



Zoning Ordinance

Copperas Cove, TX

CHAPTER 20 ZONING ORDINANCE

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Sec. 20-1-1. Title

- (a) **Title.** This document is known, and may be cited as, the City of Copperas Cove, Texas, Zoning Ordinance.
- (b) **Short Title.** References to "this Code" or "this Ordinance" are interpreted as references to this Zoning Ordinance.

Sec. 20-1-2. Purposes

The provisions of this Zoning Ordinance are specifically intended to:

- (a) **Public Health and Safety.** Promote the health, safety, comfort, and general welfare of the public in the City of Copperas Cove by:
 - (1) Lessening congestion in the streets;
 - (2) Providing a higher degree of safety from fire, panic, flooding, and traffic hazards;
 - (3) Providing adequate light and air, preventing overcrowding, and undue concentration of population; and
 - (4) Facilitating the adequate provision of transportation, schools, parks, and public utilities.
- (b) **Comprehensive Plan.** Promote the stability of existing land uses that conform with the City of Copperas Cove's [Comprehensive Plan](#) and protect the existing land uses from inharmonious influences and harmful intrusions.
- (c) **Fiscal and Functional Health.** Protect the fiscal and functional health of the City by:
 - (1) Promulgating fair and uniform rules for promoting the public health and safety;
 - (2) Providing clear and effective instructions for applying and administering these rules; and
 - (3) Ensuring efficient application in conjunction with other codes, ordinances, and regulations, including the City of Copperas Cove [Infrastructure Design and Construction Manual](#), the City's [Subdivision Ordinance](#), and [Comprehensive Plan](#).

Sec. 20-1-3. Authority

The City Council adopts this Zoning Ordinance pursuant to:

- (a) Texas Local Government Code, Chapters [211](#), [213](#), [216](#), and [242](#) through [246](#);
- (b) The City's [Charter and Code of Ordinances](#);
- (c) [Article XI, Section 5 of the Constitution of the State of Texas](#); and
- (d) Such additional authority as may be conferred by the Texas Statutes.

Sec. 20-1-4. Applicability

- (a) **Generally.** No land, building, or structure shall be developed, redeveloped, or substantially improved except in accordance with this Zoning Ordinance. The following actions are considered "development" subject to the Zoning Ordinance:
 - (1) *Uses of Land.* The use of any building, structure, or land, including new uses or an expansion or material change to the operational characteristics of existing uses; and
 - (2) *Wireless Telecommunications.* The erection or modification of any telecommunication structures and antenna support structures that are located within the City.

- (b) **Applicability to Publicly Owned Property.** This Ordinance is applicable to all public agencies and organizations to the full extent allowed under the laws of the United States and Texas and their Constitutions.

Sec. 20-1-5. Jurisdiction

This Ordinance applies to all development within the corporate limits of the City, as may be expanded, contracted, or modified from time to time.

Sec. 20-1-6. Abrogation, Conflicting Provisions, and Other Regulations

- (a) **Abrogation.** Except for those provisions of the City's Code of Ordinances explicitly repealed upon the adoption of this Ordinance, this Ordinance is not intended to repeal, abrogate, or impair any existing public or private laws, easements, covenants, or deed restrictions.
- (b) **Conflict.**
 - (1) *Public Restrictions.*
 - a. Where this Ordinance conflicts with another local, state, or federal law, whichever the Zoning Administrator finds imposes the more stringent restrictions controls. Where the Zoning Administrator finds conflicting provisions to be equally stringent, then the provision more recently adopted controls.
 - b. Where the text of this Ordinance conflicts with its tables or illustrative material, the text controls. Where a table of this Ordinance conflicts with an illustration, the table controls.
 - (2) *Private Restrictions.* The City does not interpret or enforce private restrictions, including, but not limited to, deed restrictions, covenants, or easements, unless it is a party to them.
- (c) **Stricter Standard Controls.** Where, in any specific case, different sections of this Code specify different requirements, the requirements that the Zoning Administrator finds to be the more restrictive shall govern. Where there is conflict between a general requirement and a specific requirement, the specific requirement shall be applicable.

Sec. 20-1-7. Severability

- (a) **Generally.** If a court of competent jurisdiction holds any provision of this Ordinance to be illegal or invalid, the remainder of this Ordinance shall not be affected.
- (b) **As-Applied.** If a court of competent jurisdiction holds any application of a provision of this Ordinance to a particular structure, land, or water to be illegal or invalid "as-applied", such judgment shall not be applicable to any other structure, land, or water not specifically included in the judgment.

Sec. 20-1-8. Enactment, Effective Date, and Repeal

- (a) **Enactment.** The enactment of this Ordinance is pursuant to Ordinance #2023-36.
- (b) **Repeal.** The enactment of this Ordinance shall repeal and replace the City of Copperas Cove Zoning Ordinance, as adopted on January 23, 2007, by Ordinance 2007-01, replaced by Ordinance #2023-36, hereafter titled the City of Copperas Cove Zoning Ordinance.
- (c) **Effective Date.** The effective date of this Ordinance is October 17, 2023, which shall be the date when this Ordinance enters into the full force of law.

Sec. 20-1-9. Transitional Provisions and Vesting

- (a) **Generally.** It is the intent of the City Council to respect the property rights of applicants with existing or pending development approvals.
- (b) **Effect on Existing Ordinances.** The City's ordinances in effect prior to the effective date of this Ordinance, unless expressly repealed or amended by this Ordinance, or by some other City Council action, remain in effect; provided, however, that where this Ordinance is more restrictive or where it includes additional provisions (including those that are inconsistent or in conflict with existing ordinances), the City shall enforce this Ordinance as set out in Sec. 20-1-6, *Abrogation, Conflicting Provisions, and Other Regulations*.
- (c) **Pending Applications.**
 - (1) *Generally.* Each development review application shall be evaluated in accordance with the adopted ordinances and technical regulations in effect at the time that each complete application is submitted.
 - (2) *Stale Applications.* Pending development review applications that the applicant does not pursue with diligence may expire pursuant to Sec. 20-6-1(j), *Inactive and Expired Applications*.
- (d) **Development Approvals that Predate this Ordinance.**
 - (1) *Generally.* Development applications approved prior to the effective date of this Ordinance may be carried out within the scope of the development approval, including applicable standards in effect at the time of approval, provided that the approval is valid and has not expired.
 - (2) *Duration of Approvals.* Development approvals that are valid on the effective date of this Ordinance are valid until their expiration date; or, if no expiration date is specified in the approval documents or prior regulations, pursuant to Table 20-6-1(k)-1, *Summary of Procedures*.

Sec. 20-1-10. Measurements and Allowances

- (a) **Measurements.** Table 20-1-10-1, *Measurements*, below, provides the method of measurement for the developmental standards in this Ordinance. Standards related to each type of measurement in this Section are established in the tables in [Article II, Zoning Districts and Dimensional Standards](#).

Table 20-1-10-1, Measurements

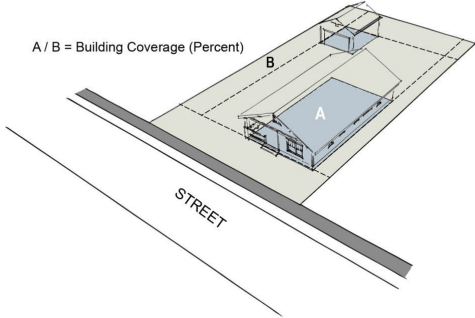
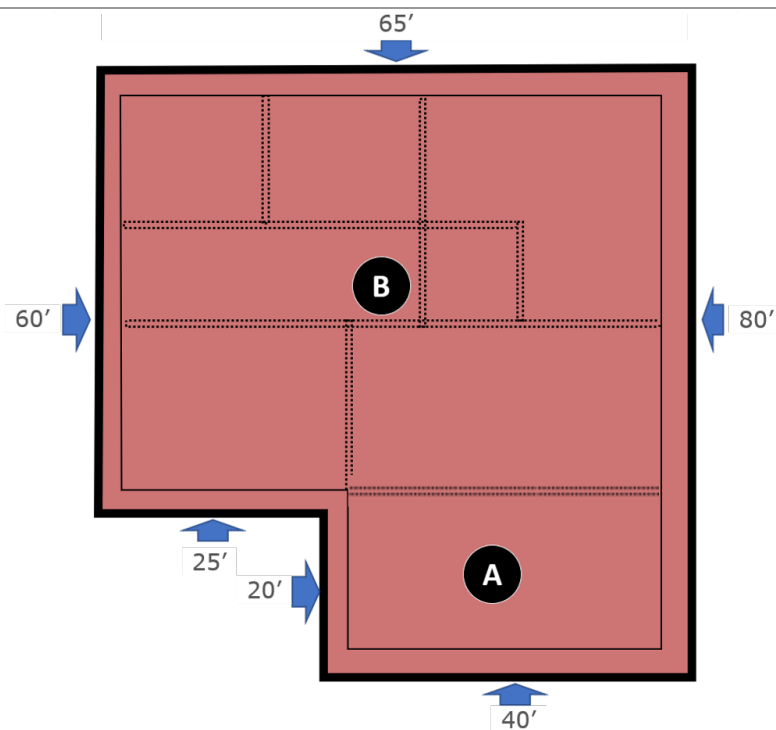
Measurement	Methodology	Illustration
Lot Coverage	The area of a parcel occupied by permanently anchored primary and/or accessory buildings.	 <p>A / B = Building Coverage (Percent)</p>
Gross Floor Area (GFA)	The total area of all the floors of a building, including intermediately floored tiers, mezzanines, etc., as measured from the exterior surfaces of the outside walls of the building. Cellars, basements, penthouses, attics, covered or uncovered porches, balconies and decks, enclosed storage or mechanical areas, mezzanines, and similar structures shall be included as GFA wherever at least seven feet are provided between the finished floor and the ceiling. No deduction shall apply for horizontal areas void of actual floor space (for example, elevator shafts and stairwells). The protected upper floors of open atriums and foyers shall not be included.	 <p>65'</p> <p>60'</p> <p>80'</p> <p>25'</p> <p>20'</p> <p>40'</p> <p>A: 40' x 20' = 800 sq. ft. B: 60' x 65' = 3,900 sq. ft. A + B = 4,700 sq. ft. Gross Floor Area = 4,700 sq. ft.</p>

Table 20-1-10-1, Measurements

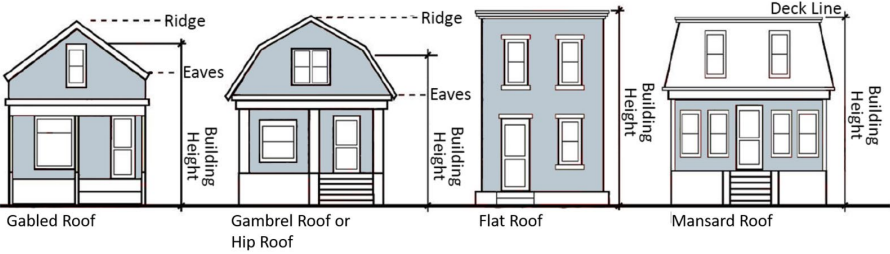
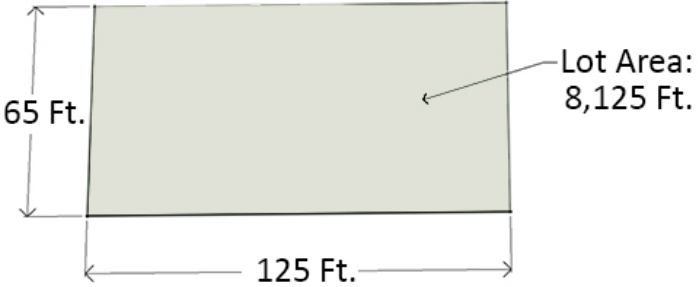
Measurement	Methodology	Illustration
Height	<p>Buildings: In accordance with the adopted building code, the vertical distance from the grade level of that portion of a parcel covered by the building to the highest point of the coping of a flat roof, or the deck line of a mansard roof, or to the average height between eaves and the ridge of a gable, hip or gambrel roof. Where a parapet is used to screen rooftop mechanical equipment, the overall height including the parapet may exceed the stated maximum height by no more than five feet.</p>	 <p>The illustration shows four building types with their height measurement points indicated by dashed lines and vertical arrows. For the Gabled Roof, the height is measured from the ground to the ridge. For the Gambrel/Hip Roof, the height is measured from the ground to the average height between the eaves and the ridge. For the Flat Roof, the height is measured from the ground to the top of the roof. For the Mansard Roof, the height is measured from the ground to the deck line. Labels include 'Ridge', 'Eaves', 'Deck Line', and 'Building Height'.</p>
Lot Area	<p>The total horizontal area included within property lines. Lot width multiplied by lot depth.</p>	 <p>The diagram shows a rectangular lot with a width of 65 Ft. and a depth of 125 Ft. An arrow points to the lot with the text 'Lot Area: 8,125 Ft.'.</p>

Table 20-1-10-1, Measurements

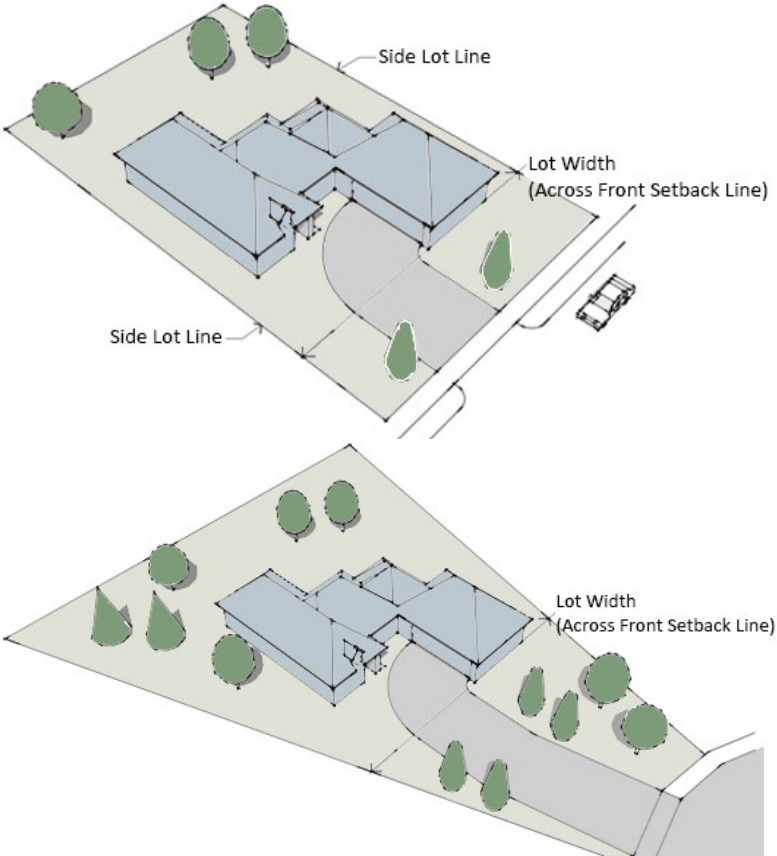
Measurement	Methodology	Illustration
<p>Lot Width</p>	<p>For an interior parcel, the horizontal distance between the side property lines, measured at the required front setback line.</p> <p>For a cul-de-sac parcel, the horizontal distance between the side property lines measured at the required front setback line.</p>	 <p>The top illustration shows an interior parcel with a building, a driveway, and a road. A horizontal line is drawn across the front setback line, between the side lot lines. The bottom illustration shows a cul-de-sac parcel with a building and a curved driveway. A horizontal line is drawn across the front setback line, between the side lot lines.</p>

Table 20-1-10-1, Measurements

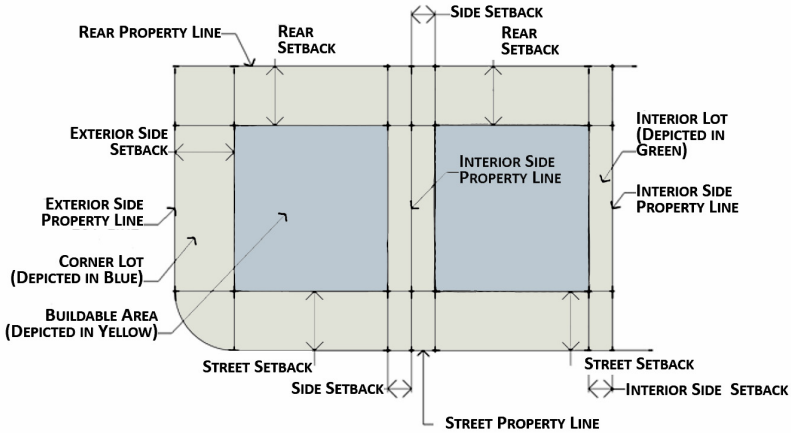
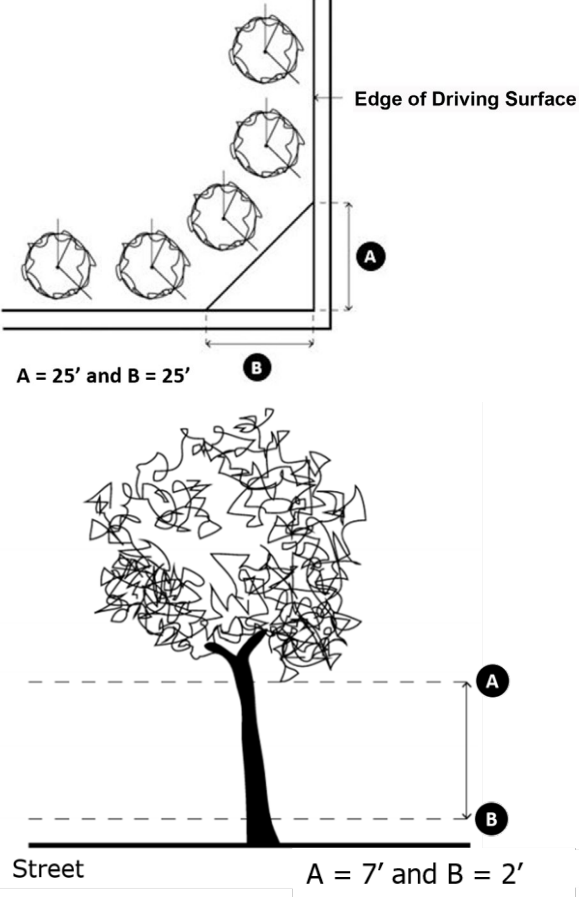
Measurement	Methodology	Illustration
Setback	<p>The horizontal distance of a required open space at grade between the outer wall of a building or structure and the adjoining property lines, or, in the case of an abutting private street, the back-of-curb, unoccupied and unobstructed by any portion of a structure from the ground upward. The street setback and rear setback lines span the entire width of the property. The interior side and exterior side setback lines extend from the required front setback line to the required rear setback line.</p>	 <p>The diagram illustrates setback measurements for a corner lot (depicted in blue) and an interior lot (depicted in green). Key lines include the Rear Property Line, Exterior Side Property Line, Interior Side Property Line, and Street Property Line. Measurements shown include Rear Setback, Side Setback, Rear Setback, Exterior Side Setback, Street Setback, and Interior Side Setback. A Buildable Area is also indicated (depicted in yellow).</p>

Table 20-1-10-1, Measurements

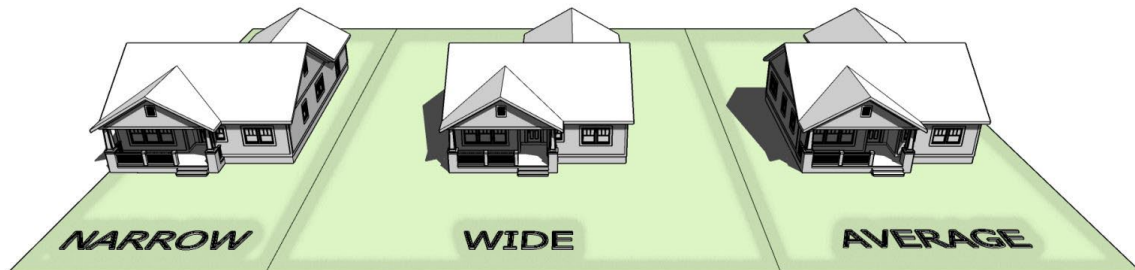
Measurement	Methodology	Illustration
<p>Visibility Triangle</p>	<p>A triangular area that includes that portion of public right-of-way and any private property within a triangle formed by a diagonal line extending through points on the edge of the driving surface 25 feet from the street corner intersection of the property lines. The vertical dimensions of this triangle are two feet to seven feet above finished grade.</p>	 <p>The illustration consists of two diagrams. The top diagram shows a street corner with a diagonal line forming a triangle. The vertical dimension is labeled 'A' and the horizontal dimension is labeled 'B'. Below the diagram, it says 'A = 25' and B = 25''. The bottom diagram shows a tree with a vertical measurement 'A' from 2 to 7 feet above the street level, and a horizontal measurement 'B' of 2 feet from the street edge. Below the diagram, it says 'A = 7' and B = 2''.</p>

(b) **Allowances.** The provisions of this Subsection set forth special cases that warrant flexibility in the developmental standards in this Zoning Ordinance.

(1) **Lot Averaging.** Lot averaging is a design technique that replaces minimum lot dimensions with an average lot width and size per phase for a subdivision. The lot area and width dimensions in [Article II, Zoning Districts and Dimensional Standards](#), may be averaged for each zoning district. In order to utilize lot averaging, all lots in the proposed subdivision shall meet the following criteria:

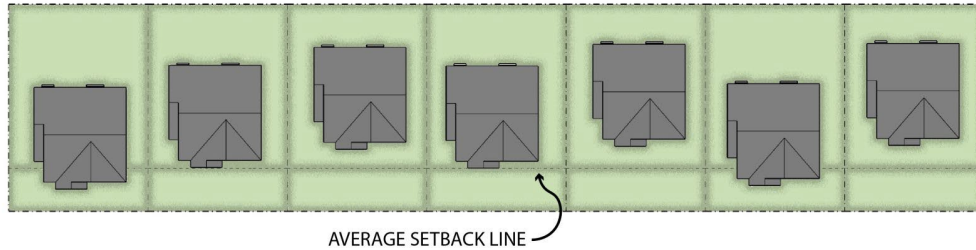
- a. **Equal to or Greater.** The average lot area and average lot width of the proposed subdivision shall be equal to or greater than the individual lot area and lot width of the subdivision's proposed underlying zoning district as specified in [Article II](#).
- b. **Greater than 90 Percent.** No lot shall have a lot area or lot width that is less than 90 percent of the lot area or lot width specified in [Article II](#) (see Figure 20-1-10-1, *Lot Averaging*).

Figure 20-1-10-1, Lot Averaging



- (2) *Alternative Setback Compliance.* The provisions of this Subsection provide for flexibility from specifically referenced portions of this Ordinance that might, in limited; circumstances, provide for requirements that are too rigid. The front setback required for all districts in [Article II](#) may be reduced subject to the following standards.
- a. *Existing Neighborhoods.* In existing developed areas, if 50 percent or more of the lots on the same side of the block (not counting the applicant's lot) are developed with buildings that are set back at distances that are less than the required front yard setback, the front setback of the applicant's lot may be reduced to the average front setback of all of the developed lots on the same side of the block (See Figure 20-1-10-2, *Contextual Front Setback Reduction*).
 - b. *New Neighborhoods.* In subdivisions platted after the effective date of this Ordinance, the front setback in [Article II](#) may be averaged for all lots on a block. In order to utilize front setback averaging in this instance, all lots on the block shall meet the following criteria:
 - i. *Must be 80 Percent or More.* No lot shall have a front setback that is less than 80 percent of the front setback specified in [Article II](#).
 - ii. *Equal to or Greater.* The average front setback of the block shall be equal to or greater than the front setback of the subdivision's proposed underlying zoning district as specified in [Article II, Zoning Districts and Dimensional Standards](#). For example, on a block with six lots, in the Low Density Residential (LR) district, where the minimum front setback is 25 feet, the following front setbacks would be permissible: 20 feet, 26 feet, 22 feet, 28 feet, 26 feet, and 28 feet.
 - c. *Driveway Length.* If the applicant's lot takes vehicular access from the front, the driveway shall be a minimum of 20 feet long, measured from the property line to a building wall or garage door.

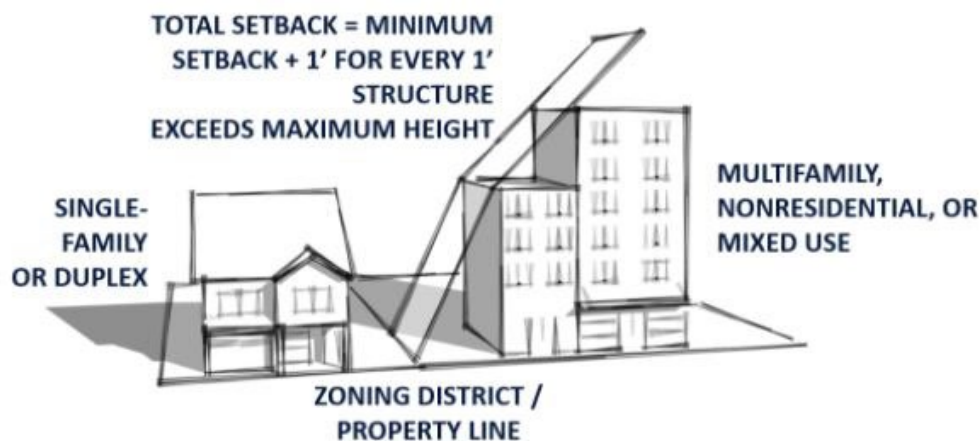
Figure 20-1-10-2, Contextual Front Setback Reduction



(3) *Setback Plane.*

- a. *Exemptions.* Unless otherwise expressly stated, the height regulations in this Ordinance do not apply to structures for the housing of elevators, stairways, tanks, ventilating fans, or similar equipment required to operate and maintain the building, fire or parapet walls, skylights, towers attached to a building, steeples, flagpoles attached to a building, chimneys, smokestacks, water tanks, silos, grain elevators, or similar structures.
- b. *Setback Plane.* As depicted in Figure 20-1-10-3, *Setback Plane*, where a building adjoins a property with a single-family dwelling, the building height may be increased beyond the maximum permitted if the setback nearest the adjoining single-family dwelling is increased one foot for each one foot of height above the maximum permitted height.

Figure 20-1-10-3, Setback Plane



(4) *Setback Encroachments.*

- a. *Architectural Features.* Except where a minimum side setback is less than five feet, cornices, canopies, gutters, eaves or other architectural features may project into required setbacks a maximum of two and one-half feet for a maximum of 50 percent of the linear feet of the side of the building.

- b. *Balconies, Decks, and Porches.* Unenclosed balconies, decks, and porches may project into a front or rear setback a maximum of 10 feet, but shall not be closer than 10 feet from the front property line.
 - c. *Bay Windows and Chimneys.* Bay windows and chimneys may project into required setbacks a maximum of two feet, provided that such features do not occupy, in the aggregate, more than one-third of the length of the building wall on which they are located and provided they are set back a minimum of three feet from all property lines.
 - d. *Outdoor Seating.* Outdoor seating associated with a [Restaurant Use Category](#) may project a maximum of 10 feet into a required front setback, provided the space is at grade and is separated from the right-of-way by landscaping or a vertical barrier.
 - e. *Building Setback Lines and Easements.* Where building lines established by restrictive covenant in a recorded subdivision or where public easements are in excess of the setback requirements of the zoning district, the easement or the platted building line controls.
- (c) **Height.** The following building elements and appurtenances may exceed the allowable height of the applicable district by no more than 20 feet:
- (1) Antennas in compliance with Sec. [20-3-7](#), *Wireless Telecommunications Facilities*;
 - (2) Belfries;
 - (3) Chimneys;
 - (4) Cooling towers;
 - (5) Fire towers;
 - (6) Flag poles;
 - (7) Public monuments;
 - (8) Ornamental towers and spires;
 - (9) Roof gables;
 - (10) Spires;
 - (11) Stage towers or scenery lofts;
 - (12) Tanks;
 - (13) Water towers; and
 - (14) Vent Stacks.

ARTICLE II: ZONING DISTRICTS AND DIMENSIONAL STANDARDS

Contents:

Sec. 20-2-1. Zoning Districts Established

Sec. 20-2-2. Official Zoning Map

Sec. 20-2-3. Residential District Dimensional Standards

Sec. 20-2-4. Nonresidential and Mixed-Use District Dimensional Standards

Sec. 20-2-5. Special Area and Overlay Districts

Sec. 20-2-1. Zoning Districts Established AG AR BP DT HC HI HR LI LR LF MR NC PD PC PF

RC RE

- (a) **Generally.** Table 20-2-1-1, *Zoning Districts*:
 - (1) Establishes the zoning districts for the City; and
 - (2) Establishes purpose statements for each district.
- (b) **Base Zoning Districts.** All properties within the City limits have an associated base zoning district. A base zoning district applies a uniform set of standards, including, but not limited to, those related to:
 - (1) Permitted, limited, conditional, and prohibited uses;
 - (2) Land use standards; and
 - (3) Building site design standards.
- (c) **Overlay Districts.** An overlay district establishes regulations that combine with the regulations of an underlying base zoning district. The purposes of overlay districts are to:
 - (1) Authorize uses via a set of standards for such uses that are not otherwise allowed in the base zoning district;
 - (2) Establish additional or different conditions for such uses; or
 - (3) Prohibit uses otherwise allowed in the base zoning district.
- (d) **Special Area Districts.** A special area district is suited for the Special Area future land use areas of the Future Land Use Plan Map or for targeted areas of the City with unique circumstances. Thus, the geographic location for such districts is limited. For example, the Primary Corridor (PC) Overlay District may only be applied to the two corridors described in Table 20-2-1-1, *Zoning Districts*, below.

Table 20-2-1-1, Zoning Districts				
Zoning District (Abbreviation)	Development Types	Future Land Use Area	Purpose	Former Zoning District
Agricultural and Residential Zoning Districts				
Agricultural (AG) AG	Conventional	Low Density	This district provides for compatible land, building and structure uses primarily oriented to agricultural farming and ranching, and extremely low-density residential purposes. The district may also serve as (1) a transitional land use element pending future, more intensive urbanization; (2) open space for the protection and enhancement of scenic areas, vistas, floodplain and recreational uses; and (3) low density development where unusual or problematic soils, topographic conditions or sensitive ecological features are present that would normally not be conducive or appropriate to more intensive forms and patterns of urbanization.	AG-1

Table 20-2-1-1, Zoning Districts

Zoning District (Abbreviation)	Development Types	Future Land Use Area	Purpose	Former Zoning District
Rural Estate (RE) RE	Conventional	Low Density	This district is established for large-lot, single-family residential housing. It is consistent with a very low density suburban/exurban environment with housing arranged in conventional detached format. These lots contribute to the semi-rural setting of the City and are protected from incompatible uses.	R-CE
Low Density Residential (LR) LR	Conventional	Low Density	This district is established for traditional suburban development of single-family detached dwellings in a low-density setting.	R-1
	Cluster			
Medium Density Residential (MR) MR	Conventional	Medium Density	This district enables higher-density housing types, such as townhomes, garden homes, or duplex/triplex to be developed in closer proximity to collector streets. The district is intended to complement the suburban district and in infill areas of the oldest part of the City, serving as a transitional use between commercial and single-family uses.	R-2
	Infill			
High Density Residential (HR) HR	Conventional	High Density	This district provides for attached, multiple-family residential use, situated with managed access to an arterial roadway and with separation and buffering from less dense residential uses. It is intended to be located near retail and office use to provide access to convenient services, including pedestrian access to surrounding service uses.	R-3
	Infill			
	Apartment			
Nonresidential, Industrial, and Public Facilities Zoning Districts				
Downtown (DT) DT	Mixed-Use	Retail and Commercial	This district is established to reinforce and reinvigorate downtown Copperas Cove's historical traditions and properties, as designated in the City's adopted downtown master plan. The district is intended to ensure harmonious development, redevelopment, and rehabilitation of uses in the historic core by integrating a mix of retail, office, restaurant, entertainment, civic, and residential uses commensurate with traditional values of the City, its citizens, and the surrounding area.	B-OT

Table 20-2-1-1, Zoning Districts

Zoning District (Abbreviation)	Development Types	Future Land Use Area	Purpose	Former Zoning District
Neighborhood Commercial (NC) NC	Nonresidential	Retail and Commercial	This district is intended to allow single-use and mixed-use buildings that are pedestrian in scale and allow for retail, service, and office uses.	B-1, B-2
Retail and Commercial (RC) RC	Nonresidential	Retail and Commercial	This district is intended to allow a broad range of single-use and multi-tenant commercial centers that vary in scale, and that provide for retail, service, and office uses typically with on-site surface parking.	B-3, B-4, B-RV
Heavy Commercial (HC) HC	Nonresidential	Retail and Commercial	This district is intended to provide ample space and separation for a broad range of commercial services. As the most intense nonresidential/non-industrial district, ease of access for larger vehicles to arterial and major collector roadways is preferred.	B-5
Business Park (BP) BP	Nonresidential	Industrial and Manufacturing	This district is intended to provide for limited commercial services, limited local retail, research and development, medical offices and manufacturing uses in planned centers, but excluding heavy manufacturing, resource extraction, or mining. The district is further intended to be located adjacent to major collector roads to facilitate truck travel, and with separation and buffering from residential uses.	B-BP
Light Industrial (LI) LI	Nonresidential	Industrial and Manufacturing	This district is established to permit most commercial uses, office park, flex-space, and low impact industrial uses which are compatible with surrounding commercial districts. Limited retail and service uses that serve the industrial development zone are also permitted. Access to commercial collector or arterial streets is preferred, such that traffic does not travel through residential neighborhoods to serve these areas	M-1

Table 20-2-1-1, Zoning Districts

Zoning District (Abbreviation)	Development Types	Future Land Use Area	Purpose	Former Zoning District
Heavy Industrial (HI) HI	Nonresidential	Industrial and Manufacturing	This district is established to provide for a broad range of industrial uses. It is the least restrictive industrial zoning district and is intended for the grouping of industrial uses in locations that have adequate and convenient access to major arterials, highways, and rail lines.	M-2
Public Facilities (PF) PF	Nonresidential	Public and Institutional	The Public Facilities District is intended to provide for public, semi-public and institutional facilities within close proximity to various neighborhood and commercial land uses. Typical uses include school campuses, governmental complexes, and some utility facilities.	PF
Special Area and Overlay Zoning Districts				
Primary Corridor Overlay (PC) PC	Nonresidential	Special Area and Mixed-Use	This overlay district is established to allow a variety of uses along the Business 190 and Interstate 14 corridors, key commercial roads through Copperas Cove.	NEW
Planned Development Overlay (PD) PD	Residential, Nonresidential, and Mixed-Use	Special Area and Mixed-Use	Planned development zoning is intended to allow flexibility in planning and designing for unique or environmentally sensitive properties that are to be developed in accordance with a common development scheme of planned associations of uses and coordinated design. This district accommodates various types of development, such as varying housing types, neighborhood and community retail, offices, industrial and business parks, and other uses or a combination or mix of uses. A PD may be used to permit new or innovative concepts in land use and standards not permitted by this Ordinance or to permit development projects that existing zoning districts do not easily accommodate.	PDD

Table 20-2-1-1, Zoning Districts

Zoning District (Abbreviation)	Development Types	Future Land Use Area	Purpose	Former Zoning District
Low Flight Overlay (LF) LF	Residential, Nonresidential, and Mixed-Use	Various	<p>This overlay district is established to facilitate military land use compatibility with aviation training activity, and allied aviation units. Fort Cavazos has established low level flight corridors with flight altitudes ranging from 500 – 1,000 feet above ground level. Within these aviation corridors, frequent aircraft overflights can be expected during both day and nighttime hours.</p> <p>The encroachment concerns related to these low-level flight corridors are tall structures and certain land uses that may pose a hazard to aerial navigation when located within, or in close proximity to, the corridor. Examples of potentially incompatible tall structures include wireless telecommunications towers, elevated water storage towers, broadcast antennas, high voltage electric transmission lines, and similar features.</p> <p>Protecting the integrity and viability of these flight corridors by coordinating closely with Fort Cavazos to ensure that development activity does not pose a hazard to aerial navigation is critical to sustain Fort Cavazos’s significant aviation training mission. To that end, all tall structures within, or in close proximity to, these corridors should be evaluated in coordination with Fort Cavazos, in addition to the standard FAA obstruction evaluation process for tall structures since not all tall structures that may impact aviation operations at Fort Cavazos would necessarily fall within an area altitude that would trigger the FAA to declare the structure to be a hazard.</p>	NEW
Alternative Residential (AR) AR	Residential	Medium Density	This district is for small lot residential uses in a variety of structure types and arrangements including manufactured home parks, tiny homes, and cottage courts.	R-MH

Sec. 20-2-2. Official Zoning Map


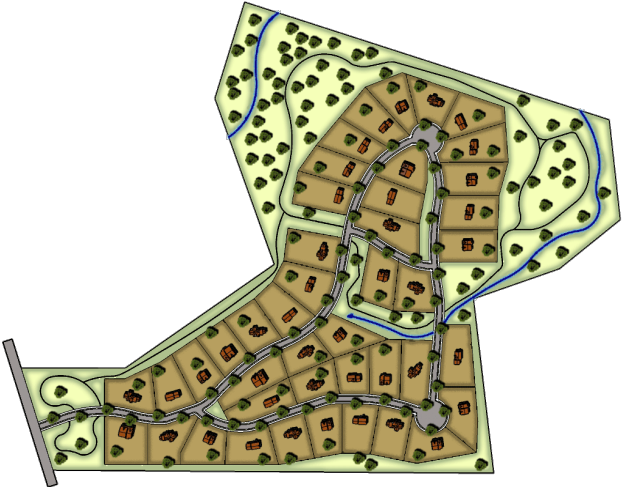
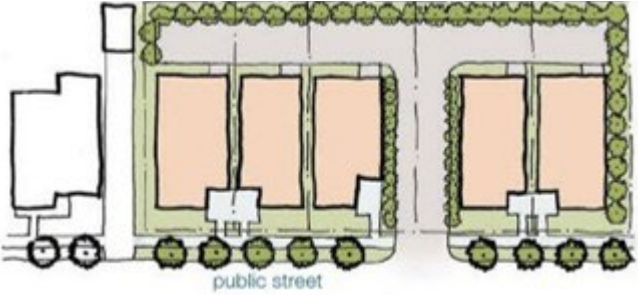
- (a) **Generally.** The City of Copperas Cove is divided into the zoning districts described in [Sec. 20-2-1, Zoning Districts Established](#). The districts and their boundaries shall be shown upon the map, which is made a part of these regulations and titled "Official Zoning Map".
- (b) **Force and Effect.** The Official Zoning Map, together with all legends, references, symbols, boundaries, and other information, is part of, and has the same force of law as the text of this Ordinance.
- (c) **Status of the Zoning Map.** The Official Zoning Map that is on file with the City Secretary shall control in the event of a conflict between the map that is on file and any other paper or digital reproduction of the map.
- (d) **Determination of Zoning District Boundaries.**
 - (1) *Guidance.* If there is uncertainty in determining the location of zoning district boundaries on the map accompanying and made a part of these regulations, the following rules shall apply:
 - a. Where district boundaries are indicated as approximately following the center lines of streets or highways, street lines or highway right-of-way lines, such center lines, street lines or highway right-of-way lines shall be construed to be said boundaries, except that where boundaries of adjacent districts are shown to be at street or highway right-of-way on opposite sides of such street or highway, the center line shall be construed to be the boundary.
 - b. Where district boundaries are so indicated that they approximately follow the lot lines, such lot lines shall be construed to be said boundaries.
 - c. Where boundaries are so indicated that they are approximately parallel to the center lines or street lines of streets, or the center lines of right-of-way lines of highways, such district boundaries shall be construed as being parallel thereto and at such distance therefrom as indicated on the zoning map. If no distance is given, such dimensions shall be determined by the use of the scale on said zoning map.
 - d. In unsubdivided property, the district boundary lines on the zoning map shall be determined by use of the scale appearing on the map, unless dimensions are given on the map.
 - e. In the case of a district boundary line dividing a property into two parts, the district boundary line shall be construed to be the property line nearest the district boundary line as shown.
 - f. Whenever any street, alley or other public way is vacated by official action of the City Council, the zoning district adjoining each side of such street, alley or public way shall be automatically extended to the center of such vacation and all area included in the vacation shall then, and henceforth, be subject to all regulations of the extended districts.
 - g. Where the streets or alleys on the ground differ from the streets or alleys as shown on the zoning map, the streets or alleys on the ground shall control.
 - (2) *BOA Determination.* If the boundary remains uncertain, the Board of Adjustment shall interpret the Official Zoning Map in a public hearing to determine the location of the boundary in question.
- (e) **Newly Annexed Areas.** After the effective date of this Ordinance, all territory annexed into the City shall be initially zoned AG, Agricultural District; or, if deemed appropriate, the Planning and Zoning Commission may recommend to the City Council another zoning district, based upon existing conditions and any relevant recommendations of the Future Land Use Plan Map. Individuals requesting voluntary annexation may request the appropriate zoning based on the proposed use of the property being annexed.
- (f) **Consistency with Future Land Use Plan Map.** Zoning Map Amendments (Rezoning) shall be consistent with the Comprehensive Plan and Future Land Use Plan Map. Any proposed Rezoning that is not consistent with the Comprehensive Plan or Future Land Use Plan Map shall require a parallel application to amend the

City's Future Land Use Plan Map to align with the proposed Rezoning. Refer to Table 20-2-1-1, *Zoning Districts*, to determine the zoning districts that are associated with each Future Land Use Plan Area.

Sec. 20-2-3. Residential District Dimensional Standards AG HR LR MR RE

- (a) **Applicability.** All permitted uses in residential zoning districts shall meet the requirements for minimum lot size, building setback, and maximum building height as shown in the tables below.
- (b) **Development Type.** Within the residential zoning districts, there are three development types: conventional, cluster, and infill. The development types described in Table 20-2-3-1, *Residential Development Types*, are selectively permitted in each district as listed in the respective tables in this Section.
- (c) **Common Open Space.**
 - (1) Common open space shall be required for cluster development types, as provided in the tables below.
 - (2) Common open space shall be owned and maintained by one of the following entities:
 - a. A homeowners association;
 - b. The City; or
 - c. A land bank.
 - (3) If the City or a land bank is unwilling to take ownership of common space, and the developer does not propose a homeowners association, then the developer shall either:
 - a. Provide an in-kind contribution equal to the most recent County tax appraised value of the amount of land that would have been dedicated as common open space; or
 - b. Utilize the conventional development type, which does not require common open space.
- (d) **Infill Eligibility.** The Infill development type may only be applied to properties that meet the following characteristics:
 - (1) If it is a single lot that previously had a single use on it, has been vacant or unoccupied for more than one year;
 - (2) If it is a single lot or group of lots under common development with multiple tenants, has been a minimum of 25 percent vacant or unoccupied for more than a year; or
 - (3) A minimum of 50 percent of the linear feet of the property's side or rear property lines are encumbered by environmentally sensitive or constrained areas such as floodplains or topography with slopes greater than 1:4.

**Table 20-2-3-1
Residential Development Types**

Name and Description	Illustration
<p style="text-align: center;">Conventional</p> <p>Conventional development is the standard form whereby the maximum density is achieved by use of minimum lot sizes and common open space.</p>	
<p style="text-align: center;">Cluster</p> <p>Cluster development preserves and accommodates topography and site resources by consolidating smaller lots and/or different housing types around the natural resources of the property. Clustering may produce the same or higher densities than that of a conventional development, often resulting in lower infrastructure costs per dwelling.</p>	
<p style="text-align: center;">Infill</p> <p>Infill development consists of smaller lots and more flexible setbacks than Conventional or Cluster developments. Infill development makes efficient use of land and infrastructure on vacant or underutilized lots or for occupied structures in already developed areas.</p>	 <p style="text-align: center;">public street</p>

(e) **Dimensional Standards.** Tables 20-2-3-2 through 20-2-3-6 establish the dimensional standards for the various housing and development types in the agricultural and residential zoning districts.

Table 20-2-3-2 AG Dimensional Standards									
AG									
Development Type	Gross Density	Open Space	Lot Dimensions, minimums		Bulk Standards				
Development Type	Units per Acre, max.	Common Open space, min. (percent)	Lot Area per Unit, min. (sq. ft) (A)	Lot Width per Unit, avg. (ft.) (B) ¹	Setbacks, min. (ft)				Height, max. (ft.) (G)
					Front (C)	Side Interior (D)	Exterior Side (E)	Rear (F)	
Single-Family Detached Dwelling or Modular Home									
Conventional	0.5	0	87,120	100	50	30	50	100	35
Non-Residential									
N/A	N/A	N/A	87,120	100	50	30	50	100	35

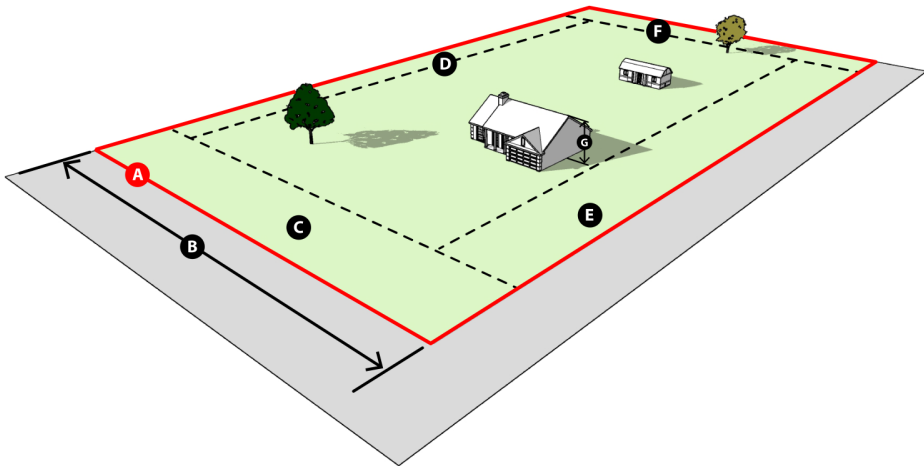


TABLE NOTES:

- Where a lot has less width than required in separate ownership on the effective date of this Ordinance, the lot width requirement shall not prohibit the erection of a single-family dwelling.

**Table 20-2-3-3
RE Dimensional Standards**

RE

Development Type	Gross Density	Open Space	Lot Dimensions, minimums		Bulk Standards				
			Lot Area per Unit, min. (sq. ft) (A)	Lot Width per Unit, avg. (ft.) (B) ¹	Setbacks, min. (ft)				Height, max. (ft.) (G)
Development Type	Units per Acre, max.	Common Open space, min. (percent)			Front (C)	Side Interior (D)	Exterior Side (E)	Rear (F)	
Single-Family Detached Dwelling or Modular Home									
Conventional	2.0	0	21,780	100	25	15	20	25	35
Non-Residential									
N/A	N/A	N/A	43,560	100	50	15	20	25	35

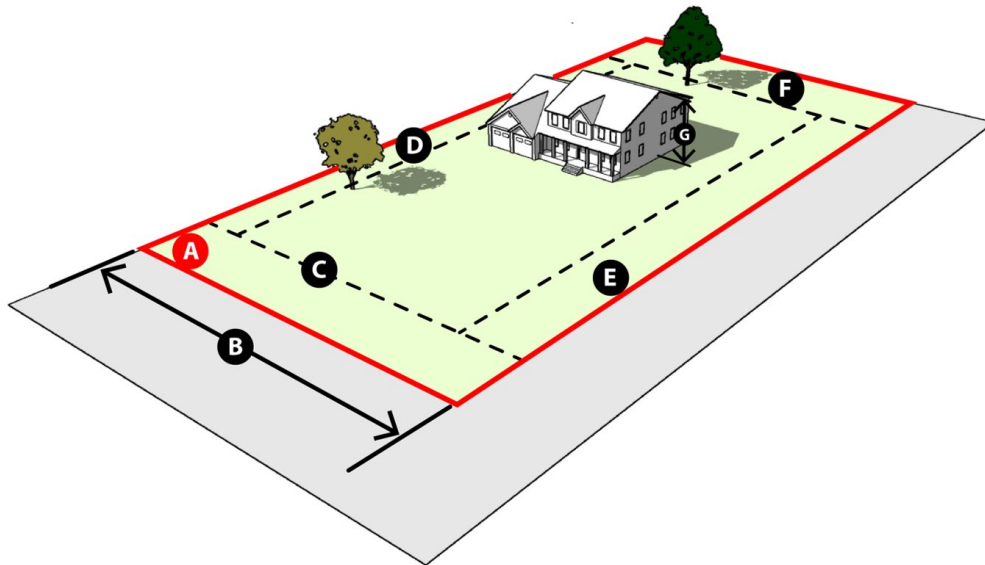


TABLE NOTES:

1. Where a lot has less width than required in separate ownership on the effective date of this Ordinance, the lot width requirement shall not prohibit the erection of a single-family dwelling.

Table 20-2-3-4
LR Dimensional Standards

LR

Development Type	Gross Density	Open Space	Lot Dimensions, minimums		Bulk Standards				
			Lot Area per Unit, min. (sq. ft) (A)	Lot Width per Unit, avg. (ft.) (B) ¹	Setbacks, min. (ft)				Height, max. (ft.) (G)
Development Type	Units per Acre, max.	Common Open space, min. (percent)			Front (C)	Side Interior (D)	Exterior Side (E)	Rear (F)	
Single-Family Detached Dwelling or Modular Home									
Conventional	6.5	0%	6,000	60	25	7.5	15	25	35
Infill	8.5	0%	4,500	45	20	5	10	15	35
Non-Residential									
Refer to the standards for the Neighborhood Commercial (NC) zoning district in Sec. 20-2-4, Nonresidential and Mixed-Use District Dimensional Standards									

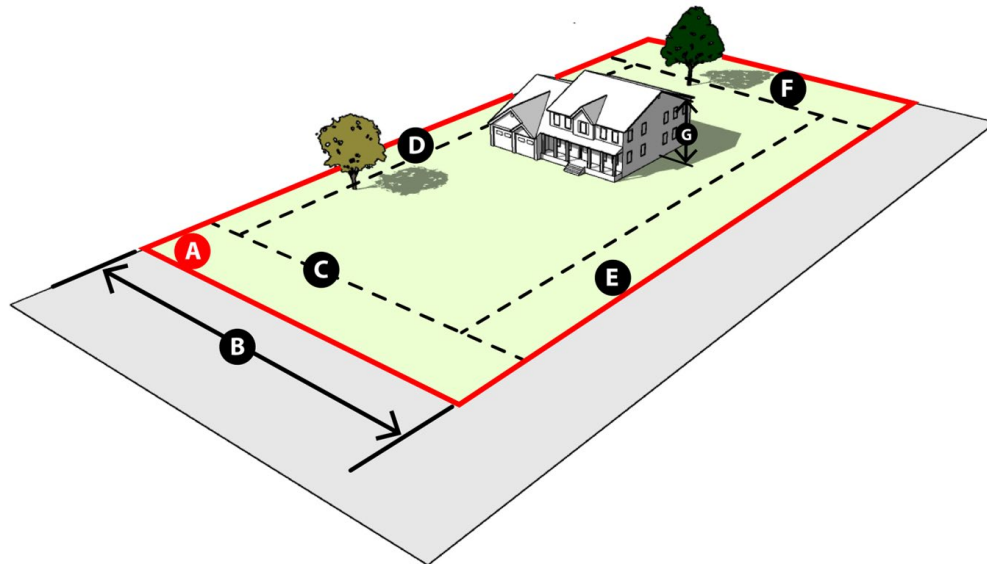


TABLE NOTES:

1. Where a lot has less width than required in separate ownership on the effective date of this Ordinance, the lot width requirement shall not prohibit the erection of a single-family dwelling.

**Table 20-2-3-5
MR Dimensional Standards**

MR

Development Type	Gross Density	Open Space	Lot Dimensions, minimums		Bulk Standards				
			Lot Area per Unit, min. (sq. ft) (A)	Lot Width per Unit, avg. (ft.) (B) ¹	Setbacks, min. (ft)				Height, max. (ft.) (G)
Development Type	Units per Acre, max.	Common Open space, min. (percent)			Front (C)	Side Interior (D)	Exterior Side (E)	Rear (F)	
Single-Family Detached Dwelling or Modular Home									
Conventional	8.5	0%	4,500	45	25	5	10	15	35
Infill	10.5	0%	4,000	40	20	5	10	10	35
Duplex									
Conventional	15.5	0%	2,000	20	25	5	10	10	35
Infill	19.5	0%	1,600	20	15 ²	5	10	10	35
Non-Residential									
Refer to the standards for the Neighborhood Commercial (NC) zoning district in Sec. 20-2-4, Nonresidential and Mixed-Use District Dimensional Standards									

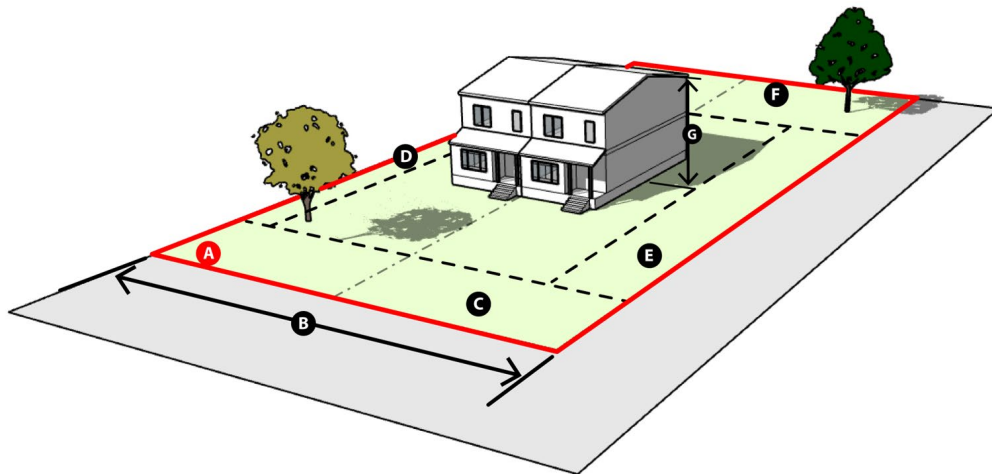


TABLE NOTES:

1. Where a lot has less width than required in separate ownership on the effective date of this Ordinance, the lot width requirement shall not prohibit the erection of a single-family dwelling.
2. Front-loaded garages shall have a minimum setback of 20 feet. The remainder of the front of the building may have a 15-foot setback.

Table 20-2-3-6
HR Dimensional Standards

HR

Development Type	Gross Density	Open Space	Lot Dimensions, minimums		Bulk Standards				
			Lot Area per Unit, min. (sq. ft) (A)	Lot Width per Unit, avg. (ft.) (B) ¹	Setbacks, min. (ft)				Height, max. (ft.) (G)
Development Type	Units per Acre, max.	Common Open space, min. (percent)			Front (C)	Side Interior (D)	Exterior Side (E)	Rear (F)	
Single-Family Detached Dwelling or Modular Home									
Conventional	10.5	0%	3,750	40	25	7.5	15	20	35
Cluster	12.0	5%	3,200	40	20	7.5	15	20	35
Infill	15.0	0%	2,400	40	10 ²	5	5	10	35
Duplex or Townhouse Dwelling									
Conventional	15.0	0%	2,000	20	25	7.5	15	20	35
Cluster	20.0	5%	1,600	20	20	7.5	15	20	35
Infill	25.0	0%	1,200	20	10 ²	5	5	10	35
Multi-Family Dwelling									
Conventional	23.0	0%	1,800	25 ³	20	7.5	15	25	60
Cluster	30.0	5%	1,400	25 ³	10 ²	7.5	15	25	60
Infill	44.0	0%	1,000	25 ³	10 ²	5	5	15	60

Non-Residential

Refer to the standards for the Neighborhood Commercial (NC) zoning district in [Sec. 20-2-4, Nonresidential and Mixed- Use District Dimensional Standards](#)

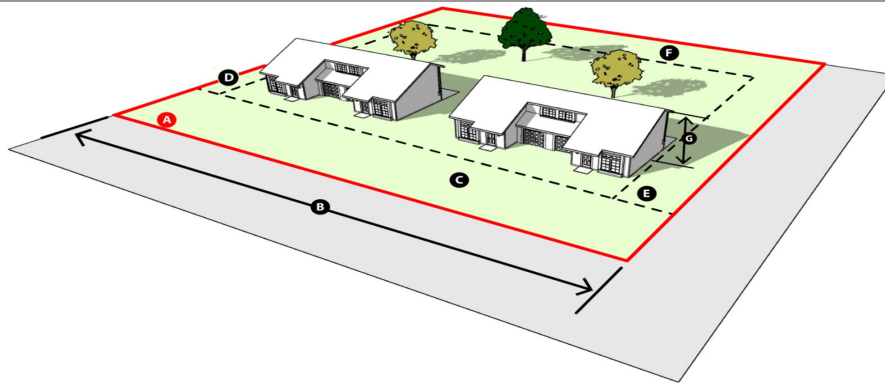


TABLE NOTES:

1. Where a lot has less width than required in separate ownership on the effective date of this Ordinance, the lot width requirement shall not prohibit the erection of a single-family dwelling.
2. Front-loaded garages shall have a minimum setback of 20 feet. The remainder of the front of the building may have a 10-foot setback.
3. Absolute minimum lot width, not per unit.

Sec. 20-2-4. Nonresidential and Mixed-Use District Dimensional Standards

(a) **Applicability.** All permitted uses in nonresidential and mixed-use zoning districts shall meet the requirements for minimum lot size, building setback, and maximum building height as shown in Table 20-2-4-1, *Dimensional Standards by Zoning District*, below.

Dimensional Standard	NC	DT	RC	HC	BP	LI ⁷	HI ⁷	PF
Lot Area (minimum square feet) (A)	6,000	3,000	6,000	6,000	6,000	6,000	6,000	6,000
Lot Width (min. ft.) (B) ¹	60	30	60	60	60	60	60	60
Building Setback	Front (min.) (C) ^{3,4}	25	0	25	25	25	30	25
	Interior side (min.) (D) ⁶	0	0	0	0	0	0	0
	Exterior side (min.) (E) ^{5,6}	15	0	15	15	15	25	15
	Rear (min.) (F) ⁴	0	0	0	0	0	0	0
Height (max. ft.) (G) ^{2,8}	60	60	60	60	60	60	200	60

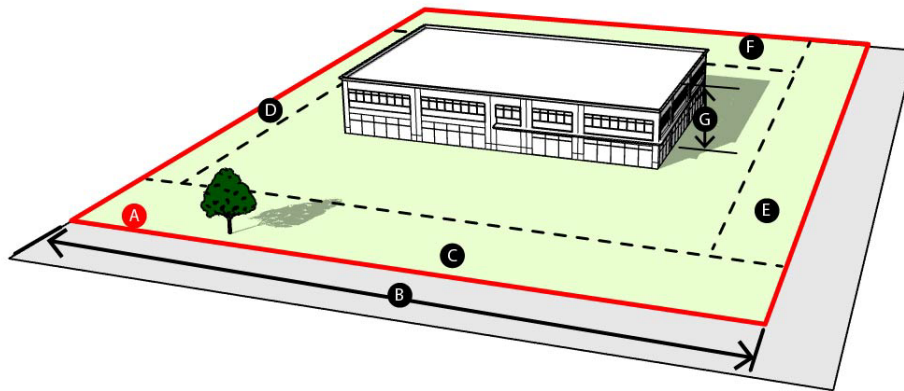


TABLE NOTES:

1. The width of a lot bordering a street on a curve or contour shall be measured at the building line.
2. No structure may be erected to a height in excess of that permitted by the regulations of the Federal Aviation Administration (FAA) as may exist at the time and whose regulations apply to the area in which the structure is being erected.
3. No parking, storage, or similar use shall be permitted in required front yards except that automobile parking will be permitted in accordance with [Sec. 20-4-2, Parking, Loading, and Stacking](#).
4. Open and unenclosed terraces or porches and eaves and roof extensions may project into the required front or rear yard for a distance not to exceed four feet; provided, however, that no supporting structure for such extensions may be located within the required front yard.
5. Under no circumstances shall an exterior side setback reduce the buildable width of a lot to less the 40 feet.
6. A roof overhang, an open fire escape or an outside stairway may project not more than two and one-half feet over a required side setback, but no closer than five feet to a property line.
7. Along railroad lines or railroad spurs, no setbacks shall be required.
8. FAA regulations require landowners to mark any towers between 50' and 200' on their property.

Sec. 20-2-5. Special Area and Overlay Districts

Subsec. 20-2-5(a). PC, Primary Corridor Overlay District PC

- (1) **Purpose.** The Primary Corridor (PC) overlay district is established to recognize the Business 190 and Interstate 14 corridors as unique areas that promote a mix of uses including commercial, retail, office, and special areas, along the corridor.
- (2) **Applicability.** The PC overlay district applies to properties with property frontage along Business Highway 190 or Interstate 14 within the City limits. This overlay district is illustrated on the [Official Zoning Map](#).
- (3) **Permitted Uses.** The uses listed in Table 20-3-1-1, *Use Table*, as permitted, limited, or conditional for each base zoning district upon which the PC overlay district is applied, shall be permitted, limited, or conditional uses allowed in the overlay. In addition, uses in the following use categories) shall be permitted by right regardless of the base zoning district:
 - a. **Offices;**
 - b. **Restaurants; and**
 - c. **Retail Repair, Sales, and Service.**
- (4) **Dimensional Standards.**
 - a. *Residential Development.* Dimensional requirements for new residential development in the PC overlay district shall comply with the standards for the HR zoning district in Table 20-2-3-6, *HR Dimensional Standards*.
 - b. *Nonresidential Development.* Proposed new mixed-use and nonresidential development in the PC overlay district shall comply with the underlying base zoning district standards, as outlined in [Sec. 20-2-4, Nonresidential and Mixed-Use District Dimensional Standards](#), except that:
 - i. The minimum lot width shall be 125 feet; and
 - ii. The maximum front setback shall be 50 feet, except where the base zoning district is PF.
- (5) **Development Landscaping.** The foundation landscaping, site landscaping, and parking lot landscaping standards established in [Sec. 20-4-3, Landscaping, Buffering, and Screening](#), shall be required in the PC overlay district.
- (6) **Bufferyards.** When a new structure is proposed in the PC overlay district, and the property is adjacent to a residential use in a base zoning district of AG, RE, LR, MR, or HR, on the side or the rear, a Type B Bufferyard, in accordance with [Sec. 20-4-3, Landscaping, Buffering, and Screening](#), shall be provided. This requirement shall not apply to the re-use of an existing building.
- (7) **Building Design Standards.**
 - a. *Applicability.* These building design standards shall only apply to a building facade that is within 100 feet of the Business 190 or Interstate 14 right-of-way.
 - b. *Articulation.* A building facade shall be no more than 75 linear feet before incorporating a change in front building plane of a minimum of five feet for a distance of 20 feet.
 - c. *Blank Wall.* A building facade shall utilize a minimum of one of the following strategies:
 - i. Planters, pots, and other landscaping along the base of the building facade;
 - ii. Wall art such as murals or sculptures;
 - iii. Canopies and awnings that define the street level and are positioned to highlight entryways and primary facades;

- iv. Display cases or product displays;
 - v. Peaked roof forms;
 - vi. Arches;
 - vii. Decorative lighting;
 - viii. Outdoor patios or plazas;
 - ix. Clearly differentiating architectural details such as moldings that are integrated into the building structure and design; or
 - x. Integral planters or wing walls that incorporate landscaped areas and/or places for sitting.
- d. *Screening of Mechanical and Service Equipment.*
- i. All service and utility areas (transformers, electric meters, etc.) positioned outside of any building shall be screened from public rights-of-way and adjacent tracts.
 - ii. Any non-vegetative screening shall be compatible in appearance with the design of the primary building served.
 - iii. Rooftop mechanical equipment shall be screened from view from the public right-of-way.
- e. *Screening of Waste and Recycling Receptacles.*
- i. All waste and recycling receptacles shall be screened from view from the public right-of-way and adjacent parcels, as depicted in Figure 20-2-5(a)-1, *Screening of Waste and Recycling Receptacles*.
 - ii. The design of the screening shall be compatible with the architectural design of the building served.
 - iii. Trash receptacles shall be placed in a four-sided enclosure, a minimum of two feet taller than the height of the receptacle.
- (8) Prohibited uses. The following uses shall be prohibited regardless of the base zoning district for those uses listed in Table 20-3-1-1, Use Table;
- a. Self-service storage;
 - b. Warehousing.

Figure 20-2-5(a)-1, Screening of Waste and Recycling Receptacles



Subsec. 20-2-5(b). PD, Planned Development Overlay District PD

- (1) **Applicability.** Planned Development (PD) overlay districts may be approved in each base zoning district except for AG and AR.
- (2) **Administration.** The unique character of PD overlay districts require their administrative processing as an overlay zoning district in this Ordinance. The approval process is outlined in Sec. 20-6-3(d), *Zoning Map Amendment*.
- (3) **Standards.** The proposed PD overlay district shall meet the following standards:
 - a. *Comprehensive Plan.* A PD overlay district must conform with the objectives of the [Comprehensive Plan](#).
 - b. *Ownership.* The site of the PD overlay district must be under single ownership and/or unified control.
 - c. *Compatibility.*
 - i. The uses permitted in a PD overlay district must be of a type and so located as to exercise no undue detrimental influence upon surrounding properties;
 - ii. The PD overlay district shall not endanger the public health, welfare, or safety, nor shall it substantially diminish or impair property values in the neighborhood in which it is to be located; and
 - iii. The PD overlay district must be of a character and contain such uses that are needed in the area of the proposed project.
 - d. *Development Standards.*
 - i. *Area.* The minimum area required to qualify for a PD Overlay District:
 - (A) For residential uses: no minimum area required;
 - (B) For nonresidential development: one contiguous acre; and
 - (C) No minimum area shall be required for pre-existing, legally subdivided lots upon which a nonresidential use is being proposed.
 - ii. *Density.* The net density or intensity of a PD overlay district (either in dwelling units for residential uses, or in floor area for all other uses) shall generally correspond to the net density regulations imposed by the underlying zoning district. The net density of the PD overlay district is not necessarily required to precisely correspond with the normal net density of the underlying zoning district, but instead should reflect that district's character through complementary building types and architectural design. If the net density of the proposed development substantially exceeds the net density permitted in the underlying zoning district in excess of 20 percent, it is required that a Zoning Map Amendment application accompany the PD overlay district application.
 - iii. *Building Separation.* The minimum horizontal distance between buildings shall be:
 - (A) Ten feet between clustered or "zero lot line" single-family detached buildings;
 - (B) Six feet between single-family detached buildings;
 - iv. *Parking Requirements.*
 - (A) Adequate parking shall be provided and shall be in general conformance with the parking regulations provided in [Sec. 20-4-2, Parking, Loading and Stacking](#), unless changes are warranted by the particular characteristics of the proposed PD overlay district;

- (B) Additional parking spaces for guests, customers, the handicapped, recreational vehicles, and other common storage and/or parking uses in PD overlay districts, shall be required by the City Council, acting upon the recommendation of the Planning and Zoning Commission, if warranted by the particular characteristics of the proposed PD overlay district.
 - v. *Landscaping and Open Space Requirements.* Landscaping and open space provisions, not including those buffer or perimeter treatments being proposed for the project as a whole, shall meet or exceed those outlined in [Sec. 20-4-3, Landscaping, Buffering, and Screening](#), which outlines the requirements for the base zoning districts.
 - vi. *Access.* Adequate provision shall be made to provide ingress and egress so designed as to minimize both internal and external traffic hazards and congestion.
 - vii. *Utilities.* Adequate provision for the installation and maintenance of all utilities, including drainage, shall be provided.
 - viii. *Other Regulations.* The provisions of the City of Copperas Cove Subdivision Regulations, Sign Regulations, and other City Codes, as amended, shall be adhered to, unless a waiver is granted by the City Council, acting upon the recommendation of the Planning and Zoning Commission.
- (4) **Departure from Standards.** The PD overlay district may depart from strict conformance with the required density, dimension, area, height, bulk, use (excluding manufactured homes and adult-oriented businesses), and specific content regulations of this Ordinance to the extent specified in the preliminary plat and documents authorizing the PD overlay district so long as the proposal provides tangible benefits to the neighborhood or community in which it is located. These benefits shall be in the form of provisions of exceptional amenities, design excellence, etc that exceed the minimum requirements of this Ordinance. The waiver of any requirement shall be the direct cause of accrual of positive benefits to the residents of the development and to the general community (e.g., waiver of yard requirements might result in more usable open space). Departure from any requirement specified in this Chapter or other City ordinances and regulations is a privilege, and shall be granted only upon recommendation of the Planning and Zoning Commission and approval by the City Council.

Subsec. 20-2-5(c). LF, Low Flight Overlay District LF

Properties within this overlay district, as depicted on the [Official Zoning Map](#), are subject to the low-level flight corridor provisions of the [Fort Hood and Military Land Use Compatibility Study](#).

Subsec. 20-2-5(d). AR, Alternative Residential AR

- (1) **Purpose.** The Alternative Residential (AR) district provides for an arrangement of housing that may be constructed or manufactured on- or off-site and which may be placed on individual lots or a common lot. This district accommodates manufactured home parks and subdivisions or tiny house community formats.
- (2) **Applicability.** The AR District may be applied within any Medium Density land use area on the Future Land Use Plan Map. This district provides for different housing type options that contribute to the overall availability of housing choice in the city. These housing options may be appropriate on smaller infill properties suitable for this scale of development, when the adjacent uses and natural environment provide for compatibility, and in locations proximate to employment areas.
- (3) **Land Uses.** Refer to [Sec. 20-3-1, Use Table](#).

Figure 20-2-5(d)-1, AR District Residential Uses



Manufactured Home Park or Subdivision



Tiny House Community

(4) **Dimensional Standards.**

- a. *Residential Uses.* Dimensional requirements for new residential development in the AR District shall comply with the standards in Table 20-2-5(d)-1, *AR District Lot and Building Standards*, below.
- b. *Nonresidential Development.* Proposed new mixed-use and nonresidential development in the AR District shall comply with the requirements of the NC District in Sec. 20-2-4, *Nonresidential and Mixed-Use District Dimensional Standards*.

Table 20-2-5(d)-1: AR District Lot and Building Standards

AR

Housing Type	Min. Open Space (Percent of Site)	Min. Site Area (Acres)	Min. Lot or Pad Area (ft)	Min. Lot or Pad Width (ft)	Min. Setbacks (ft)				Min. Building or Vehicle Separation (ft)	Max. Height (ft)
					Front	Exterior Side ¹	Side	Rear		
Manufactured Home Park	10	10	5,000	50	20	20	20	20	10	35
Manufactured Home Subdivision	10	N/A	4,500	45	20	15	5	10	N/A	35
Tiny House Community	15	1	1,200	25	20	10	5	5	20	35

TABLE NOTES:

1. No recreational vehicle parking pad shall be closer than 50 feet from any exterior property line.
- NA = Not applicable

(5) AR District Use Standards.

- a. *Recreational Vehicle Park.* Refer to Sec. 20-3-4, *Conditional Use Standards.*
- b. *Manufactured Home Park or Subdivision.* Refer to Sec. 20-3-4, *Conditional Use Standards.*
- c. *Tiny House Community.* Refer to Sec. 20-3-4, *Conditional Use Standards.*

(7) Open Space and Buffering. The following shall apply to required open space in the AR District.

- a. *Open Space.*
 - i. Open space shall be provided in developments that are five or more acres and at the minimum required in Table 20-2-5(d)-1, *AR District Lot and Building Standards.* Such open space shall include a natural area, central green, lawn or garden area, playground, or plaza as a central focal point of all dwellings.
 - ii. A maximum of 50 percent of required open space in the AR district may consist of private property or manufactured home pad sites. The other 50 percent of the required open space shall be owned and maintained by either a homeowners' association, in the case of a manufactured home subdivision or tiny house community, or by the management of the manufactured home park.
- b. *Walkways.* Improvements of the common areas shall include pedestrian walkways connecting each dwelling or group of dwellings to the common open space.
- c. *Buffer Requirements.* The site shall provide a buffer around the perimeter that preserves existing vegetation and incorporates landscape materials, berms, or a wall or fence to provide a visual buffer from adjacent development. See Sec. 20-4-3, *Landscaping, Buffering, and Screening.*

(8) Garages. The following garage structure requirements shall apply to a residential use in the AR District.

- a. *Access.* If provided, detached garages serving more than one dwelling unit shall be accessed via a private drive or alley.

- b. *Number of Bays.* A detached garage building shall not exceed four car bays unless it is screened by a buffer required in Sec. [20-4-3, Landscaping, Buffering, and Screening](#).
- c. *Design.* Detached garage buildings shall be consistent in architecture and design to the principal dwellings.

ARTICLE III: USE STANDARDS

Contents:

- Sec. 20-3-1. Use Table
- Sec. 20-3-2 Use Categories
- Sec. 20-3-3. Limited Use Standards
- Sec. 20-3-4. Conditional Use Standards
- Sec. 20-3-5. Accessory Uses and Structures
- Sec. 20-3-6. Temporary Uses and Structures
- Sec. 20-3-7. Wireless Telecommunications Facilities
- Sec. 20-3-8. New and Unlisted Uses

Sec. 20-3-1. Use Table AG AR BP DT HC HI HR LI LR MR NC PF RC RE

- (a) **Permitted Uses.** Permitted uses and structures are set forth in Table 20-3-1-1, *Use Table*, which presents the permitted uses within each zoning district classification.
- (1) *Symbols.* Table 20-3-1-1 uses the following symbols:
- a. "P" means that the land use is Permitted by Right, subject to the standards that apply to all Permitted uses. The use is approved by the Zoning Administrator.
 - b. "L" means a Limited use, which the Zoning Administrator shall use the criteria set forth in Sec. 20-3-3, *Limited Use Standards*, to determine whether to authorize a land use requested by the applicant or whether to recommend it for a decision of the Planning and Zoning Commission subject to the procedures set forth in Subsec. 20-6-2(e), *Limited Use Permit*.
 - c. "C" means a Conditional Use, which may be approved following a public hearing by the City Council for a Conditional Use Permit, subject to:
 - i. The standards in Sec. 20-3-4, *Conditional Use Standards*; and
 - ii. The procedures set forth in Subsec. 20-6-3(f), *Conditional Use Permit*.
 - d. "--" means that the use is Prohibited in the specified zoning district.
- (2) *Standards.* The "Standards" column provides a reference to associated standards for Limited and Conditional Uses. Where the "N/A" is in the column, the use has no associated standards.
- (3) *Unlisted Use Categories and Uses.* A use category of a specific use is prohibited if it is not listed in Table 20-3-1-1 and if the Zoning Administrator cannot interpret an unlisted specific use as functionally similar to a use that is allowed, based on the criteria in Sec. 20-3-8, *New and Unlisted Uses*.

Table 20-3-1-1, Use Table																
Key: P = Permitted Use C = Conditional Use L = Limited Use -- = Prohibited																
Use Category	Specific Uses	AG	RE	LR	MR	AR	HR	NC	DT	RC	HC	BP	LI	HI	PF	Use-Specific Standards
RESIDENTIAL USES																
Household Living	Duplex	--	--	--	P	--	P	--	--	--	--	--	--	--	--	
	Manufactured Home, Park or Subdivision	L	--	--	--	C	--	--	--	--	--	--	--	--	--	Sec. 20-3-4
	<u>Modular Home</u>	L	L	L	L	--	--	L	L	--	--	--	--	--	--	Sec. 20-3-3
	Multi-family Dwelling	--	--	--	--	--	P	P	P	--	--	--	--	--	--	
	Single-Family Detached Dwelling	P	P	P	P	--	--	P	P	--	--	--	--	--	--	
	Tiny House Community	--	--	--	--	C	--	--	--	--	--	--	--	--	--	Sec. 20-3-4
	Townhouse	--	--	--	P	--	P	--	P	--	--	--	--	--	--	
	Upper-Story Residential	--	--	--	--	--	P	P	P	P	--	--	--	--	--	
Group Living	Assisted Living Center	--	--	--	--	--	P	--	--	--	--	--	--	--	--	
	Boarding and/or Rooming House	--	--	--	--	--	P	--	--	--	--	--	--	--	--	
	Community Home for Persons with Disabilities	L	L	L	L	--	L	--	--	--	--	--	--	--	--	Sec. 20-3-3
	Fraternity, Sorority, or Dormitory	--	--	--	--	--	P	--	--	--	--	--	--	--	--	
	Group Home	--	--	--	--	--	P	--	--	--	--	--	--	--	--	
	Orphanage	--	--	--	--	--	P	--	--	--	--	--	--	--	--	
Accessory Use	Accessory Dwelling Unit	L	L	L	C	L	C	--	--	--	--	--	--	--	Sec. 20-3-5	
PUBLIC AND CIVIC USES																

Table 20-3-1-1, Use Table

Key: P = Permitted Use | C = Conditional Use | L = Limited Use | -- = Prohibited

Use Category	Specific Uses	AG	RE	LR	MR	AR	HR	NC	DT	RC	HC	BP	LI	HI	PF	Use-Specific Standards
Community Service	Social Service Organization Facility (i.e., Salvation Army, United Fund, Heart Association)	--	--	--	--	--	--	--	P	P	P	--	--	--	--	
	Place of Public Assembly	C	C	C	C	C	L	P	C	C	P	--	P	P	--	Sec. 20-3-4
	All Community Service Not Listed Above	L	L	L	L	L	L	P	P	P	P	P	P	P	P	Sec. 20-3-3
Day Care	All Day Care	--	--	--	--	--	--	P	P	P	--	--	--	--	--	
Educational Facilities	Business School	--	--	--	--	--	--	--	P	P	P	P	--	--	--	
	Vocational and Trade School	--	--	--	--	--	--	--	C	C	C	P	--	--	--	Sec. 20-3-4
	Nursing or Medical School not Associated with a Hospital	--	--	--	--	--	--	--	--	P	P	P	P	--	--	
	School, Private, Public, or Denominational	C	C	C	C	C	C	--	--	--	--	--	--	--	P	Sec. 20-3-4
	University or College	--	--	--	--	--	--	--	--	P	P	P	--	--	P	
	All Educational Facilities Not Listed Above	--	--	--	--	--	--	P	P	P	P	--	--	--	--	
Government Facilities	All Government Facilities	--	--	--	--	--	--	P	P	P	P	P	--	--	P	
Medical Facilities	Medical or Dental Office or Clinic	--	--	--	--	--	C	P	P	P	P	P	--	--	--	Sec. 20-3-4
	Hospital	L	--	--	--	--	--	L	--	P	P	P	--	--	--	Sec. 20-3-3
	All Medical Facilities Not Listed Above	--	--	--	--	--	C	P	P	P	P	P	--	--	--	Sec. 20-3-4
Parks and Open Areas	All Parks and Open Areas	P	--	--	--	--	--	--	--	--	P	--	--	--	P	
Passenger Terminals	Airport, Landing Field, or Landing Strip for Aircraft	C	C	C	C	C	C	C	C	C	C	C	C	C	C	Sec. 20-3-4
	Bus Garaging and Equipment Maintenance	--	--	--	--	--	--	--	--	--	P	--	P	P	--	
	All Passenger Terminals Not Listed Above	--	--	--	--	--	--	P	P	P	P	--	P	P	--	
Places of Worship	All Places of Worship	C	C	C	C	C	L	P	C	C	P	--	P	P	--	Sec. 20-3-4
Social Service Establishments	All Social Service Establishments	--	--	--	--	--	--	--	--	P	P	--	--	--	--	
Utilities (Major and Minor)	Minor Utilities	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
	Major Utilities:	C	C	C	C	C	C	C	C	C	C	C	C	C	C	Sec. 20-3-4
	Electric Generation Plant	--	--	--	--	--	--	--	--	--	--	--	C	C	--	Sec. 20-3-4
	Electric Substation	C	C	C	C	C	C	P	P	P	P	P	P	P	P	Sec. 20-3-4
	Gas/Petroleum Line Regulating or Compression Station	--	--	--	--	--	--	C	C	C	C	--	C	C	C	Sec. 20-3-4
	Wireless Telecommunications Facility	L	L	L	L	L	L	L	L	L	L	L	L	L	L	Sec. 20-3-7
	All Other Major Utilities	C	C	C	C	C	C	C	C	C	C	C	C	C	C	Sec. 20-3-4
COMMERCIAL USES																
Offices	Banking or Credit Union	--	--	--	--	--	L	--	P	P	P	--	--	--	--	Sec. 20-3-3
	All Office Uses Not Listed Above	--	--	--	--	--	C	P	P	P	P	P	--	--	--	Sec. 20-3-4
Short-Term Accommodations	Bed and Breakfast	P	C	--	--	--	P	P	C	P	--	--	--	--	--	Sec. 20-3-4
	Short-Term Rental	C	C	C	C	--	C	--	C	--	--	--	--	--	--	Sec. 20-3-4
	All Short-Term Accommodations Not Listed Above	--	--	--	--	--	--	--	P	P	P	--	--	--	--	
Parking, Commercial	Truck Parking Lot	--	--	--	--	--	--	--	--	--	P	--	P	P	--	
	All Commercial Parking Not Listed Above	--	--	--	--	--	--	--	P	P	P	P	P	--	--	
Recreation, Indoor	Adult-Oriented Business	--	--	--	--	--	--	--	--	--	--	--	L	--	--	Sec. 20-3-3
	Amusement Facility	--	--	--	--	--	--	--	--	--	L	--	L	L	--	Sec. 20-3-3
	Arcade	--	--	--	--	--	--	--	--	--	L	--	L	L	--	Sec. 20-3-3
	On-Premise Alcohol Consumption (Such as Bar, Nightclub, Tavern, Lounge, or Microbrewery)	--	--	--	--	--	--	--	L	L	L	--	--	--	--	Sec. 20-3-3

Table 20-3-1-1, Use Table																
Key: P = Permitted Use C = Conditional Use L = Limited Use -- = Prohibited																
Use Category	Specific Uses	AG	RE	LR	MR	AR	HR	NC	DT	RC	HC	BP	LI	HI	PF	Use-Specific Standards
	Health Club or Physical Fitness Service	--	--	--	--	--	--	--	P	P	P	P	--	--	--	
	All Indoor Recreation Not Listed Above	--	--	--	--	--	--	P	P	P	P	--	--	--	--	
Recreation, Outdoor	Circus or Carnival Grounds	--	--	--	--	--	--	L	L	L	L	L	L	--	--	Sec. 20-3-3
	Recreational Vehicle (RV) Park	--	--	--	--	C	--	--	C	C	C	--	--	--	--	Sec. 20-3-4
	All Outdoor Recreation Not Listed Above	--	--	--	--	--	--	--	P	P	P	P	P	P	--	
Restaurants	Bakery (Retail)	--	--	--	--	--	C	--	P	P	P	--	--	--	--	Sec. 20-3-4
	Restaurant, Drive-In and Fast Food	--	--	--	--	--	C	P	P	P	P	--	--	--	--	Sec. 20-3-4
	Restaurant, Fast Food with Drive-Through	--	--	--	--	--	C	P	P	P	P	--	--	--	--	Sec. 20-3-4
	Restaurant, Standard	--	--	--	--	--	C	P	P	P	P	--	--	--	--	Sec. 20-3-4
	All Restaurants Not Listed Above	--	--	--	--	--	--	P	P	P	P	--	--	--	--	
Retail Repair-Oriented	All Retail Repair-Oriented Uses	--	--	--	--	--	--	--	P	P	P	--	--	--	--	
Retail Service-Oriented	Carpenter and Wood Flooring Service	--	--	--	--	--	--	--	--	P	P	--	--	--	--	
	Exterminating and Fumigating Service	--	--	--	--	--	--	--	--	P	P	--	--	--	--	
	Masonry, Stonework, Tile Setting, and Plastering Service	--	--	--	--	--	--	--	--	P	P	P	P	P	--	
	All Retail Service-Oriented Uses Not Listed Above	--	--	--	--	--	--	P	P	P	P	--	--	--	--	
Retail Sales-Oriented	Liquor Store, Off-Premises Consumption (Restricted)	--	--	--	--	--	--	--	--	P	P	--	P	P	--	
	Drug Store/Pharmacy	--	--	--	--	--	C	P	P	P	P	--	--	--	--	Sec. 20-3-4
	Secondhand Merchandise (Includes Flea Markets)	--	--	--	--	--	--	--	P	P	P	--	P	P	--	
	All Retail Sales-Oriented Uses Not Listed Above	--	--	--	--	--	--	--	P	P	P	--	--	--	--	Sec. 20-3-4
Vehicle Sales and Service	Car Wash	--	--	--	--	--	C	--	--	P	P	--	--	--	--	Sec. 20-3-4
	Fuel Sales	--	--	--	--	--	--	L	--	P	P	P	P	P	--	Sec. 20-3-3
	RVs, Camping and/or Travel Trailer Sales	--	--	--	--	--	--	--	--	--	P	--	P	P	--	
	Truck Sales, Service, Rental and Repair	--	--	--	--	--	--	--	--	--	P	--	P	P	--	
	All Vehicle Sales and Service Uses Not Listed Above	--	--	--	--	--	--	--	--	P	P	--	--	--	--	
INDUSTRIAL USES																
Heavy Industrial	Guns, Howitzers, Mortars, Explosives, and Related Equipment	--	--	--	--	--	--	--	--	--	--	--	--	C	--	Sec. 20-3-4
	House Wrecking and Demolition	--	--	--	--	--	--	--	--	--	C	--	P	P	--	Sec. 20-3-4
	Slaughtering, Processing of Animals, or Meat Packing	--	--	--	--	--	--	--	--	--	--	--	--	P	--	
	Industrial and Manufacturing Product Sales and Supply	--	--	--	--	--	--	--	--	--	--	P	P	P	--	
	Engines and Turbines	--	--	--	--	--	--	--	--	--	--	P	--	P	--	
	All Heavy Industrial Uses Not Listed Above	--	--	--	--	--	--	--	--	--	--	--	--	P	P	--
Light Industrial	Bakery Products (Wholesale Distribution)	--	--	--	--	--	--	--	--	--	--	--	P	P	--	
	Building Paper and Building Board	--	--	--	--	--	--	--	--	--	--	--	P	P	--	
	Clothing and Apparel Accessories	--	--	--	--	--	--	--	--	--	--	--	P	P	--	
	Cut Stone and Stone Products	--	--	--	--	--	--	--	--	--	--	--	P	P	--	
	Dairy Products	--	--	--	--	--	--	--	--	--	--	--	P	P	--	
	Drugs, Druggists Supplies, and Sundries	--	--	--	--	--	--	--	--	--	--	--	P	P	--	

Table 20-3-1-1, Use Table																
Key: P = Permitted Use C = Conditional Use L = Limited Use -- = Prohibited																
Use Category	Specific Uses	AG	RE	LR	MR	AR	HR	NC	DT	RC	HC	BP	LI	HI	PF	Use-Specific Standards
	General Contractor with Storage Yard	--	--	--	--	--	--	--	--	P	P	--	--	--	--	
	Welding, Tool Repair, or Machine Shop	--	--	--	--	--	--	--	--	--	P	--	P	P	--	
	All Light Industrial Uses Not Listed Above	--	--	--	--	--	--	--	--	--	--	P	P	P	--	
Warehousing	Self-Service Storage	--	--	--	--	--	--	--	--	P	P	P	P	P	--	
	All Warehousing Uses Not Listed Above	--	--	--	--	--	--	--	--	--	P	P	P	P	--	
Waste-Related	Auto/Truck/Salvage and/or Wrecking Yard	--	--	--	--	--	--	--	--	C	C	--	C	C	--	Sec. 20-3-4
	Scrap Yards for Waste Material	--	--	--	--	--	--	--	--	--	--	--	C	C	--	Sec. 20-3-4
	All Waste-Related Uses Not Listed Above	--	--	--	--	--	--	--	--	--	--	P	P	P	--	
Wholesale Trade	All Wholesale Trade Uses	--	--	--	--	--	--	--	--	--	P	P	P	P	--	
OPEN USES																
Agriculture	Agricultural Sales and Service	P	--	--	--	--	--	--	--	P	P	--	--	--	--	
	Chick Hatchery	P	--	--	--	--	--	--	--	--	--	--	--	P	P	
	Kennel	P	--	--	--	--	--	--	--	P	P	--	--	--	--	
	Sale of Material for the Purpose of Retail or Wholesale Sales of Plant Material (Flowers, Shrubs, Trees, Garden Supplies)	P	--	--	--	--	--	--	--	P	P	--	--	P	--	
	Veterinary Service (All Size Animals)	P	--	--	--	--	--	--	--	P	P	--	--	--	--	
	All Agricultural Uses Not Listed Above	P	--	--	--	--	--	--	--	--	--	--	--	--	--	
Resource Extraction	All Resource Extraction Uses	P	--	--	--	--	--	--	--	--	--	--	P	P	--	

Sec. 20-3-2 Use Categories

Subsec. 20-3-2(a). General

- (1) **Approach to Categorizing Uses.** The Use Categories found in the use table above are described in this Section. Specific uses may be further defined in [Article IX, Word Usage](#). Any proposed use not specifically set forth in this Section is prohibited, unless the Zoning Administrator determines, based on the criteria in [Sec. 20-3-8, New and Unlisted Uses](#), that the proposed use is similar to a permitted, limited, or conditional use.
- (2) **Basis for Classifications.** Use Categories classify land uses based on common functional or physical characteristics. Characteristics include the type and amount of activity, how goods or services are sold or delivered, and likely impact on surrounding properties and site conditions. The Use Categories provide a systemic basis for assigning land uses to appropriate zoning districts and for consistently regulating similar uses in regard to parking and other requirements in this Ordinance.
- (3) **Developments with Multiple Primary Uses.** Developments with multiple primary uses shall conform to the following provisions:
 - a. When all primary uses of a development fall within the same Use Category, the entire development is assigned to that Use Category.
 - b. When the primary uses of a development fall within different Use Categories, each primary use is classified in the applicable Use Category and each use is subject to all applicable regulations for that

Use Category. For example, where a use has a specific use standard applied (such as a minimum site acreage) in [Sec. 20-3-3, Limited Use Standards](#), or in a dimensional standards table, the standard applies even when that use is part of a development with multiple primary uses.

- (4) **Characteristics.** The “Characteristics” portion of each Use Category table below describes the common characteristics of each primary use.
- (5) **Primary Uses.** The "Primary Uses" portion of each Use Category table lists primary uses common to that Use Category. The names of these sample uses are generic and are based on common meanings, not on what a specific use may call itself. For example, a use that calls itself "Wholesale Warehouse," but sells mostly to retail consumers, is included in the Retail Repair, Sales, and Service category rather than the Wholesale Trade category.
- (6) **Accessory Uses.** Accessory uses are generally allowed by right in conjunction with a primary use. However, specific accessory uses with parenthetical cross-references in the Use Category tables are permitted subject to additional standards in [Sec. 20-3-5, Accessory Uses and Structures](#).

Subsec. 20-3-2(b). Residential Use Categories

The following tables set forth the primary uses and accessory uses included in each residential use category:

(1) **Household Living**

Table 20-3-2(b)-1, Household Living Use Category	
Characteristics: Residential occupancy of a dwelling unit by a household on a month-to-month or longer basis in structures with self-contained dwelling units, including kitchens.	
Primary Uses	Accessory Uses
Duplex Manufactured Home Park or Subdivision Multi-family Dwelling Single-Family Detached Dwelling or Modular Home Townhouse Upper-Story Residential Other uses that the Zoning Administrator determines meet the characteristics of the Household Living Use Category	Accessory dwelling unit (Sec. 20-3-5) Adult or child care home Bed and breakfast home (Sec. 20-3-5) Chicken-keeping (Sec. 3-66 of Code of Ordinances) Child or group day care home (up to 12 children) (Sec. 20-3-5) Community garden (Sec. 20-3-5) Dock or pier (noncommercial) Garage, private or shed Greenhouse or nursery (noncommercial) Guest house Home occupation (Sec. 20-3-5) Leasing office for manufactured home park or apartment complex Minor utilities Pool house Private community center Refuse containers (Sec. 20-3-5) (for apartments and manufactured home parks)

Table 20-3-2(b)-1, Household Living Use Category

Characteristics: Residential occupancy of a dwelling unit by a household on a month-to-month or longer basis in structures with self-contained dwelling units, including kitchens.

Primary Uses	Accessory Uses
	Solar panel array Stable (Private) Swimming pool (Sec. 20-3-5) Other miscellaneous household amenities

(2) **Group Living**

Table 20-3-2(b)-2, Group Living Use Category

Characteristics: Residential occupancy of a structure by a group of people that does not meet the definition of Household Living. Tenancy is usually arranged on a monthly or longer basis. Generally, Group Living structures have a common eating area for residents, and the residents may receive care or training. Caregivers may or may not reside on site.

Primary Uses	Accessory Uses
Assisted Living Center Boarding and/or Rooming House Community Home for Persons with Disabilities Fraternity, Sorority, or Dormitory Group Home Orphanage Other uses that the Zoning Administrator determines meet the characteristics of the Group Living Use Category	Associated office Community garden (Sec. 20-3-5) Facilities for treatment of sickness, injuries or surgical care Food preparation and dining facility Garden Greenhouse or nursery (noncommercial) Minor utilities Pool house Private community center Swimming pool (Sec. 20-3-5) Recreational facility Refuse containers (Sec. 20-3-5) Other miscellaneous household amenities

Subsec. 20-3-2(c). Public and Civic Use Categories

The following tables set forth the primary uses and accessory uses included in each public and civic use category:

(1) **Community Service**

Table 20-3-2(c)-1, Community Service Use Category	
Characteristics: Uses of a public, nonprofit, or charitable nature providing social activities, training or counseling to the general public on a regular basis, without a residential component.	
Primary Uses	Accessory Uses
Assembly, Meeting, Event, or Exhibition Hall Aquarium, Museum, or Gallery Community Center Library Lodge Philanthropic Institution Place of Public Assembly Privately Operated Community Building or Recreation Field Senior Center Social Service Organization Facility (i.e., Salvation Army, United Fund, Heart Association) Youth Organizations and Center (i.e., Boy Scouts, Boys & Girls Club, YMCA, YWCA) Other uses that the Zoning Administrator determines meet the characteristics of the Community Services Use Category	Assembly hall Associated office and storage Associated retail sales related to the primary use Classrooms Community garden (Sec. 20-3-5) Day care Donation bin Food preparation and dining facility Library Limited retail sales area Minor utilities Nursery school or pre-school Recreation facility Refuse containers (Sec. 20-3-5)

(2) **Day Care**

Table 20-3-2(c)-2, Day Care Use Category	
Characteristics: Uses providing care, protection, and supervision for at least 17 children or adults on a regular basis away from their primary residence. Care is typically provided to a given individual for fewer than 18 hours each day, although the facility may be open 24 hours each day.	
Primary Uses	Accessory Uses
Adult Day Care Center Child Day Care Center Day Care, Group Other uses that the Zoning Administrator determines meet the characteristics of the Day Care Use Category	Associated office and storage Community garden (Sec. 20-3-5) Donation bin Food preparation and dining facility Garden Minor utilities Recreation facility Refuse containers (Sec. 20-3-5)

(3) **Educational Facilities**

Table 20-3-2(c)-3, Educational Facilities Use Category	
Characteristics: Public and private schools at the elementary, middle, or high school level that provide basic academic education. Also includes colleges and other institutions of higher learning that offer courses of general or specialized study leading to a degree usually in a campus setting.	
Primary Uses	Accessory Uses
Art, Music, and Dancing School Business School Commercial Trade School Driving School Kindergarten or Child Care Center School, Public, Private, or Denominational Nursing or Medical School not Associated with a Hospital University or College Vocational and Trade School Other uses that the Zoning Administrator determines meet the characteristics of the Educational Facilities Use Category	Assembly hall Associated office and storage Auditorium or theater Before- and after-school day care Community garden (Sec. 20-3-5) Concession Donation bin Dormitory Food preparation and dining facility Garden Laboratory Library Medical clinic Minor utilities Recreation facility Refuse containers (Sec. 20-3-5)

(4) **Government Facilities**

Table 20-3-2(c)-4, Government Facilities Use Category	
Characteristics: Offices, storage, maintenance, and other facilities for the operation of local, state, or federal government.	
Primary Uses	Accessory Uses
Government Administration Office Social Service Organization Office City, County, State or Federal Office, Parking Lot, or Maintenance Area City, County, State, or Federal Detention Center, Jail, or Prison Emergency Services, Police or Fire Station Post Office	Associated helicopter landing facility Associated storage Community garden (Sec. 20-3-5) Day care for children of employees Donation bin Dormitory Medical clinic for employees or inmates Meeting space

Table 20-3-2(c)-4, Government Facilities Use Category

Characteristics: Offices, storage, maintenance, and other facilities for the operation of local, state, or federal government.

Primary Uses	Accessory Uses
Other uses that the Zoning Administrator determines meet the characteristics of the Government Facilities Use Category	Minor utilities Fleet maintenance Food preparation and dining facility Fueling facility Recreation facility Refuse containers (Sec. 20-3-5)

(5) **Medical Facilities**

Table 20-3-2(c)-5, Medical Facilities Use Category

Characteristics: Uses providing medical or surgical care to patients. Some uses may offer overnight care.

Primary Uses	Accessory Uses
Acupuncture Clinic Blood or Blood Plasma Center Chiropractor Drug, Alcohol, or Psychiatric Treatment Center, Out-Patient Hospital Medical or Dental Office or Clinic Medical or Dental Laboratory Other uses that the Zoning Administrator determines meet the characteristics of the Medical Facilities Use Category	Associated helicopter landing facility Associated office and storage Associated retail sales related to the primary use Classrooms Community garden (Sec. 20-3-5) Day care for children of employees or patients Donation bin Dormitory Fleet maintenance Food preparation and dining facility Garden Minor utilities Place of worship Pharmacy Recreation facility Refuse containers (Sec. 20-3-5)

(6) **Parks and Open Areas**

Table 20-3-2(c)-6, Parks and Open Areas Use Category	
Characteristics: Uses focusing on natural areas consisting mostly of vegetation, passive or active outdoor recreation areas, or community gardens, and having few structures.	
Primary Uses	Accessory Uses
Botanical Garden, Nature Preserve, or Trail Campground Cemetery, Crematorium, and Mausoleum Dog Park, Public Memorial Park Park or Playground Recreational Trail Other uses that the Zoning Administrator determines meet the characteristics of the Parks and Open Areas Use Category	Associated office and storage Associated retail sales related to the primary use Boat launch Community garden (Sec. 20-3-5) Concession Dining area Donation bin Dock or pier (noncommercial) Flea market Garden Minor utilities Recreation facility Refuse containers (Sec. 20-3-5) Single residential unit for caretaker

(7) **Passenger Terminals**

Table 20-3-2(c)-7, Passenger Terminals Use Category	
Characteristics: Uses providing facilities for the takeoff and landing of airplanes and helicopters, and terminals for taxi, rail, or bus service.	
Primary Uses	Accessory Uses
Airport, Landing Field, or Landing Strip for Aircraft Bus Terminal Bus Garaging and Equipment Maintenance Railroad Terminal (Passenger and Freight) Taxicab Terminal Transportation Service Facilities, including but not limited to those for Taxicab, Limousine, or Bus Other uses that the Zoning Administrator determines meet the characteristics of the Passenger Terminals Use Category	Associated office and storage Associated retail sales area related to the primary use Concession Donation bin Fleet maintenance Freight handling area Fueling facility Minor utilities Refuse containers (Sec. 20-3-5)

(8) **Places of Worship**

Table 20-3-2(c)-8, Places of Worship Use Category	
Characteristics: Uses of a public, nonprofit, or charitable nature providing worship to the general public on a regular basis.	
Primary Uses	Accessory Uses
<p>Church, Mosque, Synagogue, Temple, or Other Place of Worship</p> <p>Other uses that the Zoning Administrator determines meet the characteristics of the Places of Worship Use Category</p>	<p>Associated office and storage</p> <p>Classrooms</p> <p>Day care</p> <p>Donation bin</p> <p>Library</p> <p>Minor utilities</p> <p>Nursery school or pre-school</p> <p>Recreation facility</p> <p>Refuse containers (Sec. 20-3-5)</p> <p>Residences for clergy</p>

(9) **Social Service Establishments**

Table 20-3-2(c)-9, Social Service Establishments Use Category	
Characteristics: 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.	
Primary Uses	Accessory Uses
<p>Correctional Facility (Private)</p> <p>Drug, Alcohol, or Psychiatric Treatment Center, In-Patient</p> <p>Halfway House</p> <p>Soup Kitchen</p> <p>Special Education and Rehab Center (i.e., Rehab, Halfway House, Counseling Center)</p> <p>Domestic Abuse or Transient Shelter</p> <p>Other uses that the Zoning Administrator determines meet the characteristics of the Social Service Establishments Use Category</p>	<p>Associated office and storage</p> <p>Classrooms</p> <p>Community garden (Sec. 20-3-5)</p> <p>Day care for children of employees or clients</p> <p>Donation bin</p> <p>Dormitory</p> <p>Food preparation and dining facility</p> <p>Garden</p> <p>Library</p> <p>Meeting space</p> <p>Minor utilities</p> <p>Recreation facility</p> <p>Refuse containers (Sec. 20-3-5)</p> <p>Other miscellaneous household amenities</p>

(10) Utilities (Major and Minor)

Table 20-3-2(c)-10, Utilities Use Category

Characteristics:

Minor: Public or private infrastructure serving a limited area with no on-site personnel.

Major: Public or private infrastructure serving the general community, that may or may not be maintained or regulated by a public or municipal entity, and possibly having on-site personnel.

Primary Uses	Accessory Uses
<p>Minor Utilities: Cell Antenna Public or Municipally-Owned Utility Sewage Pressure Control Stations or Lift Station Solar Panel Array (Roof-mounted Or Ground-mounted, 850 Square Feet Or Less) Stormwater Retention or Detention Facility Telephone Exchange Water Or Wastewater Pump Station Water Pressure Control Stations</p> <p>Major Utilities: Cellular/PCS Tower Electric Substation Electric Generation Plant Gas Generation Plant Gas/Petroleum Line Regulating or Compression Station Microwave Communication Facility Solar Panel Array (Wall- Or Ground-mounted And Greater Than 850 Square Feet) Sewage Treatment Plant Television Or Radio Transmission Tower Water Treatment Plant (purification) Water Storage Wireless Telecommunication Facility Other uses that the Zoning Administrator determines meet the characteristics of the Utilities Use Category</p>	<p>Associated office and storage Community garden (Sec. 20-3-5) Donation bin Fleet maintenance Minor utilities Refuse containers (Sec. 20-3-5) Storage structures</p>

Subsec. 20-3-2(d). Commercial Use Categories

The following tables set forth the primary uses and accessory uses included in each commercial use category:

(1) **Office**

Table 20-3-2(d)-1 Office Use Category	
Characteristics: Uses conducted in an office setting and generally focusing on business, professional, or financial services.	
Primary Uses	Accessory Uses
Accounting, Auditing, Tax and Bookkeeping Service	Associated storage
Adjustment and Collection Service	Automated Teller Machines (ATMs)
Appraisal Service	Day care for children of employees
Architectural and Planning Service	Donation bin
Banking or Credit Union	Drive-through facility
Business Association	Medical clinic for employees
Computer Service	Minor utilities
Consumer and Mercantile Credit Reporting Service	Food preparation and dining facility for employees
Credit Union	Recreation facility for employees
Detective Service	Refuse containers (Sec. 20-3-5)
Educational and Scientific Research Office	Private telecommunication or transmission tower
Employment Service	
Engineering Service	
Financing and Loan Service	
Insurance Agent, Carrier or Broker	
Legal Service	
Office Space (general/unspecified)	
Office or Agency for Services such as Advertising, Consulting, Counseling, Data Processing, Investment or Brokerage, Insurance, or Sales	
Protective and Security Service	
Radio Studio (with Broadcast Tower)	
Radio Studio (without Broadcast Tower)	
Real Estate Agent, Brokers, and Management	
Security and Commodity Broker, Dealer, or Exchange	
Television Studio (with Tower)	
Television Studio (without Tower)	
Title Abstractor	
Travel Arranging and Ticket Sales	
Utility Office	
Other uses that the Zoning Administrator	

Table 20-3-2(d)-1 Office Use Category	
Characteristics: Uses conducted in an office setting and generally focusing on business, professional, or financial services.	
Primary Uses	Accessory Uses
determines meet the characteristics of the Office Use Category	

(2) **Short-Term Accommodations**

Table 20-3-2(d)-2 Short-Term Accommodations Use Category	
Characteristics: Bedroom and bathroom units arranged for short-term stays of less than 30 days for rent or lease.	
Primary Uses	Accessory Uses
Bed and Breakfast Hotel or Motel Resort Short-Term Rental Other uses that the Zoning Administrator determines meet the characteristics of the Short-Term Accommodations Use Category	Associated office and storage Donation bin Meeting space Minor utilities Recreational facility Restaurant Refuse containers (Sec. 20-3-5) Swimming pool

(3) **Parking, Commercial**

Table 20-3-2(d)-3 Commercial Parking Use Category	
Characteristics: Facilities that provide parking not accessory to a primary use, for which a fee may or may not be charged.	
Primary Uses	Accessory Uses
Automobile Parking Lot or Structure (Commercial) Truck Parking Lot Other uses that the Zoning Administrator determines meet the characteristics of the Commercial Parking Use Category	Associated office and storage Donation bin Minor utilities

(4) **Recreation, Indoor**

Table 20-3-2(d)-4 Indoor Recreation Use Category	
Characteristics: Generally commercial uses, varying in size, providing daily or regularly scheduled recreation-oriented activities in an indoor setting.	
Primary Uses	Accessory Uses
Adult-Oriented Business (Chapter 2.5 of Code of Ordinances) Archery/Firearms Range Axe Throwing Lounge Bowling Alley Bingo Hall Convention Center Country Club Dance Hall Gymnastic, Dance, or Martial Arts Facility Health Club or Physical Fitness Services Indoor Firearms Range Membership Club or Lodge Movie or Other Theater On-Premise Alcohol Consumption (Such as Bar, Nightclub, Tavern, Lounge, or Microbrewery) Pool Hall Rock Climbing Gym Skating Rink Tennis or Racquetball Facility Trampoline Park Other uses that the Zoning Administrator determines meet the characteristics of the Indoor Recreation Use Category	Associated office and storage Associated retail sales related to the primary use Concession Donation bin Flea market Minor utilities Refuse containers (Sec. 20-3-5) Swimming pool, indoor

(5) **Recreation, Outdoor**

Table 20-3-2(d)-5 Outdoor Recreation Use Category	
Characteristics: Generally commercial uses, varying in size, providing daily or regularly scheduled recreation-oriented activities in an outdoor setting.	
Primary Uses	Accessory Uses
Amphitheater Amusement Park	Associated office and storage Associated retail sales related to the primary use

Table 20-3-2(d)-5 Outdoor Recreation Use Category	
Characteristics: Generally commercial uses, varying in size, providing daily or regularly scheduled recreation-oriented activities in an outdoor setting.	
Primary Uses	Accessory Uses
Campground Without Short-Term Accommodations Circus or Carnival Grounds Country Club Fairgrounds or Rodeo Grounds Farm Products Sales (open-air) Golf Course, Driving Range, or Mini-Golf Course Outdoor Activity such as Archery Range, Batting Cage, Firearms Range, Tennis Court, or Riding Academy Paintball Facility Race Track, Animal Race Track, Vehicle Recreational Vehicle (RV) Park Stadium Swimming Pool or Water Park Other uses that the Zoning Administrator determines meet the characteristics of the Outdoor Recreation Use Category	Boat launch Classrooms Concession Dock or pier Donation bin Flea market Food preparation and dining area Minor utilities Refuse containers (Sec. 20-3-5) Single residential unit for caretaker

(6) **Restaurants**

Table 20-3-2(d)-6 Restaurants Use Category	
Characteristics: Establishments that prepare and sell food and beverages for on-premises or off-premises consumption.	
Primary Uses	Accessory Uses
Bakery (Retail) Catering Services Coffee Shop Restaurants, Drive-In and Fast Food Restaurants, Fast Food with Drive-Through Restaurants, Standard Restaurant, Delivery Only Yogurt or Ice Cream Shop Other uses that the Zoning Administrator determines meet the characteristics of the Restaurant Use Category	Associated office and storage Donation bin Drive-through facility Minor utilities Outdoor dining area Recreational facility Refuse containers (Sec. 20-3-5)

(7) **Retail Repair, Sales, and Service**

Table 20-3-2(d)-7	
Retail Repair, Sales, and Service Use Category	
Characteristics: Companies 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.	
Primary Uses	Accessory Uses
Sales-Oriented:	Associated office and storage
Store Selling, Leasing, or Renting Consumer, Home, and Business Goods Including, but Not Limited to:	Concession
Antiques	Day care for children of employees
Appliances (household)	Donation bin
Art Supplies	Food preparation and dining area
Bait Store and Live Bait Sales	Minor utilities
Bakery Products (on-premises sales)	Outdoor display (Sec. 20-3-5)
Bicycle	Refuse containers (Sec. 20-3-5)
Book and Stationery	Single residential unit for caretaker
Cameras and Photographic Supplies	
Clothing and Apparel Accessories	
Collectables	
Computers	
Convenience Store	
Department Stores	
Drug Store/Pharmacy	
Electrical and Electronic Supplies	
Farm and Gardening Supplies (not including heavy equipment)	
Fabric	
Fireworks	
Floor Coverings	
Florist	
Fruits and Vegetables	
Furniture and Home Furnishings	
Gifts and novelties	
Groceries	
Guns, Ammunition, and Accessories	
Hardware	
Hobby and Craft Supplies	
Home Improvement Supplies	
Household Products	
Jewelry	

Table 20-3-2(d)-7

Retail Repair, Sales, and Service Use Category

Characteristics: Companies 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.

Primary Uses	Accessory Uses
Liquor Store Off-Premises Consumption (Restricted) Luggage Meats and/or Fish Medical Supplies Music Instruments, Supplies and/or Records Newspapers and Magazines Office Equipment and Business Machines Rental Office Supplies and Equipment Pawn Shop Pets and Pet Supplies Pharmaceuticals Plants Postal Substation Radios and Televisions Secondhand Merchandise (includes Flea Markets) Shoes Shopping Centers/Malls Sporting Goods and Athletic Equipment Tobacco and Related Products Toys Variety Stores Vehicle parts and accessories	
Service-Oriented:	
Beauty and Barber Service Blueprinting and Photocopying Service Carpenter and Wood Flooring Service Exterminating and Fumigating Service Interior Decorating Service Funeral Home or Mortuary Furniture Upholstering Service Kennel Laundering and Dry Cleaning Masonry, Stonework, Tile Setting, and Plastering Service Optical Goods (optician or optometrist)	

Table 20-3-2(d)-7

Retail Repair, Sales, and Service Use Category

Characteristics: Companies 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.

Primary Uses	Accessory Uses
Pet Grooming Photographic Services/Studio Piercing Studio Printing Shoe Repair, Shoe Shining, and Hat Cleaning Service Spa Tailoring Tattoo Parlor Taxidermist Rug Cleaning and Repair Service Veterinary Service (small animals) Other Vocational, Trade, or Other Commercial Schools Massage, Nail, or Tanning Establishment Urgent Care or Emergency Medical Center	
Repair-Oriented:	
Store Offering Repair of: Appliances Bicycles Canvas Products Guns, Ammunition, and Accessories Electrical Appliances Small Electronics Furniture Repair Services Locks and Key Office Equipment Shoes Radio, Computer, Mobile Device, and Television Repair Services Watch, Clock and Jewelry Repair Service Other uses that the Zoning Administrator determines meet the characteristics of the Retail Repair, Sales, and Service Use Category.	

(8) **Vehicle Sales and Service**

Table 20-3-2(d)-8	
Vehicle Sales and Service Use Category	
<p>Characteristics: Direct sales of and service to passenger vehicles, light and medium trucks, and other consumer motor vehicles such as motorcycles, boats, and recreational vehicles. Uses classified as Major Vehicle Servicing provide services that require vehicle storage and repairs longer than 24 hours. Uses classified as Minor Vehicle Servicing provide service while the customer waits, same day pick-up of the vehicle or allow customers to leave a vehicle on-site for less than 24 consecutive hours.</p>	
Primary Uses	Accessory Uses
<p>General:</p> <p>Automobile and Small Truck (1½ ton or less) Sales, Rental, and Leasing</p> <p>Boat Sales, Rental, or Leasing Facility</p> <p>Car Wash</p> <p>Fuel Sales</p> <p>Manufactured Home, Mobile Home, or Portable Building Sales or Rental</p> <p>Motorcycle Sales and Service</p> <p>RVs, Camping and/or Travel Trailers Sales or Rental</p> <p>Truck Sales, Service, Rental and Repair</p> <p>Truck stop</p>	<p>Associated office and storage</p> <p>Car wash</p> <p>Concession</p> <p>Donation bin</p> <p>Food preparation and dining area</p> <p>Fueling facility</p> <p>Minor utilities</p> <p>Outdoor display (Sec. 20-3-5)</p> <p>Outdoor storage (Sec. 20-3-5)</p> <p>Refuse containers (Sec. 20-3-5)</p> <p>Sale of auto parts</p> <p>Towing</p>
<p>Vehicle Servicing, Major:</p> <p>Automobile and Small Truck (1½ ton or less) Repair, Painting, Body Work and Servicing</p> <p>Automotive Seat Cover and Upholstery Service</p> <p>Alignment Shop, Auto Body Shop, Towing Service</p> <p>Other repair of cars, trucks, motorcycles, RVs, and boats not included in Minor Vehicle Repair below</p>	<p>Vehicle storage</p>
<p>Vehicle Servicing, Minor:</p> <p>Auto Detailing</p> <p>Battery Sales and Installation</p> <p>Bed Liner Installation</p> <p>Minor Scratch and Dent Repair</p> <p>Quick Lubrication Facility</p> <p>Tire Sales and Mounting</p> <p>Other uses that the Zoning Administrator determines meet the characteristics of the Vehicle Sales and Service Use Category</p>	

Subsec. 20-3-2(e). Industrial Use Categories

The following tables set forth the primary uses and accessory uses included in each industrial use category:

(1) Heavy industrial

Table 20-3-2(e)-1 Heavy Industrial Use Category	
Characteristics: 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.	
Primary Uses	Accessory Uses
<p>Manufacture, assembly, or processing of:</p> <p>abrasives, asbestos and miscellaneous mineral products; acid; acetylene gas; alcoholic beverages (wholesale); ammonia; ammunition and explosives; aircraft; automobiles and other motor vehicles; automotive and other motor vehicle equipment; batteries; bones; boxes, crates, or pallets; brick and/or masonry, tile, or terra cotta; building paper and building board; building materials; celluloid; cement and/or concrete products; ceramic tile and other ceramic products; chalk; charcoal; chemicals; chlorine; coffins; corrugated metal; cotton oil; creosote; disinfectant; dyes or inks; engines and turbines; farm machinery and equipment; fat; fertilizer; fireworks; gas; gelatin; glass and glass products; glue; graphite; grease; guns, howitzers, mortars, explosives, and related equipment; gunpowder; gypsum; heating and air conditioning supplies and equipment; hemp; insecticide; lacquer; lard; leather and leather products; lime; linoleum; lubricating oils and greases; machinery and equipment (industrial); manufactured homes or mobile homes; metal working machinery, equipment and products; motor vehicles, related equipment, and accessories; paint; paraffin; paving mixtures and blocks; plaster of Paris; plastics and synthetic materials; plumbing supplies and equipment; poison; porcelain and porcelain products; pottery and related products; prefabricated structures and their components; railroad vehicles and equipment; recreational vehicles; rubber and fabricated rubber products; salt; shellac; tallow; tanks and tank components; tar; tires; trailers (camping, travel, livestock, and other); turpentine; varnish; vinegar; wax; or yeast</p>	<p>Associated office and storage</p> <p>Associated retail sales related to the primary use</p> <p>Day care for children of employees</p> <p>Donation bin</p> <p>Fleet maintenance</p> <p>Food preparation and dining facility</p> <p>Fueling facility</p> <p>Medical clinic for employees</p> <p>Meeting space</p> <p>Minor utilities</p> <p>Outdoor storage</p> <p>Recreation facility</p> <p>Refuse containers (Sec. 20-3-5)</p> <p>Single residential unit for caretaker</p> <p>Warehouse</p>

**Table 20-3-2(e)-1
Heavy Industrial Use Category**

Characteristics: 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.

- Arsenal
- Boiler Works
- Bulk Storage of Explosive or Hazardous Materials
- Coke Oven
- Concrete Batching and Asphalt Processing and Manufacturing
- Feed Milling
- Fertilizer Storage
- Grain Elevator
- House Wrecking and Demolition
- Incinerator for Reduction of Garbage, Dead Animals, Offal, Refuse, or Automobile Bodies
- Railroad Yard or Repair Shop
- Metal Smelting, Processing, and Products (Ferrous and Nonferrous)
- Slaughtering, Processing of Animals, or Meat Packing
- Wool Scouring and Pulling
- Uses Declared a Nuisance in Court
- Other uses that the Zoning Administrator determines meet the characteristics of the Heavy Industrial Use Category

(2) **Light Industrial**

**Table 20-3-2(e)-2
Light Industrial Use Category**

Characteristics: 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.

Primary Uses	Accessory Uses
Fabrication (Light) and Assembly of:	
appliances; bakery products (wholesale distribution); beds; blinds; books; bottling and canning soft drinks and carbonated waters; brooms; buses; canvas; clothing and apparel accessories; communication	Associated office and storage Associated retail sales related to the primary use Associated showroom Day care for children of employees Donation bin

**Table 20-3-2(e)-2
Light Industrial Use Category**

Characteristics: 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.

<p>equipment; confectionery and related products (wholesale distribution); cut stone and stone products; dairy products; drugs, druggists supplies and sundries; electrical lighting and wiring equipment; electrical supplies and equipment; electrical transmission and distribution equipment; electronic components and accessories; engineering, scientific and research equipment; floor coverings, rugs and carpets; food products (including frozen foods); furniture and home furnishings; hardware; ice; jewelry, costume novelties, buttons, and miscellaneous notions; medical, optical, or dental instruments or supplies; mirrors; musical instruments; monuments and tombstones; motorcycles, bicycles, and parts; office, computing, and accounting machines; paper and paper products (see also building paper); perfumes; radio and television receiving sets and communication equipment; shoes; signs and advertising displays; sporting and athletic goods; toys, amusements, and novelty items; window coverings; wood products</p>	<p>Fleet maintenance Food preparation and dining facility Fueling facility Medical clinic for employees Meeting space Minor utilities Outdoor Storage Recreation facility Refuse containers (Sec. 20-3-5) Single residential unit for caretaker Warehouse</p>
<p>Building and development contractors specializing in building, excavating, heating, plumbing, landscaping or electrical and others who perform services off-site, but store equipment and materials on-site including:</p> <p>General Contractor with Storage Yard Carpenter and Wood Flooring Services Heating, Ventilation, Air Conditioning Services Landscaping Services Painting, Paperhanging Services Plumbing Services Roofing and Sheet Metal Services Woodworking including cabinet makers and furniture manufacturing Boat Building and Repairing</p>	

**Table 20-3-2(e)-2
Light Industrial Use Category**

Characteristics: 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.

- Bulk Mailing Service
- Catering Establishment, Large Scale
- Crematorium
- Engraver
- Food Processing
- Industrial and Manufacturing Product Sales and Supply
- Janitorial and Building Maintenance Service, Exterminator, Maintenance Yard, or Facility
- Laundry, Dry-Cleaning, and Carpet Cleaning Plants
- Lithography
- Publishing and Printing (Newspaper, Periodicals)
- Repair of Scientific or Professional Instruments, Electric Motors
- Research, Testing, and Development Laboratory
- Smoking or Processing of Meat Products

- Welding, Tool Repair, or Machine Shop
- Other uses that the Zoning Administrator determines meet the characteristics of the Light Industrial Use Category

(3) **Warehousing**

**Table 20-3-2(e)-3
Warehousing Use Category**

Characteristics: Uses involved in the storage or movement of goods for themselves or other firms. Goods are generally delivered to other firms or the final consumer with little on-site sales activity to customers.

Primary Uses	Accessory Uses
<ul style="list-style-type: none"> Bulk storage, including cold storage plants, household moving and general freight storage, nonflammable liquids, separate warehouse used by retail store Bus Shop, Garage, or Storage Express Hauling Food Packing and Distribution Freight Hauling Service 	<ul style="list-style-type: none"> Associated office and storage Day care for children of employees Donation bin Fleet maintenance Food preparation and dining facility Fueling facility Medical clinic for employees

**Table 20-3-2(e)-3
Warehousing Use Category**

Characteristics: Uses involved in the storage or movement of goods for themselves or other firms. Goods are generally delivered to other firms or the final consumer with little on-site sales activity to customers.

Motor Freight Garaging and Equipment Maintenance	Meeting space
Moving and Storage (Household Goods)	Minor utilities
Outdoor Storage Yard	Outdoor storage
Parcel Delivery Station	Recreation facility
Railroad Switching and Marshalling Yards	Refuse containers (Sec. 20-3-5)
Self-Service Storage	Single residential unit for caretaker
Semi-Trailer Parking	
Trucking Company	
Other uses that the Zoning Administrator determines meet the characteristics of the Warehousing Use Category	

(4) **Waste-Related**

**Table 20-3-2(e)-4
Waste-Related Use Category**

Characteristics: Uses characterized by receiving solid or liquid wastes from others for transfer to another location and uses that collect sanitary wastes or that manufacture or produce goods or energy from the composting of organic material.

Primary Uses	Accessory Uses
Animal Waste Processing	Associated office and storage
Animal Waste Energy Converter	Donation bin
Auto/Truck/Salvage and/or Wrecking Yard	Fleet maintenance
Composting Facility	Fueling facility
Landfill	Minor utilities
Manufacture and Production of Goods from Composting	Outdoor storage
Recycling Center	Refuse containers (Sec. 20-3-5)
Scrap Yards for Waste Material	Repackaging and shipment of by-products
Solid Waste Facility	
Tire Recycling or Recapping	
Wood Chipping	
Other uses that the Zoning Administrator determines meet the characteristics of the Waste-Related Service Use Category	

(5) **Wholesale Trade**

Table 20-3-2(e)-5 Wholesale Trade Use Category	
Characteristics: Uses involved in the sale, lease, or rental of products to industrial, institutional or commercial businesses only. The uses emphasize on-site sales or order-taking and often include display areas. Business may or may not be open to the general public. Products may be picked up on-site or delivered to the customer.	
Primary Uses	Accessory Uses
Auction, Wholesale (On-Premises)	Associated office and storage
Bulk Fuel Sales	Associated showroom
Mail-Order Business	Day care for children of employees
Wholesale or Bulk Sale of:	Donation bin
Appliances,	Fleet maintenance
Candy and Related Products,	Food preparation and dining facility
Clothing and Apparel,	Medical clinic for employees
Dairy Products,	Meeting space
Commercial and Industrial Machinery, Equipment and Supplies,	Minor fabrication
Drugs and Druggist Supplies,	Minor utilities
Electrical Equipment, Wiring Supplies, and Other Similar Construction Material,	Product repair
Electronic Parts and Equipment,	Recreation facility
Fabric,	Refuse containers (Sec. 20-3-5)
Farm Machinery and Equipment, / Farm Products (Raw Materials),	Repackaging of goods
Furniture and Home Furnishings,	Single residential unit for caretaker
Groceries and Related Products,	Warehouse
Hardware,	
Heating, Ventilation, and Air Conditioning Equipment,	
Liquor,	
Livestock,	
Lumber and Other Building Materials,	
Meat and Meat Products,	
Medical and Dental Supplies and Equipment,	
Oil Field Equipment,	
Produce,	
Special Trade Tools,	
Textile and Textile Products,	
Vending Machines and Vending Machine Merchandise	
Other uses that the Zoning Administrator	

**Table 20-3-2(e)-5
Wholesale Trade Use Category**

Characteristics: Uses involved in the sale, lease, or rental of products to industrial, institutional or commercial businesses only. The uses emphasize on-site sales or order-taking and often include display areas. Business may or may not be open to the general public. Products may be picked up on-site or delivered to the customer.

determines meet the characteristics of the Wholesale Trade Use Category

Subsec. 20-3-2(f). Open Uses

The following tables set forth the primary uses and accessory uses included in each open use category:

(1) **Agriculture**

Table 20-3-2(f)-1, Agriculture Use Category

Characteristics: Uses primarily related to the raising of animals and crops that do not exceed the threshold for Concentrated or Intensive Animal Feeding Operations, and the secondary enterprises associated with agricultural production.

Primary Uses	Accessory Uses
Agricultural Sales and Service Chick Hatchery Crop Production including Floriculture, Horticulture, Pasturage, Row and Field Crops, Viticulture or Orchard Kennel Livestock Production Including Cattle, Horses, Hogs, Donkeys, Sheep, Goats, Poultry, Rabbits and Other Small Animals, Apiculture, Aquaculture, or Animal Breeding and Development Livestock Sale or Auction Sale of Material for the Purpose of Retail or Wholesale Sales of Plant Material (Flowers, Shrubs, Trees, Garden Supplies) Stables, Boarding Veterinary Service (All Size Animals) Other uses that the Zoning Administrator determines meet the characteristics of the Agriculture Use Category	Associated office Barn, silo, stable (private) or other agricultural storage Buildings associated with agricultural uses being pursued on site Greenhouse, commercial or noncommercial Dock or pier (noncommercial) Minor utilities Outdoor display of merchandise Parking and storage of operable farm vehicles and farm machinery Refuse containers (Sec. 20-3-5) Roadside stand Slaughtering, processing and packaging of animals raised on-site

(2) **Resource Extraction**

Table 20-3-2(f)-2, Resource Extraction Use Category	
Characteristics: Characterized by activities that extract minerals and other solids and liquids from land on which the use is established.	
Primary Uses	Accessory Uses
Gas and Flammable Liquid Storage and/or Production (See Code of Ordinances Chapter 14, Oil and Gas Well Ordinance) Oil Field Chemicals (Production and/or Storage) Rock Quarry Sand/Gravel/Caliche Extraction or Storage Other uses that the Zoning Administrator determines meet the characteristics of the Resource Extraction Use Category	Associated office and storage Minor utilities Outdoor storage yard Refuse containers (Sec. 20-3-5) Resource processing Stockpiling of resources extracted from the site

Sec. 20-3-3. Limited Use Standards

- (a) **Purpose.** The purpose of this Section is to establish standards for limited uses denoted with an "L" in Table 20-3-1-1, *Use Table*. Limited use standards ensure that a use that is generally deemed incompatible with permitted uses in a given zoning district can be considered for approval subject to certain specific standards established in this Section.
- (b) **Standards.** In determining whether to approve, approve with conditions, or deny a use requiring a Limited Use Permit, the Zoning Administrator shall consider the following general criteria for each use below in addition to Limited Use standards listed per use:
- (1) *Surrounding Properties.* The proposed Limited Use will operate or be designed in a manner that does not diminish the use, enjoyment, or functionality of surrounding properties;
 - (2) *Hours of Operation and Site Improvements.* Provisions for hours of operation, parking and loading areas, driveways, lighting, signs, landscaping, buffering, and/or other site improvements have been provided;
 - (3) *Public Services.* Adequate public services (such as streets, off-street parking, pedestrian facilities, water, sewer, gas, electricity, police, and fire protection) shall be available without the reduction of services to any existing, adjacent uses;
 - (4) *Design Features.* The proposed limited use will incorporate design features to sufficiently protect adjacent existing uses or future land uses contemplated in the Comprehensive Plan, including but not limited to: service areas, pedestrian and vehicular circulation, safety provisions, access ways to and from the site, buffering, fencing, and building placement; and
 - (5) *Compatibility.* The proposed limited use will be compatible with adjacent existing uses or future land uses contemplated in the Comprehensive Plan. Compatibility shall be expressed in terms of appearance, architectural scale, features, site design and scope, landscaping, as well as the control of adverse environmental impacts, including noise, lighting, and other undesirable conditions.

(c) **Residential Uses.**

- (1) *Community Home for Persons with Disabilities.* Community homes for persons with disabilities shall be permitted in all residential and mixed-use districts subject to the proposed home complying with all regulations of [Texas Human Resources Code, Chapter 123, Community Homes for Persons with Disabilities](#).
- (2) *Modular Home.*
 - a. Any modular home shall have a value equal to or greater than the median taxable value for each single-family dwelling located within 500 feet of the lot on which the modular home will be located, as determined by the most recent certified tax appraisal of the County (Coryell, Bell or Lampasas).
 - b. For purposes of this subsection, “value” means the taxable value of the modular home and lot before the installation of the modular home on the lot.

(d) **Public and Civic Uses.**

- (1) *Place of Public Assembly.* The gross floor area shall not exceed 15,000 square feet within the High Density Residential (HR) zoning district.
- (2) *Places of Worship.* The gross floor area shall not exceed 15,000 square feet within the High Density Residential (HR) zoning district.
- (3) *Privately Operated Community Building or Recreation Field.*
 - a. *Site Access.* Access to any service or parking areas for over 50 vehicles serving the use shall be made from a collector or higher classification roadway.
 - b. *Use Compatibility.* The principal building or recreation field(s) shall be:
 - i. Located at least 100 feet from any residential building;
 - ii. Constructed of sound-resistant materials if activity is located within a structure; and
 - iii. Limited in operation such that it is closed between 10:00 p.m. and 10:00 a.m.
 - c. *Bufferyards.* The use is separated from all residential property by a Type B bufferyard.
 - d. *Parking.* Parking areas shall be a minimum of 50 feet from a residential use.
 - e. *Noise.* Events or activities are limited such that noise levels attributable to the use at the closest residential property does not exceed:
 - i. 60 dBA between the hours of 9:00 p.m. and 10:00 p.m.; and
 - ii. 70 dBA between the hours of 10:00 a.m. and 9:00 p.m.
- (4) *Hospital.* The property shall be a maximum of five acres in area.

(e) **Commercial Uses.**

- (1) *Amusement Facility and Arcade.* The land use shall comply with the provisions of [Chapter 12, Article V, Amusements; Entertainments](#), of the City's Code of Ordinances.
- (2) *Adult-Oriented Business.* In addition to complying with the general standards outlined in subsection (b), above, all land uses that qualify as an Adult-Oriented Business must fully comply with [Chapter 2.5, Adult-Oriented Businesses](#), of the City's Code of Ordinances.
- (3) *Banking or Credit Union.*
 - a. *Total Floor Area.* The gross floor area shall not exceed 3,500 square feet.
 - b. *Drive-Through Facility.* A drive-through component is permitted if the applicant demonstrates that:

- (5) Avoids significant deterioration of water and air resources, scenic resources and views, and other natural resources;
- (6) Maintains safe and convenient ingress, egress, and traffic flow onto and through the site by vehicles, bicycles, pedestrians, and alternative modes;
- (7) Allows for the protection of property values and the ability of neighboring lands to develop the uses permitted in the applicable district(s); and
- (8) Complies with all other relevant City, state and federal laws and regulations.

(c) **Manufactured Home Park or Subdivision.**

- (1) *Location.* The boundary of any manufactured home park shall be at least 200 feet from any existing permanent residential building or platted residential subdivision located outside the park, unless separated therefrom by a Type B bufferyard (see Table 20-4-3-3 in Sec. 20-4-3, *Landscaping, Buffering, and Screening*).
- (2) *Lot Size Requirements.* See Table 20-2-3-5, *MR Dimensional Standards* in Sec. 20-2-3, *Residential District Dimensional Standards*.
- (3) *Driveways.* All manufactured home lots or spaces shall abut upon a driveway, which meets the requirements of Sec. 20-4-3, *Parking, Loading, and Stacking*.
- (4) *Walkways.* Walkways not less than three feet wide shall be provided from the manufactured home lots or spaces to the service buildings.
- (5) *Lighting.* All driveways, parking areas and walkways within the park shall be lighted at night with electric lamps sufficient to provide all illumination levels of not less than two-tenths footcandles on all driveways, parking areas and walkways.
- (6) *Skirting.* Manufactured homes shall be skirted in a manner that complies with the regulations stated in the City's Building Code.
- (7) *Existing Manufactured Home Parks.* The provisions of this subsection shall not apply to manufactured home parks already in existence and in operation before December 6, 1983. Such existing and operating parks shall be treated as a nonconforming use insofar as the requirements of this section are concerned.

(d) **Tiny House Community.**

- (1) *Building Standards.* A tiny house that is part of a tiny house community shall be built to the City's residential building code.
- (2) *Maximum Floor Area.* A tiny house shall consist of a total maximum floor area of 600 square feet, excluding any loft space.
- (3) *Permanent Foundations.* Tiny houses that are part of a tiny house community shall be constructed on a permanent foundation. Tiny houses on wheels or other non-permanent foundations are prohibited from being part of a tiny house community but may be placed on a lot with a single-family residence as an accessory dwelling unit.
- (4) *Prefabricated Tiny Houses.* A Prefabricated tiny house is required to be skirted

(e) **Public and Civic Uses.**

- (1) *Vocational and Trade School.*
 - a. Vocational and trade schools shall be located in the zoning district applicable to the type of activity involved.
 - b. The facility/activity shall meet applicable state law requirements.

- (2) *Medical or Dental Office or Clinic.*
 - a. *Accessory Laboratory Activity.* Laboratory activity shall occur only as an accessory use to a principal clinic or medical office use.
 - b. *Scale of Use.* The floor area of the use shall not exceed 3,000 square feet.
 - c. *Hours of Operation.* The use shall not operate between the hours of 8:00 PM and 8:00 AM, and shall not provide for overnight stays by those receiving care.
- (3) *Place of Worship.*
 - a. *Located Within Residential District.* When located within a residential district, the facility shall:
 - i. Take access from a connector or commercial corridor;
 - ii. Install a Type B bufferyard when adjoining a residential use;
 - iii. Locate buildings and parking areas at least 50 feet from a residential use; and
 - iv. Not provide for off-street parking on noncontiguous lots without a Conditional Use Permit.
 - b. *Location.* The use shall be located in a permanent structure.
 - c. *Parking and Traffic Congestion.* The use shall not create parking or traffic congestion or otherwise unreasonably interfere with the peace and enjoyment of surrounding residences.
 - d. *Minimum Lot Size.* The use shall have a minimum site area that is the greater of two acres or four times the minimum lot area of the respective zoning district.
- (4) *Airport, Landing Field or Landing Strip For Aircraft.* An airport, landing field or landing strip for aircraft is permitted with a Limited Use Permit if the applicant demonstrates that:
 - a. *Fifty-Five Day Night Level (DNL) Limited Development Area.* All airport development applications shall be submitted with a noise impact assessment. The assessment shall identify the initial and 20-year projected DNL noise contour lines beginning with 50 DNL and proceeding to 75 DNL.
 - i. No new residential development shall be permitted within the 55 DNL line. If for some reason a new residential use must be permitted, the building shall have insulation and windows that limit aircraft noise within the building to 50 DNL.
 - ii. If the 55 DNL area expands, a zoning and land use plan for all land within the 55 DNL noise contour shall be submitted. This plan shall indicate the feasibility of restricting such land to nonresidential uses. Airport approval shall be based on the ability to minimize noise intrusion into existing residential areas and to prohibit new residential development that would hinder future airport expansion.
 - iii. Once established, the City shall require all rezonings that would permit a residential use within the 55 DNL noise contour to record the noise contours on the property. In addition, all developments and all individual lot surveys shall show the noise contours with an accompanying warning indicating the City will not restrain future airport growth because of residential development inside the 55 DNL noise contour.
 - b. *Airport Boundary.* The 20-year, 65 DNL line shall lie completely within airport property or Light Industrial (LI) or Heavy Industrial (HI) zoned or used land that has granted a noise easement to the airport use.
 - c. *Site.* The minimum site area for airport, landing field or landing strip for aircraft use is 300 acres.
 - d. *Limited Use Permit.* Airport uses must also meet the standards of Sec. 20-6-2(e), *Limited Use Permit*.

(f) **Major Utilities.**

- (1) *All Major Utilities.* The use is set back a minimum of 25 feet from the right-of-way of all streets bounding the property on which the use is located.
- (2) *Electric Generation Plant.* Electric Generation Plants shall be screened with a six foot opaque fence or wall constructed of material similar in type and construction. Shrubs may be allowed provided the desired screening effect is accomplished.
- (3) *Gas/Petroleum Line Regulating or Compression Station.* Gas/Petroleum Line Regulating or Compression Stations shall be screened with a six foot opaque fence or wall constructed of material similar in type and construction. Shrubs may be allowed provided the desired screening effect is accomplished.
- (4) *Wireless Telecommunications Facility.* Standalone telecommunication facilities shall comply with the standards in [Sec. 20-3-7](#), *Wireless Telecommunications Facilities*.

(g) **Commercial Uses.**

- (1) *Bakery (Retail).* All on-premise sales of bakery products as a principal use in the HR zoning district shall:
 - a. Not exceed 3,000 square feet of net floor area for the total of all establishments in one development;
 - b. Prohibit a drive-through facility; and
 - c. Take access from an arterial or collector street.
- (2) *Office.* The gross floor area shall not exceed 3,500 square feet in the HR zoning district.
- (3) *Restaurant, Drive-In and Fast Food.* The speakers associated with the drive-through are a minimum of 200 feet from a residential district, measured along a straight line between the closest district boundary lines.
- (4) *Restaurant, Fast Food with Drive-Through.* Fast food restaurants with service exclusively as drive-thru shall be subject to the following standards:
 - a. *Site Design.* The site design shall accommodate adequate turning radius and vertical clearance for passenger and delivery vehicle types. Designated loading areas shall be exclusive of off-street parking stalls and drive aisles and shall not cause conflicts with customer vehicles and pedestrian movements. Part of public rights-of-way may be used for stacking of vehicles.
 - b. *Stacking Lanes.* The stacking lane and its access shall be designed to manage traffic in a manner to protect pedestrians, buildings, and all landscaped areas on the site.
 - c. *Traffic Mitigation.* As set out in [Sec. 20-4-2](#), *Parking, Loading, and Stacking*, adequate vehicle stacking shall be provided for the service window to minimize conflict with traffic flow and required parking.
 - d. *Protect Residential Uses.* The stacking lane, order board intercom, and service window shall be designed and located to minimize vehicle and communication noises, emissions, and headlight glare upon adjoining properties that share a common lot line with a residential district or use, and to maximize maneuverability of vehicles on the site.
- (5) *Restaurant, Standard.* All standard restaurants as a principal use in the HR zoning district shall be subject to the following standards:
 - a. *Scale.* Restaurants shall not exceed 10,000 square feet per lot.

- b. *Residential Character.* If operated within a pre-existing dwelling, the use shall maintain the residential character and appearance of the structure.
 - c. *Residential Screening.* When the site is located adjacent to a residential use or residential zoning district boundary, visual screening shall be provided along all common side and rear property lines. The screening shall consist of a solid landscaping strip at least four feet in width that provides a year-round visual barrier, and positioned directly adjacent to the adjoining property. A solid masonry or concrete wall or a wood fence having a minimum height of five feet shall be installed immediately behind the landscaping strip.
 - d. *No Nuisance Created.* The use shall not create or cause any perceptible noise, odor, smoke, electrical interference, or vibrations that constitute a public or private nuisance to neighboring properties.
- (6) *Retail-Sales Oriented.* The gross floor area shall not exceed 3,000 square feet.
- (7) *Drug Store/Pharmacy.* When including a drive-through facility, the facility shall:
- a. Not be located within the front setback; and
 - b. Provide for a Type B bufferyard, in accordance with [Sec. 20-4-3, Landscaping, Buffering, and Screening](#), between a drive-in or drive-through facility and adjacent or abutting properties that include a residential use.
 - i. Drive-in or drive-through facilities may be located only in interior side or rear yards.
 - ii. Loudspeakers and similar instruments shall not be located within 50 feet of any property that includes a residential use.
- (8) *Car Wash.*
- a. *Wash Bay Location.* To the extent practicable, wash bays shall be sited parallel to the adjacent street in such a way as to use the frontage efficiently and be oriented away from any abutting residentially zoned or residentially used property to prevent headlights from shining onto any street or abutting residential district;
 - b. *Wash Bay Limitations.* There are no more than three car washing bays;
 - c. *Mechanical Equipment.* All mechanical equipment, excluding vacuum units, is enclosed within a building;
 - d. *Outdoor Spraying.* All facilities are designed and configured such that any outdoor spraying preparation or drying activities are directed away from any abutting residential district;
 - e. *Vacuums.* If self-service vacuums are provided, a minimum of one parking space per vacuum is required, which will not interfere with site circulation, driveways, or fire lanes; and
 - f. *Site Access.* Access is taken from a collector or higher classification roadway.
- (9) *Recreational Vehicle (RV) Park.*
- a. *Location.* RV parks shall be located at least 300 feet from any residential zoning district.
 - b. *Tract Size.* RV parks shall be located on tracts with a minimum area of five acres.
 - c. *Other Regulations.* RV parks shall comply with all applicable health, fire, building, and related City Codes and Ordinances to ensure safe operation of the park.
 - d. *Access.* All RV parks shall be directly linked by an entrance way with a public street. The entrance shall be at least 40 feet in pavement width with a 20-foot curb radius. The connection of the entrance way with the public street shall be constructed according to municipal construction standards. The entrance roadway from the public street to the main office plus the parking for

- the office and all uses accessible by the general public shall be paved. All other surfaces intended for regular vehicular use shall have a durable surface, such as compacted base material. Entrance ways and interior streets shall be considered private streets.
- e. *Campsite Size.* Individual campsite size shall be a minimum of 1,600 square feet and shall have a minimum depth of 50 feet to provide adequate space for a recreational vehicle, a car, and a picnic table/grill.
 - f. *Separation.* RVs and accessory structures, including carports and storage buildings, shall be separated from other structures on adjacent campsites by a minimum of 10 feet.
 - g. *Setbacks.* Setback requirements for RV trailers shall be as follows:
 - i. 20 feet from the edge of cul-de-sac streets;
 - ii. 10 feet from the edge of other interior streets;
 - iii. 25 feet from front park property line; and
 - iv. 15 feet from rear and side (exterior and interior) park property lines.
 - h. *Accessory Uses.* Accessory uses such as an office, recreation facilities, toilets, dumping stations, laundries, swimming pools, etc., shall be permitted, subject to the following restrictions:
 - i. Such establishments and the parking area primarily related to their operations shall not occupy more than 25 percent of the gross area of the park.
 - ii. The structures housing such facilities shall not be located closer than 50 feet to any public street.
 - i. *Permanent Dwellings.* No permanent place of dwelling or business shall be located in an RV park or any trailer located in an RV park except for permanent, full-time employees of the RV park.
 - j. *Sanitation.* The following sanitation requirements shall apply to all RV parks:
 - i. Female:
 - (A) One flush toilet per 25 campsites; and
 - (B) One shower/dressing room per 25 campsites.
 - ii. Male:
 - (A) One flush toilet per 25 campsites; and
 - (B) One shower/dressing room per 25 campsites.
 - k. *Refuse Containers.* Refuse containers or collection sites shall be conveniently located for park residents. One or more central refuse collection sites for the park as a whole shall be provided. Such containers shall be watertight and rodent-proof. If refuse is to be collected by the City, central refuse collection areas shall be located in conformance with City standards.
 - l. *Water and Sewer.* RV parks shall have the option of connecting to municipal water and sewage systems or of seeking appropriate waivers and installing private systems. Private sanitation facilities shall meet all state, county, and City health standards and regulations.
 - m. *Campsite Pads.* Each campsite shall have a concrete parking pad with a minimum width of 12 feet and a minimum length of 30 feet.
 - n. *Screening.* RV parks shall be screened along all property lines by a minimum six-foot screening device which may be a solid, opaque wall or fence, or shrubs creating a similar density.
 - o. *Time limitation.* After initial location on a campsite, an RV must be removed after a period of 120 days except as allowed in paragraph i., *Permanent Dwellings*, above.

(h) **Industrial Uses.**

- (1) *Auto/Truck/Salvage/Storage and/or Wrecking.*
 - a. All material shall be stored within a fully enclosed building, or otherwise screened 100 percent from view, consistent with the screening requirements in [Sec. 20-4-3, Landscaping, Buffering, and Screening](#).
 - b. No outdoor storage operation shall be located in front of a principal building.
 - c. Materials shall not be stored in areas intended for vehicular or pedestrian circulation.

Sec. 20-3-5. Accessory Uses and Structures

- (a) **Generally.** An accessory use or structure may be established provided that it is associated with a primary use in the Use Categories in [Sec. 20-3-2, Use Categories](#), and that it complies with the standards of this Section.
- (b) **Purpose.** The purpose of this Section is to establish minimum standards for accessory uses and structures that:
 - (1) Advance the general welfare of the community;
 - (2) Protect the general health and safety of the community;
 - (3) Enhance and protect the aesthetic interests of the community;
 - (4) Protect property values and lessen the impact that some accessory structures may have on residential properties; and
 - (5) Promote economic development by making the community a more desirable place to live, conduct business, and recreate.
- (c) **Standards that Apply to All Accessory Uses and Structures.** The following standards shall apply to accessory uses and structures except as this Section or Zoning Ordinance indicates otherwise.
 - (1) *Subordination.* The accessory use or structure shall be subordinate to and serve a primary use or primary structure. Except as provided in this Section, a non-agricultural accessory structure must be subordinate in height to the primary structure.
 - (2) *Commercial Use.* 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.
 - (3) *Timing of Construction.* No detached accessory structure shall be erected before construction of the primary structure has begun. Once construction of the primary structure has begun, construction of the detached accessory structure may occur concurrently.
 - (4) *Same Property.* An accessory use or structure shall be located on the same parcel or lot as the primary use or structure.
 - (5) *Separation.* No accessory structure shall be located closer than six feet to any other structure.
 - (6) *Setbacks.*
 - a. *Generally.* Accessory structures shall comply with the front, interior side, and exterior side setback standards for the primary structure established in [Article II, Zoning Districts and Dimensional Standards](#).
 - b. *Front Yard.* No accessory building or structure may be erected within any front yard requirement.

- c. *Rear and Side Yard.* Detached accessory structures have a minimum rear and side setback of three feet.
- (7) *Size.* An accessory building shall not occupy more than 25 percent of the area of a rear yard. As shown in Figure 20-3-5-1, *Size of Accessory Building in Residential Districts*, the maximum yard area shall be calculated by measuring the distance from the primary dwelling to the interior side or rear yard lot line multiplied by the width of the interior side or rear lot line, whichever is greater. The maximum square footage for all accessory buildings shall be the yard area multiplied by 25 percent.
- (8) *Easements.* Accessory structures permanently affixed to the ground shall not encroach into an easement.
- (9) *Fence Orientation.* The finished side of all fences shall face outward toward adjacent rights-of-way. Posts and supports shall face inward toward the subject property.
- (d) **General Accessory Structures or Uses.**
 - (1) *Refuse Containers.*
 - a. The facilities shall be located no more than 500 feet (walking distance) from the individual uses that they are intended to serve;
 - b. Access to the facilities shall 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. The areas where dumpsters are stored shall be fully enclosed by a wall with a minimum height of six feet constructed to match the principal building;
 - d. The enclosures shall:
 - i. Have metal service gates that remain closed at all times except when the dumpster is being serviced;
 - ii. Include separate metal pedestrian access gates or a pedestrian access opening that screens the dumpster from view;
 - iii. Be large enough to accommodate:
 - (A) One or more dumpsters that are of sufficient size to serve the development, based on the frequency of solid waste collection; and
 - (B) One or more recycling bins (whether provided at the time of development or not), based on the anticipated generation of recyclable materials and the frequency of collection.
 - iv. Meet City engineering, infrastructure, and construction design standards, including those that pertain to maneuvering space;
 - v. The facilities shall 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; and
 - vi. If an enclosure must be located in a front yard to meet the requirements of the refuse service provider, it shall be designated and constructed with the same cladding materials used for the principal building walls.
 - (2) *Fences.*
 - a. *Setbacks.* Fences and walls are permitted in any required setbacks.
 - b. *Safety.* Fences constructed of barbed wire and walls topped with broken glass or surfaced with any like material shall be prohibited except as provided in this Subsection.

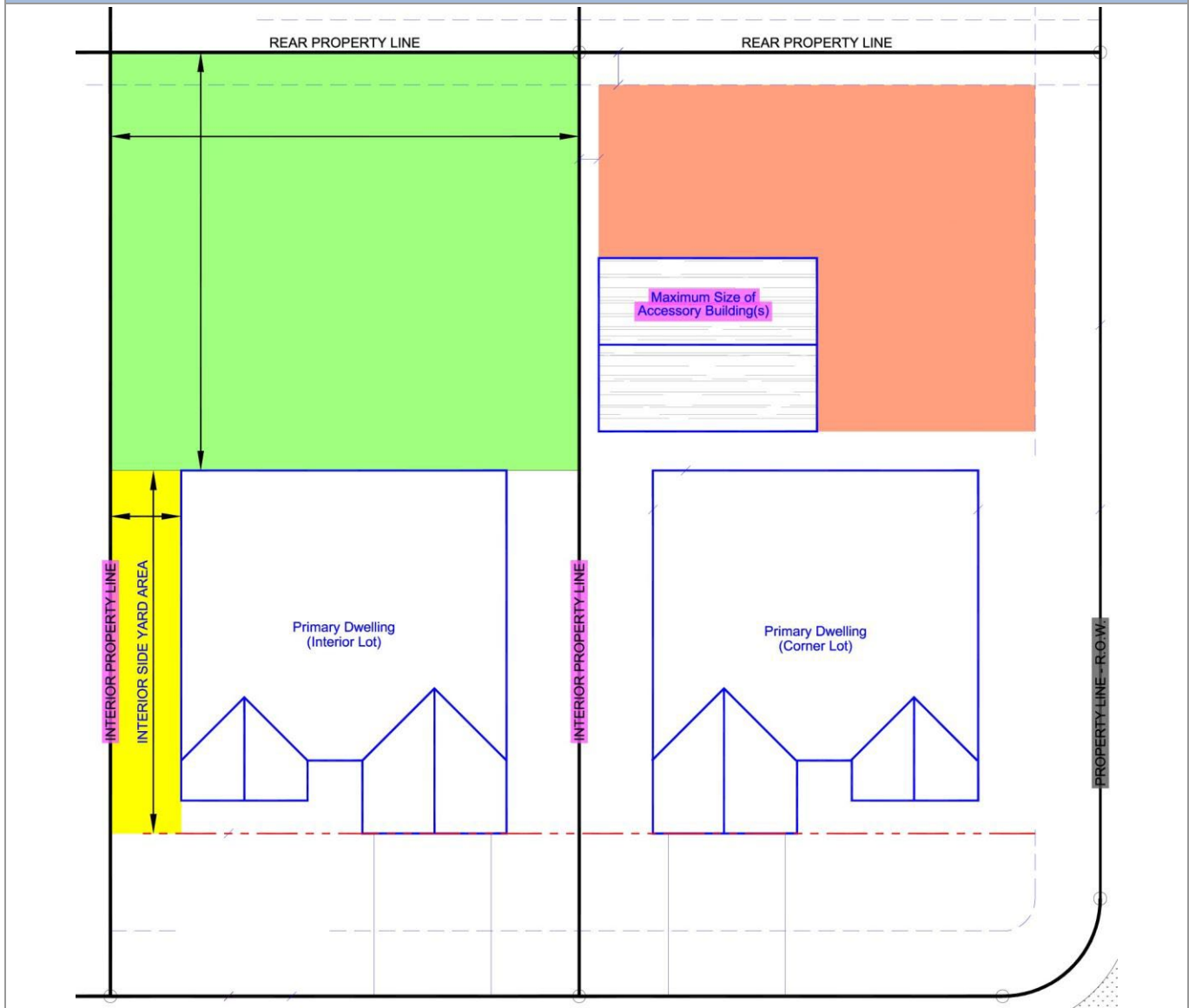
- c. *Height.* Walls and fences constructed on property used for or restricted to residential uses shall be no greater than six feet in height, subject to the following limitations, except as provided for in this section:
 - i. The height of a wall or fence shall be the vertical distance between the ground and the top of the fence. In terrain where the ground slopes at a grade of 10 percent or more, the fence or wall may be built in ten-foot horizontal stair-step sections. The average height of each section shall comply with the height regulations in this Section.
 - ii. Notwithstanding any contrary provisions in this Code, the Zoning Administrator may approve an overall fence height not to exceed eight feet in height as measured according to subsection c.1 of this section. Such authorization shall be based on specific proposals that demonstrate superior craftsmanship, aesthetic harmony with and enhancement of the streetscape and the neighborhood, structural integrity, durability, safety, and overall design standards.
 - iii. No wall or fence located on a lot with two street frontages (corner lot) shall have a height in conflict with the regulations governing visibility at intersections as prescribed in [Chapter 18, Sec. 18-14, *Visual Obstructions to Traffic*](#), in the City's Code of Ordinances.
- d. *Location.*
 - i. The maximum height of a fence within a required front or exterior side yard shall be 36 inches. Such fences shall have a minimum transparency of 50 percent. Such fencing shall have clear sight visibility and not cause an obstruction from a driveway or to a street.
 - ii. No fences shall be located within a clear visibility triangle as set forth in [Table 20-1-10-1, *Measurements*](#).
 - iii. No wall or fence shall be located in a dedicated drainage easement in which an existing or improved drainage channel is located.
 - iv. Fences constructed with chicken wire or similar material for the enclosure of farm animals shall not be allowed except on property zoned as Agricultural (AG).
- e. *Fencing Exceptions.*
 - i. Barbed wire shall not be used on fencing except under the following circumstances:
 - (A) Fencing for property used for agriculture or grazing purposes;
 - (B) Security fencing for nonresidential uses in the nonresidential zoning districts where the barbed wire is six feet or more above the ground level; and
 - (C) Security fencing for a site operated by a local, state or federal government agency or a franchised utility company where the barbed wire is six feet or more above the ground level.
 - ii. Wired electrical fences shall be installed in accordance with the National Electrical Code as adopted by the City and may be used only for the purposes they are designed for and shall be Underwriters' Laboratory-approved. Wired electrical fencing may be used on a property used for agriculture or grazing purposes only and shall not be used for fencing adjacent to or in any residential district. Notice of such fence shall be posted at least once along each adjoining public right-of-way and at intervals not less than 500 feet.

(e) **Residential Accessory Structure or Use.**

- (1) *Accessory Buildings.*

- a. *Location.*
 - i. An accessory building shall be located in the interior side or rear yard;
 - ii. No accessory building shall be closer than three feet to any rear or side lot line; and
 - iii. An accessory building shall be no closer than six feet from any building.
- b. *Height.* An accessory building shall not exceed 20 feet in height.

Figure 20-3-5-1, Size of Accessory Building in Residential Districts



- (f) *Screening.* An accessory building located in an interior side yard shall be screened by a six foot fence or wall.
- (g) *Garages.* Garages, attached or detached, shall not be considered an accessory building when constructed concurrently with the primary structure.
- (h) *Commercial Boarding Home.* A commercial boarding home shall comply with state standards for day care centers and foster homes.

- (1) *Accessory Dwelling Units (ADUs).* In addition to complying with the standards for Accessory Buildings in Sec. 20-3-5.e.1, above, the following standards apply for Accessory Dwelling Units.
 - a. *Zoning Districts.* ADUs are allowed in accordance with [Sec. 20-3-1, Use Table](#).
 - b. *Housing Standards.* ADUs shall comply with all applicable local, state, and federal housing codes.
 - c. *Number.* Only one ADU shall be permitted per lot.
 - d. *Size of Unit.* The ADU shall meet the size requirements as described in [Sec. 20-3-5.c.7, Size](#).
 - e. *Location of ADU on the Lot.* A detached ADU shall be sited to the rear of the principal building, and shall meet the requirements in [Sec. 20-3-5-e.1.a, Location](#).
 - f. *Parking.* Adequate off-street parking shall be provided for any vehicles owned by occupants of the ADU.
- (2) *Bed and Breakfast Home.*
 - a. The lot is conforming relative to the standards of this Zoning Ordinance;
 - b. Meals are for overnight occupants and guests only (use of the home for an external catering service is prohibited);
 - c. Private events are allowed only by issuance of a conditional use permit;
 - d. The home is inspected and has a written record indicating that it meets all applicable building and fire codes prior to occupancy;
 - e. The principal use of the bed and breakfast home is a single-family dwelling; and
 - f. The business is conducted so that it does not create parking or traffic congestion or otherwise unreasonably interfere with the peace and enjoyment of surrounding homes as places of residence.
- (3) *Child or Group Day Care Home.*
 - a. The operator must reside on the premises;
 - b. The use shall be clearly accessory to the residential use;
 - c. The use shall meet State registration and licensing requirements;
 - d. The resident operator, if not the owner of the property, shall provide a letter of authorization from the property owner;
 - e. Outdoor play areas are enclosed by a fence that is at least six feet in height; and
 - f. The use shall be accessed by a public street.
- (4) *Community Gardens.*
 - a. *Location.* The entirety of the community garden shall be located within the rear yard and shall not be located within any required setback.
 - b. *Screening.* The entirety of the community garden shall be screened by a fence where the community garden abuts residential properties.
 - c. *Composting.* Composting may be performed on-site, within a composting container, subject to the following:
 - i. Composted materials shall be generated on-site or contributed by members of the community garden; and
 - ii. All composting containers shall be located a minimum of 20 feet from side and rear property lines and a minimum of 40 feet from the front property line.

- (5) *Home Occupations.* In connection with the residential occupancy of a dwelling, any use permitted as a home occupation may be operated subject to compliance with the following conditions:
 - a. Is operated entirely within the dwelling unit and only by a person or persons maintaining a dwelling therein;
 - b. Does not display or create outside the building any external evidence of the operation of the occupation;
 - c. Does not utilize more than 25 percent of the gross floor area in a dwelling unit;
 - d. Does not have any employee or regular assistant not residing in the dwelling unit in which the home occupation is operated or maintained; and
 - e. With the exception of day care homes, does not involve customers coming to the dwelling unit for retail or personal service purposes. Child care shall be considered a permissible home occupation. Home child care facilities shall not involve more than six children, including those residing at the residence. Said child care facilities shall be licensed by the State of Texas.
 - f. Customary home occupations shall not include auto repair, barber shops, beauty shops, carpenters', electricians', or plumbers' shops, radio shops, tin-painting, furniture repairing, sign painting, or any form of retail sales.
 - (6) *Outdoor Swimming Pool, Spa, and Hot Tub.* A private swimming pool along with incidental installations, such as pumps and filters, is permitted in any residential zoning district subject to the following standards:
 - a. *Permit.* No swimming pool shall be constructed or placed until a swimming pool building permit has been issued. No building permit shall be issued unless the proposed pool complies with applicable local and state regulations.
 - b. *Location.* A swimming pool, spa, or hot tub may be constructed and operated in a rear or side yard setback when the pool is not located in any easement or closer than 10 feet to any back property line and seven and one-half feet to the side property line.
 - c. *Enclosure.* Pool enclosure requirements for pools located in residential districts must meet current adopted Building Codes for single-family residential pools, spas, and hot tubs.
 - d. *Lighting.* All lighting of the pool is shielded or directed to face away from adjoining residences.
 - (7) *Chicken-Keeping.* Complies with all provisions of Chapter 3, [Sec. 3-66](#), *Hens*, of the City's Code of Ordinances.
- (i) **Agricultural Accessory Structure or Use.**
- (1) *Generally.* All accessory structures or uses that support an agricultural activity shall follow the following criteria:
 - a. *Floor Area.* An accessory structure that supports an agricultural activity may exceed the floor area of the principal building.
 - b. *Residential Separation.* All agricultural structures (excluding fences) used to house livestock shall be located so that they are no closer than 150 feet from a dwelling unit on another property. This requirement shall not apply if a dwelling unit is constructed to encroach upon such separation, except that such an agricultural structure may no longer expand towards a newly established residential use.

(j) **Nonresidential Accessory Structure or Use.**

- (1) *Automated Teller Machine (ATM) or Vending Kiosk.* ATMs or vending kiosks are permitted subject to the following:
 - a. *Accessory Use.* They shall be customarily associated with a permitted principal use, located on the same lot or parcel and shall not serve as a principal use;
 - b. *Setback.* They shall be set back from property lines one foot for each foot in height of the kiosk or ATM;
 - c. *Height.* They shall not exceed a maximum height of 10 feet;
 - d. *Pedestrian Access.* Walk-up vending kiosks and ATMs shall be connected to the internal and external pedestrian circulation systems and do not interfere with vehicular circulation; and
 - e. *Vehicular Access.* Drive-through vending kiosks and ATMs shall have circulation that is independent from parking areas and shall provide a minimum of three stacking spaces, including the position at the kiosk or ATM.
- (2) *Community Garden.* All community gardens accessory to a principal nonresidential use shall conform with the following criteria:
 - a. *Accessory Use.* A community garden may be permitted as an accessory use to:
 - i. Household Living;
 - ii. Group Living;
 - iii. Community Service;
 - iv. Day Care;
 - v. Government Facilities;
 - vi. Medical Facilities;
 - vii. Parks and Open Areas;
 - viii. Social Service Establishments;
 - ix. Utilities;
 - x. Church or Place of Worship; and
 - xi. Educational Facilities.
 - b. *Location.* The entirety of the community garden shall not be located within any required setback.
 - c. *Composting.* Composting may be performed on-site, within a composting container, subject to the following:
 - i. Composted materials shall be generated on-site or contributed by members of the community garden; and
 - ii. All composting containers shall be located a minimum of 40 feet from side and rear property lines and a minimum of 80 feet from the front property line.
- (3) *Donation Bin.*
 - a. *Generally.* Donation bins and similar storage containers can be permitted to community service, not-for-profit organizations, on developed nonresidential properties for placing secondhand materials including, but not limited to, used clothing, toys, small electronics, sporting goods, and similar household items or materials.

- b. *Permit required.* Donation bins shall be an accessory land use activity to an existing primary land use established on property and shall receive a permit from the Building Department prior to installation. Donation bins shall be subject to the requirements of this section. Permits issued to an organization shall not be transferable and shall expire on the 31st day of December in the year of issuance. According to the City's Fee Schedule, a minimum permit fee shall be paid before an annual permit is issued.
 - c. *Number, location, and requirements.* Community service, not-for-profit organizations, are to place donation bins in accordance with the following standards:
 - i. There shall be no more than one donation bin placed on private property or within 800 feet of another permitted donation bin.
 - ii. The bin shall not exceed a capacity of 512 cubic feet (8' x 8' x 8' maximum dimensions).
 - iii. The bin shall be designed and installed in a manner that prevents the bin from tipping over.
 - iv. The community service, not-for-profit organization, placing the bin shall:
 - (A) Submit to the City a written permission letter from the property owner consenting to the placement and maintenance of the donation bin;
 - (B) Keep the bin in good repair, maintain the area around the bin free of litter, and remove any graffiti from the bin within 48 hours of discovery or notice;
 - (C) Clear the bin of its contents no less than every two weeks, or as needed, more often to prevent the placement of items outside of or around the bin; and
 - (D) Clearly mark in an area no greater than one square foot in size the name and telephone number of the community service, not-for-profit organization on the bin.
 - v. Bins shall be located:
 - (A) Only on private property in an interior side or rear yard area and shall be screened from a public street right-of-way; and
 - (B) On an impervious surface that is not also a parking space and that does not, in any way, reduce the minimum required parking spaces for the established nonresidential uses found on the property site on which it is located; and
 - (C) In a location that shall not interfere with any of the requirements found in the Code of Ordinances, [Chapter 4, Buildings, Construction, Related Activities](#), and in this Chapter.
 - d. *Security.* The bin(s) shall be enclosed by use of a receiving door and locked so that the contents of the bin may not be accessed by anyone other than those responsible for retrieval of the contents.
- (4) *Drive-In or Drive-Through Facility.*
- a. *Generally.* Drive-in or drive-through facilities are permitted only as an accessory use to a principal use.
 - b. *Access.* The facility shall take access from an arterial or collector street.
 - c. *Location.* The drive-in or drive-through facility shall not be located within the front yard setback.
 - d. *Speakers.* Drive-through speakers shall be either:
 - i. Oriented to face away from a single- or two-family dwelling or a residential zoning district; or
 - ii. Be setback a minimum of 25 feet from a single- or two-family dwelling or a residential zoning district.

- e. *Buffering.* Ordering stations facing abutting residentially zoned or used property shall be buffered with five- to six-foot-high fencing and landscaping.
- (5) *Agricultural Outdoor Display of Merchandise.* Permanent or seasonal outdoor display of merchandise is permitted in rural (AG) and nonresidential zoning districts, subject to the requirements of [Sec. 20-4-4, Outdoor Storage and Display.](#)
- (6) *Outdoor Storage.* Outdoor storage shall take place only in conjunction with a principal use as permitted in nonresidential and mixed-use districts, and is subject to the requirements of [Sec. 20-4-4, Outdoor Storage and Display.](#)

Sec. 20-3-6. Temporary Uses and Structures

- (a) **Generally.** Permitted temporary uses and structures are set forth in Table 20-3-6-1, *Temporary Uses and Structures.* Standards for temporary uses and structures are set forth below.
- (b) **Purpose.** The purpose of this Section is to establish specific conditions for certain uses and structures permitted for a limited duration. The following standards ensure that such temporary uses or structures do not negatively impact surrounding properties and are discontinued upon the expiration of a set time period.
- (c) **Applicability.**
 - (1) *Maximum Duration.* Other than retail promotional activities, the temporary uses set out in this Subsection are limited for a specified period of time as outlined in Table 20-3-6-1, *Temporary Uses and Structures.*
 - (2) *Required Principal Use.* The establishment of a temporary use requires a permanent principal use, except for a batch plant.
 - (3) *Authorized Applicants.* The owner or another person having a contractual interest in the subject property shall sign the Temporary Use Permit application.
 - (4) *Unlisted Temporary Uses.* Refer to [Sec. 20-3-8, New and Unlisted Uses,](#) if temporary use is not listed in Table 20-3-6-1.

Table 20-3-6-1, Temporary Uses and Structures

Land Use	Duration	Zoning Districts										
		AG, RE	LR	MR	HR	NC	RC	DT	HC	BP	LI, HI	PF
P = Permitted; -- = Prohibited Use												
Duration = Maximum Events per Year/Days per Event on the same site (Duration Column)												
Public and Commercial Events												
Commercial Outdoor Sales Event	6/4	--	--	--	--	P	P	P	P	--	--	--
Farmer's Market or Open Air Market	52/2	--	--	--	--	P	P	P	P	P	P	P
Mobile Food Vendor	365/1	--	--	--	P	P	P	P	P	P	P	P

Table 20-3-6-1, Temporary Uses and Structures												
Land Use	Duration	Zoning Districts										
		AG, RE	LR	MR	HR	NC	RC	DT	HC	BP	LI, HI	PF
Public Exhibit or Transient Events/Shows	1/14	--	--	--	--	P	P	P	P	P	P	--
Roadside Stand	2/60	--	--	--	--	--	P	P	P	--	--	--
Seasonal Sales	6/60	--	--	--	--	--	--	P	--	--	--	--
Sidewalk Sales	6/60	--	--	--	--	P	P	P	P	--	--	--
Mobile Retail Vendor	365/1	--	--	--	--	--	--	--	--	P	P	--
Construction, Storage, and Refuse Collection Facilities												
Asphalt or Concrete Batch Plant, Temporary	N/A	P	P	P	P	P	P	P	P	P	P	P
Model Home/Show Home	N/A	P	P	P	P	--	--	--	--	--	--	--
Temporary Construction Office/Sales Office	N/A	P	P	P	P	P	P	P	P	P	P	P
Temporary Construction Yard	N/A	--	--	--	--	--	--	--	P	P	P	P
Temporary Construction Dumpsters	N/A	P	P	P	P	P	P	P	P	P	P	P
Portable Storage Unit	N/A	P	P	P	P	P	P	P	P	P	P	P

- (d) **General Criteria.** All temporary uses listed in this Subsection require a Temporary Use Permit. The Zoning Administrator shall not approve or modify and approve an application for a Temporary Use Permit unless the following general criteria, specific regulations, and time limitations are met in addition to standards for any particular temporary use as specified below.
- (1) *Accessibility.* 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.
 - (2) *Location (Permission Required).* The use shall not be on publicly or privately owned property unless the applicant first obtains written approval from the owner.
 - (3) *Traffic.* The location of the temporary use or structure shall be such that adverse effects on surrounding properties will be minimal. Regarding traffic, this is specific to the amount of traffic generated or traffic circulation impacted by the temporary use or structure.

- (4) *Parking and Access.* Adequate off-street parking shall be provided to serve the use. The use shall not displace the required off-street parking spaces or loading areas of the principal permitted uses on the site. The entrance and exit drives shall be designed to prevent traffic hazards and nuisances.
 - (5) *Property Line Setbacks.* Structures and/or display of merchandise shall comply with the yard and property line setback requirements of the base zoning district within which it is located. The items shall be displayed so as not to interfere with the sight triangle of the intersection of the curb line of any two streets or a driveway and a street. In no case shall items be displayed, or business conducted, within the public right-of-way with the exception of the DT or NC zoning districts.
 - (6) *Number per Parcel.* Only one Temporary Use Permit shall be permitted for a single parcel of land at any given time.
 - (7) *Utilities.* Temporary uses must provide sufficient potable water and adequate sewage disposal.
 - (8) *Outdoor Lighting.* All light sources must be directed inward to the site and downward and away from adjacent properties. Refer to [Sec. 20-4-5, Outdoor Lighting](#).
 - (9) *Public Convenience and Litter Control.*
 - a. Adequate public restroom facilities and waste containers shall be required on-site.
 - b. After the temporary use is finished, the site shall be returned to its condition prior to the temporary use being established, including, but not limited to, removal of all litter and any other facilities related to the use, at no expense to the City.
- (e) **Construction, Storage, and Refuse Collection Uses.** The standards of this Section apply to temporary construction, storage, and refuse collection uses that are listed as a permitted temporary use in Table 20-3-6-1.
- (1) *Location and Operations.* The location, hours of use, operational limitations, and duration of use are set out in Table 20-3-6-2, *Temporary Construction, Storage, and Refuse Collection Uses*.

Table 20-3-6-2, Temporary Construction, Storage, and Refuse Collection Uses

Temporary Use	Location of Use	Hours of Use	Operational Limitations	Duration of Use
Asphalt or Concrete Batch Plant	Not less than 600 feet from any residential property, park, or school.	In accordance with Sec. 8-7, Noise , of the Code of Ordinances.	The facility shall be used only for a project within the City or its ETJ, no more than one mile from the project site.	Established by approval to coincide with the use of the facility for a specified construction project, not to exceed 180 days. Shall be removed upon project completion.
Model Home/ Show Home	On a lot or parcel in the development in which the homes are for sale. Model home/show home shall comply with setbacks, dimensional standards, and all other applicable standards for the zoning district in which it is located, required by this Ordinance and other ordinances of the City Code of Ordinances.	Not limited.	The facility shall only be used for the sale and demonstration of homes in the development in which it is located and shall not be used for any other purpose.	Until the issuance of a certificate of occupancy for the last unit in the development. Once the last certificate of occupancy is issued, the model home/show home shall convert to a permanent use permitted within the applicable zoning district.
Temporary Construction Office/Sales Office	On lot or parcel proposed for development, set back at least 10 feet from all property lines.	Not limited.	May be used by construction superintendent, construction workers, contractors, sales staff, and other personnel on a construction team or as a security office. The building may not be used as a residence.	Shall be removed prior to certificate of occupancy for the last building.
Temporary Construction Yard	Within one-half mile of the construction to which the construction yard relates.	8:00 a.m. to 8:00 p.m. if within 600 feet of residential property; or 7:00 a.m. to 10:00 p.m. in all other locations.	The facility shall be used only for a construction site within the City or ETJ or an infrastructure project that is wholly or partially located in the City.	Established by approval; to coincide with the use of the facility for a specified construction project.

Table 20-3-6-2, Temporary Construction, Storage, and Refuse Collection Uses				
Temporary Use	Location of Use	Hours of Use	Operational Limitations	Duration of Use
Temporary Construction Dumpster	On parcel or lot using dumpster, set back at least 10 feet from the property line. In nonresidential and mixed-use districts, dumpsters shall be located behind buildings (where possible) and shall not obstruct required parking areas.	Not limited.	Refuse shall be contained within the dumpster and shall be secured to prevent it from being removed from the dumpster by wind or animals.	Shall be removed prior to issuance of a certificate of occupancy for the last building.
Portable Storage Unit	On parcel or lot served by portable storage unit. No encroachment into setbacks or over sidewalks is permitted. On nonresidential parcels, must be located behind principal building.	Not limited.	Not limited.	30 days if located in a residential driveway; three months if located behind principal nonresidential building and screened from view from public rights-of-way and residential districts or uses.

- (2) *Sanitary Facilities.* Restroom facilities shall be provided for operators of concrete and asphalt batching operations and for users of temporary construction buildings (except when used exclusively for storage), model homes, and on-site real estate offices.
- (3) *Additional Standards Applicable to Concrete and Asphalt Batching Operations.* The Public Works Director shall review all applications for concrete and asphalt batching operations to make a recommendation to the Zoning Administrator regarding compliance with the standards of this Subsection. The standards include:
 - 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 Public Works Director.
 - b. If deemed necessary by the Public Works Director, the property access shall be controlled by special traffic markings 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 Public Works Director prior to installation. These facilities shall be installed in accordance with approved plans.
 - d. Noise shall be controlled so that it complies with [Sec. 8-7, Noise](#), of the Code of Ordinances.

- (4) *Extension of Approvals.* Approvals may be extended upon demonstration of good cause, appropriate maintenance, extension of any surety, and diligent pursuit of the purposes for which the temporary construction or storage uses were established. All applications for renewal of a temporary use permit issued pursuant to this Section shall be submitted to the Zoning Administrator at least 10 working days before the expiration of the permit.

Sec. 20-3-7. Wireless Telecommunications Facilities

- (a) **Purpose.** The purpose of this section is to establish regulations for the siting of towers and antennas on public and private property. The goals of this section are to:
 - (1) Encourage the location of towers in nonresidential areas and minimize the total number of towers throughout the community;
 - (2) Encourage the joint use of new and existing tower sites;
 - (3) Require users of towers and antennas to locate them, to the extent possible, in areas where the adverse impact on the community is minimal;
 - (4) Require users of towers and antennas to configure them in a way that minimizes the adverse visual impact of the towers and antennas; and
 - (5) Enhance the ability of the providers of telecommunication services to provide such services to the community quickly, effectively, and efficiently.
- (b) **Application Requirements.** The proponent of a new tower site other than a radio, television or microwave broadcasting or transmission facility shall provide the following documentation for review by the planning department:
 - (1) *Residential Setback.* Towers must be set back a distance equal to the height of the tower from any off-site residential structure.
 - (2) *Yard Setback.* Towers and accessory facilities must satisfy the minimum yard setback requirements for the zoning district in which they are located.
 - (3) *Security Fencing.* Towers shall be enclosed by security fencing not less than six feet in height and shall be equipped with an appropriate anti-climbing device.
 - (4) *Aesthetics.* Towers shall either maintain a galvanized steel finish or, subject to any applicable standards of the FAA, be painted sky blue or gray, so as to reduce visual obtrusiveness. At a tower site, the design of the buildings and related structures shall, to the extent possible, use materials, colors, textures, screening, and landscaping that will blend the tower facilities to the natural setting and building environment. If an antenna is installed on a structure other than a tower, the antenna and supporting electrical and mechanical equipment must be of a neutral color that is identical to, or closely compatible with, the color of the supporting structure so as to make the antenna and related equipment as visually unobtrusive as possible.
 - (5) *Federal Requirements.* All towers must meet or exceed current standards and regulations of the FAA, FCC, and any other agency of the federal government with the authority to regulate towers and antennas. If such standards and regulations are changed, then the owners of the towers and antennas governed by this section shall bring such towers and antennas into compliance with such revised standards and regulations within six months of the effective date of such standards and regulations.
 - (6) *Building Codes and Safety Standards.* To ensure the structural integrity of towers, the owner of a tower shall ensure that it is maintained in compliance with standards contained in applicable local building codes and the applicable standards for towers that are published by the Electronic Industries

Association, as amended from time to time. If, upon inspection, the tower fails to comply with such codes and standards and constitutes a danger to persons and property, then, upon notice being provided to the owner of the tower, the owner shall have 30 days to bring such tower into compliance with such codes and standards. If the owner fails to bring such tower into compliance within the 30 days, the City may remove such tower or cause such tower to be removed at the owner's expense.

- (c) **Removal of Abandoned Antennas and Towers.** Any antenna or tower that is not operated for a continuous period of 12 months shall be considered abandoned, and the owner of such antenna or tower shall remove same within 90 days of receipt of notice from the Planning Department notifying the owner of such abandonment. If such antenna or tower is not removed within the 90 days, the Planning Department may cause such antenna or tower to be removed at the owner's expense. If there are two or more uses of a single tower, then this provision shall not become effective until all users cease using the tower.
- (d) **Satellite Dish Antennas.** Satellite dish antennas may be allowed in any district when the following conditions are met:
 - (1) *Limits.* Only two antennas shall be allowed per dwelling unit or structure housing a permitted nonresidential use, and may be either ground- or roof-mounted. An antenna shall be considered ground-mounted whenever it is not entirely supported by the roof.
 - (2) *Roof-Mounted Antennas.* Roof-mounted antennas shall not extend beyond the maximum height of structures permitted in the district in which they are located, except that when mounted to a two-story structure, no portion of the dish or appurtenances shall extend more than 10 feet beyond the roofline.
 - (3) *Encroachments.* A satellite antenna array shall not extend into the front yard. See Subsection b.2 above for more detail.
 - (4) *Accessories to Principal Use.* Antennas shall be accessories to the primary use of the lot or tract upon which it is located.

Sec. 20-3-8. New and Unlisted Uses

- (a) **Purpose.** It is recognized that new types of land use will develop and forms of land use not anticipated may seek to locate in the City. In order to provide for such changes and contingencies, a determination as to the appropriate classification of any new or unlisted form of land use shall be made as follows:
- (b) **Authorization of Proposed Use.**
 - (1) *Zoning Administrator Discretion.* Use Categories and specific uses are listed in the tables in [Sec. 20-3-2, Use Categories](#). The Zoning Administrator may interpret a use that is not listed to be within a defined use category or zoning district.
 - (2) *Referral to Planning and Zoning Commission.* The Zoning Administrator may refer the question concerning any new or unlisted use to the Planning and Zoning Commission requesting an interpretation as to the use category or zoning district into which such use should be placed. The referral of the use interpretation question shall be accompanied by a statement of facts listing the nature of the use and whether it involves dwelling activity, sales, processing, type of product, storage and amount and nature thereof, enclosed or open storage, anticipated employment, transportation requirements, the amount of noise, odor, fumes, dust, toxic material and vibration likely to be generated and the general requirements for public utilities such as water and sanitary sewer.
 - (3) *Zoning District Determination.* The Planning and Zoning Commission shall consider the nature and described performance of the proposed use and its similarity with the uses within a given Use

Category or the purpose of a given zoning district and determine the Use Category or zoning district within which such use should be permitted.

- (4) *Transmission to City Council.* The Planning and Zoning Commission shall transmit its findings and recommendations to the City Council as to the classification proposed for any new or unlisted use. The City Council may, by ordinance, approve the recommendation of the Commission or make such determination concerning the classification of such use as is determined appropriate.
- (c) **If Not Authorized Then Prohibited.** If the Zoning Administrator or Planning and Zoning Commission determines that a proposed use does not fit within a given Use Category or zoning district and is not functionally the same as a permitted, limited, or conditional use, then the use is a prohibited use.
- (d) **Decision Criteria.** The Zoning Administrator or Planning and Zoning Commission, as appropriate, shall evaluate the proposed use based on the descriptions of the use categories as provided in Sec. 20-3-2, *Use Categories*, and the following criteria:
 - (1) Parking demand;
 - (2) Average daily and peak hour trip generation (cars and trucks);
 - (3) Impervious surface;
 - (4) How the use is advertised;
 - (5) Regulated air or water emissions;
 - (6) Noise;
 - (7) Lighting;
 - (8) Dust;
 - (9) Odors;
 - (10) Glare;
 - (11) Solid waste generation;
 - (12) Potentially hazardous conditions, such as projectiles leaving the site;
 - (13) Use and storage of hazardous materials;
 - (14) Character of buildings and structures;
 - (15) Nature and impacts of operation; and
 - (16) Hours of operation.

ARTICLE IV: DEVELOPMENT STANDARDS

Contents:

- Sec. 20-4-1. Purpose and Applicability
- Sec. 20-4-2. Parking, Loading, and Stacking
- Sec. 20-4-3. Landscaping, Buffering, and Screening
- Sec. 20-4-4. Outdoor Storage and Display
- Sec. 20-4-5. Outdoor Lighting
- Sec. 20-4-6. Flood Damage and Signs Reference

Sec. 20-4-1. Purpose and Applicability

- (a) **Purpose.** This Article addresses the quality design of buildings and sites to preserve and enhance the visual character of the City of Copperas Cove. The standards provide for buildings constructed of quality, durable materials; development sites that are functional, safe, and attractive; the protection of environmental resources; and preservation of civic places and common spaces for parks, recreation, and outdoor enjoyment.
- (1) *Parking, Loading, and Stacking.* The purpose of [Sec. 20-4-2, Parking, Loading, and Stacking](#), is to provide minimum requirements:
- a. *Adequate Space.* Ensure that adequate vehicle use areas are provided for new land uses and major alterations to existing uses;
 - b. *Environmental Impacts.* Minimize the negative environmental and urban design impacts that can result from excessive parking, driveways, and drive aisles within parking lots;
 - c. *Bicycle Parking.* Ensure that adequate off-street bicycle parking facilities are provided and promote parking that offers safe and attractive pedestrian routes;
 - d. *Design.* Establish standards and regulations for safe and well-designed vehicle use areas that minimize conflicts between pedestrians and vehicles within parking lots and surrounding land uses; and
 - e. *Reductions and Credits.* Offer flexible means of minimizing the amount of area devoted to vehicle parking by allowing reductions in the number of required spaces in context-sensitive locations.
- (2) *Landscaping, Buffering, and Screening.* The purpose of [Sec. 20-4-3, Landscaping, Buffering, and Screening](#), is to provide standards that will protect the health, safety, and general welfare of the public, enhance property values, improve the appearance of the community, and preserve natural resources, trees, and native plants. Planting yard regulations are established to minimize potential conflicts between abutting developments, enhance the appearance of buildings and parking lots, and create a unified and attractive streetscape. These requirements will be applied to all new development, redevelopment or building expansion projects including streetscaping of rights-of-ways. These minimum requirements will:
- a. *Erosion and Infiltration.* Reduce soil erosion and increase infiltration in permeable land areas essential to storm water management and aquifer recharge;
 - b. *Nuisances.* Mitigate air, dust, noise, heat and chemical pollution;
 - c. *Heat Island.* Reduce the “heat island” effect of impervious surfaces, such as parking lots, by cooling and shading the surface area and breaking up large expanses of pavement;
 - d. *Streetscape.* Establish a landscape theme including street trees and streetscape designs to be used throughout the City to promote the overall character and identity of the community;
 - e. *Entryways.* Address the design of entryways into the City to express the community’s values;
 - f. *Native Plants.* Reserve existing native vegetation as an integral part of the wildlife habitats, and incorporate native plants and ecosystems into landscape design;
 - g. *Conservation.* Promote innovative and cost-conscious approaches to the design, installation, and maintenance of landscaping while encouraging water and energy conservation;
 - h. *Healthy Plants.* Promote planting techniques that ensures long term health of plant materials;

- i. *Screening.* Screen unsightly equipment or materials from the view of persons on public streets or adjoining properties and buffering from uncomplimentary land uses; and
 - j. *Professional Design and Installation.* Maintain and increase property values by requiring site appropriate landscaping to be incorporated into development that is designed and installed by a qualified landscape professional.
- (3) *Outdoor Storage and Display.* The purpose of [Sec. 20-4-4, Outdoor Storage and Display](#), is to provide standards on the appropriate location of where merchandise and storage materials may be located in relation to a business in order to ensure their safety and the health and safety of employees and customers.
- (4) *Outdoor Lighting.* The purpose of [Sec. 20-4-5, Outdoor Lighting](#), is to provide direction in controlling light spillage and glare so as not to adversely affect motorists, pedestrians, and land uses of adjacent properties. Lighting intensities should be controlled and ensured that excessive light spillage and glare are not directed at adjacent properties, neighboring areas, and motorists.
- (b) **Applicability.** The standards in this Article apply to new development, redevelopment, substantial improvement, and expansions of use, site, and buildings, as shown in [Table 20-4-1-1, Development Standards Applicability](#).

Table 20-4-1-1, Development Standards Applicability						
Types of Development	Sections of this Article					
	Sec. 20-4-2, Parking, Loading, and Stacking	Sec. 20-4-3, Landscaping, Buffering, and Screening		Sec. 20-4-4, Outdoor Storage and Display	Sec. 20-4-5, Outdoor Lighting	Sec. 20-4-6, Flood Damage and Signs Reference
		Buffering	Development Landscaping			
• = Section Applies						
New multifamily, nonresidential, or mixed-use development or a change in use from residential to nonresidential or mixed-use	•	•		•	•	•
Increase in apartment units, manufactured home pads, gross floor area (GFA), or impervious surface by 25 to 49 percent	•					
Change in use requiring additional parking, loading, or stacking spaces	•					

Table 20-4-1-1, Development Standards Applicability						
Types of Development	Sections of this Article					
	Sec. 20-4-2, Parking, Loading, and Stacking	Sec. 20-4-3, Landscaping, Buffering, and Screening		Sec. 20-4-4, Outdoor Storage and Display	Sec. 20-4-5, Outdoor Lighting	Sec. 20-4-6, Flood Damage and Signs Reference
		Buffering	Development Landscaping			
• = Section Applies						
Change from a nonresidential or mixed-use to another nonresidential or mixed-use that increases peak hour trips by 25 percent or more or by 100 vehicles per hour in the peak hour, whichever is less	•					
Development within a designated flood hazard area						•
At the option of the property owner in exchange for development incentives in Sec. 20-4-3			•			

Sec. 20-4-2. Parking, Loading, and Stacking AG AR BP DT HC HI HR LI LR MR NC PF RC RE

(a) **Off-Street Parking Ratios and Design.**

(1) *Generally.*

- a. *Minimum Requirements.* The minimum off-street parking requirements shall be provided for the land uses specified in Table 20-4-2-1, *Minimum Required Off-Street Parking*.
- b. *Parking in DT District Exemption.* In recognition of the reliance upon centralized parking in the DT zoning district and the impracticality of providing parking in the oldest section of the City, minimum off-street parking requirements shall not apply to the area bounded by Avenue D, Avenue F, Third Street, and Second Street.
- c. *Surfacing, Maintenance, and Temporary Use.*
 - i. All required off-street parking, loading, and stacking areas, drive aisles, and internal roadways for all uses shall be paved with an all-weather surface and kept in a dust-free condition at all times. All additional off-street parking, loading, and stacking areas to the front and side of the building not required by this Section shall at a minimum meet the dimensional requirements of this Section, but may be constructed of concrete, asphalt, black-top, stone, macadam, limestone, iron ore, gravel, or shell over a compacted base that enables the safe and effective movement of stored vehicles, both under their own power and under tow, at all times, regardless of prevailing weather conditions.
 - ii. The parking, loading, and stacking area surface shall remain free of vegetation.

- iii. The composition of all surfaces to the rear of the building are at the discretion of the owner. The use of all other types of unpaved surfaces for off-street parking, loading, or stacking may only be permitted in accordance with a Temporary Use Permit in accordance with Sec. 20-6-2, *Administrative Review Procedures*, subject to the placement of limitations on the hours and duration of the use, the nature and intensity of the event, the area affected, traffic control, and interim maintenance or erosion control requirements.
- (2) *Use of Parking Spaces*. Required off-street parking shall:
 - a. Be maintained for the duration of the use or existence of the building requiring the parking; and
 - b. Be used for the temporary parking of passenger automobiles, motor vehicles, or light trucks or for any other activity permitted by this Ordinance or the [Code of Ordinances](#).
 - (3) *Calculation of Spaces*. The following rules apply when computing off-street parking and loading requirements:
 - a. *Sum of Specific Uses*. In computing the parking requirements for any development, the total parking requirements shall be the sum of the specific parking space requirements, per Table 20-4-2-1, *Minimum Required Off-Street Parking*, for each use included in the development except as provided in Subsection (g), *Alternative Parking Plan and Shared Parking*, below.
 - b. *Rounding*. If the final calculation of the number of required parking spaces includes a fractional space, the number of required parking spaces is rounded up to the nearest whole number, regardless of the fraction.
 - c. *Per Square Foot (sf.) of Gross Floor Area (GFA)*. The phrase "per SF GFA" means that the number of parking spaces is calculated based on the number of square feet of gross floor area of the subject building.
 - d. *Per Dwelling Unit*. The phrase "per dwelling unit" means that the number of parking spaces is calculated based on the number of dwelling units.
 - e. *Per Bedroom*. The phrase "per bedroom" means the number of parking spaces is calculated based on the number of bedrooms.
 - f. *Per Bed*. The phrase "per bed" means that the number of parking spaces is based on the total number of beds in any given facility. Per bed calculations are normally applied to uses that offer residential care or short-term accommodations with shared rooms.
 - g. *Per Employee*. The phrase "per employee" means that the number of parking spaces is based on the number of employees during the shift in which the maximum number of employees is present.
 - h. *Uses Involving Fleets or Vehicle Inventory*. Uses that involve fleets of vehicles (e.g., police stations, fire stations, etc.) and uses that involve vehicle inventories (e.g., passenger vehicle sales or rental) shall provide parking for the fleet or inventory. Such parking shall not count toward the requirements of Table 20-4-2-1, *Minimum Required Off-Street Parking*.
 - i. *New and Unspecified Uses*. Where a determination of the minimum parking and/or loading requirements cannot be readily ascertained for new or unspecified uses or where uncertainty exists, the minimum off-street parking and/or loading requirements shall be established by the same process as provided for classifying new and unspecified uses. See [Sec. 20-3-8](#), *New and Unlisted Uses*.

(4) *Residential Parking.*

- a. Parking spaces for Household Living use categories or specified building types that are located in private garages, carports, or individual driveways do not have to be marked. An area on a private residential lot is considered a parking space if:
 - i. *Dimensions.* The area is at least eight feet wide and 20 feet deep in length;
 - ii. *Encroachment.* The area does not encroach upon a public sidewalk;
 - iii. *Surface.* The area has an improved hard surface or other surface approved by the Building Official; and
 - iv. *Access.* The area is accessible from the street or alley.
- b. *Recreational and Similar Vehicles.*
 - i. All motor vehicles and motor driven equipment, including, but not limited to, recreational vehicles, trailers of all kinds, boats, and special interest vehicles, parked or stored in the front setback or exterior side setback of single-family or two-family dwellings, shall be parked or stored on an all-weather surface which shall be connected to an all-weather surfaced driveway to a street.
 - ii. All motor vehicles and other motor-driven equipment listed in Paragraph b.i. above, parked or stored in the rear, interior, and exterior side setback of single-family or two-family dwellings, shall be parked or stored on surfaces authorized by Paragraph (a)(1)c of this Section, but shall not be required to be connected to an all-weather surfaced driveway to a street or alley.

Table 20-4-2-1, Minimum Required Off-Street Parking

SF = square feet GFA = Gross Floor Area -- = No minimum or no maximum, as applicable		
Use Category	Subtype	Minimum Spaces
Residential and Open Uses		
Household Living	Duplex	1.5 per dwelling unit
	Multi-family Dwelling	1.5 per dwelling unit
	Single-Family Detached Dwelling or Modular Home	2 per dwelling unit
	Tiny House Community	1 per dwelling unit
	Townhouse	2 per dwelling unit ¹
	Upper-Story Residential	1.5 per dwelling unit
	Manufactured Home Park or Subdivision	1.5 per dwelling unit
Group Living	Assisted Living Center	0.3 per unit + 0.75 per employee
	Boarding and/or Rooming House	1 per bedroom
	Group Home	2 per dwelling unit
	All other Group Living uses	2 per dwelling unit
Residential Accessory Uses ^{1,2}	Accessory Dwelling Unit	1 per accessory dwelling unit

Table 20-4-2-1, Minimum Required Off-Street Parking		
SF = square feet GFA = Gross Floor Area -- = No minimum or no maximum, as applicable		
Use Category	Subtype	Minimum Spaces
Public and Civic Uses		
Community Service	Community Center, Senior Center, or Youth Organization or Center	1 per 300 SF GFA
	Lodge	1 per 100 SF GFA
	Library or Aquarium, Museum, or Gallery	1 per 425 SF GFA
	Assembly, Meeting, Event or Exhibition Hall	1 per 4 seats
	All other Community Service uses	1 per 250 SF GFA
Day Care	Adult Day Care	1 per 400 SF GFA + 1 per employee
	Child Day Care Center	1 per 400 SF GFA + an off-street drive, having separate ingress and egress, capable of the temporary storage of 3 or more vehicles
	All other Day Car uses	1 per 400 GFA
Educational Facilities	University or College	1 per 400 SF office, research, and library area + 1 per 300 sq ft of public assembly areas and classrooms
	Commercial Trade School	1 per 2 students + 1 per employee
	School, Private, Public or Denominational	Elementary or Middle School: 1 per classroom High School: 2 per classroom + Public Assembly Facility requirement
	All other Educational Facilities uses	1 per 400 SF GFA
Government Facilities	Government Administration Offices	1 per 250 SF GFA
	Government Services (Police, Fire, Emergency Services)	--
	All other Government Facilities uses	1 per 800 SF GFA
Medical Facilities	Hospital	1 per 4 patient beds + 0.75 per employee
	All other Medical Facilities uses	1 per 250 SF GFA
Parks and Open Areas	Cemetery, Crematoriums, and Mausoleums	1 per 50 interment plots (cemetery); 1 per 350 SF GFA (Crematoriums and Mausoleums)
	All other Parks and Open Areas use	--
Passenger Terminals	All Passenger Terminal Uses	2 per 250 SF GFA
Places of Worship	All Places of Worship	1 per 4 seats in meeting area or 1 per 100 SF in meeting area without seats
Social Service	All Social Services	1 per 300 SF GFA

Table 20-4-2-1, Minimum Required Off-Street Parking		
SF = square feet GFA = Gross Floor Area -- = No minimum or no maximum, as applicable		
Use Category	Subtype	Minimum Spaces
Utilities	Major Utility	1 per employee
	Minor Utility	--
Commercial Uses		
Recreation, Indoor	Adult-Oriented Business	1 per 200 SF GFA
	Archery / Firearms Range	1 per 3 bays or 1 per 300 SF firing area if no bays
	On-Premise Alcohol Consumption (Such as Bar, Nightclub, Tavern, Lounge, or Microbrewery)	1 per 200 SF GFA
	Bowling Alley	2 per lane
	Dance Hall	1 per 200 SF GFA
	Health Club or Physical Fitness Service	1 per 200 SF GFA
	Movie or Other Theater	1 per 4 seats
	All other Recreation, Indoor uses	1 per 450 SF GFA
Recreation, Outdoor	Amphitheater	1 per 6 seats or 1 per 30 SF if no permanent seats
	Campground without Short-Term Accommodations	1 per campsite
	Golf Course or Country Club	4 per hole
	Mini-Golf Course	1 per 300 SF outdoor entertainment area + 1 per 200 SF GFA
	Stadium, Arena, Running Track, or Ball Field	1 per 4 seats or 1 per 50 SF if no permanent seats
	Recreational Vehicle (RV) Park	1 per RV site
	All other Recreation, Outdoor uses	16 per acre of outdoor recreation area
Offices	Banking or Credit Union	1 per 250 SF GFA
	All other Office Uses	1 per 300 SF GFA
Short-Term Accommodation	All Short-Term Accommodations uses	1 per guest room + 1 per 800 SF public meeting area and restaurant space
Parking, Commercial	All Parking, Commercial uses	--
Restaurant	Restaurant, Drive-in and Fast Food and Restaurant, Fast Food with Drive-Through	1 per 250 SF GFA
	All other restaurants uses	1 per 100 SF GFA
Retail Repair, Sales, and Service	All Repair-Oriented uses	1 per 400 SF GFA
	All Sales-Oriented uses	1 per 250 SF GFA
	All Service-Oriented uses	1 per 300 SF GFA
Vehicle Sales and	Car Wash	1 per facility

Table 20-4-2-1, Minimum Required Off-Street Parking		
SF = square feet GFA = Gross Floor Area -- = No minimum or no maximum, as applicable		
Use Category	Subtype	Minimum Spaces
Service	Truck Sales, Service, Rental, and Repair and RVs, Camping and/or Travel Trailers Sales or Rental	1 per 1,000 SF sales and service building(s)
	Fuel Sales	1 per 200 SF GFA
	Vehicle Servicing, Major and Vehicle Servicing, Minor	2 per service bay
	All other Vehicle Sales and Service uses	1 per 250 SF GFA of sales and service building(s)
Industrial Uses		
Heavy Industrial	All Heavy Industrial uses	0.75 per employee or 1 per 1,000 SF GFA, whichever is less
Light Industrial	All Light Industrial uses	0.5 per employee or 1 per 1,000 SF GFA, whichever is less
Warehousing	All Warehousing uses	0.75 per employee or 1 per 1,000 SF GFA, whichever is less
Waste-Related	All Waste-Related uses	1 per 300 SF GFA of indoor facility + 1 per 1,000 SF GFA of outdoor storage or salvage area
Wholesale Trade	All Wholesale Trade uses	1 per 1,500 SF GFA
Open Uses		
Agriculture	Kennel	1 per 500 SF GFA
	Sale of Material for the Purpose of Retail or Wholesale Sales of Plant Material (Flowers, Shrubs, Trees, Garden Supplies)	1 per 500 SF of retail area
	Veterinary Service (All Size Animals)	1 per 300 SF GFA
	All other Agricultural uses	--
Resource Extraction	All Resources Extraction uses	--
TABLE NOTES:		
1. Where townhouse/zero lot line lots are less than 50 feet in width, an additional one-half space per dwelling unit shall be provided.		
2. Parking requirement is in addition to the requirements for the primary use.		

(5) *Design and Construction Requirements.*

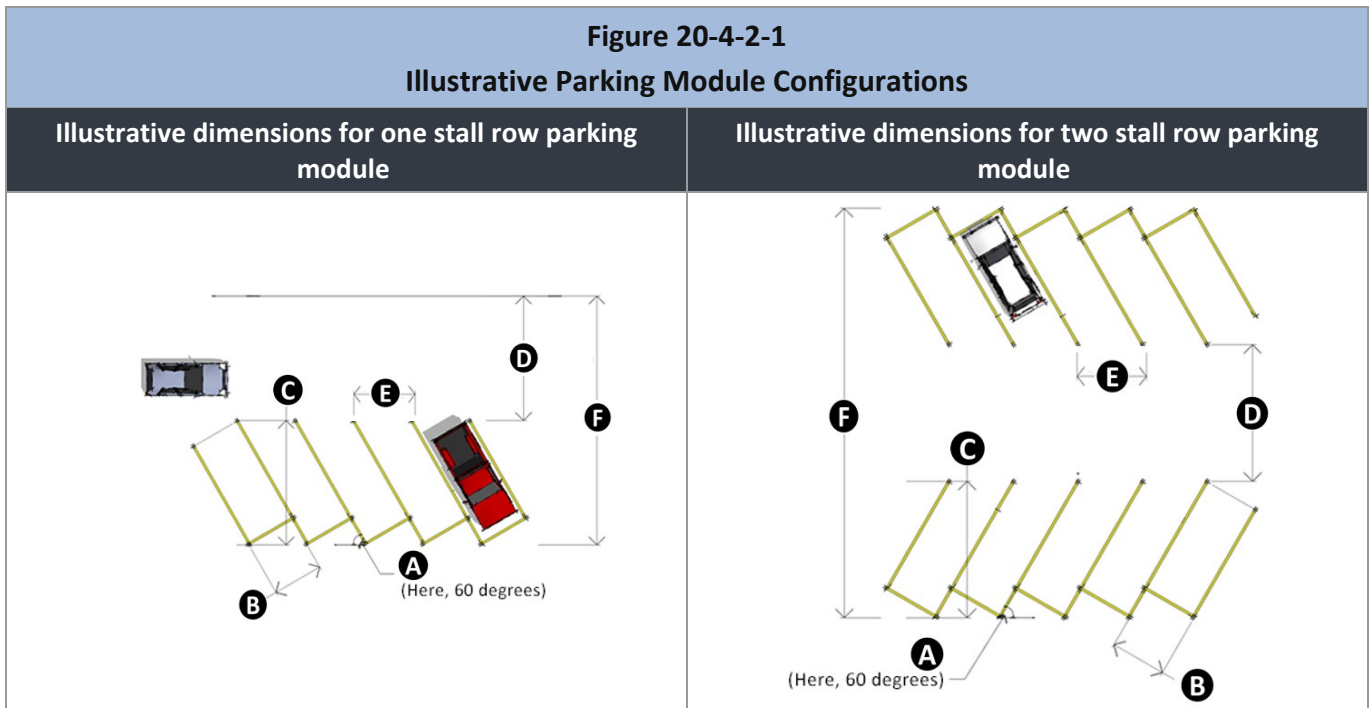
- a. *Tandem Parking.* Each parking space shall be accessible from a street or alley through aisles and/or driveways, except that tandem parking arrangements are permitted for single-family, two-family, and manufactured home uses or as allowed based on an approved parking study as described in Subsection (g), *Alternative Parking Plan and Shared Parking*, below.
- b. *Dead-End Aisles.* Dead-end aisles are not permitted unless adequate turnarounds are provided.

- c. *Marking.* All parking spaces for nonresidential and mixed uses shall be clearly marked on the pavement with yellow or white traffic paint or raised pavement markers approved by the Public Works Director.
- d. *Site Access.* All driveways and other site access shall meet the applicable driveway requirements of Subsection (f), *Driveways*, below.
- e. *Parking Module Dimensions.* Parking modules shall be dimensioned as shown in Table 20-4-2-2, *Parking Module Dimensions*. The dimensions that are set out in the table are illustrated in Figure 20-4-2-1, *Illustrative Parking Module Configurations*.

Table 20-4-2-2 Parking Module Dimensions							
A Angle of Parking (Degrees)	B Width of Stall ¹	C Depth of Stall 90 Degrees to Aisle ¹	D Width of Aisle		E Width of Stall Parallel to Aisle	F Total Width	
			One Way	Two Way		One Way	Two Way
45 or less	9 ft.	18 ft.	12.5 ft.	24 ft.	12.5 ft.	54.2 ft.	62.2 ft.
60	9 ft.	18 ft.	16 ft.	24 ft.	10.5 ft.	59.6 ft.	--
90	9 ft.	18 ft.	24 ft.	24 ft.	9 ft.	--	65 ft.
Parallel	9 ft.	9 ft. (width)	12 ft.	24 ft.	24 ft.	30 ft.	42 ft.

TABLE NOTES:

- At least 30 percent of the required off-street parking spaces shall have minimum dimensions of 10 feet in width by 20 feet in length.



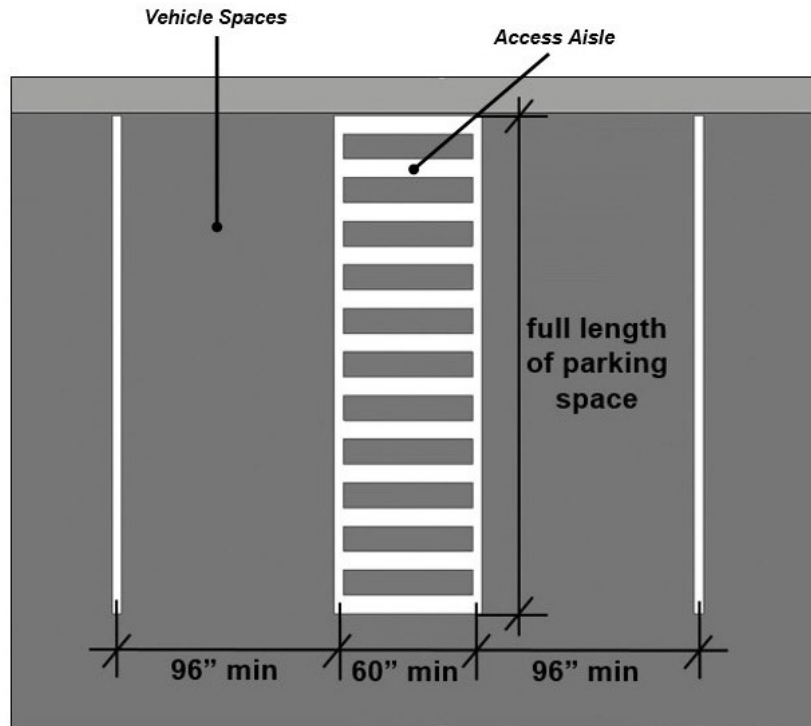
(b) **Accessible Parking.**

- (1) *Number of Required Spaces.* Parking for disabled persons shall be provided as set out in Table 20-4-2-3, *Accessible Parking Requirements*, or as required by the Americans with Disabilities Act (ADA) Standards for Accessible Design and ADA Accessibility Guidelines for Buildings and Facilities published by the United States Access Board. If any of the standards within this Section and the United States Access Board are in conflict then whichever requires more spaces shall be used. Required accessible parking spaces are included in the total number of required parking spaces per Table 20-4-2-1, *Minimum Required Off-Street Parking*.

Table 20-4-2-3 Accessible Parking Requirements		
Number of Required Parking Spaces	Minimum Number of Accessible Parking Spaces	Minimum Number of Van-Accessible Parking Spaces
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	2
301 to 400	8	2
401 to 500	9	2
501 to 1000	2 percent of total parking provided in each lot or structure	1 out of 6 accessible spaces, rounded up
1001 and over	20 plus 1 for each 100 over 1000	1 out of 6 accessible spaces, rounded up

- (2) *Parking Space Size Specifications.* Figure 20-4-2-2, *ADA Parking Space Dimensions*, details the specific size requirements for both standard automobile and van-accessible ADA-accessible parking spaces.

**Figure 20-4-2-2
ADA Parking Space Dimensions**



(c) Off-Street Loading.

- (1) *Generally.* This Subsection establishes the requirements with off-street loading spaces in connection with any nonresidential or mixed-use building, structure, or use which is to be erected or substantially altered to provide adequate space for off-street loading, unloading, and the maneuvering of shipping and delivery vehicles in the DT, NC, RC, HC, BP, LI, HI, and PC overlay districts.
- (2) *Minimum Number of Off-Street Loading Spaces Required.* Off-street loading facilities shall be provided in accordance with the requirements in Table 20-4-2-4, *Minimum Off-Street Loading Spaces Required*.

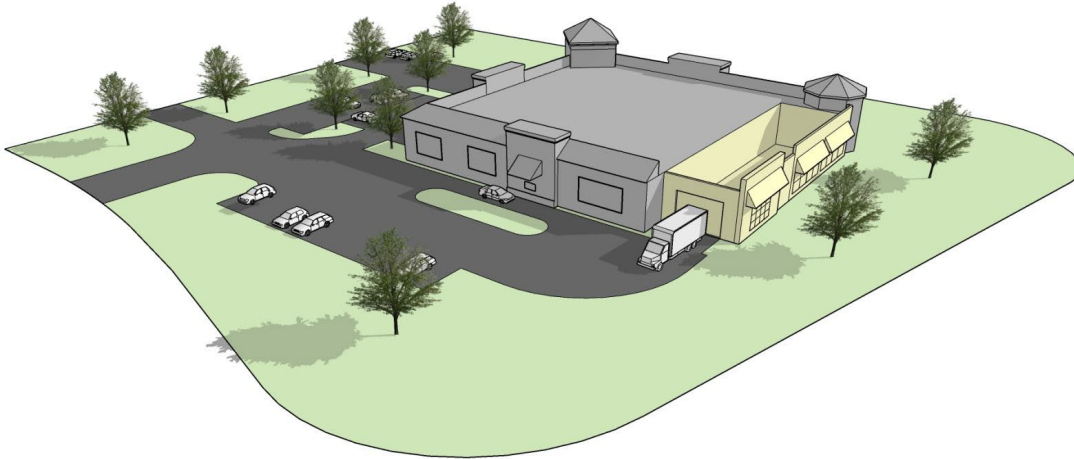
**Table 20-4-2-4
Minimum Off-Street Loading Spaces Required**

Use Groupings ¹	Gross Floor Area in Square Feet	Number of Required Loading Spaces
Industrial	Less than 10,000	0
	10,000–50,000	1
	50,001–100,000	2
	Each additional 100,000	1

Table 20-4-2-4 Minimum Off-Street Loading Spaces Required		
Use Groupings ¹	Gross Floor Area in Square Feet	Number of Required Loading Spaces
Commercial, Civic, Public and Institutional	Less than 10,000	0
	10,001–100,000	1
	100,001–200,000	2
	Each additional 100,000	1
All Other Use Groupings	N/A	N/A
TABLE NOTES: N/A = Not Applicable 1. Refer to overall groupings of the uses in the Use Table in Sec. 20-3-1, Use Table (for example, Open, Residential, etc.).		

- (3) *Design.* To minimize impacts, off-street loading areas shall comply with the following standards:
- a. *Lighting.* Any lighting used to illuminate off-street loading or unloading areas may not glare on any right-of-way or adjacent property.
 - b. *Location.* Off-street loading areas shall not be located within 40 feet of the nearest point of intersection of any two streets.
 - c. *Buffering.* Truck access and loading areas that are located between a principal building and a residential property shall comply with either one of the following additional standards:
 - i. *Use of Enclosed Loading.* The loading area shall be enclosed by a roof and a wall between the principal building and the property boundary line (as depicted in Figure 20-4-2-3, *Illustrative Example of Enclosed Loading*, below). The walls of the enclosure shall be tall enough to completely screen the delivery vehicle and shall be designed and constructed with architectural elements such as windows, awnings, or other features that complement the exterior of the principal building; or
 - ii. *Absence of Enclosed Loading.* The loading area shall be screened along its length by a district bufferyard that has one additional level of opacity (for example, from a Type A bufferyard to a Type B bufferyard) than required by Table 20-4-3-3, *Foundation Landscaping Requirements*, and, additionally, the loading area shall contain an eight-foot-tall wall as an additional screening device.

Figure 20-4-2-3
Illustrative Example of Enclosed Loading



- d. *Loading Space Width.*
 - i. *Loading for Industrial Uses.* Each required loading space in the LI and HI zoning districts shall be a minimum of 12 feet in width and 45 feet in depth.
 - ii. *Other Uses.* All other required loading spaces shall be a minimum of 12 feet in width and 18 feet in depth. All required loading spaces shall have a minimum vertical clearance of 15 feet and shall be designated by signs as loading spaces.

(d) **Stacking.**

- (1) *Generally.* Stacking spaces create capacity of a drive-through lane to hold vehicles while transactions are taking place at drive-through facilities. Stacking shall not block access to driveways or parking areas. An illustrative diagram of stacking spaces and the requirements outlined below is shown in Figure 20-4-2-5, *Illustrative Stacking Requirements*.
- (2) *Requirements.*
 - a. *Dimensions.* Stacking spaces are nine feet in width by 25 feet in length and provide direct access to a service window or other improvement.
 - b. *Minimum Number.* Uses that include drive-through service shall not have fewer than the number of stacking spaces established in Table 20-4-2-4, *Stacking Requirements*. The position in front of a drive-through station (e.g., a service window, ATM, or station at a drive-through bank) is counted as a stacking space.
 - c. *Bypass Lane.* A 10-foot-wide bypass lane is required adjacent to stacking lanes to allow vehicles to travel around the drive-through activity and exit the site or park.
 - d. *Turn-Around Area.* Controlled entrances for facilities such as apartment complexes or self-service storage shall be designed so that vehicles may turn around without entering the gated area or backing out into the public right-of-way.

Table 20-4-2-5 Stacking Requirements		
Activity	Minimum Spaces ³	Measured From
Automated teller machine (ATM)	3	ATM keypad
Bank teller lane	4	Teller window or pneumatic tube station
Carwash stall, automatic	4	Entrance to wash bay
Carwash stall, self-service	3	
Day care drop-off (between 7 to 11 children or adults)	3	Facility passenger loading area
Day care drop-off (11 or more children or adults)	3 plus 1 per every 500 square feet of gross floor area	
School, Private, Public or Denominational	Determined by Zoning Administrator	
Gasoline pump island	2	Pump island
Parking lot, controlled entrance	4	Key code box
Restaurant, fast food with drive-through (or a functionally similar use) ¹	4	Order window or speaker ²
	4	Order box to pay window
	2	First window to pick-up window
Vehicle servicing	2	Entrance to stall
Other	Determined by Zoning Administrator	

TABLE NOTES:

1. If one window is provided (for both payment and pick-up), then six stacking spaces are required measured at the order box and five stacking spaces are required between the order box and the window.
2. If the restaurant has dual order boxes, then 3 spaces are required per order box.
3. Each space is measured to include a length of 25 feet.

**Figure 20-4-2-4
Illustrative Stacking Requirements**

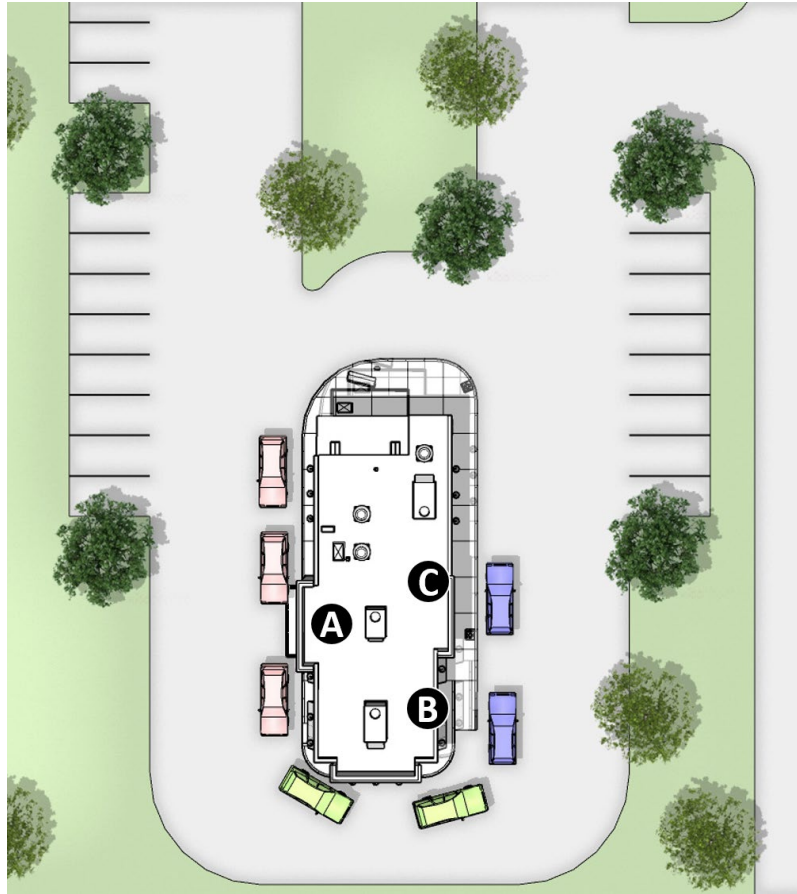


FIGURE NOTES:

A = Order Window or Speaker | B = Pay Window | C = Pick-Up Window

(e) **Access.**

- (1) *Direct Access.* All off-street parking must have direct access to a public street through an alley, driveway, or permanent access easement.
- (2) *Street Classification.* Entries for parking shall be placed along a collector street, where practicable.
- (3) *Large Retail Uses.* Site plans for retail developments greater than a cumulative 50,000 gross square feet shall designate a primary vehicle circulation route entering and exiting the development.
- (4) *Moving Other Vehicles.* Except for where valet or tandem parking is utilized, all required parking shall be designed so that vehicles enter or leave a parking space without having to move any other vehicle.
- (5) *Turn-Arounds.* Any parking row that does not provide two means of vehicular egress must provide, at the closed end, a space designated as a vehicular turn-around area as depicted in Figure 20-4-2-5, *Vehicular Parking Turnaround Configuration*. This space must be located at the end of a parking row,

be designed with the minimum dimensions depicted in Figure 20-4-2-5, or other dimensions and configuration acceptable to the Public Works Director, and include a “No Parking” sign.

**Figure 20-4-2-5
Vehicular Parking Turnaround Configuration**

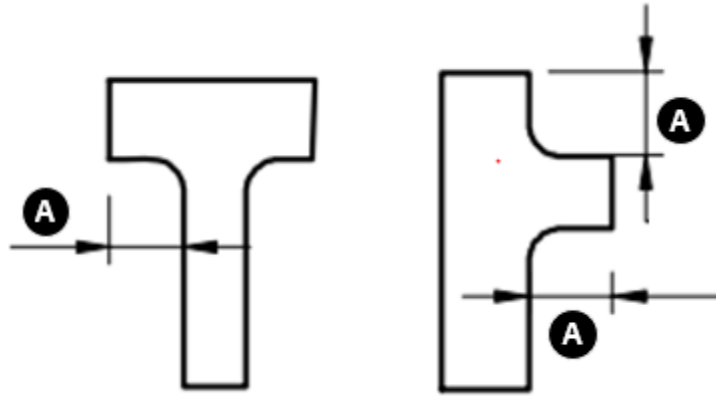
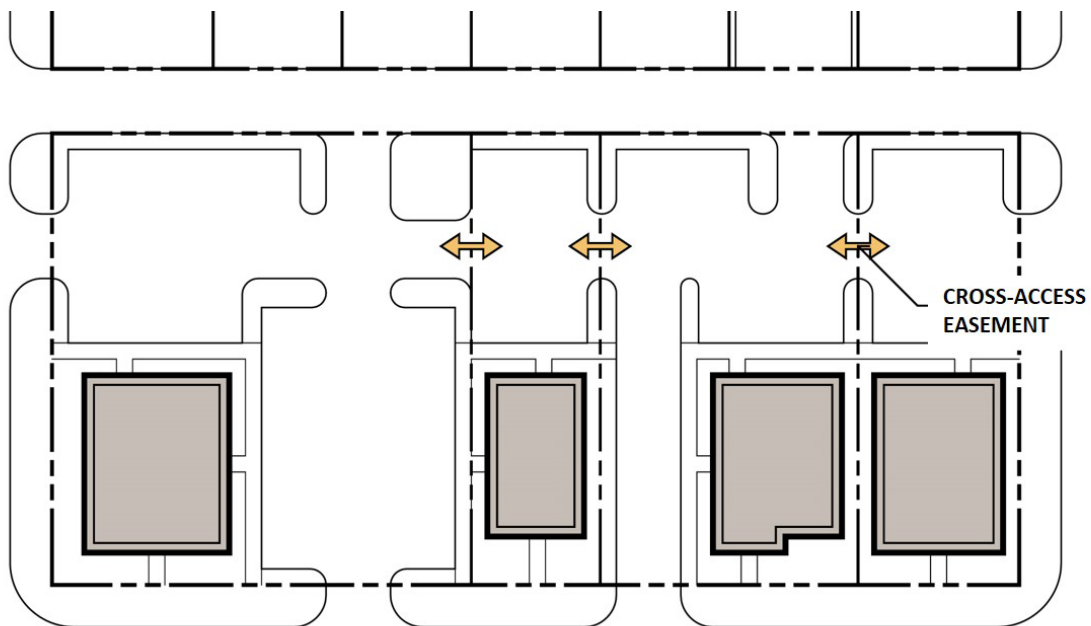


FIGURE NOTE: A = 24 feet

- (6) *Cross-Access.* Cross-access for vehicle circulation shall be provided between abutting nonresidential development, as shown in Figure 20-4-2-6, *Cross Access*.

**Figure 20-4-2-6
Cross Access**



- (7) **Emergency Access.** The applicant shall provide emergency access lanes where necessary to provide adequate protection for a structure.
 - a. **Dimensions.** Dimensions for emergency access lanes and turnarounds, including width and clearance, shall comply with the requirements of the Fire Code. Any emergency access lane shall either connect at each end to a dedicated public street or be provided with a turnaround established in the Fire Code, with an additional distance of 10 feet on all sides clear of permanent structures. The driving surface within emergency access lanes shall be designed and constructed according to standards established for local public streets.
 - b. **Location.** All structures shall be located within 150 feet of an emergency access easement lane or public street.
- (f) **Driveways.** Driveways shall be constructed in accordance with Table 20-4-2-6, *Width of Driveway Access*, but shall not conflict with any requirements of the Texas Department of Transportation.

Table 20-4-2-6 Width of Driveway Access		
Use Classification	Standard	Minimum Access Width
Single-Family Residential or Modular Home	One-car garage	8 feet
	Two-car garage	16 feet
	Three-car garage	24 feet
Duplex Residential	Two one-car garages	16 feet
	Two two-car garages	32 feet
Multi-family Residential or Nonresidential (two-way drive)	Recommended	30 feet
	Minimum	24 feet
	Maximum (up to 175 ft; frontage)	35 feet
	Maximum (greater than 175 ft; frontage)	52 feet
Multi-family Residential or Nonresidential (one-way drive)	Recommended (Ingress)	18 feet
	Recommended (Egress)	18 feet
	Minimum	16 feet
	Maximum	24 feet

- (g) **Alternative Parking Plan and Shared Parking.**
 - (1) **Alternative Parking Plan.** An alternative parking plan may be approved by the Zoning Administrator for specific developments that are deemed to require a different amount of parking than the standards shown in Table 20-4-2-1, *Minimum Required Off-Street Parking*. The Zoning Administrator shall establish conditions necessary to ensure the adequacy of future on-site parking when approving an alternative parking plan. Any alternative standard shall meet the criteria below:
 - a. The use of the building is specific and occupied by a single user.
 - b. The applicant provides a detailed breakdown of his or her parking requirements indicating employee counts, shift distribution and visitor or customer needs.

- c. The applicant provides a site plan showing how additional parking to meet standard requirements would be provided if the use changed or parking needs increase.
- (2) *Shared Parking.*
- a. *Shared Parking Reduction.* Shared parking allows a reduction of up to 25 percent in the total number of required parking spaces when a property is occupied by two or more uses that typically do not experience peak use of parking areas at the same time. When any land or building is used for two or more uses that are listed in Table 20-4-2-7, *Shared Parking Demand*, below, the minimum total number of required parking spaces may be determined by the following procedures, which are followed by Table 20-4-2-8, *Shared Parking Reduction Calculation Example*, showing an example of how to calculate shared parking reductions.
 - i. Determine the minimum parking requirements for each use category in Column (A) as if it were a separate use;
 - ii. Multiply the sum of required parking spaces for each use by the corresponding percentages for each of the five time periods set forth in Columns (B) through (F) of Table 20-4-2-7, *Shared Parking Demand*;
 - iii. Calculate the total for each time period; and
 - iv. Select the column with the highest total to find the required number of shared spaces.

Table 20-4-2-7 Shared Parking Demand					
(A) Use Category	Weekday		Weekend		(F) Night: Weekday and Weekend (midnight to 6 AM)
	(B) Day (6 AM to 6 PM)	(C) Evening (6 PM to midnight)	(D) Day (6 AM to 6 PM)	(E) Evening (6 PM to midnight)	
Multi-family Dwelling	60%	90%	80%	90%	100%
Office	100%	10%	10%	5%	5%
Retail Sales	60%	90%	100%	70%	5%
Hotel / Motel	75%	100%	75%	100%	75%
Restaurant	50%	100%	100%	100%	10%
Commercial Recreation, Indoor; or Commercial Recreation, Outdoor	40%	100%	80%	100%	10%
All Others	100%	100%	100%	100%	100%

**Table 20-4-2-8
Shared Parking Reduction Calculation Example**

(A) Use Category (See Table 20-4-2-1, <i>Minimum Required Off-Street Parking</i> , for minimum parking requirements)	Weekday		Weekend		(F) Night: Weekday and Weekend (midnight to 6 AM)
	(B) Day (6 AM to 6 PM)	(C) Evening (6 PM to midnight)	(D) Day (6 AM to 6 PM)	(E) Evening (6 PM to midnight)	
Multi-family Residential: 50 spaces (for 25 DU)	$60\% \times 50 = 30$	$90\% \times 50 = 45$	$80\% \times 50 = 40$	$90\% \times 50 = 45$	$100\% \times 50 = 50$
Office, General: 100 spaces (for 30,000 SF GFA)	$100\% \times 100 = 100$	$10\% \times 100 = 10$	$10\% \times 100 = 10$	$5\% \times 100 = 5$	$5\% \times 100 = 5$
Retail Sales 100 spaces (for 20,000 SF GFA)	$60\% \times 100 = 60$	$90\% \times 100 = 90$	$100\% \times 100 = 100$	$70\% \times 100 = 70$	$5\% \times 100 = 5$
COLUMN TOTALS	190	145	150	120	60

TABLE NOTES:

EXAMPLE: A parking lot in the RC zoning district provides parking for an apartment with 25 dwelling units, 30,000 square feet of general office space, and 20,000 square feet of retail space. Separately, these uses would require a minimum of 250 parking spaces. However, using the shared parking calculation they only require 190 spaces. The largest number, 190, is the number of parking spaces required. This example is a 24 percent reduction compared to individual calculations.

- b. *Requirements for Multiple Ownership.* The following documentation shall be submitted to the Zoning Administrator as part of the review process if requesting shared parking:
 - i. The names and addresses of the uses and the owners or tenants that are sharing the parking;
 - ii. The location and number of parking spaces that are being shared;
 - iii. An analysis showing that the peak parking demands for the different uses occur at different times and that the parking area will supply at least the minimum number of required spaces for each use during its respective peak parking time;
 - iv. A legal instrument such as an easement that guarantees access to the joint parking for all uses;
 - v. A shared parking agreement executed by all the users and the owner of the property proposed to be used for parking;
 - vi. The agreement shall be notarized and recorded, with a provision that the consent of the City must be obtained for termination of the agreement; or
 - vii. In the event of the termination of an existing shared parking agreement, a new shared parking agreement shall be executed within 60 days prior to termination. If a new shared parking agreement is not executed, then documentation shall be submitted to the Zoning Administrator supporting that the uses on all affected properties meet their respective parking requirements. This process of amending a shared parking agreement applies to all existing parking agreements impacted by sale, change of use, or expansions on any affected property.

(h) **Optional Bicycle Parking in NC District.**

- (1) *Credit.* For a nonresidential use in the NC district, the applicant may provide two bicycle parking spaces in lieu of one required vehicle parking space, for a reduction of up to 10 percent of the required vehicular parking spaces. For example, if a minimum of 20 vehicular parking spaces are required on a site, the applicant may provide four bicycle parking spaces, which will result in a reduction of two required vehicular spaces, for a total of 18 required spaces.
- (2) *Standards.* In order to receive the vehicular parking credit described in Subsection 1, *Credit*, above, bicycle parking shall comply with the following:
 - a. *Close Proximity to Building.* Bicycle parking shall be located inside of or within 50 feet of the principal building entrance.
 - b. *Dimensions.* Bicycle racks shall be a minimum of 15 inches in width and a minimum of 72 inches in length.
 - c. *Bicycle Parking Rack Design.*
 - i. Bicycle parking racks shall support the frame of the bicycle and at least one wheel. Racks shall allow the frame and one wheel to be locked to the rack.
 - ii. Racks shall be securely anchored.
 - iii. Bicycle parking racks shall support the bikes in a stable, upright position, without damage to wheels, frame, or other components.
 - d. *Installation.* Bicycle parking racks shall be permanently mounted/installed within private property or in approved locations in the public right-of-way on solid surfaces. Racks placed adjacent to sidewalks shall not encroach upon required pedestrian accessways, accessible routes, or accessible passing space areas.

Sec. 20-4-3. Landscaping, Buffering, and Screening

AG AR BP DT HC HI HR LI LR MR NC

PF RC RE

(a) **Generally.**

- (1) *Types of Landscaping.*
 - a. *Development Landscaping.* There are three types of development landscaping:
 - i. Foundation landscaping;
 - ii. Site landscaping; and
 - iii. Parking lot landscaping.
 - b. *Bufferyard Landscaping.* Bufferyards are required based on zoning, development type, or right-of-way type that is adjacent to a parcel proposed for development. Bufferyards may be required along and between certain differing zoning district boundaries in accordance with Table 20-4-3-4, *District Bufferyard Standards*.
- (2) *Application of Standards.* The standards of this Section shall apply subject to Table 20-4-1-1, *Development Standards Applicability*, upon application for a Building Permit.
- (3) *Exceptions.* The following are exempted from the requirements of this Section:
 - a. Reconstruction or replacement of a lawfully existing use or structure following a casualty loss;
 - b. Remodeling, rehabilitation, or improvements to existing uses or structures that do not substantially change the location of structures, parking, or other site improvements; and

- c. Sites that are proposed for redevelopment or substantial improvement, where due to the geometry of the site or existing improvements, installation of landscaping would be impractical or unreasonable; in which case, the Zoning Administrator may approve a lesser landscaping requirement, provided that the reduction of landscaping standards is only to the extent necessary to make the installation practicable. In no case shall this exception be interpreted to lessen these requirements for reasons other than those provided within this Section.

(b) Plant Materials and Locations.

- (1) *Recommended Plants.* Appendix A, *Plant List*, contains the plant species that count toward fulfilling the recommendations of this Section.
- (2) *Prohibited Plants.* Plants that are on the [Texas State Noxious Weed List](#), as provided by the USDA, are prohibited.
- (3) *Minimum Size of Plants at Installation.* Plant material that is installed to comply with the requirements of this Section shall be of the sizes set out in Table 20-4-3-1, *Minimum Size of Plants at Installation*.

Table 20-4-3-1 Minimum Size of Plants at Installation	
Type of Plant Material	Minimum Size at Installation
Canopy Tree	2.5-inch caliper (or 15 gallons)
Small Tree	2.5-inch caliper (or 15 gallons)
Shrub	18-inch height or spread

- (4) *Distance from Utilities.*
 - a. No canopy trees shall be planted within 15 lateral feet of any overhead utility lines or paved street surface.
 - b. No trees shall be planted over or within five lateral feet of any underground utility line, or as required by the owner of the utility.
- (5) *Visibility Triangles.* Plant materials shall not be installed where they may compromise the visibility triangle established in Table 20-1-10-1, *Measurements*.
- (6) *Substitution.* Small trees may be substituted for canopy trees where there is sufficient room for the healthy growth and stability of the tree at a rate of three small trees per one canopy tree.

(c) Development Landscaping.

- (1) *Generally.*
 - a. *Applicability.* Development landscaping may be provided around nonresidential and mixed-use buildings.
 - b. *Incentives.*
 - i. Provision of development landscaping according to the requirements of this Subsection shall result in the development incentives shown in Table 20-4-3-2, *Development Incentives*.

- ii. To qualify for the incentives in Table 20-4-3-2, the landscaping provisions applied to the site shall be fully complied with and not subject to a Variance or other forms of relief in this Ordinance.
- iii. The incentives in Table 20-4-3-2 shall not apply in the DT district or the PC overlay district.

Table 20-4-3-2 Development Incentives	
Type of Landscaping Provided	Incentive
Parking Lot Landscaping	<ul style="list-style-type: none"> ▪ Required parking may be reduced by a maximum of 25%
Site Landscaping	<ul style="list-style-type: none"> ▪ Reduction in required setbacks by 20% or ▪ Reduction in bufferyard requirements from a Type B bufferyard to a Type A bufferyard or ▪ Increase in maximum building height of 40%
Xeriscaping ¹	<ul style="list-style-type: none"> ▪ Utilization of all three incentives in Site Landscaping, above.

TABLE NOTE:
¹Landscaping shall be considered xeriscaped if a minimum of 75 percent of the plantings for foundation landscaping, parking lot landscaping, and site landscaping come from the xeriscaping plantings as listed as "[Outstanding Landscape Plants for Texas Xeriscapes](#)" for Region 3 by Texas A&M AgriLife Extension.

(2) *Foundation Landscaping.*

- a. *Generally.* Building foundation landscaping shall be provided as set out in Table 20-4-3-3, *Foundation Landscaping Requirements*. Foundation plant materials shall not count towards the fulfillment of any other landscaping requirement. See Figure 20-4-3-1, *Foundation Landscaping Example*, for a visualization of the required standards.
- b. *Plantings.* Building foundation landscaping shall include a combination of low height plant materials (shrubs, ornamental grasses, perennials) and shall be installed and maintained next to and along all building foundation lines where not impeded by building entrances, loading areas, and sidewalks. Foundation plantings may be installed at grade, in raised planters, or decorative plant containers.
- c. *Minimum Linear Feet and Radius.* Applicable buildings shall have foundation planting areas adjacent to the base of the building with a minimum percentage of linear feet along the front, side, and rear facade (if applicable) and the average width as set out in Table 20-4-3-3, *Foundation Landscaping Requirements*. Where planting areas are required, they may be crossed with walkways to provide access to the building and may be interrupted in the rear by required service and loading areas.
- d. *Planting and Decorative Materials.*
 - i. *Front, Sides, and Rear.* A minimum of two small trees shall be planted within the foundation planting areas that face the front and street side setbacks for each 50 linear feet, measured parallel to the building. A minimum of one small tree shall be planted within the foundation planting areas that face the rear setbacks for each 50 linear feet. Remaining portions of the

planting area shall be planted with groundcover or consist of xeriscape groundcover, rocks, decorative pavers or stamped, dyed concrete.

- ii. *Exception.* If the rear exterior wall of the building is not visible to a residential use, public right-of-way, or public park, then the foundation planting area is not required.

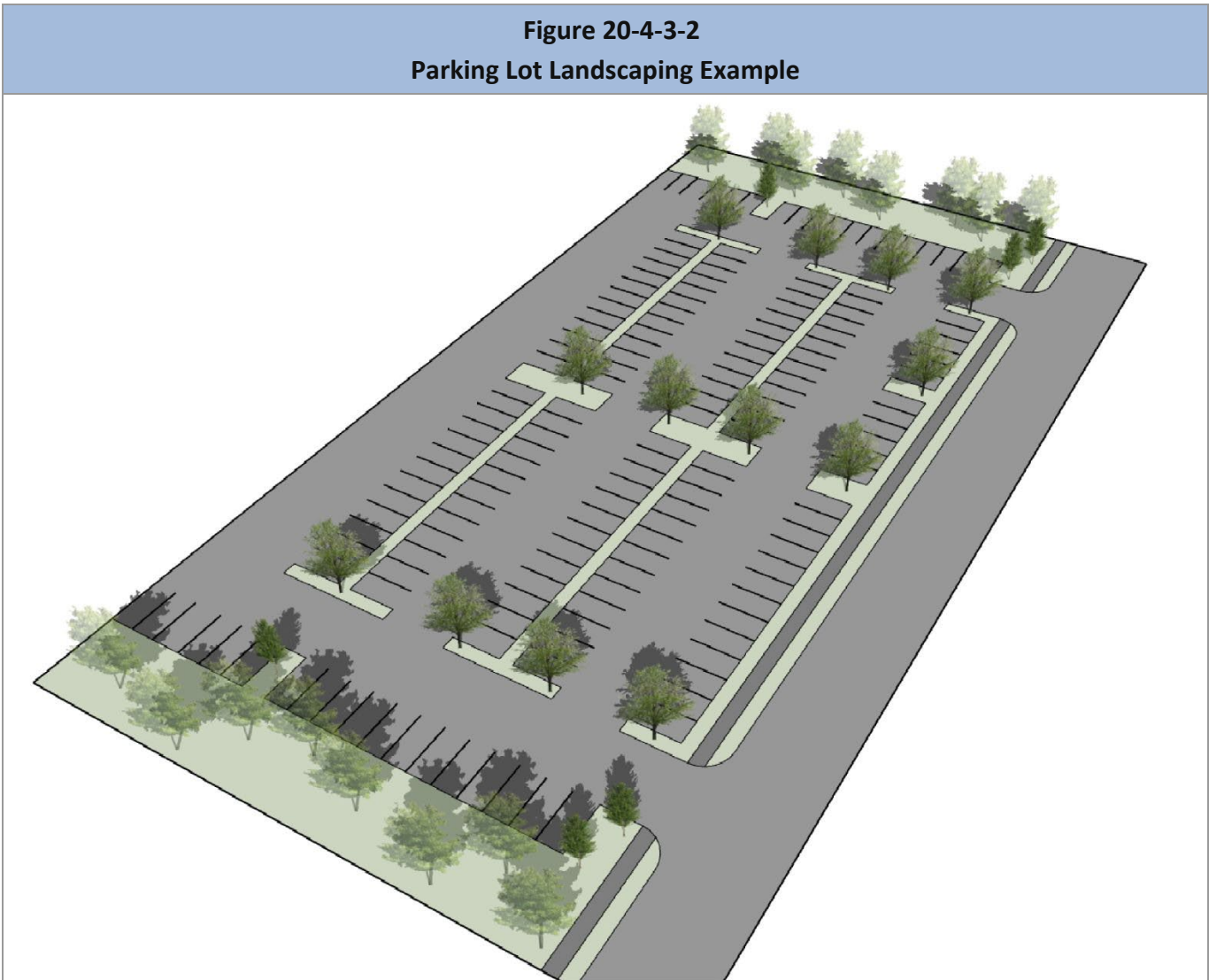
Table 20-4-3-3 Foundation Landscaping Requirements			
District	Minimum Radius Around Building		
	Front and Street Side	Side	Rear
NC, RC, BP	10 ft.	8 ft.	6 ft.
LI and HI	6 ft.	4 ft.	Not applicable



(3) *Parking Lot Landscaping.*

- a. All rows of parking shall be terminated with a curbed landscaped island that is a minimum of nine feet wide and no less than 16 feet in length (32 feet in length for head-to-head parking stalls).
- b. No off-street parking space shall be more than 75 feet from a canopy tree located within a landscaped area.
- c. All parking lot islands shall be landscaped with a combination of turf grass, ornamental grass plantings, plant beds, shrubs, and trees. Rock, chip brick, pavers, pavement and similar hard surfacing shall not be permitted within a parking lot island. Impervious cover is not considered landscape. Sidewalks may be constructed within a parking lot island as necessary to accommodate pedestrian circulation. No less than one canopy tree shall be planted within each required landscaped island. See Figure 20-4-3-2, *Parking Lot Landscaping Example*.

Figure 20-4-3-2
Parking Lot Landscaping Example



(4) *Site Landscaping.*

- a. *Planting Location.* All areas not designated as foundation landscaping, bufferyards, parking lot landscaping, or utilized for pedestrian and vehicular access to the building (for example, sidewalks, parking spaces, loading spaces, service areas, and drive-in or drive-through facilities) shall be landscaped with groundcover or consist of xeriscape groundcover, rocks, decorative pavers or stamped, dyed concrete, and designated as site landscaping area.
- b. *Trees.* One canopy or two ornamental trees shall be planted per 1,000 square feet of the site landscaping area.
- c. *Shrubs.* Six shrubs shall be planted per 1,000 square feet of the site landscape area.
- d. *Groundcover.* All remaining ground surface not covered in b. and c., above, shall be groundcover.

(d) **Bufferyards.**

(1) *Purpose.* The requirements and standards set out in this Section are intended to:

- a. Increase the compatibility of adjacent uses; and
- b. Mitigate the effects of noise, dust, debris, artificial light intrusions, and other externalities created by the use of land.

(2) *Applicability.* Bufferyards shall be provided, where required, in accordance with the standards of this Section.

(3) *Bufferyard Landscaping.*

- a. *Generally.* Required bufferyards are based on the amount of buffering and screening they provide. Bufferyards are classified in terms of intensity from less ("Type A") to moderate ("Type B").
- b. *Differing Zoning Districts.* Bufferyards shall be required between differing zoning districts in the form of a district bufferyard as detailed in the Table 20-4-3-4, *District Bufferyard Standards*, Table 20-4-3-5, *Bufferyard Classifications*, and Figure 20-4-3-3, *Bufferyard Examples*, below.
- c. *Spacing of Plants.* Trees or shrubs in a bufferyard may be evenly spaced or clustered in order to present a naturalistic character.
- d. *Fences and Walls.* Fences and walls that are part of the required district bufferyard shall:
 - i. Be maintained by the business or property owners' association, as applicable; and
 - ii. Not encroach into the public right-of-way.

Table 20-4-3-4 District Bufferyard Standards													
Zoning of Parcel Proposed for Development	Zoning of Adjoining District												
	AG	RE	LR	MR	HR	NC	DT	RC	HC	BP	LI	HI	PF
AG	--	--	--	--	--	--	--	--	--	--	--	--	--
RE, LR	--	--	--	--	--	--	--	--	--	--	--	--	--
MR, HR	--	A	A	--	--	--	--	--	--	--	--	--	--
NC, DT	--	A	A	A	A	--	--	--	--	--	--	--	--
RC	--	B	B	B	B	--	--	--	--	--	--	--	--

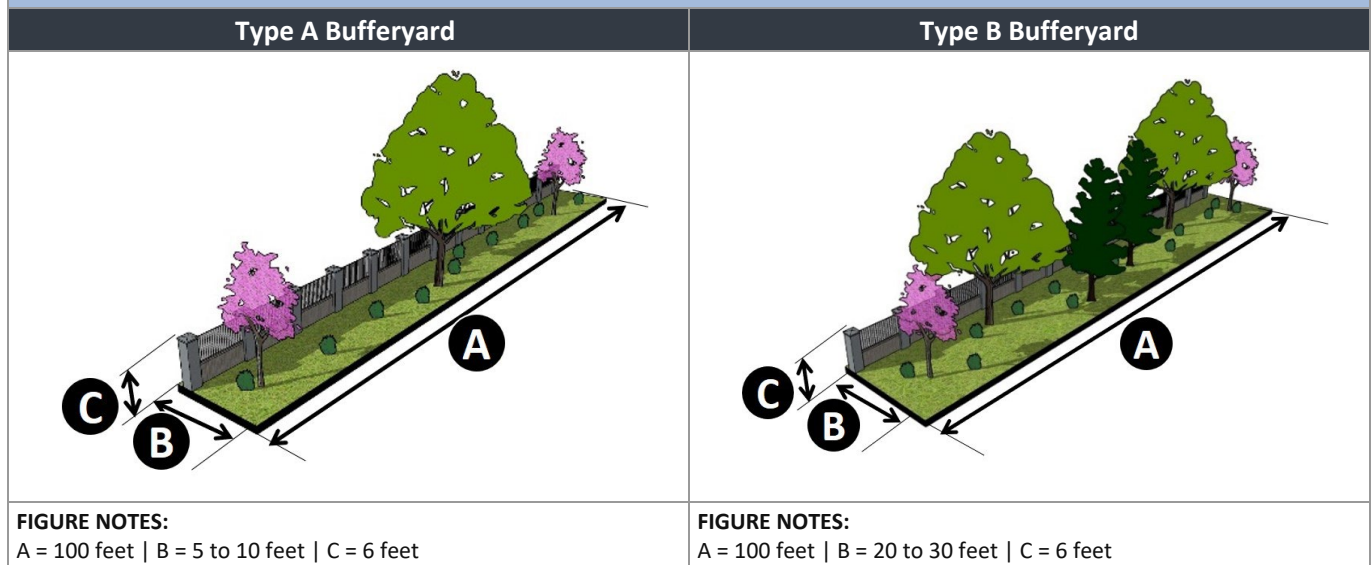
**Table 20-4-3-4
District Bufferyard Standards**

HC	--	B	B	B	B	B	B	B	A	--	--	--	--	--
BP	--	B	B	B	B	B	B	B	A	A	--	--	--	--
LI	--	B	B	B	B	B	B	B	B	A	A	--	--	--
HI	--	B	B	B	B	B	B	B	B	B	A	A	--	--
PF	--	B	B	B	B	B	B	B	A	A	A	A	--	--

TABLE NOTES:

The table is a matrix in which all zoning districts are shown. The rows indicate the zoning of the parcel proposed for development, and columns indicate the zoning of the adjoining or adjacent land. The letters indicate which type of bufferyard is required to be planted on the parcel proposed for development as detailed in Bufferyard Examples. Where "--" is found there is no bufferyard required.

**Figure 20-4-3-3
Bufferyard Examples**



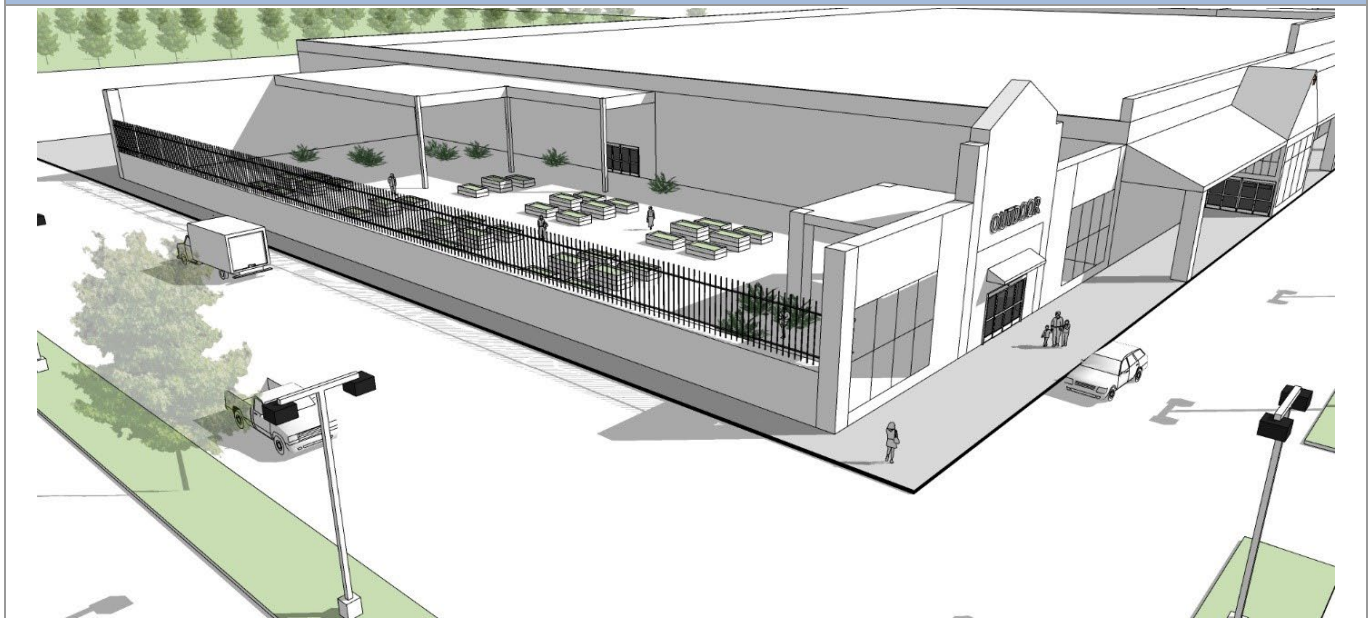
**Table 20-4-3-5
Bufferyard Classifications**

Bufferyard Type	Width (feet)	Required Plantings per 100 Linear Feet			Height of Wall or Fence (feet)
		Canopy Trees	Small Trees	Shrubs	
A	5 with wall or fence 10 without wall or fence	1	2	10	6
B	20 with wall or fence 30 without wall or fence	2	4	15	6

Sec. 20-4-4. Outdoor Storage and Display AG BP DT HC HI LI NC PF RC

- (a) **Outdoor Display.** Permanent or seasonal outdoor display of merchandise is permitted if the display area contains items for sale by the business, whether the display area is detached from, or attached to, a principal building.
- (1) *Accessory Use.* The permanent or seasonal outdoor display of merchandise that is for sale by the business shall take place only in conjunction with a principal use as permitted in nonresidential and mixed-use districts.
 - (2) *Location.* The outdoor display area shall only contain items for sale by a business that is located within a permanent structure or a designated area on the same site, whether the display area is detached from, or attached to, a principal building.
 - (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. The lesser of:
 - i. If located in areas devoted to parking, loading, or vehicular circulation, 20 percent of the total of such vehicle use areas; or
 - ii. 15 percent of the gross floor area of the principal building;
 - c. Within the buildable area of the site formed by the required setbacks; and
 - d. If permanently 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.

Table 20-4-4-1, Outdoor Display Areas



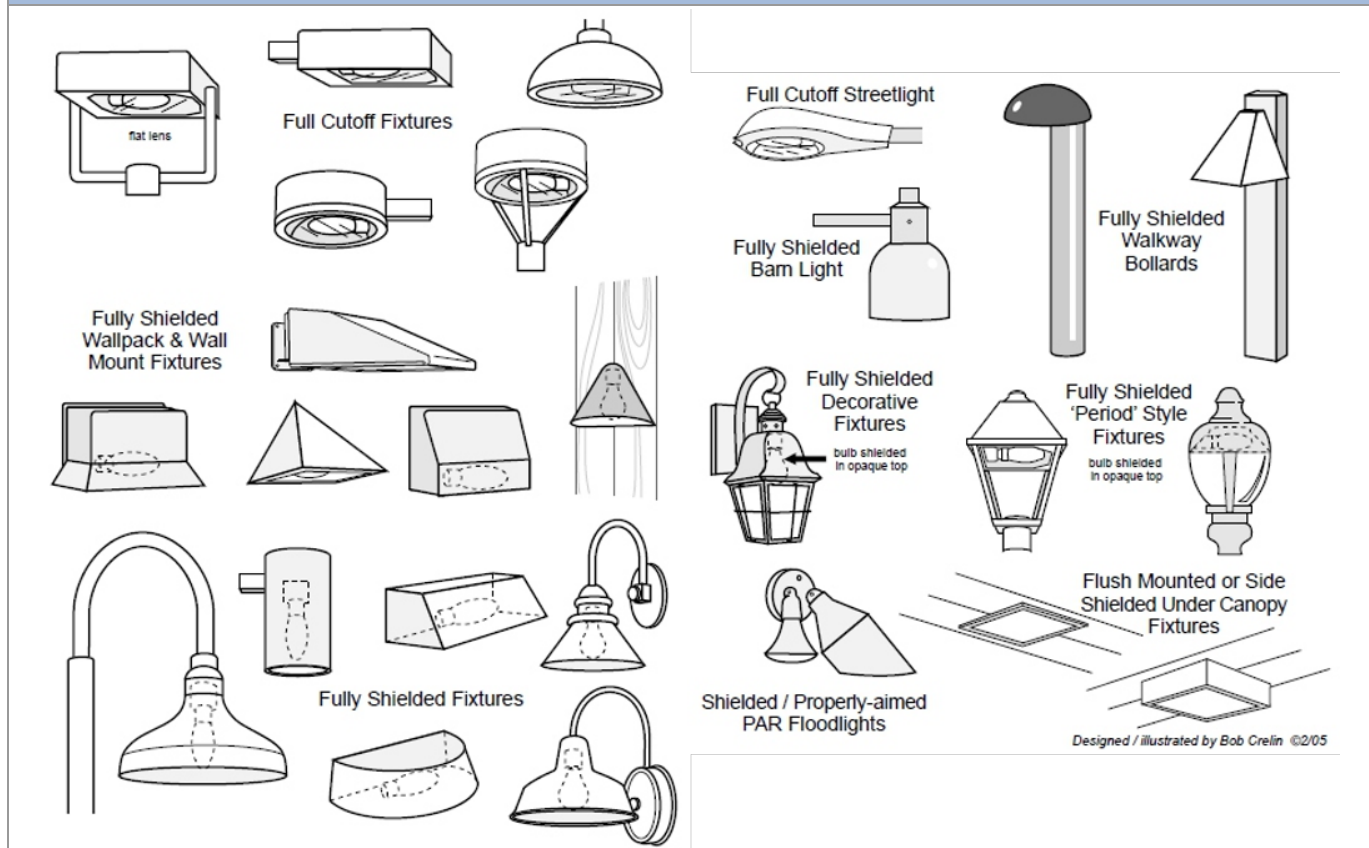
- (b) **Outdoor Storage.** Outdoor storage is permitted subject to the following:
- (1) *Accessory Use.* Outdoor storage shall take place only in conjunction with a principal use as permitted in agricultural, nonresidential, and mixed-use districts.
 - (2) *Surfacing and Drainage.*
 - a. LI and HI Districts. In the LI and HI zoning districts, access aisles and maneuvering areas of enclosed outdoor storage areas may be composed of gravel.
 - b. All Other Nonresidential and Mixed-Use Districts. All outdoor storage facilities including access aisles, driveways, and maneuvering areas shall be composed of an all-weather surface.
 - (3) *Location.* An outdoor storage facility shall be located to the rear or side of the primary structure and away from the public right-of-way and adjacent residentially zoned or used property.
 - a. AG District. In the AG district, outdoor storage areas for agricultural equipment or materials shall be set back 100 feet from public rights-of-way and properties that have different zoning; or surrounded by an opaque fence that completely screens stored equipment or materials from ground-level views.
 - (4) *Maneuvering of Inventory.* The site shall be of adequate size, shape, and design to ensure:
 - a. Inventory will be maneuvered without conflicting with vehicular use areas; and
 - b. All on-site maneuvering shall occur without encroaching onto adjacent properties or rights-of-way.
 - (5) *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 [Sec. 20-4-3, Landscaping, Buffering, and Screening](#), together with a fence or wall that is a minimum of six feet and a maximum of eight feet in height.
 - (6) *Exemptions.* The following activities shall be exempt from these outdoor storage standards:
 - 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.

Sec. 20-4-5. Outdoor Lighting AG AR BP DT HC HI HR LI LR MR NC PF RC RE

- (a) **Applicability.** All outdoor lighting within the City limits must comply with the requirements of this Section unless required by state, federal, or local law. The following types of outdoor lighting are exempt from the requirements of this Section:
- (1) *Emergencies.* Lighting used only under emergency conditions;
 - (2) *Street Lights.* Lighting used for the principal purpose of illuminating streets and sidewalks;
 - (3) *Residential.* Lighting for single-family dwellings, multiplexes, townhouses, and manufactured homes;
 - (4) *Signs.* Lighting solely used for signs;
 - (5) *Temporary Uses.* Lighting associated with an approved temporary use;
 - (6) *Temporary Lighting.* Temporary lighting associated with a development site;
 - (7) *Monuments and Statues.* Lighting for public monuments and statues;
 - (8) *Water Features.* Underwater lighting in fountains, swimming pools, and other water features;

- (9) *State and Federal Mandates*. Lighting required pursuant to state and federal laws (e.g., FAA);
 - (10) *Building Code*. Lighting required by the City's Building Code;
 - (11) *Ornamental Lighting*. Ornamental Lighting with a rated initial luminaire lumen output of 525 lumens or less; and
 - (12) *Seasonal Lighting*. Seasonal Lighting that is temporary.
- (b) **Standards.**
- (1) *Height*.
 - a. *Wall-Mounted*. All wall-mounted fixtures shall comply with maximum building height requirements specified in [Article II, Zoning Districts and Dimensional Standards](#), for the district where the fixture is located.
 - b. *Freestanding*. Freestanding fixtures without fully shielded luminaires shall be 15 feet in height or less.
 - (2) *Location*. All fixtures shall be located outside of utility easements.
 - (3) *Shielding*.
 - a. All luminaires with initial lamp output of over 1,500 lumens shall be fully shielded.
 - b. All lighting shall be directed away or shielded from adjacent or nearby property zoned for residential use. Examples of fully shielded luminaires are illustrated in Figure 20-4-5-1, *Examples of Fully Shielded Luminaires*.

Table 20-4-5-1
Examples of Fully Shielded Luminaries



- (4) *Timers, Dimmers, and Sensors.* Timers, dimmers, or vacancy or motion sensors are required when continuous lighting is not needed for security, safety, or operational purposes.
- (5) *Vertical Illuminance at Lot Lines.*
 - a. Vertical Illuminance. The maximum allowable vertical illuminance at a lot line is based on the zoning of the adjacent lot, as specified in Table 20-4-5-2, *Maximum Vertical Illuminance at Lot Lines.*
 - b. Measurement. Maximum vertical illuminance levels are measured in foot-candles:
 - i. At the lot line;
 - ii. Five feet above the ground; and
 - iii. With the light meter facing towards the adjacent lot, street, or alley.

Table 20-4-5-2
Maximum Vertical Illuminance at Lot Lines

Zoning District of Adjacent Lot	Vertical Illuminance (maximum)
AG, RE, LR	0.5 foot-candles
MR, HR ¹	1.0 foot-candles

Table 20-4-5-2 Maximum Vertical Illuminance at Lot Lines	
Zoning District of Adjacent Lot	Vertical Illuminance (maximum)
NC, RC, HC, BP, LI, HI, PF	2.0 foot-candles
DT, Street or Alley	2.5 foot-candles
TABLE NOTES:	
1. For an apartment project, the maximum vertical illuminance shall be 0.2 foot-candles on all driveways, access easements, and parking areas.	

- (6) *Correlated Color Temperature (CCT).*
 - a. *Blue Light Emissions.* Blue light emissions can be harmful to flora and fauna and can result in decreased nighttime visibility and increased skyglow. In order to minimize blue light emissions, warm spectrum, amber lighting shall be utilized rather than cool spectrum, blue, or white lighting, as specified in Subsection b, Maximum Kelvins, below.
 - b. *Maximum Kelvins.* The CCT of luminaires installed pursuant to the provisions of this Subsection shall be 5,000 Kelvins (5000K) or less.
- (7) *Prohibited Outdoor Lighting.* The lighting prohibitions for signs in [Chapter 16.5, Stay Basic Sign Regulations](#), of the City Code of Ordinances shall apply to outdoor lighting.

Sec. 20-4-6. Flood Damage and Signs Reference

- (a) **Purpose.** This section provides references to key standards in the City's Code of Ordinances that shall be applied in addition to the standards outlined in this Zoning Ordinance.
- (b) **Standards.**
 - (1) Flood Damage Prevention. [Chapter 4, Article III, Flood Damage Prevention Ordinance](#), of the City's Code of Ordinances provides standards to minimize losses due to flood conditions.
 - (2) Signs. [Chapter 16.5, Stay Basic Design Regulations](#), of the City's Code of Ordinances provides standards for signs.

ARTICLE V: DEVELOPMENT REVIEW BODIES

Contents:

- Sec. 20-5-1. City Council
- Sec. 20-5-2. Planning and Zoning Commission
- Sec. 20-5-3. Board of Adjustment
- Sec. 20-5-4. Development Review Committee
- Sec. 20-5-5. Zoning Administrator
- Sec. 20-5-6. Building Official
- Sec. 20-5-7. Floodplain Administrator

Sec. 20-5-1. City Council

- (a) **Generally.** The City Council is established by [Article 2](#) of the City's Charter.
- (b) **Powers and Duties.** The City Council shall have the authority to make final decisions on the development applications denoted in Table [20-6-1\(k\)-1, Summary of Procedures](#). Further, the duties of the City Council in connection with this Ordinance shall not include hearing and deciding questions of interpretation and enforcement that may arise. The Board of Adjustment is the proper authority to decide these two types of zoning issues.

Sec. 20-5-2. Planning and Zoning Commission

- (a) **Purpose.** The general purpose of the Planning and Zoning Commission (Commission) is to act as an advisory body to the City Council on all zoning matters and to act on plats submitted to the Commission in accordance with [Chapter 17.5, Subdivisions](#), of the City's Code of Ordinances. Further, any recommendations made by this Commission that are required by this Code, or by law, prior to action by the City Council, are not binding on the Council and the Council may decide a matter contrary to the recommendations of this Commission.
- (b) **Qualifications.** Each member of the Commission shall:
 - (1) Be a citizen of the United States of America;
 - (2) Be a qualified voter in the City of Copperas Cove;
 - (3) Have resided within the corporate limits of the City of Copperas Cove for at least one year preceding the day of appointment;
 - (4) Not be disqualified by reason of any provision of any section of this ordinance, City Charter, City's Code of Ordinances, or state law; and
 - (5) Have demonstrated their civic interest, general knowledge of the community, independent judgment, interest in planning and zoning, and availability to prepare for and attend meetings.
- (c) **Terms.** A member of the Commission, unless removed from office under the provisions of Subsection (i), below, shall serve for a term of three years.
- (d) **Duties.**
 - (1) *Development Review.* The Planning and Zoning Commission shall have the authority to make recommendations and certain final decisions on the development applications denoted in Table [20-6-1\(k\)-1, Summary of Procedures](#).
 - (2) *Other Matters.* The Planning and Zoning Commission shall have the following additional duties.
 - a. Advise City Council concerning the development of, adoption of, or amendments to the [Comprehensive Plan](#) that covers the physical development of the municipality, utilities, transportation, and zoning;
 - b. Ascertain preliminary land use goals and policies and advise City Council of these recommended policies and goals;
 - c. Review the platting and recording of subdivisions, including matters pertaining to the dedication of public facilities;
 - d. Approve certain matters relating to platting and recording of subdivisions as dictated by the Code of Ordinances; and
 - e. Perform such other planning, zoning, and development-related activities as the City Council may, from time to time, direct.

- (e) **Officers.** The Commission shall elect a Chairperson and Vice-Chairperson at the first meeting in July of each calendar year.
- (f) **Composition of the Commission.** The Commission shall consist of seven members to be appointed and approved by the City Council. The members shall be identified by place numbers.
- (g) **Meetings and Procedures.** The Commission shall meet on the fourth Monday of each month. All meetings shall be held in Council chambers, beginning at 6:00 p.m., and a quorum must be present at each regular meeting in order for the Commission to conduct any business. Meetings shall be open to the public and held in conformance with Texas Local Government Code Chapter 551, *Open Meetings*. The Chairperson may call a special meeting following the required notice.
- (h) **Quorum and Voting.** A quorum of the Commission shall consist of four members eligible to vote on any given matter. The Chairperson shall be entitled to vote upon any question but shall have no veto power.
- (i) **Rules of Procedure.** The Commission may establish its own rules of procedure, based on Robert's Rules of Order, provided that such shall not conflict with the laws applicable to the Commission or the provisions of this Ordinance.
- (j) **Vacancies, Forfeitures, Filling of Vacancies, and Removal From Office.**
 - (1) *Vacancy.* The place of a member of the Commission shall become vacant upon the member's death, resignation, removal from office, or forfeiture of the office.
 - (2) *Forfeiture.* A member of the Commission shall forfeit the appointment if the member:
 - a. Violates any express prohibition of the City's Charter and/or this Ordinance;
 - b. Is convicted of a crime involving moral turpitude;
 - c. Fails to attend two consecutive regular meetings unless caused by sickness or emergency, without first notifying the Commission;
 - d. Moves his/her permanent residence outside the City limits; or
 - e. Does not attend at least 75 percent of the scheduled meetings in any six-month period unless the absences in excess of 25 percent of the scheduled meetings in any six-month period are excused for reason of personal illness, serious illness of member of immediate family requiring absence of the commissioner, or death in the family of the commissioner.
 - (3) *Resignation.* If a commissioner forfeits the appointment and does not immediately resign, the City Council may, by affirmative vote of four, declare the place of said commissioner to be forfeited and vacant. The vacant place shall be filled as provided herein.
 - (4) *Removal.* In addition to the reasons stated in the above subsection, City Council may remove a member of the Commission for only good cause. If an appointed commissioner is removed for good cause, then said place is declared to be vacant and said vacancy shall be filled as provided in the subsection, below.
 - (5) *Filling of Vacancies.* If there is a vacancy on the Commission, the City Council shall appoint another person to fill said vacancy. The term of the vacant place will be for the unexpired term of the place vacated. When a Commission place is vacant, the required number of votes to make a recommendation on an agenda item shall remain four votes.
- (k) **Conflict of Interest.** Any regular member or alternate member of the Commission shall recuse himself or herself from participating in any discussions and voting if the matter before the Commission affects that regular member or alternate member. A conflict of interest in this chapter shall mean a conflict between a member's private or personal interests and the member's public obligation as a Commissioner. A potential conflict of interest must meet the requirements set out in Texas Local Government Code Section

171.002, Substantial Interest in Business Entity. If a member or alternate has a substantial interest in a business entity or in real property, he or she shall file, before discussion or decision on any matter involving the business entity or real property, a conflict of interest affidavit stating the nature and extent of the member's interest and shall abstain from further participation in the matter. The conflict of interest affidavit must be signed and filed with the Secretary of the Commission prior to the meeting in which the item posing a potential conflict of interest will be heard.

Sec. 20-5-3. Board of Adjustment

- (a) **Established.** This Section establishes a Board of Adjustment (BOA) with membership, qualifications, and terms of office in accordance with and controlled by the provisions of Texas Local Government Code [Section 211.008](#), Board of Adjustment.
- (b) **Membership and Appointment.**
 - (1) The BOA shall consist of five members, each to be appointed by the City Council for a term of two years.
 - (2) A member of the BOA, unless removed from office under the provisions of Subsection (h), below, shall serve for a term of two years.
- (c) **Qualifications.** Each member of the BOA shall:
 - (1) Be a citizen of the United States of America;
 - (2) Be a qualified voter in the City of Copperas Cove;
 - (3) Have resided within the corporate limits of the City of Copperas Cove for at least one year preceding the day of appointment;
 - (4) Not be disqualified by reason of any provision of any section of this ordinance, City Charter, City's Code of Ordinances, or state law; and
 - (5) Have demonstrated their civic interest, general knowledge of the community, independent judgment, interest in planning and zoning, and availability to prepare for and attend meetings.
- (d) **Powers and Duties.** The BOA is a quasi-judicial board and shall have the authority to make final decisions on the development review applications denoted in Table [20-6-1\(k\)-1](#), *Summary of Procedures*.
- (e) **Officers and Staff.** The BOA shall elect a Chairperson and Vice-Chairperson at the first meeting of each calendar year.
- (f) **Alternate Members and Vacancies.** The City Council may appoint alternate members of the BOA to temporarily serve in the absence of a permanent member. The alternates shall serve only in the absence of one or more of the regular members when requested to do so by the Zoning Administrator. 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.
- (g) **Quorum and Voting.**
 - (1) A quorum of the BOA shall consist of four members eligible to vote on any given matter.
 - (2) Each case before the BOA shall be heard by at least 75 percent of the members of the entire membership of the BOA, and any issue to be voted on shall be resolved by a majority vote of those members present.
 - (3) The Chairperson shall be entitled to vote upon any question but shall have no veto power.

(h) **Meetings and Procedures.**

- (1) *Frequency, Location, Date, and Time.* The BOA shall meet on the second Thursday of each month. All meetings shall be held in Council chambers, beginning at 6:00 p.m., and a quorum must be present at each regular meeting in order for the BOA to conduct any business. Meetings shall be open to the public and held in conformance with Texas Government Code Chapter 551, *Open Meetings*. The Chairperson may call a special meeting following the required notice.
- (2) *Absences.* Any member of the BOA who misses three consecutive regular meetings without a valid reason, as determined by the City Council, shall be deemed no longer interested in serving, and the Council may remove that member for cause on written charge after a public hearing. The City Council shall then appoint a new member to fill the vacancy for the remainder of the unexpired term.
- (3) *Rules of Procedure.* The BOA may establish its own rules of procedure, based on Robert's Rules of Order, provided that such shall not be in conflict with the laws applicable to the BOA or the provisions of this Ordinance.

- (i) **Conflict of Interest.** Any regular member or alternate member of the BOA shall recuse himself or herself from participating in any discussions and voting if the matter before the BOA affects that regular member or alternate member. A conflict of interest in this chapter shall mean a conflict between a member's private or personal interests and the member's public obligation as a Board member. A potential conflict of interest must meet the requirements set out in Texas Local Government Code Section 171.002, *Substantial Interest in Business Entity*. If a member or alternate has a substantial interest in a business entity or in real property, he or she shall file, before discussion or decision on any matter involving the business entity or real property, a conflict of interest affidavit stating the nature and extent of the member's interest and shall abstain from further participation in the matter. The conflict of interest affidavit must be signed and filed with the Secretary of the Board prior to the meeting in which the item posing a potential conflict of interest will be heard.

Sec. 20-5-4. Development Review Committee

- (a) **Established.** This section establishes the membership and responsibilities of the Development Review Committee.
- (b) **Membership.** The Development Review Committee shall include representatives of, but is not limited to, the following:
- (1) Development Services Department;
 - (2) Building Department;
 - (3) Engineering Department;
 - (4) Public Works Department;
 - (5) Water/Wastewater Department;
 - (6) Solid Waste Department;
 - (7) Streets Department;
 - (8) Fire Department; and
 - (9) Police Department.

Sec. 20-5-5. Zoning Administrator

- (a) **Generally.** For purposes of this Ordinance, the City Manager or his/her designee shall serve as the Zoning Administrator of this Ordinance. The Zoning Administrator or his/her designee is ultimately responsible for processing an application to a final decision (in case of administrative review applications) or making a recommendation to another review body (in case of all other applications). The City Manager may designate City staff members to manage applications through the review process, to be points of contact for applicants, and shall perform such other duties as may be required in this Ordinance. The City Manager may also delegate review responsibilities to other members of the City staff with relevant technical training or expertise or to consultants that are authorized.
- (b) **Powers and Duties.** The Zoning Administrator shall have the authority to make recommendations or final decisions on the development review applications denoted in Table 20-6-1(k)-1, *Summary of Procedures*.

Sec. 20-5-6. Building Official

- (a) **Powers and Duties Relative to Matters in this Ordinance.** The Building Official shall have the authority to make final decisions on the development review applications denoted in Table 20-6-1(k)-1, *Summary of Procedures*.
- (b) **Powers and Duties Relative to Matters Outside of this Ordinance.** In addition to the powers and duties set forth above, the Building Official shall perform duties as outlined in the remainder of the City Code.

Sec. 20-5-7. Floodplain Administrator

- (a) **Designation of Floodplain Administrator.** The Floodplain Administrator is established in Chapter 4, Article III, Sec. 4-102, *Administration—Designation of the Floodplain Administrator*, of the City's Code of Ordinances.
- (b) **Powers and Duties.** The powers and duties and responsibilities of the Floodplain Administrator are delineated in Chapter 4, Article III, Sec. 4-103, *Duties and Responsibilities of the Floodplain Administrator*, of the City's Code of Ordinances.

ARTICLE VI: DEVELOPMENT REVIEW PROCEDURES

Contents:

Sec. 20-6-1. Common Review Procedures

Sec. 20-6-2. Administrative Review Procedures

Sec. 20-6-3. Master Plans, Amendments, and Conditional Use Review Procedures

Sec. 20-6-4. Variances, Administrative Appeals, and Interpretations Review Procedures

Sec. 20-6-1. Common Review Procedures

Subsec. 20-6-1(a). Purpose and Applicability

- (1) **Purpose.** The purpose of this Section is to consolidate and standardize the City's development review procedures.
- (2) **Applicability.** The Subsections of this Section apply to all development activity that requires a recommendation or final decision from City staff, the City Council, the Planning and Zoning Commission, or the Board of Adjustment as denoted in Table 20-6-1(k)-1, *Summary of Procedures*.

Subsec. 20-6-1(b). Pre-Application Conference

- (1) **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.
- (2) **Sketch Plan.** The applicant may submit a sketch plan as a basis for discussion prior to the pre-application conference. The sketch plan shall be of sufficient detail to accurately convey the concept, character, location, parcel size, and the size and scale of the proposed development. The applicant may submit additional materials at his or her discretion.
- (3) **Requested Submittals.** At or following the pre-application conference, City staff may request that the applicant provide additional materials at the time of application submittal in accordance with Subsec. 20-6-1(c), *Application Submittal and Fees*, as may be necessary to permit the informed exercise of judgment under the review criteria for the application.
- (4) **Disclaimer.** Outcomes of the pre-application conference shall not imply, in whole or in part, the submittal of or a final decision on any application required by this Ordinance.
- (5) **Continuing Review Process.** In order to be approved, applications that require a pre-application conference shall subsequently undergo the applicable processes established in this Article, starting with Subsec. 20-6-1(c), *Application Submittal and Fees*.

Subsec. 20-6-1(c). Application Submittal and Fees

- (1) **Application Form.** An application for every development review procedure required by this Ordinance shall be submitted in a format established by the Zoning Administrator. At the time the application is submitted, a fee shall be paid in the amount established by the City's fee schedule.
- (2) **Fees.**
 - a. *Schedule of Fees, Charges, and Expenses.* The City Council shall establish a schedule of fees and charges for matters pertaining to this Ordinance. The schedule of fees shall be posted in the office of the Zoning Administrator and may be altered or amended only by the City Council.
 - b. *Payment in Full Required.* No permits, certificates, or approvals required by this Ordinance shall be issued unless or until such costs, charges, fees, or expenses have been paid in full.
 - c. *Refunds.* Fees for rejected, denied, expired, voided, or revoked applications are not refundable.
- (3) **Authorization to Initiate an Application.** Table 20-6-1(c)-1, *Application Authorization*, denotes those who are authorized to initiate each of the application types.

Table 20-6-1(c)-1, Application Authorization			
Development Review Procedure Types	Property Owner ¹	Party Aggrieved by an Administrative Decision	City Council or Planning and Zoning Commission
Administrative Procedures	◆		
Plans, Amendments, and Conditional Uses	◆		◆
Variance, Administrative Appeals, and Interpretations	◆	◆ ²	◆ ³
Table Note: 1. Including Owner's Agent 2. Appeal of an Administrative Decision only 3. Written Interpretation only			

- (4) **Deadlines.** The Zoning Administrator may establish and publish application [submittal deadlines](#).
- (5) **Continuing Review Process.** Application submittals shall subsequently undergo a completeness application review established in Subsec. [20-6-1\(d\)](#), *Completeness Review*, before being deemed as submitted to the City.

Subsec. 20-6-1(d). Completeness Review

- (1) **Timeline.** Within three business days after an application is submitted, the Zoning Administrator shall review the application to verify that it is complete.
- (2) **Meaning of Completeness.** The Zoning Administrator shall deem an application complete when it 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 applicable requirements of this Ordinance.
- (3) **Notification and Submittal Date.** When the application is deemed complete, the Zoning Administrator shall notify the applicant in writing. Complete applications are considered submitted or filed on the date that the Zoning Administrator deems them complete.
- (4) **Incomplete Applications.**
 - a. *Explanation.* The Zoning Administrator shall make available incomplete applications to the applicant with a written explanation that describes the materials that shall be submitted in order to achieve a complete application.
 - b. *Period for Application Revisions.* If the missing or incomplete items are not submitted within a five-day period after notice of an incomplete application, then the application shall not be accepted for filing for the current review cycle.
 - c. *Incomplete or Rejected Application.* Incomplete or rejected applications are not considered "filed" or "submitted".

- d. *Application Deadlines.* Where an application deadline applies per Subsec. 20-6-1(c), *Application Submittal and Fees*, the applicant shall complete the incomplete application and submit it to the Zoning Administrator before the applicable deadline to be placed on the agenda for the next regular public meeting or public hearing.
- (5) **Completeness Does Not Equate to Approval.** A determination of completeness does not mean that:
 - a. The contents of the submittal are accurate or that they comply with the standards of this Ordinance;
 - b. The application will receive a positive recommendation or final decision from the applicable development review body; or
 - c. During review, additional clarification or information will not be needed.
- (6) **Continuing Review Process.** Complete applications shall subsequently undergo the processes established in Subsec. 20-6-1(e), *Staff Review and Distribution*.

Subsec. 20-6-1(e). Staff Review and Distribution

- (1) **Review, Final Decision, and Distribution.** After completeness determination, the appropriate development review body shall, according to the review responsibilities denoted in Table 20-6-1(k)-1, *Summary of Procedures*, do one of the following:
 - a. *Review and Comment.* Review an administrative application and provide comments to the applicant, which may include required revisions based on the requirements of this Ordinance and other adopted requirements and standards;
 - b. *Review and Decide.* Review and make a final decision on an administrative application; or
 - c. *Distribution.* Distribute all other application types to the appropriate development review body or outside agency including, but not limited to, utilities and school districts, for review, comment, and, if denoted in Table 20-6-1(k)-1, *Summary of Procedures*, recommendation or final decision.
- (2) **Required Revisions.**
 - a. *Comments.* During application review, the Zoning Administrator may provide comments from the Development Review Committee to the applicant. The applicant shall revise and resubmit the application with requested changes in order for the application to proceed through the review process.
 - b. *Resubmittal.* Upon receipt of the resubmittal, the Zoning Administrator may refer the application to agencies again if the changes substantially affect the interests of the agency in ways not anticipated by the agency's original comments, or require the agency's technical expertise for appropriate review.
- (3) **Administrative Recommendation or Decision.** Promptly after submittal of a complete application that addresses the comments provided pursuant to Subsection (2), *Required Revisions*, above (or, after finding that no revisions are required), one of the following shall apply:
 - a. *Administrative Review Applications.* If the application is for a review procedure addressed in Sec. 20-6-2, *Administrative Review Procedures*, then the administrative review body denoted in Table 20-6-1(k)-1, *Summary of Procedures*, shall approve, conditionally approve, or deny the application, as appropriate.
 - b. *All Other Review Applications.* If the application is for a review procedure addressed in Sec. 20-6-3, *Master Plans, Amendments, and Conditional Uses Review Procedures* or Sec. 20-6-4, *Variations, Administrative Appeals, and Interpretations Review Procedures* then the applicable administrative review body shall forward a recommendation to the next development body in the review process

which will consider it for further recommendation or final decision according to Table 20-6-1(k)-1, *Summary of Procedures*.

(4) **Continuing Review Process.**

- a. *Approved Applications.* Applications receiving approval may subsequently undergo the processes established in Subsec. 20-6-1(i), *Post-Decision Provisions*.
- b. *Applications Requiring Public Meeting or Hearing.* Applications requiring a public meeting or hearing, as denoted in Table 20-6-1(k)-1, *Summary of Procedures*, shall subsequently undergo the processes established in Subsec. 20-6-1(g), *Public Notice, Meetings, and Hearings*.

Subsec. 20-6-1(f). Common Review Criteria

- (1) **Common Review Criteria.** In determining whether to approve, approve with conditions or modifications, or deny an application, the development review bodies making a recommendation or taking final action shall consider the basic review criteria denoted in Table 20-6-1(f)-1, *Common Review Criteria Applicability*. Additional review criteria may apply and are enumerated in the specific review procedures of this Article.
- (2) **Burden of Proof or Persuasion.** In all cases, the burden is on the applicant to show that an application complies with applicable review criteria.

Table 20-6-1(f)-1 Common Review Criteria Applicability					
Common Review Criteria	Administrative Review Applications	Plans, Amendments, and Conditional Uses Review Applications		Variances, Administrative Appeals, and Interpretations	
		Text Amendments	All Other	Variances	All Other
The request complies with the applicable standards of this Ordinance.	•		•		•
The request complies with the applicable standards of the City's Code of Ordinances, and any applicable county, state, or federal requirements.	•	•	•	•	•
The request substantially conforms to any associated prior approval for the development, including, but not limited to, a Conditional Use Permit, Site Development Plan, or Master Development Plan.	•		•		
The development review body has considered the recommendation of the City staff.		•	•	•	•

Table 20-6-1(f)-1 Common Review Criteria Applicability					
Common Review Criteria	Administrative Review Applications	Plans, Amendments, and Conditional Uses Review Applications		Variances, Administrative Appeals, and Interpretations	
		Text Amendments	All Other	Variances	All Other
The request is consistent with applicable policies of the Comprehensive Plan and applicable utility plans and capital improvement plans; or, if it addresses a topic that is not contained or not fully developed in the Comprehensive Plan, the request does not impair the implementation of the Comprehensive Plan.		•	•	•	
The request promotes the purposes of this Ordinance as established in Sec. 20-1-2, <i>Purposes</i> , and in other applicable purpose statements in this Ordinance.		•	•	•	•
Adequate facilities, including public or private utilities, solid waste service, roads, drainage, and other improvements are present or are planned to be provided.			•	•	
The request demonstrates compatibility with surrounding conforming and permitted land uses and structures and with the general character of the area.			•	•	

Subsec. 20-6-1(g). Public Notice, Meetings, and Hearings

(1) Public Notice.

- a. *Publication Notice.* When required, as denoted in Table 20-6-1(k)-1, *Summary of Procedures*, published notice shall be provided in a local publication of record in accordance with the requirements of the Texas Local Government Code (TLGC), [Chapter 211](#).
- b. *Mailed Notice.* When required, as denoted in Table 20-6-1(k)-1, *Summary of Procedures*, mailed notice shall be:
 - i. In written form;
 - ii. Sent as required by TLGC [Section 211.007\(c\)](#) to all owners of real property located within 200 feet of the subject property:
 - (A) Measured from the perimeter of the subject property; and
 - (B) Taken inclusive of public streets.
 - iii. Served by using the last known address as listed on the County tax roll and depositing the notice, postage paid, with the United States Postal Service (USPS).

- c. *Contents of Notice.* Regardless of whether the notice is published or mailed, the notice shall contain:
 - i. The time and place of the public hearing;
 - ii. A brief description of the land which is the subject of the matter of the public hearing;
 - iii. The purpose of the public hearing;
 - iv. A statement that the public is invited to review and comment on the matter to be heard; and
 - v. Contact information for the Planning Department.
- d. *Timeline to Provide Notice.* Regardless of the type of notice that is required, such notice shall be provided at least 10 days prior to the public meeting or hearing, unless otherwise specified by Texas state law.
- e. *Computation of Time.* In computing the time periods for notice, the day of mailing, publication, or posting shall not be counted, but the day of the public hearing shall be counted.
- f. *Constructive Notice.* Failure of a surrounding property owner to receive notice of a hearing shall not affect the validity of the final decision.

(2) **Public Meetings and Hearings.**

- a. *Open to Public.* All public hearings shall be open to the public except as otherwise provided in Texas Local Government Code [Chapter 551](#). However, not all decisions require public hearings. Therefore, recommendations and decisions that are authorized by this Ordinance are classified as requiring a "public meeting" or "public hearing."
- b. *Public Meetings.* Any development review application, except for administrative review applications or written interpretations, that does not require a public hearing as denoted in Table [20-6-1\(k\)-1, Summary of Procedures](#), prior to a final decision requires a final decision to be made at a public meeting.
- c. *Public Hearing.* Elected and appointed development review bodies may adopt rules of procedure for the conduct of public hearings. The adopted rules of procedure shall reflect the following general procedures:
 - i. The Chairperson may impose a reasonable time limit on speakers and may limit testimony that is irrelevant or redundant;
 - ii. Citizens, applicants, and the City have the right to present expert witnesses;
 - iii. Persons appearing at a public hearing shall identify themselves and state their address and similar information about any organization they represent;
 - iv. If a speaker represents an organization, the body conducting the hearing may request written evidence of that person's authority to speak on behalf of the group in regard to the matter under consideration; and
 - v. Any person may appear at a public hearing, submit evidence, and be heard.
- d. *Decisions.* A vote shall be conducted in such a manner that the public may know the vote of each person entitled to vote, except when voice votes are authorized.
- e. *Conditional Approval or Modification of Application at Public Meeting or Hearing.*
 - i. *Modification.* An applicant may agree to modify an application, including the plans and specifications submitted, in response to questions or comments by persons appearing at a public meeting or hearing or to suggestions or recommendations by the development review body holding the meeting or hearing.

- ii. *Action on Modified Applications.* The development review body may make a recommendation or conditionally approve the application with the requirement that the formalized approval is not effective until the applicant submits materials reflecting the agreed-upon changes to the Zoning Administrator. However, if such modifications are so substantial that the development review body determines that it cannot reasonably be expected to perceive the nature and impact of the proposed changes without revised application materials, it shall not accept any subsequent application and shall make no further approvals related to the subject property until the applicant submits the required modifications.
 - iii. *Referral.* Where deemed appropriate by the final decision-making body, applications with significant modifications may be referred back to the recommending body for review, prior to further consideration.
- (3) **Continuing Review Process.** Requests receiving approval at a public meeting or hearing may subsequently undergo the processes established in Subsec. [20-6-1\(i\)](#), *Post-Decision Provisions*.

Subsec. 20-6-1(h). Appeals

- (1) **Window for Appeal.** All appeals listed below shall be submitted to the Zoning Administrator or to a Court of Competent Jurisdiction, as appropriate.
- (2) **Appeal of Planning and Zoning Commission Decision.** Any party aggrieved by or alleging an error in a final decision of the Planning and Zoning Commission (Commission) may appeal to the City Council within 20 days of the Commission's decision.
- (3) **Appeal of Board of Adjustment or City Council Decision.** Any party aggrieved by or alleging an error in a final decision of the Board of Adjustment (BOA) or City Council may appeal to a court of competent jurisdiction within 10 days of the decision being appealed in accordance with [Texas Local Government Code Section 211.011](#).
- (4) **Appeal of Administrative Decision.** Any party aggrieved by or alleging an error in a final decision of the Zoning Administrator, the Building Official, or the Public Works Director on a matter addressed in this Ordinance may appeal in accordance with Subsec. [20-6-4\(d\)](#), *Appeal of Administrative Decision*, within 20 days of the Administrative decision. For appeals of the decisions of the Floodplain Administrator, refer to [Chapter 4, Article III, Sec. 4-104, Permit Procedures](#), of the City's Code of Ordinances.

Subsec. 20-6-1(i). Post-Decision Provisions

- (1) **Modification of an Approved Application.** Modifications to approved applications shall be done in accordance with Subsec. [20-6-2\(i\)](#), *Minor Modification of an Approved Application*. However, if the change does not meet the criteria for a minor modification, the application shall be resubmitted as a new application.
- (2) **Revocation of Approval.** A development review body may revoke any permit or approval it issued where there has been a violation of the provisions of this Ordinance or misrepresentation of fact on the application or in the public meeting or hearing.
- (3) **Approvals Run With Land.** Permits or approvals authorizing a particular land use or structure shall run with the land and transfer with the subsequent ownership of the land and structures unless an elected or appointed development review body conditions an approval to the contrary. This provision does not apply to nonconformities, which are addressed in [Article VII, Nonconformities](#).

Subsec. 20-6-1(j). Inactive and Expired Applications

(1) **Unapproved Applications.**

- a. *Process to Inactivity.* A submitted and completed but unapproved application becomes inactive after 90 days from receiving review comments if the applicant fails to completely address the City's comments to allow further processing of the application.
- b. *Expiration.* 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 request an extension of time.

(2) **Approved Applications.** Approved Applications shall expire at the end of the expiration period as denoted in Table 20-6-1(k)-1, *Summary of Procedures*, unless:

- a. A complete application for the next required approval in a sequence of approvals is submitted and pending upon the expiration of the period;
- b. Development has commenced and is being diligently pursued toward completion; or
- c. An extension is granted in accordance with Subsection (3), *Extension of Time*, below.

(3) **Extension of Time.**

- a. *Request.* Prior to the expiration of an approved application or unapproved inactive application, the applicant may request in writing and the Zoning Administrator may approve an extension of the expiration date of up to six months.
- b. *Amendments.* If the City Council amends this Ordinance or adopts other applicable regulations during the period of time when the application was inactive, the application shall:
 - i. Not be subject to compliance to the new regulations until the original application is considered to be voided; and
 - ii. Become subject to the new regulations and ordinances if the period of time to request an extension lapses.
- c. *Expiration of Extension.* Approved applications or unapproved inactive applications shall expire after the six-month extension lapses if the Zoning Administrator determines that the applicant is not actively pursuing action to complete the development or address comments.

Subsec. 20-6-1(k). Review Procedure Summary

- (1) **Generally.** Procedures for obtaining development review approval pursuant to this Ordinance are summarized in this Subsection.
- (2) **Applications and Procedures.** Each application required by this Ordinance is spelled out in Table 20-6-1(k)-1, *Summary of Procedures*, below.

Table 20-6-1(k)-1
Summary of Procedures

• = Pre-Application Conference Required P = Published Notice Required M = Mailed Notice Required

P&Z = Planning and Zoning Commission CC = City Council BOA = Board of Adjustment

[] = Public Hearing Required

Development Application	Submittal Timing	Pre-Application Conference	Public Notice ¹	Review Responsibilities		Expiration ²	Cross-Reference	
				Recommendation	Final Action			
ADMINISTRATIVE APPLICATIONS: Require final decisions in which City staff apply the standards in this Zoning Ordinance. Administrative applications typically require objective analysis by City staff and may involve the exercise of very limited discretion.								
Building Permit 20-6-2(b)	Refer to procedures in Chapter 4, Buildings, Construction, Related Activities , of the City's Code of Ordinances.							
Certificate of Occupancy 20-6-2(c)	Refer to procedures in Chapter 4, Buildings, Construction, Related Activities , of the City's Code of Ordinances.							
Floodplain Development Permit 20-6-2(d)	Refer to procedures in Chapter 4, Article III, Sec. 4-104, Permit Procedures , of the City's Code of Ordinances.							
Limited Use Permit 20-6-2(e)	Prior to the establishment of a limited use as denoted in Sec. 20-3-1, Use Table	--	--	Zoning Administrator		2 years	Sec. 20-3-3, Limited Use Standards	
Sign Permit 20-6-2(f)	Refer to procedures in Chapter 16.5, Sec. 16.5-3, Permit Procedures and Fees , of the City's Code of Ordinances.							
Site Development Plan 20-6-2(g)	Prior to any development of any use unless specifically exempted in this Ordinance	--	--	Development Review Committee	Zoning Administrator	2 years	--	
Temporary Use Permit 20-6-2(h)	Prior to the operation of any temporary structure or use	--	--	Zoning Administrator		1 year	Sec. 20-3-6, Temporary Uses and Structures	
Minor Modification of an Approved Application 20-6-2(i)	In order to make a limited modification to any numerical standard on an application that has already been approved but that has not received a Certificate of Occupancy	--	--	Zoning Administrator		Same as application being modified	--	
MASTER PLANS, AMENDMENTS, AND CONDITIONAL USE APPLICATIONS: Require final decisions that establish or change the way the use, design, or development of land will occur on a site-specific, City-wide, or intermediate scale. Elected and appointed development review bodies make final decisions based on general considerations of fostering and preserving the public health, safety, and general welfare. Such final decisions are characterized by the exercise of broad discretion.								
Master Development Plan 20-6-3(b)	As part of a zoning map amendment to PD, Planned Development Overlay District	•	M P	Zoning Administrator		[P&Z]	2 years	Subsec. 20-2-5(b), PD, Planned Development Overlay District
Text Amendment 20-6-3(c)	Prior to a change of the text in this Ordinance	--	P	1st: Zoning Administrator 2nd: [P&Z]		[CC]	None	--
Zoning Map Amendment 20-6-3(d)	Prior to establishing or expanding a building type or use prohibited in the current character district	•	M P	1st: Zoning Administrator 2nd: [P&Z]		[CC]	None	Article II, Zoning Districts and Dimensional Standards

Table 20-6-1(k)-1
Summary of Procedures

• = Pre-Application Conference Required P = Published Notice Required M = Mailed Notice Required

P&Z = Planning and Zoning Commission CC = City Council BOA = Board of Adjustment

[] = Public Hearing Required

Development Application	Submittal Timing	Pre-Application Conference	Public Notice ¹	Review Responsibilities		Expiration ²	Cross-Reference
				Recommendation	Final Action		
Future Land Use Plan Map Amendment 20-6-3(e)	Prior to a change of the FLUP map	•	M P	1st: Zoning Administrator 2nd: [P&Z]	[CC]	None	Chapter 2, <i>Future Land Use Plan</i> of the Comprehensive Plan
Conditional Use Permit 20-6-3(f)	Prior to operation of any land use that is designated as a conditional use or to changing a nonconforming use to a conforming use	•	M P	1st: Zoning Administrator 2nd: [P&Z]	[CC]	None	Sec. 20-3-4, <i>Conditional Use Standards</i>
VARIANCES, ADMINISTRATIVE APPEALS, AND INTERPRETATIONS APPLICATIONS: Require final decisions that provide interpretation of standards or establish the way design or development will occur on specific sites in manners that either vary from the standards of this Zoning Ordinance or that are contested by an aggrieved party. Such final decisions are characterized by exercise of discretion.							
Appeal of Administrative Decision 20-6-4(d)	Within 30 days after an appellant or their agent received notice of the action of the official that is the subject of the appeal	--	P	[BOA]		None	--
Variance 20-6-4(b)	Prior to or concurrent with submittal of a Site Plan, Building Permit, or Sign Permit	--	M P	Zoning Administrator	[BOA]	None	--
Variance, Floodplain 20-6-4(c)	Refer to procedures in Chapter 4, Article III, Sec. 4-105, <i>Variance Procedures</i> , of the City's Code of Ordinances.						
Written Interpretation 20-6-4(e)	When an official administrative interpretation of the terms, provisions, or requirements of this Ordinance is needed	--	--	Zoning Administrator		None	--

TABLE NOTES:

¹ For complete notice requirements, see Subsection 20-6-1(g), *Public Notice, Meetings, and Hearings*.

² The time period in the "Expiration" column is measured from the date of the issued approval. Expiration occurs if the applicant does not commence the work prior to the expiration, or does not diligently pursue completion of the project or the subsequent required approval. See Subsection 20-6-1(j), *Inactive and Expired Applications*. "Commence," for the purposes of this table, means the first City inspection of a development, such as the initial rough plumbing inspection.

Sec. 20-6-2. Administrative Review Procedures

- (a) **Generally.** This section outlines specific review criteria, procedures, and/or the effect of approval for every administrative procedure. These are in addition to the common review procedures detailed in Sec. 20-6-1, *Common Review Procedures*. The development review body responsible for the review, recommendation, and final decision for each application is denoted in Table 20-6-1(k)-1, *Summary of Procedures*.
- (b) **Building Permit.** Procedures for Building Permits are outlined in Chapter 4, *Buildings, Construction, Related Activities*, of the City's Code of Ordinances.
- (c) **Certificate of Occupancy.** Procedures for Certificate of Occupancy are outlined in Chapter 4, *Buildings, Construction, Related Activities*, of the City's Code of Ordinances.
- (d) **Floodplain Development Permit.** Procedures for Floodplain Development Permits are outlined in Chapter 4, Article III, Sec. 4-104, *Permit Procedures*, of the City's Code of Ordinances.
- (e) **Limited Use Permit.**
- (1) *Specific Review Criteria.* To approve the application, affirmative findings shall be made of all applicable criteria, including the use-specific standards detailed in Sec. 20-3-3, *Limited Use Standards*.
 - (2) *Effect.* An approved limited use through a Limited Use Permit authorizes that use to be established according to specific standards set out in Sec. 20-3-3, *Limited Use Standards*. Approval of a Limited Use Permit does not directly authorize development if other approvals are also required by this Ordinance.
- (f) **Sign Permit.** Procedures for Sign Permits are outlined in Chapter 16.5, Sec. 16.5-3, *Permit Procedures and Fees*, of the City's Code of Ordinances.
- (g) **Site Development Plan.**
- (1) *Specific Review Criteria.* To approve the application, affirmative findings shall be made of all applicable criteria, including the following:
 - a. *Submittal Features.* The following features shall be required on all Site Development Plans submitted for review by the Development Review Committee.
 - i. Address numbers for each building, if available.
 - ii. The legal description of the subject property.
 - iii. The location of all boundary lines for the subject property.
 - iv. The location and width of all platted streets, alleys, and easements within or adjacent to the subject property.
 - v. The location and width of all parkways adjacent to the subject property.
 - vi. The names of streets adjacent to the subject property.
 - vii. The location, size, and character of all existing and proposed buildings on the subject property, the minimum distance between buildings, the distance between buildings and the property line, and the square footage of each.
 - viii. The setting of all structures on adjoining property, if said structures are located within 15 feet of the subject property's boundary.
 - ix. Location of all off-street parking spaces, driveways, vehicle maneuvering areas, barriers, curb cuts, and loading facilities.
 - x. Types of surfacing.

- x. Indication of landscaping, including all planting strips, trees, retaining walls, and other improvements or alterations to the land.
 - xi. Height and character of all screening walls and fences.
 - xii. Height of all structures.
 - xiii. Height and location of all freestanding light standards.
 - xiv. Location of facilities for refuse disposal.
 - xv. Location of nearest fire hydrants.
 - xvi. Location, type, and size of all water and sewer mains.
 - xvii. Direction of drainage across property and outfall from the property. Stormwater detention shall be required for all sites over two and one-half acres, not otherwise provided for in a subdivision.
 - xviii. Location, type, and size of all drainage facilities.
 - xix. Notation of regulatory flood hazard or floodway boundary.
 - xx. Finished ground floor elevations.
 - xxi. Top of curb, top of pavement, flowline elevations at each corner, end of curve, grade break, etc., for all sites requiring more than six parking spaces.
 - xxii. Location, type, size and height of all signs, other than wall signs.
 - xxiii. Proposed uses classified, to the extent reasonably possible, according to the description of permitted use.
 - xxiv. North arrow and graphic scale.
 - xxv. Benchmark elevation and location.
 - b. *Infrastructure Capacity.* The proposed development does not exceed the capacity of existing and planned infrastructure and public services including, but not limited to, systems for water, sewer, drainage, transportation, solid waste removal, and public safety;
 - c. *Circulation, Accessibility, and Compatibility.* The design of the project provides for vehicle and pedestrian accessibility and circulation within, out of, and into the development and appropriate compatibility and buffering between the development, surrounding land uses (existing or planned), and the natural environment; and
 - d. *Hazards and Nuisances.* 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) *Site Development Plan Review Submittal.* A Site Development Plan shall be provided electronically and uploaded to the online permitting system at a scale not smaller than one inch to 50 feet for all new industrial, commercial, and multifamily projects. New single and two-family dwellings shall provide a single site plan indicating sidewalks, fences, septic systems (when applicable), etc.
- (3) *Specific Review Procedures.*
- a. After a site plan review application is found to be complete and fees are paid, City staff shall accept the proposed site plan for development review. City staff shall distribute copies of the site plan for review and comment to members of the development review committee.
 - a. Within ten (10) business days after the site plan has been submitted, it shall be returned to the applicant for any required revisions.

b. If the applicant and development review staff do not concur on the required revisions, the site plan shall be referred to the Planning and Zoning Commission for consideration and final action.

c. When revisions are required, the applicant shall revise the site plan and resubmit review. Within five (5) business days after the revised site plan has been resubmitted, it shall be reviewed by City staff with any required revisions for approval.

(4) *Effect.* Approval of a Site Development Plan authorizes the applicant to proceed with development of the site as proposed in the Site Development Plan. It does not directly authorize development if other approvals are required by this Ordinance.

(h) **Temporary Use Permit.**

(1) *Specific Review Criteria.* To approve the application, affirmative findings shall be made of all applicable criteria, including the following:

a. *Temporary Use Standards.* The applicable standards detailed in Sec. 20-3-6, Temporary Uses and Structures.

b. *Size and Safety of Event.* The Zoning Administrator may deny a permit if the use is too large to be safe for the site, neighborhood, street, or infrastructure.

(2) *Specific Review Procedures.* The Zoning Administrator, in coordination with other City staff, 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:

a. *Hours of Operation.* The modification of or restrictions on hours of operation;

b. *Clean Up.* Posting of a performance bond to ensure clean-up and removal of signs, equipment, trash, and other similar items; and

c. *Attendance.* Limitations on the attendance of an event.

(3) *Effect.* Approval of a Temporary Use Permit authorizes the temporary activities on the property that is subject to the permit.

(i) **Minor Modification of an Approved Application.**

(1) *Specific Review Criteria.* To approve the application, affirmative findings shall be made of all applicable criteria, including the following:

a. *Application Type.* The approved application being modified is Site Development Plan, Master Development Plan, Temporary Use Permit, Limited Use Permit, Conditional Use Permit, or Variance;

b. *Gross Floor Area (GFA).* An addition to a structure does not exceed 10 percent of the previously approved total GFA of the structure;

c. *Height.* Additional height of a structure does not exceed 10 percent of the previously approved height.

d. *Position.* A shift in a structure's position is less than 10 feet and does not encroach into a required setback or an easement;

e. *Density.* The overall density of the project does not increase as a result of the change in GFA, height, or position; and

f. *Condition of Approval.* The proposal does not violate a condition of approval for the original application.

- (2) *Specific Review Procedures.* All other modifications that do not meet the specific review criteria in subsection (i)(1), above, shall require submittal of a new application.
- (3) *Effect.* Approving a Minor Modification of an Approved Application shall authorize only the particular deviations from the original approved application to the extent provided in the approval of the Minor Modification.

Sec. 20-6-3. Master Plans, Amendments, and Conditional Use Review Procedures

- (a) **Generally.** This section outlines specific review criteria, procedures, and/or the effect of approval for Master Plans, Amendments, and Conditional Use Permits. These are in addition to the common review procedures detailed in Sec. 20-6-1, *Common Review Procedures*. The development review body responsible for the review, recommendation, and final decision for each application is denoted in Table 20-6-1(k)-1, *Summary of Procedures*.
- (b) **Master Development Plans.**
 - (1) *Specific Review Criteria.* Recommendations and final decisions shall be based on applicable criteria, including the following:
 - a. *Phasing.* The development is phased in a manner that assures an adequate mixture of residential and nonresidential land uses and allows for transition from the early phases to completion, relating to the intensity of uses and parking;
 - b. *Undeveloped Space.* Together with the developed areas, the undeveloped spaces devoted to natural resource preservation, buffering of uses, and for passive and active recreational use are continuous throughout the development and, where appropriate, may double as stormwater best management practices;
 - c. *Site Layout.* The subject property is laid out in an efficient manner relative to the natural and built environments and designed to achieve the aims of a compact, highly walkable environment; and
 - d. *Quality Design.* The design of buildings and hardscape and landscape areas help to establish visual interest, aesthetic appeal, and a unique identity for the development, including as key considerations human-scale amenities, integration of civic spaces for public interaction, and protection from the environmental elements.
 - (2) *Effect.* Upon approval, all subsequent site development plans and other permits shall clearly demonstrate consistency and conformance with the adopted Master Development Plan.
- (c) **Text Amendment.**
 - (1) *Specific Review Criteria.* Recommendations and final decisions shall be based on applicable criteria, including the following:
 - a. *Impact Mitigation.* The proposal helps to mitigate adverse impacts of the use and development of land on the natural or built environments, including, but not limited to, mobility, air quality, water quality, noise levels, stormwater management, and vegetation, or will be neutral with respect to these issues;
 - b. *Changing Condition.* The amendment is necessary to address a changing condition that was not anticipated in the Comprehensive Plan or this Ordinance; and
 - c. *Strategic Objectives.* The proposal advances the strategic objectives of the City Council, such as fiscal responsibility, efficient use of infrastructure and public services, and other articulated City objectives.

(2) *Specific Review Procedures.*

- a. If necessary, the Zoning Administrator may, with approval of the Planning and Zoning Commission as a Consent Agenda item:
 - i. Correct spelling or punctuation errors;
 - ii. Make cross-reference changes (because another section of this Ordinance or the City's Code of Ordinances has been moved or changed);
 - iii. Correct cross-reference errors; and
 - iv. Update graphics and images that do not change any substantive standards of this Ordinance.
- b. If the Planning and Zoning Commission deems the proposed changes to be significant, then the Zoning Administrator may pursue a formal Text Amendment in accordance with this Article.

(3) *Effect.*

- a. *No Retroactive Cure of Violations.* The amendment of the text of this Ordinance may transform a legally nonconforming situation into a conforming one. However, no text amendment shall be considered for the sole purpose of curing a violation of any part of this Ordinance.
- b. *Effective Date.* Approval of a Text Amendment shall take effect upon the effective date of the ordinance approving the amendment.

(d) **Zoning Map Amendment.**

(1) *Specific Review Criteria.* Recommendations and final decisions shall be based on applicable criteria, including the following:

- a. *Consistency.* The proposed Zoning Map Amendment is consistent with the Future Land Use Plan Map of the Comprehensive Plan, or an adopted subarea plan, corridor plan, or other City policy, and is consistent with the purpose statement of the proposed zoning district or changes in condition have occurred such that the character of the surrounding area is transitioning or being affected by other factors, such as traffic, a new school, adjoining uses, or environmental issues not contemplated by the Comprehensive Plan;
- b. *Compatibility.* The range of uses allowed by the proposed zoning district will be compatible with the properties in the immediate vicinity of the subject property;
- c. *Traffic.* The traffic generated by the land uses permissible in the requested Rezoning / Zoning Map Amendment will not lead to undue congestion, noise, or traffic hazards;
- d. *Adequate Public Facilities.* Facilities and services are available to serve the subject property without compromising provisions for adequate levels of service to other properties; and
- e. *Natural Environment.* The district resulting from the requested Zoning Map Amendment will not cause harm to natural features on or adjacent to the subject property.

(2) *Specific Review Procedures.*

- a. *Recommendation of Denial of Rezoning Request.* If the Planning and Zoning Commission recommends denial of a Zoning Map Amendment, the City Council shall only approve the request with a three-fourths vote of all members (present and absent) of City Council.
- b. *Protest Against Rezoning.* A Zoning Map Amendment shall not become effective except by a favorable vote of three-fourths of all members of the City Council if either of the following sign a valid protest against the amendment:
 - i. Owners of 20 percent or more of the land included in such proposed Amendment; or

- ii. Owners of 20 percent of the land within 200 feet of the subject property. The land area within this radius includes any intervening public street or alley.
 - (3) *Effect.* Approval of a Zoning Map Amendment shall take effect upon the effective date of the ordinance approving the amendment.
- (e) **Future Land Use Plan (FLUP) Map Amendment.**
 - (1) *Specific Review Criteria.* Recommendations and final decisions shall be based on applicable criteria, including the following:
 - a. *Compatibility.* The land use types and characteristics of the proposed land use category will be compatible with the properties in the immediate vicinity of the subject property;
 - b. *Impact Mitigation.* The amendment may serve to mitigate adverse impacts of the use and development of land on the natural or built environments, including, but not limited to, mobility, air quality, water quality, noise levels, stormwater management, and vegetation, or will be neutral with respect to these issues;
 - c. *Comprehensive Plan.* The proposed amendment supports the goals of [Chapter 2, Future Land Use Plan](#) Map of the Comprehensive Plan; and
 - d. *Changing Conditions.* The amendment may serve to address a changing condition that was not anticipated by the Comprehensive Plan.
 - (2) *Specific Review Procedures.* FLUP Map Amendment requests may be applied for simultaneously with Zoning Map Amendment requests.
 - (3) *Effect.* Approval of an Amendment to the FLUP Map shall take effect upon the effective date of the ordinance approving the amendment.
- (f) **Conditional Use Permit.**
 - (1) *Specific Review Criteria.* To approve the application, affirmative findings shall be made of all applicable criteria, including the following:
 - a. *Public Health and Safety.* The granting of the Conditional Use Permit is not injurious or otherwise detrimental to the public health, safety, and welfare of the general public;
 - b. *Property and Improvements in the Vicinity.* The granting of the Conditional Use Permit is not substantially or permanently injurious to the property or improvements in the vicinity in which the property is located;
 - c. *Concentration.* The conditional use will not create an unwanted concentration of similar conditional uses that is likely to discourage permitted uses by making the vicinity less desirable for them; and
 - d. *Location.* There is no practical alternative location where the conditional use is permitted by right within the general vicinity of the parcel proposed for development, or if such a location exists, the proposed location is comparable or more favorable in terms of:
 - i. Providing a needed community service;
 - ii. Providing a critical mass of related and mutually supportive land uses that promote quality economic development and opportunity;
 - iii. Providing a balance of land uses, ensuring that appropriate supporting activities, such as employment, housing, leisure time, and retail centers are in close proximity to one another; and
 - iv. Making more efficient use of public infrastructure.

- (2) *Specific Review Procedures.* The Planning and Zoning Commission may recommend, and the City Council may approve, conditions of approval to the Conditional Use Permit in order to mitigate its impacts on adjacent land uses such that it complies with the associated decision criteria. The subject matter of conditions may include, but not be limited to, the following:
 - a. Additional landscaping or buffering;
 - b. Building or façade improvements;
 - c. Noise abatement measures;
 - d. Limitations on lighting, such as lighting curfews or restrictions on levels of illumination;
 - e. Measures to control, mitigate, or direct traffic;
 - f. Parking, loading, stacking, and site circulation adjustments;
 - g. Restrictions on outdoor displays, sales, or storage; and/or,
 - h. Restrictions on signs that relate only to the sign structure, materials, lighting, placement, size, or type, but not to the content of messages displayed (unless such messages are not protected speech).
- (3) *Effect.* Issuance of a Conditional Use Permit authorizes the establishment of the use approved on the property and subject to any other required permits or approvals, such as a Building Permit, Certificate of Occupancy, or subdivision approval. A Conditional Use Permit does not authorize the construction, reconstruction, alteration, relocation, or demolition of any building or structure.

Sec. 20-6-4. Variances, Administrative Appeals, and Interpretations Review Procedures

- (a) **Generally.** This section outlines specific review criteria, procedures, and/or the effect of the Board of Adjustment's, or in the case of a Written Interpretation, the Zoning Administrator's, final action for Variances, Administrative Appeals, and Interpretations. These are in addition to the common review procedures detailed in Sec. 20-6-1, *Common Review Procedures*. The development review body responsible for the review, recommendation, and final decision for each application is denoted in Table 20-6-1(k)-1, *Summary of Review Procedures*.
- (b) **Variance.**
 - (1) *Specific Review Criteria.*
 - a. *Variances for Signs.* Criteria for Variance requests regarding signs are outlined in [Chapter 16.5, Sec. 16.5-11, Variance](#), of the City's Code of Ordinances.
 - b. *Other Variances.* To approve the application, affirmative findings shall be made of all applicable criteria, including the following:
 - i. *Special Circumstances or Conditions Exist.* There are special circumstances or conditions existing on the property on which the application is made related to size, shape, area, topography, surrounding conditions, and location that do not apply generally to other property in the same area and in the same zoning district;
 - ii. *Not Created by Applicant and Not Financial.* The special circumstances or conditions existing on the property were not created by the applicant and are not merely financial;
 - iii. *Use of Property.* Such special circumstances or conditions existing on the property on which the application is made deprive the applicant of the same rights in the use of his or her property that are presently enjoyed by other owners of properties located in the vicinity and same zoning district;

- iv. *Will Not Adversely Affect Land Use Pattern.* Granting of the variance on the specific property will not adversely affect the land use pattern as outlined by the City's Comprehensive Plan; and
 - v. *Not Detrimental to Public.* Granting of a variance will not be detrimental to the public health, safety, or welfare or injurious to the use, enjoyment, or value of other property in the vicinity.
- (2) *Specific Review Procedures.* Procedures for Variance requests regarding signs are outlined in [Chapter 16.5, Sec. 16.5-11, Variance](#), of the City's Code of Ordinances.
- (3) *Effect.*
 - a. *Particular Variation.* Issuance of a variance shall authorize only the particular variation that is approved in the variance request.
 - b. *Property Ownership.* A variance shall run with the land and not be affected by a change in ownership.
 - c. *Other Approvals.* Approval of a variance does not guarantee that the development shall receive subsequent approval for other development review applications unless the relevant and applicable portions of this Ordinance or any other applicable provisions are met.
- (c) **Variance, Floodplain.** Procedures for Variance, Floodplain are outlined in [Chapter 4, Article III, Sec. 4-105, Variance Procedures](#), of the City's Code of Ordinances.
- (d) **Appeal of Administrative Decision.**
 - (1) *Specific Review Criteria.* Recommendations and final decisions shall be based on applicable criteria, including the following:
 - a. *Record and Evidence.* The administrative decision was appropriate considering the written record of the case and the evidence presented; and
 - b. *Ordinance Requirements.* The decision reflects the requirements contained in this Ordinance.
 - (2) *Specific Review Procedures.*
 - a. *Transmission of Records.* The staff person whose decision is appealed shall transmit to the Board of Adjustment all of the documents constituting the record of the appealed action.
 - b. *Burden of Proof in Appeals.* The Board of Adjustment shall presume the final decision being appealed to be valid. The appellant shall present sufficient evidence and have the burden to justify a reversal of the decision being appealed.
 - (3) *Effect.*
 - a. *Stay of Proceedings.* An appeal of any order, requirement, decision, or determination shall stay all proceedings unless the Zoning Administrator certifies that a stay would cause imminent peril to life or property.
 - b. *Final Decision.* The Board of Adjustment shall have the final decision-making powers of the administrative official from whom the appeal is taken. Further appeals of the Board's decision shall be heard by a court of competent jurisdiction.
 - c. *No Variance.* A decision on an appeal of an administrative decision cannot grant or issue a Variance.
 - d. *Flood Boundary.* A decision may support, reverse, or remand an order or determination of a boundary of the special flood hazard area.

(e) **Written Interpretation.**

- (1) *Specific Review Criteria.* The applicable development review body as denoted in Table 20-6-1(k)-1, *Summary of Procedures* may base the interpretation on:
 - a. *Information.* The application and information provided by the applicant;
 - b. *Purpose Statements.* The purpose statement for the Ordinance section that is subject to interpretation;
 - c. *Word Meanings.* The plain and ordinary meaning of the terms that are subject to the application for an interpretation as set out in a dictionary of common usage;
 - d. *Word Usage.* The provisions of [Article IX](#), Word Usage;
 - e. *Technical Meaning.* Any technical meanings of words used in the provision subject to interpretation;
 - f. *Other Interpretations.* Other interpretations rendered by the Zoning Administrator associated with the same or related provisions of this Ordinance;
 - g. *Legislative History.* The legislative history of the provision subject to interpretation;
 - h. *Sources Outside the Ordinance.* Sources outside of the Ordinance that provide additional information on the provision in question, such as technical or professional literature; or
 - i. *Other Related Provisions.* Any provision of this Ordinance, the Comprehensive Plan, Texas state law, or federal law that are related to the same subject matter.
- (2) *Effect.*
 - a. *No Legal Advice.* No written interpretation shall be construed as legal advice.
 - b. *Final Decision.* For purposes of appeal, a written interpretation is deemed a final decision. An appeal of a Written Interpretation shall take place in accordance with Sec. 20-6-4(d), *Appeal of Administrative Decision*.
 - c. *Recordkeeping.* The Zoning Administrator shall keep records of interpretations made pursuant to this Section.

ARTICLE VII: NONCONFORMITIES

Contents:

Sec. 20-7-1. General Provisions

Sec. 20-7-2. Types of Nonconformities

Sec. 20-7-3. Conversion and Termination of Nonconformities

Sec. 20-7-1. General Provisions

- (a) **Purpose.** The purpose of this Article is to:
- (1) *Continuance.* Allow for the continuance of an existing nonconformity that may be maintained, repaired, or altered only if such development shall neither create an additional nonconformance nor increase the degree of existing noncompliance, nor prevent the return of the property to a conforming use;
 - (2) *No Expansion.* Ensure that nonconforming uses do not expand, and that nonconforming buildings do not extend to occupy land outside the building except for residential dwellings in conformance with the provisions of this Article;
 - (3) *Protection.* Protect conforming uses and structures from nuisances that may be associated with nonconformities;
 - (4) *Elimination.* Eliminate substantially damaged or abandoned nonconformities whose degrees of incompatibility with adjacent land uses are high; and
 - (5) *Balance.* Balance the City's objective to eliminate nonconformities with a landowner's right to maintain and make use of a nonconformity.
- (b) **Applicability.**
- (1) *Generally.* This Article's regulations apply to all nonconformities. Uses, buildings or structures, lots, signs, or site elements that were illegally established or constructed are not nonconformities and the provisions of this Article do not apply to them; they instead remain "unlawful" and are violations of this Ordinance.
 - (2) *Territorial Changes.* Whenever zoning district boundaries change to a different zoning district from annexation, these regulations apply to any existing nonconformity.
 - (3) *Exemptions.*
 - a. *Nonconformities Created by Public Action.* Any nonconforming structure or land expressly created or caused by a conveyance of privately owned land to a federal or state government to serve a public purpose or use, or to a local government to serve a public use, is deemed conforming for the purposes of this Ordinance and is not subject to the limitations of this Article. This exemption applies only in cases where private land is obtained by a governmental entity for a public purpose or use, as applicable, through condemnation, threat of condemnation, or otherwise, which creates a nonconformity in the remainder parcel in terms of setback, lot size, or other applicable standards of this Ordinance. This exemption does not apply to right-of-way dedication or other public conveyances of land required by the City in the course of routine site plan approvals.
 - b. *Nonconformities Created by Variances.* Any nonconformity created or caused by the approval of a Variance, in accordance with Subsec. 20-6-4(b), *Variance*, is conforming for the purposes of this Ordinance and is not subject to the limitations of this Article.
- (c) **Damage or Destruction of Nonconforming Use.**
- (1) Nothing in this Zoning Ordinance shall prevent the restoration within 12 months of a nonconforming building or structure which has been damaged or destroyed by fire, explosion, flood, tornado, riot, or accident of any kind or the continuance of any use therein which existed immediately prior to such damage or destruction, if the cost of restoration or reconstruction does not exceed 50 percent of the value of the building or structure immediately prior to such damage or destruction.

- (2) If a structure accommodating or serving a nonconforming use or a nonconforming structure or building is damaged or destroyed to the extent that the costs of reconstruction or restoration shall not exceed 50 percent of its value immediately prior to the damage or destruction, the structure may be rebuilt and the nonconforming use may be resumed, but such use, structure or building cannot be expanded. If there are substantial changes proposed for the structure, a site plan must be submitted for review in the manner provided in the City's ordinances.
- (3) If a structure accommodating or serving a nonconforming use or a nonconforming structure or building is damaged or destroyed to the extent that the costs of reconstruction or restoration exceed 50 percent of its value immediately prior to the damage or destruction, the Board of Adjustment may grant a permit for repair, but not for the enlargement of the building structure, only after consideration has been given for removal of the nonconforming feature. If there are substantial changes proposed for the structure, a site plan must be submitted for review in the manner provided in the City's ordinances.
- (4) For purposes of this Section only:
 - a. The "cost" of renovation, reconstruction, restoration, repair, or replacement shall mean the fair market value of the materials and services necessary to accomplish such renovation, reconstruction, restoration, repair, or replacement, and shall include the total cost of all such intended work. No person may seek to avoid the intent of this Section by doing the work incrementally.
 - b. The "value" shall mean either the appraised valuation of the building or structure for property tax purposes, updated as necessary by the increase in the Consumer Price Index since the date of the last valuation, or the valuation determined by a professionally recognized property or building appraiser; however, said "value" shall not include the cost of the land or any factors other than the replacement value of the nonconforming building or structure itself, including the foundation.
- (5) The Building Official shall issue a permit authorized by this Section if he finds that in completing the renovation, repair, or replacement work for the referenced destruction of 50 percent or less of the nonconforming building or structure, no violation of this Section will occur and that the owner shall not lose his or her right to continue the nonconforming use.

Sec. 20-7-2. Types of Nonconformities

(a) **Nonconforming Uses.**

- (1) *Defined.* A nonconforming use means any use that:
 - a. *Previously Conforming.* On the effective date of this Ordinance, was previously lawfully established and complied with the applicable regulations in effect at the time it was established, but does not comply with the applicable regulations of this Ordinance;
 - b. *Nonconforming Due to Amendment.* On or after the effective date of this Ordinance, was lawfully operating according to this Ordinance's provisions but which use, by Ordinance amendment, or other governmental action, then became a non-permitted use in the district in which the use is located; or
 - c. *Nonconforming Due to Annexation.* On the effective date of this Ordinance, was legally existing before the property was annexed into the corporate limits of the City.

(2) *Limitations.*

- a. *Continuance.* A nonconforming building or structure may be continued and may be maintained, repaired, or altered only if such development shall neither create an additional nonconforming use nor increase the degree of existing noncompliance of all or any part of such structure or building, nor prevent the return of the property to a conforming use.
- b. *Extended.* No nonconforming use within a building or structure may be extended to occupy any land outside the building.
- c. *Expansion.* No nonconforming use of land shall be enlarged, increased, or extended to occupy a greater area of land than was occupied at the time the land became a nonconforming use.

(b) **Nonconforming Buildings or Structures.**

(1) *Defined.* A nonconforming building or structure means any existing building or structure erected or modified on or before the effective date of this Ordinance that complied with the regulations in effect at the time it was erected or modified but that does not comply with all the regulations applicable in this Ordinance.

(2) *Limitations.*

- a. *Continuance.* Subject to this Section, any nonconforming building or structure may be occupied, operated, and maintained in a state of good repair.
- b. *Necessary Repairs.*
 - i. After inspection and findings by the Building Official, the Zoning Administrator may order a substandard or unsafe nonconforming structure or building to be restored to a safe condition, so long as the structure or building is not a public health, safety, or welfare hazard, and said repairs do not exceed 50 percent of the replacement cost of such building or structure.
 - ii. If the unsafe or substandard nonconforming structure or building cannot be restored to a safe condition as required by any applicable ordinance of the City and the cost of repairing such building or structure in lawful compliance with the applicable ordinance exceeds 50 percent of the replacement costs of such building or structure, then the Board of Adjustment may order the structure or building repaired, removed, or demolished after conducting a public hearing in which the property owner and/or owner of the unsafe or substandard structure or building is notified in writing of the date, time, place, and purpose of said public hearing.

(c) **Nonconforming Lots.**

(1) *Defined.* A nonconforming lot means any existing lot created on or before the effective date of this Ordinance that complied with the regulations in effect at the time of creation but that does not comply with all the regulations applicable in this Ordinance.

(2) *Continuance.* The nonconforming lot may be used for any use allowed by the zoning district in which it is located, if:

- a. *Access to Street.* The lot has direct access to an existing improved public or private street or alley;
- b. *Contiguous Properties.* The lot is in separate ownership from all adjacent and contiguous parcels, therefore preventing acquisition of the additional land area needed to comply with the standards that would normally apply to the creation of the lot; and
- c. *Other Standards.* Development on the lot complies with applicable standards of this Ordinance.

- (3) *Creation of Nonconforming Lots Prohibited.* The creation of lots shall not result in a lot area or dimension that does not meet the minimum standards of this Ordinance.
- (d) **Nonconforming Signs.** For nonconforming signs, refer to [Chapter 16.5, Stay Basic Sign Regulations](#), of the City's Code of Ordinances.
- (e) **Other Nonconforming Site Elements.**
 - (1) *Defined.* A nonconforming site element is any site element established on or after the effective date of this Ordinance that complied with the regulations in effect at the time of development but that does not comply with all the regulations applicable in this Ordinance. Examples of a site element include parking, loading, stacking, landscaping, bufferyards, outdoor lighting, or other site conditions or standards required by [Article IV, Development Standards](#).
 - (2) *Continuance.* Nonconforming site elements may continue if there is no site expansion, enlargement, or extension of the use or structure.
 - (3) *Compliance.* If a structure or use is expanded, enlarged, or extended, nonconforming site elements shall comply with the standards of this Zoning Ordinance based on the requirements of [Table 20-4-1-1, Development Standards Applicability](#).

Sec. 20-7-3. Conversion and Termination of Nonconformities

- (a) **Change of Nonconforming Use to a Conforming Use.** In the event a nonconforming use is changed to a conforming use, then the prior nonconforming use is hereby deemed to be abandoned.
- (b) **Change of Nonconforming Use.**
 - (1) *Applicability.* The Board of Adjustment may, after public notice and hearing as required in Texas Local Government Code [Chapter 211, Municipal Zoning Authority](#), authorize the following:
 - a. The reconstruction, extension, or enlargement of a building occupied as a nonconforming use; or
 - b. The extension of a nonconforming use in a building upon a lot occupied as a nonconforming use.
 - (2) *Decision Criteria.* In granting the expansion, the Board of Adjustment may provide conditions of approval that, in its opinion, will secure substantially the purpose and intent of this Zoning Ordinance as articulated in [Sec. 20-1-2, Purposes](#).
- (c) **Discontinuance of a Nonconforming Use.**
 - (1) When a nonconforming use of land or a nonconforming use of all or part of a structure is discontinued for a period of six months, such use shall conclusively be deemed to have been abandoned and shall not be resumed. However, normal, seasonal cessation of a use or temporary discontinuance for purposes of maintenance, rebuilding after damage or destruction pursuant to [Sec. 20-7-1.c, Damage or Destruction of Nonconforming Use](#), shall not be included in the period of discontinuance. However, in no case shall this period be in excess of 18 months.
 - (2) For the purposes of determining whether a right to continue a nonconforming situation exists pursuant to this section, all of the buildings, activities, and operations maintained on a lot are generally to be considered as a whole. For example, the failure to rent one apartment in a nonconforming apartment building for six months shall not result in a loss of the right to rent that apartment space thereafter so long as the apartment building as a whole is continuously maintained.
 - (3) If a nonconforming use is maintained in conjunction with a conforming use, discontinuance of the nonconforming use for the required period shall terminate the right to maintain it thereafter and said nonconforming use is deemed abandoned.

- (d) **Amortization of Nonconforming Uses.** The Board of Adjustment may conduct a public hearing to consider an action to cease an existing nonconforming use by request of adjacent property owners or by the City. If the Board of Adjustment votes to cease the nonconforming use, then it shall determine the nature and extent of the amortization for land uses and structures in accordance with [Sec. 20-7-1.c, *Damage or Destruction of Nonconforming Use*](#). For the purposes of this section, amortization shall be defined as being a method of eliminating nonconforming uses by requiring termination of the nonconforming use after a specified period of time. The specified period of time must be sufficient to allow the property owner to recoup his or her investment on the property in question.
- (e) **Termination of Nonconforming Uses.** The right to continue a nonconforming use shall cease and such use shall be terminated under any of the following circumstances:
- (1) When the right to maintain or operate a nonconforming use has been terminated by the Board of Adjustment as provided in [Sec. 20-5-3, *Board of Adjustment, duties*](#);
 - (2) When a building or structure is substandard under any applicable ordinance of the City and the cost of repairing such building or structure in lawful compliance with the applicable ordinance exceeds 50 percent of the value of such building or structure;
 - (3) When the structure in which a nonconforming use is housed, operated, or maintained is damaged to the extent of more than 50 percent of its replacement value except as granted by the Board of Adjustment;
 - (4) When a nonconforming use is changed to a conforming use;
 - (5) When any provision of this section or any other ordinance, federal, or state statute is violated with respect to a nonconforming use;
 - (6) When an original nonconforming use is changed to a more restrictive use, the original nonconforming use is abandoned; or
 - (7) When such use is abandoned.

ARTICLE VIII: ENFORCEMENT, VIOLATIONS, AND PENALTIES

Contents:

Sec. 20-8-1. Enforcement

Sec. 20-8-2. Violations

Sec. 20-8-3. Penalties

Sec. 20-8-1. Enforcement

- (a) **Generally.** The provisions of this Article shall be carried out by the Zoning Administrator.
- (b) **Compliance Required.** No person may use, occupy or develop land, buildings, or other structures, or authorize or permit the use, occupancy, or development of land, buildings, or other structures, except in accordance with all the provisions of this Ordinance.
- (c) **Continuation of Prior Enforcement Actions.** Nothing in this Ordinance shall prohibit the continuation of previous enforcement actions undertaken by the City pursuant to regulations in effect before the effective date of this Ordinance. Enforcement actions initiated before the effective date of or amendments to this Ordinance may be continued to completion or settlement under the terms of the regulations in effect prior to the effective date of this Ordinance.
- (d) **Enforcement Authority.**
 - (1) *Citations.* The provisions of this chapter shall be carried out by the Zoning Administrator. The Zoning Administrator shall have the authority to issue citations for any violation of this Ordinance in accordance with [Sec. 20-8-2, Violations](#).
 - (2) *Appropriate Action.* In addition to the penalties and remedies provided in this Article, the Zoning Administrator may, in case of any violation of this Ordinance, institute on behalf of the City any appropriate action or proceeding to prevent, restrain, correct, or abate such violation(s), or to prevent any illegal act, conduct, business, or use in or on subject premises.
- (e) **Right to Entry.** The Zoning Administrator, Building Official, Code Enforcement Officer, or any duly authorized person shall have the right to enter upon any premises for the purpose of making inspection of buildings or premises necessary to carry out the enforcement of this Ordinance, as follows:
 - (1) *Inspection.* Entry shall be for the purpose of inspection to ensure compliance;
 - (2) *Hours.* Inspection shall be performed during business hours unless an emergency exists; and
 - (3) *Permission.* Inspection shall be made only after:
 - a. Permission is granted by the owner or tenant; or
 - b. An order is given from a court of competent jurisdiction.
- (f) **No Culpable Mental State Required.** Unless otherwise provided in this Article, proof of a culpable mental state is not required for a conviction of an offense under this Ordinance.

Sec. 20-8-2. Violations

- (a) **Examples of Violations.** Violations of this Ordinance subject to the enforcement remedies of this Article include but are not limited to the following:
 - (1) *Development or Use Without, or Inconsistent with, a Permit or Approval.* Any activity that is not authorized by or is inconsistent with all of the permits, approvals, certificates, and authorizations this Ordinance requires, as set out in [Article VI, Development Review Procedures](#);
 - (2) *Development or Use Inconsistent with this Ordinance.* Any activity that is inconsistent with any applicable zoning, subdivision, or general regulation of this Ordinance, unless this Ordinance expressly provides an exception;
 - (3) *Development or Use Inconsistent with Conditions.* Any activity that violates, by act or omission, any term, condition, or qualification the City places upon a required permit, certificate, rezoning, plan approval, or other forms of authorization that the City granted to allow the use, development, or other activity upon land or improvements of land;

- (4) *Making a Lot or Yard Nonconforming.* Any activity that reduces any lot area so that the yards or open spaces are smaller than that required by this Ordinance, a Site Plan, or a Planned Unit Development, except in accordance with the procedural and substantive requirements of this Ordinance;
 - (5) *Increasing Use Intensity.* Any activity that increases the intensity or density of use of any land or structure, except in accordance with the procedural and substantive requirements of this Ordinance; and
 - (6) *Removing, Defacing, or Obscuring Notice.* Any activity that removes, defaces, obscures, or interferes with any sign or notice required by this Ordinance.
- (b) **Existing Violations.**
- (1) *Generally.* Any violation of the repealed provisions of the City of Copperas Cove Code of Ordinances that this Ordinance replaced shall continue to be a violation under this Ordinance and shall be subject to the penalties and enforcement set out in this Article unless the use, development, construction, or other activity complies with the provisions of this Ordinance.
 - (2) *Fines and Penalties.* Payment of fines shall be required for any civil penalty assessed under the repealed provisions of the City of Copperas Cove Code of Ordinances, even if the original violation is no longer considered a violation under this Ordinance.
- (c) **Complaints.** Any person may file a written complaint to the Zoning Administrator on a suspected violation of this Ordinance. The Zoning Administrator shall record the complaint immediately, investigate, and take action as provided in this Article.
- (d) **Notice of Violation.**
- (1) *Mailed Notice.* After verifying that a violation exists on the subject property, the Zoning 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) *Contents of Notice.* The notice shall contain:
 - a. *Address.* The address or location of property where the violation is alleged;
 - b. *Violation Description.* A description of the alleged violation with a reference of the section(s), subsection(s), or paragraph(s) of this Ordinance and/or conditions of approval being violated;
 - c. *Required Actions.* A statement of the action(s) that shall be taken to correct the violation;
 - d. *Timeframe.* A timeframe that shall not exceed 14 days to correct the violation. The Zoning Administrator may grant an extension if the property owner is diligently working towards compliance with this Ordinance. Persons with a cumulative total of more than three violations are not eligible for a time extension; and
 - e. *Contact Information.* Contact information for a person or department who can answer questions about the violation notice.
 - (3) *Exemption.* The Zoning Administrator shall not be required to issue written notice and may continue the enforcement process if the violation is likely to create an imminent hazard to life or property.
- (e) **Successive Days and Cumulative Penalties.** Each violation of this Ordinance shall be deemed a separate offense and each day that a violation exists shall constitute a separate offense.
- (f) **Associated Parties.** The owner or tenant of any full or partial building, structure, or premises, any architect, builder, contractor, agent, or another person who commits, participates in, assists in, or maintains such violation may each be found guilty of a separate offense and be subject to the penalties and/or remedies provided in this Article.

- (g) **Correction.** Correction of the violation in the manner stipulated by the violation notice at any point during this enforcement process shall deem the notice null and void and enforcement activity shall cease.

Sec. 20-8-3. Penalties

- (a) **Penalties.** Any person, firm, or corporation who violates, disobeys, omits, neglects, or refuses to comply with, or who resists the enforcement of any of the provisions of this chapter, shall be fined not less than one dollar nor more than \$2,000 for each offense. This penalty should not be construed as exclusive, and the City may seek any other remedy available to it, in law or in equity.
- (b) **Remedies.**
- (1) *Non-Judicial Remedies.* The Zoning Administrator may enforce any violation of this Ordinance prior to and without judicial process by:
- a. *Withholding Permits.* The Zoning Administrator or another administrative official (City Manager, City Engineer, or Floodplain Administrator) may deny or withhold permits, approvals, or other forms of authorization for failure to comply with the requirements of this Ordinance or those of a referral agency.
 - b. *Suspension of Permits.* The Zoning Administrator or another administrative official may suspend any permits to allow for the correction of a violation or in response to a judgment of a court of competent jurisdiction.
 - c. *Temporary Revocation of Permits.* The Zoning Administrator or another administrative official may temporarily revoke permits for due cause to address an imminent danger to public health, public safety, or public or private property or to prevent irreparable harm.
 - d. *Revocation of Permits and Approvals.*
 - i. *Generally.* The Zoning Administrator or Development Services Director may revoke a development approval that he or she approved if he or she finds that:
 - (A) There is a violation of any provision of this Ordinance;
 - (B) The development approval was issued in error or based on false representation;
 - (C) Upon the request of an outside agency with jurisdiction and due cause; or
 - (D) There is a departure from the approved plans required under the permit, this Ordinance, or the City's construction requirements.
 - ii. *Notice.* Written notice of revocation shall state a time frame to correct the violation.
 - iii. *Effect of Notice.* No work or construction may proceed after service of the revocation notice except work necessary to correct a violation.
 - iv. *Failure to Correct.* If the period to correct the violation lapses and arrangements acceptable to the administrative official that revoked the approval have not been made, the Zoning Administrator may:
 - (A) File litigation in a court of competent jurisdiction; or
 - (B) Remove or correct such violation and place a lien upon the property or improvements to the property in an amount to cover all costs related to correction or abatement of the violation.
 - e. *Stopping Work.* The Zoning Administrator or another administrative official shall have the authority to stop any or all construction activity necessary to halt, correct, or prevent a violation of this Ordinance by issuing a written stop-work order.

- f. *Cease and Desist Orders.* The City may issue a cease-and-desist order to close unlawful uses or to halt a violation of this Ordinance.
- (2) *Judicial Remedies.* The City may seek the following judicial remedies or any other judicial remedy as permitted by law to enforce this Ordinance in any court of competent jurisdiction:
 - a. *Injunctive Relief.* The City shall have and retain the right to seek injunctive relief and/or civil penalties against any person, firm, or corporation who is in the process of or about to violate any Section, Subsection, Paragraph, or part of this Ordinance. Such right of injunctive relief and/or civil penalties shall exist independent of the other penalty provisions of this Ordinance and not in lieu of.
 - b. *Abatement.* The City may seek a court order in the nature of mandamus, abatement, or other action to abate or remove a violation, or to otherwise restore the premises in question to the condition in which it existed prior to a violation.

ARTICLE IX: WORD USAGE

Contents:

Sec. 20-9-1. Rules of Construction

Sec. 20-9-2. Acronyms and Abbreviations

Sec. 20-9-3. Definitions

Sec. 20-9-1. Rules of Construction

- (a) **Generally.** For the purpose of this Ordinance, the following terms, phrases, words, and their derivations shall have the meanings ascribed to them in this Section.
- (b) **Terms.**
- (1) Words used in the present tense shall include the future.
 - (2) The singular number shall include the plural and the plural the singular.
 - (3) Words stated in the masculine gender include the feminine.
 - (4) The word "building" shall include the word "structure".
 - (5) The words "shall," "must," and "will" are mandatory and directive.
 - (6) The words "should" and "may" are discretionary.
 - (7) The word "lot" includes the word "plot," "parcel," or "property".
 - (8) The term "used for" includes the meaning "designed for" or "intended for."
 - (9) The word "City" means Copperas Cove, Texas.
 - (10) Any office referred to in this Ordinance by title means the person employed or appointed by the City in that position, or their duly authorized representative, and includes any person designated to perform the duties of such office.
 - (11) Definitions not expressly prescribed in this Ordinance are to be construed in accordance with customary usage in municipal planning and engineering practices.
 - (12) All references to other City, county, state, or federal regulations in this Ordinance refer to the most current version and citation for those regulations unless expressly indicated otherwise. If the referenced regulations have been repealed and not replaced by other regulations, requirements for compliance are no longer in effect.
 - (13) The word "and" shall be construed to include all connected items in a series or set of conditions or provisions.
 - (14) The word "or" shall be construed to include one or more of the items in a series or set of conditions or provisions, unless the context clearly indicates otherwise.
 - (15) The use of terms such as "including," "such as," or similar language is intended to provide examples, not to be exhaustive lists of all possibilities, unless the context clearly indicates otherwise.
 - (16) If any regulatory formula in this Ordinance results in a non-whole number of an indivisible object or feature (for example, a buffer requiring 6.33 trees or a parking lot requiring 20.75 spaces), then the non-whole number shall be rounded down or up to the next lowest or highest whole number (in the buffer case, 6, and in the parking lot case, 21), unless otherwise stated.
 - (17) All references to "days" are deemed calendar days unless expressly indicated otherwise. The time in which an act shall be completed is computed by excluding the first day and including the last day. In computing working days, if applicable, Saturdays, Sundays, or holidays observed by the City are excluded. A day concludes at the close of business for the Planning Department, and any materials received after that time will be deemed to have been received the following day.

Sec. 20-9-2. Acronyms and Abbreviations

This Section shows the acronyms and abbreviations used in this Zoning Ordinance and their meanings.

Ac. = Acre

BOA = Board of Adjustment

BR = bedroom

CFR = Code of Federal Regulations

CO = Certificate of Occupancy

Commission = Planning and Zoning Commission

Council = City Council

dBA = Decibel

DNL = Day Night Level

DU = Dwelling Unit

ETJ = Extraterritorial Jurisdiction

GFA = Gross Floor Area

HOA = Homeowners Association

Max. = Maximum

Min. = Minimum

NA = Not Applicable

NP = Not Permitted

POA = Property Owners Association

PZC = Planning and Zoning Commission

RV = Recreational Vehicle

SFD = Single-family detached dwelling

Sq Ft = square feet

TLGC = Texas Local Government Code

TxDOT = Texas Department of Transportation

Sec. 20-9-3. Definitions

Accessory building. A detached building, subordinate to the main building on the lot, which is used for a purpose customarily incidental to the main building.

Accessory dwelling unit (ADU). A self-contained living unit located on the same parcel as a principal dwelling unit. Forms of ADUs may include an attached ADU that shares at least one common wall with the principal dwelling unit and is not fully contained within the existing space of the principal dwelling unit; a contained ADU that is fully contained within the existing space of the principal dwelling unit or accessory structure; or a detached ADU that does not share a common wall with the principal dwelling unit and is not a contained ADU.

Accessory use. A use subordinate to and incidental to the primary use of the main building or to the primary use of the premises.

Administrative official. The Development Services Director, City Planner, or other duly assigned person by the City Manager, shall administer, interpret and enforce the zoning and land use regulations.

Adult-oriented business. A commercial enterprise, the major business of which is the offering of a service of the selling, renting, or exhibiting of devices or any other items intended to provide sexual stimulation or sexual gratification to a customer. See [Section 2.5-2 of the City's Code of Ordinances](#) for additional detail.

Agriculture. The tilling of the soil, raising of crops, farm animals, livestock, horticulture, gardening, beekeeping and aquaculture.

All-weather surface. A road surface consisting of an impervious bituminous surface over a compacted base or other surface approved by the building official.

Alley. A public space or thoroughfare which affords only secondary means of access to property abutting thereon.

Alteration. Any change, addition or modification in construction, occupancy or use.

Amusement facility (indoors). An amusement enterprise wholly enclosed in a building which is treated acoustically so that noise generated by the enterprise is not perceptible at the boundary line of the property and including amenities such as a bowling alley, mini-golf, skating rink, an arcade or poolroom as defined in this Chapter, a climbing wall, water slides or similar amusement amenities, but excluding game rooms.

Amusement facility (outdoors). Any amusement enterprise wherein any portion of the facility's amusement amenities are located outside of a building including amenities such as a golf driving range, archery range, miniature golf course, water slides, go-cart and skateboard facilities, or similar amusement amenities.

Animal lot. Any area for quartering any ungulate or hoofed (even-toed and odd-toed) animals including, but not limited to horses, cattle, sheep, goats, etc.

Apartment. A room or suite of rooms in a multifamily dwelling or apartment house arranged, designed or occupied as a place of residence.

Appeal. A request for review of a City administrative official's interpretation of any provisions of this chapter, or review of a decision regarding enforcement of this chapter by any board or commission appointed by City Council.

Arcade. See Sec. 12-80, *Definitions*, of the Code of Ordinances.

Area of lot. The square foot area or the acreage of a lot within the bounding property lines and exclusive of dedicated streets and alleys.

Art gallery or museum. An institution for the collection, display and distribution of objects of art or science, and which is sponsored by a public or general public agency and which facility is open to the general public.

Auto/truck/salvage and/or wrecking yard. A yard or building where automobiles, trucks or machinery are stored, dismantled and/or offered for sale as whole units, as salvaged parts or as processed metal.

Automobile and trailer sales area. An area, other than a street, used for the display, sale or rental of new or used automobiles, trucks or trailers, where no repair work is done, except minor reconditioning of motor vehicles or trailers to be displayed, sold or rented on the premises. Such area shall not include automobile wrecking or dismantling or the sale of salvaged parts.

Bed and Breakfast means an overnight boarding establishment operated within a residential structure that is the owner's personal residence, is occupied by the owner at the time of rental, and where at least one meal per day is offered to each person to whom overnight lodging is provided.

Block. An area enclosed by streets and occupied by or intended for buildings; or, if such word is used as a term of measurement, it shall mean the distance along a side of a street lying between the nearest two intersecting streets which intersect the street on such side.

Board. Board of Adjustment (BOA).

Boardinghouse or rooming house. A building, other than a hotel, where accommodations for five or more persons are provided for compensation, pursuant to previous arrangements for indefinite periods, but not to the public or transients.

Building. Any structure built for the support, shelter and enclosure or protection of persons, animals, chattels or movable property of any kind.

Building height. The vertical distance above the average existing grade measured to the highest point of the building. The height of a stepped or terraced building shall be the maximum height of any segment of the building.

Building line. A line parallel or approximately parallel to the street property line and beyond which buildings may not be erected.

Building Official. The Building Official or person charged with the enforcement of the building codes of the City.

Building Permit. An official Permit issued by the City to allow a person to erect, construct, enlarge, alter, repair, move, improve, remove, convert or demolish any structure.

Business park. A zoning district intended to provide for limited commercial services, limited local retail, research and development, and manufacturing uses in planned centers, but excluding heavy manufacturing, resource extraction, or mining. The district is further intended to be located adjacent to major collector roads to facilitate truck travel, and with significant separation and buffering from residential uses.

Caretaker's quarters. An accessory building or portion of a main building located on the same lot as the main building and used as living quarters for individuals employed on the premises and not rented or otherwise used as a separate domicile.

Carport. A roofed accessory building open on three sides when attached to the principal building or accessory building and open on four sides when detached from the principal building, covered with a roof of any material supported by structural steel, wood columns, or masonry piers.

Center line, streets or alleys. An imaginary line located generally midway between the bounding right-of-way lines of a street or alley. Where the bounding right-of-way lines are irregular, the centerline shall be determined by the City Engineer.

Certificate of Occupancy. An official certificate issued by the City, which indicates conformance with or approved conditional waiver from the zoning regulations and building codes and authorizes legal use of the premises for which it is issued.

City Council. The governing body of the City.

Clinic. A building which a group of physicians, dentists and allied professional assistants are associated for the purpose of treating and diagnosing ill or injured outpatients. A clinic may include a dental or medical laboratory or a dispensing apothecary.

Club or lodge. A building or portion thereof or premises owned or operated by a corporation, association, person or persons for a social, educational or recreational purpose, but not primarily for profit or to render a service which is customarily carried on as a business.

Code Enforcement Officer. The building inspector, code/health officer, or any other person charged with the enforcement of the City's Code of Ordinances.

Commission. The Planning and Zoning Commission.

Common area. Private property which is designated for the private use of the owners or occupants of the area. Uses include, but are not limited to, recreation areas, parks and plazas, gateways, ornamental features, areas open to the general view within the project or subdivision, and building setbacks not otherwise required by ordinance. The common area does not include public streets, alleys, required building setbacks or utility easements.

Community center. A building dedicated to social or recreational activities, serving the City or a neighborhood and owned and operated by the City, or by a nonprofit organization dedicated to promoting the health, safety or general welfare of the City.

Comprehensive Plan. The declaration of purposes, policies and programs for the physical development of the City's jurisdiction, including the Future Land Use Plan, Thoroughfare Plan, and all the maps and plans, which are incorporated therein.

Conditional Use. A use that would become harmonious or compatible with neighboring uses through the application and maintenance of qualifying conditions. A conditional use may be approved following a public hearing by City Council for a Conditional Use Permit, based on the Conditional Use Standards.

Condominium. A single-dwelling unit in a multi-unit dwelling or structure, that is separately owned and may be combined with an undivided interest in the common areas and facilities of the property.

Convalescent home. Any structure used for or occupied by persons recovering from illness or suffering from other infirmities.

Court. An open, unoccupied space bounded on more than two sides by the exterior walls of a building. An inner court is a court entirely surrounded by the exterior walls of a building. An outer court is a court having one side open to a street, alley, yard or other permanent, open space.

Coverage. The percentage of a lot or tract covered by the roof or first floor of a building. Roof eaves to the extent of two feet from the walls of a building shall be excluded from coverage computations.

Customarily incidental use. A use of a building or premises, not involving the conduct of business, which use is only secondary to the principal use and is necessary to the enjoyment of the premises for any of the principal uses permitted within a zoning district.

Day care, group. An establishment for the care and/or instruction, whether or not for compensation, of seven or more persons at any one time. Child nurseries, preschools, and adult care facilities are included in this definition.

Diligence means a constant and earnest effort to complete activities proposed as part of an approved application.

District. A zoning district; a section of the City for which the regulations governing the area, height and use of buildings and land are uniform.

Donation bin. A receptacle located outdoors that is installed, displayed, operated, or maintained for the purpose of collecting donated items from the public, including but not limited to used clothing, toys, small electronics, sporting goods, and similar household items or materials.

DU/A. Abbreviation for "dwelling unit per acre."

DU. Abbreviation for "dwelling unit."

Dwelling. Any building or portion thereof which is designed for, or used for, residential purposes.

Dwelling, multifamily. A building or portion thereof designed for occupancy by three or more families living independently in which they may or may not share common entrances and/or other spaces. Individual dwelling units may be owned as condominiums or offered for rent.

Dwelling, patio/garden home. A type of detached, single-family dwelling with a zero-lot line allowed on one side of the lot.

Dwelling, single-family. A detached dwelling unit with kitchen and sleeping facilities, designed for occupancy by one family.

Dwelling, two-family. A detached dwelling unit with kitchen and sleeping facilities, designed for occupancy by two families.

Easement. That portion of land or property reserved for present or future use by a person or agency other than the legal fee owner(s) of the property. The easement shall be permitted to be for use under, on or above said lot or lots.

Family. One or more persons who are related by blood or marriage, living together and occupying a single dwelling with single kitchen facilities, or a group of not more than five (excluding caretakers) living together by joint agreement and occupying a single dwelling with single kitchen facilities, on a nonprofit cost-sharing basis.

Farm animals. Animals other than household pets that shall be permitted to, where permitted, be kept and maintained for commercial production and sale and/or family food production, education or recreation. Farm animals are identified by these categories: large animals, e.g., sheep and goats; or small animals, e.g., rabbits, chinchillas, chickens, turkeys, pheasants, geese, ducks and pigeons.

Fence. A framework of pickets, masonry, boards, rails, or other materials enclosing land by barring passage.

Flea market. A periodic market held in an open area or within a structure, where groups of individual sellers offer their goods for sale to the public. Flea markets are typically characterized by no long-term lease arrangements between individual sellers and flea market operators.

Floodplain. The area outside the floodway, which is still subject to inundation by the regulatory flood.

Floodway. The channel of a stream and adjacent land areas which are required to carry and discharge the floodwater of flood flows of any stream associated with the regulatory flood with an allowable maximum increase in water surface above the regulatory flood of one foot.

Floor area, gross. The sum of the horizontal areas of floors of a building measured from the exterior face of exterior walls or, if suitable, from the centerline of dividing walls; this includes courts and decks or porches when covered by a roof.

Frontage. The width of a lot or parcel abutting a public right-of-way measured at the front property line.

Game room. See [Sec. 12-80, Definitions](#), of the Code of Ordinances.

Garage, public. A building or portion thereof designed or used for the storage, sale, hiring, care or repair of motor vehicles, which is operated for commercial purposes.

Garage, private. An accessory building for private storage of motor vehicles.

Group care facility. A facility, required to be licensed by the state, which provides training, care, supervision, treatment and/or rehabilitation to the aged, disabled, those convicted of crimes, or those suffering the effects of drugs or alcohol; this does not include day care centers, family day care homes, foster homes, schools, hospitals, jails or prisons.

Home occupation. Refer to [Sec. 20-3-5, Accessory Use and Structures](#).

Hospital. An institution designed for the diagnosis, treatment and care of human illness or infirmity and providing health services, primarily for inpatients, and including as related facilities, laboratories, outpatient departments, training facilities and staff offices.

Hotel. An establishment where lodging is provided for compensation and, usually, for periods of less than one week. Unless otherwise specified by district regulations, hotels may serve meals to both occupants and others. For purposes of these regulations, the term "hotel" shall be construed to include motel and motor court.

Household pets. Dogs, cats, rabbits, birds, hens, etc., for family use only (noncommercial) with cages, pens, coops, etc. See [Chapter 3, Animals and Fowl](#), of the City's Code of Ordinances.

Improved hard surface. Any street, driveway, alley, or parking lot surface paved with asphalt, concrete, brick pavers, or other approved uniform, hard material so as to provide a durable and dust-free surface for vehicular traffic.

Kennel. Refer to [Chapter 3, Animals and Fowl](#), of the City's Code of Ordinances.

Limited use. A use that would become harmonious or compatible with neighboring uses through the application and maintenance of qualifying conditions. A Limited Use may be approved administratively, using the Limited Use standards.

Loading space. A space within the main building or on the same lot therewith providing for the standing, loading or unloading of trucks.

Lot lines. Lines edging a lot.

Lot of record. A Lot which is part of a subdivision, the plat of which has been duly recorded in the office of the county clerk.

Lot width. Width of a lot at the front building line.

Lot, corner. A lot situated at the junction of two or more streets.

Lot, depth of. The mean horizontal distance between the front and rear lot lines.

Lot, interior. A lot other than a corner or double frontage lot.

Lot, double frontage. A lot having frontage on two essentially parallel streets.

Lot. A parcel of land occupied or intended for occupancy by a use permitted in this chapter, including one main building together with its accessory buildings, the open spaces and parking spaces required by this chapter, and having its principal frontage upon a street or upon an officially approved place.

Manufactured home. 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, that in the traveling mode, is eight body feet or more in width, or 40 body feet or more in length, or, when erected on-site, is 320 or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air-conditioning, and electrical systems.

Manufacturing. An activity which involves the mechanical, chemical or heat transformation of unfinished or partially-finished material into a useful product.

Mixed-Use. A development with a combination of residential and commercial uses. Mixed-use may be vertical, where upper-story residential exists on floors above retail in a single building, or it may be horizontal, where residential exists in close proximity to commercial, but in separate buildings.

Mobile home. A structure that was constructed before June 15, 1976, transportable in one or more sections, which, in the traveling mode, is eight body feet or more in width, or 40 body feet or more in length, or, when erected on site, is 320 or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air-conditioning, and electrical systems.

Modular home. A structure that is manufactured at a location other than the home site, utilizing assembly-line type production techniques or other construction methods unique to the manufacturing process. The module structure is transported from the manufacturing plant in one or more sections on a temporary chassis or other conveyance device and designed to be used as a permanent dwelling when installed on a permanent foundation. The term includes the plumbing, heating, air-conditioning, and electrical systems contained in the structure. All modules shall bear a permanently affixed "decal" issued by the Texas Department of Labor and Standards and indicating compliance with the standards, rules and regulations established by the department for modular homes. The term shall not include nor apply to:

- (1) "Sectional" or "panelized" housing where the basic components assembled at the home site are less than three-sided modules.
- (2) A home which is singly and separately constructed for relocation, and built to the City building code,
- (3) Modules incorporating concrete or masonry as primary structural component, or
- (4) A mobile home as defined in this chapter.

Mortuary, funeral home. An establishment in which the deceased are prepared for burial or cremation. The facility shall be permitted to include a chapel for the conduct of funeral services and spaces for funeral services and informal gatherings, and/or display of funeral equipment.

Motel. A building or group of buildings designed, arranged or used for temporary occupancy having accommodations for housing, parking of automobiles in close proximity to the quarters occupied by the owner of such automobile and providing for six or more such quarters. The term "motel" shall include all establishments coming under the general classification of "drive-in hotel," "tourist court," and any other such establishment that houses visiting transient clientele.

Nonconforming lot. A lot whose width, area or other dimension did not conform to the regulations when this Code became effective.

Nonconforming structure. A building or structure or portion thereof lawfully existing at the time this Code became effective, which was designed, erected or structurally altered for a use that does not conform to the zoning regulations of the zone in which it is located.

Nonconforming use. A use that was lawfully existing before the time this Code became effective, and which does not now conform with the zoning and land use regulations.

Nursing home/convalescent home. A home where ill, handicapped, or elderly people are provided with lodging and meals with or without nursing care.

Off-street parking. An enclosed or unenclosed area, not on a public street or alley, established for or used for the parking of a motor vehicle.

Open space. Where required in a cluster subdivision and outside of the AR district, land areas that, in perpetuity, are not occupied by buildings, structures, parking areas, streets, alleys or platted lots. Open space shall be permitted to be devoted to landscaping, preservation of natural features, and recreational areas and facilities in order to meet the minimum common open space requirement of a zoning district for an entire subdivision. Common open space may be open to the general public or open to only residents of its associated subdivision. In the AR district, open space has the same characteristics, but may consist of a portion of a private property or pad site, according to the standards in Subsec. 20-2-5(d), AR, *Alternative Residential*.

Outdoor display of merchandise. The outdoor display or sale of finished products actively available for sale. This definition does not include products in shipping boxes, crates, on pallets, or other shipping containers, which shall be considered Outdoor Storage.

Outdoor storage. The storage of any item outside of an enclosed building or structure that is not accessible to the general public. This includes, but is not limited to, garden supplies; building supplies; plants; materials stored in crates or boxes; lumber yards; pipe; contractor's equipment; and other similar uses.

Park. A public or private area of land, with or without buildings, intended for outdoor active or passive recreational uses.

Parking lot. An open area, other than a street, used for the parking of vehicles.

Parking space, off-street. An area for parking where the maneuvering of the vehicle while parking and backing out, as well as parking itself, is done entirely off of the street right-of-way, and where access to the area is by means of driveway approach built to the standards of the City enclosed or unenclosed.

Parkway. That public right-of-way situated between the curb or edge of a street and the property line of the land adjacent.

Planning and Zoning Commission. The Planning and Zoning Commission of the City, established in accordance with the home rule authority of the City, and having authority to review and recommend and take final action of development review applications specified in Table 20-6-1(k)-1, *Summary of Procedures*.

Poolroom. See *Sec. 12-80, Definitions*, of the City's Code of Ordinances.

Recreational area. An area devoted to facilities and equipment for recreational purposes, swimming pools, tennis courts, playgrounds, community clubhouses and other similar uses.

Recreational or vacation travel vehicle/trailer. A vehicular portable structure designed for temporary or short-term occupancy for travel, recreational or vacation uses. Such a vehicle shall include vacation travel trailers, pick-up campers, boat trailers, motor homes, converted bus, tent trailer, or smaller device used for temporary portable housing.

Recycling collection and processing center. A facility that is not a salvage yard and in which recoverable resources, such as newspapers, glassware, and metal cans, are collected, stored, flattened, crushed or bundled, essentially by hand or machine.

Recycling collection point. Any accessory use that serves as a neighborhood drop-off point for temporary storage of recoverable resources. No processing of such items is permitted. Such a facility would be generally located in an easily accessed area where no reduction in the required parking would result. It should be reasonably free from noxious odors, rodents, insects and refuse.

Religious, cultural and fraternal activity. A use or building owned or maintained by organized religious organizations or nonprofit associations for social, civic or philanthropic purposes, or the purpose for which persons regularly assemble for worship.

Residential structure. Any structure containing one or more dwelling units and their accessory uses.

Restaurant, drive-in. Any establishment whose principal business is the sale of foods, frozen desserts, or beverages to the customer in a ready-to-consume state, and whose design, method of operation, or any portion of whose business includes one or both of the following characteristics:

- (1) Foods, frozen desserts, or beverages are served directly to the customer in a motor vehicle either by a carhop or by other means which eliminate the need for the customer to exit the motor vehicle.
- (2) The consumption of foods, desserts, or beverages within a motor vehicle parked upon the premises, or at other facilities on the premises outside the restaurant building, is encouraged or permitted.

Restaurant, fast food. Any establishment whose principal business is the sale of foods, frozen desserts, or beverages to the customer in a ready-to-consume state for consumption either within the restaurant building or carry-out for consumption off the premises, and whose design or principal method of operation includes two or more of the following characteristics:

- (1) Foods, frozen desserts, or beverages usually served in paper, plastic, or other disposable containers.
- (2) The restaurants are self-service. Customers wait on themselves.
- (3) The menu is posted rather than printed.

Restaurant, fast food with drive-through. Any establishment whose principal business is the sale of foods, frozen desserts or beverages to the customer in a ready-to-consume state for off-premises consumption only and which are served directly to the customer in a motor vehicle through a service window or similar means.

Restaurant, standard. Any establishment whose principal business is the sale of foods, frozen desserts, or beverages to the customer in a ready-to-consume state, and whose design or principal method of operation includes one or both of the following characteristics:

- (1) Customers, normally provided with an individual menu, are served their foods, frozen desserts, or beverages by a restaurant employee at the same table or counter at which said items are consumed.

- (2) A cafeteria-type operation where foods, frozen desserts, or beverages generally are consumed within the restaurant building.

Sale. The word "sale" shall mean sales at both wholesale and retail unless specifically stated otherwise.

Satellite dish antenna. A device incorporating a reflective surface that is solid, open mesh, or bar configured and is in the shape of a shallow dish, cone, horn or cornucopia. Such device, along with appurtenances, shall be used to transmit, and/or receive radio or electromagnetic waves between terrestrially and/or orbitally based uses. This definition is meant to include, but not be limited to, what are commonly referred to as satellite earth stations and satellite microwave antennas.

Scrap material. Any manufactured articles or parts rejected or discarded and useful only as material for reprocessing.

Scrap yards for waste materials. A place where discarded or salvaged materials are stored, sold, exchanged, baled, packed, disassembled, or handled; large bulky items.

Screening device. A structure such as a fence or wall not less than six feet high nor greater than eight feet high which serves as a visual screen. A structure in excess of eight feet in height shall be deemed a wall and shall be subject to the provisions of the building code of the City. Screening may be accomplished by use of berming, evergreen shrubs, trees, bushes, provided the screening effect closely resembles that furnished by a wall or fence when approved by the administrative official.

School, commercial. A school establishment to provide for the teaching of industrial, clerical, managerial or artistic skills. This definition applies to schools that are owned and operated privately for profit and that do not offer a complete educational curriculum.

Secondhand merchandise store. The term shall include surplus stores, rummage shops and flea markets and similar activities.

Setback. The minimum required distance between the property line and the building line.

Short-Term Rental (STR) means a residential dwelling unit or portion thereof that is leased for less than 30 days for a fee. STRs are typically furnished and used as a secondary residence for the owner or solely as an investment property with the primary purpose of being a STR.

Site plan. A plan that outlines the use and development of any tract of land.

Story. That portion of a building, other than cellar, included between the surface of any floor and the surface of the floor next above it or, if there be no floor above it, then the space between the floor and the ceiling next above it.

Street line. A dividing line between a lot, tract or parcel of land and a contiguous street or right-of-way line.

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

Structure. Anything constructed or erected which requires location on the ground, or attached to something having a location on the ground, including, but not limited to, buildings of all types, advertising signs, billboards and poster panels, but exclusive of customary fences or boundary and retaining walls.

Subdivision. (As defined in [Chapter 17.5, Subdivisions](#), in the City's Code of Ordinances.)

Substantial improvement. Any repair, reconstruction or improvement of a structure which increases the floor area of an existing structure by 50 percent or more, or the cost of which equals 50 percent or more of the market value of an existing structure, either:

- (1) Before the improvement or repair is started; or
- (2) If the structure has been damaged, and is being restored, before the damage occurred.

For the purposes of this definition, "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not the alteration affects the external dimensions of the structure. The term does not, however, include any project for improvement of a structure to comply with existing or local health, sanitary, or safety code specifications which are solely necessary to assure safe living conditions.

TLGC. TLGC means the Texas Local Government Code.

Theater. A building used primarily for the presentation of live stage productions, performances or motion pictures.

Tiny house. A dwelling unit that is factory or site-built on a permanent foundation in accordance with applicable codes, laws, and standards.

Tiny house community. A group of tiny houses, all under a single ownership, that are arranged in common relationship to one another, usually surrounding a shared common open space.

Tobacco and Related Products. Any product in leaf, flake, plug, liquid (such as e-cigarette liquid), or any other form, containing nicotine derived from the tobacco plant, or otherwise derived, which is intended to enable human consumption of the tobacco or nicotine in the product, whether smoked, chewed, absorbed, dissolved, inhaled, snorted, sniffed, or ingested by any other means. For the purposes of this Ordinance, this term excludes any product that has been specifically approved by the United States Food and Drug Administration for sale as a tobacco/smoking cessation product or for other medical purposes, where such product is marketed and sold solely for such an approved purpose.

Townhouse. A single-family dwelling constructed in a series or group of attached buildings having not less than two, nor more than nine contiguous units.

Townhouse group. Two or more townhouses constructed as an integral part of a townhouse project.

Townhouse project. One or more townhouse groups, together with commonly owned structures or areas.

Unoccupied. A property on which all buildings are unused or not being used for a permitted activity.

Use. The activity occurring on a lot or parcel for which land or a building is arranged, designed or intended, or for which land or a building is or may be occupied, including all accessory uses.

Use, principal. A use that fulfills a primary function of a household, establishment, institution or other entity.

Use, temporary. A use that is authorized by this Code to be conducted for a fixed period of time. Temporary uses are characterized by such activities as the sale of agricultural products, contractors' offices and equipment sheds, fireworks, carnivals, flea markets, and garage sales.

Vacant. A property on which there is situated no structure(s).

Variance. A modification or variation of the provisions of this ordinance, as applied to a specific piece of property as distinct from rezoning.

Veterinary service. An establishment for the care and medical treatment of large animals and domestic household pets having treatment and boarding facilities both in an enclosed building and outside pens or runs enclosed by a permanent type of fencing.

Warehouse, wholesale or storage. A building or premises in which goods, merchandise or equipment is stored for eventual distribution.

Yard. An open, unoccupied space on a lot, which is unobstructed from the ground upward by buildings or structures, except as otherwise provided in this Code.

Yard, exterior. A yard extending from the building to a street-side property line.

Yard, front. A yard extending across the full width of the lot, the depth of which is the minimum horizontal distance between the front lot line and a line parallel thereto.

Yard, rear. A yard extending across the full width of the lot, the depth of which is the minimum horizontal distance between the rear lot line or ordinary high-water line and a line parallel thereto.

Yard, side. An open, unoccupied space on the same lot with the building and between the building line and the side lot line, or to the ordinary high-water line.

Zero lot line. A side lot line of a lot on which a structure is permitted to be located all the way to the edge of the lot; that is the side yard width is zero. May or may not be common wall construction.

Zoning Administrator. The City Manager or his/her designee, acting in the capacity of the administration of this Ordinance and interpretation of the requirements.

Zoning district. A classification within which the regulations specified are uniform and which is assigned to a particular area of the City by delineation upon the zoning district map.

Zoning District Map. The official certified map upon which the boundaries of the various zoning districts are drawn and which is an integral part of the zoning ordinance.

APPENDIX A PLANT LIST

The table below lists the tree species that are recommended to meet the requirements of this Ordinance. The Zoning Administrator may determine as acceptable other species for plantings.

Common Name	Scientific Name	Type	Street Tree
Canopy Trees			
Cypress, Arizona	<i>Cupressus arizonica</i>	Evergreen	Yes
Cypress, Montezuma	<i>Taxodium mucronatum</i>	Deciduous	Yes
Elm, Cedar	<i>Ulmus crassifolia</i>	Deciduous	Yes
Elm, Lacebark	<i>Ulmus parvifolia</i>	Deciduous	
Oak, Bur	<i>Quercus macrocarpa</i>	Deciduous	
Oak, Chinkapin	<i>Quercus muhlenbergii</i>	Deciduous	
Oak, Live	<i>Quercus virginiana</i>	Evergreen	
Oak, Lacey	<i>Quercus laceyi</i>	Deciduous	Yes
Oak, Mexican White	<i>Quercus polymorpha</i>	Deciduous	
Oak, Texas Red	<i>Quercus texana</i>	Deciduous	Yes
Pecan	<i>Carya illinoensis</i>	Deciduous	
Pistache, Chinese	<i>Pistacia chinensis</i>	Deciduous	Yes
Small Trees			
Buckeye, Mexican	<i>Ungnadia speciosa</i>	Deciduous	
Crape Myrtle	<i>Lagerstroemia indica</i>	Deciduous	Yes
Holly, Yaupon	<i>Ilex vomitoria</i>	Evergreen	Yes
Laurel, Texas Mountain	<i>Sophora secundiflora</i>	Evergreen	
Maple, Shantung	<i>Acer truncatum</i>	Deciduous	Yes
Persimmon, Texas	<i>Diospyros texana</i>	Deciduous	
Pistache, Texas	<i>Pistacia texana</i>	Deciduous	Yes
Plum, Mexican	<i>Prunus mexicana</i>	Deciduous	
Possumhaw Holly	<i>Ilex decidua</i>	Deciduous	
Redbud, Oklahoma	<i>Cercis reniformis</i>	Deciduous	Yes
Redbud, Texas	<i>Cercis Canadensis var. texensis</i>	Deciduous	Yes
Vitex (Chaste Tree)	<i>Vitex agnus castus</i>	Deciduous	Yes
Shrubs			
Abelia, Glossy	<i>Abelia grandiflora</i>	Semi-evergreen	
Agarita	<i>Berberis trifoliata</i>	Evergreen	
Agave, Century Plant	<i>Agave sp.</i>	Evergreen	
Artemesia	<i>Artemisia 'Powis Castle'</i>	Semi-evergreen	
Barberry, Japanese	<i>Berberis thunbergii</i>	Deciduous	
Black Dalea	<i>Dalea frutescens</i>	Evergreen	

Common Name	Scientific Name	Type	Street Tree
Butterfly Bush	<i>Buddleja davidii</i>	Semi-evergreen	
Butterfly Bush, Woolly	<i>Buddleja marrubijfolia</i>	Semi-evergreen	
Contoneaster	<i>Cotoneaster sp.</i>	Evergreen	
Flame Acanthus	<i>Anisacanthus quadrifidus var.</i>	Deciduous	
Holly, Burford	<i>Ilex cornuta 'Burfordii'</i>	Evergreen	
Holly, Dwarf Burford	<i>Ilex cornuta 'Burfordii Nana'</i>	Evergreen	
Holly, Dwarf Chinese	<i>Ilex cornuta 'Rotunda Nana'</i>	Evergreen	
Holly, Dwarf Yaupon	<i>Ilex vomitoria 'Nana'</i>	Evergreen	
Lantana, Pink	<i>Lantana camara</i>	Evergreen	
Lantana, Texas	<i>Lantana horrida</i>	Evergreen	
Mountain Sage	<i>Salvia regla</i>	Deciduous	
Nandina (dwarf types)	<i>Nandina sp.</i>	Evergreen	
Oleander	<i>Nerium olender</i>	Evergreen	
Primrose Jasmine	<i>Jasminum mesnyi</i>	Evergreen	
Rock Rose	<i>Pavonia lasiopetala</i>	Evergreen	
Rose, Belinda's Dream	<i>Rosa, 'Belinda's Dream'</i>	Deciduous	
Rose, Knock Out	<i>Rosa, 'Knock Out'</i>	Deciduous	
Rose, Living Easy	<i>Rosa, 'Living Easy'</i>	Deciduous	
Rose, Marie Pavie	<i>Rosa, 'Marie Pavie'</i>	Deciduous	
Rose, Mutabilis	<i>Rosa, 'Mutablis'</i>	Deciduous	
Rose, Nearly Wild	<i>Rosa, 'Nearly Wild'</i>	Deciduous	
Rose, Old Bush	<i>Rosa, 'Old Bush'</i>	Deciduous	
Rosemary	<i>Rosmarinus officinalis</i>	Evergreen	
Sage, Texas	<i>Leucopyllum frutescens</i>	Evergreen	
Sotol, Texas	<i>Dasyilirion texanum</i>	Evergreen	
Sumac, Evergreen	<i>Rhus virens</i>	Evergreen	
Sumac, Fragrant (Aromatic)	<i>Rhus aromatic</i>	Deciduous	
Turk's Cap	<i>Malvaviscus arboreus</i>	Deciduous	
Yucca, Paleleaf	<i>Yucca pallida</i>	Evergreen	
Yucca, Red	<i>Hesperaloe parviflora</i>	Evergreen	
Yucca, Softleaf	<i>Yucca, recurvifolia</i>	Evergreen	
Yucca, Twistleaf	<i>Yucca, rupicola</i>	Evergreen	