NOTICE OF PLANNING AND ZONING COMMISSION REGULAR MEETING
CITY OF TOMBALL, TEXAS

Monday, November 10, 2025
6:00 PM

Notice is hereby given of a meeting of the Planning & Zoning Commission, to be held on Monday, November 10, 2025, at 6:00 PM, City Hall, 401 Market Street, Tomball, Texas 77375, for the purpose of considering the following agenda items. All agenda items are subject to action. The Planning & Zoning Commission reserves the right to meet in a closed session for consultation with an attorney on any agenda item should the need arise and if applicable pursuant to authorization by Title 5, Chapter 551, of the Texas Government Code.

A. Call to Order

B. Public Comments and Receipt of Petitions; *[At this time, anyone will be allowed to speak on any matter other than personnel matters or matters under litigation, for length of time not to exceed three minutes. No Council/Board discussion or action may take place on a matter until such matter has been placed on an agenda and posted in accordance with law - GC, 551.042.]*

C. Reports and Announcements

D. Approval of Minutes

D.1 Consideration to Approve the Minutes of the Regular Planning and Zoning Commission Meeting of September 8, 2025.

E. New Business - Non-Action Item(s)

E.1 Minor Plat of **Jorgensen Solutions:** A subdivision of 7.5651 acres, (329,534 Square Feet), of land, situated in the Jesse Pruitt Survey, Abstract No. 629, Harris County, Texas, being a partial replat of Lots 366 & 367, corrected Map of Tomball Outlots, according to the Map or Plat thereof recorded in Volume 4, Page 75 of the Map Records of Harris County, Texas.

E.2 Minor Plat of **Kohrville Marketplace:** A subdivision of 1.9756 acres, (86,058 Square Feet), of land, situated in the Jesse Pruitt Survey, Abstract No. 629, Harris

County, Texas, being out and part of lot 477, of Tomball townsite, a subdivision in Harris County, Texas according to the Map or Plat thereof recorded in Volume 2, Page 65 of the Map Records of Harris County, Texas.

E.3 Minor Plat of **COT East Water Plant:** A subdivision of 3.6052 acres, (157,041.34 Square Feet), and replat of Lot 145 of corrected Map of Tomball Outlots, and Lot 11, Block 1 of Lizzie-Persimmon subdivision, situated in the Jesse Pruitt Survey, Abstract No. 629, City of Tomball Harris County, Texas.

E.4 Minor Plat of **Gutierrez Estate:** A subdivision of 1.3384 acres or, (58,301.84 Square Feet), of land, situated in the Elizabeth Smith Survey, Abstract No. 70, City of Tomball, and being situated in outlot 391 Tomball Townsite Elizabeth Smith Survey, Abstract 70, City of Tomball, Harris County, Texas.

E.5 Minor Plat of **Burns Commercial:** Being 0.1148 acre, (4,999.98 Square Feet), tract of land, situated in the William Hurd Survey, A-371, Harris County, Texas, being a replat of Lots 1 & 2, in Block 18, of the Revised Map of Tomball as recorded in Volume 4, Page 25, of the Map Records of Harris County, Texas.

F. New Business

F.1 Consideration to approve Final Plat of **New Telge Road Development:** A subdivision of 18.7393 acres, (816,286.30 Square Feet), Located in the John H. Edwards survey, abstract 20, City of Tomball, Harris County, Texas.

F.2 Conduct a public hearing and consideration to approve **Zoning Case Z25-11**: Request by 2S & Z Investments LLC, to amend Chapter 50 (Zoning) of the Tomball Code of Ordinances, by rezoning approximately 2.109 acres of land legally described as being two tracts of land (1.047 and 1.062 acres), each being a portion of Lot 477 of Tomball Townsite from the Agricultural (AG) zoning district to the Commercial (C) zoning district. The property is located at 22700 Hufsmith–Kohrville Road, within the City of Tomball, Harris County, Texas.

F.3 Conduct a public hearing and consideration to approve **Zoning Case Z25-12**: Request by Harkins Medical Properties LTD, represented by Dennis Conde, to amend Chapter 50 (Zoning) of the Tomball Code of Ordinances, by rezoning approximately 3.140 acres of land legally described as being a portion of Lot 6 of Tomball Medical Park Replat of Reserve “B” and a tract of land situated in the Jesse Pruitt Survey, Abstract No. 629 from the Agricultural (AG) zoning district to the Duplex (D) zoning district. The property is located within the 13000 block (south side) of Medical Complex Drive, within the City of Tomball, Harris County, Texas.

F.4 Conduct a public hearing and consideration to approve **Zoning Case Z25-13**: Request by Pitcher Realty Group LLC, represented by Mundy Property Holdings PLLC, to amend Chapter 50 (Zoning) of the Tomball Code of Ordinances, by rezoning approximately 0.9966 acres of land legally described as being two tracts of land (0.660 and 0.3366 acres) situated within the Joseph House Survey, Abstract No. 34 from the Single-Family Residential (SF-9) zoning district to the Office (O) zoning district. The property is located at 13519 Zion Road, within the City of Tomball, Harris County, Texas.

F.5 Conduct a public hearing and consideration to approve **The City of Tomball Unified Development Code (UDC)**: Request by the City of Tomball to unify the City's land development regulations into a single document (UDC) and to reduce repetition and conflict among various ordinances. The UDC will contain regulations pertaining to General Provisions, Zoning Regulations, Subdivisions, Signs, and Definitions. Additionally, the UDC is intended to implement the City of Tomball Comprehensive Plan and all other adopted plans and policies.

G. Adjournment

C E R T I F I C A T I O N

I hereby certify that the above notice of meeting was posted on the bulletin board of City Hall, City of Tomball, Texas, a place readily accessible to the general public at all times, on the 4th day of November 2025 by 5:00 PM, and remained posted for at least three consecutive business days preceding the scheduled time of said meeting.

Kimberly Chandler
Community Development Coordinator

This facility is wheelchair accessible and accessible parking spaces are available. Requests for accommodations or interpretive services must be made 48 hours prior to this meeting. Please contact the City Secretary's office at (281) 290-1019 for further information.

AGENDAS MAY BE VIEWED ONLINE AT www.ci.tomball.tx.us.

Planning & Zoning Commission Meeting
Agenda Item
Data Sheet

Meeting Date: November 10, 2025

Topic:
Consideration to Approve the Minutes of the Regular Planning and Zoning Commission Meeting of September 8, 2025.

Background:

Origination: Community Development

Recommendation:

Approval

Party(ies) responsible for placing this item on agenda: Kim Chandler, Community Development Coordinator

FUNDING (IF APPLICABLE)

Are funds specifically designated in the current budget for the full amount required for this purpose?

Yes: _____ No: _____ If yes, specify Account Number: #_____

If no, funds will be transferred from account: #_____ To Account: #

Signed: _____ **Approved by:** _____
Staff Member Date City Manager Date

MINUTES OF
REGULAR PLANNING & ZONING COMMISSION MEETING
CITY OF TOMBALL, TEXAS

MONDAY, SEPTEMBER 8, 2025

6:00 P.M.

A. The meeting was Called to Order by Chairman Tana Ross at 6:05 p.m. Other Members present were:

Commissioner Colleen Pye
Commissioner Scott Moore
Commissioner Susan Harris
Commissioner Bill Darnall

Others present:

Craig Meyers – Community Development Director
Benjamin Lashley – Assistant City Planner
Kim Chandler – Community Development Coordinator
Tommy Ramsey – City Attorney
Sal Alsultan – Asst. Public Works Director/City Engineer
Jeffrey Salgado – Graduate Engineer
Bryce Smith – Police Officer
Lisa Covington – City Council Member
Paul Garcia – City Council Member
Jeremy Griffin – Building Official

draft

Craig Meyers, Community Development Director announced the following:

- City Council Denied, **Conditional Use Permit Case CUP25-06**: Request by H&L PLAZA LLC, represented by Tom Nguyen, for a Conditional Use Permit to allow the land use of "Amusement devices/arcade" within the City of Tomball's General Retail (GR) zoning district. This request affects approximately 1.0532 acres of land legally described as being a tract of land situated in the J. House Survey, Abstract No. 34. The property is located at 1101 Alma Street, within the City of Tomball, Harris County, Texas.

- We will not be conducting a Planning and Zoning Commissions Meeting on Monday, October 13, 2025.

- **The City of Tomball Unified Development Code (UDC)** will be presented at the Planning and Zoning Commissions Meeting scheduled for Monday, November 10, 2025.

B. Approval of Minutes:

Motion was made by Commissioner Pye, second by Commissioner Moore, to approve the Minutes of the Regular Planning and Zoning Commission Meeting of August 11, 2025.

Roll call vote was called by Community Development Coordinator – Kim Chandler.

Motion Carried unanimously.

E. New Business Non-Action Items:

E.1 Minor Plat of **Cokebusters Dive:** A subdivision of 5.0001 acres, (217,807.73 Square Feet), being part of Tract of the Charlotte L. Bailey, situated in the John M. Hopper Survey, A-375, per H.C.C.F. No. RP-2018-17593, Real Property Records of Harris County, Texas.

E.2 Minor Plat of **Real Life Ministries:** Being a subdivision of 6.0923 acres of land, (265,380.59 Square Feet), situated in the Jessee Pruitt Survey, Abstract 629, City of Tomball, Harris County, TX.

Benjamin Lashley, Assistant City Planner, presented Staff Approved Plats for informational purposes only.

F. New Business:

F.1 Consideration to approve Final Plat of **Pinevale:** A subdivision of 31.1224 acres, (1,355,691.44 Square Feet), in the John H. Edward Survey, A-20 and Chancy Goodrich Survey, Abstract No. 311, Block 3, Harris County Texas.

Benjamin Lashley, Assistant City Planner, presented Final Plat of **Pinevale** with conditions.

Motion was made by Commissioner Pye, second by Commissioner Darnall, to approve Preliminary Plat of **Pinevale** with conditions.

Roll call vote was called by Community Development Coordinator – Kim Chandler.

Motion Carried unanimously.

F.2 Consideration to approve Final Plat of **Baker Hughes Education Center, Replat No. 1:** A subdivision of 96.69 acres, (4,212,024 Square Feet), being a replat of Lot 1 and Lot 2, Block 1, Baker Hughes Education Center, F.C. No, 651066, H.C.M.R, situated in the Jesse Pruitt Survey Abstract No. 629, City of Tomball, Harris County, Texas.

Benjamin Lashley, Assistant City Planner, presented Final Plat of **Baker Hughes Education Center, Replat No. 1** with conditions.

Motion was made by Commissioner Darnall, second by Commissioner Pye, to approve Final Plat of **Baker Hughes Education Center, Replat No. 1** with conditions.

Roll call vote was called by Community Development Coordinator – Kim Chandler.

Motion Carried unanimously.

F.3 Conduct a public hearing and consideration to approve **Zoning Case Z25-10**: Request by Donald and Cheryl Murchison, to amend Chapter 50 (Zoning) of the Tomball Code of Ordinances, by rezoning approximately 0.3360 acres of land legally described as being a tract of land situated within the J. Pruitt Survey, Abstract No. 629 from Single-Family Residential (SF-9) to the General Retail (GR) zoning district. The property is located at 1710 S. Cherry Street, within the City of Tomball, Harris County, Texas.

Craig Meyers, Community Development Director, presented **Zoning Case Z25-10.**

Don Murchison, owner, (12602 Mutiny Lane, Tomball, TX 77377), spoke on behalf of the request.

The Public Hearing was opened by Chairman Ross at 6:23 p.m.

Hearing no comments, the Public Hearing was closed at 6:23 p.m.

Motion was made by Commissioner Moore, second by Commissioner Darnall, to approve **Zoning Case Z25-10**.

Motion was amended by Commissioner Moore, second by Commissioner Darnall, to approve **Zoning Case Z25-10** by rezoning from Single-Family Residential (SF-9) to the Neighborhood Retail (NR) zoning district.

Roll call vote was called by Community Development Coordinator – Kim Chandler.

Vote was as follows:

Commissioner Bill Darnall	Aye
Chairman Tana Ross	Aye
Commissioner Scott Moore	Aye
Vice Chairman Susan Harris	Aye
Commissioner Colleen Pye	Aye

Motion Approved (Unanimously).

G. Adjournment

Motion was made by Commissioner Moore, second by Commissioner Darnall, to adjourn.

Roll call vote was called by Community Development Coordinator – Kim Chandler.

Motion Carried unanimously.

The meeting adjourned at 6:42 p.m.

PASSED AND APPROVED this_____day of 2025.

Kim Chandler
Community Development Coordinator/
Commission Secretary

Tana Ross
Commission Chairman

Planning & Zoning Commission
Agenda Item
Data Sheet

Meeting Date: November 10, 2025

Topic:

Minor Plat of **Jorgensen Solutions:** A subdivision of 7.5651 acres, (329,534 Square Feet), of land, situated in the Jesse Pruitt Survey, Abstract No. 629, Harris County, Texas, being a partial replat of Lots 366 & 367, corrected Map of Tomball Outlots, according to the Map or Plat thereof recorded in Volume 4, Page 75 of the Map Records of Harris County, Texas.

Background:

Origination:

Recommendation:

Staff Approved (For informational purposes only).

Party(ies) responsible for placing this item on agenda: Benjamin Lashley, Assistant City Planner

FUNDING (IF APPLICABLE)

Are funds specifically designated in the current budget for the full amount required for this purpose?

Yes: _____ No: _____ If yes, specify Account Number: #_____

If no, funds will be transferred from account: #_____ To Account: #

Signed: _____ **Approved by:** _____
Staff Member Date City Manager Date

CITY OF TOMBALL

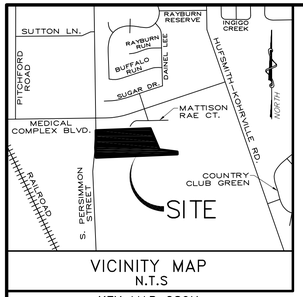
Plat Name: Jorgensen Solutions Plat Type: Minor

Construction Drawings for Public Facilities required? Yes [ ] No [X] N/A [ ]

Plat within City Limits [X] Within Extraterritorial Jurisdiction [ ]

Planning and Zoning Commission Meeting Date: November 10, 2025

The above Plat has been reviewed for compliance with existing Ordinances of the City of Tomball, Texas. Based on this review, the Community Development Department and Engineering Division approved this minor plat at the administrative level.



VICINITY MAP
N.T.S

KEY MAP 289N

LEGEND:

I.R.	–	IRON ROD
SQ. FT.	–	SQUARE FEET
U.E.	–	UTILITY EASEMENT
NO.	–	NUMBER
VOL.	–	VOLUME
PG.	–	PAGE
C.F.	–	CLERK'S FILE
I.P.	–	IRON PIPE
FND.	–	FOUND
P.O.B.	–	POINT OF BEGINNING
R.O.W.	–	RIGHT–OF–WAY
F.E.M.A.	–	FEDERAL EMERGENCY MANAGEMENT AGENCY
F.I.R.M.	–	FLOOD INSURANCE RATE MAP
H.C.D.R.	–	HARRIS COUNTY DEED RECORDS
H.C.M.R.	–	HARRIS COUNTY MAP RECORDS
H.C.O.P.R.R.P.	–	HARRIS COUNTY OFFICIAL PUBLIC RECORDS OF REAL PROPERTY

FIELD NOTES:

All that certain 7.5651 acres of land situated in the Jesse Pruitt Survey, Abstract No. 629, Harris County, Texas, being that same called 7.6266 acres of land conveyed to James R. Grappe and spouse, Carolyn J. Grappe, as described in the deed recorded under Clerk's File No. N572984 of the Harris County Official Public Records of Real Property (H.C.O.P.R.R.P.), and corrected by Clerk's File No. N584790 of the H.C.O.P.R.R.P., also being out of Lots 366 and 367, CORRECTED MAP OF TOMBALL OUTLOTS, according to the map or plat thereof recorded in Volume 4, Page 75 of the Harris County Map Records (H.C.M.R.), SAVE & EXCEPT a portion of a called 0.2506 acre of land granted to City of Tomball, Texas, as described in the deed recorded under Clerk's File No. RP–2020–447554 of the H.C.O.P.R.R.P., said 7.5651 acres of land being more particularly described by metes and bounds as follows:

BEGINNING at a 5/8 inch iron rod at a chain link fence corner post found at the common southwest corner of said 7.6266 acres and the herein described tract of land, same being situated in the apparent original east right–of–way line of South Persimmon Street (width varies) as established by the map or plat thereof recorded in Volume 2, Page 65 of the H.C.M.R. and as recited in the legal description of the 7.6266 acres, said 5/8 inch iron rod also being situated in the south line of said Lot 366 and the north line of Lot 372, CORRECTED MAP OF TOMBALL OUTLOTS;

THENCE North 02 deg. 35 min. 42 sec. West, along and with the west line of the 7.6266 acres and said apparent original east right–of–way line of South Persimmon Street, a distance of 140.43 feet to an "X" set in concrete in the new east right–of–way line of South Persimmon Street (80 feet wide at this point according to the legal description of said 0.2506 acre of land);

THENCE in a northerly direction, over and across the 7.6266 acres and Lot 366, with said new east right–of–way line of South Persimmon Street, along the arc of a non–tangent curve to the left subtending a central angle of 06 deg. 40 min. 45 sec., having a radius of 2,040.00 feet, an arc length of 237.81 feet, a chord bearing of North 01 deg. 24 min. 08 sec. East, and a chord distance of 237.67 feet to a 5/8 inch iron rod with cap set in the north line of Lot 366 and the upper north line of the 7.6266 acres at the northwest corner of the herein described tract of land, same being the northeast corner of the 0.2506 acre of land, from which a 5/8 inch iron rod with cap found at the southwest corner of Reserve "H", Block 4, RABURN RESERVE SEC. 2 AMENDING PLAT NO. 1, according to the map or plat thereof recorded in Film Code No. 702422 of the H.C.M.R., bears witness North 04 deg. West, a distance of 4.38 feet;

THENCE North 87 deg. 47 min. 09 sec. East (called South 89 deg. 45 min. 37 sec. East), departing the new east right–of–way line of South Persimmon Street, along said upper north line of the 7.6266 acres, same being the north line of Lots 366 and 367, with an old barbed–wire fence, a distance of 762.18 feet (called 777.87 feet) to a 10" wood fence corner post (leaning southeast) found at the common upper northeast corner of the 7.6266 acres and the herein described tract of land, from which a found 1/2 inch iron pipe bears witness North 43 deg. West, a distance of 2.21 feet, and a 5/8 inch iron rod with cap found at the common corner of Lots 13 and 14, Block 4, RABURN RESERVE SEC. 2 AMENDING PLAT NO. 1, bears witness North 18 deg. West, a distance of 3.43 feet;

THENCE South 22 deg. 59 min. 30 sec. East (called South 20 deg. 31 min. 39 sec. East), over and across Lot 367, along the upper east line of the 7.6266 acres, same being the apparent west line of a called 10.89 acres of land conveyed to Hufsmith 24, LLC, as described in the deed recorded under Clerk's File No. RP–2024–466416 of the H.C.O.P.R.R.P., with a 4–foot hogwire and barbed–wire fence, a distance of 321.65 feet (called 323.04 feet) to a 5/8 inch iron rod found at an angle point, from which a 5" x 8" wood fence corner post (leaning northeast) bears witness North 31 deg. East, a distance of 1.20 feet;

THENCE South 83 deg. 38 min. 08 sec. East (called South 80 deg. 42 min. 09 sec. East), continuing over and across Lot 367, along the lower north line of the 7.6266 acres and the apparent south line of said 10.89 acres, with a 4–foot hogwire and barbed–wire fence, a distance of 253.74 feet (called 253.65 feet) to a 1–1/2 inch galvanized steel fence corner post (leaning south) found at the common lower northeast corner of the 7.6266 acres and the herein described tract of land, same being situated in the east line of Lot 367 and the west right–of–way line of a 30–foot wide unimproved road as reflected on said plat recorded in Volume 2, Page 65 of the H.C.M.R. and said CORRECTED MAP OF TOMBALL OUTLOTS, from which a found 10 inch wood fence corner post bears witness South 64 deg. East, a distance of 1.0 feet, and a found 5/8 inch iron rod with cap bears witness North 08 deg. East, a distance of 1.10 feet;

THENCE South 02 deg. 12 min. 37 sec. East (called South 00 deg. 04 min. 07 sec. West), along the lower east line of the 7.6266 acres, same being said east line of Lot 367 and said west right–of–way line of a 30–foot wide unimproved road, also being the apparent west line of a called 6.188 acres of land conveyed to John W. Randall, Jr. and wife, Tracy A. Randall, as described in the deed recorded under Clerk's File No. 20100453523 of the H.C.O.P.R.R.P., with a 5–foot hogwire fence, a distance of 33.82 feet (called 33.86 feet) to a 2–1/2 inch galvanized steel fence corner post found at the common southeast corner of the 7.6266 acres and the herein described tract of land, same being the southeast corner of Lot 367 and the northeast corner of Lot 373, CORRECTED MAP OF TOMBALL OUTLOTS, from which a found 5/8 inch iron rod bears witness North 43 deg East, a distance of 0.72 feet;

THENCE South 87 deg. 38 min. 00 sec. West, along the south line of the 7.6266 acres, same being the north line of Lots 373 and 372, with a 4–foot hogwire and barbed–wire fence, a distance of 1,140.90 feet to the POINT OF BEGINNING and containing within these metes and bounds 7.5651 acres (329,534 square feet) of land.

GENERAL NOTES:

1. ALL BEARINGS AND COORDINATES SHOWN HEREON BASED ON THE TEXAS COORDINATE SYSTEM (NAD83), SOUTH CENTRAL ZONE NO. 4204. DISTANCES ARE SURFACE AND MAY BE CONVERTED TO GRID BY MULTIPLYING THE FOLLOWING COMBINED SCALE FACTOR: 0.999944888.

2. PUBLIC EASEMENTS DENOTED ON THIS PLAT ARE HEREBY DEDICATED TO THE PUBLIC FOREVER. ANY PUBLIC UTILITY, INCLUDING THE CITY OF TOMBALL, SHALL HAVE THE RIGHT AT ALL TIMES, OF INGRESS AND EGRESS TO AND FROM AND UPON SAID EASEMENTS FOR THE PURPOSE OF CONSTRUCTION, RECONSTRUCTION, INSPECTION, PATROLLING, MAINTAINING AND ADDING TO OR REMOVING ALL OR PART OF ITS RESPECTIVE SYSTEMS WITHOUT THE NECESSITY OF ANY TIME OF PROCURING THE PERMISSION OF THE PROPERTY OWNER. ANY PUBLIC UTILITY, INCLUDING THE CITY OF TOMBALL, SHALL HAVE THE RIGHT TO MOVE AND KEEP MOVED ALL OR PART OF ANY BUILDING, FENCES, TREES, SHRUBS, OTHER GROWTHS OR IMPROVEMENTS THAT IN ANY WAY ENDANGER OR INTERFERE WITH THE CONSTRUCTION, MAINTENANCE OR EFFICIENCY OF IT'S RESPECTIVE SYSTEMS ON ANY OF THE EASEMENTS SHOWN ON THIS PLAT. NEITHER THE CITY OF TOMBALL NOR ANY OTHER PUBLIC UTILITY SHALL BE RESPONSIBLE FOR ANY DAMAGES TO PROPERTY WITHIN AN EASEMENT ARISING OUT OF THE REMOVAL OR RELOCATION OF ANY OBSTRUCTION IN THE PUBLIC EASEMENT.

3. ACCORDING TO F.E.M.A. F.I.R.M. PANEL NO. 48201C0230L, EFFECTIVE JUNE 18, 2007, THIS LOT IS NOT IN THE 1% OR 0.2% ANNUAL FLOOD CHANCE FLOOD PLAIN.

4. OIL/GAS PIPELINE EASEMENTS WITH OWNERSHIP THROUGHOUT THE SUBDIVISION HAVE BEEN SHOWN ACCORDING TO THE CURRENT TITLE REPORT PROVIDED BY INTEGRITY TITLE COMPANY LLC, DATED AUGUST 13, 2025.

5. PER THE TEXAS RAILROAD COMMISSION GIS VIEWER, ALL OIL/GAS WELLS (PLUGGED, ABANDONED, AND/OR ACTIVE) THROUGHOUT THE SUBDIVISION HAVE BEEN SHOWN.

6. NO BUILDING OR STRUCTURE SHALL BE CONSTRUCTED ACROSS ANY PIPELINES, BUILDING LINES, AND/OR EASEMENTS. BUILDING SETBACK LINES WILL BE REQUIRED ADJACENT TO OIL/GAS PIPELINES. THE SETBACKS AT A MINIMUM SHOULD BE 15 FEET OFF CENTERLINE OF LOW PRESSURE GAS LINES, AND 30 FEET OFF CENTERLINE OF HIGH PRESSURE GAS LINES.

7. THIS PLAT DOES NOT ATTEMPT TO AMEND OR REMOVE ANY VALID COVENANTS OR RESTRICTIONS.

8. A TEN FOOT WIDE CITY OF TOMBALL UTILITY EASEMENT IS HEREBY DEDICATED BY THIS PLAT AND IS CENTERED ON THE GAS MAIN EXTENSION FROM THE CITY OF TOMBALL RIGHT–OF–WAY OR CITY OF TOMBALL UTILITY EASEMENT UP TO AND AROUND THE GAS METER, IF AND WHEN INSTALLED.

9. THESE LOTS ARE SUBJECT TO AN UNLOCATED RIGHT–OF–WAY AND EASEMENT FOR PIPE LINE PURPOSES GRANTED TO HUMBLE OIL & REFINING COMPANY AS RECORDED IN VOLUME 969, PAGE 236 OF THE H.C.D.R. SURVEYOR OBSERVED NO EVIDENCE OF PIPELINES ON, OVER OR ACROSS THE SUBJECT PROPERTY.

CURVE TABLE

NO.	RADIUS	DELTA	ARC LENGTH	CHORD BEARING AND DISTANCE
C1	2,040.00'	006°40'45"	237.81'	N 01°24'08" E – 237.67'
C2	2,040.00'	000°31'32"	18.71'	N 02°18'38" W – 18.71'

LINE TABLE

NO.	BEARING	DIST.
L1	N 02°35'42" W	140.43'
L2	S 02°12'37" E	33.82'

This is to certify that the Planning and Zoning Commission of the City of Tomball, Texas, has approved this plat and subdivision of JORGENSEN SOLUTIONS in conformance with the laws of the State of Texas and the ordinances of the City of Tomball as shown hereon and authorized the recording of this plat

this _____ day of _____, 2025.

By: _____
Craig Meyers
Director of Community Development

I, Daniel N. Pinnell, am authorized under the laws of the State of Texas to practice the profession of surveying and hereby certify that the above subdivision is true and accurate; was prepared from an actual survey of the property made under my supervision on the ground; that, except as shown all boundary corners, angle points, points of curvature and other points of reference have been marked with iron (or other objects of a permanent nature) pipes or rods having an outside diameter of not less than five eighths (5/8) inch and a length of not less than three (3) feet; and that the plat boundary corners have been tied to nearest survey corner.

_____
Daniel N. Pinnell
Registered Professional Land Surveyor
Texas Registration No. 5349

STATE OF TEXAS
REGISTERED
DANIEL N. PINNELL
5349
PROFESSIONAL
LAND SURVEYOR

I, Teneshia Hudspeth, County Clerk of Harris County, do hereby certify that the within instrument with its certificate of authentication was filed for registration in my office on _____ 2025, at_____o'clock ___.M., and duly recorded on _____ 2025, at_____o'clock ___.M., and at Film Code Number _____ of the Map Records of Harris County for said county.

Witness my hand and seal of office, at Houston, the day and date last above written.

_____
Teneshia Hudspeth
County Clerk
of Harris County, Texas

By: _____
Deputy

STATE OF TEXAS

COUNTY OF HARRIS

We, MATERIAL AND DESIGN SOLUTIONS, LLC, acting by and through Andy Jorgensen, President, being an officer of MATERIAL AND DESIGN SOLUTIONS, LLC, owners hereinafter referred to as Owners (whether one or more) of the 7.5651 acre tract described in the above and foregoing plat of JORGENSEN SOLUTIONS, do hereby make and establish said subdivision and development plan of said property according to all lines, dedications, restrictions, and notations on said plat and hereby dedicate to the use of the public forever, all streets, alleys, parks, water courses, drains, easements, and public places shown thereon for the purposes and considerations therein expressed; and do hereby bind ourselves, our heirs, successors and assigns to warrant and forever defend the title on the land so dedicated.

FURTHER, owners have dedicated and by these presents do dedicate to the use of the public for public utility purposes forever an unobstructed aerial easement five feet in width from a plane 20 feet above the ground level upward, located adjacent to all public utility easements shown hereon.

FURTHER, Owners do hereby dedicate to the public a strip of land fifteen feet wide on each side of the center line of any and all bayous, creeks, gullies, ravines, draws, sloughs or other natural drainage courses located in said plat, as easements for drainage purposes, giving the City of Tomball, Harris County, or any other governmental agency, the right to enter upon said easement at any and all times for the purpose of construction and maintenance of drainage facilities and structures.

FURTHER, Owners do hereby covenant and agree that all of the property within the boundaries of this plat and adjacent to any drainage easement, ditch, gully, creek or natural drainage way shall hereby be restricted to keep such drainage ways and easements clear of fences, buildings, planting and other obstructions to the operations and maintenance of the drainage facility and that such abutting property shall not be permitted to drain directly into this easement except by means of an approved drainage structure.

IN TESTIMONY WHEREOF, the MATERIAL AND DESIGN SOLUTIONS, LLC have caused these presents to be signed by Andy Jorgensen, President, thereunto authorized, this _____ day of _____, 2025.

MATERIAL AND DESIGN SOLUTIONS, LLC

By: _____
Andy Jorgensen, President

STATE OF TEXAS

COUNTY OF HARRIS

BEFORE ME, the undersigned authority, on this day personally appeared Andy Jorgensen, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same for the purposes and considerations therein expressed.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, this _____ day of _____, 2025.

_____
Notary Public in and for the State of Texas

My Commission Expires: _____

We, Trustmark National Bank, owner and holder of a lien against the property described in the plat known as JORGENSEN SOLUTIONS, said lien being evidenced by instrument of record in the Clerk's File No. RP–2025–244331 of the O.P.R.O.R.P. of Harris County, Texas, do hereby in all things subordinate our interest in said property to the purposes and effects of said plat and the dedications and restrictions shown herein to said subdivision plat and we hereby confirm that we are the present owners of said lien and have not assigned the same nor any part thereof.

By: _____

STATE OF TEXAS

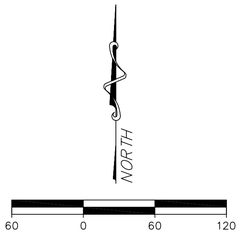
COUNTY OF HARRIS

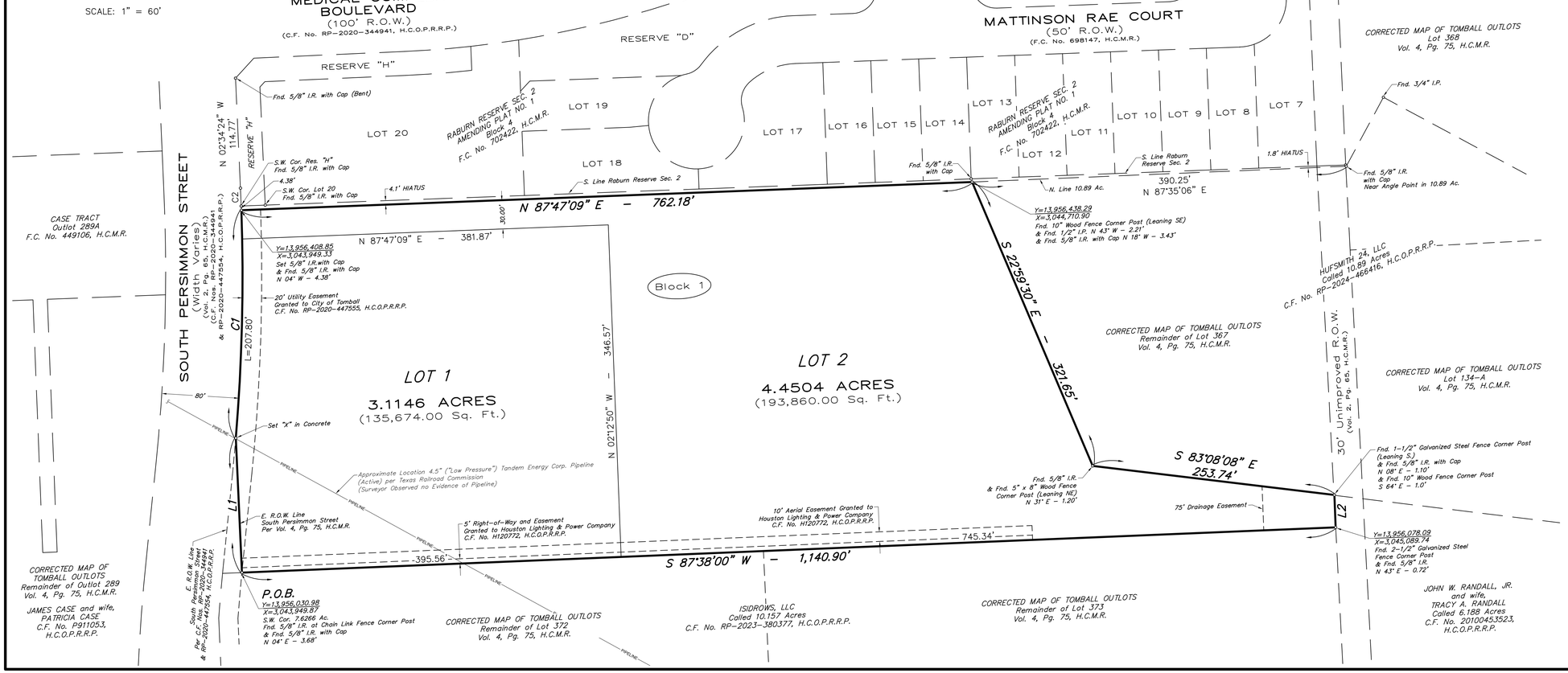
BEFORE ME, the undersigned authority, on this day personally appeared _____ known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that she executed the same for the purposes and considerations therein expressed.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, this the _____ day of _____, 2025.

_____
Notary Public in and for the State of Texas

My Commission Expires: _____





JORGENSEN SOLUTIONS

A SUBDIVISION OF 7.5651 ACRES (329,534.00 SQUARE FEET)
OF LAND, SITUATED IN THE JESSE PRUETT SURVEY,
ABSTRACT NO. 629, HARRIS COUNTY, TEXAS.

BEING A PARTIAL REPLAT OF LOTS 366 & 367, CORRECTED
MAP OF TOMBALL OUTLOTS, ACCORDING TO THE MAP OR
PLAT THEREOF RECORDED IN VOLUME 4, PAGE 75 OF THE
MAP RECORDS OF HARRIS COUNTY, TEXAS.

REASON FOR REPLAT: TO CREATE 2 LOTS.

1 BLOCK **2 LOTS**

OWNERS:
MATERIAL AND DESIGN SOLUTIONS, LLC
6431 CUNNINGHAM ROAD
HOUSTON, TEXAS 77041
713–732–0020

CONSULTANT:
THE PINNELL GROUP, LLC
25207 OAKHURST DRIVE
SPRING, TEXAS 77386
281–363–8700
FIRM REG. #10039600

DATE: AUGUST, 2025 *SCALE: 1" = 60'* *PROJECT NO. 25–109*

Planning & Zoning Commission
Agenda Item
Data Sheet

Meeting Date: November 10, 2025

Topic:

Minor Plat of **Kohrville Marketplace:** A subdivision of 1.9756 acres, (86,058 Square Feet), of land, situated in the Jesse Pruitt Survey, Abstract No. 629, Harris County, Texas, being out and part of lot 477, of Tomball townsite, a subdivision in Harris County, Texas according to the Map or Plat thereof recorded in Volume 2, Page 65 of the Map Records of Harris County, Texas.

Background:

Origination:

Recommendation:

Staff Approved (For informational purposes only).

Party(ies) responsible for placing this item on agenda: Benjamin Lashley, Assistant City Planner

FUNDING (IF APPLICABLE)

Are funds specifically designated in the current budget for the full amount required for this purpose?

Yes: _____ No: _____ If yes, specify Account Number: #_____

If no, funds will be transferred from account: #_____ To Account: #

Signed: _____ **Approved by:** _____
Staff Member Date City Manager Date

CITY OF TOMBALL

Plat Name: Kohrville Marketplace Plat Type: Minor

Construction Drawings for Public Facilities required? Yes [ ] No [X] N/A [ ]

Plat within City Limits [X] Within Extraterritorial Jurisdiction [ ]

Planning and Zoning Commission Meeting Date: November 10, 2025

The above Plat has been reviewed for compliance with existing Ordinances of the City of Tomball, Texas. Based on this review, the Community Development Department and Engineering Division approved this minor plat at the administrative level.

STATE OF TEXAS
COUNTY OF HARRIS

WE, 2S & Z INVESTMENTS LLC, A TEXAS LIMITED LIABILITY COMPANY, ACTING BY AND THROUGH SHAN ALI, MANAGING MEMBER, HEREINAFTER REFERRED TO AS OWNERS OF THE 1.9756 ACRE TRACT DESCRIBED IN THE ABOVE AND FOREGOING MAP OF KOHRVILLE MARKETPLACE DO HEREBY MAKE AND ESTABLISH SAID SUBDIVISION AND DEVELOPMENT PLAN OF SAID PROPERTY ACCORDING TO ALL LINES, DEDICATIONS, RESTRICTIONS, AND NOTATIONS ON SAID MAPS OR PLAT AND HEREBY DEDICATE TO THE USE OF THE PUBLIC FOREVER, ALL STREETS (EXCEPT THOSE STREETS DESIGNATED AS PRIVATE STREETS, OR PERMANENT ACCESS EASEMENTS), ALLEYS, PARKS, WATER COURSES, DRAINS, EASEMENTS AND PUBLIC PLACES SHOWN THEREON FOR THE PURPOSES AND CONSIDERATIONS THEREIN EXPRESSED; AND DO HEREBY BIND OURSELVES, OUR HEIRS, SUCCESSORS AND ASSIGNS TO WARRANT AND FOREVER DEFEND THE TITLE ON THE LAND SO DEDICATED.

FURTHER, OWNERS HAVE DEDICATED AND BY THESE PRESENTS DO DEDICATE TO THE USE OF THE PUBLIC FOR PUBLIC UTILITY PURPOSES FOREVER AN UNOBSTRUCTED AERIAL EASEMENT FIVE FEET IN WIDTH FROM A PLANE 20 FEET ABOVE THE GROUND LEVEL UPWARD, LOCATED ADJACENT TO ALL PUBLIC UTILITY EASEMENTS SHOWN HEREON.

FURTHER, OWNERS HAVE DEDICATE TO THE PUBLIC A STRIP OF LAND 15 FEET WIDE ON EACH SIDE OF THE CENTERLINE OF ANY AND ALL BAYOUS, CREEKS, GULLIES, RAVINES, DRAWS, SLOUGHS, OR OTHER NATURAL DRAINAGE COURSES LOCATED AND DEPICTED UPON IN SAID PLAT, AS EASEMENTS, FOR DRAINAGE PURPOSES, GIVING THE CITY OF TOMBALL, HARRIS COUNTY, OR ANY OTHER GOVERNMENTAL AGENCY, THE RIGHT TO ENTER UPON SAID EASEMENT AT ANY AND ALL TIME FOR THE PURPOSE OF CONSTRUCTION AND MAINTENANCE OF DRAINAGE FACILITIES AND STRUCTURES.

FURTHER, OWNERS DO HEREBY COVENANT AND AGREE THAT ALL OF THE PROPERTY WITHIN THE BOUNDARIES OF THIS PLAT AND ADJACENT TO ANY DRAINAGE EASEMENT, DITCH, GULLY, CREEK OR NATURAL DRAINAGE WAY SHALL HEREBY BE RESTRICTED TO KEEP SUCH DRAINAGE WAYS AND EASEMENTS CLEAR OF FENCES, BUILDINGS, PLANTING AND OTHER OBSTRUCTIONS TO THE OPERATIONS AND MAINTENANCE OF THE DRAINAGE FACILITY AND THAT SUCH ABUTTING PROPERTY SHALL NOT BE PERMITTED TO DRAIN DIRECTLY INTO THIS EASEMENT EXCEPT BY MEANS OF AN APPROVED DRAINAGE STRUCTURE.

IN TESTIMONY WHEREOF, 2S& Z INVESTMENTS LLC, HAS CAUSED THESE PRESENTS TO BE SIGNED BY SHAN ALI, ITS MANAGING MEMBER THEREUNTO AUTHORIZED, THIS _____ DAY OF _____, 202___.

2S & Z INVESTMENTS LLC

BY: _____
SHAN ALI, MANAGING MEMBER

STATE OF TEXAS
COUNTY OF _____

BEFORE ME, THE UNDERSIGNED AUTHORITY, ON THIS DAY PERSONALLY APPEARED SHAN ALI, MANAGING MEMBER OF 2S & Z INVESTMENTS LLC, KNOWN TO ME TO BE THE PERSON WHOSE NAME IS SUBSCRIBED TO THE FOREGOING INSTRUMENT AND ACKNOWLEDGED TO ME THAT THEY EXECUTED THE SAME FOR THE PURPOSES AND CONSIDERATIONS THEREIN EXPRESSED.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, THIS _____ DAY OF _____, 2025.

_____
NOTARY PUBLIC IN AND FOR THE STATE OF TEXAS

_____
PRINT NAME

MY COMMISSION EXPIRES: _____

PLAT NOTES:

1. THE COORDINATES SHOWN HEREON ARE TEXAS SOUTH CENTRAL ZONE NO. 4204 STATE PLANE GRID COORDINATES (NAD83) AND MAY BE BROUGHT TO SURFACE BY APPLYING THE FOLLOWING COMBINED SCALE 0.9999422869972.

2. ACCORDING TO FEMA FIRM PANEL NO. 48201C0230L (EFFECTIVE DATE JUNE 18, 2007) THIS PROPERTY IS IN ZONE "X-UNSHADED" AND IS NOT LOCATED IN A DESIGNATED FLOOD HAZARD AREA.

3. PUBLIC EASEMENTS DENOTED ON THIS PLAT ARE HEREBY DEDICATED TO THE PUBLIC FOREVER. ANY PUBLIC UTILITY, INCLUDING THE CITY OF TOMBALL, SHALL HAVE THE RIGHT AT ALL TIMES, OF INGRESS AND EGRESS TO AND FROM AND UPONSAID EASEMENTS FOR THE PURPOSES OF CONSTRUCTION, RECONSTRUCTION, INSPECTION, PATROLLING, MAINTAINING AND ADDING TO OR REMOVING ALL OR PART OF ITS RESPECTIVE SYSTEMS WITHOUT THE NECESSITY OF ANY TIME OF PROCURING THE PERMISSION OF THE PROPERTY OWNER. ANY PUBLIC UTILITY, INCLUDING THE CITY OF TOMBALL, SHALL HAVE THE RIGHT TO MOVE AND KEEP MOVED ALL OR PART OF ANY BUILDING, FENCES, TREES, SHRUBS, OTHER GROWTHS OR IMPROVEMENTS THAT IN ANY WAY ENDANGER OR INTERFERE WITH THE CONSTRUCTION, MAINTENANCE OR EFFICIENCY OF IT'S RESPECTIVE SYSTEMS ON ANY OF THE EASEMENTS SHOWN ON THIS PLAT. NEITHER THE CITY OF TOMBALL NOR ANY OTHER PUBLIC UTILITY SHALL BE RESPONSIBLE FOR ANY DAMAGES TO PROPERTY WITHIN AN EASEMENT ARISING OUT OF THE REMOVAL OR RELOCATION OF ANY OBSTRUCTION IN THE PUBLIC EASEMENT.

4. THIS PLAT DOES NOT ATTEMPT OR REMOVE ANY VALID COVENANTS OR RESTRICTIONS.

5. ALL OIL/GAS PIPELINES OR PIPELINE EASEMENTS WITH OWNERSHIP THROUGH THE SUBDIVISION HAVE BEEN SHOWN.

6. ALL OIL/GAS WELLS WITH OWNERSHIP (PLUGGED, ABANDONED, AND/OR ACTIVE) THROUGH THE SUBDIVISION HAVE BEEN SHOWN.

7. THIS PLAT DOES NOT ATTEMPT TO AMEND OR REMOVE ANY VALID COVENANTS OR RESTRICTIONS.

8. NO BUILDING OR STRUCTURE SHALL BE CONSTRUCTED ACROSS ANY PIPELINES, BUILDING LINES, AND EASEMENTS. BUILDING SETBACK LINES WILL BE REQUIRED ADJACENT TO OIL/GAS PIPELINES. THE SETBACK AT A MINIMUM SHOULD BE 15 FEET OFF CENTERLINE OF LOW PRESSURE GAS LINES, AND 30 FEET OFF CENTERLINE OF HIGH PRESSURE GAS LINES.

9. SUBJECT TO A DECLARATION OF EASEMENT TO CITY OF TOMBALL AS RECORDED IN HARRIS COUNTY CLERK'S FILE NO. W177411.

10. SUBJECT TO A DECLARATION OF EASEMENT TO CITY OF TOMBALL AS RECORDED IN HARRIS COUNTY CLERK'S FILE NO. W177412.

I, HENRY M. SANTOS, AM REGISTERED UNDER THE LAWS OF THE STATE OF TEXAS TO PRACTICE THE PROFESSION OF SURVEYING AND HEREBY CERTIFY THAT THE ABOVE SUBDIVISION IS TRUE AND ACCURATE; WAS PREPARED FROM AN ACTUAL SURVEY OF THE PROPERTY MADE UNDER MY SUPERVISION ON THE GROUND; THAT, EXCEPT AS SHOWN ALL BOUNDARY CORNERS, ANGLE POINTS, POINTS OF CURVATURE AND OTHER POINTS OF REFERENCE HAVE BEEN MARKED WITH IRON (OR OTHER OBJECTS OF A PERMANENT NATURE) PIPES OR RODS HAVING AN OUTSIDE DIAMETER OF NOT LESS THAN FIVE EIGHTHS (5/8) INCH AND A LENGTH OF NOT LESS THAN THREE (3) FEET; AND THAT THE PLAT BOUNDARY CORNERS HAVE BEEN TIED TO THE TEXAS COORDINATE SYSTEM OF 1983, SOUTH CENTRAL ZONE.

_____
HENRY M. SANTOS
TEXAS REGISTRATION NO. 5450

STATE OF TEXAS
REGISTERED
HENRY M. SANTOS
5450
PROFESSIONAL
LAND SURVEYOR

THIS IS TO CERTIFY THAT THE PLANNING AND ZONING COMMISSION OF THE CITY OF TOMBALL, TEXAS, HAS APPROVED THIS PLAT AND SUBDIVISION OF KOHRVILLE MARKETPLACE, IN CONFORMANCE WITH THE LAWS OF THE STATE OF TEXAS AND THE ORDINANCES OF THE CITY OF TOMBALL AS SHOWN HEREON, AND AUTHORIZE THE RECORDING OF THIS PLAT THIS ____ DAY OF _____,

BY: _____
CRAIG MEYERS
DIRECTOR OF COMMUNITY DEVELOPMENT

I, TENESHIA HUDSPETH, COUNTY CLERK OF HARRIS COUNTY, DO HEREBY CERTIFY THAT THE WITHIN INSTRUMENT WITH ITS CERTIFICATE OF AUTHENTICATION WAS FILED FOR REGISTRATION IN MY OFFICE ON _____, 20____, AT _____O'CLOCK __M., AND DULY RECORDED ON _____, 20____, AT _____O'CLOCK ____M., AND AT FILM CODE NO. _____ OF THE MAP RECORDS OF HARRIS COUNTY FOR SAID COUNTY.

WITNESS MY HAND AND SEAL OF OFFICE, AT HOUSTON, THE DAY AND DATE LAST ABOVE WRITTEN.

_____
TENESHIA HUDSPETH
COUNTY CLERK
OF HARRIS COUNTY, TEXAS

BY: _____
DEPUTY

LEGAL DESCRIPTION
1.9756 ACRES (86,057.77 SQUARE FEET)

BEING A 1.9756 ACRE (86,057.77 SQUARE FEET) TRACT OF LAND, SITUATED IN THE JESSE PRUITT SURVEY, ABSTRACT NUMBER 629, HARRIS COUNTY, TEXAS; BEING OUT OF AND A PART OF LOT FOUR HUNDRED AND SEVENTY-SEVEN (477), OF TOMBALL TOWNSITE, A SUBDIVISION IN HARRIS COUNTY, TEXAS, ACCORDING TO THE MAP OR PLAT THEREOF, AS RECORDED IN VOLUME 2, PAGE 65, OF THE MAP RECORDS OF HARRIS COUNTY, TEXAS (H.C.M.R.); SAID 1.9756 ACRE TRACT BEING OUT OF AND A PART OF A 1.0472 ACRE TRACT CONVEYED TO 2S & Z INVESTMENTS LLC BY DEED AS RECORDED UNDER HARRIS COUNTY CLERK'S FILE NUMBER (H.C.C.F. NO.) RP-2025-238354 AND OUT OF AND A PART OF A 1.062 ACRE TRACT CONVEYED TO 2S & Z INVESTMENTS LLC BY DEED AS RECORDED UNDER H.C.C.F. NO. RP-2025-244581; WITH SAID 1.9756 ACRE TRACT BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS (BEARINGS BASED ON THE TEXAS STATE PLANE COORDINATE SYSTEM, SOUTH CENTRAL ZONE, NAD 83):

COMMENCING AT THE ORIGINAL NORTHWEST CORNER OF SAID LOT 477, SAID POINT BEING THE NORTHWEST CORNER OF A 10-FOOT STRIP OF LAND DEEDED TO HARRIS COUNTY TO WIDEN HUFFSMITH-KOHRVILLE ROAD (WIDTH VARIES);

THENCE, NORTH 87 DEGREES 29 MINUTES 40 SECONDS EAST (CALLED SOUTH 89 DEGREES 35 MINUTES 00 SECONDS), A DISTANCE OF 44.40 FEET, TO A 1/2-INCH IRON ROD CAPPED "ADVANCE SURVEY"SET FOR THE NORTHERLY END OF A CUTBACK LINE AT THE INTERSECTION OF THE EASTERLY RIGHT-OF-WAY LINE OF SAID HUFFSMITH-KOHRVILLE ROAD AND THE SOUTHERLY RIGHT-OF-WAY LINE OF WEIRICH LANE (30 FEET WIDE), SAID POINT MARKING THE NORTHERLY NORTHWEST CORNER AND POINT OF BEGINNING OF THE HEREIN DESCRIBED TRACT;

THENCE, NORTH 87 DEGREES 29 MINUTES 40 SECONDS EAST (CALLED SOUTH 89 DEGREES 35 MINUTES 00 SECONDS EAST), A DISTANCE OF 217.78 FEET, ALONG THE SOUTHERLY RIGHT-OF-WAY LINE OF SAID WEIRICH LANE AND ALONG THE NORTHERLY LINE OF SAID 1.0472 ACRE TRACT, TO A 1/2-INCH IRON ROD CAPPED "ADVANCE SURVEY" SET FOR THE NORTHWEST CORNER OF A 2.117 ACRE TRACT CONVEYED TO FLOYD D. BELCHER JR. BY DEED AS RECORDED UNDER H.C.C.F. NO. 20080592656 AND THE NORTHEAST CORNER OF SAID 1.0472 ACRE TRACT AND THE HEREIN DESCRIBED TRACT;

THENCE, SOUTH 03 DEGREES 11 MINUTES 27 SECONDS EAST (CALLED SOUTH 00 DEGREES 16 MINUTES 02 SECONDS EAST), A DISTANCE OF 359.18 FEET, ALONG THE COMMON LINE BETWEEN THE WESTERLY LINE OF SAID 2.117 ACRE TRACT AND THE EASTERLY LINE OF SAID 1.0472 AND 1.062 ACRE TRACTS AND THE HEREIN DESCRIBED TRACT, TO A 1/2 INCH IRON ROD FOUND FOR THE SOUTHWEST CORNER OF SAID 2.117 ACRE TRACT, THE NORTHWEST CORNER OF A 2.611 ACRE TRACT CONVEYED TO RODOLFO DE LA GARZA AND WIFE, SAN JUANA DE LA GARZA, BY DEED AS RECORDED UNDER H.C.C.F. NO. G075793, THE NORTHEAST CORNER OF A 1.078 ACRE TRACT CONVEYED TO RODOLFO DE LA GARZA AND WIFE, SAN JUANA DE LA GARZA, BY DEED AS RECORDED UNDER H.C.C.F. NO. J878418, AND THE SOUTHEAST CORNER OF SAID 1.062 ACRE TRACT AND THE HEREIN DESCRIBED TRACT;

THENCE, SOUTH 87 DEGREES 29 MINUTES 35 SECONDS WEST (CALLED NORTH 89 DEGREES 35 MINUTES 00 SECONDS WEST), A DISTANCE OF 247.63 FEET, ALONG THE COMMON LINE BETWEEN THE NORTHERLY LINE OF SAID 1.078 ACRE TRACT AND THE SOUTHERLY LINE OF SAID 1.062 ACRE TRACT AND THE HEREIN DESCRIBED TRACT, TO A 1/2-INCH IRON ROD CAPPED "ADVANCE SURVEY" SET IN THE EASTERLY LINE OF SAID HUFFSMITH-KOHRVILLE ROAD, SAID POINT MARKING THE NORTHWEST CORNER OF SAID 1.078 ACRE TRACT AND THE SOUTHWEST CORNER OF THE HEREIN DESCRIBED TRACT;

THENCE, NORTH 00 DEGREES 51 MINUTES 34 SECONDS WEST, A DISTANCE OF 268.04 FEET, ALONG THE EASTERLY RIGHT-OF-WAY LINE OF SAID HUFFSMITH-KOHRVILLE ROAD, TO A 1/2-INCH IRON ROD CAPPED "ADVANCE SURVEY"SET FOR AN ANGLE POINT OF THE HEREIN DESCRIBED TRACT;

THENCE, NORTH 01 DEGREE 49 MINUTES 53 SECONDS EAST, A DISTANCE OF 80.33 FEET, ALONG THE EASTERLY RIGHT-OF-WAY LINE OF SAID HUFFSMITH-KOHRVILLE ROAD, TO A 1/2-INCH IRON ROD CAPPED "ADVANCE SURVEY" SET FOR THE SOUTHERLY END OF SAID CUTBACK LINE, SAID POINT MARKING THE SOUTHERLY NORTHWEST CORNER OF THE HEREIN DESCRIBED TRACT;

THENCE, NORTH 44 DEGREES 06 MINUTES 21 SECONDS EAST, A DISTANCE OF 16.21 FEET, ALONG SAID CUTBACK LINE, TO THE POINT OF BEGINNING AND CONTAINING WITHIN THESE METES AND BOUNDS 1.9756 ACRES OR 86,057.77 SQUARE FEET OF LAND.

GRAPHIC SCALE

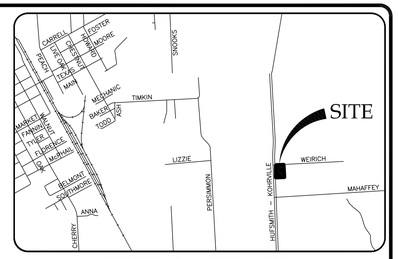
40 0 20 40 80 160

(IN FEET)
1 inch = 40 ft.

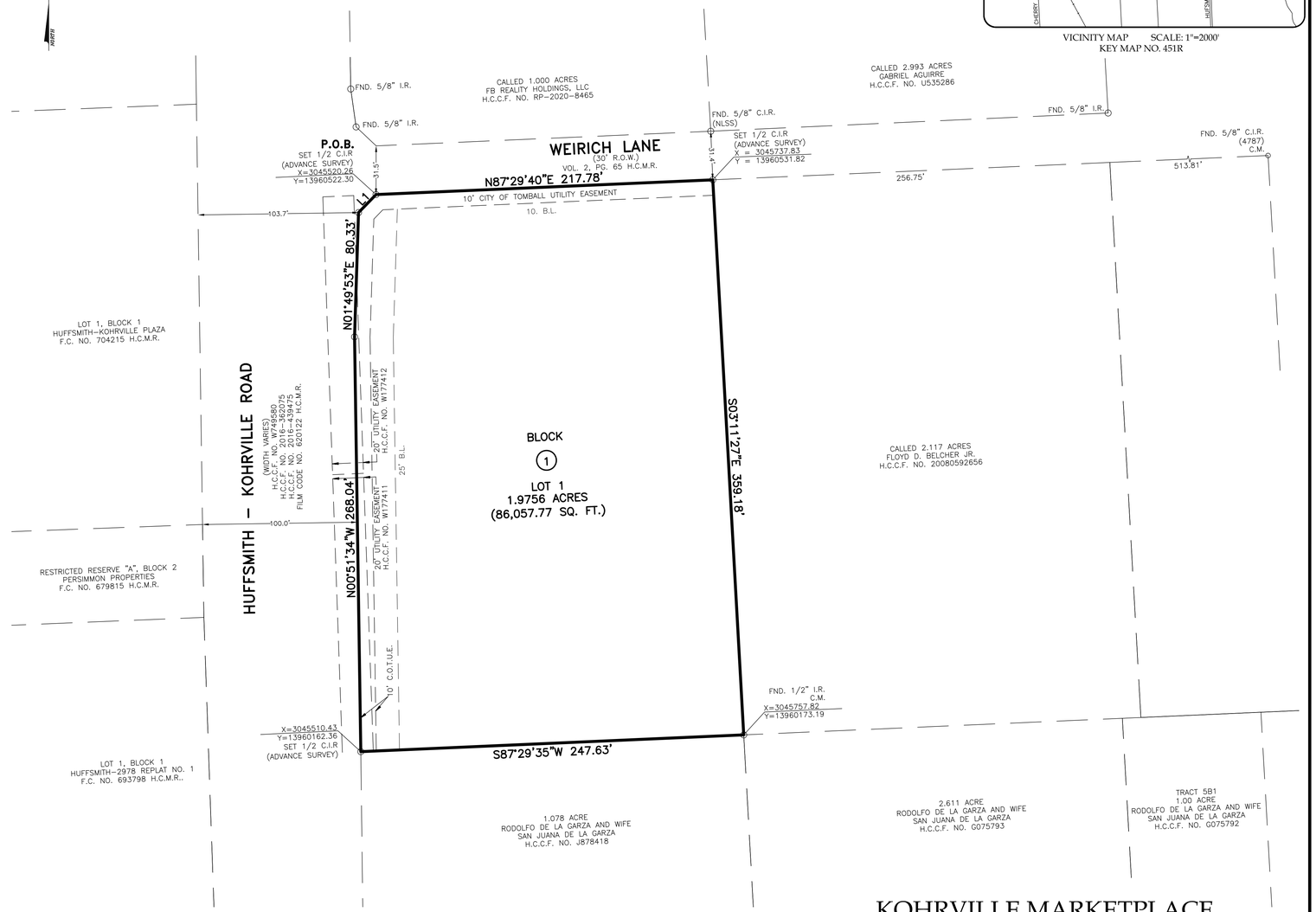
NORTH

LINE TABLE		
LINE	BEARING	DISTANCE
L1	N44°06'21"E	16.21'

LEGEND:
AC. – ACRES
B.L. – BUILDING LINE
C.I.R. – CAPPED IRON ROD
C.M. – CONTROL MONUMENT
ESMT. – EASEMENT
FC – FILM CODE
H.C.C.F. – HARRIS COUNTY CLERKS FILE
H.C.D.R. – HARRIS COUNTY DEED RECORDS
H.C.M.R. – HARRIS COUNTY MAP RECORDS
I.R. – IRON ROD
PG. – PAGE
P.O.B. – POINT OF BEGINNING
R.O.W. – RIGHT-OF-WAY
SQ. FT. – SQUARE FEET
VOL. – VOLUME



VICINITY MAP SCALE: 1"=2000'
KEY MAP NO. 451R



KOHRVILLE MARKETPLACE

A SUBDIVISION OF 1.9756 ACRES (86,057.77 SQUARE FEET) OF LAND SITUATED IN THE JESSE PRUITT SURVEY, ABSTRACT NO. 629, HARRIS COUNTY, TEXAS AND BEING OUT AND PART OF LOT 477, OF TOMBALL TOWNSITE, A SUBDIVISION IN HARRIS COUNTY, TEXAS, ACCORDING TO THE MAP OR PLAT THEREOF, RECORDED IN VOLUME 2, PAGE 65, OF THE MAP RECORDS OF HARRIS COUNTY, TEXAS.

REASON FOR REPLAT:
ONE (1) LOT AND ONE (1) BLOCK

SCALE: 1"= 40' DATE :OCTOBER, 2025

OWNER:
2S & Z INVESTMENTS, LLC
15110 MINTZ LN
HOUSTON, TEXAS 77014

PREPARED BY:

ADVANCE SURVEYING, INC.
10518 KIPP WAY SUITE A-2 HOUSTON, TEXAS 77099
PHONE: 281 530-2939 FAX: 281 530-5464 EMAIL: advance_survey@asi23.com
www.advancesurveyingtx.com
FIRM NO. 10099200

JOB NO. 0714040-25-01

Planning & Zoning Commission
Agenda Item
Data Sheet

Meeting Date: November 10, 2025

Topic:

Minor Plat of **COT East Water Plant:** A subdivision of 3.6052 acres, (157,041.34 Square Feet), and replat of Lot 145 of corrected Map of Tomball Outlots, and Lot 11, Block 1 of Lizzie-Persimmon subdivision, situated in the Jesse Pruitt Survey, Abstract No. 629, City of Tomball Harris County, Texas.

Background:

Origination:

Recommendation:

Staff Approved (For informational purposes only).

Party(ies) responsible for placing this item on agenda: Benjamin Lashley, Assistant City Planner

FUNDING (IF APPLICABLE)

Are funds specifically designated in the current budget for the full amount required for this purpose?

Yes: _____ No: _____ If yes, specify Account Number: #

If no, funds will be transferred from account: # To Account: #

Signed: _____ **Approved by:** _____
Staff Member Date City Manager Date

CITY OF TOMBALL

Plat Name: COT East Water Plant Plat Type: Minor

Construction Drawings for Public Facilities required? Yes [ ] No [X] N/A [ ]

Plat within City Limits [X] Within Extraterritorial Jurisdiction [ ]

Planning and Zoning Commission Meeting Date: November 10, 2025

The above Plat has been reviewed for compliance with existing Ordinances of the City of Tomball, Texas. Based on this review, the Community Development Department and Engineering Division approved this minor plat at the administrative level.

STATE OF TEXAS
COUNTY OF HARRIS

WE, THE CITY OF TOMABLL ACTING BY AND THROUGH CRAIG T. MEYERS, COMMUNITY DEVELOPMENT DIRECTOR, BEING OFFICER OF THE CITY OF TOMBALL, OWNER IN THIS SECTION AFTER REFERRED TO AS OWNERS OF THE 3.6052 ACRE TRACT DESCRIBED IN THE ABOVE AND FOREGOING PLAT OF COT EAST WATER PLANT, DO HEREBY MAKE AND ESTABLISH SAID SUBDIVISION OF SAID PROPERTY ACCORDING TO ALL LIENS, DEDICATIONS, RESTRICTIONS AND NOTATIONS ON SAID PLAT AND HEREBY DEDICATE TO THE USE OF THE PUBLIC FOREVER, ALL STREETS, ALLEYS, PARKS,WATERCOURSES, DRAINS, EASEMENTS, AND PUBLIC PLACES SHOWN THEREON FOR THE PURPOSES AND CONSIDERATIONS THEREIN EXPRESSED; AND DO HEREBY BIND OURSELVES, OUR HEIRS, SUCCESSORS AND ASSIGNS TO WARRANT AND FOREVER DEFEND THE TITLE TO THE LAND SO DEDICATED.

FURTHER, OWNERS HAVE DEDICATED AND BY THESE PRESENTS DO DEDICATE TO THE USE OF THE PUBLIC FOR PUBLIC UTILITY PURPOSES FOREVER AN UNOBSTRUCTED AERIAL EASEMENT FIVE FEET IN WIDTH FROM A PLANE 20 FEET ABOVE THE GROUND LEVEL UPWARD, LOCATED ADJACENT TO ALL PUBLIC UTILITY EASEMENTS SHOWN HEREON.

FURTHER, OWNERS DO HEREBY COVENANT AND AGREE THAT ALL OF THE PROPERTY WITHIN THE BOUNDARIES OF THIS PLAT SHALL BE RESTRICTED TO PROVIDE THAT DRAINAGE STRUCTURES UNDER PRIVATE DRIVEWAYS SHALL HAVE A NET DRAINAGE OPENING AREA OF SUFFICIENT SIZE TO PERMIT THE FREE FLOW OF WATER WITHOUT BACKWATER AND IN NO INSTANCE HAVE A DRAINAGE OPENING OF LESS THAN ONE AND THREE QUARTERS SQUARE FEET (18-INCH DIAMETER) WITH CULVERTS OR BRIDGES TO BE PROVIDED FOR ALL PRIVATE DRIVEWAYS OR WALKWAYS CROSSING SUCH DRAINAGE FACILITIES.

FURTHER, OWNERS DO HEREBY DEDICATE TO THE PUBLIC A STRIP OF LAND 15-FEET WIDE ON EACH SIDE OF THE CENTERLINE OF ANY AND ALL BAYOUS, CREEKS, GULLIES, RAVINES, DRAWS, SLOUGHS, OR OTHER NATURAL DRAINAGE COURSES LOCATED AND DEPICTED UPON IN SAID PLAT, AS EASEMENTS FOR DRAINAGE PURPOSES, GIVING THE CITY OF TOMBALL, HARRIS COUNTY, OR ANY OTHER GOVERNMENTAL AGENCY, THE RIGHT TO ENTER UPON SAID EASEMENT AT ANY AND ALL TIMES FOR THE PURPOSE OF CONSTRUCTION AND MAINTENANCE OF DRAINAGE FACILITIES AND STRUCTURES.

FURTHER, OWNERS DO HEREBY COVENANT AND AGREE THAT ALL OF THE PROPERTY WITHIN THE BOUNDARIES OF THIS PLAT AND ADJACENT TO ANY DRAINAGE EASEMENT, DITCH, GULLY, CREEK, OR NATURAL DRAINAGEWAY SHALL HEREBY BE RESTRICTED TO KEEP SUCH DRAINAGEWAYS AND EASEMENTS CLEAR OF FENCES, BUILDINGS, PLANTING, AND OTHER OBSTRUCTIONS TO THE OPERATION AND MAINTENANCE OF THE DRAINAGE FACILITY AND THAT SUCH ABUTTING PROPERTY SHALL NOT BE PERMITTED TO DRAIN DIRECTLY INTO THIS EASEMENT, EXCEPT BY MEANS OF AN APPROVED DRAINAGE STRUCTURE.

IN TESTIMONY WHEREOF, THE CITY OF TOMBALL HAS CAUSED THESE PRESENTS TO BE SIGNED BY CRAIG T. MEYERS, ITS COMMUNITY DEVELOPMENT DIRECTOR, THEREUNTO AUTHORIZED AND ITS COMMON SEAL HEREUNTO AFFIXED THIS ___ DAY OF _____, 202__.

BY: _____
CRAIG T. MEYERS,
COMMUNITY DEVELOPMENT DIRECTOR
CITY OF TOMBALL

STATE OF TEXAS
COUNTY OF HARRIS

BEFORE ME, THE UNDERSIGNED AUTHORITY, ON THIS DAY PERSONALLY APPEARED CRAIG T. MEYERS, KNOWN TO ME TO BE THE PERSON WHOSE NAME IS SUBSCRIBED TO THE FOREGOING INSTRUMENT AND ACKNOWLEDGE TO ME THAT THEY EXECUTED THE SAME FOR THE PURPOSES AND CONSIDERATIONS THEREIN EXPRESSED AND IN THE CAPACITY THEREIN AND HEREIN STATED.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, THIS _____ DAY OF _____, 202___.

_____
NOTARY PUBLIC IN AND FOR THE STATE OF TEXAS

_____
PRINT NAME

MY COMMISSION EXPIRES: _____

THIS IS TO CERTIFY THAT THE PLANNING AND ZONING COMMISSION OF THE CITY OF TOMBALL HAS APPROVED THIS PLAT AND SUBDIVISION OF COT EAST WATER PLANT IS IN CONFORMANCE WITH THE LAWS OF THE STATE AND THE ORDINANCES OF THE CITY AS SHOWN HEREON AND AUTHORIZED THE RECORDING OF THIS PLAT THIS _____ DAY OF _____, 202__.

_____
CRAIG T. MEYERS, COMMUNITY
DEVELOPMENT DIRECTOR

I, TENESHIA HUDSPETH, COUNTY CLERK OF HARRIS COUNTY, TEXAS, DO HEREBY CERTIFY THAT THE WITHIN INSTRUMENT WITH ITS CERTIFICATE OF AUTHENTICATION WAS FILED FOR REGISTRATION IN MY OFFICE ON _____, 202__, AT _____ O'CLOCK __M., AND DULY RECORDED ON _____, 202__, AT _____ O'CLOCK __M., AND AT FILM CODE NUMBER _____ OF THE MAP RECORDS OF HARRIS COUNTY FOR SAID COUNTY.

WITNESS MY HAND AND SEAL OF OFFICE, AT HARRIS COUNTY, TEXAS, THE DAY AND DATE LAST ABOVE WRITTEN.

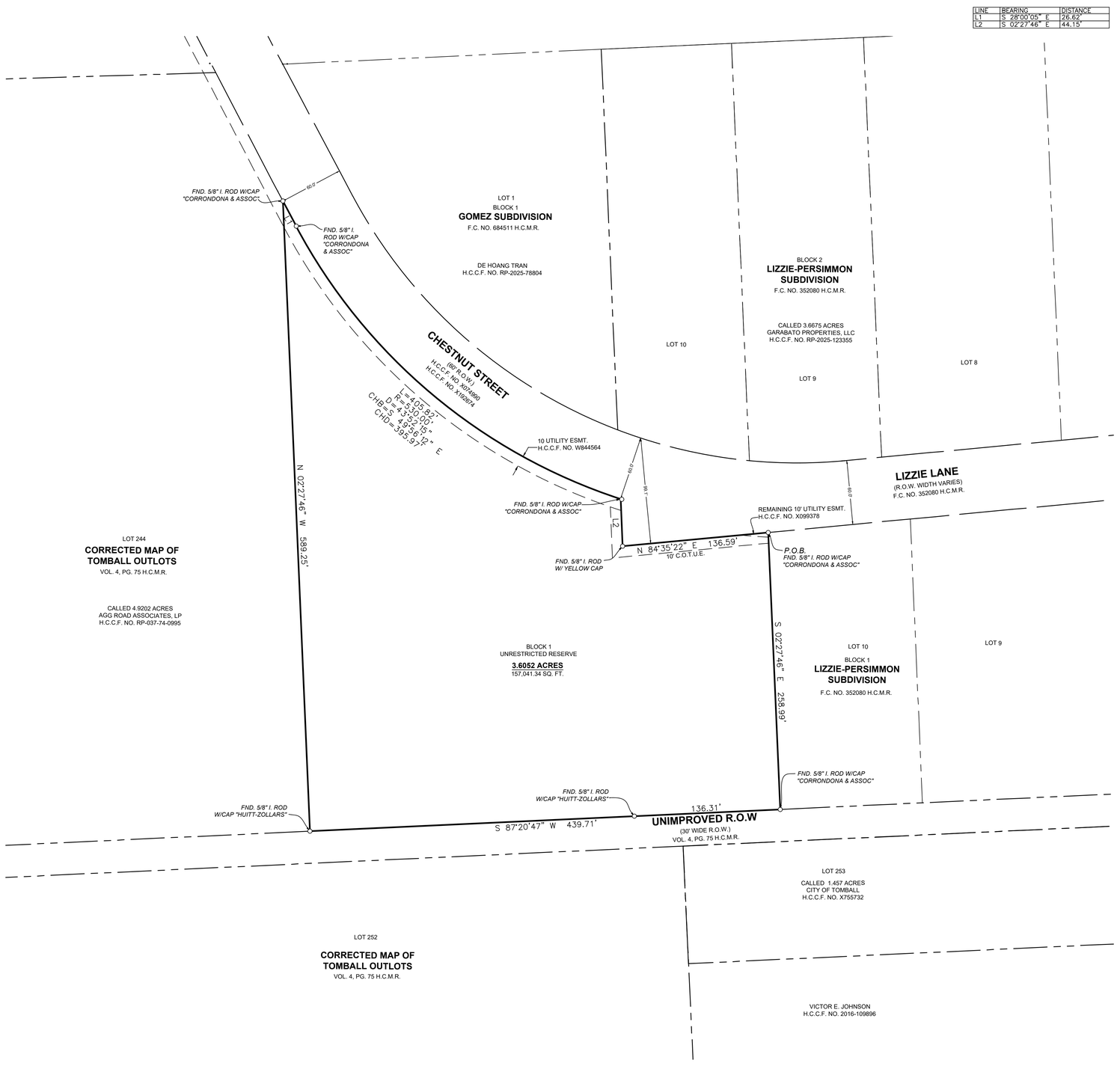
_____
TENESHIA HUDSPETH
COUNTY CLERK
OF HARRIS COUNTY

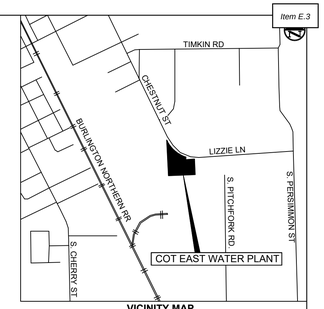
BY: _____
DEPUTY

I, SEAN CONLEY, AM REGISTERED UNDER THE LAWS OF THE STATE OF TEXAS TO PRACTICE THE PROFESSION OF SURVEYING AND HEREBY CERTIFY THAT THE ABOVE SUBDIVISION IS TRUE AND CORRECT; WAS PREPARED FROM AN ACTUAL SURVEY OF THE PROPERTY MADE UNDER MY SUPERVISION ON THE GROUND; THAT ALL BOUNDARY CORNERS, ANGLE POINTS, POINTS OF CURVATURE, AND OTHER POINTS OF REFERENCE HAVE BEEN MARKED WITH IRON (OR OTHER SUITABLE PERMANENT METAL) PIPES OR RODS HAVING AN OUTSIDE DIAMETER OF NOT LESS THAN FIVE-EIGHTHS INCH AND A LENGTH OF NOT LESS THAN THREE FEET; AND THAT THE PLAT BOUNDARY CORNERS HAVE BEEN TIED TO THE NEAREST SURVEY CORNER.

_____
SEAN CONLEY
TEXAS REGISTRATION NUMBER 6739

STATE OF TEXAS
REGISTERED
SEAN CONLEY
6739
PROFESSIONAL
LAND SURVEYOR





VICINITY MAP
NOT TO SCALE
KEY MAP NO. 4772A

LEGEND

C.O.T.U.E.	CITY OF TOMBALL UTILITY EASEMENT
ESMT.	EASEMENT
F.C. NO.	FILM CODE NUMBER
FND.	FOUND
I.	IRON
H.C.C.F. NO.	HARRIS COUNTY CLERK FILE NUMBER
H.C.M.R.	HARRIS COUNTY MAP RECORDS
PG.	PAGE
P.O.B.	POINT OF BEGINNING
R.O.W.	RIGHT OF WAY
SQ. FT.	SQUARE FEET
VOL.	VOLUME

NOTES

1. BEARING ORIENTATION IS BASED ON THE TEXAS COORDINATE SYSTEM OF 1983, SOUTH CENTRAL ZONE.
2. ACCORDING TO FEMA FIRM MAPS, THIS PROPERTY LIES IN UNSHADED ZONE X (AREA OF MINIMAL FLOOD HAZARD) ACCORDING TO FLOOD INSURANCE RATE MAP FOR HARRIS COUNTY UNINCORPORATED AREAS, MAP NUMBER 48201C0230L, DATED EFFECTIVE 06/18/2007.
3. THIS SURVEY WAS MADE IN RELIANCE OF THAT CERTAIN CITY PLANNING LETTER ISSUED BY FIDELITY NATIONAL TITLE, ORDER NO. FAHCS25008020, DATED EFFECTIVE AUGUST 20, 2025.
4. PUBLIC EASEMENTS DENOTED ON THIS PLAT ARE HEREBY DEDICATED TO THE PUBLIC FOREVER. ANY PUBLIC UTILITY, INCLUDING THE CITY OF TOMBALL, SHALL HAVE THE RIGHT AT ALL TIMES, OF INGRESS AND EGRESS TO AND FROM AND UPON SAID EASEMENTS FOR THE PURPOSE OF CONSTRUCTION, RECONSTRUCTION, INSPECTION, PATROLLING, MAINTAINING AND ADDING TO OR REMOVING ALL OR PART OF ITS RESPECTIVE SYSTEMS WITHOUT THE NECESSITY OF ANY TIME OF PROCURING THE PERMISSION OF THE PROPERTY OWNER. ANY PUBLIC UTILITY, INCLUDING THE CITY OF TOMBALL, SHALL HAVE THE RIGHT TO MOVE AND KEEP MOVED ALL OR PART OF ANY BUILDING, FENCES, TREES, SHRUBS, OTHER GROWTHS OR IMPROVEMENTS THAT IN ANY WAY ENDANGER OR INTERFERE WITH THE CONSTRUCTION, MAINTENANCE OR EFFICIENCY OF ITS RESPECTIVE SYSTEMS ON ANY OF THE EASEMENTS SHOWN ON THIS PLAT. NEITHER THE CITY OF TOMBALL NOR ANY OTHER PUBLIC UTILITY SHALL BE RESPONSIBLE FOR ANY DAMAGES TO PROPERTY WITHIN AN EASEMENT ARISING OUT OF THE REMOVAL OR RELOCATION OF ANY OBSTRUCTION IN THE PUBLIC EASEMENT.
5. ALL OIL/GAS PIPELINES OR PIPELINE EASEMENTS WITH OWNERSHIP THROUGH THE SUBDIVISION HAVE BEEN SHOWN.
6. ALL OIL/GAS WELLS WITH OWNERSHIP (PLUGGED, ABANDONED, AND/OR ACTIVE) THROUGH THE SUBDIVISION HAVE BEEN SHOWN.
7. NO BUILDING OR STRUCTURE SHALL BE CONSTRUCTED ACROSS ANY PIPELINES, BUILDING LINES, AND/OR EASEMENTS. BUILDING SETBACK LINES WILL BE REQUIRED ADJACENT TO OIL/GAS PIPELINES. THE SETBACKS AT A MINIMUM SHOULD BE 15 FEET OFF CENTERLINE OF LOW PRESSURE GAS LINES, AND 30 FEET OFF CENTERLINE OF HIGH PRESSURE GAS LINES.
8. THIS PLAT DOES NOT ATTEMPT TO AMEND OR REMOVE ANY VALID COVENANTS OR RESTRICTIONS.
9. A TEN FOOT WIDE CITY OF TOMBALL UTILITY EASEMENT IS HEREBY DEDICATED TO THIS PLAT AND IS CENTERED ON THE GAS MAIN EXTENSION FROM THE CITY OF TOMBALL RIGHT-OF-WAY OR CITY OF TOMBALL UTILITY EASEMENT UP TO AND AROUND THE GAS METER.

COT EAST WATER PLANT

A SUBDIVISION OF
3.6052 ACRES OR 157,041.34 SQ. FT
AND REPLAT OF LOT 245 OF CORRECTED
MAP OF TOMBALL OUTLOTS, AND LOT 11, BLOCK 1 OF
LIZZIE-PERSIMMON SUBDIVISION,
SITUATED IN THE
JESSE PRUITT SURVEY, ABSTRACT NO. 629
CITY OF TOMBALL
HARRIS COUNTY, TEXAS

REASON FOR REPLAT: CREATE 1 RESERVE,
REMOVE BUILDING LINES ON LOT 11

SCALE: 1" = 50'
DATE: SEPTEMBER, 2025

OWNER:
CITY OF TOMBALL
401 WEST MARKET STREET
TOMBALL, TEXAS 77375

SURVEYOR

CONLEY LAND SERVICES, LLC
18635 NORTH ELDRIDGE PARKWAY, SUITE 101
TOMBALL, TX 77377
TEL. (832) 729-4997
CONLEYLAND.COM
TBPELS FIRM NO. 10194732

JOB NO. 25.0142

Planning & Zoning Commission
Agenda Item
Data Sheet

Meeting Date: November 10, 2025

Topic:

Minor Plat of **Gutierrez Estate:** A subdivision of 1.3384 acres or, (58,301.84 Square Feet), of land, situated in the Elizabeth Smith Survey, Abstract No. 70, City of Tomball, and being situated in outlot 391 Tomball Townsite Elizabeth Smith Survey, Abstract 70, City of Tomball, Harris County, Texas.

Background:

Origination:

Recommendation:

Staff Approved (For informational purposes only).

Party(ies) responsible for placing this item on agenda: Benjamin Lashley, Assistant City Planner

FUNDING (IF APPLICABLE)

Are funds specifically designated in the current budget for the full amount required for this purpose?

Yes: _____ No: _____ If yes, specify Account Number: #

If no, funds will be transferred from account: # To Account: #

Signed: _____ **Approved by:** _____
Staff Member Date City Manager Date

CITY OF TOMBALL

Plat Name: Gutierrez Estate Plat Type: Minor

Construction Drawings for Public Facilities required? Yes [ ] No [X] N/A [ ]

Plat within City Limits [X] Within Extraterritorial Jurisdiction [ ]

Planning and Zoning Commission Meeting Date: November 10, 2025

The above Plat has been reviewed for compliance with existing Ordinances of the City of Tomball, Texas. Based on this review, the Community Development Department and Engineering Division approved this minor plat at the administrative level.

STATE OF TEXAS
COUNTY OF HARRIS

WE, JUAN CARLOS GUTIERREZ SANCHEZ AND CRISTINA MANDUJANO, OWNER IN THIS SECTION AFTER REFERRED TO AS OWNERS OF THE 1.3384 ACRE TRACT DESCRIBED IN THE ABOVE AND FOREGOING PLAT OF GUTIERREZ ESTATE, DO HEREBY MAKE AND ESTABLISH SAID SUBDIVISION OF SAID PROPERTY ACCORDING TO ALL LIENS, DEDICATIONS, RESTRICTIONS AND NOTATIONS ON SAID PLAT AND HEREBY DEDICATE TO THE USE OF THE PUBLIC FOREVER, ALL STREETS, ALLEYS, PARKS,WATERCOURSES, DRAINS, EASEMENTS, AND PUBLIC PLACES SHOWN THEREON FOR THE PURPOSES AND CONSIDERATIONS THEREIN EXPRESSED; AND DO HEREBY BIND OR OURSELVES, OUR HEIRS, SUCCESSORS AND ASSIGNS TO WARRANT AND FOREVER DEFEND THE TITLE TO THE LAND SO DEDICATED.

FURTHER, OWNERS HAVE DEDICATED AND BY THESE PRESENTS DO DEDICATE TO THE USE OF THE PUBLIC FOR PUBLIC UTILITY PURPOSES FOREVER AN UNOBSTRUCTED AERIAL EASEMENT FIVE FEET IN WIDTH FROM A PLANE 20 FEET ABOVE THE GROUND LEVEL UPWARD, LOCATED ADJACENT TO ALL PUBLIC UTILITY EASEMENTS SHOWN HEREON.

FURTHER, OWNERS DO HEREBY COVENANT AND AGREE THAT ALL OF THE PROPERTY WITHIN THE BOUNDARIES OF THIS PLAT SHALL BE RESTRICTED TO PROVIDE THAT DRAINAGE STRUCTURES UNDER PRIVATE DRIVEWAYS SHALL HAVE A NET DRAINAGE OPENING AREA OF SUFFICIENT SIZE TO PERMIT THE FREE FLOW OF WATER WITHOUT BACKWATER AND IN NO INSTANCE HAVE A DRAINAGE OPENING OF LESS THAN ONE AND THREE QUARTERS SQUARE FEET (18-INCH DIAMETER) WITH CULVERTS OR BRIDGES TO BE PROVIDED FOR ALL PRIVATE DRIVEWAYS OR WALKWAYS CROSSING SUCH DRAINAGE FACILITIES.

FURTHER, OWNERS DO HEREBY DEDICATE TO THE PUBLIC A STRIP OF LAND 15-FEET WIDE ON EACH SIDE OF THE CENTERLINE OF ANY AND ALL BAYOUS, CREEKS, GULLIES, RAVINES, DRAWS, SLOUGHS, OR OTHER NATURAL DRAINAGE COURSES LOCATED AND DEPICTED UPON IN SAID PLAT, AS EASEMENTS FOR DRAINAGE PURPOSES, GIVING THE CITY OF TOMBALL, HARRIS COUNTY, OR ANY OTHER GOVERNMENTAL AGENCY, THE RIGHT TO ENTER UPON SAID EASEMENT AT ANY AND ALL TIMES FOR THE PURPOSE OF CONSTRUCTION AND MAINTENANCE OF DRAINAGE FACILITIES AND STRUCTURES. FURTHER, OWNERS CERTIFY AND COVENANT THAT THEY HAVE COMPLIED WITH, OR WILL COMPLY WITH, EXISTING HARRIS COUNTY ROAD LAW, SECTION 3.1-C AS AMENDED BY CHAPTER 614, ACTS OF 1973, 63RD LEGISLATURE AND ALL OTHER REGULATIONS HERETOFORE ON FILE WITH THE HARRIS COUNTY ENGINEER AND ADOPTED BY THE COMMISSIONERS COURT OF HARRIS COUNTY.

FURTHER, OWNERS DO HEREBY COVENANT AND AGREE THAT ALL OF THE PROPERTY WITHIN THE BOUNDARIES OF THIS PLAT AND ADJACENT TO ANY DRAINAGE EASEMENT, DITCH, GULLY, CREEK, OR NATURAL DRAINAGEWAY SHALL HEREBY BE RESTRICTED TO KEEP SUCH DRAINAGEWAYS AND EASEMENTS CLEAR OF FENCES, BUILDINGS, PLANTING, AND OTHER OBSTRUCTIONS TO THE OPERATION AND MAINTENANCE OF THE DRAINAGE FACILITY AND THAT SUCH ABUTTING PROPERTY SHALL NOT BE PERMITTED TO DRAIN DIRECTLY INTO THIS EASEMENT, EXCEPT BY MEANS OF AN APPROVED DRAINAGE STRUCTURE.

WITNESS OR OUR HAND IN THE CITY OF TOMBALL, TEXAS, THIS ___ DAY OF _____, 202__.

BY:_____
JUAN CARLOS GUTIERREZ SANCHEZ, OWNER

BY:_____
CRISTINA MANDUJANO, OWNER

STATE OF TEXAS
COUNTY OF HARRIS

BEFORE ME, THE UNDERSIGNED AUTHORITY, ON THIS DAY PERSONALLY APPEARED JUAN CARLOS GUTIERREZ SANCHEZ, KNOWN TO ME TO BE THE PERSON(S) WHOSE NAME(S) ARE SUBSCRIBED TO THE FOREGOING INSTRUMENT AND ACKNOWLEDGE TO ME THAT THEY EXECUTED THE SAME FOR THE PURPOSES AND CONSIDERATIONS THEREIN EXPRESSED AND IN THE CAPACITY THEREIN AND HEREIN STATED.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, THIS _____ DAY OF _____, 202___.

_____
NOTARY PUBLIC IN AND FOR THE STATE OF TEXAS

_____
PRINT NAME

MY COMMISSION EXPIRES: _____

STATE OF TEXAS
COUNTY OF HARRIS

BEFORE ME, THE UNDERSIGNED AUTHORITY, ON THIS DAY PERSONALLY APPEARED CRISTINA MANDUJANO, KNOWN TO ME TO BE THE PERSON(S) WHOSE NAME(S) ARE SUBSCRIBED TO THE FOREGOING INSTRUMENT AND ACKNOWLEDGE TO ME THAT THEY EXECUTED THE SAME FOR THE PURPOSES AND CONSIDERATIONS THEREIN EXPRESSED AND IN THE CAPACITY THEREIN AND HEREIN STATED.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, THIS _____ DAY OF _____, 202___.

_____
NOTARY PUBLIC IN AND FOR THE STATE OF TEXAS

_____
PRINT NAME

MY COMMISSION EXPIRES: _____

STATE OF TEXAS
COUNTY OF HARRIS

WE, HOUSTON CAPITAL MORTGAGE, OWNER AND HOLDER OF A LIEN (OR LIENS) AGAINST THE PROPERTY DESCRIBED IN THE PLAT KNOWN AS GUTIERREZ ESTATE, SAID LIEN (OR LIENS) BEING EVIDENCED BY INSTRUMENT OF RECORD IN THE CLERK'S FILE NO. RP-2017-131097 OF THE O.P.R.O.R.P. OF HARRIS COUNTY, TEXAS, DO HEREBY IN ALL THINGS SUBORDINATE OUR INTEREST IN SAID PROPERTY TO THE PURPOSES AND EFFECTS OF SAID PLAT AND THE DEDICATIONS AND RESTRICTIONS SHOWN HEREIN TO SAID SUBDIVISION PLAT AND I (OR WE) HEREBY CONFIRM THAT I AM (OR WE ARE) THE PRESENT OWNER (OR OWNERS OF SAID LIEN (OR LIENS) AND HAVE NOT ASSIGNED THE SAME NOR ANY PART THEREOF.

BY: _____

_____
PRINT NAME AND TITLE

STATE OF TEXAS
COUNTY OF HARRIS

BEFORE ME, THE UNDERSIGNED AUTHORITY, ON THIS DAY PERSONALLY APPEARED _____, KNOWN TO ME TO BE THE PERSON(S) WHOSE NAME(S) ARE SUBSCRIBED TO THE FOREGOING INSTRUMENT AND ACKNOWLEDGE TO ME THAT THEY EXECUTED THE SAME FOR THE PURPOSES AND CONSIDERATIONS THEREIN EXPRESSED AND IN THE CAPACITY THEREIN AND HEREIN STATED.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, THIS _____ DAY OF _____, 202___.

_____
NOTARY PUBLIC IN AND FOR THE STATE OF TEXAS

_____
PRINT NAME

MY COMMISSION EXPIRES: _____

STATE OF TEXAS
COUNTY OF HARRIS

THIS IS TO CERTIFY THAT THE PLANNING AND ZONING COMMISSION OF THE CITY OF TOMBALL, TEXAS HAS APPROVED THIS PLAT AND SUBDIVISION OF GUTIERREZ ESTATE IS IN CONFORMANCE WITH THE LAWS OF THE STATE AND THE ORDINANCES OF THE CITY AS SHOWN HEREON AND AUTHORIZED THE RECORDING OF THIS PLAT THIS _____ DAY OF _____, 202__.

_____
CRAIG T. MEYERS, COMMUNITY
DEVELOPMENT DIRECTOR

STATE OF TEXAS
COUNTY OF HARRIS

I, TENESHIA HUDSPETH, COUNTY CLERK OF HARRIS COUNTY, TEXAS, DO HEREBY CERTIFY THAT THE WITHIN INSTRUMENT WITH ITS CERTIFICATE OF AUTHENTICATION WAS FILED FOR REGISTRATION IN MY OFFICE ON _____, 202__ AT _____ O'CLOCK __M., AND DULY RECORDED ON _____, 202__, AT _____ O'CLOCK __M., AND AT FILM CODE NUMBER _____ OF THE MAP RECORDS OF HARRIS COUNTY FOR SAID COUNTY.

WITNESS MY HAND AND SEAL OF OFFICE, AT HARRIS COUNTY, TEXAS, THE DAY AND DATE LAST ABOVE WRITTEN.

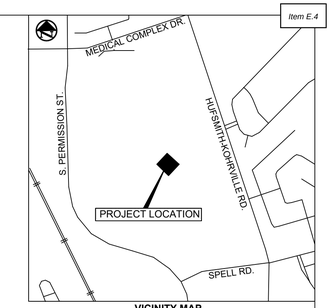
_____
TENESHIA HUDSPETH
COUNTY CLERK
OF HARRIS COUNTY

BY: _____
DEPUTY

NOTES

1. BEARING ORIENTATION IS BASED ON THE TEXAS COORDINATE SYSTEM OF 1983, SOUTH CENTRAL ZONE.
2. ACCORDING TO FEMA FIRM MAPS, THIS PROPERTY LIES IN UNSHADED ZONE X (AREA OF MINIMAL FLOOD HAZARD) ACCORDING TO FLOOD INSURANCE RATE MAP FOR HARRIS COUNTY UNINCORPORATED AREAS, MAP NUMBER 48201C0230L, DATED EFFECTIVE 06/18/2007.
3. THIS SURVEY WAS MADE IN RELIANCE OF THAT CERTAIN CITY PLANNING LETTER ISSUED BY FIDELITY NATIONAL TITLE, ORDER NO. FAHCS25007708, DATED EFFECTIVE JULY 23, 2025.
4. PUBLIC EASEMENTS DENOTED ON THIS PLAT ARE HEREBY DEDICATED TO THE PUBLIC FOREVER. ANY PUBLIC UTILITY, INCLUDING THE CITY OF TOMBALL, SHALL HAVE THE RIGHT AT ALL TIMES, OF INGRESS AND EGRESS TO AND FROM AND UPON SAID EASEMENTS FOR THE PURPOSE OF CONSTRUCTION, RECONSTRUCTION, INSPECTION, PATROLLING, MAINTAINING AND ADDING TO OR REMOVING ALL OR PART OF ITS RESPECTIVE SYSTEMS WITHOUT THE NECESSITY OF ANY TIME OF PROCURING THE PERMISSION OF THE PROPERTY OWNER. ANY PUBLIC UTILITY, INCLUDING THE CITY OF TOMBALL, SHALL HAVE THE RIGHT TO MOVE AND KEEP MOVED ALL OR PART OF ANY BUILDING, FENCES, TREES, SHRUBS, OTHER GROWTHS OR IMPROVEMENTS THAT IN ANY WAY ENDANGER OR INTERFERE WITH THE CONSTRUCTION, MAINTENANCE OR EFFICIENCY OF ITS RESPECTIVE SYSTEMS ON ANY OF THE EASEMENTS SHOWN ON THIS PLAT. NEITHER THE CITY OF TOMBALL NOR ANY OTHER PUBLIC UTILITY SHALL BE RESPONSIBLE FOR ANY DAMAGES TO PROPERTY WITHIN AN EASEMENT ARISING OUT OF THE REMOVAL OR RELOCATION OF ANY OBSTRUCTION IN THE PUBLIC EASEMENT.
5. ALL OIL/GAS PIPELINES OR PIPELINE EASEMENTS WITH OWNERSHIP THROUGH THE SUBDIVISION HAVE BEEN SHOWN.
6. ALL OIL/GAS WELLS WITH OWNERSHIP (PLUGGED, ABANDONED, AND/OR ACTIVE) THROUGH THE SUBDIVISION HAVE BEEN SHOWN.
7. NO BUILDING OR STRUCTURE SHALL BE CONSTRUCTED ACROSS ANY PIPELINES, BUILDING LINES, AND/OR EASEMENTS. BUILDING SETBACK LINES WILL BE REQUIRED ADJACENT TO OIL/GAS PIPELINES. THE SETBACKS AT A MINIMUM SHOULD BE 15 FEET OFF CENTERLINE OF LOW PRESSURE GAS LINES, AND 30 FEET OFF CENTERLINE OF HIGH PRESSURE GAS LINES.
8. THIS PLAT DOES NOT ATTEMPT TO AMEND OR REMOVE ANY VALID COVENANTS OR RESTRICTIONS.
9. A TEN FOOT WIDE CITY OF TOMBALL UTILITY EASEMENT IS HEREBY DEDICATED TO THIS PLAT AND IS CENTERED ON THE GAS MAIN EXTENSION FROM THE CITY OF TOMBALL RIGHT-OF-WAY OR CITY OF TOMBALL UTILITY EASEMENT UP TO AND AROUND THE GAS METER.

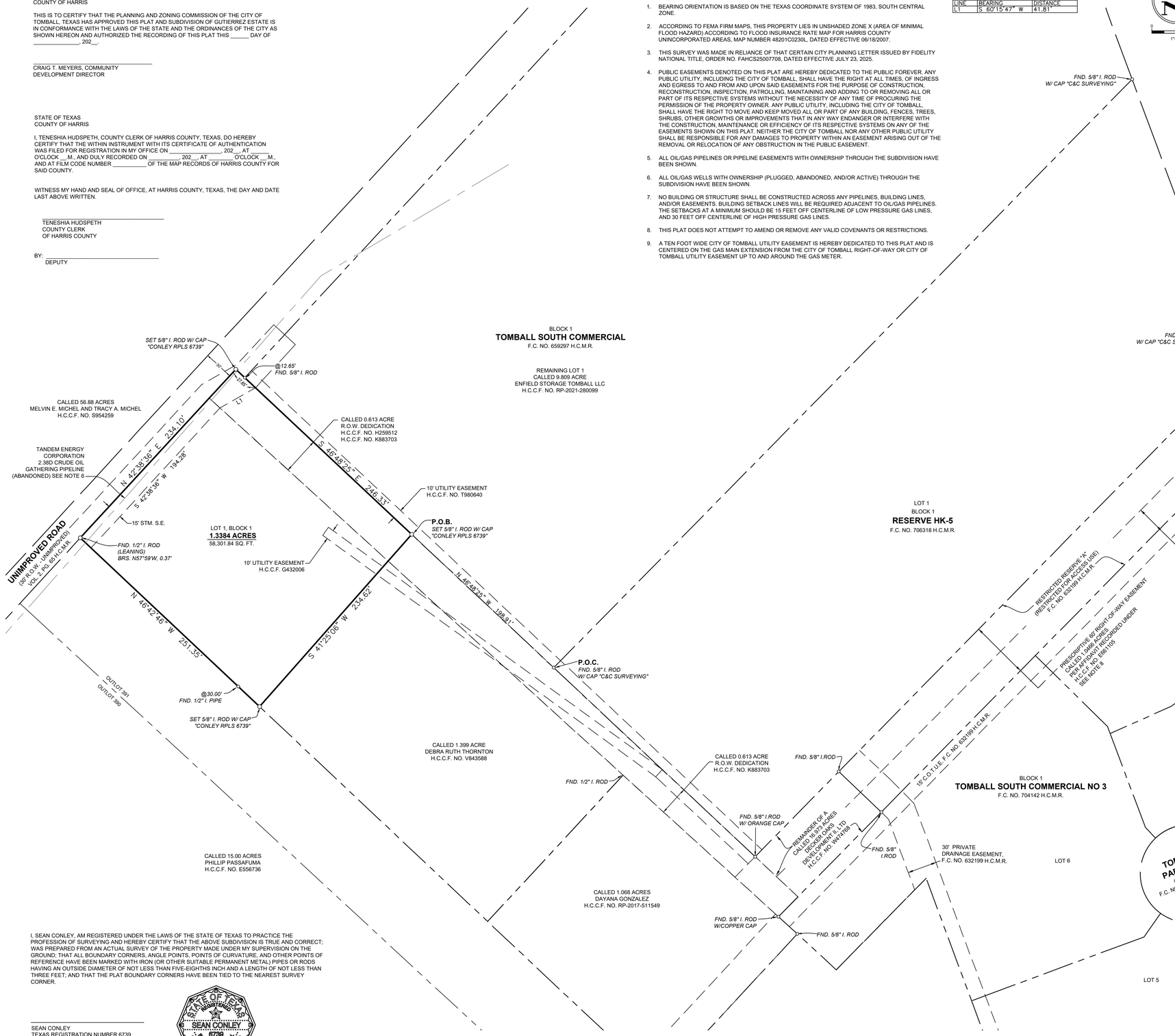
LINE	BEARING	DISTANCE
L1	S 60°15'47" W	41.81'



VICINITY MAP
NOT TO SCALE

LEGEND

C.O.T.U.E.	CITY OF TOMBALL UTILITY EASEMENT
F.C. NO.	FILM CODE NO.
FND.	FOUND
H.C.C.F.	HARRIS COUNTY CLERK'S FILE
H.C.M.R.	HARRIS COUNTY MAP RECORDS
I.	IRON
PG.	PAGE
P.O.B.	POINT OF BEGINNING
P.O.C.	POINT OF COMMENCING
R.O.W.	RIGHT-OF-WAY
SQ. FT.	SQUARE FEET
STM.S.E.	STORM SEWER EASEMENT
U.E.	UTILITY EASEMENT
VOL.	VOLUME



GUTIERREZ ESTATE

A SUBDIVISION OF 1.3384 ACRES OR 58,301.84 SQ. FT OF LAND
SITUATED IN THE ELIZABETH SMITH SURVEY,
ABSTRACT NO. 70, CITY OF TOMBALL, AND BEING SITUATED
IN OUTLOT 391, TOMBALL TOWNSITE
ELIZABETH SMITH SURVEY, ABSTRACT 70
CITY OF TOMBALL, TEXAS
HARRIS COUNTY, TEXAS

1 BLOCK 1 LOT

REASON FOR REPLAT: TO CREATE 1 BLOCK AND 1 LOT

SCALE: 1"=50' DATE: SEPTEMBER 2025

OWNER:
JUAN CARLOS GUTIERREZ SANCHEZ &
CRISTINA MANDUJANO
21519 HUFSMITH KOHRVILLE
TOMBALL, TX 77375

I, SEAN CONLEY, AM REGISTERED UNDER THE LAWS OF THE STATE OF TEXAS TO PRACTICE THE PROFESSION OF SURVEYING AND HEREBY CERTIFY THAT THE ABOVE SUBDIVISION IS TRUE AND CORRECT; WAS PREPARED FROM AN ACTUAL SURVEY OF THE PROPERTY MADE UNDER MY SUPERVISION ON THE GROUND; THAT ALL BOUNDARY CORNERS, ANGLE POINTS, POINTS OF CURVATURE, AND OTHER POINTS OF REFERENCE HAVE BEEN MARKED WITH IRON (OR OTHER SUITABLE PERMANENT METAL) PIPES OR RODS HAVING AN OUTSIDE DIAMETER OF NOT LESS THAN FIVE-EIGHTHS INCH AND A LENGTH OF NOT LESS THAN THREE FEET; AND THAT THE PLAT BOUNDARY CORNERS HAVE BEEN TIED TO THE NEAREST SURVEY CORNER.

_____
SEAN CONLEY
TEXAS REGISTRATION NUMBER 6739

STATE OF TEXAS
REGISTERED
SEAN CONLEY
6739
PROFESSIONAL
LAND SURVEYOR

SURVEYOR:
CONLEY LAND SERVICES, LLC
18635 N. ELDRIDGE PARKWAY, STE 101
TOMBALL, TX 77377
TEL: 832-729-4997
TBPELS FIRM NO. 10194732

JOB NO. 24.0113
SHEET 1 OF 1

Planning & Zoning Commission
Agenda Item
Data Sheet

Meeting Date: November 10, 2025

Topic:

Minor Plat of **Burns Commercial:** Being 0.1148 acre, (4,999.98 Square Feet), tract of land, situated in the William Hurd Survey, A-371, Harris County, Texas, being a replat of Lots 1 & 2, in Block 18, of the Revised Map of Tomball as recorded in Volume 4, Page 25, of the Map Records of Harris County, Texas.

Background:

Origination:

Recommendation:

Staff Approved (For informational purposes only).

Party(ies) responsible for placing this item on agenda: Benjamin Lashley, Assistant City Planner

FUNDING (IF APPLICABLE)

Are funds specifically designated in the current budget for the full amount required for this purpose?

Yes: _____ No: _____ If yes, specify Account Number: #_____

If no, funds will be transferred from account: #_____ To Account: #

Signed: _____ **Approved by:** _____
Staff Member Date City Manager Date

CITY OF TOMBALL

Plat Name: Burns Commercial Plat Type: Minor

Construction Drawings for Public Facilities required? Yes [ ] No [X] N/A [ ]

Plat within City Limits [X] Within Extraterritorial Jurisdiction [ ]

Planning and Zoning Commission Meeting Date: November 10, 2025

The above Plat has been reviewed for compliance with existing Ordinances of the City of Tomball, Texas. Based on this review, the Community Development Department and Engineering Division approved this minor plat at the administrative level.

THE STATE OF TEXAS

COUNTY OF HARRIS

We, MRB Commercial Holdings, LLC - Series A and MRB Commercial Holdings - Series B, acting by and through Michael J. Burns, their Managing Member, owners hereinafter referred to as owner of the 0.1148 acre tract described in the above and foregoing plat of BURNS COMMERCIAL, do hereby make and establish said subdivision of said property according to all liens, dedications, restrictions and notations on said plat and hereby dedicate to the use of the public forever, all streets, alleys, parks, watercourses, drains, easements, and public places shown thereon for the purposes and considerations therein expressed; and do hereby bind ourselves, our heirs, successors and assigns to warrant and forever defend the title to the land so dedicated.

FURTHER, owner has dedicated and by these presents does dedicate to the use of the public for public utility purposes forever an unobstructed aerial easement five feet (5') in width from a plane twenty feet (20') above the ground level upward, located adjacent to all public utility easements shown hereon.

FURTHER, owner does hereby dedicate to the public a strip of land fifteen feet (15') wide on each side of the center line of any and all bayous, creeks, gullies, ravines, draws, sloughs, or other natural drainage courses located and depicted upon in said plat, as easements for drainage purposes, giving the City of Tomball, Harris County, or any other governmental agency, the right to enter upon said easement at any and all times for the purpose of construction and maintenance of drainage facilities and structures.

FURTHER, owner does hereby covenant and agree that all of the property within the boundaries of this plat and adjacent to any drainage easement, ditch, gully, creek, or natural drainage way shall hereby be restricted to keep such drainage ways and easements clear of fences, buildings, planting, and other obstructions to the operation and maintenance of the drainage facility and that such abutting property shall not be permitted to drain directly into this easement, except by means of an approved drainage structure.

IN TESTIMONY WHEREOF, MRB Commercial Holdings, LLC - Series A and MRB Commercial Holdings - Series B has caused these presents to be signed by Michael J. Burns, its Managing Member, thereunto authorized, this _____ day of _____, 202__.

MRB Commercial Holdings, LLC - Series A and
MRB Commercial Holdings - Series B

By:_____
MICHAEL J. BURNS
Managing Member

THE STATE OF TEXAS

COUNTY OF _____

BEFORE ME, the undersigned authority, on this day personally appeared Michael J. Burns, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same for the purposes and considerations therein expressed, and in the capacity therein and herein stated.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, this ____ day of _____, 202__.

_____
Notary Public in and for the State of Texas

My Commission Expires: _____

This is to certify that the Planning and Zoning Commission of the City of Tomball, Texas, has approved this plat and subdivision of BURNS COMMERCIAL in conformance with the laws of the State of Texas and the ordinances of the City of Tomball as shown hereon and authorized the recording of this plat

this ____ day of _____, 202__.

By:_____
Craig Meyers,
Director of Community Development

Harris County Clerk Certificate of Filing:

I, Teneshia Hudspeth, County Clerk of Harris County, Texas, do hereby certify that the within instrument with its certificate of authentication was filed for registration in my office on _____, 202__, at _____o'clock __M., and duly recorded on _____, 202__, at _____o'clock __M., and at Film Code Number _____ of the Map Records of Harris County for said County.

Witness my hand and seal of office, at Houston, the day and date last above written.

_____
Teneshia Hudspeth
County Clerk
of Harris County, Texas

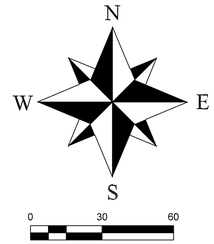
By:_____
Deputy

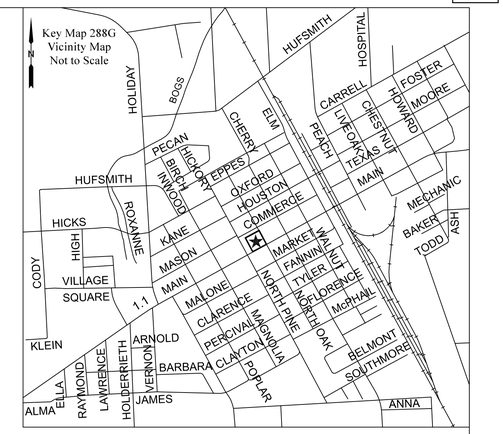
I, Steven L. Crews, am authorized under the laws of the State of Texas to practice the profession of surveying and hereby certify that the above subdivision is true and correct; was prepared from an actual survey of the property made under my supervision on the ground; that all boundary corners, angle points, points of curvature, and other points of reference not found have been marked with iron rods having an outside diameter of not less than three-quarter inch (3/4") and a length of not less than three feet (3'); and that the plat boundary corners have been tied to the nearest survey corner.

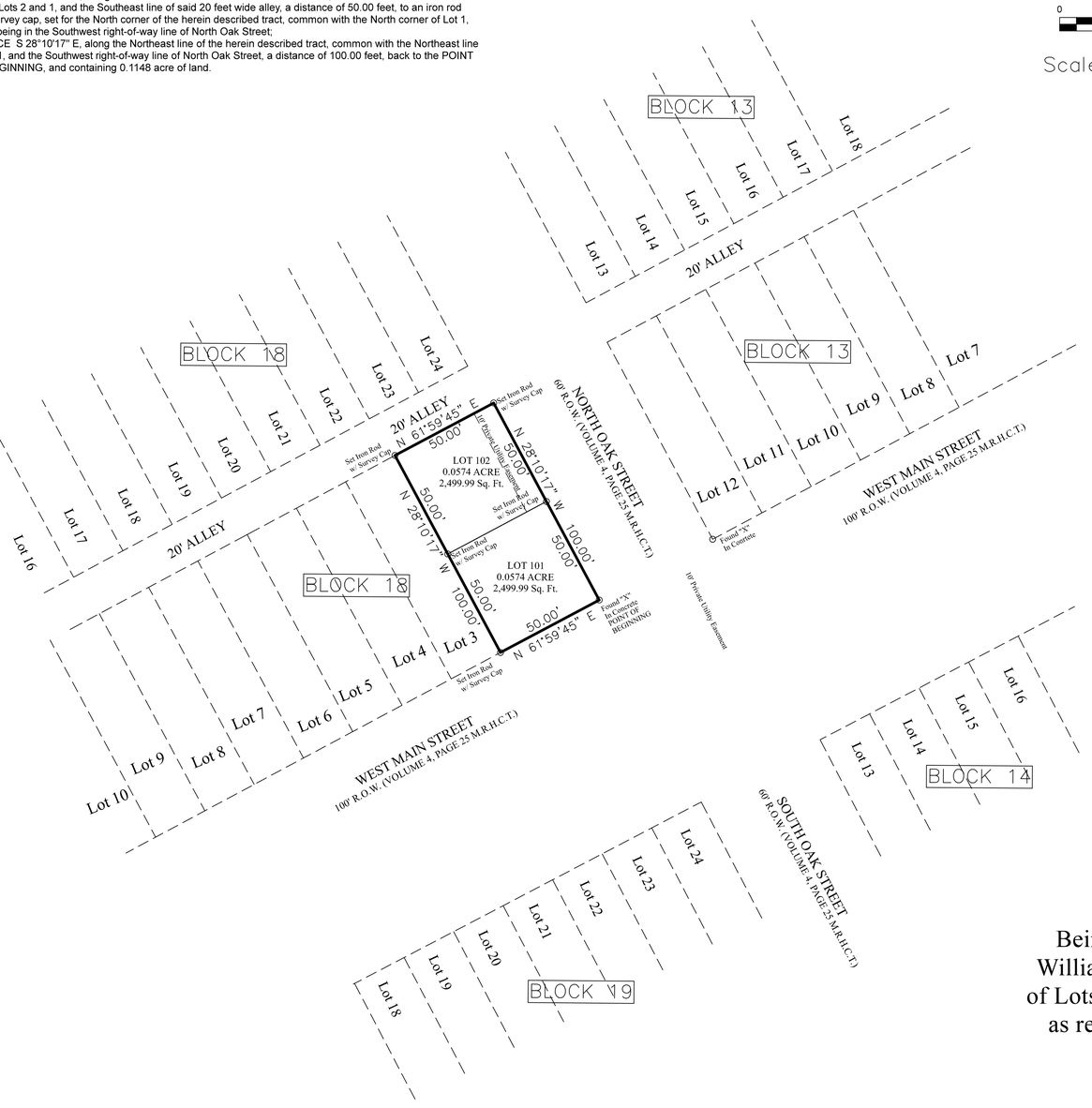
_____
Steven L. Crews
Texas Registration Number 4141

METES AND BOUNDS

Being a 0.1148 acre tract of land situated in the William Hurd Survey, Abstract Number 371, of Harris County, Texas, and being all of Lots 1 and 2 in Block 18, of the REVISED MAP OF TOMBALL, a subdivision recorded in Volume 4, Page 25, of the Map Records of Harris County, Texas; said 0.1148 acre being more particularly described as follows with all bearings based on Texas State Plane Coordinates, South Central Zone 4204, NAD83, GEOID 03;
BEGINNING at an "X" in concrete, found for the East corner of the herein described tract, common with the East corner of said Lot 1, same being at the intersection of the Southwest right-of-way line of North Oak Street, 60 feet wide, with the Northwest right-of-way line of West Main Street, 100 feet wide, and proceeding:
THENCE S 61°59'45" W, along the Southeast line of the herein described tract, common with the Southeast line of said Lots 1 and 2, and the Northwest right-of-way line of West Main Street, a distance of 50.00 feet, to an iron rod with survey cap, set for the South corner of the herein described tract, common with the South corner of Lot 2 and the East corner of Lot 3 in Block 18 of said subdivision;
THENCE N 28°10'17" W, along the Southwest line of the herein described tract, common with the Southwest line of Lot 2, and the Northeast line of said Lot 3, a distance of 100.00 feet, to an iron rod with survey cap, set for the West corner of the herein described tract, common with the West corner of Lot 2 and the North corner of Lot 3, same being in the Southeast line of a 20 feet wide alley of said subdivision;
THENCE N 61°59'45" E, along the Northwest line of the herein described tract, common with the Northwest line of Lots 2 and 1, and the Southeast line of said 20 feet wide alley, a distance of 50.00 feet, to an iron rod with survey cap, set for the North corner of the herein described tract, common with the North corner of Lot 1, same being in the Southwest right-of-way line of North Oak Street;
THENCE S 28°10'17" E, along the Northeast line of the herein described tract, common with the Northeast line of Lot 1, and the Southwest right-of-way line of North Oak Street, a distance of 100.00 feet, back to the POINT OF BEGINNING, and containing 0.1148 acre of land.







Notes:
Flood Information:
According to FEMA Firm Panel No. 48201C0230L (Effective Date June 18, 2007), this property is in Zone "X" and is not in the 0.2% Annual Chance Flood Plain.
1. All oil/gas pipelines or pipeline easements with ownership through the subdivision have been shown.
2. All oil/gas wells with ownership (plugged, abandoned, and/or active) through the subdivision have been shown.
3. No building or structure shall be constructed across any pipelines, building lines, and/or easements Building setback lines will be required adjacent to oil/gas pipelines. The setbacks at a minimum should be 15 feet off centerline of low pressure gas lines, and 30 feet off centerline of high pressure gas lines.
4. This plat does not attempt to amend or remove any valid restrictions or covenants.
5. A ten foot wide City of Tomball utility easement is hereby dedicated by this plat and is centered on the gas main extension from the City of Tomball right-of-way or City of Tomball utility easement up to and around the gas meter.
6. Public Easements:
Public Easements denoted on this plat are hereby dedicated to the public forever. Any public utility, including the City of Tomball, shall have the right at all times, of ingress and egress to and from and upon said easement for the purpose of construction, reconstruction, inspection, patrolling, maintaining and adding to or removing all or part of its respective systems without the necessity at any time of procuring the permission of the property owner. Any public utility, including the City of Tomball, shall have the right to move and keep moved all or part of any building, fences, trees, shrubs, other growths or improvements that in any way endanger or interfere with the construction, maintenance or efficiency of it's respective systems on any of the easements shown on this plat. Neither the City of Tomball nor any other public utility shall be responsible for any damages to property within an easement arising out of the removal or relocation of any obstruction in the public easement.
7.The coordinates shown hereon are Texas South Central Zone no. 4204 State Plane Grid Coordinates (NAD83), and may be brought to surface by applying the following combined scale 0.999946952028.
8. Zoning has been adopted in the City of Tomball and may have additional property development standards and setbacks. Please reference applicable City Ordinances.

D.R.H.C.T. = DEED RECORDS OF HARRIS COUNTY TEXAS
M.R.H.C.T. = MAP RECORDS OF HARRIS COUNTY TEXAS
R.P.R.H.C.T. = REAL PROPERTY RECORDS OF HARRIS COUNTY TEXAS
B.L. = BUILDING LINE
C.O.T.U.E. = UTILITY EASEMENT DEDICATED TO THE CITY OF TOMBALL.
CF NO. = CLERK'S FILE NUMBER
FC NO. = FILM CODE NUMBER
S.F. = SQUARE FEET

BURNS COMMERCIAL

Being 0.1148 acre (4,999.98 sq. ft.) tract of land situated in the William Hurd Survey, A-371, Harris County, Texas, being a replat of Lots 1 and 2, in Block 18, of the REVISED MAP OF TOMBALL as recorded in Volume 4, Page 25, of the Map Records of Harris County, Texas.

2 Lots, 1 Block

Owners:
MRB Commercial Holdings, LLC - Series A
MRB Commercial Holdings - Series B
Phone Number 713-898-8981
22739 Tomball Cemetery Road
Tomball, Texas 77377

Surveyor:
C & C Surveying Inc.
Firm Number 10009400
33300 Egypt Lane, Suite F200 Magnolia, Texas 77354
Office: 281-356-5172
survey@ccsurveying.com
www.ccsurveying.com

October 2025
Sheet 1 of 1
25-0281

Planning & Zoning Commission
Agenda Item
Data Sheet

Meeting Date: November 10, 2025

Topic:

Consideration to approve Final Plat of **New Telge Road Development:** A subdivision of 18.7393 acres, (816,286.30 Square Feet), Located in the John H. Edwards survey, abstract 20, City of Tomball, Harris County, Texas.

Background:

Origination:

Recommendation:

Staff Approved with Conditions

Party(ies) responsible for placing this item on agenda: Benjamin Lashley, Assistant City Planner

FUNDING (IF APPLICABLE)

Are funds specifically designated in the current budget for the full amount required for this purpose?

Yes: _____ No: _____ If yes, specify Account Number: #

If no, funds will be transferred from account: # To Account: #

Signed: _____ **Approved by:** _____
Staff Member Date City Manager Date

CITY OF TOMBALL

Plat Name: New Telge Road Development Plat Type: Final

Construction Drawings for Public Facilities required? Yes [X] No [ ] N/A [ ]

Plat within City Limits [X] Within Extraterritorial Jurisdiction [ ]

Planning and Zoning Commission Meeting Date: November 10, 2025

The above Plat has been reviewed for compliance with existing Ordinances of the City of Tomball, Texas. Based on this review, the following comments are presented to the Planning & Zoning Commission for consideration in the Platting Process:

The Community Development Department and Engineering Division approves this Plat with the following conditions.

- Engineered construction plans must be submitted to and approved by the City of Tomball, illustrating how all required public improvements associated with this development will be constructed (i.e. sanitary sewer and water main extensions to serve all lots within the subdivision).

- Prior to the recordation of this final subdivision plat all required public improvements associated with this development must be installed in accordance with the approved construction plans and/or suitable financial guarantee must be furnished to the city covering the overall costs of the remaining improvements as deemed acceptable by the City Engineer (Sec. 212.0106 of Texas Local Government Code).

METES AND BOUNDS

BEING 18.74–ACRES (816,286 SQUARE FEET) TRACT OF LAND SITUATED IN THE JOHN EDWARDS SURVEY, ABSTRACT NO. 20 AND CHAUNCEY GOODRICH SURVEY, ABSTRACT NO. 311, IN HARRIS COUNTY, TEXAS, BEING OUT OF THAT CERTAIN 130.971–ACRE TRACT OF LAND RECORDED UNDER COUNTY CLERK'S FILE NO. (C.C.F. NO.) T469927, OFFICIAL PUBLIC RECORDS, HARRIS COUNTY, TEXAS (O.P.R.H.C.T.), SAID 18.74–ACRES TRACT OF LAND BEING PREVIOUSLY RECORDED IN C.C.F. NO. RP–2017–242129, O.P.R.H.C.T., SAID 18.74–ACRES TRACT MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

COMMENCING AT A 5/8–INCH IRON ROD WITH YELLOW CAP FOUND IN THE NORTHERLY RIGHT–OF–WAY (R.O.W.) LINE OF FM 2920 ROAD (120 FOOT WIDE), BEING THE SOUTHEAST CORNER OF THAT CERTAIN TRACT OF LAND DESCRIBED AS 122–ACRES TRACT RECORDED UNDER C.C.F. NO. M463098 & P133167, O.P.R.H.C.T., AND THE SOUTHWEST CORNER OF THAT CERTAIN TRACT OF LAND DESCRIBED AS 0.023–ACRES TRACT RECORDED UNDER C.C.F. NO. U659556, O.P.R.H.C.T.;

THENCE (L1) SOUTH 89°16'00"EAST, WITH THE NORTHERLY R.O.W. LINE OF SAID FM 2920 ROAD, A DISTANCE OF 20.00 FEET TO A BENT 5/8–INCH IRON ROD FOUND FOR THE POINT OF BEGINNING, THE SOUTHEAST CORNER OF SAID 0.023–ACRES TRACT AND THE SOUTHEAST CORNER OF THE HEREIN DESCRIBED TRACT;

THENCE (L2) NORTH 00°38'17" WEST, WITH THE WEST LINE OF SAID 0.023–ACRES TRACT, A DISTANCE OF 50.00 FEET, TO A 5/8–INCH IRON ROD WITH CAP (DART) SET FOR THE NORTHEAST CORNER OF SAID 0.023–ACRES TRACT, AND AN INTERIOR ANGLE POINT OF THE HEREIN DESCRIBED TRACT;

THENCE (L3) NORTH 89°16'00" WEST, WITH THE NORTH LINE OF SAID 0.023–ACRES TRACT, A DISTANCE OF 20.00 FEET, TO A 5/8–INCH IRON ROD FOUND FOR THE NORTHWEST CORNER OF SAID 0.023–ACRES TRACT, AND AN EXTERIOR ANGLE POINT OF THE HEREIN DESCRIBED TRACT;

THENCE NORTH 00°38'17" WEST, WITH THE EAST LINE OF SAID 122–ACRES TRACT, A DISTANCE OF 1,286.87 FEET, TO THE SOUTHWEST CORNER OF THAT CERTAIN TRACT OF LAND DESCRIBED AS 31.159–ACRES TRACT RECORDED UNDER C.C.F. NO. V256093, O.P.R.H.C.T., AND THE NORTHWEST CORNER OF THE HEREIN DESCRIBED TRACT, FROM WHICH A 5/8–INCH IRON ROD FOUND BEARS NORTH – 0.57 FEET;

THENCE NORTH 88°59'50" EAST, WITH THE SOUTH LINE OF SAID 31.159–ACRES TRACT, A DISTANCE OF 630.10 FEET, TO THE NORTHWEST CORNER OF THAT CERTAIN TRACT OF LAND DESCRIBED AS LOT 1, OF FINAL PLAT SITEMAG AT TOMBALL, RECORDED IN FILM CODE NO. 700317, MAP RECORDS OF HARRIS COUNTY, TEXAS (M.R.H.C.T.), AND THE NORTHEAST CORNER OF THE HEREIN DESCRIBED TRACT, FROM WHICH A 5/8–INCH IRON ROD WITH CAP (TOMY SWANSON) FOUND BEARS NORTH – 0.58 FEET;

THENCE SOUTH 00°29'00" WEST, WITH THE WEST LINE OF SAID LOT 1, PASSING AT A DISTANCE OF 357.09 FEET, A 5/8–INCH IRON ROD WITH CAP (EIC) FOUND FOR AN ANGLE POINT OF SAID LOT 1, CONTINUING A TOTAL DISTANCE OF 706.25 FEET, TO A 5/8–INCH IRON ROD WITH ILLEGIBLE CAP FOUND FOR THE SOUTHWEST CORNER OF THAT CERTAIN TRACT OF LAND DESCRIBED AS 2.952–ACRES TRACT RECORDED UNDER C.C.F. NO. 20090443955, O.P.R.H.C.T., THE NORTHWEST CORNER THAT CERTAIN TRACT OF LAND DESCRIBED AS 0.636–ACRES TRACT RECORDED UNDER C.C.F. NO. U761658, O.P.R.H.C.T., AND AN ANGLE POINT OF THE HEREIN DESCRIBED TRACT;

STATE OF TEXAS
COUNTY OF HARRIS

WE, INTERNATIONAL COMMERCIAL DEVELOPMENT ENTERPRISE, LLC, A TEXAS LIMITED LIABILITY COMPANY, ACTING BY AND THROUGH SANTOS GONZALEZ GANOA, BEING OFFICERS OF INTERNATIONAL COMMERCIAL DEVELOPMENT ENTERPRISE, LLC, A TEXAS LIMITED LIABILITY COMPANY, OWNER (OR OWNERS) IN THIS SECTION AFTER REFERRED TO AS OWNERS (WHETHER ONE OR MORE) OF THE 18.7393 ACRE TRACT DESCRIBED IN THE ABOVE AND FOREGOING PLAT OF NEW TELGE ROAD DEVELOPMENT, DO HEREBY MAKE AND ESTABLISH SAID SUBDIVISION OF SAID PROPERTY ACCORDING TO ALL LIENS, DEDICATIONS, RESTRICTIONS AND NOTATIONS ON SAID PLAT AND HEREBY DEDICATE TO THE USE OF THE PUBLIC FOREVER, ALL STREETS, ALLEYS, PARKS, WATERCOURSES, DRAINS, EASEMENTS, AND PUBLIC PLACES SHOWN THEREON FOR THE PURPOSES AND CONSIDERATIONS THEREIN EXPRESSED; AND DO HEREBY BIND MYSELF (OR OURSELVES), MY (OR OUR) HEIRS, SUCCESSORS AND ASSIGNS TO WARRANT AND FOREVER DEFEND THE TITLE TO THE LAND SO DEDICATED.

FURTHER, OWNERS DO HEREBY COVENANT AND AGREE THAT ALL OF THE PROPERTY WITHIN THE BOUNDARIES OF THIS PLAT SHALL BE RESTRICTED TO PROVIDE THAT DRAINAGE STRUCTURES UNDER PRIVATE DRIVEWAYS SHALL HAVE A NET DRAINAGE OPENING AREA OF SUFFICIENT SIZE TO PERMIT THE FREE FLOW OF WATER WITHOUT BACKWATER AND IN NO INSTANCE HAVE A DRAINAGE OPENING OF LESS THAN ONE AND THREE QUARTERS SQUARE FEET (18–INCH DIAMETER) WITH CULVERTS OR BRIDGES TO BE PROVIDED FOR ALL PRIVATE DRIVEWAYS OR WALKWAYS CROSSING SUCH DRAINAGE FACILITIES.

FURTHER, OWNERS DO HEREBY DEDICATE TO THE PUBLIC A STRIP OF LAND 15 FEET WIDE ON EACH SIDE OF THE CENTERLINE OF ANY AND ALL BAYOUS, CREEKS, GULLIES, RAVINES, DRAWS, SLOUGHS, OR OTHER NATURAL DRAINAGE COURSES LOCATED AND DEPICTED UPON IN SAID PLAT, AS EASEMENTS FOR DRAINAGE PURPOSES, GIVING THE CITY OF TOMBALL, HARRIS COUNTY, OR ANY OTHER GOVERNMENTAL AGENCY, THE RIGHT TO ENTER UPON SAID EASEMENT AT ANY AND ALL TIMES FOR THE PURPOSE OF CONSTRUCTION AND MAINTENANCE OF DRAINAGE FACILITIES AND STRUCTURES.

FURTHER, OWNERS DO HEREBY COVENANT AND AGREE THAT ALL OF THE PROPERTY WITHIN THE BOUNDARIES OF THIS PLAT AND ADJACENT TO ANY DRAINAGE EASEMENT, DITCH, GULLY, CREEK, OR NATURAL DRAINAGEWAY SHALL HEREBY BE RESTRICTED TO KEEP SUCH DRAINAGEWAYS AND EASEMENTS CLEAR OF FENCES, BUILDINGS, PLANTING, AND OTHER OBSTRUCTIONS TO THE OPERATION AND MAINTENANCE OF THE DRAINAGE FACILITY AND THAT SUCH ABUTTING PROPERTY SHALL NOT BE PERMITTED TO DRAIN DIRECTLY INTO THIS EASEMENT, EXCEPT BY MEANS OF AN APPROVED DRAINAGE STRUCTURE.

FURTHER, OWNERS HAVE DEDICATED AND BY THESE PRESENTS DO DEDICATE TO THE USE OF THE PUBLIC FOR PUBLIC UTILITY PURPOSES FOREVER AN UNOBSTRUCTED AERIAL EASEMENT FIVE FEET IN WIDTH FROM A PLANE 20 FEET ABOVE THE GROUND LEVEL UPWARD, LOCATED ADJACENT TO ALL PUBLIC UTILITY EASEMENTS SHOWN HEREON.

IN TESTIMONY WHEREOF, THE INTERNATIONAL COMMERCIAL DEVELOPMENT ENTERPRISE, LLC, A TEXAS LIMITED LIABILITY COMPANY HAS CAUSED THESE PRESENTS TO BE SIGNED BY SANTOS GONZALEZ GANOA, ITS DIRECTOR, THIS ___ DAY OF _____, 20___.

INTERNATIONAL COMMERCIAL DEVELOPMENT ENTERPRISE, LLC
A TEXAS LIMITED LIABILITY COMPANY

BY:_____
SANTOS GONZALEZ GANOA

STATE OF TEXAS
COUNTY OF HARRIS

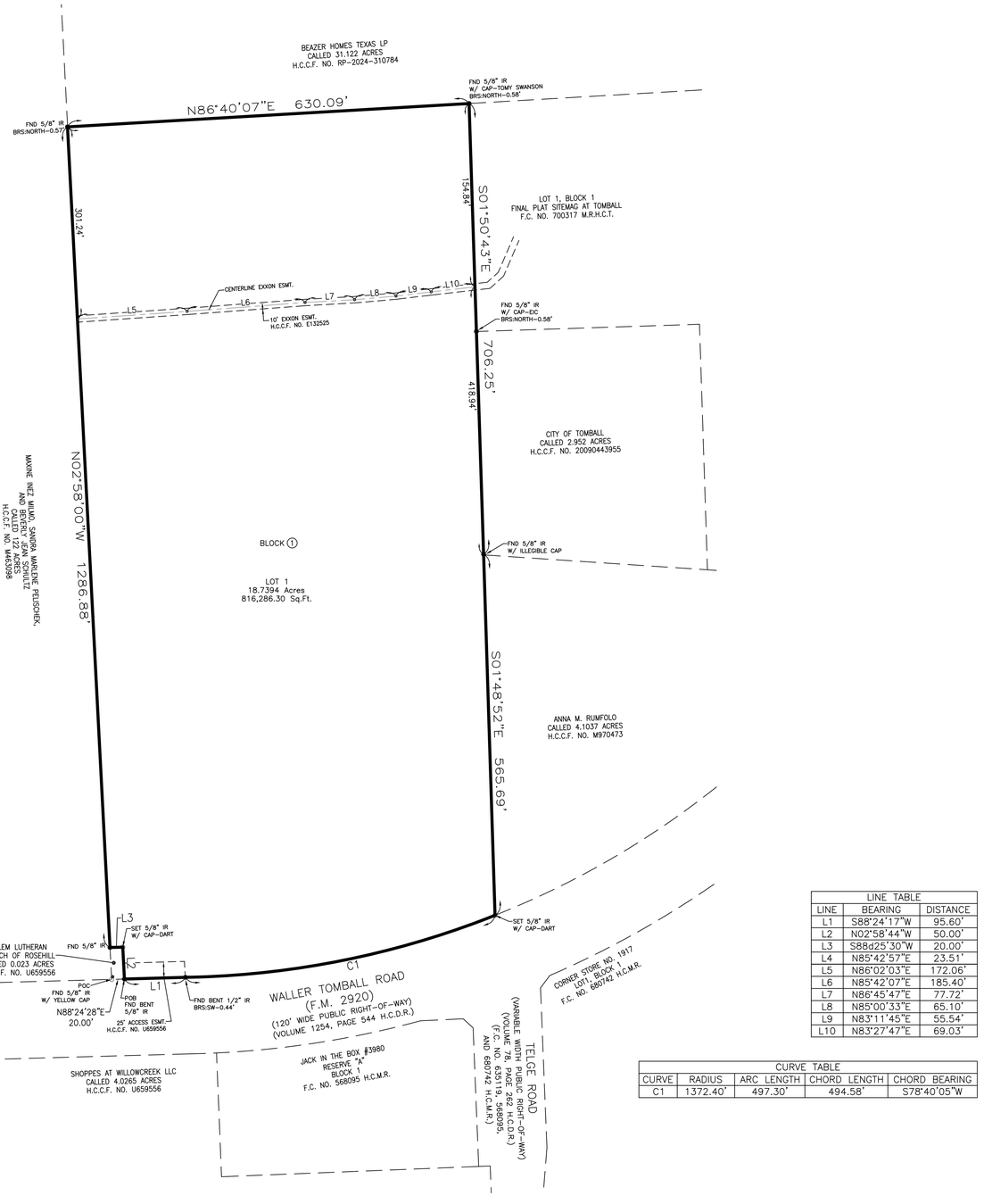
BEFORE ME, THE UNDERSIGNED AUTHORITY, ON THIS DAY PERSONALLY APPEARED SANTOS GONZALEZ GANOA, KNOWN TO ME TO BE THE PERSON(S) WHOSE NAME(S) IS/ARE SUBSCRIBED TO THE FOREGOING INSTRUMENT AND ACKNOWLEDGED TO ME THAT THEY EXECUTED THE SAME FOR THE PURPOSES AND CONSIDERATIONS THEREIN EXPRESSED.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, THIS _____ DAY OF _____, 20___

_____
NOTARY PUBLIC IN AND FOR THE STATE OF TEXAS

_____

MY COMMISSION EXPIRES: _____



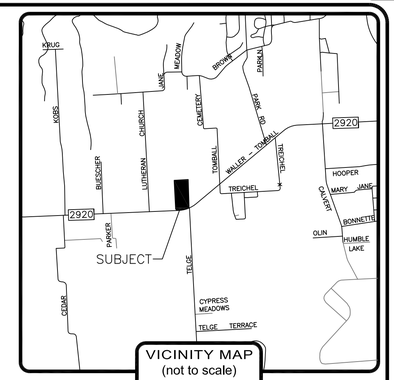
LINE TABLE		
LINE	BEARING	DISTANCE
L1	S88°24'17"W	95.60'
L2	N02°58'44"W	50.00'
L3	S88d25'30"W	20.00'
L4	N85°42'57"E	23.51'
L5	N86°02'03"E	172.06'
L6	N85°42'07"E	185.40'
L7	N86°45'47"E	77.72'
L8	N85°00'33"E	65.10'
L9	N83°11'45"E	55.54'
L10	N83°27'47"E	69.03'

CURVE TABLE				
CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING
C1	1372.40'	497.30'	494.58'	S78°40'05"W

100 50 0 100
GRAPHIC SCALE : 1"= 100'

LEGEND:

B.L. – Building Line
C.I.R. – Capped Iron Rod
Fnd – Found
H.C.M.R. – Harris County Map Records
H.C.D.R. – Harris County Deed Records
H.C.C.F. – Harris County Clerk's File
I.R. – Iron Rod
SQ.FT. – Square Feet
U.E. – Utility Easement



VICINITY MAP
(not to scale)
KeyMap:

NOTES:

1. Public easements denoted on this plat are hereby dedicated to the public forever. Any public utility, including the City of Tomball, shall have the right at all times, of ingress and egress to and from and upon said easements for the purpose of construction, reconstruction, inspection, patrolling, maintaining and adding to or removing all or part of its respective systems without the necessity of any time of procuring the permission of the property owner. Any public utility, including the City of Tomball, shall have the right to move and keep moved all or part of any building, fences, trees, shrubs, other growths or improvements that in any way endanger or interfere with the construction, maintenance or efficiency of it's respective systems on any of the easements shown on this plat. Neither the City of Tomball nor any other public utility shall be responsible for any damages to property within an easement arising out of the removal or relocation of any obstruction in the public easement.
2. According to FEMA Firm Panel No. 48201C0210L, this property is in Zone "X" and is not in the 0.2% Annual Chance Flood Plain.
3. All oil/gas pipelines or pipeline easements with ownership through the subdivision have been shown.
4. All oil/gas wells with ownership (plugged, abandoned, and/or active) through the subdivision have been shown.
5. No building or structure shall be constructed across any pipelines, building lines, and/or easements. Building setback lines will be required adjacent to oil/gas pipelines. The setbacks at a minimum should be 15 feet off centerline of low pressure gas lines, and 30 feet off centerline of high pressure gas lines.
6. This plat does not attempt to amend or remove any valid covenants or restrictions.
7. A ten foot wide City of Tomball utility easement is hereby dedicated to this plat and is centered on the gas main extension from the City of Tomball right–of–way or City of Tomball utility easement up to and around the gas meter.

NEW TELGE ROAD DEVELOPMENT

A SUBDIVISION OF 18.7393 ACRES, OR 816,286.30 SQUARE FEET, LOCATED IN THE JOHN H. EDWARDS SURVEY, ABSTRACT 20, CITY OF TOMBALL, HARRIS COUNTY, TEXAS.

1 LOT, 1 BLOCK

OCTOBER, 2025

CITY OF TOMBALL
HARRIS COUNTY, TEXAS

I, BENJAMIN JAUMA, AM AUTHORIZED (OR REGISTERED) UNDER THE LAWS OF THE STATE OF TEXAS TO PRACTICE THE PROFESSION OF SURVEYING AND HEREBY CERTIFY THAT THE ABOVE SUBDIVISION IS TRUE AND ACCURATE; WAS PREPARED FROM AN ACTUAL SURVEY OF THE PROPERTY MADE UNDER MY SUPERVISION ON THE GROUND; THAT, EXCEPT AS SHOWN ALL BOUNDARY CORNERS, ANGLE POINTS, POINTS OF CURVATURE AND OTHER POINTS OF REFERENCE HAVE BEEN MARKED WITH IRON (OR OTHER OBJECTS OF A PERMANENT NATURE) PIPES OR RODS HAVING AN OUTSIDE DIAMETER OF NOT LESS THAN FIVE EIGHTS (5/8) INCH AND A LENGTH OF NOT LESS THAN THREE (3) FEET; AND THAT THE PLAT BOUNDARY CORNERS HAVE BEEN TIED TO THE TEXAS COORDINATE SYSTEM OF 1983, SOUTH CENTRAL ZONE.

STATE OF TEXAS
REGISTERED
BENJAMIN JAUMA
6417
PROFESSIONAL
LAND SURVEYOR

_____
BENJAMIN JAUMA
Texas Registration No. 6417

I, MATHEW SIGMON, DO HEREBY CERTIFY THAT ALL EXISTING ENCUMBRANCES, SUCH AS VARIOUS TYPES OF EASEMENTS BOTH PUBLIC AND PRIVATE, FEE STRIPS, AND ALL SIGNIFICANT TOPOGRAPHICAL FEATURES WHICH WOULD AFFECT THE PHYSICAL DEVELOPMENT OF THE PROPERTY ILLUSTRATED ON THIS PLAT ARE ACCURATELY IDENTIFIED AND LOCATED AND FURTHER CERTIFY THAT THIS PLAT REPRESENTS ALL OF THE CONTIGUOUS LAND WHICH THE OWNER/SUBDIVIDER OWNS OR HAS A LEGAL INTEREST IN.

BY:_____
MATTHEW SIGMON
TEXAS LAND MAPS

THIS IS TO CERTIFY THAT THE PLANNING AND ZONING COMMISSION OF THE CITY OF TOMBALL HAS APPROVED THIS PLAT AND SUBDIVISION OF NEW TELGE ROAD DEVELOPMENT IN CONFORMANCE WITH THE LAWS OF THE STATE AND THE ORDINANCES OF THE CITY AS SHOWN HEREON AND AUTHORIZED THE RECORDING OF THIS PLAT THIS ____ DAY OF _____, 20___.

BY:_____
TANA ROSS
PLANNING AND ZONING COMMISSION CHAIR

I, TENESHIA HUDSPETH, COUNTY CLERK OF HARRIS COUNTY, DO HEREBY CERTIFY THAT THE WITHIN INSTRUMENT WITH ITS CERTIFICATE OF AUTHENTICATION WAS FILED FOR REGISTRATION IN MY OFFICE ON _____, 20___, AT____O'CLOCK_.M., AND DULY RECORDED ON _____, 20___ AT_____O'CLOCK___.M., AND AT FILM CODE NUMBER_____ OF THE MAP RECORDS OF HARRIS COUNTY FOR SAID COUNTY.

WITNESS MY HAND AND SEAL OF OFFICE, AT HARRIS COUNTY, THE DAY AND DATE LAST ABOVE WRITTEN.

_____
TENESHIA HUDSPETH
COUNTY CLERK
OF HARRIS COUNTY, TEXAS

BY:_____
DEPUTY

OWNER:
INTERNATIONAL COMMERCIAL DEVELOPMENT ENTERPRISE, LLC
25420 KUYKENDAHL RD
TOMBALL, TX 77375
(281) 406–8617

SURVEYOR:
DART LAND SERVICES
14701 SAINT MARY'S LANE #150
HOUSTON, TEXAS 77079
(281) 584–6688
FIRM NO. 10194710

TEXAS LAND MAPS
2205 San Felipe Street
Houston, Texas 77019
Office: 281-645-6600
Cell: 713-298-9987
www.TexasLandMaps.com

Planning and Zoning Commission
Agenda Item
Data Sheet

Meeting Date: November 10, 2025

Topic:
Conduct a public hearing and consideration to approve **Zoning Case Z25-11**: Request by 2S & Z Investments LLC, to amend Chapter 50 (Zoning) of the Tomball Code of Ordinances, by rezoning approximately 2.109 acres of land legally described as being two tracts of land (1.047 and 1.062 acres), each being a portion of Lot 477 of Tomball Townsite from the Agricultural (AG) zoning district to the Commercial (C) zoning district. The property is located at 22700 Hufsmith–Kohrville Road, within the City of Tomball, Harris County, Texas.

Background:

The subject property was recently annexed into the city limits. The default zoning district for newly annexed properties is the Agricultural (AG) district. Until the fall of this year there was a single-family residence located on the property, however, this structure has been removed and there are currently no on-site structures.

Origination: 2S & Z Investments LLC

Recommendation:

See Analysis in the Staff Report.

Party(ies) responsible for placing this item on agenda: Benjamin Lashley (Assistant City Planner)

FUNDING (IF APPLICABLE)

Are funds specifically designated in the current budget for the full amount required for this purpose?

Yes: _____ No: _____ If yes, specify Account Number: #_____

If no, funds will be transferred from account: #_____ To Account: #

Signed: _____ **Approved by:** _____
Staff Member Date City Manager Date

NOTICE OF PUBLIC HEARING
CITY OF TOMBALL
PLANNING & ZONING COMMISSION (P&Z)
NOVEMBER 10, 2025
&
CITY COUNCIL
NOVEMBER 17, 2025

Notice is Hereby Given that a Public Hearing will be held by the P&Z of the City of Tomball on **Monday, November 10, 2025, at 6:00 P.M.** and by the City Council of the City of Tomball on **Monday, November 17, 2025, at 6:00 P.M.** at City Hall, 401 Market Street, Tomball Texas. On such dates, the P&Z and City Council will consider the following:

Zoning Case Z25-11: Request by 2S & Z Investments LLC, to amend Chapter 50 (Zoning) of the Tomball Code of Ordinances, by rezoning approximately 2.109 acres of land legally described as being two tracts of land (1.047 and 1.062 acres), each being a portion of Lot 477 of Tomball Townsite from the Agricultural (AG) zoning district to the Commercial (C) zoning district. The property is located at 22700 Hufsmith–Kohrville Road, within the City of Tomball, Harris County, Texas.

Zoning Case Z25-12: Request by Harkins Medical Properties LTD, represented by Dennis Conde, to amend Chapter 50 (Zoning) of the Tomball Code of Ordinances, by rezoning approximately 3.140 acres of land legally described as being a portion of Lot 6 of Tomball Medical Park Replat of Reserve "B" and a tract of land situated in the Jesse Pruitt Survey, Abstract No. 629 from the Agricultural (AG) zoning district to the Duplex (D) zoning district. The property is located within the 13000 block (south side) of Medical Complex Drive, within the City of Tomball, Harris County, Texas.

Zoning Case Z25-13: Request by Pitcher Realty Group LLC, represented by Mundy Property Holdings PLLC, to amend Chapter 50 (Zoning) of the Tomball Code of Ordinances, by rezoning approximately 0.9966 acres of land legally described as being two tracts of land (0.660 and 0.3366 acres) situated within the Joseph House Survey, Abstract No. 34 from the Single-Family Residential (SF-9) zoning district to the Office (O) zoning district. The property is located at 13519 Zion Road, within the City of Tomball, Harris County, Texas.

The City of Tomball Unified Development Code (UDC): Request by the City of Tomball to unify the City's land development regulations into a single document (UDC) and to reduce repetition and conflict among various ordinances. The UDC will contain regulations pertaining to General Provisions, Zoning Regulations, Subdivisions, Signs, and Definitions. Additionally, the UDC is intended to implement the City of Tomball Comprehensive Plan and all other adopted plans and policies.

At the public hearings, parties of interest and citizens will have the opportunity to be heard. All citizens of the City of Tomball, and any other interested parties, are invited to attend. Applications are available for public inspection Monday through Friday, except holidays, at the Administrative Services Building, located at 501 James Street, Tomball, TX 77375. Further information may be obtained by contacting the Assistant City Planner, Benjamin Lashley, at (281) 290-1477 or at blashley@tomballtx.gov.

C E R T I F I C A T I O N

I hereby certify that the above notice of the meeting was posted on the bulletin board of City Hall; City of Tomball, Texas, a place readily accessible to the general public at all times, on the 4th day of November 2025 by 5:00 p.m., and remained posted for at least three consecutive business days preceding the scheduled time of said meeting.

Benjamin Lashley
Benjamin Lashley
Assistant City Planner

This facility is wheelchair accessible and accessible parking spaces are available. Requests for accommodations or interpretive services must be made 48 hours prior to this meeting. Please feel free to contact the City Secretary's office at (281) 290-1019 or FAX (281) 351-6256 for further information. AGENDAS MAY ALSO BE VIEWED ONLINE AT www.tomballtx.gov.

City of Tomball
Community Development Department

NOTICE OF PUBLIC HEARING

RE: Zone Change Case Number Z25-11 **10/20/2025**

The Planning & Zoning Commission will hold a public hearing on **November 10, 2025 at 6:00 PM,** in the City Council Chambers at City Hall, 401 Market Street, Tomball, Texas to recommend approval or denial to City Council on a request by 2S & Z Investments LLC, to amend Chapter 50 (Zoning) of the Tomball Code of Ordinances, by rezoning approximately 2.109 acres of land legally described as being two tracts of land (1.047 and 1.062 acres), each being a portion of Lot 477 of Tomball Townsite from the Agricultural (AG) zoning district to the Commercial (C) zoning district. The property is located at 22700 Hufsmith–Kohrville Road, within the City of Tomball, Harris County, Texas.

This hearing is open to any interested person. Opinions, objections, and/or comments relative to this matter may be expressed in writing or in person at the hearing. At the bottom of this letter is a form that you may cut off, fill out, and mail. Comments are also accepted by email as listed below. All responses must be signed.

The attached map shows the area of this request. Only the area which is highlighted in green on the map is being considered for **re-zoning.** The blue area is the notification area. All owners of property within 300 feet of the subject property, as indicated by the most recently approved city tax roll, are required to be notified. Whether recommended for approval or denial by the Planning & Zoning Commission, this case will be heard by the City Council for First Reading with public hearing on **November 17, 2025 at 6:00 PM** in the City Council Chambers at City Hall, 401 Market Street, Tomball, Texas.

If you have any questions please contact Benjamin Lashley, Assistant City Planner, by telephone (281-290-1477) or by email address blashley@tomballtx.gov.

For the PLANNING & ZONING COMMISSION
Please call (281) 290-1477 if you have any questions about this notice.

CASE #: Z25-11
You may indicate your position on the above request by detaching this sheet at the dotted line and returning it to the address below. You may attach additional sheets if needed. You may also email your position to the email address listed below. All correspondence must include your name and address.

Name:
Parcel I.D.:
Address:

Mailing To: Community Development Department
501 James St., Tomball TX 77375

Email: blashley@tomballtx.gov

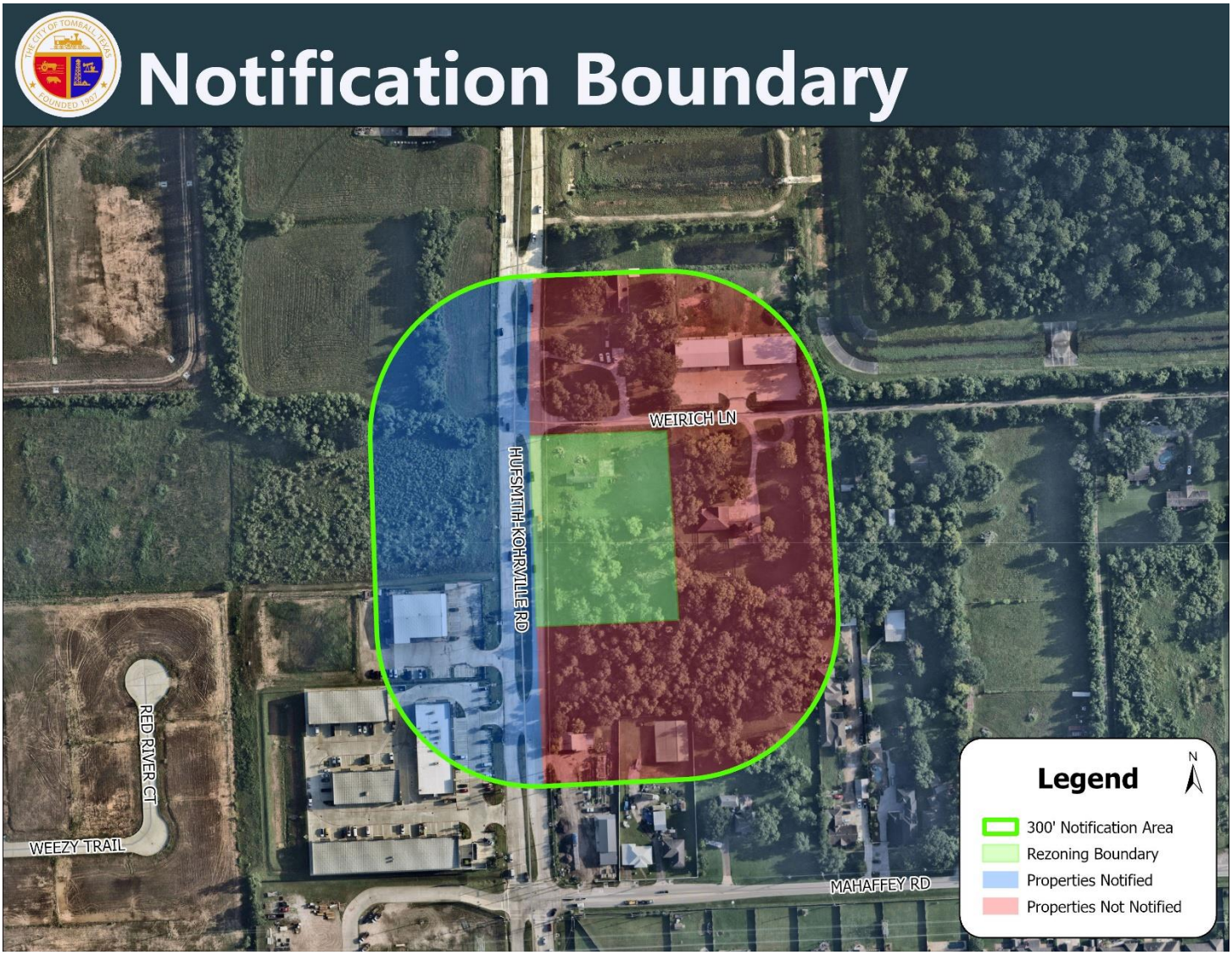
I am in favor ☐ I am opposed ☐

Additional Comments:

Signature: _____

City of Tomball
Community Development Department

Z25-11



Community Development Department

Rezoning Staff Report

Planning & Zoning Commission Public Hearing Date: November 10, 2025
City Council Public Hearing Date: November 17, 2025

Rezoning Case: Z25-11

Property Owner(s): 2S & Z Investments, LLC

Applicant(s): 2S & Z Investments, LLC

Legal Description: Approximately 2.109 acres of land legally described as being two tracts of land (1.047 and 1.062 acres), each being a portion of Lot 477 of Tomball Townsite

Location: 22700 Hufsmith–Kohrville Road (Exhibit "A")

Area: 2.109 acres

Comp Plan Designation: Corridor Commercial (Exhibit "B")

Present Zoning: Agricultural (AG) District (Exhibit "C")

Request: Rezone from the Agricultural (AG) to the Commercial (C) District.

Adjacent Zoning & Land Uses:

	Zoning	Land Use
North	Tomball ETJ	Professional Office
South	Tomball ETJ	Undeveloped land
East	Tomball ETJ	Single-family residence
West	Commercial (C)	Undeveloped land and Smitty's Meat Market

BACKGROUND

The subject property was recently annexed into the city limits. The default zoning district for newly annexed properties is the Agricultural (AG) district. Until the fall of this year there was a single-family residence located on the property, however, this structure has been removed and there are currently no on-site structures.

ANALYSIS

Comprehensive Plan Analysis: The property is designated as "Corridor Commercial" by the Comprehensive Plan's Future Land Use Map. The Corridor Commercial designation is intended for non-residential uses along regionally serving thoroughfares.

According to the Comprehensive Plan, land uses should consist of retail centers, hotels, restaurants, personal services, professional offices, etc.

The Comprehensive Plan identifies the following zoning districts as compatible with the Corridor Commercial designation: Neighborhood Retail (NR), General Retail (GR), Office (O), and Commercial (C). The Comprehensive Plan also identifies that development within this designation should have primary access to an arterial street and provide enhanced visual appeal.

Staff Review Comments: The request to rezone the subject property to Commercial (C) is in conformance with the Future Land Use Plan. Furthermore, the subject property has frontage on Hufsmith–Kohrville Road which is designated as a Major Arterial on Tomball's Major Thoroughfare Plan. Roadways such as this are designed to accommodate the volume and character of traffic that can be expected within the C district. The approval of the requested zoning will promote a new development that is consistent with the type of development patterns and character endorsed by the Future Land Use Plan for this area.

PUBLIC COMMENT

A Notice of Public Hearing was published in the paper and property owners within 300 feet of the project site were mailed notification of this proposal on October 20, 2025. Any public comment forms will be provided in the Planning & Zoning Commission and City Council packets or during the public hearing.

EXHIBITS

A. Aerial Location Map
B. Future Land Use Plan
C. Zoning Map
D. Site Photos
E. Rezoning Application

Exhibit "A"
Aerial Location Map

Exhibit "B"
Future Land Use Plan

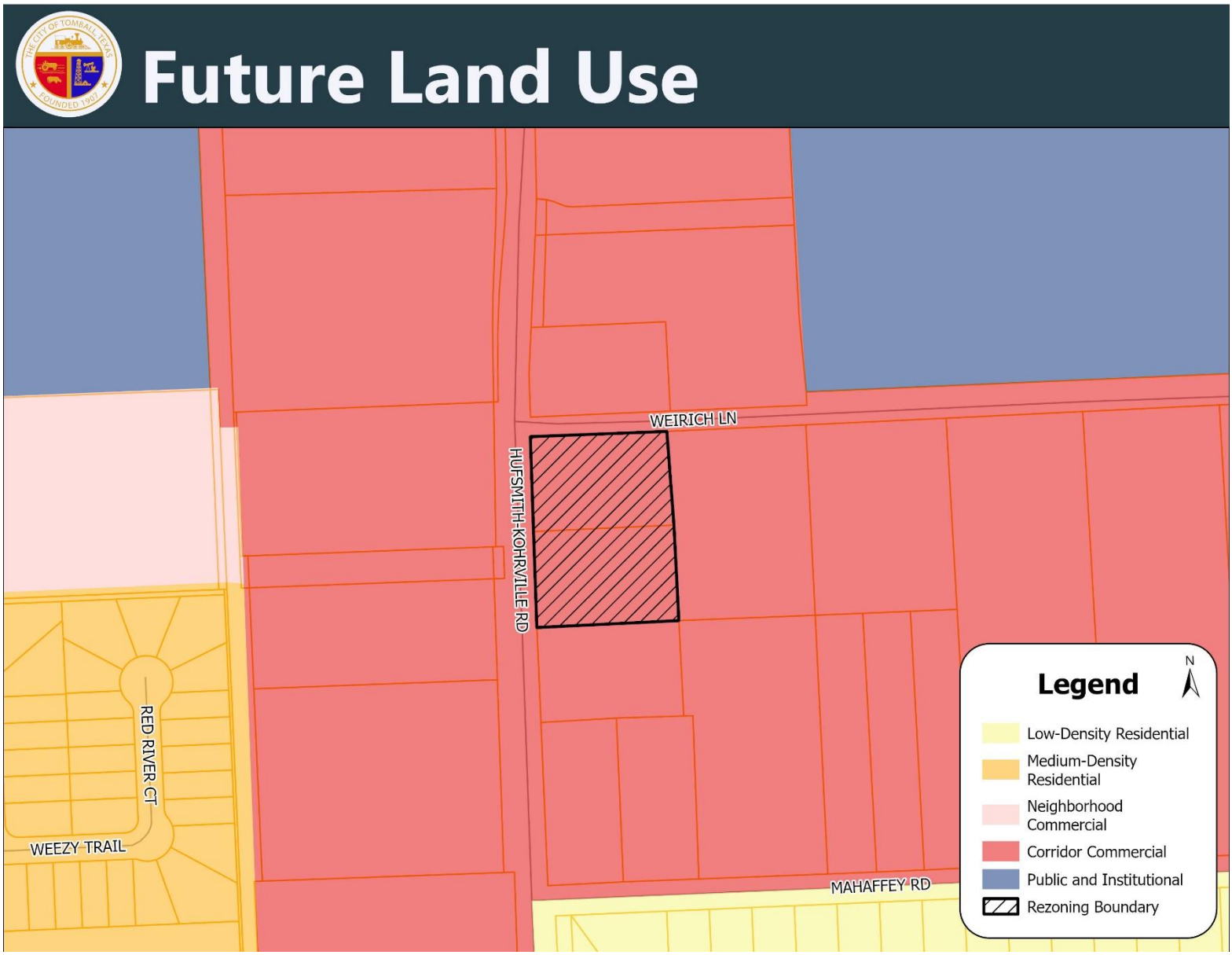


Exhibit "C"
Zoning Map

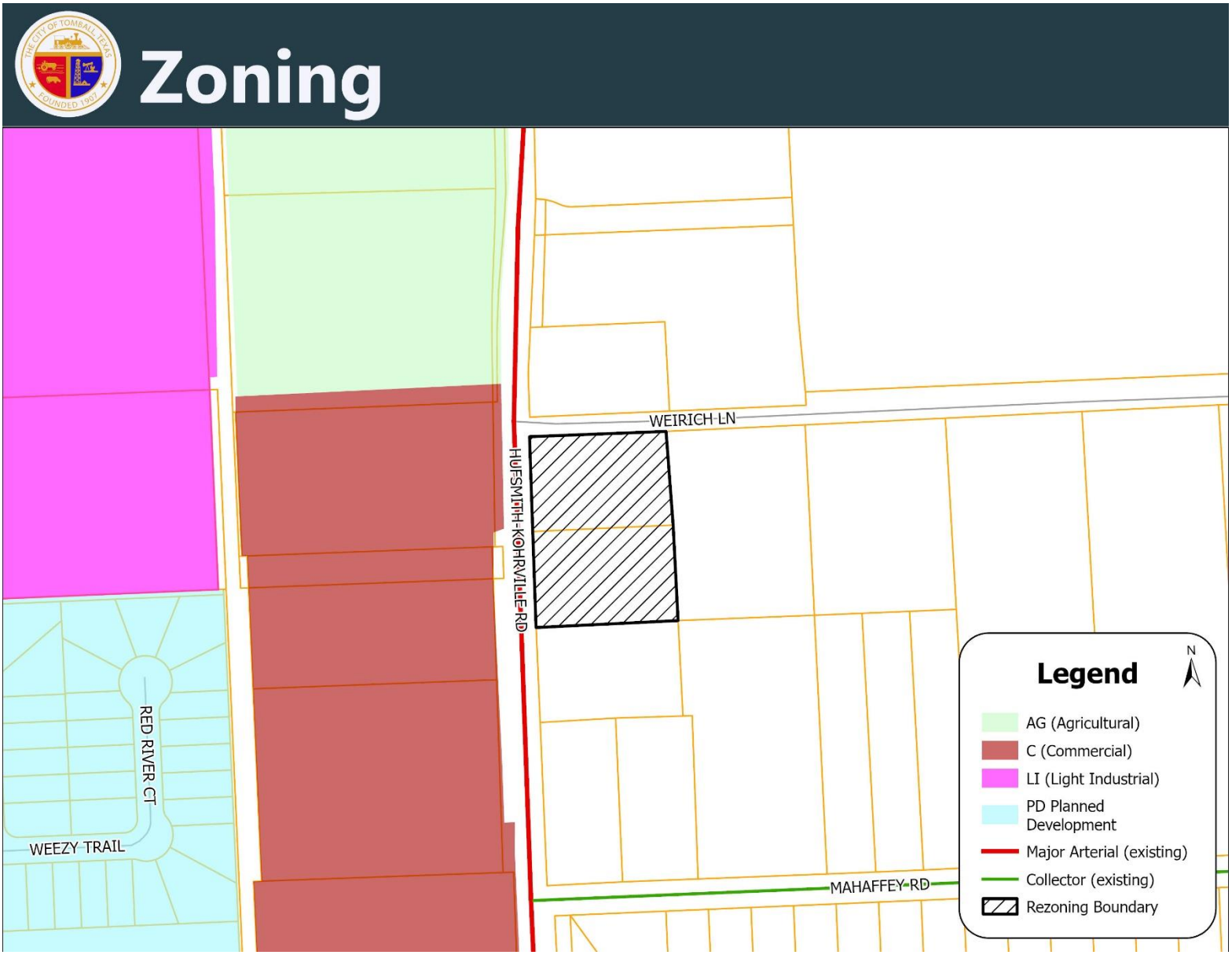


Exhibit "D"
Site Photo(s)

Subject Property

Neighbor (North)

Neighbor (East)

Neighbor (West)

Exhibit "E"
Rezoning Application

Revised: 08/25/2023

APPLICATION FOR RE-ZONING

Community Development Department
Planning Division

APPLICATION REQUIREMENTS: Applications will be ***conditionally*** accepted on the presumption that the information, materials and signatures are complete and accurate. If the application is incomplete or inaccurate, your project may be delayed until corrections or additions are received.

FEES: Must be paid at time of submission or application will not be processed.

- $1,000.00 fee for requests to rezone to standard zoning districts
- $1,500.00 fee for request to rezone to Planned Development districts.

DIGITAL APPLICATION SUBMITTALS:
PLEASE SUBMIT YOUR APPLICATIONS AND PLANS DIGITALLY WITHIN SMARTGOV
WEBSITE: ci-tomball-tx.smartgovcommunity.com

Applicant
Name: 2S & Z Investments LLC (Shan Ali) Title: Manager
Mailing Address: 15110 Mintz Ln City: Houston State: TX
Zip: 77014 Contact: 832-630-1758
Phone: (832) 630-1758 Email: shanali1@icloud.com

Owner
Name: 2S & Z Investments LLC (Shan Ali) Title: Manager
Mailing Address: 15110 Mintz LN City: Houston State: TX
Zip: 77014 Contact: Shan Ali
Phone: (832) 630-1758 Email: shanali1@icloud.com

Engineer/Surveyor (if applicable)
Name: Advance Surveying INC Title:
Mailing Address: 10518 Kipp Way Drive Suite A-2 City: Houston State: TX
Zip: 77099 Contact: Lisset Campos
Phone: (210) 6532517 Fax: ( ) Email: lisett@asi23.com

Description of Proposed Project: Commercial Corridor Retail Center

Physical Location of Property: SE corner of Weirich Rd and Huffsmith Kohrville
[General Location – approximate distance to nearest existing street corner]

Legal Description of Property: TR 477A & 477C Tomball Outlots
[Survey/Abstract No. and Tracts; or platted Subdivision Name with Lots/Block]

Current Zoning District: Select a Zoning District

City of Tomball, Texas 501 James Street, Tomball, Texas 77375 Phone: 281-290-1405 www.tomballtx.gov

Revised: 08/25/2023

Current Use of Property: Vacant Land

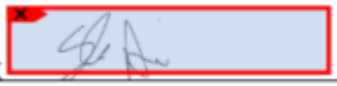
Proposed Zoning District: Commercial (C)

Proposed Use of Property: Cstore/Retial Center

HCAD Identification Number: 0352960000520 and 03529 Acreage: 1.9ac +/-

Please note: A courtesy notification sign will be placed on the subject property during the public hearing process and will be removed when the case has been processed.

This is to certify that the information on this form is COMPLETE, TRUE, and CORRECT and the under signed is authorized to make this application. I understand that submitting this application does not constitute approval, and incomplete applications will result in delays and possible denial.

X  09/22/2025

Signature of Applicant **Date**

X 09/22/2025

Signature of Owner **Date**

Docusign Envelope ID: 6BA72082-147E-45B6-9FA7-05086C234B1C

Revised: 08/25/2023

Submittal Requirements

The following summary is provided for the applicant's benefit. However, fulfilling the requirements of this summary checklist does not relieve the applicant from the responsibility of meeting the regulations in the Zoning Ordinance, subdivision regulations, and other development related ordinances of the City of Tomball.

Applications must be received by the City of Tomball at least 40 calendar days prior to the City Planning and Zoning Commission hearing date.

- **Application Fee: $1,000.00 (standard zoning) or $1,500.00 (PD zoning)**
- **Completed application form**
- ***Copy of Recorded/Final Plat**
- **Letter stating reason for request and issues relating to request**
- **Conceptual Site Plan (if applicable)**
- **Metes & Bounds of property**
- **Payment of all indebtedness attributed to subject property must be paid with application or an arrangement in accordance with Section 50-36(a)(3) of the Code of Ordinances as cited below:**

(No person who owes delinquent taxes, delinquent paving assessments, or any other fees, delinquent debts or obligations or is otherwise indebted to the City of Tomball, and which are directly attributed to a piece of property shall be allowed to submit any application for any type of rezoning, building permit, or plan review until the taxes, assessments, debts, or obligations directly attributable to said property and owed by the owner or previous owner thereof to the City of Tomball shall have been first fully discharged by payment, or until an arrangement satisfactory to the City has been made for the payment of such debts or obligations. It shall be the applicant's responsibility to provide evidence of proof that all taxes, fees, etc.. have been paid, or that other arrangements satisfactory to the City have been made for payment of said taxes, fees, etc.)

The City's staff may require other information and data for specific required plans. Approval of a required plan may establish conditions for construction based upon such information.

***Legal Lot Information:** If property is not platted, a plat will be required to be filed with the Community Development Department unless evidence of a legal lot is provided. To be an un-platted legal lot, the applicant is required to demonstrate that the tract existed in the same shape and form (same metes and bounds description) as it currently is described prior to August 15, 1983, the date the City adopted a subdivision ordinance.

Docusign Envelope ID: 6BA72082-147E-45B6-9FA7-05086C234B1C

Revised: 08/25/2023

Application Process

1. The official filing date is the date the application and fee are received by the City.

2. The City will review the application for completeness and will notify the applicant in writing within 10 days if the application is deemed incomplete.

3. Property owners within two-hundred (300) feet of the project site will be notified by letter within 10 calendar days prior to the public hearing date and legal notice will appear in the official newspaper of the City before the eighth calendar day prior to the date of the hearing.

4. A public hearing will be held by the Planning and Zoning Commission at 6:00 p.m. in the City Council chambers, unless otherwise noted. The Planning and Zoning Commission meetings are scheduled on the second Monday of the month. The staff will review the request with the Commission and after staff presentations the chair will open the public hearing. The applicant will have ten (10) minutes to present the request. The chair will then allow those present in favor of the request and those in opposition to the request to speak. The Commission may then ask staff or anyone present additional questions, after which the Commission may close or table the public hearing. The Commission may then vote to recommend approval or denial to the City Council. The Commission may also table the request to a future date before a recommendation is sent to the City Council.

5. A second public hearing will be scheduled before the City Council after fifteen (15) days of legal notice. The Council meetings are held on the first (1st) and third (3rd) Mondays of the month at 6:00 p.m. in the City Council chambers (401 Market Street, Tomball, Texas, 77375).

6. The City Council will conduct a public hearing on the request in the same manner as the Planning and Zoning Commission. In the event that there has been a petition filed with the City Secretary with twenty percent (20%) of the adjoining property owners in opposition to the subject zoning request, it will require a three fourths (3/4) vote of the full Council to approve the request. Upon approval of the request by the City Council, an amended ordinance shall be prepared and adopted. The ordinance shall have two separate readings and will be effective at such time that it is adopted by City Council and signed by the Mayor and attested by the City Secretary.

FAILURE TO APPEAR: It is the applicant/property owner's responsibility to attend all Planning and Zoning Commission and City Council meetings regarding their case. Failure of the applicant or his/her authorized representative to appear before the Planning and Zoning Commission or the City Council for more than one (1) hearing without approved delay by the City Manager, or his/her designee, may constitute sufficient grounds for the Planning and Zoning Commission or the City Council to table or deny the application unless the City Manager or his/her designee is notified in writing by the applicant at least seventy-two (72) hours prior to the hearing. If the agenda item is tabled the Planning and Zoning Commission shall specify a specific date at which it will be reconsidered.

Rezoning Letter

September 22, 2025

City of Tomball
Planning and Zoning
501 James St.
Tomball, TX 77375

Re: Rezoning Letter
Proposed Zoning- Commercial (Commercial Corridor)
Huffsmith Kohrville and Weirich Rd.

Location: Parcel Numbers HCAD : 0352960000507 & 0352960000520
Existing Zoning: Annexation in Process (Agricultural)
Proposed Zoning: Commercial
Future Land Use (2025): Commercial Corridor
Acreage of Property to be rezoned: 1.9AC +/-

To Whom It May Concern:

We are requesting zoning change for the parcels 0352960000507 & 0352960000520. (See exhibit A) SE corner of Weirich rd and Huffsmith Kohrville RD.

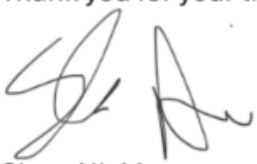
The City of Tomball Future Land Use Map proposes Commercial Corridor for these 2 tracts. (See Exhibit B)

We are wanting to develop a Retail Center with Tenants lined up. Commercial corridor per the city zoning allows for this type of land use.
Currently the parcels are ETJ to City of Tomball and are in process for annexation and platting. After annexation the property automatically is zoned for Agricultural. (standard per Predevelopment Meeting with city of Tomball)
Our request for zoning change is consistent with the surrounding neighbors

and Comprehensive Plan 2025. Exhibit B shows surrounding parcels to be the same zoning as requested. We appreciate you all for taking your time and reviewing our request.

If you have any questions or Concerns, please don't hesitate to reach out.

Thank you for your time,



Shan Ali, Manager
2S & Z Investments LLC
832-630-1758
Shanali1@icloud.com

Exhibit A: Harris County Appraisal District *hcad.org

Exhibit B: City of Tomball Future Zoning Map 2025 *tomballtx.gov

Planning and Zoning Commission
Agenda Item
Data Sheet

Meeting Date: November 10, 2025

Topic:
Conduct a public hearing and consideration to approve **Zoning Case Z25-12**: Request by Harkins Medical Properties LTD, represented by Dennis Conde, to amend Chapter 50 (Zoning) of the Tomball Code of Ordinances, by rezoning approximately 3.140 acres of land legally described as being a portion of Lot 6 of Tomball Medical Park Replat of Reserve "B" and a tract of land situated in the Jesse Pruitt Survey, Abstract No. 629 from the Agricultural (AG) zoning district to the Duplex (D) zoning district. The property is located within the 13000 block (south side) of Medical Complex Drive, within the City of Tomball, Harris County, Texas.

Background:
The subject property has been within the City of Tomball's Agricultural (AG) zoning district since the adoption of zoning in February 2008. The property is currently undeveloped with no on-site structures. Recent zoning changes in the area include the property directly to the north, which rezoned from the Agricultural (AG) district to the Office (O) district in 2022. The property directly to the south rezoned from the Agricultural (AG) district to the Commercial (C) district in 2018. Additionally, a property about 400-feet to the west rezoned from the Agricultural (AG) district to the Commercial (C) district in 2017.

Origination: Harkins Medical Properties LTD, represented by Dennis Conde

Recommendation:

See Analysis in the Staff Report.

Party(ies) responsible for placing this item on agenda: Benjamin Lashley (Assistant City Planner)

FUNDING (IF APPLICABLE)

Are funds specifically designated in the current budget for the full amount required for this purpose?

Yes: _____ No: _____ If yes, specify Account Number: #_____

If no, funds will be transferred from account: #_____ To Account: #

Signed: _____ **Approved by:** _____
Staff Member Date City Manager Date

NOTICE OF PUBLIC HEARING
CITY OF TOMBALL
PLANNING & ZONING COMMISSION (P&Z)
NOVEMBER 10, 2025
&
CITY COUNCIL
NOVEMBER 17, 2025

Notice is Hereby Given that a Public Hearing will be held by the P&Z of the City of Tomball on **Monday, November 10, 2025, at 6:00 P.M.** and by the City Council of the City of Tomball on **Monday, November 17, 2025, at 6:00 P.M.** at City Hall, 401 Market Street, Tomball Texas. On such dates, the P&Z and City Council will consider the following:

Zoning Case Z25-11: Request by 2S & Z Investments LLC, to amend Chapter 50 (Zoning) of the Tomball Code of Ordinances, by rezoning approximately 2.109 acres of land legally described as being two tracts of land (1.047 and 1.062 acres), each being a portion of Lot 477 of Tomball Townsite from the Agricultural (AG) zoning district to the Commercial (C) zoning district. The property is located at 22700 Hufsmith–Kohrville Road, within the City of Tomball, Harris County, Texas.

Zoning Case Z25-12: Request by Harkins Medical Properties LTD, represented by Dennis Conde, to amend Chapter 50 (Zoning) of the Tomball Code of Ordinances, by rezoning approximately 3.140 acres of land legally described as being a portion of Lot 6 of Tomball Medical Park Replat of Reserve "B" and a tract of land situated in the Jesse Pruitt Survey, Abstract No. 629 from the Agricultural (AG) zoning district to the Duplex (D) zoning district. The property is located within the 13000 block (south side) of Medical Complex Drive, within the City of Tomball, Harris County, Texas.

Zoning Case Z25-13: Request by Pitcher Realty Group LLC, represented by Mundy Property Holdings PLLC, to amend Chapter 50 (Zoning) of the Tomball Code of Ordinances, by rezoning approximately 0.9966 acres of land legally described as being two tracts of land (0.660 and 0.3366 acres) situated within the Joseph House Survey, Abstract No. 34 from the Single-Family Residential (SF-9) zoning district to the Office (O) zoning district. The property is located at 13519 Zion Road, within the City of Tomball, Harris County, Texas.

The City of Tomball Unified Development Code (UDC): Request by the City of Tomball to unify the City's land development regulations into a single document (UDC) and to reduce repetition and conflict among various ordinances. The UDC will contain regulations pertaining to General Provisions, Zoning Regulations, Subdivisions, Signs, and Definitions. Additionally, the UDC is intended to implement the City of Tomball Comprehensive Plan and all other adopted plans and policies.

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C E R T I F I C A T I O N

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Benjamin Lashley
Benjamin Lashley
Assistant City Planner

This facility is wheelchair accessible and accessible parking spaces are available. Requests for accommodations or interpretive services must be made 48 hours prior to this meeting. Please feel free to contact the City Secretary's office at (281) 290-1019 or FAX (281) 351-6256 for further information. AGENDAS MAY ALSO BE VIEWED ONLINE AT www.tomballtx.gov.

City of Tomball
Community Development Department

NOTICE OF PUBLIC HEARING

RE: Zone Change Case Number Z25-12 **10/20/2025**

The Planning & Zoning Commission will hold a public hearing on **November 10, 2025 at 6:00 PM,** in the City Council Chambers at City Hall, 401 Market Street, Tomball, Texas to recommend approval or denial to City Council on a request by Harkins Medical Properties LTD, represented by Dennis Conde, to amend Chapter 50 (Zoning) of the Tomball Code of Ordinances, by rezoning approximately 3.140 acres of land legally described as being a portion of Lot 6 of Tomball Medical Park Replat of Reserve "B" and a tract of land situated in the Jesse Pruitt Survey, Abstract No. 629 from the Agricultural (AG) zoning district to the Duplex (D) zoning district. The property is located within the 13000 block (south side) of Medical Complex Drive, within the City of Tomball, Harris County, Texas.

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For the PLANNING & ZONING COMMISSION
Please call (281) 290-1477 if you have any questions about this notice.

CASE #: Z25-12
You may indicate your position on the above request by detaching this sheet at the dotted line and returning it to the address below. You may attach additional sheets if needed. You may also email your position to the email address listed below. All correspondence must include your name and address.

Name:
Parcel I.D.:
Address:

Mailing To: Community Development Department
501 James St., Tomball TX 77375

Email: blashley@tomballtx.gov

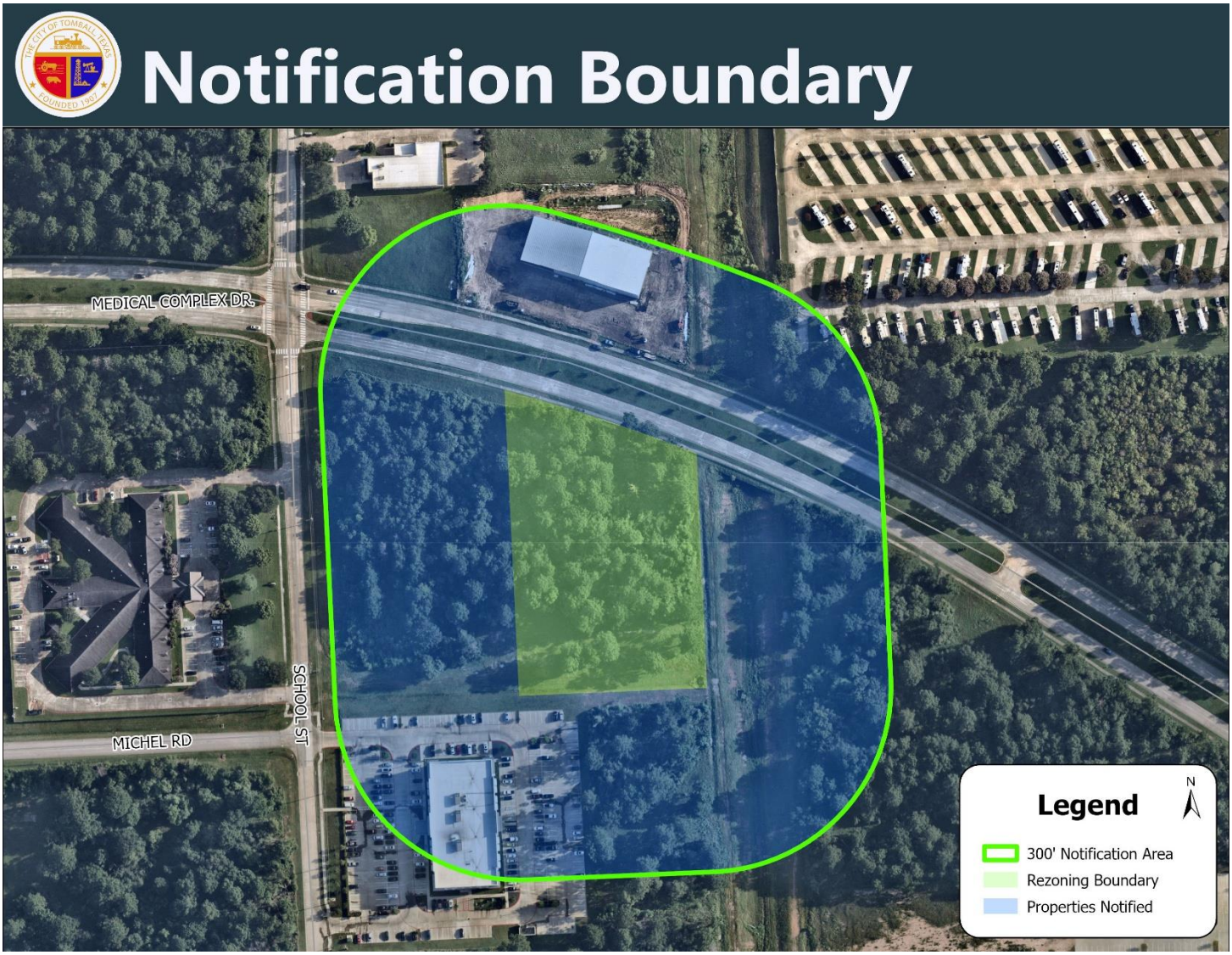
I am in favor ☐ I am opposed ☐

Additional Comments:

Signature: _____

City of Tomball
Community Development Department

Z25-12



City of Tomball
Community Development Department

HARKINS MEDICAL PROPERTIES LTD
455 SCHOOL ST STE 19
TOMBALL,TX 77375-4594

NOTICE OF PUBLIC HEARING

RE: Zone Change Case Number Z25-12 **10/20/2025**

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For the PLANNING & ZONING COMMISSION
Please call (281) 290-1477 if you have any questions about this notice.

CASE #: Z25-12
You may indicate your position on the above request by detaching this sheet at the dotted line and returning it to the address below. You may attach additional sheets if needed. You may also email your position to the email address listed below. All correspondence must include your name and address.

Name: HARKINS MEDICAL PROPERTIES LTD
Parcel I.D.: 1223880000027
Address:455 SCHOOL ST STE 19

Mailing To: Community Development Department
501 James St., Tomball TX 77375

Email: blashley@tomballtx.gov

I am in favor ☒ I am opposed ☐

Community Development Department

Rezoning Staff Report

Planning & Zoning Commission Public Hearing Date: November 10, 2025
City Council Public Hearing Date: November 17, 2025

Rezoning Case: Z25-12

Property Owner(s): Harkins Medical Properties, LTD

Applicant(s): Dennis Conde

Legal Description: Approximately 3.140 acres of land legally described as being a portion of Lot 6 of Tomball Medical Park Replat of Reserve "B" and a tract of land situated in the Jesse Pruitt Survey, Abstract No. 629

Location: Within the 13000 block (south side) of Medical Complex Drive (Exhibit "A")

Area: 3.140 acres

Comp Plan Designation: Mixed Use (Exhibit "B")

Present Zoning: Agricultural (AG) District (Exhibit "C")

Request: Rezone from the Agricultural (AG) to the Duplex (D) District.

Adjacent Zoning & Land Uses:

	Zoning	Land Use
North	Office (O)	Future medical office
South	Commercial (C)	Village Medical and undeveloped land
East	Agricultural (AG)	M-121 drainage channel
West	Agricultural (AG)	Undeveloped land

BACKGROUND

The subject property has been within the City of Tomball's Agricultural (AG) zoning district since the adoption of zoning in February 2008. The property is currently undeveloped with no on-site structures. Recent zoning changes in the area include the property directly to the north, which rezoned from the Agricultural (AG) district to the Office (O) district in 2022. The property directly to the south rezoned from the Agricultural (AG) district to the Commercial (C) district in 2018. Additionally, a property about 400-feet to the west rezoned from the Agricultural (AG) district to the Commercial (C) district in 2017.

ANALYSIS

Comprehensive Plan Analysis: The property is designated as "Mixed Use" by the Comprehensive Plan's Future Land Use Map. The Mixed Use designation is intended to provide a mix of residential and non-residential uses in order to locate housing closer to jobs and services. New development should be in synergy with the character of adjacent areas.

According to the Comprehensive Plan, land uses should consist of single-family attached homes, patio homes, duplexes, quadplexes, multifamily apartments and condominiums, parks and green spaces, office, retail, entertainment, restaurants, and public facilities. Appropriate secondary uses include bed and breakfast lodging, live-work buildings, places of assembly or event venues, and home professions.

The Comprehensive Plan identifies the following zoning districts as compatible with the Mixed Use designation: Neighborhood Retail (NR), General Retail (GR), Office (O), Duplex (D), Single-Family Residential (SF-6), and Multifamily (MF). The Comprehensive Plan also identifies the need for pedestrian enhancements such as wide sidewalks, pedestrian furnishings, and an emphasis on street trees.

Staff Review Comments: The request to rezone the subject property to Duplex (D) is in conformance with the Future Land Use Plan. Furthermore, the subject property has frontage on Medical Complex Drive which is designated as a Major Arterial on Tomball's Major Thoroughfare Plan. Roadways such as this are designed to accommodate the volume and character of traffic that can be expected from a duplex development. The approval of the requested zoning will promote a new development that is consistent with the type of development patterns and character endorsed by the Future Land Use Plan.

PUBLIC COMMENT

A Notice of Public Hearing was published in the paper and property owners within 300 feet of the project site were mailed notification of this proposal on October 20, 2025. Any public comment forms will be provided in the Planning & Zoning Commission and City Council packets or during the public hearing.

EXHIBITS

A. Aerial Location Map
B. Future Land Use Plan
C. Zoning Map
D. Site Photos
E. Rezoning Application

Exhibit "A"
Aerial Location Map

Exhibit "B"
Future Land Use Plan

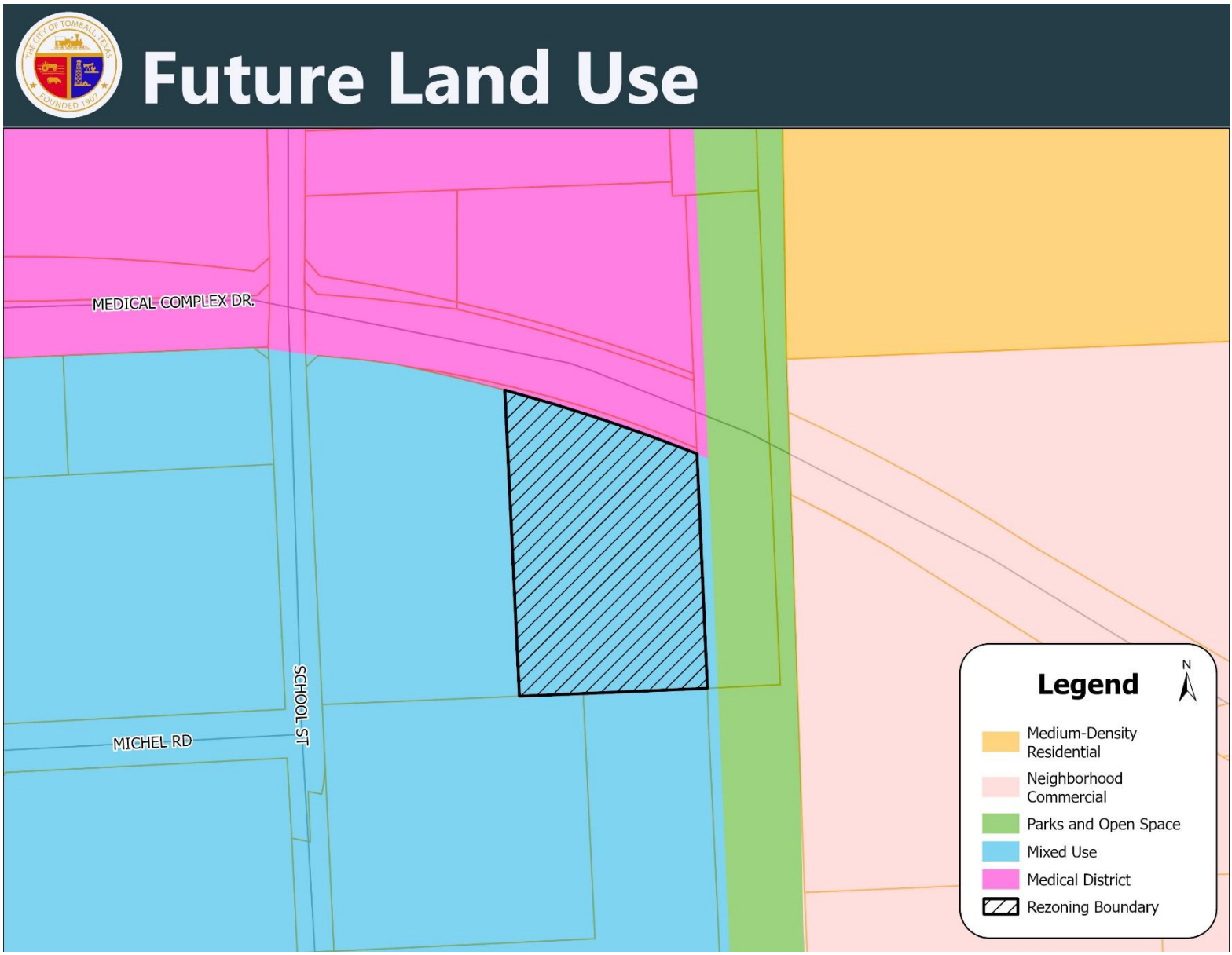


Exhibit "C"
Zoning Map

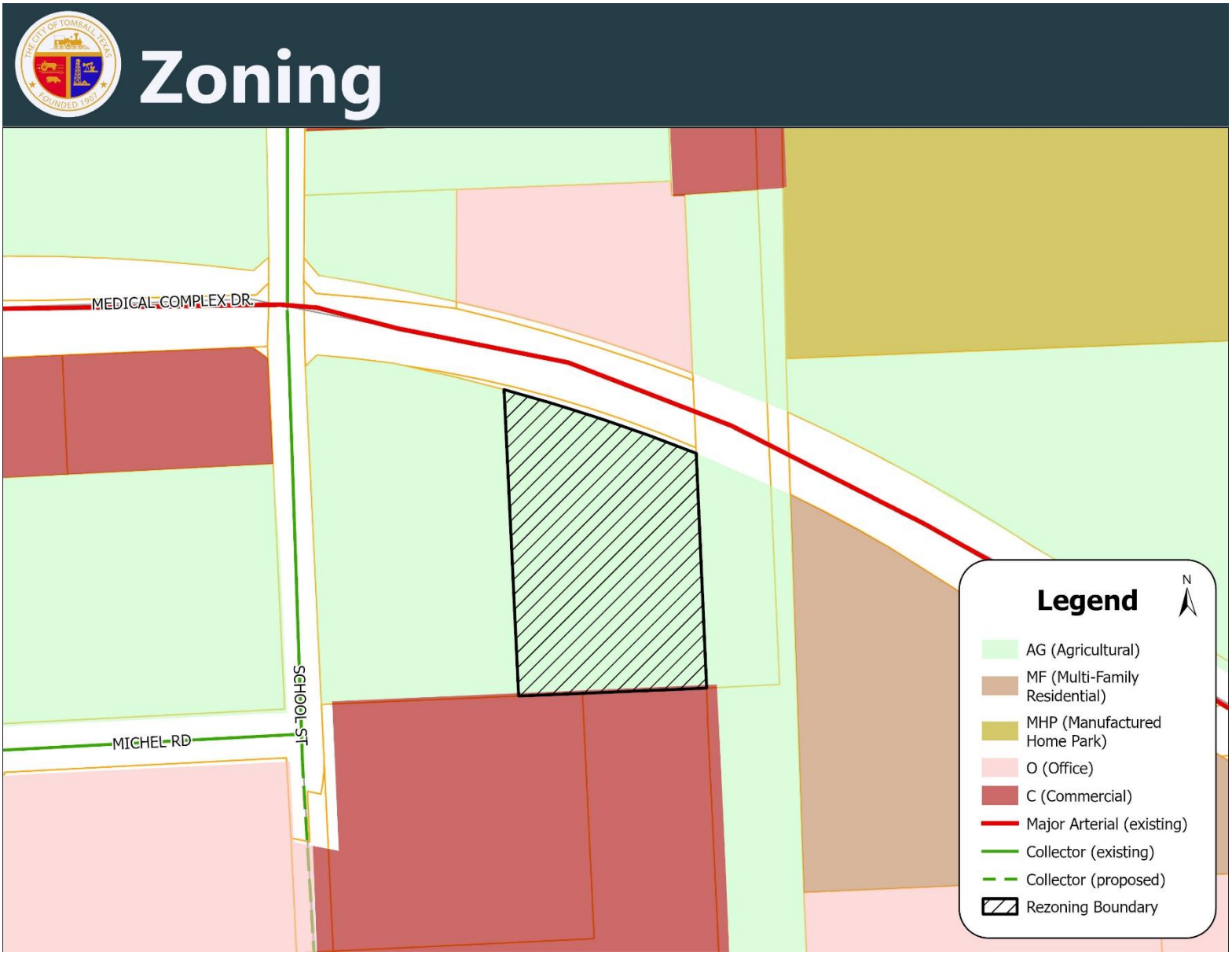


Exhibit "D"
Site Photo(s)

Subject Property

Neighbor (North)

Neighbor (East)

Neighbor (West)

Exhibit "E"
Rezoning Application

Revised: 08/25/2023

APPLICATION FOR RE-ZONING

Community Development Department
Planning Division

APPLICATION REQUIREMENTS: Applications will be ***conditionally*** accepted on the presumption that the information, materials and signatures are complete and accurate. If the application is incomplete or inaccurate, your project may be delayed until corrections or additions are received.

FEES: Must be paid at time of submission or application will not be processed.

- $1,000.00 fee for requests to rezone to standard zoning districts
- $1,500.00 fee for request to rezone to Planned Development districts.

PLEASE SUBMIT YOUR APPLICATIONS AND PLANS DIGITALLY WITHIN SMARTGOV

WEBSITE: ci-tomball-tx.smartgovcommunity.com

Applicant

Name: Dennis Conde - Keypride Development Title: President
Mailing Address: 14360 W Sylvanfield City: Houston State: TX
Zip: 77014 Contact: Dennis Conde 281-846-8703
Phone: (281) 846-8703 Email: dennisc@extreme1electric.com

Owner

Name: Harkins Medical Properties Title:
Mailing Address: 455 School Street City: Tomball State: TX
Zip: 77375 Contact:
Phone: (___) Email:

Engineer/Surveyor (if applicable)

Name: Michael Lewis Title: Civil Engineer
Mailing Address: 25511 Budde Rd. Ste 601 City: The Woodlands State: TX
Zip: 77380 Contact: Michael Lewis 281-298-8877
Phone: (281) 298-8877 Fax: (___) Email: mlewis@dts-engineering.com

Description of Proposed Project: Luxury Duplex Community

Physical Location of Property: Medical Complex Drive & School Street
[General Location – approximate distance to nearest existing street corner]

Legal Description of Property: Jesse Pruitt Survey Abstract # 629 Harris County
[Survey/Abstract No. and Tracts; or platted Subdivision Name with Lots/Block]

Current Zoning District: (D) : Duplex Residential

City of Tomball, Texas 501 James Street, Tomball, Texas 77375 Phone: 281-290-1405 www.tomballtx.gov

Revised: 08/25/2023

Current Use of Property: N/A - Agg

Proposed Zoning District: (D) : Duplex Residential

Proposed Use of Property: Residential Duplex Community

HCAD Identification Number: HCAD 1223880000027 Acreage: 3.140

Please note: A courtesy notification sign will be placed on the subject property during the public hearing process and will be removed when the case has been processed.

This is to certify that the information on this form is COMPLETE, TRUE, and CORRECT and the under signed is authorized to make this application. I understand that submitting this application does not constitute approval, and incomplete applications will result in delays and possible denial.

X _____ 9/29/25

Signature of Applicant **Date**

X _____ 9/29/2025

Signature of Owner **Date**

Docusign Envelope ID: 6BA72082-147E-45B6-9FA7-05086C234B1C

Revised: 08/25/2023

Submittal Requirements

The following summary is provided for the applicant's benefit. However, fulfilling the requirements of this summary checklist does not relieve the applicant from the responsibility of meeting the regulations in the Zoning Ordinance, subdivision regulations, and other development related ordinances of the City of Tomball.

Applications must be received by the City of Tomball at least 40 calendar days prior to the City Planning and Zoning Commission hearing date.

- **Application Fee: $1,000.00 (standard zoning) or $1,500.00 (PD zoning)**
- **Completed application form**
- ***Copy of Recorded/Final Plat**
- **Letter stating reason for request and issues relating to request**
- **Conceptual Site Plan (if applicable)**
- **Metes & Bounds of property**
- **Payment of all indebtedness attributed to subject property must be paid with application or an arrangement in accordance with Section 50-36(a)(3) of the Code of Ordinances as cited below:**

(No person who owes delinquent taxes, delinquent paving assessments, or any other fees, delinquent debts or obligations or is otherwise indebted to the City of Tomball, and which are directly attributed to a piece of property shall be allowed to submit any application for any type of rezoning, building permit, or plan review until the taxes, assessments, debts, or obligations directly attributable to said property and owed by the owner or previous owner thereof to the City of Tomball shall have been first fully discharged by payment, or until an arrangement satisfactory to the City has been made for the payment of such debts or obligations. It shall be the applicant's responsibility to provide evidence of proof that all taxes, fees, etc.. have been paid, or that other arrangements satisfactory to the City have been made for payment of said taxes, fees, etc.)

The City's staff may require other information and data for specific required plans. Approval of a required plan may establish conditions for construction based upon such information.

***Legal Lot Information:** If property is not platted, a plat will be required to be filed with the Community Development Department unless evidence of a legal lot is provided. To be an un-platted legal lot, the applicant is required to demonstrate that the tract existed in the same shape and form (same metes and bounds description) as it currently is described prior to August 15, 1983, the date the City adopted a subdivision ordinance.

Docusign Envelope ID: 6BA72082-147E-45B6-9FA7-05086C234B1C

Revised: 08/25/2023

Application Process

1. The official filing date is the date the application and fee are received by the City.

2. The City will review the application for completeness and will notify the applicant in writing within 10 days if the application is deemed incomplete.

3. Property owners within two-hundred (300) feet of the project site will be notified by letter within 10 calendar days prior to the public hearing date and legal notice will appear in the official newspaper of the City before the eighth calendar day prior to the date of the hearing.

4. A public hearing will be held by the Planning and Zoning Commission at 6:00 p.m. in the City Council chambers, unless otherwise noted. The Planning and Zoning Commission meetings are scheduled on the second Monday of the month. The staff will review the request with the Commission and after staff presentations the chair will open the public hearing. The applicant will have ten (10) minutes to present the request. The chair will then allow those present in favor of the request and those in opposition to the request to speak. The Commission may then ask staff or anyone present additional questions, after which the Commission may close or table the public hearing. The Commission may then vote to recommend approval or denial to the City Council. The Commission may also table the request to a future date before a recommendation is sent to the City Council.

5. A second public hearing will be scheduled before the City Council after fifteen (15) days of legal notice. The Council meetings are held on the first (1st) and third (3rd) Mondays of the month at 6:00 p.m. in the City Council chambers (401 Market Street, Tomball, Texas, 77375).

6. The City Council will conduct a public hearing on the request in the same manner as the Planning and Zoning Commission. In the event that there has been a petition filed with the City Secretary with twenty percent (20%) of the adjoining property owners in opposition to the subject zoning request, it will require a three fourths (3/4) vote of the full Council to approve the request. Upon approval of the request by the City Council, an amended ordinance shall be prepared and adopted. The ordinance shall have two separate readings and will be effective at such time that it is adopted by City Council and signed by the Mayor and attested by the City Secretary.

FAILURE TO APPEAR: It is the applicant/property owner's responsibility to attend all Planning and Zoning Commission and City Council meetings regarding their case. Failure of the applicant or his/her authorized representative to appear before the Planning and Zoning Commission or the City Council for more than one (1) hearing without approved delay by the City Manager, or his/her designee, may constitute sufficient grounds for the Planning and Zoning Commission or the City Council to table or deny the application unless the City Manager or his/her designee is notified in writing by the applicant at least seventy-two (72) hours prior to the hearing. If the agenda item is tabled the Planning and Zoning Commission shall specify a specific date at which it will be reconsidered.

City of Tomball
Planning & Zoning Commission
401 Market Street
Tomball, TX 77375

Re: Request for Rezoning from Agricultural Zoning to Duplex Zoning

We respectfully request consideration for a zoning change from *Agricultural Zoning* to *Duplex Zoning* for our property located near the cross section of Medical Complex and School Street being **HCAD 1223880000027** (3.14 Acres).

Our request is based on the growing need for quality housing options within the Tomball area. Converting this property to residential duplex use will help meet community demand by providing well-planned, attainable housing for local families and residents, while supporting the city's growth and long-term livability goals.

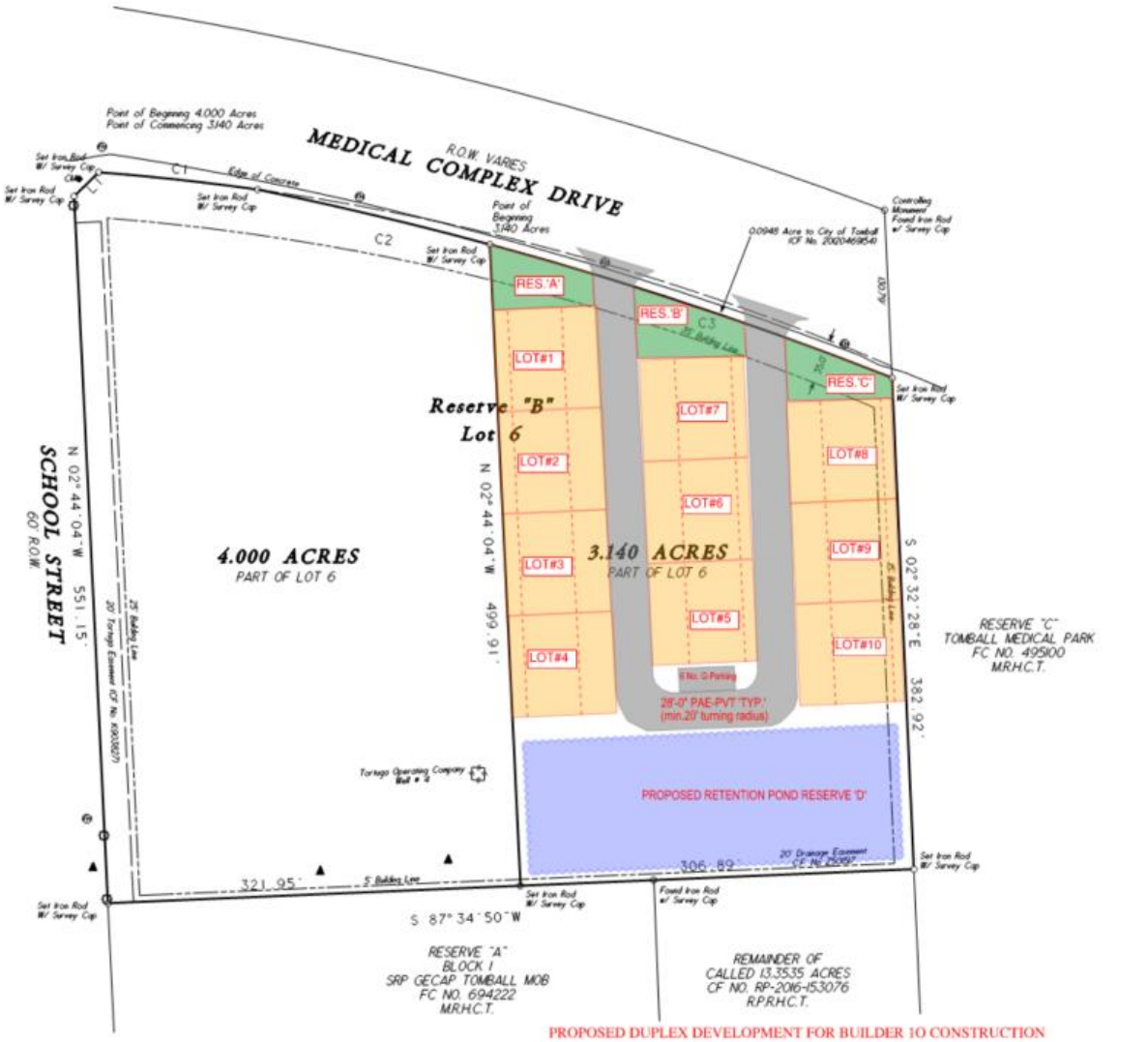
Thank you for your time and consideration of this request. We look forward to working with the City of Tomball to support responsible development that benefits the community.

Sincerely,

Dennis Conde / Key Pride Development

14360 W. Sylvanfield Drive

Houston TX 77014



PROPOSED DUPLEX DEVELOPMENT FOR BUILDER 10 CONSTRUCTION

-APPROX. 10 RESIDENTIAL LOTS
-Typical Lot Size 80'-0" x 83'-4" subject to City approval.
-25'-0" front build line
-5'-0" side build line
-10'-0" rear build line
-Building footprint 70'0"x48'4"
-28'-0" Permanent Access Easement Private (min. 20'0" turning radius to comply with fire apparatus access)

NOTE :THIS LAYOUT IS NOT TO SCALE AND IS ONLY A SCHMATIC OF THE PROPOSED DEVELOPMENT INTENT AND IS SUBJECT TO CHANGE PENDING INITIAL PRECISE DESIGN WORK AND CITY OF TOMBALL CONSULTATION.

NOTE: LOT SIZES ARE DEPENDENT ON DUPLEX BUILDING FINAL FOOTPRINT DESIGN, IT IS ADVISE TO DESIGN THE PRELIMINARY FLOOR PLANS FOR THE DUPLEX PRIOR TO DESIGN OF REPLAT PLAN.

PREPARED BY JAL ARCH DESIGNS LLC DATE: 092325

Planning and Zoning Commission
Agenda Item
Data Sheet

Meeting Date: November 10, 2025

Topic:
Conduct a public hearing and consideration to approve **Zoning Case Z25-13**: Request by Pitcher Realty Group LLC, represented by Mundy Property Holdings PLLC, to amend Chapter 50 (Zoning) of the Tomball Code of Ordinances, by rezoning approximately 0.9966 acres of land legally described as being two tracts of land (0.660 and 0.3366 acres) situated within the Joseph House Survey, Abstract No. 34 from the Single-Family Residential (SF-9) zoning district to the Office (O) zoning district. The property is located at 13519 Zion Road, within the City of Tomball, Harris County, Texas.

Background:
The subject property has been within the City of Tomball's SF-9 zoning district since the adoption of zoning in February 2008. The main structure on the property was originally used as a single-family residence with a detached garage. Between 2020 and 2022 the main structure was converted into a professional office without the renovations being permitted through the city. Because of this, a professional office operated illegally on the property for many years. This request intends to bring the current land use into conformance with the City of Tomball's zoning code and allow an office use to exist on the property.

Origination: Pitcher Realty Group LLC, represented by Mundy Property Holdings, PLLC

Recommendation:

See Analysis in the Staff Report.

Party(ies) responsible for placing this item on agenda: Benjamin Lashley (Assistant City Planner)

FUNDING (IF APPLICABLE)

Are funds specifically designated in the current budget for the full amount required for this purpose?

Yes: _____ No: _____ If yes, specify Account Number: #_____

If no, funds will be transferred from account: #_____ To Account: #

Signed: _____ **Approved by:** _____
Staff Member Date City Manager Date

NOTICE OF PUBLIC HEARING
CITY OF TOMBALL
PLANNING & ZONING COMMISSION (P&Z)
NOVEMBER 10, 2025
&
CITY COUNCIL
NOVEMBER 17, 2025

Notice is Hereby Given that a Public Hearing will be held by the P&Z of the City of Tomball on **Monday, November 10, 2025, at 6:00 P.M.** and by the City Council of the City of Tomball on **Monday, November 17, 2025, at 6:00 P.M.** at City Hall, 401 Market Street, Tomball Texas. On such dates, the P&Z and City Council will consider the following:

Zoning Case Z25-11: Request by 2S & Z Investments LLC, to amend Chapter 50 (Zoning) of the Tomball Code of Ordinances, by rezoning approximately 2.109 acres of land legally described as being two tracts of land (1.047 and 1.062 acres), each being a portion of Lot 477 of Tomball Townsite from the Agricultural (AG) zoning district to the Commercial (C) zoning district. The property is located at 22700 Hufsmith–Kohrville Road, within the City of Tomball, Harris County, Texas.

Zoning Case Z25-12: Request by Harkins Medical Properties LTD, represented by Dennis Conde, to amend Chapter 50 (Zoning) of the Tomball Code of Ordinances, by rezoning approximately 3.140 acres of land legally described as being a portion of Lot 6 of Tomball Medical Park Replat of Reserve "B" and a tract of land situated in the Jesse Pruitt Survey, Abstract No. 629 from the Agricultural (AG) zoning district to the Duplex (D) zoning district. The property is located within the 13000 block (south side) of Medical Complex Drive, within the City of Tomball, Harris County, Texas.

Zoning Case Z25-13: Request by Pitcher Realty Group LLC, represented by Mundy Property Holdings PLLC, to amend Chapter 50 (Zoning) of the Tomball Code of Ordinances, by rezoning approximately 0.9966 acres of land legally described as being two tracts of land (0.660 and 0.3366 acres) situated within the Joseph House Survey, Abstract No. 34 from the Single-Family Residential (SF-9) zoning district to the Office (O) zoning district. The property is located at 13519 Zion Road, within the City of Tomball, Harris County, Texas.

The City of Tomball Unified Development Code (UDC): Request by the City of Tomball to unify the City's land development regulations into a single document (UDC) and to reduce repetition and conflict among various ordinances. The UDC will contain regulations pertaining to General Provisions, Zoning Regulations, Subdivisions, Signs, and Definitions. Additionally, the UDC is intended to implement the City of Tomball Comprehensive Plan and all other adopted plans and policies.

At the public hearings, parties of interest and citizens will have the opportunity to be heard. All citizens of the City of Tomball, and any other interested parties, are invited to attend. Applications are available for public inspection Monday through Friday, except holidays, at the Administrative Services Building, located at 501 James Street, Tomball, TX 77375. Further information may be obtained by contacting the Assistant City Planner, Benjamin Lashley, at (281) 290-1477 or at blashley@tomballtx.gov.

C E R T I F I C A T I O N

I hereby certify that the above notice of the meeting was posted on the bulletin board of City Hall; City of Tomball, Texas, a place readily accessible to the general public at all times, on the 4th day of November 2025 by 5:00 p.m., and remained posted for at least three consecutive business days preceding the scheduled time of said meeting.

Benjamin Lashley
Benjamin Lashley
Assistant City Planner

This facility is wheelchair accessible and accessible parking spaces are available. Requests for accommodations or interpretive services must be made 48 hours prior to this meeting. Please feel free to contact the City Secretary's office at (281) 290-1019 or FAX (281) 351-6256 for further information. AGENDAS MAY ALSO BE VIEWED ONLINE AT www.tomballtx.gov.

City of Tomball
Community Development Department

NOTICE OF PUBLIC HEARING

RE: Zone Change Case Number Z25-13 **10/20/2025**

The Planning & Zoning Commission will hold a public hearing on **November 10, 2025 at 6:00 PM,** in the City Council Chambers at City Hall, 401 Market Street, Tomball, Texas to recommend approval or denial to City Council on a request by Pitcher Realty Group LLC, represented by Mundy Property Holdings PLLC, to amend Chapter 50 (Zoning) of the Tomball Code of Ordinances, by rezoning approximately 0.9966 acres of land legally described as being two tracts of land (0.660 and 0.3366 acres) situated within the Joseph House Survey, Abstract No. 34 from the Single-Family Residential (SF-9) zoning district to the Office (O) zoning district. The property is located at 13519 Zion Road, within the City of Tomball, Harris County, Texas.

This hearing is open to any interested person. Opinions, objections, and/or comments relative to this matter may be expressed in writing or in person at the hearing. At the bottom of this letter is a form that you may cut off, fill out, and mail. Comments are also accepted by email as listed below. All responses must be signed.

The attached map shows the area of this request. Only the area which is highlighted in green on the map is being considered for **re-zoning.** The blue area is the notification area. All owners of property within 300 feet of the subject property, as indicated by the most recently approved city tax roll, are required to be notified. Whether recommended for approval or denial by the Planning & Zoning Commission, this case will be heard by the City Council for First Reading with public hearing on **November 17, 2025 at 6:00 PM** in the City Council Chambers at City Hall, 401 Market Street, Tomball, Texas.

If you have any questions please contact Benjamin Lashley, Assistant City Planner, by telephone (281-290-1477) or by email address blashley@tomballtx.gov.

For the PLANNING & ZONING COMMISSION
Please call (281) 290-1477 if you have any questions about this notice.

CASE #: Z25-13
You may indicate your position on the above request by detaching this sheet at the dotted line and returning it to the address below. You may attach additional sheets if needed. You may also email your position to the email address listed below. All correspondence must include your name and address.

Name:
Parcel I.D.:
Address:

Mailing To: Community Development Department
501 James St., Tomball TX 77375

Email: blashley@tomballtx.gov

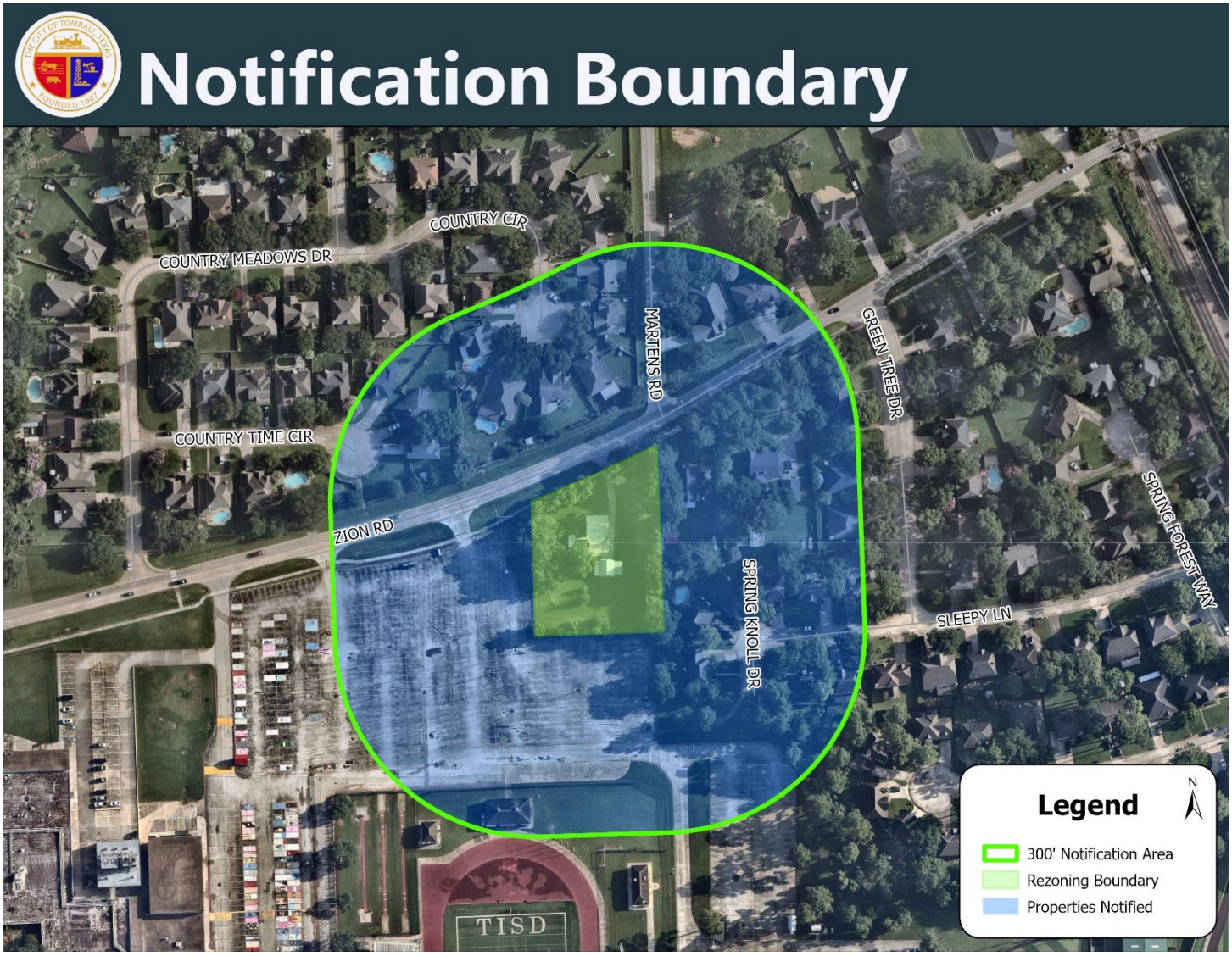
I am in favor ☐ I am opposed ☐

Additional Comments:

Signature: _____

City of Tomball
Community Development Department

Z25-13



For the PLANNING & ZONING COMMISSION
Please call (281) 290-1477 if you have any questions about this notice.

CASE #: Z25-13
You may indicate your position on the above request by detaching this sheet at the dotted line and returning it to the address below. You may attach additional sheets if needed. You may also email your position to the email address listed below. All correspondence must include your name and address.

Name: WITT DIANA
Parcel I.D.: 1162730070024
Address:13530 SPRING CT

Mailing To: Community Development Department
501 James St., Tomball TX 77375

Email: blashley@tomballtx.gov

I am in favor ☐ I am opposed ☒

Additional Comments:

Signature: Diana Ransik (Witt)
13530 Spring Ct.
77375

501 James Street• TOMBALL, TEXAS 77375

Community Development Department

Rezoning Staff Report

Planning & Zoning Commission Public Hearing Date: November 10, 2025
City Council Public Hearing Date: November 17, 2025

Rezoning Case:	Z25-13
Property Owner(s):	Pitcher Realty Group, LLC
Applicant(s):	Mundy Property Holdings, PLLC
Legal Description:	Approximately 0.9966 acres of land legally described as being two tracts of land (0.660 and 0.3366 acres) situated within the Joseph House Survey, Abstract No. 34
Location:	13519 Zion Road (Exhibit "A")
Area:	0.9966 acres
Comp Plan Designation:	Low-Density Residential (Exhibit "B")
Present Zoning:	Single-Family Residential (SF-9) District (Exhibit "C")
Request:	Rezone from the Single-Family Residential (SF-9) to the Office (O) District.

Adjacent Zoning & Land Uses:

	Zoning	Land Use
North	Single-Family Residential (SF-9)	Single-family residences
South	Single-Family Residential (SF-9)	Tomball High School Campus
East	Single-Family Residential (SF-9)	Single-family residences
West	Single-Family Residential (SF-9)	Tomball High School Campus

BACKGROUND

The subject property has been within the City of Tomball's SF-9 zoning district since the adoption of zoning in February 2008. The main structure on the property was originally used as a single-family residence with a detached garage. Between 2020 and 2022 the main structure was converted into a professional office without the renovations being permitted through the city. Because of this, a professional office operated illegally on the property for many years. This request intends to bring the current land use into conformance with the City of Tomball's zoning code and allow an office use to exist on the property.

ANALYSIS

Comprehensive Plan Analysis: The property is designated as "Low-Density Residential" by the Comprehensive Plan's Future Land Use Map. The Low-Density Residential designation is intended for suburban-style single-family detached homes in a traditional neighborhood pattern.

According to the Comprehensive Plan, land uses should consist of single-family attached homes, parks and green spaces, schools, public facilities, and accessory dwelling units.

The Comprehensive Plan identifies the following zoning districts as compatible with the Low-Density Residential designation: Single-Family Estate Residential (SF-20-E), Single-Family Residential (SF-9), and Single-Family Residential (SF-7.5).

Staff Review Comments: The request to rezone the subject property to Office (O) is not in conformance with the Future Land Use Plan. However, the subject property borders the Tomball High School parking lot on two sides and has frontage on Zion Road which is designated as a Minor Arterial on Tomball's Major Thoroughfare Plan. Direct frontage onto an arterial roadway is more supportive of non-residential uses and the adjacent high school parking lot reduces the residential viability for the property. Further, the Office (O) zoning district is the most restrictive non-residential district, which limits the permitted land uses to those most compatible with residential areas. If approved, this request would bring a nonconforming property into compliance with current zoning code while maintaining the overall character of the surrounding area.

PUBLIC COMMENT

A Notice of Public Hearing was published in the paper and property owners within 300 feet of the project site were mailed notification of this proposal on October 20, 2025. Any public comment forms will be provided in the Planning & Zoning Commission and City Council packets or during the public hearing.

EXHIBITS

A. Aerial Location Map
B. Future Land Use Plan
C. Zoning Map
D. Site Photos
E. Rezoning Application

Exhibit "A"
Aerial Location Map

Exhibit "B"
Future Land Use Plan

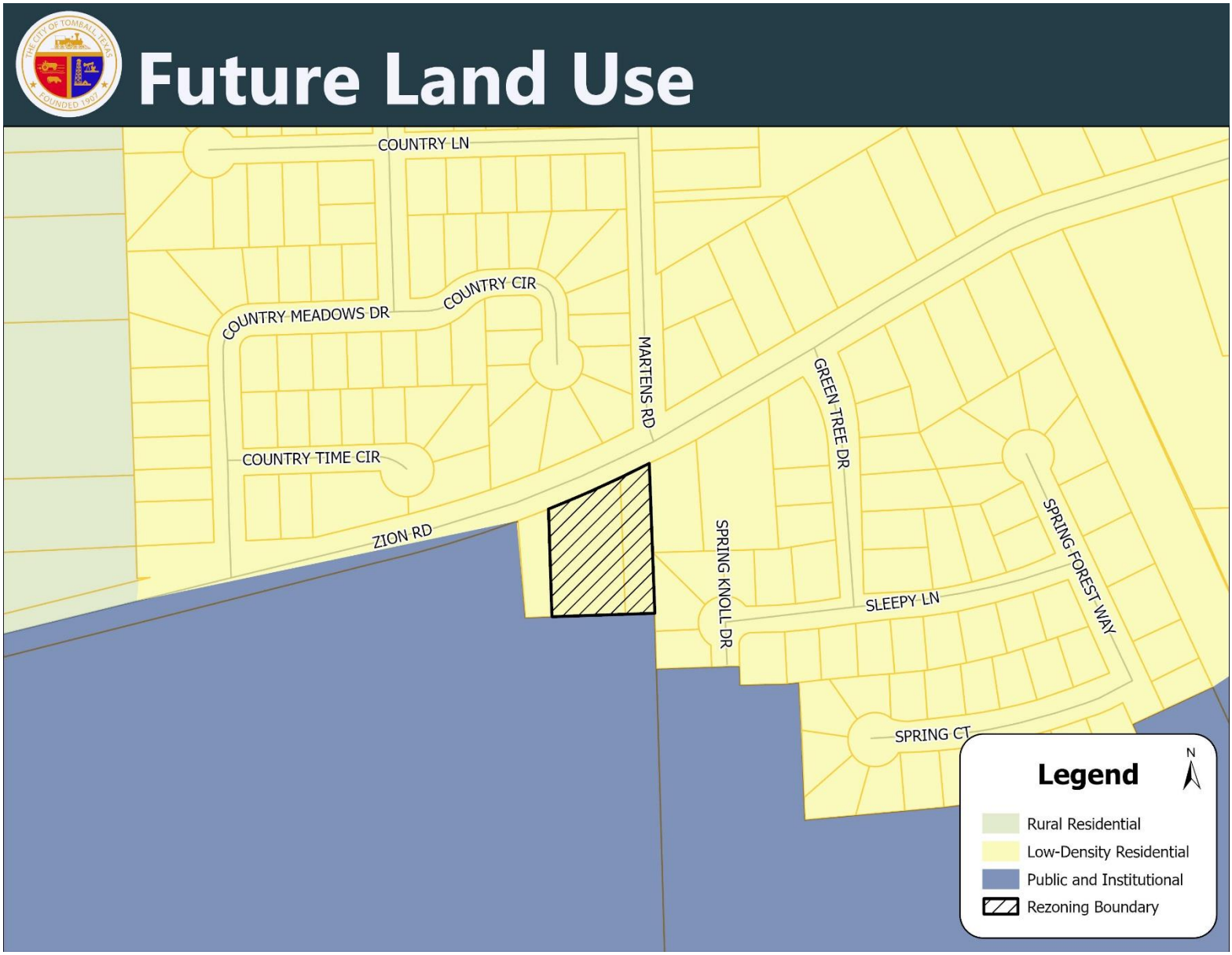


Exhibit "C"
Zoning Map

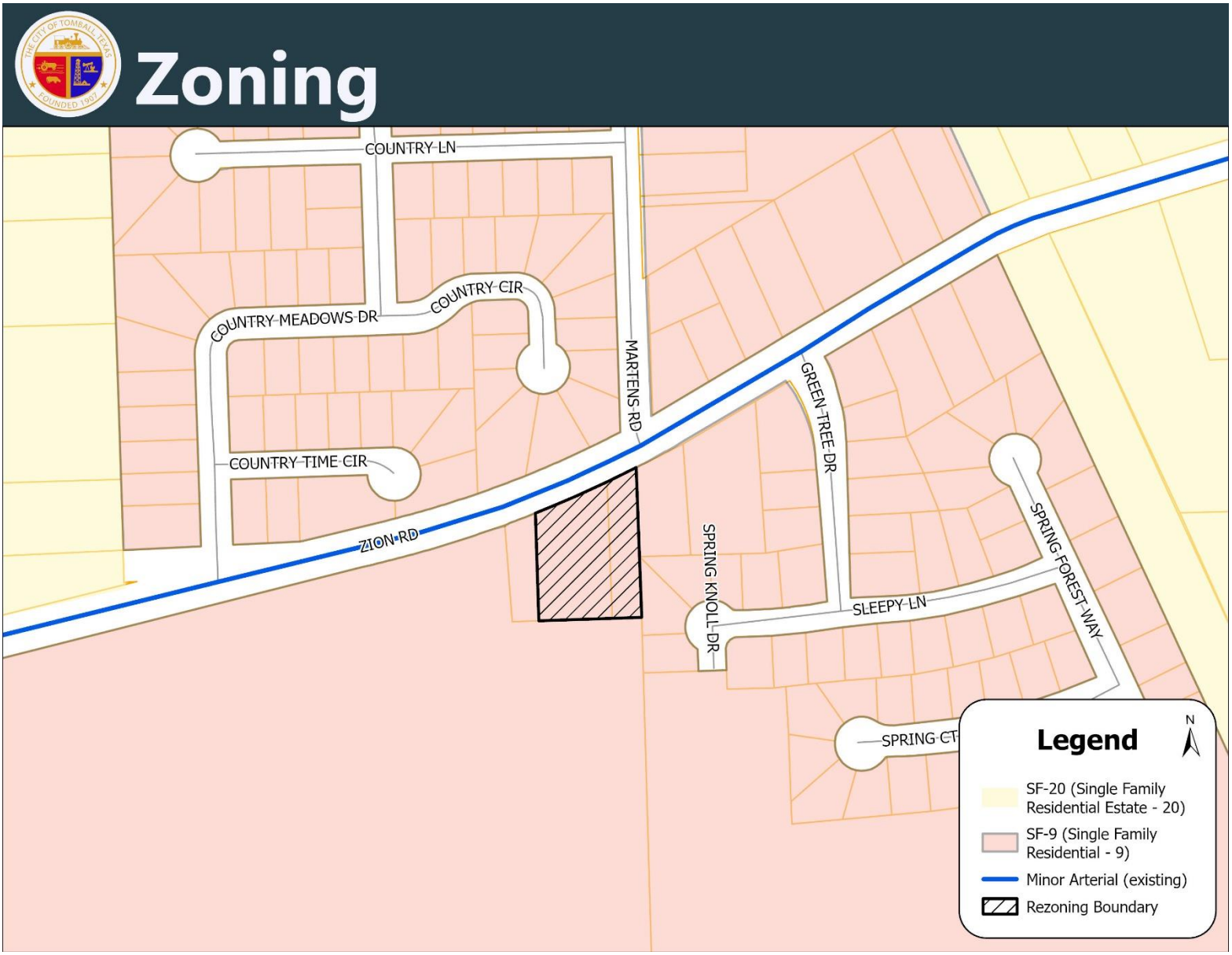


Exhibit "D"
Site Photo(s)

Subject Property

Neighbor (North)

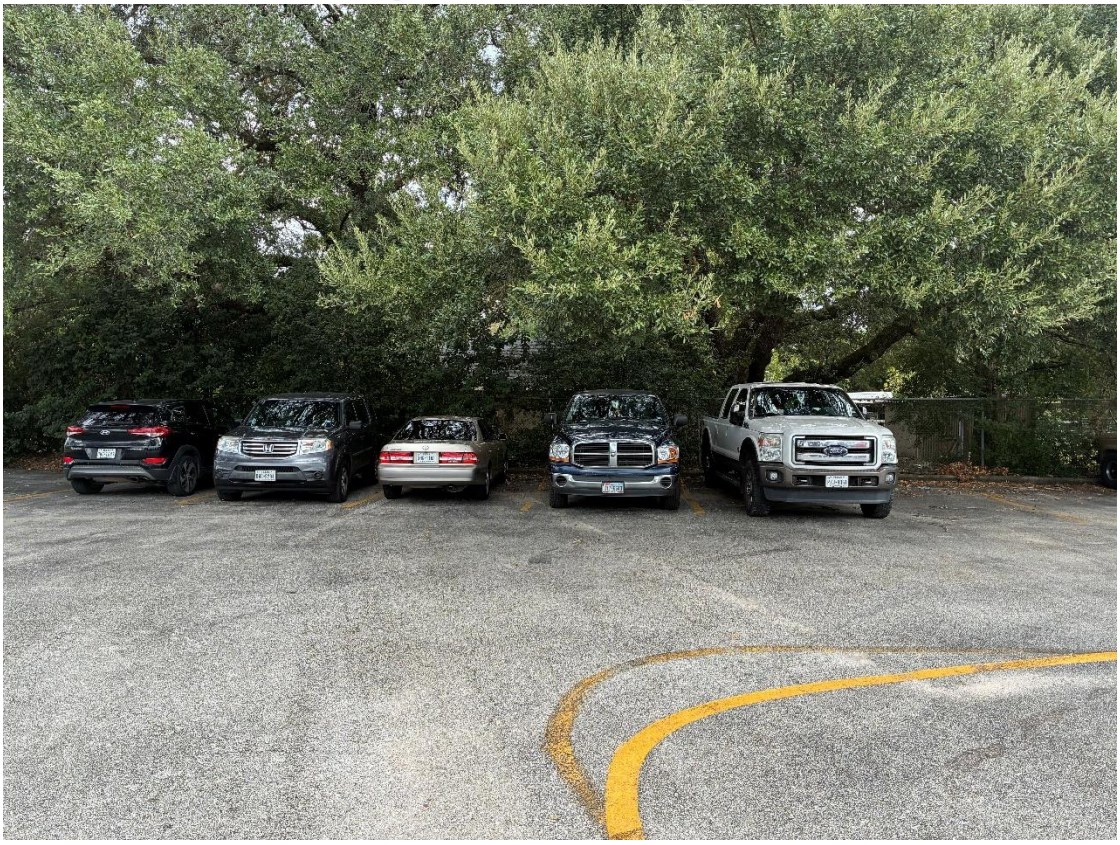
Neighbor (East)

Neighbor (West)

Adjacent Parking Lot

Adjacent Parking Lot

Adjacent Parking Lot



Adjacent Parking Lot

Exhibit "E"
Rezoning Application

DocuSign Envelope ID: 812A5406-579E-4437-97B0-A8E49137845C

Revised: 08/25/2023

APPLICATION FOR RE-ZONING

Community Development Department
Planning Division

APPLICATION REQUIREMENTS: Applications will be ***conditionally*** accepted on the presumption that the information, materials and signatures are complete and accurate. If the application is incomplete or inaccurate, your project may be delayed until corrections or additions are received.

FEES: Must be paid at time of submission or application will not be processed.

- $1,000.00 fee for requests to rezone to standard zoning districts
- $1,500.00 fee for request to rezone to Planned Development districts.

DIGITAL APPLICATION SUBMITTALS:
PLEASE SUBMIT YOUR APPLICATIONS AND PLANS DIGITALLY WITHIN SMARTGOV
WEBSITE: ci-tomball-tx.smartgovcommunity.com

Applicant
Name: Mundy Property Holdings , PLLC Title:
Mailing Address: 19114 Camden Woods Ct City: Tomball State: TX
Zip: 77377 Contact: Allison Mundy
Phone: (832) 372-9033 Email: allison@mundylegalsvcs.com

Owner
Name: [redacted] Pitcher Realty Group LLC Title:
Mailing Address: 13519 Zion Rd City: Tomball State: TX
Zip: 77375 Contact: Sam Shariff
Phone: (713) 806-6939 Email: SAMSHARIFrealtor@gmail.com

Engineer/Surveyor (if applicable)
Name: Title:
Mailing Address: City: State:
Zip: Contact:
Phone: (____) Fax: (____) Email:

Description of Proposed Project: Convert property from residential to office commercial as the property has been used

Physical Location of Property: 13519 and 13517 Zion Rd Tomball TX 77375
[General Location – approximate distance to nearest existing street corner]

Legal Description of Property: Tract 14F Abstract 34J House
[Survey/Abstract No. and Tracts; or platted Subdivision Name with Lots/Block]

Current Zoning District: ~~(C) Office~~ Single-Family Residential (SF-9)

Authentisign ID: BC945E62-159F-F011-8E61-002248330C80

Revised: 08/25/2023

Current Use of Property: N/A

Proposed Zoning District: (O) : Office

Proposed Use of Property: Rental to Mundy Legal Services, LLC - Law Office

HCAD Identification Number: _____ Acreage: ~1.0 acre

Please note: A courtesy notification sign will be placed on the subject property during the public hearing process and will be removed when the case has been processed.

This is to certify that the information on this form is COMPLETE, TRUE, and CORRECT and the under signed is authorized to make this application. I understand that submitting this application does not constitute approval, and incomplete applications will result in delays and possible denial.

X Allison Mundy — 9/30/2025
Signature of Applicant — **Date**

X Authentisign Garrick Pitcher — 10/02/25
Signature of Owner — **Date**

Bill Pitcher — 10/2/2025

Karen Pitcher — 10/2/2025

Docusign Envelope ID: 6BA72082-147E-45B6-9FA7-05086C234B1C

Revised: 08/25/2023

Submittal Requirements

The following summary is provided for the applicant's benefit. However, fulfilling the requirements of this summary checklist does not relieve the applicant from the responsibility of meeting the regulations in the Zoning Ordinance, subdivision regulations, and other development related ordinances of the City of Tomball.

Applications must be received by the City of Tomball at least 40 calendar days prior to the City Planning and Zoning Commission hearing date.

- **Application Fee: $1,000.00 (standard zoning) or $1,500.00 (PD zoning)**
- **Completed application form**
- ***Copy of Recorded/Final Plat**
- **Letter stating reason for request and issues relating to request**
- **Conceptual Site Plan (if applicable)**
- **Metes & Bounds of property**
- **Payment of all indebtedness attributed to subject property must be paid with application or an arrangement in accordance with Section 50-36(a)(3) of the Code of Ordinances as cited below:**

(No person who owes delinquent taxes, delinquent paving assessments, or any other fees, delinquent debts or obligations or is otherwise indebted to the City of Tomball, and which are directly attributed to a piece of property shall be allowed to submit any application for any type of rezoning, building permit, or plan review until the taxes, assessments, debts, or obligations directly attributable to said property and owed by the owner or previous owner thereof to the City of Tomball shall have been first fully discharged by payment, or until an arrangement satisfactory to the City has been made for the payment of such debts or obligations. It shall be the applicant's responsibility to provide evidence of proof that all taxes, fees, etc.. have been paid, or that other arrangements satisfactory to the City have been made for payment of said taxes, fees, etc.)

The City's staff may require other information and data for specific required plans. Approval of a required plan may establish conditions for construction based upon such information.

***Legal Lot Information:** If property is not platted, a plat will be required to be filed with the Community Development Department unless evidence of a legal lot is provided. To be an un-platted legal lot, the applicant is required to demonstrate that the tract existed in the same shape and form (same metes and bounds description) as it currently is described prior to August 15, 1983, the date the City adopted a subdivision ordinance.

Revised: 08/25/2023

Application Process

1. The official filing date is the date the application and fee are received by the City.

2. The City will review the application for completeness and will notify the applicant in writing within 10 days if the application is deemed incomplete.

3. Property owners within two-hundred (300) feet of the project site will be notified by letter within 10 calendar days prior to the public hearing date and legal notice will appear in the official newspaper of the City before the eighth calendar day prior to the date of the hearing.

4. A public hearing will be held by the Planning and Zoning Commission at 6:00 p.m. in the City Council chambers, unless otherwise noted. The Planning and Zoning Commission meetings are scheduled on the second Monday of the month. The staff will review the request with the Commission and after staff presentations the chair will open the public hearing. The applicant will have ten (10) minutes to present the request. The chair will then allow those present in favor of the request and those in opposition to the request to speak. The Commission may then ask staff or anyone present additional questions, after which the Commission may close or table the public hearing. The Commission may then vote to recommend approval or denial to the City Council. The Commission may also table the request to a future date before a recommendation is sent to the City Council.

5. A second public hearing will be scheduled before the City Council after fifteen (15) days of legal notice. The Council meetings are held on the first (1st) and third (3rd) Mondays of the month at 6:00 p.m. in the City Council chambers (401 Market Street, Tomball, Texas, 77375).

6. The City Council will conduct a public hearing on the request in the same manner as the Planning and Zoning Commission. In the event that there has been a petition filed with the City Secretary with twenty percent (20%) of the adjoining property owners in opposition to the subject zoning request, it will require a three fourths (3/4) vote of the full Council to approve the request. Upon approval of the request by the City Council, an amended ordinance shall be prepared and adopted. The ordinance shall have two separate readings and will be effective at such time that it is adopted by City Council and signed by the Mayor and attested by the City Secretary.

FAILURE TO APPEAR: It is the applicant/property owner's responsibility to attend all Planning and Zoning Commission and City Council meetings regarding their case. Failure of the applicant or his/her authorized representative to appear before the Planning and Zoning Commission or the City Council for more than one (1) hearing without approved delay by the City Manager, or his/her designee, may constitute sufficient grounds for the Planning and Zoning Commission or the City Council to table or deny the application unless the City Manager or his/her designee is notified in writing by the applicant at least seventy-two (72) hours prior to the hearing. If the agenda item is tabled the Planning and Zoning Commission shall specify a specific date at which it will be reconsidered.

MUNDY LEGAL SERVICES PLLC

ATTORNEYS AT LAW
500 W. Main Street
Tomball, Texas 77375
Tel (281) 466-4469
Fax (281)-547-7514

October 2, 2025

Zoning Authority
City of Tomball
501 James Street
Tomball, TX 77375

Dear Members of the Zoning Authority,

Subject: Request for Zoning Change from Residential (SF-6) to Commercial Office (B) for 13519 Zion Road, Tomball, Texas 77375

I am writing to respectfully request a zoning change for this property from its current residential designation to a commercial office (B) zoning classification. This request is made in consideration of the property's current use, location and the significant benefits such a change would bring to the community.

It is my understanding based on conversation with the current owners that for the past five years, the property located at 13519 Zion Road, Tomball, Texas 77375, has been utilized as a commercial entity, specifically office space for a CPA firm. After their purchase of the property in 2020, significant changes were made to the property to convert the residence into office space, including removal of bedroom closets, washer and dryer connections and general layout modifications.

This use has been conducted without any adverse impact on the surrounding neighborhood, and indeed, it has contributed positively to the local economy by providing tax revenue and employment opportunities. The property's location is ideally suited for commercial activities, given its proximity to Tomball High School, as well as other nearby businesses including a Nationwide Insurance Agency (13818 Zion Rd), Ella's Garden Event Venue (1415 Ulrich Rd) and Texas Star Gymnastics (1230 Ulrich Rd). In fact, this property directly adjoins the THS parking lot on two sides, making it difficult to imagine a residential homeowner wanting to purchase the home.

The current residential zoning designation does not reflect the property's actual use or its potential to further contribute to the economic vitality of the area. A formal change to commercial zoning would not only legitimize the existing use but also allow for potential enhancements and improvements that could further benefit the community. Specifically, Mundy Property Holdings, LLC has a pending offer to purchase the Zion property, for the sole intention of the relocation of Mundy Legal Services from Main Street to this location. I, Allison Mundy, own both Mundy Property Holdings and Mundy Legal Services, PLLC. I am an active member of the Tomball community, my children attend Tomball schools, and my business has called Tomball home since its beginning almost 10 years ago. My current location on Main Street is a

lease, and I have a strong desire to purchase a property in the City of Tomball for long-term investment in the community I call home.

I understand that zoning changes require careful consideration of various factors, including community impact, compliance with local zoning regulations, and alignment with the city's development plans. In this regard, we believe that the proposed change aligns with the city's strategic goals for economic development and urban planning. The property is situated in an area that is gradually transitioning towards mixed-use, and a commercial zoning designation would be consistent with this trend.

I am committed to working closely with the Zoning Authority to address any concerns and to ensure that the transition is smooth and beneficial for all stakeholders involved. We are prepared to provide any additional information or documentation that may be required to facilitate this process.

Thank you for considering this request. We look forward to your favorable response and to the opportunity to further discuss how this zoning change can serve the best interests of the community.

Sincerely,

Allison Mundy

Allison Mundy
For Mundy Property Holdings, LLC and the benefit of
Mundy Legal Services, PLLC
500 W. Main Street
Tomball, TX 77375
281-466-4469
allison@mundylegalsvcs.com
service@mundylegalsvcs.com

Planning and Zoning Commission
Agenda Item
Data Sheet

Meeting Date: November 10, 2025

Topic:
Conduct a public hearing and consideration to approve **The City of Tomball Unified Development Code (UDC)**: Request by the City of Tomball to unify the City's land development regulations into a single document (UDC) and to reduce repetition and conflict among various ordinances. The UDC will contain regulations pertaining to General Provisions, Zoning Regulations, Subdivisions, Signs, and Definitions. Additionally, the UDC is intended to implement the City of Tomball Comprehensive Plan and all other adopted plans and policies.

Background:

Origination: Community Development Department

Recommendation:

Party(ies) responsible for placing this item on agenda: Benjamin Lashley (Assistant City Planner)

FUNDING (IF APPLICABLE)

Are funds specifically designated in the current budget for the full amount required for this purpose?

Yes: _____ No: _____ If yes, specify Account Number: #_____

If no, funds will be transferred from account: #_____ To Account: #

Signed: _____ **Approved by:** _____
Staff Member Date City Manager Date

City of Tomball

Unified Development Code

Public Hearings Draft | November 2025

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Article 1. General Provisions

1.01. Establishment

A. Title

This Unified Development Code of the City of Tomball, Texas shall be known as, and may be cited and referred to as, the "UDC".

B. Purpose

The purpose of this UDC is to unify the City's land development regulations into a single document and to reduce repetition and conflict among various ordinances. Additionally, this UDC is intended to implement the City of Tomball Comprehensive Plan, City of Tomball Parks, Recreation, and Trails System Master Plan, Tomball Livable Center Downtown Plan, and all other City-adopted plans and policies.

C. Authority

These regulations are adopted pursuant to the authority granted by the U.S. Constitution, the Texas Constitution, and the laws of the State of Texas, specifically Chapter 211 and Chapter 212 of the Texas Local Government Code. These regulations are the minimum requirements for the promotion of public safety, health, convenience, comfort, prosperity, and general welfare.

D. Effective Date

The effective date of this UDC shall be [**Effective Date To Be Inserted Following Adoption**].

E. Design Manual and Other Technical Resources

This UDC references a Design Manual that is maintained separately from this UDC. This UDC also references several other technical resources that apply within the City and ETJ, including (but not limited to) the City's Comprehensive Plan, and any other federal, state, or local law or regulations. These documents may be amended by the City as needed.

F. Conflicting Provisions

1. Conflict with State or Federal Regulations

   If the provisions of this UDC are inconsistent with state or federal law, the more restrictive provision governs, to the extent allowed by law. The more restrictive provision is the one that imposes more stringent controls.

2. Conflict with Other City Regulations

   If the provisions of the UDC are inconsistent with one another or if they conflict with provisions found in other adopted ordinances or regulations of the City, the more restrictive provision governs unless otherwise expressly stated. The more restrictive provision is the one that imposes more stringent controls.

3. Conflict with Private Agreements and Covenants

   The UDC does not interfere with, abrogate, or annul any easement, covenant, deed restriction or other agreement between private parties. If the provisions of this UDC impose a greater restriction than imposed by an agreement or covenant among private parties, the provisions of the UDC govern. The City is not responsible for monitoring or enforcing agreements or covenants among private parties.

G. Enforcement and Violations

In accordance with Chapter 54 of the Texas Local Government Code, the City is authorized to enforce this UDC and may issue a fine or penalty for the violation of a rule, ordinance, or police regulation.

1. Violations Related to Fire Safety, Zoning, or Public Health and Sanitation

   Any person, firm, or corporation who violates, disobeys, omits, neglects, or refuses to comply with or resists the enforcement of any of the provisions of this UDC related to fire safety, zoning, or public health and sanitation shall be fined not more than $2,000 for each violation. Each day (or part of a day) that a violation is permitted to exist shall constitute a separate offense.

2. All Other Violations

   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 all other aspects of this UDC shall be fined not more than $500 for each violation. Each day (or part of a day) that a violation is permitted to exist shall constitute a separate offense.

H. Vested Rights Request

1. Vested Rights Request

   a. Any property owner who believes that they have obtained a vested right under Chapter 245 of the Texas Local Government Code shall submit to the City Secretary a letter explaining the factual and legal bases upon which the property owner relies in their contention that they have a particular vested right and, consequently, is exempt or not subject to a particular City order, regulation, ordinance, rule, expiration date, or other properly adopted requirement (hereinafter referred to collectively as "regulations").

   b. Such written submission shall include, at a minimum, the following:

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

      ii. Identification of the property for which the property owner claims a vested right;

      iii. Identification of the "project," as that term is defined in Chapter 245 (Sec. 245.001 (3)) of the Texas Local Government Code;

      iv. Identification of the original application for the first permit in the series of permits required for the project, as described in Chapter 245 (Sec. 245.001(1) and 245.002(a) and (b)) of the Texas Local Government Code;

      v. The date that the first permit in the series of permits required for the project was filed with the City;

      vi. A chronology of the history of the project, with special emphasis on facts establishing that the project was in progress on or commenced after September 1, 1997, as required by Chapter 245 (Sec. 245.003) of the Texas Local Government Code;

      vii. Identification of all City regulations in effect at the time the original application for the permit was filed that the owner contends are vested and the owner contends controls the approval, disapproval, or conditional approval of an application for a permit, pursuant to Chapter 245 (Sec. 245.002(a) and (b)) of the Texas Local Government Code;

      viii. Identification of all City regulations that the property owner contends do not apply to the project due to the vested rights provided the property owner by Chapter 245 of the Texas Local Government Code; and

      ix. Identification of all City regulations that the property owner contends would apply to the project that predate the regulations the property owner contends do not apply.

   c. If a property owner contends that certain City regulations do not apply to the project, the property owner is expected to identify, with particularity, all requirements that the property owner contends do not apply.

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

2. Vested Rights Determination

   a. The decision-maker for a vested rights determination is the same as the currently assigned decision-maker for the original application type.

   b. The City Manager and City Attorney shall also be notified of the request and shall provide a recommendation to the decision-maker.

   c. The decision-maker shall determine whether the relief requested shall be granted in whole or in part. The decision-maker's decision may be appealed in accordance with the provisions for the original application type.

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

3. Binding Determination

   a. The decision-maker's determination, if not appealed in accordance with the procedures outlined within the UDC, shall be immediately filed in the City's files related to the project and the determination shall be considered binding upon the City and the property owner for the duration of the project.

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

I. Severability

If any section, paragraph, subdivision, clause, phrase, or provision of this UDC shall be adjudged invalid or held unconstitutional, the same shall not affect the validity of this UDC as a whole or any part or provision thereof other than the part so decided to be invalid or unconstitutional.

1.02. Approval Entities

A. City Council

1. Establishment

   The Tomball City Charter within the Code of Ordinances establishes the provisions governing the City Council in Article VI. The Tomball City Council.

2. Responsibilities

   Figure 1.02-1. Summary of Major Roles and Responsibilities provides a summary of the City Council's major responsibilities within the UDC.

B. Planning and Zoning Commission

1. Establishment

   The Tomball Code of Ordinances establishes the standards governing the Planning and Zoning Commission within Article X (Municipal Planning), Sec. 10.01 of the City Charter.

2. Responsibilities

   Figure 1.02-1. Summary of Major Roles and Responsibilities provides a summary of the Planning and Zoning Commission's major responsibilities within the UDC.

3. Powers and Duties

   a. The Planning and Zoning Commission shall have all the rights, powers, privileges and authority authorized and granted by the City Council and through the state authorizing and granting cities the power of zoning and subdivision regulation as found in Chapter 211 and Chapter 212 of the Texas Local Government Code.

   b. The Planning and Zoning Commission shall be an advisory body and adjunct to the City Council, and shall make recommendations regarding amendments to the Comprehensive Plan, changes of zoning, zoning ordinance amendments, and zoning to be given to newly annexed areas, and other planning-related matters. The Commission shall conduct an annual review of the City's Comprehensive Plan and shall be prepared to make recommendations to the City Council as deemed necessary to keep the City's Comprehensive Plan current with changing conditions and trends and with the planning needs of the City. The Commission shall also serve in an advisory capacity on any planning related items in the City and perform other duties as provided for by the City Charter.

4. Created; Membership; Officers; Rules and Bylaws

   a. There is created, in accordance with Chapter 211 of the Texas Local Government Code, the Planning and Zoning Commission, hereafter sometimes referred to as the commission, which shall consist of five people residing within the City limits.

   b. Planning and Zoning Commission members shall be appointed by the City Council.

   c. All appointments to the Planning and Zoning Commission shall serve as a member of the Commission for a term of office of three years. Members may be reappointed with no limitation on the number of terms one member may serve. Upon adoption of the ordinance from which this UDC is derived, the City Council appoints the City Planning Commission members to serve as the Planning and Zoning Commission.

   d. Any vacancies on the Commission shall be filled via appointment by a simple majority vote of the City Council.

   e. Members of the Planning and Zoning Commission may be removed from office at any time by a simple majority vote of the full City Council either upon its own motion or upon recommendation of the Commission. Failure to attend three consecutive scheduled meetings shall be deemed as neglect and cause for removal from office, unless such absences were due to unusual circumstances beyond the

member's control, such as sickness of the member or someone within the member's immediate family, or if the Commission or the City Council approves the absences as excused. A vote to remove a Commission member shall be placed on the appropriate agenda as a regular item, and shall be voted upon accordingly.

f. The members of the Planning and Zoning Commission shall regularly attend meetings and public hearings of the Commission, shall serve without compensation, and shall not hold any other office within, or serve as an employee of, the City while serving on the Commission. The Commission shall meet a minimum of once per month at a time established by the City Council. If there have been no applications filed for review by the Commission, the Commission shall notify the chairperson and no meeting shall be required for that month.

g. The Planning and Zoning Commission shall elect a chairperson and a vice-chairperson from among the Commission membership, and each officer shall hold office for one year or until replaced by a simple majority vote of the full commission. The City Manager's designee shall serve as secretary to the Commission, and shall keep minutes of all meetings held by the Commission as well as the full record of all recommendations made by the Commission to the City Council.

h. The Planning and Zoning Commission shall have the power to make rules, regulations and bylaws for its own governance, which shall conform with those set forth by the City Council, and such rules, regulations and bylaws shall be subject to approval by the City Council. Such rules and bylaws shall include, among other items, provisions for the following:

i. Regular and special meetings, open to the public;

ii. A record of its proceedings, to be open for inspection by the public;

iii. Reporting to the City Council and the public, from time to time and annually; and

iv. Reviewing the comprehensive plan on a regular basis.

5. Parliamentary Procedure; Quorum; Voting

The Planning and Zoning Commission will follow the parliamentary procedure adopted by the City Council, and procedures shall not be in conflict with the laws applicable to the Commission on the following:

a. Quorum

A quorum shall consist of a majority of the membership of the Planning and Zoning Commission, and any issue to be voted upon shall be resolved by a majority of those members present.

b. Voting

All Planning and Zoning Commission members, including the chairperson, shall be entitled to one vote each upon any question, a quorum being present. Voting procedures shall be in accordance with the parliamentary procedures adopted by the City Council.

c. Conflict of Interest

If any member has a conflict of interest regarding any item on the Commission's agenda, that member may remove themself from the room and shall refrain from discussing and/or voting only on the item for which a conflict exists. Refer to Chapter 171 of the Texas Local Government Code, and any applicable City ethics policies or regulations.

6. Meetings; Public Record

a. The Planning and Zoning Commission shall meet in the municipal building or in some other specified location as may be designated by the presiding chairperson and at such intervals as may be necessary to orderly and properly transact the business of the Commission but not less than once each month, except as described in **4.f** above.

b. Meetings shall be conducted in accordance with the Open Meetings Law (refer to Chapter 551 of the Texas Local Government Code).

7. Procedure on Zoning Hearings

   The procedure and process for zoning changes or amendments shall be in accordance with 2.02.B. Zoning Text or Map Amendments (Rezoning)..

8. Joint Meetings with the City Council

   Whenever the City Council and the Planning and Zoning Commission are required by the laws of the state to conduct public hearings in matters pertaining to planning, zoning or subdividing property, and at other times when it is in the best interest of the City to do so, the City Council and the Commission are hereby authorized, after published notice as required by law, to hold joint meetings and to conduct joint public hearings.

C. Board of Adjustments

1. Creation

   There is hereby created a Board of Adjustments, hereafter sometimes referred to as the Board, for the purpose, in appropriate cases and subject to appropriate conditions and safeguards, of making Special Exceptions and Zoning Variances to the terms of **Article 2. Zoning Regulations** that are consistent with the general purpose and intent of this UDC. The Board shall be composed of members who are resident citizens of the City.

2. Responsibilities

   Figure 1.02-1. Summary of Major Roles and Responsibilities provides a summary of the Board of Adjustments' major responsibilities within the UDC.

3. Members; Terms of Office

   a. The Board of Adjustments shall consist of five regular members, who shall be appointed by a simple majority vote of the full City Council, and shall operate in accordance with Sec. 211.008 through Sec. 211.011 of the Texas Local Government Code.

   b. The City Council shall provide for the appointment of up to four alternate members to serve in the absence of one or more of the regular Board of Adjustments members on an alternating basis such that all alternate members have equal opportunities to serve on the Board. The Community Development Director shall determine which alternate will serve if an alternate is needed.

   c. Regular Board of Adjustments members and alternate members shall serve for a term of two years, and expiration of terms shall be staggered so that an overlapping of terms occurs (e.g., in any two-year period, the terms of two regular members and at least one alternate member shall expire during one of those years, and the terms of three regular members and at least one alternate member shall expire during the second year).

   d. Any vacancies on the Board of Adjustments (both regular and alternate members) shall be filled for the unexpired terms via appointment by a simple majority vote of the full City Council for the remainder of the terms.

   e. Members of the Board of Adjustments may be removed from office for cause, and after a public hearing, by a simple majority vote of the full City Council. Failure to attend three consecutive scheduled meetings shall be deemed as neglect and cause for removal from office, unless such absences were due to unusual circumstances beyond the member's control such as sickness of the member or someone within the member's immediate family. Absences may be excused by the Board or by the City Council.

   f. The members of the Board of Adjustments (and alternate members, as needed) shall regularly attend meetings and public hearings of the Board, shall serve without compensation, and shall not hold any other office or position with the City while serving on the Board.

   g. The Board of Adjustments shall elect a chairperson and a vice-chairperson from among its membership, and each officer shall hold office for two years or until replaced by a simple majority vote of the full Board. The City Manager's designee shall serve as secretary to the Board, and shall keep minutes of all meetings held by the Board. The secretary shall also set up and maintain a separate file for each application for

hearing by the Board, and shall record therein the names and addresses of all persons/entities to whom notices are mailed, including the date of mailing and the person by whom such notices were delivered to the post office. All records and files provided for in this subsection shall be official records of the City. The secretary shall also immediately notify in writing the City Council, Planning and Zoning Commission, and the Building Official of each decision rendered by the Board in the conduct of its duties.

h. The Board of Adjustments shall have the power to make the rules, regulations, and bylaws for its own government, which shall conform as nearly as possible to those governing the City Council and the provisions of this section. The Board's rules, regulations and bylaws shall be subject to approval by City Council.

4. Meetings

Meetings of the Board of Adjustments shall be held at the call of the chairperson or Community Development Director and at such other times as the Board may determine. All meetings of the Board shall be open to the public, and minutes shall be kept of all proceedings at Board meetings. Four members of the Board shall constitute a quorum for the conduct of business.

5. Authority

a. The Board of Adjustments shall have the authority, subject to the standards established in Chapter 211 (Sec. 221.008 through 211.011) of the Texas Local Government Code and those established in this section, to exercise powers and to perform duties including the following:

i. Hear and decide an appeal that alleges error in an order, requirement, decision, or determination made by an administrative official in the enforcement of **Article 2. Zoning Regulations**;

ii. Authorize, in specific cases, a Zoning Variance or Special Exception (see **2.02.I. Zoning Variances** and **2.02.J. Special Exceptions**) from the terms of **Article 2. Zoning Regulations** if the Zoning Variance is not contrary to the public interest and if, due to special conditions, a literal enforcement of the regulations would result in unnecessary hardship, and so that the spirit of **Article 2. Zoning Regulations** is observed and substantial justice is done; and

iii. Make interpretations on zoning district boundaries shown on the zoning map where uncertainty exists because physical features on the ground differ from those on the zoning map or where the rules in **2.03 Zoning Districts** do not apply or are ambiguous.

iv. Make determinations related nonconformities, as outlined in **2.01.E. Nonconformities**.

b. In exercising its authority under **1.02.C.5 Authority**, the Board of Adjustments may reverse or affirm, in whole or in part, or modify the administrative official's order, requirement, decision or determination from which an appeal is taken and make the correct order, requirement, decision or determination, and for that purpose the Board has the same authority as the City Manager or their designee.

c. The concurring vote of at least four members of the Board of Adjustments is necessary to:

i. Reverse a zoning-related order, requirement, decision or determination of an administrative official (see **2.02.L. Zoning Appeals**);

ii. Decide in favor of an applicant on a matter on which the Board is required to review under this UDC;

iii. Authorize a Zoning Variance from a provision of **Article 2. Zoning Regulations** (see **2.02.I. Zoning Variances**); or

iv. Hear and decide Special Exceptions to a provision of **Article 2. Zoning Regulations** (see **2.02.J. Special Exceptions**).

6. Limitations on Authority

a. The Board of Adjustments may not grant a Zoning Variance or Special Exception authorizing a use other than those permitted in the district for which the Zoning Variance or Special Exception is sought, except as specifically provided for in **Article 2. Zoning Regulations**.

b. The Board of Adjustments shall have no power to grant or modify conditional use provisions authorized under **2.04. Permitted Uses and Use-Based Standards**.

c. The Board of Adjustments shall have no power to grant a zoning amendment. In the event that a request for a zoning amendment is pending before the Planning and Zoning Commission or the City Council, the Board shall neither hear nor grant any Zoning Variances or Special Exceptions with respect to the subject property until final disposition of the zoning amendment by the Planning and Zoning Commission and the City Council.

d. The Board of Adjustments shall not grant a Zoning Variance or Special Exception for any parcel of property or portion thereof upon which a required site plan (refer to **2.02.G. Site Plans**) or any plat is pending review. All administrative and procedural remedies available to the applicant shall have been exhausted prior to hearing by the Board.

7. Procedures

a. Review and Report by the City

The Community Development Director shall visit the site where the proposed Zoning Variance or Special Exception will apply and the surrounding area, and shall report their findings to the Board of Adjustments.

b. Notice and Public Hearing

The Board of Adjustments shall hold a public hearing for consideration of the Zoning Variance or Special Exception request no later than 60 calendar days after the date the application for action, or an appeal, is filed. Notice shall be published in the official local newspaper before the 15th calendar day prior to the public hearing. Written notice of the public hearing for a Zoning Variance or Special Exception shall also be sent to all owners of property, as indicated by the most recently approved City tax roll, that is located within the area of application and within 300 feet of any property affected thereby, said written notice to be sent before the 10th calendar day prior to the date such hearing is held. Such notice shall be served by using the last known address as listed on the most recently approved tax roll and depositing the notice, postage paid, in the regular United States mail.

c. Action by the Board of Adjustments

The Board of Adjustments shall not grant a Zoning Variance unless it finds, based upon compelling evidence provided by the applicant, that each of the conditions in **2.02.I. Zoning Variances** or **2.02.J. Special Exceptions** have been satisfied. The Board may impose such conditions, limitations, and safeguards as it deems appropriate upon the granting of any Zoning Variance or Special Exception as are necessary to protect the public health, safety, convenience, and welfare. Violation of any such condition, limitation, or safeguard shall constitute a violation of this UDC.

d. Burden of Proof

The applicant bears the burden of proof in establishing the facts that may justify a Zoning Variance, a Special Exception, an appeal, or any other action in their favor by the Board of Adjustments.

e. Waiting Period

No appeal to the Board of Adjustments for the same or a related Zoning Variance or Special Exception on the same piece of property shall be allowed for a waiting period of 180 calendar days following an unfavorable ruling by the Board unless other property in the immediate vicinity has, within the 180 calendar day waiting period, been changed or acted upon by the Board or the City Council so as to alter the facts and conditions upon which the previous unfavorable Board action was based. Such changes of circumstances shall permit the re-hearing of a Zoning Variance or Special Exception request by the Board, but such circumstances shall in no way have any force in law to compel the Board, after a hearing on the matter, to grant a subsequent Zoning Variance or Special Exception request. Any subsequent Zoning Variance or Special Exception request shall be considered entirely on its own merits and on the specific circumstances related to the subject property.

f. Timeliness of Application for Building Permit or Certificate of Occupancy

Upon a favorable Board of Adjustments action on a Zoning Variance or Special Exception request, the applicant shall apply for a Building Permit or a Certificate of Occupancy, as applicable to their particular situation, within 180 calendar days following the date of Board action, unless the Board specifies a longer time period in the minutes of its action. If the applicant fails to apply for a Building Permit or Certificate of Occupancy, as applicable, within the 180-calendar-day timeframe, then the Zoning Variance or Special Exception shall be deemed to have expired, and all rights thereunder shall be terminated. Such termination shall be without prejudice to a subsequent appeal, and such subsequent appeal shall be subject to the same regulations and requirements for hearing as specified in this UDC for the original Zoning Variance or Special Exception request.

8. Finality of Decisions; Judicial Review; Final and Binding; Petition

All decisions of the Board of Adjustments are final and binding and may not be appealed to the City Council. However, any person aggrieved by a decision of the Board may present a verified petition to a court of appropriate jurisdiction that states that the decision of the Board is illegal, in whole or in part, and specifying the grounds of the illegality. Such petition must be presented within 10 calendar days after the date the Board's decision is filed in the office of the secretary to the Board. Subject to the provisions of Sec. 211.011 of the Texas Local Government Code, only a court with appropriate jurisdiction may reverse, affirm or modify a decision of the Board.

D. Summary of Approval Authorities

Figure 1.02-1. Summary of Major Roles and Responsibilities provides an overview of the primary approval responsibilities outlined in this UDC.

Figure 1.02-1. Summary of Major Roles and Responsibilities

Section	Application/Plan Type	City Council	Planning and Zoning Commission	Board of Adjustments	Community Development Director	Other
Zoning-Related						
2.02.B	Zoning Map Amendments (Rezonings)	Decide*	Recommend*		Recommend	
2.02.C	Determining Zoning Upon Annexation	Decide*	Recommend*		Recommend	
2.02.D	Planned Developments (PD) Concept Plan	Decide*	Recommend*		Recommend	
2.02.E	Conditional Use Permits (CUPs) Concept Plan	Decide*	Recommend*		Recommend	
2.02.G	Site Plans				Decide**	
2.02.H	Building Permits and Certificates of Occupancy					Building Official Decision
2.02.I	Zoning Variances			Decide*	Recommend	
2.02.J	Special Exceptions			Decide*	Recommend	
2.02.K	Alternative Compliance				Decide	
2.02.L	Appeal of Zoning-Related Administrative Decisions			Decide*		
Subdivision-Related						
3.02.C	Preliminary Plat				Decide***	
3.02.D	Final Plat				Decide***	
3.02.E	Plat Vacations					Manner of Original Plat Approval
3.02.F	Right-of-Way Abandonment	Decide			Recommend	
3.02.H	Subdivision Waiver		Decide		Recommend	City Engineer Recommendation
3.03.B	Approval of Construction Plans					City Engineer Decision
3.03.C	Acceptance of Public Improvements					City Engineer Decision
Other						
1.03.D	UDC Amendments	Decide*	Recommend*		Recommend	

*Indicates a public hearing is required.

**Site Plan appeals are decided by the Planning and Zoning Commission.

***In accordance with **3.02.B. Plat Approval Authority**, any plat that requires a Subdivision Waiver must be approved by the Planning and Zoning Commission. The Director may also defer approval of a plat to the Commission for any reason.

1.03. Universal Procedures and Provisions

A. Development Process Overview

This section provides a general overview of a typical development process, as well as references to the appropriate sections for more information.

Step 1: Pre-Development Meeting

Before submitting an application, applicants are encouraged to attend a pre-development meeting with City Staff to become familiar with the City's development process and regulations applicable to the proposed development. See **1.03.B. Pre-Development Meeting** for more information.

Step 2: Zoning Review

A property's zoning designation (such as the permitted uses and dimensional standards) must align with the proposed development prior to the approval of a plat or any other development application. If a rezoning is necessary, see **2.02.B. Zoning Text or Map Amendments (Rezoning)** for more information about the rezoning process.

Step 3: Subdivision Review

A plat is required when an applicant desires to split lots, combine lots, or move a lot line. See the flow chart in **3.02.A Platting Process Overview** to determine the appropriate approval process. Site work and infrastructure installation may begin during this stage. See **3.01.C Applicability** for more information.

Step 4: Inspection Filing, and Acceptance

Once the development is complete and all improvements are installed (or adequate security provided in accordance with **3.03.C. Installation, Acceptance, and Maintenance of Public Improvements**), the site will be inspected by the City for compliance with regulations and submitted plans. Upon passing inspection, the final plat will be filed, lots may be sold, and the City may formally accept public improvements for maintenance, following a two-year guarantee of the improvements. See **3.03. Public Improvements** for more information.

Step 5: Site Plan Review

Once the zoning is in place and the lot is properly platted, an applicant may submit an application for a site plan. Site plans are required for all development. See **2.02.G. Site Plans** for more information.

Step 6: Building Permit and Certificate of Occupancy

At this stage, building permits are issued and construction of the development occurs. Upon completion and determination of compliance, the Building Official shall issue a Certificate of Occupancy authorizing that the building may be occupied. See **2.02.H. Building Permit Plans and Building Permits** for more information.

B. Pre-Development Meeting

1. Purpose

   a. The pre-development meeting is intended to allow for the exchange of non-binding information between the applicant and City Staff to ensure that the applicant is informed of pertinent City development regulations and processes.

   b. The pre-development meeting provides an opportunity for the applicant and City Staff to discuss major development considerations such as utilities, roadways/traffic, drainage concerns, Comprehensive Plan conformance, specific neighborhood characteristics, and historical information.

   c. This exchange of information is intended to promote an efficient and orderly review process.

2. Meeting

   a. Prior to formal application for approval of any required plan, the applicant may wish to consult with the Community Development Director, the Building Official, the City Engineer, and any other pertinent City officials in order to become familiar with the City's development regulations and the development process.

   b. At the pre-development meeting, the developer may be represented by their land planner, engineer, surveyor, or other qualified professional.

   c. If such a meeting is desired, then the applicant shall sign a form or submit a letter stating the conference shall not establish vesting of property rights.

   d. The applicant is encouraged to bring any relevant site development information, such as a site plan, plat, or other documents to the meeting.

C. Application Processing

1. Initiation of Application

   a. Initiation by Owner or Owner's Agent

      i. Unless provided by this UDC, an application may be initiated only by the property owner, owner of an interest in the land, or by the owner's designated agent.

      ii. If the applicant is a designated agent, the application shall include a written statement from the property owner authorizing the agent to file the application on the owner's behalf.

      iii. The decision-maker may require submission of documents, such as an affidavit from the owner, to provide evidence of ownership or agency.

   b. Initiation by City Manager

      The City Manager can initiate any application authorized under this UDC.

2. Application Requirements

   a. Application Contents

      i. The City is authorized to prepare application forms that include information requirements, checklists, architectural or engineering drawing sizes, applicant contact information, and any other information necessary to show compliance with City codes. All application forms are available from the Community Development Department and/or on the City's website.

      ii. Applications shall be signed by all property owners (including all parties having an equitable interest, trustees of an estate or all persons having a specific power of attorney) for the subject property, as recorded in the County Clerk's Office.

      iii. Any pending litigation of any final order entered by any court of law regarding the ownership of the subject property shall be disclosed by the applicant at the time that the application is submitted.

b. Application Fees

i. The City Council shall adopt a Fee Schedule, which may be amended from time to time for the purpose of recovering the administrative costs associated with development requests.

ii. Every application shall be accompanied by the prescribed fees set forth in the adopted Fee Schedule.

iii. Unless waived by City Council or permitted by the Fee Schedule, the prescribed fee shall not be refundable unless it was submitted in error.

c. Applications shall be submitted to the Community Development Department, in accordance with the instructions indicated on the City's website.

3. Official Filing Date, Completeness of Application, and Expiration of Application

The following shall apply to any application (e.g., concept plan, building permit plan, site plan, plat) submitted in accordance with this UDC:

a. Official Filing Date

The time period established by state law or this UDC for processing or deciding an application shall commence on the official filing date. The official filing date is the date that a complete application is received by the City.

b. Determination of Completeness

Every plan application shall be subject to a Determination of Completeness within 10 business days by the Community Development Director for processing the application.

i. No required plan application shall be accepted by the Community Development Director for processing unless it is accompanied by all documents required by and prepared in accordance with the requirements of this UDC.

ii. The incompleteness of the plan application shall be grounds for denial of the application.

iii. A Determination of Completeness shall not constitute a determination of compliance with the substantive requirements of this UDC.

iv. A Determination of Completeness shall be made by the Community Development Director in writing and delivered to the applicant no later than the 10th business day after the official filing date that the required plan application is submitted to the City.

(a) The applicant shall be notified within that 10-business-day period of the Determination of Completeness.

(b) If the required plan application is determined to be complete, the application shall be acted upon in the proper manner as prescribed by this UDC.

(c) If the required plan application is determined to be incomplete, the notification shall specify the documents or other information needed to complete the application and shall state the date the application will expire (see **c. Expiration of Application** below) if the documents or other information is not provided.

(d) A required plan application shall be deemed complete on the 11th business day after the application has been received if the applicant has not otherwise been notified that the application is incomplete.

c. Expiration of Application

The required plan application shall expire on the 45th calendar day after the date the application is filed if:

i. The applicant fails to provide documents or other information necessary to comply with the City's requirements relating to the required plan application;

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

iii. The applicant fails to provide the specified documents or other information within the time provided in the notification. If the required plan application is not completed by the 45th calendar day after the application is submitted to the responsible official, the required plan application will be deemed to have expired and it will be returned to the applicant together with any accompanying applications.

d. Resubmittal

If the required plan application is resubmitted after a notification of incompleteness, the timeframe for a Determination of Completeness described in **1.03.C.3.b.iv** above shall begin on the date of the resubmittal of the required plan application.

4. Payment of All Indebtedness Attributable to the Subject Property

a. No person who owes delinquent taxes, delinquent paving assessments, or any other fees, delinquent debts or obligations or is otherwise indebted to the City, and which are directly attributable to a piece of property shall be allowed to submit any application for any type of rezoning, building permit, or plan review until the taxes, assessments, debts, or obligations directly attributable to said property and owed by the owner or previous owner thereof to the City shall have been first fully discharged by payment, or until an arrangement satisfactory to the City has been made for the payment of such debts or obligations.

b. It shall be the applicant's responsibility to provide evidence or proof that all taxes, fees, etc., have been paid, or that other arrangements satisfactory to the City have been made for payment of said taxes, fees, etc.

D. Amendments to this UDC

1. Petitions for Amendments

   a. Any person or corporation having a proprietary interest in any property may petition the City for an amendment to this UDC's text.

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

2. Planning and Zoning Commission Recommendation

   The Planning and Zoning Commission shall provide a recommendation regarding proposed UDC amendments following a recommendation by the Community Development Director and a public hearing held in accordance with **2.02.B.3 Notice of a Public Hearing**.

3. City Council Decision

   Following Planning and Zoning Commission recommendation, the City Council shall decide on proposed UDC amendments following a public hearing held in accordance with the City Clerk's typical time frames and processes.

4. Zoning Map Amendments

   Zoning Map amendments (i.e., "rezonings") follow a different process in accordance with Chapter 211 of the Texas Local Government Code. See **2.02.B. Zoning Text or Map Amendments (Rezoning)** for more information.

E. Plan or Permit Validity and Expiration

1. Generally

   a. A Concept Plan, Site Plan, or Building Permit Plan shall be considered a "permit" as described in Texas Local Government Code Sec. 245.005.

   b. Any approved plan or permit shall be deemed expired two years from the date on which the plan or permit was originally approved if no progress has been made toward completion of the project.

2. Progress Benchmarks

   The term "progress" shall be as defined based on Texas Local Government Code Sec. 245.005 as follows:

   a. Plans for construction and an application for a Building Permit for at least one of the buildings on the approved plan or permit are submitted within two years following approval of the plan or permit;

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

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

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

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

3. Expiration

   If one of the items listed in **1.03.E.2. Progress Benchmarks** above is not accomplished within the two-year period, then the approved plan or permit shall expire and shall become null and void.

4. Extension and Reinstatement Procedure
    a. Prior to the lapse of approval for a plan or permit, the applicant may petition the City (in writing) to extend the plan or permit approval.
    b. Such petition shall be granted approval or denial by the Community Development Director.
    c. If no petition is submitted, then the plan or permit shall be deemed to have expired and shall become null and void. Any new request for plan or permit approval shall be deemed a new permit, and shall be submitted with a new application form, with a new filing fee, and with new plans and materials in accordance with the procedures set forth in this section. The new request shall also be reviewed for compliance with the ordinances and regulations in effect at the time the new application is made.
    d. In determining whether to grant a request for extension, the Community Development Director shall take into account:
        i. The reasons for the lapse;
        ii. The ability of the property owner to comply with any conditions attached to the original approval; and
        iii. The extent to which development regulations would apply to the plan or permit at that point in time.

Article 2. Zoning Regulations

2.01. Zoning General Provisions

A. Title

These regulations of the City of Tomball, Texas, shall be known as and may be cited as the Zoning Regulations or Zoning Ordinance.

B. Purpose

As authorized by Texas Local Government Code Sec. 211, the zoning regulations and districts as established in this article have been made in accordance with an adopted comprehensive plan for the purpose of promoting the public health, safety, morals, and general welfare of the City. They have been designed to:

1. Lessen the congestion in the streets;
2. Secure safety from fire, panic, and other dangers;
3. Ensure adequate light and air;
4. Prevent the overcrowding of land and thus avoid undue concentration of population; and
5. Facilitate the adequate provision of transportation, water, wastewater treatment, schools, parks and other public requirements.

They have been made with reasonable consideration, among other things, for the character of each zoning district and its peculiar suitability for the particular uses specified, and with a view to conserving the value of buildings and encouraging the most appropriate use of land throughout the City.

C. Applicability

This article shall apply to all land, buildings, structures, and appurtenances located within the City of Tomball.

D. Compliance Required

1. All land, buildings, structures or appurtenances thereon located within the City, which are hereafter occupied, used, constructed, erected, removed, placed, demolished, and/or converted shall be occupied, used, erected, altered, removed, placed, demolished and/or converted in conformance with the zoning regulations prescribed for the zoning district in which such land or building is located, as hereinafter provided, or such shall be subject to penalties as per **1.01.G. Enforcement and Violations**. All of the standards and regulations prescribed herein shall be considered as the minimum requirement unless explicitly stated otherwise.
2. No uses shall be allowed that are prohibited by state or federal law or that operate in excess of state or federal environmental, pollution, or performance standards as determined by the U.S. Environmental Protection Agency (EPA), Texas State Department of Health (TSDH), Texas Commission of Environmental Quality (TCEQ), Federal Aviation Administration (FAA), Federal Communications Commission (FCC), or any other applicable state or federal agency.
3. No lot upon which a building has been erected shall later be so reduced in area that the setbacks, yards, and/or open spaces shall be smaller than those required by this article, nor shall a part of a yard or other open space required by this article for any building/lot be included as a part of a yard or other open space similarly required for another building/lot.
4. Unless otherwise provided herein, no building shall hereafter be erected or altered:
    a. To have narrower or smaller front, side, or rear yards than those required by this article;
    b. To exceed the maximum height allowed by this article;

c. To occupy a greater percentage of lot area than allowed by this article; or

d. To accommodate or house a greater number of families than is specified within this article for the zoning district in which such building is located.

E. Nonconformities

1. Purpose

The purpose of this section is to regulate land uses, lots, structures, and site features that were legally established at the time of their creation but that have been made nonconforming due to a change in the City's regulations – also referred to as "legally nonconforming". While the regulations herein are intended to reasonably accommodate these nonconformities as they exist at the time of this UDC's effective date, the regulations also seek to reduce or eliminate these nonconformities over time.

2. Applicability

These regulations apply to any land use, lot, structure, and/or site feature that was legally established but has since become nonconforming to the regulations in place. The provisions included in this section do not apply to illegal nonconformities.

3. Nonconforming Uses

a. A legal nonconforming use is any lawful use of property that was allowed by the regulations in place at the time of its creation, but that does not conform to the regulations prescribed in Section **2.04. Permitted Uses and Use-Based Standards.** For manufactured home parks, see Section **2.05.G. Manufactured Homes/Recreational Vehicles.**

b. A nonconforming use may remain, provided the footprint of the nonconforming use is not expanded. A nonconforming use of a building may be changed to another nonconforming use of the same or more restrictive use.

i. A use is considered more restrictive if it reduces the intensity of the use, is more compatible with adjacent land uses, or decreases negative impacts.

ii. In the event that a nonconforming use of a building is changed to a nonconforming use of a higher or more restrictive zoning classification, it shall not later be reverted to a use in the former lower or less restrictive zoning classification.

c. The right of a nonconforming use to continue shall be subject to such regulations as to the maintenance of the premises and conditions of operation as may, in the judgment of the Board of Adjustments, be reasonably required for the protection of adjacent property.

d. If a structure that is unintentionally totally or partially destroyed was occupied by a nonconforming use at the time of such destruction, then the nonconforming use may be re-established with specific authorization by the Board of Adjustments.

e. If a nonconforming use is abandoned (see **2.01.E.6** below), any future use of the premises shall be in conformity with the provisions of this section, as amended, and with any other applicable City codes or ordinances that are in effect at the time the use is resumed.

f. Nonconforming Use of Land without a Structure

i. If there are no buildings or structures on the property associated with the nonconforming use, said use shall be discontinued within two (2) years from the effective date of these regulations, unless the Board of Adjustment declares the use legally nonconforming.

ii. A nonconforming use shall not be expanded or moved in whole or in part to any other portion of the lot or parcel on which it is located.

iii. No structure shall be erected in connection with said nonconforming use of land.

4. Nonconforming Lots

    a. A legal nonconforming lot is a lot that does not meet the current dimensional requirements established in **Article 2. Zoning Regulations**.

    b. Legally nonconforming lots are deemed conforming and may be developed. The Board of Adjustments may grant a Zoning Variance to modify dimensional and other development standards as needed to reasonably accommodate development.

5. Nonconforming Structures

    a. A legal nonconforming structure is a structure that no longer meets the current dimensional requirements, building design requirements, or other requirements regarding the building.

    b. A nonconforming structure may continue to be occupied and may be enlarged, repaired, or altered, provided such does not create an additional nonconformity or increase the degree of existing nonconformity.

    c. If 50 percent or more of the improvement's appraised value, as determined by the County Appraisal District, of a nonconforming structure is destroyed by fire, the elements, or some other cause, then the structure may be rebuilt only in conformity with the provisions of this UDC.

    d. If less than 50 percent of the improvement's appraised value, as determined by the County Appraisal District, of a nonconforming structure is destroyed by fire, the elements, or some other cause, then the structure may be reconstructed as it was before the partial destruction but any previously existing nonconformities shall not be increased or expanded, and provided that such reconstruction is completed within one year (i.e., 365 calendar days) following the event that caused the partial destruction. If reconstruction is delayed by contested insurance claims, litigation, or some other similar cause, then the one-year reconstruction period may be extended by the Board of Adjustments.

    e. Any conforming structure that is totally or partially destroyed shall be reconstructed only in conformity with the provisions of this section.

    f. Nothing in this section shall be construed to prohibit the upgrading, strengthening, repair, or maintenance of any part of any structure, conforming or nonconforming, that is declared unsafe or uninhabitable by the proper authority, unless such repairs or maintenance exceeds 50 percent of the structure's appraised value, as determined by the County Appraisal District.

6. Abandonment of Nonconforming Uses and Structures, and Cessation of Use of Structure or Land

    a. If a nonconforming use or structure is abandoned, any future use of the premises shall be in conformity with the provisions of this article, as amended, and with any other applicable City codes or ordinances that are in effect at the time the use is resumed or the structure is re-occupied.

    b. A nonconforming use or structure shall be deemed abandoned in the following circumstances:

        i. The use ceases to operate for a continuous period of 180 calendar days;

            (a) Normal cessation of a use or temporary discontinuance for purposes of maintenance and rebuilding after damage or destruction shall not be included in calculating the period of discontinuance.

        ii. The structure remains vacant for a continuous period of 180 calendar days with all or some of the utilities disconnected, or if utility payments are delinquent;

        iii. In the case of a temporary use, the use is moved from the premises for any length of time; or

        iv. A nonconforming use or structure shall not be deemed abandoned for a period of up to one year on properties that are for sale or lease, provided the owner is actively promoting the sale or lease and there is evidence of continual use of signs, advertising, or listings.

c. Normal cessation of a use, or temporary discontinuance for purposes of maintenance and rebuilding after damage or destruction, as provided in this section, shall not be included in calculating the period of discontinuance.

d. If the use of any lot, tract, or property that does not have a building on it and that is used for open/outdoor storage as of the effective date of this UDC (or amendment thereto) is made nonconforming by this UDC (or amendment thereto), then such storage use shall cease within 180 calendar days following the effective date of this UDC (or amendment thereto). The lot, tract, or property shall be cleaned and all trash, debris, stored items and vehicles, and other materials shall be removed from the premises such that the property is not a physical or visual nuisance to the public or surrounding property owners.

7. Moving of Nonconforming Structure

No nonconforming structure or building shall be moved in whole or in part to any other location on the lot, or to any other location or lot, unless every portion of such structure is in compliance with all the regulations of the zoning district wherein the structure is to be relocated. Such building relocation shall also require a structure relocation permit from the City, and may also require platting of the intended building site pursuant to **Article 3. Subdivision Regulations** as well as any approval processes required by this section.

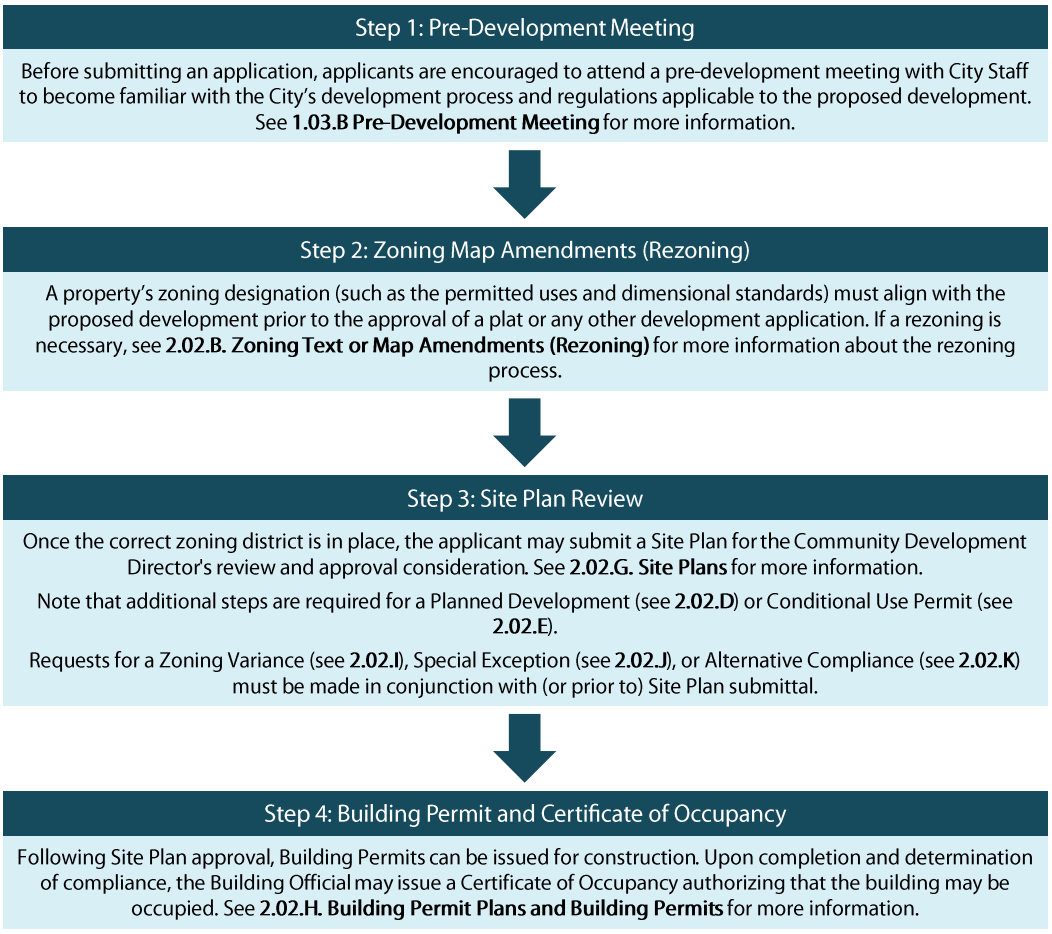
8. Right to Proceed Preserved

Nothing contained in this section is intended to alter any rights that may have accrued to proceed under prior regulations, pursuant to Texas Local Government Code Chapter 43 (Sec. 43.002) or Chapter 245 (Sec. 245.001 to Sec. 245.006).

2.02. Zoning Procedures

A. Zoning Process Overview

Figure 2.02-1. Zoning Process Overview



B. Zoning Text or Map Amendments (Rezoning)

1. Rezonings Generally

   a. The City declares the enactment of the code from which this article is derived governing the use and development of land, buildings, and structures as a measure necessary to the orderly development of the community. Therefore, no change shall be made in this article or in the boundaries of the zoning districts except:

      i. To correct any error in the regulations or map;

      ii. To recognize changed or changing conditions or circumstances in a particular locality;

      iii. To recognize changes in technology, the style of living, or manner of conducting business; or

      iv. To change the property to allow uses in accordance with the City's adopted comprehensive plan.

2. Application

   a. Each application for zoning, rezoning, or for a text amendment to a provision of this article shall be made in writing on an application form available in the Community Development Director's office.

   b. A complete application shall be delivered to the City at least 40 calendar days prior to the date of the public hearing before the Planning and Zoning Commission.

3. Notice of a Public Hearing

   a. Public Hearing for Zoning Changes Involving a Map Amendment

      For zoning and rezoning requests involving real property (including PD and CUP requests), the Planning and Zoning Commission and the City Council shall hold at least one public hearing on each zoning application, as per applicable state law (Texas Local Government Code Chapter 211).

      i. Planning & Zoning Commission

         (a) Written notice of the public hearing before the Planning and Zoning Commission shall be sent to all owners of property, as indicated by the most recently approved City tax roll, that is located within the area of application and within 300 feet of any property affected thereby, said written notice to be sent before the 10th calendar day prior to the date such hearing is held.

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

            (ii) Alternatively, such notice may be delivered electronically in accordance with Sec. 211.020 of the Texas Local Government Code.

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

         (b) Before the 10th day before the hearing date, written notice of a proposed change in a zoning classification affecting residential or multifamily zoning shall be sent to each school district in which the property for which the change in classification is proposed is located.

         (c) Not later than the 10th day before the hearing date and until City Council action, the City must post a sign on the property affected by the change; or a public right-of-way for a change initiated by the City that affects multiple properties.

            (i) The notice sign must be at least 24 inches long by 48 inches wide.

            (ii) Sign notice is not required for a proposed change in zoning classification that applies to the whole City.

ii. City Council

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

b. Public Hearing for Zoning Changes Involving Ordinance Text

For requests involving proposed changes to the text of **Article 2. Zoning Regulations**:

i. Notice of the Planning and Zoning Commission hearing shall be posted before the meeting, in accordance with Texas Local Government Code Sec. 551.043.

ii. Notice of the City Council hearing shall be accomplished by publishing the purpose, time, and place of the public hearing in the official newspaper of the City and on the City's official website before the 15th calendar day prior to the date of the public hearing.

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

c. Joint Public Hearings

The City Council may hold a joint public hearing on a zoning, rezoning, or zoning article text amendment request along with the Planning and Zoning Commission, but the City Council shall not take action on the request until it has received a final recommendation from the Commission.

Notification for a joint public hearing shall be accomplished by publishing the purpose, time, and place of the joint public hearing in the official newspaper of the City before the 15th calendar day prior to the date of the public hearing. In accordance with Texas Local Government Code Sec. 211.007(d), the City Council shall prescribe any other necessary methods of notification for joint public hearings.

d. Additional Rules and Procedures Required by City Council

The City Council may, at its option, establish additional rules and procedures for public notification of proposed zoning changes and development proposals. Knowledge of and adherence to such rules and procedures, if established by the City, shall be the responsibility of the applicant and shall be required as part of a zoning change or development application.

4. Additional Notice for Nonconforming Uses

Additional mailed notice may be required for zoning text or map amendments that result in the creation of a nonconforming use. See Sec. 211.006.(a-1) of the Texas Local Government Code for more information.

5. Failure To Appear

Failure of the applicant or their authorized representative to appear before the Planning and Zoning Commission and the City Council shall constitute sufficient grounds to table the application unless the Director is notified in writing by the applicant before notice of the hearing is posted. If the agenda item is tabled, the Planning and Zoning Commission shall specify a specific date at which it will be reconsidered.

6. Criteria for Approval of a Zoning Change

In making a determination regarding a requested zoning change, the Planning and Zoning Commission and the City Council shall consider the following factors:

a. Whether the uses permitted by the proposed change will be appropriate in the immediate area concerned, and their relationship to the general area and the City as a whole;

b. Whether the proposed change is in accordance with any existing or proposed plans for providing public schools, streets, water supply, sanitary sewers, and other utilities to the area;

c. The amount of vacant land currently classified for similar development in the vicinity and elsewhere in the City, and any special circumstances which may make a substantial part of such vacant land unavailable for development;

d. The recent rate at which land is being developed in the same zoning classification as the request, particularly in the vicinity of the proposed change;

e. How other areas designated for similar development will be, or are likely to be, affected if the proposed amendment is approved;

f. Any other factors that will substantially affect the public health, safety, morals, or general welfare; and

g. Whether the request is consistent with the comprehensive plan.

7. Planning and Zoning Commission Consideration and Recommendation

a. Accordance With Section **1.02.B. Planning and Zoning Commission**

The Planning and Zoning Commission shall function in accordance with section **1.02.B. Planning and Zoning Commission** and with applicable provisions in this UDC.

b. Tabling of the Decision/Recommendation

The Planning and Zoning Commission may, on its own motion or at the applicant's request, table its decision/recommendation for not more than 90 calendar days from the time the public hearing was first opened. Such tabling shall specifically state the time period of the tabling by citing the meeting date whereon the request will reappear on the Commission's agenda, and further notice to surrounding property owners shall not be required.

c. Recommending Approval

When the Planning and Zoning Commission is ready to act upon the zoning request, it may recommend approval of the request as it was submitted by the applicant, approval of the request subject to certain conditions for CUPs or PDs, or disapproval of the request. The request will then be forwarded to the City Council for public hearing (see **2.02.B.8.b** below). The Commission may recommend more restrictive uses, area requirements, restrictions, or a zoning district than was requested in the original application and included in the notice. In no case, however, may a use, area requirement, or restriction that is considered less restrictive or a less restrictive zoning district than was requested in the original application and included in the notice be recommended.

d. Recommending Denial

If the Planning and Zoning Commission recommends denial of the zoning change request, it shall provide reasons to the applicant for the denial, if requested by the applicant. The Commission's chairperson shall inform the applicant of the right to receive reasons for the denial. The recommendation of denial will then be forwarded to the City Council for public hearing (see **2.02.B.8.b** below).

8. City Council Authority and Consideration

a. City Council Authority

The City Council, after receiving a recommendation from the Planning and Zoning Commission and after public hearings required by law, may amend, supplement, or change the regulations of this article or the boundaries of the zoning districts on the zoning map.

b. Applications Forwarded to the City Council

After consideration by the Planning and Zoning Commission, all zoning applications shall be automatically forwarded to the City Council for a public hearing following appropriate public hearing notification as prescribed in **2.02.B.8.a** above.

c. City Council Action on Zoning, Rezoning, or Text Amendment Requests

After a public hearing is held before the City Council regarding the zoning application, the City Council may:

i. Approve the request in whole or in part (if the City Council approves the request, then **2.02.B.8.e** below will apply);

ii. Modify and approve the request for any more restrictive uses, area requirements, restrictions, or zoning district than was requested in the original application and included in the advertised and written notice. In no case, however, may a use, area requirement, or restriction that is considered less restrictive or a less restrictive zoning district than was requested in the original application and included in the advertised and written notice be approved;

iii. Deny the request;

iv. Table the application to a future meeting (and specifically cite the City Council meeting to which it is tabled); or

v. Refer the application back to the Planning and Zoning Commission for further study.

d. Protests

i. In accordance with Sec. 211.0061 of the TLGC, certain types of proposed zoning changes may be protested by property owners. There are two types of proposed changes identified in Sec. 211.0011 of the TLGC:

(a) Comprehensive Zoning Changes.

A proposed "comprehensive zoning change" means a proposal to:

(i) Change an existing zoning regulation that will have the effect of allowing more residential development than the previous regulation and will apply uniformly to each parcel in one or more zoning districts; or

(ii) Adopt a new zoning code or zoning map that would apply to the entire municipality; or

(iii) Adopt a zoning overlay district that would have the effect of allowing more residential development than allowed without the overlay and would include an area along a major roadway, highway, or transit corridor.

In accordance with Sec. 211.0061 of the TLGC, comprehensive zoning changes are not subject to protest procedures.

(b) Non-Comprehensive Zoning Changes.

A proposed "non-comprehensive zoning change" means a proposed change to a zoning boundary or regulation that does not meet the criteria of **3.c.i(1)-(3)** above.

ii. A protest against a proposed non-comprehensive change to a zoning regulation or boundary, as described in **(b)** above must be written and signed by the owners of:

(a) At least 20 percent of the area of the lots or land covered by the proposed change;

(b) Except as provided by **(c)** below, at least 20 percent of the area of the lots or land immediately adjoining the area covered by the proposed change and extending 200 feet from that area; or

(c) At least 60 percent of the area of the lots or land immediately adjoining the area covered by the proposed change and extending 200 feet from that area if the proposed change:

(i) Has the effect of allowing more residential development than the existing zoning regulation or district boundary and

(ii) Does not have the effect of allowing additional commercial or industrial uses, unless the additional use is limited to the first floor of any residential development and does not exceed 35 percent of the overall development.

iii. If a proposed change to a zoning regulation or boundary is protested in accordance with **ii** above, the proposed change must receive, in order to take effect, the affirmative vote of at least:

(a) Three-fourths of all members of the City Council, for a protest relating to a proposed change meeting the criteria of **ii(a)** or **ii(b)** above; or

(b) A majority of all members of the City Council for a protest relating to a proposed change meeting the criteria of **ii(c)** above.

e. Final Approval and Ordinance Adoption

Upon approval of the zoning request by the City Council, the applicant shall submit all related material with revisions, if necessary, to the Community Development Director for the preparation of the amending ordinance. The amending ordinance will be prepared for adoption when a correct description and all required exhibits have been submitted to the Director.

f. Resubmittal of a Zoning Application Following Denial

i. If the City Council denies a request for a Zoning Map Amendment, no further applications for rezoning all or part of the property for 12 months from the date of the final decision unless a waiver is granted as provided below.

ii. The applicant may request that the City Council waive the requirement stated above upon finding of changed conditions or significant new information. A City-initiated Zoning Map Amendment application shall not be limited by this waiting period.

iii. If the waiver is granted and the applicant files a Zoning Map Amendment application before the expiration of the above waiting period, the application fee shall be 150 percent of the standard application fee.

9. Administration and Enforcement

a. Authority To Enforce the Article

The Community Development Director shall be authorized by the City Council to administer and enforce the provisions of this article. If the Community Development Director finds, upon their own personal observation, or upon receipt of a complaint, that the provisions of this article are being violated, they shall immediately investigate and, when necessary, give written notice to the persons responsible to cease or correct such violations immediately. Notice may be delivered in person or by certified mail to the violators or to any person owning, leasing, or occupying a property where the violation is occurring. The Director shall have the right to enter upon any business premises during regular business hours for the purpose of making inspections of buildings or premises that may be necessary to carry out the duties in the enforcement of this article. The Director shall request permission from a residence owner to enter upon residential premises for the purpose of making inspections of buildings or premises that may be necessary to carry out the duties in the enforcement of this article. If the owner of a residence refuses permission to make such inspection or if an inspection of a business is needed after hours or while not open to the public, then the City staff may work with the City Attorney to obtain a warrant or other legal authorization to make such inspections.

b. Stop Work Orders

Whenever any building or construction work is being done contrary to the provisions of this article, the Community Development Director shall have the authority to order the work stopped by notice in writing served on the property owner or the contractor doing the work or causing such work to be done, or by posting on the new construction itself and any such person shall forthwith stop such work until authorized in writing by the City to proceed with such work. Failure to immediately stop work as provided by this section shall constitute a violation of this Code, in accordance with **1.01.G. Enforcement and Violations**, and may incur penalties for such violation.

C. Zoning Upon Annexation

1. The Planning & Zoning Commission and City Council shall take action to assign zoning to newly annexed territory. If the proposed zoning district is not deemed appropriate, then action shall be taken to assign the Agricultural (AG) District to the annexed area.

2. Proceedings to establish zoning shall be undertaken concurrently with annexation procedures (i.e., notified at the same time, included on the same agenda, public hearings scheduled at the same time as annexation, etc.).
3. Zoning approval shall occur after approval of the annexation ordinance, and as a separate and distinct action by the Planning & Zoning Commission and City Council.
    a. While Planning and Zoning Commission approval is not required for an annexation, the Commission's recommendation is needed to assign zoning to the annexed area. The Commission's zoning recommendation may be made prior to the annexation or at a joint meeting.

D. Planned Developments (PDs)

1. Purpose and Intent
    a. The PD Planned Development District is a zoning district and tool that accommodates planned combinations of uses, such as office parks, retail/commercial centers, or residential developments featuring a mixt of housing options. These combinations can be planned, developed, or operated as integral land use units either by a single or multiple owners. PDs allow for new or innovative concepts in development not accommodated by other zoning districts. Its flexibility ensures compatibility of land uses and adapts to changing community needs, serving one or more of the following purposes:
        i. To provide for a superior design on lots or buildings;
        ii. To provide for increased recreation and open space opportunities for public use and enjoyment;
        iii. To provide amenities or features that would be of special benefit to the property users or to the overall community;
        iv. To protect or preserve natural amenities and environmental assets such as trees, creeks, ponds, floodplains, slopes, viewscapes, or wildlife habitats;
        v. To protect or preserve existing historical buildings, structures, features, or places;
        vi. To provide an appropriate balance between the intensity of development and the ability to provide adequate supporting public facilities and services; and
        vii. To meet or exceed the standards of this article.
    b. PDs are intended to promote innovative development that is consistent with the Comprehensive Plan and that otherwise cannot be accommodated by the UDC using existing mechanisms (e.g., Zoning Variances, Alternative Compliance). The PD process is not intended as a method to avoid the Code's standards.
    c. An applicant shall not be granted a deviation from the standards without providing a public benefit to the community that exceeds the standard of typical development and requirements. Examples of such benefits may include but are not limited to enhanced design, sustainable development, housing affordability/variety, enhanced open space and recreational amenities, public art, historic preservation, enhanced accessibility, public facilities, or other development features that implement the vision of the Comprehensive Plan.
2. Planned Development Creation
    a. The City Council, after a public hearing and proper notice to all parties affected and after recommendation from the Planning and Zoning Commission, may authorize the creation of a PD Planned Development District in accordance with the provisions of this section and **2.02.B. Zoning Text or Map Amendments (Rezoning)**.
    b. The granting of a PD is considered a rezoning and requires notice and action in accordance with **2.02.B. Zoning Text or Map Amendments (Rezoning)**.
    c. The ordinance granting a PD Planned Development District shall include a statement as to the purpose and intent of the PD Planned Development District granted therein, as well as a general statement citing the reason for the PD Planned Development District request.

3. Approval Process

   The review process for a planned development shall include up to three steps:

   a. Pre-development meeting with the Community Development Director (See **1.03.B. Pre-Development Meeting**);

   b. Adoption of an ordinance establishing the Planned Development District with a Concept Plan and development standards;

   c. Construction of project (after City approval of all other required plans and plats).

4. Concept Plan

   An application for a PD shall be accompanied by a Concept Plan and development standards. See **2.02.F. Concept Plans** for the applicable requirements and approval process. The Concept Plan is reviewed and acted upon as part of the PD approval process.

5. Supplemental Requirements

   City staff may require other information and data for specific required plans. Approval of a required plan may establish conditions for construction based upon such information.

6. Base District Encouraged

   Applicants are encouraged to select a zoning district as a base zoning district to regulate all uses and development standards not identified as being modified.

7. Permitted Uses

   a. A PD Planned Development District may be approved with any use or combination of uses allowed by this article.

   b. The uses permitted in any specific PD Planned Development District shall be enumerated in the ordinance establishing such district, along with any conditions or limitations deemed appropriate for the specified uses.

8. Area and Height Regulations

   Each PD Planned Development District shall establish regulations deemed necessary and appropriate for the development of the property within the district and the protection of neighboring properties. For PDs that do not use a base district, these regulations may include, but are not limited to, the following:

   a. Front, side, and rear yard requirements;

   b. Minimum lot width, depth, and area requirements;

   c. Maximum lot coverage;

   d. Maximum building size and/or height;

   e. Landscaping, open space, and screening requirements;

   f. Off-street parking and loading requirements; and

   g. Signage requirements.

E. Conditional Use Permits (CUPs)

1. Purpose and Intent

   a. Nature of Conditional Use

      A conditional use is a land use that, because of its unique nature, is compatible with the permitted land uses in a given zoning district only upon a determination that the external effects of the use in relation to the existing and planned uses of adjoining property and the neighborhood can be mitigated through imposition of certain standards and conditions. This section sets forth the standards used to evaluate proposed conditional uses and the procedures for approving Conditional Use Permit (CUP) applications.

   b. Permit Required

      No conditional use shall be established and no Building Permit shall be issued for any use designated as a conditional use within any zoning district until a Conditional Use Permit (CUP) is approved and issued in accordance with the provisions of this section.

2. Status of Conditionally Permitted Uses

   The following general rules apply to all conditional uses:

   a. Only a use shown with a "C" in **2.04.A. Permitted Uses Generally** is eligible for a CUP. A use's eligibility for a CUP does not constitute an authorization or assurance that such use will be approved.

   b. Approval of a CUP shall authorize only the particular use for which the CUP is issued.

   c. The granting of a CUP is considered a rezoning and requires notice and action in accordance with **2.02.B. Zoning Text or Map Amendments (Rezoning)**.

   d. No use authorized by a CUP shall be enlarged, extended, or relocated, nor may the number of dwelling units be increased, unless an application is made for approval of a new CUP in accordance with the procedures set forth in this section and **2.02.B. Zoning Text or Map Amendments (Rezoning)**.

   e. Development of the use shall not be carried out until the applicant has secured all the permits and approvals required by this article, this UDC, and any permits that may be required by regional, state, or federal agencies.

3. Application for Conditional Use Permit

   a. An application for a CUP shall be accompanied by a concept plan prepared in accordance with the requirements of **2.2.5.5. Concept Plan** below.

   b. If a zoning district amendment is required or requested, such rezoning application shall accompany the application for a CUP.

4. Approval Process

   The review process for a CUP shall include up to four steps:

   a. Pre-development meeting with the Community Development Director(See **1.03.B. Pre-Development Meeting**);

   b. Adoption of an ordinance granting a CUP with a Concept Plan; and

   c. Construction of project (after City approval of all required plans and plats).

5. Concept Plan

   An application for a CUP shall be accompanied by a Concept Plan. See **2.02.F. Concept Plans** for the applicable requirements and approval process. The Concept Plan is reviewed and acted upon as part of the CUP approval process.

6. Standards for Approval of a CUP

   a. Factors for Consideration

      When considering applications for a Conditional Use Permit, the City shall, on the basis of the Concept Plan and other information submitted, evaluate the impact of the conditional use on, and the compatibility of the use with, surrounding properties and neighborhoods to ensure the appropriateness of the use at a particular location. Specific considerations shall include the extent to which:

      1. The proposed use at the specified location is consistent with the goals, objectives, and policies contained in the adopted comprehensive plan.
      2. The proposed use is consistent with the general purpose and intent of the applicable zoning district regulations.
      3. The proposed use meets all supplemental standards specifically applicable to the use as set forth in **2.04. Permitted Uses and Use-Based Standards**.
      4. The proposed use is compatible with and preserves the character and integrity of adjacent development and neighborhoods and, as required by the particular circumstances, includes improvements or modifications either on-site or within the public rights-of-way to mitigate development-related adverse impacts, including, but not limited to:
         (a) Adequate ingress and egress to property and proposed structures thereon with particular reference to vehicular and pedestrian safety and convenience, and access in case of fire;
         (b) Off-street parking and loading areas;
         (c) Refuse and service areas;
         (d) Utilities with reference to location, availability, and compatibility;
         (e) Screening and buffering features to minimize visual impacts, and/or setbacks from adjacent uses;
         (f) Control of signs, if any, and proposed exterior lighting with reference to glare, traffic safety, economic effect, and compatibility and harmony with properties in the district;
         (g) Required yards and open space;
         (h) Height and bulk of structure;
         (i) Hours of operations;
         (j) Building design; and
         (k) Roadway adjustments, traffic control devices or mechanisms, and access restrictions to control traffic flow or divert traffic, as may be needed to reduce or eliminate development-generated traffic on neighborhood streets.
      5. The proposed use is not materially detrimental to the public health, safety, convenience, and welfare, or results in material damage or prejudice to other property in the vicinity.

   b. Conditions

      In approving the application, the Planning and Zoning Commission may recommend, and the City Council may impose, such additional conditions (e.g., hours of operation) as are reasonably necessary to assure compliance with the standards, purpose, and intent of this section, and in accordance with the rezoning procedures in **2.02.B. Zoning Text or Map Amendments (Rezoning)**. Any conditions imposed shall be set forth in the ordinance approving the conditional use and shall be incorporated into or noted on the Concept Plan. The Community Development Director shall verify that the Concept Plan incorporates all conditions set forth in the ordinance authorizing the conditional use. The City shall maintain a record of such approved conditional uses and related conditions attached thereto.

c. Prohibition on Zoning Variance

i. The abovementioned additional conditions (i.e., standards of development for the CUP) do not require a Zoning Variance from the Board of Adjustments, nor may conditions imposed by the City Council subsequently be waived or varied by the Board of Adjustments.

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

F. Concept Plans

1. Purpose

   The purpose of a Concept Plan is to ensure that development projects comply with all applicable City ordinances and guidelines prior to the commencement of construction.

2. Applicability

   Submission and approval of a Concept Plan shall be required for all Conditional Use Permits (CUPs) and Planned Developments (PDs).

3. Building Permit and Certificate of Occupancy

   a. A Concept Plan may be submitted in conjunction with a Building Permit application; however, no Building Permit shall be issued until a Concept Plan and all other required engineering/construction plans are first approved by the City.

   b. No Certificate of Occupancy shall be issued until all construction and development conforms to the Concept Plan and engineering/construction plans, as approved by the City.

4. Effect of Review/Approval

   The Concept Plan shall be considered authorization to proceed with construction of the site provided all other required City approvals are obtained (such as final plat, engineering plans, etc.).

5. Extent of Area to be Included in a Concept Plan

   When the overall development project is to be developed in phases, the area included within the Concept Plan shall include only the portion of the overall property that is to be developed/constructed.

6. Procedures and Submission Requirements for Concept Plan Approval

   All Concept Plans shall be prepared by a qualified civil engineer, land planner, architect, or surveyor. The Concept Plan shall clearly show in detail how the site will be constructed (such as paving, buildings, landscaped areas, utilities, etc.). To ensure the submission of adequate information, the City is hereby empowered to maintain and distribute a separate list of specific requirements for the review of Concept Plan applications.

7. Review and Approval of a Concept Plan

   The approval process for a Concept Plan shall generally include review by City staff, recommendation by the Planning and Zoning Commission, and approval by the City Council.

   a. City Staff Review of Concept Plans

      i. Upon official submission of a complete application of a Concept Plan for approval, the City shall review the application. Specifically, the Community Development Director, City Engineer, and the Building Official or their designees shall review the Concept Plan prior to the Concept Plan being forwarded to the Planning and Zoning Commission.

      ii. Concept plans shall be evaluated to ensure that all developments are constructed according to the City's codes and ordinances.

      iii. Following City staff review, and following discussions regarding necessary revisions, the applicant shall resubmit additional copies of the corrected Concept Plan to the Director.

      iv. The Director shall then submit the corrected plan to the Planning and Zoning Commission.

      v. It should be noted that the Director shall forward the original plan application to the commission if the corrected version is not resubmitted within the prescribed time period.

      vi. It should also be noted that a corrected plan that is incomplete or is otherwise not ready for consideration shall be subject to denial.

b. Planning and Zoning Commission Review of Concept Plans

i. All Concept Plan applications shall be reviewed by the Planning and Zoning Commission.

ii. The Community Development Director shall schedule consideration of any concept plan application on the regular agenda of the Planning and Zoning Commission within 30 calendar days after the application is received.

iii. The Planning and Zoning Commission shall review the Concept Plan and shall recommend to the City Council approval, approval subject to certain conditions, or denial of the Concept Plan.

c. City Council Review of and Action on Concept Plans

i. All concept plan applications shall be reviewed by the City Council after being reviewed by the Planning and Zoning Commission.

ii. The Community Development Director shall schedule consideration of the Concept Plan application on the regular agenda of the City Council.

iii. The City Council shall review the Concept Plan and shall approve, approve subject to certain conditions, or deny approval of the Concept Plan.

8. Revisions to the Approved Concept Plan

a. Minor Revisions/Amendments

i. It is recognized that final architectural and engineering design may necessitate minor changes in the approved Concept Plan. In such cases, the Community Development Director shall have the authority to approve minor modifications to an approved Concept Plan. Such minor modifications shall be submitted on an amended Concept Plan, which must substantially conform to the previously approved Concept Plan.

ii. Submission materials and requirements for approval of an amended Concept Plan shall be as determined by the Director.

b. Major Revisions

i. In the event of revisions that are more extensive in nature (i.e., do not conform to the description for minor amendments in item **a** above, a revised Concept Plan must be resubmitted, reviewed, and approved by the Community Development Director. The Director shall have the authority to determine whether a revised Concept Plan warrants review and approval as outlined in this **2.02.F. Concept Plans**.

ii. Any proposed or existing building or land use that is newly established, enlarged, modified, structurally altered, or otherwise changed from the originally approved Concept Plan shall be deemed a major revision.

9. Concept Plan Validity and Expiration

See **1.03.E. Plan or Permit Validity and Expiration**.

G. Site Plans

1. Purpose

   The purpose of a Site Plan is to ensure that a development project is in compliance with all applicable City ordinances and guidelines prior to the commencement of construction.

2. Applicability

   Submission and approval of a Site Plan shall be required for all development.

3. Building Permit and Certificate of Occupancy

   a. A Site Plan may be submitted in conjunction with a Building Permit application; however, no Building Permit shall be issued until a Site Plan, as required, and all other required engineering/plats/construction plans are first approved by the City.

   b. No Certificate of Occupancy shall be issued until all construction and development conforms to the site plan and engineering/construction plans, as approved by the City.

4. Effect of Review/Approval

   The Site Plan shall be considered authorization to proceed with construction of the site provided all other required plans and City approvals are obtained (such as final plat, civil engineering plans, etc.).

5. Extent of Area That Should Be Included in a Site Plan

   When the overall development project is to be developed in phases, the area included within the Site Plan shall include only the portion of the overall property that is to be developed/constructed. The Community Development Director may require a concept of the future phases to be submitted in conjunction with the Site Plan, but such plans are not part of the approval process and only to determine if the initial phases will work.

6. Procedures and Submission Requirements for Site Plan Approval

   All Site Plans shall be prepared by a qualified civil engineer, land planner, architect and/or surveyor, and shall clearly show in detail how the site will be constructed (such as paving, buildings, landscaped areas, utilities, etc.). To ensure the submission of adequate information, the City is hereby empowered to maintain and distribute a separate list of specific requirements for the review of site plan applications.

7. Review and Approval of a Site Plan

   a. City Staff Review of Site Plans

      i. Upon official submission of a complete application of a Site Plan for approval, the City shall review the application. Specifically, the Community Development Director, City Engineer, Fire Marshal, and the Building Official or their designees shall review the Site Plan for conformance to this and other adopted City ordinances. Determination of application completeness, notice to applicant of missing documents and information within 10 business days, and expiration of application within 45 calendar days due to incompleteness shall be in accordance with **1.03.C.3.c. Expiration of Application**.

      ii. Site Plans shall be evaluated to ensure that all developments are constructed according to the City's codes and ordinances.

      iii. Following City staff review, and following discussions regarding necessary revisions, the applicant shall resubmit additional copies of the corrected Site Plan to the Community Development Director.

      iv. The Community Development Director shall approve, approve with conditions, or deny the corrected plan.

      v. It should be noted that the Community Development Director shall deny the original plan application if the corrected version is not resubmitted within the prescribed time period.

      vi. It should also be noted that a corrected plan that is incomplete or is otherwise not ready for consideration shall be subject to denial.

b. Site Plan Appeal Process

i. The applicant or property owner may appeal a denied Site Plan by the City staff to the Planning and Zoning Commission by filing a written notice of appeal in the office of the Community Development Director no later than 10 calendar days after the date upon which staff denied the Site Plan.

ii. The notice of appeal shall set forth in clear and concise fashion the basis for the appeal. The Planning and Zoning Commission shall consider the appeal at a public meeting no later than 30 calendar days after the date upon which the notice of appeal was filed.

iii. The applicant or property owner may appeal a denial of the appeal by the Planning and Zoning Commission to the City Council.

iv. The City Council may affirm or reverse the decision of the Planning and Zoning Commission by a simple majority vote.

v. The City Council may also, where appropriate, remand the Site Plan application back to the Planning and Zoning Commission for reconsideration if it believes that there is a compelling reason to do so (such as the introduction of significant new facts or testimony, etc.).

8. Revisions to the Approved Site Plan

a. Minor Revisions/Amendments

i. It is recognized that final architectural and engineering design may necessitate minor changes in the approved Site Plan. In such cases, the Community Development Director, shall have the authority to approve minor modifications to an approved site plan. Such minor modifications shall be submitted on an amended Site Plan, which must substantially conform to the previously approved Site Plan.

ii. Submission materials and requirements for approval of an amended Site Plan shall be as determined by the Director.

b. Major Revisions

In the event of revisions that are more extensive in nature (i.e., do not conform to the description for minor amendments described above), a revised Site Plan must be resubmitted, reviewed, and approved by the Director. The Director shall have the authority to determine whether a revised Site Plan warrants review and approval as outlined in this **2.02.G. Site Plans**.

9. Site Plan Validity and Lapse

See **1.03.E. Plan or Permit Validity and Expiration**.

H. Building Permit Plans and Building Permits

1. Purpose

The purpose of a Building Permit is to ensure that development projects are in compliance with all applicable City ordinances and building codes prior to commencement of construction.

2. Applicability

a. No building or other structure shall be erected, moved, added to, or structurally altered without a Building Permit issued by the Building Official.

b. Building Permits are required for all structures in all zoning districts.

i. Exception: No Building Permit is required for construction of an accessory structure under 200 square feet in area.

3. Conformance with Regulations

a. A Building Permit shall not be issued except in conformity with the provisions of this article, unless otherwise authorized by the Board of Adjustments in the form of a Zoning Variance or Special Exception

as provided in this article, or authorized to replace or expand a nonconforming structure in accordance with **2.01.E. Nonconformities**.

b. A Building Permit shall not be issued until the property is properly zoned for the intended use, the property is platted in accordance with **Article 3. Subdivision Regulations**, all appropriate plans have been approved by the City, all applicable building codes and ordinances have been met, and all fees have been paid.

4. Building Permit Plan

a. Building Permit Plans shall be submitted in conjunction with a Building Permit application.

b. If a Site Plan or Concept Plan is required, it shall be submitted and approved before issuance of a Building Permit.

c. Building Permit and Certificate of Occupancy

i. No Building Permit shall be issued until a Building Permit Plan, as required, and all other required engineering/construction plans are first approved by the City.

ii. No Certificate of Occupancy shall be issued until all construction and development conforms to the Building Permit Plan and engineering/construction plans, as approved by the City.

d. Extent of Area That Should Be Included in a Building Permit Plan

When the overall development project is to be developed in phases, the area included within the Building Permit Plan shall include only the portion of the overall property that is to be developed/constructed.

e. Procedures and Submission Requirements for Building Permit Plan Approval

i. All Building Permit Plans shall be prepared in accordance with the adopted building codes by a qualified civil engineer, land planner, architect, and/or surveyor, if required, and shall clearly show in detail how the site will be constructed (such as paving, buildings, landscaped areas, utilities, etc.).

ii. To ensure the submission of adequate information, the City is hereby empowered to maintain and distribute a separate list of specific requirements for the review of applications.

f. Review and Approval of a Building Permit Plan

i. City Staff Review and Approval of Building Permit Plans

(a) Upon official submission of a Building Permit Plan and a complete application for a Building Permit, the Community Development Director, City Engineer, and the Building Official or their designees shall review the submittal. Determination of application completeness, notice in writing to the applicant of missing documents and information within 10 business days, and expiration of application within 45 calendar days due to incompleteness shall be in accordance with **1.03.C.3.c. Expiration of Application**.

(b) Building Permit Plans shall be evaluated to ensure that all developments are constructed according to the City's codes and ordinances.

(c) Following City staff review, the Building Official shall approve, approve subject to certain conditions, or deny approval of the Building Permit.

ii. Building Permit Plan Appeal Process for Zoning Reasons

(a) The applicant or property owner may appeal the denial of a Building Permit Plan for not meeting the regulations contained in this article to the Planning and Zoning Commission by filing a written notice of appeal in the office of the Building Official no later than 10 calendar days after the date upon which the Building Official denied the Building Permit. Appeals of denials of permits for not meeting the regulations contained in the adopted building codes shall be processed in accordance with the procedures contained in those codes.

(b) The notice of appeal shall set forth in clear and concise fashion the basis for the appeal. The Planning and Zoning Commission shall consider the appeal at a public meeting not later than 60 calendar days after the date upon which the notice of appeal was filed.

(c) The Planning and Zoning Commission may affirm or may change the decision of the Building Official by a simple majority vote.

(d) The Planning and Zoning Commission may also, where appropriate, remand the Building Permit application back to the Building Official for reconsideration if it believes that there is a compelling reason to do so (such as the introduction of significant new facts or testimony, etc.).

g. Revisions to the Approved Building Permit

i. Minor Revisions/Amendments

(a) It is recognized that final architectural and engineering design may necessitate minor changes in the approved Building Permit. In such cases, the Building Official shall have the authority to approve minor modifications to an approved Building Permit. Such minor modifications shall be submitted on an amended Building Permit Plan, which shall substantially conform to the previously approved Building Permit Plan.

(b) Submission materials and requirements for approval of an amended Building Permit shall be as determined by the Building Official.

ii. Major Revisions

In the event of revisions that are more extensive in nature (i.e., do not conform to the description for minor amendments in **i** above), a revised Building Permit must be resubmitted, reviewed, and approved by the Building Official. The Building Official shall have the authority to determine whether the proposed revisions constitute a minor or major revision.

h. Effect of Review/Approval

The Building Permit Plan shall be considered authorization to proceed with construction of the site provided all other required City approvals are obtained (such as final plat, engineering plans, etc.).

5. Cancellation of Building Permit

If an applicant or their representatives fail to comply with an approved Building Permit and do not correct the issue after notice, the Building Permit will be void. The Building Official is authorized to revoke the permit with written notice, halting all work until compliance is achieved. Expiration of building permits shall be in accordance with the building codes of the City.

I. Zoning Variances

1. Generally

A Zoning Variance is the authority to depart from the application of areas, side yard, setback, height, and similar regulations to prevent unnecessary hardships.

2. Granting Authority

The Board of Adjustments may authorize a Zoning Variance from these regulations when, in its opinion, undue hardship will result from requiring compliance. Zoning Variances may be granted only when in harmony with the general purpose and intent of this article so that the public health, safety, and welfare may be secured and that substantial justice may be done.

a. In granting a Zoning Variance, the Board of Adjustments shall prescribe only conditions that it deems necessary for, or desirable to, the public interest.

b. In making the findings outlined in **2.02.I.3. Public Notice** and Hearing Required below, the Board of Adjustments shall take into account:

i. The nature of the proposed use of the land involved;

ii. Existing uses of land in the vicinity;

iii. The number of persons who will reside or work within the proposed use; and

iv. The probable effect such variance will have on traffic conditions and upon the public health, safety, convenience, and welfare of the community.

3. Public Notice and Hearing Required

   No variance shall be granted without first having given public notice and having held a public hearing on the variance request in accordance with **1.02.C. Board of Adjustments**.

4. The Board of Adjustments may authorize in specific cases a variance from the terms of this Article 2. Zoning Regulations if:

   a. The variance is not contrary to the public interest and,

   b. Due to special conditions, a literal enforcement of the ordinance would result in unnecessary hardship, and

   c. So that the spirit of the ordinance is observed and substantial justice is done.

5. The Board may consider the following as grounds to determine whether compliance with the ordinance as applied to a structure that is the subject of the appeal would result in unnecessary hardship:

   a. The financial cost of compliance is greater than 50 percent of the appraised value of the structure as shown on the most recent appraisal roll certified to the assessor for the municipality under Section 26.01, Tax Code;

   b. Compliance would result in a loss to the lot on which the structure is located of at least 25 percent of the area on which development may physically occur;

   c. Compliance would result in the structure not being in compliance with a requirement of a municipal ordinance, building code, or other requirement;

   d. Compliance would result in the unreasonable encroachment on an adjacent property or easement; or

   e. The City considers the structure to be a nonconforming structure.

J. Special Exceptions

1. Generally

   A Special Exception is differentiated from a Zoning Variance by the following:

   a. A Special Exception does not require a finding of a hardship.

   b. Approval of a Special Exception by the Board of Adjustments is specifically provided for and defined in this section.

2. Requests

   The Board of Adjustments may grant a Special Exception upon written request of the property owner.

3. Standards

   The Board may grant a Special Exception in accordance with the following circumstances and/or standards:

   a. Modify, lessen, or waive the requirements of **2.05.B. Off-Street Parking and Loading** and **2.05.C. Landscaping** due to unique site constraints or conditions.

   b. Change from one nonconforming use to another, reconstruction of a nonconforming structure that has been totally destroyed, or resumption of a nonconforming use previously abandoned, only upon finding that the failure to grant the Special Exception deprives the property owner of substantially all use or economic value of the land.

   c. For existing single-family and duplex (two-family) structures that were legally constructed prior to the effective date of this UDC, the Board of Adjustments may authorize a Special Exception for any structure that was constructed over a setback line established by this article.

4. Conditions

   In granting Special Exceptions, the Board may impose such conditions as are necessary to protect adjacent property owners and to ensure the public health, safety, and general welfare, including but not limited to conditions specifying the period during which the nonconforming use may continue to operate or exist before being brought into conformance with the provisions of this article.

K. Alternative Compliance

1. Purpose and Applicability

   a. Alternative Compliance allows City Staff to approve pre-authorized deviations to the requirements established within **2.05. Zoning Development Standards**. This tool reduces the need for Zoning Variances or Planned Developments by allowing for different standards that conform to the intent of the UDC and the Comprehensive Plan.

   b. Only the pre-authorized deviations contained within **2.05. Zoning Development Standards** are eligible.

   c. A request for Alternative Compliance may be submitted for review and approval with a Site Plan application (see **2.02.G. Site Plans**) or in a narrative format as part of the application submittal.

   d. Alternative Compliance requests must include references to specific sections within the UDC that allow for consideration of Alternative Compliance. Alternative Compliance requests shall not be granted unless the UDC identifies the standard as qualifying for Alternative Compliance.

2. Alternative Compliance Evaluation Criteria

   The designated City Staff member may approve an Alternative Compliance standard if it meets all of the following:

   a. The proposed Alternative Compliance standard is in agreement with and promotes the recommendations and policies of the Comprehensive Plan;

   b. The proposed Alternative Compliance standard does not reduce a standard unless it is, to the greatest extent practical, equally mitigated or improved by increasing standards of other comparable requirements; and

   c. The proposed Alternative Compliance standard does not modify the land uses allowed in the zoning district in which the subject property is located.

L. Zoning Appeals

1. Appeals

a. Authority

In addition to the authorization of Zoning Variances and Special Exceptions from the terms of this article, the Board of Adjustments shall have the authority to hear and decide an appeal that alleges error in an order, requirement, decision or determination made by an administrative official in the enforcement of this article. The Board of Adjustments may reverse or affirm, in whole or in part, or may modify the administrative official's order, requirement, decision or determination from which an appeal is taken and make the correct order, requirement, decision or determination, and for that purpose, the Board of Adjustments has the same authority as the Community Development Director or their designee.

b. Who May Appeal

Any of the following persons may appeal to the Board of Adjustments a decision made by an administrative official:

i. A person directly aggrieved by the decision; or

ii. Any officer, department, board, or bureau of the City affected by the decision.

c. Procedure For Appeal

i. The appellant must file with the Community Development Director and the official from whom the appeal is taken a written notice of appeal specifying the grounds for the appeal. The notice of appeal shall be filed within 15 calendar days after the decision has been rendered. Upon receiving the notice, the official from whom the appeal is taken shall immediately transmit to the Board of Adjustments all papers constituting the record of action that is appealed.

ii. An appeal stays all proceedings in furtherance of the action that is appealed unless the official from whom the appeal is taken certifies in writing to the Board of Adjustments facts supporting the official's opinion that a stay would cause imminent peril to life or property. In that case, the proceedings may be stayed only by a restraining order granted by the Board of Adjustments or a court of appropriate jurisdiction on application, after notice to the official, if due cause is shown.

iii. The appellant party may appear at the appeal hearing in person or by agent or attorney. The Board of Adjustments shall decide the appeal within 30 calendar days after the written request (i.e., notice of appeal) was received.

iv. The Board of Adjustments may reverse or affirm, in whole or in part, or modify the administrative official's order, requirement, decision, or determination from which an appeal is taken, and may make the correct order, requirement, decision, or determination.

2.03. Zoning Districts

A. Establishment of Zoning Districts and Map

1. The City is hereby divided into zones, or districts, and the boundaries of zoning districts set out in this article are delineated upon the Official Zoning Map of the City, which may also be cited as the zoning map, said map being adopted as a part of this article as fully as if the same were set forth herein in detail.
2. The Official Zoning Map shall be labeled the "Official Zoning Map of the City of Tomball, Texas" and shall be maintained as an electronic file in the office of the Community Development Director. The "Official Adoption Date" and the "Last Amended Date" shall be shown on the Official Zoning Map.
3. The Community Development Director shall be responsible for the maintenance of the Map.

4. Zoning Districts Established

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

Figure 2.03-1. Zoning Districts

Abbreviation	Zoning District Name
Residential Districts	
AG	Agricultural
SF-20	Single-Family Residential-20 (minimum 20,000-square-foot lots)
SF-9	Single-Family Residential-9 (minimum 9,000-square-foot lots)
SF-7.5	Single-Family Residential-7.5 (minimum 7,500-square-foot lots)
SF-6	Single-Family Residential-6 (minimum 6,000-square-foot lots)
D	Duplex (Two-Family) Residential
MF-1	Medium-Density Multifamily Residential
MF-2	Multifamily Residential
MHP	Manufactured Home Park
Nonresidential Districts	
O	Office
NR	Neighborhood Retail
GR	General Retail
C	Commercial
I	Industrial
Special Districts	
OT	Old Town District
PD	Planned Development

   b. A summary of the area regulations for the foregoing zoning districts is included in each district section.

   c. Certain terms and definitions used within this article can be found in **Article 5. Definitions**.

   d. Other requirements are contained within **2.05. Zoning Development Standards** of this article.

B. Zoning District Boundaries

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

1. Boundaries shown as approximately following the centerlines of streets, highways, or alleys shall be construed to follow such centerlines.
2. Boundaries shown as approximately following platted lot lines shall be construed as following such lot lines.
3. Boundaries shown as approximately following City limits shall be construed as following such City limits.
4. Boundaries shown as following railroad lines shall be construed to be located along the centerline of the railroad right-of-way lines.
5. Boundaries shown as approximately following the centerlines of streams, rivers, creeks, canals, bodies of water, or drainageways shall be construed to follow such centerlines, and in the event of change in any such centerlines shall be construed to move with such centerlines.
6. Boundaries shown as parallel to, or extensions of, features described in subsections **1** through **5** above of this section shall be so construed. Distances not specifically indicated on the Official Zoning Map shall be determined by the approximate scale of the map and verified by a survey.
7. Whenever any street, alley, or other public way is vacated by official action of the City Council, or whenever such area is franchised for building purposes, any necessary zoning map amendments (i.e., rezonings to align with new lot lines) shall be conducted concurrently with the abandonment.
8. The zoning classification applied to a tract of land adjacent to a street shall extend to the centerline of the street unless, as a condition of zoning approval, it is stated that the zoning classification shall not apply to the street.
9. Where physical features on the ground are at variance with information shown on the Official Zoning Map, or if there arises a question as to how or whether a parcel of property is zoned and such question cannot be resolved by the application of subsections **1** through **8** above, then the Board of Adjustments shall interpret the zoning district boundaries.

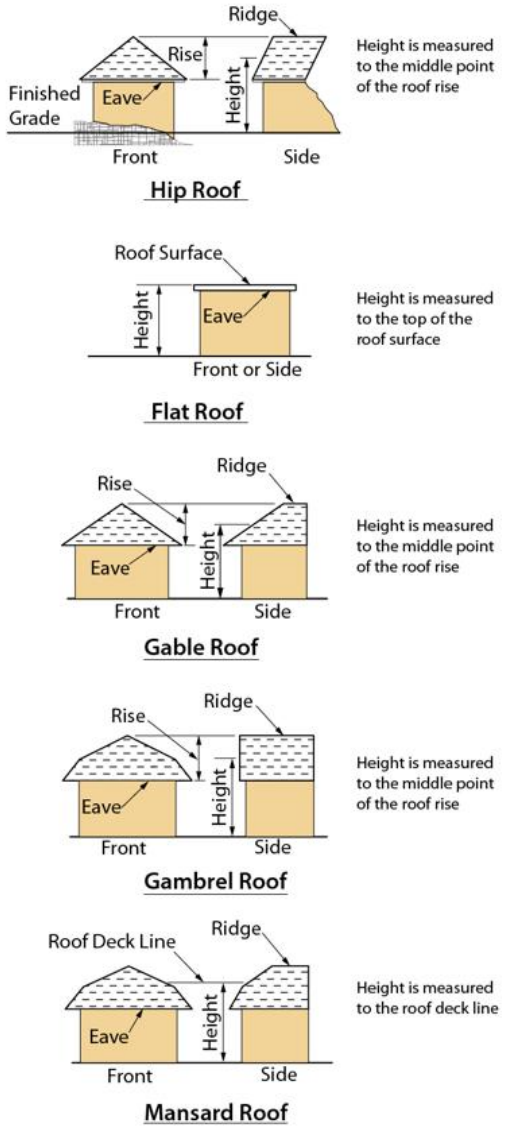
C. Dimensional Standards

1. Building Height

Building height shall be measured in accordance with **Figure 2.03-2. Measuring Building Height**.

a. Exceptions: Cooling towers may extend for an additional height not to exceed 50 feet above the average grade line of the building. Water standpipes and tanks, church steeples, domes and spires, ornamental cupolas, City or school district buildings, and institutional buildings may be approved to exceed the height limit at the time the City reviews the applicable required plan.

Figure 2.03-2. Measuring Building Height

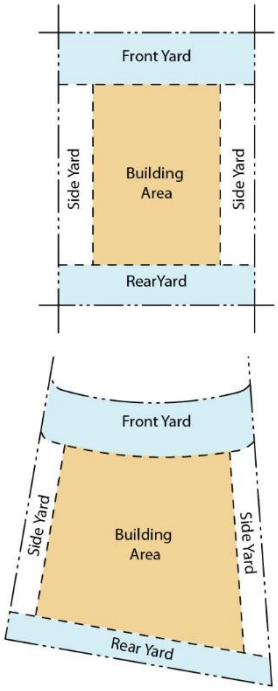


2. Setbacks and Lot Configurations

a. Measuring Yards

All yard measurements shall be made in accordance with **Figure 2.03-3. Measuring Yards.**

Figure 2.03-3. Measuring Yards



b. Configuration of Lots

Wherever possible, flag lots (i.e., lots with minimal or panhandle type frontage) shall be avoided. Similarly, through (i.e., double frontage) lots (particularly within residential zoning districts) shall also be avoided wherever possible. Also see **Article 3. Subdivision Regulations, 3.04.A. Lots and Blocks** for regulations pertaining to the configuration of lots.

c. Front Yards for Corner or Double-Frontage Lots

i. Where lots have double frontage, extending from one street to another, or are on a corner, a required front yard shall be provided on both streets. See **Figure 2.03-4. Corner Lots** and **Figure 2.03-5. Double-Frontage Lots.**

(a) Exception: If a side or rear yard building line has been established along one frontage on the plat, in which event only one required front yard need be observed.

ii. A single-family and duplex structure shall not face the side or rear yard.

Figure 2.03-4. Corner Lots

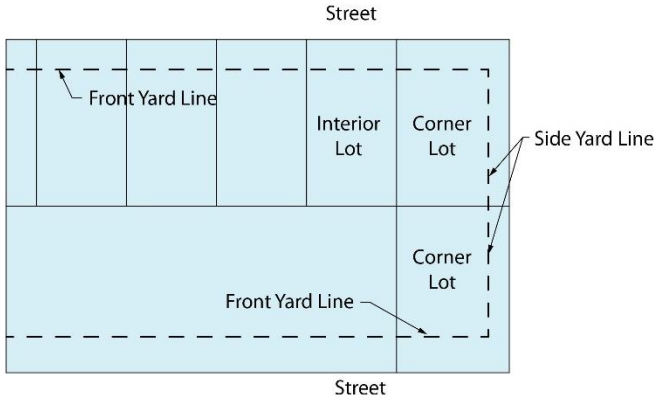
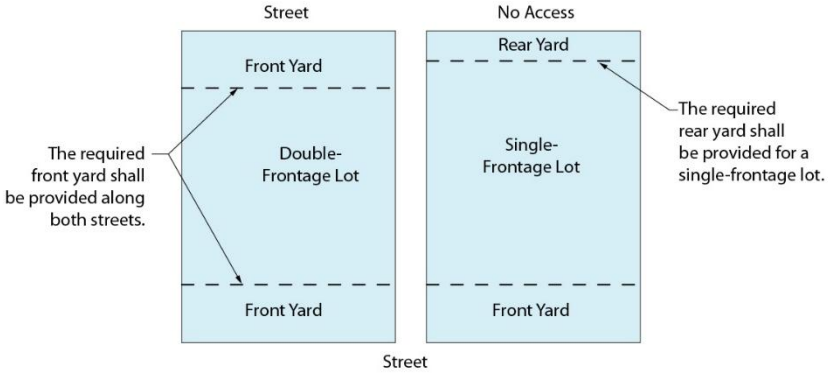


Figure 2.03-5. Double-Frontage Lots

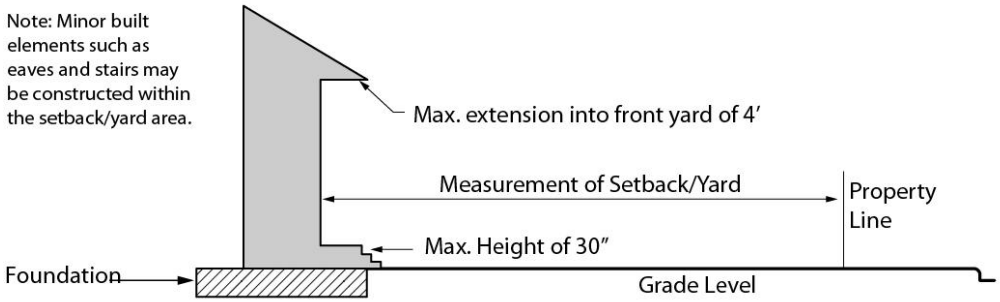


d. Front Yard Measurement

i. The front yard shall be measured from the property line to the front face of the building, to the nearest supporting member of a covered or enclosed porch or terrace, or to any attached accessory building.

ii. Eaves and roof extensions or a porch without posts or columns may project into the required front yard for a distance not to exceed four feet, and subsurface structures, platforms, or slabs may not project into the front yard to a height greater than 30 inches above the average grade of the yard. See **Figure 2.03-6. Measuring Front Yard**.

Figure 2.03-6. Measuring Front Yard



iii. Lots on Curved Streets

See **Article 3. Subdivision Regulations**, subsection **3.04.A.1.c.iv**.

iv. Rights-of-Way

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

e. Side and Rear Yards

i. Projections

(a) Every part of a required side and rear yard shall be open and unobstructed except for the ordinary projections of windowsills, belt courses, cornices, and other architectural features not to exceed 12 inches into the required side or rear yard, and roof eaves projecting not to exceed 24 inches into the required side or rear yard.

(b) Air conditioning compressors, generators, and similar equipment are permitted in the side or rear yard.

(c) Open porches extending into a side or rear yard shall not be enclosed.

ii. Future Rights-of-Way

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

f. Zero Lot Line Exception

i. Residential Zero Lot Lines

For dimensional requirements related to Patio Homes, Duplexes, or Townhouses, see the regulations for each use in **2.04.C. Use-Based Standards**.

g. Setbacks for Garages

i. All garages facing a street or alley shall be set back at least 20 feet from the front property line.

ii. When entry is from the side yard facing a public street, the minimum setback from the side lot line shall be equal to the required side yard for the main building or 20 feet, whichever is greater.

iii. For side-entry garages on interior lots (i.e., a J-swing garage), the garage shall be set back at least 20 feet from the side property line.

3. Sight Visibility Triangle

See **3.04.E.3. Sight Visibility Triangle** for applicable requirements.

D. Residential Zoning Districts

1. Agricultural (AG) District

a. General Purpose and Description

The Agricultural (AG) District primarily provides for estate-style single-family dwellings and agricultural uses, including farming, ranching, and crop cultivation. The AG District is also appropriate for areas where utilities or City services are not readily available.

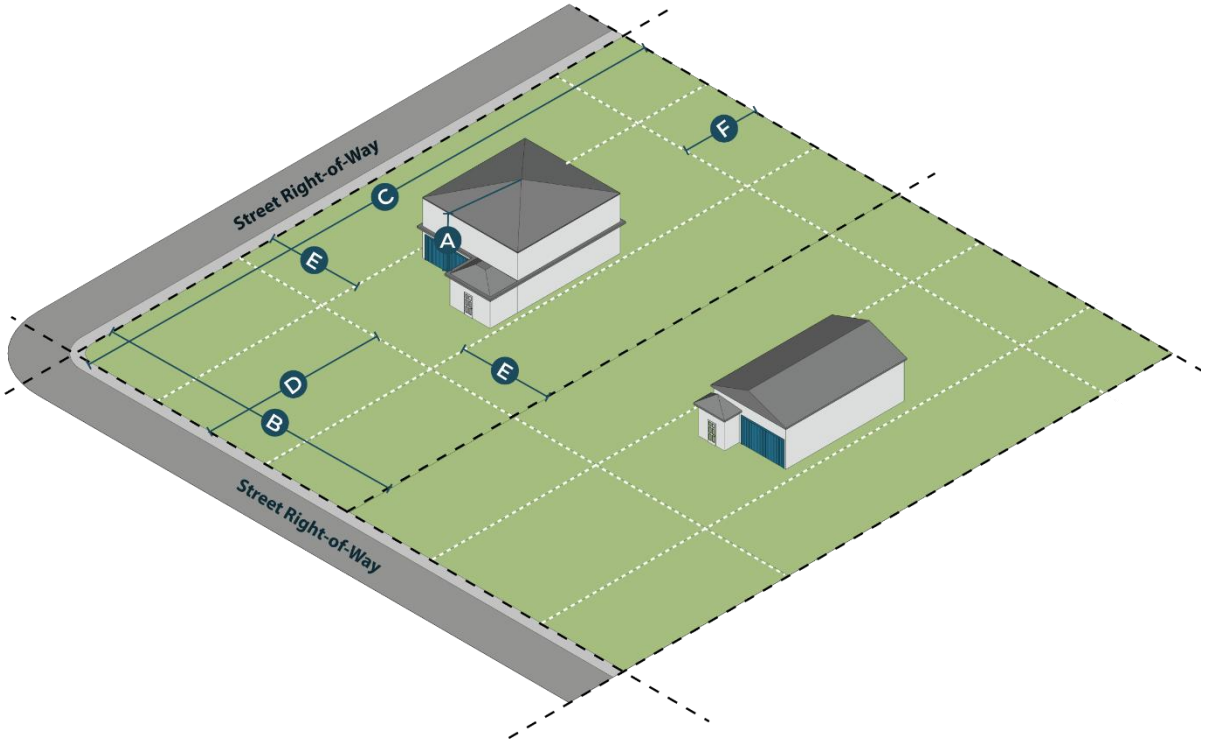
b. Dimensional Standards

Agricultural (AG) District	
Height	
A Maximum Height: Main Building	45 feet
Maximum Height: Agricultural Structures	45 feet[1]
Maximum Height: Accessory Buildings	25 feet
Size of Lots	
Minimum Lot Area	One acre (43,560 square feet)
B Minimum Lot Width	100 feet
C Minimum Lot Depth	200 feet
Size of Yards	
D Minimum Front Yard	60 feet
E Minimum Side Yard	30 feet[2]
F Minimum Rear Yard	25 feet
Other Dimensional Requirements	
Maximum Lot Coverage	40%

[1] Provided they are set back at least 100 feet or three times their height (whichever is greater) from any front, side, or rear property line.

[2] Detached single-family dwelling and private garage may be located no less than 15 feet from the side property line or not less than 25 feet from the side property line adjacent to an arterial street, whichever is greater.

Figure 2.03-7. Lot and Yard Regulations for AG District



c. Other Regulations

1. See **2.04. Permitted Uses and Use-Based Standards** for permitted uses.
2. Livestock and domesticated animals shall only be allowed in accordance with the adopted ordinances of the City.
3. One manufactured home may be utilized as a temporary construction living quarters by the owner of the property, so long as a valid permit exists and construction is proceeding. In addition, non-occupied storage buildings may be allowed without a main structure for as long as a valid permit for the construction of a main structure is valid.

2. Single-Family Residential (SF-20) District

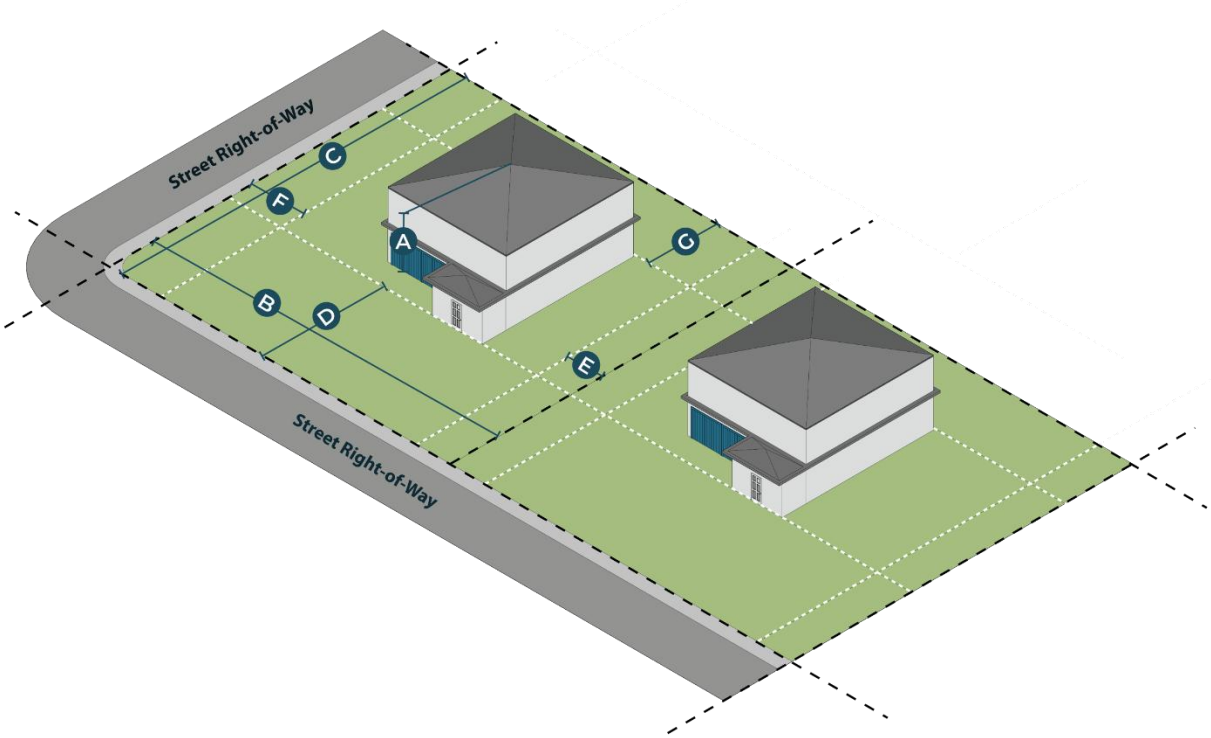
a. General Purpose and Description

The Single-Family Residential (SF-20) District is intended to accommodate low-density, single-family residential development with detached dwellings on lots of at least 20,000 square feet in size. It is also appropriate for places of worship, schools, and public parks.

b. Dimensional Standards

Single-Family Residential (SF-20) District	
Height	
A Maximum Height: Main Building	45 feet
Maximum Height: Accessory Buildings	25 feet
Size of Lots	
Minimum Lot Area	20,000 square feet
B Minimum Lot Width	100 feet
Minimum Curved Lot Width (See **Article 3. Subdivision Regulations, 3.04.A.1.c.iv**)	100 feet
C Minimum Lot Depth	150 feet
Size of Yards	
D Minimum Front Yard	35 feet
E Minimum Side Yard	10 feet
F Minimum Corner Lot Side Yard	15 feet Exception: Where a lot sides on a designated arterial street, such side yard shall not be less than 25 feet
G Minimum Rear Yard	20 feet; 25 feet for rear entry garage
Other Dimensional Requirements	
Maximum Lot Coverage	40%

Figure 2.03-8. Lot and Yard Regulations for SF-20 District



c. Other Regulations

See **2.04. Permitted Uses and Use-Based Standards** for permitted uses.

3. Single-Family Residential (SF-9) District

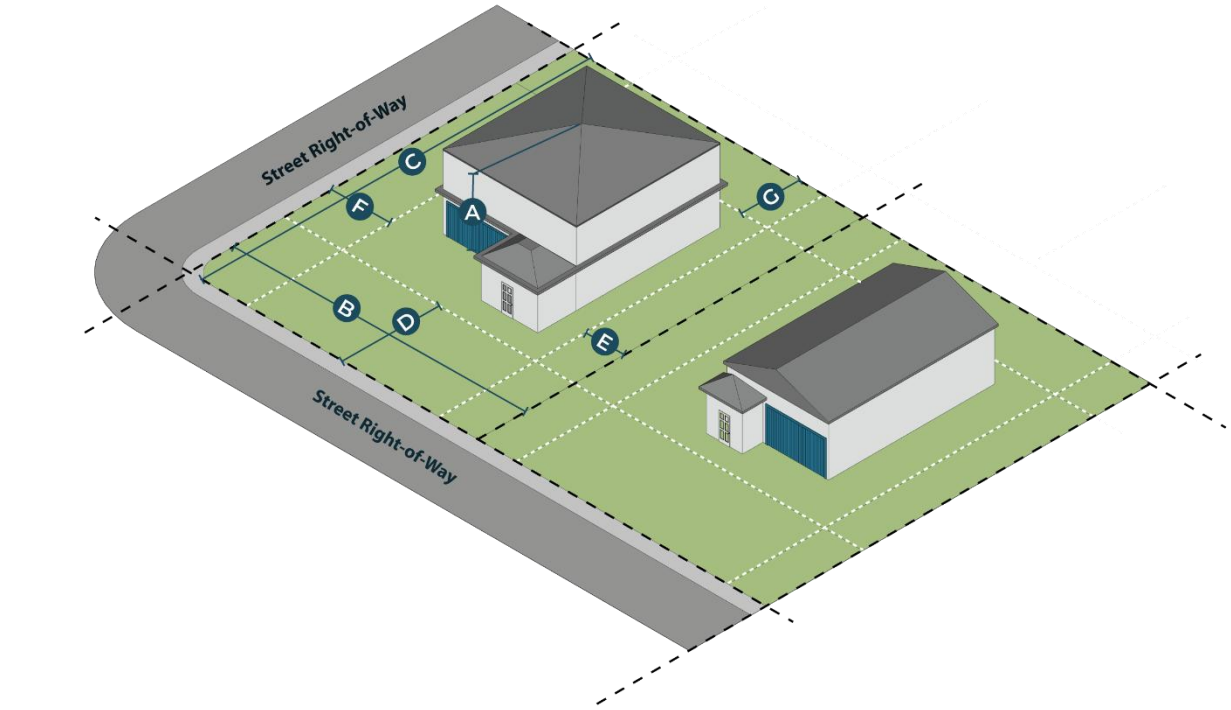
a. General Purpose and Description

The Single-Family Residential (SF-9) District is intended to provide for the development of low-density, detached single-family residences on lots at least 9,000 square feet. It is also appropriate for places of worship, schools, and public parks.

b. Dimensional Standards

Single-Family Residential (SF-9) District	
Height	
A Maximum Height: Main Building	35 feet
Maximum Height: Accessory Buildings	25 feet
Size of Lots	
Minimum Lot Area	9,000 square feet
B Minimum Lot Width	75 feet
Minimum Curved Lot Width (See **Article 3. Subdivision Regulations, 3.04.A.1.c.iv**)	80 feet
C Minimum Lot Depth	100 feet
Size of Yards	
D Minimum Front Yard	25 feet Exception: Where a lot fronts on a designated arterial street, such front yard shall not be less than 35 feet
E Minimum Side Yard	10 feet
F Minimum Corner Lot Side Yard	15 feet Exception: Where a lot sides on a designated arterial street, such side yard shall not be less than 25 feet
G Minimum Rear Yard	15 feet Exception: Where lots back on a designated arterial street, such rear yard shall not be less than 25 feet. However, lots backing up to a 20-foot alley shall have a five-foot setback or lots abutting a 15-foot alley shall have a 7.5-foot setback
Other Dimensional Requirements	
Maximum Lot Coverage	40%

Figure 2.03-9. Lot and Yard Regulations for SF-9 District



c. Other Regulations

See **2.04. Permitted Uses and Use-Based Standards** for permitted uses.

4. Single-Family Residential (SF-7.5) District

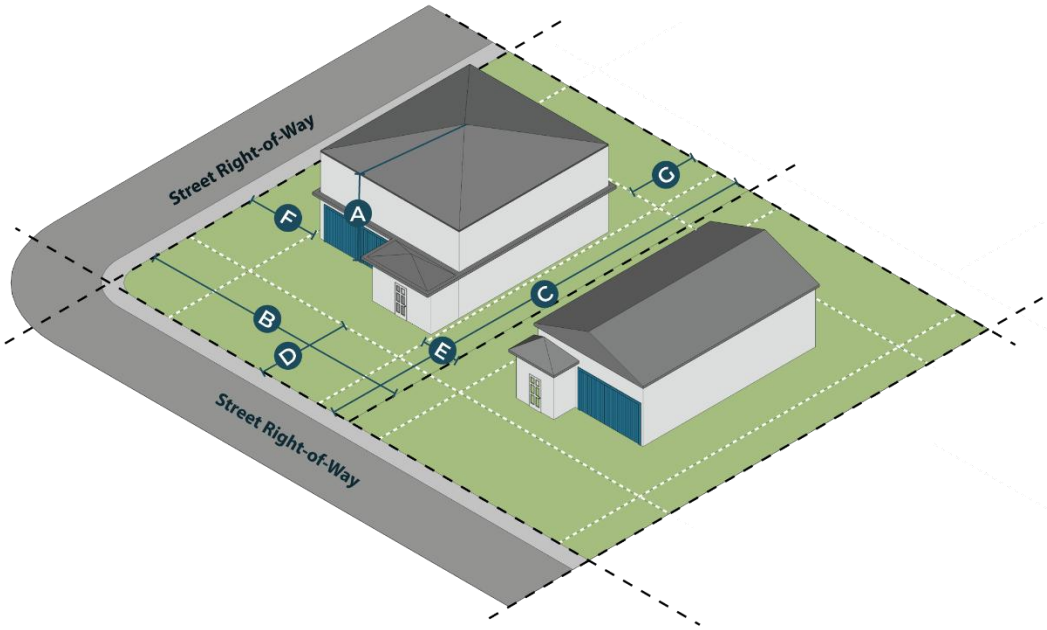
a. General Purpose Description

The Single-Family Residential (SF-7.5) District is intended to provide for development of primarily low-density detached, single-family residences on lots of not less than 7,500 square feet in size, churches, schools, and public parks in logical neighborhood units.

b. Dimensional Standards

Single-Family Residential (SF-7.5) District	
Height	
A Maximum Height: Main Building	35 feet
Maximum Height: Accessory Buildings	15 feet
Size of Lots	
Minimum Lot Area	7,500 square feet
B Minimum Lot Width	60 feet
Minimum Curved Lot Width (See **Article 3. Subdivision Regulations, 3.04.A.1.c.iv**)	70 feet
C Minimum Lot Depth	100 feet
Size of Yards	
D Minimum Front Yard	20 feet Exception: Where a lot fronts on a designated arterial street, such front yard shall not be less than 35 feet
E Minimum Side Yard	7.5 feet
F Minimum Corner Lot Side Yard	15 feet Exception: Where a lot sides on a designated arterial street, such side yard shall not be less than 25 feet
G Minimum Rear Yard	15 feet Exception: Where lots back on a designated arterial street, such rear yard shall not be less than 25 feet. However, lots backing up to a 20-foot alley shall have a five-foot setback or lots abutting a 15-foot alley shall have a 7.5-foot setback
Other Dimensional Requirements	
Maximum Lot Coverage	45%

Figure 2.03-10. Lot and Yard Regulations for SF-7.5 District



c. Other Regulations

See **2.04. Permitted Uses and Use-Based Standards** for permitted uses.

5. Single-Family Residential (SF-6) District

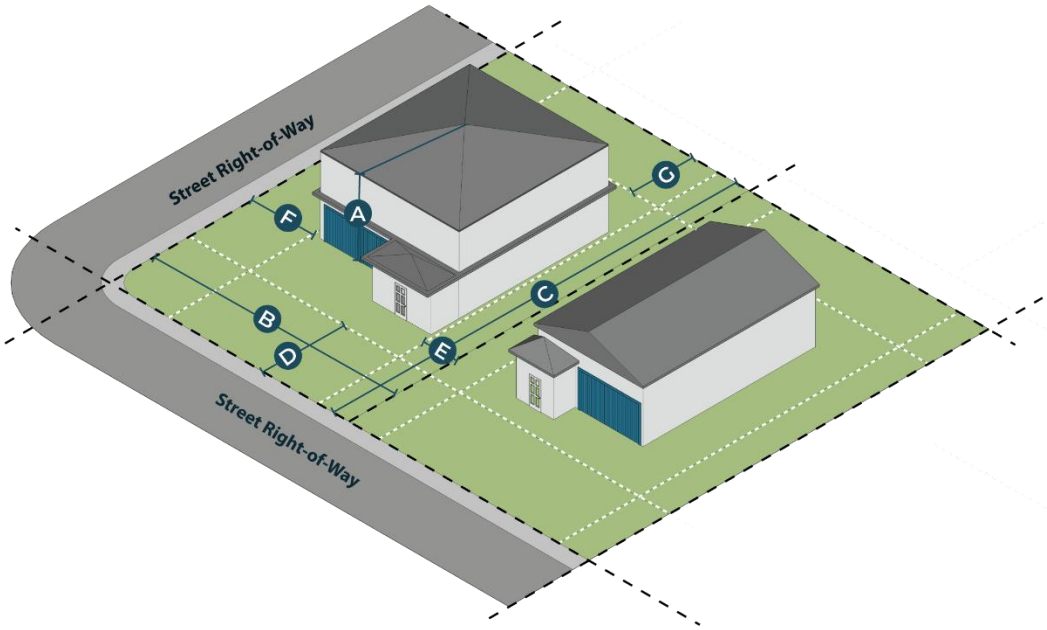
a. General Purpose and Description

The Single-Family Residential (SF-6) District is intended to provide for the development of low-density, detached single-family residences on lots of at least 6,000 square feet. It is also appropriate for places of worship, schools, and public parks.

b. Dimensional Standards

Single-Family Residential (SF-6) District	
Height	
A Maximum Height: Main Building	35 feet
Maximum Height: Accessory Buildings	15 feet
Size of Lots	
Minimum Lot Area	6,000 square feet
B Minimum Lot Width	50 feet
Minimum Curved Lot Width (See **Article 3. Subdivision Regulations, 3.04.A.1.c.iv**)	60 feet
C Minimum Lot Depth	100 feet
Size of Yards	
D Minimum Front Yard	20 feet Exception: Where a lot fronts on a designated arterial street, such front yard shall not be less than 35 feet
E Minimum Side Yard	5 feet
F Minimum Corner Lot Side Yard	15 feet Exception: Where a lot sides on a designated arterial street, such side yard shall not be less than 25 feet
G Minimum Rear Yard	15 feet Exception: Where lots back on a designated arterial street, such rear yard shall not be less than 25 feet. However, lots backing up to a 20-foot alley shall have a five-foot setback or lots abutting a 15-foot alley shall have a 7.5-foot setback
Other Dimensional Requirements	
Maximum Lot Coverage	45%

Figure 2.03-11. Lot and Yard Regulations for SF-6 District



c. Other Regulations

See **2.04. Permitted Uses and Use-Based Standards** for permitted uses.

6. Duplex (Two-Family) Residential (D) District

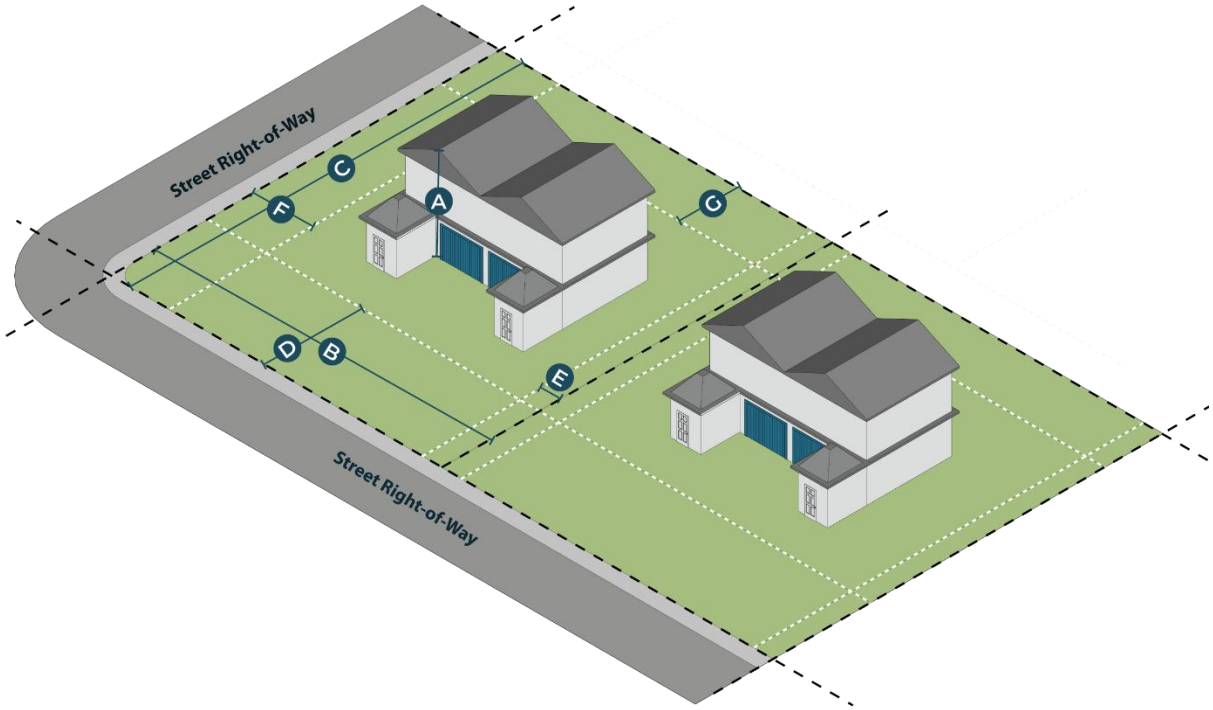
a. General Purpose and Description

The Duplex (Two-Family) Residential (D) District allows for low-density multiple-family development for duplex (two-family) use. This district serves as a transition zone, commonly used as a buffer between lower-density and higher-density residential neighborhoods or nonresidential areas. It is also appropriate for places of worship, schools, and public parks.

b. Dimensional Standards

Duplex (Two-Family) Residential (D) District	
Height	
A Maximum Height: Main Building	35 feet
Maximum Height: Accessory Buildings	15 feet
Size of Lots	
Minimum Lot Area	12,000 square feet; or 6,000 square feet per side on duplex townhomes
B Minimum Lot Width	85 feet, or 45 feet for duplexes on separate lots
Minimum Curved Lot Width (See **Article 3. Subdivision Regulations, 3.04.A.1.c.iv**)	85 feet, or 45 feet for duplexes on separate lots
C Minimum Lot Depth	100 feet
Size of Yards	
D Minimum Front Yard	20 feet Exception: Where a lot fronts on a designated arterial street, such front yard shall not be less than 35 feet
E Minimum Side Yard	5 feet
F Minimum Corner Lot Side Yard	15 feet Exception: Where a lot sides on a designated arterial street, such side yard shall not be less than 25 feet
G Minimum Rear Yard	15 feet Exception: Where lots back on a designated arterial street, such rear yard shall not be less than 25 feet. However, lots backing up to a 20-foot alley shall have a five-foot setback or lots abutting a 15-foot alley shall have a 7.5-foot setback
Other Dimensional Requirements	
Maximum Lot Coverage	45%

Figure 2.03-12. Lot and Yard Regulations for D District



c. Other Regulations

See **2.04. Permitted Uses and Use-Based Standards** for permitted uses.

7. Medium-Density Multifamily Residential (MF-1) District

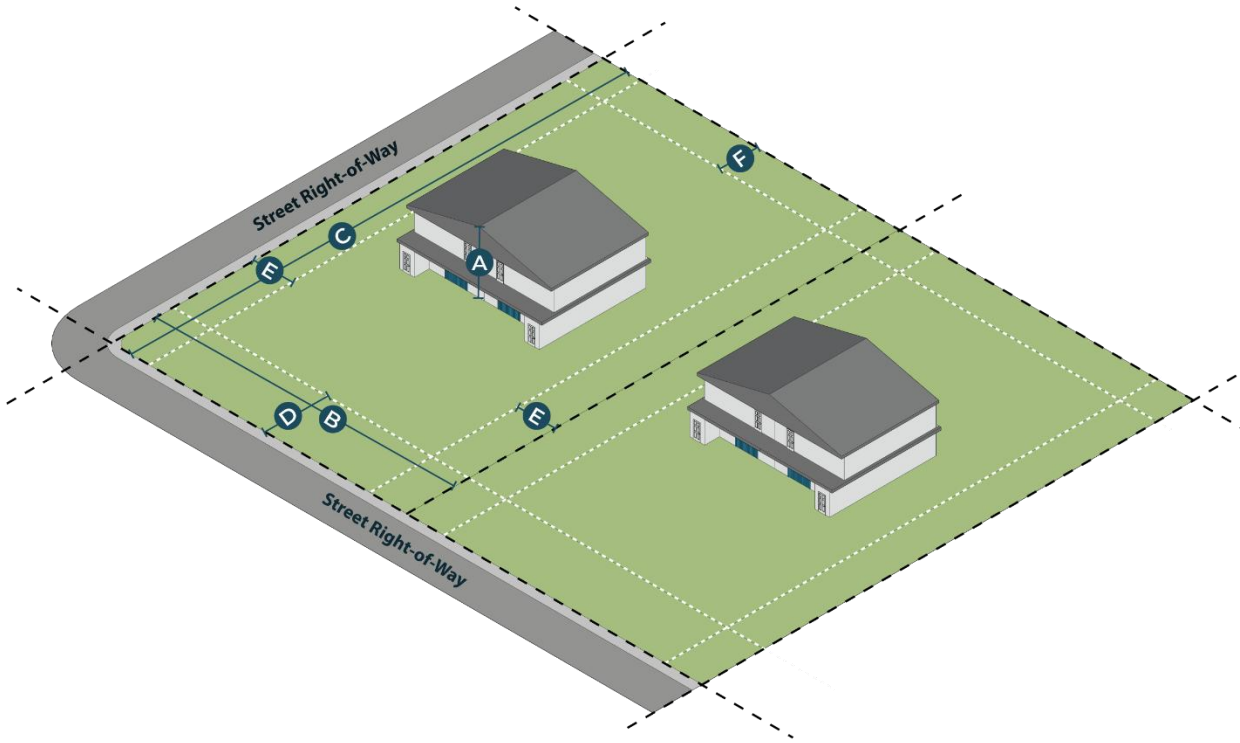
a. General Purpose and Description

The Medium-Density Multifamily Residential (MF-1) District provides multifamily residential development with a mix of three (triplex) and four (quadplex) unit residential uses. This district serves as a transition zone, commonly used as a buffer between lower-density and higher-density residential neighborhoods or nonresidential areas. It is also appropriate for places of worship, schools, and public parks.

b. Dimensional Standards

Medium-Density Multifamily Residential (MF-1) District	
Height	
A Maximum Height: Main Building	35 feet
Maximum Height: Accessory Buildings	15 feet
Size of Lots	
Maximum Dwelling Units per Acre	12 units per acre
B Minimum Lot Width	120 feet
C Minimum Lot Depth	200 feet
Size of Yards	
D Minimum Front Yard	25 feet Exception: Where a lot fronts on a designated arterial street, such front yard shall not be less than 35 feet
E Minimum Side Yard	15 feet Exception: Where a lot sides on a designated arterial street, such side yard shall not be less than 25 feet
F Minimum Rear Yard	15 feet Exception: If adjacent to a lower density residential use, the rear setback shall be 60 feet; unless separated by an alley, in which case the setback shall be 20 feet
Minimum Building Separation	One story: 15 feet Two story: 20 feet Between a main building and an accessory building: 10 feet
Other Dimensional Requirements	
Maximum Lot Coverage	50%

Figure 2.03-13. Lot and Yard Regulations for MF-1 District



c. Other Regulations

See **2.04. Permitted Uses and Use-Based Standards** for permitted uses.

8. Multifamily Residential (MF-2) District

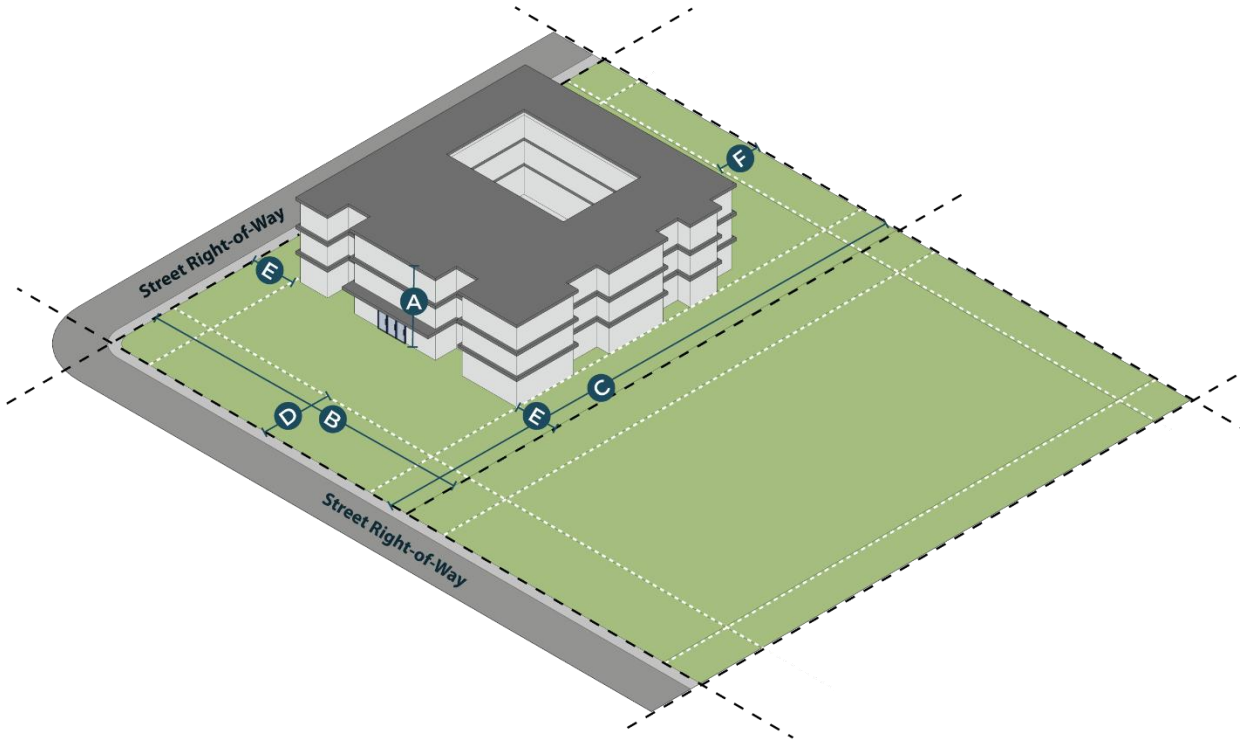
a. General Purpose and Description

The Multifamily Residential (MF-2) District provides for multifamily residential development, targeting low and mid-rise dwellings serving as a transition between low- or medium-density residential developments and nonresidential areas. This district encourages multifamily uses with site development characteristics that accommodate open space and access to light and air. It is also appropriate for places of worship, schools, and public parks.

b. Dimensional Standards

Multifamily Residential (MF-2) District	
Height	
A Maximum Height: Main Building	45 feet
Maximum Height: Accessory Buildings	15 feet
Size of Lots	
Minimum Lot Area	10 acres
Maximum Dwelling Units per Acre	20 units per acre Exception: **See 2.05.B.5.c** for density bonus options
B Minimum Lot Width	120 feet
C Minimum Lot Depth	200 feet
Size of Yards	
D Minimum Front Yard	25 feet Exception: Where a lot fronts on a designated arterial street, such front yard shall not be less than 35 feet
E Minimum Side Yard	15 feet Exception: Where a lot sides to a single-family residential district or a designated arterial street, such side yard shall not be less than 25 feet
F Minimum Rear Yard	15 feet Exception: If adjacent to a lower density residential use, the rear setback shall be 60 feet; unless separated by an alley, in which case the setback shall be 20 feet
Minimum Building Separation	One story: 15 feet Two story: 35 feet Between a main building and an accessory building: 10 feet
Other Dimensional Requirements	
Maximum Lot Coverage	50%

Figure 2.03-14. Lot and Yard Regulations for MF-2 District



c. Other Regulations

i. See **2.04. Permitted Uses and Use-Based Standards** for permitted uses.

ii. Windows

All multiple-story buildings within a multifamily development complex shall be constructed so that there shall be no windows above the first floor on any sides that are within 100 feet of property zoned for single-family uses, existing residential platted lots, or existing single-family residences.

iii. Other Types of Residential Development

Single-family or duplex (two family) residential units constructed in this district shall conform to Single-Family Residential (SF-6) District or Duplex (Two-Family) Residential (D) District standards, respectively.

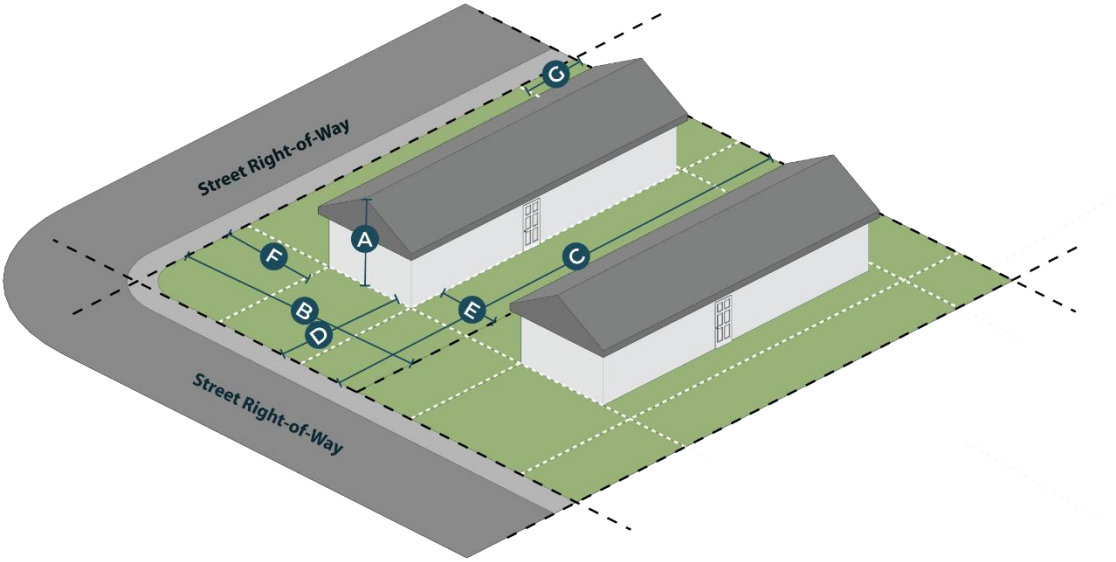
9. Manufactured Home Park (MHP) District

a. General Purpose and Description

b. The Manufactured Home Park (MHP) District is a detached residential district for the development of HUD-Code manufactured home parks and subdivisions, offering leased or sale lots. It establishes area, design, and yard requirements, ensuring adequate open space and recreation. Dimensional Standards

Manufactured Home Park (MHP) District	
Height	
A Maximum Height: Main Building/House	35 feet
Maximum Height: Accessory Buildings	15 feet
Size of Lots	
Minimum Lot Area	4,000 square feet
B Minimum Lot Width	40 feet
C Minimum Radial Lot Width	80 feet
Size of Yards	
D Minimum Front Yard	20 feet from a dedicated street; 10 feet from any private street
E Minimum Side Yard	10 feet; 20 feet between units; 20 feet from zoning district boundary lines
F Minimum Corner Lot Side Yard	15 feet
G Minimum Rear Yard	10 feet; 20 feet from any zoning district boundary line or if a garage is provided
Other Dimensional Requirements	
Maximum Lot Coverage (including main and accessory buildings, pools and ponds)	50%
Area for Manufactured Home Parks	
Minimum Project Area	20 acres
Maximum Project Area	35 acres
Density of Manufactured Home Parks	
Minimum Number of Spaces	20 spaces
Maximum Density	10 spaces per gross acre

Figure 2.03-15. Lot and Yard Regulations for MHP District



c. Other Regulations

See **2.04. Permitted Uses and Use-Based Standards** for permitted uses.

E. Nonresidential Zoning Districts

1. Office (O) District

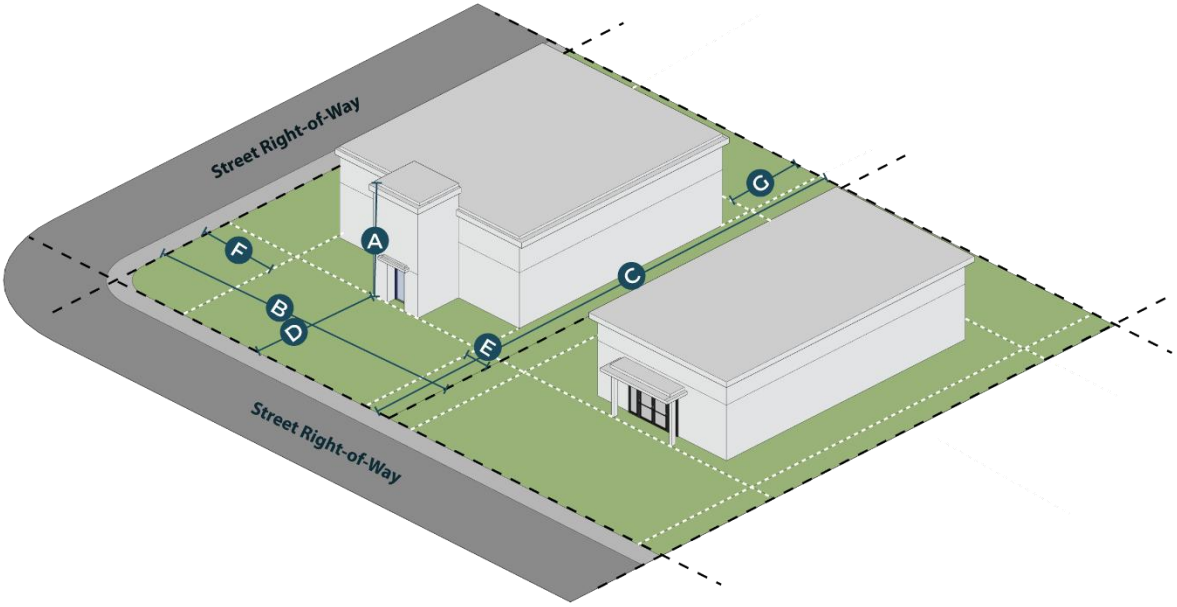
a. General Purpose and Description

The Office (O) District accommodates low-intensity office and professional uses, often serving as a transition between residential and commercial areas. It emphasizes compatibility with nearby residential areas, limiting building heights and minimizing disruption such as noise and traffic. Adaptive reuse of existing structures is encouraged, maintaining harmony with surrounding properties.

b. Dimensional Standards

Office (O) District	
Height	
A Maximum Height: Main Building	70 feet
Maximum Height: Accessory Buildings	15 feet
Size of Lots	
Minimum Lot Area	6,000 square feet
B Minimum Lot Width	60 feet
C Minimum Lot Depth	100 feet
Size of Yards	
D Minimum Front Yard	25 feet Exception: Where a lot fronts on a designated arterial street, such front yard shall not be less than 35 feet
E Minimum Side Yard	5 feet Exception: Where a lot sides to a single-family residential district, the side yard setback shall not be less than 25 feet
F Minimum Corner Lot Side Yard	15 feet Exception: Where a lot sides on a designated arterial street, such side yard shall not be less than 25 feet
G Minimum Rear Yard	15 feet Exception: If adjacent to a residential use, 60 feet; unless separated by an alley, 20 feet. When adjacent to an arterial street, 25 feet
Minimum Underground Setback	15 feet
Minimum Pavement Setback	10 feet, except driveways and sidewalks
Other Dimensional Requirements	
Maximum Lot Coverage	50%

Figure 2.03-16. Lot and Yard Regulations for O District



c. Other Regulations

See **2.04. Permitted Uses and Use-Based Standards** for permitted uses.

2. Neighborhood Retail (NR) District

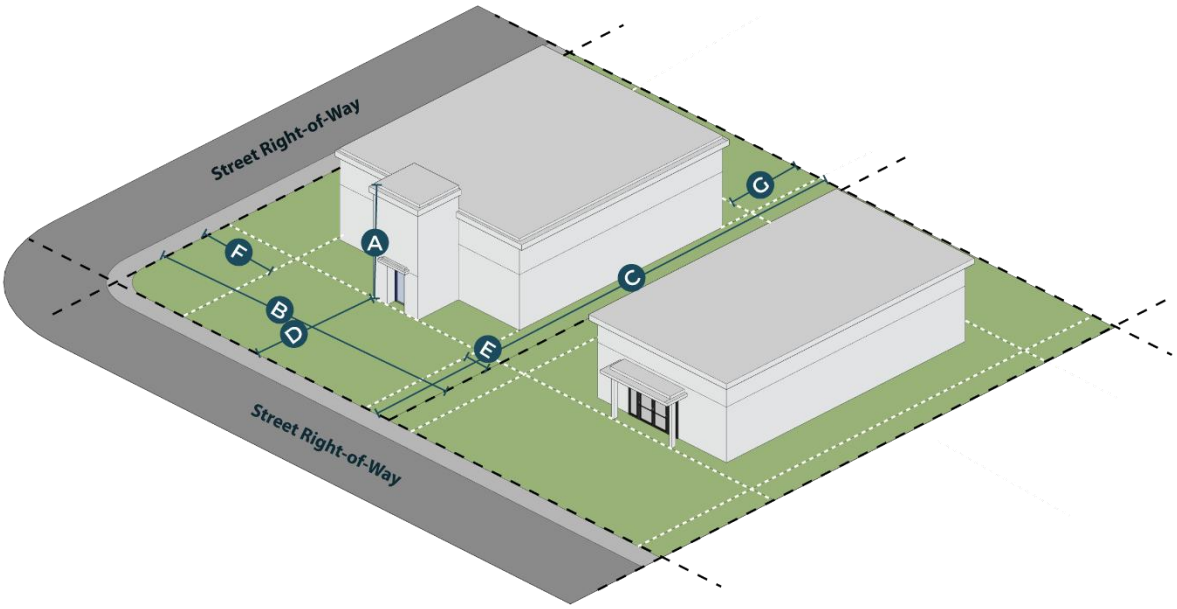
a. General Purpose and Description

The Neighborhood Retail (NR) District is intended to accommodate a limited range of retail trade, services and office activities that are needed to serve a neighborhood area. The district is to be utilized as a transition district between residential uses and more intense non-residential uses. The district is to incorporate elevated landscaping and buffering standards to facilitate seamless integration alongside residential districts. Development within the district should be similar in scale as residential uses and adjacent properties. Architectural principles should be incorporated within site development to actively engage streetscapes and create pedestrian-oriented environments. Uses within this district should not include uses that create excessive traffic, noise, trash, or late-night business operations. This district is ideally suited for intersections of major thoroughfares or at the intersection of a major thoroughfare and primary entrances to residential subdivisions and/or multifamily developments.

b. Dimensional Standards

Neighborhood Retail (NR) District	
Height	
A Maximum Height: Main Building	40 feet
Maximum Height: Accessory Buildings	15 feet
Size of Lots	
Minimum Lot Area	6,000 square feet
B Minimum Lot Width	60 feet
C Minimum Lot Depth	100 feet
Size of Yards	
D Minimum Front Yard	15 feet Exception: Where a lot fronts on a designated arterial street, such front yard shall not be less than 25 feet
E Minimum Side Yard	5 feet Exception: Where a lot sides to a single-family residential district, the side yard setback shall not be less than 25 feet
F Minimum Corner Lot Side Yard	15 feet Exception: Where a lot sides on a designated arterial street, such side yard shall not be less than 25 feet
G Minimum Rear Yard	15 feet Exception: If adjacent to a residential use, 60 feet; unless separated by an alley, 20 feet. When adjacent to an arterial street, 25 feet
Minimum Underground Setback	15 feet
Minimum Pavement Setback	15 feet, except driveways and sidewalks
Other Dimensional Requirements	
Maximum Lot Coverage	50%

Figure 2.03-17. Lot and Yard Regulations for NR District



c. Other Regulations

i. See **2.04. Permitted Uses and Use-Based Standards** for permitted uses.

ii. Hours of Operation

Except for uses permitted within a residential zoning district, no use shall operate before 6:00 a.m. nor after 11:00 p.m. on any day of the week.

3. General Retail (GR) District

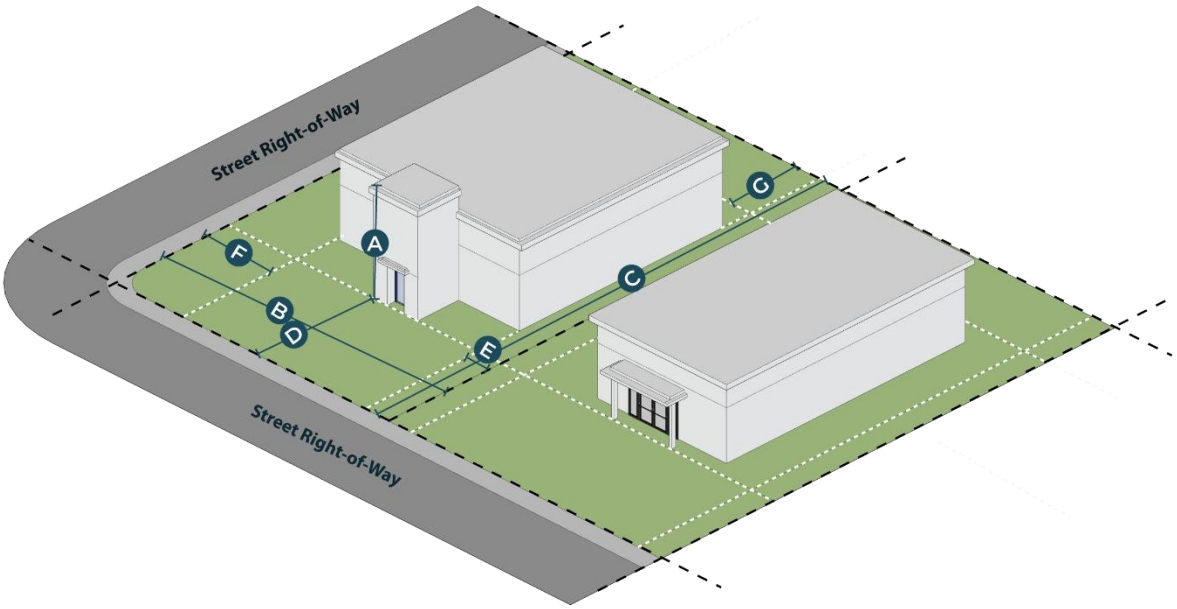
a. General Purpose and Description

The General Retail (GR) District is designed for local neighborhood shopping and service facilities for the retail sales of goods and services. This district should also be located along or at the intersection of major collectors or thoroughfares to accommodate higher traffic volumes.

b. Dimensional Standards

General Retail (GR) District	
Height	
A Maximum Height: Main Building	70 feet
Maximum Height: Accessory Buildings	15 feet
Size of Lots	
Minimum Lot Area	6,000 square feet
B Minimum Lot Width	60 feet
C Minimum Lot Depth	100 feet
Size of Yards	
D Minimum Front Yard	25 feet Exception: Where a lot fronts on a designated arterial street, such front yard shall not be less than 35 feet
E Minimum Side Yard	5 feet Exception: Where a lot sides to a single-family residential district, the side yard setback shall not be less than 25 feet
F Minimum Corner Lot Side Yard	15 feet Exception: Where a lot sides on a designated arterial street, such side yard shall not be less than 25 feet
G Minimum Rear Yard	15 feet Exception: If adjacent to a residential use, 60 feet; unless separated by an alley, 20 feet. When adjacent to an arterial street, 25 feet
Other Dimensional Requirements	
Maximum Lot Coverage	50%
Maximum Impervious Coverage	80%

Figure 2.03-18. Lot and Yard Regulations for GR District



c. Other Regulations

i. See **2.04. Permitted Uses and Use-Based Standards** for permitted uses.

ii. Exceptions for Certain Retail Shopping Center Outbuildings Fronting State Highway 249

Notwithstanding any other provision of this section to the contrary, the building line for retail outbuildings adjacent to State Highway 249 and State Highway 249 Bypass shall be 10 feet if:

(a) The retail outbuilding is within a shopping center development (a development comprised of retail businesses that share common parking and pedestrian areas and facilities for their clientele) that contains not less than 1¼ acres of land and which has not less than 240 feet of frontage on said State Highway 249 and State Highway 249 bypass;

(b) The retail outbuilding contains not more than 100 square feet of floor area;

(c) The retail outbuilding is located so as not to create a hazard to vehicular or pedestrian traffic on the shopping center site, the adjacent State Highway 249 and State Highway 249 Bypass, or any other adjacent public or private street or property; limit spacing of said structures to no greater than one per 300 feet;

(d) The retail outbuilding is located not less than 50 feet from any paved portion of State Highway 249 and State Highway 249 Bypass, whether main lane or access road; and

(e) The retail outbuilding is located so as to be a minimum of 300 feet from the closest retail outbuilding along either side of State Highway 249 and State Highway 249 Bypass, measured in a straight line from the center fronts of each retail outbuilding.

iii. Outdoor Storage

Outdoor storage, which is differentiated from outdoor sales, shall be limited to a maximum of five percent of the total lot area. For screening requirements, see **2.05.E. Screening, Buffering, and Fencing**.

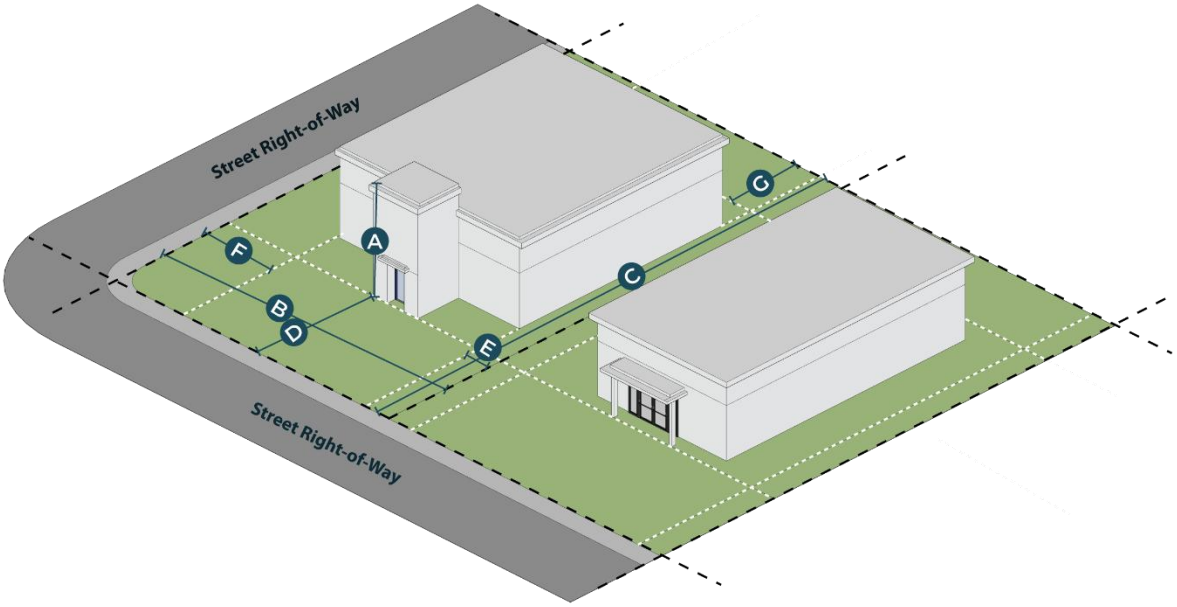
4. Commercial (C) District

a. General Purpose and Description

b. The Commercial (C) District is intended for commercial and service-related establishments. Some light manufacturing may also be permitted under specific conditions. These uses will typically utilize smaller sites and operate in a manner which is generally not compatible with residential uses or certain nonresidential uses. Convenient access to thoroughfares and collector streets is also a primary consideration. Dimensional Standards

Commercial (C) District	
Height	
A Maximum Height: Main Building [1]	70 feet
Maximum Height: Accessory Buildings [1]	15 feet
Size of Lots	
Minimum Lot Area	10,000 square feet
B Minimum Lot Width	60 feet
C Minimum Lot Depth	100 feet
Size of Yards	
D Minimum Front Yard	25 feet Exception: Where a lot fronts on a designated arterial street, such front yard shall not be less than 35 feet
E Minimum Side Yard	5 feet Exception: Where a lot sides to a single-family residential district, the side yard setback shall not be less than 25 feet
G Minimum Rear Yard	15 feet Exception: If adjacent to a residential use, 60 feet; unless separated by an alley, 20 feet. When adjacent to an arterial street, 25 feet
Other Dimensional Requirements	
Maximum Lot Coverage	60%
Maximum Impervious Coverage	90%
[1] Additional height may be approved with a Conditional Use Permit (CUP)	

Figure 2.03-19. Lot and Yard Regulations for C District



c. Other Regulations

i. See **2.04. Permitted Uses and Use-Based Standards** for permitted uses.

ii. Interior Side Yards for Retail Shopping Centers

When retail uses are platted adjacent to other retail uses and integrated into an overall shopping center site (i.e., lots/lease spaces abutting one another), no side yard is required provided it complies with the City's Building Code.

iii. Exceptions for Certain Retail Shopping Center Outbuildings Fronting State Highway 249

Notwithstanding any other provision of this section to the contrary, the building line for retail outbuildings adjacent to State Highway 249 and State Highway 249 Bypass shall be 10 feet if:

(a) The retail outbuilding is within a shopping center development (a development comprised of retail businesses that share common parking and pedestrian areas and facilities for their clientele) that contains not less than 1¼ acres of land and which has not less than 240 feet of frontage on said State Highway 249 and State Highway 249 Bypass;

(b) The retail outbuilding contains not more than 100 square feet of floor area;

(c) The retail outbuilding is located so as not to create a hazard to vehicular or pedestrian traffic on the shopping center site, the adjacent State Highway 249 and State Highway 249 Bypass, or any other adjacent public or private street or property; limit spacing of said structures to no greater than one per 300 feet;

(d) The retail outbuilding is located not less than 50 feet from any paved portion of State Highway 249 and State Highway 249 Bypass, whether main lane or access road; and

(e) The retail outbuilding is located so as to be a minimum of 300 feet from the closest retail outbuilding along either side of State Highway 249 and State Highway 249 Bypass, measured in a straight line from the center fronts of each retail outbuilding.

5. Industrial (I) District

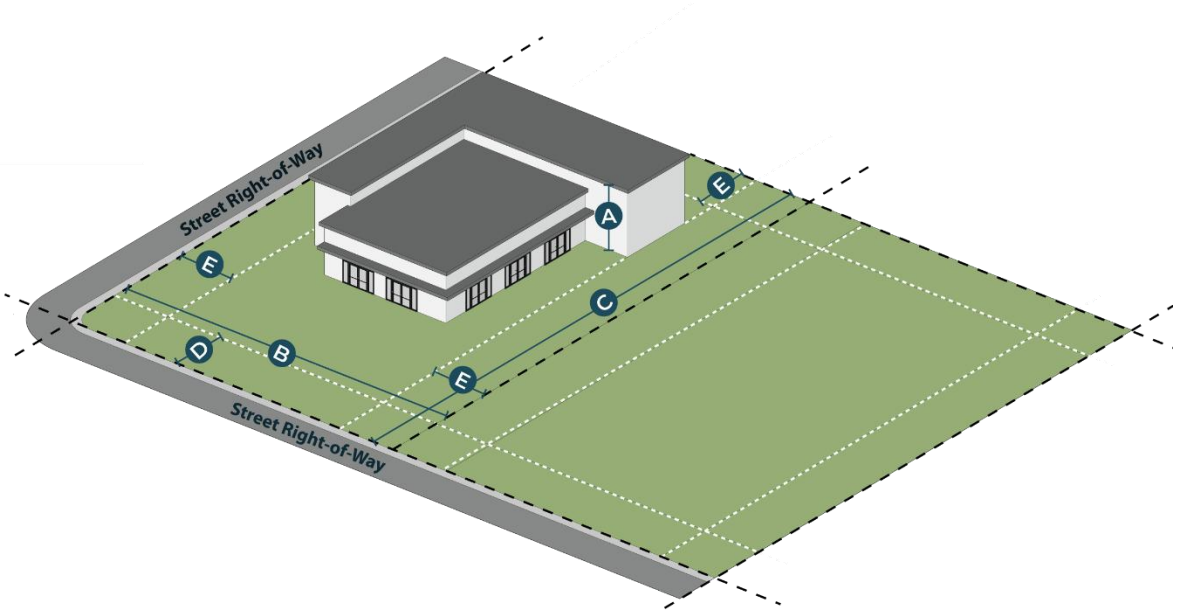
a. General Purpose and Description

The Industrial (I) District is intended primarily for the conduct of light manufacturing, warehousing, research and development, wholesaling, and service operations that do not rely on frequent customer visits. Accessibility to major thoroughfares, highways, or transportation routes like railroads is essential.

b. Dimensional Standards

Industrial (I) District	
Height	
A Maximum Height: Main Building	70 feet
Maximum Height: Accessory Buildings	15 feet
Size of Lots	
Minimum Lot Area	5,000 square feet
B Minimum Lot Width	50 feet
C Minimum Lot Depth	100 feet
Size of Yards	
D Minimum Front Yard	25 feet Exception: Where a lot fronts on a designated arterial street, such front yard shall not be less than 35 feet
E Minimum Side and Rear Yards	25 feet Exception: Where a lot sides to a single-family residential district, the side yard setback shall not be less than 35 feet
Other Dimensional Requirements	
Maximum Lot Coverage	60%
Maximum Impervious Coverage	90%

Figure 2.03-20. Lot and Yard Regulations for I District



c. Other Regulations

See **2.04. Permitted Uses and Use-Based Standards** for permitted uses.

F. Special Zoning Districts

1. Old Town (OT) District

a. Purpose and Intent

i. Old Town is home to a variety of land uses, including retail, commercial, and nonresidential activities, alongside single-family and multifamily residences. The future land use plan of the City's Comprehensive Plan supports the continuation of the mixture of uses in the area. Improved pedestrian access is seen as beneficial for integrating existing residential areas with future development. This district is intended to provide zoning flexibility to accommodate the variety of uses in the original town site and surrounding areas.

ii. The development standards in the Old Town area are designed to maintain and encourage development and redevelopment within the central business section (old downtown) of the City. Standards for the district are generally intended to regulate development such that new structures look similar to existing ones within this section of the City. They are also intended to preserve and enhance the image, character, and unique qualities of the City's historic original business district.

iii. Pedestrian activity and access are also of extreme importance within this district. Pedestrian spaces shall be treated with amenities that are selected based on their ability to unify the streetscape with the area's historic past. These features shall be repeated throughout the streetscape so as to unify the district as a whole. The following pedestrian-oriented areas are permitted:

(a) Public art spaces;

(b) Monuments (e.g., statues, benches, fountains);

(c) Playgrounds;

(d) Transit waiting areas;

(e) Museums;

(f) Plazas;

(g) Performing art buildings; and

(h) Outdoor eating areas.

iv. For the purposes of this district and its regulations, the term Old Town Area shall be defined to include all lots shown on the revised map filed of record with the County on July 8, 1912, a true and correct copy of which is on file in the office of the City Secretary, and which is identified as the Old Town Tomball Map.

b. Residential Dimensional Standards

Old Town (OT) District	
Height	
Maximum Height	35 feet[1]
Maximum Height; Accessory Buildings	25 feet
Size of Lots[2]	
Minimum Lot Area	5,000 square feet
Minimum Duplex (two-family) Lot Area	7,000 square feet
Minimum Lot Width	50 feet
Minimum Radial Lot Width	50 feet at and for a distance of 30 feet behind the building line
Minimum Duplex (two-family) Lot Width	70 feet
Minimum Lot Depth	100 feet
Size of Yards[3]	
Minimum Front Yard	20 feet
Minimum Side Yard	5 feet
Minimum Corner Lot Side Yard	10 feet
Minimum Rear Yard	10 feet; the minimum rear yard where lots back on a designated arterial street shall not be less than 25 feet. However, lots backing up to a 20-foot alley shall have a 5-foot minimum rear yard and abutting a 15-foot alley shall have a 7.5-foot minimum rear yard

[1] Proposed building heights in excess of the maximum height may be allowed with a conditional use permit.

[2] Two or more lots of record in existence on the adoption date of the ordinance from which this article is derived that do not meet these area requirements and are under the same ownership may be combined into one parcel meeting the requirements of this district. Such parcel shall be considered one lot and all required yards shall be measured from the new lot lines not owned in common. No lot shall be created that has a front yard with less than 50 feet of frontage on the front street.

[3] Lots within the portion of the Old Town area bounded by Fannin Street, Houston Street, the railroad tracks, and Pine Street, and including the lots that front on Fannin Street and Houston Street adjacent to such portion, may have a zero front or rear building line provided, however, that the alternate front or rear building line shall be a minimum of 20 feet. Interior lots may have a minimum side yard building line equal to ten percent of the lot width if the lot has less than 50 feet of width; 10 feet for a corner lot.

c. Nonresidential Dimensional Standards

Old Town (OT) District	
Height	
Maximum Height	35 feet[1]
Maximum Height; Accessory Buildings	25 feet
Size of Lots	
Minimum Lot Area	5,000 square feet
Minimum Lot Width	50 feet
Minimum Duplex (two-family) Lot Width	70 feet
Minimum Lot Depth	100 feet
Size of Yards[2]	
Minimum Front Yard	20 feet
Minimum Side and Rear Yards	5 feet or 10% of the lot width if less than 50 feet of lot width when adjacent to a nonresidential zoning district or use.
Minimum Side and Rear Yards Adjacent to Single-Family or Duplex (two-family) Residential	20 feet
Interior Side Yard	When retail uses are platted adjacent to other retail uses and integrated into an overall shopping center site (i.e., lots/lease spaces abutting one another), no side yard is required provided it complies with the City's building code
[1] Proposed building heights in excess of the maximum height may be allowed with a conditional use permit. [2] With the exception of Cherry Street, for that portion of Old Town area bounded by Fannin Street, Houston Street, the railroad tracks, and Pine Street, and including the lots that front on Fannin Street and Houston Street adjacent to such portion, may have a zero front building line. Lots may have a zero-foot side and rear yard setback, provided no portion of the building obstructs the visibility of vehicular traffic.	

d. Other Regulations

See **2.04. Permitted Uses and Use-Based Standards** for permitted uses.

i. Old Town Area Required Yard and Building Line Exceptions

e. A commercial building constructed in the Old Town area before August 16, 1999 that does not comply with the building lines set forth above may expand in size provided it maintains a minimum 10-foot front building line and a minimum 10-foot side building line. Residential Uses

i. Single-Family Uses

Single-family uses are permitted.

ii. Multifamily Residential and Nonresidential Uses (Mixed-Use)

Multifamily residential uses are permitted within the Old Town District in conjunction with nonresidential uses (i.e., mixed-use development), wherein at least one floor of the building is dedicated to nonresidential use. Such structure shall meet the area requirements of the nonresidential use, provided parking is provided for all uses.

iii. Multifamily Residential Uses

Multifamily residential uses are permitted within the Old Town District in accordance with the following standards:

(a) All dwelling units shall have ground-floor exterior access, which does not include access into a garage or access from a garage into a dwelling unit;

(b) All dwelling units shall have a front porch space of at least eight square feet located in front of the front door;

(c) All dwelling units shall have a pitched or gabled roof. Flat roofs shall be permitted to allow for the incorporation of terraces;

(d) Each dwelling unit shall have varying architectural elevations including varying rooflines, windows, stoop styles, etc.; and

(e) Exemptions to these standards may be made during the City's review process if the multifamily use is developed/constructed above (i.e., is located within a second or third story) a nonresidential use.

f. Nonresidential Design Standards for the Old Town Area

i. Facades

(a) Existing Nonresidential Buildings

False fronts or parapets may be added to existing buildings in order to add character and detail to simple facades.

(b) Newly Constructed Nonresidential Buildings

Any new facade shall avoid long, monotonous, uninterrupted exterior walls wherever such facades are publicly visible. No more than 20 feet of horizontal distance of exterior wall shall be provided without facade articulation/architectural relief for any facade facing a street right-of-way or pedestrian-oriented area. Facade articulation/architectural relief can include pilasters, windows, entrances, arcades, awnings/canopies, or other types of building massing that modulates the building mass or surface texture.

ii. Exterior Finishes

(a) Predominant exterior finish is recommended to be fired brick or other masonry materials. Alternatively, other recommended materials include:

(i) Those similar in appearance and quality to fired brick;

(ii) Those similar in appearance to original materials used within the Old Town area; and/or

(iii) Cementitious fiberboard such as Hardie plank lap siding is appropriate where the appearance is similar in appearance to the original materials used within the Old Town area.

(b) The use of glass material is recommended for less than 70 percent of the exterior facade of a structure.

(c) Trim (i.e., lintels, sills, door jambs, cornices, and other similar items) are recommended to be brick, cast stone, stone, cast or wrought iron, or concrete, and colors should be complementary to the predominant facade colors.

(d) Accent colors for friezes, doors, and door frames, window frames and mullions, awnings, moldings and other similar features should be colors that are complementary to and compatible with the spirit and intent of the downtown streetscape. Bright or fluorescent colors are not recommended on any part of any structure.

iii. Windows, Doors, and Other Openings

(a) Reflective glass shall not be used for windows of any structure's first floor.

(b) Detailing for windows, doors, and other openings should be of wood, glass, or a metal material that is complementary to the period or building style.

iv. Awnings/Canopies

(a) Ratio

Awnings shall be appropriate to the scale of the building's size and configuration. They shall not extend above the roofline of any single-story structure, or above the top of the second floor of any multiple-story structure at the awnings' highest points. Awnings shall not completely obstruct any windows on the building.

(b) Projection

Since awnings must extend beyond the building face, a reasonable amount of projection shall be allowed. No awning shall extend more than five feet outward from the building face/surface. Awnings made in such a manner as to be easily removed may encroach into the right-of-way, provided such awnings are at least eight feet above the sidewalk or surface, do not have any structural supports other than those directly attached to the building and are maintained and not allowed to deteriorate or become tattered, rusty, unpainted or unsightly. Awnings encroaching along Main Street may also have to get approval from the Texas Department of Transportation.

(c) Colors

A mixture of colors is desirable, but no more than three different colors are recommended for awnings on a single building facade (excluding business logo). Bright or fluorescent colors are discouraged.

(d) Materials

Materials should be cloth, canvas, or metal, or another material that is complementary to the period or building style and must be fire retardant.

(e) Movement

Except for slight movements that are normal for fabric canopies (i.e., along fringe, etc.), no movement is recommended for awnings and canopy structures.

v. Streetscape Elements

Streetscape elements are considered to include the following: planters, window boxes, street furniture/furnishings, trash receptacles, and light features (e.g., fixtures attached to the structure). Such elements are permitted and shall be:

(a) Maintained to a high quality (i.e., no peeling paint, broken parts, etc.);

(b) Complementary to the historical time frame of the Old Town area;

(c) Similar to those previously approved by the City;

(d) Complementary in color to the main building color (bright or fluorescent colors are not recommended); and

(e) Located a maximum of five feet from the building front/facade.

g. Nonresidential Dumpsters and Mechanical Equipment

Dumpsters, any other refuse areas, mechanical, and rooftop equipment shall be screened in accordance with **2.05.E. Screening, Buffering, and Fencing**.

h. Additional Off-Street Parking Space Requirements

The following additional requirements shall modify the parking requirements in **2.04. Permitted Uses and Use-Based Standards** and **2.05.B. Off-Street Parking and Loading** as they apply to the Old Town area. In addition, where there is a conflict, the requirements of this section shall supersede those in **2.05.B. Off-Street Parking and Loading**.

i. Off-Street Parking

For that portion of the Old Town area bounded by Fannin Street, Houston Street, the railroad tracks, and Pine Street, and including the lots that front on Fannin Street and Houston Street adjacent to such portion, there shall not be a minimum off-street parking requirement for nonresidential developments. Residential developments shall provide off-street parking stalls in accordance with **2.04. Permitted Uses and Use-Based Standards**

ii. Off-Site Parking

Use of off-site parking shall be permitted to satisfy the off-street parking requirements of this chapter if said off-site parking is within the Old Town area or blocks adjacent thereto. Provided further, no off-site parking space shall be designated for use by more than one business for the purposes of satisfying such requirements.

iii. Off-Street Parking Design Standards

Required off-street parking areas within the Old Town area shall have individual spaces marked by painted lines or curbs or other means to indicate individual spaces. Parking schemes that require the use of adjacent public or private streets for maneuvering shall be allowed, except on Main Street. This requirement shall apply to all parking required for new construction and/or additions to existing buildings.

iv. Parking Garages

Parking garages should meet all requirements of the OT District, including facade, streetscape, and building material requirements. Parking garages must be located to the side or rear of the main building.

i. Residential Adjacency Considerations

i. Site Design and Nuisance Concerns

The building owner must include in their proposal measures for buffering, landscaping, or other site design, and any limitations necessary to address nuisance concerns, such as noise, to protect adjacent property owners.

ii. Screening

Screening of nonresidential uses and refuse areas shall be in accordance with **2.05.E. Screening, Buffering, and Fencing**.

iii. Outdoor Storage

Outdoor storage, which is differentiated from outdoor sales, shall be limited to a maximum of five percent of the total lot area. For screening requirements see **2.05.E. Screening, Buffering, and Fencing**.

2. Planned Development (PD) District

The Planned Development (PD) District is a zoning tool used to accommodate unique and innovative development that is not otherwise feasible based on the UDC's standard provisions. See **2.02.D. Planned Developments (PDs)** for more information on the requirements and process for PDs.

2.04. Permitted Uses and Use-Based Standards

A. Permitted Uses Generally

1. Conformance With the Use Charts

a. Generally

The use of land and/or buildings shall be in accordance with those listed in the following use chart. No land or building shall hereafter be used and no building or structure shall be erected, altered, or converted other than for those uses specified in the zoning district in which it is located. The legend for interpreting the permitted uses in the use chart are:

P	Designates use permitted in the zoning district indicated
(Blank)	Designates use prohibited (i.e., not allowed) in the zoning district indicated
C	Designates use may be permitted in the zoning district indicated by a CUP (see Sec. **2.02.E**)

b. Unlisted Uses

If a use is not listed (or is blank) in the use charts, it is not allowed in any zoning district (see **c** below).

c. Classification of New/Unlisted Uses

It is recognized that new types of land use will arise in the future, and forms of land use not presently 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 in the use charts shall be made as follows:

i. Director Classification as Similar Use

(a) The new or unlisted use will be referred to the Community Development Director to determine whether the new or unlisted use should be classified as a similar existing use. If the Director is unable to classify the new or unlisted use as similar to an existing use, the use shall be processed as a Zoning Text Amendment request (see **2.02.B. Zoning Text or Map Amendments (Rezoning)**) as outlined below.

(b) A person requesting the addition of a new or unlisted use shall submit to the Community Development Director all information necessary for the classification of the use, including but not limited to the following:

(i) The nature of the use and whether the use involves dwelling activity, sales, services, or processing;

(ii) The type of product sold or produced under the use;

(iii) Whether the use has enclosed or outdoor storage and the amount and nature of the storage;

(iv) Anticipated employment typically anticipated with the use;

(v) Transportation requirements;

(vi) The nature and time of occupancy and operation of the premises;

(vii) The off-street parking and loading requirements;

(viii) The amount of noise, odor, fumes, dust, toxic materials, and vibration likely to be generated;

(ix) The requirements for public utilities such as sanitary sewer and water and any special public services that may be required; and

(x) Impervious surface coverage.

ii. Commission and Council Action

(a) The Planning and Zoning Commission shall consider the nature and described performance of the proposed use and its compatibility with the uses permitted in the various districts and determine the zoning district or districts within which such use is most similar and should be permitted (by right or by CUP). 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.

(b) The City Council shall approve or disapprove the recommendation of the Planning and Zoning Commission or make such determination concerning the classification of such use as is determined appropriate based upon its findings. If approved, the new or unlisted use shall be amended in the use chart according to **2.02.B. Zoning Text or Map Amendments (Rezoning)**.

B. Permitted Use Chart

Figure 2.04-1. Permitted Use Chart

Land Use	Residential Districts									Nonresidential Districts						Parking	Specific Use Standards
	AG	SF-20	SF-9	SF-7.5	SF-6	D	MF-1	MF-2	MHP	O	NR	GR	C	I	OT		
Agriculture																	
Bulk Grain or Feed Storage	P												C	C		1 space per 1,000 square feet	
Agriculture Use	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	None	
Feed And Grain Store	C											C	P	P	C	1 space per 500 square feet	
Livestock Sales/Auction	C															None	
Stable, Commercial	C													C		1 space per 1,000 square feet	
Stables, Private	P	C	C	C	C											None	
Residential																	
Accessory Dwelling Unit	P	P	P	P	C	C	C	C							P	None	2.04.C.2.a. Accessory Dwelling Unit
Caretaker's or Guard's Residence	P	C						P		P	P	P	P	P	P	1 space per caretaker/guard	2.04.C.2.b. Caretaker's or Guard's Residence
Triplex or Quadplex							P	P							P	2 spaces per dwelling	
HUD Code-Manufactured Home									P						C	2 spaces per dwelling	2.04.C.2.c. Manufactured Home Parks
Manufactured Home Park or Subdivision									P							2 spaces per lot	2.04.C.2.c. Manufactured Home Parks
Multiple-Family								P							P	2 spaces per dwelling	2.04.C.2.d. Multiple-Family Dwellings
Townhome						P	P	P							P	2 spaces per dwelling	2.04.C.2.f. Townhomes and Single-Family Attached
Single-Family, Detached	P	P	P	P	P	P	P	P							P	2 spaces per dwelling	
Duplex						P	P	P							P	2 spaces per dwelling	
Zero-Lot Line/Patio Home						P	P	P							P	2 spaces per dwelling	2.04.C.2.e. Zero-Lot Line and Patio Home
Residential Use	P	P	P	P	P	P	P	P	P	C	C	C	C		P	2 spaces per dwelling	
Cottage Court						P	P									2 spaces per dwelling	2.04.C.2.g. Cottage Courts
Mixed Use						P	P	P					P		P	Based on uses in the development	2.04.C.2.h. Mixed-Use

Land Use	Residential Districts									Nonresidential Districts						Parking	Specific Use Standards
	AG	SF-20	SF-9	SF-7.5	SF-6	D	MF-1	MF-2	MHP	O	NR	GR	C	I	OT		
Office																	
Emergency Room or Urgent Care												P	P	P	C	1 space per 200 square feet	
Medical or Dental Office										P	P	P	P	P	P	1 space per 300 square feet	
Banks and Financial Institutions (With Drive-Through Service)										C	P	P	P	P	P	1 space per 300 square feet	2.04.C.11.a. Drive-Throughs
Banks and Financial Institutions (With No Drive-Through Service)										P	P	P	P	P	P	1 space per 300 square feet	
Professional Office										P	P	P	P	P	P	1 space per 300 square feet	
Office Showroom/ Warehouse										C		C	P	P	P	1 space per 300 square feet	
Temporary Real Estate Field Office	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	4 spaces	2.04.C.3.b. Temporary Real Estate Field Office
Model Home	P	P	P	P	P	P	P	P	P	P	P	P	C	C	P	2 spaces per model	2.04.C.3.c. Model Home
Temporary Contractors Field Office	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	None	2.04.C.3.a. Temporary Contractors Field Office
Personal and Business																	
Ambulance Service												C	P	P	C	1 space per 500 square feet	
Automobile Driving School										C	P	P	P	P	P	1 space per classroom seat	
Bed and Breakfast	P	C	C	C	C	C	C	C		C	C	P	P		P	2 spaces plus one per guest room	
Dance Hall/Night Club												C	C		P	1 space per 100 square feet	
Art or Recreational Studio	C	C	C	C	C	C	C	C	C	C	P	P	P	P	P	1 space per 100 square feet	
Fortunetelling and Similar Activities														C		1 space per 300 square feet	
Funeral Home or Mortuary												C	P	P	C	1 space per 100 square feet	2.04.C.4.a. Funeral Home or Mortuary
Health Club										C	P	P	P	P	P	1 space per 300 square feet	
Hotel												P	P		C	One space per guest room for the first 250 rooms and 0.75 space per room for each room over 250, plus one space per five restaurant/lounge area seats (based upon maximum occupancy), plus one space per 125 square feet of meeting/conference areas.	2.04.C.4.b. Hotels
Alternative Financial Institution												C	C			1 space per 200 square feet	
Personal Services										C	P	P	P	P	P	1 space per 200 square feet 2 spaces per station for Barber/Beauty Salons	
Nail Salon										C	P	P	P	P	P	2 spaces per station	
Pet and animal grooming shop (no outside kennels)										C	P	P	P	P	P	2 spaces per station	
Commercial Kitchen/Commissary											P	P	P	P	P	1 space per 500 square feet	

Land Use	Residential Districts									Nonresidential Districts						Parking	Specific Use Standards
	AG	SF-20	SF-9	SF-7.5	SF-6	D	MF-1	MF-2	MHP	O	NR	GR	C	I	OT		
Motel													C		C	One space per guest room for the first 250 rooms and 0.75 space per room for each room over 250, plus one space per five restaurant/lounge area seats (based upon maximum occupancy), plus one space per 125 square feet of meeting/conference areas.	
Wedding Chapel or Reception Venue	C	C								C	C	P	P	P	P	1 per 4 seats	
Recreational Vehicle Park										C						1 per RV space unit	2.04.C.4.c. Recreational Vehicles
Halfway House	C	C	C	C	C	C	C	C	C	C	C	P	P	P	C	Greater of 1 per three beds or 1.5 spaces per dwelling	
Chemical Dependency Facility	C	C	C	C	C	C	C	C	C	C	C	P	P	P	P	Greater of 1 per three beds or 1.5 spaces per dwelling	
Retail, Incidental										P	P	P	P		P	None	
Sexually Oriented Business														C		1 space per 200 square feet	
Tattoo or Body Piercing Studio												C	C		C	1 space per 200 square feet	
Retail																	
Artist or Photography Studio										C	P	P	P	P	P	1 space per 500 square feet	
Bakery, Retail										C	P	P	P	P	P	1 space per 200 square feet	2.04.C.11.a. Drive-Throughs
Bakery (Wholesale)													P	P	P	1 space per 500 square feet	
Brewpub										C	C	P	P	P	P	1 space per 1,000 square feet for the brewing of beer, ale, etc., plus 1 space per 100 square feet for associated eating or drinking establishments	
Building, Materials, and Landscaping Store												P	P	P	P	1 space per 400 square feet plus one per 1,000 square feet of warehouse area	
Convenience Store										C		P	P	P	C	1 space per 200 square feet	
Bar										C	C	P	P	P	P	1 space per 100 square feet	
Private Club												C	C	C	C	1 space per 100 square feet	
Micro Brewery, Micro Winery, or Micro Distillery													P	P	P	1 space per 100 square feet	
Eating Establishment (With Drive-In Service)											C	C	P	P	P	Greater: 1 per 100 square feet; 1 per 3 seats based on max seating capacity or; 1 per 12 spaces	
Eating Establishment (With No Drive-Through Service)										C	P	P	P	P	P	1 space per 100 square feet	
Eating Establishment (With Drive-Through Service)											C	P	P	P	P	1 space per 100 square feet	2.04.C.11.a. Drive-Throughs
Furniture And Appliance Store											C	P	P	P	P	1 space per 500 square feet	

Land Use	Residential Districts									Nonresidential Districts						Parking	Specific Use Standards
	AG	SF-20	SF-9	SF-7.5	SF-6	D	MF-1	MF-2	MHP	O	NR	GR	C	I	OT		
General Retail Stores										C	P	P	P	P	P	1 space per 200 square feet 1 space per 300 square feet for buildings over 20,000 square feet	
Coffee Roasting													C	P		1 space per 1,000 square feet	
Mobile Food Court												C	C	C	C	Whichever is greater: 1 per 100 square feet of seating area or 2 per mobile food vendor	2.04.C.5.a. Mobile Food Courts
Motion Picture Studios, Commercial Films												C	P	P	P	1 space per 300 square feet	
Theater (Indoor)											C	P	P	P	P	1 space per 3 seats for single-screen theaters 1 space per 5 seats for two or more screen theaters	
Plant Nursery												P	P	P	P	1 space per 1,000 square feet of sales area	
Painting and Refinishing Shop												C	P	P	P	1 space per 500 square feet	
Stone Monuments and Gravestones, Engraving And Retail Sales Only												C	P	P	C	1 space per 500 square feet	
Transportation and Auto Services																	
Airport or Landing Field	C													C		1 space per 500 square feet	
Automobile Accessory Installation												C	P	P		1 space per 200 square feet	
Vehicle Dealership and Rental Services												P	P	P	C	1 per 500 square feet of indoor area (including display, offices, repair) 1 per 1,000 square feet of outside display/storage/sales area	2.04.C.6.a. Auto Sales Vehicle Dealership and Rental Services
Automotive Parts and Accessories Sales												P	P	P	P	1 space per 200 square feet	
Automotive Repair and Service, Major												C	P	P	P	1 space per 200 square feet	
Automotive Repair and Service, Minor												P	P	P	P	1 space per 200 square feet	2.04.C.6.b. Automotive Repair and Service, Minor
Auto Storage or Auto Auction													C	P		1 space per 1,000 square feet	2.04.C.11.c. Outdoor Storage
Wrecking or Salvage Yard													P	P	C	1 per 300 square feet of indoor area (including display, offices, repair) 1 per 1,000 square feet of outside display/storage/sales area	2.04.C.10.a. Wrecking or Salvage Yards
Automobile Wash (Full Service/Detail Shop)												P	P	P	P	3 space per washing capacity of module	2.04.C.6.c. Automobile Wash
Automobile Wash (Self-Service)												C	P	P	P	3 space per washing capacity of module	2.04.C.6.c. Automobile Wash
Fleet Facility													P	P		1 space per 1,000 square feet	

Land Use	Residential Districts									Nonresidential Districts						Parking	Specific Use Standards
	AG	SF-20	SF-9	SF-7.5	SF-6	D	MF-1	MF-2	MHP	O	NR	GR	C	I	OT		
Fueling Station (Gasoline/Charging)												P	P	P		1 space per 200 square feet of floor area, plus 1 parking space for each side of a gasoline pump unit (a unit may have up to six nozzles for gasoline disbursement).	2.04.C.11.b. Fuel Pumps/EV Charging Stations
Motor Freight Terminal													P	P	C	For warehouse and staging/loading areas, 1 space per 1,000 square feet of floor area; for bus depot or other human transportation use, 1 space per 100 square feet of passenger waiting area, plus parking spaces for any warehouse and staging/loading areas on the premises (as above).	2.04.C.11.b. Fuel Pumps/EV Charging Stations
Recreational Vehicle/Camper Sales												P	P	P	C	1 per 300 square feet of indoor area (including display, offices, repair) 1 per 1,000 square feet of outside display/storage/sales area	2.04.C.6.a. Auto Sales Vehicle Dealership and Rental Services
Parking Lot or Garage	C		C	C	C	C	C	C		C	C	P	P	P	C	None	
Rail Yard													P	P	C	1 space per 1,000 square feet	
Taxi/Limousine Service												C	P	P	C	1 space per 1.5 automobiles in service	
Tire Sales (With Outdoor Storage)													C	P		1 space per 1,000 square feet	2.04.C.11.c. Outdoor Storage
Waste Management	C												C	C		1 space per 500 square feet of indoor space	
Transit Terminal													P	P	C	For warehouse and staging/loading areas, one space for each 1,000 square feet of floor area; for bus depot or other human transportation use, one space per 100 square feet of passenger waiting area, plus parking spaces for any warehouse and staging/loading areas on the premises (as above).	
Transportation and Utility Structures or Facilities														P		For warehouse and staging/loading areas, one space for each 1,000 square feet of floor area; for bus depot or other human transportation use, one space per 100 square feet of passenger waiting area, plus parking spaces for any warehouse and staging/loading areas on the premises (as above).	

Land Use	Residential Districts									Nonresidential Districts						Parking	Specific Use Standards
	AG	SF-20	SF-9	SF-7.5	SF-6	D	MF-1	MF-2	MHP	O	NR	GR	C	I	OT		
Truck and Bus Leasing													P	P		1 space per 1,000 square feet	
Truck and Bus Repair														P		1 space per 1,000 square feet	
Truck Sales and Services													P	P		1 space per 1,000 square feet	
Truck Stop													C	P	C	1 space per 1,000 square feet	2.04.C.11.b. Fuel Pumps/EV Charging Stations
Truck Terminal													P	P		1 space per 1,000 square feet	
Recycling Collection Center														C		1 space per 500 square feet of indoor space	
Amusement and Recreation																	
Amusement, Commercial (Indoor)											C	P	P	P	C	1 space per 200 square feet	
Amusement, Commercial (Outdoor)	C											C	P	P	C	10 spaces plus 1 per 500 square feet over 5,000 square feet of building and recreation area Golf driving range: 1½ spaces per each driving tee.	
Amusement, Commercial (Temporary)									C				C	P	C	Determined by P and Z	
Dinner Theater												P	P	P	P	1 per 4 seats or bench seating space	
Theater or Playhouse (Indoor)												P	P	P	P	1 per 4 seats or bench seating space	
Drive-In Theater	P												C	C	C	1 space per speaker	
Golf Course	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	6 spaces per hole	
Playfield, Stadium, or Sports Arenas	C											C	P	P	P	1 space per three seats	
Recreational Vehicle (RV) Park/Campground	C												C	P	C	1 per RV pad	2.04.C.4.c. Recreational Vehicles
Swimming Pool, Commercial										C	C	P	P	P	P	1 space per 100 square feet of gross water surface and deck area	2.04.C.7.a. Swimming Pools
Tennis Court (Not Lighted)	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	2 spaces per court	
Tennis Court (Lighted)	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	2 spaces per court	
Amphitheater													C	C		1 per 4 seats or bench seating space	
Institutional/Governmental																	
Adult Day Care							P	P		C		P	P		P	1 space per 6 clients	
Assisted Living							P	P		C	C	P	P		P	1 space per 6 beds; plus 1 space for each 300 square feet of floor area devoted to offices, cafeterias, exercise/therapeutic rooms, and other similar ancillary uses.	
Auction House												C	P	P	C	1 space per 100 square feet	
Wireless Communication Facility	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	None	2.04.C.8.a. Communications Antennas and Support Structures/Towers
Cemetery or Mausoleum	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	1 space per 5,000 square feet of land	
Child Care Facility, Day Care								C		C	P	P	P		P	1 space per 5 children	

Land Use	Residential Districts									Nonresidential Districts						Parking	Specific Use Standards
	AG	SF-20	SF-9	SF-7.5	SF-6	D	MF-1	MF-2	MHP	O	NR	GR	C	I	OT		
Child Care Facility, Children's Home							P	P				P	P			1 space per 300 square feet	
Religious Assembly or Institution	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	1 space per 4 seats in sanctuary	
Civic Center	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	10 spaces plus 1,300 square feet above 2,000	
Civic Club										P	P	P	P	P	P	10 spaces plus 1,300 square feet above 2,000	
Recreation or Community Center	C	C	C	C	C	C	C	C	C	P	P	P	P	P	P	1 space per 300 square feet	
Community Home For Persons With Disabilities	P	P	P	P	P	P	P	P	P						P	1 space per employee plus 1 space per 2 residents	
Electric Power Plant													C	P	C	1 space per 1,000 square feet	
Electric Storage System														C		2 spaces per facility	
Electrical Substation	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	1 space per 1,000 square feet	
Event Facility	C												C	C	C	1 space per 1,000 square feet of land area	
Child Care Home (≤ 6 Children)	P	P	P	P	P	P	P	P	P	P	P	P	P		P	1 space per 10 children plus 1 space per teacher	
Child Care Home (≥ 7 Children)	P	P	P	P	P	P	P	P	P	P	P	P	P		P	1 space per 10 children plus 1 space per teacher	
Fraternity or Sorority House						C	C	C		C	C	C	C		C	2 spaces per bedroom	
Air Transportation Related Uses										C	C	C	C	C	C	3 spaces	
Medical Laboratory													P	P		1 space per 500 square feet	
Hospital										C		P	P	P	P	1 space per bed	
Household Care Facility	P	P	P	P	P	P	P	P	P						P	1 space per 6 clients	
Household Care Institution												P	P	P		1 space per 6 clients	
Institution For Alcoholic, Narcotic, Or Psychiatric Patients (Out-Patient)												C	C	P	C	1 space per 200 square feet	
Institution For Alcoholic, Narcotic, or Psychiatric Patients (In-Patient)												P	P	P		1 space per 200 square feet	
Massage Therapy Establishment (Licensed)												P	P	P	P	1 space per 200 square feet	
Municipal or Governmental Use	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	1 space per 300 square feet	
Library, Museum, or Art Gallery	C	C	C	C	C	C	C	C	C	P	C	P	P	P	P	1 space per 300 square feet; 1 per 500 square feet for buildings over 20,000 square feet	
Park or Playground	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	Determined by P and Z	
Correctional Facility	C												P	P	C	1 space per 500 square feet	
Retirement Housing for the Elderly						P	P	P								2 spaces per dwelling unit	
Riding Academy	P	C	C	C	C	C	C	C	C	C	C	C	C	P	C	1 space per five stalls	
Solid Waste Facility or Landfill														C		1 space per ten acres	
Sanitary Station or Dump Facility														C		5 spaces	
School, College or University	C	C	C	C	C	C	C	C	C	C	C	P	P	P	P	10 per classroom plus 2 per office	
School, Commercial, Trade, Technical										C	C	P	P	P	P	1 space per 2 students	
School, Primary and Secondary	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	See Specific Use Standards	2.04.C.8.b. School, Primary and Secondary
Boarding Home Facility								C				C	C	C	C	1 space per 3 beds or 1.5 per dwelling	

Land Use	Residential Districts									Nonresidential Districts						Parking	Specific Use Standards
	AG	SF-20	SF-9	SF-7.5	SF-6	D	MF-1	MF-2	MHP	O	NR	GR	C	I	OT		
Radio or Television Studio										P		P	P	P	P	1 space per 200 square feet	
Telephone and Exchange/Switching Station	C									P		P	P	P	C	1 space per 500 square feet	
Commercial																	
Animal Kennel (Outdoor Pens)	P												C	P		1 space per 500 square feet plus 1 space per 1,000 square feet of outdoor space	
Animal Kennels (Indoor Pens)	P												P	P		1 space per 500 square feet	
Appliance Service and Repair										C	C	P	P	P	P	1 space per 500 square feet	
General Commercial Plant												C	P	P	C	1 space per 1,000 square feet	
Cattle, Swine, or Poultry Feedlot (CAFO)	C													C		1 space per 5,000 square feet of land	
Contractor's Shop and Storage Yard	C												P	P		1 space per 300 square feet of indoor space plus 1 space per 5,000 square feet of outdoor storage area	2.04.C.11.c. Outdoor Storage
Contractor's Shop	C											P	P	P	P	1 space per 500 square feet of indoor space plus 1 space per 1,000 square feet of outdoor storage area	
Exterminator Service		C										P	P	P	P	1 space per 300 square feet	
Machine Shop													P	P	C	1 space per 1,000 square feet	
Maintenance and Repair Service For Buildings												C	P	P	C	1 space per 500 square feet	
Manufactured Home Display or Sales													C	P	C	1 space per 1,000 square feet of inside building and outside storage/display area	2.04.C.9.a. Large Equipment and Materials Storage and Sales
Warehousing and Distribution												C	P	P	C	1 space per 1,000 square feet	
Self Storage												C	P	P	C	4 spaces	
Moving and Storage Facilities													P	P	C	1 space per 1,000 square feet	
Outdoor Sales as a Primary Use												C	P	P		1 space per 5,000 square feet of land area	
Pawnshop													P	P	C	1 space per 200 square feet	
Propane Sales Filling												C	P	P	C	1 space per 200 square feet	
Publishing and Printing												C	P	P	P	1 space per 500 square feet	
Scientific and Industrial Research Laboratories (Hazardous)													C	P		1 space per 300 square feet	
Scientific and Industrial Research Laboratories (Nonhazardous)										P		C	P	P	P	1 space per 300 square feet	
Tool and Machinery Rental												C	P	P	C	1 space per 300 square feet	
Small Engine Repair Shop												C	P	P	C	1 space per 300 square feet	
Veterinarian Clinic (Indoor Kennels)	P										C	P	P	P	P	1 space per 500 square feet	

Land Use	Residential Districts									Nonresidential Districts						Parking	Specific Use Standards
	AG	SF-20	SF-9	SF-7.5	SF-6	D	MF-1	MF-2	MHP	O	NR	GR	C	I	OT		
Veterinarian Clinic (Outdoor Kennels or Pens)	C												C	P		1 space per 500 square feet plus 1 space per 1,000 square feet of outdoor space	
Manufacturing/Industrial																	
Concrete or Asphalt Batch Plant														C		1 space per 5,000 square feet of land	
Concrete or Asphalt Batch Plant (Temporary)												C	P	P		1 space per 5,000 square feet of land	
Crematory														C		1 space per 1,000 square feet	
Food Processing													C	P		1 space per 1,000 square feet	
Foundry, All Types																1 space per 1,000 square feet	
Heavy Machinery Sales and Storage													C	P		1 space per 1,000 square feet	2.04.C.9.a. Large Equipment and Materials Storage and Sales
Laboratory Equipment Manufacturing														C		1 space per 1,000 square feet	
Petroleum and Petroleum Products Refining																1 space per 1,000 square feet	
Petroleum Distribution/Storage													C	P		1 space per 1,000 square feet	
Poultry Hatchery																1 space per 1,000 square feet	
Poultry Slaughtering and Processing																1 space per 1,000 square feet	
Rendering Plant																1 space per 1,000 square feet	
Resource Extraction	C													C		1 space per acre	
Sand, Gravel, or Stone Storage And Sales	C												C	P		1 space per 1.5 employees, plus five per acre	2.04.C.9.a. Large Equipment and Materials Storage and Sales
Water Distillation													P	P		1 space per 1,000 square feet	
Cold Storage Plants/Locker													P	P		1 space per 1,000 square feet	
Ice Cream/Ice Manufacture													P	P		1 space per 1,000 square feet	
Awning Manufacture, Cloth, Metal and Wood													P	P		1 space per 1,000 square feet	
Bag Manufacturing													P	P		1 space per 1,000 square feet	
Bottling Works													P	P		1 space per 1,000 square feet	
Broom Manufacture													P	P		1 space per 1,000 square feet	
Canvas and Related Products Manufacture													P	P		1 space per 1,000 square feet	
Engraving Plant													P	P		1 space per 1,000 square feet	
Envelope Manufacture													P	P		1 space per 1,000 square feet	
Office Equipment Manufacture													P	P		1 space per 1,000 square feet	
Orthopedic, Prosthetic, Surgical Appliances and Supplies Manufacture													P	P		1 space per 1,000 square feet	
Paper Products and Paper Box Manufacture													P	P		1 space per 1,000 square feet	
Plastic Products, Molding, Casting and Shaping													P	P		1 space per 1,000 square feet	

Land Use	Residential Districts									Nonresidential Districts						Parking	Specific Use Standards
	AG	SF-20	SF-9	SF-7.5	SF-6	D	MF-1	MF-2	MHP	O	NR	GR	C	I	OT		
Clothing Manufacture													P	P		1 space per 1,000 square feet	
Electronic Assembly													P	P	C	1 space per 1,000 square feet	
Electro-Plating/Electro-Typing													P	P	C	1 space per 1,000 square feet	
Mattress, Making and Renovating													P	P	C	1 space per 1,000 square feet	
Artificial Flower Manufacture												C	P	P		1 space per 1,000 square feet	
Candy and Other Confectionary Products Manufacture												C	P	P		1 space per 1,000 square feet	
Ceramic Products Manufacture												C	P	P		1 space per 1,000 square feet	
Automobile Assembly														P	C	1 space per 1,000 square feet	
Automobile Parts Manufacturing													C	P	C	1 space per 1,000 square feet	
Canning and Preserving Factory													C	P		1 space per 1,000 square feet	
Coffin Manufacture													C	P		1 space per 1,000 square feet	
Cutlery, Handtools and General Hardware Manufacture													C	P		1 space per 1,000 square feet	
Dairy Products Manufacture													C	P		1 space per 1,000 square feet	
Electric Lamp Manufacture													C	P		1 space per 1,000 square feet	
Enameling and Painting													C	P		1 space per 1,000 square feet	
Farm/Garden Machinery and Equipment Manufacture													C	P		1 space per 1,000 square feet	
Footwear Manufacture													C	P		1 space per 1,000 square feet	
Fixtures Manufacture													C	P		1 space per 1,000 square feet	
Furniture Manufacture													C	P		1 space per 1,000 square feet	
Machinery Manufacture													C	P		1 space per 1,000 square feet	
Marble Working and Finishing													C	P		1 space per 1,000 square feet	
Metal Cans and Shipping Containers Manufacture													C	P		1 space per 1,000 square feet	
Metal Products, Stamping and Manufacture													C	P		1 space per 1,000 square feet	
Mirror Resilvering													C	P		1 space per 1,000 square feet	
Paint Manufacture and/or Mixing													C	P		1 space per 1,000 square feet	
Pecan Processing													C	P		1 space per 1,000 square feet	
Rug and Carpet Manufacture													C	P		1 space per 1,000 square feet	
Sign Manufacturing (No Outdoor Storage)													C	P		1 space per 1,000 square feet	
Sign Manufacturing (With Outdoor Storage)													C	P		1 space per 1,000 square feet	2.04.C.11.c. Outdoor Storage
Textile Products Manufacture													C	P		1 space per 1,000 square feet	
Tire Retreading and Recapping													C	P		1 space per 1,000 square feet	

Land Use	Residential Districts									Nonresidential Districts						Parking	Specific Use Standards
	AG	SF-20	SF-9	SF-7.5	SF-6	D	MF-1	MF-2	MHP	O	NR	GR	C	I	OT		
Wood Container Manufacture													C	P		1 space per 1,000 square feet	
Wood Products Manufacture													C	P		1 space per 1,000 square feet	
Boiler Manufacture and Repair														P		1 space per 1,000 square feet	
Elevator Manufacture														P		1 space per 1,000 square feet	
Printing Ink Manufacture														P		1 space per 1,000 square feet	
Truck Manufacture														P		1 space per 1,000 square feet	
Waste Paper Products Manufacture														P		1 space per 1,000 square feet	
Flour and Other Grain Mills														P		1 space per 1,000 square feet	
Aircraft Parts Manufacture														P		1 space per 1,000 square feet	
Airplane Repair and Manufacturing														P		1 space per 1,000 square feet	
Feed Manufacture													C	C		1 space per 1,000 square feet	
Leather Products Manufacture													C	C		1 space per 1,000 square feet	
Animal Processing and Slaughter													C	C		1 space per 1,000 square feet	
Any Manufacture or Industrial Process Not Listed and Not Prohibited By Law													C	C		1 space per 1,000 square feet	
Adhesives and Sealants Manufacture													C	C		1 space per 1,000 square feet	
Acid Manufacture														C		1 space per 1,000 square feet	
Asphalt Paving and Roofing Material Manufacture														C		1 space per 1,000 square feet	
Battery Manufacture														C		1 space per 1,000 square feet	
Bleaching/Chorine Powder Manufacture														C		1 space per 1,000 square feet	
Casein Manufacture														C		1 space per 1,000 square feet	
Celluloid and Similar Cellulose Manufacture														C		1 space per 1,000 square feet	
Cement Manufacture														C		1 space per 1,000 square feet	
Chalk Manufacture														C		1 space per 1,000 square feet	
Chemicals (Agricultural) Manufacture														C		1 space per 1,000 square feet	
Chemicals (Industrial) Manufacture														C		1 space per 1,000 square feet	
Culvert Manufacture														C		1 space per 1,000 square feet	
Distillation of Liquors, Spirits, etc. (Brewery)														C		1 space per 1,000 square feet	
Dye Manufacture														C		1 space per 1,000 square feet	
Felt Manufacture														C		1 space per 1,000 square feet	
Furnace Manufacture														C		1 space per 1,000 square feet	
Gases (Industrial) Manufacture														C		1 space per 1,000 square feet	

Land Use	Residential Districts									Nonresidential Districts						Parking	Specific Use Standards
	AG	SF-20	SF-9	SF-7.5	SF-6	D	MF-1	MF-2	MHP	O	NR	GR	C	I	OT		
Glucose Manufacture														C		1 space per 1,000 square feet	
Hair Products Factory (Other Than Human)														C		1 space per 1,000 square feet	
Kerosene Manufacture or Storage														C		1 space per 1,000 square feet	
Lumber Mill/Yard														C		1 space per 1,000 square feet	
Meat Packing Plant														C		1 space per 1,000 square feet	
Oil Compounding and Barreling														C		1 space per 1,000 square feet	
Oilcloth Manufacture														C		1 space per 1,000 square feet	
Paper and Paper Pulp Manufacture														C		1 space per 1,000 square feet	
Snuff Manufacture														C		1 space per 1,000 square feet	
Shellac and Varnish Manufacture														C		1 space per 1,000 square feet	
Soap, Detergents, Cleaning Preparations Manufacture														C		1 space per 1,000 square feet	
Starch Manufacture														C		1 space per 1,000 square feet	
Steel Works, Blast Furnaces and Rolling Mills														C		1 space per 1,000 square feet	
Stone Cutting or Crushing														C		1 space per 5,000 square feet of land area	
Stone, Clay, Glass and Concrete Products (Other Than Handicrafts) Manufacture														C		1 space per 5,000 square feet of land area	
White Lead Manufacture														C		1 space per 5,000 square feet of land area	
Wood Distillation (Manufacture of Tar, Charcoal, Turpentine and Similar														C		1 space per 5,000 square feet of land area	
Wood Preserving Manufacture and Treatment														C		1 space per 5,000 square feet of land area	
Accessory/Temporary																	
Drive-Through										C	C	P	P		C	None	2.04.C.11.a. Drive-Throughs
Electric Vehicle (EV) Charging Station										C	C	P	P		C	None	2.04.C.11.b. Fuel Pumps/EV Charging Stations
Fuel Pump										C	C	P	P		C	None	2.04.C.11.b. Fuel Pumps/EV Charging Stations
Outdoor Display										C	C	P	P		C	None	2.04.C.11.d. Outdoor Display
Outdoor Storage										C	C	P	P	P	C	None	2.04.C.11.c. Outdoor Storage
Service Building										P	C	P	P	P	C	None	
Garage or Yard Sales	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	None	2.04.C.11.e. Garage or Yard Sales
Temporary Outdoor Sales												P	P		P	See Specific Use Standards	2.04.C.11.f. Temporary Outdoor Sales
Temporary Storage Containers												P	P	P		See Specific Use Standards	2.04.C.11.h. Temporary Storage Containers
Open Air Market (Temporary)													C	C	C	1 space per 200 square feet	2.04.C.11.f. Temporary Outdoor Sales

Land Use	Residential Districts									Nonresidential Districts						Parking	Specific Use Standards
	AG	SF-20	SF-9	SF-7.5	SF-6	D	MF-1	MF-2	MHP	O	NR	GR	C	I	OT		
Seasonal Uses (Temporary)													C	C	C	1 space per 500 square feet	2.04.C.11.f. Temporary Outdoor Sales
Home Occupation	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	None	2.04.C.11.i. Home Occupations

C. Use-Based Standards

1. Agriculture

Reserved for future use.

2. Residential

a. Accessory Dwelling Unit

i. No more than one (1) Accessory Dwelling Unit shall be permitted on a lot.

ii. Accessory Dwelling Units must meet the height and setback requirements established by the zoning district.

iii. An Accessory Dwelling Unit shall be limited in size to not more than 50% of the total floor area of the principal dwelling's living space.

iv. Accessory Dwelling Units may be rented or occupied by a guest but shall not be sold separately from the principal dwelling.

v. Accessory Dwelling Units may have a separate utility meter from the principal dwelling.

b. Caretaker's or Guard's Residence

i. No Caretaker's or Guard's Residence shall be used or occupied as a place of residence by anyone other than a caretaker who is actually and regularly employed by the landowner or occupant of the main building, or is a guest(s) or family member(s) of the caretaker.

ii. No more than one (1) Caretaker's or Guard's Residence shall be permitted on a lot.

iii. A Caretaker's or Guard's Residence shall not, in any case, be leased or sold.

c. Manufactured Home Parks

See **2.05.G.4. Manufactured Homes and Manufactured Home Parks**.

d. Multiple-Family Dwellings

i. Green Space; Recreational Areas

(a) A minimum of 50 percent of the gross platted area shall be open green space and common recreational areas.

(i) The minimum percentage of open space and common recreational areas may be reduced at the time of site plan approval to 20 percent of the gross platted area, provided the area is intensively landscaped with underground irrigation systems and continuous maintenance is provided for.

(b) The open green space and common recreational areas shall be areas not specifically designated or used as building sites for dwelling units, buildings sites for utility or storage buildings, parking lots, garages, streets or driveways within the multifamily development.

(c) The actual surface area of open green space, such as lawns and landscaping, and common recreational areas, such as swimming pools and surrounding paved deck, tennis courts, community rooms, saunas, and other recreational areas, shall be considered in calculating the minimum requirement for open green space and common recreational areas.

(d) Required buffer yards, except surfaced parking and driveways located within said buffer yards, if any, may be included in computing the minimum required area of green space and common recreational areas.

ii. Walkways

A four-foot-wide paved walkway shall connect the front door of each ground floor unit to a parking area. The minimum width of any sidewalk adjacent to head-in parking spaces shall be six feet to accommodate a two-foot bumper overhang for vehicles. Sidewalks of concrete cement or other masonry construction shall be provided between the dwelling units and all community facilities provided for residents in accordance with applicable City standards and specifications. All walks shall be lit at night with a minimum intensity of two foot-candles' illumination.

iii. Building Length

Buildings shall not exceed 200 feet in length.

iv. Oversized Parking Areas

Boats, campers, trailers and other recreational vehicles shall be prohibited unless oversize parking areas are provided and approved by the City. This parking area shall not be used to meet the minimum parking requirements and shall not be visible from a public street.

v. Address Signage

All buildings containing residential units shall provide signage that clearly identifies the numbers (i.e., addresses) of the units within each building. Signage shall be visible from entrances into the complex and/or from vehicular drive aisles within the complex such that each individual unit is easy to locate by visitors, delivery persons, and/or emergency personnel.

vi. Gated/Secured Entrances

Gated/secured entrances shall be in accordance with the design standards for gated/secured entrances on private streets as adopted.

vii. Streets or Driveways

Each multifamily dwelling complex shall have driveways constructed of concrete cement or hot mixed asphalt, shall be curbed and guttered in accordance with existing requirements of the City, and shall be at least 28 feet in width throughout. All driveways shall be lit at night with a minimum intensity of two foot-candles' illumination.

viii. Required Amenities

All new multiple-family development must include a minimum of three amenities from the menu below, with at least one amenity from each category.

(a) Outdoor Amenities

(i) Balconies or patios for each unit

(ii) Community plazas or courtyards

(iii) Dog park

(iv) Playground equipment

(v) Swimming pool

(b) Indoor Amenities

(i) Fitness center

(ii) Business center

(iii) Community room

(iv) Indoor recreational room

(c) Social and Lifestyle Amenities

(i) Walking trails

(ii) Outdoor grills and picnic areas

(iii) Community garden

e. Zero-Lot Line and Patio Home

i. Maximum Density

Maximum density is 10 dwelling units per acre.

ii. Minimum Lot Requirements

(a) Lot size: 4,000 square feet.

(b) Width: 40 feet. **(See Figure 2.04-2. Lot and Yard Regulations for Zero Lot Line Developments.)**

(c) Depth: 100 feet. **(See Figure 2.04-2. Lot and Yard Regulations for Zero Lot Line Developments.)**

iii. Minimum required yards and building lines:

(a) Front is 20 feet, except that where a lot faces on an arterial street, the front building line shall not be less than 35 feet. **(See Figure 2.04-2. Lot and Yard Regulations for Zero Lot Line Developments.)**

(b) Side – Interior Lots

The side building line, to include eaves and appurtenances, shall not be less than five feet. On zero lot line homes the side yards shall be a minimum of zero feet and ten feet respectively. **(See Figure 2.04-2. Lot and Yard Regulations for Zero Lot Line Developments.)**

(c) Side – Corner lots are 15 feet, except that where a lot sides on an arterial street, the building line shall not be less than 25 feet. **(See Figure 2.04-2. Lot and Yard Regulations for Zero Lot Line Developments.)**

(d) Rear – Generally are 15 feet, except where the rear property line abuts an alleyway, there shall be a minimum of 30 feet between the buildings abutting said alleyway, provided that if the alleyway is a 20-foot alleyway, then the minimum rear building line shall be not less than five feet, and if the alleyway is a 15-foot-wide alleyway, then the minimum rear building line shall be not less than 7.5 feet. Zero lot line developments shall be a minimum of ten feet. **(See Figure 2.04-2. Lot and Yard Regulations for Zero Lot Line Developments.)**

(e) Rear – Arterial Street

The rear building line where a lot backs on an arterial street shall not be less than 25 feet.

iv. Maximum Lot Coverage

Not more than 60 percent of a lot may be covered with buildings, driveways, sidewalks, or other impermeable material.

v. Maximum Height

Maximum height is two stories, or 35 feet in total height, including gables. **(See Figure 2.04-2. Lot and Yard Regulations for Zero Lot Line Developments.)**

vi. Green Space/Recreational Areas

(a) A minimum of 20 percent of the gross platted area shall be open green space.

(b) The term "open green space" is defined as, and limited to common areas of open space or landscaping and community recreational areas that are irrigated and continuously maintained.

(c) The term "open green space" does not include areas specifically designated or used as building sites for patio home or zero lot line units, building sites for utility or storage buildings, parking lots, garages, streets, or driveways within a patio home development.

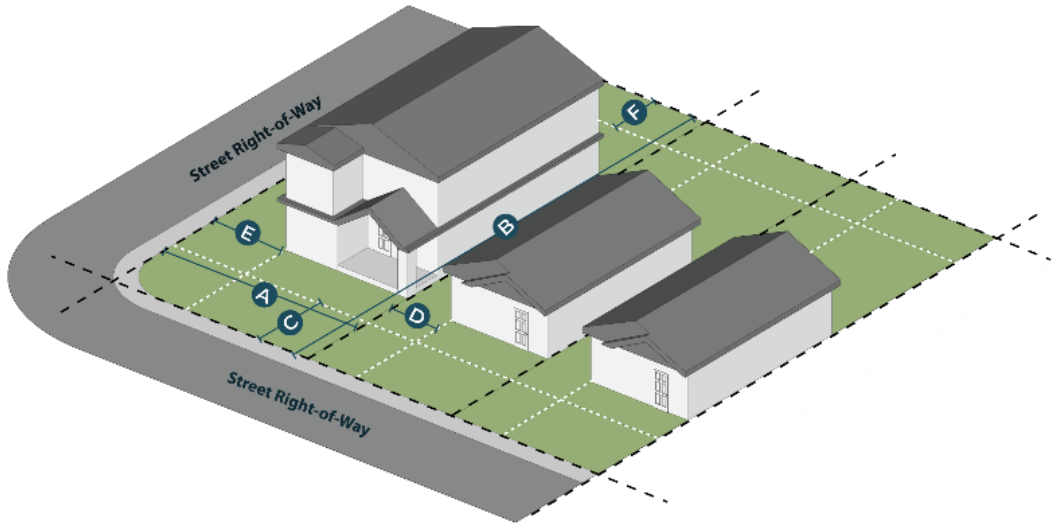
(d) The actual surface areas of open green space, such as common area lawns and landscaping, community swimming pools and surrounding paved deck area, community tennis courts, community rooms, community saunas, and other common recreational areas, shall be considered in calculating the minimum requirement for open green space.

(e) Detention ponds and surrounding areas may also be considered "open green space" so long as the detention area is amenitized.

(f) Required buffer yards, except surfaced parking and driveways located within said buffer yards, if any, may be included in computing the minimum required area of open green space.

Figure 2.04-2. Lot and Yard Regulations for Zero Lot Line Developments

Lot Width	Lot Depth	Front Yard Setback	Interior Side Yard Setback	Corner Lot Side Yard Setback	Rear Yard Setback
A	B	C	D	E	F



f. Townhomes and Single-Family Attached

i. Minimum Acreage

The minimum acreage for a planned development request for a townhome or single-family attached single-family residential dwelling unit complex shall be four acres.

ii. Maximum density is 12 dwelling units per acre.

iii. Minimum lot requirements:

(a) Lot size: 3,600 square feet.

(b) Width: 25 feet.

(c) Depth: 100 feet.

iv. Minimum Required Yards and Building Lines

(a) Front is 20 feet, except that where a lot faces on an arterial street, the front building line shall not be less than 35 feet.

(b) Side – Interior Lots

There shall be no side yard or building line for a side of an interior lot that is adjacent to another townhome. The two side yard or building lines when two units do not share a common lot line, including eaves and appurtenances, shall be any combination that provides at least ten feet between structures.

(c) Side – Corner lots are 15 feet, except that where a lot sides on an arterial street, the building line shall not be less than 25 feet.

(d) Rear – Generally are ten feet, except where the rear property line abuts an alleyway, there shall be a minimum of 30 feet between the buildings abutting said alleyway, provided that if the alleyway is a 20-foot alleyway, then the minimum rear building line shall be not less than five feet, and if the alleyway is a 15-foot-wide alleyway, then the minimum rear building line shall be not less than 7.5 feet.

(e) Rear – Arterial Streets

The rear building line where a lot back on an arterial street shall not be less than 25 feet.

v. Maximum Lot Coverage

Not more than 60 percent of a lot may be covered with buildings, driveways, sidewalks, or other impermeable material.

vi. Maximum Height

Two stories, or 25 feet in total height, including gables, shall be the maximum height.

vii. Green Space/Recreational Areas

(a) A minimum of 30 percent of the gross platted area shall be open green space.

(b) The term "open green space" is defined as, and limited to common areas of open space or landscaping and community recreational areas that is irrigated and continuously maintained.

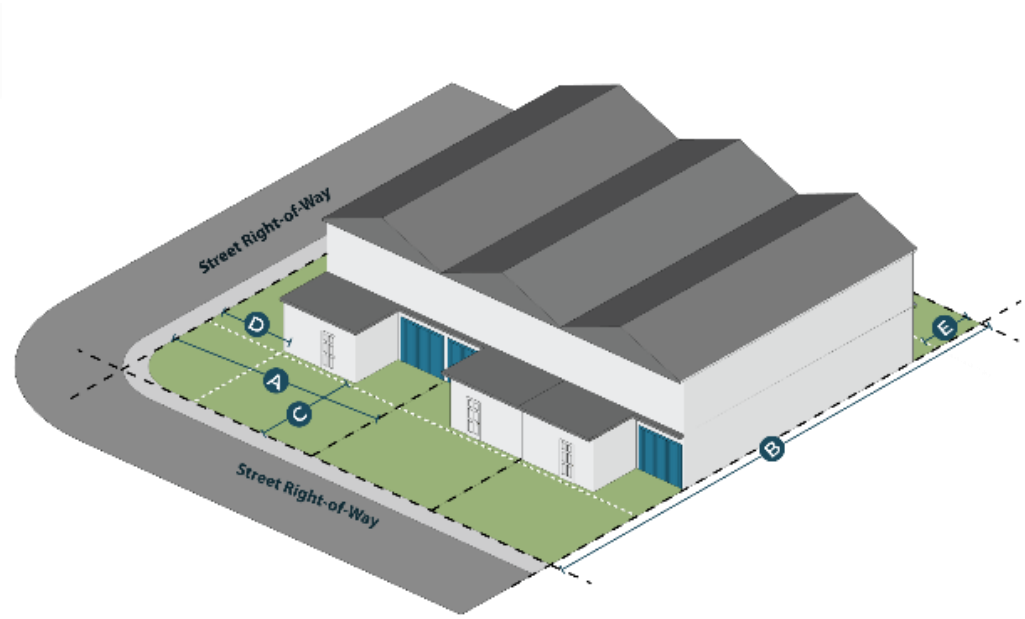
(c) The term "open green space" does not include areas specifically designated or used as building sites for patio home or zero lot line units, building sites for utility or storage buildings, parking lots, garages, streets, or driveways within a patio home development.

(d) The actual surface areas of open green space, such as common area lawns and landscaping, community swimming pools and surrounding paved deck area, community tennis courts, community rooms, community saunas, and other common recreational areas, shall be considered in calculating the minimum requirement for open green space.

(e) Required buffer yards, except surfaced parking and driveways located within said buffer yards, if any, may be included in computing the minimum required area of green space.

Figure: 2.04.4 Lot and Yard Regulations for Townhomes and Attached Single Family

Lot Width	Lot Depth	Front Yard Setback	Corner Lot Side Yard Setback	Rear Yard Setback
A	B	C	D	E



viii. Screening Requirements

A fence, wall, or other similar screening device, of not less than six feet nor more than eight feet in height, shall be constructed and maintained along the two sides and the rear of each patio home development complex; provided, however, no such screening device shall be required adjacent to portions of the development that contain green space, lakes, or natural habitat for a distance of 50 feet or more from such perimeter boundary.

ix. Sidewalks

Concrete sidewalks shall be provided along all streets within a townhome development in accordance with applicable City standards and specifications.

x. Visitor Parking

In addition to the parking required in **2.04.B. Permitted Use Chart,** the on and off street parking shall be analyzed to ensure that a minimum of one additional space per every two dwelling units is available for visitor parking.

g. Cottage Courts

i. Each dwelling unit must be on a separate platted lot.

ii. The common area must be a separate platted lot, owned and maintained by a homeowners' association.

iii. Front façades of other dwellings and entrances must be oriented to the common area with pedestrian infrastructure (e.g., a sidewalk) from each front door to the green space. Frontage on the common area is considered to meet the requirement for frontage on a public or private street.

iv. The minimum total lot area required for a cottage court is the cumulative area required for each dwelling in the cottage court.

v. The zoning district standards apply to each individual dwelling within the cottage court with the following exceptions:

(a) The maximum building height is limited to 25 feet for all dwellings.

(b) The minimum front setback required is 10 feet.

(c) The minimum interior side setback required is 5 feet.

vi. Common areas must meet the following standards:

(a) The minimum area of the common area is 2,000 square feet or 500 square feet per dwelling unit, whichever is greater.

(b) Of the required amount of common area space, 70 percent of the common area must have a minimum width of 40 feet.

(c) Of the required amount of common area space, 75 percent must be centrally located.

(d) All common area space must be accessible to all residents.

(e) Private yards associated with dwellings are not counted toward the required amount of common area.

h. Mixed-Use

i. Uses

(a) This use allows for multifamily housing in conjunction with a nonresidential use, where the residential use is located above a nonresidential use in the same structure. Both the residential and nonresidential use types must be permitted within the same zoning district. This use also allows for a combination of nonresidential uses that are permitted within the same zoning district.

(b) At least 75 percent of the first story of the structure shall be used for nonresidential use(s). The remaining portion of the structure above the first story may be used for either residential or nonresidential uses, or a combination of both.

(c) If a one-story structure exists on the property, 100 percent of the structure shall be occupied for nonresidential use(s) only.

(d) Drive-through features for the transaction of business are prohibited.

ii. Required Fenestration

(a) The ground floor shall be 50 percent to 75 percent doors and/or windows.

(b) Upper floors shall be 25 percent to 50 percent doors and/or windows (measured between 3 to 9 feet above each finished floor).

iii. Building Entrance

(a) The primary entrance shall front a public street with a walkway connecting to a front sidewalk.

(b) Architectural elements shall indicate a clear entry point.

iv. Parking

(a) Off-street parking shall be calculated based on the uses within the development. Shared parking provisions may be utilized to reduce the number of required spaces.

(b) No off-street parking shall be located in front of the building façade.

3. Office

a. Temporary Contractors Field Office

i. Temporary contractors field offices or construction offices, including trailers and modular offices, are permitted on or adjacent to any site during which construction is undertaken pursuant to a valid building permit.

ii. Temporary construction offices may be occupied for office or security purposes, or may be used for storage of equipment and material used during construction of the site.

iii. Upon completion or abandonment of construction or expiration of the building permit, the temporary construction office shall be removed at the owner's expense.

b. Temporary Real Estate Field Office

Temporary real estate sales offices, including trailers and modular offices, shall be permitted incidental to a residential development. Temporary sales offices shall be located and developed in compliance with the following standards:

i. The temporary sales office shall be located within the boundaries of the subdivision or tract of land in which the real property is to be sold or leased; and on a property whereon a recorded plat exists and a valid permit for construction has been issued;

ii. Parking shall be permitted on the lot in which the office is located or on an adjacent lot;

iii. Permitted temporary real estate sales offices shall not be used as any type of dwelling;

iv. Use of the temporary real estate sales office for the sale or lease of residential sites or projects located off-site is prohibited; and

v. All temporary real estate sales offices shall be removed within 30 days after the sale of the last dwelling unit in the development, or within 30 days after 12 continuous months of no construction or sales activity.

c. Model Home

Model homes with or without a sales office shall be permitted incidental to a residential development. Model homes shall be located and developed in compliance with the following standards:

i. The model home shall be located within the boundaries of the subdivision or tract of land where the real property to be sold or leased is situated.

ii. Parking shall be permitted on the lot in which the model home is located or on an adjacent lot.

iii. The model home shall be designed as a permanent structure and shall comply with the provisions of this chapter, all applicable building codes of the City, and state law.

iv. All exterior lighting shall be limited to typical household exterior lighting. The use of commercial grade ground mounted floodlights and search lights are prohibited.

v. The model home shall cease operation within 30 days after the sale of the last dwelling unit in the development, at which time the model home shall be vacated and a building permit issued to return the model home to its intended residential use only.

vi. There shall be no permanent use of temporary buildings or temporary structures.

vii. Temporary signage and flagpoles advertising the sale of property within the residential development shall not be prohibited provided they comply with the sign ordinance, are permitted, and are maintained at least ten feet away from all lot lines.

4. Personal and Business

a. Funeral Home or Mortuary

One parking space for each 200 square feet of floor space in slumber rooms, parlors or individual funeral service rooms, or one space for each three seats in the auditorium/sanctuary (see **2.04.B. Permitted Use Chart**), whichever is greater. Adequate on-site stacking spaces shall also be provided for the organization and forming of processions such that these activities do not cause excessive or extended traffic congestion/delays on a public roadway.

b. Hotels

i. A hotel must also meet the following requirements:

(a) Guest rooms must be accessible only through interior corridors;

(b) Entrance through exterior doors must be secured and accessible only to guests and employees;

(c) Hotel management must be on-site 24 hours each day;

(d) Prohibit overnight parking of trucks with more than two axles in the hotel's parking areas;

(e) Must contain at least three of the following amenities:

(i) A minimum of 300 square feet of dedicated meeting and event facilities;

(ii) A restaurant, eating or social area accessible through the interior of the hotel that offers food or food options and seating for at least 30 patrons during industry-standard dining hours;

(iii) Swimming pool; or

(iv) Fitness center.

c. Recreational Vehicles

See **2.05.G.5 Recreational Vehicles, Travel Trailers, Motor Homes, Dependent Trailers, and Other Mobile Structures.**

5. Retail

a. Mobile Food Courts

i. No mobile food vendor nor any associated seating areas shall be located in the required landscape buffer yard, access easement, surface drainage easement, driveway, and/or fire lane(s).

ii. All activity must occur on private property, outside of the public right-of-way.

iii. There shall be at least three feet of unobstructed clearance between all individual mobile food vendors and all permanent or accessory structures and at least ten feet of unobstructed clearance for mobile food vendors parked side-by-side.

iv. Mobile food vendors shall not park in required parking stalls, rather they shall be located on a designated paved surface. Spaces for mobile food vendors shall meet the minimum parking requirements per **2.04.B. Permitted Use Chart**.

v. Vehicular drive-through service of food and/or beverages shall not be permitted.

vi. Accessible restroom facilities shall be provided within a permanent structure. Temporary or portable toilet facilities are not permitted.

vii. Electrical service may be provided to the mobile food vendors by a permitted electrical connection or on-board generators. When using on-board generators, sound absorbing devices shall be used.

viii. A designated seating area shall be provided for patrons.

ix. Mobile food vendors conducting business operations within an approved mobile food court shall not be subject to restrictions on the length of time that a mobile food vendor may be located at the same location.

x. Mobile food vendors conducting business at a mobile food court shall have current vehicular registration and shall be in a suitable operating condition for transit.

xi. All mobile food vendors shall meet all other requirements per Chapter 32, Peddlers and Solicitors.

6. Transportation and Auto Services

a. Auto Sales Vehicle Dealership and Rental Services

i. Inventory parking spaces shall not contribute to the total parking provided by the use.

ii. One parking space for each 500 square feet of sales floor/office and other indoor uses, plus one parking space for each 1,000 square feet of exterior lot area used for storage, sales and parking areas, plus one parking space per repair bay in service areas (indoors or outdoors).

b. Automotive Repair and Service, Minor

i. Automotive Repair and Service, Minor operations and activities shall occur within a fully enclosed structure sufficient to prevent noise glare odors, heat, or other adverse effects from extending beyond the property line of the lot or parcel on which the use is permitted.

c. Automobile Wash

See **2.05.B. Off-Street Parking and Loading** for applicable stacking requirements.

7. Amusement and Recreation

a. Swimming Pools

Swimming pools shall conform to City-adopted ordinances.

8. Institutional and Governmental

a. Communications Antennas and Support Structures/Towers

The following requirements shall apply to communications antennas and support structures/towers:

i. Applicability

(a) These regulations apply to all commercial and amateur antennae and support structures, unless exempted in **(b)** below.

(b) Direct broadcast satellite reception, multi-channel multi-point distribution (as defined by the FCC), television reception antenna, and amateur radio antennae meeting the following requirements do not require a permit unless mounted on a pole or mast that is 20 feet or more in height:

(i) In any zoning district, antennae that are one meter (i.e., 39 inches) or less in diameter;

(ii) In a nonresidential zoning district, antennae that are two meters or less in diameter;

(iii) In any zoning district, antennae designed to only receive television broadcasts;

(iv) In any zoning district, amateur radio antennae concealed behind or located upon or within attics, eaves, gutters or roofing components of the building; and

(v) In any zoning district, amateur radio ground-mounted whips and wire antennae.

(c) Support structures or antennae legally installed before the effective date of the ordinance from which this section is derived are not required to comply with this section, but must meet all applicable state, federal and local requirements, building codes and safety standards.

ii. Special Definitions

For the purpose of this section, the following special definitions shall apply:

(a) Antenna, microwave reflector, wireless communication, and antenna support structure means an antenna is the arrangement of wires or metal rods used in transmission, retransmission and/or reception of radio, television, electromagnetic or microwave signals (includes microwave reflectors/antennae). The term "microwave reflector" means an apparatus constructed of solid, open mesh, bar-configured, or perforated materials of any shape/configuration that is used to receive and/or transmit microwave signals from a terrestrial or orbitally located transmitter or transmitter relay. Microwave reflectors are also commonly referred to as satellite receive only earth stations (T.V.R.O.S.), or satellite dishes. The term "antenna support structure" includes any tower, mast, pole, tripod, box frame, or other structure utilized for the purpose of supporting one or more antennae or microwave reflectors. This definition specifically includes towers (radio, television, microwave, wireless, etc.), mobile antennas, and any type of similar structure that may be temporary.

(b) Antenna (commercial) means an antenna or antenna support structure used for the purpose of transmission, retransmission, and/or reception of radio, television, electromagnetic, or microwave signals primarily for the purpose of operating a business and/or for financial gain (e.g., commercial broadcasting, cellular/wireless telecommunications, etc.). A satellite dish antenna that exceeds six feet in diameter shall also be considered as a commercial antenna.

(c) Antenna (non-commercial/amateur) means an antenna or antenna support structure used for the purpose of transmission, retransmission, and/or reception of radio, television, electromagnetic, or microwave signals for private or personal use and not for the purpose of operating a business and/or for financial gain. A satellite dish antenna not exceeding six feet in diameter shall also be considered as a non-commercial antenna.

(d) Collocation means the use of a single support structure and/or site by more than one communications provider.

(e) Communications operations (commercial) means the transmission, retransmission, and/or reception of radio, television, electromagnetic, or microwave signals primarily for the purpose of operating a business and/or for financial gain.

(f) Communications operations (non-commercial/amateur) means the transmission, retransmission and/or reception of radio, television, electromagnetic, or microwave signals for private or personal use, and not for the purpose of operating a business and/or for financial gain.

(g) Height means the distance measured from the finished grade of the lot/parcel to the highest point on the support structure or other structure, including the base pad and any antennae.

iii. General Requirements

(a) Antennae and support structures may be considered either principal or accessory uses.

(b) Antenna installations shall comply with all other requirements of this UDC and the City Code of Ordinances with the exception of those specifically cited within these regulations.

(c) No commercial antenna support structure shall be closer to any residential district boundary line or residential dwelling than a distance equal to twice the height of the support structure. Such setback/distance shall be measured as the shortest possible distance in a straight line from the structure to the closest point of a residential district boundary line or residential dwelling. Setbacks from residentially zoned property do not apply to antennas attached to utility

structures that exceed 50 feet in height, or to antennae placed wholly within or mounted upon a building.

(d) No amateur or commercial antenna, antenna support structure, microwave reflector/antenna, or associated foundations or support wires or appurtenances shall be located within any required setback area for the front, side or rear yards.

(e) All antenna and support structures must meet or exceed the current standards and regulations of the Federal Communications Commission (FCC), the Federal Aviation Administration (FAA), and/or all other applicable federal, state and local authorities. If those standards change, then the owner/user of an antenna or support structure must bring the antenna/structure into compliance within 180 calendar days or as may otherwise be required by the applicable regulating authority.

(f) A Building Permit is required to erect or install an antenna, antenna support structure and related structures/equipment, unless the particular antenna is exempt from these regulations (see **2.04.C.8.a.i. Applicability** above). All installations shall comply with applicable federal, state and local building codes and the standards published by the electronic industries association. Owners/users shall have 30 calendar days after receiving notice that an installation is in violation of applicable codes in order to bring it into full compliance.

(g) Antennae (amateur or commercial) shall not create electromagnetic or other interference with the city's and the county's radio frequencies and public safety operations, as required by the FCC. In accordance with FCC regulations, antennae also shall not interfere with radio or television reception of nearby property owners. In no manner shall the use of such equipment infringe upon adjoining property owners.

(h) No antenna or support structure shall be located so as to create a visual obstruction within critical visibility areas (such as at street intersections or where a private driveway enters a roadway) or a traffic safety problem.

(i) Safeguards shall be utilized to prevent unauthorized access to an antenna installation (e.g., on a water tower or utility structure, a free-standing installation, etc.). Safeguards include certain devices identified/recommended by the manufacturer of the antenna or support structure, a fence, a climbing guard, or other commercially available safety devices. Climbing spikes or other similar climbing device, if utilized, shall be removed immediately following use.

(j) Temporary antenna shall only be allowed in the following instances:

(i) In conjunction with a festival, carnival, rodeo or other special event/activity;

(ii) In case of an emergency (e.g., severe weather, etc.) or a news coverage event;

(iii) When needed to restore service on a temporary basis after failure of an antenna installation. The City must be notified within 72 hours of the placement of a temporary antenna. If the temporary antenna is to be needed for more than seven calendar days, then the owner/user must apply for and acquire a permit for the temporary installation on or before the eighth day following initial placement of the antenna.

iv. Collocation Is Greatly Encouraged

(a) Existing towers must be used to support new antennae (i.e., collocation) unless the applicant can demonstrate a unique need for a new tower. All new support structures over 50 feet in height shall be constructed to support antennae for at least two carriers, unless the structure is an alternative or stealth design, or the support structure is replacing an existing utility structure or light standard. Sufficient area for associated structures and equipment shall also be provided.

(b) A support structure that is modified or reconstructed in order to accommodate collection shall be of the same type, design and height as the existing structure, and it may be moved on the same property within 50 feet of its original location provided that it is not moved any closer to

residentially zoned property (if the structure was allowed by CUP, then its new location shall be within the physical/land boundaries of the CUP). The original (i.e., former) support structure shall be removed from the property within 30 calendar days following completion of the new structure.

(c) Where an additional antenna is to be attached to an existing support structure that already has an antenna mounted upon it, the new antenna shall comply with and be compatible with the design of the existing antenna on the collocated structure.

v. Support buildings and equipment storage areas/buildings shall be screened from public view if mounted on a rooftop. When ground mounted, they shall meet all applicable front, side and rear yard setback requirements of the applicable base zoning district.

vi. Satellite dishes, television antennas, and other similar antennas shall be permitted on the roof of a building, as long as satellite dishes do not exceed one meter (39 inches) in diameter and antennae do not extend over ten feet above the roof of the building. A letter certifying the roof's/building's structural stability shall be written and sealed by a registered architect or engineer, and shall be submitted to the Building Official prior to any approval of a roof-mounted antenna. Roof-mounted antenna that comply with the provisions of these regulations do not require additional yard setbacks or setbacks from residential areas or dwellings.

vii. Only one amateur antenna/support structure shall be permitted per residential lot, except that a maximum of two satellite dishes may be allowed if both units are no larger than one meter (39 inches) in diameter (only one allowed if over one meter in diameter).

viii. All commercial signs, flags, lights and attachments other than those required for emergency identification, communications operations, structural stability, or as required for flight visibility by the FAA and/or FCC shall be prohibited on any antenna or antenna support structure. However, lights may remain or be placed upon light standards that are altered or replaced in order for them to serve as antenna support structures provided that said lights are not commercial (i.e., for-profit) in nature, and provided that said lights are placed/replaced as the same size, configuration, number of bulbs, degree of luminance, etc. as they previously existed prior to support structure modification/replacement.

ix. Any publicly owned antennae or antenna support structures are exempt from regulation by this chapter (e.g., public safety communications, etc.).

x. Location requirements for commercial antennas. A commercial antenna support structure not allowed by right through another provision of this section may be allowed in any zoning district by conditional use permit (CUP) provided that it shall be no closer than a distance equal to twice the height of the support structure to any residentially zoned lot and/or to any residential use. Such setback shall be measured as the shortest distance in a straight line from the structure to the closest point of any residential zoned lot other than the lot upon which the support structure is located.

b. School, Primary and Secondary

The following parking space requirements shall be provided for each school type and in accordance with Section **2.05.B. Off-Street Parking and Loading**.

i. Elementary

Two spaces for every classroom and office.

ii. Junior High

Three spaces for every classroom and two spaces for each office.

iii. High School

Eight spaces for every classroom and two spaces for each office.

9. Commercial

a. Large Equipment and Materials Storage and Sales

i. Except in the Industrial (I) District, where the use is engaged in the storage, display, and sale of agricultural and construction materials such as feed, grain, paint, lumber, or others, these materials shall be stored within a screened, partially enclosed, or fully enclosed structure such as a barn, silo, shed, or incidental warehousing structure.

10. Manufacturing and Industrial

a. Wrecking or Salvage Yards

Any Wrecking or Salvage Yard, whether a primary use or an accessory use, shall provide a screening wall with a wood, brick masonry, stone masonry, concrete block, or other architectural masonry finish. Said screening device shall be of uniform height in relation to the ground that screens the view from adjoining lots and/or public places from junk. Stacking of junk above the height of the screening device that allows visibility from an adjoining lot or public place shall be prohibited.

11. Accessory/Temporary Uses

a. Drive-Throughs

i. Noise abatement strategies (e.g., directional speakers, ambient noise sensors, screening walls, or landscaping) are required for speakers within 150 feet of a residential district.

ii. An escape lane shall be provided parallel to the drive-through lane from the beginning of the drive-through lane to the pick-up window.

iii. An escape lane shall be an area measuring a minimum of 11 feet wide that provides access around the drive-through facility.

b. Fuel Pumps/EV Charging Stations

i. Fuel pumps and related canopy posts that parallel a public street shall be located a minimum of 25 feet to the property line adjacent to a public street.

ii. Fuel pumps that are perpendicular or diagonal to a public street, the setback shall be 30 feet in order to prevent vehicles stacking out into the street while waiting for a pump position.

iii. The actual canopy itself may encroach up to four feet into the required setback, provided no posts or vertical structures encroach.

iv. EV charging stations may be located at parking spaces that are incidental to another use intended to serve vehicles of residents, employees, customers, or visitors during their stay.

c. Outdoor Storage

Outdoor storage shall be limited to the following:

i. Is prohibited in O and NR District.

ii. Is permitted in the GR, OT, and C Districts with certain standards outlined in the zoning district.

iii. Is permitted in the II District.

iv. Shall be located behind the front building line and observe all setback requirements for the main structure or building.

v. Shall be visually screened from any public street or adjacent property with a minimum six-foot solid wall or fence.

vi. Note: Outdoor storage is not outdoor sales; see the use "Outdoor Sales as a Primary Use".

d. Outdoor Display

i. Outdoor Display shall be limited to 5 percent of the total lot area or 20 percent of the primary building's gross floor area, whichever is more restrictive.

ii. Temporary storage of merchandise for display and sale placed on a sidewalk or other pedestrian area must maintain a 6-foot-wide pedestrian path through and adjacent to an Outdoor Display area. The pedestrian path must be improved to standard pedestrian accessibility requirements and may not be located within off-street parking areas, fire lanes, easements, maneuvering aisles, or loading zones.

e. Garage or Yard Sales

In connection with the residential or institutional occupancy of a structure, the tenants may offer their personal belongings and household effects for sale to the general public provided that such sales are not conducted on the same lot for more than three days (whether consecutive or not) during any 90-day period.

f. Temporary Outdoor Sales

Temporary outdoor retail sales, excluding those uses specifically noted in the use chart with normal outdoor sales such as automobile lots, which involve the outdoor display of merchandise and seasonal items, shall be limited to the following:

i. Shall not be placed/located more than 30 feet from the main building in GR and C Districts, and not more than 12 feet from the main building in the Old Town area.

ii. Shall not occupy any of the parking spaces that are required by this chapter for the primary uses of the property (except on a temporary basis only, which is a maximum of 30 days per display and a maximum of two displays per calendar year).

iii. Shall not pose a safety or visibility hazard, nor impede public vehicular or pedestrian circulation, either on-site or off-site, in any way.

iv. Shall not extend into public right-of-way or onto adjacent property.

v. All outdoor display items shall be removed at the end of business each day (except for large seasonal items such as Christmas trees).

vi. All merchandise shall be displayed in a neat, orderly manner, and the display area shall be maintained in a clean, litter-free manner.

g. Temporary Seasonal Sales

Temporary seasonal sales shall be limited to the following:

i. Are allowed in the GR, C, and OT Districts.

ii. May occupy required parking spaces for the primary uses of the property for seasonal sales on a temporary basis only, which is a maximum of 30 days per display of seasonal materials and a maximum of two displays per calendar year, provided parking is adequate and not overloading the streets or adjacent properties.

iii. Shall not pose a safety or visibility hazard, nor impede public vehicular or pedestrian circulation, either on-site or off-site, in any way.

iv. Shall not extend into public right-of-way or onto adjacent property.

v. All merchandise shall be displayed in a neat, orderly manner, and the display area shall be maintained in a clean, litter-free manner.

h. Temporary Storage Containers

Temporary storage containers shall be limited to the following:

i. Are prohibited in O, NR and OT Districts, except in accordance with **iii** below.

ii. Are allowed in GR, C and I Districts provided they do not occupy required parking or loading areas and are behind required setbacks and not contained in a front or side setback adjacent to a street.

iii. May be used in all nonresidential districts on a temporary basis during construction while a valid permit exists. If the business is closed or limited during construction, the containers may occupy required parking.

i. Home Occupations

i. All Home Occupations must be a no-impact home-based business.

(a) In accordance with Sec. 229.902 of the Texas Local Government Code, a "no-impact home-based business" means a home-based business that:

(i) Has at any time on the property where the business is operated a total number of employees and clients or patrons of the business that does not exceed the municipal occupancy limit for the property;

(ii) Does not generate on-street parking or a substantial increase in traffic through the area;

(iii) Operates in a manner in which none of its activities are visible from a street; and

(iv) Does not substantially increase noise in thearea or violate a municipal noise ordinance, regulation, or rule.

ii. All Home Occupations must comply with federal, state, and local law, including:

(a) A municipal fire and building code; and

(b) A municipal regulation related to:

(i) Health and sanitation;

(ii) Transportation or traffic control;

(iii) Solid or hazardous waste; or

(iv) Pollution and noise control;

iii. All Home Occupations must be compatible with the residential use of the property where the business is located.

(a) The Director will determine whether the Home Occupation is compatible with the residential use of the property. The Director's decision may be appealed to the Planning & Zoning Commission. The Commission's decision may be appealed to the City Council.

iv. All Home Occupations must be secondary to the use of the property as a residential dwelling.

v. The City reserves the right to limit or prohibit the operation of a home-based business that:

(a) Sells alcohol or illegal drugs;

(b) Is a structured sober living home; or

(c) Is a sexually oriented business as defined by Sec. 243.002 of the Texas Local Government Code.

D. Land Use Definitions

1. **Accessory Dwelling Unit**
   A subordinate building that is attached to or detached from the primary on-site structure, is used as a residence, is incidental to the main structure (i.e., the building area must be significantly less than that of the main structure), and is not involved in the conduct of a business.

2. **Acid Manufacture**
   A business that engages in manufacturing acid.

3. **Adhesives and Sealants Manufacture**
   A business that engages in manufacturing adhesives and sealants.

4. **Adult Day Care**
   A facility that provides services under an Adult Day Care Program on a daily or regular basis, but not overnight, to four (4) or more elderly or handicapped persons who are not related by blood, marriage, or adoption to the owner of the facility. Adult Day Services Centers (also referred to as Adult Day Care Centers) must be licensed by the Texas Department of Human Services.

5. **Agriculture Use**
   An area used for growing usual farm products, vegetables, fruits, trees, and grain and for the raising thereon of the usual farm animals such as horses, cattle, and sheep and including the necessary accessory uses for raising, treating, and storing products raised on the premises, but not including the commercial feeding of offal or garbage to swine or other animals and not including any agriculture or husbandry specifically prohibited by ordinance or law.

6. **Air Transportation Related Uses**
   A facility or area for the landing and taking off of fixed or rotary wing aircraft. This use shall include any airport terminal, air traffic control towers, aircraft hangars, and other related facilities. It shall also include heliports for the landing and takeoff of helicopters

7. **Aircraft Parts Manufacture**
   A business that engages in manufacturing aircraft parts.

8. **Airplane Repair and Manufacturing**
   A business that engages in manufacturing and repairing airplanes.

9. **Airport or Landing Field**
   A place where aircraft can land and take off that is usually equipped with hangars, facilities for aircraft refueling and repair, and various accommodations for passengers.

10. **Alternative Financial Institution**
    An establishment engaged in check cashing, money transfer, payday advance or loaning, or title loaning, or any establishment that provides capital at a high rate of interest with a short repayment period most accurately measured in days or weeks to leveraged consumers having no other source of capital.

11. **Ambulance Service**
    The provision of private (not operated by the city) emergency transportation that may include mobile medical care and may include storage and maintenance of vehicles.

12. **Amphitheater**
    An outdoor venue that has tiers of spectator seating rising around a field, court, or stage, intended primarily for use in viewing musical, theatrical, sporting, or similar entertainment events and specifically designed as a place of assembly.

13. **Amusement, Commercial (Indoor)**
An amusement enterprise that is wholly enclosed within a building which is treated acoustically so that noise generated by the enterprise is not perceptible at the bounding property line, and that provides activities, services or instruction for the entertainment of customers or members, but not including amusement arcades. Uses may include, but are not limited to, the following: bowling alley, ice skating rink, martial arts club, racquetball/handball club, indoor tennis courts/club, indoor swimming pool or scuba diving facility, and other similar types of uses.

14. **Amusement, Commercial (Outdoor)**
An amusement enterprise offering entertainment and/or games of skill to the general public for a fee wherein any portion of the activity takes place outdoors and including, but not limited to, a golf driving range, archery range, miniature golf course, batting cages, go-cart tracks, amusement parks, and other similar types of uses.

15. **Amusement, Commercial (Temporary)**
An outdoor or indoor commercial amusement is provided on a temporary basis, examples of which include a carnival or haunted house.

16. **Animal Kennel (Outdoor Pens)**
A commercial establishment in which two or more dogs, cats, or other domesticated (pet) animals not owned by the owner or occupant of the premises are temporarily housed for grooming, boarding, training or breeding for a fee or compensation. Typical uses include boarding kennels, pet motels, and dog training centers

17. **Animal Kennels (Indoor Pens)**
An establishment with indoor pens in which more than four dogs or domesticated animals more than one year old are housed, groomed, bred, boarded, trained or sold for commercial purposes.

18. **Animal Processing and Slaughter**
A business that engages in animal processing and slaughtering.

19. **Any Manufacture or Industrial Process Not Listed and Not Prohibited By Law**
A business that engages in any manufacture or industrial process not listed and not prohibited by law.

20. **Appliance Service and Repair**
The maintenance and rehabilitation of appliances that are customarily used in the home, including, but not limited to, washing and drying machines, refrigerators, dishwashers, trash compactors, ovens and ranges, countertop kitchen appliances, vacuum cleaners, etc., but not including appliances/equipment which have internal combustion engines.

21. **Art or Recreational Studio**
A building or portion of a building used as a place of work for professional work or instructional classes in music, dancing, theatrical arts, music, gymnastics, martial arts or similar activities.

22. **Artificial Flower Manufacture**
A business that engages in manufacturing artificial flowers.

23. **Artist or Photography Studio**
The workshop of an artist, writer, craftsperson, or photographer but not a place where members of the public come to receive instruction on a more than incidental basis or to sit for photographic portraits.

24. **Asphalt Paving and Roofing Material Manufacture**
A business that engages in manufacturing asphalt paving and roofing material.

25. **Assisted Living**
Per the Texas Health & Safety Code, Section 247.002, "assisted living facility" means an establishment that:

1. Furnishes, in one or more facilities, food and shelter to four or more persons who are unrelated to the proprietor of the establishment;

2. Provides:

a. Personal care services; or

b. Administration of medication by a person licensed or otherwise authorized in this state to administer the medication;

3. May provide assistance with or supervision of the administration of medication; and

4. May provide skilled nursing services for the following limited purposes:

a. Coordination of resident care with outside home and community support services agencies and other health care professionals;

b. Provision or delegation of personal care services and medication administration as described by this subdivision;

c. Assessment of residents to determine the care required; and

d. For periods of time as established by department rule, delivery of temporary skilled nursing treatment for a minor illness, injury, or emergency.

26. **Auction House**
Any establishment in which is carried on the business of auctioning articles for sale by public outcry where the articles offered for auction are sold immediately to the highest bidder.

27. **Auto Storage or Auto Auction**
The storage or impoundment, on a lot or tract that is paved in accordance with parking lot paving requirements set forth in this chapter, of operable automobiles for the purpose of holding such vehicles for sale, distribution or storage. The term "auto storage" or "auto auction" shall not include the storage of wrecked or inoperable vehicles (see Wrecking or Salvage Yard).

28. **Automobile Accessory Installation**
Minor installation of minor automobile accessories such as car alarms, radio and stereo equipment, window tinting, pinstriping, cellular telephones, and similar accessories.

29. **Automobile Assembly**
A business that engages in automobile assembly.

30. **Automobile Driving School**
A business that employs instructors who teach people how to drive a car or van. This use does not include instructions for driving commercial trucks.

31. **Automobile Parts Manufacturing**
A business that engages in manufacturing automobile parts.

32. **Automobile Wash (Full Service/Detail Shop)**
Washing, waxing or cleaning of automobiles or light-duty trucks where the owner of the vehicle does not actually wash the vehicle. The owner either leaves the vehicle and comes back to retrieve it later, or the owner waits in a designated area while employees of the car wash facility vacuum, wash, dry, wax or detail the vehicle for a fee.

33. **Automobile Wash (Self-Service)**
Washing, waxing or cleaning of automobiles or light duty trucks where the owner of the vehicle causes the vehicle to become washed. One type of unattended car wash facility utilizes automated self-service (drive-through/rollover) wash bays and apparatus in which the vehicle owner inserts money or tokens into a machine, drives the vehicle into the wash bay, and waits in the vehicle while it is being washed. The other type of unattended facility is comprised of wand-type self-service (open) wash bays in which the vehicle owner drives the vehicle into the wash bay, gets out of the vehicle, and hand washes the vehicle with a wand-type apparatus by depositing coins or tokens into a machine.

34. **Automotive Parts and Accessories Sales**
Retail sales of automobile-related parts and accessories.

35. **Automotive Repair and Service, Major**
General repair or reconditioning of engines, air conditioning systems, and transmissions for motor vehicles; wrecker service; collision repair services including body, frame or fender straightening or repair; customizing; painting; vehicle steam cleaning; undercoating and rustproofing; those uses listed under "auto repair, minor"; and other similar uses.

36. **Automotive Repair and Service, Minor**
Minor repair or replacement of parts, tires, tubes and batteries; diagnostic services; minor maintenance services such as grease, oil, spark plug and filter changing; tune-ups; emergency road service; replacement of starters, alternators, hoses and brake parts; automobile washing and polishing; glass repair and tinting; performing state inspections and making minor repairs necessary to pass said inspection; normal servicing of air conditioning systems; and other similar minor services for motor vehicles except heavy load vehicles, but not including any operation named under "auto repair, major" or any other similar use.

37. **Awning Manufacture, Cloth, Metal and Wood**
A business that manufactures awnings made of cloth, metal and wood.

38. **Bag Manufacturing**
A business that engages in bag manufacturing.

39. **Bakery (Wholesale)**
A manufacturing facility over 3,000 square feet for producing and distributing baked goods and confectioneries to retail outlets.

40. **Bakery, Retail**
A facility less than 3,000 square feet for the production and/or sale of baked goods. This use may also include seating for the consumption of goods on-site.

41. **Banks and Financial Institutions (With Drive-Through Service)**
An establishment primarily engaged in the provision of financial and banking services. Typical uses include banks, savings and loan institutions, stock and bond brokers, loan and lending activities, and similar services. Such uses may have a drive-through services window. This term does not include "pawnshops" or "credit access businesses," that are defined by State Law.

42. **Banks and Financial Institutions (With No Drive-Through Service)**
An establishment primarily engaged in the provision of financial and banking services. Typical uses include banks, savings and loan institutions, stock and bond brokers, loan and lending activities, and similar services. Such uses do not have a drive-through services window. This term does not include "pawnshops" or "credit access businesses," that are defined by State Law.

43. **Bar**
An establishment that serves alcoholic beverages by the drink for on-site consumption and that derives seventy-five percent (75%) or more of the gross revenue from the on-premise sale of alcoholic beverages. All Bars shall meet all requirements prescribed by the TABC.

44. **Battery Manufacture**
A business that engages in manufacturing batteries.

45. **Bed and Breakfast**
A dwelling occupied as a permanent residence by an owner or renter that serves breakfast and provides or offers sleeping accommodations in not more than five rooms for transient guests for compensation, generally for a period not to exceed seven days.

46. **Bleaching/Chorine Powder Manufacture**
A business that engages in manufacturing bleaching/chorine powder.

47. **Boarding Home Facility**
An establishment that furnishes, in one or more buildings, lodging to three or more persons with disabilities or elderly persons who are unrelated to the owner of the establishment by blood or marriage; and provides community meals, light housework, meal preparation, transportation, grocery shopping, money management, laundry services, or assistance with self-administration or medication but does not provide personal care services to those persons.

48. **Boiler Manufacture and Repair**
A business that engages in manufacturing and repairing boilers.

49. **Bottling Works**
A business that engages in bottling.

50. **Brewpub**
An establishment where beer, ale, etc., are brewed in conjunction with a drinking and eating establishment. The maximum brewing production shall not exceed 10,000 barrels per year.

51. **Broom Manufacture**
A business that engages in broom manufacturing.

52. **Building, Materials, and Landscaping Store**
A facility for the sale of materials, tools, or hardware customarily used in the construction of buildings and other structures, including facilities storing materials for retail sales and is sometimes referenced as a home improvement center. The term "outdoor" means the storage of materials and products outside of the main building.

53. **Bulk Grain or Feed Storage**
A building used primarily for the storage of bulk grain or feed.

54. **Candy and Other Confectionary Products Manufacture**
A business that engages in manufacturing candy and other confectionary products.

55. **Canning and Preserving Factory**
A business that engages in operating a canning and preserving factory.

56. **Canvas And Related Products Manufacture**
A business that engages in manufacturing canvas and related products.

57. **Caretaker's or Guard's Residence**
A residence located on a premises with a primary residential or nonresidential use and occupied only by a caretaker or guard employed on the premises (e.g., residence for a guard in a private street development, residence for a guard/manager/caretaker for a self-storage facility or a restricted access business park, etc.).

58. **Casein Manufacture**
A business that engages in manufacturing casein.

59. **Cattle, Swine, or Poultry Feedlot (CAFO)**
A lot, yard, corral, building, or other area in which livestock or other animals for food or fur are housed and confined, primarily for the purposes of feeding and growth prior to slaughter and that is specifically designed as a confinement area where the concentration of animals is such that a vegetative cover cannot be maintained within the enclosure and substantial amounts of manure or other related wastes may originate by reason of such feeding of animals. The term does not include areas used for raising crops or other vegetation or upon which livestock are allowed to graze.

60. **Celluloid and Similar Cellulose Manufacture**
A business that engages in manufacturing celluloid and similar cellulose.

61. **Cement Manufacture**
A business that engages in manufacturing cement.

62. **Cemetery or Mausoleum**
Land used or intended to be used for the burial of the human dead and dedicated for cemetery purposes, including columbarium, crematories, mausoleums, and mortuaries when operated in conjunction with and within the boundaries of such cemetery.

63. **Ceramic Products Manufacture**
A business that engages in manufacturing ceramic products.

64. **Chalk Manufacture**
A business that engages in manufacturing chalk.

65. **Chemical Dependency Facility**
Per the Texas Health & Safety Code, Section 464.001:

1. "Chemical dependency" means:

    a. Abuse of alcohol or a controlled substance;

    b. Psychological or physical dependence on alcohol or a controlled substance; or

    c. Addiction to alcohol or a controlled substance.

2. "Facility" means:

    a. A public or private hospital;

    b. A detoxification facility;

    c. A primary care facility;

    d. An intensive care facility;

    e. A long-term care facility;

    f. An outpatient care facility;

    g. A community mental health center;

h. A health maintenance organization;

i. A recovery center;

j. A halfway house;

k. An ambulatory care facility; or

l. Any other facility that offers or purports to offer treatment.

66. **Chemicals (Agricultural) Manufacture**
A business that engages in manufacturing chemicals (agricultural).

67. **Chemicals (Industrial) Manufacture**
A business that engages in manufacturing chemicals (industrial).

68. **Child Care Facility, Children's Home**
A business for the care of children at a location other than a caretaker's residence for more than 24 hours a day. See Chapter 42 of the Human Resources Code.

69. **Child Care Facility, Day Care**
An establishment providing care for seven (7) or more children for less than twenty-four (24) hours a day at a location other than the permit holder's home. A State license is required. Also includes similar terms such as nursery and child care center. See Chapter 42 of the Human Resources Code.

70. **Child Care Home (≤ 6 Children)**
A private residence where state licensed care, protection, and supervision are provided, for a fee, at least twice a week to no more than six (6) children at one time, including children of the adult provider, for less than twenty-four (24) hours per day. See Chapter 42 of the Human Resources Code.

71. **Child Care Home (≥ 7 Children)**
A private residence where state licensed care, protection, and supervision are provided, for a fee, at least twice a week to no more than twelve (12) children at one time, including children of the adult provider, for less than twenty-four (24) hours per day. See Chapter 42 of the Human Resources Code.

72. **Civic Center**
A building or complex of buildings that house municipal offices and services, and that may include cultural, recreational, athletic, food service, convention or entertainment facilities owned and/or operated by a municipality.

73. **Civic Club**
A facility or area for a special purpose organization or for the sharing of sports, arts, literature, politics, or other similar interests, but not primarily for profit or to render a service that is customarily carried on as a business, excluding religious land uses.

74. **Clothing Manufacture**
A business that engages in manufacturing clothing.

75. **Coffee Roasting**
A business engaged in industrial-scale coffee roasting. This definition is for standalone coffee roasting facilities and does not include coffee shops.

76. **Coffin Manufacture**
A business that engages in manufacturing coffins.

77. **Cold Storage Plants/Locker**
A business that operates cold storage plants/lockers.

78. **Commercial Kitchen/Commissary**
A licensed facility designed for the preparation, storage, and handling of food for off-site consumption. It may serve as a base of operations for mobile food units by providing spaces for servicing, cleaning, and maintaining food trucks (commissary), offer meal preparation for catered events (catering establishment), or support delivery-only services for virtual restaurants (ghost kitchen).

79. **Community Home for Persons with Disabilities**
A residence for not more than six (6) persons with disabilities and two (2) supervisors. Such entity must be licensed and comply with Chapter 123 of the Human Resources Code.

Per Section 123.002, a "person with a disability" means a person whose ability to care for himself or herself, perform manual tasks, learn, work, walk, see, hear, speak, or breathe is substantially limited because the person has:

1. An orthopedic, visual, speech, or hearing impairment;
2. Alzheimer's disease;
3. Pre-senile dementia;
4. Cerebral palsy;
5. Epilepsy;
6. Muscular dystrophy;
7. Multiple sclerosis;
8. Cancer;
9. Heart disease;
10. Diabetes;
11. Autism; or
12. Mental illness.

Per Section 123.003, "The use and operation of a community home that meets the qualifications imposed under this chapter is a use by right that is authorized in any district zoned as residential".

80. **Concrete or Asphalt Batch Plant**
A permanent manufacturing facility for the production of concrete or asphalt.

81. **Concrete or Asphalt Batch Plant (Temporary)**
A temporary manufacturing facility for the production of concrete or asphalt during construction of a project and to be removed when the project is completed.

82. **Contractor's Shop**
A building, part of a building, for the construction or storage of materials, equipment, tools, products, and vehicles.

83. **Contractor's Shop and Storage Yard**
A building, part of a building, or land area with outdoor storage for the construction or storage of materials, equipment, tools, products, and vehicles.

84. **Convenience Store**
A retail establishment selling food for off-premises consumption and a limited selection of groceries and sundries (and possibly fueling or electric vehicle (EV) charging, if pumps or charging stations are provided).

85. **Correctional Facility**
A facility that is generally designed for the confinement, correction, and rehabilitation of adult and/or juvenile offenders sentenced by a court.

86. **Cottage Court**
A group of 5 to 12 small (1- to 2-story) detached structures arranged around a shared court visible from the street.

87. **Crematory**
A place used for the preparation and incineration of the human or animal deceased.

88. **Culvert Manufacture**
A business that engages in manufacturing culverts.

89. **Cutlery, Handtools and General Hardware Manufacture**
A business that engages in manufacturing cutlery, handtools and general hardware.

90. **Dairy Products Manufacture**
A business that engages in manufacturing dairy products.

91. **Dance Hall/Night Club**
A type of entertainment facility that includes a dance floor, light show, and/or stage for playing live music or disc jockey recordings that has incidental food sales.

92. **Dinner Theater**
A restaurant with a stage or performing area where the main activity is the serving of dinner and, following dinner, the performance of a play or musical theater.

93. **Distillation of Liquors, Spirits, etc. (Brewery)**
A business that engages in the distillation of liquors, spirits, etc. (brewery).

94. **Drive-In Theater**
An open lot with its appurtenant facilities devoted primarily to the showing of motion pictures or theatrical productions on a paid admission basis to patrons seated in automobiles.

95. **Drive-Through**
An accessory use to accommodate drive-up patrons who remain in their vehicles associated with a use that is not explicitly defined by another use.

96. **Duplex**
Two attached dwellings in one structure with each side designed to be occupied by one family. Duplexes may be located on a single lot under single ownership, or two separate lots under single or separate ownership.

97. **Dye Manufacture**
A business that engages in manufacturing dye.

98. **Eating Establishment (With Drive-In Service)**
An eating establishment where food and/or drinks are primarily served to customers in motor vehicles, or where facilities are provided on the premises that encourage the serving and consumption of food in automobiles on or near the restaurant premises.

99. **Eating Establishment (With Drive-Through Service)**
An eating establishment where customers are primarily served at tables or are self-served, where food is consumed on the premises, and which may include a drive-through windows.

100. **Eating Establishment (With No Drive-Through Service)**
An eating establishment where customers are primarily served at tables or are self-served, where food is consumed on the premises, and which do not have a drive-through window.

101. **Electric Lamp Manufacture**
A business that engages in manufacturing electric lamps.

102. **Electric Power Plant**
Any plant facilities and equipment for the purposes of producing, generating, transmitting, delivering, or furnishing electricity for the production of power.

103. **Electric Storage System**
One or more devices assembled together capable of storing energy that allows power system operators and utilities to collect and store energy from the grid and discharge it at a future time to provide electricity when needed, such as to ensure adequate peaking generation capacity and grid resiliency.

104. **Electric Vehicle (EV) Charging Station**
A public or private parking space that is served by battery charging equipment with the purpose of charging an electric or hybrid vehicle.

105. **Electrical Substation**
A subsidiary station in which electric current is transformed.

106. **Electronic Assembly**
A business that engages in electronic assembly.

107. **Electro-Plating/Electro-Typing**
A business that engages in electro-plating/electro-typing.

108. **Elevator Manufacture**
A business that engages in manufacturing elevators.

109. **Emergency Room or Urgent Care**
A standalone facility, outside of a hospital setting, that provides immediate or emergent medical treatment on a strictly out-patient basis. Patients are generally treated on a walk-in basis, and services are not intended to provide long-term or overnight care.

110. **Enameling and Painting**
A business that engages in enameling and painting.

111. **Engraving Plant**
A business that operates an engraving plant.

112. **Envelope Manufacture**
A business that engages in manufacturing envelopes.

113. **Event Facility**
A public or privately owned structure, facility, land, or area for the purposes of public performances, events, or similar attractions that typically generates heavy traffic. These facilities include concert halls, racetracks, rodeo arenas, coliseums, fairgrounds, and convention centers. Accessory uses may include food preparation

facilities, concessions, offices, museums, parks, athletic training or practice facilities, stores, restaurants, heliports, structured parking facilities, and patron transportation facilities.

114. **Exterminator Service**
A facility engaged in the eradication or control of rodents, insects, or other pests with incidental storage on sites other than where the service is rendered.

115. **Farm/Garden Machinery And Equipment Manufacture**
A business that engages in manufacturing farm/garden machinery and equipment.

116. **Feed and Grain Store**
An establishment for selling corn, grain, and other food stuffs for animals and livestock, and including implements and goods related to agricultural processes, but not including farm machinery.

117. **Feed Manufacture**
A business that engages in manufacturing feed.

118. **Felt Manufacture**
A business that engages in manufacturing felt.

119. **Fixtures Manufacture**
A business that engages in manufacturing fixtures.

120. **Fleet Facility**
A facility where vehicles, taxis, limos, ambulances, buses or other passenger transporting fleet vehicles are housed, stored, maintained or repaired. Accessory uses may include offices or maintenance, fueling, or washing facilities.

121. **Flour and Other Grain Mills**
A business that engages in operating flour and other grain mills.

122. **Food Processing**
A facility that primarily deals with the processing and packaging of food (such as dairy or grain) products that are intended for human consumption, but that are not typically sold in volume to end users on the premises. Incidental retail sales of food products (e.g., bread and baked goods, dairy products such as cheese, etc.) created and packaged on the premises may be allowed as an accessory use.

123. **Footwear Manufacture**
A business that engages in manufacturing footwear.

124. **Fortunetelling and Similar Activities**
A use involving the foretelling of the future in exchange for financial or other valuable consideration. Fortunetelling shall be limited to uses where the fortune is told through astrology, tarot card reading, crystal gazing, palmistry, or any similar means.

125. **Foundry, All Types**
A facility that produces metal castings.

126. **Fraternity or Sorority House**
A building other than a hotel that is occupied only by individuals enrolled in a college or university located within the city and persons to attend the house and supervise activities of the fraternity or sorority. Except for the attendants, each resident must be a fraternity or sorority member recognized by the college or university and chartered by a state or national organization.

127. **Fuel Pump**
A standalone fuel dispenser that has one (1) or more nozzles or sets of nozzles, which in turn are separately connected to a distinct system that records the fuel pumped by a single vehicle and the corresponding payment owed for that fuel.

128. **Fueling Station (Gasoline/Charging)**
A facility providing refueling and recharging services for vehicles, including gasoline, diesel, EV charging, hydrogen, and other energy types. This use does not include EV charging stations at parking spaces that are incidental to another use intended to serve vehicles of residents, employees, customers, or visitors during their stay.

129. **Funeral Home or Mortuary**
A place for the storage of human bodies prior to their burial or cremation, or a building used for the preparation of the deceased for burial and the display of the deceased and ceremonies before burial or cremation.

130. **Furnace Manufacture**
A business that engages in manufacturing furnaces.

131. **Furniture and Appliance Store**
Retail stores selling goods for furnishing the home, including, but not limited to, furniture, floor coverings, draperies, glass and chinaware, domestic stoves, refrigerators, and other household electrical and gas appliances.

132. **Furniture Manufacture**
A business that engages in manufacturing furniture.

133. **Garage or Yard Sale**
The temporary sale of goods from a residence.

134. **Gases (Industrial) Manufacture**
A business that engages in manufacturing gases (industrial).

135. **General Commercial Plant**
Establishments other than personal service shops for the treatment and/or processing of products as a service on a for-profit basis including, but not limited to, newspaper printing, laundry plant, or cleaning and dyeing plants.

136. **General Retail Stores**
Retail stores that sell a number of lines of primarily new merchandise including but not limited to dry goods, apparel and accessories, furniture and home furnishings, small wares, small appliances, hardware, and food. The stores included in this group are known as department stores, variety stores, general merchandise stores, general stores, etc.

137. **Glucose Manufacture**
A business that engages in manufacturing glucose.

138. **Golf Course**
An area of 20 acres or more improved with trees, greens, fairways, hazards, and which may include clubhouses; the golf course may be privately or publicly owned and operated.

139. **Hair Products Factory (Other Than Human)**
A business that engages in operating a hair products factory (other than human).

140. Halfway House

Pursuant to Texas Human Resources Code § 42.002, a halfway house is a licensed home for inmates on release from more restrictive custodial confinement or initially placed in lieu of such more restrictive custodial confinement, wherein supervision, rehabilitation, and counseling are provided to mainstream residents back into society, enabling them to live independently. Such placement is pursuant to the authority of the State Department of Corrections.

141. Health Club

An establishment that provides facilities and equipment (e.g., gymnasiums, weight rooms, swimming pools/spas, exercise apparatus, instruction/classes, etc.) that are intended to promote health, fitness, weight reduction and/or similar health-related activities. Such facilities may include such accessory uses as food service, sales of sundries and apparel, and child care services, provided that such accessory uses are clearly incidental to the primary use and are for the use of studio patrons only (i.e., not the general public).

142. Heavy Machinery Sales and Storage

A building or open area used for the display, sale, rental or storage of heavy machinery, tractors or similar machines, or a group of machines that function together as a unit.

143. Home Occupation

An occupation carried on in a dwelling unit, or an accessory building to a dwelling unit, by a resident of the premises only, that is clearly incidental and secondary to the use of the premises for residential, and which can be conducted without any significantly adverse impact on the surrounding neighborhood.

144. Hospital

An institution providing health services primarily for human in-patient medical or surgical care for the sick or injured and including related facilities such as laboratories, out-patient departments, training facilities, central services facilities, and staff offices that are an integral part of the facilities.

Acute care – The term "acute care" means an institution where sick or injured patients are given medical and/or surgical treatment intended to restore them to health and an active life.

Chronic care – The term "chronic care" means an institution where those persons suffering from illness, injury, deformity or deficiencies pertaining to age are given medical care and treatment on a prolonged or permanent basis.

145. Hotel

A facility offering temporary lodging accommodations or guest rooms on a daily rate to the general public and providing additional services, such as restaurants, meeting rooms, housekeeping service and recreational facilities. The term "guest room" shall be defined as a room designed for the overnight lodging of hotel guests for an established rate or fee.

146. Household Care Facility

A dwelling unit that provides residence and care to not more than nine persons, regardless of legal relationship, who are elderly; disabled; orphaned, abandoned, abused, or neglected children; victims of domestic violence; or rendered temporarily homeless due to fire, natural disaster or financial setbacks, living together with not more than two supervisory personnel as a single housekeeping unit. This definition is subject to the Assisted Living Facility Licensing Act (Health and Safety Code Ch. 247) and Community Homes for Disabled Persons Location Act, Human Resources Code Ch. 123. A household care facility is also referred to as a hospice.

147. Household Care Institution

A facility that provides residence and care to ten or more persons, regardless of legal relationship, who are elderly; disabled; orphaned, abandoned, abused, or neglected children; victims of domestic violence; convalescing from illness; or temporarily homeless due to fire, natural disaster, or financial setback together with supervisory personnel.

148. **HUD Code-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 (1) or more sections, which, in the traveling mode, is eight (8) body feet or more in width or forty (40) body feet or more in length, or, when erected on site, is three hundred twenty (320) or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air-conditioning and electrical systems. All references to manufactured housing or manufactured home(s) shall be references to HUD-code manufactured housing unless otherwise specified.

149. **Ice Cream/Ice Manufacture**
A business that engages in ice cream/ice manufacturing.

150. **Institution for alcoholic, narcotic, or psychiatric patients (In-Patient)**
An institution providing health facilities for in-patient medical treatment or treatment and recuperation making use of natural therapeutic agents.

151. **Institution for alcoholic, narcotic, or psychiatric patients (Out-Patient)**
An institution offering out-patient treatment to alcoholic, narcotic or psychiatric patients.

152. **Kerosene Manufacture or Storage**
A business that engages in manufacturing or storing kerosene.

153. **Laboratory Equipment Manufacturing**
A facility that makes or produces equipment or products used for research or testing.

154. **Leather Products Manufacture**
A business that engages in manufacturing leather products.

155. **Library, Museum, or Art Gallery**
An institution for the collection, display, and distribution of objects of art, science, or library sciences and which are sponsored by a public or quasi-public agency that is open to the general public.

156. **Livestock Sales/Auction**
A commercial establishment where livestock are collected for sale or auction.

157. **Lumber Mill/Yard**
A business that operates a lumber mill/yard.

158. **Machine Shop**
Shops where lathes, presses, grinders, shapers, and other wood- and metal-working machines are used such as blacksmith, tinsmith, welding, and sheet metal shops; plumbing, heating, and electrical repair shops; and overhaul shops.

159. **Machinery Manufacture**
A business that engages in manufacturing machinery.

160. **Maintenance and Repair Service for Buildings**
A facility engaged in the provision of maintenance and custodial services to firms rather than individuals. This use includes janitorial service, landscape maintenance, and window cleaning services.

161. **Manufactured Home Display or Sales**
The offering for sale, storage, or display of new or previously owned (i.e., used) manufactured housing units (e.g., trailers, HUD-code homes, industrialized homes) on a parcel of land, but excluding the use of such facilities as dwellings either on a temporary or permanent basis.

162. **Manufactured Home Park or Subdivision**
A parcel or parcels of land intended for the short- or long-term placement of manufactured homes. Such a use may be on a single lot with spaces rented to tenants or multiple platted lots for individually-owned manufactured homes. This use may include residence for the owner/manager of the premises, utility hookups, accessory structures, playgrounds and open space areas, fenced yard areas for pets, and other similar amenities.

163. **Marble Working and Finishing**
A business that engages in marble working and finishing.

164. **Massage Therapy Establishment (Licensed)**
A licensed a place of business in which massage therapy is practiced by a massage therapist, as defined and licensed by state law. The term "massage therapy," as a health care service, means the manipulation of soft tissue for therapeutic purposes. The term "massage establishment" includes, but is not limited to, effleurage (stroking), petrissage (kneading), tapotement (percussion), compression, vibration, friction, nerve strokes, and Swedish gymnastics, either by hand or with mechanical or electrical apparatus for the purpose of body massage. The term "massage therapy" may include the use of oil, salt glows, heat lamps, hot and cold packs, tub, shower or cabinet baths. Equivalent terms for "massage therapy" are massage and therapeutic massage. The terms "massage" and "therapeutic" do not include diagnosis, the treatment of illness or disease, or any service or procedure for which a license to practice medicine, chiropractic, physical therapy, or podiatry is required by law.

165. **Mattress, Making and Renovating**
A business that engages in mattress making and renovating.

166. **Meat Packing Plant**
A business that operates a meat packing plant.

167. **Medical Laboratory**
An indoor establishment that includes laboratories and/or experimental equipment for medical testing, prototype design and development, and product testing.

168. **Medical or Dental Office**
A facility or group of offices where one or more licensed medical or dental professionals conduct the examination and treatment of ill and afflicted human out-patients that are not kept overnight on premises except under emergency conditions. This use includes surgical out-patient facilities and plasma centers.

169. **Metal Cans and Shipping Containers Manufacture**
A business that engages in manufacturing metal cans and shipping containers.

170. **Metal Products, Stamping and Manufacture**
A business that engages in manufacturing and stamping metal products.

171. **Micro Brewery, Micro Winery, or Micro Distillery**
An establishment where alcohol or beer is produced on the premises for in-house consumption and sale. Food sales or a restaurant may also be included, as well as associated retail sales. This use typically produces less than 15,000 barrels of alcohol or beer annually. This use also includes a micro winery that generates up to 15,000 gallons of wine annually.

172. **Mirror Resilvering**
A business that engages in mirror resilvering.

173. **Mixed Use**
The development of a building or structure with two or more different uses, such as but not limited to residential, office, retail, public, or entertainment, in a compact urban form where the residential use is located above the nonresidential use.

174. **Mobile Food Court**
A parcel of land where two or more mobile food vendors congregate to offer food or beverages for sale to the public as the principal use of the land. This definition shall not be interpreted to include a congregation of mobile food vendors as a secondary, accessory use, and/or temporary use.

175. **Model Home**
A dwelling in a developing subdivision, located on a legal lot of record that is limited to temporary use as a sales office for the subdivision and to provide an example of the dwellings which have been built or which are proposed to be built within the same subdivision. This use also includes associated sales offices interior to the home.

176. **Motel**
A facility offering transient lodging accommodations for rent to the general public for a daily rate for periods of less than 30 days. Rooms are generally directly accessible from an exterior parking area. Customary hotel services and amenities, such as linen and maid service, are included. If a proposed business does not meet the "hotel" definition, it will be considered a "motel".

177. **Motion Picture Studios, Commercial Films**
An enclosed commercial facility for the filming production and associated activities for commercial films. This use does not include the filming or production of adult motion pictures.

178. **Motor Freight Terminal**
A facility where commercial trucks, including tractors and trailer units, are housed, stored, maintained or repaired. Accessory uses may include offices, fueling or washing and the temporary storage of loads prior to shipment.

179. **Moving and Storage Facilities**
Uses engaged in the moving of household or office furniture, appliances, and equipment from one location to another, including the temporary indoor storage of those same items.

180. **Multiple-Family**
Five or more dwelling units on a single lot designed to be occupied by five or more families living independently of one another, exclusive of hotels or motels.

181. **Municipal or Governmental Use**
Any area, land, building, structure or facility that is owned, used, leased or operated by the city, federal government, state government, or any political subdivision, including police and fire department facilities.

182. **Nail Salon**
Any establishment engaged in the practice of cutting, shaping, polishing or enhancing the appearance of the nails of the hands or feet, including but not limited to the application and removal of sculptured or artificial nails.

183. **Office Equipment Manufacture**
A business that engages in manufacturing office equipment.

184. **Office Showroom/Warehouse**
An establishment with no more than 25 percent of its total floor area devoted to storage and warehousing, but not accessible to the general public. The remaining area may include retail and wholesale sales areas, sales offices, and display areas for products sold and distributed from the storage and warehousing areas.

185. **Oil Compounding and Barreling**
A business that engages in compounding and barreling oil.

186. **Oilcloth Manufacture**
A business that engages in manufacturing oilcloth.

187. **Open Air Market (Temporary)**
A temporary outdoor marketplace where two or more vendors are on private property. Where produce, merchandise, food, or other products are distributed, offered for sale, or sold directly to consumers.

188. **Orthopedic, Prosthetic, Surgical Appliances and Supplies Manufacture**
A business that engages in manufacturing orthopedic, prosthetic, surgical appliances and supplies.

189. **Outdoor Display**
The outdoor display of merchandise, goods or materials actively for sale or samples associated with the primary use of the site on which they are displayed.

190. **Outdoor Sales as a Primary Use**
Any primary use of a premises where goods, materials, or merchandise is displayed for the purpose of sale, and which the display area is greater than 30 percent of the gross floor area of the principal building.

191. **Outdoor Storage**
The outdoor storage of merchandise, goods or materials that are not actively for sale or display.

192. **Paint Manufacture and/or Mixing**
A business that engages in manufacturing and/or mixing paint.

193. **Painting and Refinishing Shop**
A commercial establishment where painting services are performed but not automotive-related painting services, which would be included under "Automotive Repair and Service, Major."

194. **Paper and Paper Pulp Manufacture**
A business that engages in manufacturing paper and paper pulp.

195. **Paper Products and Paper Box Manufacture**
A business that engages in manufacturing paper products and paper boxes.

196. **Park or Playground**
A facility or area for recreational, cultural, or aesthetic use owned or operated by a public agency and available to the general public. This definition may include, but is not limited to, plazas, square, greens, lawns, decorative plantings, walkways, active and passive recreation areas, playgrounds, fountains, swimming pools, pavilions, wooded areas, and water courses.

197. **Parking Lot or Garage**
An area or structure devoted to the parking or storage of cars and trucks of less than one-ton capacity for a fee that may include, in the case of a parking structure only, a facility for servicing automobiles provided that such facility is an internal function for use only by automobiles occupying the structure.

198. **Pawnshop**
An establishment as defined in Texas Finance Code, §371.003, as amended.

199. **Pecan Processing**
A business that engages in pecan processing.

200. **Personal Services**
An establishment providing frequently or recurrently needed non-medical services of a personal nature to individuals as a primary use. This term includes barber and beauty shops, tanning salons, day spas (including incidental massage), weight reduction centers, seamstresses, tailors, shoe repair shops, and services of an informational or instructional nature, including handicraft or hobby instruction. These uses may also include accessory retail sales of products related to the services provided.

201. **Pet and Animal Grooming Shop (No Outside Kennels)**
Pet and animal grooming shop means a retail establishment offering small animals, fish and/or birds for sale as pets, where such creatures are housed within the building, and which may include the grooming of dogs, cats and similar animals.

202. **Petroleum and Petroleum Products Refining**
An industrial plant used for the purifying and distribution of crude petroleum.

203. **Petroleum Distribution/Storage**
A facility for the long-term storage and distribution of petroleum that may also involve wholesale sales, but not retail sales, of petroleum and petroleum-based products. No manufacturing or refining of petroleum or petroleum-based products occurs on the premises, only storage and/or distribution functions.

204. **Plant Nursery**
An establishment, including a building, part of a building or open space, for the growth, display or sale of plants, shrubs, trees and other materials used in indoor or outdoor planting.

205. **Plastic Products, Molding, Casting and Shaping**
A business that engages in manufacturing plastic products, molding, casting and shaping.

206. **Playfield, Stadium, or Sports Arenas**
Any field or stadium owned and operated by an agency other than the city or the school district.

207. **Poultry Hatchery**
A lot, structure, or building used intensively for the raising, feeding, breeding, or keeping of chickens, turkeys, or other poultry for marketing or slaughter, or for the production of eggs for sale.

208. **Poultry Slaughtering and Processing**
A facility for the slaughtering and processing of poultry and the refining of their byproducts.

209. **Printing Ink Manufacture**
A business that engages in manufacturing printing ink.

210. **Private Club**
An establishment providing social and/or dining facilities which may provide alcoholic beverage service, to an association of persons, and otherwise falling within the definition of, and permitted under the provisions of, Alcoholic Beverage Code title 3, Ch. 32, as amended, and as it pertains to the operation of private clubs.

211. **Professional Office**
A room or group of rooms used for executive, management or administrative services. Typical uses include administrative offices and services, including real estate, insurance, property management, investment, legal, personnel, travel, secretarial services, medical, dental, telephone answering, and business offices of public utilities, organizations, and associations, but excluding medical offices.

212. **Propane Sales Filling**
Retail sales of gaseous substances commonly used for household purposes such as propane and/or butane; the term "propane sales" does not include the storage, sale or distribution of other types of combustible substances or alternative fuels such as containerized natural gas, liquid propane, etc.

213. **Publishing and Printing**
An establishment in which the principal business consists of duplicating and printing services using photocopy, blueprint, or offset printing equipment, including publishing, binding, and engraving.

214. **Radio or Television Studio**
A building or portion of a building used as a place for radio or television broadcasting.

215. **Rail Yard**
The use of land, or building or structure or part thereof for activities directly associated with the operation of a railway. Without limiting the generality of the foregoing, such activities may include loading and off-loading freight, and maintenance and repair of railway cars.

216. **Recreation or Community Center**
A building or complex of buildings that house cultural, recreational, athletic, food service or entertainment facilities owned or operated by a governmental agency or private nonprofit agency.

217. **Recreational Vehicle (RV) Park/Campground**
An area or commercial campground for users of recreational vehicles, travel trailers, and similar vehicles to reside, park, rent or lease. A parcel of land not less than three acres nor greater than 35 acres that is designed, improved, or intended to be used for short- or long-term occupancy by recreational vehicles (including travel trailers) in designated spaces. The facility must be developed in accordance with this definition as adopted and may include a residence for the owner/manager of the premises, utility hookups, accessory structures, playgrounds and open space areas, fenced yard areas for pets, and other similar amenities.

218. **Recreational Vehicle Park**
Any lot, tract or parcel of land used in whole or in part to provide facilities and accommodations for two or more recreational vehicles used by transients as living or sleeping quarters, whether by the day, week or for longer periods of time, and with or without compensation.

219. **Recreational Vehicle/Camper Sales**
An establishment that sells, leases and/or rents new and/or used recreational vehicles, travel trailers, campers, boats/watercraft, and similar types of vehicles.

220. **Recycling Collection Center**
A facility engaged in the collection, sorting, bundling, temporary storage, and/or transfer of recyclable materials. For purposes of this Code, recyclable materials include glass, paper, plastic, aluminum, clothing, or other source-separated, non-putrescible materials and do not include motor oil, chemicals, household appliances, tires, automobiles, or automobile parts. This use generally does not include incidental collection boxes or containers located at establishments with an unrelated primary use.

221. **Religious Assembly or Institution**
A facility or area for people to gather together for public worship, religious training, or other religious activities including a church, temple, mosque, synagogue, convent, monastery, or other structure, together with its accessory structures, including a parsonage or rectory. This use does not include home meetings or other religious activities conducted in a privately occupied residence. Accessory uses may include meeting rooms and childcare provided for persons while they are attending assembly functions. Schools and other child care services are not accessory uses and shall require approval as separate principal uses.

222. **Rendering Plant**
A plant or any premises at or within which dead animals or rendering raw materials are rendered, boiled, processed or otherwise prepared to obtain a product for commercial use or disposition other than as food for human consumption and includes all other operations and facilities necessary, useful or incidental to the rendering establishment, except a related station.

223. **Residential Use**
A dwelling unit or group of dwelling units; the term "residential use" includes dwelling units within the second story of a building wherein other parts of the building are used for a nonresidential purpose, such as a retail establishment or office.

224. **Resource Extraction**
The extraction of surface or sub-surface mineral products or natural resources including solids, such as coal and ores; liquids, such as crude petroleum; and gases, such as natural gases. Typical extractive uses are quarries, borrow pits, sand and gravel operations, oil and gas extraction, and mining operations and may include milling, such as crushing, screening, washing, and flotation; and other preparation customarily done at the extraction site or as part of the extractive activity.

225. **Retail, Incidental**
The rendering of incidental retailing or services incidental to the primary use. In the O Office District, for example, such uses may include a barbershop, beauty shop, smoke shop, newsstand, candy counter, restaurant, pharmacy, or other incidental activity secondary to the primary office occupancy. The term "incidental uses" shall mean uses that occupy less than 15 percent of the main use.

226. **Retirement Housing for the Elderly**
A development providing self-contained dwelling units specifically designed for the needs of the elderly. Units may be rented or owner-occupied. To qualify as retirement housing, a minimum of 80 percent of the total units shall have a household head 55 years of age or greater. No long-term or permanent skilled nursing care or related services are provided. Also referred to as an independent living center or congregate housing.

227. **Riding Academy**
A facility used to house equine, which may or may not be owned by the owner of the property, for the purpose of riding lessons or pleasure.

228. **Rug and Carpet Manufacture**
A business that engages in manufacturing rugs and carports.

229. **Sand, Gravel, or Stone Storage and Sales**
Sand, gravel or stone storage (including sales) means the process of storing and/or selling sand, gravel, stone, topsoil, compost or other products from the earth.

230. **Sanitary Station or Dump Facility**
A facility used for removing and disposing of wastes from dependent or self-contained recreational vehicle holding tanks.

231. **School, College or University**
An academic institution of higher learning accredited or recognized by the state and covering a program or series of programs of academic study.

232. **School, Commercial, Trade, Technical**
An institution for the teaching and on-site instruction of industrial, clerical, managerial, or artistic skills.

233. **School, Primary and Secondary**
A school under the sponsorship of a public or religious agency that provides elementary and/or secondary curricula, but not including private business or commercial trade schools.

234. **Scientific and Industrial Research Laboratories (Hazardous)**
Facilities for research, including laboratories, experimental equipment, and operations involving compounding or testing of hazardous materials or equipment.

235. **Scientific and Industrial Research Laboratories (Nonhazardous)**
Facilities for research, including laboratories, experimental equipment, and operations involving compounding or testing of nonhazardous materials or equipment.

236. **Seasonal Uses (Temporary)**
The sales of items such as Christmas trees, pumpkins, snow cones, fresh produce, and other items that are typically only available at certain times of the year.

237. **Self Storage**
Small, individual, storage units for rent or lease, restricted solely to the storage of items. The conduct of sales, business or any other activity within the individual storage units, other than storage, shall be prohibited.

238. **Service Building**
A structure housing a toilet, lavatory, showers and other facilities as may be required by this chapter.

239. **Sexually Oriented Business**
Sexually oriented business means as provided in Chapter 6, Article II.

240. **Shellac And Varnish Manufacture**
A business that engages in manufacturing shellac and varnish.

241. **Sign Manufacturing (No Outdoor Storage)**
A business that engages in manufacturing signs (no outdoor storage).

242. **Sign Manufacturing (With Outdoor Storage)**
A business that engages in manufacturing signs (with outdoor storage).

243. **Single-Family, Detached**
A dwelling designed and constructed as a free-standing structure for occupancy by one family and located on a lot or separate building tract having no physical connection to a building located on any other lot or tract. The term single-family dwelling occupied by one family, has a common entrance, one common kitchen facility, and is utilized as one living quarters.

244. **Small Engine Repair Shop**
A shop for the repair of lawnmowers, chainsaws, lawn equipment, and other machines with one-cylinder engines.

245. **Snuff Manufacture**
A business that engages in manufacturing snuff.

246. **Soap, Detergents, Cleaning Preparations Manufacture**
A business that engages in manufacturing soap, detergents, and cleaning preparations.

247. **Solid Waste Facility or Landfill**
A facility where non-hazardous wastes are taken from collection vehicles, temporarily stored, and ultimately relocated to a permanent disposal site. This includes any facility, incinerator, landfill, materials recovery facility, solid waste landfill, solid waste management facility, recovered materials processing facility, or sanitary landfill.

248. **Stable, Commercial**
A stable used for the rental of stall space or the sale or rental of horses or mules.

249. **Stables, Private**
An area used solely for the owner's private purposes to keep horses, mules, or ponies that are not kept for remuneration, hire, or sale.

250. **Starch Manufacture**
A business that engages in manufacturing starch.

251. **Steel Works, Blast Furnaces and Rolling Mills**
A business that engages in operating steel works, blast furnaces and rolling mills.

252. **Stone Cutting or Crushing**
A business that engages in cutting or crushing stone.

253. **Stone Monuments and Gravestones, Engraving and Retail Sales Only**
A commercial establishment primarily for the retail sale of monuments for placement on graves. This use includes the sale, storage, and delivery of headstones, footstones, markers, statues, obelisks, cornerstones, and ledgers.

254. **Stone, Clay, Glass and Concrete Products (Other Than Handicrafts) Manufacture**
A business that engages in manufacturing stone, clay, glass and concrete products (other than handicrafts).

255. **Swimming Pool, Commercial**
A swimming pool with accessory facilities which is not part of the municipal or public recreational system and which is not a private swim club, but where the facilities are available for use by the general public for a fee.

256. **Tattoo or Body Piercing Studio**
A building or portion of a building used for selling or applying tattoos (by injecting dyes/inks into the skin) or for piercing the skin with needles, jewelry or other paraphernalia, primarily for the purpose of ornamentation of the human body.

257. **Taxi/Limousine Service**
A service that offers transportation in passenger automobiles, vans, or limousines to persons in return for remuneration. The business may include facilities for servicing, repairing, and fueling the taxicabs or vans.

258. **Telephone and Exchange/Switching Station**
A line for the transmission of telephone signals and a central office in which telephone lines are connected to permit communication but not including a business office, storage (inside or outside) or repair yards.

259. **Temporary Contractors Field Office**
A structure or shelter used in connection with a development or building project for housing on the site of temporary administrative and supervisory functions and for sheltering employees and equipment.

260. **Temporary Outdoor Sales**
The temporary outdoor sale of merchandise, goods, or materials.

261. **Temporary Real Estate Field Office**
A building, structure, or portable trailer used temporarily for sales of residential units in a recorded subdivision or development with a residential use component and in which sales and construction of residential units is planned and underway.

262. **Temporary Storage Containers**
Temporary structures or units used for storage.

263. **Tennis Court (Lighted)**
A surface designed and constructed for playing the game of tennis or pickleball along with all fencing, nets and related appurtenances with lighting for nighttime play.

264. **Tennis Court (Not lighted)**
A surface designed and constructed for playing the game of tennis or pickleball along with all fencing, nets and related appurtenances but excluding lighting for nighttime play in residential areas.

265. **Textile Products Manufacture**
A business that engages in manufacturing textile products.

266. **Theater (Indoor)**
An indoor facility that provides fixed seating for customers to view motion pictures, dramatic, musical, or live performances, including accessory snack or food and beverage services.

267. **Theater or Playhouse (Indoor)**
A building or part of a building devoted to the showing of motion pictures, or for dramatic, musical or live performances.

268. **Tire Retreading and Recapping**
A business that engages in tire retreading and recapping.

269. **Tire Sales (with Outdoor Storage)**
A retail establishment engaged in the sale and/or installation of tires for vehicles with outdoor storage.

270. **Tool and Machinery Rental**
A building or a portion of a building used for the display and rental of tools, machinery and instruments and that may have outdoor storage.

271. **Townhome**
A dwelling that is joined to another dwelling at one or more sides by a party (i.e., shared) wall, which is designed for occupancy by one family, and which is located on a separate lot delineated by front, side, and rear lot lines.

272. **Transit Terminal**
Any premises for the transient housing and/or parking of motor-driven buses and the loading and unloading of passengers.

273. **Transportation and Utility Structures or Facilities**
Permanent facilities and structures operated by companies engaged in providing transportation and utility services, including, but not limited to, railroad track rights-of-way, sewage pumping stations, telephone exchanges, transit station turnarounds, water reservoirs, and water pumping stations.

274. **Triplex or Quadplex**
A residential structure containing three or four dwelling units that share common walls and are designed exclusively for the use and occupancy of multiple households living independently of each other on one platted lot.

275. **Truck and Bus Leasing**
The rental of new or used panel trucks, vans, trailers, recreational vehicles or motor-driven buses in operable condition and where no repair work or intensive cleaning operations are performed.

276. **Truck and Bus Repair**
An establishment providing major and minor automotive repair services to heavy load vehicles.

277. **Truck Manufacture**
A business that engages in manufacturing trucks.

278. **Truck Sales and Services**
The display, sale or rental of new or used heavy load vehicles in operable condition.

279. **Truck Stop**
A facility for the parking, refueling or minor repair of heavy load tractor-trailer trucks. These facilities may also include retail sales of food and/or other items, restaurants, restroom/showers facilities, and/or temporary sleeping quarters.

280. **Truck Terminal**
An area and building where cargo is stored and where trucks, including tractor and trailer units, load and unload cargo on a regular basis. The term "truck terminal" may include facilities for the temporary storage of loads prior to shipment.

281. **Vehicle Dealership and Rental Services**
The sale, rental, or leasing of new and/or used automobiles, noncommercial trucks, motorcycles, or recreational equipment, including incidental storage, maintenance, and servicing. Typical uses include new and used car dealerships, motorcycle dealerships, and ATV dealerships.

282. **Veterinarian Clinic (Indoor Kennels)**
An establishment where animals and pets are admitted for examination and medical treatment and that may have indoor kennels or pens.

283. **Veterinarian Clinic (Outdoor Kennels Or Pens)**
An establishment where animals and pets are admitted for examination and medical treatment and that may have outdoor kennels or pens.

284. **Warehousing and Distribution**
A facility engaged in the storage, distribution, or movement of materials, equipment, or goods for themselves or other firms. Typical uses include separate warehouses used by retail stores such as furniture and appliance stores, household moving, and general freight storage where the goods are stored in a building, cold storage plants or frozen food lockers, major wholesale distribution centers, truck or air freight terminals, or parcel services.

285. **Waste Management**
Uses that receive solid or liquid wastes from others for transfer to another location, collect sanitary wastes, or manufacture or produce goods or energy from the composting of organic material. Typical uses include solid or liquid waste transfer facilities, composting facilities, animal waste processing, and recycling facilities.

286. **Waste Paper Products Manufacture**
A business that engages in manufacturing waste paper products.

287. **Water Distillation**
A business that engages in water distillation.

288. **Wedding Chapel or Reception Venue**
A building, structure, or site is available for public rental for the primary purpose of hosting parties, weddings, wedding receptions, banquets, corporate meetings, or similar group events. This use does not include an event room available for rental in a structure housing another primary use where the event room rental is an accessory use to the primary use (i.e., Restaurant).

289. **White Lead Manufacture**
A business that engages in manufacturing white lead.

290. **Wireless Communication Facility**
Any staffed or unstaffed facility for the transmission and/or reception of radio frequency signals, or other wireless communications, and usually consisting of an antenna or group of antennas, transmission cables, and equipment enclosures, and may include an antenna-supporting structure. The following developments shall be considered as a Wireless Communication Facility: developments containing new or existing antenna-supporting structure, public antenna-supporting structures, replacement antenna-supporting structures, colocations on existing antenna-supporting structures, attached wireless communications facilities, stealth wireless communication facilities, temporary wireless communications facilities and satellite earth stations.

291. **Wood Container Manufacture**
A business that engages in manufacturing wood containers.

292. **Wood Distillation (Manufacture of Tar, Charcoal, Turpentine and Similar)**
A business that engages in the distillation of wood (manufacturing of tar, charcoal, turpentine and similar).

293. **Wood Preserving Manufacture and Treatment**
A business that engages in manufacturing and treating wood preserving.

294. **Wood Products Manufacture**
A business that engages in manufacturing wood products.

295. **Wrecking or Salvage Yard**
An establishment where junk, waste, discarded, or salvaged materials are bought, sold, exchanged, stored, baled, packed, disassembled, or handled, including wrecked, impounded, and repossessed automobiles, house wrecking and structural steel materials and equipment, and vehicles or appliances which are inoperable, but not including the interior purchase, sale, or storage of used furniture and household equipment. Typical uses include automotive wrecking yards, junk yards, paper salvage yards, towing services, and impound lots.

296. **Zero-Lot Line/Patio Home**
A single-family dwelling on a separately platted lot designed such that one side yard is reduced to zero feet to maximize the width and usability of the other side yard, and which permits the construction of a detached single-family dwelling with one side (i.e., wall) of such dwelling placed on the side property line.

2.05. Zoning Development Standards

A. Building and Site Design

1. Purpose

The purpose of these standards is to ensure development enhances the community's aesthetic quality, promotes functional design, and aligns with the City's long-term vision for architectural integrity and character. These standards are designed to:

a. Improve the appearance and value of developments, particularly along high-visibility corridors.

b. Encourage innovative, high-quality design while maintaining flexibility to accommodate architectural creativity.

2. Applicability

This section applies to development in all zoning districts unless otherwise stated. The regulations herein must be met in the following circumstances:

a. At the time any building or structure is constructed or expanded by more than 50 percent in square footage.

3. Residential Proximity Slope

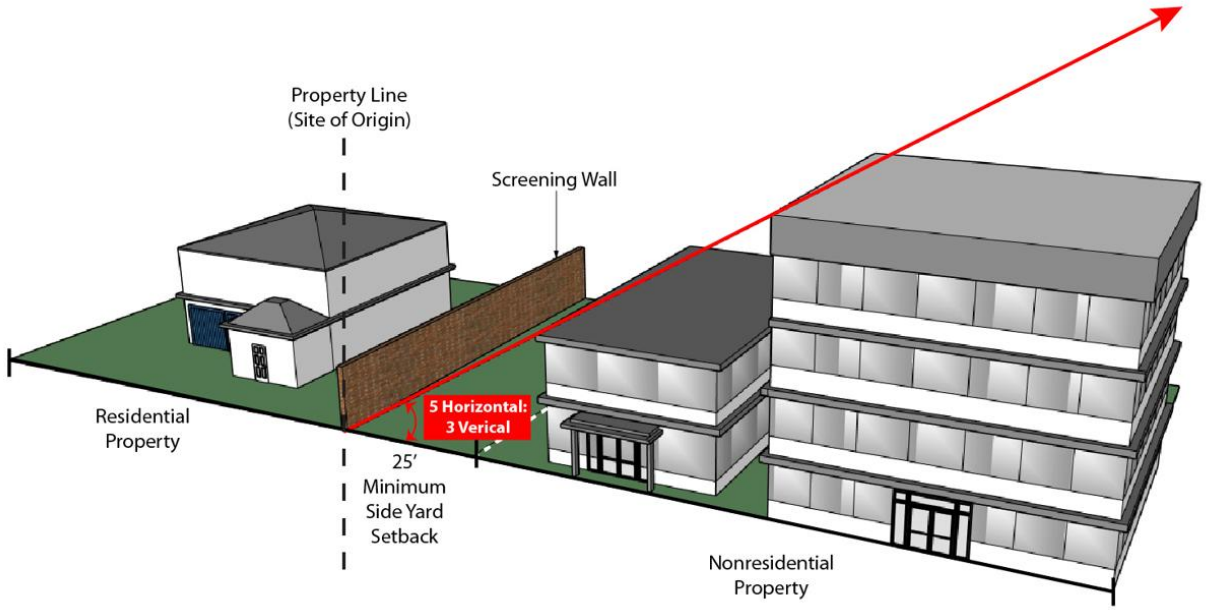
In all districts, where any building that exceeds 45 feet in height is adjacent to a Single-Family or Duplex zoned property, the following restrictions shall apply:

a. Adjacency exists if a building is immediately beside, behind, or facing Single-Family or Duplex zoned property. This includes a building directly across a Collector, Local Street, or an Alley.

b. In lieu of the setbacks prescribed for each district, setbacks must be at least 25 feet and follow a ratio of five (5) feet in horizontal distance for every three (3) feet of building height, measured from the adjacent property line of the Single-Family or Duplex zoned property.

c. See **Figure 2.05-1. Setback and Height Relationship** for an illustration of this slope measurement.

Figure 2.05-1. Setback and Height Relationship



4. Nonresidential Developments

The following standards apply to new construction or expansions of more than 50 percent of the square footage of all nonresidential development, except in the Industrial (I) District.

a. Building Orientation and Facades

i. Orientation

Buildings shall generally be parallel to the street they front unless an alternate orientation is consistent with existing adjacent development.

ii. Building Entrance

(a) The primary entrance shall front a public street with a walkway connecting to a front sidewalk.

(b) A front facade shall be articulated and designed to present a distinctive entry presence, emphasizing the building's entry point along the façade.

(c) Each building's primary entrance shall provide a sheltered, recessed, or covered entry to provide weather protection.

b. Façade Articulation

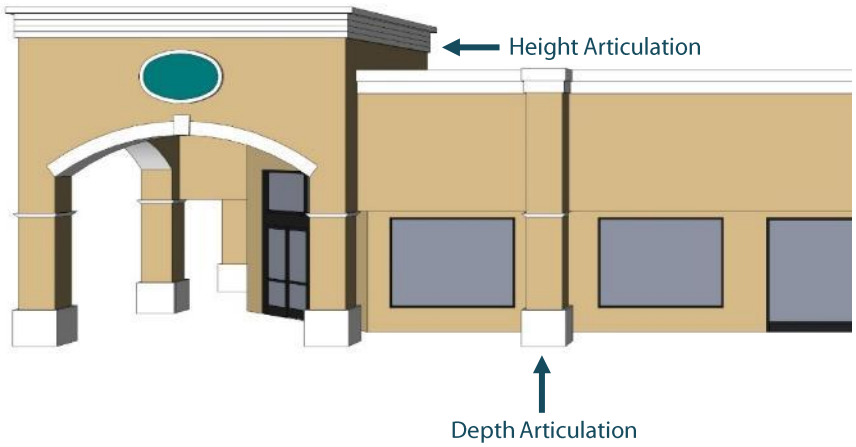
i. Depth and height articulation should be combined to create a façade with architectural variety. The regulations in this subsection are not intended to prescribe a formula for building design but rather to prevent monotonous or "boxy" appearances.

ii. To avoid the appearance of a flat wall or roofline, façade depth and height articulation is required on any façade of a building that faces a public street or a residential zoning district.

iii. Depth Articulation of at least 3 feet shall be required for every 30 feet of building façade length.

iv. Height Articulation for flat roofs of at least 5 feet shall be required for every 50 feet of building façade length. Pitched roofs do not require height articulation.

Figure 2.05-2. Example of Depth and Height Articulation



c. Roof Design Standards

i. All structures shall be constructed with a pitched roof, flat roof with a parapet, or a combination thereof.

ii. All flat roof surfaces shall be screened so that the actual roof surfaces and rooftop equipment are not visible from ground level in accordance with **E.4.k. Mechanical/Utility Equipment**.

d. Minimum Quality Design Elements Required

i. Each building in a development must provide the minimum number of quality design elements identified in **Figure 2.05-3. Minimum Architectural Features Required** based on the building's square footage. The design elements may be selected from **iii. Quality Building Design Elements**, **iv. Quality Site Design Elements**, or a combination thereof. Each element may be counted once per building.

Figure 2.05-3. Minimum Architectural Features Required

Building Size	Minimum Number of Quality Building Design Elements (subsection 2.05.A.4.d.iii) and Quality Site Design Elements (subsection 2.05.A.4.d.iv)
25,000 square feet or less	At least 3 elements
Between 25,000 and 50,000 square feet	At least 4 elements
50,000 square feet or more	At least 5 elements

ii. Incentives for Providing Additional Quality Design Elements Above Minimum Required

(a) A development that exceeds the minimum required features by two elements may request an additional 10 feet of maximum height or a 3 percentage point increase in lot coverage.

(b) A development that exceeds the minimum required features by four elements may request an additional 15 feet of maximum height or a 5 percentage point increase in lot coverage.

(c) The height bonus cannot exceed the height limitation established by 3. Residential Proximity Slope.

iii. Quality Building Design Elements

(a) Use of primary masonry (brick, limestone, granite, true stucco) for a minimum of 75 percent of the exterior façade excluding windows and secondary masonry (applied brick or stone, EIFS, architectural metal panels) for up to 25 percent.

(b) Canopies, awnings, arbors, or porticos a minimum of 6 feet in depth.

(c) Roof overhangs, cornice projections, or eaves with a minimum 2-foot overhang.

(d) Articulation beyond the minimum required.

(e) Arcade or colonnade; minimum 8 feet in height and spanning at least 50 percent of the length of a street-facing façade.

(f) Arched forms (prominent or repeating).

(g) Outdoor patios (located on private property) at least 250 square feet and exclusive of sidewalks.

(h) Display windows at least 7 feet in height and measuring no more than 36 inches from the ground.

(i) Artistic architectural details such as friezes, tile work, murals, 3D brick, patterns, or moldings.

(j) Integrated planters or knee walls with landscape and sitting areas (located on private property).

(k) Offsets, reveals, pilasters, projecting ribs, or other 3D features incorporating or suggesting architectural or structural members.

(l) Other contrasting detailing, such as banding along 50 percent or more of the building exterior or mottled brick on 50 percent or more of the masonry surface.

(m) Enhanced exterior light fixtures such as wall sconces, light coves with concealed light sources, non-directional or indirect light strips, or decorative pedestal lights in conformance with **2.05.F Outdoor Lighting**.

iv. Quality Site Design Elements

(a) Placement of at least 50 percent of the parking to the side or rear of the main building, or have no more than one double-loaded row of parking between the building and the street.

(b) Designate 10 percent or more of the site as shared access usable open space with at least one street frontage, containing items such as seating, water features, seasonal plantings in decorative planters, decorative bollards, textured paving, living wall, mural, decorative lighting, trash receptacles, available public water for people and pets, electrical hook-ups to allow programming, and/or a comparable amenity proposed by the applicant. Usable open space shall not include any paving designed to convey motor vehicles, parking lot tree islands, the building footprint, areas containing above-ground utilities, required landscaping, or gated or private open space not accessible to the general public.

(c) Provide patios for outdoor dining equivalent to 5 percent of the site or 30 percent of a planned restaurant dining area.

(d) Provide public art on-site equivalent to 1 percent or more of the overall project cost.

(e) Provide additional off-street connections with neighboring properties other than those properties within the development.

(f) Utilize decorative pavement for 25 percent or more of hardscape, including stamped concrete or pavers. Applied patterns are not acceptable except for use as public art.

(g) Provide at least one entryway feature, such as a monument or archway that is not used for advertising any tenants but that may display the name of the development or the City.

B. Off-Street Parking and Loading

1. Purpose

The purpose of this article is to secure safety from fire, panic, and other dangers; to lessen congestion on public streets; to facilitate the adequate provision of transportation; to conserve the value of buildings; and to encourage the most appropriate and efficient use of land.

2. Applicability

This section applies to development in all zoning districts. The regulations herein must be met in the following circumstances:

a. At the time any building or structure is constructed or expanded in square footage; or

b. At the time of a change in use or occupancy.

3. All Parking

The minimum off-street parking and loading shall be provided as set forth in the following provisions.

a. Amount of Parking

b. Development shall provide at least the number of off-street vehicular parking spaces required by **2.04.B. Permitted Use Chart** unless otherwise indicated within this UDC. Parking, Loading, and Driveway Surfaces

All required parking, loading, and driveway spaces must be asphalt or concrete surfaces.

i. Exception: Driveways and approaches to parking spaces do not require asphalt or concrete in the AG District.

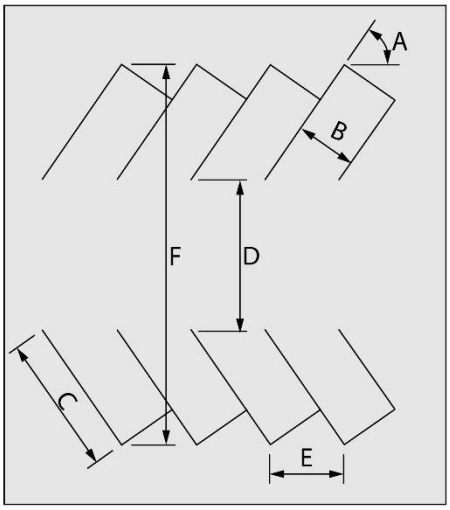
c. Parking Dimensions

The minimum dimensional requirements for parking stalls and driving aisles are shown in **Figure 2.05-4. Minimum Requirements for Parking Space Configuration, Arrangement, Size, and Circulation**.

Figure 2.05-4. Minimum Requirements for Parking Space Configuration, Arrangement, Size, and Circulation

A	B	C	D		E	F
Parking Angle (in degrees)	Stall Width (in feet)	Stall Depth (in feet)	Aisle Width for One-Way Traffic (in feet)	Aisle Width for Two-Way Traffic (in feet)	Curb Length Per Car (in feet)	Parking Lot Width (curb-to-curb, in feet)
0°	8.0	20.0	12.0	24.0	23.0	-
30°	9.0	17.3	12.0	24.0	18.0	37.5
45°	9.0	19.6	13.0	24.0	12.7	46.5
60°	9.0	21.0	18.0	24.0	10.4	65.5
90°	9.0	19.0	24.0	24.0	9.0	-

Figure 2.05-5. Parking Configuration Diagram



4. Residential Districts; Off-Street Parking Provisions

   The following are parking regulations for single-family, zero lot line, patio home, townhome, and single-family attached dwelling units.

   a. For calculating the number of required spaces, the first two parking spaces contained in covered garages and/or covered carports for each dwelling unit shall not be considered as off-street parking spaces. For example, if a dwelling has a three-car garage, one additional off-street parking space would be required in addition to that included within the garage.

   b. Off-street parking spaces shall be directly adjacent to a dwelling or garage.

   c. For the purposes of this subsection, the minimum dimensions of each parking space shall be in accordance with **Figure 2.05-4. Minimum Requirements for Parking Space Configuration, Arrangement, Size, and Circulation**.

   d. All driveways and parking areas shall be the same material as the abutting street or concrete.

   e. Additional parking shall be required in accordance with this section for any recreational uses, clubhouse, office, sales offices and other similar accessory structures and uses.

   f. No more than one recreational vehicle, travel trailer, boat, etc. (but not including golf carts) may be parked or stored in a residential driveway except for temporary loading, unloading, or service-related stops not exceeding 24 hours in a 7-day period.

   g. No required parking space, garage, carport, or other automobile storage space shall be used for the storage of any Heavy Load Vehicle (see **Article 5. Definitions**, #57 Heavy Load Vehicle). No such vehicle shall be stored or parked for more than 72 hours within a 30-calendar-day period or on a regular, repetitive basis on any street, or within any front yard or street side yard. Such a vehicle shall be parked in a space that is located on a concrete or asphalt paved surface.

   h. For Parking Regulations for the MHP District, see **G. Manufactured Homes/Recreational Vehicles**, subsection **G.4.f. Parking Spaces**.

5. Nonresidential and MF Districts; Off-Street Parking Provisions

   a. No on-street parking shall be counted as meeting the requirements of this section unless otherwise stated and may be restricted or prohibited by the City.

   b. All parking areas shall be separated from walkways, sidewalks, streets, or alleys by a wall, fence, curbing, or other protection device in accordance herewith and in accordance with other applicable City specifications.

   c. Covered Parking and Density Bonuses

      i. An increase in density of a total of up to 24 units per acre is permitted when at least 50 percent of the required parking spaces are constructed as covered or enclosed spaces.

      ii. An increase in density of a total of up to 26 units per acre is permitted when 100 percent of the required parking spaces are constructed as covered or enclosed spaces.

   d. For safety and firefighting purposes, free access through to adjacent nonresidential parking areas shall be provided in accordance with **10. Fire Lanes** below.

   e. All off-street parking, driveways, maneuvering, and loading areas shall be designed in accordance with **Figure 2.05-4. Minimum Requirements for Parking Space Configuration, Arrangement, Size, and Circulation and Figure 2.05-5. Parking Configuration Diagram**. All such areas shall be drained to prevent damage to abutting properties and/or public streets and alleys.

   f. Parking regulations for the NR District

      i. Parking areas must be located to the side or rear of primary buildings. No parking shall be located between the front and/or side facades of primary buildings and street right-of-way(s) unless otherwise specific by the following:

         (a) One-way vehicle drive-through lanes for overall circulation as well as drive-through and pickup/drop off services shall be exempt from this standard.

         (b) A maximum of one, one-way aisle of parallel and/or angled parking stalls shall be permitted between street right-of-way(s) and facades of primary buildings.

      ii. No parking area may be located closer than 10 feet from the property lines for properties zoned for Single-Family Residential uses.

   g. All existing driveways within the Old Town area as of the effective date of this section shall be deemed as conforming (unless they represent a threat to public health, safety and welfare, in which case the City may require removal and/or relocation and/or refurbishment).

   h. For new construction only, all vehicle maneuvering shall take place on-site. No public right-of-way shall be used for backing or maneuvering into or from a parking space or for circulation within a parking lot.

      i. All entrances into parking lots shall be at least 20 feet in width and with a maximum of 40 feet in width.

      ii. Divided entrances into parking lots shall have a minimum ingress lane of 18 feet, a minimum landscaped median width of five feet for an unbroken distance of at least 50 feet, and a minimum egress lane of 22 feet. All divided entrances shall be a maximum of 45 feet in width.

   i. In all nonresidential, mixed-use, and multifamily development, the perimeter of all parking lots and driveways shall be provided with concrete curbs. Parking shall not be permitted to encroach upon the public right-of-way.

   j. Refuse storage facilities placed in a parking lot shall not be located in a designated parking or loading space.

   k. Parking spaces for persons with disabilities and other associated provisions (e.g., clear and unobstructed pathways into buildings, crosswalks across parking lots, etc.) shall be provided according to building

codes, state laws, and requirements of the Americans with Disabilities Act (ADA), Texas Accessibility Standards (TAS), and the Public Right-of-Way Accessibility Guidelines (PROWAG).

l. Off-street parking and loading spaces shall be used exclusively for their designated purposes and shall not be used for refuse containers, cart corrals, recycling kiosks, signs, telecommunications towers, or the storage, display, or sale/lease/rent of goods, vehicles, or equipment. These areas shall also not be used for vehicle repair (other than normal maintenance), dismantling, storage of materials or supplies, or any activity that conflicts with their primary function, such as advertising or outdoor storage of raw materials.

m. All off-street parking areas shall be kept free of trash, debris, vehicle repair operation or display and advertising uses. At no time after initial approval of the parking area layout can changes be made in the location and number of provided spaces without City approval of a revised plan, as described in **2.02. Zoning Procedures**.

n. A stacking space shall be an area on a site measuring at least eight feet wide by 20 feet long that has direct forward access to a service window or station of a drive-through facility and that does not constitute space for any other circulation driveway, parking space, or maneuvering area. If required below, an escape lane of at least eight feet in width and with negotiable geometric design must be provided to allow vehicles to get out of the stacking lane if necessary. Off-street stacking requirements for drive-through facilities shall be as follows:

Figure 2.05-6 Minimum Stacking Space Requirements

Use	Minimum Number of Stacking Spaces
Banks and Financial Institutions (With Drive-Through Service)	Four (4) spaces per teller window or station, whether human or mechanical, with one (1) escape lane.
Eating Establishment (With Drive-Through Service)	Five (5) spaces for the first vehicle stop and two (2) spaces for each additional stop (e.g., order or pick-up window). An escape lane shall be provided parallel to the stacking lane, beginning at the start of the stacking lane and continuing to the pick-up window. The escape lane shall be a minimum of eleven (11) feet in width and provide unobstructed access around the drive-through facility.
Automobile Wash (Full-Service/Detail Shop)	Four (4) spaces for each vacuum or gas pump lane. For the finish/drying area, adequate vehicle stacking and storage space must be provided to keep finished vehicles out of circulation aisles, access easements, fire lanes, streets, etc.
Automobile Wash (Automated Self-Service)	Three (3) spaces in addition to the wash bay itself, with one (1) space provided at the exit end of each wash bay for window-drying and other detailing.
Automobile Wash (Wand-Type Self Service)	Two (2) spaces in addition to the wash bay itself, with one (1) space provided at the exit end of each wash bay for window-drying and other detailing, unless a separate area/shade structure is provided outside of circulation aisles for these activities.
Automotive Repair and Service, Minor	Three (3) spaces for each service bay in addition to the service bay itself.
Other Drive-Through Not Listed	Three (3) spaces for each service window.

o. Dead-end parking areas shall be avoided if possible. If dead-end parking is necessary, then it shall be designed such that it is no more than five parking spaces deep, unless adequate turnaround space is provided. A minimum five-foot deep hammerhead back-up space shall be provided at the end of any dead-end parking area.

p. All parking structures must conform to the construction and design standards of the zoning district in which they are located.

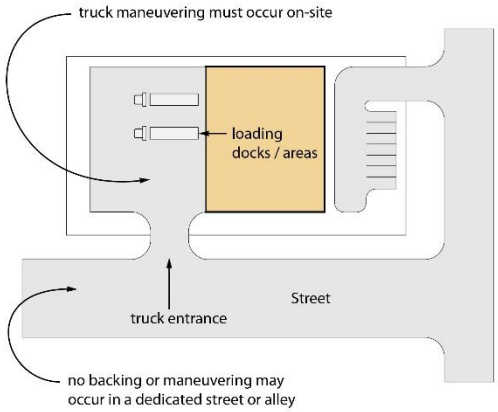
6. Off-Street Loading Space – All Districts

   a. All retail and similar nonresidential structures shall provide and maintain off-street facilities for receiving and loading merchandise, supplies, and materials within a building or on the lot or tract. All drives and approaches shall provide adequate space and clearances to allow for the maneuvering of trucks off-street.

   b. Each site shall provide a designated on-site maneuvering area for trucks (see **Figure 2.05-7. Truck Maneuvering Related to Loading Areas**). Such off-street loading space may be adjacent to (but not any portion of) a public alley or private service drive, or it may consist of a truck berth within the structure.

   c. The minimum dimensions of a "regular" loading space shall be ten feet by 30 feet, and a "large" loading space shall be at least ten feet by 65 feet. Loading spaces or berths shall be provided as deemed appropriate by the Community Development Director.

Figure 2.05-7. Truck Maneuvering Related to Loading Areas



   d. Loading docks for any establishment that customarily receives goods between the hours of 9:00 p.m. and 8:00 a.m. and is adjacent to a residential use or district shall be designed and constructed so as to minimize the effects of the noise of the operation on adjacent residences. Other screening/buffering alternatives may be approved on the applicable required plan (provided that the City makes a finding that the method of screening/buffering will be adequate to protect nearby residences.

   e. Below grade loading docks are required to have operational sump pumps or other approved drainage.

   f. Elementary schools, day schools, and similar child care establishments shall provide one paved off-street pedestrian loading and unloading space for an automobile on a through "circular" drive for each ten students cared for (excluding Child Care Home (≤ 6 Children) and Child Care Home (≥ 7 Children)). An additional lane shall also be required to allow pass-by or through traffic to move while automobiles waiting or parked to pick up children occupy loading/unloading areas.

   g. Loading spaces that are adjacent and easily accessible to several buildings or uses, including buildings and uses on separate lots, shall be allowed to satisfy the loading requirements for the individual buildings or uses.

   h. Loading spaces to be shared among separate lots shall be in reasonably close proximity to all potential users and an agreement granting mutual use by the owners of each building shall be executed and provided to the Community Development Director.

7. Parking Access from a Public Street – All Districts

   a. Consideration shall be given to providing entrance/exit drives that extend into the site to provide adequate queuing of vehicles on the site.

b. Entrance/exit drives shall be appropriately designed and located to minimize traffic congestion or conflict within the site and with adjoining public streets. Based upon analysis by the City, if projected volumes of traffic entering or leaving a development are likely to interfere with the projected peak traffic flow volumes on adjoining streets, additional right-of-way and paving in the form of a deceleration lane, a turn lane, or other roadway improvements may be required of a developer in order to reduce such interference and to help ensure traffic safety and efficiency. The dedication of additional right-of-way or street paving may also be required, and shall be determined at the time the required plan and final plat are approved by the City.

c. Vehicular access to nonresidential uses shall not be permitted from alleys serving residential areas, and shall not be configured as "head-in" parking spaces that are accessed directly from the street.

d. Parking space configuration, arrangement, size and circulation in all districts shall be constructed according to **Figure 2.05-4. Minimum Requirements for Parking Space Configuration, Arrangement, Size, and Circulation** and **Figure 2.05-5. Parking Configuration Diagram.**

8. Rules for Computing Number of Parking Spaces and Miscellaneous Off-Street Parking Requirements

In computing the number of parking spaces required for each of the above uses, the following rules shall govern:

a. The term "floor area" means the gross floor area of the specific use.

b. The term "seat" shall be interpreted as follows:

i. For fixed (e.g., pews, grandstands, benches, etc.) seating, one seat equals 1.75 feet of length; and

ii. For flexible (e.g., folding chairs, etc.) seating areas, one seat equals eight square feet of floor area occupied by such seating area (including aisles).

c. Where fractional spaces result, the parking spaces required shall be calculated by rounding to the nearest whole number.

d. The parking space requirements for a new or unlisted use not specifically mentioned herein shall be the same as required for a use of a similar nature. If the proposed use is not similar to any of the uses listed herein, a determination shall be made/approved by the City, in conjunction with the request for classification of the new or unlisted use, as provided in **2.04.A.1.c. Classification of New/Unlisted Uses**.

e. For buildings that have a combination of uses within the same structure or on the same premises (such as retail or office), the off-street parking requirement shall be calculated as the summation of the parking requirements for each use, and no parking space for one particular use shall be allowed to count toward the parking requirement for some other use on the premises except in the case of a shared parking arrangement (see **9.a** below).

9. Reduced Parking Provisions

a. Shared Parking

Shared parking may be allowed in the case of mixed uses (different buildings) under the following conditions:

i. Up to 50 percent of the parking spaces required for a theater, other place of evening entertainment (after 6:00 p.m.), or for a place of worship, may be provided and used jointly by banks, offices, and similar uses not normally open, used, or operated during evening or weekend hours.

ii. Shared parking must be located on the same or adjacent properties.

iii. Adequate, safe, and well-lit pedestrian access shall be provided between the shared parking area and the primary pedestrian entrances to the use served by the shared parking.

iv. Reduction due to shared parking shall only be allowed if approved by the City on the applicable required plan (see **2.02. Zoning Procedures**).

v. To ensure retention of the shared parking spaces, each property owner shall properly draw and execute an irrevocable mutual parking agreement document expressing the same, shall file this agreement in the county real property records, and shall provide a copy of the filed agreement to the City prior to issuance of a certificate of occupancy for any use that relies upon the parking agreement.

b. Alternative Compliance

The Director is authorized to reduce off-street parking requirements by up to 15 percent if one (or more) of the following conditions is present:

i. The applicant demonstrates that adequate public parking is available within 300 feet of the subject property.

ii. The applicant provides a parking study prepared by a transportation engineer that determines reduced parking requirements meet the demand of the proposed use.

(a) Such a study shall estimate parking demand for the proposed use based on the recommendations of the Institute of Traffic Engineers (ITE), Urban Land Institute, the International Council of Shopping Centers, the American Planning Association, or other acceptable source of parking demand data for uses and/or combinations of uses of comparable activities, scale, bulk, area, and location.

10. Fire Lanes

Fire lanes shall be provided in all multifamily (and in some single-family attached) developments, manufactured home parks, mixed-use developments, and nonresidential developments, as required by the adopted fire code of the City. For additional regulations on fire lanes, refer to Chapter 20. .

11. Special Regulations for Recreational Vehicles or Equipment

No recreational vehicle shall be left unattended or parked for more than 24 hours within any parking lot, parking spaces, drive aisle, vacant or unused property, or pervious/unpaved surface area (except an appropriately zoned and approved/paved parking lot for such vehicles). An owner or tenant of a residential lot may park outdoors up to one accessory vehicle (recreational vehicle, boat, trailer, etc. (excluding golf carts) that they own on the same lot in accordance with City regulations. Such vehicle parking must also meet all other required City ordinances. Additional accessory vehicles, if any, shall be stored within an enclosed permanent structure.

C. Landscaping

1. Purpose

   Landscaping is accepted as adding value to property and is in the interest of the general welfare of the City. The provision of landscaped areas also serves to increase the amount of a property that is devoted to pervious surface area that, in turn, helps to reduce the amount of impervious surface area, stormwater runoff, and consequent non-point pollution in local waterways. Therefore, landscaping is required for all new development, except single- and two-family and agricultural uses.

2. Applicability

   This section applies to all new development. The regulations herein must be met in the following circumstances:

   a. At the time any building or structure is constructed or expanded by more than 25 percent in square footage; or

   b. Any use requiring a Conditional Use Permit (CUP) or a PD Planned Development zoning designation must comply with these landscape standards unless special landscaping standards are otherwise provided for in the ordinance establishing the CUP or PD District. In no case shall the standards provided for in the CUP or PD ordinance be less than the standards required by this section.

3. Administration and Enforcement

   a. The provisions of this section shall be administered and enforced by the Community Development Director.

   b. If at any time after the issuance of a Certificate of Occupancy, the approved landscaping is found to be dead or otherwise not in conformance with the standards and criteria of this section, the Building Official shall issue notice to the owner, citing the violation and describing what action is required to comply with this section. The owner, tenant or agent shall have 30 calendar days from date of said notice to establish/restore the landscaping, as required. If the landscaping is not established/restored within the allotted time, then such person shall be in violation of this chapter.

4. Permits

   a. No permits shall be issued for building, paving, or construction until a detailed landscape plan is submitted and approved by the Community Development Director, along with other required plans. A landscape plan shall be required as part of other required submissions and may be shown on the concept plan (**2.02.F. Concept Plans**), building permit plan (**2.02.H. Building Permit Plans and Building Permits**), or site plan (**2.02.G. Site Plans**), or may be drawn on a separate sheet. Except as provided in **b** below, prior to the issuance of a Certificate of Occupancy for any building or structure, all screening and landscaping shall be in place in accordance with the landscape plan.

   b. In any case in which a Certificate of Occupancy is sought at a season of the year in which the Community Development Director, determines that it would be impractical to plant trees, shrubs or groundcover, or to successfully establish turf areas, a temporary Certificate of Occupancy may be issued.

5. Landscape Plan

   a. The Community Development Director shall review the landscape plan and shall approve same if the plan is in accordance with the criteria of these regulations. If the plans are not in conformance, they shall be disapproved and shall be accompanied by a written statement setting forth the changes necessary for compliance.

   b. Landscaping plans shall be drawn in a legible engineering scale and shall contain the following minimum information:

      i. The scale shown in both written and graphic form.

ii. Location, size, and species of all trees to be preserved (do not use tree stamps unless they indicate true size and location of trees).

iii. Where credited trees are proposed, a plan indicating how these existing trees will be protected from damage during construction.

iv. Location of all plant and landscaping material to be used, including plants, paving, benches, screens, fountains, statues, earthen berms, ponds (to include depth of water), topography of site, or other landscape features.

v. Species and common names of all plant materials to be used.

vi. Size of all plant material to be used (container size, planted height, etc.).

vii. Spacing of plant material where appropriate.

viii. North arrow/symbol and a small map showing where the property is located.

ix. Date of the landscape plan.

c. No major change to an approved landscape plan shall be made prior to the submission and approval of a revised landscape plan meeting the criteria found within this section.

d. Alternative Compliance

The Community Development Director may consider an alternative plan that is not in compliance with these landscape provisions. The alternative plan must clearly be superior to a plan or layout that would otherwise be in compliance. In making the determination, the Director shall consider:

i. The topography, shape, size, and/or other natural features of the property;

ii. The ability of the alternative plan to enhance a natural feature that is particular to the site; and/or

iii. The opportunity to create a unique atmosphere, attraction, or other similar factors.

The overall number of required trees or shrubs, or square footage of landscape area, shall not be reduced by more than 20 percent and must be offset by a beneficial addition to the site.

6. General Standards

The following criteria and standards shall apply to landscape materials and installation:

a. Visibility

i. Landscaping shall not block the Sight Visibility Triangle, as required by **3.04.E.3. Sight Visibility Triangle**.

ii. Landscaping, except required grass and low ground cover, shall not be located closer than three feet from the edge of any arterial or collector streets as shown on the adopted comprehensive plan.

iii. In the event other visibility obstructions are apparent in the proposed landscape plan, as determined by the Community Development Director, the requirements set forth herein may be reduced to the extent to remove the conflict.

b. All required landscaped open areas shall be covered with living plant material.

i. Up to 50 percent of the landscaped open areas may consist of non-living material, such as mulch, wood chips, or decorative gravel/rock.

ii. All groundcover materials must be permeable, with any weed barrier allowing the percolation of standing water within 72 hours.

iii. Loose materials shall be contained by a curb or other suitable alternative to contain the materials within the landscaped area.

c. Planted trees to satisfy the requirements of this section must be selected from the City of Tomball Tree List.

d. Grass seed, sod, and other material shall be clean and reasonably free of weeds and noxious pests and insects.

e. Any major or significant modification to landscaping installed in accordance with this section must be approved by the Community Development Director.

f. Required caliper and height of trees:

i. Large trees shall be a minimum of 4 caliper inches measured 12 inches above the ground, and shall be a minimum of 7 feet in height at time of planting.

ii. Small trees shall be a minimum of 2 caliper inches measured 6 inches above the ground, and shall be a minimum of 5 feet in height at time of planting.

g. Grass areas shall be sodded, plugged, sprigged, hydro-mulched and/or seeded, except that solid sod shall be used in swales, earthen berms or other areas subject to erosion.

h. Ground covers used in lieu of grass in whole and in part shall be planted in such a manner as to present a finished appearance and reasonably completed coverage within one year of planting.

i. Earthen berms shall have side slopes not to exceed 33.3 percent (3 feet of horizontal distance for each 1 foot of vertical height). All berms shall contain necessary drainage provisions as may be required by the City Engineer.

7. Minimum Landscaping Requirements for Single-Family and Low Density Residential Developments

For all housing not classified as multifamily (i.e., four or fewer units), one large tree shall be planted in front of the front façade of the property. Trees may be shown on a Site Plan and do not require a separate Landscape Plan.

8. Minimum Landscaping Requirements for Nonresidential, Mixed-Use, and Multifamily Developments

a. General Requirements

The following requirements shall apply:

i. For all nonresidential, mixed-use, and multifamily developments (including schools, churches, day care facilities, and other similar uses in a residential district), at least 15 percent of the front yard shall be permanently landscaped area (see **Figure 2.05-8. Selected Landscaping Requirements Illustrated**).

ii. In addition, with the exception of the Industrial (I) District, the following shall apply:

(a) Sites of up to 20,000 square feet shall have 5 percent of the area not covered by buildings or structures permanently landscaped.

(b) Sites of 20,000 to 200,000 square feet shall have 7.5 percent of the area not covered by buildings or structures permanently landscaped.

(c) Sites of over 200,000 square feet shall have 10 percent of the area not covered by buildings or structures permanently landscaped.

iii. Landscape development located within the rear setback area of a building site, screened from adjacent properties and not adjacent to a public street shall not be considered when determining the minimum requirements of this section.

iv. Buffer yards required by **E.4. Nonresidential, Multifamily, and Manufactured Home Park Districts** shall not be considered when determining the minimum requirements of this section.

v. Only shrubs and groundcovers (i.e., no trees) shall be used under existing or proposed overhead utility lines.

vi. Necessary driveways from the public right-of-way shall be permitted through required landscaping in accordance with City regulations.

b. Requirements Along Major Thoroughfares

For the purpose of these requirements, a major thoroughfare is defined as a thoroughfare having a right-of-way of at least 60 feet. The following requirements shall be credited toward the 15 percent landscaped front yard requirement, as specified in **a** above.

i. A minimum 10-foot landscape buffer adjacent to the right-of-way of any major thoroughfare is required, except as specified below.

ii. Any nonresidential, mixed-use, or multifamily parcel that fronts onto Main Street shall provide a minimum 15-foot landscape buffer.

iii. Corner lots fronting two major thoroughfares shall provide the appropriate required landscape buffer on both street frontages (i.e., 10 feet on major thoroughfares and 15 feet on Main Street).

iv. One large tree shall be required per 40 linear feet (or portion thereof) of street frontage. Trees should be grouped or clustered to facilitate site design and to provide an aesthetically pleasing, natural looking planting arrangement; this shall be credited toward the total number of trees required, as specified in **d** below.

c. Requirements for Landscaping In and Around Parking Lots

The following requirements shall be credited toward the 15 percent landscaped front yard requirement and total landscaping requirement as specified in **a** above.

i. Landscape areas shall be a minimum of 50 square feet in area. Landscape areas shall be a minimum of 5 feet wide.

ii. There shall be a landscaped area with at least one tree within 60 feet of every parking space.

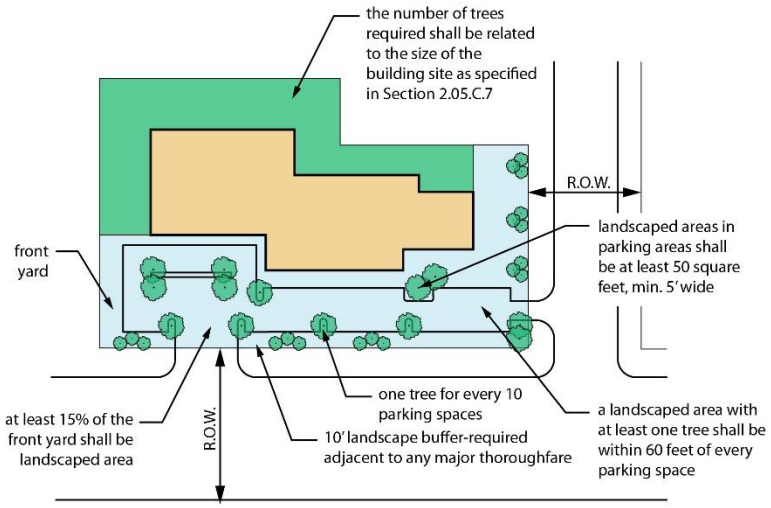
iii. There shall be a minimum of one tree planted in the parking area for every 10 parking spaces for parking lots having more than 20 spaces.

iv. Where parking lots, driving lanes, loading areas, and common access easements abut the right-of-way (except the right-of-way of a State highway) or adjacent residentially-zoned property, shrubs (at least 3 feet in height within two years of planting) shall be planted to form a continuous buffer along the vehicular area perimeter.

v. There shall be a landscaped area that is a minimum of 12 feet wide to separate parking areas that have 200 or more parking spaces.

vi. Landscape areas should be located to define parking areas and to assist in clarifying appropriate circulation patterns. All landscape areas shall be protected by a monolithic concrete curb or wheel stops, and shall remain free of trash, litter, and car bumper overhangs.

Figure 2.05-8. Selected Landscaping Requirements Illustrated



d. Requirements for Trees and Shrubs

The following requirements shall apply:

i. All existing trees that are to be preserved shall be provided with undisturbed, permeable surface area under (and extending outward to) the existing dripline of the tree.

ii. All new trees shall be provided with a permeable surface under the dripline a minimum of 5 feet by 5 feet.

iii. A minimum of 50 percent of the total trees required for the property shall be large trees as specified on the City of Tomball Tree List.

iv. Minimum number of trees required. The number of trees specified as required herein shall be in addition to those required for major thoroughfares as outlined in this section. The minimum number of trees shall be provided and maintained on the building site, as outlined below, based on the area of the site not covered by a building or structure, rounding up to a whole tree:

(a) Less than 3,000 square feet: Two trees.

(b) 3,001 to 7,000 square feet: Three trees.

(c) 7,001 to 10,000 square feet: Four trees.

(d) 10,001 to 20,000 square feet: Five trees.

(e) 20,001 to 30,000 square feet: Six trees.

(f) 30,001 to 40,000 square feet: Seven trees.

(g) 40,001 or greater, per 20,000: Three trees.

v. Minimum number of shrubs required. A minimum of 20 shrubs (at least 3 feet in height within two years of planting) shall be provided and maintained on the building site for every 1,000 square feet of required landscaped area.

e. Tree Preservation

The following provisions shall apply:

i. During any construction or land development, the developer shall clearly mark all trees to be preserved/retained on-site and erect and maintain protective barriers around all such trees or groups of trees. The developer shall not allow the movement of equipment or the storage of equipment, materials, debris or fill to be placed within the dripline of any trees that are designated for preservation.

ii. During the construction stage of development, the developer shall not allow cleaning of equipment or material under the dripline of any tree or group of trees that are being preserved. Neither shall the developer allow the disposal of any waste/toxic material such as, but not limited to, paint, oil, solvents, asphalt, concrete, mortar, etc., under the dripline of any tree or groups of trees to remain.

iii. No attachment or wires of any kind, other than those of a protective or supportive nature, shall be attached to any tree.

iv. Tree Credits

(a) Landscape plans that preserve existing trees that are found on the approved list shall be given credit toward the total number of trees required as outlined in the following:

Figure 2.05-9. Tree Credits

Diameter of Existing Tree (inches)	Credit Against Tree Requirement
1 inch - 3 inches	One tree
Over 3 inches - 9 inches	Two trees
Over 9 inches - 15 inches	Three trees
Over 15 inches	Six trees

(b) If a credited tree dies for any reason, it must be replaced with the credit number of trees within 120 days.

(c) The following activities shall be prohibited within the limits of the drip line of any existing tree to be retained under the provisions of a landscape plan required by this section:

(i) Material storage. No materials intended for use in construction or waste materials accumulated due to excavation or demolition;

(ii) Equipment cleaning/liquid disposal. No equipment shall be cleaned or other liquids deposited, including paint, oil, solvents, asphalt, concrete, mortar, or other materials;

(iii) Tree attachments. No signs, wires, or other attachments, other than those of a protective nature, which have been approved in the tree disposition plan; and

(iv) Vehicular traffic. No vehicle, construction equipment or parking is allowed.

v. On development sites requiring 100 parking spaces or more, the number of parking spaces may be reduced by one percent for every ten percent increase in tree credits provided above the minimum. However, the parking requirement shall not be reduced by more than five percent.

f. Maintenance

The following provisions shall apply to maintenance:

i. The owner, tenant, and/or their agent, if any, shall be jointly and severally responsible for the maintenance of all landscaping. All required landscaping shall be maintained in a neat and orderly manner at all times. This shall include, but not to be limited to, mowing (of grass 6 inches or higher),

edging, pruning, fertilizing, watering, weeding, and other such activities common to the maintenance of landscaping. Landscaped areas shall be kept free of trash, litter, weeds, and other such material or plants not a part of the landscaping. All plant material shall be maintained in a healthy and growing condition as is appropriate for the season of the year.

ii. All plant growth shall be controlled so that it will not interfere with the installation, maintenance, or repair of any public utility, nor shall it restrict pedestrian or vehicular traffic or constitute a traffic hazard. This includes preventing plant growth from blocking the Sight Visibility Triangle, as required by **3.04.E.3. Sight Visibility Triangle**.

iii. Required plant materials that die shall be replaced with plant material of similar variety and size, within 90 calendar days. Trees with a trunk diameter in excess of 6 inches measured 24 inches above the ground may be replaced with ones of similar variety having a trunk diameter of no less than 3 inches measured 24 inches above the ground on a caliper-inch for caliper-inch basis (e.g., for a 6-inch tree, two 3-inch replacement trees shall be required).

iv. A time extension for replacement of plant materials may be granted by the Community Development Director, if substantial evidence is presented to indicate abnormal circumstances beyond the control of the owner or their agent.

v. Failure to maintain any landscape area in compliance with this section is considered a violation of this section and may be subject to penalties of **1.01.G. Enforcement and Violations**.

D. Accessory Buildings

1. Purpose

The purpose of this section is to preserve property values and ensure safety, privacy, and neighborhood character.

2. Applicability

This section applies to development in all zoning districts. The regulations herein must be met in the following circumstances:

a. At the time any accessory building or structure is constructed or expanded in square footage.

3. General Requirements

a. No accessory building shall be constructed upon a lot until the construction of the main building has commenced, and no accessory building shall be used unless the main building on the lot is also being used.

b. Accessory buildings must comply with all applicable building code provisions.

c. Accessory buildings shall not exceed 50 percent of the floor area of the main building.

d. The maximum height of accessory buildings is regulated by zoning district (see **2.03. Zoning Districts**). In no case shall the height of an accessory building exceed the height of the main building.

e. Accessory buildings shall not be located within an easement.

4. Nonresidential Districts

Any use conducted within the accessory building must be secondary to and supportive of the primary use.

5. Residential Districts

The following regulations apply to all accessory buildings in all residential districts.

a. Accessory buildings may not be used for commercial purposes, except as permitted in conjunction with a Home Occupation (see **2.04.C.11.i. Home Occupations**).

b. Accessory buildings shall not be used for human habitation or rented separate from the main building, except as permitted in conjunction with an Accessory Dwelling Unit (see **2.04.C.2.a. Accessory Dwelling Unit**).

c. Area Regulations for Accessory Buildings in Residential Districts

Figure 2.05-10. Accessory Building Regulations by Yard Type for Accessory Buildings in Residential Districts outlines the setback requirements for accessory buildings in residential districts.

Figure 2.05-10. Accessory Building Regulations by Yard Type for Accessory Buildings in Residential Districts

Yard Type	Setback	
Front Yard	Accessory buildings are prohibited in front of the main building.	
Side Yard	Accessory buildings must meet the same minimum side yard requirements as the main building, except for the following:	
	Garages/Carports	See **2.03.C.2.g.**
	Swimming Pools	May encroach to within three (3) feet of the side lot line, provided it does not encroach on any easement.
Rear Yard	In the AG and SF-20 districts, accessory buildings must meet the setback requirements for primary buildings. In all other districts, accessory buildings must be at least three (3) feet from the rear lot line or alley.	

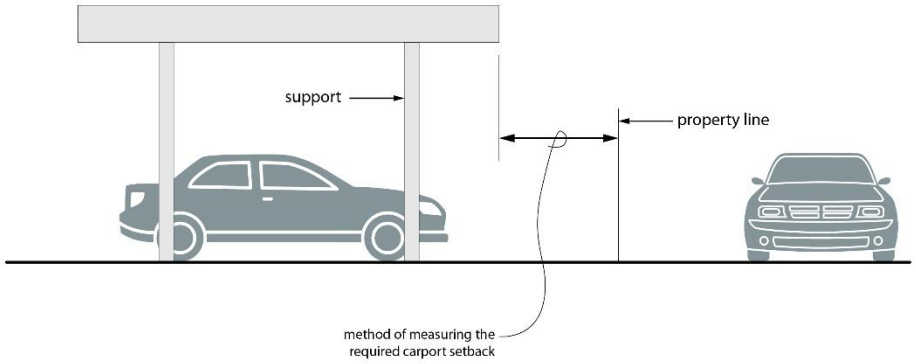
	Distance to Main Building	If an accessory building is located within ten (10) feet of the main building in the rear portion of a lot, the rear yard setback must be the same as the main building.
	Garages/Carports	See **2.03.C.2.g**.

d. Additional Area Regulations for Carports

i. Carports shall be measured from the part of the carport (typically the roof) that is closest to the street or alley (see **Figure 2.05-11. Carport Setback Measurement**).

ii. In single-family and two-family zoning districts, carports shall be a maximum of 500 square feet.

Figure 2.05-11. Carport Setback Measurement



E. Screening, Buffering, and Fencing

1. Purpose

   The purpose of this section is to promote compatibility and protect the privacy and value of adjacent permitted uses. Regulations are prescribed for the location and type of various screening devices to be used when required in the various zoning districts or in this section in accordance with the following standards.

2. Applicability

   This section applies to development in all zoning districts. The regulations herein must be met in the following circumstances:

   a. At the time any building or structure is constructed or expanded by more than 10 percent in square footage; or

   b. At the time of a change in use or occupancy.

3. General Requirements

   a. All fencing and screening shall comply with **3.04.E.3. Sight Visibility Triangle**.

   b. No wall or fence shall be permitted in a public right-of-way or easement, unless a written encroachment agreement is obtained with the affected party and approved by the Public Works Director.

   c. All fences, gates, and screening devices (regardless of whether it is required) must be maintained in good condition, free from missing, broken, or leaning components, and must not pose a hazard to life or property.

   d. Maintenance shall be the responsibility of the owner of the property on which the fence, gate, or screening device is located.

   e. All required screening devices must be equally finished on both sides.

   f. Screening must be installed prior to the issuance of a Certificate of Occupancy.

4. Nonresidential, Multifamily, and Manufactured Home Park Districts

   Land use buffering shall be provided along property lines separating zoning districts as prescribed below:

   a. When nonresidential, multifamily residential, or manufactured home park zoning shares a common boundary with single-family residential, two-family residential, residential planned developments or agricultural zoning districts.

   b. Required land use buffers must consist of a minimum 10-foot-wide vegetative buffer yard and 7-foot opaque wooden fence plus at least 25 points based on the following criteria. The minimum 10-foot-wide vegetative buffer is not required in addition to buffer zones required per Section 18-347.

      i. Points:

         (a) Opaque masonry wall with 6-foot minimum height in lieu of providing opaque wooden fence = 10 points

         (b) Each additional 5 feet of buffer yard = 5 points (maximum of 10 points). Buffer zones, as required in Section 18-347, can be counted toward buffer yard points.

         (c) One (1) tree with a mature height of at least 20-feet and height of at least 8-feet and caliper size of 4-inches (measured 12-inches above ground level) at the time of planting per 25 lineal feet of buffer yard = 15 points. Existing trees that are preserved and are listed on the City of Tomball's Tree List can be used to meet this requirement.

         (d) Three (3) smaller trees with a height of at least 8-feet and caliper size of 2-inches (measured 12-inches above ground level) at the time of planting per 25 lineal feet of buffer yard = 15 points. Existing trees that are preserved and are listed on the City of Tomball's Tree List can be used to meet this requirement.

c. Trees planted to accommodate required land use buffering shall be in addition to the required trees prescribed within **C. Landscaping**.

d. Preservation of existing trees: Each tree preserved to accommodate the required land use buffer shall count as one tree toward the overall land use buffering requirement regardless of size. Trees planned to be preserved must be on the City of Tomball Tree List.

e. For purposes of interpreting this section, mixed use zoning shall be considered nonresidential. Buffer yards are required between adjacent uses as indicated. For purposes of this section, adjacent includes properties separated by an alley but does not include properties separated by a street.

f. Buffer yards are required between adjacent uses as indicated. For purposes of this section, adjacent includes properties separated by an alley but does not include properties separated by a street.

g. Parking lots, driving lanes, loading areas, or other similar areas of vehicular access shall be screened from residentially zoned property, whether adjacent or across a street, by a continuous hedge, planter, berm, fence, wall, or combination of these, with a minimum height of 36 inches. This requirement shall not be required along state highways.

h. Open space in buffer yards shall be planted in grass or other vegetative ground cover.

i. Alternative buffering may be permitted by the Community Development Director during the site plan review process so long as the buffering and aesthetic intent of these requirements are met.

j. Refuse Areas

i. The standards within this section shall apply to all new enclosures added to a site or if a waste/recycle dumpster or permanent roll-off is added to a site. Any site that is deemed abandoned by **2.01.E.6. Abandonment of Nonconforming Uses and Structures, and Cessation of Use of Structure or Land** shall comply with the provisions of this section.

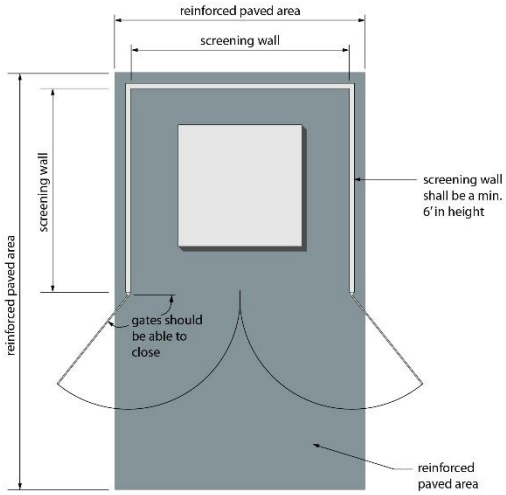
ii. Refuse containers shall be located no closer than 30 feet to any adjacent single-family zoning district, and shall be located so as to provide safe and convenient pickup by refuse collection agencies.

iii. Refuse areas visible from a public right-of-way or from any residential property must be screened by a minimum six-foot solid masonry wall on at least three sides , with an opaque gate on the fourth side. See **Figure 2.05-12. Example of a Screened Refuse Area**. The gate shall remain closed at all times except when being used for filling, emptying, cleaning, or maintenance. Alternate equivalent screening methods may be approved by the Director.

iv. Adequate reinforced paved areas shall be provided for refuse facilities and their approaches for loading and unloading, as per **Figure 2.05-13. Refuse Area Screening**.

Figure 2.05-12. Example of a Screened Refuse Area

Figure 2.05-13. Refuse Area Screening



k. Mechanical/Utility Equipment

Mechanical equipment, including roof-mounted equipment, must be screened from the view from streets, parking lots, parks, and residential districts with materials consistent with the principal structure, opaque fencing, masonry walls, and/or landscaping. Wall-mounted electrical panels are exempt from this standard.

5. Fences in Residential Areas

The following provisions shall apply to areas all residential uses with 4 or fewer units.

a. General Requirements

i. Fences shall not exceed 8 feet in height unless otherwise specified.

b. Front Yard Fences

i. Fences located between the front property line and the closest primary or accessory structure are subject to the following height limits:

(a) For lots smaller than 5 acres: 4 feet.

(b) For lots 5 acres or larger: 6 feet.

(c) Non-opaque wrought iron or similar fencing, up to 6 feet in height, may be approved by the Community Development Director in the SF-20 and AG Districts.

ii. For lots without a primary building or accessory structure, the maximum fence height is measured at the front setback line.

c. Materials and Design Standards

i. Fences and gates must use durable materials such as wood, vinyl, metal, brick, stone, or other materials commonly used in conventional fence construction.

ii. Chain link fencing is permitted only behind a front building face.

iii. Prohibited Materials and Uses

(a) Barbed wire, electrified fencing, chicken wire, or hog fencing, unless approved by the Community Development Director for agricultural uses on lots one acre or larger.

(b) Fences with sharp or hazardous features such as spikes, nails, or razor wire.

d. Vehicular Access Gates

i. Gates designed for vehicular access shall be set back from the edge of street or road pavement a minimum of 25 feet.

ii. Locking mechanisms for vehicular gates shall be subject to approval by the City Fire Marshal.

e. Special-Purpose Fencing

i. Fences used for tennis courts, play areas, or gardens may not exceed ten (10) feet in height and may be constructed of chain link, fabric-type material, or other durable materials.

ii. Fences must not obstruct setbacks, easements, or sight visibility areas.

iii. All special-purpose fencing requires approval from the Director.

F. Outdoor Lighting

1. Purpose

   The purpose of this section is to provide regulations for outdoor lighting that will:

   a. Permit reasonable uses of outdoor lighting for nighttime safety, utility, security, productivity, enjoyment, and commerce;

   b. Be useful, targeted, low-level, and controlled, minimizing adverse offsite impacts, including light trespass and obstructive light;

   c. Curtail light pollution and improve the nighttime environment;

   d. Conserve energy and resources to the greatest extent possible; and

   e. Promote safe lighting for pedestrian and vehicular traffic.

2. Applicability

   a. This section applies to development in all zoning districts.

   b. This applies to any lighting device located exterior to a structure or that illuminates areas exterior to a structure, whether permanently or temporarily installed, or any other lighting, whether attached to structures, poles, the ground, or any other location, including lighting installed by any third party.

   c. For sign lighting, see **4.01.E.5. Sign Lighting**.

   d. The regulations herein must be met at the time any new lighting fixture is added to a site, with the following exceptions:

      i. Lighting within public right-of-way or easement for the principal purpose of illuminating streets or roads. No exemption shall apply to any lighting within the public right-of-way or easement when the purpose of the luminaire is to illuminate areas outside the public right-of-way or easement.

      ii. Repairs to existing luminaires.

      iii. Temporary lighting for theatrical, television, performance areas and construction sites.

      iv. Athletic stadium lighting.

      v. Underwater lighting in swimming pools and water features.

      vi. Temporary lighting and seasonal lighting.

      vii. Open gas flames.

      viii. Emergency outdoor lighting.

      ix. The residential use of individual solar landscaping luminaires not exceeding property boundaries.

      x. Construction lighting that does not exceed construction site boundaries.

3. Conflict

   When the requirements herein conflict with specific lighting provisions of any of the following, only those specific provisions shall take precedence, and all other requirements herein shall remain in force:

   a. Lighting specified or identified in a planned development.

   b. Lighting required by federal or state laws or regulations.

   c. When proposed, the conflicting regulation shall be submitted at the time of permit submittal.

4. General Requirements

a. All outdoor luminaires, unless specifically exempted, shall be fully shielded. Fully shielded fixtures encase the light source to prevent any light from escaping upwards or sideways, allowing only downward-directed light as shown in **Figure 2.05-14. Illustration of Fully Shielded Lighting**.

Figure 2.05-14. Illustration of Fully Shielded Lighting

b. All outdoor lighting shall be designed, shielded, and operated to prevent light trespass beyond property lines. Lighting must be configured to ensure that light does not spill or reflect onto adjacent properties or public areas, in accordance with all City ordinances.

c. All driveways shall be lighted at night with a minimum intensity of two foot-candles' illumination if off-street parking or loading facilities are to be used at night.

G. Manufactured Homes/Recreational Vehicles

1. Purpose

   The purpose of these regulations is to ensure the safe and appropriate placement of manufactured homes and recreational vehicles, promoting public safety and compatibility with surrounding land uses.

2. Applicability

   These regulations apply to all manufactured homes, manufactured home parks, and recreational vehicles within the City limits.

3. Nonconforming Manufactured Home Parks

   Manufactured home parks lawfully operating prior to the effective date of the ordinance from which this section is derived, but which do not conform to the regulations contained herein may be continued with the following limitations:

   a. No nonconforming manufactured home park shall be extended or enlarged.

   b. No manufactured home park shall be rebuilt or continued after abandonment or discontinuance for more than 90 days, except in full conformity with this section.

   c. If a nonconforming manufactured home park is partially destroyed by fire or other causes in excess of 50 percent of the value of its facilities, it may not be restored, rebuilt, or repaired unless in full conformity with this section.

4. Manufactured Homes and Manufactured Home Parks

   a. Parking Limitations; Certificates and Permits Required; Record of Movement; Inspection

      i. It shall be unlawful for any person to park, place or locate any manufactured home on any public street or public park within the City for a period of more than four hours, except in cases of emergency.

      ii. It shall be unlawful for any person to park, place or locate any manufactured home on any lot, tract, or parcel of land within the City for a period of more than 24 hours unless within a licensed manufactured home park, except as follow:

         (a) On a lot, tract, or parcel of land upon which lawful construction of a commercial or multifamily building is actually in progress, and use of the manufactured home is incidental to such construction;

         (b) On a lot, tract, or parcel of land within a platted residential subdivision when lawful construction of the subdivision improvements is actually in progress, or when construction of primary residential structures upon lots within such subdivision is actually in progress, and the use of the manufactured home is incidental to such construction;

         (c) On a lot, tract, or parcel of land upon which is lawfully conducted the business of repairing manufactured homes, provided such manufactured home located thereon is being repaired and is not otherwise being used for living, sleeping, storage or working quarters; or

         (d) On a lot, tract, or parcel of land upon which is lawfully conducted the business of selling manufactured homes, provided such manufactured homes located thereon are being offered for retail sale and are not otherwise being used for living, sleeping or storage, or as working quarters other than as a sales office for the homes offered for retail sale on such lot, tract, or parcel of land, and provided further, that no such manufactured home shall be stored or displayed unless upon a paved surface as provided herein. Such paved surface shall be of asphalt or concrete cement. An asphalt surface shall be not less than 1½ inches thick, with not less than six inches of limestone base. A concrete cement surface shall be not less than six inches thick with a stabilized base. All such paved surfaces shall be maintained so as to protect the structural integrity thereof.

(i) The paving requirements established in **(d)** above shall not be required on lots used for the sale or display of manufactured homes on the effective date hereof. For the purposes of this section, a lot shall be deemed as being used for the sale or display of manufactured homes as of the date of application of the first of necessary building, construction or use permits for such use.

iii. It shall be unlawful for any person to occupy any manufactured home unless the Building Official shall have issued a certificate of occupancy therefor.

iv. Prior to parking, placing, or otherwise locating any manufactured home in the City, the owner of the land upon which the manufactured home is to be located, or the agent of such owner, shall obtain from the City a move-in permit which shall be obtained by making application on the form provided at the city hall. The City shall charge a reasonable fee for the issuance of such move-in permit, which fee is to be set from time to time by resolution of the City Council and kept of record by the City Secretary in the offices of the City.

v. Prior to the issuance of a certificate of occupancy, each manufactured home shall be inspected and approved by the Building Official for the City in accordance with this section. The owner of the manufactured home shall pay the usual and customary charges for each of these inspections, which usual and customary charges shall be set by resolution of the City Council from time to time and kept on file by the City Secretary in the offices of the City.

vi. It shall be unlawful for the owner of the land, or the agent of the owner of the land, to move a manufactured home from a location within the City without having first obtained a move-out permit from the City. Such move-out permit shall be obtained by making application to the City on the form provided therefor, and by paying a reasonable fee for such move-out permit, which fee shall be set by resolution of the City Council and kept on file in the offices of the City Secretary.

b. Manufactured Home Parks – Construction or Enlargement Permits

i. Construction or Enlargement Unlawful Without Permit

It shall be unlawful for any person to construct or enlarge a manufactured home park within the corporate limits of the City without having first obtained a manufactured home park construction or enlargement permit.

ii. Application

Any person desiring to construct or enlarge a manufactured home park shall file a written application for a manufactured home park construction or enlargement permit with the Building Official. Such application shall be submitted on a form prepared by the Building Official and shall include the following:

(a) The name and address of the person who will be in charge of the proposed park;

(b) A location map showing the location within the City of the proposed park at a scale of one inch equals 100 feet or larger;

(c) Preliminary plans and specifications sufficient to determine if the proposed park is in compliance with this section and all ordinances, building, plumbing and electrical codes in effect at the time application for the permit is made.

iii. Action by City Council on Application

Within 30 days after the complete application has been filed with the Building Official, the Building Official shall present the same to the City Council. The City Council shall act on each such application within a reasonable period of time. If the City Council approves the application, the Building Official shall issue the applicant a manufactured home park construction or enlargement permit. If construction has not begun on the manufactured home park within 120 days from the date of approval of the permit, the permit shall be void and of no force and effect. If the City Council

disapproves the application, the City Council shall state the reasons for disapproval and the Building Official shall so notify the applicant.

iv. Standards of Construction

No permit shall be granted under this section unless all plans and specifications for the proposed manufactured home park are in conformity with all building, plumbing and electrical codes, and other applicable ordinances in effect and adopted by the City at the time application is made for a permit, and all work performed under permits issued pursuant to this article shall likewise conform to such other ordinances.

v. Permanent Residential Structures

No permit shall be issued for the construction or occupancy of a permanent residential structure in any manufactured home park, with the following exceptions:

(a) One existing residential structure may be retained or one new residential structure may be constructed for the occupancy of the owner or operator of the park.

(b) An existing residence may be converted to a clubhouse, community center, or service building for use by the residents of the park.

c. Same – Operation Permits

i. Operation Without Permit Unlawful

It shall be unlawful for any person to operate a manufactured home park within the City without a manufactured home park operation permit.

ii. Issuance to New Operations

Any person desiring to operate a manufactured home park after construction or the enlargement has been completed shall, before the actual operation of the park has begun, apply to the Building Official for an operation permit. The Building Official or any City official or employee designated by him shall then inspect the completed facilities and, if the completed manufactured home park conforms in all respects to the plans and specifications as submitted with the application for the construction or enlargement permit, and the requirements of this section and other applicable ordinances, the Building Official shall then issue to the operator a manufactured home park operation permit upon payment to the City of any and all applicable operation permit fees as may be set from time to time by resolution of the City Council and kept of record by the City Secretary in the offices of the City. Each such permit shall be valid up to and including December 31 of the calendar year for which it was issued, unless sooner suspended, revoked or surrendered in accordance herewith.

iii. Renewals

All operation permits shall expire each year on December 31. Each operator of a manufactured home park shall make an application for a renewal permit on or before November 30 of the calendar year preceding the year for which the renewal permit is to apply. If there has been no change in the facilities as reflected in the latest plans, specifications and/or plat on file with the Building Official, or if any such changes are found by the Building Official to be in accordance with this section and all other ordinances of the City, and upon payment to the City of any and all applicable operation renewal permit fees as may be set from time to time by resolution of the City Council and kept of record by the City Secretary in the offices of the City, the Building Official shall renew the operation permit for a period of one year, ending December 31.

iv. Revocation and Suspension of Permits

Any manufactured home park operation permit granted under the provisions of this article may be suspended or revoked by the Building Official after due notice to the holder of such permit for any one or more of the following reasons:

(a) Operating the facilities in a manner contrary to the plans, specifications and/or plat on file with the Building Official; or

(b) Operating the facility in violation of the rules, regulations, ordinances, or laws of the City, the State, or the United States.

v. Reinstatement

Where an operation permit has been suspended, the same may be reinstated for the remaining period of time for which it was originally issued after the cause for suspension has been corrected and upon the payment of applicable reinstatement fees.

d. Dimensional Requirements

i. Minimum Size

No manufactured home park shall be permitted within the City unless the same shall be at least three acres in area.

ii. Unit Size

No unit shall be less than 4,000 square feet in area

iii. Space Between Manufactured Homes

(a) Distance Setback Requirements

Each concrete pad and each manufactured home shall be placed so that there shall be:

(i) Sides

A distance of at least 25 feet between each manufactured home;

(ii) Rear

(iii) A distance of at least 25 feet between the rear of each manufactured home and the back of the unit boundary;

(iv) Front

A distance of at least 25 feet between the front of each manufactured home to the front of the unit boundary;

(v) Distance to Streets

A distance of at least 25 feet between each manufactured home and the edge of any street within or without the manufactured home park.

(b) Other City Setback Requirements

No manufactured home shall be located so as to violate any setback requirement as may otherwise be established by ordinance or regulation with respect to the area in which the manufactured home park is located.

e. Street Specifications

i. Access to a Manufactured Home Park

Each Manufactured Home Park shall have direct access from an improved public street in accordance with **Article 3. Subdivision Regulations**.

ii. Access to Individual Spaces

(a) Access to individual spaces shall be from private drives within the site constructed of concrete, or hot mixed asphalt, at least 24 feet in width, and curbed and guttered in accordance with the applicable requirements of the City.

(b) Such drives shall be dedicated to the public as an emergency access or fire lane easement to allow for the rapid and safe movement of vehicles used in providing emergency health or public safety services.

(c) The width, design, and construction shall be adequate to accommodate the traffic generated by the park and emergency and service vehicles, as determined by the City Engineer.

iii. Dead-end streets are not allowed unless a cul-de-sac is provided.

iv. Cul-de-sac streets shall not exceed 400 feet in length.

v. Fire lane easements shall be maintained by the Manufactured Home Park.

vi. Gated/secured entrances shall be in accordance with the design standards for gated/secured entrances on private streets.

f. Parking Spaces

i. No on-street parking shall be permitted.

ii. Parking required by **Figure 2.04-1. Permitted Use Chart** shall be located on the same lot as the unit served. Each parking space shall be in accordance with City standards, and shall be located to eliminate interference with access to parking areas provided for other manufactured homes and for public parking in the park.

iii. In addition to parking spaces required for each manufactured home unit, there shall be parking provided for the manufactured home community in general in compliance with the following:

(a) One visitor parking space for every three manufactured home spaces.

(b) Boats, campers, trailers and other recreational vehicles shall be prohibited unless oversize parking areas are provided and are approved by the City. This parking area shall not be used to meet the minimum parking requirements and shall not be visible from a public street.

(c) Each parking space will be not less than 9 feet by 19 feet, or as required in **Figure 2.05-4. Minimum Requirements for Parking Space Configuration, Arrangement, Size, and Circulation**, which is not to be included in the lot size.

iv. Parking areas shall be constructed of the same material as the adjoining street unless the adjacent street does not contain a hard surface. In such event, the parking areas shall be constructed with materials that provide a hard surface.

g. Street Names and Signs

i. Within each Manufactured Home Park, all streets shall be named, and manufactured homes numbered in a logical and orderly fashion.

ii. Street signs shall be of a color and size contrasting with those on public streets and roadways so that there is no confusion regarding which are private and which are public streets. These signs and numbers shall be of standard size and placement to facilitate location by emergency vehicles.

iii. Street names shall be submitted to the Community Development Director and City Engineer, along with the preliminary plat application, reviewed by the appropriate City staff with respect to street naming procedures set forth within **Article 3. Subdivision Regulations** and/or this section, and approved along with the preliminary plat for the subdivision. The street names shall be set with preliminary plat approval, and shall not be changed on the final plat without City approval.

h. Other Signs

Along all sections of emergency access easements, the owner or agent shall erect metal signs prohibiting parking. The sign type, size, height and location shall be in accordance with the Manual of Uniform Traffic Control Devices and approved by the City.

i. Intersections

Internal streets shall intersect adjoining public streets at approximately 90 degrees and at locations that will eliminate or minimize interference with traffic on those public streets.

j. Street Lighting

Street lighting within the Manufactured Home Park shall be provided in accordance with **Article 3. Subdivision Regulations** and shall be maintained by the owners of the Manufactured Home Park.

k. Pads and Anchoring

i. Each unit within a manufactured home park shall be provided with a concrete pad, to be constructed so that the pads will provide support and spaced as shown on the approved plat of the park.

ii. To ensure against natural hazards such as tornados, high winds, and electrical storms, anchorage for each manufactured home shall be provided in accordance with the building code and state law.

iii. Each pad shall be equipped with a minimum number of tie-downs so that a tie-down exists for every six feet of a manufactured home.

l. Skirting

i. Each manufactured home shall require a skirting that shall extend around the perimeter of the manufactured home from the top of the unit's frame to grade and completely enclose the area beneath the manufactured home, with the exception of manways.

(a) Manways shall be equipped with a door, which can be kept closed when not in use.

ii. Skirting shall totally enclose and secure from view the unit's axles and all required anchors, footings, and piers.

iii. All required skirting shall be of an opaque, noncombustible material, and shall be of a color similar to the materials used in the construction of the manufactured home unit such that it blends with the overall appearance of the unit.

m. Storage Buildings

Each unit shall be provided with a storage building of not less than six feet in depth and eight feet in width, which shall be weatherproof and constructed of durable materials.

n. Water Lines and Sewer Connections

Each unit shall be provided with water lines and sanitary sewer connections, subject to all applicable ordinances, rules and regulations of the City.

o. Public Inspection

Duly authorized representatives of the City shall be permitted access to the park, the street, utility lines and connections, and structures thereon, when performing City business, as a condition to the issuance, renewal, or suspension of a permit.

p. Fence

A six-foot-high fence or wall, constructed of wood or masonry, shall be constructed on the two sides and rear of the manufactured home park, such fence or wall to be 95 percent impervious. A decorative enclosure, not less than five feet in height, shall be constructed along the front of the manufactured home park.

q. Utility Lines

All utilities, including, but not limited to, electrical, telephone, television, and cable, shall be buried (except primary service lines into the park) and shall conform to the ordinances of the City.

r. Recreational Area

There shall be provided additional open space not to be considered part of the minimum unit size for use as a recreational area in a ratio of 100 square feet per unit. The recreational area shall be so located as to be free of traffic hazards and the ratio of length to width shall not exceed 5:1. In the event playground space is provided, it shall be so designated and shall be protected from traffic, thoroughfares, and parking areas. Such space shall be maintained in a sanitary condition and free of safety hazards.

s. Walkways

Walkways not less than 36 inches wide and constructed of concrete or other masonry construction shall be provided between the park streets to all community facilities provided for park residents and to all service buildings.

t. Electrical Service

Each unit within the manufactured home park shall be provided with electrical service connections of at least 120/240 volt single-phase, 100 amps entrance capacity. Each service pole for each unit shall have fixed a permanent number, which number shall coincide with the number designated to that particular manufactured home by the park owner or operator.

u. Drainage and Soil Protection

i. The ground surface in all parts of the park shall be graded and equipped to drain all surface water in a safe, efficient manner. Each manufactured home space shall provide adequate drainage for the placement of a manufactured home.

ii. Exposed ground surfaces in all parts of every Manufactured Home Park shall be paved and/or covered with stone, brick paving, or other similar solid material, or protected with a vegetative growth (such as grass) capable of preventing soil erosion and eliminating dust.

v. Water Supply

i. An adequate supply of potable water for drinking and domestic purposes shall be provided by pipes to all buildings and units within the park, in accordance with applicable standards provided in building, fire, plumbing, and other codes of the City. Each unit shall be provided with a cold water tap at least four inches above the ground.

ii. One master water meter shall be installed at each manufactured home park, or a separate water meter installed at each unit, and the owner of the park and/or the occupant of the unit upon which a manufactured home is located shall be responsible for the payment of the water bill to the City.

w. Firefighting

i. Approaches to all manufactured homes shall be kept clear for firefighting.

ii. The owner or agent of a Manufactured Home Park shall be responsible for the instruction of any staff in the use of the park fire protection equipment and in their specific duties in the event of a fire.

iii. The owner shall supply standard City fire hydrants located within 500 feet of all manufactured home spaces, measured along the drive or street. Such hydrants shall utilize public water contained in public lines within public easements

iv. The owner or agent of a manufactured home park shall be responsible for maintaining the entire area of the park free of dry brush, leaves, and weeds in excess of six inches in height.

v. The owner or developer shall design and construct a fire distribution system in a manner to provide adequate water flow for fire protection.

vi. The design, size, and layout of the water distribution system shall comply in all respects with all applicable requirements of the state and the City and shall be approved by the Director of Public Works.

vii. All materials and installations shall be in accordance with American Water Works Association Standards and with the City standards for same, shall be Class 150 or better and shall be approved by the Director of Public Works.

viii. Fire hydrants shall be spaced in intervals not to exceed 300 feet as measured along the street or driveways. All mains and laterals shall be looped. Steamer connections shall be national fire standard threads. Barrel lengths for fire hydrants shall be four feet or longer.

x. Sewage Disposal

i. If City sewer trunk lines are adjacent to a boundary of the proposed park, the following regulations shall apply:

(a) Waste from showers, bathtubs, flush toilets, urinals, lavatories and slop sinks in service and other buildings within the park shall be discharged into a public sewer system in compliance with applicable ordinances.

(b) Each unit shall be provided with a sewer at least four inches in diameter, which shall be connected to receive the waste from the shower, bathtub, flush toilets, lavatory, and kitchen sink of the manufactured home located on such unit and having any or all of such facilities. The sewer in each unit shall be connected to discharge the manufactured home waste into a public sewer system in compliance with applicable ordinances.

(c) If, on the date the City Council approves the manufactured home park, public sanitary sewerage service is not available, **5.r.ii** below shall apply. If a public sanitary sewer system is placed adjacent to the manufactured home park subsequent to its development, the owner or operator of the manufactured home park shall install a sanitary sewer system within the park within 180 days after such public service becomes available.

ii. If there is not a public sewer system available adjoining the property line of such proposed park, then the licensee may install a septic tank system, after first having submitted plans and specifications therefor with his applications, which the plan of septic tank system shall be in full compliance with applicable regulations of the State and the City.

y. Garbage Service

i. Owner Compliance

Each owner of a manufactured home park shall comply with all trash and garbage collection regulations of the City.

ii. Collection

A separate charge for each manufactured home shall be made for garbage collection, in accordance with the schedule of rates in the City. The owner or operator of the park and/or the owner or occupant of the unit shall be responsible for the payment of same.

z. Natural Gas

i. If natural gas distribution facilities from the City's gas system are adjacent to a boundary of an existing park or a proposed park, then manufactured homes and buildings within the park requiring fuel shall be connected to such natural gas system. All inter-gas systems, including any and all gas systems installed by or for manufactured home parks, shall meet the minimum standards of the state railroad commission for such gas systems and minimum standards of the City. All gas distribution systems within parks installed by or for parks shall comply with existing codes applicable to such systems. Failure to comply with applicable codes or failure to meet minimum standards, whether as to existing parks or new parks or new distribution systems shall result in the termination of gas supply to the system until it has been brought into compliance with such codes or minimum standards. If natural gas from the City gas system is available to the park from lines adjacent to the boundary of the existing or proposed park, no bottled gas, liquefied petroleum gas, or any other type of fuel may be used within such park by manufactured homes and other buildings.

ii. If natural gas from the City gas system is not available, bottled gas for cooking purposes shall not be used at individual manufactured homes unless containers are properly connected by copper or other suitable metallic tubing or such other tubing as may be allowed by Federal and State rules and regulations. Such containers shall not be placed into operation until they have been inspected by the City and have been determined to comply with the minimum standards of the state railroad commission and the ordinances of the City. All bottled gas cylinders shall be securely fastened in place. No cylinders containing bottled gas shall be located in a manufactured home or within five feet of a door thereof.

iii. If the City's natural gas distribution facilities are placed adjacent to the manufactured home park subsequent to its development, the owner or operator of the park shall connect to such system within 180 days from such availability, and otherwise comply with all of the terms of this section.

aa. Additional Construction in Parks

It shall be unlawful for any person operating a manufactured home park or occupying a manufactured home to construct or permit to be constructed in such park, or in connection with such manufactured home, any additional structure, building or shelter in connection with or attached to the manufactured home; provided, however, awnings of canvas or metal, suitably constructed, may be attached to manufactured homes. In addition, portable, prefabricated, temporary rooms, for the purpose of increasing the living area, commonly called cabanas, may be attached to manufactured homes that meet the following requirements:

i. Of metal only, fire-resistive, double-wall, mechanical joint panels; no welded joints between panels permitted;

ii. Strength of materials and structure to meet minimum standards of the City Building Code;

iii. Capable of being dismantled and removed from the site at the time the manufactured home to which it is accessory is moved;

iv. Finish and appearance to be as near the same as possible to the manufactured home to which it is accessory;

v. The length must not exceed the length of the manufactured home to which it is accessory; and

vi. Only one such room per manufactured home shall be permitted.

bb. Service Buildings

i. Service buildings and housing sanitation facilities, if provided, shall be permanent structures complying with all applicable provisions of this Code, City ordinances and state statutes regulating buildings, electrical installations and plumbing and sanitation systems.

ii. The service buildings shall be well-lighted at all times of the day and night, shall be well-ventilated with screened openings, shall be constructed of such moisture-proof material, which may be painted woodwork, as shall permit repeated cleaning and washing, and shall be maintained at a temperature of at least 68 degrees Fahrenheit (20 degrees Celsius) during the period from October 1 to May 1. The floors of the service buildings shall be of water-impervious material.

iii. All service buildings and the grounds of the park shall be maintained in a clean, sanitary condition and kept free of any condition that will menace the health of any occupant or the public.

cc. Park Management

Each licensee of a manufactured home park shall perform or cause to be performed the following:

i. Provide written notice to each park occupant of all provisions of this section applicable to such occupant;

ii. Maintain a register of park occupancy, which shall contain the following information:

(a) The name and address, and the dates of arrival and departure, of each park resident;

(b) The registration data, including make, length and width, of each manufactured home in the park;

(c) The location of each manufactured home within the park by unit number and street address;

iii. Furnish to the Code Enforcement Officer or Building Official, within ten days after January 1 of each year, a list of all manufactured home residents in the park as of January 1. The list shall contain the manufactured home owner's name and address, the make, length and width of the home, and the address or location description of each manufactured home within the park; and

iv. Maintain on the premises for inspection a map showing the location, size, and depth of all utility, gas or other lines within the park.

5. Recreational Vehicles, Travel Trailers, Motor Homes, Dependent Trailers, and Other Mobile Structures

a. Parking Limitations; Record of Movement In and Out of Parks; Inspections

i. No person shall park, place or locate a recreational vehicle upon any public street, or within any area of a public park not designated for recreational vehicle usage, within the City for a period of more than four hours, except in cases of emergency.

ii. No person shall park, place, or locate a recreational vehicle that is used for living quarters, or in which cooking is done, on any lot, tract or parcel of land for a period of more than 24 hours unless within a licensed recreational vehicle park, except as follows:

(a) Recreational vehicles may be parked on land owned by persons whose business is the repair of recreational vehicles; provided, however, that when they are so parked, their use for living, sleeping, storing or working quarters is prohibited.

(b) Recreational vehicles may be parked for storage purposes as long as such storage does not violate any deed restriction or other ordinance or regulation of the City.

iii. It shall be unlawful for any person to locate or maintain for occupancy any recreational vehicle other than in a duly licensed and lawful recreational vehicle park, except as set out herein.

iv. Prior to allowing a recreational vehicle to be placed within a recreational vehicle park, the owner of the park shall cause such recreational vehicle to be registered on a check-in/check-out list. The check-in/check-out lists shall include the name and permanent address of the owner or occupant of the recreational vehicle, a description of the make, model, and license of the recreational vehicle, the length of stay, the condition of recreational vehicle, and number of occupants. Such list shall be kept in the offices of the park and available for review by the Building Official during reasonable office hours.

b. Recreational Vehicle Parks – Construction or Enlargement Permits

i. Construction or Enlargement Unlawful Without Permit

It shall be unlawful for any person to construct or enlarge a recreational vehicle park within the corporate limits of the City without having first obtained a recreational vehicle park construction or enlargement permit.

ii. Application

Any person desiring to construct or enlarge a recreational vehicle park shall file a written application for a recreational vehicle park construction or enlargement permit with the Building Official. Such application shall be submitted on a form prepared by the Building Official and shall include the following:

(a) The name and address of the person who will be in charge of the proposed park;

(b) A location map showing the location within the City of the proposed park at a scale of one inch equals 100 feet or larger;

(c) Preliminary plans and specifications sufficient to determine if the proposed park is in compliance with this section and all ordinances, building, plumbing and electrical codes in effect at the time application for the permit is made.

iii. Action by City Council on Application

Within 30 days after the complete application has been filed with the Building Official, the Building Official shall present the same to the City Council. The City Council shall act on each such application within a reasonable period of time. If the City Council approves the application, the Building Official shall issue the applicant a recreational vehicle park construction or enlargement permit. If construction has not begun on the recreational vehicle park within 120 days from the date of approval of the permit, the permit shall be void and of no force and effect. If the City Council disapproves the application, the City Council shall state the reasons for disapproval and the Building Official shall so notify the applicant.

iv. Standards of Construction

No permit shall be granted under this article unless all plans and specifications for the proposed recreational vehicle park are in conformity with all building, plumbing, and electrical codes, and other applicable ordinances in effect and adopted by the City at the time application is made for a permit, and all work performed under permits issued pursuant to this section shall likewise conform to such other ordinances.

v. Permanent Residential Structures

No permit shall be issued for the construction or occupancy of a permanent residential structure within any recreational vehicle park, except as follows:

(a) One existing residential structure may be retained or one new residential structure may be constructed for the occupancy of the owner or operator of the park.

(b) An existing residence may be converted to a clubhouse, community center, or service building for use by the residents of the park.

c. Same – Operation Permits

i. Operation Without Permit Unlawful

It shall be unlawful for any person to operate a recreational vehicle park within the City without a recreational vehicle park operation permit.

ii. Issuance to New Operations

Any person desiring to operate a recreational vehicle park after construction or enlargement has been completed shall, before the actual operation of the park has begun, apply to the Building Official for an operation permit. The Building Official shall then inspect the completed facilities and, if the completed recreational vehicle park conforms in all respects to the plans and specifications as submitted with the application for the construction or enlargement permit, and the requirements of this article and other applicable ordinances, the Building Official shall then issue to the operator a recreational vehicle park operation permit upon payment to the City of any and all applicable operation permit fees as may be set from time to time by resolution of the City Council and kept on record by the City Secretary in the offices of the City. This permit shall be valid up to and including December 31 or the year for which it was issued, unless sooner suspended, revoked or surrendered.

iii. Renewals

All operation permits shall expire each year on December 31. Each operator of a recreational vehicle park shall make application for a renewal permit on or before November 30 of the calendar year preceding the year for which the renewal permit is to apply. If there has been no change in the facilities as reflected in the latest plans, specifications and/or plat on file with the Building Official, or if any such changes are found by the Building Official to be in accordance with this article and all

other ordinances of the City, and upon payment to the City of any and all applicable operation renewal permit fees as may be set from time to time by the resolution of City Council and kept on record by the City Secretary in the offices of the City, the Building Official shall renew the operation permit for a period of one year, ending December 31.

iv. Revocation and Suspension of Operation Permits

Any recreational vehicle park operation permit granted under the provisions of this article may be suspended or revoked by the Building Official after due notice to the holder of such permit for any one or more of the following reasons:

(a) Failure to keep accurate check-in and check-out records.

(b) Operating the facilities in a manner contrary to the plans, specifications, and/or plat on file with the Building Official.

(c) Operating the facility in violation of the rules, regulations, ordinances, or laws of the City, the state or the United States.

v. Reinstatement

Where an operation permit has been suspended, the same may be reinstated for the remaining period of time for which it was originally issued after the cause for suspension has been corrected and upon the payment of applicable reinstatement fees.

d. Dimensional Requirements

i. Minimum Size

No recreational vehicle park shall be permitted within the City unless the same shall be at least three acres in area.

ii. Unit Size

Each unit shall include a designated concrete recreational vehicle pad, which shall have a minimum size of nine feet by 40 feet, or 360 square feet, for the placement of each recreational vehicle.

iii. Density and Setback Requirements

(a) Distance to Adjacent Designated Concrete Recreation Vehicle Pad

(i) No portion of a designated concrete recreational vehicle pad shall be located nearer than 20 feet from an adjacent designated concrete recreational vehicle pad. Additional concrete pad space for vehicle parking and/or outdoor tables will not be considered part of the designated concrete recreational vehicle pad. When the concrete pad is larger than the minimum nine feet by 40 feet (or 360 square feet) required for the designated concrete recreational vehicle pad, a minimum nine feet by 40 feet (or 360 square feet) area will be designated as the recreational vehicle pad.

(b) Maximum Number of Units Per Acre

The total number of units within a recreational vehicle park shall not exceed 15 per acre. Partial acreage shall be calculated proportionately.

(c) Other City Setback Requirements

No recreational vehicle shall be located so as to violate any setback requirement as may otherwise be established by ordinance or regulation with respect to the area in which the recreational vehicle park is located.

e. Street Specifications

Each recreational vehicle park shall have hard surface streets, properly drained in accordance with the existing requirements of the City. All streets shall be at least 20 feet in width throughout.

f. Parking

i. Parking required by **Figure 2.04-1. Permitted Use Chart** shall be provided.

ii. No on-street parking shall be permitted.

iii. Parking areas shall be constructed of the same material as the adjoining street unless the adjoining street does not contain a hard surface. In such event, the parking areas shall be constructed with materials so as to provide a hard surface.

g. Pads

Each unit within a recreational vehicle park shall be provided with a concrete pad, a minimum of nine feet by 40 feet (360 square feet), to be constructed so that the pads will provide support and spaced as shown on the approved plat of the park. No recreational vehicle park within a recreational vehicle park shall be placed within such park except upon a pad.

h. No Shared Utility Hookups

Two recreational vehicles shall not be permitted to share a unit or to share utility hookups.

i. Water Lines and Sewer Connections

Each unit shall be provided with water lines and sanitary sewer connections, suitable for hookup to recreational vehicles, and subject to all applicable ordinances, rules and regulations of the City.

j. Public Inspection

Duly authorized representatives of the City shall be permitted access to the recreational vehicle park, the street, utility lines and connections, and structures thereon, when performing City business, as a condition to the issuance, renewal, or suspension of a permit.

k. Fence

A six-foot-high fence or wall, constructed of wood or masonry, shall be constructed on the two sides and rear of the recreational vehicle park; such fence or wall shall be at least 95 percent impervious. A decorative enclosure, not less than five feet in height, shall be constructed along the front of the recreational vehicle park.

l. Utility Lines

All utilities, including, but not limited to, electrical, telephone, television, and cable, shall be buried (except primary service lines into the park) and shall conform to the ordinances of the City.

m. Recreational Area

There shall be provided additional open space not to be considered part of the minimum unit size for use as a recreational area in a ratio of 100 square feet per unit, located in a central location within the park boundaries. The recreational area shall be so located as to be free of traffic hazards and the ratio of length to width shall not exceed 5:1. In the event playground space is provided, it shall be so designated and shall be protected from traffic, thoroughfares, and parking areas. Such space shall be maintained in a sanitary condition and free of safety hazards.

n. Electrical Service

Each unit within the recreational vehicle park shall be provided with electrical service connections of at least one 30-amp connection and one 50-amp connection. Each service pole for each unit shall have fixed a permanent number, which number shall coincide with the number designated to that particular recreational vehicle by the park owner or operator.

o. Drainage and Soil Protection

i. The ground surface in all parts of the park shall be graded and equipped to drain all surface water in a safe, efficient manner. Each recreational vehicle space shall provide adequate drainage for the placement of a recreational vehicle.

ii. Exposed ground surfaces in all parts of every Recreational Vehicle Park shall be paved and/or covered with stone, brick paving, or other similar solid material, or protected with a vegetative growth (such as grass) capable of preventing soil erosion and eliminating dust.

p. Water Supply

i. An adequate supply of potable water for drinking and domestic purposes shall be provided by pipes to all buildings units within the park in accordance with applicable standards provided in building, fire, plumbing, and other codes of the City. Each unit shall be provided with a cold water tap at least four inches above the ground, with a hookup connection suitable for such recreational vehicle.

ii. One master water meter shall be installed at each recreational vehicle park and the owner of the park shall be responsible for the payment of the water bill to the City.

q. Fire Protection Water Distribution System for Certain Sized Parks

Every owner or developer of every park that is 300 feet or more in depth shall be required to install a fire distribution system as follows:

i. The owner or developer shall design and construct a fire distribution system in a manner to provide adequate water flow for fire protection.

ii. The design, size, and layout of the water distribution system shall comply in all respects with applicable requirements of the state and the City and shall be approved by the Director of Public Works.

iii. All materials and installations shall be in accordance with American Water Works Association Standards and with the City standards for same, and shall be Class 150 or better and shall be approved by the Director of Public Works.

iv. Fire hydrants shall be spaced in intervals not to exceed 300 feet as measured along the street or driveways. All mains and laterals shall be looped. Steamer connections shall be national fire standard threads. Barrel lengths for fire hydrants shall be four feet or longer.

r. Sewage Disposal

i. If City sewer trunk lines are adjacent to a boundary of the proposed park, the following regulations shall apply:

(a) Waste from showers, bathtubs, flush toilets, urinals, lavatories, and slop sinks in service and other buildings within the park shall be discharged into a public sewer system in compliance with applicable ordinances.

(b) Each unit shall be provided with a sewer at least four inches in diameter, which shall be connected to receive the waste from the shower, bathtub, flush toilets, lavatory, and kitchen sink of the recreational vehicle located on such unit and having any or all of such facilities. The sewer in each unit shall be connected to discharge the recreational vehicle waste into a public sewer system in compliance with applicable ordinances.

(c) If, on the date the City Council approves the recreational vehicle park, public sanitary sewerage service is not available, **ii** below shall apply. If a public sanitary sewer system is placed adjacent to the recreational vehicle park in the future, the owner or operator of the recreational vehicle park shall install a sanitary sewer system within the park within 180 days after such public service becomes available from the City.

(d) The owner or operator of the recreational vehicle park may provide a sanitary station or dump station to be used by owners of recreational vehicles occupying units within the park or by permitted citizens of the City/owners of recreational vehicles. Such sanitary station or dump

station shall be built in accordance with City standards and specifications and must comply with the City's requirements for connection with the public sewer system. Wastes shall not be discharged into the public sewer system unless in compliance with applicable ordinances of the City, and the owner of the park shall be responsible for the payment of all applicable fees to the City therefor. The owner or operator of the recreational vehicle park shall keep accurate records of each and every use of such sanitary station.

ii. If there is not a public sewer system available adjoining the property line of such proposed park, then the licensee may install a septic tank system, after first having submitted plans and specifications therefor, which plans shall be in full compliance with applicable regulations of the state and the City.

s. Garbage Service

i. Licensee Compliance

Each licensee of the recreational vehicle park shall comply with all of the trash and garbage collection regulations of the City.

ii. Collection

A single charge for the entire recreational vehicle park shall be made for garbage collection, in accordance with the schedule of rates in the City. The licensee of the park shall be responsible for the payment of same.

t. Use of Bottled Gas or Liquefied Petroleum Gas

Bottled gas shall not be prohibited for use by individual recreational vehicles, provided that such gas is properly connected by copper or other suitable metallic tubing or such other tubing as may be allowed by federal and state rules and regulations; and such bottled gas shall not be placed into operation until the licensee of the park has indicated on the check-in/check-out list that such bottled gas has been inspected and has been determined to have met the minimum standards of the state railroad commission and the ordinances of the City. All bottled gas cylinders shall be securely fastened in place. No cylinders containing bottled gas shall be located in a recreational vehicle or within five feet of a door thereof. At all times, all state and local regulations applicable to the handling of the bottled gas and fuel oil shall be followed. All applicable provisions of this Code and other laws regulating the use of liquefied gas shall be complied with and this section shall not be construed so as to repeal such ordinances of this City or any part thereof.

u. Additional Construction in Recreational Vehicle Parks

It shall be unlawful for any person operating a recreational vehicle park or occupying a recreational vehicle to construct or permit to be constructed in such park, or in connection with such recreational vehicle, any additional structure, building or shelter in connection with or attached to the recreational vehicle; provided, however, awnings of canvas or metal, suitably constructed, may be attached to recreational vehicles, as well as portable, prefabricated, temporary rooms, for the express purpose of increasing manufactured home living area, commonly called a cabana, which meets the following requirements:

i. Of metal only, fires-resistive, double-wall, mechanical joint panels; no welded joints between panels permitted;

ii. Strength of materials and structure to meet minimum standards of the City building code;

iii. Capable of being dismantled and removed from the site at the time the recreational vehicle to which it is accessory is moved;

iv. Finish and appearance to be as near the same as possible to the recreational vehicle to which it is accessory;

v. The length must not exceed the length of the recreational vehicle to which it is accessory; and

vi. Only one such room per recreational vehicle shall be permitted.

v. Service Buildings

i. Service buildings and housing sanitation facilities, if provided, shall be permanent structures complying with all applicable provisions of this Code, City ordinances and state statutes regulating buildings, electrical installations and plumbing and sanitation systems.

ii. The service buildings shall be well-lighted at all times of the day and night, shall be well-ventilated with screened openings, shall be constructed of such moisture-proof material, which may be painted woodwork, as shall permit repeated cleaning and washing, and shall be maintained at a temperature of at least 68 degrees Fahrenheit (20 degrees Celsius) during the period from October 1 to May 1. The floors of the service buildings shall be of water-impervious material.

iii. All service buildings and the grounds of the park shall be maintained in a clean, sanitary condition and kept free of any condition that will menace the health of any occupant or the public.

iv. A central service building containing the necessary toilet and other plumbing fixtures specified shall be provided in recreational vehicle parks which provide units for dependent recreational vehicles. Service buildings shall be conveniently located within a radius of approximately 300 feet of the spaces to be served.

w. Park Management

Each licensee of a recreational vehicle park shall perform or cause to be performed the following:

i. Provide written notice to each park occupant of all provisions of this article applicable to such occupant;

ii. Maintain a register of park occupancy which shall contain the following information:

(a) The name and address, and the dates of arrival and departure, of each park resident;

(b) Registration data, including make, length and width, of each recreational vehicle in the park;

(c) The location of each recreational vehicle within the park by unit number and street address;

iii. Maintain on the premises for inspection a map showing the location, size and depth of all utility, gas or other lines within the park.

x. Side-by-Side Operation of Manufacture Home and Recreational Vehicle Parks

Nothing contained herein shall prohibit the development or operation of a manufactured home park adjacent to a recreational vehicle park; provided, however, the existence of adjacent park operations shall not negate a licensee's duty to comply with all rules and requirements applicable to each park as stated herein. In addition, such adjacent parks shall be clearly separated by a street, alley, fence, wall, vegetative hedgerow, or other distinct demarcation; provided, further, adjacent parks may share required recreational areas and service buildings if such areas and buildings otherwise fulfill the requirements for each park as set forth herein.

Article 3. Subdivision Regulations

3.01. Subdivision General Provisions

A. Title

These regulations of the City of Tomball, Texas, shall be known as and may be cited as the Subdivision Regulations or Subdivision Ordinance.

B. Purpose

As authorized by Texas Local Government Code Sec. 212, the subdivision regulations as established in this article have been established for the purpose of promoting the public health, safety, morals, and general welfare of the City and its ETJ. They have been designed to:

1. Promote safe, orderly, and healthful development;
2. Establish reasonable standards of design and procedures for platting and replatting to further the coordinated layout and use of land; and
3. Ensure that adequate public facilities and services are available and will have sufficient capacity to serve the proposed subdivision or development.

C. Applicability

This article shall apply to all subdivisions of land within the City and its area of extraterritorial jurisdiction.

D. Compliance Required

1. Plat Approval Required
   a. It shall be unlawful for any person to subdivide any tract, lot, or parcel of land within the City or within the extraterritorial jurisdiction of the City, unless and until a final plat of such subdivision has been approved in accordance with the terms of this article.
   b. Unless and until a final plat of a subdivision shall have been first approved in the manner provided in this article, it shall be unlawful for any person to construct or cause to be constructed any street, utility facility, building, structure, or other improvement on any lot, tract, or parcel of land within such subdivision, except as specifically permitted in this article.
2. Improvements Required

   All of the improvements required under these regulations, improvements specified in the City's comprehensive plan, and improvements which, in the judgment of the Planning and Zoning Commission, are necessary for the adequate provision of streets, drainage, utilities, municipal services and facilities to the subdivision, shall be constructed at the sole expense of the developer.
3. Streets and Utilities

   The City shall not repair, maintain, install, or provide any streets or public utility services within a subdivision for which a final plat has not been approved and filed of record and in which the standards contained in this article or referred to in this article have not been complied with in full.
4. Exceptions
   a. The provisions of this article shall not be construed to prohibit the issuance of permits for construction on any lot which was in existence prior to August 15, 1983, nor to prohibit the repair, maintenance or installation of any street or public utility service for, to or abutting any lot, the last recorded conveyance of

which prior to August 15, 1983, was by metes and bounds, and/or any subdivision, or lot therein, recorded or unrecorded, which subdivision was in existence prior to August 15, 1983.

b. A division of land does not include the merger of two or more adjoining lots or tracts of land, with common ownership, that the owners wishes to merge into one lot in order to avoid the creation of a technical violation of the City's building, subdivision and zoning regulations relating to building setback lines. This exception applies only if:

   i. The lots or tracts had at least one owner in common as of the effective date of the ordinance from which this article is derived;

   ii. The lots or tracts are located in the Recorded Plat Revised Map of Tomball Harris Co., Texas recorded July 9, 1912, a true and correct copy of which is attached to the ordinance from which this chapter is derived as Exhibit "A" which is on file with the City Secretary and incorporated in this article by reference for all purposes;

   iii. A structure existed on the lots or tracts, as of the effective date of the ordinance from which this section is derived, provided, however, that this exception shall not apply in the event that 60 percent or more of the square feet of the structure is removed or destroyed;

   iv. The joinder of lots or tracts does not require the dedication or removal of any public rights-of-way, public easements or other public improvements;

   v. The owner or owners agree in writing on a form approved by the City that the merged lot may not be divided in the future unless a subdivision plat authorizing such division is approved by the City and filed of record in accordance with applicable state laws and City ordinances governing plats and the subdivision of land. The form must also inform and declare that any subsequent purchaser will be bound by the requirements of this exception and the form shall be filed in the county clerk's office of the county in which the property is located. A property owner who has elected to join one or more lots pursuant to this subsection may file an election with the City to reverse the joinder of lots so long as no violation of the City's setback requirements in the building, subdivision, or zoning regulations is created by the reversal.

   Two or more platted lots joined together pursuant to this subsection shall be considered one joined lot for purposes of this article; provided, however, that nothing contained in this article, shall otherwise constitute an exception to the platting requirements imposed by this article.

c. Authorized Agent

   A person may act as agent for a subdivider/developer upon submission with each application for preliminary and/or final plat approval of a certified copy of a power of attorney, certified by the county clerk of either counties, containing in such certification the recording information of such power of attorney in the records of either county, and such certification being dated not more than seven days prior to the date of such application filing. Further, the power of attorney must specifically authorize the applicant to act on behalf of the subdivider/developer, must specifically identify the tract proposed for subdivision, and must state that the power of attorney authorizes the agent to execute all necessary documents and dedicatory statements necessary to effect final plat approval and recording thereof.

3.02. Subdivision Procedures

A. Platting Process Overview

Figure 3.02-1. Platting Process Alternatives Overview

Traditional Review Process

Step 1: Pre-Development Meeting

Before submitting an application, applicants are encouraged to attend a pre-development meeting with City Staff to become familiar with the City's development process and regulations applicable to the proposed development. See **1.03.B Pre-Development Meeting** for more information.

↓

Step 2: Preliminary Plat

A preliminary plat must be submitted for review and approval. See **3.02.C. Preliminary Plat** for more information.

↓

Step 3: Construction Plans

Following approval of (or in conjunction with) a preliminary plat, the applicant shall submit construction plans for all public improvements within the proposed development. See **3.03.B. Construction Plans.**

↓

Step 4: Construction and Inspection of Improvements

Following approval of construction plans, the applicant may begin constructing public improvements. See **3.03.C. Installation, Acceptance, and Maintenance of Public Improvements.**

↓

Step 5: Final Plat

Once any required public improvements have been installed (or performance security provided in accordance with **3.03.C.1. Guarantee of Performance**), a final plat shall be submitted for consideration. See **3.02.D. Final Plat** for more information.

↓

Step 6: Filing and Acceptance

Once a final plat has been approved, it shall be filed with the respective county clerk's office.

The City Engineer shall again inspect the construction and make a recommendation to the City Council, who will consider a resolution to accept maintenance of dedicated public improvements; however, the applicant is responsible for maintaining the infrastructure for two years, in accordance with **3.03.C.3. Maintenance of Dedicated Approvements.**

Expedited Review Process

Step 1: Pre-Development Meeting

Before submitting an application, applicants are encouraged to attend a pre-development meeting with City Staff to become familiar with the City's development process and regulations applicable to the proposed development. See **1.03.B Pre-Development Meeting** for more information.

↓

Step 2: Construction Plans

If the Director waives the requirement for a preliminary plat (see **3.02.C.1.a**). Construction plans may be submitted prior to (or with) a final plat.

↓

Step 3: Final Plat and Security

If public improvements are to be installed, performance security is required in accordance with **3.03.C.1. Guarantee of Performance.**

The final plat may be approved and filed.

↓

Step 4: Construction and Inspection of Improvements

The applicant may begin constructing public improvements. See **3.03.C. Installation, Acceptance, and Maintenance of Public Improvements.**

The City Engineer shall inspect the construction and make a recommendation to the City Council, who will consider a resolution to accept maintenance of dedicated public improvements; however, the applicant is responsible for maintaining the infrastructure for two years, in accordance with **3.03.C.3. Maintenance of Dedicated Approvements.**

B. Plat Approval Authority

1. Texas Local Government Code Sec. 212.006 designates the Planning and Zoning Commission as the authority responsible for approving plats.

2. Texas Local Government Code Sec. 212.0065 authorizes the Planning and Zoning Commission to delegate one or more officers or employees of the City the ability to approve, approve with conditions, or disapprove a plat. The City of Tomball Planning and Zoning Commission hereby delegates plat approval authority to the Community Development Director (or their designee).

   a. The Director may, for any reason, elect to defer to the Planning and Zoning Commission.

   b. Planning and Zoning Commission approval is required for any plat that requires a Subdivision Waiver (see **3.02.H**) from the regulations contained within this **Article 3. Subdivision Regulations**.

C. Preliminary Plat

1. Applicability

   No subdivision of land shall occur without proper submittal and approval of a preliminary plat. An approved preliminary plat is required prior to the application for a final plat.

   a. Exception: During the pre-application meeting, the Director may waive the preliminary plat requirement when the Director determines that the proposed subdivision is of such scope, character, or simplicity that preliminary review is unnecessary to ensure compliance with this ordinance and other applicable regulations. Examples include single-phase subdivisions or developments with limited public improvements. If a final plat will be approved prior to the installation of public improvements, performance security is required in accordance with **3.03.C.1. Guarantee of Performance**.

2. Complete Application Required

   Any person desiring approval of a preliminary plat shall first submit an application for preliminary plat approval. Consideration of a preliminary plat by the City shall not occur unless a fully completed and executed application has been filed in accordance with this article.

3. Submittal Date and Time

   a. All plats, maps, reproductions, fees, applications, and related materials shall be submitted to the Community Development Director.

   b. The Director shall determine the completeness of all plat applications.

   c. Complete plat applications submitted by the application deadline specified on the plat review calendar (kept by the Community Development office) shall be reviewed and decided by the Director or placed on the agenda for the next regularly scheduled meeting of the Planning and Zoning Commission for consideration.

4. Time Period for Action

   All preliminary plat applications shall be acted upon within 30 calendar days from the official filing date unless a waiver is submitted in accordance with Waiver of Right**3.02.G. Waiver of Right to 30-Day Action**.

5. City Staff Review and Recommendation or Action

   a. City staff shall meet to review each preliminary plat application. City staff shall make a decision or recommendation (as applicable, in accordance with **3.02.B. Plat Approval Authority**) for one of the following:

      i. Approval of the plat,

      ii. Approval of the plat with conditions, or

      iii. Denial of the plat.

6. Resubmittal of Plats that Require Planning and Zoning Commission Approval Following City Review and Recommendation

   For plats that require approval by the Planning and Zoning Commission, the following timeline must be met to ensure adequate review time and compliance with State law:

   a. At least 12 calendar days prior to the meeting of the Planning and Zoning Commission during which the plat is scheduled for action, the applicant shall provide to the Community Development Director a revised plat. The Director shall review the revised plat for compliance with comments from previous review(s) by the City.

   b. Revised plats submitted to the Director at least 12 calendar days prior to the meeting of the Planning and Zoning Commission during which the plat is scheduled for action will be placed on the agenda for consideration by the Commission, for approval, approval with conditions, or denial based on staff findings.

c. In the event that a revised plat is not submitted at least 12 calendar days prior to the meeting of the Planning and Zoning Commission and no Waiver of Right for 30-Day Action is submitted by the applicant, the plat shall be subject to denial by the Commission due to insufficient time for review by staff.

7. City Action on Plats

a. The City shall approve any plat if it is in compliance with the provisions of this article and other rules and regulations as may have been or may be adopted by the City Council governing plats and/or the subdivision of land.

b. If the City grants approval with conditions needed to meet the City's rules and regulations, the City shall provide the applicant with the specific conditions; the plat shall be considered approved once the Community Development Director determines the conditions have been met. Approval with conditions expires at the end of the 30-day approval window, or 6 months from the date of City action if the applicant submits a Waiver of Right to 30-Day Action.

c. If the City determines that a plat fails to comply with the policies, standards, or requirements contained in this article or other rules or regulations as may have been adopted by the City Council governing plats and/or the subdivision or land. The City shall provide the applicant with the specific reason for denial.

8. Notice to Utilities

Evidence of notice to all utility companies that provide service to the area encompassed by the proposed subdivision, whether public or private, shall accompany each application for preliminary plat approval. Such notice shall contain a statement of the intent to subdivide, the intended use of the property within the subdivision, and shall have attached to such notice a copy of the preliminary plat that is filed within the City.

9. Form and Content of Preliminary Plats

All preliminary plat submittals shall be in the form of and correctly contain all information and/or language required by the plat review checklist maintained by the Community Development Department.

10. Expiration of a Preliminary Plat

All preliminary plat approvals granted by the City and the conditions thereon, if any, shall be valid for a period of six months from the date on which the approval was granted. If no construction plans or final plat has been approved, the preliminary plat shall expire and a new preliminary plat must be submitted.

a. Phased Development

If the approved preliminary plat contains more than one phase, construction plans or a final plat must be submitted within every six months thereafter until all phases are complete; otherwise, the preliminary plat shall expire.

b. Extensions

The Community Development Director may authorize one 6-month extension, after which the Planning & Zoning Commission may authorize extensions up to 12 months due to extenuating circumstances related to the installation of improvements.

D. Final Plat

1. Applicability

   A final plat is required for all subdivision of land. An approved and filed final plat is required prior to the application for a building permit or sale of land.

   a. Exception: Tracts five acres or greater where each part has access and no public improvement is being dedicated in accordance with Section 212.004 of the Texas Local Government Code.

2. Complete Application Required

   Any person desiring approval of a final plat shall first file an application for final plat approval. Consideration of a final plat by the City shall not occur unless a fully completed and executed application has been filed in accordance with this article.

3. Submittal Date and Time

   a. All plats, maps, reproductions, fees, applications, and related materials shall be submitted to the Community Development Director.

   b. The Director or their designee shall determine the completeness of all plat applications.

   c. Complete plat applications submitted by the application deadline specified on the plat review calendar (kept by the Community Development office) shall be reviewed and decided by the Director or placed on the agenda for the next regularly scheduled meeting of the Planning and Zoning Commission for consideration.

4. Time Period for Action

   All final plat applications shall be acted upon within 30 calendar days from the official filing date unless a waiver is submitted in accordance with **3.02.G. Waiver of Right to 30-Day Action**

5. City Staff Review and Recommendation or Action

   a. The City staff shall meet to review each final plat application. City staff shall make a decision or recommendation (as applicable, in accordance with **3.02.B. Plat Approval Authority**) for one of the following:

      i. Approval of the plat,

      ii. Approval of the plat with conditions, or

      iii. Denial of the plat.

6. Resubmittal of Plats that Require Planning and Zoning Commission Approval Following City Review and Recommendation

   a. For plats that require approval by the Planning and Zoning Commission, the following timeline must be met to ensure adequate review time and compliance with State law: At least 12 calendar days prior to the meeting of the Planning and Zoning Commission during which the plat is scheduled for action, the applicant shall provide to the Community Development Director a revised plat. The Director shall review the revised plat for compliance with comments from previous review(s) by the City.

   b. Revised plats submitted to the Director at least 12 calendar days prior to the meeting of the Planning and Zoning Commission during which the plat is scheduled for action will be placed on the agenda for consideration by the Commission, for approval, approval with conditions, or denial based on staff findings.

   c. In the event that a revised plat is not submitted at least 12 calendar days prior to the meeting of the Planning and Zoning Commission and no Waiver of Right for 30-Day Action is submitted by the applicant, the plat shall be subject to denial by the Commission due to insufficient time for review by staff.

7. City Action on Plats

   a. The City shall approve any plat if it is in compliance with the provisions of this article and other rules and regulations as may have been or may be adopted by the City Council governing plats and/or the subdivision of land.

   b. If the City grants approval with conditions needed to meet the City's rules and regulations, the City shall provide the applicant with the specific conditions; the plat shall be considered approved once the Community Development Director determines the conditions have been met. Approval with conditions expires at the end of the 30-day approval window, or 6 months from the date of City action if the applicant submits a Waiver of Right to 30-Day Action.

   c. If the City determines that a plat fails to comply with the policies, standards, or requirements contained in this article or other rules or regulations as may have been adopted by the City Council governing plats and/or the subdivision or land. The City shall provide the applicant with the specific reason for denial.

8. Notice to Utilities

   Evidence of notice to all utility companies that provide service to the area encompassed by the proposed subdivision, whether public or private, shall accompany each application for final plat approval. Such notice shall contain a statement of the intent to subdivide, the intended use of the property within the subdivision, and shall have attached to such notice a copy of the final plat that is filed within the City.

9. Forms and Content of Final Plat

   All final plat submittals shall be in the form of and correctly contain all information and/or language required by the plat review checklist maintained by the Community Development Director. All final plats shall also reflect any conditions and requirements of final approval previously imposed by the City.

10. Plat Filing

    Filing of approved final plats with the county clerk of either county, as applicable, for recording, shall be made by the applicant. Such filing shall not be made until:

    a. Completion by the developer of all improvements required as a condition of plat approval and acceptance of such improvements by the City Engineer; or

    b. The filing of a sufficient guarantee of such performance by the developer in accordance with **3.03. Public Improvements**.

    Such filing shall be made promptly upon the satisfaction of either condition.

11. Restrictive Covenants

    An executed and notarized copy of the final restrictive covenants to govern the nature and use of property within the subdivision shall be submitted. In the public interest, the City shall require that such restrictive covenants, if any, be filed simultaneously with the final plat and be executed by all parties executing the final plat other than the City. The applicant shall file for recording with the county clerk of either county, as applicable, the original copy of such restrictive covenants, if any, concurrently with the filing of the plat in accordance with **3.02.D.10. Plat Filing**.

E. Plat Vacation

1. Purpose

   The purpose of a Plat Vacation is to provide an expeditious means of vacating a recorded plat in its entirety, consistent with provisions of the Texas Local Government Code Sec. 212.013.

2. Initiation of a Plat Vacation

   The property owner of the tract covered by a plat may submit an application to vacate the plat at any time before any lot in the plat is sold. If lots in the plat have been sold, an application to vacate the plat must be submitted by all the owners of lots in the plat.

3. Plat Vacation Decision-Maker

   A plat vacation shall be processed in the same manner as the original plat.

4. Procedures for Recordation Following Approval

   a. If a plat is vacated in whole, it shall record a copy of the resolution in the county clerk's office in the applicable county.

   b. If a plat is vacated in part, it shall cause a revised final plat to be recorded along with the resolution that shows the portion of the original plat that has been vacated and the portion that has not been vacated.

5. Effect

   a. On the execution and recording of the vacating instrument, the previously filed plat shall have no effect.

   b. The plat is vacated when a signed, acknowledged instrument declaring the plat vacated is approved and recorded in the manner prescribed for the original plat.

   c. The decision-maker, at their discretion, shall have the right to retain all or specific portions of road right-of-way or easements shown on the plat being considered for vacation. However, the decision-maker shall consider Plat Vacation upon satisfactory conveyance of easements and/or right-of-way in a separate legal document using forms provided by the Community Development Director.

F. Right-of-Way Abandonment

1. Initiation

   Right-of-way abandonments may be initiated by the adjacent property owner(s) or by the City Council if the Council determines that the right-of-way abandonment will not interfere with the interest of public health, safety, and welfare.

2. Division of the Land to be Abandoned

   Generally, the abandoned land will be divided in equal proportions and joined via separate instrument with the adjacent properties. The Public Works Director shall review the plat that originally dedicated the right-of-way, access considerations, and adjacent property owners' requests to determine the final division.

3. Utility Easements

   If there are utility lines in rights-of-way that are to be abandoned, a utility easement will be required in lieu of right-of-way or relocation.

4. Right-of-Way Abandonment Approval Process

   a. Right-of-way abandonment requests shall be reviewed and recommended by City staff.

   b. The City Council shall review the abandonment request, recommendations from City staff, the presentation from the petitioner or the petitioner's representative, and from any interested citizens. Action shall be in the form of approval, denial, or modification.

G. Waiver of Right to 30-Day Action

1. The Community Development Director shall be the official decision-maker for a Waiver of Right to 30-Day Action.
2. An applicant may request a Waiver of Right to 30-Day Action relating to the decision time of 30 days mandated by state law. Such requests must be submitted on the official Waiver of Right to 30-Day Action form provided by the Community Development office.
3. Waiver requests must be received by the Director prior to the time at which action would have to be taken (based on the 30-day state law requirement).
4. The granting of a Waiver of Right to 30-Day Action shall not be deemed in any way a waiver of any requirement within this UDC.
5. The Waiver of Right to 30-Day Action may postpone consideration of plats for a period not to exceed 30 days from the date that the waiver is received by the City.
6. In the event that the Waiver of Right to 30-Day Action expires, the plat shall be considered void by the City and a separate plat application will be required for review and consideration.

H. Subdivision Waiver

1. Purpose

   The purpose of a petition for a Subdivision Waiver is to request that a specific requirement or requirements be modified. The intent of these provisions is to allow flexibility in development that exhibits unique circumstances.

2. Submittal Requirements

   a. An applicant may submit an application for a Subdivision Waiver in conjunction with either a plat or construction plan application. No Subdivision Waiver may be considered or granted unless the applicant has made such written request.

   b. A Subdivision Waiver petition shall be specific in nature and shall only involve relief consideration for one specific requirement. An applicant may submit more than one Subdivision Waiver petition if there are several standards or requirements at issue.

   c. The applicant's request shall state the grounds for the Subdivision Waiver request meeting the decision criteria in **4. Subdivision Waiver Criteria** below.

3. Decision-Maker and Action

   Following review and recommendation by the Community Development Director and/or City Engineer, the Planning and Zoning Commission shall decide all Subdivision Waivers.

4. Subdivision Waiver Criteria

   a. Undue Hardship Present

      A Subdivision Waiver may be approved only when, in the Planning and Zoning Commission's opinion, undue hardship will result from strict compliance with the regulations. Financial hardship alone to the applicant shall not constitute undue hardship. The applicant bears the burden of proof to demonstrate that the requirement for which a Subdivision Waiver is requested imposes an undue hardship on the applicant or that the proposed modification results in a better construction solution.

   b. Minimum Degree of Variation

      No Subdivision Waiver shall be granted unless it represents the minimum degree of variation of requirements necessary to meet the objective of the applicant in requesting the waiver.

c. Additional Consideration Factors

The Planning and Zoning Commission shall consider the following factors:

i. The nature of the proposed land use involved and existing uses of the land in the vicinity;

ii. The number of persons who will reside or work in the proposed development;

iii. The effect such Subdivision Waiver might have upon traffic conditions and upon the public health, safety, convenience, and welfare in the vicinity;

iv. Special circumstances affecting the land or other physical conditions of the property such that the strict application of these Subdivision Regulations would deprive the applicant of the reasonable use of their land;

v. The necessity of the Subdivision Waiver for the preservation and enjoyment of a substantial property right of the applicant, and that the granting of the Subdivision Waiver will not be detrimental to the public health, safety, or welfare or injurious to other property in the area; and

vi. The Subdivision Waiver will not have the effect of preventing the orderly subdivision of other lands in the area in accordance with the provisions of this article.

d. Violations and Conflicts

The Planning and Zoning Commission shall not authorize a Subdivision Waiver that would constitute a violation of, or conflict with, any other valid ordinance, code, regulations, or Comprehensive Plan of the City.

5. Effect of Approval

Following the granting of a Subdivision Waiver, the applicant may submit or continue the processing of a plat or construction plans, as applicable.

6. Expiration and Extension

a. The Subdivision Waiver granted shall remain in effect for the period the plat or construction plans are in effect and shall expire upon expiration of either or both of those applications.

b. Extension of the plat or construction plans applications shall also result in extension of the Subdivision Waiver.

3.03. Public Improvements

A. Adequate Public Improvements Required

1. Subdivider Responsibility

   Land proposed for development in the City and in the City's extraterritorial jurisdiction must be served adequately by essential public facilities and services, including water, wastewater, gas, roadway, bicycle, pedestrian, drainage, and open space facilities.

2. Minimum Requirements

   a. This article identifies minimum requirements and sizes for utilities, roadways, and other facilities that have been determined by the City Council to be necessary to provide the minimum level of service to protect or promote the public health, safety, and welfare and to ensure the quality of life currently enjoyed by the residents.

   b. No final plat shall be approved by the City, and no permit shall be issued for the construction of any improvement intended for public use or for the use of purchasers or owners of lots fronting or adjacent to such improvement, and no improvement intended for public use shall be accepted by the City, unless any such improvements shall comply with the standards and specifications of this article.

3. Conformance with Standards and Plans

   Design and construction of public improvements must conform to the standards, criteria, and requirements of the following, as they may from time to time be amended by those responsible for their promulgation.

   a. The City's comprehensive plan;

   b. City of Tomball Design Manual;

   c. The Texas Uniform Traffic Control Device Manual;

   d. American Association of State Highway Transportation Officials Design Manual;

   e. Texas Health Code;

   f. Texas Water Code; and

   g. All other codes and ordinances of the City.

4. Oversizing and Extension to Serve Subdivision

   a. Based on master plans, main extensions to serve subdivisions and oversizing of facilities may be required. See Texas Local Government Code Sec. 212.904 for more information.

   b. If the City requires a developer to pay a portion of infrastructure costs as a condition of plat approval, the developer's portion of cost must be "roughly proportionate" or consistent with only the impact of proposed development, as estimated by the City Engineer.

B. Construction Plans

1. Approval of Plans Required

   Before beginning any construction of the improvements required by this article on proposed roadways, public utilities or drainage facilities, or structures pertaining to any subdivision coming under the provisions of this article and either within the City limits or its extraterritorial jurisdiction, complete plans and specifications for such improvements shall have first been approved, in their entirety, by the City Engineer. In addition, within 30 days following completion of all improvements, the owner or subdivider shall provide to the City Engineer one set of as-built drawings of all underground utilities and street improvements that have been constructed.

2. Standards and Specifications

   a. Construction plan and profile sheets for all subdivision improvements, public or private, shall be submitted following approval of (or in conjunction with) a preliminary plat and prior to construction. All such plans and profile sheets shall be signed and sealed by a state registered professional engineer.

   b. Construction plans shall be submitted in accordance with the provisions of the City of Tomball Design Manual.

3. Changes to Construction Plans

   No change in the plans and specifications for a public improvement required under this article shall be made without the prior written approval of the City Engineer.

4. Inspection

   The City Engineer shall from time to time inspect the construction of all required improvements in the subdivision during the course of construction to see that the same comply with the City's standards governing same. In this regard, free access to the subdivision shall be accorded the City Engineer by the subdivider, their agents and employees. Inspection by the City Engineer, or a failure of the City Engineer to inspect construction as required in this section, shall not in any way impair or diminish the obligation of the subdivider to install improvements in the subdivision in accordance with plans and specifications therefor as approved by the City Engineer, in accordance with the City's standards.

5. City Standards

   The construction standards referred to in this article may be revised from time to time by the City Council without requiring an amendment to this article, such standards being subject to change by motion duly adopted by the City Council. Any such changes or revisions shall be immediately noted upon such standards.

C. Installation, Acceptance, and Maintenance of Public Improvements

1. Guarantee of Performance

   a. No subdivision plat shall be filed and no building permit, or any water, sewer, plumbing, or electrical permit shall be issued by the City to the owner or any other person with respect to any property in any subdivision until the earlier of:

      i. Such time as the subdivider or developer of such subdivision has complied with all provisions of this article and such conditions of the City applicable to the final plat regarding installation of all required improvements and for which required improvements the subdivider or developer has received acceptance by the City Engineer for the start of the two-year maintenance period as described in **3.03.C.3. Maintenance of Dedicated Approvements**;

      ii. Such time as the subdivider or developer files a corporate surety bond with the City Engineer executed by a surety company licensed to do business in the state and acceptable to the City, in an amount equal to 120 percent of the cost of installation of all required improvements as determined by the City Engineer computed on a private commercial rate basis, guaranteeing the installation of such required improvements by the subdivider or developer within the time stated in the bond.

   b. No building permits may be issued until all required infrastructure has been completed.

      i. Exception: Sidewalks along Local Streets that are interior to a development may be delayed until after building construction if performance security is provided; however, all sidewalks must be complete prior to occupancy.

2. Inspection of Construction

   The City Engineer shall be required to fully inspect any and all phases of the construction of improvements for each subdivision. The subdivider, or their contractor, shall maintain daily contact with the City Engineer during construction of improvements. No sanitary sewer, water, or storm sewer pipe shall be covered without written approval of the City Engineer, no flexible base material, subgrade material, or stabilization shall be applied to the street subgrade without said written approval, and no concrete shall be poured or asphaltic surface applied to the base without said written approval. The City Engineer may at any time cause any construction, installation, maintenance, or location of improvements to cease when, in their judgment, the requirements of this article or the standards and specifications as in this section before provided have been violated, and may require such reconstruction or other work as may be necessary to correct any such violation. The subdivider shall engage a registered professional engineer who shall be in responsible charge of all phases of the design and construction of the required public improvements.

3. Maintenance of Dedicated Approvements

   a. Disapproval of a plat shall be deemed a refusal to accept the offered dedications shown thereon. Approval of the plat shall not impose any duty upon the City concerning the maintenance of improvements of any dedicated parts indicated thereon until the City Engineer inspects and accepts proposed public improvements.

   b. The subdivider or developer shall maintain all such improvements for a period of two years following such acceptance by the City Engineer; however, such period of required maintenance shall not begin until there has been filed with the City Engineer either a maintenance bond, executed by a surety company licensed to do business in the state and acceptable to the City Council, in an amount equal to 100 percent of the cost of installation of such improvements, warranting that said improvements will render satisfactory operation for such two-year period, or a cash bond, in an amount equal to 100 percent of the cost of installation of such improvements, likewise warranting that said improvements will render satisfactory operation for such two-year period.

3.04. Subdivision Development Standards

A. Lots and Blocks

1. General Provisions

The purpose of this section is to provide general overall guidelines for the establishment of individual lots within a subdivision.

a. General Lot Design, Arrangement, and Layout

The general lot design within any subdivision shall be based upon the concept that such lots are created and established as undivided tracts of land and that purchasers of such lots can be assured that these tracts of land meet the applicable regulations, including those found in **Article 2. Zoning Regulations** of this UDC and Chapter 10 Buildings and Building Regulations of the City's Code of Ordinances, which are based upon the following basic criteria:

i. That the lot is of sufficient size and shape to accommodate easements for all public and private utility services and facilities to adequately serve the proposed development.

ii. That the lot is of sufficient size and shape and is so located that direct vehicular access is provided from a public street or through an approved private street and that the required number of off-street parking spaces can be provided on the lot without encroachment within any adjacent street or right-of-way.

b. Lot Shapes

Lots shall be designed, so far as possible, with side lot lines being at right angles or radial to any adjacent street right-of-way line. Where all lots are either perpendicular and at right angles or radial to adjacent street rights-of-way, a suitable notation shall be placed upon the plat in lieu of lot line bearings.

c. Irregularly Shaped Lots (Flag Lots and Cul-de-Sac Lots)

i. Irregularly shaped lots shall provide a reasonable building pad without encroachment into front, side, or rear yard setbacks or into any type of easement.

ii. The rear width of irregularly shaped lots shall be sufficient to provide access for all necessary utilities. When alleys are present, there must be sufficient width for access for driveways and solid waste collection and a minimum 20-foot alley frontage.

iii. Flag Lots shall adhere to the following standards:

(a) Such lots shall have a minimum flag "pole" width of 30 feet.

(b) No more than two dwelling units may share a common driveway on residential flag lots.

(i) Each flag lot must display an address at their closest point of access to a public street for emergency responders.

iv. Cul-de-Sac Lots or Lots on Curved Streets shall adhere to the following standards:

(a) Minimum lot frontages shall be as follows:

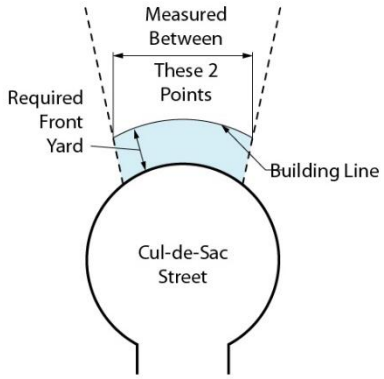
(i) Residential lots: 30 feet.

(ii) Nonresidential lots: 45 feet.

(iii) Nonresidential lot frontage may be reduced to 30 feet if the proposed plat reflects appropriately dimensioned easements for joint driveway access by two abutting lots.

(b) Minimum lot widths for lots with predominate frontage on the curved radius of a street shall be measured as the linear distance of the curved front building line (see **Figure 3.04-1. Measuring Lot Width of a Curved Lot**). Lot widths for all lots shall be as set forth in the respective zoning district or as indicated in Chapter 10 Building and Building Regulations for the ETJ.

Figure 3.04-1. Measuring Lot Width of a Curved Lot



v. The City reserves the right to disapprove any lot which, in its sole opinion, will not be suitable or desirable for the purpose intended or which is so oddly shaped as to create a hindrance to the logical lot layout of surrounding properties.

d. Double Frontage Lots

i. Double-frontage lots shall be avoided, except when the Community Development Director determines such configuration is essential to provide separation of residential development from arterial streets or to overcome a specific disadvantage or hardship created by topography or other factors.

ii. Double frontage lots must meet front setback requirements along each street side boundary. Setbacks shall be in accordance with applicable zoning districts as outlined in **Article 2. Zoning Regulations** for properties located within the City limits, or in accordance with standards outlined in Error! Reference source not found.Chapter 10 Buildings and Building Regulations in the City's Code of Ordinances for properties located within the ETJ.

iii. Lots in single-family (SF) residential districts and duplex (D) (two-family) residential districts may abut a street on both the front and rear boundaries, under all of the following conditions:

(a) One lot boundary must abut an arterial street or expressway;

(b) A reserve or easement at least ten feet wide, across which there shall be a non-access easement designated along the property boundary adjacent to the arterial street or expressway; and

(c) The lot shall not have more than one-half of its perimeter along streets.

e. Additional Lot Depth and Width Required

i. Lot Depth

Under the following circumstance(s), the minimum depth of each lot shall conform to the requirements of the zoning district in which the lot is located or adhere to the following standards. The more stringent restrictions shall prevail.

(a) Where the rear of any lot abuts a railroad right-of-way, arterial street or freeway, high-pressure gasoline, oil or gas pipeline, high voltage electric transmission line, public recreational facility, industrial or commercial zoning district, the minimum depth shall be 120 feet.

ii. Lot Width

Under the following circumstance(s), the minimum width of each lot shall conform to the requirements of the zoning district in which the lot is located or adhere to the following standards. The more stringent restrictions shall prevail.

(a) Where the side of any lot abuts a railroad right-of-way, arterial street or freeway, high-pressure gasoline, oil or gas pipeline, high voltage electric transmission line, public recreational facility, industrial or commercial zoning district, the minimum width shall be 70 feet.

f. Street Access

i. All lots shown on the plat shall abut and have access to a public street, or a private street that shall meet all requirements in this section for public streets. All lots shown on the plat shall have indicated thereon the front of the lot for subsequent construction of a building.

ii. Driveway access from residential lots to adjacent streets designated as major thoroughfares (i.e., arterials and collectors), or any other public street that carries a traffic volume where additional vehicular driveways would create a traffic hazard or impede the flow of traffic, shall not be approved and such access restrictions shall be illustrated as non-access easements directly upon the plat and along the property line adjacent to the street frontage in question.

(a) Exception: The City Engineer and Community Development Director may approve such driveways when no other means of public street access is available to residential lots.

g. Lot and Block Identification

i. All blocks established in a subdivision shall be designated on the plat, and shall be numbered consecutively throughout the entire subdivision.

ii. Lots established within blocks shall also be numbered consecutively within the block. Lot numbering shall be cumulative throughout the subdivision if the numbering system continues from block to block in a uniform manner.

B. Building Setback Requirements in the ETJ

In the ETJ, no plat of any subdivision shall be approved unless the front building setback lines are established therein in accordance with the Chapter 10 Buildings and Building Regulations in the City's Code of Ordinances. Side and rear lot setbacks shall be governed by the county for parcels located in the ETJ.

C. Minimum Lot Sizes

Lot sizes shall comply with minimum requirements set forth in the applicable ordinances of the City, including **Article 2. Zoning Regulations** of this UDC.

D. Monuments and Markers

1. Concrete monuments, 6 inches in diameter and 24 inches long, shall be placed on all boundary corners, block corners, curve points, and angle points. A copper pin 1/4-inch in diameter embedded 3 inches in the monument shall be placed at the exact intersection point on the monument. The monuments shall be set at such an elevation that they will not be disturbed during construction, and the top of the monument shall not be less than 12 inches below the finish ground level.
2. Lot markers shall be 5/8-inch or greater reinforcing bar, 24 inches long, or approved equal, and shall be placed at all lot corners flush with the ground, or below ground if necessary in order to avoid being disturbed.
3. Where no benchmark is established or can be found within 300 feet of the boundary of the subdivision, such benchmark shall be established to the latest edition of the National Geodetic Survey. The benchmark shall be established upon a permanent structure, or may be set as a monument and shall be readily accessible and identifiable on the ground.

E. Streets, Parking, and Driveways

1. Purpose

The public street system pattern proposed within any subdivision shall comply with design standards of this article and shall:

a. Provide for adequate vehicular access to all properties within the subdivision plat boundaries;

b. Provide adequate street connections to adjacent properties to ensure adequate traffic circulation within the general area;

c. Provide a local street system serving properties to be developed for residential purposes that discourages through traffic while maintaining sufficient access and traffic movement for convenient circulation within the subdivision and access by fire, police, and other emergency services personnel; and

d. Provide for a sufficient number of continuous streets to accommodate the traffic demands generated by new development.

2. Right-of-Way Dedication and Street Configuration

All public or private streets as provided in this article shall be constructed in accordance with the City of Tomball Design Manual Applicants must dedicate sufficient right-of-way to the City for streets and sidewalks. Typical street right-of-way widths are illustrated in the City's most recently adopted Comprehensive Plan.

3. Sight Visibility Triangle

a. Sight Visibility Triangle Required

i. At any intersection of any street (public or private) with another street, alley, or driveway, a triangular visibility area shall be created to preserve sightlines that promote pedestrian and vehicular safety.

ii. Restrictions in this area apply to landscaping, fences, walls, signs, earthen berms, and other features that can potentially obstruct views.

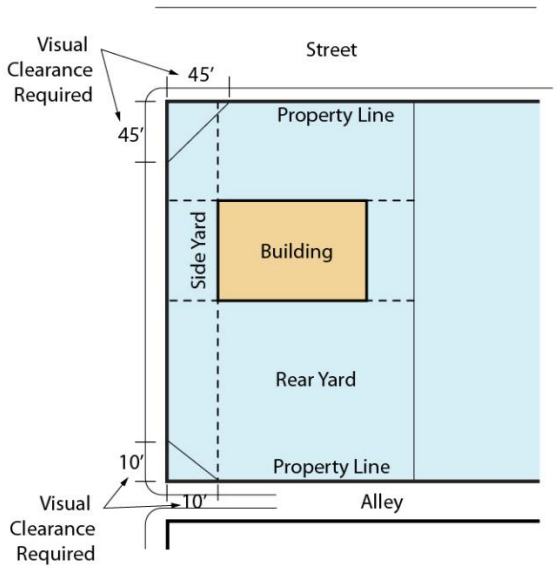
b. Requirements

i. Intersection of Two Streets

At the intersection of two streets, a 45-foot visibility triangle is required as shown in **Figure 3.04-2. Sight Visibility Triangle Requirements**. These dimensions are determined as follows:

(a) Two sides begin at the precise corner of the intersection point of the curbs or edge of pavement of each of the two streets forming each corner and extending 45 feet along each such curbline or pavement line from such intersection point. The third side is determined by the drawing of a straight line from the ends of such 45-foot extensions, whether such land be privately owned or unpaved or untraveled street right-of-way property.

Figure 3.04-2. Sight Visibility Triangle Requirements



ii. Intersection of a Street and Alley

Both sides of the intersection of an alley and street shall have a triangular visibility area with two sides of each triangle being a minimum of 10 feet in length from the point of intersection and the third side being a line connecting the ends of the other two sides.

iii. Intersection of a Street and Driveway

Both sides of the intersection of a driveway onto a street shall have a triangular visibility area with two sides of each triangle being a minimum of 20 feet in length from the point of intersection and the third side being a line connecting the ends of the other two sides.

iv. Vertical Clearance

Any features within the triangular visibility area shall be in accordance with such requirements and provided unobstructed cross-visibility at a level between 36 inches and 10 feet.

c. Permitted Features

Only the following features are permitted within the visibility triangle.

i. Landscaping

(a) Shrubs and plant materials that are typically less than 30 inches in height at maturity may be located within sight visibility areas. In no instance shall they conflict with the vertical clearance area established in **b.iv** above.

(b) No landscaping, except grass and low ground cover, shall be located closer than 3 feet from the edge of any accessway pavement on arterial or collector streets as shown on the adopted comprehensive plan.

ii. Signs

(a) No person shall place or maintain any sign in the visibility triangle area unless such sign does not conflict with the vertical clearance area established in **b.iv** above.

(i) Exception: MUTCD-compliant signs may be placed in the visibility triangle by a public entity (e.g., a "stop" sign at an intersection).

(b) No sign within such area may be supported by more than two posts or beams. The size of such posts or beams shall not exceed 10 inches in diameter. Such supports or beams may not be placed closer together than 24 inches.

d. Permission to Enter and Remove Obstructions

In addition to any penalty that may be imposed for the violation of this article, the City shall be entitled to enter upon and remove from the visibility triangle any of the objects or growths prohibited by this section. Such entry and removal shall be without liability to the owners thereof.

4. Street Layout

a. Location and Alignment

The location and alignment of public streets proposed to be dedicated and established within a subdivision plat shall be designed in conformance with the standards listed in **3.03. Public Improvements**.

b. Right-of-Way Width and Widening

The width of the right-of-way to be dedicated for any street shall be in accordance with **Figure 3.04-3. Right-of-Way Width**:

Figure 3.04-3. Right-of-Way Width

Street Type	Standard Right-of-Way Width**	Minimum Right-of-Way*
Alley	20'	15'
Local	60'	50'
Collector	60'	60'
Minor Arterial	80'	80'
Major Arterial	100'	100'

* The Purpose of the minimum right-of-way is to accommodate pre-existing situations in developed areas where it is impractical to require the standard width. The minimum local street rights-of-way width may be utilized within single-family residential subdivisions if the street right-of-way serves as the shortest direct path to a roadway of higher classification (i.e. collector or arterial) for no more than 25-dwelling units.

** The standard right-of-way width for major arterial sections of Medical Complex Drive & Agg Road shall be 120'.

c. Maximum Block Length

The maximum length of subdivision blocks shall be in accordance with **Figure 3.04-4. Maximum Block Length**. Block length shall be measured along the centerline of the street, from the center point of one intersection to the center point of the next intersection (including a three- or four-way intersection).

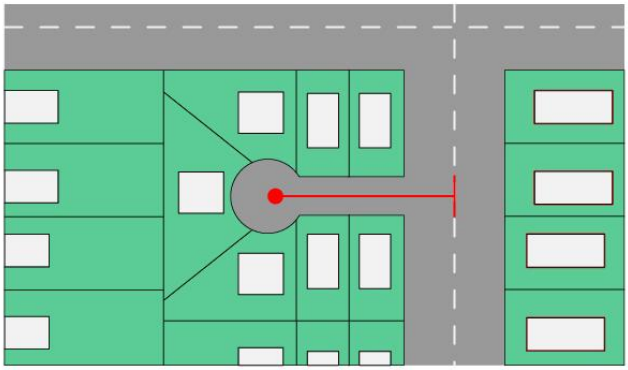
i. Exception: The Director may approve a longer block length where necessary due to circumstances unique to the development.

Figure 3.04-4. Maximum Block Length

Adjacent Roadway Functional Classification	Maximum Block Length
Residential Local	600′
Collector	800′

Minor Arterial	900′
Major Arterial	If a block is adjacent to a Major Arterial Roadway, block length requirements are waived.

Figure 3.04-5. Method of Cul-de-Sac Length Measurement



ii. The radii of the right-of-way at the end of local streets terminated with a circular cul-de-sac turnaround shall be not less than 50 feet. The City shall cause to be erected at the entrance of any such street a sign reading "dead-end street," but such sign shall be at the expense of the developer.

d. Dead-End Streets and Alleys

i. Dead-end streets shall not be approved except in those instances where the street is terminated by a temporary circular cul-de-sac turnaround or where the street is designated to be extended into adjacent property. Such dead-end streets must also comply with **3.04.E.7. One-Foot Reserves**.

ii. Dead end alleys are prohibited.

5. Driveways

a. All Driveway Approaches

All driveway approaches shall comply with the following standards.

i. Sidewalks To Be Removed

Where a driveway approach is designed to cross an existing sidewalk, the sidewalk included in the driveway approach area shall be removed and reconstructed as a driveway approach unless the City Engineer has determined that the section of the sidewalk fully complies with the requirements of this section for driveway approaches. The area across the driveway will be jointed and edged as a sidewalk. The depth and design for the sidewalk will be consistent with the driveway-approved design and will be consistent with the TAS regulations.

ii. Removal of Curb and Gutter

Where a driveway approach is to be constructed at a location where a curb and gutter is in place, the curb and gutter shall be removed to the nearest existing construction joint or a new construction joint formed by other methods as may be approved by the City Engineer. The driveway approach shall be constructed in accordance with the City's design, details and construction standards.

iii. Drainage

Driveway approaches shall be designed to prevent the entrance of water from the street onto private property, except that a drainage system may be provided within the property to handle water

coming from the street. Driveway approaches and related drainage systems shall be constructed in accordance with the City's design, details, and construction standards.

iv. Radius

Driveway approaches shall be constructed with return radii in accordance with the standards outlined in **Figure 3.04-6. Driveway Approach Dimensions**. The driveway radius shall not extend in front of the adjacent property.

v. Design Criteria

(a) Driveway approaches, curbs, gutters, pavements and appurtenances on public property and other facilities to provide access to abutting properties in the City and ETJ in connection with platting or building construction shall be constructed, provided, altered or repaired in accordance with the City of Tomball Design Manual and as prescribed by the standards outlined within this article.

(b) For all gated driveways the gate shall be set back a minimum of 25 feet from the edge of the street pavement. Locking mechanisms for vehicular gates shall be subject to approval by the City Fire Marshal or their designee.

(c) Driveway construction shall not occur without a driveway permit.

(d) Divided entrances to parking lots in nonresidential and multifamily developments shall have a minimum ingress lane of 18 feet, a minimum landscaped median width of five feet for an unbroken distance of at least 100 feet, and a minimum egress lane of 22 feet. All divided entrances shall be a maximum of 45 feet in width.

(e) Residential driveways shall have a minimum separation equal to the sum of the required curb returns for the two driveways.

vi. All driveway approach dimensions shall comply with **Figure 3.04-6. Driveway Approach Dimensions**.

Figure 3.04-6. Driveway Approach Dimensions

Driveway	Land Use	Width (ft.)		Curb Return (ft.)	
		Minimum	Maximum	Minimum	Maximum
Type I	Single-Family Residential, Duplex	12'	24'	5'	15'
Type II (One Way)	Multifamily, Commercial	20'	20'	10'	15'
Type II (Two Way)	Multifamily, Commercial	24'	40'	10'	15'

b. Type II Driveway Approaches

Type II driveway approaches shall also comply with the following standards and **Figure 3.04-6. Driveway Approach Dimensions**.

i. Number of Driveway Approaches

On local streets, not more than one driveway approach shall be permitted on any parcel of property with a frontage of 100 feet or less. On collector streets no more than one driveway approach shall be permitted on any parcel of property with a frontage of 150 feet or less. For arterials, no more than one driveway approach shall be permitted on any parcel of property with a frontage of 300 feet or less. Except that additional openings may be permitted with the approval of the City Engineer for the necessity and convenience of the public.

ii. Driveway Separation

Driveway approaches shall be separated by a minimum distance, as measured between the edge of the driveway and the adjacent driveway or street right-of-way, as required by **Figure 3.04-7. Minimum Driveway Approach Separation**.

Figure 3.04-7. Minimum Driveway Approach Separation

Street Type	Minimum Separation Between Drives (feet)*	Minimum Separation from Intersection (feet)*
Arterial	200'	150'
Minor Arterial	150'	100'
Collector	100'	75'
Local	25'	50'

* Separation may be reduced, at the discretion of the City Engineer , where right-in/right-out only driveways are used. Such drives must be on a median-separated road or be designed to physically prevent vehicles from making a left turn.

Notes:

a) Single-family and two-family developments are exempt from these standards on local and collector streets.

b) Where a property at a corner does not have the necessary frontage to accommodate the required spacing from the intersection, or an interior property does not have adequate width to meet the spacing requirements from an existing driveway on adjacent property, a common access easement with adjacent properties shall be utilized to obtain the necessary spacing. Where site limitations preclude such common access easements, or where cooperation of adjacent property owners cannot be obtained (within a period of 90 days), the City Engineer may authorize a noncompliant driveway, which should be spaced as far from the intersection as practical.

c) Where there is a signalized "T" intersection on the opposite side of the street, the spacing requirements shall apply.

iii. Angle of Driveway Approach

The angle of the driveway approach with the curb line shall be approximately 90 degrees for two-way driveways or 60 degrees to 90 degrees for one-way driveways. Alternative configurations may be considered with a Subdivision Waiver (see **3.02.H. Subdivision Waiver**).

iv. Driveway Approaches at Intersections

Corner parcels less than 150 feet in length along the right-of-way shall combine access with the adjoining property, wherever possible. Where it can be shown that access is effectively denied to a corner parcel because of the required distance from the corner of the intersecting right-of-way and combined access is not available from the adjoining property, a variation to the requirement may be granted by the City Engineer, provided the applicant demonstrates that a variation will not create a traffic hazard.

v. Driveway Approaches in Existing On-Street Angle or Head-In Parking Areas

Driveway approaches shall not be constructed in existing on-street angle or head-in parking areas unless all curb is restored to a standard location along the roadway in front of the premises.

c. Shared Driveways and Cross-Access Drives

i. Shared access for all driveways is encouraged by the City in order to ensure public safety access by providing mutual/common access to a median opening, to minimize the number of driveway cuts on streets, thereby maintaining street mobility, and to facilitate traffic flow between adjacent lots (See **Figure 3.04-8. Shared Access**).

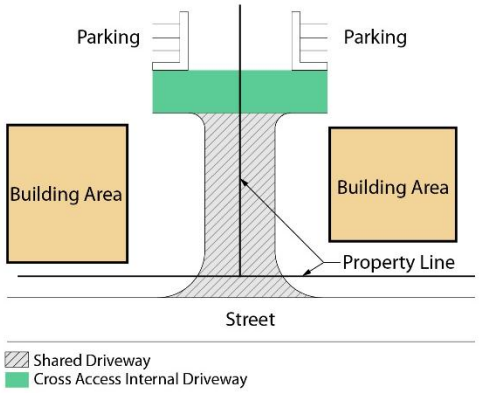
(a) Arterial Streets

Shared mutual access easement(s) for driveway(s) may be required by the City between driveways on adjacent lots fronting arterial streets.

(b) The location and dimensions of shared access easements shall be determined by the City Engineer.

(c) Such easements shall be noted on the preliminary plat and final plat when possible as "open and unobstructed cross access easement".

Figure 3.04-8. Shared Access



d. Curves and Intersections

i. Local, Collector, and Arterial Streets

The design and construction of all local, collector, and arterial streets shall meet the guidelines set forth in the Policy on Geometric Design of Highways and Streets, latest edition, as published by the American Association of State Highway and Transportation Officials (AASHTO), the City's current comprehensive plan, and any other applicable design and construction standards adopted by the City. Such considerations as adopted by the City shall include, but not be limited to street function, street capacity, service levels, traffic safety, pedestrian safety, and utility facilities and their location, which may affect the minimum requirements. Proposed streets shall meet this criteria and be approved by the City Engineer prior to final design.

ii. Right Angle

The angle of street intersections shall not vary more than 10 degrees from the perpendicular. Where acute angle intersections are approved a radius of at least 25 feet in the right-of-way line at the acute corner shall be provided.

e. Stub Outs for Future Connections

i. Where a subdivision adjoins unsubdivided land, stub streets shall be extended to the boundary of the abutting property to the point where the connection to the anticipated street is expected.

(a) Exceptions: The Director may determine that no stub street is required due to unique circumstances (for example, when a freeway, waterway, railroad line, cemetery, or easement is located adjacent to the subdivision). Additionally, no stub street is required when pre-existing development with no stub out is located adjacent to the subdivision, or when a high-intensity use is located adjacent to a proposed residential subdivision.

ii. The stub out connection shall not exceed half the maximum block length identified in **3.04.E.4.c. Maximum Block Length** to ensure that the street can meet the maximum block length requirements once the adjoining development is completed.

iii. If a stub street exists on an abutting property, the street system of the new subdivision must connect to the existing stub street to form a through street.

iv. When a stub street is provided, a reserve strip is required in accordance with **3.04.E.7. One-Foot Reserves**.

6. Street Names

All streets dedicated by plat shall be named, and so identified on such plat, in conformance with the following:

a. New Streets

New street names shall not duplicate existing street names located within the City, other than extensions of existing streets. This prohibition includes street names proposed for circular drives or similar configurations.

b. Extensions of Existing Streets

Existing street names shall be used in those instances where a new street is a direct extension of an existing street or a logical extension (when the streets in question are not and cannot be physically continuous) thereof except in those instances where the existing street name is a duplicate street name.

c. Suffixes

Street name suffixes such as court, circle, and loop should be designated on streets that are cul-de-sac or in a configuration of a loop street.

d. Prefixes

Street name prefixes such as north, south, east, and west may be used to clarify the general location of the street; however, such prefixes shall be consistent with the existing and established street naming and address numbering system of the general area in which the street is located.

e. Alphabetical and Numerical Streets Prohibited

Alphabetical and numerical street names shall not be designated, except in those instances where such street is a direct extension of an existing street with such a name and is not a duplicate street name.

f. Street Name Change

No street name once designated may be changed except by City ordinance.

7. One-Foot Reserves

In those instances where a street is established by a plat submitted to the City and such street forms a stub street onto adjacent unplatted acreage, or where such street lies along and parallel with the subdivision boundary and is adjacent to unplatted acreage, a one-foot-wide reserve shall be established within the street right-of-way at its dead-end terminus, or along the right-of-way adjacent to such unplatted acreage, to form a buffer strip, dedicated to the public, between the street right-of-way and the adjacent unplatted acreage, to prevent access to such street from the adjacent unsubdivided acreage, unless and until the City has reviewed the development proposals for such adjacent acreage, and a plat of the adjacent property is duly recorded. The conditions associated with the establishment of a one-foot reserve on a plat are contained in the following notation that shall be placed upon the face of any plat where a one-foot reserve is to be established:

"One-foot reserve dedicated to the City in fee as a buffer separation between the side or end of streets where such streets abut adjacent acreage tracts, the condition of such dedication being that when the adjacent property is subdivided pursuant to a recorded plat, the one-foot reserve shall thereupon become vested in the public for street right-of-way purposes."

8. Partial or Half Street

Partial or half streets may be dedicated in those instances where the City determines that it is necessary for the proper development of the land and in the public interest to locate a public street right-of-way centered on a property line. The City shall not approve a partial or half street dedication within a subdivision dedicating less

than a 50-foot right-of-way width for a designated arterial street, or less than a 40-foot right-of-way width for a designated collector street, or less than a 30-foot right-of-way width for any other type public street. Appropriate notations and the one-foot reserve dedication in fee as provided in **3.04.E.7. One-Foot Reserves** shall be placed upon the plat restricting access from any partial or half streets so dedicated to adjacent acreage tracts until the adjacent property is subdivided pursuant to a recorded plat and the additional adjacent right-of-way is acquired providing the full right-of-way as specified in this article.

9. Sidewalks

    a. Applicability

        i. The developer shall be responsible for the installation of sidewalks in all areas, including instances when no plat will be filed or building permit issued (e.g., a drainage pond) to ensure adequate access and walkability throughout Tomball.

            (a) Exception: No sidewalks are required in residential subdivisions along local streets with open ditch drainage.

        ii. Sidewalks, when applicable, shall be considered as part of the required street system, whether public or private.

    b. Fee in Lieu

        At the discretion of the Community Development Director, a developer of a subdivision may be permitted to pay a fee in lieu of the construction of sidewalks in an amount set forth in the city master fee schedule adopted by the City Council.

    c. Construction

        Sidewalks shall be constructed in accordance with the City of Tomball Design Manual.

    d. Timing

        All sidewalks must be installed prior to final plat approval unless performance security is provided.

        i. Exception: Sidewalks along Local Streets that are interior to a development may be delayed until after building construction if performance security is provided; however, all sidewalks must be complete prior to occupancy.

10. Lighting, Signs, and Traffic Control Devices

    a. The developer shall be responsible for the installation of all required street signs and traffic control devices, as determined by the City Engineer. All such signs and traffic control devices shall be in accordance with the most recent edition of the Texas Manual on Uniform Traffic Control Devices, as published by the Texas Department of Transportation.

    b. The developer shall be responsible for the installation of street lighting in accordance with the City of Tomball Design Manual.

F. Easements

1. Utility Easements

    a. Purpose

        i. Utility easements, both above and below grade, are those easements established by plat or separate instrument that are dedicated to the City for public use and designed to accommodate facilities necessary to provide various types of utility services to the individual properties within the plat boundaries.

        ii. Utility easements may be used for, but not be limited to, facilities necessary to provide water, electrical power, natural gas, telephone, fiber internet, cable television, and sanitary sewer services.

b. Location

i. Street Frontage

(a) Along City streets, no utility easement is required unless the City Engineer determines the right-of-way is not wide enough to allow for the proper placement and maintenance of all utilities.

(b) For all other streets, utility easements shall be provided along the front of all lots except when the City Engineer determines that such location is not feasible for the orderly development of the subdivision.

ii. Utility easements located along the outer boundaries of a subdivision shall contain the full width required for such easement except in those instances where the adjacent property is within a portion of a previously approved and platted subdivision and under the same ownership as the property being platted or where additional easement width is dedicated by separate instrument by the owner of said adjacent tract.

(a) In such cases, one-half of the required easement width shall be dedicated within the platted boundary with the other one-half provided outside the platted boundary by separate instrument or through notation on the plat certifying the ownership and dedication of said easement.

c. Widths

All utility easements established within any subdivision plat shall not be less than 10 feet in width, but may be required to be greater where determined by the City Engineer.

d. Limitations

All utility easements shall be limited to surface and below-grade easements. Aerial easements over utility easements shall be limited to that necessary for transformers, amplifiers, and other similar devices that cannot be placed below grade, it being the express purpose and intent hereof to require all utilities, to the extent reasonably possible, to be placed below ground level.

2. Drainage Easements

All drainage easements shall be located and properly dedicated to the public to accommodate the drainage requirements necessary for the proper development of the property within the subdivision boundaries and within its natural watershed and in conformance with the City's comprehensive plan, its regulations governing storm drainage and/or flood control, and the requirements of other governmental agencies having jurisdiction over storm drainage or flood control within the area in which the subdivision is located. A suitable note on the plat shall restrict all properties within the subdivision to ensure that drainage easements within the plat boundaries shall be kept clear of fences, buildings, obstructive vegetation, and other obstructions to the operation and maintenance of the drainage facilities therein.

3. Stormwater Detention Easements

Each stormwater detention easement shall be located and designed in accordance with applicable standards of governmental agencies having jurisdiction over surface water drainage or flood control within the area in which the proposed subdivision or development is located. Each subdivision plat that dedicates a stormwater detention easement shall contain a restriction on the plat that:

a. Prohibits the construction of fences or buildings, whether temporary or permanent, or installation or maintenance of plantings or other obstructions to the operation and maintenance of the facility, within the stormwater detention easement or upon properties adjacent thereto; and

b. Prohibits drainage from abutting properties directly into the stormwater detention easement except by means of a drainage structure approved by the City Engineer or the authorized public drainage or flood control official.

4. Private Easements and Fee Strips

   a. Existing Easements or Fee Strips

      All easements or fee strips created prior to the subdivision of any tract of land shall be shown on the subdivision plat of said land with appropriate notations indicating the name of the holder of such easement or fee strip, the purpose of the easement and generally the facilities contained therein, the dimensions of the easement or fee strip tied to all adjacent lot lines, street rights-of-way and plat boundary lines, and the recording reference of the instruments creating and establishing said easement or fee strip. In those instances where easements have not been defined by accurate survey dimensions such as over and across type easements, the subdivider shall request the holder of such easement to accurately define the limits and location of such easement through the property within the plat boundaries. If the holder of such undefined easement does not define the easement involved and will not certify their refusal to define such easement to the Planning and Zoning Commission, the subdivision plat shall provide accurate information as to the centerline location of all existing pipelines or other utility facilities placed in conformance with the easement holder's rights, and building setback lines shall be established not less than 15 feet from and parallel to both sides of the centerline of all underground pipelines or pole lines involved.

   b. Establishment of Special Use Utility or Drainage Easements

      A special use utility or drainage easement may be established by subdivision plat when such easement is for the purpose of accommodating a utility or drainage facility owned, operated, and maintained by a unit of government and is restricted to either water mains, sanitary sewers, storm sewers, or other drainage purposes and where it has been determined by the Planning and Zoning Commission that these facilities cannot or should not be accommodated within a general purpose public utility or drainage easement or public street right-of-way. Easements proposed to be established for any privately-owned utility company or private organization providing utility services and restricted for their exclusive use shall not be created by a subdivision plat; however, such private utility facilities may be accommodated and placed within the general purpose utility easements and public streets established within the plat boundary. Nothing in this section, however, may prevent such private companies or the subdivider from granting and establishing special or exclusive use easements by separate instrument if such arrangements are deemed necessary to properly serve the properties within the plat boundaries.

G. Drainage

Drainage facilities shall be designed and constructed in accordance with all federal, state, and local rules and regulations, including the City of Tomball Design Manual.

H. Federal Flood Insurance Program

No subdivision of land shall be approved unless the same complies in all respects with the City's flood damage prevention regulations, as found in Chapter 10, Article VIII Flood Damage Prevention.

I. Water

1. Each lot within a proposed subdivision shall be connected to the potable water distribution system of the City if any point within such subdivision is located within 1,000 feet of the City's distribution system. No water well shall be permitted within any newly platted subdivision if potable water is available from the City's system as provided in this section.
2. All water facilities shall be designed and constructed in accordance with all federal, state, and local rules, regulations, and plans, including the City of Tomball Design Manual.
3. Water mains serving a subdivision must extend across the full length of the subdivision's frontage to the subdivision border in order to connect with future extensions of the distribution system, regardless of whether such extensions are required for service within the subdivision.

a. Exception: Water mains are not required to extend to the subdivision border if, due to physical constraints, a new subdivision will never be constructed beyond its initial boundary.

4. Per Section 212.0101 of the Texas Local Government Code, if a development will utilize groundwater as the water supply, the plat application shall include a statement prepared by a Professional Engineer or a licensed geoscientist that certifies adequate groundwater is available for the subdivision.

J. Wastewater

1. Each lot within a proposed subdivision shall be connected to the sanitary sewer system of the City if any point within such subdivision is located within 1,000 feet of the City's collection system. No septic tank system shall be permitted within any newly platted subdivision when connection to the City's sanitary sewer system is required under this section.
2. All sanitary sewer facilities shall be designed and constructed in accordance with all federal, state, and local rules, regulations, and plans, including but not limited to the City of Tomball Design Manual.
3. Sewer mains serving a subdivision must extend across the full length of the subdivision's frontage to the subdivision border in order to connect with future extensions of the distribution system, regardless of whether such extensions are required for service within the subdivision.
   a. Exception: Sewer mains are not required to extend to the subdivision border if, due to physical constraints, a new subdivision will never be constructed beyond its initial boundary.

K. Franchise Utilities

1. Adequate provision for all utilities shall be provided to the entire subdivision.
2. All distribution and service lines of telephone, television, and other wire-carrier type (other than electric) utilities shall be underground.
   a. Transformers, amplifiers, or similar devices associated with the underground lines (other than electric) shall be located at grade or below ground level.
   b. Where the underground placement of such facilities, other than electric facilities, is not a standard practice of the utility involved, the subdivider or developer shall request the applicable utility to place the facilities underground and shall pay all costs associated with the non-standard installation.
3. All utility installations, other than electric, shall comply with the City of Tomball Design Manual.
4. Electric utility distribution lines shall be underground if the customer elects such non-standard installation pursuant to the terms of the utility's distribution tariff. Electric distribution lines, if installed above ground, shall be located along the perimeter of the overall subdivision unless the utility determines different placement is needed to provide safe and reliable electric service.

L. Trail Dedication

When a trail or trail extension is proposed on the subject property by the City's Parks, Recreation and Trails System Master Plan, an easement shall be provided for sufficient land to accommodate a future trail.

Article 4. Signs

4.01. Generally

A. Purpose

This article establishes a set of standards to regulate the time, place, and manner of displaying signs. The purpose of these provisions is to protect public health and safety, and to enhance the appearance and economic value of the City's landscape. These regulations are also intended to protect First Amendment rights by maintaining content neutrality.

B. Applicability

This article applies to signs in all zoning districts and within the extraterritorial jurisdiction of the City. The regulations herein must be met in the following circumstances:

1. At the time any new sign is added to a site; or
2. At the time an existing sign is damaged to an extent that repairs equal or exceed 50 percent of the cost of erecting a new sign of the same type at the same location.

C. Existing Signs

1. All signs lawfully existing on the date of adoption of the ordinance from which this article is derived, must conform to the requirements of **E.9. Signs in the Public Rights-of-Way** and **4.03. Sign Maintenance and Removal**.
2. Any sign within such area required by any proper authority to be licensed or permitted shall not be considered to have been legally permitted for the purposes of this subsection **C.** unless such license or permit has been properly issued.

D. Conflicts

Where this article shall differ or conflict with Chapter 10, Article II, adopting the International Building Code, or any other ordinance, this article will prevail.

E. General Requirements

1. Sign Administrator and Enforcement

   a. Sign Administrator

      The Building Official is designated as the City's Sign Administrator, including any designees of the Building Official. The Sign Administrator is empowered to delegate the duties and powers granted to and imposed upon them by this article to other persons serving under the sign administrator. The Sign Administrator is directed to enforce and carry out all provisions of this article.

   b. Enforcement Responsibility

      The duties of the Sign Administrator shall include not only the approval of permits as required by this article, but also the responsibility of ensuring that all signs comply with this article and any other applicable law, and that all signs for which a permit is required do, in fact, have a permit. The Sign Administrator shall make such inspections as may be necessary and initiate appropriate action to bring about compliance with this article and other applicable law if such inspection discloses an instance of noncompliance. The Sign Administrator shall investigate thoroughly any complaints of alleged violations of this article.

c. Powers of Sign Administrator

The Sign Administrator shall have the power and authority to administer and enforce the conditions of this article and all other laws relating to signs. Included among such powers are the following specific powers:

i. Every sign for which a permit is required shall be subject to the inspection and approval of the Sign Administrator.

ii. Upon presentation of proper identification to the owner, agent, or tenant in charge of such property, the Sign Administrator may enter, for the purposes of inspecting and investigating signs or sign structures, any building, structure, or other premises or property between the hours of 8:00 a.m. and 5:00 p.m., Mondays through Saturdays; provided, however, that in cases of an emergency where extreme hazards are known to exist which may involve imminent injury to persons, loss of life, or severe property damage, and where the owner, agent, or tenant in charge of the property is not available after the Sign Administrator has made a good faith effort to locate same, the Sign Administrator may enter the aforementioned structures and premises at any time upon presentation of proper identification to any other person upon the premises. Whenever the Sign Administrator is denied admission to inspect any premises, inspection shall be made only under authority of a warrant issued by a magistrate authorizing the inspection for violations of this article.

iii. Upon notice and issuance of a stop order from the Sign Administrator, work on any sign that is being conducted in a manner contrary to the provisions of this article or is being conducted in a dangerous or unsafe manner shall be immediately stopped. Such notice and order shall be in writing and shall be given to the owner of the property, to their agent, or to the person doing the work, and shall state the conditions under which work may be resumed. Where an emergency exists, written notice shall not be required to be given by the Sign Administrator. Following the issuance of a stop order, the Sign Administrator shall initiate proceedings to revoke any permit issued for the work covered by such stop order, consistent with iv below, unless the cause of the stop order is resolved to the Sign Administrator's satisfaction.

iv. The Sign Administrator is hereby granted the power and authority to revoke any and all permits authorized by this article for violation of the terms and provisions of this article.

d. Appeals

Any person wishing to appeal a decision of the Sign Administrator on the grounds that the decision misconstrues or wrongly interprets this article may appeal the same to the City Council, pursuant to its rules and regulations, provided that the appealing party shall give notice of appeal in writing to the City Secretary no less than ten days following the decision appealed from, and provided, further, that the appealing party shall comply with the Sign Administrator's decision pending appeal unless the Sign Administrator shall direct otherwise.

2. Sign Permits and Procedures

a. Permit Required

No person shall erect, construct, or reconstruct a sign without first having secured a written permit from the City to do so, subject to the exceptions in **i below**.

i. Exceptions

(a) Governmental/Public Signs

No permit shall be required under this article for signs erected by the City, county, public school district, the state, or other political subdivisions thereof, the federal government, signs otherwise required by federal, state, or local laws, and signs otherwise authorized by the City as public signs.

(b) Signs for Civic Events

Temporary signs that provide information about and/or direct the public to a special event of civic interest, including, but not limited to, parades, organized community holiday festivities or celebrations, and special events organized by charitable or nonprofit organizations.

(c) Political Signs

(i) A sign that contains primarily a political message and that is located on private property with the consent of the property owner is exempt from the permit requirements of this article. However, the sign may not have a sign area greater than 36 square feet, be more than eight feet high, be illuminated or have a moving part. Private property does not include property subject to an easement or other encumbrance that allows a municipality to use the property for a public purpose.

(ii) This exemption does not apply to a sign, including a billboard, that contains primarily a political message on a temporary basis and that is generally available for rent or purchase to carry commercial advertising or other messages that are not primarily political.

(iii) See **4.01.E.8. Political Signs** for additional regulations.

(d) Other Signs

The following sign types shall be erected and maintained in a safe condition in conformity with **4.01.E.9. Signs in the Public Rights-of-Way**, all other City ordinances and building codes of the City

(i) Signs painted or adhered on glass surfaces, windows, or doors;

(ii) Railroad signs;

(iii) Legal notices and address numbers;

(iv) A sign not over 32 square feet in area setting forth information concerning a building or other structure under repair or construction or advertising the sale or rental of the premises so long as the building or other structure is under repair or construction or so long as the premises is for sale or rent;

(v) Temporary signs setting forth the location of or directions to parking or buildings located on the premises, or regulating of the flow of on-premises traffic. Such directional signs may be lighted, consistent with the other requirements for electrical signs in this article and with the requirements of the building code;

(vi) Signs displayed, designed, or used for or upon motor vehicles;

(vii) Signs designed and used for display upon or with lighter-than-air or heavier-than-air craft;

(viii) Garage Sale Signs

Such signs shall not be displayed for more than three consecutive days for each sale and shall not be placed in rights-of-way or on telephone/power/light poles. The date of the initial posting shall be displayed on all garage sale signs.

b. Construction Permit Effectiveness; Renewal Permit

Any permit for construction of a sign shall become null and void unless construction of the sign is completed within 180 days, or the permit is renewed for an additional 180 days in which case an additional fee shall be payable and the proposed sign shall meet all of the requirements of this chapter on the date of renewal.

c. Application Procedure

i. The application for a permit shall be submitted in such form as the Sign Administrator may prescribe and shall be accompanied by drawings and descriptive data to verify compliance with the provisions of this article.

ii. Construction permit applications for new ground signs when erected or constructed to heights exceeding six feet above ground level, any sign overhanging public right-of-way, or for new roof, marquee, and projecting signs when erected 20 feet above ground level, shall be accompanied by a drawing of the sign structure and the sign prepared by and certified by a professional engineer registered in the state; the Sign Administrator at their option may also require similar certification by a registered professional engineer where any unusual structural provisions of a proposed sign indicate such certification is necessary in the interest of public safety.

iii. Every application shall be executed by both the owner of the premises upon which the sign is to be constructed, or the authorized lessee of such premises, and the sign company, stating that the sign is authorized to be erected or to be thereafter maintained on the premises, and shall contain a statement of the owner or lessee and the sign company that the sign does not violate any applicable deed restrictions or other similar restrictions on the premises.

iv. If the location, plans, and specifications set forth in any application for permit conform to all of the requirements of this article and other applicable provisions of the building code and other codes, the Sign Administrator shall issue the permit.

d. Fees

i. Permit fees shall be in accordance with the schedule of fees as currently established or as hereafter adopted by resolution of the City Council from time to time.

ii. The applicant for a permit or holder of a permit shall not be entitled to a refund of any fee paid in case the permit is revoked.

3. Sight Visibility Requirements

All signs shall comply with the requirements of **3.04.E.3. Sight Visibility Triangle**.

4. Clearances

Signs shall be located at a minimum distance of six feet measured horizontally and 12 feet measured vertically from overhead electric conductors that are energized in excess of 750 volts.

5. Sign Lighting

a. Signs may be internally or externally illuminated. Lighting must be configured to ensure that light does not spill or reflect onto adjacent properties or public areas.

i. All external lighting fixtures must be fully shielded to direct light downward and prevent light trespass beyond the sign itself.

ii. Internal lighting must be designed to ensure even illumination and prevent excessive brightness or glare.

b. For Changeable Electronic Variable Message Signs (e.g., digital or LED signs), see **4.02.M. Changeable Electronic Variable Message Signs**.

6. Electrical Signs

a. An Electrical Sign is any sign containing electrical wiring or utilizing electric current, but not including signs illuminated by an exterior light source.

b. Any electrical sign shall conform fully to the electrical code of the City and shall receive a permit under the provisions of that code.

7. Temporary Signs

   A sign herein referred to as "temporary" shall not be permitted for a length of time longer than 14 consecutive calendar days.

8. Political Signs

   a. All requirements and definitions of the Texas Election Code shall apply.

   b. During the early voting period through the end of the following election day, a maximum of two temporary political signs for each candidate, measure, or political party may be placed within the designated electioneering area of the early voting or voting polling place building's premises, which is also outside the prohibited area.

      i. The designated electioneering area is the portion of the grassy strip north of the Public Works Building, 501-B James Street, located outside the 100-foot prohibited area, and the area in Heritage Plaza, 400 Market Street, outside the designated 100-foot prohibited area.

   c. Such two signs shall each have a maximum area of four square feet but may contain the same message on both sides.

   d. Such signs must be placed in the designated electioneering area in a manner so as not to block or obscure other political signs.

   e. Such signs shall only be allowed from 7:00 a.m. on the beginning of the early voting period until 7:00 p.m. on election day, at which time the signs shall be removed by the person or organization placing them.

   f. Any unauthorized persons removing political signs otherwise permitted by this article shall be guilty of a misdemeanor and subject to a fine as provided in **1.01.G. Enforcement and Violations.**

   g. Failure to remove permitted signs in accordance with the article is a violation of this article subject to a fine as provided in **1.01.G. Enforcement and Violations.**

   h. On election day only, each candidate may erect a single tent, canopy, or similar item encumbering or encroaching on public property in Heritage Plaza, 400 Market Street, in the designated location, located outside the 100-foot prohibited area, as decided during the drawing for location in Heritage Plaza conducted prior to the beginning of early voting.

   i. Any signs on public property not permitted may be removed by the City. Any political signs installed prior to the authorized time, placed in a location other than the designated location delineated, or not removed within the time prescribed herein, may be removed by City personnel and discarded or destroyed.

   j. The provisions of this subsection shall not apply to notices posted by order of the court or notices to the public as required by law to be posted in a public place.

9. Signs in the Public Rights-of-Way

   a. With the exception of signs lawfully permitted or erected prior to the effective date of the ordinance from which this article is derived, it shall be unlawful to place a sign upon a public street, public sidewalk, public alley, public right-of-way, public curb, or other public improvement in any public street or grounds, on any public bridge or part of same, or on any public building or structure of any kind belonging to the City, or in any public place, or on any public improvement unless express consent therefor shall have first been granted by the City Council.

   b. Exceptions:

      i. Coin-operated devices used to display and vend newspapers may so be placed, so long as they are not placed to impede vehicular or pedestrian traffic.

      ii. This subsection does not apply to public property leased for private business purposes.

c. Subdivision identification signs erected or painted directly upon the face of lawfully existing fences or walls are permitted, provided that:

i. The subdivision sign is facing a street that serves as an entrance to the subdivision to which such sign pertains;

ii. The subdivision sign, or any part thereof, does not extend outward more than six inches from the face of the fence or wall upon which it is mounted; and

iii. The subdivision sign, or any part thereof, does not extend above the fence or wall upon which it is mounted.

d. Violations

i. Any unlawful sign found on public property, buildings, or structures belonging to the City or within a public right-of-way of a public street, public sidewalk, or public alley shall be seized and removal thereof is hereby authorized in addition to authority under Chapter 20, Article II.

ii. The Sign Administrator, employees of the Police Department and the Department of Public Works are hereby authorized to impound any signs found on public property, buildings or structures, or a public street, public sidewalk, or public alley and transport or cause the same to be transported to a location to be designated by the Sign Administrator for storage.

iii. Any sign impounded and stored and not redeemed by the owner thereof within 30 days may be destroyed or sold at public auction in the same manner as surplus property of the City.

iv. The City may instead opt to provide written notice and assess civil penalties in accordance with Sec. 393.001 of the Texas Transportation Code.

F. Prohibited Signs

All signage listed in this article shall be prohibited within the City limits and its extraterritorial jurisdiction.

1. Inflatable signs – A sign that gains its shape from inserting air or other gas.
2. Human or living signs – A sign held by or attached to a human being or living creature for the purpose of advertising or otherwise drawing attention to an individual, business, commodity, service, or product. This can also include a person dressed in costume for the purpose of advertising or drawing attention to an individual, business, commodity, service, or product.
3. Freestanding temporary signage for non-civic events, except as otherwise exempted by **(b) Signs for Civic Events**.
4. Attention-getting devices – Cutout figures; discs; festooning, including tinsel, strings of ribbons, and pinwheels; inflatable objects, including balloons; nongovernmental flags; pennants; propellers; steam- or smoke-producing devices; streamers; whirligigs; wind devices; blinking, rotating, moving, chasing, flashing, glaring, strobe, scintillating, search, flood or spot lights; or similar devices.
5. Bandit signs – Any sign placed in the ground or posted on a utility pole, official sign or support structure, traffic signal or support structure, signal box, fence, wall, barricade, tree, or other fixture in the public right-of-way or on public property.
6. Obscene signs – Signs displaying obscene matter, as defined by the U.S. Supreme Court.
7. Portable signs – Any sign designed or constructed to be easily moved from one location to another, including signs mounted upon or designed to be mounted upon a trailer, bench, wheeled carrier, or other nonmotorized mobile structure; a portable sign which has its wheels removed shall still be considered a portable sign.
8. Obsolete nonconforming signs – Any on-premises sign, or any part thereof, which identifies or advertises a business, person, product, accommodation, service or activity that has ceased to operate on the premises upon which the sign or sign structure is located for a period of 180 days or more.
9. Any sign not specifically mentioned in this article is prohibited unless approved by City Council

10. Billboards -- A signage panel for the display of advertisements in public places, such as alongside highways, not otherwise defined herein.

    a. Provisions for Existing Billboards

        i. Sign face replacement shall be allowed without a permit to the extent that no structural modifications are required.

        ii. In the event a billboard is damaged by any means or cause and the repair or reconstruction cost, whichever is applicable, equals or exceeds 50 percent of the cost of erecting a new sign of the same type at the same location, it must be removed.

        iii. Any billboard lawfully erected and maintained that has no copy, transcript, reproduction, model, likeness, image, advertisement or written material for a period of 120 consecutive days is hereby declared to be a violation of this article and as such shall be restored to use or removed by the owner or permittee within 30 days after notice by the sign administrator of such violation.

G. Method of Sign Measurement

1. Sign Area

   a. Sign area shall be calculated by means of the smallest square, circle, or rectangle that will encompass the sign face and any framing, trim, or molding and the supporting structure (see **Figure 4.01-1. Sign Area Measurement**).

   b. All riders or attachments to signs or sign structures (whether temporary or permanent) shall be included as part of the total sign area for the sign to which they are attached.

   c. Calculation of Area of Multifaceted Signs

      i. The sign area for a sign with more than one face shall be calculated by adding together the area of all sign faces visible from any one point.

      ii. When two identical sign faces are placed back-to-back so that both faces cannot be viewed from any point at the same time, and when such sign faces are part of the same sign structure and are not more than thirty-six (36) inches apart, the sign area shall be calculated by the measurement of one of the faces.

      iii. For three-dimensional objects, the sign area is the sum of the two adjacent faces of a cube encompassing the object (see **Figure 4.01-2. Area Measurement of 3D Objects**).

Figure 4.01-1. Sign Area Measurement

2. Sign Height

   The overall height of a freestanding sign is measured from the lowest elevation of the ground abutting the base of the sign to the highest point of the sign (see **Figure 4.01-3. Sign Height Measurement**).

Figure 4.01-2. Area Measurement of 3D Objects

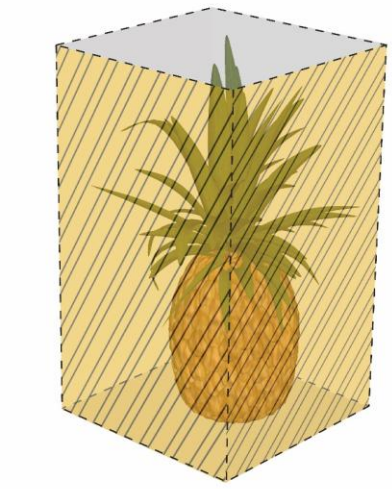


Figure 4.01-3. Sign Height Measurement

4.02. Sign Types and Supplemental Standards

A. Classifications

All signs shall be classified into one of the following type signs:

1. Awning or Canopy Sign;
2. Banner Sign;
3. Flag or Flag Sign;
4. Ground Sign;
5. Marquee Sign;
6. Pole Sign;
7. Projecting Sign;
8. Roof Sign;
9. Wall Sign;
10. Wayfinding Sign; or
11. Window Sign

B. Awning or Canopy Sign

1. Sign Type Description

   An Awning or Canopy Sign is any sign constructed of a plastic, fabric-type, or other material stretched over a rigid metal frame that is permanently attached to the wall, roof, or mansard of a building.

2. Supplemental Standards

   No Awning or Canopy Sign shall project into the right-of-way.

   a. Exception: Awning or Canopy Signs may project into a City right-of-way when a building has a setback of less than five feet.

C. Banner Sign

1. Sign Type Description

   A Banner Sign is any sign constructed of cloth, canvas, light fabric or other flexible material, excluding awning signs, which is not rigidly and not permanently attached to a building or the ground through a semi-permanent or permanent support structure.

2. Supplemental Standards

   A property shall be limited to one banner sign, with a maximum size of 32 square feet. All banners signs shall be considered temporary in nature, as defined in **4.01.E.7. Temporary Signs**. Excluding signs as specified under **(b) Signs for Civic Events** and **(iv)**.

D. Flags and Flag Signs

1. Sign Type Description

   A Flag or Flag Sign is any device generally made of flexible material, such as cloth, paper, plastic, or other material, and displayed from a pole, cable, or rope. It may or may not include text.

2. Supplemental Standards

   a. No more than three freestanding flagpoles may be allowed at any time on the premises, as defined and determined by the City.

   b. Official flags shall be flown in a manner that meets U.S. Congressional protocol. Failure to display flags in this manner shall be a violation of this article. All flags shall be kept in good repair.

   c. Flags are permitted in all zoning districts.

   d. Design and lighting of the U.S. flag shall be consistent with the Federal Flag Code, 36 USC 173-8 as amended.

   e. Flagpoles shall be black, brown, dark green, white, silver, or bronze in color.

   f. Lighting may be allowed, but shall not direct glare onto any building on any other property.

   g. Pole heights, flag sizes, minimum distances, and setbacks.

      i. No side of any flag on a pole 35 feet or less in height shall be greater than six feet in length.

      ii. Flags on poles over 35 feet in height may have a flag with a length of not more than 25 percent of the height of the pole.

      iii. No flagpole shall exceed 50 feet in height.

      iv. A minimum distance of six feet shall be maintained between flagpoles. All flags shall maintain a minimum setback of eight feet from all overhead power lines or easements and six feet from a property line.

   h. Encroachments

      i. No flag may be erected within a utility easement.

      ii. Neither the flag, flagpole, nor other support structure may extend over a right-of-way.

      iii. Neither the flag, flagpole, nor any other support structure may extend over an adjoining property line.

E. Ground Sign

1. Sign Type Description

   A Ground Sign is a sign that is mounted on a structural base located on the ground.

2. Supplemental Standards

   a. One ground sign shall be permitted on a lot, tract, or parcel of land for each 100 feet of frontage on a public street, provided that there is a minimum separation of 100 feet between ground signs located on the same lot, tract, or parcel of land, measured in a straight line from the base of each sign structure. Each lot, tract, or parcel of land shall, in any event, be entitled to at least one ground sign.

   b. A lot, tract, or parcel of land having frontage on more than one public street shall be entitled to one ground sign on each frontage, notwithstanding the provisions of **a above**, provided the frontage on which the sign is located measures at least 50 feet and there is a minimum separation between ground signs of 100 feet, measured along the property line at the street frontage.

   c. If two or more commercial entities share common off-street parking, pedestrian-ways, and/or landscaping (regardless of whether they are located on separate lots), the following regulations shall apply:

      i. One ground sign is permitted for each five entities, with a maximum sign area of 300 square feet plus 50 square feet for each entity in the development identified on such sign in excess of five.

      ii. If more than one ground sign is permitted hereby, there shall be separation between ground signs of a minimum distance of 100 feet, measured in a straight line from the base of each sign structure.

F. Marquee Sign

1. Sign Type Description

   A Marquee Sign is a type of projecting sign attached to or hung from a canopy or covered structure projecting from and supported by a frame or pipe support extending beyond the facade of a building.

2. Supplemental Standards

   A Marquee Sign may extend beyond the façade of a building no more than 60 inches from the face of the surface of the wall to which it is attached and shall not extend above the building's roofline.

G. Pole Sign

1. Sign Type Description

   A Pole Sign is a permanent, freestanding sign that is mounted on one or more poles or other supports with the base of the sign face situated above the ground, leaving an open space between the sign face and the ground.

2. Supplemental Standards

   Pole Signs are only permitted within 50 feet of a State Highway right-of-way line.

H. Projecting Sign

1. Sign Type Description

   A Projecting Sign is any sign affixed to any building wall or structure and extends beyond the building wall or structure more than 12 inches.

2. Supplemental Standards

   A Projecting Sign may extend beyond the façade of a building no more than 48 inches from the face of the surface of the wall to which it is attached and shall not extend above the building's roofline.

I. Roof Sign

1. Sign Type Description

   A Roof Sign is any sign erected, constructed, or maintained above the roof of any building.

2. Supplemental Standards

   Signs shall not be more than 24 inches in height; additionally, no sign shall exceed the maximum height of the zoning district.

J. Wall Sign

1. Sign Type Description

   Any sign affixed to or painted upon the wall of any building.

2. Supplemental Standards

   No Wall Sign may extend more than 12 inches in depth out from the wall to which it is attached. No Wall Sign may be extended above the roofline.

K. Wayfinding Sign

1. Sign Type Description

   Wayfinding Signs refers to a systematic network of directional signage installed and maintained by a public or private entity to guide vehicular or pedestrian movement to/through a residential subdivision or nonresidential development.

2. Supplemental Standards

   a. Wayfinding signs shall have a maximum sign face area of 40 square feet.

   b. Wayfinding signage shall include only arrows, directions, and references to specific destinations or geographical areas.

   c. A wayfinding guide sign plan shall be submitted to the Sign Administrator at the time of permitting. The plan shall include:

      i. Sign detail with dimensions, colors and font size for each sign.

      ii. Mounting height, type, and location of mount.

      iii. Distance to any existing adjacent traffic control devices, driveways or other physical roadway features.

L. Window Sign

1. Sign Type Description

Any sign painted or adhered on a glass surface of windows or doors.

2. Supplemental Standards

No Window Sign (or combination of Window Signs) may obscure visibility through an individual window by more than 50 percent.

M. Changeable Electronic Variable Message Signs

1. Sign Feature Description

   a. A Changeable Electronic Variable Message Signs (CEVMS) sign that permits lights to be turned on or off intermittently or which is operated in a way whereby light is turned on or off intermittently, including any illuminated sign on which such illumination is not kept stationary or constant in intensity and color at all times when such sign is in use, including an light emitting diode (LED) or digital sign, and which varies in color or intensity.

   b. The term "CEVMS signs" does not include a sign located within the right-of-way which functions as a traffic control device and that is described and identified in the Manual on Uniform Traffic Control Devices (MUCTD) approved by the federal highway administrator as the national standard.

2. Supplemental Standards

   a. Permitted Locations and Instances

      (a) Changeable electronic variable message signs (CEVMS) are only permitted for public tax-supported schools to provide public information and along state rights-of-way located outside of the "Old Town Area" as defined in **2.03.F.1.a.iv**. Changeable electronic variable message signs may be permitted on other properties upon application to and approval by the City Council.

      (b) The addition of an LED clock or time counter for informational purposes to existing Billboard Signs shall be allowed. The LED clock or time counter shall not constitute more than ten percent of the total sign area.

   b. CEVMS Regulations

      i. Images or messages shall be static in nature and shall not blink, flash, scroll or be animated in such a manner as to constitute a distraction to passing motorists.

      ii. No image or message may be displayed for less than eight seconds.

      iii. Message transitions shall be limited to one second.

      iv. The brightness of any CEVMS shall not exceed 0.3 foot-candle illumination from a distance of 250 feet between sunset and sunrise, and each sign shall be fitted with a qualified light-sensing device to automatically adjust the brightness in accordance with these standards.

      v. All CEVMSs shall be limited to 32 square feet for a single business or use and 50 square feet for a multitenant business or use.

      vi. If a CEVMS is found to be operating incorrectly, it must be turned off until it is repaired and inspected by the City.

4.03. Sign Maintenance and Removal

A. Maintenance and Repair

1. All signs shall be kept in good repair and, unless of galvanized or noncorroding metal or treated with appropriate wood preservative, shall be thoroughly painted as often as is necessary consistent with good maintenance. All braces, bolts, clips, supporting frame, and fastenings shall be free from deterioration, termite infestation, rot, or loosening. All signs shall be able to withstand safely at all times the wind pressures in this article. In case any sign is not so maintained, the Sign Administrator shall give written notice to the owner or lessee thereof to so maintain the sign, or to remove the sign.

2. Should any sign in the opinion of the Sign Administrator become insecure or in danger of falling or otherwise unsafe, the Sign Administrator shall give written notice of the condition of the sign to the person owning, leasing, or responsible for the sign. Such person so notified shall correct the unsafe condition of the sign in a manner to be approved by the Sign Administrator in conformity with the provisions of this article.

B. Blank Signs

Any sign lawfully erected and maintained that has no sign face, copy, transcript, reproduction, model, likeness, image, advertisement or written material for a period of 120 consecutive days is hereby declared to be in violation of this article, and as such shall be restored to use or removed by the owner or permittee within 30 days after notice by the Sign Administrator of such violation.

C. Notice

1. In case any sign shall be installed, erected, constructed, or maintained in violation of any of the terms of this article, the Sign Administrator shall give written notice to the owner, lessee or person responsible for the sign ordering such owner, lessee, or person to alter the sign so as to comply with this chapter or to remove the sign.
2. Any written notice to alter or to remove a sign shall be given by the Sign Administrator by certified mail or written notice served personally upon the owner, lessee, person responsible for the sign, or the owner's agent. If such order is not complied with within ten days, the Sign Administrator shall revoke the permit and direct the owner, lessee, person responsible for the sign, or the owner's agent to remove the sign.

4.04. Nonconforming Signs

A. Normal Maintenance and Repair

1. A permanent sign lawfully erected within the City or its extraterritorial jurisdiction prior to the date of adoption of the ordinance from which this chapter is derived, which does not conform to the regulations of this article, shall be deemed to be a nonconforming sign that shall be allowed to continue, with normal maintenance and repair only; provided, however, a nonconforming sign may not be enlarged upon, expanded, or extended.
    a. The addition of an LED clock or time counter for informational purposes to nonconforming off-premises signs shall not constitute an enlargement, expansion, or extension insofar as it is placed within the original face of the nonconforming sign and is not more than ten percent of the total sign area.
2. It is not the intent of this section to encourage the survival of nonconforming signs; to the contrary, nonconforming signs are discouraged and contrary to the intent and purpose of this section.

B. Obsolescence or Destruction

A nonconforming sign shall not be enlarged, expanded, replaced, or rebuilt in case of obsolescence or total destruction by any means or cause.

C. Repair or Reconstruction if Damaged

In the event a nonconforming sign is damaged by any means or cause and the repair or reconstruction cost, whichever is applicable, equals or exceeds 50 percent of the cost of erecting a new sign of the same type at the same location, it must be removed or brought into compliance with this article.

Article 5. Definitions

5.01. Usage and Interpretation

A. Generally

1. The following terms used herein shall be interpreted or defined as follows:
    a. Words used in the present tense include the future tense;
    b. The singular includes the plural;
    c. The word "person" includes a corporation as well as an individual;
    d. The term "shall" is always mandatory; and
    e. The term "may" is discretionary.
2. Words and terms not expressly defined herein are to be construed according to the normally accepted meaning of such words or terms in the practice of municipal planning and engineering.

5.02. Terms Defined

A. Terms A-D

1. Abut
To physically touch or border upon; to share a common property line but not overlap. See #4 "Adjoining Lot".

2. Accessory Building
A detached subordinate structure(s), the use of which is incidental to that of the principal structure and located on the same lot.

3. Accessory Use
A use that is customarily incidental, appropriate and subordinate to the principal use of land or buildings and that is located upon the same lot therewith (i.e., the land/building area that is used for the accessory use) must be less than that used for the primary use.

4. Adjoining Lot
A lot or parcel of land that shares all or part of a common lot line with another lot or parcel of land.

5. Advertising
To seek the attraction of or to direct the attention of the public to any goods, services, or merchandise whatsoever.

6. Aircraft
A vehicle capable of atmospheric flight due to interaction with the air, such as buoyancy or lift.

7. Alley
A minor right-of-way that is dedicated to public use and that affords a secondary means of vehicular access to the back or side of properties otherwise abutting a street, and which may be used for public utility purposes.

8. Approved Plan
A plan that has been granted final approval by the appropriate approving authority.

9. **Automobile**
A self-propelled mechanical vehicle designed for use on streets and highways for the conveyance of goods and people, including, but not limited to, the following: passenger cars, light duty trucks and sport utility vehicles, vans and minivans, motor scooters and motorcycles.

10. **Barn**
A structure intended for the purpose of storing farming and ranching-related equipment and/or housing livestock.

11. **Barrel**
A quantity of beer, ale, etc., equal to 31 standard gallons.

12. **Basement**
A portion of a building that is partly or wholly underground. For the purposes of height measurement, a basement shall be counted as a story when more than one-half of its height is above the average level of the adjoining ground or when subdivided and used for commercial or dwelling purposes by other than a janitor employed on the premises.

13. **Block**
An area enclosed by streets and occupied by or intended for buildings. If used as a term of measurement, it shall mean the distance along a side of a street between the nearest two streets that intersect said street on said side. In cases where the platting is incomplete or disconnected, the City Manager shall determine the outline of the block.

14. **Board of Adjustments**
A board appointed by the City Council, and which is authorized to approve Zoning Variances and Special Exceptions to **Article 2. Zoning Regulations**, and to hear and decide any appeals that allege error in an order, requirement, decision or determination made by an administrative official in the enforcement of the zoning regulations. Also referred to as the "Board" or "Zoning Board of Adjustments".

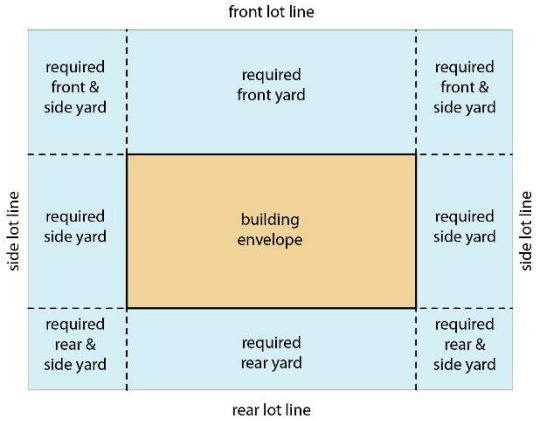
15. **Buffer**
A specified land area, together with the planting and landscaping required on any building site, which may also contain a barrier, such as a berm or a fence, where such additional screening is necessary to achieve the desired level of buffering between various activities, and shall meet the minimum requirements to provide a year-round visual obstruction.

16. **Building**
Any structure intended for shelter, occupancy, housing or enclosure for persons, animals or chattel. When separated by dividing walls without openings, each portion of such structure so separated shall be deemed a separate building.

17. **Building Height**
The vertical distance from finished grade to the top of the highest roof beams on a flat or shed roof, and the average distance between the eaves and the ridge level for gable, hip, and gambrel roofs See **2.03.C. Dimensional Standards** for details on measuring building height.

18. **Building Line**
A line parallel, or approximately parallel, to any lot line at a specific distance therefrom, marking the minimum distance from the lot line that a building may be erected, and marking the building envelope, which is the area in which a building may be erected (see **Figure 5.02-1. Building Line and Envelope**).

Figure 5.02-1. Building Line and Envelope



19. **Building Official**
The inspector or administrative official charged with responsibility for issuing permits and enforcing this UDC and the Building Code of the City, or their designee.

20. **Building, Main/Primary/Principal**
A building in which the principal use of the lot on which it is situated is conducted.

21. **Camper**
Any enclosed structure intended for human habitation for short periods of time and mounted on any manufactured pickup truck, flatbed vehicle, or on wheels and not exceeding 12 feet between axles.

22. **Carport**
A structure that is open on a minimum of two sides and designed or used to shelter vehicles. This term is also called a covered parking area.

23. **Certificate of Occupancy**
An official certificate issued by the City through the Building Official that indicates conformance with the zoning regulations and building codes and which authorizes legal use of the premises for which it is issued.

24. **City**
The City of Tomball, Texas.

25. **City Council**
The governing body of the City of Tomball, Texas. See **1.02.A. City Council**.

26. **City Engineer**
The Professional Engineer (P.E.) licensed in Texas and designated by the City to make engineering decisions on behalf of the City, or another P.E. of their designation.

27. **City Manager**
The chief executive officer and head of the administrative branch of the City government, the acting City manager, or their designee.

28. **Community Development Director**
The City official who oversees the Community Development Department, or their designee.

29. **Comprehensive Plan**
The general plan for growth and development of the City and its environs, including any elements of such plan, such as a land use plan, thoroughfare plan, utilities plan, drainage plan, infrastructure master plan, parks plan, capital improvement plan, and others.

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

31. **Coverage**
The lot area covered by some type of impervious surface, which includes buildings located thereon, overhanging roofs, and parking areas. Also see Term #60 "Impervious Surface".

32. **Cul-de-Sac Lot**
See Term #72 "Lot, Cul-de-Sac".

33. **Curbline**
An imaginary line drawn along the edge of the pavement on either side of a public street.

34. **Density**
The total number of residential dwelling units allowed upon a given tract of land, usually expressed in total number of units per gross acres or net acre.

35. **Design Manual**
The technical manual(s) developed and maintained by the City containing detailed technical standards and requirements. See **1.01.E. Design Manual and Other Technical Resources**.

36. **Determination of Completeness**
The determination by the Community Development Director that an application submittal contains the required materials, at which point the application is deemed complete and officially filed. See **1.03.C.3.b. Determination of Completeness**.

37. **Dependent Trailer**
A trailer that is dependent upon a service building for toilet and lavatory facilities, such as a pop-up camper.

38. **Detached**
No physical connection above the top of the floor line of the first floor with any other building or structure.

39. **Diameter**
The straight line measurement of a tree that passes through the center from one side to another at 4 ½ feet above ground level.

40. **Display Surface**
The entire surface of a sign, on one side, devoted to exhibiting or contrasting exhibits of advertising. This term generally includes the entire sign surface except for the sign frame and incidental supports thereto.

41. **District**
A section of the City for which regulations, including height, area, and use, governing the section have been established and are uniform.

42. **Dripline**
The periphery of an area underneath a tree, which would be encompassed by the perpendicular line dropped from the outermost edges of the crown of the tree.

43. **Dwelling**
Any building, or portion thereof, that is designed or used as living quarters for one or more families.

44. **Dwelling Unit**
A building or portion of a building that is arranged, occupied or intended to be occupied as living quarters for one family, and includes facilities for food preparation and sleeping. One dwelling unit occupied by one family has a common entrance, utilities, kitchen and food preparation facilities, and sleeping and restroom facilities accessible by all. See E#46 "Family".

B. Terms E-K

45. **Easement**
An area intended for restricted use on private property upon which a person has the right to remove and keep removed all or part of any buildings, fences, trees, shrubs, and other improvements or growths which in any way endanger or interfere with the construction, maintenance, or operation of any of their respective utility, drainage, access, or other authorized systems or facilities located within any such easement. Any such person or entity owning an easement has, at all times, the right of unobstructed ingress and egress to and from and upon the said easement for the purpose of constructing, reconstructing, inspecting, patrolling, maintaining, and adding to or removing all or part of their respective systems or facilities without the necessity at any time of procuring the permission of the property owner or inhabitant.

46. **Family**
One or more persons related by blood, marriage, or adoption; or a group not to exceed four persons not all related by blood or marriage, adoption or guardianship, occupying a dwelling unit and living together as a single housekeeping unit.

47. **Final Plat**
A complete and exact subdivision plan prepared in conformity with the provisions of **Article 3. Subdivision Regulations** and in a manner suitable for recording with the County Clerk of the appropriate county.

48. **Flag Lot**
See term #75 "Lot, Flag".

49. **Floodplain**
An area of land subject to inundation by a 100-year frequency flood as determined using standard engineering practices and generally as shown on the FIRM flood insurance rate map of the City.

50. **Franchised Private Utility**
A utility such as one distributing heat, chilled water, electricity, fiber internet, cable television, closed circuit television or similar service and requiring a franchise to operate in the City.

51. **Front Yard**
See #158 "Yard, Front".

52. **Garage, Private**
An enclosed (on at least three sides) accessory building, or a part of a main building, used for storage of automobiles and used solely by the occupants and their guests. A private garage is also called an enclosed parking space.

53. **Grade**
Buildings having walls adjacent to one street only, the elevation of the sidewalk at the center of the wall adjacent to the street. For buildings having walls adjacent to more than one street, the grade is the average of the elevation of the sidewalks at the center of all walls adjacent to the streets. For buildings having no wall adjacent to a street, the grade is the average level of the finished surface of the ground adjacent to the exterior walls of the building. Where no sidewalk has been constructed, the City Engineer shall establish such sidewalk level or its equivalent for the purpose of this UDC.

54. **Gross Floor Area**
The total gross square feet of floor space within the outside dimensions of a building including each floor level, but excluding any space where the floor-to-ceiling height is less than six feet, carports, residential garages, open porches, and breezeways.

55. **Ground Cover**
Grasses and other plants grown to keep soil from being blown or washed away and planted so as to develop full coverage within eighteen months. Bark, mulches, gravel, and other pervious material are included in this definition for use as ground cover under trees and shrubs.

56. **Hard Surface**
A surface of concrete or asphaltic concrete with a gravel base capable of carrying vehicular traffic without deteriorating.

57. **Heavy Load Vehicle**
A self-propelled vehicle having a manufacturer's recommended gross vehicle weight (GVW) of greater than 16,000 pounds (including trailers), such as large recreational vehicles (originally manufactured as RVs, not converted), tractor-trailers, buses, vans, and other similar vehicles. The term "truck" shall be construed to mean "Heavy Load Vehicle" unless specifically stated otherwise.

58. **HUD Regulations**
The Mobile Home Construction and Safety Standard Act, 42 USC, section 5401 et seq., as the same now exists or as is amended.

59. **Impervious Coverage**
The area or percentage of a lot covered by an impervious surface, including all buildings, driveways, parking areas, sidewalks, and similar surfaces. For building coverage only, see #71 “Lot Coverage”.

60. **Impervious Surface**
A surface that has been compacted or covered with a layer of material so that it is highly resistant to infiltration by water.

61. **Junk**
Any manufactured good, appliance, fixture, furniture, machinery, vehicle, personal property or other thing or part thereof, whether of value or valueless, that is demolished, discarded, dismantled, dilapidated, or so worn, deteriorated, or in such condition as to be generally unusable and/or inoperable. Without limiting the generality of the aforementioned, anything that is water soluble, primarily organic, or not typically associated with junkyard activities may not be considered junk.

62. **Kiosk**
A small, freestanding, one-story accessory structure having a maximum floor area of 100 square feet and used for retail purposes, such as automatic teller machines, or the posting of temporary information and/or

posters, notices and announcements. If a kiosk is to be occupied, it shall have a minimum floor area of 50 square feet.

63. **Kitchen, Residential**
Generally, that portion of a residential dwelling that is devoted to the preparation and/or cooking of food for the purpose of consumption by residents of the dwelling. This term generally indicates the presence of complete cooking facilities (i.e., stove, oven, microwave oven and/or refrigerator) as differentiated from a kitchenette that provides very limited cooking facilities (i.e., single-burner hot plate, under-counter refrigerator, microwave oven only, etc.).

C. Terms L-O

64. **Landscaping**
Material such as, but not limited to, grass, ground covers, shrubs, vines, hedges, trees or palms, and nonliving durable materials that are commonly used in landscaping such as, but not limited to, rocks, pebbles, sand, walls or fences, but excluding paving.

65. **Light Load Vehicle**
A self-propelled vehicle having a manufacturer's recommended gross vehicle weight (GVW) not greater than 16,000 pounds and having no more than two axles, such as pickup trucks, sport utility vehicles, vans and minivans, recreational vehicles (less than 32 feet in length), campers and other similar vehicles, but not including automobiles and motorcycles.

66. **Loading Space**
An off-street space or berth used for delivery and loading/unloading of vehicles.

67. **Local Utility Line**
The facilities provided by a municipality or a franchised utility company for distribution or collection of gas, water, surface drainage water, sewage, electric power or telephone service, including pad- and pole-mounted transformers.

68. **Lot**
A physically undivided tract or parcel of land having frontage on a public street or approved private street that has been built to meet current City specifications and which is, or in the future may be, offered for sale, conveyance, transfer or improvements; which is designated as a distinct and separate tract; and which is identified by a tract or lot number or symbol on a duly approved subdivision plat that has been properly recorded.

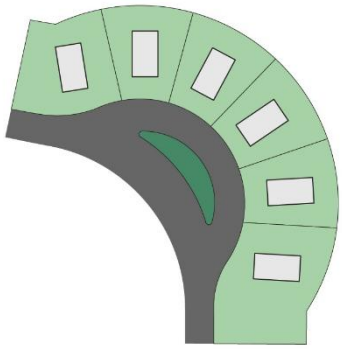
69. **Lot Area**
The total net area within lot lines and not including portions of streets and alleys.

70. **Lot, Corner**
A lot that has at least two adjacent sides abutting for their full lengths upon a street. See **Figure 5.02-5. Descriptions of Various Lot Types**.

71. **Lot Coverage**
The impervious area or percentage of a lot covered by the primary building and any accessory buildings. For all impervious surfaces, see #59 "Impervious Coverage".

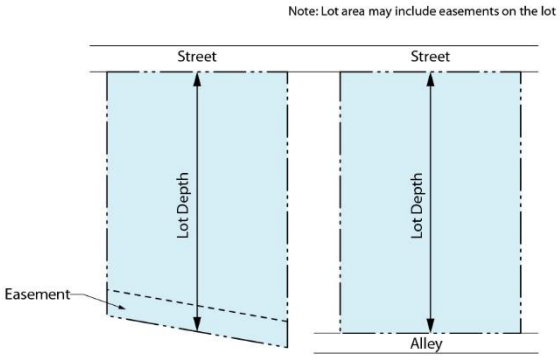
72. **Lot, Cul-de-Sac**
A cul-de-sac lot is any lot that has the majority of its frontage along the curved radius of a street. Also referred to as an "Eyebrow Lot". See **Figure 5.02-2** and **3.04.A.1.c. Irregularly Shaped Lots (Flag Lots and Cul-de-Sac Lots)**.

Figure 5.02-2. Cul-de-Sac Lot



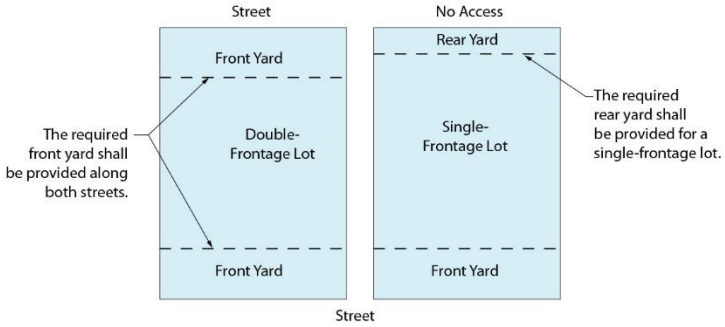
73. **Lot Depth**
The mean horizontal distance between the front and rear lot lines. See **Figure 5.02-3. Lot Depth**.

Figure 5.02-3. Lot Depth



74. **Lot, Double Frontage**
A lot having frontage upon two nonintersecting streets, as distinguished from a corner lot. See **Figure 5.02-5. Descriptions** of Various Lot Types **Frontage Lots**.

Figure 5.02-4. Double Frontage Lots



75. **Lot, Flag**
A lot having access to a street by means of a stem or a narrow strip of land connecting the lot to the street; the stem or narrow strip generally has a depth greater than its street frontage. See **Figure 5.02-5. Descriptions of Various Lot Types**.

76. **Lot Frontage**
Dimension of a lot or portion of a lot abutting onto a street.

77. **Lot, Interior**
A lot other than a corner lot. See **Figure 5.02-5. Descriptions of Various Lot Types**.

78. **Lot, Key**
A corner lot whose exterior side is adjacent to the front yard of another lot. See **Figure 5.02-5. Descriptions of Various Lot Types**

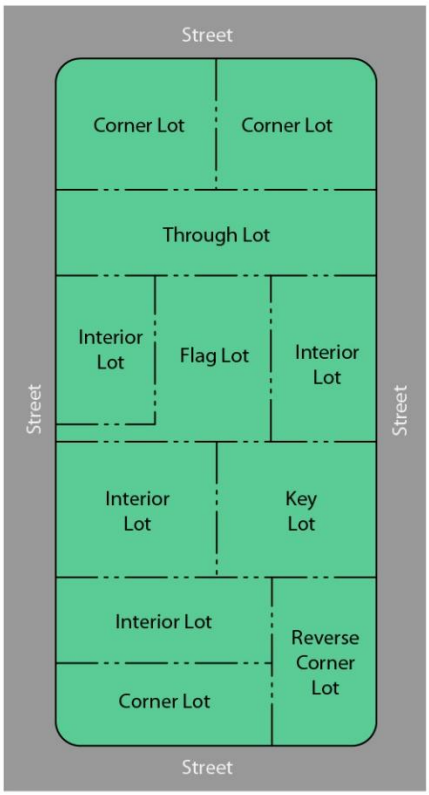
79. **Lot Line**
A line of record bounding a lot that divides one lot from another lot or from a public or private street or any other public space.

80. **Lot of Record**
A lot that is part of a subdivision, the plat of which has been recorded in the office of the County Clerk of the appropriate county, as applicable, or a parcel of land, the deed for which was recorded in the office of the County Clerk prior to the effective date of this UDC.

81. Lot Types

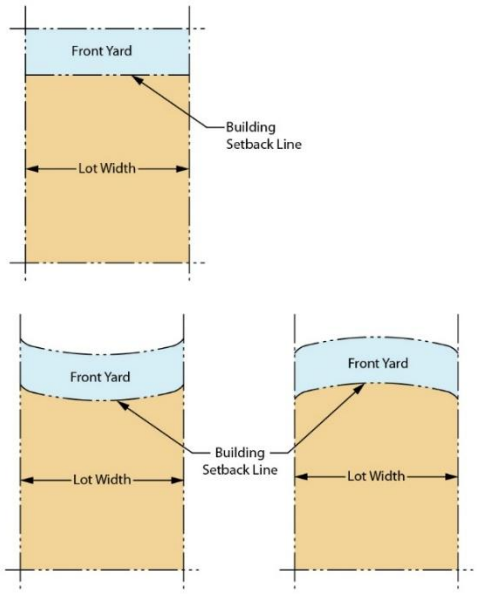
See **Figure 5.02-5. Descriptions of Various Lot Types** below.

Figure 5.02-5. Descriptions of Various Lot Types



82. **Lot Width**
The horizontal distance between the side lines of a lot measured parallel to the front lot line at the minimum required building setback line. See **Figure 5.02-6. Lot Width**.

Figure 5.02-6. Lot Width



83. **Main Building**
The building on a lot which is occupied by the primary use.

84. **Manufactured Home Park Licensee**
Any person licensed to operate and maintain a manufactured home park or recreational vehicle park under the provisions of this UDC.

85. **Manufactured Home Permit**
A written permit or certification issued by the Building Official permitting the construction, alteration, extension, or operation of a manufactured home park or recreational vehicle park under the provisions of this UDC.

86. **Manufactured Home or RV Unit**
An area of ground in a manufactured home park or a recreational vehicle park, as applicable, set aside for the use of one manufactured home or one recreational vehicle, together with such parking and open space as required by **2.05.G. Manufactured Homes/Recreational Vehicles**. The term "unit" shall also include the terms "lot," "stand," and "site."

87. **Manufactured Home Space**
A plot of ground within a manufactured home park, or manufactured home subdivision which is designed for the accommodation of one manufactured home, trailer, or RV unit.

88. **Masonry**
Brick, stone, brick veneer, stucco, and split face block laid up unit by unit and set in mortar.

89. **Minimum Floor Area Per Dwelling Unit**
The minimum floor area per dwelling unit, as specified in each residential zoning district category, defined as the total square feet of floor space within a residential structure's exterior walls that is heated and/or air conditioned including the livable area, closets and storage but excluding breezeways, garages, open porches, carports, and accessory buildings.

90. **Motor Vehicle**
Any vehicle designed to carry one or more persons which is propelled or drawn by mechanical power, such as automobiles, vans, trucks, motorcycles, and buses.

91. **Motorcycle**
A usually two-wheeled, self-propelled vehicle having one or two saddles or seats, and which may have a sidecar attached. Motorbikes, all-terrain vehicles (ATVs), motor scooters, mopeds and similar vehicles are classified as motorcycles.

92. **Motor Home**
A portable temporary dwelling, designed for living, sleeping, storage or working quarters, meant to be used for travel, recreation or vacation, constructed as an integral part of a self-propelled vehicle eight body feet or more in width and 40 body feet or more in length, built on a permanent chassis, and designed to be used as a dwelling without a permanent foundation when connected to required utilities for plumbing, heating, air conditioning and electrical systems.

93. **Nonconforming Use**
A building, structure, or use of land lawfully occupied as of the effective date of this UDC, but that does not conform to the use regulations of the district in which it is situated.

94. **Occupancy**
The use or intended use of the land or buildings by proprietors or tenants.

95. **Outdoor Storage**
The permanent and/or continuous keeping, displaying or storing, outside a building, of any goods, materials, merchandise or equipment on a lot or tract for more than 24 hours. Outdoor storage is also referred to as open storage or outside storage.

D. Terms P-S

96. **Parcel**
Any unplatted tract of land or any portion of an unplatted tract of land, Also see Term #148 Tract.

97. **Parking Lot**
An off-street (i.e., not on a public street or alley), ground level area, paved in accordance with City parking lot standards, for the short- or long-term storage of motor vehicles.

98. **Parking Space**
An area meeting the dimensional requirements prescribed by **2.05.B. Off-Street Parking and Loading**, paved with a concrete or asphalt surface together with a concrete or asphalt surfaced driveway connecting the parking space with a street or alley permitting free ingress and egress. The space shall not be located within a public street or alley, nor shall head-in parking adjacent to a public street or alley, wherein the maneuvering is done on a public street or alley, be classified as off-street parking in computing the parking requirements for any use.

99. **Person**
An individual, company, corporation, partnership, association, or any other entity.

100. **Pickup Coach**
A structure designed to be mounted on a truck chassis for use as a temporary dwelling for travel, recreation, or vacation.

101. **Planned Development District**
Planned associations of uses developed as integral land use units, such as industrial parks or industrial districts, offices, commercial or service centers, shopping centers, residential developments of multiple or mixed housing, including attached single-family dwellings or any appropriate combination of uses that may be planned, developed, or operated as integral land use units either by a single owner or by a combination of owners.

102. **Planning and Zoning Commission**
A board that is appointed by the City Council as an advisory body, and which is authorized to recommend changes in the zoning of property and other planning functions as delegated by the City Council. Planning and Zoning Commission is also referred to as the "Commission".

103. **Plat**
A plan showing the subdivision of land, creating building lots or tracts, showing all essential dimensions and other information in compliance with **Article 3. Subdivision Regulations**, and that is approved by the City and recorded in the plat records of the appropriate county.

104. **Platted Lot**
See #68 "Lot" and Term #80 "Lot of Record".

105. **Preliminary Plat**
A map or drawing of a proposed subdivision prepared in accordance with the provisions of **Article 3. Subdivision Regulations**, illustrating the features of the development for review and preliminary approval by the City, but not suitable for recording with the County Clerks of the appropriate county.

106. **Premises**
Land together with any buildings or structures situated thereon.

A lot tract or parcel of land including all buildings and structures.

107. **Primary Use**
The principal or predominant use of any lot or building.

108. **Principal Building**
See Term #83 Main Building.

109. **Public Property**
Property owned or controlled by a public entity.

110. **Public Street**
The entire width between property lines of any road, street, way, alley, bridge, or other similar thoroughfare, not privately owned or controlled, when any part thereof is open to the public for vehicular traffic, is the responsibility of the City or other similar public agency to maintain, and over which the City has legislative jurisdiction under its police power.

111. **Public View**
Areas that can be seen from any public street.

112. **Rear Yard**
See Term #159 Yard, Rear.

113. **Recreational Vehicle**
Any vehicle or similar portable structure designed for living, sleeping, storing or working quarters, including, but not limited to, travel trailers, pickup coaches, motor homes, dependent trailers, and self-contained trailers.

114. **Reflectorized Lights**
means Any lamp constructed with reflector-type materials so as to focus, intensify, flood, or spot such lamp in a certain direction, including, but not limited to, lamps designated by the manufacturers as flood, spot, reflector or flood, reflector spot, reflector light, or clear reflector.

115. **Residence**
See Term #43 "Dwelling".

116. **Residential District**
A district where the primary purpose is residential use.

117. **Residential Purposes**
Property devoted to use as a single-family or multifamily residence. This term shall include, but not be limited to, property used for houses, duplexes, condominiums, townhomes, patio homes, and apartments; property used for hotels, motels, and boardinghouses shall not be considered as used for residential purposes. Property devoted to both residential and nonresidential use shall be considered as used for residential purposes if its principal use is residential.

118. **Right-of-Way**
Any part of a right-of-way not privately owned or controlled, and which is the responsibility of the City of other similar public agency to maintain.

119. **Room**
A building or portion of a building that is arranged, occupied or intended to be occupied as living or sleeping quarters, but not including toilet or cooking facilities.

120. **Screened**
Shielded, concealed, and effectively hidden from the view of a person standing at ground level on an abutting site, or outside the area or feature so screened, by a fence, wall, hedge, berm or similar architectural or landscape feature.

121. **Screening**
Any method of visually shielding or obscuring one land use from another by the planting of evergreen trees or shrubs, or both, or the erection of a screening fence designed to minimize the transmission or propagation of noise, light, vibration, or dust from traffic or other activity on one property to adjoining public or private properties. This term shall meet minimum requirements to provide a year-round visual obstruction.

122. **Self-Contained Trailer**
A trailer that can operate independently of connections to sewer, water and electric systems, which contains a water-flushed toilet, lavatory, shower and kitchen sink, all of which are connected to water storage and sewage holding tanks located within the trailer.

123. **Sewer Connection**
The connection, consisting of all pipes, fittings and appurtenances, from the drain outlet of a manufactured home or a recreational vehicle to the inlet of the corresponding sewer service riser pipe of the sewage system serving the manufactured home park or the recreational vehicle park.

124. **Sewer Service Riser Pipe**
That portion of a sewer service that extends vertically to the ground elevation and terminates at a manufactured home unit or recreational vehicle unit.

125. **Shrub**
Any self-supporting woody, deciduous or evergreen species, which is generally multi-stemmed and sold by height or spread and measured in inches or feet, as normally will grow in Tomball.

126. **Side Yard**
See Yard, Side.

127. **Sign**
Any outdoor display, design, pictorial, or other representation, which is constructed, placed, attached, painted, erected, fastened, or manufactured in any manner whatsoever, that is designed, intended, or used for advertising. This term includes the sign structure. Every sign shall be classified and conform to the requirements of each of such classification set forth in **Article 4. Signs**.

128. **Sign Facing or Facing**
A separate and distinguishable portion of the overall display surface.

129. **Sign Structure**
Any structure that supports or is capable of supporting any sign. This term may be a single pole and may or may not be an integral part of a building.

130. **Special Exception**
A form of relief from the standards within **Article 2. Zoning Regulations** granted by the Board of Adjustments for specific situations outlined in **2.02.J. Special Exceptions**.

131. **Story**
That portion of a building (above grade), other than a basement, that is included between the surface of any floor and the surface of the next floor above it or, if there is no floor above it, then the space between the floor and the ceiling above it. The height for the first story shall be considered to be 15 feet in height, and the height of the second story and other subsequent stories shall be considered to be 12 feet in height. The term "story" does not include parapets, gables and other normal roof structures. In cases where the site has a significant slope, the height of a building shall be measured from a point representing the average slope from opposite sides of the building.

132. **Story, Half**
A space under a sloping roof which has the line of intersection of roof decking and wall face not more than three feet above the top floor level, and in which space not more than two-thirds of the floor area is finished off for use. A half-story containing an independent apartment or self-contained living quarters shall be counted as a full story.

133. **Street**
Street means a thoroughfare or right-of-way designed or used as a transit way for motor-driven vehicles.

134. **Street, Arterial**
A street designed as a principal traffic artery, more or less continuous across the City, intended to connect remote parts of the City, and used primarily for fast or heavy volume traffic.

135. **Street, Collector**
A street designed to carry traffic from local streets to the major system of arterial streets and highways.

136. **Street, Local**
A street used primarily for access to abutting properties and which is intended to serve traffic within a limited area.

137. **Street, Private**
A privately owned street approved by the City and that has been built to meet City specifications, which provides vehicular access to adjacent private land.

138. **Street, Public**
A street owned and maintained by the City, County, State, or Federal government.

139. **Street Intersection**
Any street that joins another street at an angle, whether or not it crosses the other.

140. **Structural Alterations**
Any change in the supporting members of a building, such as load-bearing walls or partitions, columns, beams or girders, or any substantial change in the roof or in the exterior walls.

141. **Structure**
Anything constructed or erected, the use of which requires location on the ground or which is attached to something having a location on the ground. See #16 "Building".

142. **Subdivider and/or Developer**
The terms "subdivider" and "developer" are synonymous for the purposes of this UDC, and shall include any owner, or authorized agent thereof, proposing to divide or dividing land so as to constitute a subdivision according to the terms and provisions of this UDC.

143. **Subdivision**
The division of any lot, tract or parcel of land by plat, map or description into two or more parts, lots or sites for the purpose, whether immediate or future, of sale, rental or lease, or division of ownership. Any dedication and the laying out or realignment of new streets, or other public or private access ways, with or without lotting, shall constitute a subdivision. The term "subdivision" shall also include the resubdivision and replatting of land or lots that are part of a previously recorded subdivision. An addition is a subdivision as defined in this section. The term "subdivision" shall also include the division of land whether by plat or by metes and bounds description and when appropriate to the context, shall relate to the process of subdividing or to the land subdivided.

144. **Subdivision Waiver**
A mechanism that provides relief from a specific requirement or requirements of **Article 3. Subdivision Regulations** to allow flexibility in development that exhibits unique circumstances. See **3.02.H. Subdivision Waiver**.

E. Terms T-Z

145. **Temporary**
Used or lasting for only a limited period of time; not permanent.

146. **Temporary Building**
Any nonresidential prefabricated structure which is not originally manufactured or constructed at its use site, required on-site installation of utilities and/or foundation.

147. **Title Certificate**
A certificate prepared and executed by a title company authorized to do business in the state or an attorney licensed in the state describing all encumbrances of record that affect the property, together with all deeds recorded from and after August 15, 1983. Such certificate shall include all property included within the platted area, and such certificate shall not have been executed more than 45 days prior to submission of same to the Planning and Zoning Commission.

148. **Tract**
A single individual parcel or lot.

149. **Trailer, Hauling**
A vehicle or device which is pulled behind an automobile or truck and which is designed for hauling animals, produce, goods or commodities, including boats.

150. **Travel Trailer**
A vehicular, portable structure built on a chassis, designed to be used as a temporary dwelling for travel, recreational or vacation uses, and permanently identified as a travel trailer by its manufacturer. Its gross weight shall not exceed 4,500 pounds, and its overall length, excluding the tongue, shall not exceed 34 feet. This term shall also include, by definition, all other portable contrivances, other than mobile homes and campers, used or intended to be used generally for living, sleeping, storing or working quarters and which may be moved under their own power, towed, or transported by another vehicle.

151. **Tree**
Any self-supporting wood plant, evergreen or deciduous, which at the time of planting has a caliper equal to or greater than specified, which is not less than six feet in height as measured from the root collar, and shall be of a species that normally grows to an overall height of a minimum of 15 feet.

152. **Truck**
A light or heavy load vehicle. See #65 "Light Load Vehicle" and #57 "Heavy Load Vehicle".

153. **Use**
The purpose for which land or buildings are or may be occupied in a zoning district.

154. **Utility Distribution/Transmission Lines**
Facilities which serve to distribute and transmit electrical power, gas and water, including, but not limited to, electrical transmission lines, gas transmission lines, telephone lines and metering stations, whether operated by the City or private utility company.

155. **Water Connection**
The connection of all pipes, fittings and appurtenances, from the water riser pipe to the water inlet pipe, of the distribution system within a manufactured home park or a recreational vehicle park.

156. **Water Riser Pipe**
That portion of the private water service system serving a manufactured home or recreational vehicle which extends vertically to the ground elevation and terminates at a designated point at a unit.

157. **Yard**
An open space at grade between the principal buildings and the adjoining lot lines, unoccupied and unobstructed by any portion of a structure from the ground upward, except where otherwise specifically provided in this UDC. See **Figure 5.02-1. Building Line and Envelope**.

158. **Yard, Front**
The open (unoccupied, unobstructed) space located in front of the front elevation of the principal buildings, calculated as the minimum horizontal distance between the front property line and the front elevation of the principal buildings. See **Figure 5.02-1. Building Line and Envelope**.

159. **Yard, Rear**
The open (unoccupied, unobstructed) space located behind the rear elevation of the principal buildings, calculated as the minimum horizontal distance between the rear property line and the rear elevation of the principal buildings. See **Figure 5.02-1. Building Line and Envelope**.

160. Yard, Side
The open (unoccupied, unobstructed) space located on either side of the principal buildings, calculated as the minimum horizontal distance between the side property line and the side elevation of the principal buildings. See **Figure 5.02-1. Building Line and Envelope**.

161. Zoning District
A classification applied to any certain land area within the City stipulating the limitations and requirements of land usage and development.

162. Zoning District Map
The official map upon which the boundaries of the various zoning districts are drawn and which is an integral part of this UDC. See **2.03.A. Establishment of Zoning Districts and Map** and **2.03.B. Zoning District Boundaries**

163. Zoning Variance
An adjustment in the application of the specific regulations of **Article 2. Zoning Regulations** to a particular parcel of property which, because of special conditions or circumstances of hardship peculiar to the particular parcel, is necessary to prevent the property from being deprived of rights and privileges enjoyed by other parcels in the same vicinity and zoning district. Only the Board of Adjustments can grant a Zoning Variance. See **2.02.I. Zoning Variances** for more information.

City of Tomball

Unified Development Code

Public Hearings Draft | November 2025

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Article 1. General Provisions

1.01. Establishment

A. Title

This Unified Development Code of the City of Tomball, Texas shall be known as, and may be cited and referred to as, the "UDC".

B. Purpose

The purpose of this UDC is to unify the City's land development regulations into a single document and to reduce repetition and conflict among various ordinances. Additionally, this UDC is intended to implement the City of Tomball Comprehensive Plan, City of Tomball Parks, Recreation, and Trails System Master Plan, Tomball Livable Center Downtown Plan, and all other City-adopted plans and policies.

C. Authority

These regulations are adopted pursuant to the authority granted by the U.S. Constitution, the Texas Constitution, and the laws of the State of Texas, specifically Chapter 211 and Chapter 212 of the Texas Local Government Code. These regulations are the minimum requirements for the promotion of public safety, health, convenience, comfort, prosperity, and general welfare.

~~In interpreting and applying the provisions of this chapter, they shall be held to the minimum requirements for the promotion of the public safety, health, convenience, comfort, prosperity, or general welfare.~~

D. Effective Date

The effective date of this UDC shall be [**Effective Date To Be Inserted Following Adoption**].

~~By the passage of the ordinance from which this chapter is derived, no presently illegal use shall be deemed to have been legalized unless such use specifically falls within a use district where the actual use is a conforming use. Otherwise, such uses shall remain nonconforming uses where recognized, or an illegal use, as the case may be. It is further the intent and declared purpose of the ordinance from which this chapter is derived that no offense committed, and no liability, penalty or forfeiture, either civil or criminal, incurred prior to the time this chapter was adopted, shall be discharged or affected by adoption of the ordinance from which this chapter is derived; but prosecutions and suits for such offenses, liabilities, penalties or forfeitures may be instituted or causes presently pending proceeded with in all respects.~~

~~(Ord. No. 2008-01, § 47, 2-4-2008)~~

E. Design Manual and Other Technical Resources

This UDC references a Design Manual that is maintained separately from this UDC. This UDC also references several other technical resources that apply within the City and ETJ, including (but not limited to) the City's Comprehensive Plan, and any other federal, state, or local law or regulations. These documents may be amended by the City as needed.

~~All improvements required by this article shall conform to the city's comprehensive plan, this article, or any other federal, state, or local law or regulation applicable thereto, and all construction shall be in accordance with the City of Tomball Minimum Construction Standards for Community Improvements.~~

~~(Code 1993, § 70-32; Ord. No. 2001-19, § 2, 1-7-2002)~~

~~(Ord. No. 2008-01, § 46, 2-4-2008)~~

F. Conflicting Provisions

1. Conflict with State or Federal Regulations

If the provisions of this UDC are inconsistent with state or federal law, the more restrictive provision governs, to the extent allowed by law. The more restrictive provision is the one that imposes more stringent controls.

2. Conflict with Other City Regulations

If the provisions of the UDC are inconsistent with one another or if they conflict with provisions found in other adopted ordinances or regulations of the City, the more restrictive provision governs unless otherwise expressly stated. The more restrictive provision is the one that imposes more stringent controls.

3. Conflict with Private Agreements and Covenants

The UDC does not interfere with, abrogate, or annul any easement, covenant, deed restriction or other agreement between private parties. If the provisions of this UDC impose a greater restriction than imposed by an agreement or covenant among private parties, the provisions of the UDC govern. The City is not responsible for monitoring or enforcing agreements or covenants among private parties.

~~It is not intended by this chapter to interfere with or abrogate or annul any easements, covenants or other agreements between parties; provided, however, that where this chapter imposes a greater restriction upon the use of buildings or premises or upon the height of buildings, or requires larger open spaces than are imposed or required by agreements, the provisions of this chapter shall govern. This chapter is also not intended to abrogate or annul any lawfully obtained permit issued prior to the effective date of the ordinance from which this chapter is derived.~~

G. Enforcement and Violations

In accordance with Chapter 54 of the Texas Local Government Code, the City is authorized to enforce this UDC and may issue a fine or penalty for the violation of a rule, ordinance, or police regulation.

1. Violations Related to Fire Safety, Zoning, or Public Health and Sanitation

Any person, firm, or corporation who violates, disobeys, omits, neglects, or refuses to comply with or resists the enforcement of any of the provisions of this UDC related to fire safety, zoning, or public health and sanitation shall be fined not more than $2,000 for each violation. Each day (or part of a day) that a violation is permitted to exist shall constitute a separate offense.

2. All Other Violations

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 all other aspects of this UDC shall be fined not more than $500 for each violation. Each day (or part of a day) that a violation is permitted to exist shall constitute a separate offense.

~~1. Any person or corporation who shall intentionally, knowingly, recklessly, or with criminal negligence violate any of the provisions of this chapter shall, upon conviction, be fined any sum not exceeding $2,000.00 and each and every day that the provisions of this chapter are violated shall constitute a separate and distinct offense. In addition to the said penalty provided for, the right is hereby conferred and extended upon any property owner owning property in any district, where such property owner may be affected or invaded, by a violation of the terms of the chapter, to bring suit in such court having jurisdiction thereof and obtain such remedies as may be available at law and equity in the protection of the rights of such property owners.~~

~~2. Nothing contained in this chapter shall prevent the city from taking such other lawful action as is necessary to prevent or remedy any violation.~~

~~(Ord. No. 2008-01, § 49, 2-4-2008)~~

H. Vested Rights Request

1. Vested Rights Request

a. Any property owner who believes that ~~he~~ they ~~has~~ have obtained a vested right under Chapter 245 of the Texas Local Government Code ~~V.T.C.A., Local Government Code ch. 245~~ shall submit to the City Secretary a letter explaining the factual and legal bases upon which the property owner relies in ~~his~~ their contention that ~~he~~ they ~~has~~ have a particular vested right and, consequently, is exempt or not subject to a particular City order, regulation, ordinance, rule, expiration date, or other properly adopted requirement (hereinafter referred to collectively as "regulations").

b. Such written submission shall include, at a minimum, the following:

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

ii. Identification of the property for which the property owner claims a vested right;

iii. Identification of the "project," as that term is defined in Chapter 245 (Sec. 245.001 (3)) of the Texas Local Government Code~~V.T.C.A., Local Government Code § 245.001(3)~~;

iv. Identification of the original application for the first permit in the series of permits required for the project, as described in Chapter 245 (Sec. 245.001(1) and 245.002(a) and (b)) of the Texas Local Government Code~~V.T.C.A., Local Government Code §§ 245.001(1) and 245.002(a) and (b)~~;

v. The date that the first permit in the series of permits required for the project was filed with the City;

vi. A chronology of the history of the project, with special emphasis on facts establishing that the project was in progress on or commenced after September 1, 1997, as required by Chapter 245 (Sec. 245.003) of the Texas Local Government Code~~V.T.C.A., Local Government Code § 245.003~~;

vii. Identification of all City regulations in effect at the time the original application for the permit was filed that the owner contends are vested and the owner contends controls the approval, disapproval, or conditional approval of an application for a permit, pursuant to Chapter 245 (Sec. 245.002(a) and (b)) of the Texas Local Government Code~~V.T.C.A., Local Government Code §§ 245.002(a) and (b)~~;

viii. Identification of all City regulations that the property owner contends do not apply to the project due to the vested rights provided the property owner by Chapter 245 of the Texas Local Government Code~~V.T.C.A., Local Government Code ch. 245~~; and

ix. Identification of all City regulations that the property owner contends would apply to the project that predate the regulations the property owner contends do not apply.

c. If a property owner contends that certain City regulations do not apply to the project, the property owner is expected to identify, with particularity, all requirements that the property owner contends do not apply. Global references to a particular ordinance, or set of criteria, may be deemed insufficient and the City may consider the request for a vested rights determination to be incomplete and, hence, not subject to a staff determination at that time.

2. Vested Rights Determination

a. The decision-maker for a vested rights determination is the same as the currently assigned decision-maker for the original application type.

b. The City Manager and City Attorney shall also be notified of the request and shall provide a recommendation to the decision-maker.

c. The decision-maker shall determine whether the relief requested shall be granted in whole or in part. The decision-maker's decision may be appealed in accordance with the provisions for the original application type.

~~a.~~d. ~~The City Secretary shall promptly forward the owner's vested rights request pursuant to **1.01.I.2 Vested Rights Determination** section 50-37(d), along with any supporting information or documentation provided along with the request, to the City Manager and City Attorney for their respective reviews. The City Manager, after consultation with the City Attorney, shall issue a final administrative determination of whether a vested right exists in relation to the project, and shall identify, with particularity, all claims for~~

vested rights exists in relation to the project, and shall identify, with particularity, all claims for vested rights that have been granted and all claims for vested rights that have been denied. Prior to rendering his their final determination, the City Managerdecision-maker may request a pre-determination conference with the owner to discuss the owner's vested rights claim and to ensure that the nature of the claim is fully and completely understood by the City Managerdecision-maker prior to a final determination being rendered.

3. Appeals to the Board of Adjustments

If the property owner and/or the City Council believes that the City Manager's vested rights determination is in error, the property owner and/or the City Council shall have the right to appeal such determination to the Board of Adjustments, which will have jurisdiction to hear and decide the appeal pursuant to this chapter and/or V.T.C.A., Local Government Code ch. 211. The property owner may also request the Board of adjustments to grant a variance from the regulations at issue under the same standards governing variances for other matters, as set forth in this chapter and/or V.T.C.A., Local Government Code ch. 211. The property owner may also request the Board of adjustments to grant a variance from the regulations at issue under the same standards governing variances for other matters, as set forth in this chapter and/or V.T.C.A., Local Government Code ch. 211.

4. Judicial Review

Should the property owner, any aggrieved person, and/or the City Council be dissatisfied with the actions of the Board of Adjustments, they may avail themselves of all legal remedies to review the Board of Adjustments' decision as set forth in Sec.211.001 of the Texas Local Government CodeV.T.C.A., Local Government Code § 211.011.

5.3. Binding Determination

a. The City Manager's final determinationdecision-maker's determination, if not timely appealed to the Board of Adjustmentsin accordance with the procedures outlined within the UDC, shall be immediately filed in the City's files related to the project and the determination shall be considered binding upon the City and the property owner for the duration of the project. Similarly, any decision by the Board of Adjustments regarding a vested right claim, if not timely appealed pursuant to V.T.C.A., Local Government Code § 211.011, shall be filed in the City's files related to the project and the determination shall be considered binding upon the City and the property owner for the duration of the project.

a.b. Notwithstanding the binding nature of the City Manager's final determination and any ruling by the Board of Adjustments, the City and the property owner may, at any time, enter into a development agreement that, to the extent authorized by law, modifies the final determination and the applicable development regulations to be applied to the project.

(Ord. No. 2008-01, § 48, 2-4-2008)

I. Severability

If any section, paragraph, subdivision, clause, phrase, or provision of this chapter UDC shall be adjudged invalid or held unconstitutional, the same shall not affect the validity of this chapter UDC as a whole or any part or provision thereof other than the part so decided to be invalid or unconstitutional.

(Ord. No. 2008-01, § 50, 2-4-2008)

Secs. 50-7—50-30. Reserved.

1.02. Approval Entities

A. City Council

1. Establishment

The Tomball City Charter within the Code of Ordinances establishes the provisions governing the City Council in Article VI. The Tomball City Council.

2. Responsibilities

Figure 1.02-1. Summary of Major Roles and Responsibilities~~**Figure 1.02-1. Summary of Major Roles and Responsibilities**~~ provides a summary of the City Council's major responsibilities within the UDC.

B. Planning and Zoning Commission

1. Establishment

The Tomball Code of Ordinances establishes the standards governing the Planning and Zoning Commission within Article X (Municipal Planning), Sec. 10.01 of the City Charter.

2. Responsibilities

Figure 1.02-1. Summary of Major Roles and Responsibilities~~**Figure 1.02-1. Summary of Major Roles and Responsibilities**~~ provides a summary of the Planning and Zoning Commission's major responsibilities within the UDC.

~~Generally~~

~~The Planning and Zoning Commission (also referred to as the Commission) shall function according to the criteria this section that establish membership and operating procedures.~~

3. Powers and Duties

a. The Planning and Zoning Commission ~~Commission~~ shall have all the rights, powers, privileges and authority authorized and granted by the City Council and through the state authorizing and granting cities the power of zoning and subdivision regulation as found in Chapter 211 and Chapter 212 of the Texas Local Government Code. ~~V.T.C.A., Local Government Code chs. 211, 212.~~

b. The Planning and Zoning Commission ~~Commission~~ shall be an advisory body and adjunct to the City Council, and shall make recommendations regarding amendments to the Comprehensive Plan, changes of zoning, zoning ordinance amendments, and zoning to be given to newly annexed areas, ~~and shall consider approval of plats of subdivisions as may be submitted to it for review~~ and other planning-related matters. The Commission shall conduct an annual review of the City's Comprehensive Plan and shall be prepared to make recommendations to the City Council as deemed necessary to keep the City's Comprehensive Plan current with changing conditions and trends and with the planning needs of the City. The Commission shall also serve in an advisory capacity on any planning related items in the City and perform other duties as provided for by the City Charter.

4. Created; Membership; Officers; Rules and Bylaws

a. There is created, in accordance with Chapter 211 of the Texas Local Government Code ~~V.T.C.A., Local Government Code ch. 211~~, the Planning and Zoning Commission, hereafter sometimes referred to as the commission, which shall consist of five people residing within the City limits.

b. Planning and Zoning Commission m~~M~~embers shall be appointed by the City Council.

c. All appointments to the Planning and Zoning Commission ~~Commission~~ shall serve as a member of the Commission for a term of office of three years. Members may be reappointed with no limitation on the number of terms one member may serve. Upon adoption of the ordinance from which this ~~chapter~~ UDC is derived, the City Council appoints the City Planning Commission members to serve as the Planning and Zoning Commission.

d. Any vacancies on the Commission shall be filled via appointment by a simple majority vote of the City Council.

e. Members of the Planning and Zoning Commission may be removed from office at any time by a simple majority vote of the full City Council either upon its own motion or upon recommendation of the Commission. Failure to attend three consecutive scheduled meetings shall be deemed as neglect and cause for removal from office, unless such absences were due to unusual circumstances beyond the member's control, such as sickness of the member or someone within the member's immediate family, or if the Commission or the City Council approves the absences as excused. A vote to remove a Commission member shall be placed on the appropriate agenda as a regular item, and shall be voted upon accordingly.

f. The members of the Planning and Zoning Commission ~~Commission~~ shall regularly attend meetings and public hearings of the Commission, shall serve without compensation, and shall not hold any other office within, or serve as an employee of, the City while serving on the Commission. The Commission shall meet a minimum of once per month at a time established by the City Council. If there have been no applications filed for review by the Commission, the ~~City Secretary~~Commission shall notify the chairperson and no meeting shall be required for that month.

g. The Planning and Zoning Commission ~~Commission~~ shall elect a chairperson and a vice-chairperson from among the Commission membership, and each officer shall hold office for one year or until replaced by a simple majority vote of the full commission. The City Manager's designee shall serve as secretary to the Commission, and shall keep minutes of all meetings held by the Commission as well as the full record of all recommendations made by the Commission to the City Council.

h. The Planning and Zoning Commission ~~Commission~~ shall have the power to make rules, regulations and bylaws for its own governance, which shall conform with those set forth by the City Council, and such rules, regulations and bylaws shall be subject to approval by the City Council. Such rules and bylaws shall include, among other items, provisions for the following:

i. Regular and special meetings, open to the public;

ii. A record of its proceedings, to be open for inspection by the public;

iii. Reporting to the City Council and the public, from time to time and annually; and

iv. Reviewing the comprehensive plan on a regular basis.

5. Parliamentary Procedure; Quorum; Voting

The Planning and Zoning Commission ~~Commission~~ will follow the parliamentary procedure adopted by the City Council, and procedures shall not be in conflict with the laws applicable to the Commission on the following:

a. Quorum

A quorum shall consist of a majority of the membership of the Planning and Zoning Commission~~Commission~~, and any issue to be voted upon shall be resolved by a majority of those members present.

b. Voting

All Planning and Zoning Commission ~~Commission~~ members, including the chairperson, shall be entitled to one vote each upon any question, a quorum being present. Voting procedures shall be in accordance with the parliamentary procedures adopted by the City Council.

c. Conflict of Interest

If any member has a conflict of interest regarding any item on the Commission's agenda, that member may remove themself from the room and shall refrain from discussing and/or voting only on the item for which a conflict exists. Refer to Chapter 171 of the Texas Local Government Code ~~V.T.C.A., Local Government Code ch. 171~~, and any applicable City ethics policies or regulations.

6. Meetings; Public Record

   a. The Planning and Zoning Commission shall meet in the municipal building or in some other specified location as may be designated by the presiding chairperson and at such intervals as may be necessary to orderly and properly transact the business of the Commission but not less than once each month, except as described in **4.f** above~~**4.f above**~~.

   b. Meetings shall be conducted in accordance with the Open Meetings Law (refer to Chapter 551 of the Texas Local Government Code~~V.T.C.A., Government Code ch. 551~~).

7. Procedure on Zoning Hearings

   The procedure and process for zoning changes or amendments shall be in accordance with 2.02.B. Zoning Text or Map Amendments (Rezoning)~~Zoning Text or Map Amendments (Rezoning)~~.~~section 50-34~~.

8. Joint Meetings with the City Council

   Whenever the City Council and the Planning and Zoning Commission ~~Commission~~ are required by the laws of the state to conduct public hearings in matters pertaining to planning, zoning or subdividing property, and at other times when it is in the best interest of the City to do so, the City Council and the Commission are hereby authorized, after published notice as required by law, to hold joint meetings and to conduct joint public hearings.

~~(Ord. No. 2008-01, § 8, 2-4-2008)~~

C. Board of Adjustments

1. Creation

   There is hereby created a Board of Adjustments, hereafter sometimes referred to as the Board, for the purpose, in appropriate cases and subject to appropriate conditions and safeguards, of making Special Exceptions and Zoning Variance~~Variance~~s to the terms of **Article 2**. **Zoning Regulations**~~**Zoning Regulations**~~**this chapter** that are consistent with the general purpose and intent of this ~~chapter~~UDC. The Board shall be composed of members who are resident citizens of the City.

2. Responsibilities

   Figure 1.02-1. Summary of Major Roles and Responsibilities~~**Figure 1.02-1. Summary of Major Roles and Responsibilities**~~ provides a summary of the Board of Adjustments' major responsibilities within the UDC.

3. Members; Terms of Office

   a. The Board of Adjustments shall consist of five regular members, who shall be appointed by a simple majority vote of the full City Council, and shall operate in accordance with Sec. 211.008 through Sec. 211.011 of the Texas Local Government Code~~V.T.C.A., Local Government Code §§ 211.008 through 211.011~~.

   b. The City Council shall provide for the appointment of up to four alternate members to serve in the absence of one or more of the regular Board of Adjustments members on an alternating basis such that all alternate members have equal opportunities to serve on the Board. The ~~planning director~~Community Development Director shall determine which alternate will serve if an alternate is needed.

   c. Regular Board of Adjustments members and alternate members shall serve for a term of two years, and expiration of terms shall be staggered so that an overlapping of terms occurs (e.g., in any two-year period, the terms of two regular members and at least one alternate member shall expire during one of those years, and the terms of three regular members and at least one alternate member shall expire during the second year).

   d. Any vacancies on the Board of Adjustments (both regular and alternate members) shall be filled for the unexpired terms via appointment by a simple majority vote of the full City Council for the remainder of the terms.

e. Members of the Board of Adjustments may be removed from office for cause, and after a public hearing, by a simple majority vote of the full City Council. Failure to attend three consecutive scheduled meetings shall be deemed as neglect and cause for removal from office, unless such absences were due to unusual circumstances beyond the member's control such as sickness of the member or someone within the member's immediate family. Absences may be excused by the Board or by the City Council.

f. The members of the Board of Adjustments (and alternate members, as needed) shall regularly attend meetings and public hearings of the Board, shall serve without compensation, and shall not hold any other office or position with the City while serving on the Board.

g. The Board of Adjustments shall elect a chairperson and a vice-chairperson from among its membership, and each officer shall hold office for two years or until replaced by a simple majority vote of the full Board. The City Manager's designee shall serve as secretary to the Board ~~of adjustments~~, and shall keep minutes of all meetings held by the Board. The secretary shall also set up and maintain a separate file for each application for hearing by the Board, and shall record therein the names and addresses of all persons/entities to whom notices are mailed, including the date of mailing and the person by whom such notices were delivered to the post office. All records and files provided for in this subsection shall be official records of the City. The secretary shall also immediately notify in writing the City Council, Planning and Zoning Commission, and the ~~City~~ Building Official of each decision rendered by the Board in the conduct of its duties.

h. The Board of Adjustments shall have the power to make the rules, regulations, and bylaws for its own government, which shall conform as nearly as possible to those governing the City Council and the provisions of this section. The Board's rules, regulations and bylaws shall be subject to approval by City Council.

4. Meetings

Meetings of the Board of Adjustments shall be held at the call of the chairperson or Community Development Director ~~planning director~~ and at such other times as the Board may determine. All meetings of the Board shall be open to the public, and minutes shall be kept of all proceedings at Board meetings. Four members of the Board shall constitute a quorum for the conduct of business.

5. Authority

a. The Board of Adjustments shall have the authority, subject to the standards established in Chapter 211 (Sec. 221.008 through 211.011) of the Texas Local Government Code~~V.T.C.A., Local Government Code §§ 211.008 through 211.011~~ and those established in this ~~chapter~~section, to exercise powers and to perform duties including the following:

i. Hear and decide an appeal that alleges error in an order, requirement, decision, or determination made by an administrative official in the enforcement of **Article 2**. Zoning Regulations~~Zoning Regulations~~~~this chapter~~;

ii. Authorize, in specific cases, a Zoning Variance~~variance~~ or Special Exception (see **2.02.I.** Zoning Variances~~Zoning Variances~~ and **2.02.J.** Special Exceptions~~Special Exceptions~~~~section 50-33, subsections (f) and (g) of this section~~) from the terms of **Article 2**. Zoning Regulations~~Zoning Regulations~~~~this chapter~~ if the Zoning Variance~~variance~~ is not contrary to the public interest and if, due to special conditions, a literal enforcement of the ~~chapter~~ regulations would result in unnecessary hardship, and so that the spirit of **Article 2**. Zoning Regulations~~Zoning Regulations~~~~this chapter~~ is observed and substantial justice is done; and

iii. Make interpretations on zoning district boundaries shown on the zoning map where uncertainty exists because physical features on the ground differ from those on the zoning map or where the rules in **2.03** Zoning Districts~~Zoning Districts~~ ~~section 50-64~~ do not apply or are ambiguous.

iv. Make determinations related nonconformities, as outlined in **2.01.E.** Nonconformities~~Nonconformities~~.

b. In exercising its authority under **1.02.C.5** Authority~~Authority~~subsection (d)(1)a of this section, the Board of Adjustments may reverse or affirm, in whole or in part, or modify the administrative official's order, requirement, decision or determination from which an appeal is taken and make the correct order, requirement, decision or determination, and for that purpose the Board has the same authority as the City Manager or ~~his~~ their designee.

c. The concurring vote of at least four members of the Board of Adjustments is necessary to:

i. Reverse a~~n~~ zoning-related order, requirement, decision or determination of an administrative official (see **2.02.L**. Zoning Appeals~~Zoning Appeals~~);

ii. Decide in favor of an applicant on a matter on which the Board is required to review under this ~~chapter~~UDC;

iii. Authorize a Zoning Variance~~variance~~ from a provision of **Article 2**. Zoning Regulations~~Zoning Regulations~~ ~~this chapter~~(see **2.02.I**. Zoning Variances~~Zoning Variances~~); or

iv. Hear and decide Special Exceptions to a provision of **Article 2**. Zoning Regulations~~Zoning Regulations~~ ~~this chapter~~ (see **2.02.J.** Special Exceptions~~Special Exceptions~~section 50-33 subsection (g) of this section).

6. Limitations on Authority

a. The Board of Adjustments may not grant a Zoning Variance~~Variance~~ or Special Exception authorizing a use other than those permitted in the district for which the Zoning Variance~~Variance~~ or Special Exception is sought, except as specifically provided for in **Article 2**. Zoning Regulations~~Zoning Regulations~~this ~~chapter~~.

b. The Board of Adjustments shall have no power to grant or modify conditional use provisions authorized under **2.04**. Permitted Uses and Use-Based Standards~~Permitted Uses and Use-Based Standards~~section 50-81.

c. The Board of Adjustments shall have no power to grant a zoning amendment. In the event that a request for a zoning amendment is pending before the Planning and Zoning Commission or the City Council, the Board shall neither hear nor grant any Zoning Variance~~Variance~~s or Special Exceptions with respect to the subject property until final disposition of the zoning amendment by the Planning and Zoning Commission ~~Commission~~ and the City Council.

d. The Board of Adjustments shall not grant a Zoning Variance~~Variance~~ or Special Exception for any parcel of property or portion thereof upon which a required site plan (refer to **2.02.G.** Site Plans~~Site Plans~~section 50-36)~~,~~ or any plat is pending ~~on the agenda of the Planning and Zoning Commission and/or the City Council~~review. All administrative and procedural remedies available to the applicant shall have been exhausted prior to hearing by the Board ~~of adjustments~~.

7. Procedures

~~Application and Fee~~

~~An application for a variance, special exception or appeal to the board of adjustments shall be made in writing using forms prescribed by the city, and shall be accompanied by an application fee in accordance with the city council's adopted fee schedule, a required plan (see section 50-36), and any other additional information as may be requested in order to properly review the application. There is no filing fee for an appeal filed by any officer, department, board, or bureau of the city affected by the decision.~~

a. Review and Report by the City

The ~~city manager, or his designee,~~Community Development Director shall visit the site where the proposed Zoning Variance~~Variance~~ or Special Exception will apply and the surrounding area, and shall report ~~his~~ their findings to the Board of Adjustments.

b. Notice and Public Hearing

The Board of Adjustments shall hold a public hearing for consideration of the Zoning Variance~~Variance~~ or Special Exception request no later than 60 calendar days after the date the application for action, or an appeal, is filed. Notice shall be published in the official local newspaper before the 15~~fifteen~~th calendar day prior to the public hearing. Written notice of the public hearing for a Zoning Variance~~Variance~~ or Special Exception ~~Exception~~ shall also be sent to all owners of property, as indicated by the most recently approved City tax roll, that is located within the area of application and within 300 feet of any property affected thereby, said written notice to be sent before the 10~~ten~~th calendar day prior to the date such hearing is held. Such notice shall be served by using the last known address as listed on the most recently approved tax roll and depositing the notice, postage paid, in the regular United States mail.

c. Action by the Board of Adjustments

The Board of Adjustments shall not grant a Zoning Variance~~variance~~ unless it finds, based upon compelling evidence provided by the applicant, that each of the conditions in **2.02.I. Zoning Variances**~~**Zoning Variances**~~ or **2.02.J. Special Exceptions**~~**Special Exceptions**~~~~subsection (f) of this section~~ have been satisfied. The Board ~~of adjustments~~ may impose such conditions, limitations, and safeguards as it deems appropriate upon the granting of any Zoning Variance~~variance~~ or Special Exception as are necessary to protect the public health, safety, convenience, and welfare. Violation of any such condition, limitation, or safeguard shall constitute a violation of this ~~chapter~~UDC.

d. Burden of Proof

The applicant bears the burden of proof in establishing the facts that may justify a Zoning Variance~~Variance~~, a Special Exception, an appeal, or any other action in ~~his~~ their favor by the Board of Adjustments.

e. Waiting Period

No appeal to the Board of Adjustments for the same or a related Zoning Variance ~~variance~~ or Special Exception on the same piece of property shall be allowed for a waiting period of 180 ~~-~~calendar ~~-~~days following an unfavorable ruling by the Board unless other property in the immediate vicinity has, within the 180 calendar day waiting period, been changed or acted upon by the Board or the City Council so as to alter the facts and conditions upon which the previous unfavorable Board action was based. Such changes of circumstances shall permit the re-hearing of a Zoning Variance ~~variance~~ or Special Exception request by the Board, but such circumstances shall in no way have any force in law to compel the Board, after a hearing on the matter, to grant a subsequent Zoning Variance ~~variance~~ or Special Exception request. Any subsequent Zoning Variance ~~variance~~ or Special Exception request shall be considered entirely on its own merits and on the specific circumstances related to the subject property.

f. Timeliness of Application for Building Permit or Certificate of Occupancy

Upon a favorable Board of Adjustments action on a Zoning Variance ~~Variance~~ or Special Exception request, the applicant shall apply for a Building Permit or a Certificate of Occupancy, as applicable to ~~his~~ their particular situation, within 180 ~~-~~calendar ~~-~~days following the date of Board action, unless the Board specifies a longer time period in the minutes of its action. If the applicant fails to apply for a Building Permit or Certificate of Occupancy, as applicable, within the 180 ~~-~~calendar ~~-~~day timeframe, then the Zoning Variance ~~Variance~~ or Special Exception shall be deemed to have expired, and all rights thereunder shall be terminated. Such termination shall be without prejudice to a subsequent appeal, and such subsequent appeal shall be subject to the same regulations and requirements for hearing as specified in this ~~chapter~~ UDC for the original Zoning Variance ~~Variance~~ or Special Exception request.

8. Finality of Decisions; Judicial Review; Final and Binding; Petition

All decisions of the Board of Adjustments are final and binding and may not be appealed to the City Council. However, any person aggrieved by a decision of the Board ~~of adjustments~~ may present a verified petition to a court of appropriate jurisdiction that states that the decision of the Board is illegal, in whole or in part, and specifying the grounds of the illegality. Such petition must be presented within 10~~ten~~ calendar days after the date the Board's decision is filed in the office of the secretary to the Board. Subject to the provisions of Sec.

211.011 of the Texas Local Government Code~~V.T.C.A., Local Government Code § 211.011~~, only a court with appropriate jurisdiction may reverse, affirm or modify a decision of the Board ~~of adjustments~~.

~~(Ord. No. 2008-01, § 9, 2-4-2008; Ord. No. 2015-16, § 3, 9-8-2015; Ord. No. 2022-25, § 2(Exh. A), 9-6-2022)~~

D. Summary of Approval Authorities

Figure 1.02-1. Summary of Major Roles and Responsibilities~~Figure 1.02-1. Summary of Major Roles and Responsibilities~~ provides an overview of the primary approval responsibilities outlined in this UDC.

Figure 1.02-1. Summary of Major Roles and Responsibilities

Section	Application/Plan Type	City Council	Planning and Zoning Commission	Board of Adjustments	Community Development Director	Other
Zoning-Related						
2.02.B	Zoning Map Amendments (Rezonings)	Decide*	Recommend*		Recommend	
2.02.C	Determining Zoning Upon Annexation	Decide*	Recommend*		Recommend	
2.02.D	Planned Developments (PD) Concept Plan	Decide*	Recommend*		Recommend	
2.02.E	Conditional Use Permits (CUPs) Concept Plan	Decide*	Recommend*		Recommend	
2.02.G	Site Plans				Decide**	
2.02.H	Building Permits and Certificates of Occupancy					Building Official Decision
2.02.I	Zoning Variances			Decide*	Recommend	
2.02.J	Special Exceptions			Decide*	Recommend	
2.02.K	Alternative Compliance				Decide	
2.02.L	Appeal of Zoning-Related Administrative Decisions			Decide*		
Subdivision-Related						
3.02.C	Preliminary Plat				Decide***	
3.02.D	Final Plat				Decide***	
3.02.E	Plat Vacations					Manner of Original Plat Approval
3.02.F	Right-of-Way Abandonment	Decide			Recommend	
3.02.H	Subdivision Waiver		Decide		Recommend	City Engineer Recommendation
3.03.B	Approval of Construction Plans					City Engineer Decision
3.03.C	Acceptance of Public Improvements					City Engineer Decision
Other						
1.03.D	UDC Amendments	Decide*	Recommend*		Recommend	

*Indicates a public hearing is required.

**Site Plan appeals are decided by the Planning and Zoning Commission.

***In accordance with **3.02.B. Plat Approval Authority**, any plat that requires a Subdivision Waiver must be approved by the Planning and Zoning Commission. The Director may also defer approval of a plat to the Commission for any reason.

1.03. Universal Procedures and Provisions

A. Development Process Overview

This section provides a general overview of a typical development process, as well as references to the appropriate sections for more information.

Step 1: Pre-Development Meeting

Before submitting an application, applicants are encouraged to attend a pre-development meeting with City Staff to become familiar with the City's development process and regulations applicable to the proposed development. See **1.03.B. Pre-Development Meeting**~~Pre-Development Meeting~~ for more information.

Step 2: Zoning Review

A property's zoning designation (such as the permitted uses and dimensional standards) must align with the proposed development prior to the approval of a plat or any other development application. If a rezoning is necessary, see **2.02.B. Zoning Text or Map Amendments (Rezoning)**~~Zoning Text or Map Amendments (Rezoning)~~ for more information about the rezoning process.

Step 3: Subdivision Review

A plat is required when an applicant desires to split lots, combine lots, or move a lot line. See the flow chart in **3.02.A Platting Process Overview**~~Platting Process Overview~~ to determine the appropriate approval process. Site work and infrastructure installation may begin during this stage. See **3.01.C Applicability**~~Applicability~~ for more information.

Step 4: Inspection Filing, and Acceptance

Once the development is complete and all improvements are installed (or adequate security provided in accordance with **3.03.C. Installation, Acceptance, and Maintenance of Public Improvements**~~Installation, Acceptance, and Maintenance of Public Improvements~~), the site will be inspected by the City for compliance with regulations and submitted plans. Upon passing inspection, the final plat will be filed, lots may be sold, and the City may formally accept public improvements for maintenance, following a two-year guarantee of the improvements. See **3.03. Public Improvements**~~Public Improvements~~ for more information.

Step 5: Site Plan Review

Once the zoning is in place and the lot is properly platted, an applicant may submit an application for a site plan. Site plans are required for all development. See **2.02.G. Site Plans**~~Site Plans~~ for more information.

Step 6: Building Permit and Certificate of Occupancy

At this stage, building permits are issued and construction of the development occurs. Upon completion and determination of compliance, the Building Official shall issue a Certificate of Occupancy authorizing that the building may be occupied. See **2.02.H. Building Permit Plans and Building Permits**~~Building Permit Plans and Building Permits~~ for more information.

B. Pre-Development Meeting

1. Purpose

a. The pre-development meeting is intended to allow for the exchange of non-binding information between the applicant and City Staff to ensure that the applicant is informed of pertinent City development regulations and processes.

b. The pre-development meeting provides an opportunity for the applicant and City Staff to discuss major development considerations such as utilities, roadways/traffic, drainage concerns, Comprehensive Plan conformance, specific neighborhood characteristics, and historical information.

c. This exchange of information is intended to promote an efficient and orderly review process.

2. Meeting

~~1. Preapplication Conference~~

a. Prior to formal application for approval of any required plan, the applicant may wish to consult with the ~~City Manager or his designee,~~ Community Development Director, the Building Official, the City Engineer, and any other pertinent City officials in order to become familiar with the City's development regulations and the development process.

b. At the pre-development meeting~~application conference~~, the developer may be represented by ~~his~~ their land planner, engineer, surveyor, or other qualified professional.

c. If such ~~conference~~ a meeting is desired, then the applicant shall sign a form or submit a letter stating the conference shall not establish vesting of property rights.

d. The applicant is encouraged to bring any relevant site development information, such as a site plan, plat, or other documents to the meeting.

~~2. Prior to the official filing of a preliminary plat, the subdivider, his planner, or other appropriate representative shall consult with the planning and zoning commission for comments and advice on the procedures, specifications, and standards required by the city as conditions for subdivision plat approval. If requested in writing, the planning and zoning commission shall place, for discussion purposes only, an item on its agenda regarding the proposed subdivision in order to assist a subdivider on matters affecting such proposed subdivision.~~

~~(Code 1993, § 70-11; Ord. No. 2001-19, § 2, 1-7-2002)~~

C. Application Processing

1. Initiation of Application

a. Initiation by Owner or Owner's Agent

i. Unless provided by this UDC, an application may be initiated only by the property owner, owner of an interest in the land, or by the owner's designated agent.

ii. If the applicant is a designated agent, the application shall include a written statement from the property owner authorizing the agent to file the application on the owner's behalf.

iii. The decision-maker may require submission of documents, such as an affidavit from the owner, to provide evidence of ownership or agency.

b. Initiation by City Manager

The City Manager can initiate any application authorized under this UDC.

2. Application Requirements

a. Application Contents

i. The City is authorized to prepare application forms that include information requirements, checklists, architectural or engineering drawing sizes, applicant contact information, and any other information necessary to show compliance with City codes. All application forms are available from the Community Development Department and/or on the City's website.

ii. Applications shall be signed by all property owners (including all parties having an equitable interest, trustees of an estate or all persons having a specific power of attorney) for the subject property, as recorded in the County Clerk's Office.

iii. Any pending litigation of any final order entered by any court of law regarding the ownership of the subject property shall be disclosed by the applicant at the time that the application is submitted.

b. Application Fees

i. The City Council shall adopt a Fee Schedule, which may be amended from time to time for the purpose of recovering the administrative costs associated with development requests.

ii. Every application shall be accompanied by the prescribed fees set forth in the adopted Fee Schedule.

iii. Unless waived by City Council or permitted by the Fee Schedule, the prescribed fee shall not be refundable unless it was submitted in error.

c. Applications shall be submitted to the Community Development ~~Director~~ Department, in accordance with the instructions indicated on the City's website.

~~Official Submission Date, Completeness of Application, and Expiration of Application~~

~~All applications must be submitted, reviewed for completeness and approved in accordance with section 50-34(b).~~

3. Official Filing Date, Completeness of Application, and Expiration of Application

The following shall apply to any application (e.g., concept plan, building permit plan, site plan, plat) submitted in accordance with this ~~chapter~~UDC:

a. Official Filing Date

The time period established by state law or this ~~chapter~~ UDC for processing or deciding an application shall commence on the official filing date. The official filing date ~~for a required plan application~~ is the date ~~the~~ that a complete application is received by the City.

b. Determination of Completeness

Every ~~required~~ plan application shall be subject to a Determination of Completeness within ~~ten~~ 10 business days by the Community Development Director ~~Planning Director~~ for processing the application.

i. No required plan application shall be accepted by the Community Development Director ~~Planning Director~~ for processing unless it is accompanied by all documents required by and prepared in accordance with the requirements of this ~~chapter~~UDC.

ii. The incompleteness of the ~~required~~ plan application shall be grounds for denial of the application.

iii. A Determination of Completeness shall not constitute a determination of compliance with the substantive requirements of this ~~chapter~~UDC.

iv. A Determination of Completeness shall be made by the Community Development Director ~~Planning Director~~ in writing and delivered to the applicant no later than the 10~~ten~~th business day after the official filing date that the required plan application is submitted to the City.

(a) The applicant shall be notified within that 10~~ten~~-business-day period of the Determination of Completeness.

(b) If the required plan application is determined to be complete, the application shall be acted upon in the proper manner as prescribed by this ~~chapter~~UDC.

(c) If the required plan application is determined to be incomplete, the notification shall specify the documents or other information needed to complete the application and shall state the date the application will expire (see **c**. Expiration of Application~~Expiration of Application~~ below~~of this section~~) if the documents or other information is not provided.

(d) A required plan application shall be deemed complete on the 11th business day after the application has been received if the applicant has not otherwise been notified that the application is incomplete.

c. Expiration of Application

The required plan application shall expire on the 45th calendar day after the date the application is filed if:

i. The applicant fails to provide documents or other information necessary to comply with the City's requirements relating to the required plan application;

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

iii. The applicant fails to provide the specified documents or other information within the time provided in the notification. If the required plan application is not completed by the 45th calendar day after the application is submitted to the responsible official, the required plan application will be deemed to have expired and it will be returned to the applicant together with any accompanying applications.

d. Resubmittal

If the required plan application is resubmitted after a notification of incompleteness, the timeframe for a Determination of Completeness described in 1.03.C.3.b.iv above~~1.03.C.3.b.iv above~~~~subsection (b)(6)3 of this section~~ shall begin on the date of the resubmittal of the required plan application.

4. Payment of All Indebtedness Attributable to the Subject Property

a. No person who owes delinquent taxes, delinquent paving assessments, or any other fees, delinquent debts or obligations or is otherwise indebted to the City, and which are directly attributable to a piece of property shall be allowed to submit any application for any type of rezoning, building permit, or plan review until the taxes, assessments, debts, or obligations directly attributable to said property and owed by the owner or previous owner thereof to the City shall have been first fully discharged by payment, or until an arrangement satisfactory to the City has been made for the payment of such debts or obligations.

b. It shall be the applicant's responsibility to provide evidence or proof that all taxes, fees, etc., have been paid, or that other arrangements satisfactory to the City have been made for payment of said taxes, fees, etc.

D. Amendments to this UDC

1. Petitions for Amendments

a. Any person or corporation having a proprietary interest in any property may petition the City for an amendment to this UDC's text.

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

2. Planning and Zoning Commission Recommendation

The Planning and Zoning Commission shall provide a recommendation regarding proposed UDC amendments following a recommendation by the Community Development Director and a public hearing held in accordance with **2.02.B.3 Notice of a Public Hearing~~Notice of a Public Hearing~~.**

3. City Council Decision

Following Planning and Zoning Commission recommendation, the City Council shall decide on proposed UDC amendments following a public hearing held in accordance with the City Clerk's typical time frames and processes.

4. Zoning Map Amendments

Zoning Map amendments (i.e., "rezonings") follow a different process in accordance with Chapter 211 of the Texas Local Government Code. See **2.02.B. Zoning Text or Map Amendments (Rezoning)~~Zoning Text or Map Amendments (Rezoning)~~** for more information.

E. Plan or Permit Validity and Expiration

1. Generally

a. A Concept Plan, Site Plan, or Building Permit Plan shall be considered a "permit" as described in Texas Local Government Code Sec. 245.005.

b. Any approved plan or permit shall be deemed expired two years from the date on which the plan or permit was originally approved if no progress has been made toward completion of the project.

2. Progress Benchmarks

The term "progress" shall be as defined based on Texas Local Government Code Sec. 245.005 as follows:

a. Plans for construction and an application for a Building Permit for at least one of the buildings on the approved plan or permit are submitted within two years following approval of the plan or permit;

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

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

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

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

3. Expiration

If one of the items listed in **1.03.E.2. Progress Benchmarks~~Progress Benchmarks~~** above is not accomplished within the two-year period, then the approved plan or permit shall expire and shall become null and void.

4. Extension and Reinstatement Procedure

a. Prior to the lapse of approval for a plan or permit, the applicant may petition the City (in writing) to extend the plan or permit approval.

b. Such petition shall be granted approval or denial by the Community Development Director.

c. If no petition is submitted, then the plan or permit shall be deemed to have expired and shall become null and void. Any new request for plan or permit approval shall be deemed a new permit, and shall be submitted with a new application form, with a new filing fee, and with new plans and materials in accordance with the procedures set forth in this section. The new request shall also be reviewed for compliance with the ordinances and regulations in effect at the time the new application is made.

d. In determining whether to grant a request for extension, the Community Development Director shall take into account:

i. The reasons for the lapse;

ii. The ability of the property owner to comply with any conditions attached to the original approval; and

iii. The extent to which development regulations would apply to the plan or permit at that point in time.

Article 2. Zoning Regulations

2.01. Zoning General Provisions

A. Title

~~This chapter~~These regulations of the City of Tomball, Texas, shall be known as and may be cited as the ~~City's "comprehensive zoning ordinance" or the "zoning ordinance."~~ Zoning Regulations or Zoning Ordinance.

B. Purpose

As authorized by Texas Local Government Code Sec. 211 ~~V.T.C.A., Local Government Code ch. 211~~, the zoning regulations and districts as established in this ~~chapter~~ article have been made in accordance with an adopted comprehensive plan for the purpose of promoting the public health, safety, morals, and general welfare of the City. They have been designed to:

1. ~~to~~ Lessen the congestion in the streets;
2. ~~to~~ Secure safety from fire, panic, and other dangers;
3. ~~to~~ Ensure adequate light and air;
4. ~~to~~ Prevent the overcrowding of land and thus avoid undue concentration of population; and
5. ~~to~~ Facilitate the adequate provision of transportation, water, wastewater treatment, schools, parks and other public requirements.

They have been made with reasonable consideration, among other things, for the character of each zoning district and its peculiar suitability for the particular uses specified, ~~;~~ and with a view to conserving the value of buildings and encouraging the most appropriate use of land throughout the City.

~~(Ord. No. 2008-01, § 2, 2-4-2008)~~

C. Applicability

This article shall apply to all land, buildings, structures, and appurtenances located within the City of Tomball.

D. Compliance Required

1. All land, buildings, structures or appurtenances thereon located within the City, which are hereafter occupied, used, constructed, erected, removed, placed, demolished, and/or converted shall be occupied, used, erected, altered, removed, placed, demolished and/or converted in conformance with the zoning regulations prescribed for the zoning district in which such land or building is located, as hereinafter provided, or such shall be subject to penalties as per **1.01.G. Enforcement and Violations** ~~Enforcement and Violations section 50-5~~. All of the standards and regulations prescribed herein shall be considered as the minimum requirement unless explicitly stated otherwise.
2. No uses shall be allowed ~~which~~ that are prohibited by state or federal law or ~~which~~ that operate in excess of state or federal environmental, pollution, or performance standards as determined by the U.S. Environmental Protection Agency (EPA), Texas State Department of Health (TSDH), Texas Commission of Environmental Quality (TCEQ), Federal Aviation Administration (FAA), Federal Communications Commission (FCC), or any other applicable state or federal agency ~~, as the case may be~~.
3. No lot upon which a building has been erected shall later be so reduced in area that the setbacks, yards, and/or open spaces shall be smaller than those required by this ~~chapter~~article, nor shall a part of a yard or other open space required by this article ~~chapter~~ for any building/lot be included as a part of a yard or other open space similarly required for another building/lot.
4. Unless otherwise provided herein, no building shall hereafter be erected or altered:

a. To have ~~more~~ narrower or smaller front, side, or rear yards than those required by this article~~chapter~~;

b. To exceed the maximum height allowed by this article~~chapter~~;

c. To occupy a greater percentage of lot area than allowed by this article~~chapter~~; or

d. To accommodate or house a greater number of families than is specified within this ~~chapter for~~article for the zoning district in which such building is located.

~~(Ord. No. 2008-01, § 5, 2-4-2008)~~

E. Nonconformities

1. Purpose

The purpose of this section is to regulate land uses, lots, structures, and site features that were legally established at the time of their creation but that have been made nonconforming due to a change in the City's regulations – also referred to as "legally nonconforming". While the regulations herein are intended to reasonably accommodate these nonconformities as they exist at the time of this UDC's effective date, the regulations also seek to reduce or eliminate these nonconformities over time.

2. Applicability

These regulations apply to any land use, lot, structure, and/or site feature that was legally established but has since become nonconforming to the regulations in place. The provisions included in this section do not apply to illegal nonconformities.

3. Nonconforming Uses

a. A legal nonconforming use is any lawful use of property ~~existing at the time of passage of the ordinance from which this chapter is derived~~that was allowed by the regulations in place at the time of its creation, but that does not conform to the regulations prescribed in ~~article III~~ Section ~~2.04~~**2.04. Permitted Uses and Use-Based Standards**~~Permitted Uses and Use-Based Standards of this chapter shall be deemed a legal nonconforming use~~. For manufactured home parks, see Section **2.05.G. Manufactured Homes/Recreational Vehicles**~~Manufactured Homes/Recreational Vehicles~~.

b. ~~If no structural alterations (except those required by law or ordinance) are made, a nonconforming use may be extended throughout a building.~~ A nonconforming use may remain, provided the footprint of the nonconforming use is not expanded. A nonconforming use of a building may be changed to another nonconforming use of the same or more restrictive ~~zoning classification~~use~~, provided no structural alterations are made~~.

i. A use is considered more restrictive if it reduces the intensity of the use, is more compatible with adjacent land uses, or decreases negative impacts.

ii. In the event that a nonconforming use of a building is changed to a nonconforming use of a higher or more restrictive zoning classification, it shall not later be reverted to a use in the former lower or less restrictive zoning classification.

c. The right of a nonconforming use to continue shall be subject to such regulations as to the maintenance of the premises and conditions of operation as may, in the judgment of the Board of Adjustments, be reasonably required for the protection of adjacent property.

d. If a ~~nonconforming~~ structure that is unintentionally totally or partially destroyed was occupied by a nonconforming use at the time of such destruction, then the nonconforming use may ~~not~~ be re-established with~~out~~ specific authorization by the Board of Adjustments. ~~(See section 50-33).~~

e. If a nonconforming use is abandoned (see **2.01.E.6** below~~2.01.E.6 below~~), any future use of the premises shall be in conformity with the provisions of this section, as amended, and with any other applicable City codes or ordinances that are in effect at the time the use is resumed.

f. Nonconforming Use of Land without a Structure

i. If there are no buildings or structures on the property associated with the nonconforming use, said use shall be discontinued within two (2) years from the effective date of these regulations, unless the Board of Adjustment declares the use legally nonconforming.

ii. A nonconforming use shall not be expanded or moved in whole or in part to any other portion of the lot or parcel on which it is located.

iii. No structure shall be erected in connection with said nonconforming use of land.

4. Nonconforming Lots

a. A legal nonconforming lot is a lot that does not meet the current dimensional requirements established in **Article 2. Zoning Regulations~~Zoning Regulations~~.**

b. Legally nonconforming lots are deemed conforming and may be developed. The Board of Adjustments may grant a Zoning Variance to modify dimensional and other development standards as needed to reasonably accommodate development.

~~a. Where a lawfully existing lot having less area, depth or width than required existed in separate ownership on the effective date of Ordinance No. 2004-09, the regulations required by zoning districts SF-20, SF-9, SF-7.5, SF-6 and OT in **Article 2. Zoning Regulations** related to the size of such lot shall not prohibit the erection of a single-family dwelling thereon.~~

5. Nonconforming Structures

a. A legal nonconforming structure is a structure that no longer meets the current dimensional requirements, building design requirements, or other requirements regarding the building.

b. A nonconforming structure may continue to be occupied and may be enlarged, repaired, or altered, provided such does not create an additional nonconformity or increase the degree of existing nonconformity ~~with respect to maximum building height or minimum yard requirements. No alteration or enlargement shall extend further into the required yard than the existing nonconforming portion of the building. This provision shall apply separately to each yard requirement with which the existing structure does not comply.~~

c. If 50 percent or more of the improvement's appraised value, as determined by the County Appraisal District, of a nonconforming structure is destroyed by fire, the elements, or some other cause, then the structure may be rebuilt only in conformity with the provisions of this ~~chapter~~UDC.

d. If less than 50 percent of the improvement's appraised value, as determined by the County Appraisal District, of a nonconforming structure is destroyed by fire, the elements, or some other cause, then the structure may be reconstructed as it was before the partial destruction but ~~only to its original dimensions and floor area~~any previously existing nonconformities shall not be increased or expanded, and provided that such reconstruction is completed within one year (i.e., 365 calendar days) following the event that caused the partial destruction. If reconstruction is delayed by contested insurance claims, litigation, or some other similar cause, then the one-year reconstruction period may be extended by the Board of Adjustments.

e. Any conforming structure that is totally or partially destroyed shall be reconstructed only in conformity with the provisions of this ~~chapter~~section.

f. Nothing in this ~~chapter~~ section shall be construed to prohibit the upgrading, strengthening, repair, or maintenance of any part of any structure, conforming or nonconforming, that is declared unsafe or uninhabitable by the proper authority, unless such repairs or maintenance exceeds 50 percent of the structure's appraised value, as determined by the County Appraisal District.

6. Abandonment of Nonconforming Uses and Structures, and Cessation of Use of Structure or Land

a. If a nonconforming use or structure is abandoned, any future use of the premises shall be in conformity with the provisions of this ~~chapter~~article, as amended, and with any other applicable City codes or ordinances that are in effect at the time the use is resumed or the structure is re-occupied.

b. A nonconforming use or structure shall be deemed abandoned in the following circumstances:

i. The use ceases to operate for a continuous period of 180 calendar days;

(a) Normal cessation of a use or temporary discontinuance for purposes of maintenance and rebuilding after damage or destruction shall not be included in calculating the period of discontinuance.

ii. The structure remains vacant for a continuous period of 180 calendar days with all or some of the utilities disconnected, or if utility payments are delinquent;

iii. In the case of a temporary use, the use is moved from the premises for any length of time; or

iv. A nonconforming use or structure shall not be deemed abandoned for a period of up to one year on properties that are for sale or lease, provided the owner is actively promoting the sale or lease and there is evidence of continual use of signs, advertising, or listings.

c. Normal cessation of a use, or temporary discontinuance for purposes of maintenance and rebuilding after damage or destruction, as provided in this section, shall not be included in calculating the period of discontinuance.

d. If the use of any lot, tract, or property that does not have a building on it and that is used for open/~~outside~~ outdoor storage as of the effective date of this~~e ordinance from which this chapter is derived~~ UDC (or amendment thereto) is made nonconforming by this ~~chapter~~ UDC (or amendment thereto), then such storage use shall cease within 180 calendar days following the effective date of this~~e ordinance from which this chapter is derived~~UDC (or amendment thereto). The lot, tract, or property shall be cleaned and all trash, debris, stored items and vehicles, and other materials shall be removed from the premises such that the property is not a physical or visual nuisance to the public or ~~to~~ surrounding property owners.

7. Moving of Nonconforming Structure

No nonconforming structure or building shall be moved in whole or in part to any other location on the lot, or to any other location or lot, unless every portion of such structure is in compliance with all the regulations of the zoning district wherein the structure is to be relocated. Such building relocation shall also require a structure relocation permit from the City, and may also require platting of the intended building site pursuant to ~~chapter 40~~**Article 3. Subdivision Regulations**~~Subdivision Regulations, pertaining to subdivisions,~~ as well as any approval processes required by this ~~chapter~~section.

8. Right to Proceed Preserved

Nothing contained in this section is intended to alter any rights that may have accrued to proceed under prior regulations, pursuant to Texas Local Government Code Chapter 43 (Sec. 43.002) or Chapter 245 (Sec. 245.001 to Sec. 245.006) ~~V.T.C.A., Local Government Code § 43.002 or 245.001 to 245.006~~.

~~(Ord. No. 2008-01, § 7, 2-4-2008)~~

2.02. Zoning Procedures

A. Zoning Process Overview

Figure 2.02-1. Zoning Process Overview

Step 1: Pre-Development Meeting

Before submitting an application, applicants are encouraged to attend a pre-development meeting with City Staff to become familiar with the City's development process and regulations applicable to the proposed development. See **1.03.B Pre-Development Meeting~~Pre-Development Meeting~~** for more information.

Step 2: Zoning Map Amendments (Rezoning)

A property's zoning designation (such as the permitted uses and dimensional standards) must align with the proposed development prior to the approval of a plat or any other development application. If a rezoning is necessary, see **2.02.B. Zoning Text or Map Amendments (Rezoning)~~Zoning Text or Map Amendments (Rezoning)~~** for more information about the rezoning process.

Step 3: Site Plan Review

Once the correct zoning district is in place, the applicant may submit a Site Plan for the Community Development Director's review and approval consideration. See **2.02.G. Site Plans~~Site Plans~~** for more information.

Note that additional steps are required for a Planned Development (see **2.02.D**) or Conditional Use Permit (see **2.02.E**).

Requests for a Zoning Variance (see **2.02.I**), Special Exception (see **2.02.J**), or Alternative Compliance (see **2.02.K**) must be made in conjunction with (or prior to) Site Plan submittal.

Step 4: Building Permit and Certificate of Occupancy

Following Site Plan approval, Building Permits can be issued for construction. Upon completion and determination of compliance, the Building Official may issue a Certificate of Occupancy authorizing that the building may be occupied. See **2.02.H. Building Permit Plans and Building Permits~~Building Permit Plans and Building Permits~~** for more information.

B. Zoning Text or Map Amendments (Rezoning)

1. ~~Declaration of policy and review criteria~~Rezonings Generally

a. The City declares the enactment of the ~~ordinance~~ code from which this ~~chapter~~ article is derived governing the use and development of land, buildings, and structures as a measure necessary to the orderly development of the community. Therefore, no change shall be made in this ~~chapter~~ article or in the boundaries of the zoning districts except:

i. To correct any error in the regulations or map;

ii. To recognize changed or changing conditions or circumstances in a particular locality;

iii. To recognize changes in technology, the style of living, or manner of conducting business; or

iv. To change the property to allow uses in accordance with the City's adopted comprehensive plan.

2. Application

~~a. Generally~~

~~Consideration for: a change in any zoning district boundary line; zoning regulation; or an amendment to the zoning chapter text; may be initiated only by the owner of real property (or his authorized agent), by the Planning and Zoning Commission, or by the City Council on its own motion.~~

~~b. Fee Required~~

~~c.~~a. Each application for zoning, rezoning, ~~conditional use permit (CUP), planned development (PD),~~ or for a text amendment to a provision of this ~~chapter~~article~~,~~ shall be made in writing on an application form available in the Community Development Director~~planning director~~'s office~~, and shall be accompanied by payment of the appropriate fee as established by resolution adopted by the City Council~~.

~~d. Form Developed~~

~~The planning director is hereby authorized to develop application forms requiring pertinent information from the applicant.~~

~~e. Date Due~~

~~f.~~b. ~~The~~ A complete application shall be delivered to the City at least 40 calendar days prior to the date of the public hearing before the Planning and Zoning Commission.

~~g. Payment of All Indebtedness Attributable to the Subject Property~~

~~Refer to subsection 50-36(3).~~

3. Notice of a Public Hearing

a. Public Hearing for Zoning Changes Involving a Map Amendment ~~real property~~

For zoning and rezoning requests involving real property (including PD and CUP requests), the Planning and Zoning Commission and the City Council shall hold at least one public hearing on each zoning application, as per applicable state law (Texas Local Government Code Chapter 211~~V.T.C.A., Local Government Code ch. 211~~).

i. Planning & Zoning Commission

(a) Written notice of the public hearing before the Planning and Zoning Commission shall ~~also~~ be sent to all owners of property, as indicated by the most recently approved City tax roll, that is located within the area of application and within 300 feet of any property affected thereby, said written notice to be sent before the ~~tenth~~ 10th calendar day prior to the date such hearing is held.

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

(ii) Alternatively, such notice may be delivered electronically in accordance with Sec. 211.020 of the Texas Local Government Code.

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

(b) Before the 10th day before the hearing date, written notice of a proposed change in a zoning classification affecting residential or multifamily zoning shall be sent to each school district in which the property for which the change in classification is proposed is located.

(c) Not later than the 10th day before the hearing date and until City Council action, the City must post a sign on the property affected by the change; or a public right-of-way for a change initiated by the City that affects multiple properties.

(i) The notice sign must be at least 24 inches long by 48 inches wide.

(ii) Sign notice is not required for a proposed change in zoning classification that applies to the whole City.

~~ii. Notice of the public hearing to occur before the Planning and Zoning Commission shall be accomplished by publishing the purpose, time and place of the public hearing in the official newspaper of the City before the eighth calendar day prior to the date of the public hearing.~~

~~iii.~~ii. City Council

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

b. Public Hearing for Zoning Changes Involving Ordinance Text

For requests involving proposed changes to the text of **Article 2. Zoning Regulations** ~~Zoning Regulations~~ ~~the zoning chapter,~~

i. Notice of the Planning and Zoning Commission hearing shall be ~~accomplished by publishing the purpose, time and place of the public hearing in the official newspaper of the City before the eighth calendar day prior to the date of the public hearing~~posted before the meeting, in accordance with Texas Local Government Code Sec. 551.043.

ii. Notice of the City Council hearing shall be accomplished by publishing the purpose, time, and place of the public hearing in the official newspaper of the City and on the City's official website before the 15th calendar day prior to the date of the public hearing.

iii. Changes in the ~~chapter~~ article text ~~which~~ that do not change zoning district boundaries (i.e., ~~which~~ that do not involve specific real property) do not require written notification to individual property owners.

~~c. Dual Notification of Planning and Zoning Commission Public Hearings and City Council Public Hearings~~

~~The City may, at its option, publish the required zoning change notifications in conformance with V.T.C.A., Local Government Code ch. 211 for public hearings for the Planning and Zoning Commission and the City Council at the same time; said notifications must be published eight days prior to the Planning and Zoning Commission public hearing and 15 days prior to the City Council public hearing.~~

~~d.~~c. Joint Public Hearings

The City Council may hold a joint public hearing on a zoning, rezoning, or zoning ~~chapter~~ article text amendment request along with the Planning and Zoning Commission, but the City Council shall not take action on the request until it has received a final recommendation from the Commission.

Notification for a joint public hearing shall be accomplished by publishing the purpose, time, and place of the joint public hearing in the official newspaper of the City before the 15th calendar day prior to the date of the public hearing. In accordance with ~~V.T.C.A., Local Government Code § 211.007~~Texas Local

Government Code Sec. 211.007(d), the City Council shall prescribe any other necessary methods of notification for joint public hearings.

~~e.~~d. Additional Rules and Procedures Required by City Council~~Established~~

The City Council may, at its option, establish additional rules and procedures for public notification of proposed zoning changes and development proposals ~~(e.g., required plans, plats, etc.) which may include, but not be limited to, the posting of a signs on any property that is proposed for a zoning change or development by the applicant or its agents~~. Knowledge of and adherence to such rules and procedures, if ~~so~~ established by the City, shall be the responsibility of the applicant and shall be required as part of a zoning change or development application.

4. Additional Notice for Nonconforming Uses

Additional mailed notice may be required for zoning text or map amendments that result in the creation of a nonconforming use. See Sec. 211.006.(a-1) of the Texas Local Government Code for more information.

~~4.~~5. Failure To Appear

Failure of the applicant or ~~his~~ their authorized representative to appear before the Planning and Zoning Commission ~~or~~ and the City Council ~~for more than one hearing without an approved delay by the City Manager, or their designee,~~ shall constitute sufficient grounds ~~for the Planning and Zoning Commission or the City Council~~ to table ~~or deny~~ the application unless the ~~City Manager~~ Director ~~or their designee~~ is notified in writing by the applicant ~~at least 72 hours prior to the hearing~~before notice of the hearing is posted. If the agenda item is tabled, the Planning and Zoning Commission shall specify a specific date at which it will be reconsidered.

~~5.~~6. Criteria for Approval of a Zoning Change

In making a determination regarding a requested zoning change, the Planning and Zoning Commission and the City Council shall consider the following factors:

a. Whether the uses permitted by the proposed change will be appropriate in the immediate area concerned, and their relationship to the general area and ~~to~~ the City as a whole;

b. Whether the proposed change is in accordance with any existing or proposed plans for providing public schools, streets, water supply, sanitary sewers, and other utilities to the area;

c. The amount of vacant land currently classified for similar development in the vicinity and elsewhere in the City, and any special circumstances which may make a substantial part of such vacant land unavailable for development;

d. The recent rate at which land is being developed in the same zoning classification as the request, particularly in the vicinity of the proposed change;

e. How other areas designated for similar development will be, or are likely to be, affected if the proposed amendment is approved;

f. Any other factors that will substantially affect the public health, safety, morals, or general welfare; and

g. Whether the request is consistent with the comprehensive plan.

~~6.~~7. Planning and Zoning Commission Consideration and Recommendation

a. Accordance With Section ~~50-32~~**1.02.B.** Planning and Zoning Commission~~Planning and Zoning Commission~~

The Planning and Zoning Commission shall function in accordance with section ~~50-32~~**1.02.B.** Planning and Zoning Commission~~Planning and Zoning Commission~~ and with applicable provisions in this ~~Code~~UDC.

b. Tabling of the Decision/Recommendation

The Planning and Zoning Commission may, on its own motion or at the applicant's request, table its decision/recommendation for not more than 90 calendar days from the time the public hearing was first opened. Such tabling shall specifically state the time period of the tabling by citing the meeting date whereon the request will reappear on the Commission's agenda, and further notice ~~in the newspaper and~~ to surrounding property owners shall not be required.

c. Recommending Approval

When the ~~commission~~ Planning and Zoning Commission is ready to act upon the zoning request, it may recommend approval of the request as it was submitted by the applicant, approval of the request subject to certain conditions for CUPs or PDs, or disapproval of the request. The request will then be forwarded to the City Council for public hearing (see ~~subsection (f)(2)~~2.02.B.8.b below~~2.02.B.8.b below of this section~~). The Commission may recommend more restrictive uses, area requirements, restrictions, or a zoning district than was requested in the original application and included in the ~~advertised and written~~ notice. In no case, however, may a use, area requirement, or restriction that is considered less restrictive or a less restrictive zoning district than was requested in the original application and included in the ~~advertised and written~~ notice be recommended.

d. Recommending Denial

If the Planning and Zoning Commission recommends denial of the zoning change request, it shall provide reasons to the applicant for the denial, if requested by the applicant. The ~~planning and zoning~~Commission's chairperson shall inform the applicant of the right to receive reasons for the denial. The rRecommendation of denial will then be forwarded to the City Council for public hearing (see ~~subsection (f)(2)~~ 2.02.B.8.b below~~2.02.B.8.b below of this section~~).

~~7.~~8. City Council Authority and Consideration

a. City Council Authority

The City Council, after receiving a recommendation ~~by~~ from the Planning and Zoning Commission and after public hearings required by law, may amend, supplement, or change the regulations of this ~~chapter~~article or the boundaries of the zoning districts on the zoning map.

b. Applications Forwarded to the City Council

After consideration by the Planning and Zoning Commission, all zoning applications shall be automatically forwarded to the City Council for a public hearing following appropriate public hearing notification as prescribed in ~~subsection (f)(1)~~2.02.B.8.a above~~2.02.B.8.a above of this section~~.

c. City Council Action on Zoning, Rezoning, or Text Amendment Requests

After a public hearing is held before the City Council regarding the zoning application, the City Council may:

i. Approve the request in whole or in part (if the City Council approves the request, then ~~subsection (f)(5)~~1.01.A.1.a.i(a) below~~1.01.A.1.a.i(a) below~~ ~~of this section~~ will apply);

ii. Modify and approve the request ~~to~~for any more restrictive uses, area requirements, restrictions, or zoning district than was requested in the original application and included in the advertised and written notice. In no case, however, may a use, area requirement, or restriction that is considered less restrictive or a less restrictive zoning district than was requested in the original application and included in the advertised and written notice be approved;

iii. Deny the request ~~in whole or in part~~;

iv. Table the application to a future meeting (and specifically cit~~e~~ing the City Council meeting to which it is tabled); or

v. Refer the application back to the Planning and Zoning Commission for further study.

d. Protests

i. In accordance with Sec. 211.0061 of the TLGC, certain types of proposed zoning changes may be protested by property owners. There are two types of proposed changes identified in Sec. 211.0011 of the TLGC:

(a) Comprehensive Zoning Changes.

A proposed "comprehensive zoning change" means a proposal to:

(i) Change an existing zoning regulation that will have the effect of allowing more residential development than the previous regulation and will apply uniformly to each parcel in one or more zoning districts; or

(ii) Adopt a new zoning code or zoning map that would apply to the entire municipality; or

(iii) Adopt a zoning overlay district that would have the effect of allowing more residential development than allowed without the overlay and would include an area along a major roadway, highway, or transit corridor.

In accordance with Sec. 211.0061 of the TLGC, comprehensive zoning changes are not subject to protest procedures.

(b) Non-Comprehensive Zoning Changes.

A proposed "non-comprehensive zoning change" means a proposed change to a zoning boundary or regulation that does not meet the criteria of **3.c.i(1)-(3)** above.

ii. A protest against a proposed non-comprehensive change to a zoning regulation or boundary, as described in **(b)** above~~(b) above~~ must be written and signed by the owners of:

(a) At least 20 percent of the area of the lots or land covered by the proposed change;

(b) Except as provided by **(c)** below~~(c) below~~, at least 20 percent of the area of the lots or land immediately adjoining the area covered by the proposed change and extending 200 feet from that area; or

(c) At least 60 percent of the area of the lots or land immediately adjoining the area covered by the proposed change and extending 200 feet from that area if the proposed change:

(i) Has the effect of allowing more residential development than the existing zoning regulation or district boundary and

(ii) Does not have the effect of allowing additional commercial or industrial uses, unless the additional use is limited to the first floor of any residential development and does not exceed 35 percent of the overall development.

iii. If a proposed change to a zoning regulation or boundary is protested in accordance with **ii** above~~ii above~~, the proposed change must receive, in order to take effect, the affirmative vote of at least:

(a) Three-fourths of all members of the City Council, for a protest relating to a proposed change meeting the criteria of **ii(a)** or **ii(b)** above~~ii(b) above~~; or

(b) A majority of all members of the City Council for a protest relating to a proposed change meeting the criteria of **ii(c)** above~~ii(c) above~~.

~~(a) For zoning and rezoning requests involving real property (including PD and CUP requests), a favorable vote of three-fourths of all members of the City Council shall be required to approve any change in zoning when written objections are received from the owners of 20 percent or more of the land area covered by the proposed change, or of the land area within 200 feet of the subject property, in accordance with the provisions of V.T.C.A., Local Government Code § 211.006 (commonly referred to as the "20 percent rule").~~

~~(b) If a protest against such proposed zoning change has been filed with the City Secretary, duly signed and acknowledged by the owners of 20 percent or more, either of the area of the land~~

~~included in such a proposed change or those owners of property immediately adjacent to the subject property and extending 200 feet therefrom, such zoning change shall not become effective except by a three-fourths vote of the full City Council.~~

e. Final Approval and Ordinance Adoption

Upon approval of the zoning request by the City Council, the applicant shall submit all related material with revisions, if necessary, to the Community Development Director~~City Manager (or his designee)~~ for the preparation of the amending ordinance. The amending ordinance will be prepared for adoption when a correct description and all required exhibits have been submitted to the ~~City Manager~~ Director~~or his designee~~. ~~The amending ordinance shall be effective at such time that it is adopted by the City Council, signed by the mayor, and attested by the City Secretary.~~

f. Resubmittal of a Zoning Application Following Denial

i. If the City Council denies a request for a Zoning Map Amendment, no further applications for rezoning all or part of the property for 12 months from the date of the final decision unless a waiver is granted as provided below.

ii. The applicant may request that the City Council waive the requirement stated above upon finding of changed conditions or significant new information. A City-initiated Zoning Map Amendment application shall not be limited by this waiting period.

iii. If the waiver is granted and the applicant files a Zoning Map Amendment application before the expiration of the above waiting period, the application fee shall be 150 percent of the standard application fee.

~~8.~~9. Administration and Enforcement

a. Authority To Enforce ~~Chapter~~the Article

The ~~City Manager~~Community Development Director~~, or his designee,~~ shall be authorized by the City Council to administer and enforce the provisions of this ~~chapter~~article. If the ~~City Manager~~Community Development Director~~(or his designee)~~ finds, upon ~~his~~ their own personal observation, or upon receipt of a complaint, that the provisions of this ~~chapter~~ article are being violated, ~~he~~ they shall immediately investigate and, when necessary, give written notice to the persons responsible to cease or correct such violations immediately. Notice may be delivered in person or by certified mail to the violators or to any person owning, leasing, or occupying a property where the violation is occurring. The ~~City Manager~~Director~~, or his designee,~~ shall have the right to enter upon any business premises during regular business hours for the purpose of making inspections of buildings or premises that may be necessary to carry out the duties in the enforcement of this ~~chapter~~article. The ~~City Manager~~Director~~, or his designee,~~ shall request permission ~~of~~ from a residence owner to enter upon residential premises for the purpose of making inspections of buildings or premises that may be necessary to carry out the duties in the enforcement of this ~~chapter~~article. If the owner of a residence refuses permission to make such inspection or if an inspection of a business is needed after hours or while not open to the public, then the City staff may work with the City Attorney to obtain a warrant or other legal authorization to make such inspections.

b. Stop Work Orders

Whenever any building or construction work is being done contrary to the provisions of this ~~chapter~~article, the ~~City Manager~~Community Development Director~~, or his designee,~~ shall have the authority to order the work stopped by notice in writing served on the property owner or the contractor doing the work or causing such work to be done, or by posting on the new construction itself and any such person shall forthwith stop such work until authorized in writing by the City to proceed with such work. Failure to immediately stop work as provided by this ~~subsection~~ section shall constitute a violation of this ~~chapter~~ Code, in accordance with ~~section 50-5~~**1.01.G. Enforcement and Violations**~~Enforcement and Violations~~, and may incur penalties for such violation.

~~9. Schedule of Fees, Charges and Expenses~~

~~a. Action Dependent on Fees Paid~~

~~Until all applicable fees, charges and expenses have been paid in full, no action shall be taken on any zoning, rezoning or development application or on any appeal.~~

~~b. Fee Schedule~~

~~The City Council shall determine and adopt a fee schedule as currently established or as hereafter adopted by resolution from time to time for the purpose of recovering the administrative costs associated with processing zoning and development requests, including public hearings that are called for in this chapter. Such fees shall be paid by the applicant and shall not be designed to in any way restrict the applicant's ability to seek and receive a hearing or to generate revenue for other than recovery of actual administrative costs incurred by the City in the review and processing of applications. Immediately upon receipt of a complete submission (in accordance with subsection (h)(1) of this section), the City Secretary or his designee shall issue a fee receipt and shall create a City record thereof.~~

~~(Ord. No. 2008-01, § 10, 2-4-2008; Ord. No. 2022-25, § 2(Exh. A), 9-6-2022)~~

C. Zoning Upon Annexation

1. The Planning & Zoning Commission and City Council shall take action to assign zoning to newly annexed territory. If the proposed zoning district is not deemed appropriate, then action shall be taken to assign the Agricultural (AG) District to the annexed area.

2. Proceedings to establish zoning shall be undertaken concurrently with annexation procedures (i.e., notified at the same time, included on the same agenda, public hearings scheduled at the same time as annexation, etc.).

3. Zoning approval shall occur after approval of the annexation ordinance, and as a separate and distinct action by the Planning & Zoning Commission and City Council.

   a. While Planning and Zoning Commission approval is not required for an annexation, the Commission's recommendation is needed to assign zoning to the annexed area. The Commission's zoning recommendation may be made prior to the annexation or at a joint meeting.

~~2. Proceedings to establish zoning may be undertaken concurrently with annexation procedures (i.e., notified at the same time, public hearings scheduled at the same time as annexation, etc.), however, zoning approval and formal adoption of the ordinance establishing zoning must occur after annexation approval and adoption have occurred, and as a separate and distinct action by the City Council. For any period of time following official annexation by the City until a zoning action has been officially adopted to zone the land, the interim zoning of the land shall be considered to be agricultural (AG), and all zoning and development regulations of the AG zoning district shall be adhered to with respect to the development and use of the land.~~

~~3. The initial zoning of a land parcel, whether by initiation of the landowner or by initiation of the City, must meet the requirements for notification and public hearings as set forth in section 50-34 and all other applicable state laws.~~

~~4. The owner of land to be annexed may submit an application for zoning the property simultaneously with submission of the petition for annexation, but no such annexation application may be made conditioned upon the approval of any particular zoning classification.~~

~~5. Within an area classified as AG Agricultural:~~

~~a. No permit for the construction of a building or use of land shall be issued by the building official, or his designee, other than a permit which will allow the construction of a building or use permitted in the AG Agricultural District, unless and until such territory has been classified in a zoning district other than the AG Agricultural District by the City Council in the manner prescribed by section 50-34, except as provided in subsection (b) of this section.~~

~~b. If plans and preparations for developing a property for a use other than those specified in the AG Agricultural District were already in progress prior to annexation of the property into the City, in~~

~~accordance with section 50-37, then the City Council may authorize construction of the project by a majority vote. Application of this subsection is contingent upon the following:~~

~~i. The applicant must be able to demonstrate that plans and other preparations for developing the property commenced prior to (i.e., were already in progress at the time of) annexation into the City.~~

~~ii. Existing land uses shall be allowed to continue in conformance with V.T.C.A., Local Government Code ch. 43 and section 50-37.~~

~~6. In its deliberations concerning authorization to proceed with construction of a project which meets the criteria in subsections (a) through (d) of this section, the City Council shall take into consideration the appropriate land use for the area as shown on the City's future land use plan. Upon approval by the City Council, the City Manager or his designee shall notify the building official or his designee of such approval.~~

~~(Ord. No. 2008-01, § 6, 2-4-2008)~~

D. Planned Developments (PDs)

1. ~~General~~ Purpose and Intent~~Description~~

a. The PD Planned Development District is a zoning district and tool that ~~which~~ accommodates planned ~~associations~~ combinations of uses~~, developed as integral land use units~~ such as office parks, retail/commercial ~~or service~~ centers, ~~shopping centers,~~or residential developments ~~having~~ featuring a mixt~~ure~~ of housing options~~. (e.g., Single-Family, Multifamily, Duplex (Two-Family), etc.), or any appropriate~~ These combinations ~~of uses which may~~can be planned, developed, or operated as integral land use units either by a single ~~owner or a combination of~~or multiple owners. ~~A PD Planned Development District may be used to permit~~PDs allow for new or innovative concepts in ~~land utilization not permitted~~development not accommodated by other zoning districts ~~in this chapter, to~~. Its flexibility ensure~~s~~ ~~the~~ compatibility of land uses~~, and to allow for the adjustment of changing demands to meet the current needs of the community by meeting~~ and adapts to changing community needs, serving one or more of the following purposes:

i. To provide for a superior design on lots or buildings;

ii. To provide for increased recreation and open space opportunities for public use and enjoyment;

iii. To provide amenities or features that would be of special benefit to the property users or to the overall community;

iv. To protect or preserve natural amenities and environmental assets such as trees, creeks, ponds, floodplains, slopes, viewscapes, or wildlife habitats;

v. To protect or preserve existing historical buildings, structures, features, or places;

vi. To provide an appropriate balance between the intensity of development and the ability to provide adequate supporting public facilities and services; and

vii. To meet or exceed the standards of this ~~chapter~~article.

b. PDs are intended to promote innovative development that is consistent with the Comprehensive Plan and that otherwise cannot be accommodated by the UDC using existing mechanisms (e.g., Zoning Variances, Alternative Compliance). The PD process is not intended as a method to avoid the Code's standards.

c. An applicant shall not be granted a deviation from the standards without providing a public benefit to the community that exceeds the standard of typical development and requirements. Examples of such benefits may include but are not limited to enhanced design, sustainable development, housing affordability/variety, enhanced open space and recreational amenities, public art, historic preservation, enhanced accessibility, public facilities, or other development features that implement the vision of the Comprehensive Plan.

2. Planned Development Creation

a. The City Council, after a public hearing and proper notice to all parties affected and after recommendation from the Planning and Zoning Commission, may authorize the creation of a PD Planned Development District~~,~~ in accordance with the provisions of this section and **2.02.B. Zoning Text or Map Amendments (Rezoning)**~~Zoning Text or Map Amendments (Rezoning)section 50-34~~.

b. The granting of a PD is considered a rezoning and requires notice and action in accordance with **2.02.B. Zoning Text or Map Amendments (Rezoning)**~~Zoning Text or Map Amendments (Rezoning).~~

c. The ordinance granting a PD Planned Development District shall include a statement as to the purpose and intent of the PD Planned Development District granted therein, as well as a general statement citing the reason for the PD Planned Development District request.

3. Approval Process

~~Maximum of four steps.~~ The review process for a planned development shall include up to ~~four~~ three steps:

a. Pre-development meeting~~Preapplication conference~~ with the Community Development Director~~City Manager or his designee~~ (See **1.03.B. Pre-Development Meeting**~~Pre-Development Meetingrefer to section 50-36~~);

b. Adoption of an ordinance establishing the Planned Development District with a Concept Plan and development standards;

~~c. Concept plan; and~~

~~d.~~c. Construction of project (after City approval of all other required plans and plats).

~~e. Payment of all indebtedness attributable to the subject property. Refer to section 50-36.~~

~~f. Official submission date and completeness of application. Refer to section 50-34.~~

~~g. Supplemental requirements. Refer to section 50-36.~~

4. Concept Plan

An application for a PD shall be accompanied by a Concept Plan and development standards. See **2.02.F. Concept Plans**~~Concept Plans~~ for the applicable requirements and approval process. The Concept Plan is reviewed and acted upon as part of the PD approval process.

~~a. Purpose. This section establishes a review process for planned developments. The purpose is to ensure that a development project is in compliance with all applicable City ordinances and guidelines prior to commencement of construction.~~

~~b. Applicability. Submission and approval of a concept plan shall be required for all planned developments.~~

~~c. Building Permit and Certificate of Occupancy. A concept plan shall be submitted in conjunction with a building permit application (this is a different application than the building permit plan that is discussed within this section). No building permit shall be issued until a concept plan and all other required engineering/construction plans are first approved by the City. No certificate of occupancy shall be issued until all construction and development conforms to the concept plan and engineering/construction plans, as approved by the City.~~

~~d. Extent of Area That Should Be Included In a Concept Plan. When the overall development project is to be developed in phases, the area included within the concept plan shall include only the portion of the overall property that is to be developed/constructed.~~

~~e. Procedures and Submission Requirements for Concept Plan Approval. All concept plans shall be prepared by a qualified civil engineer, land planner, architect or surveyor, and it shall clearly show in detail how the site will be constructed (such as paving, buildings, landscaped areas, utilities, etc.). To ensure the submission of adequate information, the City is hereby empowered to maintain and distribute a separate list of specific requirements for the review of concept plan applications.~~

f. Review and Approval of a Concept Plan. The approval process for a concept plan shall generally be reviewed by City staff, recommendation by the Planning and Zoning Commission, and approval by the City Council.

i. City Staff Review of Concept Plans.

(a) Upon official submission of a complete application of a concept plan for approval, the City shall review the application. Specifically, the City Manager or his designee, and the building official or their designee shall review the concept plan prior to the concept plan being forwarded to the Planning and Zoning Commission. Determination of application completeness, notice to the applicant in writing of missing documents and information within ten business days and expiration of application within 45 calendar days due to incompleteness shall be in accordance with section 50-34.

(b) Concept plans shall be evaluated to ensure that all developments are, to the best extent possible, constructed according to the City's codes and ordinances.

(c) Following City staff review, and following discussions regarding necessary revisions, the applicant shall resubmit additional copies of the corrected concept plan to the City Manager or his designee.

(d) The City Manager or his designee shall then submit the corrected plan to the Planning and Zoning Commission.

(e) It should be noted that the City Manager or his designee shall forward the original plan application to the commission if the corrected version is not resubmitted within the prescribed time period.

(f) It should also be noted that a corrected plan that is incomplete or is otherwise not ready for consideration shall be subject to denial.

ii. Planning and Zoning Commission Review of Concept Plans.

(a) All concept plan applications shall be reviewed by the Planning and Zoning Commission.

(b) The City Manager, or his designee, shall schedule consideration of the concept plan application on the regular agenda of the Planning and Zoning Commission within 30 calendar days after the application is received.

(c) The Planning and Zoning Commission shall review the concept plan and shall recommend to the City Council approval, approval subject to certain conditions, or denial of the concept plan.

iii. City Council Review of and Action on Concept Plans.

(a) All concept plan applications shall be reviewed by the City Council after being reviewed by the Planning and Zoning Commission.

(b) The City Manager, or his designee, shall schedule consideration of the concept plan application on the regular agenda of the City Council.

(c) The City Council shall review the concept plan and shall approve, approve subject to certain conditions, or deny approval of the concept plan.

iv. Revisions to the Approved Concept Plan.

(a) Minor Revisions/Amendments.

(i) It is recognized that final architectural and engineering design may necessitate minor changes in the approved concept plan. In such cases, the City Manager, or his designee, shall have the authority to approve minor modifications to an approved concept plan. Such minor modifications submitted on an amended concept plan, which shall substantially conform to the previously approved concept plan.

(ii) Submission materials and requirements for approval of an amended concept plan shall be as determined by the City Manager or his designee.

(b) Major Revisions. In the event of revisions that are more extensive in nature (i.e., do not conform to the description for minor amendments in subsection (g)(7)a of this section), a revised concept plan must be resubmitted, reviewed, and approved by the City Manager or his designee. The City Manager or his designee shall have the authority to determine whether a revised concept plan warrants a review and approval as outlined in subsection a. of this section.

v. Effect of Review/Approval. The concept plan shall be considered authorization to proceed with construction of the site provided all other required City approvals are obtained (such as final plat, engineering plans, etc.).

vi. Validity, lapse, and reinstatement of concept plan. Refer to section 50-37.

5. List of Planned Development Districts. All Planned Development zoning districts approved in accordance with the provisions of this chapter, as may be amended, shall be prefixed by a "PD" designation and assigned a unique identification number (e.g., PD-1, PD-2, PD-3, etc.), and shall also be referenced on the zoning district map. A list of such Planned Development Districts, showing the uses permitted and any other special stipulations of each PD Planned Development District shall be maintained as part of this chapter.

6. Prior Planned Development Ordinances Remaining in Effect. Prior to adoption of the ordinance from which this chapter is derived, the City Council previously established by platting certain townhome, patio home and zero lot line developments, some of which are to be continued in full force and effect. The ordinances, parts of ordinances and/or plats approved prior to adoption of the ordinance form which this chapter is derived that applied to these developments, specified in appendix A-1 on file in the office of the City secretary, shall be carried forth in full force and effect and shall become the conditions, restrictions, regulations and requirements which apply to the respective PD Planned Development Districts shown on the zoning district map as of the effective date of the ordinance from which this chapter is derived for the property the requirements apply to. Each townhome, patio home and zero lot line development in existence at the time of adoption of the ordinance from which this chapter is derived is hereby assigned a unique identification number (e.g., PD-1, PD-2, PD-3, and so on) as shown in appendix A-1, and subsequent PD ordinances adopted after the effective date of the ordinance from which this chapter is derived shall be similarly numbered for identification purposes.

(Ord. No. 2008-01, § 36, 2-4-2008; Ord. No. 2017-17, §§ 2—8, 7-5-2017)

7. Planned development (PD) Concept Plans; validity and expiration. In conformance with V.T.C.A., Local Government Code § 245.005, the applicant shall retain the following rights related to concept plan:

a. Preliminary Plat Submittal within Two Years Required. An application for a preliminary plat shall be submitted for approval within two years of the date of approval of a concept plan, unless otherwise provided in the PD district adopting ordinance. If a preliminary plat consistent with the concept plan is not submitted within such period, the concept plan shall expire.

b. Expiration of an approved concept plan. Expiration of an approved concept plan (based on subsection (b)(4)a of this section) shall result in suspension of the ability to submit a preliminary plat related to the original concept plan. A new concept plan must be submitted before the development process can continue.

c. Expiration of an approved preliminary plat.

i. The expiration of an approved preliminary plat shall be governed by the provisions of the City's subdivision ordinance as provided in chapter 40.

ii. If a required development application (e.g., preliminary plat, final plat, building permit) is submitted within the two-year period, but such development application subsequently expires, the associated concept plan shall also expire.

~~8. Ability to retain the rights to the PD project. In conformance with V.T.C.A., Local Government Code § 245.005, the applicant shall retain the following rights related to a proposed planned development following submittal and approved of a concept plan.~~

~~a. Ability to submit applications for five years. The applicant shall retain the ability to submit a new concept plan for a period of five years following the original approval of the concept plan. Such new concept plan may only be for a substantially similar PD project. However, any such new concept plan shall adhere to any and all new standards and regulations that the City has adopted in relation to a concept plan and/or any other PD application requirements.~~

~~b. Expiration of project in five years. Any PD project for which no preliminary plat has been submitted for a period of five years following the approval of the related concept plan shall expire on the last day of that five-year period.~~

~~c. Planning and Zoning Commission consideration. After such five-year period has ended and the project expires, the Planning and Zoning Commission shall consider whether the undeveloped land within a PD district should be changed to another zoning classification in accordance with the procedures for a zoning amendment pursuant to section 50-34. The commission thereafter shall recommend to the City Council whether the right to submit a preliminary plat or other development application for the same PD project should be reinstated, or whether the property should be rezoned to another classification.~~

~~d. City Council consideration. The commission's recommendation (as outlined in subsection (b)(5)c of this section) shall be considered by the City Council in accordance with procedures for a zoning amendment pursuant to section 50-34. The council shall determine whether the right to submit the preliminary plat or other development application for the same PD District project should be reinstated, or whether the property should be rezoned to another classification. In making such determination, the City Council shall consider the following factors:~~

~~i. Whether the PD District remains consistent with the Comprehensive Plan;~~

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

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

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

~~e. Council action. Upon subsections (b)(5)d.2 through 4 of this section occurring, the City Council may take the following actions:~~

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

~~ii. Modify the PD District regulations applicable to the property; or~~

~~iii. Repeal the PD District for the affected portions of the property and zone such property to another zoning district classification.~~

~~f. Required Plans~~

~~For the purposes of this zoning chapter, the term "required plans" is intended to refer to any of the plans listed in subsections (2)a through c of this section, as applicable.~~

~~9.~~5. Supplemental Requirements

~~The~~ City~~'s~~ staff may require other information and data for specific required plans. Approval of a required plan may establish conditions for construction based upon such information.

6. Base District Encouraged

Applicants are encouraged to select a zoning district as a base zoning district to regulate all uses and development standards not identified as being modified.

~~10.~~7. Permitted Uses

a. A PD Planned Development District may be approved with any use or combination of uses allowed by this ~~chapter~~article.

b. The uses permitted in any specific PD Planned Development District shall be enumerated in the ordinance establishing such district, along with any conditions or limitations deemed appropriate for the specified uses.

~~c. Patio homes, zero lot line homes, single-family attached and townhome single-family residential dwelling units as part of a master planned development with amenities including open space.~~

~~11.~~8. Area and Height Regulations

~~The minimum acreage for a PD Planned Development District request shall be four acres.~~

Each PD Planned Development District shall establish regulations deemed necessary and appropriate for the development of the property within the district and the protection of neighboring properties. For PDs that do not use a base district, t~~T~~hese regulations may include, but are not limited to, the following:

a. Front, side, and rear yard requirements;

b. Minimum lot width, depth, and area~~s~~ requirements;

c. Maximum lot coverage;

d. Maximum building size and/or height;

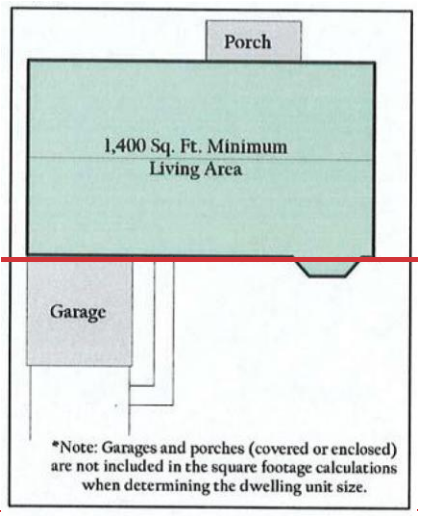
e. Landscaping, open space, and screening requirements;

f. Off-street parking and loading requirements; and

~~g. Signage requirements. Area and Height Regulations For Patio Homes And Zero Lot Line Developments~~

~~h. Reserved~~

~~i. Illustration 50-80-1: Floor area for the PD-PH District]~~



~~j.~~

~~k.~~

~~l. Minimum Regulations~~

~~m. Each PD Planned Development District shall establish regulations deemed necessary and appropriate for the development of the property within the district and the protection of neighboring properties. The~~

following regulations are minimums, but are not limited to, and may be increased or otherwise modified for a particular development:

n. Maximum density is ten dwelling units per acre with each having a minimum of 900 square feet of living area.

o. Minimum Lot Requirements

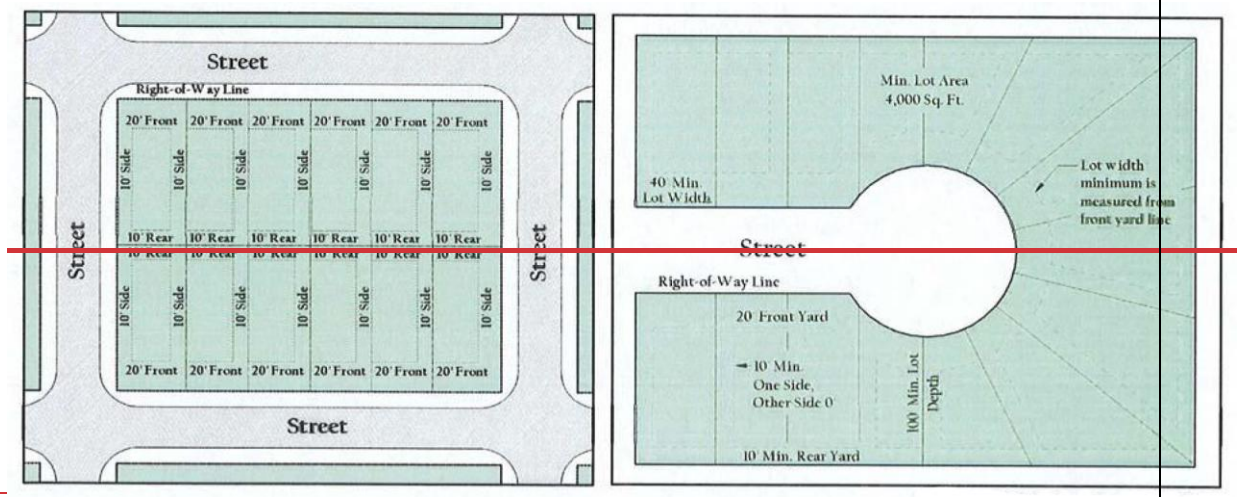
p. Lot size: 4,000 square feet.

q. Width: 40 feet.

r. Depth: 100 feet.

s. Minimum required yards and building lines:

t. Illustration 50-80-2: Lot and yard regulations for the PD-Zero Lot Line District



u.

v.

w. Front is 20 feet, except that where a lot faces on an arterial street, the front building line shall not be less than 35 feet.

x. Side – Interior Lots

y. The side building line, to include eaves and appurtenances, shall not be less than five feet. On zero lot line homes the side yards shall be a minimum of zero feet and ten feet respectively. (See Illustration 50-80-2.)

z. Side – Corner lots are 15 feet, except that where a lot sides on an arterial street, the building line shall not be less than 25 feet.

aa. Rear – Generally are 15 feet, except where the rear property line abuts an alleyway, there shall be a minimum of 30 feet between the buildings abutting said alleyway, provided that if the alleyway is a 20-foot alleyway, then the minimum rear building line shall be not less than five feet, and if the alleyway is a 15-foot wide alleyway, then the minimum rear building line shall be not less than 7.5 feet. Zero lot line developments shall be a minimum of ten feet. (See Illustration 50-80-1.)

bb. Rear – Arterial Street

cc. The rear building line where a lot backs on an arterial street shall not be less than 25 feet

dd. Maximum Lot Coverage

ee. Not more than 60 percent of a lot may be covered with buildings, driveways, sidewalks, or other impermeable material, unless approved otherwise at the time of the PD Planned Development District and/or site plan approval by the Planning and Zoning Commission and the City Council.

~~ff. Maximum Height~~

~~gg. Maximum height is two stories, or 35 feet in total height, including gables.~~

~~hh. Green Space/Recreational Areas~~

~~ii. A minimum of 20 percent of the gross platted area shall be open green space. The term "open green space" is defined as, and limited to common areas of open space or landscaping and community recreational areas that are irrigated and continuously maintained. The term "open green space" does not include areas specifically designated or used as building sites for patio home or zero lot line units, building sites for utility or storage buildings, parking lots, garages, streets, or driveways within a patio home development. The actual surface areas of open green space, such as common area lawns and landscaping, community swimming pools and surrounding paved deck area, community tennis courts, community rooms, community saunas, and other common recreational areas, shall be considered in calculating the minimum requirement for open green space. Detention ponds and surrounding areas may also be considered "open green space" so long as the detention area is amenitized. Required buffer yards, except surfaced parking and driveways located within said buffer yards, if any, may be included in computing the minimum required area of open green space.~~

~~jj. Reserved~~

~~kk. Reserved~~

~~ll. Reserved~~

~~mm.Area And Height Regulations For Townhomes And Single-Family Attached Residential Dwelling Units~~

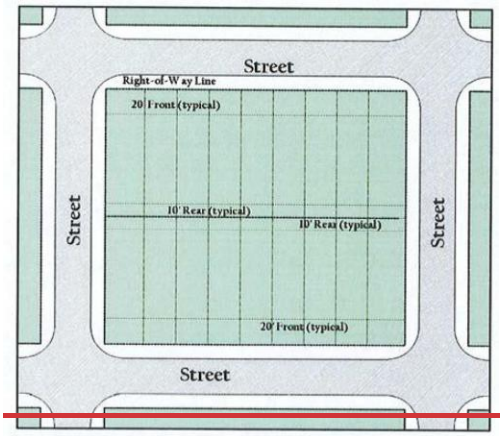
~~nn. Minimum Acreage~~

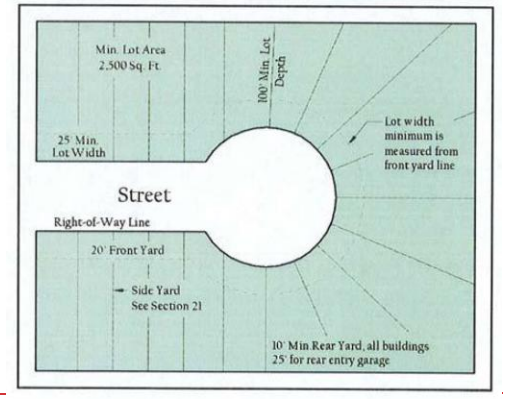
~~oo. The minimum acreage for a planned development request for a townhome or single-family attached single-family residential dwelling unit complex shall be four acres.~~

~~pp. Regulations~~

~~qq. Each PD Planned Development District shall establish regulations deemed necessary and appropriate for the development of the property within the district and the protection of neighboring properties. The following regulations are minimums but are not limited to, and may be increased or otherwise modified for a particular development:~~

~~rr. Illustration 50-80-3: Lot and yard regulations for the PD Townhome/Attached~~





~~ss.~~

~~tt.~~

~~uu. Maximum density is 12 dwelling units per acre.~~

~~vv. Minimum lot requirements:~~

~~ww. Lot size: 3,600 square feet.~~

~~xx. Width: 25 feet.~~

~~yy. Depth: 100 feet.~~

~~zz. Minimum Required Yards And Building Lines~~

~~aaa. Front is 20 feet, except that where a lot faces on an arterial street, the front building line shall not be less than 35 feet.~~

~~bbb. Side—Interior Lots~~

~~ccc. There shall be no side yard or building line for a side of an interior lot which is adjacent to another townhome. The two side yard or building lines when two units do not share a common lot line, including eaves and appurtenances, shall be any combination that provides at least ten feet between structures.~~

~~ddd. Side—Corner lots are 15 feet, except that where a lot sides on an arterial street, the building line shall not be less than 25 feet.~~

~~eee. Rear—Generally are ten feet, except where the rear property line abuts an alleyway, there shall be a minimum of 30 feet between the buildings abutting said alleyway, provided that if the alleyway is a 20-foot alleyway, then the minimum rear building line shall be not less than five feet, and if the alleyway is a 15-foot-wide alleyway, then the minimum rear building line shall be not less than 7.5 feet.~~

~~fff. Rear—Arterial Streets~~

~~ggg. The rear building line where a lot back on an arterial street shall not be less than 25 feet.~~

~~hhh.Maximum Lot Coverage~~

~~iii. Not more than 60 percent of a lot may be covered with buildings, driveways, sidewalks, or other impermeable material.~~

~~jjj. Maximum Height~~

~~kkk. Two stories, or 25 feet in total height, including gables, shall be the maximum height.~~

~~lll. Green Space/Recreational Areas~~

~~mmm. A minimum of 30 percent of the gross platted area shall be open green space. The term "open green space" is defined as, and limited to common areas of open space or landscaping and community recreational areas that is irrigated and continuously maintained. The term "open green space" does not include areas specifically designated or used as building sites for patio home or zero lot line units, building sites for utility or storage buildings, parking lots, garages, streets, or driveways within a patio home development. The actual surface areas of open green space, such as common area lawns and landscaping, community swimming pools and surrounding paved deck area, community tennis courts, community rooms, community saunas, and other common recreational areas, shall be considered in calculating the minimum requirement for open green space. Required buffer yards, except surfaced parking and driveways located within said buffer yards, if any, may be included in computing the minimum required area of green space.~~

~~nnn.Screening Requirements~~

~~ooo.A fence, wall, or other similar screening device, of not less than six feet nor more than eight feet in height, shall be constructed and maintained along the two sides and the rear of each patio home development complex; provided, however, no such screening device shall be required adjacent to portions of the development which contain green space, lakes, or natural habitat for a distance of 50 feet or more from such perimeter boundary.~~

~~ppp.Sidewalks~~

~~qqq.Sidewalks of concrete cement or other masonry construction shall be provided along all streets within a townhome development in accordance with applicable City standards and specifications.~~

~~rrr. Visitor parking~~

~~sss. In addition to the parking required in section 50-112, the on-and off street parking shall be analyzed to ensure that a minimum of one additional space per every two dwelling units is available for visitor parking.~~

E. Conditional Use Permits (CUPs)

1. Purpose and Intent

a. Nature of Conditional Use

A conditional use is a land use ~~which~~that, because of its unique nature, is compatible with the permitted land uses in a given zoning district only upon a determination that the external effects of the use in relation to the existing and planned uses of adjoining property and the neighborhood can be mitigated through imposition of certain standards and conditions. This section sets forth the standards used to evaluate proposed conditional uses and the procedures for approving Conditional Use Permit (CUP) applications.

b. Permit Required

No conditional use shall be established and no Building Permit shall be issued for any use designated as a conditional use within any zoning district until a Conditional Use Permit (CUP) is approved and issued in accordance with the provisions of this section ~~and section 50-34. An application for a CUP shall be accompanied by a Concept Plan prepared in the manner described in subsection (e) of this section.~~

2. Status of Conditionally Permitted Uses

The following general rules apply to all conditional uses:

a. Only a use shown with a "C" in **2.04.A. Permitted Uses Generally** ~~**Permitted Uses Generally**~~ is eligible for a CUP. ~~The designation of a use in a zoning district as may be permitted by CUP in section 50-82 (shown as "C" in the use charts of said chapter does~~ A use's eligibility for a CUP does not constitute an authorization or assurance that such use will be approved.~~)~~

b. Approval of a CUP shall authorize only the particular use for which the CUP is issued.

c. The granting of a CUP is considered a rezoning and requires notice and action in accordance with **2.02.B. Zoning Text or Map Amendments (Rezoning)** ~~**Zoning Text or Map Amendments (Rezoning)**~~.

d. No use authorized by a CUP shall be enlarged, extended, or relocated, nor may the number of dwelling units be increased, unless an application is made for approval of a new CUP in accordance with the procedures set forth in this section and **2.02.B. Zoning Text or Map Amendments (Rezoning)** ~~**Zoning Text or Map Amendments (Rezoning)**~~ ~~section 50-34~~.

e. Development of the use shall not be carried out until the applicant has secured all the permits and approvals required by this ~~chapter~~article, this ~~Code~~UDC, and any permits that may be required by regional, state, or federal agencies.

3. Application for Conditional Use Permit~~; requirements~~

a. An application for a CUP ~~may be submitted by the property owner or by the property owner's designated representative to the City. The application~~ shall be accompanied by a concept plan prepared in accordance with the requirements of **2.2.5.5. Concept Plan** ~~**Concept Plan**~~ below~~subsection (e) of this section~~.

b. If a ~~base~~ zoning district amendment is required or requested, such rezoning application shall accompany the application for a CUP.

4. Approval Process

~~Maximum of Four Steps~~

The review process for a CUP shall include up to four steps:

a. Pre-development meeting ~~Preapplication conference~~ with the Community Development Director ~~City Manager or his designee~~ (~~refer to~~See **1.03.B. Pre-Development Meeting** ~~**Pre-Development Meeting**~~ ~~section 50-36~~);

b. Adoption of an ordinance granting a CUP with a Concept Plan; and

~~c. Concept plan; and~~

~~d.~~c. Construction of project (after City approval of all required plans and plats).

~~e. Payment of all indebtedness attributable to the subject property.~~

~~Refer to section 50-36.~~

~~f. Official submission date and completeness of application.~~

~~Refer to section 50-34.~~

~~g. Supplemental requirements.~~

~~Refer to section 50-36.~~

5. Concept Plan

An application for a CUP shall be accompanied by a Concept Plan. See **2.02.F. Concept Plans**~~**Concept Plans**~~ for the applicable requirements and approval process. The Concept Plan is reviewed and acted upon as part of the CUP approval process.

~~a. Purpose~~

~~This section establishes a review process for conditional use permits. The purpose is to ensure that a development project is in compliance with all applicable City ordinances and guidelines prior to commencement of construction.~~

~~b. Applicability~~

~~Submission and approval of a concept plan shall be required for all conditional use permits.~~

~~c. Building Permit and Certificate of Occupancy~~

~~A concept plan may be submitted in conjunction with a building permit application (this is a different application than the building permit plan that is discussed within this section). No building permit shall be issued until a concept plan and all other required engineering/construction plans are first approved by the City. No certificate of occupancy shall be issued until all construction and development conforms to the concept plan and engineering/construction plans, as approved by the City.~~

~~d. Extent of Area That Should Be Included in a Concept Plan~~

~~When the overall development project is to be developed in phases, the area included within the concept plan shall include only the portion of the overall property that is to be developed/constructed.~~

~~e. Procedures and Submission Requirements for Concept Plan Approval~~

~~All concept plans shall be prepared by a qualified civil engineer, land planner, architect or surveyor, and it shall clearly show in detail how the site will be constructed (such as paving, buildings, landscaped areas, utilities, etc.). To ensure the submission of adequate information, the City is hereby empowered to maintain and distribute a separate list of specific requirements for the review of concept plan applications.~~

~~f. Review and Approval of a Concept Plan~~

~~The approval process for a concept plan shall generally be review by City staff, recommendation by the planning and zoning commission, and approval by the city council.~~

~~1. City staff review of concept plans~~

~~(a) Upon official submission of a complete application of a concept plan for approval, the City shall review the application. Specifically, the City Manager, , and the Building Official or their~~

designees shall review the concept plan prior to the concept plan being forwarded to the planning and zoning commission.

(b) Concept plans shall be evaluated to ensure that all developments are, to the best extent possible, constructed according to the City's codes and ordinances.

(c) Following City staff review, and following discussions regarding necessary revisions, the applicant shall resubmit additional copies of the corrected concept plan to the city manager or his designee.

(d) The city manager or his designee shall then submit the corrected plan to the planning and zoning commission.

(e) It should be noted that the city manager or his designee shall forward the original plan application to the commission if the corrected version is not resubmitted within the prescribed time period.

(f) It should also be noted that a corrected plan that is incomplete or is otherwise not ready for consideration shall be subject to denial.

2. Planning and zoning commission review of concept plans

(a) All concept plan applications shall be reviewed by the planning and zoning commission.

(b) The city manager, or his designee, shall schedule consideration of any concept plan application on the regular agenda of the planning and zoning commission within 30 calendar days after the application is received.

(c) The planning and zoning commission shall review the concept plan and shall recommend to the city council approval, approval subject to certain conditions, or denial of the concept plan.

3. City council review of and action on concept plans

(a) All concept plan applications shall be reviewed by the city council after being reviewed by the planning and zoning commission.

(b) The city manager, or his designee, shall schedule consideration of the concept plan application on the regular agenda of the city council.

(c) The city council shall review the concept plan and shall approve, approve subject to certain conditions, or deny approval of the concept plan.

g. Revisions to the approved concept plan

1. Minor revisions/amendments

(a) It is recognized that final architectural and engineering design may necessitate minor changes in the approved concept plan. In such cases, the city manager, or his designee, shall have the authority to approve minor modifications to an approved concept plan. Such minor modifications submitted on an amended concept plan, which shall substantially conform to the previously approved concept plan.

(b) Submission materials and requirements for approval of an amended concept plan shall be as determined by the city manager or his designee.

2. Major revisions. In the event of revisions that are more extensive in nature (i.e., do not conform to the description for minor amendments in subsection (e)(7)a of this section), a revised concept plan must be resubmitted, reviewed, and approved by the city manager or his designee. The city manager or his

designee shall have the authority to determine whether a revised concept plan warrants a review and approval as outlined in this subsection (c).

(a) Any proposed or existing building or land use that is newly established, enlarged, modified, structurally altered, or otherwise changed from the originally approved concept plan shall be deemed a major revision.

h. Effect of review/approval. The concept plan shall be considered authorization to proceed with construction of the site provided all other required City approvals are obtained (such as final plat, engineering plans, etc.).

i. Validity, lapse, and reinstatement of concept plan.

Refer to section 50-37.

6. Conditional Use Permit (CUP) Concept Plans; Validity and Expiration

A CUP concept plan shall be considered a "permit" as described in V.T.C.A., Local Government Code § 245.005.

a. Valid for Two Years

Any approved CUP concept plan shall be deemed expired two years from the date on which the CUP concept plan was originally approved by the city council if no progress has been made toward completion of the project.

b. Progress Benchmarks

The term "progress" shall be as defined based on V.T.C.A., Local Government Code § 245.005 as follows:

i. Plans for construction and an application for a building permit for at least one of the buildings on the approved CUP concept plan are submitted within two years following approval of the CUP concept plan;

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

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

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

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

c. Expiration

If one of the items listed in subsection (b)(3)b.1 through 5 of this section is not accomplished within the two year period, then the approved CUP concept plan shall expire and shall become null and void.

d. Extension and Reinstatement Procedure

i. Prior to the lapse of approval for a CUP concept plan, the applicant may petition the City (in writing) to extend the CUP concept plan approval.

ii. Such petition shall be recommended for approval or denial by the planning and zoning commission and shall be granted approval or denial by the city council.

iii. If no petition is submitted, then the CUP concept plan shall be deemed to have expired and shall become null and void. Any new request for CUP concept plan approval shall be deemed a new permit, and shall be submitted with a new application form, with a new filing fee, and with new plans and materials in accordance with the procedures set forth in this section. The new request shall also

~~be reviewed for compliance with the ordinances and regulations in effect at the time the new application is made.~~

~~4. In determining whether to grant a request for extension, the planning and zoning commission and the city council shall take into account:~~

~~(a) The reasons for the lapse;~~

~~(b) The ability of the property owner to comply with any conditions attached to the original approval; and~~

~~(c) The extent to which development regulations would apply to the CUP concept plan at that point in time.~~

~~7.~~6. Standards for Approval of a CUP

a. Factors for Consideration

When considering applications for a Conditional Use Permit, the City shall, on the basis of the Concept Plan and other information submitted, evaluate the impact of the conditional use on, and the compatibility of the use with, surrounding properties and neighborhoods to ensure the appropriateness of the use at a particular location. Specific considerations shall include the extent to which:

1. The proposed use at the specified location is consistent with the goals, objectives, and policies contained in the adopted comprehensive plan.
2. The proposed use is consistent with the general purpose and intent of the applicable zoning district regulations.
3. The proposed use meets all supplemental standards specifically applicable to the use as set forth in 2.04. Permitted Uses and Use-Based Standards~~Permitted Uses and Use-Based Standards this chapter~~.
4. The proposed use is compatible with and preserves the character and integrity of adjacent development and neighborhoods and, as required by the particular circumstances, includes improvements or modifications either on-site or within the public rights-of-way to mitigate development-related adverse impacts, including, but not limited to:
   (a) Adequate ingress and egress to property and proposed structures thereon with particular reference to vehicular and pedestrian safety and convenience, and access in case of fire;
   (b) Off-street parking and loading areas;
   (c) Refuse and service areas;
   (d) Utilities with reference to location, availability, and compatibility;
   (e) Screening and buffering features to minimize visual impacts, and/or setbacks from adjacent uses;
   (f) Control of signs, if any, and proposed exterior lighting with reference to glare, traffic safety, economic effect, and compatibility and harmony with properties in the district;
   (g) Required yards and open space;
   (h) Height and bulk of structure;
   (i) Hours of operations;
   (j) ~~Exterior construction material and~~ Building design; and
   (k) Roadway adjustments, traffic control devices or mechanisms, and access restrictions to control traffic flow or divert traffic, as may be needed to reduce or eliminate development-generated traffic on neighborhood streets.

5. The proposed use is not materially detrimental to the public health, safety, convenience, and welfare, or results in material damage or prejudice to other property in the vicinity.

b. Conditions

In approving the application, the Planning and Zoning Commission may recommend, and the City Council may impose, such additional conditions (e.g., hours of operation) as are reasonably necessary to assure compliance with the standards, purpose, and intent of this section, and in accordance with the rezoning procedures in **2.02.B**, Zoning Text or Map Amendments (Rezoning)~~Zoning Text or Map Amendments (Rezoning)section 50-34~~. Any conditions imposed shall be set forth in the ordinance approving the conditional use~~,~~ and shall be incorporated into or noted on the Concept Plan. The ~~city manager or his designee~~ Community Development Director shall verify that the Concept Plan incorporates all conditions set forth in the ordinance authorizing the conditional use. The City shall maintain a record of such approved conditional uses and related conditions attached thereto.

c. Prohibition on ~~Waivers and~~ Zoning Variance~~Variances~~.

i. The ~~foregoing~~ abovementioned additional conditions (i.e., standards of development for the CUP) ~~shall not be subject to~~do not require a Zoning Variance ~~variances that otherwise could be granted by~~from the Board of Adjustments, nor may conditions imposed by the City Council subsequently be waived or varied by the Board of Adjustments.

~~d. Other Regulations~~

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

~~e. Use Regulations~~

~~Uses allowed by CUPs are specified in section 50-82 (specifically shown with a "C" within the use charts).~~

~~(Ord. No. 2008-01, § 37, 2-4-2008)~~

F. Concept Plans

1. Purpose

The purpose of a Concept Plan is to ensure that development projects comply with all applicable City ordinances and guidelines prior to the commencement of construction.

2. Applicability

Submission and approval of a Concept Plan shall be required for all Conditional Use Permits (CUPs) and Planned Developments (PDs).

3. Building Permit and Certificate of Occupancy

a. A Concept Plan may be submitted in conjunction with a Building Permit application; however, no Building Permit shall be issued until a Concept Plan and all other required engineering/construction plans are first approved by the City.

b. No Certificate of Occupancy shall be issued until all construction and development conforms to the Concept Plan and engineering/construction plans, as approved by the City.

4. Effect of Review/Approval

The Concept Plan shall be considered authorization to proceed with construction of the site provided all other required City approvals are obtained (such as final plat, engineering plans, etc.).

5. Extent of Area to be Included in a Concept Plan

When the overall development project is to be developed in phases, the area included within the Concept Plan shall include only the portion of the overall property that is to be developed/constructed.

6. Procedures and Submission Requirements for Concept Plan Approval

All Concept Plans shall be prepared by a qualified civil engineer, land planner, architect, or surveyor. The Concept Plan shall clearly show in detail how the site will be constructed (such as paving, buildings, landscaped areas, utilities, etc.). To ensure the submission of adequate information, the City is hereby empowered to maintain and distribute a separate list of specific requirements for the review of Concept Plan applications.

7. Review and Approval of a Concept Plan

The approval process for a Concept Plan shall generally include review by City staff, recommendation by the Planning and Zoning Commission, and approval by the City Council.

a. City Staff Review of Concept Plans

i. Upon official submission of a complete application of a Concept Plan for approval, the City shall review the application. Specifically, the Community Development Director, City Engineer, and the Building Official or their designees shall review the Concept Plan prior to the Concept Plan being forwarded to the Planning and Zoning Commission.

ii. Concept plans shall be evaluated to ensure that all developments are constructed according to the City's codes and ordinances.

iii. Following City staff review, and following discussions regarding necessary revisions, the applicant shall resubmit additional copies of the corrected Concept Plan to the Director.

iv. The Director shall then submit the corrected plan to the Planning and Zoning Commission.

v. It should be noted that the Director shall forward the original plan application to the commission if the corrected version is not resubmitted within the prescribed time period.

vi. It should also be noted that a corrected plan that is incomplete or is otherwise not ready for consideration shall be subject to denial.

b. Planning and Zoning Commission Review of Concept Plans

i. All Concept Plan applications shall be reviewed by the Planning and Zoning Commission.

ii. The Community Development Director shall schedule consideration of any concept plan application on the regular agenda of the Planning and Zoning Commission within 30 calendar days after the application is received.

iii. The Planning and Zoning Commission shall review the Concept Plan and shall recommend to the City Council approval, approval subject to certain conditions, or denial of the Concept Plan.

c. City Council Review of and Action on Concept Plans

i. All concept plan applications shall be reviewed by the City Council after being reviewed by the Planning and Zoning Commission.

ii. The Community Development Director shall schedule consideration of the Concept Plan application on the regular agenda of the City Council.

iii. The City Council shall review the Concept Plan and shall approve, approve subject to certain conditions, or deny approval of the Concept Plan.

8. Revisions to the Approved Concept Plan

a. Minor Revisions/Amendments

i. It is recognized that final architectural and engineering design may necessitate minor changes in the approved Concept Plan. In such cases, the Community Development Director shall have the authority to approve minor modifications to an approved Concept Plan. Such minor modifications shall be submitted on an amended Concept Plan, which must substantially conform to the previously approved Concept Plan.

ii. Submission materials and requirements for approval of an amended Concept Plan shall be as determined by the Director.

b. Major Revisions

i. In the event of revisions that are more extensive in nature (i.e., do not conform to the description for minor amendments in item **a** above~~a above~~, a revised Concept Plan must be resubmitted, reviewed, and approved by the Community Development Director. The Director shall have the authority to determine whether a revised Concept Plan warrants review and approval as outlined in this **2.02.F. Concept Plans**~~**Concept Plans**~~.

ii. Any proposed or existing building or land use that is newly established, enlarged, modified, structurally altered, or otherwise changed from the originally approved Concept Plan shall be deemed a major revision.

9. Concept Plan Validity and Expiration

See **1.03.E. Plan or Permit Validity and Expiration**~~**Plan or Permit Validity and Expiration**~~.

~~Submission and review of concept plans, building permit plans and site plans~~

~~1. Approval Process~~

~~a. Maximum Of Three Steps~~

~~The review process shall include up to three steps:~~

~~i. Preapplication conference with the City Manager or his designee. (refer to section 50-36(b));~~

~~ii. Concept plan, building permit plan, or site plan review and approval; and~~

~~iii. Construction of project (after city approval of all required plans and plats).~~

~~2. Type Of Plan Required~~

~~a. Concept Plan~~

~~i. A concept plan shall be required for all planned development applications.~~

~~ii. All requirements for such applications are included in section 50-80 for planned developments.~~

~~iii. A concept plan validity and/or lapse or expiration shall be in accordance with sections 50-34(b)(6) and 50-37.~~

G. Site Plans

~~Site Plan~~

~~A site plan shall be required for development within all zoning districts except single family residential districts.~~

~~The approval process for a site plan shall generally be review for conformance to City ordinances and approval by the (or his designee).~~

~~A site plan validity and/or lapse or expiration shall be in accordance with sections 50-34(b)(6) and 50-37.~~

1. Purpose

~~This section establishes a review process for non-single-family developments, including those within a planned development or utilizing a conditional use permit.~~ The purpose of a Site Plan is to ensure that a development project is in compliance with all applicable City ordinances and guidelines prior to the commencement of construction.

2. Applicability

Submission and approval of a Site Plan shall be required for all development ~~within the following zoning districts: all nonresidential and multifamily districts~~.

3. Building Permit and Certificate of Occupancy

   a. A Site Plan ~~shall~~ may be submitted in conjunction with a Building Permit application ~~(this is a different application than the building permit plan that is discussed later within this section);~~ however, ~~.~~ n~~N~~o Building Permit shall be issued until a Site Plan, as required, and all other required engineering/plats/construction plans are first approved by the City.

   b. No Certificate of Occupancy shall be issued until all construction and development conforms to the site plan and engineering/construction plans, as approved by the City.

4. Effect of Review/Approval

The Site Plan shall be considered authorization to proceed with construction of the site provided all other required plans and City approvals are obtained (such as final plat, civil engineering plans, etc.).

5. Extent of Area That Should Be Included in a Site Plan

When the overall development project is to be developed in phases, the area included within the Site Plan shall include only the portion of the overall property that is to be developed/constructed. The Community Development Director~~City Manager or his designee~~ may require a concept of the future phases to be submitted in conjunction with the Site Plan, but such plans are not part of the approval process and only to determine if the initial phases will work.

6. Procedures and Submission Requirements for Site Plan Approval

All Site Plans shall be prepared by a qualified civil engineer, land planner, architect and/or surveyor, and ~~it~~ shall clearly show in detail how the site will be constructed (such as paving, buildings, landscaped areas, utilities, etc.). To ensure the submission of adequate information, the City is hereby empowered to maintain and distribute a separate list of specific requirements for the review of site plan applications.

7. Review and Approval of a Site Plan

   a. City Staff Review of Site Plans

      i. Upon official submission of a complete application of a Site Plan for approval, the City shall review the application. Specifically, the Community Development Director, City Engineer, Fire Marshal, and the Building Official or ~~his~~ their designee~~s~~, shall review the Site Plan for conformance to this and other adopted City ordinances. Determination of application completeness, notice to applicant of missing documents and information within ~~ten~~ 10 business days, and expiration of application within

45 calendar days due to incompleteness shall be in accordance with ~~section 50-34(b)~~**1.03.C.3.c.** Expiration of Application~~Expiration of Application~~.

ii. Site Plans shall be evaluated to ensure that all developments are~~, to the best extent possible,~~ constructed according to the City's codes and ordinances.

iii. Following City staff review, and following discussions regarding necessary revisions, the applicant shall resubmit additional copies of the corrected Site Plan to the Community Development Director~~city manager or his designee~~.

iv. The Community Development Director~~city manager or his designee~~ shall approve, approve with conditions, or deny the corrected plan.

v. It should be noted that the Community Development Director~~city manager or his designee~~ shall deny the original plan application if the corrected version is not resubmitted within the prescribed time period.

vi. It should also be noted that a corrected plan that is incomplete or is otherwise not ready for consideration shall be subject to denial.

b. Site Plan Appeal Process

i. The applicant or property owner may appeal a denied Site Plan by the City staff to the Planning and Zoning Commission by filing a written notice of appeal in the office of the ~~city manager~~ Community Development Director ~~or his designee~~ no later than ~~ten~~ 10 calendar days after the date upon which staff denied the Site Plan.

ii. The notice of appeal shall set forth in clear and concise fashion the basis for the appeal. The ~~commission~~ Planning and Zoning Commission shall consider the appeal at a public meeting no later than 30 calendar days after the date upon which the notice of appeal was filed.

iii. The applicant or property owner may appeal a denial of the appeal by the Planning and Zoning Commission to the City Council.

iv. The City Council may affirm or reverse the decision of the Planning and Zoning Commission by a simple majority vote.

v. The City Council may also, where appropriate, remand the Site Plan application back to the ~~commission~~ Planning and Zoning Commission for reconsideration if it believes that there is a compelling reason to do so (such as the introduction of significant new facts or testimony, etc.).

8. Revisions to the Approved Site Plan

a. Minor Revisions/Amendments

i. It is recognized that final architectural and engineering design may necessitate minor changes in the approved Site Plan. In such cases, the ~~city manager,~~ Community Development Director~~his designee~~, shall have the authority to approve minor modifications to an approved site plan. Such minor modifications shall be submitted on an amended Site Plan, which ~~shall~~ must substantially conform to the previously approved Site Plan.

ii. Submission materials and requirements for approval of an amended Site Plan shall be as determined by the ~~city manager~~Director~~ or his designee~~.

b. Major Revisions

In the event of revisions that are more extensive in nature (i.e., do not conform to the description for minor amendments ~~in subsection (c)(7)a of this section~~described above), a revised Site Plan must be resubmitted, reviewed, and approved by the ~~city manager~~Director~~ or his designee~~. The ~~city manager~~Director ~~or his designee~~ shall have the authority to determine whether a revised Site Plan warrants ~~a~~ review and approval as outlined in this **2.02.G. Site Plans**~~**Site Plans**subsection (c)(7)a of this section~~.

9. Site Plan Validity~~, and~~ Lapse~~, and Reinstatement of Site Plan~~

   See 1.03.E. Plan or Permit Validity and Expiration~~Plan or Permit Validity and Expiration~~~~Refer to section 50-37~~.

~~10. Land Use Upon Annexation Validity and Lapse~~

~~Vested rights in land use upon annexation shall be governed by V.T.C.A., Local Government Code § 43.002.~~

~~11. Permit, Plan or Planned Development Validity and Lapse~~

~~a. Site Plan Validity and Lapse of Approval~~

~~A site plan shall be considered a "permit" as described by state law in V.T.C.A., Local Government Code § 245.005.~~

~~i. Valid for Two Years~~

~~Any approved site plan shall be deemed expired two years from the date on which the site plan was originally approved by the City Council if no progress has been made toward completion of the project.~~

~~ii. Progress Benchmarks~~

~~The term "progress" shall be as defined based on V.T.C.A., Local Government Code § 245.005 as follows:~~

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

~~(b) A good faith attempt is made to file with the City an application for a permit necessary to begin or continue towards completion of the project;~~

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

~~(d) Fiscal security is posted with the City to ensure performance of an obligation required by the City; or~~

~~(e) Utility connection fees or impact fees for the project have been paid to the City.~~

~~iii. Expiration~~

~~If one of the items listed in subsection (b)(1)b.1 through 5 of this section is not accomplished within the two-year period, the approved site plan shall expire upon the second anniversary of its approval by the City Council and shall become null and void.~~

~~iv. Extension and Reinstatement Procedure~~

~~(a) Prior to the lapse of approval for a site plan, the applicant may petition the City (in writing) to extend the site plan approval.~~

~~(b) Such petition shall be recommended for approval or denial by the Planning and Zoning Commission, and shall be granted approval or denial by the City Council.~~

~~(c) If no petition is submitted, then the site plan shall be deemed to have expired and shall become null and void. Any new request for site plan approval thereafter shall be deemed a new permit, and shall be submitted with a new application form, with a new filing fee, and with new plans and materials in accordance with the procedures set forth in this section. The new request shall also be reviewed for compliance with the ordinances and regulations in effect at the time the new application is made.~~

~~(d) In determining whether to grant a request for extension, the Planning and Zoning Commission and the City Council shall take into account:~~

~~(i) The reasons for the lapse;~~

~~(ii) The ability of the property owner to comply with any conditions attached to the original approval; and~~

~~(iii) The extent to which development regulations would apply to the site plan at that point in time.~~

H. Building Permit Plans and~~,~~ Building Permits~~, and Certificates of Occupancy~~

1. Purpose

The purpose of a Building Permit is to ensure that development projects are in compliance with all applicable City ordinances and building codes prior to commencement of construction.

2. Applicability~~Building Permits Required~~

a. No building or other structure shall be erected, moved, added to, or structurally altered without a Building Permit issued by the Building Official~~, or his designee~~.

b. Building Permits are required for all structures in all zoning districts.

i. Exception: No Building Permit is required for construction of an accessory structure under 200 square feet in area.

3. Conformance with Regulations

a. A Building Permit shall not be issued except in conformity with the provisions of this article, unless otherwise authorized by the Board of Adjustments in the form of a Zoning Variance ~~variance~~ or Special Exception as provided in ~~section 50-33(f) or (g) of~~ this ~~chapter~~article, or authorized to replace or expand a nonconforming ~~use~~ structure in accordance with ~~section 50-31~~2.01.E. Nonconformities~~Nonconformities~~.

b. A Building Permit shall not be issued until the property is properly zoned for the intended use, ~~until~~ the property is platted in accordance with **Article 3. Subdivision Regulations**~~Subdivision Regulations~~~~chapter 40~~, ~~pertaining to subdivisions~~, ~~and not until~~ all appropriate plans have been approved by the City, ~~and~~ all applicable building codes and ordinances have been met, and all fees have been paid.

4. Building Permit Plan

a. Building Permit Plans shall be submitted in conjunction with a Building Permit application.

b. ~~A Building Permit Plan shall be required for development within all zoning districts.~~ If a~~A~~ Site Plan or Concept Plan is required, it shall be submitted and approved ~~first in those districts where required~~before issuance of a Building Permit.

~~The approval process for a Building Permit Plan shall generally be review for conformance to City ordinances and approval by the Building Official or his designee.~~

~~Building Permit Plan~~

~~Purpose~~

~~This section establishes a review process for all development within zoning districts in which a Site Plan or Concept Plan is not required. The purpose is to ensure that development projects are in compliance with all applicable City ordinances and guidelines prior to commencement of construction.~~

~~Applicability~~

~~Submission and approval of a Building Permit Plan shall be required for all development within all zoning districts in accordance with the adopted building codes of the City.~~

c. Building Permit and Certificate of Occupancy

i. No Building Permit shall be issued until a Building Permit Plan, as required, and all other required engineering/construction plans are first approved by the City.

ii. No Certificate of Occupancy shall be issued until all construction and development conforms to the Building Permit Plan and engineering/construction plans, as approved by the City.

d. Extent of Area That Should Be Included in a Building Permit Plan

When the overall development project is to be developed in phases, the area included within the Building Permit Plan shall include only the portion of the overall property that is to be developed/constructed.

e. Procedures and Submission Requirements for Building Permit Plan Approval

i. All Building Permit Plans shall be prepared in accordance with the adopted building codes by a qualified civil engineer, land planner, architect, and/or surveyor, if required, and ~~it~~ shall clearly show in detail how the site will be constructed (such as paving, buildings, landscaped areas, utilities, etc.).

ii. To ensure the submission of adequate information, the City is hereby empowered to maintain and distribute a separate list of specific requirements for the review of applications.

f. Review and Approval of a Building Permit Plan

i. City Staff Review and Approval of Building Permit Plans

(a) Upon official submission of a Building Permit Plan and a complete application ~~of~~ for a Building Permit ~~Plan for approval~~, the Community Development Director, City Engineer, and the Building Official or their designees ~~City~~ shall review the ~~application~~submittal. ~~Specifically, the city manager, city engineer, and the Building Official (or their designee) shall review the Building Permit Plan.~~ Determination of application completeness, notice in writing to the applicant of missing documents and information within ~~ten~~ 10 business days, and expiration of application within 45 calendar days due to incompleteness shall be in accordance with ~~section 50-34(b)(6)c~~**1.03.C.3.c. Expiration of Application**~~**Expiration of Application**~~.

(b) Building Permit Plans shall be evaluated to ensure that all developments are~~, to the best extent possible,~~ constructed according to the City's codes and ordinances.

(c) Following City staff review, the Building Official~~city manager or his designee~~ shall approve, approve subject to certain conditions, or deny approval of the Building Permit ~~Plan~~.

ii. Building Permit Plan Appeal Process for Zoning Reasons

(a) The applicant or property owner may appeal the denial of a Building Permit Plan for not meeting the regulations contained in this ~~chapter~~ article to the Planning and Zoning Commission by filing a written notice of appeal in the office of the Building Official~~city manager or his designee~~ no later than ~~ten~~ 10 calendar days after the date upon which the ~~city manager or his designee~~Building Official denied the Building Permit ~~Plan~~. Appeals of denials of permits for not meeting the regulations contained in the adopted building codes shall be processed in accordance with the procedures contained in those codes.

(b) The notice of appeal shall set forth in clear and concise fashion the basis for the appeal. The Planning and Zoning Commission shall consider the appeal at a public meeting not later than 60 calendar days after the date upon which the notice of appeal was filed.

(c) The Planning and Zoning Commission may affirm or may change the decision of the Building Official~~city manager or his designee~~ by a simple majority vote.

(d) The Planning and Zoning Commission may also, where appropriate, remand the Building Permit ~~Plan~~ application back to the Building Official~~city manager or his designee~~ for reconsideration if it believes that there is a compelling reason to do so (such as the introduction of significant new facts or testimony, etc.).

g. Revisions to the Approved Building Permit ~~Plan~~

i. Minor Revisions/Amendments

(a) It is recognized that final architectural and engineering design may necessitate minor changes in the approved Building Permit ~~Plan~~. In such cases, the Building Official~~city manager, or his designee~~ shall have the authority to approve minor modifications to an approved Building Permit ~~Plan~~. Such minor modifications shall be submitted on an "~~"~~amended Building Permit Plan~~"~~, which shall substantially conform to the previously approved Building Permit Plan.

(b) Submission materials and requirements for approval of an amended Building Permit ~~Plan~~ shall be as determined by the Building Official~~city manager or his designee~~.

ii. Major Revisions

In the event of revisions that are more extensive in nature (i.e., do not conform to the description for minor amendments in i above~~i abovesubsection (d)(7)a of this section~~), a revised Building Permit ~~Plan~~ must be resubmitted, reviewed, and approved by the Building Official~~city manager or his designee~~. The ~~city manager or his designee~~Building Official shall have the authority to determine whether the proposed revisions constitute a minor or major revision~~a revised Building Permit Plan warrants a review and approval as outlined in subsection (d)(7)a of this section~~.

h. Effect of Review/Approval

The Building Permit Plan shall be considered authorization to proceed with construction of the site provided all other required City approvals are obtained (such as final plat, engineering plans, etc.).

5. Cancellation of Building Permit

If an applicant or their representatives fail to comply with an approved Building Permit and do not correct the issue after notice, the Building Permit will be void. The Building Official is authorized to revoke the permit with written notice, halting all work until compliance is achieved. ~~Failure of an applicant or any of his agents, representatives or contractors to erect, construct, reconstruct, alter, use or maintain any building, structure or premises in conformance with the approved plans upon which a building permit was issued, when such failure constitutes a violation of any provision of this chapter and applicant fails to make corrections upon proper notice, shall render such building permit void, and the Building Official, or his designee, is hereby authorized and directed to revoke any such permit by giving written notice to the applicant or his agent or representative, and all work upon such building, structure or premises shall be immediately discontinued until such building, structure or premises shall be brought into conformance with the approved plans and with all applicable provisions of this chapter.~~ Expiration of building permits shall be in accordance with the building codes of the City.

~~a. A Building Permit Plan validity and/or lapse or expiration shall be in accordance with sections 50-34(b)(6) and 50-37.~~

~~b. Validity, Lapse, and Reinstatement of Building Permit Plan~~

~~Refer to section 50-37.~~

~~(Ord. No. 2008-01, § 12, 2-4-2008)~~

~~6. Building Permit Plan and Validity and Lapse of Approval~~

~~A building permit plan shall be considered a "permit" as described in V.T.C.A., Local Government Code § 245.005.~~

~~a. Valid for Two Years~~

~~Any approved building permit plan shall be deemed expired two years from the date on which the building permit plan was originally approved by the City Council if no progress has been made toward completion of the project.~~

~~b. Progress Benchmarks~~

The term "progress" shall be as defined based on V.T.C.A., Local Government Code § 245.005 as follows:

i. Plans for construction and an application for a building permit for at least one of the buildings on the approved building permit plan are submitted within two years following approval of the building permit plan;

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

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

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

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

c. Expiration

If one of the items listed in subsection (b)(2)b.1 through 5 of this section is not accomplished within the two year period, then the approved building permit plan shall expire and shall become null and void.

d. Extension and Reinstatement Procedure

1. Prior to the lapse of approval for a building permit plan, the applicant may petition the City (in writing) to extend the building permit plan approval.

2. Such petition shall be recommended for approval or denial by the Planning and Zoning Commission and shall be granted approval or denial by the City Council.

3. If no petition is submitted, then the building permit plan shall be deemed to have expired and shall become null and void. Any new request for building permit plan approval shall be deemed a new permit, and shall be submitted with a new application form, with a new filing fee, and with new plans and materials in accordance with the procedures set forth in this section. The new request shall also be reviewed for compliance with the ordinances and regulations in effect at the time the new application is made.

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

(a) The reasons for the lapse;

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

(c) The extent to which development regulations would apply to the building permit plan at that point in time.

7. Certificate of Occupancy

a. Required

i. A Certificate of Occupancy shall be required for any of the following:

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

(b) Change in use of an existing building and/or the use of land to a use of a different classification.

ii. Exemptions

Single family and duplex (two family) dwellings do not require a Certificate of Occupancy but do require a final clearance or whatever approval is utilized in the building code to allow residential occupancy.

b. No Work Before Certificate of Occupancy Issued

No such use, or change of use, shall take place until a Certificate of Occupancy therefor shall have been issued by the Building Official or his designee. The application fees for a Certificate of Occupancy shall be as set forth by resolution of the City Council.

c. Record of Certificate of Occupancy

A record of all Certificates of Occupancy shall be kept on file in the Building Official's office or his designee's office, and copies shall be furnished upon request to any person in accordance with state laws governing public records.

d. Procedure for New or Altered Buildings

Written application for a Certificate of Occupancy for a new building or for an existing building which is to be altered shall be made at the same time as the application for the building permit for such building. Said certificate shall be issued after the Building Official, or his designee, orders the building or structure inspected and finds no violations of the provisions of this chapter or other regulations which are enforced by the Building Official or his designee. Said certificate shall be issued by the Building Official, or his designee, after the erection or alteration of such building or part thereof has been completed in conformity with all applicable provisions of this chapterarticle.

e. Procedure for Vacant Land or a Change in Building Use

Written application for a Certificate of Occupancy for the use of vacant land, a change in the use of land or a change in the use of a building, or for a change from a nonconforming use to a conforming use, shall be made to the Building Official or his designee. If the proposed use is a conforming use, as in this chapter provided, written application shall be made to said Building Official or his designee. If the proposed use is found to be in conformity with the provisions of this chapterarticle, the Certificate of Occupancy shall be issued after the application for same has been made and all required inspections are completed and approved by the Building Official or his designee.

f. Contents of Certificate of Occupancy

Every Certificate of Occupancy shall contain the following:

1. Building permit number;

2. The address of the building;

3. The name and address of the owner;

4. A description of that portion of the building for which the certificate is issued;

5. A statement that the described portion of the building has been inspected for compliance with the requirements of the City's building codes for the particular group and division of occupancy;

6. The name of the Building Official or his designee;

7. Uses allowed;

8. Maximum number of persons/occupants; and

9. Issue date of Certificate of Occupancy.

g. Posting of Certificate of Occupancy

The Certificate of Occupancy shall be posted in a conspicuous place on the premises on a location approved by the Building Official and shall not be removed except by the Building Official or his designee.

h. Revocation of Certificate of Occupancy

The Building Official (or his designee) may, in writing, suspend or revoke a Certificate of Occupancy issued under the provisions of this chapter whenever the certificate is issued in error, or on the basis of incorrect information supplied, or when it is determined that the building or structure or portion thereof is in

violation of any ordinance or regulation or any of the provisions of this chapter article or the building code and other codes adopted by the City, and any amendments thereto.

8. Completion of Buildings in Progress

Nothing contained in this section shall require any change in the plans, construction or designated use of a building, the foundation for which has been completely constructed as of the effective date of the ordinance from which this chapter is derived, and the remaining construction of which shall have been completed within one year (i.e., 365 calendar days) following the effective date of the ordinance from which this chapter is derived.

(Ord. No. 2008-01, § 11, 2-4-2008)

I. Zoning Variances

Variances

1. GenerallyDefined

A Zoning Variance variance is the authority to depart from the application of areas, side yard, setback, height, and similar regulations to prevent unnecessary hardships.

2. Granting Authority

The Board of Adjustments may authorize a Zoning Variance Variance from these regulations when, in its opinion, undue hardship will result from requiring compliance. Zoning Variances Variances may be granted only when in harmony with the general purpose and intent of this chapter article so that the public health, safety, and welfare may be secured and that substantial justice may be done.

a. In granting a Zoning VarianceVariance, the Board of Adjustments shall prescribe only conditions that it deems necessary for, or desirable to, the public interest.

b. In making the findings outlined in subsection (f)(3)**2.02.I.3. Public Notice** and Hearing Required**Public Notice** and Hearing Required below of this section, the Board of Adjustments shall take into account:

i. The nature of the proposed use of the land involved;

ii. Existing uses of land in the vicinity;

iii. The number of persons who will reside or work within the proposed use; and

iv. The probable effect such variance will have upon traffic conditions and upon the public health, safety, convenience, and welfare of the community.

3. Public Notice and Hearing Conditions Required

No variance shall be granted without first having given public notice and having held a public hearing on the variance request in accordance with section 50-33 subsection (c) of this section**1.02.C. Board of Adjustments**Board of Adjustments, and unless the Board of Adjustments finds:

a. That there are special circumstances or conditions affecting the land involved such that the application of the provisions of this chapter would deprive the applicant of the reasonable use of his land;

b. That the variance is necessary for the preservation and enjoyment of a substantial property right of the applicant;

c. That the granting of the Variance will not be detrimental to the public health, safety or welfare, or injurious to other property within the area;

d. That the granting of the Variance will not have the effect of preventing the orderly use of other land within the area in accordance with the provisions of this chapter; and

e. The granting of an individual variance will not set a precedent.

~~Such findings of the Board of Adjustments, together with the specific facts upon which such findings are based, shall be incorporated into the official minutes of the Board of Adjustments meeting at which such Variance is granted.~~

~~4. Findings of Undue Hardship~~

~~In order to grant a Variance, the Board of Adjustments must make findings that an undue hardship exists, using the following criteria:~~

~~a. That literal enforcement of the controls will create an unnecessary hardship or practical difficulty in the development of the affected property;~~

~~b. That the situation causing the hardship or difficulty is neither self imposed nor generally affecting all or most properties in the same zoning district;~~

~~c. That the relief sought will not injure the permitted use of adjacent conforming property;~~

~~d. That the granting of a Variance will be in harmony with the spirit and purpose of this chapterarticle; and~~

~~e. Financial hardship alone is not an undue hardship if the property can be used, meeting the requirements of the zoning district it is located in.~~

~~5. Self Inflicted Hardship~~

~~A variance shall not:~~

~~a. Be granted to relieve a self created or personal hardship;~~

~~b. Be based solely upon economic gain or loss;~~

~~c. Permit or allow any person a privilege or advantage in developing a parcel of land not permitted or allowed by this chapter to other parcels of land in the same particular zoning district;~~

~~d. Result in undue hardship upon another parcel of land.~~

4. The Board of Adjustments may authorize in specific cases a variance from the terms of this Article 2. Zoning Regulations if:

   a. The variance is not contrary to the public interest and,

   b. Due to special conditions, a literal enforcement of the ordinance would result in unnecessary hardship, and

   c. So that the spirit of the ordinance is observed and substantial justice is done.

5. The Board may consider the following as grounds to determine whether compliance with the ordinance as applied to a structure that is the subject of the appeal would result in unnecessary hardship:

   a. The financial cost of compliance is greater than 50 percent of the appraised value of the structure as shown on the most recent appraisal roll certified to the assessor for the municipality under Section 26.01, Tax Code;

   b. Compliance would result in a loss to the lot on which the structure is located of at least 25 percent of the area on which development may physically occur;

   c. Compliance would result in the structure not being in compliance with a requirement of a municipal ordinance, building code, or other requirement;

   d. Compliance would result in the unreasonable encroachment on an adjacent property or easement; or

   e. The City considers the structure to be a nonconforming structure.

J. Special Exceptions

~~Special Exceptions~~

1. General~~ly Defined~~

   A Special Exception ~~is a type of variance, but~~ is differentiated from a Zoning Variance ~~variance~~ by the following:

   a. A Special Exception does not require a finding of a hardship.

   b. Approval of a Special Exception by the Board of Adjustments is specifically provided for and defined in this ~~chapter~~section.

   ~~c. A Special Exception applies to nonconforming uses and structures, off-street parking requirements, Façade Overlay District requirements, and landscaping requirements.~~

2. Requests

   The Board of Adjustments may grant a Special Exception ~~to the provisions of sections 50-31, 50-112 and/or 50-113~~ upon written request of the property owner.

3. Standards

   The Board may grant a Special Exception in accordance with the following circumstances and/or standards:

   a. Modify, lessen, or waive the requirements of **2.05.B.** Off-Street Parking and Loading~~Off-Street Parking and Loading~~ and **2.05.C.** Landscaping~~Landscaping~~ due to unique site constraints or conditions.

   b. Change from one nonconforming use to another, reconstruction of a nonconforming structure that has been totally destroyed, or resumption of a nonconforming use previously abandoned, only upon finding that the failure to grant the Special Exception deprives the property owner of substantially all use or economic value of the land.

   c. For existing single-family and duplex (two-family) structures that were legally constructed prior to the effective date of ~~the ordinance~~this UDC ~~from which this chapter is derived~~, the Board of Adjustments may authorize a Special Exception for any structure that was constructed over a setback line established by this ~~chapter~~article.

4. Conditions

   In granting Special Exceptions ~~under this subsection (g) of this section~~, the Board may impose such conditions as are necessary to protect adjacent property owners and to ensure the public health, safety, and general welfare, including but not limited to conditions specifying the period during which the nonconforming use may continue to operate or exist before being brought into conformance with the provisions of this article~~chapter~~.

K. Alternative Compliance

1. Purpose and Applicability

   a. Alternative Compliance allows City Staff to approve pre-authorized deviations to the requirements established within **2.05. Zoning Development Standards~~Zoning Development Standards~~**. This tool reduces the need for Zoning Variances or Planned Developments by allowing for different standards that conform to the intent of the UDC and the Comprehensive Plan.

   b. Only the pre-authorized deviations contained within **2.05. Zoning Development Standards~~Zoning Development Standards~~** are eligible.

   c. A request for Alternative Compliance may be submitted for review and approval with a Site Plan application (see **2.02.G. Site Plans~~Site Plans~~**) or in a narrative format as part of the application submittal.

   d. Alternative Compliance requests must include references to specific sections within the UDC that allow for consideration of Alternative Compliance. Alternative Compliance requests shall not be granted unless the UDC identifies the standard as qualifying for Alternative Compliance.

2. Alternative Compliance Evaluation Criteria

   The designated City Staff member may approve an Alternative Compliance standard if it meets all of the following:

   a. The proposed Alternative Compliance standard is in agreement with and promotes the recommendations and policies of the Comprehensive Plan;

   b. The proposed Alternative Compliance standard does not reduce a standard unless it is, to the greatest extent practical, equally mitigated or improved by increasing standards of other comparable requirements; and

   c. The proposed Alternative Compliance standard does not modify the land uses allowed in the zoning district in which the subject property is located.

L. Zoning Appeals

1. Appeals

a. Authority

In addition to the authorization of Zoning Variance~~variance~~s and Special Exceptions from the terms of this ~~chapter~~article, the Board of Adjustments shall have the authority to hear and decide an appeal that alleges error in an order, requirement, decision or determination made by an administrative official in the enforcement of this ~~chapter~~article. The Board of Adjustments may reverse or affirm, in whole or in part, or may modify the administrative official's order, requirement, decision or determination from which an appeal is taken and make the correct order, requirement, decision or determination, and for that purpose, the Board of Adjustments has the same authority as the ~~city manager or his~~ Community Development Director or their designee.

b. Who May Appeal

Any of the following persons may appeal to the Board of Adjustments a decision made by an administrative official:

i. A person directly aggrieved by the decision; or

ii. Any officer, department, board, or bureau of the City affected by the decision.

c. Procedure For Appeal

i. The appellant must file with the ~~Board of Adjustments~~Community Development Director and the official from whom the appeal is taken a written notice of appeal specifying the grounds for the appeal. The notice of appeal shall be filed within 15 calendar days after the decision has been rendered. Upon receiving the notice, the official from whom the appeal is taken shall immediately transmit to the Board of Adjustments all papers constituting the record of action that is appealed.

ii. An appeal stays all proceedings in furtherance of the action that is appealed unless the official from whom the appeal is taken certifies in writing to the Board of Adjustments facts supporting the official's opinion that a stay would cause imminent peril to life or property. In that case, the proceedings may be stayed only by a restraining order granted by the Board of Adjustments or a court of appropriate jurisdiction on application, after notice to the official, if due cause is shown.

iii. The appellant party may appear at the appeal hearing in person or by agent or attorney. The Board of Adjustments shall decide the appeal within 30 calendar days after the written request (i.e., notice of appeal) was received.

iv. The Board of Adjustments may reverse or affirm, in whole or in part, or modify the administrative official's order, requirement, decision, or determination from which an appeal is taken, and may make the correct order, requirement, decision, or determination.

~~Secs. 50-38—50-61. Reserved.~~

2.03. Zoning Districts

A. Establishment of Zoning Districts and Map

1. The City is hereby divided into zones, or districts, and the boundaries of zoning districts set out in this article are delineated upon the Official Zoning ~~district~~ Map of the City, which may also be cited as the zoning map, said map being adopted as a part of this ~~chapter~~ article as fully as if the same were set forth herein in detail.

2. The Official Zoning Map shall be labeled the "Official Zoning Map of the City of Tomball, Texas" and shall be maintained as an electronic file in the office of the Community Development Director. The "Official Adoption Date" and the "Last Amended Date" shall be shown on the Official Zoning Map.

3. The Community Development Director shall be responsible for the maintenance of the Map.

~~2. One original of the zoning district map shall be filed in the office of the City Secretary and labeled as "Official Zoning Map of the City, Texas—Ordinance No. 2008-01." This copy shall be the original zoning district map adopted with this chapter and shall bear the signature of the Mayor, attested by the City Secretary, and shall bear the seal of the City under the following words: "This is to certify that this is the Official Zoning Map referred to in Section 3 of the Zoning Ordinance, Ordinance No. 2008-01 of the City of Tomball, Texas, adopted on the 4th day of February, 2008." This copy shall not be changed in any manner. In case of any question, this copy, together with amending ordinances, shall be controlling.~~

~~3. A copy of the Official Zoning district Map shall be placed in the office of the city manager or his designee. The map copy shall be used for reference and shall be maintained up to date by posting thereon all subsequent amendments. Any changes or amendments made to the zoning district boundaries shall be made on the map copy after the amendment has been approved by the City Council in accordance with section 50-34. Each entry for a zoning map amendment shall include an ordinance number that references the zoning ordinance amendment.~~

~~4. Reproductions for informational purposes may be made of the Official Zoning district Map or this copy in print version or digitally by electronic files, computer disks or on the web, provided all reproductions are clearly labeled as such with a "Current as of _____" date indication. A disclaimer should also be provided that the actual zoning can only be verified by contact with the City and review of the Official Map.~~

~~5. In the event that the Official Zoning Map becomes damaged, destroyed, lost or difficult to interpret due to age, exposure, or the nature or number of changes or additions, the City Council may adopt, by ordinance following a public hearing, a new Official Zoning Map which shall replace and supersede the prior zoning map, but which shall not, in effect, amend or otherwise change the original Official Zoning Map or any subsequent amendment thereto. The new Official Zoning Map shall bear the signature of the Mayor, attested by the City Secretary, and shall bear the seal of the City under the following words: "This is to certify that this Official Zoning Map supersedes and replaces the original Official Zoning Map referred to in Section 3 of the Zoning Ordinance, Ordinance No. 2008-01 of the City of Tomball, Texas, adopted on the 4th day of February, 2008." Unless the prior Official Zoning Map has been lost or has been totally destroyed, the prior map or any significant parts thereof remaining shall be preserved, together with all available records pertaining to its adoption or amendment.~~

~~(Ord. No. 2008-01, § 3, 2-4-2008)~~

~~6.~~4. Zoning Districts Established

a. The City is hereby divided into the following zoning districts. The use, height, area regulations, and other standards~~,~~ as set out in this ~~chapter~~ article apply to each district. The districts established herein shall be known as:

Figure 2.03-1. Zoning Districts

Abbreviation	Zoning District Name
Residential Districts	
AG	Agricultural
SF-20~~-E~~	Single-Family ~~Estate~~ Residential-20 (minimum 20,000-square-foot lots)
SF-9	Single-Family Residential-9 (minimum 9,000-square-foot lots)
SF-7.5	Single-Family Residential-7.5 (minimum 7,500-square-foot lots)
SF-6	Single-Family Residential-6 (minimum 6,000-square-foot lots)
D	Duplex (Two-Family) Residential
MF-1	Medium-Density Multifamily Residential
MF-2	Multifamily Residential ~~(apartments)~~
MHP	Manufactured Home Park
Nonresidential Districts	
O	Office
NR	Neighborhood Retail
GR	General Retail
C	Commercial
~~LI~~	~~Light~~ Industrial
Special Districts	
OT ~~and MU~~	Old Town ~~and Mixed Use~~ District
PD	Planned Development
~~CUP~~	~~Conditional Use Permit~~

b. A summary of the area regulations for the foregoing zoning districts is included ~~section 50-83~~in each district section.

c. Certain terms and definitions used within this ~~chapter~~ article can be found in ~~the definitions section 50-2~~**Article 5**. Definitions~~Definitions~~.

d. Other requirements are contained within ~~article IV~~**2.05**. Zoning Development Standards~~Zoning Development Standards~~ of this ~~chapter~~article.

~~(Ord. No. 2008-01, § 13, 2-4-2008)~~

B. Zoning District Boundaries

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

1. Boundaries shown as approximately following the centerlines of streets, highways, or alleys shall be construed to follow such centerlines.
2. Boundaries shown as approximately following platted lot lines shall be construed as following such lot lines.
3. Boundaries shown as approximately following City limits shall be construed as following such City limits.
4. Boundaries shown as following railroad lines shall be construed to be located along the centerline of the railroad right-of-way lines.
5. Boundaries shown as approximately following the centerlines of streams, rivers, creeks, canals, bodies of water, or drainageways shall be construed to follow such centerlines, and in the event of change in any such centerlines shall be construed to move with such centerlines.
6. Boundaries shown as parallel to, or extensions of, features described in subsections **1** ~~(1)~~ through 5 above ~~5 above (5)~~ of this section shall be so construed. Distances not specifically indicated on the Official Zoning ~~district~~ Map shall be determined by the approximate scale of the map and verified by a survey.
7. Whenever any street, alley, or other public way is vacated by official action of the City Council, or whenever such area is franchised for building purposes, any necessary zoning map amendments (i.e., rezonings to align with new lot lines) shall be conducted concurrently with the abandonment. ~~the zoning district line adjoining each side of such street, alley, or other public way shall be automatically extended to the centerline of such vacated street, alley or public way (or to the new property ownership boundary line, if it is not determined to be at the former centerline) and all areas so involved shall then and henceforth be subject to all regulations of the extended districts.~~
8. The zoning classification applied to a tract of land adjacent to a street shall extend to the centerline of the street unless, as a condition of zoning approval, it is stated that the zoning classification shall not apply to the street.
9. Where physical features on the ground are at variance with information shown on the Official Zoning ~~district~~ Map, or if there arises a question as to how or whether a parcel of property is zoned and such question cannot be resolved by the application of subsections **1** ~~(1)~~ through **8** above ~~8 above (8) of this section~~, then the Board of Adjustments shall interpret the zoning district boundaries.

~~10. If the zoning of property is invalidated by a judgment of a court of competent jurisdiction, the property shall be considered classified as AG Agricultural District in the same manner as provided for newly annexed territory.~~

~~11. For legal descriptions, refer to the adopting ordinances for each particular rezoning change.~~

~~(Ord. No. 2008-01, § 4, 2-4-2008)~~

C. Dimensional Standards

~~Supplemental Regulation~~

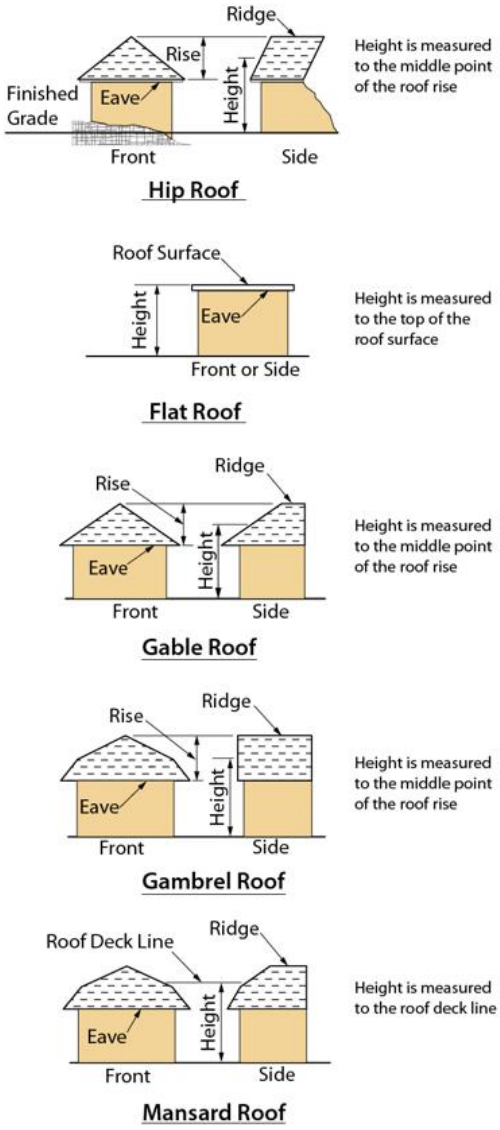
1. Building Height

Building height shall be measured in accordance with **Figure 2.03-2. Measuring Building Height**~~**Figure 2.03-2. Measuring Building Height**~~.

~~Elements Permitted to Extend Above Height Limitations~~

a. Exceptions: Cooling towers may extend for an additional height not to exceed 50 feet above the average grade line of the building. Water stand-pipes and tanks, church steeples, domes and spires, ornamental cupolas, City or school district buildings, and institutional buildings may be approved to exceed the height limit at the time the City reviews the applicable required plan.

Figure 2.03-2. Measuring Building Height



2. Setbacks and Lot Configurations

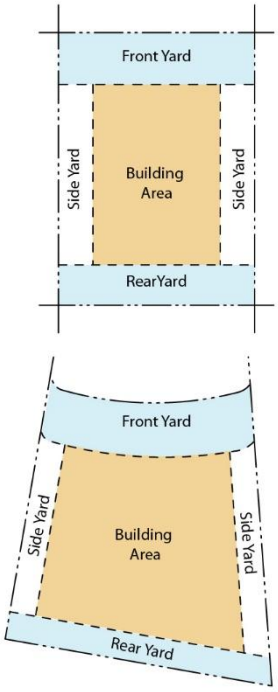
~~The following requirements shall apply to setbacks and lot configurations:~~

a. Measuring Yards

All yard measurements shall be made in accordance with ~~Illustration 50-116-1~~Figure 2.03-3. Measuring Yards~~Figure 2.03-3. Measuring Yards~~.

~~Illustration 50-116-1: Measuring yards~~

Figure 2.03-3. Measuring Yards



b. Configuration of Lots

Wherever possible, flag lots (i.e., lots with minimal~~,~~ or panhandle type~~,~~ frontage) shall be avoided. Similarly, through (i.e., double frontage) lots (particularly within residential zoning districts) shall also be avoided wherever possible. ~~(~~Also see **Article 3**. Subdivision Regulations~~Subdivision Regulations~~, **3.04.A**. Lots and Blocks~~Lots and Blocks~~~~chapter 40, pertaining to subdivisions,~~ for regulations pertaining to the configuration of lots.~~)~~

~~c. Building Setbacks~~

~~All setbacks established on a recorded plat shall be enforced, even if they exceed the required setbacks in this chapterarticle. Setbacks established on a recorded plat shall only be changed through replat proceedings (see chapter 40, pertaining to subdivisions).~~

~~d.~~c. Front Yards for Corner or Double-Frontage Lots

~~Corner and Key Lots~~

~~On all key lots, the front yard setback shall be observed along the frontage of both intersecting streets. On all other lots, a front and side yard shall be provided as required by the zoning district in which the property lies.~~

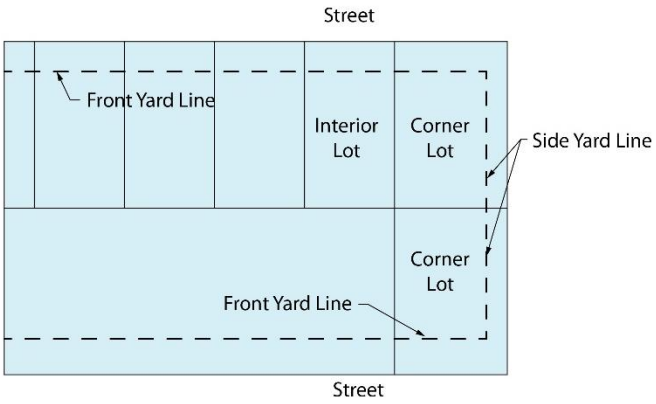
i. Where ~~single-family and duplex (two family)~~ lots have double frontage, extending from one street to another, or are on a corner, a required front yard shall be provided on both streets. See Figure 2.03-4. Corner Lots~~Figure 2.03-4. Corner Lots~~ and Figure 2.03-5. Double-Frontage Lots~~Figure 2.03-5. Double-Frontage Lots~~.

(a) Exception: If~~unless~~ a side or rear yard building line has been established along one frontage on the plat, in which event only one required front yard need be observed.

ii. ~~The side and/or rear yards in the case of~~A single-family and duplex ~~uses shall be identified and the front of the~~ structure shall not face the side or rear yard. ~~See Illustration 50-116-2.~~

~~Illustration 50-116-2: Corner lots~~

Figure 2.03-4. Corner Lots

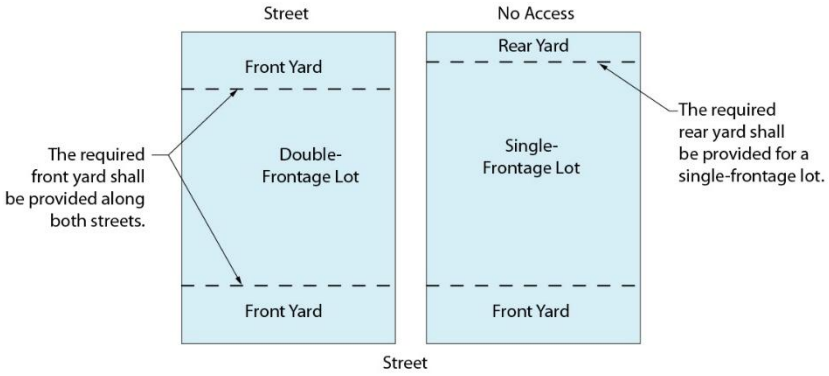


~~Double-Frontage~~

~~Where lots have double frontage, running through from one street to another, the required front yard shall be provided on both streets. See Illustration 50-116-3.~~

~~Illustration 50-116-3: Double-frontage lots~~

Figure 2.03-5. Double-Frontage Lots



~~c.~~d. Front Yard Measurement

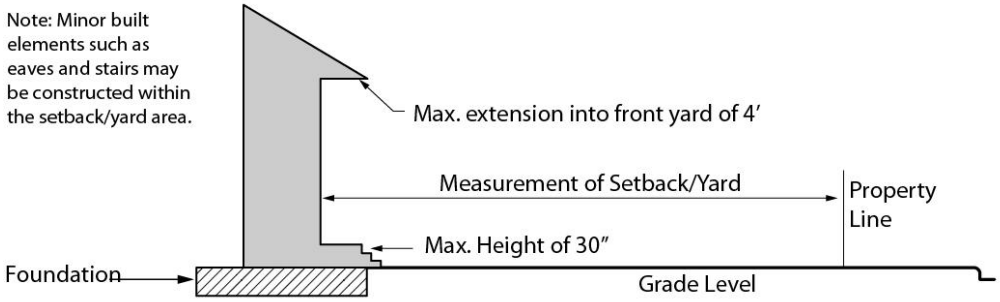
i. The front yard shall be measured from the property line to the front face of the building, to the nearest supporting member of a covered or enclosed porch or terrace, or to any attached accessory building.

ii. Eaves and roof extensions or a porch without posts or columns may project into the required front yard for a distance not to exceed four feet, and subsurface structures, platforms, or slabs may not project into the front yard to a height greater than 30 inches above the average grade of the yard. See ~~Illustration 50-116-4~~Figure 2.03-6. Measuring Front Yard~~Figure 2.03-6. Measuring Front Yard~~.

~~Open porches extending into the front yard shall not be enclosed.~~

~~Illustration 50-116-4: Measuring front yard~~

Figure 2.03-6. Measuring Front Yard



iii. Lots on Curved Streets

~~Minimum lot widths for lots with predominate frontage on the curved radius of a street (e.g., cul-de-sac or "eyebrow" portion of a street) shall be measured as the linear distance of the curved front building line, and shall be shown on the subdivision plat. Lot widths for all lots shall be as set forth in the respective zoning district for each lot~~See **Article 3**. Subdivision Regulations~~Subdivision Regulations~~, subsection **3.04.A.1.c.iv**.

iv. Rights-of-Way

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

~~f.~~e. Side and Rear Yards

i. Projections

(a) Every part of a required side and rear yard shall be open and unobstructed except for the ordinary projections of window sills, belt courses, cornices, and other architectural features not to exceed 12 inches into the required side or rear yard, and roof eaves projecting not to exceed 24 inches into the required side or rear yard.

(b) Air conditioning compressors, generators, and similar equipment are permitted in the side or rear yard.

(c) Open porches extending into a side or rear yard shall not be enclosed.

ii. Future Rights-of-Way

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

~~g.~~f. Zero Lot Line Exception

~~Notwithstanding the foregoing, except where an interior side yard or rear yard is adjacent to property zoned for or restricted by a duly recorded subdivision plat to, or primarily used for, single family residential purposes, there shall be no required interior side or rear building line if the wall adjoining such interior side or rear lot line, as applicable, is constructed with materials giving it a four hour firewall rating. Yards adjacent to street or alley rights-of-way are excluded from this provision.~~

i. Residential Zero Lot Lines

For dimensional requirements related to Patio Homes, Duplexes, or Townhouses, see the regulations for each use in **2.04.C**. Use-Based Standards~~Use-Based Standards~~.

~~h. Special Requirements~~

~~i. Residential Districts~~

~~For all residential districts, OT Districts, and PD Districts allowing mixed uses, the following shall apply:~~

~~(a) Use of RVs, Travel Trailers, and Motor Homes~~

~~Recreational vehicles, travel trailers or motor homes may not be used for on-site dwelling purposes.~~

~~(b) Perimeter Fencing~~

~~Electrical fencing and barbed wire is prohibited as perimeter fencing except for containment of farm animals on parcels of one or more acres.~~

~~(c) Setbacks for Garages~~

~~Single-family homes with side-entry garages where lot frontage is only to one street (not a corner lot) shall have a minimum of 20 feet from the door face of the garage or carport to the side property line for maneuvering. The minimum setback from any garage door to a street or alley right-of-way line shall also be 20 feet.~~

~~(d) Swimming pools~~

~~Swimming pools shall conform to city adopted ordinances.~~

~~(e) Nonresidential Uses and Structures in Residential Districts~~

~~A site plan (see section 50-36) shall be required for any nonresidential use (e.g., school, church, child care center, private recreation facility, etc.) within a residential zoning district. Any nonresidential use which may be permitted in a residential zoning district shall conform to the O-Office District standards, unless otherwise stated in this chapter or in an ordinance establishing a PD District.~~

~~(f) Elements Permitted to Extend Above Height Limitations~~

~~For all residential zoning districts except the AG District, cooling towers may extend for an additional height not to exceed 50 feet above the average grade line of the building. Water stand pipes and tanks, church steeples, domes and spires, ornamental cupolas, city or school district buildings, and institutional buildings may be approved to exceed the height limit at the time the City reviews the applicable required plan.~~

~~(g) Refuse Facilities in the MF and MHP District~~

~~Refuse containers shall be located no closer than 30 feet to any adjacent single family property, shall be located so as to provide safe and convenient pickup by refuse collection agencies, and shall be screened in accordance with section. (See Illustration 50-115-1 within this chapter for refuse container enclosure diagrams).~~

~~(h) Other Regulations May Apply~~

~~Other regulations may be established by the individual residential district, article III of this chapter and by other regulations within this development standards part of the zoning ordinance. In any case in which regulations conflict, the more stringent standards shall apply.~~

~~3. Nonresidential Districts~~

~~For all nonresidential zoning districts, the following shall apply:~~

~~a. Other Regulations May Apply~~

~~Other regulations may be established by the individual residential district, article III of this chapter and by other regulations within this development standards part of this chapter. In any case in which regulations conflict, the more stringent standards shall apply.~~

~~b.~~g. Setbacks for Garages

~~Single-family homes with side-entry garages where lot frontage is only to one street (not a corner lot) shall have a minimum of 20 feet from the door face of the garage or carport to the side property line for maneuvering. The minimum setback from any garage door to a street or alley right-of-way line shall also be 20 feet.~~

i. All garages facing a street or alley shall be set back at least 20 feet from the front property line.

ii. When entry is from the side yard facing a public street, the minimum setback from the side lot line shall be equal to the required side yard for the main building or 20 feet, whichever is greater.

iii. For side-entry garages on interior lots (i.e., a J-swing garage), the garage shall be set back at least 20 feet from the side property line.

3. Sight Visibility Triangle

See **3.04.E.3**. **Sight Visibility Triangle**~~**Sight Visibility Triangle**~~ for applicable requirements.

D. Residential Zoning Districts

1. Agricultural (AG) District

a. General Purpose and Description

The Agricultural (AG) District primarily provides for estate-style single-family dwellings and agricultural uses, including farming, ranching, and crop cultivation. The AG District is also appropriate for areas where utilities or City services are not readily available. ~~The AG Agricultural District is designed to permit the use of land for the ranching, propagation and cultivation of crops and similar uses of vacant land. Single-family uses on large lots are also appropriate for this district. Territory that has been newly annexed into the city may be initially zoned agricultural, and the district is considered a temporary holding zone until permanent zoning is approved. It is anticipated that agricultural zoned land will ultimately be rezoned to another zoning classification for its intended use in accordance with the comprehensive plan in the future. Zoning to the final, permanent classification will be considered an initial rezoning for the purposes of notice and protest requirements. The AG Agricultural District is also appropriate for areas where utilities or City services are not readily available.~~

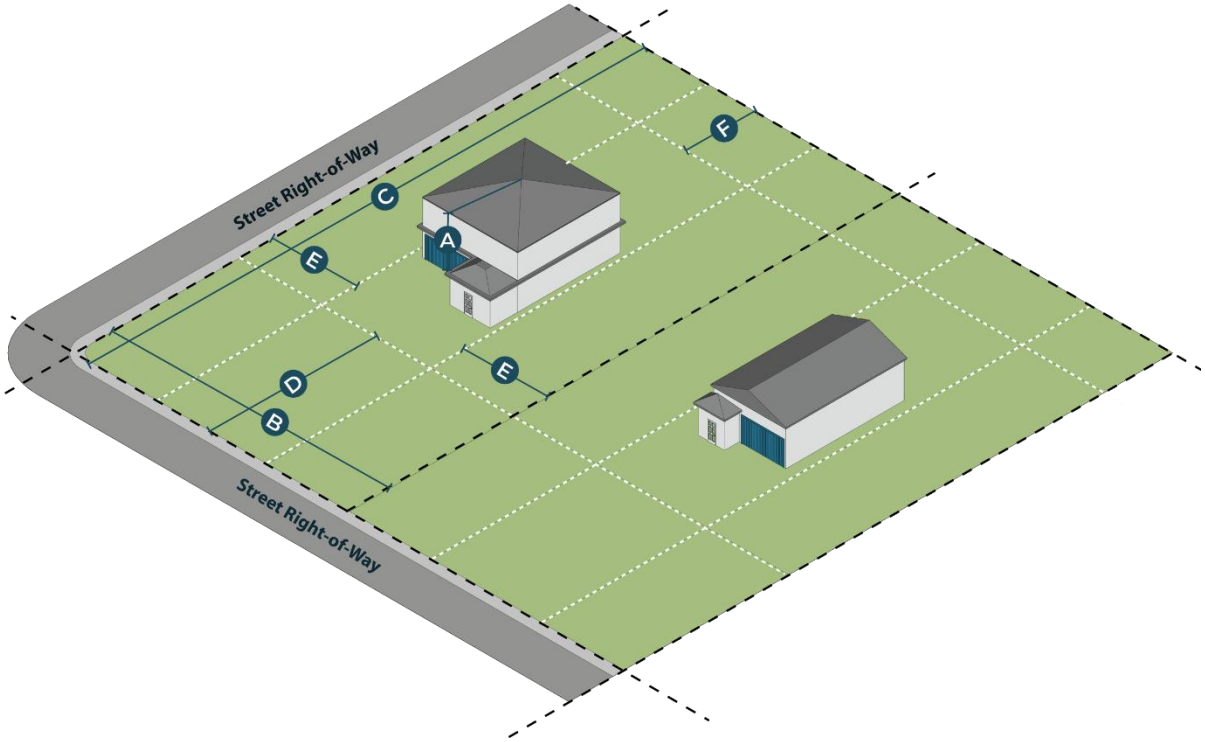
b. Dimensional Standards

Agricultural (AG) District	
Height	
A Maximum Height: Main Building	45 feet
Maximum Height: Agricultural Structures	45 feet[1]
Maximum Height: Accessory Buildings	25 feet
Size of Lots	
Minimum Lot Area	One acre (43,560 square feet)
B Minimum Lot Width	100 feet
C Minimum Lot Depth	200 feet
Size of Yards	
D Minimum Front Yard	60 feet
E Minimum Side Yard	30 feet[2]
F Minimum Rear Yard	25 feet
Other Dimensional Requirements	
Maximum Lot Coverage	40%

[1] Provided they are set back at least 100 feet or three times their height (whichever is greater) from any front, side, or rear property line.

[2] Detached single-family dwelling and private garage may be located no less than 15 feet from the side property line or not less than 25 feet from the side property line adjacent to an arterial street, whichever is greater.

Figure 2.03-7. Lot and Yard Regulations for AG District



c. Other Regulations~~Permitted Uses~~

1. ~~Those uses listed for the AG Agricultural District in the use charts (section 50-82) as "P" or "C" are authorized uses permitted by right or conditionally permitted uses, respectively.~~See **2.04. Permitted Uses and Use-Based Standards**~~Permitted Uses and Use-Based Standards~~ for permitted uses.
2. Livestock and domesticated animals shall only be allowed in accordance with the adopted ordinances of the City.
3. One manufactured home may be utilized as a temporary construction living quarters by the owner of the property, so long as a valid permit exists and construction is proceeding. In addition, non-occupied storage buildings may be allowed without a main structure for as long as a valid permit for the construction of a main structure is valid.

~~d. Height Regulations~~

~~The maximum height in the AG district shall be:~~

~~1. Three stories, and not to exceed 45 feet, for the main building/house.~~

~~2. Forty five feet for agricultural structures (e.g., barns, silos, water towers, etc.), provided they are no closer than 100 feet from any residential structure on the premises, and they are set back at least 100 feet or three times their height (whichever is greater) from any front, side or rear property line.~~

~~3. Twenty five feet for other accessory buildings, including detached garage, garden shed, accessory dwelling units, etc.~~

~~Area Regulations~~

~~Size of Lots~~

~~Minimum lot area: One acre (i.e., 43,560 square feet).~~

~~Minimum lot width: 100 feet.~~

~~Minimum lot depth: 200 feet.~~

~~Size of yard.~~

~~Minimum front yard: 60 feet.~~

~~Minimum side yard: 30 feet; provided, however, a detached single-family dwelling and private garage may be located not less than 15 feet from the side property line or not less than 25 feet from the side property line adjacent to an arterial street, whichever is greater.~~

~~Minimum rear yard: 25 feet for the main building and any accessory buildings.~~

~~Maximum coverage lot. Maximum lot coverage is 40 percent for main buildings and accessory buildings.~~

~~Minimum floor area. Minimum floor area per dwelling unit is 1,600 square feet of heated and/or air-conditioned floor area.~~

~~(Ord. No. 2008-01, § 14, 2-4-2008; Ord. No. 2009-31, § 2, 11-2-2009)~~

~~Illustration 50-68-1: Lot and yard regulations for the Agricultural District~~

~~Illustration 50-68-2: Floor area for the Agricultural District~~

2. Single-Family ~~Estate~~ Residential (SF-20 ~~E~~) District

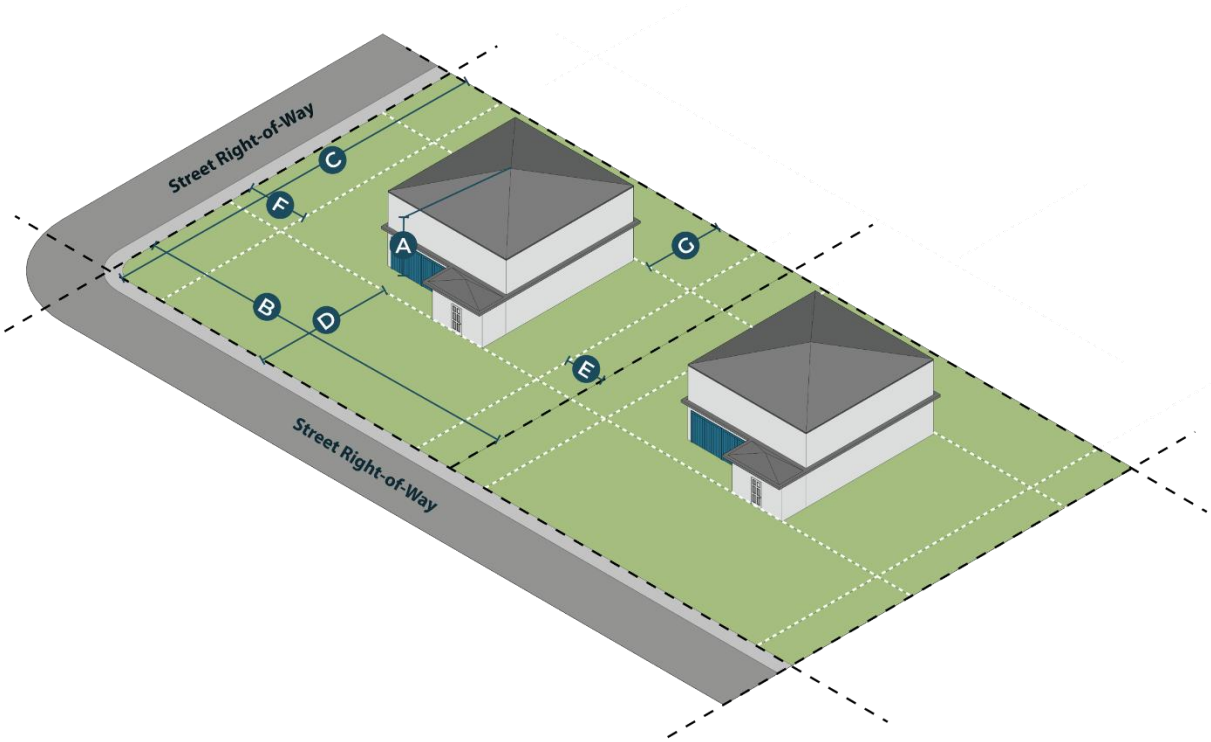
a. General Purpose and Description

~~The SF-20-E Single-Family Residential District is intended to provide for development of primarily very low-density detached, single-family residences on lots of not less than 20,000 square feet in size, churches, schools and public parks. It is intended for large lot subdivisions and also for the more rural type residential areas that don't meet the AG Agriculture District requirements but may want to have additional accessory buildings and animals.~~ The Single-Family Residential (SF-20) District is intended to accommodate low-density, single-family residential development with detached dwellings on lots of at least 20,000 square feet in size. It is also appropriate for places of worship, schools, and public parks.

b. Dimensional Standards

Single-Family Residential (SF-20) District	
Height	
A Maximum Height: Main Building	45 feet
Maximum Height: Accessory Buildings	25 feet
Size of Lots	
Minimum Lot Area	20,000 square feet
B Minimum Lot Width	100 feet
Minimum Curved Lot Width (See **Article 3. Subdivision Regulations**~~**Subdivision Regulations**~~**, 3.04.A.1.c.iv**)	100 feet
C Minimum Lot Depth	150 feet
Size of Yards	
D Minimum Front Yard	35 feet
E Minimum Side Yard	10 feet
F Minimum Corner Lot Side Yard	15 feet Exception: Where a lot sides on a designated arterial street, such side yard shall not be less than 25 feet
G Minimum Rear Yard	20 feet; 25 feet for rear entry garage
Other Dimensional Requirements	
Maximum Lot Coverage	40%

Figure 2.03-8. Lot and Yard Regulations for SF-20 District



c. Other RegulationsPermitted Uses

See 2.04. Permitted Uses and Use-Based StandardsPermitted Uses and Use-Based Standards for permitted uses.Those uses listed for the SF-20-E Single Family Residential District in the use charts (section 50-82) as "P" or "C" are authorized uses permitted by right or conditionally permitted uses, respectively.

d. Height Regulations

The maximum height in the SF-20E district shall be:

1. Three stories, and not to exceed 45 feet, for the main building/house.

2. Two stories for other accessory buildings, including detached garage, garden shed, detached accessory dwelling units, gazebo, etc.

3. Area Regulations

4. Size of Lots

5. Minimum lot area: 20,000 square feet.

6. Minimum lot width: 100 feet.

7. Radial lots shall have a minimum width of 100 feet at and for a distance of 30 feet behind the front yard/building line. No lot shall be created that has a front yard with less than 30 feet of frontage on the front street.

8. Minimum lot depth: 150 feet.

9. Nonconforming lots: where a lawfully existing lot having less area, depth, or width than required in this section existed in separate ownership on the effective date of the ordinance from which this

~~chapter is derived, the foregoing regulations relating to the size of such lot shall not prohibit the erection of a single-family dwelling thereon.~~

~~Illustration 50-69-1: Lot and yard regulations for the SF-20-E District~~

~~10. Size of Yards~~

~~(a) Minimum front yard: 35 feet; where lots have double frontage, running through from one street to another, the required front yard shall be provided on both streets.~~

~~(b) Minimum side yard: 10 feet. The minimum side yard of a corner lot adjacent to a street shall not be less than 15 feet, except where a lot sides on a designated arterial street, such side yard shall not be less than 25 feet.~~

~~(c) Minimum rear yard: 20 feet for the main building and any accessory buildings; 25 feet for rear garage entry.~~

~~11. Minimum Floor Area~~

~~12. Minimum floor area per dwelling unit is 1,600 square feet of heated and/or air-conditioned floor area.~~

~~(Ord. No. 2008-01, § 15, 2-4-2008; Ord. No. 2015-02 , § 2, 2-2-2015)~~

3. Single-Family Residential (SF-9) District

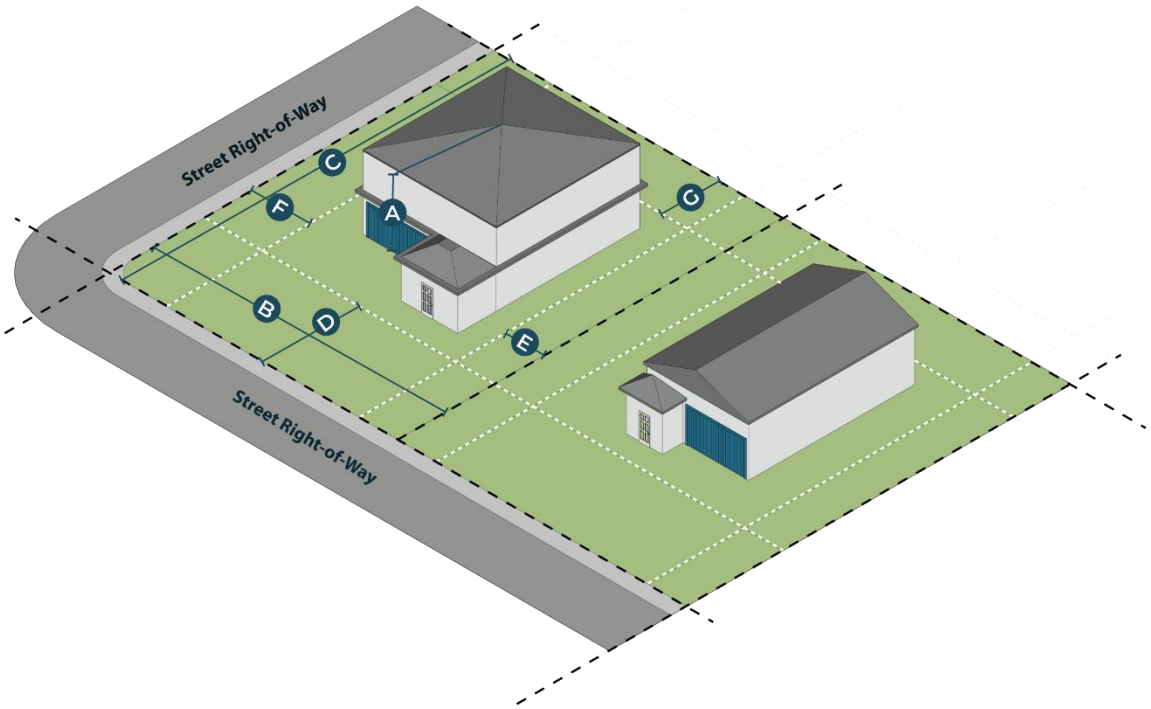
a. General Purpose and Description

~~The SF-9 Single-Family Residential District is intended to provide for development of primarily low-density detached, single-family residences on lots of not less than 9,000 square feet in size, churches, schools and public parks in logical neighborhood units.~~The Single-Family Residential (SF-9) District is intended to provide for the development of low-density, detached single-family residences on lots at least 9,000 square feet. It is also appropriate for places of worship, schools, and public parks.

b. Dimensional Standards

Single-Family Residential (SF-9) District	
Height	
A Maximum Height: Main Building	35 feet
Maximum Height: Accessory Buildings	25 feet
Size of Lots	
Minimum Lot Area	9,000 square feet
B Minimum Lot Width	75 feet
Minimum Curved Lot Width (See **Article 3. Subdivision Regulations~~Subdivision Regulations,~~ 3.04.A.1.c.iv**)	80 feet
C Minimum Lot Depth	100 feet
Size of Yards	
D Minimum Front Yard	25 feet Exception: Where a lot fronts on a designated arterial street, such front yard shall not be less than 35 feet
E Minimum Side Yard	10 feet
F Minimum Corner Lot Side Yard	15 feet Exception: Where a lot sides on a designated arterial street, such side yard shall not be less than 25 feet
G Minimum Rear Yard	15 feet Exception: Where lots back on a designated arterial street, such rear yard shall not be less than 25 feet. However, lots backing up to a 20-foot alley shall have a five-foot setback or lots abutting a 15-foot alley shall have a 7.5-foot setback
Other Dimensional Requirements	
Maximum Lot Coverage	40%

Figure 2.03-9. Lot and Yard Regulations for SF-9 District



c. Other Regulations~~Permitted uses~~

See 2.04. Permitted Uses and Use-Based Standards~~Permitted Uses and Use-Based Standards~~ for permitted uses.~~Those uses listed for the SF-9 Single-Family Residential District in the use charts (section 50-82) as "P" or "C" are authorized uses permitted by right or conditionally permitted uses, respectively.~~

~~d. Height Regulations~~

~~The maximum height in the SF-9 district shall be:~~

~~1. Two stories, not to exceed 35 feet, for the main building/house.~~

~~2. Two stories for other accessory buildings, including detached garage, garden shed, gazebo, etc.~~

~~Illustration 50-70-1~~

~~e. Area Regulations~~

~~1. Size of Lots~~

~~(a) Minimum lot area: 9,000 square feet.~~

~~(b) Minimum lot width: 75 feet. Radial lots shall have a minimum width of 80 feet at and for a distance of 30 feet behind the front yard/building line. No lot shall be created that has a front yard with less than 30 feet of frontage on the front street.~~

~~(c) Minimum lot depth: 100 feet.~~

(d) Nonconforming lots. Where a lawfully existing lot having less area, depth, or width than required in this section existed in separate ownership on the effective date of the ordinance from which this chapter is derived, the foregoing regulations relating to the size of such lot shall not prohibit the erection of a single-family dwelling thereon.

2. Size of Yards

(a) Minimum front yard: 25 feet; where lots have double frontage, running through from one street to another, the required front yard shall be provided on both streets. Where a lot faces a designated arterial street, the front yard shall be a minimum of 35 feet.

(b) Minimum Side Yard: five feet

The minimum side yard of a corner lot adjacent to a street shall not be less than 15 feet, except that where a lot sides on a designated arterial street, such side yard shall not be less than 25 feet.

(c) Minimum Rear Yard: 15 feet

The rear yard where lots back on a designated arterial street shall not be less than 25 feet. However, lots backing up to a 20 foot alley shall have a five foot minimum rear yard and abutting a 15 foot alley shall have a 7.5 foot minimum rear yard.

Encroachment by building eaves and air conditioning units: building eaves and air conditioning compressors may encroach not more than three feet beyond building lines into the required rear and side yard on lots created by subdivision plats for single family residential use duly approved by the city and recorded with the county clerk of either county, as applicable, on or before November 1, 1999.

Illustration 50-70-2: Floor Area for the SF-9 District

3. Maximum Lot Coverage

Maximum lot coverage is 40 percent, including main buildings and accessory buildings.

4. Minimum Floor Area

Minimum floor area per dwelling unit is 1,200 square feet of heated and/or air-conditioned floor area.

(Ord. No. 2008-01, § 16, 2-4-2008)

4. Single-Family Residential (SF-7.5) District

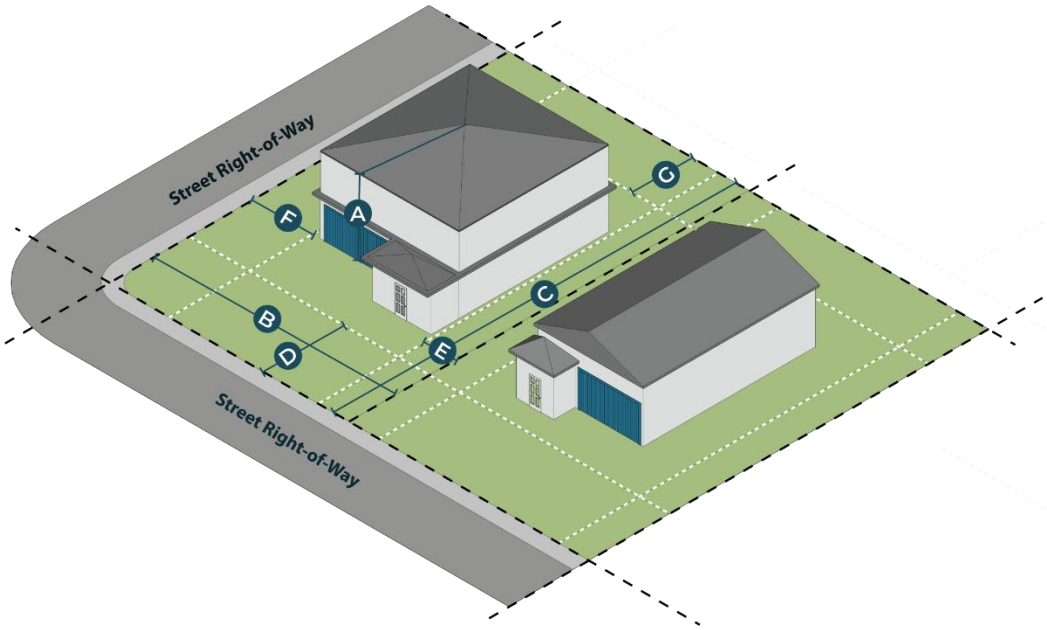
a. General Purpose Description

The Single-Family Residential (SF-7.5) District is intended to provide for development of primarily low-density detached, single-family residences on lots of not less than 7,500 square feet in size, churches, schools, and public parks in logical neighborhood units.

b. Dimensional Standards

Single-Family Residential (SF-7.5) District	
Height	
A Maximum Height: Main Building	35 feet
Maximum Height: Accessory Buildings	15 feet
Size of Lots	
Minimum Lot Area	7,500 square feet
B Minimum Lot Width	60 feet
Minimum Curved Lot Width (See **Article 3. Subdivision Regulations~~Subdivision Regulations,~~ 3.04.A.1.c.iv**)	70 feet
C Minimum Lot Depth	100 feet
Size of Yards	
D Minimum Front Yard	20 feet Exception: Where a lot fronts on a designated arterial street, such front yard shall not be less than 35 feet
E Minimum Side Yard	7.5 feet
F Minimum Corner Lot Side Yard	15 feet Exception: Where a lot sides on a designated arterial street, such side yard shall not be less than 25 feet
G Minimum Rear Yard	15 feet Exception: Where lots back on a designated arterial street, such rear yard shall not be less than 25 feet. However, lots backing up to a 20-foot alley shall have a five-foot setback or lots abutting a 15-foot alley shall have a 7.5-foot setback
Other Dimensional Requirements	
Maximum Lot Coverage	45%

Figure 2.03-10. Lot and Yard Regulations for SF-7.5 District



c. Other Regulations~~Permitted Uses~~

See 2.04. Permitted Uses and Use-Based Standards~~Permitted Uses and Use-Based Standards~~ for permitted uses.~~Those uses listed for the SF-7.5 Single-Family Residential District in the use charts (section 50-82) as "P" or "C" are authorized uses permitted by right or conditionally permitted uses, respectively.~~

~~d. Height Regulations~~

~~The maximum height in the SF-7.5 district shall be:~~

~~(a) Two stories, not to exceed 35 feet, for the main building/house.~~

~~(b) One story for other accessory buildings, including detached garage, garden shed, gazebo, etc.~~

~~e. Area Regulations~~

~~i. Size of lots~~

~~(a) Minimum lot area: 7,500 square feet.~~

~~(b) Minimum lot width: 60 feet. Radial lots shall have a minimum width of 70 feet at and for a distance of 30 feet behind the front yard/building line. No lot shall be created that has a front yard less than 30 feet of frontage on the front street.~~

~~(c) Minimum lot depth: 100 feet.~~

~~(d) Nonconforming lots: where a lawfully existing lot having less area, depth, or width than required in this section existed in separate ownership on the effective date of this ordinance from with this chapter is derived, the foregoing regulations relating to the size of such lot shall not prohibit the erection of a single-family dwelling thereon.~~

~~f. Size of Yards~~

~~i. Minimum front yard: 20 feet; where lots have double frontage, running through from one street to another, the required front yard shall be provided on both streets. Where a lot faces a designated arterial street, the front yard shall be a minimum of 35 feet.~~

~~ii. Minimum side yard: five feet. The minimum side yard of a corner lot adjacent to a street shall not be less than 15 feet, except that where a lot sides on a designated arterial street, such side yard shall not be less than 25 feet.~~

~~iii. Minimum rear yard: 25 feet. The minimum rear yard where lots back on a designated arterial street shall not be less than 25 feet. However, lots backing up to a 20 foot alley shall have a 5 foot minimum rear yard and abutting a 25 foot alley shall have a 7.5 foot minimum rear yard.~~

~~iv. Encroachment by building eaves and air condition units: building eaves and air conditioning compressors may encroach not more than three feet beyond building lines into the required rear and side yard on lots created by subdivision plats for single family residential use duly approved by the city and recorded with the county clerk of either county, as applicable, on or before November 1, 1999.~~

~~v. Maximum lot coverage~~

~~vi. Maximum lot coverage is 45 percent including main buildings and accessory buildings.~~

~~vii. Minimum floor area~~

~~Minimum floor area per dwelling unit is 1000 square feet of heated and/or air conditioned floor area.~~

5. Single-Family Residential (SF-6) District

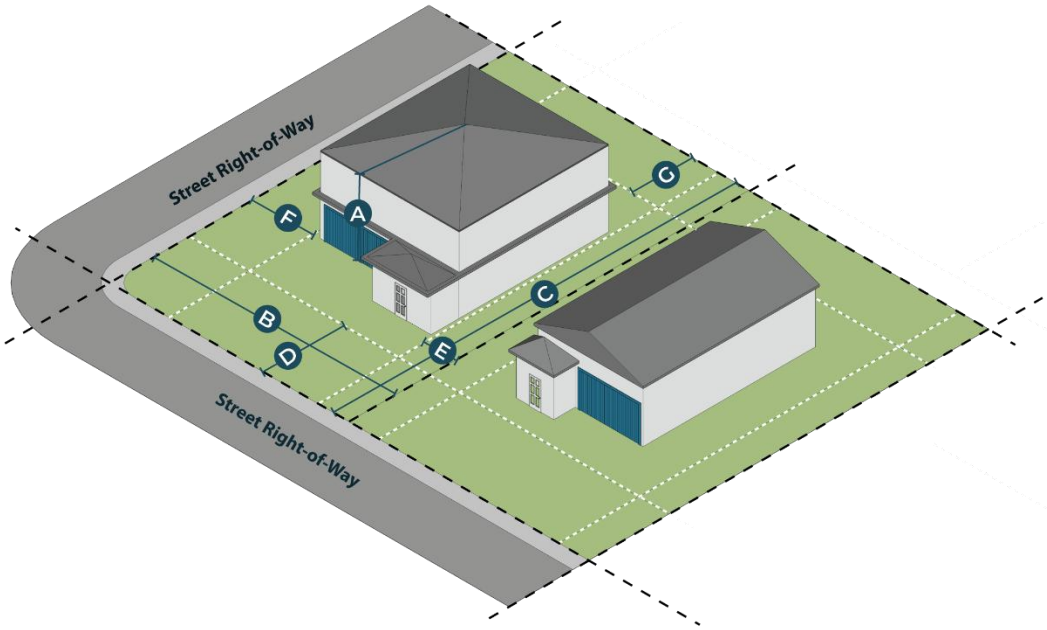
a. General Purpose and Description

~~The SF-6 Single-Family Residential District is intended to provide for development of primarily low-density detached, single-family residences on lots of not less than 6,000 square feet in size, churches, schools and public parks in logical neighborhood units.~~ The Single-Family Residential (SF-6) District is intended to provide for the development of low-density, detached single-family residences on lots of at least 6,000 square feet. It is also appropriate for places of worship, schools, and public parks.

b. Dimensional Standards

Single-Family Residential (SF-6) District	
Height	
A Maximum Height: Main Building	35 feet
Maximum Height: Accessory Buildings	15 feet
Size of Lots	
Minimum Lot Area	6,000 square feet
B Minimum Lot Width	50 feet
Minimum Curved Lot Width (See **Article 3. Subdivision Regulations~~Subdivision Regulations,~~ 3.04.A.1.c.iv**)	60 feet
C Minimum Lot Depth	100 feet
Size of Yards	
D Minimum Front Yard	20 feet Exception: Where a lot fronts on a designated arterial street, such front yard shall not be less than 35 feet
E Minimum Side Yard	5 feet
F Minimum Corner Lot Side Yard	15 feet Exception: Where a lot sides on a designated arterial street, such side yard shall not be less than 25 feet
G Minimum Rear Yard	15 feet Exception: Where lots back on a designated arterial street, such rear yard shall not be less than 25 feet. However, lots backing up to a 20-foot alley shall have a five-foot setback or lots abutting a 15-foot alley shall have a 7.5-foot setback
Other Dimensional Requirements	
Maximum Lot Coverage	45%

Figure 2.03-11. Lot and Yard Regulations for SF-6 District



~~b.~~c. Other Regulations~~Permitted Uses~~

See 2.04. Permitted Uses and Use-Based Standards~~Permitted Uses and Use-Based Standards~~ for permitted uses.~~Those uses listed for the SF-6 Single-Family Residential District in the use charts (section 50-82) as "P" or "C" are authorized uses permitted by right or conditionally permitted uses, respectively.~~

~~c. Height Regulations~~

~~The maximum height in the SF-6 district shall be:~~

~~(a) Two stories, not to exceed 35 feet, for the main building/house.~~

~~(b) One story for other accessory buildings, including detached garage, garden shed, gazebo, etc.~~

~~d. Area Regulations~~

~~1. Size of Lots~~

~~(a) Minimum lot area: 6,000 square feet.~~

~~(b) Minimum lot width: 50 feet. Radial lots shall have a minimum width of 60 feet at and for a distance of 30 feet behind the front yard/building line. No lot shall be created that has a front yard with less than 30 feet of frontage on the front street.~~

~~(c) Minimum lot depth: 100 feet.~~

~~(d) Nonconforming lots: where a lawfully existing lot having less area, depth, or width than required in this section existed in separate ownership on the effective date of the ordinance from which this chapter is derived, the foregoing regulations relating to the size of such lot shall not prohibit the erection of a single-family dwelling thereon.~~

~~2. Size of Yards~~

(a) Minimum front yard: 20 feet; where lots have double frontage, running through from one street to another, the required front yard shall be provided on both streets. Where a lot faces a designated arterial street, the front yard shall be a minimum of 35 feet.

Illustration 50-71-1: Lot and yard regulations for the SF-6 District

(b) Minimum Side Yard: five feet.

The minimum side yard of a corner lot adjacent to a street shall not be less than 15 feet, except that where a lot sides on a designated arterial street, such side yard shall not be less than 25 feet.

(c) Minimum Rear Yard: 15 feet.

The minimum rear yard where lots back on a designated arterial street shall not be less than 25 feet. However, lots backing up to a 20 foot alley shall have a 5 foot minimum rear yard and abutting a 15 foot alley shall have a 7.5 foot minimum rear yard.

(d) Encroachment by building eaves and air conditioning units: building eaves and air conditioning compressors may encroach not more than three feet beyond building lines into the required rear and side yard on lots created by subdivision plats for single family residential use duly approved by the city and recorded with the county clerk of either county, as applicable, on or before November 1, 1999.

Illustration 50-71-2: Floor area for the SF-6 District

3. Maximum Lot Coverage

Maximum lot coverage is 45 percent including main buildings and accessory buildings.

4. Minimum Floor Area

Minimum floor area per dwelling unit is 900 square feet of heated and/or air-conditioned floor area.

(Ord. No. 2008-01, § 17, 2-4-2008)

6. Duplex (Two-Family) Residential (D) District

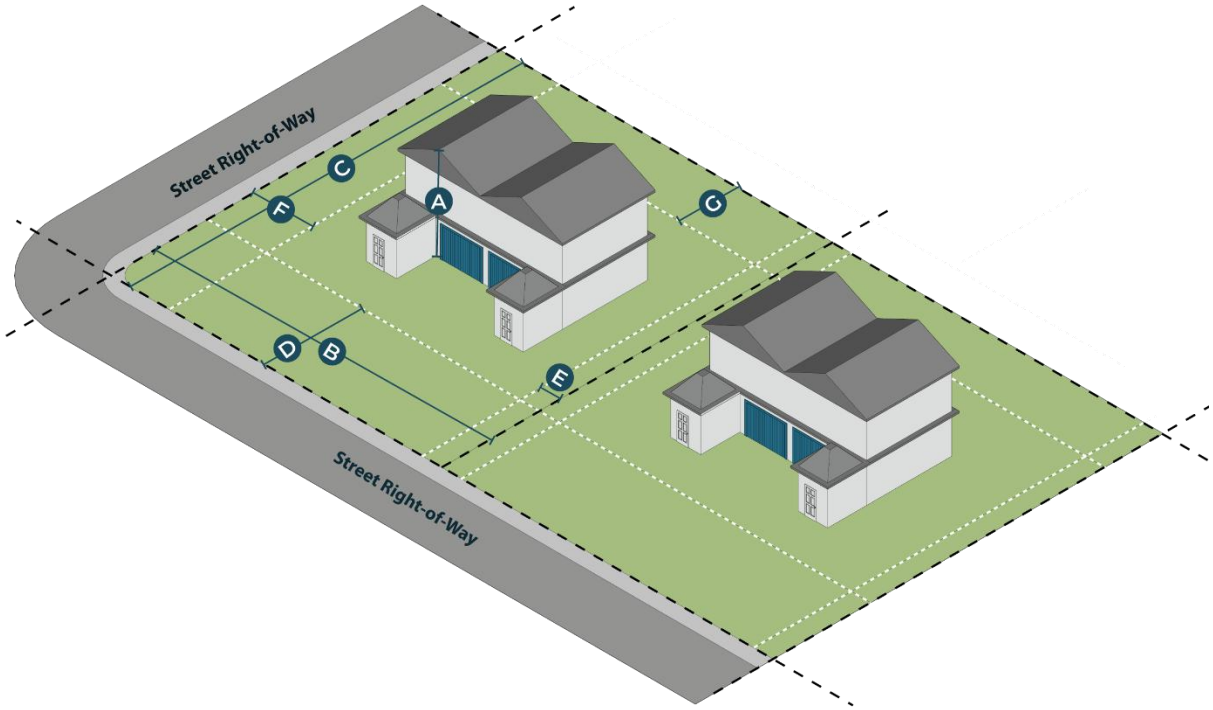
a. General Purpose and Description

~~The D Duplex (Two-Family) Residential District is intended to promote stable, quality multiple-occupancy residential development at slightly increased densities. Individual ownership of each side of the duplex (two-family) units is encouraged, but must meet all platting, building codes and have separate utilities. This district is typically used as a buffer or transition district between lower density residential areas and higher density or nonresidential areas or major thoroughfares.~~The Duplex (Two-Family) Residential (D) District allows for low-density multiple-family development for duplex (two-family) use. This district serves as a transition zone, commonly used as a buffer between lower-density and higher-density residential neighborhoods or nonresidential areas. It is also appropriate for places of worship, schools, and public parks.

b. Dimensional Standards

Duplex (Two-Family) Residential (D) District	
Height	
A Maximum Height: Main Building	35 feet
Maximum Height: Accessory Buildings	15 feet
Size of Lots	
Minimum Lot Area	12,000 square feet; or 6,000 square feet per side on duplex townhomes
B Minimum Lot Width	85 feet, or 45 feet for duplexes on separate lots
Minimum Curved Lot Width (See **Article 3. Subdivision Regulations~~Subdivision Regulations,~~ 3.04.A.1.c.iv**)	85 feet, or 45 feet for duplexes on separate lots
C Minimum Lot Depth	100 feet
Size of Yards	
D Minimum Front Yard	20 feet Exception: Where a lot fronts on a designated arterial street, such front yard shall not be less than 35 feet
E Minimum Side Yard	5 feet
F Minimum Corner Lot Side Yard	15 feet Exception: Where a lot sides on a designated arterial street, such side yard shall not be less than 25 feet
G Minimum Rear Yard	15 feet Exception: Where lots back on a designated arterial street, such rear yard shall not be less than 25 feet. However, lots backing up to a 20-foot alley shall have a five-foot setback or lots abutting a 15-foot alley shall have a 7.5-foot setback
Other Dimensional Requirements	
Maximum Lot Coverage	45%

Figure 2.03-12. Lot and Yard Regulations for D District



~~b.~~c. Other Regulations~~Permitted uses~~

See 2.04. Permitted Uses and Use-Based Standards~~Permitted Uses and Use-Based Standards~~ for permitted uses.~~Those uses listed for the D Duplex (Two Family) Residential District in the use charts (section 50-82) as "P" or "C" are authorized uses permitted by right or conditionally permitted uses, respectively.~~

~~c. Height regulations~~

~~The maximum height in the D Duplex (Two Family) Residential District shall be:~~

~~1. Two stories, not to exceed 36 feet, for the main building/house.~~

~~2. One story for other accessory buildings, including detached garage, garden shed, gazebo, etc.~~

~~Illustration 50-72-1: Lot, yard and floor area regulations for the Duplex District~~

~~d. Area regulations.~~

~~(a) Size of lots for D Duplex (Two Family) Residential District homes.~~

~~(i) Minimum lot area is 10,200 square feet for a duplex (two family) lot or 6,000 square feet each for duplex townhomes (no more than two attached) when each side is sold off separately and each unit is located on its own platted lot with separate utilities. The buildings, while attached, are separately owned with a common wall meeting the fire and separation requirements of the adopted fire and building codes.~~

~~(ii) Minimum lot width is 85 feet. Duplex townhomes (no more than two attached) sold off on separate lots shall have a minimum of 45 feet of width each. Radial lots shall have a~~

minimum width of 85 feet and 45 feet respectively at and for a distance of 30 feet behind the front yard/building line. No lot for duplexes shall be created that has a front yard with less than 60 feet of frontage on the front street or 30 feet per townhome.

(iii) Minimum lot depth is 100 feet.

(b) Size of yards for D Duplex (Two Family) Residential District homes.

(i) Minimum Front Yard: 25 feet

Where a lot faces a designated arterial street, the front yard shall be a minimum of 35 feet.

(ii) Minimum Side Yard: five feet

The minimum side yard of a corner lot adjacent to a street shall not be less than 15 feet, except that where a lot sides on a designated arterial street, such side yard shall not be less than 25 feet. On duplex townhomes (no more than two attached) with separate ownership of lots, there shall be no setback from the one common lot line, provided all other requirements including the definition have been met and there are no more than two units sharing a lot line.

(iii) Minimum Rear Yard: 15 feet.

The minimum rear yard where lots back on a designated arterial street shall not be less than 25 feet. However, lots backing up to a 20 foot alley shall have a five foot minimum rear yard and abutting a 15 foot alley shall have a 7.5 foot minimum rear yard.

(iv) Encroachment by building eaves and air conditioning units: building eaves and air conditioning compressors may encroach not more than three feet beyond building lines into the required rear and side yard on lots created by subdivision plats for single-family residential use duly approved by the city and recorded with the county clerk of either county, as applicable, on or before November 1, 1999.

(c) Maximum Lot Coverage

Maximum lot coverage for D Duplex (Two Family) Residential District homes is 45 percent by main buildings and accessory buildings.

(d) Minimum Floor Area

Minimum floor area per dwelling unit for D Duplex (Two Family) Residential District homes is 900 square feet of heated and/or air-conditioned floor area per unit.

(Ord. No. 2008-01, § 20, 2-4-2008)

7. Medium-Density Multifamily Residential (MF-1) District

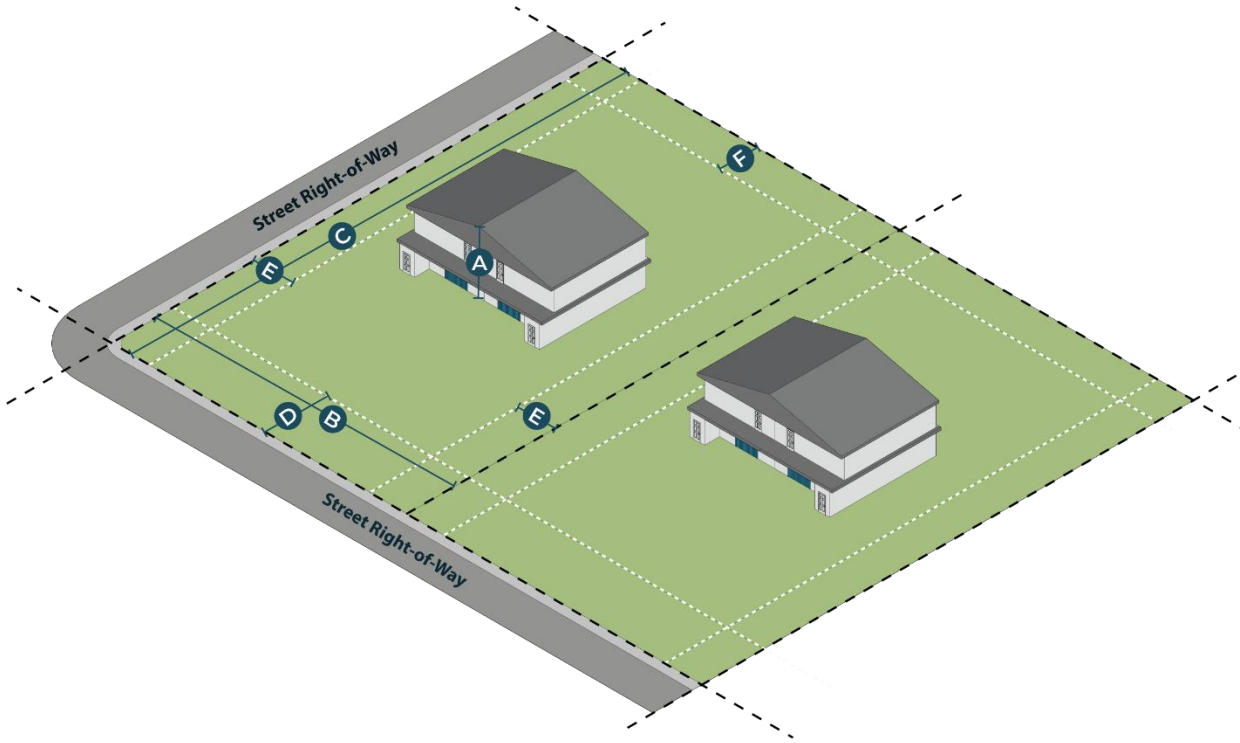
a. General Purpose and Description

The Medium-Density Multifamily Residential (MF-1) District ~~District~~ provides multifamily residential development with a mix of three (triplex) and four (quadplex) unit residential uses. This district serves as a transition zone, commonly used as a buffer between lower-density and higher-density residential neighborhoods or nonresidential areas. It is also appropriate for places of worship, schools, and public parks.

b. Dimensional Standards

Medium-Density Multifamily Residential (MF-1) District ~~District~~	
Height	
A Maximum Height: Main Building	35 feet
Maximum Height: Accessory Buildings	15 feet
Size of Lots	
Maximum Dwelling Units per Acre	12 units per acre
B Minimum Lot Width	120 feet
C Minimum Lot Depth	200 feet
Size of Yards	
D Minimum Front Yard	25 feet Exception: Where a lot fronts on a designated arterial street, such front yard shall not be less than 35 feet
E Minimum Side Yard	15 feet Exception: Where a lot sides on a designated arterial street, such side yard shall not be less than 25 feet
F Minimum Rear Yard	15 feet Exception: If adjacent to a lower density residential use, the rear setback shall be 60 feet; unless separated by an alley, in which case the setback shall be 20 feet
Minimum Building Separation	One story: 15 feet Two story: 20 feet Between a main building and an accessory building: 10 feet
Other Dimensional Requirements	
Maximum Lot Coverage	50%

Figure 2.03-13. Lot and Yard Regulations for MF-1 District



c. Other Regulations

See 2.04. Permitted Uses and Use-Based Standards~~Permitted Uses and Use-Based Standards~~ for permitted uses.

8. Multifamily Residential (MF-2) District

~~a.~~ General Purpose and Description

a. ~~The MF Multifamily Residential District is an attached residential district intended to provide the highest residential density of up to 20 dwelling units per acre. With the addition of carports in accordance with section 50-112(c), a density of up to 26 units to the acre could be provided. The principal permitted land uses will include low- and mid-rise multifamily dwellings and garden apartments. Recreational, religious, health and educational uses normally located to service residential areas are also permitted in this district. This district should be located adjacent to a major thoroughfare and serve as a buffer between nonresidential development or heavy automobile traffic and medium- or low-density residential development.~~

The Multifamily Residential (MF-2) District~~Multifamily Residential (MF-2) District~~ provides for multifamily residential development, targeting low and mid-rise dwellings serving as a transition between low- or medium-density residential developments and nonresidential areas. This district encourages multi-family uses with site development characteristics that accommodate open space and access to light and air. It is also appropriate for places of worship, schools, and public parks.

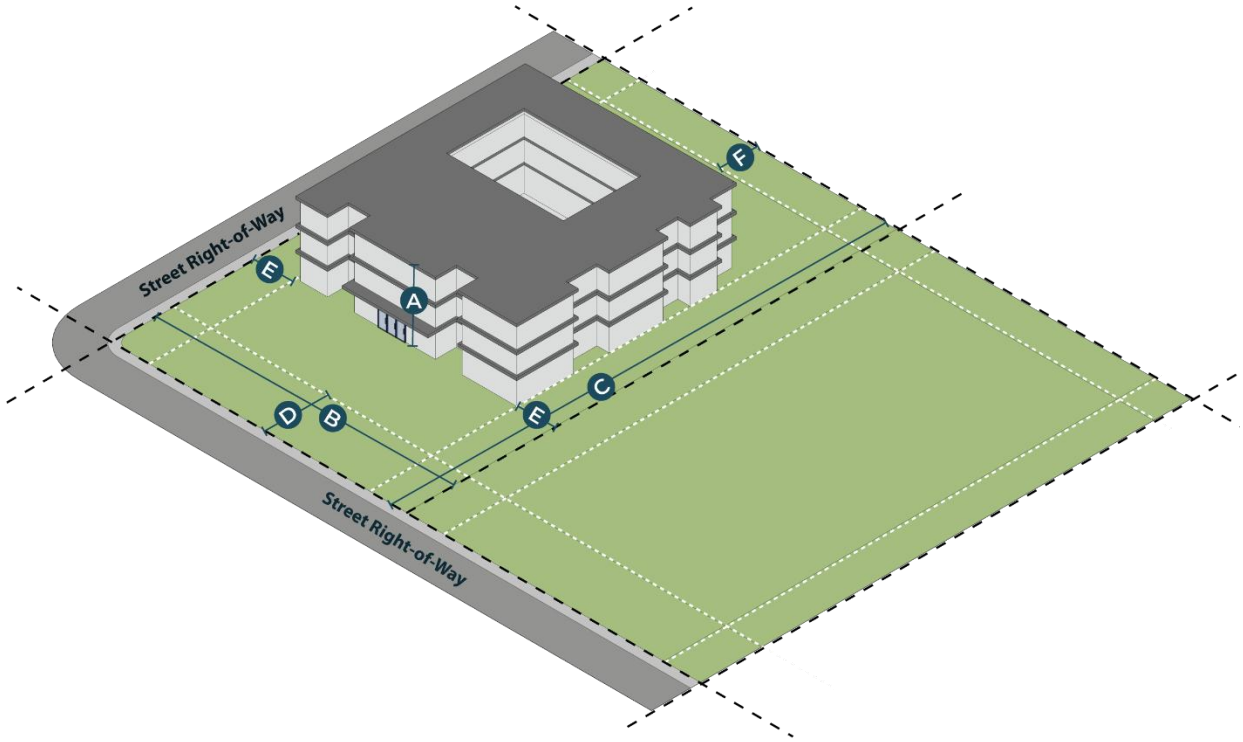
b. Dimensional Standards

Multifamily Residential (MF-2) District~~Multifamily Residential (MF-2) District~~	
Height	
A Maximum Height: Main Building	45 feet
Maximum Height: Accessory Buildings	15 feet
Size of Lots	
Minimum Lot Area	10 acres
Maximum Dwelling Units per Acre	20 units per acre Exception: **See 2.05.B.5.c** for density bonus options
B Minimum Lot Width	120 feet
C Minimum Lot Depth	200 feet
Size of Yards	
D Minimum Front Yard	25 feet Exception: Where a lot fronts on a designated arterial street, such front yard shall not be less than 35 feet
E Minimum Side Yard	15 feet Exception: Where a lot sides to a single-family residential district or a designated arterial street, such side yard shall not be less than 25 feet
F Minimum Rear Yard	15 feet Exception: If adjacent to a lower density residential use, the rear setback shall be 60 feet; unless separated by an alley, in which case the setback shall be 20 feet
Minimum Building Separation	One story: 15 feet Two story: 35 feet Between a main building and an accessory building: 10 feet
Other Dimensional Requirements	

Maximum Lot Coverage	50%

~~Illustration 50-73-1: Area regulation for multiple-family structures~~

Figure 2.03-14. Lot and Yard Regulations for MF-2 District



~~c. Height Regulations~~

~~The maximum height in the MF district shall be:~~

~~(a) Three stories or 45 feet, whichever is less for the main buildings.~~

~~(b) One story for other accessory buildings, including detached garages, carports, clubhouses, gazebos, mail kiosks, laundry rooms, etc.~~

~~(c) Refer to side and rear setbacks related to height.~~

~~d. Area Regulations~~

~~1. Size of Lots~~

~~(a) Minimum lot area: 1,816 square feet per dwelling unit, not to exceed 20 dwelling units per acre (calculated on gross acreage), except with density bonuses up to 26 dwelling units per acre for covered parking as described in off-street parking, section 50-112(c). The minimum lot (i.e., project) size shall be ten acres.~~

~~(b) Minimum lot width: 120 feet~~

~~(c) Minimum lot depth: 200 feet~~

(d) Special Exception: if a property was platted or permitted for MF Multifamily Residential District prior to the effective date of the ordinance from which this chapter is derived, then it can remain its original size and configuration and does not have to meet the minimum project size, lot width or lot depth stated in this section. The property shall conform to all other MF Multifamily Residential District development standards herein, unless the building setbacks shown on a recorded plat vary from those contained herein, in which case the platted setbacks shall prevail unless a replat modifies same.

2. Size of yards

The following minimum yards shall be required for lots or tracts containing multifamily dwelling buildings, measured from the applicable property line; provided, however if the lot is encumbered with a street easement, such yard shall be measured from the boundary line of such street easement.

(a) Minimum front yard: 25 feet. Where a lot faces a designated arterial street, the front yard shall be a minimum of 35 feet.

(b) Minimum side yard:

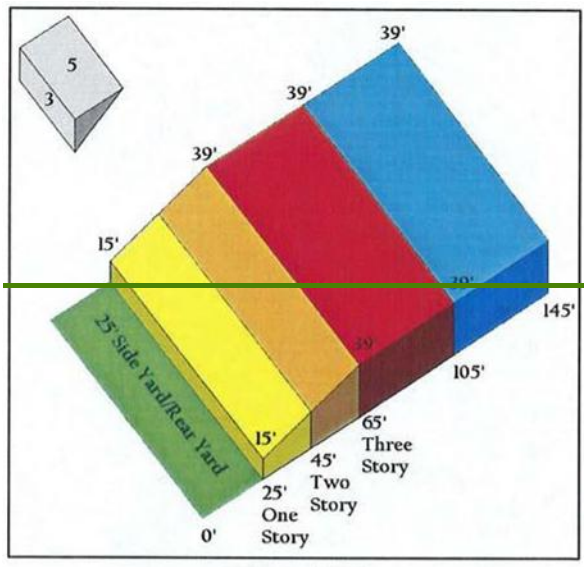
(i) Interior: five feet.

(ii) Interior adjacent to property zoned for or restricted by a duly recorded subdivision plat for single-family residential purposes is 25 feet. Setbacks shall be measured at a ratio of five feet in horizontal setback distance for every three feet of building height as shown in Illustration 50-73-2. Setback measurements shall be calculated by story.

(iii) Side yard adjacent to a street: 15 feet.

(iv) Side yard adjacent to a designated arterial: 25 feet.

Illustration 50-73-2: Setback and height relationship for multiple family structures]



(c) Minimum rear yard: 15 feet.

If adjacent to a single-family, duplex (two-family), patio home or single family attached district, then rear setbacks (within which parking is permitted) shall be 60 feet, unless separated by an alley in which case the setback shall be 20 feet.

(d) Zero lot line exception: notwithstanding the foregoing, except where an interior side yard or rear yard is adjacent to property zoned for or restricted by a duly recorded subdivision plat to, or

primarily used for, single-family residential purposes, there shall be no required interior side or rear building line if the wall adjoining such interior side or rear lot line, as applicable, is constructed with materials giving it a four-hour firewall rating. Yards adjacent to street or alley rights-of-way are excluded from this provision.

(c) Minimum building separation requirements:

(i) One-story buildings: 15 feet for buildings without openings; 20 feet for buildings with openings.

(ii) Two-story buildings (or a two-story building adjacent to a one-story building): 20 feet for buildings without openings; 35 feet for buildings with openings.

(iii) Over two-story buildings (or an over two-story building adjacent to a one-or two-story building): 35 feet for buildings with or without openings, or as required by the adopted building code, whichever is greater.

(iv) Between a main building and an accessory building: ten feet, or as required by the adopted building code, whichever is greater.

3. Minimum Floor Area Per Dwelling Unit

(a) Efficiency unit: 500 square feet per unit.

(b) One-bedroom unit: 725 square feet per unit.

(c) Two or more bedroom unit: 800 square feet for the first two bedrooms, plus an additional 125 square feet for every bedroom over two (e.g., three-bedroom unit must have 925 square feet, etc.).

4. Maximum Lot Coverage

Maximum lot coverage of 50 percent total, including main and accessory buildings, pools and ponds.

e.c. Other RegulationsPermitted Uses

f. Special Requirements

i. See **2.04. Permitted Uses and Use-Based Standards**Permitted Uses and Use-Based Standards for permitted uses.Those uses listed for the MF Multifamily Residential District in the use charts (section 50-82) as "P" or "C" are authorized uses permitted by right or conditionally permitted uses, respectively.

ii. Windows

All multiple-story buildings within a multifamily development complex shall be constructed so that there shall be no windows above the first floor on any sides which that are within 100 feet of property zoned for single-family uses, existing residential platted lots, or existing single-family residences.

iii. Other Types of Residential Development

Single-family or duplex (two family) residential units constructed in this district shall conform to Single-Family Residential (SF-6) District or Duplex (Two-Family) Residential (D) District standards, respectively.

(Ord. No. 2008-01, § 22, 2-4-2008)

9. Manufactured Home Park (MHP) District

a. General Purpose and Description

The Manufactured Home Park (MHP) District is a detached residential district for the development of HUD-Code manufactured home parks and subdivisions, offering leased or sale lots. It establishes area, design, and yard requirements, ensuring adequate open space and recreation. ~~The MHP Manufactured Home Park District is a detached residential district establishing standards for the development of manufactured, HUD-Code manufactured home parks and subdivisions. A manufactured or mobile home park offers spaces for the placement of manufactured/mobile home units on a lease/rental basis or on a lot for sale basis. The MHP Manufactured Home Park District establishes area and design requirements for parks and subdivisions, as well as yard requirements for individual lots. Both parks and subdivisions provide open space and recreational areas appropriate for the acreage and number of units contained.~~

b. Dimensional Standards

Manufactured Home Park (MHP) District	
Height	
A Maximum Height: Main Building/House	35 feet
Maximum Height: Accessory Buildings	15 feet
Size of Lots	
Minimum Lot Area	4,000 square feet
B Minimum Lot Width	40 feet
C Minimum Radial Lot Width	80 feet
Size of Yards	
D Minimum Front Yard	20 feet from a dedicated street; 10 feet from any private street
E Minimum Side Yard	10 feet; 20 feet between units; 20 feet from zoning district boundary lines
F Minimum Corner Lot Side Yard	15 feet
G Minimum Rear Yard	10 feet; 20 feet from any zoning district boundary line or if a garage is provided
Other Dimensional Requirements	
Maximum Lot Coverage (including main and accessory buildings, pools and ponds)	50%
~~Minimum Floor Area Per Dwelling Unit~~	~~750 square feet~~
Area for Manufactured Home Parks	
Minimum Project Area	20 acres
Maximum Project Area	35 acres
Density of Manufactured Home Parks	
Minimum Number of Spaces	20 spaces
Maximum Density	10 spaces per gross acre

~~c. Area Regulations~~

~~i. Size of spaces.~~

~~(a) Minimum lot area: 4,000 square feet per unit.~~

~~(b) Minimum lot width: 40 feet.~~

~~(c) Minimum lot depth: 80 feet.~~

~~ii. Size of yards.~~

~~(a) Minimum front yard: 20 feet from a dedicated street; ten feet from any private street or drive.~~

~~(b) Minimum side yard: ten feet; 20 fee between units; 20 feet from zoning district boundary lines; 15 feet for corner lots.~~

~~(c) Minimum rear yard: ten feet; 20 feet from any zoning district boundary line.~~

~~(d) If a garage is provided, the entry (i.e., door) side of the garage shall have a 20 foot setback as measured from any property or street right-of-way line.~~

~~iii. Maximum floor area.~~

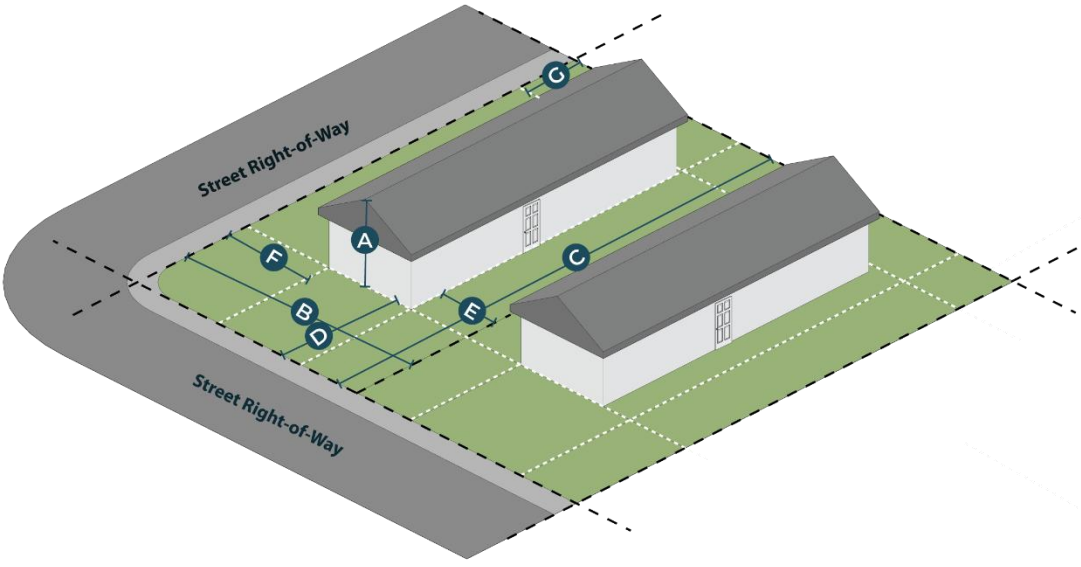
~~Minimum floor area per dwelling units is 750 square feet.~~

~~iv. Maximum lot coverage.~~

~~Maximum lot coverage is 50 percent for main building/unit plus any accessory buildings.~~

~~Illustration 50-74-1: Lot and yard regulations for the MHP District~~

Figure 2.03-15. Lot and Yard Regulations for MHP District



~~v. Area for manufactured home parks.~~

~~Minimum project area is 20 acres; maximum project area 35 acres.~~

~~vi. Density for manufactured home parks.~~

~~No manufactured home park shall provide less than 20 spaces, and there shall be a maximum of ten spaces per gross acre within the park.~~

~~vii. Maximum height limit.~~

~~(a) Two stories, not to exceed 25 feet, for the main building/house.~~

~~(b) One story for other accessory buildings, including detached garages, carport, management offices, clubhouses, gazebos, mail kiosks, etc.~~

~~(Ord. No. 2008-01, § 24, 2-4-2008)~~

~~d.~~c. Other Regulations~~Permitted Uses~~

See **2.04**. Permitted Uses and Use-Based Standards~~Permitted Uses and Use-Based Standards~~ for permitted uses.~~Those uses listed for the MHP Manufactured Home Park District in the use charts (section 50-82) as "P" or "C" are authorized uses permitted by right or conditionally permitted uses, respectively.~~

E. Nonresidential Zoning Districts

1. Office (O) District

a. General Purpose and Description

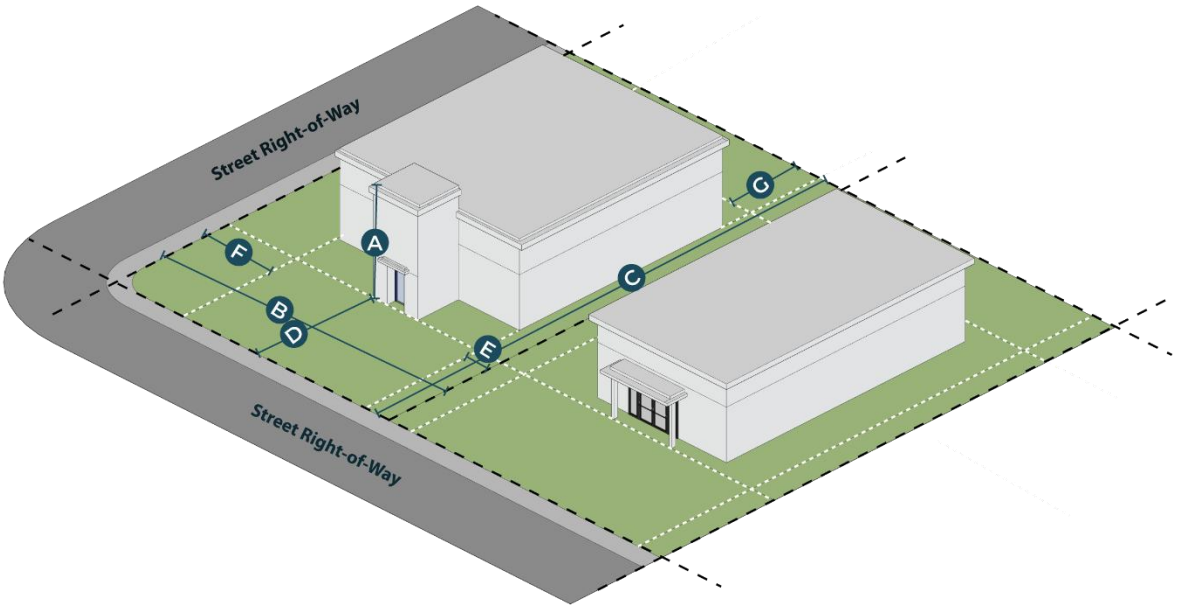
The Office (O) District accommodates low-intensity office and professional uses, often serving as a transition between residential and commercial areas. It emphasizes compatibility with nearby residential areas, limiting building heights and minimizing disruption such as noise and traffic. Adaptive reuse of existing structures is encouraged, maintaining harmony with surrounding properties.~~The O Office District is established to create an appropriate setting for low intensity office and professional uses. The district can be used as a transition district between residential uses and more intense uses, and with appropriate buffers and landscaping, this district may be located in close proximity to residential districts. Permitted uses should be compatible with adjacent residential areas by limiting heights to one or two stories, and shall not include uses that create excessive amounts of traffic, noise, trash or late night business operations. Traffic generated by uses in this district shall not be encouraged to travel through residential areas. Adaptive reuse of existing structures is encouraged. Buildings in this district should be compatible and similar in scale with residential uses and adjacent property.~~

b. Dimensional Standards

Office (O) District	
Height	
(A) Maximum Height: Main Building	70 feet
Maximum Height: Accessory Buildings	15 feet
Size of Lots	
Minimum Lot Area	6,000 square feet
(B) Minimum Lot Width	60 feet
(C) Minimum Lot Depth	100 feet
Size of Yards	
(D) Minimum Front Yard	25 feet Exception: Where a lot fronts on a designated arterial street, such front yard shall not be less than 35 feet
(E) Minimum Side Yard	5 feet Exception: Where a lot sides to a single-family residential district, the side yard setback shall not be less than 25 feet
(F) Minimum Corner Lot Side Yard	15 feet Exception: Where a lot sides on a designated arterial street, such side yard shall not be less than 25 feet
(G) Minimum Rear Yard	15 feet Exception: If adjacent to a residential use, 60 feet; unless separated by an alley, 20 feet. When adjacent to an arterial street, 25 feet
Minimum Underground Setback	15 feet
Minimum Pavement Setback	10 feet, except driveways and sidewalks
Other Dimensional Requirements	

Maximum Lot Coverage	50%

Figure 2.03-16. Lot and Yard Regulations for O District



c. Other Regulations~~Permitted Uses~~

See 2.04. Permitted Uses and Use-Based Standards~~Permitted Uses and Use-Based Standards~~ for permitted uses~~Those uses listed for the O Office District in the use charts (section 50-82) as "P" or "C" are authorized uses permitted by right or conditionally permitted uses, respectively~~.

~~d. Height Regulations~~

~~Maximum height:~~

~~1. Seventy feet, also see setback requirements related to height in subsection (d)(2)b of this section.~~

~~2. One story for accessory buildings.~~

~~e. Area Regulations~~

~~1. Size of Lots~~

~~(a) Minimum lot area: 6,000 square feet.~~

~~(b) Minimum lot width: 60 feet.~~

~~(c) Minimum lot depth: 100 feet.~~

~~Illustration 50-75-1: Lot and yard regulations for the Office District~~

2. Size of Yards and Setbacks.

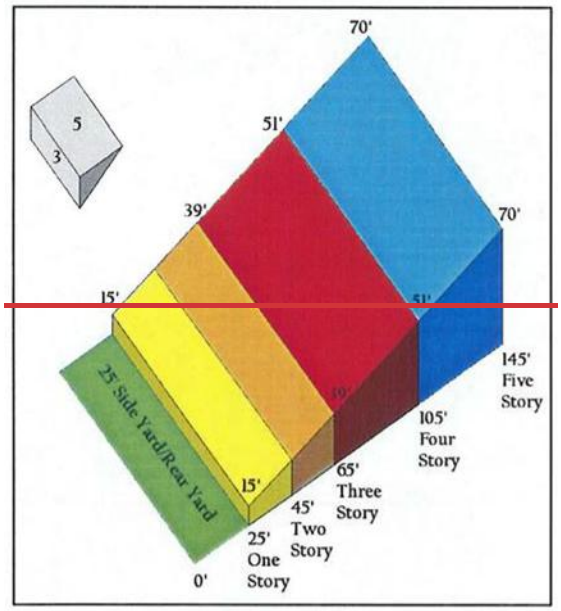
(a) Minimum front yard: 25 feet. Where a lot faces a designated arterial street, the front yard shall be a minimum of 35 feet.

(b) Minimum Side Yard.

(i) Interior: five feet.

(ii) Interior adjacent to property zoned for or restricted by a duly recorded subdivision plat for single-family residential purposes, which does not have an existing business on such single-family residential lot is 25 feet. If adjacent to a single-family, duplex, patio home or single-family attached district, then side and rear setbacks (within which parking is permitted) shall be according to the height of the primary structure, as follows:

Illustration 50-75-2: Setback and height relationship for structures



(A) Setbacks shall be measured at a ratio of five feet in horizontal setback distance for every three feet of building height as shown in Illustration 50-75-2.

(B) Setback measurements shall be calculated by story.

(C) These measurements shall not limit any building to less than 35 feet.

(c) Side yard adjacent to a street: 15 feet.

(d) Side yard adjacent to a designated arterial: 25 feet.

(e) Minimum rear yard: 15 feet. If adjacent to a single-family, duplex (two-family), patio home or single-family attached district, then minimum rear yards (within which parking is permitted) shall be 60 feet, unless separated by an alley in which case the minimum shall be 20 feet. When adjacent to an arterial, such minimum rear yard shall be 25 feet.

(f) Zero lot line exception: notwithstanding the requirements of this section, except where an interior side yard or rear yard is adjacent to property zoned for or restricted by a duly recorded subdivision plat to, or primarily used for, single-family residential purposes, there shall be no required interior side or rear yard if the wall adjoining such interior side or rear lot line, as applicable, is constructed with materials giving it a four hour firewall rating. Yards adjacent to street or alley rights-of-way are excluded from this provision.

~~(g) Minimum underground setback: any underground building structure shall be setback from any lot line by a minimum of 15 feet.~~

~~(h) Minimum pavement setback: all paving, except for driveways and sidewalks, shall be setback from any public street right-of-way by a minimum of ten feet.~~

~~3. Maximum Lot Coverage~~

~~Maximum lot coverage is 50 percent of the net site area (after right-of-way dedication) for the gross ground floor area of all building structures, including main and accessory buildings.~~

~~4. Maximum Floor Area~~

~~Maximum floor area ratio (FAR) is 1:1.~~

~~(Ord. No. 2008-01, § 25, 2-4-2008)~~

2. Neighborhood Retail (NR) District

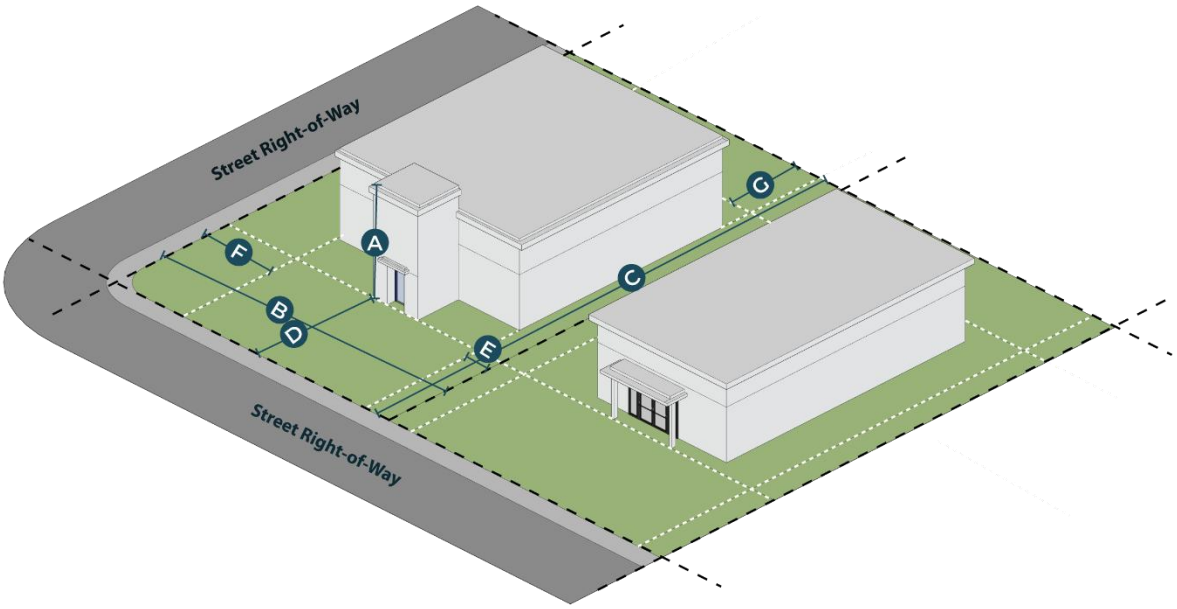
a. General Purpose and Description

The Neighborhood Retail (NR) District~~Neighborhood Retail District~~ is intended to accommodate a limited range of retail trade, services and office activities that are needed to serve a neighborhood area. The district is to be utilized as a transition district between residential uses and more intense non-residential uses. The district is to incorporate elevated landscaping and buffering standards to facilitate seamless integration alongside residential districts. Development within the district should be similar in scale as residential uses and adjacent properties. Architectural principles should be incorporated within site development to actively engage streetscapes and create pedestrian-oriented environments. Uses within this district should not include uses that create excessive traffic, noise, trash, or late-night business operations. This district is ideally suited for intersections of major thoroughfares or at the intersection of a major thoroughfare and primary entrances to residential subdivisions and/or multi-family developments.

b. Dimensional Standards

Neighborhood Retail (NR) District	
Height	
A Maximum Height: Main Building	40 feet
Maximum Height: Accessory Buildings	15 feet
Size of Lots	
Minimum Lot Area	6,000 square feet
B Minimum Lot Width	60 feet
C Minimum Lot Depth	100 feet
Size of Yards	
D Minimum Front Yard	15 feet Exception: Where a lot fronts on a designated arterial street, such front yard shall not be less than 25 feet
E Minimum Side Yard	5 feet Exception: Where a lot sides to a single-family residential district, the side yard setback shall not be less than 25 feet
F Minimum Corner Lot Side Yard	15 feet Exception: Where a lot sides on a designated arterial street, such side yard shall not be less than 25 feet
G Minimum Rear Yard	15 feet Exception: If adjacent to a residential use, 60 feet; unless separated by an alley, 20 feet. When adjacent to an arterial street, 25 feet
Minimum Underground Setback	15 feet
Minimum Pavement Setback	15 feet, except driveways and sidewalks
Other Dimensional Requirements	
Maximum Lot Coverage	50%

Figure 2.03-17. Lot and Yard Regulations for NR District



c. Other RegulationsPermitted Uses

i. See 2.04. Permitted Uses and Use-Based StandardsPermitted Uses and Use-Based Standards for permitted usesThose uses listed for the Neighborhood Retail (NR) District in the use charts (section 50-82) as "P" or "C" are authorized uses permitted by right or conditionally permitted uses, respectively.

d. Height Regulations

Maximum height:

1. Forty feet (40'); also see setback requirements related to height (d)(2)(b.2) of this section.

2. One story for accessory buildings.

e. Area Regulations

i. Size of Lots

(a) Minimum lot area: 6,000 square feet.

(b) Minimum lot width: 60 feet.

(c) Minimum lot depth: 100 feet.

ii. Size of Yards and Setbacks

(a) Minimum front yard: 15 feet. Where a lot faces a designated arterial street, the front yard shall be a minimum of 25 feet.

~~(b) Minimum side yard.~~

~~(i) Interior: 5 feet~~

~~(ii) Interior: If adjacent to a single-family, duplex, patio home or single-family attached district, then the side and rear setbacks (within which parking is permitted) shall be according to the height of the primary structure as follows:~~

~~(A) Setbacks shall be measured at a ratio of five feet in horizontal setback distance for every three feet of building height.~~

~~(iii) Side yard adjacent to a street: 15 feet.~~

~~(iv) Side yard adjacent to a designated arterial: 25 feet~~

~~(c) Minimum Rear Yard: 15 Feet.~~

~~If adjacent to a single-family, duplex (two family), patio home or single-family attached district, then minimum rear yards (within which parking is permitted) shall be 60 feet, unless separated by an alley in which case the minimum shall be 20 feet. When adjacent to an arterial street, such minimum rear yard shall be 25 feet.~~

~~(d) Zero lot line exception: notwithstanding the requirements of this section, except where an interior side yard or rear yard is adjacent to property zoned for or restricted by a duly recorded subdivision plat to, or primarily used for, single-family residential purposes, there shall be no required interior side or rear yard if the wall adjoining such interior side or rear lot line, as applicable, is constructed with materials giving it a four hour firewall rating. Yards adjacent to street or alley rights-of-way are excluded from this provision.~~

~~(e) Minimum underground setback: any underground building structure shall be setback from any lot line by a minimum of 15 ft.~~

~~(f) Minimum pavement setback: all paving, except driveways and sidewalks, shall be setback from any public street right-of-way by a minimum of 15 feet.~~

~~iii. Maximum lot coverage: Maximum lot coverage is 50 percent of the net site area (after right of way dedication) for the gross ground floor area of all building structures, including main and accessory buildings.~~

~~iv. Maximum floor area. Maximum floor area ratio (FAR) is 1:1~~

~~v. *Outdoor sales:* Outdoor sales are prohibited.~~

~~vi. *Outdoor storage:* Outdoor storage is prohibited.~~

~~vii.~~ii. Hours of Operation

Except for uses permitted within a residential zoning district, no use shall operate before 6:00 a.m. nor after 11:00 p.m. on any day of the week.

~~viii. Façade Orientation Standards~~

~~Facades of primary building(s) immediately adjacent to street right-of-way(s) shall be front and/or side façade only. Rear façades of buildings shall be prohibited from facing street right-of-way(s).~~

~~ix. *Parking Standards* Refer to Sectioni 50-112 (c)(1.1) Parking regulations for the NR District~~

3. General Retail (GR) District

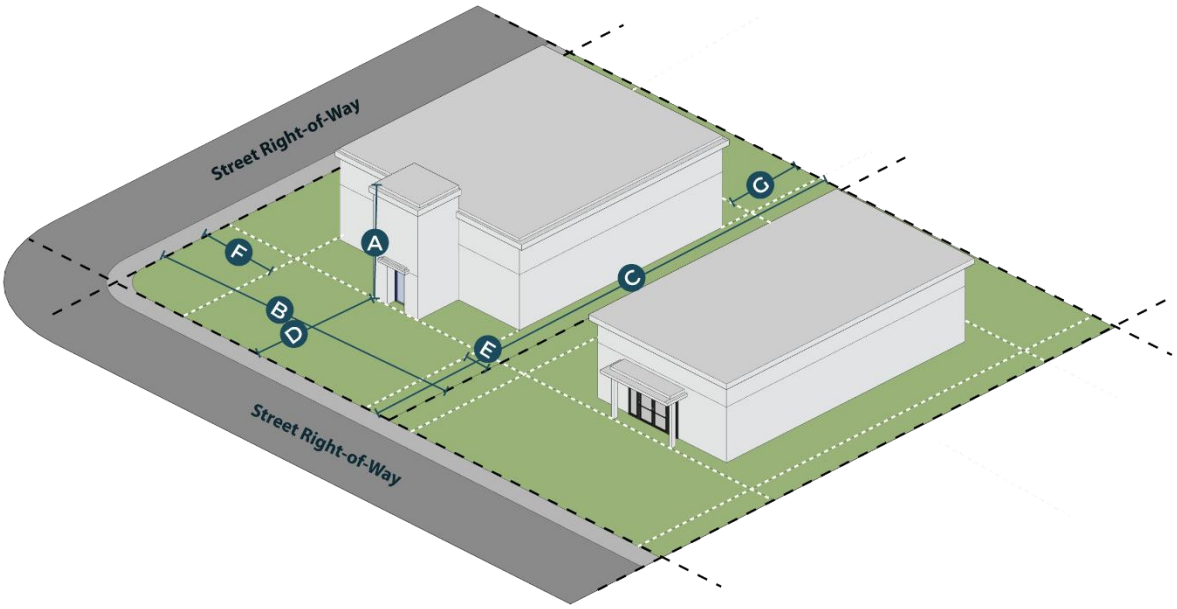
a. General Purpose and Description

The General Retail (GR) District is designed for local neighborhood shopping and service facilities for the retail sales of goods and services. This district should also be located along or at the intersection of major collectors or thoroughfares to accommodate higher traffic volumes. ~~The GR General Retail District is established to provide areas for local neighborhood shopping and service facilities for the retail sales of goods and services. These shopping areas should utilize established landscape and buffering requirements. The GR General Retail District should be located along or at the intersection of major collects or thoroughfares to accommodate higher traffic volumes~~

b. Dimensional Standards

General Retail (GR) District	
Height	
A Maximum Height: Main Building	70 feet
Maximum Height: Accessory Buildings	15 feet
Size of Lots	
Minimum Lot Area	6,000 square feet
B Minimum Lot Width	60 feet
C Minimum Lot Depth	100 feet
Size of Yards	
D Minimum Front Yard	25 feet Exception: Where a lot fronts on a designated arterial street, such front yard shall not be less than 35 feet
E Minimum Side Yard	5 feet Exception: Where a lot sides to a single-family residential district, the side yard setback shall not be less than 25 feet
F Minimum Corner Lot Side Yard	15 feet Exception: Where a lot sides on a designated arterial street, such side yard shall not be less than 25 feet
G Minimum Rear Yard	15 feet Exception: If adjacent to a residential use, 60 feet; unless separated by an alley, 20 feet. When adjacent to an arterial street, 25 feet
Other Dimensional Requirements	
Maximum Lot Coverage	50%
Maximum Impervious Coverage	80%

Figure 2.03-18. Lot and Yard Regulations for GR District



c. Other RegulationsPermitted Uses

i. See 2.04. Permitted Uses and Use-Based StandardsPermitted Uses and Use-Based Standards for permitted usesThose uses listed for the GR District in the use charts (section 50-82) as "P" or "C" are authorized uses permitted by right or conditionally permitted uses, respectively.

d. Height Regulations

The maximum height in the GR District shall be:

1. Not to exceed 70 feet, for the main buildings.

2. One story for accessory buildings.

e. Area Regulations

1. Size of Lot

(a) Minimum lot area: 6,000 square feet.

(b) Minimum lot width: 60 feet.

(c) Minimum lot depth: 100 feet.

Illustration 50-76-1: Lot and yard regulations for the GR District

2. Size of Yards

(a) Minimum front yard: 25 feet. Where a lot faces a designated arterial street, the front yard shall be a minimum of 35 feet.

(b) Minimum side yard:

~~(i) Interior: five feet.~~

~~(ii) Interior adjacent to property zoned for or restricted by a duly recorded subdivision plat for single-family residential purposes, which does not have an existing business on such single-family residential lot: 25 feet.~~

~~(iii) Side yard adjacent to a street: 15 feet.~~

~~(c) Side yard adjacent to a designated arterial: 25 feet.~~

~~(d) Minimum Rear Yard: 15 Feet.~~

~~If adjacent to a single-family, duplex (two-family), patio home or single-family attached district, then minimum rear yards (within which parking is permitted) shall be 60 feet, unless separated by an alley in which case the minimum shall be 20 feet. When adjacent to an arterial street, such minimum rear yard shall be 25 feet.~~

~~(e) Zero lot line exception: notwithstanding the foregoing, except where an interior side yard or rear yard is adjacent to property zoned for or restricted by a duly recorded subdivision plat to, or primarily used for, single-family residential purposes, there shall be no required interior side or rear yard if the wall adjoining such interior side or rear lot line, as applicable, is constructed with materials giving it a four hour firewall rating. Yards adjacent to street or alley rights-of-way are excluded from this provision.~~

~~iii.~~ii. Exceptions for Certain Retail Shopping Center Outbuildings Fronting State Highway 249

Notwithstanding any other provision of this section to the contrary, the building line for retail outbuildings adjacent to State Highway 249 and State Highway 249 Bypass shall be ~~ten~~ 10 feet if:

(a) The retail outbuilding is within a shopping center development (a development comprised of retail businesses ~~which~~ that share common parking and pedestrian areas and facilities for their clientele) ~~which~~ that contains not less than 1¼ acres of land and which has not less than 240 feet of frontage on said State Highway 249 and State Highway 249 bypass;

(b) The retail outbuilding contains not more than 100 square feet of floor area;

(c) The retail outbuilding is located so as not to create a hazard to vehicular or pedestrian traffic on the shopping center site, the adjacent State Highway 249 and State Highway 249 Bypass, or any other adjacent public or private street or property; limit spacing of said structures to no greater than one per 300 feet;

(d) The retail outbuilding is located not less than 50 feet from any paved portion of State Highway 249 and State Highway 249 Bypass, whether main lane or access road; and

(e) The retail outbuilding is located so as to be a minimum of 300 feet from the closest retail outbuilding along either side of State Highway 249 and State Highway 249 Bypass, measured in a straight line from the center fronts of each retail outbuilding.

~~4. Maximum lot coverage. Maximum lot coverage is 50 percent including main and accessory buildings; maximum 80 percent impervious coverage (including all buildings, parking areas, sidewalks, etc.).~~

~~5. Maximum floor area. Maximum floor area ratio (FAR) is 1:1.~~

~~vi.~~iii. Outdoor~~side~~ Storage

Outdoor~~side~~ storage, which is differentiated from outdoor sales, shall be limited to a maximum of five percent of the total lot area. For screening requirements, see ~~section 50-115~~**2.05.E. Screening, Buffering, and Fencing**~~Screening, Buffering, and Fencing~~.

~~(Ord. No. 2008-01, § 27, 2-4-2008; Ord. No. 2015-02 , § 2, 2-2-2015)~~

4. Commercial (C) District

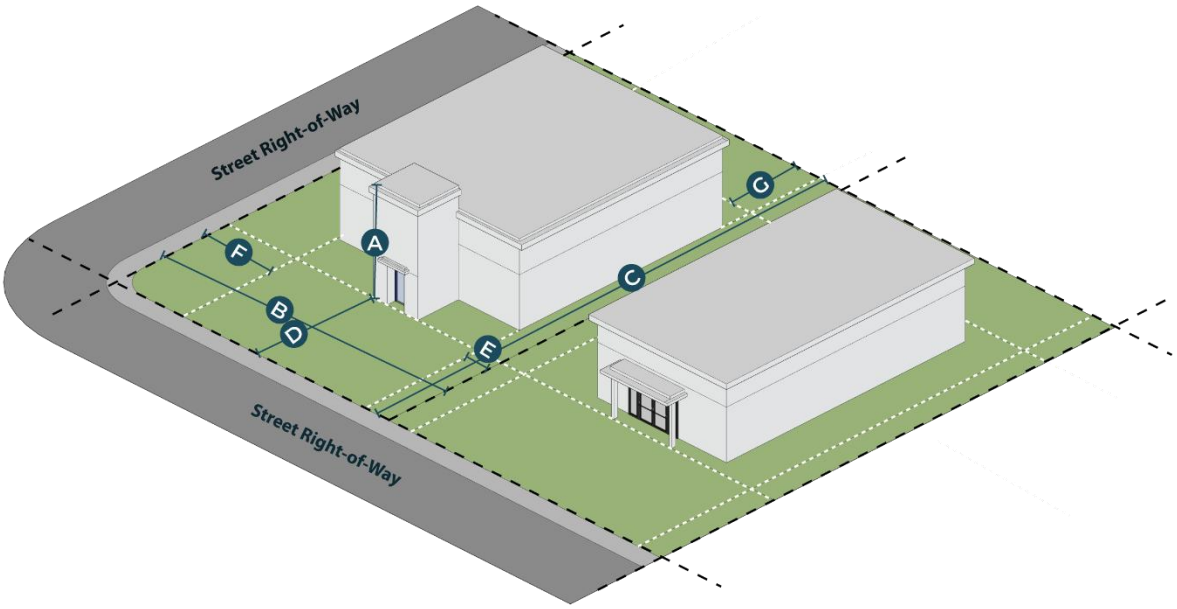
a. General Purpose and Description

The Commercial (C) District is intended for commercial and service-related establishments. Some light manufacturing may also be permitted under specific conditions. These uses will typically utilize smaller sites and operate in a manner which is generally not compatible with residential uses or certain nonresidential uses. Convenient access to thoroughfares and collector streets is also a primary consideration. ~~The C Commercial District is intended to provide a location for commercial and service-related establishments, such as wholesale product sales, welding/contractors shops, automotive repair services, upholstery shops, and other similar commercial uses. Some light manufacturing may also be allowed with certain conditions. The uses envisioned for the C Commercial District will typically utilize smaller sites and have operation characteristics which are generally not compatible with residential uses and some nonresidential uses. Convenient access to thoroughfares and collector streets is also a primary consideration.~~

b. Dimensional Standards

Commercial (C) District	
Height	
A Maximum Height: Main Building [1]	70 feet
Maximum Height: Accessory Buildings [1]	15 feet
Size of Lots	
Minimum Lot Area	10,000 square feet
B Minimum Lot Width	60 feet
C Minimum Lot Depth	100 feet
Size of Yards	
D Minimum Front Yard	25 feet Exception: Where a lot fronts on a designated arterial street, such front yard shall not be less than 35 feet
E Minimum Side Yard	5 feet Exception: Where a lot sides to a single-family residential district, the side yard setback shall not be less than 25 feet
G Minimum Rear Yard	15 feet Exception: If adjacent to a residential use, 60 feet; unless separated by an alley, 20 feet. When adjacent to an arterial street, 25 feet
Other Dimensional Requirements	
Maximum Lot Coverage	60%
Maximum Impervious Coverage	90%
[1] Additional height may be approved with a Conditional Use Permit (CUP)	

Figure 2.03-19. Lot and Yard Regulations for C District



c. Other Regulations~~Permitted Uses~~

i. See 2.04. Permitted Uses and Use-Based Standards~~Permitted Uses and Use-Based Standards~~ for permitted uses~~Those uses listed for the C District in the use charts (section 50-82) as "P" or "C" are authorized uses permitted by right or conditionally permitted uses, respectively~~.

~~d. Height Regulations~~

~~The maximum height in the C District shall be:~~

~~1. 70 feet for the main buildings; also see setback requirements related to height in subsection (d)(2)b of this section.~~

~~2. One story for accessory buildings.~~

~~3. Additional height may be approved by CUP.~~

~~e. Area Regulations~~

~~1. Size of Lot~~

~~(a) Minimum lot area: 10,000 square feet.~~

~~(b) Minimum lot width: 60 feet.~~

~~(c) Minimum lot depth; 100 feet.~~

~~2. Size of Yards~~

~~(a) Minimum front yard: 25 feet. Where a lot faces a designated arterial street, the front yard shall be a minimum of 35 feet.~~

~~(b) Minimum side and rear yard: ten feet. If adjacent to a single family, duplex (two family), patio home or single family attached district, then side and rear setbacks (within which parking is permitted) shall be according to the height of the primary structure, as follows:~~

~~Illustration 50-77-1: Setback and height relationship for commercial structures~~

~~(i) Setbacks shall be measured at a ratio of five feet in horizontal setback distance for every three feet of building height as shown in Illustration 50-75-2.~~

~~(ii) Setback measurements shall be calculated by story.~~

~~(iii) These measurements shall not limit any building to less than 35 feet.~~

~~iii.~~ii. Interior Side Yards for Retail Shopping Centers

When retail uses are platted adjacent to other retail uses and integrated into an overall shopping center site (i.e., lots/lease spaces abutting one another), no side yard is required provided it complies with the City's Building Code.

~~iv.~~iii. Exceptions for Certain Retail Shopping Center Outbuildings Fronting State Highway 249

Notwithstanding any other provision of this section to the contrary, the building line for retail outbuildings adjacent to State Highway 249 and State Highway 249 Bypass shall be ~~ten~~ 10 feet if:

(a) The retail outbuilding is within a shopping center development (a development comprised of retail businesses ~~which~~ that share common parking and pedestrian areas and facilities for their clientele) ~~which~~ that contains not less than 1¼ acres of land and which has not less than 240 feet of frontage on said State Highway 249 and State Highway 249 Bypass;

(b) The retail outbuilding contains not more than 100 square feet of floor area;

(c) The retail outbuilding is located so as not to create a hazard to vehicular or pedestrian traffic on the shopping center site, the adjacent State Highway 249 and State Highway 249 Bypass, or any other adjacent public or private street or property; limit spacing of said structures to no greater than one per 300 feet;

(d) The retail outbuilding is located not less than 50 feet from any paved portion of State Highway 249 and State Highway 249 Bypass, whether main lane or access road; and

(e) The retail outbuilding is located so as to be a minimum of 300 feet from the closest retail outbuilding along either side of State Highway 249 and State Highway 249 Bypass, measured in a straight line from the center fronts of each retail outbuilding.

~~(f) Maximum Lot Coverage~~

~~Maximum lot coverage is 60 percent including main and accessory buildings; maximum 90 percent impervious coverage (including all buildings, parking areas, sidewalks, etc.).~~

~~(g) Maximum Floor Area~~

~~Maximum floor area ratio (FAR) is 2:1.~~

~~v. The maximum glare produced by any industry shall be limited to four footcandles of illumination intensity beyond the industrial or commercial tract boundary throughout the light frequency spectrum beginning with ultraviolet and ending through the infrared wavelengths.~~

~~(Code 1978, § 5-9; Code 1993, § 14-9; Ord. No. 2008-01, § 31, 2-4-2008)~~

5. ~~Light~~ Industrial (~~LI~~) District

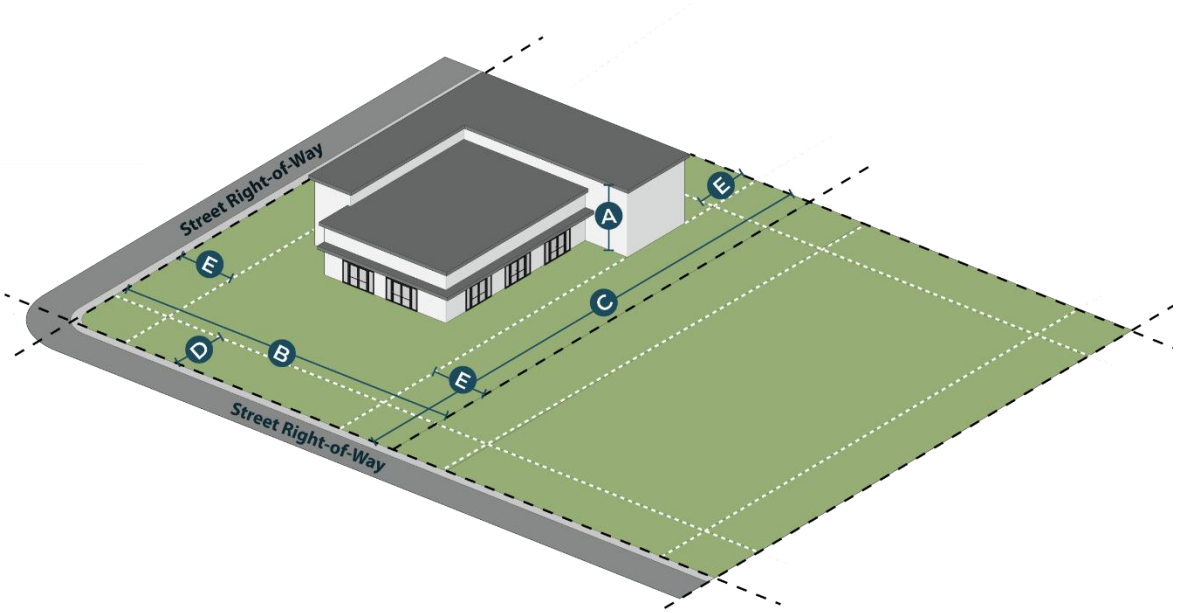
a. General Purpose and Description

The Industrial (I) District is intended primarily for the conduct of light manufacturing, warehousing, research and development, wholesaling, and service operations that do not rely on frequent customer visits. Accessibility to major thoroughfares, highways, or transportation routes like railroads is essential. ~~The LI Light Industrial District is intended primarily for the conduct of light manufacturing, assembling and fabrication activities, and for warehousing, research and development, wholesaling and service operations that do not typically depend upon frequent customer or client visits. Such uses do require accessibility to major thoroughfares, major highways, and/or other means of transportation such as the railroad.~~

b. Dimensional Standards

Industrial (I) District	
Height	
A Maximum Height: Main Building	70 feet
Maximum Height: Accessory Buildings	15 feet
Size of Lots	
Minimum Lot Area	5,000 square feet
B Minimum Lot Width	50 feet
C Minimum Lot Depth	100 feet
Size of Yards	
D Minimum Front Yard	25 feet Exception: Where a lot fronts on a designated arterial street, such front yard shall not be less than 35 feet
E Minimum Side and Rear Yards	25 feet Exception: Where a lot sides to a single-family residential district, the side yard setback shall not be less than 35 feet
Other Dimensional Requirements	
Maximum Lot Coverage	60%
Maximum Impervious Coverage	90%

Figure 2.03-20. Lot and Yard Regulations for I District



c. Other RegulationsPermitted Uses

See 2.04. Permitted Uses and Use-Based StandardsPermitted Uses and Use-Based Standards for permitted usesThose uses listed for the LI Light Industrial District in section 50-82 as "P" or "C" are authorized uses permitted by right or conditionally permitted uses, respectively.

d. Height Regulations

The maximum height in the LI District shall be:

1. 70 feet for the main buildings; also see setback requirements related to height in subsection (d)(2)b of this section.

2. One story for accessory buildings.

e. Area Regulations

1. Size of Lot

2. Minimum lot area: 5,000 square feet.

3. Minimum lot width: 50 feet.

4. Minimum lot depth: 100 feet.

5. Size of Yard

6. Minimum front yard: 25 feet.

~~7. Where a lot faces a designated arterial street, the front yard shall be a minimum of 35 feet.~~

~~8. Minimum side and rear yard: 25 feet.~~

~~9. If adjacent to a single-family, duplex (two family), patio home or single family attached district, then side and rear setbacks (within which parking is permitted) shall be according to the height of the primary structure, as follows:~~

~~10. Setbacks shall be measured at a ratio of five feet in horizontal setback distance for every three feet of building height as shown in Illustration 50-75-2.~~

~~11. Setback measurements shall be calculated by story.~~

~~12. These measurements shall not limit any building to less than 35 feet.~~

~~13. Maximum Lot Coverage~~

~~14. Maximum lot coverage is 60 percent including main and accessory buildings; maximum 90 percent impervious coverage (including all buildings, parking areas, sidewalks, etc.)~~

~~15. Maximum Floor Area~~

~~Maximum floor area ratio (FAR) is 2:1.~~

~~16. The maximum glare produced by any industry shall be limited to four footcandles of illumination intensity beyond the industrial or commercial tract boundary throughout the light frequency spectrum beginning with ultraviolet and ending through the infrared wavelengths.~~

~~(Code 1978, § 5-9; Code 1993, § 14-9; Ord. No. 2008-01, § 31, 2-4-2008)~~

F. Special Zoning Districts

1. Old Town (OT) ~~and Mixed Use~~ District ~~(OT and MU)~~

a. Purpose and Intent

i. ~~Old Town is an area in which many diverse land uses currently exist. The nature of the area, therefore, is a mixture of retail, commercial and other nonresidential uses, along with single-family homes and multiple-family uses. The City's comprehensive plan (the future land use plan) endorses the continuation of the mixture of uses in this area of the City, and specifically states that Retail, Office, Single-Family, Duplex (Two-Family) and Multifamily are the most appropriate uses in these areas. In addition, to serve existing residential areas and their successful integration with future nonresidential uses, increased pedestrian access would be beneficial. The Old Town and Mixed Use District is intended to provide a zoning mechanism for a variety of uses in the original town site and those areas that have a diverse mixture of uses.~~Old Town is home to a variety of land uses, including retail, commercial, and nonresidential activities, alongside single-family and multifamily residences. The future land use plan of the City's Comprehensive Plan supports the continuation of the mixture of uses in the area. Improved pedestrian access is seen as beneficial for integrating existing residential areas with future development. This district is intended to provide zoning flexibility to accommodate the variety of uses in the original town site and surrounding areas.

ii. The development standards in the Old Town area are designed to maintain and encourage development and redevelopment within the central business section (old downtown) of the City. Standards for the district are generally intended to regulate development such that new structures look similar to existing ones within this section of the City. They are also intended to preserve and enhance the image, character, and unique qualities of the City's historic original business district.

iii. Pedestrian activity and access ~~is~~are also of extreme importance within this district. Pedestrian spaces shall be treated with amenities that are selected based ~~up~~on their ability to unify the streetscape with the area's historic past. ~~It is important that elements such as construction materials, colors, textures and fixture design complement the area's historic qualities.~~These features shall be repeated throughout the streetscape so as to unify the district as a whole. The following pedestrian-oriented areas are permitted:

(a) Public art spaces;

(b) Monuments (e.g., statues, benches, fountains);

(c) Playgrounds;

(d) Transit waiting areas;

(e) Museums;

(f) Plazas;

(g) Performing art buildings; and

(h) Outdoor eating areas.

~~iv. The Old Town and Mixed Use District is also intended for those areas outside the Old Town area that either currently have or are suitable for a mixture of retail, commercial and other nonresidential uses, along with single-family homes and multifamily uses and are designated for such mixed use on the adopted comprehensive plan. Proposed planned mixed use development may also and is encouraged to utilize a Planned Development District with its flexibility.~~

iv. For the purposes of this district and its regulations, the term Old Town Area shall be defined to include all lots shown on the revised map filed of record with the County on July 8, 1912, a true and correct copy of which is on file in the office of the City Secretary, and which is identified as the Old Town Tomball Map.

b. Residential Dimensional Standards

Old Town (OT) District ~~Old TownDistrict~~	
Height	
Maximum Height	35 feet[1]
Maximum Height; Accessory Buildings	25 feet
Size of Lots[2]	
Minimum Lot Area	5,000 square feet
Minimum Duplex (two-family) Lot Area	7,000 square feet
Minimum Lot Width	50 feet
Minimum Radial Lot Width	50 feet at and for a distance of 30 feet behind the building line
Minimum Duplex (two-family) Lot Width	70 feet
Minimum Lot Depth	100 feet
Size of Yards[3]	
Minimum Front Yard	20 feet
Minimum Side Yard	5 feet
Minimum Corner Lot Side Yard	10 feet
Minimum Rear Yard	10 feet; the minimum rear yard where lots back on a designated arterial street shall not be less than 25 feet. However, lots backing up to a 20-foot alley shall have a 5-foot minimum rear yard and abutting a 15-foot alley shall have a 7.5-foot minimum rear yard

[1] Proposed building heights in excess of the maximum height may be allowed with a conditional use permit.

[2] Two or more lots of record in existence on the adoption date of the ordinance from which this article is derived that do not meet these area requirements and are under the same ownership may be combined into one parcel meeting the requirements of this district. Such parcel shall be considered one lot and all required yards shall be measured from the new lot lines not owned in common. No lot shall be created that has a front yard with less than 50 feet of frontage on the front street.

[3] Lots within the portion of the Old Town area bounded by Fannin Street, Houston Street, the railroad tracks, and Pine Street, and including the lots that front on Fannin Street and Houston Street adjacent to such portion, may have a zero front or rear building line provided, however, that the alternate front or rear building line shall be a minimum of 20 feet. Interior lots may have a minimum side yard building line equal to ten percent of the lot width if the lot has less than 50 feet of width; 10 feet for a corner lot.

c. Nonresidential Dimensional Standards

Old Town (OT) District ~~Old Town District~~	
Height	
Maximum Height	35 feet[1]
Maximum Height; Accessory Buildings	25 feet
Size of Lots	
Minimum Lot Area	5,000 square feet
Minimum Lot Width	50 feet
Minimum Duplex (two-family) Lot Width	70 feet
Minimum Lot Depth	100 feet
Size of Yards[2]	
Minimum Front Yard	20 feet
Minimum Side and Rear Yards	5 feet or 10% of the lot width if less than 50 feet of lot width when adjacent to a nonresidential zoning district or use.
Minimum Side and Rear Yards Adjacent to Single-Family or Duplex (two-family) Residential	20 feet
Interior Side Yard	When retail uses are platted adjacent to other retail uses and integrated into an overall shopping center site (i.e., lots/lease spaces abutting one another), no side yard is required provided it complies with the City's building code
[1] Proposed building heights in excess of the maximum height may be allowed with a conditional use permit. [2] With the exception of Cherry Street, for that portion of Old Town area bounded by Fannin Street, Houston Street, the railroad tracks, and Pine Street, and including the lots that front on Fannin Street and Houston Street adjacent to such portion, may have a zero front building line. Lots may have a zero-foot side and rear yard setback, provided no portion of the building obstructs the visibility of vehicular traffic.	

d. Other Regulations~~Permitted Uses~~

See **2.04. Permitted Uses and Use-Based Standards**~~**Permitted Uses and Use-Based Standards**~~ for permitted uses~~Those uses listed for the OT and MU District in the use charts (section 50-82) as "P" or "C" are authorized uses permitted by right or conditionally permitted uses, respectively~~.

~~e. Height Regulations~~

~~The maximum height in the OT and MU District shall be:~~

~~i. Two stories for the main building. A three or four story building may be allowed with a conditional use permit.~~

~~ii. One story for accessory buildings.~~

~~iii. Area regulations for residential uses.~~

~~f. Size of Lots~~

~~i. Minimum Lot Area:~~

~~(a) 5,000 square feet~~

~~(b) Duplex (two-family) lots shall be a minimum of 7,000 square feet~~

~~ii. Minimum Lot Width:~~

(a) 50 feet

(b) Radial lots shall have a minimum width of 50 feet at and for a distance of 30 feet behind the building line.

(c) The minimum width of lots for duplexes shall be 70 feet.

iii. Minimum Lot Depth:

(a) 100 feet.

iv. Two or more lots of record in existence on the adoption date of the ordinance from which this chapter is derived that do not meet these area requirements and are under the same ownership may be combined into one parcel meeting the requirements of this district. Such parcel shall be considered one lot and all required yards shall be measured from the new lot lines not owned in common. No lot shall be created that has a front yard with less than 50 feet of frontage on the front street.

g. Size of Yards

i. Minimum area requirements for a single-family residence shall be the same as the SF-6 district.

ii. Minimum area requirements for a Duplex (Two-Family) or Duplex Townhome shall be the same as the D District.

iii. Minimum area requirements for a multifamily complex shall be the same as the MF district unless otherwise specified herein.

iv. Minimum Front Yard:

(a) 20 feet

(b) Where lots have double frontage, running through from one street to another, the required front yard shall be provided on both streets.

v. Minimum Side Yard:

(a) Five feet

(b) Ten feet for a corner lot.

vi. Minimum Rear Yard:

(a) Ten feet

(b) The minimum rear yard where lots back on a designated arterial street shall not be less than 25 feet.

(c) Lots backing up to a 20 foot alley shall have a 5 foot minimum rear yard and abutting a 15 foot alley shall have a 7.5 foot minimum rear yard.

vii. Encroachment by Building Eaves and Air Conditioning Units:

Building eaves and air conditioning compressors may encroach not more than three feet beyond building lines into the required rear and side yard on lots created by subdivision plats for single-family residential use duly approved by the City and recorded with the county clerk of either county, as applicable, on or before November 1, 1999.

viii. Lots within the portion of the Old Town area bounded by Fannin Street, Houston Street, the railroad tracks, and Pine Street, and including the lots that front on Fannin Street and Houston Street adjacent to such portion, may have a zero front or rear building line provided, however, that the alternate front or rear building line shall be a minimum of 20 feet. Interior lots may have a minimum side yard building line equal to ten percent of the lot width if the lot has less than 50 feet of width; ten feet for a corner lot.

~~h. Minimum Floor Area~~

~~Minimum floor area per dwelling unit is 650 square feet of heated and/or air conditioned floor area.~~

~~i. Nonconforming Lots~~

~~Where a lawfully existing lot having less area, depth, or width than required existed in separate ownership on the effective date of Ordinance No. 2004-09, the regulations required by this section relating to the size of such lot shall not prohibit the erection of a single-family dwelling thereon.~~

~~j. Area Regulations for Nonresidential Uses~~

~~i. Size of Lots~~

~~(a) Minimum lot area: 5,000 square feet~~

~~(b) Minimum lot width: 50 feet~~

~~(c) Minimum lot depth: 100 feet~~

~~ii. Size of Yards~~

~~(a) Minimum area requirements for an office, retail or commercial use shall be the same as required in the Commercial District unless otherwise specified in this section.~~

~~(b) Minimum front yard is 20 feet.~~

~~(c) With the exception of Cherry Street, for that portion of the Old Town area bounded by Fannin Street, Houston Street, the railroad tracks, and Pine Street, and including the lots that front on Fannin Street and Houston Street adjacent to such portion, may have a zero front building line.~~

~~(d) Minimum side and rear yard is five feet or ten percent of the lot width if less than 50 feet of lot width when adjacent to a nonresidential zoning district or use. If adjacent to a single family, duplex (two-family), patio home or single-family attached district or use, then side and/or rear setback shall be a minimum of 20 feet. With the exception of Cherry Street, for that portion of the Old Town area bounded by Fannin Street, Houston Street, the railroad tracks, and Pine Street, and including the lots that front on Fannin Street and Houston Street adjacent to such portion, lots adjacent to a public right-of-way may have a zero-foot side and rear yard setback provided no portion of the building obstructs the visibility of vehicular traffic.~~

~~(e) Interior side yards~~

~~When retail uses are platted adjacent to other retail uses and integrated into an overall shopping center site (i.e., lots/lease spaces abutting one another), no side yard is required provided it complies with the City's building code.~~

~~iii.~~i. Old Town Area Required Yard and Building Line Exceptions

A commercial building constructed in the Old Town area before August 16, 1999~~, and which~~ that does not comply with the building lines set forth above~~,~~ may expand in size provided it maintains a minimum ~~ten~~10-foot front building line and a minimum ~~ten~~10-foot side building line~~., provided the owner demonstrates and the Chief Building Official determines that the use as conducted and managed, or as proposed, has minimal incompatibilities with the neighborhood. Factors used to evaluate this include:~~

~~That management practices eliminate problems such as noise, waste materials, competition for on-street parking, or similar conflicts.~~

~~The use's history of code enforcement complaints against it.~~

~~That the use has been maintained in good condition or that the nonconformity represents a disincentive for such maintenance.~~

(a) Appeal of the Chief Building Official's determination shall be to the Planning and Zoning Commission with the same notice requirements to adjacent property owners as to the Board of Adjustments.

iv. Vacant land, or lots or tracts formerly used as residential property, may be developed for commercial use without conforming to the building line requirements of this chapter if the property owner or his agent establishes the following:

(a) Three or more properties within a three block distance, whether on the same side of the street or across the street, have the same nonconformity; and

(b) Proposed development plans for the property are no more nonconforming than existing properties on the same street and maintain the same character as existing buildings.

k. Special Requirements

i. Building Facade Plan

The architectural style and scale of new/renovated buildings within the Old Town area on lots fronting on Commerce, Main, Market Streets between Elm and Pine Streets shall be compatible with the styles and scale of other adjacent buildings, and shall be historically accurate to the greatest extent possible in order to preserve the unique character of the City's downtown area. Therefore:

(a) In addition to the Building Permit Plan which is required by sections 50-35 and 50-36, a Building Facade Plan shall also be required within the above-mentioned Old Town area for new buildings and additions of more than 50 percent of the original structure's size. The Building Facade Plan shall be submitted in conjunction with the Building Permit Plan application.

(b) The Building Facade Plan shall clearly show how any new structure and/or any structure that is undergoing major exterior renovations will look. Especially significant is the way in which such structures will be viewed from the thoroughfare or alley upon which the property faces and/or sides, and shall portray a reasonably accurate depiction of the materials to be used.

(c) Review, approval and appeal procedures shall be the same as the procedures for a Building Permit Plan, as outlined in section 50-36.

(d) The city manager or his designee may, as he deems appropriate, require submission of information and materials (possibly actual samples of materials to be used) additional to those initially submitted by the applicant during the Building Facade Plan review process.

l.e. Residential Uses

i. Single-Family Uses

Single-family uses shall beare permitted and shall be compatible with existing surrounding single-family homes.

ii. Multifamily Residential and Nonresidential Uses (Mixed-Use)

Multifamily residential uses shall beare permitted within the Old Town and Mixed-Use District in conjunction with nonresidential uses (i.e., mixed-use development), wherein at least one floor of the building is dedicated to nonresidential use. Such structure shall meet the area requirements of the nonresidential use, provided parking is provided for all uses.

iii. Multifamily Residential Uses

Multifamily residential uses shall beare permitted within the Old Town and Mixed-Use District in accordance with the following standards:

(a) All dwelling units shall have ground-floor exterior access, which does not include access into a garage or access from a garage into a dwelling unit;

(b) All dwelling units shall have a front porch space of at least eight square feet located in front of the front door;

(c) All dwelling units shall have a pitched or gabled roof. Flat roofs shall be permitted to allow for the incorporation of terraces;

(d) Each dwelling unit shall have varying architectural elevations including varying rooflines, windows, stoop styles, etc.; and

(e) Exemptions to these standards may be made during the City's review process if the multifamily use is developed/constructed above (i.e., is located within a second or third story) a nonresidential use.

~~m.~~f. Nonresidential Design Standards for the Old Town Area

i. Facades

(a) Existing Nonresidential Buildings

False fronts or parapets may be added to existing buildings in order to add character and detail to simple facades.

(b) Newly Constructed Nonresidential Buildings

Any new facade shall avoid long, monotonous, uninterrupted exterior walls wherever such facades are publicly visible. No more than 20 feet of horizontal distance of exterior wall shall be provided without facade articulation/architectural relief for any facade facing a street right-of-way or pedestrian-oriented area ~~(refer to subsection (f)(3)c of this section)~~. Facade articulation/architectural relief can include pilasters, windows, entrances, arcades, awnings/canopies, or other types of building massing that modulates the building mass or surface texture.

ii. Exterior Finishes

(a) Predominant exterior finish ~~shall~~ is recommended to be fired brick or other masonry materials. ~~Materials other than fired brick shall be considered during the plan review process, and determination of approval shall be based upon whether such materials are~~Alternatively, other recommended materials include:

(i) Those s~~S~~imilar in appearance and quality to fired brick;

(ii) Those s~~S~~imilar in appearance to original materials used within the Old Town area; and/or

(iii) Cementitious fiberboard such as Hardie ~~-~~plank lap siding ~~may be approved~~is appropriate where the appearance is similar in appearance to the original materials used within the Old Town area.

(b) The use of glass material ~~shall be permitted~~is recommended for less than 70 percent of the exterior facade of a structure.

(c) Trim (i.e., lintels, sills, door jambs, cornices, and other similar items) ~~shall~~ are recommended to be brick, cast stone, stone, cast or wrought iron, or concrete, and colors ~~shall~~ should be complementary to the predominant facade colors.

(d) Accent colors for friezes, doors, and door frames, window frames and mullions, awnings, moldings and other similar features ~~shall~~ should be colors that are complementary to~~,~~ and compatible with~~,~~ the spirit and intent of the downtown streetscape. Bright or fluorescent colors ~~shall not be permitted~~are not recommended on any part of any structure.

iii. Windows, Doors, and Other Openings

(a) Reflective glass shall not be used for windows of any structure's first floor~~;~~.

(b) Ddetailing for windows, doors, and other openings ~~shall~~ should be of wood, glass, or a metal material that is complementary to the period or building style.

iv. Awnings/Canopies

(a) Ratio

Awnings shall be appropriate to the scale of the building's size and configuration. They shall not extend above the roofline of any single-story structure, or above the top of the second floor of any multiple-story structure at the awnings' highest points. Awnings shall not completely obstruct any windows on the building.

(b) Projection

Since awnings must extend beyond the building face, a reasonable amount of projection shall be allowed. No awning shall extend more than five feet outward from the building face/surface. Awnings made in such a manner as to be easily removed may encroach into the right-of-way, provided such awnings are at least eight feet above the sidewalk or surface, do not have any structural supports other than those directly attached to the building and are maintained and not allowed to deteriorate or become tattered, rusty, unpainted or unsightly. Awnings encroaching along Main Street may also have to get approval from the ~~state~~ Texas Department of Transportation.

(c) Colors

A mixture of colors is ~~recommended~~desirable, but no more than three different colors ~~shall be used~~are recommended for awnings on a single building facade (excluding business logo~~, which may have more colors~~). Bright or fluorescent colors ~~shall not be permitted~~are discouraged.

(d) Materials

Materials ~~shall be of~~should be cloth, canvas, or metal, or another material that is complementary to the period or building style and ~~that is~~must be fire retardant. ~~Plastic shall not be permitted.~~

(e) Movement

Except for slight movements that are normal for fabric canopies (i.e., along fringe, etc.), no movement ~~shall be allowed~~is recommended for awnings and canopy structures.

v. Streetscape Elements

Streetscape elements are considered to include the following: planters, window boxes, street furniture/furnishings, trash receptacles, and light features (e.g., fixtures attached to the structure). Such elements are permitted and shall be:

(a) Maintained to a high quality (i.e., no peeling paint, broken parts, etc.);

(b) Complementary to the historical time frame of the Old Town area;

(c) Similar to those previously approved by the City;

(d) Complementary in color to the main building color (bright or fluorescent colors ~~shall not be permitted~~are not recommended); and

(e) Located a maximum of five feet from the building front/facade.

~~n.~~g. Nonresidential Dumpsters and Mechanical Equipment

Dumpsters, ~~and~~ any other ~~waste storage~~refuse areas ~~(refuse areas)~~, mechanical, and rooftop equipment shall be screened in accordance with ~~section 50-115~~**2.05.E**. Screening, Buffering, and Fencing~~Screening, Buffering, and Fencing~~.

~~i. Mechanical equipment, air conditioning units, transformers, and the like shall be screened with a six-foot screen of shrubs or a masonry wall sufficient to properly shield such areas/containers from~~

~~public view; required screening shall be at least 70 percent opaque throughout the year, regardless of location. Roof-mounted equipment shall also be screened with devices (e.g., parapet wall) matching the building materials used in the structure upon which the equipment is located.~~

~~o.~~h. Additional Off-Street Parking Space Requirements

The following additional requirements shall modify the parking requirements in ~~section 50-82 and section 50-112~~**2.04**. Permitted Uses and Use-Based Standards~~Permitted Uses and Use-Based Standards~~ and **2.05.B**. Off-Street Parking and Loading~~Off-Street Parking and Loading~~ as they apply to the Old Town area. In addition, where there is a conflict, the requirements of this section shall supersede those in **2.05.B**. Off-Street Parking and Loading~~Off-Street Parking and Loading~~~~section 50-112~~.

i. Off-Street Parking

For that portion of the Old Town area bounded by Fannin Street, Houston Street, the railroad tracks, and Pine Street, and including the lots that front on Fannin Street and Houston Street adjacent to such portion, there shall not be a minimum off-street parking requirement for ~~mixed use and~~ nonresidential developments. Residential developments shall provide off-street parking stalls in accordance with **2.04**. Permitted Uses and Use-Based Standards~~Permitted Uses and Use-Based Standards~~~~section 50-82.~~

ii. Off-Site Parking

Use of off-site parking shall be permitted to satisfy the off-street parking requirements of this chapter if said off-site parking is within the Old Town area or blocks adjacent thereto. Provided further, no off-site parking space shall be designated for use by more than one business for the purposes of satisfying such requirements.

~~iii. On-Street Parking~~

~~In the area bounded by Main Street, Market Street, and Commerce Street, between Pine and Elm, one parking space credit shall be allowed for every 22 feet of development frontage less five feet reserve on either side of driveways and ten feet reserve on street intersections.~~

~~iv.~~iii. Off-Street Parking Design Standards

Required off-street parking areas within the Old Town area shall have individual spaces marked by painted lines or curbs or other means to indicate individual spaces. Parking schemes ~~which~~ that require the use of adjacent public or private streets for maneuvering ~~incidental to such parking~~ shall be allowed, except on Main Street. This requirement shall apply to all parking required for new construction and/or additions to existing buildings.

~~v.~~iv. Parking Garages

Parking garages ~~shall~~ should meet all requirements of the OT ~~and MU~~ District, including facade, streetscape, and building material requirements. Parking garages must be located to the side or rear of the main building.

~~p.~~i. Residential Adjacency Considerations

i. Site Design and Nuisance Concerns

The building owner must include in ~~his~~ their proposal measures for buffering, landscaping, or other site design, and any limitations necessary to address nuisance concerns, such as noise, to protect adjacent property owners.

ii. Screening

Screening of nonresidential uses and refuse areas shall be in accordance with ~~section 50-115~~**2.05.E**. Screening, Buffering, and Fencing~~Screening, Buffering, and Fencing~~.

iii. Outdoor~~side~~ Storage

Outdoorside storage, which is differentiated from outdoor sales, shall be limited to a maximum of five percent of the total lot area. For screening requirements see **2.05.E**. Screening, Buffering, and FencingScreening, Buffering, and Fencingsection 50-115.

(Ord. No. 2008-01, § 34, 2-4-2008; Ord. No. 2011-06, § 2, 5-2-2011; Ord. No. 2013-15, § 2, 9-3-2013; Ord. No. 2019-07, § 2, 4-1-2019; Ord. No. 2020-33, § 2, 12-7-2020)

2. Exterior Building Material/Façade Overlay District

a. General Purpose and Description

i. The Façade Overlay District (FOD) is intended to improve the aesthetics and integrity of development along the two main corridors within the City, FM 2920, SH 249 and SH Business 249, where higher development standards can effectively enhance the City's image as a desirable place to live, work, and shop.

ii. The FOD is limited to a specified area encompassing land that has already been assigned conventional zoning district classifications. It supplements the standards of the underlying conventional districts with new or different standards. In the event of a conflict between the standards of the FOD and the regulations of the underlying zoning district, the standards described herein will prevail.

b. Scope and Enforcement

i. New Buildings

All new nonresidential buildings shall adhere to this section.

ii. Existing Buildings and Additions to Existing Buildings

Existing buildings shall conform to this section upon expansion exceeding 25 percent in area of the building.

c. District Boundary

Properties with frontage on either side of FM 2920, properties with frontage on either side of SH 249, and properties with frontage on either side of SH 249 Business. Properties zoned Old Town and Mixed Use are not included in the FOD boundary.

d. Building Façade Standards

Requirements are applicable to all sides of a building or structure visible from FM 2920, SH 249, and SH 249 Business. A building façade plan of the entire proposed project shall be submitted with site plan review documents.

i. Building Articulation

Building articulation, which is the expression or outlining of parts of the building by its architectural design, shall be provided in order to achieve the following:

(a) Create a complementary pattern or rhythm, dividing large buildings into smaller, identifiable portions.

(b) Break up the building mass through offsets and other methods that articulate the horizontal and vertical building planes.

ii. Building Materials

A minimum of 100 percent of a building's total façade visible from FM 2920, SH 249 and SH Business 249, shall utilize materials allowed by right or Special Exception.

(a) Allowed by right

Masonry and glass.

~~(b) Allowed by Special Exception~~

~~New technologies not addressed or contemplated by these regulations may also be allowed by Special Exception, if such materials are consistent with the visual nature and quality of the masonry materials permitted herein. Additionally, franchise businesses with an established theme that has not been deviated from in any other jurisdiction may apply for a Special Exception to use a material not permitted in this section.~~

~~(c) Trim Materials~~

~~Architectural metal, EIFS (exterior insulation and finish systems), wood, cementitious fiberboard may be utilized for window and door trim, fascia, or soffit. EIFS may be used as a trim material but shall not be used within six feet of the ground.~~

~~(d) Bright or fluorescent colors shall not be permitted on any building material.~~

~~(e) All facades of an individual building, multiple buildings in a shopping center, or integrated business development shall have architectural design, color, and materials that are compatible or consistent with an overall theme.~~

~~(Ord. No. 2015-16, § 4, 9-8-2015)~~

~~3.~~2. Planned Development (PD) District

The Planned Development (PD) District is a zoning tool used to accommodate unique and innovative development that is not otherwise feasible based on the UDC's standard provisions. See **2.02.D. Planned Developments (PDs)**~~Planned Developments (PDs)~~ for more information on the requirements and process for PDs.

2.04. Permitted Uses and Use-Based Standards

A. Permitted Uses Generally

1. Conformance With the Use Charts

a. Generally

The use of land and/or buildings shall be in accordance with those listed in the following use charts. No land or building shall hereafter be used and no building or structure shall be erected, altered, or converted other than for those uses specified in the zoning district in which it is located. The legend for interpreting the permitted uses in the use charts are:

P	Designates use permitted in the zoning district indicated
(Blank)	Designates use prohibited (i.e., not allowed) in the zoning district indicated
C	Designates use may be permitted in the zoning district indicated by a CUP (also see Sec. 2.02.Esection 50-81)
‡	The land use is defined within section 50-2

b. Unlisted Uses

If a use is not listed (or is blank) in the use charts, it is not allowed in any zoning district (see c belowc belowsubsection (a)(4) of this section).

Use Chart Organization

The land uses are listed in the use charts in alphabetical order.

c. Classification of New/Unlisted Uses

It is recognized that new types of land use will arise in the future, and forms of land use not presently 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 in the use charts shall be made as follows:

i. Director Classification as Similar Use

(a) The new or unlisted use will be referred to the Community Development Director to determine whether the new or unlisted use should be classified as a similar existing use. If the Director is unable to classify the new or unlisted use as similar to an existing use, the use shall be processed as a Zoning Text Amendment request (see 2.02.B. Zoning Text or Map Amendments (Rezoning)Zoning Text or Map Amendments (Rezoning)) as outlined below.

Initiation

A person, City department, the Planning and Zoning Commission, or the City Council may propose zoning amendments to regulate new and previously unlisted uses.

(b) A person requesting the addition of a new or unlisted use shall submit to the Community Development Directorcity manager or his designee, all information necessary for the classification of the use, including but not limited to the following:

(i) The nature of the use and whether the use involves dwelling activity, sales, services, or processing;

(ii) The type of product sold or produced under the use;

(iii) Whether the use has enclosed or outdoorside storage and the amount and nature of the storage;

(iv) Anticipated employment typically anticipated with the use;

(v) Transportation requirements;

(vi) The nature and time of occupancy and operation of the premises;

(vii) The off-street parking and loading requirements;

(viii) The amount of noise, odor, fumes, dust, toxic materials, and vibration likely to be generated;

(ix) The requirements for public utilities such as sanitary sewer and water and any special public services that may be required; and

(x) Impervious surface coverage.

~~2. The city manager or his designee, shall refer the question concerning any new or unlisted use to the Planning and Zoning Commission, requesting a recommendation as to the zoning classification into which such use should be placed. The referral of the use interpretation question shall be accompanied by the statement of facts in subsection (a)(4)a.2 of this section. An amendment to this chapter shall be required as prescribed by . section 50-34.~~

~~iii.~~ii. Commission and Council Action

(a) The Planning and Zoning Commission shall consider the nature and described performance of the proposed use and its compatibility with the uses permitted in the various districts and determine the zoning district or districts within which such use is most similar and should be permitted (by right or by CUP). 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.

(b) The City Council shall approve or disapprove the recommendation of the Planning and Zoning Commission or make such determination concerning the classification of such use as is determined appropriate based upon its findings. If approved, the new or unlisted use shall be amended in the use chart~~s of subsection(b) of this section~~ according to **2.02.B**. Zoning Text or Map Amendments (Rezoning)~~Zoning Text or Map Amendments (Rezoning)section 50-34~~.

~~4. Standards for new and unlisted uses may be interpreted by the city manager, or his designee, as those of a similar use. When a determination of the appropriate zoning district cannot be readily ascertained, the same criteria outlined in subsection (a)(b) of this section shall be followed for determination of the appropriate district. The decision of the city manager, or his designee, may be appealed according to the process outlined in subsections (a)(4)a2 through (a)(4)d of this section.~~

B. Permitted Use Chart

Figure 2.04-1. Permitted Use Chart

Land Use	Residential Districts									Nonresidential Districts						Parking	Specific Use Standards
	AG	SF-20	SF-9	SF-7.5	SF-6	D	MF-1	MF-2	MHP	O	NR	GR	C	I	OT		
Agriculture																	
Bulk Grain or Feed Storage	P												C	C		1 space per 1,000 square feet	
Agriculture Use	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	None	
Feed And Grain Store	C											C	P	P	C	1 space per 500 square feet	
Livestock Sales/Auction	C															None	
Stable, Commercial	C													C		1 space per 1,000 square feet	
Stables, Private	P	C	C	C	C											None	
Residential																	
Accessory Dwelling Unit	P	P	P	P	C	C	C	C							P	None	2.04.C.2.a. Accessory Dwelling Unit~~Accessory Dwelling Unit~~

Land Use	Residential Districts									Nonresidential Districts						Parking	Specific Use Standards
	AG	SF-20	SF-9	SF-7.5	SF-6	D	MF-1	MF-2	MHP	O	NR	GR	C	I	OT		
Caretaker's or Guard's Residence	P	C						P		P	P	P	P	P	P	1 space per caretaker/guard	2.04.C.2.b. Caretaker's or Guard's Residence~~Caretaker's or Guard's Residence~~
Triplex or Quadplex							P	P							P	2 spaces per dwelling	
~~Mobile Home~~																~~2 spaces per dwelling~~	
HUD Code-Manufactured Home									P						C	2 spaces per dwelling	2.04.C.2.c. Manufactured Home Parks~~Manufactured Home Parks~~
Manufactured Home Park or Subdivision									P							2 spaces per lot	2.04.C.2.c. Manufactured Home Parks~~Manufactured Home Parks~~
Multiple-Family								P							P	2 spaces per dwelling	2.04.C.2.d. Multiple-Family Dwellings~~Multiple-Family Dwellings~~
Townhome						P	P	P							P	2 spaces per dwelling	2.04.C.2.f. Townhomes and Single-Family Attached~~Townhomes and Single-Family Attached~~
Single-Family, Detached	P	P	P	P	P	P	P	P							P	2 spaces per dwelling	
Duplex						P	P	P							P	2 spaces per dwelling	
Zero-Lot Line/Patio Home						P	P	P							P	2 spaces per dwelling	2.04.C.2.e. Zero-Lot Line and Patio Home~~Zero-Lot Line and Patio Home~~
Residential Use	P	P	P	P	P	P	P	P	P	C	C	C	C		P	2 spaces per dwelling	
Cottage Court						P	P									2 spaces per dwelling	2.04.C.2.g. Cottage Courts~~Cottage Courts~~
Mixed Use						P	P	P					P		P	Based on uses in the development	2.04.C.2.h. Mixed-Use~~Mixed-Use~~
Office																	
Emergency Room or Urgent Care												P	P	P	C	1 space per 200 square feet	
Medical or Dental Office										P	P	P	P	P	P	1 space per 300 square feet	
Banks and Financial Institutions (With Drive-Through Service)										C	P	P	P	P	P	1 space per 300 square feet	2.04.C.11.a. Drive-Throughs~~Drive-Throughs~~
Banks and Financial Institutions (With No Drive-Through Service)										P	P	P	P	P	P	1 space per 300 square feet	
Professional Office										P	P	P	P	P	P	1 space per 300 square feet	
Office Showroom/ Warehouse										C		C	P	P	P	1 space per 300 square feet	
Temporary Real Estate Field Office	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	4 spaces	2.04.C.3.b. Temporary Real Estate Field Office~~Temporary Real Estate Field Office~~
Model Home	P	P	P	P	P	P	P	P	P	P	P	P	C	C	P	2 spaces per model	2.04.C.3.c. Model Home~~Model Home~~
Temporary Contractors Field Office	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	None	2.04.C.3.a. Temporary Contractors Field Office~~Temporary Contractors Field Office~~
Personal and Business																	
Ambulance Service												C	P	P	C	1 space per 500 square feet	
Automobile Driving School										C	P	P	P	P	P	1 space per classroom seat	
Bed and Breakfast	P	C	C	C	C	C	C	C		C	C	P	P		P	2 spaces plus one per guest room	
Dance Hall/Night Club												C	C		P	1 space per 100 square feet	

Land Use	Residential Districts									Nonresidential Districts						Parking	Specific Use Standards
	AG	SF-20	SF-9	SF-7.5	SF-6	D	MF-1	MF-2	MHP	O	NR	GR	C	I	OT		
Art or Recreational Studio	C	C	C	C	C	C	C	C	C	C	P	P	P	P	P	1 space per 100 square feet	
Fortunetelling and Similar Activities														C		1 space per 300 square feet	
Funeral Home or Mortuary												C	P	P	C	1 space per 100 square feet	2.04.C.4.a. Funeral Home or Mortuary
Health Club										C	P	P	P	P	P	1 space per 300 square feet	
Hotel												P	P		C	One space per guest room for the first 250 rooms and 0.75 space per room for each room over 250, plus one space per five restaurant/lounge area seats (based upon maximum occupancy), plus one space per 125 square feet of meeting/conference areas.	2.04.C.4.b. Hotels~~Hotels~~
Alternative Financial Institution												C	C			1 space per 200 square feet	
Personal Services										C	P	P	P	P	P	1 space per 200 square feet 2 spaces per station for Barber/Beauty Salons	
Nail Salon										C	P	P	P	P	P	2 spaces per station	
Pet and animal grooming shop (no outside kennels)										C	P	P	P	P	P	2 spaces per station	
Commercial Kitchen/Commissary											P	P	P	P	P	1 space per 500 square feet	
Motel													C		C	One space per guest room for the first 250 rooms and 0.75 space per room for each room over 250, plus one space per five restaurant/lounge area seats (based upon maximum occupancy), plus one space per 125 square feet of meeting/conference areas.	
Wedding Chapel or Reception Venue	C	C								C	C	P	P	P	P	1 per 4 seats	
Recreational Vehicle Park										C						1 per RV space unit	2.04.C.4.c. Recreational Vehicles~~Recreational Vehicles~~
Halfway House	C	C	C	C	C	C	C	C	C	C	C	P	P	P	C	Greater of 1 per three beds or 1.5 spaces per dwelling	
Chemical Dependency Facility	C	C	C	C	C	C	C	C	C	C	C	P	P	P	P	Greater of 1 per three beds or 1.5 spaces per dwelling	
Retail, Incidental										P	P	P	P		P	None	
Sexually Oriented Business														C		1 space per 200 square feet	
Tattoo or Body Piercing Studio												C	C		C	1 space per 200 square feet	
Retail																	

Land Use	Residential Districts									Nonresidential Districts						Parking	Specific Use Standards
	AG	SF-20	SF-9	SF-7.5	SF-6	D	MF-1	MF-2	MHP	O	NR	GR	C	I	OT		
Artist or Photography Studio										C	P	P	P	P	P	1 space per 500 square feet	
Bakery, Retail										C	P	P	P	P	P	1 space per 200 square feet	2.04.C.11.a. Drive-ThroughsDrive-Throughs
Bakery (Wholesale)													P	P	P	1 space per 500 square feet	
Brewpub										C	C	P	P	P	P	1 space per 1,000 square feet for the brewing of beer, ale, etc., plus 1 space per 100 square feet for associated eating or drinking establishments	
Building, Materials, and Landscaping Store												P	P	P	P	1 space per 400 square feet plus one per 1,000 square feet of warehouse area	
Convenience Store										C		P	P	P	C	1 space per 200 square feet	
Bar										C	C	P	P	P	P	1 space per 100 square feet	
Private Club												C	C	C	C	1 space per 100 square feet	
Micro Brewery, Micro Winery, or Micro Distillery													P	P	P	1 space per 100 square feet	
Eating Establishment (With Drive-In Service)											C	C	P	P	P	Greater: 1 per 100 square feet; 1 per 3 seats based on max seating capacity or; 1 per 12 spaces	
Eating Establishment (With No Drive-Through Service)										C	P	P	P	P	P	1 space per 100 square feet	
Eating Establishment (With Drive-Through Service)											C	P	P	P	P	1 space per 100 square feet	2.04.C.11.a. Drive-ThroughsDrive-Throughs
Furniture And Appliance Store											C	P	P	P	P	1 space per 500 square feet	
General Retail Stores										C	PC	P	P	P	P	1 space per 200 square feet 1 space per 300 square feet for buildings over 20,000 square feet	
Coffee Roasting													C	P		1 space per 1,000 square feet	
Mobile Food Court												C	C	C	C	Whichever is greater: 1 per 100 square feet of seating area or 2 per mobile food vendor	2.04.C.5.a. Mobile Food CourtsMobile Food Courts
Motion Picture Studios, Commercial Films												C	P	P	P	1 space per 300 square feet	
Theater (Indoor)											C	P	P	P	P	1 space per 3 seats for single-screen theaters 1 space per 5 seats for two or more screen theaters	
Plant Nursery												P	P	P	P	1 space per 1,000 square feet of sales area	
Painting and Refinishing Shop												C	P	P	P	1 space per 500 square feet	
Stone Monuments and Gravestones, Engraving And Retail Sales Only												C	P	P	C	1 space per 500 square feet	

Land Use	Residential Districts									Nonresidential Districts						Parking	Specific Use Standards
	AG	SF-20	SF-9	SF-7.5	SF-6	D	MF-1	MF-2	MHP	O	NR	GR	C	I	OT		
Transportation and Auto Services																	
Airport or Landing Field	C													C		1 space per 500 square feet	
Automobile Accessory Installation												C	P	P		1 space per 200 square feet	
Vehicle Dealership and Rental Services												P	P	P	C	1 per 500 square feet of indoor area (including display, offices, repair) 1 per 1,000 square feet of outside display/storage/sales area	2.04.C.6.a. Auto Sales Vehicle Dealership and Rental Services~~Auto Sales Vehicle Dealership and Rental Services~~
Automotive Parts and Accessories Sales												P	P	P	P	1 space per 200 square feet	
Automotive Repair and Service, Major												C	P	P	P	1 space per 200 square feet	
Automotive Repair and Service, Minor												P	P	P	P	1 space per 200 square feet	2.04.C.6.b. Automotive Repair and Service, Minor~~Automotive Repair and Service, Minor~~
Auto Storage or Auto Auction													C	P		1 space per 1,000 square feet	2.04.C.11.c. Outdoor Storage~~Outdoor Storage~~
Wrecking or Salvage Yard													P	P	C	1 per 300 square feet of indoor area (including display, offices, repair) 1 per 1,000 square feet of outside display/storage/sales area	2.04.C.10.a. Wrecking or Salvage Yards~~Wrecking or Salvage Yards~~
Automobile Wash (Full Service/Detail Shop)												P	P	P	P	3 space per washing capacity of module	2.04.C.6.c. Automobile Wash~~Automobile Wash~~
Automobile Wash (Self-Service)												C	P	P	P	3 space per washing capacity of module	2.04.C.6.c. Automobile Wash~~Automobile Wash~~
Fleet Facility													P	P		1 space per 1,000 square feet	
Fueling Station (Gasoline/Charging)												P	P	P		1 space per 200 square feet of floor area, plus 1 parking space for each side of a gasoline pump unit (a unit may have up to six nozzles for gasoline disbursement).	2.04.C.11.b. Fuel Pumps/EV Charging Stations ~~Fuel Pumps/EV Charging Stations~~
Motor Freight Terminal													P	P	C	For warehouse and staging/loading areas, 1 space per 1,000 square feet of floor area; for bus depot or other human transportation use, 1 space per 100 square feet of passenger waiting area, plus parking spaces for any warehouse and staging/loading areas on the premises (as above).	2.04.C.11.b. Fuel Pumps/EV Charging Stations ~~Fuel Pumps/EV Charging Stations~~

Land Use	Residential Districts									Nonresidential Districts						Parking	Specific Use Standards
	AG	SF-20	SF-9	SF-7.5	SF-6	D	MF-1	MF-2	MHP	O	NR	GR	C	I	OT		
Recreational Vehicle/Camper Sales												P	P	P	C	1 per 300 square feet of indoor area (including display, offices, repair) 1 per 1,000 square feet of outside display/storage/sales area	2.04.C.6.a. Auto Sales Vehicle Dealership and Rental Services~~Auto Sales Vehicle Dealership and Rental Services~~
Parking Lot or Garage	C		C	C	C	C	C	C		C	C	P	P	P	C	None	
Rail Yard													P	P	C	1 space per 1,000 square feet	
Taxi/Limousine Service												C	P	P	C	1 space per 1.5 automobiles in service	
Tire Sales (With Outdoor Storage)													C	P		1 space per 1,000 square feet	2.04.C.11.c. Outdoor Storage~~Outdoor Storage~~
Waste Management	C												C	C		1 space per 500 square feet of indoor space	
Transit Terminal													P	P	C	For warehouse and staging/loading areas, one space for each 1,000 square feet of floor area; for bus depot or other human transportation use, one space per 100 square feet of passenger waiting area, plus parking spaces for any warehouse and staging/loading areas on the premises (as above).	
Transportation and Utility Structures or Facilities														P		For warehouse and staging/loading areas, one space for each 1,000 square feet of floor area; for bus depot or other human transportation use, one space per 100 square feet of passenger waiting area, plus parking spaces for any warehouse and staging/loading areas on the premises (as above).	
Truck and Bus Leasing													P	P		1 space per 1,000 square feet	
Truck and Bus Repair														P		1 space per 1,000 square feet	
Truck Sales and Services													P	P		1 space per 1,000 square feet	
Truck Stop													C	P	C	1 space per 1,000 square feet	2.04.C.11.b. Fuel Pumps/EV Charging Stations ~~Fuel Pumps/EV Charging Stations~~
Truck Terminal													P	P		1 space per 1,000 square feet	
Recycling Collection Center														C		1 space per 500 square feet of indoor space	

Land Use	Residential Districts									Nonresidential Districts						Parking	Specific Use Standards
	AG	SF-20	SF-9	SF-7.5	SF-6	D	MF-1	MF-2	MHP	O	NR	GR	C	I	OT		
Amusement and Recreation																	
Amusement, Commercial (Indoor)											C	P	P	P	C	1 space per 200 square feet	
Amusement, Commercial (Outdoor)	C											C	P	P	C	10 spaces plus 1 per 500 square feet over 5,000 square feet of building and recreation area Golf driving range: 1½ spaces per each driving tee.	
Amusement, Commercial (Temporary)									C				C	P	C	Determined by P and Z	
Dinner Theater												P	P	P	P	1 per 4 seats or bench seating space	
Theater or Playhouse (Indoor)												P	P	P	P	1 per 4 seats or bench seating space	
Drive-In Theater	P												C	C	C	1 space per speaker	
Golf Course	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	6 spaces per hole	
Playfield, Stadium, or Sports Arenas	C											C	P	P	P	1 space per three seats	
Recreational Vehicle (RV) Park/Campground	C												C	P	C	1 per RV pad	2.04.C.4.c. Recreational Vehicles~~Recreational Vehicles~~
Swimming Pool, Commercial										C	C	P	P	P	P	1 space per 100 square feet of gross water surface and deck area	2.04.C.7.a. Swimming Pools~~Swimming Pools~~
Tennis Court (Not Lighted)	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	2 spaces per court	
Tennis Court (Lighted)	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	2 spaces per court	
Amphitheater													C	C		1 per 4 seats or bench seating space	
Institutional/Governmental																	
Adult Day Care							P	P		C		P	P		P	1 space per 6 clients	
Assisted Living							P	P		C	C	P	P		P	1 space per 6 beds; plus 1 space for each 300 square feet of floor area devoted to offices, cafeterias, exercise/therapeutic rooms, and other similar ancillary uses.	
Auction House												C	P	P	C	1 space per 100 square feet	
Wireless Communication Facility	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	None	2.04.C.8.a. Communications Antennas and Support Structures/Towers~~Communications Antennas and Support Structures/Towers~~
Cemetery or Mausoleum	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	1 space per 5,000 square feet of land	
Child Care Facility, Day Care								C		C	P	P	P		P	1 space per 5 children	
Child Care Facility, Children's Home							P	P				P	P			1 space per 300 square feet	
Religious Assembly or Institution	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	1 space per 4 seats in sanctuary	
Civic Center	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	10 spaces plus 1,300 square feet above 2,000	
Civic Club										P	P	P	P	P	P	10 spaces plus 1,300 square feet above 2,000	
Recreation or Community Center	C	C	C	C	C	C	C	C	C	P	P	P	P	P	P	1 space per 300 square feet	

Land Use	Residential Districts									Nonresidential Districts						Parking	Specific Use Standards
	AG	SF-20	SF-9	SF-7.5	SF-6	D	MF-1	MF-2	MHP	O	NR	GR	C	I	OT		
Community Home For Persons With Disabilities	P	P	P	P	P	P	P	P	P						P	1 space per employee plus 1 space per 2 residents	
Electric Power Plant													C	P	C	1 space per 1,000 square feet	
Electric Storage System														C		2 spaces per facility	
Electrical Substation	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	1 space per 1,000 square feet	
Event Facility	C												C	C	C	1 space per 1,000 square feet of land area	
Child Care Home (≤ 6 Children)	P	P	P	P	P	P	P	P	P	P	P	P	P		P	1 space per 10 children plus 1 space per teacher	
Child Care Home (≥ 7 Children)	P	P	P	P	P	P	P	P	P	P	P	P	P		P	1 space per 10 children plus 1 space per teacher	
Fraternity or Sorority House						C	C	C		C	C	C	C		C	2 spaces per bedroom	
Air Transportation Related Uses										C	C	C	C	C	C	3 spaces	
Medical Laboratory													P	P		1 space per 500 square feet	
Hospital										C		P	P	P	P	1 space per bed	
Household Care Facility	P	P	P	P	P	P	P	P	P						P	1 space per 6 clients	
Household Care Institution												P	P	P		1 space per 6 clients	
Institution For Alcoholic, Narcotic, Or Psychiatric Patients (Out-Patient)												C	C	P	C	1 space per 200 square feet	
Institution For Alcoholic, Narcotic, or Psychiatric Patients (In-Patient)												P	P	P		1 space per 200 square feet	
Massage Therapy Establishment (Licensed)												P	P	P	P	1 space per 200 square feet	
Municipal or Governmental Use	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	1 space per 300 square feet	
Library, Museum, or Art Gallery	C	C	C	C	C	C	C	C	C	P	C	P	P	P	P	1 space per 300 square feet; 1 per 500 square feet for buildings over 20,000 square feet	
Park or Playground	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	Determined by P and Z	
Correctional Facility	C												P	P	C	1 space per 500 square feet	
Retirement Housing for the Elderly						P	P	P								2 spaces per dwelling unit	
Riding Academy	P	C	C	C	C	C	C	C	C	C	C	C	C	P	C	1 space per five stalls	
Solid Waste Facility or Landfill														C		1 space per ten acres	
Sanitary Station or Dump Facility														C		5 spaces	
School, College or University	C	C	C	C	C	C	C	C	C	C	C	P	P	P	P	10 per classroom plus 2 per office	
School, Commercial, Trade, Technical										C	C	P	P	P	P	1 space per 2 students	
School, Primary and Secondary	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	See Specific Use Standards	2.04.C.8.b. School, Primary and Secondary
Boarding Home Facility								C				C	C	C	C	1 space per 3 beds or 1.5 per dwelling	
Radio or Television Studio										P		P	P	P	P	1 space per 200 square feet	
Telephone and Exchange/Switching Station	C									P		P	P	P	C	1 space per 500 square feet	

Land Use	Residential Districts									Nonresidential Districts						Parking	Specific Use Standards
	AG	SF-20	SF-9	SF-7.5	SF-6	D	MF-1	MF-2	MHP	O	NR	GR	C	I	OT		
Commercial																	
Animal Kennel (Outdoor Pens)	P												C	P		1 space per 500 square feet plus 1 space per 1,000 square feet of outdoor space	
Animal Kennels (Indoor Pens)	P												P	P		1 space per 500 square feet	
Appliance Service and Repair										C	C	P	P	P	P	1 space per 500 square feet	
General Commercial Plant												C	P	P	C	1 space per 1,000 square feet	
Cattle, Swine, or Poultry Feedlot (CAFO)	C													C		1 space per 5,000 square feet of land	
Contractor's Shop and Storage Yard	C												P	P		1 space per 300 square feet of indoor space plus 1 space per 5,000 square feet of outdoor storage area	2.04.C.11.c. Outdoor Storage~~Outdoor Storage~~
Contractor's Shop	C											P	P	P	P	1 space per 500 square feet of indoor space plus 1 space per 1,000 square feet of outdoor storage area	
Exterminator Service		C										P	P	P	P	1 space per 300 square feet	
Machine Shop													P	P	C	1 space per 1,000 square feet	
Maintenance and Repair Service For Buildings												C	P	P	C	1 space per 500 square feet	
Manufactured Home Display or Sales													C	P	C	1 space per 1,000 square feet of inside building and outside storage/display area	2.04.C.9.a. Large Equipment and Materials Storage and Sales~~Large Equipment and Materials Storage and Sales~~
Warehousing and Distribution												C	P	P	C	1 space per 1,000 square feet	
Self Storage												C	P	P	C	4 spaces	
Moving and Storage Facilities													P	P	C	1 space per 1,000 square feet	
Outdoor Sales as a Primary Use												C	P	P		1 space per 5,000 square feet of land area	
Pawnshop													P	P	C	1 space per 200 square feet	
Propane Sales Filling												C	P	P	C	1 space per 200 square feet	
Publishing and Printing												C	P	P	P	1 space per 500 square feet	
Scientific and Industrial Research Laboratories (Hazardous)													C	P		1 space per 300 square feet	
Scientific and Industrial Research Laboratories (Nonhazardous)										P		C	P	P	P	1 space per 300 square feet	
Tool and Machinery Rental												C	P	P	C	1 space per 300 square feet	
Small Engine Repair Shop												C	P	P	C	1 space per 300 square feet	
Veterinarian Clinic (Indoor Kennels)	P										C	P	P	P	P	1 space per 500 square feet	

Land Use	Residential Districts									Nonresidential Districts						Parking	Specific Use Standards
	AG	SF-20	SF-9	SF-7.5	SF-6	D	MF-1	MF-2	MHP	O	NR	GR	C	I	OT		
Veterinarian Clinic (Outdoor Kennels or Pens)	C												C	P		1 space per 500 square feet plus 1 space per 1,000 square feet of outdoor space	~~2.04.C.9.a.~~
Manufacturing/Industrial																	
Concrete or Asphalt Batch Plant														C		1 space per 5,000 square feet of land	
Concrete or Asphalt Batch Plant (Temporary)												C	P	P		1 space per 5,000 square feet of land	
Crematory														C		1 space per 1,000 square feet	
Food Processing													C	P		1 space per 1,000 square feet	
Foundry, All Types																1 space per 1,000 square feet	
Heavy Machinery Sales and Storage													C	P		1 space per 1,000 square feet	2.04.C.9.a. Large Equipment and Materials Storage and Sales~~Large Equipment and Materials Storage and Sales~~
Laboratory Equipment Manufacturing														C		1 space per 1,000 square feet	
Petroleum and Petroleum Products Refining																1 space per 1,000 square feet	
Petroleum Distribution/Storage													C	P		1 space per 1,000 square feet	
Poultry Hatchery																1 space per 1,000 square feet	
Poultry Slaughtering and Processing																1 space per 1,000 square feet	
Rendering Plant																1 space per 1,000 square feet	
Resource Extraction	C													C		1 space per acre	
Sand, Gravel, or Stone Storage And Sales	C												C	P		1 space per 1.5 employees, plus five per acre	2.04.C.9.a. Large Equipment and Materials Storage and Sales~~Large Equipment and Materials Storage and Sales~~
Water Distillation													P	P		1 space per 1,000 square feet	
Cold Storage Plants/Locker													P	P		1 space per 1,000 square feet	
Ice Cream/Ice Manufacture													P	P		1 space per 1,000 square feet	
Awning Manufacture, Cloth, Metal and Wood													P	P		1 space per 1,000 square feet	
Bag Manufacturing													P	P		1 space per 1,000 square feet	
Bottling Works													P	P		1 space per 1,000 square feet	
Broom Manufacture													P	P		1 space per 1,000 square feet	
Canvas and Related Products Manufacture													P	P		1 space per 1,000 square feet	
Engraving Plant													P	P		1 space per 1,000 square feet	
Envelope Manufacture													P	P		1 space per 1,000 square feet	
Office Equipment Manufacture													P	P		1 space per 1,000 square feet	
Orthopedic, Prosthetic, Surgical Appliances and Supplies Manufacture													P	P		1 space per 1,000 square feet	
Paper Products and Paper Box Manufacture													P	P		1 space per 1,000 square feet	

Land Use	Residential Districts									Nonresidential Districts						Parking	Specific Use Standards
	AG	SF-20	SF-9	SF-7.5	SF-6	D	MF-1	MF-2	MHP	O	NR	GR	C	I	OT		
Plastic Products, Molding, Casting and Shaping													P	P		1 space per 1,000 square feet	
Clothing Manufacture													P	P		1 space per 1,000 square feet	
Electronic Assembly													P	P	C	1 space per 1,000 square feet	
Electro-Plating/Electro-Typing													P	P	C	1 space per 1,000 square feet	
Mattress, Making and Renovating													P	P	C	1 space per 1,000 square feet	
Artificial Flower Manufacture												C	P	P		1 space per 1,000 square feet	
Candy and Other Confectionary Products Manufacture												C	P	P		1 space per 1,000 square feet	
Ceramic Products Manufacture												C	P	P		1 space per 1,000 square feet	
Automobile Assembly														P	C	1 space per 1,000 square feet	
Automobile Parts Manufacturing													C	P	C	1 space per 1,000 square feet	
Canning and Preserving Factory													C	P		1 space per 1,000 square feet	
Coffin Manufacture													C	P		1 space per 1,000 square feet	
Cutlery, Handtools and General Hardware Manufacture													C	P		1 space per 1,000 square feet	
Dairy Products Manufacture													C	P		1 space per 1,000 square feet	
Electric Lamp Manufacture													C	P		1 space per 1,000 square feet	
Enameling and Painting													C	P		1 space per 1,000 square feet	
Farm/Garden Machinery and Equipment Manufacture													C	P		1 space per 1,000 square feet	
Footwear Manufacture													C	P		1 space per 1,000 square feet	
Fixtures Manufacture													C	P		1 space per 1,000 square feet	
Furniture Manufacture													C	P		1 space per 1,000 square feet	
Machinery Manufacture													C	P		1 space per 1,000 square feet	
Marble Working and Finishing													C	P		1 space per 1,000 square feet	
Metal Cans and Shipping Containers Manufacture													C	P		1 space per 1,000 square feet	
Metal Products, Stamping and Manufacture													C	P		1 space per 1,000 square feet	
Mirror Resilvering													C	P		1 space per 1,000 square feet	
Paint Manufacture and/or Mixing													C	P		1 space per 1,000 square feet	
Pecan Processing													C	P		1 space per 1,000 square feet	
Rug and Carpet Manufacture													C	P		1 space per 1,000 square feet	
Sign Manufacturing (No Outdoor Storage)													C	P		1 space per 1,000 square feet	
Sign Manufacturing (With Outdoor Storage)													C	P		1 space per 1,000 square feet	2.04.C.11.c. Outdoor Storage~~Outdoor~~ ~~Storage~~

Land Use	Residential Districts									Nonresidential Districts						Parking	Specific Use Standards
	AG	SF-20	SF-9	SF-7.5	SF-6	D	MF-1	MF-2	MHP	O	NR	GR	C	I	OT		
Textile Products Manufacture													C	P		1 space per 1,000 square feet	
Tire Retreading and Recapping													C	P		1 space per 1,000 square feet	
Wood Container Manufacture													C	P		1 space per 1,000 square feet	
Wood Products Manufacture													C	P		1 space per 1,000 square feet	
Boiler Manufacture and Repair														P		1 space per 1,000 square feet	
Elevator Manufacture														P		1 space per 1,000 square feet	
Printing Ink Manufacture														P		1 space per 1,000 square feet	
Truck Manufacture														P		1 space per 1,000 square feet	
Waste Paper Products Manufacture														P		1 space per 1,000 square feet	
Flour and Other Grain Mills														P		1 space per 1,000 square feet	
Aircraft Parts Manufacture														P		1 space per 1,000 square feet	
Airplane Repair and Manufacturing														P		1 space per 1,000 square feet	
Feed Manufacture													C	C		1 space per 1,000 square feet	
Leather Products Manufacture													C	C		1 space per 1,000 square feet	
Animal Processing and Slaughter													C	C		1 space per 1,000 square feet	
Any Manufacture or Industrial Process Not Listed and Not Prohibited By Law													C	C		1 space per 1,000 square feet	
Adhesives and Sealants Manufacture													C	C		1 space per 1,000 square feet	
Acid Manufacture														C		1 space per 1,000 square feet	
Asphalt Paving and Roofing Material Manufacture														C		1 space per 1,000 square feet	
Battery Manufacture														C		1 space per 1,000 square feet	
Bleaching/Chorine Powder Manufacture														C		1 space per 1,000 square feet	
Casein Manufacture														C		1 space per 1,000 square feet	
Celluloid and Similar Cellulose Manufacture														C		1 space per 1,000 square feet	
Cement Manufacture														C		1 space per 1,000 square feet	
Chalk Manufacture														C		1 space per 1,000 square feet	
Chemicals (Agricultural) Manufacture														C		1 space per 1,000 square feet	
Chemicals (Industrial) Manufacture														C		1 space per 1,000 square feet	
Culvert Manufacture														C		1 space per 1,000 square feet	
Distillation of Liquors, Spirits, etc. (Brewery)														C		1 space per 1,000 square feet	
Dye Manufacture														C		1 space per 1,000 square feet	
Felt Manufacture														C		1 space per 1,000 square feet	

Land Use	Residential Districts									Nonresidential Districts						Parking	Specific Use Standards
	AG	SF-20	SF-9	SF-7.5	SF-6	D	MF-1	MF-2	MHP	O	NR	GR	C	I	OT		
Furnace Manufacture														C		1 space per 1,000 square feet	
Gases (Industrial) Manufacture														C		1 space per 1,000 square feet	
Glucose Manufacture														C		1 space per 1,000 square feet	
Hair Products Factory (Other Than Human)														C		1 space per 1,000 square feet	
Kerosene Manufacture or Storage														C		1 space per 1,000 square feet	
Lumber Mill/Yard														C		1 space per 1,000 square feet	
Meat Packing Plant														C		1 space per 1,000 square feet	
Oil Compounding and Barreling														C		1 space per 1,000 square feet	
Oilcloth Manufacture														C		1 space per 1,000 square feet	
Paper and Paper Pulp Manufacture														C		1 space per 1,000 square feet	
Snuff Manufacture														C		1 space per 1,000 square feet	
Shellac and Varnish Manufacture														C		1 space per 1,000 square feet	
Soap, Detergents, Cleaning Preparations Manufacture														C		1 space per 1,000 square feet	
Starch Manufacture														C		1 space per 1,000 square feet	
Steel Works, Blast Furnaces and Rolling Mills														C		1 space per 1,000 square feet	
Stone Cutting or Crushing														C		1 space per 5,000 square feet of land area	
Stone, Clay, Glass and Concrete Products (Other Than Handicrafts) Manufacture														C		1 space per 5,000 square feet of land area	
White Lead Manufacture														C		1 space per 5,000 square feet of land area	
Wood Distillation (Manufacture of Tar, Charcoal, Turpentine and Similar														C		1 space per 5,000 square feet of land area	
Wood Preserving Manufacture and Treatment														C		1 space per 5,000 square feet of land area	
Accessory/Temporary																	
Drive-Through										C	C	P	P		C	None	2.04.C.11.a. Drive-Throughs~~Drive-Throughs~~
Electric Vehicle (EV) Charging Station										C	C	P	P		C	None	2.04.C.11.b. Fuel Pumps/EV Charging Stations ~~Fuel Pumps/EV Charging Stations~~
Fuel Pump										C	C	P	P		C	None	2.04.C.11.b. Fuel Pumps/EV Charging Stations ~~Fuel Pumps/EV Charging Stations~~
Outdoor Display										C	C	P	P		C	None	2.04.C.11.d. Outdoor Display~~Outdoor Display~~
Outdoor Storage										C	C	P	P	P	C	None	2.04.C.11.c. Outdoor Storage~~Outdoor Storage~~
Service Building										P	C	P	P	P	C	None	
Garage or Yard Sales	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	None	2.04.C.11.e. Garage or Yard Sales~~Garage or Yard Sales~~
Temporary Outdoor Sales												P	P		P	See Specific Use Standards	2.04.C.11.f. Temporary Outdoor Sales~~Temporary Outdoor Sales~~

Land Use	Residential Districts									Nonresidential Districts						Parking	Specific Use Standards
	AG	SF-20	SF-9	SF-7.5	SF-6	D	MF-1	MF-2	MHP	O	NR	GR	C	I	OT		
Temporary Storage Containers												P	P	P		See Specific Use Standards	2.04.C.11.h. Temporary Storage Containers~~Temporary Storage Containers~~
Open Air Market (Temporary)													C	C	C	1 space per 200 square feet	2.04.C.11.f. Temporary Outdoor Sales~~Temporary Outdoor Sales~~
Seasonal Uses (Temporary)													C	C	C	1 space per 500 square feet	2.04.C.11.f. Temporary Outdoor Sales~~Temporary Outdoor Sales~~
Home Occupation	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	None	2.04.C.11.i. Home Occupations~~Home Occupations~~

C. Use-Based Standards

1. Agriculture

Reserved for future use.

2. Residential

a. Accessory Dwelling Unit

i. No more than one (1) Accessory Dwelling Unit shall be permitted on a lot.

ii. Accessory Dwelling Units must meet the height and setback requirements established by the zoning district.

iii. An Accessory Dwelling Unit shall be limited in size to not more than 50% of the total floor area of the principal dwelling's living space.

iv. Accessory Dwelling Units may be rented or occupied by a guest but shall not be sold separately from the principal dwelling.

v. Accessory Dwelling Units may have a separate utility meter from the principal dwelling.

~~ii. Accessory dwellings (including garage/accessory dwellings and detached units) may be permitted as a matter of right or with a conditional use permit, if approved, as specified within a particular residential zoning district (see regulations for the specific district, and the use charts, section 50-82), and shall conform to the height limitations of the zoning district.~~

b. Caretaker's or Guard's Residence

i. No ~~accessory dwelling or quarters~~Caretaker's or Guard's Residence shall be used or occupied as a place of ~~abode or~~ residence by anyone other than a caretaker who is actually and regularly employed by the landowner or occupant of the main building, or is a guest(s) or family member(s) of the ~~owner/occupant~~caretaker. ~~Only one accessory dwelling unit (i.e., garage/accessory dwelling, servants/caretakers quarters, etc.) shall be allowed on any lot within a residential zoning district, and they shall be clearly incidental to the primary use.~~

ii. No more than one (1) Caretaker's or Guard's Residence shall be permitted on a lot.

iii. A Caretaker's or Guard's Residence ~~These accessory living structures~~ shall not, in any case, be leased or sold.

c. Manufactured~~/Mobile~~ Home Parks

See **2.05.G.4**. Manufactured Homes and Manufactured Home Parks~~Manufactured Homes and Manufactured Home Parks~~.

d. Multiple-Family Dwellings

i. Green Space; Recreational Areas

(a) A minimum of 50 percent of the gross platted area shall be open green space and common recreational areas.

(i) The minimum percentage of open space and common recreational areas may be reduced ~~by the Planning and Zoning Commission~~ at the time of site plan approval to 20 percent of the gross platted area, provided the area is intensively landscaped with underground irrigation systems and continuous maintenance is provided for.

(b) The open green space and common recreational areas shall be areas not specifically designated or used as building sites for dwelling units, buildings sites for utility or storage buildings, parking lots, garages, streets or driveways within the multifamily development.

(c) The actual surface area of open green space, such as lawns and landscaping, and common recreational areas, such as swimming pools and surrounding paved deck, tennis courts,

community rooms, saunas, and other recreational areas, shall be considered in calculating the minimum requirement for open green space and common recreational areas.

(d) Required buffer yards, except surfaced parking and driveways located within said buffer yards, if any, may be included in computing the minimum required area of green space and common recreational areas.

~~Screening~~

~~In addition to the requirements in section 50-115~~2.05.E. ~~Screening, Buffering, and Fencing,~~ ~~the following screening requirements shall apply to multifamily dwelling developments.~~

~~(e) All refuse containers shall be screened.~~

~~(f) A six foot solid fence, wall, or other similar opaque screening device shall be constructed on the side or rear of any multifamily dwelling complex adjacent to a single-family zoned property.~~

~~Fire Easements Accessible~~

~~All points on the exterior facades of all buildings shall be within 150 feet of a dedicated fire lane easement (as measured by an unobstructed pathway or route for fire hoses).~~

~~Fire Sprinkler System~~

~~All multifamily developments shall be provided with a fire sprinkler system in accordance with all other City ordinances.~~

ii. Walkways

A four-foot-wide paved walkway shall connect the front door of each ground floor unit to a parking area. The minimum width of any sidewalk adjacent to head-in parking spaces shall be six feet to accommodate a two-foot bumper overhang for vehicles. Sidewalks of concrete cement or other masonry construction shall be provided between the dwelling units and all community facilities provided for residents in accordance with applicable City standards and specifications. All walks shall be ~~lighted~~ lit at night with a minimum intensity of two foot-candles' illumination.

iii. Building Length

Buildings shall not exceed 200 feet in length.

iv. Oversized Parking Areas

Boats, campers, trailers and other recreational vehicles shall be prohibited unless oversize parking areas are provided and approved by the City. This parking area shall not be used to meet the minimum parking requirements and shall not be visible from a public street.

v. ~~Signage—~~Address Signage~~Number~~

All buildings containing residential units shall provide signage ~~which~~ that clearly identifies the numbers (i.e., addresses) of the units within each building. Signage shall be visible from entrances into the complex and/or from vehicular drive aisles within the complex such that each individual unit is easy to locate by visitors, delivery persons, and/or emergency personnel.

~~Lighting~~

~~All parking areas shall have appropriate lighting and shall be positioned such that lights are shielded and do not adversely impact adjacent residential areas.~~

vi. Gated/Secured Entrances

Gated/secured entrances shall be in accordance with the design standards for gated/secured entrances on private streets as adopted.

vii. Streets or Driveways

Each multifamily dwelling complex shall have driveways constructed of concrete cement or hot mixed asphalt, shall be curbed and guttered in accordance with existing requirements of the City, and shall be at least 28 feet in width throughout. All driveways shall be ~~lighted~~ lit at night with a minimum intensity of two foot-candles' illumination.

viii. Required Amenities

All new multiple-family development must include a minimum of three amenities from the menu below, with at least one amenity from each category.

(a) Outdoor Amenities

(i) Balconies or patios for each unit

(ii) Community plazas or courtyards

(iii) Dog park

(iv) Playground equipment

(v) Swimming pool

(b) Indoor Amenities

(i) Fitness center

(ii) Business center

(iii) Community room

(iv) Indoor recreational room

(c) Social and Lifestyle Amenities

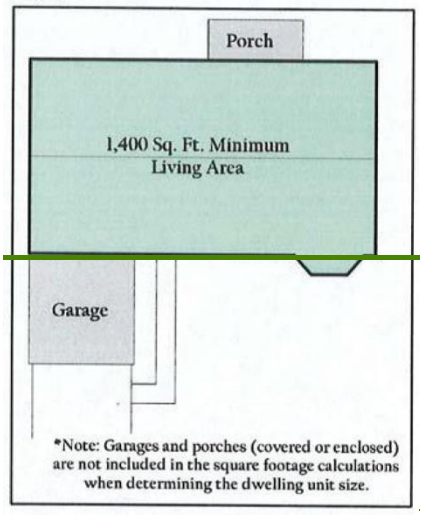
(i) Walking trails

(ii) Outdoor grills and picnic areas

~~(i)~~(iii) Community garden

e. Zero-Lot Line and Patio Home~~Reserved~~

~~f. Illustration 50-80-1: Floor area for the PD-PH District]~~



~~1. Minimum Regulations~~

~~Each PD Planned Development District shall establish regulations deemed necessary and appropriate for the development of the property within the district and the protection of neighboring properties. The following regulations are minimums, but are not limited to, and may be increased or otherwise modified for a particular development:~~

i. Maximum Density

Maximum density is ~~ten~~ 10 dwelling units per acre ~~with each having a minimum of 900 square feet of living area~~.

ii. Minimum Lot Requirements

(a) Lot size: 4,000 square feet.

(b) Width: 40 feet. **(See** Figure 2.04-2. Lot and Yard Regulations for Zero Lot Line Developments~~Figure 2.04-2. Lot and Yard Regulations for Zero Lot Line Developments~~.**)**

(c) Depth: 100 feet. **(See** Figure 2.04-2. Lot and Yard Regulations for Zero Lot Line Developments~~Figure 2.04-2. Lot and Yard Regulations for Zero Lot Line Developments~~.**)**

iii. Minimum required yards and building lines:

(a) Front is 20 feet, except that where a lot faces on an arterial street, the front building line shall not be less than 35 feet. **(See** Figure 2.04-2. Lot and Yard Regulations for Zero Lot Line Developments~~Figure 2.04-2. Lot and Yard Regulations for Zero Lot Line Developments~~.**)**

(b) Side – Interior Lots

The side building line, to include eaves and appurtenances, shall not be less than five feet. On zero lot line homes the side yards shall be a minimum of zero feet and ten feet respectively. **(See** Figure 2.04-2. Lot and Yard Regulations for Zero Lot Line Developments~~Figure 2.04-2. Lot and Yard Regulations for Zero Lot Line Developments~~.**)**

(c) Side – Corner lots are 15 feet, except that where a lot sides on an arterial street, the building line shall not be less than 25 feet. **(See** Figure 2.04-2. Lot and Yard Regulations for Zero Lot Line Developments~~Figure 2.04-2. Lot and Yard Regulations for Zero Lot Line Developments~~.**)**

(d) Rear – Generally are 15 feet, except where the rear property line abuts an alleyway, there shall be a minimum of 30 feet between the buildings abutting said alleyway, provided that if the alleyway is a 20-foot alleyway, then the minimum rear building line shall be not less than five feet, and if the alleyway is a 15-foot-wide alleyway, then the minimum rear building line shall be not less than 7.5 feet. Zero lot line developments shall be a minimum of ten feet. **(See** Figure 2.04-2. Lot and Yard Regulations for Zero Lot Line Developments~~Figure 2.04-2. Lot and Yard Regulations for Zero Lot Line Developments~~.**)**

(e) Rear – Arterial Street

The rear building line where a lot backs on an arterial street shall not be less than 25 feet.

iv. Maximum Lot Coverage

Not more than 60 percent of a lot may be covered with buildings, driveways, sidewalks, or other impermeable material~~, unless approved otherwise at the time of the PD Planned Development District and/or site plan approval by the Planning and Zoning Commission and the City Council~~.

v. Maximum Height

Maximum height is two stories, or 35 feet in total height, including gables. **(See** Figure 2.04-2. Lot and Yard Regulations for Zero Lot Line Developments~~Figure 2.04-2. Lot and Yard Regulations for Zero Lot Line Developments~~.**)**

vi. Green Space/Recreational Areas

(a) A minimum of 20 percent of the gross platted area shall be open green space.

(b) The term "open green space" is defined as, and limited to common areas of open space or landscaping and community recreational areas that are irrigated and continuously maintained.

(c) The term "open green space" does not include areas specifically designated or used as building sites for patio home or zero lot line units, building sites for utility or storage buildings, parking lots, garages, streets, or driveways within a patio home development.

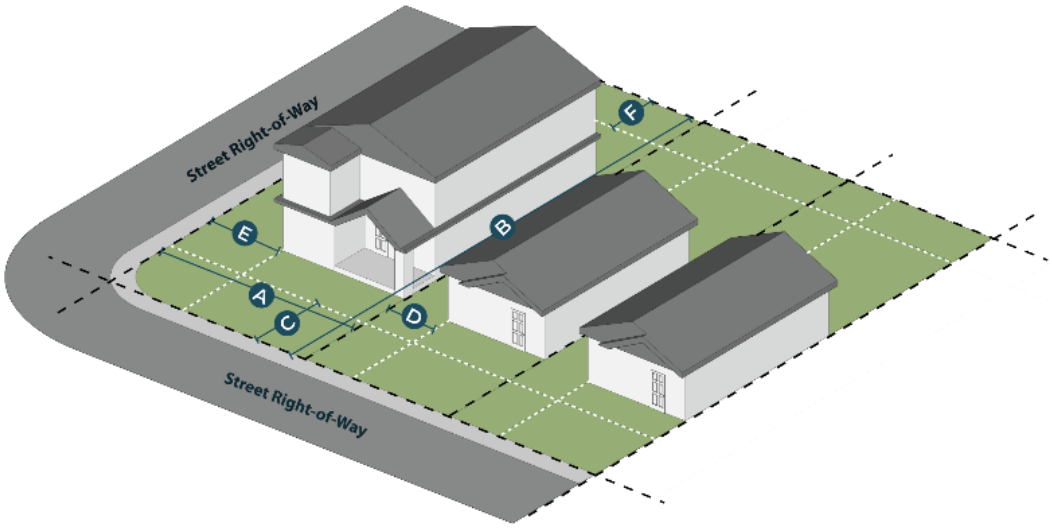
(d) The actual surface areas of open green space, such as common area lawns and landscaping, community swimming pools and surrounding paved deck area, community tennis courts, community rooms, community saunas, and other common recreational areas, shall be considered in calculating the minimum requirement for open green space.

(e) Detention ponds and surrounding areas may also be considered "open green space" so long as the detention area is amenitized.

(f) Required buffer yards, except surfaced parking and driveways located within said buffer yards, if any, may be included in computing the minimum required area of open green space.

Figure 2.04-2. Lot and Yard Regulations for Zero Lot Line Developments

Lot Width	Lot Depth	Front Yard Setback	Interior Side Yard Setback	Corner Lot Side Yard Setback	Rear Yard Setback
A	B	C	D	E	F



~~7. Reserved~~

~~8. Reserved~~

~~9. Reserved~~

~~j.~~f. ~~Area And Height Regulations For~~ Townhomes and Single-Family Attached ~~Residential Dwelling Units~~

i. Minimum Acreage

The minimum acreage for a planned development request for a townhome or single-family attached single-family residential dwelling unit complex shall be four acres.

~~ii. Regulations~~

~~Each PD Planned Development District shall establish regulations deemed necessary and appropriate for the development of the property within the district and the protection of neighboring properties. The following regulations are minimums but are not limited to, and may be increased or otherwise modified for a particular development:~~

~~iii.~~ii. Maximum density is 12 dwelling units per acre.

~~iv.~~iii. Minimum lot requirements:

(a) Lot size: 3,600 square feet.

(b) Width: 25 feet.

(c) Depth: 100 feet.

~~v.~~iv. Minimum Required Yards and Building Lines

(a) Front is 20 feet, except that where a lot faces on an arterial street, the front building line shall not be less than 35 feet.

(b) Side – Interior Lots

There shall be no side yard or building line for a side of an interior lot ~~which~~ that is adjacent to another townhome. The two side yard or building lines when two units do not share a common

lot line, including eaves and appurtenances, shall be any combination that provides at least ten feet between structures.

(c) Side – Corner lots are 15 feet, except that where a lot sides on an arterial street, the building line shall not be less than 25 feet.

(d) Rear – Generally are ten feet, except where the rear property line abuts an alleyway, there shall be a minimum of 30 feet between the buildings abutting said alleyway, provided that if the alleyway is a 20-foot alleyway, then the minimum rear building line shall be not less than five feet, and if the alleyway is a 15-foot-wide alleyway, then the minimum rear building line shall be not less than 7.5 feet.

(e) Rear – Arterial Streets

The rear building line where a lot back on an arterial street shall not be less than 25 feet.

~~vi.~~v. Maximum Lot Coverage

Not more than 60 percent of a lot may be covered with buildings, driveways, sidewalks, or other impermeable material.

~~vii.~~vi. Maximum Height

Two stories, or 25 feet in total height, including gables, shall be the maximum height.

~~viii.~~vii. Green Space/Recreational Areas

(a) A minimum of 30 percent of the gross platted area shall be open green space.

(b) The term "open green space" is defined as, and limited to common areas of open space or landscaping and community recreational areas that is irrigated and continuously maintained.

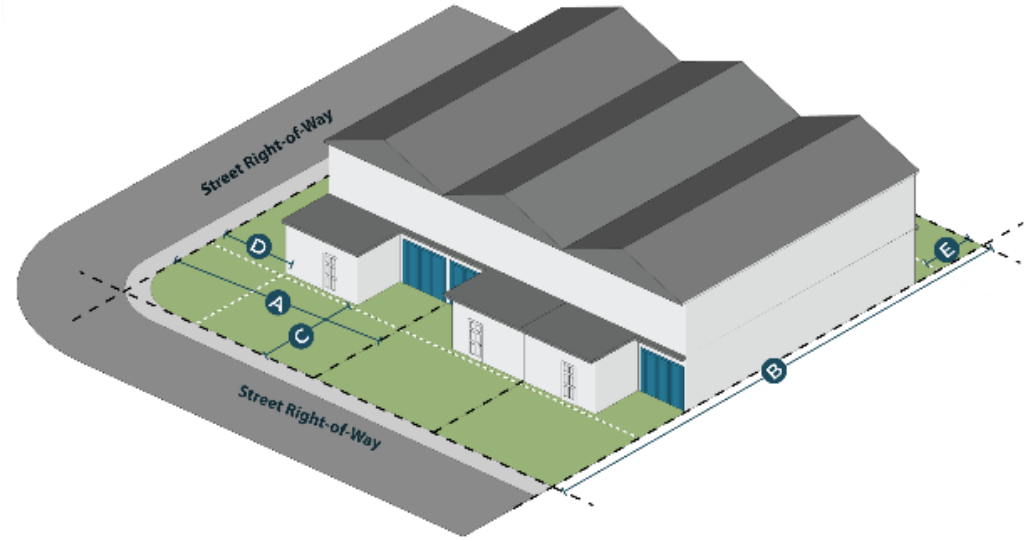
(c) The term "open green space" does not include areas specifically designated or used as building sites for patio home or zero lot line units, building sites for utility or storage buildings, parking lots, garages, streets, or driveways within a patio home development.

(d) The actual surface areas of open green space, such as common area lawns and landscaping, community swimming pools and surrounding paved deck area, community tennis courts, community rooms, community saunas, and other common recreational areas, shall be considered in calculating the minimum requirement for open green space.

(e) Required buffer yards, except surfaced parking and driveways located within said buffer yards, if any, may be included in computing the minimum required area of green space.

Figure: 2.04.4 Lot and Yard Regulations for Townhomes and Attached Single Family

Lot Width	Lot Depth	Front Yard Setback	Corner Lot Side Yard Setback	Rear Yard Setback
A	B	C	D	E



~~ix.~~viii. Screening Requirements

A fence, wall, or other similar screening device, of not less than six feet nor more than eight feet in height, shall be constructed and maintained along the two sides and the rear of each patio home development complex; provided, however, no such screening device shall be required adjacent to portions of the development ~~which~~ that contain green space, lakes, or natural habitat for a distance of 50 feet or more from such perimeter boundary.

~~x.~~ix. Sidewalks

~~Sidewalks of c~~Concrete ~~cement or other masonry construction~~sidewalks shall be provided along all streets within a townhome development in accordance with applicable City standards and specifications.

~~xi.~~x. Visitor Parking

In addition to the parking required in **2.04.B**. Permitted Use Chart~~Permitted Use Chartsection 50-112~~, the on and off street parking shall be analyzed to ensure that a minimum of one additional space per every two dwelling units is available for visitor parking.

g. Cottage Courts

i. Each dwelling unit must be on a separate platted lot.

ii. The common area must be a separate platted lot, owned and maintained by a homeowners' association.

iii. Front façades of other dwellings and entrances must be oriented to the common area with pedestrian infrastructure (e.g., a sidewalk) from each front door to the green space. Frontage on the common area is considered to meet the requirement for frontage on a public or private street.

iv. The minimum total lot area required for a cottage court is the cumulative area required for each dwelling in the cottage court.

v. The zoning district standards apply to each individual dwelling within the cottage court with the following exceptions:

(a) The maximum building height is limited to 25 feet for all dwellings.

(b) The minimum front setback required is 10 feet.

(c) The minimum interior side setback required is 5 feet.

vi. Common areas must meet the following standards:

(a) The minimum area of the common area is 2,000 square feet or 500 square feet per dwelling unit, whichever is greater.

(b) Of the required amount of common area space, 70 percent of the common area must have a minimum width of 40 feet.

(c) Of the required amount of common area space, 75 percent must be centrally located.

(d) All common area space must be accessible to all residents.

(e) Private yards associated with dwellings are not counted toward the required amount of common area.

h. Mixed-Use

i. Uses

(a) This use allows for multifamily housing in conjunction with a nonresidential use, where the residential use is located above a nonresidential use in the same structure. Both the residential and nonresidential use types must be permitted within the same zoning district. This use also allows for a combination of nonresidential uses that are permitted within the same zoning district.

(b) At least 75 percent of the first story of the structure shall be used for nonresidential use(s). The remaining portion of the structure above the first story may be used for either residential or nonresidential uses, or a combination of both.

(c) If a one-story structure exists on the property, 100 percent of the structure shall be occupied for nonresidential use(s) only.

(d) Drive-through features for the transaction of business are prohibited.

ii. Required Fenestration

(a) The ground floor shall be 50 percent to 75 percent doors and/or windows.

(b) Upper floors shall be 25 percent to 50 percent doors and/or windows (measured between 3 to 9 feet above each finished floor).

iii. Building Entrance

(a) The primary entrance shall front a public street with a walkway connecting to a front sidewalk.

(b) Architectural elements shall indicate a clear entry point.

iv. Parking

(a) Off-street parking shall be calculated based on the uses within the development. Shared parking provisions may be utilized to reduce the number of required spaces.

(b) No off-street parking shall be located in front of the building façade.

3. Office

a. Temporary ~~Construction~~ Contractors Field Office

i. Temporary contractors field offices or construction offices, including trailers and modular offices, are permitted on or adjacent to any site during which construction is undertaken pursuant to a valid building permit.

ii. Temporary construction offices may be occupied for office or security purposes, or may be used for storage of equipment and material used during construction of the site.

iii. Upon completion or abandonment of construction or expiration of the building permit, the temporary construction office shall be removed at the owner's expense.

~~iv. Temporary permits for one year for a specific time and location as determined may be issued by the building official and shall be subject to review and renewal for reasonable cause.~~

b. Temporary Real Estate Field Office

Temporary real estate sales offices, including trailers and modular offices, shall be permitted ~~in accordance with section 50-82, use regulations when~~ incidental to a residential development. Temporary sales offices shall be located and developed in compliance with the following standards:

i. The temporary sales office shall be located within the boundaries of the subdivision or tract of land in which the real property is to be sold or leased; and on a property whereon a recorded plat exists and a valid permit for construction has been issued;

ii. Parking shall be permitted on the lot in which the office is located or on an adjacent lot;

iii. Permitted temporary real estate sales offices shall not be used as any type of dwelling;

iv. Use of the temporary real estate sales office for the sale or lease of residential sites or projects located off-site is prohibited; and

v. All temporary real estate sales offices shall be removed within 30 days after the sale of the last dwelling unit in the development, or within 30 days after 12 continuous months of no construction or sales activity.

c. Model Home ~~(Including Sales Office)~~

Model homes with or without a sales office shall be permitted ~~in accordance with section 50-82, use regulations when~~ incidental to a residential development. Model homes shall be located and developed in compliance with the following standards:

i. The model home shall be located within the boundaries of the subdivision or tract of land where the real property to be sold or leased is situated.

ii. Parking shall be permitted on the lot in which the model home is located or on an adjacent lot.

iii. The model home shall be designed as a permanent structure and shall comply with the provisions of this chapter, all applicable building codes of the City, and state law.

iv. All exterior lighting shall be limited to typical household exterior lighting. The use of commercial grade ground mounted floodlights and search lights are prohibited.

v. The model home shall cease operation within 30 days after the sale of the last dwelling unit in the development, at which time the model home shall be vacated and a building permit issued to return the model home to its intended residential use only.

vi. There shall be no permanent use of temporary buildings or temporary structures.

vii. Temporary signage and flagpoles advertising the sale of property within the residential development shall not be prohibited provided they comply with the sign ordinance, are permitted, and are maintained at least ten feet away from all lot lines.

4. Personal and Business

a. Funeral Home or Mortuary

One parking space for each 200 square feet of floor space in slumber rooms, parlors or individual funeral service rooms, or one space for each three seats in the auditorium/sanctuary (see **2.04.B. Permitted Use Chart~~Permitted Use Chart~~**), whichever is greater. Adequate on-site stacking spaces shall also be provided for the organization and forming of processions such that these activities do not cause excessive or extended traffic congestion/delays on a public roadway.

b. Hotels

i. A hotel must also meet the following requirements:

(a) Guest rooms must be accessible only through interior corridors;

(b) Entrance through exterior doors must be secured and accessible only to guests and employees;

(c) Hotel management must be on-site 24 hours each day;

(d) Prohibit overnight parking of trucks with more than two axles in the hotel's parking areas;

(e) Must contain at least three of the following amenities:

(i) A minimum of 300 square feet of dedicated meeting and event facilities;

(ii) A restaurant, eating or social area accessible through the interior of the hotel that offers food or food options and seating for at least 30 patrons during industry-standard dining hours;

(iii) Swimming pool; or

(iv) Fitness center.

c. Recreational Vehicles

~~Recreational vehicles, travel trailers or motor homes may shall not be used for on-site dwelling nonresidential purposes.~~

See **2.05.G.5 Recreational Vehicles, Travel Trailers, Motor Homes, Dependent Trailers, and Other Mobile Structures~~Recreational Vehicles, Travel Trailers, Motor Homes, Dependent Trailers, and Other Mobile Structures~~.**

5. Retail

a. Mobile Food Courts

~~Site Development Standards for Mobile Food Courts~~

i. No mobile food vendor nor any associated seating areas shall be located in the required landscape buffer yard, access easement, surface drainage easement, driveway, and/or fire lane(s).

ii. All activity must occur on private property, outside of the public right-of-way.

iii. There shall be at least three feet of unobstructed clearance between all individual mobile food vendors and all permanent or accessory structures and at least ten feet of unobstructed clearance for mobile food vendors parked side-by-side.

iv. Mobile food vendors shall not park in required parking stalls, rather they shall be located on a designated paved surface. Spaces for mobile food vendors shall meet the minimum parking requirements per **2.04.B. Permitted Use Chart~~Permitted Use Chart~~~~Table 50-112-1~~**.

v. Vehicular drive-through service of food and/or beverages shall not be permitted.

vi. Accessible restroom facilities shall be provided within a permanent structure. Temporary or portable toilet facilities are not permitted.

vii. Electrical service may be provided to the mobile food vendors by a permitted electrical connection or on-board generators. When using on-board generators, sound absorbing devices shall be used.

viii. A designated seating area shall be provided for patrons.

ix. Mobile food vendors conducting business operations within an approved mobile food court shall not be subject to restrictions on the length of time that a mobile food vendor may be located at the same location.

x. Mobile food vendors conducting business at a mobile food court shall have current vehicular registration and shall be in a suitable operating condition for transit.

xi. All mobile food vendors shall meet all other requirements per Chapter 32, Peddlers and Solicitors.

6. Transportation and Auto Services

a. Auto Sales Vehicle Dealership and Rental Services

i. Inventory parking spaces shall not contribute to the total parking provided by the use.

ii. One parking space for each 500 square feet of sales floor/office and other indoor uses, plus one parking space for each 1,000 square feet of exterior lot area used for storage, sales and parking areas, plus one parking space per repair bay in service areas (indoors or outdoors).

b. Automotive Repair and Service, Minor

i. Automotive Repair and Service, Minor operations and activities shall occur within a fully enclosed structure sufficient to prevent noise glare odors, heat, or other adverse effects from extending beyond the property line of the lot or parcel on which the use is permitted.

c. Automobile Wash

See **2.05.B**. Off-Street Parking and Loading~~Off-Street Parking and Loading~~ for applicable stacking requirements.

7. Amusement and Recreation

a. Swimming Pools

Swimming pools shall conform to City-adopted ordinances.

8. Institutional and Governmental

a. Communications Antennas and Support Structures/Towers

The following requirements shall apply to communications antennas and support structures/towers:

i. Applicability

(a) These regulations apply to all commercial and amateur antennae and support structures, unless exempted in **(b)** below~~(b) below~~~~subsection (e)(1)b of this section~~.

(b) Direct broadcast satellite reception, multi-channel multi-point distribution (as defined by the FCC), television reception antenna, and amateur radio antennae meeting the following requirements do not require a permit unless mounted on a pole or mast that is 20 feet or more in height:

(i) In any zoning district, antennae that are one meter (i.e., 39 inches) or less in diameter;

(ii) In a nonresidential zoning district, antennae that are two meters or less in diameter;

(iii) In any zoning district, antennae designed to only receive television broadcasts;

(iv) In any zoning district, amateur radio antennae concealed behind or located upon or within attics, eaves, gutters or roofing components of the building; and

(v) In any zoning district, amateur radio ground-mounted whips and wire antennae.

(c) Support structures or antennae legally installed before the effective date of the ordinance from which this ~~chapter~~ section is derived are not required to comply with this ~~chapter~~section, but must meet all applicable state, federal and local requirements, building codes and safety standards.

ii. Special Definitions

For the purpose of this section, the following special definitions shall apply:

(a) Antenna, microwave reflector, wireless communication, and antenna support structure means an antenna is the arrangement of wires or metal rods used in transmission, retransmission and/or reception of radio, television, electromagnetic or microwave signals (includes microwave reflectors/antennae). The term "microwave reflector" means an apparatus constructed of solid, open mesh, bar-configured, or perforated materials of any shape/configuration that is used to receive and/or transmit microwave signals from a terrestrial or orbitally located transmitter or transmitter relay. Microwave reflectors are also commonly referred to as satellite receive only earth stations (T.V.R.O.S.), or satellite dishes. The term "antenna support structure" includes any tower, mast, pole, tripod, box frame, or other structure utilized for the purpose of supporting one or more antennae or microwave reflectors. This definition specifically includes towers (radio, television, microwave, wireless, etc.), mobile antennas, and any type of similar structure that may be temporary.

(b) Antenna (commercial) means an antenna or antenna support structure used for the purpose of transmission, retransmission, and/or reception of radio, television, electromagnetic, or microwave signals primarily for the purpose of operating a business and/or for financial gain (e.g., commercial broadcasting, cellular/wireless telecommunications, etc.). A satellite dish antenna that exceeds six feet in diameter shall also be considered as a commercial antenna.

(c) Antenna (non-commercial/amateur) means an antenna or antenna support structure used for the purpose of transmission, retransmission, and/or reception of radio, television, electromagnetic, or microwave signals for private or personal use and not for the purpose of operating a business and/or for financial gain. A satellite dish antenna not exceeding six feet in diameter shall also be considered as a non-commercial antenna.

(d) Collocation means the use of a single support structure and/or site by more than one communications provider.

(e) Communications operations (commercial) means the transmission, retransmission, and/or reception of radio, television, electromagnetic, or microwave signals primarily for the purpose of operating a business and/or for financial gain.

(f) Communications operations (non-commercial/amateur) means the transmission, retransmission and/or reception of radio, television, electromagnetic, or microwave signals for private or personal use, and not for the purpose of operating a business and/or for financial gain.

(g) Height means the distance measured from the finished grade of the lot/parcel to the highest point on the support structure or other structure, including the base pad and any antennae.

iii. General Requirements

(a) Antennae and support structures may be considered either principal or accessory uses.

(b) Antenna installations shall comply with all other requirements of this ~~chapter~~ UDC and the City Code of Ordinances with the exception of those specifically cited within these regulations.

(c) No commercial antenna support structure shall be closer to any residential district boundary line or residential dwelling than a distance equal to twice the height of the support structure. Such setback/distance shall be measured as the shortest possible distance in a straight line from the structure to the closest point of a residential district boundary line or residential dwelling. Setbacks from residentially zoned property do not apply to antennas attached to utility structures that exceed 50 feet in height, or to antennae placed wholly within or mounted upon a building ~~(refer to subsection (c) of this section)~~.

(d) No amateur or commercial antenna, antenna support structure, microwave reflector/antenna, or associated foundations or support wires or appurtenances shall be located within any required setback area for the front, side or rear yards.

(e) All antenna and support structures must meet or exceed the current standards and regulations of the Federal Communications Commission (FCC), the Federal Aviation Administration (FAA), and/or all other applicable federal, state and local authorities. If those standards change, then the owner/user of an antenna or support structure must bring the antenna/structure into compliance within 180 calendar days or as may otherwise be required by the applicable regulating authority.

(f) A Building Permit is required to erect or install an antenna, antenna support structure and related structures/equipment, unless the particular antenna is exempt from these regulations (see **2.04.C.8.a.i.** Applicability~~Applicability~~ above~~subsection (c)(3)b of this section~~). All installations shall comply with applicable federal, state and local building codes and the standards published by the electronic industries association. Owners/users shall have 30 calendar days after receiving notice that an installation is in violation of applicable codes in order to bring it into full compliance.

(g) Antennae (amateur or commercial) shall not create electromagnetic or other interference with the city's and the county's radio frequencies and public safety operations, as required by the FCC. In accordance with FCC regulations, antennae also shall not interfere with radio or television reception of nearby property owners. In no manner shall the use of such equipment infringe upon adjoining property owners.

(h) No antenna or support structure shall be located so as to create a visual obstruction within critical visibility areas (such as at street intersections or where a private driveway enters a roadway) or a traffic safety problem.

(i) Safeguards shall be utilized to prevent unauthorized access to an antenna installation (e.g., on a water tower or utility structure, a free-standing installation, etc.). Safeguards include certain devices identified/recommended by the manufacturer of the antenna or support structure, a fence, a climbing guard, or other commercially available safety devices. Climbing spikes or other similar climbing device, if utilized, shall be removed immediately following use.

(j) Temporary antenna shall only be allowed in the following instances:

(i) In conjunction with a festival, carnival, rodeo or other special event/activity;

(ii) In case of an emergency (e.g., severe weather, etc.) or a news coverage event;

(iii) When needed to restore service on a temporary basis after failure of an antenna installation. The City must be notified within 72 hours of the placement of a temporary antenna. If the temporary antenna is to be needed for more than seven calendar days, then the owner/user must apply for and acquire a permit for the temporary installation on or before the eighth day following initial placement of the antenna.

iv. Collo~~e~~cation Is Greatly Encouraged ~~By The City~~

(a) Existing towers must be used to support new antennae (i.e., collocation) unless the applicant can demonstrate a unique need for a new tower. All new support structures over 50 feet in height shall be constructed to support antennae for at least two carriers, unless the structure is

an alternative or stealth design, or the support structure is replacing an existing utility structure or light standard. Sufficient area for associated structures and equipment shall also be provided.

(b) A support structure ~~which~~ that is modified or reconstructed in order to accommodate collection shall be of the same type, design and height as the existing structure, and it may be moved on the same property within 50 feet of its original location provided that it is not moved any closer to residentially zoned property (if the structure was allowed by CUP, then its new location shall be within the physical/land boundaries of the CUP). The original (i.e., former) support structure shall be removed from the property within 30 calendar days following completion of the new structure.

(c) Where an additional antenna is to be attached to an existing support structure that already has an antenna mounted upon it, the new antenna shall comply with and be compatible with the design of the existing antenna on the collocated structure.

v. Support buildings and equipment storage areas/buildings shall be screened from public view if mounted on a rooftop. When ground mounted, they shall meet all applicable front, side and rear yard setback requirements of the applicable base zoning district.

vi. Satellite dishes, television antennas, and other similar antennas shall be permitted on the roof of a building, as long as satellite dishes do not exceed one meter (39 inches) in diameter and antennae do not extend over ten feet above the roof of the building. A letter certifying the roof's/building's structural stability shall be written and sealed by a registered architect or engineer, and shall be submitted to the Building Official~~, or their designee,~~ prior to any approval of a roof-mounted antenna. Roof-mounted antenna that comply with the provisions of these regulations do not require additional yard setbacks or setbacks from residential areas or dwellings.

vii. Only one amateur antenna/support structure shall be permitted per residential lot, except that a maximum of two satellite dishes may be allowed if both units are no larger than one meter (39 inches) in diameter (only one allowed if over one meter in diameter).

viii. All commercial signs, flags, lights and attachments other than those required for emergency identification, communications operations, structural stability, or as required for flight visibility by the FAA and/or FCC shall be prohibited on any antenna or antenna support structure. However, lights may remain or be placed upon light standards that are altered or replaced in order for them to serve as antenna support structures provided that said lights are not commercial (i.e., for-profit) in nature, and provided that said lights are placed/replaced as the same size, configuration, number of bulbs, degree of luminance, etc. as they previously existed prior to support structure modification/replacement.

ix. Any publicly owned antennae or antenna support structures are exempt from regulation by this chapter (e.g., public safety communications, etc.).

x. Location requirements for commercial antennas. A commercial antenna support structure not allowed by right through another provision of this section may be allowed in any zoning district by conditional use permit (CUP) provided that it shall be no closer than a distance equal to twice the height of the support structure to any residentially zoned lot and/or to any residential use. Such setback shall be measured as the shortest distance in a straight line from the structure to the closest point of any residential zoned lot other than the lot upon which the support structure is located.

b. School, Primary and Secondary

The following parking space requirements shall be provided for each school type and in accordance with Section **2.05.B. Off-Street Parking and Loading**~~**Off-Street Parking and Loading**~~.

i. Elementary

Two spaces for every classroom and office.

ii. Junior High

Three spaces for every classroom and two spaces for each office.

iii. High School

Eight spaces for every classroom and two spaces for each office.

9. Commercial

a. Large Equipment and Materials Storage and Sales

i. Except in the Industrial (I) District, where the use is engaged in the storage, display, and sale of agricultural and construction materials such as feed, grain, paint, lumber, or others, these materials shall be stored within a screened, partially enclosed, or fully enclosed structure such as a barn, silo, shed, or incidental warehousing structure.

10. Manufacturing and Industrial

a. Wrecking or Salvage Yards~~Junkyards~~

Any ~~junkyard~~Wrecking or Salvage Yard, whether a primary use or an accessory use, shall provide a screening wall with a wood, brick masonry, stone masonry, concrete block, or other architectural masonry finish~~an opaque screening device in conformance with the materials and methods described in section 50-116~~. Said screening device shall be of uniform height in relation to the ground that screens the view from adjoining lots and/or public places from junk. Stacking of junk above the height of the screening device that allows visibility from an adjoining lot or public place shall be prohibited.

11. Accessory/Temporary Uses

a. Drive-Throughs

i. Noise abatement strategies (e.g., directional speakers, ambient noise sensors, screening walls, or landscaping) are required for speakers within 150 feet of a residential district.

ii. An escape lane shall be provided parallel to the drive-through lane from the beginning of the drive-through lane to the pick-up window.

iii. An escape lane shall be an area measuring a minimum of 11 feet wide that provides access around the drive-through facility.

b. Fuel Pumps/EV Charging Stations ~~Gasoline Service Station Pump Islands~~

i. Fuel pumps ~~Gasoline service station pump islands~~ and related canopy posts that parallel a public street shall be located a minimum of 25 feet to the property line adjacent to a public street.

ii. Fuel pumps ~~For pump islands~~ that are perpendicular or diagonal to a public street, the setback shall be 30 feet in order to prevent vehicles stacking out into the street while waiting for a pump position.

iii. The actual canopy itself may encroach up to four feet into the required setback, provided no posts or vertical structures encroach.

~~i.~~iv. EV charging stations may be located at parking spaces that are incidental to another use intended to serve vehicles of residents, employees, customers, or visitors during their stay.

c. Outdoor~~side~~ Storage

Outdoor storage shall be limited to the following:

i. Is prohibited in O and NR District.

ii. Is permitted in the GR, OT, ~~and MU~~ and C Districts with certain standards outlined in the zoning district.

iii. Is permitted in the I~~ndustrial~~ District.

iv. Shall be located behind the front building line and observe all setback requirements for the main structure or building.

v. Shall be visually screened from any public street or adjacent property with a minimum six-foot solid wall or fence.

vi. Note: Outdoor~~side~~ storage is not outdoor sales; see ~~definitions in section 50-2~~ the use "Outdoor Sales as a Primary Use".

d. Outdoor Display

i. Outdoor Display shall be limited to 5 percent of the total lot area or 20 percent of the primary building's gross floor area, whichever is more restrictive.

ii. Temporary storage of merchandise for display and sale placed on a sidewalk or other pedestrian area must maintain a 6-foot-wide pedestrian path through and adjacent to an Outdoor Display area. The pedestrian path must be improved to standard pedestrian accessibility requirements and may not be located within off-street parking areas, fire lanes, easements, maneuvering aisles, or loading zones.

e. Garage or Yard Sales

In connection with the residential or institutional occupancy of a structure, the tenants may offer their personal belongings and household effects for sale to the general public provided that such sales are not conducted on the same lot for more than three days (whether consecutive or not) during any 90-day period.

f. Temporary Outdoor Sales

Temporary outdoor retail sales, excluding those uses specifically noted in the use chart~~s (section 50-82)~~ with normal outdoor sales such as automobile lots, which involve the ~~outside~~ outdoor display of merchandise and seasonal items ~~(refer to the section 50-2, definitions)~~, shall be limited to the following:

i. Shall not be placed/located more than 30 feet from the main building in GR~~,~~ and C Districts, and not more than 12 feet from the main building in the Old Town area.

ii. Shall not occupy any of the parking spaces that are required by this chapter for the primary uses of the property (except on a temporary basis only, which is a maximum of 30 days per display and a maximum of two displays per calendar year).

iii. Shall not pose a safety or visibility hazard, nor impede public vehicular or pedestrian circulation, either on-site or off-site, in any way.

iv. Shall not extend into public right-of-way or onto adjacent property.

v. All ~~outside~~ outdoor display items shall be removed at the end of business each day (except for large seasonal items such as Christmas trees).

vi. All merchandise shall be displayed in a neat, orderly manner, and the display area shall be maintained in a clean, litter-free manner.

g. Temporary Seasonal Sales

Temporary seasonal sales shall be limited to the following:

i. Are allowed in the GR, C, and OT ~~and MU~~ Districts.

ii. May occupy ~~the~~ required parking spaces ~~that are required by this chapter~~ for the primary uses of the property for seasonal sales on a temporary basis only, which is a maximum of 30 days per display of seasonal materials and a maximum of two displays per calendar year, provided parking is adequate and not overloading the streets or adjacent properties.

iii. Shall not pose a safety or visibility hazard, nor impede public vehicular or pedestrian circulation, either on-site or off-site, in any way.

iv. Shall not extend into public right-of-way or onto adjacent property.

v. All merchandise shall be displayed in a neat, orderly manner, and the display area shall be maintained in a clean, litter-free manner.

h. Temporary Storage Containers

Temporary storage containers shall be limited to the following:

i. Are prohibited in O, NR and OT ~~and MU~~ Districts, except in accordance with **iii** below~~iii below~~~~c. below~~.

ii. Are allowed in GR, C and I Districts provided they do not occupy required parking or loading areas and ~~is~~are behind required setbacks and not contained in a front or side setback adjacent to a street.

iii. May be used in all nonresidential districts on a temporary basis during construction while a valid permit exists. If the business is closed or limited during construction, the containers may occupy required parking.

~~i. Temporary Structures and Uses~~

~~Any temporary use, structure or building permitted under this chapter shall comply with all applicable development standards and setback requirements in the district in which the temporary use, structure or building is located, unless otherwise specified herein.~~

~~j~~i. Home Occupation~~Regulation~~s

i. All Home Occupations must be a no-impact home-based business.

(a) In accordance with Sec. 229.902 of the Texas Local Government Code, a "no-impact home-based business" means a home-based business that:

(i) Has at any time on the property where the business is operated a total number of employees and clients or patrons of the business that does not exceed the municipal occupancy limit for the property;

(ii) Does not generate on-street parking or a substantial increase in traffic through the area;

(iii) Operates in a manner in which none of its activities are visible from a street; and

(iv) Does not substantially increase noise in thearea or violate a municipal noise ordinance, regulation, or rule.

ii. All Home Occupations must comply with federal, state, and local law, including:

(a) A municipal fire and building code; and

(b) A municipal regulation related to:

(i) Health and sanitation;

(ii) Transportation or traffic control;

(iii) Solid or hazardous waste; or

(iv) Pollution and noise control;

iii. All Home Occupations must be compatible with the residential use of the property where the business is located.

(a) The Director will determine whether the Home Occupation is compatible with the residential use of the property. The Director's decision may be appealed to the Planning & Zoning Commission. The Commission's decision may be appealed to the City Council.

iv. All Home Occupations must be secondary to the use of the property as a residential dwelling.

v. The City reserves the right to limit or prohibit the operation of a home-based business that:

(a) Sells alcohol or illegal drugs;

(b) Is a structured sober living home; or

(c) Is a sexually oriented business as defined by Sec. 243.002 of the Texas Local Government Code.

~~Purpose~~

~~Standards for home occupations are set forth to minimize annoyance and inconvenience to neighboring property owners within residential areas. These standards are intended to allow reasonable and comfortable enjoyment of adjacent and nearby property by their owners and by occupants of neighboring residential dwellings, while providing opportunities for the pursuit of home-based businesses. For the purposes of these regulations, a home occupation is described as an occupation that is carried on in a dwelling unit, or in an accessory building to a dwelling unit, by a resident of the premises only, which is clearly incidental and secondary to the use of the premises for residential purposes, and which can be conducted without any significantly adverse impact on the surrounding neighborhood.~~

~~Special Provisions for Home Occupations~~

~~i. Home Occupations shall be permitted as accessory uses in single- and two-family residential zoning districts, provided that they comply with all restrictions herein.~~

~~ii. The Occupation shall produce no alteration or change in the character or exterior appearance of the principal building from that of a residential dwelling, shall have no signs and performance of the occupation activity shall not be visible from the street.~~

~~iii. Such use shall be incidental and secondary to the use of the premises for residential purposes, and shall not utilize floor area exceeding 25 percent of the combined gross floor area of dwelling unit and any accessory buildings that are used for the Home Occupation. In no case shall the combined floor area utilized for a home occupation exceed 500 square feet.~~

~~iv. Not more than two patron or business related vehicles shall be present at one time.~~

~~v. The operation of such an Occupation shall be between the hours of 8:00 a.m. and 6:00 p.m. for outdoor activities, and between 8:00 a.m. and 10:00 p.m. for indoor activities.~~

~~vi. The occupation activity shall not increase vehicular traffic flow beyond what normally occurs within a residential district, and shall not require regular and frequent deliveries by large delivery trucks or vehicles with a rated capacity in excess of 1½ tons, according to the manufacturer's classification.~~

~~vii. There shall be no outside storage, including trailers, or outside display related to the Home Occupation use.~~

~~viii. No mechanical or electrical equipment shall be employed on the premises other than that which is customarily found in a home environment, and that which is customarily associated with a hobby or avocation which is conducted solely for pleasure and not for profit or financial gain.~~

~~ix. The Home Occupation shall not generate noise, vibration, glare, fumes/odors, heat or electrical interference beyond what normally occurs within a residential district.~~

~~x. The Occupation shall not require the use of chemicals on the property that are obnoxious or hazardous to the welfare of the neighborhood.~~

~~xi. The Home Occupation shall not involve the use of advertising signs or window displays, or any other device that calls attention to the business use of the premises through audio and/or visual means.~~

~~xii. The Occupation shall not offer a ready inventory of any commodity for sale on the premises (e.g., arts and crafts items, handmade clothing, etc.).~~

~~xiii. The Occupation shall not be harmful or detrimental to the health, welfare and safety of the neighborhood, nor shall it interfere with the comfortable enjoyment of life, property and recreation by residents of the area.~~

~~xiv. Applicability of Other Regulations~~

~~xv. Home Occupations shall also be subject to any and all other provisions of local, state and/or federal regulations and laws that govern such uses.~~

~~xvi. Uses Allowed as Home Occupations~~

~~Subject to the provisions of **subsection (ii)** of this section, home occupations may include the following uses:~~

~~(a) Office facility of an accountant, architect, landscape architect, attorney, engineer, consultant, insurance agent, realtor, broker, or similar profession;~~

~~(b) Author, artist or sculptor;~~

~~(c) Dressmaker, seamstress or tailor;~~

~~(d) Music/dance teacher, or similar types of instruction, provided that instruction shall be limited to no more than four pupils at a time;~~

~~(e) Individual tutoring and home schooling;~~

~~(f) Millinery;~~

~~(g) Office facility of a minister, rabbi, priest or other clergyman;~~

~~(h) Home crafts, such as rug weaving, model making, etc;~~

~~(i) Office facility of a salesman, sales or manufacturer's representative, etc., provided that no retail or wholesale transactions or provisions of services are personally and physically made on the premises;~~

~~(j) Repair shop for small electrical appliances, cameras, watches/clocks, and other small items, provided that the items can be carried by one person without using special equipment, and provided that the items are not equipped with an internal combustion engine;~~

~~(k) Food preparation establishments such as cake making/decorating or catering, provided that there is no on-premises consumption by customers, and provided that all aspects of the business comply with all state and local health regulations;~~

~~(l) Registered family homes (see definition in section 50-2), in compliance with applicable state laws, which are incorporated herein by reference, with no more than six children;~~

~~(m) Swimming lessons and water safety instruction, provided that such instruction involves no more than four pupils at any one time; and~~

~~(n) The building official or his designee shall have discretion to examine all the above factors and any supplemental information provided by the applicant and make a determination of whether the size, scale and effect on neighboring properties and authorize or deny a particular home occupation. Appeals of his decision shall be to the board of adjustments upon proper notice to adjacent property owners.~~

~~xvii. Home occupation uses not classified. Any use that is not expressly allowed by **subsection (iv)** of this section is considered prohibited, unless and until such use is classified by amendment to this chapter.~~

~~(Ord. No. 2008-01, § 44, 2-4-2008)~~

~~(Ord. No. 2008-01, § 43, 2-4-2008; Ord. No. 2010-09, § 3, 5-3-2010; Ord. No. 2012-30, § 2, 9-17-2012; Ord. No. 2013-14, § 2, 2-9-2013; Ord. No. 2016-33 , § 4, 1-3-2017; Ord. No. 2020-08 , § 2, 5-4-2020; Ord. No. 2022-40 , § 2(Exh. A), 12-5-2022)~~

D. Land Use Definitions

1. Accessory Dwelling Unit
A subordinate building that is attached to or detached from the primary on-site structure, is used as a residence, is incidental to the main structure (i.e., the building area must be significantly less than that of the main structure), and is not involved in the conduct of a business.

2. Acid Manufacture
A business that engages in manufacturing acid.

3. Adhesives and Sealants Manufacture
A business that engages in manufacturing adhesives and sealants.

4. Adult Day Care
A facility that provides services under an Adult Day Care Program on a daily or regular basis, but not overnight, to four (4) or more elderly or handicapped persons who are not related by blood, marriage, or adoption to the owner of the facility. Adult Day Services Centers (also referred to as Adult Day Care Centers) must be licensed by the Texas Department of Human Services.

5. Agriculture Use
An area used for growing usual farm products, vegetables, fruits, trees, and grain and for the raising thereon of the usual farm animals such as horses, cattle, and sheep and including the necessary accessory uses for raising, treating, and storing products raised on the premises, but not including the commercial feeding of offal or garbage to swine or other animals and not including any agriculture or husbandry specifically prohibited by ordinance or law.

6. Air Transportation Related Uses
A facility or area for the landing and taking off of fixed or rotary wing aircraft. This use shall include any airport terminal, air traffic control towers, aircraft hangars, and other related facilities. It shall also include heliports for the landing and takeoff of helicopters

7. Aircraft Parts Manufacture
A business that engages in manufacturing aircraft parts.

8. Airplane Repair and Manufacturing
A business that engages in manufacturing and repairing airplanes.

9. Airport or Landing Field
A place where aircraft can land and take off that is usually equipped with hangars, facilities for aircraft refueling and repair, and various accommodations for passengers.

10. Alternative Financial Institution
An establishment engaged in check cashing, money transfer, payday advance or loaning, or title loaning, or any establishment that provides capital at a high rate of interest with a short repayment period most accurately measured in days or weeks to leveraged consumers having no other source of capital.

11. Ambulance Service
The provision of private (not operated by the city) emergency transportation that may include mobile medical care and may include storage and maintenance of vehicles.

12. Amphitheater
An outdoor venue that has tiers of spectator seating rising around a field, court, or stage, intended primarily for use in viewing musical, theatrical, sporting, or similar entertainment events and specifically designed as a place of assembly.

13. **Amusement, Commercial (Indoor)**
An amusement enterprise that is wholly enclosed within a building which is treated acoustically so that noise generated by the enterprise is not perceptible at the bounding property line, and that provides activities, services or instruction for the entertainment of customers or members, but not including amusement arcades. Uses may include, but are not limited to, the following: bowling alley, ice skating rink, martial arts club, racquetball/handball club, indoor tennis courts/club, indoor swimming pool or scuba diving facility, and other similar types of uses.

14. **Amusement, Commercial (Outdoor)**
An amusement enterprise offering entertainment and/or games of skill to the general public for a fee wherein any portion of the activity takes place outdoors and including, but not limited to, a golf driving range, archery range, miniature golf course, batting cages, go-cart tracks, amusement parks, and other similar types of uses.

15. **Amusement, Commercial (Temporary)**
An outdoor or indoor commercial amusement is provided on a temporary basis, examples of which include a carnival or haunted house.

16. **Animal Kennel (Outdoor Pens)**
A commercial establishment in which two or more dogs, cats, or other domesticated (pet) animals not owned by the owner or occupant of the premises are temporarily housed for grooming, boarding, training or breeding for a fee or compensation. Typical uses include boarding kennels, pet motels, and dog training centers

17. **Animal Kennels (Indoor Pens)**
An establishment with indoor pens in which more than four dogs or domesticated animals more than one year old are housed, groomed, bred, boarded, trained or sold for commercial purposes.

18. **Animal Processing and Slaughter**
A business that engages in animal processing and slaughtering.

19. **Any Manufacture or Industrial Process Not Listed and Not Prohibited By Law**
A business that engages in any manufacture or industrial process not listed and not prohibited by law.

20. **Appliance Service and Repair**
The maintenance and rehabilitation of appliances that are customarily used in the home, including, but not limited to, washing and drying machines, refrigerators, dishwashers, trash compactors, ovens and ranges, countertop kitchen appliances, vacuum cleaners, etc., but not including appliances/equipment which have internal combustion engines.

21. **Art or Recreational Studio**
A building or portion of a building used as a place of work for professional work or instructional classes in music, dancing, theatrical arts, music, gymnastics, martial arts or similar activities.

22. **Artificial Flower Manufacture**
A business that engages in manufacturing artificial flowers.

23. **Artist or Photography Studio**
The workshop of an artist, writer, craftsperson, or photographer but not a place where members of the public come to receive instruction on a more than incidental basis or to sit for photographic portraits.

24. **Asphalt Paving and Roofing Material Manufacture**
A business that engages in manufacturing asphalt paving and roofing material.

25. **Assisted Living**
Per the Texas Health & Safety Code, Section 247.002, "assisted living facility" means an establishment that:

1. Furnishes, in one or more facilities, food and shelter to four or more persons who are unrelated to the proprietor of the establishment;

2. Provides:

a. Personal care services; or

b. Administration of medication by a person licensed or otherwise authorized in this state to administer the medication;

3. May provide assistance with or supervision of the administration of medication; and

4. May provide skilled nursing services for the following limited purposes:

a. Coordination of resident care with outside home and community support services agencies and other health care professionals;

b. Provision or delegation of personal care services and medication administration as described by this subdivision;

c. Assessment of residents to determine the care required; and

d. For periods of time as established by department rule, delivery of temporary skilled nursing treatment for a minor illness, injury, or emergency.

26. **Auction House**
Any establishment in which is carried on the business of auctioning articles for sale by public outcry where the articles offered for auction are sold immediately to the highest bidder.

27. **Auto Storage or Auto Auction**
The storage or impoundment, on a lot or tract that is paved in accordance with parking lot paving requirements set forth in this chapter, of operable automobiles for the purpose of holding such vehicles for sale, distribution or storage. The term "auto storage" or "auto auction" shall not include the storage of wrecked or inoperable vehicles (see Wrecking or Salvage Yard).

28. **Automobile Accessory Installation**
Minor installation of minor automobile accessories such as car alarms, radio and stereo equipment, window tinting, pinstriping, cellular telephones, and similar accessories.

29. **Automobile Assembly**
A business that engages in automobile assembly.

30. **Automobile Driving School**
A business that employs instructors who teach people how to drive a car or van. This use does not include instructions for driving commercial trucks.

31. **Automobile Parts Manufacturing**
A business that engages in manufacturing automobile parts.

32. **Automobile Wash (Full Service/Detail Shop)**
Washing, waxing or cleaning of automobiles or light-duty trucks where the owner of the vehicle does not actually wash the vehicle. The owner either leaves the vehicle and comes back to retrieve it later, or the owner waits in a designated area while employees of the car wash facility vacuum, wash, dry, wax or detail the vehicle for a fee.

33. **Automobile Wash (Self-Service)**
Washing, waxing or cleaning of automobiles or light duty trucks where the owner of the vehicle causes the vehicle to become washed. One type of unattended car wash facility utilizes automated self-service (drive-through/rollover) wash bays and apparatus in which the vehicle owner inserts money or tokens into a machine, drives the vehicle into the wash bay, and waits in the vehicle while it is being washed. The other type of unattended facility is comprised of wand-type self-service (open) wash bays in which the vehicle owner drives the vehicle into the wash bay, gets out of the vehicle, and hand washes the vehicle with a wand-type apparatus by depositing coins or tokens into a machine.

34. **Automotive Parts and Accessories Sales**
Retail sales of automobile-related parts and accessories.

35. **Automotive Repair and Service, Major**
General repair or reconditioning of engines, air conditioning systems, and transmissions for motor vehicles; wrecker service; collision repair services including body, frame or fender straightening or repair; customizing; painting; vehicle steam cleaning; undercoating and rustproofing; those uses listed under "auto repair, minor"; and other similar uses.

36. **Automotive Repair and Service, Minor**
Minor repair or replacement of parts, tires, tubes and batteries; diagnostic services; minor maintenance services such as grease, oil, spark plug and filter changing; tune-ups; emergency road service; replacement of starters, alternators, hoses and brake parts; automobile washing and polishing; glass repair and tinting; performing state inspections and making minor repairs necessary to pass said inspection; normal servicing of air conditioning systems; and other similar minor services for motor vehicles except heavy load vehicles, but not including any operation named under "auto repair, major" or any other similar use.

37. **Awning Manufacture, Cloth, Metal and Wood**
A business that manufactures awnings made of cloth, metal and wood.

38. **Bag Manufacturing**
A business that engages in bag manufacturing.

39. **Bakery (Wholesale)**
A manufacturing facility over 3,000 square feet for producing and distributing baked goods and confectioneries to retail outlets.

40. **Bakery, Retail**
A facility less than 3,000 square feet for the production and/or sale of baked goods. This use may also include seating for the consumption of goods on-site.

41. **Banks and Financial Institutions (With Drive-Through Service)**
An establishment primarily engaged in the provision of financial and banking services. Typical uses include banks, savings and loan institutions, stock and bond brokers, loan and lending activities, and similar services. Such uses may have a drive-through services window. This term does not include "pawnshops" or "credit access businesses," that are defined by State Law.

42. **Banks and Financial Institutions (With No Drive-Through Service)**
An establishment primarily engaged in the provision of financial and banking services. Typical uses include banks, savings and loan institutions, stock and bond brokers, loan and lending activities, and similar services. Such uses do not have a drive-through services window. This term does not include "pawnshops" or "credit access businesses," that are defined by State Law.

43. Bar
An establishment that serves alcoholic beverages by the drink for on-site consumption and that derives seventy-five percent (75%) or more of the gross revenue from the on-premise sale of alcoholic beverages. All Bars shall meet all requirements prescribed by the TABC.

44. Battery Manufacture
A business that engages in manufacturing batteries.

45. Bed and Breakfast
A dwelling occupied as a permanent residence by an owner or renter that serves breakfast and provides or offers sleeping accommodations in not more than five rooms for transient guests for compensation, generally for a period not to exceed seven days.

46. Bleaching/Chorine Powder Manufacture
A business that engages in manufacturing bleaching/chorine powder.

47. Boarding Home Facility
An establishment that furnishes, in one or more buildings, lodging to three or more persons with disabilities or elderly persons who are unrelated to the owner of the establishment by blood or marriage; and provides community meals, light housework, meal preparation, transportation, grocery shopping, money management, laundry services, or assistance with self-administration or medication but does not provide personal care services to those persons.

48. Boiler Manufacture and Repair
A business that engages in manufacturing and repairing boilers.

49. Bottling Works
A business that engages in bottling.

50. Brewpub
An establishment where beer, ale, etc., are brewed in conjunction with a drinking and eating establishment. The maximum brewing production shall not exceed 10,000 barrels per year.

51. Broom Manufacture
A business that engages in broom manufacturing.

52. Building, Materials, and Landscaping Store
A facility for the sale of materials, tools, or hardware customarily used in the construction of buildings and other structures, including facilities storing materials for retail sales and is sometimes referenced as a home improvement center. The term "outdoor" means the storage of materials and products outside of the main building.

53. Bulk Grain or Feed Storage
A building used primarily for the storage of bulk grain or feed.

54. Candy and Other Confectionary Products Manufacture
A business that engages in manufacturing candy and other confectionary products.

55. Canning and Preserving Factory
A business that engages in operating a canning and preserving factory.

56. Canvas And Related Products Manufacture
A business that engages in manufacturing canvas and related products.

57. Caretaker's or Guard's Residence
A residence located on a premises with a primary residential or nonresidential use and occupied only by a caretaker or guard employed on the premises (e.g., residence for a guard in a private street development, residence for a guard/manager/caretaker for a self-storage facility or a restricted access business park, etc.).

58. Casein Manufacture
A business that engages in manufacturing casein.

59. Cattle, Swine, or Poultry Feedlot (CAFO)
A lot, yard, corral, building, or other area in which livestock or other animals for food or fur are housed and confined, primarily for the purposes of feeding and growth prior to slaughter and that is specifically designed as a confinement area where the concentration of animals is such that a vegetative cover cannot be maintained within the enclosure and substantial amounts of manure or other related wastes may originate by reason of such feeding of animals. The term does not include areas used for raising crops or other vegetation or upon which livestock are allowed to graze.

60. Celluloid and Similar Cellulose Manufacture
A business that engages in manufacturing celluloid and similar cellulose.

61. Cement Manufacture
A business that engages in manufacturing cement.

62. Cemetery or Mausoleum
Land used or intended to be used for the burial of the human dead and dedicated for cemetery purposes, including columbarium, crematories, mausoleums, and mortuaries when operated in conjunction with and within the boundaries of such cemetery.

63. Ceramic Products Manufacture
A business that engages in manufacturing ceramic products.

64. Chalk Manufacture
A business that engages in manufacturing chalk.

65. Chemical Dependency Facility
Per the Texas Health & Safety Code, Section 464.001:

1. "Chemical dependency" means:

a. Abuse of alcohol or a controlled substance;

b. Psychological or physical dependence on alcohol or a controlled substance; or

c. Addiction to alcohol or a controlled substance.

2. "Facility" means:

a. A public or private hospital;

b. A detoxification facility;

c. A primary care facility;

d. An intensive care facility;

e. A long-term care facility;

f. An outpatient care facility;

g. A community mental health center;

h. A health maintenance organization;

i. A recovery center;

j. A halfway house;

k. An ambulatory care facility; or

l. Any other facility that offers or purports to offer treatment.

66. Chemicals (Agricultural) Manufacture
A business that engages in manufacturing chemicals (agricultural).

67. Chemicals (Industrial) Manufacture
A business that engages in manufacturing chemicals (industrial).

68. Child Care Facility, Children's Home
A business for the care of children at a location other than a caretaker's residence for more than 24 hours a day. See Chapter 42 of the Human Resources Code.

69. Child Care Facility, Day Care
An establishment providing care for seven (7) or more children for less than twenty-four (24) hours a day at a location other than the permit holder's home. A State license is required. Also includes similar terms such as nursery and child care center. See Chapter 42 of the Human Resources Code.

70. Child Care Home (≤ 6 Children)
A private residence where state licensed care, protection, and supervision are provided, for a fee, at least twice a week to no more than six (6) children at one time, including children of the adult provider, for less than twenty-four (24) hours per day. See Chapter 42 of the Human Resources Code.

71. Child Care Home (≥ 7 Children)
A private residence where state licensed care, protection, and supervision are provided, for a fee, at least twice a week to no more than twelve (12) children at one time, including children of the adult provider, for less than twenty-four (24) hours per day. See Chapter 42 of the Human Resources Code.

72. Civic Center
A building or complex of buildings that house municipal offices and services, and that may include cultural, recreational, athletic, food service, convention or entertainment facilities owned and/or operated by a municipality.

73. Civic Club
A facility or area for a special purpose organization or for the sharing of sports, arts, literature, politics, or other similar interests, but not primarily for profit or to render a service that is customarily carried on as a business, excluding religious land uses.

74. Clothing Manufacture
A business that engages in manufacturing clothing.

75. Coffee Roasting
A business engaged in industrial-scale coffee roasting. This definition is for standalone coffee roasting facilities and does not include coffee shops.

76. Coffin Manufacture
A business that engages in manufacturing coffins.

77. Cold Storage Plants/Locker
A business that operates cold storage plants/lockers.

78. Commercial Kitchen/Commissary
A licensed facility designed for the preparation, storage, and handling of food for off-site consumption. It may serve as a base of operations for mobile food units by providing spaces for servicing, cleaning, and maintaining food trucks (commissary), offer meal preparation for catered events (catering establishment), or support delivery-only services for virtual restaurants (ghost kitchen).

79. Community Home for Persons with Disabilities
A residence for not more than six (6) persons with disabilities and two (2) supervisors. Such entity must be licensed and comply with Chapter 123 of the Human Resources Code.

Per Section 123.002, a "person with a disability" means a person whose ability to care for himself or herself, perform manual tasks, learn, work, walk, see, hear, speak, or breathe is substantially limited because the person has:

1. An orthopedic, visual, speech, or hearing impairment;

2. Alzheimer's disease;

3. Pre-senile dementia;

4. Cerebral palsy;

5. Epilepsy;

6. Muscular dystrophy;

7. Multiple sclerosis;

8. Cancer;

9. Heart disease;

10. Diabetes;

11. Autism; or

12. Mental illness.

Per Section 123.003, "The use and operation of a community home that meets the qualifications imposed under this chapter is a use by right that is authorized in any district zoned as residential".

80. Concrete or Asphalt Batch Plant
A permanent manufacturing facility for the production of concrete or asphalt.

81. Concrete or Asphalt Batch Plant (Temporary)
A temporary manufacturing facility for the production of concrete or asphalt during construction of a project and to be removed when the project is completed.

82. Contractor's Shop
A building, part of a building, for the construction or storage of materials, equipment, tools, products, and vehicles.

83. Contractor's Shop and Storage Yard
A building, part of a building, or land area with outdoor storage for the construction or storage of materials, equipment, tools, products, and vehicles.

84. Convenience Store
A retail establishment selling food for off-premises consumption and a limited selection of groceries and sundries (and possibly fueling or electric vehicle (EV) charging, if pumps or charging stations are provided).

85. Correctional Facility
A facility that is generally designed for the confinement, correction, and rehabilitation of adult and/or juvenile offenders sentenced by a court.

86. Cottage Court
A group of 5 to 12 small (1- to 2-story) detached structures arranged around a shared court visible from the street.

87. Crematory
A place used for the preparation and incineration of the human or animal deceased.

88. Culvert Manufacture
A business that engages in manufacturing culverts.

89. Cutlery, Handtools and General Hardware Manufacture
A business that engages in manufacturing cutlery, handtools and general hardware.

90. Dairy Products Manufacture
A business that engages in manufacturing dairy products.

91. Dance Hall/Night Club
A type of entertainment facility that includes a dance floor, light show, and/or stage for playing live music or disc jockey recordings that has incidental food sales.

92. Dinner Theater
A restaurant with a stage or performing area where the main activity is the serving of dinner and, following dinner, the performance of a play or musical theater.

93. Distillation of Liquors, Spirits, etc. (Brewery)
A business that engages in the distillation of liquors, spirits, etc. (brewery).

94. Drive-In Theater
An open lot with its appurtenant facilities devoted primarily to the showing of motion pictures or theatrical productions on a paid admission basis to patrons seated in automobiles.

95. Drive-Through
An accessory use to accommodate drive-up patrons who remain in their vehicles associated with a use that is not explicitly defined by another use.

96. Duplex
Two attached dwellings in one structure with each side designed to be occupied by one family. Duplexes may be located on a single lot under single ownership, or two separate lots under single or separate ownership.

97. Dye Manufacture
A business that engages in manufacturing dye.

98. Eating Establishment (With Drive-In Service)
An eating establishment where food and/or drinks are primarily served to customers in motor vehicles, or where facilities are provided on the premises that encourage the serving and consumption of food in automobiles on or near the restaurant premises.

99. **Eating Establishment (With Drive-Through Service)**
An eating establishment where customers are primarily served at tables or are self-served, where food is consumed on the premises, and which may include a drive-through windows.

100. **Eating Establishment (With No Drive-Through Service)**
An eating establishment where customers are primarily served at tables or are self-served, where food is consumed on the premises, and which do not have a drive-through window.

101. **Electric Lamp Manufacture**
A business that engages in manufacturing electric lamps.

102. **Electric Power Plant**
Any plant facilities and equipment for the purposes of producing, generating, transmitting, delivering, or furnishing electricity for the production of power.

103. **Electric Storage System**
One or more devices assembled together capable of storing energy that allows power system operators and utilities to collect and store energy from the grid and discharge it at a future time to provide electricity when needed, such as to ensure adequate peaking generation capacity and grid resiliency.

104. **Electric Vehicle (EV) Charging Station**
A public or private parking space that is served by battery charging equipment with the purpose of charging an electric or hybrid vehicle.

105. **Electrical Substation**
A subsidiary station in which electric current is transformed.

106. **Electronic Assembly**
A business that engages in electronic assembly.

107. **Electro-Plating/Electro-Typing**
A business that engages in electro-plating/electro-typing.

108. **Elevator Manufacture**
A business that engages in manufacturing elevators.

109. **Emergency Room or Urgent Care**
A standalone facility, outside of a hospital setting, that provides immediate or emergent medical treatment on a strictly out-patient basis. Patients are generally treated on a walk-in basis, and services are not intended to provide long-term or overnight care.

110. **Enameling and Painting**
A business that engages in enameling and painting.

111. **Engraving Plant**
A business that operates an engraving plant.

112. **Envelope Manufacture**
A business that engages in manufacturing envelopes.

113. **Event Facility**
A public or privately owned structure, facility, land, or area for the purposes of public performances, events, or similar attractions that typically generates heavy traffic. These facilities include concert halls, racetracks, rodeo arenas, coliseums, fairgrounds, and convention centers. Accessory uses may include food preparation

facilities, concessions, offices, museums, parks, athletic training or practice facilities, stores, restaurants, heliports, structured parking facilities, and patron transportation facilities.

114. Exterminator Service
A facility engaged in the eradication or control of rodents, insects, or other pests with incidental storage on sites other than where the service is rendered.

115. Farm/Garden Machinery And Equipment Manufacture
A business that engages in manufacturing farm/garden machinery and equipment.

116. Feed and Grain Store
An establishment for selling corn, grain, and other food stuffs for animals and livestock, and including implements and goods related to agricultural processes, but not including farm machinery.

117. Feed Manufacture
A business that engages in manufacturing feed.

118. Felt Manufacture
A business that engages in manufacturing felt.

119. Fixtures Manufacture
A business that engages in manufacturing fixtures.

120. Fleet Facility
A facility where vehicles, taxis, limos, ambulances, buses or other passenger transporting fleet vehicles are housed, stored, maintained or repaired. Accessory uses may include offices or maintenance, fueling, or washing facilities.

121. Flour and Other Grain Mills
A business that engages in operating flour and other grain mills.

122. Food Processing
A facility that primarily deals with the processing and packaging of food (such as dairy or grain) products that are intended for human consumption, but that are not typically sold in volume to end users on the premises. Incidental retail sales of food products (e.g., bread and baked goods, dairy products such as cheese, etc.) created and packaged on the premises may be allowed as an accessory use.

123. Footwear Manufacture
A business that engages in manufacturing footwear.

124. Fortunetelling and Similar Activities
A use involving the foretelling of the future in exchange for financial or other valuable consideration. Fortunetelling shall be limited to uses where the fortune is told through astrology, tarot card reading, crystal gazing, palmistry, or any similar means.

125. Foundry, All Types
A facility that produces metal castings.

126. Fraternity or Sorority House
A building other than a hotel that is occupied only by individuals enrolled in a college or university located within the city and persons to attend the house and supervise activities of the fraternity or sorority. Except for the attendants, each resident must be a fraternity or sorority member recognized by the college or university and chartered by a state or national organization.

127. Fuel Pump
A standalone fuel dispenser that has one (1) or more nozzles or sets of nozzles, which in turn are separately connected to a distinct system that records the fuel pumped by a single vehicle and the corresponding payment owed for that fuel.

128. Fueling Station (Gasoline/Charging)
A facility providing refueling and recharging services for vehicles, including gasoline, diesel, EV charging, hydrogen, and other energy types. This use does not include EV charging stations at parking spaces that are incidental to another use intended to serve vehicles of residents, employees, customers, or visitors during their stay.

129. Funeral Home or Mortuary
A place for the storage of human bodies prior to their burial or cremation, or a building used for the preparation of the deceased for burial and the display of the deceased and ceremonies before burial or cremation.

130. Furnace Manufacture
A business that engages in manufacturing furnaces.

131. Furniture and Appliance Store
Retail stores selling goods for furnishing the home, including, but not limited to, furniture, floor coverings, draperies, glass and chinaware, domestic stoves, refrigerators, and other household electrical and gas appliances.

132. Furniture Manufacture
A business that engages in manufacturing furniture.

133. Garage or Yard Sale
The temporary sale of goods from a residence.

134. Gases (Industrial) Manufacture
A business that engages in manufacturing gases (industrial).

135. General Commercial Plant
Establishments other than personal service shops for the treatment and/or processing of products as a service on a for-profit basis including, but not limited to, newspaper printing, laundry plant, or cleaning and dyeing plants.

136. General Retail Stores
Retail stores that sell a number of lines of primarily new merchandise including but not limited to dry goods, apparel and accessories, furniture and home furnishings, small wares, small appliances, hardware, and food. The stores included in this group are known as department stores, variety stores, general merchandise stores, general stores, etc.

137. Glucose Manufacture
A business that engages in manufacturing glucose.

138. Golf Course
An area of 20 acres or more improved with trees, greens, fairways, hazards, and which may include clubhouses; the golf course may be privately or publicly owned and operated.

139. Hair Products Factory (Other Than Human)
A business that engages in operating a hair products factory (other than human).

140. Halfway House

Pursuant to Texas Human Resources Code § 42.002, a halfway house is a licensed home for inmates on release from more restrictive custodial confinement or initially placed in lieu of such more restrictive custodial confinement, wherein supervision, rehabilitation, and counseling are provided to mainstream residents back into society, enabling them to live independently. Such placement is pursuant to the authority of the State Department of Corrections.

141. Health Club

An establishment that provides facilities and equipment (e.g., gymnasiums, weight rooms, swimming pools/spas, exercise apparatus, instruction/classes, etc.) that are intended to promote health, fitness, weight reduction and/or similar health-related activities. Such facilities may include such accessory uses as food service, sales of sundries and apparel, and child care services, provided that such accessory uses are clearly incidental to the primary use and are for the use of studio patrons only (i.e., not the general public).

142. Heavy Machinery Sales and Storage

A building or open area used for the display, sale, rental or storage of heavy machinery, tractors or similar machines, or a group of machines that function together as a unit.

143. Home Occupation

An occupation carried on in a dwelling unit, or an accessory building to a dwelling unit, by a resident of the premises only, that is clearly incidental and secondary to the use of the premises for residential, and which can be conducted without any significantly adverse impact on the surrounding neighborhood.

144. Hospital

An institution providing health services primarily for human in-patient medical or surgical care for the sick or injured and including related facilities such as laboratories, out-patient departments, training facilities, central services facilities, and staff offices that are an integral part of the facilities.

Acute care – The term "acute care" means an institution where sick or injured patients are given medical and/or surgical treatment intended to restore them to health and an active life.

Chronic care – The term "chronic care" means an institution where those persons suffering from illness, injury, deformity or deficiencies pertaining to age are given medical care and treatment on a prolonged or permanent basis.

145. Hotel

A facility offering temporary lodging accommodations or guest rooms on a daily rate to the general public and providing additional services, such as restaurants, meeting rooms, housekeeping service and recreational facilities. The term "guest room" shall be defined as a room designed for the overnight lodging of hotel guests for an established rate or fee.

146. Household Care Facility

A dwelling unit that provides residence and care to not more than nine persons, regardless of legal relationship, who are elderly; disabled; orphaned, abandoned, abused, or neglected children; victims of domestic violence; or rendered temporarily homeless due to fire, natural disaster or financial setbacks, living together with not more than two supervisory personnel as a single housekeeping unit. This definition is subject to the Assisted Living Facility Licensing Act (Health and Safety Code Ch. 247) and Community Homes for Disabled Persons Location Act, Human Resources Code Ch. 123. A household care facility is also referred to as a hospice.

147. Household Care Institution

A facility that provides residence and care to ten or more persons, regardless of legal relationship, who are elderly; disabled; orphaned, abandoned, abused, or neglected children; victims of domestic violence; convalescing from illness; or temporarily homeless due to fire, natural disaster, or financial setback together with supervisory personnel.

148. **HUD Code-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 (1) or more sections, which, in the traveling mode, is eight (8) body feet or more in width or forty (40) body feet or more in length, or, when erected on site, is three hundred twenty (320) or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air-conditioning and electrical systems. All references to manufactured housing or manufactured home(s) shall be references to HUD-code manufactured housing unless otherwise specified.

149. **Ice Cream/Ice Manufacture**
A business that engages in ice cream/ice manufacturing.

150. **Institution for alcoholic, narcotic, or psychiatric patients (In-Patient)**
An institution providing health facilities for in-patient medical treatment or treatment and recuperation making use of natural therapeutic agents.

151. **Institution for alcoholic, narcotic, or psychiatric patients (Out-Patient)**
An institution offering out-patient treatment to alcoholic, narcotic or psychiatric patients.

152. **Kerosene Manufacture or Storage**
A business that engages in manufacturing or storing kerosene.

153. **Laboratory Equipment Manufacturing**
A facility that makes or produces equipment or products used for research or testing.

154. **Leather Products Manufacture**
A business that engages in manufacturing leather products.

155. **Library, Museum, or Art Gallery**
An institution for the collection, display, and distribution of objects of art, science, or library sciences and which are sponsored by a public or quasi-public agency that is open to the general public.

156. **Livestock Sales/Auction**
A commercial establishment where livestock are collected for sale or auction.

157. **Lumber Mill/Yard**
A business that operates a lumber mill/yard.

158. **Machine Shop**
Shops where lathes, presses, grinders, shapers, and other wood- and metal-working machines are used such as blacksmith, tinsmith, welding, and sheet metal shops; plumbing, heating, and electrical repair shops; and overhaul shops.

159. **Machinery Manufacture**
A business that engages in manufacturing machinery.

160. **Maintenance and Repair Service for Buildings**
A facility engaged in the provision of maintenance and custodial services to firms rather than individuals. This use includes janitorial service, landscape maintenance, and window cleaning services.

161. **Manufactured Home Display or Sales**
The offering for sale, storage, or display of new or previously owned (i.e., used) manufactured housing units (e.g., trailers, HUD-code homes, industrialized homes) on a parcel of land, but excluding the use of such facilities as dwellings either on a temporary or permanent basis.

162. Manufactured Home Park or Subdivision
A parcel or parcels of land intended for the short- or long-term placement of manufactured homes. Such a use may be on a single lot with spaces rented to tenants or multiple platted lots for individually-owned manufactured homes. This use may include residence for the owner/manager of the premises, utility hookups, accessory structures, playgrounds and open space areas, fenced yard areas for pets, and other similar amenities.

163. Marble Working and Finishing
A business that engages in marble working and finishing.

164. Massage Therapy Establishment (Licensed)
A licensed a place of business in which massage therapy is practiced by a massage therapist, as defined and licensed by state law. The term "massage therapy," as a health care service, means the manipulation of soft tissue for therapeutic purposes. The term "massage establishment" includes, but is not limited to, effleurage (stroking), petrissage (kneading), tapotement (percussion), compression, vibration, friction, nerve strokes, and Swedish gymnastics, either by hand or with mechanical or electrical apparatus for the purpose of body massage. The term "massage therapy" may include the use of oil, salt glows, heat lamps, hot and cold packs, tub, shower or cabinet baths. Equivalent terms for "massage therapy" are massage and therapeutic massage. The terms "massage" and "therapeutic" do not include diagnosis, the treatment of illness or disease, or any service or procedure for which a license to practice medicine, chiropractic, physical therapy, or podiatry is required by law.

165. Mattress, Making and Renovating
A business that engages in mattress making and renovating.

166. Meat Packing Plant
A business that operates a meat packing plant.

167. Medical Laboratory
An indoor establishment that includes laboratories and/or experimental equipment for medical testing, prototype design and development, and product testing.

168. Medical or Dental Office
A facility or group of offices where one or more licensed medical or dental professionals conduct the examination and treatment of ill and afflicted human out-patients that are not kept overnight on premises except under emergency conditions. This use includes surgical out-patient facilities and plasma centers.

169. Metal Cans and Shipping Containers Manufacture
A business that engages in manufacturing metal cans and shipping containers.

170. Metal Products, Stamping and Manufacture
A business that engages in manufacturing and stamping metal products.

171. Micro Brewery, Micro Winery, or Micro Distillery
An establishment where alcohol or beer is produced on the premises for in-house consumption and sale. Food sales or a restaurant may also be included, as well as associated retail sales. This use typically produces less than 15,000 barrels of alcohol or beer annually. This use also includes a micro winery that generates up to 15,000 gallons of wine annually.

172. Mirror Resilvering
A business that engages in mirror resilvering.

173. Mixed Use
The development of a building or structure with two or more different uses, such as but not limited to residential, office, retail, public, or entertainment, in a compact urban form where the residential use is located above the nonresidential use.

174. Mobile Food Court
A parcel of land where two or more mobile food vendors congregate to offer food or beverages for sale to the public as the principal use of the land. This definition shall not be interpreted to include a congregation of mobile food vendors as a secondary, accessory use, and/or temporary use.

175. Model Home
A dwelling in a developing subdivision, located on a legal lot of record that is limited to temporary use as a sales office for the subdivision and to provide an example of the dwellings which have been built or which are proposed to be built within the same subdivision. This use also includes associated sales offices interior to the home.

176. Motel
A facility offering transient lodging accommodations for rent to the general public for a daily rate for periods of less than 30 days. Rooms are generally directly accessible from an exterior parking area. Customary hotel services and amenities, such as linen and maid service, are included. If a proposed business does not meet the "hotel" definition, it will be considered a "motel".

177. Motion Picture Studios, Commercial Films
An enclosed commercial facility for the filming production and associated activities for commercial films. This use does not include the filming or production of adult motion pictures.

178. Motor Freight Terminal
A facility where commercial trucks, including tractors and trailer units, are housed, stored, maintained or repaired. Accessory uses may include offices, fueling or washing and the temporary storage of loads prior to shipment.

179. Moving and Storage Facilities
Uses engaged in the moving of household or office furniture, appliances, and equipment from one location to another, including the temporary indoor storage of those same items.

180. Multiple-Family
Five or more dwelling units on a single lot designed to be occupied by five or more families living independently of one another, exclusive of hotels or motels.

181. Municipal or Governmental Use
Any area, land, building, structure or facility that is owned, used, leased or operated by the city, federal government, state government, or any political subdivision, including police and fire department facilities.

182. Nail Salon
Any establishment engaged in the practice of cutting, shaping, polishing or enhancing the appearance of the nails of the hands or feet, including but not limited to the application and removal of sculptured or artificial nails.

183. Office Equipment Manufacture
A business that engages in manufacturing office equipment.

184. Office Showroom/Warehouse
An establishment with no more than 25 percent of its total floor area devoted to storage and warehousing, but not accessible to the general public. The remaining area may include retail and wholesale sales areas, sales offices, and display areas for products sold and distributed from the storage and warehousing areas.

185. Oil Compounding and Barreling
A business that engages in compounding and barreling oil.

186. Oilcloth Manufacture
A business that engages in manufacturing oilcloth.

187. Open Air Market (Temporary)
A temporary outdoor marketplace where two or more vendors are on private property. Where produce, merchandise, food, or other products are distributed, offered for sale, or sold directly to consumers.

188. Orthopedic, Prosthetic, Surgical Appliances and Supplies Manufacture
A business that engages in manufacturing orthopedic, prosthetic, surgical appliances and supplies.

189. Outdoor Display
The outdoor display of merchandise, goods or materials actively for sale or samples associated with the primary use of the site on which they are displayed.

190. Outdoor Sales as a Primary Use
Any primary use of a premises where goods, materials, or merchandise is displayed for the purpose of sale, and which the display area is greater than 30 percent of the gross floor area of the principal building.

191. Outdoor Storage
The outdoor storage of merchandise, goods or materials that are not actively for sale or display.

192. Paint Manufacture and/or Mixing
A business that engages in manufacturing and/or mixing paint.

193. Painting and Refinishing shop
A commercial establishment where painting services are performed but not automotive-related painting services, which would be included under "Automotive Repair and Service, Major."

194. Paper and Paper Pulp Manufacture
A business that engages in manufacturing paper and paper pulp.

195. Paper Products and Paper Box Manufacture
A business that engages in manufacturing paper products and paper boxes.

196. Park or Playground
A facility or area for recreational, cultural, or aesthetic use owned or operated by a public agency and available to the general public. This definition may include, but is not limited to, plazas, square, greens, lawns, decorative plantings, walkways, active and passive recreation areas, playgrounds, fountains, swimming pools, pavilions, wooded areas, and water courses.

197. Parking Lot or Garage
An area or structure devoted to the parking or storage of cars and trucks of less than one-ton capacity for a fee that may include, in the case of a parking structure only, a facility for servicing automobiles provided that such facility is an internal function for use only by automobiles occupying the structure.

198. Pawnshop
An establishment as defined in Texas Finance Code, §371.003, as amended.

199. Pecan Processing
A business that engages in pecan processing.

200. **Personal Services**
An establishment providing frequently or recurrently needed non-medical services of a personal nature to individuals as a primary use. This term includes barber and beauty shops, tanning salons, day spas (including incidental massage), weight reduction centers, seamstresses, tailors, shoe repair shops, and services of an informational or instructional nature, including handicraft or hobby instruction. These uses may also include accessory retail sales of products related to the services provided.

201. **Pet and animal grooming shop (no outside kennels)**
Pet and animal grooming shop means a retail establishment offering small animals, fish and/or birds for sale as pets, where such creatures are housed within the building, and which may include the grooming of dogs, cats and similar animals.

202. **Petroleum And Petroleum Products Refining**
An industrial plant used for the purifying and distribution of crude petroleum.

203. **Petroleum Distribution/Storage**
A facility for the long-term storage and distribution of petroleum that may also involve wholesale sales, but not retail sales, of petroleum and petroleum-based products. No manufacturing or refining of petroleum or petroleum-based products occurs on the premises, only storage and/or distribution functions.

204. **Plant Nursery**
An establishment, including a building, part of a building or open space, for the growth, display or sale of plants, shrubs, trees and other materials used in indoor or outdoor planting.

205. **Plastic Products, Molding, Casting and Shaping**
A business that engages in manufacturing plastic products, molding, casting and shaping.

206. **Playfield, Stadium, or Sports Arenas**
Any field or stadium owned and operated by an agency other than the city or the school district.

207. **Poultry Hatchery**
A lot, structure, or building used intensively for the raising, feeding, breeding, or keeping of chickens, turkeys, or other poultry for marketing or slaughter, or for the production of eggs for sale.

208. **Poultry Slaughtering and Processing**
A facility for the slaughtering and processing of poultry and the refining of their byproducts.

209. **Printing Ink Manufacture**
A business that engages in manufacturing printing ink.

210. **Private Club**
An establishment providing social and/or dining facilities which may provide alcoholic beverage service, to an association of persons, and otherwise falling within the definition of, and permitted under the provisions of, Alcoholic Beverage Code title 3, Ch. 32, as amended, and as it pertains to the operation of private clubs.

211. **Professional Office**
A room or group of rooms used for executive, management or administrative services. Typical uses include administrative offices and services, including real estate, insurance, property management, investment, legal, personnel, travel, secretarial services, medical, dental, telephone answering, and business offices of public utilities, organizations, and associations, but excluding medical offices.

212. **Propane Sales Filling**
Retail sales of gaseous substances commonly used for household purposes such as propane and/or butane; the term "propane sales" does not include the storage, sale or distribution of other types of combustible substances or alternative fuels such as containerized natural gas, liquid propane, etc.

213. Publishing and Printing
An establishment in which the principal business consists of duplicating and printing services using photocopy, blueprint, or offset printing equipment, including publishing, binding, and engraving.

214. Radio or Television Studio
A building or portion of a building used as a place for radio or television broadcasting.

215. Rail Yard
The use of land, or building or structure or part thereof for activities directly associated with the operation of a railway. Without limiting the generality of the foregoing, such activities may include loading and off-loading freight, and maintenance and repair of railway cars.

216. Recreation or Community Center
A building or complex of buildings that house cultural, recreational, athletic, food service or entertainment facilities owned or operated by a governmental agency or private nonprofit agency.

217. Recreational Vehicle (RV) Park/Campground
An area or commercial campground for users of recreational vehicles, travel trailers, and similar vehicles to reside, park, rent or lease. A parcel of land not less than three acres nor greater than 35 acres that is designed, improved, or intended to be used for short- or long-term occupancy by recreational vehicles (including travel trailers) in designated spaces. The facility must be developed in accordance with this definition as adopted and may include a residence for the owner/manager of the premises, utility hookups, accessory structures, playgrounds and open space areas, fenced yard areas for pets, and other similar amenities.

218. Recreational Vehicle Park
Any lot, tract or parcel of land used in whole or in part to provide facilities and accommodations for two or more recreational vehicles used by transients as living or sleeping quarters, whether by the day, week or for longer periods of time, and with or without compensation.

219. Recreational Vehicle/Camper Sales
An establishment that sells, leases and/or rents new and/or used recreational vehicles, travel trailers, campers, boats/watercraft, and similar types of vehicles.

220. Recycling Collection Center
A facility engaged in the collection, sorting, bundling, temporary storage, and/or transfer of recyclable materials. For purposes of this Code, recyclable materials include glass, paper, plastic, aluminum, clothing, or other source-separated, non-putrescible materials and do not include motor oil, chemicals, household appliances, tires, automobiles, or automobile parts. This use generally does not include incidental collection boxes or containers located at establishments with an unrelated primary use.

221. Religious Assembly or Institution
A facility or area for people to gather together for public worship, religious training, or other religious activities including a church, temple, mosque, synagogue, convent, monastery, or other structure, together with its accessory structures, including a parsonage or rectory. This use does not include home meetings or other religious activities conducted in a privately occupied residence. Accessory uses may include meeting rooms and childcare provided for persons while they are attending assembly functions. Schools and other child care services are not accessory uses and shall require approval as separate principal uses.

222. Rendering Plant
A plant or any premises at or within which dead animals or rendering raw materials are rendered, boiled, processed or otherwise prepared to obtain a product for commercial use or disposition other than as food for human consumption and includes all other operations and facilities necessary, useful or incidental to the rendering establishment, except a related station.

223. **Residential Use**
A dwelling unit or group of dwelling units; the term "residential use" includes dwelling units within the second story of a building wherein other parts of the building are used for a nonresidential purpose, such as a retail establishment or office.

224. **Resource Extraction**
The extraction of surface or sub-surface mineral products or natural resources including solids, such as coal and ores; liquids, such as crude petroleum; and gases, such as natural gases. Typical extractive uses are quarries, borrow pits, sand and gravel operations, oil and gas extraction, and mining operations and may include milling, such as crushing, screening, washing, and flotation; and other preparation customarily done at the extraction site or as part of the extractive activity.

225. **Retail, Incidental**
The rendering of incidental retailing or services incidental to the primary use. In the O Office District, for example, such uses may include a barbershop, beauty shop, smoke shop, newsstand, candy counter, restaurant, pharmacy, or other incidental activity secondary to the primary office occupancy. The term "incidental uses" shall mean uses that occupy less than 15 percent of the main use.

226. **Retirement Housing for the Elderly**
A development providing self-contained dwelling units specifically designed for the needs of the elderly. Units may be rented or owner-occupied. To qualify as retirement housing, a minimum of 80 percent of the total units shall have a household head 55 years of age or greater. No long-term or permanent skilled nursing care or related services are provided. Also referred to as an independent living center or congregate housing.

227. **Riding Academy**
A facility used to house equine, which may or may not be owned by the owner of the property, for the purpose of riding lessons or pleasure.

228. **Rug and Carpet Manufacture**
A business that engages in manufacturing rugs and carports.

229. **Sand, Gravel, or Stone Storage and Sales**
Sand, gravel or stone storage (including sales) means the process of storing and/or selling sand, gravel, stone, topsoil, compost or other products from the earth.

230. **Sanitary Station or Dump Facility**
A facility used for removing and disposing of wastes from dependent or self-contained recreational vehicle holding tanks.

231. **School, College or University**
An academic institution of higher learning accredited or recognized by the state and covering a program or series of programs of academic study.

232. **School, Commercial, Trade, Technical**
An institution for the teaching and on-site instruction of industrial, clerical, managerial, or artistic skills.

233. **School, Primary and Secondary**
A school under the sponsorship of a public or religious agency that provides elementary and/or secondary curricula, but not including private business or commercial trade schools.

234. **Scientific and Industrial Research Laboratories (Hazardous)**
Facilities for research, including laboratories, experimental equipment, and operations involving compounding or testing of hazardous materials or equipment.

235. **Scientific and Industrial Research Laboratories (Nonhazardous)**
Facilities for research, including laboratories, experimental equipment, and operations involving compounding or testing of nonhazardous materials or equipment.

236. **Seasonal Uses (Temporary)**
The sales of items such as Christmas trees, pumpkins, snow cones, fresh produce, and other items that are typically only available at certain times of the year.

237. **Self Storage**
Small, individual, storage units for rent or lease, restricted solely to the storage of items. The conduct of sales, business or any other activity within the individual storage units, other than storage, shall be prohibited.

238. **Service Building**
A structure housing a toilet, lavatory, showers and other facilities as may be required by this chapter.

239. **Sexually Oriented Business**
Sexually oriented business means as provided in Chapter 6, Article II.

240. **Shellac And Varnish Manufacture**
A business that engages in manufacturing shellac and varnish.

241. **Sign Manufacturing (No Outdoor Storage)**
A business that engages in manufacturing signs (no outdoor storage).

242. **Sign Manufacturing (With Outdoor Storage)**
A business that engages in manufacturing signs (with outdoor storage).

243. **Single-Family, Detached**
A dwelling designed and constructed as a free-standing structure for occupancy by one family and located on a lot or separate building tract having no physical connection to a building located on any other lot or tract. The term single-family dwelling occupied by one family, has a common entrance, one common kitchen facility, and is utilized as one living quarters.

244. **Small Engine Repair Shop**
A shop for the repair of lawnmowers, chainsaws, lawn equipment, and other machines with one-cylinder engines.

245. **Snuff Manufacture**
A business that engages in manufacturing snuff.

246. **Soap, Detergents, Cleaning Preparations Manufacture**
A business that engages in manufacturing soap, detergents, and cleaning preparations.

247. **Solid Waste Facility or Landfill**
A facility where non-hazardous wastes are taken from collection vehicles, temporarily stored, and ultimately relocated to a permanent disposal site. This includes any facility, incinerator, landfill, materials recovery facility, solid waste landfill, solid waste management facility, recovered materials processing facility, or sanitary landfill.

248. **Stable, Commercial**
A stable used for the rental of stall space or the sale or rental of horses or mules.

249. **Stables, Private**
An area used solely for the owner's private purposes to keep horses, mules, or ponies that are not kept for remuneration, hire, or sale.

250. **Starch Manufacture**
A business that engages in manufacturing starch.

251. **Steel Works, Blast Furnaces and Rolling Mills**
A business that engages in operating steel works, blast furnaces and rolling mills.

252. **Stone Cutting or Crushing**
A business that engages in cutting or crushing stone.

253. **Stone Monuments and Gravestones, Engraving and Retail Sales Only**
A commercial establishment primarily for the retail sale of monuments for placement on graves. This use includes the sale, storage, and delivery of headstones, footstones, markers, statues, obelisks, cornerstones, and ledgers.

254. **Stone, Clay, Glass and Concrete Products (Other Than Handicrafts) Manufacture**
A business that engages in manufacturing stone, clay, glass and concrete products (other than handicrafts).

255. **Swimming Pool, Commercial**
A swimming pool with accessory facilities which is not part of the municipal or public recreational system and which is not a private swim club, but where the facilities are available for use by the general public for a fee.

256. **Tattoo or Body Piercing Studio**
A building or portion of a building used for selling or applying tattoos (by injecting dyes/inks into the skin) or for piercing the skin with needles, jewelry or other paraphernalia, primarily for the purpose of ornamentation of the human body.

257. **Taxi/Limousine Service**
A service that offers transportation in passenger automobiles, vans, or limousines to persons in return for remuneration. The business may include facilities for servicing, repairing, and fueling the taxicabs or vans.

258. **Telephone and Exchange/Switching Station**
A line for the transmission of telephone signals and a central office in which telephone lines are connected to permit communication but not including a business office, storage (inside or outside) or repair yards.

259. **Temporary Contractors Field Office**
A structure or shelter used in connection with a development or building project for housing on the site of temporary administrative and supervisory functions and for sheltering employees and equipment.

260. **Temporary Outdoor Sales**
The temporary outdoor sale of merchandise, goods, or materials.

261. **Temporary Real Estate Field Office**
A building, structure, or portable trailer used temporarily for sales of residential units in a recorded subdivision or development with a residential use component and in which sales and construction of residential units is planned and underway.

262. **Temporary Storage Containers**
Temporary structures or units used for storage.

263. **Tennis Court (Lighted)**
A surface designed and constructed for playing the game of tennis or pickleball along with all fencing, nets and related appurtenances with lighting for nighttime play.

264. Tennis Court (Not lighted)
A surface designed and constructed for playing the game of tennis or pickleball along with all fencing, nets and related appurtenances but excluding lighting for nighttime play in residential areas.

265. Textile Products Manufacture
A business that engages in manufacturing textile products.

266. Theater (Indoor)
An indoor facility that provides fixed seating for customers to view motion pictures, dramatic, musical, or live performances, including accessory snack or food and beverage services.

267. Theater or Playhouse (Indoor)
A building or part of a building devoted to the showing of motion pictures, or for dramatic, musical or live performances.

268. Tire Retreading and Recapping
A business that engages in tire retreading and recapping.

269. Tire Sales (with Outdoor Storage)
A retail establishment engaged in the sale and/or installation of tires for vehicles with outdoor storage.

270. Tool and Machinery Rental
A building or a portion of a building used for the display and rental of tools, machinery and instruments and that may have outdoor storage.

271. Townhome
A dwelling that is joined to another dwelling at one or more sides by a party (i.e., shared) wall, which is designed for occupancy by one family, and which is located on a separate lot delineated by front, side, and rear lot lines.

272. Transit Terminal
Any premises for the transient housing and/or parking of motor-driven buses and the loading and unloading of passengers.

273. Transportation and Utility Structures or Facilities
Permanent facilities and structures operated by companies engaged in providing transportation and utility services, including, but not limited to, railroad track rights-of-way, sewage pumping stations, telephone exchanges, transit station turnarounds, water reservoirs, and water pumping stations.

274. Triplex or Quadplex
A residential structure containing three or four dwelling units that share common walls and are designed exclusively for the use and occupancy of multiple households living independently of each other on one platted lot.

275. Truck and Bus Leasing
The rental of new or used panel trucks, vans, trailers, recreational vehicles or motor-driven buses in operable condition and where no repair work or intensive cleaning operations are performed.

276. Truck and Bus Repair
An establishment providing major and minor automotive repair services to heavy load vehicles.

277. Truck Manufacture
A business that engages in manufacturing trucks.

278. **Truck Sales and Services**
The display, sale or rental of new or used heavy load vehicles in operable condition.

279. **Truck Stop**
A facility for the parking, refueling or minor repair of heavy load tractor-trailer trucks. These facilities may also include retail sales of food and/or other items, restaurants, restroom/showers facilities, and/or temporary sleeping quarters.

280. **Truck Terminal**
An area and building where cargo is stored and where trucks, including tractor and trailer units, load and unload cargo on a regular basis. The term "truck terminal" may include facilities for the temporary storage of loads prior to shipment.

281. **Vehicle Dealership and Rental Services**
The sale, rental, or leasing of new and/or used automobiles, noncommercial trucks, motorcycles, or recreational equipment, including incidental storage, maintenance, and servicing. Typical uses include new and used car dealerships, motorcycle dealerships, and ATV dealerships.

282. **Veterinarian Clinic (Indoor Kennels)**
An establishment where animals and pets are admitted for examination and medical treatment and that may have indoor kennels or pens.

283. **Veterinarian Clinic (Outdoor Kennels Or Pens)**
An establishment where animals and pets are admitted for examination and medical treatment and that may have outdoor kennels or pens.

284. **Warehousing and Distribution**
A facility engaged in the storage, distribution, or movement of materials, equipment, or goods for themselves or other firms. Typical uses include separate warehouses used by retail stores such as furniture and appliance stores, household moving, and general freight storage where the goods are stored in a building, cold storage plants or frozen food lockers, major wholesale distribution centers, truck or air freight terminals, or parcel services.

285. **Waste Management**
Uses that receive solid or liquid wastes from others for transfer to another location, collect sanitary wastes, or manufacture or produce goods or energy from the composting of organic material. Typical uses include solid or liquid waste transfer facilities, composting facilities, animal waste processing, and recycling facilities.

286. **Waste Paper Products Manufacture**
A business that engages in manufacturing waste paper products.

287. **Water Distillation**
A business that engages in water distillation.

288. **Wedding Chapel or Reception Venue**
A building, structure, or site is available for public rental for the primary purpose of hosting parties, weddings, wedding receptions, banquets, corporate meetings, or similar group events. This use does not include an event room available for rental in a structure housing another primary use where the event room rental is an accessory use to the primary use (i.e., Restaurant).

289. **White Lead Manufacture**
A business that engages in manufacturing white lead.

290. Wireless Communication Facility
Any staffed or unstaffed facility for the transmission and/or reception of radio frequency signals, or other wireless communications, and usually consisting of an antenna or group of antennas, transmission cables, and equipment enclosures, and may include an antenna-supporting structure. The following developments shall be considered as a Wireless Communication Facility: developments containing new or existing antenna-supporting structure, public antenna-supporting structures, replacement antenna-supporting structures, colocations on existing antenna-supporting structures, attached wireless communications facilities, stealth wireless communication facilities, temporary wireless communications facilities and satellite earth stations.

291. Wood Container Manufacture
A business that engages in manufacturing wood containers.

292. Wood Distillation (Manufacture of Tar, Charcoal, Turpentine and Similar)
A business that engages in the distillation of wood (manufacturing of tar, charcoal, turpentine and similar).

293. Wood Preserving Manufacture and Treatment
A business that engages in manufacturing and treating wood preserving.

294. Wood Products Manufacture
A business that engages in manufacturing wood products.

295. Wrecking or Salvage Yard
An establishment where junk, waste, discarded, or salvaged materials are bought, sold, exchanged, stored, baled, packed, disassembled, or handled, including wrecked, impounded, and repossessed automobiles, house wrecking and structural steel materials and equipment, and vehicles or appliances which are inoperable, but not including the interior purchase, sale, or storage of used furniture and household equipment. Typical uses include automotive wrecking yards, junk yards, paper salvage yards, towing services, and impound lots.

296. Zero-Lot Line/Patio Home
A single-family dwelling on a separately platted lot designed such that one side yard is reduced to zero feet to maximize the width and usability of the other side yard, and which permits the construction of a detached single-family dwelling with one side (i.e., wall) of such dwelling placed on the side property line.

~~Accessory building/structure (business or industry) means in the nonresidential districts, a subordinate building to the main building that does not exceed the height of the main building and does not exceed 50 percent of the floor area of the main building, and that is used for purposes accessory and incidental to the main use (see Accessory use).~~

~~Accessory building/structure (residential) means in a residential district, a subordinate building that is detached from the primary on-site structure and is used for a purpose that is customarily incidental to the main structure, but not involving the conduct of a business, unless permitted as a home occupation (i.e., the building area must be less than that of the main structure). Examples may include, but are not limited to, the following: a private garage for automobile storage, tool shed, greenhouse as a hobby, home workshop, children's playhouse, storage building, garden shelter, etc.~~

~~Accessory dwelling means a subordinate building that is detached from the primary on-site structure, is used as a residence, is incidental to the main structure (i.e., the building area must be significantly less than that of the main structure), and is not involved in the conduct of a business.~~

~~Airport or landing field means a place where aircraft can land and take off that is usually equipped with hangars, facilities for aircraft refueling and repair, and various accommodations for passengers.~~

~~Ambulance service means provision of private (not operated by the city) emergency transportation, which may include mobile medical care, and which may include storage and maintenance of vehicles.~~

~~Amusement devices/arcade means any building, room, place or establishment of any nature or kind, and by whatever name called, where more than ten percent of the public floor area is devoted to four or more amusement devices that are operated for a profit, whether the same is operated in conjunction with any other business or not, including, but not limited to, such amusement devices as coin-operated pinball machines, video games, electronic games, shuffle boards, pool tables or other similar amusement devices. However, the term "amusement device/arcade," shall not include musical devices, billiard tables which are not coin-operated, machines that are designed exclusively for small children, and devices designed to train persons in athletic skills or golf, tennis, baseball, archery or other similar sports.~~

~~Amusement, commercial (indoor), means an amusement enterprise that is wholly enclosed within a building which is treated acoustically so that noise generated by the enterprise is not perceptible at the bounding property line, and that provides activities, services and/or instruction for the entertainment of customers or members, but not including amusement arcades. Uses may include, but are not limited to, the following: bowling alley, ice skating rink, martial arts club, racquetball/handball club, indoor tennis courts/club, indoor swimming pool or scuba diving facility, and other similar types of uses.~~

~~Amusement, commercial (outdoor), means an amusement enterprise offering entertainment and/or games of skill to the general public for a fee wherein any portion of the activity takes place outdoors and including, but not limited to, a golf driving range, archery range, miniature golf course, batting cages, go-cart tracks, amusement parks, and other similar types of uses.~~

~~Amusement, commercial (temporary), means outdoor or indoor commercial amusement provided on a temporary basis, examples of which include a carnival or haunted house.~~

~~Animal kennel means a commercial establishment in which dogs or other domesticated animals are housed, groomed, bred, boarded, trained, or sold, all for a fee or compensation.~~

~~Antique shop (no outside sales or storage) means a retail establishment engaged in the selling of works of art, furniture and/or other artifacts of an earlier period, with all sales and storage occurring inside a building.~~

~~Apartment. See Dwelling, multiple family.~~

~~Appliance service and repair means the maintenance and rehabilitation of appliances that are customarily used in the home, including, but not limited to, washing and drying machines, refrigerators, dishwashers, trash compactors, ovens and ranges, countertop kitchen appliances, vacuum cleaners, etc., but not including appliances/equipment which have internal combustion engines.~~

~~Art gallery/museum/dealer means an institution for the collection, display and/or distribution of objects of art or science, and which is typically sponsored by a public or quasi-public agency and generally open to the public.~~

~~Assisted living facility (continuing care retirement community) means a congregate residence facility for ten or more elderly (over 55 years of age) persons, regardless of legal relationship, who need limited assistance with daily living activities. A limited number of support services such as meals, laundry, housekeeping, transportation, social/recreational activities, hairdressing, etc. may be provided or associated with the assisted living facility. Units may be attached or detached, single- or double-occupancy, and may include limited or full kitchen facilities. Full-time medical or nursing care is not typically provided by the facility, but may be privately arranged by individual residents on a part-time or temporary basis (e.g., visiting nurses, etc.).~~

~~Auto accessories (retail sales only) means the use of any building or other premises for the primary inside display and sale of new or used parts for automobiles, panel trucks or vans, trailers, or recreation vehicles.~~

~~Auto dealer (new auto servicing and used auto sales as accessory uses) means retail sales of new automobiles or light load vehicles, including, as an accessory use, the sales of used automobiles or light load vehicles and the service of new or used vehicles.~~

~~Auto dealer (primarily used auto sales) means retail sales, or offering for sale, primarily used automobiles or light load vehicles.~~

~~Auto rental means storage or renting of automobiles and light trucks.~~

~~Auto repair (major) means general repair or reconditioning of engines, air conditioning systems and transmissions for motor vehicles; wrecker service; collision repair services including body, frame or fender straightening or repair; customizing; painting; vehicle steam cleaning; undercoating and rustproofing; those uses listed under "auto repair, minor"; and other similar uses.~~

~~Auto repair (minor) means minor repair or replacement of parts, tires, tubes and batteries; diagnostic services; minor maintenance services such as grease, oil, spark plug and filter changing; tune-ups; emergency road service; replacement of starters, alternators, hoses and brake parts; automobile washing and polishing; performing state inspections and making minor repairs necessary to pass said inspection; normal servicing of air conditioning systems; and other similar minor services for motor vehicles except heavy load vehicles, but not including any operation named under "auto repair, major" or any other similar use.~~

~~Auto storage or auto auction means the storage or impoundment, on a lot or tract which is paved in accordance with parking lot paving requirements set forth in this chapter, of operable automobiles for the purpose of holding such vehicles for sale, distribution and/or storage. The term "auto storage" or "auto auction" shall not include the storage of wrecked or inoperable vehicles (see wrecking yard).~~

~~Automobile accessory installation (minor) means minor installation of minor automobile accessories such as car alarms, radio and stereo equipment, window tinting, pinstriping, cellular telephones and similar accessories.~~

~~Automobile repair garage means an establishment providing major or minor automobile repair services to all motor vehicles except heavy load vehicles.~~

~~Automobile wash (full service/detail shop) means washing, waxing or cleaning of automobiles or light duty trucks where the owner of the vehicle does not actually wash the vehicle. The owner either leaves the vehicle and comes back to retrieve it later, or the owner waits in a designated area while employees of the car wash facility vacuum, wash, dry, wax and/or detail the vehicle for a fee.~~

~~Automobile wash (self service) means washing, waxing or cleaning of automobiles or light duty trucks where the owner of the vehicle causes the vehicle to become washed. One type of unattended car wash facility utilizes automated self service (drive-through/rollover) wash bays and apparatus in which the vehicle owner inserts money or tokens into a machine, drives the vehicle into the wash bay, and waits in the vehicle while it is being washed. The other type of unattended facility is comprised of wand type self service (open) wash bays in which the vehicle owner drives the vehicle into the wash bay, gets out of the vehicle, and hand washes the vehicle with a wand-type apparatus by depositing coins or tokens into a machine.~~

~~Automotive gasoline or motor fuel service station means any building, land area or other premises, or portion thereof, used or intended to be used for the retail dispensing or sales of automotive fuels, lubricants and automobile accessories, including those operations listed under "auto repair, minor." Vehicles which are inoperative or are being repaired may not remain parked outside these facilities for a period greater than 48 hours.~~

~~Bakery, (wholesale) means a manufacturing facility over 3,000 square feet for the production and distribution of baked goods and confectioneries to retail outlets.~~

~~Bakery, retail means a facility less than 3,000 square feet for the production and/or sale of baked goods.~~

~~Bed and breakfast inn means a dwelling occupied as a permanent residence by an owner or renter which serves breakfast and provides or offers sleeping accommodations in not more than five rooms for transient guests for compensation, generally for a period not to exceed seven days.~~

~~Brewpub means an establishment where beer, ale, etc., are brewed in conjunction with a drinking and eating establishment. The maximum brewing production shall not exceed 10,000 barrels per year.~~

~~Building materials sales (indoor or outdoor) means materials, tools, and/or hardware customarily used in the construction of buildings and other structures, including facilities for storage of materials for retail sales and is~~

~~sometimes referenced as a home improvement center. The term "outdoor" means the storage of materials and products outside of the main building.~~

~~Bulk Grain or Feed Storage means a building used primarily for the storage of bulk grain or feed.~~

~~Caretaker's or guard's residence means a residence located on a premises with a main residential or nonresidential use and occupied only by a caretaker or guard employed on the premises (e.g., residence for guard in a private street development, residence for a guard/manager/caretaker for a self storage facility or a restricted access business park, etc.).~~

~~Cemetery and/or mausoleum means land used or intended to be used for the burial of the human dead and dedicated for cemetery purposes, including columbariums, crematories, mausoleums, and mortuaries when operated in conjunction with and within the boundaries of such cemetery.~~

~~Cemetery, animal, means same as cemetery except only for the burial of dead animals.~~

~~Child day care center (business) means a commercial institution or place designed for the care or training of six or more unrelated children under 14 years of age for less than 24 hours a day. The term "child day care center" is also referred to as a day care.~~

~~Child day nursery is also referred to as a day nursery. See family home (child care in place of residence).~~

~~Church/temple/place of worship means a building for regular assembly for religious worship which is used primarily and designed for such purpose and those accessory activities which are customarily associated therewith, and the place of residence for ministers, priests, nuns or rabbis on the premises (tax exempt as defined by state law). For the purposes of this chapter, Bible study and other similar activities which occur in a person's primary residence shall not apply to this definition.~~

~~Civic center (municipal) means a building or complex of buildings that house municipal offices and services, and which may include cultural, recreational, athletic, food service, convention and/or entertainment facilities owned and/or operated by a municipality.~~

~~Cleaning plant (commercial laundry) means an industrial facility where fabrics are cleaned with substantially nonaqueous organic solvents on a commercial or wholesale basis.~~

~~College or university means an academic institution of higher learning accredited or recognized by the state and covering a program or series of programs of academic study.~~

~~Community center (public) means a building or complex of buildings that house cultural, recreational, athletic, food service and/or entertainment facilities owned and/or operated by a governmental agency or private nonprofit agency.~~

~~Community home means a place where not more than six physically or mentally impaired or handicapped persons are provided room and board, as well as supervised care and rehabilitation by not more than two persons as licensed by the state department of mental health and mental retardation (see V.T.C.A., Human Resources Code ch. 123).~~

~~Community or social building means a building used for recreational, social, educational, and cultural activities generally owned, maintained and operated by a homeowners' association for the enjoyment of its resident members.~~

~~Concrete or asphalt batching plant (permanent) means a permanent manufacturing facility for the production of concrete or asphalt.~~

~~Concrete or asphalt batching plant (temporary) means a temporary manufacturing facility for the production of concrete or asphalt during construction of a project and to be removed when the project is completed.~~

~~Contractor's shop with outside storage yard means a building, part of a building, or land area for the construction or storage of materials, equipment, tools, products, and vehicles.~~

~~Convenience store (with or without gasoline sales) means a retail establishment selling food for off-premises consumption and a limited selection of groceries and sundries (and possibly gasoline, if pumps are provided). The term "convenience store (with or without gasoline sales)" does not include or offer any automobile repair services.~~

~~Copy shop means an establishment which reproduces, in printed form, individual orders from a business, profession, service, industry or government organization and occupies less than 4,000 square feet.~~

~~Country club (private) means a land area and buildings which may include a golf course, clubhouse, dining room, swimming pool, tennis courts and similar recreational or service uses available only to members and their guests.~~

~~Dance hall/dancing facility means an establishment open to the general public for dancing (any sales of alcoholic beverages for on-premises consumption shall be subject to requirements and use restrictions for private clubs). See private club.~~

~~Dental office or doctor's office means same as medical clinic.~~

~~Distribution center means building or facility used for the storage and distribution of wholesale items or products.~~

~~Drapery or furniture upholstering shop means an establishment for the production, display and sale of draperies and soft coverings for furniture.~~

~~Drinking establishment means any building or premises primarily engaged in the retail sale of alcoholic beverages such as beer, ale, wine, and liquor, for consumption on the premises. Typical establishments include bars, night clubs, lounges, and dance halls.~~

~~Duplex (Two-Family). See dwelling, two-family.Dwelling, Duplex Townhome means two single-family dwellings attached along a single common property line, each unit designed to be occupied by one family. While the structures may appear to be a duplex, there is a significant difference. Each unit is located on its own platted lot with separate utilities. The buildings, while attached, are separately owned with a common wall meeting the fire and separation requirements of the adopted fire and building codes.~~

~~Dwelling, HUD-Code Manufactured Home. See Manufactured housing.~~

~~Dwelling, Industrialized Home. See Manufactured housing.~~

~~Dwelling, Manufactured Home. See Manufactured housing.~~

~~Dwelling, multiple-family, means three or more dwelling units on a single lot designed to be occupied by three or more families living independently of one another, exclusive of hotels or motels. The term "dwelling, multiple-family," includes three-family units (triplex) and four-family units (quadraplex), as well as traditional apartments.~~

~~Dwelling, single-family attached or townhome means a dwelling which is joined to another dwelling at one or more sides by a party (i.e., shared) wall, which is designed for occupancy by one family, and which is located on a separate lot delineated by front, side and rear lot lines.~~

~~Dwelling, single-family detached, means a dwelling designed and constructed as a free-standing structure for occupancy by one family and located on a lot or separate building tract having no physical connection to a building located on any other lot or tract. The term single-family dwelling occupied by one family, has a common entrance, one common kitchen facility and is utilized as one living quarters.~~

~~Dwelling, two-family or duplex means two attached dwellings in one structure under one common ownership, each side designed to be occupied by one family.~~

~~Dwelling, zero-lot-line or patio home means a single-family dwelling on a separately platted lot which is designed such that one side yard is reduced to zero feet in order to maximize the width and usability of the~~

~~other side yard, and which permits the construction of a detached single-family dwelling with one side (i.e., wall) of such dwelling placed on the side property line.~~

~~Eating establishment (with drive-in service) means an eating establishment where food and/or drinks are primarily served to customers in motor vehicles, or where facilities are provided on the premises which encourage the serving and consumption of food in automobiles on or near the restaurant premises.~~

~~Eating establishment (with drive-through service) means an eating establishment where customers are primarily served at tables or are self-served, where food is consumed on the premises, and which may include a drive-through windows.~~

~~Eating establishment (with no drive-through service) means an eating establishment where customers are primarily served at tables or are self-served, where food is consumed on the premises, and which do not have a drive-through window.~~

~~Eating establishment means any building or premises primarily engaged in the retail sale of prepared food and drink for on-site or off-site immediate consumption.~~

~~Educational facilities means public and private primary, secondary and post-secondary educational facilities offering instruction in the branches of learning and study required to be taught by the state education agency, and such federally funded educational programs for preschool children as the head start program.~~

~~Electric storage system means one or more devices assembled together capable of storing energy that allows power system operators and utilities to collect and store energy from the grid and discharge it at a future time to provide electricity when needed, such as to ensure adequate peaking generation capacity and grid resiliency.~~

~~Electrical substation means a subsidiary station in which electric current is transformed.~~

~~Fair ground/rodeo means an area or space either outside or within a building for the display of animals, exhibitions, topic-specific goods, or information.~~

~~Family home (child care in place of residence) means a facility that regularly provides care in the caretaker's own residence for not more than six children under 14 years of age, excluding the caretaker's own children, and that provides care after school hours for not more than six additional elementary school siblings of the other children given care. However, the number of children, including the caretaker's own, provided care at such facility shall not exceed 12 at any given time. No outside employment is allowed at the facility. This facility shall conform to V.T.C.A., Human Resources Code ch. 42, and in accordance with such standards as may be promulgated by the state department of family and protective services. The term "family home (child care in place of residence" is also referred to as child day nursery and day nursery.~~

~~Farm (ranch, garden, crops or orchard) means an area used for growing usual farm products, vegetables, fruits, trees, and grain and for the raising thereon of the usual farm animals such as horses, cattle, and sheep and including the necessary accessory uses for raising, treating, and storing products raised on the premises, but not including the commercial feeding of offal or garbage to swine or other animals and not including any type of agriculture or husbandry specifically prohibited by ordinance or law.~~

~~Feed and grain store/farm supply store means an establishment for the selling of corn, grain and other food stuffs for animals and livestock, and including implements and goods related to agricultural processes, but not including farm machinery.~~

~~Financial institution means an establishment for the custody, loan, exchange and/or issue of money, the extension of credit, and/or facilitating the transmission of funds, examples of which include banks, saving and loans, and credit unions.~~

~~*Florist shop (retail only)* means an establishment for the display and retail sale of flowers, small plants and accessories.~~

~~*Food or grocery store* means a retail business establishment that displays and sells consumable goods that are not to be eaten on the premises. Prepared food may be sold only as a secondary or accessory use.~~

~~*Food processing* means a manufacturing or light industrial use that primarily deals with the processing and packaging of food (such as dairy or grain) products that are intended for human consumption, but which are not typically sold in volume to end users on the premises. Incidental retail sales of food products (e.g., bread and baked goods, dairy products such as cheese, etc.) created and packaged on the premises may be allowed as an accessory use.~~

~~Fortunetelling and similar activities mean a use involving the foretelling of the future in exchange for financial or other valuable consideration. Fortunetelling shall be limit to uses where the fortune is told through astrology, tarot card reading, crystal gazing, palmistry or any similar means.~~

~~Fraternal organization means an organized group having a restricted membership and specific purpose related to the welfare of the members such as Elks, Masons, Knights of Columbus, or a labor union.~~

~~Fraternity or sorority house means a building other than a hotel that is occupied only by individuals enrolled in a college or university located within the city and persons to attend the house and supervise activities of the fraternity or sorority. Except for the attendants, each resident must be a member of a fraternity or sorority that is recognized by the college or university and chartered by a state or national organization.~~

~~*Funeral home* means a place for the storage of human bodies prior to their burial or cremation, or a building used for the preparation of the deceased for burial and the display of the deceased and ceremonies connected therewith before burial or cremation.~~

~~*Furniture and appliance store* means and includes retail stores selling new goods for furnishing the home, including, but not limited to, furniture, floor coverings, draperies, glass and chinaware, domestic stoves, refrigerators, and other household electrical and gas appliances.~~

~~*Furniture store (new and used)* means the same as a "furniture and appliance store," except sales may include used items.~~

~~*Garage/accessory dwelling* means a residential dwelling unit attached to or over a garage but not attached to the main residential structure.~~

~~Garden shop means a facility which is engaged in the selling of flowers, ornamental plants, shrubs, trees, seeds, garden and lawn supplies, and other materials used in planting and landscaping, but not including cultivation and propagation activities outside a building.~~

~~Gasoline Service or Filling Station. See Automotive gasoline or motor fuel service station.~~

~~General commercial plant means establishments other than personal service shops for the treatment and/or processing of products as a service on a for profit basis including, but not limited to, newspaper printing, laundry plant, or cleaning and dyeing plants.~~

~~General Manufacturing. See industrial, manufacturing.~~

~~General retail stores means and includes retail stores which sell a number of lines of primarily new merchandise including but not limited to dry goods, apparel and accessories, furniture and home furnishings, small wares, small appliances, hardware, and food. The stores included in this group are known as department stores, variety stores, general merchandise stores, general stores, etc. (see retail shop).~~

~~Golf course means an area of 20 acres or more improved with trees, greens, fairways, hazards, and which may include clubhouses; the golf course may be privately or publicly owned and operated.~~

~~Group day care home means a facility that provides care for seven to 12 children less than 14 years of age less than 24 hours a day.~~

~~Gymnastic or dance studio means a building or portion of a building used as a place of work for a gymnast or dancer or for instructional classes in gymnastics or dance.~~

~~Hauling or Storage Company. See Motor freight company.~~

~~Health club (indoor) includes, but is not limited to, an establishment which provides facilities and equipment (e.g., gymnasiums, weight rooms, swimming pools/spas, exercise apparatus, instruction/classes, etc.) which are intended to promote health, fitness, weight reduction and/or similar health-related activities. Such facilities may include such accessory uses as food service, sales of sundries and apparel, and child care services, provided that such accessory uses are clearly incidental to the primary use and are for the use of studio patrons only (i.e., not the general public).~~

~~*Heavy machinery sales and storage* means a building or open area used for the display, sale, rental or storage of heavy machinery, tractors or similar machines, or a group of machines which function together as a unit.~~

~~*Heliport* means an area of land or water or a structural surface which is used, or intended for use, for the landing and taking off of helicopters, and any appurtenant areas which are used, or intended for use for heliport buildings and other heliport facilities.~~

~~*Helistop* means the same as a heliport, except that no refueling, maintenance, repairs or storage of helicopters is permitted.~~

~~Home for aged, residence, means a home where elderly people are provided with lodging and meals without nursing care being a primary function. A residence home for aged is also referred to as an assisted living facility.~~

~~*Home occupation* means an occupation carried on in a dwelling unit, or in an accessory building to a dwelling unit, by a resident of the premises only, which is clearly incidental and secondary to the use of the premises for residential purposes (see section 50-117), and which can be conducted without any significantly adverse impact on the surrounding neighborhood.~~

~~*Hospital* means an institution that is licensed by the state and that falls within one of the following definitions:~~

> ~~*Acute care.* The term "acute care" means an institution where sick or injured patients are given medical and/or surgical treatment intended to restore them to health and an active life.~~
>
> ~~*Chronic care.* The term "chronic care" means an institution where those persons suffering from illness, injury, deformity and/or deficiencies pertaining to age are given medical care and treatment on a prolonged or permanent basis.~~

~~Hospital means an institution providing health services primarily for human inpatient medical or surgical care for the sick or injured and including related facilities such as laboratories, outpatient departments, training facilities, central services facilities, and staff offices which are an integral part of the facilities.~~

~~*Hotel* means a facility offering temporary lodging accommodations or guest rooms on a daily rate to the general public and providing additional services, such as restaurants, meeting rooms, housekeeping service and recreational facilities. The term "guest room" shall be defined as a room designed for the overnight lodging of hotel guests for an established rate or fee. A hotel must also meet the following requirements:~~

~~(1) Guest rooms must be accessible only through interior corridors;~~

~~(2) Entrance through exterior doors must be secured and accessible only to guest and employees;~~

~~(3) Hotel management must be on site 24 hours each day;~~

~~(4) Prohibit overnight parking of trucks with more than two axles in hotel's parking areas;~~

~~(5) Must contain at least three of the following amenities:~~

~~a. A minimum of 300 square feet of dedicated meeting and event facilities;~~

b. A restaurant, eating or social area accessible through the interior of the hotel that offers food or food options and seating for at least 30 patrons during industry standard dining hours;

c. Swimming pool; or

d. Fitness center.

Household care facility means a dwelling unit which provides residence and care to not more than nine persons, regardless of legal relationship, who are elderly; disabled; orphaned, abandoned, abused, or neglected children; victims of domestic violence; or rendered temporarily homeless due to fire, natural disaster or financial setbacks, living together with not more than two supervisory personnel as a single housekeeping unit. This definition is subject to the Assisted Living Facility Licensing Act (V.T.C.A., Health and Safety Code ch. 247) and Community Homes for Disabled Persons Location Act, V.T.C.A., Human Resources Code ch. 123. A household care facility is also referred to as a hospice.

Household care institution means a facility which provides residence and care to ten or more persons, regardless of legal relationship, who are elderly; disabled; orphaned, abandoned, abused, or neglected children; victims of domestic violence; convalescing from illness; or temporarily homeless due to fire, natural disaster, or financial setback together with supervisory personnel.

HUD-Code manufactured home means a structure, constructed on or after June 15, 1976, according to the rules of the United States Department of Housing and Urban Development (HUD), 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 plumbing, heating, air conditioning and electrical systems.

HUD-Code manufactured home or *manufactured home* means a movable dwelling designed to be transported on the highway (either intact or in major sections) by a prime mover, which can be used as a residential dwelling either with or without a permanent foundation. The term "HUD-Code manufactured home" is also defined as a movable manufactured home that was constructed after June 15, 1976.

Incidental or accessory retail and service uses means any use different from the primary use but which compliments and/or supplements the primary use (e.g., a sundries shop that serves tenants of an office building or hospital). The term "incidental" shall mean an area which constitutes not more than 15 percent of the main use.

Industrial manufacturing means establishments engaged in the manufacturing or transformation of materials into new products. These establishments are usually described as plants and factories, and characteristically use power-driven machines and materials handling equipment. Manufacturing production is usually carried on for the wholesale market, rather than for direct sale to the domestic consumer.

*Industrialized home (*also called *modular prefabricated structure or modular home)* means a structure or building module as defined under the jurisdiction and control of the state department of labor and standards, that is transportable in one or more sections on a temporary chassis or other conveyance device, and that is designed to be installed and used by a consumer as a fixed residence on a permanent foundation system. The term "industrialized home" includes the plumbing, heating, air conditioning and electrical systems contained in the structure. The term "industrialized home" does not include mobile homes or HUD-Code manufactured homes as defined in V.T.C.A., Occupations Code § 1201.003.

Institution for alcoholic, narcotic or psychiatric patients means an institution offering out patient treatment to alcoholic, narcotic or psychiatric patients.

Institutional use means a nonprofit, religious, or public use, such as a church, library, public or private school, hospital, or government-owned or operated building, structure or land used for public purposes.

Japanning and shellacking works means an establishment engaged in applying finish coats to wood and like materials, specifically including the application of enamels, lacquers, sealants, and/or varnishes.

~~Junkyard means the outdoor use of any lot for the sale, storage, display, dismantling, demolition, abandonment or discarding of junk.~~

~~Kennels (indoor pens) means an establishment with indoor pens in which more than four dogs or domesticated animals more than one year old are housed, groomed, bred, boarded, trained and/or sold for commercial purposes.~~

~~Kennels (outdoor pens) means an establishment with outdoor pens in which more than four dogs or domesticated animals more than one year old are housed, groomed, bred, boarded, trained and/or sold for commercial purposes.~~

~~Laboratory equipment manufacturing means a facility that makes or produces equipment or products used for research or testing.~~

~~Laboratory, scientific or research means an establishment that engages in research, testing or evaluation of materials or products, but not medical related (see subsection (5) of medical facilities).~~

~~*Laundromat washateria/self service* means a facility where patrons wash, dry and/or dry clean clothing and other fabrics in machines on the premises that are operated by the patron/general public.~~

~~*Laundry/dry cleaning (retail only, drop off/pick up)* means a facility where clothing and other fabrics are washed, dried, and/or dry cleaned in machines on the premises that are operated by an employees of the facility.~~

~~Light manufacturing or industrial use means manufacturing of finished products or parts, predominantly from previously prepared materials, including fabrication, assembly, and packaging of such products, and incidental storage, sales and distribution of such products, but excluding basic industrial processing.~~

~~1. **Manufactured home display or sales (new or used) means the offering for sale, storage, or display of new or previously owned (i.e., used) manufactured housing units (e.g., mobile homes/trailers, HUD-code homes, industrialized homes) on a parcel of land, but excluding the use of such facilities as dwellings either on a temporary or permanent basis.**~~
~~Manufactured home means a HUD-Code manufactured home or a mobile home and collectively means and refers to both. For the purposes of this chapter, a mobile home shall not mean a HUD-Code manufactured home and a HUD-Code manufactured home shall not mean a mobile home. Also, for purposes of this chapter, the term "manufactured home" shall not include recreational vehicles.~~

~~Manufactured home park means any lot, tract or parcel of land used in whole or in part to provide facilities and accommodations for two or more manufactured homes for the convenience of its residences, whether by the day, week or for longer periods of time, and with or without compensation.~~

~~Manufactured/mobile home park means a parcel of land not less than three acres nor greater than 35 acres which is designed, improved, or intended to be used for short- or long-term occupancy by manufactured or mobile homes in designated spaces. The facility may include a residence for the owner/manager of the premises, utility hookups, accessory structures, playgrounds and open space areas, fenced yard areas for pets, and other similar amenities.~~

~~Manufactured/mobile home subdivision means a parcel of land which is designed, platted, improved and intended for the long-term placement of individually owned manufactured/mobile home units or HUD-code manufactured homes on platted lots which can be purchased outright by the owners of the manufactured/mobile home units. The facility may include a residence for the owner/manager of the premises, utility hookups, accessory structures, playgrounds and open space areas, fenced yard areas for pets, and other similar amenities.~~

~~Market, open air means a temporary outdoor marketplace where two or more vendors are on private property. Where produce, merchandise, food, or other products are distributed, offered for sale, or sold directly to consumers.~~

~~Massage establishment means any place of business in which massage therapy is practiced by a massage therapist, as defined and licensed by state law. The term "massage therapy," as a health care service, means the manipulation of soft tissue for therapeutic purposes. The term "massage establishment" includes, but is not limited to, effleurage (stroking), petrissage (kneading), tapotement (percussion), compression, vibration, friction, nerve strokes, and Swedish gymnastics, either by hand or with mechanical or electrical apparatus for the purpose of body message. The term "massage therapy" may include the use of oil, salt glows, heat lamps, hot and cold packs, tub, shower or cabinet baths. Equivalent terms for "massage therapy" are massage and therapeutic massage. The terms "massage" and "therapeutic" do not include diagnosis, the treatment of illness or disease, or any service or procedure for which a license to practice medicine, chiropractic, physical therapy, or podiatry is required by law.~~

~~Mausoleum means property used for the interring of the dead and where bodies are interred above ground in staked vaults.~~

~~Medical clinic or office means a facility or group of offices for one or more physicians for the examination and treatment of ill and afflicted human outpatients provided that patients are not kept overnight except under emergency conditions.~~

~~Medical facilities includes any of the following: [Dental office or doctor's office, Hospital, Massage establishment, Medical clinic or office, Medical laboratory, Public health center, Sanitarium, Surgical out-patient facility]~~

~~Medical laboratory means an indoor establishment that includes laboratories and/or experimental equipment for medical testing, prototype design and development, and product testing.~~

~~*Mini warehouse/self storage* means small, individual, storage units for rent or lease, restricted solely to the storage of items. The conduct of sales, business or any other activity within the individual storage units, other than storage, shall be prohibited.~~

~~Mobile Food Court means a parcel of land where two or more mobile food vendors congregate to offer food or beverages for sale to the public as the principal use of the land. This definition shall not be interpreted to include a congregation of mobile food vendors as a secondary, accessory use, and/or temporary use.~~

~~Mobile home means a movable dwelling designed to be transported on its own chassis on the highway (either intact or in major sections) by a prime mover, which is constructed with a base section so as to be independently self supporting, and which does not require a permanent foundation for year round living. The term "mobile home" is also defined as any manufactured home that was constructed prior to June 15, 1976.~~

~~Mobile home means 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 plumbing, heating, air conditioning and electrical systems.~~

~~*Model home* means a dwelling in a developing subdivision, located on a legal lot of record that is limited to temporary use as a sales office for the subdivision and to provide an example of the dwellings which have been built or which are proposed to be built within the same subdivision.~~

~~*Motel* means a building or group of buildings in which temporary lodging accommodations or guest rooms are offered at a daily rate to the general public. If a proposed business does not meet the "hotel" definition, it will be defaulted as "motel".~~

~~*Motor freight company* means a company using trucks or other heavy load vehicles to transport goods, equipment and similar products. The term "motor freight company" includes companies that move residential or commercial belongings.~~

~~Motorcycle sales/dealer means the display, sale and/or servicing, including repair work, of motorcycles.~~

~~*Municipal facility or use* means any area, land, building, structure and/or facility which is owned, used, leased or operated by the city, including police and fire department facilities.~~

~~*Nursery* means an establishment, including a building, part of a building or open space, for the growth, display and/or sale of plants, shrubs, trees and other materials used in indoor or outdoor planting.~~

~~*Office showroom/warehouse* means an establishment with no more than 25 percent of its total floor area devoted to storage and warehousing, but not accessible to the general public. The remaining area may include retail and wholesale sales areas, sales offices, and display areas for products sold and distributed from the storage and warehousing areas.~~

~~*Offices, professional and general business,* means a room or group of rooms used for the provision of executive, management and/or administrative services. Typical uses include administrative offices and services including real estate, insurance, property management, investment, legal, personnel, travel, secretarial services, medical, dental, telephone answering, and business offices of public utilities, organizations and associations, but excluding medical offices.~~

~~*Outdoor sales* means any primary use of a premises whereon goods, materials, or merchandise is displayed for the purpose of sale, and which the display area is greater than 30 percent of the gross floor area of the principal building.~~

~~Paint shop means a commercial establishment where painting services are performed but not automotive-related painting services, which would be included under auto repair (major).~~

~~*Park or playground (private)* means a recreation facility, park or playground which is not owned by a public agency such as the city or school district, and which is operated for the exclusive use of private residents or neighborhood groups and their guests and not for use by the general public.~~

~~*Park or playground (public, municipal)* means publicly owned and operated parks, recreation areas, playgrounds, swimming pools and open spaces that are available for use by the general public without membership or affiliation. This land use shall include special event type uses such as rodeos, concerts, festivals and other special events requiring special event permits, as set forth in this CodeUDC.~~

~~*Parking lot* or *garage for passenger cars and trucks of less than one-ton capacity* means an area or structure devoted to the parking or storage of cars and trucks of less than one-ton capacity for a fee which may include, in the case of a parking structure only, a facility for servicing automobiles provided that such facility is an internal function for use only by automobiles occupying the structure.~~

~~*Pawn shop* means an establishment where money is loaned on the security of personal property pledged in the keeping of the owners (pawnbroker). Retail sales of primarily used (i.e., pre-owned) items is also allowed, provided that the sale of such items complies with local, state and federal regulations.~~

~~*Pet and animal grooming shop* means a retail establishment offering small animals, fish and/or birds for sale as pets, where such creatures are housed within the building, and which may include the grooming of dogs, cats and similar animals.~~

~~*Petroleum distribution/storage* means a facility for the long-term storage and distribution of petroleum that may also involve wholesale sales, but not retail sales, of petroleum and petroleum based products. No manufacturing or refining of petroleum or petroleum based products occurs on the premises, only storage and/or distribution functions.~~

~~Playfield or stadium (private) means an athletic field or stadium owned and operated by an agency other than the city or the school district.~~

~~Private club means an establishment providing social and/or dining facilities which may provide alcoholic beverage service, to an association of persons, and otherwise falling within the definition of, and permitted under the provisions of, V.T.C.A., Alcoholic Beverage Code title 3, ch. 32, as the same may be hereafter amended, and as it pertains to the operation of private clubs.~~

~~Professional service means work performed which is commonly identified as a profession, and which may be licensed by the state.~~

~~Propane sales means retail sales of gaseous substances commonly used for household purposes such as propane and/or butane; the term "propane sales" does not include the storage, sale or distribution of other types of combustible substances or alternative fuels such as containerized natural gas, liquid propane, etc.~~

~~Public agency building, shop, yard or facility means any building, land, area and/or facility (including maintenance/storage yards and shops) which is owned, leased, primarily used and/or occupied by any subdivision or agency of the following: the state, the United States, or other public utility or agency. Any facility which is owned, leased, used and/or occupied by the city, either county, the federal government, or other recognized political subdivision or public agency.~~

~~Public health center means a facility primarily utilized by a health unit for providing public health services including related facilities such as laboratories, clinics and administrative offices operated in connection therewith.~~

~~Recreation center means a place designed and equipped for the conduct of sports, leisure time activities, and other customary and usual recreational activities.~~

~~*Recreational vehicle (RV) park/campground* means an area or commercial campground for users of recreational vehicles, travel trailers, and similar vehicles to reside, park, rent or lease. A parcel of land not less than three acres nor greater than 35 acres which is designed, improved, or intended to be used for short- or long-term occupancy by recreational vehicles (including travel trailers) in designated spaces. The facility must be developed in accordance with definition as adopted and may include a residence for the owner/manager of the premises, utility hookups, accessory structures, playgrounds and open space areas, fenced yard areas for pets, and other similar amenities.~~

~~Recreational vehicle park means any lot, tract or parcel of land used in whole or in part to provide facilities and accommodations for two or more recreational vehicles used by transients as living or sleeping quarters, whether by the day, week or for longer periods of time, and with or without compensation.~~

~~Recreational vehicle/camper sales and leasing means an establishment that sells, leases and/or rents new and/or used recreational vehicles, travel trailers, campers, boats/watercraft, and similar types of vehicles.~~

~~*Rehabilitation care facility (halfway house)* means a dwelling unit which provides residence and care to not more than nine persons regardless of legal relationship who have demonstrated a tendency towards alcoholism, drug abuse, mental illness, or antisocial or criminal conduct living together with not more than two supervisory personnel as a single housekeeping unit.~~

~~*Rehabilitation care institution (business)* means a facility which provides residence and care to ten or more persons, regardless of legal relationship, who have demonstrated a tendency toward alcoholism, drug abuse, mental illness, or antisocial or criminal conduct together with supervisory personnel.~~

~~Residential use means a dwelling unit or group of dwelling units; the term "residential use" includes dwelling units within the second story of a building wherein other parts of the building are used for a nonresidential purpose, such as a retail establishment or office.~~

~~Retail or service, incidental, means the rendering of incidental retailing or services incidental to the primary use. In the O Office District, for example, such uses may include a barbershop, beauty shop, smoke shop, news stand, candy counter, restaurant, pharmacy or other incidental activity secondary to the primary office occupancy. The term "incidental uses" shall mean uses which occupy less than 15 percent of the main use.~~

~~Retirement housing for the elderly, (also independent living center or congregate housing,) means a development providing self-contained dwelling units specifically designed for the needs of the elderly. Units may be rented or owner-occupied. To qualify as retirement housing, a minimum of 80 percent of the total units shall have a household head 55 years of age or greater. No long-term or permanent skilled nursing care or related services are provided.~~

~~Salvage storage yard (see wrecking yard) means the reclamation and storage of used products or materials.~~

~~Sand, gravel or stone storage (including sales) means the process of storing and/or selling sand, gravel, stone, topsoil, compost or other products from the earth.~~

~~Sanitarium means an institution providing health facilities for inpatient medical treatment or treatment and recuperation making use of natural therapeutic agents.~~

~~Sanitary station or dump facility means a facility used for removing and disposing of wastes from dependent or self-contained recreational vehicle holding tanks.~~

~~School—Business means a for-profit business that offers instruction and training in a profession, service or art such as a secretarial or court reporting school, barber/beauty college or commercial art school, but not including commercial trade schools.~~

~~School—Commercial trade (vocational) means a for-profit business that offers vocational instruction and training in trades such as welding, brick laying, machinery operation/repair, and similar trades.~~

~~School—Other than public or denominational means a school under the sponsorship of a private agency or corporation, other than a public or religious agency, which offers a curriculum that is generally equivalent to public elementary and/or secondary schools.~~

~~School—Public or denominational means a school under the sponsorship of a public or religious agency which provides elementary and/or secondary curricula, but not including private business or commercial trade schools.~~

~~Scientific and industrial research laboratories means facilities for research, including laboratories, experimental equipment, and operations involving compounding or testing of materials (hazardous or nonhazardous) or equipment.~~

~~Seasonal uses includes the sales of items such as Christmas trees, pumpkins, snow cones, fresh produce, and other items which are typically only available at certain times of the year.~~

~~Servant's quarters or guest house means an accessory dwelling in a residential district for the sole use and occupancy of a member of the immediate family or of a person or persons employed on the premises by the occupant on a full-time basis as domestic help such as a maid, nanny/governess, groundskeeper, chauffeur, cook or gardener, but not involving the rental of such facilities or the use of separate utility connections for such facilities.~~

~~Service building means a structure housing a toilet, lavatory, showers and other facilities as may be required by this chapter.~~

~~Sexually oriented business means as provided in chapter 6, article II.~~

~~Sheltered care facility means a nonprofit or for-profit boarding home for the sheltered care of persons with special needs, which, in addition to providing food and shelter, may also provide some combination of personal care, social or counseling services, and transportation.~~

~~Shopping center means a group of primarily retail and service commercial establishments that is planned, constructed and managed as a total entity, and which provides customer and employee parking on site, unloading/delivery areas which are separated from customer access, and aesthetically appropriate design and protection from the elements.~~

~~Skilled nursing facility means a facility providing primarily inpatient health care, personal care, or rehabilitative services over a long period of time to persons who are chronically ill, aged or disabled and who need ongoing health supervision but not hospitalization. A skilled nursing facility is also referred to as a nursing home, convalescent home, or a long-term care facility.~~

~~Small engine repair shop means a shop for the repair of lawn mowers, chainsaws, lawn equipment, and other machines with one-cylinder engines.~~

~~Stable, commercial, means a stable used for the rental of stall space or for the sale or rental of horses or mules.~~

~~Stables (private, principal or accessory use) means an area used solely for the owner's private purposes for the keeping of horses, mules or ponies which are not kept for remuneration, hire or sale.~~

~~Storage or wholesale warehouse means a building used primarily for the storage of goods and materials.~~

~~Studio for radio and/or television means a building or portion of a building used as a place for radio or television broadcasting.~~

~~Surgical out patient facility means an establishment offering any type of surgical procedures and related care which, in the opinion of the attending physician, can be performed safely without requiring inpatient overnight hospital care and exclusive of such surgical and related care as licensed physicians ordinarily may elect to perform in their private offices.~~

~~Swimming pool, commercial, means a swimming pool with accessory facilities which is not part of the municipal or public recreational system and which is not a private swim club, but where the facilities are available for use by the general public for a fee.~~

~~Swimming pool, private (use by membership) means a swimming pool constructed for the exclusive use of the residents of a one-family, two-family or multiple-family dwelling and located, fenced and built in accordance with this Code. A private swimming pool shall not be operated as a business nor maintained in a manner to be hazardous or obnoxious to adjacent property owners.~~

~~Tattoo or body piercing studio means a building or portion of a building used for selling and/or applying tattoos (by injecting dyes/inks into the skin), and/or for piercing the skin with needles, jewelry or other paraphernalia, primarily for the purpose of ornamentation of the human body.~~

~~Telemarketing center means an establishment which solicits business or the purchase of goods and/or services by telephone only. No sale of goods or services to the public occurs at or on the premises. No products are stored at or on the premises.~~

~~Telephone and exchange/switching station means a line for the transmission of telephone signals and a central office in which telephone lines are connected to permit communication but not including a business office, storage (inside or outside) or repair yards.~~

~~Temporary field office or construction yard or office means a structure or shelter used in connection with a development or building project for housing on the site of temporary administrative and supervisory functions and for sheltering employees and equipment. Temporary permits for one year for a specific time and location as determined may be issued by the building official and shall be subject to review and renewal for reasonable cause.~~

~~Temporary real estate field office means a building, structure, or portable trailer used temporarily for sales of residential units in a recorded subdivision or development with a residential use component and in which sales and construction of residential units is planned and underway.~~

~~Tennis court (private/not lighted) means a surface designed and constructed for playing the game of tennis along with all fencing, nets and related appurtenances but excluding lighting for nighttime play in residential areas except as may be otherwise provided or restricted by the conditional use permit.~~

~~Theater or playhouse (indoor) means a building or part of a building devoted to the showing of motion pictures, or for dramatic, musical or live performances.~~

~~Theater, drive-in (outdoor) means an open lot with its appurtenant facilities devoted primarily to the showing of motion pictures or theatrical productions on a paid admission basis to patrons seated in automobiles.~~

~~Tire sales (indoors, no outside storage) means a retail establishment engaged in the sale and/or installation of tires for vehicles, but without outside storage.~~

~~Tire sales (outdoors, with outside storage) means a retail establishment engaged in the sale and/or installation of tires for vehicles, with outside storage.~~

~~Tool and machinery rental means a building or a portion of a building used for the display and rental of tools, machinery and instruments and that may have outdoor storage.~~

~~Tractor Sales. See Heavy machinery sales and storage.~~

~~Trade And Commercial Schools. See School commercial trade.~~

~~Trailer Home. See Recreational vehicle.~~

~~Trailer Park Or Court. See Recreational vehicle park.~~

~~Trailer Space. See Recreational vehicle park.~~

~~Transit terminal means any premises for the transient housing and/or parking of motor-driven buses and the loading and unloading of passengers.~~

~~Transportation and utility structures/facilities means permanent facilities and structures operated by companies engaged in providing transportation and utility services, including, but not limited to, railroad track rights-of-way, sewage pumping stations, telephone exchanges, transit station turnarounds, water reservoirs and water pumping stations.~~

~~Truck and bus leasing means the rental of new or used panel trucks, vans, trailers, recreational vehicles or motor-driven buses in operable condition and where no repair work or intensive cleaning operations are performed.~~

~~Truck and bus repair means an establishment providing major and minor automotive repair services to heavy load vehicles.~~

~~Truck sales and services (heavy trucks) means the display, sale or rental of new or used heavy load vehicles in operable condition.~~

~~Truck stop means a facility for the parking, refueling and/or minor repair of heavy load tractor trailer trucks. These facilities may also include retail sales of food and/or other items, restaurants, restroom/showers facilities, and/or temporary sleeping quarters.~~

~~Truck terminal means an area and building where cargo is stored and where trucks, including tractor and trailer units, load and unload cargo on a regular basis. The term "truck terminal" may include facilities for the temporary storage of loads prior to shipment.~~

~~Veterinarian clinic means an establishment where animals and pets are admitted for examination and medical treatment and that may have indoor and/or outdoor kennels or pens (see kennels).~~

~~Wrecking materials yard (junkyard or auto salvage) means any lot upon which two or more motor vehicles of any kind, which are incapable of being operated due to condition or lack of license, have been placed for the purpose of obtaining parts for recycling or resale.~~

2.05. Zoning Development Standards

A. Building and Site Design ~~Standards~~

1. Purpose

The purpose of these standards is to ensure development enhances the community's aesthetic quality, promotes functional design, and aligns with the City's long-term vision for architectural integrity and character. These standards are designed to:

a. Improve the appearance and value of developments, particularly along high-visibility corridors.

b. Encourage innovative, high-quality design while maintaining flexibility to accommodate architectural creativity.

2. Applicability

This section applies to development in all zoning districts unless otherwise stated. The regulations herein must be met in the following circumstances:

a. At the time any building or structure is constructed or expanded by more than 50 percent in square footage.

3. Residential Proximity Slope

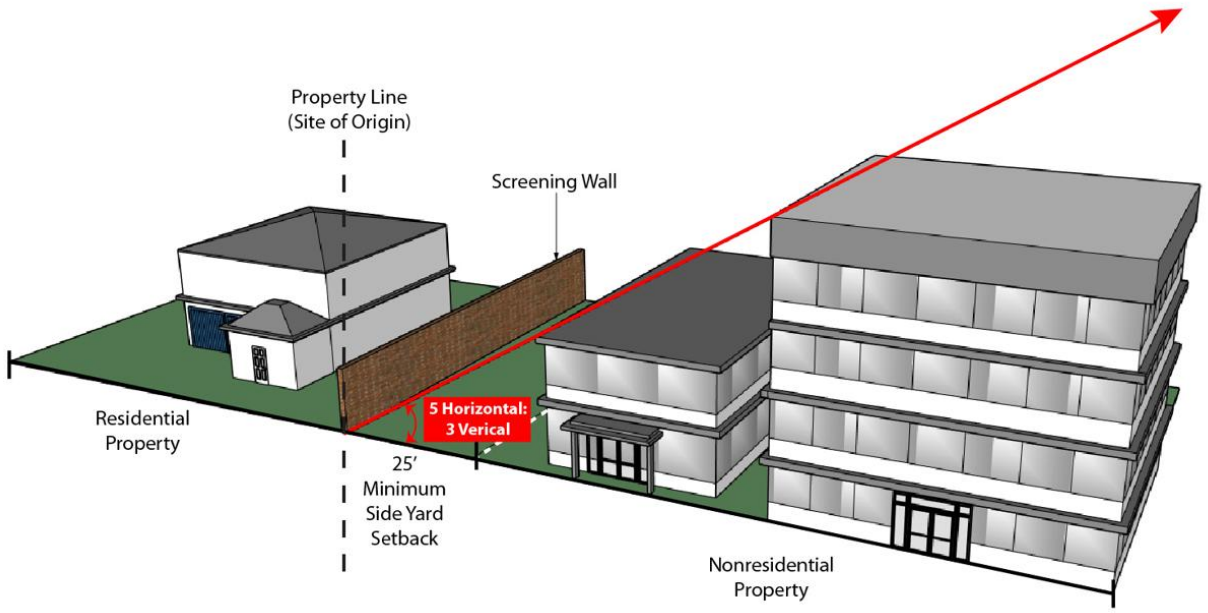
In all districts, where any building that exceeds 45 feet in height is adjacent to a Single-Family or Duplex zoned property, the following restrictions shall apply:

a. Adjacency exists if a building is immediately beside, behind, or facing Single-Family or Duplex zoned property. This includes a building directly across a Collector, Local Street, or an Alley.

b. In lieu of the setbacks prescribed for each district, setbacks must be at least 25 feet and follow a ratio of five (5) feet in horizontal distance for every three (3) feet of building height, measured from the adjacent property line of the Single-Family or Duplex zoned property.

c. See **Figure 2.05-1. Setback and Height Relationship**~~**Figure 2.05-1. Setback and Height Relationship**~~ for an illustration of this slope measurement.

Figure 2.05-1. Setback and Height Relationship



4. Nonresidential Developments

The following standards apply to new construction or expansions of more than 50 percent of the square footage of all nonresidential development, except in the Industrial (I) District.

a. Building Orientation and Facades

i. Orientation

Buildings shall generally be parallel to the street they front unless an alternate orientation is consistent with existing adjacent development.

ii. Building Entrance

(a) The primary entrance shall front a public street with a walkway connecting to a front sidewalk.

(b) A front facade shall be articulated and designed to present a distinctive entry presence, emphasizing the building's entry point along the façade.

(c) Each building's primary entrance shall provide a sheltered, recessed, or covered entry to provide weather protection.

b. Façade Articulation

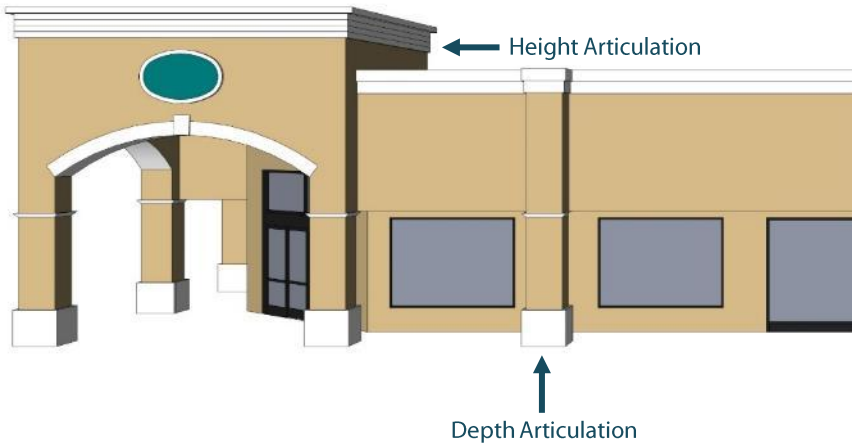
i. Depth and height articulation should be combined to create a façade with architectural variety. The regulations in this subsection are not intended to prescribe a formula for building design but rather to prevent monotonous or "boxy" appearances.

ii. To avoid the appearance of a flat wall or roofline, façade depth and height articulation is required on any façade of a building that faces a public street or a residential zoning district.

iii. Depth Articulation of at least 3 feet shall be required for every 30 feet of building façade length.

iv. Height Articulation for flat roofs of at least 5 feet shall be required for every 50 feet of building façade length. Pitched roofs do not require height articulation.

Figure 2.05-2. Example of Depth and Height Articulation



c. Roof Design Standards

i. All structures shall be constructed with a pitched roof, flat roof with a parapet, or a combination thereof.

ii. All flat roof surfaces shall be screened so that the actual roof surfaces and rooftop equipment are not visible from ground level in accordance with **E.4.k. Mechanical/Utility Equipment**~~**Mechanical/Utility Equipment**~~.

d. Minimum Quality Design Elements Required

i. Each building in a development must provide the minimum number of quality design elements identified in **Figure 2.05-3. Minimum Architectural Features Required**~~**Figure 2.05-3. Minimum Architectural Features Required**~~ based on the building's square footage. The design elements may be selected from **iii. Quality Building Design Elements**~~**Quality Building**~~, **iv. Quality Site Design Elements**~~**Quality**~~, or a combination thereof. Each element may be counted once per building.

Figure 2.05-3. Minimum Architectural Features Required

Building Size	Minimum Number of Quality Building Design Elements (subsection 2.05.A.4.d.iii) and Quality Site Design Elements (subsection 2.05.A.4.d.iv)
25,000 square feet or less	At least 3 elements
Between 25,000 and 50,000 square feet	At least 4 elements
50,000 square feet or more	At least 5 elements

ii. Incentives for Providing Additional Quality Design Elements Above Minimum Required

(a) A development that exceeds the minimum required features by two elements may request an additional 10 feet of maximum height or a 3 percentage point increase in lot coverage.

(b) A development that exceeds the minimum required features by four elements may request an additional 15 feet of maximum height or a 5 percentage point increase in lot coverage.

(c) The height bonus cannot exceed the height limitation established by 3~~3~~. Residential Proximity Slope.

iii. Quality Building Design Elements

(a) Use of primary masonry (brick, limestone, granite, true stucco) for a minimum of 75 percent of the exterior façade excluding windows and secondary masonry (applied brick or stone, EIFS, architectural metal panels) for up to 25 percent.

(b) Canopies, awnings, arbors, or porticos a minimum of 6 feet in depth.

(c) Roof overhangs, cornice projections, or eaves with a minimum 2-foot overhang.

(d) Articulation beyond the minimum required.

(e) Arcade or colonnade; minimum 8 feet in height and spanning at least 50 percent of the length of a street-facing façade.

(f) Arched forms (prominent or repeating).

(g) Outdoor patios (located on private property) at least 250 square feet and exclusive of sidewalks.

(h) Display windows at least 7 feet in height and measuring no more than 36 inches from the ground.

(i) Artistic architectural details such as friezes, tile work, murals, 3D brick, patterns, or moldings.

(j) Integrated planters or knee walls with landscape and sitting areas (located on private property).

(k) Offsets, reveals, pilasters, projecting ribs, or other 3D features incorporating or suggesting architectural or structural members.

(l) Other contrasting detailing, such as banding along 50 percent or more of the building exterior or mottled brick on 50 percent or more of the masonry surface.

(m) Enhanced exterior light fixtures such as wall sconces, light coves with concealed light sources, non-directional or indirect light strips, or decorative pedestal lights in conformance with **2.05.F Outdoor Lighting**~~Outdoor Lighting~~.

iv. Quality Site Design Elements

(a) Placement of at least 50 percent of the parking to the side or rear of the main building, or have no more than one double-loaded row of parking between the building and the street.

(b) Designate 10 percent or more of the site as shared access usable open space with at least one street frontage, containing items such as seating, water features, seasonal plantings in decorative planters, decorative bollards, textured paving, living wall, mural, decorative lighting, trash receptacles, available public water for people and pets, electrical hook-ups to allow programming, and/or a comparable amenity proposed by the applicant. Usable open space shall not include any paving designed to convey motor vehicles, parking lot tree islands, the building footprint, areas containing above-ground utilities, required landscaping, or gated or private open space not accessible to the general public.

(c) Provide patios for outdoor dining equivalent to 5 percent of the site or 30 percent of a planned restaurant dining area.

(d) Provide public art on-site equivalent to 1 percent or more of the overall project cost.

(e) Provide additional off-street connections with neighboring properties other than those properties within the development.

(f) Utilize decorative pavement for 25 percent or more of hardscape, including stamped concrete or pavers. Applied patterns are not acceptable except for use as public art.

(g) Provide at least one entryway feature, such as a monument or archway that is not used for advertising any tenants but that may display the name of the development or the City.

B. Off-Street Parking and Loading

1. Purpose

The purpose of this article is to secure safety from fire, panic, and other dangers; to lessen congestion on public streets; to facilitate the adequate provision of transportation; to conserve the value of buildings; and to encourage the most appropriate and efficient use of land.

2. Applicability

This section applies to development in all zoning districts. The regulations herein must be met in the following circumstances:

a. At the time any building or structure is constructed or expanded in square footage; or

b. At the time of a change in use or occupancy.

~~a. Whenever a building or use is changed or enlarged in floor area, number of dwelling units, seating capacity or otherwise, to create a need for an increase of ten percent or more in the number of existing parking spaces, such spaces shall be provided on the basis of the enlargement or change.~~

~~b. If a building or use that was in existence prior to the effective date of the ordinance from which this chapter is derived is enlarged by more than 50 percent in floor area, number of employees, number of dwelling units, seating capacity or otherwise, then said building or use shall be required to conform with the parking requirements herein for the entire building or use.~~

3. All Parking

The minimum off-street parking and loading shall be provided as set forth in the following ~~schedules and~~ provisions.

a. Amount of Parking

Development shall provide at least the number of off-street vehicular parking spaces required by **2.04.B. Permitted Use Chart**~~Permitted Use Chart~~ unless otherwise indicated within this UDC.

b. Parking, Loading, and Driveway Surfaces

All required parking, loading, and driveway spaces must be asphalt or concrete surfaces.

i. Exception: Driveways and approaches to parking spaces do not require asphalt or concrete in the AG District.

~~All required vehicle parking shall be on a concrete or asphalt paved surface.~~

~~All driveways and approaches to parking spaces shall be on a concrete or asphalt paved surface, except in the AG District.~~

c. Parking Dimensions

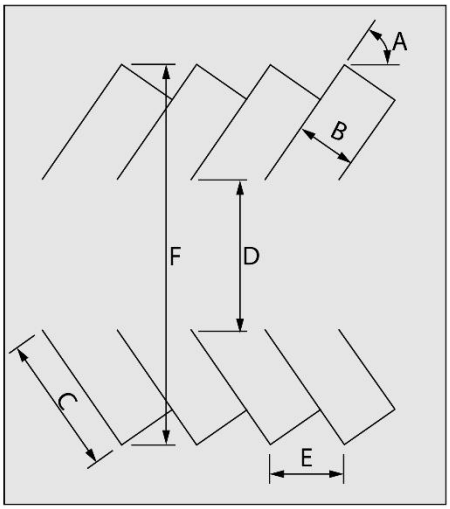
The minimum dimensional requirements for parking stalls and driving aisles are shown in **Figure 2.05-4. Minimum Requirements for Parking Space Configuration, Arrangement, Size, and Circulation**~~Figure 2.05-4. Minimum Requirements for Parking Space Configuration, Arrangement, Size, and Circulation~~.

Figure 2.05-4. Minimum Requirements for Parking Space Configuration, Arrangement, Size, and Circulation

A	B	C	D		E	F
Parking Angle (in degrees)	Stall Width (in feet)	Stall Depth (in feet)	Aisle Width for One-Way Traffic (in feet)	Aisle Width for Two-Way Traffic (in feet)	Curb Length Per Car (in feet)	Parking Lot Width (curb-to-curb, in feet)

0°	8.0	20.0	12.0	24.0	23.0	-
30°	9.0	17.3	12.0	24.0	18.0	37.5
45°	9.0	19.6	13.0	24.0	12.7	46.5
60°	9.0	21.0	18.0	24.0	10.4	65.5
90°	9.0	19.0	24.0	24.0	9.0	-

Figure 2.05-5. Parking Configuration Diagram



4. Residential Districts; Off-Street Parking Provisions

~~P~~The following are parking regulations for ~~the AG, SF-20-E, SF-9, SF-7.5, SF-6, and D districts and for Planned Developments for~~ single-family, zero lot line, patio home, townhome, and single-family attached dwelling units.

~~For every single-family dwelling unit, a minimum of two off-street parking spaces shall be provided on the same lot as the main structure. For duplexes, two off-street parking spaces for each dwelling unit shall be required.~~

a. For ~~the purposes of this subsection~~calculating the number of required spaces, the first two parking spaces contained in covered garages and/or covered carports for each dwelling unit shall not be considered as off-street parking spaces. For example, if a dwelling has a three-car garage, one additional off-street parking space would be required in addition to that included within the garage.

b. Off-street parking spaces shall be directly adjacent to a dwelling or garage.

~~If off-street parking spaces are aligned linearly, they shall be directly adjacent to one another.~~

c. For the purposes of this subsection, the minimum dimensions of each parking space shall be in accordance with Figure 2.05-4. Minimum Requirements for Parking Space Configuration, Arrangement, Size, and Circulation~~Figure 2.05-4. Minimum Requirements for Parking Space Configuration, Arrangement, Size, and Circulation~~; ~~provided, however, two spaces shall be not less than 12 feet by 40 feet if aligned linearly~~.

d. All ~~required~~ driveways and parking areas shall ~~have a topping, which is~~ be the same material as the abutting street~~,~~ or ~~they may be~~ concrete ~~cement~~. ~~All additional parking in a required yard must also be of the same material as the abutting street or concrete cement.~~

e. Additional parking shall be required in accordance with this section for any recreational uses, clubhouse, office, sales offices and other similar accessory structures and uses.

f. No more than one recreational vehicle, travel trailer, boat, etc. (but not including golf carts) may be parked or stored in a residential driveway except for temporary loading, unloading, or service-related stops not exceeding 24 hours in a 7-day period.

g. No required parking space, garage, carport, or other automobile storage space shall be used for the storage of any Heavy Load Vehicle (see **Article 5.** Definitions~~Definitions~~, #57 Heavy Load Vehicle). No such vehicle shall be stored or parked for more than 72 hours within a 30-calendar-day period or on a regular, repetitive basis on any street, or within any front yard or street side yard. Such a vehicle shall be parked in a space that is located on a concrete or asphalt paved surface.

h. For Parking Regulations for the MHP District, see G~~G~~. Manufactured Homes/Recreational Vehicles~~Manufactured Homes/Recreational Vehicles~~, subsection **G.4.f.** Parking Spaces~~Parking Spaces~~.

~~5.~~ Nonresidential and MF Districts; Off-Street Parking Provisions

~~6. Parking Regulations for the MF District~~

~~7. Off Street Parking~~

~~8. Each dwelling unit within a multifamily dwelling complex shall be provided with on site off street parking as follows:~~

~~9. Two parking spaces for each one bedroom unit;~~

~~10. Two and one half parking spaces for each two bedroom unit; and~~

~~11. Three parking spaces for each three bedroom unit.~~

~~12. (1.1)Parking regulations for the NR District~~

~~13. a. Parking areas must be located to the side or rear of primary buildings. No parking shall be located between the front and/or side facades of primary buildings and street right of way(s) unless otherwise specified by the following:~~

~~14. a. One way Vehicle drive through lanes for overall circulation as well as drive through and pickup/drop off services shall be exempt from this standard.~~

~~15. b. A maximum of one, one way aisle of parallel and/or angled parking stalls shall be permitted between street rights of way(s) and facades of primary buildings.~~

~~16. b. All parking and vehicle maneuvering areas shall be screened from streets by a solid row of hedges. As prescribed by Section 50 113(f)(3)(f)~~

~~17. a. EXCEPTION: Vehicle visibility triangles shall be clear of hedges utilized for screening as prescribed by Section 38 34 Obstructions prohibited in visibility triangle.~~

~~5. c. No parking area may be located closer than 10 feet from property lines for properties zoned for Single Family Residential uses.~~

a. ~~All parking areas shall be constructed of the same material as the adjoining street, or of concrete cement.~~ No on-street parking shall be counted as meeting the requirements of this ~~chapter~~ section unless otherwise stated and may be restricted or prohibited by the City.

b. All parking areas shall be separated from walkways, sidewalks, streets, or alleys by a wall, fence, curbing, or other protection device in accordance herewith and in accordance with other applicable City specifications.

c. Covered Parking and Density Bonuses

i. An increase in density of a total of up to 24 units per acre is permitted when at least 50 percent of the required parking spaces are constructed as covered or enclosed spaces.

ii. An increase in density of a total of up to 26 units per acre is permitted when 100 percent of the required parking spaces are constructed as covered or enclosed spaces.

~~No parking space may be located closer than six feet from any building or closer than two feet from any side or rear lot line.~~

d. For safety and fire ~~-~~fighting purposes, free access through to adjacent nonresidential parking areas shall be provided in accordance with **10**. Fire Lanes~~Fire Lanes~~ below~~section subsection (j) of this section~~.

e. All off-street parking, driveways, maneuvering, and loading areas shall be designed in accordance with Figure 2.05-4. Minimum Requirements for Parking Space Configuration, Arrangement, Size, and Circulation~~Figure 2.05-4. Minimum Requirements for Parking Space Configuration, Arrangement, Size, and Circulation~~ and Figure 2.05-5. Parking Configuration Diagram~~Figure 2.05-5. Parking Configuration Diagram~~. All such areas shall be drained to prevent damage to abutting properties and/or public streets and alleys.

f. Parking regulations for the NR District

i. Parking areas must be located to the side or rear of primary buildings. No parking shall be located between the front and/or side facades of primary buildings and street right-of-way(s) unless otherwise specific by the following:

(a) One-way vehicle drive-through lanes for overall circulation as well as drive-through and pickup/drop off services shall be exempt from this standard.

(b) A maximum of one, one-way aisle of parallel and/or angled parking stalls shall be permitted between street right-of-way(s) and facades of primary buildings.

~~i.~~ii. No parking area may be located closer than 10 feet from the property lines for properties zoned for Single-Family Residential uses.

~~f.~~g. All existing driveways within the Old Town area as of the effective date of this ~~chapter~~ section shall be deemed as conforming (unless they represent a threat to public health, safety and welfare, in which case the City may require removal and/or relocation and/or refurbishment).

~~g.~~h. For new construction only, all vehicle maneuvering shall take place on ~~-~~site. No public right-of-way shall be used for backing or maneuvering into or from a parking space ~~(except business locations in the downtown area that are already in existence as of the effective date of the ordinance from which this chapter is derived),~~ or for circulation within ~~the~~ a parking lot.

i. All entrances into parking lots shall be at least 20 feet in width~~,~~ and with~~or~~ a maximum of 40 feet in width.

ii. Divided entrances into parking lots shall have a minimum ingress lane of 18 feet, a minimum landscaped median width of five feet for an unbroken distance of at least ~~100~~ 50 feet, and a minimum egress lane of 22 feet. All divided entrances shall be a maximum of 45 feet in width.

~~h.~~i. In all nonresidential, mixed-use, and multifamily ~~zoning districts~~development, the perimeter of all parking lots and driveways shall be provided with concrete curbs. Parking shall not be permitted to encroach upon the public right-of-way.

~~i.~~j. Refuse storage facilities placed in a parking lot shall not be located in a designated parking or loading space. ~~Each refuse facility shall be located so as to facilitate pickup by refuse collection agencies and ease of egress from the site without having to back up further than 20 feet and without having to go the wrong way in a traffic aisle.~~

j. Parking spaces for persons with disabilities and other associated provisions (e.g., clear and unobstructed pathways into buildings, crosswalks across parking lots, etc.) shall be provided according to building codes, state laws, and requirements of the Americans with Disabilities Act (ADA), Texas Accessibility Standards (TAS), and the Public Right-of-Way Accessibility Guidelines (PROWAG).

k. Designated parking and loading areas shall not be used for the repair, storage, dismantling or servicing (except for normal maintenance of a private vehicle) of vehicles or equipment, or for the storage of materials or supplies, or for any other use in conflict with the designated parking and loading areas (i.e., advertising or outside storage of raw materials).

l. Off-street parking and loading spaces shall be used exclusively for their designated purposes and shall not be used for refuse containers, cart corrals, recycling kiosks, signs, telecommunications towers, or the storage, display, or sale/lease/rent of goods, vehicles, or equipment. These areas shall also not be used for vehicle repair (other than normal maintenance), dismantling, storage of materials or supplies, or any activity that conflicts with their primary function, such as advertising or outdoor storage of raw materials.

Use of Required Parking Spaces—Nonresidential Districts

Off-street parking and loading spaces shall be used only for these respective purposes and shall not be used for refuse containers, cart corrals, recycling kiosks, signs or sign support structures, telecommunications towers or support structures, storage or permanent display of boats, trailers, campers, motor vehicles or other goods, materials, or products for sale/lease/rent.

m. To ensure that all requirements set forth in this section are carried forward, it will be the responsibility of the owner of the parking area to adequately maintain the facility. All off-street parking areas shall be kept free of trash, debris, vehicle repair operation or display and advertising uses. At no time after initial approval of the parking area layout can changes be made in the location and number of provided spaces without City approval of a revised plan, as described in **2.02. Zoning Procedures**Zoning Procedures.

n. A stacking space shall be an area on a site measuring at least eight feet wide by 20 feet long that has direct forward access to a service window or station of a drive-through facility and that does not constitute space for any other circulation driveway, parking space, or maneuvering area. If required below, Aan escape lane of at least eight feet in width and with negotiable geometric design must be provided to allow vehicles to get out of the stacking lane if necessary. Off-street stacking requirements for drive-through facilities shall be as follows:

Figure 2.05-6 Minimum Stacking Space Requirements

Use	Minimum Number of Stacking Spaces
Banks and Financial Institutions (With Drive-Through Service)	Five Four (54) spaces per teller window or station, whether human or mechanical, with one (1) escape lane.
Eating Establishment (With Drive-Through RestaurantService)	Five (5) spaces for the first vehicle stop and two (2) spaces for each additional stop (e.g., order or pick-up window)., with o An escape lane shall be provided parallel to the stacking lane, beginning at the start of the stacking lane and continuing to the pick-up window. The escape lane shall be a minimum of eleven (11) feet in width and provide unobstructed access around the drive-through facility.ne (1) escape lane provided from the start of the stacking lane to the first vehicle stop.
Automobile Wash (Full-Service/Detail Shop) Car Wash	Four (4) spaces for each vacuum or gas pump lane. For the finish/drying area, adequate vehicle stacking and storage space must be provided to keep finished vehicles out of circulation aisles, access easements, fire lanes, streets, etc.
Automated Self-Service Car Wash BayAutomobile Wash (Automated Self-Service)	Three (3) spaces in addition to the wash bay itself, with one (1) space provided at the exit end of each wash bay for window-drying and other detailing.

~~Wand-Type Self-Service Car Wash Bay~~Automobile Wash (Wand-Type Self Service)	Two (2) spaces in addition to the wash bay itself, with one (1) space provided at the exit end of each wash bay for window-drying and other detailing, unless a separate area/shade structure is provided outside of circulation aisles for these activities.
~~Automobile Quick Lube Type Facilities~~Automotive Repair and Service, Minor	Three (3) spaces for each service bay in addition to the service bay itself.
Other Drive-Through Not Listed	Three (3) spaces for each service window.

~~i. For financial institutions with drive-through facilities, each teller window or station, human or mechanical, shall be provided with a minimum of five stacking spaces. One escape lane shall be provided.~~

~~ii. For each service window of a drive-through restaurant, a minimum of five spaces shall be provided for the first vehicle stop, and two spaces shall be provided for each additional vehicle stop (order/pick-up windows, etc.). One escape lane shall be provided from the beginning of the stacking lane to the first vehicle stop.~~

~~iii. For a full service car wash, each vacuum or gas pump lane shall be provided with a minimum of four stacking spaces. For the finish/drying area, adequate vehicle stacking and storage space must be provided to keep finished vehicles out of circulation aisles, access easements, fire lanes, streets, etc.~~

~~iv. For each automated self-service (drive-through/rollover) car wash bay, a minimum of three stacking spaces, in addition to the wash bay itself, shall be provided. One stacking space shall be provided at the exit end of each wash bay for window-drying and other detailing.~~

~~v. For each wand-type self-service (open) car wash bay, a minimum of two stacking spaces, in addition to the wash bay itself, shall be provided. One stacking space shall be provided at the exit end of each wash bay for window-drying and other detailing, unless a separate area/shade structure is provided (outside of circulation aisles) for these activities.~~

~~vi. For automobile quick lube type facilities, a minimum of three stacking spaces shall be provided for each service bay in addition to the service bay itself.~~

~~vii. For all other types of land use that provide drive-up service, a minimum of three stacking spaces for each service window shall be provided.~~

o. Dead-end parking areas shall be avoided if possible. If dead-end parking is necessary, then it shall be designed such that it is no more than five parking spaces deep, unless adequate turnaround space is provided. A minimum five-foot deep hammerhead back-up space shall be provided at the end of any dead-end parking area.

p. All parking structures must conform to the construction and design standards of the zoning district in which they are located.

~~q. A parking analysis and tabulation shall be required on the site plan for each development and shall be a part of the site plan submittal. Each analysis shall include an explanation of applicable parking requirements (as a minimum, include occupancy classification type, building square footages, and number of employees), total parking spaces required and required and provided for Americans with Disabilities Act (ADA) accessible spaces, and required and provided ADA van accessible spaces. When the director of public works, or designee determines necessary, an additional traffic impact study may be required to determine the impacts of a development on the off-site public street system.~~

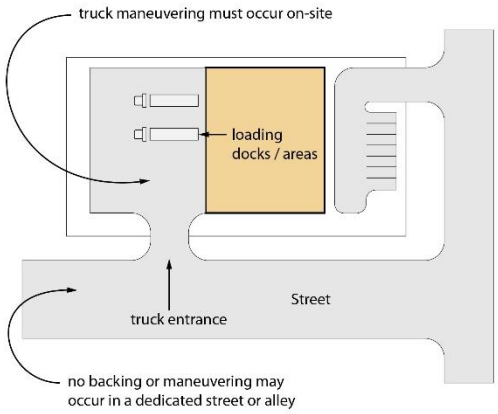
~~18.~~6. Off-Street Loading Space – All Districts

a. All retail and similar nonresidential structures shall provide and maintain off-street facilities for receiving and loading merchandise, supplies, and materials within a building or on the lot or tract. All drives and approaches shall provide adequate space and clearances to allow for the maneuvering of trucks off-street.

b. Each site shall provide a designated on-site maneuvering area for trucks (see Figure 2.05-7. Truck Maneuvering Related to Loading Areas~~Figure 2.05-7. Truck Maneuvering Related to Loading Areas~~). Such off-street loading space may be adjacent to (but not any portion of) a public alley or private service drive, or it may consist of a truck berth within the structure.

c. The minimum dimensions of a "regular" loading space shall be ten feet by 30 feet, and a "large" loading space shall be at least ten feet by 65 feet. Loading spaces or berths shall be provided as deemed appropriate by the ~~planning director (or designee)~~Community Development Director.

Figure 2.05-7. Truck Maneuvering Related to Loading Areas



d. Loading docks for any establishment ~~which~~ that customarily receives goods between the hours of 9:00 p.m. and 8:00 a.m. and is adjacent to a residential use or district shall be designed and constructed so as to minimize the effects of the noise of the operation on adjacent residences. Other screening/buffering alternatives may be approved on the applicable required plan (~~see section 50-116)~~ provided that the City makes a finding that the method of screening/buffering will be adequate to protect nearby residences.

e. Below grade loading docks are required to have operational sump pumps or other approved drainage.

f. ~~Kindergartens, e~~Elementary schools, day schools, and similar child ~~training and~~ care establishments shall provide one paved off-street pedestrian loading and unloading space for an automobile on a through~~,~~ "circular" drive for each ten students cared for (excluding Child Care Home (≤ 6 Children) and Child Care Home (≥ 7 Children)~~child care in a residence~~). An additional lane shall also be required to allow pass~~-~~by or through traffic to move while automobiles waiting or parked to pick up children occupy loading/unloading areas.

g. Loading spaces that are adjacent and easily accessible to several buildings or uses, including buildings and uses on separate lots, shall be allowed to satisfy the loading requirements for the individual buildings or uses.

h. Loading spaces to be shared among separate lots shall be in reasonably close proximity to all potential users and an agreement granting mutual use by the owners of each building shall be executed and provided to the ~~City Manager~~Community Development Director.

~~19.~~7. Parking Access from a Public Street – All Districts

a. Consideration shall be given to providing entrance/exit drives that extend into the site to provide adequate queuing of vehicles on the site.

b. Entrance/exit drives shall be appropriately designed and located to minimize traffic congestion or conflict within the site and with adjoining public streets. Based upon analysis by the City, if projected volumes of

traffic entering or leaving a development are likely to interfere with the projected peak traffic flow volumes on adjoining streets, additional right-of-way and paving in the form of a deceleration lane, a turn lane, or other roadway improvements may be required of a developer in order to reduce such interference and to help ensure traffic safety and efficiency. The dedication of additional right-of-way or street paving may also be required, and shall be determined at the time the required plan ~~(see section 50-36)~~ and final plat are approved by the City.

c. Vehicular access to nonresidential uses shall not be permitted from alleys serving residential areas, and shall not be configured as "head-in" parking spaces that are accessed directly from the street.

~~d.~~ Parking space configuration, arrangement, size and circulation in all districts shall be constructed according to Figure 2.05-4. Minimum Requirements for Parking Space Configuration, Arrangement, Size, and Circulation~~Figure 2.05-4. Minimum Requirements for Parking Space Configuration, Arrangement, Size, and Circulation~~ and Figure 2.05-5. Parking Configuration Diagram~~Figure 2.05-5. Parking Configuration Diagram~~.

~~e.~~d. ~~Parking Requirements Based Upon Use~~

~~In all districts, there shall be provided at the time any building or structure is erected or structurally altered, or change of use, off-street parking spaces in accordance with the use chart. Further descriptive requirements have been included herein where applicable, as referenced within the use chart:~~

~~f. Accessory Uses~~

~~All areas for accessory uses not listed above or in other parts of this section (such as restaurants, office, etc.), shall be calculated in with the minimum specified for those individual uses.~~

~~g. Auto Dealer (New and/or Used Auto Sales); Motorcycle Sales/Dealer; Personal Watercraft Sales (New/Repair)~~

~~One parking space for each 500 square feet of sales floor/office and other indoor uses, plus one parking space for each 1,000 square feet of exterior lot area used for storage, sales and parking areas, plus one parking space per repair bay in service areas (indoors or outdoors).~~

~~h. Community Center (Public), Museum, Library, or Art Gallery~~

~~Ten parking spaces plus one additional space for each 300 square feet of floor area in excess of 2,000 square feet. If an auditorium is included as a part of the building, its floor area shall be deducted from the total and additional parking provided on the basis of one space for each four seats that it contains (see Figure 2.04-1. Permitted Use Chart).~~

~~i. Convenience Store (With or Without Gasoline Sales) or Gasoline Station~~

~~One space per 200 square feet of floor area, plus one parking space for each side of a gasoline pump unit (a unit may have up to six nozzles for gasoline disbursement). Spaces within pump areas qualify as spaces for the parking requirement. If no gasoline sales are provided, then the parking requirements shall be the same as for a retail store. Adequate space shall be provided for waiting, stacking, and maneuvering automobiles for refueling.~~

~~j. Funeral Home or Mortuary~~

~~One parking space for each 200 square feet of floor space in slumber rooms, parlors or individual funeral service rooms, or one space for each three seats in the auditorium/sanctuary (see section 50-82), whichever is greater. Adequate on-site stacking spaces shall also be provided for the organization and forming of processions such that these activities do not cause excessive or extended traffic congestion/delays on a public roadway.~~

~~k. Golf Driving Range~~

~~1½ spaces for each driving tee.~~

~~l. Hotel/Motel~~

~~One space per guest room for the first 250 rooms and 0.75 space per room for each room over 250, plus one space per five restaurant/lounge area seats (based upon maximum occupancy), plus one space per 125 square feet of meeting/conference areas.~~

~~m. Mini Warehouse/Self Storage~~

~~Four spaces per establishment, plus two spaces for an on site manager's residence (if applicable), plus one appropriately sized space for any type of vehicle to be stored on site (e.g., rental trucks, boats, RVs, etc.).~~

~~n. Motion Picture Theater (Indoors)~~

~~i. One space per 3½ seats for single-screen theaters;~~

~~ii. One space per five seats for motion picture theaters with two or more screens.~~

~~o. Motor Freight Transportation, Storage, and Terminal/Transit Terminal/Truck Terminal/Other Similar Transportation Uses~~

~~For warehouse and staging/loading areas, one space for each 1,000 square feet of floor area; for bus depot or other human transportation use, one space per 100 square feet of passenger waiting area, plus parking spaces for any warehouse and staging/loading areas on the premises (as above).~~

~~p. Places of Public Assembly Not Otherwise Specified~~

~~One space for each four seats provided.~~

~~q. Retail or Personal Service Establishment not Otherwise Specified~~

~~One space per 200 square feet of gross floor area in addition to any required stacking spaces for drive-through facilities in subsection (c)(11)d of this section.~~

~~i. Other than Public or Denominational~~

~~Same as above, depending on grade.~~

~~r. Skilled Nursing Facility~~

~~One space per six beds; plus one parking space for each 300 square feet of floor area devoted to offices, cafeterias, exercise/therapeutic rooms, and other similar ancillary uses.~~

~~20.~~8. Rules for Computing Number of Parking Spaces and Miscellaneous Off-Street Parking Requirements

In computing the number of parking spaces required for each of the above uses, the following rules shall govern:

a. The term "floor area" means the gross floor area of the specific use.

b. The term "seat" shall be interpreted as follows:

i. For fixed (e.g., ~~church~~ pews, grandstands, benches, etc.) seating, one seat equals 1.75 feet of length; and

ii. For flexible (e.g., folding chairs, etc.) seating areas, one seat equals eight square feet of floor area occupied by such seating area (includinges aisles).

c. Where fractional spaces result, the parking spaces required shall be calculated by rounding to the nearest whole number.

d. The parking space requirements for a new or unlisted use not specifically mentioned herein shall be the same as required for a use of a similar nature. If the proposed use is not similar to any of the uses listed herein, a determination shall be made/approved by the City, in conjunction with the request for classification of the new or unlisted use, as provided in **2.04.A.1.c.** Classification of New/Unlisted Uses~~Classification of New/Unlisted Uses~~.

e. For buildings ~~which~~ that have a combination of uses within the same structure or on the same premises (such as retail or office), the off-street parking requirement shall be calculated as the summation of the

parking requirements for each use, and no parking space for one particular use shall be allowed to count toward the parking requirement for some other use on the premises except in the case of a shared parking arrangement (see 9.a below~~9.a below of this section~~).

~~21.~~9. Reduced Parking Provisions

a. Shared Parking

Shared parking may be allowed in the case of mixed uses (different buildings) under the following conditions:

i. Up to 50 percent of the parking spaces required for a theater~~, or~~ other place of evening entertainment (after 6:00 p.m.), or for a ~~church~~place of worship, may be provided and used jointly by banks, offices, and similar uses not normally open, used, or operated during evening or weekend hours.

ii. Shared parking must be ~~on the same parking lot~~located on the same or adjacent properties.

iii. Adequate, safe, and well-lit pedestrian access shall be provided between the shared parking area and the primary pedestrian entrances to the use served by the shared parking.

iv. Reduction due to shared parking shall only be allowed if approved by the City on the applicable required plan (see **2.02.** Zoning Procedures~~Zoning Procedures~~).

v. To ensure retention of the shared parking spaces, each property owner shall properly draw and execute an irrevocable mutual parking agreement document expressing the same, shall file this agreement in the county real property records, and shall provide a copy of the filed agreement to the City prior to issuance of a certificate of occupancy for any use that relies upon the parking agreement.

b. Alternative Compliance

The Director is authorized to reduce off-street parking requirements by up to 15 percent if one (or more) of the following conditions is present:

i. The applicant demonstrates that adequate public parking is available within 300 feet of the subject property.

ii. The applicant provides a parking study prepared by a transportation engineer that determines reduced parking requirements meet the demand of the proposed use.

(a) Such a study shall estimate parking demand for the proposed use based on the recommendations of the Institute of Traffic Engineers (ITE), Urban Land Institute, the International Council of Shopping Centers, the American Planning Association, or other acceptable source of parking demand data for uses and/or combinations of uses of comparable activities, scale, bulk, area, and location.

~~Location of Parking Spaces~~

~~In any case where any additional parking spaces are required and are not located on the same lot with the building or use served, or where such spaces are collectively or jointly provided and used, approval by the Planning and Zoning Commission is required subject to the following conditions:~~

~~b. Except for location, all other requirements relating to off-street parking shall be met.~~

~~c. Such space shall be conveniently usable without unreasonable:~~

~~i. Hazard to pedestrians;~~

~~ii. Hazard to vehicular traffic;~~

~~iii. Traffic congestion; or~~

~~iv. Detriment to the appropriate use of other properties in the vicinity.~~

~~d. A written agreement shall be drawn to the satisfaction of the City Attorney and executed by all parties concerned, assuring the continued availability of the off-street parking facility for the development it is intended to serve.~~

~~22.~~10. Fire Lanes

Fire lanes shall be provided in all multifamily (and in some single-family attached) developments, manufactured ~~(mobile)~~ home parks, mixed-use developments, and nonresidential developments, as required by the adopted fire code of the City. For additional regulations on fire lanes, refer to Chapter 20. ~~(also see chapter 40, pertaining to subdivisions, for certain fire lane regulations)~~.

~~23.~~11. Special Regulations for Recreational Vehicles or Equipment

No recreational vehicle shall be left unattended or parked for more than 24 hours within any parking lot, parking spaces, drive aisle, vacant or unused property, or pervious/unpaved surface area (except an appropriately zoned and approved/paved parking lot for such vehicles). An owner or tenant of a residential lot may park outdoors up to one accessory vehicle (recreational vehicle, boat, trailer, etc. (excluding golf carts) ~~a recreational vehicle~~ that they own on the same lot in accordance with City regulations. Such vehicle parking must also meet all other required City ordinances. Additional accessory vehicles, if any, shall be stored within an enclosed permanent structure.

~~(Ord. No. 2008-01, § 39, 2-4-2008; Ord. No. 2021-12 , § 2, 4-5-2021)~~

C. Landscaping

1. Purpose

Landscaping is accepted as adding value to property and is in the interest of the general welfare of the City. The provision of landscaped areas also serves to increase the amount of a property that is devoted to pervious surface area that, in turn, helps to reduce the amount of impervious surface area, stormwater runoff, and consequent non-point pollution in local waterways. Therefore, landscaping is ~~hereafter~~ required ~~of~~ for all new development, except single- and two-family and agricultural uses.

2. Applicability~~Scope and Enforcement~~

This section applies to all new development. The regulations herein must be met in the following circumstances:

a. At the time any building or structure is constructed or expanded by more than 25 percent in square footage; or

~~a. The standards and criteria contained within this section are deemed to be minimum standards and shall apply to all new nonresidential and multifamily construction, and shall apply in the case of an addition to a nonresidential or multifamily structure or site that alters such structure or site by greater than 25 percent.~~

b. Any use requiring a Conditional Use Permit (CUP) or a PD Planned Development zoning designation must comply with these landscape standards unless special landscaping standards are otherwise provided for in the ordinance establishing the CUP or PD District. In no case shall the standards provided for in the CUP or PD ordinance be less than the standards required by this section.

~~The landscape standards in this section apply only to nonresidential and multifamily developments (including uses such as schools and churches within a residential zoning district).~~

3. Administration and Enforcement

a. The provisions of this section shall be administered and enforced by the ~~City Manager~~Community Development Director.

b. If at any time after the issuance of a Certificate of Occupancy, the approved landscaping is found to be dead or otherwise not in conformance with the standards and criteria of this section, the Building Official ~~(or his designee)~~ shall issue notice to the owner, citing the violation and describing what action is required to comply with this section. The owner, tenant or agent shall have 30 calendar days from date of said notice to establish/restore the landscaping, as required. If the landscaping is not established/restored within the allotted time, then such person shall be in violation of this chapter.

4. Permits

a. No permits shall be issued for building, paving, or construction until a detailed landscape plan is submitted and approved by the ~~City Manager~~Community Development Director, along with other required plans. A landscape plan shall be required as part of other required submissions and may be shown on the concept plan (**2.02.F. Concept Plans**~~**Concept Plans**~~), building permit plan (**2.02.H. Building Permit Plans and Building Permits**~~**Building Permit Plans and Building Permits**~~), or site plan (**2.02.G. Site Plans**~~**Site Plans**~~~~, as required by section 50-36~~, or may be drawn on a separate sheet. Except as provided in **b** below~~**b** below of this section~~, prior to the issuance of a Certificate of Occupancy for any building or structure, all screening and landscaping shall be in place in accordance with the landscape plan.

b. In any case in which a Certificate of Occupancy is sought at a season of the year in which the ~~City Manager~~Community Development Director, determines that it would be impractical to plant trees, shrubs or groundcover, or to successfully establish turf areas, a temporary Certificate of Occupancy may be issued~~, provided a letter of agreement and financial assurance by a check or performance bond equivalent to the work yet to be performed from the property owner is submitted that states when the installation shall occur. Such financial guarantee shall be returned when the work is completed~~.

5. Landscape Plan

a. The Community Development Director ~~City Manager shall review the plans for completeness in writing within ten business days after filing. If the plans are incomplete, notice shall be sent within the ten business days to the applicant specifying the document or other information to complete the application and the date the plan submission will expire and be considered denied if the applicant fails to provide such information. If the required application and plans are not corrected or completed within 45 calendar days after submission, then the required plan will be deemed to have expired and it will be returned to the applicant together with any accompanying applications. If the plans are deemed complete, or if ten business days passes without notice, the City Manager,~~ shall review the landscape plan~~such plans~~ and shall approve same if the plan~~s are~~ is in accordance with the criteria of these regulations. If the plans are not in conformance, they shall be disapproved and shall be accompanied by a written statement setting forth the changes necessary for compliance.

b. Landscaping plans shall be drawn in a legible engineering scale and shall contain the following minimum information:

i. The scale shown in both written and graphic form.

ii. Location, size, and species of all trees to be preserved (do not use tree stamps unless they indicate true size and location of trees).

iii. Where credited trees are proposed, a plan indicating how these existing trees will be protected from damage during construction.

iv. Location of all plant and landscaping material to be used, including plants, paving, benches, screens, fountains, statues, earthen berms, ponds (to include depth of water), topography of site, or other landscape features.

v. Species and common names of all plant materials to be used.

vi. Size of all plant material to be used (container size, planted height, etc.).

vii. Spacing of plant material where appropriate.

viii. North arrow/symbol and a small map showing where the property is located.

ix. Date of the landscape plan.

c. No major change to an approved landscape plan shall be made prior to the submission and approval of a revised landscape plan meeting the criteria found within this section.

d. Alternative Compliance

~~Upon a recommendation by the City Manager,~~The Community Development Director may consider an alternative plan that is not in compliance with these landscape provisions ~~may be approved~~. The alternative plan must clearly be superior to a plan or layout that would otherwise be in compliance. In making the determination, the ~~City Manager~~Director shall ~~may~~ consider:

i. The topography, shape, size, and/or other natural features of the property;

ii. The ability of the alternative plan to enhance a natural feature that is particular to the site; and/or

iii. The opportunity to create a unique atmosphere, attraction, or other similar factors.

The overall number of required trees or shrubs, or square footage of landscape area, shall not be reduced by more than 20 percent and must be offset by a beneficial addition to the site.

~~Alternate landscaping design. The Planning and Zoning Commission may consider and approve an alternative plan, which is not in compliance with the requirements of this chapter. Such alternative plan must meet the objectives and purposes of this chapter, as determined by the Planning and Zoning Commission, may not reduce the standards set forth herein, and clearly be superior to a plan that would otherwise be in compliance. In making this determination, the Planning Commission may consider the~~

~~topography, shape, size, or other natural features of the building site; the suitability of any alternative screening or buffering proposal; and other similar factors.~~

6. General Standards

The following criteria and standards shall apply to landscape materials and installation:

a. Visibility

i. Landscaping shall not block the Sight Visibility Triangle, as required by **3.04.E.3**. Sight Visibility Triangle~~Sight Visibility Triangle~~.

ii. Landscaping, except required grass and low ground cover, shall not be located closer than three feet from the edge of any ~~accessway pavement on~~ arterial or collector streets as shown on the adopted comprehensive plan.

iii. In the event other visibility obstructions are apparent in the proposed landscape plan, as determined by the ~~City Manager~~Community Development Director, the requirements set forth herein may be reduced to the extent to remove the conflict.

b. All required landscaped open areas shall be ~~completely~~ covered with living plant material.

i. ~~Landscaping materials such as wood chips and gravel may be used under trees, shrubs and other plants~~Up to 50 percent of the landscaped open areas may consist of non-living material, such as mulch, wood chips, or decorative gravel/rock.

ii. All groundcover materials must be permeable, with any weed barrier allowing the percolation of standing water within 72 hours.

iii. Loose materials shall be contained by a curb or other suitable alternative to contain the materials within the landscaped area.

c. Planted trees to satisfy the requirements of this section must be selected from the City of Tomball Tree List~~Plant materials shall conform to the standards of the approved plant list for the City~~.

~~Approved Plant List~~

~~The City Council shall, by resolution, establish a list of trees, shrubs, and plants that are suitable for and may be used to satisfy the landscape requirements of this section.~~

d. Grass seed, sod, and other material shall be clean and reasonably free of weeds and noxious pests and insects.

e. ~~Replacement of existing landscape development.~~ Any major or significant modification to ~~a~~ landscapinge ~~development constructed or~~ installed in ~~association~~ accordance with this section ~~must be in accordance with this section and~~ must be approved by the ~~City's Building Official~~Community Development Director.

f. Required ~~crown size,~~ caliper~~,~~ and height of trees:

~~Trees shall have an average spread of crown of greater than 15 feet at maturity. Trees having a lesser average mature crown of 15 feet may be substituted by grouping the same so as to create the equivalent of 15 feet of crown spread.~~

~~Grouping collectively equals a crown spread of 15 feet.~~

i. Large trees shall be a minimum of ~~four~~ 4 caliper inches ~~in caliper~~ measured 12 inches above the ground, and shall be a minimum of ~~seven~~ 7 feet in height at time of planting.

ii. Small trees shall be a minimum of ~~two~~ 2 caliper inches ~~in caliper,~~ measured ~~six~~ 6 inches above the ground, and shall be a minimum of ~~five~~ 5 feet in height at time of planting.

g. Grass areas shall be sodded, plugged, sprigged, hydro-mulched and/or seeded, except that solid sod shall be used in swales, earthen berms or other areas subject to erosion.

h. Ground covers used in lieu of grass in whole and in part shall be planted in such a manner as to present a finished appearance and reasonably completed coverage within one year of planting.

i. Earthen berms shall have side slopes not to exceed 33.3 percent (~~three~~ 3 feet of horizontal distance for each ~~one~~ 1 foot of vertical height). All berms shall contain necessary drainage provisions as may be required by the City~~'s~~ Engineer.

7. Minimum Landscaping Requirements for Single-Family and Low Density Residential Developments

For all housing not classified as multifamily (i.e., four or fewer units), one large tree shall be planted in front of the front façade of the property. Trees may be shown on a Site Plan and do not require a separate Landscape Plan.

8. Minimum Landscaping Requirements for Nonresidential, Mixed-Use, and Multifamily Developments

a. General Requirements

The following requirements shall apply:

i. For all nonresidential, mixed-use, and multifamily developments (including schools, churches, day care facilities, and other similar uses in a residential district), at least 15 percent of the front yard shall be permanently landscaped area (see **Figure 2.05-8. Selected Landscaping Requirements Illustrated**~~**Figure 2.05-8. Selected Landscaping Requirements Illustrated**~~).

ii. In addition, with the exception of ~~industrial tracts~~the Industrial (I) District, the following shall apply:

(a) Sites of up to 20,000 square feet shall have ~~five~~ 5 percent of the area not covered by buildings or structures permanently landscaped.

(b) Sites of 20,000 to 200,000 square feet shall have 7.5 percent of the area not covered by buildings or structures permanently landscaped.

(c) Sites of over 200,000 square feet shall have ~~ten~~ 10 percent of the area not covered by buildings or structures permanently landscaped.

iii. Landscape development located within the rear setback area of a building site, screened from adjacent properties and not adjacent to a public street shall not be considered when determining the minimum requirements of this section.

iv. Buffer yards required by **E.4. Nonresidential, Multifamily, and Manufactured Home Park Districts**~~**Nonresidential, Multifamily, and Manufactured Home Park Districts**~~ shall not be considered when determining the minimum requirements of this section.

v. Only shrubs and groundcovers (i.e., no trees) shall be used under existing or proposed overhead utility lines.

vi. Necessary driveways from the public right-of-way shall be permitted through required landscaping in accordance with City regulations.

b. Requirements Along Major Thoroughfares

For the purpose of these requirements, a major thoroughfare is defined as a thoroughfare having a right-of-way of at least 60 feet. The following requirements shall be credited toward the 15 percent landscaped front yard requirement, as specified in a above~~a above~~~~of this section~~.

i. A minimum ~~ten~~ 10-foot landscape buffer adjacent to the right-of-way of any major thoroughfare is required, except as specified below.

ii. Any nonresidential, mixed-use, or multifamily parcel that fronts onto Main Street shall provide a minimum 15-foot landscape buffer.

iii. Corner lots fronting two major thoroughfares shall provide the appropriate required landscape buffer on both street frontages (i.e., ~~ten~~ 10 feet on major thoroughfares~~,~~ and 15 feet on Main Street).

~~All other street frontages shall observe a minimum five foot landscape buffer.~~

iv. One large tree shall be required per 40 linear feet (or portion thereof) of street frontage. Trees should be grouped or clustered to facilitate site design and to provide an aesthetically pleasing, natural looking planting arrangement; this shall be credited toward the total number of trees required, as specified in **d** below~~d belowof this section~~.

c. Requirements for Landscaping In and Around Parking Lots

The following requirements shall be credited toward the 15 percent landscaped front yard requirement~~,~~ and total landscaping requirement as specified in **a** above~~a aboveof this section~~.

i. Landscape areas shall be a minimum of 50 square feet in area. Landscape areas shall be a minimum of ~~five~~ 5 feet wide.

ii. There shall be a landscaped area with at least one tree within 60 feet of every parking space.

iii. There shall be a minimum of one tree planted in the parking area for every ~~ten~~ 10 parking spaces for parking lots having more than 20 spaces.

iv. Where parking lots, driving lanes, loading areas, and common access easements abut the right-of-way (except the right-of-way of a State highway) or adjacent residentially-zoned property, shrubs (at least 3 feet in height within two years of planting) shall be planted to form a continuous buffer along the vehicular area perimeter.

~~Shrubs not of a dwarf variety shall be a minimum of two feet in height when measured immediately after planting. Hedges, where installed for general screening purposes, shall be planted and maintained so as to form a continuous, unbroken, solid visual screen that will be six feet in height within three years after the time of initial planting. Hedges, where installed for screening parking areas, shall be planted and maintained so as to form a continuous, solid visual screen that will be three feet in height within two years after the time of initial planting.~~

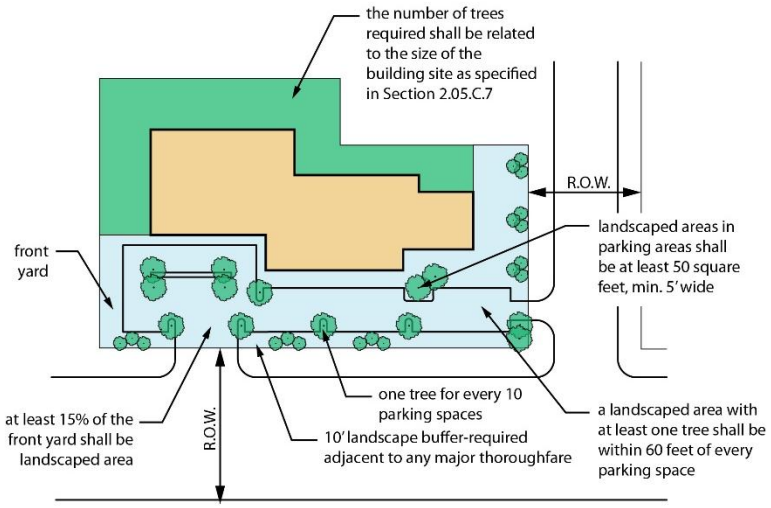
~~v. Parking lots, driving lanes, loading areas, or other similar areas of vehicular access shall be screened from residentially zoned property, whether adjacent or across a street, by a continuous hedge, planter, berm, fence, wall, or combination of these, with a minimum height of 36 inches. This requirement shall not be required along state highways.~~

~~(a) Shrubs utilized for screening parking areas shall be a minimum 3 gallon planting size spaced 36 inches on center.~~

~~vi.~~v. There shall be a landscaped area that is a minimum of 12 feet wide to separate parking areas that have 200 or more parking spaces.

~~vii.~~vi. Landscape areas should be located to define parking areas and to assist in clarifying appropriate circulation patterns. All landscape areas shall be protected by a monolithic concrete curb or wheel stops, and shall remain free of trash, litter, and car bumper overhangs.

Figure 2.05-8. Selected Landscaping Requirements Illustrated



d. Requirements for Trees and Shrubs

The following requirements shall apply:

i. All existing trees that are to be preserved shall be provided with undisturbed, permeable surface area under (and extending outward to) the existing dripline of the tree.

ii. All new trees shall be provided with a permeable surface under the dripline a minimum of ~~five~~ 5 feet by ~~five~~ 5 feet.

iii. A minimum of 50 percent of the total trees required for the property shall be large ~~shade~~ trees as specified on the City of Tomball Tree List~~approved plant list in this section~~.

iv. Minimum number of trees required. The number of trees specified as required herein shall be in addition to those required for major thoroughfares as outlined in this section. The minimum number of trees shall be provided and maintained on the building site, as outlined below, based on the area of the site not covered by a building or structure, rounding up to a whole tree:

(a) Less than 3,000 square feet: Two trees.

(b) 3,001 to 7,000 square feet: Three trees.

(c) 7,001 to 10,000 square feet: Four trees.

(d) 10,001 to 20,000 square feet: Five trees.

(e) 20,001 to 30,000 square feet: Six trees.

(f) 30,001 to 40,000 square feet: Seven trees.

(g) 40,001 or greater, per 20,000: Three trees.

v. ~~Square feet (rounded up to the whole tree)~~ Minimum number of shrubs required. A minimum of 20 shrubs (at least 3 feet in height within two years of planting) shall be provided and maintained on the building site for every 1,000 square feet of required landscaped area.

e. Tree Preservation

The following provisions shall apply:

i. During any construction or land development, the developer shall clearly mark all trees to be preserved/retained on-site~~,~~ and ~~may be required to~~ erect and maintain protective barriers around all such trees or groups of trees. The developer shall not allow the movement of equipment or the storage of equipment, materials, debris or fill to be placed within the dripline of any trees that are designated for preservation.

ii. During the construction stage of development, the developer shall not allow cleaning of equipment or material under the ~~canopy~~ dripline of any tree or group of trees that are being preserved. Neither shall the developer allow the disposal of any waste/toxic material such as, but not limited to, paint, oil, solvents, asphalt, concrete, mortar, etc., under the ~~canopy~~ dripline of any tree or groups of trees to remain.

iii. No attachment or wires of any kind, other than those of a protective or supportive nature, shall be attached to any tree.

iv. Tree Credits

(a) Landscape plans that preserve existing trees that are found on the approved list shall be given credit toward the total number of trees required as outlined in the following:

Figure 2.05-9. Tree Credits

Diameter of Existing Tree (inches)	Credit Against Tree Requirement
~~One~~ 1 inch - ~~three~~ 3 inches	~~1.0 trees~~ One tree
Over ~~three~~ 3 inches - 9 inches	Two trees
Over 9 inches - 15 inches	Three trees
Over 15 inches	Six trees

(b) If a credited tree dies for any reason, it must be replaced with the credit number of trees within 120 days.

(c) The following activities shall be prohibited within the limits of the drip line of any existing tree to be retained under the provisions of a landscape plan required by this ~~chapter~~section:

(i) Material storage. No materials intended for use in construction or waste materials accumulated due to excavation or demolition;

(ii) Equipment cleaning/liquid disposal. No equipment shall be cleaned or other liquids deposited, including paint, oil, solvents, asphalt, concrete, mortar, or other materials;

(iii) Tree attachments. No signs, wires, or other attachments, other than those of a protective nature, which have been approved in the tree disposition plan; and

(iv) Vehicular traffic. No vehicle, construction equipment or parking is allowed.

v. On development sites requiring 100 parking spaces or more, the number of parking spaces may be reduced by one percent for every ten percent increase in tree credits provided above the minimum. However, the parking requirement shall not be reduced by more than five percent.

~~f. Sight Distance and Visibility~~

~~The following provisions shall apply:~~

~~i. Rigid compliance with these landscaping requirements shall not be such as to cause visibility obstructions and/or blind corners at intersections.~~

~~ii. Whenever an intersection of two or more public rights-of-way occurs, a triangular visibility area in accordance with chapter 38, article II shall be created. Landscaping, screening and fencing within the triangular visibility area shall be in accordance with such requirements and provide unobstructed cross-visibility at a level between 36 inches and 15 feet. Trees may be permitted in this area provided they are trimmed in such a manner that no limbs or foliage extend into the cross-visibility area. In addition to the 45 foot visibility triangle at the intersection of two streets as required in chapter 38, article II, the following visibility triangular areas meeting the same requirements are required:~~

~~(a) The areas of property on both sides of the intersection of an alley accessway and public right-of-way shall have a triangular visibility area with two sides of each triangle being a minimum of ten feet in length from the point of intersection and the third side being a line connecting the ends of the other two sides.~~

~~(b) The areas of property located at a corner formed by the intersection of a private driveway onto a public road shall have a triangular visibility area with two sides of each triangle being a minimum of 20 feet in length along the right-of-way lines (or along the driveway curbline and the road right-of-way line) from the point of the intersection and the third side being a line connecting the ends of the other two sides. (See Illustration 50-116-5 of this chapter).~~

~~g.~~f. Maintenance

The following provisions shall apply to maintenance:

i. The owner, tenant, and/or their agent, if any, shall be jointly and severally responsible for the maintenance of all landscaping. All required landscaping shall be maintained in a neat and orderly manner at all times. This shall include, but not to be limited to, mowing (of grass ~~six~~ 6 inches or higher), edging, pruning, fertilizing, watering, weeding, and other such activities common to the maintenance of landscaping. Landscaped areas shall be kept free of trash, litter, weeds, and other such material or plants not a part of the landscaping. All plant material shall be maintained in a healthy and growing condition as is appropriate for the season of the year.

ii. All plant growth shall be controlled so that it will not interfere with the installation, maintenance, or repair of any public utility, nor shall it restrict pedestrian or vehicular traffic or constitute a traffic hazard. This includes preventing plant growth from blocking the Sight Visibility Triangle, as required by **3.04.E.3**. Sight Visibility Triangle~~Sight Visibility Triangle~~.

iii. Required plant materials ~~which~~ that die shall be replaced with plant material of similar variety and size, within 90 calendar days. Trees with a trunk diameter in excess of ~~six~~ 6 inches measured 24 inches above the ground may be replaced with ones of similar variety having a trunk diameter of no less than ~~three~~ 3 inches measured 24 inches above the ground on a caliper-inch for caliper-inch basis (e.g., for a ~~six~~6-inch tree, two ~~three~~3-inch replacement trees shall be required).

iv. A time extension for replacement of plant materials may be granted by the ~~City Manager~~Community Development Director, if substantial evidence is presented to indicate abnormal circumstances beyond the control of the owner or ~~his~~ their agent.

v. Failure to maintain any landscape area in compliance with this section is considered a violation of this section and may be subject to penalties of **1.01.G**. Enforcement and Violations~~Enforcement and Violations~~.

~~(Ord. No. 2008-01, § 40, 2-4-2008)~~

~~vi. Replacement of dead landscaping plants. If any required landscaping tree, shrub, or groundcover plant should die, the owner shall replace these plants by the end of the next planting season.~~

D. Accessory Buildings

1. Purpose

The purpose of this section is to preserve property values and ensure safety, privacy, and neighborhood character.

2. Applicability

This section applies to development in all zoning districts. The regulations herein must be met in the following circumstances:

a. At the time any accessory building or structure is constructed or expanded in square footage.

3. General Requirements

a. No accessory building shall be constructed upon a lot until the construction of the main building has commenced, and no accessory building shall be used unless the main building on the lot is also being used.

b. Accessory buildings must comply with all applicable building code provisions.

c. Accessory buildings shall not exceed 50 percent of the floor area of the main building.

d. The maximum height of accessory buildings is regulated by zoning district (see 2.03. Zoning Districts~~Zoning Districts~~). In no case shall the height of an accessory building exceed the height of the main building.

e. Accessory buildings shall not be located within an easement.

4. Nonresidential Districts

Any use conducted within the accessory building must be secondary to and supportive of the primary use.

5. Residential Districts

The following regulations apply to all accessory buildings in all residential districts.

a. Accessory buildings may not be used for commercial purposes, except as permitted in conjunction with a Home Occupation (see 2.04.C.11.i. Home Occupations~~Home Occupations~~).

b. Accessory buildings shall not be used for human habitation or rented separate from the main building, except as permitted in conjunction with an Accessory Dwelling Unit (see 2.04.C.2.a. Accessory Dwelling Unit~~Accessory Dwelling Unit~~).

~~1. Description and Regulations~~

~~Regulations according to zoning district:~~

~~a. Residential Districts~~

~~i. In a single-family or multifamily district, an accessory building is a subordinate or incidental building, attached to or detached from the main building, not used for commercial purposes and not rented. Accessory buildings shall be located toward the rear portion of the property, and shall conform to applicable provisions of the building code.~~

~~ii. Accessory dwellings (including garage/accessory dwellings and detached units) may be permitted as a matter of right or with a conditional use permit, if approved, as specified within a particular residential zoning district (see regulations for the specific district, and the use charts, section 50-82), and shall conform to the height limitations of the zoning district.~~

~~iii. No accessory dwelling or quarters shall be used or occupied as a place of abode or residence by anyone other than a caretaker who is actually and regularly employed by the landowner or occupant of the main building, or is a guest or family member of the owner/occupant. Only one accessory dwelling unit (i.e., garage/accessory dwelling, servants/caretakers quarters, etc.) shall be allowed on~~

any lot within a residential zoning district, and they shall be clearly incidental to the primary use. These accessory living structures shall not, in any case, be leased or sold.

b. Nonresidential Districts

i. In nonresidential districts, an accessory building is a subordinate building, the use of which is secondary to and supportive of the main building. Accessory buildings should, wherever possible, be located toward the rear portion of the property. Accessory buildings shall conform to applicable provisions of the building code.

c. Area Regulations for Accessory Buildings in Residential Districts

Figure 2.05-10. Accessory Building Regulations by Yard Type for Accessory Buildings in Residential DistrictsFigure 2.05-10. Accessory Building Regulations by Yard Type for Accessory Buildings in Residential Districts outlines the setback requirements for accessory buildings in residential districts.

Figure 2.05-10. Accessory Building Regulations by Yard Type for Accessory Buildings in Residential Districts

Yard Type	Setback	
Front Yard	Accessory buildings are prohibited in front of the main building.	
Side Yard	Accessory buildings must meet the same minimum side yard requirements as the main building, except for the following:	
	Garages/Carports	When entry is from an interior side yard shall have a minimum setback of 25 feet from the side lot line. When entry is from the side yard facing a public street, the minimum setback from the side lot line shall be equal to the required side yard for the main building or 20 feet, whichever is greater.See **2.03.C.2.g**.
	Swimming Pools	May encroach to within three (3) feet of the side lot line, provided it does not encroach on any easement.
Rear Yard	In the AG and SF-20 districts, accessory buildings must meet the setback requirements for primary buildings. Except in the AG and SF-20 districtsIn all other districts, accessory buildings must be at least three (3) feet from the rear lot line, or alley, or utility easement.	
	Distance to Main Building	If an accessory building is located within ten (10) feet of the main building in the rear portion of a lot, the rear yard setback must be the same as the main building.
	Garages/Carports	See **2.03.C.2.g**. When accessed from an alley or rear alley easement, the minimum setback from the rear property line or alley easement line shall be 25 feet.

Size of Yards:

d. Front Yard

Accessory buildings shall be prohibited in front of the main building.

e. Side Yard

Accessory buildings shall conform to the same minimum side yard requirements as the main building, except that:

i. Garages or carports located and arranged so that entry is from an interior side yard shall have a minimum setback of 25 feet from the side lot line. Carports or garages arranged so that entry is from the side yard, facing a public street, shall have a minimum setback from the side lot line that is equal to the required side yard for the main building or 20 feet, whichever is greater.

ii. Swimming pools may encroach to within three feet of the lot line, provided it does not encroach upon any easement.

~~f. Rear Yard~~

~~With the exception of the AG and SF-20-E districts, accessory buildings shall have a minimum rear yard of three feet from any lot line or alley or utility easement line.~~

~~i. Carports, garages, or other accessory buildings, located within the rear portion of a lot as heretofore described, constructed closer than ten feet to the main building, shall have a rear yard equivalent to the rear yard requirement for the main building;~~

~~ii. Garages and/or carports that are arranged so as to be entered from an alley or rear alley easement shall be set back from the rear property line or alley easement line a minimum distance of 25 feet.~~

~~iii. Carports shall be measured from the part of the carport (usually the roof) that is closest to the street or alley (see Illustration 50-114-1). In single-family and two-family zoning districts, carports shall be a maximum of 500 square feet.~~

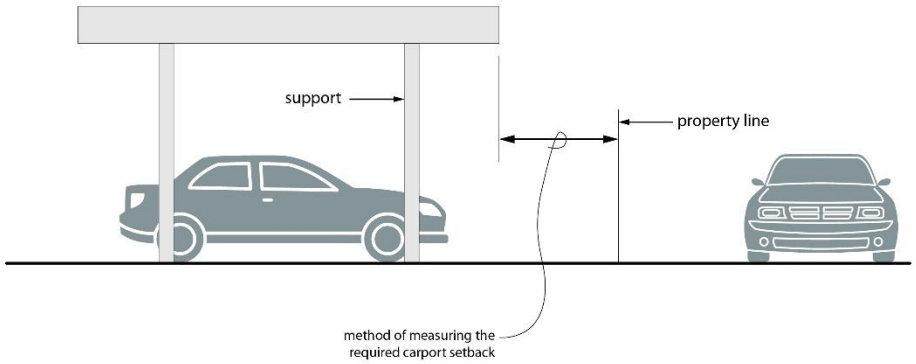
~~(Ord. No. 2008-01, § 41, 2-4-2008)~~

d. Additional Area Regulations for Carports

i. Carports shall be measured from the part of the carport (typically the roof) that is closest to the street or alley (see **Figure 2.05-11. Carport Setback Measurement**~~**Figure 2.05-11. Carport Setback Measurement**~~).

ii. In single-family and two-family zoning districts, carports shall be a maximum of 500 square feet.

Figure 2.05-11. Carport Setback Measurement



E. Screening, Buffering, and Fencing

1. Purpose ~~of Screening and Buffering~~

   The purpose of ~~screening and buffering~~this section is to ~~encourage the most appropriate use of land and~~promote compatibility ~~conserve~~ and protect the privacy and value of adjacent permitted uses. Regulations are prescribed for the location and type of various screening devices to be used when required in the various zoning districts or in this section in accordance with the following standards.

2. Applicability

   This section applies to development in all zoning districts. The regulations herein must be met in the following circumstances:

   a. At the time any building or structure is constructed or expanded by more than 10 percent in square footage; or

   b. At the time of a change in use or occupancy.

3. General Requirements

   a. All fencing and screening shall comply with **3.04.E.3. Sight Visibility Triangle**~~**Sight Visibility Triangle**~~.

   b. No wall or fence shall be permitted in a public right-of-way or easement, unless a written encroachment agreement is obtained with the affected party and approved by the Public Works Director.

   c. All fences, gates, and screening devices (regardless of whether it is required) must be maintained in good condition, free from missing, broken, or leaning components, and must not pose a hazard to life or property.

   d. Maintenance shall be the responsibility of the owner of the property on which the fence, gate, or screening device is located.

   e. All required screening devices must be equally finished on both sides.

   f. Screening must be installed prior to the issuance of a Certificate of Occupancy.

4. ~~Screening of~~ Nonresidential, Multifamily ~~Areas,~~ and Manufactured ~~(Mobile)~~ Home Park Districts

   ~~The following provisions shall apply to screening of nonresidential, multifamily areas and manufactured (mobile) home parks:~~

   Land use buffering shall be provided along property lines separating zoning districts as prescribed below:

   a. When non-residential, multi-family residential, or manufactured ~~(mobile)~~ home park zoning shares a common boundary with single-family residential, two-family residential, residential planned developments or agricultural zoning districts.

   b. Required land use buffers must consist of a minimum 10-foot-wide vegetative buffer yard and 7-foot opaque wooden fence plus at least 25 points based on the following criteria. The minimum 10-foot-wide vegetative buffer is not required in addition to buffer zones required per Section 18-347.~~:~~

      i. Points:

         (a) Opaque masonry wall with 6-foot minimum height in lieu of providing opaque wooden fence = 10 points

         (b) Each additional 5 feet of buffer yard = 5 points (maximum of 10 points). Buffer zones, as required in Section 18-347, can be counted toward buffer yard points.

         (c) One (1) tree with a mature height of at least 20-feet and height of at least 8-feet and caliper size of 4-inches (measured 12-inches above ground level) at the time of planting per 25 lineal feet of buffer yard = 15 points. Existing trees that are preserved and are listed on the City of Tomball's Tree List can be used to meet this requirement.

(d) Three (3) smaller trees with a height of at least 8-feet and caliper size of 2-inches (measured 12-inches above ground level) at the time of planting per 25 lineal feet of buffer yard = 15 points. Existing trees that are preserved and are listed on the City of Tomball's Tree List can be used to meet this requirement.

c. Trees planted to accommodate required land use buffering shall be in addition to the required trees prescribed within C. LandscapingLandscaping.

d. Preservation of existing trees: Each tree preserved to accommodate the required land use buffer shall count as one tree toward the overall land use buffering requirement regardless of size. Trees planned to be preserved must be on the City of Tomball approved planting listTree List.

e. For purposes of interpreting this section, mixed use zoning shall be considered nonresidential. Buffer yards are required between adjacent uses as indicated. For purposes of this section, adjacent includes properties separated by an alley but does not include properties separated by a street.

f. Buffer yards are required between adjacent uses as indicated. For purposes of this section, adjacent includes properties separated by an alley but does not include properties separated by a street.

g. Parking lots, driving lanes, loading areas, or other similar areas of vehicular access shall be screened from residentially zoned property, whether adjacent or across a street, by a continuous hedge, planter, berm, fence, wall, or combination of these, with a minimum height of 36 inches. This requirement shall not be required along state highways.

h. Open space in buffer yards shall be planted in grass or other vegetative ground cover.

i. Alternative buffering may be permitted by the Director of Community Development Director or their designee during the site plan review process so long as the buffering and aesthetic intent of these requirements are met.

i. An opaque screening wall of not less than six feet, nor more than eight feet, in height shall be erected on the property line separating zoning districts in the following cases:

(a) When a multifamily use, nonresidential use, or manufactured (mobile) home park sides or backs upon a single-family, two-family or residential PD District.

(b) When any nonresidential use is on a tract, lot or parcel that is less than 15 acres and the nonresidential use sides or backs upon a multiple-family district.

(c) When a commercial or industrial use is established on a building site located adjacent to any residential area, a ten-foot side landscaped open space buffer shall be installed

(d) and maintained by the owner, developer, or operator of the commercial or industrial property between it and the adjacent residential area.

The provisions of this section shall not apply where the residential area is separated by a public street, drainage ditch, or canal with a minimum easement of 30 feet. With written approval of the Planning and Zoning Commission, and otherwise full compliance with landscaping standards, a required buffer may include a stormwater detention area. In no event, however, shall the following uses be allowed in buffers: playfields, stables, swimming pools, tennis courts, or similar active recreation uses.

j. Fences in Nonresidential Areas, Multiple-Family Areas, and Manufactured (Mobile) Home Parks

Any fence required under the provisions of this chapter or under a conditional use permit, PD Planned Development District, or other requirement shall be constructed of treated wood, masonry, reinforced concrete, or other similar suitable permanent materials which do not contain openings. The fence or wall may be a diagonal, horizontal, or vertical stockade-type privacy fence, although the framing of such fence may be of metal. All fence openings shall be equipped with gates equal in height and characteristics (e.g., materials, aesthetics, etc.) to the fence.

j. Refuse Areas

i. The standards within this section shall apply to all new enclosures added to a site~~,~~ or if a waste/recycle dumpster or permanent roll-off is added to a site ~~and in the case of an addition to a structure or site that alters such structure or site by greater than 25 percent in area~~. Any site that is deemed abandoned by 2.01.E.6~~2.01.E.6~~. **Abandonment of Nonconforming Uses and Structures, and Cessation of Use of Structure or Land**~~Abandonment of Nonconforming Uses and Structures, and Cessation of Use of Structure or Land~~~~subsection 50-31(c)~~ shall comply with the provisions of this section.

~~Each refuse facility shall be located so as to facilitate pickup by refuse collection agencies.~~

~~Refuse Facilities in the MF and MHP District~~

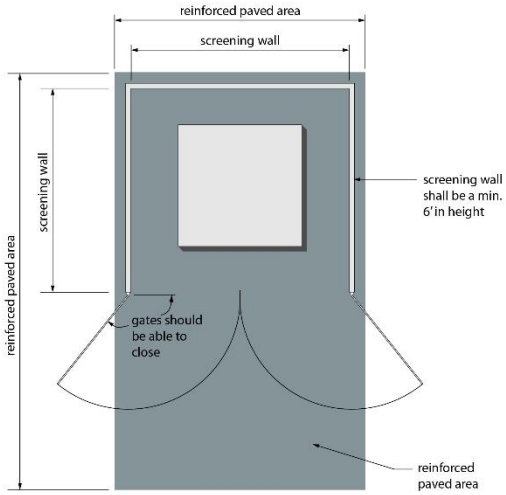
ii. Refuse containers shall be located no closer than 30 feet to any adjacent single-family ~~property~~zoning district, and shall be located so as to provide safe and convenient pickup by refuse collection agencies~~, and shall be screened in accordance with section. (See Illustration 50-115-1 within this chapter for refuse container enclosure diagrams)~~.

iii. Refuse areas ~~which are not within a rear service area and which are~~ visible from a public right-of-way ~~for all nonresidential, multifamily and manufactured/mobile home park uses shall be visually~~ or from any residential property must be screened by a minimum six-foot solid masonry wall on at least three sides ~~(see Figure 2.05.9 Refuse Area Screening for refuse container enclosure diagrams)~~, with an opaque gate on the fourth side. ~~The fourth side, which is to be used for garbage pickup service, shall provide an opaque gate to secure the refuse storage area which~~ See **Figure 2.05-12. Example of a Screened Refuse Area**~~Figure 2.05-12. Example of a Screened Refuse Area~~. The gate shall remain closed at all times except when being used for filling, emptying, cleaning, or maintenance. Alternate equivalent screening methods may be approved by the Director.

Figure 2.05-12. Example of a Screened Refuse Area

iv. Adequate reinforced paved areas shall be provided for refuse facilities and their approaches for loading and unloading, as per **Figure 2.05-13. Refuse Area Screening**~~Figure 2.05-13. Refuse Area Screening~~.

Figure 2.05-13. Refuse Area Screening



~~k. The purpose of the screening wall is to provide a visual and protective barrier between the properties, and therefore the following shall apply:~~

~~The owner of the multifamily development, nonresidential development, or manufactured (mobile) home property shall be responsible for and shall build and maintain the required wall on the property line dividing the property from the single-family or duplex residential district, unless a buffer is provided and then it shall be on the inside edge of the buffer parallel to the property line.~~

~~i. Any screening wall required under the provisions of this section or under a conditional use permit, PD Planned Development District, or other requirement shall be constructed of treated wood, masonry, reinforced concrete, or other similar suitable permanent materials which do not contain openings. All wall openings shall be equipped with gates equal in height and screening characteristics to the wall.~~

~~ii. Alternative equivalent screening may be approved at the time the required plan is approved (see section 50-36).~~

~~See chapter 38, article II and this section for sight visibility requirements.~~

~~l~~k. Mechanical/Utility Equipment

Mechanical equipment, including roof-mounted equipment, must be screened from the view from streets, parking lots, parks, and residential districts with materials consistent with the principal structure, opaque fencing, masonry walls, and/or landscaping. Wall-mounted electrical panels are exempt from this standard.

~~Purpose of Fencing Requirements~~

~~To encourage safety in residential neighborhoods, regulations are prescribed for the location and type of fencing devices to be used in conjunction with specific site elements.~~

5. Fences in Residential Areas

The following provisions shall apply to ~~fences in residential areas~~areas all residential uses with 4 or fewer units.~~:~~

a. General Requirements

i. Fences shall not exceed 8 feet in height unless otherwise specified.

~~ii. No fence or gate in a residential district, except as specified in subsection (d)(5) of this section, shall exceed eight feet in height. Fences and gates shall be maintained in good repair at all times, including, but not limited to, ensuring that there be no missing, broken, or leaning slats or panels, and that the condition not to endanger life or property. Such maintenance shall be the responsibility of the owner of the property on which the fence or gate is located.~~

b. Front Yard Fences

i. Fences located between the front property line and the closest primary or accessory structure are subject to the following height limits:

(a) For lots smaller than 5 acres: 4 feet.

(b) For lots 5 acres or larger: 6 feet.

(c) Non-opaque wrought iron or similar fencing, up to 6 feet in height, may be approved by the Community Development Director in the SF-20 and AG Districts.

ii. For lots without a primary building or accessory structure, the maximum fence height is measured at the front setback line.

~~b. Fencing between the front property line and the closest primary or accessory structure on the site shall be as follows:~~

~~i. For lots which are less than five acres, the maximum height of a fence shall be four feet.~~

~~ii. For lots that are five acres or larger, the maximum height of a fence shall be six feet.~~

~~iii. Non-opaque wrought iron fencing or similar metal building material fencing may be permitted within the Single-Family Estate Residential 20 District and the Agricultural District with a maximum height of six feet. Said fencing shall be subject to approval by the City Manager.~~

c. Materials and Design Standards

i. Fences and gates must use durable materials such as wood, vinyl, metal, brick, stone, or other materials commonly used in conventional fence construction.

ii. Chain link fencing is permitted only behind a front building face.

iii. Prohibited Materials and Uses

(a) Barbed wire, electrified fencing, chicken wire, or hog fencing, unless approved by the Community Development Director for agricultural uses on lots one acre or larger.

~~Electrical fencing and barbed wire is prohibited as perimeter fencing except for containment of farm animals on parcels of one or more acres~~

(b) Fences with sharp or hazardous features such as spikes, nails, or razor wire.

~~c. Residential fences and gates shall be constructed of materials and colors in character with the area, and may contain a mix of building materials. Residential fences and gates shall consist of durable wood, vinyl, metal, stone, or other materials commonly used in conventional fence construction. Chainlink fencing may be utilized within the area of a rear yard, as defined in section 50-2. Non-opaque hog fencing in a framed construction or installation, no more than six feet in height, may be permitted within the Single-Family Estate Residential 20 District and Agricultural District subject to approval by the City Manager.~~

~~i. Except as noted above, fences or gates composed of chain link or similar material (barbed/chicken wire, hog fencing), as well as electrified fences, or any fence upon which spikes, nails, razor wire or other sharp or pointed instruments or security materials are fixed, attached or placed shall be prohibited. Ornamental features on the top of any fencing may be permitted as part of the original construction.~~

d. Vehicular Access Gates

~~ii.~~i. Gates designed for vehicular access shall be set back from the edge of street or road pavement a minimum of 25 feet.

~~iii.~~ii. Locking mechanisms for vehicular gates shall be subject to approval by the City Fire Marshal ~~or his/her designee~~.

e. Special-Purpose Fencing

i. Fences used for tennis courts, play areas, or gardens may not exceed ten (10) feet in height and may be constructed of chain link, fabric-type material, or other durable materials.

ii. Fences must not obstruct setbacks, easements, or sight visibility areas.

iii. All special-purpose fencing requires approval from the Director.

~~d. Special purpose fencing, and their associated gates, that does not exceed ten feet in height shall be limited to only the perimeter of tennis/ball courts, play areas/fields, or gardens. This type of fencing may be constructed of chain link or fabric-type material in addition to durable wood, vinyl, metal, stone, or other materials commonly used in conventional fence construction. In no case shall barbed/chicken wire, hog fencing, etc., or electrified fences, or any fence upon which spikes, nails, razor wire or other sharp or pointed instruments or security materials are fixed, attached or placed be utilized. Said fences shall not be erected within any setback, easement, or site visibility area detailed in subsection (d)(6) of this section. Such fencing shall be subject to approval by the City Manager.~~

~~(Ord. No. 2008-01, § 42, 2-4-2008; Ord. No. 2012-51, § 2, 2-14-2013; Ord. No. 2017-39, § 2, 11-20-2017; Ord. No. 2018-04, § 2, 2-5-2018)~~

F. Outdoor Lighting

1. Purpose

The purpose of this section is to provide regulations for outdoor lighting that will:

a. Permit reasonable uses of outdoor lighting for nighttime safety, utility, security, productivity, enjoyment, and commerce;

b. Be useful, targeted, low-level, and controlled, minimizing adverse offsite impacts, including light trespass and obstructive light;

c. Curtail light pollution and improve the nighttime environment;

d. Conserve energy and resources to the greatest extent possible; and

e. Promote safe lighting for pedestrian and vehicular traffic.

2. Applicability

a. This section applies to development in all zoning districts.

b. This applies to any lighting device located exterior to a structure or that illuminates areas exterior to a structure, whether permanently or temporarily installed, or any other lighting, whether attached to structures, poles, the ground, or any other location, including lighting installed by any third party.

c. For sign lighting, see **4.01.E.5. Sign Lighting**~~**Sign Lighting**~~.

d. The regulations herein must be met at the time any new lighting fixture is added to a site, with the following exceptions:

i. Lighting within public right-of-way or easement for the principal purpose of illuminating streets or roads. No exemption shall apply to any lighting within the public right-of-way or easement when the purpose of the luminaire is to illuminate areas outside the public right-of-way or easement.

ii. Repairs to existing luminaires.

iii. Temporary lighting for theatrical, television, performance areas and construction sites.

iv. Athletic stadium lighting.

v. Underwater lighting in swimming pools and water features.

vi. Temporary lighting and seasonal lighting.

vii. Open gas flames.

viii. Emergency outdoor lighting.

ix. The residential use of individual solar landscaping luminaires not exceeding property boundaries.

x. Construction lighting that does not exceed construction site boundaries.

3. Conflict

When the requirements herein conflict with specific lighting provisions of any of the following, only those specific provisions shall take precedence, and all other requirements herein shall remain in force:

a. Lighting specified or identified in a planned development.

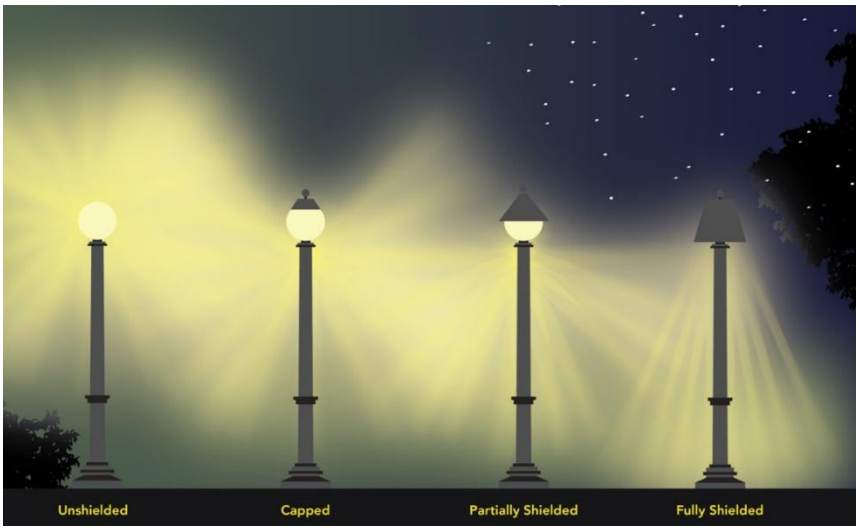
b. Lighting required by federal or state laws or regulations.

c. When proposed, the conflicting regulation shall be submitted at the time of permit submittal.

4. General Requirements

a. All outdoor luminaires, unless specifically exempted, shall be fully shielded. Fully shielded fixtures encase the light source to prevent any light from escaping upwards or sideways, allowing only downward-directed light as shown in **Figure 2.05-14. Illustration of Fully Shielded Lighting**~~Figure 2.05-14. Illustration of Fully Shielded Lighting~~.

Figure 2.05-14. Illustration of Fully Shielded Lighting



~~a.~~b. All outdoor lighting shall be designed, shielded, and operated to prevent light trespass beyond property lines. Lighting must be configured to ensure that light does not spill or reflect onto adjacent properties or public areas, in accordance with all City ordinances.

~~b.~~c. ~~The maximum glare produced by any industry shall be limited to four footcandles of illumination intensity beyond the industrial or commercial tract boundary throughout the light frequency spectrum beginning with ultraviolet and ending through the infrared wavelengths. To prevent nuisance situations, all parking area lighting shall be designed, shielded and operated so as not to reflect or shine on adjacent properties and in accordance with City ordinances.~~ All ~~streets and~~ driveways shall be lighted at night with a

minimum intensity of two foot-candles' illumination if off-street parking or loading facilities are to be used at night.

G. Manufactured Homes/Recreational Vehicles

1. Purpose

The purpose of these regulations is to ensure the safe and appropriate placement of manufactured homes and recreational vehicles, promoting public safety and compatibility with surrounding land uses.

2. Applicability

These regulations apply to all manufactured homes, manufactured home parks, and recreational vehicles within the City limits.

3. Nonconforming Manufactured Home Parks

Manufactured home parks lawfully operating prior to the effective date of the ordinance from which this ~~chapter~~ section is derived, but which do not conform to the regulations contained herein may be continued with the following limitations~~:~~:

a. ~~Provided however, n~~No ~~such park~~nonconforming manufactured home park shall be extended or enlarged.

b. ~~and n~~No ~~such park~~manufactured home park shall be rebuilt or continued after abandonment or discontinuance for more than 90 days, except in full conformity with this section.

c. ~~Provided further,~~ If a nonconforming manufactured home park is partially destroyed by fire or other causes in excess of 50 percent of the value of its facilities, it may not be restored, rebuilt, or repaired unless in full conformity with this section. ~~no such park shall be rebuilt in case of total destruction by fire or other causes except in conformity with the regulations contained in this section, and no such park which is partially destroyed by fire or other causes in excess of 50 percent of the value of the park's facilities shall be restored, rebuild, or repaired unless in conformity with this section.~~

4. Manufactured Homes and Manufactured Home Parks

a. Parking Limitations; Certificates and Permits Required; Record of Movement; Inspection

i. It shall be unlawful for any person to park, place or locate any manufactured home ~~up~~on any public street or public park within the City for a period of more than four hours, except in cases of emergency.

ii. It shall be unlawful for any person to park, place or locate any manufactured home on any lot, tract, or parcel of land within the City for a period of more than 24 hours unless within a licensed manufactured home park, except as follow:

(a) On a lot, tract, or parcel of land upon which lawful construction of a commercial or multifamily building is actually in progress, and use of the manufactured home is incidental to such construction;

(b) On a lot, tract, or parcel of land within a platted residential subdivision when lawful construction of the subdivision improvements is actually in progress, or when construction of primary residential structures upon lots within such subdivision is actually in progress, and the use of the manufactured home is incidental to such construction;

(c) On a lot, tract, or parcel of land upon which is lawfully conducted the business of repairing manufactured homes, provided such manufactured home located thereon is being repaired and is not otherwise being used for living, sleeping, storage or working quarters; or

(d) On a lot, tract, or parcel of land upon which is lawfully conducted the business of selling manufactured homes, provided such manufactured homes located thereon are being offered for retail sale and are not otherwise being used for living, sleeping or storage, or as working quarters other than as a sales office for the homes offered for retail sale on such lot, tract, or parcel of land, and provided further, that no such manufactured home shall be stored or displayed unless upon a paved surface as provided herein. Such paved surface shall be of

asphalt or concrete cement. An asphalt surface shall be not less than 1½ inches thick, with not less than six inches of limestone base. A concrete cement surface shall be not less than six inches thick with a stabilized base. All such paved surfaces shall be maintained so as to protect the structural integrity thereof.

(i) ~~Editor's note—Section 2 of Ordinance No. 2001-17 provides that "~~The paving requirements established in **(d)** above~~(d) above of this section~~ shall not be required on lots used for the sale or display of manufactured homes on the effective date hereof. For the purposes of this section, a lot shall be deemed as being used for the sale or display of manufactured homes as of the date of application of the first of necessary building, construction or use permits for such use.~~"~~

iii. It shall be unlawful for any person to occupy any manufactured home unless the Building Official shall have issued a certificate of occupancy therefor.

iv. Prior to parking, placing, or otherwise locating any manufactured home in the City, the owner of the land upon which the manufactured home is to be located, or the agent of such owner, shall obtain from the City a move-in permit which shall be obtained by making application on the form provided at the city hall. The City shall charge a reasonable fee for the issuance of such move-in permit, which fee is to be set from time to time by resolution of the City Council and kept of record by the City Secretary in the offices of the City.

v. Prior to the issuance of a certificate of occupancy, each manufactured home shall be inspected and approved by the Building Official for the City in accordance with this section. The owner of the manufactured home shall pay the usual and customary charges for each of these inspections, which usual and customary charges shall be set by resolution of the City Council from time to time and kept on file by the City Secretary in the offices of the City.

vi. It shall be unlawful for the owner of the land, or the agent of the owner of the land, to move a manufactured home from a location within the City without having first obtained a move-out permit from the City. Such move-out permit shall be obtained by making application to the City on the form provided therefor, and by paying a reasonable fee for such move-out permit, which fee shall be set by resolution of the City Council and kept on file in the offices of the City Secretary.

b. Manufactured Home Parks – Construction or Enlargement Permits

i. Construction or Enlargement Unlawful Without Permit

It shall be unlawful for any person to construct or enlarge a manufactured home park within the corporate limits of the City without having first obtained a manufactured home park construction or enlargement permit.

ii. Application

Any person desiring to construct or enlarge a manufactured home park shall file a written application for a manufactured home park construction or enlargement permit with the ~~City~~ Building Official. Such application shall be submitted on a form prepared by the ~~City~~ Building Official and shall include the following:

(a) The name and address of the person who will be in charge of the proposed park;

(b) A location map showing the location within the City of the proposed park at a scale of one inch equals 100 feet or larger;

(c) Preliminary plans and specifications sufficient to determine if the proposed park is in compliance with this section and all ordinances, building, plumbing and electrical codes in effect at the time application for the permit is made.

iii. Action by City Council on Application

Within 30 days after the complete application has been filed with the ~~City~~ Building Official, the ~~City~~ Building Official shall present the same to the City Council. The City Council shall act on each such application within a reasonable period of time. If the City Council approves the application, the ~~City~~ Building Official shall issue ~~to~~ the applicant a manufactured home park construction or enlargement permit. If construction has not begun on the manufactured home park within 120 days from the date of approval of the permit, the permit shall be void and of no force and effect. If the City Council disapproves the application, the City Council shall state the reasons for disapproval and the ~~City~~ Building Official shall so notify the applicant.

iv. Standards of Construction

No permit shall be granted under this ~~chapter~~ section unless all plans and specifications for the proposed manufactured home park are in conformity with all building, plumbing and electrical codes, and other applicable ordinances in effect and adopted by the City at the time application is made for a permit, and all work performed under permits issued pursuant to this article shall likewise conform to such other ordinances.

v. Permanent Residential Structures

No permit shall be issued for the construction or occupancy of a permanent residential structure in any manufactured home park, with the following exceptions:

(a) One existing residential structure may be retained or one new residential structure may be constructed for the occupancy of the owner or operator of the park.

(b) An existing residence may be converted to a clubhouse, community center, or service building for use by the residents of the park.

c. Same – Operation Permits

i. Operation Without Permit Unlawful

It shall be unlawful for any person to operate a manufactured home park within the City without a manufactured home park operation permit.

ii. Issuance to New Operations

Any person desiring to operate a manufactured home park after construction or the enlargement has been completed shall, before the actual operation of the park has begun, apply to the ~~City~~ Building Official for an operation permit. The ~~City~~ Building Official or any City official or employee designated by him shall then inspect the completed facilities and, if the completed manufactured home park conforms in all respects to the plans and specifications as submitted with the application for the construction or enlargement permit, and the requirements of this section and other applicable ordinances, the ~~City~~ Building Official shall then issue to the operator a manufactured home park operation permit upon payment to the City of any and all applicable operation permit fees as may be set from time to time by resolution of the City Council and kept of record by the City Secretary in the offices of the City. Each such permit shall be valid up to and including December 31 of the calendar year for which it was issued, unless sooner suspended, revoked or surrendered in accordance herewith.

iii. Renewals

All operation permits shall expire each year on December 31. Each operator of a manufactured home park shall make an application for a renewal permit on or before November 30 of the calendar year preceding the year for which the renewal permit is to apply. If there has been no change in the facilities as reflected in the latest plans, specifications and/or plat on file with the ~~City~~ Building Official, or if any such changes are found by the Building Official to be in accordance with this section and all other ordinances of the City, and upon payment to the City of any and all applicable operation renewal permit fees as may be set from time to time by resolution of the City Council and kept of

record by the City Secretary in the offices of the City, the ~~City~~ Building Official shall renew the operation permit for a period of one year, ending December 31.

iv. Revocation and Suspension of Permits

Any manufactured home park operation permit granted under the provisions of this article may be suspended or revoked by the ~~City~~ Building Official after due notice to the holder of such permit for any one or more of the following reasons:

(a) Operating the facilities in a manner contrary to the plans, specifications and/or plat on file with the ~~City~~ Building Official; or

(b) Operating the facility in violation of the rules, regulations, ordinances, or laws of the City, the State, or the United States.

v. Reinstatement

Where an operation permit has been suspended, the same may be reinstated for the remaining period of time for which it was originally issued after the cause for suspension has been corrected and upon the payment of applicable reinstatement fees.

d. ~~Technical and Physical~~Dimensional Requirements

i. Minimum Size

No manufactured home park shall be permitted within the City unless the same shall be at least three acres in area.

ii. Unit Size

No unit shall be less than 4,000 square feet in area

iii. Space Between Manufactured Homes

(a) Distance Setback Requirements

Each concrete pad and each manufactured home shall be placed so that there shall be:

(i) Sides

A distance of at least 25 feet between each manufactured home;

(ii) Rear

(iii) A distance of at least 25 feet between the rear of each manufactured home and the back of the unit boundary;

(iv) Front

A distance of at least 25 feet between the front of each manufactured home to the front of the unit boundary;

(v) Distance to Streets

A distance of at least 25 feet between each manufactured home and the edge of any street within or without the manufactured home park.

(b) Other City Setback Requirements

No manufactured home shall be located so as to violate any setback requirement as may otherwise be established by ordinance or regulation with respect to the area in which the manufactured home park is located.

e. Street Specifications

~~Access~~

i. Access to a Manufactured Home Park

Each Manufactured~~/mobile~~ Home ~~community~~ Park shall have direct access from an improved public street in accordance with **Article 3. Subdivision Regulations**~~**Subdivision Regulations**chapter 40, pertaining to subdivisions, and~~.

ii. Access to Individual Spaces

(a) Access to individual spaces shall be from private ~~paved~~ drives within the site ~~Each manufactured home park shall have streets~~ constructed of concrete, or hot mixed asphalt, at least ~~20~~ 24 feet in width, and curbed and guttered in accordance with the applicable requirements of the City.

(b) ~~Where an internal private street provides access to individual lots or dwelling units, the same shall be paved in accordance with City standards, and it~~Such drives shall be dedicated to the public as an emergency access or fire lane easement to allow for the rapid and safe movement of vehicles used in providing emergency health or public safety services.

(c) The width, design, and construction shall be adequate to accommodate the traffic generated by the park and emergency and service vehicles, as determined by the City Engineer~~, but in no case shall the width of a driving surface be less than 26 feet~~.

iii. Dead-end streets are not allowed unless a cul-de-sac is provided.

iv. Cul-de-sac streets shall not exceed 400 feet in length.

v. Fire lane easements shall be maintained by the Manufactured~~/mobile~~ Home Park.

vi. Gated/secured entrances shall be in accordance with the design standards for gated/secured entrances on private streets.

f. Parking Spaces

i. No on-street parking shall be permitted.

~~Tenant/Owner Parking~~

ii. ~~Two spaces per unit~~Parking required by **Figure 2.04-1. Permitted Use Chart**~~**Figure 2.04-1. Permitted Use Chart**~~ shall be located on the same lot as the unit served. Each parking space shall be in accordance with City standards, and shall be located to eliminate interference with access to parking areas provided for other manufactured~~/mobile~~ homes and for public parking in the park.

~~Each unit shall be provided with two off-street side-by-side parking spaces.~~

~~Visitor and Supplemental Parking~~

iii. In addition to parking spaces required for each manufactured~~/mobile~~ home unit, there shall be parking provided for the manufactured~~/mobile~~ home community in general in compliance with the following:

(a) One visitor parking space for every three manufactured~~/mobile~~ home spaces.

(b) Boats, campers, trailers and other recreational vehicles shall be prohibited unless oversize parking areas are provided and are approved by the City. This parking area shall not be used to meet the minimum parking requirements and shall not be visible from a public street.

(c) Each parking space will be not less than ~~nine~~ 9 feet by ~~20~~ 19 feet ~~(nine feet by 20 feet)~~, or as required in Figure 2.05-4. Minimum Requirements for Parking Space Configuration, Arrangement, Size, and Circulation~~Figure 2.05-4. Minimum Requirements for Parking Space Configuration, Arrangement, Size, and Circulation~~, which is not to be included in the lot size.

iv. Parking areas shall be constructed of the same material as the adjoining street unless the adjacent street does not contain a hard surface. In such event, the parking areas shall be constructed with materials ~~so as to~~that provide a hard surface.

g. Street Names and Signs

i. Within each Manufactured~~/mobile~~ Home Park, all streets shall be named, and manufactured~~/mobile~~ homes numbered in a logical and orderly fashion.

ii. Street signs shall be of a color and size contrasting with those on public streets and roadways so that there is no confusion regarding which are private and which are public streets. These signs and numbers shall be of standard size and placement to facilitate location by emergency vehicles.

iii. Street names shall be submitted to the Community Development Director ~~city manager or his designee~~ and City Engineer ~~or his designee~~, along with the preliminary plat application, reviewed by the appropriate City staff with respect to street naming procedures set forth within **Article 3. Subdivision Regulations**~~**Subdivision Regulations**chapter 40~~ and/or this ~~Code~~section, and approved ~~by the Planning and Zoning Commission on~~along with the preliminary plat for the subdivision. The street names shall be set with preliminary plat approval, and shall not be changed on the final plat without City approval.

h. Other Signs

Along all sections of emergency access easements, the owner or agent shall erect metal signs prohibiting parking. The sign type, size, height and location shall be in accordance with the Manual of Uniform Traffic Control Devices and approved by the City.

i. Intersections

Internal streets shall ~~interest~~ intersect adjoining public streets at approximately 90 degrees and at locations ~~which~~ that will eliminate or minimize interference with traffic on those public streets.

j. Street Lighting

Street lighting within the Manufactured~~/mobile~~ Home Park shall be provided in accordance with **Article 3. Subdivision Regulations**~~**Subdivision Regulations**chapter 40, pertaining to subdivisions,~~ and shall be maintained by the owners of the Manufactured~~/mobile~~ Home Park.

~~Anchorage of Manufactured/Mobile Homes~~

k. Pads and Anchoring

i. Each unit within a manufactured home park shall be provided with a concrete pad, to be constructed so that the pads will provide support and spaced as shown on the approved plat of the park.

ii. To e~~i~~nsure against natural hazards such as tornados, high winds, and electrical storms, anchorage for each manufactured~~/mobile~~ home shall be provided in accordance with the building code and state law.

~~Tie-Downs~~

iii. Each pad shall be equipped with a minimum number of tie-downs so that a tie-down exists for every six feet of a manufactured home.

l. Skirting

i. Each manufactured home shall require a skirting ~~which~~ that shall extend around the perimeter of the manufactured home from the top of the unit's frame to grade and ~~which shall~~ completely enclose the area beneath the manufactured home, with the exception of manways.

(a) Manways shall be equipped with a door, which can be kept closed when not in use.

ii. Skirting shall totally enclose and secure from view the unit's axles and all required anchors, footings, and piers.

iii. All required skirting shall be of an opaque, noncombustible material, and shall be of a color similar to the materials used in the construction of the manufactured home unit such that it blends with the overall appearance of the unit.

~~Skirting~~

~~iv. All manufactured/mobile home units not attached to a permanent foundation shall provide skirting from the top of the unit's frame to grade. Skirting shall totally enclose and secure from view the unit's axles and all required anchors, footings, and piers.~~

~~v. All required skirting shall be of an opaque, noncombustible material, and shall be of a color similar to the materials used in the construction of the manufactured/mobile home unit such that it blends with the overall appearance of the unit.~~

m. Storage Buildings

Each unit shall be provided with a storage building of not less than six feet in depth and eight feet in width, which ~~building~~ shall be weatherproof and constructed of durable materials.

n. Water Lines and Sewer Connections

Each unit shall be provided with water lines and sanitary sewer connections, subject to all applicable ordinances, rules and regulations of the City.

o. Public Inspection

Duly authorized representatives of the City shall be permitted access to the park, the street, utility lines and connections, and structures thereon, when performing City business, as a condition to the issuance, renewal, or suspension of a permit.

p. Fence

A six-foot-high fence or wall, constructed of wood or masonry, shall be constructed on the two sides and rear of the manufactured home park, such fence or wall to be 95 percent impervious. A decorative enclosure, not less than five feet in height, shall be constructed along the front of the manufactured home park.

q. Utility~~ies~~ Lines

All utilities, including, but not limited to, electrical, telephone, television, and cable, shall be buried (except primary service lines into the park) and shall conform to the ordinances of the City.

~~Electric and Telephone Service~~

~~All electrical distribution lines and all telephone lines shall be underground except the primary service lines to the park.~~

r. Recreational Area

There shall be provided additional open space not to be considered part of the minimum unit size for use as a recreational area in a ratio of 100 square feet per unit. The recreational area shall be so located as to be free of traffic hazards and the ratio of length to width shall not exceed 5:1. In the event playground space is provided, it shall be so designated and shall be protected from traffic, thoroughfares, and parking areas. Such space shall be maintained in a sanitary condition and free of safety hazards.

s. Walkways

Walkways not less than 36 inches wide and constructed of concrete or other masonry construction shall be provided between the park streets to all community facilities provided for park residents and to all service buildings.

t. Electrical Service

Each unit within the manufactured home park shall be provided with electrical service connections of at least 120/240 volt single-phase, 100 amps entrance capacity. Each service pole for each unit shall have fixed a permanent number, which number shall coincide with the number designated to that particular manufactured home by the park owner or operator.

~~Soil and Ground Cover~~

~~Exposed ground surfaces in all parts of every manufactured home park shall be protected with a vegetative growth that is capable of preventing soil erosion and of eliminating dust or shall be paved or covered with stone screening or other solid material.~~

~~Drainage~~

~~The ground surface in all parts of the manufactured home park shall be graded and equipped to drain all surface water in a safe, efficient manner, and in accordance with applicable ordinances of the City.~~

u. Drainage and Soil Protection

i. The ground surface in all parts of the park shall be graded and equipped to drain all surface water in a safe, efficient manner. Each manufactured~~/mobile~~ home space shall provide adequate drainage for the placement of a manufactured~~/mobile~~ home.

ii. Exposed ground surfaces in all parts of every Manufactured~~/mobile~~ Home Park shall be paved and/or covered with stone, brick paving, or other similar solid material, or protected with a vegetative growth (such as grass) capable of preventing soil erosion and eliminating dust.

v. Water Supply

i. An adequate supply of potable water for drinking and domestic purposes shall be provided by pipes to all buildings and units within the park, in accordance with applicable standards provided in building, fire, plumbing, and other codes of the City. Each unit shall be provided with a cold water tap at least four inches above the ground.

ii. One master water meter shall be installed at each manufactured home park, or a separate water meter installed at each unit, and the owner of the park and/or the occupant of the unit upon which a manufactured home is located shall be responsible for the payment of the water bill to the City.

w. Firefighting

i. Approaches to all manufactured~~/mobile~~ homes shall be kept clear for firefighting.

ii. The owner or agent of a Manufactured~~/mobile~~ Home Park shall be responsible for the instruction of any staff in the use of the park fire protection equipment and in their specific duties in the event of a fire.

iii. The owner shall supply standard City fire hydrants located within 500 feet of all manufactured~~/mobile~~ home spaces, measured along the drive or street. Such hydrants shall utilize public water contained in public lines with~~-~~in public easements

iv. The owner or agent of a manufactured~~/mobile~~ home park shall be responsible for maintaining the entire area of the park free of dry brush, leaves, and weeds in excess of six inches in height.

~~Fire Protection Water Distribution System for Certain Sized Parks~~

~~Every owner or developer of every manufactured home park which is 300 feet or more in depth shall be required to install a fire distribution system as follows:~~

v. The owner or developer shall design and construct a fire distribution system in a manner to provide adequate water flow for fire protection.

vi. The design, size, and layout of the water distribution system shall comply in all respects with all applicable requirements of the state and the City and shall be approved by the Director of Public Works.

vii. All materials and installations shall be in accordance with American Water Works Association Standards and with the City standards for same, shall be Class 150 or better and shall be approved by the Director of Public Works.

viii. Fire hydrants shall be spaced in intervals not to exceed 300 feet as measured along the street or driveways. All mains and laterals shall be looped. Steamer connections shall be national fire standard threads. Barrel lengths for fire hydrants shall be four feet or longer.

x. Sewage Disposal

i. If City sewer trunk lines are adjacent to a boundary of the proposed park, the following regulations shall apply:

(a) Waste from showers, bathtubs, flush toilets, urinals, lavatories and slop sinks in service and other buildings within the park shall be discharged into a public sewer system in compliance with applicable ordinances.

(b) Each unit shall be provided with a sewer at least four inches in diameter, which shall be connected to receive the waste from the shower, bathtub, flush toilets, lavatory, and kitchen sink of the manufactured home located on such unit and having any or all of such facilities. The sewer in each unit shall be connected to discharge the manufactured home waste into a public sewer system in compliance with applicable ordinances.

(c) If, on the date the City Council approves the manufactured home park, public sanitary sewerage service is not available, 5.r.ii below ~~5.r.ii below of this section~~ shall apply. If a public sanitary sewer system is placed adjacent to the manufactured home park subsequent to its development, the owner or operator of the manufactured home park shall install a sanitary sewer system within the park within 180 days after such public service becomes available.

ii. If there is not a public sewer system available adjoining the property line of such proposed park, then the licensee may install a septic tank system, after first having submitted plans and specifications therefor with his applications, which the plan of septic tank system shall be in full compliance with applicable regulations of the State and the City.

y. Garbage Service

i. Owner Compliance

Each owner of a manufactured home park shall comply with all ~~of the~~ trash and garbage collection regulations of the City.

ii. Collection

A separate charge for each manufactured home shall be made for garbage collection, in accordance with the schedule of rates in the City. The owner or operator of the park and/or the owner or occupant of the unit shall be responsible for the payment of same.

z. Natural Gas

i. If natural gas distribution facilities from the City's gas system are adjacent to a boundary of an existing park or a proposed park, then manufactured homes and buildings within the park requiring fuel shall be connected to such natural gas system. All inter-gas systems, including any and all gas systems installed by or for manufactured home parks, shall meet the minimum standards of the state railroad commission for such gas systems and minimum standards of the City. All gas distribution systems within parks installed by or for parks shall comply with existing codes applicable to such systems. Failure to comply with applicable codes or failure to meet minimum standards, whether as to existing parks or new parks or new distribution systems shall result in the termination of gas supply to the system until it has been brought into compliance with such codes or minimum standards. If natural gas from the City gas system is available to the park from lines adjacent to the boundary of the existing or proposed park, no bottled gas, ~~or~~ liquefied petroleum gas, or any other type of fuel may be used within such park by manufactured homes and other buildings.

ii. If natural gas from the City gas system ~~shall~~ is not ~~be~~ available, bottled gas for cooking purposes shall not be used at individual manufactured homes unless containers are properly connected by copper or other suitable metallic tubing or such other tubing as may be allowed by Federal and State rules

and regulations. Such containers shall not be placed into operation until they have been inspected by the City and have been determined to comply with the minimum standards of the state railroad commission and the ordinances of the City. All bottled gas cylinders shall be securely fastened in place. No cylinders containing bottled gas shall be located in a manufactured home or within five feet of a door thereof.

iii. If the City's natural gas distribution facilities are placed adjacent to the manufactured home park subsequent to its development, the owner or operator of the park shall connect to such system within 180 days from such availability, and otherwise comply with all of the terms of this section.

aa. Additional Construction in Parks

It shall be unlawful for any person operating a manufactured home park or occupying a manufactured home to construct or permit to be constructed in such park, or in connection with such manufactured home, any additional structure, building or shelter in connection with or attached to the manufactured home; provided, however, awnings of canvas or metal, suitably constructed, may be attached to manufactured homes. In addition, portable, prefabricated, temporary rooms, for the purpose of increasing the living area, commonly called cabanas, may be attached to manufactured homes ~~which~~ that meet the following requirements:

i. Of metal only, fire-resistive, double-wall, mechanical joint panels; no welded joints between panels permitted;

ii. Strength of materials and structure to meet minimum standards of the City Building Code;

iii. Capable of being dismantled and removed from the site at the time the manufactured home to which it is accessory is moved;

iv. Finish and appearance to be as near the same as possible to the manufactured home to which it is accessory;

v. The length must not exceed the length of the manufactured home to which it is accessory; and

vi. Only one such room per manufactured home shall be permitted.

bb. Service Buildings

i. Service buildings and housing sanitation facilities, if provided, shall be permanent structures complying with all applicable provisions of this Code, City ordinances and state statutes regulating buildings, electrical installations and plumbing and sanitation systems.

ii. The service buildings shall be well-lighted at all times of the day and night, shall be well-ventilated with screened openings, shall be constructed of such moisture-~~-~~proof material, which may be painted woodwork, as shall permit repeated cleaning and washing, and shall be maintained at a temperature of at least 68 degrees Fahrenheit (20 degrees Celsius) during the period from October 1 to May 1. The floors of the service buildings shall be of water-impervious material.

iii. All service buildings and the grounds of the park shall be maintained in a clean, sanitary condition and kept free of any condition that will menace the health of any occupant or the public.

cc. Park Management

Each licensee of a manufactured home park shall perform or cause to be performed the following:

i. Provide written notice to each park occupant of all provisions of this section applicable to such occupant;

ii. Maintain a register of park occupancy, which shall contain the following information:

(a) The name and address, and the dates of arrival and departure, of each park resident;

(b) The registration data, including make, length and width, of each manufactured home in the park;

(c) The location of each manufactured home within the park by unit number and street address;

iii. Furnish to the Code Enforcement Officer or ~~City~~ Building Official, within ten days after January 1 of each year, a list of all manufactured home residents in the park as of January 1. The list shall contain the manufactured home owner's name and address, the make, length and width of the home, and the address or location description of each manufactured home within the park; and

iv. Maintain on the premises for inspection a map showing the location, size, and depth of all utility, gas or other lines within the park.

5. Recreational Vehicles, Travel Trailers, Motor Homes, Dependent Trailers, and Other Mobile Structures

a. Parking Limitations; Record of Movement In and Out of Parks; Inspections

i. No person shall park, place or locate a recreational vehicle upon any public street, or within any area of a public park not designated for recreational vehicle usage, within the City for a period of more than four hours, except in cases of emergency.

ii. No person shall park, place, or locate a recreational vehicle ~~which~~ that is used for living quarters, or in which cooking is done, on any lot, tract or parcel of land for a period of more than 24 hours unless within a licensed recreational vehicle park, except as follows:

(a) Recreational vehicles may be parked on land owned by persons whose business is the repair of recreational vehicles; provided, however, that when they are so parked, their use for living, sleeping, storing or working quarters is prohibited.

(b) Recreational vehicles may be parked for storage purposes as long as such storage does not violate any deed restriction or other ordinance or regulation of the City.

iii. It shall be unlawful for any person to locate or maintain for occupancy any recreational vehicle other than in a duly licensed and lawful recreational vehicle park, except as set out herein.

iv. Prior to ~~the~~ allowing a recreational vehicle to be placed within a recreational vehicle park, the owner of the park shall cause such recreational vehicle to be registered on a check-in/check-out list. The check-in/check-out lists shall include the name and permanent address of the owner or occupant of the recreational vehicle, a description of the make, model, and license of the recreational vehicle, the length of stay, the condition of recreational vehicle, and number of occupants. Such list shall be kept in the offices of the park and available for review by the ~~City's~~ Building Official~~s~~ during reasonable office hours.

b. Recreational Vehicle Parks – Construction or Enlargement Permits

i. Construction or Enlargement Unlawful Without Permit

It shall be unlawful for any person to construct or enlarge a recreational vehicle park within the corporate limits of the City without having first obtained a recreational vehicle park construction or enlargement permit.

ii. Application

Any person desiring to construct or enlarge a recreational vehicle park shall file a written application for a recreational vehicle park construction or enlargement permit with the ~~City~~ Building Official. Such application shall be submitted on a form prepared by the ~~City~~ Building Official and shall include the following:

(a) The name and address of the person who will be in charge of the proposed park;

(b) A location map showing the location within the City of the proposed park at a scale of one inch equals 100 feet or larger;

(c) Preliminary plans and specifications sufficient to determine if the proposed park is in compliance with this ~~chapter~~ section and all ordinances, building, plumbing and electrical codes in effect at the time application for the permit is made.

iii. Action by City Council on Application

Within 30 days after the complete application has been filed with the ~~City~~ Building Official, the ~~City~~ Building Official shall present the same to the City Council. The City Council shall act on each such application within a reasonable period of time. If the City Council approves the application, the ~~City~~ Building Official shall issue ~~to~~ the applicant a recreational vehicle park construction or enlargement permit. If construction has not begun on the recreational vehicle park within 120 days from the date of approval of the permit, the permit shall be void and of no force and effect. If the City Council disapproves the application, the City Council shall state the reasons for disapproval and the ~~City~~ Building Official shall so notify the applicant.

iv. Standards of Construction

No permit shall be granted under this article unless all plans and specifications for the proposed recreational vehicle park are in conformity with all building, plumbing, and electrical codes, and other applicable ordinances in effect and adopted by the City at the time application is made for a permit, and all work performed under permits issued pursuant to this ~~article~~ section shall likewise conform to such other ordinances.

v. Permanent Residential Structures

No permit shall be issued for the construction or occupancy of a permanent residential structure within any recreational vehicle park, except as follows:

(a) One existing residential structure may be retained or one new residential structure may be constructed for the occupancy of the owner or operator of the park.

(b) An existing residence may be converted to a clubhouse, community center, or service building for use by the residents of the park.

c. Same – Operation Permits

i. Operation Without Permit Unlawful

It shall be unlawful for any person to operate a recreational vehicle park within the City without a recreational vehicle park operation permit.

ii. Issuance to New Operations

Any person desiring to operate a recreational vehicle park after construction or enlargement has been completed shall, before the actual operation of the park has begun, apply to the ~~City~~ Building Official for an operation permit. The ~~City~~ Building Official ~~or any City official or employee designated by him~~ shall then inspect the completed facilities and, if the completed recreational vehicle park conforms in all respects to the plans and specifications as submitted with the application for the construction or enlargement permit, and the requirements of this article and other applicable ordinances, the ~~City~~ Building Official shall then issue to the operator a recreational vehicle park operation permit upon payment to the City of any and all applicable operation permit fees as may be set from time to time by resolution of the City Council and kept on record by the City Secretary in the offices of the City. This permit shall be valid up to and including December 31 or the year for which it was issued, unless sooner suspended, revoked or surrendered.

iii. Renewals

All operation permits shall expire each year on December 31. Each operator of a recreational vehicle park shall make application for a renewal permit on or before November 30 of the calendar year preceding the year for which the renewal permit is to apply. If there has been no change in the facilities as reflected in the latest plans, specifications and/or plat on file with the ~~City~~ Building Official, or if any such changes are found by the Building Official to be in accordance with this article and all other ordinances of the City, and upon payment to the City of any and all applicable operation renewal permit fees as may be set from time to time by the resolution of City Council and kept on

record by the City Secretary in the offices of the City, the ~~City~~ Building Official shall renew the operation permit for a period of one year, ending December 31.

iv. Revocation and Suspension of Operation Permits

Any recreational vehicle park operation permit granted under the provisions of this article may be suspended or revoked by the ~~City~~ Building Official after due notice to the holder of such permit for any one or more of the following reasons:

(a) Failure to keep accurate check-in and check-out records.

(b) Operating the facilities in a manner contrary to the plans, specifications, and/or plat on file with the ~~City~~ Building Official.

(c) Operating the facility in violation of the rules, regulations, ordinances, or laws of the City, the state or the United States.

v. Reinstatement

Where an operation permit has been suspended, the same may be reinstated for the remaining period of time for which it was originally issued after the cause for suspension has been corrected and upon the payment of applicable reinstatement fees.

d. ~~Technical and Physical~~Dimensional Requirements

i. Minimum Size

No recreational vehicle park shall be permitted within the City unless the same shall be at least three acres in area.

ii. Unit Size

Each unit shall include a designated concrete recreational vehicle pad, which shall have a minimum size of nine feet by 40 feet, or 360 square feet, for the placement of each recreational vehicle.

iii. Density and Setback Requirements

(a) Distance to Adjacent Designated Concrete Recreation Vehicle Pad

(i) No portion of a designated concrete recreational vehicle pad shall be located nearer than 20 feet from an adjacent designated concrete recreational vehicle pad. Additional concrete pad space for vehicle parking and/~~/~~or outdoor tables will not be considered ~~as~~ part of the designated concrete recreational vehicle pad. When the concrete pad is larger than the minimum nine feet by 40 feet (or 360 square feet) required for the designated concrete recreational vehicle pad, a minimum nine feet by 40 feet (or 360 square feet) area will be designated as the recreational vehicle pad.

(b) Maximum Number of Units Per Acre

The total number of units within a recreational vehicle park shall not exceed 15 per acre. Partial acreage shall be calculated proportionately.

(c) Other City Setback Requirements

No recreational vehicle shall be located so as to violate any setback requirement as may otherwise be established by ordinance or regulation with respect to the area in which the recreational vehicle park is located.

e. Street Specifications

Each recreational vehicle park shall have hard surface streets, properly drained in accordance with the existing requirements of the City. All streets shall be at least 20 feet in width throughout.

f. Parking

i. Parking required by **Figure 2.04-1. Permitted Use Chart** ~~**Figure 2.04-1. Permitted Use Chart**~~ shall be ~~Each unit shall be provided with a minimum of one off-street parking space~~provided.

ii. No on-street parking shall be permitted.

iii. Parking areas shall be constructed of the same material as the adjoining street unless the adjoining street does not contain a hard surface. In such event, the parking areas shall be constructed with materials so as to provide a hard surface.

g. Pads

Each unit within a recreational vehicle park shall be provided with a concrete pad, a minimum of nine feet by 40 feet (360 square feet), to be constructed so that the pads will provide support and spaced as shown on the approved plat of the park. No recreational vehicle park within a recreational vehicle park shall be placed within such park except upon a pad.

h. No Shared Utility Hookups

Two recreational vehicles shall not be permitted to share a unit or to share utility hookups.

i. Water Lines and Sewer Connections

Each unit shall be provided with water lines and sanitary sewer connections, suitable for hookup to recreational vehicles, and subject to all applicable ordinances, rules and regulations of the City.

j. Public Inspection

Duly authorized representatives of the City shall be permitted access to the recreational vehicle park, the street, utility lines and connections, and structures thereon, when performing City business, as a condition to the issuance, renewal, or suspension of a permit.

k. Fence

A six-foot-high fence or wall, constructed of wood or masonry, shall be constructed on the two sides and rear of the recreational vehicle park~~,~~ such fence or wall ~~to~~ shall be at least 95 percent impervious. A decorative enclosure, not less than five feet in height, shall be constructed along the front of the recreational vehicle park.

l. Utilit~~ies~~y Lines

All utilities, including, but not limited to, electrical, telephone, television, and cable, shall be buried (except primary service lines into the park) and shall conform to the ordinances of the City.

m. Recreational Area

There shall be provided additional open space not to be considered part of the minimum unit size for use as a recreational area in a ratio of 100 square feet per unit, located in a central location within the park boundaries. The recreational area shall be so located as to be free of traffic hazards and the ratio of length to width shall not exceed 5:1. In the event playground space is provided, it shall be so designated and shall be protected from traffic, thoroughfares, and parking areas. Such space shall be maintained in a sanitary condition and free of safety hazards.

n. Electrical Service

Each unit within the recreational vehicle park shall be provided with electrical service connections of at least one 30-amp connection and one 50-amp connection. Each service pole for each unit shall have fixed a permanent number, which number shall coincide with the number designated to that particular recreational vehicle by the park owner or operator.

~~Soil and Ground Cover~~

~~Exposed ground surfaces in all parts of every recreational vehicle park shall be protected with a vegetative growth that is capable of preventing soil erosion and of eliminating dust or shall be paved or covered with stone screening or other solid material.~~

~~Drainage~~

~~The ground surface in all parts of the recreational vehicle park shall be graded and equipped to drain all surface water in a safe, efficient manner, and in accordance with applicable ordinances of the City.~~

o. Drainage and Soil Protection

i. The ground surface in all parts of the park shall be graded and equipped to drain all surface water in a safe, efficient manner. Each recreational vehicle space shall provide adequate drainage for the placement of a recreational vehicle.

ii. Exposed ground surfaces in all parts of every Recreational Vehicle Park shall be paved and/or covered with stone, brick paving, or other similar solid material, or protected with a vegetative growth (such as grass) capable of preventing soil erosion and eliminating dust.

p. Water Supply

i. An adequate supply of potable water for drinking and domestic purposes shall be provided by pipes to all buildings units within the park in accordance with applicable standards provided in building, fire, plumbing, and other codes of the City. Each unit shall be provided with a cold water tap at least four inches above the ground, with a hookup connection suitable for such recreational vehicle.

ii. One master water meter shall be installed at each recreational vehicle park and the owner of the park shall be responsible for the payment of the water bill to the City.

q. Fire Protection Water Distribution System for Certain Sized Parks

Every owner or developer of every park ~~which~~ that is 300 feet or more in depth shall be required to install a fire distribution system as follows:

i. The owner or developer shall design and construct a fire distribution system in a manner to provide adequate water flow for fire protection.

ii. The design, size, and layout of the water distribution system shall comply in all respects with applicable requirements of the state and the City and shall be approved by the Director of Public Works.

iii. All materials and installations shall be in accordance with American Water Works Association Standards and with the City standards for same, and shall be Class 150 or better and shall be approved by the Director of Public Works.

iv. Fire hydrants shall be spaced in intervals not to exceed 300 feet as measured along the street or driveways. All mains and laterals shall be looped. Steamer connections shall be national fire standard threads. Barrel lengths for fire hydrants shall be four feet or longer.

r. Sewage Disposal

i. If City sewer trunk lines are adjacent to a boundary of the proposed park, the following regulations shall apply:

(a) Waste from showers, bathtubs, flush toilets, urinals, lavatories, and slop sinks in service and other buildings within the park shall be discharged into a public sewer system in compliance with applicable ordinances.

(b) Each unit shall be provided with a sewer at least four inches in diameter, which shall be connected to receive the waste from the shower, bathtub, flush toilets, lavatory, and kitchen sink of the recreational vehicle located on such unit and having any or all of such facilities. The sewer in each unit shall be connected to discharge the recreational vehicle waste into a public sewer system in compliance with applicable ordinances.

(c) If, on the date the City Council approves the recreational vehicle park, public sanitary sewerage service is not available, ii below ~~ii below~~ ~~of this section~~ shall apply. If a public sanitary sewer system is placed adjacent to the recreational vehicle park in the future, the owner or operator of

the recreational vehicle park shall install a sanitary sewer system within the park within 180 days after such public service becomes available from the City.

(d) The owner or operator of the recreational vehicle park may provide a sanitary station or dump station to be used by owners of recreational vehicles occupying units within the park or by permitted citizens of the City/owners of recreational vehicles. Such sanitary station or dump station shall be built in accordance with City standards and specifications and must comply with the City's requirements for connection with the public sewer system. Wastes shall not be discharged into the public sewer system unless in compliance with applicable ordinances of the City, and the owner of the park shall be responsible for the payment of all applicable fees to the City therefor. The owner or operator of the recreational vehicle park shall keep accurate records of each and every use of such sanitary station.

ii. If there is not a public sewer system available adjoining the property line of such proposed park, then the licensee may install a septic tank system, after first having submitted plans and specifications therefor, which plans shall be in full compliance with applicable regulations of the state and the City.

s. Garbage Service

i. Licensee Compliance

Each licensee of the recreational vehicle park shall comply with all of the trash and garbage collection regulations of the City.

ii. Collection

A single charge for the entire recreational vehicle park shall be made for garbage collection, in accordance with the schedule of rates in the City. The licensee of the park shall be responsible for the payment of same.

t. Use of Bottled Gas or Liquefied Petroleum Gas

Bottled gas shall not be prohibited for use by individual recreational vehicles, provided that such gas is properly connected by copper or other suitable metallic tubing or such other tubing as may be allowed by federal and state rules and regulations; and such bottled gas shall not be placed into operation until the licensee of the park has indicated on the check-in/check-out list that such bottled gas has been inspected and has been determined to have met the minimum standards of the state railroad commission and the ordinances of the City. All bottled gas cylinders shall be securely fastened in place. No cylinders containing bottled gas shall be located in a recreational vehicle or within five feet of a door thereof. At all times, all state and local regulations applicable to the handling of the bottled gas and fuel oil shall be followed. All applicable provisions of this Code and other laws regulating the use of liquefied gas shall be complied with and this section shall not be construed so as to repeal such ordinances of this City or any part thereof.

u. Additional Construction in Recreational Vehicle Parks

It shall be unlawful for any person operating a recreational vehicle park or occupying a recreational vehicle to construct or permit to be constructed in such park, or in connection with such recreational vehicle, any additional structure, building or shelter in connection with or attached to the recreational vehicle; provided, however, awnings of canvas or metal, suitably constructed, may be attached to recreational vehicles, as well as portable, prefabricated, temporary rooms, for the express purpose of increasing manufactured home living area, commonly called a cabana, which meets the following requirements:

i. Of metal only, fires-resistive, double-wall, mechanical joint panels; no welded joints between panels permitted;

ii. Strength of materials and structure to meet minimum standards of the City building code;

iii. Capable of being dismantled and removed from the site at the time the recreational vehicle to which it is accessory is moved;

iv. Finish and appearance to be as near the same as possible to the recreational vehicle to which it is accessory;

v. The length must not exceed the length of the recreational vehicle to which it is accessory; and

vi. Only one such room per recreational vehicle shall be permitted.

v. Service Buildings

i. Service buildings and housing sanitation facilities, if provided, shall be permanent structures complying with all applicable provisions of this Code, City ordinances and state statutes regulating buildings, electrical installations and plumbing and sanitation systems.

ii. The service buildings shall be well-lighted at all times of the day and night, shall be well-ventilated with screened openings, shall be constructed of such moisture-proof material, which may be painted woodwork, as shall permit repeated cleaning and washing, and shall be maintained at a temperature of at least 68 degrees Fahrenheit (20 degrees Celsius) during the period from October 1 to May 1. The floors of the service buildings shall be of water-impervious material.

iii. All service buildings and the grounds of the park shall be maintained in a clean, sanitary condition and kept free of any condition that will menace the health of any occupant or the public.

iv. A central service building containing the necessary toilet and other plumbing fixtures specified shall be provided in recreational vehicle parks which provide units for dependent recreational vehicles. Service buildings shall be conveniently located within a radius of approximately 300 feet ~~to~~ of the spaces to be served.

w. Park Management

Each licensee of a recreational vehicle park shall perform or cause to be performed the following:

i. Provide written notice to each park occupant of all provisions of this article applicable to such occupant;

ii. Maintain a register of park occupancy which shall contain the following information:

(a) The name and address, and the dates of arrival and departure, of each park resident;

(b) Registration data, including make, length and width, of each recreational vehicle in the park;

(c) The location of each recreational vehicle within the park by unit number and street address;

iii. Maintain on the premises for inspection a map showing the location, size and depth of all utility, gas or other lines within the park.

x. Side-by-Side Operation of Manufacture Home and Recreational Vehicle Parks

Nothing contained herein shall prohibit the development or operation of a manufactured home park adjacent to a recreational vehicle park; provided, however, the existence of adjacent park operations shall not negate a licensee's duty to comply with all rules and requirements applicable to each park as stated herein. In addition, such adjacent parks shall be clearly separated by a street, alley, fence, wall, vegetative hedgerow, or other distinct demarcation; provided, further, adjacent parks may share required recreational areas and service buildings if such areas and buildings otherwise fulfill the requirements for each park as set forth herein.

Article 3. Subdivision Regulations

3.01. Subdivision General Provisions

A. Title

These regulations of the City of Tomball, Texas, shall be known as and may be cited as the Subdivision Regulations or Subdivision Ordinance.

B. Purpose

As authorized by Texas Local Government Code Sec. 212, the subdivision regulations as established in this article have been established for the purpose of promoting the public health, safety, morals, and general welfare of the City and its ETJ. They have been designed to:

1. Promote safe, orderly, and healthful development;
2. Establish reasonable standards of design and procedures for platting and replatting to further the coordinated layout and use of land; and
3. Ensure that adequate public facilities and services are available and will have sufficient capacity to serve the proposed subdivision or development.

C. Applicability

This ~~chapter~~ article shall apply to all subdivisions of land within the City and its area of extraterritorial jurisdiction.

~~(Code 1993, § 70-1; Ord. No. 2001-19, § 2, 1-7-2002)~~

D. Compliance Required

1. Plat Approval Required

   a. It shall be unlawful for any person to subdivide any tract, lot, or parcel of land within the City or within the extraterritorial jurisdiction of the City, unless and until a ~~preliminary and~~ final plat of such subdivision has been approved in accordance with the terms of this ~~chapter~~article.

   b. Unless and until a ~~preliminary and~~ final plat~~, plan or replat~~ of a subdivision shall have been first approved in the manner provided in this ~~chapter by the Planning and Zoning Commission~~article, it shall be unlawful for any person to construct or cause to be constructed any street, utility facility, building, structure, or other improvement on any lot, tract, or parcel of land within such subdivision, except as specifically permitted in this ~~chapter~~article.

   ~~c. In addition, It shall be unlawful for any City official to issue any permit for such improvements, or any aspect thereof, or to serve or connect said land, or any part thereof, with any public utility which may be owned, controlled, or distributed by the City.~~

   ~~d. Provided further, It shall be unlawful for any person to serve or connect any lot, tract, or parcel of land within any such subdivision with any utility service or facility unless and until a final plat of such subdivision has been approved in accordance with this chapter.~~

2. Improvements Required

   All of the improvements required under these regulations, improvements specified in the City's comprehensive plan, and improvements which, in the judgment of the Planning and Zoning Commission, are necessary for the adequate provision of streets, drainage, utilities, municipal services and facilities to the subdivision, shall be constructed at the sole expense of the developer.

3. Streets and Utilities

The City shall not repair, maintain, install, or provide any streets or public utility services within a subdivision for which a final plat has not been approved and filed of record and in which the standards contained in this ~~chapter~~ article or referred to in this ~~chapter~~ article have not been complied with in full.

4. Exceptions

a. The provisions of this ~~chapter~~ article shall not be construed to prohibit the issuance of permits for construction on any lot which was in existence prior to August 15, 1983, nor to prohibit the repair, maintenance or installation of any street or public utility service for, to or abutting any lot, the last recorded conveyance of which prior to August 15, 1983, was by metes and bounds, and/or any subdivision, or lot therein, recorded or unrecorded, which subdivision was in existence prior to August 15, 1983.

~~b. A division of land does not include a minor plat approved in accordance with section 40-4.~~

~~c.~~b. A division of land does not include the merger of two or more adjoining lots or tracts of land, with common ownership, that the owners wishes to merge into one lot in order to avoid the creation of a technical violation of the City's building, subdivision and zoning regulations relating to building setback lines. This exception applies only if:

i. The lots or tracts had at least one owner in common as of the effective date of the ordinance from which this ~~chapter~~ article is derived;

ii. The lots or tracts are located in the Recorded Plat Revised Map of Tomball Harris Co., Texas recorded July 9, 1912, a true and correct copy of which is attached to the ordinance from which this chapter is derived as Exhibit "A" which is on file with the City Secretary and incorporated in this ~~chapter~~ article by reference for all purposes;

iii. A structure existed on the lots or tracts, as of the effective date of the ordinance from which this ~~chapter~~ section is derived, provided, however, that this exception shall not apply in the event that 60 percent or more of the square feet of the structure is removed or destroyed;

iv. The joinder of lots or tracts does not require the dedication or removal of any public rights-of-way, public easements or other public improvements;

v. The owner or owners agree in writing on a form approved by the City that the merged lot may not be divided in the future unless a subdivision plat authorizing such division is approved by the City and filed of record in accordance with applicable state laws and City ordinances governing plats and the subdivision of land. The form must also inform and declare that any subsequent purchaser will be bound by the requirements of this exception and the form shall be filed in the county clerk's office of the county in which the property is located. A property owner who has elected to join one or more lots pursuant to this subsection may file an election with the City to reverse the joinder of lots so long as no violation of the City's setback requirements in the building, subdivision, or zoning regulations is created by the reversal.

Two or more platted lots joined together pursuant to this subsection shall be considered one joined lot for purposes of this ~~chapter~~article; provided, however, that nothing contained in this ~~chapter~~article, shall otherwise constitute an exception to the platting requirements imposed by this ~~chapter~~article.

~~d.~~c. Authorized Agent

A person may act as agent for a subdivider/developer upon submission with each application for preliminary and/or final plat approval of a certified copy of a power of attorney, certified by the county clerk of either counties, containing in such certification the recording information of such power of attorney in the records of either county, and such certification being dated not more than seven days prior to the date of such application filing. Further, the power of attorney must specifically authorize the applicant to act on behalf of the subdivider/developer, must specifically identify the tract proposed for subdivision, and must state that the power of attorney authorizes the agent to execute all necessary documents and dedicatory statements necessary to effect final plat approval and recording thereof.

~~(Code 1993, § 70-3; Ord. No. 2001-19, § 2, 1-7-2002; Ord. No. 2011-08, § 2, 5-2-2011; Ord. No. 2011-10, § 1, 7-5-2011)~~

3.02. Subdivision Procedures

A. Platting Process Overview

Figure 3.02-1. Platting Process ~~Alternatives~~ Overview

Traditional Review Process

Step 1: Pre-Development Meeting

Before submitting an application, applicants are encouraged to attend a pre-development meeting with City Staff to become familiar with the City's development process and regulations applicable to the proposed development. See **1.03.B** Pre-Development Meeting~~Pre-Development Meeting~~ for more information.

Step 2: Preliminary Plat

A preliminary plat must be submitted for review and approval. See **3.02.C.** Preliminary Plat~~Preliminary Plat~~ for more information.

Step 3: Construction Plans

Following approval of (or in conjunction with) a preliminary plat, the applicant shall submit construction plans for all public improvements within the proposed development. See **3.03.B.** Construction Plans~~Construction Plans~~.

Step 4: Construction and Inspection of Improvements

Following approval of construction plans, the applicant may begin constructing public improvements. See **3.03.C.** Installation, Acceptance, and Maintenance of Public Improvements~~Installation, Acceptance, and Maintenance of Public Improvements~~.

Step 5: Final Plat

Once any required public improvements have been installed (or performance security provided in accordance with **3.03.C.1.** Guarantee of Performance~~Guarantee of Performance~~), a final plat shall be submitted for consideration. See **3.02.D.** Final Plat~~Final Plat~~ for more information.

Step 6: Filing and Acceptance

Once a final plat has been approved, it shall be filed with the respective county clerk's office.

The City Engineer shall again inspect the construction and make a recommendation to the City Council, who will consider a resolution to accept maintenance of dedicated public improvements; however, the applicant is responsible for maintaining the infrastructure for two years, in accordance with **3.03.C.3.** Maintenance of Dedicated Approvements~~Maintenance of Dedicated Approvements~~.

Expedited Review Process

Step 1: Pre-Development Meeting

Before submitting an application, applicants are encouraged to attend a pre-development meeting with City Staff to become familiar with the City's development process and regulations applicable to the proposed development. See **1.03.B** Pre-Development Meeting~~Pre-Development Meeting~~ for more information.

Step 2: Construction Plans

If the Director waives the requirement for a preliminary plat (see **3.02.C.1.a**), Construction plans may be submitted prior to (or with) a final plat.

Step 3: Final Plat and Security

If public improvements are to be installed, performance security is required in accordance with **3.03.C.1.** Guarantee of Performance~~Guarantee of Performance~~.

The final plat may be approved and filed.

Step 4: Construction and Inspection of Improvements

The applicant may begin constructing public improvements. See **3.03.C.** Installation, Acceptance, and Maintenance of Public Improvements~~Installation, Acceptance, and Maintenance of Public Improvements~~.

The City Engineer shall inspect the construction and make a recommendation to the City Council, who will consider a resolution to accept maintenance of dedicated public improvements; however, the applicant is responsible for maintaining the infrastructure for two years, in accordance with **3.03.C.3.** Maintenance of Dedicated Approvements~~Maintenance of Dedicated Approvements~~.

~~Lot Consolidations and Minor Plats~~

~~1. Upon payment of the fee established by resolution of the city council, a person may submit an application for a minor plat approval.~~

~~2. The city manager, or the city manager's designee, may approve a minor plat.~~

~~3. After the city manager approves a minor plat, the minor plat shall be placed on the planning and zoning commission's next regular agenda as a nonaction item for information purposes only.~~

~~4. Any person may appeal the approval of a minor plat by filing a written notice of appeal within three working days after the planning and zoning commission meeting at which the minor plat approval is submitted. Upon the filing of the appeal, the minor plat shall be deemed a preliminary plat and shall be placed on the city planning and zoning commission's next regular agenda for consideration within the time periods specified in this chapter.~~

~~5. Upon expiration of the time for appeal, the city engineer shall sign the minor plat on behalf of the city.~~

~~6. The person to whom a minor plat is presented shall not disapprove a minor plat, but shall be required to refer any plat which such person refuses to approve to the city's planning and zoning commission within the time period specified in this chapter.~~

~~(Ord. No. 2011-08, § 3, 5-2-2011)~~

~~Preliminary Conference~~

~~Prior to the official filing of a preliminary plat, the subdivider, his planner, or other appropriate representative shall consult with the planning and zoning commission for comments and advice on the procedures, specifications, and standards required by the city as conditions for subdivision plat approval. If requested in writing, the planning and zoning commission shall place, for discussion purposes only, an item on its agenda regarding the proposed subdivision in order to assist a subdivider on matters affecting such proposed subdivision.~~

B. Plat Approval Authority

1. Texas Local Government Code Sec. 212.006 designates the Planning and Zoning Commission as the authority responsible for approving plats.

2. Texas Local Government Code Sec. 212.0065 authorizes the Planning and Zoning Commission to delegate one or more officers or employees of the City the ability to approve, approve with conditions, or disapprove a plat. The City of Tomball Planning and Zoning Commission hereby delegates plat approval authority to the Community Development Director (or their designee).

   a. The Director may, for any reason, elect to defer to the Planning and Zoning Commission.

   b. Planning and Zoning Commission approval is required for any plat that requires a Subdivision Waiver (see **3.02.H**) from the regulations contained within this **Article 3. Subdivision Regulations**~~**Subdivision Regulations**~~.

~~Abbreviated Platting Procedure~~

~~1. Applicability~~

~~Any person proposing to divide land or consolidate lots or tracts of land may apply for final plat approval pursuant to this section without the necessity of having first received preliminary plat approval if:~~

~~a. Each lot, tract or parcel of land within the area subject to the plat has direct access to a public street which complies with the requirements hereunder for new subdivisions;~~

~~b. There is no need for street or thoroughfare dedication pursuant to the City's comprehensive plan within the area subject to the plat; and~~

c. There is no need for dedication, abandonment, or relocation of easements or rights-of-way for water and/or sanitary sewer services, public utilities, streets, or surface water drainage within the area subject to the plat.

2. Procedure/Requirements

The procedures, application and plat requirements, Planning and Zoning Commission action and other matters relating to or required for the submission, review, approval and filing of a final plat as required in sections 40-30 thru 40-35 shall apply to plats submitted under this section.

(Code 1993, § 70-20; Ord. No. 2001-19, § 2, 1-7-2002)

C. Preliminary Plat

1. Applicability

No subdivision of land shall occur without proper submittal and approval of a preliminary plat. An approved preliminary plat is required prior to the application for a final plat.

a. Exception: During the pre-application meeting, the Director may waive the preliminary plat requirement when the Director determines that the proposed subdivision is of such scope, character, or simplicity that preliminary review is unnecessary to ensure compliance with this ordinance and other applicable regulations. Examples include single-phase subdivisions or developments with limited public improvements. If a final plat will be approved prior to the installation of public improvements, performance security is required in accordance with **3.03.C.1. Guarantee of Performance**~~Guarantee of Performance~~.

2. Complete Application Required

Any person desiring approval of a preliminary plat shall first ~~file, in triplicate,~~submit an application for preliminary plat approval. ~~Forms for such applications shall be kept on file with the City Secretary and shall be in a form approved by the Planning and Zoning Commission.~~ Consideration of a preliminary plat by the ~~Planning and Zoning Commission~~City shall not occur unless a fully completed and executed application has been filed in accordance with this article. ~~If, in the opinions of both the city engineer and the City Attorney, the form of the application or plat submitted therewith does not conform with or meet the minimum requirements of this article, the chairperson of the Planning and Zoning Commission is hereby authorized to deny, on behalf of the commission, any application for preliminary plat approval.~~

3. Submittal Date and Time

a. All plats, maps, reproductions, fees, applications, and related materials shall be submitted to the Community Development Director~~Director of Community Development or their designee~~.

b. The Director ~~of Community Development or their designee~~ shall determine the completeness of all plat applications.

c. ~~A~~ Complete plat applications submitted by the application deadline specified on the plat review calendar (kept by the Community Development office) ~~that is deemed to be complete by the Director of Community Development or their designee~~ shall be reviewed and decided by the Director or placed on the agenda for the next regularly scheduled meeting of the Planning and Zoning Commission for consideration.

4. Time Period for Action

All preliminary plat applications shall be acted upon within 30 calendar days from the official filing date unless a waiver is submitted in accordance with Waiver of Right**3.02.G. Waiver of Right to 30-Day Action**~~Waiver of Right to 30-Day Action~~~~subsection (a)~~.

5. City Staff Review and Recommendation or Action

a. ~~The~~ City staff shall meet to review each preliminary plat application ~~to be placed on the agenda of the forthcoming meeting of the Planning and Zoning Commission.~~ ~~The~~ City staff shall make ~~comments~~ a decision or recommendation (as applicable, in accordance with **3.02.B. Plat Approval Authority**) ~~on either~~ for one of the following:~~.~~

i. Approval of the plat~~.~~,

~~Denial of the plat.~~

ii. Approval of the plat with conditions~~.~~, or

iii. Denial of the plat.

~~b. All comments detailing necessary conditions/revisions, or reasons for denial of the plat, will be returned to the applicant following the official City review of the plat.~~

6. Resubmittal of Plats that Require Planning and Zoning Commission Approval Following City Review and Recommendation

   For plats that require approval by the Planning and Zoning Commission, the following timeline must be met to ensure adequate review time and compliance with State law:

   a. At least ~~five~~ 12 calendar days prior to the meeting of the Planning and Zoning Commission during which the plat is scheduled for action, the applicant shall provide to the Community Development Director ~~Director of Community Development or their designee~~ a revised plat. The Director ~~of Community Development or their designee~~ shall review the revised plat for compliance with comments from previous review(s) by the City.

   b. Revised plats submitted to the Director ~~of Community Development or their designee~~ at least ~~five~~ 12 calendar days prior to the meeting of the Planning and Zoning Commission during which the plat is scheduled for action will be placed on the agenda for consideration by the Commission, for approval, approval with conditions, or denial based on staff findings.

   c. In the event that a revised plat is not submitted at least ~~five~~ 12 calendar days prior to the meeting of the Planning and Zoning Commission and no Waiver of Right for 30-Day Action is submitted by the applicant, the plat shall be subject to denial by the ~~Planning and Zoning~~ Commission due to insufficient time for review by staff.

7. City Action on Plats

   a. The City shall approve any plat if it is in compliance with the provisions of this article and other rules and regulations as may have been or may be adopted by the City Council governing plats and/or the subdivision of land.

   b. If the City grants approval with conditions needed to meet the City's rules and regulations, the City shall provide the applicant with the specific conditions; the plat shall be considered approved once the Community Development Director determines the conditions have been met. Approval with conditions expires at the end of the 30-day approval window, or 6 months from the date of City action if the applicant submits a Waiver of Right to 30-Day Action.

   ~~a.~~c. If the City determines that a plat fails to comply with the policies, standards, or requirements contained in this article or other rules or regulations as may have been adopted by the City Council governing plats and/or the subdivision or land. The City shall provide the applicant with the specific reason for denial.

~~8. Filing Fees~~

~~An application for preliminary plat approval shall be accompanied by a nonrefundable application fee tendered in the form of a check and made payable to the "City of Tomball, Texas," in the amount as is specified in the City's schedule of fees as currently established or as hereafter adopted by resolution of the City Council from time to time.~~

~~9. Encumbrances Information~~

~~An application for preliminary plat approval shall be accompanied by a title opinion or a statement or certificates, either in a separate writing or on the face of the plat, and properly executed by the applicant or the person who prepared the plat, certifying that all existing encumbrances other than liens, such as various types of easements, fee strips, or significant topographical features such as lakes, ponds, bayous or other bodies of water; creeks, streams, gullies, ravines, ditches, or other natural drainageways; and any known fault lines, on the land being platted, are fully shown and accurately identified on the face of the plat, and further stating whether the plat being submitted includes all of the contiguous land that the subdivider owns directly or indirectly, or has a legal or beneficial interest in, or whether the subdivider owns or has a legal interest in any adjacent property. If the subdivider owns or has a legal interest in any adjacent property, the extent of such ownership and a boundary description of the land involved shall also be provided.~~

~~10.~~8. Notice to Utilities

Evidence of notice to all utility companies that provide service to the area encompassed by the proposed subdivision, whether public or private, shall accompany each application for preliminary plat approval. Such notice shall contain a statement of the intent to subdivide, the intended use of the property within the subdivision, and shall have attached to such notice a copy of the preliminary plat that is filed within the City.

~~(Code 1993, § 70-12; Ord. No. 2001-19, § 2, 1-7-2002; Ord. No. 2022-23, § 2(Exh. A), 9-6-2022)~~

~~11.~~9. Form and Content of Preliminary Plats

All preliminary plat~~s~~ submittals ~~submitted to the Planning and Zoning Commission~~ shall be in the form of and correctly contain ~~fully~~ all information and/or language required ~~hereunder~~by the plat review checklist maintained by the Community Development Department.~~:~~

~~a. The proposed name of the subdivision or development, which shall not be a duplicate of any subdivision or development of record within either counties;~~

~~b. The legal description of the property proposed to be subdivided, including the name of the county, survey, and abstract number, together with reference to at least one established corner of a nearby recorded subdivision or the nearest public street right-of-way intersection;~~

~~c. The total acreage, as delineated by four digits to the right of the decimal point; square footage, as delineated by two digits to the right of the decimal point; and total number of lots, blocks, and reserves;~~

~~d. The name, address, and phone number of the owner of the property. If the owner is other than a natural person, the name of the owner, or principal officer, of the entity which owns such property, and his~~ their ~~respective address and phone numbers;~~

~~e. The name, address, and phone numbers of the person or firm who prepared the plat;~~

~~f. The date on which the plat was drawn;~~

~~g. The north arrow point. The drawing of the subdivision shall be oriented with north to the top of the drawing, unless the subdivision is configured in such a way as to make this confusing;~~

~~h. The scale of the plat shall be drawn numerically and a graphic/bar scale shall be provided. The scales acceptable for a preliminary plat shall be either one inch equals 100, 200, 300 or 400 feet, or for small projects (less than ten acres) one inch equals 20, 30, 40, 50 or 60 feet;~~

~~i. A scale vicinity map, including key map numbers, shall be provided and made a part of the plat indicating the general location of the subdivision and its relationship with well known streets, railroads, watercourses and similar features in all directions from the subdivision to a distance not less than one-half mile. The scale of the vicinity map shall be to legible scale and shall be oriented with north to the top of the drawing that shall also be the same direction as the detailed subdivision drawing;~~

~~j. The plat boundaries shall be drawn with heavy lines to indicate the subdivided area with overall survey dimensions and bearings. Lines outside the plat boundary should be drawn as dashed lines;~~

~~k. The adjacent areas outside the plat boundaries shall be identified indicating the name of adjacent subdivisions (including recording information), the names of the recorded owners of adjacent parcels of land, churches, schools, parks, bayous, and drainageways, acreage, and all existing streets, easements, pipelines, and other restricted uses;~~

~~l. The location and approximate width of existing and proposed waterways, such as creeks, streams, gullies, ravines, or ditches; drainage easements; topographical elevations; and the boundaries of designated flood zones, as provided in the most recent edition of the federal insurance rate map. All such information required in this section shall be certified by a registered professional land surveyor;~~

~~m. Contours with intervals of five-tenths foot, referred to sea level (most recent editions of the U.S. Coast and Geodetic Survey) datum, as required to show at least two contours within and adjacent to the subdivision. If the change in elevation throughout the property to be subdivided is less than one foot, then the plat is to clearly show the outfall drainage plan. Identify basis of control and temporary benchmark set within the subdivision;~~

~~n. The location and identification of all tracts not designated as lots within the boundaries of the plat. Such tracts, if not restricted for specific uses, shall be identified as unrestricted reserve. Restricted reserves shall be indicated on the plat and shall be designated as single-family residential, utility, church, park, recreational, school, or other specific use;~~

~~o. The location, widths, names, and recordation information from the appropriate county property records of all existing or platted streets, roads, alleys, and easements, either existing or proposed, within the plat boundaries or immediately adjacent thereto, the location of all existing permanent buildings within the plat boundaries, and all existing easements and other important features, such as section lines, political subdivision or corporate limit lines, on all sides, for a distance of not less than 200 feet;~~

~~p. Existing sewers, water and gas mains, culverts, bridges, pipelines, structures, or public utilities within the tract and immediately adjacent thereto with ownership, sizes of the improvements, grades, and locations indicated; and~~

~~q. The proposed layout of the subdivision, showing streets, blocks, lots, alleys, easements, building setback lines, parks, and other features, if known, within the plat boundaries, with principal dimensions, if known.~~

~~12.~~10. Expiration of a Preliminary Plat

All preliminary plat approvals granted by the ~~Planning and Zoning Commission~~City and the conditions thereon, if any, shall be valid for a period of six months from the date on which the approval was granted. If no construction plans or final plat has been approved, the preliminary plat shall expire and a new preliminary plat must be submitted.

a. Phased Development

If the approved preliminary plat contains more than one phase, construction plans or a final plat must be submitted within every six months thereafter until all phases are complete; otherwise, the preliminary plat shall expire.

b. Extensions

The Community Development Director may authorize one 6-month extension, after which the Planning & Zoning Commission may authorize extensions up to 12 months due to extenuating circumstances related to the installation of improvements.

~~(Code 1993, § 70-13; Ord. No. 2001-19, § 2, 1-7-2002)~~

D. Final Plat

1. Applicability

A final plat is required for all subdivision of land. An approved and filed final plat is required prior to the application for a building permit or sale of land.

a. Exception: Tracts five acres or greater where each part has access and no public improvement is being dedicated in accordance with Section 212.004 of the Texas Local Government Code.

2. Complete Application ~~for Final Plat Approval~~Required

Any person desiring approval of a final plat shall first file an application for final plat approval. ~~Forms for such applications shall be kept on file with the city secretary and shall be in a form approved by the Commission.~~ Consideration of a final plat by the ~~Planning and Zoning Commission~~City shall not occur unless a fully completed and executed application has been filed in accordance with this article. ~~If, in the opinions of both the city engineer and the City Attorney, the form of the application or plat submitted therewith does not conform with or meet the minimum requirements of this article, the chairperson of the commission is hereby authorized to deny, on behalf of the Planning and Zoning Commission, any application for final plat approval.~~

3. Submittal Date and Time

a. All plats, maps, reproductions, fees, applications, and related materials shall be submitted to the Community Development Director ~~or their designee~~.

b. The ~~community development director~~Director or their designee shall determine the completeness of all plat applications.

c. ~~A~~ Complete plat applications submitted by the application deadline specified on the plat review calendar (kept by the Community Development office) ~~that is deemed to be complete by the community development director or their designee~~ shall be reviewed and decided by the Director or placed on the agenda for the next regularly scheduled meeting of the Planning and Zoning Commission for consideration.

4. Time Period for Action

All final plat applications shall be acted upon within 30 calendar days from the official filing date unless a waiver is submitted in accordance with **3.02.G. Waiver of Right to 30-Day Action**~~**Waiver of Right to 30-Day Action**subsection (a).~~

~~a. Waiver of Right to 30-Day Action~~

~~i. The community development directoror their designee shall be the official decision-maker for a waiver of right to 30-day action.~~

~~ii. An applicant may request a waiver of right to 30-day action relating to the decision time of 30 days mandated by state law. Such requests must be submitted on the official waiver of right to 30-day action form provided by the community development office.~~

~~iii. Waiver requests must be received by the community development director prior to the Planning and Zoning Commission meeting at which action would have to be taken (based on the 30-day state law requirement).~~

~~iv. The granting of a waiver of right to 30-day action shall not be deemed in any way a waiver to any requirement within this Code of Ordinances.~~

~~v. The waiver of right to 30-day action may postpone consideration of plats for a period not to exceed 30 days from the date that the waiver is received by the city. In the event that the waiver of right to 30-day action expires, the plat shall be considered void by the city and a separate plat application will be required for review by the city and consideration by the Planning and Zoning Commission.~~

5. City Staff Review and Recommendation or Action

a. The City staff shall meet to review each final plat application ~~to be placed on the agenda of the forthcoming meeting of the Planning and Zoning Commission. The~~ City staff shall make a decision or recommendation (as applicable, in accordance with **3.02.B. Plat Approval Authority**) for one of the following: ~~comments on either.~~

i. Approval of the plat.~~,~~

~~ii. Denial of the plat.~~

ii. Approval of the plat with conditions~~,~~; or

iii. Denial of the plat.

~~b. All comments detailing necessary conditions/revisions, or reasons for denial of the plat will be returned to the applicant following the official City review of the plat.~~

6. Resubmittal of Plats that Require Planning and Zoning Commission Approval Following City Review and Recommendation

For plats that require approval by the Planning and Zoning Commission, the following timeline must be met to ensure adequate review time and compliance with State law:

a. At least ~~five~~ 12 ~~business~~ calendar days prior to the meeting of the Planning and Zoning Commission during which the plat is scheduled for action, the applicant shall provide to the Community Development Director a revised plat. The ~~community development director~~Director shall review the revised plat for compliance with comments from previous review(s) by the City.

b. Revised plats submitted to the ~~community development director~~Director at least ~~five~~ 12 ~~business~~ calendar days prior to the meeting of the Planning and Zoning Commission during which the plat is scheduled for action will be placed on the agenda for consideration by the Commission, for approval, approval with conditions, or denial based on staff findings.

c. In the event that a revised plat is not submitted at least ~~five~~ 12 ~~business~~ calendar days prior to the meeting of the Planning and Zoning Commission and no Waiver of Right for 30-Day Action is submitted by the applicant, the plat shall be subject to denial by the ~~Planning and Zoning~~ Commission due to insufficient time for review by staff.

7. ~~Planning and Zoning Commission~~City Action on Plats

a. ~~The planning and zoning commission shall review each plat submitted to it on a preliminary basis and upon a final basis.~~ The ~~planning and zoning commission~~City shall approve any plat if it is in compliance with the provisions of this article and other rules and regulations as may have been or may be adopted by the City Council governing plats and/or the subdivision of land. ~~Upon the receipt of a plat, the planning and zoning commission's authorized actions are as follows:~~

b. If the City grants ~~preliminary approval or preliminary~~ approval with conditions needed to meet the City's rules and regulations, the City shall provide the applicant with the specific conditions; the plat shall be considered approved once the Community Development Director determines the conditions have been met. Approval with conditions expires at the end of the 30-day approval window, or 6 months from the date of City action if the applicant submits a Waiver of Right to 30-Day Action.

~~c. Defer preliminary action until the next regular meeting;~~

~~d. Grant final approval, if in conformance with the conditions of preliminary approval or final approval, subject to additional conditions; or~~

~~e.~~c. If the City ~~Disapprove any plat, either preliminary or final, if the planning and zoning commission~~ determines that ~~it~~ a plat fails to comply with the policies, standards, or requirements contained in this article or other rules or regulations as may have been adopted by the City Council governing plats and/or the subdivision or land. The City shall provide the applicant with the specific reason for denial.

~~(Code 1993, § 70-18; Ord. No. 2001-19, § 2, 1-7-2002)~~

~~8. Filing Fees~~

~~An application for final plat approval shall be accompanied by a nonrefundable application fee tendered in the form of a check and made payable to the "City of Tomball, Texas," in the amount as is specified in the City's schedule of fees as currently established or as hereafter adopted by resolution of the City Council from time to time.~~

~~9. Encumbrances Information~~

~~An application for final plat approval shall be accompanied by a title opinion or a statement or certificates, either in a separate writing or on the face of the plat, and properly executed by the applicant or the person who prepared the plat, certifying that all existing encumbrances other than liens, such as various types of easements, fee strips, or significant topographical features such as lakes, ponds, bayous or other bodies of water; creeks, streams, gullies, ravines, ditches, or other natural drainage ways; and any known fault lines, on the land being platted, are fully shown and accurately identified on the face of the plat, and further stating whether the plat being submitted includes all of the contiguous land that the subdivider owns directly or indirectly, or has a legal or beneficial interest in, or whether the subdivider owns or has a legal interest in any adjacent property.~~

~~10.~~8. Notice to Utilities

Evidence of notice to all utility companies that provide service to the area encompassed by the proposed subdivision, whether public or private, shall accompany each application for final plat approval. Such notice shall contain a statement of the intent to subdivide, the intended use of the property within the subdivision, and shall have attached to such notice a copy of the final plat that is filed within the City.

~~(Code 1993, § 70-14; Ord. No. 2001-19, § 2, 1-7-2002; Ord. No. 2022-23, § 2(Exh. A), 9-6-2022)~~

~~11.~~9. Forms and Content of Final Plat

All final plat submittals shall be in the form of and correctly contain all information and/or language required by the plat review checklist maintained by the Community Development Director. All final plats shall also ~~incorporate all of the provisions relating to preliminary plats in section 40-29 and, where appropriate,~~ reflect any conditions and requirements of final approval previously imposed by the ~~Planning and Zoning Commission~~City ~~together with the following additional requirements:~~.

~~a. The final plat shall be drawn on stable plastic film or positive photographic film with black lines and image and shall be made suitable for the reproduction of direct positive prints and reproductions. Paper sepia shall not be used;~~

~~b. Scale for a final plat drawing shall be one of the following: one inch equals 100, 60, 50, 40, 30 or 20 feet;~~

~~c. All engineering and surveying data shall be shown on the final plat sufficient to locate all of the features of the plat on the ground. This data shall include, but not be limited to, full dimensions along all boundaries of the plat; street and alley rights-of-way; easements; drainageways, such as lakes, ponds, bayous, creeks, streams, gullies, ravines, or ditches, together with the location of the high bank of such drainageways and watercourses; lots; blocks; reserves; out tracts, or any other tracts designated separately within the plat boundaries; fee strips, or any other physical or topographical features necessary to be accurately located by surveying methods. Such information shall include line dimensions, bearings of deflecting angles, radii, central angles and degree of curvature, length of curves and tangent distances, all of which are to be shown in feet and decimal fractions thereof;~~

~~d. The name, address and phone number of the owner of the property. If the owner is other than a natural person, the name of the owner, or principal officer, of the entity which owns such property, and his~~ their ~~respective address and phone numbers;~~

~~e. The name and seal of the registered professional land surveyor responsible for preparing the plat;~~

~~f. The date of submittal, and the date of submittal of each subsequent revision;~~

g. All streets and alleys with street names, widths measured at right angles or radially (where curved), complete curve data (R, L, P.C., P.R.C., and P.T.) length and bearing all tangents between curves;

h. Building lines and easements shall be shown and shall be defined by dimension. All principal lines shall have the bearing given and deviation from the norm indicated. The plat must provide a note stating that all existing pipelines or pipeline easements through the subdivision have been shown or that there are no existing pipeline easements within the limits of the subdivision;

i. All field surveys shall be accurate to, and performed in accordance with, the appropriate provisions of the current edition of the Manual of Practice Standards for Surveying in Texas, as periodically published by the Texas Society of Professional Surveyors. Linear dimensions shall be expressed in feet and decimals of a foot; angular dimensions may be shown by bearings in degrees, minutes, and seconds. Curved boundaries shall be fully described and all essential information given. Circular curves shall be defined by actual length of radius and not be degree of curve;

j. The intended use of all lots within the subdivision shall be identified on the plat. All tracts not designated as lots within the boundaries of the plat shall be identified as provided in section 40-29(14); and

k. All dedication statements and certificates shall be made a part of the final plat drawing and shall conform in form and content to the form of statements and certificates set forth in section 40-104.

(Code 1993, § 70-15; Ord. No. 2001-19, § 2, 1-7-2002)

12.10. Plat Drawing, Reproductions, and Filling

The original plat drawing for an approved final plat shall be submitted to the Planning and Zoning Commission on a suitable permanent translucent material that the Planning and Zoning Commission shall, by written rule, from time to time, designate, including, but not limited to, stable plastic film or positive photographic film with lines, with lettering and signatures in black ink or image. Paper sepia shall not be used. The names of all persons signing any such plat shall also be lettered under the signature. Two paper prints from the original plat drawing (white paper with blue or black lines) and one positive vellum or film transparency shall also be provided. Filing of such approved final plats with the county clerk of either county, as applicable, for recording, shall be made by the Cityapplicant. Such filing shall not be made until:

a. Completion by the developer of all improvements required as a condition of plat approval and acceptance of such improvements by the City Engineer City Council; or

b. The filing of a sufficient guarantee of such performance by the developer in accordance with **3.03. Public Improvements**Public Improvementssection 40-106.

Such filing by the City shall be made promptly upon the satisfaction of either condition.

(Code 1993, § 70-16; Ord. No. 2001-19, § 2, 1-7-2002)

13. Title Report

A current title report, statement or opinion, title policy or certificate or letter from a title company authorized to do business in the state or an attorney licensed as such in the state shall be provided certifying that, within 45 days prior to the date the final plat is dated and filed with the Planning and Zoning CommissionCity, a search of the appropriate records was performed covering the land proposed to be platted and providing the following information concerning the title to said land:

a. The date of the examination of the records;

b. A legal description of the property lying within the proposed subdivision, including a metes and bounds description of the boundaries of said land;

c. The name of the record owner of fee simple title as of the date of the examination of the records, together with the recording information of the instruments whereby such owner acquired fee simple title;

d. The names of all lienholders together with the recording information and date of the instruments by which such lienholders acquired their interests;

e. A description of the type and boundaries of all easements and fee strips not owned by the subdivider of the property in question, together with certified copies of the instruments whereby the owner of such easements or fee strips acquired their title, and the recording information for each such instrument; and

f. A tax certificate from each city, county, school district, utility, or other governmental entity in which the land being platted is located showing that no delinquent taxes are due such entity for the property being platted.

(Code 1993, § 70-17; Ord. No. 2001-19, § 2, 1-7-2002; Ord. No. 2005-12, § 2, 12-5-2005)

14. Expiration of Plat Approval

All final plat approvals granted by the Planning and Zoning Commission and the conditions thereon, if any, shall be valid for a period of six months from the date on which the final approval was granted. The Planning and Zoning Commission may, upon receipt of a written request from the subdivider or their authorized agent, prior to the expiration date of the final plat approval, extend this term of approval for any time period not to exceed an additional six months. The maximum term for approval of any final plat granted by the Planning and Zoning Commission that has not been duly recorded shall not exceed a total of 12 months from the date on which the Planning and Zoning Commission granted final plat approval.

(Code 1993, § 70-19; Ord. No. 2001-19, § 2, 1-7-2002)

15. Dedication Statements and Certificates

All dedication statements and certificates shall be made a part of the final plat drawing and shall include, but not be limited to, the statements, the general form and content of which are provided below:

a. Owner's Acknowledgment

THE STATE OF TEXAS	§
	§
COUNTY OF HARRIS	§

I (or we), (name of owner or owners) acting by and through (name and title of officer) being officers of (name of company or corporation), owner (or owners) in this section after referred to as owners (whether one or more) of the (number of acres) acre tract described in the above and foregoing plat of (name of subdivision or development), do hereby make and establish said subdivision of said property according to all liens, dedications, restrictions and notations on said plat and hereby dedicate to the use of the public forever, all streets, alleys, parks, watercourses, drains, easements, and public places shown thereon for the purposes and considerations therein expressed; and do hereby bind myself (or ourselves), my (or our) heirs, successors and assigns to warrant and forever defend the title to the land so dedicated.

FURTHER, owners have dedicated and by these presents do dedicate to the use of the public for public utility purposes forever an unobstructed aerial easement five feet in width from a plane 20 feet above the ground level upward, located adjacent to all public utility easements shown hereon.

Additional paragraphs to be added as appropriate and as follows:

(When estate subdivisions are created which will not be required to have cement concrete streets, gutters, or storm sewers.)

FURTHER, owners do hereby covenant and agree that all of the property within the boundaries of this plat shall be restricted to provide that drainage structures under private driveways shall have a net drainage opening area of sufficient size to permit the free flow of water without backwater and in no instance have a

drainage opening of less than one and three quarters square feet (18 inch diameter) with culverts or bridges to be provided for all private driveways or walkways crossing such drainage facilities.

(When plat contains natural drainageways such as bayous, creeks, gullies, ravines, draws, or drainage ditches.)

FURTHER, owners do hereby dedicate to the public a strip of land 15 feet wide on each side of the centerline of any and all bayous, creeks, gullies, ravines, draws, sloughs, or other natural drainage courses located and depicted upon in said plat, as easements for drainage purposes, giving the City of Tomball, Harris County, or any other governmental agency, the right to enter upon said easement at any and all times for the purpose of construction and maintenance of drainage facilities and structures.

FURTHER, owners do hereby covenant and agree that all of the property within the boundaries of this plat and adjacent to any drainage easement, ditch, gully, creek, or natural drainageway shall hereby be restricted to keep such drainageways and easements clear of fences, buildings, planting, and other obstructions to the operation and maintenance of the drainage facility and that such abutting property shall not be permitted to drain directly into this easement, except by means of an approved drainage structure.

b. Executive of Owner's Acknowledgement

i. When Owner is an Individual or Individuals

WITNESS my (or our) hand in the City of Tomball, Texas, this (number) day of (month), (year).

	_____ (Signature of owner or owners) (Names to be printed)

ii. When Owner is a Company or Corporation

IN TESTIMONY WHEREOF, the (name of company) has caused these presents to be signed by (name of president), its president, thereunto authorized, attested by its secretary (or authorized trust officer), (name of secretary or authorized trust officer), and its common seal hereunto affixed this (number) day of (month), (year).

	(Name of company)
	By: (Signature of president) President
ATTEST:	
By: (Signature of secretary or authorized trust officer) Title	
(Affix corporate seal)	

iii. Notary acknowledgement.

All owners' signatures shall be acknowledged by a notary public.

c. Lienholder's Acknowledgment and Subordination Statement

Note: holders of all liens against the property being platted must execute the final plat or prepared as separate instruments which shall be filed for record with the plat.

I, (or we), (name of mortgagee or names of mortgagees), owner and holder (or owners and holders) of a lien (or liens) against the property described in the plat known as (name of plat), said lien (or liens) being evidenced by instrument of record in Volume _____, Page _____, (or Film Code No. _____) of the Mortgage Records of (name of county in which the plat is located), Texas, do hereby in all things subordinate our interest in said property to the purposes and effects of said plat and the dedications and restrictions shown in this section to said plat and I (or we) hereby confirm that I am (or we are) the present owner (or owners) of said lien (or liens) and have not assigned the same nor any part thereof.

	By: (Signature of lien holder) (Name to be printed)

Note: All lienholder signatures shall be acknowledged by a notary public.

d. Notary Public Acknowledgment for All Signatures

THE STATE OF TEXAS	§
	§
COUNTY OF HARRIS	§

BEFORE ME, the undersigned authority, on this day personally appeared (names of persons signing the plat, owners, corporation officers, and lienholders, (corporation title, if appropriate), known to me to be the persons whose names are subscribed to the foregoing instrument and acknowledged to me that they executed the same for the purposes and considerations therein expressed (all for corporation, "and in the capacity therein and in this section stated, and as the act and deed of said corporation").

GIVEN UNDER MY HAND AND SEAL OF OFFICE this (number) day of (month), (year).

	(Signature of notary public)
	Notary Public In and For the State of Texas
	My Commission Expires:_____
(Affix notary seal)	

e. Certificate for Civil Engineer or Surveyor

I, (name of civil engineer or surveyor), am authorized (or registered) under the laws of the State of Texas to practice the profession of civil engineering (or surveying) and hereby certify that the above subdivision is true and correct; was prepared from an actual survey of the property made under my supervision on the ground; that all boundary corners, angle points, points of curvature, and other points of reference have been marked with iron (or other suitable permanent metal) pipes or rods having an outside diameter of not less than three-quarter inch and a length of not less than three feet; and that the plat boundary corners have been tied to the nearest survey corner.

	(Signature of registered public surveyor) (Print name)
	Texas Registration No._____
	(Affix notary seal)

f. Certificate for Planning and Zoning Commission

This is to certify that the planning and zoning commission of the city has approved this plat and subdivision of (name of subdivision) in conformance with the laws of the state and the ordinances of the city as shown hereon and authorized the recording of this plat this (number) day of (month), (year).

	By: (Signature of chairman or vice chairman) Chairman or Vice Chairman
	By: (Signature of secretary) Secretary

g. County Clerk Filing Acknowledgment Statement

I, (name of county clerk), County Clerk of Harris County, Texas, do hereby certify that the within instrument with its certificate of authentication was filed for registration in my office on (date and month), (year), at (time) o'clock (a.m. or p.m.), and in Volume (number), Page (number, or when applicable Film Code numbers) of the map records of Harris County for said County. Witness my hand and seal of office, at Harris County, Texas, the day and date last above written.

	_____ Ex-Officio Clerk of Harris County, Texas Chairman or Vice Chairman

	By:
	Deputy

h. Encumbrances Certificate

(Preliminary Plats) Note: The following paragraph is to be placed on the face of all preliminary plats to be filed separately with the materials required to be submitted with plats requesting preliminary approval.

I, (name of applicant or person who prepared the plat), do hereby certify that all existing encumbrances, such as various types of easements both public and private, fee strips, and all significant topographical features which would affect the physical development of the property illustrated on this plat are accurately identified and located and further certify that this plat represents all of the contiguous land which the (owner of subdivider) owns or has a legal interest in. (In those instances where the owner or subdivider owns or has a legal interest in any adjacent property, this paragraph must be modified to reflect the extent of such ownership and a boundary description of the land involved must be provided.)

	_____ (Signature of certified public surveyor who prepared the plat) (Name to be printed)

i. Vacation of Subdivision Plat

THE STATE OF TEXAS	§
	§
COUNTY OF HARRIS	§

I (or we), (name of owner or owners if individuals) or (name of president and secretary or authorized trust officer of a company or corporation), being the sole owner (owners) and proprietor of the following described property in the City of Tomball, Texas, to wit:

(Provide legal description of the property including, but not limited to, the acreage, the name of the recorded subdivision, the name of the Survey and Abstract Number, and recording references)

do hereby desire and declare that said plat, subdivision and dedication thereon be vacated and canceled so as to convey all of said platted property to acreage tracts as same existed before such property was platted, subdivided, and recorded.

(At this point any rights-of-way, easements, or any other feature established in the subdivision being vacated which will not be canceled as a result of this vacation action should be described.)

j. Amending Plat Certificates

Note: the following certificates and acknowledgments are required to be placed upon the face of all amended plats:

I, (name of civil engineer or surveyor), hereby certify that the following corrections were necessary to eliminate errors which appear on the plat of (name of subdivision), recorded on (date and month), (year), in Volume (number), Page (number) (or when applicable Film Code numbers) of the map records of Harris County, Texas:

(Provide brief explanation of corrections required.)

	_____ (Signature of registered public surveyor) (Print name)
	Texas Registration No._____
	(Affix seal)

I, (we), (name[s] or owner[s]), owners(s) of the property directly affected by this amending plat, being lot(s) _____ out of the block(s)_____ as indicated hereon, do hereby consent to this amending plat for the purposes in this section expressed.

	_____ (Signature of owner[s]) (Print name)

Note: All owners' signatures shall be acknowledged by a notary public.

APPROVED BY THE CITY OF TOMBALL, TEXAS PLANNING AND ZONING COMMISSION on (date, month, and year).

_____ (Signature of chairman or vice chairman) (Print name) Chairman or Vice Chairman	_____ (Signature of secretary) (Print name) Secretary
(Affix Commission Seal)	

16.11. Restrictive Covenants

An executed and notarized copy of the final restrictive covenants to govern the nature and use of property within the subdivision shall be submitted. In the public interest, the Planning and Zoning CommissionCity shall require that such restrictive covenants, if any, be filed simultaneously with the final plat and be executed by all parties executing the final plat other than the City. The City applicant shall file for recording with the county clerk of either county, as applicable, the original copy of such restrictive covenants, if any, concurrently with the filing of the plat in accordance with section 40-323.02.D.10. Plat FilingPlat Filing. A certified copy of the original restrictions, if any, shall be retained by the City.

(Code 1993, § 70-62; Ord. No. 2001-19, § 2, 1-7-2002)

E. Plat Vacation

1. Purpose

The purpose of a Plat Vacation is to provide an expeditious means of vacating a recorded plat in its entirety, consistent with provisions of the Texas Local Government Code Sec. 212.013.

2. Initiation of a Plat Vacation

The property owner of the tract covered by a plat may submit an application to vacate the plat at any time before any lot in the plat is sold. If lots in the plat have been sold, an application to vacate the plat must be submitted by all the owners of lots in the plat.

3. Plat Vacation Decision-Maker

A plat vacation shall be processed in the same manner as the original plat.

4. Procedures for Recordation Following Approval

a. If a plat is vacated in whole, it shall record a copy of the resolution in the county clerk's office in the applicable county.

b. If a plat is vacated in part, it shall cause a revised final plat to be recorded along with the resolution that shows the portion of the original plat that has been vacated and the portion that has not been vacated.

5. Effect

a. On the execution and recording of the vacating instrument, the previously filed plat shall have no effect.

b. The plat is vacated when a signed, acknowledged instrument declaring the plat vacated is approved and recorded in the manner prescribed for the original plat.

c. The decision-maker, at their discretion, shall have the right to retain all or specific portions of road right-of-way or easements shown on the plat being considered for vacation. However, the decision-maker shall consider Plat Vacation upon satisfactory conveyance of easements and/or right-of-way in a separate legal document using forms provided by the Community Development Director.

F. Right-of-Way Abandonment

1. Initiation

Right-of-way abandonments may be initiated by the adjacent property owner(s) or by the City Council if the Council determines that the right-of-way abandonment will not interfere with the interest of public health, safety, and welfare.

2. Division of the Land to be Abandoned

Generally, the abandoned land will be divided in equal proportions and joined via separate instrument with the adjacent properties. The Public Works Director shall review the plat that originally dedicated the right-of-way, access considerations, and adjacent property owners' requests to determine the final division.

3. Utility Easements

If there are utility lines in rights-of-way that are to be abandoned, a utility easement will be required in lieu of right-of-way or relocation.

4. Right-of-Way Abandonment Approval Process

a. Right-of-way abandonment requests shall be reviewed and recommended by City staff.

b. The City Council shall review the abandonment request, recommendations from City staff, the presentation from the petitioner or the petitioner's representative, and from any interested citizens. Action shall be in the form of approval, denial, or modification.

G. Waiver of Right to 30-Day Action

1. The Community Development Director~~or their designee~~ shall be the official decision-maker for a Waiver of Right to 30-Day Action.
2. An applicant may request a Waiver of Right to 30-Day Action relating to the decision time of 30 days mandated by state law. Such requests must be submitted on the official Waiver of Right to 30-Day Action form provided by the Community Development office.
3. Waiver requests must be received by the Director ~~of Community Development or their designee~~ prior to the ~~Planning and Zoning Commission meeting~~time at which action would have to be taken (based on the 30-day state law requirement).
4. The granting of a Waiver of Right to 30-Day Action shall not be deemed in any way a waiver ~~to~~of any requirement within this UDC~~Code of Ordinances~~.
5. The Waiver of Right to 30-Day Action may postpone consideration of plats for a period not to exceed 30 days from the date that the waiver is received by the City.
6. In the event that the Waiver of Right to 30-Day Action expires, the plat shall be considered void by the City and a separate plat application will be required for review ~~by the city~~ and consideration ~~by the Planning and Zoning Commission~~.

H. Subdivision Waiver

1. Purpose

The purpose of a petition for a Subdivision Waiver is to request that a specific requirement or requirements be modified. The intent of these provisions is to allow flexibility in development that exhibits unique circumstances.

2. Submittal Requirements

a. An applicant may submit an application for a Subdivision Waiver in conjunction with either a plat or construction plan application. No Subdivision Waiver may be considered or granted unless the applicant has made such written request.

b. A Subdivision Waiver petition shall be specific in nature and shall only involve relief consideration for one specific requirement. An applicant may submit more than one Subdivision Waiver petition if there are several standards or requirements at issue.

c. The applicant's request shall state the grounds for the Subdivision Waiver request meeting the decision criteria in **4. Subdivision Waiver Criteria**~~**Subdivision Waiver**~~ below.

3. Decision-Maker and Action

Following review and recommendation by the Community Development Director and/or City Engineer, the Planning and Zoning Commission shall decide all Subdivision Waivers.

4. Subdivision Waiver Criteria

a. Undue Hardship Present

A Subdivision Waiver may be approved only when, in the Planning and Zoning Commission's opinion, undue hardship will result from strict compliance with the regulations. Financial hardship alone to the applicant shall not constitute undue hardship. The applicant bears the burden of proof to demonstrate that the requirement for which a Subdivision Waiver is requested imposes an undue hardship on the applicant or that the proposed modification results in a better construction solution.

b. Minimum Degree of Variation

No Subdivision Waiver shall be granted unless it represents the minimum degree of variation of requirements necessary to meet the objective of the applicant in requesting the waiver.

c. Additional Consideration Factors

The Planning and Zoning Commission shall consider the following factors:

i. The nature of the proposed land use involved and existing uses of the land in the vicinity;

ii. The number of persons who will reside or work in the proposed development;

iii. The effect such Subdivision Waiver might have upon traffic conditions and upon the public health, safety, convenience, and welfare in the vicinity;

iv. Special circumstances affecting the land or other physical conditions of the property such that the strict application of these Subdivision Regulations would deprive the applicant of the reasonable use of their land;

v. The necessity of the Subdivision Waiver for the preservation and enjoyment of a substantial property right of the applicant, and that the granting of the Subdivision Waiver will not be detrimental to the public health, safety, or welfare or injurious to other property in the area; and

vi. The Subdivision Waiver will not have the effect of preventing the orderly subdivision of other lands in the area in accordance with the provisions of this article.

d. Violations and Conflicts

The Planning and Zoning Commission shall not authorize a Subdivision Waiver that would constitute a violation of, or conflict with, any other valid ordinance, code, regulations, or Comprehensive Plan of the City.

5. Effect of Approval

Following the granting of a Subdivision Waiver, the applicant may submit or continue the processing of a plat or construction plans, as applicable.

6. Expiration and Extension

a. The Subdivision Waiver granted shall remain in effect for the period the plat or construction plans are in effect and shall expire upon expiration of either or both of those applications.

b. Extension of the plat or construction plans applications shall also result in extension of the Subdivision Waiver.

~~Secs. 40-37—40-60. Reserved.~~

3.03. Public Improvements

A. Adequate Public Improvements Required

1. Subdivider Responsibility

   Land proposed for development in the City and in the City's extraterritorial jurisdiction must be served adequately by essential public facilities and services, including water, wastewater, gas, roadway, bicycle, pedestrian, drainage, and open space facilities.

2. Minimum Requirements

   a. This article identifies minimum requirements and sizes for utilities, roadways, and other facilities that have been determined by the City Council to be necessary to provide the minimum level of service to protect or promote the public health, safety, and welfare and to ensure the quality of life currently enjoyed by the residents.

   ~~b. Standards and Specifications~~

   ~~c.~~b. No ~~preliminary or~~ final plat shall be approved by the ~~Planning and Zoning Commission~~City, and no permit shall be issued for the construction of any improvement intended for public use or for the use of purchasers or owners of lots fronting or adjacent to such improvement, and no improvement intended for public use shall be accepted by the City, unless any such improvements shall comply with the standards and specifications of this article.

3. Conformance with Standards and Plans

   Design and construction of public improvements must conform to the standards, criteria, and requirements of the following, as they may from time to time be amended by those responsible for their promulgation.

   a. The City's comprehensive plan;

   b. City of Tomball Design Manual;

   c. The Texas Uniform Traffic Control Device Manual;

   d. American Association of State Highway Transportation Officials Design Manual;

   e. Texas Health Code;

   f. Texas Water Code; and

   g. All other codes and ordinances of the City.

4. Oversizing and Extension to Serve Subdivision

   a. Based on master plans, main extensions to serve subdivisions and oversizing of facilities may be required. See Texas Local Government Code Sec. 212.904 for more information.

   b. If the City requires a developer to pay a portion of infrastructure costs as a condition of plat approval, the developer's portion of cost must be "roughly proportionate" or consistent with only the impact of proposed development, as estimated by the City Engineer.

~~(Code 1993, § 70-31; Ord. No. 2001-19, § 2, 1-7-2002)~~

B. Construction Plans

1. Approval of Plans Required

Before beginning any construction of the improvements required by this article on proposed roadways, public utilities or drainage facilities, or structures pertaining to any subdivision coming under the provisions of this article and either within the City limits or its extraterritorial jurisdiction, complete plans and specifications for such improvements shall have first been approved, in their entirety, by the City Engineer~~as meeting the appropriate standards as delineated in section 40-62~~. In addition, within 30 days following completion of all improvements ~~as required by the city of the owner or subdivider of the subdivision~~, the owner or subdivider shall provide to the City Engineer one set of as-built drawings of all underground utilities and street improvements that have been constructed.

2. Standards and Specifications

a. Construction plan and profile sheets for all subdivision improvements, public or private, shall be submitted ~~with the application for final plat approval~~ following approval of (or in conjunction with) a preliminary plat and prior to construction. All such plans and profile sheets shall be signed and sealed by a state registered professional engineer.

~~b. Approval of the final plat is contingent upon approval of construction plans by the City Engineer or their designee. Further, the approval of a final plat shall be contingent upon the construction of such improvements in accordance with such approved construction plans.~~

~~c.~~b. Construction plans shall be submitted in accordance with the provisions of the City of Tomball Design Manual~~Minimum Construction Standards for Community Improvements~~.

~~(Code 1993, § 70-63; Ord. No. 2001-19, § 2, 1-7-2002)~~

3. Changes to Construction Plans

No change in the plans and specifications for a public improvement required under this article shall be made without the prior written approval of the City Engineer.

4. Inspection

The City Engineer shall from time to time inspect the construction of all required improvements in the subdivision during the course of construction to see that the same comply with the City's standards governing same. In this regard, free access to the subdivision shall be accorded the City Engineer by the subdivider, ~~his~~ their agents and employees. Inspection by the City Engineer, or a failure of the City Engineer to inspect construction as required in this section, shall not in any way impair or diminish the obligation of the subdivider to install improvements in the subdivision in accordance with plans and specifications therefor as approved by the City Engineer, in accordance with the City's standards.

5. City Standards

The construction standards referred to in this article may be revised from time to time by the City Council without requiring an amendment to this article, such standards being subject to change by motion duly adopted by the City Council. Any such changes or revisions shall be immediately noted upon such standards.

~~(Code 1993, § 70-33; Ord. No. 2001-19, § 2, 1-7-2002)~~

C. Installation, Acceptance, and Maintenance of Public Improvements

1. Guarantee of Performance

a. No subdivision plat shall be filed ~~of record with the county clerk of either county~~ and no building permit, or any water, sewer, plumbing, or electrical permit shall be issued by the City to the owner or any other person with ~~the~~ respect to any property in any subdivision until the earlier of:

i. Such time as the subdivider or developer of such subdivision has complied with all provisions of this article and such conditions of the ~~Planning and Zoning Commission~~City applicable to the final plat regarding installation of all required improvements and for which required improvements the subdivider or developer has received acceptance by the City Engineer ~~City Council~~ for the start of the two~~one~~-year maintenance period as described in ~~section 40-109~~**3.03.C.3**. **Maintenance of Dedicated Approvements**~~**Maintenance of Dedicated Approvements**~~;

~~ii. Such time as an escrow deposit sufficient to pay for 120 percent of the estimated cost of such improvements as determined by the City Engineer computed on a private commercial rate basis has been made with the City Secretary accompanied by an agreement by the subdivider or developer authorizing the City to make such improvements at prevailing private commercial rates or have the same made by a private contractor and pay for the same out of the escrow deposit, should the subdivider or developer fail or refuse to install the required improvements within the time stated in such written agreement. Such deposit may be used by the subdivider or developer as progress payments as the work progresses upon written certification by the City Engineer that work for which payment is sought has been completed and that sufficient funds remain in the escrow account to complete the work. Any and all funds remaining from any such escrow deposit upon completion of the work and acceptance thereof by the City Council shall be promptly released by the City to the depositor; or~~

~~iii.~~ii. Such time as the subdivider or developer files a corporate surety bond with the City Engineer ~~City Secretary~~ executed by a surety company licensed to do business in the state and acceptable to the City, in an amount equal to 120 percent of the cost of installation of all required improvements as determined by the City Engineer computed on a private commercial rate basis, guaranteeing the installation of such required improvements by the subdivider or developer within the time stated in the bond~~, which time shall be fixed by the Planning and Zoning Commission~~.

b. No building permits may be issued until all required infrastructure has been completed.

Exception: Sidewalks along Local Streets that are interior to a development may be delayed until after building construction if performance security is provided; however, all sidewalks must be complete prior to occupancy.

~~iv.~~i. ~~(Code 1993, § 70-65; Ord. No. 2001-19, § 2, 1-7-2002)~~

2. Inspection of Construction

The City Engineer shall be required to fully inspect any and all phases of the construction of improvements for each subdivision. The subdivider, or ~~his~~ their contractor, shall maintain daily contact with the City Engineer during construction of improvements. No sanitary sewer, water, or storm sewer pipe shall be covered without written approval of the City Engineer, no flexible base material, subgrade material, or stabilization shall be applied to the street subgrade without said written approval, and no concrete shall be poured or asphaltic surface applied to the base without said written approval. The City Engineer may at any time cause any construction, installation, maintenance, or location of improvements to cease when, in ~~his~~ their judgment, the requirements of this ~~chapter~~ article or the standards and specifications as in this section before provided have been violated, and may require such reconstruction or other work as may be necessary to correct any such violation. The subdivider shall engage a registered professional engineer who shall be in responsible charge of all phases of the design and construction of the required public improvements. ~~For the purposes of this section, the term "city engineer" shall include his designee.~~

~~(Code 1993, § 70-64; Ord. No. 2001-19, § 2, 1-7-2002)~~

3. Maintenance of Dedicated Approvements

a. Disapproval of a plat shall be deemed a refusal to accept the offered dedications shown thereon. Approval of the plat shall not impose any duty upon the City concerning the maintenance of improvements of any dedicated parts indicated thereon until the City Engineer inspects and accepts proposed public improvements~~City Council, after inspection and recommendation by the City Engineer, shall have accepted same by resolution expressing such acceptance~~.

~~a.~~b. The subdivider or developer shall maintain all such improvements for a period of ~~one~~ two years following such acceptance by the City Engineer~~City Council~~; however, such ~~one year~~period of required maintenance shall not begin until there has been filed with the City Engineer ~~City Secretary~~ either a maintenance bond, executed by a surety company licensed to do business in the state and acceptable to the City Council, in an amount equal to 100 percent of the cost of installation of such improvements, warranting that said improvements will render satisfactory operation for such two~~one~~-year period, or a cash bond, in an amount equal to 100 percent of the cost of installation of such improvements, likewise warranting that said improvements will render satisfactory operation for such two~~one~~-year period.

~~(Code 1993, § 70-66; Ord. No. 2001-19, § 2, 1-7-2002)~~

3.04. Subdivision Development Standards

A. Lots and Blocks

1. General Provisions

The purpose of this section is to provide general overall guidelines for the establishment of individual lots within a subdivision.

a. General Lot Design, Arrangement, and Layout

The general lot design within any subdivision shall be based upon the concept that such lots are created and established as undivided tracts of land and that purchasers of such lots can be assured that these tracts of land meet the applicable regulations, including those found in ~~chapters 10 and~~**Article 2. Zoning Regulations**~~Zoning Regulations~~ of this UDC and Chapter 10 Buildings and Building Regulations of the City's Code of Ordinances, which are based upon the following basic criteria:

i. That the lot is of sufficient size and shape to accommodate easements for all public and private utility services and facilities to adequately serve ~~any residential dwelling unit constructed thereon~~the proposed development.

ii. That the lot is of sufficient size and shape and is so located that direct vehicular access is provided from a public street or through an approved private street and that the required number of off-street parking spaces can be provided on the lot without encroachment within any adjacent ~~public or private street~~street or right-of-way.

b. Lot Shapes

Lots shall be designed, so far as possible, with side lot lines being at right angles or radial to any adjacent street right-of-way line. Where all lots are either perpendicular and at right angles or radial to adjacent street rights-of-way, a suitable notation shall be placed upon the plat in lieu of lot line bearings.

c. Irregularly Shaped Lots (Flag Lots~~Flag, Key,~~ and Cul-de-Sac Lots)

i. Irregularly shaped lots shall provide a reasonable building pad without encroachment into front, side, or rear yard setbacks or into any type of easement.

ii. The rear width of irregularly shaped lots shall be sufficient to provide access for all necessary utilities. When alleys are present, there must be sufficient width for access for driveways and solid waste collection and a minimum 20-foot alley frontage.

iii. Flag Lots ~~Flag/key shaped lots~~ shall adhere to the following standards:

~~For this section, a key or flag shaped lot is any irregularly shaped lot that accesses the principal building site via a long narrow strip of land connecting to a public street. These lots often resemble flags on a flag pole, a key, or some other lot shape of comparable irregularity.~~

(a) Such lots shall have a minimum flag "pole" width of 30 feet.

(b) No more than two dwelling units may share a common driveway on residential flag lots.

(i) Each flag lot must display an address at their closest point of access to a public street for emergency responders.

iv. Cul-de-Sac Lots or Lots on Curved Streets~~Cul-de-sac or "eyebrow" lots~~ shall adhere to the following standards:

~~For this section, a cul-de-sac or eyebrow lot is any lot that has the majority of its frontage along the curved radius of a street.~~

(a) Minimum lot frontages shall be as follows:

(i) Residential lots: 30 feet.

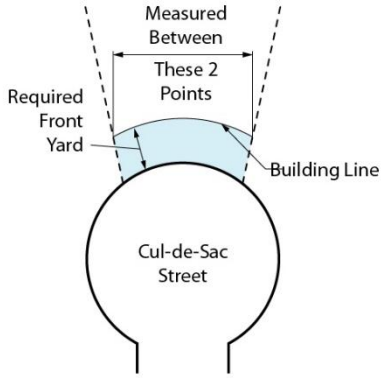
(ii) Nonresidential lots: 45 feet.

(iii) Nonresidential lot frontage may be reduced to 30 feet if the proposed plat reflects appropriately dimensioned easements for joint driveway access by two abutting lots.

(b) Minimum lot widths for lots with predominate frontage on the curved radius of a street shall be measured as the linear distance of the curved front building line (see Figure 3.04-1. Measuring Lot Width of a Curved Lot~~Figure 3.04-1. Measuring Lot Width of a Curved Lot~~), ~~and shall be shown on the final plat~~. Lot widths for all lots shall be as set forth in the respective zoning district or ~~defer to the County requirements for side and rear setbacks in~~as indicated in Chapter 10 Building and Building Regulations for the ETJ.

~~Figure 40-74.1 Measuring Lot Width of a Curved Lot~~

Figure 3.04-1. Measuring Lot Width of a Curved Lot



v. The City reserves the right to disapprove any lot which, in its sole opinion, will not be suitable or desirable for the purpose intended or which is so oddly shaped as to create a hindrance to the logical lot layout of surrounding properties.

d. Double Frontage Lots

i. Double-frontage lots shall be avoided, except ~~where they may be~~when the Community Development Director determines such configuration is essential to provide separation of residential development from arterial streets or to overcome a specific disadvantage or hardship created by topography or other factors.

ii. Double frontage lots ~~shall be subject to street side~~must meet front setback requirements along each street side boundary. Setbacks shall be in accordance with applicable zoning districts as outlined in **Article 2**. Zoning Regulations~~Zoning Regulations~~~~chapter 50 of this Code~~ for properties located within the City limits, or in accordance with standards outlined in Chapter 10 Buildings and Building Regulations in the City's Code of Ordinances ~~section 40-74.7~~ for properties located within the ETJ.

iii. Lots in single-family (SF) residential districts and duplex (D) (two-family) residential districts may abut a street on both the front and rear boundaries, under all of the following conditions:

(a) One lot boundary must abut an arterial street or expressway~~.~~;

(b) A reserve or easement at least ten feet wide, across which there shall be a non-access easement designated along the property boundary adjacent to the arterial street or expressway~~.~~; and

(c) The lot shall not have more than one-half of its perimeter along streets.

e. ~~Extra~~ Additional Lot Depth and Width Required

i. Lot Depth

Under the following circumstance(s), the minimum depth of each lot shall conform to the requirements of the zoning district in which the lot is located or adhere to the following standards. ~~Whichever imposes~~ The more stringent restrictions shall prevail.

(a) Where the rear of any lot abuts a railroad right-of-way, arterial street or freeway, high-pressure gasoline, oil or gas pipeline, high voltage electric transmission line, public recreational facility, industrial or commercial zoning district, the minimum depth shall be 120 feet.

ii. Lot Width

Under the following circumstance(s), the minimum width of each lot shall conform to the requirements of the zoning district in which the lot is located or adhere to the following standards. ~~Whichever imposes~~ The more stringent restrictions shall prevail.

(a) Where the side of any lot abuts a railroad right-of-way, arterial street or freeway, high-pressure gasoline, oil or gas pipeline, high voltage electric transmission line, public recreational facility, industrial or commercial zoning district, the minimum width shall be 70 feet.

f. Street Access ~~Limitations~~

~~Abutments~~

i. All lots shown on the plat shall abut and have access to a public street, or ~~abut~~ a private street that shall meet all requirements in this section for public streets. All lots shown on the plat shall have indicated thereon the front of the lot for subsequent construction of a building.

ii. Driveway access from residential lots to adjacent streets designated as major thoroughfares (i.e., arterials and collectors), or any other public street ~~which~~ that carries a traffic volume where additional vehicular driveways would create a traffic hazard or impede the flow of traffic, shall not be approved and such access restrictions shall be illustrated as non-access easements directly upon the plat and along the property line adjacent to the street frontage in question.

(a) Exception: The City Engineer and Community Development Director may approve such driveways when no other means of public street access is available to residential lots.

~~g. Building Lines~~

~~Street side building lines shall be shown for all lots on all plats submitted for land within the City's ETJ in accordance with the following:~~

~~i. Boundary adjacent to state highway (without a frontage road): 40 feet.~~

~~ii. Boundary adjacent to state highway (with frontage road): 35 feet.~~

~~iii. Boundary adjacent to arterial street: 35 feet.~~

~~iv. Boundary adjacent to collector or local street: 25 feet.~~

~~Side and rear lot setbacks shall be governed by the county for parcels located in the ETJ.~~

~~h.~~g. Lot and Block Identification

i. All blocks established in a subdivision shall be designated on the plat, and shall be numbered consecutively throughout the entire subdivision.

ii. Lots established within blocks shall also be numbered consecutively within the block. Lot numbering shall be cumulative throughout the subdivision if the numbering system continues from block to block in a uniform manner.

~~(Code 1993, § 70-44; Ord. No. 2001-19, § 2, 1-7-2002; Ord. No. 2022-21 , § 2(Exh. A), 10-3-2022)~~

B. Building Setback Requirements in the ETJ

~~No plat of any subdivision shall be approved unless building setback lines are established therein in accordance with the City's applicable regulations, as found chapters 10 and 50.~~ In the ETJ, no plat of any subdivision shall be approved unless the front building setback lines are established therein in accordance with the Chapter 10 Buildings and Building Regulations in the City's Code of Ordinances. Side and rear lot setbacks shall be governed by the county for parcels located in the ETJ.

~~(Code 1993, § 70-42; Ord. No. 2001-19, § 2, 1-7-2002)~~

~~State law reference(s)—Building lines, V.T.C.A., Local Government Code § 214.131 et seq.~~

C. Minimum Lot Sizes

Lot sizes shall comply with minimum requirements set forth in the applicable ordinances of the City, including ~~chapter 50~~ **Article 2**. Zoning Regulations~~Zoning Regulations~~ of this UDC.

~~(Code 1993, § 70-45; Ord. No. 2001-19, § 2, 1-7-2002)~~

~~Reserve Tracts~~

~~Reserve tracts are those individual parcels of land created within a platted subdivision which are not divided into residential or commercial lots, but are established to accommodate some specific purpose such as a private recreational facility, school or church site, or site for utility facilities or other activities or land uses for which division into lots is not appropriate. Since the use of reserve tracts may not be completely determined by the subdivider or developer at the time plats are prepared and submitted to the City, these reserve tracts are often established as unrestricted reserves that allows maximum flexibility in the determination of the ultimate use planned for such properties.~~

~~1. Street Access~~

~~Reserves established on any subdivision plat shall have frontage on and be immediately adjacent to at least one street, with such frontage being not less than 60 feet in width.~~

~~2. Identification and Designation~~

~~All reserves shall be labeled and identified on the plat, and a description of the use intended for such reserve, if known, shall be noted. If the use of the reserve is not restricted for any specific use, the reserve shall be identified and noted as being "unrestricted." All reserves are to be identified and designated by alphabetical letters, not numbers, along with an indication as to the total acreage of such reserves that shall be shown within each reserve boundary.~~

~~3. Special Purpose Reserves~~

~~a. The term "special purpose reserves" shall mean tracts restricted to a use beneficial to the public or to the owners of lots within a subdivision, including but not limited to, tracts housing facilities for utilities, common area amenities such as parks, playgrounds and greenbelts, pipeline regulator stations, and community signs,~~

~~b. Notwithstanding any other provision contained in this article or in chapters 10 and 50, special purpose reserves may be created which do not otherwise comply with minimum lot size requirements.~~

~~c. The Planning and Zoning Commission shall be authorized to waive requirements contained in this article which are, because of the nature of the restricted reserve's use, deemed by the Planning and Zoning Commission as inapplicable or inappropriate. For example, the Planning and Zoning Commission would be authorized to waive the requirement that sanitary sewer service be available to a special purpose reserve that is restricted to the housing of a subdivision identification sign.~~

~~d. Any special purpose reserve shall be identified on the plat as such, and shall contain an appropriate notation of the restrictions applicable thereto.~~

~~(Code 1993, § 70-43; Ord. No. 2001-19, § 2, 1-7-2002)~~

D. Monuments and Markers

1. Concrete monuments, ~~six~~ 6 inches in diameter and 24 inches long, shall be placed on all boundary corners, block corners, curve points, and angle points. A copper pin ~~one-quarter~~1/4 inch in diameter embedded ~~three~~ 3 inches in the monument shall be placed at the exact intersection point on the monument. The monuments shall be set at such an elevation that they will not be disturbed during construction, and the top of the monument shall not be less than 12 inches below the finish ground level.
2. Lot markers shall be ~~five-eighths~~5/8 inch or greater reinforcing bar, 24 inches long, or approved equal, and shall be placed at all lot corners flush with the ground, or below ground if necessary in order to avoid being disturbed.
3. Where no benchmark is established or can be found within 300 feet of the boundary of the subdivision, such benchmark shall be established to the latest edition of the ~~U.S. Coast and Geodetic Survey datum~~National Geodetic Survey. The benchmark shall be established upon a permanent structure, or may be set as a monument and shall be readily accessible and identifiable on the ground.

~~(Code 1993, § 70-50; Ord. No. 2001-19, § 2, 1-7-2002)~~

E. Streets, Parking, and Driveways

1. Purpose

The public street system pattern proposed within any subdivision shall comply with design standards of this article and shall:

a. Provide for adequate vehicular access to all properties within the subdivision plat boundaries;

b. Provide adequate street connections to adjacent properties to ensure adequate traffic circulation within the general area;

c. Provide a local street system serving properties to be developed for residential purposes ~~which~~ that discourages through traffic while maintaining sufficient access and traffic movement for convenient circulation within the subdivision and access by fire, police, and other emergency services personnel; and

d. Provide for a sufficient number of continuous streets to accommodate the traffic demands generated by new development.

~~(Code 1993, § 70-34; Ord. No. 2001-19, § 2, 1-7-2002)~~

2. Right-of-Way Dedication and Street Configuration~~Paving~~

All public or private streets as provided in this article shall be constructed in accordance with the "City of Tomball ~~Minimum Standards for Community Improvements~~ Design Manual." ~~Provided, however, no public or private street shall be constructed having a pavement width of less than 28 feet.~~ Applicants must dedicate sufficient right-of-way to the City for streets and sidewalks. Typical street right-of-way widths are illustrated in the City's most recently adopted Comprehensive Plan.

~~(Code 1993, § 70-36; Ord. No. 2001-19, § 2, 1-7-2002; Ord. No. 2005-05, § 1, 7-18-2005)~~

3. Sight Visibility Triangle

a. Sight Visibility Triangle Required

i. At any intersection of any street (public or private) with another street, alley, or driveway, a triangular visibility area shall be created to preserve sightlines that promote pedestrian and vehicular safety.

ii. Restrictions in this area apply to landscaping, fences, walls, signs, earthen berms, and other features that can potentially obstruct views.

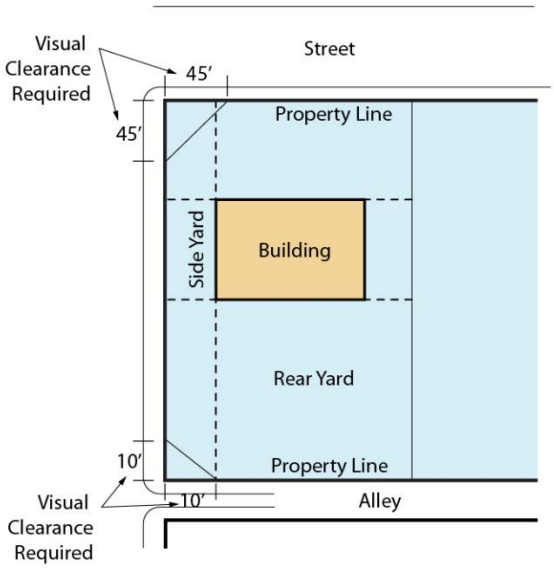
b. Requirements

i. Intersection of Two Streets

At the intersection of two streets, a 45-foot visibility triangle is required as shown in **Figure 3.04-2. Sight Visibility Triangle Requirements**~~**Figure 3.04-2. Sight Visibility Triangle Requirements**~~. These dimensions are determined as follows:

(a) Two sides begin at the precise corner of the intersection point of the curbs or edge of pavement of each of the two streets forming each corner and extending 45 feet along each such curbline or pavement line from such intersection point. The third side is determined by the drawing of a straight line from the ends of such 45-foot extensions, whether such land be privately owned or unpaved or untraveled street right-of-way property.

Figure 3.04-2. Sight Visibility Triangle Requirements



ii. Intersection of a Street and Alley

Both sides of the intersection of an alley and street shall have a triangular visibility area with two sides of each triangle being a minimum of 10 feet in length from the point of intersection and the third side being a line connecting the ends of the other two sides.

iii. Intersection of a Street and Driveway

Both sides of the intersection of a driveway onto a street shall have a triangular visibility area with two sides of each triangle being a minimum of 20 feet in length from the point of intersection and the third side being a line connecting the ends of the other two sides.

iv. Vertical Clearance

Any features within the triangular visibility area shall be in accordance with such requirements and provided unobstructed cross-visibility at a level between 36 inches and 10 feet.

c. Permitted Features

Only the following features are permitted within the visibility triangle.

i. Landscaping

(a) Shrubs and plant materials that are typically less than 30 inches in height at maturity may be located within sight visibility areas. In no instance shall they conflict with the vertical clearance area established in **b.iv** above~~**b.iv** above~~.

(b) No landscaping, except grass and low ground cover, shall be located closer than 3 feet from the edge of any accessway pavement on arterial or collector streets as shown on the adopted comprehensive plan.

ii. Signs

(a) No person shall place or maintain any sign in the visibility triangle area unless such sign does not conflict with the vertical clearance area established in **b.iv** above~~**b.iv** above~~.

(i) Exception: MUTCD-compliant signs may be placed in the visibility triangle by a public entity (e.g., a "stop" sign at an intersection).

(b) No sign within such area may be supported by more than two posts or beams. The size of such posts or beams shall not exceed 10 inches in diameter. Such supports or beams may not be placed closer together than 24 inches.

d. Permission to Enter and Remove Obstructions

In addition to any penalty that may be imposed for the violation of this article, the City shall be entitled to enter upon and remove from the visibility triangle any of the objects or growths prohibited by this section. Such entry and removal shall be without liability to the owners thereof.

~~The following requirements shall apply to sight visibility:~~

~~Visual clearance shall be provided in all zoning districts so that no fence, wall, architectural screen, earth mounding, landscaping or other feature obstructs the vision of a motor vehicle driver approaching any street, alley, or driveway intersection. Whenever an intersection of two or more public street rights-of-way occurs, a 45-foot triangular visibility area in accordance with chapter 38, article II shall be created and apply to landscaping, fences, walls, signs, earthen berms and other features. Any features within the triangular visibility area shall be in accordance with such requirements and provide unobstructed cross visibility at a level between 36 inches and 15 feet. Trees may be permitted in this area in accordance with section 50-113 provided they are trimmed in such a manner that no limbs or foliage extend into the cross visibility area. In addition to the 45-foot visibility triangle at the intersection of two streets as required in chapter 38, article II, the following visibility triangular areas meeting the same requirements are required:~~

~~The areas of property on both sides of the intersection of an alley accessway and public right-of-way shall have a triangular visibility area with two sides of each triangle being a minimum of ten feet in length from the point of intersection and the third side being a line connecting the ends of the other two sides.~~

~~The areas of property located at a corner formed by the intersection of a private driveway onto a public road shall have a triangular visibility area with two sides of each triangle being a minimum of 20 feet in length along the right-of-way lines (or along the driveway curbline and the road right-of-way line) from the point of the intersection and the third side being a line connecting the ends of the other two sides. (See Illustration 50-116-5 of this chapter).~~

~~Landscaping, except required grass and low ground cover, shall not be located closer than three feet from the edge of any accessway pavement on arterial or collector streets as shown on the adopted comprehensive plan.~~

~~Shrubs and plant materials that are typically less than 24 inches in height at maturity may be located within sight visibility areas provided that they are kept maintained at a maximum height of 24 inches.~~

~~A limited number of single-trunked trees having a clear trunk (i.e., branching) height of at least eight feet may be located within sight visibility areas, provided that they are trimmed in such a manner that no limbs or foliage extend into the cross-visibility area defined in this section, and provided that they are spaced and positioned such that their trunks will not produce a visibility inhibiting, "picket fence" effect when they attain mature size.~~

~~Illustration 50-116-5: Visual clearance~~

4. Street Layout~~Specifics~~

a. Location and Alignment

The location and alignment of public streets proposed to be dedicated and established within a subdivision plat shall be designed in conformance with the standards listed in ~~section 40-63~~**3.03**. Public Improvements~~Public Improvements~~.

b. Right-of-Way Width~~,~~ and Widening

The width of the right-of-way to be dedicated for any street shall be in accordance with ~~table 40-65.1~~Figure 3.04-3~~Figure 3.04-3~~. **Right-of-Way Width**:

~~Table 40-65.1~~

Figure 3.04-3. Right-of-Way Width

Street Type	Standard Right-of-Way Width**	Minimum Right-of-Way*
Alley	20'	15'
Local	60'	50'
Collector	60'	60'
Minor Arterial	80'	80'
Major Arterial	100'	100'

* The Purpose of the minimum right-of-way is to accommodate pre-existing situations in developed areas where it is impractical to require the standard width. The minimum local street rights-of-way width may be utilized within single-family residential subdivisions if the street right-of-way serves as the shortest direct path to a roadway of higher classification (i.e. collector or arterial) for no more than 25-dwelling units.

** The standard right-of-way width for major arterial sections of Medical Complex Drive & Agg Road shall be 120'.

c. Maximum Block Length

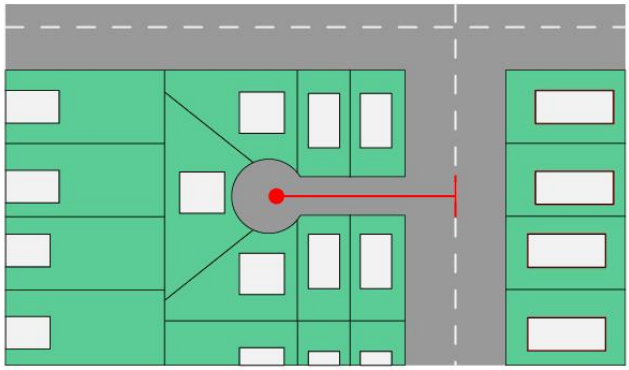
The maximum length of subdivision blocks shall be in accordance with **Figure 3.04-4. Maximum Block Length**~~Figure 3.04-4. Maximum Block Length~~. Block length shall be measured along the centerline of the street, from the center point of one intersection to the center point of the next intersection (including a three- or four-way intersection).

i. Exception: The Director may approve a longer block length where necessary due to circumstances unique to the development.

Figure 3.04-4. Maximum Block Length

Adjacent Roadway Functional Classification	Maximum Block Length
Residential Local	600'
Collector	800'
Minor Arterial	900'
Major Arterial	If a block is adjacent to a Major Arterial Roadway, block length requirements are waived.

Figure 3.04-5. Method of Cul-de-Sac Length Measurement



~~Cul-De-Sac Right-of-Way Radii~~

ii. The radii of the right-of-way at the end of local streets terminated with a circular cul-de-sac turnaround shall be not less than 50 feet. The City shall cause to be erected at the entrance of any such street a sign reading "dead-end street," but such sign shall be at the expense of the developer.

d. Dead-End Streets and Alleys

i. Dead-end streets shall not be approved except in those instances where the street is terminated by a temporary circular cul-de-sac turnaround or where the street is designated to be extended into adjacent property. Such dead-end streets must also comply with ~~section 40-68~~**3.04.E.7**. One-Foot Reserves~~One-Foot Reserves~~, ~~which contains the requirements for the dedication of a one-foot reserve~~.

ii. Dead end alleys are prohibited.

5. Driveway~~s and Access Management~~

~~Other Standards~~

a. All Driveway Approaches

All driveway approaches shall comply with the following standards.

i. Sidewalks To Be Removed

Where a driveway approach is designed to cross an existing sidewalk, the sidewalk included in the driveway approach area shall be removed and reconstructed as a driveway approach unless the City Engineer has determined that the section of the sidewalk fully complies with the requirements of this section for driveway approaches. The area across the driveway will be jointed and edged as a sidewalk. The depth and design for the sidewalk will be consistent with the driveway-approved design and will be consistent with the ~~ADA~~ TAS regulations.

ii. Removal of Curb and Gutter

Where a driveway approach is to be constructed at a location where a curb and gutter is in place, the curb and gutter shall be removed to the nearest existing construction joint or a new construction joint formed by other methods as may be approved by the City Engineer. The driveway approach shall be constructed in accordance with the City's design, details and construction standards.

iii. Drainage

Driveway approaches shall be designed to prevent the entrance of water from the street onto private property, except that a drainage system may be provided within the property to handle water coming from the street. Driveway approaches and related drainage systems shall be constructed in accordance with the City's design, details, and construction standards.

iv. Radius

Driveway approaches shall be constructed with return radii in accordance with the standards outlined in ~~table 40-81.1~~Figure 3.04-6. Driveway Approach Dimensions~~Figure 3.04-6. Driveway Approach Dimensions~~. The driveway radius shall not extend in front of the adjacent property.

v. Design Criteria

(a) Driveway approaches, curbs, gutters, pavements and appurtenances on public property and other facilities to provide access to abutting properties in the City and ETJ in connection with platting or building construction shall be constructed, provided, altered or repaired in accordance with the City of Tomball Design Manual~~Design, Details, and Construction Standards~~ and as prescribed by the standards outlined within this ~~division~~article.

(b) For all gated driveways the gate shall be set back a minimum of 25 feet from the edge of the street pavement. Locking mechanisms for vehicular gates shall be subject to approval by the City Fire Marshal or ~~his/her~~their designee.

(c) Driveway construction shall not occur without a driveway permit.

(d) Divided entrances to parking lots in nonresidential and multifamily developments shall have a minimum ingress lane of 18 feet, a minimum landscaped median width of five feet for an unbroken distance of at least 100 feet, and a minimum egress lane of 22 feet. All divided entrances shall be a maximum of 45 feet in width.

(e) Residential driveways shall have a minimum separation equal to the sum of the required curb returns for the two driveways.

vi. All driveway approach dimensions shall comply with ~~table 40-81.1~~Figure 3.04-6~~Figure 3.04-6~~. **Driveway Approach Dimensions**.

~~Table 40-81.1~~

Figure 3.04-6. Driveway Approach Dimensions

Driveway	Land Use	Width (ft.)		Curb Return (ft.)	
		Minimum	Maximum	Minimum	Maximum
Type I	Single-Family Residential, Duplex	12'	24'	5'	15'
Type II (One Way)	Multi-~~F~~family, Commercial	20'	20'	10'	15'
Type II (Two Way)	Multi-~~F~~family, Commercial	24'	40'	10'	15'

b. Type II Driveway Approaches

Type II driveway approaches shall also comply with the following standards and ~~with table 40-81.1~~Figure 3.04-6~~Figure 3.04-6~~. **Driveway Approach Dimensions**.

i. Number of Driveway Approaches

On local streets, not more than one driveway approach shall be permitted on any parcel of property with a frontage of 100 feet or less. On collector streets no more than one driveway approach shall be permitted on any parcel of property with a frontage of 150 feet or less. For arterials, no more than one driveway approach shall be permitted on any parcel of property with a frontage of 300 feet or less. Except that additional openings may be permitted with the approval of the City Engineer ~~Community Development Director or their designee~~ for the necessity and convenience of the public.

ii. Driveway Separation

Driveway approaches shall be separated by a minimum distance, as measured between the edge of the driveway and the adjacent driveway or street right-of-way, as required by ~~table 40-81.2~~Figure 3.04-7. Minimum Driveway Approach Separation~~Figure 3.04-7. Minimum Driveway Approach Separation~~.

~~Table 40-81.2~~

Figure 3.04-7. Minimum Driveway Approach Separation

Street Type	Minimum Separation Between Drives (feet)*	Minimum Separation from Intersection (feet)*
Arterial	200'	150'
Minor Arterial	150'	100'
Collector	100'	75'
Local	25'	50'

* Separation may be reduced, at the discretion of the City Engineer ~~Community Development Director or their designee~~, where right-in/right-out only driveways are used. Such drives must be on a median-separated road or be designed to physically prevent vehicles from making a left turn.

Notes:

a) Single-family and two-family developments are exempt from these standards on local and collector streets.

b) Where a property at a corner does not have the necessary frontage to accommodate the required spacing from the intersection, or an interior property does not have adequate width to meet the spacing requirements from an existing driveway on adjacent property, a common access easement with adjacent properties shall be utilized to obtain the necessary spacing. Where site limitations preclude such common access easements, or where cooperation of adjacent property owners cannot be obtained (within a period of 90 days), the City Engineer may authorize a noncompliant driveway, which should be spaced as far from the intersection as practical.

c) Where there is a signalized "T" intersection on the opposite side of the street, the spacing requirements shall apply.

iii. Angle of Driveway Approach

The angle of the driveway approach with the curb line shall be approximately 90 degrees for two-way driveways or ~~45~~ 60 degrees to 90 degrees for one-way driveways. Alternative configurations may be considered with a Subdivision Waiver (see **3.02.H. Subdivision Waiver**~~**Subdivision Waiver**~~).

iv. Driveway Approaches at Intersections

Corner parcels less than 150 feet in length along the right-of-way shall combine access with the adjoining property, wherever possible. Where it can be shown that access is effectively denied to a corner parcel because of the required distance from the corner of the intersecting right-of-way and combined access is not available from the adjoining property, a variation to the requirement may be granted by the City Engineer, provided the applicant demonstrates that a variation will not create a traffic hazard.

v. Driveway Approaches in Existing On-Street Angle or Head-In Parking Areas

Driveway approaches shall not be constructed in existing on-street angle or head-in parking areas unless all curb is restored to a standard location along the roadway in front of the premises.

c. Shared Driveways and Cross-Access Drives

i. Shared access for all driveways ~~are~~is encouraged by the City in order to ensure public safety access by providing mutual/common access to a median opening, to minimize the number of driveway cuts on streets, thereby maintaining street mobility, and to facilitate traffic flow between adjacent lots (See ~~figure 40-81.1~~Figure 3.04-8. Shared Access~~Figure 3.04-8. Shared Access~~).

(a) Arterial Streets

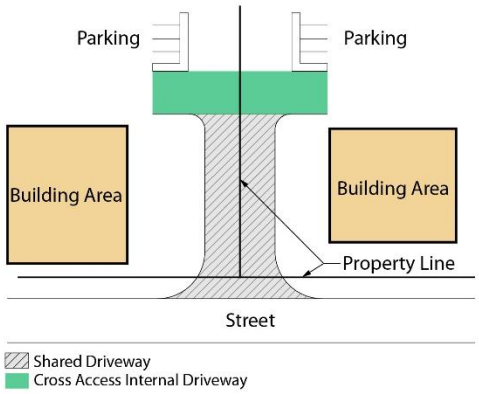
Shared mutual access easement(s) for driveway(s) may be required by the City between driveways on adjacent lots fronting ~~on~~ arterial streets.

(b) The location and dimensions of shared access easements shall be determined by the ~~Community Development Director and~~ City Engineer.

(c) Such easements shall be noted on the preliminary plat and final plat when possible as "open and unobstructed cross access easement".

~~Figure 40-81.1~~

Figure 3.04-8. Shared Access



~~(Ord. No. 2022-22, § 2(Exh. A), 10-3-2022)~~

d. Curves and Intersections

i. Local, Collector, and Arterial Streets

The design and construction of all local, collector, and arterial streets shall meet the guidelines set forth in the Policy on Geometric Design of Highways and Streets, ~~fourth edition, 2001~~latest edition, as published by the American Association of State Highway and Transportation Officials (AASHTO), the City's current comprehensive plan, and any other applicable design and construction standards adopted by the City. Such considerations as adopted by the City shall include, but not be limited to street function, street capacity, service levels, traffic safety, pedestrian safety, and utility facilities and their location, which may a~~e~~ffect the minimum requirements. Proposed streets shall meet this criteria and be approved by the City Engineer prior to final design.

ii. Right Angle

The angle of street intersections shall not vary more than ~~ten~~ 10 degrees from the perpendicular. Where acute angle intersections are approved a radius of at least 25 feet in the right-of-way line at the acute corner shall be provided.

e. Stub Outs for Future Connections

i. Where a subdivision adjoins unsubdivided land, stub streets shall be extended to the boundary of the abutting property to the point where the connection to the anticipated street is expected.

(a) Exceptions: The Director may determine that no stub street is required due to unique circumstances (for example, when a freeway, waterway, railroad line, cemetery, or easement is located adjacent to the subdivision). Additionally, no stub street is required when pre-existing development with no stub out is located adjacent to the subdivision, or when a high-intensity use is located adjacent to a proposed residential subdivision.

ii. The stub out connection shall not exceed half the maximum block length identified in **3.04.E.4.c**, Maximum Block Length~~Maximum Block Length~~ to ensure that the street can meet the maximum block length requirements once the adjoining development is completed.

iii. If a stub street exists on an abutting property, the street system of the new subdivision must connect to the existing stub street to form a through street.

iv. When a stub street is provided, a reserve strip is required in accordance with **3.04.E.7**. One-Foot Reserves~~One-Foot Reserves~~.

~~(Code 1993, § 70-35; Ord. No. 2001-19, § 2, 1-7-2002; Ord. No. 2006-14, § 1, 10-23-2006; Ord. No. 2017-20 , § 2, 7-17-2017; Ord. No. 2022-24 , § 2(Exh. A), 10-17-2022)~~

6. Street Names

All streets dedicated by plat shall be named, and so identified on such plat, in conformance with the following:

a. New Streets

New street names shall not duplicate existing street names located within the City, other than extensions of existing streets. This prohibition includes street names proposed for circular drives or similar configurations.

b. Extensions of Existing Streets

Existing street names shall be used in those instances where a new street is a direct extension of an existing street or a logical extension (when the streets in question are not and cannot be physically continuous) thereof except in those instances where the existing street name is a duplicate street name.

c. Suffixes

Street name suffixes such as court, circle, and loop should be designated on streets that are cul-de-sac or in a configuration of a loop street.

d. Prefixes

Street name prefixes such as north, south, east, and west may be used to clarify the general location of the street; however, such prefixes shall be consistent with the existing and established street naming and address numbering system of the general area in which the street is located.

e. Alphabetical and Numerical Streets Prohibited

Alphabetical and numerical street names shall not be designated, except in those instances where such street is a direct extension of an existing street with such a name and is not a duplicate street name.

f. Street Name Change

No street name once designated may be changed except by City ordinance.

~~(Code 1993, § 70-37; Ord. No. 2001-19, § 2, 1-7-2002)~~

7. One-Foot Reserves

In those instances where a street is established by a plat submitted to the ~~Planning and Zoning Commission~~City and such street forms a stub street onto adjacent unplatted acreage, or where such street lies along and parallel with the subdivision boundary and is adjacent to unplatted acreage, a one-foot-wide reserve shall be established within the street right-of-way at its dead-end terminus, or along the right-of-way adjacent to such unplatted acreage, to form a buffer strip, dedicated to the public, between the street right-of-way and the adjacent unplatted acreage, to prevent access to such street from the adjacent unsubdivided acreage, unless and until the ~~Planning and Zoning Commission~~City has reviewed the development proposals for such adjacent acreage, and a plat of the adjacent property is duly recorded. The conditions associated with the establishment of a one-foot reserve on a plat are contained in the following notation that shall be placed upon the face of any plat where a one-foot reserve is to be established:

"One-foot reserve dedicated to the City in fee as a buffer separation between the side or end of streets where such streets abut adjacent acreage tracts, the condition of such dedication being that when the adjacent property is subdivided pursuant to a recorded plat, the one-foot reserve shall thereupon become vested in the public for street right-of-way purposes."

~~(Code 1993, § 70-38; Ord. No. 2001-19, § 2, 1-7-2002)~~

8. Partial or Half Street

Partial or half streets may be dedicated in those instances where the ~~Planning and Zoning Commission~~City determines that it is necessary for the proper development of the land and in the public interest to locate a public street right-of-way centered on a property line. The ~~Planning and Zoning Commission~~City shall not approve a partial or half street dedication within a subdivision dedicating less than a 50-foot right-of-way width for a designated arterial street, or less than a 40-foot right-of-way width for a designated collector street, or less than a 30-foot right-of-way width for any other type public street. Appropriate notations and the one-foot reserve dedication in fee as provided in **3.04.E.7**. One-Foot Reserves~~One-Foot Reserves~~section 40-68 shall be placed upon the plat restricting access from any partial or half streets so dedicated to adjacent acreage tracts until the adjacent property is subdivided pursuant to a recorded plat and the additional adjacent right-of-way is acquired providing the full right-of-way as specified in this article.

~~(Code 1993, § 70-39; Ord. No. 2001-19, § 2, 1-7-2002)~~

9. Sidewalks

a. Applicability

i. The developer shall be responsible for the installation of sidewalks in all ~~residential and commercial subdivisions~~areas~~,~~, including instances when no plat will be filed or building permit issued (e.g., a drainage pond) to ensure adequate access and walkability throughout Tomball.

(a) Exception: No sidewalks are required~~except~~ in residential subdivisions along local streets with open ditch drainage.

ii. Sidewalks, when applicable, shall be considered as part of the required street system, whether public or private.

b. Fee in Lieu

At the discretion of the Community Development Director~~city manager or designee~~, a developer of a subdivision may be permitted to pay a fee in lieu of the construction of sidewalks in an amount set forth in the city master fee schedule adopted by the City Council.

~~Any person wishing to appeal the determination of the city manager or designee may do so by submitting an appeal to the city council within ten days of the city manager or designee's determination. Such will be heard at the next available city council meeting.~~

c. Construction

Sidewalks shall be constructed in accordance with the City of Tomball Design Manual~~Minimum Construction Standards for Community Improvements~~.

~~b.~~d. Timing

All sidewalks must be installed prior to final plat approval unless performance security is provided.

i. Exception: Sidewalks along Local Streets that are interior to a development may be delayed until after building construction if performance security is provided; however, all sidewalks must be complete prior to occupancy.

10. Lighting, Signs, and Traffic Control Devices

a. The developer shall be responsible for the installation of all required street signs and traffic control devices, as determined by the City Engineer~~or his designee~~. All such signs and traffic control devices shall

be in accordance with the most recent edition of the Texas Manual on Uniform Traffic Control Devices, as published by the ~~state~~ Texas Department of Transportation.

~~b. Street Lighting~~

~~c.~~b. The developer shall be responsible for the installation of street lighting in accordance with the City of Tomball Design Manual~~Minimum Construction Standards for Community Improvements~~.

F. Easements

1. Utility Easements

a. Purpose

i. Utility easements, both above and below grade, are those easements established by plat or separate instrument ~~which~~ that are dedicated to the City for public use and designed to accommodate facilities necessary to provide various types of utility services to the individual properties within the plat boundaries.

ii. Utility easements may be used for, but not be limited to, facilities necessary to provide water, electrical power, natural gas, telephone, ~~telegraph,~~ fiber internet, cable television, and sanitary sewer services.

b. Location

i. Street Frontage

(a) Along City streets, no utility easement is required unless the City Engineer determines the right-of-way is not wide enough to allow for the proper placement and maintenance of all utilities.

(b) For all other streets, utility easements shall be provided along the front of all lots except when the City Engineer ~~Planning and Zoning Commission~~ determines that such location is not feasible for the orderly development of the subdivision~~, or where the right of way is not wide enough to allow for the proper placement and maintenance of all utilities~~.

ii. Utility easements located along the outer boundaries of a subdivision shall contain the full width required for such easement except in those instances where the adjacent property is within a portion of a previously approved and platted subdivision and under the same ownership as the property being platted or where additional easement width is dedicated by separate instrument by the owner of said adjacent tract.

(a) In such cases, one-half of the required easement width shall be dedicated within the platted boundary with the other one-half provided outside the platted boundary by separate instrument or through notation on the plat certifying the ownership and dedication of said easement.

c. Widths

All utility easements established within any subdivision plat shall not be less than ~~ten~~ 10 feet in width, but may be required to be greater where determined by the City Engineer.

d. Limitations

All utility easements shall be limited to surface and below-grade easements. Aerial easements over utility easements shall be limited to that necessary for transformers, amplifiers, and other similar devices that cannot be placed below grade, it being the express purpose and intent hereof to require all utilities, to the extent reasonably possible, to be placed below ground level.

2. Drainage Easements

All drainage easements shall be located and properly dedicated to the ~~City~~ public to accommodate the drainage requirements necessary for the proper development of the property within the subdivision boundaries and within its natural watershed and in conformance with the City's comprehensive plan, its

regulations governing storm drainage and/or flood control, and the requirements of other governmental agencies having jurisdiction over storm drainage or flood control within the area in which the subdivision is located. A suitable note on the plat shall restrict all properties within the subdivision to ensure that drainage easements within the plat boundaries shall be kept clear of fences, buildings, obstructive vegetation, and other obstructions to the operation and maintenance of the drainage facilities therein.

3. Stormwater Detention Easements

   Each stormwater detention easement shall be located and designed in accordance with applicable standards of governmental agencies having jurisdiction over surface water drainage or flood control within the area in which the proposed subdivision or development is located. Each subdivision plat that dedicates a stormwater detention easement shall contain a restriction on the plat that:

   a. Prohibits the construction of fences or buildings, whether temporary or permanent, or installation or maintenance of plantings or other obstructions to the operation and maintenance of the facility, within the stormwater detention easement or upon properties adjacent thereto; and

   b. Prohibits drainage from abutting properties directly into the stormwater detention easement except by means of a drainage structure approved by the City Engineer or the authorized public drainage or flood control official.

4. Private Easements~~,~~ and Fee Strips

   a. Existing Easements~~,~~ or Fee Strips

      All easements or fee strips created prior to the subdivision of any tract of land shall be shown on the subdivision plat of said land with appropriate notations indicating the name of the holder of such easement or fee strip, the purpose of the easement and generally the facilities contained therein, the dimensions of the easement or fee strip tied to all adjacent lot lines, street rights-of-way and plat boundary lines, and the recording reference of the instruments creating and establishing said easement or fee strip. In those instances where easements have not been defined by accurate survey dimensions such as over and across type easements, the subdivider shall request the holder of such easement to accurately define the limits and location of such easement through the property within the plat boundaries. If the holder of such undefined easement does not define the easement involved and will not certify ~~his~~ their refusal to define such easement to the Planning and Zoning Commission, the subdivision plat shall provide accurate information as to the centerline location of all existing pipelines or other utility facilities placed in conformance with the easement holder's rights, and building setback lines shall be established not less than 15 feet from and parallel to both sides of the centerline of all underground pipelines or pole lines involved.

   b. Establishment of Special Use Utility or Drainage Easements

      A special use utility or drainage easement may be established by subdivision plat when such easement is for the purpose of accommodating a utility or drainage facility owned, operated, and maintained by a unit of government and is restricted to either water mains, sanitary sewers, storm sewers, or other drainage purposes and where it has been determined by the Planning and Zoning Commission that these facilities cannot or should not be accommodated within a general purpose public utility or drainage easement or public street right-of-way. Easements proposed to be established for any privately-owned utility company or private organization providing utility services and restricted for their exclusive use shall not be created by a subdivision plat; however, such private utility facilities may be accommodated and placed within the general purpose utility easements and public streets established within the plat boundary. Nothing in this section, however, may prevent such private companies or the subdivider from granting and establishing special or exclusive use easements by separate instrument if such arrangements are deemed necessary to properly serve the properties within the plat boundaries.

~~(Code 1993, § 70-40; Ord. No. 2001-19, § 2, 1-7-2002)~~

G. Drainage

Drainage facilities shall be designed and constructed in accordance with all federal, state, and local rules and regulations, including the City of Tomball Design Manual~~Minimum Construction Standards for Community Improvements~~.

~~(Code 1993, § 70-47; Ord. No. 2001-19, § 2, 1-7-2002)~~

H. Federal Flood Insurance Program

No subdivision of land shall be approved unless the same complies in all respects with the City's flood damage prevention regulations, as found in ~~chapter~~ Chapter 10, Article VIII Flood Damage Prevention. ~~Each final plat shall have depicted thereon applicable boundaries of all flood zones as provided in the latest edition of the federal insurance rate maps.~~

~~(Code 1993, § 70-41; Ord. No. 2001-19, § 2, 1-7-2002)~~

I. Water

1. Each lot within a proposed subdivision shall be connected to the potable water distribution system of the City if any point within such subdivision is located within 1,000 feet of the City's distribution system ~~therefor~~. No water well shall be permitted within any newly platted subdivision if potable water is available from the City's system as provided in this section.
2. All water facilities ~~for the provision of potable water to all areas of the proposed subdivision~~ shall be designed and constructed in accordance with all federal, state, and local rules, regulations, and plans, including the ~~"~~City of Tomball Design Manual~~Minimum Construction Standards for Community Improvements~~."
3. Water mains serving a subdivision must extend across the full length of the subdivision's frontage to the subdivision border in order to connect with future extensions of the distribution system, regardless of whether such extensions are required for service within the subdivision.
    a. Exception: Water mains are not required to extend to the subdivision border if, due to physical constraints, a new subdivision will never be constructed beyond its initial boundary.
4. Per Section 212.0101 of the Texas Local Government Code, if a development will utilize groundwater as the water supply, the plat application shall include a statement prepared by a Professional Engineer or a licensed geoscientist that certifies adequate groundwater is available for the subdivision.

~~(Code 1993, § 70-49; Ord. No. 2001-19, § 2, 1-7-2002)~~

J. Wastewater

1. Each lot within a proposed subdivision shall be connected to the sanitary sewer system of the City if any point within such subdivision is located within 1,000 feet of the City's collection system ~~therefor~~. No septic tank system shall be permitted within any newly platted subdivision when connection to the City's sanitary sewer system is required under this section.
2. All sanitary sewer facilities shall be designed and constructed in accordance with all federal, state, and local rules, ~~and~~ regulations, and plans, including but not limited to the City of Tomball Design Manual~~Minimum Construction Standards for Community Improvements~~.
3. Sewer mains serving a subdivision must extend across the full length of the subdivision's frontage to the subdivision border in order to connect with future extensions of the distribution system, regardless of whether such extensions are required for service within the subdivision.
    a. Exception: Sewer mains are not required to extend to the subdivision border if, due to physical constraints, a new subdivision will never be constructed beyond its initial boundary.

~~(Code 1993, § 70-48; Ord. No. 2001-19, § 2, 1-7-2002)~~

K. Franchise Utilities

1. Adequate provision for all utilities shall be provided to the entire subdivision.
2. All distribution and service lines of~~,~~ telephone, television, and other wire-carrier type (other than electric) utilities shall be underground.
    a. Transformers, amplifiers, or similar devices associated with the underground lines (other than electric) shall be located ~~upon the ground~~at grade or below ground level.
    b. Where the underground placement of such facilities, other than electric facilities, is not a standard practice of the utility involved, the subdivider or developer shall request the applicable utility to place the facilities underground and shall pay all costs associated with the non-standard installation.
3. All utility installations, other than electric, shall comply with the ~~"~~City of Tomball Design Manual~~Minimum Construction Standards for Community Improvements.~~"
4. Electric utility distribution lines shall be underground if the customer elects such non-standard installation pursuant to the terms of the utility's distribution tariff. Electric distribution lines, if installed above ground, shall be located along the perimeter of the overall subdivision unless the utility determines different placement is needed to provide safe and reliable electric service.

~~(Code 1993, § 70-46; Ord. No. 2001-19, § 2, 1-7-2002; Ord. No. 2014-04, § 2(70-46), 2-3-2014; Ord. No. 2014-36 , § 2, 11-3-2014)~~

~~Secs. 40-82—40-103. Reserved.~~

L. Trail Dedication

When a trail or trail extension is proposed on the subject property by the City's Parks, Recreation and Trails System Master Plan, an easement shall be provided for sufficient land to accommodate a future trail.

Article 4. Signs

4.01. Generally

A. Purpose

This article establishes a set of standards to regulate the time, place, and manner of displaying signs. The purpose of these provisions is to protect public health and safety, and to enhance the appearance and economic value of the City's landscape. These regulations are also intended to protect First Amendment rights by maintaining content neutrality.

B. Applicability~~Scope; conflicts~~

This article applies to signs in all zoning districts and within the extraterritorial jurisdiction of the City. The regulations herein must be met in the following circumstances:

1. At the time any new sign is added to a site; or
2. At the time an existing sign is damaged to an extent that repairs equal or exceed 50 percent of the cost of erecting a new sign of the same type at the same location.

~~In accordance with the provisions of the Local Government Code, the provisions of this chapter shall apply to all signs, as that term is defined herein, within the City and shall also extend to and be enforced within the extraterritorial jurisdiction of the City.~~

~~(Code 1993, § 60-2; Ord. No. 2002-12, § 2, 5-6-2002)~~

C. Existing Signs

1. All signs lawfully existing on the date of adoption of the ordinance from which this ~~chapter~~ article is derived, must conform to the requirements of **E.9.** Signs in the Public Rights-of-Way~~Signs in the Public Rights-of-Way~~ and **4.03.** Sign Maintenance and Removal~~Sign Maintenance and Removal~~.

   ~~Signs previously erected or in the process of being erected, and lawfully permitted in the City's extraterritorial jurisdiction shall be considered as existing signs under this subsection c.; provided, however, that the date of the first publication of notice for a public hearing (as required by the Local Government Code) regarding the proposed annexation of an area, shall, for the purposes of this chapter, be considered the date to determine the applicability of this chapter to any sign within the extraterritorial jurisdiction, as extended by such annexation.~~

2. Any sign within such area required by any proper authority to be licensed or permitted shall not be considered to have been legally permitted for the purposes of this subsection **C.** unless such license or permit has been properly issued.

D. Conflicts

Where this ~~chapter~~ article shall differ or conflict with Chapter 10, Article II, adopting the International Building Code, or any other ordinance, this ~~chapter~~ article will prevail.

E. General Requirements

1. Sign Administrator and Enforcement

   a. Sign Administrator

      The ~~City Manager shall appoint a~~Building Official is designated as the City's Sign Administrator, including any designees of the Building Official. The Sign Administrator is empowered to delegate the duties and powers granted to and imposed upon ~~him~~ them by this ~~chapter~~ article to other persons serving under the

sign administrator. The Sign Administrator is directed to enforce and carry out all provisions of this ~~chapter~~article.

b. Enforcement Responsibility

The duties of the Sign Administrator shall include not only the approval of permits as required by this ~~chapter~~article, but also the responsibility of ensuring that all signs comply with this ~~chapter~~ article and any other applicable law, and that all signs for which a permit is required do, in fact, have a permit. The Sign Administrator shall make such inspections as may be necessary and initiate appropriate action to bring about compliance with this ~~chapter~~ article and other applicable law if such inspection discloses an instance of noncompliance. The Sign Administrator shall investigate thoroughly any complaints of alleged violations of this ~~chapter~~article.

c. Powers of Sign Administrator

The Sign Administrator shall have the power and authority to administer and enforce the conditions of this ~~chapter~~ article and all other laws relating to signs. Included among such powers are the following specific powers:

i. Every sign for which a permit is required shall be subject to the inspection and approval of the Sign Administrator ~~or a delegated representative~~.

ii. Upon presentation of proper identification to the owner, agent, or tenant in charge of such property, the Sign Administrator ~~or his representative~~ may enter, for the purposes of inspecting and investigating signs or sign structures, any building, structure, or other premises or property between the hours of 8:00 a.m. and 5:00 p.m., Mondays through Saturdays; provided, however, that in cases of an emergency where extreme hazards are known to exist which may involve imminent injury to persons, loss of life, or severe property damage, and where the owner, agent, or tenant in charge of the property is not available after the Sign Administrator has made a good faith effort to locate same, the Sign Administrator may enter the aforementioned structures and premises at any time upon presentation of proper identification to any other person upon the premises. Whenever the Sign Administrator is denied admission to inspect any premises, inspection shall be made only under authority of a warrant issued by a magistrate authorizing the inspection for violations of this ~~chapter~~article.

iii. Upon notice and issuance of a stop order from the Sign Administrator, work on any sign that is being conducted in a manner contrary to the provisions of this ~~chapter~~ article or is being conducted in a dangerous or unsafe manner shall be immediately stopped. Such notice and order shall be in writing and shall be given to the owner of the property, to ~~his~~ their agent, or to the person doing the work, and shall state the conditions under which work may be resumed. Where an emergency exists, written notice shall not be required to be given by the Sign Administrator. Following the issuance of a stop order, the Sign Administrator shall initiate proceedings to revoke any permit issued for the work covered by such stop order, consistent with iv below~~of this section~~, unless the cause of the stop order is resolved to the Sign Administrator's satisfaction.

iv. The Sign Administrator is hereby granted the power and authority to revoke any and all permits authorized by this ~~chapter~~ article for violation of the terms and provisions of this ~~chapter~~article.

d. Appeals

Any person wishing to appeal a decision of the Sign Administrator on the grounds that the decision misconstrues or wrongly interprets this ~~chapter~~ article may appeal the same to the City Council, pursuant to its rules and regulations, provided that the appealing party shall give notice of appeal in writing to the City Secretary no less than ten days following the decision appealed from, and provided, further, that the appealing party shall comply with the Sign Administrator's decision pending appeal unless the Sign Administrator shall direct otherwise.

~~(Code 1993, § 60-4; Ord. No. 2002-12, § 2, 5-6-2002)~~

2. Sign Permits and Procedures~~Fees~~

a. Permit Required

No person shall erect, construct, or reconstruct a sign without first having secured a written permit from the City to do so, subject to the exceptions in i belowi below of this section.

i. Exceptions

(a) Governmental/Public Signs

No permit shall be required under this chapter article for signs erected by the City, county, public school district, the state, or other political subdivisions thereof, the federal government, signs otherwise required by federal, state, or local laws, and signs otherwise authorized by the City as public signs.

(b) Signs for Civic Events

Temporary signs that provide information about and/or direct the public to a special event of civic interest, including, but not limited to, parades, organized community holiday festivities or celebrations, and special events organized by charitable or nonprofit organizations.

(c) Political Signs

(i) A sign that contains primarily a political message and that is located on private real property with the consent of the property owner is exempt from the permit requirements of this chapterarticle. However, the sign may not have a sign area greater than 36 square feet, be more than eight feet high, be illuminated or have a moving part. Private real property does not include real property subject to an easement or other encumbrance that allows a municipality to use the property for a public purpose; provided, however, the sign may not have a sign area greater than 36 square feet, be more than eight feet high, be illuminated or have a moving part.

(ii) This subsection exemption does not apply to a sign, including a billboard, that contains primarily a political message on a temporary basis and that is generally available for rent or purchase to carry commercial advertising or other messages that are not primarily political.

(iii) See **4.01.E.8.** Political SignsPolitical Signs for additional regulations.

(d) Other Signs

On premises signs of the following descriptions; any sign listed hereunderThe following sign types shall be erected and maintained in a safe condition in conformity with **4.01.E.9**. Signs in the Public Rights-of-WaySigns in the Public Rights-of-Way, all other City ordinances and building codes of the City

(i) Signs painted or adhered on glass surfaces, windows, or doors;

(ii) Railroad signs;

(iii) Legal notices and address numbers;

(iv) A sign not over 32 square feet in area setting forth information concerning a building or other structure under repair or construction or advertising the sale or rental of the premises so long as the building or other structure is under repair or construction or so long as the premises is for sale or rent;

(v) Temporary signs setting forth the location of or directions to parking or buildings located on the premises, or regulating of the flow of on-premises traffic. Such directional signs may be lighted, consistent with the other requirements for electrical signs in this chapter article and with the requirements of the building code;

(vi) Signs displayed, designed, or used for or upon motor vehicles;

(vii) Signs designed and used for display upon or with lighter-than-air or heavier-than-air craft;

(viii) Garage Sale Signs

Such signs shall not be displayed for more than three consecutive days for each sale and shall not be placed in rights-of-way or on telephone/power/light poles. The date of the initial posting shall be displayed on all garage sale signs.

b. Construction Permit Effectiveness; Renewal Permit

Any permit for construction of a sign shall become null and void unless construction of the sign is completed within 180 days, or the permit is renewed for an additional 180 days in which case an additional fee shall be payable and the proposed sign shall meet all of the requirements of this chapter on the date of renewal.

c. Application Procedure

i. The application for a permit shall be submitted in such form as the Sign Administrator may prescribe and shall be accompanied by drawings and descriptive data to verify compliance with the provisions of this ~~chapter~~article.

ii. Construction permit applications for new ground signs when erected or constructed to heights exceeding six feet above ground level, any sign overhanging public right-of-way, or for new roof, marquee, and projecting signs when erected 20 feet above ground level, shall be accompanied by a drawing of the sign structure and the sign prepared by and certified by a professional engineer registered in the state; the Sign Administrator at ~~his~~ their option may also require similar certification by a registered professional engineer where any unusual structural provisions of a proposed sign indicate such certification is necessary in the interest of public safety.

iii. Every application shall be executed by both the owner of the premises upon which the sign is to be constructed, or the authorized lessee of such premises, and the sign company, stating that the sign is authorized to be erected or to be thereafter maintained on the premises, and shall contain a statement of the owner or lessee and the sign company that the sign does not violate any applicable deed restrictions or other similar restrictions on the premises.

iv. If the location, plans, and specifications set forth in any application for permit conform to all of the requirements of this ~~chapter~~article and other applicable provisions of the building code and other codes, the Sign Administrator shall issue the permit.

~~(Code 1993, § 60-5; Ord. No. 2002-12, § 2, 5-6-2002; Ord. No. 2012-22, §§ 4(60-5(b)), 5(60-5)(c)), 11-5-2012; Ord. No. 2013-24, § 2(60-5), 1-6-2014)~~

d. Fees

i. Permit fees shall be in accordance with the schedule of fees as currently established or as hereafter adopted by resolution of the City Council from time to time.

~~No Refund of Fees~~

ii. The applicant for a permit or holder of a permit shall not be entitled to a refund of any fee paid in case the permit is revoked.

3. Sight Visibility Requirements

All signs shall comply with the requirements of **3.04.E.3**. Sight Visibility Triangle~~Sight Visibility Triangle~~. ~~On-premises signs shall comply with the visibility triangle requirements of chapter 38.~~

4. Clearances

Signs shall be located at a minimum distance of six feet measured horizontally and 12 feet measured vertically from overhead electric conductors ~~which~~ that are energized in excess of 750 volts.

~~(Code 1993, § 60-32; Ord. No. 2002-12, § 2, 5-6-2002)~~

5. Sign Lighting

a. Signs may be internally or externally illuminated. Lighting must be configured to ensure that light does not spill or reflect onto adjacent properties or public areas.

i. All external lighting fixtures must be fully shielded to direct light downward and prevent light trespass beyond the sign itself.

ii. Internal lighting must be designed to ensure even illumination and prevent excessive brightness or glare.

b. For Changeable Electronic Variable Message Signs (e.g., digital or LED signs), see **4.02.M. Changeable Electronic Variable Message Signs**~~Changeable Electronic Variable Message Signs~~.

6. Electrical Signs

a. An Electrical Sign is any sign containing electrical wiring or utilizing electric current, but not including signs illuminated by an exterior light source.

b. Any electrical sign shall conform fully to the electrical code of the City and shall receive a permit under the provisions of that code.

~~Electrical Sign~~

~~Any sign containing electrical wiring or utilizing electric current, but not including signs illuminated by an exterior light source.~~

7. Temporary Signs

A sign herein referred to as "temporary" shall not be permitted for a length of time longer than 14 consecutive calendar days.

8. Political Signs

~~Signs permitted under section 34-7(c)(4) are not prohibited by this section.~~

a. All requirements and definitions of the Texas Election Code shall apply.

~~Prohibited Area~~

~~The area within which V.T.C.A., Election Code § 85.036(a) prohibits electioneering during the time an early voting or voting place is open for the conduct of early voting or voting.~~

~~Early Voting Period~~

~~As defined in the V.T.C.A., Election Code § 85.001.~~

~~Electioneering~~

~~As defined in the V.T.C.A., Election Code § 85.036.~~

b. During the early voting period through the end of the following election day, a maximum of two temporary political signs for each candidate, measure, or political party may be placed within the designated electioneering area of the early voting or voting polling place building's premises, which is also outside the prohibited area.

i. The designated electioneering area is the portion of the grassy strip north of the Public Works Building, 501-B James Street, located outside the 100-foot prohibited area, and the area in Heritage Plaza, 400 Market Street, outside the designated 100-foot prohibited area.

c. Such two signs shall each have a maximum area of four square feet but may contain the same message on both sides.

d. Such signs must be placed in the designated electioneering area in a manner so as not to block or obscure other political signs.

e. Such signs shall only be allowed from 7:00 a.m. on the beginning of the early voting period until 7:00 p.m. on election day, at which time the signs shall be removed by the person or organization placing them.

f. Any unauthorized persons removing political signs otherwise permitted by this ~~section~~ article shall be guilty of a misdemeanor and subject to a fine as provided in **1.01.G.** Enforcement and Violations~~Enforcement and Violations~~.

g. Failure to remove permitted signs in accordance with the ~~section~~ article is a violation of this ~~chapter~~ article subject to a fine as provided in **1.01.G.** Enforcement and Violations~~Enforcement and Violations~~~~this Code~~.

h. On election day only, each candidate may erect a single tent, canopy, or similar item encumbering or encroaching on public property in Heritage Plaza, 400 Market Street, in the designated location, located outside the 100-foot prohibited area, as decided during the drawing for location in Heritage Plaza conducted prior to the beginning of early voting.

i. Any signs on public property not permitted may be removed by the City. Any political signs installed prior to the authorized time, placed in a location other than the designated location delineated, or not removed within the time prescribed herein, may be removed by City personnel and discarded or destroyed.

j. The provisions of this subsection shall not apply to notices posted by order of the court or notices to the public as required by law to be posted in a public place.

9. Signs in the~~on~~ Public Rights-of-Way

a. With the exception of signs lawfully permitted or erected prior to the effective date of the ordinance from which this ~~chapter~~ article is derived, it shall be unlawful to place a sign upon a public street, public sidewalk, public alley, public right-of-way, public curb, or other public improvement in any public street or grounds, on any public bridge or part of same, or on any public building or structure of any kind belonging to the City, or in any public place, or on any public improvement unless express consent therefor shall have first been granted by the City Council.

b. Exceptions:

i. ~~However, c~~Coin-operated devices used to display and vend newspapers may so be placed, so long as they are not placed to impede vehicular or pedestrian traffic.

ii. This subsection does not apply to public property leased for private business purposes.

c. Subdivision identification signs erected or painted directly upon the face of lawfully existing fences or walls are permitted, provided that:

i. The subdivision sign is facing a street ~~which~~ that serves as an entrance to the subdivision to which such sign pertains;

ii. The subdivision sign, or any part thereof, does not extend outward more than six inches from the face of the fence or wall upon which it is mounted; and

iii. The subdivision sign, or any part thereof, does not extend above the fence or wall upon which it is mounted.

d. Violations

i. Any unlawful sign found on public property, buildings, or structures belonging to the City or within a public right-of-way of a public street, public sidewalk, or public alley shall be seized and removal thereof is hereby authorized in addition to authority under Chapter 20, Article II.

ii. The Sign Administrator, employees of the Police Department and the Department of Public Works are hereby authorized to impound any signs found on public property, buildings or structures, or a public street, public sidewalk, or public alley and transport or cause the same to be transported to a location to be designated by the Sign Administrator for storage.

iii. Any sign impounded and stored and not redeemed by the owner thereof within 30 days may be destroyed or sold at public auction in the same manner as surplus property of the City.

iv. The City may instead opt to provide written notice and assess civil penalties in accordance with Sec. 393.001 of the Texas Transportation Code.

~~c. Bright or fluorescent colors shall not be permitted on any part of any sign.~~

~~(Code 1993, § 60-7; Ord. No. 2002-12, § 2, 5-6-2002; Ord. No. 2010-03, § 1, 3-1-2010; Ord. No. 2012-22, § 6(60-7), 11-5-2012; Ord. No. 2013-24, § 2(60-7), 1-6-2014; Ord. No. 2015-01, § 4, 1-19-2015; Ord. No. 2020-25, § 2, 9-21-2020; Ord. No. 2020-31, § 2, 10-19-2020)~~

F. Prohibited Sign~~sage~~

All signage listed in this ~~section~~ article shall be prohibited within the City limits and its extraterritorial jurisdiction. ~~All existing prohibited signage shall be removed within 120 calendar days from the effective date of the ordinance from which this chapter is derived.~~

1. Inflatable signs – A sign that gains its shape from inserting air or other gas.
2. Human or living signs – A sign held by or attached to a human being or living creature for the purpose of advertising or otherwise drawing attention to an individual, business, commodity, service, or product. This can also include a person dressed in costume for the purpose of advertising or drawing attention to an individual, business, commodity, service, or product.
3. Freestanding temporary signage for non-civic events, except as otherwise exempted by **(b)** Signs for Civic Events~~Signs for Civic Events~~this chapter.
4. Attention-getting devices – Cutout figures; discs; festooning, including tinsel, strings of ribbons, and pinwheels; inflatable objects, including balloons; nongovernmental flags; pennants; propellers; steam- or smoke-producing devices; streamers; whirligigs; wind devices; blinking, rotating, moving, chasing, flashing, glaring, strobe, scintillating, search, flood or spot lights; or similar devices.
5. Bandit signs – Any sign placed in the ground or posted on a utility pole, official sign or support structure, traffic signal or support structure, signal box, fence, wall, barricade, tree, or other fixture in the public right-of-way or on public property~~A sign having less than ten square feet of advertising area~~.
6. Obscene signs – Signs displaying obscene matter, as defined by the U.S. Supreme Court.
7. Portable signs – Any sign designed or constructed to be easily moved from one location to another, including signs mounted upon or designed to be mounted upon a trailer, bench, wheeled carrier, or other nonmotorized mobile structure; a portable sign which has its wheels removed shall still be considered a portable sign.
8. Obsolete nonconforming signs – Any on-premises sign, or any part thereof, which identifies or advertises a business, person, product, accommodation, service or activity that has ceased to operate on the premises upon which the sign or sign structure is located for a period of 180 days or more.
9. Any sign not specifically mentioned in this ~~chapter~~ article is prohibited unless approved by City Council
10. Billboards -- A signage panel for the display of advertisements in public places, such as alongside highways, not otherwise defined herein.

    ~~No new billboards shall be permitted within the City limits or the extraterritorial jurisdiction of the City.~~

    a. Provisions for Existing Billboards

        i. Sign face replacement shall be allowed without a permit to the extent that no structural modifications are required.

        ii. In the event a billboard is damaged by any means or cause and the repair or reconstruction cost, whichever is applicable, equals or exceeds 50 percent of the cost of erecting a new sign of the same type at the same location, it must be removed.

        iii. Any billboard lawfully erected and maintained that has no copy, transcript, reproduction, model, likeness, image, advertisement or written material for a period of 120 consecutive days is hereby

declared to be a violation of this ~~section~~ article and as such shall be restored to use or removed by the owner or permittee within 30 days after notice by the sign administrator of such violation.

~~Bandit Sign~~

~~A sign having less than ten square feet of advertising area.~~

~~Billboard~~

~~A signage panel for the display of advertisements in public places, such as alongside highways.~~

~~Inflatable Sign~~

~~A sign that gains its shape from inserting air or other gas.~~

~~Living or Human Sign~~

~~A sign held by or attached to a human being or living creature for the purpose of advertising or otherwise drawing attention to an individual, business, commodity, service, or product. This can also include a person dressed in costume for the purpose of advertising or drawing attention to an individual, business, commodity, service, or product.~~

~~Portable Sign~~

~~Any sign designed or constructed to be easily moved from one location to another, including signs mounted upon or designed to be mounted upon a trailer, bench, wheeled carrier, or other nonmotorized mobile structure; a portable sign which has its wheels removed shall still be considered a portable sign.~~

~~Obsolete Sign~~

~~Any on-premises sign, or any part thereof, which identifies or advertises a business, person, product, accommodation, service or activity that has ceased to operate on the premises upon which the sign or sign structure is located for a period of 180 days or more.~~

~~(Ord. No. 2012-22, § 11(60-14), 11-5-2012; Ord. No. 2015-01, § 7, 1-19-2015)~~

~~(Code 1993, § 60-1; Ord. No. 2002-12, § 2, 5-6-2002; Ord. No. 2008-07, § 2, 5-19-2008; Ord. No. 2012-22, § 1(60-1), 11-5-2012; Ord. No. 2013-24, § 2(60-1), 1-6-2014; Ord. No. 2015-01, § 2, 1-19-2015; Ord. No. 2020-25, § 2, 9-21-2020; Ord. No. 2020-31, § 2, 10-19-2020)~~

~~(Ord. No. 2012-22, § 10(60-13), 11-5-2012)~~

~~Attention-Getting Devices~~

~~As used in this section, attention getting devices shall mean devices erected, placed or maintained outdoors so as to attract attention to any commercial business, or any goods, products or services available on the premises of a commercial business, including but not limited to the following devices: cutout figures; discs; festooning, including tinsel, strings of ribbons, and pinwheels; inflatable objects, including balloons; nongovernmental flags; pennants; propellers; steam- or smoke-producing devices; streamers; whirligigs; wind devices; blinking, rotating, moving, chasing, flashing, glaring, strobe, scintillating, search, flood or spot lights; or similar devices, any of which are located or employed in connection with the conduct of a commercial business. Attention-getting devices shall not include any structure or device that is permitted under the City building code.~~

~~It shall be unlawful for any person to place, erect, maintain, or display any attention-getting device on any private or public property within the City. No attention-getting device shall be eligible for a permit under this chapter.~~

~~Enforcement of this section shall be the duty of the sign administrator.~~

~~(Ord. No. 2012-22, § 9(60-12), 11-5-2012)~~

G. Method of ~~Determining Area of~~ Sign Measurement

1. Sign Area

a. Sign area shall be calculated by means of the smallest square, circle, or rectangle that will encompass the sign face and any framing, trim, or molding and the supporting structure (see **Figure 4.01-1. Sign Area Measurement**~~Figure 4.01-1. Sign Area Measurement~~).

b. All riders or attachments to signs or sign structures (whether temporary or permanent) shall be included as part of the total sign area for the sign to which they are attached.

c. Calculation of Area of Multifaceted Signs

i. The sign area for a sign with more than one face shall be calculated by adding together the area of all sign faces visible from any one point.

ii. When two identical sign faces are placed back-to-back so that both faces cannot be viewed from any point at the same time, and when such sign faces are part of the same sign structure and are not more than thirty-six (36) inches apart, the sign area shall be calculated by the measurement of one of the faces.

iii. For three-dimensional objects, the sign area is the sum of the two adjacent faces of a cube encompassing the object (see **Figure 4.01-2. Area Measurement of 3D Objects**~~Figure 4.01-2. Area Measurement of 3D Objects~~).

Figure 4.01-1. Sign Area Measurement

2. Sign Height

The overall height of a freestanding sign is measured from the lowest elevation of the ground abutting the base of the sign to the highest point of the sign (see **Figure 4.01-3. Sign Height Measurement**~~Figure 4.01-3. Sign Height Measurement~~).

Figure 4.01-2. Area Measurement of 3D Objects

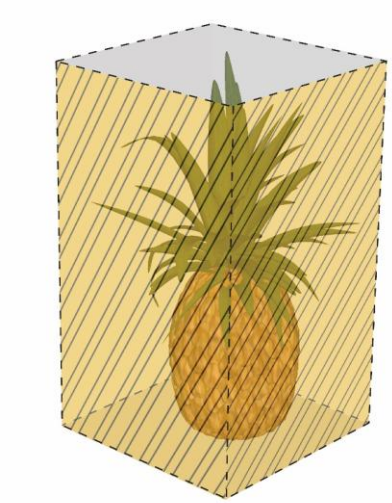


Figure 4.01-3. Sign Height Measurement

~~In determining the area of any sign, the dimensions of the rectangle enclosing the signboard, excluding the supporting structure, shall be used. If the sign includes cutouts or facings extending beyond the dimensions of the rectangular signboard, the measurement of the sign area shall include the actual area of the cutout or extended facings. For signs of a double-faced, back-to-back, or V-type nature, each face shall be considered a separate sign in computing the face area.~~

~~(Code 1993, § 60-31; Ord. No. 2002-12, § 2, 5-6-2002)~~

4.02. Sign Types and Supplemental Standards

A. Classifications

~~For the purpose of this chapter, a sign shall be first classified as either an on-premises sign or an off-premises sign.~~

All signs shall ~~further~~ be classified into one of the following type signs:

1. Awning or Canopy Sign;
2. Banner Sign;
3. Flag or Flag Sign;
4. Ground Sign;
5. Marquee Sign;
6. Pole Sign;
7. Projecting Sign;
8. Roof Sign;
9. Wall Sign; ~~or~~
10. Wayfinding Sign; or
11. Window Sign

~~Any on-premises or off-premises sign of any type may also be included within one or more of the following additional classifications according to special functions:~~

~~12. Electrical Sign;~~

~~13. Portable sign; or~~

~~14. Temporary Sign.~~

~~(Code 1993, § 60-3; Ord. No. 2002-12, § 2, 5-6-2002; Ord. No. 2012-22, § 3(60-3), 11-5-2012)~~

~~Miscellaneous Sign Provisions~~

B. Awning or Canopy Sign

1. Sign Type Description

An Awning or Canopy Sign is any sign constructed of a plastic, fabric-type, or other material stretched over a rigid metal frame that is permanently attached to the wall, roof, or mansard of a building.

2. Supplemental Standards

No Awning or Canopy Sign shall project into the right-of-way.

a. Exception: Awning or Canopy Signs may project into a City right-of-way when a building has a setback of less than five feet.

C. Banner Sign

1. Sign Type Description

A Banner Sign is any sign constructed of cloth, canvas, light fabric or other flexible material, excluding awning signs, which is not rigidly and not permanently attached to a building or the ground through a semi-permanent or permanent support structure.

2. Supplemental Standards

A property shall be limited to one ~~on-premises or one off-premises~~ banner sign~~s~~, with a maximum size of 32 square feet. All banners signs shall be considered temporary in nature, as defined in **4.01.E.7.** Temporary Signs~~Temporary Signs~~. Excluding signs as specified under **(b)** Signs for Civic Events~~Signs for Civic Events~~ and **(iv)**.

D. Flags and Flag Signs

1. Sign Type Description

A Flag or Flag Sign is any device generally made of flexible material, such as cloth, paper, plastic, or other material, and displayed from a pole, cable, or rope. It may or may not include text.

2. Supplemental Standards

a. No more than three freestanding flagpoles may be allowed at any time on the premises, as defined and determined by the City. ~~Federal, state, or local government flags, emblems and/or historical markers and any flags or insignia of a religious, charitable, fraternal, academic, or civic organization may be allowed.~~

~~b. A maximum of one corporate flag and flagpole may be permitted if erected in conjunction with at least one flagpole and flag consistent with of this section.~~

~~c.~~b. Official flags shall be flown in a manner that meets U.S. Congressional protocol. Failure to display flags in this manner shall be a violation of this ~~section~~article. All flags shall be kept in good repair.

~~d.~~c. Flags ~~may be~~are permitted in all zoning districts.

~~e.~~d. Design and lighting of the U.S. flag shall be consistent with the Federal Flag Code, 36 USC 173-8 as amended.

~~f.~~e. Flagpoles shall be black, brown, dark green, white, silver, or bronze in color.

~~g.~~f. Lighting may be allowed, but shall not direct glare onto any building on any other property.

~~h.~~g. Pole heights, flag sizes, minimum distances, and setbacks.

i. No side of any flag on a pole 35 feet or less in height shall be greater than six feet in length.

ii. Flags on poles over 35 feet in height may have a flag with a length of not more than 25 percent of the height of the pole.

iii. No flagpole shall exceed 50 feet in height.

iv. A minimum distance of six feet shall be maintained between flagpoles. All flags shall maintain a minimum setback of eight feet from all overhead power lines or easements and six feet from a property line.

~~i.~~h. Encroachments

i. No flag may be erected within a utility easement.

ii. Neither the flag, flagpole, nor other support structure may extend over a right-of-way.

iii. Neither the flag, flagpole, nor any other support structure may extend over an adjoining property line.

~~(Ord. No. 2012-22, § 16(60-34), 11-5-2012)~~

E. Ground Sign

1. Sign Type Description

   A Ground Sign is a sign ~~which~~ that is ~~supported by uprights or braces in or upon the ground~~mounted on a structural base located on the ground.

2. Supplemental Standards

   ~~Monument Sign~~

   ~~A permanent, freestanding sign mounted on a structural base and where the bottom of the sign base is located within two feet of ground level.~~

   ~~On-Premises Sign Provisions~~

   ~~i. The provisions of this section apply only to on-premises signs.~~

   ~~ii. On-premises signs, including ground signs, wall signs, marquee signs, projecting signs, window signs and roof signs, erected, constructed, or reconstructed after the date of adoption of the ordinance from which this chapter is derived shall comply with the requirements of this chapter.~~

   ~~iii. On-premises ground signs shall be permitted as follows:~~

   a. One ~~on-premises~~ ground sign shall be permitted on a lot, tract, or parcel of land for each 100 feet of frontage on a public street, provided that there is a minimum separation of 100 feet between ground

signs ~~(on-premises and off-premises)~~ located on the same lot, tract, or parcel of land, measured in a straight line from the base of each sign structure. Each lot, tract, or parcel of land shall, in any event, be entitled to at least one ~~on-premises~~ ground sign.

b. A lot, tract, or parcel of land having frontage on more than one public street shall be entitled to one ~~on-premises~~ ground sign on each frontage, notwithstanding the provisions of a above~~a above of this section~~, provided the frontage on which the sign is located measures at least 50 feet and there is a minimum separation between ground signs ~~(on-premises and off-premises)~~ of 100 feet, measured along the property line at the street frontage.

~~Integrated Business Development means a planned development, comprised of two or more separate commercial entities, whether located on a single lot, tract, or parcel of land or not, which provides common off-street parking, pedestrian ways, landscaping, and/or other areas designed, constructed, and maintained for the common use and benefit of the development's tenants or occupants, and the customers thereof.~~

c. ~~An integrated business development~~If two or more commercial entities share common off-street parking, pedestrian-ways, and/or landscaping (regardless of whether they are located on separate lots), the following regulations shall apply:

i. ~~shall be permitted~~ One ~~on-premises~~ ground sign is permitted for each five entities, with a maximum sign area of 300 square feet plus 50 square feet for each entity in the development identified on such sign in excess of five.

ii. ~~Provided, further, i~~If more than one ~~on-premises~~ ground sign is permitted hereby, there shall be separation between ground signs ~~(on-premises and off-premises)~~ of a minimum distance of 100 feet, measured in a straight line from the base of each sign structure.

F. Marquee Sign

1. Sign Type Description

A Marquee Sign is a type of projecting sign attached to or hung from a canopy or covered structure projecting from and supported by a frame or pipe support extending beyond the facade of a building~~, by no more than 18 inches, but not above its roofline~~.

2. Supplemental Standards

A Marquee Sign may extend beyond the façade of a building no more than 60 inches from the face of the surface of the wall to which it is attached and shall not extend above the building's roofline.

G. Pole Sign

1. Sign Type Description

A Pole Sign is a permanent, freestanding sign that is mounted on one or more~~a~~ pole~~s~~ or other support~~s~~ ~~that is placed on and anchored in the ground or on a base and that is independent from any building or other structure~~with the base of the sign face situated above the ground, leaving an open space between the sign face and the ground.

2. Supplemental Standards

Pole Signs are only permitted within 50 feet of a State Highway right-of-way line.

H. Projecting Sign

1. Sign Type Description

A Projecting Sign is any sign ~~which is~~ affixed to any building wall or structure and extends beyond the building wall or structure more than 12 inches.

2. Supplemental Standards

A Projecting Sign may extend beyond the façade of a building no more than 48 inches from the face of the surface of the wall to which it is attached and shall not extend above the building's roofline.

I. Roof Sign

1. Sign Type Description

A Roof Sign is any sign erected, constructed, or maintained above the roof of any building.

2. Supplemental Standards

Signs shall not be more than 24 inches in height; additionally, no sign shall exceed the maximum height of the zoning district.

J. Wall Sign

1. Sign Type Description

Any sign affixed to or painted upon the wall of any building.

2. Supplemental Standards

No Wall Sign may extend more than 12 inches in depth out from the wall to which it is attached. No Wall Sign may be extended above the roofline.

K. Wayfinding Sign

1. Sign Type Description

Wayfinding Signs refers to a systematic network of directional ~~on- and off-premises.~~ signage installed and maintained by a public or private entity to guide vehicular or pedestrian movement to/through a residential subdivision or nonresidential development.

~~1.~~2. Supplemental Standards

~~On-premises wayfinding signs shall have a maximum sign face area of 12 square feet.~~

a. ~~Off-premises~~ Wayfinding signs shall have a maximum sign face area of 40 square feet.

b. Wayfinding signage shall include only arrows, directions, and references to specific destinations or geographical areas.

c. A wayfinding guide sign plan shall be submitted to the Sign Administrator at the time of permitting. The plan shall include:

i. Sign detail with dimensions, colors and font size for each sign.

ii. Mounting height, type, and location of mount.

iii. Distance to any existing adjacent traffic control devices, driveways or other physical roadway features.

~~(Ord. No. 2012-22, §§ 14(60-33), 15(60-33), 11-5-2012)~~

L. Window Sign

1. Sign Type Description

Any sign painted or adhered on a glass surface~~s~~ of windows or doors.

2. Supplemental Standards

No Window Sign (or combination of Window Signs) may obscure visibility through an individual window by more than 50 percent.

~~(Code 1993, § 60-8; Ord. No. 2002-12, § 2, 5-6-2002; Ord. No. 2006-18, § 1, 11-20-2006; Ord. No. 2012-22, § 7(60-8), 11-5-2012)~~

~~Off-Premises Sign Provisions~~

~~i. The provisions of this section shall apply only to off-premises signs.~~

~~ii. No new permits shall be issued for off-premises signs and no additional off-premises signs shall be erected except as authorized by this section. Off-premises ground signs shall be permitted upon compliance with the following standards:~~

~~(a) Maximum sign height shall be 12 feet measured from the highest point on the sign to the natural grade level of the ground surface in which the sign supports are placed.~~

~~(b) Maximum sign face area shall be 40 square feet.~~

~~(c) There shall be a minimum separation of 500 feet between the off-premises ground sign and any other off-premises sign, and a minimum separation of 100 feet between the off-premises sign and any on-premises ground sign. Such distance shall be measured by the shortest distance in a straight line between the two signs.~~

~~(d) There shall not be more than two off-premises signs per property.~~

~~(e) No off-premises ground sign shall be permitted within 350 feet of an intersection of public streets.~~

~~(f) Signs permitted under this section shall otherwise comply with all applicable requirements of this chapter.~~

~~iii. Any off-premises sign structure lawfully erected and maintained, which has no copy, transcript, model, likeness, image, advertisement or written material for 120 consecutive days, is hereby declared to be in violation of this section and, as such, shall be restored to use or removed by the owner or permittee within 30 days after notice by the sign administrator of such violation. Any off-premises sign for a business or entity which no longer exists or has ceased to operate for more than 120 consecutive days is hereby declared to be in violation of this section and, as such, shall be removed by the owner or permittee within 30 days after notice by the sign administrator.~~

~~(Code 1993, § 60-9; Ord. No. 2002-12, § 2, 5-6-2002; Ord. No. 2006-18, § 2, 11-20-2006; Ord. No. 2012-07, § 2, 5-7-2012; Ord. No. 2012-22, § 8(60-9), 11-5-2012; Ord. No. 2015-01, § 5, 1-19-2015)~~

M. Changeable Electronic Variable Message Signs ~~(CEVMS)~~

1. Sign Feature Description

a. A Changeable Electronic Variable Message Signs (CEVMS) sign ~~which~~ that permits lights to be turned on or off intermittently or which is operated in a way whereby light is turned on or off intermittently, including any illuminated sign on which such illumination is not kept stationary or constant in intensity and color at all times when such sign is in use, including an light emitting diode (LED) or digital sign, and which varies in color or intensity.

b. The term "CEVMS signs" does not include a sign located within the right-of-way which functions as a traffic control device and ~~which~~ that is described and identified in the Manual on Uniform Traffic Control Devices (MUCTD) approved by the federal highway administrator as the national standard.

2. Supplemental Standards

~~No new permit shall be issued for the installation, erection or replacement of a CEVMS, including any conversion or modification of an existing sign to a CEVMS, within the corporate limits or the extraterritorial jurisdiction of the City, except as provided herein.~~

a. Permitted Locations and Instances

(a) Changeable electronic variable message signs (CEVMS) ~~shall be prohibited within the corporate limits and the extraterritorial jurisdiction of the City, except that changeable electronic variable message signs shall be permitted for properties not located in the "Old Town Area"~~are only permitted ~~adjacent to all state rights-of-way and~~ for public tax-supported schools to provide public information and along state rights-of-way located outside of the "Old Town Area" as defined in **2.03.F.1.a.iv**. Changeable electronic variable message signs may be permitted on other properties ~~not adjacent to a state right-of-way~~ upon application to and approval by the City Council.

(b) The addition of an LED clock or time counter for informational purposes to ~~off premises signs~~existing Billboard Signs shall be allowed. The LED clock or time counter shall not constitute more than ten percent of the total sign area.

b. CEVMS Regulations

i. Images or messages shall be static in nature and shall not blink, flash, scroll or be animated in such a manner as to constitute a distraction to passing motorists.

ii. No image or message may be displayed for less than eight seconds.

iii. Message transitions shall be limited to one second.

iv. The brightness of any CEVMS shall not exceed 0.3 foot-candle illumination from a distance of 250 feet between sunset and sunrise, and each sign shall be fitted with a qualified light-sensing device to automatically adjust the brightness in accordance with these standards.

v. All CEVMSs shall be limited to 32 square feet for a single business or use and 50 square feet for a multitenant business or use.

~~All CEVMSs shall require a usage permit with annual fee. The annual fee shall be established by resolution of the City Council.~~

vi. If a CEVMS is found to be operating incorrectly, it must be turned off until it is repaired and inspected by the City.

~~The images displayed on the CEVMS must be directly related to the on-premises business, with the exception of messages relating to time, temperature, national news, local news, sporting events, or upcoming events for the City.~~

~~CEVMS shall only be permitted as on-premises signs.~~

~~(Ord. No. 2008-07, § 3, 5-19-2008; Ord. No. 2011-14, § 2, 7-26-2011; Ord. No. 2015-01, § 6, 1-19-2015)~~

4.03. Sign Maintenance and Removal

A. Maintenance and Repair

1. All signs shall be kept in good repair and, unless of galvanized or noncorroding metal or treated with appropriate wood preservative, shall be thoroughly painted as often as is necessary consistent with good maintenance. All braces, bolts, clips, supporting frame, and fastenings shall be free from deterioration, termite infestation, rot, or loosening. All signs shall be able to withstand safely at all times the wind pressures in this ~~chapter~~article. In case any sign is not so maintained, the Sign Administrator shall give written notice to the owner or lessee thereof to so maintain the sign, or to remove the sign.

2. Should any sign in the opinion of the Sign Administrator become insecure or in danger of falling or otherwise unsafe, the Sign Administrator shall give written notice of the condition of the sign to the person owning, leasing, or responsible for the sign. Such person so notified shall correct the unsafe condition of the sign in a manner to be approved by the Sign Administrator in conformity with the provisions of this ~~chapter~~article.

B. Blank Signs

Any sign lawfully erected and maintained that has no sign face, copy, transcript, reproduction, model, likeness, image, advertisement or written material for a period of 120 consecutive days is hereby declared to be in violation of this ~~section~~article, and as such shall be restored to use or removed by the owner or permittee within 30 days after notice by the Sign Administrator of such violation.

C. Notice

1. In case any sign shall be installed, erected, constructed, or maintained in violation of any of the terms of this ~~chapter~~article, the Sign Administrator shall give written notice to the owner, lessee or person responsible for the sign ordering such owner, lessee, or person to alter the sign so as to comply with this chapter or to remove the sign.
2. Any written notice to alter or to remove a sign shall be given by the Sign Administrator by certified mail or written notice served personally upon the owner, lessee, ~~or~~ person responsible for the sign, or the owner's agent. If such order is not complied with within ten days, the Sign Administrator shall revoke the permit and direct the owner, lessee, ~~or~~ person responsible for the sign, or the owner's agent ~~therefor~~ to remove the sign.

~~(Code 1993, § 60-6; Ord. No. 2002-12, § 2, 5-6-2002; Ord. No. 2015-01, § 3, 1-19-2015)~~

4.04. Nonconforming Signs

A. Normal Maintenance and Repair

1. A permanent sign lawfully erected within the City or its extraterritorial jurisdiction prior to the date of adoption of the ordinance from which this chapter is derived, which does not conform to the regulations of this ~~chapter~~article, shall be deemed to be a nonconforming sign ~~which~~ that shall be allowed to continue, with normal maintenance and repair only; provided, however, a nonconforming sign may not be enlarged upon, expanded, or extended.
    a. The addition of an LED clock or time counter for informational purposes to nonconforming off-premises signs shall not constitute an enlargement, expansion, or extension insofar as it is placed within the original face of the nonconforming sign and is not more than ten percent of the total sign area.
2. It is not the intent of this section to encourage the survival of nonconforming signs; to the contrary, nonconforming signs are discouraged and contrary to the intent and purpose of this ~~chapter~~section.

B. Obsolescence or Destruction

A nonconforming sign shall not be enlarged, expanded, replaced, or rebuilt in case of obsolescence or total destruction by any means or cause.

C. Repair or Reconstruction if Damaged

In the event a nonconforming sign is damaged by any means or cause and the repair or reconstruction cost, whichever is applicable, equals or exceeds 50 percent of the cost of erecting a new sign of the same type at the same location, it must be removed or brought into compliance with this ~~chapter~~article.

~~(Code 1993, § 60-10; Ord. No. 2002-12, § 2, 5-6-2002)~~

~~1. Definitions~~

~~Message Board Sign~~

~~Any sign or portion of a sign attached to a structure which contains a sign face designed to allow the removal or replacement of individual letters, words, or symbols on the sign face for the purpose of changing an advertising message.~~

~~Off Premises Sign~~

~~Any sign advertising a business, person, activity, goods, products, or services not usually located on the premises where the sign is installed and maintained, or which directs persons to any location not on the premises.~~

~~On-Premises Sign~~

~~Any sign identifying or advertising the business, person, activity, goods, products, or services primarily sold or offered for sale on the premises where the sign is installed and maintained when such premises are used for business purposes.~~

Article 5. Definitions

5.01. Usage and Interpretation

A. Generally

1. The following terms used herein shall be interpreted or defined as follows:

   a. Words used in the present tense include the future tense;

   b. The singular includes the plural;

   c. The word "person" includes a corporation as well as an individual;

   d. The term "shall" is always mandatory; and

   e. The term "may" is discretionary.

2. Words and terms not expressly defined herein are to be construed according to the normally accepted meaning of such words or terms in the practice of municipal planning and engineering.

~~The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:~~

~~(Code 1993, § 70-2; Ord. No. 2001-19, § 2, 1-7-2002; Ord. No. 2005-12, § 1, 12-5-2005; Ord. No. 2011-08, § 1, 5-2-2011)~~

~~The following words, terms, and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:~~

5.02. Terms Defined

A. Terms A-D

1. **Abut**
   ~~Abut means t~~To physically touch or border upon; to share a common property line but not overlap. See #4 "Adjoining Lot".

2. **Accessory Building**
   A detached subordinate structure(s), the use of which is incidental to that of the principal structure and located on the same lot.

3. **Accessory Use**
   ~~Accessory use means a~~A use that is customarily incidental, appropriate and subordinate to the principal use of land or buildings and that is located upon the same lot therewith (i.e., the land/building area that is used for the accessory use) must be less than that used for the primary use.

4. **Adjoining Lot ~~or Land~~**
   ~~Adjoining lot or land means a~~A lot or parcel of land that shares all or part of a common lot line with another lot or parcel of land.

5. **Advertising**
   ~~means~~ To seek the attraction of or to direct the attention of the public to any goods, services, or merchandise whatsoever.

6. **Aircraft**
   ~~means~~ A vehicle capable of atmospheric flight due to interaction with the air, such as buoyancy or lift.

7. **Alley**
Alley means Aa minor right-of-way that is dedicated to public use and which that affords a secondary means of vehicular access to the back or side of properties otherwise abutting a street, and which may be used for public utility purposes.

8. **All Weather Surface**

9. **All weather surface means aA created surface, such as brick, stone, concrete, or asphalt, placed on the land to facilitate pedestrian or vehicular passage, as may be required. Thise term "all weather surface" also may be referred to as paving or pavement.**

10.8. **Approved Plan**
Approved plan means aA plan that has been granted final approval by the appropriate approving authority.

11.9. **Automobile**
Automobile means aA self-propelled mechanical vehicle designed for use on streets and highways for the conveyance of goods and people, including, but not limited to, the following: passenger cars, light duty trucks and sport utility vehicles, vans and minivans, motor scooters and motorcycles.

12.10. **Barn**
Barn means Aa structure intended for the purpose of storing farming and ranching -related equipment and/or housing livestock.

13.11. **Barrel**
Barrel means a A quantity of beer, ale, etc., equal to 31 standard gallons.

14.12. **Basement (or Cellar)**
Basement (or cellar) means aA portion of a building that is partly or wholly underground. For the purposes of height measurement, a basement shall be counted as a story when more than one-half of its height is above the average level of the adjoining ground or when subdivided and used for commercial or dwelling purposes by other than a janitor employed on the premises.

15.13. **Block**
(Zoning) Block means An area within the city enclosed by streets and occupied by or intended for buildings.: or, iIf said word is used as a term of measurement, it shall mean the distance along a side of a street between the nearest two streets which that intersect said street on said side. In cases where the platting is incomplete or disconnected, the City Manager or his designee shall determine the outline of the block.

16. **(Subdivision) Block means An identified tract or parcel of land established within a subdivision surrounded by a street or a combination of streets and other physical features and which may be further subdivided into individual lots or reserves, as defined in section 40-73.**

17.14. **Board of Adjustments**
Board of adjustments (BOA) meansA a board which is appointed by the City Council, and which is authorized to approve Zoning Variancevariances and Special Exceptions to **Article 2**. Zoning RegulationsZoning Regulationsthis chapter (i.e., variances), and to hear and decide any appeals that allege error in an order, requirement, decision or determination made by an administrative official in the enforcement of the zoning ordinanceregulations. The term "board of adjustments" is aAlso referred to as the "Board" or "Zoning Board of Adjustments".

18.15. **Buffer**
Buffer means Aa specified land area, together with the planting and landscaping required on any building site, which may also contain a barrier, such as a berm or a fence, where such additional screening is necessary to achieve the desired level of buffering between various activities, and shall meet the minimum requirements to provide a year-round visual obstruction.

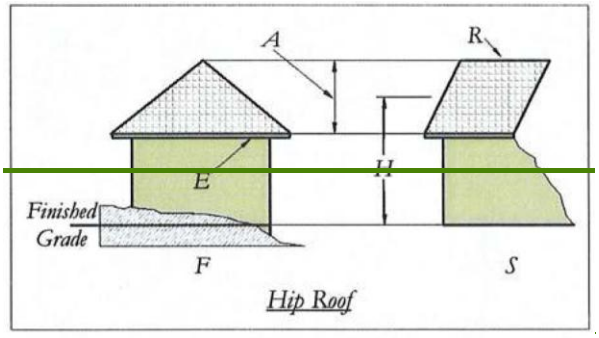
~~19.~~16. Building

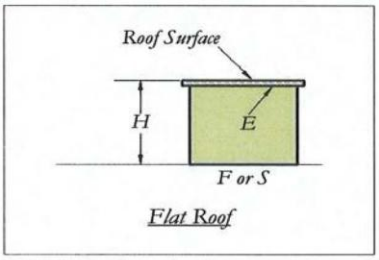
~~Building means~~ ~~A~~any structure intended for shelter, occupancy, housing or enclosure for persons, animals or chattel. When separated by dividing walls without openings, each portion of such structure so separated shall be deemed a separate building.

~~20.~~17. Building Height

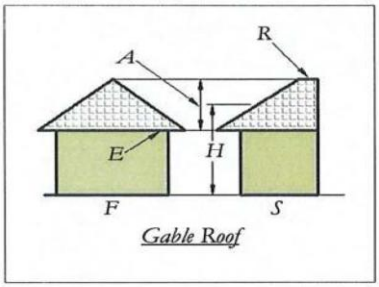
~~Building height means~~ ~~T~~the vertical distance from finished grade to the top of the highest roof beams on a flat or shed roof, and the average distance between the eaves and the ridge level for gable, hip, and gambrel roofs ~~S(s~~see ~~**Figure 4.02-1. Measuring Building Height**~~2.03.C. Dimensional Standards~~**Dimensional Standards**~~ for details on measuring building height.~~).~~ ~~In measuring the height of a building, the following structures shall be excluded: chimneys, cooling towers, elevator bulkheads, penthouses, tanks, water towers, radio and television towers, ornamental cupolas, domes or spires, flagpoles, and parapet wall not exceeding four feet in height.~~

~~Figure 4.02-14.02-1. Measuring Building Height~~

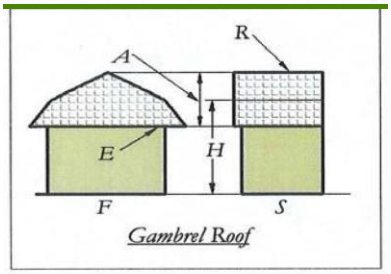




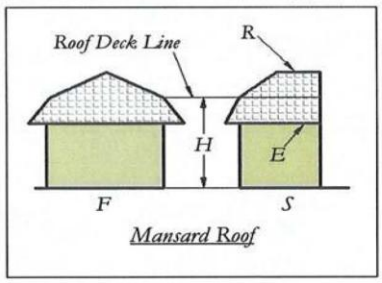
Flat Roof



Gable Roof



Gambrel Roof

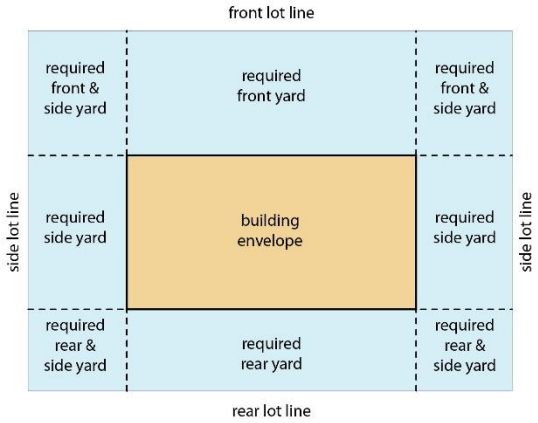


Mansard Roof

~~21.~~18. **Building Line**

A~~Building line means a~~ line parallel, or approximately parallel, to any lot line at a specific distance therefrom, marking the minimum distance from the lot line that a building may be erected, and marking the building envelope, which is the area in which a building may be erected (see Figure 5.02-1. Building Line and Envelope~~Figure 5.02-1. Building Line and Envelope~~).

Figure 5.02-1. Building Line and Envelope



~~22.~~19. **Building Official**

~~Building official means~~ T~~t~~he inspector or administrative official charged with responsibility for issuing permits and enforcing this ~~chapter~~ UDC and the Building Code of the City, or their designee.

~~23. Building Site~~

~~24. (Landscaping) Building site means T~~the tract, parcel or lot of land area which is being developed and which is designated on the building permit application, together with all contiguous tracts or parcels of land held under common ownership and any existing buildings and appurtenant parking.~~

~~25. Building site~~

~~26. See Lot.~~

~~27.~~20. **Building, Main/Primary/Principal**

~~Building, main/primary/principal means~~ A~~a~~ building in which the principal use of the lot on which it is situated is conducted.

~~28. Business Purposes~~

~~29. means The erection or use of any property, building or structure, permanent or temporary, for the primary purpose of conducting in the building or structure or on the property a legitimate commercial enterprise in compliance with all ordinances and regulations of the city governing such activity; the term~~

~~"business purposes" shall not include any property, building, or structure erected or used for the primary purpose of securing a permit to erect a sign.~~

~~30.~~21. **Camper**

~~Camper means~~ Aany enclosed structure intended for human habitation for short periods of time and mounted on any manufactured pickup truck, flatbed vehicle, or on wheels and not exceeding 12 feet between axles.

~~31.~~22. **Carport**

A ~~Carport means a~~ structure that is open on a minimum of two sides and designed or used to shelter vehicles. Thi~~s~~e term ~~"carport"~~ is also called a covered parking area.

~~32.~~23. **Certificate of Occupancy**

~~Certificate of occupancy means~~ An official certificate issued by the City through the Building Official ~~which~~ that indicates conformance with the zoning regulations and building codes and which authorizes legal use of the premises for which it is issued.

~~33.~~24. **City**

The City of Tomball, Texas.

~~34.~~25. **City Council**

The governing body of the City of Tomball, Texas. See **1.02.A. City Council**~~City Council~~.

~~35.~~26. **City Engineer**

The Professional Engineer (P.E.) licensed in Texas and designated by the City to make engineering decisions on behalf of the City, or another P.E. of their designation.

~~36.~~27. **City Manager**

The chief executive officer and head of the administrative branch of the City government, the acting City manager, or their designee.

~~37. Commercial or Industrial Activity~~

~~38. means Property that is devoted to use for business purposes and not for residential purposes. The term "commercial or industrial activity" shall not include the following:~~

~~39. (1) Signs;~~

~~40. (2) Agricultural, forestry, ranching, grazing, farming, and related activities;~~

~~41. (3) Activities not housed in a permanent building or structure;~~

~~42. (4) Activities conducted in a building primarily used as a residence.~~

~~43.~~28. **Community Development Director**

The City official who oversees the Community Development Department, or their designee.

~~44.~~29. **Comprehensive Plan**

~~(Zoning) Comprehensive plan means A document adopted by the city that consists of graphic and textual policies which govern the future development of the city and which consists of various components governing specific geographic areas and functions and services of the city.~~

~~(Subdivision) Comprehensive plan means~~ The general plan for growth and development of the City and its environs, including any elements of such plan, such as a land use plan, thoroughfare plan, utilities plan, drainage plan, infrastructure master plan, parks plan, capital improvement plan, and others.

~~45.~~30. **Court**

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

~~46.~~31. **Coverage**

~~Coverage means~~ Tthe lot area covered by some type of impervious surface, which includes buildings located thereon, overhanging roofs, and parking areas. Also see Term #60 "Impervious Surface".

~~47.~~32. **Cul-de-Sac Lot**

See Term #72 "Lot, Cul-de-Sac".

~~48.~~33. **Curbline**

~~means~~An imaginary line drawn along the edge of the pavement on either side of a public street.

~~49.~~34. **Density**

~~Density means~~ Tthe total number of residential dwelling units allowed upon a given tract of land, usually expressed in total number of units per gross acres or net acre.

~~50.~~35. **Design Manual**

The technical manual(s) developed and maintained by the City containing detailed technical standards and requirements. See **1.01.E. Design Manual and Other Technical Resources**~~**Design Manual and Other Technical Resources**~~.

~~51.~~36. **Determination of Completeness**

The determination by the Community Development Director that an application submittal contains the required materials, at which point the application is deemed complete and officially filed. See **1.03.C.3.b. Determination of Completeness**~~**Determination of Completeness**~~.

~~52.~~37. **Dependent Trailer**

A ~~Dependent trailer means a~~ trailer ~~which~~ that is dependent upon a service building for toilet and lavatory facilities, such as a pop-up camper.

~~53.~~38. **Detached**

~~Detached means having~~ Nno physical connection above the top of the floor line of the first floor with any other building or structure.

~~54.~~39. **Diameter**

T~~Diameter means t~~he straight line measurement of a tree that passes through the center from one side to another at ~~the specified distance~~4 ½ feet above ground level.

~~55.~~40. **Display Surface**

The entire surface of a sign, on one side, devoted to exhibiting or contrasting exhibits of advertising. Thise term ~~"display surface"~~ generally includes the entire sign surface except for the sign frame and incidental supports thereto.

~~56.~~41. **District**

~~District means~~ Aa section of the City for which regulations, including height, area, and use, governing the section have been established and are uniform.

~~57.~~42. **Dripline**

T~~Dripline means t~~he periphery of an area underneath a tree, which would be encompassed by the perpendicular line dropped from the outermost edges of the crown of the tree.

~~58.~~43. **Dwelling**

~~Dwelling means~~ Aany building, or portion thereof, ~~which~~ that is designed or used as living quarters for one or more families.

~~59.~~44. **Dwelling Unit**

~~Dwelling unit means~~ Aa building or portion of a building ~~which~~ that is arranged, occupied or intended to be occupied as living quarters for one family, and includes facilities for food preparation and sleeping. One dwelling unit occupied by one family has a common entrance, utilities, kitchen and food preparation facilities, and sleeping and restroom facilities accessible by all. ~~(~~See E#46 "Family".~~)~~

B. Terms E-K

~~60.~~45. **Easement**

~~(Subdivision) Easement means~~ Aan area intended for restricted use on private property upon which a person has the right to remove and keep removed all or part of any buildings, fences, trees, shrubs, and other improvements or growths which in any way endanger or interfere with the construction, maintenance, or operation of any of their respective utility, drainage, access, or other authorized systems or facilities located within any such easement. Any such person or entity owning an easement ~~shall~~has, at all times, ~~have~~ the right of unobstructed ingress and egress to and from and upon the said easement for the purpose of constructing, reconstructing, inspecting, patrolling, maintaining, and adding to or removing all or part of their respective systems or facilities without the necessity at any time of procuring the permission of the property owner or inhabitant.

~~61. (Zoning) Easement means a grant of one or more of the property rights by the property owner to and/or for the use by the public, a corporation or another person or entity.~~

~~62.~~46. **Family**

~~Family means~~ Oone or more persons related by blood, marriage, or adoption; or a group not to exceed four persons not all related by blood or marriage, adoption or guardianship, occupying a dwelling unit and living together as a single housekeeping unit.

~~63.~~47. **Final Plat**

~~Final plat means~~ Aa complete and exact subdivision plan prepared in conformity with the provisions of **Article 3**. Subdivision Regulations~~Subdivision Regulations~~~~this chapter~~ and in a manner suitable for recording with the County Clerk of ~~either~~ the appropriate county.

~~64.~~48. Flag Lot

See term #75 "Lot, Flag".

~~65.~~49. **Floodplain**

~~Floodplain means~~ Aan area of land subject to inundation by a 100-year frequency flood as determined using standard engineering practices and generally as shown on the FIRM flood insurance rate map of the City.

~~66. Floor Area, Minimum~~

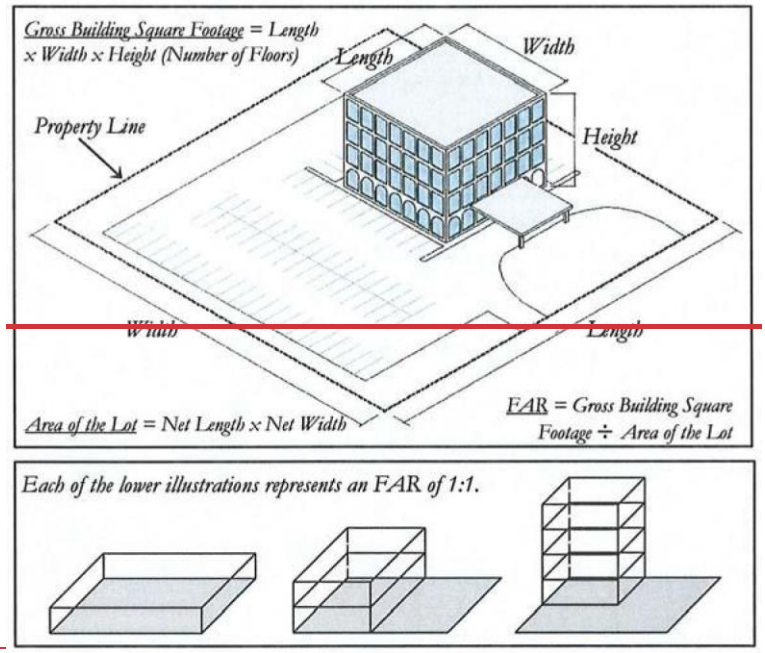
~~67. See Minimum floor area per dwelling unit.~~

~~68. Floor Area Ratio (FAR)~~

~~69. Floor area ratio (FAR) means Tthe floor area of a main building or buildings on a lot, divided by the lot area (see Figure 5.02-2, Floor Area Ratio (FAR)). The maximum FAR permitted by this chapter shall be calculated by dividing the gross square footage of the buildings to the net (after right-of-way dedication) area of the lot (measured in square feet). Any below-grade mechanical rooms, parking~~

~~garages, or other nonoccupied areas shall not be included in the gross square footage of the buildings for the purposes of this calculation.~~

~~70. Figure 5.02-24.02.24.02-2. Floor Area Ratio (FAR)~~



~~71.~~

~~72.~~50. **Franchised Private Utility ~~(Not Listed)~~**

~~Franchised private utility (not listed) means~~ Aa utility such as one distributing heat, chilled water, electricity, fiber internet, cable television, closed circuit television or similar service and requiring a franchise to operate in the City.

~~73.~~51. **Front Yard**

See #158 "Yard, Front".

~~74.~~52. **Garage, Private**

~~Garage, private, means~~ Aan enclosed (on at least three sides) accessory building, or a part of a main building, used for storage of automobiles and used solely by the occupants and their guests. A private garage is also called an enclosed parking space.

~~75.~~53. **Grade**

~~Grade means for~~ bBuildings having walls adjacent to one street only, the elevation of the sidewalk at the center of the wall adjacent to the street. For buildings having walls adjacent to more than one street, the grade is the average of the elevation of the sidewalks at the center of all walls adjacent to the streets. For buildings having no wall adjacent to a street, the grade is the average level of the finished surface of the ground adjacent to the exterior walls of the building. Where no sidewalk has been constructed, the City Engineer shall establish such sidewalk level or its equivalent for the purpose of this ~~chapter~~UDC.

~~76.~~54. Gross **Floor Area** ~~Gross~~

~~Floor area, gross means~~ Tthe total gross square feet of floor space within the outside dimensions of a building including each floor level, but excluding any space where the floor-to-ceiling height is less than six feet, carports, residential garages, open porches, and breezeways.

~~77.~~55. **Ground Cover**

G~~Ground cover means g~~rasses and other plants grown to keep soil from being blown or washed away and planted so as to develop full coverage within eighteen months. Ba~~r~~rk, mulches, gravel, and other pervious material are included in this definition for use as ground cover under trees and shrubs.

~~78.~~56. **Hard Surface**

~~Hard surface means a surface capable of supporting a vehicle upon which, when wet, the vehicle will not sink in or make an indention. For the purposes of this chapter, the term "hard surface" means a~~A surface of concrete or asphaltic concrete with a gravel base capable of carrying vehicular traffic without deteriorating.

~~79.~~57. **Heavy Load Vehicle**

~~Heavy load vehicle means a~~A self-propelled vehicle having a manufacturer's recommended gross vehicle weight (GVW) of greater than 16,000 pounds (including trailers), such as large recreational vehicles (originally manufactured as RVs, not converted), tractor-trailers, buses, vans, and other similar vehicles. The term "truck" shall be construed to mean "Heavy Load Vehicle" unless specifically stated otherwise.

~~80.~~58. **HUD Regulations**

~~HUD regulations means~~ The Mobile Home Construction and Safety Standard Act, 42 USC, section 5401 et seq., as the same now exists or as is amended.

~~81.~~59. **Impervious Coverage**

The area or percentage of a lot covered by an impervious surface, including all buildings, driveways, parking areas, sidewalks, and similar surfaces. For building coverage only, see #71 "Lot Coverage".

~~82.~~60. **Impervious Surface**

A ~~Impervious surface means a~~ surface that has been compacted or covered with a layer of material so that it is highly resistant to infiltration by water.

~~83.~~61. **Junk**

A~~Junk means a~~ny manufactured good, appliance, fixture, furniture, machinery, vehicle, personal property or other thing or part thereof, whether of value or valueless, that is demolished, discarded, dismantled, dilapidated, or so worn, deteriorated, or in such condition as to be generally unusable and/or inoperable. Without limiting the generality of the aforementioned, anything that is water soluble, primarily organic, or not typically associated with junkyard activities may not be considered junk.

~~84.~~62. **Kiosk**

A ~~Kiosk means a~~ small, freestanding, one-story accessory structure having a maximum floor area of 100 square feet and used for retail purposes, such as automatic teller machines, or the posting of temporary information and/or posters, notices and announcements. If a kiosk is to be occupied, it shall have a minimum floor area of 50 square feet.

~~85.~~63. **Kitchen, Residential**

G~~Kitchen, residential, means, g~~enerally, that portion of a residential dwelling that is devoted to the preparation and/or cooking of food for the purpose of consumption by residents of the dwelling. Thi~~s~~e term ~~"kitchen"~~ generally indicates the presence of complete cooking facilities (i.e., stove, oven, microwave oven and/or refrigerator) as differentiated from a kitchenette ~~which~~ that provides very limited cooking facilities (i.e., single-burner hot plate, under-counter refrigerator, microwave oven only, etc.).

C. Terms L-O

~~86.~~64. **Landscaping**

M~~Landscaping means m~~aterial such as, but not limited to, grass, ground covers, shrubs, vines, hedges, trees or palms, and nonliving durable materials that are commonly used in landscaping such as, but not limited to, rocks, pebbles, sand, walls or fences, but excluding paving. ~~The following words, terms, or phrases, when used~~

~~in the landscaping section (section 50-113) of this chapter shall have the following meanings ascribed to them, except where the context clearly indicates a different meaning:~~

~~87. Landscape Development~~
~~Landscape development includes trees, shrubs, ground cover, vines, or grass installed in planting areas having a minimum of ten square feet of actual planting area and a minimum inside dimension on any side of 18 inches.~~

~~88.~~65. Light Load Vehicle
A ~~Light load vehicle means a~~ self-propelled vehicle having a manufacturer's recommended gross vehicle weight (GVW) not greater than 16,000 pounds and having no more than two axles, such as pickup trucks, sport utility vehicles, vans and minivans, recreational vehicles (less than 32 feet in length), campers and other similar vehicles, but not including automobiles and motorcycles.

~~89.~~66. Loading Space
~~Loading space means~~ A~~a~~n off-street space or berth used for delivery and loading/unloading of vehicles.

~~90.~~67. Local Utility Line
~~Local utility line means~~ T~~t~~he facilities provided by a municipality or a franchised utility company for distribution or collection of gas, water, surface drainage water, sewage, electric power or telephone service, including pad- and pole-mounted transformers.

~~91.~~68. Lot
~~(Subdivision) Lot means~~ A~~a~~ physically undivided tract or parcel of land having frontage on a public street or approved private street that has been built to meet current City specifications and which is, or in the future may be, offered for sale, conveyance, transfer or improvements; which is designated as a distinct and separate tract; and which is identified by a tract or lot number or symbol on a duly approved subdivision plat that has been properly recorded.

~~(Zoning) Lot means Aa designated parcel, tract, or areas of land established by plat, subdivision, or otherwise permitted by law (as specified in V.T.C.A., Local Government Code ch. 212), to be separately owned, used, developed, or built upon.~~

~~92.~~69. Lot Area
T~~Lot area means t~~he total net area within lot lines and not including portions of streets and alleys.

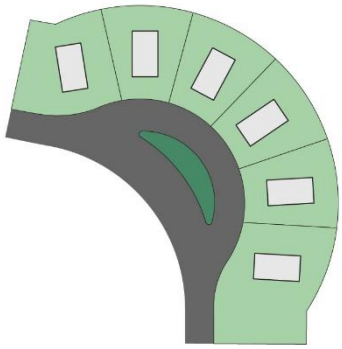
~~93.~~70. Lot, Corner
A ~~Lot, corner, means a~~ lot ~~which~~ that has at least two adjacent sides abutting for their full lengths upon a street. See Figure 5.02-5. Descriptions of Various Lot Types~~Figure 5.02-5. Descriptions of Various Lot Types~~.

~~94.~~71. Lot Coverage
The impervious area or percentage of a lot covered by the primary building and any accessory buildings. For all impervious surfaces, see #59"Impervious Coverage~~Impervious Coverage~~".

~~95.~~72. ~~Lot, Cul-de-Sac~~

A cul-de-sac lot is any lot that has the majority of its frontage along the curved radius of a street. Also referred to as an "Eyebrow Lot". See Figure 5.02-2~~Figure 5.02-2~~ and 3.04.A.1.c. Irregularly Shaped Lots (Flag Lots and Cul-de-Sac Lots)~~Irregularly Shaped Lots (Flag Lots and Cul-de-Sac Lots)~~.

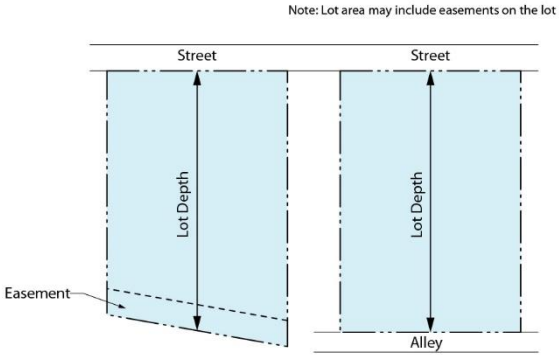
Figure 5.02-2. Cul-de-Sac Lot



~~96.~~73. **Lot Depth**

~~Lot depth means~~ The mean horizontal distance between the front and rear lot lines. See Figure 5.02-3. Lot Depth~~Figure 5.02-3. Lot Depth~~.

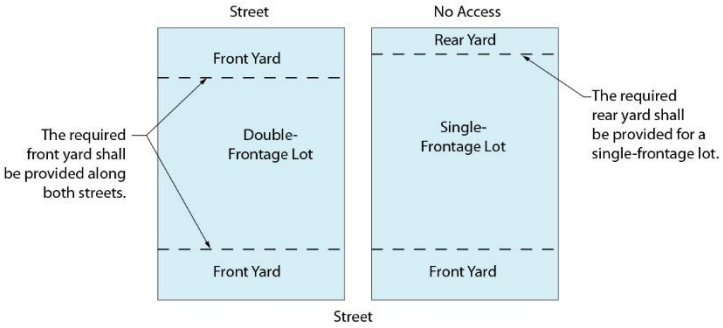
Figure 5.02-3. Lot Depth



~~97.~~74. **Lot, Double Frontage**

A ~~Lot, double frontage, means a~~ lot having frontage upon two nonintersecting streets, as distinguished from a corner lot. See Figure 5.02-5. Descriptions of Various Lot Types~~Figure 5.02-5. Descriptions of Various Lot Types~~ **Frontage Lots**.

Figure 5.02-4. Double Frontage Lots



~~98.~~75. **Lot, Flag**

A ~~Lot, flag, means a~~ lot having access to a street by means of a stem or a narrow strip of land connecting the lot to the street; the stem or narrow strip generally has a depth greater than its street frontage. See Figure 5.02-5. Descriptions of Various Lot Types~~Figure 5.02-5. Descriptions of Various Lot Types~~.

~~99.~~76. **Lot Frontage**

~~Lot frontage means that~~ Dimension of a lot or portion of a lot abutting onto a street.

~~100.~~77. **Lot, Interior**

A ~~Lot, interior, means a~~ lot other than a corner lot. See Figure 5.02-5. Descriptions of Various Lot Types~~Figure 5.02-5. Descriptions of Various Lot Types~~.

~~101.~~78. **Lot, Key**

A ~~Lot, key, means a~~ corner lot whose exterior side is adjacent to the front yard of another lot. See Figure 5.02-5. Descriptions of Various Lot Types~~Figure 5.02-5. Descriptions of Various Lot Types~~

~~102.~~79. **Lot Line**

A ~~Lot line means a~~ line of record bounding a lot that divides one lot from another lot or from a public or private street or any other public space.

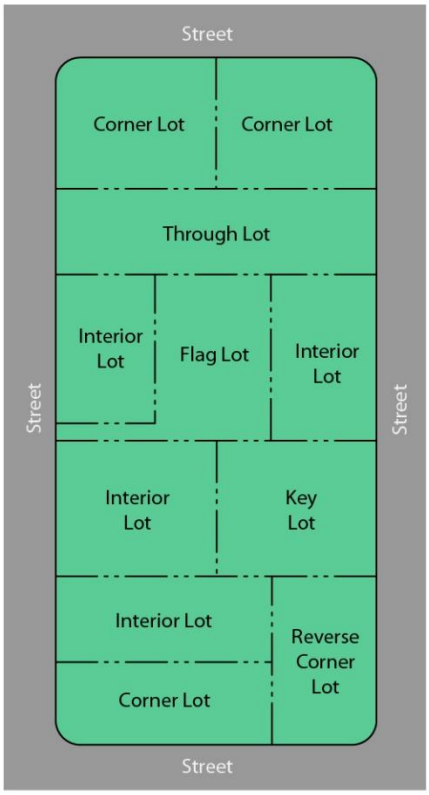
~~103.~~80. **Lot of Record**

A ~~Lot of record means a~~ lot ~~which~~ that is part of a subdivision, the plat of which has been recorded in the office of the County Clerk of ~~either~~ the appropriate county, as applicable, or a parcel of land, the deed for which was recorded in the office of the County Clerk prior to ~~date of adoption of the ordinance from which this chapter is derived~~the effective date of this UDC.

~~104.~~81. Lot Types

See Figure 5.02-5. Descriptions of Various Lot Types~~Figure 5.02-5. Descriptions of Various Lot Types~~ below.

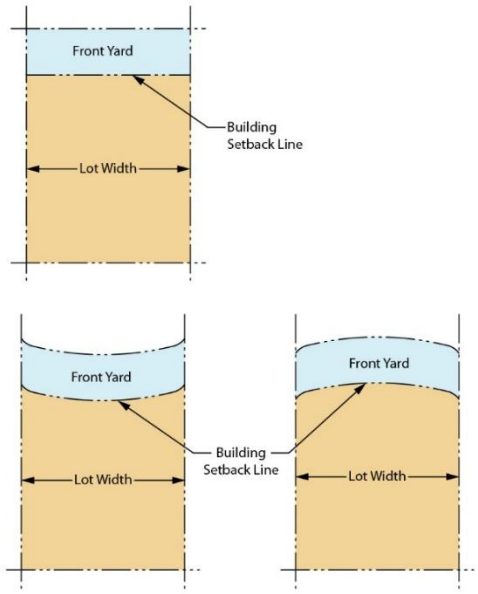
Figure 5.02-5. Descriptions of Various Lot Types



~~105.~~82. **Lot Width**

T~~Lot width means t~~he horizontal distance between the side lines of a lot measured parallel to the front lot line at the minimum required building setback line. See Figure 5.02-6~~Figure 5.02-6~~. **Lot Width.**

Figure 5.02-6. Lot Width



~~Illustration 50-2-7: How to calculate lot width on curved lots~~

~~106.~~83. **Main Building**

T~~Main building means t~~he building on a lot which is occupied by the primary use.

~~**Manufactured Housing**~~

~~Manufactured housing means any one of three types of prefabricated housing products which are typically manufactured/assembled at a location other than the end user's permanent site, and which are regulated by the Texas Manufactured Housing Standards Act (Vernon's Ann. Civ. St. arts. 5221f and 5221f-1). For the purpose of this chapter, there are three types of manufactured homes:~~

~~107. License~~

~~License means a written license issued by the City permitting a person to operate and maintain a manufactured home park or recreational vehicle park under the provisions of this chapter.~~

~~108.~~84. Manufactured Home Park **Licensee**

~~Licensee means~~ A~~a~~ny person licensed to operate and maintain a manufactured home park or recreational vehicle park under the provisions of this ~~chapter~~UDC.

~~109.~~85. Manufactured Home **Permit**

A ~~Permit means a~~ written permit or certification issued by the ~~city~~ Building Official permitting the construction, alteration, extension, or operation of a manufactured home park or recreational vehicle park under the provisions of this ~~chapter~~UDC.

~~110.~~86. Manufactured Home or RV **Unit**

~~Unit means~~ A~~a~~n area of ground in a manufactured home park or a recreational vehicle park, as applicable, set aside for the use of one manufactured home or one recreational vehicle, together with such parking and

open space as required by **2.05.G**. Manufactured Homes/Recreational Vehicles~~Manufactured Homes/Recreational Vehicles~~~~this chapter~~. The term "unit" shall also include the terms "lot," "stand," and "site."

~~111.~~87. **Manufactured~~/Mobile~~ Home Space**

A ~~Manufactured/mobile home space means a~~ plot of ground within a manufactured~~/mobile~~ home park, or manufactured~~/mobile~~ home subdivision which is designed for the accommodation of one manufactured~~/mobile~~ home, trailer, or RV unit.

~~112.~~88. **Masonry**

B~~Masonry means b~~rick, stone, brick veneer, stucco, and split face block laid up unit by unit and set in mortar.

~~113.~~89. **Minimum Floor Area Per Dwelling Unit**

~~Minimum floor area per dwelling unit means T~~the minimum floor area per dwelling unit, as specified in each residential zoning district category, defined as the total square feet of floor space within a residential structure's exterior walls that is heated and/or air conditioned including the livable area, closets and storage but excluding breezeways, garages, open porches, carports, and accessory buildings.

~~114. Minor Plat~~

~~Minor plat means an amending plat described in V.T.C.A., Local Government Code § 212.016, a replat involving four or fewer lots fronting on an existing street and not requiring the creation of any new street or the extension of municipal facilities; or a replat under V.T.C.A., Local Government Code § 212.0145 that does not require the creation of any new street or the extension of municipal facilities.~~

~~115.~~90. **Motor Vehicle**

~~Motor vehicle means A~~any vehicle designed to carry one or more persons which is propelled or drawn by mechanical power, such as automobiles, vans, trucks, motorcycles, and buses.

~~116.~~91. **Motorcycle**

~~Motorcycle means A~~a usually two-wheeled, self-propelled vehicle having one or two saddles or seats, and which may have a sidecar attached. Motorbikes, all-terrain vehicles (ATVs), motor scooters, mopeds and similar vehicles are classified as motorcycles.

~~117.~~92. **Motor Home**

A ~~Motor home means a~~ portable temporary dwelling, designed for living, sleeping, storage or working quarters, meant to be used for travel, recreation or vacation, constructed as an integral part of a self-propelled vehicle eight body feet or more in width and 40 body feet or more in length, built on a permanent chassis, and designed to be used as a dwelling without a permanent foundation when connected to required utilities for plumbing, heating, air conditioning and electrical systems.

~~118.~~93. **Nonconforming Use**

A ~~Nonconforming use means a~~ building, structure, or use of land lawfully occupied as of the effective date of this ~~chapter or amendments thereto~~UDC, but ~~which~~ that does not conform to the use regulations of the district in which it is situated.

~~119.~~94. **Occupancy**

T~~Occupancy means t~~he use or intended use of the land or buildings by proprietors or tenants.

~~120. Officially Approved Place of Access~~

~~Officially approved place of access means Aaccess to a property, other than from a dedicated street, which is approved by the City.~~

~~121.~~95. **Outdoor~~side~~ Storage**

~~Outside storage means T~~the permanent and/or continuous keeping, displaying or storing, outside a building, of any goods, materials, merchandise or equipment on a lot or tract for more than 24 hours. Outdoor~~side~~ storage is also referred to as open storage or outside storage.

D. Terms P-S

~~122.~~96. **Parcel**

~~Parcel means~~ Aany unplatted tract of land or any portion of an unplatted tract of land, ~~(~~Also see Term #148 Tract~~)~~.

~~123.~~97. **Parking Lot**

~~Parking lot means~~ Aan off-street (i.e., not on a public street or alley), ground level area, paved in accordance with City parking lot standards, for the short- or long-term storage of motor vehicles.

~~124.~~98. **Parking Space**

~~(Manufactured Homes) Parking space means a space of not less than 12 feet in width and 20 feet in length.~~

~~(Zoning) Parking space means~~ An area meeting the dimensional requirements prescribed by **2.05.B**. Off-Street Parking and Loading~~Off-Street Parking and Loading~~~~this chapter~~, paved with a concrete or asphalt surface together with a concrete or asphalt surfaced driveway connecting the parking space with a street or alley permitting free ingress and egress. The space shall not be located within a public street or alley, nor shall head-in parking adjacent to a public street or alley, wherein the maneuvering is done on a public street or alley, be classified as off-street parking in computing the parking requirements for any use.

~~125.~~99. **Person**

~~means~~ An individual, company, corporation, partnership, association, or any other entity.

~~126.~~100. **Pickup Coach**

A ~~Pickup coach means a~~ structure designed to be mounted on a truck chassis for use as a temporary dwelling for travel, recreation, or vacation.

~~127.~~101. **Planned Development District**

~~Planned development district means~~ Pplanned associations of uses developed as integral land use units, such as industrial parks or industrial districts, offices, commercial or service centers, shopping centers, residential developments of multiple or mixed housing, including attached single-family dwellings or any appropriate combination of uses ~~which~~ that may be planned, developed, or operated as integral land use units either by a single owner or by a combination of owners.

~~128. Planning Director~~

~~Planning director means Tthe person designated by the City Manager to administer this chapter.~~

~~129.~~102. **Planning and Zoning Commission**

A ~~Planning and Zoning Commission means a~~ board ~~which~~ that is appointed by the City Council as an advisory body, and which is authorized to recommend changes in the zoning of property and other planning functions as delegated by the City Council. Planning and Zoning Commission is also referred to as the "Commission".

~~130.~~103. **Plat**

A ~~Plat means a~~ plan showing the subdivision of land, creating building lots or tracts, showing all essential dimensions and other information in compliance with **Article 3**. Subdivision Regulations~~Subdivision Regulations~~~~the subdivision standards of the city~~, and ~~which~~ that is approved by the City and recorded in the plat records of ~~either~~ the appropriate county.

~~131.~~104. **Platted Lot**

See #68 "Lot" and Term #80 "Lot of Record".

~~132.~~105. **Preliminary Plat**

~~Preliminary plat means~~ Aa map or drawing of a proposed subdivision prepared in accordance with the provisions of **Article 3**. Subdivision Regulations~~Subdivision Regulations~~~~this chapter~~, illustrating the features

of the development for review and preliminary approval by the ~~Planning and Zoning Commission~~City, but not suitable for recording with the County Clerks of ~~either~~ the appropriate county.

~~133.~~106. **Premises**

~~Premises means~~ Land together with any buildings or structures situated thereon.

~~means~~ A lot tract or parcel of land including all buildings and structures.

~~134.~~107. **Primary Use**

~~Primary use means~~ The principal or predominant use of any lot or building.

~~135.~~108. **Principal Building**

See Term #83 Main Building.

~~136.~~109. **Public Property**

~~means~~ Property owned or controlled by a public entity.

~~137.~~110. **Public Street**

~~means~~ The entire width between property lines of any road, street, way, alley, bridge, or other similar thoroughfare, not privately owned or controlled, when any part thereof is open to the public for vehicular traffic, is the responsibility of the City or other similar public agency to maintain, and over which the City has legislative jurisdiction under its police power.

~~138.~~111. **Public View**

~~Public view means~~ Areas that can be seen from any public street.

~~139.~~112. **Rear Yard**

See Term #159 Yard, Rear.

~~140.~~113. **Recreational Vehicle**

~~(Manufactured Homes) Recreational vehicle means~~ Any vehicle or similar portable structure designed for living, sleeping, storing or working quarters, including, but not limited to, travel trailers, pickup coaches, motor homes, dependent trailers, and self-contained trailers.

~~(Zoning) Recreational vehicle (RV) means A self-propelled (i.e., motorized), mobile living unit which is typically used for temporary human occupancy away from the users' permanent place of residence.~~

~~141.~~114. **Reflectorized Lights**

means Any lamp constructed with reflector-type materials so as to focus, intensify, flood, or spot such lamp in a certain direction, including, but not limited to, lamps designated by the manufacturers as flood, spot, reflector or flood, reflector spot, reflector light, or clear reflector.

~~142.~~115. **Residence**

~~Residence means the same as a~~ See Term #43 "Dwelling"~~; also, when used with district, the term "residence" means an area of residential regulations~~.

~~143.~~116. **Residential District**

~~Residential district means~~ A ~~a~~ district where the primary purpose is residential use.

~~144.~~117. **Residential Purposes**

~~means~~ Property devoted to use as a single-family or multifamily residence. This ~~e~~ term ~~"residential purposes"~~ shall include, but not be limited to, property used for houses, duplexes, condominiums, townhomes, patio homes, and apartments; property used for hotels, motels, and boardinghouses shall not be considered as used for residential purposes. Property devoted to both residential and nonresidential use shall be considered as used for residential purposes if its principal use is residential.

~~145.~~118. ~~Public~~ Right-of-Way
~~means~~ Any part of a right-of-way not privately owned or controlled, and which is the responsibility of the City of other similar public agency to maintain.

~~146.~~119. Room
~~Room means~~ Aa building or portion of a building ~~which~~ that is arranged, occupied or intended to be occupied as living or sleeping quarters, but not including toilet or cooking facilities.

~~147.~~120. Screened
~~Screened means~~ Sshielded, concealed, and effectively hidden from the view of a person standing at ground level on an abutting site, or outside the area or feature so screened, by a fence, wall, hedge, berm or similar architectural or landscape feature.

~~148.~~121. Screening
~~Screening means~~ Aany method of visually shielding or obscuring one land use from another by the planting of evergreen trees or shrubs, or both, or the erection of a screening fence designed to minimize the transmission or propagation of noise, light, vibration, or dust from traffic or other activity on one property to adjoining public or private properties. Thise term ~~"screening"~~ shall meet minimum requirements to provide a year-round visual obstruction.

~~149.~~122. Self-Contained Trailer
~~Self-contained trailer means~~ Aa trailer ~~which~~ that can operate independently of connections to sewer, water and electric systems, which contains a water-flushed toilet, lavatory, shower and kitchen sink, all of which are connected to water storage and sewage holding tanks located within the trailer.

~~150. Service Sink~~
~~*Service sink* means a slop sink with a slush rim for the disposal of liquid wastes from dependent or self-contained recreational vehicles.~~

~~151.~~123. Sewer Connection
~~Sewer connection means~~ Tthe connection, consisting of all pipes, fittings and appurtenances, from the drain outlet of a manufactured home or a recreational vehicle to the inlet of the corresponding sewer service riser pipe of the sewage system serving the manufactured home park or the recreational vehicle park.

~~152.~~124. Sewer Service Riser Pipe
~~Sewer service riser pipe means~~ Tthat portion of a sewer service ~~which~~ that extends vertically to the ground elevation and terminates at a manufactured home unit or recreational vehicle unit.

~~153.~~125. Shrub
~~Shrub means~~ Aany self-supporting woody, deciduous or evergreen species, which is generally multi-stemmed and sold by height or spread and measured in inches or feet, as normally will grow in ~~the county~~Tomball.

~~154.~~126. Side Yard
See Yard, Side.

~~155.~~127. Sign
~~means~~ Any outdoor display, design, pictorial, or other representation, which is constructed, placed, attached, painted, erected, fastened, or manufactured in any manner whatsoever, that is designed, intended, or used for advertising. Thise term ~~"sign"~~ includes the sign structure. Every sign shall be classified and conform to the requirements of each of such classification set forth in **Article 4**. Signs~~Signs~~~~this chapter~~.

~~156.~~128. Sign Facing or Facing
A separate and distinguishable portion of the overall display surface.

~~157.~~129. **Sign Structure**

Any structure ~~which~~ that supports or is capable of supporting any sign. Thise term ~~"sign structure"~~ may be a single pole and may or may not be an integral part of a building.

~~158.~~130. **Special Exception**

A form of relief from the standards within **Article 2**. Zoning Regulations~~Zoning Regulations~~ granted by the Board of Adjustments for specific situations outlined in **2.02.J**. Special Exceptions~~Special Exceptions~~.

~~159.~~131. **Story**

~~Story means~~ Tthat portion of a building (above grade), other than a basement, that is included between the surface of any floor and the surface of the next floor above it or, if there is no floor above it, then the space between the floor and the ceiling above it. The height for the first story shall be considered to be 15 feet in height, and the height of the second story and other subsequent stories shall be considered to be 12 feet in height. The term "story" does not include parapets, gables and other normal roof structures. In cases where the site has a significant slope, the height of a building shall be measured from a point representing the average slope from opposite sides of the building.

~~160.~~132. **Story, Half**

~~Story, half means~~ A~~a~~ space under a sloping roof which has the line of intersection of roof decking and wall face not more than three feet above the top floor level, and in which space not more than two-thirds of the floor area is finished off for use. A half-story containing an independent apartment or self-contained living quarters shall be counted as a full story.

~~161.~~133. **Street**

~~(Zoning) Street means any dedicated public or private thoroughfare (right-of-way), which affords the principal means of access to abutting property. A public street is termed a major thoroughfare or arterial when the right-of-way is greater than 60 feet.~~

~~(Subdivision)~~ Street means a thoroughfare or right-of-way designed or used as a transit way for motor-driven vehicles.

~~162.~~134. **Street, Arterial**

~~Street, arterial, means~~ A~~a~~ street designed as a principal traffic artery, more or less continuous across the City, intended to connect remote parts of the City, and used primarily for fast or heavy volume traffic.

~~163.~~135. **Street, Collector**

~~Street, collector, means~~ A~~a~~ street designed to carry traffic from local streets to the major system of arterial streets and highways.

~~164.~~136. **Street, Local**

~~Street, local, means~~ A~~a~~ street used primarily for access to abutting properties and which is intended to serve traffic within a limited area.

~~165.~~137. **Street, Private**

~~Street, private, means~~ A~~a~~ privately owned street approved by the City and that has been built to meet City specifications, which provides vehicular access to adjacent private land.

~~166.~~138. **Street, Public**

~~Street, public, means~~ A~~a~~ street owned and maintained by the City, County, State, or Federal government.

~~167.~~139. **Street Intersection**

~~Street intersection means~~ A~~a~~ny street ~~which~~ that joins another street at an angle, whether or not it crosses the other.

~~168.~~140. **Structural Alterations**

~~Structural alterations means~~ Aany change in the supporting members of a building, such as load-bearing walls or partitions, columns, beams or girders, or any substantial change in the roof or in the exterior walls.

~~169.~~141. **Structure**

~~Structure means~~ Aanything constructed or erected, the use of which requires location on the ground or which is attached to something having a location on the ground. ~~(~~See #16 "Building"~~)~~.

~~170.~~142. **Subdivider and/or Developer**

~~Subdivider and/or developer means~~ The terms "subdivider" and "developer" are synonymous for the purposes ~~in this section~~of this UDC, and shall include any owner, or authorized agent thereof, proposing to divide or dividing land so as to constitute a subdivision according to the terms and provisions of this ~~chapter~~UDC.

~~171.~~143. **Subdivision**

~~Subdivision means~~ The division of any lot, tract or parcel of land by plat, map or description into two or more parts, lots or sites for the purpose, whether immediate or future, of sale, rental or lease, or division of ownership. Any dedication and the laying out or realignment of new streets, or other public or private access ways, with or without lotting, shall constitute a subdivision. The term "subdivision" shall also include the resubdivision and replatting of land or lots that are part of a previously recorded subdivision. An addition is a subdivision as defined in this section. The term "subdivision" shall also include the division of land whether by plat or by metes and bounds description and when appropriate to the context, shall relate to the process of subdividing or to the land subdivided.

~~172.~~144. **Subdivision Waiver**

A mechanism that provides relief from a specific requirement or requirements of **Article 3. Subdivision Regulations**~~**Subdivision Regulations**~~ to allow flexibility in development that exhibits unique circumstances. See **3.02.H. Subdivision Waiver**~~**Subdivision Waiver**~~.

E. Terms T-Z

~~173.~~145. **Temporary**

~~Temporary means~~ Uused or lasting for only a limited period of time; not permanent.

~~174.~~146. **Temporary Building**

~~Temporary building means~~ Aany nonresidential prefabricated structure which is not originally manufactured or constructed at its use site, required on-site installation of utilities and/or foundation.

~~175.~~147. **Title Certificate**

~~Title certificate means~~ A certificate prepared and executed by a title company authorized to do business in the state or an attorney licensed in the state describing all encumbrances of record that affect the property, together with all deeds recorded from and after August 15, 1983. Such certificate shall include all property included within the platted area, and such certificate shall not have been executed more than 45 days prior to submission of same to the Planning and Zoning Commission.

~~(Code 1993, § 70-2; Ord. No. 2001-19, § 2, 1-7-2002; Ord. No. 2005-12, § 1, 12-5-2005; Ord. No. 2011-08, § 1, 5-2-2011)~~

~~176.~~148. **Tract**

~~Tract means~~ A single individual parcel or lot.

~~177.~~149. **Trailer, Hauling**

~~Trailer, hauling means~~ A vehicle or device which is pulled behind an automobile or truck and which is designed for hauling animals, produce, goods or commodities, including boats.

~~178.~~150. **Travel Trailer**

~~(Manufactured Homes) Travel trailer means~~ Aa vehicular, portable structure built on a chassis, designed to be used as a temporary dwelling for travel, recreational or vacation uses, and permanently identified as a travel trailer by its manufacturer. Its gross weight shall not exceed 4,500 pounds, and its overall length, excluding the tongue, shall not exceed 34 feet. Thise term ~~"travel trailer"~~ shall also include, by definition, all other portable contrivances, other than mobile homes and campers, used or intended to be used generally for living, sleeping, storing or working quarters and which may be moved under their own power, towed, or transported by another vehicle.

~~179. Trailer, Travel or Camping~~

~~(Zoning) Trailer, travel or camping, means a portable or mobile living unit which is used for temporary human occupancy away from the users' permanent place of residence, which does not constitute the users' principal place of residence, and which is designed to be towed behind another vehicle.~~

~~180.~~151. **Tree**

~~Tree means~~ Aany self-supporting wood plant, evergreen or deciduous, which at the time of planting has a caliper equal to or greater than specified, which is not less than six feet in height as measured from the root collar, and shall be of a species that normally grows to an overall height of a minimum of 15 feet ~~in the county~~.

~~181.~~152. **Truck**

~~Truck means~~ Aa light or heavy load vehicle. ~~(~~Ssee #65 "Light Load Vehicle" and #57 "Heavy Load Vehicle"~~)~~.

~~182.~~153. **Use**

~~Use means~~ Tthe purpose for which land or buildings are or may be occupied in a zoning district.

~~183.~~154. **Utility Distribution/Transmission Lines**

~~Utility distribution/transmission lines means~~ Ffacilities which serve to distribute and transmit electrical power, gas and water, including, but not limited to, electrical transmission lines, gas transmission lines, telephone lines and metering stations, whether operated by the City or private utility company.

~~184.~~155. **Water Connection**

~~Water connection means~~ Tthe connection of all pipes, fittings and appurtenances, from the water riser pipe to the water inlet pipe, of the distribution system within a manufactured home park or a recreational vehicle park.

~~185.~~156. **Water Riser Pipe**

~~Water riser pipe means~~ Tthat portion of the private water service system serving a manufactured home or recreational vehicle which extends vertically to the ground elevation and terminates at a designated point at a unit.

~~186. Watering Station~~

~~Watering station means a facility for supplying potable water to storage tanks of dependent or self-contained recreational vehicles.~~

~~(Code 1993, § 46-21; Ord. No. 2000-04, § 2, 6-17-2000)~~

~~187.~~157. **Yard**

~~Yard means~~ Aan open space at grade between the principal buildings and the adjoining lot lines, unoccupied and unobstructed by any portion of a structure from the ground upward, except where otherwise specifically provided in this ~~chapter~~UDC. See Figure 5.02-1. Building Line and Envelope~~Figure 5.02-1. Building Line and Envelope~~.

~~188.~~158. **Yard, Front**

~~Yard, front, means~~ Tthe open (unoccupied, unobstructed) space located in front of the front elevation of the principal buildings, calculated as the minimum horizontal distance between the front property line and the

front elevation of the principal buildings. See Figure 5.02-1. Building Line and Envelope~~Figure 5.02-1. Building Line and Envelope~~.

~~189.~~159. **Yard, Rear**

~~Yard, rear, means~~ The open (unoccupied, unobstructed) space located behind the rear elevation of the principal buildings, calculated as the minimum horizontal distance between the rear property line and the rear elevation of the principal buildings. See Figure 5.02-1. Building Line and Envelope~~Figure 5.02-1. Building Line and Envelope~~.

~~190.~~160. **Yard, Side**

~~Yard, side, means~~ The open (unoccupied, unobstructed) space located on either side of the principal buildings, calculated as the minimum horizontal distance between the side property line and the side elevation of the principal buildings. See Figure 5.02-1. Building Line and Envelope~~Figure 5.02-1. Building Line and Envelope~~.

~~191.~~161. **Zoning District**

~~Zoning district means~~ A~~a~~ classification applied to any certain land area within the City stipulating the limitations and requirements of land usage and development.

~~192.~~162. **Zoning District Map**

~~Zoning district map means~~ The official map upon which the boundaries of the various zoning districts are drawn and which is an integral part of this ~~zoning chapter~~UDC. ~~(~~See **2.03.A.** Establishment of Zoning Districts and Map~~Establishment of Zoning Districts and Map~~ and **2.03.B.** Zoning District Boundaries~~Zoning District Boundaries~~~~sections 50-63 and 50-64.)~~

~~193.~~163. Zoning Variance

~~Variance means~~ A~~a~~n adjustment in the application of the specific regulations of **Article 2**, Zoning Regulations~~Zoning Regulations~~~~this chapter~~ to a particular parcel of property which, because of special conditions or circumstances of hardship peculiar to the particular parcel, is necessary to prevent the property from being deprived of rights and privileges enjoyed by other parcels in the same vicinity and zoning district. Only the Board of Adjustments can grant a Zoning Variance~~variance~~. See **2.02.I.** Zoning Variances~~Zoning Variances~~ for more information.

~~(Ord. No. 2008-01, § 45, 2-4-2008; Ord. No. 2010-09, § 4, 5-3-2010; Ord. No. 2012-01, § 2, 2-20-2012; Ord. No. 2013-19, § 3, 11-4-2013; Ord. No. 2015-07 , § 2, 4-20-2015; Ord. No. 2015-16 , § 2, 9-8-2015; Ord. No. 2016-20 , § 3, 9-19-16; Ord. No. 2016-33 , § 2, 1-3-17; Ord. No. 2022-43 , § 2(Exh. A), 1-2-23; Ord. No. 2023-03 , § 2(Exh. A), 3-6-23)~~