Zoning Ordinance

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CHAPTER I
ZONING CODE

Art. 11-1-1 TITLE

This Chapter shall be known and may be cited as the "City of Kerrville Zoning Code." Unless otherwise stated in this Chapter, the phrase "Zoning Code" as used in this Chapter shall mean the City of Kerrville Zoning Code.

Art. 11-1-2 INTENT AND PURPOSE

The regulations set forth in this Chapter have been developed in a comprehensive manner in order to guide the planning and growth of the City of Kerrville, Texas, and to promote and protect the health, safety, and general welfare of the citizens of the City. The general intent of this ordinance is:

(a) To promote a harmonious relationship between land uses which promotes and protects the aesthetic quality of the landscape, and enhances the value of land and buildings;

(b) To specifically address those areas of the city which have scenic, historic, and tourist related values such as the Guadalupe River, the major highway entrances, and the central business district, and to encourage the development of these areas in a manner that protects their aesthetic values;

(c) To promote a safe and effective traffic circulation system;

(d) To outline the appropriate density controls which will:

(1) encourage proper population and structural densities;

(2) avoid undue concentration of population;

(3) promote in-fill development; and

(4) discourage sprawling non-contiguous development patterns that create large undeveloped tracts between developed areas within the City.

(e) To encourage the growth of the City with quality urban design;

(f) To provide for adequate open spaces for light, air and livability room; and

(g) To facilitate the adequate provision of public utilities and community services.

Art. 11-1-3 DEFINITIONS AND INTERPRETATION OF WORDS AND PHRASES

(a) **Definitions:** For purposes of this Chapter, the following words and phrases shall have the following meanings unless the context otherwise clearly indicates a different meaning:

(1) **Accessory Building or Accessory Structure:** A subordinate building or structure not attached to the main building(s) or structure(s), the use of which is incidental and related to the main use and is located on the building lot; including storage buildings, satellite dish antennas, carports, and similar structures. Accessory buildings do not include guest and servant quarters; buildings with more than two plumbing fixtures connected to sanitary sewer, buildings that cover more than 50% of any rear yard; or a manufactured home, motor vehicle, trailer, or similar vehicle or structure that is used or converted for use as an accessory building,
(Ord. #2010-09, 06/22/2010)

(2) **Agriculture - Field Crops:** A use of land primarily involving the production of field crops, except cash grains, including, but not limited to, the production of hay and alfalfa fields.

(3) **Agricultural, General:** A use of land primarily involving the operation of farms engaged in the production of cash grains, field crops, vegetables and melons, fruits and tree nuts, and ornamental floriculture (sometimes referred to as" Agriculture, General (Crops)").

(4) **Agricultural Services:** A use of land primarily involving the following types of uses:

(i) The operation of establishments engaged in performing a variety of functions involving crops subsequent to their harvest with the intent of preparing them for market or further manufacture, including, but not limited to cleaning, shelling, grinding, milling, ginning, packing, curing;

(ii) The operation of establishments engaged in performing services related to the keeping and raising of livestock, including, but not limited to, livestock breeding and artificial insemination, stables, and facilities for livestock events and shows, but not including 4-I-I or school exhibits by individuals conducted in accordance with applicable health regulations;

(iii) The operation of an establishment by a licensed practitioner primarily engaged in the practice of veterinary medicine, dentistry, or surgery for cattle, hogs, sheep, goats, and poultry;

(iv) kennels or animal shelters with the capacity of keeping twelve (12) or more animals at one time.

(5) **Airport:** Land on which is located a runway of any type of construction which would permit the take-off and landing of aircraft of any nature.

(6) **Alley:** A public space or thoroughfare, not meeting the definition of a public street or roadway, and which affords a secondary means of access to property abutting thereon.

(7) **Apartment:** A dwelling unit in a duplex or multiple-family dwelling or apartment house arranged, designed, occupied, or intended to be occupied as a place of residence by a single family.

(8) **Area of Lot**: The square foot area of a lot within the bounding property lines exclusive of dedicated streets or alleys.

(9) **Area Regulations:** Regulations which establish minimum lot area, lot width, lot depth, front yard, side yard, and rear yard setbacks.

(10) **Automobile Graveyard:** Property which is used for the storing, keeping, buying, selling, wrecking, scrapping, or salvaging of junked vehicles and/or junk vehicle parts.

(11) **Basement:** That portion of a building which is primarily below grade.

(12) **Bed and Breakfast:** A building architecturally designed to look like a single family residence with no more than six bedrooms used for the purpose of providing short-term lodging for compensation and meals only to those who receive lodging. A bed and breakfast may be used concurrently as the residence for the owner, operator, or manager of the bed and breakfast; provided, however, all bedrooms used as a permanent residence shall be included in the number of bedrooms of the bed and breakfast.

(13) **Block:** If used as a term for determining distance, the distance along the side of a street (a) between two intersecting streets, or (b) if the street is of a dead-end type, between the nearest intersecting street and the end of such dead end street. If used as a term for determining an area, the land area within the boundary created by the intersection of streets immediately adjacent to the land, which land is not crossed by any other street.

(14) **Boarding Home Facility:** An establishment, including a residence or dwelling, that furnishes in one or more buildings, to persons under separate rental agreements, whether oral or written, lodging to three or more persons unrelated to the owner of the establishment by blood or marriage, and is not listed in Sec. 30-12 of the Code of Ordinances.

(15) **Board of Adjustment:** The City of Kerrville Zoning Board of Adjustment.

(16) **Building:** Any structure, including structures wholly or partly enclosed with an exterior wall, which are designed, built or intended for the shelter or enclosure of people, animals, chattels, or movable property of any kind, or for an accessory use. When separated by a four (4) hour fire wall, each portion of a structure so separated shall be deemed a separate building,

(17) **Building Constructions General:** A use of land by an establishment using in its operations an area of five (5) acres or less, for the same purposes as a Building Construction, Specialist, but also including the following uses:

(i) Offices and yards for contractors and builders primarily engaged in the construction of residential, farm, industrial, commercial, or other buildings, or

(ii) Offices and yards for contractors primarily engaged in road, utility or similar construction activities which have storage and/or prefabrication yards; of

(iii) General building contractors who combine a special trade with their operations; or

(iv) The sale of lumber and building materials.

(18) **Building Construction, Specialist:** The use of land by an establishment for an operation primarily involving special trade contracting work including, but not limited to, plumbing, electrical, painting, plastering, carpentry, air conditioning, custom rock masonry (not including rock quarrying and stockpiling), welding, fencing, overhead doors, or other similar uses; provided, however, if the establishment includes the additional operations described in Subsection (17), above, the use shall be defined as Building Construction, General.

(19) **Building Lot:** A lot, or a portion of a lot, or combination of lots when used for the construction of one building or commercial center.

(20) **Building Permit:** A permit issued by the Building Official for the City authorizing the erection, construction, reconstruction, alteration, movement, repair, conversion, or expansion of any building, structure, or portion thereof, which certifies and acknowledges that such activities or uses with respect to the building or structure complies with the provisions of the City's building codes, Zoning Code or an authorized variance therefrom.
(Ord. #2010-09, 06/22/2010)

(21) **Business Services I:** The use of land for the purpose of primarily engaging in the provision of services to firms as well as to individuals, and utility services not otherwise restricted by this Chapter, including, but not limited to:

(i) bail bonding agencies;

(ii) bicycle repair shops;

(iii) cablevision, radio, and television stations;

(iv) camera repair shops;

(v) commercial art, photography, art and graphics;

(vi) employment agencies;

(vii) gunsmith and locksmith shops;

(viii) Job and vocational training centers;

(ix) musical instrument, radio, and television repair;

(x) postal services;

(xi) re-upholstery and furniture repair;

(xii) taxidermy businesses that (a) do not conduct on-site the evisceration and processing of animal carcasses or (b) whose on-site evisceration and processing operations have been determined by the Commission to not have a heavier impact on surrounding properties than other uses defined as Business Services 1;

(xiii) telephone and electric company offices (excluding storage and maintenance yards, but including telecommunications serving centers).

(22) **Business Services II:** The use of land for the purpose of primarily engaging in the provision of services to firms as well as to individuals, but which are deemed to be a more intensive use of property than uses defined as Business Services I, including, but not limited to:

(i) appliance sales or repair, used;

(ii) automotive towing services;

(iii) blue printing and photo copying services;

(iv) building cleaning services;

(v) car washes;

(vi) commercial testing laboratories;

(vii) disinfecting and exterminating services;

(viii) laundry services;

(ix) funeral service and crematories;

(x) newspapers;

(xi) photofinishing laboratories;

(xii) protective services, non-governmental;

(xiii) refrigeration/air conditioning service and repair;

(xiv) repossession services;

(xv) septic tank cleaning service;

(xvi) sign painting and outdoor advertising services;

(xvii) swimming pool cleaning and maintenance;

(xviii) welding shops, not elsewhere classified as a manufacturing or industry.

(23) **Cemetery:** Land used or intended to be used for the interment of the dead and dedicated for cemetery purposes, including columbaries, crematoriums, mausoleums and mortuaries when operated in Conjunction with and within the boundary of such cemetery.

(24) **Central Business District (CBD):** Lots 3-11, Block H and Lots 1-7, 12-16, Block I, B.F. Cage Addition; all of Blocks 1, 2, 3, 4, 5, 6, 7, 8 the Courthouse Block, 17, 18, 19, 20, 22, 23, 24, 25, and 26, J.D. Brown Addition; Lots 598-601, Block 10, Lots 377-380, Block 51, Lots 369-376, Block 52, all of Blocks 9, 22, 29, 30, 31, 43, 44, 45 and 50, Schreiners 2nd Addition, City of Kerrville, Kerr Country, Texas; and being generally described as Barnett Street on the north, the Guadalupe River on the south, Hays Street on the west and Tivy Street on the east.
(Ord. #2011-09, 05/10/2011)

(25) **Certificate of Occupancy:** A document issued by the Building Official for the City certifying that a newly constructed structure, addition to an existing structure, or an existing structure undergoing a change in use complies with the provisions of the City's building codes, Zoning Code, or an authorized variance therefrom, and that the building or structure is habitable.
(Ord. #2010-09, 06/22/2010)

(26) **Cocktail Lounge:** Property used for the operation of an establishment the principle business of which is the retail sale of any type of alcoholic beverage for on-premises consumption.

(27) **Commission:** The City of Kerrville, Texas, Planning and Zoning Commission, established by Article XIII, Section 13.01of the City Charter of the City of Kerrville, Texas.

(28) **Condominium:** Real property on which is constructed one or more structures containing two (2) or more apartments or units in which each unit is designated for separate ownership or occupancy but the common elements are directly owned in undivided interests by the unit owners or an association, corporation, or other entity owned by the owners of the units.

(29) **Community Garden:** A single piece of land gardened collectively by a group of people for the growing and harvesting of food crops and/or nonfood, ornamental crops, such as flowers. A community garden may be divided into separate plots for cultivation by one or more individuals or may be farmed collectively by members of the group and may include common areas maintained and used by group members."

(30) **Construction, New:** Any construction of a building (whether it is the main building or an accessory building), parking area, or other structure that is either:

(i) located on a vacant tract; or

(ii) that is an addition to an existing building, parking area, or other structure which increases by fifty percent(50%) or more the gross area of the facility as it existed on June 16, 1997.

(31) **Convalescent Services:** A use providing bed care and in-patient services for persons requiring regular medical attention, but excluding:

(i) Personal Care Facilities;

(ii) facilities providing surgical or emergency medical services;

(iii) facilities providing care for people being treated for alcoholism, drug addiction, mental illness, or terminal communicable diseases.

(32) **Day Care Services (General):** The use of land and the building(s) thereon, or a portion thereof, for providing care, training, education, custody, treatment, or supervision for seven or more children for less than 24 hours per day, including, but not limited to, nursery schools, preschools, and similar uses, but not including facilities used for:

(i) overnight lodging of children not related by adoption or blood to the owner of the facility;

(ii) medical treatment;

(iii) counseling;

(iv) rehabilitative services; or

(v) elementary or secondary education.

(33) **Detention Facilities:** The use of land for the incarceration of people arrested pursuant to law as a result of a charge of a criminal offense being levied, or the institutionalization within a secure area of people who, if not confined, may pose a danger to themselves or others. (Ord. #2000-16, 09/25/2000)

(34) **Development Activity:** A change to improved or unimproved property that requires a permit or approval, which includes the construction or alteration of buildings or structures; filling; the deposit of refuse, debris, fill or building materials; grading; and the clearing of natural vegetative cover. Routine repair and maintenance activities and agricultural activities are exempted. (Ord. #2010-09, 06/22/2010)

(35) **Development Review Committee (DRC):** A committee consisting of representatives of local governmental entities and utility providers, to include the City of Kerrville, Kerr County, franchise utility companies, and the Texas Department of Transportation; and chaired by the City Planner, which Committee is to review plats, site plans, and building plans submitted for approval prior to construction and/or development. Such review and approval does not take the place of the purpose and authority of wither the Planning and Zoning Commission or City Council, where applicable.

(Ord. #2010-09, 06/22/2010)

(36) **Development Standards:** Regulations that limit the size, bulk, or siting conditions of particular types of buildings, developments, or uses located within a specific zoning district.

(Ord. #2010-09, 06/22/2010)

(37) **Downtown Core:** An area within the Central Business District generally bounded by the Guadalupe River on the south, extending north on Clay Street, east on Main Street, north on Earl Garrett Street, east on Jefferson Street, and south on Washington.

(Ord. #2011-09, 05/10/2011)

(38) **Dwelling, Duplex:** A single building on one building site containing two dwelling units.

(39) **Dwelling, Multiple Family:** A building or group of buildings on one building site containing separate dwelling units for three or more families.

(40) **Dwelling, Single Family Detached**: A building containing only one dwelling unit and located on a single building site such as to allow for customary yards to serve as buffers along all sides of the building.

(41) **Dwelling Unit:** A building or portion of a building which is arranged, occupied, or intended to be occupied, as single family living quarters and includes facilities for food preparation and sleeping.

(42) **Education, Primary:** Elementary schools, including kindergarten, either public or private, but not including day care facilities or private home schools.

(43) **Education, Secondary and College**: Educational institutions, either public or private, but not including private home schools, which are engaged in the education of full-time students beyond the sixth grade level.

(44) **Equipment Sales/Repair/Storage (Heavy):** The use of land for the sale, rental, or storage, but not the manufacture, of:

(i) commercial buses with a rated capacity of more than ten passengers;

(ii) trucks with a manufacturer's rated carrying capacity exceeding 2000 pounds; truck-tractors, road tractors, semi-trailers and trailers, as defined in Section 502.001 of the Texas Transportation Code, but not including recreation vehicles or travel trailers;

(iii) heavy construction equipment and other similar heavy equipment; but not personal vehicles and trailers not used for commercial purposes or recreational vehicles. This definition does not include on-site repair and maintenance of vehicles or equipment sold or rented.

(45) **Family:** Any number of individuals living together as a single housekeeping unit, in which not more than four individuals are unrelated by blood, marriage, or adoption.

(46) **Floor Area:** The total square foot area of all floors in the building measured to the inside faces of the exterior walls.

(47) **Food Sales:** Establishments or places of business primarily engaged in the retail sale of food for home consumption. Typical uses include groceries, delicatessens, meat markets, retail bakeries, and health food or ethnic food outlets.

(48) **Frontage, Street:** The length of all property on one side of a street between two intersecting streets measured along the line of the street, or if the street is dead-ended, then the length of all property abutting on one side between an intersecting street and the end of the dead-end street.

(49) **Fuel Sales:** The use of land for the primary purpose of engaging in the on-site retail sale of gasoline, motor oil, heating oils, butane, and other similar fuels and petroleum products to the end user, but not including bulk fuel sales.

(50) **Fuel Sales, Bulk:** The wholesaling of petroleum products from bulk liquid storage facilities.

(51) **Funeral Services:** The on-site provision of services related to the preparation of the human dead for interment, including, but not limited to, the arranging and managing of funerals and the holding of memorial services.

(52) **Garage Sale:** A sale of used household or personal articles not exceeding four (4) days in length which is:

(i) open to the public;

(ii) held on a residential premises owned by one of the sellers; and

(iii) conducted more than ninety days after a similar sale at the same premise.

(53) **Group Medical Care Facility:** A type of dwelling unit in which a continuum of nursing or medical care or services is provided to people with terminal or incapacitating illness, or with conditions which require regular nursing services or attending physician services, regardless of whether people who do not require such care also reside in the dwelling unit. A group medical care facility shall include any facility which requires a license issued by the Texas Department of Health or its successor agency as a Special Care Facility.

(54) **Guidance Services:** A use providing counseling, guidance, recuperative, vocational, or similar services to persons requiring rehabilitation assistance as a result of mental illness, alcoholism, previous incarceration, drug addiction, or similar condition, either on a residential or daytime care basis.

(55) **Height:** The vertical distance measured from grade to the highest roof surface, or to the highest point of any structure erected on a roof of a building; whichever is greater; provided, however, church spires, belfries, communication antennae, and water towers shall not be considered when determining the maximum height of a structure.

(56) **<u>Homestay:</u>** An owner-occupied single-family dwelling that provides lodging for compensation to a single group not exceeding five people for periods not exceeding three consecutive days, with no fewer than ten (10) days occurring between the end of one three day period and the beginning of the next three day period.

(57) **<u>Home Occupation:</u>** An occupation, business, or activity occurring in a dwelling unit, or an accessory building or garage associated with a dwelling unit, which:

(i) is managed and owned by a person residing in the dwelling unit;

(ii) has no more than one employee who is a not a member of the immediate family of the owner/manager; or be a member of the immediate family of the owner who does not live in the same dwelling unit;

(iii) has no commercial display visible from the exterior of the dwelling unit;

(iv) has no commercial show window visible from the exterior of the dwelling unit;

(v) requires no outdoor storage of materials, supplies, or equipment used in the business;

(vi) does not have vehicles or trailers parked on the premises in a place visible from adjoining property or public rights-of-way which identify by signs the occupation, business or activity are;

(vii) except for an unlighted name plate or business sign with a face not more than two square feet attached flush to the building, uses no exterior sign to identify the occupation or business or to indicate the means of access to the business, including, but not limited to, any directional sign;

(viii) does not generate pedestrian traffic, vehicular traffic or vehicular parking substantially greater or substantially different in kind or character than that ordinarily associated with a similar dwelling used solely for residential purposes;

(ix) requires the use of no more than three off-street parking spaces constructed on the premises;

(x) is no more dangerous to life, personal safety, or property than any other activity ordinarily carried on with respect to a dwelling unit used solely for residential purposes;

(xi) does not result in the production of noise, odors, or fumes that constitute a public or private nuisance to neighboring properties;

(xii) subject to conformance with paragraphs (i) through (xi), above, may include

(a) Child care for up to six children under the age of fourteen years of age for a period of less than 24 hours a day; provided, however:

(1) in no case shall the total number children related to the caretaker by birth, adoption, marriage or conservatorship plus the number of children not related to the caretaker exceed a total of twelve children; and

(2) care must be provided in compliance with all applicable state and federal regulations, including, but not limited to, Title 40, Chapter 715, Texas Administrative Code, as amended. (Ord. #2000-16, 09/25/2000)

(b) instructional classes that are associated with art, dance, music, handicrafts, hobbies, health or fitness, and similar subjects;

(c) grooming of dogs and cats of not more than four at any one time, provided that none are boarded as a kennel;

(d) massage therapy, chiropractic care, or facial, hair, and nail salons, provided that no more than two clients may be served at one time;

(e) repair of small personal items such as watches or jewelry;

(f) photographic studios;

(g) seamstress or tailoring services;

(h) small custom manufacturing services; or

(i) multi-level marketing or similar sales businesses based within the home;

(j) gunsmithing subject to compliance with the following:

1. all work shall be conducted in a detached structure;

2. retail sales of firearms is prohibited:

3. the discharge of a firearm is prohibited:

4. signage advertising the home occupation is prohibited; and

5. the use shall be conducted in conformance with federal and state laws and verification of all appropriate licensing, including licensing from the U.S. Bureau of Alcohol, Tobacco, and Firearms, shall be presented to the City upon request." (Ord. #2009-06, 04/14/2009

(xiii) does not involve the repair of vehicles, large equipment, or large appliance, unless:

(a) not more than one vehicle or appliance is located on the property for purposes of repair; and

(b) all work is carried on out of sight from the public by screening or conducting all work indoors; and

(c) no vehicle left for repairs may be parked on a public street;

(xiv) does not involve retail sales except as part of a home-based multi-level marketing business or as incidental to another permissible home occupation.

(58) **Hospital Services:** The provision of medical, psychiatric, or surgical services for sick or injured persons, including convalescent services, primarily on an inpatient basis, and including ancillary facilities for outpatient and emergency treatment, diagnostic services, training, research, administration, and services to patients, employees or visitors.

(59) **Hotel; Motel:** A facility that primarily provides short-term lodging services involving rooms for rent with or without board, even if the facility has located on the same premises a restaurant or cocktail lounge as a secondary use.

(60) **Institutional and Public Use Facilities:** Middle schools, high schools, colleges, golf courses, public facilities, churches, and other facilities and locations for the assembly of the public, including auditoriums and convention facilities.

(61) **Junk**: Old, worn out, or discarded material or items which may or may not be salvageable for some other use.

(62) **Junk Yard:** Shall have that meaning as set forth in Art.9-V- I of the Code of Ordinances.

(63) **Kennels:** Shall have the same meaning as set forth in Art.10-1-3, Sec.(a)(l)j of the Code of Ordinances.

(64) **Laundry Services:** The provision of laundering, dry cleaning or dyeing services other than those classified as Personal Services, including, but not limited to, bulk laundry and cleaning plants, diaper services, and linen supply services.

(65) **Life Care Development:** A residential community for the housing and care of retired, elderly, and/or disabled people. The uses described below are included within this definition provided that each is a part of or associated with the operation of the life care development community:

(i) Independent living in single family units;

(ii) Apartment living;

(iii) Congregate living with common meals and/or community facilities for social events;

(iv) Community recreation;

(v) Convalescent services;

(vi) Guidance services;

(vii) Hospital services;

(viii) Residential care services;

(ix) Offices associated with the sales, rental, and organization of the community;

(x) Personal services and personal improvement services.

(66) **Loading Space:** An off-street space or berth on the same lot with the business for the temporary parking of a commercial vehicle while loading or unloading said vehicle.

(67) **Lot:** Land which is occupied or intended to be occupied by a building or group of buildings and their accessory buildings, together with such yards and open spaces as are required by this Zoning Code and having frontage upon a street or other access approved by the Commission.

(68) **Lot Area:** The total horizontal area within the lot lines of a lot.

(69) **Lot, Cornet:** A lot situated at the intersection of two streets and having frontage along both streets extending from the intersection.

(70) **Lot Depth:** The horizontal distance between the front and rear lot lines, measured in the mean direction of the side lot line.

(71) **Lot Line, Front:** The lot line:

(i) adjacent to a dedicated street, if the lot is an interior lot; or

(ii) separating the narrowest street frontage of the lot from the street, if the lot is a corner lot.

(72) **Lot Line, Rear:** The lot line which is opposite and most distant from the front lot line. In case of a lot with more than four lot lines, the rear lot line shall he the lot line most in line with the rear lot lines of abutting lots.

(73) **Lot Line, Side:** Any lot line not a front lot line or a rear lot line. In case of a three sided lot, the two interior lot lines shall both be side lot lines.

(74) **Main Building:** The building or buildings on a lot which are occupied by the primary use, including detached garages, and detached guest or servant quarters.

(75) **Maintenance and Service Facilities:** A facility supporting vehicular, equipment, or materials maintenance, repair, servicing, and storage, and similar activities. Such use may be associated with a vehicle or equipment sales or rental facility.

(76) **Manufactured Home or Manufactured Housing:** A "HUD-code manufactured home" as defined in the Texas Manufactured Housing Standards Act, as amended (Tex. Rev. Civ. Stat. art. 522If, as amended) which are structures, constructed on or after June 15, 1976, according to the rules of the United States Department of Housing and Urban Development, transportable in one or more sections, which, in the traveling mode, is eight body feet or more in width or 40 body feet or more in length, or, when erected on site, is 320 or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air-conditioning, and electrical systems. The term does not include mobile homes or recreational vehicles except when located on property used as a planned rental community.

(77) **Manufacturing, Custom:** The on-site production and/or repair by hand of custom products for retail sale, including, but not limited to, ceramics, leather goods, candles, jewelry, woodwork, picture frames, metal works, household or office furniture, and clothing or other sewn or knitted products; provided the production of such goods does not utilize an assembly line nor require the use of plants, factories, or mills, or other facilities which characteristically use power driven industrial machines and use materials handling equipment in a substantial part of the manufacturing process.

(78) **Manufacturing and Industrial, Heavy:** Establishment primarily engaged in the business activities defined in Appendix "B" of this Chapter.

(79) **Manufacturing and Industrial, Limited:** Establishment primarily engaged in the business activities defined in Appendix "B" of this Chapter.

(80) **Medical Offices:** Establishments providing consultation, diagnosis and therapeutic, preventative, or corrective treatment services by chiropractors, medical doctors, dentists, medical and dental laboratories, and similar practitioners of medical and healing arts for humans.

(81) **Mini-Storage:** Buildings primarily used for the storage of personal or household effects, including the storage of personal vehicles, recreational vehicles, and travel trailers.

(82) **Mobile Home:** A structure that was constructed before June15, 1976, transportable in one or more sections, which, in the traveling mode, is eight body feet or more in width or 40 body feet or more in length, or, when erected on site, is 320 or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and Includes the plumbing, heating, air-conditioning, and electrical systems.

(83) **Occupancy:** The purpose for which a building is used or intended to be used.

(84) **Open Air Market:** An establishment primarily engaged in the selling, storing, buying, or keeping of second hand goods, not including used (but not junked) vehicle sales and equipment rental businesses, in which:

(i) the goods are at all times kept outdoors in public view; or

(ii) the business is operated from a stall, tent, trailer, or other non-permanent facility or structure in an area where sales of goods from such structure or facility requires the establishment of a Special Use District regardless of whether or not the goods are at all times visible to the public.

(85) **Open Space:** An area on a lot that is open and unobstructed to the sky except for the ordinary projections of cornices and eaves.

(86) **Park and Recreation Services:** Publicly owned and operated parks, playgrounds, recreation facilities, and open spaces.

(87) **Personal Care Facility:** A dwelling unit in which food, shelter, and minor medical treatment under the direction and supervision of a physician, or services which meet some need beyond boarding or lodging are provided to residents of that dwelling unit, including care provided to more than four (4) unrelated foster children, but not including such care provided to any family member residing with his family in a one-family dwelling. Residents of a personal care facility depend on staff to provide them with varying degrees of assistance in every day living, but are not considered dangerous to themselves or others and require only occasional or temporary services by professional medical or nursing personnel. A personal care facility includes any facility that requires a license issued by the Texas Department of Health or its successor agency, but does not include a facility which requires a license as a Special Care Facility.

(88) **Personal Services - I:** Frequently or recurrently needed services of a personal nature provided in a building with a floor area of not greater than five thousand (5,000) square feet, including, but not limited to;

(i) beauty parlors and/or barber shops;

(ii) day care centers;

(iii) health or fitness studios/salons and massage therapy;

(iv) pet services;

(v) portrait photography studios;

(vi) repair services of personal items such as shoes, watches, and jewelry;

(vii) schools primarily engaged in instructional or informational classes related to art, dance, gymnastics, cheerleading, trampoline and tumbling, or martial arts;

(viii) seamstress and/or tailor shops.

(89) **Personal Services - II:** All of Personal Services - I without respect to the square footage of the building used, plus uses involving more intensive personal services, including, but not limited to:

(i) guidance services;

(ii) kennels with a maximum boarding capacity of less than twelve (12) animals;

(iii) mini-storage;

(iv) residential care services;

(v) self service Laundromats; and

(vi) veterinary services.

(90) **Personal Services - Limited:** The provision of the services defined in Personal Services I from a building with a maximum floor area of 3,000 square feet and architecturally designed to look like a residence, with:

(i) a wood, rock, or brick exterior;

(ii) a roof constructed of materials and with a similar pitch to other residences in the adjoining neighborhood; and

(iii) a front door and window(s) on the side of the building facing the lot front.

(91) **Pet Services:** Grooming of dogs, cats, birds, fish, and similar small animals customarily owned as household pets, including, but not limited to, dog bathing and clipping salons, and pet grooming shops, but not including pet stores, kennels, or veterinary services.

(92) **Planning Division:** The Planning Division of the City of Kerrville, Texas, located in the city hall of the City of Kerrville, 800 Junction Highway, Kerrville, Texas.

(93) **Postal Facilities:** An establishment where postal services are provided, including post offices, bulk mail processing and sorting centers.

(94) **Professional Office:** A use providing professional or consulting services in various fields including, but not limited to, medicine, law, city planning, architecture, environmental and interior design, computer software programming and design, engineering, accounting, appraising (real and personal property), tax service, finance, real estate, management services, personnel services, education and similar professions, including governmental offices.

(95) **Public Assembly:** The use of a building or structure, or any portion thereof, for the gathering together of people for purposes such as civic, social or religious functions or for recreation, including, but not limited to, auditoriums, churches, dance halls, gymnasiums, motion picture theaters, museums, passenger depots, public assembly halls, recreation halls, stadiums or grandstands, and theaters for stage productions.

(96) **Recreation, Commercial:** Establishments or places (for profit or not for profit) primarily engaged in the provision of sports, entertainment and/or education, or recreation for participants or spectators, which uses are of the following types:

(i) Indoor Sports and Recreation are uses conducted within an enclosed building, including, but not limited to, bowling alleys, billiard parlors, ice and roller skating rinks, racket sports, swim clubs and firing ranges, weight training centers, and related educational programs;

(ii) Outdoor Sports and Recreation are uses conducted in open or partially enclosed or screened facilities, including, but not limited to, driving ranges, miniature golf courses, golf courses, swimming pools, tennis courts, racquetball courts, and outdoor environmental programs;

(iii) Indoor Recreation are predominantly uses conducted within an enclosed building involving spectators, including, but not limited to, motion picture theaters, meeting halls, dance halls, and similar uses;

(iv) Outdoor Entertainment are predominantly uses conducted in an open facility and involving spectators, including, but not limited to, sports arenas, racing facilities, amusement parks, or related uses with an educational objective.

(97) **Recreation, Community:** A privately-owned recreational facility for use by residents and guests of a particular residential development, including both indoor and outdoor facilities.

(98) **Religious Assembly:** A use located in a permanent building which provides organized religious worship and religious education incidental thereto, and may also include living quarters for the pastor, social centers, and fellowship halls. The term "religious assembly" does not include uses which are substantially similar to other secular uses, including, but not limited to, day care, pre-school, and kindergarten facilities, elementary schools, secondary schools, colleges, and offices whose primary function is related to such uses, which uses will be subject to the same use and development regulations set forth in the Zoning Code as if the use was not associated with or operated by a religious organization.

(99) **Residential Care Services:** A use, other than a hospital or convalescent facility, providing care for ambulatory persons in a residential environment, including overnight occupancy or care for extended periods, including, but not limited to, shelters for abused spouses, children. and halfway houses for individuals after convalescent care.

(100) **Restaurant, General:** A building or part thereof used in the on-site preparation and retail sale of food and beverages. A General Restaurant is permitted to provide live entertainment and the retail sale of alcoholic beverages for on-premises consumption, provided such alcoholic beverage sales constitute less than fifty percent of the gross revenue of the restaurant. Limited Restaurants are included within the scope of this definition.

(101) **Restaurant, Limited:** A building or part thereof used in the preparation and retail sale for on-premise consumption of food and beverages, excluding the sale of alcoholic beverages and restaurants with drive-through service.

(102) **Retail Trade - Limited:** Businesses located in a building not exceeding a gross floor area of 3000 square feet architecturally designed to look like a single family residence with a wood, rock, or brick exterior, a roof constructed of materials and with a similar pitch to other residences in the adjoining neighborhood, and a front door and window(s) on the side of the building facing the lot front, which businesses are primarily engaged in the selling of new merchandise for personal or household consumption, and rendering services incidental to the sale of the goods excluding the products specifically listed in Retail TradeIand II. Typical uses include the following:

(i) Hardware, paint, glass, and wallpaper stores;

(ii) Lawn and garden supply, nurseries, and landscaping;

(iii) Department, variety, and general merchandise stores;

(iv) Food sales;

(v) Specialty clothing and shoe stores;

(vi) Furniture, floor covering, upholstery, and curtain stores;

(vii) Sales of new household appliances;

(viii) Drug stores;

(ix) Sporting goods stores;

(x) Toy, gift, and novelty shops;

(xi) Stationery stores;

(xii) Book sales;

(xiii) Camera and photographic supply;

(xiv) Luggage and leather goods sales;

(xv) Sewing, needlework establishments;

(xvi) Mail order and direct sale establishments; (xvii) Tobacco products sale;

(xviii) Florists;

(xix) Limited Restaurants;

(xx) Sale of new auto parts.

(103) **Retail Trade I:** Businesses, not including open air markets, operating in a building of any architectural style with a gross floor area not exceeding 50,000 square feet including:

(i) all businesses defined as Retail Trade, Limited;

(ii) sales or rental of new or use merchandise, except used appliances;

(iii) alcoholic beverage sales for off-premise consumption;

(iv) businesses primarily engaged in the sale, rental, or repair of used furniture;

(v) businesses primarily engaged in the sale of storage buildings.

(104) **Retail Trade II:** Businesses defined as Retail Trade I operating from a building with a gross floor area not exceeding 100,000 square feet.

(105) **Retail Trade III:** Businesses defined as Retail Trade I operating from a building of any size.

(106) **Safety Services:** Facilities used for conduct of public safety and emergency services, including law enforcement and fire protection services and emergency medical and ambulance services.

(107) **Setback:** A line parallel or approximately parallel to the street line at a specified distance there from, marking the minimum distance from the property line that a building may be erected.

(108) **SIC:** Standard Industrial Classification as set forth in the Standard Industrial Classification Manual published by the Executive Office of the President 1-Office of Management and Budget. Two digit numbers refer to the SIC Major Group. Three digit numbers refer to the SIC Group Number, which is a subgroup of the SIC Major Group. Four digit numbers refer to the SIC Industry Number which is a subgroup of the SIC Group Number.

(109) **Story:** That portion of a building included between the surface of any floor and the surface of the floor next above it, then the space between such floor and the ceiling next above it, but not including a basement.

(110) **Street-Public:** Any roadway other than an alley which has been dedicated to the public use and which affords primary access to abutting property.

(111) **Street-Private:** Any roadway other than an alley which has not been dedicated for public use and which affords interior circulation and/or access to abutting property.

(112) **Street Line:** A dividing line between a lot, tract or parcel of land and a contiguous street right-of way.

(113) **Structure:** A structure shall be interpreted the same as a building, but shall in addition, include such items as a freestanding sign and pylon when erected on a base and not made integral with a building, and also including roofed structures which are unenclosed, and similar structures.

(114) **Taxidermy:** The art of preparing, stuffing, and mounting the skins of animals.

(115) **Telecommunications Distribution Location:** A building or other structure 1,200 square feet or less in gross floor area for housing or sheltering electronic equipment used in the delivery of telecommunications services together with parking, electrical service, air-conditioning units, security lighting, fencing and other items as may be appropriate for the proper operation of the equipment, but which is not permanently manned and does not include permanent office space.

(116) **Telecommunications Serving Center:** Any building which houses telecommunications serving equipment, including, but not limited to, central office or remote switches, mobile telephone switching offices, interconnection facilities, and other telecommunications equipment owned or leased by a business providing telecommunications services, and may include personnel necessary to operate the equipment and administer those services provided through the use of the equipment, together with such ancillary facilities as may be necessary to support such equipment including, but not limited to, auxiliary power generators.

(117) **Tourist/Visitor & Recreation Services:** Businesses primarily engaged in providing food, lodging, and recreation and other leisure time activities for tourists and visitors, as well as local residents, including, but not limited to: Hotels and motels; recreational vehicle parks, which may also be developed with a camp ground developed as part of a planned complex, but which is not a part of a manufactured home development as described in the "RM" Residential Mix District;

(i) Hotels and motels;

(ii) recreational vehicle parks, which may also be developed with a camp ground developed as part of a planned complex, but which is not a part of a manufactured home development as described in the “RM” Residential Mix District;

(iii) General Restaurants, except restaurants with drive through window service are not included

(iv) Commercial or public recreation, or educational facilities and services, both indoor and outdoor, provided that in all such uses there is no sale of alcoholic beverages

(v) A cocktail lounge if it is a secondary use in the hotel/motel, or restaurant.

(118) **Transportation Terminal (Bus/Aviation):** A facility for loading, unloading, and interchange of passengers, baggage, and incidental freight or package express between modes of transportation, including bus and airport terminals.

(119) **Utility Services, Local:** Services which are necessary to support subdivisions and other property within close proximity to the delivery point of the services and involve the installation or construction of only minor structures such as lines, poles, transformer stations, and telecommunications distribution locations.

(120) **Utility Facilities, Major:** Publicly or privately owned electrical switching facilities and primary substations, major electrical transmission lines, refuse collection/sanitary landfills, water and wastewater treatment plants, water storage facilities, and similar facilities which service an area substantially beyond the immediate vicinity in which the facility is located.

(121) **Veterinary Services:** The provision of medical care and treatment services for animals, including, but not limited to, pet clinics, dog and cat hospitals, and veterinary hospitals.

(122) **Vehicle Maintenance and Repair:** All uses allowed in Vehicle Sales/Service, and businesses primarily engaged in the repair of used cars, boats, motorcycles, recreational vehicles, campers, motor homes, farm implements/vehicles, trucks, or trailers.

(123) **Vehicle Sales/Services - New:** Businesses primarily engaged in the retail sale or rental of new automobiles, pickups, boats, motorcycles, recreational trailers, campers, motor homes, and farm implements/vehicles, with the sale, repair, and service of used vehicles and the sale of parts and accessories being a secondary use only. For purposes of this definition, the phrase "new automobiles" includes "program" cars and previously]eased vehicles not older than two model years relative to the then current model year for that vehicle.

(124) **Vehicle Sales/Service - Used:** Businesses primarily engaged in the sale or rental of used automobiles, pickups, boats, motorcycles, recreational trailers, campers, motor homes, and farm implements/vehicles.

(125) **Vested Rights:** A property right that has been legally established by submittal of an administratively complete development permit and/or the initiation of development and which cannot be revoked by subsequent conditions or changes in law without due process of law."

(Ord. #2010-09, 06/22/2010)

(126) **Wall, Exterior:** The exposed or outermost wall of a structure.

(127) **Warehousing and Distribution:** Storage and warehousing services including open-air storage, distribution and handling of materials and equipment not otherwise included in the definition of manufacturing and industry, and moving and storage firms.

(128) **Yard:** An open space on a lot on which a building is located and which is open and unobstructed to the sky.

(a) **Interpretation of Words and Phrases:** Unless otherwise defined herein or the context indicates a different meaning, the words and phrases uses in this Zoning Code shall have their common meaning. In the event a work or phrase used in this Zoning Code is unclear or ambiguous, any interpretation shall be made in a manner that uses reasonable judgment to apply the intent and purpose of the Zoning Code to the specific situation in question. The Commission and the Planning Director shall have the authority, upon request of an affected person, to interpret unclear or ambiguous words and phrases, which interpretation may be appealed to the Board of Adjustment in accordance with Article 11-I-23.

(b) **Conflicts with Other Ordinances:** The Zoning Code shall be deemed to establish minimum requirements for the promotion of the public health, safety, comfort, convenience and general welfare. Except for ordinances creating Planned Development Districts or Specific Use Districts or ordinances which specifically repeal or make exceptions to the Zoning Code imposes a greater restriction upon the use or development of buildings or land than are imposed or required by other ordinances, rules, regulations, the provisions of the Zoning Code shall control.

(c) **Incorporation and Effect of Appendixes:** The appendixes referred to in this Chapter and published at the end of this Chapter are incorporated herein as if fully set out in the sections which refer them and, unless otherwise noted in the text of this Chapter, shall constitute legally enforceable regulations as if fully set forth herein.

(129) **Dwelling, Single Family with Apartment:** Buildings containing one main dwelling unit and one separate apartment on the same lot.
(Ord. #2001-11, 07/10/2001)

(130) **Dwelling, RC District Uses with plat:** The placement of a single building envelope or more than one building envelope on a single lot or parcel of land for the purpose of constructing single-family residential dwelling units in either attached or detached construction arrangement, and where the property ownership outside of the building envelopes is commonly held by all single-family dwellings on that lot or parcel of land.
(Ord. #2001-11, 07/10/2001)

(131) **Manufactured Housing Sales:** Property used for the retail sale of manufactured housing and industrialized buildings
(Ord. #2001-11, 07/10/2001)

Art. 11-1-4 ZONING DISTRICTS-GENERALLY

(a) **District Regulations:** In accordance with Ordinance No.95-22, the City is hereby divided into five geographic areas within which are established specifically enumerated and/or defined zoning districts as described in the Zoning Code. All property within the City shall meet and conform to all requirements of such districts as may from time to time be adopted by the Commission and/or the City Council as set forth in the Zoning Code. Except as otherwise specified in the Zoning Code, no land, building, structure or premises in the City shall be used, and no structure or any part thereof, shall be located, erected, moved, reconstructed, extended, enlarged or altered, except in conformity with the regulations set forth in this Zoning Code for the district in which the property is located.

(b) **Zoning of Newly Annexed Areas:** The Planning and Zoning Commission shall hold a hearing on all proposed annexations and shall, at the same time, hold a hearing upon the zoning that is to be given to the tract to be annexed and make a recommendation to the City Council for the zoning of the property upon annexation consistent with the purposes of the Zoning Code and the Comprehensive Plan. Concurrently with the adoption of the annexation ordinance, the City Council shall adopt the zoning of the area or tract being annexed.

(1) *Determination of Vested Rights.* Any person claiming a property interest in land located within a newly annexed area may apply to the City Planner for a determination of the vested rights, if any, to continue the development related activities or uses initiated prior to annexation. The City's determination shall be limited to a continuation of the developments rights previously established under state law. The City Planner's written determination shall be final unless his or her determination is duly appealed by the applicant to the Planning and Zoning Commission in accordance with Article 11-I-23 (Appeals to Administrative Decisions).

(2) *Continuance of Development Activity.* Within a newly annexed area, no person relying on a claim of vested rights shall continue any development activity that requires a certificate of occupancy without first applying for and obtaining a building permit."
(Ord. #2010-09, 06/22/2010)

(c) **Official Zoning Map:** The boundaries of the various zoning districts of the City shall be as shown on the official zoning map. "The official zoning map" shall be a map consisting of one or more panels which is kept on file with the City Clerk, is identified by the signature of the Mayor, attested by the city clerk, and bears the official seal of the City. If, in accordance with the provisions of this Zoning Code, changes are made in district boundaries or other matters portrayed on the official zoning map, such changes shall be entered on the official zoning map promptly after the amendment has been approved by the City Council with a notation of the date of the change. No changes of any nature shall be made in the official zoning map or matter shown thereon except in conformity with the procedures set forth in this ordinance. Regardless of the existence of purported copies of the official zoning map which may from time to time be made or published, the official zoning map located in the office of the City Clerk shall be the final authority as to the current zoning status of land in the City.

(d) **Replacement of Official Zoning Map**: In the event the official zoning map becomes damaged, destroyed, lost, or difficult to interpret because of the nature or number of changes and additions, the city Council may, by resolution, adopt a new official zoning map which shall supersede the prior official zoning map. The new official zoning map may correct drafting or other errors or omissions in the prior official zoning map, but no such correction

shall have the effect of amending the original official zoning map or any subsequent amendment thereof. 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.

(e) **Determination of Zoning District Boundaries:** The following rules shall apply in determining the location of zoning district boundaries on the official zoning map,

(1) where district boundaries are indicated as approximately following property or lot lines, street rights-of-way, existing or abandoned railroad rights-of-way, waterway lines, or significant terrain features, such lines, ways, or features shall be construed to be such boundaries;

(2) all district boundary lines indicated on or within street rights-of-way shall be construed to be at the center of such right-of-way;

(3) whenever any street or alley right-of-way is vacated, a district boundary indicated as being in the center of the right-of-way shall remain at the center of the vacated right-of-way, unless the district boundary is specifically amended by the City Council in the same manner as any other zone change;

(4) where the official zoning map indicates that a district boundary is approximately railroad rights-of-way, waterway line, or significant terrain feature, the boundary shall be construed to be parallel thereto and at the distance indicated on the official zoning map. If distance is not given, the distance shall be determined by the use of the scale on the official zoning map. If the scale on the official map is nonsensical in view of actual on the ground improvement, the Commission shall interpret the location of the district boundary;

(5) where a district boundary line is located on undivided property such that an equal portion of the property is located in two zoning districts, the property shall be construed to have been located entirely within the more restrictive zoning district, unless an ordinance establishing or amending the zoning specifically indicates to the contrary;

(6) where the district boundary line is located on undivided property such that the property is located in two different zoning districts but in unequal parts, the property shall be construed to have been located entirely within the zoning district where most of the property is located, unless an ordinance establishing or amending the zoning specifically indicates to the contrary;

(7) where the boundary indicated on the official zoning map crosses unplatted property and the district boundary is found to in fact not follow property lines as recorded in the Real Property Record of Kerr County, Texas, if the district boundary appears to the Commission to be sufficiently close and parallel to the property line that the intent reasonably appears to have been to follow the property line indicated in the Real Property Records, then the boundary shall be construed to be following said property line.

(f) **<u>Uses Permitted in Any Zone</u>**: The following uses are permitted in any zoning district of the City:

(1) Community Garden, but subject to the application of regulations found within Art. 11-1-19, below.

(2) Homestay;

(3) Park and Recreation Services;

(4) Recreation, Community;

(5) Religious Assembly;

(6) Safety Services;

(7) Utility services, local;

(8) Underground electric transmission lines and other public utility facilities;

(9) Sewer lift stations and water storage facilities designed and constructed as part of the development of a new subdivision and/or replat of an existing subdivision;

(10) Major Utility Facilities and Local Utility Services constructed and owned by the City pursuant to a resolution approved by the City Council.

(11) Boarding home facility, but subject to the application of other regulations adopted by the City.

(g) **<u>Use of Property Located in One Zoning District to Benefit of the Other:</u>** No person shall use property located in one zoning district to provide parking for or access to a use located on property located in another zoning district unless the property being used for said parking or access is also zoned to permit the use for which such parking or access is desired.

Art.11-1-5 ZONING DISTRICTS - WEST SIDE

(a) **Enumeration of Districts and Purpose:** The following specifically enumerated districts are established in the area designated on the Official Zoning Map as "West Side" and are to be developed substantially consistent with the following described purposes:

(1) **District 1-W:** District 1-W is designed to encourage redevelopment of the district with light industrial and other uses of like intensity to compliment existing light industrial-type uses located within the boundaries of the district. Development of District I -W should occur in anticipation of expansion of such uses into areas adjacent to District l-W when annexed. Development of uses in District l-W which substantially increase truck traffic along Harper Road is to be discouraged. District 1-W is not well suited for development of residential, retail, commercial, or personal services.

(2) **District2-W:** District 2-W is designed to encourage low intensity commercial development with portions of the district further away from Highway 27 to be developed primarily as residential. The development of property north-northeast of District 2-W which is presently outside the city limits should be developed primarily as residential and zoned for the same. Although District 2-W may be extended into a part of the above described property if annexation of the area occurs, a residential zone would be more appropriate for the development of areas near Goat Creek.

(3) **District 3-W:** District 3-W is designed to allow a broad range of commercial uses and multi-family residential. However, industrial and light density residential development is not appropriate. While single-family housing is not encouraged, a one-family dwelling occupied by a business owner or a watchman and located on the same lot where the business is located may receive conditional consideration. District 3-W is not intended to be expanded except through minor boundary adjustments.

(4) **District 4-W:** District 4-W is primarily designed for the development of commercial and office uses, with buffer areas to be developed to protect adjacent single-family residential developments. Neither industrial nor residential development is appropriate for District 4-W, except multi-family residential may be permitted on a conditional basis. District 4-W is not intended to be expanded.

(5) **District5-W:** District5-W is designed to permit the development of heavier commercial uses outright and limited industrial type uses subject to conditions. District 5-W is not suitable for the development of residential uses. District 5-W is not intended to be expanded

(6) **District 6-W:** Because the development of District 6-W will directly impact traffic on Harper Road, including its intersection with State Highway 27. District 6-W is designed to allow for the development of commercial uses of all types, with development of major retail centers exceeding 1 00,000 square feet permitted by issuance of a Conditional Use Permit. Single and two-family residential and industrial type uses are not suitable for District 6-W. District 6-W is not intended to be expanded.

(7) **District 7-W:** District 7-W allows general agricultural uses are allowed as a conditional use, but agricultural services are prohibited. Residential development designed to compliment the lakefront should be encouraged. Tourist/visitor/recreational uses are considered appropriate on a conditional basis. Limited commercial uses are also permitted as conditional uses, but approval of applications of such permits along this section of the river should be very limited in nature and carefully located in order to promote the primary purpose of future residential development. District 7-W maybe extended with annexation of surrounding properties.

(8) **District 8-W:** Because District 8-W is surrounded by single-family residential development, the Guadalupe Rivet', and a small city park, District 8-W allows the development of residential uses as well as, on a limited basis, other more intense uses that may be compatible with the surrounding residential developments and with the Guadalupe River. However, there are a few existing buildings, including a bar, which are not appropriate for the area now or in the future and will be treated as non-conforming. District 8-W may be expanded, but only after careful evaluation of the district's impact on the adjacent residential development and the Guadalupe River.

(9) **District 9-W:** District 9-W is designed to be a transition district between District 6-W, the small-lot commercial strip existing in District 1 0-W, the river front, and the same large residential area that adjoins District 8-W. Permitted uses include a manufactured home community, an apartment complex, and a life care development that includes retirement and nursing sections. Lighter commercial uses are also permitted primarily in the event that the mobile home park should some day convert to another use, particularly on its Highway 27 frontage.

(10) **District 10-W:** The primary purpose of District 10-W is for the development of smaller commercial businesses which will not substantially increase the impact of traffic along the Highway 27 corridor. District 1 0-W is generally not suitable for the development of residential uses; however, single family residential development may occur as a conditional use, provided such development occurs only on lots which do not have direct access to Highway 27. District 1 0-W is not intended to be expanded. Regardless of use, development along Town Creek should be limited to uses that will not negatively impact the creek and, consequently, the Guadalupe River. Should limited business development be determined in the future to be appropriate on lots abutting but not located in District 10-W, but that are not zoned for such use, Conditional Use Permits or the RT zoning district should be used.

(b) **Permitted and Conditional Uses -West Side:** The uses which are permitted as a matter of right or permitted upon issuance of a conditional use permit in the enumerated West Side zoning districts described in Section (a.), above, and shown on the Official Zoning Map, are indicated by the letters "I'" and "C", respectively, in the following table:

SEE FOLLOWING PAGE FOR TABLE

LAND USES	1	2	3	4	5	6	7	8	9	10
Agricultural - General							C			
Agricultural Service	P	C	C							
Bed and Breakfast		P	P			P	P	P	P	C
Building Construction, General	P		C		P					
Building Construction, Specialist	P		P		P	C				
Business Services I	P	P	P	P	P	P		C	P	P
Business Services II	P	P	P	P	P	P		C	P	P
Cocktail Lounge	P	P	P	C	P	P		C	C	C
Detention Facilities	C			C	C	C				
Dwelling , Single Family, Detached		P	C					P		C
Manufactured Home or Manufactured Housing		P	C						P	
Dwelling, Multiple Family	P	P	P	C		P	P	P	P	P
Dwelling, Single Family with apartment								P		C
Dwelling, RC District Uses (with plat)		P	C				P	P		
Education, Secondary and College	P	P			P	C	C	C		C
Education, Primary	C	P	C	C	C	C	C	C	C	C
Equipment Sales/Repair/Storage (Heavy)	P									
Fuel Sales										
Funeral Services	P	P	P	P	P	P			P	C
Institutional and Public Use Facilities						P	C		P	C
Life Care Development		P	P	C		P	P	P	P	C
Manufacturing, Custom	P	P	P	P	P	P	P	P	P	P
Manufacturing and Industrial, Heavy										
Manufacturing and Industrial, Limited	P				C					
Manufactured Housing Sales	P	P	C	C						
Personal Services I	P	P	P	P	P	P	C	C	P	P
Personal Services II	P	P	P	P	P	P		C	C	P
Personal Services-Limited	P	P	P	P	P	P	C	P	P	P
Professional Offices	P	P	P	P	P	P		P	P	P
Restaurant, General	P	P	P	P	P	P	C	P	P	P
Restaurant, Limited	P	P	P	P	P	P	C	P	P	P
Retail Trade – I	P	P	P	P	P	P			C	P
Retail Trade – II	P		C	C	P	P				
Retail Trade – III	P		C	C	C					
Retail Trade – Limited	P	P	P	P	P	P	C	P	P	P
Tourist/Visitor & Recreation Service	P	P	P	P	P	P	C	P	P	P
Transportation Terminal (Bus/Aviation)										
Vehicle Maintenance and Repair	P				C					C
Vehicle Sales/Service Used	P		C	C	C	C				
Vehicle Sales/Service – New	P		C	C	C	C				C
Warehousing & Distribution	C		C		C					

(Ord. #2001-11, 07-10-2001)
(Ord. #2000-12, 07/25/2000)

Art. 11-I-6 ZONING DISTRICTS - CENTRAL CITY

(a) **Enumeration of Districts and Purpose:** The following specifically enumerated districts are established in the area designated on the Official Zoning Map as "Central City" and are to be developed substantially consistent with the following described purposes:

(1) **District 11-C:** The primary purposes of District 11-C are:

(i) to promote non-industrial commercial development that allows retail establishments up to 100,000 square feet of floor area, and yet protects and enhances the appearance of Town Creek and existing single family residential development in the area west of Hays Street;

(ii) to promote the redevelopment of Jefferson Street as a primary central business artery in the city;

(iii) to encourage development of Schreiner Street as a through traffic street rather than one with slower customer traffic, with a goal of avoiding driveway access to and from Schreiner Street wherever feasible;

(iv) to promote the development of small businesses, including offices and small restaurants, near downtown, on the eastern end of the district; and

(v) to enhance the appearance of the entrance ways into the downtown area along State Highways 16 and 27. Any conditional uses granted in District Il-C should be consistent with the purposes set forth herein.

(2) **District 12-C:** The primary purpose of District 12-C is to promote the development of small specialty shops, offices, apartments, and tourist/visitor/and public uses which enhance both the river front and the smaller businesses along Water Street.

(3) **District 13-C:** The primary purpose of District 13-C is the development of low density residential and certain low-intensity non-residential uses, such as small office uses, bed and breakfast facilities, or other uses that are compatible and non-detrimental to the Guadalupe River and Town Creek environment. Permitted development in District13-C should not be of such intensity as to add substantial amounts of commercial traffic onto Francisco Lemos Street. District I 3-C is not intended to be expanded.

(4) **District 14-C:** The primary purpose of District 14-C is the development of small retail or office uses, including medical professional offices and other medical services, and higher density housing. Large commercial retail and industrial uses are not intended for this district. District 14-C is not intended to be expanded except through minor boundary adjustments.

(5) **District 15-C:** District 15-C is intended to be primarily developed with residential uses, including higher density residential uses, though certain retail uses may be appropriate with some limitations in areas adjacent to District 1 4-C. Manufactured home developments would also be appropriate in District 15-C, subject to the regulations set forth in this Zoning Code. District15-C is expected to be expanded with annexation of an area that has Hill Country Drive as its northern boundary.

(6) **District 16-C:** District 16-C is intended to be developed with significant commercial uses, including, but not limited to, major retail malls, large grocery stores, new car dealerships, government offices, and restaurants, and higher density residential uses that are all compatible for land both near the river and which are appropriate for serving as the major entrance to downtown from the south side of the Guadalupe River.

(7) **District 17-C:** The primary uses in District 17-C are to include limited retail, personal services, business services, and high density residential. Uses that are compatible with the historic entranceway into downtown along the Old San Antonio Highway (State Highway 27), Schreiner College, and the river front along the Guadalupe River are to be encouraged. More intense retail and commercial uses, including, but not limited to, vehicle sales and repairs and heavier retail uses are to be discouraged or not allowed.

(8) **District 18-C:** District 18-C is the City's original downtown area. District 18-C is intended to be developed with uses that promote business activity, public events and meetings, the arts, medical services, education and religious uses. Any development in this district should be done with a goal of complimenting and preserving as much as reasonably possible the culture, heritage, and history associated with the City's downtown area. **(Deleted by Ord. 2011-09)**

(9) **District 19-C:** The primary purpose of District l 9-C is to permit the development of property for use as building construction trades defined as "specialist" and smaller offices, but in a manner that will not encourage a disruption of the traffic flow on Schreiner Street.

(10) **District 20-C:** The primary purpose of District 20-C is to promote the development of transitional uses to types of businesses more compatible with the adjacent residential and retail businesses. Except on a limited basis, retail is not encouraged and industrial uses should be limited to custom manufacturing. As in District 11-C, Schreiner Street should be encouraged to develop as a through street with development which contributes to stop and go business traffic being discouraged.

(11) **Central Business District (CBD):** The Central Business District is the City's original downtown area. The district is established to promote a variety of uses and services commonly found in a downtown, pedestrian-friendly environment. Any development and/or redevelopment within this district should be conducted with goal of complimenting the culture, heritage, and history associated with the City's downtown area. Within the CBD is an area defined as the "Downtown Core". The Downtown Core is a 5 ½ block area consisting of small specialty shops, restaurants, offices, and tourist, visitor and public uses unique to the City. This area, defined by the boundaries shown on figure 1, shall be exempt from the following development standards of the CBD:

a. Setbacks: Setbacks are not required in the Downtown Core.

b. Parking: If an existing structure in the Downtown Core changes uses and the new use does not expand the existing area encompassed by the exterior walls, the new use may be established without adding off-street parking which may otherwise be required by Article 11-1-20.

c. Use of Public Sidewalks: Any retailer occupying a ground floor establishment within the Downtown Core may display merchandise on the public sidewalk during normal business hours, in an area directly in front or to the side of the business provided that there remains sufficient space allowing for a thirty-six inch (36") wide path, which is required to meet accessibility standards. A site plan reviewed and approved by the City Planner is required."

(b) **Permitted and Conditional Uses** -Central City: The uses which are permitted as a matter of right or permitted upon issuance of a conditional use permit in the enumerated Central City zoning districts described in Section (a.), above, and shown on the Official Zoning Map, are indicated by the letters "P" and "C", respectively, in the following table:

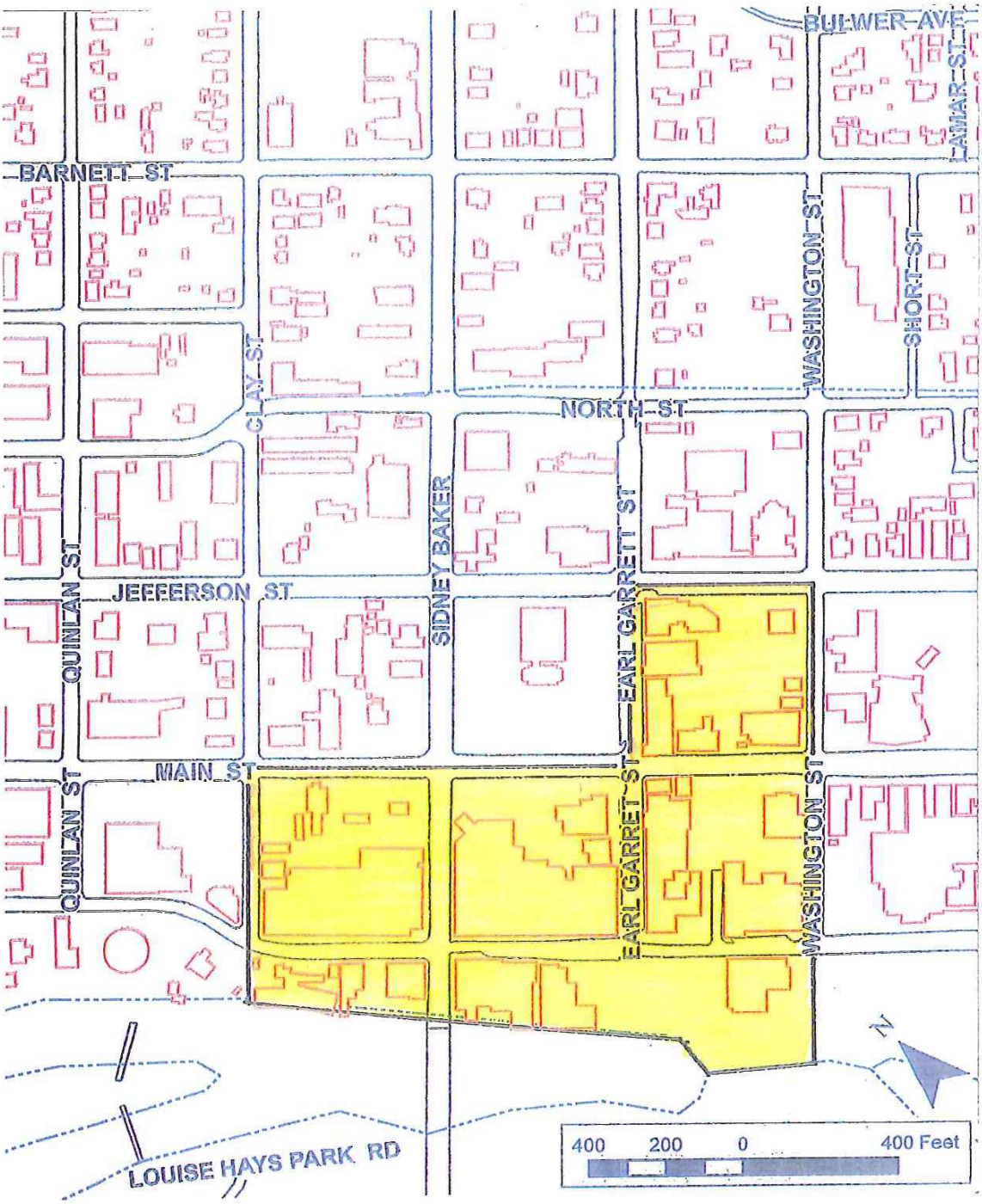


FIGURE 1
"Downtown Pedestrian Area"

LAND USES	11	12	13	14	15	16	17	18	19	20
Agricultural - General										
Agricultural Service										
Bed and Breakfast	P	P	P	P	P	P	P	P	P	P
Building Construction, General										
Building Construction, Specialist									P	P
Business Services I	P	P		P	C	P	P	P		P
Business Services II	P	C		P	C	P	C	C	P	P
Cocktail Lounge	C	P		C		P	C	P		
Detention Facilities	C							C	C	
Dwelling , Single Family, Detached	C	P	P		P		P		P	C
Manufactured Home or Manufactured Housing					P					
Dwelling, Multiple Family	P	P		P	P	P	P	P	P	P
Dwelling, Single Family with apartment	C	P	P		P		P		C	
Dwelling, RC District Uses (with plat)					P		P			
Education, Secondary and College	C			C	C	P		C	C	C
Education, Primary	C	C	C	P	P	C	C	P	C	C
Equipment Sales/Repair/Storage (Heavy)										
Fuel Sales										C
Funeral Services	P			P		C			P	P
Institutional and Public Use Facilities				P		P	P	P		
Life Care Development	C	C		P	P	P	P	P		P
Manufacturing, Custom	P	P	P	P	P	P	P	P	P	P
Manufacturing and Industrial, Heavy										
Manufacturing and Industrial, Limited										C
Manufactured Housing Sales										
Personal Services I	P	P		P	C	P	C	P	P	P
Personal Services II	P	C		P	C	P	C	C	P	P
Personal Services-Limited	P	P	P	P	P	P	P	P	P	P
Professional Offices	P	P	C	P	C	P	P	P	P	P
Restaurant, General	P	P	P	P	C	P	P	P	P	
Restaurant, Limited	P	P	P	P	C	P	P	P	P	C
Retail Trade – I	P		C	P	C	P	C	P	P	C
Retail Trade – II	C			C	C	P				
Retail Trade – III						P				
Retail Trade – Limited	P	P	P	P	P	P	P	P	P	P
Tourist/Visitor & Recreation Service	P	P	P	P	P	P	P	P	P	
Transportation Terminal (Bus/Aviation)	C									
Vehicle Maintenance and Repair	C	C		C		C	C		C	
Vehicle Sales/Service-Used	C			C		C				
Vehicle Sales/Service – New	P			C		P	C			
Warehousing & Distribution										

(Ord. #2011-09, 05/10/2011)
(Ord. #2001-11, 07/10/2001)
(Ord. #2000-12, 07-25-2008)

NAICS Code	USE DESCRIPTION	CBD	PKNG. STND.	SPECIAL CONDITIONS
11	**Agriculture, Forestry, Fishing and Hunting**		**22**	
111	Crop Production		**22**	
112	Animal Production		**22**	
113	Forestry and Logging		**22**	
114	Fishing, Hunting and Trapping		**22**	
115	Support Activities for Agriculture and Forestry		**22**	
21	**Mining, Quarrying, and Oil and Gas Extraction**		**22**	
211	Oil and Gas Extraction		**22**	
212	Mining (except Oil and Gas)		**22**	
213	Support Activities for Mining		**22**	
22	**Utilities**		**22**	
221	Utilities		**22**	
22112	Electric Power Transmission, Control, and Distribution		**22**	
221320	Sewage Treatment Facilities		**22**	
23	**Construction**			
236	Construction of Buildings		**4**	
237	Heavy and Civil Engineering Construction		**4**	
238	Specialty Trade Contractors		**4**	
2382	Building Equipment Contractors		**4**	
2383	Building Finishing Contractors		**4**	
31-33	**Manufacturing**			
311	Food Manufacturing		**11**	
312	Beverage and Tobacco Product Manufacturing		**11**	
313	Textile Mills		**11**	
314	Textile Product Mills		**11**	
315	Apparel Manufacturing		**11**	
316	Leather and Allied Product Manufacturing		**11**	
321	Wood Product Manufacturing		**11**	
322	Paper Manufacturing		**11**	
323	Printing and Related Support Activities		**11**	
32311	Printing	**P**	**11**	
323114	Quick Printing	**P**	**20**	
324	Petroleum and Coal Products Manufacturing		**11**	
325	Chemical Manufacturing		**11**	
326	Plastics and Rubber Products Manufacturing		**11**	
327	Nonmetallic Mineral Product Manufacturing		**11**	
331	Primary Metal Manufacturing		**11**	
332	Fabricated Metal Product Manufacturing		**11**	
333	Machinery Manufacturing		**11**	
334	Computer and Electronic Product Manufacturing		**11**	
335	Electrical Equipment, Appliance, and Component Manufacturing		**11**	
336	Transportation Equipment Manufacturing		**11**	

NAICS Code	USE DESCRIPTION	CBD	PKNG. STND.	SPECIAL CONDITIONS
337	Furniture and Related Product Manufacturing		**11**	
339	Miscellaneous Manufacturing		**11**	
33991	Jewelry and Silverware Manufacturing		**11**	
42	**Wholesale Trade**			
423	Merchant Wholesalers, Durable Goods		**13**	
424	Merchant Wholesalers, Nondurable Goods		**13**	
425	Wholesale Electronic Markets and Agents and Brokers		**13**	
44-45	**Retail Trade**			
441	Motor Vehicle and Parts Dealers		**20**	Permit without Conditional Use Permit if all sales, display and storage is within an enclosed building.
44111	New Car Dealers	**C**	**15**	
44112	Used Car Dealers	**C**	**15**	
44121	Recreational Vehicle Dealers		**15**	
44122	Motorcycle, Boat, and Other Motor Vehicle Dealers		**15**	
4413	Automotive Parts, Accessories, and Tire Stores (Retail Only)	**P**	**20**	
442	Furniture and Home Furnishings Stores	**P**	**20**	
443	Electronics and Appliance Stores	**P**	**20**	
444	Building Material and Garden Equipment and Supplies Dealers		**15**	
444130	Nursery, Garden Stores	**P**	**15**	
444220	Hardware Stores	**P**	**20**	
445	Food and Beverage Stores	**P**	**20**	
446	Health and Personal Care Stores	**P**	**20**	
447	Gasoline Stations (w/Dev. Stnds.)	**C**	**9**	Requires Compliance with Art. 11-1-19
44711	Gasoline Stations with Convenience Stores (w/Dev. Stnds.)	**C**	**9**	Requires Compliance with Art. 11-1-19
448	Clothing and Clothing Accessories Stores	**P**	**20**	
4483	Jewelry , Luggage and Leather Goods Store	**P**	**20**	
451	Sporting Goods, Hobby, Book, and Music Stores	**P**	**20**	
452	General Merchandise Stores	**P**	**20**	
45291	Warehouse Clubs and Supercenters		**20**	
453	Miscellaneous Store Retailers	**P**	**20**	
4533	Used Merchandise Stores (w/o Drop-off)	**P**	**20**	
45331	Used Merchandise Stores		**20**	Drop-off area may not encroach into any required setback or parking area and must be screened from street view by a solid fence at least 6-feet in height.
45393	Manufactured (Mobile) Home Dealers		**15**	
454	Non-store Retailers	**C**	**22**	
45431	Fuel Dealers		**9**	
48-49	**Transportation and Warehousing**			
481	Air Transportation		**21**	
482	Rail Transportation		**21**	
483	Water Transportation		**21**	

NAICS Code	USE DESCRIPTION	CBD	PKNG. STND.	SPECIAL CONDITIONS
484	Truck Transportation		**21**	
485	Transit and Ground Passenger Transportation		**21**	
486	Pipeline Transportation		**21**	
487	Scenic and Sightseeing Transportation	**P**	**21**	
488	Support Activities for Transportation		**21**	
491	Postal Service	**P**	**21**	
4911	Postal Services (Retail and Drop-off Only)		**21**	
492	Couriers and Messengers		**21**	
4921	Couriers and Messengers (Retail and Drop-off Only)	**P**	**21**	
493	Warehousing and Storage		**21**	
51	**Information**			
511	Publishing Industries (except Internet)	**C**	**22**	
512	Motion Picture and Sound Recording Industries	**P**	**15**	
512131	Motion Picture Theaters (except Drive-Ins)	**P**	**17**	
512132	Drive-In Motion Picture Theaters		**22**	
515	Broadcasting (except Internet) - (w/o towers)	**P**	**22**	
517	Telecommunications (w/o towers)	**P**	**16**	
518	Data Processing, Hosting and Related Services	**P**	**14**	
519	Other Information Services	**P**	**14**	
52	**Finance and Insurance**			
521	Monetary Authorities-Central Bank	**P**	**14**	
522	Credit Intermediation and Related Activities	**P**	**14**	
522298	All Other Non-depository Credit Intermediation (Pawnshops)	**P**	**14**	
523	Securities, Commodity Contracts, and Other Financial Investments and Related Activities	**P**	**14**	
524	Insurance Carriers and Related Activities	**P**	**14**	
5242	Agencies, Brokerages, and Other Insurance Related Activities	**P**	**14**	
524291	Claims Adjusting		**14**	
525	Funds, Trusts, and Other Financial Vehicles	**P**	**14**	
53	**Real Estate and Rental and Leasing**			
531	Real Estate	**P**	**14**	
53112	Lessors of Nonresidential Buildings (except Mini-warehouses)	**P**	**14**	
53113	Lessors of Mini-warehouses and Self-Storage Units (w/Dev. Stnds.)		**13**	Requires compliance with Article 11-I-19
532	Rental and Leasing Services		**22**	
53211	Passenger Car Rental and Leasing	**C**	**15**	
53212	Truck, Utility Trailer, and RV (Recreational Vehicle) Rental and Leasing		**15**	
53221	Consumer Electronics and Appliances Rental	**P**	**20**	
53222	Formal Wear and Costume Rental	**P**	**20**	
53223	Video Tape and Disc Rental	**P**	**20**	
53229	Other Consumer Goods Rental	**P**	**20**	
53231	General Rental Centers	**C**	**20**	

NAICS Code	USE DESCRIPTION	CBD	PKNG. STND.	SPECIAL CONDITIONS
53241	Construction, Transportation, Mining, and Forestry Machinery and Equipment Rental and Leasing		**22**	
53242	Office Machinery and Equipment Rental and Leasing	**P**	**20**	
53249	Other Commercial and Industrial Machinery and Equipment Rental and Leasing		**22**	
54	**Professional, Scientific, and Technical Services**			
541	Professional, Scientific, and Technical Services	**P**	**14**	
541490	Other Specialized Design Services	**P**	**14**	
54194	Veterinary Services (w/o kennels)	**C**	**10**	
541940	Veterinary Services		**10**	Requires the location of outdoor kennels to be at least 100-feet from any property line. Requires outdoor kennels , runs, enclosures, etc., to be enclosed by a solid fence at least 6-feet in height.
55	**Management of Companies and Enterprises**			
551	Management of Companies and Enterprises	**P**	**14**	
56	**Administrative and Support and Waste Management and Remediation Services**			
561	Administrative and Support Services	**P**	**14**	
56143	Business Service Center	**P**	**14**	
561613	Armored Car Services		**15**	
561622	Locksmiths		**16**	
56171	Exterminating and Pest Control Services		**16**	
56174	Carpet and Upholstery Cleaning Services		**16**	
562	Waste Management and Remediation Services		**22**	
61	**Educational Services**			
6111	Elementary and Secondary Schools	**P**	**8**	
6112	Junior Colleges	**P**	**8**	
6113	Colleges, Universities and Professional Schools	**P**	**8**	
6114	Business Schools and Computer and Management Training	**P**	**8**	
6115	Technical and Trade Schools (Classroom Only)	**P**	**8**	
6116	Other Schools and Instruction (Classroom Only)	**P**	**8**	
6117	Educational Support Services	**P**	**8**	
62	**Health Care and Social Assistance**			
621	Ambulatory Health Care Services	**P**	**10**	
6211	Offices of Physicians	**P**	**10**	
6212	Offices of Dentists	**P**	**10**	
6213	Offices of Other Health Practitioners	**P**	**10**	
6214	Outpatient Care Centers	**P**	**10**	

NAICS Code	USE DESCRIPTION	CBD	PKNG. STND.	SPECIAL CONDITIONS
62149	Other Outpatient Care Centers	**P**	**10**	
6215	Medical and Diagnostic Laboratories	**P**	**10**	
6216	Home Health Care Services	**P**	**10**	
6219	Other Ambulatory Health Care Services (except air ambulance)	**P**	**10**	
62191	Ambulance Services		**10**	
62199	All Other Ambulatory Health Care Services	**P**	**10**	
622	Hospitals	**C**	**10**	
6221	General Medical and Surgical Hospitals	**C**	**10**	
6222	Psychiatric and Substance Abuse Hospitals	**C**	**10**	Prohibits buildings housing psychiatric patients within 250-feet of any residential district.
6223	Specialty (except Psychiatric and Substance Abuse) Hospitals	**C**	**10**	
6231	Nursing Care Facilities	**P**	**10**	
6232	Residential Mental Retardation, Mental Health and Substance Abuse Facilities	**C**	**10**	
6233	Community Care Facilities for the Elderly (w/o Nursing Care)	**P**	**10**	
6239	Other Residential Care Facilities	**P**	**10**	
624	Social Assistance (Office only)	**P**	**14**	
6241	Individual and Family Services	**P**	**14**	
6242	Community Food and Housing, and Emergency and Other Relief Services	**P**	**21**	
6243	Vocational Rehabilitation Services	**P**	**10**	
6244	Child Day Care Services (Includes Adult)	**P**	**6**	
71	**Arts, Entertainment, and Recreation**			
711	Performing Arts, Spectator Sports, and Related Industries (except spectator sports)	**P**	**18**	
7111	Performing Arts Companies	**P**	**18**	
7112	Spectator Sports	**C**	**18**	
7113	Promoters of Performing Arts, Sports, and Similar Events	**P**	**14**	
7114	Agents and Managers for Artists, Athletes, Entertainers, and Other Public Figures	**P**	**14**	
7115	Independent Artists, Writers, and Performers	**P**	**14**	
712	Museums, Historical Sites, and Similar Institutions (w/o Zoos)	**P**	**5**	
7121	Museums, Historical Sites, and Similar Institutions (w/o Zoos)		**5**	
713	Amusement, Gambling, and Recreation Industries	**C**	**18**	
7132	Gambling Industries		**22**	
72	**Accommodation and Food Services**			
721	Accommodation		**12**	
7211	Traveler Accommodation		**12**	
72111	Hotel/Motel	**P**	**12**	
721191	Bed-and-Breakfast Inns	**P**	**2**	Facility must comply with all city and state building, fire, and health codes and must have a valid Certificate Of Occupancy.

NAICS Code	USE DESCRIPTION	CBD	PKNG. STND.	SPECIAL CONDITIONS
7212	RV (Recreational Vehicle) Parks and Recreational Camps		**22**	
7213	Rooming and Boarding Houses		**12**	
722	Food Services and Drinking Places	**P**	**19**	
72221	Limited - Services Eating Places (w/Dev. Stnds.)	**P**	**19**	
72233	Mobile Food Services	**P**	**22**	
81	**Other Services (except Public Administration)**			
811	Repair and Maintenance		**1**	
8111	Automotive Repair and Maintenance	**C**	**1**	
811191	Automotive Oil Change and Lubrication Shops	**C**	**1**	Requires compliance with Article 11-I-19
811192	Car Washes	**C**	**22**	Requires compliance with Article 11-I-19
8112	Electronic and Precision Equipment Repair and Maintenance (Minor)	**P**	**20**	
8113	Commercial and Industrial Machinery and Equipment (except Automotive and Electronic)		**1**	
8114	Personal and Household Goods - Repair and Maintenance	**P**	**20**	
812	Personal and Laundry Services		**16**	
8121	Personal Care Services	**P**	**16**	
8122	Death Care Services	**P**	**7**	
8123	Dry-cleaning and Laundry Services		**16**	
81231	Coin-Operated Laundries and Drycleaners	**P**	**16**	
81233	Linen and Uniform Supply		**16**	
8129	Other Personal Services	**P**	**16**	
81291	Pet Care Services (except veterinary/kennels)	**P**	**16**	
81293	Parking Lots and Garages (by fee)	**P**	**22**	
813	Religious, Grant-making, Civic, Professional, and Similar Organizations	**P**	**14**	
8131	Religious Organizations	**P**	**3**	
8132	Grant-making and Giving Services	**P**	**14**	
8133	Social Advocacy Organizations	**P**	**14**	
8134	Civic and Social Organizations	**P**	**14**	
8139	Business, Professional, Labor, Political, and Similar Organizations	**P**	**14**	
814	Private Households	**P**	**23**	
92	**Public Administration**			
921	Executive, Legislative, and Other General Government Support	**P**	**14**	
922	Justice, Public Order, and Safety Activities	**P**	**14**	
92214	Correctional Institutions		**14**	
923	Administration of Human Resource Programs	**P**	**14**	
924	Administration of Environmental Quality Programs	**P**	**14**	
925	Administration of Housing Programs, Urban Planning, and Community Development	**P**	**14**	

NAICS Code	USE DESCRIPTION	CBD	PKNG. STND.	SPECIAL CONDITIONS
926	Administration of Economic Programs	**P**	**14**	
927	Space Research and Technology	**C**	**14**	
928	National Security and International Affairs	**C**	**14**	
A.	**Residential Uses**		**23**	
	Single Family	**P**		
	Duplex	**P**		
	Multi-Family	**P**		
	Upper Story Residential (Loft Apartments)	**P**		
B.	Accessory Uses & Structures	**P**		

Art.11-1-7 ZONING DISTRICTS-NORTH SIDE

(a) **Enumeration of Districts and Purpose:** The following specifically enumerated districts are established in the area designated on the Official Zoning Map as "North Side" and are to be developed substantially consistent with the following described purposes:

(1) **District 21-N:** The purpose of District 21-N is to permit the development of small business uses along the State Highway 16 corridor into the Central City Area north of Barnett Street in a manner which:

(i) promotes a reasonably attractive entranceway into the Central City Area; but

(ii) does not adversely affect the adjacent residential areas through the development of incompatible businesses.

(2) **District 22-N:** The purpose of District 22-N is for limited industrial development. The expansion of the district and its uses should be restricted because of nearby residential developments and surrounding areas within the City and the City's extraterritorial jurisdiction which should develop with residential uses

(3) **District 23-N:** District 23-N is primarily to be developed with a mix of residential uses with certain smaller contractor businesses. A limit should be placed on the expansion of personal service uses. No retail uses should be permitted except on a limited and conditional use basis.

(4) **District 24-N:** The purpose of District 24-N is to serve as a transition district between a GTW district and a large single-family RC zone. The district allows for retirement and nursing home development and complimentary commercial businesses, but limits retail development and other uses that could produce a negative impact on the single family subdivisions and Quinlan Creek.

(5) **District 38-N:** District 38-N is designed primarily to regulate the development and land use of areas at or near the most heavily trafficked entries into the City in a manner that enhances the appearance of such areas while at the same time allowing the development of more intense uses that require good access to major thoroughfares. Hotels and other similar uses are encouraged. All uses which are allowed conditionally should be carefully evaluated as to the impact such uses have on the appearance and "first impression" portrayed to anyone traveling into and out of the City as well as the amount of traffic concentrated around such entry ways. District 38-N regulations may be applied to newly annexed areas that may result in the development of an additional main entrance into the City. (Referenced to Ordinance No. 2001-04)

(b) **Permitted and Conditional Uses -North Side:** The uses which are permitted as a matter of right or permitted upon issuance of a conditional use permit in the enumerated North Side zoning districts described in Section (a), above, and shown on the Official Zoning Map, are indicated by the letters "P" and "C", respectively, in the following table: (Referenced to Ordinance No. 2001-04)

(c) **<u>Special Development Regulations for District 38-N:</u>** In addition to other regulations set forth in the Zoning Code, property located in District 38-N shall be developed in accordance with the following regulations: (Referenced to Ordinance No. 2001-04)

(1) **<u>Outdoor Storage and Display Regulations:</u>** Outdoor storage and display of materials, supplies, inventory and equipment on property located in the "38N" District shall be subject to the following conditions
(Referenced to Ordinance No. 2001-04)

(i) Except as set forth in paragraph (v) of this subsection (1), all materials, supplies, inventory and equipment placed on the exterior of the building must be screened from the view of adjacent public streets and alleys and from adjacent properties;

(ii) No inventory or equipment may be kept or stored:

a. within any front, side, or rear yard setback;

b. within any required parking spaces, fire lanes, Circulation aisles, or customer pick-up lanes;

c. within any areas that creates a visibility obstruction or otherwise interferes with pedestrian or vehicular circulation;

d. on any roof of structure;

e. any other location outside of the areas indicated on an approved site plan.

(iii) The vehicle and pedestrian traveling lanes within storage areas exterior to any building must be asphalt, concrete, or such other surface in order to:

a. prevent mud, dirt, or other loose materials from being removed from the property and tracked onto the public rights of-way by vehicles traveling from the storage areas; and

b prevent dirt and/or dust from becoming airborne to such an extent that the dirt and/or dust travels to adjacent properties.

(iv) Fertilizers, chemicals, bulk soil and mulch, petroleum products, and materials classified as hazardous materials that are kept on the exterior of the building must be stored in such a manner that storm water cannot directly or indirectly come in contact with such products or materials while being stored.

(v) Notwithstanding anything to the contrary in paragraphs(i) through (iv),above, goods, materials, merchandise, and equipment constituting inventory of the store located on the property may be stored and displayed on the exterior of the building without screening, but only if said goods, materials, merchandise, or equipment:

a are placed in an area not more than five feet from the building face on which the main customer entrance is located; and do not exceed four feet in height; or

b are placed on a fuel pump island and do not exceed three feet (3.0') in height above the driving surface for vehicles; or

c are self-propelled vehicles used by the owner or lessee of the property in the operation of the business located on the property, which vehicles are not made available for retail or wholesale purchase by said owner or lessee.

(2) **Screening Regulations:** The screening of outdoor display and outdoor storage areas must be in accordance with the following specifications:
(Referenced to Ordinance No. 2001-04)

(i) Such screening must be not less than six feet in height and shall be one of the following constructions:

a masonry materials similar in design to the main building; or

b chain link or ornamental fencing in combination with a landscape screen or other masonry treatment; or

c a solid, evergreen shrub landscape screen without a fence or wall.

(ii) Evergreen shrubs used for a landscaped screen must be placed to create at least a six-foot tall solid screen at its installation and maintained in a healthy, growing condition.

(iii) Screening fences may not be constructed of wood fencing or chain link with slats.

(iv) No screening fence may exceed eight feet in height.

(3) **Exterior Building Treatments:** Exterior wall treatments of buildings constructed in District 38-N must be as follows: (Referenced to Ordinance No. 2001-04)

(i) Exterior wall construction for buildings of three stories or less must be constructed of a masonry construction of not less than 75% with no single wall face of any structure containing masonry construction on less than 50% of the exposed surface. Doors and windows shall be at least 40% of the exposed surface.

(ii) For purpose of this Subsection (3), the phrase "masonry construction" shall mean:

a that form of construction composed of stone, brick, concrete, hollow clay tile, concrete block or tile, other similar building units or materials or combination of these materials laid up unit by Unit and set in mortar;

b brick or rock veneer; and

c exterior plasters as described in Title 7, Chapter I of the City Code.

(4) **<u>When Screening Required:</u>** The owner or developer of property located in District 38-N to be developed with uses in Use Categories 3 through 9, inclusive, as defined in Article 1 1-1-17(a.) shall construct and maintain a screening wall or fence along the border of the property when the property is:

(Referenced to Ordinance No. 2001-04)

(i) abutting property located in an "R-1" , "R1-A", "R-3", "RM", "RC", "RT", or "PI" zoning district, regardless of whether the abutting property is developed; or

(ii) abutting property which is developed with a use in a more restrictive use category, regardless of whether:

a the property being developed and the abutting property are in the same or different zoning districts; or

b the less restrictive use will occur in a newly constructed building or in an existing building previously used for purposes in a more restrictive use category; or

(iii) developed with a use in a less restrictive use category than the abutting property and the owner or developer desires to expand such less restrictive use by more than fifty percent of the building or storage area on the property.

(5) **<u>Type of Screening Required:</u>** For purposes of this Section (c.), the following table shall be used in determining whether Type "A" or Type "B" Screening must be constructed when screening is required:

(Referenced to Ordinance No. 2001-04)

More Restrictive Use Categories	Land restrictive Use required to Establish Screening								
	1	2	3	4	5	6	7	8	9
1			A	A	A	B	B	B	B
2			A	A	A	A	B	B	B
3				A	A	A	A	B	B
4					A	A	A	A	B
5						A	A	A	A
6						A	A	A	A
7							A	A	A
8								A	A
9									A

(6) Type "A" and Type "B" Screening Defined: For purposes of this Section (c.), the phrases "Type 'A' Screening" and "Type `13' Screening" shall have the same meaning as set forth in Article 11-I-18. (Referenced to Ordinance No. 2001-04)

SEE FOLLOWING PAGE FOR TABLE

LAND USES	21	22	23	24	*38
Agricultural - General					
Agricultural Service					C
Bed and Breakfast	P			P	P
Building Construction, General			P		
Building Construction, Specialist	C		P		
Business Services I	P		P	C	P
Business Services II	P		P	C	P
Cocktail Lounge				C	P
Detention Facilities	C				
Dwelling , Single Family, Detached			P	P	
Manufactured Home or Manufactured Housing			P		
Dwelling, Multiple Family	P		P	P	P
Dwelling, Single Family with apartment			P	P	
Dwelling, RC District Uses (with plat)			P	P	
Education, Secondary and College	C				P
Education, Primary	C	C		C	C
Equipment Sales/Repair/Storage (Heavy)					
Fuel Sales	P				C
Funeral Services			C	P	
Institutional and Public Use Facilities			P		
Life Care Development	C		P	P	P
Manufacturing, Custom	P	P		C	
Manufacturing and Industrial, Heavy		P			
Manufacturing and Industrial, Limited		P	C		
Manufactured Housing Sales					
Personal Services I	P		C	P	P
Personal Services II	C		C	C	C
Personal Services-Limited	P		P	P	P
Professional Offices	P	P	P	P	P
Restaurant, General	C			C	P
Restaurant, Limited	P		P	P	P
Retail Trade – I	P		C	P	C
Retail Trade – II	C				C
Retail Trade – III	C				C
Retail Trade – Limited			P	P	P
Tourist/Visitor & Recreation Service		C	C	P	C
Transportation Terminal (Bus/Aviation)		C			
Vehicle Maintenance and Repair	C		C		C
Vehicle Sales/Service-Used	C				
Vehicle Sales/Service – New	P				
*Warehousing & Distribution					

(Ord. #2001-11, 07-10-2001)

Art. 11-1-8 ZONING DISTRICTS-EAST SIDE

(a) **Enumeration of Districts and Purpose**: The following specifically enumerated districts are established in the area designated on the Official Zoning Map as "East Side" and are to be developed substantially consistent with the following described purposes:

(1) **District 25-E:** District 25-E is primarily to be developed with commercial uses. District 25-E is not intended to be expanded except through annexation which should be coupled with a requirement for presentation of a development plan. Commercial development along Loop 534 should not be stripped but developed in nodal fashion with controlled access off Loop 534.

(2) **District 26-E:** District 26-E is primarily to be developed as the primary industrial area for the City. Both heavy and limited industrial uses are listed as permitted, though other uses primarily intended to compliment the industrial uses are also allowed. Development with higher density residential uses may be appropriate under certain conditions. Development of industry in this district is not to occur in a strip but is to be developed with controlled access to Loop 534 with facilities served by an inner road system. District 26-E is intended to be expanded through annexation.

(3) **District 27-E:** District 27-E is primarily intended to be developed as a sanitary landfill and wastewater treatment plant, but also permits recreational uses, certain commercial uses for areas closer to Loop 534, and residential uses subject to approval of a Conditional Use Permit. Development of uses not located on City-owned property in this district is not to occur in a strip but is to be developed with controlled access to Loop 534 with facilities served by an inner road system.

(4) **District 28-E:** District 28-E is primarily to be developed with residential uses, but also allows certain compatible non-residential uses, such as life care developments, institutional and public assembly, churches, funeral homes, personal services, and retail trade built with a residential character. Limited manufacturing uses are also permitted subject to a Conditional Use Permit. Any zone change request associated with an extension of Singing Wind Boulevard to Loop 534 should be carefully evaluated so as to permit only uses that will be reasonably compatible with existing residential uses. District 28-E is not designed to be extended.

(5) **District29-E:** District 29-E is primarily to be developed with professional offices, personal services, retail limited to smaller buildings, and residential uses which will compliment and enhance the eastern entrance into the City from State Highway 27. Development should also he designed as to not unreasonably adversely affect the operations of the Veteran's Administration Hospital, which is located within District 29-E.

(6) **District 30-E:** District 30-E is primarily designed to be developed with lower density residential uses, limited retail uses, and limited personal services uses. Redevelopment should be conducted in a manner conducive to the existing residential as well as in a manner which compliments and enhances the eastern entrance into the City from State Highway 27.

(7) **District 31-E:** The purpose of District 31-E is to promote a mix of contractor businesses, business services, and personal services, all of which should be developed in a manner that enhances the quality of the Guadalupe River frontage, located across the highway from this district, and Schreiner College, which is on the west end of the district. Retail trade should be limited and constructed with a residential appearance.

(8) **District 32-E:** The purpose of District 32-E is to encourage business uses compatible with the Kerr County Law Enforcement Center, Schreiner College, and the adjacent residential uses. Residential uses should not be permitted within the district. Industrial uses may be permitted on a conditional basis, which conditions must include safeguards for the adjacent properties and plans for an adequate industrial roadway for access to the tract being developed.

(b) **Permitted and Conditional Uses -East Side:** The uses which are permitted as a matter of right or permitted upon issuance of a conditional use permit in the enumerated East Side zoning districts described in Section (a.), above, and shown on the Official Zoning Map, are indicated by the letters "P" and "C", respectively, in the following table:

SEE FOLLOWING PAGE FOR TABLE

LAND USES	25	26	27	28	29	30	31	32
Agricultural - General		P	P					
Agricultural Service		P	P					C
Bed and Breakfast				P		P	P	
Building Construction, General			P				P	P
Building Construction, Specialist	P	P	P				P	P
Business Services I	P	P	P	C	P		P	P
Business Services II	P	P	P	C	P		C	P
Cocktail Lounge	P	P	P		P		C	C
Detention Facilities			C		C			C
Dwelling , Single Family, Detached			C	P	P	P	P	
Manufactured Home or Manufactured Housing			C	C	C	C	C	
Dwelling, Multiple Family	P	C	C	P	P	C	P	
Dwelling, Single Family with apartment			C	P	P	P	P	
Dwelling, RC District Uses (with plat)			C	P		P		
Education, Secondary and College	C	C	P	C	P		P	P
Education, Primary	P	C	C	C	C	C	C	C
Equipment Sales/Repair/Storage (Heavy)		P	C					C
Fuel Sales		P	C		C		C	C
Funeral Services	P		P	P	P		P	C
Institutional and Public Use Facilities	P		P	P	P			
Life Care Development				P	P	P		
Manufacturing, Custom	P	P	P	P	P	P	P	P
Manufacturing and Industrial, Heavy		P	C					C
Manufacturing and Industrial, Limited	C	P	P	C	C		C	C
Manufactured Housing Sales			C	C	C		C	C
Personal Services I	P	P	P	C	P		P	P
Personal Services II	P	P	P		P		P	P
Personal Services-Limited	P	P	P	P	P	P	P	P
Professional Offices	P	P	P	P	P		P	P
Restaurant, General	P	P	P	C	P		P	P
Restaurant, Limited	P	P	P	C	P		P	P
Retail Trade – I	P	P	P	C	P		C	C
Retail Trade – II			C		C			
Retail Trade – III			C					
Retail Trade – Limited	P		P	P	P	P	P	C
Tourist/Visitor & Recreation Service	P	P	P	P	P	P	P	
Transportation Terminal (Bus/Aviation)		P	C		C			C
Vehicle Maintenance and Repair		P	C		C		C	P
Vehicle Sales/Service-Used		C	C		C		C	C
Vehicle Sales/Services – New	C	P	P		P		C	P
Warehousing & Distribution		P	C		C			C

(Ord. #2001-11, 07-10/2001)

Art. 11-1-9 ZONING DISTRICTS - SOUTH SIDE

(a) **Enumeration of Districts and Purpose:** The following specifically enumerated districts are established in the area designated on the Official Zoning Map as "South Side" and are to be developed substantially consistent with the following described purposes:

(1) **District 33-S:** The purpose of District 33-S is to promote business development that will enhance development near or bordering the Guadalupe River. Certain areas within the district are suitable for multi-family residential, but not other types of residential. More intense commercial uses may be allowed on a conditional basis.

(2) **District 34-S:** The purpose of District 34-S is to permit the development of small office uses. Single family residential uses are not appropriate for this district except on a conditional basis.

(3) **District 35-S:** The Purpose of District. 35-S is to permit the development of a private country club, golf course, and associated other recreational uses along with the development of small shops for limited retail and personal service uses associated with the club development. District 35-S also allows for higher density residential uses, but not detached single family residential uses.

(4) **District 36-S:** The purpose of District 36-S is to allow low intensity business uses that are appropriate for the district's location near the River Hill and Oak Hollow residential developments but includes additional uses above that allowed in the abutting GR zoning district. District 36-S is not intended to be expanded through annexation or any other means.

(5) **District 37-S:** The primary purpose of District 37-S is to allow development of light commercial, professional office and multifamily housing uses in a manner that:

(i) protects the environment and water quality of Camp Meeting Creek,

(ii) enhances the appearance of the entrance into the city along State Highway 16, and

(iii) that protects adjacent residential development.

Restaurants, offices, limited personal services, and apartments or condominiums are examples of permitted uses within this district. Retail trade, business services, Personal Services 11, and hotels are examples of heavier types of uses requiring conditional use permits. In considering applications for conditional use permits in this district, careful consideration should be given to how such use and might be contrary to the above stated purposes of the district.

(b) **Permitted and Conditional Uses -South Side:** The uses which are permitted as a matter of right or permitted upon issuance of a conditional use permit in the enumerated South Side zoning districts described in Section (a.), above, and shown on the Official Zoning Map, are indicated by the letters "P" and "C", respectively, in the following table:

SEE FOLLOWING PAGE FOR TABLE

LAND USES	33	34	35	36	37
Agricultural - General					
Agricultural Service					
Bed and Breakfast	P		P		P
Building Construction, General	C				
Building Construction, Specialist	C				
Business Services I	P	C		P	C
Business Services II	P	C		C	C
Cocktail Lounge	P			P	C
Detention Facilities					
Dwelling , Single Family, Detached		C			
Manufactured Home or Manufactured Housing					
Dwelling Multiple Family	P	P	P	P	P
Dwelling, Single Family with apartment					
Dwelling, RC District Uses (with plat)		C	P		
Education, Secondary and College	C			P	P
Education, Primary	P	C	C	C	C
Equipment Sales/Repair/Storage (Heavy)					
Fuel Sales					
Funeral Services	P				C
Institutional and Public Use Facilities	P				P
Life Care Development	P	P		C	P
Manufacturing, Custom	P	C	C	P	C
Manufacturing and Industrial, Heavy					
Manufacturing and Industrial, Limited	C				
Manufactured Housing Sales					
Personal Services I	P	P	P	P	C
Personal Services II	P	C		C	C
Personal Services-Limited	P	P	P	P	C
Professional Offices	P	P	P	P	P
Restaurant, General	P	P	P	P	P
Restaurant, Limited	P	P	P	P	P
Retail Trade – I	P	C		P	C
Retail Trade – II					
Retail Trade – III					
Retail Trade – Limited	P	C	P	P	P
Tourist/Visitor & Recreation Service	P		P	P	P
Transportation Terminals (Bus/Aviation)				C	
Vehicle Maintenance and Repair	C				
Vehicle Sales/Service-Used	C			C	C
Vehicle Sales/Service – New	C			C	C
Warehousing & Distribution	C				

(Ord. #2001-11, 07/10/2001)
(Ord. 2000-12, 07/25/2000)

Art. 11-I-10 RESIDENTIAL ZONING DISTRICTS

(a) **"R-1" Single Family Residential District:** In addition to other regulations set forth in the Zoning Code, property located in an "R-l" Single Family Residential District shall be developed in accordance with the following regulations:

(1) **Purpose:** The purpose of an "R-1" Single Family Residential District is (1) to encourage development of primarily larger lot single family detached homes and (2) to protect developed and vacant properties that are determined to be most suitable for detached single family homes from uses that will produce traffic concentrations, noise and pollutants that will create an undesirable and unsafe residential environment. "R-l" Single Family Residential Districts can be located in any area of the City suitable for residential use.

(2) **Building Regulations:** Except for a detached garage or servant or guest quarters, no more than one main building may be constructed on a lot in the "R-l", Single Family Residential District.

(b) **"R-1A" Residential District:** In addition to other regulations set forth in the Zoning Code, property located in an "R-1A" Residential District shall be developed in accordance with the following regulations:

(1) **Purpose:** The purpose of an "R-1A" Residential District is to encourage the continuation of residential uses in older residential areas located within or near the Central City area. The addition of an apartment to a single family house is permitted under certain conditions in order to (1) encourage home ownership in older sections of the City by permitting a home owner to investment in and improve an older home in a manner that increases the ability of that home owner to realize a certain income from the investment; (2) make available more apartments, possibly at lower rent, that are closely associated with a single family home; and (3) increase the number of residents, and thus potential customer base, close to the downtown area. Except for a detached garage or servant or guest quarters, no more than one main building may be constructed on a lot in the "R-1 A", Residential District.

(2) **Developing Single-Family House with Apartment**: A single family residence in a "R-IA" Residential District may be developed with a separate apartment in accordance with the following development regulations:

(i) **Area of Apartment:** The apartment may not be larger than one-half the floor area of the house without the apartment, excluding the area of any attached garage or carport;

(ii) **Off-Street Parking:** The property must not have fewer than three off-street parking spaces, only two of which may be located within the front yard area of the lot; provided, however, a lot which is greater than seventy (70) feet wide may have three off-street parking spaces in the front yard area; and

(iii) **Setback Requirements:** Any additions to the existing structure(s) must meet the required setback regulations in that zoning district.

(c) **<u>"RC" Residential Cluster District:</u>** In addition to other regulations set forth in the Zoning Code, property located in an "RC" Residential Cluster District shall "RC" Residential Cluster District: In addition to other regulations set be developed in accordance with the following regulations:

(1) **<u>Purpose:</u>** The primary purpose of the "RC" Residential Cluster District is to permit the development of a mix of residential uses, including, but not limited to, single-family detached dwellings, zero lot line "gar-den homes," and townhouses, subject to certain development regulations that ensure better compatibility of different types of uses within the same zone, such as required buffer areas, screening fences, street layouts, and/or landscaping. An additional purpose of the "RC" Residential Cluster District is to allow, in circumstances where it might not otherwise be permitted, the clustering of homes in certain portions of a tract when (1) the topography does not reasonably allow development of the entire tract or (2) preservation of important open space views, critical environmental features (including significant trees), or recreational areas is desired. The "RC" Residential Cluster District is intended to be the primary residential zone for growth areas of the City.

(2) **<u>Adoption of Development Site Plan</u>**: Prior to the issuance of any building permits for construction of any structure on property located in an "RC" Residential Cluster District, other than a single family detached dwelling, the owner of the property must obtain approval of a Development Site Plan which is consistent with the development regulations set forth in this Section (c.). The procedure for approval of a Development Site Plan or any amendment thereto shall be the same as for the adoption of a Conditional Use Permit. Upon adoption, a copy of the resolution adopting the Development Site Plan shall be f i led in the official records of the County Clerk of Kerr County, Texas.

(3) **<u>Contents of Development Site Plan:</u>** A Development Site Plan shall contain sufficient details to give notice to the public the nature of the development regulations governing the subdivision, which, at the discretion of the City, may include, but not be limited to:

(i) Boundaries of the proposed development;

(ii) Approximate locations, with boundaries, for different types of development;

(iii) Locations and types of screening, buffering, landscaping, or open space areas;

(iv} Location of common areas; and

(v) Locations of driveways, including common driveways, streets, and alleys.

The resolution adopting the Development Site Plan may include such other development restrictions as determined necessary to accomplish the purposes set forth in Subsection (1), above.

4) **<u>Plat Consistent With Adopted Development Site Plan:</u>** All subdivision plats approved for property located in an "RC" Residential Cluster District, in addition to complying with all other requirements of the Subdivision Code, must:

(i) indicate the resolution number(s) which adopted and approved the Development Site Plan and the related development regulations adopted specifically for the property which is the subject of the plat;

(ii) otherwise be consistent with the resolution adopting the Development Site Plan for the property; and

(iii) contain a note indicating that a building permit may not be issued if a required Development Site Plan has not been adopted for the property.

(5) **<u>Amendment to Development Site Plan:</u>** Any amendment to a Development Site Plan shall be approved in the same manner as the original development site plan. The amendment of a Development Site Plan shall require a replat of property only if the layout of streets, alleys, common areas, and buffer zones are to be substantially altered from the then current plat. The Planning Director or his designee shall deliver to the County Clerk of Kerr County, Texas, to be filed in the appropriate records, a notice of the adoption of any resolution which amends an approved Development Site Plan affecting previously platted property.

(6) **<u>Density, Lot Size, and Setback Requirements:</u>**

(i) **Same Street as Single Family Detached Dwelling Developments:** When a proposed "RC" Residential Cluster District abuts and is located in whole or in part on the same street as property developed with, or zoned for development of, single family detached dwellings, regardless of whether the "RC" Residential Cluster District is located on only one or both sides of the street, the "RC" Residential Cluster District shall be required to meet the following development requirements:

a For two lots beyond the last lot zoned for or developed as single family detached dwellings, there shall be similar building densities and setbacks as for the adjacent single family detached dwelling development; or,

b The Development Site Plan may provide for smaller lot sizes. greater densities, and/or shallower setbacks than the adjacent single family development if open space or other buffering techniques are used to maintain a harmonious transition from the existing single family detached residential development.

(ii) Abutting Single Family Detached Dwelling Developments - Not Same Street: When a proposed "RC" Residential Cluster District abuts in whole or in part the back or side lot lines of property developed with, or zoned for development of, single family detached dwellings, (not including situations described in Paragraph (1), above), the row of lots in the "RC" Residential Cluster District that abuts the single family detached dwelling development shall be developed with a residential density similar to that of the adjacent single family detached dwelling development; provided, however, at the discretion of City Council and after recommendation of the Commission, a Development Plan for an "RC"

Residential Cluster District as described in this subsection may alternatively provide for a setback requirement for the lots adjacent to the single family detached dwelling development to be fifteen (15) feet, and be required to be developed with:

a a privacy fence composed of weather resistant wood and/or rock or brick masonry typical of residential areas along the common property line with the single family detached zone, provided, however, the owner may, pursuant to adoption of the Development Site Plan, be exempted from constructing the privacy fence if a privacy fence already exists along said common property line; and/or

b a landscape plan that provides for the preservation of existing trees and/or the planting of new trees of not less than two inch (2") caliper planted on fifty foot (50') centers along the property line abutting the single family detached dwelling development, which landscape plan shall become a part of the resolution adopting the Development Site Plan, which may also establish the time in which the landscaping requirements are to be complete; or

c development requirements in conjunction with or as alternatives to a or b, above, that are determined to provide for better harmony with and transition from the neighboring development.

(iii) **Minimum building setbacks when not abutting single family detached developments:** The building setback lines for lots in an "RC" Residential Cluster District that are not located adjacent to a single family detached dwelling development shall be as follows:

a Lots to be developed with single family detached dwellings:

1 When the front yard abuts a collector or arterial street (access to the street shall be limited as stated on the plat):

i Front yards = 20 feet

ii Rear yards = 15 feet

iii Side yards = 5 feet, except the side yard setback of a corner lot located on a street intersecting the arterial or collector street shall be15 feet

2 When the front yard abuts a minor street:

i Front Yards = 15 feet, except that the garage shall be setback nineteen (19) feet

ii Rear Yards = 15 feet

iii Side Yards = 5 feet, except the side yard setback of a corner lot located on a street intersecting the minor street shall be 15 feet

b Lots to be developed with zero lot line dwellings:

1 When the front yard abuts a collector or arterial street (access to the street shall be limited as stated on the plat):

i Front yards = 20 feet

ii Rear yards = 15 feet

iii Side yards not using "z-lot" configuration = 0 feet on zero side, and 10 feet on non-zero side, except the side yard setback of a corner lot located on a street intersecting the arterial or collector street shall be 15 feet

iv Side yards using "z-lot" configuration = 0 feet on zero side, and 10 feet on non-zero side, or, alternatively, alternate 0 feet and 10 feet on the same lot line as shown in Appendix "A", except the side yard setback of a corner lot located on a street intersecting the arterial or collector street shall be 15 feet

2 When front yards abut a minor street:

i Front Yards = 15 feet, except that the garage shall be setback nineteen (19) feet

ii Rear yards = 15 feet

iii Side Yards = Same as set forth in Paragraphs (iii)b.1,iii and (iii)b.1,iv, above

c Lots to be developed with town houses, including duplex-type units:

1 When the front yard abuts a collector or arterial street (access to the street shall be limited as stated on the plat):

i Front yards = 20 feet

ii Rear yards 15 feet

iii Side yards = 0 feet side yards except as follows:

a) the side yard setback of a corner lot located on a street intersecting the arterial or collector street shall be 15 feet

b) a 20 foot separation shall be maintained between each cluster of units, with no more than four units being constructed in each cluster or between the cluster of units and an adjacent detached dwelling unit

2 When the front yard abuts a minor street:

i Front yard = 15 feet, except that the garage shall be setback nineteen (19) feet

ii Rear yard = 15 feet

iii Side yard = Same as set forth in Paragraph **(iii)*c.l,iii,*** above

(iv) **Zero-Lot Quad Developments:** For purposes of this subsection, a "zero-lot quad development" is a development consisting of one or more sets of four attached residential units located on shallow, zero lot line lots, which is laid out substantially similar to Examples I and 4 in Appendix "A", and developed in accordance with the following:

a A zero-lot quad development should be consistent with the following purposes:

1 To create a more traditional home front style with less garage visibility from the public right-of-way;

2 To allow for creativity in design with private driveways serving more than one residence, but not more than four;

3 To encourage the use of the front yard as a place for front porches and human activity rather than primarily as concrete driveways and garages; and

4 To dedicate commonly or publicly owned open space within the development,

b Setbacks for a zero-lot quad development shall be twenty (20) feet front and side yards as shown in Examples I and 4 of Appendix "A".

c The developer shall be required to present a Development Plan as required by Section (c.)(2), above.

(v) **Maximum Dwelling Density When Not Abutting a Single Family Detached Development or Zone:** When not abutting a development or zoning district of single family detached dwelling units, an "RC" Residential Cluster District must be designed to maintain maximum dwelling density, measured in average square feet of lot area per dwelling, as follows:

a Lots developed with single family detached dwelling units must have no more than one dwelling unit for each 5,000 square feet of property.

b Lots developed with zero lot line dwellings, including zero lot quad developments, must have no more than one dwelling unit for each 4,500 square feet of property.

c Lots developed with townhouses must have no more than one dwelling unit for each 3,500 square feet of property.

For purposes of this Paragraph (v), except for street rights-of-way regardless of ownership, property owned in common by a homeowner's association or in equal shares by all property owners within a development may be included in the total area used to determine the average lot size per dwelling unit, even though such common area is platted as a separate lot.

(iii) **Setback Requirements for Lots with Commonly Owned (not public) Open Space Separating Buildings:** The setback requirements set forth in Paragraphs (iii) and (iv), above, with respect to all sides of the building shall apply to all buildings located on:

a a single lot in which all areas between the buildings are private open spaces owned in common or

b lots separated by a platted common area.

For purposes of determining if a building located as described in this Paragraph (vi) complies with the setback requirements of Paragraphs (iii) and (iv), above, an imaginary lot line will be drawn equidistant from each building, and the setbacks shall be measured from that imaginary lot line.

(iv) **Lots Abutting an Alley:** Dwellings with one car garages and carports shall maintain the same setbacks as required elsewhere in this Section (c.); provided, however, a two car garage or carport with an entry facing a publicly dedicated alley may be built with the entry not less than six (6) feet from the lot line adjacent to that alley.

(7) **<u>Additional Development Regulations:</u>** The development of property located in an "RC" Residential Cluster District must comply with the following additional regulations:

(i) **Access to Arterial or Collector Stree**t: No lot shall be platted with direct access to a collector or arterial street except where limited access is permitted by the Subdivision Code.

(ii) **Mixing of Housing Types on Same Street:** A Development Site Plan for property in an "RC" Residential Cluster District must provide that no more than one type of housing will be developed on the same street except where terrain, the construction of an appropriate buffer, or open areas create a situation in which a mix of housing on the same street will be compatible.

(iii) **Loop or Cul-de-Sac Streets:** Notwithstanding Paragraph (ii), above, no more than one type of housing may be developed on loop streets or cul-de-sacs.

(iv) **Common Driveways:** The Development Site Plan may provide for common driveways to be constructed to serve a limited number of dwellings as shown in Examples I and 4 of Appendix "A". The number of dwellings served by a common driveway shall depend on the length of the street, the need for emergency vehicle access, the overall design of the Development Site Plan, terrain, and safety considerations; however, in no case will a Development Site Plan be approved that provides for a common driveway that provides access to more than four dwellings.

(v) **Zero Lot Line Developments - Additional Development Regulations:** Zero Lot Line developments shall be subject to the following additional development regulations:

a **Wall Openings on Zero Lot Line:** The wall of a building adjacent to the lot line where no setback is required shall be a continuous solid wall with no windows, doors, or other openings; provided, however, the incorporation into the construction of a wall of opaque materials that permit the infiltration of light which is diffused such that objects on the other side cannot be seen clearly is not a window or opening for purposes of this paragraph.

b **Wall Openings Near Zero Lot Line:** Unless a screening fence has been constructed along the zero lot line side of the lot, no porch, door, or window constructed on a wall other than the wall located on the zero lot line side of the lot shall be located nearer than five (5) feet from the zero lot line side of the lot.

c **Atrium Openings:** No edge of the rooftop opening of an atrium constructed on the zero lot line side of a dwelling shall be less than eight feet from ground level,

d **Maintenance and Drainage Easements:** A maintenance and drainage easement not less than five feet (5.0') wide must be platted along on the lot line adjacent to the zero lot line side of the house located on the adjacent lot.

(8) **Previously Approved Subdivisions**: Subdivisions in "RC" Residential Cluster Districts approved prior to June 16, 1997 shall be governed by the development regulations noted on the respective subdivision plats. If no restrictions are noted on the subdivision plat as to a specific subject matter and no Development Site Plan has been approved for the subdivision, the development regulations set forth in this Section shall apply as to the subject matter. An owner may submit an application for a Development Site Plan for an existing "RC" Residential Cluster District subdivision for the purpose of organizing, clarifying, or otherwise amending the development regulations for the subdivision, provided such Development Site Plan does not conflict with any existing plat or deed restrictions, which at the time of consideration govern development within the subdivision.

(d) **"RM" Residential Mix District**: In addition to other regulations set forth in the Zoning Code, property located in an "RM" Residential Mix District shall be developed in accordance with the following regulations:

(1) **Purpose:** An "RM" Residential Mix District allows all uses permitted in the "RC" Residential Cluster District with the addition of the development of subdivisions which include the location of manufactured housing, provided such subdivisions comply with certain development restrictions.

(2) **Development Regulations - Generally:** The development and use regulations of an "RM" Residential Mix District are the same as those set forth in Section (c.), above, for the "RC" Residential Cluster District except that the development of subdivisions which include manufactured housing shall be in accordance with this Section (d.).

(3) **Development Regulations- Manufactured Home Rental Community:** A development located within an "RM" Residential Mix District which consists primarily of one or more lots which are leased by individuals for the purpose of locating a manufactured home on the lot(s) shall be called a "Manufactured Home Rental Community" or "MHRC". In addition to other applicable regulations, the development of a new MHRC or expansion of an existing MHRC must comply with the following development regulations:

(i) **Development Site Plan:** A Development Site Plan must be presented for approval in the same manner as set forth in Section (c.), above. In addition to the requirements set forth in Section (c.), the Development Site Plan for an MHRC must include:

a the proposed street system;

b the proposed lot pattern for home sites, whether or not the site is to be rented or sold outright;

c the location of all recreational vehicle sites;

d the location of all parks, recreational facilities, and other common areas.

(ii) **Density:** Density shall not exceed 7.5 units per acre inclusive of the area of any private roadways within the development and common areas but exclusive of areas designed for the location of recreational vehicles.

(iii) **Recreational Vehicle Areas:** No more than ten percent (10%) of the area of the development may be used regularly for the temporary location of recreational vehicles.

(iv) **Roadway System:** A street system which serves all home sites shall be constructed with the pavement widths as required by the Subdivision Ordinance for minor public streets serving similar housing densities and in compliance with City specifications.

(v) **Park or Community Facilities:** A private park or community facility encompassing an area of not less than five percent (5%)of the total area of the development shall be constructed for the use of residents of the community as part of the development.

(vi) **Privacy Fence:** A privacy fence built out of weather resistant wood or masonry must be built surrounding the entire community; provided, however, upon adopting the Development Site Plan, the City Council may modify or omit the fence requirement if the existing terrain results in a natural privacy buffer.

(vii) **Minimum Setback Requirements:** Each site where a home will be located shall provide for setbacks as follows:

a If the homes are to be placed perpendicular to the road:

1 Front yard = 15 feet

2 Back yard = 10 feet

3 Side yard (rear side) = 5 feet

4 Side yard (front side) = 20 feet

b If the homes are to be placed parallel to the road:

1 Front yard = 20 feet

2 Back yard = 20 feet

3 Side yards = 5 feet

(viii) **Skirting:** All manufactured homes in the development must be skirted in a manner approved by the City Council in the Development Site Plan.

(**ix)** **Plat Required:** An MHRC must be platted; provided, however, an MHRC may be platted as a single lot. In no case shall an individual home site in an MHRC be platted as a separate lot.

(x) **Extension of Certain Public Streets:** Collector and arterial streets shall be extended as part of the development of a proposed MI-IRC plat. In the event the construction of an arterial or collector street results in the division of a MHRC into more than one section, the MI-IRC must be developed as if each section constituted a separate MIIRC development and independently comply with all applicable development regulations.

(xi) **Abutting an "R-1" Single Family District or "RC" Residential Cluster District:** If an MI-IRC abuts an "R-l" Single Family District, an "RC" Residential Cluster District, or residential housing development within the RM district that does not consist of manufactured housing, the MI-IRC development must in addition to other applicable development regulations comply with the following:

a a fifty foot (50') setback from the side of the MHRC development abutting said development; and

b unless otherwise set forth in the resolution adopting the Development Site Plan, approval and implementation of a landscape plan requiring trees be planted on fifty foot (50') centers around the perimeter of the MHRC, which trees are not less than two and one-half inches (2.5") in diameter measured at a height of four feet above the ground when planted.

(4) **Development Regulations - Manufactured Home Subdivision (MHS):** A development located in a "RM" Residential Mix District which consists primarily of individual lots on which are located not more than one manufactured home for each lot shall be known as a "Manufactured Horne Subdivision." An MI-IS developed within a "RM" Residential Mix District shall be subject to the following additional development regulations:

(i) **Lot Size Regulations:** The minimum lot area for a lot located in an MI-IS shall be 5,000 square feet.

(ii) **Setbacks:** Setbacks shall be the same as for development of a MHRC.

(iii) **Skirting:** All manufactured homes in a MI-IS must be skirted with the same type material as the house siding unless another material is permitted in the Development Site Plan for the development. Skirting must be installed prior to the issuance of a certificate of occupancy.

(iv) **Abutting an "R-I" Single Family District or "RC" Residential Cluster District:** A Development Site Plan must be approved in the same manner as Section (c.), above, which provides for buffering or screening along the sides of the subdivision located within one hundred feet of the following:

a an "R-l" Single Family District

b an "RC" Residential Cluster District, or

c a single family residential development that does not consist of manufactured housing.

All required buffering and screening elements must be installed and approved by the City prior to issuance by City of any certificate of occupancy for improvements within the development or the provision of city utilities to the development except for temporary service provided during construction.

(5) **Previously Platted Property; Site Plan Exemption:** Notwithstanding Subsection (4), above, a development site plan shall not be required for property developed as an MI-IS which was platted prior to June 16, 1997.

(e) **"R-3" Multifamily Residential District:** In addition to other regulations set forth in the Zoning Code, property located in a "R-3" Multifamily Residential District shall be developed in accordance with the following regulations:

(1) **Purpose:** The "R-3" Multifamily Residential District is primarily designed to allow multifamily housing in addition to other residential uses which are permitted conditionally or as a matter of right. An "R-3" Multifamily Residential District should not be used on minor streets where increased traffic flow is expected, but may be a suitable transition district between lighter density housing and commercial areas. When a request for an "R-3" Multifamily Residential District is made on property located adjacent to an existing single family development, a Planned Development District which better ensures the objective of protecting the quality of the existing single family housing would be more appropriate.

(2) **Lot Size Regulations:** In the "R-3" Multifamily Residential District, the lot area per dwelling unit shall be as follows:

(i) **One Family Dwelling Unit:** A lot must contain 5,000 square feet for each one family dwelling unit located on the property.

(ii) **Two Family Dwelling Units:** A lot must contain 6,000 square feet for each two family dwelling unit located on the property.

(iii) **Three or More Dwelling Units:** When the lot will be developed with three or more dwelling units, the minimum area for the lot shall be equal to the sum of the following:

a 1,600 square feet for each one bedroom dwelling unit;

b 1,800 square feet for each two bedroom dwelling unit; and

c 2,000 square feet for each dwelling unit with three or more bedrooms.

(3) **Development Regulations for Non-Residential Uses:** Non-residential uses located in a "R-3" Multifamily Residential Zone shall be developed in accordance with the following regulations:

(i) **Building Area:** The gross floor area of the building used for non-residential purposes may not exceed 3,000 square feet;

(ii) **Building Appearance:** The building shall be designed to appear as a residence, with:

a a wood, rock, or brick exterior;

b a roof constructed of materials and with a similar pitch to other residences in the adjoining neighborhood; and

c a front door and window(s) on the side of the building facing the lot front.

(f) **"RT" - Residential Transition District:** In addition to other regulations set forth in the Zoning Code, property located in the "RT"- Residential Transition Zone shall be developed in accordance with the following regulations:

(1) **Purpose:** The "RT" Residential Transition District is specifically designed to be a transition zone between single family areas and commercial properties. Because of development regulations that require the appearance of a business located in an "RT" Residential Transition District to be that of a single family residence, the "RT" Residential Transition District can be used in various areas of the City where existing lots are occupied in part by single family houses but where limited business uses may be under certain conditions appropriate and desirable.

(2) **Building Limit:** Except for a detached garage or servant or guest quarters, no more than one main building may be constructed on a lot in the "RT", Residential Transition District.

(3) **Development Regulations for Non-Residential Uses:** Non-residential uses located in a "RT" Residential Transition Zone shall be developed in accordance with the following regulations:

(i) **Building Area:** The gross floor area of the building may not exceed 3,000 square feet;

(ii) **Building Appearance:** The building shall be designed to appear as a residence, with:

a a wood, rock, or brick exterior;

b a roof constructed of materials and with a similar pitch to other residences in the adjoining neighborhood; and

c a front door and window(s) on the side of the building facing the lot front.

(iii) **Off-Street Parking:** All off-street parking shall be located on the side or in the rear of the building;

(iv) **Front Yard Required:** The building must comply with the residential front yard setback requirements for the zoning district and have an unpaved front yard;

(v) **Sign Restrictions:** Only the following signs shall be permitted:

a One free standing sign which:

1 has a sign area of not greater than twenty-four square feet;

2 does not exceed six (6) feet in height above the ground; and

3 is not internally illuminated; and,

b One wall sign or projecting sign which:

1 has a sign area not greater than twenty-four square feet; and

2 is not internally illuminated.

(4) **Churches and Schools:** Churches and schools are excepted from the development regulations set forth in subsections 11-I-10(f)(3)(i)-(v), above, and shall comply with the following:

(i) **Building Appearance**: The building shall be constructed with:

a a wood, masonry exterior, rock, brick exterior, stucco, or cement fiber board;

b a roof consisting of materials and with a similar pitch to other residences in the adjoining neighborhood; and

c a front door and window(s) on the side of the building facing the lot front."

(g) **Permitted and Conditional Uses -Residential Districts:** The uses which are residential districts zoning districts described in permitted as a matter of right or permitted upon issuance of a conditional use permit in the listed Section (a.), above, and shown on the Official Zoning Map, are indicated by the letters "P" and "C", respectively, in the following table:

SEE FOLLOWING PAGE FOR TABLE

LAND USES	R-1	R-1A	R-3	RC	RM	RT
Agricultural - General						
Agricultural Service						
Bed and Breakfast	C	C	P	C	C	P
Building Construction, General						
Building Construction, Specialist						
Business Services I						
Business Services II						
Cocktail Lounge						
Detention Facilities						
Dwelling , Single Family, Detached	P	P	P	P	P	P
Manufactured Home or Manufactured Housing					P	
Dwelling, Multiple Family			P			C
Dwelling, Single Family with apartment	C	P	P	C	P	C
Dwelling, RC District Uses (with plat)		P	P	P	P	
Education, Secondary and College						C
Education, Primary	C	C	P	C	C	C
Equipment Sales/Repair/Storage (Heavy)						
Fuel Sales						
Funeral Services						
Institutional and Public Use Facilities						
Life Care Development			C			C
Manufacturing, Custom						P
Manufacturing and Industrial, Heavy						
Manufacturing and Industrial, Limited						
Manufactured Housing Sales						
Personal Services I						P
Personal Services II						
Personal Services-Limited						P
Professional Offices						P
Restaurant, General						P
Restaurant, Limited						P
Retail Trade – I						
Retail Trade – II						
Retail Trade – III						
Retail Trade – Limited						P
Tourist/Visitor & Recreation Service						C
Transportation Terminal (Bus/Aviation)						
Vehicle Maintenance and Repair						
Vehicle Sales/Service-Used						
Vehicle Sales/Services – New						
Warehousing & Distribution						

(Ord. #2015-16, 08/25/2015)
(Ord. #2015-12, 06/23/2015)
(Ord. #2001-11, 07/10/2001)
(Ord. #2000-15, 09/25/2000)

Art. 11-I-11 MISCELLANEOUS ZONING DISTRICTS

(a) **"PI" Public and Institutional District:** A "PI" Public and Institutional District is intended to encourage the use of unique areas specially suited for public assembly, meetings, recreational areas, schools, churches, and similar uses, but also allows residential uses.

(b) **"GTW" Gateway District:** The "GTW" Gateway District is designed primarily to regulate the development and land use of areas at or near the most heavily trafficked entries into the City in a manner that enhances the appearance of such areas while at the same time allowing the development of more intense uses that require good access to major thoroughfares. Most commercial uses are permitted as a matter of right. Development of hotels and other similar uses is encouraged. All uses which are allowed conditionally should be carefully evaluated as to the impact such uses have on the appearance and "first impression" portrayed to anyone traveling into and out of the City as well as the amount of traffic concentrated around such entry ways. The "GTW" Gateway District regulations may be applied to newly annexed areas that may result in the development of an additional main entrance into the City. In addition to other regulations set forth in the Zoning Code, property located in the "GTW" Gateway District shall be developed in accordance with the following regulations: (Referenced to Ordinance No. 2001-12)

(1) **Outdoor Storage and Display Regulations:** Outdoor storage and display of materials, supplies, inventory and equipment on property located in the "GTW" Gateway District shall be subject to the following conditions:

(i) Except as set forth in paragraphs (v) and (vi) Of this subsection (2), all materials, supplies, inventory and equipment placed on the exterior of the building must be screened from the view of adjacent public streets and alleys and from adjacent properties;

(ii) No materials, supplies, inventory and equipment may be kept or stored:

a within any front, side, or rear- yard setback;

b within any required parking spaces, fire lanes, circulation aisles, or customer pick-up lanes;

c within any area that creates a visibility obstruction or otherwise interferes with pedestrian or vehicular circulation;

d on any roof structure;

e any other location outside of the areas indicated on an approved site plan

(iii) The vehicle and pedestrian traveling lanes within storage areas exterior to any building must be asphalt, concrete, or such other surface in order to prevent mud, dirt, or other loose materials from being removed from the property and tracked onto the public rights-of-way by vehicles traveling from the storage areas.

(iv) Fertilizers, chemicals, bulk soil and mulch, petroleum products, and materials classified as hazardous materials that are kept on the exterior of the building must be stored in such a manner that storm water cannot directly or indirectly come in contact with such products or materials while being stored.

(v) Notwithstanding anything to the contrary in paragraphs (i) through (iv), above, materials, supplies, inventory and equipment may be stored and displayed on the exterior of the building without screening, but only if said materials, supplies, inventory or equipment:

a are placed in an area not more than five feet from the building face on which the main customer entrance is located; and does not exceed four feet in height; or

b are placed on a fuel pump island and do not exceed three feet (3.0') in height above the driving surface for vehicles; or

c consist of self-propelled vehicles used by the owner or lessee of the property in the operation of the business located on the property, which vehicles are not made available for retail or wholesale purchase by said owner or lessee.

(vi) Not withstanding anything to the contrary in paragraphs (i) through (v), above, no screening shall be required of new and used motor vehicles that constitute inventory on property used for new vehicles sales and/or used vehicle sales.

(2**)** **Screening Regulations:** The screening of outdoor display and outdoor storage areas in the "GTW" Gateway District required by Art. 11-I-11 (b.)(2) must be constructed in accordance with the following specifications

(i) Such screening must be not less than six feet in height and shall be one of the following constructions:

a masonry materials similar in design to the main building; or

b chain link or ornamental fencing behind a landscape screen or masonry treatment; or

c a solid, evergreen shrub landscape screen without a fence or wall.

(ii) Evergreen shrubs used for a landscaped screen must be placed to create at least a six-foot tall solid screen at installation and maintained in a healthy, growing condition.

(3) **When Screening Required:** The owner or developer of property located in the GTW District to be developed with uses in Use Categories 3 through 9, inclusive, as defined in Art. 1 1-I-17(a.) shall construct and maintain a screening wall or fence along the border of his property when the property is:

(i) abutting property located in an "R-1","R1-A", "R-3", "RM","RC", "RT", or "PI" zoning district, regardless of whether the abutting property is developed; or

(ii) abutting property which is developed with a use in a more restrictive use category, regardless of whether:

a the property being developed and the abutting property are in the same or different zoning districts; or

b the less restrictive use will occur in a newly constructed building or in an existing building previously used for purposes in a more restrictive use category;

(iii) developed with a use in a less restrictive use category than the abutting property and the owner or developer desires to expand such less restrictive use by more than fifty percent of the building or storage area on the property.

(4) **Type of Screening Required:** For purposes of this Article, the following table shall be used in determining whether Type "A" or Type "B" Screening must be constructed when screening is required:

SEE FOLLOWING PAGE FOR SCREENING CHART

More Restrictive Use Categories	Less Restrictive Use Required to Establish Screening								
	1	2	3	4	5	6	7	8	9
1	_	_	A	A	A	B	B	B	B
2	_	_	A	A	A	A	B	B	B
3	_	_	_	A	A	A	A	B	B
4	_	_	_	_	A	A	A	A	B
5	_	_	_	_	_	A	A	A	A
6	_	_	_	_	_	A	A	A	A
7	_	_	_	_	_	_	A	A	A
8	_	_	_	_	_	_	_	A	A
9	_	_	_	_	_	_	_	_	A

(5) **Type "A" and Type "B" Screening Defined:** For purposes of this Section (b.), the phrases "Type `A' Screening" and "Type `B' Screening" shall have the same meaning as set forth in Article 11-1-18.
(Ord. #2001-12, 07-24-2001)

(c) **"GR" Guadalupe River District:** The "GR" Guadalupe River District is primarily designed to allow the development of business-type uses compatible with the riverside environment in areas contiguous with or in close proximity to the Guadalupe River which are not otherwise included in other zoning districts. When a Conditional Use Permit is required, an evaluation of the proposed development's impact on the quality of the water and the river environment generally, and aesthetic compatibility with the river front should be made when determining the nature of the conditions to he included in the
permit.

(d) **"Al)" Airport District:** The "AD" Airport District encompasses the area of the Kerrville-Kerr County Municipal Airport and is primarily designed to allow for uses associated with and compatible to the operation of a municipal general aviation airport.

(e) **Permitted and Conditional Uses -Miscellaneous Districts:** The uses which are permitted as a matter of right or permitted upon issuance of a conditional use permit in the "P1", "GTW", "GR", and "AD" districts, and shown on the Official Zoning Map, are indicated by the letters "P" and "C", respectively, in the following table, provided, however, no use is permitted in the "AD" Airport District on property owned by the City and/or County unless it is approved in accordance with Title 3, Chapter V of this Code of Ordinances, as amended:

SEE FOLLOWING PAGE FOR TABLE

LAND USES	PI	GTW	GR	AD
Agricultural - General				P
Agricultural Service		C		P
Bed and Breakfast	P	P	P	
Building Construction, General				
Building Construction, Specialist				P
Business Services I		P	C	P
Business Services II		C	C	P
Cocktail Lounge		C	C	P
Detention Facilities				
Dwelling , Single Family, Detached				
Manufactured Home or Manufactured Housing				
Dwelling, Multiple Family	C	P	P	C
Dwelling, Single Family with apartment				
Dwelling, RC District Uses (with plat)				
Education, Secondary and College	P	P	P	C
Education, Primary	P	C	C	C
Equipment Sales/Repair/Storage (Heavy)				P
Fuel Sales		C		P
Funeral Services		P	C	
Institutional and Public Use Facilities	P	P	P	
Life Care Development		P	P	
Manufacturing, Custom		C	C	P
Manufacturing and Industrial, Heavy				P
Manufacturing and Industrial, Limited				P
Manufactured Housing Sales				
Personal Services I	C	P	C	P
Personal Services II		P	C	P
Personal Services-Limited		P	C	P
Professional Offices	C	P	P	P
Restaurant, General		P	P	P
Restaurant, Limited		P	P	P
Retail Trade – I		C	C	P
Retail Trade – II		C		
Retail Trade – III		C		
Retail Trade – Limited		P	P	
Tourist/Visitor & Recreation Service	P	P	P	P
Transportation Terminals (Bus/Aviation)		C		P
Vehicle Maintenance and Repair		C		P
Vehicle Sales/Service-Used			C	C
Vehicle Sales/Services – New		P	C	P
Warehousing & Distribution				P

(Ord. #2001-11, 07-10/2001)

(Ord. #2001-05, 04/10/2001)

Art. 11-1-12 MANUFACTURED HOMES, MOBILE HOMES, TRAILERS, AND RECREATION VEHICLES

(a) **Manufactured Homes:**

(1) **Generally Prohibited:** Except as specifically authorized by this Zoning Code, no person may place either temporarily or permanently a manufactured home on any property located within the City.

(2) **Permit Required:** No person shall place a manufactured home on any property located within the City where use of the manufactured home as a residential dwelling is otherwise authorized prior to receiving a permit from the City.

(3) **Permit Application:** A person desiring to obtain the permit required by Subsection (2), above, shall make application to the City Building official on a form prescribed by the City and pay the required permit fee. No application shall be deemed complete until all information required by the permit application has been provided to the City Building Official and the permit fee paid.

(4) **Permit Approval:** Not later than thirty (30) days following the receipt by the City Building Official of a completed permit application, the City Building Official shall either grant or deny the permit required by Subsection (2). If denied, the City Building Official must state the reason for denial. Permit applications which are not denied on or before thirty (30) days following the receipt by the City Building Official of a completed permit application shall be deemed approved.

(5) **Permit Not Modification of Other Regulations:** The issuance of the permit described in this Section merely grants the authorization to locate a manufactured home on the property described in the permit application and does not otherwise amend or modify any other regulations set forth in the Code of Ordinances relating to manufactured housing.

(6) **Manufactured Housing Development Standards General:** Except when located in a Manufactured Home Rental Community, manufactured homes located on property within the City must comply with the following development regulations:

(i) The tongue and/or towing gear, axles, and wheels shall be removed;

(ii) The vacant space between the grade of the property on which the home is located and the exterior edges of the finished floor of the home must be skirted with rock, brick, or concrete masonry construction installed on a concrete footing so that there is no visible gap between the finished floor of the home and the ground;

(iii) The home shall meet all requirements of this Zoning Code for setbacks and off-street parking;

(iv) The home must be attached to a permanent foundation system as defined in 10 T.A.C.§80.201 such that the home is permanently affixed to the real property on which the home is located. Such permanent foundation system must be installed and inspected in compliance with 1 0 T.A.C. §80.121 and otherwise comply with Title 10, Chapter 80, Texas Administrative Code, as amended;

(v) The home must have siding of a non-metallic building material;

(vi) The roof of the home must be constructed of materials other than galvanized or corrugated sheet metal;

(vii) The home must be placed on the property such that:

a an exterior doorway into the home, unobstructed by any carport or garage, is facing the street front; or

b a porch with steps, unobstructed by any carport or garage, is located on the side of the home facing the street front, which porch must be extended in a continuous manner along the side of the home to the front door. (Ord. #1998-08, 05/26/1998)

(7) **Manufactured Housing Sales and Industrial Building Sales Lots:** Property used for the retail sale of manufactured housing and industrialized buildings must comply with the following development regulations:

(i) A landscaping berm, vegetation, or other landscaping features must be installed to screen all portions from the first floor to the ground of any building located along the street frontage;

(ii) All areas in which units are kept for repair shall be screened with a fence used for Type "A" Screening; provided, however, the fence construction may consist of chain link with screening slats placed through the chain links;

(iii) The majority of the units that face the street front(s) must have the front door of the building face the street;

(iv) A distance of not less than twelve (12) feet must be kept between homes located on the street frontage row, with distances between other homes maintained in accordance with applicable fire regulations.

(a) **Mobile Homes Prohibited:** It shall be unlawful to place a mobile home on any property located within the City.

(b) **Mobile Home as Non-Conforming Use.** The use of a mobile home occurring on property located within the City on June 16, 1997, or occurring at the time the property is annexed by the City, shall be deemed a non-conforming use. A mobile home which constitutes a non-conforming use may be relocated from its location in the City to a Manufactured 1-lo11le Rental Community located within the City and retain its non- conforming use status. A person may not relocate a mobile home which constitutes a non-conforming use back into the City after the mobile home is moved out of the City.

(c) **Industrialized Housing and Industrialized Buildings:** Industrialized housing and industrialized buildings may be located in any area of the City in the same manner as site-built structures are located provided that the industrialized housing or industrialized building complies with Tex. Rev. Civ. Stat. art. 5221f-1, as amended, applicable State and City regulations regarding construction design and standards, and applicable Building Code regulations. The phrases "industrialized housing" and "industrialized buildings" as used in this Section shall have the same meaning as set forth in Tex. Rev. Civ. Stat, art. 5221 f 1, Sec. 1], as amended.

(d) **Travel Trailers and Recreational Vehicles:** The use of a travel trailer or recreational vehicle shall be subject to the following regulations:

(1) The use of a travel trailer or recreational vehicle as a permanent residence or business anywhere within the City is prohibited.

(2) It shall be a defense to a violation of Subsection (I) if:

(i) the trailer or recreational vehicle is located on property within an "RM" District which is developed as a MHRC at the time of the offense; or

(ii) the trailer or recreational vehicle is located on property which is being used as a recreational vehicle park, even if the recreational vehicle park is a non-conforming use; or

(iii) the trailer or recreational vehicle is

a parked on a lot developed with a dwelling unit, and

b occupied by one or more people who do not claim the dwelling unit as their permanent residence, and

c has been located on the lot for a period not exceeding fourteen consecutive (14) days.

(iv) one (1) travel trailer or one (1) recreational vehicle is located on property which is currently being used for the seasonal retail sale of holiday trees. This section shall only be valid between November 5 and December 31 of any year." (Ord. #2007-06, 03/27/07)

(e) **Temporary Construction Trailers and Buildings:** Temporary construction trailers and buildings used for construction purposes within a platted subdivision for which the City has issued a building permit are permitted in accordance with a building permit issued by the City for a period not to exceed twelve (12) months. The building official may reissue such a permit for a period not to exceed twelve (12) months. A temporary construction trailer or building shall only be used for construction within the subject subdivision and not for any construction or activities beyond said subdivision. Upon the completion of construction upon all lots within the subdivision as determined by the issuance of a certificate of occupancy(s), the abandonment of construction, or the expiration of a building permit, the owner shall remove the trailer or building at its expense within fourteen (14) calendar days. (Ord. No. 2016-07, 06/28/2016)(Ord. No. 2008-25, 09/09/2008)

(f) **Temporary Residential Sales Offices and Model Homes:** A residential sales office is permitted within a subdivision for which the City has issued building permits and may be located either in a model home or in a temporary building or trailer. The City may issue such permit for no more than one year, but the City may extend the permit if the applicant maintains active and continuous construction within the subdivision and a minimum of ten (10) lots in the subdivision remain unsold. The sales office shall be used only for sales within the subject subdivision and not for sales in any other subdivision. The following regulations shall apply to the use of the temporary residential sales offices or model homes as permitted within any Residential Zoning District:

(1) **<u>Model Home – Sales Office</u>**

(i) ***Permitting:*** A model home used as a temporary sales office shall require a permit, an inspection, and a certificate of occupancy.

(ii) ***Lot:*** The model home shall only be constructed on a platted lot.

(iii) ***Parking*****:** A minimum of four (4) off-street parking spaces shall be provided and shall be surfaced with materials that will not be tracked onto the public right-of-way. Access to this parking shall be by means of a standard residential driveway.

(iv) ***Landscaping*****:** Landscaping typically associated with residential development shall be provided and maintained at all times.

(v) ***Site/Plot Plan*****:** A site/plot plan for the lot to be used for the model home sales office shall be included with the building permit application. This plan shall show the location of the off-street parking, driveway, and landscaping.

(vi) ***Conversion*****:** A model home sales office may be converted for residential habitation at any time but only after residential sales have ceased. The converted model home shall be subject to applicable residential parking standards.

(2) **<u>Temporary Building – Trailer Sales Office:</u>**

(i) ***Permitting:*** A building or trailer used as a temporary sales office shall require a permit, an inspection, and a certificate of occupancy.

(ii) ***Lot:*** The building or trailer shall only be placed or constructed on a platted lot.

(iii) ***Parking*****:** A minimum of four (4) off-street parking spaces shall be provided and shall be surfaced with materials that will not be tracked onto the public right-of-way. Access to this parking shall be by means of a standard residential driveway.

(iv) ***Site/Plot Plan*****:** A site/plot plan for the lot to be used for the building or trailer sales office shall be included with the building permit application. This plan shall show the location of the off-street parking, driveway, and landscaping.

(v) ***Design*****:** The design of the residential sales office shall be residential in character with a non-metallic roof of a hip or gable design, the exterior siding shall be non-metallic and similar to the exteriors of the residential housing constructed in the development. At least one doorway into the building or trailer shall face the street.

(vi) ***Sales Trailers*****:** If a trailer is to be used as a residential sales office, the following development requirements shall also apply:

1 The tongue and/or towing gear, axles, and wheels shall be removed;

2 The vacant space between the grade of the property on which the trailer is located and the exterior edges of the finished floor shall be skirted with the same material as the exterior of the trailer so that there is no visible gap between the finished floor and the ground; and

3 A porch with steps and/or ramp is located on the street facing side of the trailer that meets all accessibility standards.

(vii) ***Building Compliance*****:** All buildings or trailers used as residential sales offices shall comply with the Texas Manufactured Housing Standards Act, as amended, regarding construction design and standards and applicable building code requirements.

(viii) ***Conversions*****:** A temporary residential sales office shall not be used for or converted to residential habitation.

(ix) ***Removal*****:** Following the expiration of the permit, the owner shall remove the building or trailer from the lot within fourteen (14) calendar days and at the owner's expense."
(Ord. #2008-25, 09/09/2008)

Art. 11-1-13 CONDITIONAL USE PERMITS

(a) **"Conditional Use" Defined:** For purposes of the Zoning Code, a "conditional use" is a use of property which is otherwise not permitted in a specific zoning district but which may become a compatible use through the imposition of and compliance with conditions related to development of the specific property which are set forth in the Zoning Code or in a Conditional Use Permit approved by the City Council.

(b) **Conditional Uses Allowed in Any Zone Without a Conditional Use Permit:** The following uses are allowed in any zoning district without a Conditional Use Permit, but subject to the following stated conditions:

(1) Agriculture-Field Crops may be cultivated on any tract of property exceeding four acres in area, provided, however:

(i) no crops may be planted within ten feet (10.0') of the exterior boundary of the tract along an existing right-of-way measured from the curb or, in absence of a curb, the edge of the traveled portion of the right-of-way; and

(ii) the area of the property so cultivated that is within twenty-five feet (25.0') of any property being used for residential purposes or that is within ten feet of any property being used for non-residential purposes must be kept in accordance with Article 9-V11-4 of this Code;

(2) Home occupations operated in accordance with Article I 1-1-3(a)(49), above;

(3) **Use approved through the Special Use Exception process**

(c) **Conditional Uses Allowed in Certain Zones Without a Conditional Use Permit:** The following uses are allowed in the described zoning districts without a Conditional Use Permit but only in compliance with the following conditions:

(1) **Certain Apartment Uses:** In a zoning district where residential uses are not otherwise permitted, a building which is primarily used for business purposes may include one or more residential apartments for the occupancy of the owner of the building or the owner or employees of the business(es) which occupy the building;

(d) **Conditional Uses Permitted in Any Zone With a Conditional Use Permit:** The following uses shall be permitted in Zoning District No. 27-E without a conditional use permit and in any other zoning district with a conditional use permit:

(1) Above ground electric transmission lines carrying voltage of 50 KV or more that transmit bulk power from power stations to substations, between substations, and between service areas and transmit;

(2) Electric power plants, transmission and distribution substations, and electric facilities;

(3) Landfills and solid waste disposal facilities not owned by the City;

(4) Wastewater treatment facilities not owned by the City.

(e) **<u>Conditional Use Permit Required:</u>** Except as otherwise authorized in the Zoning Code, no person may develop or use any property with a use which is defined by the Zoning Code as a conditional use for the zoning district in which the property is located without first obtaining a Conditional Use Permit for such conditional use from the City.

(f) **<u>Procedures for Obtaining a Conditional Use Permit:</u>** The following procedures shall govern the application, consideration, content, issuance, and termination of a Conditional Use Permit:

(1) **<u>Application:</u>** An owner and/or developer who desires to use property located in the City in a manner which is defined as a conditional use must file an application with the Planning Division for a Conditional Use Permit on forms approved by the Planning Division, which application must contain at least the following information:

(i) The name, address, and business phone number of the applicant;

(ii) If different than the applicant, the name, address, and business phone number of the record owner of the property according to the Deed Records of Kerr County, Texas;

(iii) If the applicant and/or owner are not individuals, the name, address, and business phone number of the person or people authorized to act on behalf of the applicant and/or owner in all matters relating to the application;

(iv) The full legal description of the property for which the application is made and, if available, the street address of the property; If the property is platted, the description need only include the complete lot and block description. If the property is not platted, a metes and bounds description certified by a registered public surveyor is required;

(v) If the applicant is not the owner of the property described in the application, a sworn statement from the owner or legal representative of the owner that the applicant has been authorized by the owner to make the application for the Conditional Use Permit;

(vi) A detailed description of the proposed use of the property;

(vii) The availability and location of off-street parking;

(viii) The projected amount of additional traffic generated in and around the property, the types of vehicles which are anticipated will visit the property, the likely changes in traffic patterns of the area around the property resulting from the proposed use, and the possible impact such changes in traffic will have on properties within 500 feet of the subject property;

(ix) The proposed hours of occupancy or use,

(xi) a statement as to whether or not the proposed use requires any type of state or federal license or permit to operate, what type of license or permit is required, and the issuing agency of such license or permit;

(xiii) the use of the properties immediately contiguous to the property described in the application;

(xiv) one or more site plans, building elevations, improvement plans, and other such drawings or pictures, graphically prepared in a manner that will reasonably illustrate the following:

a the location and dimensions of existing boundary lines, easements, and required yards and setbacks;

b the location, height, bulk, general appearance, and intended use of existing and proposed buildings on the site, indicating distances from property lines and between buildings;

c the location of existing and proposed site improvements including parking and loading areas, on-site pedestrian and vehicular access and circulation, landscaped areas, utility or service areas, fencing and screening, signs and lighting;

d the location of existing and proposed watercourses and drainage features;

e for property with an average slope greater than 15percent, a plan showing proposed grading, drainage and erosion control measures, or plans that are necessary according to other city ordinance regulating storm water runoff;

f the relationship of the property and the proposed use to surrounding uses, including pedestrian and vehicular access and circulation between the property and adjacent properties, current uses of nearby parcels, and any proposed off-site improvements to be made;

(xv) The non-refundable application fee established by the City Council by resolution for Conditional Use Permit applications.

(2) **Complete Application Required:** No application for a Conditional Use Permit shall be deemed to be complete until all information and items set forth in Subsection (1), above, have been delivered to the Planning Division and the required application fee paid.

(3) **Preliminary Conference:** Prior to submitting an application for a Conditional Use Permit, an applicant or the applicant's authorized representative must meet with the Director of Planning or designated Planning Division staff to receive information regarding application procedures and requirements.

(4) **Report of the Planning Division:** Upon receipt of a completed application for a Conditional Use Permit, the Planning Division will review and prepare a report and recommendation regarding the application which shall be forwarded to the Commission for consideration, which report shall contain:

(i) a review of the application in view of the criteria set forth in Subsection (9), below;

(ii) a summary of any public comment received;

(iii) proposed conditions to be applied if the Conditional Use Permit is to be granted; and

(iv) the recommendation of the Planning Director regarding the application, or, if the Planning Director has no recommendation, a statement to that effect.

(5) **Public Hearing before the Commission:** After notice has been published in the same manner as required of a zoning amendment, but in no case earlier than fifteen (15) days after receipt of the completed application, the Commission shall hold a public hearing on the application for a Conditional Use Permit. At the public hearing, the Commission shall review the application and receive from the applicant, Planning Division staff, and others who have an interest in the matter, facts and opinions concerning the proposed use and the proposed conditions to which such use would be Subject.

(6) **Recommendation of the Commission:** After the close of the public hearing described in Subsection (5), above, the Commission shall consider the application in light of the criteria set forth in Subsection(9), below, and forward to the City Council a recommendation:

(i) to grant the Conditional Use Permit subject to the conditions recommended by staff with or without addition or modification; or

(ii) denying the application on the grounds that the use, even with conditions, and in light of the criteria set forth in Subsection (9), below, will be incompatible with the uses on adjacent properties.

(7) **Public Hearing before the City Council:** After the action of the Commission and notice has been published in the same manner as required of a zoning amendment, the City Council shall hold a public hearing on the application for a Conditional Use Permit. At the public hearing, the City Council shall review the application and the recommendation of the Commission and receive from the applicant, Planning Division staff, and others who have an interest in the matter, facts and opinions concerning the proposed use and the proposed conditions to which such use would be subject.

(8) **Action of the City Council:** After the close of the public hearing described in Subsection (7), above, the City Council shall take the following action:

(i) grant by resolution a Conditional Use Permit subject to development regulations and conditions establishing requirements and standards of operation, location, arrangement, occupancy limits, and construction for the use for which the permit is issued. In authorizing the location of any conditional use, the City Council may impose such development standards and safeguards as the conditions and location indicate important to the health, safety, welfare and protection of adjacent property and its occupants from excessive noise, vibration, dust, dirt, smoke, gas, odor, traffic, explosion, glare, surface water drainage, offensive view or other undesirable or hazardous conditions and the preservation of existing trees, natural terrain features, and navigable streams and their tributaries; or

(ii) deny the application.

(9) **Review and Evaluation Criteria:** In determining its recommendation to the City Council, and assuming imposition of certain development regulations and conditions, the Commission shall make the following determinations:

(i) the proposed use will be compatible with the stated purpose for the zoning district in which the use is proposed;

(ii) the proposed use will be compatible with the existing or permitted uses on abutting property;

(iii) the proposed site or development plan will be compatible with adjacent properties, mitigates potentially negative impacts to adjacent properties, if any, and includes elements and features necessary to conform to applicable regulations and standards that will protect the public health, safety, and general welfare, including, but not limited to, features and elements that:

a adequately address vehicle and pedestrian access and circulation in a manner that avoids an unreasonable negative impact on adjacent properties;

b prevent increased erosion on either the subject property or adjacent properties resulting from increased surface drainage;

c reasonably prevent increased noise, glare or similar nuisances that would impact adjacent properties;

d if the property is located in or immediately adjacent to a zoning district where single family dwellings are a permitted use, provide for construction of buildings and other features architecturally compatible in appearance with structures on adjacent property; and

e reasonably preserve significant terrain features.

(10) **Effective Date of Conditional Use Permit:** A Conditional Use Permit shall be deemed effective upon the date approved by the City Council.

(g) **Termination of Conditional Use Permit:** A Conditional Use Permit shall terminate and become null and void as follows:

(1) **Failure to Commence the Use:** Upon a finding by the City Manager that the conditional use for which the Conditional Use Permit was issued has not commenced within 180 calendar days after the effective date of the Conditional Use Permit or the date set forth in the Conditional Use Permit, whichever is applicable. For purposes of this paragraph, the use shall be deemed to have commenced:

(i) if no new construction or renovation of an existing building is required, when actual use for the purposes described in the permit commences; or

(ii) if new construction or renovation of an existing building is required before the use can commence, when a completed application for a building permit, all required construction drawings, and the applicable permit fees have been delivered to the City Building Inspections Department;

(2) **Failure to Commence Actual Use Within Two Years of New Construction or Renovation:** If new construction or renovation of an existing building is required before the use can commence, upon a finding by the City Manager that actual use of the property has not commenced within two (2) years after the effective date of the Conditional Use Permit or the date set forth in the permit, whichever is applicable;

(3) **Cessation of Use Not Related to Destruction of Property:** After commencement of the actual use of the property for the purpose set forth in the permit, upon a finding by the City Manager that actual use of the property for the purpose for which the Conditional Use Permit was approved:

(i) has not occurred for a period of 180 consecutive days after the commencement of the actual use for which the Conditional Use Permit was approved; and

(ii) that the conditional use ceased for reasons other than destruction of buildings due to fire, flood, or windstorm;

(4) **Cessation of Use Related to Destruction of Property:** After commencement of the actual use of the property for the purpose set forth in the permit, upon a finding by the City Manager that actual use of the property for the purpose for which the Conditional Use Permit was approved has not occurred for a period of two consecutive years after the date of destruction by fire, flood, or windstorm of the buildings in which the use was occurring;

(5) **Failure to File an Appeal:** Unless the owner of the property files an appeal as set forth in Section (h.), below, on the fifteenth day following delivery of written notice to the owner of the property for which a Conditional Use Permit is issued that the City Manager has determined that a violation of the provisions of the permit has occurred in accordance with Section (h.), below.

(h) **Appeal of Termination for Non-Compliance:** Upon a finding of the City Manager that the use of the property has not been or is not in compliance with the provisions of the permit, the City Manager shall send written notice that the permit will be terminated fifteen (15) days from the date of the receipt of the notice, said notice to be sent by certified mail, return receipt requested to the owner of the property at the last known address indicated on the property rolls of the Kerr County Appraisal District, a copy of which notice shall also be placed on the property. Said notification shall contain a summary of the findings by the City Manager citing the provisions of the permit or City Code which have been violated. The owner of the property may file a written appeal of the City Manager's decision with the City Council by delivering to the City Clerk a summary of the property owner's basis for appeal not later than ten (10) calendar days from receipt of the City Manager's notice. The appeal shall be heard at the next regular City Council meeting which occurs on or after the tenth calendar day following the receipt of the notice of appeal. The appeal to the City Council shall be conducted in accordance with procedures adopted by the City Council. On appeal, the City Council may:

(1) uphold the decision of the City Manager and terminate the permit;

(2) uphold the decision of the City Manager, but grant additional time for compliance, after which date the permit shall terminate if the City Council determines that compliance has not been achieved during the additional time; or

(3) overrule the decision of the City Manager. The decision of the City Council shall be final.

(i) **Existing Conditional Use Permits:** In addition to Conditional Use Permits issued on or after June 16, 1997, Conditional Use Permits issued prior to June16,1997, shall be subject to termination in accordance with Section (g.) and (h.), above.

j) **Certificates of Occupancy:** The use of property for the purposes described in a Conditional Use Permit may not commence until a certificate of occupancy has been issued by the City Building Official. No certificate of occupancy shall be issued until all conditions regarding the construction or installation on the property of improvements or structures of any nature and/or landscaping have been satisfied.

(k) **Application for Extension of Deadlines:** A person to whom a Conditional Use Permit is issued may request an extension of time to commence the use for which the permit was issued by submitting a written request to the Planning Division not later than 15 days prior to the date the period for commencement of actual use ends. The City Council, on a showing of good cause by the applicant, may grant an extension for such time as it deems reasonable and in the best interest of the public.

(l) **<u>Reapplication After Denial:</u>** No application for a Conditional Use Permit for property which includes all or part of the same property which was described in a previously denied application for a Conditional Use Permit may be accepted by the Planning Division earlier than one year after the date of final action by the City Council on the prior application unless:

(1) the Commission determines the use for which the new application is made is not the same or similar use to that proposed in the previously denied application; or

(2) the Commission determines that conditions relating to the property adjacent to the property which was the subject of the previously denied application have substantially changed, in which case the application may still not be accepted earlier than six months from the date of the final action of the City Council on the prior application.

Art. 11-1-14 SPECIFIC USE DISTRICTS

(a) **<u>When Required:</u>** The creation of a Specific Use District shall be required prior to the development of any property within the City which is to be used for the following purposes:

(1) Businesses primarily engaged in the housing, stabling, or keeping of livestock where the intent is to sell the livestock or livestock product, such as the following:

(i) Feed lots (SIC #021)

(ii) Dairy farms (SIC #024)

(iii) Poultry hatcheries (SIC #025)

(iv) Horse farms, farms for raising fur bearing animals, breeding kennels, and other similar establishments not otherwise classified above (SIC #027)

(2) Businesses primarily engaged in the slaughter, eviscerating, and dressing or processing of livestock, livestock products, or wild animals such as the following:

(i) Meat packing plants (SIC#201 1)

(ii) Poultry dressing plants (SIC#2016)

(iii) Taxidermy businesses that conduct on-site evisceration and processing of animal carcasses

(3) Businesses primarily engaged in milling or preserving of lumber, pulp, and paper, such as the following:

(i) Lumber products, mills, and processing (SIC #'s 241, 242, 249)

(ii) Pulp and paper mills (SIC #'s 261, 262, 263, 266)

(4) Businesses primarily engaged in grain milling operations, such as the following l four or meal from grain and corn milling (SIC #'s 2041, 2044, 2046)

(5) Businesses engaged in the manufacture of pet foods, such as the following:

(i) Dog, cat food (SIC #2047)

(ii) Prepared feeds and ingredients (SIC #2048) chemical processes, such as the

(6) Businesses primarily engaged in manufacturing and rendering of vegetable and grease, tallow, lard, etc., as listed in SIC #'s 2074, 2075, 2076, and 2077.

(7) Except where the manufacturing process for the basic chemicals is complete. and the business is engaged in only mixing or forming the basic materials into a product for sale; businesses primarily engaged in producing basic chemicals and the manufacture of products by predominantly following:

(i) Manufacture of basic industrial inorganic chemicals (SIC # 281)

(ii) Manufacture of plastics, resins, rubber, etc. (SIC #282)

(iii) Manufacture, processing, etc., of medicinal chemicals, excluding pharmaceutical drugs (SIC #'s 2831, 2833, excluding SIC #2834)

(iv) Manufacture of soap and detergents, cleaners, perfumes, etc. (SIC #284)

(v) Manufacture of paints, varnishes, etc., including all of SIC 285, paints, varnishes, lacquers, enamels, and allied products.

(8) Except business engaged in mixing fertilizers from purchased fertilizer materials, or other situations where the manufacturing process for the basic chemicals are complete, and the business is engaged in mixing or forming those basic materials into products for sale, businesses primarily engaged in manufacturing industrial organic chemicals, including all of SIC #'s 286, 287, and 289, including gum and wood chemicals, coal tar distillates, organic solvents, anhydrous ammonia, insect and rodent, poisons, pesticides, explosives, glue, ink, battery acid, etc.

(9) Businesses engaged in petroleum refining, manufacturing, paving, and roofing materials, and compounding lubricating oils and greases, including all of SIC major group #29, including petroleum refining, the manufacture of asphalt and tar, oils and greases, and briquettes, etc.

(10) Businesses primarily engaged in leather tanning and finishing, including all ofSIC #3111.

(11) Businesses primarily engaged in Manufacturing flat glass as included in SIC #'s 321 and 322, but not including businesses engaged in manufacturing or shaping glass products from purchased glass;

(12) Businesses primarily engaged in the manufacture of hydraulic cement, ready mix concrete, lime, asbestos, and the crushing, grinding, pulverizing, or otherwise preparing clay, ceramic, and refractory minerals, such as included in SIC #'s 324, 3273, 3274, 3292, and 3295.

(13) Businesses primarily engaged in the smelting and refining of ferrous and nonferrous metals from ore, pig, or scrap, and other businesses defined in SIC major group #33.

(14) Businesses primarily engaged in the Manufacture of weapons' ammunition, including those described in SIC #'s 3482 and 3483.

(15) Businesses primarily engaged in the manufacture, processing, blending, mixing, refining, storage, or distribution of hazardous materials, not otherwise listed above, but not including:

(i) businesses engaged in the retail sale of certain hazardous Materials which are packaged for sale at normal retail stored;

(ii) the incidental storage of cleaning materials;

(iii) the underground storage of bulk fuel;

(iv) the above-ground storage of bulk fuel in quantities of 550 gallons or less.

(16) Businesses engaged in mining activities, such as for oil and gas, sand and gravel, and other ores, coal, clays, etc. as included in SIC major group #'s 10, 1 1, 12, 1 3, and 14.

(17) Business defined in part or in its entirety by the Code of Ordinances as a junkyard, automobile graveyard, or open air market.

(b) **Custom Manufacturing Businesses Exempted:** Any use described in Section (a.), above, which can be defined as a custom manufacturing business shall be deemed not to be within the regulations of this Article, but are otherwise permitted or conditional uses as set forth elsewhere in this Chapter.

(c) **Procedures for Establishing a Specific Use District:** The following procedures shall govern the application, consideration, content, and creation of a Specific Use District:

(1) **Application:** An owner and/or developer who desires to use property located in the City in a manner which requires the creation of a Specific Use District must file an application with the Planning Division for a zone change on forms approved by the Planning Division, which application must contain at least the following information:

(i) the name, address, and business phone number of the applicant;

(ii) if different than the applicant, the name, address, and business phone number of the record owner of the property according to the Deed Records of Kerr County, Texas;

(iii) if the applicant and/or owner are not individuals, the name, address, and business phone number of the person or people authorized to act on behalf of the applicant and/or owner in all matters relating to the application;

(iv) the full legal description of the property for which the application is made and, if available, the street address of the property. If the property is platted, the description need only include the complete lot and block description. If the property is not platted, a metes and bounds description certified by a registered public surveyor is required;

(v) if the applicant is not the owner of the property described in the application, a sworn statement from the owner or legal representative of the owner of the property that the applicant has been authorized by the owner to make the application for the zone change;

(vi) a detailed description of the proposed use(s) of the property;

(vii) the availability and location ofoff-street parking;

(viii) the projected amount of additional traffic generated in and around the property, the types of vehicles which are anticipated will visit the property, the likely changes in traffic patterns of the area around the property resulting from the proposed use, and the possible impact such changes in traffic will have on properties within 500 feet of the subject property;

(ix) the proposed number of occupants, employees, and/or users of the property and the proposed hours of occupancy or use, including peak use periods with estimated census during such peak periods;

(x) if the use proposed will require deliveries of goods to the property, provide the proposed location of loading/unloading areas;

(xi) a statement as to whether or not the proposed use requires any type of state or federal license or permit to operate, the type of license or permit which is required, and the issuing agency of such license or permit, including, but not limited to, any license required for the production, storage, use, or disposal of hazardous materials or hazardous wastes;

(xii) the distance of the property from the Guadalupe River, any of its tributaries, and/or any channel that drains to the Guadalupe River;

(xiii) the number and location of properties within one-half mile of the applicant's property that have the same or similar use(s) as that proposed by the applicant;

(xiv) the use of the properties within five hundred feet (500') of the perimeter of the property described in the application;

(xv) one or more site plans, building elevations, improvement plans, and other such drawings or pictures, graphically prepared in a manner that reasonably illustrates the following:

a the location and dimensions of existing boundary lines, easements, and required yards and setbacks;

b the location, height, bulk, general appearance, and intended use of existing and proposed buildings on the site, indicating distances from property lines and between buildings;

c the approximate location of existing buildings on the properties adjacent to the proposed Specific Use District;

d the location of existing and proposed site improvements including parking and loading areas, on-site pedestrian and vehicular access and circulation, landscaped areas, utility or service areas, fencing and screening, signs and lighting;

e the location of existing and proposed watercourses and drainage features;

f for property with an average slope greater than 15 percent, a plan showing proposed grading, drainage and erosion control measures, or plans that are necessary according to other city ordinances regulating storm runoff control;

g the relationship of the property and the proposed use to surrounding uses, including pedestrian and vehicular access and circulation between the property and adjacent properties, and any proposed off-site improvements to be made;

(xvi) The non-refundable application fee established by the City Council by resolution for zone change applications.

(2) **Complete Application Required:** No application for creation of a Specific Use District shall be deemed to be complete until all information and items set forth in Subsection (1), above, have been delivered to the Planning Division and the required application fee paid.

(3) **Preliminary Conference:** Prior to submitting an application for creation of a Specific Use District, an applicant or the applicant's authorized representative must meet with the Director of Planning or designated Planning Division staff to receive information regarding application procedures and requirements.

(4) **Report of the Planning Division:** Upon receipt of a completed application for creation of a Specific Use District, the Planning Division will review and prepare a report and recommendation regarding the application which shall be forwarded to the Commission for consideration, which report shall contain:

(i) a review of the application;

(ii) a summary of any public comment received;

(iii) proposed conditions and development regulations to be applied if the Specific Use District is to be granted;

(iv) and the recommendation of the Planning Director regarding the application, or, if the Planning Director has no recommendation, a statement to that effect.

(5) **Public Hearing before the Commission:** After notice has been published in the same manner as required of a zoning amendment, but in no case earlier than fifteen (15) days after receipt of the completed application, the Commission shall hold a public hearing on the application for creation of a Specific Use District. At the public hearing, the Commission shall review the application and receive from the applicant, Planning Division staff, and others who have an interest in the matter, facts and opinions concerning the proposed use and the proposed conditions and development regulations to which such district would be subject.

(6) **Recommendation of the Commission:** After the close of the public hearing described in Subsection (5), above, the Commission shall forward to the City Council a recommendation regarding the adoption of an ordinance creating a Specific Use District subject to the conditions recommended by staff with or without addition or modification. In the event the Commission determines that the application as presented is acceptable, but only if amended, the Commission may recommend to the City Council approval of an ordinance creating the Specific Use District subject to the incorporation of the changes recommended by the Commission.

(7) **Public Hearing before the City Council:** After the action of the Commission and notice has been published in the same manner as required of a zoning amendment, the City Council shall hold a public hearing on the proposed ordinance creating a Specific Use District. At the public hearing, the City Council shall review the application and the recommendation of the Commission and receive from the applicant, Planning Division staff, and others who have an interest in the matter, facts and opinions concerning the proposed district and the proposed development regulations to which such district would be subject.

(8) **Action of the City Council:** After the close of the public hearing described in Subsection (7), above, the City Council shall consider the adoption of an ordinance creating the requested Specific Use District subject to development regulations and conditions establishing requirements and standards of operation, location, arrangement, occupancy limits, and construction for the use for which the district is created. In the ordinance creating a Specific Use District, the City Council may impose such development standards and safeguards as the conditions and location indicate important to the health, safety, welfare and protection of adjacent property and its occupants from excessive noise, vibration, dust, dirt, smoke, fumes, gas, odor, traffic, explosion, glare, surface water drainage, offensive view or other undesirable or hazardous conditions and the preservation of existing trees, natural terrain features, and navigable streams and their tributaries. Furthermore, the City Council may restrict the permitted uses in the district to only those that are described in the application or may allow other permitted uses that would otherwise have been permitted in the district had the ordinance not been approved. The development regulations set forth in the ordinance creating the Specific Use District may include, but not be limited to:

(i) building appearance and location standards;

(ii) requirements for special yards, open spaces, buffers, fences, walls and screening;

(iii) requirements for installation and maintenance of landscaping and erosion control measures;

(iv) requirements for street improvements and dedications regulating vehicular ingress and egress, and traffic circulation;

(v) sign regulations more restrictive than those previously adopted;

(vi) regulation of hours or other characteristics of operation;

(vii) establishment of development schedules or time limits for completing the requirements set forth in the ordinance;

(viii) time limits after which the ordinance may be reviewed and/or terminate;

(ix) prohibit uses that would otherwise be permitted in the zoning district in which the property is located;

(x) such other conditions as the City Council may deem necessary to ensure compatibility with surrounding uses and to preserve the public health, safety and welfare.

(d) **Effect of Adoption of Specific Use District Ordinance:** The adoption of an ordinance creating a Specific Use District does not repeal the existing zoning regulations governing the property prior to the adoption of the Specific Use District ordinance; provided, however, to the extent of conflict between the two ordinances, the regulations set forth in the Specific Use District ordinance shall control.

(e) **Repeal for Non-Use of Specific Use District Purpose:** Upon a finding by the City Manager that property located within a Specific Use District has not been used for a period of two years for the purpose(s) set forth in the ordinance creating the Specific Use District and which are described in Section (a.), above, for reasons other than non-use resulting from fire, windstorm, flood, or other casualty, the Planning Director shall forward a notice to the owner of the property with a demand to show cause why the ordinance creating the Specific Use District should not be repealed. If no response is received from the property owner, or if upon receipt of the owner's response the Planning Director determines that the Specific Use District ordinance should be repealed, the Planning Director shall forward such recommendation to the Commission for its consideration. The repeal of the ordinance shall proceed in the same manner as described in Section (d.), above.

(f) **Zoning Regulations Upon Repeal of Specific Use District Ordinance:** The repeal of an ordinance creating a Specific Use District must specify the zoning district regulations which shall govern the property upon enactment.

(g) **Use Not Non-Conforming Use:** A use which is permitted on property solely as the result of passage of an ordinance creating a Specific Use District does not become a non-conforming use upon repeal of that ordinance and must cease immediately upon the effective date of the repeal of the ordinance.

(h) **Certificate of Occupancy:** An owner must obtain a certificate of occupancy prior to using property for the purposes set forth in a Specific Use District ordinance. Unless otherwise set forth in the Specific Use District ordinance, no certificate of occupancy shall be granted until all items and/or structures required to be constructed, including, but not limited to, all buffering elements and traffic control devices required by the ordinance, have been completed and accepted by the City.

Art.11-1-15 PLANNED DEVELOPMENT DISTRICTS AND DEVELOPMENT SITE PLANS

(Ord. #2010-09, 06/22/2010)

I. Planned Development Districts.

(A) Definition and Purpose: The Planned Development District (PDD) is a separate, stand-alone district designed to provide for the development of land for single or mixed uses in accordance with a plan that varies from the established regulations of the underlying zoning district. It is the intent of a PDD to insure compliance with good zoning practices while allowing specific desirable departures from the strict provisions of current zoning classifications.

(B) Minimum Development Size: The minimum size for any PDD shall not be less than two (2) acres for nonresidential developments and five (5) acres for residential developments.

(C) Application: An application for a PDD shall be processed in accordance with this article, Prior to submitting an application for the creation of a PDD, the applicant or the applicant's representative shall meet with the City Planner or designated staff to receive information regarding application procedures and requirements The City shall not deem an application administratively complete until a pre-application conference has occurred. No application for creation of a PDD shall be deemed complete until all required information has been delivered to the Planning Division and the required application fee is paid. All information required by the City and the amount of the appropriate fee shall be specified on the City's application form. A PDD application shall be scheduled for consideration by the Planning and Zoning Commission within forty-five (45) days of the City deeming the application administratively complete.

(D) Concept Plan: An application for a PDD shall include a concept plan showing a preliminary layout of proposed uses, access, buildings, parking, open space, and the relationship to existing natural features, adjacent properties, and uses. The concept plan shall be construed as an illustration of the development concepts and not an exact representation of all specific details. An application for a PDD shall include a concept plan to be considered administratively complete.

(E) Requirements of Concept Plan: A concept plan shall provide the following minimum requirements:

(1) Vicinity map, north arrow, date, site address (if known), and scale (not less than one inch for each one-hundred fee (1" – 100') ;

(2) Total acreage within the proposed PDD;

(3) The entire site indicating property lines, and project phase lines, if any; public and private right-of-way and easement on the site or abutting or intersecting the site; adjacent properties with zoning and existing uses identified;

(4) Proposed general land uses and the acreage of each use, including open space; for residential developments, the total number of units and the number of units per acre;

(5) Existing and proposed structures showing approximate outline of perimeter walls including distance to property lines and other structures; front, side, and rear building setback lines; proposed category of use(s) of structures, number of stories in height and feet, gross floor area, and location of entrances and exits:

(6) Proposed development standards, if different from the base zoning district for each proposed land use;

(7) The proposed parking standard for each use;

(8) Topographic contours of ten feet (10') or less of the proposed site:

(9) The existing 100-year floodplain, floodway, and any major drainage way(s); and

(10) Existing and proposed utilities to include water, wastewater, gas, electric, telecommunications, and fire hydrant locations.

(F) Phasing Schedule: A PDD proposing phasing shall provide a phasing schedule for the development depicting the different construction timelines.

(G) Review Process: Upon receipt of an administratively complete application as determined by the City for the creation of a PDD, the Planning Division shall schedule the appropriate review and meeting as follows:

(1) Development Review Committee (DRC); The Development Review Committee (DRC) shall review each PDD and make a recommendation. Where appropriate, as determined by the City Planner, the DRC may request that the applicant or the applicants representative attend the DRC meeting. Following the DRC's review, the City Planner shall prepare a report for the Planning and Zoning Commission related to the request and provide a recommendation for action based upon the review by the DRC.

(2) Planning and Zoning Commission (Commission) : After the City publishes notice of the request in the same manner as required of a zoning amendment, but in no case earlier than fifteen (15) days after receipt of the administratively complete application, the Planning and Zoning Commission (Commission) shall hold a public hearing on the application for creation of a PDD. At the public hearing, the Commission shall review the application and receive comments from the applicant, City staff, and other. After the close of the public hearing, the Commission shall adopt and shall forward a recommendation to the City Council regarding adoption of an ordinance creating a PDD subject to the conditions recommended by staff with or without addition or modification. In the event that the Commission determines that the application as presented is acceptable, but only if amended, the Commission may recommend to the City Council approval of an ordinance creating the PDD subject to incorporation of the changes recommended by the Commission.

(3) City Council (Council): Within 30 days after the action of the Commission, the City Council shall hold a public hearing on the proposed ordinance creating a PDD. At the public hearing, the Council shall review the application and the recommendation of the Commission and receive comments from the applicant, Planning Division, and others who have an interest in the matter, facts and opinions concerning the proposed district and the proposed development regulations to which such district would be subject. The Council may, after closing the public hearing, approve by ordinance the creation of a PDD based upon a concept plan. The approved plan shall be made part of the ordinance establishing the PDD. Should Council approve the ordinance following two readings, the PDD shall be indicated on the zoning map of the City.

(H) Zoning Map Reference: A PDD approved in accordance with the provisions of this article shall be referenced on the Official Zoning Map of the City of Kerrville. The City Planner shall maintain a list of approved PDD's, together with the category of uses permitted within them, and the concept plan.

(I) Amendment to a Planned Development District: Any changes in the ordinance adopting a PDD or the concept plan for a PDD shall be in accordance with the same process used to establish the original PDD.

(J) Reapplication: If an application for the creation of a PDD is denied by the City Council, another application for reclassification of the same property or any portion thereof shall not be filed within a period of one (1) year from the date of final denial, except with permission of the City Council.

II. Development Site Plans.

A. Definition and Purpose: The City requires the approval of a Development Site Plan prior to any site development and the issuance of a building permit for non-single family residential developments of 0.5 (1/2) acre or larger. The City requires the approval of a Development Site Plan prior to any site development and the issuance of a building permit for all non-single family residential developments as defined by the Zoning Code. The Development Site Plan shall comply with all provisions of the zoning district in which the property is located, to include a PDD where applicable, relating to permitted uses and development requirements and standards.

B. Application: An application for a Development Site Plan shall be processed in accordance with this article. Prior to submitting an application for a development site plan, the applicant or the applicant's representative shall meet with the City Planner to receive information regarding application procedures and requirements. The City shall not consider an application to be administratively complete until such a meeting is held. The City shall not consider an application for a Development Site Plan to be administratively complete until all required information is delivered to the City and the application fee is paid. All information required by the City and the amount of the appropriate fee shall be specified on the City's application form.

C. Development Site Plan: Approval of a Development Site Plan shall be required prior to the issuance of building permits for any non-single family development of 0.5 (1/2) acres or larger. Review of the Development Site Plan shall confirm compliance with the conditions and stipulations of the zoning district in which it is located. A Development Site Plan shall provide the following minimum information:

(1) Vicinity map, north arrow, date, site address, and scale (not less than one inch for each one-hundred feet (1"–100'):

(2) Project name and address in the title block;

(3) Plat name with lot and block if applicable

(4) Site, indicating boundaries (with bearings and distances) and project phase lines if any;

(5) Location and width of existing and/or proposed public and/or private rights-of-way and easements on, abutting, or intersecting the site;

(6) Adjacent properties with zoning and existing uses identified;

(7) Existing and proposed structures showing approximate outline and dimensions of perimeter walls, including distances to property lines and other structures;

(8) Front, side, and rear building setback lines;

(9) Provide building construction type, per the building code, if known;

(10) Proposed category of use and/or uses of each structure;

(11) Number of stories in height and feet for each structure;

(12) Gross floor area for each structure;

(13) Approximate location of entrances and exists for each structure;

(14) Location, width, and curve radii of existing and proposed streets, alleys, parking areas, fire lanes, and drive approaches. Fire lanes shall be shaded on the site plan with clearly indicated width and radii;

(15) Dead-end fire lanes in excess of 150-feet shall be provided with an approved turn-around

(16) For firelanes, highlight areas that exceed 5% grade and/or have a vertical height clearance less than thirteen and one-half feet (13.5);

(17) Proposed location of the Fire Department Connection (FDC), if known;

(18) Location of all streets, drives, and alleys which are adjacent to or dead-end into the site, including the location of existing and proposed median openings and turn lanes;

(19) “No Objection: letter from the Texas Department of Transportation (TxDot) for proposed drive approaches and/or drainage structures accessing TxDot right-of-way, if applicable;

(20) Number, location, and dimensions of regular and handicapped parking spaces, width of drive aisles, loading areas, and other areas to be used for vehicular traffic;

(21) Location and width of sidewalks, handicapped ramps, and other pedestrian facilities;

(22) Existing and proposed topography reflecting proposed handling of on-site surface drainage;

(23) Limits of the 100-year floodplain and floodway as shown on current FEMA maps, including an approximate location and acreage;

(24) Proposed improvements and method of maintenance for any drainage channels and storm water detention facilities;

(25) Existing and proposed sanitary sewer layout, showing point of connection to municipal lines, including existing and proposed line sizes;

(26) Existing and proposed water service layout including existing and proposed fire hydrants and showing connection to municipal lines, including existing and proposed line sizes;

(27) Proposed location(s) of solid waste container pads and enclosures;

(28) Location, height, and building materials for any proposed or required screening walls or fences;

(29) Location, height, and type of proposed or required berm or living screen; and

(30) A table showing type of units by size, number of bedrooms, and number of each type, for multi-family projects only.

D. Review Process: The Development Review Committee (DRC) shall review and make recommendations on all development site plans. The DRC shall have authority to approve, conditionally approve, or disapprove nonresidential development site plans, provided that the development sire plan does not require consideration and approval of varied or different requirements and standards than those required by the zoning district in which the project is located. Should the DRC disapprove of a development site plan, the DRC shall provide a detailed list of issues that must be addressed upon re-submittal. Should the DRC give conditional approval of a development site plan, the DRC shall provide a detailed list of conditions that must be met at the time of that the civil and/or building plans are submitted. An applicant may appeal the determination of the DRC to the Planning and Zoning Commission pursuant to the appeal procedure described below.

E. Appeal: A decision of the Development Review Committee may be appealed to the Planning and Zoning Commission (Commission) by the applicant within ten (10) days after the date of decision by the DRC. The appeal shall be written and shall identify the specific reason(s) for and basis of the appeal. The appeal shall be delivered to the Planning Division within ten (10) days of the receipt of the decision by the DRC. The Commission shall hear the appeal of the applicant at a regular meeting. Upon review, the Commission may uphold the issues to be addressed upon re-submittal, uphold the conditions of the conditional approval, or alter any requirement or condition that concerns an issue addressed by this ordinance and the issue of zoning. The Commission may not consider, alter, or lessen any requirements or conditions that are beyond the scope of its authority, to include application of the City's various building codes, or where another appeal procedure is applicable.

F. <u>Administrative Action</u>: Upon approval of a development site plan by the Development Review Committee, as set forth herein, and approval of the preliminary plat (if required), application(s) may be made for the permits and certificates necessary for construction. Subsequent to such approval, minor changes to the development site plan may be made authorized by the Director of Development Services when such changes will not cause any of the following circumstances to occur:

1) A change in he character of the development;

2) An increase in the ratio of the gross floor area in structures to the area of any lot;
3) An increase in the intensity of use;

4) A reduction in the originally approved separations between buildings or required screening;

5) An increase in the problems of circulation, safety, and utilities;

6) A reduction in the originally approved setbacks from property lines;

7) An increase in ground coverage by structures;

8) Reduction in the ratio of off-street parking and loading spaces to the gross floor area in structures; and

9) Change in the locations, lighting, or orientation or originally approved signs.

G. <u>Expiration:</u> Approval of any development site plan shall automatically expire three (3) years from the date of approval unless a building permit has been issued and development activity on the tract has begun. When only an initial or partial phase of a project is constructed, the approval of the development site plan for any additional phases shall automatically expire after three (3) years from the date of initial approval unless a building permit has been issued for the additional phases and development activity on the additional phases has begun. Extension of the approval period may be requested at any time prior to expiration or with 60 days after expiration. On or before 180 days from the scheduled expiration of the development site plan, the City Planner will notify the applicant/owner that the development site plan will expire unless a request for an extension is submitted for review and approval by the Development Review Committee. When it is determined that no significant changes affecting the site have occurred, the City Planner may, after recommendation by the DRC, extend the approval."

Art. 11-1-16 NON-CONFORMING USES

(a) **Continuation of Existing Uses:** Except as otherwise set forth in the Code of Ordinances, the lawful use of a building, structure, or land on June16, 1997, may be continued, although such use does not conform with the provisions of the Zoning Code for the zoning district in which the property is located. Such uses shall be considered valid non-conforming uses. No enlargement of a non-conforming use is permitted except as required by Section (h), below, or by law which preempts this Zoning Code.

(b) **Enlargement of Non-Conforming Use:** For purposes of this Article, the enlargement of a non-conforming use shall be deemed to have occurred when:

(1) the building area of the building in which the non-conforming use is occurring is increased;

(2) if applicable, seating capacity of a building or on property where the use is occurring is increased;

(3) the parking or loading areas located on the property where the use is occurring is increased;

(4) the storage area or products stored on the premise is increased beyond the storage capacity existing at the time the use became non-conforming;

(5) new structures which are used in furtherance of the non-conforming use are constructed or located in the property; or

(6) the non-conforming use expands beyond the area on the tract of land in which the use has historically been conducted.

(c) **Repair and Maintenance of Buildings or Equipment:** The repair or maintenance of a building or facility necessary to keep) the building or facility in sound condition and which does not result in an increase in the building, parking, storage, or facility area or capacity existing at the time the use of the building or facility became non-conforming shall not constitute an enlargement of the non-conforming use.

(d) **Redesign or Renovation of Buildings or Equipment:** The following redesign or renovation of buildings and/or equipment shall not constitute an enlargement of a nonconforming use:

(1) improvements to a building that result in a redesign or renovation of an older facility design, but only if:

(i) the work is commenced not later than six months after cessation of the non-conforming use if such cessation is necessary to perform the renovation project; and

(ii) the work is completed and the non-conforming use is recommenced within two years after the cessation of the non-conforming use; and

(iii) the square footage of the structure which is utilized for the non-Conforming use is not increased; and

(iv) the project does not involve the demolition of any part of the exterior portion of the structure;

(2) relocation of parking and/or storage areas on the lot, provided there is no increase in the total area used for parking or storage;

(3) replacement of equipment with newer and/or more efficient equipment related to the preparation or dispensing of products, goods, or services, provided such equipment:

(i) is located on the same property as the equipment being replaced;

(ii) does not require an enlargement of the structure in which the equipment is located; and

(iii) does not require an increase in the square footage of the building or property which must be used to continue the non-conforming use.

(e) **Enlargement of Public Utility Uses:** If the use of property for the purpose of operating businesses which provide water, sanitary sewer, electric, telephone, natural gas, cable television, refuse collection and recycling services for the public becomes a non-conforming use, such non-conforming use may, without obtaining a Conditional Use Permit or a change in zoning, increase by twenty-five percent (25.0%):

(1) the building area as it existed at the time the use became non-conforming;

(2) parking or loading areas as they existed at the time the use became non-conforming; or

(3) line or pumping capacity as it existed at the time the use became non-conforming.

(f) **Discontinuance of a Non-Conforming Use:** Except as permitted by Sections (d.) (g.) and (h.) of this Article, no building, structure, or land may be used for a non-conforming use after the non-conforming use has ceased for a period of six (6) consecutive months, or, in the event cessation of the non-conforming use has occurred as the result of a renovation or reconstruction of a building permitted by this Article, the non-conforming use has not recommenced within two years after cessation. Except when cessation results from a renovation or reconstruction of a building, it shall he a rebuttal presumption that cessation of a non-conforming use has occurred if for a period of six (6) consecutive months:

(1) actual use of the property or building for the non-conforming use has not occurred, regardless of whether or not other permitted or non-conforming uses are continuing during the same period; or

(2) there has been no consumption of water and sewer services indicated by the water meter for the property; or

(3) there has been no consumption of electrical service on the property.

(g) **Replacing Damaged Buildings:** A non-conforming use may recommence after the repair or reconstruction of any building which is damaged or destroyed by fire, flood, explosion, earthquake, war, riot, or other calamity, but only if:

(1) such reconstruction is initiated within six months of the date the damage or destruction of the building occurred or by such later date as may be established by the Commission after a finding that the owner has made a good faith effort to commence reconstruction of the building(s) within the six months but has been delayed by factors not under the owner's control, including, but not limited to, the settlement of insurance claims or obtaining necessary financing; and

(2) the area of the reconstructed building(s) used for the non-conforming use does not exceed the area or capacity used prior to the date of said damage or destruction.

(h) **Non-Conforming Use as Conditional Use:** A person may apply for a Conditional Use Permit pursuant to Article 11-1-13 if the person desires to:

(1) enlarge a non-conforming use beyond that which is permitted by this Zoning Code;

(2) demolish all or part of a building used for a non-conforming use with the intent of rebuilding the building and recommencing the non-conforming use, provided such rebuilding:

(i) is commenced not later than six months after the demolition occurred; and

(ii) is completed not later than two years after the demolition occurred;

(3) recommence a non-conforming use on property where the building has been substantially damaged or destroyed and repair or replacement of said building will not commence within the period set forth in Subsection (g.), above

(i) **Non-Conforming Use Combined With Permitted Uses**: Property used for a non-conforming use may also be used for any other use permitted in the zoning district where the property is located. The area of a building in which a non-conforming use is occurring may be increased to include space to be used for permitted uses; however:

(1) the area of the building which is used for the non-conforming use may not exceed the area used for the non-conforming use prior to the date of addition to the original building; and

(2) the total parking area may not be increased above the maximum allowed for the permitted use as if the non-conforming use did not exist.

(j) **Previously Granted Conditional Use Permits:** The use of property pursuant to a conditional use permit issued prior to June 16, 1997, shall be governed as follows:

(1) **Conditional Use Becoming a Permitted Use:** If the use for which the conditional use permit was granted becomes a permitted use in the zoning district in which the property is located, then:

(i) the conditional use permit shall be deemed to have terminated if all regulations set forth in the conditional use permit are the same as those set forth in this Zoning Code for the same use in the same zoning district; or

(ii) the use shall be deemed to be a non-conforming use to the extent that the use and development regulations set forth in the conditional use permit are less restrictive than the use and development regulations for the same permitted use in the same zoning district;

(2) **Conditional Use Remaining a Conditional Use:** If the use for which the conditional use permit was granted requires a conditional use permit in the zoning district in which the property is located, the previously issued conditional use permit shall remain in full force and effect; provided, however, such permit shall be subject to termination as set forth in Article 11-1- 13.

(3) **Conditional Use No Longer a Permitted or Conditional Use**: If a use for which a conditional use permit was previously granted becomes neither a permitted use or a use for which a conditional use permit may be granted after adoption of the Zoning Code, such use shall be deemed to be a non-conforming use, and the permit shall be subject to termination:

(i) in accordance with this Article; and

(ii) in accordance with Article I 1-1- 13.

Art. 11-1-17 REGULATIONS REGARDING BUILDING HEIGHT, LOT WIDTH AND AREA, AND SETBACKS

(a) **Land Use Categories:** The land use categories referred to in the following sections of this Article shall be as follows:

(1) **Category No. 1:** Detached Single Family Homes

(2) **Category No. 2:** Duplex or Zero Lot Line Homes, excluding townhouses

(3) **Category No. 3:** Townhouses, Condominiums, Apartments, or Bed & Breakfast

(4) **Category No. 4:** Residential Transition District Businesses, Retail Trade Limited, or Personal Services Limited

(5) **Category No. 5:** Life Care Developments, Professional Offices, Personal Services 1, Custom Manufacturing

(6) **Category No. 6:** Business Services I, Business Services 11, Elementary Schools, Funeral Services, Institutional and Public Assembly, Personal Services 11, Retail Trade I

(7) **Category No. 7:** Education - Secondary/College, Manufactured Housing Sales, Restaurants- General and Limited, Retail Trade II, Tourist, Visitor, and Recreation Services

(8) **Category No. 8:** Agricultural Services, Building Construction-General and Specialist, Equipment Sales and Repair-Heavy, Fuel Sales, Manufacturing and Industrial-Limited as determined in Appendix "B", Retail Trade 111, Vehicle Repair, Vehicle Sales - New and Used

(9) **Category No. 9:** Agriculture - General, Manufacturing and Industry - Heavy as determined in Appendix "B", Transportation Terminals, Warehouse and Distribution

(b) **General Regulations:** Except as noted in Section (c), below, or where different regulations are set forth in this Zoning Code, in an ordinance creating a Planned Development District or a Specific Use District, or in a resolution adopting a development site plan or conditional use permit, the maximum building height, minimum setbacks, minimum lot width, and minimum lot area for the land use categories set forth in Section (a.), above, shall be as follows:

SEE FOLLOWING PAGE FOR TABLE
(Ord.#2010-09, 06/22/2010)

Land use Category	Maximum Building Height (in feet)	Minimum Set Backs (in feet)			Minimum Lot Width (in feet)	Minimum Lot Area per Dwelling Unit (in square feet)
		Front	Side	Rear		
1	35	25	6	25	60	6000
2	(See Article 11-1-13)					
3 (if one and two family residential uses)	35	25	6	25	50	5000 or 3000 if developed with two-family dwelling units
3 (two multi-family use)	N/A	25	10	25	60	if developed with three or more dwelling units, then: (1) 1600 for each one bedroom dwelling unit: (2) 1800 for each two bedroom dwelling unit; and (3) 2000 for each dwelling unit of three or more bedrooms.
4	N/A	25	6	25	60	6000
5	N/A	20	5	20	50	**(a)** 5000, if developed with uses other than two family or multi-family dwelling. **(b)** 3000, if developed with two family dwelling units **(c)** if developed with three or more dwelling units, then: (1) 1600 for each one bedroom dwelling unit; (2) 1800 for each two bedroom dwelling unit; and (3) 2000 for each dwelling unit of three or more bedrooms
6	N/A	25	7.5	25	50	
7	N/A	30	10	30	60	
8	N/A	35	12.5	35	65	

(c) **Special Setback Regulations:** Notwithstanding Section (b.), above, the following regulations shall apply regarding setbacks:

(1) **Central Business District:** No setbacks are required in the Central Business District as defined herein
(Ord. #2010-09, 06/22/10)

(2) **Corner Lots:** Unless a different setback is specified for the zoning district, the setback for the yard adjacent to the side street on a corner lot shall be a minimum of fifteen feet (15.0'), except that a residential garage shall be setback not less than nineteen feet (19.0').

(3) **Rear of Building Abutting a Street:** The minimum setback of the back of a building which abuts a street shall be the greater of:

(i) the minimum front setback required for buildings on that street front;

(ii) the average setback of buildings along the same side of the block; but in no case greater than twenty-five feet (25.0').

(4) **Back of Building Abutting an Alley:** The setback for the back of a building which abuts an alley may be measured from the centerline of the alley; provided, however, the minimum setback for a garage or carport with an entrance onto an alley shall be:

(i) nineteen feet (19.0'), if the garage or carport is built for only one motor vehicle; or

(ii) six feet (6.0'), if the garage or carport is built for two or more motor vehicles.

(5) **Alignment with Adjacent Buildings:** The setback of a building may be decreased to less than the minimum setback as follows:

(i) When more than one-half (1/2) of the lots in a block have been developed with buildings, the front and/or rear setback of an undeveloped lot, including the setbacks on both street fronts of a corner lot, may be reduced to the equivalent of the average front setback and/or rear setback, respectively, of developed lots on the same side of the same block which are within four hundred feet (400') of the property on which the reduction is sought; however, in no case shall any front setback be reduced to less than ten feet (10.0') nor any garage entrance be setback less than nineteen feet (19.0');

(ii) The side setback of a lot to be developed with a building for non-residential use may be reduced to the same as the side setback of the lot abutting that side of the lot if the lot abutting that side has been

(iii) developed with a building with a side setback less than the minimum set forth in Section (b), above; provided, however, the reduction may in no case result in a building separation less than that required by the City Building Code and/or Fire Code.

(6) **Approved Landscape Plans:** The setback requirements for a particular property may be modified by the Commission and/or City Council, as appropriate, as an element of an approved landscape plan and/or development site plan which requires the location of buildings in such a manner as to preserve existing trees and/or terrain features.

(7) **Application of Ordinance Not to Make Lot Unbuildable:** If the buildable area of a lot of record is reduced in either width or depth to less than thirty feet (30.0') after application of Section (b.), above, the side and rear setbacks may be reduced to permit a buildable area of not less than thirty feet (30.0') in width and/or depth; provided, however, in no case shall the building encroach on any easements or be constructed closer to an existing building that permitted by the Building Code and/or Fire Code.

(8) **Certain Building Protrusions Beyond Setback:**

(i) Application to Ground Floors: Cornices, eaves, belt course, sills, canopies, box windows, or other similar architectural features may extend distance not to exceed two feet (2.0') beyond any setback.

(ii) Application to Upper Floors: The upper floors of a multi-story building must comply with all setback requirements; provided, however, an uncovered deck, porte cochere, or upper floor balcony which is open on all sides or open with walls not higher than three feet (3.0') from an adjacent finish floor level, chimneys, or similar architectural features may extend beyond the setback a distance not to exceed one-half (1/2) of the distance between the setback and the property line. (Ord. #2010-09, 06/22/2010)

(9) **Location of Accessory Structures Beyond Setback:** Accessory buildings or structures shall not extend beyond the setback, except as follows:

(i) structures used primarily for landscaping may extend beyond any setback; to the property line

(ii) satellite dishes may extend beyond the side or rear setback, but not the front setback;

(iii) an accessory building or structure, located on property zoned as residential, with a floor area not exceeding one hundred fifty (150) square feet, and not exceeding fifteen feet (15.0') in height, may extend beyond the side or rear setback, but not closer than three feet (3.0') to any property line.

(iv) an accessory building or structure, located on property zoned as residential, with a floor area greater than one hundred fifty (150) square feet up to a maximum of five hundred twenty-eight (528) square feet and not exceeding fifteen feet (15.0') in height may extend beyond the rear setback but not closer than six feet (6.0') to any property line. (Ord. #2013-22)

(v) an accessory building or structure located on property not zoned as residential and abutting other property not zoned as residential, including garages and carports, may extend beyond the side or rear setback, but no closer than:

a three feet (3.0') to any property line, if a Type A screening fence is constructed in accordance with City Regulations; or

b six feet (6.0') to any lot line if no screening fence is constructed;

(vi) if the side or rear lot line of a property zoned as residential abuts the property line of a property not zoned as residential, an accessory building or structure located on property zoned as residential, including, but not limited to, a detached carport or garage, may extend beyond the side or rear setback of the lot line adjacent to the property zoned as commercial property, but not closer than three feet (3.0') to any property line.

(10) **Building Code and Fire Code Not Superceded:** The setback regulations set forth herein shall not be construed as repealing or in any manner amending applicable building or fire code requirements regarding building separation, which may be more restrictive than the requirements set forth in this Article.

(11) **Existing Buildings and Setback Violations:** Buildings constructed prior to the June 16, 1997, that complied with the setback regulations existing prior to June 16, 1997, shall not be deemed to be in violation of this Section; provided, however, the construction of a new building on the site of an existing building or addition to an existing building occurring on or after June 16, 1997, must comply the requirements of this Article.

(12) **Change in Use of Existing Building:** The use of a building constructed prior to June 16, 1997, that complied with the setback regulations existing prior to June 16, 1997, may be changed from a non-conforming use or permitted use to a permitted use without regard to the setback regulations set forth in this Article.

(e) **Special Lot Width Regulations:** Notwithstanding Section (b.), above, the following regulations shall apply with respect to minimum lot widths:

(1) **Cul-de-Sac Lots:** Where lots are irregular in shape, and the front property line is narrow, such as on a cul-de-sac, the minimum lot width shall be measured along the front setback; provided, however, the length of the front property line at the street right-of-way shall not be less than twenty-four feet (24.0').

(2) **Commercial Center Developments:** A subdivision of property for the development of a commercial business center may allow for lots with a width less than required by Section (b.), above, if;

(i) such lots are separated by lots which contain common areas for parking, ingress and egress, easements, signs, or other common elements of the development; and

(ii) the width of the common area lot is not less than twenty feet (20.0').

(f) **Division of Existing Lots:** Unless specifically authorized by the Zoning Code, no part of a yard, open space, or off-street parking or loading space required by the Zoning Code for one land use shall be included as a part of a yard, open space, or off-street parking or loading space for another land use.

(g) **Reduction of Lot Size:** No yard or lot existing as of June 16, 1997, shall be reduced in dimension or area below the minimum requirements set forth in the Zoning Code. Yards or lots created on or after June 16, 1997, shall meet at least the minimum requirements established by this ordinance.

Art. 11-1-18 SPECIAL SCREENING REGULATIONS

(a) **Use Categories:** The use categories referred to in this Article shall be the same as those set forth in Section 11-I-17(a.), above.

(b) **When Screening Required:** The owner or developer of property to be developed with uses in Use Categories 3 through 9, inclusive, shall construct and maintain a screening wall or fence along the border of his property when the property is:

(1) abutting property located in an "R-1" , "RI-A", "R-3", "RM", "RC", or "RT" zoning district, regardless of whether the abutting property is developed; or

(2) abutting property which is developed with a use in a more restrictive use category, regardless of whether:

(i) the property being developed and the abutting property are in the same or different zoning districts; or

(ii) the less restrictive use will occur in a newly constructed building or in an existing building previously used for purposes in a more restrictive use category;

(3) developed with a use in a less restrictive use category than the abutting property and the owner or developer desires to expand such less restrictive use by more than fifty percent of the building or storage area on the property.

(c) **Type of Screening Required:** For purposes of this Article, the following table shall be used in determining whether Type "A" or Type "B" Screening must be constructed when screening is required:

More Restrictive Use Categories	Less Restrictive Use Required to Establish Screening								
	1	2	3	4	5	6	7	8	9
1			A	A	A	B	B	B	B
2			A	A	A	A	B	B	B
3				A	A	A	A	A	A
4					A	A	A	A	A
5						A	A	A	A
6									A
7									
8									
9									

(d) **Type "A" Screening:** Type "A" Screening shall consist of a fence constructed along the side and/or rear property line of the less restrictive use category in accordance with the following specifications:

(1) a minimum height of six (6) feet;

(2) construction materials to consist of weather resistant wood, masonry or combination thereof;

(3) open spaces in the fence constituting no more than twenty-five percent (25%) of the fence area;

(4) maximum ground clearance of three inches (3.0"); and

(5) shall test plumb and square at all times unless otherwise dictated by the City Building Code.

(e) **Type "B" Screening:** Type "B" Screening shall consist of:

(1) a screening fence built to the same specifications as required for Type "A" Screening with a minimum height of eight (8) feet.

(f) **Screening When Separated by Street:** Unless otherwise required by the Zoning Code or an ordinance or resolution adopted pursuant to the Zoning Code, no screening element is required when a public street separates property classified as a less restrictive use from property classified as a more restrictive use.

(g) **Alternate Screening Permitted:** A developer may make application to the Commission to use alternate screening methods which may include, but not be limited to, use of existing natural terrain and/or landscaping, or installation of new landscaping and terrain features. The Commission may approve, disapprove, or approve with modifications, the proposal presented by the developer. In the event of disapproval, the developer may appeal to the City Council by requesting such appeal in writing not later than five (5) days following the date of the action of the Commission.

(h) **Screening Elements Established Elsewhere:** The screening requirements set forth in a resolution or ordinance adopted pursuant to other provisions of this Zoning Code shall control over the requirements of this Article.

Art. 11-I-19
SUPPLEMENTARY DEVELOPMENT REQUIREMENTS
(Ord. #2011-10, 05/10/2011)

The following supplementary development requirements are use-specific development requirements that are in addition to development standards required for specified uses within specified zoning districts. These development requirements were established to assure compatibility with the adjacent zoning district and land uses as well as the public need and the City's orderly development.

A. **Gasoline Sales**: Automobile services stations and other gasoline sales uses, except the sale of aviation fuel at an airport, shall comply with the following requirements:

1. A minimum street frontage of one-hundred twenty feet (120.0') is required.

2. The primary use of a gasoline sales establishment in any district in which it is permitted shall be the sale of gasoline with incidental sales of sundries. The operation of a convenience store shall be permitted in conjunction with gasoline sales. Vehicle sales and repair shall not be considered an accessory use. Automated car washes, as an accessory use, may be permitted.

3. No outdoor sales or storage shall be permitted in conjunction with gasoline sales facilities.

4. Pump islands shall be located a minimum of twenty-five feet (25.0') from any street right-of-way.

5. Pump islands shall be located a minimum of one-hundred feet (100.0') from any residential district.

6. The location of the refueling area shall be located a minimum of one-hundred feet (100.0') from any residential district and twenty-five feet (25.0') from any street right-of-way. In addition, an area shall be provided for the refueling truck outside the required drive aisles, fire lanes, and required parking.

7. Any canopy placed over the pump island may not extend closer than fifteen feet (15.0') to any street right-of-way.

8. An eight foot (8.0') solid fence shall be constructed and maintained along any property line adjoining a residential district.

9. All lighting shall be designed and installed to prevent glare or light from being emitted onto adjacent properties.

10. Signage shall comply with the City's Sign Regulations existing at the time of permitting and installation, except canopy signage. Canopy signs shall not exceed 25% of the canopy face and shall be limited to two (2) sides.

11. All self-service facilities shall provide an emergency shut-off switch to completely eliminate the flow of gasoline from all pumps upon activation in an emergency situation.

12. This use is prohibited within one-hundred feet (100.0') of the 100-year flood plain. In addition, where such use is within five-hundred feet (500.0') of the 100-year flood plain or within one-thousand feet (1000.0') of the UGRA Lake/City Impoundment Area, such use will require the adoption of a Conditional Use Permit pursuant to this code. These distances are based on the Federal Emergency Management Agency (FEMA) map at the time of development and are to be measured to the property line.

B. **<u>Miniwarehouses and Self-Storage Units</u>**: miniwarehouses and self-storage units are those facilities designed for self-storage by patrons in individual, compartmentalized, controlled access stalls or lockers, and shall comply with the following requirements;

(a) Use, Parking, and Access:

1. Miniwarehousing shall be used for storage purposes only and not for any other use, processing, services, or activities. Outdoor storage is prohibited in conjunction with this use.

2. The use may include the storage of recreational vehicles, boats, and automobiles, provided that the storage area is screened from public view and paved. The site plan or concept plan shall show the designed parking and storage areas at the time of project submittal. No parking or storage of recreational vehicles or boats shall be allowed within fifty feet (50.0) of any residential district.

3. One apartment is authorized for use by an on-site manager or security guard.

4. All driveways, parking, loading, and vehicle circulation areas shall be paved in accordance with City specifications.

5. One parking space shall be required in the office and apartment area for each 10,000 square feet of floor area in the miniwarehouse development. These spaces are in addition to the required loading areas.

6. A continuous marked fire lane is required throughout the project.

7. A continuous loading area, a minimum eight feet (8.0’) in width, shall be provided for parking and loading in addition to the fire lane along any building face where there is access to the storage units.

(b) Design Criteria:

1. The minimum separation distance between buildings shall be twenty feet (20.0’), provided that additional separation will be necessary where loading areas and fire lanes are required.

2. Public access doors to the storage units shall not face the public right-of-way.

3. The leasing office and/or manager’s apartment shall not exceed one-story in height.

4. Building facades facing public right-of-ways shall not have metal, vinyl, or wood siding, but shall be a minimum eight feet (8.0’) in height and shall include design features to break up long facades.

5. The maximum height adjacent to a residential district shall be one-story, generally limited to a maximum of fifteen feet (15.0’).

6. Lighting shall be installed with no fixtures extending above the rooflines and/or emitting light toward a residential district.

C. **Day Care Services (Includes Adult)**: a property used for day care services is a facility providing care, supervision, and guidance to an unaccompanied person for a period less than twenty-four (24) hours per day. The term includes nursery schools, preschools, day care centers for both children and adults, and similar uses. Facilities used for day care services shall comply with the following requirements:

1. Compliance with the minimum state requirements for such facilities.

2. Requires a circular or similar drive, covered at the entrance with loading/unloading space for at least two (2) vehicles. This requirement is not required for multitenant buildings.

3. No portion of any play or instruction area shall be located within the required front yard setback and/or exterior side yard setback.

4. An eight foot (8.0') solid fence shall be constructed and maintained along any property line adjoining a residential district.

D. **Automotive Repair and Maintenance and Automotive Oil Change and Lubrication Shops**: Properties primarily engaged in providing a wide range of mechanical and electrical repair; maintenance services; diagnostic services; changing motor oil and lubricating automotive vehicles, such as passenger vehicles and vans shall comply with the following requirements:

1. All maintenance shall be performed entirely within the bays of the maintenance facility.

2. No outdoor storage of vehicle parts or supplies, including tires and petroleum products shall be permitted.
3. Maintenance facilities shall be located a minimum of one-hundred feet (100.0') from any residential district.

4. Unless placed within the primary structure, incidental equipment, such as air compressors, pumps, or waste material storage, shall be placed within a designated area which is located a minimum of twenty-five feet (25.0') from any street right-of-way, a minimum of fifty feet (50.0') from any side or rear property line, and one-hundred feet (100.0') from any residential district.

5. An eight foot (8.0') solid fence shall be constructed and maintained along any property line adjoining a residential district.

6. Vehicles waiting for repair shall be located in a secure area on the site; no off-site or on street parking or storage shall be permitted.

7. Signage shall comply with the City's Sign Regulations existing at the time of permitting and installation.

8. This use is prohibited within one-hundred feet (100.0') of the 100-year flood plain. In addition, where such use is within five-hundred feet (500.0') of the 100-year flood plain or within one-thousand feet (1000.0') of the UGRA Lake/City Impoundment Area, such use will require the adoption of a Conditional Use Permit pursuant to this code. These distances are based on the Federal Emergency Management Agency (FEMA) map at the time of development and are to be measured to the property line.

E. **Car Washes (Self-Service and Unattended)**: A property primarily used for washing, drying, polishing, or vacuuming passenger vehicles, recreational vehicles, or other light duty equipment shall comply with the following requirements, except when operating as an accessory use, such as in conjunction with gasoline sales:

1. Car wash facilities shall be designed with and utilize water recirculation systems.

2. Incidental equipment, such as vacuums and air compressors, shall be located a minimum of twenty-five feet (25.0') from any street right-of-way, a minimum of fifty feet (50.0') from any side or rear property line, and one-hundred feet (100.0') from any residential district.

3. An eight foot (8.0') solid fence shall be construed and maintained along any property line adjoining a residential district.

4. All lighting, including lighting for wash bays and canopies, shall be designed and installed to prevent glare or light from emitting onto adjacent properties.

5. Signage shall comply with the City's Sign Regulations existing at the time of permitting and installation, except canopy signage. Canopy signage shall not be greater than 25% of the canopy face and shall be limited to two (2) sides.

6. This use is prohibited within one-hundred feet (100.0') of the 100-year flood plain. In addition, where such use is within five-hundred feet (500.0') of the 100-year flood plain or within one-thousand feet (1000.0') of the UGRA Lake/City Impoundment Area, such use will require the adoption of a Conditional Use Permit pursuant to this code. These distances are based on the Federal Emergency Management Agency (FEMA) map at the time of development and are to be measured to the property line.

F. **Adult Group Homes**: a property used for the purpose of an adult group home shall be developed in accordance with the following requirements:

1. The regulations contained within this section shall be applicable to the use and development of property as a community home, as defined in Chapter 123 of the Texas Human Resources Code, to the extent that the development of a community home is not exempt from the City's zoning regulations. Where applicable provisions of state or federal law establish more restrictive regulations of community homes than this section, including, spacing and occupancy regulations, the more restrictive state or federal law shall apply.

2. An adult group home is a dwelling unit for sixteen (16) or fewer people in which food, shelter, and minor medical treatment are provided under the direction and supervision of a physician; or where services which meet some need beyond boarding or lodging are provided to any family member residing with his family in a one-family dwelling. Residents of an adult group home depend on staff to provide various degrees of assistance in everyday living, but are not considered dangerous to themselves or others and require only occasional or temporary services by professional medical or nursing personnel which are provided through individual arrangement with each resident. An adult group home includes any facility which requires a license issued by the Texas Department of Health or its successor agency as a Personal Care Facility but does not include a facility which requires a license as a Special Care facility.

3. Prior to operating any adult group home, the owner and/or operator shall submit a site plan to the City for review, which indicates that the design, location, and operation of the proposed adult group home will be in compliance with this section and all other applicable provisions of this code. Said site plan shall be considered as follows:

   a. If use of the property as an adult group home does not require the approval of a Conditional Use Permit or an ordinance changing the zoning regulations of the property, the site plan must be approved by the Commission prior to commencement of operation of the home; or

   b. If use of the property as an adult group home requires the approval of a Conditional Use Permit or an ordinance changing the zoning regulations of the property, the site plan shall be approved by the City Council in accordance with the applicable procedures related to the adoption of a Conditional Use Permit or ordinance changing the zoning of the property.

4. An adult group home shall be developed as follows:

   a. All passenger loading and unloading areas and outdoor recreation areas shall be located as to avoid conflict with vehicular traffic.

   b. Access from public streets and/or sidewalks to the facility must comply with the Texas Accessibility Standards adopted by the Texas Department of Licensing and Regulations pursuant to the Architectural Barriers Act, Tex. Rev. Civ. Stat. Art. 9102, as amended.

   c. Ingress and egress from the adult group home shall be from a street with a pavement width of thirty feet (30.0') or greater which is not classified as a dead-end street.

   d. No adult group home located in a residential zoning district may be located any closer than 1,500 lineal feet from a community home defined in Charter 123 of the Texas Human Resources Code, as amended; personal care facility; assisted living center; or child care center.

   e. Any adult group home authorized to be located in a residential zoning district shall be designed and constructed in such a manner as to look like a residence of similar character and designed to tie in with residential structures located on the adjacent properties and shall include pitched roofs and windows which constitute not less than 40% of the front façade.

G. **Other Uses**: The following uses and development requirements were adopted by separate ordinance which regulates such uses:

1. Small Wind Energy Systems: A small wind energy system is a mechanical system, whether connected to an electrical utility grid or not, consisting primarily of a tower or roof-mounted anchoring system, rotor, blades, and a generator that is designed for the purpose of converting and then storing or transferring energy from the wind into useable forms of energy. Small wind energy systems shall be regulated in accordance with Chapter 26 of the City's Code of Ordinances.

2. Sexually Oriented Businesses: Sexually oriented businesses refers to adult entertainment that includes an adult arcade, adult bookstore or adult video store, adult cabaret, adult motel, adult motion picture theater, adult tanning salon, adult theater, escort agency, nude modeling studio, sexual encounter center, or any other commercial enterprise, the primary business of which is the offering of a service or the selling, renting, or exhibiting of devices or any other items intended to provide sexual stimulation or sexual gratification to the customer. Sexually oriented businesses shall be regulated in accordance with Chapter 30 of the City's Code of Ordinances.

3. Wireless Telecommunication Facilities: Wireless telecommunication facility (WTF) refers to a structure designed and constructed to support one or more antennas used by commercial wireless tele-communication or broadcasting facilities and including all appurtenant devices attached to it. A tower can be freestanding (solely self-supported by attachment to the ground) or supported (attached directly to the ground and with guy wires), or lattice or monopole construction. This definition includes satellite dishes, microwave-transmitting towers, and WTF's attached to or supported by buildings. Wireless telecommunication facilities (Cellular Antennas) shall be regulated in accordance with Ordinance No. 2003-35.

4. Amateur Radio Antennas: An amateur radio antenna (ARA) is defined as an antenna used for transmitting and/or receiving by a licensed or unlicensed amateur radio operator and includes the actual tower, support structure, and related equipment. Amateur radio antennas (ARA's) shall be regulated in accordance with Ordinance No. 2005-11."

H. **Community Gardens**: Property used for the purpose of a community garden must comply with the following:

1. may be publically or privately owned;

2. may be placed and maintained on a roof structure provided that it meets all applicable building and fire code requirements;

3. any lighting must be shielded so that substantially all directly emitted light falls within the property;

4. the property may not be used for the storage of items, to include vehicles, equipment, or materials, which are not directly associated with the operation of the community garden;

5. compost or and other organic material must not be visible from an adjacent property, to include being shielded by shrubbery, an enclosure, or fence;

6. must be routinely managed to control for and prevent the harborage of rodents and other pests;

7. must be routinely managed to control for and prevent odors;

8. must be designed, maintained, and operated to prevent water from irrigation, fertilizer, and other substances from traveling onto adjacent property;

9. trash receptacles must be provided and which must be screened on at least 3 sides so as to prevent public view;

10. an accessory structure, to include a greenhouse, shed, farm stand, or a similar structure:
    a. may be placed and used on the property without the presence of a primary structure;

    b. must comply with the setbacks that would be applicable to an accessory structure for the zoning district;

    c. may only be used for the storage of equipment and materials directly required for the operation of the community garden; and

    d. must be removed from the property upon the cessation of the community garden unless its use is allowed pursuant to another provision within the City's Zoning Code.

Art. 11-I-20 OFF-STREET PARKING AND LOADING REQUIREMENTS

(Ord. #2015-03, 03/24/2015)

A. General parking:

1. Off-Street Parking Required: Off-street parking spaces shall be provided in conformance with these regulations whenever a use is established or enlarged. Required spaces shall be on the building site of the use for which parking is required unless otherwise permitted and may be provided in either surface parking areas or garages. Whenever there is a change in use or an increase in floor area or in any other unit measurement used to determine the requirements for off-street parking spaces, additional spaces shall be provided on the basis of the increased requirement.

2. Use of Required Spaces: Required off-street parking and loading spaces shall be used only for their respective purposes and shall not be used for the storage or display of vehicles or trailers for sale or rent; the storage or display of other goods, materials or products; or the location of refuse storage containers. No required parking space may be placed in front of an overhead door or other point used for vehicular access.

3. Submission of Plans: Applications for building permits and Certificates of Occupancy shall include parking plans showing the design of off-street parking areas, including the layout of spaces, aisles, and the location of ingress and egress points. Parking plans must be reviewed and approved by the Development Review Committee. Submission of a parking plan may be waived when it is not necessary to determine compliance with these requirements.

4. Encroachment on Easements and Rights-of-Way: No portion of any private parking space, lot, or facility may encroach on any easement or right-of-way, unless authorized by law, ordinance, regulation, or written agreement of the governmental or private entity which owns or otherwise has jurisdiction over the easement or right-of-way.

5. Calculations: The following rules shall apply in computing the parking requirements:

a. Combination Uses: When a building site is used for a combination of uses, the parking requirement shall be the sum of the requirements for each type of use.

b. Floor Area: Floor area shall mean gross square footage, except in the case of office and retail type uses where areas used for nonpublic purposes, such as storage, incidental repair, processing or packaging, show windows, offices incidental to management or maintenance, restrooms, or utility rooms may be discounted, but shall require one space per 750 square feet for such uses.

c. Continuous Seating: When seating is provided on benches or pews, each eighteen inches (18.0”) of seating shall be counted as one (1) seat for the purpose of calculating the parking requirement.

d. Fractions: When a calculation results in the requirement of a fractional space, a fraction of less than one-half (1/2) shall be disregarded and a fraction of one-half (1/2) or greater shall require one parking space.

6. **Application to Existing Buildings:** If the use of a building is changed to a different use which pursuant to this article requires more off-street parking than currently exists, then the following applies:

a. New Use: The new use may not commence until the required additional off-street parking is provided, if the building is not located in the Downtown Core or Central Business District as said term are defined in this code; or

b. Downtown Core and Central Business District Property: If the building is located in the Downtown Core or the Central Business District, as said terms are defined within Article 11-I-3, and the new use does not require an enlargement of that encompassed by the exterior walls of the building, the new use may commence without adding the off-street parking which would otherwise be required by this section.

B. **Parking Layout and Construction Standards**: every parcel of land hereafter used as a public or private parking area, including commercial parking lots used for the parking of business-owned vehicles and vehicular display or storage areas, shall be developed and maintained in accordance with the following requirements.

1. **Minimum Size and Setbacks:** Each parking space shall be a minimum of nine feet (9.0') by nineteen feet (19.0'), exclusive of access drives and aisles. The nineteen foot (19.0') depth may include a two foot (2.0') overhang over a paved, stoned, mulched, or grassy area which is free of obstructions or over a sidewalk, provided that at least three feet (3.0') of sidewalk remains unobstructed for pedestrian movement. No space shall overhang a property line, right-of-way line, or a landscape area which is included as part of a minimum landscape requirement. Every space shall be at least eleven feet (11.0') from the curb line of a public or private street.

2. **Wheel Stops:** In any parking space which faces toward a property line or a building, a wheel stop and/or curb shall be installed which prevents a vehicle from extending across the property line or making contact with the building.

3. **Parallel Parking:** The minimum paved dimension for a parallel parking space shall be nine feet (9.0') by twenty-three feet (23.0').

4. **Access:** There shall be adequate provision for safe, efficient ingress and egress to all off-street parking spaces and parking stalls may not be designed to be directly accessed from any street. All parking stalls must be accessible by means of a driveway, aisle, or other maneuvering space and no parking space may require the use of a public right-of-way or a private street for the maneuvering of a vehicle in entering or leaving the space.

5. **Aisle Width:** The standard parking aisle width shall be a minimum of twenty-four feet (24.0'), provided that a reduced width may be approved by the Development Review Committee when the parking layout includes angled parking, one-way aisles, or other special features which comply with other applicable City standards and generally accepted practices for parking lot layout.

6. **Fire Lanes:** Where a parking aisle also serves as a fire lane, the aisle, per City Fire Code, shall meet the minimum width, radius, and construction standards for a fire lane if these specifications are greater than the requirements for a parking aisle.

7. **Residential Alleys:** No access from a nonresidential use shall be permitted to or from an alley serving a residential district.

8. **Drive-Through Services:** Any use or building offering drive-through service shall provide stacking lanes which are a minimum nine feet (9.0') in width and which provide direct forward access to each service window, station, or other point of service. The stacking lane shall be marked and shall be separate from any other driveway, parking space, or aisle and shall not interfere with any required parking or ingress and egress. Stacking lanes shall be measured from point of service and shall provide twenty feet (20.0') per vehicle. Common stacking lanes for several service points may be used for financial and restaurants uses, provided that separate stacking for a least three (3) vehicles is provided for each point of service before stacking is merged into a common lane.

   a. Number of Vehicles:

      i. *General*: Unless otherwise specified below, each service point shall be provided with a stacking lane for a minimum of three (3) vehicles.

      ii. *Financial or bill-paying*: Each teller station at a drive-through financial institution or a business offering drive-through bill paying shall provide a stacking lane for a minimum of five (5) vehicles.

      iii. *Restaurant*: Each remote ordering station and each service window at a restaurant with drive-through service shall be provided with a stacking lane for a minimum of five (5) vehicles.

9. **Surfacing:** All parking surfaces and access drives shall be surfaced with asphalt or concrete pavements. All pavement shall be of sufficient strength to support the vehicular loads imposed on it, graded and drained to dispose of all surface water in accordance with City regulations, and marked to provide for orderly and safe loading, unloading, parking, and the storage of vehicles. All surfaces shall be maintained in good condition, generally free of potholes, cracks or broken pavement and allow for uninhibited access to all parking and loading spaces and drives. As an alternative to asphalt or concrete pavement, permeable pavers may be used as a permanent parking surface if such material complies with applicable City standards and the generally accepted practices of parking lot design.

10. **Lighting:** All parking areas located in a nonresidential zoning district and which are used by the public after dark, shall be illuminated beginning one-half (1/2) hour after sunset and continuing throughout the hours of use. If only a portion of the parking area is used after dark and is clearly marked, then only that part is required to be illuminated in accordance with these standards. Lighting shall meet the following minimum standards:

    a. Intensity: Upon initial installation, lighting shall equate to an average production of at least one foot candle and maintained at least one-half (1/2) foot candle on the parking lot surface.

b. Fixtures: Light sources shall be indirect, diffused, or shielded type fixtures to deflect the light from adjoining properties in residential districts and from adjacent streets. Fixtures shall be mounted to buildings or on poles. The use of bare bulbs and strings of lights for use as permanent and required lighting is prohibited.

C. PARKING REDUCTIONS AND SPECIFIC EXCEPTIONS: The Zoning Board of Adjustment may authorize exceptions to the requirements of this article where it finds that the peculiar nature of a use, the shape or size of the property, or other exceptional conditions would justify such action and any such reduction or exception could be accommodated without adverse impacts on adjacent properties or the surrounding area. The following are examples of uses or conditions which may justify a reduction or exception:

1. **Manufacturing and Warehouse Uses:** a reduction in parking spaces may be considered for manufacturing and/or warehousing uses; any such reduction may be justified based upon the amount of floor area per employee; the proportion of floor area occupied by machinery, equipment, and storage; and/or the maximum number of employees or invitees using the building. The potential for future increases in the number of employees or invitees may be considered.

2. **Longer Term Parking:** Off-site parking may be considered for institutional type uses such as hospitals, churches, or similar uses where longer term parking is common. Where an easement is used to both authorize and reserve such parking, the easement shall be permanent and irrevocable and shall be recorded in the property records of the county.

3. **Joint Use Parking:** joint use or collective parking may be allowed to account for parking space requirements. Joint use parking shall mean that required spaces provided for one use may also be credited as required spaces for a complementary use. Where an easement is used to both authorize and reserve such parking, the easement shall be permanent and irrevocable and shall be recorded in the property records of the county. The following definitions and examples shall be used as guidelines in considering requests for joint use parking;

   a. Complementary: Complementary uses are uses which generally operate at different time periods, so that one use is inactive when the other is active.

   b. Joint Use: The percentage or number of spaces which is allowed to be shared and used jointly should be related to the proportion or number of spaces which will be available during the period of relative inactivity.

   c. Examples: If an office parking lot is generally 90% vacant in the evenings and on weekends, then 90% of the spaces might be credited as also providing the parking for a church which operates primarily in the evenings and on weekends. Or, if a church parking lot is generally 50% vacant on weekdays, then 50% of the spaces might be credited as also providing the parking for an office which operates only on weekdays. Theaters and other evening/weekend entertainment uses may be another example of a use that might share parking with an office, bank, church or other complementary use.

D. **Number of Parking Spaces Required**: The following regulations shall apply in determining the number of parking spaces required for a specific use or combination of uses:

1. **Listed Uses:** For nonresidential uses, each category is assigned a "Parking Standard". The number of off-street parking spaces required for a specific nonresidential use shall be determined by reference to the schedule of permitted uses and the "Table of Parking Standards", below.

2. **Uses Not Listed:** For any use not listed, or where the listed standard is not applicable in the judgment of the Development Review Committee, the parking requirements shall be established using the requirement of a similar use which is listed or an applicable standard from another source. Such determination by the Development Review Committee may be appealed to the Planning and Zoning Commission.

3. **Handicapped Parking:** Parking for the handicapped and disabled shall be provided as part of the required parking in accordance with the requirements of the Americans with Disabilities Act.

4. **Table of Parking Standards - Nonresidential Uses:**

SEE ATTACHED TABLE.

E. **Off-street Loading Requirements**: in any nonresidential zoning district, in connection with any building or part thereof hereafter erected or altered which is to be occupied for uses requiring the receipt or distribution by truck, van, or other type of delivery vehicle which is delivering materials or merchandise, there shall be provided and maintained, on the same lot with such building, off-street loading spaces, said spaces to comply with the following specifications:

1. **Dimensions:** Each loading space shall be not less than ten feet (10.0') in width, twenty-five feet (25.0') in length with a height clearance of not less than fourteen feet (14.0').

2. **Location:** Such space may occupy all or part of any required side or rear yard except the side yard along a side street in the case of corner lots. In no event shall any part of a required front yard be occupied by such loading spaces.

3. **Distance:** No such space shall be closer than fifty feet (50.0') to any lot located in any residential district, unless wholly within a completely enclosed building or unless enclosed on all sides by a masonry wall not less than six feet (6.0') in height."

D.4 SCHEDULE OF OFF-STREET PARKING REQUIREMENTS

PARKING STANDARD	GENERAL USE DESCRIPTION	REQUIREMENT
1	Auto repair and maintenance. (except car washes)	Three (3) spaces per repair bay (the repair bay cannot count towards parking count), plus any required parking for office use (see Parking Standard #14).
2	Bed and breakfast	One (1) space per bedroom, plus the parking requirement for the manager.
3	Churches (Places of Worship)	One (1) space per four (4) seats in the sanctuary, plus the required parking requirement for office, meeting room, classrooms and common areas.
4	Construction; Building, General, Specialist.	One (1) space for each 500 Sq. feet of indoor area/storage; one (1) space for each 1,000 sq. feet of outdoor area/storage. (See Parking Standard #14)
5	Cultural (Museums, Art Galleries, Library, Etc.)	One (1) space for each 400 sq. feet of gross floor area.
6	Day Care (Child or Adult)	One (1) space for each employee, plus one (1) space for each 500 sq. feet.
7	Death Care Services	One (1) space per 100 sq. feet of chapel area, or one (1) space per four (4) seats in the chapel, whichever is greater, plus one (1) space per 300 sq. feet exclusive of the chapel.
8	Education Services	0 through Pre-K: See Day Care. K through 8 grades: Two (2) spaces per classroom. Post High School: One (1) space per two (2) students, plus one (1) space per student housing unit (room).
9	Gasoline Sales	Parking as required for each specified use.
10	Health Care Facilities Hospitals – Ambulatory: Nursing and residential care facilities: Residential Care Facility without Nursing : Offices of health care providers (including veterinary services), with clinical, laboratory or outpatient care:	One (1) space per patient bed. One (1) space per four (4) patient beds. One (1) space for each living unit. One (1) space per 150 sq. feet of gross floor area.
11	Hotel/Motel	One (1) space per sleeping unit, plus the required spaces for restaurant, meeting rooms, office, and related facilities.

SCHEDULE OF OFF-STREET PARKING REQUIREMENTS (CONTINUED)		
PARKING STANDARD	**GENERAL USE DESCRIPTION**	**REQUIREMENT**
12	Manufacturing - Custom: Manufacturing - Heavy and Limited:	One (1) space per 1,000 sq. feet of gross floor area, plus the required spaces for retail sales and office uses. One (1) space per 1,000 sq. feet of gross floor area, plus the required spaces for office use.
13	Mini-warehouses and Self-storage:	One (1) space per 10,000 sq. feet of warehouse/storage area, plus the required spaces for office and on-site apartment. See Article 11-I-19 for additional requirements.
14	Office	One (1) space per 300 sq. feet.
15	Outdoor storage and sales facilities	One (1) space per 2,000 sq. feet of storage/sales area, plus the required spaces for office use.
16	Personal Services	One (1) space per 250 sq. feet.
17	Public Assembly (Auditoriums, Theaters, etc.)	One (1) space per four (4) seats (fixed) or one (1) space per 50 sq. feet of assembly area (gross).
18	Recreation, Commercial Recreation, Indoor: Recreation, outdoor: Recreation, Golf Courses, Country Clubs:	Four (4) spaces per court or lane, plus one (1) space per 100 sq. feet of floor area exclusive of courts and lanes. One (1) space per 600 sq. feet of recreation area. Five (5) spaces per green, plus required spaces for restaurants, office, and retail sales areas.
19	Restaurants: (includes drinking establishments)	One (1) space per four (4) seats or one (1) space per 100 sq. feet, whichever is greater.
20	Retail Trade: Retail, Large Items	One (1) space per 250 sq. feet. One (1) space per 400 sq. feet.
21	Warehouse and Distribution	One (1) space per 1,000 sq. feet of gross floor area, plus the required spaces for office uses.
22	Miscellaneous	The parking requirements shall be established by the Development Review Committee (DRC) using the standard of a similar use or an applicable standard from another source. The requirements established by the (DRC) committee may be appealed to the Planning and Zoning Commission (P&Z).
23	Dwellings, Residential: Single-Family Detached and Single-Family Attached (Townhomes) Multi-Family (Duplex, Condos, Apartments)	Two (2) spaces per dwelling unit. Two (2) spaces per dwelling unit, plus the required spaces for office uses.

Art. 11-1-21 AMENDMENTS TO ZONING CODE

(a) **Limited Zoning Amendments:** Amendments to existing zoning district boundaries, the use and development regulations affecting a specific property or a specific zoning district, and other regulations that do not have a general city-wide effect shall be adopted in accordance with the following procedures:

(1) **Application Required:** An application for a zone change pursuant to this Section (a.) may be made by an owner of the real property to be affected by the amendment and/or (2) the City. Such application must be filed with the City Planning Department on forms approved by the Planning Division director accompanied by the application fee established by the City Council for such applications. An application for an amendment to the zoning regulations initiated by the City shall be completed by the Planning Division director.

(2) **Application Must be Complete:** No application shall be considered until it is determined by the Planning Division director to be complete. An application shall be deemed to be complete only when all information set forth in the application has been submitted and the applicable application fee has been paid; however, in no case shall an application be considered complete if.

(i) the applicant has failed to submit a metes and bounds description of the boundaries of the area to be affected by the amendment(s) which, in the sole opinion of the City Attorney, is legally sufficient and enforceable;

(ii) the applicant has failed to reasonably describe in the application the nature of the Zoning Code changes requested; or

(iii) the applicant has failed to provide all other information and reports required by the Zoning Code for the type of zone change requested.

(3) **Notice of Public Hearing Before the Commission**: Upon receipt of a completed application, the Planning Division director shall schedule a public hearing by the Commission on the application and provide notice of the time and place of such public hearing as follows:

(i) Not less than ten (10) days before the date set for such hearing, written notice of such public hearing shall be provided to the owners of all real property located within the area for which the change is proposed and within two hundred feet (200.0') of said property, by mailing such notice properly addressed and postage paid to the addresses indicated on the most recently approved municipal tax roll;

(ii) For property lying within two hundred feet (200.0') of the property on which the change is proposed but which is located in territory annexed to the City and is not included in the most recently approved municipal tax roll, the notice shall be given by publication of the time and place of such hearing in the official newspaper of the City not less than fifteen (15) days prior to such hearing.

(4) **Procedures for Public Hearing before the Commission:** The Commission may adopt such procedures for conduct of the public hearing described in Subsection (3), above; provided, however, such procedures must allow for presentation by the applicant as well as anyone who wishes to speak for or against the application. After commencement of the public hearing, the Commission may recess the public hearing from time to time, provided, however, if the public hearing is to be reconvened on a day other than the day on which the public hearing commenced, notice of the time and place at which the public hearing will be reconvened must be provided as set forth in Subsection (3), above.

(5) **Recommendation of the Commission:** After the close of the public hearing and receiving the report of City staff, the Commission shall forward a final report on the application to the City Council which shall contain one of the following recommendations:

(i) approve as requested;

(ii) approve with modifications recommended by the Commission;

(iii) deny.

(6) **Notice of Public Hearing before the City Council:** Before the City Council may act upon the recommendation of the Commission on an application made pursuant to this Section (a.), the City Council must hold a public hearing on the application at which parties in interest and citizens have an opportunity to be heard. Such public hearing shall not be convened before the fifteenth (15`x') day after the publication of a notice in the City's official newspaper of the time and place of the public hearing.

(7) **Procedures for Public Hearing before the City Council**: The City Council may adopt such procedures for conduct of the public hearing described in Subsection (6), above, as it deems appropriate. After commencement of the public hearing, the City Council may recess the public hearing from time to time, provided, however, if the public hearing is to be reconvened on a day other than the day on which the public hearing commenced, notice of the time and place at which the public hearing will be reconvened must be provided as set forth in Subsection (6), above,

(8) **Action by the City Council:** After the close of the public hearing, the receipt of the final report of the Commission, and any additional information and recommendations provided by City staff, the City Council may take one of the following actions:

(i) deny the application; or

(ii) approve an ordinance adopting the zoning changes requested by the applicant; or

(iii) approve an ordinance adopting the zoning changes as recommended by the Commission; or

(iv) approve an ordinance adopting the zoning changes as determined by the City Council.

However, in no case shall the City Council approve a zoning change that is less restrictive or which includes a larger area than set forth in the public notice described in Subsection (6), above, until a new public notice is given and public hearing held on such less restrictive zoning change.

(b) **Written Protests:** The affirmative vote of at least three-fourths (3/4) of all members of the City Council shall be required before a change proposed pursuant to Section (a.), above, may take effect if there is delivered to the City Clerk written protests of the change as follows:

(1) **Minimum Number Required:** This Section (b.) shall apply only if protests in proper form are received from owners of at least twenty percent (20%) of either:

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

(ii) the area of the lots or land immediately adjoining the area covered by the proposed change and extending two hundred feet (200.0) from that area.

(2) **Form of Protest:** A protest filed pursuant to the Section (b.) shall be deemed to be in proper form and effective only if it:

(i) contains a legal description of the property represented by the protest;

(ii) is signed by the owner of the property or, in the case of a property with multiple owners, signed by owners representing more than 50% of the ownership interest in the property;

(iii) in the case of a governmental entity, is accompanied by a certified copy of the order or resolution of the governing body of the governmental entity authorizing the issuance of the protest;

(iv) contains the statement "I/we do hereby warrant and represent that 1/we are record owners of the property described in this protest letter and am/are authorized to make this protest.";

(v) contains an acknowledgment signed by a notary public acknowledging the signature(s) of the protesting person;

(vi) is delivered to the City Clerk prior to the taking of any vote of the City Council on the matter.

(3) **Withdrawal of Protest:** An owner may withdraw a protest filed pursuant to the Section (b.) at any time prior to the taking of a vote by the City Council on the ordinance adopting the change by:

(i) delivering to the City Clerk a written request to withdraw the protest prior to the taking of the vote; or

(ii) personally appearing before the City Council and requesting the withdrawal of the protest.

(4) **Computing Area of Land Owned:** In computing the percentage of ownership of land referred to in Subsection (1), above:

(i) the area of streets and alleys shall be included in calculating the entire land area;

(ii) if a street or alley is not owned by the public in fee simple, the property owner(s) adjacent to the street or alley shall be credited with ownership to the center line of the street or alley;

(iii) if a street or alley is owned in fee by a federal, state, or local governmental entity on behalf of the public, then the governmental entity shall be considered to be the owner of the street or alley regardless of the ownership of the adjoining property and the percentage of the ownership shall be attributable to the governmental entity.

(c) **Withdrawal of Application:** An applicant may withdraw a request for a zoning change at any time prior to the convening of the meeting at which the application is scheduled to be considered by delivering a written request for withdrawal of the application to the City Clerk prior to the beginning of said meeting. An applicant shall not be entitled to the refund of any application fee for an application withdrawn. Furthermore, an application for a zoning change which was previously the subject of a withdrawn application shall be treated as a new application and accompanied by a new application fee.

(d) **Postponement of Public Hearing:** An applicant for a zoning amendment pursuant to Section (a.), above, may request that the public hearing regarding an application be considered at a date later than the date originally scheduled; provided, however, such request for postponement must be:

(1) made in writing by the applicant not later than 72 hours prior to the time which the meeting is scheduled to convene; and

(2) accompanied by sufficient funds to reimburse the City for publishing the required public notice for the later meeting; and

(3) if notice was originally sent pursuant to Section (a)(3)(I) of this Article, sufficient funds to reimburse the City for sending a notice of postponement to those originally notified.

(e) **Reapplication After Denial:** No application for a zoning change, including, but not limited to, the establishment of a planned district or a special use district, for property which includes all or part of the same property which was described in a previously denied application for a zoning change, may be accepted by the Planning Division earlier than one year after the date of final action on the prior application by the last of the Commission or the City Council to act, unless:

(1) the Commission determines the use for which the new application is made is not the same or similar use to that proposed in the previously denied application; or

(2) the Commission determines that conditions relating to the property adjacent to the property which was the subject of the previously denied application have substantially changed, in which case the application may still not be accepted earlier than six months from the date of the final action of the Commission or the City Council on the prior application, whichever body was the last to act.

(f) **Major Changes to the Zoning Code:** When the City contemplates an amendment to this Zoning Code which has general application to all property within the City or will result in a revision of all or a substantial portion of its land use plan, including, but not limited to, comprehensive changes to zoning classifications, district boundaries and land use regulations, regardless of whether such changes are made in one or a series of ordinances, such change shall be deemed to be a major change and shall be made in accordance with the following procedures:

(1) **How Initiated:** The City Council or the Commission, with or without the request of any citizen, may initiate such changes.

(2) **Public Hearings; Notice; Final Action:** The Commission and the City Council shall provide public notice, conduct public hearings, and take all action related to the adoption of any comprehensive changes pursuant to this Section (f.) in accordance with Tex. Loc. Govt. Code §211.007, as amended. The City Council may, at its sole discretion, conduct joint public hearings with the Commission prior to receipt of the final report of the Commission on the proposed changes.

(g) **Amendments of Permitted Uses and Conditional Uses in Numbered Zones:** Zoning changes which result in a change in the permitted uses or conditional uses of a zoning district and which affect all of the property within the zoning district are major changes pursuant to Section (f), above.

Art. 11-I-22 **PLANNING AND ZONING COMMISSION AND BOARD OF ADJUSTMENT**
(Ord. #2008-24, 09/09/2008)

(a) **PLANNING AND ZONING COMMISSION:** The City Council shall provide for the appointment of a Planning and Zoning Commission, which may be referred to as the Commission.

(1.) **Membership**

(i) **Regular Members:** The Commission shall be composed of five (5) regular members. At least four (4) of these members shall be residents and eligible voters of the City; one (1) member may reside in the City's extraterritorial jurisdiction (ETJ), and that person must be an eligible voter of Kerr County. Regular members shall be appointed by a majority vote of the City Council.

(ii) **Alternate Members:** The City Council shall appoint two (2) alternate members to the Commission. Alternate members shall either be a resident and eligible voter of the City or shall reside within the City's ETJ and be an eligible voter of Kerr County, but not more than one (1) alternate member may reside within the ETJ. Alternate members shall serve on the Commission in place of an absent regular member when requested to do so by the chair so that all cases to be heard by the Commission may be heard by a minimum of at least four (4) members when possible. Alternate members may only participate in meetings if called to act and then acting as a regular member for the entire meeting. Even where not called upon to act as a regular member, alternate members shall attend all meetings and are subject to the attendance requirement as provided within this Article.

(2.) **Terms of Appointment:** All members of the Commission shall be appointed to serve two (2) year terms beginning and ending on January 1 of the appropriate years. The terms of two (2) of the members appointed shall expire in odd numbered years. The terms of the remaining three (3) members shall expire in even numbered years. One alternate member shall serve a term ending in an odd numbered year and one alternate member shall serve a term ending in an even numbered year. The City Council may appoint members to the Commission for terms of lesser duration than two (2) years when making the initial appointments or when otherwise necessary to comply with the provisions of this Article.

(3.) **Open Meetings Act:** The Planning and Zoning Commission and its Members shall comply with the Texas Open Meetings Act and the Procedural Rules (for) Kerrville City Boards. No Member shall communicate or deliberate about a matter coming before the Commission or over which the Commission has authority outside of a posted meeting in an attempt to evade the Open Meetings Act. Such prohibited conduct also applied to email or telephonic conversations.
(Ord. #2010-09, 06/22/10)

(4.) **Quasi-judicial Decisions.** The requirements of procedural due process necessitate a fair hearing before an impartial body with the goal of ensuring that all sides including the public are provided an opportunity to present their views in public meetings. Thus, all quasi-judicial decisions made by the Commission must be based upon what is in the official public record. Quasi-judicial decisions include decisions made with respect to appeals of administration decisions and requests for variances and permits. In any quasi-judicial matter, no Commission Member shall intentionally or knowingly, outside of a meeting, communicate with a person for which there are reasonable grounds for believing that the person is a party to the matter being considered, if such communication is designed to influence the Member's consideration of or action on the matter. A "party" is

defined as being either an applicant or appellant to the quasi-judicial matter. This type of communication could be considered an ex parte communication as it involves one party discussing or presenting information to a Commission Member when another party or the public is not present to witness the conversation or where the other party does not receive the disclosed information. If any such communication should occur (ex parte communication), the Member shall disclose it at an open meeting of the Commission prior to its consideration of the matter and shall then recuse himself/herself from all further discussions and action on the matter. Where a Member receives an unsolicited inquiry or communication, personally or through electronic means, the Member shall not engage in such communications and if possible, return the communication to the sender. Further, the Member shall also advise the person or sender that such information should be presented at a Commission meeting."
(Ord. #2010-09, 06/22/2010)

(5.) **Term Limits:** No regular member shall serve more than three (3) consecutive full terms on the Commission without having at least one (1) full year off the Commission between terms.

(6.) **Organization and Rules**

(i) **Meetings:** The Commission shall hold its regular meetings on the first and third Thursdays of each month beginning at 4:30 p.m. in the City of Kerrville City Council Chambers.

(ii) **Elections:** The Commission shall each year at its first regular meeting of the new year elect a chair and vice-chair from among the regular members. The Commission may elect such other officers as it deems necessary from the membership.

(iii) **Quorum:** Three (3) members, which may include an alternate member but only where substitution for and acting as a regular member, shall constitute a quorum to transact business.

(7.) **Duties and Powers**

(i) **Comprehensive Plan:** The Commission shall formulate and recommend to the City Council for adoption a Comprehensive Plan for the orderly growth and development of the City and its environs. On a yearly basis, the Commission shall review and if necessary recommend such changes in the Plan as it finds will facilitate the movement of people and goods, and the health, recreation, safety and general welfare of the citizens of the City.

(ii) **Zoning Plan:** The Commission shall formulate a zoning plan (ordinance) as may be deemed best to carry out the goals of the Comprehensive Plan; hold public hearings and make recommendations to the City Council relating to the creation, amendment, and implementation of zoning regulations and districts as provided in state law.

(iii) **Platting:** The Commission shall exercise all powers of a Commission as to approval or disapproval of plans, plats, or replats as set out by state law and the City's subdivision regulations.

(iv) **Zoning Changes:** The Commission shall initiate for consideration at public hearings, proposals for the original zoning of annexed areas or for the change of zoning district boundaries on an area wide basis.

(v) **Variances:** The Commission shall consider and take appropriate action, upon written request, variances as prescribed to the City's subdivision and sign regulations.

(vi) **Ordinance Review:** The Commission shall from time to time recommend such changes to the subdivision regulations, sign regulations, and any other ordinance the City Council assigns to their review that will facilitate the general health, safety and welfare of the citizens of the City."

(b) BOARD OF ADJUSTMENT

(1) **Creation:** There is hereby created the City of Kerrville Zoning Board of Adjustment, otherwise known in this Zoning Code as the "Board of Adjustment".

(2) **Membership; Appointment:** The Board of Adjustment shall be composed of five (5) members, all of whom shall be residents and qualified voters of the City of Kerrville, Texas. The members of the Board of Adjustment shall be appointed by a majority vote of the members of the City Council.

(3) **Term of Appointment:** Members of the Board of Adjustment shall be appointed to serve two year terms beginning and ending on September 30 of the appropriate years. The terms of two of the members appointed shall expire in odd numbered years. The terms of three of the members shall expire in even numbered years. The City Council may appoint members of the Board of Adjustment for terms of lesser duration than two years when making the initial appointments to the Board of Adjustment or when otherwise necessary to comply with the provisions of this Article.

(4) **Vacancies:** Upon the death, resignation, or removal from office of any member or alternate member of the Board of Adjustment prior to the end of the member's term, the City Council shall appoint a successor as a member or alternate member, respectively, of the Board of Adjustment, who shall hold that position for the unexpired term of the person who he is appointed to succeed.

(5) **Term Limits:** No member or alternate member shall serve more than two (2) consecutive full terms on the Board of Adjustment without at least one (1) full year off of the Board between terms."

(Ord. #2009-07, 04/14/2010)

(6) **Removal:** After issuance of written charges to the member or alternate member and a public hearing before the City Council, a member or alternate member of the Board of Adjustment may be removed prior to the end of his term upon a finding of cause for removal by a majority of the City Council.

(7) **Absences:** Cause for removal of a member of the Board of Adjustment by the City Council shall be deemed to exist if during any period of twelve consecutive months for any reason other than a medical reason which prevents the member's attendance, the member is absent from the greater of:

(i) three (3) duly called meetings of the Board of Adjustment, or

(ii) 25% of the duly called meetings of the Board of Adjustment.

(8) **"Duty Called meetings":** The phrase "duly called meetings" as used in Section (g.), above, includes all regular and special called meetings of the Board of Adjustment and all meetings of subcommittees of the Board of Adjustment on which the member serves.

(9) **Alternate Members:** The City Council will appoint two (2) alternate members of the Board of Adjustment who shall be qualified voters of the City of Kerrville to serve concurrent terms as the regular members. During their term alternate members will serve on the Board in place of an absent member when requested to do so by the chairperson of the Board so that all cases to be heard by the Board of Adjustment shall always be heard by a minimum of four (4) members. One alternate member shall serve a term ending in an odd-numbered year, and one alternate member shall serve a term ending in an even numbered year. Sections (f.) and (g.), above, shall also apply to alternate members of the Board of Adjustment, except that the determination of the number of absences in Section (g.) shall be based only on the meetings at which the alternate member's presence was requested by the chairperson in order to serve in place of an absent member.

(10) **Open Meetings Act.** The Board of Adjustment and its Members shall comply with the Texas Open Meetings Act and the Procedural Rules (for) Kerrville City Boards. No Member shall communicate or deliberate about a matter coming before the Board or over which the Board has authority outside of a posted meeting in an attempt to evade the Open Meetings Act. Such prohibited conduct also applies to email or telephonic conversations.
(Ord. #2010-09, 06/22/2010)

(11) **Quasi-judicial Decisions.** The requirements of procedural due process necessitate a fair hearing before an impartial body with the goal of ensuring that all sides, including the public, are provided an opportunity to present their views in public meetings. Thus, all quasi-judicial decisions made by the Board must be based upon what is in the official public record. Quasi-judicial decisions include decisions made with respect to appeals of administration decisions and requests for variances and permits. In any quasi-judicial matter, no Board Member shall intentionally or knowingly, outside of a meeting, communicate with a person for which there are reasonable grounds for believing that the person is a party to the matter being considered, if such communication is designed to influence the Member's consideration of or action on the matter. A "party" is defined as being either an applicant or appellant to the quasi-judicial matter. This type of communication could be considered an ex parte communication as it involves one party discussing or presenting information to a Board Member when another party or the public is not present to witness the conversation or where the other party does not receive the disclosed information. If any such communication should occur (ex parte communication), the Member shall disclose it at an open meeting of the Board prior to its consideration of the matter and shall then recuse himself/herself from all further discussions and action on the matter. Where a Member receives an unsolicited inquiry or communication, personally or through electronic means the Member shall not engage in such communications and if possible, return the communication to the sender. Further, the member shall also advise the person or sender that such information should be presented at a Board meeting.
(Ord. #2010-09, 06/22/2010)

(12) **Meeting Records:** The secretary shall keep a record of all proceedings of the Board of Adjustment, showing the vote of each member upon each question, or, if absent or failing to vote, indicate such fact, and shall keep records of its examinations and other official actions, all of which shall be filed in the office of the City Clerk and shall be a public record.

(13) **Officers:** Officers of the Board of Adjustment shall be a chairperson, vice-chairperson, and secretary who shall be appointed by the members of the Board from among its members. The officers for the Board of Adjustment shall be appointed at the first meeting of the board, and thereafter such appointments shall be made at the first meeting held after October 1 of each year. Officers of the Board of Adjustment shall serve a term of one year, said term ending on September 30 after the date of election. An officer of the Board may not serve in the office elected for more than two consecutive terms.

(14) **Authority of Chairperson:** It shall be the duty of the chairperson (or in the absence of the chairperson, the vice-chairperson) to preside at all meetings of the board. "The chairperson or, in the absence of the chairperson, the vice-chairperson, may administer oaths and compel the attendance of witnesses.

(15) **Office of the Board:** The office of the Board of Adjustment shall be the Office of the Planning Division, City of Kerrville, 8701 Main Street, Kerrville, Kerr County, Texas 78028.

(16) **Authority of the Board of Adjustment:** In addition to such other powers as may be granted from time to time by ordinance, the Board of Adjustment shall have the following authority:

(i) **Appeal from Administrative Official:** Pursuant to Article 11-1-23(a), the Board of Adjustment shall hear and decide an appeal that alleges an error in any order, decision, or determination made by an administrative official of the City in the interpretation or enforcement of Chapter 211 of the Texas Local Government Code, as amended, or this Chapter; and

(ii) **Grant Variances:** Pursuant to Article 11-1-23(b), to grant upon written request variances from the height, yard, area, coverage, floor-to-area, and buffering regulations and required number of parking and loading spaces prescribed by this Chapter, which variances are not contrary to the public interest, and which, because of special conditions, a literal enforcement of the ordinance would result in unnecessary hardship, and so that the spirit of the ordinance will be observed and substantial justice done.

Art. 11-1-23 APPEALS TO ADMINISTRATIVE DECISIONS; GRANTING VARIANCES

(a) **Appeals to Administrative Decisions:** An appeal to the Board of Adjustment that alleges an error in any order, decision, or determination made by an administrative official of the City in the interpretation or enforcement of Chapter 211 of the Texas Local Government Code, as amended, or this Chapter must be made in accordance with the following procedure:

(1) **Who May Appeal:** Any of the following persons may appeal to the Board of Adjustment a decision made by an administrative official of the City in enforcing this Chapter of Chapter 211 of the Texas Local Government Code; as amended:

(i) a person aggrieved by the decision; or

(ii) any officer, department, or board of the City affected by the decision.

(2) **Form of Appeal:** To be effective, the appeal must be made in writing and must contain at least the following:

(i) a citation to the specific statute(s) and/or ordinance(s) which is(are) the subject of the appeal;

(ii) the earliest date on which the City administrative official communicated the decision which is the subject of the appeal to the appellant, or, if more than one decision is alleged to be in error, the date each decision was communicated;

(iii) a summary of the decision(s) made by the City administrative official which is the basis for the appeal;

(iv) if the administrative official's decision was made in writing, a copy of the document in which the decision is stated;

(v) the specific grounds upon which the appeal is based;

(vi) a description of the property affected by the administrative official's decision sufficient to identify the location and the boundaries of the property;

(vii) the reason the person filing the appeal should be considered a person aggrieved by the decision;

(viii) the signature of the person filing the appeal; and

(ix) when the appeal involves the development of a specific tract of land, eight (8) copies of a site plan drawn to scale showing existing and proposed development of the property in question.

(3) **Perfection of Appeal:** An appeal pursuant to this Section (a.) shall be deemed timely filed and perfected only if the notice of appeal:

(i) is filed not later than ten (10) days, excluding Saturdays, Sundays, and City holidays, after the date on which the decision of the City administrative official was communicated to the appellant with;

a the secretary of the Board of Adjustment; and

b the administrative officer who rendered the decision which is the subject of the appeal; and (ii) is accompanied by the filing fee established by the City Council; and

(ii) is accompanied by the filing fee established by the City council; and

(iii) contains all the information set forth in Subsection (2), above

(4) **Preparation of Record:** Upon receiving the notice of appeal, the City administrative official from whom the appeal is taken must immediately forward to the secretary of the Board of Adjustment all of the papers constituting the record of the action that is appealed.

(5) **Stay of Proceedings:** A notice of appeal properly and timely filed as provided in this Section (a.) shall stay all proceedings in furtherance of the action appealed from until after the decision of the Board of Adjustment has been rendered unless the official from whom the appeal is taken certifies in writing to the Board of Adjustment facts supporting the official's opinion that a stay would cause imminent peril to life or property. In the case where the official makes such a certification, proceedings may be stayed only by a restraining order granted by the Board of Adjustment or a court of record on application, after notice to the official, if due cause is shown.

(6) **Date of Public Hearing:** Unless a later date is set upon written request of the appellant, the Board of Adjustment shall hold a public hearing on an appeal under this Section (a.) not later than twenty (20) days after the filing and perfection of the notice of appeal, excluding Saturdays, Sundays, and City holidays; provided, however, the hearing shall not take place earlier than ten (10) days after notice of the time and place of the public hearing has been:

(i) published in the City's official newspaper; and

(ii) sent to the appellant and the owners of all property located within 200 feet of the property which is the subject of the appeal by depositing a copy of the notice in the United States Mail, postage prepaid, and pre-addressed according to the address indicated on the last approved City tax rolls.

(7) **Decision of the Board:** After receiving all evidence and hearing all argument, the Board of Adjustment may reverse or affirm, in whole or in part, or modify the City administrative official's order, requirement, decision, or determination from which the appeal was taken and make the correct order, requirement, decision, or determination, and, for this purpose, has the same authority as the administrative official.

(8) **Required Vote:** The concurring vote of seventy-five percent(75%) of the members of the Board of Adjustment is required to modify or reverse an order, requirement, decision, or determination of a City administrative official.

(b) **Variances:** The Board of Adjustment may grant a variance to the Zoning Code as permitted by Article 11-1-22(o)(2) in accordance with the following procedures:

(1) **Application:** An application for a variance shall be made in writing on forms provided by the Planning Division and filed with the secretary of the Board of Adjustment. An application for a variance shall be deemed complete when all information on the application form is provided and the application is accompanied by the following:

(i) all fees established by the City Council for such matters; and

(ii) a description of the property to which the variance would apply sufficient to identify the location and the boundaries of the property; and

(iii) the reason the person is requesting the variance;

(iv) the signature, acknowledged by a notary public of-

a the owner of the property; and

b if different than the owner, the signature of the person requesting the variance; and

(v) when the variance relates to the development of a specific tract of land, eight (8) copies of a site plan drawn to scale showing existing and proposed development of the property in question.

(2) **Public Hearing; Notice:** Upon filing of an application for a variance, the director of the Planning Division shall set a date for a public hearing thereon as soon as may be practicable; provided, however, the Board of Adjustment shall hold a public hearing on a request for a variance under this Section (b.) only after the filing of a completed application with the secretary of the Board of Adjustment and in no case earlier than ten (10) days after notice of the time and place of the public hearing has been:

(i) published in the City's official newspaper; and

(ii) sent to the applicant and the owners of all property located within 200 feet of the property which is the subject of the variance by depositing a copy of the notice in the United States Mail, postage prepaid, and pre-addressed according to the address indicated on the last approved City tax rolls.

(3) **<u>Required Findings of Fact:</u>** No variance shall be granted by the Board of Adjustment until it makes the following findings:

(i) that there are exceptional circumstances or conditions applicable to the property on which the application is made related to size, shape, area,

topography, surrounding condition or location that do not apply generally to other property in the same area and the same zoning district;

(ii) that the exceptional circumstances or conditions are such that literal enforcement of the provisions of this Chapter would result in an unnecessary hardship inconsistent with the general purpose and intent of this Chapter;

(iii) that the granting of such variance will not be contrary to the public interest, materially detrimental to the public welfare, or injurious to the property or improvements in the zoning district or area in which the property is located;

(iv) that the granting of such variance will not be contrary to the objectives and principles contained in the comprehensive plan, as amended;

(v) that the variance to be granted is the minimum variance that will relieve the proven hardship;

(vi) that the variance is not being granted to relieve the applicant of conditions or circumstances:

a which are not inherent in the property itself, but are the result of the use or development of the property, or

b which are caused by a division of land on or after June 16, 1997, other than a division of land resulting from the sale of a property interest to a governmental entity, which division of land caused the property to be unusable for any reasonable development under the existing regulations, or

c which were otherwise self imposed by the present or a previous owner;

(vii) that the variance is not grounded solely upon the opportunity to make the property more profitable or to reduce expense to the current or any future owner;

(viii) that the variance would not modify or effectively repeal any development or use regulations set forth in a Conditional Use Permit or an ordinance or resolution adopting a Development Site Plan or establishing a Special Use District or Planned Development District which are in addition to the generally applicable use and development regulations set forth in this Chapter;

(ix) that the variance would only affect a specific parcel of property and is not of such a general nature as to effectively constitute a change in zoning of said parcel or a larger area without following the procedures set forth in Article 11-1-21.

(4) **Record of Findings:** In addition to the record of the vote of the members regarding the application, the minutes of the Board of Adjustment shall contain the findings of facts on which its decision was based including, but not limited to, its findings as to the matters set forth in Subsection (3), above, and a description of the extraordinary circumstances found to be affecting the property in question.

(5) **Decision of the Board:** After receiving all evidence, hearing all argument, and making its findings of fact regarding an application for a variance, the Board of Adjustment may:

(i) grant the variance as requested;

(ii) grant a variance modified in accordance with the findings of the Board of Adjustment; or

(iii) deny the variance.

(6) **Required Vote:** The concurring vote of seventy-five percent(75%) of the members of the Board of Adjustment is required to grant a variance.

(7) **Effective Date of Variance:** A variance granted by the Board of Adjustment shall become effective after the expiration of ten (10) days from the date of filing its decision with the Planning Division unless the Board specifically establishes a different effective date. The effective date of a variance can be based on the satisfaction of a condition.

(c) **Filing of Decisions:** Not later than three days, excluding Saturdays, Sundays, and City holidays, after the adjournment of the meeting at which the Board of Adjustment votes pursuant to this Article on an appeal of the act of a City administrative official or on an application for a variance, the secretary of the Board of Adjustment shall file the decision with the Planning Division.

(d) **Appeals of Board of Adjustment Decisions:** An appeal of a decision of the Board of Adjustment must be prosecuted in accordance with Texas Local Government Code §211.010, as amended.

Art. 11-1-24 **PERMITS AND CERTIFICATES OF OCCUPANCY** (Ord. 2010-09, 06/22/10)

(a) **Certificate of Occupancy for Buildings:** No certificate of occupancy required by the City's Building Code shall be issued:

(1) for a use not otherwise allowed in the Zoning District in which the building is located; or

(2) if applicable, until all improvements otherwise required by this Zoning Code have been completed.

(3) The Building Official shall issue all certificates of occupancy. The City Planner shall review all certificates of occupancy prior to issuance by the Building Official

(4) A certificate of occupancy is required for all lawful nonconforming uses or structures. However, the status and legality of a nonconforming use or nonconforming structure shall not be affected by a change in occupancy except as provided elsewhere in this Code.

(b) **Building Permits:** No building permit shall be issued until the City Planner has determined that the use for which the application is made is an allowable use.

Art. 11-1-25 ENFORCEMENT; PENALTIES

(a) **Enforcement:** The following city officials shall have the following primary responsibilities with respect to enforcement of this Chapter:

(1) **Planning Director:** The Planning Director shall have the primary responsibility for the enforcement of this Zoning Code; provided, however, enforcement of this Zoning Code may be delegated to one or more code enforcement officials, subject to approval of the City Council.

(2) **City Building Official:** The City Building Official, in addition to the authority and responsibility set forth in the Building Code, shall have the primary responsibility for inspecting improvements required by this Zoning Code, other than publicly-owned improvements, and assuring compliance with such requirements prior to issuance of a certificate of occupancy.

(3) **City Engineer:** The City Engineer, or his designee, shall have the primary responsibility for inspecting publicly-owned improvements required to be constructed by this Zoning Code.

(b) **Right of Entry:** Whenever necessary for the purpose of investigating or enforcing the provisions of the Zoning Code, or whenever any enforcement officer has reasonable cause to believe that there exists in any structure or upon any premise, any condition which constitutes a violation of the Zoning Code, an officer of the City may enter such structure or premise at all reasonable times to inspect the same, or to perform any duty imposed upon any said officer by law. If the structure or premises is occupied, the officer shall first present proper credentials and request entry. If the structure or premises is unoccupied, the officer must first make a reasonable attempt to contact a responsible person and request entry. If entry is refused, the officer seeking entry shall have recourse to every remedy provided by law to secure entry. All permits issued by the City shall contain a written agreement whereby the permittee shall authorize entry onto the property by any duly authorized officer of the city for the purpose of inspecting and approving the improvements permitted.

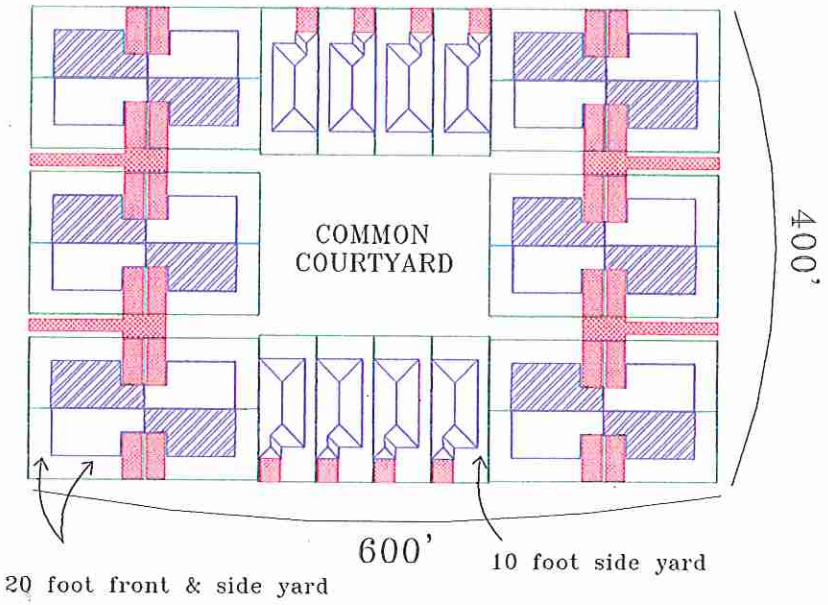
(c) **Penalties:** A person found to be in violation of any provision of this Chapter shall be guilty of a misdemeanor, and on conviction thereof, be punished by fine in accordance with Article 1-1-9 of the Code of Ordinances.

Art. 11-1-26 MISCELLANEOUS REGULATIONS

(a) **New and Unlisted Uses:** The Planning Director shall make a determination if a specific land use is listed as a permitted or conditional use in a specific zoning district. Furthermore, the Planning Director shall determine if a use is sufficiently similar to a use listed as permitted or conditional for a particular zoning district such that it may also be included as a permitted or conditional use within a zoning district. In the event the Planning Director determines that the requested use is not otherwise listed or defined in the Zoning Code, the developer or owner may request an amendment to this Zoning Code to include a definition for such previously unlisted use and determine in which zoning districts such use shall be permitted or conditional.

(b) **Unsafe Buildings:** Nothing in this Zoning Code shall be construed as prohibiting the strengthening or restoring any part of any building or structure to a safe condition.

EXAMPLE ONE
MIXED TYPE CLUSTER HOMES

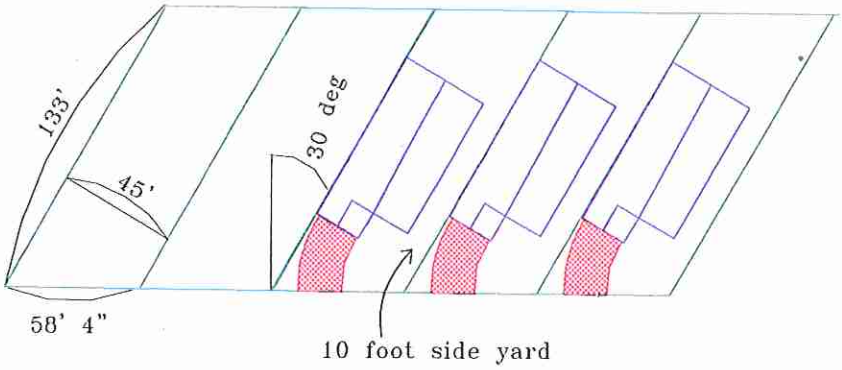


3 times around block
= approx 1 mile

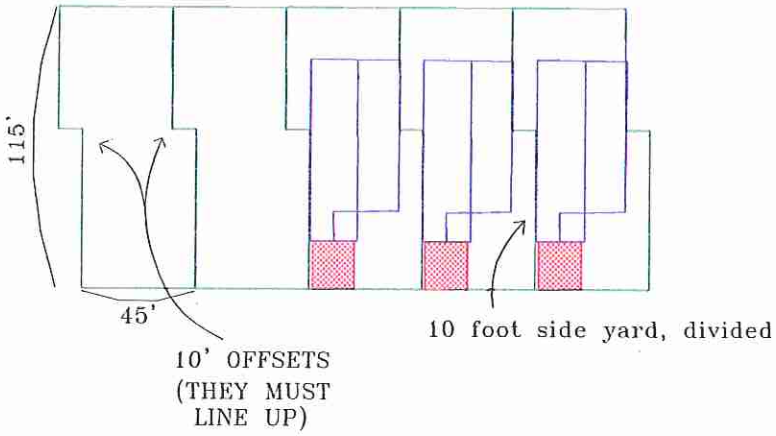
7 times around courtyard
= approx 1 mile

 97-07

EXAMPLE TWO
ANGLED ZERO-LOT-LINE HOMES

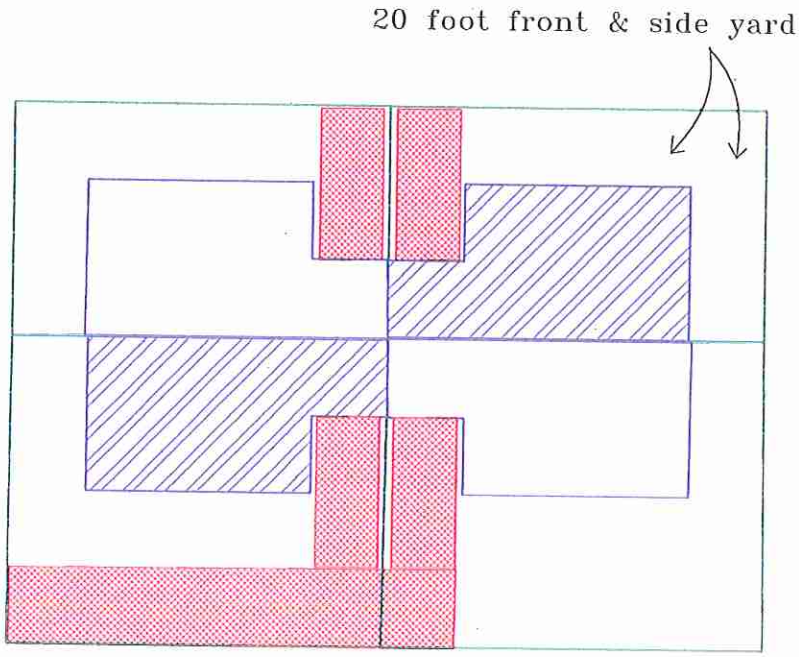


EXAMPLE THREE
"Z" LOTS WITH ZERO-LOT-LINE HOMES



9707

EXAMPLE FOUR
"DOUBLE-ZERO" CLUSTERED HOMES



APPENDIX B

INDUSTRIES PRIMARILY ENGAGED IN:	HEAVY	LIMITED
1 Businesses engaged in the manufacture and packaging of meat products from previously slaughtered animals, including beef, poultry, pork, seafood, etc., and other materials. This may include the cooking, smoking, raw-boning, canning, freezing, and dehydrating of the product. (SIC #'s2013, 2017, 2091 and similar)	X	
2. Businesses primarily engaged in the manufacture, processing, and packing of dairy products. (SIC # 202)	40,000 Square Feet or more	Less than 40,000 Square Feet
3. Businesses primarily engaged in the canning of fruits and vegetables. (SIC #203)	40,000 Square Feet or more	Less than 40,000 Square Feet
4. Businesses primarily engaged in preparing foods from previously milled grain products, including the preparation of breakfast foods, the mixing of flours, and the manufacture of bakery products as listed in SIC #'s 2043, 2045, and 205.	50,000 Square Feet or more	Less than 50,000 Square Feet
5. Businesses primarily engaged in the manufacture of sugar, candy, and other confectionery products as listed in SIC # 206.	40,000 Square Feet or more	Less than 40,000 Square Feet
6. Businesses primarily engaged in the manufacture of butter, margarine, cooking oils, etc., from previously processed animal and vegetable oils as listed in SIC if 2079.	40,000 Square Feet or more	Less than 40,000 Square Feet
7. Businesses primarily engaged in the manufacture, bottling, and canning of beverages, such as listed in SIC #208.	50,000 Square Feet or more	Less than 50,000 Square Feet

INDUSTRIES PRIMARILY ENGAGED IN:	HEAVY	LIMITED
8. Businesses primarily engaged in the manufacture, cooking, roasting, and canning of other food products, such as coffee, spaghetti, etc., such as listed in SIC #209, except seafood.	X	
9. Businesses primarily engaged in the manufacture of tobacco products as listed in SIC major group #21.	X	
10. Businesses primarily engaged in the preparation, manufacture, cutting, sewing, and finishing of textile mill products as listed in SIC major group #'s 22 and 23.	50,000 Square Feet or More	Less than 50,000 Square Feet
11. Businesses primarily engaged in the cutting and manufacture of lumber and wood products, including the construction of wood buildings or arches, trusses, etc., in a construction facility for sale and transport to another site for placement on a lot for use, such as listed in SIC major group #24, excluding #'s 241, 242, and 249.	With Outdoor Storage	Without Outdoor Storage
12. Businesses primarily engaged in the manufacture of furniture and fixtures for residential or business use as listed in SIC major group #25.	35,000 Square Feet or more	Less than 35,000 Square Feet
13. Businesses primarily engaged in the manufacture of paper and paperboard products, including containers and boxes as listed in SIC #'s 264 and 265.	1 5,000 Square Feet or more	Less than 1 5,000 Square Feet
14. Businesses primarily engaged in the manufacture or processing of drugs in pharmaceutical preparations for human or veterinary use as listed in SIC #2834.	50,000 Square Feet or more	Less than 50,000 Square Feet

INDUSTRIES PRIMARILY ENGAGED IN:	HEAVY	LIMITED
15. Businesses primarily engaged in the manufacture of tires, footwear, bottles, hoses, etc., from rubber, from primary plastic products, etc., as listed in SIC major group #30.	X	
16. Businesses primarily engaged in the manufacture of leather products such as shoes, luggage, etc., as listed in SIC #'s 313, 314, 315, 316, 317, and 319.	20,000 Square Feet or More	Less than 20,000 Square Feet
17. Businesses primarily engaged in the manufacture of glass, stone, clay, and concrete products, such as listed in SIC #'s 3221, 3229, 3231, 3233, 325, 326, 3271, 3272, 328, and 329 (329, except asbestos products). Except that small businesses engaged in custom work shall be defined as "building construction, specialist," unless determined by the commission to be a business that meets the definition of heavy industry.	X	
18. Businesses primarily engaged in the manufacture of metal products, except machinery and transportation equipment and weapons ammunition, such as metal cans, hand tools, wire products, general hardware, and weapons, as listed in SIC major group #34 (except SIC #'s 3482 and 3483).	X	
19. Businesses primarily engaged in the manufacture of machinery and equipment, other than electrical equipment, such as farm machinery, construction equipment, power and machine tools, engines, etc., as listed in SIC major group 35, except SIC major group #357 and 358.	50,000 Square Feet or More	Less than 50,000 Square Feet

INDUSTRIES PRIMARILY ENGAGED IN:	HEAVY	LIMITED
20. Businesses primarily engaged in the manufacture of office, computing, and accounting machines (SIC major group 4357), and businesses primarily engaged in the manufacture of refrigeration and service machinery (SIC major group #358)	100,000 Square Feet or More	Less than 100,000 Square Feet
21. Businesses primarily engaged in the manufacture of electrical and electronic machinery, equipment, and supplies as listed in SIC major group 436.	x	
22. Businesses primarily engaged in the manufacturing of transportation equipment, including motor vehicles as listed in SIC major group #37.	x	
23. Businesses primarily engaged in the manufacture of laboratory, scientific and measuring equipment, of watches, clocks, jewelry, musical instruments, signs, toys, and other products as listed in SIC major group #'s 38 and 39.	20,000 Square Feet or more	Less than 20,000 Square Feet
24. Transportation terminals, including motor freight transportation.	x	
25. General contractors (with contractor yards greater than rive (5) acres in size) for the following: a. Residential dwellings b. Commercial buildings and structures c. Industrial buildings and structures d. Highway and street construction e. Water, sewer, pipeline construction f.. Earth moving, drainage land reclamation g. Bridges, tunnels	x	