

verbally before the board. The notification letters, deposited at the post office as ordinary mail, not less than two weeks prior to the meeting of the board, shall constitute constructive notice.

4. The City secretary shall cause to appear in the public notice section of a local newspaper a notice of a meeting of the board. This notice shall appear not less than ten calendar days prior to the meeting date. The notice shall contain date, time, and place of the public hearing; street address of the property for which the variance is requested; purpose of the request; and a statement that any comment about the request must be made in writing or verbally before the board.

5. The agenda of the board which includes such public hearings shall be posted in a public location at City hall in accordance with the Texas Open Meetings Act (V.T.C.A., Government Code Ch. 551).

d. The zoning administrator shall prepare a statement for presentation at the public hearing before the board. The statement shall contain as a minimum:

1. Any pertinent information bearing upon the application that may not be evident from the application.
2. Compliance of the request with Subsections (b) and (c) above, and impact of approval of the request upon utility service, streets and parking in the local area.
3. Any recommendations for modifications or any stipulations should the request be approved.

e. The board, upon completion of the public hearing and after deliberation, shall make a determination for approval, approval with modifications, any stipulations upon approval, or for denial.

f. The board may condition approval of a variance upon compliance with reasonable stipulations including but not limited to provisions for increased open space, vehicular access, off-street parking and loading, landscaping, screening, signage, curbing, sidewalks, hours of operation, and/or a temporary time ending on a date after which the variance expires and is no longer valid. Failure to meet such stipulations shall constitute a violation of this Ordinance.

g. Any person aggrieved by the action of the board may appeal such action as provided in Section 95.

h. Should such request be denied or should the applicant reject any modifications or stipulations attached to the approval of the request, another request for the same or a similar variance for the same property or a portion of the same property shall not be

submitted for a full six months. Further, if the permitted variance is not accepted and used within 12 full months of approval, such variance becomes automatically void.

i. No application for a variance may be submitted when some other zoning action concerning the subject tract is pending. However, a request for a zoning variance may be submitted concurrently with a subdivision plat.

Sec. 130. Timing and Effect of Zoning After Annexation

(a) As soon as practical following annexation, but in no event more than 180 calendar days thereafter, the Zoning Administrator shall, on the Administrator's own or upon application by property owners of the annexed area, initiate proceedings to establish appropriate zoning on the newly annexed territory. The Zoning Administrator shall commence public notification and other standard procedures for zoning amendments as required by law. The proceedings to establish zoning may be undertaken concurrently with annexation procedures (i.e., notices and public hearings). The zoning approval and formal adoption of the ordinance establishing zoning must occur, however, after the annexation takes effect, and as a separate and distinct action by the City Council. From the time an annexation takes effect until action is completed to zone the land, the interim zoning of the land shall be considered to be Mixed Use (MU) District, and all zoning and development regulations of the MU zoning district shall be adhered to with respect to development and use of the land that has been newly annexed.

(b) The initial zoning of a land parcel, whether it is interim in nature, by initiation of the landowner or by initiation of the City, must meet the requirements for notification and public hearings as required by law.

(c) The owner of land to be annexed may submit an application for zoning the property simultaneously with submission of a petition for annexation, but an annexation petition may not be conditioned upon the approval of any particular zoning classification.

Sec. 131. Application standards.

An application for a zoning change, variance, special use permit, district overlay or any other action regarding zoning shall contain the minimum requirements of this Section and shall comply with the terms herein.

- (1) The application must be made by the title holders, their attorney-in-fact, or a duly authorized agent;
- (2) The application must contain the following minimum information:
 - (a) Name, mailing address, and contact telephone number of the property owners, attorney-in-fact, or agent;
 - (b) Legal description and street or mailing address, if any, of the property involved. A copy of the deed to the property, with recording data, and a copy of any power of attorney, or such other

information as will allow the Zoning Administrator to verify title to the property and the authority of any attorney-in-fact;

- (c) The application shall be accompanied by such maps and plans as will enable the Zoning Administrator, the Board and Commission to make such determinations as may be necessary under the terms of this Ordinance;
- (d) A reference to the current zoning district or districts in which the property is situated;
- (e) Information concerning the change or action requested, including appropriate reference to requested zoning district or districts;
- (f) A statement that the information contained in the application is, within the knowledge of the applicant, true and correct.
- (g) The application shall be accompanied by a non-refundable fee in an amount to be set by the City Council, by Resolution, from time to time.

Secs. 132--139. Reserved.

ARTICLE V. SITE DEVELOPMENT STANDARDS

DIVISION 1. GENERALLY

Secs. 140--144. Reserved.

DIVISION 2. COMPATIBILITY STANDARDS

Sec. 145. Purpose.

The compatibility standards of this division are intended to preserve and protect low-density residential uses and neighborhoods by ensuring that new development and redevelopment is compatible with the character of the area in which it is located.

Sec. 146. Applicability.

The compatibility standards in this division shall apply to all multifamily residential and all nonresidential development when it occurs on a lot:

- (1) Within 150 feet of the lot line of any property zoned NC;
- (2) Across the street from or adjacent to a lot containing a single-family or duplex use; or
- (3) Within 150 feet of the boundary of a designated scenic corridor.

Sec. 147. Exemptions.

The following shall be exempt from compliance with the compatibility standards of this division:

- (1) Single-family or duplex uses;
- (2) Multifamily development unless such development exceeds a gross density of six units per acre or a height of 35 feet;
- (3) Structural alteration of an existing building when such alteration does not increase the gross square footage or height of the building; and
- (4) A change in use that does not increase the off-street parking requirements over and above the existing use.

Sec. 148. Building setback and height standards.

The following building setback and height standards shall apply to development that is subject to the compatibility standards of this division:

- (1) *Building setbacks.* On a site with 60 feet of lot width or less, no structure shall be erected within ten feet of the lot line of property that is zoned NC, that contains a single-family or duplex use or that is designated as a scenic corridor. On a site with more than 60 feet of lot width, the minimum setback from the lot line of property that is zoned NC, that contains a single-family or duplex use or that is designated as a scenic corridor shall be ten feet, plus two additional feet of setback for each ten additional feet of lot width or fraction thereof (beyond 60 feet). This Subsection shall not be interpreted as requiring a setback of more than 20 feet.

TABLE INSET:

Lot Width (feet)	Setback from Adjacent Lot Line (feet)
0 to 60	10.0
More than 60 to 70	12.0
More than 70 to 80	14.0
More than 80 to 90	16.0
More than 90 to 100	18.0
More than 100	20.0

- (2) *Parking and driveway setbacks.* No off-street parking area or driveway shall be located within 20 feet of the lot line of property zoned NC, that is designated as a scenic corridor or that contains a single-family or duplex use

unless the parking and driveway are located on a site that is equal to or less than 120 feet in width. Minimum parking and driveway setbacks for sites with equal to or less than 120 feet of width shall be as follows:

TABLE INSET:

Total Lot Width (feet)	Parking and Driveway Setback (feet)
0 to 60	6
More than 60 to 70	8
More than 70 to 80	10
More than 80 to 90	12
More than 90 to 100	14
More than 100 to 110	16
More than 110 to 120	18
More than 120	20

(3) *Building height.* No structure shall exceed 35 feet in height within 50 feet of the lot line of property that is zoned NC, that contains a single-family or duplex use or that is designated as a scenic corridor. No structure shall exceed 40 feet in height within 75 feet of the lot line of property that is zoned NC, that contains a single-family or duplex use or that is designated as a scenic corridor. Structures located over 75 feet from the lot line of property that is zoned NC, that contains a single-family or duplex use or that is designated as a scenic corridor may increase height, if permitted by applicable district regulations, at a ratio of one foot in height for each five feet of setback. For example, a building limited to 40 feet in height at 75 feet from property zoned NC may be increased to a height of 60 feet at a point that is 175 feet from the property zoned NC.

Sec. 149. Buffer and screening standards.

Nonresidential and multifamily residential development, including off-street parking areas associated with such development, shall be screened from view of adjacent single-family and duplex uses and NC-zoned property. Such visual screening shall be accomplished through the use of opaque fences along the lot line that is adjacent to the single-family or duplex use or NC-zoned property. Mechanical equipment, outdoor storage areas and refuse collection areas shall be completely shielded from view of adjacent single-family and duplex uses, scenic corridors and NC-zoned property by an opaque fence or wall that is at least one foot taller than the site feature being screened from view, provided this shall not be interpreted as requiring screening fences or walls to be taller than ten feet. Fences, walls and buffers must comply with all other requirements of Ordinances of the City.

Sec. 150. Additional site design standards.

The following additional site design standards shall apply to development that is subject to the compatibility standards of this division:

(1) *Public and commercial recreation uses.* Public and commercial swimming pools, tennis courts, ballfields, playground areas and other intensive public or commercial recreational uses that are located outdoors and are lighted shall be set back at least 100 feet from the lot line of property that is zoned NC, that contains a single-family, duplex or multifamily use or that is designated as a scenic corridor. This setback standard shall be reduced to a minimum of 50 feet if the recreational use is screened from view by an opaque fence or wall with a minimum height of six feet. The setback standard shall not apply to swimming pools, tennis courts or other active recreational uses that are accessory to a residential development or dwelling unit and not open to the general public; and

(2) *Dumpsters and solid waste receptacles.* Dumpsters and solid waste receptacles shall be set back at least 20 feet from the lot line of property that is zoned NC, that contains a single-family or duplex use or that is designated as a scenic corridor. Dumpsters and receptacles shall be completely screened from view of adjacent single-family and duplex uses, scenic corridors and NC-zoned property by an opaque fence or wall that is at least one foot taller than the dumpster or solid waste receptacle.

Secs. 151--154. Reserved.

DIVISION 3. OPERATIONAL PERFORMANCE STANDARDS

Sec. 155. Purpose.

The operational performance standards of this division are intended to protect the health, safety and welfare of the citizens of the City by regulating potential nuisance features associated with certain land uses.

Sec. 156. Applicability.

The operational performance standards of this division shall apply to all uses, buildings and structures within the City unless otherwise specifically indicated.

Sec. 157. Exemptions.

The following are exempt from the operational performance standards of this division:

(1) Temporary construction, excavation and grading associated with development for which applicable permits have been issued and with the installation of streets or utilities; and

(2) Demolition activities that are necessary and incidental to permitted development on the same lot, on another of several lots being developed at the same time or in the public right-of-way or easement.

Sec. 158. Standards.

Under this division, the following standards shall apply:

(1) *Noise.* Sites shall be laid out and uses shall be operated to prevent noise from becoming a nuisance to adjacent single-family and duplex uses and NC-zoned sites;

(2) *Vibration.* All uses shall be operated so that ground vibration is not perceptible outside the lot lines of the site on which the use is located;

(3) *Fire and explosive hazards.* Underground storage tanks for flammable liquids and gasses shall be located at least 50 feet from the lot line of lots zoned NC or that contain a single-family or duplex use; aboveground tanks shall be set back at least 100 feet from such lot lines, unless the board of adjustment determines, based on information provided by the applicant, that a 50-foot setback will ensure compliance with all applicable state standards. The storage tank setback requirements of this Subsection shall not apply to tanks that are necessary to single-family or duplex units;

(4) *Light and glare.* The following operational performance standards shall apply:

a. All exterior lighting shall be hooded or otherwise shielded so that the light source is not directly visible from property that is zoned NC or that contains a single-family or duplex use;

b. All lighting shall be shielded so that substantially all emitted light falls within the property line of the property from which the light emanates;

c. All exterior building floodlights shall be shielded so that all emitted light falls upon the property from which the light emanates;

d. No illumination shall produce direct, incident or reflected light that interferes with the safe movement of motor vehicles on public streets. The types of lighting that shall be prohibited by this Subsection shall include but not be limited to any light that may be confused with or construed as a traffic control device and any animated, flashing or changing intensity lights, except for temporary holiday displays; and

(5) *Electromagnetic interference.* No operations or activities shall be conducted that cause electrical disturbances to be transmitted across lot lines.

(6) *Home Occupation Permits* No more than (3) persons shall be engaged in such home occupation on the site.

a. The use of the dwelling unit for the home occupation shall be clearly incidental and subordinate to its use for residential purposes.

b. Storage in connection with any home occupation shall be totally enclosed within the home and limited to items that have been ordered by a customer, but have not been delivered to the customer.

(7) *Keeping of Small Animals* The keeping of dogs, cats, and other small pets that live inside the main dwelling unit shall be in strict conformance with the Gonzales County Health Department regulations. The following are supplemental regulations and are established for the keeping of small animals that live outside the main dwelling unit.

Minimum square footage of open lot area (not including main dwelling unit) shall be two thousand (2000) square feet for each species of animal; provided the total number of animals of each species does not exceed fifty (50). The Planning Director shall have the authority to grant exceptions to the given density above.

(8) *Keeping of Large Animals*

a. Density Per Acre Limitation for Livestock. (Not applicable to animals below the age of six months). Livestock shall be confined to the boundaries of the property. Livestock shall be limited to one (1) with an additional one (1) per acre of land.

b. No animals shall be kept closer than thirty-five feet to a dwelling on an adjoining property.

c. Corral Size. Every corral shall have a minimum width or length of 12 feet and shall contain not less than two hundred forty (240) square feet.

d Drainage. All pens, coops, stables, stalls, barns, corrals, grazing areas and workout areas, or other building structures and areas where animals are kept and maintained, shall meet the EPA Regulations for drainage areas containing animals.

e. Compliance With Health Regulations Required. The keeping and maintenance of large animals, as provided for in this Section, shall comply with all regulations and provisions of the Health and Sanitation laws of the City. All premises and facilities upon which animals are permitted to be kept shall be maintained in a clean, orderly, and sanitary condition at all times. All manure shall be removed or spread so as not to constitute a nuisance at least once week. All premises and facilities shall be treated as needed with environmentally approved pesticides for the control of odors, insects, and rodents which can be considered a clear and present nuisance or detriment to the health, safety, comfort, and welfare of the general public.

(9) *Keeping of Wild Animals* The keeping of wild animals (see definitions) that live inside or outside the main dwelling unit shall be prohibited.

Secs. 159--164. Reserved.

DIVISION 4. RESIDENTIAL DESIGN MANUFACTURED HOUSING STANDARDS

Sec. 165. Scope.

Residential design manufactured housing units shall be subject to the standards of this division.

Sec. 166. Roof.

Under this division, a roof must be predominantly double pitched and have a minimum vertical rise of 2.2 inches for every 12 inches of horizontal run. The roof must be covered with material that is commonly used on site-built single-family dwellings within the City, including but not limited to wood, asphalt composition shingles or fiberglass, and excluding corrugated aluminum, corrugated fiberglass or corrugated metal. The roof shall have a minimum eave projection and roof overhang of eight inches.

Sec. 167. Siding.

Under this division, exterior siding shall be of a material commonly used on site-built single-family dwellings within the City, which material does not have a high-gloss finish and which may include wood, composition, simulated wood, clapboards, conventional vinyl or metal siding, brick, stucco or similar materials, but excluding smooth, ribbed or corrugated metal or plastic panels. Siding material shall extend below the top of the exterior of the foundation or curtain wall, or the joint between siding and enclosure wall shall be flashed in accordance with local building codes.

Sec. 168. Transport equipment.

Under this division, all mobile home running gear, tongues, axles and wheels must be removed at the time of installation of the home on the lot.

Sec. 169. Finished floor elevation.

Under this division, the finished floor elevation of the residential design manufactured housing unit shall be a maximum of 24 inches above the exterior finished grade of the lot on which it is located, as measured at the main entrance into the dwelling.

Sec. 170. Attached additions.

Under this division, any attached addition to a residential design manufactured housing unit shall comply with building code requirements. All of the design standards of this division shall apply to all additions.

Sec. 171. Garages.

Detached garages that are constructed on the same lot as a residential design manufactured housing unit shall comply with the building code and with all of the design standards of this division.

Secs. 172--179. Reserved.

ARTICLE VI. DISTRICT REGULATIONS

DIVISION 1. GENERALLY

Sec. 180. Districts established.

(a) In order to implement the City comprehensive plan and promote the purposes of this Ordinance, the following districts are established:

TABLE INSET:

District Name	Map Symbol
Neighborhood conservation	NC
Urban neighborhood	UN
Mixed use	MU
Industrial	I

(b) Districts may be referred to throughout this Ordinance by their map symbol names.

Sec. 181. Compliance with district standards.

No building or structure shall be erected, converted, enlarged, reconstructed or altered for use nor shall any building, structure or land be used or changed in such a way that it does not comply with all of the district regulations established by this Ordinance for the district in which the building or structure or land is located.

DIVISION 2. NC NEIGHBORHOOD CONSERVATION DISTRICT

Sec. 182. Purpose.

The purposes of the NC neighborhood conservation district are to:

- (1) Preserve and reinforce existing low-density, residential land use patterns and promote high-quality living environments;
- (2) Ensure the provision of adequate light, air, privacy and open space to serve the needs of residents; and

- (3) Ensure land use compatibility and protect residential uses from adverse land use impacts that can occur when high-density residential development is located near residential uses.

Sec. 183. Permitted uses.

The following uses shall be permitted by right in the NC neighborhood conservation district:

- (1) *Residential uses.* Unless expressly stated otherwise, there shall be only one single-family dwelling unit per lot. Only permitted accessory structures shall be located on a lot with such single-family dwelling unit. Residential uses shall include the following:

- a. Single-family, detached;
- b. Single-family, attached; and
- c. Duplex.
- d. Community home.

- (2) *Public or civic uses.* Public or civic uses shall include the following:

- a. Religious institution, subject to the supplementary standards of Section 227(1);
- b. Parks and recreation, subject to the supplementary standards of Section 227(7);
- c. Safety services;
- d. School, subject to the supplementary standards of Section 227(8); and
- e. Utilities, limited.

- (3) *Retail, service and office uses.*

- a. Home occupations, subject to the supplementary standards of Section 227(5).
- b. Private kennels.

Sec. 184. Specific uses (requires permit).

- a. Real estate sales office in connection with a specific development, allowable only as a renewable specific use for 6 months at a time.

b. Manufactured homes or recreational vehicles connected to available utilities used as living quarters during construction of a building on the premises, allowable only with a Specific Use permit, renewable on an annual basis for a maximum of 4 years. Such a permit will only be granted if the property owner attests that they will begin construction of a permanent residence within the first year. Substantial proof of construction must be submitted before the Planning and Zoning Commission by the end of the each year prior to renewal of permit.

c. Day care homes, child care homes, subject to the supplementary standards of Section 227(3).

All such uses shall be located on sites of sufficient size to meet parking requirements of this article and to provide setback from all property requirements of this article and to provide setback from all property lines a distance of at least one (1) foot for each foot of building height or yard setback minimums

Sec. 185. Accessory uses.

Accessory uses in the NC neighborhood conservation district shall be allowed in accordance with the standards of section 228.

Sec. 186. Property development standards.

Each site in the NC neighborhood conservation district shall be subject to the following property development standards:

(1) *Lot size.*

a. *Single-family detached.* The minimum lot size for single-family detached dwelling units shall be 5,400 square feet.

b. *Single-family attached.* The minimum lot size for single-family attached dwelling units, where permitted, shall be 3,500 square feet.

c. *Duplex.* The minimum lot size for duplex dwellings shall be 6,000 square feet (3,000 square feet per unit).

d. *Other.* The minimum lot size for uses other than single-family detached, single-family attached and duplex dwellings shall be 5,400 square feet.

(2) *Front setback.* The minimum front setback for all uses in the NC district shall be 15 feet, provided that a lot with frontage on an arterial street or a major thoroughfare shall have a minimum front setback of 35 feet.

(3) *Rear setback.*

a. *Single-family detached, single-family attached and duplex.* The minimum rear setback for single-family detached, single-family attached and duplex dwellings shall be ten feet.

b. *Other.* The minimum rear setback for uses other than single-family detached, single-family attached and duplex dwellings shall be ten feet, unless the compatibility standards of division 2 of article V of this Ordinance impose a greater requirement.

(4) *Interior side setback.*

a. *Single-family detached, single-family attached and duplex.* The minimum interior side setback for single-family detached and duplex dwelling units shall be five feet. There shall be no minimum interior side setback for single-family attached dwellings, except that end units shall maintain a minimum interior side setback of five feet.

b. *Other.* The minimum interior side setback for uses other than single-family detached, single-family attached and duplex dwellings shall be five feet, unless the compatibility standards of division 2 of article V of this Ordinance impose a greater requirement.

(5) *Street side setback.* The minimum street side setback for all uses in the NC district shall be ten feet, unless the side street is an arterial street or major thoroughfare, in which case the minimum street side setback shall be 20 feet.

(6) *Height.* The maximum height for all uses in the NC district shall be 35 feet.

Secs. 187--194. Reserved.

DIVISION 3. UN URBAN NEIGHBORHOOD DISTRICT

Sec. 195. Purposes.

The purposes of the UN urban neighborhood district are to:

- (1) Preserve and enhance the viability of older, once predominately residential neighborhoods, while allowing an appropriate mix of land uses;
- (2) Promote infill development and redevelopment that is compatible with existing neighborhoods;
- (3) Ensure land use compatibility and protect residential uses from adverse impacts; and
- (4) Ensure the provision of adequate light, air, privacy and open space to serve residents.

Sec. 196. Permitted uses.

The following uses shall be permitted by right in the UN urban neighborhood district:

(1) *Residential uses.* Unless expressly stated otherwise, there shall be only one single-family dwelling unit per lot. Only permitted accessory structures shall be located on a lot with such single-family dwelling unit. Residential uses shall include the following:

- a. Single-family, detached and attached;
- b. Duplex;
- c. HUD - Code manufactured home; and
- d. Multifamily.
- e. Community homes.
- f. Boardinghouses.

(2) *Public and civic uses.* Public and civic uses shall include the following:

- a. Religious institution, subject to the supplementary standards of Section 227;
- b. College or university, subject to the supplementary standards of Section 227;
- c. Library;
- d. Parks and recreation, subject to the supplementary standards of Section 227;
- e. Safety services;
- f. School, subject to the supplementary standards of -Section 227;
- g. Public and private utility services, excluding sanitary landfills, incinerators, refuse and trash dumps; and
- h. Cemeteries and mausoleums.

(3) *Retail, service and office uses.* Retail, service and office uses shall include the following:

- a. Home occupations, subject to the supplementary standards of Section 227;

- b. Office, subject to the supplementary standards of Section 227; and
- c. Retail, subject to the supplementary standards of Section 227.
- d. Private kennels.
- e. Nursing homes and assisted living facilities, subject to the supplementary standards of Section 227.

Sec. 197. Specific uses.

- a. Day care homes, day care centers, foster homes subject to the supplementary standards of Section 227.
- b. Real estate sales office in connection with a specific development, allowable only as a renewable specific use for 6 months at a time.

Sec. 198. Accessory uses.

Accessory uses shall be allowed in the UN urban neighborhood district in accordance with section 228.

Sec. 199. Property development standards.

Each site in the UN urban neighborhood district shall be subject to the following property development standards:

(1) *Lot size.*

- a. *Single-family detached.* The minimum lot size for single-family detached dwelling units shall be 5,400 square feet.
- b. *Single-family attached.* The minimum lot size for single-family attached dwelling units shall be 2,500 square feet.
- c. *Duplex.* The minimum lot size for duplex dwellings shall be 6,000 square feet (3,000 square feet per dwelling unit).
- d. *Multifamily.* The minimum lot size for multifamily developments shall be established by multiplying the number of individual dwelling units by 2,000 square feet. In no case shall a multifamily lot be smaller than 6,000 square feet.
- e. *Other.* The minimum lot size for uses other than single-family detached, single-family attached and duplex dwellings, where permitted, shall be 5,000 square feet.

- (2) *Front setback.* The minimum front setback for all uses in the UN district shall be 15 feet, provided that for a lot with frontage on an arterial street or a major thoroughfare the minimum front setback shall be 35 feet.

- (3) *Rear setback.*
- a. *Single-family detached, single-family attached and duplex.* The minimum rear setback for single-family detached, single-family attached and duplex dwellings shall be ten feet.
 - b. *Other.* The minimum rear setback for uses other than single-family detached, single-family attached and duplex dwellings shall be ten feet, unless the compatibility standards of division 2 of article V of this Ordinance impose a greater requirement.
- (4) *Interior side setback.*
- a. *Single-family detached, attached and duplex.* The minimum interior side setback for single-family detached and duplex dwelling units shall be five feet. There shall be no minimum interior side setback for single-family attached dwellings, except that end units shall maintain a minimum interior side setback of five feet.
 - b. *Other.* The minimum interior side setback for uses other than single-family detached, single-family attached and duplex dwellings shall be five feet, unless the compatibility standards of division 2 of article V of this Ordinance impose a greater requirement.
- (5) *Street side setback.* The minimum street side setback for all uses in the UN district shall be ten feet, unless the side street is an arterial street or major thoroughfare, in which case the minimum street side setback shall be 20 feet.
- (6) *Height.* The maximum height for all uses in the UN district shall be 40 feet, unless the compatibility standards of division 2 of article V of this Ordinance impose a more restrictive standard.

Secs. 200--213. Reserved.

DIVISION 4. MU MIXED USE DISTRICT

Sec. 214. Purpose.

The purposes of the MU mixed use district are to:

- (1) Accommodate a wide variety of land uses; and
- (2) Provide development opportunities that will strengthen the City's economic base.

Sec. 215. Permitted uses.

- (a) Single-family, detached; single-family, attached; duplex; HUD-code manufactured home; multifamily, community homes.
- (b) Filling or service stations (including food stores) occupying no more than three thousand square feet.

- (c) Specialty and personal service shops (e.g. antiques, art objects and supplies, books, cameras and photo supplies, candy, gift, watch and jewelry repair, art gallery, museum, photography, dance or fine art
- (d) Parks and recreation, subject to the supplementary standards of Section 227.
- (e) Day care centers, day care homes, child care homes, child care group homes, group homes, foster homes, and hospices, subject to the supplementary standards of Section 227.
- (f) Veterinary clinics of up to three thousand square feet floor space.
- (g) Public buildings, fire stations, post offices, government offices and public libraries.
- (h) Any other neighborhood office, retail, service, or commercial use occupying no more than 3,000 square feet, except bars, liquor stores, and sexually oriented businesses.
- (i) All retail sales of goods and services conducted entirely within a building as well as the incidental display of merchandise wholly under a permanent part of a main building, such as a marquee.
- (j) Movie theaters, bowling alleys and skating rinks; pool tables allowed as an accessory and secondary use to such permitted uses.
- (k) Religious institutions, subject to the supplementary standards of Section 227.
- (l) Offices.
- (m) Commercial kennels and veterinary clinics.
- (n) Cafes, restaurants, cafeterias, and drive through eating establishments.
- (o) Clubs and lodges without alcoholic beverage sale to members or the public.
- (p) Service establishments, including filling or service stations.
- (q) Ambulance service with or without outdoor storage of ambulances.
- (r) Spas, health studios or fitness centers, without outdoor activities.
- (s) Utilities, limited.

Sec. 216. Specific uses.

- (a) Office and retail uses that are over 3,000 square feet, but less than 10,000 square feet.
- (b) Public, private, or vocational schools.
- (c) Commercial kennels.
- (d) Child care institutions, day care centers, nursing homes, and halfway houses, subject to the supplementary standards of Section 227.
- (e) Water wells, storage, or pumping facilities.
- (f) Shopping malls and all other commercial, office, retail and service uses requiring over 50,000 sq. ft.
- (g) Bars, liquor stores, and sexually oriented businesses, provided that:
 - 1. No such businesses shall be located within 1,500 feet of the nearest point of a lot on which is located a religious and/or educational institution, a public park or recreation facility.
 - 2. No such business shall be located within 1,500 feet of any lot within any residential zone.
 - 3. No such business shall operate between the hours of 2:00a.m. and 9:00a.m.
- (h) Amusement parks.
- (i) Hospitals.
- (j) Child care institutions.
- (k) Colleges and Universities.
- (l) Motor vehicle body shops, parts manufacturing, repair and maintenance facilities, provided that:
 - 1. All body and fender repairing must be done within a completely enclosed building or room with stationary windows that may be opened only at intervals necessary for ingress and egress.
 - 2. No spray painting may be done except in a completely enclosed spray booth especially designed for that purpose.
 - 3. All other auto repairing, etc., must be conducted within a building enclosed on at least three sides.

Sec. 217. Property development standards.

No district-based property development standards apply within the MU mixed use district, except for single-family attached and detached dwelling units, which shall comply with the property development standards of the UN district. Development within the MU district shall comply with all other applicable sections of this Ordinance.

DIVISION 5. I INDUSTRIAL USE DISTRICT

Sec. 218. Purpose.

The purpose of the I Industrial District is to provide areas for those commercial and industrial facilities which are not generally compatible with uses in other districts, emit particulates or odors, may require on-site facilities to protect the safety, health and welfare of the citizens or where an industrial accident or spill of toxic material may cause release of a toxic substance proximate to an inhabited area.

Sec. 219. Permitted uses.

All land uses shall be permitted by right in the I Industrial District. However, a specific use permit must be obtained for a use other than that of Heavy Industry within five hundred (500) feet of property in which Heavy Industry is the primary use. A special use permit shall be granted only if it is determined that the health and safety of persons to be on the premises granted the special use permit will not be endangered by proximity to Heavy Industry.

(a) Motor vehicle body shops, parts manufacturing, repair and maintenance facilities, provided that all work must be done in completely enclosed buildings, and:

1. All body and fender repairing must be done within a completely enclosed building or room with stationary windows that may be opened only at intervals necessary for ingress and egress.
2. No spray painting may be done except in a completely enclosed spray booth especially designed for that purpose.
3. All other auto repairing, etc., must be conducted within a building enclosed on at least three sides.

(b) Wholesale and distribution facilities, provided that no retail sales shall be permitted.

(c) Vocational schools.

(d) Manufacturing, compounding, assembling or treatment of articles from previously prepared materials except those listed as conditional uses below, and

provided that no toxic, flammable, explosive or otherwise hazardous substance may be used or stored in any quantity that would be reportable to, or necessitate a permit from, the US Environmental Protection Agency or the State of Texas.

(e) Motor vehicle wrecking, storage or junk yard.

(f) Manufacturing, compounding, assembling or treatment of articles other than those listed as conditional uses below.

(g) Concrete or cement products manufacturing, batching plants, and processing of stone.

(h) Gravel, sand, or dirt stockpiling, processing or distribution.

(i) Manufacturing of lime, gypsum, or glue.

(j) Cemeteries and mausoleums.

Sec. 220. Specific uses.

(a) Correctional or detention facilities.

(b) Airports, heliports.

(c) Public or private utility facilities.

(d) Manufacturing, use or storage of any toxic, flammable, explosive or otherwise hazardous substance in any quantity that would be reportable to, or necessitate a permit from, the US Environmental Protection Agency or the State of Texas.

(e) Commercial towers and antennas.

(f) Sanitary landfills.

(g) Slaughter of animals.

(h) Stockyard or animal feeding pens.

(i) Cannery, curing of raw hides.

(j) Wool pulling or scouring.

(k) Bars, liquor stores, and sexually oriented businesses, provided that:

1. No such businesses shall be located within 1,500 feet of the nearest point of a lot on which is located a religious and/or educational institution, a public park or recreation facility.

2. No such business shall be located within 1,500 feet of any lot within any residential zone.

3. No such business shall operate between the hours of 2:00a.m. and 9:00a.m.

Sec. 221. Performance standards for Industrial Districts

(a) *Flammable, toxic, and hazardous materials.*

(1) The storage, manufacture, utilization, or dispensing of substances which may constitute or may cause danger to public health, safety, or welfare shall be conducted only within the limits and conditions specified in the latest edition of the NFPA 101: Life Safety Code.

(2) The emission of toxic or explosive vapors, dusts, or aerosols into the atmosphere shall not exceed, at the facility property line, more than 50 percent of the limit of such as is given in "threshold limit values" as adopted at the most recent meeting of the American Conference of Industrial Hygienists.

(3) No form of flammable, toxic, or other hazardous material shall be released into or upon any utility line, pit, dump, open ground, stream, or drainageway.

(4) The container size, location, design, and construction of any storage tank, building, or facility for any flammable, toxic, or other hazardous material shall be approved by the fire marshal and the building official as a part of the building permit application and shall be based upon the requirements of the International Building Code and the NFPA 101: Life Safety Code.

(b) *Pollution.*

(1) No operation or activity shall discharge or cause to be released into public waters any liquid or solid waste unless in conformance with the latest provisions of the Texas Commission on Environmental Quality, the Texas Department of Health, and/or the Texas Railroad Commission.

(2) No operation or activity shall discharge or cause to be released into the atmosphere any smoke or particulate matter which exceeds the limits permitted by the latest requirements of the Texas Commission on Environmental Quality.

(c) *Nuisances.*

(1) Lighting fixtures shall be arranged to shield direct light from crossing any zone boundary line.

(2) No operation or activity shall at any time cause any earthborne vibration which results in a horizontal or vertical ground displacement in excess of 0.0002 inch at any facility property line.

DIVISION 6. FLOODPLAIN AND FLOODWAY OVERLAY DISTRICT

Sec. 222 Purpose.

The purpose of the Floodplain and Floodway Overlay District is to protect persons and property from periodic flooding and to enable the City to participate in the National Flood Insurance Program. The Floodplain and Floodway District is hereby established as an "overlay" district, meaning that the district is overlaid upon the other districts and the land so encumbered may be used in a manner permitted in the underlying district only if such use is also permitted in the applicable overlay district. For any property in an overlay district, then, the regulations of both the overlay district and the underlying zoning district apply. In the case of conflict between the regulations of the underlying and overlay district, the most restrictive regulations take precedence.

Sec. 223. Permitted uses within floodways.

No permit to make use of land within a floodway may be issued unless the proposed use is allowed in the underlying district and in the following list:

- (a) General farming, pasture, outdoor plant nurseries, horticulture, forestry, wildlife sanctuary, game farm, and other similar agricultural, wildlife, and related uses;
- (b) Lawns, gardens, play areas, and other similar uses;
- (c) Golf courses, tennis courts, driving ranges, archery ranges, picnic grounds, parks, hiking or horseback-riding trails, open space, and other similar private and public recreational uses.
- (d) No artificial obstruction may be located within any floodway.

Sec. 224. Construction restrictions.

No building permit may be issued for any development within a floodplain until the building official has reviewed the plans for any such development to assure that:

- (a) The proposed development is consistent with the need to minimize flood damage.
- (b) All public utilities and facilities such as sewer, gas, electrical, and water systems are located and constructed to minimize or eliminate flood damage.
- (c) Adequate drainage is provided to minimize or reduce exposure to flood hazards.
- (d) All necessary permits have been received from those agencies from which approval is required by federal or state law.
- (e) No structure may be constructed and no substantial improvement of an existing structure may take place within any floodway.

(f) No new building may be constructed and no substantial improvement of a building may take place within any floodplain unless the lowest floor (including basement) of the building or improvement is elevated to or above two (2) feet above the base flood elevation. Residential accessory structures will be allowed within floodplains provided they are firmly anchored to prevent flotation.

(g) No mobile home may be located or relocated in a floodplain unless its lot or pad is elevated on compacted fill or by any other method approved by the administrator so that the lowest habitable floor of the mobile home is at or above two (2) feet above the base flood elevation; and

(h) Load-bearing foundation supports such as piers or pilings are placed on stable soil or concrete footings no more than 10 feet apart (if the support height is greater than 72 inches, the support must contain steel reinforcement). Whenever any portion of a floodplain is filled in with dirt, slopes will be adequately stabilized to withstand the erosive force of the base flood. If slopes are greater than 1 vertical to 1 ½ horizontal, they will be reinforced with concrete or otherwise reinforced to provide concrete-like stability.

ARTICLE VII. SUPPLEMENTARY DISTRICT REGULATIONS

DIVISION 1. GENERALLY

Sec. 225. Purpose.

The supplementary standards provided herein are for the purpose of maintaining orderly uses within each District compatible with the safety, health and general welfare of the citizens of the City.

DIVISION 2. USES

Sec. 226. Use table.

The use table of this section provides a tabular summary of the land use types permitted within each zoning district. The table is intended for reference only and does not necessarily reflect all of the regulations that may apply to particular uses or districts. If a conflict occurs between the use table and the regulations found within the individual district sections of article VI of this Ordinance, the text of the individual district regulations shall control.

(1) *Permitted by right.* Uses identified with a "P" are permitted by right and shall be permitted in the corresponding district subject to all other applicable standards of this Ordinance and Code requirements.

(2) *Permitted by right with conditions.* Uses identified with a "P/C" are permitted by right, but shall be permitted in the corresponding district only in compliance with the supplementary use standards referenced in

the final column of the table and subject to all other applicable standards of this Ordinance and Code requirements.

(3) *Not permitted.* Uses not identified in a particular district column of the use table as permitted by right are not allowed in such district unless otherwise expressly permitted by other sections of this Ordinance.

(4) *Conditions.* The final column of the use table (CONDS) contains references to supplementary use standards applicable to a use in one or more districts. The referenced standards appear in Section 227 pertaining to supplementary use standards.

USE TABLE

TABLE INSET:

Use Types	Districts				CONDS (Section)
	NC	UN	MU	I	
<i>Residential Uses</i>					
Single-family, detached	P	P	P	P/C	
Single-family, attached	P	P	P	P/C	
Duplex	P	P	P	P/C	
Mobile home	--	P	P	P/C	
Multifamily	--	P	P	P/C	
<i>Public, Quasipublic and Civic Uses</i>					
Child care home	P/C	P/C	P/C	P/C	
Child care group home	--	P/C	P/C	P/C	
Child care institution	--	--	P/C	P/C	
College or university	--	P/C	P	P	227(2)
Community home	P	P	P	P/C	
Day care center	P/C	P/C	P/C	P/C	227(3)
Day care home	P/C	P/C	P/C	P/C	
Foster home	--	P/C	P/C	P/C	227(3)
Group home	--	P/C	P/C	P/C	
Halfway house	--	--	P/C	P/C	
Hospice	--	--	P/C	P/C	
Hospital	--	--	P/C	P/C	
Library	--	P	P	P	

	Nursing home	--	P/C	P/C	P/C	227(6)
	Parks and recreation	P/C	P/C	P/C	P/C	227(7)
	Religious institution	P/C	P/C	P	P	227(1)
	Safety services	P	P	P	P	
	School	P/C	P/C	P/C	P/C	227(8)
	Utilities, limited	P	P	P	P	
<i>Retail, Service and Office Uses</i>						
	Home occupation	P/C	P/C	P/C	P/C	227(5)
	Office	--	P/C	P	P	227(9)
	Retail	--	P/C	P	P	227(9)
	Kennel, Private	P/C	P/C	P	P	
	Kennel, Commercial	--	--	P/C	P	
<i>Other Uses</i>						
	Eating and drinking place	--	--	P	P	
	Sexually oriented business, bar, liquor store	--	--	P/C	P/C	
	Heavy industry	--	--	--	P/C	227(4)
	Uses not otherwise classified	--	--	P	P	

TABLE INSET:

P	=	Permitted by right
P/C	=	Permitted by right with conditions as noted

Sec. 227. Supplementary use standards.

No permit shall be issued for any development or use of land unless the activity is in compliance with all applicable supplementary use standards specified in this section. Unless otherwise indicated, the listed standards apply in all districts in which the subject use is permitted. The supplementary use standards shall be as follows:

- (1) *College or university.* Direct vehicle access to college and university facilities shall be provided from a collector or arterial street or major thoroughfare. This standard shall not apply in the MU district.
- (2) *Day care centers, homes, child care homes, child care group homes, child care institutions, and foster homes* [child care facilities]. The following shall apply to child care facilities in all districts:

- a. Child care facilities shall comply with all applicable state regulations.
- b. There shall be no signs or other exterior visible evidence of the conduct of a child care facility when it is located in or adjacent to the NC district.
- c. All outdoor play areas shall be enclosed by a fence or wall with a minimum height of four feet.

(3) *Group home, halfway house* [adult care facilities]. The following shall apply to adult care facilities in all districts:

- a. Adult care facilities shall comply with all applicable state regulations.
- b. There shall be no signs or other exterior visible evidence of the conduct of a adult care facility when it is located in or adjacent to the NC district.

(4) *Clinics, hospitals, hospices, and nursing homes* [health care facilities]. The following shall apply to child care facilities in all districts:

- a. Health care facilities shall comply with all applicable state regulations.
- b. There shall be no signs or other exterior visible evidence of the conduct of a health care facility when it is located in or adjacent to the NC district.

(5) *Heavy industry*. No heavy industry use shall be allowed to locate within 100 feet of the right-of-way of a public street or within 500 feet of the lot line of a lot that is zoned NC or that contains a single-family, duplex, mobile home or multifamily use, unless approved as a variance under Section 129.

(6) *Home occupations*. The following home occupation standards are intended to permit residents to engage in home occupations within NC and UN zoning districts that are compatible with residential land uses and to ensure that home occupations do not adversely affect the integrity of residential areas. These home occupation standards shall have no application in the MU district. A home occupation shall be considered an accessory use, subject to the following standards:

- a. A home occupation must be conducted within a dwelling which is the bona fide residence of the principal practitioner;
- b. There shall be no signs or other exterior visible evidence of a home occupation;
- c. There shall be no visible storage of equipment, materials or vehicles that have more than two axles;

Principal uses classified as permitted uses by the district regulations of this article and article VI of this Ordinance shall be deemed to include accessory uses and activities that are customarily associated with and appropriate, incidental and subordinate to permitted principal uses. Accessory uses and activities shall be subject to the same regulations as principal uses unless otherwise stated. Accessory uses shall be as follows:

Sec. 228. Accessory uses and structures.

(11) *Retail, service and office uses.* In the UN district, all retail and office uses shall have direct access to a collector or arterial street or major thoroughfare unless the use contains no more than 1,000 square feet of gross floor area, in which case local street access shall be allowed.

(10) *Schools.* Lighted outdoor recreational areas and facilities shall be set back at least 100 feet from lots that are zoned NC or that contain single-family, duplex or multifamily uses.

(9) *Religious institution.* Religious institutions shall not be allowed in the NC or UN district unless direct vehicle access is provided from a collector or arterial street or major thoroughfare or unless the point of access to the off-street parking area serving the use is located within 1,500 feet of a collector or arterial street or major thoroughfare, as measured along the centerline of the street right-of-way leading to the church or place of worship. This standard shall not apply to churches or places of worship located in the MU district.

(8) *Parks and recreation.* All lights, light poles and outdoor seating areas associated with park and recreation uses shall be set back at least 100 feet from lots that are zoned NC or that contain single-family, duplex or multifamily residential uses.

(7) *Nursing home.* Direct vehicle access to nursing home facilities in the UN district shall be provided from a collector or arterial street or major thoroughfare.

f. Persons other than a member of the immediate family occupying such a dwelling may be employed.

e. No equipment shall be used that creates undue noise, vibration, electrical interference, smoke or particulate matter emission, excessive power demands or odors. Home occupations shall comply with the operational performance standards of division 3 of article V of this Ordinance; and

d. The home occupation shall be conducted entirely within the principal residential building;

(1) *Residential accessory uses.* Residential accessory uses shall include but not be limited to the following accessory uses, activities and structures:

- a. Fences and walls;
- b. Garages, carports, driveways and off-street parking areas;
- c. Gates and guardhouses;
- d. Home occupations, subject to the standards of Section 227(5);
- e. Playhouses, patios, cabanas, porches, gazebos and incidental household storage buildings;
- f. Radio and television receiving antennas and support structures;
- g. Recreational facilities for the use of residents;
- h. Keeping of domestic animals for noncommercial purposes;
- i. Solar energy systems;
- j. Swimming pools: Permitted only when a protective fence, minimum four (4) feet in height, is provided around the yard, lot, or pool area. The pool shall be no closer than five (5) feet from any property line, and approval from all utilities is required to insure overhead safety; and
- k. Other necessary and customary uses determined by the Zoning Administrator to be appropriate, incidental and subordinate to the principal use on the lot.

(2) *Retail, commercial and office accessory uses.* Retail, commercial and office accessory uses shall include but not be limited to the following accessory uses, activities and structures:

- a. Dwelling units for security or maintenance personnel;
- b. Fences, walls, gates and guardhouses;
- c. Parking garages, driveways and off-street parking areas;
- d. Radio and television receiving antennas and support structures;
- e. Signs, subject to City ordinances regulating same;
- f. Solar energy systems; and
- g. Other necessary and customary uses determined by the Zoning Administrator to be appropriate, incidental and subordinate to the principal use on the lot.