



**AGENDA
SPECIAL MEETING
FREEPORT CITY PLANNING COMMISSION
TUESDAY, JUNE 1, 2021 at 6:00 P.M.**

Planning Commission

Members:

Eric Hayes
Andrew H. Dill

Nicole Mireles

Melanie Oldham
Keith Stumbaugh

THE CITY PLANNING COMMISSION OF THE CITY OF FREEPORT, TEXAS, WILL MEET ON TUESDAY, THE 1ST DAY OF JUNE 2021, AT 6:00 P.M., AT THE FREEPORT POLICE DEPARTMENT, MUNICIPAL COURT ROOM, 430 NORTH BRAZOSPORT BOULEVARD, FREEPORT TEXAS FOR THE FOLLOWING PURPOSES:

BECAUSE OF THE PUBLIC HEALTH THREAT, SEATING WILL BE POSITIONED TO MEET THE REQUIREMENTS OF THE CDC, AND ATTENDEES WILL BE REQUIRED TO WEAR A FACE MASK.

THE GENERAL PUBLIC MAY ALSO JOIN THE PUBLIC MEETING REMOTELY BY TELECONFERENCE BY DIALING:

(US): (425) 436-6312 AND USING ACCESS CODE 5678901

OR

AUDIO VISUAL CONFERENCE CALLS USING:

PCs, Macs®, Chromebooks™, iOS and Android™ phones and tablets.

International dial-in numbers: https://fccdl.in/i/planning_comm_060121

For users wanting to view and listen to the Planning Commission meeting via a web browser go to [https:// join.freeconferencecall.com/planning_comm_060120](https://join.freeconferencecall.com/planning_comm_060120)

Enter access code 5678901 and the online meeting ID: [planning_comm_060121](https://fccdl.in/i/planning_comm_060121)

For additional assistance connecting to the meeting text 'Call Me' to the Dial-In number above and you will be called into the conference. Message and rates may apply.

THE MEETING IS BEING HELD FOR THE FOLLOWING PURPOSES:

CALL TO ORDER: *The Chairperson will call the meeting to order, declare a quorum if present, and declare notices legally posted pursuant to Open Meetings Act.*

- **INVOCATION:** (Planning Commission Member)
- **PLEDGE OF ALLEGIANCE:** (Planning Commission Member)

PLANNING COMMISSION BUSINESS

REGULAR SESSION:

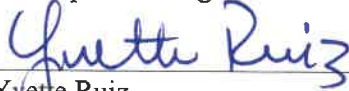
1. Project update with Kendig Keast to discuss Zoning and Subdivision Ordinance.

Items not necessarily discussed in the order they appear on the agenda. The Planning and Zoning Board at its discretion may take action on any or all of the items as listed. This notice is posted pursuant to the Texas Open Meeting Act. (Chapter 551, Government Code).

ADJOURN:

ACCESSIBILITY STATEMENT This facility is wheelchair accessible and accessible parking spaces are available. Requests for accommodations or interpretive services must be made 48 hours prior to this meeting. Please contact the City Secretary's Office at (979) 233-3526.

CERTIFICATE I certify the foregoing notice was posted in the official glass case at the rear door of the City Hall, with 24 hours a day public access, 200 West 2nd Street, Freeport Texas, before 6:00 p.m., in accordance with Open Meetings Act.



Yvette Ruiz
Planning / Zoning Coordinator
City of Freeport, Texas



ZONING AND SUBDIVISION ORDINANCES

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155.1000 APPLICATIONS, REVIEW, AND NOTICE

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ZONING AND SUBDIVISION ORDINANCES

CHAPTER 155: ZONING CODE

155.100 AUTHORITY, PURPOSES AND APPLICATION

§ 155.101 AUTHORITY

The Freeport Zoning Code is adopted:

- (A) Under the authority of the Constitution and laws of the State of Texas, including but not limited to, the following chapters of the Texas Local Government Code (TLGC) and the Texas Water Code (TWC):
 - (1) TLGC Chapter 211, *Municipal Zoning Authority*;
 - (2) TLGC Chapter 213, *Municipal Comprehensive Plans*;
 - (3) TLGC Chapter 214, *Municipal Regulation of Housing and Other Structures*;
- (B) Pursuant to the provisions of the City's Home Rule Charter.

§ 155.102 PURPOSE

The regulations of this Chapter are established to:

- (A) Implement the City's adopted planning documents, including but not limited to the City's Strategic Community Plan;
- (B) Promote the public health, safety, morals, and general welfare of the City;
- (C) Secure safety from fire, panic and other dangers;
- (D) Provide adequate light and air;
- (E) Prevent the overcrowding of land;
- (F) Avoid undue concentration of population; and
- (G) Facilitate the adequate provision of transportation, water, sewage, schools, parks and other public requirements.

§ 155.103 APPLICATION

- (A) **Jurisdiction.** Unless otherwise noted:
 - (1) All provisions of this Chapter apply within the corporate limits of the City of Freeport; and
 - (2) No provision of this Chapter shall apply within the Extraterritorial Jurisdiction (ETJ) of the City.
- (B) **Zoning Districts.** This Chapter divides the City into zoning districts that create different standards for development that vary depending upon which zoning district a parcel of property is located within.
- (C) **Minimum Standards.** The regulations set by this Chapter for each district shall be minimum regulations and shall apply uniformly to all land, buildings, and structures unless otherwise stated.
- (D) **Conformity.** No building, structure, land or part thereof shall be used, occupied, erected, constructed, reconstructed, moved or structurally altered unless in conformity with all regulations in this Chapter specified for the district in which it is located.



155.200 GENERAL PROVISIONS

§ 155.201 DEFINITIONS.

A

ACCESSORY BUILDING means:

- (A) In a residential district, a subordinate building, attached to or detached from the main building, without separate utilities, not used for commercial purposes, and not rented, which may contain servants quarters, a washroom storage room for domestic storage only, and space for one or more automobiles.
- (B) In other districts, a subordinate building, the use of which is incidental to and used only in conjunction with the primary building.

ACCESSORY DWELLING UNIT means a type of residential land use that is accessory to a primary residential land use.

ACCESSORY USE means a use subordinate to the principal use of a building or a lot and serves a purpose customary and incidental to the principal use.

AGENT OF OWNER means any person who can show certified written proof that they are acting for the property owner.

AGRICULTURE AND ANIMAL SERVICES means a category of uses that contains nonresidential uses primarily related to the raising of animals and the secondary enterprises associated with agricultural production.

Uses in this use category include, but aren't limited to: animal hospital, pound or shelter (parking requirement does not include outdoor kennels); farm equipment sales, service, repairs, feed store; field crops, horticulture, nursery, turf gardening, but not including retail sales on the premises; livestock feeding yards or pens, greenhouse (non-retail)

ALLEY means a public or private way not more than 30 feet wide affording only secondary means of access to abutting property.

AIRPORT or HELIPORT means any area of land or water designed and set aside for the landing and take-off of aircraft actually utilized, or to be utilized, in the interest of the public for such purposes.

APARTMENT means a room or suite of rooms in an apartment house arranged, designed or occupied as a residence by a single family, individual or group of individuals.

APARTMENT HOUSE means any multiple-family dwelling or building or portion thereof, which is designed, built, rented, leased, let or hired out to be occupied as three or more apartments or which is occupied as the home or residence of three or more families living independently of each other and maintaining separate cooking facilities.

AUTOMOBILE WASH means any area or business using self-service, in-bay automatic, or conveyor equipment for cleaning and washing motor or other vehicle types, whether as a part of another business operation (e.g., as an accessory use to an automobile fueling or charging station, automobile sales, rental, and service) or as a stand-alone operation, of any type on a commercial basis.

B

BAIT STORE means a retail establishment that sells both live and frozen bait as well as clothing related to fishing activities. This definition includes Bait Store Clothing and Shrimp, Bait-live sales.

BASEMENT means a story whose floor is more than 12 inches, but not more than half of its story height below the average level of the adjoining ground (as distinguished from a "cellar" which is a story more than one-half below such level) basement or cellar, when used as a dwelling, shall be counted as a story for purposes of height measurement.

BEGINNING OF CONSTRUCTION means the incorporation of labor and material within the foundation of the building or buildings.



BLOOD or PLASMA CENTER means a facility for the donation or sale by individual donors of blood, blood plasma, and other blood products.

BOARDING HOUSE means a building other than a hotel, where lodging and meals for five or more persons are served for compensation.

BUILDING means any structure having a roof supported by columns or walls, used or intended to be used for the shelter or enclosure of persons, animals or property. When such a structure is divided into separate parts by one or more unpermeable walls extending from the ground up, each part is deemed a separate building.

BUILDING COVERAGE means the area of a lot covered by any roofed structure, but not paved areas, such as patios.

BUILDING LINE means a line parallel or approximately parallel to a lot line or street line and beyond which buildings may not be erected.

BUILDING OFFICIAL means the Chief Building Inspector.

BUILDING, MAIN means a building in which is conducted the principal use of the site on which it is located. In any residential district any and all dwellings shall be deemed to be main buildings on the site on which they are located.

BUS or TRAIN PASSENGER TERMINAL means a facility that serves as a point of arrival or departure for passengers of commercial busses or trains, including any ticket sales areas, reception areas, bus parking and/or refueling areas, and accessory retail sales. Bus Passenger Terminals shall not include the storage, cleaning, or repair of busses.

C

CAMPER means a mobile living unit designed to be mounted upon and conveyed by another vehicle.

CEMETERY, COLUMBARIUM, MAUSOLEUM, or MEMORIAL PARK means uses intended for the burial of the dead and dedicated for cemetery purposes or to commemorate the dead without burial taking place on-site.

CERTIFICATE OF OCCUPANCY AND COMPLIANCE means a document issued by the Building Official or the Administrator authorizing buildings, structures or used consistent with the terms of this chapter and for the purpose of carrying out and enforcing its provisions.

CHIROPRACTOR means a practitioner of the system of integrative medicine based on the diagnosis and manipulative treatment of misalignments of the joints who is licensed by the State.

CITY means the city of Freeport, in Brazoria County, Texas.

CIVIC means a category of uses containing uses that provide services to the general public related to recreation, fellowship, worship, health, education, and transportation.

Uses in this use category include, but aren't limited to: Ambulance service; Bus station; Club or Lodge; gallery or museum; Post Office; Public park, playground or playfield; School commercial or trade, when not involving any danger of fire explosion or offensive noise, vibration, dust, odor, glare, heat or other objectionable influences; School, commercial or trade.

Other uses in this category include: Adult Day Care; Aquarium; Community, Senior, or Youth Center; Museum or Gallery or Pre-School or Child Day Care Center

CLINIC, MEDICAL means an institution or station for the examination and treatment of ill and afflicted out patients.



COIN OPERATED MACHINE means a skill or pleasure machine or device, or an electronic, electromechanical, or mechanical contrivance, operated by the payment or insertion of coins, tokens, paper currency or any other consideration, that is designed, made or adapted solely for bona fide amusement purposes, and that by operation of chance or a combination of skill and chance afford or reward the user, in addition to any right of replay, an opportunity to receive exclusively non-cash merchandise prizes, toys, novelties, or a representation of value redeemable for those items, having a wholesale value available from a single play of the game or device of not more than ten times the amount charged to play the game or device once or \$5, whichever is less.

COLLEGE, UNIVERSITY, or VOCATIONAL SCHOOL means a community college, college, university, seminary, vocational/technical school, trade school, language school, business school, training center, beauty school, culinary school and comparable advanced or continuing education facilities. The phrase does not include fitness centers, sports instruction, swimming instruction, or martial arts instruction.

COMMON AREA means an area held, designed and designated principally for the common use of the occupants of a townhouse project.

COMMUNITY GARDEN means a private or public facility for cultivation of fruit, flowers, vegetables, or ornamental plants for more than one person or family.

CONDOMINIUM means per Texas Property Code § 81.002 if the declaration for the condominium was filed prior to January 1, 1994, and the meaning given to it in Tex. Property Code § 82.003 if the declaration for the condominium was filed on or after January 1, 1994.

CONSTRUCTION SITE BUILDING means a commercial structure that is not open to the public and that is used for any purpose at a commercial site by a person constructing a building, road, bridge, utility or other infrastructure or improvement on real property.

CONVALESCENT HOME means any structure used for or occupied by persons recovering from illness or suffering from the infirmities of old age.

COURT means an open, unoccupied and unobstructed space, other than a yard, on the same lot with a building or group of buildings.

D

DAY CARE FACILITY means a child-care facility that provides care at a location other than the residence of the direct owner, or operator of the child-care facility for seven or more children under 14 years of age for less than 24 hours a day, but at least two hours a day, three or more days a week.

State Law Reference: [Texas Human Resources Code, Chapter 42](#)

DAY NURSERY means a place where children are left for care between the hours of 7:00 a.m. and 12:00 p.m. midnight.

DENSITY means the maximum number of family units permitted on a lot.

DETACHED STRUCTURE means any building, accessory building or structure that is not physically attached to any other building or structure by any means.

DISTRICT or ZONING 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 chapter.

DOWNTOWN LOFT means a residential use located on the second floor of a building in the Downtown zoning district where the first floor of the building is used for non-residential purposes. This use also includes live-works units and senior housing.

DWELLING means any building or portion thereof designed or used exclusively as the residence or sleeping place of one or more persons, but not including a tent, trailer or mobile home.



DWELLING, CONVENTIONAL means a dwelling which is constructed on site so as to conform with all of the standard codes as adopted by the Code of Ordinances of the city. It includes a prefabricated home or structure as well as a structure constructed on site at a different location and moved to a new location but does not include a manufactured home or travel trailer.

DWELLING, DUPLEX OR TWO-FAMILY means a building designed for or used exclusively for residence purposes by two families or two housekeeping units.

DWELLING, MULTI-FAMILY (FIVE OR MORE) means a building or portion thereof designed for or used by five or more families or housekeeping units. Such a use typically takes place in an Apartment.

DWELLING, SINGLE FAMILY means a building designed for or used exclusively for residence purposes by one family or housekeeping unit.

DWELLING, THREE- or FOUR-FAMILY means a use type where one lot is used by three or four families for residential purposes. Such a use typically takes place in a series of contiguous Townhouses/Rowhouses or in a Triplex/Quadplex.

DWELLING UNIT or UNIT means one room, or a suite of two or more rooms, designed for or used by one family for living and sleeping purposes and having only one kitchen or kitchenette.

E

ENTERTAINMENT, INDOOR means a category of commercial uses containing, varying in size, providing daily or regularly scheduled recreation-oriented activities in an indoor setting.

Uses in this use category include, but aren't limited to: auditorium, arena, coliseum, or theater; bowling alley; dance hall, commercial; dance hall, commercial; indoor air rifle ranges that comply with national rifle association guidelines; lounge serving alcoholic beverages; physical culture and health studios; skating rink, commercial; studio for professional work for teaching any form of fine arts, photography, music, drama, etc.; swimming pool commercial.

Other uses in this category include: Archery / Firearms Range (Indoor); Axe throwing lounge; Bingo hall; Convention center; Dance Club or Dance Hall; Fitness Gym; Gymnastic, Dance, or Martial Arts Facility; Movie or Other Theater; Pool hall; Skating rink; Tennis or Racquetball Facility

ENTERTAINMENT, OUTDOOR means a category of commercial uses providing daily or regularly scheduled recreation-oriented activities in an outdoor setting.

Uses in this use category include, but aren't limited to: baseball park, commercial; golf course, but not including commercial golf games, or amusement; golf course, commercially operated driving ranges, pitch and putt courses, miniature golf or other commercial amusement; swimming pool commercial; theater, drive-in.

Other uses in this category include: Amphitheater; Amusement Park; Campground without Overnight Accommodation; Fairgrounds; or Mini-Golf Course; Marina; Paintball Facility; Race Track (Vehicle); Skateboard Park; Stadium, Running Track, or Ball Field

EXCLUDED MACHINE means any of the following:

- (A) A machine that awards the user non-cash merchandise prizes, toys, or novelties solely and direct from the machine including claw, crane, or similar machines.
- (B) A machine from which the opportunity to receive non-cash merchandise prizes, toys, or novelties, or a representative of value redeemable for those items, varies depending upon the user's ability to throw, roll, flip, toss, hit or drop a ball or other physical object into the machine or a part thereof, including basketball, skee-ball, golf, bowling, push or similar machines.



F

FAMILY means a person living alone or two or more persons living together as a single housekeeping unit in a dwelling unit and in which not more than four individuals are unrelated by blood.

FLOOR AREA RATIO (FAR) means a measure of the allowable size of floor area on a lot compared to the size of the lot. FAR gives developers flexibility in deciding whether to construct a low building covering most of the lot or a tall building covering only a small part of the lot, as long as the total allowable floor area coverage is not exceeded.

FLOOR AREA OF A BUILDING means the sum of the gross horizontal areas of the several floors of a building or building measured from the center lines of exterior walls or from the center line of walls separating two buildings in square feet.

FREESTANDING SIGN means a sign supported solely by posts or structures other than a building.

G

GAME ROOM FOR COIN OPERATED MACHINE means any building, or portion thereof, used primarily for the exhibition or displaying of coin operated machines other than exclusively for excluded machines. A building, or part thereof, has its primary use where (a) at least 51% of the total square footage of such building, or any part thereof, exclusive of restrooms, storage rooms or other areas from which the public is usually excluded by the operator, is used for the exhibition or displaying of coin operated machines or (b) at least 51% the gross revenues derived from any use of such building derived from the operation of eight-liners located therein.

GOVERNMENT / NON-PROFIT PARKING LOT or MAINTENANCE AREA means a stand-alone parking lot or maintenance area of a governmental agency or non-profit organization that provides indirect services such as parking and vehicle and facility maintenance to a government or non-profit entity.

GOVERNMENT SERVICES (ADMINISTRATIVE, EDUCATION, POSTAL, SAFETY) means facilities focused on the provision of a public service that are public in nature and serve a wide range of needs and patrons. This definition includes, but is not limited to, police stations, fire stations, emergency medical service stations, botanical gardens, libraries, post offices, a government-owned animal shelters.

GRADE, EXISTING means the average level of the original surface of the ground adjacent to the exterior walls of the building.

GREENBELT means an open space of landscaped or undeveloped land, usually surrounding a residential area as designated by easement covenant, deed restriction or zoning ordinance that prohibits development (construction of buildings or other elevated structures) in that area.

GROUP LIVING means a category of uses containing uses with residential occupancy of a dwelling by a means other than found in Household Living typically providing communal kitchen/dining facilities.

Uses in this use category include, but aren't limited to: rooming, boarding house, and/or tourist home.

H

HEAVY INDUSTRIAL means a category of commercial uses engaged in the manufacturing, assembly or processing of chemicals, animal products and metals; the activities of which are likely to have characteristics that discourage adjacency to residential uses. Factory production and industrial yards are located here. Sales to the general public are rare.



Uses in this use category include, but aren't limited to: Asphalt or asphalt products, manufacturing and processing; Batching or mixing plant, Portland cement, concrete, mortar or plaster, commercial; Chemicals or petrochemicals including but not limited to: acids, acetylene, aniline dyes, ammonia, ammonium sulfate, bleaching compounds, carbic caustic soda, soda ash, cellulose, chlorine, carbon black or bone black, cleaning or polishing preparations, creosote exterminating agents, hydrogen, oxygen, industrial alcohol, sugar, potash, plastic materials, synthetic resins or synthetic yarns, manufacturing, refining or processing; Coal, coke, charcoal or tar products, including gas, processing; Explosives fireworks, manufacturing or storage; Fertilizers, active, manufacturing and processing, storage, transportation and handling; Fertilizers, inert, manufacturing and processing; Gases or flammable liquids, processing involving; Hair, felt feathers, bulk processing, washing, curing or dyeing; Heavy equipment, storage, repair and sales, earth moving; Incineration, distillation or reduction of garbage, offal or dead animals, fat rendering; Insecticides, fungicides, disinfectants or related industrial or household chemical compounds, manufacturing or processing; Jute, hemp, sisal or oakum products; Leather, hair or fur, tanning, curing, finishing or dyeing; Livestock feeding yards or pens; Meat, poultry or fish slaughtering, processing or preparation for packing; Metal alloys or foil, including solder, pewter, brass, bronze and tin; aluminum, lead or gold foil, manufacturing or processing; Metal, metal ores or metal products, reduction, refining or processing; Oil well supplies and machinery sales; Paint, enamel, lacquer, turpentine or varnish, manufacturing; Petroleum or petroleum products, refining; Plastic or rubber products, manufacturing; Production of casting or foundry products; Soaps, detergents or perfumes, manufacturing; Tires, recapping or vulcanizing shop; Wood products, fiber or lumber manufacturing and processing; Wool, scouring, pulling and processing, manufacturing involving; Wool, scouring, pulling and processing, manufacturing involving.

HOME OCCUPATION means any occupation that is carried out within the home or within a structure which is an accessory to the home.

HOTEL means a building occupied as the more or less temporary abiding place of individuals who are lodged with or without meals, in which as a rule the rooms are occupied for hire, and in which there are more than 12 sleeping rooms, a public room for the accommodation of more than 12 guests and a general kitchen.

HOUSEHOLD LIVING means a category of uses containing residential occupancy of a dwelling unit by a household or on a month-to-month or longer basis in structures with self-contained dwelling units including kitchens.

Uses in this use category include, but aren't limited to: apartment house or housing project; duplex (two-family dwelling); manufactured homes; single-family dwelling unit; townhouse.

HUD-CODE MANUFACTURED HOME means 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 traveling mode, is eight body feet or more in width and 40 body feet or more in length, or, when erected on site, is 320 or more square feet, and which is built on permanent chassis and designed to be used as a dwelling with or without permanent foundation when connected to the required utilities, and includes the plumbing, heating, air-conditioning, and electrical systems. The term does not include a travel trailer.

I

INSTALLATION means when used in reference to manufactured housing, the transporting of a HUD-code manufactured home or HUD-code manufactured home components to the place where they will be used by the consumer, the construction of the foundation system, whether temporary or permanent, and the placement and erection of a HUD-code manufactured home or HUD-code manufactured home components on the foundation system, and includes supporting, blocking, leveling, securing, anchoring, and proper connection of multiple or expandable sections or components, the installation of air conditioning, and minor adjustments.



J

JUNK means all worn-out and discarded material, in general, including but not limited to old iron, steel, brass, tin, lead, copper and other base metals; old cordage, ropes, rags, fibers and fabrics; old rubber; old bottles or other glass; non-waste paper and other waste or discarded material whether or not such objects might be prepared to be used again some form; junked vehicles as defined in Freeport's Code of Ordinance, [Chapter 94, Junked Motor Vehicles](#) and Texas Transportation Code [Chapter 683, Abandoned Motor Vehicles](#); and any or all or any pieces or parts of any of the foregoing.

JUNK YARD means a yard, lot or place, containing junk as herein defined and upon which occurs one or more acts of buying, keeping, storing, dismantling, processing, selling or offering for sale any such junk, in whole units or by parts, for a business or commercial purpose, whether or not the proceeds from such act or acts are to be used for charity, and including a business or premises used for the wrecking or disassembling of automobiles, trucks, tractors or machinery of any kind, for the storage or leaving of junked vehicles as herein defined or any other worn out or abandoned stoves, refrigerators, air conditioners, heaters or machinery or appliances of any kind, or of any of the parts thereof.

K

KENNEL means any premises on which four or more dogs, six months or older, are kept. This term includes private owned animal shelters.

L

LIGHT INDUSTRIAL means a category of commercial uses containing uses engaged in the manufacturing, assembly or processing of industrial, business or consumer goods; usually from basic finished inputs such as metal, stone, glass, plastic or rubber. Contractors and building maintenance services and similar uses perform services off-site. Few customers, especially the general public, come to the site.

Uses in this use category include, but aren't limited to: advertising displays manufacture; bookbinding; books, binding other than hand binding; bottling works, for all beverages; brooms or brushes; cabinet or carpentry shop; carpet manufacture and cleaning; ceramics, stone, glass, marble and porcelain products; construction, equipment sales, service, rental and repair; contractors or construction offices, shops and yards; dry cleaning, package plant, or pickup static electrical appliances, equipment assembly, supplies or similar products including electrical machinery; exterminator; food locker plant for consumer use; food products, not including meat products or fish products, the slaughtering and preparation thereof; furniture and upholstery; glass and cutting shop; ice vending establishment; ice, dry or natural laboratory, research or testing; laundry plant; laundry, package plant, pickup station or self-service; linen or uniform supply, or diaper service; machine tools, including metal lathes, metal presses, metal stamping machines, woodworking machines or similar products; machinery, miscellaneous, including repairs; machines, business, including typewriter, accounting machines, calculators, card-counting equipment or similar products; manufacturing of baked goods, candies, delicatessen foods and ice cream; mattresses, including rebuilding or renovating; mirror silvering; monument sales and incidental processing; musical instruments, including pianos or organs; newspaper distribution station; orthopedic medical appliances, including artificial limbs, braces, supports, stretchers or similar products; paper products, including envelopes, stationery, bags, boxes, shipping containers, bulk goods, tubes, wallpaper printing or similar products; pharmaceutical products; printing or publishing including engraving or photoengraving; soaps, detergents or perfume manufacturing; sporting or athletic equipment; steel products, miscellaneous fabrication or assembly; textiles, spinning, weaving, manufacturing, dyeing, bleaching, printing, knit goods, yard, thread or cordage; tools or hardware, including bolts, nuts, screws, doorknobs, drills, hand tools or cutlery, hinges, house hardware, locks, non-ferrous metal castings, plumbing appliances or similar products; toys and novelty products; vehicles, children's, including bicycles, scooters, wagons, baby carriages or similar vehicles; venetian blinds, window shades or awnings; water distillation.

LIQUOR STORE means any retail establishment at which liquor, as defined in Chapter One of the Texas Alcoholic Beverage Code, is offered for sale for off premises consumption.

LOT means a platted parcel of land intended to be separately owned, developed, and otherwise used as a unit.



LOT, AREA OF means the area of the lot shall be the net area of the lot and shall not include portions of streets and alley

LOT DEPTH mean the mean horizontal distance between the front lot line and rear lot line of a zoning lot.

LOT LINE means a boundary of a lot.

LOT LINE, FRONT means the street right-of-way line at the front of a lot.

LOT LINE, REAR means the lot line opposite and most distant from the front.

LOT LINE, SIDE means a lot line which is not a front lot line or rear lot line. A side lot line separating a lot from a thoroughfare other than an alley is an exterior side lot line as opposed to an interior side lot line.

M

MANUFACTURED HOUSING means a HUD-code manufactured home.

MARKET GARDEN means a site operated and maintained by an individual or group to cultivate trees, herbs, fruit vegetables, flowers, or other ornamental foliage for the following uses: personal use, consumption, donation or sale items grown on the site.

MARINA means a dock or basin providing secure moorings for pleasure boats and often offering supplies, repair and other facilities.

MARINA RELATED BUSINESS means any business which primarily provides goods and services to any customer of any marina located in the W-4 Marina Zoning District.

MAY means the act referred to is permissive.

MEDICAL FACILITIES means a category of uses containing public and civic uses providing medical or surgical care to patients. Some uses may offer overnight care.

Uses in this use category include, but aren't limited to: clinic or office, medical; drug stores; hospital, general, not including animal, laboratory, medical or dental

Other uses in this category include: Blood or Plasma Center; Drug, Alcohol or Psychiatric Treatment Center, Outpatient; Hospice Center; Hospital; Medical or Dental Laboratory

MOBILE HOME means a structure that was constructed before June 15, 1976, transportable in one or more sections, when in the traveling mode, is eight body feet or more in width and 40 body feet or more in length, or, when erected on site 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. The term does not include a travel trailer.

MOBILE HOME PARK means any lot upon which are located one or more mobile homes, occupied for dwelling purposes regardless of whether or not a charge is made for such accommodation.

MODULAR COMPONENT means a structural part of housing or building constructed at a location other than the building site in a manner that prevents the construction from being adequately inspected for code compliance at the building site without damage or removal and reconstruction of a part of the housing or building.

MODULAR OR INDUSTRIALIZED BUILDING means a commercial structure that is constructed in one or more modules constructed using one or more modular components built at a location other than the commercial site and is designed to be used as a commercial building when the module or the modular component is transported to the commercial site and erected or installed; but excluding a commercial structure that exceeds three stories or 49 feet in height as measured from the finished grade elevation at the building entrance to the peak of the roof of a commercial building or structure that is installed in a manner other than on a permanent foundation and is either not open to the public or less than 1,500 square feet in total area and used other than as a school or a place of religious worship.



MODULAR OR INDUSTRIALIZED HOUSING means a residential structure that is designed for the occupancy of one or more families, constructed in one or more modules or constructed using one or more modular components built at a location other than the permanent site and designed to be used as a permanent residential structure when the module or the modular component is transported to the permanent site and erected or installed on a permanent foundation system but excluding a residential structure that exceeds three stories or 49 feet in height as measured from the finished grade elevation at the building entrance to the peak of the roof, housing constructed of a sectional or panelized system that does not use a modular component, or a ready-built home constructed in a manner in which the entire living area is contained in a single unit or section at a temporary location for the purpose of selling and moving the home to another location.

MOTEL means a building or group of buildings, including either separate units or a row or rows of units which (a) contain living or sleeping accommodations primarily for transient occupancy and (b) having individual entrances.

N

NEW HUD-CODE MANUFACTURED HOME means one which is newly manufactured and not a used HUD-code manufactured home.

NON-REGULATED NIGHT CLUB means a night club that sponsors or permits any on-site event or activity involving alcohol which is not regulated by the Texas Alcoholic Beverage Commission between the hours of 2:15 a.m. and 12:00 noon Sunday and 2:15 a.m. and 7:00 a.m. on other days if such club has or is required by the code of the city to have any of the following:

- (A) A sound amplification permit;
- (B) A dance hall permit;
- (C) A coin-operated machine on which a tax is required to be paid; or
- (D) If such club charges a door charge, an entry fee or other valuable consideration for entry onto or to remain upon the premises.

NURSERY OR GREENHOUSE means an establishment primarily engaged on the propagation of horticultural specialties, such as flowers, shrubs and trees, intended for ornamental or landscaping purposes.

NURSING HOME means any premises where more than three persons are lodged and furnished with meals and nursing care.

O

OFFICE means a category of commercial uses containing activities conducted in an office setting and generally focusing on business, professional, or financial services.

Uses in this use category include, but aren't limited to: bank, loan company; loan office – payday; office, any type; radio television or recording studio

Other uses in this category include: Accounting, Advertising, Architecture, Bill Collection, Charitable Organization, Consulting, Counseling, Data Processing, Design, Engineering, Investment or Brokerage, Law, Real Estate or Insurance Sales, Temporary Employment, or Travel; Bank or Credit Union (without drive-through); TV or Radio Studio

OFF-PREMISES SIGN means a sign displaying advertising copy that pertains to a business, person, organization, activity, event, place, service, or product not principally located or primarily manufactured or sold on the premises on which the sign is located.

ON-PREMISES SIGN means a sign displaying advertising copy that pertains to a business, person, organization, activity, event, place, service, or product principally located or primarily manufactured or sold on the premises on which the sign is located.



OPEN SPACE means any open piece of land that is undeveloped (has no buildings or other built structures) and is accessible to the public. Open Space can include: greenspace (land that is partly or completely covered with grass, trees, shrubs other vegetation).

OUTSIDE SALES means the offering of goods or services for sale on any premises outside of the main building or an access building thereto which, in either case, is a building which conforms to the requirements of this chapter and any building or other codes of the city.

OVERNIGHT ACCOMMODATIONS means a category of commercial uses containing uses with bedroom and bathroom arranged for short-term stays of less than 30 days for rent or lease.

Uses in this use category include, but aren't limited to: Hotel; Motel; RV Park.

P

PARK, PLAYGROUND, and COMMON OPEN SPACE means an area typically open to the general public and reserved for recreational, educational, or scenic purposes. This definition includes uses such as but not limited to a dog park, a nature preserve or trail. The term may include structural improvements devoted to maintenance of the park, playground, or common open space, small-scale recreation, walkways, picnic areas, and other amenities.

PARK-AND-RIDE FACILITY means a facility where drivers leave their cars in order to travel on public transportation with the intention of returning in less than 24 hours.

PARKING FACILITY means private property adjacent to and usable for vehicular parking by the customers of any business the entrance to which fronts on such parking facility.

PARKING FACILITY OWNER means the owner of a parking facility as well as a lessee of such owner if such lessee is operating a business the entrance to which fronts on a parking facility.

PAWNBROKER means a person engaged in the business of:

- (A) lending money on the security of pledged goods; or
- (B) purchasing goods on condition that the goods may be redeemed or repurchased by the seller for a fixed price within a fixed period.

State Law Reference: [Texas Finance Code Sec. 371.003](#).

PAWNSHOP means a location at which or premises in which a pawnbroker regularly conducts business.

State Law Reference: [Texas Finance Code Sec. 371.003](#).

PERMANENT FOUNDATION means a foundation having the following characteristics:

- (A) The foundation and all related construction complies with the requirements of the mandatory building code adopted under the Texas Industrial Building and Housing Program;
- (B) The foundation system is capable of transmitting all design loads imposed by or upon the foundation and the attached structure into soil or bedrock without failure;
- (C) The structure is attached without the towing hitch, axles, brakes, wheels and other parts of the chassis that operate during transportation;
- (D) Ventilation and decay details are provided in accordance with the requirements of such code.

PERSON means a firm, association, organization, partnership, trust, company or corporation as well as an individual.

PRIVATE YARD means an area of open space within a townhouse but which is unoccupied and unobstructed by any portion of a structure.



PUBLIC ASSEMBLY FACILITY means an establishment where people assemble for civic, educational, religious, philosophical or cultural purposes. Typical uses include assembly, meeting, event or exhibition hall; church, mosque, synagogue, temple; club or lodge; community center; philanthropic institution; and senior or youth center.

R

RECREATIONAL VEHICLE means a vehicular type unit primarily designed as temporary living quarters for recreation camping or travel use that either has its own motive power or is mounted on or towed by another vehicle and requires no special permit by the Texas Department of Highways and Public Transportation. The basic entities are travel trailer camping trailers, truck campers and motor homes. A recreational vehicle is not a mobile home as defined above for purposes of this chapter.

RECREATIONAL VEHICLE PARK means a unified development of 40 or more recreational vehicle spaces arranged on a tract of land which has been zoned for such purposes; or, by specific use permit, in any other zoning district except the R-1, R-2, R-3, W-1 or W-1R zoning districts.

RESTAURANT means a category of commercial uses containing establishments that prepare and sell food for on-premises or off-premises consumption. This use type may or may not include the accessory sale of alcohol for on-premises consumption. This use type may or may not also include the accessory sale of alcohol for off-premises consumption.

Uses in this use category include, but aren't limited to: Bakery retail; Candy, nut, confectionery store; Caterer; Eating place enclosed; Eating place providing auto service.

Other uses in this category including: Candy or Ice Cream Shop; Catering Establishment; Coffee Shop; Food Delivery Restaurant, Sit-Down.

RETAIL REPAIR, SALES, and SERVICE means a category of commercial uses containing establishments or individuals involved in the sale, lease, or rental of new or used products, or providing personal services or repair services to the general public. Refer to the definitions for repair-oriented, sales-oriented, and service-oriented uses.

Uses in this use category include, but aren't limited to: barber shop or beauty parlor; book store or lending library; commercial; camera or photographic supplies store; clothing including formal wear and costumes; department store; floor covering sales retail; food or grocery store retail; fur shop or hat shop; funeral home or mortuary; gift, novelty shop; hardware store and small tool rental, but not including sales of lumber or industrial hardware; hobby shop or supply store; jewelry store; laundry - pickup or self-services; locksmith or key shop; music store, phonograph records retail sales; optical goods, optician, optometrist; orthopedic or medical shoe or appliance store and repair; paint and wallpaper store; decorators shop; pet shop; photographic, studio or store and photo processing; plumbing fixture sales retail; rental, repair or servicing of articles whose sale is permitted in the same district, unless more specifically listed elsewhere; second hand store or rummage shop; sewing machine sales retail; shoe repair shop or store; sporting goods store; stationery store; tailor shop seamstress, altering and repairing of wearing apparel; toy stores; watch repair; taxidermist; veterinarian; indoor soundproof kennels only; barber and beauty shop equipment and specialties, sales; firearms, ammunition, and hunting supplies, in combination, sales; liquor store, by specific use permit only; tattoo parlors; sporting or athletic equipment; telephone answering service; telephone exchange, garage, shop or service; art, supply store; antique store; business machines, sales/service; florist shop or greenhouse (retail); furniture, appliance and custom upholstery; rent repair or servicing of articles whose sale is permitted in the same district, unless more specifically listed elsewhere; paint shop; machine tools, sales, service, rental and repair; sign shop.

ROADSIDE STAND means a temporary or permanent structure used for the sale of agricultural products or commodities raised on the premises.

S

SALVAGE YARD means a place or a business that owns junk and/or salvage and is operated to store, buy, or sell said junk and/or salvage. Typically all or part of the junk and/or storage is stored outdoors.



SCHOOL, ELEMENTARY or MIDDLE (PUBLIC OR PRIVATE) means an educational establishment for children between kindergarten and 8th grade.

SELF-SERVICE STORAGE means a category of commercial uses containing facilities providing separate storage areas for personal or business use designed to allow private access by the tenant for storing or removing personal property.

SERVANTS QUARTERS, BONA FIDE. Living quarters located on the same lot as the main building for the family of a servant employed on the premises who receives at least 50 percent of his total income from the occupant of the main building.

SERVICE BUILDING. A structure housing toilet, lavatory and such other permanent facilities as may be permitted by the International Plumbing Code adopted by § 150.045.

SETBACK LINE. That line which is parallel to and the minimum allowable horizontal distance from a given point or line reference, such as a lot line, to the minimum required building line.

SEXUALLY ORIENTED BUSINESS. An adult bookstore, adult theater, adult video store or other sexually oriented business those terms are defined in Chapter 243 of the Tex. Local Government code, and the decisions of the appellate court having jurisdiction over the territory in which the city is located, and in Chapter 123 of this code. A commercial establishment may have other business purposes that are not a sexually oriented business or related to a sexually oriented business. Such other business purposes will not serve to exempt such commercial establishments from being categorized as a SEXUALLY ORIENTED BUSINESS so long as one of its business purposes is a sexually oriented business.

SHORT-TERM RENTAL means any residence that is rented to an occupant for a term of fewer than 28 days. This definition does not include motels or hotels.

SIGN. Any outdoor display, design, pictorial or other representation that is so constructed, placed, attached, painted, erected, fastened or manufactured in any manner so that the same shall be used for advertising or the visual dissemination of any information, symbol or picture in any manner whatsoever. The term SIGN shall include the sign structure.

SIGN, AREA OF. The total exterior surface computed in square feet of a sign having but one exposed exterior surface; the aggregate exposed exterior surface computed in square feet of a sign having more than one such surface.

SOCIAL SERVICE means a category of uses containing uses that primarily provide treatment of those with psychiatric, alcohol, or drug problems; transient housing related to social service programs; and housing for individuals legally confined.

SPACE. A plot of ground within a mobile home park or a recreational vehicle park designated for the accommodation of one mobile home or one recreational vehicle, respectively, together with such open space as is required by § 155.035.

STORY. That portion of a building included between the surface of any floor and the ceiling next above it.

STREET. Any thoroughfare other than an alley.

STREET LINE. A dividing line between a street and an abutting lot, tract or parcel of land.

STRUCTURAL ALTERATIONS. Any change in the structural members of a building, such as walls, columns, beams or girders.

STRUCTURE. Anything constructed, the use of which required permanent location on the ground or attachment to something having a permanent location on the ground.

SWIMMING POOL (PUBLIC) means a water-filled enclosure or splash pad constructed for use by the general public for swimming or wading, swimming, or water-oriented recreation, including those operated as a business and those constructed and maintained by the City or County.



T

TOWNHOUSE. A single family dwelling unit structure separated by a non-load bearing masonry wall having a minimum a four hour fire rating which extends a minimum of 18 inches above the highest peak of the roofs which fire wall abut single family dwelling unit townhouse.

TOWNHOUSE GROUP. Four to ten contiguous townhouses connected by common fire walls required under the definition of TOWNHOUSE.

TOWNHOUSE PROJECT. A townhouse development or plan which is submitted and approved by a single special permit.

TRAVEL TRAILER. A vehicular type unit primarily designed as temporary living quarters for recreational camping or travel use that either has its own motive power or is mounted on or towed by another vehicle. The basic entities are recreational vehicles, camping trailers, truck campers and motor homes but it does not include a manufactured home as here defined.

UNIT or DWELLING UNIT. One room, or a suite of two or more rooms, designed for or used by one family for living and sleeping purposes and having only one kitchen or kitchenette.

USED or OCCUPIED. Include the words intended, designed or arranged to be used or occupied.

USED HUD-CODE MANUFACTURED HOME. One which has been previously owned by a person or entity other than the manufacturer thereof or its authorized representative.

VEHICLE BODY REPAIR means any establishment where the primary services offered are the repair, painting, or refinishing of the body, fender, or frame of automobiles, trucks, motorcycles, motor homes, recreational vehicles, boats, tractor construction equipment, agricultural implements, and similar vehicles or equipment.

VEHICLE REPAIR, HEAVY means the general repair, rebuilding, or reconditioning of engines, motor vehicles, or trailers including body work, framework, welding, and major painting service.

VEHICLE REPAIR, LIGHT means an establishment that is primarily engaged in, but not limited to, one or more of the following activities: diagnostic service and tune-ups; installation or repair of air-conditioners, brakes, carburetors, electrical systems, fuel systems, generators, starters, and radiators; lubricating service; wheel alignment; the installation or repair of automotive glass; and the installation or repair of exhaust systems.

VEHICLE SALES AND SERVICE means a category of commercial uses containing establishments related to direct sales of a service to passenger vehicles, light, medium, and heavy trucks and equipment, and other motor vehicles such as motorcycles, boats, and recreational vehicles.

Uses in this use category include, but aren't limited to: automobile, accessory and supply store; automobile laundry; automobile service station; automobile parking lot or garage; automobile repair, body work painting; motorcycle sales building or repair, bus and truck storage, but not including tire recapping; automobile laundry; automobile, glass, including parts, installation and repair, motorcycles, muffler, new or used; automobile, or rebuilding of engines; boats, rental or storage; automobile sales, repair, repairs and sales; mobile home sales automobiles, sales, seat cover, services storage and service; trailer sales or rental (for use with private passenger automobiles); vehicle, tire and upholstery service, trucks or trailers.

VETERINARY CLINIC means an animal hospital or clinic that provides medical care for small animals or pets, including, but not limited to: dogs, cats, birds, and the like. This definition does not include the veterinary hospital use.

VETERINARY HOSPITAL means an animal hospital or clinic that provides medical care for large or livestock animals, including but not limited to: horses, cows, bison, deer, llamas, alpacas, sheep, goats, chickens, turkeys, ducks, and pigs. This definition does not include the veterinary clinic use.



W

WAREHOUSING AND FREIGHT MOVEMENT means a category of commercial uses containing establishments involved in the storage or movement of goods for themselves, other firms, or individual consumers. Goods are generally delivered to recipients with little on-site sales activity to customers.

Uses in this use category include, but aren't limited to: cold storage plant; freight depot or terminal, railroad and/or truck yard (parking does not include lumber sheds); pipe storage enclosed; storage of goods or merchandise, used or produced by or normally carried in stock in conjunction with permitted uses in the applicable district regulation; warehousing establishment other than accessory to permitted retail use; wholesale office with storage limited to samples.

Other uses in this category include: Food Processing, Packing, and Distribution; Outdoor Storage Yard; Truck, Tractor Trailer, or Bus Storage, Parking Yard, Lot, or Garage

WASTE RELATED SERVICE means a category of commercial uses containing establishments that receive solid or liquid waste from others for treatment or transfer to another location and uses that manufacture or produce goods or energy from the large-scale composting of organic material. Uses in this use category include, but aren't limited to: junk handling and storage.

WHOLESALE TRADE means a category of commercial uses containing establishments involved in the sale, lease, or rental of products to industrial, institutional or commercial enterprises only. The uses emphasize on-site sales or order-taking and often include display areas. The business may or may not be open to the general public. Products may be picked up on-site or delivered to the customer.

Uses in this use category include, but aren't limited to: bakery wholesale; wholesale establishments of other types including storage, but excluding processing, manufacturing and like preparation of products for wholesale or retail sale.

Other uses in this category include: Fuel Sales and Storage (Bulk); Mail-Order Business; Sale or Rental of Machinery and Equipment; Wholesale or Auction of Food, Clothing, Auto Parts, or Hardware.

WELDING. The term WELDING includes and is included in the terms FABRICATION, ASSEMBLY and/or REPAIR when such terms are used in connection with metal products.

Y

YARD. An open, unoccupied space other than a court, on the lot in which a building is situated and which is unobstructed from the ground to the sky.

YARD, FRONT. An open, unoccupied space on a lot facing a street and extending across the front of a lot between the side yard lines and being the minimum distance between the street line and the main building.

YARD, REQUIRED FRONT. An open space extending the full width of a lot between the front lot line and the front setback line, unoccupied and unobstructed from the ground upward except as specified elsewhere in this chapter.

YARD, REAR. An open space unoccupied and unobstructed extending across the rear of a lot from one side lot line to the other side lot line and being the minimum horizontal distance between the rear lot line and the main building.

YARD, REQUIRED REAR. An open space extending the full width of the lot between the rear lot line and the rear setback line, unoccupied and unobstructed from the ground upward except as specified elsewhere in this chapter.

YARD, SIDE. An open, unoccupied space on the same lot with a building situated between the building and side line of the lot and extending through from the front yard to the required rear yard. Any lot line not the rear line or a front line shall be deemed a side line.

YARD, REQUIRED SIDE. An open space extending from the minimum front yard setback line to the minimum rear yard setback line between the side yard setback line and the nearest side lot line, unoccupied and unobstructed from the ground upward except as specified elsewhere in this chapter.



UTILITIES means a category of uses containing major or minor infrastructure that serves a site, a development, or the C at-large.

Z

ZONING MAP, OFFICIAL. The zoning map or maps of the City attested together with all amendments subsequently adopt

§ 155.202 EFFECTIVE DATE

The effective date of this Chapter is the date at which the City Council fully completes the process of adopting both t text of this Chapter and the Official Zoning Map.

§ 155.203 TRANSITIONAL STANDARDS

(A) Development Approvals Predating Code's Effective Date.

- (1) This Chapter does not prevent the City from:
 - (a) Adopting or enforcing building codes; or
 - (b) Prohibiting the use of building materials that have been proven to be inherently dangerous.
- (2) It is the City's intent to respect existing zoning and land development approvals. Approved development m be carried out within the scope of the development approval, including applicable standards in effect at the ti of approval, provided that the approval was valid and has not lapsed per §155.1006, *Inactive Applications*.

(B) Pending Applications.

- (1) Each application for development approval shall be evaluated only by the zoning regulations and adopt ordinances in effect at the time that each complete application is submitted.
- (2) Applications that are not pursued with due diligence may expire pursuant to §155.1006, *Inactive Application*.

§ 155.204 CONFLICTING PROVISIONS

(A) Public Restrictions. The following provisions apply to laws adopted by a federal, state, or local legislative body.

- (1) Where this Chapter conflicts with another local, state, or federal law, whichever the Administrator finds impos the more stringent restrictions controls. Where the Administrator finds conflicting provisions to be equa stringent, then the provision more recently adopted controls.
- (2) Where the text of this Chapter conflicts with its tables or illustrative material, the text controls.
- (3) Where a table of this Chapter conflicts with an illustration, the table controls.

(B) Private Restrictions. The City does not interpret or enforce private restrictions, including, but not limited to, de restrictions, covenants, or easements, unless it is a party to them. If the City is a party to private restrictions, a such restrictions conflict with this Chapter, then the more stringent restrictions control.

§ 155.205 SEVERABILITY

- A. **Generally.** If a court of competent jurisdiction holds any provision of this Chapter to be illegal or invalid, t remainder of this Chapter shall remain in full force without being affected by the judgment.
- B. **As-Applied.** If a court of competent jurisdiction holds any application of a provision of this Chapter to a particu structure, land, or water to be illegal or invalid "as-applied", such judgment shall not be applicable to any oth structure, land, or water not specifically included in the judgment.



§ 155.206 FEES AND CHARGES.

- (A) **Generally.** The City Council shall establish a schedule of fees, charges, and expenses, and a collection procedure for permits, applications, appeals, and other matters pertaining to this Chapter.
- (B) **Master Fee Schedule.** The City Secretary, their deputies, and/or assistants shall calculate and collect the fees in accordance with the Master Fee Schedule. The Master Fee Schedule shall be on file in the office of the City Hall.
- (C) **Payment in Full Required.** No permit, amendment, certificate, or variance shall be issued unless or until such costs, charges, fees or expenses have been paid in full, nor shall any action be taken or public hearing be held unless or until preliminary charges and fees have been paid in full.
- (D) **Fee Regardless of Action.** Unless noted otherwise with this Chapter, fees shall be charged on all applications regardless of whether the application is approved or denied.

§ 155.207 MEASUREMENTS

Table 155.207-1, *Measurements*, below, provides the method of measurement for the standards in this Chapter.

Table 155.207-1 Measurements		
Measurement	Methodology	Illustration
Building Coverage	The sum of all areas of a lot covered by any roofed structure, but not paved areas, such as patios.	
Gross Density	The number of dwelling units divided by gross acres.	<p style="margin-left: 20px;">Gross Density 10.0 Acres of land <u>- 1.5 Acres of open space</u> 45 Units/8.5 Gross Acres = 5.29 Units per Acre</p>



Table 155.207-1 Measurements		
Measurement	Methodology	Illustration
Gross Floor Area	The total area of all the floors of a building, including intermediately floored tiers, mezzanines, etc., as measured from the exterior surfaces of the outside walls of the building.	Graphic in Development
Height	Buildings: The vertical distance from the grade level of that portion of a parcel covered by the building to the highest point of the coping of a flat roof, or the deck line of a mansard roof, or to the average height between eaves and the ridge of a gable, hip or gambrel roof.	
	Walls or Fences: The vertical distance from the grade level of that portion of a parcel immediately abutting a wall or fence to the highest point of the wall or fence.	
	Sloping Ground: Where a building, wall, or fence is located on sloping ground, the lower point of measurement is the average grade across a 40-foot horizontal span.	
Lot Area	The total horizontal area included within property lines.	



Table 155.207-1
Measurements

Measurement	Methodology	Illustration
<p>Lot Width</p>	<p>For an interior parcel, the horizontal distance between the side property lines, measured at the required front setback line. For a cul-de-sac parcel, the horizontal distance between the side property lines measured at the front setback line.</p>	
<p>Setback</p>	<p>The horizontal distance of a required open space at grade between the outer wall of a building or structure and the adjoining property lines, unoccupied and unobstructed by any portion of a structure from the ground upward. Front and Rear: The front and rear setback lines span the entire width of the property. Sides: The interior side and street side setback lines extend from the required front setback line to the required rear setback line.</p>	<p style="text-align: center;">Graphic in Development</p>



155.300 ZONING DISTRICTS

§ 155.301 ZONING DISTRICTS ESTABLISHED

The City is divided into zones, or districts, which are shown on the Official Zoning Map and listed in Table 155.301-1, *Zoning Districts Established*, below.

Table 155.301-1 Zoning Districts Established	
Zoning District Name	Zoning District Purpose
Residential Districts	
SU, Semi-Urban Residential	This district consists mainly of area containing single-family dwellings and of open spaces where low-density, detached single-family development on large lots is desired.
SUI, Semi-Urban Residential Infill	This district consists of areas containing single-family, detached or single-family, attached dwellings on medium-sized lots and areas containing single-family, attached or detached dwellings, cottages, townhomes, or a combination of listed housing types on existing small, narrow lot
MH, Manufactured Home Subdivision	This district consists primarily of HUD-code manufactured homes.
W-1R, Single-Family Waterfront	This district consists of waterfront areas occupied by or suitable for single family dwellings and of open spaces where single-family development appears desirable.
MF, Multiple-Family	This district consists mainly of areas containing multiple-family development or which are centrally located or suitable for multiple-family development. In addition to the general purposes applying to all residential districts, the regulations of MF are designed to encourage the provision of conveniently located, maintained multi-family housing.
Non-Residential and Mixed-Use Districts	
DT, Downtown District	This district is designed to enhance the economic development and quality of life for the citizens of Freeport, residents of the district, and visitors. The district serves to promote access by the general public to enjoy its beauty, balanced with development as a place of residence and commerce. The district is designed to preserve and enhance Freeport's established downtown with a compact pedestrian-friendly scale that creates a mix of residential and smaller-scale commercial uses, on-street and off-site parking, and urban character typical of a downtown core.
C-1, Retail Business	This district consists mainly of land occupied by or suitable for neighborhood shopping facilities for the retailing of "convenience goods" and the furnishing of certain personal services to satisfy most of the daily needs of the adjacent residential neighborhood.
C-2, General Commercial	This district consists mainly of land occupied by or suitable for a wide range of retail and wholesale activities. Land in this district is located mainly along major highways and in the vicinity of industrial areas. The C-2 District regulations are designed to permit development of the enumerated functions and to provide space for commercial uses which are generally not appropriate for Retail Business District.
C-3, Entertainment District	This district includes some of the land within the city which is located north of and accessible to State Highway 332, between its intersection with State Highway 288 to its intersection with F.M. Highway 52
W-1, Waterfront - Resort	This district consists mainly of areas occupied by or suitable for harbor and marine resort related activities including the storage, transport and handling of goods and materials related to pleasure and charter boats as well as such commercial uses as may have a natural relation to such activities, uses and facilities.



Table 155.301-1

Zoning Districts Established

Zoning District Name	Zoning District Purpose
IN, Industrial	This district consists of land for a wide range of commercial, manufacturing, and other industrial activities subject to limitations intended to protect nearby residential and commercial districts and to protect the permitted uses from one another. Uses in this district include manufacturing, wholesale, warehousing, transportation of goods, and port, harbor, or other marine-related uses.
W-4, Marina District	This district includes all of the land within the City which is located within the following boundary. Beginning at the intersection of the north ROW line of West Second Street, at its intersection with the east ROW line of Cherry Street; thence north to the northern ROW line of the Freeport Townsite Levee thence east to the extension of the eastern property line of Tract 1A, Thomas McKinney Survey, Abstract 87, Brazoria County, Texas; thence north along that extended line to the centerline of the Old Brazos River Channel; thence along the center line of that Channel east to the extension of the western property line of Tract B1A, S.F. Austin Survey, Abstract 28, Brazoria County, Texas; thence south along that extended line to the west ROW line of Spruce Street, and continuing along that line to its intersection with the north ROW line of East Second Street; then west along that line to the place of beginning.
PUD, Planned Unit Development	The unified and coordinated development of parcels or tracts of land. Certain freedom of choice as to intended land uses shall be permitted, provided that the essential site development regulations are complied with and that the intended uses are not in conflict with the general purpose and intent of this Chapter.

§ 155.302 OFFICIAL ZONING MAP

- (A) **Generally.** An up-to-date and official copy of the City of Freeport Zoning Map is maintained by the Administrator and is available for inspection during regular business hours at City Hall.
- (B) **Force and Effect.** The Official Zoning Map and all notations, references, and other information shown on the map are incorporated into of Chapter.
- (C) **Omitted Land.** It is the intent of this Chapter for the entire area within the City's municipal limits to be zoned. This includes all land and water areas, rivers, streets, alleys, railroads, and other rights-of-way. Any area not shown on the Official Zoning Map as being included in a specific zone shall be classified as Semi-Urban Residential (SU).
- (D) **Annexed and Undesignated Property.** For the purposes of ensuring that all land within the municipal limits has a zoning designation, any land that is not assigned a zoning district on the Official Zoning Map or any land that is annexed into the City, without an express zoning district designated within the annexation ordinance, shall be zoned as Semi-Urban Residential (SU).
- (E) **Interpreting the Zoning Map.** Where the Official Zoning Map appears to be unclear regarding the location of district boundaries, the Administrator, or at the Administrator's discretion, the Planning and Zoning Commission, shall make a determination using the following criteria:
 - (1) *Rights-of-Way or Easements.* Where boundary lines appear to follow existing streets, alleys, railroad tracks, utility lines, or similar features, the zoning boundary shall be construed to follow the centerline of such feature. Where the location of these features on the ground differs from that shown on the Official Zoning Map, the zoning boundary shall be construed to follow the features on the ground control.
 - (2) *Property Lines.* Where the boundaries are indicated as approximately following property or other lot lines, such lines shall be construed to be the boundaries.
 - (3) *Watercourses.* Boundaries shown as following, or approximately following, the shoreline or centerline of drainage ways, rivers, streams, water bodies, or other watercourses shall be construed as following the channel shoreline or centerline. In the event of a natural change in the location of such streams or other watercourses, the zoning district boundary shall be construed as moving with the channel shoreline or centerline.



- (4) **Un-subdivided Land or No Identifiable Feature.** Where un-subdivided land, or where a zoning district boundary follows no identifiable feature, the location of the boundary, unless the same is indicated by dimensions, shall be determined by applying, in order, the following rules:
 - (a) **Legal Description.** The boundary shall be according to the legal description in the ordinance establishing the district boundaries;
 - (b) **Text Dimensions.** The boundary shall be located by reference to dimensions shown in the text on the Official Zoning Map.
 - (c) **Map Scale.** The boundary shall be located using the map scale appearing on the Official Zoning Map.
- (5) **Floodplain Boundaries.** When not otherwise determined, the boundaries of flood zones shall follow contour elevation lines at the elevation above sea level indicated on the official Flood Hazard Boundary Map (FHBM) Flood Insurance Rate Map (FIRM). Elevations between stream cross-sections on the FHBM or FIRM shall be determined by proportional interpolation.
- (6) **Vacation or Abandonment.** Where a public street, alley, or parcel of land is officially vacated or abandoned, the regulations applicable to the abutting property apply equally to the vacated or abandoned street, alley, or parcel of land.



155.400 LAND USE REGULATIONS

§ 155.401 LAND USE TABLE

- (A) **Generally.** The table in this Section describes which land uses are prohibited, permitted, a limited use, or specific use within the zoning districts identified in Table 155.301-1, *Zoning Districts Established*.
- (B) **Using the Permitted Uses by District Table.** Table 155.401-1, *Permitted Uses by District*, lists the applicable land use in rows, organized by use type. The districts are arranged in columns. Where rows and columns intersect, a letter indicates if the use is permitted, limited, temporary, or prohibited in the district.
- (C) **Symbols.** The tables in this Section use the following symbols:
 - (1) "P" means that the land use is Permitted by Right, subject to the standards that apply to all Permitted Uses. That use is approved by the Administrator.
 - (2) "L" means that the land use is Permitted with Limitations, in the same manner as a Permitted Use, but is also subject to §155.203, *Limited Use Standards*.
 - (3) "S" means that the use is allowed as a Specific Use subject to approval as described in §155.1107, *Specific Use Permit*.
 - (4) "T" means that the use is allowed as a Temporary Use, in the same manner as a Permitted Use, but is also subject to §155.404, *Temporary Use Standards*.
 - (5) "--" means that the use is a Prohibited Use in the specified Zoning district.
- (D) **Standards.** The "Standards" column provides a reference to associated standards for uses Permitted with Limitations. Where "N/A" is in the column, there is no associated standard because the use is Permitted by Right.
- (E) **Parking.**
 - (1) *Amount Required.* The "Parking" column provides the amount of parking required for each use.
 - (2) *Interpretation of Off-Street Parking Requirements.* Table 155.401-2, *Interpretation of Off-Street Parking Requirements*, illustrates how to calculate required parking for each use listed in Table 155.401-1, *Permitted Uses by District*.
 - (3) *Exempt.* Uses located in the Downtown zoning district are exempt from parking requirements.

Table 155.401-1, Permitted Uses by District																
Use Category	Land Use ¹	Residential			Mixed-Use and Non-Residential							Use-Specific Standards ²	Parking ³ (155.600)			
		SU	SUI	MH	W-1R	MF	DT	C-1	C-2	C-3	W-1			IN	W-4	
Agriculture																
	Kennel	--	--	--	--	--	--	--	P	--	P	P	P	--		1/200
	Greenhouse or Nursery	--	--	--	--	--	--	P	P	--	P	P	P	--		1/200
Agriculture and Animal Services	Veterinary Clinic or Veterinary Hospital	--	--	--	--	--	--	P	--	P	P	P	--			1/200
	Other Agriculture and Animal Services	--	--	--	--	--	--	P	--	--	P	P	--			1/400
Residential																
Household Living	Accessory Dwelling Unit	P	P	P	P	--	--	--	--	--	--	--	--	--		1/unit
	Single-Family Detached	P	P	P	P	--	--	--	--	--	--	--	--	--		1/unit
	Single-Family Attached	--	P	--	--	P	--	--	--	--	--	--	--	--		1/unit
	Townhouse	--	P	--	--	P	--	--	--	--	--	--	--	--		1/unit
	Cottage	--	P	--	--	P	--	--	--	--	--	--	--	--		1/unit



Table 155.401-1,
Permitted Uses by District

Use Category	Land Use ¹	Residential					Mixed-Use and Non-Residential						Use-Specific Standards ²	Parking ³ (155.600)	
		SU	SUI	MH	W-1R	MF	DT	C-1	C-2	C-3	W-1	IN			W-4
Commercial Uses of the Home	Dwelling, Multi-Family (three or more families)	--	--	--	--	P	--	--	--	--	--	--	--	--	1.5/unit
	Manufactured Housing	--	L	--	--	--	--	--	--	--	--	--	--	\$155.402	1/unit
	Downtown Loft	--	--	--	--	--	L	--	--	--	--	--	--	\$155.402	none
	Home Occupation	L	L	L	L	L	--	--	--	--	--	--	--	\$155.402	none
	Short-Term Rental	L	L	--	L	--	--	--	--	--	--	--	--	\$155.402	1/unit
	Group Living	<u>Assisted Living or Skilled Nursing Facility</u>	--	--	--	--	S	--	--	P	--	--	--	\$155.1107	1/3 beds
Public and Institutional															
	Heliport	--	--	--	--	--	--	--	--	--	--	S	--	\$155.1107	1/1.5 empl
	Bus Station	--	--	--	--	--	P	P	P	--	P	P	--	--	none
	Cemetery, Columbarium, Mausoleum, or Memorial Park	--	--	--	--	--	--	P	P	--	--	P	--	--	none
	College or Vocational School	--	--	--	--	--	P	P	P	--	--	P	P	--	1/400
	Day Care Facility	--	--	--	--	--	--	P	P	--	--	--	--	--	1/10 enroll persons pu 1/ employe on largest sl
	Government/Non-Profit Parking Lot or Maintenance Area	--	--	--	--	--	--	--	--	--	--	P	--	--	none
	Government Services (Administrative, Education, Postal, Safety)	--	--	--	--	--	P	P	P	--	P	P	P	--	1/200
Civic	Park, Playground, and Common Open Space	P	P	P	P	P	P	P	P	--	P	--	--	--	1/2 acres; Minimum 10 spaces
	Public Assembly Facility	S	S	S	S	S	S	S	S	--	S	S	--	\$155.1107	1/350 or 1 seats in assembly ar whichever greater
	School, Elementary, Middle, or High	--	--	--	--	--	--	P	P	--	--	--	--	--	Elementar and Middl School - 1/ students pl 1/ employe pm larges shift High Schoc 1/4 studen plus 1/employe on largest sl
	Swimming Pool (Public)	--	--	--	--	--	--	P	P	--	P	--	--	--	1/200



**Table 155.401-1,
Permitted Uses by District**

Use Category	Land Use ¹	Residential			Mixed-Use and Non-Residential							Use-Specific Standards ²	Parking ³ (155.600)	
		SU	SUI	MH	W-1R	MF	DT	C-1	C-2	C-3	W-1			IN
Medical Facilities	Other Civic uses	--	--	--	--	--	P	P	P	--	P	P	--	none
	Chiropractor, or Acupuncture, Medical or Dental Clinic	--	--	--	--	--	P	P	P	--	P	--	--	1/200
	Hospital	--	--	--	--	--	P	P	P	--	P	P	--	1.5/bed plus 1/500 sq ft emergency room and outpatient area
	Other Medical Facilities	--	--	--	--	--	P	P	P	--	P	P	--	1/250
Social Service	Correctional Facility	--	--	--	--	--	--	--	--	--	S	--	\$155.1107	none
	Other Social Service Uses	--	--	--	--	--	--	S	S	--	--	S	--	\$155.1107
Utilities	Utilities, Minor	--	--	--	--	--	--	P	P	--	P	P	P	none
	Utilities, Major	--	--	--	--	--	--	--	--	--	--	P	--	1/ on-site employee, visitor
Commercial and Office														
Entertainment, Indoor	Bar or Tavern	--	--	--	--	--	P	P	P	--	P	P	--	1/100
	Body Art Service	--	--	--	--	--	--	P	P	--	--	--	--	2/station
	Bowling Center	--	--	--	--	--	--	--	P	--	P	--	--	3/lane
	Brewpub, Microbrewery or Micro-Distillery	--	--	--	--	--	P	P	P	--	P	--	--	1/100
	Other Indoor Entertainment uses	--	--	--	--	--	P	P	P	--	P	P	--	1/300
Entertainment, Outdoor	Baseball Park, Commercial	--	--	--	--	--	--	--	P	--	P	P	--	1/3 seats
	Golf course, commercial and noncommercial	--	--	--	--	--	--	--	P	--	P	--	--	1/500
	Other Entertainment, Outdoor uses	--	--	--	--	--	--	P	P	P	--	P	P	none
Office	Bank or Credit Union (with or without drive-through)	--	--	--	--	--	P	P	P	--	P	P	--	1/200
	Currency Exchange (Check Cashing) or Payday Loan Business	--	--	--	--	--	P	P	P	--	P	P	--	1/200
	Other Office uses	--	--	--	--	--	P	P	P	--	P	--	--	1/400
Overnight Accommodations	Campground with Overnight Accommodations	--	--	--	--	--	--	--	P	--	P	P	P	2/ park site
	Hotel or Motel	--	--	--	--	--	P	P	P	--	P	P	P	Hotel: 1/ units Motel: 1/u
	Recreational Vehicle Park	--	--	--	--	--	--	L	L	--	L	L	L	\$155.402 1/RV Spac



Table 155.401-1,
Permitted Uses by District

Use Category	Land Use ¹	Residential			Mixed-Use and Non-Residential							Use-Specific Standards ²	Parking ³ (155.600)		
		SU	SUJ	MH	W-1R	MF	DT	C-1	C-2	C-3	W-1			IN	W-4
Restaurant	Rooming, Boarding House, and/or Tourist Home	--	--	--	--	P	P	P	P	--	P	P	P	--	1/unit
	Restaurant, Dine-In	--	--	--	--	--	P	P	P	--	P	P	P	--	1/400
	Restaurant, Drive-In or Drive-Through	--	--	--	--	--	--	P	--	--	P	P	P	--	1/100
	Food or Grocery Store	--	--	--	--	--	--	P	P	--	P	P	--	--	1/200
	Package Liquor	--	--	--	--	--	--	--	S	--	S	S	--	\$155.1107	1/400
	Pawn Shop	--	--	--	--	--	P	P	P	--	P	P	--	--	1/200
Retail Repair, Sales, and Service	All Repair-Oriented Uses	--	--	--	--	--	P	P	P	--	P	P	--	--	1/300
	All other Sales-Oriented Uses	--	--	--	--	--	P	P	P	--	P	P	--	--	1/300
	All Service-Oriented Uses	--	--	--	--	--	P	P	P	--	P	P	--	--	1/300
Self-Service Storage	Boat or Recreational Vehicle Outdoor Storage	--	--	--	--	--	--	--	--	--	P	P	P	--	1 / 350 sq ft office area plus 1 per 2,500 sq ft outdoor storage
	Mini-Warehouse	--	--	--	--	--	--	--	--	--	P	P	--	--	1/350 sq ft office area plus 1/ 20 storage stall
Adult-Oriented Businesses	Adult-Oriented Businesses	--	--	--	--	--	--	--	--	P	--	--	--	Code of Ordinances Chapter 123	1/300
Vehicle Sales and Service	Automobile Wash	--	--	--	--	--	P	P	P	--	P	P	--	--	10/wash la
	Automobile, accessory and supply store	--	--	--	--	--	P	P	P	--	P	P	P	--	1/200
	Automobile Parking Lot or Garage	--	--	--	--	--	--	P	P	--	P	P	--	--	none
	Fuel Sales (Retail)	--	--	--	--	--	P	P	P	--	P	P	P	--	none
	Vehicle Sales, Rental, and Leasing (including motorcycles)	--	--	--	--	--	P	P	P	--	P	P	P	--	1/400
	Vehicle Body Repair	--	--	--	--	--	--	--	P	--	--	P	P	--	1/400
	Vehicle Repair, Heavy	--	--	--	--	--	--	--	--	--	--	P	--	--	1/400
	Vehicle Repair, Light	--	--	--	--	--	--	--	P	P	--	P	P	--	1/400
Other Vehicle Sales and Service uses	--	--	--	--	--	--	--	--	--	--	--	P	--	--	1/400
Waterfront	Bait Store	--	--	--	--	--	--	--	P	--	P	P	P	--	1/200
	Barge and Boat Manufacture and Repair	--	--	--	--	--	--	--	--	--	--	P	--	--	1/400
	Boat; rental, leasing and sales	--	--	--	--	--	--	--	--	--	--	P	P	--	1/400
	Boat; fishing charter	--	--	--	--	--	--	--	--	--	--	P	P	--	1.5/passeng



**Table 155.401-1,
Permitted Uses by District**

Use Category	Land Use ¹	Residential			Mixed-Use and Non-Residential							Use-Specific Standards ²	Parking ³ (155.600)		
		SU	SUI	MH	W-1R	MF	DT	C-1	C-2	C-3	W-1			IN	W-4
	Boat & marine related parts; retail and wholesale sales, transportation and handling	--	--	--	--	--	--	--	--	--	--	P	P	--	1/400
	Boat repair	--	--	--	--	--	--	--	--	--	P	P	P	--	1/400
	Boat launching	--	--	--	--	--	--	--	--	--	S	S	S	\$155.1107	none
	Docking and service facilities for recreational and pleasure boats,	--	--	--	--	--	--	--	--	--	P	P	P	--	1/200
	Docking & service facilities for commercial vessels	--	--	--	--	--	--	--	--	--	P	P	--	--	2/60 linear dock space
	Marine fueling for Barges and Vessels	--	--	--	--	--	--	--	--	--	S	S	\$155.1107	--	none
	Marine fueling for recreational and pleasure boats	--	--	--	--	--	--	--	--	--	P	P	--	--	none
	Marine net; manufacture, repair & sale	--	--	--	--	--	--	--	--	--	P	P	--	--	1/400
	Oil field supplies; storage, transportation & handling	--	--	--	--	--	--	--	--	--	P	P	--	--	1/1000
	Seafood; handling, shipping and sales	--	--	--	--	--	--	--	--	--	P	P	--	--	1/400
Industrial															
Heavy Industrial	Other Heavy Industrial Uses.	--	--	--	--	--	--	--	--	--	--	S	--	\$155.1107	1/1.5 employees
	Building or Development Contractor	--	--	--	--	--	--	--	--	--	--	P	--	--	1/400
	Repair of Scientific or Professional Instruments	--	--	--	--	--	--	--	--	--	--	P	--	--	1/400
Light Industrial	Research, Testing, and Development Laboratory	--	--	--	--	--	--	P	--	P	P	--	--	--	1/400
	Other Light Industrial Uses	--	--	--	--	--	P	--	P	--	P	P	--	--	1/1000 1/400 1/1.5 employees
	Bulk Storage	--	--	--	--	--	--	P	--	--	P	--	--	--	1/1000
	Lumberyard	--	--	--	--	--	--	P	--	P	P	--	--	--	1/400
Warehousing and Freight Movement	Motor Freight or Truck Terminal	--	--	--	--	--	--	--	--	--	--	--	--	--	1/400 1/1000
	Other Warehousing and Freight Movement uses	--	--	--	--	--	--	P	--	P	P	--	--	--	1/1000



**Table 155.401-1,
Permitted Uses by District**

Use Category	Land Use ¹	Residential			Mixed-Use and Non-Residential							Use-Specific Standards ²	Parking ³ (155.600)			
		SU	SUI	MH	W-1R	MF	DT	C-1	C-2	C-3	W-1			IN	W-4	
Waste Related Service	Salvage Yard	--	--	--	--	--	--	--	--	--	--	L	--	\$155.402	1 / 10,000 of storage yard	
	Other Waste Related Service uses	--	--	--	--	--	--	--	--	--	--	S	--	\$155.1107	1 per 2,500 ft	
Wholesale Trade	All Wholesale Trade	--	--	--	--	--	--	P	--	P	P	--	--	--	1/400	
Temporary Uses																
Public and Commercial Events	Farmers' Market	--	--	--	--	--	T	T	T	--	--	--	--	--	--	none
	Special Event	T	T	--	T	T	T	T	T	--	--	T	--	--	--	
Public and Commercial Events	Seasonal Sales	--	--	--	--	--	T	T	T	--	--	--	--	--	--	1 per 2,500 ft
	Sidewalk Sales	--	--	--	--	--	T	T	T	--	--	--	--	--	--	
Construction, Storage, and Refuse Connection Facilities	Asphalt/Concrete Batching Plant	--	--	--	--	--	--	--	--	--	--	T	--	--	1 per 2,500 ft	
	Construction Building/Site Office	T	T	T	T	T	T	T	T	--	T	T	--	\$155.404	none	
	Construction Dumpster	T	T	T	T	T	T	T	T	--	T	T	--	--	none	
	Construction Yard	--	--	--	--	--	--	--	--	--	--	T	--	--	none	
	Model Homes and On-Site Real Estate Offices	T	T	T	T	T	--	--	--	--	--	--	--	--	none	
	Portable Storage Unit	T	T	T	T	T	T	T	T	--	T	T	--	--	none	

TABLE NOTES:

¹All land uses are defined in §155.201, *Definitions*.

²All uses are subject to all applicable provisions of this Chapter including 155.600, *Parking and Loading* and 155.700, *Landscaping and Bufferyards*.

³Parking ratios are not applicable for uses in the Downtown zoning district.

**Table 155.401-2
Interpretation of Off-Street Parking Requirements**

Parking Ratio	Description
none	Off-street parking not required
1/100	1 space for each 100 square feet of gross floor space
1/unit	1 space for each dwelling unit
1/guest room	1 space for each guest room
1/3 seats	1 space for each three seats within the largest auditorium (20 inches shall equal 1 seat of benches provided)
1/3 beds	1 space for each 3 beds
1/1.5 emp	1 space for every 1.5 employees
1/ 2.25 attendee	1 space for every 2.25 attendees expected
3/lane	3 spaces for each bowling lane
10/wash lane	10 spaces for each washing lane



§ 155.402 LIMITED USE STANDARDS

- (A) **Downtown Loft.** Use shall only be located on second floor and above. Residential use of ground-floor is prohibited.
- (B) **Manufactured Housing.**
- (1) *Mobile Home.* Mobile homes are prohibited;
 - (2) *Development Standards.* The use must be:
 - (a) Compliant with the U.S. Housing and Urban Development (HUD) Code;
 - (b) The entire manufactured home must be built on a permanent concrete foundation;
 - (c) Provide hard surface off-street parking in accordance with [155.600, Parking and Loading](#); and
 - (d) In accordance with the standards of [§155.501, Standards for Residential Development](#).
 - (e) Compliant with [Chapter 152, Mobile Homes and Mobile Home Parks](#), and any other applicable Chapters of the City Code.
- (C) **Home Occupations.**
- (1) *Employees.* Home occupations shall not require the employment of help other than members of the immediate family.
 - (2) *Equipment Installation.* Home Occupations shall not require the installation of equipment or electric motors exceeding a total limitation of three horsepower per dwelling unit.
 - (3) *Home Occupations Not Permitted.* The following uses shall under no circumstances be permitted as a home occupation:
 - (a) The purchase of any retail products that are received by the buyer on-site;
 - (b) Barber or beauty shops;
 - (c) Beauty culture schools;
 - (d) Commercial stables or kennels;
 - (e) Doctor's office for the treatment of patients; and/or
 - (f) The display of goods for purchase at the dwelling unit.
- (D) **Short-Term Rentals (STR).**
- (1) No catered functions or special events may be offered;
 - (2) Any dwelling unit used for a STR must be a legally established dwelling unit;
 - (3) The dwelling unit and site being used as a STR must remain residential in appearance, character, and function and
 - (4) The use must comply with all City tax requirements.
- (E) **Recreational Vehicle Park.**
- (1) *Recreational Vehicles in Single Space.* No more than one recreational vehicle may be placed in a single recreational vehicle space.
 - (2) *Setbacks Adjacent to Residential Districts.* The minimum requirements for setbacks from property lines located adjacent to residential districts (SU, SUI, MH, W-1R, MF) are:
 - (a) Front: 25'
 - (b) Rear: 25'
 - (c) Sides:
 - (i) One: 25'
 - (ii) Sum of Both: 50'



- (3) **Setbacks Adjacent to All Other Properties.** The minimum requirements for setbacks from property lines located adjacent to all mixed-use and non-residential districts (DT, C-1, C-2, C-3, W-1, IN, W-4) are:
 - (a) Front: 25'
 - (b) Rear: 10'
 - (c) Sides:
 - (i) One: 5'
 - (ii) Sum of Both: 10'
 - (4) **Parking.** In addition to the required parking ratio listed in Table 155.401-1, *Permitted Uses by Districts*, an on-street parking area for guests and visitors shall be included at the ratio of one for every two recreational vehicle spaces in the park.
 - (5) **Other Requirements.** The development of recreational vehicle parks shall conform to Chapter 120, *Recreational Vehicles* of the City Code of Ordinances and other requirements applicable to recreational vehicle parks found in currently adopted technical codes.
- (F) **Salvage Yard.** Use shall be enclosed by a wall or fence of at least six feet in height.
- (G) **Short-Term Rentals.**
- (1) No catered functions or special events may be offered;
 - (2) Any dwelling unit used for a STR must be a legally established dwelling unit;
 - (3) The dwelling unit and site being used as a STR must remain residential in appearance, character, and function and
 - (4) The use must comply with all City tax requirements.

§ 155.403 ACCESSORY USES AND STRUCTURES

- (A) **Generally.** This section shall apply to all accessory buildings and structures.
- (B) **Standards that Apply to All Accessory Uses and Structures (Excluding Residential Fences and Walls).**
- (1) **Same Property.** An accessory use or structure must be located on the same parcel or lot as the primary use structure.
 - (2) **Timing of Construction.** No detached accessory structure shall be constructed until the construction of the rafters, or general equivalent, of the primary structure has commenced.
 - (3) **Separation.** No accessory structure shall be located closer than 10 feet to any other structure.
 - (4) **Easements.** Accessory buildings permanently affixed to the ground shall not encroach into an easement.
 - (5) **Height.** The maximum height of an accessory structure is 18 feet.
 - (6) **Not within Front Yard.** Accessory structures are prohibited in the front yard unless the lot is abutting a gulf, river or other waterways that cause the lot to have two front yards. In that instance, accessory structures are permitted in the front yard abutting the waterway.
 - (7) **Commercial Use Prohibited.** Accessory structures located on residentially zoned or used property shall not be used for commercial purposes other than home occupations that comply with this Section.
 - (8) **Prohibited Structures.** Carports are prohibited.
 - (9) **Setbacks.**
 - (a) Attached accessory structures not located adjacent to side streets shall comply with the street, interior side, and exterior side setback standards for the primary structure established for their zoning district.
 - (b) Detached accessory structures not located adjacent to side streets shall have a minimum rear setback of at least 5 feet.



(c) Where the accessory structure or wing is adjacent to a side street, the minimum side yard setback from said street shall be 10 feet.

(C) Residential Fences and Walls.

- (1) *Setbacks.* Fences and walls are permitted in any required setbacks.
- (2) *Height.* The maximum height of a fence or wall within a required street setback or exterior side setback shall be 42 inches. The maximum height for any other residential fence or wall shall be six feet.
- (3) *Opacity.* On corner lots, fences and walls with greater than 50 percent opacity shall not encroach the street setback or exterior side setback. Fences or walls built parallel to and outside of the exterior side setback may have a maximum height of six feet and have no opacity requirement.
- (4) *Prohibited Fence Types.* Barbed, razor, or electric wire shall be prohibited.
- (5) *Subdivision Perimeter Fences or Walls.* Fences or walls along the perimeter of a new subdivision adjacent to a public right-of-way shall:
 - (a) Be installed by the subdivider;
 - (b) Be six feet in height;
 - (c) Not encroach into the public right-of-way; and
 - (d) Be maintained by the homeowners' association.

(D) Dumpster Regulations.

- (1) *When Dumpsters are Required.* Dumpsters shall be provided for multi-family residential, manufactured home parks, nonresidential, and mixed-use developments in accordance with the provisions of this subsection.
- (2) *Standards.* All dumpsters shall:
 - (a) Be located no more than 200 feet from the individual uses that they are intended to serve;
 - (b) Be configured to meet the requirements of the refuse hauler and approved by the City. Access shall be provided from an alley if an alley is present and used for service to other properties;
 - (c) Be fully enclosed by an opaque wall with a minimum height of six feet constructed of treated wooden, brick, stone, or stucco-finished concrete block to match the principal building;
 - (d) Have enclosures with opaque service gates that include a separate pedestrian access gate or pedestrian access opening that screens the dumpster from view and with all gates remaining closed at all times except when the dumpster is being serviced unless the dumpster is located in a rear or side service yard that is screened from the adjoining properties. In such a case, no enclosure is required;
 - (e) In all cases, the dumpster pad shall be constructed of concrete;
 - (f) Meet City engineering design standards, including those that pertain to maneuvering space; and
 - (g) Be located in a side or rear yard of the parcel proposed for development, unless it is not possible to provide service access in such locations. If an enclosure must be in the front yard, then it shall be constructed with the same materials as the principal building walls.

(E) Outdoor Storage of Materials.

- (1) *Permitted Zoning Districts.* Outdoor storage of materials is permitted in the IN and W-4 zoning districts.
- (2) *Storage on Public Property Prohibited.* Storage of outdoor materials, such as vehicles, equipment, or materials shall not be displayed or stored in full or partially on any streets, alleys, or sidewalks.
- (3) *Surfacing.*
 - (a) All outdoor material storage areas, including access aisles, driveways, and maneuvering areas, shall be composed of an all-weather surface.
 - (b) Access aisles and maneuvering areas of enclosed outdoor storage areas in the IN zoning district may be constructed out of compacted gravel.



- (4) **Placement.** An outdoor storage facility shall be located to the rear or side yard of the primary structure and shall not abut any residential district or the DT district.
- (5) **Public Views.** Outside storage shall be screened or situated on a lot to prevent public view of stored materials or equipment.
- (6) **Maneuvering of Inventory.** The site shall be of adequate size, shape, and design to ensure:
 - (a) All maneuvering of inventory will be contained on site;
 - (b) All on-site maneuvering shall occur without encroaching onto adjacent properties or rights-of-way;
 - (c) All inventory will be stored in a manner that will not interfere with the designed vehicle flow of the lot or interfere with fire vehicle access; and
 - (d) Inventory will not be maneuvered in off-street parking lots or access drives.
- (7) **Buffering and Screening.** Outdoor storage areas shall be screened from the public right-of-way and from adjacent properties with a Type B bufferyard as established in Table 155.704-2, *Bufferyards*, together with a fence or wall that is a minimum of six feet and a maximum of eight feet in height.
- (8) **Exemptions.** The following types of outdoor storage are exempt from the screening requirements of this Section:
 - (a) Retail planting stock and landscape stone or similar landscape materials, associated with a nursery or greenhouse;
 - (b) Commercial vehicles related to a permitted business on-site; and
 - (c) Finished recreational vehicles, automobiles, portable buildings, boats, trailers, manufactured homes, and other similar vehicles or equipment sold by a permitted use on-site.

(F) Outdoor Display of Merchandise.

- (1) **Permitted Zoning Districts.** Permanent or seasonal outdoor display of merchandise is permitted in all residential zoning districts with the exception of the C-3 district subject to the requirements of this Section.
- (2) **Accessory Use.** The outdoor display area involves items for sale by a business that is located within a permanent structure or a designated area on the same site.
- (3) **Attached to Principal Building.** An outdoor display area that is attached to a principal building is permitted if the outdoor display area is:
 - (a) Adjacent to a wall of a principal structure;
 - (b) Configured as a walled and/or decoratively fenced area that is architecturally integrated into the principal building;
 - (c) If covered, the display area shall be covered with a roof structure that is architecturally integrated into the primary building, except that nursery areas may be covered by greenhouse roofing, screening, or another cover material that is appropriate for protecting plant stock;
 - (d) Within the buildable area of the site formed by the required setbacks;
 - (e) Not larger than 15 percent of the gross floor area of the principal building; and
 - (f) Not located in areas that are required or used for parking, loading, or vehicular circulation.

§ 155.404 TEMPORARY USE STANDARDS

- (A) **Generally.** Temporary uses as denoted in Table §155.401, *Land Use Table*, can be approved only if they meet the standards of this Section and other applicable standards and requirements of this Chapter.
- (B) **Permit Required.** All temporary uses require a permit per §155.1106, *Temporary Use Permit*, unless listed in Subsection (C), below.
- (C) **Exemptions.** The following activities shall not require a temporary use permit:



- (1) *Yard/Garage Sales.* Yard/garage sales held on residential property provided:
 - (a) Occurs no more than four times per calendar year; and
 - (b) Lasts for no more than five consecutive days, not including set-up and tear-down.
- (2) *Stadiums, Amphitheaters, and Parks.* Events in athletic stadiums, amphitheaters, and City parks; and
- (3) *Other.* Other public events where the expected attendance is less than 50 persons.

(D) Public and Commercial Outdoor Sales.

- (1) *Compliance with City Laws and Regulations.* All public and commercial events shall comply with the provision of **Title XI**, Business Regulations of the Code of Ordinances.
- (2) *Buildings and Structures.*
 - (a) Temporary buildings shall comply with the height restrictions of the district in which the building proposed to be located unless they met the exemption below.
 - (b) Temporary structures (e.g., carnival rides and mega-inflatables) that are taller than the height allowed the district in which it is proposed to be located are allowed, provided they are set back from all property lines a distance of two feet for every one foot in height.
- (3) *Noise Controls.* Noise shall be controlled so that:
 - (a) The noise level at the nearest residential property line does not exceed 50 dBA after 10:00 p.m.;
 - (b) The noise level at the property line of the temporary use does not exceed 75 dBA for more than two hours per day; and
 - (c) The noise level at the property line of the temporary use does not exceed 85 dBA at any time. Generators, if used, shall be secured and set back at least 50 feet from all property lines.
- (4) *Public Convenience and Litter Control.*
 - (a) Adequate on-site restroom facilities shall be required to serve the expected attendance at the event at a ratio of one toilet and one urinal per 50 expected attendees.
 - (b) Trash containers and recycling bins shall be placed in convenient areas including:
 - (i) Near principal places of assembly;
 - (ii) Near food and beverage vendors;
 - (iii) Near restrooms; and
 - (iv) At entry and exit points.
 - (c) All litter generated by the event shall be removed, at no expense to the City, within 24 hours after the closing on the last day of the event. Litter clean-up shall extend into the adjoining public rights-of-way.
- (5) *Access, Circulation, and Parking.*
 - (a) The street from which access is taken must have the capacity to serve the event, including acceleration and deceleration lanes or personnel to manage ingress and egress to the site;
 - (b) Safe on-site vehicular and pedestrian circulation shall be provided, including:
 - (i) Minimizing points of conflict between vehicles and pedestrians;
 - (ii) Providing appropriate directional signage;
 - (iii) Ensuring adequate and efficient access by emergency vehicles; and
 - (iv) Maintaining full access to permanent uses on-site if they are operating during the temporary event or emergency access to permanent uses on-site if they are not operating during the temporary event.
 - (c) Adequate sight distances for safe vehicular ingress and egress shall be maintained.
 - (d) Parking shall be managed as follows:
 - (i) Parking shall be provided on-site or within 300 feet of the boundaries of the site;



- (ii) Parking shall not be allowed within 300 feet of a single-family residential use;
- (iii) Parking shall be on an improved, striped hard surface spaces, either in a parking lot or on-street;
- (iv) Truck parking areas shall be provided to service the event which shall be on-site and on an improved hard surface; and
- (v) Parking on grass/unpaved areas is allowed provided:
 - A. The applicant has a legal right to use the land proposed for the parking area;
 - B. The surface is reasonably level and compact;
 - C. The parking area is located at least 300 feet from abutting residential property and 20 feet from public rights-of-way; and
 - D. The applicant provides a guarantee as a condition of approval that the parking area will be restored to its pre-event condition after the event.

(E) Construction, Storage, and Refuse Connection Facilities.

- (1) *Sanitary Facilities.* Restroom facilities shall be provided for operations of concrete and asphalt batching operations and for users of temporary construction buildings (except when used exclusively for storage).
- (2) *Additional Standards Applicable to Concrete and Asphalt Batching Operations.*
 - (a) The applicant shall provide a written agreement and advanced surety in the amount of 125 percent of the estimated site restoration cost to ensure complete site restoration upon the facility's dismantling or revocation of the permit, plus the estimated road restoration/replacement costs along anticipated principal truck routes. This amount shall be approved by the City Engineer.
 - (b) If deemed necessary by the City Engineer, the property access shall be controlled by special traffic marking and/or signalization at the applicant's expense. Instances warranting such traffic improvements may include locations at busy intersections or other areas where interference with primary traffic from trucks would be extensive.
 - (c) All electric and lighting facilities shall be submitted to the City Engineer prior to installation.
 - (d) Maximum noise level shall not exceed 60 dBA at the nearest property line.

(F) Use Specific Standards. The location, hours of use, operational limitations, and duration of use are set out in Table 155.404-1, *Temporary Use Standards*.

Table 155.404-1 Temporary Uses Standards				
Temporary Use	Location	Hours	Duration	Operational Requirements
Public and Commercial Outdoor Sales				
Farmers' Market	On property leased or owned by the City with permission from applicable entities or on nonresidential, private property with permission from the property owner.		Not Limited.	None
Special Event	The size of the site shall be large enough to accommodate the expected attendance in a manner that is safe for the site, neighborhood, street, or other infrastructure. Event shall be at least 25 feet from public rights-of-way	7:00 AM to 10:00 PM	Shall not be held on a lot or parcel more than 4 times per calendar year, and shall be limited to no more than 7 consecutive days, not including	



**Table 155.404-1
Temporary Uses Standards**

Temporary Use	Location	Hours	Duration	Operational Requirements
			set-up and tear-down.	
Seasonal Sales	In parking lot, only if no more than 5% of the lot is being used by the seasonal sales. Sale shall be at least 25 feet from rights-of-way and property lines.		Shall not be held on a lot or parcel more than 2 times per calendar year, and shall be limited to no more than 30 consecutive days.	
Sidewalk Sales	In parking lot, only if no more than 2 percent of the lot is being used by sidewalk sales. On sidewalk if there is at least 4 ft. of unobstructed sidewalk during sales event.		Shall not be held on a lot or parcel more than 26 times per calendar year, and shall be limited to no more than 52 days total per calendar year.	
Construction, Storage, and Refuse Connection Facilities				
Asphalt / Concrete Batching Plant	Not less than 500 feet from any residential property.	8:00 AM to 8:00 PM if within 1,000 feet of residential property; or 6:00 AM to 10:00 PM in all other locations	Established by approval to coincide with the use of the facility for a specified construction project. Shall be removed immediately upon project completion.	The facility shall be used only for a project within the City limits.
Construction Building/Site Office	On lot or parcel proposed for development set back at least 10 feet from all lot lines.	Not limited, however, the building may not be used as a residence.	Shall be removed prior to the issuance of a certificate of occupancy for the last building as detailed on the site plan.	May be used by construction superintendent, construction workers, contractors, and other personnel on a construction site or as a security office.



Table 155.404-1 Temporary Uses Standards				
Temporary Use	Location	Hours	Duration	Operational Requirements
Construction Dumpster	<p>On lot or parcel using dumpster, set back at least 10 feet from the lot line, and placed on an improved hard surface.</p> <p>In nonresidential and mixed-use districts, dumpsters shall be located behind buildings (where possible) and shall not obstruct required parking lot requirements.</p>	Not limited.	If used for construction or renovation, may remain in place for one week after project completion. If used for another purpose, 10 days.	Refuse shall be contained within the dumpster, and shall be secured to prevent it from being removed from the dumpster by wind or wildlife.
Construction Yard	No additional location requirements.	7:00 AM to 10:00 PM	Established to coincide with the use of the facility for a specified construction project.	The facility shall be used only for a construction site within the City limits.
Model Homes and On-Site Real Estate Offices	On lot or parcel proposed for development.	Not Limited.	On-site real estate offices shall be removed upon completion of model home or suitable permanent floor area on-site; shall be removed by issuance of last certificate of occupancy for development.	Sales limited to units located on the lot or parcel proposed for development; sales offices within model homes shall meet applicable building code criteria.
Portable Storage Unit	<p>On lot or parcel using storage unit, set back at least 10 feet from the lot line, and placed on an improved hard surface.</p> <p>In nonresidential and mixed-use districts, dumpsters shall be located behind buildings (where possible) and shall not obstruct required parking lot requirements.</p>	Not Limited.	If used for construction or renovation, may remain in place for one week after project completion. If used for another purpose, 10 days.	All items shall be contained within the storage unit.

- (G) **Additional Conditions.** The Administrator, in coordination with other City Staff as may be necessary, may establish additional conditions that are desirable to ensure land use compatibility or minimize potential adverse impacts on neighboring properties, public streets, or the City as a whole. These may include, but are not limited to, the following:
- (1) *Hours of Operation.* Modification or restrictions on hours of operation.
 - (2) *Clean Up.* Posting of a performance bond to ensure clean up and removal of signs, equipment, trash, and other similar items; or



- (3) **Size.** The Administrator may refuse to issue a permit if the use is too large to be safe for the site, neighborhood street, or other infrastructure, or may place limits on attendance of an event to ensure it can be properly managed.

§ 155.405 NEW AND UNLISTED USES.

- (A) **Generally.** It is recognized that new land uses will develop and may seek to locate in the City which were not anticipated at the time the lists of permitted uses contained in this Chapter were originally adopted or thereafter amended.
- (B) **Authorization of Proposed Use.**
 - (1) *Administrator Discretion.* If a proposed use is not specified in this Chapter, the Administrator shall make determination as to whether the use is either a subcategory or functionally similar to a specifically identified use.
 - (2) *Referral to Planning Commission.* If the Administrator feels that it is necessary, they may refer the determination of whether a use is a subcategory or functionally similar to a specified use to the Planning Commission.
- (C) **If Not Authorized, Then Prohibited.** If the Administrator determines that a proposed use is not a subcategory of, functionally similar to a listed use in this Chapter, then the use is prohibited.
- (D) **Decision Criteria.** The Planning Commission shall consider the following decision criteria to decide whether proposed use is a subcategory of, or is functionally comparable to, a use specifically identified in Table 155.405-1, *Land Use Table*:
 - (1) Parking demand;
 - (2) Average daily and peak hour trip generation (cars and trucks);
 - (3) Impervious surface;
 - (4) Regulated air or water emissions;
 - (5) Noise;
 - (6) Lighting;
 - (7) Dust;
 - (8) Odors;
 - (9) Solid waste generation;
 - (10) Potentially hazardous conditions, such as projectiles leaving the site;
 - (11) Use and storage of hazardous materials;
 - (12) Character of buildings and structures;
 - (13) How the use is advertised;
 - (14) Nature and impacts of operation; and
 - (15) Hours of operation.



155.500 DISTRICT STANDARDS

§ 155.501 STANDARDS FOR RESIDENTIAL DEVELOPMENT

(A) **General Residential Standards.** Table 155.501-1, *Residential Development Standards*, shows the applicable standards, building standards, and setbacks for each residential zoning district.

Table 155.501-1 Residential Development Standards										
Zoning District	Housing Type	Lot and Building Standards					Setbacks			
		Minimum			Maximum		Minimum			
		Lot Area	Lot Width	Dwelling Unit Size	Building Height	Building Coverage	Front	Interior Sides	Street Sides	Rea
SU	Single-Family Detached	7,200 sq ft	60 ft	1,300 sq ft	40 ft	50%	25 ft	7.5 ft	15 ft	6 ft
SUI ¹	Single-Family Detached	6,250 sq ft	40 ft	1,000 sq ft	40 ft	50%	25 ft	5 ft	10 ft	5 ft
MH ²	Manufactured Housing	6,250 sq ft	50 ft	1,000 sq ft	35 ft	40%	25 ft	5 ft	15 ft	5 ft
W-1R	Single-Family Detached	4,200 sq ft	30 ft	1,300 sq ft	35 ft	50%	25 ft	5 ft	10 ft	10 ft
R-3	Multi-Family	6,250 sq ft	50 ft	1,500 sq ft	45 ft	65%	25 ft	12 ft	20ft	10 ft

Table Notes:
¹ For alternative standards for residential infill development in this district, see Subsection B, below.
² Additional requirements for manufactured housing are found in §155.402, *Limited Use Standards*.

(B) **Alternative Standards for Cottages, Single-Family Attached, and Townhouses.**

- (1) *Generally.* The alternative standards for residential infill development is to provide alternative development standards to enable and encourage development or redevelopment on existing, narrow vacant lots and blocks within the SUI district.
- (2) *Development Standards.* The development standards provided in Table 155.501-2, *Standards for Residential Infill Development* and illustrated in Figure 155.501-1, *Illustrative Lot Configurations* are intended to allow the aggregation and redevelopment of existing lots using different housing types (e.g., cottages, single-family attached, and townhouses) to improve development yield during redevelopment.

Table 155.501-2 Standards for Residential Infill Development ¹											
Housing Type ²	Number of Existing Lots Needed	Total Units	Number of Bonus Units	Lot and Building Standards				Setbacks			
				Minimum		Maximum		Minimum			
				Lot Area	Lot Width	Lot Area	Building Height	Front	Interior Side	Street Side	R
Cottage	1	1	0	3,100 sq ft	25 ft	4,000 sq ft	35 ft	10 ft	2.5 ft	5 ft	10 ft
Single-Family Attached	3	4	1	2,300 sq ft	18.5 ft	--	35 ft	10 ft	0 ft ³ or 2.5 ft	5 ft	10 ft



Table 155.501-2 Standards for Residential Infill Development ¹											
Housing Type ²	Number of Existing Lots Needed	Total Units	Number of Bonus Units	Lot and Building Standards				Setbacks			
				Minimum		Maximum		Minimum			
				Lot Area	Lot Width	Lot Area	Building Height	Front	Interior Side	Street Side	R
Townhouse	5	7	2	Interior Units: 2,300 sq ft End Units: 2,000 sq ft	Interior Units: 16 ft End Units: 22.5 ft	--	35 ft	10 ft	0 ft	5 ft	10
Single-Family Attached + Cottage	4	5	1	Cottage: 3,100 sq ft Single-family Attached: 2,300 sq ft	Cottage: 25 ft Single-family Attached: 18.5 ft	--	35 ft	10 ft	0 ft ³ or 2.5 ft	5 ft	10

Table Notes:

¹ The standards within this table are for the alternative housing types as listed in the column on the far left-hand side of the table.

² To develop the single-family attached, townhouse, or single-family attached+cottage housing types, an aggregation of contiguous lots may be necessary. For example, three 25 foot contiguous lots would need to be aggregated, and then either platted as four separate 18.5 foot lots (or consolidated into a single lot using condominium form of ownership meeting the same lot and design standards). This aggregation of three existing lots allows the development of one additional dwelling unit when redeveloped under the new standards set out in this Section.

³ 0 ft setback only applies to interior sides of attached units. All other interior setbacks shall be 2.5 ft.

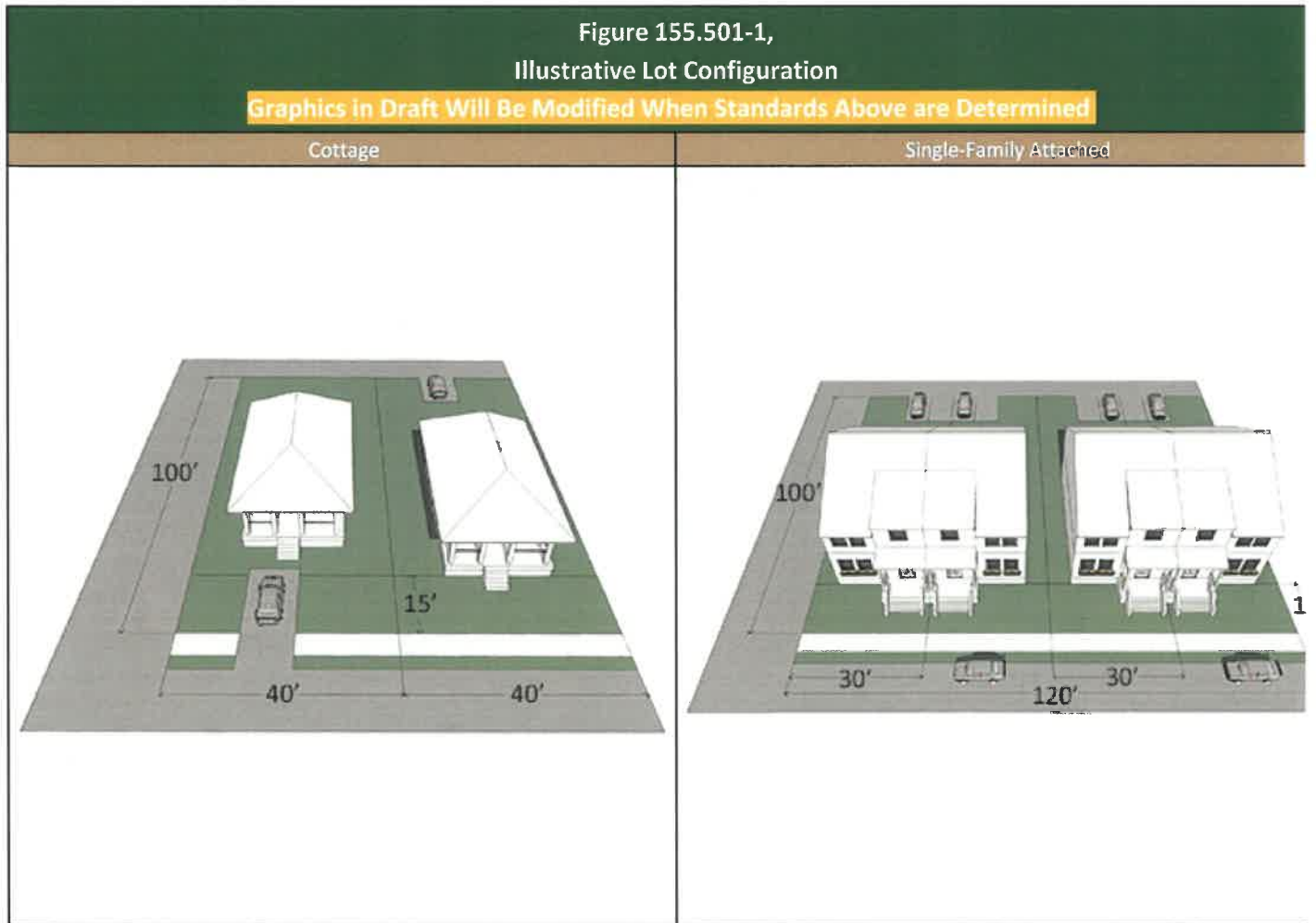
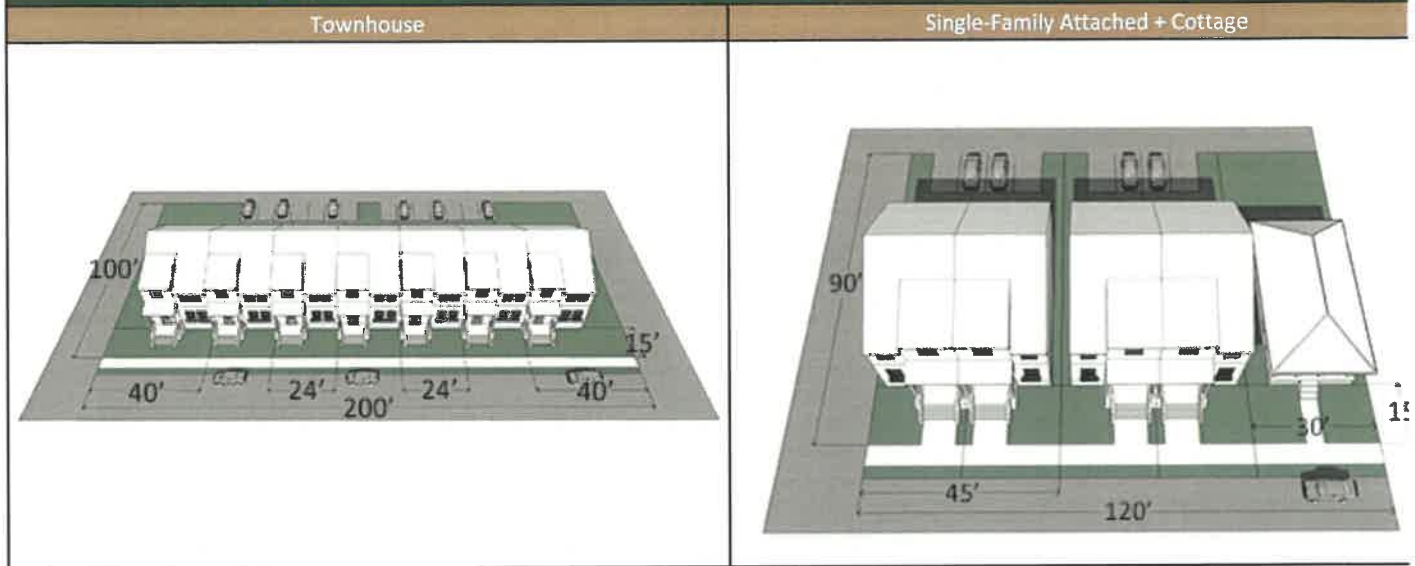




Figure 155.501-1,
Illustrative Lot Configuration

Graphics in Draft Will Be Modified When Standards Above are Determined



§ 155.502 STANDARDS FOR NON-RESIDENTIAL DEVELOPMENT

Table 155.502-1, *Non-Residential and Mixed-Use Development Standards*, shows the applicable lot standards, building standards, and setbacks for each non-residential and mixed-use zoning district.

**Table 155.502-1
Non-Residential and Mixed-Use Development Standards**

Zoning District	Lot and Building Standards				Minimum Setbacks			
	Minimum		Maximum		Front	Interior Side	Street Side	Rear
	Lot Area	Lot Width	Building Height	Building Coverage				
DT	2,500 sq ft	25 ft	50 ft	100%	0-10 ft	0-10 ft ¹	10 ft	10
C-1	2,500 sq ft	25 ft	45 ft	75%	25 ft	10 ft	15 ft	15
C-2	5,000 sq ft	50 ft	80 ft	80%	25 ft	10 ft	15 ft	15
C-3	10,000 sq ft	100 ft	30 ft	100% ³	15 ft	10 ft	10 ft	25
W-1	2,500 sq ft	25 ft	100 ft ⁶	75%	25 ft	0 ft ¹	10 ft	10
IN	10,000 sq ft	100 ft	80 ft	85%	25 ft	20 ⁵	20 ft	35
W-4	2,500 sq ft	25 ft	100 ft ⁶	75%	25 ft	0 ft ¹	10 ft	10

Table Notes:
¹When abutting a Residential District, the side yard setback shall not be less than 10 feet.
²When abutting a Residential or C-1 District, the rear yard setback shall not be less than 20 feet.
³The total floor area of any building or buildings on a lot in the C-3 District shall not exceed the number of square feet in the lot.
⁴When abutting a Residential District, the rear yard setback shall not be less than 20 feet.
⁵When abutting a Residential District, the side setback shall be 35 feet.
⁶Plus additional height of one foot for every four feet setback from yard line.



155.600 PARKING AND LOADING

§ 155.601 PURPOSE AND APPLICABILITY

- (A) **Purpose.** The purpose of this Section is to ensure that:
- (1) Adequate off-street parking is provided by this Chapter.
 - (2) Sufficient parking is provided in nonresidential areas that are near residential neighborhoods so that the character and quality of life in the residential neighborhoods are protected from overflow parking;
 - (3) Adequate loading areas are provided that do not interfere with the function of other vehicular use areas;
 - (4) Access to sites is managed to maintain the desired function and safety of the adjacent street(s); and
 - (5) Vehicular use areas and sites are designed and lighted to promote public safety without creating undue light pollution and off-site glare.
- (B) **Applicability.**
- (1) All new development shall provide the quantity of parking spaces required by Table 155.401-2, *Land Uses District*, and comply with all other provisions of this Section.
 - (2) Redevelopment, significant improvements, expansions, and changes in the land use of existing buildings may create a need for additional parking and as such the building and use after the modification shall provide parking to the extent of the new demand created by the improvement, expansion, or change in use(s).
- (C) **Timing of Compliance.** No change of use permit, building permit, occupational license, or certificate of occupancy shall be issued unless and until off-street parking and loading is provided in accordance with this Chapter.

§ 155.602 SURFACING AND STRIPING

- (A) **Surfacing.**
- (1) *Generally.* Parking areas shall be paved with an all-weather surface that provides effective drainage and protection against potholes, erosion, and dust.
 - (2) *Maintenance.* All paved parking locations shall be maintained to ensure that should a pothole or erosion occur it will be repaired.
- (B) **Striping.**
- (1) *Clearly Identified.* Except for single-family residential uses, parking spaces shall be permanently and clearly identified.
 - (2) *Maintenance.* Nonpermanent type marking, such as paint, shall be regularly maintained to ensure continuous clear identification of the space.

§ 155.603 PARKING SPACE DIMENSIONS

Parking spaces shall have the following dimensions:

- (A) **Generally.** Nine feet in width by 20 feet standard stall depth, which equals 180 total square feet.
- (B) **90-degree Parking Spaces that Abut a Curb or the Edge of Pavement.** Nine feet width by 18 feet reduced stall depth provided there is a five-foot wide sidewalk.
- (C) **Parallel Parking Spaces.** Eight feet width by 20 feet standard stall depth.
- (D) **Space for Entering and Exiting.** Parking spaces shall be provided with sufficient space for entering and exiting without backing onto a public street. Parking spaces on the perimeter of the parking lot and abutting a property line shall have a wheel stop barrier two feet from the end of the parking space.



§ 155.604 ADA PARKING

- (A) **Location of Spaces.** The spaces designated for ADA compliance shall be the spaces that are closest to the front of the business.
- (B) **Number of Spaces.**
 - (1) *Required Parking Spaces.* The Americans with Disabilities Act (ADA) requires a certain number of accessible parking spaces as part of new development and redevelopment. The required accessible parking spaces shall be incorporated into, rather than in addition to, the overall number of parking spaces required in all zoning districts, as established in Table 155.401-1, *Permitted Uses by District*.
 - (2) *Specific Number of Required Spaces.* The minimum number of required accessible parking spaces is set out in Table 155.604-1, *Required Number of Accessible Parking Spaces*.

Table 155.604-1 Required Number Accessible Parking Spaces		
Total Number of Parking Spaces Provided	Total Minimum Number of Accessible Parking Spaces Required ¹	Number of Accessible Spaces That Must be Van Accessible ²
1 to 25	1	1
26 to 50	2	1
51 to 75	3	1
76 to 100	4	1
101 to 150	5	1
151 to 200	6	1
201 to 300	7	1
301 to 400	8	1
401 to 500	9	2
501 to 1,000	2 percent of total	1 out of 8 accessible parking spaces (rounded up)
1,001 and over	20, plus 1 for each 100 over 1,000	1 out of 8 disabled parking spaces, rounded up

Table Notes:

¹ Must have an access aisle of at least sixty inches.

² With an access aisle of at least ninety-six inches.



155.700 LANDSCAPING AND BUFFERING

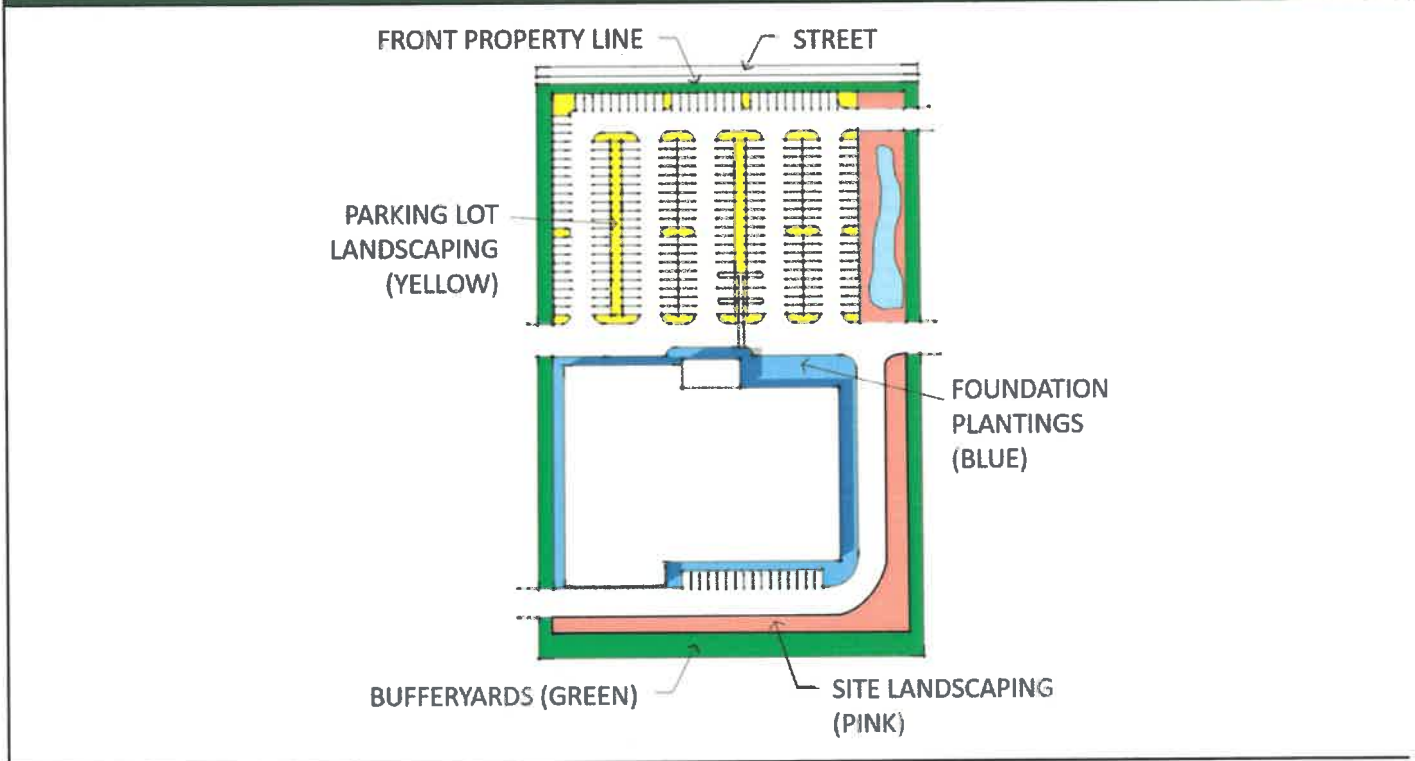
§ 155.701 PURPOSE AND APPLICATION

- (A) **Purpose.** The purpose of this Section is to establish landscaping standards that enhance the appearance a character of the City, improve the compatibility of abutting uses, and protect the ecological and recreational value the City's beautiful natural resources.
- (B) **Application.** This Section applies to all new development, redevelopment, and substantial improvements, and where specifically indicated, to existing trees and landscaping.
- (C) **Required Landscaping Types.** Table 155.701-1, *Required Landscaping Types Summary*, sets out landscaping types required in each zoning district. Figure 155.701-1, *Illustrative Landscape Types*, depicts these types.

Table 155.701-1 Required Landscaping Types Summary				
Zoning Districts	Development Landscaping (§155.703)			Bufferyards (§155.704)
	Foundation Landscaping	Parking Lot Landscaping	Site Landscaping	
SU, SUI, MH, W-1R	--	--	--	Required
MF	Required	Required	Required	Required
DT	--	--	Required	Required
C-1, C-2, C-3	Required	Required	Required	Required
W-1, W-4	--	--	Required	Required
IN	--	--	--	Required



Figure 155.701-1
Illustrative Landscape Types



(E) **Landscape Plan.** Prior to the issuance of a building permit on any site within a zoning district to which this Section applies, a landscape plan shall be required. See Sec. 155.1103, *Site Development Plan*.

§ 155.702 GENERAL LANDSCAPING REQUIREMENTS

(A) **Minimum Size of Plants at Installation.** Plant material that is installed to comply with the requirements of this Article shall be the following sizes as set out in Table 155.702-1, *Minimum Size of Plants at Installation*.

Table 155.702-1 Minimum Size of Plants at Installation	
Type of Plant Material	Minimum Size at Installation
Overstory Tree	3" caliper
Ornamental Tree	2.5" caliper
Evergreen Tree	6 ft in height
Shrub	5 gal. container

(B) **Planting Locations.**

(1) *Distance from Utilities.*

- (a) No street trees or large trees shall be planted under or within 10 lateral feet of any overhead utilities.
- (b) No trees, except street tree species that are approved by the City, shall be planted over or within five lateral feet of any underground water line, sewer line, transmission line, or other utility line, or as required by the owner of the utility or the requirements of the specific easement.



- (2) **Sight Distance Triangle.** Trees shall not be installed in locations where there is a substantial likelihood that the mature form of the tree would have to be materially compromised in order to maintain the sight visible triangles. See §155.705, *Visibility Triangles*.

(C) Completion of Landscape Improvements.

- (1) **Bufferyard.** Bufferyard and landscaping must be completed prior to a certificate of occupancy being issued. If this requirement would result in the installation of landscaping during an inappropriate season, then the City may:
 - (a) Allow the site plan to be recorded upon condition that security is provided for the installation of the required landscaping during planting season; or
 - (b) Issue a temporary certificate of occupancy, on the condition that a permanent certificate of occupancy will not be issued unless the required landscaping is installed.
- (2) **All Other Landscaping.** All other landscaping must be installed before issuance of a permanent certificate of occupancy. A temporary certificate of occupancy may be issued if necessary to allow for the planting of landscaping improvements during an appropriate season or weather condition.

(D) Maintenance.

- (1) **Generally.** The property owner, or property owners' association for a multi-tenant development, shall be responsible for the maintenance of all landscaping and screening devices. This shall include watering, mowing, edging, pruning, weeding, fertilizing, and other such activities common to the maintenance of landscaping.
- (2) **Landscaping Materials.** Landscaping materials shall be maintained in such a manner that they comply with the sight visibility requirements of §155.705, *Visibility Triangle*. Landscaped areas shall be kept free of trash, litter, weeds, and other such materials that are not a part of the landscaping. All plant material shall be maintained in a healthy and growing condition as is appropriate for the season of the year.
- (3) **Replacement.** Plant material that dies shall be replaced with plant material of similar variety and size within 30 days.

§ 155.703 LANDSCAPING REQUIREMENTS BY TYPE

(A) Foundation Landscaping.

- (1) **Generally.** Landscaping that is planted adjacent to the foundation of a building may be used as screening, buffering between adjacent buildings on the same or different sites, shade for windows or outdoor areas, or as an aesthetic element of the site design.
- (2) **Requirements.** The foundation landscape area shall be planted with 30 shrubs per 1,000 square feet of building area.
- (3) **Substitutions.** Shrubs may be substituted with deciduous ornamental trees or evergreen trees at a rate of three shrubs per small tree or evergreen tree. However, deciduous ornamental trees and evergreen trees shall be set back from building walls a sufficient distance to ensure that they have room to grow to maturity.

- (B) Parking Lot Landscaping.** Parking lots with five or more parking spaces shall provide permanently landscaped areas consisting of islands and medians within the parking area in accordance with Table 155.703-1, *Parking Lot Planting Requirements*, and as illustrated in Figure 155.703-1, *Illustrative Parking Lot Planting Requirements*.



**Table 155.703-1
Parking Lot Planting Requirements**

Planting Locations	Required Plantings	Island and Median Standards
All Parking Lots (5 or More Spaces)		
Endcap Island: At the end of each parking row	<ul style="list-style-type: none"> 1 overstory tree or 2 evergreen or ornamental trees 	Each endcap island shall be a minimum of 9' wide and the length of the parking row ¹ with 10-foot curb radii on the side closest to the parking aisle
Corner Island: At the corners of parking lots	<ul style="list-style-type: none"> 1 overstory tree or 2 evergreen or ornamental trees 	Each corner island shall be a minimum of 400 square feet in area and defined by the intersection of the parking row at each corner of the parking lot
Parking Rows with Less Than 30 Parking Spaces		
Interior Island: In the middle of parking rows planted at intervals of not less than one island for each 10 parking spaces	<ul style="list-style-type: none"> 1 overstory tree 	Each interior island shall be a minimum of 9' wide and the length of the parking row ¹ with 5-foot curb radii on the side closest to the parking aisle
Parking Rows with 30 or More Parking Spaces		
Interior Island: In the middle of parking rows planted at intervals of not less than one island for each 10 parking spaces	<ul style="list-style-type: none"> 1 ornamental tree 	Each interior island may be reduced to 16 square feet configured in a diamond or triangle pattern, with the center point of the diamond located at the point where four parking spaces meet (for double parking rows) or the base of the triangle located at the point where two parking spaces meet (for a single parking row). See Figure 155.703-2, <i>Large Parking Row Reduced Interior Islands</i> .
Median: Along the entire centerline of a double parking row	<ul style="list-style-type: none"> Continual 3-foot tall hedge or ornamental grasses 	Each median shall be a minimum of 5' wide continuous wide continuous 3' tall hedge, shrub, or ornamental grasses

TABLE NOTES:

¹ For example, if there is single row of 90 degree parking spaces, the length is 18 feet; if there is a double row of 90 degree parking spaces, the length is 36 feet.

**Figure 155.703-1
Illustrative Parking Lot Planting Requirements**

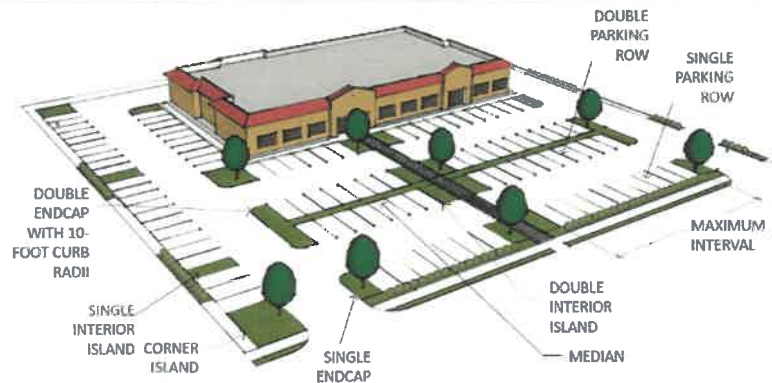
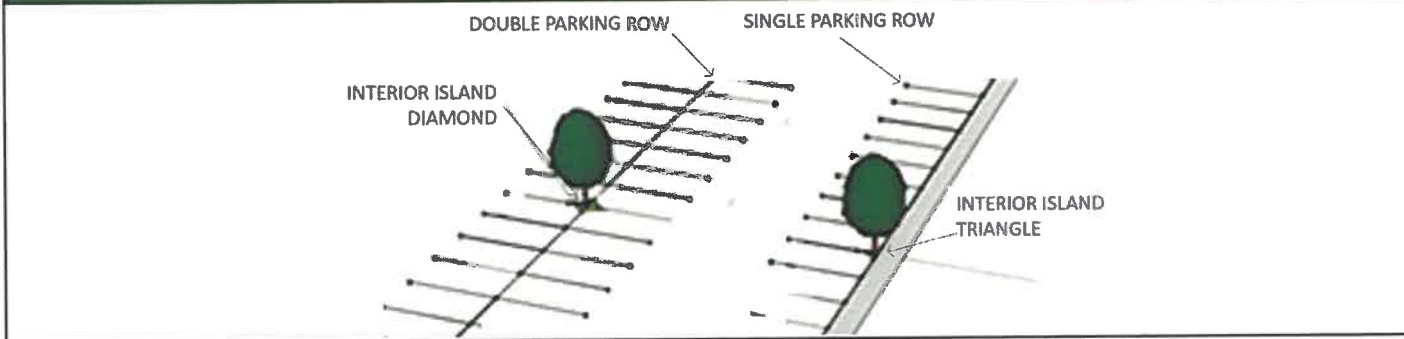




Figure 155.703-2
Large Parking Row Reduced Interior Islands



(C) Site Landscaping.

- (1) *Planting Location.* All areas not designated as foundation plantings, bufferyards, parking lot landscaping, utilized for pedestrian and vehicular access to the building (for example, sidewalks, parking spaces, load spaces, service areas, and drive-in or drive-through facilities) shall be landscaped meeting the requirements this Section.
- (2) *Trees.* One overstory or evergreen tree, or three ornamental trees, shall be planted per 1,000 square feet of site landscaping area.
- (3) *Shrubs.* Six shrubs shall be planted per 1,000 square feet of the site landscape area.

§ 155.704 BUFFERYARDS

- (A) **Generally.** The bufferyards that are required by this Chapter are based on the amount of screening they provide which are classified from less screening (Type A) to more screening (Type C), depending on the types and intensity of adjacent uses.
- (B) **Bufferyard Required.** Table 155.704-1, *Bufferyard Requirements* sets out the type of bufferyard required based on the zoning districts of the parcel proposed for development and adjoining properties.
- (C) **Symbols.** Table 155.704-1 uses the following symbols:
 - (1) "A" means a Type A bufferyard is required.
 - (2) "B" means a Type B bufferyard is required.
 - (3) "C" means a Type C bufferyard is required.
 - (4) "--" means no bufferyard is required.

Table 155.704-1 Bufferyard Requirements						
Zoning of Proposed Development	Adjacent Property Zoning					
	SU, SUI, W-1R	MH, MF	DT	C-1, C-2, C-3	W-1, W-4	IN
SU, SUI, W-1R	--	A	A	B	B	C
MH, MF	A	--	A	A	B	C
DT	A	A	--	A	B	C
C-1, C-2, C-3	B	A	A	--	A	C
W-1, W-4	B	B	A	A	--	C
IN	C	C	C	C	C	--



- (E) **Exemptions.** A parcel proposed for development, redevelopment, or substantial improvement shall be exempt from the requirement to provide a bufferyard under the following conditions:
- (1) When there is an elevation difference between two adjacent properties that is six feet or greater; or
 - (2) When the parcel proposed for development, redevelopment, or substantial improvement is separated from an adjacent property by a natural area that meets or exceeds the level of screening required by the applicable bufferyard.
- (F) **Bufferyard Types.** There are three types of bufferyards, each of which vary in the width of the bufferyard and the numbers and types of plants that are required per 100 linear feet, or portion thereof. The minimum planting requirements for each type and composition of bufferyard are set out in Table 155.704-2, *Bufferyard Types* and Figure 155.704-1, *Bufferyard Types*.

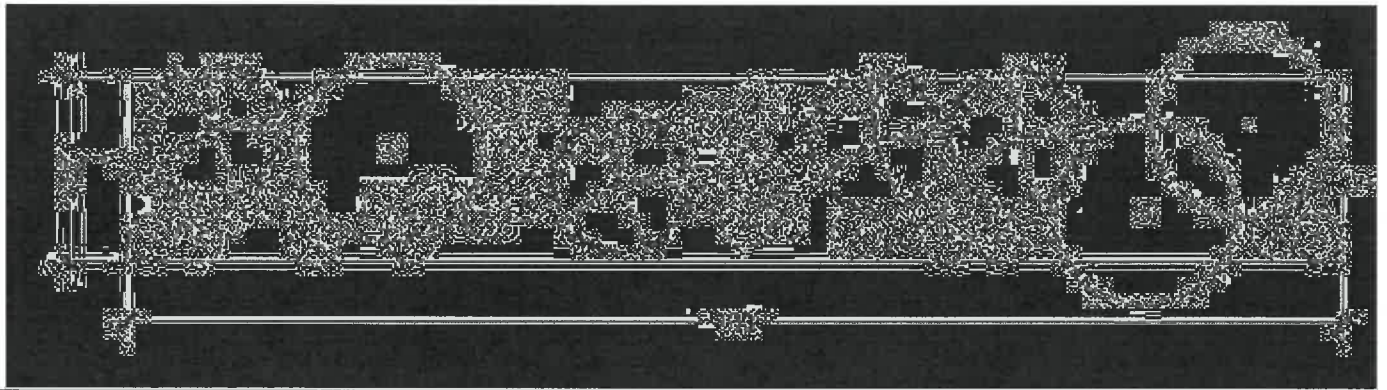
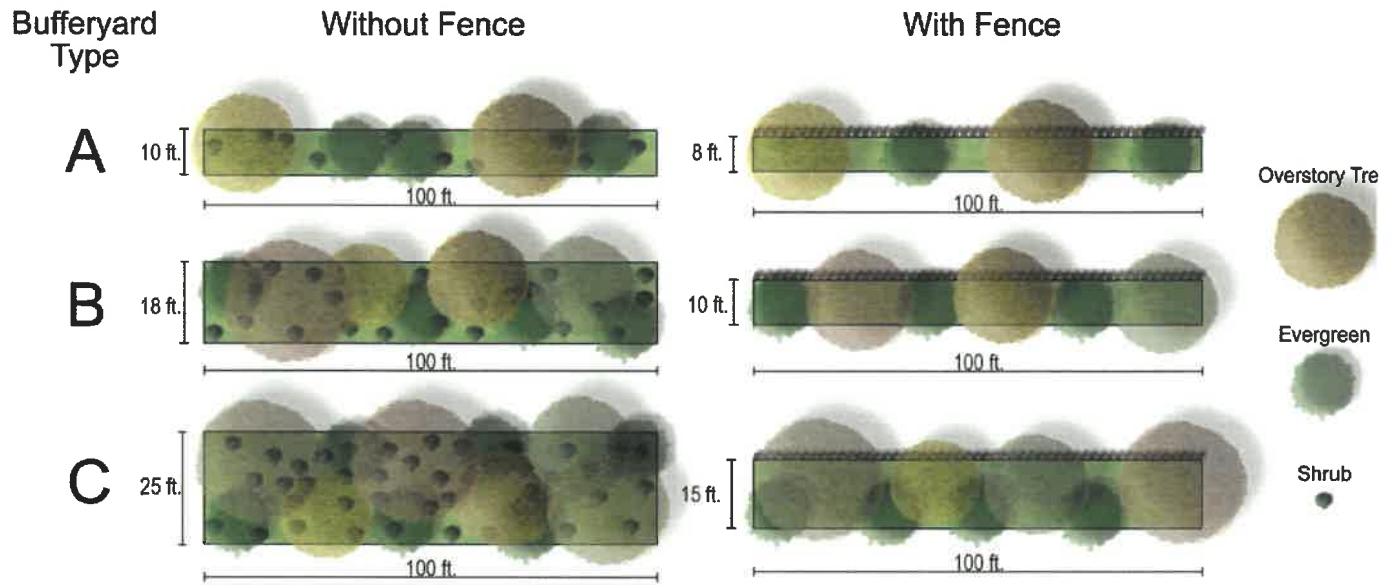
Table 155.704-2 Bufferyard Types										
Type	Bufferyard Width		Required Plantings per 100 Linear Feet							
	Without Fence	With Fence ¹	Overstory Trees		Evergreen Trees		Ornamental Trees		Shrubs	
			Without Fence	With Fence ¹	Without Fence	With Fence ¹	Without Fence	With Fence ¹	Without Fence	With Fence
A	8 ft	5 ft	2	1	2	1	3	1	15	10
B	18 ft	10 ft	3	2	3	2	6	2	30	20
C	25 ft	15 ft	6	3	6	3	9	3	40	30

Table Notes:
1. Fences shall be at least six feet tall, opaque, and comply with §155.403, Accessory Uses and Structures.



Figure 155.704-1
 Bufferyard Types

We will modify graphics to fit the decided upon standards once these are determined.



- (C) **Relationship to Other Bufferyard Requirements.** Some limited uses have different requirements for bufferyards, specified in §155.402, *Limited Use Standards*. If bufferyards are required by another section of this Chapter also property boundaries that are also district boundaries, then the greater bufferyard requirement shall supersede the lesser one (only one bufferyard is required).

§ 155.705 VISIBILITY TRIANGLE

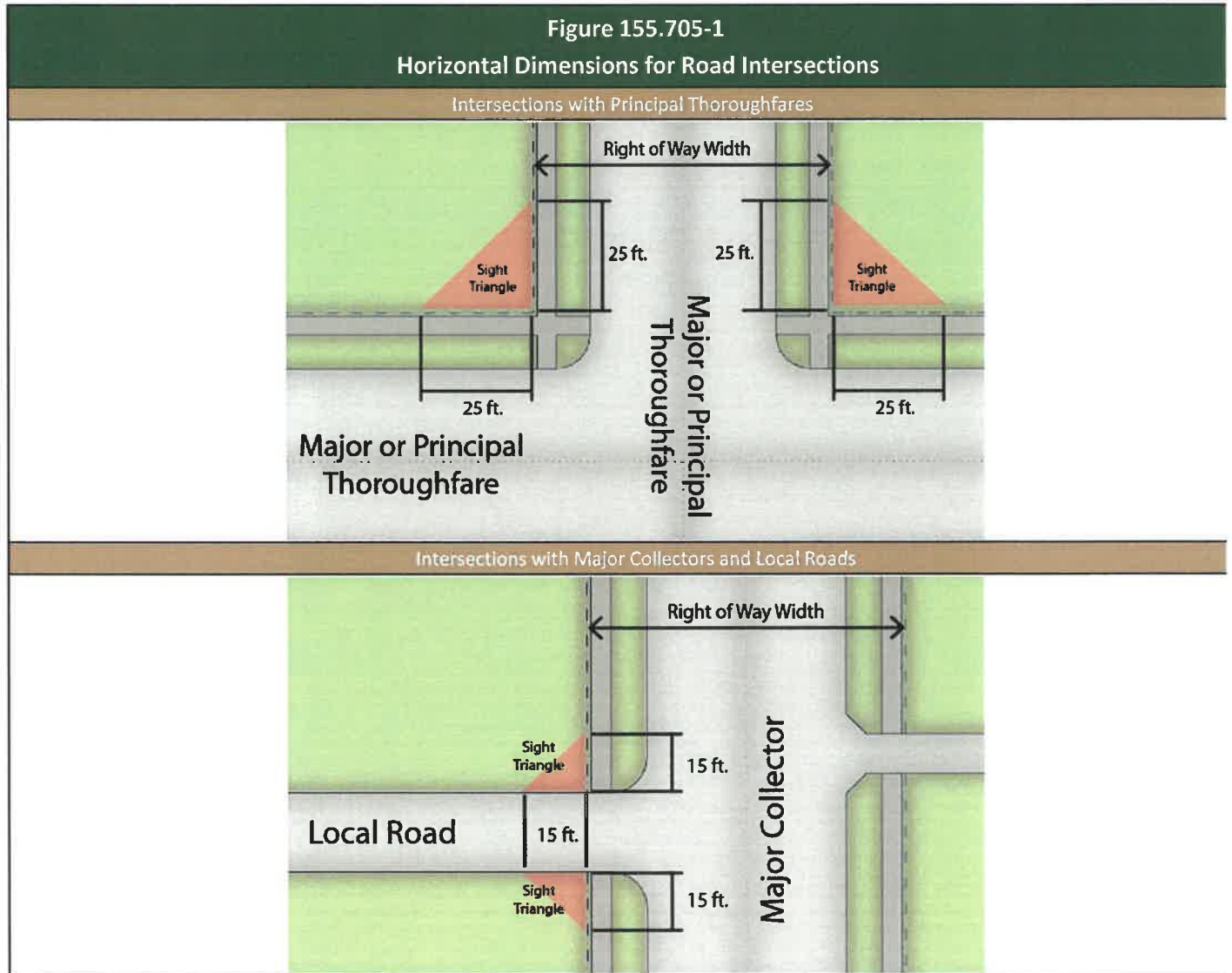
- (A) **Generally.** No buildings, structures, fences, walls, and other similar objects shall be erected or placed on a lot in a manner that obstructs or interferes with visibility at any intersection of any street, driveway, or other vehicle access point.
- (B) **Exceptions.** Trees and shrubs may be planted in the visibility triangle area provided that the limbs and foliage are trimmed so they are not projecting into the vertical dimensions of the visibility triangle area as illustrated in Figure 155.705-3, *Vertical Dimensions of Visibility Triangle Areas*.
- (C) **Visibility Triangle Areas.** The size of the visibility triangle areas is based on the vehicle access type and street classifications found in *Brazoria County 2020 Thoroughfare Plan*. The standards for each type of area are detailed



Subsection (D) and Subsection (E), below and illustrated in Figures 155.705-1, *Horizontal Dimensions for Road Intersections*, and 155.705-2, *Horizontal Dimensions for Driveway Intersections*.

(D) Horizontal Dimensions for Road Intersections.

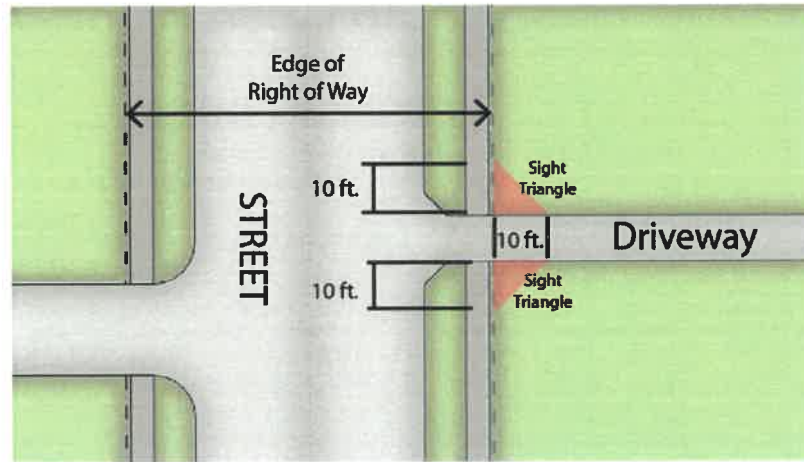
- (1) *Intersections with Principal Thoroughfares.* Where one or both of the intersecting roads are principal thoroughfares, the horizontal dimensions of this triangle are measured 25 feet along the property lines from the intersection.
- (2) *Intersections with Major Collectors and Local Roads.* Where one or both of the intersecting roads are principal thoroughfares, the horizontal dimensions of this triangle are measured 15 feet along the property lines from the intersection.



- (E) Horizontal Dimensions for Driveway Intersections.** Where the intersection consists of a right-of-way and a driveway, the horizontal dimensions of this triangle are measured 10 feet along the property lines from the intersection.



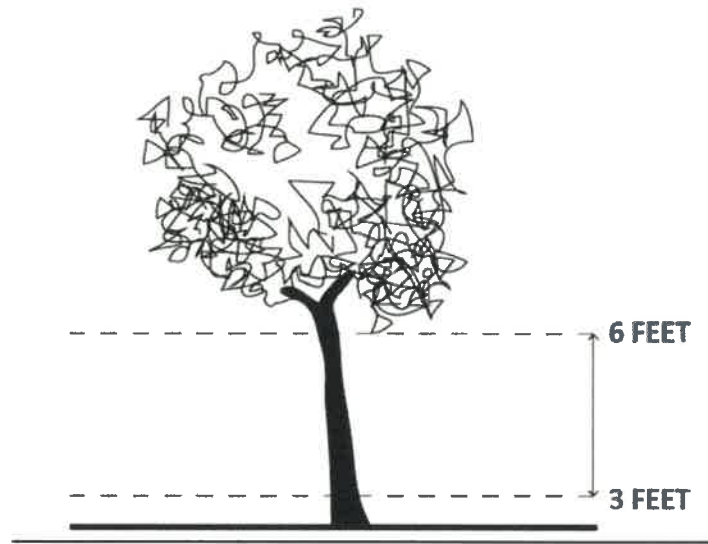
Figure 155.705-2
Horizontal Dimensions for Driveway Intersections





(F) **Vertical Dimensions.** The vertical dimensions of the visibility triangle are three feet to six feet above finished grade as illustrated in Figure 155.705-3, *Vertical Dimensions of Visibility Triangle Areas*.

Figure 155.705-3,
Vertical Dimensions of Visibility Triangle Areas





155.800 ADMINISTRATIVE BODIES

155.801 CITY COUNCIL

See Article 3, *The Governing Body*, of the City's Home Rule Charter.

§ 155.802 PLANNING COMMISSION

See Section 8.03, *Planning Commission*, of the City's Home Rule Charter.

§ 155.803 BOARD OF ADJUSTMENTS

- (A) **Generally.** The City's Board of Adjustments (BOA) shall have membership, qualifications, and terms of office accordance with and controlled by the provisions of [Texas Local Government Code Section 211.008, Board Adjustment](#)
- (B) **Powers and Duties.** The BOA shall have the authority to make final decisions on the development review application denoted in Table [155.1101-1, Summary of Procedures](#).
- (C) **Membership.**
- (1) *Number of Members.* The BOA shall consist of five members.
 - (2) *Appointments.* The City Council shall appoint members of the BOA for terms of three years. Terms begin from the date of appointment.
 - (3) *Alternative Members.* The City Council shall appoint two alternate members of the BOA to temporarily serve in the absence of a permanent member. An alternate member serves for the same period as a regular member and is subject to removal in the same manner as a regular member. The City Council may fill a vacancy among the alternate members in the same manner as a vacancy among the regular members.
 - (4) *Vacancies and Removal.* The City Council shall fill vacancies in an unexpired term by appointment for the remainder of the term. The City Council may vote to remove a member for good cause at any time in a public meeting.
- (D) **Officers and Staff.**
- (1) *Election.* The BOA shall elect a Chairperson and Vice-Chairperson at the first meeting of each calendar year.
 - (2) *Officer Duties.* The chair, or in the chair's absence the vice-chair, shall administer oaths, be in charge of proceedings before the BOA, and take such action necessary to preserve the order and integrity of proceedings before the BOA. In the absence of both, the Board shall elect a temporary chair to conduct the meeting.
 - (3) *Staff.* The Administrator shall serve as the professional staff of the BOA and shall appoint a recording secretary to keep minutes to summarize all proceedings, attested to by a majority of the members of the BOA voting.
 - (4) *Recordkeeping.* Minutes of the proceedings of the BOA showing the vote of each member and records of examinations and other official actions shall be filed with the City as a public record.
- (E) **Meetings and Procedures.**
- (1) *Frequency, Location, Date, and Time.* The BOA shall meet no less than once each month unless there are no items for it to decide upon. The Chairperson may call a special meeting following required notice.
 - (2) *Absences.* Any member of the BOA who misses three consecutive regular meetings without valid reason, determined by City Council, shall be deemed no longer interested in serving, and the City Council shall appoint a new interim member to fill the vacancy.
 - (3) *Rules of Procedure.* The BOA may establish its own rules of procedure, provided that such shall not be in conflict with the laws applicable to the BOA or the provisions of this UDO.



(F) Proceedings of the Board of Adjustment.

- (1) *Rule Adoption.* The BOA shall adopt rules necessary to the conduct of its affairs, and in keeping with the provisions of this Chapter.
- (2) *Meeting Call to Order.* Meetings shall be held at the call of the chairman and at such times as the Board may determine. The chairman, or in his absence the acting chairman, may administer oaths and compel the attendance of witnesses.
- (3) *Open to Public.* All meetings shall be open to the public.
- (4) *Meeting Minutes.* The BOA shall keep minutes of its proceedings, showing the vote of each member upon each question or, if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be a public record and be immediately filed with the City.
- (5) *Stay of Proceedings.* An appeal stays all proceedings in furtherance of the action appealed from, unless the Building Official from whom the appeal is taken certifies to the BOA after the notice of appeal is filed with him that by reason of facts stated in the certificate, a stay would, in his opinion, cause imminent peril to life or property. In such case, proceedings shall not be stayed other than by a restraining order which may be granted by the BOA or by a court of competent jurisdiction, on notice to the Administrator from whom the appeal is taken and on due cause shown.

§ 155.804 ADMINISTRATOR

- (A) **Generally.** The Administrator is the member of the City Staff or his or her designee who is responsible for the processing of an application, the making of a recommendation to another review body, and a final decision.
- (B) **Powers and Duties.** The Administrator shall have the authority to make recommendations or final decisions on development review applications denoted in Table 155.1101-1, *Summary of Procedures*.
- (C) **Recommendations.** The Administrator shall make a report and recommendations to the appropriate review body with regard to all applications requiring approval from this Chapter.
- (D) **Decisions.** The Administrator shall:
 - (1) Establish deadlines for how far in advance an initial application must be submitted to be reviewed by either the City Council and/or the Planning Commission;
 - (2) Provide application materials for applicants; and
 - (3) Submit in writing to an applicant
 - (a) Specific conditions required as a part of conditional approval for any and all applications; or
 - (b) Specific reasons for denial of an application.



155.900 NONCONFORMITIES AND ENFORCEMENT

§ 155.901 NONCONFORMITIES

- (A) **Generally.** Nonconformities are the lots, structures, and uses of land which were lawful before this Chapter was passed or amended, but which would be prohibited, regulated, or restricted under the terms of this Chapter or a future amendment.
- (B) **Purpose.** It is the intent of this Chapter to permit nonconformities to continue until they are removed, but not encourage their survival.
- (C) **Safe Building Conditions.** Nothing in this Chapter shall be deemed to prevent the strengthening or restoring to a safe condition of any building or part thereof declared to be unsafe by any City Official whose responsibilities are directly involved with protecting public safety.
- (D) **Nonconforming Uses.**
- (1) *No Changes to Other Nonconforming Use.* A nonconforming use shall not be changed to another nonconforming use.
 - (2) *No Movement on Lot.* A nonconforming use shall not be moved in whole or in part to any other portion of the lot occupied by such use at the effective date of adoption of this Chapter.
 - (3) *Cessation of Use.* If any nonconforming use of land ceases for any reason for a period of more than six months, any subsequent use of such land shall conform to the regulations specified by this Chapter for the district in which such land is located.
 - (4) *Transfer of Ownership.* Change in ownership does not affect the new owner's ability to continue nonconforming use provided that the new owner is in compliance with this Section.
 - (5) *Repairs and Maintenance.* Any and all necessary repairs and maintenance work on any structure that is nonconforming that houses a nonconforming use is permitted provided that the repairs and construction work completed on said structure complies with Chapter 150, *Building Regulations*.
- (E) **Nonconforming Structures.** Where a lawful structure (includes buildings) exists at the effective date of this Chapter that could not be built under the terms of this Chapter by reason of restrictions on area, lot coverage, height, yard, or other characteristic of the structure, such structure may be continued so long as it remains otherwise lawful, subject to the following provisions:
- (1) *Increase in Nonconformity Prohibited.* No such structure may be enlarged or altered in any way which increases its non-conformity.
 - (2) *Movement of Structure.* Should such structure be moved for any reason for any distance it shall thereafter conform to the regulations for the district in which it is located after it is moved.
 - (3) *Effect of Destruction.* Should such structure be destroyed by any means to an extent of more than fifty percent of its replacement cost at the time of destruction, it shall not be reconstructed except in conformity with the provisions of this Chapter.
- (F) **Nonconforming Lots.**
- (1) *Generally.* Nonconforming lots are lots that were lawfully created before the effective date of this Chapter, but which no longer comply with the lot width, lot area, or other lot requirements of this Chapter.
 - (2) *Lots Not in Compliance with Zoning Specific Regulations.* A legal lot that does not meet the minimum district requirements of either §155.501, *Standards for Residential Development* or §155.502, *Standards for Nonresidential*, with respect to minimum lot area or minimum lot width may have a primary structure built up on it if:
 - (a) The use is permitted in the zoning district in which the lot is located;



- (b) The lot has sufficient frontage on a public street to provide access that is appropriate for the proposed use and
- (c) The proposed development will comply with all other applicable development standards of this Chapter

§ 155.902 VIOLATIONS.

- (A) **Complaints.** Any person may file a written complaint to the Administrator when a violation of this Chapter suspected to have occurred. The Administrator shall record the complaint, immediately investigate and take action as provided in §155.903, *Penalty*.
- (B) **Notice of Violation.**
 - (1) *Mailed Notice.* The Administrator shall send a violation notice by certified mail, postage pre-paid, return receipt requested, to the property owner on which the violation is taking place.
 - (2) *Notice Contents.* The notice shall contain the violation description, address or location of property, date noticed infraction, steps to correct the violation, and the deadline to correct the infraction.
- (C) **Timeframe for Violation to be Corrected.** Failure to correct the violation within 15 business days from the date mailing the letter shall constitute an offense.
- (D) **Correction.** Correction of the violation in the manner stipulated by the mailed violation notice at any point during this enforcement process shall deem the notice null and void, and enforcement activity shall cease.

§ 155.903 PENALTY.

- (A) **Misdemeanor Offense.** Violation of the provisions of this Chapter or failure to comply with any of its requirements shall constitute a misdemeanor.
- (B) **Punishment.** Any person who violates this Chapter or fails to comply with any of its requirements shall, upon conviction, be fined not more than \$2,000 and also, shall pay all costs and expenses involved in the case. See Code of Civil Procedure § 10.99, *General Penalty*.
- (C) **Successive Days.** Each day such violation continues shall be considered as a separate offense.
- (D) **Associated Parties.** The owner or tenant of any full or partial building, structure, premises and any architect, builder, contractor, agent or other person who commits, participates in, assists in, or maintains such violation may each be found guilty of a separate offense and suffer the penalties provided in this Section.
- (E) **Other Necessary Action.** Nothing provided in this Section shall prevent the City from taking such other lawful action as is necessary to prevent or remedy any violation.



155.1000 APPLICATIONS, REVIEW, AND NOTICE

§ 155.1001 PRE-APPLICATION CONFERENCE

- (A) **Purpose.** The purpose of a pre-application conference is to familiarize the applicant with the submittal requirements and review procedures, including all applicable standards and any known constraints, hazards, or special conditions associated with the subject property.
- (B) **Recommended Step in the Process.** Pre-application conferences are not required, however they are recommended especially for first-time applicants who may not be aware of the specifics of the City's land development process.
- (C) **Submittals.** The Administrator may request that the applicant provide additional materials at the time of application submittal than those discussed or submitted to the Administrator during the pre-application conference. The rules governing
- (D) **Disclaimer.** Outcomes of the pre-application conference shall not imply, in whole or in part, any final decision on the application.
- (E) **Continuing Review Process.** After the pre-application conference has occurred, applications that require such a conference may subsequently undergo the processes established in §155.1002, *Filing of Application*.

§ 155.1002 FILING OF APPLICATION

- (A) **Generally.** Every application for development approval required by this Chapter be submitted on a form approved by the responsible official, along with the corresponding application fee.
- (B) **Authorization to Initiate an Application.** Table 155.1002-1, *Application Authorization*, denotes those who are authorized to initiate each of the application types.

Table 155.1002-1 Application Authorization			
Application Type	Council or Commission	Property Owner ¹	Party Aggrieved by an Administrative Decision ¹
Building Permit	No	Yes	No
Certificate of Occupancy and Compliance	No	Yes	No
Specific Use Permit	No	Yes	No
Temporary Use Permit	No	Yes	No
Site Plan	No	Yes	No
Zoning Map Amendment	Yes	Yes	No
Text Amendment	Yes	Yes	No
Zoning Variance	No	Yes	No
Appeals	No	Yes	Yes

TABLE NOTES:
 "Yes"= Entity may initiate application | "No" = entity may not initiate application
¹ Including his or her agent

- (C) **Forms and Fees.** Every application required by this Chapter shall be submitted in a format and in numbers established by the Administrator and shall include a fee as described in §155.206, *Fees and Charges*.
- (D) **Form Updates.** The responsible official shall promulgate and periodically revise forms for each type of application required by this Chapter.
- (E) **Information Required.** Application forms shall include specific information that is required to process each type of application. The specific information requirements shall be established and periodically revised by the responsible official, and have the purpose of facilitating:



- (1) The evaluation of applications for compliance with the standards of this Chapter; and
 - (2) The administration of this Chapter.
- (F) **Deadlines.** The Administrator may establish periodic application submittal deadlines.

§ 155.1003 APPLICATION COMPLETENESS

(A) **Completeness Review.**

- (1) *Administrator Responsibility.* The Administrator shall review all development review submittals for completeness.
- (2) *Meaning of Completeness.* The Administrator shall deem complete a submittal that contains:
 - (a) All of the submittal information required in the application form;
 - (b) Documents or drawings that are prepared and certified by qualified professionals (where such certifications are required);
 - (c) The application fee; and
 - (d) Any additional information that is necessary to demonstrate compliance with all of the applicability requirements of this Chapter.

(B) **Timeline for Review.** The completeness review required in subsection (A), shall be accomplished no later than five business days after an applicant submits a potential application.

(C) **Completeness Does Not Equate to Approval.** A determination of completeness does not mean that:

- (1) The contents of the submittal are accurate or that they comply with the standards of this Chapter;
- (2) The application will receive a positive recommendation or final decision from the applicable administrative body; or
- (3) During the review, additional clarification or information will not be needed.

(D) **Incomplete Applications.**

- (1) If the Administrator determines a submittal not to be complete, the Administrator shall:
 - (a) Notify the applicant in writing with a list of all missing or incomplete items; and
 - (b) Provide 10 business days for the applicant to resubmit the missing or incomplete items.
- (2) If the missing or incomplete items are not submitted within the 10-day period, then the Administrator shall deem the application rejected, shall not accept the application for filing, and shall make the submittal and application fee available to the applicant for retrieval. After the Administrator rejects an application, a new application and fee shall be required if the applicant wishes to apply again.
- (3) Incomplete or rejected applications are not considered "filed" or "submitted" for the purposes of Texas Local Government Code (TLGC) [Chapter 212](#), TLGC [Chapter 245](#), or for any other purpose.

§ 155.1004 STAFF REVIEW

(A) **Final Decision or Distribution.** After completing the process as stated in [§155.1004, Application Completeness](#), the Administrator shall:

- (1) *Review and Comment.* Review the application and provide comments to the applicant, which may include required revisions;
- (2) *Review and Decide.* Review and make a final decision on the application; or
- (3) *Distribute.* Distribute the application to the appropriate administrative body or outside agency, including, but not limited to, utilities and school districts, for recommendation or final decision.



(B) Required Revisions.

- (1) *Comments.* During the application review, the Administrator may provide comments from administrative bodies, where applicable, to the applicant. The applicant shall revise and resubmit the application with requested changes.
- (2) *Resubmittal.* Upon receipt of the resubmittal, the Administrator may refer the application to any applicable outside agency again if the changes substantially affect the interests of the agency in ways not anticipated in the agency's original comments, or require the agency's technical expertise for appropriate review.

(C) Administrative Recommendation or Decision. Promptly after submittal of a complete application that addresses the comments provided pursuant to Subsection B above (or, after finding that no revisions are required):

- (1) *Administrative Applications.* If the application is denoted in Table 155.600-1, *Summary of Procedures*, as an application with a recommendation or final decision by the Administrator, then the Administrator shall approve, conditionally approve, or deny the application, as appropriate.
- (2) *Other Applications.* If according to §155.1005, *Public Notice*, the application requires a public meeting or public hearing prior to a final decision, then the Administrator shall forward a recommendation to the next administrative body who will consider it for further recommendation or final decision.

§ 155.1005 PUBLIC NOTICE

(A) Generally.

- (1) *Notice by Publication.* When required, shall be provided in accordance with the requirements of the Texas Local Government Code (TLGC).
- (2) *Notice by Mail.* When required, shall be provided to each owner, as indicated by the most recently approved municipal tax roll of real property.

(B) Applicability. Table 155.1005-1, *Required Notice*, sets out the specific notice required for each type of application

Table 155.1005-1 Required Notice		
Type of Application	By Mail	By Publication
Site Development Plan	Not Required	Not Required
Building Permit	Not Required	Not Required
Certificate of Occupancy and Compliance	Not Required	Not Required
Temporary Use Permit	Not Required	Not Required
Specific Use Permit	Required	Required
Zoning Map Amendment (Rezoning)	Required	Required ¹
Text Amendment	Not Required	Required
Variance	Required	Required
Appeals	Not Required	Required

Table Notes:
¹ Zoning Map Amendments require publication at least 15 days prior to hearing.

(C) Procedural Requirements for Notice. All notices shall describe the action proposed to be taken and the date, time and place of the public hearing. In addition, the following requirements apply based on the type of required notice:

- (1) *Publication Notice.*
 - (a) Notice shall be published in an official newspaper of general circulation in the City as provided by state law at least 10 days prior to the date of the public meeting. For Zoning Map Amendments, the notice shall be published in an official newspaper of general circulation in the City at least 15 days prior to the date of the public meeting.



(b) Notice shall appear on the City's website for at least ten days prior to the date of the public meeting.

(2) **Mailed Notice.**

(a) Written notice shall be sent to all owners of real property which are located within 200 feet of the subject property or within 200 feet of any other abutting property under the same ownership as the subject property.

(b) Measurements shall be taken inclusive of public streets.

(c) Such notice may be served by using the last known address as listed on the City tax roll and deposit the notice, postage paid, with the United States Postal Service (USPS).

(D) **Contents of Notice.** Contents of notice shall include:

(1) The date, time, and place of the hearing;

(2) Staff contact and phone number, a description, address, or location of the matter to be heard, and a statement that the public is invited to review and comment on the application.

§ 155.1006 INACTIVE APPLICATIONS

(A) **Generally.** Applicants shall diligently pursue the completion of approved applications. This Section extinguishes applications that become inactive due to applicant inaction.

(B) **Voiding of Inactive Applications.**

(1) *Process to Inactivity.* An unapproved application becomes inactive after 45 days from receiving reviewer comments if the applicant fails to completely address the City's comments, unless the Administrator determines that the applicant is actively pursuing action to address such comments. If the Administrator makes such determination, then the application will become inactive 90 days after the date of receipt of the comment; the applicant fails to completely address the comments.

(2) *Void.* Inactive applications will automatically expire and become null and void without further notice 30 days after the date when they became inactive if the applicant fails to take action or to request an extension of time.

(C) **Extension of Time.**

(1) Prior to the expiration of an inactive plat, the application may be extended for up to six months upon written request of the applicant for cause only; and

(2) If the City amends this Chapter or adopts other regulations during the period of time when the application was inactive, the application shall:

(a) Not be subject to compliance to the new regulations until the original application is considered to be voided; and

(b) The application shall be subject to the new regulations and ordinances if the period of time to request extension lapses.

(3) An inactive application shall expire after a six-month extension lapses and if an extension was not requested.

(D) **Effect of Expiration.** Applications that expire pursuant to this Section are automatically null and void without further notice or action by the City.

§ 155.1007 SUCCESSIVE APPLICATIONS

(A) **Generally.** It is the policy of the City not to hear successive applications for the same approval after an application is denied. The limitations of this Section prevent the consideration of successive applications.

(B) **Time Required Between Substantially Similar Applications.** The City shall not accept any application for any permit that is substantially similar to an application that was denied within a one-year period.

(C) **Appeal.** The Administrator's determination that an application is substantially similar to a denied application is subject to appeal per Sec. 155.1111, *Appeals*.



155.1100 PERMITS AND PROCEDURES

§ 155.1101 SUMMARY OF PROCEDURES

- (A) **Generally.** Procedures for obtaining approval pursuant to this Chapter are summarized in this Section.
- (B) **Applications and Procedures.** Each application or permit required by this Chapter is spelled out in the below table

Table 155.1101-1 Summary of Procedures PC=Planning Commission CC=City Council BOA=Board of Adjustments Admin=Administrator						
Permit/Plan	Required For	Timing	Exceptions	Review Responsibilities		Cross-Reference ¹
				Recommendation	Final Decision	
Site Development Plan	All new construction	Prior to development, redevelopment, substantial improvement, or expansion of development	Single-Family Detached or Attached Dwelling in an improved subdivision and Emergency Activities	N/A	Admin	§ 155.1003
Building Permit	Construction, reconstruction, improvement, or repair of any building or structure for which an additional permit or approval is required	Prior to construction, alteration, or operation of a structure	None	N/A	Admin	§ 155.1104 Chapter 150
Certificate of Occupancy and Compliance	Certification that construction and/or new use is code compliant	Prior to occupying a structure	Single-Family Dwellings or Residential Accessory Structures	N/A	Admin	§ 155.1105 Chapter 150
Temporary Use Permit	Establishing a temporary use related to a public or commercial event	Prior to establishing a temporary use	None	N/A	Admin	§ 155.1106
Specific Use Permit	Establishing a new Special Use or amending an existing Specific Use	Prior to the establishment of a new Specific Use or expansion of existing Specific Use	None	Admin	PC	§ 155.1107
Zoning Map Amendment (Rezoning)	Changing the zoning of a parcel from one district to another	Prior to a change in land use	None	PC	CC	§ 155.1108
Text Amendment	Text additions or changes to this Chapter.	Prior to amending Chapter	Non-substantive Amendment	PC	CC	§ 155.1109
Variance	Deviation from the standards of this Chapter	Prior to or concurrent with submittal of a Building Permit or Site Plan	None	Admin	BOA	§ 155.1110
Appeals	Appeals from decisions of the Planning and Zoning Commission	Within 30 days of a decision	None	--	BOA	§ 155.1110

¹ Cross-references are provided for convenience only and do not exempt the application from complying with all applicable standards of this Chapter, any other provision within the City's Code of Ordinances, or state law.



§ 155.1102 COMMON DECISION CRITERIA

- (A) **Generally.** In determining whether to approve, approve with conditions or modifications, or deny an application, the applicable review bodies shall consider the basic review criteria denoted in Table 155.1102-1, *Common Decision Criteria, below.*
- (B) **Additional Criteria.** Additional decision criteria may apply and are enumerated in the specific review procedure within this Chapter.

Table 155.1102-1 Common Decision Criteria									
Common Decision Criteria	Site Development Plan	Building Permits	Certificate of Occupancy and Compliance	Temporary Use Permit	Specific Use Permit	Zoning Map Amendment (Rezoning)	Text Amendment	Variance	Appeal
The request complies with the applicable standards of this Chapter, the City Code, and any applicable county, state, or federal requirements.	Yes	Yes	Yes	Yes	Yes	Yes	Yes	No	No
The request is consistent with applicable policies of the Strategic Community Plan and applicable utility plans and capital improvements plans; or, if it addresses a topic that is not contained or not fully developed in the Strategic Community Plan, the request does not impair the implementation of Strategic Community Plan.	Yes	No	No	No	Yes	Yes	Yes	Yes	No
Adequate facilities, including public or private utilities, solid waste service, drainage, and other improvements are present or are planned to be provided.	Yes	No	No	No	Yes	Yes	No	Yes	No
The request substantially conforms to any associated prior approval for the development, including, but not limited to, a Specific Use Permit, Preliminary Plat, or Site Plan.	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	No
The request promotes the purposes of this Chapter as established in Sec. §155.102, <i>Authority, Purposes, Jurisdiction, and Applicability</i> and in other applicable purpose statements in this Chapter.	Yes	No	No	No	Yes	Yes	Yes	Yes	No
The request demonstrates compatibility with surrounding conforming and permitted land uses and structures and with the general character of the area.	Yes	No	No	No	Yes	Yes	No	Yes	No

TABLE NOTES:
 "Yes" = Common decision criteria applies.
 "No" = Common decision criteria does not apply.



§ 155.1103 SITE DEVELOPMENT PLAN

- (A) **Generally.** A site development plan is required for any proposed development, redevelopment, and substantial improvement within the municipal boundaries of the City to ensure that applicable developments comply with development and design standards of this Chapter and, if applicable, with the approved Specific Use Permit for the subject property.
- (B) **Exceptions.** The following activities shall not require a site development plan:
- (1) *Residential.* Construction of a single-family detached or attached dwelling in an improved subdivision; and
 - (2) *Emergencies.* Any emergency activity that is immediately necessary for the protection of life, property, natural resources.
- (C) **Site Plan Requirements.** All site development plans required as part of a permit application submittal shall include the following:
- (1) *Format.*
 - (a) *Scale.* One inch equals 100 feet;
 - (b) *Size.* 24 x 36 inches;
 - (2) *Method of Submittal.* Electronic PDF file format;
 - (3) *Locations Identified.* The following items shall be accurately depicted on the plan:
 - (a) All existing or proposed buildings, structures, or improvements;
 - (b) All existing front, side, and back setback locations;
 - (c) All proposed modifications to the external configuration of each building, structure, or improvement (including all carports);
 - (d) Open spaces and landscaped areas; and
 - (e) Parking and loading with vehicular and pedestrian circulation.
- (D) **Supplemental Plans Required.**
- (1) *Landscaping Plan.* Landscaping plan showing trees to be removed or preserved, and new landscaping delineated and annotating canopy, shrub, and ground covering plantings along with any additional buffering requirements per §155.700, *Landscaping and Buffering*.
 - (2) *Drainage Plan.* Drainage plan showing all detention/retention facilities providing for a 100-year storm and storm sewers or surface drainage providing for a 25-year storm.
 - (3) *Engineering Plan.* Engineering plans for water, sewer, and other utilities, as well as street(s) and parking construction.
 - (4) *Grading Plan.* Grading plan showing the proposed grading of all land-disturbing activities on the site tied to existing grades with cut and fill slopes that shall be no greater than a three to one ratio, except as approved by the City to meet other community or environmental objectives.
- (E) **Transportation Impact Analysis (TIA).** At the discretion of the City, a TIA may be required for any site development plan if the end result, according to the Institute of Traffic Engineers Traffic Engineering Handbook, is expected to generate an increase in the average daily traffic count.
- (F) **Specific Decision Criteria.**
- (1) *Review and Decision.* In determining whether to approve, approve with conditions, or deny a site development plan, the Administrator shall consider the applicable common decision criteria in §155.1102, *Common Decision Criteria*, and the following:
 - (a) The proposed development does not exceed the capacity of existing and planned infrastructure and public services including, but limited to, systems for water, sewer, drainage, transportation, solid waste removal, and public safety.



- (b) The design of the project provides for vehicle and pedestrian accessibility and circulation within, out and into the development and appropriate compatibility and buffering between the development and surrounding land uses (existing or planned), and the natural environment.
- (c) The proposed development protects public health and safety against natural and man-made hazards and nuisances which include, but are not limited to, traffic noise, water pollution, and flooding.

(2) *Affirmative Findings.* In order to approve a site development plan, the final decision-making body shall make affirmative findings on all of the applicable decision criteria.

(G) Post-Approval Process.

(1) *Construction of Improvements.* All improvements reflected on approved site development plans must be constructed at the time of development.

(2) *Certificate of Occupancy.* A Certificate of Occupancy shall not be issued for the subject property unless and until all construction conforms to the approved site development plan and building permits.

§ 155.1104 BUILDING PERMIT

(A) **Generally.** No building or other structure shall be erected, moved, added to, or structurally altered without a permit issued by the Building Official.

(B) Required Submittal Contents.

(1) *Site Development Plan.* An application for a building permit may be approved concurrently with a site development plan provided that all of the requirements of § 155.1103, *Site Development Plan*.

(2) *Building Code Requirements.* See Chapter 150, *Building Regulations*, in City's Code of Ordinances.

(3) *Other Information Required.* The application shall include such other information necessary to determine conformance with, and provide for the enforcement of, this Chapter as required by the Administrator.

(C) **Specific Decision Criteria.** In determining whether to approve, approve with conditions, or deny a building permit the review body shall consider the applicable common decision criteria in §155.1102, *Common Decision Criteria*, and if the finished project complies with Chapter 150, *Building Regulations*, in the City's Code of Ordinances.

(D) **Violation.** Failure to obtain a building permit shall be a violation of this chapter and punishable under § 155.901 *Penalty*.

§ 155.1105 CERTIFICATE OF OCCUPANCY AND COMPLIANCE

(A) **Generally.** A Certificate of Occupancy and Compliance is to determine compliance with the provisions of this Chapter and all other applicable provisions of the City's Code of Ordinances.

(B) Applicability.

(1) No owner shall use or permit the use of any land, structure or building, or part thereof located in any district until a Certificate of Occupancy and Compliance has been issued by the Administrator.

(2) A Certificate of Occupancy and Compliance may only be used for the specific land use that has been identified pursuant to its approval.

(C) **Exceptions.** A Certificate of Occupancy and Compliance shall not be required:

(1) For any land, structure or building occupied principally as a single-family dwelling unless more specifically required elsewhere in this Chapter.

(2) For residential accessory buildings or structures, but may be included in the Certificate of Occupancy for the principal structure on the same lot, provided that such accessory structures are completed at the same time or subsequent to, the principal structure.



(D) Specific Decision Criteria.

- (1) *Review and Decision.* In determining whether to approve, approve with conditions, or deny a Certificate of Occupancy, the review body shall consider the applicable common decision criteria in §155.1102, *Common Decision Criteria* and if the finished project complies with Chapter 150, Building Regulations in the City's Code Ordinances.
- (2) *Affirmative Findings.* In order to issue a Certificate of Occupancy, the final decision-maker shall make affirmative findings on all of the applicable decision criteria.

(E) Violation. Failure to obtain a Certificate of Occupancy and Compliance shall be a violation of this chapter punishable under § 155.903, *Penalty*

§ 155.1106 TEMPORARY USE PERMIT

- (A) **Generally.** A temporary use permit is to ensure that permitted temporary uses comply with §155.404, *Temporary Use Standards*, and other applicable requirements of this Chapter and that they do not become permanent uses structures.
- (B) **Application Submittal.** Any person desiring a temporary use permit for any temporary use in accordance with §155.404, *Temporary Use Standards*, shall make a written application no less than 14 days prior to the starting date of the event or installation of the use, to the Administrator.
- (C) **Specific Decision Criteria.** In determining whether to approve, approve with conditions, or deny a temporary use permit, the review bodies shall consider the applicable common decision criteria in §155.1102, *Common Decision Criteria*, and the following:
 - (1) The temporary use is compatible in intensity, appearance, and operation with surrounding land uses in the area and it does not unduly impair the usefulness, enjoyment, or value of adjacent property due to the generation of excessive noise, dust, smoke, glare, spillover lighting, or other forms of pollution.
 - (2) The temporary use does not create any violations of the Americans with Disabilities Act, the Texas Accessibility Standards, or the accessibility standards adopted by the City.
 - (3) The temporary use does not endanger or is not materially detrimental to the public health, safety or welfare and is injurious to property or improvements in the immediate vicinity of the temporary use.

§ 155.1107 SPECIFIC USE PERMIT

- (A) **Generally.** The specific use permit is to determine if specific uses, as denoted in Table 155.401-2, *Permitted Uses* in the District, should be allowed on a property subject to standards and a public hearing.
- (B) **Application Submission.** An application for a specific use permit shall be submitted to the Administrator for presentation to the Planning Commission at least 30 days prior to the meeting at which approval is sought.
- (C) **Decision Criteria.** In considering any application for a specific use permit, the Planning Commission shall consider the applicable common decision criteria in §155.1102, *Common Decision Criteria*, and the following:
 - (1) The specific use will not create a nuisance or be detrimental to the public welfare of the community;
 - (2) The specific use does not create an unwanted concentration of similar specific uses that is likely to discourage permitted uses by making the vicinity less desirable for them; and
 - (3) The specific use conforms to the requirements and intent of this UDC.
- (D) **Additional Conditions.** The Planning Commission may impose requirements or conditions in addition to the regulations of the district in which the particular use is located with respect to location, construction, maintenance and operation, as they may deem necessary for the protection of the adjacent properties and public interest.



(E) After Approval.

- (1) *Certificate of Occupancy.* Following the approval of a specific use permit the Building Official shall issue Certificate of Occupancy and Compliance, as provided in [§155.1105](#), *Certificate of Occupancy and Compliance*, and shall ensure that development is undertaken and completed.
- (2) *Compliance with Other Requirements.* Granting of a specific use permit does not exempt the applicant from complying with the requirements of the City's Building Code or other ordinances.

§ 155.1108 ZONING MAP AMENDMENT (REZONING)

- (A) **Generally.** A zoning map amendment, or as it is frequently referred to as a rezoning, is the means by which a property owner, City Council, or Planning Commission can request to the City that their zoning classification be changed to another classification.
- (B) **Application Submission.** The proposed amendment must be submitted at least 30 days prior to the meeting at which approval is sought.
- (C) **Required Submittal Contents.** An application for a zoning map amendment (rezoning) shall include all of the following:
 - (1) *Legal Description.* An accurate legal description that extends to the centerline of any abutting rights-of-way;
 - (2) *Map.* A map showing the area included in the proposed zoning map amendment;
 - (3) *Other Information Required.* The application shall include such other information necessary to determine conformance with, and provide for the enforcement of, this Chapter as required by the Administrator including but not limited to a site plan or other drawings.
- (D) **Decision Criteria.** The Planning Commission and City Council shall consider applicable criteria in [Table 154.502 Common Decision Criteria](#).
- (E) **Action by Planning Commission.**
 - (1) *Recommendation to Approve or Not Approve.* At the conclusion of the joint public hearing, the Planning Commission shall deliberate and determine by majority vote whether to recommend approval or recommendation to not approve the adoption of the proposed zoning map amendment.
 - (2) *Written Protest Against Recommendation to Approve.* A written protest against the Planning Commission recommendation to approve the proposed zoning map amendment can be filed with the City by any one of the following:
 - (a) The owners of 20 percent of the land included in the proposed zoning map amendment;
 - (b) The owners of 20 percent of the land immediately adjacent to the land included in the proposed amendment and extending 200 feet therefrom; or
 - (c) The owners of 20 percent of the land directly opposite the land included in the proposed amendment and extending 200 feet from the street frontage of such opposite land.
- (F) **Action by the City Council.**
 - (1) *Recommendation to Approve, without Protest.* If the Planning Commission recommends approval of the proposed zoning map amendment, the City Council may, by simple majority vote to approve, not approve, or approve with conditions the zoning map amendment.
 - (2) *Recommendation to Approve, with Protest.* If the Planning Commission recommends approval of the proposed zoning map amendment, but a written protest meeting Subsection E(3), above, is filed, the City Council may:
 - (a) Vote to not approve the proposed zoning map amendment with a simple majority of the City Council; or
 - (b) Vote to approve or to approve with conditions the proposed zoning map amendment with a vote of three-fourths of the City Council.



- (3) **Recommendation to Not Approve.** If the Planning Commission recommends to not approve the Zoning Map Amendment, the City Council may:
- (a) Vote to not approve the proposed Zoning Map Amendment with a simple majority of the City Council; or
 - (b) Vote to approve or to approve with conditions the proposed zoning map amendment with a vote of three-fourths of the City Council.

§ 155.1109 TEXT AMENDMENT

- (A) **Generally.** Requests for amendments to the text of this Chapter may be initiated by the request of the Planning Commission, City Council, or the Administrator to amend, supplement, change, modify, or repeal a portion of this Chapter that is not expressly required by Texas or Federal Law.
- (B) **Planning Commission Action.** The Planning Commission shall review the proposed text amendments and make a recommendation to the City Council on whether to approve or not approve the requirement.
- (C) **Decision by City Council.** The City Council shall:
- (1) Receive the written recommendation of the Planning Commission and staff regarding the proposed amendment;
 - (2) Hold a public hearing prior to taking action on the proposed amendment; and
 - (3) By majority vote, approve or deny the amendment, or continue the item to a future meeting.
- (D) **Decision Criteria.** In determining whether to approve a text amendment, the review bodies shall consider applicable criteria in Table 155.1102-1, *Common Decision Criteria* and consider the following additional factors (no one factor controlling and thus requires the City Council to make a specific decision):
- (1) **Consistency.** Whether and the extent to which the proposed amendment would conflict with any portion of this Chapter or any of the Chapters of the City's Code of Ordinances.
 - (2) **Effect on Natural Environment.** Whether and the extent to which the proposed amendment would not result in significantly adverse impacts on the natural environment including, but not limited to, water, air, noise, stormwater management, wildlife, vegetation, wetlands and the natural functioning of the environment.
 - (3) **Community Need.** Whether and the extent to which the proposed amendment addresses a demonstrated community need.
 - (4) **Adopted Planning Documents.** Whether and the extent to which the proposed amendment is compatible with the vision set forth in the City's adopted planning documents.
- (E) **Non-Substantive Amendment.** If necessary, the Administrator may without action by the Planning Commission and/or the City Council:
- (1) Correct spelling or punctuation errors;
 - (2) Cross-reference changes (because another area of City Code has been moved or changed);
 - (3) Cross-reference errors; and
 - (4) Correct other matters herein determined by the City Attorney to be non-substantive and not requiring a public notice requirement per either state law or §155.1005, *Public Notice*.

§ 155.1110 VARIANCE

- (A) **Generally.** A variance is required to provide for any deviation from the regulations of this Chapter.
- (B) **Procedural Requirements.**
- (1) Any variance authorized is required to be entered in writing into the minutes of the Board of Adjustments (BOA) meeting specifically stating the reason(s) for which the variance was approved.
 - (2) Not less than two-thirds of the entire membership of the BOA must approve the request.
- (C) **Decision Criteria.** In addition to Table 155.1102-1, *Common Decision Criteria*, the BOA shall consider if the applicant can show the need for the variance because:



- (1) Strict adherence would cause unnecessary hardship; and
- (2) A physical condition that is peculiar to the land.

§ 155.1111 APPEALS

- (A) **Purpose.** The purpose of the appeals process is to provide an opportunity for affected parties to seek review of a decision of a responsible official or the Planning Commission in a timely and inexpensive way.
- (B) **Routing of Appeals.**
- (1) *Administrator Decisions.* All decisions of the Administrator, pertaining to this Chapter, may be appealed to the Board of Adjustments (BOA).
 - (2) *Planning Commission Decisions.* All decisions of the Planning Commission, pertaining to this Chapter may be appealed to the City Council.
 - (3) *Board of Adjustment Decisions.* All decisions of the BOA, may be appealed to a court of competent jurisdiction.
 - (4) *City Council Decisions.* All decisions of the City Council pertaining to this Chapter, may be appealed to a court of competent jurisdiction.
- (C) **Parties to Appeal.**
- (1) Only parties in the action shall have standing to bring an appeal. No appeal by a person who is not a party shall be heard.
 - (2) A person or entity is a party if it demonstrates:
 - (a) That final action of the City caused it injury;
 - (b) The injury is different in kind or degree from injury to members of the general public; and
 - (c) The injury can be remedied if the appeal is granted.
 - (3) The applicant is always a party, and shall not be required to demonstrate injury if:
 - (a) The applicant is appealing an adverse decision or an adverse condition of approval, in which case the applicant is a petitioner; or
 - (b) The applicant's application is the subject of an appeal by another party, in which case the applicant is the respondent.
 - (4) Any person or entity that owns property within 300 feet of any parcel line of the parcel that is the subject of the appeal shall not be required to demonstrate injury.
- (D) **Deadline to Appeal.** All appeals must be fully completed and submitted to the City 30 days after an official decision by any City official, committee, or governing body.
- (E) **Content.** The request for appeal shall clearly state each alleged error or ground for protest which the appellant intends to assert. It cannot be amended, supplemented, or modified after the public notice of meeting is posted.
- (F) **Burden of Proof in Appeals.** The BOA shall presume the appealed final decision to be valid. The appellant shall present sufficient evidence and have the burden to justify a reversal of the decision being appealed.
- (G) **Decision Criteria.** The Board of Adjustments (BOA) shall review the application in the same manner, using the same approval criteria as the decision-maker. However:
- (1) No new evidence shall be presented to the BOA that was not considered by the decision-maker; and
 - (2) No issues shall be reviewed by the BOA that were not described or obviously implied by the notice or request for appeal.