Tammy Huff
Mayor

Ernie Burns
Mayor Pro-Tem

Mark Heatwole
Council Member

Linzy Neal
Council Member

Charles Ryan
Council Member

Laura Duncan
Council Member

City Manager

NOTICE OF A WORKSHOP
OF THE CITY COUNCIL
Thursday, August 10, 2023
6:00 PM

AGENDA

Notice is hereby given as required by Title 5, Chapter 551.041 of the Government Code that the Van City Council will meet for a Workshop on Thursday, August 10, 2023, at 6:00 PM at Van City Hall, 310 Chestnut St., Van, TX 75790. The items listed below are placed on the agenda for discussion and/or action.

The City Council reserves the right to adjourn into executive session at any time during the course of this meeting to discuss any of the matters listed below, as authorized by Texas Government Code Sections 551.071 (Consultation with Attorney), 551.072 (Deliberations about Real Property), 551.073 (Deliberations about Gifts and Donations), 551.074 (Personnel Matters), 551.076 (Deliberations about Security Devices), and 551.087 (Economic Development).

I. **CALL MEETING TO ORDER**

A. Roll Call and Establish a Quorum

II. **OPEN FORUM**

The opportunity for citizens to address the City Council on any non-agenda item (**limit 3 minutes per person**); however, the Texas Open Meetings Act prohibits the City Council from discussing issues which the public has not been given seventy- two (72) hour notice. Issues raised may be referred to City Staff for research and potential future action.

III. **WORKSHOP**

A. Discussion concerning the City of Van Zoning Ordinance.

IV. **ADJOURN**

CERTIFICATION

I hereby certify that the above notice was posted on the bulletin board at Van City Hall, 310 Chestnut St., Van, Texas 75790 by 5:00 pm on Monday, August 7, 2023.

Sereca Huff-Huggins, City Secretary

NOTE: If, during the meeting, any discussion of any item on the agenda should be held in a closed meeting, the Council will conduct a closed meeting in accordance with the Texas Open Meetings Act, Texas Government Code, Chapter 551, Subchapters D and E

Persons with disabilities who plan to attend this public meeting and who may need auxiliary aid or services are requested to contact the Van City Hall 48 hours in advance, at (903)963-7216, and reasonable accommodations will be made for assistance.

DATA SHEET
AGENDA ITEM NO. III.A.

Meeting Date: August 10, 2023

Department:
Administration

Agenda Item:
Discussion concerning the City of Van Zoning Ordinance.

Background:

Financial Impact:

Recommendation:

For more information, please contact City Hall at (903) 963-7216.

PROPOSED ZONING ORDINANCE

8-xx-2023

DRAFT

PREPARED BY:
Bureau Veritas
1000 Jupiter Road, Suite 900; Plano, Texas 75074
Mobile: 817.688.2734 Fax: 800.910.8284
People, Innovation, Values, Opportunity, Trust

CHAPTER 36 ZONING ORDINANCE

Sec. 36.001 Authority

This article is prepared under the authority of Chapter 211, 212, and 213, Texas Local Government Code, and other applicable law, as amended, to promote health, safety, morals, and for the protection and preservation of places and areas of historical and cultural importance and significance, or the general welfare of the community, and the legislative body is empowered to regulate and restrict the height, number of stories, and size of buildings, and other structures, the percentage of lot that may be occupied, the size of the yards, courts, and other open spaces, the density of population, and the location and use of buildings, structures, and land for trade, industry, residence, or other purpose; and, in the case of designated places and areas of historic and cultural importance, to regulate and restrict the construction, alteration, reconstruction, or razing of buildings and other structures.

Sec. 36.002 Purpose

These zoning regulations are made in accordance with the spirit of the comprehensive plan and designed to lessen congestion in the streets; to secure safety from fire, panic, and other dangers; to promote health and the general welfare, to provide adequate light and air; to prevent overcrowding of land; to avoid undue concentration of population; [and] to facilitate the adequate provision of transportation, water, sewerage, schools, parks, and other public requirements. These regulations are made with reasonable consideration, among other things, to the character of the district and its peculiar suitability for particular uses, and with a view to conserving the value of buildings and encouraging the most appropriate use of land throughout the city.

Sec. 36.003 Administration

(a) Administration.

(1) The city Administrator is hereby designated by the city council as the administrative official to supervise the administration and enforcement of this article. The city administrator may be provided with the assistance of such other persons or consultants as the city council may direct.

(2) If the administrative official finds that any of the provisions of this article are being violated, he shall notify in writing the person responsible for such violations, indicating the nature of the violation and ordering the action necessary to correct it. He shall order discontinuance of illegal use of land, buildings, or structures, removal of illegal buildings or structures or of illegal additions, alterations, or structural changes, discontinuance of any illegal work being done; or shall take any other action authorized by this article to insure compliance with or to prevent violation of its provisions.

(b) Interpretation and appeals. Unless otherwise expressly stated in this article, all questions of interpretation and enforcement shall be first presented to the administrative official, and such questions shall be presented to the board of adjustment only on appeal from the decision of the administrative official and recourse from the decisions of the board of adjustments shall be to the courts as provided by law.

(c) City council duties. It is further the intent of this article that the duties of the city council in connection with this article shall not include hearing and deciding questions of interpretation and enforcement that may arise. The procedure for deciding such questions shall be as stated in this article. Under this article the city council shall have only the duties of considering and adopting or rejecting proposed amendments or the repeal of this article, as provided by law, and of establishing a schedule of fees and charges for administration of this article.

Sec. 36.004 Definitions

For the purpose of this article, certain terms and words are defined and shall have the meanings ascribed in this section unless it is apparent from the context that different meanings are intended.

Accessory building or use means a building or use which:

(1) Is subordinate to and serves a principal building or principal use;

(2) Is subordinate in area, extent, or purpose to the principal building or principal use served and is not physically connected to the principal building;

(3) Contributes to the comfort, convenience and necessity of occupants of the principal building or principal use served; and

(4) Is located on the same building lot as the principal use served. If connected to the principal building, a structure becomes part of the principal building.

Administrative official means the officer or other designated authority charged with the administration and enforcement of this article, or his duly authorized representative.

Alley means a public minor way, which is used primarily for secondary vehicular service access to the back or side of properties otherwise abutting on a street or highway.

Apartment means a room or suite of rooms in an apartment house arranged, designed or occupied as a dwelling unit residence by a single family, individual, or group of individuals living together as a single housekeeping unit.

Basement means a building story that is partly underground but having at least one-half of its height above the average level of the adjoining ground. A basement shall be counted as a story in computing building height.

Block means that property abutting on one side of the street and lying between the nearest intersecting or intercepting streets or nearest intersecting or intercepting street and railroad right-of-way, waterway, or other barrier to or gap in the continuity of development along such street.

Building means any structure built for the support, shelter, or enclosure of persons, chattels, or movable property of any kind. When such structure is divided into separate parts by one or more unpierced walls extending from the ground up, each part is deemed a separate building, except as regards minimum side yards.

Building height means the vertical distance from the average contact ground level at the front wall of the building to the highest point of the coping of a flat roof or the deck line of a mansard roof, or to the mean height level between eaves and ridge for gable, hip or gambrel roofs.

Building line means a line parallel or approximately parallel to the street line at a specific distance therefrom marking the minimum distance from the street line that a building may be erected.

Building official. See “Administrative official.”

Certificate of occupancy means an official certificate issued by the building inspector which indicates conformance with or approved conditional waiver from the zoning regulations and authorized legal use of the premises for which it is issued.

Club means a nonprofit association of persons who are bona-fide members, paying regular dues and are organized for a common purpose, but not including a group organized solely or primarily to render a service customarily carried on as a commercial enterprise.

Club, private (class I) means an establishment or enterprise wherein activities are carried on by or for a group or association of dues-paying members organized for some common purpose.

Club, private (class II) means a club as defined above, except such establishments shall have been issued an alcoholic beverage permit by the Texas Alcoholic Beverage Commission.

Conditional use means any building, structure, and use which complies with the applicable regulations and standards governing conditional uses of the zoning district in which such building, structure, and use is located and for which a permit is granted.

Court means an open, unoccupied space on the same lot with a building and bounded on two sides by such building, or the open space provided for access to a dwelling group.

Display sign means a structure that is arranged, intended, designed or used as an advertisement, announcement or direction, including a sign, billboard and advertising device of any kind.

District means a portion of the territory of the city within which certain uniform regulations and requirements or various combinations thereof apply under the provisions of this article. The term "residential district" means any R-1, SF-TH, MH, TF, or MF district; the term "commercial district" means any C-1, C-2 district.

Dwelling unit means a room or a group of rooms including cooking accommodations, occupied by one family, and in which not more than two persons, other than members of the family, are lodged or boarded for compensation at any one time.

Dwelling unit, single-family, detached means located on a lot or separate building tract and having no physical connection to a building on any other lot.

Essential services means the erection, construction, alteration, or maintenance by public utilities or by governmental departments or commissions of such underground or overhead gas, electrical, steam, or water transmission distribution steam, [sic] or water systems and structures, collection, communication, supply or disposal systems and structures, including towers, poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm boxes, police call boxes, streetlights, traffic signals, hydrants and other similar equipment, and accessories in connection therewith, but not including buildings or microwave radio relay structures, as are reasonably necessary for the furnishing of adequate service by such public utilities or governmental departments or commissions or as are required for protection of the public health, safety, or general welfare. For the purpose of this definition, the word "building" does not include "structures" for essential services.

Family means one or more persons, related by blood, marriage or adoption, occupying a dwelling unit as a single, nonprofit housekeeping unit, but not including a group occupying a hotel, boardinghouse, club, dormitory, fraternity or sorority house.

Farm means an area of two acres or more which is used for the growing of usual farm products such as vegetables, fruit, trees and grain and storage on the area as well as the raising thereon of the usual farm poultry and farm animals such as horses, cattle, sheep and swine, including dairy farms with necessary accessory uses and for treating and storing the produce; provided, however, that the operation of such accessory [use] shall be secondary to that of the normal activities; and provided further that it does not include the commercial feeding of offal or garbage to swine or other animals.

Floodplain means the land adjoining the channel of a river, stream, or watercourse that has been or may be covered by floodwater. Any land covered by the water of a 100-year frequency storm is considered in the floodplain and must comply with the engineering criteria found in the subdivision regulations and other relevant regulations of the city.

Food-beverage store means an establishment engaged in the retail sale of food or beverages–of any kind whatsoever–for off-premises consumption. This definition does not include restaurants that derive at least 90% of gross revenues from sale of food and beverages for on-premises consumption.

Frontage means all the property abutting on one side of a street between intersecting or intercepting streets, or between a street and a right-of-way, waterway, end of a dead-end street, or village boundary measured along the street line. An intercepting street shall determine only the boundary of the frontage on the side of the street which it intercepts. Where a lot abuts more than one street, the planning and zoning commission shall determine the frontage for purposes of this article.

Front yard means an open, unoccupied space on a lot facing a street and extending across the front of the lot between the side yard lines and being the minimum horizontal distance between the street line and the main building or any projection thereof other than the projection of the usual or eave overhang.

Garage, public means a building or portion of a building, except that herein defined as a private garage

or as a repair garage, used for the storage of motor vehicles, or where any such vehicles are kept for remuneration or hire, in which any sale of gasoline, oil, and accessories is only incidental to the principal use.

Grade. When used as a reference point in measuring height of a building the “grade” shall be the average elevation of the finished ground at the exterior walls of the main building.

Greenbelt means a piece of land, normally relatively narrow in comparison to its length, reserved to provide for both passive and active recreation, to function as a corridor connecting park areas, to serve as a buffer between various land uses, or to provide for open space. It frequently utilizes floodplains along creeks and is often left in its natural state.

Gross floor area means the living area of a building including the walls thereof but excluding all porches, open breezeways and garages.

Height of building means the vertical distance from the grade to the highest point of the opening [coping] of a flat roof or to the deck line of a mansard roof, or to a point midway between elevation of the eaves and elevation of the ridges, for gable, hip and gambrel roofs.

Home occupation means an occupation, profession, domestic craft, or economic enterprise which is customarily conducted in a “residential dwelling” as hereinafter defined, subject to compliance with each of the following conditions:

(1) Residential dwelling shall mean a detached building designed, used and occupied exclusively by members of one family as a residence.

(2) No person other than members of a family who reside in the residential dwelling shall be engaged in such occupation, profession, domestic craft or economic enterprise.

(3) Such use shall be and remain incidental and subordinate to the principal use of the residential dwelling as a family residence and the area utilized for such occupation, profession, domestic craft, or economic enterprise shall never exceed 25% of the total of the floor area of the residential dwelling.

(4) Not more than one non-illuminated sign advertising the home occupation shall be allowed; said sign shall be not more than one square foot in area and shall be mounted on the building in which the home occupation is being conducted.

(5) The residential dwelling shall maintain its residential character and shall not be altered or remodeled in order to create any type of exterior commercial appeal.

(6) No exterior storage of material, equipment, and/or supplies used in conjunction with such occupation, profession, domestic craft, or enterprise shall be placed, permitted, or allowed on the premises occupied by the residential dwelling.

(7) No offensive noise, vibration, smoke, dust, odors, heat, or glare generated by or associated with the home occupation shall extend beyond the property line of the lot or tract on which the home occupation is being conducted.

(8) The occupation, profession, domestic craft, or enterprise shall be conducted wholly within the residential dwelling and no accessory building shall be used in conjunction therewith.

(9) The only equipment to be used in such occupation, profession, domestic craft, or enterprise shall be that which is ordinarily used in a private home in a like amount and kind.

(10) A home occupation shall not generate such additional traffic as to create a traffic hazard or disturbance to nearby residents.

Hospital means a public or private, profit or nonprofit institution for the reception and treatment of the physically or mentally handicapped, sick or injured, and shall be distinguished [by] in-patient facilities. It may also be an institutional sanctuary for the reception of the aged, or for the physically or mentally ill, retarded, infirm, or deficient. Permitted accessory uses shall include medical and psychiatric clinics, doctors’ offices, sale of medical and surgical specialties and supplies, crutches, artificial members and

appliances, training in the use of artificial members and appliances, patient and outpatient services, pharmacies and similar uses; provided, however, that any such accessory use is so use-wise related to the principal use as to be in fact an integral part of the total purpose and is incorporated within the same building or building complex; and provided further, that the floor area occupied by all accessory uses does not exceed 1/3 of the total floor area. Whether or not a questionable use is similar or an "integral" part of the total purpose shall be subject to determination by the city council. Hospital-related X-ray and laboratory facilities shall not be considered accessory uses in computation or area occupancy.

Industry means the storage, repair, manufacture, preparation or treatment of any article, substance or commodity.

Land use plan means the long-range plan for the desirable use of land in the city as officially adopted and as amended from time to time by the city council, the purpose of such plan being, among other things, to serve as a guide in the zoning and progressive changes in the zoning of land to meet the changing needs, in the subdivision and use of undeveloped land, and in the acquisition of rights-of-way or sites for public purposes such as streets, parks, schools and public buildings.

Loading space means an off-street space or berth on the same lot with a building or contiguous to a group of buildings for the temporary parking of a commercial vehicle while loading or unloading merchandise or materials, and which abuts upon a street, alley or other appropriate means of access.

Lot means the entire parcel of land occupied or to be occupied by a main building and its accessory buildings, or by a group such as a dwelling group or automobile court and their accessory buildings, including the yards and open spaces required therefor by this article and other applicable law.

Lot, corner means a lot abutting on two intercepting or intersecting streets where the interior angle of intersection or interception does not exceed 135°.

Lot coverage means the percentage of the total area of a lot occupied by the base (first story or floor) of buildings located on the lot.

Lot depth means the average depth from the front line of the lot to the rear line of the lot.

Lot, interior means a lot other than a corner lot.

Lot lines means the property lines bounding the lot as defined herein.

Lot of record means a lot, which is part of a subdivision, the plat of which has been recorded in the office of the county clerk of Lynn County, or a parcel of land, the deed for which was recorded in the office of the county clerk, Lynn County, prior to January 1, 1986.

Lot, through means a lot having its front and rear on different streets or having its front or rear line on a street and the other line on a river, lake, creek or other permanent body of water.

Lot width means the width measured at a distance back from the front line equal to the minimum depth required for a front yard.

Main building means a building in which is conducted the principal use of the lot on which it is situated.

Masonry means brick, tile, stone, glass block, or split face concrete block, but excludes cement fiber or other similar veneer material.

Nonconforming use has the definition set forth in section 36.038(a) of this article.

Open space means that part of any lot or tract that is used for recreational purposes, both passive and active, but not including areas used for parking or maneuvering of automobiles, or drives or approaches to and from parking areas. Floodplains, or 50% of any standing surface water, may be considered as open space, provided such open space is contiguous and part of the platted lot and is maintained and utilized in the same manner and to the same degree as all other open space areas as is designated on the site plan as filed with the building permit application.

Parking area, private means a permanently surfaced open area for the same uses as a private garage.

Parking area, public means a permanently surfaced open area, other than street, or other public way,

DRAFT

used for parking of automobiles and available to the public for a fee, free, or as an accommodation for clients or customers.

Parking space means a permanently surfaced area not less than 180 square feet (measured approximately nine feet by 20 feet) either within a structure or in the open, not on public right-of-way, exclusive of driveways or access drives, for the parking of one vehicle.

Planned development.

(1) "Planned development" means land under unified control, including developed as a whole; in a single development operation or a definitely programmed series of development operations, including all lands and buildings; for principal and accessory structures and uses substantially related to the character of the district; according to comprehensive and detailed plans which include not only streets, utilities, and lots or building sites, but also site plans, floor plans, and elevations of all buildings as intended be located, constructed, used, and related to each other, and detailed plans for other uses and improvements on the land as related to the buildings; and with a program for provision, operation and maintenance of such areas, improvements, facilities, and services as will be for common use by some or all of the occupants of the district, but will not be provided, operated, or maintained at general public expense.

(2) "Planned development" is both a concept and a zoning classification which may include, in addition to planned unit development, commercial, shopping center, and industrial uses or combination thereof, which may be intended to serve areas within the district and areas without the district.

Rear yard. The required rear yard is an open space unoccupied and unobstructed except for accessory uses extending across the rear of a lot from one side lot line to the other side lot line, the depth of which is dependent upon the zoning district in which the lot is located.

Recreational vehicle means a vehicular, portable structure that can be transported over the highways and containing living or sleeping accommodations, such structure being designed and actually used as a temporary dwelling during travel for recreation and pleasure purposes, and not exceeding eight feet in width and not exceeding 22 feet in length.

Screening element (device) means a barrier of permanent material of sufficient height and density so that the objects being screened are not visible from any point on the lot line when viewed from any height between ground level and seven feet above ground level and shall mean any of the following:

(1) Any solid material constructed of brick, masonry, or of a concrete or metal frame, or wood or base which supports a permanent type material, the vertical surface of which is not more than 30% open;

(2) Any dense evergreen hedge or plant material suitable for providing a visual barrier, for which such material shall be maintained in a healthy growing condition; or

(3) Landscaped earth berms may, when appropriate in scale, be considered and used as a screening element in lieu of a fence, wall, hedge, or other dense planting material.

Specified anatomical area means less than opaquely covered human genitals, pubic region, or pubic hair; or less than opaquely covered perineum, buttock, or anus; or less than opaquely covered female breast below a point immediately above the top or the areola.

Specified sexual activities means human genitals in a discernible state of sexual stimulation or arousal; or acts or representations of human masturbation, sexual intercourse, sodomy, bestiality, excretory functions, sadism, masochism, lewd exhibition of genitals; or fondling or other erotic touching of human genitals, pubic region or pubic hair, perineum, buttock or anus, or female breast.

Story means that portion of a building included between the surface of a floor and the surface of a floor next above it, or if there is no floor above it, then the portion of the building between the surface of a floor and the ceiling or roof above it. A basement shall be counted as a story for the purposes of height regulations, if the vertical distance from grade to the ceiling is more than seven feet.

Story, half means the topmost story under a gable, hip, or gambrel roof, the wall plates of which on at

least two opposite exterior walls are not more than two feet above the floor of such story.

Street means a public or private thoroughfare which affords the principal means of access to abutting property.

Structural alteration means any change, addition, or modification in construction in the supporting members of a building, such as exterior walls, bearing walls, beams, columns, foundations, girders, floor joists, roof joists, rafters, or trusses.

Substantially conforming site plan means a minor amendment to existing site plans.

Thoroughfare means an officially designated federal or state numbered highway or county or other road or street designated as a primary thoroughfare on the official thoroughfare plan of the city.

Thoroughfare plan means the official thoroughfare plan of the city adopted by the city council establishing the location and official right-of-way width of principal highways and streets in the city, together with all amendments thereto subsequently adopted.

Trailer (including automobile trailer and trailer coach) means any vehicle or structure constructed in such a manner as to permit occupancy thereof as sleeping quarters or the conduct of any business, trade, or occupation or use as a selling, or advertising device, or use for storage or conveyance of tools, equipment, and machinery and so designed that it is or may be mounted on wheels and used as a conveyance on highways and streets, propelled or drawn by its own or other motor power.

Trailer park means any lot or part thereof or any parcel of land which is used or offered as a location for one or more trailers.

Use means the purpose for which land or a building or structure thereon is designed, arranged intended or maintained or for which it is or may be used or occupied. This definition does not alter or affect the definition of nonconforming use as set forth in section 36.038(a) of this article.

Use, accessory means a subordinate use on the same lot with the principal use and incidental and accessory thereto.

Used car lot means a lot or tract of land used for the sale or display for sale of two or more previously owned motor vehicles including but not limited to passenger automobiles, motorcycles, trucks, dune buggies and other types of motor vehicles designed for use upon the public roads or for pleasure off public roads but not including farm implements, mobile homes, campers and recreational vehicles, or construction equipment such as cranes, bulldozers and related equipment and trucks over one ton capacity.

Yard means an open space, other than a court, on the same lot with a building.

Yard, front means a yard extending across the full width of a lot and having a depth equal to the shortest distance between the front line of the lot and the nearest portion of the main buildings including an enclosed or covered porch, provided that the front yard depth shall be measured from the future street line for a street on which a lot fronts, when such line is shown on the official map or is otherwise established.

Yard, rear means a yard extending across the full width of a lot and having a depth equal to the shortest distance between the rear line of the lot and the main building.

Yard, side means a yard between the side line of the lot and the main building extending from the front yard to the rear yard and leaving a width equal to the shortest distance between said side line and the main building.

Zoning map means the official zoning map of the city together with all amendments subsequently adopted.

Sec. 36.005 General provisions

(a) Establishment of districts. For the purpose of this article, the city is hereby divided into districts as follows:

AG	Agricultural District
R-1	Single-Family Residential District
SF-TH	Single-Family Residential District - Townhomes
MH-1	Manufactured Home District
MH-2	Manufactured Home Park District
TF	Two-Family Residential
MF-1	Multiple-Family Residential - Low Density
MF-2	Multiple-Family Residential - High Density
C-1	Restricted Commercial
C-2	General Commercial
CBRD	Central Business Redevelopment District
I-1	Light Industrial District
PI	Public and Institutional District
PD	Planned Development District

(b) Floodplain designation overlay.

(1) Notwithstanding the foregoing, there shall be a district known as a “FP” Floodplain District which may be coextensive with or overlap any or all of the foregoing districts or portions thereof and any tract of land or portion thereof may, at the same time, be zoned for the uses in one of the foregoing districts and be zoned “FP” Floodplain.

(2) Where a tract of land or portion thereof is zoned for the uses of one of the foregoing districts and is also zoned “FP” Floodplain, the restrictions contained in the “FP” Floodplain District shall be applicable to said tract or portion thereof and shall take precedence over regulations of the other zoning districts.

(c) Official zoning map. The city is hereby divided into zones, or districts, as shown on the official zoning map, which together with all explanatory matter thereon, is in existence and is hereby adopted and declared to be a part of this article.

(d) Map certified. The official zoning map shall be identified by the signature of the mayor, attested by the city clerk and bearing the seal of the city under the following words: “This is to certify that this is the official Zoning Map adopted as part of Ordinance No. xxxxxxxx of the City of Van.”

(e) Location of map. The official zoning map shall be in the custody of and shall remain on file in the office of the city secretary.

(f) Public inspection of map. The official zoning map shall be available for the public inspection for all matters that are of public record.

(g) Amendment of official zoning map. When changes are made in district boundaries or other matter portrayed on the official zoning map, such changes shall be entered on the official zoning map promptly after the amendment has been approved by the city council.

(h) Official zoning map replacement. The city council may by ordinance adopt a new official zoning map should the original reproducible tracing of the official zoning map be damaged, destroyed, lost or become ambiguous because of the nature or number of changes and additions. The new official zoning map may correct drafting or other errors or omissions in the prior official zoning map or any subsequent amendment thereof. The new official zoning map shall be identified by the signature of the mayor attested by the city clerk, and bearing the seal of the city under the following words: “This is to certify that this official Zoning Map supersedes and replaces the official Zoning Map adopted _____ as a part of the Zoning Ordinance of the City of Van.”

(i) Interpretation.

(1) When the district boundaries are either roads or streets, unless otherwise shown, and where the designation of the district map indicates that the various districts are bounded by a road or street line, the centerline of such road or street shall be construed to be the district boundary line.

(2) Where the district boundaries are not otherwise indicated and where property has been subdivided into lots and blocks, the subdivision boundaries shall be construed to be the boundary of the district.

(3) Where the district boundaries are not otherwise indicated for unsubdivided property, the district boundaries are property lines.

(4) Where district boundaries are disputed or not otherwise clearly designated, or where the physical or structural features are at variance with the official zoning map or in other circumstances not covered in this article, the city council shall interpret the district boundaries.

(j) Rules for words and phrases. For the purposes of this article, words used in the present tense include the future tense; words in the singular number include the plural number, and words in the plural number include the singular number; the word “shall” is mandatory, not directory; the word “may” is permissive; the word “person” includes a firm, association, organization, partnership, trust, foundation, company, or corporation as well as an individual; the word “used” includes designed and intended or arranged to be used; the word “building” includes the word “structure”; the word “lot” includes “building lot” or parcel. Wherever this article imposes a greater restriction than imposed by other ordinances, laws, or regulations, the provisions of this article shall govern.

(k) Compliance with regulations. The regulations set by this article within each district shall be minimum regulations and shall apply uniformly to each class and kind of structure or land, except as hereinafter provided.

(1) No building, structure, or land shall hereafter be used or occupied, and no building or structure or part thereof shall hereafter be erected, repaired, moved, or structurally altered except in conformity with all of the regulations herein specified for the district in which it is located.

(2) No building or other structure shall hereafter be erected or altered to exceed the height or bulk, to accommodate or house a greater number of families, or to occupy a greater percentage of lot area than that specified for the district in which it is located.

(3) No building or other structure shall have narrower or smaller rear yards, front yards, side yards, or other open spaces than herein required or in any other manner contrary to the provisions of this article.

(4) No part of a yard, other open space, off-street parking or loading space required about or in connection with any building for the purpose of complying with this article shall be included as a part of a yard, open space, off-street parking, or loading space similarly required for any other building.

(l) Structures to have access. Every building hereafter erected or moved shall be on a lot adjacent to a public street or with access to an approved private street, and all structures shall be so located on lots as to provide safe and convenient access for servicing, fire protection, and required off-street parking.

(m) Visibility at intersections. On a corner lot, nothing shall be erected, placed, planted, or allowed to grow in such a manner as materially to interfere with traffic visibility across the corner. This visibility area shall be a triangle of 25’ x 25’. All objects on the ground in said triangle should not exceed 30 inches (2-1/2 feet) in height and objects hanging over this area should not droop to less than ten feet (10') above the ground.

Sec. 36.006 Annexed territory

(a) Annexed territory to be zoned AG. All territory hereafter annexed to the city shall be temporarily classified as AG Agricultural - Large Lot District until permanent zoning is established by the city council. The procedure for establishing permanent zoning on annexed territory shall conform to the procedure established by law for the adoption of the original zoning regulations.

(b) Regulations for temporary AG districts. In an area temporarily classified as AG:

(1) No person shall erect, construct or add to any building or structure or cause same to be done in any newly annexed territory without first applying for and obtaining a building permit or certificate of occupancy from the building official or city council as required herein.

(2) No permit for the construction of a building or use of land shall be issued other than a permit which will allow construction of a building permitted in AG districts unless and until such territory has been classified in a zoning district other than an Agricultural District.

(3) An application for a permit for any use other than that specified above shall be made to the zoning administrative official and by him referred to the planning and zoning commission for consideration and recommendation to the city council. The planning and zoning commission in making its recommendation shall take into consideration the appropriate land use for the area and the overall plans for the city. The city council, after receiving and reviewing the recommendations of the planning and zoning commission may, by majority vote, authorize the issuance of a building permit or certificate of occupancy or may disapprove the application as their findings may indicate appropriate in the public interest.

(c) Concurrent rezoning and annexation. Application(s) for permanent zoning of a newly annexed area may be considered by the city at the same time as the area is being considered for annexation, although annexation procedures must be completed prior to any final zoning actions by the city council.

Sec. 36.007 Classification of new and unlisted uses

It is recognized that new types of land use will develop and forms of land use not anticipated may seek to locate in the city. In order to provide for such changes and contingencies, a determination as to the appropriate classification of any new or unlisted form of land use shall be made as follows:

(1) The zoning administrative official shall refer the question of any new or unlisted use to the planning and zoning commission requesting an interpretation as to the zoning classification into which such use should be placed. The referral of the use interpretation question shall be accompanied by a statement of facts listing the nature of the use and whether it involves dwelling activity sales, processing, type of product, storage, and amount or nature thereof, enclosed or open storage, anticipated employment, transportation requirements, the amount of noise, odor, fumes, toxic material and vibration likely to be generated and the general requirements for public utilities such as water and sanitary sewer.

(2) The planning and zoning commission shall consider the nature and described performance of the proposed use and its compatibility with the uses permitted in the various districts and after public hearing determine the zoning district or districts within which such use should be permitted.

(3) The planning and zoning commission shall transmit its findings and recommendations to the city council as to the classification proposed for and new or unlisted use. The city council may approve the recommendation of the planning and zoning commission or make such determination concerning the classification of such use as is determined appropriate after giving consideration to the districts and recommendations.

Sec. 36.008 AG Agricultural District

(a) General purpose and description. The Agricultural District is intended to apply to land situated on the fringe of an urban area, used for agricultural purposes, and which may become an urban area in the future. Therefore, the agricultural activities conducted in the Agricultural District should not be detrimental to urban land uses; intensity of use permitted in this district is intended to encourage and protect agricultural uses until urbanization is warranted and the appropriate change in district classification is made.

(b) Permitted uses. A building or premises in an AG Agricultural District shall be used only for the following purposes:

(1) Single-family dwellings in areas where said dwellings can be adequately served by city utilities or approved alternatives.

(2) Telephone exchange, provided no public business and no repair or outside storage facilities are maintained; gas lines; and gas regulating stations.

(3) Temporary metal buildings of less than 600 square feet which are used for tool and supply storage.

(4) Riding academy or other equestrian related activities.

(5) Other uses as listed in appendix 2 of this article.

(c) Permitted specific uses. The following specific uses shall be permitted in the Agricultural District, when granted in accordance with section 36.026:

(1) Hospitals for human care and veterinary hospitals of any kind provided that the hospital grounds shall be distant at least 200 feet from any residential district.

(2) Disposal of garbage and refuse, including sanitary landfills and sewage disposal by the county or city or their authorized agents, subject to health department approval.

(3) Utility stations and communications. Static transformer stations, booster stations, transmitters and utility stations, when operating requirements necessitate locating in the district; provided there is no yard or garage for service or storage, and provided further that the premises upon which utility station is erected and maintained shall be appropriately landscaped and screened so as to be in harmony with the general appearance of the neighborhood and not objectionable as to noise, odor, vibration or other disturbances.

(4) Radio and television transmitter tower.

(5) Essential services. Defined in section 36.004.

(6) Other uses as listed in appendix 2 of this article.

(d) Accessory uses.

(1) Accessory buildings and structures clearly incidental to agricultural operations, including but not limited to barns, stables, equipment sheds, granaries, private garages, pump houses, and servant’s quarters not for rent, provided that the total area of buildings and structures shall be limited to 10% of the gross land area of the tract.

(2) Temporary fruit stands on any premises used for agricultural purposes.

(3) Parking facilities. Garages, carports, or other parking spaces for the exclusive use of residents of the premises in accordance with section 36.027.

(4) Swimming pools.

(e) Height and area regulations. See appendix 1 (area, setback, height, and coverage regulations).

(f) Parking regulations. Two covered spaces behind the front yard line for single-family dwelling units and HUD-code manufactured homes. Other off-street parking space regulations are set forth in section 36.011.

(g) Signs. Signs in this district shall comply with the requirements of the city sign ordinance (as amended).

Sec. 36.009 R-1 Single-Family Residence District

(a) General purpose and description. The R-1 Single-Family Residential District is designed to accommodate single-family residential development on relatively ample lots. The district can be appropriately located in proximity to agricultural and single-family residential uses.

(b) Permitted uses. A building or premises in a R-1 district shall be used only for the following purposes:

(1) Uses as listed in appendix 2 of this article.

(c) Permitted specific uses. The following specific uses shall be permitted in a R-1 district, when granted in accordance with section 36.026 of this article:

(1) Public, parochial, and private schools and colleges offering courses of general instruction and including convents, monasteries, dormitories, and other related living structures when located on the same site as the school or college.

(2) Churches, synagogues, chapels, and similar places of religious worship and instruction of a quiet nature when located in a substantial structure.

(3) Utility substations necessary to the functioning of the utility, but not including general business offices, maintenance facilities and other general system facilities, when located according to the yard space rules set forth in this article for dwellings and have a landscaped or masonry barrier on all sides. Buildings shall conform to all space limits of this zone and shall be of such exterior design as to harmonize with nearby properties.

(4) Public and quasi-public buildings for cultural use.

(5) Country clubs as defined herein.

(6) Uses as listed in appendix 2 of this article.

(d) Height and area regulations. See appendix 1 (area, setback, height, and coverage regulations).

(e) Parking regulations. Two enclosed spaces behind the front yard line for single-family dwelling units and HUD-code manufactured homes. Other off-street parking regulations are set forth in section 36.027.

(f) Permitted accessory uses.

(1) Home occupations.

(2) Private garages and parking areas.

(3) Private swimming pools exclusively for the use of residents of the premises and their nonpaying guests.

(g) Signs. Signs in this district shall comply with the requirements of the city sign ordinance (as amended).

Sec. 36.010 SF-TH Townhome District

(a) General purpose and description. This zone is designed to provide for a medium density residential environment of attached townhome units.

(b) Permitted uses.

(1) Residential buildings containing townhome units.

(2) Other uses as allowed in the TF zone.

(c) Permitted specific uses.

(1) Specific uses shall be permitted in a SF-TH district, when granted in accordance with section 36.026, as listed in appendix 2 of this article.

(2) Other uses as allowed in the TF zone.

(d) Height and area regulations.

(1) See appendix 1 (area, setback, height, and coverage regulations).

(2) Minimum lot sizes for townhouses and zero lot line houses shall be 3,000 square feet per dwelling unit.

(3) Lot width for a lot containing multifamily, townhouse, or zero lot line units shall be not less than 20 feet per ground floor unit plus side yard requirements.

(4) Lot width for a lot containing other permitted uses shall be not less than 60 feet.

(e) Parking regulations. Two enclosed spaces behind the front yard line. Other off-street parking regulations are set forth in section 36.027.

(f) Permitted accessory uses. Other uses as allowed in the TF zone.

(g) Miscellaneous provisions.

(1) Rear entry off-street parking shall be provided for all uses established in this zone.

(2) Site plan approval shall be required prior to development.

(h) Signs. Signs in this district shall comply with the requirements of the city sign ordinance (as amended).

Sec. 36.011 MH-1 Manufactured Home District

(a) General purpose and description. The Manufactured Home District is intended to provide for quality manufactured home subdivision development containing many of the characteristics and the atmosphere of a standard single-family subdivision.

(b) Permitted uses. A building or premises shall be used only for the purposes as listed in appendix 2 of this article.

(c) Permitted specific uses. Specific uses shall be permitted in the MH-1 district, when granted in accordance with section 36.026, as listed in appendix 2 of this article.

(d) Height and area regulations. See appendix 1 (area, setback, height, and coverage regulations).

(e) Parking requirements. A minimum of two covered, enclosed parking spaces shall be provided per unit behind the front yard line. Other off-street parking regulations are set forth in section 36.027.

(f) Additional restrictions applicable to MH-1 district.

(1) Manufactured housing design and construction will comply with construction and safety standards published by the Department of Housing and Urban Development pursuant to the requirements of the National Mobile Home and Safety Standards Act of 1974 and all manufactured homes will be subject to inspection by the building official.

(2) All manufactured homes shall be set on solid slab structure and/or 18" to 20" runners. Additional rooms and enclosed porches shall be constructed on a solid slab.

(3) Tie-downs will be required and will be secured prior to occupancy.

(4) Underpinning and skirting will be required and will be installed prior to occupancy.

(5) Accessory buildings will be either manufactured or constructed in accordance with city codes.

(6) All manufactured homes and modular homes shall comply with all regulations of the State of Texas and such regulations are hereby incorporated into this section.

(g) Signs. Signs in this district shall comply with the requirements of the city sign ordinance (as amended).

Sec. 36.012 MH-2 Manufactured Home Park District

(a) General purpose and description. The manufactured home park district is intended to provide for quality mobile home park development and maintenance. Manufactured home parks are defined as tracts or units of land under sole ownership where lots are rented or leased as space to be used for placement of a manufactured home.

(b) Permitted uses. A building or lot shall be used only for the following purposes:

(1) Manufactured home park of not less than two nor more than 10 acres in size.

(2) Uses normally accessory to a manufactured home park, including office and/or maintenance buildings for management and maintenance of the park only, recreation buildings and swimming pools, private clubs, laundry facilities, storage facilities, and recreation areas for use by the resident of the park.

(3) Other uses as listed in appendix 2 of this article.

(c) Permitted specific uses. The following specific uses shall be permitted in the MH-2 district when granted in accordance with section 36.026:

(1) Boat, recreational vehicle, and/or travel trailer storage yard.

(2) Travel trailer and commercial overnight camping park.

(3) Other uses as listed in appendix 2 of this article.

(d) Height and area regulations.

(1) See appendix 1 (area, setback, height, and coverage regulations).

(2) The front setback shall be 25 feet where the car enters, and 20 feet on the opposite side.

(e) Parking requirements. Two spaces shall be provided per unit located on the lot plus additional spaces for accessory uses as required in section 36.027.

(f) Additional restrictions applicable to manufactured home park district.

(1) Manufactured housing design and construction will comply with construction and safety standards published by the Department of Housing and Urban Development pursuant to the requirements of the National Mobile Home and Safety Standards Act of 1974 and all manufactured homes will be subject to inspection by the building official.

(2) All manufactured homes shall be set on a solid slab structure and/or 18" to 20" runners. Additional rooms and enclosed porches shall be constructed on a solid slab.

(3) Tie-downs will be required and will be secured prior to occupancy.

(4) Underpinning and skirting will be required and will be installed prior to occupancy.

(5) Accessory buildings will be either manufactured or constructed in accordance with city codes.

(6) All manufactured homes and modular homes shall comply with all regulations of the State

of Texas and such regulations are hereby incorporated into this section.

(g) Signs. Signs in this district shall comply with the requirements of the city sign ordinance (as amended).

Sec. 36.013 TF Two-Family Residential District

(a) General purpose and description. The TF One- and Two-Family Dwelling 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 the TF 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. A building or premises shall be used only for the purposes as listed in appendix 2 of this article.

(c) Permitted specific uses. Specific uses shall be permitted in the TF district, when granted in accordance with section 36.026, as listed in appendix 2 of this article.

(d) Height and area regulations. See appendix 1 (area, setback, height, and coverage regulations).

(e) Parking regulations. Off-street parking shall be provided in accordance with the requirements for uses set forth in section 36.027.

(f) Permitted accessory uses.

(1) Home occupations.

(2) Private garages and parking areas.

(3) Private swimming pools exclusively for the use of residents of the premises and their nonpaying guests.

(g) Signs. Signs in this district shall comply with the requirements of the city sign ordinance (as amended).

Sec. 36.014 MF-1 Multiple-Family Residential - Medium Density

(a) General purpose and description. The MF-1 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. The district is characterized by smaller scale buildings and extensive open space and landscaping. This district should not be located with frontage or direct access on major thoroughfares or with principal access to local residential streets. This district permits two-story apartments, fourplexes, and duplexes.

(b) Permitted uses. The following uses shall be permitted:

(1) Multiple-family dwellings and clustered multiple-family dwellings, which clustered in [or] multiple-family dwellings have a site plan approved by the planning and zoning commission for the particular project in which they are proposed.

(2) Two-family dwelling units.

(3) Private schools: nursery, elementary, junior high, high school, vocational school and day-care centers.

(4) Churches, parish houses, convents.

(5) Country clubs, tennis courts, and such additional recreational uses as are for private recreation purposes or private club recreational purposes. Clubhouses and maintenance buildings shall be located not less than 200 feet from any adjacent lot in an adjoining residence district.

(6) Parks and playgrounds.

(7) Existing one-family dwelling units used as such on the effective date of this article.

(c) Permitted specific uses. The following specific uses shall be permitted when granted in accordance with section 36.026:

(1) One-family dwelling units.

(2) Townhouses, condominiums.

(3) Uses as listed in appendix 2 of this article.

(d) Height and area regulations.

(1) See appendix 1 (area, setback, height, and coverage regulations).

(2) No lot containing multifamily units shall contain less than 10,000 square feet or 1,500 square feet per dwelling unit, whichever is greater.

(3) Minimum lot sizes for townhouses and zero lot line houses shall be 3,000 square feet per dwelling unit.

(4) Minimum lot sizes for all other permitted uses shall be 7,500 square feet or one thousand five hundred square feet per living unit, whichever is greater.

(5) Lot width for a lot containing multifamily, townhouse, or zero lot line units shall be not less than 20 feet per ground floor unit plus side yard requirements.

(6) Lot width for a lot containing other permitted uses shall be not less than 60 feet.

(7) The height of any multifamily building sited on a lot adjacent to an area zoned for single-family dwellings or where single-family dwellings of one story in height exist shall be limited to one story for a distance of 60 feet from the single-family district boundary or the lot on which the single-family dwelling is located.

(8) When buildings exceed one story in height, an automatic sprinkler system shall be installed in accordance with existing fire codes and each unit shall have two points of entry or exit.

(e) Parking regulations. Two off-street parking spaces shall be provided per unit. Required parking may not be provided within the required front yard. Other off-street parking spaces regulations are set forth in section 36.026 and section 36.027.

(f) Signs. Signs in this district shall comply with the requirements of the city sign ordinance (as amended).

(g) Refuse facilities. Every dwelling unit in a multifamily complex shall be located within 250 feet of a refuse facility, measured along the designated pedestrian and vehicular travel way. There shall be available at all times at least six cubic yards of refuse container per 30 multifamily dwelling units. For complexes with less than 30 units, no less than four cubic yards of refuse container shall be provided. Each refuse facility shall be screened from view on three sides from persons standing at ground level on the site or immediately adjoining property, by a or [sic] wall of masonry not less than seven feet nor more than eight feet in height or by an enclosure within a building. Refuse containers shall be provided and maintained in a manner to satisfy city public health and sanitary regulations. Each refuse facility shall be located so as to provide safe and convenient pickup by refuse collection agencies.

(h) Screening fence. Border fencing of masonry construction of not less than eight feet in height shall be installed by the builder at the time of construction of any multifamily complex, along the property line on any perimeter not abutting a public street or right-of-way. This fence shall be maintained throughout the existence of the multifamily complex by the owner of the complex.

(i) Permitted accessory uses.

(1) Accessory uses customarily appurtenant to a permitted use, and accessory uses as permitted in the schedule of uses, appendix 2.

(2) Athletic fields and playfields, noncommercial, including stadiums and grandstands.

(3) Temporary buildings for storage of building materials and equipment and construction purposes, when on the same or adjoining lot as the principal use, for a period not to exceed the duration of such construction.

(j) Miscellaneous provisions. The maximum density in this district shall be 12 units per acre.

Sec. 36.015 MF-2 Multiple-Family Residential - High Density

(a) General purpose and description. High-density multiple-family zoning 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. This district permits two-story apartments, fourplexes, and duplexes.

(b) Permitted uses. The following uses shall be permitted:

(1) Any use permitted in the MF-1 district, except two-family dwelling units.

(2) Libraries and museums.

(3) Hospitals, sanitariums, nursing homes, and personal care facilities.

(4) Other uses as listed in appendix 2 of this article.

(c) Permitted specific uses. The following specific uses shall be permitted when granted in accordance with section 36.026:

(1) Any use allowed as a specific use in the MF-1 district, except one-family and two-family dwelling units, unless permitted above.

(2) Medical and dental clinics.

(3) Offices for professional uses such as (without limitation due to enumeration) building contractors, doctors, chiropractors, dentists, attorneys, insurance, real estate, abstract and title, accountants, architects, brokers, engineers, designers, and psychologists.

(4) Other uses as listed in appendix 2 of this article.

(d) Height and area regulations.

(1) See appendix 1 (area, setback, height, and coverage regulations).

(2) No lot containing multifamily units shall contain less than 10,000 square feet or 1,500 square feet per dwelling unit, whichever is greater.

(3) Minimum lot sizes for townhouses and zero lot line houses shall be 3,000 square feet per dwelling unit.

(4) Minimum lot sizes for all other permitted uses shall be 7,500 square feet or 1,500 square feet per living unit, whichever is greater.

(5) Lot width for a lot containing multifamily, townhouse, or zero lot line units shall be 20 feet per ground floor unit plus side yard requirements.

(6) Lot width for a lot containing other permitted uses shall be not less than 60 feet.

(7) The height of any multifamily building sited on a lot adjacent to an area zoned for single-family dwellings or where single-family dwellings of one story in height exist shall be limited to one story for a distance of 60 feet from the single-family district boundary or the lot on which the single-family dwelling is located.

(e) Parking regulations. Two off-street parking spaces shall be provided per unit. Required parking may not be provided within the required front yard. Other off-street parking spaces regulations are set forth in section 36.027.

(f) Signs. Signs in this district shall comply with the requirements of the city sign ordinance (as

amended).

(g) Refuse facilities. Every dwelling unit in a multifamily complex shall be located within 250 feet of a refuse facility, measured along the designated pedestrian and vehicular travel way. There shall be available at all times at least six cubic yards of refuse container per 30 multifamily dwelling units. For complexes with less than 30 units, no less than four cubic yards of refuse container shall be provided. Each refuse facility shall be screened from view on three sides from persons standing at ground level on the site or immediately adjoining property, by a wall of masonry not less than seven feet nor more than eight feet in height or by an enclosure within a building. Refuse containers shall be provided and maintained in a manner to satisfy city public health and sanitary regulations. Each refuse facility shall be located so as to provide safe and convenient pickup by refuse collection agencies.

(h) Screening fence. Border fencing of masonry construction of not less than eight feet in height shall be installed by the builder at the time of construction of any multifamily complex, along the property line on any perimeter not abutting a public street or right-of-way. This fence shall be maintained throughout the existence of the multifamily complex by the owner of the complex.

(i) Special fire protection requirements.

(1) Whenever densities of greater than 15 units per acre are present or a building exceeds one story in height, each building in the development shall contain an automatic sprinkler system, to be installed at the time of construction and thereafter operated in accordance with currently applicable fire safety codes.

(2) In addition, each unit in any multi-story design, regardless of density, shall be provided with two points of entry and exit with each providing separate access to places of safety in the event of fire or other emergency.

(j) Miscellaneous provisions.

(1) Density in this district does not ordinarily exceed 15 units per gross acre but can reach a maximum of 25 units per gross acre if special fire protection requirements are observed (see subsection (i) of this section).

(2) The minimum separation of buildings shall conform to the distance requirements as specified in appendix 1 (area, setback, height, and coverage regulations).

(3) If a side yard or rear yard is adjacent to a single-family residential district, there shall be a 25-foot setback and a 60-foot setback from the adjacent property line for buildings in excess of one story in height.

(4) Single-family construction in this district shall comply with the R-1 district requirements.

(5) Duplex construction in this district shall comply with the TF district requirements.

(6) A portion of the building that is no more than one story tall shall observe a minimum setback from the rear property line of 15 feet. Any portion of the building that is more than one story tall shall observe a minimum setback from the rear property line of 25 feet.

Sec. 36.016 C-1 Restricted Commercial District

(a) General purpose and description. The C-1 district is established to accommodate the shopping needs of residents in adjacent residential areas. This district is meant to be used in limited areas, where retail or service establishments deal directly with customers. Businesses in the C-1 district should be oriented to satisfying the daily and frequent shopping needs of the neighborhood consumer.

(b) General regulations.

(1) Business uses above the ground floor are permitted on any floor above the ground floor except in those buildings where dwelling units are established.

(2) All business establishments shall be retail or service establishments which deal directly

with the customers. All goods produced on the premises shall be sold to consumers only on the premises where produced.

(3) All business, servicing or processing, except for off-street parking, off-street loading, temporary display of merchandise such as garden, lawn, and recreational supplies and equipment for sale to the public, and automobile service station operation, shall be conducted within completely enclosed buildings.

(4) Parking of trucks as an accessory use, when used in the conduct of a permitted business listed in this article, shall be limited to vehicles of not over 1-1/2 ton capacity when located within 150' of a residence district boundary line.

(c) Permitted uses. A building or premises shall be used only for the purposes/uses as listed in appendix 2 of this article.

(d) Permitted specific uses. The following specific uses shall be permitted when granted in accordance with section 36.026:

(1) Hotels and motels, provided that the zoning lot shall be not less than one acre.

(2) Dwelling units, restricted to a total gross floor area of 5,000 square feet above the ground floor of a commercial buildings.

(3) Retail ice and dispensed water sales, provided that the ice and water are housed within a structure; that the structure is set back so that all portions of the structure are either even with or behind the average front building face of the primary structure(s) in the surrounding retail area; and that the entire structure be masonry.

(4) Other uses as may be permitted by the city council.

(5) Uses as listed in appendix 2 of this article.

(e) Height and area regulations.

(1) See appendix 1 (area, setback, height, and coverage regulations).

(2) The front yard setback shall be 45 feet where parking is allowed in front of the building. Accessory buildings shall have a 60-foot front yard setback.

(3) No side yard is required between adjacent non-residentially zoned lots except that a side yard of not less than 15 feet in width shall be provided on the side of a lot adjoining a residential district even when separated by an alley. When adjacent to a residential district, even when separated by an alley, no windows shall be permitted above 10 feet on the building sides facing such residential district. In addition, a masonry wall having a minimum height of six feet above the average grade of the residential property shall be constructed on the nonresidential property adjacent to the common side property line.

(4) No rear yard is required between adjacent non-residentially zoned lots. A rear yard of not less than 25 feet is required where the lot is adjacent to a street or alley. A rear yard of not less than 25 feet or 20% of the depth of the lot, whichever is lesser, shall be provided upon that portion of a lot abutting a residential district.

(5) No building shall exceed the specified height, except cooling towers, roof gables, chimneys, vent stacks, or mechanical equipment rooms, which may project not more than 12 feet beyond maximum building height.

(f) Parking regulations. Off-street parking and loading shall be provided as set forth in section 36.027.

(g) Permitted accessory uses. Accessory uses customarily appurtenant to a permitted use, and accessory uses as permitted in the schedule of uses, appendix 2 of this article.

(h) Miscellaneous provisions.

(1) Signs and illumination.

(A) Signs in this district shall comply with the requirements of the city sign ordinance (as amended).

(B) The number of signs shall be limited to two.

(C) No free-standing signs (ground or pole signs) shall be permitted.

(D) All signs shall be flat against the wall of the building, with all parts of the sign within 18 inches of the face of the building.

(E) All signs shall be oriented so as to face a public street.

(F) No sign shall be illuminated so as to shine on nearby residential properties.

(G) Any illumination shall be nonflashing and shall not contain a rotating, oscillating or revolving beam or beacon of light.

(2) Prior to any subdivision of a C-1 district, a conceptual site plan, which shall include all the land that existing [existed] in single ownership at the time of initial zoning, or at the time this provision became effective, whichever is later, shall be submitted for approval, according to section 36.037 hereof, with consideration being given to this statement of intended development. Thenceforth, any development or subdivision of the property shall be consistent with an approved conceptual site plan, as originally approved or as may be subsequently amended and approved.

(3) When a non-residentially zoned lot or tract abuts upon a zoning district boundary line dividing that lot or tract from a residentially zoned lot or tract, a minimum side yard of 10 feet shall be provided on the nonresidential property. A masonry wall having a minimum height of six feet above the average grade of the residential property shall be constructed on nonresidential property adjacent to the common side or rear property line.

Sec. 36.017 C-2 General Commercial District

(a) Purpose. The C-2 district is established to accommodate those uses that are of city-wide and regional significance. Within this district are permitted retail, service, and office uses characteristic of retailing and wholesaling markets. This district is intended to accommodate commercial activities that cannot be accommodated in the C-1 Restricted Commercial District.

(b) Generally.

(1) All business, servicing or processing, except for off-street parking, off-street loading and automobile service station operation, shall be conducted within completely enclosed buildings except as otherwise provided.

(2) No use hereunder shall be permitted if said use entails storage or display of items for sale not enclosed by a building except for incidental display or sale of seasonal retail items and such incidental display shall be permitted only if it occupies no more than 5% of the total lot area.

(3) Accessory off-street parking is required for C-2 districts as provided in section 36.026 [36.027].

(c) Permitted uses. A building or premises shall be used only for the purposes/uses as listed in appendix 2 of this article.

(d) Specific uses. The following specific uses shall be permitted when granted in accordance with section 36.026:

(1) Specific uses in the C-2 district shall include:

(A) Any uses not specifically enumerated in section 36.021 that can be considered commercial in character.

(B) Machinery and equipment sales and service establishments for equipment under

one and one-half tons gross weight.

(C) Retail ice and dispensed water sales, provided that the ice and water are housed within a structure; that the structure is set back so that all portions of the structure are either even with or behind the average front building face of the primary structure(s) in the surrounding retail area.

(e) Area, yard, height, and lot coverage requirements. See appendix 1 (area, setback, height, and coverage regulations).

(f) Parking regulations. Off-street parking and loading shall be provided as set forth in section 36.027.

(g) Permitted accessory uses. Accessory uses customarily appurtenant to a permitted use, and accessory uses as permitted in the schedule of uses, appendix 2 of this article.

(h) Screening. In the C-2 district, whenever a C-2 use abuts the SF60, TF, MF-1, or MF-2 districts, a wall or fence of not less than six feet in height is required, subject to approval by [of] construction plans by the planning and zoning commission.

Sec. 36.018 CBRD Central Business Redevelopment District

(a) General purpose and description. The Central Business Redevelopment District is established to accommodate the unique characteristics of the historical center of the city and to ensure that future development in the CBRD is compatible with maintaining and redeveloping the economic and historic integrity of the area. The CBRD is designed to provide an area for shopping, dining, working, and entertainment which will remain active during evenings and weekends as well as standard work hours.

(b) Permitted uses.

(1) Other uses as listed in appendix 2 of this article.

(2) Permitted specific uses.

(c) Specific permitted uses. The following specific uses shall be permitted in the CBRD, when granted in accordance with section 36.026:

(1) Broadcasting facilities, radio, television, or microwave towers.

(2) Automobile service station with associated minor automobile repair facility with floor space not greater than 2,500 square feet.

(3) Other uses as listed in appendix 2 of this article.

(d) Height and area regulations.

(1) See appendix 1 (area, setback, height, and coverage regulations).

(2) The front yard setback shall be 45 feet where parking is allowed in front of the building. Accessory buildings shall have a 60-foot front yard setback.

(3) No side yard is required between adjacent non-residentially zoned lots except that a side yard of not less than 15 feet in width shall be provided on the side of a lot adjoining a residential district even when separated by an alley. When adjacent to a residential district, even when separated by an alley, no windows shall be permitted above 10 feet on the building sides facing such residential district. In addition, a masonry wall having a minimum height of six feet above the average grade of the residential property shall be constructed on the nonresidential property adjacent to the common side property line.

(4) No rear yard is required between adjacent non-residentially zoned lots. A rear yard of not less than 25 feet is required where the lot is adjacent to a street or alley. A rear yard of not less than 25 feet or 20% of the depth of the lot, whichever is lesser, shall be provided upon that portion of a lot abutting a residential district.

(5) No building shall exceed the specified height, except cooling towers, roof gables, chimneys, vent stacks, or mechanical equipment rooms, which may project not more than 12 feet

beyond maximum building height.

(e) Parking regulations. Off-street parking and loading shall be provided as set forth in section 36.027.

(f) Allowable external facade materials on commercial buildings. Commercial buildings in the CBD shall use only stone, brick, stucco, and wood or glass in the construction of the exterior facade that is visible to the public. No more than 20% of the facade shall be composed of wood or wood products, excluding doors, door frames, windows and window frames.

(g) Signs. Signs in this district shall comply with the requirements of the city sign ordinance (as amended).

(h) Miscellaneous provisions. When a non-residentially zoned lot or tract abuts upon a zoning district boundary line dividing that lot or tract from a residentially zoned lot or tract, a minimum side yard of 10 feet shall be provided on the nonresidential property. A masonry wall having a minimum height of six feet above the average grade of the residential property shall be constructed on nonresidential property adjacent to the common side or rear property line.

Sec. 36.019 I-1 Light Industrial District

(a) General purpose and description. The I-1 district is established to accommodate those uses which are of a non-nuisance type located in relative proximity to residential areas, and to preserve and protect lands designated on the comprehensive plan for industrial development and use from the intrusion of certain incompatible uses which might impede the development and use of lands for industrial purpose. Development in the I-1 district is limited primarily to certain wholesale and jobbing commercial uses and certain industrial uses, such as the fabrication of materials, and specialized manufacturing and research institutions, all of a non-nuisance type.

(b) General regulations. Uses permitted in the I-1 district are subject to the following conditions:

(1) All business, servicing, or processing, except for off-street parking, off-street loading, display or merchandise for sale to the public, and establishments of the “drive-in” type, shall be conducted within completely enclosed buildings unless otherwise indicated in this section.

(2) All storage within 100 feet of a residence district, except for motor vehicles in operable condition, shall be within completely enclosed buildings or effectively screened with screening not less than eight feet nor more than 10 feet in height, provided no storage located within 50 feet of such screening shall exceed the maximum height of such screen.

(c) Permitted uses. Uses permitted in the I-1 district shall be as follows:

(1) Uses as permitted in the schedule of uses, appendix 2 of this article.

(d) Permitted specific uses. Permitted specific uses in the I-1 district, when granted in accordance with section 36.026, are listed in the schedule of uses, appendix 2 of this article.

(e) Height and area regulations.

(1) See appendix 1 (area, setback, height, and coverage regulations).

(2) A 25-foot front yard is required except that a front yard of not less than 50 feet shall be provided upon that portion of a lot abutting or across a street or alley from property in a residential or commercial district.

(3) The specified side yard is required between adjacent lots zoned for manufacturing uses. A side yard of not less than 15 feet is required where the lot is adjacent to a street or alley. A side yard of not less than 25 feet shall be provided upon that portion of a lot abutting a district zoned for anything other than manufacturing uses.

(4) No rear yard is required between adjacent lots zoned for manufacturing uses. A side yard of not less than 25 feet is required where the lot is adjacent to a street or alley. A rear yard of not less than 25 feet shall be provided upon that portion of a lot abutting a district zoned for anything

other than manufacturing uses.

(5) A building may be erected to a height of 80 feet if set back from all required yard lines a distance of one foot for each two feet of additional height above 45 feet. This requirement is in addition to all other relevant setback requirements.

(f) Parking regulations. Off-street parking requirements shall be provided in accordance with the specific uses set forth in section 36.027.

(g) Signs. Signs in this district shall comply with the requirements of the city sign ordinance (as amended).

(h) Miscellaneous provisions. When a non-residentially zoned lot or tract abuts upon a zoning district boundary line dividing that lot or tract from a residentially zoned lot or tract, a minimum side yard of 10 feet shall be provided on the nonresidential property. A masonry wall having a minimum height of eight feet above the average grade of the residential property shall be constructed on nonresidential property adjacent to the common side or rear property line.

Sec 36.020 PI Public and Institutional Zoning District

(a) General purpose and description. The Public and Institutional (PI) zoning district is intended to provide for a range of institutional and civic uses.

(b) Permitted uses. These include religious institutions, public schools, hospitals, public facilities, parks and similar uses that provide a service to the community at large.

(c) Development standard.

(1) Depending on the type of facility, site design and standards need to address access, transitions, and integration into the neighborhood. Standards for this zoning district shall follow the zoning district standards for adjoining uses with flexibility to address site-specific concerns. Civic and public buildings should occupy prominent sites within a neighborhood such as at the end of a terminated vista or the center of a block or public plaza. Standards for this zoning district shall be flexible based on the use and/or building proposed.

(d) Height and area regulations.

(1) See appendix 1 (area, setback, height, and coverage regulations).

(e) Parking regulations. Off-street parking requirements shall be provided in accordance with the specific uses set forth in section 36.027.

(f) Signs. Signs in this district shall comply with the requirements of the city sign ordinance (as amended).

Sec. 36.021 PD Planned Development District

(a) General purpose and description. The Planned Development District “PD” prefix is intended to provide for combining and mixing of uses allowed in various districts with appropriate regulations and to permit flexibility in the use and design of land and buildings in situations where modification of specific provisions of this article is not contrary to its intent and purpose or significantly inconsistent with the planning on which it is based and will not be harmful to the community. A PD district may be used to permit new and innovative concepts in land utilization. While great flexibility is given to provide special restrictions which will allow development not otherwise permitted, procedures are established herein to insure against misuse of the increased flexibility.

(b) Permitted uses. Any use specified in this article [the ordinance] granting a Planned Development District shall be permitted in that district. The size, location, appearance, and method of operation may be specified to the extent necessary to insure compliance with the purposes of this article.

(c) Development standards.

(1) Development standards for each separate PD district shall be set forth in the ordinance granting the PD district and may include but shall not be limited to uses, density, lot area, lot width, lot depth, yard depths and widths, building height, building elevations, coverage, floor area ratio, parking, access, screening, landscaping, accessory buildings, signs, lighting, management associations, and other requirements as the city council may deem appropriate.

(2) In the PD district, the particular district(s) to which uses specified in the PD are most similar shall be stated in the granting ordinance. All PD applications shall list all requested variances from the standard requirements set forth throughout this article (applications without this list will be considered incomplete).

(3) The ordinance granting a PD district shall include a statement as to the purpose and intent of the PD granted therein. A specific list is required of variances in each district or districts and a general statement citing the reason for the PD request.

(4) The Planned Development District shall conform to all other sections of the ordinance and this article unless specifically exempted in the granting ordinance.

(d) Conceptual and development plans. In establishing a Planned Development District, the city council shall approve and file as part of the amending ordinance appropriate plans and standards for each Planned Development District. During the review and public hearing process, the city council shall require a conceptual plan and a development plan (or detail site plan).

(1) Conceptual plan. The applicant shall submit this plan. The plan shall show the applicant's intent for the use of the land within the proposed planned development district in a graphic manner and shall be supported by written documentation of proposals and standards for development.

(A) A conceptual plan for residential land use shall show general use, thoroughfares, and preliminary lotting arrangements. For residential development which does not propose platted lots, the conceptual plan shall set forth the size, type, and location of buildings and building sites, access, density, building height, fire lanes, screening, parking areas, landscaped areas, and other pertinent development data.

(B) A conceptual plan for uses other than residential uses shall set forth the land use proposals in a manner to adequately illustrate the type and nature of the proposed development. Data which may be submitted by the applicant, or required by the city council, may include but is not limited to the types of use(s), topography, and boundary of the PD area, physical features of the site, existing streets, alleys, and easements, location of future public facilities, building heights and locations, parking ratios, and other information to adequately describe the proposed development and to provide data for approval which is to be used in drafting the final development plan.

(C) Changes of detail which do not alter the basic relationship of the proposed development to adjacent property and which do not alter the uses permitted or increase the density, building height, or coverage of the site and which do not decrease the off-street parking ratio, reduce the yards provided at the boundary of the site, or significantly alter the landscape plans as indicated on the approved conceptual plan may be authorized by the building official or his designated representative. If an agreement cannot be reached regarding whether or not a detail site plan conforms to the original concept plan, the city council shall determine the conformity.

(2) Development plan or detailed site plan. This plan shall set forth the final plans for development of the Planned Development District and shall conform to the data presented and approved on the conceptual plan. Approval of the development plan shall be the basis for issuance of a building permit. The development plan may be submitted for the total area of the PD or for any section or part as approved on the conceptual plan. The development plan must be approved by the city council. A public hearing on approval of the development plan shall be required at the council level, unless such a hearing is waived pursuant to subsection (d)(3)(A) of

this section at the time of conceptual plan approval in the original amending ordinance. The development plan shall include:

(A) A site inventory analysis including a scale drawing showing existing vegetation, natural watercourses, creeks or bodies of water, and an analysis of planned changes in such natural features as a result of the development. This should include a delineation of any floodprone areas.

(B) A scale drawing showing any proposed public or private streets and alleys; building sites or lots; and areas reserved as parks, parkways, playgrounds, utility easements, school sites, street widening and street changes; the points of ingress and egress from existing streets; general location and description of existing and proposed utility services, including size of water and sewer mains; the location and width for all curb cuts and the land area of all abutting sites and the zoning classification thereof on an accurate survey of the tract with the topographical contour interval of not more than five feet.

(C) A site plan for proposed building complexes showing the location of separate buildings, and between buildings and property lines, street lines, and alley lines. Also to be included on the site plan is a plan showing the arrangement and provision of off-street parking.

(D) A landscape plan showing screening walls, ornamental planting, wooded areas, and trees to be planted.

(E) An architectural plan showing elevations and signage style to be used throughout the development in all districts except single-family and two-family may be required by the city council if deemed appropriate. Any or all of the required information may be incorporated on a single drawing if such drawing is clear and can be evaluated by the building official or his designated representative.

(3) Procedure for establishment. The procedure for establishing a Planned Development District shall follow the procedure for zoning amendments as set forth in section 36.043. This procedure is expanded as follows for approval of conceptual and development plans.

(A) Separate public hearings shall be held by the city council for the approval of the conceptual plan and the development plan or any section of the development plan, unless such requirement is waived by the city council upon a determination that a single public hearing is adequate. A single public hearing is adequate when:

(i) The applicant submits adequate data with the request for the Planned Development District to fulfill the requirements for both plans; or

(ii) Information on the concept plan is sufficient to determine the appropriate use of the land and the detail site plan will not deviate substantially from it; and

(iii) The requirement is waived at the time the amending ordinance is approved. If the requirement is waived, the conditions shall be specifically stated in the amending ordinance.

(B) The ordinance establishing the Planned Development District shall not be approved until the conceptual plan is approved.

(C) The development plan may be approved in sections. When the plan is approved in sections, the separate approvals by the city council for the initial and subsequent sections will be required.

(D) An initial development plan shall be submitted for approval within six months from the approval of the conceptual plan or some portion of the conceptual plan. If the development plan is not submitted within six months, the conceptual plan is subject to reapproval by the city council. If the entire project is not completed within two years, the city council may review the original conceptual plan to ensure its continued validity.

(E) Regardless of whether the public hearing is waived for the development plan, approval by the city council is still required.

(e) Written report may be required. When a PD is being considered, a written report may be requested of the applicant discussing the impact on planning, engineering, water utilities, electric, sanitation, building inspection, tax, police, fire, and traffic. Written comments from the applicable public school district and from private utilities may be submitted to the city council.

(f) Planned developments to be recorded. All planned development districts approved in accordance with the provisions of this article in its original form, or by subsequent amendment thereto, shall be referenced on the zoning district map, and a list of such planned development districts, together with the category of uses permitted therein, shall be maintained on the city's website.

(g) Signs. Signs in this district shall comply with the requirements of the city sign ordinance (as amended).

Sec. 36.022 FP Floodplain District

(a) Floodplain prefix to district designation.

(1) The FP prefix designation constitutes a zoning overlay district, and the addition or removal of the FP prefix constitutes zoning action requiring due process provided under state law. Further public notice to all downstream property owners within the city with like FP zoning is required prior to any such zoning action.

(2) To provide for the appropriate use of land which has a history of inundation or is determined to be subject to flood hazard and to promote the health, safety and general welfare of the community, portions of certain districts are designated with a floodplain prefix FP and shall be subject to the following provisions.

(b) Permitted uses.

(1) In this district no land shall be used except for one or more of the following permitted uses to the extent that they are not prohibited by other regulations or ordinances and provided that such uses do not require above-ground structures, filling or storage of material or equipment except as herein specifically authorized.

(A) Agricultural activities including the ordinary cultivation of land or legal farms of animal husbandry.

(B) Electrical substation.

(C) All types of local utilities, including but not limited to water distribution and wastewater collection systems, water and waste and wastewater treatment facilities and water quality/monitoring stations or other structures required to provide water and sewerage, telephone, gas and electrical services.

(D) Parks, community centers, playgrounds, public golf courses.

(E) Private commercial open area amusements such as golf courses, driving ranges, archery courses and similar uses when approved by conditional use zoning action.

(F) Facilities that would warrant no flood protection, such as accessory private open space in conjunction with commercial or residential development, community unit recreational areas or recreation developments.

(G) Parking areas associated with a part of contiguous land use.

(2) No building or structure shall be erected in that portion of a district designated with a floodplain FP prefix other than those listed in this section.

(3) There shall be no dumping, excavation, storage or filling operations within that portion of a district having a floodplain FP prefix designation except under conditions of this article and any

DRAFT

city ordinances that may be relevant to this issue.

(c) Conditions for adding FP prefix designation. The city council may, after a public hearing, amend the zoning classification of any property by adding the floodplain FP prefix designation based on hydraulic engineering studies indicating new boundaries of the area that is subject to inundation by floodwaters. The city council shall provide for the addition of such floodplain FP prefix designation to the zoning district maps.

(d) Conditions for removal of FP prefix designation. The city council, in considering and determining its recommendation relative to any application for the removal of the floodplain FP prefix designation, shall require the applicant to furnish to the administrator fill and development plans (hydraulic calculations concerning maximum high water and flow rates and their effect on abutting, lateral, and downstream properties), and data concerning the operation, location, function and characteristics of any use of land or building proposed. The application will not be scheduled for public hearing until the city engineer certifies information furnished is adequate for review and comment as required in this section.

Sec. 36.023 Special uses

(a) Child-care centers.

(1) No portion of a child-care center site may be located within 300 feet of gasoline pumps or underground gasoline storage tanks, or any other storage area for explosive or highly combustible materials.

(2) Child-care centers shall be located adjacent to a street having a pavement width of 27 feet or greater.

(3) Site plan approval by the planning and zoning commission shall be required for all child-care center sites.

(4) Child-care centers located within any single-family or two-family residential district shall be required to plat in multiples of the minimum lot width of the district classification requirements. The lot depth shall meet the minimum district requirements and must be platted in a configuration which can be converted into standard lots for residential development.

(5) All child-care centers shall comply with the following standards:

(A) All vehicular entrances and exits shall be clearly visible from the street.

(B) All passenger loading and unloading areas shall be located so as to avoid safety hazards from vehicular traffic and adequate walkways shall be provided.

(C) Outdoor play areas shall be provided at a rate of 65 square feet per child based on maximum design capacity of the center. This requirement may be waived by the planning and zoning commission if the childcare is provided for less than four hours per day for an individual person.

(D) In residential districts, a maximum of one-half of the required outdoor play space may be provided off-site. When off-premises outdoor play area is utilized, it must be located within 100 feet of the child-care facility premises and safely accessible without crossing, at-grade, any major or secondary thoroughfare.

(E) No child-care center shall be part of a one-family or two-family dwelling.

(b) Construction yards, field offices, batching plants and other temporary buildings. Temporary permits for construction yards, field offices and batching plants and specific use permits or variances regulating temporary buildings shall be issued for a period of time not to exceed 18 months. Extensions may be granted by the city council. Upon due notice and hearing before the city council, any such permit may be revoked if the city council finds the use of the building or structure is contrary to the intent of this article or results in increased noise, traffic, or other conditions considered to be a nuisance or hazard.

DRAFT

(c) Radio, television, and microwave towers.

(1) All towers shall satisfy the minimum setback requirements.

(2) All towers must meet manufacturer's installation standards or be approved by a professional engineer, licensed in the State of Texas.

(3) All towers in excess of 30 feet are required to be equipped with a climbing guard.

(4) Specific requirements for towers located in residential districts (R-1, TF, SF-TH, MF-1, MF-2, MH-1 and MH-2) and the CBRD:

(A) The maximum height shall be 65 feet including mast and antennas, measured from the ground.

(B) All towers including mast and antennas in excess of 30 feet shall be located not less than the height of the tower including mast and antennas minus 30 feet from the nearest property line.

(C) No tower in a residential district shall be located in the front yard.

(5) Specific requirements for towers located in nonresidential districts:

(A) A specific use permit is required for towers in these zoning districts.

(B) The minimum distance to the nearest property line (measured from any point on the tower) shall be 20% of the height of the tower.

(C) The minimum distance to any existing or planned street right-of-way (measured from any point on the tower) shall be 50 feet.

(D) The minimum distance to a residential property line (measured from any point on the tower) shall be two times the total height of tower (including any mast or antennas).

(E) All towers in excess of 65 feet from the ground and any guy anchors (if used) shall be enclosed by a locked security fence not less than eight feet in height. Towers shall also be equipped with an appropriate anti-climbing device.

(F) Towers shall either maintain a galvanized steel finish or, subject to any applicable standards of the FAA, be painted so as to reduce visual obtrusiveness. At a tower site, the design of the buildings and related structures shall, to the extent possible, use materials, colors, textures, screening, and landscaping that will blend the tower facilities to the natural setting and built environment. If the antenna is installed on a structure other than a tower, the antenna and supporting electrical and mechanical equipment must be of neutral color that is identical to, or closely compatible with, the color of the supporting structure so as to make the antenna and related equipment as visually unobtrusive as possible.

(G) All towers must meet or exceed current standards and regulations of the FAA, the FCC, and any other agency of the federal government with the authority to regulate towers and antennas. If such standards and regulations are changed, then the owners of the towers and antennas governed by this section shall bring such towers and antennas into compliance with such revised standards and regulations within six months of the effective date of such standards and regulations.

(H) To ensure the structural integrity of towers, the owner of a tower shall ensure that it is maintained in compliance with standards contained in applicable local building codes and the applicable standards for towers that are published by the Electronic Industries Association as amended from time to time. If, upon inspection, the tower fails to comply with such codes and standards and constitutes a danger to persons or property, then upon notice being provided to the owner of the tower, the owner shall have 30 days to bring such tower into compliance with such codes and standards. If the owner fails to bring such tower into compliance within the said 30 days, the city may remove such tower or cause such tower to be removed at the owner's expense.

(l) Any antenna or tower that is not operated for a continuous period of six months shall be considered abandoned, and the owner of such antenna or tower shall remove same within 90 days or receipt of notice from the building official notifying the owner of such abandonment. If such antenna or tower is not removed within said 90 days, the building official may cause such antenna or tower to be removed at the owner's expense. If there are two or more users of a single tower, then this provision shall not become effective until all users cease using the tower.

(J) All commercial signs, flags, lights and attachments other than those required for communications operations, structural stability, or as required for flight visibility by the Federal Aviation Administration (FAA) and Federal Communications Commission (FCC) are prohibited.

(d) Residence hotels. Residence hotels shall be designed to allow for their potential conversion to multifamily residences and as such shall comply with all minimum standards set forth in the NC district and residence hotels constructed in the MF district shall comply with the MF district requirements. Open space shall be provided in sufficient quantity and locations to allow for required additional parking should the residence hotel convert to multifamily residences.

(e) Patio homes.

(1) Location on lot. Patio home developments shall be developed as zero lot line homes. One side yard shall be reduced to zero feet, while the other side yard shall be increased to a minimum of 10 feet. A minimum five-foot wide maintenance easement shall be placed on the adjacent lot to enable the property owner to maintain his house. Side yards and maintenance easements shall be placed on the subdivision plat. A minimum separation between patio homes of 10 feet shall be provided. The combined area of all structures shall not exceed 65% of the lot area.

(2) Front yard setback. The minimum front yard shall be 15 feet, provided that in no case shall a garage or carport fronting onto a street be less than 20 feet from the property line adjacent to the street. The front yard setback may be staggered, varied, or reduced to a minimum setback of 10 feet for lots facing cul-de-sac or loop streets not exceeding 400 feet in length, with the approval of a site plan or subdivision plat. Under this provision the maximum setback shall be 25 feet. A minimum lot depth of 65 feet, as measured from front building line to rear lot line, shall be maintained.

(3) Rear yard setback. The minimum rear yard shall be five feet for a single-story structure and 15 feet for any two-story structure. If access is from an alley, the minimum setback will be 20 feet for garages or carports.

(4) Side yard setback. The minimum side yard shall be zero feet except that there shall be at least 10 feet of separation between structures. When patio homes are constructed with a zero side yard, five feet on the lot adjacent to the zero setback shall be dedicated as an access easement for the zero setback patio home. There shall be a minimum of 20 feet from any property line adjacent to a street.

(5) Lot frontage. The minimum frontage of any patio home shall be 25 feet on residential streets and 35 feet on collector and thoroughfare streets.

(6) Lot area. The minimum lot area for any development lot for patio homes shall be 2,800 feet.

(7) Maximum length of structures. No zero lot line structure shall have an overall length exceeding 250 feet.

(8) Maximum height of structures. No structure shall exceed two stories or 35 feet in height.

(9) Parking. Two off-street spaces per dwelling unit plus 1/2 space per dwelling unit for visitor parking within 600 feet of each dwelling unit. The visitor parking requirements may be eliminated or reduced at the time of site plan or subdivision plat approval with a finding that there is

adequate on-street parking for visitors.

(10) Common area maintenance. To insure the long-term maintenance of common land and facilities in patio home developments, the following shall be required:

(A) Plats and site plans shall be approved subject to the submission of a legal instrument setting forth a plan or manner of permanent care and maintenance of open spaces, recreational areas and other communally owned facilities. No such instrument shall be acceptable until approved by the city attorney as to legal form and effect. A homeowners' association (HOA) is the most widely accepted technique for managing commonly owned property. Such association shall provide proof of incorporation prior to issuance of a construction permit.

(B) The HOA or other similar management entity shall be organized as a nonprofit corporation with automatic membership in the management entity when property is purchased. This shall be specified in the covenants which run with the land and which bind all subsequent owners. Covenants for maintenance assessments shall also run with the land. Included in the maintenance covenants shall be procedures for changing them at stated intervals. Deeds shall also reference the rights and responsibilities of property owners to the management entity. The management entity shall also be responsible for liability insurance, local taxes, and the maintenance of all commonly held facilities through the use of a pro-rata formula for all property owners.

(11) Usable open space requirements. Each parcel of land developed under patio home standards shall provide usable open space totaling 15% of the area of a patio home development. Such open space shall have a maximum slope of 10% and shall be exclusive of street and alley rights-of-way and/or easements, individually platted lots without open space easements, private yards and patios. The 15% shall be computed on the percentage of total platted area in a patio home subdivision, excluding right-of-way for major and secondary thoroughfares (as described in the current comprehensive plan). At the time of site plan and/or subdivision plat approval, the city council may give full or partial credit for open areas that exceed the maximum slope or which are otherwise unusable if it is determined that such areas are environmentally or aesthetically significant and that their existence enhances the development.

(12) Additional landscaping. In addition to any required landscaping for common areas, the front yard and parkway areas shall be landscaped and permanently maintained.

(f) Multifamily residences.

(1) Courts. Where an apartment building is erected so as to create inner courts, the faces of all opposite walls in such courts shall be a minimum distance of 30 feet apart and no balcony or canopy shall extend into such court area for a distance greater than five feet.

(2) Usable open space.

(A) Each lot or parcel of land which is used for multiple-family residences shall provide on the same lot or parcel of land usable open space (as defined in section 36.004), in accordance with the table below:

USABLE OPEN SPACE REQUIREMENT

Number of Bedrooms or Sleeping Rooms	
1 or less	600 sq. ft.

Each additional bedroom over 1	300 sq. ft.

(B) In those instances where a parcel of land has been zoned for multifamily use with a specific use permit or planned development classification and the permitted densities do not conform exactly with those permitted in the MF district, usable open space shall be provided in accordance with that required for the multifamily zoning district which most closely approximates the density permitted under the SUP or PD.

(C) In meeting this requirement, a credit of three square feet may be applied for each square foot utilized for swimming pools and adjacent decks, patios, or lounge areas within 10 feet of a pool; developed and equipped children's play areas; and usable portions of recreational buildings. Tennis courts are specifically excluded from this increased credit allowance. At the time of site plan approval, the planning and zoning commission and/or city council may allow a credit not to exceed 10% of the total required usable open space for adjacent and immediately accessible public parks. The combined credit for areas calculated at a three-to-one basis and for public parks shall not exceed 50% of the total usable open space for an individual lot or parcel of land.

(D) At the time of site plan approval, the city council may give full or partial credit for open areas that exceed the maximum slope, if it is determined that such areas are environmentally significant and that their preservation would enhance the development.

(g) Service stations. Gasoline service station pump islands may not be located nearer than 18 feet to the front property line. An unenclosed canopy for a gasoline filling station may extend beyond the front building line but shall not be closer than 10 feet to the property line.

(h) Bed-and-breakfast facilities.

(1) Defined. See appendix 3, item 3.1.2].

(2) Specific use permit for bed-and-breakfast facility. No individual property owner shall use his residence as a bed-and-breakfast facility, as that term is defined herein, without first having received a specific use permit from the city council.

(3) Permitted in specific districts. See the schedule of uses, appendix 2 of this article.

(4) Special regulations. The following special regulations shall apply to all specific use permits issued for bed-and-breakfast facilities:

(A) All bed-and-breakfast facilities must be owner-occupied and managed at all times.

(B) The maximum number of bedrooms which may be rented is five, unless the city council specifically finds that the structure and tract on which it is located is of sufficient size to permit more bedrooms and that the same will not adversely impact the surrounding properties.

(C) No cooking facilities shall be permitted in any of the bedrooms.

(D) One attached sign shall be permitted on the premises. Such signs shall not exceed four square feet in area and shall not include the word "hotel" or "motel."

(E) Off-street parking shall be provided equal to one parking space per guest bedroom and shall be screened from all streets. No parking shall be permitted in the front yard area.

(F) The facilities shall meet all of the minimum requirements of the city-county health department and shall conform in all respects to the requirements of the fire code, building code, electrical code and plumbing code.

(G) All such facilities shall be responsible for the collection of the city hotel/motel tax.

(H) All city-county health officers, building inspectors, the fire marshal and his assistants and other code enforcement officials of the city shall have the right to go on any premises of a bed-and-breakfast facility during normal business hours for the purpose of verifying compliance with this subsection and all other applicable ordinances of the city.

(i) Reserved

(j) Swimming pools. It is the purpose of the following provisions to recognize an outdoor swimming pool as a potentially attractive nuisance and to promote the safety and enjoyment of property rights by establishing rules and regulations governing the location and improvement of swimming pools whether privately, publicly, or commercially owned or operated.

(1) No swimming pool shall be constructed or used until a swimming pool building permit has been issued therefor. No building permit shall be issued unless the proposed sanitary facilities and water supply comply with applicable local and state health department regulations.

(2) A swimming pool may be constructed and operated when:

(A) The pool is not located in any required front or side yard abutting a street;

(B) A wall or fence, not less than six feet in height, with self-enclosing and self-latching gates at all entrances, completely encloses either the pool area or the surrounding yard area (see subsection (k) of this section for additional regulations regarding enclosing of pools);

(C) All lighting of the pool is shielded or directed to face away from adjoining residences. If lights are not individually shielded they shall be so placed, or the enclosing wall or fence shall be so designed, that direct rays from the lights shall not be visible from adjacent properties;

(D) No broadcasting system is used for the purpose of advertising the operation of the pool or for the attraction of persons to the premises. This shall not prevent a public address system necessary or useful to the supervision of the pool and the safety of swimmers; and

(E) The swimming pool is no closer than eight feet from any property line.

(k) Swimming pool enclosures.

(1) Every swimming pool, or excavation designed or intended to ultimately become a swimming pool, while under construction as well as after completion, shall be continuously protected by an enclosure surrounding the pool or excavated area in such a manner as to make such pool or excavated area reasonably inaccessible to small children or animals. Exceptions are as follows:

(A) This provision shall not apply to (i) bodies of water other than swimming pools which are owned or controlled by the federal government, state, county or any agency, subdivision or department thereof; or (ii) bodies of water located in natural drainage ways;

(B) In single-family occupancies, the enclosure may surround the entire single-family premises; and

(C) In multifamily occupancies, the enclosure may include the courtyard that surrounds the pool.

(2) An enclosure shall be a fence, wall, or building not less than six feet in height with no openings, holes or gaps larger than four inches measured in any direction, except that measurement for a picket fence (one composed primarily of vertical members) shall be measured in a horizontal direction between members.

(3) Gates and doors opening directly into such enclosure shall be equipped with self-closing and self-latching devices designed to keep and capable of keeping such doors or gates securely closed, said latching device to be attached to the gate or door not less than 36 inches above the

grade or the floor. Exception: The doors of any building forming any part of the enclosure hereinabove required need not be so equipped.

(4) Swimming pools in existence on the effective date of this article shall be fenced in accordance with the requirements hereinabove set forth, and it shall be unlawful for any person to maintain any swimming pool in the corporate limits of the city which is not protected by an enclosure in accordance with the requirements of this section.

(5) All plans submitted to the city for swimming pools to be constructed shall show compliance with the requirements of this section, and the final inspection and approval of all pools constructed shall be withheld until all requirements of this section have been complied with by the owner, purchaser under contract, lessee, tenant or licensee.

State law references–Swimming pool enclosures, V.T.C.A., Local Government Code, sec. 214.101 et seq.; pool yard enclosure for multiunit rental complex, property owners' association, etc., V.T.C.A., Health and Safety Code, ch. 757.

(l) Sale of alcoholic beverages.

(1) This subsection (l) shall not apply when the storage or serving of alcoholic beverages is strictly for the consumption of the owners of the premises and their guests at no charge.

(2) The storage, possession, or sale of any alcoholic beverage, when permitted by the laws of this state, shall be regulated and governed as provided herein and in other applicable ordinances and regulations of the city.

(3) The sale of liquor and the sale of beer is prohibited in any residential area within the city's corporate limits. The term "residential area" includes locations that are within any of the following zoning districts or areas:

(A) R-1 - Single-Family;

(B) SF-TH - Single-Family Townhome;

(C) MH-1 - Manufactured Home District;

(D) MH-2 - Manufactured Home Park District;

(E) TF Duplex - Two-Family Residential;

(F) MF-1 - Multiple-Family Residential - Medium Density;

(G) MF-2 - Multiple-Family Residential - High Density;

(H) PD - Any residential part of a Planned Development District; or

(I) Any tract, lot or subdivision upon which is located any of the "residential uses" list in appendix 3 of this article, as amended.

(m) Wind energy conversion systems. In order to balance the need for clean, renewable energy resources with the protection of the health, safety and welfare of the community, the purpose of this section is to regulate private use wind energy conversion systems for the production of electricity for use on a lot.

(1) Applicability and definitions. Terms defined below shall be used for the purposes of this subsection (m).

(A) *Wind energy conversion systems*. A wind energy conversion system consists of a wind-driven turbine (whether roof- or tower-mounted) and associated control or conversion electronics for the purpose of providing electrical power to a privately owned lot or parcel.

(B) *Wind turbine*. The individual component of a wind energy conversion system that converts kinetic energy from the wind into electrical energy, independent of the electrical

conductors, electrical storage system, electrical metering, or electrical inverters. This term shall include the shroud and the towers or supporting structures.

(C) *Building code(s)*. All codes, ordinances, regulations, policies and procedures, and standards adopted and enforced by the city.

(D) *Fire code(s)*. All codes, ordinances, regulations, policies and procedures, and standards adopted and enforced by city.

(E) *FAA*. The use of this acronym shall denote the Federal Aviation Administration, or any other applicable authority that regulates air safety within the city's jurisdiction.

(F) *Shroud*. A safety device that covers the blades of a wind turbine on all sides in a manner that substantially reduces the potential that the blades would cause injury or damage to any persons, animals or items of property coming into contact with the wind turbine.

(2) Standards. All wind energy conversion systems are subject to and must comply with the following provisions:

(A) Setbacks. Minimum setbacks for wind turbines shall be:

(i) A minimum of 1.1 times the total extended height of the wind turbine–as measured from average ground level of the lot to the uppermost part of the wind turbine–from the project property lines.

(ii) Guy wire anchors may not extend closer than 10 feet from any property line.

(B) Number per lot or parcel. A maximum of two wind turbines per lot or parcel is permitted on lots or parcels less than one-half acre in size; a maximum of four wind turbines per acre are permitted on lots or parcels at least one-half acre in size.

(C) Height. Subject to the above-referenced setback requirements, the maximum total extended height of tower-mounted wind energy conversion systems–as measured from average ground level of the lot to the uppermost part of the wind turbine–is 35 feet on parcels less than 5 acres in size and 70 feet on parcels 5 acres or greater. If roof mounted, the extended height shall not exceed 10 feet above the roof ridge and in no case be higher than 35 feet.

(D) Lighting. Wind system towers shall not be artificially lighted unless required, in writing, by the FAA or other applicable authority that regulates air safety. Where the FAA requires lighting, the lighting shall be the lowest intensity allowable under FAA regulations; the fixtures shall be shielded and directed to the greatest extent possible to minimize glare and visibility from the ground; and no strobe lighting shall be permitted, unless expressly required by the FAA.

(E) Access. All tower-mounted wind energy conversion systems must comply with the following provisions:

(i) The tower shall be designed and installed so that there shall be no exterior step bolts or a ladder on the tower readily accessible to the public for a minimum height of 12 feet above the ground. For lattice or guyed towers, sheets of metal or wood or other barrier shall be fastened to the bottom tower section such that it cannot readily be climbed; and

(ii) All ground-mounted electrical and control equipment shall be labeled or secured to prevent unauthorized access.

(F) Rotor safety. All wind turbines shall comply with the following rotor safety requirements.

(i) Each wind turbine shall be equipped with both manual and automatic controls to limit the rotational speed of the blade within the design limits of the rotor. An external, manual shut-off switch shall be included with the installation.

(ii) The minimum distance between the ground and any protruding blades utilized on a private wind turbine shall be 10 feet as measured at the lowest point of the arc of the blades.

(iii) All blades of a wind turbine are required to be within a shroud.

(G) Noise. All wind turbines shall comply with these noise requirements and restrictions. These levels may not be exceeded at any time, including short-term events such as utility outages and severe wind storms. A manufacturer's sound report shall be required with a building permit application.

(i) No wind energy conversion system or combination of wind energy conversion systems on a single lot or parcel shall create noise that exceeds a maximum of 35 decibels (dBA) at any property line where the property on which the wind energy conversion system(s) is located or the abutting property is less than one acre; or, a maximum of 50 decibels (dBA) at any other property line. Measurement of sound levels shall not be adjusted for, or averaged with, non-operating periods.

(ii) Any wind energy conversion system(s) exceeding these levels shall immediately cease operation upon notification by the building official and may not resume operation until the noise levels have been reduced and verified by an independent third-party inspector, approved by the building official, at the property owner's expense. Upon review and acceptance of the third-party noise level report, the building official will allow operation of the affected wind energy conversion system(s). Wind energy conversion system(s) unable to comply with these noise level restrictions shall be shut down immediately and removed upon notification by building official, after a period established by the building official.

(H) Aesthetics and maintenance.

(i) Appearance. Wind turbines, unless subject to any applicable standards of the FAA, shall be a non-obtrusive color such as tan, sand, gray, black or similar colors. The painting or coating shall be kept in good repair for the life of the wind turbine. In addition, any changes to the approved color shall result in notification by the building official that the affected wind turbine(s) shall cease operation until a color correction has been made. If the affected wind turbine(s) are not repainted, using an approved color, within the period established by the building official, the owner shall remove the affected wind energy conversion system(s).

(ii) Electrical wires. All electrical wires leading from the tower to electrical control facilities shall be located underground.

(iii) Maintenance. Wind turbines shall be maintained in good repair, as recommended by the manufacturer's scheduled maintenance or industry standards.

(I) Signs/labels. The only advertising sign allowed on the wind turbine shall be a manufacturer's label, not exceeding one square foot in size.

(J) Compliance with FAA regulations. All wind turbines shall comply with applicable FAA regulations, including any necessary approvals for installations.

(K) Certified safe. A Texas professional engineer sealed drawing or statement shall accompany a building permit application confirming that the wind energy conversion system(s) has been designed and is planned to be constructed in accordance with accepted industry standards and certified safe.

(3) Repair and removal of wind turbines. Any wind turbine found to be unsafe by the building official or fire department shall immediately cease operation upon notification by the building official or fire department and shall be repaired by the owner to meet federal, state, and local safety standards or be removed within six months. Wind turbines that are not operated for a

continuous period of 12 months shall be removed by the owner of the wind turbine.

(A) When a wind turbine is removed from a site, all associated and ancillary equipment, batteries, devices, structures or support(s) for that system shall also be removed. For the purposes of this section, non-operation shall be deemed to include, but shall not be limited to, the blades of the wind turbine remaining stationary so that wind resources are not being converted into electric or mechanical energy, or the wind turbine is no longer connected to the public utility electricity distribution system.

(4) Mounting of wind turbines. Attachment of the wind turbine, including any support or structural components, to any building or structure shall be in strict compliance with building codes and fire codes. Galvanized steel or metal is the acceptable system for the support structures.

(5) Compliance with regulations.

(A) All wind energy conversion systems shall comply with applicable fire codes and building codes.

(B) All standards and regulations under this subsection (m) and other applicable fire and building codes are mandatory. Once wind turbines are permitted, the owners have the option of compliance with the standards or discontinuation of operations. If the operation of the wind turbine(s) does not comply with the provisions of this article, the operator shall promptly take all measures necessary to comply with these regulations, including, but not limited to, discontinued operation of one or more wind turbines.

(n) Drive throughs.

(1) Drive throughs with individual service speakers shall not be permitted within 150 feet of any residential district unless the speaker is appropriately screened by a sound abatement system. The planning & zoning commission may recommend and the city council require wing walls, landscape screens, changes in building orientation, and/or other design elements to screen and provide noise abatement in order to minimize the impact of individual service speakers on residential districts.

(2) A stacking space shall be an area on a site measuring 9 feet by 20 feet with direct forward access to a service window or station of a drive-through facility which does not constitute space for any other circulation driveway, parking space, or maneuvering area. An escape lane shall be an area measuring a minimum of 11 feet wide that provides access around the drive-through facility. An escape lane may be part of a circulation aisle.

(A) For drive-through restaurants, the minimum stacking space for the first vehicle stop shall be 100 feet and 40 feet thereafter for any other stops. An escape lane shall be provided parallel to the drive-through lane from the beginning of the drive-through lane to the pick-up window.

(B) For dry cleaners, banks and financial services, pharmacies, and retail uses with drive-through facilities, a minimum of 5 total stacking spaces shall be required if one or 2 drive through lanes are provided. For 3 or more drive through lanes, a minimum of 4 total stacking spaces shall be required. An escape lane shall be provided in all instances.

(C) For kiosks, a minimum of 2 stacking spaces for each service window shall be provided.

Sec. 36.024 Supplementary district regulations

(a) Accessory buildings. The following regulations shall govern the location, size, and use of any accessory buildings:

(1) No accessory building shall be erected in any required yard area as stipulated in this

DRAFT

article, except as allowed in the following subsections.

(2) No accessory building shall be erected within 10 feet of any other building, except: detached residential garages may be located within five feet of the main dwelling, and the provisions of subsection (5) below are met.

(3) No detached residential garage or carport shall be erected or placed closer to any street or alley right-of-way line than the minimum yard requirements (building setback line) governing the district in which such garage or carport is located.

(4) No detached residential garage or carport shall be erected or placed within eight feet from any side lot line.

(5) Residential accessory buildings and sheds housing domestic lawn and garden equipment and all other household effects may be detached or attached to the main building but shall not encroach in any required front yard and may not occupy more than 30% of the rear yard.

(6) No accessory building shall be used for dwelling purposes other than by domestic employees employed on the premises, as provided in the applicable zoning district.

(7) No accessory building shall be higher than the main building and in no case be in excess of 18 feet in height.

(8) No accessory building shall be erected or placed within five feet of any side or rear lot line and shall not encroach upon any easement.

(b) Front yard adjustments. Front yard requirements as established in appendix 1 (zoning district area regulations) may be adjusted where 40% or more of the frontage on the same side of a street between two intersecting streets is presently developed or may hereafter be developed with buildings that have (with a variation of 10 feet or less), a front yard greater or lesser in depth than herein required; new buildings shall not be erected closer to the street than the average front yard so established by the existing buildings.

(c) Projections of buildings, structures, and appurtenances into required yards.

(1) Open or lattice-enclosed fire escapes may project into a required yard not to exceed five feet. The ordinary projections of a chimney's pilasters shall be permitted by the city's building official when placed so as not to obstruct light and ventilation.

(2) Terraces, balconies, decks, uncovered porches and ornamental features which do not extend more than four feet from the side wall line, above the floor level of the ground (first) story, may project into a required side yard, provided these projections be a distance at least two feet from any adjacent side lot line. Such features may not project onto a required front or rear yard more than eight feet from the front or rear wall line.

(3) An unenclosed porch containing not more than 40 square feet may project into a required front yard for a distance not to exceed five feet.

(4) A carport or canopy may project into a required side yard, provided every part of such carport or canopy is unenclosed except for necessary structural supports, and not less than five feet from any side lot line.

(5) Every part of a required yard shall be open to the sky, unobstructed by a building, except for the ordinary projections of sills, belt courses, cornices, and ornamental features not exceeding twelve inches, or as otherwise excepted in subsections (1) through (4) above. Roof eaves may project in required side yards not to exceed twenty-four inches.

(d) Waiver of strict compliance with masonry requirements. An existing or proposed use that includes or is proposed to include one or more buildings with exterior walls that are normally constructed with materials that are consistent with regionally or nationally recognized commercial brand architectural design may apply in writing to the city council for a full or partial waiver of any masonry requirement that applies to such exterior walls. The city council by ordinance may grant such a full or partial waiver if:

(1) The city council finds that the design will not negatively impact the surrounding properties; and

(2) The request is deemed by the city council to be appropriate and desirable for the overall design and direction of the city and not directly in conflict with the city's comprehensive zoning plan.

(e) Residential architectural standards.

(1) House repetition.

(A) Within residential developments, single-family homes with substantially identical exterior elevations can only repeat every four (4) lots when fronting the same right-of-way including both sides of the street.

(B) Homes side by side or across the street within one house (directly across the street or "caddy corner" across the street) shall not have substantially identical exterior elevations.

(2) Roofs.

(A) Except for porch roofs and shed roofs, pitched roofs shall have a minimum slope of 6" x 12" (six inches vertical rise for every 12 inches horizontal run) and shall have an overhang at least 1' (one foot) beyond the building wall; however, the overhang shall not encroach into a setback more than one foot. Porch roofs and shed roofs must have a minimum pitch of 4" x 12".

(B) Roofing materials in all residential districts may only consist of architectural asphalt shingles (including laminated dimensional shingles), clay and concrete tile, metal shingles, mineral-surfaced row roofing, slate and slate-type shingles, wood shingles, wood shakes or an equivalent or better product as compared with said materials. Should architectural shingles be used as roofing material, said shingles shall be accompanied with a minimum 25-year warranty. Under no circumstance shall three-tab shingles be used as roofing material.

(3) Garages. On front entry garages the face of a garage may not: (i) be extended more than ten feet beyond the remainder of the front elevation of the primary living area of a house; or (ii) be over 60% of the total frontage width of a house except where swing drives ("J" drives) are used. Porches or columns are not considered part of the front elevation of the primary living area.

(4) Building articulation. At least four facade articulation techniques are required on each single-family home to add architectural variety and interest to a building. The following features shall be acceptable techniques of exterior articulation.

(A) A base course or plinth course; banding, moldings, or stringcourses; quoins; oriels; cornices; arches; balconies; brackets; shutters; keystones; dormers; louvers as part of the exterior wall construction. (Quoins and banding shall wrap around the corners of the structure for at least two feet.)

(B) Horizontal banding continuing the length of the wall that faces a street, or other similar highly visible areas.

(C) The use of both stone and brick on the front elevations with a minimum of ten percent coverage of one of the elements.

(D) Front porch of at least 50 square feet.

(E) The installation of at least two (2) coach lights.

(F) Other techniques for building articulation can be substituted if administratively approved by the administrative official.

(5) Fenestration.

(A) Windowless exterior walls, excluding garage doors, that face a public right-of-way or other similar highly visible areas are prohibited. On two-story structures, windows are required on the first and second story facing a public right-of-way.

(B) Windows shall be in harmony with and proportionate to the rest of the structure.

(C) The use of reflective glass on residential structures is prohibited. Reflective glass will be defined as having a visible light reflectance rating of 15% or greater.

(6) Exceptions to the residential architectural standards in this section may be only occur after application and review by the planning and zoning commission and approval by the city council by specific use permit.

(f) Requirements for solid waste collection.

(1) Applicability. This section shall apply to property utilized for nonresidential or multifamily uses and shall not apply to the following:

(A) Community recycling locations as permitted by the city.

(B) Containers for onsite construction debris with a valid permit issued by the City of Van Building Department.

(C) Multifamily and nonresidential developments that comply with both of the following stipulations:

(i) The development is authorized for solid waste collection utilizing 90–96-gallon residential-type carts.

(ii) The development is located within the CBRD (central business redevelopment district) zoning district or the development is within a planned development district that permits, by stipulation, the use of 96-gallon residential-type carts for solid waste collection.

(D) Donation containers.

(E) Declared disasters in the City of Van that create solid waste disposal issues until the disaster status is rescinded.

(F) Containers authorized through a Special Event permit.

(2) Provision of locations for solid waste containers space for solid waste containers, including compactors, must be provided as follows:

(A) Quantity. A minimum of two containers per lot to accommodate both refuse and recycling.

(B) Location. One or more required container locations may be offsite in a permanent easement within 150 feet of the building as determined sufficient through the site plan approval process.

(3) Screening and site design standards.

(A) Screening and placement. Screening and placement for solid waste containers must be consistent with section 36.028 and Landscape ord.

(B) Use. Enclosures for containers must only be used for purposes related to solid waste.

(C) Maintenance. All screening devices must be continually maintained in a state of good repair. Living screens must be maintained in compliance with Landscape ord.

(D) Parking reduction. The number of required parking spaces in section 36.027 may be reduced to accommodate commercial recycling and community recycling containers for sites developed prior to July 1, 2020. Required parking shall not be reduced without submittal and approval of an amended site plan.

(E) Site plan review. Solid waste container locations built to design standards shall be

identified on concept plans and site plans. Solid waste containers shall not be added to existing sites and/or to new site plans approved for future development without submittal and approval of an amended site plan.

Sec. 36.025 Building permits and certificates of occupancy

(a) Building permits required. No building or other structure shall be erected, moved, added to, enclosed, or structurally altered without a permit therefor where applicable, and issued by the administrative official. No building permit shall be issued by the administrative official except in conformity with the provisions of this article, unless he receives a written order from the planning and zoning commission or city council in the form of an administrative review, special exception, or variance as provided by this article.

(b) Application for building permit. All applications for building permits shall be accompanied by plans in triplicate drawn to scale, showing the actual dimensions and shape of the lot to be built upon; the exact sizes and locations on the lot of buildings already existing, if any; and the location and dimensions of the proposed building or alteration. The application shall include such other information as lawfully may be required by the administrative official, including existing or proposed building or alteration; existing or proposed uses of the building and land; the number of families, housekeeping units, or rental units the building is designed to accommodate; conditions existing on the lot; and such other matters as may be necessary to determine conformance with, and provide for the enforcement of, this article. One copy of the plans shall be returned to the applicant by the administrative official, after he shall have marked such copy either as approved or disapproved and attested to same by his signature on such copy. The original and one copy of the plans, similarly marked, shall be retained by the administrative official.

(c) Expiration of building permit. If the work described in any building permit has not begun within six calendar months from the date of issuance thereof, said permit shall expire; it shall be cancelled by the administrative official; and written notice thereof shall be given to the persons affected, together with notice that further work as described in the cancelled permit shall not proceed unless and until a new building permit has been obtained. Failure by the administrative official to provide such written notice shall not have an effect on the expiration of a building permit.

(d) Certificate of occupancy required. It shall be unlawful to use or occupy or permit the use or occupancy of any building or premises, or both, or part thereof hereafter created, erected, changed, converted, or wholly or partly altered or enlarged in its use or structure until a certificate of occupancy shall have been issued therefor by the administrative official stating that the proposed use of the principal building or land conforms to the requirements of this article.

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

(2) A temporary certificate of occupancy may be issued by the administrative official for a period not exceeding six months during alterations or partial occupancy of a building pending its completion, provided that said temporary certificate may include such conditions and safeguards as will protect the safety of the occupants and the public.

(3) The administrative official shall maintain a public record of all certificates of occupancy.

(4) Failure to obtain a certificate of occupancy shall be a violation of this article and punishable under this article.

(e) Construction and use to be as provided in applications, plans, permits, and certificates of occupancy. Building permits or certificates of occupancy issued on the basis of plans and applications approved by the administrative official authorize only the use, arrangement, or construction set forth in such approved plans and applications, and no other use, arrangement, or construction. Use, arrangement, or construction at variance with that authorized shall be deemed a violation of this article,

and punishable as provided by this article.

(f) Certificates of occupancy required for use or change of use.

(1) Certificates of occupancy shall be required for the following:

(A) Occupancy and use of a building hereafter erected or structurally altered;

(B) Change in use of an existing building to a use of a different classification;

(C) Occupancy and use of vacant land, except agricultural use;

(D) Change in the use of land to a different classification;

(E) Any nonconforming use or change in a nonconforming use.

(2) No such use, or change of use, shall take place until a certificate of occupancy therefor shall have been issued by the building official.

(g) Procedure for new or altered buildings. Written application for a certificate of occupancy for a new building or for an existing building which is to be altered shall be made at the same time as the application for the building permit for such building. Said certificate shall be issued with 10 days after a written request for the same has been made to said building official or his agent after the erection or alteration of such building or part thereof has been completed in conformity with the provisions of this article.

(h) Procedure for vacant land or a change in building use. Written application for a certificate of occupancy, or for the change in use of land or a building, or for a change in a nonconforming use to a conforming use, as provided herein, shall be made to the building official. If the proposed use is a nonconforming use, as provided herein, application shall be made to said building official. If the proposed use is in conformity with the provisions of this article, the certificate of occupancy therefor shall be issued within 10 days after the application for same has been made.

(i) Contents. Every certificate of occupancy shall state that the building or the proposed use of a building or land complies with all provisions of the building and fire laws and ordinances. A record of all certificates of occupancy shall be kept on file in the office of the building official or his agent and copies shall be furnished upon request to any person having proprietary or tenancy interest in the building or land affected.

(j) Temporary certificate. Pending the issuance of a regular certificate of occupancy, a temporary certificate of occupancy may be issued by the building official for a period not exceeding six months, during the completion of alterations or during partial occupancy of a building pending its completion. Such temporary certificates shall not be construed as in any way altering the respective rights, duties, or obligations of the owners or of the city relating to the use or occupancy of the premises or any other matter covered by this article.

(k) Certificates of occupancy for nonconforming uses. A certificate of occupancy shall be required for all lawful nonconforming uses of land or buildings created by adoption of this article. The certificate of occupancy shall state specifically wherein the nonconforming use differs from the provisions of this article that would apply to the nonconforming use, but for its status as a nonconforming use. Application for such certificate of occupancy for a nonconforming use shall be filed with the building official by the owner or lessee of the building or land occupied by such nonconforming use within one year of the effective date of this article. If the city does not receive an application for a certificate of occupancy for nonconforming use within said time period, an irrebuttable presumption shall arise that the use in question does not constitute a nonconforming use, but an illegal use.

Sec. 36.026 Specific use permit

(a) General provisions.

(1) (A) As permitted under the provisions of this article, a property owner may petition the city for a specific use of property, as authorized by the zoning district in which the property

is located. Such petition shall be considered by the planning and zoning commission. After proper notice and a public hearing, the planning and zoning commission shall make a recommendation to the city council regarding any application for a specific use permit.

(B) The city council may, after public hearing and recommendation by the planning and zoning commission, and after conducting a public hearing as is required for all amendments to the zoning ordinance, authorize for specific parcels of land the issuance of a specific use permit, in those districts where it is indicated that a specific use permit for a specific type use may be approved.

(2) (A) The designation of a specific use permit as possible in a given district does not constitute an authorization or an assurance that such use will be permitted. Rather, each specific use permit application shall be evaluated as to its probable effect on the adjacent property and the community welfare and may be approved or denied as the findings indicate appropriate with regard to the health, safety and welfare of the general public.

(B) If the use granted by the specific use permit has not been initiated on the parcel within one year from the date of issuance of the specific use permit, the specific use permit automatically terminates and the parcel loses the use permitted by this specific use permit and only those uses permitted by the current base zoning shall be permitted; provided, however, the city council may, after public hearing and recommendation by the planning and zoning commission, and after conducting a public hearing as is required for all amendments of the zoning ordinance, authorize an extension of the time that the specific use permit will continue in force and at the end of that time the specific use permit automatically terminates unless the same procedures as above are complied with and in which case an additional extension may be granted.

(C) Should the use as granted by the specific use permit on the parcel be vacated, the specific use permit shall remain in place for a period of 60 days from date of vacation. At the end of 60 days from date of vacation, the specific use permit shall terminate and may only be extended through the above named procedure. If the permitted use is reinstated within 60 days from date of vacation the specific use permit shall remain in place.

(b) Conditions for approval of specific use permit.

(1) In considering and determining its recommendation to the city council relative to any application for a specific use permit, the planning and zoning commission shall require that the applicant furnish plans and data concerning the operation, location, function and characteristics of any use of land or building proposed.

(2) The planning and zoning commission may recommend to the city council that certain safeguards and conditions concerning setbacks, ingress and egress, off-street parking and loading arrangement, location or construction of buildings and uses and operation be required.

(3) The city council may in the interest of the public welfare and to assure compliance with the intent of this article, require such development standards and operational conditions and safeguards as are indicated to be important to the welfare and protection of adjacent property and the community as a whole.

(4) A site plan setting forth the conditions specified is required of the applicant and such plan when accepted shall be made part of the amending ordinance.

(5) A specific use permit approved under the provisions of this article shall be considered as an amendment to the zoning ordinance as applicable to the property involved. Any of the conditions contained in a specific use permit shall not be construed as conditions precedent to the approval of the zoning amendment, but shall be considered as conditions precedent to the granting of a certificate of occupancy and compliance for the specific use provided for.

(6) In considering and determining its recommendation to the city council relative to any application for a specific use permit for any use involving the sale, serving or distribution of beer,

wine or liquors, the city staff and the planning and zoning commission shall require that the property must be in an already established subdivision or must be platted as part of the development process prior to the granting of the permit. Plans submitted must include:

(A) An exact artist's rendering of the proposed building, which shows initial landscaping, signs, and other important features;

(B) An architect's elevations of the front and sides of the building;

(C) A site plan drawn to scale, showing all parking, landscaped areas, sign locations, ingress and egress and other important features;

(D) An exact description of the type of signing proposed at the site;

(E) A narrative description of the planned activities in the establishment, particularly the projected breakdown of revenues between food sales and liquor sales; and

(F) An interior layout of the building showing proposed walls, bar, eating areas, kitchen, etc.

(7) 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, said amendment to indicate the appropriate zoning district for the approved use and suffixed by an "S" designation.

(8) Every specific use permit granted under these provisions shall be considered as an amendment to the zoning chapter as applicable to such property under consideration so long as all conditions imposed at the time of granting said permit continue to be met and no substantive change in the use of the property occurs. In the event the building, premises, or land use under the specific use permit is voluntarily vacated for a period in excess of 90 days, the use of the same shall thereafter conform to the regulations of the original zoning district of such property unless a new and separate specific use permit is granted for continuation of the same.

(9) In granting a specific use permit, the city council may impose conditions which shall be complied with by the owner or grantee before a certificate of occupancy may be issued by the building inspector for use of the building on such property pursuant to such specific use permit; and such conditions are not precedent to the granting of a specific use permit, but shall be construed as conditions precedent to the granting of the certificate of occupancy.

(10) 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 (or drawings).

(11) A building permit shall be applied for and secured within six months from the time of granting the specific use permit, provided, however, that the city council may authorize an extension of this time upon recommendation by the planning and zoning commission, except in the case of a private street development which shall have no limit regarding the application and securing of a building permit.

(12) No building, premises, or land used under a specific use permit may be enlarged, modified, structurally altered, or otherwise significantly changed unless a separate specific use permit is granted for such enlargement, modification, structural alterations, or change.

(13) The board of adjustment shall not have jurisdiction to hear, review, reverse, or modify any decision, determination, or ruling with respect to the granting, extension, revocation, modification or any other action taken relating to such specific use permit.

(14) All specific use permits issued by the city shall be transferable from one owner or owners of the subject property to a new owner or occupant of the subject property.

(15) The cost of the application for a specific use permit will be as set forth in the fee schedule

in Appendix A of this code and such fee will be nonrefundable, even if the case is withdrawn by the applicant.

Sec. 36.027 Parking space regulations

(a) Automobile parking space regulations. Whenever any ordinance, regulation, or plan enacted or adopted by the city council is for the purpose of providing off-street automobile parking spaces or of establishing requirements that such spaces be provided within any section or sections of the city, then such plan or requirements shall govern within such sections. Otherwise, off-street automobile parking spaces shall be provided as follows, applicable to buildings hereafter erected and uses hereafter established, to such nonconforming uses as may be required to conform to the regulations hereof, and to extensions and enlargements of buildings and uses.

(1) Except as otherwise provided in this section, off-street parking spaces shall be provided as follows:

Land Use	Minimum	Additional Provisions
Residential Uses		
Dwellings, single-family	2 per dwelling unit	
Dwellings, duplex	2 per dwelling unit	2 must be covered.
Dwellings, multifamily	2 per dwelling unit	75% of required parking must be covered, plus 0.25 per dwelling unit for visitor parking and evenly dispersed.
Commercial uses		
Amusement facilities	10 per 1000 sf GFA	
Assisted living facilities	1 per 2 beds	
Automotive repair and service	4 per 1000 sf GFA	Service bays not to count toward required parking.
Automotive rental and sales	4 per 1000 sf GFA	Does not include parking spaces for vehicles for rent or sale.
Banks and financial services	3.5 per 1000 sf GFA	See section 36.022(n) drive throughs
Bars and pubs; brewpubs, private clubs, and tasting rooms	10 per 1000 sf GFA	
Brewery, distillery, winery	2 per 1,000 sf GFA	See tasting room for areas where customers drink or sample the

		products.
Car washes	5 per 1000 sf GFA	Wash bays do not count toward required parking, 3 stack spaces per service/automatic bay for car washes.
Clinics and doctor's offices	5 per 1000 sf GFA	
Contractor yards and lumber yards	1 per 5000 sf of sales lot area	Minimum of 10 spaces.
Day-care centers	1 per 5 pupils	Plus 5 stacking spaces per pickup lane, minimum of 5 spaces total.
Dry cleaners	4 per 1000 sf GFA	See section 36.022(n) drive throughs
Gas stations and convenience stores	5 per 1000 sf GFA	Space at pumps does not count toward parking requirement, must provide adequate space for vehicle stacking and maneuvering. The zoning administrator will make a determination on questions of applicability. The zoning administrator is authorized to make such determination in accordance with section 36.003(b) of this article.
Gyms, spas, studios; health clubs	8 per 1000 sf GFA	See below: Swimming pool/deck
Hotel, motels	1.25 per room	Plus 1 parking space for every 200 square feet of restaurant, retail, conference, or office area.
Hospitals	1.5 per room	
Meeting halls	1 per each 3 seats in the main assembly hall	If no fixed seating is proposed, 1 parking space per every 50 sf GFA in the main assembly hall. Or, 1 per 2 seats in main assembly hall, whichever is greater.
Mortuaries	5 per 1000 sf GFA	
Offices	3 per 1000 sf GFA	
Outdoor markets	5 per 1000 sf of sales lot	

DRAFT

	area	
Plant nurseries	4 per 1000 sf GFA	Plus 1 per each 5,000 square feet of exterior sales lot area.
Personal services	4 per 1000 sf GFA	
Retailers	4 per 1000 sf GFA	
Restaurants	10 per 1000 sf GFA; parking may be reduced during site plan review to no less than 3 per 1,000 sf GFA by the planning & zoning commission for drive through service	See section 36.022(n) drive throughs
Self-service warehouse	1 per 20 storage cubicles	Plus 1 per 1000 sf GFA of office and 2 per living quarters.
Theaters and auditoriums	1 per each 3 seats in the main assembly hall	If no fixed seating is proposed, 1 parking space per every 50 sf GFA.
Industrial uses		
Manufacturing	2 per 1000 sf GFA	Minimum of 10 spaces.
Salvage yards	1 per 5000 sf of lot area	Minimum of 10 spaces.
Recycling centers	0.5 per 1000 sf of GFA	1 per 5000 sf of outdoor storage, minimum of 10 spaces.
Warehouses	0.5 per 1000 sf of GFA	1 per 5000 sf of outdoor storage, minimum of 10 spaces.
Institutional uses		
Churches, mosques, and temples	1 per each 3 seats in the main assembly hall	If no fixed seating is proposed, 1 parking space per every 50 sf GFA in the main assembly hall.
Colleges and universities	1 per 2 students	Plus 1 per each classroom, laboratory, or instruction area.
Elementary and middle schools	2.5 per classroom	Plus adequate stacking for buses and student drop-off and pickup, and 1 space per 4 seats capacity of largest assembly hall. The zoning administrator will make a

DRAFT

		determination on questions of applicability. The zoning administrator is authorized to make such determination in accordance with section 36.003(b) of this article.
Fraternal buildings	1 per each 3 seats in the main assembly hall	If no fixed seating is proposed, 1 parking space per every 50 sf GFA in the main assembly hall.
Government buildings	3 per 1000 sf GFA	Does not include necessary spaces for fleet vehicles.
High schools	8 per classroom	Plus adequate stacking for buses and student drop-off and pickup and 1 space per 4 seats capacity of largest assembly hall. The zoning administrator will make a determination on questions of applicability. The zoning administrator is authorized to make such determination in accordance with section 36.003(b) of this article.
Libraries	4 per 1000 sf GFA	
Utility providers	3 per 1000 sf GFA	Minimum of 5 spaces.
Recreational uses		
Driving ranges and shooting ranges	2 per lane	Plus separate requirements for retail parking, office parking, country club parking, and other uses as applicable. The zoning administrator will make a determination on questions of applicability. The zoning administrator is authorized to make such determination in accordance with section 36.003(b) of this article.
Golf courses	4 per hole	Plus separate requirements for retail parking, office parking, country club parking, and other uses as applicable. The zoning administrator will make a determination on questions of applicability. the zoning administrator is authorized to make such determination in accordance with section 36.003(b) of this article.

DRAFT

Parks	Per parks board determination	
Swimming pools	10 per 1000 sf of gross water surface and deck area	
Unlisted uses	The zoning administrator will make a determination on the required number of spaces for an unlisted use based upon demonstrated need, industry standards, and a parking ratio that will not result in a deficiency.	

The required yard setbacks for any building shall not be included in calculating the minimum space requirements for off-street parking.

(2) Where a building or a site contains two or more uses, the off-street parking requirement shall be computed as the sum of the required off-street parking spaces for each individual use.

(3) Each business, commercial, manufacturing or industrial use having deliveries made by truck more than once a day between the hours of 8:00 a.m. and 6:00 p.m., or where the time of loading and unloading materials or goods exceeds 10 minutes between those hours, shall provide off-street truck loading space on the lot, such space to be not less than 35 feet in length, 12 feet in width, and 15 feet in height.

(4) For the purpose of this subsection, one parking stall shall be not less than 180 square feet in area, together with whatever area is required for means of ingress and egress thereto, except that in the case where attendants perform the act of parking in defined and adequate stalls then each such stall shall be considered a parking stall as required herein.

(5) A driveway for access to any single parking space or to a parking lot shall be not less than 11 feet in width, nor more than 30 feet in width, at the property line along the street and shall be so located as to minimize traffic hazard and congestion.

(6) All required parking stalls shall be located on the premises to which such requirement applies or within an off-street space distance not more than 500 feet from such premises, provided that such stalls as are required for employees and proprietors of any premises may be located within an off-street space distance not more than 1,000 feet from such premises except as otherwise provided in this subsection or other sections of this article.

(7) Provision of parking stalls, shared jointly by several persons in the same block or in the same vicinity is permissible, in which case the number of stalls required shall be the sum total of the individual requirements, provided that where it is found by the city council, upon application thereto, that the parking demand generated by the different uses included in any joint arrangement to provide parking stalls required herein occurs at distinctly different times, as in the case of a theater generating demand for parking during such daytime hours, and in similar cases, the council may reduce the total of number of parking stalls to be jointly provided.

(8) All parking spaces required for any use and provided in compliance with the provisions of this subsection on the same lot or plot as that occupied by such use, shall be considered to be required spaces for the use or uses to which appurtenant and shall not be reduced or encroached upon in any manner.

(9) The surface of parking stalls and aisles, truck standing spaces, and access driveways therefor shall be treated, prepared and maintained for adequate drainage and the elimination of dust, dirt, and mud, according to city specifications.

(10) In a case where existing off-street parking facilities have unused parking capacity and

where such facilities are open to the use of the public free of charge or at reasonable rates, the board may reduce the parking space requirements for any use distance not more than 800 feet from such facility or facilities, provided that the total number of stalls in such reduction shall be not greater than the total number of stalls of unused capacity.

(11) In a case where any public or private off-street parking facility, to be open to the use of the public free of charge or at a reasonable rates, is planned or is in process of development and where the council has reasonable assurance that such development will be carried to completion and will when completed relieve the parking demand in an area within 500 feet thereof in some measure or in full measure, the board may establish a reasonable time period within which any use or uses within such area shall provide required space for parking stalls. Upon completion of all or a portion of such development, the provision of the paragraph above, may be applied by the council.

(12) In a case where the customary mode of transportation of a majority of the patrons, employees, and proprietors of any use, to and from the area in which such use is located, is other than by private automobile, the council may reduce, by not to exceed 50%, the space required for parking stalls for such use.

(13) In a case where it is clearly shown by the applicant to the satisfaction of the council that the provision of the amount of space required herein for parking stalls, due to the particular nature of the proposed use or other condition, would be an unnecessary hardship, the council may reduce such requirement.

(14) In determining the required number of parking spaces, fractional spaces shall be counted to the nearest whole space.

(b) Residential off-street parking.

(1) Purpose. It is recognized that uncontrolled residential off-street parking, specifically in residential front yards, is a public nuisance. The purpose of this subsection is to provide for the regulation of residential off-street parking and to specify the requirements for residential off-street parking as they pertain to the appearance and the health, safety, and welfare of the city.

(2) Definitions and restrictions. It shall be illegal for any person to park or to allow to be parked on any property under his control any automobile, bus, truck, motorcycle, motor home, camper, trailer, boat or any vehicle on any portion of a front yard or side yard of any area which is zoned R-1 under this article unless:

(A) Said area is a part of a hard-surfaced driveway or parking area;

(B) Said area is a part of a gravel driveway bordered by cement curbing or similar permanent border;

(C) Said area is a part of a required driveway that provides access to a garage, carport or off-street parking area required by this article;

(D) Said area is part of a side yard which is enclosed by a screening fence at least six feet in height and so constructed that no person can see through into the area surrounded by the fence;

(E) The term “vehicle” as used herein shall mean every device in, upon, or by which any person or property is or may be transported or drawn upon a street or highway, except devices moved exclusively by human power. The term “hard-surfaced” as used herein shall include cement, asphalt, brick and other commonly accepted pavement which may be approved by the building official;

(F) A single-width driveway running from the street access to a garage or other parking area shall not utilize more than 15% of any residential front yard, except for front yards with a front footage width of less than 70 feet, in which case the maximum width for a single driveway shall be 11 feet;

(G) A double-width driveway running from the street access to a garage or other parking area shall not utilize more than 27% of any residential front yard; provided, that the maximum width of a driveway shall not exceed 24 feet in any case and shall not exceed 18 feet for front yards with a front footage width of less than 70 feet;

(H) A triple-width driveway running from the street to a garage or other parking area shall not utilize more than 33% of any residential front yard; provided, that the maximum width of a driveway shall not exceed 30 feet in any case, and shall not be permitted for front yards with a front footage width of less than 80 feet;

(I) A drive apron means the connection between a driveway and the traveled portion of a street, in the public right-of-way, including any sidewalk area abutting thereon; or

(J) Circular driveways used for turnarounds or through traffic shall not utilize more than 30% of any residential front yards or corner side yards, with a front footage of less than 80 feet.

(c) Parking, storage or use of major recreational equipment and vehicles.

(1) No major recreational equipment shall be parked or stored on any lot in a residential district except in a carport or enclosed building, on a driveway, or in a required side or rear yard; provided, however, that such equipment may be parked anywhere on a residential premises not to exceed 24 hours during loading or unloading.

(2) No such equipment shall be used for living, sleeping, or housekeeping purposes when parked or stored on a residential lot, except for the temporary housing of guests not to exceed two consecutive weeks.

(3) For purposes of these regulations, major recreational equipment is defined as including boats and boat trailers, travel trailers, pickup campers, or coaches (designed to be mounted on automotive vehicles), motorized dwellings, tent trailers, and the like, and cases or boxes used for transporting recreational equipment, whether occupied by such equipment or not.

Sec. 36.028 Nonconforming uses

(a) Defined. A nonconforming use means the specific purpose or purposes for which land, a building, or a structure was:

(1) On the effective date of the ordinance(s) from which this article is derived, being lawfully operated or occupied in accordance with the provisions of said ordinance(s); or

(2) On or after the effective date of this article, being lawfully operated or occupied in accordance with this article but which purpose(s), by sole reason of amendment to this article, or other governmental action, is not permitted in the applicable district.

(b) Protections, regulations and restrictions.

(1) A nonconforming use existing at the date of enactment of this article, although such use does not conform to the provisions hereof, may be continued, but if the nonconforming use is discontinued for a period of 12 consecutive calendar months it shall not thereafter be resumed and any future use of such building or land shall occur solely in conformity with the applicable provisions of this article. The use of land, if changed from a nonconforming use, shall be in conformity with the provisions hereof.

(2) To avoid undue hardship, nothing in this article shall be deemed to require a change in the plans, construction, or designated use of any building on which actual construction was lawfully begun prior to the effective date of adoption or amendment of this article and upon which actual building construction has been carried on diligently, without undue interruption. Actual construction is hereby defined to include the placing of construction materials in permanent position and fastened in a permanent manner. Where excavation or demolition or removal of an existing building has been substantially begun preparatory to rebuilding, such excavation or

demolition or removal shall be deemed to be actual construction, provided that work shall be carried on diligently, without undue interruption.

(3) Nonconforming uses are hereby declared to be incompatible with permitted uses in the districts in which they are located. A nonconforming use of a building or structure, a nonconforming use of land, or a nonconforming use of buildings and land in combination shall not be extended or enlarged after passage of this article by attachment on a building or premises of additional signs intended to be seen from off the premises, or by the addition of other uses, of a nature which would be prohibited generally in the district involved. A nonconforming use of a building or land shall not be extended unless changed to a conforming use.

(4) The total structure repairs or alterations in a building or structure that forms all or part of a nonconforming use shall not, during its life exceed 50% of the assessed value of the building unless changed to a conforming use.

(5) Whenever a nonconforming use involving a building or structure is changed to a use of a more restricted classification, such use shall not thereafter be changed to a use of a less restricted classification.

(c) Certificates of occupancy for nonconforming uses. A certificate of occupancy shall be required for all lawful nonconforming uses in accordance with section 36.024(k) of this article.

Sec. 36.029 Screening device requirements

(a) Description of required screening devices.

(1) A screening device required under this article must meet the following minimum requirements and be measured from the average grade of the property:

(A) Minimum height of screening device:

(i) Garbage, trash or refuse container screening: 7' 0".

(ii) Screening of outdoor storage: 8' 0".

(iii) Multifamily and industrial districts: 8' 0".

(iv) All other required screening: 6' 0".

(v) Where a screening device is constructed, placed or planted on uneven terrain there shall be no gap under the device, and the device must be composed of the same material throughout.

(B) Maximum height of screening device excluding barbed wire strands:

(i) Screening of outdoor storage: 8' 0".

(ii) Industrial districts and industrial “PD” districts: 8' 0".

(iii) All other districts: 8' 0".

(C) Materials options for nonresidential areas:

(i) Brick masonry, stone masonry, or other architectural masonry finish. (No thin-wall masonry allowed; “thin wall” is defined as any wall 6" or less in width);

(ii) Tubular steel (primed and painted) or wrought iron fence with masonry columns spaced a maximum of 20' on center with structural supports spaced every 10', and with sufficient evergreen landscaping to create a screening effect;

(iii) Living plant screen (only upon approval by the planning and zoning commission through the site plan process); or

(iv) Alternate equivalent screening (only upon approval by the planning and zoning commission through the site plan process).

(2) All required screening devices must be equally finished on both sides.

(3) All openings in the surface for passage must be equipped with gates equal in height and screening characteristics specified above, but need not be of the same material as the main fence or wall.

(4) If a living plant screen is approved by the planning and zoning commission, the plant materials must be a minimum of three feet at time of planting.

(5) Prior to the issuance of an occupancy permit, all approved screening devices must be in place.

(6) All screening devices must be permanently and continually maintained in a neat and orderly manner as a condition of use. The occupancy permit may be revoked by the chief building official for failure to adequately maintain such screening device.

(b) Applicability.

(1) Screening devices must be placed and maintained in the following locations:

(A) Along any property line or district boundary between any single-family detached or attached or any two-family use and any multiple-family, mobile home park, or nonresidential use, but not across a dividing street between such uses. An alley shall not be considered a dividing street for purposes of this section. The more intensive use shall have the responsibility for providing and maintaining the screening device.

(B) Along any property line or district boundary between any multiple-family use and any nonresidential use, but not across a dividing street between such uses. An alley shall not be considered a dividing street for purposes of this section. The more intensive use shall have the responsibility for providing and maintaining the screening device.

(2) All allowed open storage of materials, equipment, or commodities shall be screened from view from all streets. Materials, equipment, or commodities shall be stacked no higher than one foot below the top of the screening device or visual barrier.

(3) Garbage, trash, or refuse containers shall be screened on all sides. Screening materials shall be masonry and the same color as the exterior walls of the main structure. A solid metal gate shall be provided. Garbage, trash, or refuse containers shall not be located in front of the main building unless no other option is available. Gates shall be kept closed except when in use for access.

(4) All wrecking yards, junkyards, or salvage yards shall be fenced on all sides and shall be screened from view from the public right-of-way and from adjacent residential property.

(5) Display of new vehicles, or used vehicles not defined as junked vehicles under the ordinances of the city or laws of the State of Texas need not be screened if they are, in the opinion of the chief building official, maintained in a neat and orderly manner.

(6) Landscaping standards for parking lots shall also apply to vehicle display lots, except that minimum screening height for vehicle display lots shall be one and one-half feet (1-1/2').

(7) Mechanical and heating and air conditioning equipment in nonresidential and multifamily uses shall be screened from view from the public right-of-way and from adjacent residential property.

(8) At motor vehicle service or repair facilities, vehicles awaiting repair for more than 24 hours or after the close of business shall be screened from view from public right-of-way and from adjacent residential property.

(9) Service bays in any business/commercial PD (planned development) shall be oriented away from the street frontage.

(c) Screening elements and fences. In order to provide maximum safety to pedestrians and motorists at intersections and at ingress and egress points from public streets, highways, and alleys to private

property; to conserve and protect the value of adjacent land and buildings; to protect aesthetic views and vistas; to secure hazardous areas from unauthorized entry; to contain livestock and other agricultural activities; and to screen and protect permitted outside materials storage areas, the following regulations are prescribed for the location, type, and height of regulated required and non-required screening elements and fences. The terms “screening element” and “fence” as used herein are defined in section 36.004.

(1) Solid fences shall not be allowed in the required front yard in any district.

(2) No fence shall exceed three feet height in the required front yard in any district.

(3) No fence shall be allowed in the required right-of-way.

(4) Fences shall be constructed and be consistent with buildings and fences in the area.

(5) In residential areas, barbed wire, razor wire, electrified fencing or other hazardous material shall not be allowed in the construction of fencing.

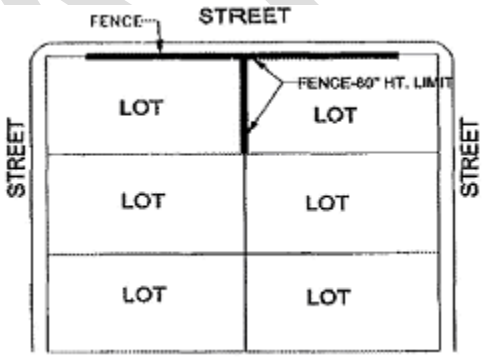
(6) No fence constructed in such a manner that it may conduct electrical current may be allowed in any but an agricultural zoning district.

(7) In no event shall barbed wire be permitted, except on arms in industrial zoning districts.

(8) Corner lots.

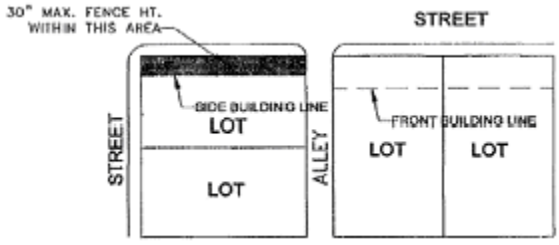
(A) On all corner lots in residential districts which have opposing rear lot lines, fences may be constructed not to exceed 80 inches in height along the side and rear yard lines, as indicated in figure 1 below and made a part of this section.

FIGURE 1



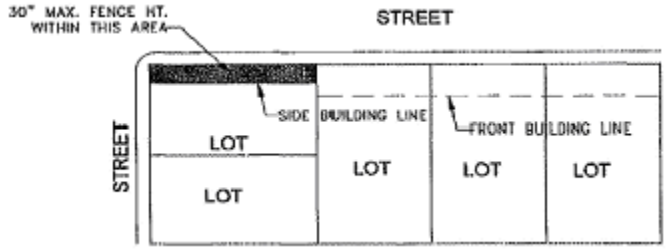
(B) On all corner lots in residential districts where the rear lot line is opposed to a side lot line across an alley from such side lot line, no fence exceeding 30 inches in height shall be constructed upon or within the side yard which is next to the street at a distance from the side building line greater than the minimum side yard requirement, as indicated in figure 2 below hereto and made a part of this section.

FIGURE 2



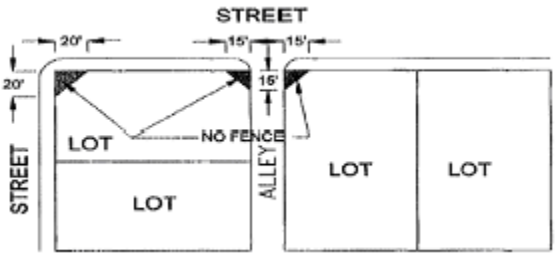
(C) On all corner lots in residential districts where the rear lot line is opposed to a side lot line of an adjoining lot, no fence exceeding 30 inches in height shall be constructed between the side of the building line and the side yard line which is next to the street, as indicated in figure 3 below and made a part of this section.

FIGURE 3



(D) No fence shall be constructed in the triangle formed by measuring 20 feet back from the intersection of two streets or 15 feet back from the intersection of a street and an alley as illustrated in figure 4 below and made a part of this section.

FIGURE 4



(E) On a corner lot in any district, nothing shall be erected, placed, planted, or allowed to grow in such a manner as to materially impede the vision or in any way create a traffic hazard to motorists entering or exiting any public highway, street, alley or private street or driveway from or to adjacent private property.

(F) On an interior lot in any district, nothing shall be erected, placed, planted, or allowed to grow in such a manner as to materially impede the vision or in any way create a traffic hazard to motorists entering or exiting any public highway, street, alley, or private street or driveway from or to adjacent private property.

(9) Every fenced enclosure constructed under the provisions of this section shall have at least one gate in its perimeter.

(10) All fences constructed under the provisions of this section shall be maintained so as to comply with the requirements of this section at all times. The director of development services, building official, or code official may order the repair or removal of a fence if it is more than 5% damaged or leaning 10 degrees from vertical. Fences shall be repaired in compliance with the provisions of this section.

(11) No fence, plant, building or other structure shall be located or illuminated in such a manner as to obscure or otherwise interfere with the effectiveness of an official traffic sign, signal or device or so as to obstruct or interfere with the sight lines for traffic of a driver of any approaching, emerging or intersecting traffic or so as to prevent any traveler on any street in use by the public from obtaining a clear view of approaching vehicles for a distance of 150 feet along a street in use by the public.

(12) A masonry wall having a minimum height of six feet above the average grade of the residential property shall be constructed on nonresidential property adjacent to the common side or rear property line.

(13) No fence in a residential district shall exceed eight feet in height, measured from the adjacent grade line.

(14) Residential districts - General.

(A) Screening elements and fences shall be restricted to a maximum height of eight feet, measured from the adjacent grade line, except as otherwise allowed.

(B) Nonresidential uses in a residential district shall be suitably screened from view, to a height not less than six feet of any adjacent residential lot or dwelling use along the side and rear property lines of such nonresidential use. Said screening requirements shall not be mandatory for public schools, parks or churches, except where a parking lot or active outdoor intensive use area (such as a playground) is adjacent to a residential lot or dwelling. Off-street loading areas of any nonresidential use shall be screened from view of any residential dwelling or lot or of any other adjacent public or semi-public land use.

(C) Where a multifamily use abuts a one- or two-family district, the side and rear property lines of said multifamily [use] or district shall be suitably screened from view, to a height not less than eight feet of any adjacent dissimilar residential dwelling or lot.

(D) Garbage, refuse, and trash collection/storage areas in any multifamily development or other nonresidential use permitted in a residential district shall be enclosed on at least three sides, by a dense screening element to adequately screen such area from view of the surrounding area.

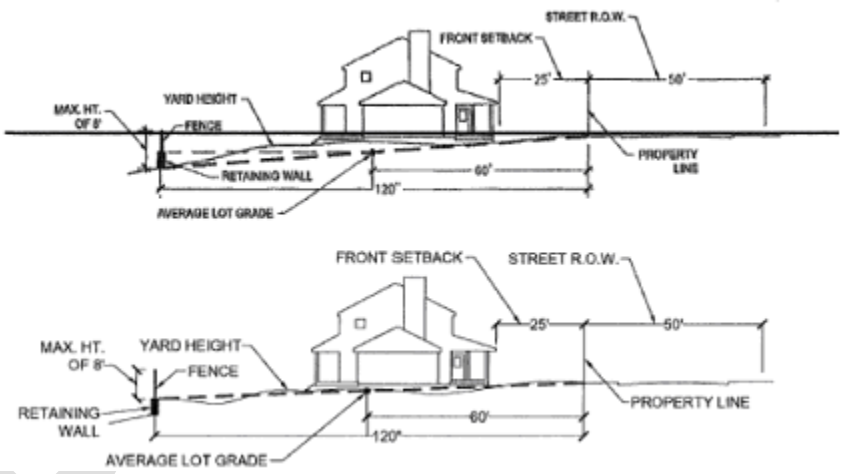
(E) No screening element or fence shall be erected, placed, or planted beyond the front building line of any permitted building in a residential district, either on a corner lot or interior lot, unless otherwise allowed by the city council.

(F) No screening element comprised of brick, masonry, concrete, or solid metal shall be erected or placed which would interfere with the installation or maintenance of any public utility line, service, or drainage way, within the easements reserved therefor.

(G) Residential fencing requirements:

(i) Minimum fence height of 6' from average lot grade with a maximum height of 8'.

FIGURE 5



(ii) Materials. Treated lumber attached with galvanized screws to 2-3/8" diameter galvanized poles installed in an 8" diameter holes no less than 2-1/2 feet deep in 2' of premixed concrete. All posts shall have caps. Brick, stone, masonry, vinyl materials or a combination with columns every 8'. Vinyl materials cannot be used in multifamily areas. No thin-wall masonry walls are allowed unless constructed with brick, stone or other approved masonry units and supported by angle iron with masonry columns on piers. All thin-wall plans shall be sealed by a professional engineer and approved by the city. “Thin wall” is defined as any wall 6" or less in width.

(15) Nonresidential districts - General.

(A) Where a nonresidential use abuts a residential lot, use or district, the side and rear property lines abutting said residential lot, use, or district shall be suitably screened by the nonresidential use so as to obscure the view from the residential lot, use or district to the nonresidential use to a height not less than six feet.

(B) Where a district boundary separating a residential district from a nonresidential district is along a street or alley, and an automobile parking lot or parking area is located in the front yard of the nonresidential use, then said parking lot or parking area facing the residential lot, use, or district shall be suitably screened to a height of not less than three and one-half feet.

(C) Where garbage, refuse, and trash collection/storage is permitted and the screening thereof is required, then such screening shall be provided around the exposed perimeter thereof of not less than seven feet in height.

(D) In all districts where open storage is permitted and the screening thereof is required, then such screening shall be provided around the exposed perimeter thereof of not less than eight feet in height.

(E) Off-street loading areas shall be adequately screened from view of any residential dwelling or of any other adjacent residential land use.

(F) No screening element comprised of brick, masonry, concrete, or solid metal shall be erected or placed which would interfere with the installation or maintenance of any public utility line, service, or drainage way, within the easements reserved therefor.

(G) All required screening elements shall be permanently and adequately maintained by the nonresidential property owner.

(16) Barbed wire fences.

(A) Barbed wire fences used in conjunction with permitted agricultural and related activities are permitted without restrictions, but are expressly prohibited in all other districts except as provided below.

(B) Barbed wire strands may be placed on top of permitted fences and screening elements in any district for the purpose of security from theft, entry, and hazard around public utility substations and uses of a similar nature, provided the top strand is not higher than 12 [feet] nor the bottom strand lower than eight [feet] from the adjacent grade line.

(17) Variances. A variance from the regulations in this article may be recommended by the planning and zoning commission to the city council for final approval only if:

(A) Unique circumstances exist on the property that make application of specific items in this article unduly burdensome on the applicant;

(B) The variance will have no adverse impact on current or future development;

(C) The variance is in keeping with the spirit of the zoning regulations, and will have a minimal impact, if any, on the surrounding land uses;

(D) The variance will have no adverse impact on the public health, safety, and general welfare; and

(E) A financial hardship shall not be considered a basis for the granting of a variance.

Sec. 36.030 Outdoor lighting code

(a) Intent. It is the intent of this section to define practical and effective measures by which the obtrusive aspects of excessive and/or careless outdoor light usage can be minimized, while preserving safety, security, and the nighttime use and enjoyment of property. These measures will curtail the degradation of the nighttime visual environment by encouraging lighting practices that direct appropriate amounts of light where and when it is needed, increasing the use of energy efficient sources, and decreasing the wastage of light and glare resulting from overlighting and poorly shielded or inappropriately directed lighting fixtures.

(b) Compliance. All outdoor luminaires devices shall be installed in conformance with the provisions

of this section, the building code, the electrical code, and the sign code of the city as applicable and under appropriate permit and inspection.

(c) New buildings and additions to existing facilities. For all proposed new construction or additions to existing facilities, all new outdoor lighting fixtures shall meet the requirements of this section.

(d) Additions. Additions, as defined herein, shall require the submission of a complete inventory and site plan detailing any proposed new outdoor lighting. New lighting on the site shall meet the requirements of this section with regard to shielding and lamp type.

(e) Roadways. Lighting for public and private roadways shall utilize only full cutoff light fixtures or cutoff light fixtures.

(f) Definitions. Unless otherwise expressly stated, the following words and terms shall, for the purposes of this section, have the meanings shown below:

Average maintained horizontal illuminance means the density of light flux in an outdoor area or areas calculated:

(1) On a horizontal plane at ground level;

(2) As an average flux density over the surface of the outdoor area or areas; and

(3) Applying a light loss factor calculated by methods prescribed by the lighting handbook of the Illuminating Engineering Society or any successor publication; with calculations made by, or on the basis of lighting plans other information provided by, manufacturers or suppliers of outdoor light fixtures and made in a manner consistent with the lighting handbook of the Illuminating Engineering Society or any successor publication.

Class 1 lighting means all outdoor lighting used for, but not limited to, outdoor sales or eating areas, assembly or repair areas, advertising and other signs, recreational facilities and other similar applications where color rendition is important to preserve the effectiveness of the activity. Recognized class 1 uses are: outdoor eating and retail food or beverage service areas; outdoor maintenance areas; display lots; assembly areas such as concert or theater amphitheaters.

Class 2 lighting means all outdoor lighting used for, but not limited to, illumination for walkways, roadways, equipment yards, parking lots and outdoor security where general illumination for safety or security of the grounds is the primary concern.

Class 3 lighting means any outdoor lighting used for decorative effects including, but not limited to, architectural illumination, flag and monument lighting, and illumination of trees, bushes, etc.

Cutoff light fixture means a luminaire light distribution where no more than 25 candela per 1,000 lamp lumens is emitted above the horizontal.

Development project means any residential, commercial, industrial or mixed use subdivision plan or development plan.

Directly visible means allowing a direct line-of-sight to the light source or lamp.

Director means the director of development services, building official or designee.

Display lot means outdoor areas where active nighttime sales activity occurs and where accurate color perception of merchandise by customers is required. A display lot shall entail one of the following specific uses: automobile sales, boat sales, tractor sales, building supply sales, gardening or nursery sales, assembly lots, swap meets. Additional uses may be designated as a display lot as determined by the director.

Flood lamp means a specific form of lamp designed to direct its output in a specific direction (a beam) with a reflector formed from the glass envelope of the lamp itself, and with a diffusing glass envelope.

Footcandle means one lumen per square foot. Unit of illuminance. It is the luminous flux per unit area in the Imperial system. One footcandle equals approximately 10 (10.76) lux.

Full cutoff light fixture means a luminaire with light distribution such that no light is emitted above the

horizontal.

Glare means the sensation produced by a bright source within the visual field that is sufficiently brighter than the level to which the eyes are adapted to cause annoyance, discomfort, or loss in visual performance and visibility; blinding light. The magnitude of glare depends on such factors as the size, position, brightness of the source, and on the brightness level to which the eyes are adapted.

Illuminance means the amount of light falling onto a unit area of surface (luminous flux per unit area), measured in lumens per square meter (lux) or lumens per square foot (footcandles).

Installed means the attachment, or assembly fixed in place, connected to a power source, of any outdoor light fixture.

Light trespass means light falling where it is not wanted or needed, typically across property boundaries.

Lighting zones. The four lighting zones are based on the zoning districts or overlays established by the zoning ordinance. Guidelines used to guide the delineation of the lighting zones are:

(1) Lighting Zone E1. This zone shall include all zoning districts containing “greenbelts and natural areas.”

(2) Lighting Zone E2. This zone shall include all single-family and duplex residential zoning districts.

(3) Lighting Zone E3. This zone shall include all residential zoning districts not included in Lighting Zone E2.

(4) Lighting Zone E4. This zone shall include all nonresidential zoning districts.

In Planned Development Districts the lighting zone that pertains shall reflect the primary use in the area, unless otherwise prescribed in the ordinance establishing the planned development. In mixed use districts the lighting zone that pertains shall reflect the use requiring the most restrictive lighting regulations, unless otherwise prescribed in the ordinance establishing the planned development.

Lumen means a unit of luminous flux; used to measure the amount of light emitted by lamps.

Luminaire means the complete lighting assembly (including the lamp, housing, reflectors, lenses and shields), less the support assembly (pole or mounting bracket); a light fixture. For purposes of determining total light output from a luminaire or light fixture (see under this section, “Outdoor light output, total”), lighting assemblies which include multiple unshielded or partially shielded lamps on a single pole or standard shall be considered as a single unit.

Luminous tube means a glass tube filled with a gas or gas mixture (including neon, argon, mercury or other gases), usually of small diameter (10-15 millimeter), caused to emit light by the passage of an electric current, and commonly bent into various forms for use as decoration or signs. A neon tube does not include common fluorescent tubes.

Lux means a unit of illuminance equal to one lumen per square meter. One lux equals approximately 0.1 (0.093) footcandles.

Multi-class lighting means any outdoor lighting used for more than one purpose, such as security and decoration, such that its use falls under the definition of two or more classes as defined for class 1, 2 and 3 lighting.

Net acreage means the total area of the development project. For parcels including those special uses listed in sections 18.18.150, 18.18.160, 18.18.170 and 18.18.180 [subsections (l)(1), (2), (3) and (4)] that are exempted from the lumens-per-acre caps of section 18.18.080 [subsection (h)] (recreational facilities and outdoor display lots), the area devoted to the special use shall also be excluded from the net acreage.

Opaque means that a material does not transmit light from an internal illumination source. Applied to sign backgrounds, means that the area surrounding any letters or symbols on the sign either is not lighted from within, or allows no light from an internal source to shine through it.

Outdoor light fixture means an outdoor illuminating device, outdoor lighting or reflective surface, luminous

tube, lamp or similar device, permanently installed or portable, used for illumination, decoration, or advertisement. Such devices shall include, but are not limited to lights used for:

(1) Parking lot lighting;

(2) Roadway lighting;

(3) Buildings and structures;

(4) Recreational areas;

(5) Landscape lighting;

(6) Billboards and other signs (advertising or other);

(7) Product display area lighting;

(8) Building or structure decoration; and

(9) Building overhangs and open canopies.

Outdoor light output, total means the initial total amount of light, measured in lumens, from all lamps used in outdoor light fixtures. The term includes all lights and luminous tubing used for class 1, class 2, class 3 and multi-class lighting, and lights used for external illumination of signs, but does not include lights used to illuminate internally illuminated signs or luminous tubing used in neon signs. For lamp types that vary in their output as they age (such as high pressure sodium, fluorescent and metal halide), the initial lamp output, as defined by the manufacturer, is the value to be considered. For determining compliance, total outdoor light output standards, the light emitted from lamps in outdoor light fixtures is to be included in the total output as follows:

(1) Outdoor light fixtures installed on poles (such as parking lot luminaires) and light fixtures installed on the sides of buildings or other structures, when not shielded from above by the structure itself as defined in subsections (2), (3) and (4) of this definition, are to be included in the total outdoor light output by simply adding the initial lumen outputs of the lamps;

(2) Outdoor light fixtures installed under canopies, buildings (including parking garage decks), overhangs or roof eaves where all parts of the lamp or luminaire are located at least five feet but less than 10 feet from the nearest edge of the canopy or overhang are to be included in the total outdoor light output as though they produced only one-quarter of the lamp's rated initial lumen output;

(3) Outdoor light fixtures installed under canopies, buildings (including parking garage decks), overhangs or roof eaves where all parts of the lamp or luminaire are located at least 10 feet but less than 30 feet from the nearest edge of the canopy or overhang are to be included in the total outdoor light output as though they produced only one-tenth of the lamp's rated initial lumen output; and

(4) Outdoor light fixtures installed under canopies, buildings (including parking garage decks), overhangs or roof eaves where all parts of the lamp or luminaire are located 30 or more feet from the nearest edge of the canopy or overhang are not to be included in the total outdoor light output. Such lamps must however conform to the lamp source and shielding requirements of subsection (g) of this section.

Outdoor recreation facility means an area designed for active recreation, whether publicly or privately owned, including, but not limited to, baseball diamonds, soccer and football fields, golf courses, tennis courts, and swimming pools.

Person means any individual, tenant, lessee, owner, or any commercial entity including but not limited to a firm, business, partnership, joint venture, or corporation.

Searchlight means a lighting assembly designed to direct the output of a contained lamp in a specific tightly focused direction (a beam) with a reflector located external to the lamp, and with a swiveled or gimbaled mount to allow the assembly to be easily redirected. Searchlights include such lights that are used commonly to sweep the sky for advertisement purposes.

Sign, externally illuminated means a sign illuminated by light sources from the outside.

Sign, internally illuminated means a sign illuminated by light sources enclosed entirely within the sign cabinet and not directly visible from outside the sign.

Sign, neon means a sign including luminous gas-filled tubes formed into text, symbols or decorative elements and directly visible from outside the sign cabinet.

Spot lamp means a specific form of lamp designed to direct its output in a specific direction (a beam) with a reflector formed from the glass envelope of the lamp itself, and with a clear or nearly clear glass envelope. Spot lamps are those lamps so designated by the manufacturers.

Spot light means a lighting assembly designed to direct the output of a contained lamp in a specific tightly focused direction (a beam) with a reflector located external to the lamp.

Temporary lighting means lighting which does not conform to the provisions of this section and which will not be used for more than one 30-day period within a calendar year, with one 30-day extension. Temporary lighting is intended for uses that by their nature are of limited duration, for example, holiday decorations, civic events, or construction projects.

(g) Shielding standards. All nonexempt outdoor lighting fixtures shall have shielding as shown in table 1.

TABLE 1. LAMP TYPE AND SHIELDING STANDARDS

Use Class and Lamp Type	**Lighting Zone**			
	E4	**E3**	**E2**	**E1**
Class 1 lighting (color rendition):				
Initial output greater than or equal to 1800 lumens	F	F	F	F
Initial output below 1800 lumens (2)	A (1)	A (1)	A (1)	F
Class 2 lighting (general illumination):				
Initial output greater than or equal to 1800 lumens	F	F	F	F
Initial output below 1800 lumens (2)	A (1)	A (1)	A (1)	F
Class 3 lighting (decorative) (3):				
Initial output greater than or equal to 1800 lumens	F	F	F	X
Initial output below 1800 lumens (2)	A (1)	A (1)	A (1)	F
Residential lighting (all classes) (4):				
Initial output greater than or equal to 1800 lumens	F	F	F	F

Initial output below 1800 lumens (2)	A (1)	A (1)	A (1)	A (1)

Notes to Table 1

A = All types of fixtures allowed; shielding not required but highly recommended, except that any spot or flood light shall be aimed not higher than 25 degrees from the vertical line between the fixture and the ground when the source is visible from any off-site residential property or public roadway.

F = Only fully shielded fixtures allowed.

X = Not allowed.

(1) Flood or spot lamps shall be aimed no higher than 25 degrees from the vertical line between the fixture and the ground when the source is visible from any off-site residential property or public roadway.

Exception: Seasonal decorations using typical unshielded low-wattage incandescent lamps shall be permitted in all lighting zones from 15th of November through the 15th of January.

(2) See exception for seasonal decorations from November 15th until January 15th.

(3) All class 3 lighting shall be extinguished between 11:00 p.m. (or when the business closes, whichever is later) and sunrise.

(4) Residential refers to single-family attached or detached uses located in any of the zone districts such as single-family detached and duplexes. Multiple-family residential uses, or apartments, must use standards for class 1, 2 and 3 lighting.

(h) Total outdoor light output standards. Total outdoor light output shall not exceed the limits in table 2. Seasonal decorations, permitted between November 15th and January 15th, are not counted toward these limits; lighting used for external illumination of signs is counted, while lighting used for internal illumination of signs is not counted. (The values in this table are the maximum permitted levels and not intended as design standards; design standards shall be the lowest levels that meet the requirements of the task.)

TABLE 2. MAXIMUM TOTAL OUTDOOR LIGHT OUTPUT STANDARDS

Lumens Caps - Initial Lamp Lumens per Net Acre	**Lighting Zone**			
	E4	**E3 (4)**	**E2 (4)**	**E1**
Commercial and industrial uses:				
Total (full cutoff + unshielded)	1,000,000	200,000	50,000	125,000
Unshielded only	40,000	20,000	4,000	2,000
Residential uses (2, 3):				
Total (full cutoff + unshielded)	20,000	10,000	10,000	10,000
Unshielded only	5,000	5,000	1,000	1,000

Notes to Table 2

(1) This refers to all commercial and industrial uses and includes multiple-family or apartment

uses.

(2) This refers to all single-family attached or detached uses.

(3) In lighting zones E4 - E1, each residential single-family attached or detached home, duplex, triplex, quadruplex or townhome is allowed up to 5,500 total lumens, or the amount indicated in this table based on the parcel's acreage, whichever is larger. Each is also allowed a maximum of 5,500 lumens of unshielded ("A") lighting, provided table 18.18.070 [table 1] allows the lamp's type with "A" shielding. All residential spot or flood lamps permitted are to be aimed no higher than 25 degrees from the vertical line between the fixture and the ground when the source is visible from any off-site residential property or public roadway.

(4) Public and private schools located in zones E2 and E3 may petition the director for an increase in the lumens-per-acre cap to the level permitted in zone E4. The director may allow an increase when the school submits an engineered design supporting the need of such increase.

(i) Effective shielding standard. All light fixtures that are required to be shielded shall be installed and maintained in such a manner that the shielding is effective as described in the definition herein for full cutoff fixtures.

(j) Light trespass standard.

(1) Beyond the shielding requirements, all light fixtures shall be located, aimed or shielded so as to minimize stray light trespassing across residential property boundaries.

(2) Any lamp installed on a residential property in zone E1 and visible from any other residential property shall be shielded such that it is not directly visible from that property.

(3) Luminaires, spot lamps or spotlights which are aimed, directed or focused such as to cause direct light to be directed toward residential buildings or adjacent or nearby land, or to create glare perceptible to persons operating motor vehicles on streets or roadways, shall be redirected or their light output controlled as necessary to eliminate such conditions.

(k) On-premises and off-premises signs.

(1) Multi-class lighting standards. Multi-class lighting shall conform to the shielding and timing restrictions, if any, which apply to the most restrictive class.

(2) Externally illuminated sign standards. External illumination for signs shall conform to all provisions of this article. In particular, such lighting shall be treated as class 1 lighting and shall conform to the lamp source, shielding restrictions and lumen caps of subsection (h) of this section. Upward directed sign lighting is prohibited.

(3) Internally illuminated sign and neon sign standards.

(A) Outdoor internally illuminated advertising signs constructed with faces of translucent materials and wholly illuminated from within do not require shielding. Colored or dark backgrounds with light lettering or symbols are preferred to minimize the detrimental effects of light pollution. Lamps used for internal illumination of such signs shall not be counted toward the lumen caps in subsection (h) of this section.

(B) Neon signs shall be treated as internally illuminated signs for the purposes of this section, and shall not have their luminous outputs counted toward the lumen caps in subsection (h) of this section. Neon lighting extending beyond the area considered to be the sign area (as defined in the sign code) shall conform to all provisions of this section and shall be treated as class 3 (decorative) lighting.

(C) Other internally illuminated panels or decorations not considered to be signage according to the sign code (such as illuminated canopy margins or building faces), shall be considered decorative (class 3) lighting, and shall be subject to the standards applicable for such lighting, including but not limited to the lamp source, shielding standards and lumens-per-acre caps of subsection (h) of this section.

(4) Curfews. Illumination for all signs, both externally and internally illuminated, shall be turned off at the curfew times listed in table 3 or when the business or portion thereof closes, whichever is later. Signs subject to curfews are required to have functioning and properly adjusted automatic shut-off timers. Internally illuminated signs may continue to be used and illuminated but must conform to the curfews as indicated.

TABLE 3. ILLUMINATED SIGN CURFEWS

	Lighting Zone			
	E4	**E3**	**E2**	**E1**
On-premises and off-premises signs	12 p.m.	12 p.m.	9 p.m.	9 p.m.

(l) Special uses.

(1) Recreational facilities.

(A) Lighting for outdoor athletic fields, courts, tracks or similar recreational facilities in lighting zones E1, E2, E3, and E4, shall be considered class 1 (color rendition), and shall be exempt from the lumens-per-acre limits of subsection (h) of this section.

(B) Shielding. In lighting zones E1, E2, E3 and E4, full cutoff lighting is required for tennis courts, basketball courts, swimming pools, racquetball courts, golf driving ranges and similar facilities. Football fields, soccer fields, golf courses and baseball diamonds designed for class III or IV levels of play (typically amateur or municipal league, elementary to high school, training, recreational or social levels; cf. IESNA Lighting Handbook and IESNA RP-6 Sports and Recreational Area Lighting) or designed for class I and II levels of play (typically college, semi-professional, professional or national levels) shall utilize luminaires with minimal uplight consistent with the illumination constraints of the design. Where full cutoff fixtures are not utilized, acceptable luminaires shall include those which:

(i) Are provided with internal and/or external glare control louvers and installed so as to minimize uplight and off-site light trespass; and

(ii) Are installed and maintained with aiming angles that permit no greater than 5% of the light emitted by each fixture to project above the horizontal.

(C) Illuminance. All lighting installations shall be designed to achieve no greater than the minimal illuminance levels for the activity as recommended by the Illuminating Engineering Society of North America (IESNA).

(D) Off-site spill. The installation shall also limit off-site spill (outside the parcel containing the recreational facility) to the maximum extent possible consistent with the illumination constraints of the design. For class III and IV levels of play, a design standard of one lux (0.1 fc) at the property line of any residential property at a vertical point five feet above grade, as measurable from any orientation of the measuring device, shall be required. For class I and II levels of play, a design goal of one and one-half lux (0.15 fc) at the property line of any residential property at a vertical point five feet above grade, as measurable from any orientation of the measuring device, shall be required.

(E) Engineering design. Every such lighting system shall be designed by a registered professional engineer.

(F) Curfew. All events shall be scheduled so as to complete all activity before the curfew listed in table 4. Illumination of the playing field, court or track shall be permitted after the curfew only to conclude a scheduled event that was unable to conclude before the curfew.

TABLE 4. SPORTS FACILITY AND DISPLAY LOT LIGHTING CURFEWS			
Lighting Zone			
E4	**E3**	**E2**	**E1**
11 p.m.	10 p.m.	9 p.m.	8 p.m.

(2) Outdoor display lots.

(A) Lighting for display lots shall be considered class 1 (color rendition), and shall be allowed a lumens-per-acre cap of two million.

(B) Shielding. All display lot lighting shall utilize full cutoff luminaires that are installed in a fashion that maintains the full cutoff characteristics.

(C) Illuminance. Lighting for display lots shall be considered class 1 (color rendition).

(D) Off-site spill. The display lot shall limit off-site spill (outside the parcel containing the display lot) to a maximum of 0.5 lux (0.05 fc) at the property line of any residential property at a vertical point five feet above grade, as measurable from any orientation of the measuring device, shall be required.

(E) Engineering design. Every display lot lighting system shall be designed by a registered professional engineer.

(F) Curfew. Display lot lighting exceeding the lumens-per-acre cap shall be turned off at the curfew listed herein or within 30 minutes after closing of the business, whichever is later. Lighting in the display lot after this time shall be considered class 2 lighting, and shall conform to all restrictions of this section applicable for class 2 lighting, including the lumens-per-acre caps in subsection (h) of this section.

(3) Service station canopies.

(A) Lighting class. Lighting for service station canopies shall be considered class 2 lighting (general illumination).

(B) Shielding. All luminaires mounted on or recessed into the lower surface of service station canopies shall be full cutoff and utilize flat lenses.

(C) Total under-canopy output. The total light output used for illuminating service station canopies, defined as the sum of all under-canopy initial bare-lamp outputs in lumens, shall not exceed 40 lumens per square foot of canopy in Lighting Zone E4, and shall not exceed 20 lumens per square foot in Lighting Zone E3. All lighting mounted under the canopy, including but not limited to luminaires mounted on the lower surface or recessed into the lower surface of the canopy and any lighting within signage or illuminated panels over the pumps, is to be included toward the total at full initial lumen output.

(D) Lumen output. The lumen output of lamps mounted on or within the lower surface of a canopy is included toward the lumen caps in subsection (h) of this section according to the method defined in subsection (h). Other lighting located under a canopy but not mounted on or within the lower surface is included toward the lumen caps in subsection

(h) at full initial output.

(E) Off-site spill. The service station canopy lot shall limit off-site spill (outside the parcel containing the service station lot) to a maximum of 0.5 lux (0.05 fc) at the property line of any residential property at a vertical point five feet above grade, as measurable from any orientation of the measuring device, shall be required.

(4) Other lighting on parcels with special uses. On a property with special uses as listed above, all lighting not directly associated with the special use areas above shall conform to the lighting standards described in this section, including but not limited to the lamp type and shielding requirements of subsection (g) of this section and the lumens-per-acre limits of subsection (h) of this section. The net acreage for the determination of compliance with subsection (h) shall not include the area of the athletic field or outdoor display lot, as defined in subsection (f); the area of any service station canopy shall be included in the net acreage.

(m) Plans and evidence of compliance.

(1) Submission contents. The applicant for any permit required by any provision of this section in connection with proposed work involving outdoor lighting fixtures shall submit (as part of the application for permit) evidence that the proposed work will comply with this section. Even if no other such permit is required, the installation or modification (except for routine servicing and same-type lamp replacement) of any exterior lighting shall require submission of the information described below. The submission shall contain but shall not necessarily be limited to the following, all or part of which may be part of or in addition to the information required elsewhere in this article upon application for the required permit:

(A) Plans indicating the location on the premises of all lighting fixtures, both proposed and existing on the site;

(B) Description of all lighting fixtures, both proposed and existing. The description may include, but is not limited to, catalog cuts and illustrations by manufacturers (including sections where required); lamp types, wattages and initial lumen outputs; and

(C) Photometric data, such as that furnished by manufacturers, or similar showing the angle of cutoff of light emissions.

(2) Additional submission. The above-required plans, descriptions and data shall be sufficiently complete to enable the director to readily determine whether compliance with the requirements of this article will be achieved. If such plans, descriptions and data cannot enable this ready determination, the applicant shall additionally submit as evidence of compliance to enable such determination such certified reports of tests as will do so provided that these tests shall have been performed and certified by a recognized testing laboratory.

(3) Subdivision plats. If any subdivision proposes or is required to have installed street or other common or public area outdoor lighting, submission of the information as described in subsection (l)(3) [sic] shall be submitted with the illumination plans required by subsection (l)(3) [sic].

(4) Lamp or fixture substitution. Changes of outdoor light fixture or the type of light source therein shall be subject to the approval of the director.

(n) Prohibitions.

(1) Installation of nonconforming fixtures and lamps. The installation of any outdoor lighting fixture or lamp for new construction, additions, or replacement fixtures to existing facilities not in compliance with this section is prohibited.

(2) Laser source light. The use of laser source light or any similar high intensity light for outdoor advertising or entertainment, when projected above the horizontal, is prohibited, unless installed for temporary use with prior approval of the director under subsection (p) of this section. Authorization for such temporary use shall be for no more than three days per 365-day period for any one applicant or property and shall additionally be subject to any necessary state and federal

approvals.

(3) Searchlights. The operation of searchlights for non-governmental purposes is prohibited, unless installed for temporary use with prior approval of the director under subsection (p) of this section. Authorization for such temporary use shall be for no more than three days per 365-day period for any one applicant or property and shall additionally be subject to any necessary state and federal approvals.

(4) Off-premises signs. Illumination of outdoor advertising off-premises signs is prohibited in Lighting Zone E1.

(5) Existing lighting causing light trespass onto residential property.

(A) If after complaint and investigation, the code official finds that an existing light fixture directs light toward residential buildings, the code official shall give written notice of such violation to the owner and/or to the occupant of such premises demanding that the violation be abated within ninety days of the date of written notice.

(B) Light trespass onto residential property from existing lighting shall be remedied by redirecting the light fixture or by controlling the light output as necessary.

(C) Light levels shall not exceed a maximum of 0.25 footcandles (2.5 lux) at the property line of any residential property at a vertical point five feet above grade.

(D) Light trespass measurements shall be made at the property line of the residential site, with the meter held normal to a line between any offending light source(s) and the light meter. If measurement on private property is not possible or practical, light level measurements may be made at the boundary of the public right-of-way or at any other location on an adjacent property.

(E) Measurement shall be made using a commercial cosine and color corrected meter having an accuracy tolerance of plus or minus 5% or better at one lux (0.1 footcandle). The meter shall have been calibrated within two years of the date of measurement by the manufacturer or by a certified illumination laboratory.

(F) Measurements shall be taken using a 4.5" long, 1.75" +/- 0.25" diameter thin wall black tube baffle atop the meter's photoelectric cell aperture to prevent any stray light from other sources from affecting the measurement.

(o) Temporary exemptions.

(1) Temporary exemption requests. A temporary exemption request shall be subject to the approval of the director. Such request shall contain the following information:

(A) Specific ordinance exemption(s) requested;

(B) Duration of requested exemption(s);

(C) Proposed location on premises of the proposed light fixture(s);

(D) Purpose of proposed lighting;

(E) Information for each luminaire and lamp combination as required in subsection (p) of this section;

(F) Previous temporary exemptions, if any, and addresses of premises thereunder; and

(G) Such other data and information as may be required by the director.

(2) Approval - Limitation. The director shall have five business days from the date of submission of the request for temporary exemption to act, in writing, on the request. If approved, the exemption shall be valid for not more than 30 days from the date of issuance of the approval. The approval shall be renewable upon further written request for a maximum of one additional 30-day period. The director is not authorized to grant more than one temporary permit and one renewal for a 30-day period for the same property within one calendar year.

(3) Disapproval - Appeal. If the request for temporary exemption or its extension is disapproved, the applicant shall have the appeal rights provided in subsection (q)(2) of this section.

(p) Other exemptions.

(1) Nonconformance.

(A) Bottom-mounted or unshielded on-premises or off-premises sign lighting shall be brought into compliance with the shielding standards no later than May 7, 2015.

(B) Post top antique or acorn style luminaires that cannot achieve full cutoff may be used if they achieve cutoff.

(C) (i) There shall be no change in use or lamp type, change or replacement of ballast or any replacement (except for same-type and same-output lamp replacement) or structural alteration made, without conforming to all applicable requirements of this section.

(ii) All existing outdoor lighting fixtures shall be brought into compliance with the shielding standards of subsection (g) of this section not later than May 7, 2015. Compliance with the lumens cap is not mandatory but encouraged.

(2) Flag illumination. Illumination of city, county, state or U.S. flags with spotlights or flood lamps is exempt from all the requirements of this section.

(3) State and federal facilities. Compliance with the intent of this section by facilities that are owned, operated and maintained by the state or federal government is encouraged but not required.

(4) Emergency lighting. Emergency lighting, used by police, firefighting, or medical personnel, or at their direction, is exempt from all requirements of this section for as long as the emergency exists.

(5) Swimming pool and fountain lighting. Underwater lighting used for the illumination of swimming pools and fountains is exempt from the lamp type and shielding standards of subsection (g) of this section, though such lighting shall conform to all other provisions of this section.

(6) Fossil fuel lights. All outdoor light fixtures producing light directly by the combustion of natural gas or other fossil fuels are exempt from all requirements of this section.

(q) Appeals.

(1) Historic properties. Properties designated as federal, state, or local historic landmarks or that are within a federal, state, or local historic district shall be exempt from this section if there is a finding of an adverse impact to any significant historical, cultural, or archaeological element of the property as determined in writing by the city historic landmark commission or by the Texas historic preservation officer whenever the city historic landmark commission is without jurisdiction to require review of proposed work.

(2) Appeals. Any person aggrieved by any decision of the director made in administration or enforcement of this section has the right of appeal to the building board of appeals.

Sec. 36.031 Planning and zoning commission

(a) Creation of planning and zoning commission. There is hereby created a planning and zoning commission which shall be organized, appointed and function as follows:

(1) The planning and zoning commission shall consist of seven 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 chairman. 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 two alternate members of the planning and zoning commission who shall serve in the absence of one or more of the regular members when requested to do so by the chairman or city manager, as the case may be; and

(2) The terms of four members shall expire in May of each odd-numbered year and the terms of three of the members shall expire in May of each even-numbered year. Commission members may be appointed to succeed themselves. Vacancies shall be filled for unexpired terms, but no member shall be appointed for a term in excess of two years. Newly appointed members shall be installed at the first regular commission meeting after their appointment.

(b) Organization. The commission shall hold an organizational meeting in July of each year. The commission shall meet regularly and shall designate the time and place of its meetings. The commission shall adopt its own rules of procedure and keep a record of its proceedings consistent with the provisions of this article and the requirements of law.

(c) Duties and powers. The planning and zoning commission is hereby charged with the duty and invested with the authority to:

(1) Inspect property and premises at reasonable hours where required in the discharge of its responsibilities under the laws of the State of Texas and of the city.

(2) Recommend to the city council approval or disapproval of proposed changes in the zoning plan.

(3) Formulate and recommend to the city council for its adoption a city plan for the orderly growth and development of the city and its environs and from time to time recommend such changes in the plan as it finds will facilitate the movement of people and goods, and the health, recreation, safety, and general welfare of the citizens of the city.

(4) Formulate a zoning plan as may be deemed best to carry out the goals of the city plan; hold public hearings and make recommendations to the city council relating to the creation, amendment, and implementation of zoning regulations and districts as provided in Chapters 211 and 213, Texas Local Government Code, as amended, authorizing municipalities to pass zoning regulations; all powers granted under said statutes are specifically adopted and made a part hereof.

(5) Exercise all the powers of a commission as to recommendations to the city council relating to approval or disapproval of plans, plats, amending plats, or replats set out in Chapter 212, Texas Local Government Code, as amended.

(6) Study and recommend on the location, extension and planning of public rights-of-way, parks or other public places, and on the vacating or closing of same.

(7) Study and recommend on the general design and location of public buildings, bridges, viaducts, street fixtures and other structures and appurtenances. Study and recommend on the design or alteration and on the location or relocation of works of at which are, or may become, the property of the city.

(8) Initiate, in the name of the city, for consideration at public hearing all proposals:

(A) For the opening, vacating or closing of public rights-of-way, parks or other public places; or closing of public rights-of-way, parks or other public places; or

(B) For the change of zoning district boundaries on an area-wide basis. No fee shall be required for the filing of any such proposal in the name of the city.

(9) Formulate and recommend to the city council for its adoption policies and regulations consistent with the adopted city plan governing the location and/or operation of utilities, public facilities, and services owned or under the control of the city.

(10) Submit each May a progress report to the city council summarizing its activities, major accomplishments for the past year, and a proposed work program for the coming year. The report shall contain for the year the attendance record of all members and the identity of commission officers.

(d) Meeting and quorum. A quorum for the conduct of business shall consist of four members of the commission. The members of the commission shall regularly attend meetings and public hearings of the commission and shall serve without compensation, except for reimbursement of authorized expenses attendant to the performance of their duties.

State law reference–Zoning commission, V.T.C.A., Local Government Code, sec. 211.007.

Sec. 36.032 Board of adjustment

(a) Creation. There is hereby created a board of adjustment which shall be organized, appointed, and function as follows:

(1) The board of adjustment shall consist of five members who are residents of the city or its extraterritorial jurisdiction, 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 chairman. 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 two alternate members who shall serve in the absence of one or more of the regular members when requested to do so by the chairman or city manager, as the case may be.

(2) The terms of three members 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. Members may be appointed to succeed themselves. Vacancies shall be filled for unexpired terms, but no member shall be appointed for a term in excess of two years. Newly appointed members shall be installed at the first meeting after their appointment.

(b) Organization. The commission shall hold an organizational meeting in May of each year. The commission shall meet regularly and shall designate the time and place of its meetings. The commission shall adopt its own rules of procedure and keep a record of its proceedings consistent with the provisions of this article and the requirements of law.

(c) Powers and duties of board.

(1) Appeals based on error. The board of adjustment shall have the power to hear and decide appeals where it is alleged there is error of law in any order, requirement, decision or determination made by an administrative official of the city in the enforcement of this article.

(2) Limitation on reapplications. When the board of adjustment has denied a proposal, no new applications of similar nature shall be accepted by the board or scheduled for 12 months after the date of denial. Applications which have been withdrawn at or before the board meeting may be resubmitted at any time for hearing before the board.

(3) Vote of four members required. The concurring vote of four members of the board of adjustment 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; or

(C) Authorize a variation from the terms of a zoning ordinance.

(d) Appeals.

(1) Procedure. Appeals may be taken to and before board of adjustment by any person

aggrieved, or by any officer, department, board or bureau in the city. Such appeal shall be made by filing in the office of the city secretary a notice of appeal and specifying the grounds thereof. The office or department from which the appeal is taken shall forthwith transmit to the board all of the papers constituting the record from which the action appealed was taken.

(2) Stay of proceedings. An appeal shall stay all proceedings in furtherance of the action appealed from unless the building inspector shall certify to the board of adjustment that, by reason of facts in the certificate, a stay would cause imminent peril to life or property, in which case proceedings shall not be stayed otherwise than by a restraining order which may be granted or by a court of equity, after notice to the office from whom the appeal.

(3) Notice of hearing on appeal. The board shall fix a reasonable time for the hearing of the appeal or other matter referred to it, and shall mail notices of such hearing to the petitioner and to the owners of property lying within 200 feet of any point of the lot or portion thereof on which a variation is desired, and to all other persons deemed by the board to be affected thereby, such owners and persons being determined according to the current tax rolls of the city. Depositing of such written notice in the mail shall be deemed sufficient compliance therewith.

(4) Decision by board. The board shall decide the appeal within a reasonable time. Upon the hearing, any party may appear in person or by agent or attorney. The board may reverse or affirm wholly or partly or may modify the order, requirements, decision, or determination as in its opinion ought to be made in the premises, and to that end, shall have all powers of the officer or department from whom the appeal is taken.

(e) Variances. The board of adjustment shall have the power to authorize upon appeal in specific cases such variance from the terms of this article as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of this article will result in unnecessary hardship and so that the spirit of this article shall be observed and substantial justice done, including the following:

(1) Permit a variance in the yard requirements of any district where there are unusual and practical difficulties or unnecessary hardships in the carrying out of the provisions due to an irregular shape of the lot or topographical or other conditions, provided such variance will not seriously affect any adjoining property or the general welfare.

(2) Authorize, upon appeal, whenever a property owner can show that a strict application of the terms of this article relating to the construction or alterations of buildings or structures will impose upon him unusual and practical difficulties or particular hardship, such variances from the strict application of the terms of this article as are in harmony with its own general purpose and intent, but only when the board is satisfied that granting of such variation will not merely serve as a convenience to the applicant, but will alleviate some demonstrable and unusual hardship or difficulty so great as to warrant a variance from the comprehensive plan as established by this article and at the same time, the surrounding property will be properly protected.

(3) The board of adjustment shall have the power to hear and decide appeals where it is alleged there is error of law in any order, requirements, decision or determination made by the building inspector in the enforcement of this article. Except as otherwise provided herein, the board shall have, in addition, the following specific powers:

(A) To permit the erection and use of a building or the use of premises for railroads if such uses are in general conformance with the master plan and present no conflict or nuisance to adjacent properties.

(B) To permit a public utility or public service or structure in any district, or a public utility or public service building of a ground area and of a height at variance with those provided for in the district in which such public utility or public service building is permitted to be located, when found reasonably necessary for the public health, convenience, safety, or general welfare.

(C) To grant a permit for the extension of a use, height or area regulation into an adjoining district, where the boundary line of the district divides a lot in a single ownership on the effective date of this article.

(D) To permit the reconstruction of a nonconforming building which has been damaged by explosion, fire, act of God, or the public enemy, to the extent of more than 90% of its fair market value, where the council finds some compelling necessity requiring a continuance of the nonconforming use.

(E) To waive or reduce the parking and loading requirements in any of the districts, when (i) the character or use of the building is such as to make unnecessary the full provision of parking or loading facilities; or (ii) when such regulations would impose an unreasonable hardship upon the use of the lot. The city council shall not waive or reduce such requirements merely for the purpose of granting an advantage or a convenience.

(4) A written application for variance shall be submitted together with the required fee, accompanied by an accurate legal description, maps, site plans, drawings and any necessary data, demonstrating:

(A) That special conditions and circumstances exist which are peculiar to the land, structure or building involved and which are not applicable to other lands, structures, or buildings in the same district;

(B) That literal interpretation of the provisions of this article would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this article;

(C) That the special conditions and circumstances do not result from the actions of the applicant;

(D) That granting the variance requested will not confer on the applicant any special privilege that is denied by this article to other lands, structures or buildings in the same district; and

(E) No nonconforming use of neighboring lands, structures, or buildings in the same district and no permitted use of lands, structures, or buildings in other districts shall be considered grounds for the issuance of a variance.

(f) Changes.

(1) The board of adjustment shall have no authority to change any provisions of this article and its jurisdiction is limited to hardship and borderline cases which may arise from time to time. The board may not change the district designation of any land either to a more or less restrictive zone.

(2) It is the intent of this article that all questions of interpretation and enforcement shall be first presented to the administrative official, that such questions shall be presented to the board of adjustment only on appeal from the decision of the building official and that recourse from the decisions of the board of adjustment shall be to the courts as provided by the laws of the State of Texas.

State law reference–Establishment and authority of zoning board of adjustment, V.T.C.A., Local Government Code, sec. 211.008 et seq.

Sec. 36.033 Amendments

(a) Generally. The zoning regulations, restrictions, and boundaries may from time to time be amended, supplemented, changed, modified or repealed. Such amendments, supplements, changes, modification, or repeal shall be deemed to amend, supplement, change, modify, or repeal the comprehensive plan of the city and shall become a part of such comprehensive plan. The planning and

zoning commission and its composition and duties are established by the city council.

(b) Amendment initiation. An amendment to this article may be initiated by:

(1) City council on its own motion;

(2) Planning and zoning commission; or

(3) Request by owner or agent of owner of property to be changed.

(c) Procedure.

(1) All requests for amendments to zoning district boundaries shall be submitted, together with required fees to the administrative official, which officer shall cause notices to be sent and the petition placed on the planning and zoning commission agenda.

(2) The city council may not enact any proposed amendment until the planning and zoning commission makes its final report to the city council. The city council may refer proposed amendments to the planning and zoning commission for recommendation. Requests for changes in zoning districts shall include the proposed designation or designations for the area concerned. Alternative proposals may be made at the time of filing the original request for amendment. However, all hearings and deliberations shall be limited to the request as submitted by the applicant at the time of original failing.

(d) Public hearing and notice. Prior to making its report to the city council, the planning and zoning commission shall hold at least one public hearing thereon. Written notice of all public hearings on proposed changes in district boundaries shall be sent not less than 10 days before such hearing is held to all owners of property who have rendered their property for city taxes, which is located within the area proposed to be changed, within 200 feet of such property or within 200 feet of any other adjacent property under the same ownership as the tract to be rezoned. Measurements shall be taken exclusive of public streets. Such notice may be served by using the last known address as listed on the city tax roll and depositing the notice, postage paid, in the United States mail. No notice of hearings before the planning and zoning commission on proposed changes in zoning regulations need be given except as may be required by state laws.

(e) Commission report. The planning and zoning commission, after the public hearing is closed, shall vote on its recommendations on the proposed change to be sent in a report to the city council. Such report may recommend for or against such proposed change and may, but need not, include reasons for such decision. The commission may defer its report for not more than 60 days until it has had opportunity to consider other proposed changes which may have a direct bearing thereon. If the commission fails to finally report after 60 days, it would be deemed to have recommended negatively to the proposal.

(f) Forwarding final report. Every proposal receiving a final report by the commission shall be forwarded to the council for setting and holding of public hearing thereon. No change, however, shall become effective until after the adoption of an ordinance for same and its publication as required by law.

(g) Withdrawal. Any proposal or application may be withdrawn by the proponent after the commission makes its final report, and such proposal or application shall not be subject to the provision hereof that a period of time must pass before a new application is considered. If such proposal is withdrawn, the council will not consider it. Any proposal or application withdrawn may be resubmitted and shall be subject to all fees and notice requirements as an original application.

(h) Sign posting. The administrative official shall have at least one sign erected on the property to be rezoned which sign shall have a total area of at least four square feet. Such sign or signs shall, if possible, be located adjacent to streets. Such sign shall be erected on or before the first date of the first notice to property owners and shall be removed immediately after final action by the city council or when the applicant withdraws the request, whichever comes first. The sign shall contain a notice of the present zoning classification, the requested zoning, the name of the owner of the property, the name of

the applicant and the telephone number of the public official from whom dates of public hearings may be obtained. The erection or continued maintenance of signs shall not be deemed a condition precedent to the granting of any zoning change or holding of any public hearing.

(i) Council hearing and notice. The city council may from time to time amend, supplement, or change by ordinance the boundaries of the districts or the regulations herein established. A public hearing on such amendment, supplement, or change shall be held by the council. Notice of council hearing shall be given by publication one time in the official newspaper of the city, stating the time and place of such hearing, which time shall not be earlier than 15 days from the date of publication. No such amendment, supplement, or change shall be considered unless and until the commission makes its final report thereon. Publication of such change shall be accomplished by publishing the descriptive caption and penalty clause of the ordinance amending the comprehensive plan to incorporate the change.

(j) Application not to be considered for another six months after denial of request for rezoning. No application for rezoning shall be considered within six months of denial of a request by the city council for the same classification on the same property.

(k) Protest against change. In case of a protest against such change signed by the owners of 20% or more either of the land included in such proposed change, or of the land within 200 feet thereof, excluding any intervening public street, such amendment shall not become effective except by the favorable vote of 3/4 of all the members of the city council present and qualified to vote.

(l) Council action on application. The proponent of any zone change shall satisfy the city council that either the general welfare of all the city affected by the area to be changed will be enhanced, or that the property is unusable for the purposes allowed under existing zoning. If such is proved to the council's satisfaction, it may grant the requested zone change; or it may change the zone's designation of a portion of such property; or it may initiate a request to consider changing all or a portion of such property to a district other than that requested and of a different character.

(m) Site plan and supporting documents required; petition for zoning district change or conditional use.

(1) When in the opinion of the planning and zoning commission, city council, or zoning board of adjustment that greater information is required from the petitioner concerning the nature, extent, and impact of his request than supplied with his application for a change in zoning or conditional use permit, in order for such commission, council, or board to properly review and evaluate all relevant factors thereof, said commission, council, or board may require the applicant to submit a site plan and supporting documents conforming with all or a portion of the requirements set forth in this subsection, prior to rendering a decision thereon.

(2) The petitioner is encouraged to meet with the appropriate commission, council, or board in an informal work session to ascertain the exact extent of plans and documents required, if any, prior to the city initiating the advertisement for public hearing on the petition.

(3) The general type and extent of plans and supporting documents which may be required of the petitioner include, but are not necessarily limited to:

(A) Site plan.

(B) Meeting all of the requirements of a "preliminary plat" as described in the city's subdivision regulations, except that topographic and drainage map information provisions may be waived by the reviewing body when the inclusion of such data would not materially contribute to the necessary evaluation of the project's petition. Additional site plan drawing information which the reviewing body may require include:

(i) Existing and proposed zoning district;

(ii) General outline of extensive tree cover areas;

(iii) Drainage ways, and 100-year floodplain limits;

(iv) Proposed treatment for screening the perimeter of the land embraced by the

petition, including screening of internal separations of land use where required;

(v) Proposed internal non-vehicular circulation linkages, such as: pedestrian paths and hike trails; bike trails; and equestrian bridle paths, where applicable, including their interrelationships with vehicular circulation systems and proposed handling of points of conflict;

(vi) A tabular summary schedule indicating;

a. The gross acreage and percent of each type of zoning category proposed;

b. The gross acreage and percent of each type of land use proposed, with streets and open space categories listed separately, and residential uses further stratified as to type, i.e., single-family, two-family, multifamily, townhouse, etc., including the total gross project acreage;

c. The gross residential density of each type of residential land use proposed, expressed in dwelling units per acre; and based on net residential land use plus 1/2 of any abutting street, only;

d. The quantitative number of dwelling units proposed for each residential dwelling type, i.e., single-family, two-family etc.;

e. Proposed maximum lot coverage by building types (i.e., single-family, duplex, multifamily, commercial, office, industrial, etc.) expressed in terms of percent or floor area ratio of the lot or site.

(C) Architectural drawings. Elevations, concept sketches, or renderings depicting building types and other significant proposed improvements including the treatment and use of open spaces, etc., where the submission of such drawings would more clearly portray the nature and character of the applicant's land use and development proposals.

(D) Written documents. In narrative form on 8-1/2" x 11" sheets, including:

(i) Statement(s) on planning objectives to be achieved in use/development proposal, including a narrative description of the character of the proposed development and rationale behind the assumptions and choices made by the applicant, including use and ownership of open spaces, etc.;

(ii) Legal description of the total site area proposed for rezoning, development, or conditional use permit;

(iii) A development schedule indicating the approximate date(s) when construction of the proposed development, and subsequent stages or phases thereof, if any, can be expected to begin and be completed, to the best of the applicant's knowledge and belief;

(iv) A statement as to the present and proposed ownership of the site or parcels thereof embraced by the application;

(v) Economic feasibility and/or market analysis studies, when deemed necessary by the reviewing body to adequately assess the necessity for zoning certain parcels to the sizes indicated by the applicant, or to evaluate the need for granting a conditional use permit;

(vi) Environmental assessment statement, prepared pursuant to the National Environmental Policy Act of 1969, and any subsequent amendments thereto, when deemed necessary by the reviewing body to properly assess the impact of the proposed development/land use on the existing environment;

(vii) Statement(s) as to how and when the applicant proposes to provide water and sewer to the development; and

(viii) Signature, title, and date of the applicant, at the conclusion of the written

documents certifying the information presented in the plans and supporting documents reflecting [reflects] a reasonably accurate portrayal of the general nature and character of the proposals.

Sec. 36.034 Platting property not permanently zoned

(a) Zoning required prior to approval of plat. The city council shall not approve any plat of any subdivision within the city limits until the area covered by the proposed plat shall have been permanently zoned by the city council.

(b) Annexation prior to approval of plat. The city council shall not approve any plat or any subdivision within any area where a petition or ordinance for annexation or a recommendation for annexation to the city is pending before the city council unless and until such annexation shall have been approved by resolution by the city council.

(c) Contemporaneous action on zoning and annexation. In the event the city council holds a hearing on proposed annexation, it may, at its discretion, hold a contemporaneous hearing upon the permanent zoning that is to be applied to the area or tract to be annexed. The city council may, at its discretion, act contemporaneously on the matters of permanent zoning and annexation.

Sec. 36.035 Temporary uses

The following temporary uses may be allowed under the conditions and for the time specified upon proper application and review by the zoning administrator:

(1) A temporary building may be used as an office incidental to construction work if such building is located upon the same property as the site under construction, contains no living quarters, and provides for no uses not incidental to construction on the premises. Such buildings shall be removed within 30 days following final acceptance of the construction by the city.

(2) A temporary facility or a permanent residential structure located on any platted lot in an approved residential subdivision may be used as a construction office, or as a sales office, or for display purposes. No more than one office and no more than four display facilities shall be allowed for any purposes for any other subdivision. Such temporary use shall be allowed for a period of one year, with extensions upon application and approval of six months possible provided construction remains continuous and no more than 10 lots remain unsold in the subdivision. However, in no case shall more than four such extensions be granted.

(3) Temporary uses of a religious or philanthropic nature by those organizations not normally conducting business for profit may be allowed for the period of their actual duration up to a maximum of 30 days, except that two extensions of up to 30 days may be possible upon application and approval.

(4) Temporary sales of seasonal products such as firewood, cut trees, plants, fruits and vegetables, and the like may be allowed during their normal and generally accepted season for a period of up to 30 days, except that two extensions of up to 30 days may be possible upon application and approval. Temporary sales of seasonal products may be allowed no more than 120 days, whether consecutive or cumulative, per site.

(5) The zoning administrator, in approving or denying such application shall consider the nature of the use; existing uses in surrounding areas; noise, dust, light, and traffic generated; health and sanitary conditions; and compliance with other regulations of this article. The zoning administrator shall have the right to revoke any temporary use at any time or to deny any extension upon finding that a hazard or nuisance shall exist by continuing such use; after which revocation or denial such temporary use shall immediately cease and shall be removed within 10 days of notification of such finding.

DRAFT

Sec. 36.036 Creation of building site

(a) Procedure for creating building site/lot. No permit for the construction of a building or buildings 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:

(1) The lot or tract is part of a plat of record and filed in the plat records of the county or counties in which the lot or tract is located.

(2) The site plot or tract is all or part of a site plan officially approved by the city council in a planned development district after recommendation by the planning and zoning commission.

(3) The plot, tract or lot faces upon a dedicated street and was separately owned prior to the effective date of the ordinance from which this article derives or prior to annexation to the city, whichever is applicable, in which event a building permit for only one main building conforming to all the requirements of this article may be issued on each such original separately owned parcel without first complying with either subsection (a)(1) or subsection (a)(2) preceding.

(4) The plot or tract is a lot of record prior to the effective date of this article or prior to annexation to the city, whichever is applicable, and the building official certifies that the plot or tract does not comply with setback and/or lot size requirements but that the plot or tract conforms with the provisions of this article, as amended, relative to width of street(s) on which the lot is located, street offsets, easement requirements, drainage and other considerations the building official believes to be relevant to the particular plot or tract. If the building official cannot make such certification, he shall refer the case to the planning and zoning commission for consideration and resolution. The building official and planning and zoning commission shall exercise discretion in making decisions in such cases but shall take care to respect the language and spirit of this article, as amended.

(5) The plot or tract is all or part of a site plan officially approved by the city council and compliance has been made with provisions and improvements approved on such site plan for all utility and drainage easements, dedication of streets, alleys and other public improvements required to meet the standards established for the platting of land. Any and all plots, tracts, or lots must be provided access via a public street or drive.

Sec. 36.037 Site plans

(a) Site plan approval.

(1) Conceptual site plans.

(A) Prior to any subdivision of property in any retail district, a conceptual site plan representing the general site assessment of the property shall be approved by the planning and zoning commission.

(B) The conceptual site plan shall include all the land that existed in single ownership at the time of initial zoning, or at the time this provision became effective, whichever is later.

(C) The conceptual site plan shall include sufficient information to adequately assess the functionality of the proposed subdivision and its impact on surrounding properties and circulation systems. The director of development services may establish—not inconsistent with this article—forms and standards with regards to the content, format, and graphics for conceptual site plans including but not limited to:

(i) Basic mapping details, such as site boundaries and dimensions, site acreage, location map, north arrow, scale, title block, etc.;

(ii) Access to the site and interior site circulation;

(iii) Proposed lot layout; and

(iv) Other items which may negatively impact adjacent property, such as general

parking arrangement, delivery truck/dock locations, medians or traffic-control devices, and/or median breaks.

(D) The planning and zoning commission shall approve the conceptual site plan, approve the conceptual site plan with conditions, or disapprove the conceptual site plan.

(E) Any development or subdivision of the property shall generally be consistent with the conceptual site plan as approved or amended. No plat, building permit, or certificate of occupancy shall be issued for the property unless all construction and development generally conforms to the conceptual site plan.

(F) A conceptual site plan shall expire five years after its approval or amendment date if no building permits have been issued for the site or if a building permit has been issued but has subsequently lapsed.

(2) Site plans required.

(A) Approval of a site plan shall be required for all nonresidential development proposals and for proposals involving the following:

(i) A specific use permit;

(ii) Multiple-family project;

(iii) Mobile home parks;

(iv) Any development where more than one main building or primary use is proposed on a single lot, building site, or tract; or

(v) A planned development.

(3) Site or development plans for specific use permits and for planned developments shall become a permanent part of the zoning regulations for the proposed development, and any site plan or any significant change to such a site plan previously approved shall be considered as an amendment to this zoning ordinance.

(4) Prior to the issuance of any building permit, a site plan drawn to scale shall be submitted for initiation of the review and approval process along with the number of copies deemed necessary by the city to complete the required reviews or memorandums.

(b) Content of site plan. The director of development services may establish—not inconsistent with this article—forms and standards with regards to the content, format, and graphics for site plans. The proposed site plan shall show information as specified on a form or packet provided by the planning department, including:

(1) General requirements.

(A) Applicant's name, address, and phone number;

(B) Development location (include subdivision, lot number, and address);

(C) Proposed use or uses (letter of intent required);

(D) Zoning district (attach copy of ordinance governing subject property);

(E) Lot area (net and gross);

(F) Lot coverage;

(G) Location of all existing buildings or structures on lot;

(H) Building size and total floor area (separated by use);

(I) Adjacent land uses and improvements;

(J) Location of hazardous chemical storage;

(K) Sign locations;

(L) Scale: one inch equals 20 feet, 30 feet or 40 feet;

(M) Location of any on-site items (kiosks, sanitation containers, drop boxes, etc.);

(N) Easements;

(O) Location and type of all existing and proposed screening, including screening of sanitation containers, parking areas, vehicles awaiting repair, open storage, etc.;

(P) Location of areas of major tree cover;

(Q) Required landscape areas; and

(R) Additional information as deemed necessary to adequately evaluate the site or development plan.

(2) Site circulation and parking.

(A) Drive approach dimensions and radii;

(B) Delineation and width of internal circulation roadways;

(C) Distances between driveways and intersecting streets;

(D) Number of required parking spaces and number of parking spaces provided, including handicapped parking spaces;

(E) Parking dimensions;

(F) Stacking spaces and drive-through lane location;

(G) Location of curb stops relative to front of parking stall. Note: Wheel stops are not permitted in lieu of curbs;

(H) Handicapped ramps (required at all intersections);

(I) Building entrances;

(J) Sidewalk dimensions;

(K) Fire lanes meeting fire code standards;

(L) Delivery truck docks;

(M) Sanitation container locations;

(N) Medians, islands, barriers, and channelization;

(O) Width of adjacent streets, alleys, or other access abutting property;

(P) Length, width, and taper of turn bays.

(3) Utilities.

(A) Existing and proposed water mains (include size and valve locations);

(B) Water meter size and location;

(C) Existing and proposed sewer mains (include size, manholes and cleanout);

(D) Sewer service size (provide cleanout at property line);

(E) Existing and proposed utility easements;

(F) Existing and proposed fire hydrants (include any nearby off-site hydrants);

(G) Existing and proposed fire lines and appurtenances;

(H) Location and size of irrigation meters;

(I) Location and size of grease and sand traps;

(J) Location and size of sampling pits; and

(K) Location and type of pretreatment.

DRAFT

(4) Drainage.

(A) Existing and proposed elevation at critical points;

(B) Drainage area map (if site over one acre);

(C) On-site collection system;

(D) 100-year flood elevation (if in floodprone area);

(E) Existing and proposed contours at two-foot intervals;

(F) Existing and proposed drainage structures (include size and type);

(G) Existing and proposed culverts (use six-to-one sloped headwall); and

(H) Direction of surface drainage (must be discharged into existing waterway or public right-of-way).

(c) Lighting plan. Where site lighting is required or proposed, a lighting plan shall be submitted along with a statement of compliance by a qualified lighting expert, such as an engineer, architect, landscape architect, lighting manufacturer's representative, or lighting contractor.

(d) Landscape plan. A conceptual or generalized landscape plan in conformance with the city's landscape regulations shall be submitted with the site plan. A combined site plan/landscape plan may be acceptable if all information required is easily identified.

(e) Site plan approval process.

(1) The planning and zoning commission shall review the proposed site plan and shall submit to the city council a recommendation of approval, approval with conditions, or disapproval. Prior to consideration of a site plan, the planning and zoning commission may hold a public hearing, with notice given according to the procedure for a change in a zoning district location or boundary.

(2) City council, planning and zoning commission, and staff consideration shall include paving and layout of streets, alleys and sidewalks, means of ingress and egress, provisions for drainage, parking spaces, protective screening and open spaces, as well as areas designated for landscaping, and any other aspect deemed necessary to consider in the interest of promoting the public health, safety, order, convenience, prosperity, and general welfare of the city.

(3) If during the course of considering the site plan, conceptual site plan, or landscape plan, the planning and zoning commission is of the opinion that a proper recommendation cannot be made without additional information, the planning and zoning commission is authorized to request that the applicant submit said information and is further authorized to withhold action on the site plan until the submission of the information for the planning and zoning commission's consideration.

(4) A site plan shall expire two years after its approval or amendment date if no building permits have been issued for the site, or if a building permit has been issued but has subsequently lapsed. Expiration shall not apply to site plans submitted for a planned development or specific use permit.

(5) It shall be unlawful to issue a building permit prior to the approval of the site plan by the city council, planning and zoning commission and/or planning division, as appropriate. No building permit shall be issued except in conformity with the approved site plan, including all conditions of approval.

(6) During construction and upon completion, the project will be inspected to ensure that the approved site plan has been followed.

(f) Revision of site plan.

(1) In the event that changes to the approved site plan are proposed, the director of development services or designee shall have the authority to require that a substantially

DRAFT

conforming site plan or revised site plan be submitted to the city for review and approval.

(2) (A) It is recognized that final architectural and engineering design may necessitate some judgment in the determination of conformance to an approved site plan. The director of development services or designee shall have the authority to interpret conformance to an approved site plan, provided that such interpretations do not materially affect access, circulation, general building location on the site, or any conditions specifically attached as part of a city council approval. The director of development services or designee shall only approve minor changes that substantially conform to the approved site plan and with all applicable city regulations.

(B) Examples of revisions which may be approved by the director of development services or designee on a substantially conforming site plan, elevations, or landscape plan include:

(i) Minor building revisions/expansions that do not increase the height of a building and are less than an aggregate total of 1,000 square feet;

(ii) Minor changes in the number of parking spaces (adding, removing, or relocating 20 parking spaces of less), provided that minimum parking requirements are met;

(iii) Adjustments to solid waste container location;

(iv) Minor revisions to approved elevations; and

(v) Substitution of similar materials on an approved landscape plan.

(C) If the proposed revisions exceed staff's approval authority, a revised site plan, revised landscape plan or revised elevations shall be submitted and processed for approval accordingly.

(g) Certificate of occupancy.

(1) The certificate of occupancy shall not be issued until the final inspection shows that the project has been completed in accordance with the approved site plan.

(2) Maintenance of property. Maintenance of the property in conformance with the approved site plan shall thereafter be a condition of a valid certificate of occupancy. Failure to maintain the property in conformance with an approved site plan shall be a violation of this article.

(3) Preliminary site plan. For the purpose of assisting in-process planning, a preliminary site plan may be submitted for planning and zoning commission and planning division consideration. Such preliminary site plan may contain any or all of the site plan requirements and must be drawn to scale, submitted in adequate quantity and titled "Preliminary Site Plan." The approval of a preliminary site plan will not imply approval of all elements of a site plan. It shall be unlawful to issue any building permit on a preliminary site plan.

Sec. 36.038 Completion of buildings

(a) Nothing in these regulations nor in any amendments hereto which change district boundaries shall require any change in the plans, construction, or designated use of any building which shall be completed in its entirety within one year from the date of the passage of this article, provided such building was authorized by building permit before the passage of this article and further provided construction shall have been started within 90 days of the passage of this article.

(b) Commitments made by the city with reference to construction of public utility buildings and facilities necessary for the anticipated expansion of the city made prior to the passage of this article shall be observed.

Sec. 36.039 Schedule of fees, charges, and expenses

DRAFT

(a) The schedule of fees, charges, and expenses related to administration of this article is as set out in the fee schedule in appendix A of this code. The schedule shall be posted in the office of the administration official and may be altered or amended only by the city council.

(b) No permit, certificate, special exception, or variance shall be issued unless and until such costs, charges, fees, or expenses have been paid in full, nor shall any action be taken on proceedings before the board of adjustment unless or until preliminary charges and fees have been paid in full.

Sec. 36.040 Penalty for violations

Any person or corporation violating any of the provisions of this article shall upon conviction be fined a sum not to exceed $2,000.00 per day and each and every day that the provisions of this article are violated shall constitute a separate and distinct offense. In addition to the said penalty provided for, the right is hereby conferred and extended upon any property owner owning property in any district where such property owner may be affected or invaded by a violation of the terms of the ordinance to bring suit in such court or courts having jurisdiction thereof and obtain such remedies as may be available at law and equity in the protection of the rights of such property owners.

Sec. 36.041 Validity, severance and conflict

If any section, paragraph, subdivision, clause, phrase or provision of this article shall be adjudged invalid or held unconstitutional, the same shall be severed from and shall not affect the validity of this article as a whole or any part or provision thereof other than the part so dedicated [declared] to be invalid or unconstitutional. To the extent any provision of this article conflicts with other ordinances of the city the terms of this article shall control. The Zoning Ordinance of the City of Van, dated May 2, 1977, with amendments, is hereby repealed.

Sec. 36.043 Codification

The city secretary is hereby authorized to codify or have codified by a third party the various provisions of zoning ordinances and regulations of the city.

Sec. 36.043 Effective date

This article shall be effective upon the posting and/or publication of its caption as required by law and the city secretary is hereby directed to implement such posting and/or publication.

DRAFT

APPENDIX 1. ZONING DISTRICT AREA REGULATIONS

	AG	R-1	SF-TH	TF	MH-1	MH-2	MF-1	MF-2
Maximum height (feet)	35	35	35	35	35	35	45	45
Side yard, interior (feet)	15	(10)	(b)	(c)	10	10	10	10
Side yard, corner lot, street side (feet)	25	15	15	15	15	15	25	25
Rear yard (feet) (d)	25	25	25	25	25	25	25	25
Front yard (feet)	35	30	20	25	25	25	25	25
Lot area (feet)	43,560	8,000	2,700 per unit	7,200	6,000	5,000	6,000	5,000
Min. lot width (feet)	75	60	25	60	50	50	50	50
Min. lot depth (feet)	120	120	160	120	120	120	120	120
Max. lot coverage (%)	40%	45%	60%	50%	60%	50%	40%	50%
Building size (square feet)	2400	1600	900	1200	None	None	None	None

(a) Zero one side with 10 feet separation between buildings.

(b) 14 feet between ends of buildings.

(c) 5 feet or 10% of the lot width, whichever is greater.

(d) The required rear yard shall be open and unobstructed to the sky from a point 30 inches above the average elevation of the graded rear yard, except for accessory buildings as permitted herein. Eaves, covered porches, and roof extensions without structural support in the rear yard may extend into the rear yard a distance not to exceed four feet. Balconies shall not project into the required rear yard.

AG	Agricultural District
R-1	Single-Family Residential 6,000 square feet min. lot size
SF-TH	Single-Family Residential Townhouse
MH-1	Manufactured Home District
MH-2	Manufactured Home Park District
MF-1	Multiple-Family Residential - Low Density
MF-2	Multiple-Family Residential - High Density

See individual district regulations (sections 36.008 through 36.021 and 36.023) for additional regulations.

DRAFT

	C-1	C-2	I-1	I-2	CBRD
Maximum height (feet)	25 1 Story	35	35	35	35
Side yard, interior (feet) (a)	5 (c)	5 (c)	None (d)	None (d)	0 / (c)
Side yard, corner lot street side (feet)	25	25	25	25	0
Rear yard (feet)	10 (c)	10 (c)	None (d)	None (d)	0 / (c)
Front yard (feet) (b)	25	25	25	25	0 / (a)
Lot area (feet)	7,000	10,000	10,000	10,000	2,500
Minimum lot width (feet)	60	60	50	50	25
Minimum lot depth (feet)	100	None	None	None	100
Maximum lot coverage (%)	40%	70%	50%	50%	NA
Building size (square feet)					NA

(a) 25 feet where adjacent to residential district.

(b) 35 feet where adjacent to residential district.

(c) 15 feet when abutting any district requiring a side yard.

(d) 25 feet when abutting any district requiring a rear yard.

(e) 15 feet when abutting any district requiring a side yard.

(f) 25 feet or 20% of depth

C-1	Restricted Commercial District
C-2	General Business District
I-1	Light Industrial District
CBRD	Central Business Redevelopment District

See individual district regulations (sections 36.016 through 36.019) for additional regulations.

DRAFT

APPENDIX 2. SCHEDULE OF USES

No land shall hereafter be used and no building or structure shall hereafter be occupied, used, erected, altered, removed, placed, demolished or converted which is arranged or designed to be used for other than those uses specified for the district in which it is located as set forth by the following schedule of uses:

Table 1 Residential Uses

Table 2 Educational, Institutional, and Special Uses

Table 3 Transportation, Utility, and Communications Uses

Table 4 Automobile and Related Service Uses

Table 5 Office, Retail, Commercial, and Service Type Uses

Table 6 Manufacturing, Storage, and Warehousing Uses

Table 7 Accessory and Incidental Uses

LEGEND FOR INTERPRETING SCHEDULE OF USES

Y Designates use permitted in district indicated.

Designates use prohibited in district indicated.

S Designates use which may be approved as specific use permit.

The numbers in the “Def” column refer to descriptions/definitions listed in appendix 3, descriptions/definitions of uses.

Additional regulations relating to use of land and buildings in individual zoning districts are listed in sections 36.008 through 36.033 of this article.

SCHEDULE OF USES
TABLE 1.
RESIDENTIAL USES

Type of Use	Def *	AG	R-1	SF -TH	MH -1	MH -2	TF	MF -1	MF -2	C-1	C-2	CBRD	I-1	PI
Apartment, CBRD	3.1.4											Y		
Bed-and-breakfast facility (1)	3.1.2		S	S	S	S	S	S	S	Y	Y	Y		
Boarding or rooming house	3.1.3									Y	S			
Dormitory	3.1.5							S	S					
Duplex (see Two-family dwelling)														
Guest house	3.1.8	Y												
Manufactured housing, HUD-code	3.1.10				Y	Y								

Manufactured home park	3.1.12					Y								
Manufactured home subdivision	3.1.13				Y									
Mobile home	3.1.14													
Motel, motor hotel, or motor lodge	3.1.16										Y			
Multiple-family residence (3)	3.1.17						S	Y	Y					
Patio home (2)	3.1.7			Y	S	S		S	S					
Residence hotel (4)	3.1.18							Y	Y	Y				
Retirement housing	3.1.19							Y	Y	S	S			
Servant's, caretaker's or guard's res.	3.1.21							S	S	S	S		S	
Single-family dwelling, attached	3.1.22			Y			Y	††	†††					
Single-family dwelling, detached	3.1.23	†	Y	Y										
Townhouse	3.1.24				Y	Y		Y	Y					
Travel trailer park	3.1.27										S			
Two-family dwelling	3.1.28			S	S	S	Y	Y	S					

* The number in this column references a description/definition listed in appendix 3.

(1) See section 36.024(h) for additional regulations.

(2) See section 36.024(e) for additional regulations.

(3) See section 36.024(f) for additional regulations.

(4) See section 36.024(d) for additional regulations.

† See section 36.008(b)(1) of this article.

†† See section 36.014(b)(1) of this article.

††† See section 36.015(b)(1) of this article.

DRAFT

SCHEDULE OF USES
TABLE 2.

EDUCATIONAL, INSTITUTIONAL AND SPECIAL USES

Type of Use	Def *	AG	R-1	SF-TH	TF	MH-1	MH-2	MF-1	MF-2	C-1	C-2	CBRD	I-1	PI
Athletic field (see Stadium or playfield, public)														Y
Cemetery or mausoleum	3.2.1	S									S	S	S	Y
Child-care center (1)	3.2.2							S	S	S	Y	Y		
Church, rectory, place of worship	3.2.3	S	S	S	S	S	S	S	S	Y	Y	Y		Y
Civic center	3.2.34									S	Y	Y	Y	Y
College or university	3.2.45							S	S		S	S	S	Y
Community center, public	3.2.6	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
Community center, private	3.2.7		Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
Continuing care facility	3.2.8				S	S		Y	Y	Y	Y	Y		
Country club (private)	3.2.9	Y											Y	
Day-care facility (See Child-care center)														
Exhibition area	3.2.11	S									Y	Y	Y	
Fairgrounds	3.2.12	S									S		Y	Y
Family home (2)	3.2.13	S			S			S	S					
Farm, ranch, or orchard	3.2.14	Y				S							Y	
Feedlot, livestock		S												
Fraternal organization, lodge or civic club	3.2.15	S								S	Y	Y	Y	
Golf course	3.2.16	Y											Y	Y
Golf driving range		Y											Y	
Greenhouse, commercial	3.2.17 a	Y											Y	
Greenhouse or plant nursery, noncommercial	3.2.17 b	Y											Y	
Hosp. (chronic care); long-term health care fac.	3.2.18							S	S		Y	Y	Y	Y
Hospital (acute care)	3.2.19										Y	Y	Y	Y
Household care facility	3.2.20				S			Y	Y					

DRAFT

Household care institution	3.2.21.1							S	S					
Kennel (no outside pens)	3.2.21.2	Y									S		Y	
Kennel (outside pens)	3.2.21.2	Y									S		Y	
Library	3.2.22	Y	S	S	S	S	S	S	S	Y	Y	Y		Y
Museum or art gallery	3.2.23									Y	Y	Y		Y
Nursery school, kindergarten	3.2.24		Y							S	Y	S		Y
Nursing home (see Rest home or nursing home)	3.2.34													
Park, playg'd, or rec. center (public)	3.2.26	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
Park, playg'd, or rec. center (private)	3.2.27	Y	Y	Y	Y	Y	Y	Y	Y	S	S	S	S	Y
Personal care home (custodial care)	3.2.28					S		S	S					
Prison, jail, place of incarceration		S											S	Y
Race track	3.2.30	S												
Registered family home	3.2.31					S		S	S	S	S			
Rehabilitation care facility	3.2.32	S											S	
Rehabilitation care institution	3.2.33	S									S		S	
Rest home or nursing home	3.2.34		S	S	S	S	S	S	S	S	Y	S	D	
Rodeo arena and grounds		S											S	
School, private (primary and/or secondary)	3.2.35	S	S	S	S	S	S	S	S	Y	Y		S	
School, public (primary and/or secondary)	3.2.36		Y	Y	Y	Y	Y	Y	Y	Y	Y		S	Y
School, trade or commercial	3.2.37	S								S	S	S	Y	
Shooting range, target range		S											S	
Stable, commercial	3.2.38a	Y											S	
Stable, private	3.2.38b	Y												

DRAFT

Stadium or playfield, public	3.2.39	S			S	S		S	S	Y	S			Y
Swimming pool, commercial (1)	3.2.40									S	S	S	S	
Swimming pool, private (1)		Y	Y	Y	Y	Y	Y	Y	Y	S	S	S	S	

* The number in this column references a description/definition listed in appendix 3.

(1) See section 36.024(j) for additional regulations.

SCHEDULE OF USES
TABLE 3.

TRANSPORTATION, UTILITY AND COMMUNICATIONS USES

Type of Use	**Def ***	**AG**	**R-1**	**SF -TH**	**TF**	**MH -1**	**MH -2**	**MF -1**	**MF -2**	**C -1**	**C -2**	**CB RD**	**I-1**	**PI**
Airport, landing field	3.3.1	S											S	
Electric power generating plant		S											S	
Electrical substation	3.3.2	Y	S	S	S	S	S	S	S	Y	Y	Y	Y	Y
Gas metering station	3.3.3	Y	S	S	S	S	S	S	S	S	S	S	S	Y
Heliport or helistop	3.3.4	S									S	S	Y	Y
Landfill		S												
Liquefied petroleum gas, storage and sale (no bulk plants)		S												
Radio, TV or microwave oper., amateur (1)	3.3.6	S	S	S	S	S	S	S	S		Y	S	Y	
Radio, TV or microwave oper., commer. (1)	3.3.7	S									Y		S	
Railroad station	3.3.8	S											Y	
Railroad team track and right-of-way	3.3.9	S											Y	
Service yards of government agency	3.3.11	S			S	S		S	S	S	S		Y	Y
Shops, office and/or storage area of public or private utility	3.3.12	S											Y	Y
Solid waste transfer station	3.3.13	S									S		S	
Telephone exchange	3.3.14	†								S	Y	S	Y	

Transit station or turnaround		Y									Y	Y	Y	

* The number in this column references a description/definition listed in appendix 3.

(1) See section 36.024(c).

† See section 36.008(b)(2) of this article.

SCHEDULE OF USES
TABLE 4.

AUTOMOBILE AND RELATED SERVICES USES

Type of Use	**Def ***	**AG**	**R-1**	**SF -TH**	**TF**	**MH -1**	**MH -2**	**MF -1**	**MF -2**	**C -1**	**C -2**	**CB RD**	**I-1**	**PI**
Auto laundry (See Car wash)	3.4.1													
Auto leasing and rental	3.4.2										Y		Y	
Auto paint and body shop													Y	
Auto parts sales (inside)	3.4.3									Y	Y	Y	Y	
Auto parts sales (outside)	3.4.4												Y	
Auto repair, major	3.4.5												Y	
Auto repair, minor	3.4.6									S	Y	S		
Automobile and trailer sales area, new	3.4.7										Y		Y	
Automobile and trailer sales area, used	3.4.8										S		Y	
Automobile service station (1)	3.4.9									Y†	Y††		S	
Auto storage	3.4.10												Y	
Auto wrecking yard or junkyard	3.4.11												S	
Bus terminal	3.4.12										Y	Y	Y	
Car wash	3.4.13									S	Y		Y	
Motorcycle sales and service	3.4.2 [sic]									S	Y		Y	
Parking lot or parking garage, automobile	3.4.16									Y	Y	Y	Y	
Parking lot or parking garage, truck	3.4.17												Y	
Quick oil change facility	3.4.18									Y	Y	Y	Y	

DRAFT

Quick tune-up facility	3.4.19									Y	Y		Y	
Tire dealer (no outside storage)										S	Y		Y	
Tire dealer (with outside storage)											S		Y	
Tire retreading and recapping											S		Y	
Truck and bus leasing	3.4.20										S		S	
Truck and bus repair	3.4.21												Y	
Truck or motor freight terminal	3.4.22										S		Y	
Truck sales	3.4.23										S		Y	
Truck stop	3.4.24										S		Y	

* The number in this column references a description/definition listed in appendix 3.

(1) See section 36.034(g) for additional regulations.

† See section 36.024(b)(1) [36.021(b)] of this article.

†† See section 36.024(c)(2) [36.024(b)(1)] of this article.

DRAFT

SCHEDULE OF USES
TABLE 5.

OFFICE, RETAIL, COMMERCIAL AND SERVICE TYPE USES

Type of Use	Def *	AG	R-1	SF-TH	TF	MH-1	MH-2	MF-1	MF-2	C-1	C-2	CBRD	I-1	PI
Adult entertainment establishment	3.5.1a												S	
Adult arcade	3.5.1a(1)												S	
Adult bookstore	3.5.1a(2)												S	
Adult cabaret	3.5.1a(3)												S	
Adult motion picture theater	3.5.1a(4)												S	
Adult theater	3.5.1a(5)												S	
Air conditioning and refrigeration contractor	3.5.1b										S		Y	
Amusement, commercial (indoor)	3.5.3a									S	Y	Y	Y	
Amusement, commercial (outdoor)	3.5.3b												Y	
Antique shop	3.5.4									Y	Y	Y		
Arcade	3.5.5									S	S		S	
Arts, crafts store (inside sales)										Y	Y	Y		
Arts, crafts store (outdoor sales)											S	S	Y	
Bakery and confectionery, retail sales	3.5.6a									Y	Y	Y		
Bakery and confectionery, commercial	3.5.6b									S	S	S	Y	
Bank, savings and loan, credit union	3.5.7									Y	Y	Y	Y	
Boat sales and storage											Y		Y	
Barber school or college	3.5.8b										Y	S	Y	

DRAFT

Beauty culture school; cosmetology spec. shop	3.5.9a									Y	Y	S	Y	
Bldg. materials, hardware (inside storage)	3.5.10									Y	Y	Y	Y	
Bldg. materials, hardware (outside storage)	3.5.10									S	S		Y	
Brewpub or winery (1)	3.5.9b										S	Y	Y	
Cabinet and upholstery shop	3.5.12										S		Y	
Cleaning and dyeing, small shop	3.5.13										S	S	S	
Clinic, medical or dental	3.5.14									Y	Y	Y		
Convenience store	3.5.15									Y	Y	Y	S	
Discount, variety, or department store	3.5.17									S	Y	Y	S	
Engine and motor repair	3.4.9										S		Y	
Farm equipment, sales and service											S		Y	
Feed and farm supply (inside sales/storage)	3.5.18									S	Y		Y	
Feed and farm supply (outside sales/storage)	3.5.18												Y	
Flea market	3.5.19	S									S		Y	
Florist	3.5.20									Y	Y	Y	S	
Food and beverage store	3.5.22									Y	Y	Y	Y	
Food store; grocery store	3.5.21									Y	Y	Y		
Furniture and appliance, repair or storage	3.5.20 [3.5.23]												Y	
Furniture, appliance store	3.5.23 [3.5.24]									Y	Y	S	Y	

DRAFT

(inside storage)														
Furniture, appliance store (outside storage)	3.5.23 [3.5.24]									S	S		Y	
Garden center (retail sales)	3.5.25									Y	Y	Y	Y	
General merchandise store	3.5.26									Y	Y	Y		
Gymnastic or dance studio; health club	3.5.26a									Y	Y	Y	S	
Heavy machinery sales											S		Y	
Hotel	3.1.16									Y	Y	Y		
Household appliance service and repair	3.5.23									S	Y	Y	Y	
Intradermal studio	3.5.26b									S	S	S	Y	
Laboratory, medical or dental										S	Y		S	
Laboratory, scientific or research	3.5.27												Y	
Laundry and cleaning, self-service	3.5.28									Y	Y			
Laundry and cleaning, commercial	3.5.28												S	
Massage parlor	3.5.1a(6)										S		S	
Massage therapy facility	3.5.29									Y	Y	Y		
Metal dealer, secondhand	3.5.30a												Y	
Metal dealer, crafted precious	3.5.30b									Y	Y	Y	Y	
Motel, motor hotel, motor lodge	3.1.16									Y	Y			
Mortuary or funeral home											Y		S	
Nude modeling studio	3.5.1a(7)										S		S	

DRAFT

Office center	3.5.32									Y	S			
Office, prof. or general administrative	3.5.33									Y	Y			
Office - showroom/warehouse	3.5.34										S		Y	
Pawn shop	3.5.35										S		S	
Personal service shop	3.5.36									Y	Y	Y	S	
Pet shop	3.5.37									Y	Y	Y		
Medical supplies, sales and service										S	S		Y	
Newspaper printing											S		Y	
Pharmacy										Y	Y	Y		
Plumbing, heating, refrig. or air cond. bus.	3.5.38										S		Y	
Plumbing service	3.5.39										S		Y	
Portable building sales	3.5.40												Y	
Post office, government and private	3.5.41									Y	Y	Y	Y	
Print shop	3.5.42									S	S		Y	
Private clubs (1)	3.5.42a									S	S	S	S	
Restaurant or cafeteria	3.5.44									Y	Y	Y	Y	
Retail ice and dispensed water sales	3.5.45b									S	S		S	
Retail shops and stores other than listed	3.5.45a									Y	Y	S	S	
Secondhand store, furniture/clothing	3.5.46									S	S	S	Y	
Service, retail	3.5.47									S	Y	Y	Y	
Sexually oriented business (see Adult	3.5.48a													

DRAFT

entertainment) establishment)														
Shopping center	3.5.48b									Y	Y	Y		
Short-term loan agency													S	
Studio (photographer, musician, artist)										Y	Y	Y		
Studio for radio and television										Y	Y	Y	S	
Tasting room (1)	3.5.48d										S	Y	Y	
Taxidermist										S	Y	Y	S	
Theater (indoor)										Y	Y	Y	S	
Theater (outdoor)	3.5.49												Y	
Tool rental shop											S	S	Y	
Trailer, manufactured housing or mobile home display and sales	3.5.50										S		Y	
Trailer rental	3.5.51										S		Y	
Veterinarian clinic (no outside pens)	3.5.51a									S	S	S	Y	
Veterinarian clinic (outside pens)	3.5.51b										S		Y	
Washateria	3.5.51 [3.5.52]									S	Y	Y	S	

* The number in this column references a description/definition listed in appendix 3.

(1) See section 36.023 special uses.

DRAFT

SCHEDULE OF USES
TABLE 6.

MANUFACTURING, STORAGE AND WAREHOUSING USES

Type of Use	Def *	AG	R-1	SF -TH	TF	MH -1	MH -2	MF -1	MF -2	C -1	C -2	CB RD	I-1	PI
Acetylene gas manufacture or storage													S	
Acid manufacture													S	
Advertising displays manufacture													Y	
Alcohol manufacture													S	
Ammonia, bleach or chlorine manufacture													S	
Apparel and other products assembled from finished textiles													Y	
Arsenal													S	
Asphalt manufacture or refining													S	
Bag cleaning													S	
Blast furnace													S	
Boats, building or repair													Y	
Boiler works													S	
Bookbinding, except hand binding													Y	
Bottling works	3.6.1												Y	
Brewery/distillery	3.6.0												Y	
Brick, tile, pottery or terra-cotta manufacture, other than handcraft													S	
Brooms or brushes, manufacture													Y	
Building materials (inside storage)													Y	
Building materials													Y	

DRAFT

(outside storage)														
Cameras or other photographic equipment													Y	
Candle manufacture													S	
Carpet manufacture or cleaning													Y	
Celluloid manufacture or treatment													S	
Cement, lime, gypsum or plaster of paris manufacture													S	
Ceramics, stone, glass, marble or porcelain products manufacture													Y	
Chemical manufacturing													S	
Cleaning and dyeing; dry cleaning plant	3.6.2												Y	
Coal, coke, or wood yard													S	
Concrete, asphalt batching plant (perm.)													S	
Concrete, asphalt batching plant (temp.)		Y	Y	Y	Y	Y	Y	Y	Y				Y	
Contractor's shop and storage yard													Y	
Cosmetic manufacture													Y	
Cotton gin													S	
Cotton seed oil manufacture													S	
Creosote treatment													S	
Dairy products processing, manufacturing													S	
Disinfectant manufacture													S	
Distillation of bones, coal or													S	

DRAFT

wood														
Drugs or pharmaceutical products manufacturer													S	
Dyestuff manufacture													S	
Electrical appliances, supplies, and machinery, assembly or manufacture													Y	
Electronic products, assembly													Y	
Electronic products, manufacturing													S	
Emery cloth and sandpaper manufacture													S	
Explosives or fireworks manufacture or storage													S	
Farm seed and/or fertilizer sales/storage (inside)											S		Y	
Farm seed and/or fertilizer sales/storage (outside)													S	
Fat rendering													S	
Fertilizer manufacture													S	
Fiberglass manufacture													S	
Fish smoking and curing													S	
Food products processing											S		S	
Forge plant													S	
Foundry (iron, steel, brass or copper)													S	
Fur good manufacture (not including tanning or dyeing)													Y	
Furniture and													Y	

DRAFT

upholstery manufacture														
Garbage, offal or dead animal reduction													S	
Gas manufacture													S	
General commercial plant	3.6.3												Y	
General manufacturing	3.6.4												Y	
Glass products													Y	
Glue or gelatin manufacture													S	
Grain elevator													S	
Hatchery		S											Y	
Herbicide manufacture														
Household appliance products assembly and manufacture from pre-fabricated parts													Y	
Ice production, dry or natural													Y	
Industrial park	3.6.5												Y	
Insect poison manufacture													S	
Junk or salvage yard	3.6.6												S	
Jute, hemp, sisal or oakum products manuf.													Y	
Laundry plant													Y	
Light manufacturing	3.6.7												Y	
Livestock feed yards													S	
Mattress manufacture or renovation													Y	
Meat processing/ locker plant/frozen food products													Y	
Metal fabrication													S	
Mill (grain, flour,													S	

DRAFT

food products)														
Mines and quarries													S	
Musical instrument manufacture													Y	
Oil field service													S	
Oil, gas, other mineral extraction													S	
Oilcloth or linoleum manufacture													S	
Ore reduction													S	
Orthopedic or medical appliance manufacture													Y	
Paint, oil, shellac, turpentine or varnish manufacture													S	
Paper products manufacture													S	
Petroleum products, sales (wholesale)													S	
Petroleum products, bulk quantities													S	
Pipe sales and supply													S	
Plastic products manufacture (not including processing of raw matter)													S	
Pump sales, repair and maintenance											S		Y	
Scrap metal sales and storage													S	
Self-storage; mini-warehouse	3.6.9												Y	
Sporting and athletic equip manuf.													Y	
Steel fabrication													S	
Storage/wholesale warehouse,	3.6.10												Y	

DRAFT

light														
Storage/wholesale warehouse, heavy	3.6.11												S	
Tire recapping, vulcanizing													S	
Tools or hardware manufacture													Y	
Toys and novelty products manufacture													Y	
Window shade, awnings, venetian blind manufacture													Y	
Wrecking yard (junk or salvage yard)													S	
Yeast manufacture													S	

* The number in this column references a description/definition listed in appendix 3.

SCHEDULE OF USES
TABLE 7.
ACCESSORY AND INCIDENTAL USES

Type of Use	**Def ***	**AG**	**R-1**	**SF -TH**	**MH -1**	**MH -2**	**TF**	**MF -1**	**MF -2**	**C -1**	**C -2**	**CBRD**	**I-1**	**PI**
Accessory building to main use (1)	3.7.1	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
Boat; boat trailer		Y	Y†	Y†	Y†		Y†	Y†	Y†					
Carport	3.7.2	Y												
Construction yard (temporary) (2)	3.7.3	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
Customary home occupation	3.7.5	Y	Y	Y	Y	Y	Y	Y	Y					
Field or sales office, temporary (2)	3.7.4	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	
Garage, private	3.7.6	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	

Motor home		Y	Y†	Y†	Y†	Y†	Y†	Y†	Y†					
Swimming pool, private (3)		Y	Y	Y	Y	Y	Y	Y	Y	S	S	S	S	
Trailer; travel trailer; cattle trailer, etc.		Y	Y†	Y†	Y†	Y†	Y†	Y†	Y†					
Wind energy system (4)	3.7.7	S	S	S	S	S	S	S	S	S	S		Y	Y

* The number in this column references a description/definition listed in appendix 3.

(1) See section 36.024(a) for additional regulations.

(2) See section 36.023(b) for additional regulations.

(3) See section 36.023(j) for additional regulations.

(4) See section 36.023(m) for additional regulations.

† See section 36.023(c), 36.027(c) of this article for special regulations.

DRAFT

APPENDIX 3. DESCRIPTIONS/DEFINITIONS OF USES

3.1 Residential uses

3.1.1 Apartment: A room or suite of rooms in an apartment house arranged, designed or occupied as a dwelling unit residence by a single family, individual, or group of individuals living together as a single housekeeping unit. (Also see 3.1.4, “CBRD apartments.”)

3.1.2 Bed-and-breakfast facility: An owner-occupied property, other than a hotel or multiple-family dwelling, which offers lodging for paying guests and which serves meals to these guests and which contains one or more guest bedrooms and where facilities for food preparation are not provided in the individual guest bedrooms. See also section 36.026(h) and 36.022(h).

3.1.3 Boarding or rooming house: A building, other than a hotel or multiple-family dwelling, where lodging or meals is provided to persons for compensation, and where facilities for food preparation are not provided in individual rooms.

3.1.4 CBRD apartments: Apartments in any building in the CBRD on the second or higher floors or, if on the ground floor is (i) not occupying the street front of the building and (ii) occupied by the operator of the business which also is housed in that building. (Also see 3.1.1, “Apartment.”)

3.1.5 Dormitory: A building in which housing is provided for individual students under the general supervision or regulation of an accredited college or university and as distinguished from an apartment, hotel, motel, or rooming house. A dormitory may provide apartment units for guests, faculty, or supervisory personnel on a ratio not to exceed one such apartment unit for each 50 students for which the building is designed. Individual rooms or suites of rooms may have cooking facilities. The dormitory may include facilities such as a commissary and/or snack bar, lounge, and study area, dining halls, and accessory kitchen, recreation facilities, and laundry, provided that these facilities are for the benefit and use of the occupants and their guests and not open to the general

public.

3.1.6 Duplex: See “Two-family dwelling” (36.013).

3.1.7 Patio home: A single-family dwelling, detached residence allowed to have little or no side yard on one side, built in accordance with standards set out in Section 36.022(e), where the wall on that side has no doors, windows, or other openings and which otherwise qualifies for a one-hour fire rating as defined in the building code.

3.1.8 Guest house: Living quarters within a detached accessory building located on the same premises with the main building, for use by temporary guests of the occupants of the premises, such quarters having no kitchen facilities and not rented or otherwise used as a separate dwelling.

3.1.9 Hotel: See “Motel, motor hotel, or motor lodge.”

3.1.10 Manufactured housing, HUD-code: A structure, constructed on or after June 15, 1976, according to the rules of the United States Department of Housing and Urban Development, transportable in one or more sections, which, in the traveling mode, is eight body feet or more in width or 40 body feet or more in length, or, when erected on-site, is 320 or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air conditioning, and electrical systems. All references in this article to manufactured housing or manufactured home(s) shall be references to HUD-code manufactured housing, unless otherwise specified.

3.1.12 Manufactured home park: Any tract of land under single ownership of not less than two acres and not more than 10 acres approved for occupancy by manufactured housing and accessory structures related thereto and designed and operated in accordance with standards herein set forth or as set forth in any other ordinance of the city relating to the location, use, construction, operation, or maintenance of manufactured housing.

3.1.13 Manufactured home subdivision: A tract of land of not less than 10 acres which has been final platted of record in its entirety in accordance with the subdivision regulations of the city for occupancy primarily by HUD-code manufactured housing and industrialized housing.

3.1.14 Mobile home: A structure constructed before June 15, 1976, transportable in one or more sections which, in the traveling mode, is eight body feet or more in width or 40 body feet or more in length, or, when erected on-site, is 320 or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air conditioning, and electrical systems. Mobile homes shall not be used as dwelling units within the corporate limits of the city.

3.1.15 Modular home: A dwelling that is constructed in one or more modules at a location other than the homesite, or is constructed utilizing one or more modular components, and which is designed to be used as a permanent residence when the modular unit components or modules are transported to the homesite and are joined together, or are erected and installed on a permanent foundation system. The term includes the plumbing, heating, air conditioning and electrical systems. It is expressly provided, however, that the term “modular home” shall not mean nor apply to:

(1) Housing constructed of sectional or panelized systems not utilizing modular components;

(2) Any ready-built home which is constructed so that the entire living area is contained in a single unit or section at a temporary location for the purpose of selling it and moving it to another location; or

(3) Any dwelling constructed in modules incorporating concrete as the basic and predominant structural component.

3.1.16 Motel, motor hotel, or motor lodge: A building or group of buildings designed for and occupied as a temporary dwelling place, providing four or more room units for compensation, and where an

office and register is maintained separately and apart from any of the rooms or units provided for the customers and where the operation is supervised by a person or persons in charge at all hours. A motel, motor hotel, or motor lodge may include restaurants, club rooms, banquet halls, ballrooms and meeting rooms as accessory uses.

3.1.17 Multiple-family residence: Any building or portion thereof which is designed, built, rented, leased, or let to be occupied as three or more dwelling units or apartments or which is occupied as a home or place of residence by three or more families living in independent dwelling units.

3.1.18 Residence hotel: A multi-dwelling unit extended stay lodging facility consisting of efficiency units or suites with a complete kitchen suitable for long-term occupancy. Customary hotel services such as linen, maid service, telephone, and upkeep of furniture shall be provided. Meeting room, club house and recreational facilities intended for the use of residents and their guests are permitted. This definition shall not include other dwelling units as defined in this article.

3.1.19 Retirement housing: A development providing dwelling units specifically designed for the needs of ambulatory retired persons. The following subsidiary uses shall be permitted to provide on-site goods and services for residents and their guests, but are not intended for use by the general public:

(1) Cafeteria and/or dining room.

(2) Library.

(3) Game room.

(4) Swimming pool and/or Jacuzzi.

(5) Exercise room.

(6) Arts and crafts facilities.

(7) Greenhouse.

(8) Housekeeping service.

(9) Transportation service.

(10) Snack bar with a maximum of 350 square feet per 100 dwelling units.

(11) Beauty/barber shop with a maximum of 250 square feet per 100 dwelling units or a maximum of 450 square feet per 100 dwelling units.

(12) Convenience retail shop with maximum of 350 square feet per 100 dwelling units to provide for sale of food items, non-prescription drugs, small household items, and gifts.

3.1.20 Rooming house: See “Boarding or rooming house.”

3.1.21 Servant’s, caretaker’s, or guard’s residence: An accessory building or portion of an accessory building located on the same lot or grounds with the main building, containing not more than one set of kitchen and bathroom facilities and used as living quarters for a person or persons employed on the premises for not less than 50% of his/her actual working time, and not otherwise used or designed as a separate place of abode, provided the living area of such quarters shall not exceed 600 square feet.

3.1.22 Single-family dwelling, attached: A dwelling that is part of a structure containing three or more dwellings, each designed and constructed for occupancy by one family, with each dwelling unit attached by a common wall to another with a minimum length of attachment of 20 feet, in which each dwelling is located on a separate platted lot.

3.1.23 Single-family dwelling, detached: A detached building designed exclusively for occupancy by one family, excluding manufactured housing, located on a lot or separate building tract and having no physical connection to a building on any other lot.

3.1.24 Townhouse or row dwelling: One of a series of not less than three nor more than 10 attached

DRAFT

one-family dwellings under common roof with common exterior wall, and separated from one another by single partition walls without openings from basement to roof. No townhouse dwelling unit is to be constructed above another townhouse dwelling unit.

3.1.25 Tourist home: A building or part thereof, other than hotel, boarding house, lodging house, or motel, where lodging is provided by a resident family in home for compensation, mainly for transients.

3.1.26 Townhouse or row house: Means three or more dwelling units with common vertical walls.

3.1.27 Travel trailer park: Any tract of land under single ownership, not less than two acres nor more than 10 acres, where accommodation is provided for travel trailer use.

3.1.28 Two-family dwelling: A building designed for occupancy by two individuals or families living independently of each other within separate units which have a common wall and are under one roof.

3.1.29 Zero lot line house: See 3.1.7 Patio home.

3.2 Educational, institutional, and special uses

3.2.1 Cemetery: Is land used or intended to be used for the burial of the human dead and dedicated for cemetery purposes, including columbariums, crematories, mausoleums and mortuaries, if operated in connection with and within the boundaries of such cemetery.

3.2.2 Child-care center: An establishment where four or more children are provided care, training, education, custody, treatment, or supervision for less than 24 hours a day. The term “child-care center” shall not include overnight lodging, medical treatment, counseling, or rehabilitative services and does not apply to any school. (Also see “Registered family home.”)

3.2.3 Church, Rectory, or Place of Worship: A building for regular assembly for religious worship which is used primarily for such purpose and customary accessory activities including a place of residence for ministers, priests, rabbis, teachers, or directors on the premises. The place of residence may be a separate building.

3.2.34 Civic center: A building or complex of buildings that houses municipal offices and services and which may include cultural, recreational, athletic, convention and/or entertainment facilities owned and/or operated by a governmental agency.

3.2.45 College or university: An institution established for educational purposes offering courses of study beyond the secondary education level, but excluding trade and commercial schools.

3.2.6 Community center, public: A building or buildings dedicated to social and/or recreational activities, serving the city or a neighborhood and owned and operated by the city or by a nonprofit organization dedicated to promoting the health, safety, morals, or general welfare of the city.

3.2.7 Community center, private: A building or buildings dedicated to social and/or recreational activities serving residents of a subdivision or development which is operated by an association or incorporated group for their use and benefit; not to be a commercial, for profit, business.

3.2.8 Continuing care facility: A place as defined in the Texas Continuing Care Facility Disclosure and Rehabilitation Act in which a person provides board and lodging, together with personal care services and nursing services, medical services, or other health-related services, regardless of whether the services and lodging are provided at the same location, under an agreement that requires the payment of a fee and that is effective for the life of the individual or for a period of more than one year, such individual or individuals being cared for not being related by consanguinity or affinity to the person providing the care. (Also see “Household care facility,” “Household care institution,” “Personal care home,” and “Family home.”)

3.2.9 Country club (private): Land and buildings customarily containing a golf course and a clubhouse and available only to specific private membership; such a club may contain adjunct facilities such as private club, dining room, swimming pool, tennis courts, and similar recreational or

service facilities.

3.2.10 Convalescent home: See “Rest home or nursing home.”

3.2.11 Exhibition area: An area or space either outside or within a building for the display of topic-specific goods or information.

3.2.12 Fairgrounds: An area where outdoor fairs, circuses or exhibitions are held.

3.2.13 Family home: A community-based residential home operated by either the State of Texas, a nonprofit corporation, a community center organized pursuant to state statute, or an entity which is certified by the state as a provider for a program for the mentally retarded. Family homes provide care for persons who have mental and/or physical impairments that substantially limit one or more major life activities. To qualify as a family home, a home must meet the following requirements:

(1) Not more than six disabled persons and two supervisory personnel may reside in a family home at the same time.

(2) The home must provide food and shelter, personal guidance, care, rehabilitation services, or supervision.

(3) All applicable licensing requirements must be met.

(Also see “Continuing care facility,” “Household care facility,” “Household care institution,” and “Personal care home.”)

3.2.14 Farm, ranch, or orchard: An area of five acres or more which is used for growing of usual farm products and/or raising of usual farm products and animals and including the necessary accessory uses for raising, treating, and storing products raised on the premises, but not including the commercial feeding of offal or garbage to swine or other animals and not including any type of agriculture or husbandry specifically prohibited by ordinance or law. Farm, ranch, or orchard use shall not cause a hazard to health by reason of unsanitary conditions and shall not be offensive by reason of odors, dust, fumes, noise, or vibrations or be otherwise detrimental to the public welfare.

3.2.15 Fraternal organization, lodge, or civic club: An organized group having a restricted membership and specific purpose related to the welfare of the members.

3.2.16 Golf course: An area of 20 acres or more improved with trees, greens, fairways, hazards and which may include clubhouses.

3.2.17a Greenhouse or plant nursery, commercial: A place, often including artificially heated and/or cooled buildings, where trees or plants are raised and/or sold, including related storage of equipment for landscape contracting.

3.2.17b Greenhouse, noncommercial: A building, often artificially heated and/or cooled, used as a location for cultivating plants which are used by the grower and not sold as a commercial activity.

3.2.18 Hospital (chronic care); long-term health care facility: An institution providing in-patient health, personal care, or rehabilitative services over a long period of time to persons chronically ill, aged, or disabled due to injury or disease and which is licensed by the State of Texas.

3.2.19 Hospital (acute care): An institution where sick or injured patients are given medical or surgical treatment intended to restore them to health and an active life and which is licensed by the State of Texas.

3.2.20 Household care facility: A dwelling unit which 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; or rendered temporarily homeless due to fire, natural disaster, or financial adversity; living together with not more than two supervisory personnel as a single housekeeping unit. (See also “Continuing care facility,” “Household care institution,” “Personal care home,” and “Continuing care facility.”)

3.2.21.1 Household care institution: A facility which provides residence and care to 10 or more

persons, regardless of legal relationship, who are elderly; disabled; orphaned, abandoned, abused or neglected children; victims of domestic violence; convalescing from illness; or rendered temporarily homeless due to fire, natural disaster or financial adversity, living together with supervisory personnel. (See also “Continuing care facility,” “Family home,” “Household care facility,” “Personal care home,” and “Continuing care facility.”)

3.2.21.2 Kennel: Any structure, lot, or premises on which four or more dogs, cats or other domestic animals more than four months of age are housed or accepted for boarding, breeding, training, selling, grooming and/or bathing for which remuneration is received.

3.2.22 Library: Any institution for the loan or display of books, tapes, objects of art or science which is sponsored by a public or responsible quasi-public agency and which institution is open and available to the general public.

3.2.23 Museum or art gallery: An institution for the collection, display and distribution of objects of art or science and which is sponsored by a public or quasi-public agency and which facility is open to the general public.

3.2.24 Nursery school; kindergarten: A child-care facility offering a program seven hours or less per day for children who have passed their second birthday but who are under seven years old.

3.2.25 Nursing home: See “Rest home or nursing home.”

3.2.26 Park, playground, or recreation center (public): An open recreation facility or park owned and operated by a public agency and available to the general public.

3.2.27 Park, playground, or recreation center (private): A privately owned park, playground, open space or building dedicated to recreational activities, maintained by a community club, property owners’ association, or similar organization.

3.2.28 Personal care home (custodial care): An owner-occupied, home-operated non-licensed facility for the elderly providing custodial care to not more than three individuals not related to the provider of such care. Custodial care is that type of care which assists elderly persons who are incapable because of physical or mental limitations of performing routine daily activities and which do not require the continuing attention of trained medical or paramedical personnel. (Also see “Continuing care facility.”)

3.2.29 Reserved for future use.

3.2.30 Race track: A facility used for the racing of motor-driven vehicles and/or animals.

3.2.31 Registered family home: A child-care facility that regularly provides care in the caretaker’s own residence for not more than six children under 14 years of age, excluding the caretaker’s own children, and that provides care after school hours for not more than six additional elementary school siblings of the other children given care, but the total number of children, including the caretaker’s own, does not exceed 12 at any given time. (Also see “Child-care center.”)

3.2.32 Rehabilitation care facility: A dwelling unit which provides residence and care to not more than nine 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.

3.2.33 Rehabilitation care institution: A facility which provides residence and care to 10 or more persons, regardless of legal relationship, who have demonstrated a tendency towards alcoholism, drug abuse, mental illness or antisocial or criminal conduct together with supervisory personnel.

3.2.34 Rest home or nursing home: A place of residence or care for persons suffering from infirmities of age or illness where care is provided after leaving a clinic or hospital, often on a prolonged or even permanent basis. This term shall include a convalescent home.

3.2.35 School, private (primary or secondary): An institution of learning having a curriculum equivalent to public schools but not including specialty schools such as dancing, music, beauty,

mechanical, trade, or commercial schools.

3.2.36 School, public (primary or secondary): An institution under the sponsorship of a public agency which offers instruction in the several branches of learning and study required to be taught in the public schools by the Education Code of the state of but not including specialty schools such as dancing, music, beauty, mechanical, trade, or commercial schools.

3.2.37 School, trade or commercial: Establishments, other than public or parochial schools, private primary and secondary schools or colleges, organized to operate for a profit and offering training or instruction in a trade, service, art, or occupation.

3.2.38a Stable, commercial: A structure housing horses which are boarded or rented to the public or any stable other than a private stable, but not including a sale barn, auction or similar trading activity.

3.2.38b Stable, private: An accessory building set back from adjacent property lines a minimum distance of 100 feet and used for quartering horses, not to exceed one horse per 1.5-acre area of a farm or lot.

3.2.39 Stadium or playfield, public: An athletic field or stadium owned and operated by a public agency for the general public including a baseball field, golf course, football field or stadium which may be lighted for nighttime play.

3.2.40 Swimming pool, commercial: A swimming pool with accessory facilities, not part of the municipal or public recreational system and not a private swim club, but where the facilities are available to the general public for a fee.

3.3 Transportation, utility, and communications uses

3.3.1 Airport; landing field: A place where an aircraft can land and take off, usually equipped with hangars, facilities for refueling and repair, and various accommodations for passengers and/or freight.

3.3.2 Electrical substation: A subsidiary station in which electric current is transformed.

3.3.3 Gas metering station: Facility at which natural gas flows are regulated and recorded.

3.3.4 Heliport or helistop: A landing facility for rotary wing aircraft which may include fueling or servicing facilities for such craft.

3.3.5 Reserved for future use.

3.3.6 Radio, television, or microwave communications operations, amateur: The transmission and retransmission of radio, electromagnetic, or microwave signals for private or personal use and not for the purpose of operating a business and/or for financial gain. (See also 3.3.15, “Towers.”)

3.3.7 Radio, television, or microwave communications operations, commercial: The transmission and retransmission, of radio, electromagnetic, or microwave signals primarily for the purpose of operating a business and/or financial gain. (See also 3.3.15, “Towers,” and 3.3.6.)

3.3.8 Railroad station: Any premises for the transient parking of trains and the loading and unloading of passengers.

3.3.9 Railroad team track and right-of-way: A facility/place for the loading and unloading of materials on trains.

3.3.10 Reserved for future use.

3.3.11 Service yard of governmental agency: An area for the servicing and storage of vehicles or other property of a governmental agency.

3.3.12 Shops, office, and/or storage area of public or private utility: The pole yard, maintenance yard, and/or administrative offices of a municipality or franchised utility.

3.3.13 Solid waste transfer station: A facility and/or premises at which solid waste is temporarily

deposited prior to ultimate removal to a permanent solid waste storage site.

3.3.14 Telephone exchange: A switching or transmitting station owned by a public utility but not including business offices, storage, or repair shops or yards.

3.3.15 Towers (radio, television or microwave): Structures supporting antennae for transmitting or receiving any of the radio spectrum, but excluding noncommercial antennae installations for home, use of radio. (See also 3.3.6, “Radio, television, or microwave communications operations, amateur,” and 3.3.7, “Radio, television, or microwave communications operations, commercial.”)

3.4 Automobile and related service uses

3.4.1 Auto laundry: See “Car wash.”

3.4.2 Auto leasing: Storage and leasing of automobiles, motorcycles, and light load vehicles.

3.4.3 Auto parts sales (inside): The use of any building or other premises for the display and sale of new or used parts for automobiles, panel trucks, vans, trailers, or recreational vehicles.

3.4.4 Auto parts sales (outside): The use of any land area for the display and sale of new or used parts for automobiles, panel trucks, vans, trailers, or recreation vehicles.

3.4.5 Automobile repair, major: General repair or reconditioning of engines and air conditioning systems for motor vehicles; wrecker service; collision services including body, frame or fender straightening or repair; customizing; overall painting or paint shop; vehicle steam cleaning; those uses listed under “Automobile repair, minor”; and other similar uses.

3.4.6 Automobile repair, minor: Minor repair or replacement of parts, tires, tubes, and batteries; diagnostic services; minor motor services such as grease, oil, spark plug, and filter changing; tune-ups; emergency road service; replacement of starters, alternators, hoses, brake parts; automobile washing and polishing; performing state inspections and making minor repairs necessary to pass said inspection; normal servicing of air conditioning systems, and other similar minor services for light load vehicles, but not including any operation named under “Automobile repair, major” or any other similar use.

3.4.7 Automobile and trailer sales, new: Building(s) and associated open area other than a street or required automobile parking space used for the display or sale of primarily new automobiles, light trucks, and trailers, to be displayed and sold on the premises, and where no repair work is done except minor reconditioning of the automobiles and trailers to be displayed and sold on the premises, and no dismantling of automobiles or trailers for sale or keeping of used automobile and trailer parts or junk on the premises.

3.4.8 Automobile and trailer sales, used: Building(s) and associated open area other than a street or required automobile parking space used for the display and sale of previously owned automobiles, light trucks, or trailers in operating condition and where no repair work is done except the minor adjustments of the vehicles to be displayed or sold on the premises. A used car sales area shall not be used for the storage of wrecked automobiles or the dismantling of automobiles or the storage of automobile parts or junk on the premises.

3.4.9 Automobile service station: A building or place arranged, designed, used, or intended to be used for the primary purpose of dispensing gasoline, oil, diesel fuel, liquefied petroleum gases, greases, batteries, and other automobile accessories at retail direct to the on-premises motor vehicle trade provided that the above services shall not be construed to include major overhaul, the removal and/or rebuilding of an engine, cylinder head, oil pan, transmission, differential, radiator, springs, or axles, steam cleaning, body or frame work, painting, upholstering and replacement of glass. If the dispensing or offering for sale of auto fuel at retail is incidental, the premises shall be classified as a public garage. Service stations shall not allow automobiles, which are inoperative or are being repaired, to remain outside such service station for a period greater than seven days.

3.4.10 Auto storage: The storage on a lot or tract of operable automobiles for the purpose of holding such vehicles for sale, distribution, or storage.

3.4.11 Automobile wrecking yard or junkyard: Any building, structure, or open area used for the dismantling or wrecking of any type of used vehicles or the storage, sale, or dumping of dismounted or wrecked vehicles or their parts and accessories, including any farm vehicles or farm machinery or parts thereof, stored in the open and not being restored to operating condition, including the commercial salvaging, storage, and scraping of any other goods, articles, or merchandise.

3.4.12 Bus terminal: Any premises for the transient housing or parking of motor-driven buses and the loading and unloading of passengers.

3.4.13 Car wash: A building, or portion thereof, where automobiles or other motor vehicles are automatically or manually washed regularly as a business.

3.4.14 Garage, public: Means a building or portion of a building except that herein defined as a private garage or as a repair garage, used for the storage of motor vehicles, or where any such vehicles are kept for remuneration or hire; in which any sale of gasoline, oil, and accessories is only incidental to the principal use.

3.4.15 Junkyard: See 3.4.11, “Automobile wrecking yard or junkyard.”

3.4.16 Parking lot or parking garage, automobile: Area for parking light load vehicles.

3.4.17 Parking lot or parking garage, truck: Area for parking heavy load vehicles.

3.4.18 Quick oil change facility: A business engaging in the changing of oil, oil filters, and the chassis lubrication of motor vehicles. All new oil shall be dispensed from drums and all old oil shall be kept in sumps until removed by pumper trucks.

3.4.19 Quick tune-up facility: A business engaging in engine adjustment and minor part replacement for motor vehicles, limited to spark plugs, condensers, spark plug wires, distributor caps, distributor points, PCV valves, air cleaners, fan belts and radiator hoses. Such a facility shall not repair or replace carburetors, starters, alternators, generators, radiators, water pumps, or other major engine parts, brake shoes, or mufflers.

3.4.20 Truck and bus leasing: The rental of new or used panel trucks, vans, trailers, recreational vehicles, or motor-driven buses in operable condition and where no repair work is done.

3.4.21 Truck and bus repair: An establishment providing major and minor automobile repair services to heavy load vehicles.

3.4.22 Truck or motor freight terminal: A building or area in which freight brought by motor truck is assembled and/or stored for shipping by motor truck.

3.4.23 Truck sales: Building(s) and associated open area other than a street or required automobile parking space used for the display or sale of primarily new heavy load vehicles (for definition, see 3.4.24), to be displayed and sold on the premises, and where no repair work is done except minor reconditioning of the vehicles to be displayed and sold on the premises, and no dismantling of vehicles for sale or keeping of used vehicle parts or junk on the premises.

3.4.24 Truck stop: Any premises where heavy load vehicles are serviced, repaired, and/or where maintenance on such vehicles is undertaken and which includes facilities for dispensing fuels and other petroleum products directly into motor vehicles. Such premises may include the incidental sale of accessories or equipment for heavy load vehicles and similar commercial vehicles, overnight lodging accommodations, and/or restaurant facilities.

3.4.25 Vehicle service center: A center for the repair of, or diagnosis upon, motor vehicles, including tire installation, but not including the sale of gasoline, body work, or spray painting.

3.4.26 Wrecking yard: See 3.4.11, “Automobile wrecking yard or junkyard.”

3.5 Retail and service type uses

3.5.1a Adult entertainment establishment: Amusement enterprises offering activities and services distinguished or characterized by the depiction or describing of “specified anatomical areas” or

“specified sexual activities,” as defined in this article. Such uses shall include but not be limited to the following:

(1) Adult arcade: Any place to which the public is permitted or invited wherein coin-operated, slug-operated, or token-operated, or electronically, electrically, or mechanically controlled still or motion picture machines, projectors, or other image-producing devices are maintained to show images to five or fewer persons per machine at any one time and where the images so displayed are distinguished or characterized by the depicting or describing of “specified anatomical areas” or “specified sexual activities” as defined in this section [section 36.004].

(2) Adult bookstore: A commercial establishment which has devoted a substantial or significant portion of its business to the sale, rental, or any form of consideration of any one or more of the following:

(A) Books, magazines, periodicals, or other printed matter, photographs, films, motion pictures, videocassettes, video tapes, or other video reproductions, slides, or other visual representations which depict or describe “specified anatomical areas” or “specified sexual activities,” as defined in this section [section 36.004]; or

(B) Instruments, devices or paraphernalia which depict “specified anatomical areas” or “specified sexual activities,” or are designed for use in connection with “specified sexual activities.”

(3) Adult cabaret: A nightclub, bar, restaurant, or similar commercial establishment which regularly features:

(A) Person or persons who appear in a state of nudity; or

(B) Live performances which are characterized by the exposure of “specified anatomical areas” or by “specified sexual activities,” including topless or bottomless dancers, exotic dancers, or strippers; or

(C) Films, motion pictures, videocassettes, videotapes, or other video reproductions, slides, or other photographic or visual representations, which are characterized by the depiction of “specified anatomical areas” or “specified sexual activities” as defined in this section [section 36.004].

(4) Adult motion picture theater: A commercial establishment where, for any form of consideration, films, motion pictures, videocassettes or tapes, slides, or similar photographic reproductions are regularly shown which are characterized by the depiction or description of “specified anatomical areas” or “specified sexual activities” as defined in this section [section 36.004].

(5) Adult theater: A theater, concert hall, auditorium, or similar commercial establishment which regularly features persons who appear in a state of nudity or live performances which are characterized by the depiction or description of “specified anatomical areas” or “specified sexual activities” as defined in this section [section 36.004].

(6) Massage parlor: Any place where, for any form of consideration, massage, alcohol rubs, administration of fomentations, electric or magnetic treatments, or any other treatment or manipulation of the human body occurs as part of or in connection with any “specified sexual activity,” or where any person providing such treatment, manipulation, or service related thereto exposes any “specified anatomical area.”

(7) Nude modeling studio: Any place where a person who appears in a state of nudity, or displays any “specified anatomical area” is provided to be observed, sketched, drawn, painted, sculptured, photographed, or similarly depicted by other persons who pay money or any form of consideration.

3.5.1b Air conditioning and refrigeration contractor: A place from which a person performs design, installation, construction, maintenance, service, repair, alteration or modification of a product or of equipment in environmental air conditioning, commercial refrigeration, or process cooling or heating systems, under terms and conditions described in the Texas Air Conditioning and Refrigeration

Contractor License Law, Vernon's Ann. Civ. St., art. 8861.

3.5.2 Alcoholic beverage store: An establishment engaged in the sale of beer, wine, and/or liquor to the general public, not for on-premises consumption.

3.5.3a Amusement, commercial (indoor): An establishment providing for activities, services and instruction for the entertainment, exercise and improvement of fitness and health of customers, clients or members but not including hospitals, clinics, massage parlors or arcades. Uses would typically include bowling alleys, escape rooms, ice or roller skating rinks.

3.5.3b Amusement, commercial (outdoor): An outdoor area or structure, open to the public, which provides entertainment or amusement for a fee or admission charge, including but not limited to batting cages, miniature golf, go-cart tracks and carnivals.

3.5.4 Antique shop: 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.

3.5.5 Arcade: Any place to which the public is permitted or invited wherein six or more coin-operated, slug- or token-operated, or electronically, electrically, or mechanically controlled still or motion picture machines, projectors, or other image-producing devices, or skill machines, are located.

3.5.6a Bakery and confectionery, retail sales: A place for preparing, cooking, baking and selling of products on the premises.

3.5.6b Bakery and confectionery, commercial: A place for preparing, cooking or baking of products primarily intended for off-premises distribution.

3.5.7 Bank, savings and loan, credit union: An establishment for the custody, loan, exchange or issue of money, the extension of credit, and/or facilitating the transmission of funds.

3.5.8a Barber shop: A place where barbering, as defined in the Texas Barber Act, Vernon's Annotated Civil Statutes (Vernon's Ann. Civ. St.), art. 8407, is practiced, offered, or attempted to be practiced, except when such place is duly licensed as a barber school or college.

3.5.8b Barber school or college: A place of training for practice of barbering, as defined in the Texas Barber Act, Vernon's Ann. Civ. St., art. 8407, meeting standards established in section 9 of said Texas Barber Act.

3.5.9a Beauty culture school; cosmetology specialty shop: A specialized place of training, as defined in the Cosmetology Regulatory Act, Vernon's Ann. Civ. St., art. 8451.

3.5.9b Beauty shop: A place where cosmetology, as defined in the Cosmetology Regulatory Act, Vernon's Ann. Civ. St., art. 8451, is practiced.

3.5.9c Brewpub or Winery: A restaurant or other facility that manufactures alcoholic beverages including but not limited to beer, wine or liquor for either on-premises or off-premises retail and wholesale and consumption in quantities not considered industrial or large-scale production as determined by the City Manager or designee. The business must hold one of the following licenses or permits from the Texas Alcoholic Beverage Commission: Winery Permit (G) or Brewpub License (BP); See section 36.033 Special Uses, (l) Sale of Alcoholic Beverages.

3.5.10 Building materials, hardware sales: The sale of new building materials and supplies indoors with related sales for hardware, carpet, plants, electrical and plumbing supplies all of which are oriented to the retail customer, rather than contractor or wholesale customer.

3.5.11 Business service: Establishments primarily engaged in providing services not elsewhere classified to business enterprises on a fee [or] contract basis including but not limited to advertising agencies, computer programming and software services, and office equipment rental or leasing.

3.5.12 Cabinet and upholstering shop: An establishment used for the production, display and sale of furniture and soft coverings for furniture.

3.5.13 Cleaning and dyeing, small plant or shop: A custom cleaning shop not exceeding 5,000

square feet of floor area or a pickup station. (Also see “Cleaning and dyeing; dry cleaning plant.”)

3.5.14 Clinic, medical or dental: A public or private, profit or nonprofit facility for the reception and treatment of outpatient persons physically or mentally ill, injured, handicapped or otherwise in need of physical or mental diagnosis, treatment, care or similar service.

3.5.15 Convenience store: A retail establishment providing for the sale of food items, non-prescription drugs, small household items, and gifts. Gasoline and diesel fuel may be offered for sale provided they are not the primary source of income for the store and that no more than six pumps are offered. Maximum size of the establishment will be no more than 2,500 square feet not including storage areas and administrative offices.

3.5.16 [Reserved.]

3.5.17 Discount, variety, or department store: A retail store offering a wide variety of merchandise in departments and exceeding 7,000 square feet of floor area.

3.5.18 Feed and farm supply store: An establishment for the selling of foodstuffs for animals and including implements and goods related to agricultural processes but not including farm machinery.

3.5.19 Flea market: A site where space inside or outside a building 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, artwork, 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.

3.5.20 Florist: An establishment displaying plants, flowers, floral supplies, and similar items.

3.5.21 Food store; grocery store: An establishment that displays and sells consumable goods that are not to be eaten on the premises.

3.5.22 [Reserved.]

3.5.23 Furniture and appliance repair or storage: The storage, maintenance, or rehabilitation of appliances customarily used in the home including but not limited to washing and drying machines, refrigerators, dishwashers, trash compactors, ovens and ranges, kitchen appliances, vacuum cleaners, and hair dryers.

3.5.24 Furniture, appliance store: Retail stores selling goods used for furnishing the home, including but not limited to furniture, floor coverings, draperies, glass and chinaware, domestic stoves, refrigerators and other household electrical and gas appliances.

3.5.25 Garden center (retail sales): Location including land and buildings at which plants, trees, shrubs, horticultural supplies, and similar items are displayed for sale to the general public. All such displays shall be located behind the front yard line established in the district in which the garden center is located.

3.5.26 General merchandise store: Retail stores which sell a number of lines of merchandise including but not limited to dry goods, apparel and accessories, furniture and home furnishings, small wares, hardware, and food. The stores included in this group are known as department stores, variety stores, general stores, and other similar stores.

3.5.26a Gymnastic/dance studio and health club: An establishment that provides exercise facilities such as running, jogging, aerobics, weightlifting, indoor/outdoor sports courts, and swimming, as well as locker rooms, showers, and saunas. Uses would typically include racquetball and handball courts, tennis courts, weightlifting and exercise equipment facilities, exercise areas, swimming pools and spas, martial arts, classrooms and/or practice areas, gymnasiums and running or jogging tracks. This shall not include municipal or privately owned, access-only recreation buildings.

3.5.26b Intradermal Studio (Body Piercing, Permanent Cosmetics, and Tattooing): The practice of producing an indelible mark or figure on the human body by scarring or inserting pigment under the skin using needles, scalpels, or other related equipment.

3.5.27 Laboratory, scientific or research: Facilities for research including laboratories, experimental equipment, and operations involving compounding or testing of materials or equipment.

3.5.28 Laundry and cleaning, self-service: An establishment including facilities for laundering and cleaning of clothing and similar items to be operated by the patron; not a commercial laundry or cleaning plant.

3.5.29 Massage therapy facility: A place wherein a registered physical therapist or certified massage therapist treats patients.

3.5.30a Metal dealer, secondhand: A place of business in which a person purchases, gathers, collects, solicits or procures scrap metal or where scrap metal is gathered

3.5.30b Metal dealer, crafted precious: A place of business in which a person engages in the business of purchasing and selling crafted precious metals, including jewelry, silverware, art objects, or any other thing or object made in whole or in part from gold, silver, platinum, palladium, iridium, rhodium, osmium, ruthenium, or their alloys, excluding coins and commemorative medallions, under terms and conditions found in Vernon's Ann. Civ. St., art. 9009a.

3.5.31 Neighborhood convenience center: Means centers that carry convenience goods, such as groceries, and some variety items, and also service stores. The neighborhood convenience center may contain one or two small apparel or shoe stores, but it is clearly dominated by convenience goods, which are items of daily consumption and very frequent purchase, sometimes called "spot necessity" items. This neighborhood serving store group is within convenient walking distance of families served (within convenient driving range in low-density areas), with due consideration for pedestrian access and amenity of surrounding areas.

3.5.32 Office center: A building or complex of buildings used primarily for conducting the affairs of a business, profession, service, industry, or government, or like activity that may include ancillary services for office workers such as a restaurant, coffee shop, newspaper, or candy stand.

3.5.33 Office, professional or general administrative: A room or group of rooms used for the provision of executive, management, or administrative services. Typical uses include administrative offices and services including real estate, insurance, property management, investment, personnel, travel, secretarial services, telephone answering, and business offices of public utilities, organizations, and associations but excluding medical offices.

3.5.34 Office - showroom/warehouse: An establishment with a minimum of 75% of its total floor area devoted to storage and warehousing not accessible to the public. The remaining area may include retail and wholesale sales areas, sales offices, and display areas for products sold and distributed from the storage and warehousing areas.

3.5.35 Pawn shop: An establishment where money is loaned on the security of personal property pledged in the keeping of the owner (pawnbroker).

3.5.36 Personal service shop: An establishment primarily engaged in providing services generally involving the care of the person or his apparel including but not limited to barber and beauty shops, dry cleaning and laundry pickup stations, intradermal cosmetics, shoe repair, tanning salon, or tailor. Intradermal Studio services may be offered as an accessory service.

3.5.37 Pet shop: A retail establishment offering small animals, fish, or birds for sale as pets and where all such creatures are housed within the building.

3.5.38 Plumbing, heating, refrigeration, or air conditioning business: An establishment primarily engaged in the sales, service, or installation of equipment pertaining to plumbing, heating, refrigeration, or air conditioning. (Also see "Air conditioning and refrigeration contractor.")

3.5.39 Plumbing service: The operation of a business that involves only retail sales and off-premises service, installation, and repair of units and fixtures. The premises shall not include a workshop for repair or fabrication of parts, fixtures, or units. Sheetmetal work of any type shall not be permitted. Storage shall be permitted for units and supplies incidental to retail sales, off-premises service and repair only. No outside storage shall be permitted. This section shall not be interpreted to allow a plumbing, heating, refrigeration, or air conditioning contractor or similar type wholesale operation.

3.5.40 Portable building sales: An establishment which displays and sells structures which are capable of being carried and transported to another location, not including mobile homes or manufactured housing.

3.5.41 Post office, government or private: Local branch of the United States Postal Service or private commercial venture engaged in the distribution of mail and incidental services.

3.5.42 Print shop: An establishment which reproduces printed or photographic impressions including but not limited to the process of composition, binding, platemaking, microform, type casting, presswork, and printmaking.

3.5.43 Private Club: An establishment providing social and dining facilities, as well as alcoholic beverage service, to an association of persons, and otherwise falling within the definition of, and permitted under the provisions of the Texas Alcoholic Beverage Code, as the same may be hereafter amended, and as it pertains to the operation of private clubs. See section 36.033 special uses, (i) private clubs.

3.5.44 Restaurant or cafeteria: An establishment where food and drink are prepared and may be consumed on the premises. See section 36.033 for additional requirements pertaining to drive throughs.

3.5.45a Retail stores and shops: Establishments offering all types of consumer goods for sale, not elsewhere classified, but excluding the display and sale in the open outside a building of new or used automobiles, heavy machinery, building materials, used appliances, furniture, or salvage materials.

3.5.45b Retail ice and dispensed water sales: Establishment offering automated retail sale of bagged or bulk ice, and dispensed water through a coin-operated machine enclosed in a structure; ice is frozen and bagged on-site.

3.5.46 Secondhand store, furniture or clothing: An establishment offering for sale used contemporary merchandise, with the storage and display of such items wholly contained inside a building or structure.

3.5.47 Service, retail: An establishment engaged in the selling and/or servicing of goods where a minimum of 80% of the floor area is devoted to service, repair or fabrication of such goods with the storage and display of such goods wholly contained inside a building or structure. The service area must not be accessible to the general public. Automotive uses and rental stores are specifically excluded.

3.5.48a Sexually oriented business: An adult entertainment establishment (see 3.5.1a).

3.5.48b 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. A site plan is to be submitted to and is to be approved by the planning and zoning commission and the city council on which is indicated the amount of land to be devoted to the shopping center, the detailed arrangement of various buildings, parking area, streets and type of zoning desired. The installation of all facilities, drainage structures, paving of streets, parking areas, alleys, and installation of sidewalks shall be in accordance with city specifications for each type of improvement.

3.5.48c Short-term loan agency: A business that makes short-term cash loans (also known as

payday loans) most commonly based on a borrower's personal check held for future deposit or on electronic access to the borrower's bank account.

3.5.48d Tasting room: A retail establishment associated with a brewery, brewpub, distillery, or winery for the sale of beer, wine or liquors. See section 36.033 special uses, (l) sale of alcoholic beverages.

3.5.49 Theater (outdoor): An open lot with its appurtenant facilities devoted primarily to the showing of motion picture or theatrical productions on a paid admission basis to patrons seated in automobiles.

3.5.50 Trailer, manufactured housing, or mobile home display and sales: The offering for sale, storage, or display of trailers, manufactured housing, or mobile homes on a parcel of land but excluding the use of such facilities as dwellings either on a temporary or permanent basis.

3.5.51 Trailer rental: The display and offering for rent of trailers designed to be towed by passenger cars or other prime movers.

3.5.51a Veterinarian clinic (no outside pens): An establishment with indoor pens in which dogs and/or other domesticated animals are housed during the day or overnight, groomed, bred, boarded, exercised, trained, or sold for commercial purposes as well as examination and medical treatment. Animal transportation service may be provided. Fenced outdoor space may be provided with appropriate screening. The planning & zoning commission may recommend and the city council may require wing walls, landscape screens, changes in building orientation, and/or other design elements to screen and provide noise abatement in order to minimize the impact of noise and odor on surrounding uses.

3.5.51b Veterinarian clinic (outside pens): An establishment with outdoor pens in which dogs and/or other domesticated animals are housed, groomed, bred, boarded, trained, or sold for commercial purposes as well as examination and medical treatment. The planning & zoning commission may recommend and the city council may require wing walls, landscape screens, changes in building orientation, and/or other design elements to screen and provide noise abatement in order to minimize the impact of noise and odor on surrounding uses.

3.5.52 Washateria: A building or place where clothes and linens are washed and thoroughly dried by the use of not exceeding three employees and four automatic single-family machines and where the operation of washing and/or drying and/or mangle machines is done exclusively by the customer on a self-service basis, and where the fuel and power for the heating of water and drying shall be smokeless and odorless. (See "Laundry and cleaning, self-service" - 3.5.28.)

3.6 Manufacturing, storage, and warehousing uses

3.6.0 Brewery/distillery: The production of beer, wine and/or liquor at industrial quantities and internal large-scale commercial distribution.

3.6.1 Bottling works: A manufacturing facility designed to place a product into a bottle for distribution.

3.6.2 Cleaning and dyeing; dry cleaning plant: An industrial facility where fabrics are cleaned with substantially nonaqueous organic solvents. (Also see "Cleaning and dyeing, small plant or shop" - 3.5.13.)

3.6.3 General commercial plant: An establishment other than a personal service shop for the treatment and/or processing of products as a service on a for-profit basis including but not limited to newspaper printing, laundry plant, or cleaning and dyeing plant.

3.6.4 General manufacturing: Manufacturing of finished products and component products or parts from the transformation, treatment, or processing of materials or substances, including basic industrial processing. Such operations must meet the performance standards, bulk controls, and other requirements in this article.

3.6.5 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.

3.6.6 Junk or salvage yard: A lot or area in which waste or scrap materials are bought, sold, exchanged, stored, packed, disassembled, or handled, including but not limited to scrap iron and other metals, paper, rags, rubber tires and bottles. A “junkyard” includes an automobile wrecking yard and automobile parts yard. A “junkyard” does not include such uses conducted entirely within an enclosed building. (Also see “Metal dealer, secondhand” - 3.5.30a; “Automobile wrecking yard or junkyard” - 3.4.11.

3.6.7 Light manufacturing: Manufacturing of finished products or parts, predominantly from previously prepared materials, including fabrication, assembly, and packaging of such products, and incidental storage, sales, and distribution of such products, but excluding basic industrial processing.

3.6.8 Salvage yard: See “Junk or salvage yard” - 3.6.6.

3.6.9 Self-storage, mini-warehouse: A facility used for storage of goods and/or materials with separate access to individual storage units by persons renting the individual units.

3.6.10 Storage or wholesale warehouse, light: A building used primarily for the storage of goods and materials, containing less than 5,000 square feet of floor space.

3.6.11 Storage or wholesale warehouse, heavy: A building used primarily for the storage of goods and materials, containing more than 5,000 square feet of floor space.

3.7 Accessory uses

3.7.1 Accessory building or use: An accessory building or use is one which: (i) is subordinate to and serves a principal building or principal use; and (ii) is subordinate in area, extent, or purpose to the principal building or principal use served and is not physically connected to the principal building (if connected to the principal building, a structure becomes part of the principal building); and (iii) contributes to the comfort, convenience and necessity of occupants of the principal building or principal use served; and (iv) is located on the same building lot as the principal use served.

3.7.2 Carport: A structure open on a minimum of three sides designed or used to shelter vehicles, not to exceed 24 feet on its longest dimension.

3.7.3 Construction yard (temporary): A storage yard or assembly yard for building materials and equipment directly related to a construction project and subject to removal at completion of construction and subject to same restrictions as field office. (Also see section 36.035 [36.033].)

3.7.4 Field or sales office (temporary): A building or structure, of either permanent or temporary construction, used in connection with a development or construction project for display purposes or for housing temporary supervisory or administrative functions related to development, construction or the sale of real estate properties within the active development or construction project. Permits for “temporary buildings” shall be issued for a period of time not to exceed 18 months. Extensions may be granted only by the city council. Upon due notice and hearing by and before the city council, any such permits granted may be revoked if the city council finds the use of the building or structure is contrary to the intent of this article or results in increased noise, traffic, or other conditions considered to be a nuisance or hazard. (Also see 3.7.3 above.)

3.7.5 Customary home occupation: An occupation, profession, domestic craft, or economic enterprise which is customarily conducted in a “residential dwelling” as hereinafter defined, subject to compliance with each of the following conditions:

(1) “Residential dwelling” shall mean a detached building designed, used and occupied exclusively by members of one family as a residence.

(2) No person other than members of a family who reside in the residential dwelling shall be engaged in such occupation, profession, domestic craft or economic enterprise.

(3) Such use shall be and remain incidental and subordinate to the principal use of the residential dwelling as a family residence and the area utilized for such occupation, profession,

domestic craft, or economic enterprise shall never exceed 25% of the total of the floor area of the residential dwelling.

(4) Not more than one non-illuminated sign advertising the home occupation shall be allowed; said sign shall be not more than one square foot in area and shall be mounted on the building in which the home occupation is being conducted.

(5) The residential dwelling shall maintain its residential character and shall not be altered or remodeled in order to create any type of exterior commercial appeal.

(6) No exterior storage of material, equipment, and/or supplies used in conjunction with such occupation, profession, domestic craft, or enterprise shall be placed, permitted, or allowed on the premises occupied by the residential dwelling.

(7) No offensive noise, vibration, smoke, dust, odors, heat, or glare generated by or associated with the home occupation shall extend beyond the property line of the lot or tract on which the home occupation is being conducted.

(8) The occupation, profession, domestic craft, or enterprise shall be conducted wholly within the residential dwelling and no accessory building shall be used in conjunction therewith.

(9) The only equipment to be used in such occupation, profession, domestic craft, or enterprise shall be that which is ordinarily used in a private home in a like amount and kind.

(10) A home occupation shall not generate such additional traffic as to create a traffic hazard or disturbance to nearby residents.

3.7.6 Garage, private: A detached accessory building or portion of the main building for the parking or temporary storage of automobiles of the occupants of the premises; if occupied by vehicles of others, it is a storage space.

3.7.7 Wind energy conversion system: Means a wind-driven turbine (whether roof or tower mounted), and associated control or conversion electronics for the purpose of providing electrical power to a privately owned lot or parcel. These systems are considered accessory uses in all zoning districts.

3.7.8 Wind turbine: The individual component of a wind energy conversion system that converts kinetic energy from the wind into electrical energy, independent of the electrical conductors, electrical storage system, electrical metering, or electrical inverters. This term shall include the shroud and the towers or supporting structures.

DRAFT

ZONING LEGEND

AG	Agricultural District
R-1	Single Family District
TF	Two Family Residential District
SF-TH	Townhouse District
MH-1	Mobile Home District
MH-2	Mobile Home Park District
MF-1	Multi-Family Low Density District
MF-2	Multi-Family High Density District
C-1	Restricted Commercial District
C-2	General Commercial District
CBRD	Central Business Redevelopment District
I-1	Light Industrial District
PI	Public/Institutional District
PD	Planned Development District

CITY OF VAN

600' 0 600' 1,200' 1,800'

0 ½ mi 1 mi

EXISTING 100-YEAR FLOOD PLAIN AREA (ZONE AE)
SIGNIFICANT BUILDINGS-FEATURES

N W E S

PREPARED BY:
Bureau Veritas
1000 Jupiter Road, Suite 900, Plano, Texas 75074
Mobile: 817.688.2734 Fax: 800.910.8284
People, Innovation, Values, Opportunity, Trust