center (without Animals)								S		P	P	P		
Restaurant								P	P	P	P	P	P	Standalone: 1 space for each 100 square feet
Restaurant, Drive-In								P	P	P	P	P		In-line: 1 space per 200 square feet
Retail, Big Box									P	P	P	P	S	1 space per 250 square feet
Retail, Stores and Shops								P	P	P			P	1 space per 200 square feet
Retail/Service, Incidental								P	P	P			P	1 space per 200 square feet
School District Bus Yard	(15)	(15)	(15)	(15)	(15)	(15)	(15)	(15)	(15)	(15)	(15)	(15)	C	1 space per 1,000 square feet, plus storage for all vehicles on site
School, Private	S	S	S	S	S	S	S	P	P	P	P	P	P	Elementary/Middle School: 1 space per 17 students
School, Public	P	P	P	P	P	P	P	P	P	P	P	P	P	High School: 1 space per 3.3 students
Secondhand or Thrift Shop									P					1 space per 200 square feet
Senior Living Facility					P	P		P					S	1 space per 5 beds
Sewage Treatment Plant/Pumping Station	S	S	S	S	S	S	S	S	S	S	S	S	S	1 space per employee on maximum shift, plus 1 per stored vehicle
Sexually Oriented Uses												S		1 space per 200 square feet
Small Engine Repair Shop										S	P	P		1 space per 2 employees or 1 space per 1,000 square feet, whichever is greater
Sporting Goods Store								P	P	P	P		P	1 space per 200 square feet
Stable, Commercial												P		1 space per 2,000 square feet of site area
Stable, Private	P	P	P									P		No additional parking required
Storage or Wholesale Warehouse											S	P		1 space per 1,000 square feet
Taxidermist (Indoors)									P	P	P	P		1space per 2 employees or 1 space per 400 square feet, whichever is greater
Telephone Exchange	S	S	S	S	S	S	S	P	P	P	P	P	P	Site analysis required
Temporary Building for New Construction	(16)	(16)	(16)	(16)	(16)	(16)	(16)	(16)	(16)	(16)	(16)	(16)	(16)	1 space per 1,000 square feet
Theater, Drive-In												S	S	Site analysis required
Theater, Neighborhood										P	P	P	P	1 space per 3 seats

	Residential							Nonresidential					Special	Parking
	SF-E Single-Family Residential Estate	SF-10 Single-Family Residential	SF-7 Single-Family Residential	MF-1 Two-Family (Duplex) Residential	MF-2 Multiple-Family Residential Medium Density	MF-3 Multiple-Family Residential High Density	MH Manufactured Home (HUD Code)	P Professional Office	R Retail	LC Light Commercial	HC Heavy Commercial	I Industrial	MX Mixed Use	Minimum Requirement *(see Section 8(F)Parking Requirement Based on Use)*
Theater, Regional										P	P	P		1 space per 4 seats
Trailer Rental												P		1 space per 500 square feet of sales floor for indoor uses, or 1 space for each 1,000 square feet of lot area for outdoor uses
Transit Center								S	S	S	S	S	S	Site analysis required
Truck Sales, Heavy Trucks												P		1 space per 500 square feet of sales floor for indoor uses, or 1 space for each 1,000 square feet of lot area for outdoor uses
Truck/Bus Repair												P		1space per 2 employees or 1 space per 1,000 square feet, whichever is greater
Utility Distribution/Transmission Line	S	S	S	S	S	S	S	S	S	S	S	S	S	No additional parking required
Veterinarian Clinic, Indoor								S	P	P	P		S	1 space per 200 square feet
Veterinarian Clinic, Outdoor										S	P	P		1 space per 300 square feet
Warehouse/Distribution Center											P	P		1 space per 1,000 square feet
Water Treatment Plant	S	S	S	S	S	S	S	S	S	S	S	S	S	1 space per employee on maximum shift, plus 1 space per storage vehicle
Wireless Communications Store								P	P	P			P	1 space per 200 square feet

3.02.01. Conditional Development Standards

(A) ~~A~~ In order to meet all requirements for the allowance of a use ~~is~~ permitted by-right in the zoning district as indicated in the **Subsection 3.02 Use Chart**, ~~if~~ the following conditional development standards or limitations ~~are~~ shall be met. If a Specific Use Permit is indicated in the chart, the following conditional development standards shall be in addition to any requirements or regulations outlined in the Specific Use Permit.

(1) Live-Above Mixed Use

(a) This classification refers to high density residential housing located above a ground-level nonresidential business.

(b) The use chart classifications still apply to the nonresidential use; for example, if the ground-level nonresidential use is a restaurant, then a restaurant must be permitted in that district.

(c) To emphasize the community character and pedestrian scales, building facades shall incorporate the following elements:

1. Architectural Elements: Cornice, piers, columns, frieze, quoin, mullion, fenestration, pilasters, rustication, and/or belt course.

2. Variation in Wall Plane: Canopies, balconies, and/or awnings.

3. Change in Materials and Color: Each façade shall incorporate a minimum of two (2) separate materials or color changes excluding glazing.

(2) Modular (Industrialized) Homes

(a) Modular (Industrialized) Home Requirements

The following requirements shall be met for modular homes.

1. The modular home meets or exceeds all building code requirements that apply to other dwelling units concerning on-site construction.

2. The modular home conforms to all applicable zoning standards for the respective zoning district.

3. The modular home is affixed to an approved permanent foundation system.

4. The Building Official is so notified in writing for the purpose of establishing procedures for the inspection, issuing of building permits, and compliance with the Texas Manufactured Housing Standards Act (Article 1221f V.T.C.S.).

5. The modular home is placed on an approved platted lot.

i. Per the Texas Occupations Code §1202.253, Modular (Industrialized) homes shall:

(ii) Have a value equal to or greater than the median taxable value for each single-family dwelling located within 500 feet of the lot on which the industrialized housing is proposed to be located, as determined by the most recent certified tax appraisal roll for each county in which the properties are located;

(iii) Have exterior siding, roofing, roofing pitch, foundation fascia, and fenestration compatible with the single-family dwellings located within 500 feet of the lot on which the industrialized housing is proposed to be located;

(iv) Comply with municipal aesthetic standards, building setbacks, side and rear yard offsets, subdivision control, architectural landscaping, square footage, and other site requirements applicable to single-family dwellings; and

(v) Be securely fixed to a permanent foundation.

6. For purposes of **5.i** above, "value" means the taxable value of the industrialized housing and the lot after installation of the housing.

(3) Antenna

Refer to the Communication Towers and Television Receivers Ordinance located in the Supplementary Ordinances for a complete list of procedures and requirements.

(4) Concrete/Asphalt Batching Plant, Temporary

Requires a temporary building permit issued by the building official.

(5) Convenience Store with Fuel Pumps

Convenience Stores with Gas Pumps shall be subject to the following development standards:

(a) Canopy support columns shall be fully encased with masonry materials that are complementary to that used on the main building.

(b) The canopy band face shall be of a color consistent with the main structure or an accent color and may not be backlit or used as signage

(6) Fuel Pumps (Accessory Use)

Accessory gas pumps are only allowed as an accessory use to a big box tenant and are subject to the following development standards.

(a) Accessory gas pumps must be located on the same lot as a big box tenant.

(b) A sales kiosk servicing the accessory gas pumps shall be less than five hundred (500) square-feet in floor area.

(c) Accessory gas pumps shall be located at least two hundred and fifty (250) feet from a property line of a residential lot.

1. For the purposes of this section, a residential lot means a lot on which a residential use is located, a lot zoned residential, or a lot designated as residential on the Future Land Use Plan.

2. Accessory gas pumps do not have to meet the spacing requirement if:

(i) A major thoroughfare separates the accessory gas pumps from the residential lot; or

(ii) The Future Land Use Plan designates a lot as residential, but City Council subsequently rezones the property to a nonresidential zoning district and no residential use is located on the lot.

(d) Canopy support columns shall be fully encased with masonry materials that are complementary to that used on the main building.

(e) The canopy band face shall be of a color consistent with the main structure or an accent color and may not be backlit or used as signage.

(7) Hall, Reception/Banquet/Meeting

(a) Reception, banquet or meeting halls may provide live or recorded entertainment, and, may serve catered meals and alcoholic beverages when the owner or operator holds the appropriate licenses and permits.

(b) Reception, banquet or meeting halls shall minimize disturbances to surrounding properties, which includes restricting activities inside the structure or if located outside, no electronically amplified sound generated shall be audible at any time beyond the boundary of the property on which the facility is located.

(c) Pre-purchased tickets and ticket sales at the door are not allowed, except as permitted by **(d)** below.

(d) Non-profit events (i.e., political fundraisers or a registered charitable program in compliance with all state statutes) held at a reception, banquet or meeting hall are allowed to be open to the general public and have pre-purchased tickets and ticket sales at the door.

(e) The certificate of occupancy, occupant load, and hours of operation shall at all times be posted in a conspicuous place on the premises.

(8) Home Occupation

A Home Occupation shall meet the following requirements:

(a) No persons other than members of the family residing on the premises shall be engaged in such business;

(b) The use of the dwelling unit for the home occupation shall be clearly incidental and subordinate to its use for residential purposes by its occupants, and not more than five hundred (500) square feet or ten (10) percent of the square footage of the dwelling area, whichever is greater, shall be used in the conduct of the home occupation;

(c) There shall be no change in the outside appearance of the building or premises, or other visible evidence of the conduct of such home occupation;

(d) No sign advertising a home occupation shall be placed on property where a home occupation is conducted. Only one vehicle (motorized or non-motorized), one ton carrying capacity or less may advertise for the home occupation;

(e) No home occupation shall be conducted in an accessory building;

(f) Any sales in connection with such home occupation shall be clearly secondary to occupancy. Merchandise shall not be offered or displayed for sale on the premises. Sales incidental to a service shall be allowed; and orders previously made by telephone or at a sales party may be filled on the premises;

(g) No traffic shall be generated by a home occupation in greater volumes than would normally be expected in a residential neighborhood, and any need for parking generated by the conduct of a home occupation shall be met off the street and other than in a required front yard;

(h) No equipment, process or work shall be used or conducted in such home occupation that creates noise, vibration, glare, fumes, odors, or electrical interference detectable to the normal senses off the lot. In the case of electrical interference, no equipment, process or work shall be used or conducted that creates visual or audible interference in any radio or television receivers off the premises, or causes fluctuations in line voltage off the premises;

(i) The operation of beauty culture schools, beauty parlors, barber shops, vehicle repair, lawn mower or other small or large engine repair, and any boarding house/rooming house shall not be permitted as a home occupation or as an accessory use; and

(j) No outside storage or display of any type shall be permitted with any home occupation.

(9) Hotel/Motel

In addition to any requirements or regulations outlined within the Specific Use Permit, Hotel/Motel developments shall be subject to the following development standards.

(a) Shall provide staff on-site 24 hours a day.

(b) Shall provide at least three amenities from the list below.

1. Indoor/outdoor pool
2. Spa/sauna
3. Weight room/fitness center
4. Playground
5. Sports court
6. Plaza/atrium
7. Game room
8. Conference room (1,000 square foot minimum)
9. Full service restaurant (minimum seating capacity of 35)

(c) Shall maintain a minimum separation of one thousand five hundred (1,500) feet measured linearly from property line to property line from any other Hotel/Motel or Hotel, Extended Stay property.

(10) Hotel, Extended Stay

In addition to any requirements or regulations outlined within the Specific Use Permit, Residence Hotel developments shall be subject to the following development standards:

(a) Shall maintain laundry facilities on-site for guest use.

(b) Shall provide staff on-site 24 hours a day.

(c) Shall provide at least three amenities from the list below.

1. Indoor/outdoor pool
2. Spa/sauna
3. Weight room/fitness center
4. Playground
5. Sports court
6. Plaza/atrium
7. Game room
8. Conference room (1,000 square foot minimum)

9. Full service restaurant (minimum seating capacity of 35)

(d) Shall be set back a minimum of one hundred (100) feet from any residential district.

(e) Shall maintain fifteen (15) percent of the lot area as open space, exclusive of required setbacks and parking areas, but including amenities from the above list except for Conference Room and Full Service Restaurant.

(f) Shall maintain a minimum separation of one thousand five hundred (1,500) feet measured linearly from property line to property line from any other Hotel/Motel or Hotel, Extended Stay property.

(g) A minimum of fifty (50) percent of the room units shall contain kitchen facilities.

(11) Household Care Facility

Must have all required State and Local licenses and permits, and the exterior structure must comply with development regulations for the applicable zoning district.

(12) Mobile Food Vendor

(a) Mobile food vendors shall provide the City with a copy of written permission from the property owner on an annual basis to allow the operation of a mobile vendor and to allow the mobile vendor and their customers access to a commercially plumbed public restroom on-site;

(b) Temporary connections to potable water are prohibited. Water shall be from an internal tank, and electricity shall be from a generator or an electrical outlet via a portable cord that is in conformance with the Electrical Code as adopted by the City;

(c) The operator shall possess a City tax certificate showed as paid;

(d) Hours of operation shall be limited to 8 a.m. to 9 p.m., seven days a week;

(e) Signage is allowed on the vehicle or vending unit itself, but no additional or detached signage is permitted;

(f) A drive through is not permitted in conjunction with the mobile food vendor;

(g) Mobile food vendors shall not operate in required parking spaces, driveways, fire lanes, or public roads;

(h) Sales of food from a stationary vehicle excludes catering trucks;

(i) Mobile food vendors are prohibited in a temporary building; and

(j) A waste receptacle is required for every mobile food vending unit and waste shall be removed daily.

(13) Oil Well/Gas Well and Mineral Extraction

Refer to the Gas Well Drilling and Production Ordinance located in the Supplementary Ordinances and the International Fire Code currently adopted by the City for a complete list of procedures and requirements.

(14) Rehabilitation In-Home Care

Shall maintain a minimum separation of one thousand five hundred (1,500) feet measured linearly from property line to property line from any other Rehabilitation Care Facility. Must have all required

State and Local licenses and permits, and the exterior structure must comply with development regulations for the applicable zoning district.

(15) School District Bus Yard

A School District Bus Yard shall be owned and/or operated by a public Independent School District. Unless otherwise approved by the City Council, School District Bus Yards shall be screened using one of the following methods.

(a) Option 1

1. A six (6) foot ornamental metal fence,
2. Three (3) inch caliper evergreen trees on twenty (20) foot centers, and
3. Five (5) gallon evergreen shrubs on three (3) foot centers.

(b) Option 2

1. A six (6) foot clay-fired brick wall, and
2. Three (3) inch caliper evergreen trees on twenty (20) foot centers.

(16) Temporary Building for ~~New~~ Construction

(a) Temporary buildings and temporary building material storage areas to be used for construction purposes may be permitted for ~~two~~ one (~~2~~1) year~~s~~ in accordance with a building permit issued by the Building Official. A six (6) month extension may be approved by the Building Official in accordance with the approval of an extension to the associated building permit. ~~After the initial extension is given, the Building Official may approve a second six (6) month extension.~~

(b) Upon completion or abandonment of construction or expiration of permit, the temporary ~~field offices and~~ building~~s~~ shall be removed.

(17) Seasonal Use

A permit for a seasonal use shall be granted for farmer's markets and snow cone stands. These shall be permitted as follows:

(a) The duration of the permit shall be for a period between April 1st and October 31st. A Specific Use Permit may be granted within the Mixed Use zoning district for permits outside of the allowed seasonal use time period.

(b) All seasonal uses shall occur on private property, and require written approval from the property owner.

(c) Adequate parking and sanitary facilities shall be made available to the satisfaction of neighborhood services and/or code enforcement.

Section 4. Site Development Requirements

Subsection 4.01. Off-Street Parking and Loading Requirements

4.01.01. Purpose

To secure safety from fire, panic, and other dangers; to lessen congestion on public streets; to facilitate the adequate provisions of transportation; to conserve the value of buildings; and to encourage the most appropriate use of land.

4.01.02. Requirements

(A) Minimum off-street parking required shall be provided as set forth in **Subsection 3.02 Use Chart.**

(B) Additional parking requirements are located in the Parking Ordinance**.**

Subsection 4.02. Accessory Structure Standards

4.02.01. ~~Residential~~ Accessory Structures

The following regulations apply to ~~all~~ permanent accessory structures as outlined below in each section for residential accessory structures, nonresidential accessory structures, and carports. ~~located on lots zoned for residential uses, including but not limited to detached garages, shed, barns, gazebos, and carports~~.

(A) Residential Accessory Structure Requirements (excluding Carports)

Accessory structures must adhere to the following requirements:

(1) Dimensions

(a) An accessory structure shall not exceed a height of fifteen (15) feet.

(b) An accessory structure shall not exceed fifty (50) percent of the floor area of the principal building. If more than one accessory structure is located on the property, the total floor area of all accessory structures shall not exceed fifty (50) percent of the floor area of the principal building.

(c) Accessory structures shall be included in the lot coverage calculations.

(2) Location

(a) Accessory structures shall meet the following setback requirements: ~~of the principal structure.~~

1. *Front.* The front setback shall be behind the front of the principal structure building face.
2. *Rear.* The rear setback shall be five feet from the property line or out of easement, whichever establishes a greater setback.
3. *Side*. The side setback shall be five feet from the property line or out of easement, whichever establishes a greater setback, for interior lots, and 15 feet from the property line where a lot is adjacent to a side street.

~~(a)~~(b) No accessory structure shall be located in front of the principal structure building face.

(c) Accessory structures are prohibited in easements.

~~(b)~~(d) Accessory structures must maintain a minimum separation of five (5) feet between exterior walls.

(3) Number

(a) No more than two (2) accessory structures are permitted on a single property.

(b) Lots larger than thirty thousand (30,000) square feet may have up to three (3) accessory structures.

(4) Materials

(a) For accessory structures equal to or less than four hundred forty (440) square feet, ~~E~~exterior wood and metal siding with a baked-on enamel finish are permitted. Corrugated metal siding is not permitted.

(b) Construction materials for accessory structures with a floor area over four hundred forty (440) square feet must comply with the exterior building material requirements for a main structure.

(B) Nonresidential Accessory Structures

Accessory buildings must adhere to the following requirements:

(1) Dimensions

(a) An accessory structure shall not exceed a height of fifteen (15) feet.

(b) An accessory structure shall not exceed fifty (50) percent of the floor area of the principal building. If more than one accessory structure is located on the property, the total floor area of all accessory structures shall not exceed fifty (50) percent of the floor area of the principal building.

(c) Accessory structures shall be included in the lot coverage calculations.

(2) Location

(a) Accessory structures shall meet the following setback requirements:

1. *Front.* The front setback shall be behind the front of the principal structure building face.

2. *Rear.* The rear setback shall be five feet from the property line or out of easement, whichever establishes a greater setback.

3. *Side.* The side setback shall be five feet from the property line or out of easement, whichever establishes a greater setback, for interior lots, and 15 feet from the property line where a lot is adjacent to a side street.

(b) No accessory structure shall be located in front of the principal structure building face.

(c) Accessory structures are prohibited in easements.

(d) Accessory structures must maintain a minimum separation of ten (10) feet between exterior walls.

(3) Number

(a) No more than two (2) accessory structures are permitted on a single property.

(4) Materials

(a) All accessory structures in nonresidential zoning districts must comply with the exterior building material requirements for a main structure.

~~(B)~~(C) **Carports**

(1) Location

Locational requirements for carports within the City shall be as follows:

(a) Front

An attached carport may extend beyond the front building line (setback line), but in no case shall the structure extend more than twenty-five (25) feet from the point of attachment to the residence, or encroach upon the street right-of-way or any easement.

(b) Side

A carport shall be set back five (5) feet from the side property line or out of easement, whichever establishes the greater setback.

(c) Rear

A carport shall be set back five (5) feet from the rear property line or out of easement, whichever establishes the greater setback.

(2) Construction

Construction requirements for carports within the City shall be as follows:

(a) Parking surface

Carports must be erected over an approved surface.

(b) Size

The roof assembly of a carport shall not exceed twenty-five (25) feet in length or twenty-five (25) feet in width. The inside vertical clearance of a carport shall not be less than seven (7) feet, nor more than nine (9) feet.

(c) Roof

1. Roof design and pitch of a carport shall not exceed that of the main structure.
2. Carport roofs, if metal, shall be corrosion resistant aluminum or steel painted with a baked-on enamel finish or equivalent.
3. Metal roof carports must have a minimum slope of one-fourth unit vertical and twelve (12) units horizontal (2 percent).

(d) Walls

Carports shall have at least two (2) open exterior walls; however, no exterior wall may extend into the required front yard.

(3) Storage

A carport located in front of the main building shall be used to store only vehicles, including recreational vehicles, boats and, trailers. All vehicles must be registered. Carports in front of the main building shall not be used to store any other items.

4.02.02. <u>Swimming Pools</u>

(A) Requirements

The owner of a lot zoned as residential may construct one in-ground swimming pool, or one above ground swimming pool, but not both. The location of an above-ground swimming pool will be subject to the setback requirements for residential accessory structures as provided in **4.02.01. (A)(2)** above. The location of an in-ground swimming pool shall conform to the following setback requirements:

(1) **SF-E Single-Family Residential Estate District**

(a) Front

The front setback requirement for a swimming pool shall be the front building line established in this chapter for the applicable zoning district, provided, however, that in no case shall the pool be closer to the street than the front of the main structure.

(b) Side

The side setback requirement for a swimming pool shall be the side building line established in this chapter for the applicable zoning district.

(c) Rear

The rear setback requirement for a swimming pool shall be six feet.

(2) All Other Residential Zones

The setback requirements for a swimming pool shall be the respective building lines established in this chapter for the applicable zoning district.

(B) Measurement

All of the foregoing setback requirements shall be measured from that portion of the pool, including decking and mechanical and electrical equipment, closest to the applicable setback line.

(C) Easements and Safety Codes

Notwithstanding any provision herein to the contrary, no pool shall encroach upon the street right-of-way or any utility easement. Furthermore, notwithstanding any provision herein to the contrary, no swimming pool shall be located so as to create or constitute a violation of any building or safety code adopted by the City, including without limitation the International Residential Code and the Uniform Electrical Code.

4.02.03. ~~Nonresidential~~ Temporary ~~Accessory~~ Occupancy Structures (Buildings)

(A) ~~Nonresidential Accessory Structures Prohibited~~Temporary buildings may be utilized by places of worship (churches), public schools, and government agencies only. See Temporary Occupancy Building definition.

~~(A)~~(B) Places of worship (churches), public schools (Kindergarten (K) through Twelfth (12th) grade), and government agencies shall apply for a building permit and must meet all applicable City ordinances to erect a temporary building.

~~No accessory structure shall be constructed or exist in a nonresidential zone within the City.~~

4.02.04. Flags and Flagpoles

(A) Scope

The regulations set out in this section apply to flags and detached flagpoles in all zoning districts.

(B) Setbacks

The minimum setback from any property line, overhead utility line, or public right-of-way shall be a distance equal to the vertical distance from the ground to the top of the pole.

(C) Number and Size

(1) Residential Zoning Districts

(a) No more than one (1) flagpole shall be allowed per platted lot.

(b) The height of the flagpole shall not exceed twenty-five (25) feet, measured from the natural grade.

(c) No more than three (3) flags may be displayed on the flagpole located on a lot.

(d) The size of the flag shall be appropriate for the height of the flag pole, but each individual flag shall in no event exceed twenty-four (24) square feet in area.

(e) Small flags (not to exceed 24 square feet) mounted in stanchions on the face/eaves of buildings and flags that are displayed flush to the face of the building are not limited in number.

(2) Nonresidential and Multiple Family Zoning Districts

(a) No more than three (3) flagpoles shall be allowed per platted lot.

(b) The height of the flagpoles shall not exceed thirty (30) feet, measured from the natural grade.

(c) No more than two (2) flags may be displayed on the flagpole located on a platted lot.

(d) The size of the flag shall be appropriate for the height of the flag pole, but each individual flag shall in no event exceed forty (40) square feet in area.

(D) Manner of Display

(1) Furcated poles with multiple mounting structures shall not be allowed.

(2) Flags and insignia of any government shall be displayed in an approved manner pursuant to federal guidelines in Title 4, United States Code, Chapter 1 (the Federal Flag Code).

4.02.05. Wind Energy Conversion Systems

(A) Farm or Utility Systems

Wind Energy Conversion Systems, Farm or Utility shall be prohibited within the City.

(B) Small Systems

Wind Energy Conversion Systems, Small are permitted, subject to the following conditions:

(1) Accessory Use

A small wind energy system is allowed as an accessory use in all residential zoning districts.

(2) General Standards

(a) Small wind energy systems are permitted only in the rear yard.

(b) The minimum distance between the ground and any part of a rotor blade must be at least twenty (20) feet.

(3) Freestanding Systems – Additional Standards

Small wind energy systems may be mounted on a tower detached from other structures on the lot.

(a) Setback

The minimum setback from any property line, overhead utility line, or public right-of-way shall be a distance equal to the vertical distance from the ground to the tip of a wind generator blade when the tip is at its highest point unless the affected utility, property owner, or governmental entity grants written permission for a lesser setback.

(b) Height

Freestanding systems measured from the top blade may not exceed forty-five (45) feet in height.

Subsection 4.03. Supplementary Regulations

4.03.01. Residential Lot Regulations

(A) Minimum Residential Lot Area and Exceptions

The minimum lot area for the various zoning districts shall be in accordance with the individual districts except that a lot having less area than herein required, which was an official "lot of record" prior to the adoption of this Ordinance, May 6, 2014, may be used for a single-family dwelling.

(B) Location of Dwellings and Buildings

(1) One Main Building for Single-Family and Two-Family Use

Only one main building for single-family and two-family use, with permitted accessory buildings, may be located upon a lot ~~or unplatted tract~~.

(2) Access

Every means of vehicular access shall have a minimum lot width of twenty-five (25) feet at the property line.

4.03.02. Front Yard Setback

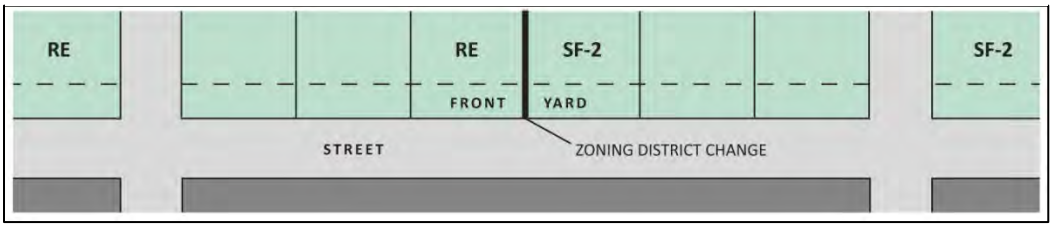
(A) Corner Lots

On corner lots, the front yard setback shall be observed along the frontage of both intersecting streets, unless shown specifically otherwise on a final plat.

(B) Block with Split Zoning

Where the frontage on one side of a street between two intersecting streets is divided by two or more zoning districts, the front yard setback shall comply with the requirements of the most restrictive district for the entire frontage

Figure 1. Block with Split Zoning



(C) Approved Plats with Established Building Line

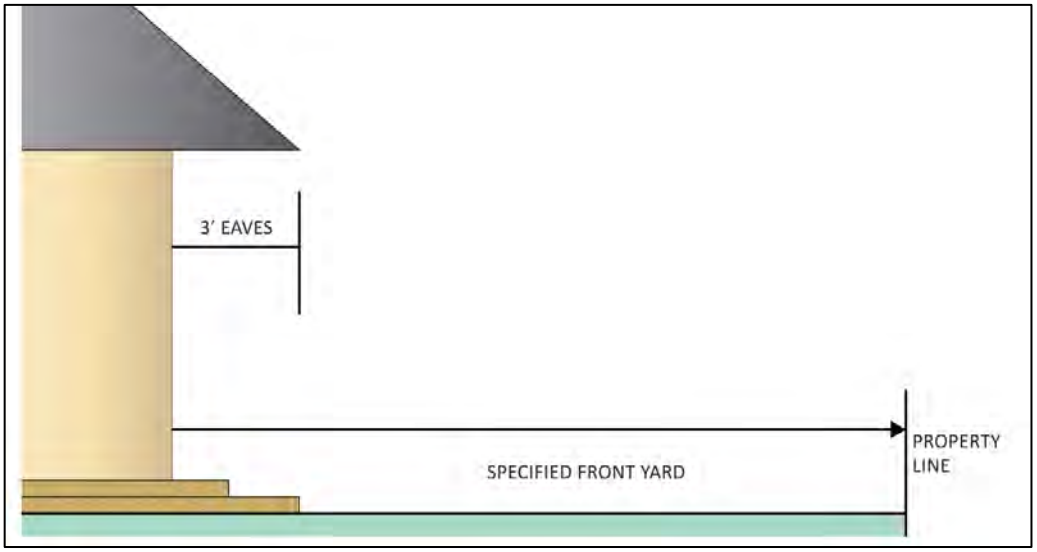
The required front yard setback shall comply with the building line so established by such Ordinance or plat, where a building line has been established by a plat or by ordinance prior to May 6, 2014, and such line required is a greater or lesser front yard setback than prescribed by this Ordinance for the district in which the building line is located.

(D) Front Yard Measurements and Considerations

(1) The front yard shall be measured from the property line to the front face of the building, covered porch, covered terrace or attached accessory building.

(2) Eaves and roof extensions or a porch without posts or columns may project into the required front yard setback for a distance not to exceed three (3) feet.

Figure 2. Front Yard Measurement



(E) Minimum Front Yard Setback Reduction and Average Setback

(1) The minimum front yard setback requirements may be reduced by a maximum of five (5) feet for all single-family and duplex uses within all **SF-E Single-Family Residential Estate**, **SF-10 Single-Family Residential**, **SF-7 Single-Family Residential**, and **MF-1 Two-Family (Duplex) Residential** zoning districts provided that at least fifty (50) percent of the structures on a given block are set back an additional five (5) feet from the original setback.

(2) The average setback along the block shall equal the original setback requirement.

(3) The purpose of this average setback is to encourage a variety of front yard setbacks along a street.

(4) In no case shall the front yard setback be less than twenty (20) feet.

(5) The desired front setbacks for each lot shall be designated on the Final Plat.

Figure 3. Front Yard Setbacks

(F) Future Right-of-Way Line

Where a future right-of-way line has been established for future widening or opening of a street or thoroughfare, upon which a lot abuts, then the front or side yard shall be measured from the future right-of-way line.

4.03.03. Side Yard Setbacks

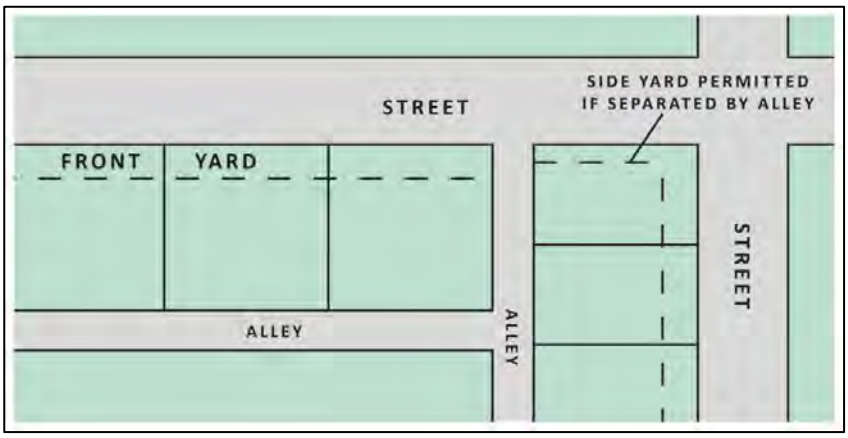
(A) Corner Lot Side Yard Setbacks

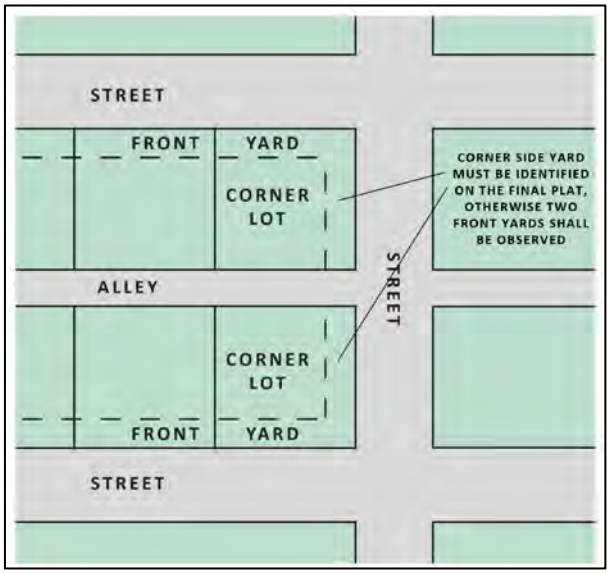
(1) On a corner lot used for single- or two-family dwellings, both street exposures shall be treated as front yards on all lots except where one street exposure is designated as a side yard on a lot of record and separated from the adjacent lot by an alley and separated from the adjacent lot by an alley.

(a) In such case, a building line shall be designated on the plat containing a side yard of fifteen (15) feet or more.

(2) On lots that were official lots of record prior to May 6, 2014, the minimum side yard adjacent to a side street shall comply with the minimum required side yard for the respective district. See the following figures for details:

Figure 4. Side Yard on Corner Lots





(B) Open and Unobstructed Side Yards

(1) Every part of a required side yard shall be open and unobstructed from the ground upward except for accessory buildings as permitted herein and the ordinary projections of window sills, belt courses, cornices, and other architectural features not to exceed twelve (12) inches into the required side yard, and roof eaves projecting not to exceed thirty-six (36) inches into the required side yard.

(2) Air conditioning compressors, pool machinery and equipment, and similar appurtenances are permitted in the side yard, but shall be located a minimum three (3) feet from the property line.

4.03.04. Handicap Accessibility

The property owner is responsible for the project's compliance with the Texas Department of License and Regulations, as they exist or may be amended.

Subsection 4.04. Performance Standards

4.04.01. Conformance of All Uses

In all zoning districts, any use indicated in the permitted use list shall conform in operation, location, and construction to the performance standards as administered by City, County, State, and Federal agencies. All uses, including those that may be allowed by PD or SUP, shall conform in operation, location, and construction to established performance standards for noise, smoke, and particulate matter, odorous matter, fire, or explosive hazard material, toxic and noxious matter, vibration, and glare.

4.04.02. Toxic Waste Disposal

All Federal and State pollution, noise, and requirements for toxic waste disposal shall be observed.

4.04.03. Standards

(A) Noise

At no point at the bounding property line of any use shall the sound pressure level of any operation or plant exceed the decibel limits specified in the Octave Band groups designated in the following table:

Table 3. Maximum Permissible Daytime* Octave Band (Decibel Limits at the Bounding Property Line)**

Octave Band (cps)	Decibel Band Limit (db re 0.0002 microbar)
37 - 75	86
75 - 150	76
150 - 300	70
300 - 600	65
600 - 1,200	63
1,200 - 2,400	58
2,400 - 4,800	55
4,800 - 9,600	53
A Scale	65

Note: "A Scale" levels are provided for monitoring purposes only and are not applicable to detailed sound analysis.

** "Daytime" shall refer to the hours between sunrise and sunset on any given day.*

*** "Bounding Property Line" shall be interpreted as being at the far side of any street, alley, stream, or other permanently dedicated open space from the noise source when such open space exists between the property line of the noise source and adjacent property. When no such open space exists, the common line between two parcels of property shall be interpreted as the bounding property line.*

(1) General Noise Level Standards

The following corrections shall be made to the table of octave band-decibel limits in determining compliance with the noise level standards.

(a) When noise is present at nighttime, subtract 7dB.

(b) When noise contains strong pure-tone components or is impulsive, that is when meter changes at 10 decibels or more per second, subtract 7dB.

(c) When noise is present for not more than the following, add 10dB:

1. ½ minute in any ½ hour period
2. 1 minute in any 1-hour period
3. 10 minutes in any 2-hour period
4. 20 minutes in any 4-hour period

(2) Measuring Noise Level

Measurement of noise shall be made with a sound level meter on octave band analyzer meeting the standards prescribed by the American Standards Association.

(3) Exemptions

The following uses and activities shall be exempt from the noise level regulations herein specified:

(a) Noises not directly under control of the property user.

(b) Noises emanating from construction and maintenance activities between the hours of 7:00 a.m. and 10:00 p.m.

(c) Noises of safety signals, warning devices and emergency pressure relief valves.

(d) Transient noise of moving sources such as automobiles, trucks, and airplanes.

(e) Events sanctioned by the City of Richland Hills.

(B) Smoke and Particulate Matter

No operation or use shall cause, create, or allow the emission for more than three minutes in any one hour of air contaminants that at the emission point or within the bounds of the property are:

(1) Of such opacity as to obscure an observer's view to a degree equal to or greater than does smoke or contaminants in the standard prescribed by the American Society for Testing and Materials, except that, when the presence of uncombined water is the only reason for failure to comply or when such contaminants are emitted inside a building that prevents their escape into the atmosphere.

(2) The emission of particulate matter from all sources shall not exceed 0.5 pounds per acre of property within the plant site per any one (1) hour.

(3) Open storage and open processing operations, including on-site transportation movements that are the source of wind or air borne dust or other particulate matter; or that involves dust or other particulate air contaminants, generating equipment such as used in paint spraying, grain handling, sand or gravel processing or storage or sand blasting shall be so conducted that dust and other particulate matter so generated are not transported across the boundary line of the tract on which the use is located in concentrations exceeding four (4) grains per one thousand (1,000) cubic feet of air.

(C) Odorous Matter

(1) No use shall be located or operated that involves the emission of odorous matter from a source of operation where the odorous matter exceeds the odor threshold at the bounding property line or any

point beyond the tract on which such use or operation is located. The odor threshold shall be established as a nuisance that would offend a person of average sensibilities.

(2) The odor threshold as herein set forth shall be determined by observation by a person. In any case, where uncertainty may arise or where the operator or owner of an odor emitting use may disagree with the enforcing officer or where specific measurement of odor concentration is required, the method and procedures specified by American Society for Testing Materials (ASTM) shall be followed.

(D) Fire or Explosive Hazard Material

(1) No use involving the manufacture or storage of compounds or products that decompose by detonation shall be permitted except that chlorates, nitrates, perchlorates, phosphorus, and similar substances and compounds in small quantities for use by industry, school laboratories, druggists or wholesalers may be permitted when approved by the Fire Marshal of the City of Richland Hills who has determined compliance with the Fire Code.

(2) The storage and use of all flammable liquids and materials such as pyroxylin plastics, nitrocellulose film, solvents, and petroleum products shall be permitted only when such storage or use conforms to the standards and regulations of the adopted Fire Code.

(E) Toxic and Noxious Matter

No operation or use shall emit a concentration across the bounding property line of the tract on which such operation or use is located of toxic or noxious matter that will exceed ten (10) percent of the concentration considered as the threshold limit for an industrial worker as such standards are set forth by the Texas State Department of Health in "Threshold Limit Values Occupational Health Regulation No. 3", a copy of which is hereby incorporated by reference.

(F) Vibration

No operation or use shall at any time create earthborn vibrations that, when measured at the bounding property line of the source operation, exceed the limits of displacement set forth in the following table in the frequency ranges specified:

Table 4. Vibration Measurement

Frequency Cycles per Second	Displacement in Inches
0 to 10	0.0010
10 to 20	0.0008
20 to 30	0.0005
30 to 40	0.0004
40 and over	0.0003

(G) Lighting

Standards for controlling lighting and glare are set forth to reduce the annoyance and inconvenience to property owners and traffic hazards to motorists. These standards are intended to allow reasonable enjoyment of adjacent and nearby property by their owners and occupants while requiring adequate levels of lighting of parking areas.

(1) Nonresidential Site Lighting and Glare Standards

(a) Any use shall be operated so as not to produce obnoxious and intense glare or direct illumination across the bounding property line from a visible source of illumination of such intensity as to create a nuisance or detract from the use or enjoyment of adjacent property or to be offensive to a person of average sensibilities. All outside lights shall be made up of a light source and reflector so selected that acting together, the light beam is controlled and not directed across any bounding property line above a height of three (3) feet. The allowable maximum intensity measured at the property line of a residential use in a residential district shall be 0.25 foot candles. Light poles shall be placed on the site a setback equal to its height from all adjacent residential property.

(b) All off-street parking areas for nonresidential uses in nonresidential districts that are used after dark shall be illuminated beginning one-half (1/2) hour after sunset and continuing throughout the hours of business operation. If only a portion of a parking area is offered for use after dark, only that part is required to be illuminated in accordance with these standards. However, the portion offered for use shall be clearly designated. Lighting within the parking areas shall meet the following minimum requirements:

1. Intensity

(i) Minimum at any point on the parking area surface to be at least 0.6 foot candles initial, and at least 0.3 foot candles maintained or one-third (1/3) of the average, whichever is greater.

(ii) Illumination shall not exceed an average of one (1) foot candle at ground level and shall distribute not more than 0.25 foot candles of light upon any adjacent residentially zoned area.

2. Height

(i) The maximum height of light poles shall conform to the maximum height allowed for the main building in each zoning district.

(ii) Special lighting or lighting higher than the height allowed in the applicable zoning district may be approved by City Council as specifically noted on the site plan.

(2) Residential Lighting and Glare Standards

Residential lighting for security and night recreation use is permitted in all residential districts provided the following requirements are met:

(a) Direct lighting over ten (10) feet in height is shielded from adjacent property.

(b) No light source shall exceed twenty (20) feet in height. Street lights and other traffic safety lighting are exempt from this standard.

(c) Lighting shall not directly shine on adjacent dwellings.

(3) Luminaires

Light sources shall be of a down-light type, indirect, diffused, or shielded type luminaires installed and maintained so as to reduce glare effect (i.e., minimum seventy degree [70°] cutoff when measured from horizontal) and consequent interference with use of adjacent properties and boundary streets. Bare bulbs above seventy-five (75) watts and strings of lamps are prohibited, except for temporary lighting as provided in the section below.

(4) Special or Temporary Lighting – Low Wattage

Bare bulbs or strings of lamps are prohibited, except for the following cases:

(a) During holidays special lighting shall be permitted for a maximum time period of forty-five (45) days for each holiday used; and

(b) Strings of lamps are permitted for use as café patio lights.

Section 5. Development Review Bodies

It is the intent of these provisions to establish certain boards and commissions to facilitate administration, review, and amendment of this Ordinance. This section prescribes the composition of such boards and commissions, sets for their terms of membership, and prescribes their responsibilities and authority.

Subsection 5.01. City Council

(A) Establishment

The City Council is established by the City Charter.

(B) Responsibilities

Responsibilities of the City Council are summarized in **Table 5** below.

Table 5. City Council Responsibilities

Section	Responsibility
Section 8(B)(2)	Approve or rescind Shared Parking Space Calculations
6.03.01. (B)(1)	Consider approval of a Zoning Map Amendment (Rezoning)
6.03.01. (B)(2)	Consider approval of a Zoning Text Amendment
6.05.01. (E)(1)(f)	Consider approval of a Required Plan Extension and Reinstatement for Vested Rights
6.05.01. (E)(2)(d)	Consider approval of a Building Permit Site Plan Extension and Reinstatement for Vested Rights
6.05.01. (G)	Consider approval of an Appeal to the City Council of a Decision on a Zoning Vested Rights Determination Request
6.06.02. (B)(1)	Consider approval of a Site Plan for a Rezoning
6.11.02.	Consider approval of an Appeal of a Building Permit Site Plan Decision
6.07.01. (A)	Consider approval of a PD Planned Development Zoning District Establishment
Subsection 6.08	Consider approval of a Specific Use Permit (SUP)
6.08.01. (E)	Consider approval of a Specific Use Permit Expiration and Extension
Subsection 6.09	Initiate an Amortization of Nonconforming Uses
6.11.02.	Appeal of a Building Permit Site Plan Decision

Subsection 5.02. Planning & Zoning Commission

(A) Establishment

There is created a Planning & Zoning Commission that shall be organized, appointed and function as follows:

(1) Organization

(a) The Planning & Zoning Commission shall consist of five (5) members, each to be appointed by the City Council for a term of two years, and each member may be removed for cause by the appointing authority upon written charges and after public hearing.

(b) The Commission members shall hold numbered places one through five.

(c) Each councilmember shall be entitled to appoint one regular member to the numbered place corresponding to the numbered place held by the appointing councilmember.

(d) The Planning & Zoning Commission shall elect one member as the chairperson.

(e) The members of the Planning & Zoning Commission shall regularly attend meetings and public hearings of the Planning & Zoning Commission, and shall serve without compensation, except for reimbursement of authorized expenses attendant to the performance of their duties.

(2) Vacancies

(a) Vacancies shall be filled for the unexpired term of any member, whose place becomes vacant for any cause, in the same manner as the original appointment was made;

(b) Newly appointed members shall be installed at the first regular Planning & Zoning Commission meeting after their appointment.

(3) Alternate Membership

The City Council may appoint two alternate members of the Planning & Zoning Commission who shall serve in the absence of one or more of the regular members when requested to do so by the chairperson or City Manager, as the case may be.

(4) Expiration of Terms

(a) The terms of three members of the Planning & Zoning Commission shall expire in May of each odd-numbered year, and the terms of two of the members shall expire in May of each even-numbered year.

(b) Planning & Zoning Commission members may be appointed to succeed themselves.

(c) Vacancies shall be filled for unexpired terms, but no member shall be appointed for a term in excess of two years.

(5) Meetings

(a) A quorum for the conduct of business shall consist of three members of the Planning & Zoning Commission.

(b) The members of the Planning & Zoning Commission shall regularly attend meetings and public hearings of the Planning & Zoning Commission, and shall serve without compensation, except for reimbursement of authorized expenses attendant to the performance of their duties.

(6) Procedures

(a) The Planning & Zoning Commission shall hold an organizational meeting in May of each year.

(b) The Planning & Zoning Commission shall meet regularly at least once each month, and shall designate the time and place of its meetings.

(c) The Planning & Zoning Commission shall adopt its own rules of procedure and keep a record of its proceedings consistent with the provisions of this chapter and the requirements of law.

(B) Powers and Duties

The Planning & Zoning Commission is charged with the duty and invested with the authority to Act as an advisory board to the City Council and shall have the full power to:

(1) Exercise the authority of the Planning & Zoning Commission as provided by state law and City ordinances;

(2) Review all current and proposed ordinances and amendments pertaining to Planning & Zoning Commission and make recommendations to the City Council for action to be taken;

(3) Make proposals to the City Council to amend, extend and add to the Comprehensive Plan for the physical development of the City;

(4) Keep public records of its resolutions, findings and determinations; and

(5) Review plats and zoning requests and make recommendations to the City Council for final adoption of same.

(C) Responsibilities

Responsibilities of the Planning & Zoning Commission are summarized in **Table 6** below.

Table 6. Planning & Zoning Commission Responsibilities

Section	Responsibility
6.03.01. (B)(1)	Make a recommendation on an application for a Zoning Map Amendment (Rezoning)
6.03.01. (B)(2)	Make a recommendation on an application for a Zoning Text Amendment
6.05.01. (E)(1)(f)	Make a recommendation on an application for a Required Plan Extension and Reinstatement for Vested Rights
6.05.01. (E)(2)(d)	Make a recommendation on an application for a Building Permit Site Plan Extension and Reinstatement for Vested Rights
6.06.02. (B)(1)	Make a recommendation on an application for a Site Plan for a Rezoning
6.11.02.	Make a recommendation on an application for an Appeal of a Building Permit Site Plan Decision
6.07.01. (A)	Make a recommendation on an application for a PD Planned Development Zoning District Establishment
Subsection 6.08	Make a recommendation on an application for a Specific Use Permit (SUP)

Subsection 5.03. Board of Adjustment

(A) Establishment

There is hereby created a Board of Adjustment.

(1) Organization

The Board of Adjustment shall consist of five members who are residents of the City, each to be appointed by the City Council for a term of two years and removable for cause by the appointing authority upon written charges and after public hearing. The City Council shall designate one member as chairperson.

(2) Vacancies

Vacancies shall be filled for the unexpired term of any member whose place becomes vacant for any cause in the same manner as the original appointment was made; provided, however, that the City Council may appoint four alternate members of the board of adjustment who shall serve in the absence of one or more of the regular members when requested to do so by the Mayor or City Manager, as the case may be.

(3) Quorum Requirement

All cases to be heard by the Board of Adjustment shall be heard by a minimum of four members.

(4) Alternate Membership

These alternate members, when appointed, shall serve for the same period as the regular members, which is for a term of two years, and any vacancy shall be filled in the same manner as would be used to appoint a regular member, and they shall be subject to removal in the same manner as the regular members.

(B) Authority

Pursuant to Texas Local Government Code Section 211.009, the Board may:

(1) Hear and decide an appeal that alleges error in an order, requirement, decision, or determination made by an administrative official in the enforcement of a Zoning Regulation;

(2) Hear and decide Zoning Special Exceptions to the terms of a zoning regulation when the Ordinance requires the Board to do so;

(3) Authorize in specific cases a Zoning Variance from the terms of a zoning regulation; and

(4) Hear and decide other matters authorized by this Zoning Ordinance.

(C) Actions

(1) Amend, Revise, or Reform

The Board may reverse or affirm, in whole or in part, or modify the Zoning Administrator's order, requirement, decision, or determination from which an appeal is taken and make the correct order, requirement, decision, or determination, and for that purpose the Board has the same authority as the Zoning Administrator.

(2) Required Vote

Pursuant to Texas Local Government Code 211.009.(c), the concurring vote of four (4) Board members (or at least seventy-five [75] percent of the Board members) is necessary to:

(a) Reverse an order, requirement, decision, or determination of an administrative official;

(b) Decide in favor of an Applicant on a matter on which the Board is required to pass per this Ordinance; or

(c) Authorize a Zoning Special Exception or Zoning Variance.

(3) Appeal to District Court

(a) Any person or persons, jointly or severally, aggrieved by any decision of the Board of Adjustment, or any taxpayer, or any officer, department, or board of the municipality may present to a district court or county court a petition duly verified, setting forth that such decision is illegal, in whole or in part, and specifying the grounds of the illegality.

(b) Such petition shall be presented to the court within ten (10) days after the filing of the decision in the office of the Board and not thereafter.

(D) Responsibilities

Responsibilities of the Board of Adjustment are summarized in **Table 7** below.

Table 7. Board of Adjustment Responsibilities

Section	Responsibility
1.04.01. (G)	Act on a request for an Interpretation of Zoning District Boundaries
Subsection 6.09	Act on a request for an Amortization of Nonconforming Uses
Subsection 6.10	Act on a request for a Reinstatement of Nonconforming Rights
6.11.01.	Act on a request for an Appeal of an Administrative Decision
Subsection 6.12	Act on a request for a Zoning Variance
Subsection 6.13	Act on a request for a Zoning Special Exception

Subsection 5.04. Zoning Administrator

(A) Responsibilities

Responsibilities of the Zoning Administrator are summarized in **Table 8** below.

Table 8. Zoning Administrator Responsibilities

Section	Responsibility
6.05.01. (E)(1)(f)	Process and review a Required Plan Extension and Reinstatement for Vested Rights
6.05.01. (E)(2)(d)	Process and review a Building Permit Site Plan Extension and Reinstatement for Vested Rights
6.05.01. (F)	Consider issuance of a Decision of a Zoning Vested Rights Determination Request
6.06.02. (B)(2)	Act on a request for a Site Plan for a Building Permit
6.06.03. (B)	Act on a request for a Minor Variation of a Site Plan
6.07.04. (A)	Act on a request for a Minor PD Amendment and Adjustment
Subsection 6.08	Review a Specific Use Permit (SUP)
6.08.01. (E)(2)	Provide recommendation on a request for an SUP Extension
Subsection 6.10(A)	Determine Loss of Nonconforming Rights Status

Subsection 5.05. Development Review Committee (DRC)

(A) Establishment

There is hereby created within and for the City a Development Review Committee (DRC) with the responsibilities as hereinafter set forth.

(B) Purpose

The purpose of the DRC is to utilize the expertise of various City departments to review all site plans to ensure that City regulations are met and to provide a recommendation for either approval or denial in a written report to the Zoning Administrator.

(C) Membership

The DRC members shall consist of at least one representative from the following City departments, as appointed by the City Manager.

(1) Planning and Development Department

(2) Public Works Department

(3) Fire Department

(4) Police Department

(5) Any other department per the City Manager's discretion.

(D) Term

Members shall serve at the discretion of the City Manager.

(E) Responsibilities

The Zoning Administrator shall be responsible for establishing meeting times, determining when the DRC has finished review of a site plan or plat, and coordinating the DRC's written report.

Table 9. Development Review Committee Responsibilities

Section	Responsibility
6.06.02. (B)(1)	Review a Site Plan for a Rezoning
6.06.02. (B)(2)	Review a Site Plan for a Building Permit

Subsection 5.06. Summary of Approval Authority of Fundamental Applications

Table 10. Summary of Approval Authority

Responsibility	City Council	P&Z	Board of Adjustment	Zoning Administrator	DRC
Interpretation of Zoning District Boundaries			Approve		
Shared Parking Space Calculations	Approve or Rescind				
Zoning Map Amendment (Rezoning)	Approve	Recommend			
Zoning Text Amendment	Approve	Recommend			
Required Plan Extension and Reinstatement for Vested Rights	Approve	Recommend		Review	
Building Permit Site Plan Extension and Reinstatement for Vested Rights	Approve	Recommend		Review	
Decision of a Zoning Vested Rights Determination Request				Approve	
Appeal to the City Council of a Decision on a Zoning Vested Rights Determination Request	Approve				
Site Plan for a Rezoning	Approve	Recommend			Review
Site Plan for a Building Permit				Approve	Review
Minor Variation of a Site Plan				Approve	
Minor PD Amendment and Adjustment				Approve	
PD Planned Development Zoning District Establishment	Approve	Recommend			
Specific Use Permit (SUP)	Approve	Recommend		Review	
Specific Use Permit Expiration and Extension	Approve			Recommend	
Amortization of Nonconforming Uses	Initiate		Approve		
Reinstatement of Nonconforming Rights			Approve		
Loss of Nonconforming Rights Status				Determine	
Appeal of an Administrative Decision			Approve		
Appeal of a Building Permit Site Plan Decision	Approve	Recommend			
Zoning Variance			Approve		
Zoning Special Exception			Approve		

Section 6. Development Review Procedures

Subsection 6.01. Creation of Building Site

6.01.01. Creation of a Building Site, Tract, or Lot

No permit for the construction of a building or buildings or fence, wall, or sign upon any tract or plot shall be issued until a building site, building tract or building lot has been created by compliance with one of the following conditions:

(A) Plat Requirement

The lot or tract is part of a plat of record, approved by the City and filed in the Plat Records of Tarrant County, Texas.

(B) Officially Approved Tract Requirement

The tract is all or part of an officially approved site plan in a PD Planned Development District or Specific Use Permit (SUP), in which the site plan provides all utility and drainage easements, alleys, streets and other public improvements necessary to meet the normal requirements for platting, including the designation of building areas, and such easements, alleys, and streets have been acquired and properly dedicated and the necessary public improvements provided.

(C) Public Improvements

Per Section 212 of the Texas Local Government Code, public improvements shall not be required for tracts greater than five (5) acres that have public access.

6.01.02. Building Permit

(A) Permit Requirement

(1) Building permits are required within the city limits in accordance with 2012 International Building Code.

~~(1)~~ No building or other structure shall be erected, moved, modified, added to, or structurally altered within the city limits without a building permit issued by the city. No building permit shall be issued except inconformity with the provisions of this chapter and all applicable construction codes of the city.

Subsection 6.02. Certificates of Occupancy and Compliance

6.02.01. Certificates of Occupancy Required

(A) Use

No building hereafter erected or structurally altered, shall be used, occupied or changed in use until a Certificate of Occupancy or other final Building Permit inspection has been issued by the Building Official, stating that the building or proposed use of the building or premises complies with the building code, electrical code, plumbing code, and the provisions of these regulations.

(B) Change in Use

A change in use shall be construed to mean any change in occupancy or type of business.

Subsection 6.03. Zoning Text and Map Amendments

6.03.01. Procedures

(A) Process Requirements

(1) Zoning Amendments Require City Council Approval

The City Council may, from time to time, amend, supplement or change by ordinance, the boundaries of the zoning districts (i.e., zoning map amendment (rezoning)) or the regulations herein established (i.e., zoning text amendment).

(2) Planning & Zoning Commission Recommendation required for all Amendments

Before taking action on any proposed amendment the City Council shall submit the same to the Planning & Zoning Commission for its recommendation and/or report.

(3) Petitions Submitted to the City Council

(a) Any person or corporation having a proprietary interest in any property may petition the City Council for a change or amendment to the zoning provisions of this Zoning Ordinance or Map; or

(b) The Planning & Zoning Commission may, on its own motion or on request from the City Council, study and propose zoning changes and/or amendments for the City Council's consideration.

(B) Two Types of Zoning Amendments

(1) Zoning Map Amendment (Rezoning)

A zoning map amendment (rezoning) is a change or modification to the boundaries of any zoning district.

(2) Zoning Text Amendment

A zoning text amendment is a change to the text of this Zoning Ordinance and does not include change or modification to the boundaries of any zoning districts.

(C) Planning & Zoning Commission Recommendation Requires Public Hearing

(1) The Planning & Zoning Commission shall hold a public hearing on any application for any amendment or change prior to making its recommendation and/or report to the City Council.

(2) In the case of a Zoning Map Amendment (Rezoning)

(a) Written notice of all public hearings before the Planning & Zoning Commission on a proposed amendment or change shall be sent to all owners of real property within two hundred (200) feet of the property on which the change is requested.

1. Such notice shall be given not less than ten (10) days before the date set for hearing by posting such notice, properly addressed and postage paid, to each taxpayer as the ownership appears on the last approved City tax roll or County tax roll for the area affected.

(b) Any proposed map amendment shall be consistent with the Comprehensive Plan.

(c) For selected zoning districts, each rezoning application shall be accompanied by a site plan (see **6.06.01. (A)(1)**).

(D) Sign Posting for a Zoning Map Amendment (Rezoning) Related to a Particular Property

(1) At least ten (10) days prior to the public hearing by the Planning & Zoning Commission on a proposed amendment to the zoning text and/or map related to particular property, the applicant shall cause a sign, clearly visible to passersby, to be placed and maintained on such property.

(2) The sign shall state that the property is the subject of a rezoning application.

(3) The Zoning Administrator shall furnish the applicant the sign, which the applicant shall post on the property proposed to be rezoned.

(4) The sign shall remain continuously posted on the property until the City Council has conducted its public hearing on the matter.

(E) Effect of Posted Sign Maintenance

The continued maintenance of the sign shall not be a condition precedent to the holding of a public hearing, the adoption of any proposed zoning change, or any other official action concerning such amendment.

(F) City Council Decision and Public Hearing Required

(1) A public hearing shall be held by the City Council before adopting any proposed amendment.

(2) Notice of such hearing shall be given by publication in the official publication of the City stating the time and place of such hearing, which time shall not be earlier than fifteen (15) days from the date of publication.

(G) Three-Fourths City Council Vote Required for Protested Amendments

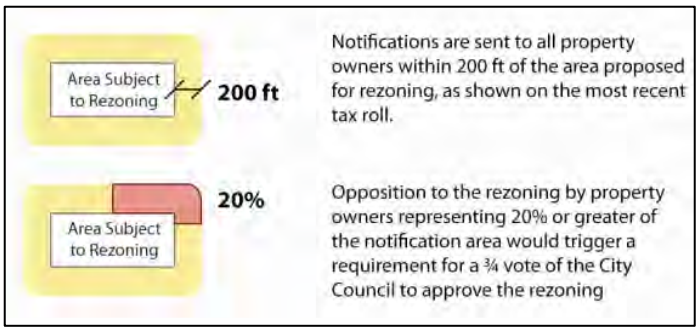
(1) If a proposed change to a district regulation or boundary is protested in writing and signed by the owners of at least twenty (20) percent of either:

(a) The area of the lots or land covered by the proposed change; or

(b) The area of the lots or land immediately adjoining the area covered by the proposed change and extending two hundred (200) feet from that area, then, in order to take effect, the proposed change must receive at least three-fourths affirmative vote of all members of the Council.

(2) In computing the percentage of land area under **(1)** above, the area of streets and alleys shall be included.

Figure 5. Calculation for Areas of Protest



(H) Joint Public Hearing

At its discretion, the City Council may conduct the public hearing on an amendment to the Zoning Ordinance jointly with a public hearing required to be held by the Planning & Zoning Commission. The City Council may not take action in the matter until it receives the final report of the Commission.

6.03.02. Public Hearings and Notification Requirements for Zoning Related Applications

(A) Public Hearings

Public hearings shall be conducted for each review body per plan or application type according to the following table.

Table 11. Review Bodies and Associated Public Hearings

Application Type	City Council	Planning & Zoning Commission	Board of Adjustment
Zoning Map Amendment (Rezoning)	Hearing	Hearing	
Zoning Text Amendment	Hearing	Hearing	
PD Application and Review	Hearing	Hearing	
Specific Use Permit (SUP)	Hearing	Hearing	
Amortization of Nonconforming Uses			Hearing
Appeal of an Administrative Decision			Hearing
Zoning Variance			Hearing
Zoning Special Exception			Hearing

(B) Public Notices

Public notices shall be required according to the following table.

Table 12. Required Public Notice

Application Type	Property Posted (Sign) Notice	Published (Newspaper) Notice	Mailed Notice	Posted Notice
Zoning Map Amendment (Rezoning)	Required (P&Z/City Council)	Required (City Council)	Required (P&Z)	Required (P&Z/City Council)
Zoning Text Amendment		Required (City Council)		Required (City Council)
PD Application and Review	Required (P&Z/City Council)	Required (City Council)	Required (P&Z)	Required (P&Z/City Council)
Specific Use Permit (SUP)	Required (P&Z/City Council)	Required (City Council)	Required (P&Z)	Required (P&Z/City Council)
Amortization of Nonconforming Uses		Required (ZBA)	Required (ZBA)	Required (ZBA)
Appeal of an Administrative Decision				Required (ZBA)
Zoning Variance			Required (ZBA)	Required (ZBA)
Zoning Special Exception			Required (ZBA)	Required (ZBA)

(C) Types of Notice

(1) Postings of Signs on Property

The Zoning Administrator shall maintain an inventory of signs to fulfill the notification requirements listed in **Table 12. Required Public Notice**.

(2) "Published Notice" and "Mailed Notice" of Public Hearing for Zoning Changes Involving Real Property

(a) Mailed Notice (also referred to as "Written Notice")

1. Written notice of the public hearing before the Planning & Zoning Commission shall be sent to all owners of property, as indicated by the most recently approved City tax roll, that is located within the area of application and within two hundred (200) feet of any property affected thereby, said written notice to be sent before the tenth (10th) calendar day prior to the date such hearing is to be held.

2. Said written notice shall be served by using the last known address as listed on the most recently approved tax roll and depositing the notice, postage paid, in the regular United States mail.

3. If written notice as required is not sent before the tenth (10th) calendar day prior to the date of the hearing, then the hearing must be delayed until this notice requirement is met. Such notice shall include:

(i) Legal description of the property and the street address or approximate location within the City.

(ii) Present zoning classification of the property and the zoning sought by the applicant. If not a rezoning, then the nature or intent of the application shall be described.

(iii) The date, time, and place of hearing.

(iv) The web site that contains the zoning map and information regarding the rezoning;

(v) The phone number where questions may be answered; and

(vi) Other information as may be necessary to provide adequate and timely public notice.

(b) Published Notice

Notice of the public hearing to occur before the City Council shall be accomplished by publishing the purpose, date, time, and place of the public hearing in the official newspaper of the City before the fifteenth (15th) calendar day prior to the date of the public hearing.

(3) "Published Notice" of Public Hearing for Zoning Changes Involving Regulation Text

(a) For requests involving proposed changes to the text of the zoning regulations, notice of the City Council public hearing shall be accomplished by publishing the purpose, date, time, and place of the public hearing in the official newspaper of the City before the fifteenth (15th) calendar day prior to the date of the public hearing.

(b) Changes in the zoning text that do not change zoning district boundaries (i.e., that do not involve specific real property) do not require mailed/written notification to individual property owners.

(4) "Published Notice" and "Mailed Notice" of an Appeal of an Administrative Decision to the Board of Adjustment

(a) For an Appeal of an Administrative Decision, the Board of Adjustment shall fix a reasonable time for the hearing of an appeal, give the public notice by written notice in the mail addressed to all owners of real property located within two hundred (200) feet of the property on which the appeal is made, and by publication of notice of such hearing in the City's official newspaper.

(b) Both the written/mailed and published notice shall be given at least ten (10) days prior to the date for the hearing.

(c) At the hearing, any party may appear in person or by Attorney or by agent.

(5) Additional Rules and Procedures Established

(a) The City Council may, at its option, establish additional rules and procedures for public notification of proposed zoning changes and development proposals (e.g., required plans, plats, etc.), which may include, but not be limited to, the posting of a sign(s) on any property that is proposed for a zoning change or development by the applicant or its agent(s).

(b) Knowledge of and adherence to such rules and procedures, if so established by the City, shall be the responsibility of the applicant and shall be required as part of a zoning change or development application.

(6) Special Notice

Pursuant to Texas Local Government Code Section 211.007(d), the City Council may, by a two-thirds vote, prescribe the type of notice to be given of the time and place of a public hearing held jointly by the City Council and the Planning & Zoning Commission.

Subsection 6.04. Complete Applications

6.04.01. Applicability, Completeness, and Expiration

(A) Applicability

The following procedures shall apply to any zoning related plan or application that is required by the City and is submitted in accordance with this Zoning Ordinance.

(B) Determination of Completeness for Zoning Related Applications

Every required application shall be subject to a determination of completeness by the Zoning Administrator.

(1) Acceptance Standard

The application shall only be accepted by the Zoning Administrator when it is accompanied by all documents required by, and prepared in accordance with, the requirements of this Zoning Ordinance. A typographical error shall not, by itself, constitute an incomplete application.

(2) Acceptance Procedures

A determination of completeness of an application shall be conducted in accordance with the following procedures:

(a) A determination of completeness shall be made by the responsible official not later than the tenth (10th) business day following submission of the application, unless otherwise specified, after the official vesting date.

(b) If the submitted application is incomplete, the applicant shall be notified in writing not later than the tenth (10th) business days following submission of the application.

1. Such notice shall be served by depositing it in the U.S. Postal Service, or by electronic mail transmission, before the close of the tenth (10th) business day following submission of the application.

2. The notification shall specify the documents or other information needed to complete the application, and shall state the date the application will expire (see **(D) Expiration of a Zoning Related Application due to Incompleteness** below) if the documents or other information are not provided to the City.

(c) An application shall be deemed complete on the eleventh (11th) business day after the application has been received if notice is not provided in accordance with **(b)** above.

(d) If the application is determined to be complete, the application shall be processed as prescribed by this Zoning Ordinance.

(3) Acceptance shall not Constitute Compliance

A determination of completeness shall not constitute a finding of compliance with the substantive requirements of this Section.

(4) Acceptance shall not Guarantee Approval

It is not guaranteed that an accepted, complete application will be approved, if after the application is deemed complete it is determined that the application does not comply with this Zoning Ordinance.

(C) Re-Submittal after Notification of Incompleteness

(1) If the application is re-submitted after a notification of incompleteness within the time allotted in subsection **(B)(2)(b)** above, the application shall be processed upon receipt of the re-submittal.

(2) To the extent that the information and/or documents submitted are not sufficient to enable the decision-maker to apply the criteria for approval, the application may be denied on such grounds.

(D) Expiration of a Zoning Related Application due to Incompleteness

Pursuant to Texas Local Government Code Chapter 245, a zoning related application shall automatically expire at the close of business on the forty-fifth (45th) calendar day after the application official vesting date, if:

(1) The applicant fails to provide documents or other information necessary to comply with the City's technical requirements relating to the form and content of the permit application; and

(2) The City provides to the applicant, not later than the tenth (10th) business day after the date the application is filed, written notice that specifies the necessary documents or other information, and the date the application will expire if the documents or other information is not provided; and

(3) The applicant fails to provide the specified documents or other information necessary to comply with the City's requirements relating to the application within the time provided in the notification.

(E) Zoning Amendment Application

(1) Complete Applications Required

No zoning amendment application shall be accepted for filing or processing unless such request is accompanied by a completed application form and all documents required by and prepared in accordance with the requirements of the Zoning Regulations and any other applicable ordinance and it is filed with the Zoning Administrator.

(2) Texas Local Government Code Chapter 245 does not apply to Zoning Amendment Applications

Chapter 245 of the Texas Local Government Code, as amended, shall not apply to a zoning amendment application or an ordinance establishing zoning since neither is a permit under this Zoning Ordinance or Chapter 245.

(3) Denial of Zoning Applications

(a) If any City official processes a zoning application prior to the application being determined complete, the application shall then be deemed invalid and shall be grounds for denial or revocation of such application.

(b) A typographical error shall not constitute an incomplete application.

(c) The applicant shall be notified of such denial or revocation for an incomplete zoning application in writing.

(F) Vesting Begins on the Official Vesting Date

An application shall be vested into the zoning classifications in effect at the time of the application's official vesting date.

(G) Submission of Previously Decided Zoning Related Application

After the final decision on a specific application by the decision-maker, the application shall not be resubmitted for a minimum of six (6) months from the decision-maker's action.

Subsection 6.05. Zoning Vested Rights Determination

6.05.01. Zoning Vested Rights Determination

(A) Purpose

In accordance with the Texas Local Government Code, Chapter 245 or successor statute, the purpose of a Zoning Vested Rights Determination request is to determine whether one or more standards of this Zoning Ordinance should not be applied to a plan or application, or whether certain permits are subject to expiration.

(B) Applicability of a Zoning Vested Rights Determination Request

(1) Any Application

A Zoning Vested Rights Determination request may be sought for an application, permit, or plan required under this Zoning Ordinance.

(2) Joint Submission

A Zoning Vested Rights Determination request may be submitted by an application along with submission of a request for a Zoning Text Amendment to this Zoning Ordinance, a Zoning Map Amendment (Rezoning), or any other request for a legislative decision by the City Council.

(C) Determination Request Submission

(1) Filing

A Zoning Vested Rights Determination request shall be submitted to the Zoning Administrator in accordance with the Texas Local Government Code, Chapter 245 or successor statute.

(2) Stay of Further Proceedings

Submission of such request shall stay further proceedings on the related application until a final decision is reached on the Zoning Vested Rights Determination.

(D) Determination Request Requirements

The Zoning Vested Rights Determination request shall allege that the applicant has a vested right that requires the City to review and decide the application under standards in effect prior to the effective date of the currently applicable standards. The request shall include, at a minimum, the following information and documents:

(1) Basic Owner Information

The name, mailing address, phone number and fax number of the property owner (or the property owner's duly authorized agent).

(2) Identification of Property and "Project"

(a) Identification of the property for which the property owner claims a vested right.

(b) Identification of the "project," as that term is defined in Chapter 245 at 245.001.(3).

(c) A chronology of the history of the "project," with special emphasis on facts establishing that the project was in progress on or commenced after September 1, 1997, as required by Chapter 245 at 245.003;

(3) Narrative Description for Purpose of Determination Request

A narrative description of the grounds for the determination request, including a statement as to whether the request asserts a vested right related to a specific regulation or to an entire project.

(4) Identification of Regulations

(a) Identification of the City regulations in effect at the time the original application for the permit that the owner contends are vested and that the owner contends controls the approval, disapproval, or conditional approval of an approval for a permit, pursuant to Chapter 245 at 245.002(a) and (b).

(b) Identification of the City regulations, with particularity and in detail, that the property owner contends do not apply to the project due to the vested rights provided the property owner by Chapter 245.

1. Global references to a particular ordinance, or set of criteria, may be deemed insufficient and the City may consider the request for a vested rights determination to be incomplete and, hence, not subject to a staff determination at that time.

(c) Identification of any current City regulations that applicant agrees can be applied to the application at issue.

(5) Copies of Applications

A copy of each approved or pending application that is the basis for the Zoning Vested Rights Determination request shall be submitted to the City.

(6) Submittal Date of First Application

The submittal date of the first application that began the vesting process (i.e., first permit in the series of permits required for the project), as identified in **Subsection 6.04 Complete Applications**.

(7) Submittal Date of Subsequent Application

If applicable, the submittal dates of subsequent application for the permits for the project.

(8) Narrative Description of How Current Regulations Affect Proposed Use

A narrative description of how the application of current regulations affect proposed use of the land, landscaping or tree preservation, open space, or park dedication, lot size, lot dimensions, coverage or building size shown on the application for which the request is filed.

(9) Copies of Prior Vested Rights Determinations

A copy of any prior vested rights determination involving the same land.

(10) Benchmarking Project Progress for Expiring Permits or Applications

Whenever the applicant alleges that a permit or application subject to expiration should not be terminated, a description of the events constituting progress toward the completion of the project approaching permit expiration was approved.

(E) Validity and Expiration of Different "Permits" for Vesting Purposes

(1) Required Plan or Rezoning Validity and Expiration

(a) Required Plan or Rezoning

A site plan for rezoning or an SUP's site plan shall be considered a "permit" as described by State law in Chapter 245.005, as amended, of the Texas Local Government Code (TLGC) and be referred to as a "required plan."

(b) Appropriate Approval Required for a "Permit"

A required plan shall not be considered a "permit" unless it has been approved by the appropriate entity before the effective date of these regulations, or an application for a required plan is complete as of the effective date of these regulations.

(c) Required Plan Expiration

Any approved required plan shall be deemed expired two (2) years from the date on which the required plan was originally approved by the appropriate entity if no progress (see **(d)** below) has been made toward completion of the project.

(d) Progress Benchmarks

The term "progress" shall be as defined based on TLGC Chapter 245.005 as follows:

1. Plans for construction and an application for a building permit for at least one of the buildings on the approved required plan are submitted within two (2) years following approval of the required plan;
2. A good-faith attempt is made to file with the City an application for a permit necessary to begin or continue towards completion of the project;
3. Costs have been incurred for developing the project including, without limitation, costs associated with roadway, utility, and other infrastructure facilities designed to serve, in whole or in part, the project (but exclusive of land acquisition) in the aggregate amount of five (5) percent of the most recent appraised market value of the real property on which the project is located;
4. Fiscal security is posted with the City to ensure performance of an obligation required by the City; or
5. Utility connection fees for the project have been paid to the City.

(e) Required Plan Expiration

If one of the items listed in **(d)1** through **(d)5** above is not accomplished within the two (2) year period, the approved required plan shall expire upon the second anniversary of its approval by the appropriate entity, and shall become null and void.

(f) Required Plan Extension and Reinstatement Request

1. Prior to the expiration of a required plan, the applicant may request the City (in writing) to extend the required plan approval.
2. The Zoning Administrator shall be the responsible official for processing and review of the application.
3. Such request shall be recommended for approval or denial by the Planning & Zoning Commission, and shall be granted approval or denied by the City Council.
4. If no request is submitted, then the required plan shall be deemed to have expired and shall become null and void.

(i) Any new request for required plan approval thereafter shall be deemed a "new permit", and shall be submitted with a new application form, with a new filing fee, and with new plans and materials in accordance with the procedures set forth in this Section.

(ii) The new request shall also be reviewed for compliance with the ordinances and regulations in effect at the time the new application is made.

5. In determining whether to grant a request for extension, the Planning & Zoning Commission and City Council shall take into account the following factors:

(i) The ability of the property owner to comply with any conditions attached to the original approval, and

(ii) The impact that current development regulations would apply to the required plan.

(2) Building Permit Site Plan Validity and Expiration

A site plan required as part of a building permit application shall be considered a "permit" as described by State law in Chapter 245.005, as amended, of the Texas Local Government Code (TLGC).

(a) Building Permit Site Plan Expiration

Any approved Building Permit site plan shall be deemed expired two (2) years from the date on which the Building Permit site plan was approved if no progress has been made toward completion of the project.

(b) Progress Benchmarks

The term "progress" shall be as defined based on TLGC Chapter 245.005 as follows:

1. Plans for construction and an application for a building permit for at least one of the buildings on the approved Building Permit site plan are submitted within two (2) years following approval of the Building Permit site plan.

2. A good-faith attempt is made to file with the City an application for a permit necessary to begin or continue towards completion of the project;

3. Costs have been incurred for developing the project including, without limitation, costs associated with roadway, utility, and other infrastructure facilities designed to serve, in whole or in part, the project (but exclusive of land acquisition) in the aggregate amount of five (5) percent of the most recent appraised market value of the real property on which the project is located;

4. Fiscal security is posted with the City to ensure performance of an obligation required by the City; or

5. Utility connection fees or impact fees for the project have been paid to the City.

(c) Expiration

If one of the items listed in **(1)(d)1** through **(1)(d)5** above is not accomplished within the two (2) year period, then the approved Building Permit site plan shall expire and shall become null and void.

(d) Building Permit Site Plan Extension and Reinstatement Request

1. Prior to the expiration of a Building Permit site plan, the applicant may request the City (in writing) to extend the Building Permit site plan approval.

2. The Zoning Administrator shall be the responsible official for processing and review of the application.

3. Such request shall be recommended for approval or denial by the Planning & Zoning Commission, and shall be granted approval or denial by the City Council.

4. If no request is submitted, then the Building Permit site plan shall be deemed to have expired and shall become null and void.

   (i) Any new request for Building Permit site plan approval shall be deemed a "new permit", and shall be submitted with a new application form, with a new filing fee, and with new plans and materials in accordance with the procedures set forth in this Section.

   (ii) The new request shall also be reviewed for compliance with the ordinances and regulations in effect at the time the new application is made.

5. In determining whether to grant a request for extension, the Planning & Zoning Commission and City Council shall take into account the following reasons for the lapse.

   (i) The ability of the property owner to comply with any conditions attached to the original approval, and

   (ii) The impact that current development regulations would apply to the Building Permit site plan.

(3) Planned Development Master Plan: Validity and Expiration

In conformance with TLGC Chapter 245, as amended, the applicant shall retain the following additional rights related to an approved Planned Development Master Plan.

(a) Preliminary Plat Submittal within Two (2) Years Required

1. An application for a preliminary plat shall be submitted for approval within two (2) years of the date of approval of a Planned Development Master Plan, unless otherwise provided in the PD adopting ordinance.

2. If a preliminary plat consistent with the Planned Development Master Plan is not submitted within such period, the Planned Development Master Plan shall expire.

(b) Expiration of an Approved Planned Development Master Plan

1. Expiration of an approved Planned Development Master Plan (based on **(a)** above) shall result in suspension of the ability to submit a preliminary plat related to the original Planned Development Master Plan.

2. A new Planned Development Master Plan must be submitted before the development process can continue.

(c) Expiration of an Approved Preliminary Plat

1. The expiration of an approved preliminary plat shall be governed by the provisions of the Subdivision Ordinance.

2. If a required development application (e.g., preliminary plat, final plat, building permit) is submitted within the two (2) year period, but such development application subsequently expires, the associated Planned Development Master Plan shall also expire.

(4) Ability to Retain the Rights to the PD Planned Development Project

In conformance with TLGC Chapter 245, as amended, the applicant shall retain the following rights related to a proposed PD Planned Development following submittal and approved of a Planned Development Master Plan.

(a) Ability to Submit Applications for Five (5) Years

1. The applicant shall retain the ability to submit a new Planned Development Master Plan for a period of five (5) years following the original Planned Development Master Plan approval.

2. Such new Planned Development Master Plan may only be for a substantially similar PD project.

3. However, any such new Planned Development Master Plan shall adhere to any and all new standards and regulations that the City has adopted in relation to a Planned Development Master Plan and/or any other PD application requirements.

(b) Expiration of Project in Five (5) Years

Any PD project for which no preliminary plat has been submitted for a period of five (5) years following the approval of the related Planned Development Master Plan shall expire on the last day of that five (5) year period.

(c) Planning & Zoning Commission Consideration

1. After such five (5) year period has ended and the project expires, the Planning & Zoning Commission shall consider whether the undeveloped land within the PD District should be changed to another zoning classification in accordance with the procedures for a zoning amendment pursuant to **Subsection 6.03 Zoning Text and Map Amendments**.

2. The Planning & Zoning Commission thereafter shall recommend to the City Council whether the right to submit a preliminary plat or other development application for the same PD project should be reinstated, or whether the property should be rezoned to another classification.

(d) City Council Consideration and Action

1. Consideration

(i) The Planning & Zoning Commission's recommendation (as outlined in (c) above) shall be considered by the City Council in accordance with procedures for a zoning amendment pursuant to **Subsection 6.03 Zoning Text and Map Amendments**.

(ii) The City Council shall determine whether the right to submit the preliminary plat or other development application for the same PD project should be reinstated, or whether the property should be rezoned to another classification.

(iii) In making such determination, the City Council shall consider the following factors:

i. Whether the PD Planned Development remains consistent with the Comprehensive Plan;

ii. Whether the uses authorized in the PD Planned Development are compatible with existing and planned land uses adjacent to the site;

iii. Whether there are extenuating circumstances justifying the failure to submit a preliminary plat or other development application during the applicable time period; and

iv. Whether rezoning the property to another classification constitutes confiscation of a vested property right or deprives the owner of the economically viable use of the land.

2. City Council Action

Upon the above subsections occurring, the City Council may take the following actions:

(i) Reinstate the right to submit the preliminary plat or other development application for the original PD project within a certain time period, subject to any conditions that may be appropriate to ensure that significant progress will be made toward development of land within the PD Planned Development district;

(ii) Modify the PD Planned Development district regulations applicable to the property; or

(iii) Repeal the PD Planned Development district for portions of the property and zone such property to another zoning district classification.

(F) Decision of a Zoning Vested Rights Determination Request

(1) Review of a Zoning Vested Rights Determination Request

The responsible official shall promptly forward the owner's vested rights request, along with any supporting information or documentation provided along with the request, to the Zoning Administrator and City Attorney for their respective reviews.

(2) Decision on a Zoning Vested Rights Determination Request

(a) The Zoning Administrator, after consultation with the City Attorney, shall issue a final administrative determination of whether a vested right exists in relation to the project, and shall identify, with particularity, all claims for vested rights that have been granted and all claims for vested rights that have been denied.

(b) The Zoning Administrator shall issue a final administrative determination with thirty (30) business days from the receipt of the responsible official.

(3) Vesting Pre-Determination Conference

Prior to rendering the final determination, the Zoning Administrator may request a pre-determination conference with the owner to discuss the owner's vested rights claim and to ensure that the nature of the claim is fully and completely understood by the Zoning Administrator prior to a final determination being rendered.

(G) Appeal to the City Council of a Decision on a Zoning Vested Rights Determination Request

(1) If the property owner or any affected party believes that the Zoning Administrator's vested rights determination is in error, the property owner or such party shall have the right to appeal within thirty (30) business days of such determination to the City Council, which will have jurisdiction to hear and decide the appeal pursuant to this Zoning Ordinance and Chapter 211 of the Texas Local Government Code.

(2) The property owner may also request the Board of Adjustment to grant a zoning variance from the regulations at issue under the same standards governing variances for other matters, as set forth in this Zoning Ordinance and/or Chapter 211 of the Texas Local Government Code.

(H) Judicial Review

Should the property owner or any aggrieved person be dissatisfied with the actions of the City Council, they may avail themselves of all legal remedies to review the decision as set forth in Section 211.011 of the Texas Local Government Code.

(I) Binding Determination

(1) The Zoning Administrator's final determination, if not appealed to the City Council within thirty (30) business days, shall be immediately filed in the City's files related to the project and the determination shall be considered binding upon the City and the property owner for the duration of the project.

(2) Similarly, any decision by the City Council regarding a vested right claim shall be filed in the City's files related to the project and the determination shall be considered binding upon the City and the property owner for the duration of the project.

(3) Notwithstanding the binding nature of the Zoning Administrator's final determination and any ruling by the City Council, the City and the property owner may, at any time, enter into a development agreement that, to the extent authorized by law, modifies the final determination and the applicable development regulations to be applied to the project.

(J) Action on Petition and Order

The Zoning Administrator or City Council on the petition or appeal may take any of the following actions:

(1) Deny the relief requested in the request, and direct that the application shall be reviewed and decided under currently applicable standards;

(2) Grant the relief requested in the request, and direct that the application be reviewed and decided in accordance with the standards contained in identified prior regulations; or

(3) Grant the relief requested in part, and direct that certain identified current standards be applied to the application, while standards contained in identified prior regulations also shall be applied.

Subsection 6.06. Site Plan Requirements

6.06.01. Site Plan Requirements

(A) Timing of the Site Plan Requirement

(1) Rezoning

No site plan is required at the time of zoning or rezoning applications except for applications for:

(a) SUP Specific Use Permit

(b) MX Mixed Use

(2) Building Permit

Site plans are required at time of building permit application.

(B) Elements and Scale of the Site Plan Requirement – Application Form

The Director shall establish an application form outlining all requirements of the site plan and shall be responsible for maintaining and revising the application form.

6.06.02. Approval

(A) Approval Authorities

(1) City Council

Approval by the City Council shall be required on all site plans submitted in accordance with this Ordinance, except site plans submitted with a building permit application (see **6.06.01. (A)(1)** above).

(2) Zoning Administrator

The Zoning Administrator shall have approval authority on all site plans submitted at the time of building permit application (see **6.06.01. (A)(2)** above).

(B) Review process

(1) Site Plan for a Rezoning

Site plans submitted according to **Subsection 6.03 Zoning Text and Map Amendments** for rezoning property shall follow the following process.

(a) The Development Review Committee (DRC) shall evaluate all site plans and submit findings in a report regarding the site plan's conformance to the standards of this Zoning Ordinance to the Zoning Administrator within twenty (20) business days following receipt of a completed application.

(b) Upon receipt from the DRC, the Zoning Administrator may either modify or accept the DRC report and shall submit a report to the Planning & Zoning Commission.

(c) The Planning & Zoning Commission shall review and recommend action to the City Council on the site plan forwarded by the Zoning Administrator.

(d) The City Council shall take action to approve, approve with conditions, or deny the site plan.

(2) Site Plan for a Building Permit

The Development Review Committee (DRC) shall review site plans at time of building permit application.

(a) The Development Review Committee (DRC) shall evaluate all site plans and submit findings in a report regarding the site plan's conformance to the standards of this Zoning Ordinance within twenty (20) business days following receipt of a complete application.

(b) The Zoning Administrator shall have the authority to approve or deny the site plan.

(C) Standards for Site Plan Review and Evaluation

The City Council or the Zoning Administrator (as determined by **(A)** above) shall review the site plan for compliance with all applicable City ordinances with respect to the following:

(1) The site plan's compliance with all provisions of this Zoning Ordinance, and other applicable ordinances.

(2) The relationship of the development to adjacent uses in terms of harmonious design, façade treatment, setbacks, building materials, maintenance of property values, and any possible negative impacts.

(3) The provision of a safe and efficient vehicular and pedestrian circulation system, such as driveways.

(4) The design and location of off-street parking and loading facilities to ensure that all such spaces are usable and are safely and conveniently arranged.

(5) The sufficient width and suitable grade and location of streets designed to accommodate prospective traffic and to provide access for firefighting and other emergency equipment to buildings.

(6) The coordination of streets so as to arrange a convenient system consistent with the City's adopted Thoroughfare Plan, as amended.

(7) The use of landscaping and screening to provide adequate buffers to shield lights, noise, movement, or activities from adjacent properties when necessary.

(8) Exterior lighting to ensure safe movement and for security purposes, which shall be arranged so as to minimize glare and reflection upon adjacent properties.

(9) Protection and conservation of water courses and areas that are subject to flooding.

(10) The adequacy of water, drainage, sewerage facilities, solid waste disposal, and other utilities necessary for essential services to residents and occupants.

(D) Developments Approved in Conjunction with a Site Plan

Any individual lot or lots proposed for development that were approved in conjunction with a site plan that shall require rezoning that have not complied with the requirements of **6.06.06. Applicant Initiated Elimination of Existing Site Plans** and **6.06.07. Expiration of Site Plans** below or SUP Specific Use Permit shall follow the requirements set out in **Subsection 6.06 Site Plan Requirements** and **Subsection 6.03 Zoning Text and Map Amendments**.

(E) Conformity Required for the Granting of Building or Occupancy Permits

In order for a building permit or occupancy permit to be granted, all construction shall conform to the approved site plan, or if no site plan is required, then all other requirements of this Ordinance shall be met.

6.06.03. Failure to Comply

Whenever the Zoning Administrator finds that any proposed construction varies substantially for properties approved in conjunction with a site plan approved by the Planning & Zoning Commission and City Council, the procedure outlined in **6.06.04. Major Variation** below shall be followed.

(A) Major Variation of a Site Plan

(1) A major variation is defined as an increase or decrease in the size of a building by twenty (20) percent, a change in configuration of the proposal, increase in the number of curb cuts or change in direction of curb cuts, and change in point of discharge of water.

(2) A change in the use of a building or property with said change in use being a permitted use in the applicable zoning district, does not require the site plan to be reviewed.

(B) Minor Variation of a Site Plan

(1) A minor variation may be approved by the Zoning Administrator or referred as outlined in **6.06.04. Major Variation** below at the discretion of the Zoning Administrator.

(2) A minor variations include corrections of distances and dimensions, adjustments of building configuration and placement, increase in building area not to exceed 1,000 square feet, and the addition or removal of ten (10) or fewer parking spaces.

(3) In regards to property being developed that does not require an approved site plan by Planning & Zoning Commission or City Council, no deviation from the site plan submitted at the time of building permit application shall be allowed unless an application for amendment is made by the applicant and approved by the Zoning Administrator.

6.06.04. Major Variation

Major variation to the site plan shall occur in the same manner as the original application.

6.06.05. Fees

Refer to the adopted Zoning Ordinance Fee Schedule for fees.

6.06.06. Applicant Initiated Elimination of Existing Site Plans

With the exception of SUP Specific Use Permits and PD Planned Developments, applicants for site plans approved in conjunction with a rezoning request prior to the adoption of this Ordinance may apply for a public hearing as prescribed in **Subsection 6.03 Zoning Text and Map Amendments** before the Planning & Zoning Commission and City Council to request elimination of said site plan.

6.06.07. Expiration of Site Plans

The approval of a site plan shall be effective for a period of three (3) years from the date of approval by the City Council or City Staff, at the end of which time the applicant must have submitted and received approval of a building permit or the Zoning Administrator must determine that the applicant has demonstrated substantial progress toward the completion of the project for which the site plan was approved.

(A) Null and Void

If a building permit is not approved or the Zoning Administrator determines no substantial progress has been made, the site plan approval is null and void.

(B) Partial Expiration

If permits have been approved only for a portion of the property and/or improvements, the site plan for the remaining property and/or improvements shall be null and void.

(C) Submission of New a Site Plan

The applicant shall be required to submit a new site plan for review and approval subject to the then existing regulations.

Subsection 6.07. PD Application and Review

6.07.01. General

(A) PD Planned Development Zoning District Establishment

An application for a PD Planned Development Zoning District shall be made to the Planning & Zoning Commission and City Council in the same manner that an application for any Zoning Map Amendment (Rezoning) is made.

(B) Submission of PD Related Plats and Site Plans Shall Occur After PD Establishment

The subsequent applications for plats and site plans within an established PD Planned Development district shall be reviewed and approved separately and independently in accordance with established procedures.

(C) Land Area Requirement for PD Planned Developments

A PD district requires a minimum of two (2) contiguous acres. Acreage may be less than two (2) acres when carrying out the recommendations of the Comprehensive Plan.

6.07.02. Planned Development (PD) Submission Requirements

(A) The Developer of a PD shall Follow a 5 Step Procedure:

(1) Pre-application conference.

(2) Zoning Map Amendment (Rezoning) application with the submission of Planned Development Master Plan, which includes the:

(a) PD Design Statement and

(b) PD Concept Design Map.

(3) Preliminary plat, if subdivision occurs and where required by the Subdivision Ordinance.

(4) Final plat, if subdivision occurs and where required by the Subdivision Ordinance.

(5) Application for building permit and site plan reviewed by the DRC.

(B) Approvals Needed before Proceeding

(1) Each required step shall be completed and approved before the following step is reviewed.

(2) Where appropriate, other methods authorized in the Subdivision Ordinance may be substituted in **Step 3. Preliminary Plat** and **Step 4. Final Plat**, such as an amending plat or minor plat, etc.

(3) The Planning & Zoning Commission and City Council may, however, review more than one step at the same public hearing.

(C) Public Hearings (Rezonings and Plats)

(1) Public hearings shall be held on the Zoning Map Amendment (Rezoning) application and the Planned Development Master Plan in accordance with regular procedures for zoning applications.

(2) Public hearings on required plats shall be held in accordance with regular procedures established in the Subdivision Ordinance.

6.07.03. Planned Development (PD) Steps for Creation and Development

(A) Step 1. Pre-Application Conference Review

(1) At least ten (10) business days prior to submission of an application for Zoning Map Amendment (Rezoning) to a PD Planned Development, the applicant shall submit to the Zoning Administrator a Sketch Plan drawn to approximate scale showing streets, lots, public areas, and other significant features. The applicant shall execute an acknowledgement that the pre-application conference does not initiate a vested right.

(2) The applicant should discuss with the Zoning Administrator the procedure for adopting a PD Planned Development and the requirements for the general layout of streets and utilities, access to arterials, or general design and narrative, the availability of existing services, and similar matters.

(3) The Zoning Administrator shall also advise the applicant, where appropriate, to discuss the proposed PD Planned Development with those officials charged with responsibility to review the various aspects of the proposal coming within their jurisdiction.

(4) The intent of **Step 1. Pre-Application Conference Review** is to expedite and facilitate the approval of a Planned Development Master Plan.

(B) Step 2. PD Application for Rezoning and Planned Development Master Plan

(1) Procedures and Requirements

(a) The PD Zoning Map Amendment (Rezoning) application shall be filed in accordance with regular procedures and on application forms of the City.

(b) The Planned Development Master Plan, which is submitted with the application for rezoning, shall consist of a PD Design Statement and a PD Concept Design Map.

(c) The applicant shall also provide other supporting maps as necessary to meet the submission requirements of this Zoning Ordinance.

(2) PD Design Statement

The PD Design Statement shall be a written report submitted as a part of the Planned Development Master Plan containing a minimum of the following elements:

(a) Title of PD;

(b) List of the owners and/or Developers;

(c) Statement of the general location and relationship to adjoining land uses, both existing and proposed;

(d) Description of the PD concept, including an acreage or square foot breakdown of land use areas and densities proposed, a general description proposed, a general description of building use types, proposed restrictions, and typical site layouts;

(e) The existing PD zoning districts in the development area and surrounding it;

(f) Selection of one conventional zoning district as a base zoning district to regulate all uses and development regulations not identified as being modified (multiple base zoning districts may be selected to accommodate a mixture of land uses in different geographic areas);

(g) A list of all applicable special development regulations or modified regulations to the base zoning district; plus a list of requested subdivision waivers to the Subdivision Ordinance or other applicable development regulations;

(h) A statement identifying the existing and proposed streets, including right-of-way standards and street design concepts;

(i) The following physical characteristics: elevation, slope analysis, soil characteristics, tree cover, and drainage information;

(j) A topographic map with minimum five (5) foot contour intervals;

(k) Drainage information, including number of acres in the drainage area and delineation of applicable flood levels;

(l) A statement of utility lines and services to be installed, including lines to be dedicated to the City and which will remain private;

(m) The proposed densities, and the use types and sizes of structures; and

(n) A description of the proposed sequence of development.

(3) PD Concept Design Map

(a) The PD Concept Design Map shall be a graphic representation of the development plan for the area of a PD Planned Development.

(b) The Zoning Administrator shall establish an application form outlining all requirements of the PD Concept Design Map and shall be responsible for maintaining and revising the application form.

(4) Approval of the Planned Development Master Plan

(a) Upon final approval by the City Council of the Planned Development Master Plan and the appropriate ordinance of rezoning, these elements shall become a part of the Official Zoning District Map.

(b) The rezoning ordinance shall adopt the Planned Development Master Plan by reference, and it shall be attached to said ordinance and become a part of the official records of the City.

(5) Expiration of Planned Development Master Plan

(a) If, after two (2) years from the date of approval of a Planned Development Master Plan, no substantial development progress has been made within the PD, then the Planned Development Master Plan shall expire.

(b) If a Planned Development Master Plan expires, a new Planned Development Master Plan must be submitted and approved according to the procedures within this section.

1. An extension to the two (2) year expiration shall be granted if a development application for the PD has been submitted and is undergoing the development review process or if the Zoning Administrator determines development progress is occurring.

(6) Use and Development of the Property

(a) The Planned Development Master Plan shall control the use and development of the property, and all building permits and development requests shall be in accordance with the plan until it is amended by the City Council.

(b) The developer shall furnish a reproducible copy of the approved PD Concept Design Map for signature by the mayor and acknowledgement by the City secretary.

(c) The Planned Development Master Plan, including the signed map and all supporting data, shall be made a part of the permanent file and maintained by the City secretary.

(C) Step 3. Preliminary Plat

(1) If the subdivision of land is to occur, then after City Council approval of the Zoning Map Amendment (Rezoning) with the associated Planned Development Master Plan, the developer shall prepare a Preliminary Plat for the entire development area.

(2) Where a recorded plat exists and where there will be no extensive easements, no homeowners or property owners associations, no plat restrictions, and no sale of lots that do not conform to the platted lot lines, the City Council may waive the platting requirement.

(D) Step 4. Final Plat

(1) Where a subdivision plat is required, the developer shall prepare a final plat for review, approval, and filing of record according to procedures established by the City Council. In addition to these procedures, the final plat shall include:

(a) Provisions for the ownership and maintenance of common open space and detention/retention ponds. Said open space shall be dedicated to a private association or dedicated to the public provided that a dedication to the public shall not be accepted without the approval of the City Council.

(b) A homeowners and property owners association shall be created if other satisfactory arrangements have not been made for improving, operating, and maintaining common facilities, including private street drives, fire lanes, service and parking areas, and recreation areas.

(2) If no plat is required, then proof of the items identified in **(1)(a)** and **(1)(b)** above shall be submitted and approved as a part of the Planned Development Master Plan at the time the Zoning Map Amendment (Rezoning) is considered for approval.

(E) Step 5. Site Plan

A site plan shall be submitted upon the application for a building permit and reviewed in accordance with procedures established in **Subsection 6.06 Site Plan Requirements**.

6.07.04. Planned Development (PD) Modifications

(A) Minor PD Amendment and Adjustment

The Zoning Administrator may approve or defer for City Council consideration a Minor PD Amendment and Adjustment to the Planned Development Master Plan provided all of the following conditions are satisfied:

(1) The project boundaries are not altered.

(2) Uses other than those specifically approved in the Planned Development Master Plan are not added. Uses may be deleted but not to the extent that the character of the project is substantially altered from the character described within the PD Design Statement.

(3) The allocation of land to particular uses or the relationship of uses within the project are not substantially altered.

(4) The density of housing is not increased more than ten (10) percent or decreased by more than thirty (30) percent.

(5) The land area allocated to nonresidential uses is not increased or decreased by more than ten (10) percent.

(6) Floor area, if prescribed, is not increased or decreased by more than ten (10) percent.

(7) Floor area ratios, if prescribed, are not increased.

(8) Open space ratios, if prescribed, are not decreased.

(B) Zoning Administrator Approval

(1) The Zoning Administrator shall determine if proposed amendments to an approved Planned Development Master Plan satisfy the above criteria.

(2) If the Zoning Administrator finds that these criteria are not satisfied, an amended Planned Development Master Plan shall be submitted for full review and approval according to the procedures set forth in these regulations.

6.07.05. Reversion

(A) Property Owner Request

(1) If the property owner decides to abandon the PD concept and nullify the Planned Development Master Plan, he shall make application for rezoning either to the original status or to a new classification.

(2) Said application shall be heard according to regular rezoning procedures utilized by the Planning & Zoning Commission and City Council.

Subsection 6.08. Specific Use Permit (SUP)

6.08.01. Specific Use Permit Regulations and Procedures

(A) Procedures for Processing a Specific Use Permit

(1) The Zoning Administrator shall initiate review of the SUP and may request written comments from the Development Review Committee (DRC), if deemed necessary.

(2) Planning & Zoning Commission shall review and recommend approval, approval with conditions, or denial of the SUP to the City Council.

(3) After receiving recommendation from Planning & Zoning Commission, City Council shall approve, approve with conditions, or deny the SUP. Although the approval of the SUP does not change the zoning classification.

(4) Both Planning & Zoning Commission and City Council shall provide the required public hearing and notice in accordance with **6.03.02. Public Hearings and Notification Requirements for Zoning Related Applications**.

(B) Compatibility Considerations

(1) The City Council and the Planning & Zoning Commission in considering any request for Specific Use Permit shall only approve such request after they have determined that the use or uses allowed will not be detrimental to the adjacent properties or to the City as a whole.

(2) The Zoning Administrator, City Council and the Planning & Zoning Commission may require from the applicant any plans, information, operational data, and expert evaluation concerning the location, function, and characteristics of the proposed use or buildings.

(3) The City Council when granting a Specific Use Permit, and the Planning & Zoning Commission when making a recommendation concerning a Specific Use Permit, shall establish conditions and regulations, in addition to those of the base zoning district, necessary to protect the health, safety, morals, and general welfare of the neighborhood and/or the City. In addition, the use shall be in general conformance with the Comprehensive Plan and general objectives of the City. These conditions may include but are not limited to:

(a) Paving of streets, alleys, and sidewalks,

(b) Means of ingress and egress to public streets,

(c) Provisions for drainage,

(d) Adequate off-street parking,

(e) Protective screening, landscaping, and open space,

(f) Area or security lighting,

(g) The locations and heights of structures,

(h) Architectural compatibility of buildings,

(i) Intensity of the use, and

(j) Adequate traffic circulation required to contain all stacking activity on the site.

(C) Imposed Conditions for Approval

(1) In granting a Specific Use Permit, the City Council may impose conditions that shall be complied with by the owner or grantee before a certificate of occupancy may be issued by the Building Official for use of the building or property.

(2) Any special conditions shall be set forth in writing in the ordinance granting the SUP.

(D) Compliance Mandatory with Written Requirements

No Specific Use Permit shall be granted unless the applicant, owner and grantee of the Specific Use Permit shall be willing to accept and agree to be bound by and comply with the written requirements of the Specific Use Permit, as attached to the site plan drawing(s) and approved by the Planning & Zoning Commission and City Council.

(E) Specific Use Permit Expiration and Extension

(1) SUP Expiration

An SUP shall automatically expire if a building permit is not issued and construction begun within six (6) months of the granting of the SUP.

(2) SUP Extension

The City Council may authorize an extension beyond the six (6) months upon recommendation by the Zoning Administrator.

(F) Enlargement, Modification, or Structural Alternation

(1) A building, premise, or land used under a Specific Use Permit may be enlarged, modified, structurally altered, or otherwise changed provided the changes do not:

(a) Increase the height of structures, including antenna support structures;

(b) Increase building square footage from its size at the time the original Specific Use Permit was granted by greater than ten (10) percent;

(c) Reduce the distance between a building or noise-generating activity on the property and an adjacent, off-site residential use. This provision shall not apply should the property and the residential use be separated by a major thoroughfare depicted on the City's Thoroughfare Plan; or

(d) Reduce the amount of open space as indicated on the previously approved zoning exhibit.

(2) All other enlargements, modifications, structural alterations, or changes shall require the approval of a new Specific Use Permit. Antennas may be placed on antenna support structure that is already permitted by an existing Specific Use Permit without approval of a separate Specific Use Permit subject to approval of a final plat and site plan for the property if appropriate.

(3) An SUP can only be used by the specific use for which it is granted. (For example, a use that obtained an SUP cannot convert to another use that requires an SUP without approval.)

(G) Board of Adjustment Exclusion

The Board of Adjustment shall not have jurisdiction to hear, review, reverse, or modify any decision, determination, or ruling with respect to the specific land use designated by any Specific Use Permit.

(H) Zoning Map

(1) When the City Council authorizes granting of a Specific Use Permit, the Zoning Map shall be amended according to its legend to indicate that the affected area has conditional and limited uses, and said amendment is to indicate the appropriate zoning district for the approved use and prefixed by an "S" designation.

(2) Specific Use Permits granted shall be indicated by numerical designation on the Zoning District Map, and a record maintained of the numerical designation of each SUP and the conditions of approval.

(3) Specific Use Permits are attached to the property, not to the owner, the business, or the subtenant.

(I) Amend, Change, or Rescind a Specific Use Permit

Upon holding a properly noticed public hearing, the City Council may amend, change, or rescind a Specific Use Permit after recommendation by the Planning & Zoning Commission if:

(1) The building, premise, or land uses under a Specific Use Permit is enlarged, modified, structurally altered, or otherwise significantly changed without approval of a separate Specific Use Permit for such enlargement, modification, structural alteration, or change;

(2) Violation of any provision of the terms or conditions of a Specific Use Permit;

(3) Ad valorem taxes on the property are delinquent by more than six (6) months; or

(4) The Specific Use Permit was obtained by fraud or with deception.

Subsection 6.09. Amortization of Nonconforming Uses

(A) City Council Initiation of Amortization Case

Only the City Council, by majority vote, may request that the Board of Adjustment consider establishing a compliance date for a nonconforming use.

(B) Board of Adjustment Decision of Amortization Case

(1) Per the authorization of City Council, the Board of Adjustment may require the discontinuance of a Nonconforming Use under any plan whereby the full value of the use's structure and facilities can be amortized within a definite period of time, taking into consideration the general character of the neighborhood and the necessity for all property to conform to the zoning regulations.

(2) All actions to discontinue a nonconforming use shall be taken with due regard for the property rights of the persons affected when considered in the light of the public welfare and the character of the area surrounding the nonconforming use and the conservation and preservation of property.

(C) Public Hearing Process

Upon receiving a request from the City Council, staff shall schedule the first public hearing before the Board. The Board may establish a compliance date only after holding two separate public hearings.

(1) First Public Hearing

The Board shall hold a public hearing to determine whether continued operation of the nonconforming use will have a significant adverse effect on nearby properties. If, based on the evidence presented at the public hearing, the Board determines that continued operation of the nonconforming use will have a significant adverse effect on nearby properties, it shall schedule a second public hearing to establish a compliance date for the nonconforming use; otherwise, it shall not. In determining whether the continued operation will have a significant adverse effect on nearby properties, the Board shall consider the following factors:

(a) The character of the surrounding neighborhood.

(b) The degree of incompatibility of the use with the zoning district in which it is located.

(c) The manner in which the use is being conducted.

(d) The hours of operation of the use.

(e) The extent to which continued operation of the use may threaten public health or safety.

(f) The environmental impacts of the use's operation, including but not limited to the impacts of noise, glare, dust, and odor.

(g) The extent to which public disturbances and nuisances may be created or perpetuated by continued operation of the use.

(h) The extent to which traffic or parking problems may be created or perpetuated by continued operation of the use.

(i) Any other factors relevant to the issue of whether continued operation of the use will adversely affect nearby properties.

(j) To the extent the nonconforming use impacts the value and marketability of the abutting and surrounding properties or neighborhood.

(2) Second Public Hearing

(a) If the Board has determined in the first public hearing that the nonconforming use has an unacceptable adverse effect on nearby properties, it shall hold a second public hearing to set a date for compliance. The Board shall, in accordance with the law, provide a compliance date for the nonconforming use under a plan whereby the owner's actual investment in the use before the time that the use became nonconforming can be amortized within a definite time period. The following factors must be considered by the Board in determining a reasonable amortization period:

1. The owner's capital investment in structures, fixed equipment, and other assets (excluding inventory and other assets that may be feasibly transferred to another site) on the property before the time the use became nonconforming.
2. Any costs that are directly attributable to the establishment of compliance date, including demolition expenses, relocation expenses, termination of leases, and discharge of mortgages.
3. Any return on investment since inception of the use, including net income and depreciation.
4. The anticipated annual recovery of investment, including net income and depreciation.
5. A reasonable closeout and termination period for the nonconforming use.

(b) If the Board, at the first public hearing, requests financial documentation and/or records from the owner relating to the factors listed directly above, the owner shall provide said documents and/or records at least thirty (30) days before the second public hearing. If the owner does not provide said documentation, the Board is authorized to make its determination of a compliance date based upon any reasonably available public records as well as public testimony at the hearing. Failure by owner to provide the requested financial documents and records shall not prevent the Board from setting a compliance date.

(D) Ceasing Operations

If the Board establishes a compliance date for a nonconforming use, the use must cease operations on that date and it may not operate thereafter unless it becomes a conforming use.

(E) Definitions

For purposes of this subsection, "owner" means the owner of the Nonconforming Use at the time of the Board's determination of a compliance date for the nonconforming use.

(F) Finality of Decisions

(1) Decisions that cannot be Immediately Appealed

A decision by the Board that the continued operation of a Nonconforming Use will have a significant adverse effect on neighboring property and the Board’s decision to schedule a second public hearing to establish a compliance date are not final decisions and cannot be immediately appealed.

(2) Decision to Deny a Request to Establish a Compliance Date

A decision by the Board to deny a request to establish a compliance date is final unless appealed to state court within ten (10) calendar days in accordance with Chapter 211 of the Local Government Code.

(3) Decision Setting a Compliance Date

A decision by the Board setting a compliance date is final unless appealed to state court within ten (10) calendar days in accordance with Chapter 211 of the Local Government Code.

Subsection 6.10. Reinstatement of Nonconforming Rights

(A) Loss of Nonconforming Rights Status

If the Zoning Administrator determines that a nonconforming use has been discontinued under **1.06.04. (B) Reinstatement of Nonconforming Use Rights** and has lost its nonconforming rights, the use shall not be instituted on that parcel or other parcel in any district that does not permit the discontinued use.

(B) Notice to Owner and/or Operator Required

Notice of this determination shall be made in writing to the owner and/or operator of the discontinued use.

(C) Application for Nonconforming Rights Reinstatement

(1) The owner and/or operator of the abandoned nonconforming use may submit a written application to the Board to have the nonconforming rights reinstated.

(2) Written application for reinstatement of nonconforming rights must be made within ten (10) business days after the Zoning Administrator issues the written notice of determination that a use has been permanently abandoned.

(D) Board Decision

The Board may reinstate nonconforming rights only if the Board finds there was a clear intent not to abandon the use even though the use was discontinued for six (6) months or more. The failure of the owner and/or operator to remove on-premise signs shall not be considered (on its own) evidence of a clear intent not to abandon the use.

Subsection 6.11. Appeals and the Appeal Process

6.11.01. Appeal of an Administrative Decision

(A) The Board of Adjustment may hear and decide an appeal that alleges error in an order, requirement, decision or determination made by an administrative official in the enforcement of this Ordinance or Section 211.007, Texas Local Government Code as it exists or may be amended.

(B) In exercising the Board's authority herein, the Board may reverse or affirm, in whole or in part, or modify the administrative official's order, requirement, decision, or determination from which an appeal is taken and make the correct order, requirement, decision, or determination, and for that purpose the Board has the same authority as the administrative official.

6.11.02. Appeal of a Building Permit Site Plan Decision

Any person aggrieved by the decision of the Zoning Administrator on a site plan for a building permit may appeal to the Planning & Zoning Commission and City Council.

(A) Notice of Appeal

Notice of such appeal shall be given within thirty (30) business days after the decision of the Planning and Community Development department, and the department shall cause the appeal to be set for hearing before the Planning & Zoning Commission and City Council.

(B) Planning & Zoning Commission Recommendation on Appeal

The Planning & Zoning Commission shall make a recommendation to the City Council on the site plan.

(C) City Council Decision on Appeal

The City Council shall take action to approve, approve with conditions, or deny the site plan.

Subsection 6.12. Zoning Variance

6.12.01. Purpose and Applicability

(A) Cases for which a Zoning Variance may be Granted

The Zoning Board of Adjustment may authorize a variance from the ~~terms of~~development regulations in this Zoning Ordinance ~~for any performance standard~~such as the Height (including number of stories), Yard (including setbacks), Lot Area, Lot Coverage, Structures (including size, density and location), Parking requirements, Performance Standards and other development regulations contained herein.

(B) Variance Criteria

No zoning variance shall be granted without first having given public notice and having held a public hearing on the zoning variance request in accordance with **6.03.02. Public Hearings and Notification Requirements for Zoning Related Applications** and unless the Board of Adjustment finds all the following criteria are met.

(1) Unique Circumstances

That there are special circumstances or conditions affecting the land involved such that the application of the Zoning Ordinance's provisions would deprive the applicant of the reasonable use of his/her land.

(2) Minimum Necessary Relief Required to Alleviate the Undue Hardship

The zoning variance, if granted, would be the minimum necessary relief required to alleviate the undue hardship.

(3) Preservation of Property Rights

That the zoning variance is necessary for the preservation and enjoyment of a substantial property right of the applicant.

(4) No Substantial Detriment to the Public Good

That the granting of the zoning variance will not be detrimental to the public health, safety or welfare, impair the purposes and intent of this Zoning Ordinance and the Comprehensive Plan or be injurious to other property within the area.

(5) Orderly Use of Land

That the granting of the zoning variance will not have the effect of preventing the orderly use of other land within the area in accordance with the provisions of this Zoning Ordinance.

(6) Precedent

The granting of an individual zoning variance will not set a precedent.

(7) Finding of Undue Hardship

In order to grant a zoning variance, the Board of Adjustment must make findings that an undue hardship exists, using the following criteria:

(a) That literal enforcement of the controls will create an undue hardship or practical difficulty in the development of the affected property; and

(b) That the situation causing the hardship or difficulty is neither self-imposed nor generally affecting all or most properties in the same zoning district; and

(c) That the relief sought will not injure the permitted use of adjacent conforming property; and

(d) That the granting of a zoning variance will be in harmony with the spirit and purpose of these regulations.

(e) Financial hardship alone is not an "undue hardship" if the property can be used, meeting the requirements of the zoning district in which the property is located.

(C) Variance Limitations

(1) Completed Action Required Before a Variance

An application or request for a variance shall not be heard or granted with regard to any parcel of property or portion thereof upon which a site plan, preliminary plat, or final plat, when required by the Zoning Ordinance or the Subdivision Ordinance for any parcel of property or portion thereof, has not been finally acted upon by both the Planning & Zoning Commission and, where required, by the City Council.

(2) Exhausted all Other Options

The administrative procedures and requirements of the Zoning Ordinance, and any amendments thereto, with regard to both the Planning & Zoning Commission and City Council consideration and action, on site plans, preliminary plats, and final plats, must be exhausted prior to requesting a variance.

(D) Public Hearing Required

(1) The Board of Adjustment shall hold a public hearing for each variance applicant and shall provide the notice and public hearing required by this Ordinance.

(2) At the public hearing, the Board of Adjustment shall consider public comments, the Zoning Administrator's recommendation, and other applicable information and shall approve, approve with conditions, or deny the variance application.

(E) Concurring Vote of 75 Percent Required

Pursuant to Texas Local Government Code 211.009.(c), the concurring vote of seventy-five (75) percent of the members of the Board of Adjustment is necessary to grant a zoning variance.

Subsection 6.13. Zoning Special Exception

6.13.01. Purpose and Applicability

(A) Purpose

The Board of Adjustment is authorized to hear and decide a special exception to the Zoning Ordinance that are not permitted by right in a particular district because of potential adverse effect, but which if controlled in the particular instance as to its relationship to the neighborhood and to the general welfare, may be permitted by the Board of Adjustment, where specifically authorized by **(D)** below, and in accordance with the substantive and procedural standards of the Zoning Ordinance.

(B) Zoning Special Exception Defined

A special exception is an allowed variation from the Zoning Ordinance, but is differentiated from a variance as the term is used in this Zoning Ordinance by the following:

(1) No Hardship Required

A special exception does not require a finding of an undue hardship.

(2) Specifically Allowed and Pre-Determined by the Zoning Ordinance

Approval of a special exception by the Board of Adjustment is specifically provided for and defined in this Zoning Ordinance.

(C) Requests for a Zoning Special Exception

(1) The Board of Adjustment may grant a special exception in accordance to the provisions of **(D)** below upon written request of the property owner.

(2) The Zoning Administrator shall process and review a special exception.

(D) Zoning Special Exception Authorized

When in the Board of Adjustment judgment, the public convenience and welfare will be substantially served and the appropriate use of the neighboring property will not be substantially injured, the Board of Adjustment may, in specific cases, after public notice and public hearing and subject to appropriate conditions and safeguards, authorize the following special exceptions to the regulations herein established:

(1) Parking

(a) A reduction in the number of on-site parking spaces may be granted in the nonresidential districts and for all nonresidential uses located in residential districts. Documentation justifying the reduction must be presented.

(b) Parking spaces may be located off-site and counted toward the parking requirements if the following requirements are met:

1. Parking spaces are within three hundred (300) feet, measured by a straight line from the nearest point of the land on which the use served is located to the nearest point of the separated off-site parking space;

2. A safe and accessible pedestrian connection from the parking area to the use is available; and

3. A written agreement shall be drawn to the satisfaction of the City Attorney and executed by all parties concerned assuring the continued availability of the off-site parking facilities for the use they are intended to serve.

~~(2) Accessory Buildings~~

~~(a) Accessory buildings of more than four hundred and forty (440) square feet shall be allowed within the setback limits contained in **4.02.01. (A)(2)** provided that prior to beginning construction the property owner obtained a building permit allowing such construction, and further provided that said property owner acted in good faith and in reliance upon the issuance of said building permit.~~

~~(b) The height of accessory buildings may exceed twelve (12) feet provided that the height of any accessory building shall not exceed the height of the main structure except as permitted in the following subsection.~~

~~(c) The height of accessory buildings may exceed twelve (12) feet and may exceed the height of the main structure provided that prior to beginning construction the property owner obtained a building permit allowing such construction, and further provided that said property owner acted in good faith and in reliance upon the issuance of said building permit, but in no event shall the height of any accessory building exceed the highest point of the roof of the primary structure.~~

~~(3) Accidental Encroachments~~

~~A special exception may be granted to correct an inadvertent and accidental building encroachment into a required front, side, or rear yard setback. The encroachment must be a distance of twenty (20) percent or less of the required setback, and must be clearly unintentional and unplanned.~~The Board may issue a special exception to grant nonconforming status for a structure that did not conform to this Ordinance when it was constructed or established, if the Board finds:

(A). The nonconformity was clearly and specifically shown in plans and specifications duly submitted to obtain a City permit;

(B). Before the work was done, neither the owner, the designer, the surveyor, the contractor nor any other person assisting with the work knew about the nonconformity;

(C). The nonconformity was clearly covered by the City permit (the same permit for which the plans and specifications were submitted), and the permit was otherwise regularly issued;

(D). After learning of the nonconformity, the owner promptly conferred with the administrative official and voluntarily halted any further nonconforming work;

(E). The item will cause no health or safety hazard and no significant impact upon antoehr person or property;a and

(F). The item can be brought into conformity with this Ordinance within the time period specified in the special exception, at a modest or reasonable cost.

(1). Exception: Bringing the item into conformity need not be required if the Board finds that the impact of the item on other persons or properties is either nil or extremely small.

(E) The Board of Adjustment may Impose Conditions

In granting special exceptions under this Section, the Board of Adjustment may impose such conditions as are necessary to protect adjacent property owners and to ensure the public health, safety and general welfare, including but not limited to conditions specifying the period during which the nonconforming use

may continue to operate or exist before being brought into conformance with the provisions of this Ordinance.

(F) Concurring Vote of 75 Percent Required

Pursuant to Texas Local Government Code 211.009.(c), the concurring vote of seventy-five (75) percent of the members of the Board of Adjustment is necessary to grant a special exception.

Section 7. Administrative Clauses

Subsection 7.01. Savings / Repealing

7.01.01. Illegal Uses

By the passage of this Ordinance, no presently illegal use shall be deemed to have been legalized unless specifically such use falls within a use district where the actual use is a conforming use. Otherwise, such uses shall remain nonconforming uses where recognized, or an illegal use, as the case may be.

7.01.02. Repealing

All provisions of any ordinance in conflict with this Ordinance are hereby repealed; but such repeal shall not abate any pending prosecution for violation of the repealed ordinance, nor shall the repeal prevent a prosecution from being commenced for any violation if occurring prior to the repeal of the Ordinance.

Subsection 7.02. Penalty for Violations

7.02.01. Violation

A person who knowingly violates any provision of this chapter is guilty of a separate offense for each day during which the violation is continued.

7.02.02. Fine

Each offense is punishable by a fine of not more than $2,000 nor less than $200, imprisonment, or both. The minimum fine established in this paragraph shall be doubled for the second conviction of the same offense within any 24-month period and tripled for the third and subsequent convictions of the same offense within any 24-month period. At no time shall the minimum fine exceed the maximum fine established in this paragraph.

7.02.03. Legal Rights

The penal provision imposed under this Ordinance shall not preclude the City of Richland Hills from filing suit to enjoin the violation. The City of Richland Hills retains all legal rights and remedies available to it pursuant to local, state, and federal law.

Subsection 7.03. Severability

7.03.01. Unconstitutional or Invalid Section

Should any section, subsection, sentence, clause or phrase of this Ordinance be declared unconstitutional or invalid by a court of competent jurisdiction, it is expressly provided that any and all remaining portions of this Ordinance shall remain in full force and effect.

7.03.02. Independent Sections

The City hereby declares that it would have passed this Ordinance, and each section, subsection, clause or phrase thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses and/or phrases be declared unconstitutional or invalid.

Subsection 7.04. Estoppel / Waiver

The failure of the City to enforce any term or condition of this Ordinance shall not constitute a waiver or estoppel or any subsequent violation of this Ordinance.

Subsection 7.05. Publication

This Ordinance shall become effective after its passage and publication as required by law and the City Charter of the City of Richland Hills, Texas.

Approved as to Form:	Passed and Enrolled
	_____Day of, _____, 20_____
City Attorney (Signature in above box)	Adoption Date
	Mayor, City of Richland Hills, Texas (Signature in above box)
	Attest:
	City Secretary, City of Richland Hills, Texas (Signature in above box)

Section 8. Definitions

For the purpose of this Zoning Ordinance, certain terms and words are to be used and interpreted as defined hereinafter. Words used in the present tense shall include the future tense; words in the singular number include the plural and words in the plural number include the singular, except where the natural construction of the writing indicates otherwise. The word shall is mandatory and not discretionary. The following are the Zoning Ordinance definitions.

Accessory Structure

Any structure, either attached or detached from the main dwelling, the use of which is incidental to that of the main structure and located on the same lot. Accessory structures include, but are not limited to patio covers, arbors, gazebos, cabanas, outdoor kitchens and/or recreational fire enclosures, trellis, and structures/sheds or the like. A permit is required for all accessory structures. Also referred to as accessory buildings.

Acts of Nature

An extraordinary interruption by a natural cause (such as a flood or earthquake) of the usual course of events that experience, prescience, or care cannot reasonably foresee or prevent.

Agricultural Use

A use that consist of the growing of crops mainly for food and fiber, or the keeping, grazing, breeding, or feeding of animals for the products they produce or for eventual sale.

Airport/Heliport

A place where aircraft and/or helicopters can land and take off, usually equipped with hangars, facilities for refueling and repair, and various accommodations for passengers.

Alley

A minor right-of-way, dedicated to public use, which affords a secondary means of vehicular access to the back or side of properties otherwise abutting a street, and which may be used for public utility purposes.

Antenna

An instrument or device consisting of wires, poles, rods, or reflecting discs, designed for transmitting or receiving any portion of the radio, microwave, or electromagnetic spectrum. See Communication Towers and Television Receivers Ordinance in the Supplementary Ordinances.

Antique Shop and Used Furniture

A retail establishment engaged in the selling of works of art, furniture, or other artifacts of an earlier period, with all sales and storage occurring inside a building.

Apartment

A room or suite of rooms in a multifamily residence arranged, designed, or occupied as a place of residence by a single family, individual, or group of individuals.

Applicant

Any person or entity that submits to the City an application for a permit required by the City for a project. To be qualified as an applicant under this Ordinance, the person or entity must have sufficient legal authority or proprietary interests in the land to commence and maintain proceedings under this Ordinance. The term shall be restricted to include only the property owner(s), or a duly authorized agent and representative of the property owner.

Application for a Permit

Any document filed with the City that clearly indicates that the applicant is seeking consideration for a permit, the type of permit sought and provides the City with fair notice of the project, and when used in this Zoning Ordinance, shall include a plan for development of real property or a plan for development; but excluding

applications to establish or amend a zoning district, including but not limited to a request to establish or amend a Planned Development (PD) or to receive or amend a Specific Use Permit (SUP).

Articulation

The visual variation to both the height and depth dimensions of a building through the use of materials, colors, fenestration and details.

Artisan's Workshop

An establishment used for the preparation, display, and sale of individually crafted artwork, jewelry, furniture, sculpture, pottery, leather-craft, hand-woven articles, and related items.

Athletic Stadium or Field, Private

A private field(s) and structure used for sporting events with associated spectator seating, either permanent or temporary.

Athletic Stadium or Field, Public

A field(s) and structure owned and operated by the City and/or a local independent school district used for sporting events with associated spectator seating, either permanent or temporary.

Auction House

A place where objects of art, furniture and other goods are offered for sale to persons who bid on the object in competition with each other.

Auto Parts Sales, Inside

Stores for the sale of new auto parts where all business is completely contained within a building.

Auto Parts Sales, Outside

The use of any land area for the display and sale of new or used parts, including tires, for automobiles, panel trucks or vans, trailers, or recreation vehicles.

Automobile

A self-propelled mechanical vehicle designed for use on streets and highways for the conveyance of goods and people, including, but not limited to, passenger cars, trucks, buses, motor scooters, and motorcycles.

Automobile Repair, Major

General repair or reconditioning of engines, air-conditioning systems, and transmissions for automobiles; wrecker or towing service with on-site storage of vehicles; collision services including body, frame, or fender straightening or repair; customizing; painting; vehicle steam cleaning; tire retreading; insurance estimations with on-site storage; undercoating and rust proofing, and other similar uses.

Automobile Repair, Minor

An establishment used for the dispensing or sales of automobile fuels, lubricants, and automobile accessories; the minor repair or replacement of parts and performing state inspections and making minor repairs necessary to pass said inspection; automobile detailing; window tinting, and the sales and installation of automobile radios. Uses listed under “Automobile Repair, Major” or any other similar uses are not included. Vehicles, which are inoperative or are being repaired, may not remain parked outside for a period greater than seven (7) calendar days.

Automobile Sales, Used

Sales of used automobiles or light load vehicles.

Automobile Sales/Leasing, New

Sales, rental, and/or leasing of new automobiles or light load vehicles, including, as accessory uses: Automobile Sales, Used; Automobile Repair, Major; and Automobile Storage.

Automobile Storage

The storage on a lot or tract of operable automobiles for the purpose of holding such vehicles for sale, lease, distribution, or storage.

Bank, Savings and Loan, or Credit Union

An establishment for the custody, loan, exchange or issue of money, the extension of credit, and/or facilitating the transmission of funds, including automated teller machines.

Beauty Salon/Barber Shop

Establishments primarily engaged in providing services generally involved in the care of the person or his apparel including, but not limited to, barber and beauty shops, spas, nail salons, tanning salons, ear piercing shops, cosmetic tattooing shops, and reducing salons.

Bed and Breakfast Inn

An owner (or operator) occupied residence with up to five (5) bedrooms available for overnight guests. A Bed and Breakfast Inn may provide for guest stays up to fourteen (14) consecutive calendar days; however, it shall not offer weekly rental rates. Kitchen and dining facilities may be included to provide meals for guests only; however, no food preparation shall be permitted in guest bedrooms. A Bed and Breakfast Inn shall not include restaurants, banquet facilities, or similar services.

Block

A grouping of residential lots (and their alleys) that are partially or fully surrounded by one or more streets. A block consists of one or two tiers of lots. Lots that are separated by an alley are in the same block, but lots that are separated by a street are in different blocks.

Boat Sales and Repair

A use in which the purpose is the repair and/or retail sale of boats and other watercraft to the public.

Body Art Studio

An establishment whose services include tattooing and/or body piercing. Tattooing shall mean the placing of designs, letters, figures, symbols, or other marks upon or under the skin of any person, using ink or other substances that result in the permanent coloration of the skin by means of the use of needles or other instruments designed to contact or puncture the skin. Body piercing shall mean the creation of an opening in an individual's body to insert jewelry or another decoration.

Building

Any structure used or intended for supporting or sheltering any use or occupancy.

Building, Main

A building in which the principal use of the lot on which it is situated is conducted. In a residential district any dwelling shall be deemed to be a main building on the lot on which it is situated.

Building, Temporary Occupancy

A building or structure without a permanent foundation shall be considered a temporary occupancy building. Buildings are permitted in accordance with Section 4.02.03 of this ordinance.

Building Height

The vertical distance between the average of the highest and lowest points of grade of that portion of the lot covered by the building to the highest point of a structure.

Building Line

A line parallel, or approximately parallel, to any front lot line at a specific distance therefrom, marking the minimum distance from the front lot line that a building may be erected.

Building Material and Hardware Sales, Major

An establishment for the sale of materials customarily used in the construction of buildings and other structures, including outside storage or display of materials or merchandise.

Building Material and Hardware Sales, Minor

An establishment for the sale of materials or tools customarily used in the construction of buildings and other structures, without any outside storage or display of materials or merchandise.

Building Official

The inspector or administrative official charged with responsibility for issuing permits and enforcing the Building Code.

Business Service

An establishment primarily engaged in providing services not elsewhere classified, to business enterprises on a fee contract basis, including, but not limited to, advertising agencies, computer programming and software services, and office equipment sales, rental, leasing, or repair.

Cabinet/Upholstery Shop

An establishment for the production, display, and sale of cabinets, furniture, and soft coverings for furniture.

Caretaker's/Guard's Residence

A residence located on a premises with a main nonresidential use and occupied only by a caretaker or guard, and his/her family, employed on the premises.

Carport

A structure open on a minimum of two sides designed or used to shelter not more than three (3) vehicles and not to exceed twenty-four (24) feet on its longest dimension. Also called "covered parking area."

Car Wash, Full Service

A facility where a customer can have a motorcycle, automobile and light load vehicle washed in exchange for financial consideration.

Car Wash, Self Service

A facility, typically coin operated, used by the customer to wash motorcycles, automobiles and light load vehicles.

Carpet Cleaners

A professional business for the residential or commercial cleaning of carpets, other flooring, and similar services to be performed off-site.

Cemetery or Mausoleum

Property used for the interring of the dead.

Certificate of Occupancy

An official certificate issued by the City through the Building Official that indicates conformance with or approved conditional variations from the zoning regulations and authorizes legal use of the premises for which it is issued.

Child-Care: Foster Family Home (Independent)

Per the definition of the Department of Family and Protective Services (DFPS) or as amended by the DFPS, a single independent home that is the primary residence of the foster parents and licensed to provide care for six or fewer children up to the age of 18 years.

Child-Care: Foster Group Home (Independent)

Per the definition of the Department of Family and Protective Services (DFPS) or as amended by the DFPS, a single independent home that is the primary residence of the foster parents and licensed to provide care for seven to 12 children up to the age of 18 years.

Child-Care: Licensed Child-Care Center

Per the definition of the Department of Family and Protective Services (DFPS) or as amended by the DFPS, an operation providing care for seven or more children younger than 14 years old for less than 24 hours per day at a location other than the permit holder's home.

Child-Care: Licensed Child-Care Home

Per the definition of the Department of Family and Protective Services (DFPS) or as amended by the DFPS, the primary caregiver provides care in the caregiver's own residence for children younger than 14 years old. The total number of children in care varies with the ages of the children, but the total number of children in care at any given time, including the children related to the caregiver, must not exceed 12.

Child-Care: Listed Family Home

Per the definition of the Department of Family and Protective Services (DFPS) or as amended by the DFPS, a caregiver at least 18 years old who provides care in the caregiver's own residence for compensation, for three or fewer children unrelated to the caregiver, younger than 14 years old. Regular care is provided, which is care provided for at least four hours a day, three or more days a week, and more than nine consecutive weeks. The total number of children in care, including children related to the caregiver, may not exceed 12.

Child Care: Registered Child-Care Home

Per the definition of the Department of Family and Protective Services (DFPS) or as amended by the DFPS, a caregiver who provides regular care in the caregiver's own residence for not more than six children younger than 14 years old. Child day care can be provided for six additional school-aged children before and after the customary school day. The total number of children in care at any given time, including the children related to the caregiver, must not exceed 12.

Church, Temple, Synagogue, Mosque, or Other Place of Worship

A building used primarily for religious assembly and worship and those accessory activities that are customarily associated therewith, and the place of residence for ministers, priests, nuns, rabbis, or other religious personnel on the premises (tax exempt as defined by State law). For the purposes of this Ordinance, Bible study and other similar activities that occur in a person's primary residence shall not apply to this definition.

City

References to the "City" shall mean the City of Richland Hills, Texas.

City Council

The governing body of the City of Richland Hills, Texas.

College, University, Trade, or Private Boarding School

An institution established for educational purposes offering courses for study beyond the secondary education level, including trade schools and commercial schools offering training or instruction in a trade, art, or occupation. A boarding school is an educational institution offering primary and secondary level courses. Dormitories for students and employees only are permitted in conjunction with these uses.

Commercial Amusement, Indoor

An enterprise providing for indoor recreational activities, services, amusements, and instruction for an admission fee. Uses may include, but are not limited to, bowling alleys, ice or roller skating rinks, bingo parlors, amusement arcades, and/or practice areas.

Commercial Amusement, Outdoor

An enterprise providing for outdoor recreational activities, services, amusements, and instruction for an admission fee, including, but not limited to, batting cages, miniature golf, go-kart tracks, and carnivals.

Community Center

A building or portion of a building owned and/or operated by a government entity or not-for-profit agency in which facilities are provided for civic, educational, political, or social purposes.

Comprehensive Plan

Graphic and textual form policies that govern the future development of the City and that consists of various components governing specific geographic areas and functions and services of the City. Current Comprehensive Plan as it exists or may be amended.

Computer Repair

A business that primarily focuses on the repair of personal computers, including limited sales associated with providing repair services.

Concrete/Asphalt Batching Plant, Permanent

A permanent manufacturing facility for the production of concrete or asphalt.

Concrete/Asphalt Batching Plant, Temporary

A temporary manufacturing facility for the on-site production of concrete or asphalt during construction of a project, and to be removed when the project is completed.

Construction Yard and Field Office, Temporary

A building, structure, or storage/assembly yard used in conjunction with a development project for housing temporary supervisory or administrative functions related to development, construction, or the sale of real estate properties within the development and subject to removal at completion of construction.

~~Contractor's Shop and/or Storage Yard~~ Contractor, General/Electrical/Mechanical/Plumbing (no outside storage)

~~A building, part of a building, or land area for the construction or storage (inside or out) of materials, tools, products, and vehicle fleets.~~ A business whose primary use provides a contracting service or service by installation of electrical, mechanical or plumbing systems and which may also have limited sales of electrical, mechanical or plumbing supplies or equipment as secondary use incidental to its primary use with no outside storage.

Contractor, General/Electrical/Mechanical/Plumbing (with outside storage)

A business whose primary use provides a contracting service or service by installation of electrical, mechanical or plumbing systems and which may also have limited sales of electrical, mechanical or plumbing supplies or equipment as secondary use incidental to its primary use with outside storage.

Contractor Storage or Equipment Yard

An area of outside storage of construction equipment in conformance with the city's design standards.

Convenience Store with Drive-Through

A retail establishment that sells food and other consumable and non-consumable products for off-premise use or consumption. These establishments include drive-through window service, but do not include fuel pumps.

Convenience Store with Fuel Pumps

A retail establishment that sells food and other consumable and non-consumable products for off-premise use or consumption. This definition shall also include the dispensing or sales of motor vehicle fuels, lubricants, and accessories, but shall not include automobile repair or the sale of replacement parts.

Convenience Store without Fuel Pumps

A retail establishment that sells food and other consumable and non-consumable products for off-premise use or consumption.

Coverage

The lot area covered by all structures located thereon. Structures shall include main structures and accessory structures with or without a permeable roof.

Cutoff

The point at which all light rays emitted by a lamp, light source or luminary are completely eliminated (cutoff) at a specific angle above the ground.

Cutoff Angle

The maximum angle formed by a line drawn in the direction of emitted light rays at the light source and a line perpendicular to the ground from the light source, beyond which no light is emitted.

Day Services, Adult

A facility that provides services under an Adult Day Care Program on a daily or regular basis, but not overnight, to four or more elderly or handicapped persons who are not related by blood, marriage, or adoption to the owner of the facility. Adult Day Services Centers (also referred to as Adult Day Care Centers) must be licensed by the Texas Department of Human Services.

Development

Any manmade change to improved or unimproved real estate, including but not limited to, buildings and/or other structures, paving, drainage, utilities, storage, and agricultural activities.

Development Review Committee (DRC)

The committee created by **Subsection 5.05** to review all site plans and to recommend either approval or denial.

Disability or Handicap

With respect to an individual:

- A physical or mental impairment that substantially limits one or more of such person's major life activities,
- A record of having such an impairment, or
- Being regarded as having such an impairment, but such term does not include current, illegal use of or addiction to a controlled substance (as defined in Section 102 of the Controlled Substances Act (21 U.S.C. 802)).

District

Any section or sections of the City for which the regulations governing the use of land and the use, density, bulk, height and coverage of buildings and other structures are uniform for each class or kind of building therein.

Drivers Education Training

A business dedicated to offering drivers training courses to customers, and may include a fleet of cars to be used for training purposes.

Dry Cleaning, Major

An industrial facility where fabrics are cleaned with substantially non-aqueous organic solvents on a commercial or wholesale basis.

Dry Cleaning, Minor

A custom cleaning shop or pick-up station not exceeding six thousand (6,000) square feet of floor area, including, but not limited to, dry cleaning plants having no more than one thousand five hundred (1,500) square feet of floor area for dry cleaning equipment.

Dwelling Unit Area

Dwelling unit area is defined as that area devoted to the living area in a residence or dwelling unit and is exclusive of porches, enclosed or open breezeways, storage area or closets, or other non-living space.

Easement

A grant of one or more of the property rights by the property owner to and/or for the use by the public, a corporation or another person or entity.

Electrical Power Generating Plant

All equipment, fixtures, and property operated or maintained in connection with the production of electricity and transmission of electricity produced.

Entertainment Equipment Rental

A business providing entertainment equipment for rent to the general public, including audio systems, bounce houses, and other similar play equipment.

Equipment and Machinery Sales and Rental, Major

A building or open area used for the display, sale, rental, or storage of heavy equipment and machinery.

Equipment and Machinery Sales and Rental, Minor

A building or structure used for the inside display, sale, rental, or storage of light machinery, including, but not limited to, bicycles, lawn mowers, tools, and other small machinery.

Fair Notice

An application for a permit containing information sufficient for the City to determine:

- The size, number, location and shape of all lots involved in the project;
- The desired zoning district and the specific uses allowed within the zoning district that will be developed on the property as part of the project;
- The size, number, location and type of improvements to be made on the property as part of the project; and
- The streets, alleys, water mains and taps, sanitary sewer mains and taps and storm sewers that will be necessary to adequately serve the property when the project is complete.

Fairground, Exhibition Area, or Rodeo Arena

An area where outdoor fairs, rodeos, circuses, or exhibitions are held.

Family

One or more persons related by blood, marriage, or adoption, or a group not to exceed four (4) persons not all related by blood or marriage, adoption or guardianship, occupying a dwelling unit and living as a single house-keeping unit.

Farmer's Market

A farmers' market is an outdoor marketplace for the distribution and sale of food products directly to consumers that are grown, made and offered for sale by the producing farmers, that meet all applicable federal, state, and local laws regulating the preparation and sale of such products. Examples of product types include fruits, vegetables, herbs, spices, edible seeds, nuts, live plants, flowers, and honey. This definition does not include the sale of any type of meat, fish, poultry, eggs, refrigerated dairy products, or home canned or packaged items. In

addition, unique products and goods created by local artisans, not to include mass produced products, may be sold.~~An area containing individual vendors who offer fruits, vegetables, herbs, spices, edible seeds, nuts, live plants, flowers, and honey for sale. This definition does not include the sale of any type of meat, fish, poultry, eggs, refrigerated dairy products, or home canned or packaged items.~~

Feed Store

An establishment for the selling of corn, grain, and other foodstuffs for animals and livestock and including other implements and goods related to agricultural processes, but not including farm machinery.

Fire Lane

A Fire Apparatus Access Road according to the International Fire Code.

Flea Market, Inside

A building or structure wherein space is rented to vendors on a short-term basis for the sale of merchandise. The principal sales shall include new and used household goods, personal effects, tools, art work, small household appliances, and similar merchandise, objects, or equipment in small quantities. The term flea market shall not be deemed to include wholesale sales establishments or rental services establishments, but shall be deemed to include personal services establishments, food services establishments, retail sales establishments, and auction establishments.

Flea Market, Outside

An outdoor site where space is rented to vendors on a short-term basis for the sale of merchandise. The principal sales shall include new and used household goods, personal effects, tools, art work, small household appliances, and similar merchandise, objects, or equipment in small quantities. The term flea market shall not include wholesale sales establishments or rental services establishments, but shall be deemed to include personal services establishments, food services establishments, retail sales establishments, and auction establishments.

Floodplain

Any property within the limits as delineated by FEMA (Federal Emergency Management Agency) of the 100-year floodplain or as amended by an engineering flood study of the ultimate developed conditions prior to any reclamation.

Floor Area

The total gross square feet of floor space within the outside dimensions of a building including each floor level, but excluding carports, residential garages, and breezeways.

Floor Area Ratio (FAR)

The floor area of a main building or buildings on a lot, excluding structured parking garages, divided by the lot area.

Floor or Window Covering Store

A shop offering carpet, rugs, tile, draperies, and associated products for sale.

Florist or Gift Shop

A shop offering flowers, flower arrangement services, and associated products for sale

Foot-Candle

A unit of illumination produced on a surface, all points of which are one (1) foot from a uniform point source of one (1) candle. When metric units are used, lux is the unit of light quantity. One (1) lux equals one (1) lumen per square meter of area. One (1) foot-candle equals 10.76 lux.

Fortune Teller/Psychic

A use involving the foretelling of the future in exchange for financial or other valuable consideration. Fortune telling shall include, but is not limited to, uses where the fortune is told through astrology, augury, card or tea reading, cartomancy, clairvoyance, clairaudience, crystal gazing, divination, magic mediumship, necromancy,

palmistry, psychometry, phrenology, prophecy, and spiritual reading. Fortune telling does not include forecasting based on historical trends or patterns or religious dogma.

Fraternal Organization, Lodge, Civic Club, Fraternity, or Sorority

An organized group having a restricted membership and specific purpose related to the welfare of the members including, but not limited to, Elks, Masons, Knights of Columbus, Rotary International, Shriners, or a labor union.

Fuel Pumps

Any facility, equipment, or fixture, including a canopy, used for retail dispensing of motor vehicle fuels.

Furniture Restoration

A workshop that specializes in furniture refinishing, including the use of all materials, tools, and chemicals associated with the use.

Garage, Private

An enclosed (on at least three (3) sides) accessory building, or a part of a main building, used for storage of automobiles and used solely by the occupants and their guests. Also called "enclosed parking space."

Garage Apartment

A dwelling unit erected within the walls of, and/or on top of, the garage when the main structure is an owner occupied detached dwelling unit. The garage may be attached or detached from the main structure, but the **garage apartment** must have a separate entrance and may not have an access point into the main structure. A **garage apartment** shall never be rented or offered for rent.

~~A dwelling unit erected in conjunction with a garage when the main structure is an owner occupied detached dwelling unit that is not available for rent.~~

Glare

Direct light emitted from a light source, which is sufficient to cause annoyance, discomfort, or temporary loss of visual performance and visibility.

Golf Course and/or Country Club

A land area and buildings used for golf, including fairways, greens, tee boxes, driving range, putting green, and associated maintenance and retail facilities. This definition shall also include clubhouses, dining rooms, swimming pools, tennis courts, and similar recreational or service uses available only to members and their guests.

Golf Course, Miniature

A novelty version of golf played on 9 or 18 holes with a putter and a golf ball on a miniature course, typically with artificial playing surfaces, and including obstacles such as bridges and tunnels.

Governmental Office

A building used for the provision of governmental executive, management, administrative, and/or postal services. Governmental offices include those facilities owned and/or operated by city, special district, county, state, and federal agencies.

Grocery

A retail establishment primarily selling prepackaged and perishable food as well as other convenience and household goods.

Guest House

An accessory building used to house guests of the owner(s) of the main residential structure, and which is never rented or offered for rent.

Gymnastics/Dance Studio

A building or portion of a building used as a place of work for a gymnast, dancer, or martial artist or for instructional classes in gymnastics, dance, or martial arts.

Hall, Reception/Banquet/Meeting

A building, facility, room, or portion thereof, which is rented, leased or otherwise made available to any person or group for a private event function, that is not open to the general public, whether or not a fee is charged.

Health/Fitness Center

A public or private facility operated to promote physical health and fitness. Activities may include exercise, physical therapy, training, and education pertaining to health and fitness. Uses or combinations of uses or facilities would typically include, but are not limited to, game courts, weight lifting and exercise equipment, aerobics, swimming pools and spas, and running or jogging tracks.

Heavy Load Vehicle

A self-propelled vehicle having a Manufacturer's Recommended Gross Vehicle Weight (GVW) of greater than 11,000 pounds, such as large recreational vehicles (originally manufactured as RVs, not converted), tractor-trailers, buses, vans, and other similar vehicles. The term "truck" shall be construed to mean "Heavy Load Vehicle" unless specifically stated otherwise.

Height of Luminary

The height of a luminary shall be the vertical distance from the ground directly below the centerline of the luminary to the lowest direct light emitting part of the luminary.

Helistop

An accessory use where helicopters can land and take off but excluding refueling, maintenance, repairs, and storage of helicopters.

Home Occupation

An occupation, which is secondary to the primary use of a dwelling as a residence, conducted on residential premises by the occupant of the residence. Home occupations shall be subject to the conditions set forth in **3.02.01. (A)(8)** of the Zoning Ordinance.

Hospital

An institution providing primary health services and medical or surgical care to persons, primarily inpatients, suffering from illness, disease, injury, deformity, and other abnormal physical or mental conditions, and including, as an integral part of the institution, related facilities such as laboratories, helistops, outpatient facilities, or training facilities as licensed by the State of Texas.

Hotel/Motel

A building or group of buildings used as a temporary dwelling place for individuals in exchange for financial consideration where customary hotel services such as linen, housekeeping service, and telephone are provided. Room units are accessed through doorways into an internal hallway, courtyard, lobby, or with direct access from outside. Financial consideration for room units is generally calculated on a nightly basis.

Hotel, Extended Stay

A building or group of buildings used as a temporary dwelling place for individuals in exchange for financial consideration where customary hotel services such as linen, housekeeping service, and telephone are provided. Residence Hotel room units are designed to be suitable for long term occupancy with financial consideration being calculated on a nightly, weekly, and/or monthly basis. Typical Residence Hotel attributes include, but are not limited to, kitchen facilities, two-story design, and external doorways into room units.

Household Care Facility

A dwelling unit that provides residence and care to not more than nine persons, regardless of legal relationship, who are elderly; disabled; orphaned, abandoned, abused, or neglected children; victims of domestic violence; convalescing from illness; terminally ill; or rendered temporarily homeless due to fire, natural disaster or financial setbacks, living together with not more than two supervisory personnel as a single housekeeping unit. This definition is subject to Assisted Living Facility Care Act (Texas Health and Safety Code, Section 247.001 et seq.) and Community Homes for Disabled Persons Location Act (Texas Human Resources Code, Section 123.001 et seq.) as they presently exist or may be amended in the future. Facilities are also subject to the City of Richland Hills' Ordinance 1258-13, codified in Article IX of Chapter 18 of the City of Richland Hills' Code of Ordinances, as it may be amended.

Incidental Use

Any use different from the primary use but that complements and/or supplements the primary use. Incidental shall mean an area that constitutes not more than fifteen (15) percent of the main use. An incidental use is also an accessory use.

Indoor Gun or Archery Range

Any indoor facility open to the public and occupying all or a portion of a building where firearms and/or archery are discharged for testing or recreation purposes.

Industrial Park

A large tract of land that has been planned, developed and operated as an integrated facility for a number of individual industrial uses, with special attention to circulation, parking, utility needs, aesthetics, and compatibility.

Lamp

The component of a luminary that produces the actual light.

Landscape Architect

A person who holds a license to practice landscape architecture in the State of Texas.

Landscaping

Material such as, but not limited to, grass, groundcovers, shrubs, vines, hedges, trees , and non-living durable material commonly used in landscaping, such as, but not limited to, rocks, pebbles, sand, walls or fences, but excluding paving.

Laundromat

A facility where patrons wash, dry, or dry-clean clothing and other fabrics in machines operated by the patron.

Light Load Vehicles

A self-propelled vehicle having a Manufacturer's Recommended Gross Vehicle Weight (GVW) not greater than 11,000 pounds, and having no more than two (2) axles, such as pick-up trucks, vans, recreational vehicles (less than thirty-two [32] feet in length), campers and other similar vehicles but not including automobiles and motorcycles.

Live-Above Mixed Use

Residential dwelling units located above a nonresidential use in a vertical Mixed Use (see definition) development.

Live/Work Units

A live/work unit is defined as a single unit (e.g., studio, loft, or one bedroom) consisting of both a commercial/office and a residential component that is occupied by the same resident. The live/work unit shall be the primary dwelling of the occupant.

Loading Space

An off-street space or berth used for the delivery and loading or unloading of vehicles.

Locksmith/Security System Company

Establishments primarily engaged in providing, installing, repairing, and/or monitoring locks and electronic security systems.

Lot

Any plot of land occupied or intended to be occupied by one main building and the required parking, or a group of main buildings, and accessory building and uses, including such open spaces as are required by the Ordinance, and other laws or ordinances, and having its principal frontage on a public street or officially approved place.

Lot, Area

The total area, measured on a horizontal plane, included within lot lines.

Lot, Corner

A lot that has at least two adjacent sides abutting for their full lengths on a street, provided that the interior angle at the intersection of such two sides is less than one hundred thirty-five degrees (135°).

Lot, Depth

The mean horizontal distance between the front and rear lot lines. Thoroughfare easements shall not be included in lot depth calculations.

Lot, Double Frontage

A lot having a frontage on two (2) non-intersecting streets, as distinguished from a corner lot.

Lot, Flag

A lot having access to a street by means of a parcel of land having a depth greater than its frontage, and having a width less than the minimum required lot width, but not less than twenty-five (25) feet. The maximum distance of the area less than the required width from the front property line shall be one hundred ten (110) feet.

Lot, Interior

A lot other than a corner lot.

Lot, Key

A corner lot that is so designed that the lots located directly behind it face the side street of the corner lot and are not separated by an alley shall be considered a key lot.

Lot Frontage

That dimension of a lot or portion of a lot abutting on a street, excluding the side dimension of a corner lot.

Lot Line, Front

The narrower side of the lot abutting a street. Where two lot lines abutting streets are of equal length, the owner shall have a choice in designating which shall be the lot frontage. For a lot that has a boundary line that does not abut the front street line, is not a rear lot line and lies along the same general directional orientation as the front and rear lot lines, said line shall be considered a front lot line in establishing minimum setback lines.

Lot Line, Rear

The lot line farthest from and most parallel to the front lot line. For triangular lots, the point opposite the front lot line shall be considered the rear lot line and have a value of zero.

Lot Line, Side

Any lot line not the front or rear lot line.

Lot Lines or Property Lines

The lines bounding a lot as defined herein.

Lot of Record

A lot that is part of a subdivision, the plat of which has been recorded in the office of the County Clerk of Tarrant County or a lot subdivided by metes and bounds description.

Lot Width

The horizontal distance measured between side lot lines parallel to the front lot line, and measured from the point on the building line that is closest to the front lot line.

Lumen

Unit used to express the light output of a lamp or fixture.

Machine Shop

A workshop where metal fabrication tools, including, but not limited to, lathes, presses, and mills, are used for making, finishing, or repairing machines or machine parts.

Major Thoroughfare

A six lane divided roadway as identified by the City's thoroughfare plan.

Manufactured Housing

Any one of three types of prefabricated housing products that are typically manufactured or assembled at a location other than the end user's permanent site, and that are regulated by the Texas Manufactured Housing Standards Act (Article 5221f and 5221f-1, V.A.C.S.) and the Texas Occupations Code Chapter 1202. Industrialized Housing and Buildings. For the purpose of this Ordinance, there are three types of manufactured homes:

Mobile Home

As governed by the definition within the Texas Manufactured Housing Standards Act (Article 5221f), a movable dwelling designed to be transported on its own chassis on the highway (either intact or in major sections) by a prime mover, which is constructed with a base section so as to be independently self-supporting, and which does not require a permanent foundation for year-round living. A mobile home is also defined as any manufactured home that was constructed prior to June 15, 1976.

Manufactured Home (HUD Code)

As governed by the definition within the Texas Manufactured Housing Standards Act (Article 5221f), a movable dwelling designed to be transported on the highway, either intact or in major sections, by a prime mover, which can be used as a residential dwelling either with or without a permanent foundation. A HUD-Code manufactured home is also defined as a movable manufactured home that was constructed after June 15, 1976. A HUD-Code manufactured home will display a red certification label on the exterior of each transportable section.

Modular (Industrialized) Home

Also called "modular prefabricated structure". As governed by the definition within the Texas Manufactured Housing Standards Act (Article 5221f-1.), a structure or building module that is transportable in one or more sections on a temporary chassis or other conveyance device, and that is designed to be installed and used by a consumer as a permanent residence on a permanent foundation system. The term includes the plumbing, heating, air-conditioning and electrical systems contained in the structure. The term does not include a Mobile Home or **Manufactured Home (HUD Code)** as defined in the Texas Manufactured Housing Standards Act (Article 5221f, V.A.C.S.). Industrialized homes must meet all applicable local codes and zoning regulations that pertain to construction of traditional site constructed ("stick built") homes. See **3.02.01. (A)(2)Modular (Industrialized) Homes** for regulations.

Manufacturing, General

Manufacturing of finished products and component products or parts through the processing of materials or substances, including basic industrial processing. Such operations shall be determined by the Fire Chief not to be a hazard or nuisance to adjacent property or the community at large, due to the possible emission of excessive smoke, noise, gas, fumes, dust, odor, or vibration, or the danger of fire, explosion, or radiation.

Manufacturing, Light

The fabrication, assembly, manufacturing, and packaging of finished products or parts, predominantly from previously prepared materials, but excluding basic industrial processing. Such operations shall be determined by the Fire Chief not to be a hazard or nuisance to adjacent property or the community at large, due to the possible emission of excessive smoke, noise, gas, fumes, dust, odor, or vibration, or the danger of fire, explosion, or radiation.

Masonry Construction

Masonry materials refer to the following classes of materials. Minimum masonry percentage is calculated based on the entire vertical surface (excluding features such as doors and windows, but including exterior walls above the roofline).

Class 1: Masonry Construction

Class 1: Masonry Construction shall include the following exterior construction materials: fired brick, natural and manufactured stone, granite, and marble.

Class 2: Masonry Construction

Class 2: Masonry Construction shall include the following exterior construction materials: all Class 1: Masonry Construction materials, architectural concrete block, 3-step stucco process, and tilt wall concrete panels.

Class 3: Masonry Construction

Class 3: Masonry Construction shall include the following exterior construction materials: all Class 1: Masonry Construction materials, Class 2: Masonry Construction materials, EIFS, and sealed and painted concrete block.

Massage Therapy, Licensed

Any place of business in which massage therapy is practiced by a massage therapist, as defined and licensed by State law. "Massage therapy", as a health care service, means the manipulation of soft tissue for therapeutic purposes. The term includes, but is not limited to, effleurage (stroking), petrissage (kneading), tapotement (percussion), compression, vibration, friction, nerve strokes, and Swedish gymnastics, either by hand or with mechanical or electrical apparatus for the purpose of body message. Massage therapy may include the use of oil, salt glows, heat lamps, hot and cold packs, tub, shower or cabinet baths. Equivalent terms for "massage therapy" are massage, therapeutic massage. Massage and "therapeutic" do not include diagnosis, the treatment of illness or disease, or any service or procedure for which a license to practice medicine, chiropractic, physical therapy, or podiatry is required by law.

Massage Therapy, Unlicensed

Any place of business in which massage therapy is practiced by an unlicensed massage therapist. "Massage therapy", as a health care service, means the manipulation of soft tissue for therapeutic purposes. The term includes, but is not limited to, effleurage (stroking), petrissage (kneading), tapotement (percussion), compression, vibration, friction, nerve strokes, and Swedish gymnastics, either by hand or with mechanical or electrical apparatus for the purpose of body message. Massage therapy may include the use of oil, salt glows, heat lamps, hot and cold packs, tub, shower or cabinet baths. Equivalent terms for "massage therapy" are massage, therapeutic massage. Massage and "therapeutic" do not include diagnosis, the treatment of illness or disease, or any

service or procedure for which a license to practice medicine, chiropractic, physical therapy, or podiatry is required by law.

Mini-Warehouse/Self-Storage

A building(s) containing separate, individual self-storage units for rent or lease. The conduct of sales, business, or any activity other than storage shall be prohibited within any individual storage unit.

Miscellaneous Hazardous Industrial Use

Any industrial use not specifically defined in this section that is a hazard or nuisance to adjacent property or the community at large, due to the possible emission of excessive smoke, noise, gas, fumes, dust, odor, or vibration, or the danger of fire, explosion, or radiation.

Mixed Use

A mix of land uses, which may include nonresidential uses with/without residential uses. Mixed use may be "vertical", meaning residential or office uses located above ground-level retail; mixed use may also be "horizontal", meaning different land uses are located adjacent to each other.

Mobile Food Vendor

Any person or persons who operates or sells food from a stationary cart, or trailer mounted on chassis, or a "food truck" for period of fifteen (15) calendar days or greater per year. Mobile food vendors who operate for fourteen (14) calendar days or less shall be considered temporary food establishments, as defined by the City Health Ordinance as it exists or may be amended.

Mortuary/Funeral Parlor

A place for the storage of human bodies prior to their burial or cremation, or a building used for the preparation of the deceased for burial and the display of the deceased and ceremonies connected therewith before burial or cremation.

Motorcycle

A usually two-wheeled self-propelled vehicle having one or two saddles or seats, and which may have a sidecar attached. For purposes of this Ordinance, motorbikes, motor scooters, mopeds, and similar vehicles are classified as motorcycles.

Motorcycle Sales/Service

The display, sale, repair, and servicing of new or used motorcycles.

Motor Vehicle

Any vehicle designed to carry one or more persons, which is propelled or drawn by mechanical power, such as automobiles, trucks, motorcycles, and buses.

Multifamily Residence

Attached dwelling units designed to be occupied by three or more households living independently of one another, exclusive of hotels, motels, or residence hotels.

Municipal Uses Operated by the City

Any area, land, building, structure, and/or facility owned, used, leased, or operated by the City, including, but not limited to, administrative office, maintenance facility, fire station, library, sewage treatment plant, police station, water tower, service center, and park.

Museum/Art Gallery

A building serving as a repository for a collection of natural, scientific, artistic, or literary objects of interest, and designed to be used for viewing, with or without an admission charge, and which may include as an accessory use the sale of goods.

Nightclub or Dance Hall

An establishment that is open to the public, primarily at night, which serves food and beverages, provides entertainment and may provide a dance floor. This term does not include sexually-oriented businesses.

Nonconforming Use

A building, structure, or use of land lawfully occupied at the time of the effective date of this Ordinance or amendments thereto, but which does not conform to the use regulations of the district in which it is situated.

Nonresidential

Property zoned or used for other than residential purposes.

Nursery, Major

An establishment for the cultivation and propagation, display, storage, and sale (retail and wholesale) of large plants, shrubs, trees, and other materials used in indoor or outdoor plantings; and the contracting for installation and/or maintenance of landscape material as an accessory use. Outdoor display and storage is permitted.

Nursery, Minor

A retail business for the display and/or sale of trees, shrubs, flowers, ornamental plants, seeds, garden and lawn supplies, and other materials used in indoor and outdoor planting, without outside storage or display.

Nursing/Convalescent Home

An institutional facility licensed by the State of Texas providing in-patient health care, personal care or rehabilitative services over a long period of time generally exceeding thirty days to persons chronically ill, aged or disabled who need on-going health supervision but not including hospitals. This use excludes the provision of surgical or emergency medical services and the provision of care for alcoholism, drug addiction, mental disease, or communicable disease.

Office, Administrative, Medical, or Professional

A building used for the provision of executive, management, or administrative services. Typical uses include, but are not limited to, administrative offices and services including real estate, property management, investment, medical, home health care, chiropractor, architect, engineer, travel, secretarial services, accounting organizations and associations, and vehicle rental office without on-site storage of fleet vehicles.

Office and Storage Area for Public/Private Utility

The pole yard, maintenance yard, or administrative office of public or private utilities.

Office/Showroom

A building that primarily consists of sales offices and sample display areas for products and/or services delivered or performed off-premises. Catalog and telephone sales facilities are appropriate. Incidental retail sales of products associated with the primary products and/or services are permitted. Warehousing facilities shall not exceed fifty (50) percent of the total floor area. This designation does not include contractor's shop and storage yard.

Official Vesting Date

Pursuant to Texas Local Government Code Chapter 245, an application or plan for development is considered filed on the date the applicant delivers the application or plan to the City or deposits the application or plan with the United States Postal Service by certified mail addressed to the City.

A certified mail receipt obtained by the applicant at the time of deposit is prima facie evidence of the date the application or plan was deposited with the United States Postal Service.

Every application or plan is subject to a determination of completeness by the responsible official for processing the application pursuant to **6.04.01. (B) Determination of Completeness for Zoning Related Applications**.

Oil Well/Gas Well and Mineral Extraction

Area used for development and production and all operational activities associated with oil and gas for any well drilled, to be drilled, or used for the intended or actual production of oil or natural gas, or a well classified as an oil or gas well under the laws of the State of Texas. Mineral extraction is the process of extracting sand, gravel, stone, or other minerals/natural resources from the earth.

Outdoor Lighting

The nighttime illumination of an outside area or object by any man-made device located outdoors that produces light by any means.

Outside Storage and Display

A primary land use providing outdoor storage or display of commodities, materials, goods, equipment, vehicles, or merchandise in its normal day-to-day business activities. This definition excludes new and used sale or lease of automobiles, motorcycles recreational vehicles, boats, or watercrafts. This definition does not include temporary outside merchandise display, such as a sidewalk sale.

Parish House or Parsonage

A single-family home adjacent to a church or other place of worship for the housing of a pastor, priest, or other similar leader.

Park or Playground

An area developed for active play and recreation that includes, but is not limited to, open space, sports courts, play equipment, and trails.

Parking Lot

An off-street, ground level area, usually surfaced and improved, for the temporary storage of motor vehicles.

Parking Space

An area reserved exclusively for the parking of a motor vehicle.

Pawn Shop or Alternative Financial Services

An establishment where money is loaned on the security of personal property pledged in the keeping of the owners (pawnbroker), or a check cashing business, bail bonds office, payday advance or loan business, money transfer business, car title loan business, or any other similar businesses engaged in non-traditional short-term lending.

PD Concept Design Map

A map depicting the development plan for the area of a PD Planned Development. This map, combined with a PD Design Statement, forms a Planned Development Master Plan.

See Section **6.07.03. (B)(3) PD Concept Design Map** for additional information.

PD Design Statement

A design statement describing the intent of a PD Planned Development zoning district. A PD Design Statement combined with a PD Concept Design Map forms a Planned Development Master Plan.

See **6.07.03. (B)(2) PD Design Statement** for additional information.

Pet Care and Grooming, Indoor

A business contained completely indoors where household pets are housed, groomed, bred, boarded, trained, or sold.

Pet Care and Grooming, Outdoor

A business with outdoor pens/kennels where household pets are housed, groomed, bred, boarded, trained, or sold.

Permit

A license, certificate, approval, registration, consent, permit, contract or other agreement for the construction or provision of service from a utility owned, operated, or controlled by the City, or other form of authorization required by law, rule, regulation, order, or ordinance, which has been approved by the City, that a person or entity must obtain to perform an action or initiate, continue, or complete a project for which the permit is sought, and for which the application for the permit or information required to be submitted for consideration provides fair notice of the project to the City. Notwithstanding, an ordinance establishing or changing a zoning district, including but not limited to an ordinance establishing or amending a Planned Development District or Specific Use Permit, is not considered a permit.

Pharmacy

A business substantially devoted only to the sale of pharmaceutical items, supplies, and equipment such as prescription drugs.

Plan for Development

An administratively complete application for a site plan. An application for a site plan shall be considered administratively complete when all information required to be submitted for consideration has been received by the City, in addition to any required fees. Also referred to as “Plan for Development of Real Property”.

Planned Development District

Planned associations of uses developed as integral land use units such as industrial parks or industrial districts, offices, commercial or service centers, shopping centers, residential developments of multiple or mixed housing, including attached single-family dwellings or any appropriate combination of uses that may be planned, developed or operated or integral land use units either by a single owner or a combination of owners.

Planned Development Master Plan

A plan (which is submitted with the application for rezoning) consists of a PD Design Statement and a PD Concept Design Map. See **Subsection 6.07 PD Application and Review**.

Planning & Zoning Commission

A board, appointed by the City Council as an advisory body, authorized to recommend changes in the zoning and other planning functions as delegated by the City Council. Also referred to as the "Commission" or “P&Z”.

Plat

A plan of a subdivision of land creating building lots and showing all essential dimensions and other information essential to comply with the subdivision standards of the City and subject to approval by the Planning & Zoning Commission and filed in the plat records of Tarrant County.

Plot

A single unit or parcel of land that can be identified and referenced to a recorded plat or map.

Portable Building Sales

An establishment that displays and sells structures that are capable of being carried and transported to another location, not including manufactured homes.

Premises

Land together with any buildings or structures situated thereon.

Primary Use

The principal or predominant use of any lot or building.

Print Shop, Major

An establishment specializing in long-run printing operations including, but not limited to, book, magazine, and newspaper publishing using engraving, die cutting, lithography, and thermography processes.

Print Shop, Minor

An establishment specializing in short-run operations to produce newsletters, flyers, resumes, maps, construction documents and plans, and similar materials using photocopying, duplicating, and blue printing processes. This definition shall include mailing and shipping services, but excludes the on-site storage of heavy load fleet vehicles.

Private Utility (other than listed)

A non-public utility requiring special facilities in residential areas or on public property such as electricity, natural gas, or telecommunications not customarily provided by the municipality or public utilities. All radiating equipment must comply with current Federal Communications Commission (FCC), Environmental Protection Agency (EPA), Occupational Health and Safety Administration (OSHA), and all other applicable State and Federal regulatory agency requirements and guidelines for human safety.

Progress towards Completion

See Section 245.005(c) of the Texas Local Government Code, as it exists or may be amended, unless another meaning is specified.

Project

An endeavor over which the City exerts its jurisdiction and for which one or more permits are required to initiate, continue, or complete the endeavor.

Recreational Vehicle (RV)

A portable or mobile living unit used for temporary human occupancy away from the place of permanent residence of the occupants and self-propelled (motorized). Also see heavy load vehicle.

Recreational Vehicle Sales and Service, New/Used

Sales and/or leasing of new and/or used recreational vehicles or boats, including, as an accessory use, repair work of recreational vehicles and boats.

Recreational Vehicle/Truck Parking Lot or Garage

An area or structure designed for the short or long-term parking or storage of recreational vehicles, boats, or heavy load vehicles.

Recycling Center

A facility in which recoverable resources, such as newspapers, glassware, and metal cans are collected, stored, flattened, crushed, or bundled, essentially by hand within a completely enclosed building.

Recycling Collection Point

An incidental use that serves as a neighborhood drop-off point for temporary storage of recoverable resources. No processing of such items is allowed. This facility would generally be located in a shopping center parking lot or in other public/quasi-public areas such as in churches and schools.

Recycling Plant

A facility that is not a junkyard and in which recoverable resources, such as newspapers, magazines, books, and other paper products; glass; metal cans; and other products, are recycled, reprocessed, and treated to return such products to a condition in which they may again be used for production.

Rehabilitation Care Institution

Subject to being licensed to operate by the Texas Department of Aging and Disability Services (DADS), a facility that provides residence and care to ten (10) or more persons, regardless of legal relationship, who have demonstrated a tendency toward alcoholism, drug abuse, mental illness, or antisocial or criminal conduct together with supervisory personnel.

Rehabilitation In-Home Care

Subject to being licensed to operate by the Texas Department of Aging and Disability Services (DADS), a dwelling unit that provides residence and care to not more than nine (9) persons regardless of legal relationship who have demonstrated a tendency towards alcoholism, drug abuse, mental illness, or antisocial or criminal conduct living together with not more than two supervisory personnel as a single housekeeping unit.

Research and Development Center (with Animals)

A facility that includes laboratories and experimental equipment for medical testing, prototype design and development, and product testing. These facilities may include animal or biological testing. Any facility that is determined by City officials to be a hazard or nuisance to adjacent property or the community at large, due to the possible emission of excessive smoke, noise, gas, fumes, dust, odor, or vibration, or the danger of fire, explosion, or radiation is not to be included in this category.

Research and Development Center (without Animals)

A facility that includes laboratories and experimental equipment for medical testing, prototype design and development, and product testing. These facilities do not include animal or biological testing. Any facility that is determined by City officials to be a hazard or nuisance to adjacent property or the community at large, due to the possible emission of excessive smoke, noise, gas, fumes, dust, odor, or vibration, or the danger of fire, explosion, or radiation is not to be included in this category.

Residence

Any building or portion thereof, which is designed or used as living quarters for one (1) or more households.

Residential District

District where the primary purpose is residential use.

Restaurant

An establishment where food and drink are prepared and consumed primarily on the premises. Drive-up windows are permitted.

Restaurant, Drive-In

An eating establishment where primarily food or drink is served to customers in motor vehicles or where facilities are provided on the premises that encourage the serving and consumption of food in automobiles on or near the restaurant premises.

Retail, Big Box

“Big Box” uses are defined as single-tenant retail buildings over 70,000 square feet providing goods to the general public.

Retail, Stores and Shops

An establishment engaged in the selling of goods and merchandise to the general public for personal or household consumption and rendering services incidental to the sale of such goods.

Retail/Service, Incidental

Any use different from the primary use but that complements and/or supplements the primary use. Said use shall be operated for the benefit or convenience of the employees, visitors, or customers of the primary use. Incidental shall mean an area that constitutes not more than fifteen (15) percent of the main use.

Room

A building or portion of a building that is arranged, occupied, or intended to be occupied as living or sleeping quarters but not including toilet or cooking facilities.

School, Private

A school operated by a private or religious agency or corporation other than an independent school district, having a curriculum generally equivalent to a public elementary or secondary school.

School, Public

A school operated by an independent school district and providing elementary or secondary curriculum.

School District Bus Yard

Any premises owned and/or operated by an independent school district used for the parking and storage of motor-driven buses.

Secondhand or Thrift Shop

A commercial establishment offering for sale to the public items previously sold in the retail market to consumers and either sold to the operator of the establishment or offered by the operator on a consignment basis, including clothes, antiques, appliances, home furnishings and utensils, and general merchandise, excluding automobiles, boats, and other vehicles.

Senior Housing

Any age restricted development that may be in any housing form, including detached and attached dwelling units, apartments, and residences, offering single-family dwelling units to adults over 55 years of age.

Senior Living Facility

A facility providing residence, supervision and daily assistance for individuals, generally persons 55 years of age or older, with common dining and recreational areas designed for the needs of the elderly. Services in these establishments include assistance with routine living functions that are non-medical in nature, such as dressing, grooming, bathing, and social and recreational services, such as meal services, transportation, housekeeping, linen and organized social activities.

Setback

The minimum distance by which any building or structure must be separated from a street right-of-way or lot line.

Sewage Treatment Plant/Pumping Station

A facility owned and/or operated by a private entity that is designed for the collection, removal, treatment, and/or disposal of water borne sewage.

Sexually Oriented Uses

A massage parlor, adult cabaret, nude studio, modeling studio, love parlor, adult bookstore, adult motion picture theater, adult arcade, adult theater, adult video store, adult motel or other commercial enterprise, the primary business of which is the offering of a service or the selling, renting or exhibiting of devices or any other items intended to provide sexual stimulation or sexual gratification to the customer. The individual terms contained in this definition shall have the same meaning ascribed to them by Section 18-331 of the Code of Ordinances.

Shopping Center

A group of primarily retail and service commercial establishments planned, constructed and managed as a total entity with customer and employee parking provided on-site, provision for goods delivery separated from customer access, provision of aesthetically appropriate design and protection from the elements.

Sketch Plan

A sketch or informal plan prepared prior to the preparation of the preliminary plat or site plan describing the proposed design of the subdivision or site to be reviewed during the pre-application review process.

Single-Family Residence, Detached

A dwelling designed and constructed for occupancy by one (1) household and having no physical connection to a building located on any other separate lot or tract.

Small Engine Repair Shop

A shop for the repair of lawnmowers, chainsaws, lawn equipment, and other small engine equipment and machinery.

Sporting Goods Store

An establishment engaged in the retail sale of sporting goods and related merchandise to the general public.

Stable, Commercial

A stable used for the rental of stall space or for the sale or rental of horses or mules.

Stable, Private

A detached accessory building for the keeping of horses, mules, or ponies owned by the occupants of the premises and not kept for remuneration, hire, or sale.

Storage or Wholesale Warehouse

A building used primarily for the storage of goods and materials including an incidental supporting office area.

Story

That portion of a building included between the upper surface of a floor and the upper surface of the floor or roof next above (also see “Mezzanine” and Section 502.1 from the 2006 International Building Code). It is measured as the vertical distance from top to top of two successive tiers of beams or finished floor surfaces and, for the topmost story, from the top of the floor finish to the top of the ceiling joists or, where there is not a ceiling, to the top of the roof rafters.

Story, Half

A single room within a dwelling unit above the second floor. A half-story will occupy no less than two-thirds (2/3) of the area under the roof, and shall have non-operating opaque windows for façades that face adjacent properties. Transparent windows may face the front yard. A half-story containing independent apartment, living quarters, or bedroom shall be counted as a full story.

Street

Any dedicated public thoroughfare that affords the principal means of access to abutting property.

Structural Alterations

Any change in the supporting members of a building, such as bearing walls or partitions, columns, beams, or girders, or any substantial change in the roof or in the exterior walls.

Structure

Anything constructed or erected, the use of which requires location on the ground or which is attached to something having a location on the ground (also see definition of Building).

Studio Residence

A residence that includes up to fifty (50) percent of its total floor area as a work area for a photographer, artist, musician, architect, or similar occupation. The primary occupant of the work area must also be a permanent resident of the dwelling unit. All activities associated with the studio shall take place in the primary structure, as opposed to an accessory building or yard.

Taxidermist

An establishment whose principal business is the practice of preparing, stuffing, and mounting the skins of dead animals for exhibition in a lifelike state, with all business operations and processing occurring indoors.

Telephone Exchange

A central switching hub servicing the public at large in which telephone lines are connected to permit communication.

Temporary Building for New Construction

A structure or shelter used in connection with the construction of a development or building project for housing on the site of temporary administration and supervisory functions and for sheltering employees and equipment. Buildings are permitted for a specific period of time in accordance with a permit issued by the Building Official. The term “Temporary Field or Construction Office” may also be used.

Theater, Drive-In

An open lot devoted to the showing of motion pictures or theatrical productions on a paid admission basis to patrons seated in automobiles.

Theater, Neighborhood

A building or part of a building devoted to the showing of motion pictures or for dramatic, musical, or live performances, with a maximum of ten screens, stages, or combination thereof or a combined seating capacity of 2,500 or less.

Theater, Regional

A building or portion of a building used primarily for showing motion pictures or for dramatic, musical, or live performance having more than ten screens, stages, or combination thereof or a combined seating capacity greater than 2,500.

Townhome

A structure containing three (3) to eight (8) dwelling units with each unit designed for occupancy by one household and each unit attached to another by a common wall.

Tract

An un-platted area, parcel, site, piece of land, or property that is the subject of a zoning or development application.

Trailer, Hauling

A vehicle to be pulled behind an automobile or truck that is designed for hauling animals, produce, goods or commodities, including boats.

Trailer, Travel

A portable or mobile living unit used for temporary human occupancy away from the place of residence of the occupants, and not constituting the principal place of residence of the occupants designed to be towed behind another vehicle.

Trailer Rental

The display and offering for rent of trailers designed to be towed by light load vehicles.

Transit Center

Any premises, including train or bus stations, for the loading and unloading of passengers and the temporary parking of transit vehicles between routes or during stopovers and excluding overnight parking and storage of transit vehicles.

Tree

A plant having a permanently woody main stem or trunk, ordinarily growing to a considerable height, and usually developing branches at some distance from the ground.

Truck

A light or heavy load vehicle (see definition for light and heavy load vehicle).

Truck Sales, Heavy Trucks

The display, storage, sale, leasing, or rental of new or used panel trucks, vans, trailers, recreational vehicles, or buses in operable condition.

Truck/Bus Repair

An establishment providing major and minor repair services to panel trucks, vans, trailers, recreational vehicles, or buses.

Two-Family Residence (Duplex)

A building having separate accommodations for, and occupied by not more than, two (2) households, whereby each individual dwelling unit is located on a separate lot of record as a result of the property line being coincident with the common wall separating each dwelling unit, such that dwelling units may be individually owned.

Utility Distribution/Transmission Line

Facilities, including subsidiary stations, that serve to distribute, transmit, transform, or reduce the pressure of gas, water, or electric current, including, but not limited to, electrical transmission lines, gas transmission lines, and metering stations.

Variance

An adjustment in the application of the specific regulations of the Zoning Ordinance to a particular parcel of property that, because of special conditions or circumstances of hardship peculiar to the particular parcel, is necessary to prevent the property from being deprived of rights and privileges enjoyed by other parcels in the same vicinity and zoning district. Only the Board of Adjustment of the City can grant a variance.

Veterinarian Clinic, Indoor

An establishment, not including outside pens, where animals and pets are admitted for examination and medical treatment.

Veterinarian Clinic, Outdoor

An establishment with outdoor pens/kennels, where animals and pets are admitted for examination and medical treatment.

Warehouse/Distribution Center

A building primarily devoted to storage, warehousing, and distribution of goods, merchandise, supplies, and equipment. Accessory uses may include retail and wholesale sales areas, sales offices, and display areas for products sold and distributed from the storage and warehousing areas.

Water Treatment Plant

A facility owned and/or operated by a private entity that is used to alter the physical, chemical, or biological quality of water.

Wind Energy Conversion Systems, Farm or Utility

The principal use of the land is the commercial production of energy through one or multiple wind energy conversion systems (WECS).

Wind Energy Conversion Systems, Small

A small wind energy conversion systems (WECS) shall be defined as any device such as a wind charger, windmill, or wind turbine, which converts wind energy to a form of usable energy and is an incidental use to the primary use of a property.

Wireless Communications Store

A shop specializing in the sale of wireless communication devices, such as cellular telephones. May also include servicing of the equipment.

Yard

An open space at grade between a building and the adjoining lot lines, unoccupied and unobstructed by any portion of a structure from the ground upward, except where otherwise specifically provided in this Ordinance that the building or structure may be located in a portion of a yard required for a main building. In measuring a yard for the purpose of determining the width of the side yard, the depth of a front yard or the depth of a rear yard, the shortest horizontal distance between the lot line and the main building shall be used.

Yard, Front

A yard located in front of the front elevation of a building and extending across a lot between the side yard lines and being the minimum horizontal distance between the front property line and the outside wall of the main building.

Yard, Rear

The area extending across the rear of a lot measured between the lot lines and being the minimum horizontal distance between the rear lot line and the rear of the outside wall of the main building. On both corner lots and interior lots, the rear yard shall in all cases be at the opposite end of the lot from the front yard.

Yard, Side

The area between the building and side line of the lot and extending from the front lot line to the rear lot line and being the minimum horizontal distance between a side lot line and the outside wall of the side of the main building.

Zoning Administrator

The City Manager or other City Official designated by the City Manager to administer zoning regulations.

Zoning Application

A request to consider an ordinance establishing or changing a zoning district, including but not limited to an ordinance establishing or amending a Planned Development District or Specific Use Permit.

Zoning District Map

The official map upon which the boundaries of the various zoning districts are drawn and which is an integral part of the Zoning Ordinance.