



# **BELLS, TEXAS ZONING ORDINANCE MANUAL AND MAP**

Adopted March 10, 2020  
Revised October 12, 2021



# Table of Contents

## **DIVISION I – INTRODUCTION**

### **Article 1: Enabling Ordinance**

Section 1.01 Title

## **DIVISION II – ZONING DISTRICTS**

### **Article 2: Zoning Districts and Map**

Section 2.01 Zoning Districts

Section 2.02 Official Zoning Map

Section 2.03 District Boundaries Interpreted

Section 2.04 Zoning of Vacated Lands

Section 2.05 Annexed Lands

Section 2.06 District Use Regulations

Section 2.07 Uses Per Lot

Section 2.08 Lot Area Allocation

Section 2.09 Height Limit

Section 2.10 Projections into Required Yards

Section 2.11 Corner Clearance

### **Article 3: Single Family Residential District**

Section 3.01 Intent

Section 3.02 Uses

Section 3.03 Lot Area and Width Requirements

Section 3.04 Building Dimensional Requirements

### **Article 4: Double Family Residential District**

Section 4.01 Intent

Section 4.02 Uses

Section 4.03 Lot Area and Width Requirements

Section 4.04 Building Dimensional Requirements

### **Article 5: Multifamily Residential District**

Section 5.01 Intent

Section 5.02 Uses

Section 5.03 Lot Area and Width Regulations

Section 5.04 Building Dimensional Requirements

## **Table of Contents**

Section 5.05 Refuse Facilities

Section 5.06 Special Fire Protection Requirements

### **Article 6: Manufactured Home Park District**

Section 6.01 Intent

Section 6.02 Uses

Section 6.03 Height and Area Regulations

Section 6.04 Building Dimensional Requirements

Section 6.05 Additional Restrictions Applicable to Manufactured Home Park District

### **Article 7: Commercial Districts**

Section 7.01 Intent

Section 7.02 Uses

Section 7.03 Lot Area and Width Requirements

Section 7.04 Building Dimensional Requirements

### **Article 8: Manufacturing/Industrial District**

Section 8.01 Intent

Section 8.02 Uses

Section 8.03 Lot Area and Width Requirements

Section 8.04 Building Dimensional Requirements

### **Article 9: Planned Development District**

Section 9.01 General Purpose and Description

Section 9.02 Permitted Uses

Section 9.03 Development Standards

Section 9.04 Conceptual and Development Plan

Section 9.05 Procedure for Establishment

Section 9.06 Written Report May be Required.

Section 9.07 Planned Developments to be Recorded.

### **Article 10: Site Development Provisions**

Section 10.01 Intent

Section 10.02 Screening Walls

Section 10.03 Lighting Regulations

Section 10.04 Waste Receptacles

Section 10.05 Mechanical Equipment

## Table of Contents

Section 10.06 Recreational Ponds

### **DIVISION III – GENERAL PROVISIONS**

#### **Article 11: Parking Provisions**

Section 11.01 Off-Street Parking Requirements

Section 11.02 Off-Street Parking Facility Design

Section 11.03 Off-Street Loading Requirements

Section 11.04 Driveway Access Management

Section 11.05 Non-motorized Pathways

#### **Article 12: Signs Regulations**

Section 12.01 Intent

Section 12.02 Scope of Requirements

Section 12.03 Signs Not Requiring Permit

Section 12.04 Signs Requiring a Permit

Section 12.05 Prohibited Signs

Section 12.06 General Provisions for Permitted Signs

Section 12.07 Sign permits

Section 12.08 Application Procedure

Section 12.09 Sign Inspection and Maintenance

Section 12.10 Fees

#### **Article 13: Accessory Structures and Uses**

Section 13.01 Accessory Structures

Section 13.02 Residential Accessory Buildings

Section 13.03 Porches, Decks, and Patios

Section 13.04 Pools and Hot Tubs

Section 13.05 Fences and Walls

Section 13.06 Recreational Vehicles and Equipment

Section 13.07 Parking of Semi-Trucks, Shipping Containers and Construction Equipment

Section 13.08 Entranceways

Section 13.09 Non-Residential Accessory Buildings

Section 13.10 Tents/Canopies

#### **Article 14: Use Regulations**

Section 14.01 Residential

Section 14.02 Retail Trade

## **Table of Contents**

Section 14.03 Services

Section 14.04 Motor Vehicle Dealers and Service

Section 14.05 Accommodation and Food Services

Section 14.06 Finance, Insurance, Real Estate, Professional, Scientific, and Technical Services

Section 14.07 Health Care and Social Assistance

Section 14.08 Entertainment and Recreation

Section 14.09 Civic, Religious, Social Assistance Organizations

Section 14.10 Warehousing

Section 14.11 Utilities

Section 14.12 Construction

Section 14.13 Waste Processing and Disposal

Section 14.14 Mining

Section 14.15 Tire Sales/Storage

Section 14.16 Sale of Alcoholic Beverages

Section 14.17 Alcohol in City Parks

### **Article 15: Planned Unit Development**

Section 15.01 Intent

Section 15.02 Qualifying Conditions

Section 15.03 Permitted Uses

Section 15.04 Requirements

Section 15.05 Open Space

Section 15.06 Application and Review Procedure for Preliminary and Final PUD

Section 15.07 Preliminary PUD Site Plan Submittal Requirements

Section 15.08 PUD Site Plan Standards for Approval

Section 15.09 Final PUD Site Plan Submittal Requirements

Section 15.10 Final PUD Site Plan Standards for Approval

Section 15.11 Deviations from Approved Final PUD Site Plan

### **Article 16: Permitting**

Section 16.01 General Requirements

Section 16.02 Permit Materials

Section 16.03 Site/Sketch Plan Requirements

Section 16.04 Permit Review

Section 16.05 Occupancy Certificate

## **Table of Contents**

Section 16.06 Records

Section 16.07 Performance Guarantees

### **Article 17: Nonconforming**

Section 17.01 Nonconforming Uses

Section 17.02 Nonconforming Structures and Buildings

Section 17.03 Nonconforming Lots

Section 17.04 Nonconforming Sites

Section 17.05 Nonconformity Resulting In Right-Of-Way Acquisition

### **Article 18: Definitions**

Section 18.01 Constructions of Language

Section 18.02 Definitions "A"

Section 18.03 Definitions "B"

Section 18.04 Definitions "C"

Section 18.05 Definitions "D"

Section 18.06 Definitions "E"

Section 18.07 Definitions "F"

Section 18.08 Definitions "G"

Section 18.09 Definitions "H"

Section 18.10 Definitions "I"

Section 18.11 Definitions "J"

Section 18.12 Definitions "K"

Section 18.13 Definitions "L"

Section 18.14 Definitions "M"

Section 18.15 Definitions "N"

Section 18.16 Definitions "O"

Section 18.17 Definitions "P"

Section 18.18 Reserved for Future Use "Q"

Section 18.19 Definitions "R"

Section 18.20 Definitions "S"

Section 18.21 Definitions "T"

Section 18.22 Definitions "U"

Section 18.23 Definitions "V"

Section 18.24 Definitions "W"

## Table of Contents

Section 18.25 Reserved for Future Use "X"

Section 18.26 Definitions "Y"

Section 18.27 Definitions "Z"

### **DIVISION III – GENERAL PROVISIONS**

#### **Article 19: Planning and Zoning Commission**

Section 19.01 Organization and Appointment

Section 19.02 Duties and Authority

#### **Article 20: Changes and Adjustments to all Zoning Ordinances and Districts and Administrative Procedures**

Section 20.01 Declaration of Policy

Section 20.02 Authority to Amend Ordinance

Section 20.03 Public Hearing and Notice

Section 20.04 Action of the Planning and Zoning Commission

Section 20.05 Action of the City Council

Section 20.06 Effect of Denial of Petition

Section 20.07 Final Approval and Ordinance Adoption

Section 20.08 Changes in Zoning Regulations

#### **Article 21: Board of Adjustment; Variances and Appeals**

Section 21.01 Creation

Section 21.02 Members; Terms of Office

Section 21.03 Meetings

Section 21.04 Authority of the Board

Section 21.05 Limitations on Authority of Board

Section 21.06 Variances

Section 21.07 Appeals to the Board of Adjustment

Section 21.08 Procedures

Section 21.09 Finality of Decisions; Judicial Review

**ORDINANCE NO. 99-0928-A**  
**Amending 03102020, 07142020, 02092021, 06092021, and 10122021**

**AN ORDINANCE AMENDING THE ZONING CODE AND ZONING MAP OF THE CITY OF BELLS, TEXAS.**

**ANGELA LEBLANC**  
**Mayor**

**ROGER GOODWIN**  
**TAMMY HARTLINE**  
**JENNIFER WASHBURN**  
**DIANE SNAVELY**  
**TERRY CRUMBY**  
**Council**

**BETH WOODSON**  
**City Administrator**



# Article 1: Enabling Ordinance

## ORDINANCE NO. 99-0928-A

Amending 03102020

Amending 06092020

**AN ORDINANCE AMENDING THE ZONING CODE AND ZONING MAP OF THE CITY OF BELLS, TEXAS.**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BELLS, TEXAS, AMENDING A COMPREHENSIVE ZONING AND PLAN FOR ZONING REGULATIONS AND CREATING ZONING DISTRICTS IN ACCORDANCE WITH A COMPREHENSIVE PLAN; WITHIN SUCH DISTRICTS REGULATING THE USE OF LAND, BUILDINGS AND STRUCTURES; REGULATING THE HEIGHT, SIZE, AND LOCATIONS OF BUILDINGS; ESTABLISHING DENISTY, OPEN SPACE, SCREENING AND MINIMUM OFF-STREET PARKING REQUIREMENTS; REGULATING THE ERECTION, REPAIR, AND ALTERNATION OF ALL BUILDINGS AND STRUCTURES; PROVIDING FOR SPECIFIC USE PERMITS FOR CERTAIN USES; RECOGNIZING NONCONFORMING USES AND STRUCTURES AND PROVIDING RULES FOR THE REGULATION THEREOF; PROVIDING FOR CERTIICATES OF OCCUPANCY AND COMPLIANCE; DEFINING CERTAIN TERMS; PROVIDING A METHOD OF AMENDMENT; PROVIDING A PENALTY FOR VIOLATIONS OF SUCH ORDINANCE AND FOR INJUNCTIVE RELIEF TO PERSONS AFFECTED BY THE VIOLATION OF SAID ORDINANCE; CONFIRMING SEVERABILITY CLAUSE; PROVIDING A CUMULATIVE/REPEALER CLAUSE; AUTHORIZING PUBLICATION; PROVIDING A SAVINGS CLAUSE; AND ESTABLISHING AN EFFECTIVE DATE.**

**WHEREAS**, the City of Bells, Texas (the "City"), under the Local Government Code, Title 7, Subtitle A, Chapter 211, Subchapter A the authority to regulate land use, structures, businesses, and related activities;

**WHEREAS**, the City has been granted the powers under this subchapter for the purpose to promote the public health, safety, morals, and general welfare of the city;

**WHEREAS**, the City has the duty to protect and preserve places and areas of historical, cultural, and architectural importance and significance;

**WHEREAS**, the City has determined in the best interest of the public to adopt a comprehensive zoning plan and zoning map and dividing the city into several districts;

**WHEREAS**, establishing and providing for zoning regulations and creating zoning districts in accordance with a comprehensive plan;

**WHEREAS**, the City Council of the City of Bells desires to adopt the Zoning Code as official City policy for the comprehensive zoning plan and zoning map; and

**WHEREAS**, the City Council does hereby find that the regulations adopted herein are in the best interest of the health, safety and welfare of the citizens.

**NOW THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BELLS, TEXAS, THAT A COMPREHENSIVE ZONING ORDINANCE AND MAP ARE HEREBY PASSED AND APPROVED WHICH SHALL PROVIDE AS FOLLOWS:**

**ARTICLE 1: ENABLING ORDINANCE**

Be it ordained by the City Council of the City of Bells, Texas, that a comprehensive zoning ordinance and map here hereby passed and approved which shall provide as follows.

**1.1 TITLE.** This ordinance shall be known as may be cited as **“The City of Bells Zoning Ordinance”**.

**1.2 SEVERABILITY.** The provisions of this Ordinance are severable. However, in the event this Ordinance or any procedure provided in this Ordinance becomes unlawful, or is declared or determined by a judicial, administrative or legislative authority exercising its jurisdiction to be excessive, unenforceable, void, illegal or otherwise inapplicable, in whole or in part, the remaining and lawful provisions shall be of full force and effect.

**1.3 SAVINGS CLAUSE.** All rights and remedies of the City of Bells, Texas, are expressly saved as to all violations of the provisions of any other ordinance which was secured at the time of the effective date of this Ordinance; and, as to such accrued violations and all pending litigation, both civil and criminal, whether pending in court or not, under such ordinances same shall not be affected by this Ordinance but may be prosecuted until final disposition by the court.

**1.4 CUMULATIVE.** This Ordinance shall be cumulative of all provisions of ordinances of the City of Bells, Texas, except where the provisions of this Ordinance are in direct conflict with the provisions of such ordinances, in which event the conflicting provisions of such ordinances are hereby repealed.

**1.5 PENALTY FOR VIOLATIONS.** Any person or corporation violating any of the provisions of this ordinance shall upon conviction be fined a sum not to exceed two thousand dollars (\$2000.00) per day and each and every day that the provisions of this ordinance are violated shall constitute a separate and distinct offense. In addition to the said penalty provided for, the right is hereby conferred and extended upon any property owner owning property in any district where such property owner may be affected or invaded by a violation of the terms of the ordinance to bring suit in such court or courts having jurisdiction thereof and obtain such remedies as may be available at law and equity in the protection of the rights of such property owners.

**1.6 PUBLICATION.** The City Secretary of the City of Bells, Texas, is hereby directed to publish in the Official newspaper of the City of Bells, Texas, the Caption, as provided by Section 52.011 of the Texas Local Government Code.

**1.7 EFFECTIVE DATE.** This Ordinance shall become effective from and after its date of passage and publication in accordance with law.

**PASSED, APPROVED AND ADOPTED this the 10th day of March 2020.**

Attest

\_\_\_\_\_  
Pam Winkler, City Secretary

\_\_\_\_\_  
Angela LeBlanc, Mayor

**Section 1.01 Title**

This ordinance shall be known and may be cited as **“The City of Bells Zoning Ordinance”**.

## Article 2: Zoning Districts and Map

### Section 2.01 Zoning Districts

The City of Bells is divided into the following zoned districts.

Symbol	District Name	Regulated in
SF-1	Single Family Residential	<a href="#">Article 3</a>
SF-2	Double Family Residential	<a href="#">Article 4</a>
MF	Multiple Family Residential	<a href="#">Article 5</a>
MH	Manufactured Home Park	<a href="#">Article 6</a>
C1	Neighborhood Commercial	<a href="#">Article 7</a>
C2	General Commercial	<a href="#">Article 7</a>
M1	Light Manufacturing/Industrial	<a href="#">Article 8</a>
PD	Planned Development District	<a href="#">Article 9</a>

### Section 2.02 Official Zoning Map

- (a) An official Zoning Map is adopted as a part of this Ordinance, and hereby incorporated in this Article by reference. The Zoning Map shows the boundaries of the zoning districts and the applicable zoning district that regulates each parcel of land. The official zone map is on file and available for inspection and copying during regular business hours at: The Bells City Hall.
- (b) The Planning and Zoning Commission may amend the Zoning Map for land located within the boundaries of the City.

### Section 2.03 District Boundaries Interpreted

Where uncertainty exists with respect to the boundaries of the various districts as shown on the Zoning Map, the following rules shall apply:

- (a) When the exact boundaries of a district are uncertain, they shall be determined by use of the scale on the Zoning Maps.
- (b) Boundaries indicated as approximately following the centerlines of streets, highways, or alleys, shall be construed to follow the centerlines.
- (c) Boundaries indicated as approximately following platted lot lines shall be construed as following the lot lines.
- (d) Boundaries indicated as following railroad lines shall be construed to be the midway between the main tracks.
- (e) Boundaries indicated as following shorelines shall be construed to follow the shoreline, and in the event of change in the shoreline shall be construed as moving with the actual shoreline; boundaries indicated as approximately following the centerline of streams, rivers, canals, lakes or other bodies of water shall be construed to follow the centerline. Any use or structures extending into or over a lake or other water body shall be subject to the same zoning restrictions as the adjoining land.

- (f) When a right-of-way is vacated, the districts adjoining each side are respectively extended to the center of the area so vacated.

#### Section 2.04 **Zoning of Vacated Lands**

Zoning of vacated areas means whenever any road, alley or other public way shall be vacated, the road, alley or other public way or portion thereof shall automatically be classified in the same zoning district as the property to which it attaches.

#### Section 2.05 **Annexed Lands**

Where land within Bells is Annexed to another municipality or County it shall retain its existing zoning until such time as the other municipality takes action to rezone the land to another district.

#### Section 2.06 **District Use Regulations**

Each zoning district article includes a schedule of permitted uses indicating uses that are permitted by right and allowed by Special uses. A use that is not listed as permitted or Special use in a district shall not be permitted in that district. A use that is not listed in any zoning district may be permitted upon determination by the Planning and Zoning Commission that the use is clearly similar in nature and compatible with a use that is listed in a particular district. In making this determination, the Planning and Zoning Commission shall consider the following:

- (a) The Planning and Zoning Commission shall consider specific characteristics of the proposed use and compare them to the characteristics of the uses that are listed in the zoning ordinance. Characteristics considered shall include, but are not limited to, traffic generation, types of services offered, types of goods produced, methods of operation, noise, hours of operation and building characteristics.
- (b) If the Planning and Zoning Commission determines that the proposed use is consistent and compatible with a permitted use, the use shall be permitted under that use category. If the Planning and Zoning Commission determines that the proposed use is consistent and compatible with a conditional use, the use shall be allowed with a conditional use approval. The use shall be subject to all requirements of the similar use.
- (c) A proposed use shall not be permitted in a district where the use is specifically listed in any other district, as shown within the Schedule of Use Tables, or where the Planning and Zoning Commission determines that the use is more similar in nature and compatible with uses listed in another district.
- (d) The use determination of the Planning and Zoning Commission may be appealed to the City Council for an interpretation of the use provisions of the zoning ordinance.

#### Section 2.07 **Uses Per Lot**

- (a) Except as otherwise specifically provided in this Ordinance, no lot may contain more than one (1) principal habitable building, structure, or use.
- (b) Shopping centers, groups of multiple-family buildings, condominiums, retail business buildings, multi-tenant offices, leased industrial space, or other groups of buildings contained within a single integrated complex are deemed to be a principal use collectively. To be considered as an integrated complex, the site shall share parking, signs, access, or other similar features, which together form a unified function and appearance.
- (c) Cellular Tower facilities, including 5G "Small Cell" may be located on a lot that contains another use, except one-family and two-family dwelling units.

- (d) There shall be no more than one (1) dwelling per lot, except for two family dwellings, attached single family dwellings, multiple family dwellings or accessory dwellings approved under the requirements of this ordinance.

#### Section 2.08 **Lot Area Allocation**

- (a) No portion of a lot shall be used more than once for determining initial compliance with the provisions for lot area and yard dimensions (greenspace and impervious surface) for construction or alteration of buildings.
- (b) No lot, adjacent lots in common ownership, required yard, parking area, or other required open space shall be created, divided, or reduced in dimension or area below the minimum requirements of this Ordinance. Lots or yards created after the effective date of this Ordinance shall comply with the requirements of this Ordinance. If already less than the minimum requirements of this Ordinance, a lot, adjacent lots in common ownership, required yard, parking area, or other open space shall not be divided or reduced in dimension or area so as to increase its noncompliance with the minimum requirements of this Ordinance.

#### Section 2.09 **Height Limit**

- (a) The following structures may exceed the building height restrictions of the zoning district in which they are located:
  - (1) Belfries,
  - (2) Chimneys,
  - (3) Church spires and steeples,
  - (4) Cooling towers,
  - (5) Cornices,
  - (6) Cupolas,
  - (7) Electric and telephone service poles,
  - (8) Elevator bulkheads,
  - (9) Fire towers,
  - (10) Flagpoles,
  - (11) Grain elevators,
  - (12) Parapet walls,
  - (13) Public monuments,
  - (14) Radio and television aerials,
  - (15) Roof structures housing necessary mechanical appurtenances,
  - (16) Silos,
  - (17) Stacks,
  - (18) Water tanks,
  - (19) Mechanical equipment,
  - (20) Solar Power equipment
- (b) The structures listed in (a) above may exceed the height limits of the district in which they are located as follows:
  - (1) On single family detached, single family attached and double family dwellings, the structures may exceed the height limits of the district by no more than five (5) feet.
  - (2) On multiple family residential (apartment buildings), mixed-use and non-residential buildings, the structures may exceed the height limits of the district by no more than 25 feet.

- (c) The exceptions to height shall only apply to non-habitable architectural features, mechanical and utility structures. The exceptions shall not permit any habitable building space of a building to exceed the height limits of the district.

**Section 2.10 Projections into Required Yards**

Certain structures and architectural features may project into the required yard setbacks as follows:

<b>Projection</b>	<b>Front Yard</b>	<b>Rear Yard</b>	<b>Interior Side Yard</b>	<b>Corner Side Yard</b>
Awnings and canopies	3 ft.	5 ft.	3 ft.	3 ft.
Chimneys	2 ft.	2 ft.	2 ft.	2 ft.
Cornices and similar architectural features	3 ft.	3 ft.	3 ft.	3 ft.
Balconies	5 ft.	5 ft.	3 ft.	5 ft.
Barrier-free ramps and other facilities	16 ft.	16 ft.	3 ft.	16 ft.
Bay windows	3 ft.	3 ft.	3 ft.	3 ft.
Eaves, overhanging	3 ft.	3 ft.	3 ft.	3 ft.
Fire escapes, open or enclosed	5 ft.	5 ft.	5 ft.	5 ft.
Gutters	3 ft.	3 ft.	3 ft.	3 ft.
Decks, unroofed porches and stoops	10 ft.	10 ft.	--	10 ft.
Window air conditioning units	2 ft.	2 ft.	2 ft.	2 ft.
Window wells	4 ft.	4 ft.	4 ft.	4 ft.

**Section 2.11 Corner Clearance**

- (a) No privacy fence, wall, structure, or planting shall be erected, established, or maintained on any lot if the structure or planting will obstruct the view of drivers in vehicles approaching the intersection adjacent to a corner lot or a driveway on any lot.
- (b) Fences, walls, structures, or plantings located in the clear vision triangle, as depicted, shall not be permitted to exceed a height of three (3) feet above the street curb, or pavement edge if no curb. The unobstructed triangular area is described as follows:
  - (1) The area formed at the corner intersection of two (2) street rights-of-way or easement lines, the two (2) sides of the clear vision triangle being 25 feet in length measured along abutting public right-of-way lines, and third side being a line connecting these two (2) sides, or
  - (2) The area formed at the corner intersection of a street right-of-way, easement, or alley and a driveway, the two (2) sides of the triangular area being 15 feet in length measured along the right-of-way line and edge of the driveway, and the third side being a line connecting these two (2) sides.

## Article 3: Single Family Residential District

### Section 3.01 Intent

**Residential District.** The R1 Single Family Residential District is established to include urban neighborhoods with small lots. This district will include single family dwellings. Certain other institutional, social and recreational uses are also included in this district, such as schools, childcare and recreational uses.

### Section 3.02 Uses

Use and development of land and buildings shall only be for the following specified uses, unless otherwise provided for in this Ordinance. All applicable ICC codes adopted by the City of Bells shall also be enforced when developing structures. Uses are grouped into major categories and only those uses listed under each category are permitted. Land and/or buildings in the districts indicated at the top of the Table may be used for the purposes denoted by the following abbreviations:

P: **Permitted Use.** Land and/or buildings in this District may be used for the purposes listed by right.

S: **Special Use.** Land and/or buildings in this District may be used for this purpose by obtaining Special use approval when all applicable standards cited in Article (14).

-: **Not Permitted.** The use is not permitted in the district. Uses not listed in the table are also not permitted. Uses that are not listed in any district of the zoning ordinance, as shown, may be allowed based upon a similar/comparable use determination from the City of Bells Planning and Zoning Commission.

**Table 3.1 Schedule of Uses**

Use	SF-1	Use Requirements
<b>Residential</b> limited to the following:		
Single-family detached dwellings	P	Article 14.01
Two-family dwellings	-	Article 14.01
Home occupations	P	Article 14.01(2)(b)
<b>Agriculture and animal-related uses</b> limited to the following:		
Agriculture	P	
<b>Retail trade and Services</b> limited to the following:		
Planned neighborhood shopping centers	S	Article 14.02 (c)
<b>Accommodation and food services</b> limited to the following:		
Bed & Breakfasts	S	Article 14.05(a)
Food Truck Parks	S	Article 14.05(d)
Mobile Food Units	S	Article 14.05(d)
Taverns and Liquor Sales	-	
<b>Health care and social assistance</b> limited to the following:		
Day care centers, commercial	S	Article 14.07(a)
Day care homes, residential licensed for 12 or fewer children	S	Article 14.07(a)

Use	SF-1	Use Requirements
Foster care homes	P	
Funeral homes/mortuaries	S	Article 14.07(b)
Group homes licensed for 8 or fewer residents	S	Article 14.07(c)
<b>Entertainment and recreation</b> limited to the following:		
Forestry/wildlife preserve	P	
Golf course and county clubs	S	Article 14.08(c)
Parks/playgrounds	P	
<b>Civic, Religious and Social Organizations</b> limited to the following:		
Cemeteries	S	
Churches, chapels, temples, synagogues and similar places of worship	S	Article 14.09(a)
Community centers	S	
Clubs, lodges, union halls	S	
Convents, monasteries and seminaries	S	
<b>Educational services</b> limited to the following:		
Libraries	P	
Schools, elementary, middle and high	P	
<b>Public administration</b> limited to the following:		
Government buildings excluding correctional facilities	P	
Museums, civic buildings and landmarks preserved for public inspection	P	
<b>Utilities</b> limited to the following:		
Public utility buildings	S	Article 14.11(a)
Transmission lines for gas, oil and electricity	P	
Utility substations	S	
Single accessory wind energy conversion systems	S	
Wireless communication facility – collocation	P	Article 14.11(b)
Wireless communication facility	S	Article 14.11(c)
<b>Alcoholic Beverages</b> limited to the following:		
Alcoholic beverage establishment	-	Article 14.16 (3)
Alcoholic beverage store	-	Article 14.16 (3)
Brewpub	-	Article 14.16 (3)
Distillery	-	
Winery	-	
Convenience store	-	
Food store; grocery store	-	
General merchandise store	-	
Retail shops and stores other than listed	-	
Restaurant without drive-in or drive-through service	-	



Use	SF-1	Use Requirements
Restaurant with drive-in service	-	
Restaurant with drive-through service	-	
Private Club	-	

**Section 3.03 Lot Area and Width Requirements**

All lots shall meet the following minimum area and width requirements. No new lots shall be created or altered in a manner that does not comply with the following requirements.

**Table 3.2 Lot Area**

Zone	Minimum Lot Sizes			Max. Res. Density (Dwellings/AC.)
	Lot Area (sq. ft.)	Lot Width (ft.)	Lot depth (ft.)	
SF-1	7,000	70	100	4.84

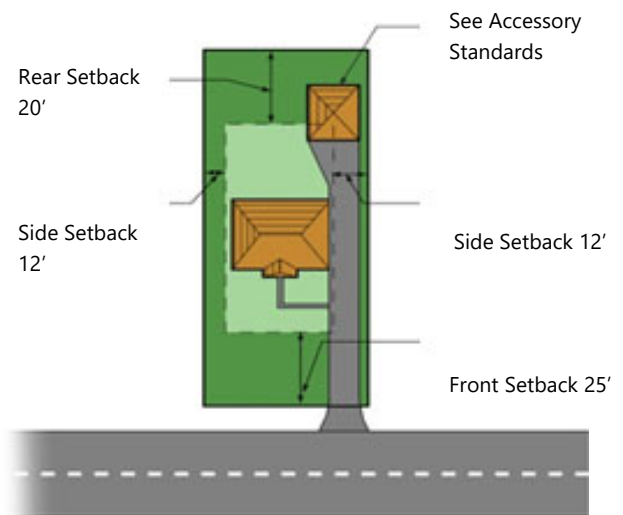
**Section 3.04 Building Dimensional Requirements**

All structures shall be subject to the dimensional regulations of the following table.

**Table 3.3 Dimensional Lot Standards**

Zone	Max. Building Height (a, b)		Min. Setbacks (ft.) (c, d, e, f)				Max. % Lot Coverage (g)	Min. Floor Area	
	Height (ft.)	Height (St.)	Front Yard	Side Yard	Total Both Sides	Rear Yard	Building	Total (sq. ft.)	First floor (sq. ft.)
SF-1	35	2	25	12	24	20	45%	800	800

- (a) **Accessory Structures.** Accessory structures shall be regulated under the requirements of Article (13.02).
- (b) **Height Exceptions.** No structure shall exceed the maximum height of the district except for the allowable exceptions to the height limits contained in Article (2.09).
- (c) **Projections into Yards.** All required yard spaces shall remain as landscaped open space, except for pavement, accessory structures and architectural features that are allowed to extend or project into required setbacks under Article 2.10. Driveways and other paved or gravel areas for vehicles shall not cover more than 50% of the front yard area. At least 50% of the front yard shall remain as landscaped green space.
- (d) **Setback from Road.** The front yard setback shall be measured from the road right-of-way or private road easement to the property line. Where a majority of lots on a block face are existing, the average setback shall dictate front yard setback requirements.



(e) **Corner Lots.**

- (1) The building coverage shall be calculated as the ratio of the footprint of all buildings, including the principal building, garages and detached accessory buildings, to the net area of the lot.

## Article 4: Double Family Residential District

### Section 4.01 Intent

**Double Family Residential District.** The SF-2 Double Family Residential District is intended to provide medium density single family development, but to allow development of duplex family developments through the use of a Special Use Permit. Certain other institutional, social, and recreational uses are also permitted in this district, such as schools, childcare and recreational uses. The intent is to maintain or create walkable, pedestrian-oriented neighborhoods. Development under this district should be of a form and character consistent with established character of the community.

### Section 4.02 Uses

Use and development of land and buildings shall only be for the following specified uses, unless otherwise provided for in this Ordinance. All applicable ICC codes adopted by the City of Bells shall also be enforced when developing structures. Uses are grouped into major categories and only those uses listed under each category are permitted. Land and/or buildings in the districts indicated at the top of the Table may be used for the purposes denoted by the following abbreviations:

P: **Permitted Use.** Land and/or buildings in this District may be used for the purposes listed by right.

S: **Special Use.** Land and/or buildings in this District may be used for this purpose by obtaining Special use approval when all applicable standards cited in Article (14).

-: **Not Permitted.** The use is not permitted in the district. Uses not listed in the table are also not permitted. Uses that are not listed in any district of the zoning ordinance, as shown, may be allowed based upon a similar/comparable use determination from the City of Bells Planning and Zoning Commission.

**Table 4.1 Schedule of Use Table**

Use	SF-2	Use Requirements
<b>Residential</b> limited to the following:		
Single-family detached dwellings	P	Article 14.01
Two-family dwellings	S	Article 14.01
Home occupations	P	Article 14.01(2)(b)
Multiple family dwellings	-	
<b>Agriculture and animal-related uses</b> limited to the following:		
Agriculture	-	
<b>Retail trade and Services</b> limited to the following:		
Planned neighborhood shopping centers	S	Article 14.02 (c)
<b>Accommodation and food services</b> limited to the following:		
Bed & Breakfasts	S	Article 14.05(a)
Food Truck Parks	S	Article 14.05(d)
Mobile Food Units	S	Article 14.05(d)
Taverns and Liquor Sales	-	
<b>Health care and social assistance</b> limited to the following:		

Use	SF-2	Use Requirements
Day care centers, commercial	S	Article 14.07(a)
Day care homes, residential licensed for 12 or fewer children	S	Article 14.07(a)
Foster care homes	P	
Funeral homes/mortuaries	S	Article 14.07(b)
Group homes licensed for 8 or fewer residents	S	Article 14.07(c)
<b>Entertainment and recreation</b> limited to the following:		
Forestry/wildlife preserve	P	
Golf course and county clubs	S	Article 14.08(c)
Parks/playgrounds	P	
<b>Civic, Religious and Social Organizations</b> limited to the following:		
Cemeteries	S	
Churches, chapels, temples, synagogues and similar places of worship	S	Article 14.09(a)
Community centers	S	
Clubs, lodges, union halls	S	
Convents, monasteries and seminaries	S	
<b>Educational services</b> limited to the following:		
Libraries	P	
Schools, elementary, middle and high	P	
<b>Public administration</b> limited to the following:		
Government buildings excluding correctional facilities	P	
Museums, civic buildings and landmarks preserved for public inspection	P	
<b>Utilities</b> limited to the following:		
Public utility buildings	P	Article 14.11(a)
Transmission lines for gas, oil and electricity	P	
Utility substations	S	
Single accessory wind energy conversion systems	S	Article 14.11 (b)(1)
Wireless communication facility – collocation	P	Article 14.11(b)
Wireless communication facility	S	Article 14.11(c)
<b>Alcoholic Beverages</b> limited to the following:		
Alcoholic beverage establishment	-	Article 14.16 (3)
Alcoholic beverage store	-	Article 14.16 (3)
Brewpub	-	Article 14.16 (3)
Distillery	-	
Winery	-	
Convenience store	-	
Food store; grocery store	-	
General merchandise store	-	

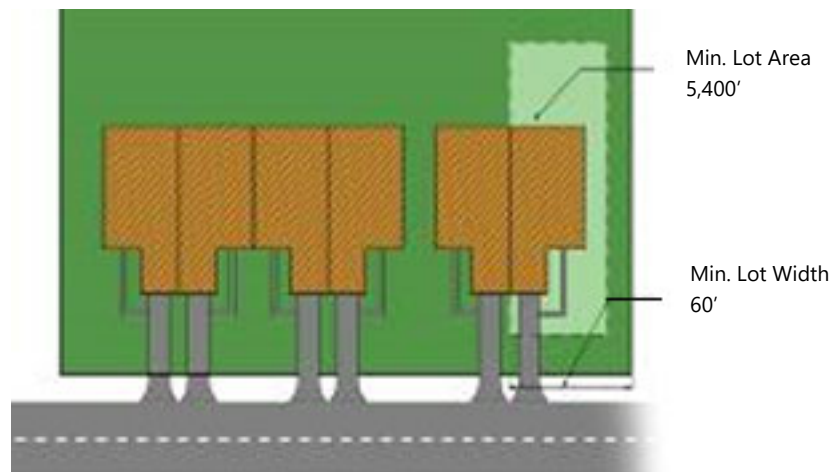
Use	SF-2	Use Requirements
Retail shops and stores other than listed	-	
Restaurant without drive-in or drive-through service	-	
Restaurant with drive-in service	-	
Restaurant with drive-through service	-	
Private Club	-	

**Section 4.03 Lot Area and Width Requirements**

All lots shall meet the following minimum area and width requirements. No new lots shall be created or altered in a manner that does not comply with the following requirements.

**Table 4.2 Lot Area**

Zone	Minimum Lot Sizes			Max. Res. Density (Dwellings/AC.)
	Lot Area (sq. ft.)	Lot Width (ft.)	Lot depth (ft.)	
SF-2	5,400	60	90	7.26



**Section 4.04 Building Dimensional Requirements**

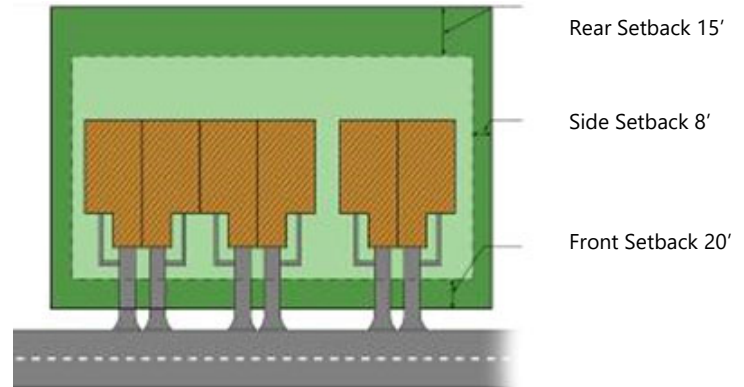
All structures shall be subject to the dimensional regulations of the following table.

**Table 4.3 Dimensional Lot Standards**

Zone	Max. Building Height (a, b)		Min. Setbacks (ft.) (c, d, e, f)				Max. % Lot Coverage (g)	Min. Floor Area	
	Height (ft.)	Height (St.)	Front Yard	Side Yard	Total Both Sides	Rear Yard	Building	Total (sq. ft.)	First floor (sq. ft.)
SF-2	30	3	20	8	16	15	60%	1,000	800

- (a) **Accessory Structures.** Accessory structures shall be regulated under the requirements of Article (13.01)
- (b) **Height Exceptions.** No structure shall exceed the maximum height of the district except for the allowable exceptions to the height limits contained in Article (2.09).

- (c) **Projections into Yards.** All required yard spaces shall remain as landscaped open space, except for pavement, accessory structures and architectural features that are allowed to extend or project into required setbacks under Article (2.10). Driveways and other paved or gravel areas for vehicles shall not cover more than 50% of the front yard area. At least 50% of the front yard shall remain as landscaped green space.



- (d) **Setback from Road.** The front yard setback shall be measured from the road right-of-way or private road easement to the property line. Where a majority of lots on a block face are existing, the average setback shall dictate front yard setback requirements.
- (e) **Corner Lots.**
- (1) Corner lots shall provide the minimum front yard setback from the road that the lot has the narrowest along frontage. The longer road frontage shall be considered a side-street and shall be required to provide a minimum ten (10) foot side yard setback along that street. Bells Planning and Zoning Commission may adjust the front lot line designation based upon the orientation of the building on the lot and adjacent lots.
- (f) **Double Frontage Lots.** In all districts, where a double frontage lot backs-up to a roadway, the minimum required front or roadside setback shall be required from both road rights-of-way.
- (g) **Maximum Lot Coverage.** The maximum lot coverage for buildings shall be measured as follows:
- (1) The building coverage shall be calculated as the ratio of the footprint of all buildings, including the principal building, garages and detached accessory buildings, to the net area of the lot.

## Article 5: Multifamily Residential District

### Section 5.01 Intent

**Multiple Family Residential District.** The MF-Multiple Family Residential District is established to allow development of higher density apartment style multiple family development. Certain other institutional, social and recreational uses are also permitted in this district, such as schools, childcare and recreational uses. The intent is to maintain and enhance traditional, walkable, pedestrian-oriented neighborhoods and to provide for urban infill development that is of a form and character consistent with the character of the community.

### Section 5.02 Uses

Use and development of land and buildings shall only be for the following specified uses, unless otherwise provided for in this Ordinance. All applicable ICC codes adopted by the City of Bells shall also be enforced when developing structures. Uses are grouped into major categories and only those uses listed under each category are permitted. Land and/or buildings in the districts indicated at the top of the Table may be used for the purposes denoted by the following abbreviations:

P: **Permitted Use.** Land and/or buildings in this District may be used for the purposes listed by right.

S: **Special Use.** Land and/or buildings in this District may be used for this purpose by obtaining Special use approval when all applicable standards cited in Article (14).

-: **Not Permitted.** The use is not permitted in the district. Uses not listed in the table are also not permitted. Uses that are not listed in any district of the zoning ordinance, as shown, may be allowed based upon a similar/comparable use determination from the City of Bells Planning and Zoning Commission.

**Table 5.1 Schedule of Use Table**

Use	MF	Use Requirements
<b>Residential</b> limited to the following:		
Single-family detached dwellings	P	Article 14.01
Two-family dwellings	P	Article 14.01
Home occupations	P	Article 14.01(2)(b)
Fraternity, sorority or student cooperatives	S	
Multiple family dwellings	P	Article 14.01
<b>Agriculture and animal-related uses</b> limited to the following:		
Agriculture	-	
<b>Retail trade and Services</b> limited to the following:		
Planned neighborhood shopping centers	S	Article 14.02(c)
<b>Accommodation and food services</b> limited to the following:		
Bed & Breakfasts	S	Article 14.05(a)
Food Truck Park	S	Article 14.05(d)
Mobile Food Units	S	Article 14.05(d)
Taverns and Liquor Sales	-	

Use	MF	Use Requirements
<b>Health care and social assistance</b> limited to the following:		
Day care centers, commercial	S	Article 14.07(a)
Day care homes, residential licensed for 12 or fewer children	S	Article 14.07(a)
Foster care homes	P	
Funeral homes/mortuaries	S	Article 14.07(b)
Group homes licensed for 8 or fewer residents	S	Article 14.07(c)
<b>Entertainment and recreation</b> limited to the following:		
Forestry/wildlife preserve	P	
Golf course and county clubs	S	Article 14.08(c)
Parks/playgrounds	P	
<b>Civic, Religious and Social Organizations</b> limited to the following:		
Cemeteries	S	
Churches, chapels, temples, synagogues and similar places of worship	S	Article 14.09(a)
Community centers	S	
Clubs, lodges, union halls	S	
Convents, monasteries and seminaries	S	
<b>Educational services</b> limited to the following:		
Libraries	P	
Schools, elementary, middle and high	P	
<b>Public administration</b> limited to the following:		
Government buildings excluding correctional facilities	P	
Museums, civic buildings and landmarks preserved for public inspection	P	
<b>Utilities</b> limited to the following:		
Public utility buildings	P	Article 14.11(a)
Transmission lines for gas, oil and electricity	P	
Utility substations	S	
Single accessory wind energy conversion systems	S	Article 14.11 (b)(1)
Wireless communication facility – collocation	P	Article 14.11(b)
Wireless communication facility	S	Article 14.11(c)
<b>Alcoholic Beverages</b> limited to the following:		
Alcoholic beverage establishment	-	Article 14.16 (3)
Alcoholic beverage store	-	Article 14.16 (3)
Brewpub	-	Article 14.16 (3)
Distillery	-	
Winery	-	
Convenience store	-	
Food store; grocery store	-	



Use	MF	Use Requirements
General merchandise store	-	
Retail shops and stores other than listed	-	
Restaurant without drive-in or drive-through service	-	
Restaurant with drive-in service	-	
Restaurant with drive-through service	-	
Private Club	-	

**Section 5.03 Lot Area and Width Regulations**

All lots shall meet the following minimum area and width requirements. No new lots shall be created or altered in a manner that does not comply with the following requirements.

**Table 5.2 Lot Area**

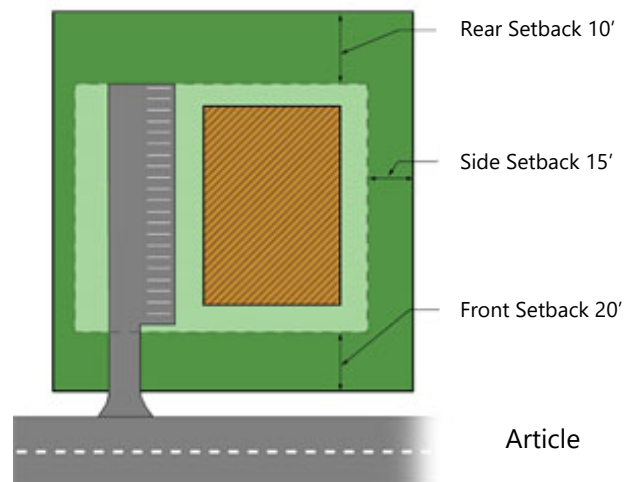
Zone	Minimum Lot Sizes			Max. Res. Density (Dwellings/AC.)
	Lot Area (sq. ft.)	Lot Width (ft.)	Lot depth (ft.)	
MF	10,500	70	150	24.84

**Section 5.04 Building Dimensional Requirements**

All structures shall be subject to the dimensional regulations of the following table.

Zone	Max. Building Height (a, b)		Min. Setbacks (ft.) (c, d, e, f)				Max. % Lot Coverage (g)	Min. Floor Area	
	Height (ft.)	Height (St.)	Front Yard	Side Yard	Total Both Sides	Rear Yard	Building	Total (sq. ft.)	First floor (sq. ft.)
MF	45	3	20	15	30	10	50%	800	800

- (a) **Accessory Structures.** Accessory Structures shall be regulated under the requirements of Article (13.02).
- (b) **Height Exceptions.** No structure shall exceed the maximum height of the district except for the allowable exceptions to the height limits contained in Article (2.09).
- (c) **Projections into Yards.** All required yard spaces shall remain as landscaped open space, except for pavement, accessory structures and architectural features that are allowed to extend or project into required setbacks under (2.10).
- (d) **Setback from Road.** The front yard setback shall be measured from the road right-of-way or private road easement.
- (e) **Corner Lots.** Corner lots shall provide the minimum front yard setback from both road frontages.



- (f) **Double Frontage Lots.** In all districts, where a double frontage lot backs-up to a roadway, the minimum required front or roadside setback shall be required from both road rights-of-way.
- (g) **Maximum Lot Coverage.** The maximum lot coverage for buildings and impermeable surface shall be measured as follows:
  - (1) The building coverage shall be calculated as the ratio of the footprint of all buildings, including the principal building, garages and detached accessory buildings, to the net area of the lot.

#### Section 5.05 Refuse Facilities

Every dwelling unit in a multifamily complex shall be located within two hundred fifty (250) feet of a refuse facility measured along the designated pedestrian and vehicular travel way. There shall be available at all times at least eight (8) cubic yards of refuse container per thirty (30) multifamily dwelling units. For complexes with less than thirty (30) units, no less than six (6) cubic yards of refuse container shall be provided. Each refuse facility shall be screened for view on three (3) sides from persons standing at ground level on the site or immediately adjoining property, by an opaque fence or wall of wood or masonry not less than six (6) feet nor more than eight (8) feet in height or by an enclosure within a building. Refuse containers shall be provided and maintained in a manner to satisfy city public health and sanitary regulations. Each refuse facility shall be located so as to provide safe and convenient pickup by refuse collection agencies.

#### Section 5.06 Special Fire Protection Requirements

Whenever densities of greater than fifteen (15) units per acre are present, each building in the development shall at the time of the construction, and thereafter be operated in accordance with currently applicable building and fire safety codes.

# Article 6: Manufactured Home Park District

## Section 6.01 Intent

**Manufactured Housing Park District.** The MH-Manufactured Housing Park District is established to permit development of manufactured home parks. This district is intended to provide a transitional land use between higher intensity non-residential uses and residential districts. This district will apply in the cities and areas of the county that community sewer is available and there is sufficient public infrastructure and services to support the increased density.

The regulations of this article do not apply to manufactured homes on individual lots that are located in other zoning districts. Manufactured homes that are not located in manufactured home parks, but are located on individual lots, shall be subject to the single-family residential requirements of the district in which they are located and further subject to Table 6.1.

## Section 6.02 Uses

Use and development of land and buildings shall only be for the following specified uses, unless otherwise provided for in this Ordinance. All applicable ICC codes adopted by the City of Bells shall also be enforced when developing structures. Uses are grouped into major categories and only those uses listed under each category are permitted. Land and/or buildings in the districts indicated at the top of the Table may be used for the purposes denoted by the following abbreviations:

P: **Permitted Use.** Land and/or buildings in this District may be used for the purposes listed by right.

S: **Special Use.** Land and/or buildings in this District may be used for this purpose by obtaining Special use approval when all applicable standards cited in Article (14).

-: **Not Permitted.** The use is not permitted in the district. Uses not listed in the table are also not permitted. Uses that are not listed in any district of the zoning ordinance, as shown, may be allowed based upon a similar/comparable use determination from the City of Bells Planning and Zoning Commission.

**Table 6.1 Schedule of Uses**

Use	MH	Use Requirements
<b>Residential</b> limited to the following:		
Home occupations	P	Article 14.01(2)(b)
Mobile home parks	P	
Mobile home subdivisions	P	
<b>Health care and social assistance</b> limited to the following:		
Day care centers, commercial/preschools	S	Article 14.07(a)
Day care homes, residential licensed for 12 or fewer children	P	Article 14.07(a)
Foster care homes	P	
Group homes licensed for 8 or fewer residents	P	Article 14.07(c)
<b>Entertainment and recreation</b> limited to the following:		
Forestry/wildlife preserve	P	
Golf course and county clubs	P	Article 14.08(c)

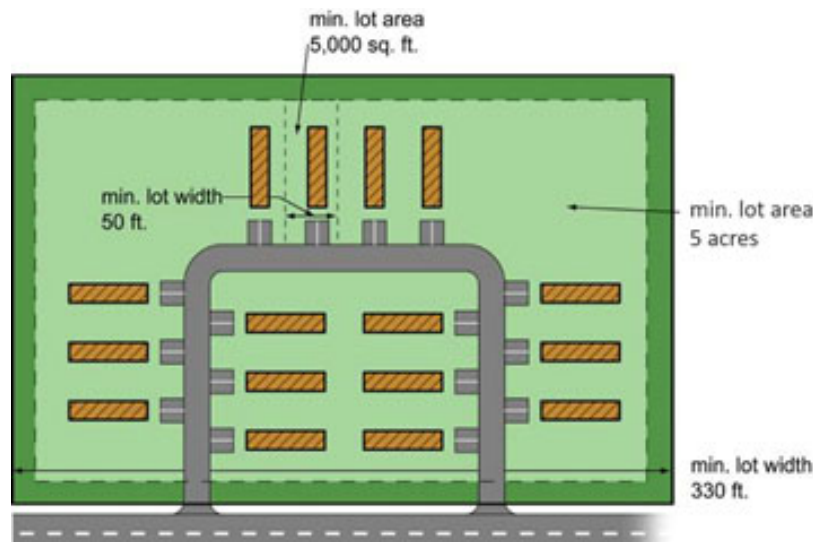
Use	MH	Use Requirements
Parks/playgrounds	P	
<b>Accommodation and food services</b> limited to the following:		
Food Truck Park	S	Article 14.05(d)
Mobile Food Units	S	Article 14.05(d)
<b>Civic, Religious and Social Organizations</b> limited to the following:		
Community centers	S	
<b>Educational services</b> limited to the following:		
Libraries	P	
Schools, elementary, middle and high	P	
<b>Public administration</b> limited to the following:		
Government buildings excluding correctional facilities	P	
Museums, civic buildings and landmarks preserved for public inspection	P	
<b>Utilities</b> limited to the following:		
Public utility buildings	S	Article 14.11(a)
Transmission lines for gas, oil and electricity	P	
Utility substations	S	
Single accessory wind energy conversion systems	S	Article 14.11 (b)(1)
Wireless communication facility – collocation	P	Article 14.11(b)
<b>Alcoholic Beverages</b> limited to the following:		
Alcoholic beverage establishment	-	Article 14.16 (3)
Alcoholic beverage store	-	Article 14.16 (3)
Brewpub	-	Article 14.16 (3)
Distillery	-	
Winery	-	
Convenience store	-	
Food store; grocery store	-	
General merchandise store	-	
Retail shops and stores other than listed	-	
Restaurant without drive-in or drive-through service	-	
Restaurant with drive-in service	-	
Restaurant with drive-through service	-	
Private Club	-	

**Section 6.03 Height and Area Regulations**

All lots shall meet the following minimum area and width requirements. No new lots shall be created or altered in a manner that does not comply with the following requirements.

Table 6.2 Lot Area and Width Requirements

District	Minimum Lot Size		Max. Res. Density (Dwellings/AC.)
	Min. Lot Area (c)	Lot Width (ft.) (d)(e)	
MH-Manufactured Home Park District			
Overall Development	5 Acres	330	8
Home sites within a park	5,000	50	8



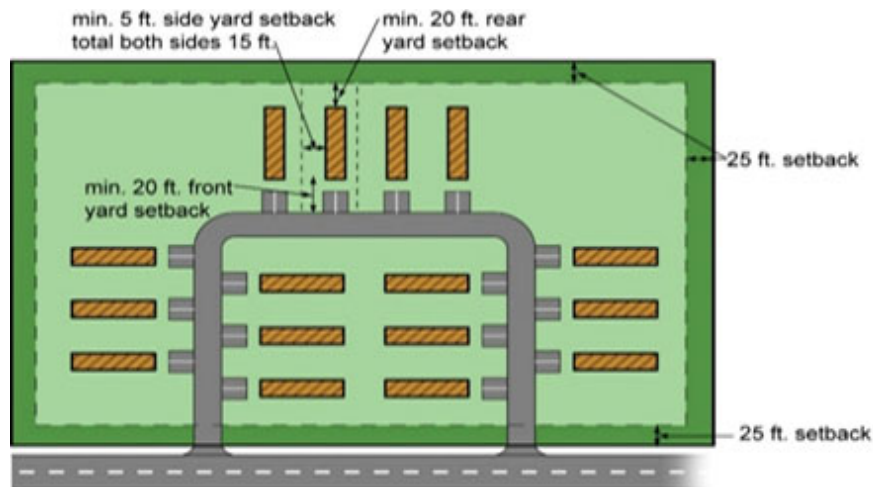
- (a) **Subdivision of Land.** All divisions to land shall be subject to the requirements set forth in the Subdivision Regulations, as applicable.
- (b) **Community Sewer.** All manufactured home parks must be served by community sewer. Community sewer refers to a community or municipal wastewater system, including an onsite cluster wastewater treatment system.
- (c) **Lot Area Calculation.** Lot area is calculated based upon the net area of the lot, measured in the horizontal plane, exclusive of any area that is part of a public road right-of-way, private road easement or submerged land beneath the ordinary high-water mark of a lake, river or stream.
- (d) **Lot Width and Frontage.** Lot width shall be measured as a straight line between the side lot lines at the minimum front yard setback of the district. All lots shall have frontage along a public road or street. The width along the road shall be sufficient to meet the lot width requirement at the minimum front yard setback. This requirement shall not apply to individual home sites within a manufactured home park that have access by a private road system that is internal to the development.
- (e) **Dominant Parcel.** The dominant tract or parcel from which any newly created lot has been divided from must also maintain the required lot width.
- (f) **Nonconforming Lots.** Lots of record that were in existence prior to the effective date of this ordinance may be used subject to the provisions of the nonconforming lot regulations of Article (17.03).

Section 6.04 **Building Dimensional Requirements**

All structures shall be subject to the dimensional regulations of the following table.

Table 6.3 Dimensional Lot Standards

District	Max. Building Height (b)		Min. Setbacks (ft.) (c, d)					Min. Floor Area per Unit (sq. ft.)
	Height (ft.)	Height (St.)	Front Yard	Side Yard	Total Both Sides	Rear Yard	Imper. Surface	Floor Area
MH- Manufactured Home Park District								
Perimeter setbacks for overall development	--	--	25	25	50	25	--	--
Individual manufactured home sites	35	2	20	5	15	20	55%	800



- (a) **Accessory Structures.** Accessory structures shall be regulated under the requirements of Article (13.02).
- (b) **Height Exceptions.** No structure shall exceed the maximum height of the district except for the allowable exceptions to the height limits contained in Article (2.09).
- (c) **Projections into Yards.** All required yard spaces shall remain as landscaped open space, except for accessory structures and architectural features that are allowed to extend or project into required setbacks per Article (2.10).
- (d) **Setback from Road.** The front yard setback shall be measured from the road right-of-way or private road easement to the property line.
- (e) **Driveway Access.** Individual manufactured home sites within a manufactured home park shall only have access from an internal road within the park. Individual units shall not have direct driveway access to a major thoroughfare.
- (f) **Frontage Greenbelt.** Manufactured housing parks shall be required to provide a 25-foot wide greenbelt along all public road frontages in accordance with Article (10.02).

- (g) **Side and Rear Buffer Zones.** Manufactured housing parks shall be required to provide landscape buffer zones around the exterior of the manufactured home park in accordance with Article (10.02).
- (h) **Maximum Lot Coverage.** The maximum lot coverage for buildings shall be measured as follows:
  - (1) The building coverage shall be calculated as the ratio of the footprint of all buildings, including the principal building, garages and detached accessory buildings, to the net area of the lot.

#### Section 6.05 **Additional Restrictions Applicable to Manufactured Home Park District**

- (a) Manufactured housing design and construction will comply with construction and safety published by the Department of Housing and Urban Development pursuant to the requirements of the National Mobile Home and Safety Standards Act of 1974. All manufactured homes will be subject to utility inspection by the permitting vendor.
- (b) All manufactured homes shall be set on a solid slab structure and/or 18" to 20" runners. Additional rooms and enclosed porches shall be constructed on a solid slab.
- (c) Tie-downs will be required and will be secured prior to occupancy.
- (d) Underpinning and skirting of like material and color or better will be required and will be installed prior to issuance of certificate of occupancy.
- (e) Accessory buildings will be either manufactured or constructed in accordance with city codes.
- (f) All manufactured homes and modular homes shall comply with all regulations of the State of Texas and such regulations are hereby incorporated into this section.

## Article 7: Commercial Districts

### Section 7.01 Intent

C1

**Commercial-Office, Light Retail and Neighborhood Services.** The C-1 District is established to provide for small/moderate neighborhood commercial nodes. This district is intended to meet the day-to-day convenience shopping, office and service needs of persons residing in the City of Bells. C-1 District designations are located within close proximity to residential neighborhoods and are intended to serve the immediate vicinity so as not to draw additional traffic from other areas of the City of Bells. In order to promote business development compatible with nearby residential, the size and scale of uses is limited and uses that would create hazards, loud noises, odors, truck traffic or late hours of operation are not allowed.

C2

**General Commercial District.** The C-2 General Commercial District is established to serve a larger population than is serviced by a C-1 District. The district is generally characterized by an integrated cluster of establishments serviced by a common parking area and generating a large volume of vehicular and pedestrian traffic. The intent of this district is also to encourage the concentration of regional business areas to the mutual advantage of both the consumers and merchants and thereby to promote the best use of land at certain strategic locations and avoid encouraging marginal strip business development along major streets.

### Section 7.02 Uses

Use and development of land and buildings shall only be for the following specified uses, unless otherwise provided for in this Ordinance. All applicable ICC codes adopted by the City of Bells shall also be enforced when developing structures. Uses are grouped into major categories and only those uses listed under each category are permitted. Land and/or buildings in the districts indicated at the top of the Table may be used for the purposes denoted by the following abbreviations:

P: **Permitted Use.** Land and/or buildings in this District may be used for the purposes listed by right.

S: **Special Use.** Land and/or buildings in this District may be used for this purpose by obtaining Special use approval when all applicable standards cited in Article (14).

-: **Not Permitted.** The use is not permitted in the district. Uses not listed in the table are also not permitted. Uses that are not listed in any district of the zoning ordinance, as shown, may be allowed based upon a similar/comparable use determination from the City of Bells Planning and Zoning Commission.

**Table 7.1 Schedule of Uses**

Use	C1	C2	Use Requirements
<b>Residential</b> limited to the following:			
Multiple-family dwellings	P	-	
Dwellings in mixed-use buildings	P	-	
Dwelling units for watchmen and operating personnel and their families	P	P	
Fraternity, sorority or student cooperatives	S	S	
Halfway Houses	S	S	



Use	C1	C2	Use Requirements
<b>Animal-related uses</b> limited to the following:			
Kennels	-		
Plant nursery and commercial greenhouses			
Roadside stands			Article 14.01(c)
Veterinary hospital for large animals			
Veterinary hospital for small animals			
<b>Retail trade</b> limited to the following:			
Retail uses up to 40,000 square feet gross floor area, except where otherwise listed	P	P	Article 14.02(a)
Any retail use between 40,000 and 60,000 square feet gross floor area	S	P	Article 14.02(a)
Any retail use over 60,000 square feet gross floor area	-	P	Article 14.02(a)
Retail uses with accessory drive through service	S	P	Article 14.02(b)
Art and school supply stores	P	P	
Bait shops	P	P	
Bakeries, retail sales only	P	P	
Business machine sales and service	P	P	
Computer sales	P	P	
Convenience stores	P	P	
Convenience stores with gasoline sales	-	S	
Feed stores	-	P	
Grocery stores/super markets	P	P	
Furnace/air conditioner sales/service	-	P	
Lawn & garden supply, greenhouse, and retail nurseries without outdoor sales	-	P	
Lawn & garden supply, greenhouse, and retail nurseries with outdoor sales	-	P	
Gift, souvenir handicraft stores	P	P	
Glass sales & service	-	P	
Hardware, electrical, plumbing, paint and floor covering sales without open storage	P	P	
Home improvement, building material sales and lumber with open storage	-	S	
Lawn mower sales/service	P	P	
Liquor stores	P	P	
Machinery and equipment sales	-	S	
Mail order business	-	P	
Marine accessory shops	-	P	

Use	C1	C2	Use Requirements
Mobile homes and trailer sales/rental	-	S	
Monument establishments--including accessory open sales lots	-	P	
Newsstands	P	P	
Office supply stores	P	P	
Open air markets and outdoor sales	-	S	
Pet shops, dog grooming and day care (not including overnight boarding)	P	P	
Petroleum products sales	-	S	
Pharmacies	P	P	
Produce markets	P	P	
Secondhand stores and rummage shops	-	P	
<b>Services</b> limited to the following:			
Barber/beauty shops	P	P	
Cleaning services	-	P	
Dry cleaners, pick-up	P	P	
Dry cleaning plants/commercial laundries	-	S	
Interior decorating shops	P	P	
Laundries	P	P	
Locksmith shops	P	P	
Pawnshops	-	S	Article 14.03(a)
Pest control services	-	S	
Photographic studios	P	P	
Repair shops, nonautomotive	-	P	
Shoe repair shops	P	P	
Tailor shops	P	P	
Tattoo establishment	-	S	Article 14.03(b)
Taxidermists	P	P	
Tool and equipment rental	-	P	
Video rental store	P	P	
<b>Motor vehicle dealers and service</b> limited to the following:			
Tire sales/storage	-	S	Article 14.15
Automobile rental	S	P	
Automobile sales (new/used)	-	S	
Automobile washes	-	S	Article 14.04(b)
Minor automobile service and repair	-	S	Article 14.04(a)
Major automobile service, body repair and painting	-	S	Article 14.04(a)
Motorcycle, snowmobile and ATV sales/service	-	P	

Use	C1	C2	Use Requirements
Parts stores	S	P	
Truck rental	-	S	
Truck sales (new/used)	-	S	
Truck stops	-	-	Article 14.04(c)
Vehicle service stations	-	S	Article 14.04(c)
Vehicle auctions	-	S	
Towing and recovery services	-	-	
<b>Accommodation and food services</b> limited to the following:			
Banquet Halls	P	P	
Bed & Breakfasts	P	P	Article 14.05(a)
Cafeterias (as an accessory use)	P	P	
Candy and Ice Cream Shops	P	P	
Catering Services	P	P	
Delicatessens	P	P	
Exhibition Halls	-	P	
Food Truck Park	P	P	Article 14.05(d)
Mobile Food Units	P	P	Article 14.05(d)
Hotel-miniums	-	-	
Hotels/Motels	-	P	
Restaurants, carryout	P	P	
Restaurants, standard not including drive-thru/in	P	P	
Restaurant, drive-thru/in	-	S	Article 14.05(b)
Restaurant and taverns with outdoor seating	S	P	
Taverns and bars	P	P	
<b>Finance, insurance, real estate, professional, scientific, and technical</b> limited to the following:			
Banks & financial institutions	P	P	Article 14.06(a)
Blueprinting and graphic art establishments	-	P	
Newspaper offices including printing	P	P	
Offices, general and professional with accessory research and testing	P	P	
Printing and publishing establishments	P	P	
Radio, television and recording studios	-	P	
Research & development laboratories	-	-	
Travel agencies	P	P	
<b>Health care and social assistance</b> limited to the following:			
Day care centers, commercial/preschools	P	P	Article 14.07(a)
Day care homes, residential	P	P	Article 14.07(a)
Foster care homes	-	-	

Use	C1	C2	Use Requirements
Funeral homes/mortuaries	P	P	Article 14.07(b)
Hospital-related uses	-	P	
Hospitals	-	S	
Medical and dental clinics	P	P	
Medical laboratories	-	P	
Group Homes	S	S	Article 14.07(c)
Optical sales	P	P	
Orthopedic and medical appliance sales	P	P	
Philanthropic and eleemosynary institutions	-	S	
<b>Entertainment and recreation</b> limited to the following:			
Amusement/arcade establishments	-	S	
Amusement parks	-	S	
Boat sales, including service	-	S	
Bowling alleys	-	P	
Canoe rental	-	P	
Commercial outdoor recreation facilities such as batting cages, driving ranges and putt-putt golf	-	S	Article 14.08(c)
Campgrounds	-	S	
Dance schools	P	P	
Forestry/wildlife preserve	P	P	
Golf course and country clubs	P	P	Article 14.08(c)
Health and athletic clubs	P	P	
Ice skating rinks	-	P	
Massage establishments	S	S	
Parks/playgrounds	P	P	
Racetracks and go-cart tracks	-	-	
Shooting ranges, indoors	-	P	
Stadiums/arenas	-	S	
Theaters	-	S	
<b>Civic, religious, social assistance organizations</b> limited to the following:			
Cemeteries	-	P	
Community centers-government owned	P	P	
Conference and convention halls	-	P	
<b>Educational services</b> limited to the following:			
Colleges, universities, and accessory uses, including housing for students	P	P	
Driving schools	-	P	
Libraries	P	P	

Use	C1	C2	Use Requirements
Schools, commercial and trade	P	P	
Schools, elementary, middle and high	P	P	
Training centers, engineering or sales	-	P	
<b>Public administration</b> limited to the following:			
Government buildings excluding correctional facilities	P	P	
Museums, civic buildings and landmarks preserved for public inspection	P	P	
<b>Transportation and warehousing</b> limited to the following:			
Bus and passenger rail terminals	P	P	
Parking structures as a principal use	P	P	
Self-storage facilities, indoor	-	S	Article 14.10(2)
Taxicab dispatching	-	P	
<b>Utilities</b> limited to the following:			
Telephone exchange buildings	P	P	
Transmission lines for gas, oil and electricity	P	P	
Utility substations	P	P	
Single accessory wind energy conversion systems	S	S	
Wireless communication facility - collocation	P	P	Article 14.11(b)
Wireless communication facility tower	S	S	Article 14.11(c)
Wireless communication facility on institutional site	S	S	Article 14.11(c)f
<b>Construction</b> limited to the following:			
Contractors' offices and shops (excluding outdoor storage)	-	P	Article 14.12(a)
Landscaping services	-	S	
<b>Mining</b> limited to the following:			
Mineral extraction & general mining operations	-	S	Article 14.14(a)
<b>Alcoholic Beverages</b> limited to the following:			
Alcoholic beverage establishment	-	S	Article 14.16
Alcoholic beverage store	P	P	Article 14.16
Brewpub	S	P	Article 14.16
Distillery	S	S	Article 14.16
Winery	S	P	Article 14.16
Convenience store	P	P	Article 14.16
Food store; grocery store	P	P	Article 14.16
General merchandise store	S	P	Article 14.16
Retail shops and stores other than listed	P	P	Article 14.16
Restaurant without drive-in or drive-through service	P	P	Article 14.16
Restaurant with drive-in service	P	P	Article 14.16

Use	C1	C2	Use Requirements
Restaurant with drive-through service	P	P	Article 14.16
Private Club	-	-	Article 14.16

### Section 7.03 Lot Area and Width Requirements

All lots shall meet the following minimum area and width requirements. No new lots shall be created or altered in a manner that does not comply with the following requirements.

**Table 7.2 Lot Area and Width Requirements**

District	Regulations	
	Max Height (ft)	Lot Width (ft) (c)
C1 – Neighborhood Commercial	45	**
C2 – General Commercial	50	**

\*\* Setbacks and Maximum Lot Coverage: None required except where non-residential use abuts a residential lot in which case the requirements shall be the same as the adjoining residential zone and shall comply with visibility and parking requirements as provided within this ordinance.

- Lot Size Reduction.** The lot area and lot width may be reduced below the amounts indicated in Table (7.2) where driveway spacing requirements of Article (11.04) can be met and the lot has a recorded easement for a shared driveway, and cross circulation with parking lots on all adjacent lots zoned or planned for business use, meeting the requirements of Article (7.03).
- Lot Area Calculation.** Lot area is calculated based upon the net area of the lot, measured in the horizontal plane, exclusive of any area that is part of a public road right-of-way, private road easement or submerged land beneath the ordinary high-water mark of a lake, river or stream.
- Lot Width and Frontage.** Lot width shall be measured as a straight line between the side lot lines at the minimum front yard setback of the district. All lots shall have frontage along a public road or street. The width along the road shall be sufficient to meet the lot width requirement at the minimum front yard setback. This requirement shall not apply to individual lots that have access by a shared service drive system within a shopping center or shared access with adjacent uses.
- Dominant Parcel.** The dominant tract or parcel from which any newly created lot has been divided from must also maintain the required lot width.
- Nonconforming Lots.** Lots of record that were in existence prior to the effective date of this ordinance may be used subject to the provisions of the nonconforming lot regulations under Article 17.03.

### Section 7.04 Building Dimensional Requirements

All structures shall be subject to the dimensional regulations of the following table.

District	Max. Building Height	
	Height (ft.) (b)	Height (St.) (b)
C1 – Neighborhood Commercial	45	2
C2 – General Commercial	50	3

- Accessory Structures.** Accessory structures shall be regulated under the requirements of Article (13.01).

- (b) **Height Exceptions.** No structure shall exceed the maximum height of the district except for the allowable exceptions to the height limits contained in Article (2.09).
- (c) **Projections into Yards.** All required yard spaces shall remain as landscaped open space, except for pavement, accessory structures and architectural features that are allowed to extend or project into required setbacks under Article (2.10).
- (d) **Outdoor Storage.** Outdoor storage shall be screened in accordance with Article (10.02). Storage areas shall meet the applicable building setback requirements from each lot line.
- (e) **Corner Lots.** Corner lots shall provide the minimum front yard setback from both road frontages.
- (f) **Double Frontage Lots.** In all zoning districts, where a double frontage lot backs-up to a roadway, the minimum required front or roadside setback shall be required from both road rights-of-way.
- (g) **Loading Areas.** All loading and unloading shall be provided off-street in the rear yard or interior side yard and shall in no instance be permitted in a front yard. Where an alley exists or is provided at the rear of buildings, the rear building setback and loading requirements may be computed from the center of the alley. Loading and unloading areas located in a side yard shall be fully screened from view from a public street. No overhead doors shall be permitted in the front elevation of the building. All residential districts and uses must be screened from truck loading and unloading activities in accordance with Article (11.03).

## Article 8: Manufacturing/Industrial District

### Section 8.01 Intent

The M-1 Manufacturing/Industrial District is established to accommodate those uses which are a non-nuisance type located in relative proximity to residential areas, and to preserve and protect land designated on the Comprehensive Plan for industrial development and use from the intrusion of certain incompatible uses which might impede the development and use of lands for industrial purposes. Development in the M-1 District is limited primarily to certain storage, wholesale, and industrial uses, such as the fabrication of materials, and specialized manufacturing and research institutions.

### Section 8.02 Uses

Use and development of land and buildings shall only be for the following specified uses, unless otherwise provided for in this Ordinance. All applicable ICC codes adopted by the City of Bells shall also be enforced when developing structures. Uses are grouped into major categories and only those uses listed under each category are permitted. Land and/or buildings in the districts indicated at the top of the Table may be used for the purposes denoted by the following abbreviations:

P: **Permitted Use.** Land and/or buildings in this District may be used for the purposes listed by right.

S: **Special Use.** Land and/or buildings in this District may be used for this purpose by obtaining Special use approval when all applicable standards cited in Article (14).

-: **Not Permitted.** The use is not permitted in the district. Uses not listed in the table are also not permitted. Uses that are not listed in any district of the zoning ordinance, as shown, may be allowed based upon a similar/comparable use determination from the City of Bells Planning and Zoning Commission.

**Table 8.1 Schedule of Uses**

Use	M1	Use Requirements
<b>Residential</b> limited to the following:		
Dwelling units for watchmen and operating personnel and their families	P	
<b>Agriculture and animal-related uses</b> limited to the following:		
Farm implement dealers	P	
Grain elevator and storage	P	
Kennels	P	
Livestock yards	S	
Locker plants	P	
Plant nursery and commercial greenhouses	P	
Produce terminals	P	
Slaughterhouse	-	
<b>Retail trade</b> limited to the following:		
Adult book and video store	-	Article 14.08 (a)
Auction houses	P	
Business machine sales and service	P	



Use	M1	Use Requirements
Furnace/air conditioner sales/service	P	
Glass sales & service	P	
Hardware, electrical, plumbing, paint and floor covering sales	P	
Machinery and equipment sales	P	
Mail order business	P	
Mobile homes and trailer sales/rental	P	
Petroleum products sales	P	
<b>Services</b> limited to the following:		
Cleaning services	P	
Dry cleaning plants/commercial laundries	P	
Locksmith shops	P	
Office service centers	P	
Pest control services	P	
Tool and equipment rental	P	
Repair shops, nonautomotive	P	
Towing/recovery services	S	
Tire sales/storage	P	Article 14.15
Massage Parlor	S	
Tattoo Establishment	S	Article 14.03 (b)
<b>Motor vehicle dealers and service</b> limited to the following:		
Automobile rental	P	
Minor automobile service and repair	P	Article 14.04 (a)
Major automobile service, body repair and painting	P	Article 14.04 (a)
Parts stores	P	
Truck rental	P	
Truck sales (new/used)	P	
Truck stops	S	Article 14.04 (c)
Vehicle auctions	P	
Vehicle salvage yards	S	Article 14.13 (c)
Vehicle service stations	S	Article 14.04 (c)
<b>Accommodation and food services</b> limited to the following:		
Cafeterias (as an accessory use)	P	
Food Truck Park	S	Article 14.05(d)
Mobile Food Units	S	Article 14.05(d)
Restaurants, carryout	S	
Restaurants, standard not including drive-thru/in	S	
Restaurant and taverns with outdoor seating	S	

Use	M1	Use Requirements
Taverns and bars	S	
Blueprinting and graphic design establishments	P	
Newspaper offices including printing	P	
Offices, general and professional with accessory research and testing	P	
Printing and publishing establishments	P	
Radio, television and recording studios	P	
Research & development laboratories	P	
<b>Health care and social assistance</b> limited to the following:		
Day care centers, commercial/preschools	S	Article 14.07(a)
Medical and dental clinics	P	
Medical laboratories	P	
Adult regulated use	-	
Boat sales, including service	P	
Boat storage	P	
Forestry/wildlife preserve	P	
Ice skating rinks	P	
Racetracks and go-cart tracks	S	
Shooting ranges, indoors	P	
Shooting ranges, outdoors	S	
Stadiums/arenas	S	
<b>Educational services</b> limited to the following:		
Driving schools	P	
Schools, commercial and trade	P	
Training centers, engineering or sales	P	
<b>Public administration</b> limited to the following:		
Government buildings excluding correctional facilities	P	
Correctional facilities	S	
Museums, civic buildings and landmarks preserved for public inspection	P	
<b>Transportation and warehousing</b> limited to the following:		
Bottled gas storage and distribution	S	
Bus and passenger rail terminals	P	
Cartage, express, and parcel delivery establishments	S	
Freight and intermodal terminals	S	
Moving companies	P	
Parking structures as a principal use	P	
Self-storage facilities, indoor	P	
Self-storage facilities, outside	P	

Use	M1	Use Requirements
Taxicab dispatching	P	
Warehouses	P	Article 14.10
Wholesale business	P	
<b>Manufacturing</b> limited to the following:		
Manufacturing uses. Any establishment the principal use of which is manufacturing, fabricating, processing, assembling, disassembling, repairing, cleaning, servicing, testing, and storing of materials, products, and goods provided operations conform with the performance standards applicable to the district in which it is located.	P	
Beverage bottling plants	P	
Paper product manufacturing	-	
Building material manufacturing including milling, planing and joining	P	
Chemical manufacturing and storage	S	
Explosive manufacturing and storage	S	
Food processing	P	
Foundries	-	
Heavy industry	-	
Machine, sheet metal and welding shops	P	
Petroleum tank farms	S	
Sawmills	P	
<b>Utilities</b> limited to the following:		
Power generation plants	S	Article 14.11 (a)
Public utility buildings	P	Article 14.11(a)
Sewage treatment plants	S	
Telephone exchange buildings	P	
Transmission lines for gas, oil and electricity	P	
Utility substations	P	
Single accessory wind energy conversion systems	S	Article 14.11 (b)
Commercial wind energy conversion systems	S	Article 14.11 (b)
Wireless communication facility – collocation	P	Article 14.11(c)
Wireless communication facility tower	S	Article 14.11(c)
Wireless communication facility on institutional site	S	Article 14.11(c)
<b>Construction</b> limited to the following:		
Building materials storage yard without retail sales	S	
Concrete and gravel crushing	-	
Contractors' offices and shops (excluding outdoor storage)	P	
Contractors' outdoor storage	S	Article 14.12 (a)
Landscaping services	P	

Use	M1	Use Requirements
<b>Waste processing and disposal</b> limited to the following:		
Processing, storage, transfer stations, disposal or incineration of solid waste, hazardous waste or medical waste	S	Article 14.13 (a)
Recycling facility, non-hazardous	P	Article 14.13 (b)
Salvage yards	-	Article 14.13 (c)
Sanitary landfills	S	Article 14.13 (d)
<b>Mining</b> limited to the following:		
Mineral extraction & general mining operations	S	Article 3.14 (a)
<b>Alcoholic Beverages</b> limited to the following:		
Alcoholic beverage establishment	S	Article 14.16
Alcoholic beverage store	P	Article 14.16
Brewpub	P	Article 14.16
Distillery	S	Article 14.16
Winery	P	Article 14.16
Convenience store	S	Article 14.16
Food store; grocery store	P	Article 14.16
General merchandise store	P	Article 14.16
Retail shops and stores other than listed	S	Article 14.16
Restaurant without drive-in or drive-through service	S	Article 14.16
Restaurant with drive-in service	S	Article 14.16
Restaurant with drive-through service	S	Article 14.16
Private Club	S	Article 14.16

**Section 8.03 Lot Area and Width Requirements**

All lots shall meet the following minimum area and width requirements. No new lots shall be created or altered in a manner that does not comply with the following requirements.

**Table 8.2 Lot Area and Width Requirements**

District	Minimum Lot Size (b)	
	Lot area (sq. ft.)	Lot Width (ft.)©
M1 Light Industrial District	**	**

\*\* None required except where non-residential use abuts a residential lot in which case the requirements shall be the same as the adjoining residential zone and shall comply with visibility and parking requirements as provided within this ordinance.

- (a) **Nonconforming Lots.** Lots of record that were in existence prior to the effective date of this ordinance may be used subject to the provisions of the nonconforming lot regulations of Section 17.03

Section 8.04 **Building Dimensional Requirements**

All structures shall be subject to the dimensional regulations of the following table.

**Table 8.3 Building Dimensional Requirements**

District	Max. Building Height (b)
M1 Light Industrial District	50

- (a) **Accessory Structures.** Accessory structures shall be regulated under the requirements of Article (12.02).
- (b) **Height Exceptions.** No structure shall exceed the maximum height of the district except for the allowable exceptions to the height limits contained in Article (2.09).
- (c) **Outdoor Storage.** Outdoor storage shall be screened in accordance with Article (10.02). Storage areas shall meet the applicable building setback requirements from each lot line.
- (d) **Setback from Road.** The front yard setback shall be measured from the road right-of-way or private road easement. Detention/retention ponds shall be allowed at a safe distance from all adjacent property lines and not negatively impact the adjacent property owners existing natural ground.
- (e) **Parking Setback.** Parking lots shall be required to meet the front yard setback. Parking shall be permitted in the side or rear yard setback. Where a parking lot or loading area borders on a residential district, there shall be provided a buffer and screening from the residential district, as required in Article (10.02).
- (f) **Corner Lots.** Corner lots shall provide the minimum front yard setback from both road frontages.
- (g) **Double Frontage Lots.** In all districts, where a double frontage lot backs-up to a roadway, the minimum required front or roadside setback shall be required from both road rights-of-way.
- (h) **Loading Areas.** All loading and unloading shall be provided off-street in the rear yard or interior side yard and shall in no instance be permitted in a front yard. Where an alley exists or is provided at the rear of buildings, the rear building setback and loading requirements may be computed from the center of the alley. Loading and unloading areas located in a side yard shall be fully screened from view from a public street. No overhead doors shall be permitted in the front elevation of the building. All residential districts and uses must be screened and/or landscaped from truck loading and unloading activities in accordance with Article (11.03).
- (i) **Maximum Lot Coverage.** The maximum lot coverage for buildings and impermeable surface shall be measured as follows:
  - (1) The building coverage shall be calculated as the ratio of the footprint of all buildings, including the principal building, garages and detached accessory buildings, to the net area of the lot.
  - (2) The total impermeable surface coverage shall be calculated as the ratio of the ground area covered by all buildings, accessory structures, decks, pools, pavement, parking, loading and storage areas, normal pool area of wet detention basins to the net lot area.

## Article 9: Planned Development District

### Section 9.01 **General Purpose and Description**

The Planned Development District "PD" prefix is intended to provide for combining and mixing of uses allowed in various districts with appropriate regulations and to permit flexibility in the use and design of land and buildings in situations where modification of specific provisions of this chapter is not contrary to its intent and purpose or significantly inconsistent with the planning on which it is based and will not be harmful to the community. A PD District may be used to permit new and innovative concepts in land utilization. While great flexibility is given to provide special restrictions which will allow development not otherwise permitted, procedures are established herein to insure against misuse of the increased flexibility.

### Section 9.02 **Permitted Uses**

Any use specified in the ordinance granting a Planned Development District shall be permitted in that district. The size, location, appearance and method of operation may be specified to the extent necessary to ensure compliance with the purpose of this chapter.

### Section 9.03 **Development Standards**

- (a) Development standards for each separate PD District shall be set forth in the ordinance granting the PD District and may include but shall not be limited to uses, density, lot area, lot width, lot depth, yard depths and widths, building height, building elevations, coverage, floor area ratio, parking, access, screening, landscaping, accessory buildings, signs, lighting, management associations, and other requirements as the City Council may deem appropriate.
- (b) In the PD District, the particular district(s) to which uses specified in the PD are most similar shall be stated in the granting ordinance. All PD applications shall list all requested variances from the standard requirements set forth throughout this chapter (applications without this list will be considered incomplete).
- (c) The ordinance granting a PD District shall include a statement as to the purpose and intent of the PD granted therein. A specific list is required of variances in each district or districts and a general statement citing the reason for the PD request.
- (d) The Planned Development District shall conform to all other sections of the ordinance unless specifically exempted in the granting ordinance.

### Section 9.04 **Conceptual and Development Plan**

In establishing a Planned Development District, the City Council shall approve and file as part of the amending ordinance appropriate plans and standard for each Planned Development District. During the review and public hearing process, the City Council shall require a conceptual plan and a development plan (or detail site plan).

- (a) **Conceptual plan.** This plan shall be submitted by the applicant. The plan shall show the applicant's intent for the use of the land within the proposed Planned Development District in a graphic manner and shall be supported by written documentation of proposals and standards for development. Any requested phasing shall be included and identified.
  - (1) A conceptual plan for residential land use shall show general use, thoroughfares and preliminary lot arrangements. For residential development which does not propose platted lots, the conceptual plan shall set forth the size, type and location of buildings and building

sites, access, density, building height, fire lanes, screening, parking areas, landscaped areas and other pertinent development data.

- (2) A conceptual plan for uses other than residential uses shall set forth the land use proposals in a manner to adequately illustrate the type and nature of the proposed development. Data which may be submitted by the applicant, or required by the City Council, may include, but is not limited to, the types of use(s), topography and boundary of the PD area, physical features of the site, existing streets, alleys and easements, location of future public facilities, building heights and locations, parking ratios and other information to adequately describe the proposed development and to provide data for approval which is to be used in drafting the final development plan.
  - (3) Changes of detail which do not alter the basic relationship of the proposed development to adjacent property and which do not alter the uses permitted or increase the density, building height or coverage of the site and which do not decrease the off-street parking ratio, reduce the yards provided at the boundary of the site, or significantly alter the landscape plans as indicated on the approved conceptual plan may be authorized by the Building Official or his or her designated representative. If an agreement cannot be reached regarding whether or not a detail site plan conforms to the original concept plan, the City Council shall determine the conformity.
- (b) **Development plan or detailed site plan.** This plan shall set forth the final plans for development of the Planned Development District and shall conform to the data presented and approved on the conceptual plan. Approval of the development plan shall be the basis for issuance of a building permit. The development plan may be submitted for the total area of the PD or for any section by the City Council. A public hearing on approval of the development plan shall be required at the Council level, unless a hearing is waived pursuant to division (A) above at the time of conceptual plan approval in the original amending ordinance. The development plan shall include:
- (1) site inventory analysis including a scale drawing of existing vegetation, natural water courses, creeks or bodies of water, and an analysis of planned changes in natural features as a result of the development. This should include a delineation of any flood prone areas;
  - (2) scale drawing showing any proposed public or private streets and alleys; building sites or lots; and areas reserved as parks, parkways, playgrounds, utility easements, school sites, street widening and street changes; the points of ingress and egress from existing streets; general location and description of existing and proposed utility services, including size of water and sewer mains; the location and width for all curb cuts and the land area of all abutting sites and the zoning classification thereof on an accurate survey of the tract with the topographical contour interval of not more than five feet;
  - (3) A site plan, including phasing, for proposed building complexes showing the location of separate buildings, and between buildings and property lines, street lines and alley lines. Also to be included on the site plan is a plan showing the arrangement and provision of off-street parking;
  - (4) A landscape plan showing screening walls, ornamental planting, wooded areas and trees to be planted; and
  - (5) An architectural plan showing elevations and signage style to be used throughout the development in all districts, except single-family and two-family may be required by the City

Council if deemed appropriate. Any or all of the required information may be incorporated on a single drawing if the drawing is clear and can be evaluated by the Building Official or his or her designated representative.

#### Section 9.05 **Procedure for Establishment**

The procedure for establishing a Planned Development District shall follow the procedure for zoning amendments as set forth in Article 19. This procedure is expanded as follows for approval of conceptual and development plans.

- (a) Separate public hearings shall be held by City Council for the approval of the conceptual plan and the development plan or any section of the development plan, unless the requirements are waived by the City Council upon a determination that a single public hearing is adequate. A single public hearing is adequate when:
  - (1) The applicant submits adequate data with the request for the Planned Development District to fulfill the requirements for both plans;
  - (2) Information on the concept plan is sufficient to determine the appropriate use of the land and the detail site plan will not deviate substantially from it; and
  - (3) The requirement is waived at the time the amending ordinance is approved. If the requirement is waived, the conditions shall be specifically stated in the amending ordinance.
  - (4) The ordinance establishing the Planned Development District shall not be approved until the conceptual plan is approved.
  - (5) The development plan may be approved in sections. When the plan is approved in sections, the separate approvals by the City Council for the initial and subsequent sections will be required.
  - (6) An initial development plan shall be submitted for approval within six months from the approval of the conceptual plan or some portion of the conceptual plan. If the development plan is not submitted within six months, the conceptual plan is subject to re-approval by the City Council. If the entire project is not completed within two years, the City Council may review the original conceptual plan to ensure its continued validity.
  - (7) Regardless of whether the public hearing is waived for the development plan, approval by the City Council is still required.
  - (8) These procedures to set zoning are separate and do not alleviate subdivision and platting procedures and requirements.

#### Section 9.06 **Written Report May be Required.**

When a PD is being considered, a written report may be requested of the applicant discussing the impact on planning, engineering, water utilities, electric, sanitation, building inspection, tax, police, fire and traffic. Written comments from the applicable public school district and from private utilities may be submitted to the City Council.

#### Section 9.07 **Planned Developments to be Recorded.**

All Planned Development Districts approved in accordance with the provisions of this chapter in its original form, or by subsequent amendment thereto, shall be referenced on the Zoning District Map, and a list of the Planned Development Districts, together with the category of uses permitted therein, shall be



## Article 10: Site Development Provisions

### Section 10.01 Intent

- (a) **Purpose.** The purpose of this section is to establish exterior building wall material standards to retain and increase property values, protect the investment of adjacent landowners and enhance the visual environment of the community. Through the consistent administration and enforcement of exterior building wall design standards, the community's sense of place and image can be enhanced by encouraging consistent quality buildings.
- (b) **Applicability.**
  - (1) This section shall apply to all new multiple family residential, office, commercial, industrial and institutional buildings. Single-family detached and two-family residential structures and their associated accessory buildings shall be exempt from this section.
  - (2) Additions to existing buildings must complement the current building design with regard to height, proportions, scale, materials, and rhythm of openings.
  - (3) Plans shall be reviewed by the City of Bells Planning and Zoning Commission as a part of site plan review under the requirements of this section.
- (c) **Exterior Building Design.**
  - (1) Buildings shall possess architectural variety but enhance the overall cohesive community character. All buildings shall contain architectural features, details, and ornaments such as archways, colonnades, cornices, recesses, projections, wall insets, arcades, window display areas, peaked roof lines, or towers/parapets.
  - (2) Building walls and roofs over 20 feet in length shall be broken up with divisions or breaks in materials, varying building lines, windows, multiple entrances, entry treatments, variations in roof lines, gables, porticoes and/or architectural accents such as pilasters, columns, dormers, and awnings.
  - (3) In multi-story buildings, the ground floor shall be distinguished from the floors above through an intermediate cornice line, a difference in building materials or detailing, an awning, trellis or arcade, special window lintels, or brick corbels or quoins.
  - (4) A portion of the on-site landscaping shall be located along all blank walls so that the vegetation, combined with the architectural features, significantly reduces the visual impact of the building mass as viewed from the street.
  - (5) Overhead doors shall not face a public street. The Planning and Zoning Commission may modify this requirement upon a determination that there is no reasonable alternative and the visual impact will be moderated through use of building materials, architectural features and landscaping.
- (d) **Roof Design.**
  - (1) Roofs should be designed to reduce the apparent exterior mass of a building, add visual interest, and be appropriate to the architectural style of the building.
  - (2) Architectural methods shall be used to conceal mechanical equipment located on structures with flat roof tops.
- (e) **Customer Entrances.** Clearly defined, highly visible customer entrances shall be incorporated into the design. Features such as canopies, porticos, arcades, arches, wing walls or integral planters

shall be used to identify entrances. New buildings shall have at least one (1) principal building entrance oriented parallel to and facing the front lot line of the building,

- (f) **Modifications.** The Planning and Zoning Commission may approve modifications to the building design standards of this section in order to achieve the objectives of this subsection through the use of creativity and flexibility in development and design. A front elevation drawing of the proposed building shall be provided to evaluate the proposed building design based upon all of the following criteria:
- (1) Innovations in architectural design may be permitted, provided the building design shall be in keeping with the desired character of the district and the proposed building fits within the context of adjacent buildings along the block.
  - (2) The building shall be oriented towards the front sidewalk and maintain or enhance the continuity of the pedestrian oriented environment.
  - (3) The roof design shall not be out of character with other buildings along the block and shall be within the minimum and maximum height requirements of the district.
  - (4) The exterior finish materials shall be of equal or better quality and durability as those permitted above, with the intent to allow for new technologies in building material while maintaining the desired character of the district.

#### Section 10.02 Screening Walls

- (a) **Requirement.** Screening walls shall be required where any parking lot, loading area or outside storage area is adjacent to a residential zoning district or existing residential use.
- (b) **Specifications.** Where required, screening walls shall meet the following requirements:
- (1) Wall height shall be a minimum of six (6) feet tall and a maximum of eight (8) feet tall, measured from the average grade along the property line. Within the front yard, walls shall be a maximum of three and a half (3½) feet tall except where a taller wall is approved by the Planning and Zoning Commission for the purposes of screening outdoor storage. In the industrial districts, a greater height may be allowed by the Planning and Zoning Commission to screen large equipment, vehicles, outdoor storage or activities that could otherwise impact adjacent uses.
  - (2) Walls shall be constructed of brick or other ornamental masonry material compatible with the principal structure. Building materials must be reviewed and approved by the Planning and Zoning Commission during site plan review. The Planning and Zoning Commission may approve the use of a privacy fence where it is determined to be more compatible with adjacent residential uses.
  - (3) Walls must be constructed on the lot line; however, this location may be modified by the Planning and Zoning Commission due to special circumstances, such as conflicts with underground utilities and better screening provided at alternative locations.
  - (4) Walls shall be continuous except for openings for pedestrian connections.
  - (5) A berm of equal or greater height may be substituted for the screening wall requirement

#### Section 10.03 Lighting Regulations

- (a) **Applicability.** The regulations of this section shall apply to all uses, except residential uses. Where any change is made to a site requiring an improvement location permit or existing light fixtures are replaced, site lighting shall be upgraded to comply with the regulations of subsection (c) below.

- (b) **Lighting Intensity.** Outdoor lighting for all non-residential uses shall be fully shielded to reduce glare and shall be arranged to reflect light away from all adjacent residential districts or uses. Light levels on a site that is subject to an improvement location permit under this ordinance shall comply with the limits specified in Table 10.1 below.

**Table 10.1 Lighting Intensity Standards**

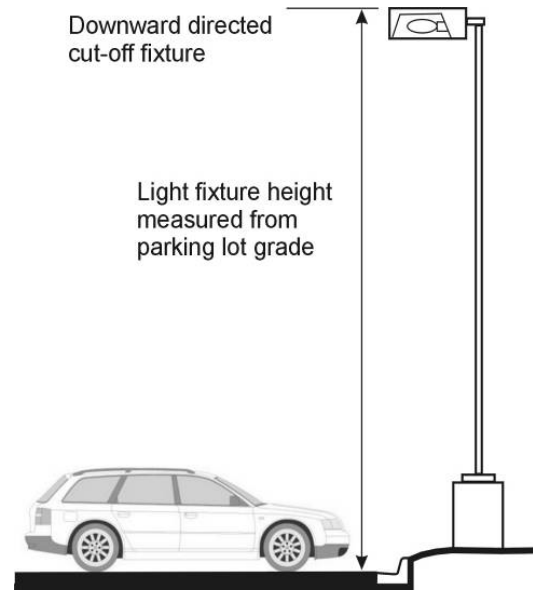
	<b>Maximum Illumination (foot candles)</b>	<b>Minimum Illumination (foot candles) (4)(5)</b>
Parking lots, loading areas, sidewalks, crosswalks, stairs and building entrances	10 fc (1)	3 fc (6)
Under canopies such as gas stations, drive-thru banks and porte-cocheres	20 fc	3 fc
Along front lot line adjacent to the street frontage	3 fc (2)	0.5 fc
Along a property line adjoining a non-residential use or district	3 fc (3)	0.5 fc
Along a property line adjoining a residential use or district.	0.1 fc	0 fc

- (1) Any outdoor sales areas, the maximum illumination may be increased to 15-foot candles, provided the illumination limits at the property line are not exceeded.
- (2) Shall not apply to ornamental street lighting, public street lights or driveway/intersection lighting necessary for pedestrian and traffic safety.
- (3) The light level along a non-residential property line may be increased to up to five (5) foot candles where there are shared access/vehicular connections with the adjacent use, or the adjacent use is a similar use. Example would be two commercial districts sharing a common boundary.
- (4) Lighting levels may be reduced to half (0.5) foot candle with a uniformity ratio of not more than ten to one (10:1) after 12:00 PM, or after established hours of operation.
- (5) The required minimum illumination shall only apply to the developed portion of the site containing buildings, drives and parking lots.
- (6) The minimum illumination levels shall not apply to portions of the site that are fenced to restrict public access, such as storage yards.

(c) **Light fixtures**

- (1) All fixtures shall be light-emitting diode (LED) or better quality/efficiency light.
- (2) Outdoor lighting in all zoning districts shall be directed toward and confined to the ground areas of lawns or parking lots except as noted elsewhere in this section.
- (3) Lighting shall utilize cutoff fixtures that are recessed sufficiently such that the light source is not visible from off site.
- (4) The requirement for cutoff fixtures shall not apply to historic or traditional style ornamental lights and street lighting.
- (5) Floodlight type fixtures shall not be permitted except for building accent and sign lighting.

- (d) **Fixture Height.** Light fixtures shall have a maximum height of 40-feet where not adjacent to residential. Where located within 200-feet of a residential district, the maximum height of a light fixture shall not exceed 18 feet.
- (e) **Signs.** Illumination of signs shall be directed or shielded downward so as not to interfere with the vision of persons on the adjacent highways or adjacent property. Signage lighting shall be subject to the lighting intensity limits specified in Sign Regulation Article.
- (f) **Constant Light.** Illumination shall not be of a flashing, moving or intermittent type. Artificial light shall always be maintained stationary and constant in intensity and color when in use. Sign illumination shall only be allowed as provided for in article 12.06 (d).
- (g) **Luminous Tube (Neon) and Exposed Bulb Lighting.** Luminous tube (neon) and exposed bulb fluorescent lighting is prohibited as an architectural detail on all buildings (ex. along the roofline and eaves, around windows, etc.). Internally illuminated architectural bands or features shall be allowed where the light source is not directly visible. Neon lighting is permitted as part of a sign meeting the requirements of Article 12.06 (d).
- (h) Any site plan application for new or revised lighting shall include a photometric plan overlaid on the site plan illustrating the proposed layout and foot candles of site lighting. The following are required for review:
  - (1) Lighting plan showing light pole and fixture locations and type designations;
  - (2) Photometric plan showing horizontal luminance levels in a point by point format with contour lines. Canopy lighting will also be included in luminance levels;
  - (3) Lighting manufacturers equipment specifications and data sheets; and
  - (4) Any other presentations required to convey the intent of the design.



**Section 10.04 Waste Receptacles**

- (a) **Applicability.** The regulations of this section shall apply to all uses except residential uses with curb- side trash collection service. The Planning and Zoning Commission may modify the requirements of this section for a use that has alternative means of waste disposal and will have no outdoor storage of waste receptacles.
- (b) **Location.**
  - (1) Waste receptacles including dumpsters with enclosures, shall be located in the rear yard or side yard, unless otherwise approved by the Planning and Zoning Commission.
  - (2) For non-residential uses adjoining/adjacent to a residential district, the waste receptacle enclosure shall be as far as practical, and in no case less than 10 feet, from any adjacent residential district.
  - (3) Waste receptacles shall be easily accessed by refuse vehicles without potentially damaging automobiles parked in designated parking spaces or interfering with the normal movement of vehicles on or off the site.
- (c) **Enclosure Materials and Screening Required.**

- (1) All waste receptacles, including dumpsters and compactors, must be enclosed on three (3) sides with a six (6) foot high masonry enclosure constructed of the primary building materials of the principal building on the site.
  - (2) The enclosure shall also include a gate, made of wood or other high-quality material, as determined by the Planning and Zoning Commission, on the fourth side. If the waste receptacle is a dumpster, it must have an enclosing lid or cover.
  - (3) All waste receptacles, associated enclosures and receptacle contents must be screened from public view.
  - (4) Supplemental landscaping to screen the waste receptacle enclosure shall be provided.
- (d) **General.**
- (1) The waste receptacle base shall be at least nine (9) feet by six (6) feet in area, constructed of six (6) inches of reinforced concrete pavement.
  - (2) The base shall extend six (6) feet beyond the waste receptacle pad or gate to support the front axle of a refuse vehicle.
  - (3) Posts, bollards or bumpers shall also be provided to protect the enclosure from damage.
  - (4) The shared use of receptacles shall be allowed by adjoining businesses where sharing will not create a health or safety concern and where it does not result in the accumulation of visibly excessive quantities of waste.

#### Section 10.05 Mechanical Equipment

- (a) **Applicability.** Any mechanical equipment or utilities and similar equipment associated with a commercial use, including water and gas meters, elevator housings, stairways, tanks, heating, ventilation and air conditioning equipment, and other similar equipment, shall comply with the requirements of this section.
- (b) **Roof-Mounted Equipment Screening.** All roof-mounted equipment shall be screened by a solid wall or architectural feature that is compatible in appearance with the principal building; or the equipment shall be setback away from the edge of the building a distance sufficient to ensure that it is not visible from the public road or adjacent property. This requirement shall not apply to industrial buildings in an industrial district.
- (c) **Ground-Mounted Equipment.** All ground-mounted equipment shall be screened by a solid wall, fence or landscaping. Landscaping must create a continuous screen with the starting size of the plant material equal to or greater than the height of the equipment at the time of planting.

#### Section 10.06 Recreational Ponds

- (a) **Applicability.** Any recreational pond that will be greater than 1000 square feet in surface area and is not regulated as a retention or detention pond (retention and detention ponds have their own set standards). A permit will be required for any existing pond that shall have its surface area increased by more than 1000 square feet or any new recreational pond over 1000 square foot in size.
- (b) **Dimensional Standards.**
  - (1) **ROW Setbacks.** All ponds shall be separated from any road right-of-way by no less than fifty 50-feet, measured from the top of bank or the normal fixed pool if no defined top of bank is present, using the most restrictive right-of-way possible. The owner shall be responsible for verifying the right-of-way width with TXDOT or City of Bells having jurisdiction over said public road and provide this information to the Planning and Zoning Commission. Use of

adequately-designed guard rails, berms, or other structural measures are encouraged and may be considered in lieu of the above-noted setbacks to reduce the chances of vehicles sliding into the pond.

- (2) **Property Setbacks.** If there is no pond bank, the high-water mark of the pond should be a minimum of 20-feet from all property lines. For ponds with banks, the embankment fill should be a minimum of 20-feet from all property lines. A variance to these setback requirements will be granted if a written agreement is established between affected property owners and be recorded in the County Recorder's Office.
  - (3) **Ponds Between Adjacent Parcels.** Property owners may construct a pond across property lines if there is a written agreement established between affected property owners and recorded in the County Recorder's Office.
  - (4) **Utility Setbacks.** Due to the safety considerations of the public and emergency rescue personnel, no pond temporary or permanent, shall be constructed under or within thirty 30-feet of any high voltage electric line or utility pole. Variation from this policy shall require written approval from the affected utility provider.
  - (5) **Waste Setbacks.** Recreational Ponds must be 50-feet from any septic field. This includes septic fields of adjoining neighbors. If the pond has an overflow pipe, this would be measured from the normal pool level of the pond. If there is no overflow pipe, then the 50-feet would be measured from top of bank.
- (c) **Design Elements Standards.**
- (1) **Rise/Run Safety Ledge.** Ponds shall have a horizontal safety ledge 6 to 8-feet in width be incorporated in which the water depth of the pond over the ledge does not exceed 18 inches anywhere within 6 – 8 feet of the normal water level of the pond or a security fence around the pond be incorporated as a safety precaution.
  - (2) **Artificial Water.** If there is added artificial water being drained to the pond from an outside source such as a geothermal system, pool, boiler, etc. the pond outfall must flow to an approved drainage conveyance such as a waterway, county regulated tile, drainage easement or an arranged drainage agreement, or other City approved drainage facility.
  - (3) **Detention Volume.** Ponds shall have a detention volume of no less than 6 inches (distance between primary outfall and emergency overflow should be a minimum of 6 inches). Greater detention depth may be required for approval based on the adequacy of the conveyance system.
  - (4) **Outflow Pipe.** Ponds should have an outfall pipe or overflow weir that discharges to an adequate capacity drainage conveyance such as a waterway, county regulated tile, drainage easement or drainage agreement, or other approved drainage facility. If an acceptable drainage conveyance is not present and the outlet or weir opens onto the owner's property where flow will discharge to an adjoining property, the outlet opening must be located at a distance from the property line equal to or greater than the largest length of the pond. This distance would be measured from the property line where the outfall water will flow to the outlet. Compliance with this provision shall not relieve the owner from any additional duties under Texas law with respect to the discharge of such water onto an adjoining property.
  - (5) **Excavation.** No excavation shall occur, and no fill shall be placed within 75-feet of any regulated drain unless authorized by the County Development Service. The excavated dirt

from the pond shall not be placed within a floodplain or wetland. Pond can be constructed within floodplain, but no banks will be allowed.

- (6) **Erosion/Sediment Control.** Installation and maintenance of appropriate perimeter erosion and sediment control measures to prevent adjacent lots from being damaged by runoff shall be installed. Adjacent lands disturbed by the pond construction must be repaired and stabilized with seeding or some other form of stabilization immediately. Any land disturbing activity occurring off of petitioners’ real property shall be pre-ordained by written agreement with the affected land owner. Erosion and sediment control measures for concentrated flow areas such as swales and pipe outfalls shall be seeding and measures that will be utilized to address disturbed ground. Storm sewer inlet protection measures must be undertaken if storm inlets are present.
- (7) **Clean-Outs.** Contractor or owner must clean-up of sediment that is either tracked or washed onto roads. Clearing of the sediment shall not include flushing the area with water. Cleared sediment must be redistributed or disposed of in a manner that follows all applicable State statutes and rules.
- (d) **Site Plan Elements.** The application for a permit shall be accompanied by the following:
  - (1) A description of the proposed development and legal description of the property site.
  - (2) Plan review fee and inspection fee must be paid, with check or money order payable to City of Bells . Fees will be set by the adopted permit fee schedule.
  - (3) A dimensioned site plan or sketch plan, drawn to scale showing existing and proposed pond locations and existing and proposed land grades. Engineered site plans must include all the information listed below. Sketch plans shall include the information noted with an “x;” provided the level of detail is sufficient to demonstrate compliance with this ordinance.

**Table 10.2 Site Plan/Sketch Plan Information**

Site Plan/Sketch Plan Information	Site Plan
Name, address and seal of professional engineer or land surveyor who prepared the site plan	X
The address of the parcel	X
Photograph of existing site conditions	X
Property survey showing topography, existing structures, utilities and elevation	X
Property boundaries, including dimensions	X
Net lot area (exclusive of any road right-of-way, or submerged land)	X
Drawing scale and a north arrow	X
Site location map showing the subject property, adjacent streets, and the nearest intersection	X
Zoning of site and adjacent land	X
Rights-of-way (with street name and classification labeled) and easements	X
Drainage courses, floodplains, lakes, streams and wetlands	X
Required setbacks and yard areas	X
Adjacent buildings, structures or pavement within 100 feet of site, including buildings and decks on adjacent waterfront lots	X

Site Plan/Sketch Plan Information	Site Plan
All existing and proposed structures or other site improvement with the dimensions of such improvements	X
Height of all existing structures and proposed	
Distances from all proposed structures to the property lines	X
Utility information including water mains, water service leads, fire hydrants, septic/sewer lines	X
Location of any existing or proposed driveway and/or parking areas	X
Parking space dimensions, number of required and provided parking spaces, driving aisle widths, pavement materials, curb locations	
Driveway widths, intersection radii, pavement materials, curb locations, deceleration tapers, and distances to the nearest drives on the same and opposite side of the street	
Location of any drive-through facilities, including vehicle stacking spaces and point of service	
Location of any loading areas	
Sidewalks (public and private) including construction details and accessible ramp details;	
Landscaping, with plant materials labeled according to size at planting and species	X
Permanent or occasional outdoor storage, sales, and/or display	
Fences or walls	X
Photometric plan and detailed specifications for all exterior lighting fixtures	
Waste containers and a detail demonstrating how they are to be enclosed	
Location, type, and dimensions of any storm water structures, stormwater landscaping, conduits, or detention/retention ponds that are located on, cross, or adjoin the subject property	X
General grades on-site sufficient to determine proper drainage	X
Flood hazard areas, including the finished floor elevation, base flood elevation, and flood protection grade for all structures;	X
Show how the water will be rerouted to prevent adverse harm to neighboring properties.	X
Show how tile interceptions will be dealt with and addressed to prevent adverse harm to other property owners.	X
Show the design dimensions of the pond and pond banks, grade within the pond, the depth of the pond and normal pool level, and the location and size of the proposed outlet and emergency overflow and where water will be discharged.	X
The boundary of the property the pond is to be constructed on and the location of buildings on or near the property. (Re: boundary survey in the form of a Retracement Survey, Original Survey, or a Surveyor Location Report should be provided)	X

- (e) **Assurances.** The project site owner must sign and submit a Pond Construction Waiver of Liability, Assumption of Risk and Indemnity Agreement certifying that the City of Bells is not responsible for future accidents, incidents, or damages as a result of the construction of this pond. This agreement should be properly recorded in the County Recorder’s Office.



- (f) **Permit term.** The pond permit shall be valid for 180 days after the date of issuance. If no work has occurred in connection with the permit within one (1)-year of permit issuance, the permit shall be null and void the petitioner shall be required to apply for and obtain a new permit. If work has started but is not completed, an extension can be requested.

# Article 11: Parking Provisions

## Section 11.01 Off-Street Parking Requirements

- (a) **Applicability of Parking Requirements.** For all buildings and uses established after the effective date of this ordinance, off-street parking shall be provided as required by this Article.
  - (1) Whenever use of a building or lot is changed to another classification of use, off-street parking facilities shall be provided as required by this Article.
  - (2) If the intensity of use of any building or lot is increased, through the addition of floor area, increase in seating capacity or other means, additional off-street parking shall be provided for such increase in intensity of use.
  - (3) Off-street parking facilities in existence on the effective date of this ordinance shall not be reduced below the requirements of this Article.
  - (4) An area required for off-street parking shall not be changed to another use, unless equal parking facilities are provided elsewhere in the City in accordance with the provisions of this Article.
  
- (b) **Required Off-Street Parking Spaces.** The minimum number of required off-street parking spaces shall be provided on premise, in accordance with Table 11.1, or as otherwise allowed by this Article.
  - (1) **Fractional Spaces.** When units or measurements determining the number of required parking spaces result in a fraction over one-half (1/2) a full parking space shall be required.
  - (2) **Uses not Listed.** For uses not specifically listed in Table 11.1, the required parking shall be in accordance with that of a similar use as determined by the Planning and Zoning Commission, based on documentation provided by the applicant regarding the specific parking needs of the use.
  - (3) **Bench Seating.** In calculating bench seating, if sought, for places of assembly, each 24 inches of bench, or similar seating facilities shall be counted as one (1) seat; except, if specifications and plans filed with the City denote a certain seating capacity that may be used as the basis for required parking space.
  - (4) **Employees.** Where the number of spaces required is based on the number of employees, calculations shall be based upon the maximum number of employees likely to be on the premises during the peak shift.
  - (5) **Floor Area.** Unless otherwise indicated, floor area shall be gross floor area (GFA) as defined in the Definitions Article.
  - (6) **Occupancy.** Where parking requirements are based upon maximum seating or occupancy capacity, the capacity shall be as determined by the building code and the fire code.

**Table 11.1 Required Off-Street Parking Spaces**

Residential	
Single-family detached dwellings, two-family dwellings, single-family attached/City houses	2 spaces per dwelling
Multiple-family dwellings	2 spaces per dwelling in county 1.5 spaces per dwelling in cities
Dwelling units for watchmen and operating personnel and their families	1.5 spaces per dwelling

Mobile home parks and subdivisions	2 spaces per dwelling
<b>Agriculture and Animal-Related Uses</b>	
Agricultural uses	1 space per employee
Roadside farm produce stand	6 spaces
Veterinary hospital	1 space per 300 sq. ft. gross floor area
<b>Retail Trade</b>	
Retail uses, except as provided below	1 space per 250 sq. ft. gross floor area
Multi-tenant shopping centers	1 space per 250 sq. ft. gross floor area for the first 60,000 sq. ft. and 1 space per 225 sq. ft. gross floor area above 60,000 sq. ft. Where restaurants occupy more than 20% of the total floor area, their parking requirements shall be calculated separately.
Retail with drive-through service	3 stacking spaces at each drive-through lane in addition to parking required for retail building
Convenience stores, grocery stores/super markets, liquor stores	1 space per 200 sq. ft. gross floor area
Furniture store	1 space per 400 sq. ft. gross floor area
Home improvement, building material sales, and lumber yard with open storage	1 space per 225 sq. ft. gross floor area
<b>Services</b>	
Service uses, except as provided below	1 space per 250 sq. ft. gross floor area
Barber/beauty shops	2 spaces for each beauty or barber chair plus 1 space for each employee
Dry cleaners	1 space per 500 sq. ft. gross floor area
Interior decorating shops	1 space per 400 sq. ft. gross floor area
Laundries	1 space for each 2 washing machines
Video rental store	1 space per 300 sq. ft. gross floor area
<b>Motor Vehicle Dealers and Service</b>	
Automobile rental	1 space per employee plus 1 customer space for each 5 rental car spaces
Automobile sales (new/used)	1 space per 400 sq. ft. gross floor area of sales room and 1 space for each auto service stall in the service area
Automobile washes	1 space per employee. Stacking spaces equal in number to 3 times the maximum capacity of the auto wash entering the wash plus 2 drying spaces.

Gasoline service stations	1 space for each employee plus 1 space for each 100 square feet of floor area used for cashier and retail sales in addition to space provided at each fuel pump dispenser
Minor automobile service and repair	2 spaces per service stall plus 1 space per employee
Motorcycle, snowmobile and ATV sales/service	1 space per 400 sq. ft. gross floor area of sales room and 1 space for each service stall in the service area
Parts stores	1 space per 250 sq. ft. gross floor area
Truck rental	1 space per employee plus one space for each rental truck
Truck sales (new/used)	1 space per 400 sq. ft. gross floor area of sales room and 1 space for each service stall in the service area
Truck stops	1 space for each employee plus 1 space for each 100 square feet of floor area used for cashier and retail sales in addition to space provided at each fuel pump dispenser
Vehicle salvage yards	1 space per employee
Vehicle auctions	1 space per 400 sq. ft. gross floor area
<b>Accommodation and Food Services</b>	
Banquet halls	1 space per 250 sq. ft. gross floor area
Bed/breakfasts	1 space per guest room plus 2 spaces for the primary dwelling unit
Candy, and ice cream shops and delicatessens	1 space per 200 sq. ft. gross floor area
Catering services	1 space per 250 sq. ft. gross floor area
Exhibition halls	1 space per 250 sq. ft. gross floor area
Hotel-miniums	1 space per 1 guest room
Hotels/motels	1 space per 2 guest rooms plus parking equal to 30% of the capacity of affiliated uses such as dining or meeting rooms
Restaurants, not including drive-in	6 spaces per service or counter station, plus 1 space for each employee and 1 space for 150 sq. ft. gross floor area
Restaurant, drive-in	1 space per 150 sq. ft. gross floor area
Restaurant, drive-thru	1 space for each employee in addition to customer stations
Restaurant and taverns with outdoor seating	1 space per 150 sq. ft. gross floor area
Taverns and bars	1 space per 150 sq. ft. gross floor area

<b>Finance, Insurance, Real Estate, Professional, Scientific, and Technical</b>	
Banks & financial institutions	1 space per 70 sq. ft. gross floor area
Offices, general and professional with accessory research and testing, blueprinting and photostating establishments, newspaper offices including printing, printing and publishing establishments, radio, television and recording studios, research & development laboratories, travel agencies	1 space per 200 sq. ft. gross floor area. Drive-up windows shall be provided 4 stacking spaces for the first window, plus 3 spaces for each additional window.
<b>Health care and social assistance</b>	
Day care centers, commercial/preschools	1 space per 300 sq. ft. gross floor area
Day care homes, residential	1 space per employee plus 2 drop off spaces
Foster care homes	2 spaces
Funeral homes/mortuaries	2 spaces
Hospitals	1 space per 50 sq. ft. gross floor area
Medical and dental clinics	2 spaces per patient bed
Medical laboratories	1 space per 200 sq. ft. gross floor area
Group Homes	1 space per 250 sq. ft. gross floor area
Optical, orthopedic and medical appliance sales	1 for each employee plus 1 for each 6 persons in residence
<b>Entertainment and recreation</b>	
Amusement/arcade establishments	1 space for each amusement device
Civic, religious, social assistance organizations	
Cemeteries	10 spaces for each interment based on the maximum number per hour
Churches, chapels, temples, synagogues and similar places of worship	1 space for each 3 seats or 6 feet of pews in the main unit of worship
Clubs, lodges, union halls, community centers, conference and convention halls	1 space per 200 sq. ft. gross floor area
Convents, monasteries and seminaries	1 space per 3 beds
<b>Educational services</b>	
Libraries	1 space per 300 sq. ft. gross floor area
Schools, commercial and trade	1 space per classroom plus 1 space per 2 students based on the maximum number of students attending classes at any one time
Schools, elementary, middle	1 space for each one teacher, employee or administrator

Schools, high	1 space for each one teacher, employee, or administrator and 1 for each 10 students, in addition to the requirements of the auditorium or stadium, whichever seats more
Training centers, engineering or sales	1 space per classroom plus 1 space per 2 students based on the maximum number of students attending classes at any one time
<b>Public administration</b>	
Government buildings excluding correctional facilities	1 space per 250 sq. ft. gross floor area
Correctional facilities	1 space per employee
Museums, civic buildings and landmarks preserved for public inspection	1 space per 300 sq. ft. gross floor area
<b>Transportation and warehousing</b>	
Warehouses, cartage, express, and parcel delivery establishments, freight terminals, moving companies	1 space per 1500 sq. ft. gross floor area
Self-storage facilities	1 space for each 20 storage units plus 2 spaces for manager's residence
Wholesale business	1 space per 500 sq. ft. gross floor area
<b>Manufacturing</b>	
Manufacturing uses	1 space per 500 sq. ft. gross floor area
<b>Utilities</b>	
Public utility buildings, sewage treatment plants, telephone exchange buildings, transmission lines for gas, oil and electricity	1 space per employee
Utility substations	1 space
<b>Construction</b>	
Construction and contractor establishments	1 space per 250 sq. ft. gross floor area or 1 space per employee
<b>Waste processing and disposal</b>	
Waste processing and disposal, recycling facility, salvage yards and landfills	1 space per employee
<b>Mining</b>	
Mineral extraction & general mining operations	1 space per employee

- (1) **Maximum Allowed Parking.** While it is the intent of this ordinance to ensure that adequate off-street parking is available in conjunction with all uses, it is also recognized that excessive paved areas reduce aesthetics, create excess heat and glare and contribute to high rates of storm water runoff. Therefore, the maximum parking permitted for any nonresidential use shall not exceed the minimum parking space requirements by more than 10%, unless

- additional parking is granted by approval of the Planning and Zoning Commission. In granting such additional space, the Planning and Zoning Commission shall determine that added parking will be required, based on documented evidence, to accommodate the use on a typical day. The Planning and Zoning Commission may require that additional spaces be constructed with alternative paving materials, such as permeable/grass pavers or pervious concrete to mitigate the additional runoff.
- (c) **Collective or Shared Parking.** Two (2) or more buildings or uses may use a common parking facility. The total number of parking spaces provided shall be equal to the required number of spaces for all of the uses computed separately. Cumulative parking requirements for mixed-use developments or shared facilities may be reduced by the Planning and Zoning Commission where it can be determined that one or more of the factors listed in subsection (f) below apply. Where uses are on separately-owned lots, a legal agreement for shared parking shall be recorded and a copy provided to the City of Bells before a certificate of occupancy is issued.
- (d) **Reduction of Parking Requirements.** The Planning and Zoning Commission may reduce the parking requirements based upon a finding that there will be a lower demand for parking due to one (1) or more of the following:
- (1) Convenient City of Bells off-street parking or on-street spaces located along the site's frontage are available.
  - (2) Expectation of walk-in business due to sidewalk connections to adjacent residential neighborhoods or employment centers.
  - (3) Availability of other forms of travel, such as transit or non-motorized transportation, that can reasonably be expected to reduce parking demand. The Planning and Zoning Commission may require pedestrian connections be provided to nearby transit stops or similar facilities.
  - (4) Where the applicant has provided a parking study that demonstrates that another standard would be more appropriate based on actual number of employees, expected level of customer traffic or actual counts at a similar establishment.
- (e) **Banked Parking**
- (1) Where a reduction in the number of parking spaces is not warranted, based on the criteria in subsection (f), but an applicant demonstrates that the required parking requirements for a proposed use is not immediately necessary, the Planning and Zoning Commission may defer some of the parking. The site plan shall designate portions of the site for future construction of the required parking spaces, indicating the location, layout, and number of deferred spaces.
  - (2) The banked parking shall meet ordinance requirements, if constructed. Construction of the deferred parking to add parking spaces may be initiated by the owner or the City of Bells, based on parking needs and shall require administrative approval of an amended site plan. The City of Bells may request a performance guarantee to cover the cost of developing the deferred parking lot.
- (f) **Use Limitations**
- (1) Off-street parking areas are intended only for temporary vehicle parking for public safety by keeping parked cars off the streets. Except when land is authorized to be used as storage space in connection with the business of a repair or service garage, parking areas or open land shall not be used for storage or parking of wrecked or junked vehicles.

- (2) It shall be unlawful to use a parking lot or open area for the storage of merchandise, materials, trucks, trailers, construction trailers, recreational vehicles and equipment, except for uses approved for this purpose. This provision shall not apply to areas designated for fleet and company vehicles, provided they are in the side and rear yards.
- (3) The parking of any vehicle for the purpose of displaying the vehicle for sale shall only be allowed at an approved vehicle sales dealership.
- (4) The parking or storage of inoperable or unlicensed vehicles shall be prohibited, except under the following circumstances:
  - (a) Within an enclosed building; or
  - (b) In a screened yard of an approved motor vehicle use that is properly zoned and approved for the storage of vehicles under this ordinance.

**(g) Location of Parked Vehicles.**

- (1) Vehicles may only be parked in a driveway, garage or parking lot meeting the requirements of Article 11. Vehicles may not be parked in any lawn or yard area, except on a parking lot or driveway. Vehicles shall not be parked in landscaped areas required by this ordinance.
- (2) On-street parking and parking in the public right-of-way shall be subject to the applicable parking and traffic control regulations of the City.
- (3) Vehicles shall not be parked in locations that obstruct sidewalks or dedicated trails.

**(h) Accessible (barrier free) Parking - Required Number of Accessible Spaces**

- (1) Within each parking lot, signed and marked barrier free spaces shall be provided at a convenient location, in accordance with Table 11.2 or in accordance with the building code, whichever is more restrictive.

**Table 11.2 Accessible Parking Space Requirements**

<b>Number of Spaces in Parking Lot</b>	<b>Required Minimum Number of Accessible Spaces</b>
1 to 25	1
26 to 50	2
51 to 75	3
76 to 100	4
101 to 150	5
151 to 200	6
201 to 300	7
301 to 400	8
401 to 500	9
501 to 1,000	2% of total
1,001 & Over	20 plus 1 for each 100 over 1,000

- (2) Accessible free parking spaces shall meet the standards for parking facilities for persons with physical disabilities.



- (3) Accessible free spaces shall be located as close as possible to building entrances and walkways.
- (4) Where a curb exists between a parking lot surface and a sidewalk entrance, an inclined approach or curb ramp with a running slope not exceeding 1:12, a cross slope not exceeding 1:48, width of four (4) feet minimum, with detectable warning devices, shall be provided to accommodate handicapped accessibility in accordance with current ADA requirements.

**Section 11.02 Off-Street Parking Facility Design**

Whenever the off-street parking requirements in this Article require the building of an off-street parking facility, the off-street parking lots shall be laid out, constructed and maintained in accordance with the following regulations.

- (a) **Location.** Off-street parking facilities shall be located on the lot or within 150 feet of the building(s) they are intended to serve, as measured along lines of public access from the nearest point of the parking facility to the building(s) served.
- (b) **Access**
  - (1) Adequate ingress and egress, meeting the requirements of Section 11.4 Driveway Access Management, shall be provided to the parking lot for all vehicles by means of clearly limited and defined drives.
  - (2) All spaces shall be provided adequate access by means of maneuvering lanes, with the exception of single and two-family residential dwellings.
  - (3) Parking lots shall be designed to prevent vehicles from backing into the street or requiring use of the street for maneuvering between parking rows.
  - (4) Where a parking lot is located in any district that does not permit single family dwellings, ingress or egress shall not be permitted to cross land zoned for single family residential use. However, in instances where access is provided by means of an alley that forms the boundary between a residential and non-residential district such access shall be permitted.
  - (5) Emergency vehicle access shall be provided to all parking lots and storage areas.
- (c) **Parking Dimensional Requirements.** All parking lots shall be striped and maintained showing individual parking bays, in accordance with Table 11.3.

**Table 11.3 Minimum Off-Street Parking Dimensional Requirements**

Parking Pattern	Parking Space		Maneuvering Lane Width	
	Width	Length	One Way	Two Way
0 (Parallel)	9 ft.	24 ft.	12 ft.	24 ft.
30° to 53°	9 ft.	18 ft.	12 ft.	24 ft.
54° to 74°	9 ft.	18 ft.	15 ft.	24 ft.
75° to 90°	9 ft.	19 ft.	22 ft.	24 ft.

- (1) Angled parking between these ranges shall be to the nearest degree.
- (2) Stacking spaces for drive through uses shall be at least 20 feet long and 10 feet wide. Required stacking spaces shall not block required off-street parking spaces.
- (3) Space-efficient parking lot designs are encouraged for a given parking area. Use of angled parking patterns with one-way drive aisles is encouraged when practical, to reducing the required area of impervious surface.

- (4) In commercial parking lots up to 20% of parking spaces may be designed for compact cars with a minimum width of eight (8) feet and a minimum length of 14 feet. Signage shall be provided limiting the spaces to compact vehicles.
- (d) **Construction and Maintenance.** The construction of any parking lot shall require approval of a site plan, in accordance with Article (15.06).
- (1) All parking lots and vehicle and equipment storage areas shall be paved with asphalt or concrete meeting the City of Bells engineering standards, as applicable. Alternative paving materials, such as permeable/grass pavers may be approved by the Planning and Zoning Commission and may be preferred for areas receiving lower traffic volume, such as overflow parking. For storage areas, the Planning and Zoning Commission may approve a substitute for hard-surfaced pavement upon a determination that there are no adverse effects on adjoining properties.
  - (2) Parking aisles may be graded towards sunken, vegetated buffer strips that are a minimum of eight (8) feet wide and planted with trees, and native herbaceous vegetation. An underdrain and soil amendment may be provided in the buffers if on-site soils are poorly-drained. Surface water from parking areas shall be detained on site in accordance with the applicable City engineering standards.
  - (3) Off-street parking areas shall be illuminated in accordance with the requirements of Article (10.04).
  - (4) Fire lanes shall be designated on the site and posted with signage prior to occupancy. Vehicle circulation shall meet turning radius requirements set by the fire department.
  - (5) All parking lots shall be maintained free of trash and debris. Surface, curbing, light fixtures and signage shall be maintained in good condition.

### Section 11.03 Off-Street Loading Requirements

- (a) **Uses Requiring Loading Area.** On the same premises with every building erected and occupied for manufacturing, storage, warehouse, retail sales, consumer services or other uses similarly involving the receipt or distribution of vehicles, materials or merchandise, there shall be provided and maintained on the lot adequate space for standing, loading and unloading services. The Planning and Zoning Commission may permit central loading areas to be shared by multiple uses, such as in a retail shopping center or office park.
- (b) **Not Included with Parking.** Required loading areas shall not be included in calculations for off-street parking space requirements.
- (c) **Location.** Loading/unloading areas and docks shall not be provided in the front yard. Where possible, loading areas shall be integrated into the design of the building to minimize visibility from traffic.
- (d) **Orientation of Overhead Doors.** Overhead doors for truck loading areas shall not face a public street or an adjacent residential district.
- (e) **Size.** The size of all required loading/unloading spaces shall be at least 10 feet by 50 feet or 500 sq. ft. in area, with a clearance of at least 14 feet in height. The Planning and Zoning Commission may modify this requirement for uses that will involve smaller delivery trucks, such as office buildings.
- (f) **Traffic Flow.** The size of the loading area shall be sufficient to prevent undue interference with adjacent required parking spaces, maneuvering aisles, or traffic flow on public streets.

- (g) **Number.** The minimum number of loading spaces shall be provided in accordance with Table 11.4.

**Table 11.4 Off-Street Loading Requirements**

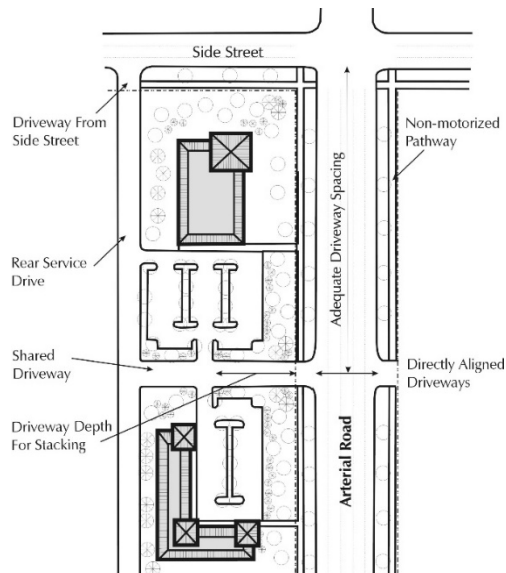
<b>Gross Floor Area (in square feet)</b>	<b>Loading &amp; Unloading Space Required</b>
<b>Commercial, Office &amp; Institutional Uses</b>	
Up to 20,000	1 space
20,001 - 60,000	1 space plus 1 space for each additional 20,000 sq. ft
60,001 & over	3 spaces plus 1 space for each additional 50,000 sq. ft
<b>Industrial Uses</b>	
Up to 20,000	1 space
20,001 - 100,000	1 space plus 1 space for each additional 20,000 sq. ft
100,001 - 500,000	5 spaces plus 1 space per additional 40,000 sq. ft in excess of 100,000
500,001 & over	15 spaces plus 1 space for each additional 80,000 sq. ft in excess of 500,000

- (h) **Exceptions.** For uses that will not require large truck deliveries, the Planning and Zoning Commission may determine that loading may take place in undesignated places in parking lots provided such loading is of a short-term nature.
- (i) **Pavement.** Loading dock approaches shall be constructed of asphalt or concrete with a base sufficient to accommodate expected vehicle weight.
- (j) **Screening.** Loading areas shall be screened from adjacent uses in accordance with the requirements of Article 10.03.
- (k) **Lighting.** Illumination of loading areas shall be in accordance with the requirements of Article 10.03.
- (l) **Maintenance.** Loading areas shall be maintained free of trash and debris. Surface, curbing, light fixtures and signage shall be maintained in good condition.

**Section 11.04 Driveway Access Management**

- (a) **Purpose.** This section is intended to provide standards for the number and placement of access points (driveways and side street intersections) in order to preserve the capacity of major roadways and reduce the potential for crashes. The standards of this section are intended to promote safe and efficient travel within the City of Bells and minimize disruptive and potentially hazardous traffic conflicts. Preservation of roadway capacity through access management protects the substantial public investment in the roadway system and helps avoid the need for costly capacity upgrades. Proper driveway location and design will also help maintain a safe and efficient roadway system minimizing the loss of life and property from vehicle crashes.
- (b) **Driveway Location in General**
  - (1) All driveways shall comply with the requirements of this section. Driveways shall also be subject to Bells City engineering, county highway and TXDOT access requirements. Where conflict occurs, the more restrictive standards shall apply.

- (2) Driveways shall be located to minimize interference with the free movement of traffic and to provide the most favorable driveway grade.
- (3) Driveways shall be located to meet safe sight distance requirements, as determined by the Planning and Zoning Commission. The driveway spacing requirements of this section may be modified by the Planning and Zoning Commission where necessary to provide safe sight distance.



(c) **Driveway Spacing Standards**

- (1) Minimum spacing requirements between a proposed driveway and an intersection either adjacent or on the opposite side of the street may be set on a case-by-case basis but in no instance shall be less than the distances listed in Table 11.5. The following measurements are from the centerline of the proposed driveway to the near lane edge of the intersecting street or pavement edge for uncurbed sections.

**Table 11.5 Minimum Driveway Spacing from Street Intersections(\*)**

Location of Driveway	Minimum Spacing for a Full Movement Driveway	Minimum Spacing for a Channelized Driveway Restricting Left Turns
Along any street intersecting a limited access highway interchange	500 ft.	500 ft.
Along major thoroughfares, where intersecting street is a major thoroughfare	200 ft.	125 ft.
Along major thoroughfares, where intersecting street is not a major thoroughfare	200 ft.	125 ft.
All other streets	75 ft.	50 ft.

\*For sites with insufficient street frontage to meet the above criterion, the Planning and Zoning Commission may require construction of the driveway on a side street, a shared driveway with an adjacent property, construction of the driveway along the lot line farthest from the intersection or require a service street.

- (2) Minimum spacing between two (2) driveways shall be determined based upon posted speed limits along the parcel frontage. The minimum spacing indicated in Table 11.6 are measured from centerline to centerline on the same side of the street.

**Table 11.6 Minimum Driveway Spacing from Another Driveway (a)**

Posted Speed Limit (MPH)	Minimum Driveway Spacing (b)
25	50 ft.
30	60 ft.

Posted Speed Limit (MPH)	Minimum Driveway Spacing (b)
35	70 ft.
40	100 ft.
45	120 ft.
50	200 ft.
55 & Over	400 ft.

- (a) For sites with insufficient street frontage to meet the above criterion, the Planning and Zoning Commission may allow a lesser spacing where the driveway is spaced from other driveways to the maximum extent possible.
- (b) For residential lots located on minor residential streets, one (1) driveway shall be permitted per lot. One (1) additional driveway may be where there is sufficient frontage to meet the driveway spacing requirements of Table 11.6.
- ~~(3)~~(2) To reduce left-turn conflicts, new driveways shall be aligned with those across the street where possible. If alignment is not possible along major thoroughfares, driveways shall be offset from those on the opposite side of the street as follows:
  - (a) If the proposed drive is offset such that vehicles turning left into driveways do not pass prior to reaching the driveways, the minimum spacing shall be 150 feet.
  - (b) If the proposed drive is offset such that vehicles turning left into driveways will pass prior to reaching the driveways, the minimum spacing shall be 250 feet.
- (d) **Number of Driveways**
  - (1) The number of driveways serving a property shall be the minimum number necessary to provide reasonable access, including access for emergency vehicles, while preserving traffic operations and safety along the public street.
- (e) One driveway shall be permitted for each lot frontage. A second driveway may be permitted for property that has sufficient frontage to meet the driveway spacing standards of Table 11.6 above from the first driveway on the site and all driveways on adjacent and opposing property.
- (f) **Driveway Design**
  - (1) All driveways shall be designed according to the standards of the City of Bells and TXDOT, as applicable. Driveways shall have a maximum width of 20 feet, excluding tapers or curb radii. Wider driveways shall be allowed for locations with large volumes of truck traffic.
  - (2) For high traffic generators, or for driveways along streets experiencing or expected to experience congestion, the Planning and Zoning Commission may require two (2) egress lanes.
  - (3) For a boulevard entrance, a fully curbed island, at least 180 square feet in area, shall separate the ingress and egress lanes. The radii forming the edges on this island shall be designed to accommodate the largest vehicle that will normally use the driveway.
- (g) **Shared Driveways, Frontage Streets and Service Drives**
  - (1) The number of access points may be reduced where the Planning and Zoning Commission determines that there may be a beneficial effect on traffic operations and safety, while preserving the property owner's right to reasonable access. In this case, a shared driveway,

frontage street or rear service drive connecting two (2) or more properties or uses may be required. Service streets may be required near existing traffic signals or near locations having potential for future signalization; along major thoroughfares with high traffic volumes; and where there are a relatively high number of crashes or there is limited sight distance. Shared access or cross access shall be required between all sites that are in the same or similar zoning district (e.g. between all adjacent commercially zoned properties).

- (2) Shared driveways and service streets shall be within a recorded access easement. A draft of the access easement shall be provided to the City of Bells, as applicable, for review and approval prior to filing with the County's Recorder's Office.
- (3) Service Street and Shared Driveway Design Standards
  - (a) Location. Service streets shall generally be parallel or perpendicular to the front lot line and may be located either in front of, adjacent to, or behind, principal structures within an individual parcel. The Planning and Zoning Commission shall determine the most appropriate alignment, taking into account setbacks of existing buildings and anticipated traffic flow for the site and the corridor.
  - (b) Access Easement. The service street shall be within an access easement permitting traffic circulation between properties. The required width shall remain free and clear of obstructions, unless otherwise approved by the Planning and Zoning Commission.
  - (c) Construction and Materials. Service streets shall have a base, pavement and curb with gutter in accordance the applicable City of Bells engineering standards for public streets, except the width of the service street shall have a minimum pavement width of 36 feet.
  - (d) Access to Service Street. The Planning and Zoning Commission shall approve the location of all access points to the service street, based on the driveway spacing standards of this section.
  - (e) Temporary Access. The Planning and Zoning Commission may approve temporary access where a continuous service street is not yet available, and a performance guarantee is provided to assure elimination of temporary access when the service street is continued.
  - (f) Elevation. The site plan shall indicate the proposed elevation of the service street at the lot line. The City of Bells shall maintain a record of all service street elevations so that their grades can be coordinated.
  - (g) Maintenance. Each property owner shall be responsible for maintenance of the easement and service drive.

#### Section 11.05 **Non-motorized Pathways**

- (a) **Purpose.** The purpose of this section is to enhance the health, safety and welfare of the public by the development of a comprehensive non-motorized system to improve access and provide recreation opportunities.
- (b) **Applicability.** Sidewalks shall be required in the following areas. Sidewalks shall be provided along all streets as follows:
  - (1) Sidewalks shall be required along both sides of all streets in all residential use areas of the City of Bells.
  - (2) Sidewalks shall be required for all uses along all major thoroughfare frontages. The applicant, owner or developer of any use that is subject to site plan approval under Article

(15.06) shall be required to install a sidewalk along the entire street frontage of the petitioner's lot, meeting the requirements of this section.

- (c) **Location.** Sidewalks shall be installed by the developer one (1) foot within the dedicated street right-of-way. Sidewalks shall be located to align with existing or future sidewalks on adjacent lots. Where TXDOT or the City of Bells determines that there is not sufficient right-of-way for sidewalks, the sidewalks shall be installed in pedestrian easements adjacent to the right-of-way.
- (d) **Construction Standards.** All sidewalks shall be four (4) inch thick concrete, and constructed to the City of Bells engineering specifications. All sidewalks shall be at least five (5) feet wide. Multi-modal pathways may be constructed of asphalt or concrete meeting the above thickness specifications or as specified by the Bells City engineer. Concrete testing must be performed in compliance with ASHTO Standards.
- (e) **Grading.** Sidewalks shall be graded such that runoff sheet flows to an adjacent vegetated area.
- (f) **Ramps.** All new curbs and sidewalks shall be constructed such that the sidewalk and street blend to a common level. Changes in level greater than ½ inch high shall be ramped. Ramp runs shall have a running slope of no steeper than 1:12, in accordance with ADA Standards.
- (g) **Crosswalks.** An inclined approach shall be required where sidewalks intersect curbs for barrier free access to the sidewalk. Crosswalk pavement markings and signs may be required at intersections.

## Article 12: Signs Regulations

### Section 12.01 Intent

This article is intended to regulate signs and to minimize outdoor advertising in order to protect public safety, health and welfare; minimize abundance and size of signs to reduce visual clutter, motorist distraction, and loss of visibility; promote public convenience; preserve property values; and enhance the aesthetic appearance and quality of life of the community. The requirements contained herein are intended to be content neutral. The following objectives are accomplished by establishing the minimum amount of regulations necessary concerning the size, placement, construction, illumination, and other aspects of signs within the City of Bells in order to:

- (a) Protect the public right to receive and convey messages, including religious, political, economic, social, philosophical and other types of information protected by the First Amendment of the U.S. Constitution.
- (b) Recognize that the proliferation of signs is unduly distracting to motorists and non-motorized travelers, reduces the effectiveness of signs directing and warning the public, causes confusion, reduces desired uniform traffic flow, and creates potential for crashes.
- (c) Maintain and improve the image of the community by encouraging signs of consistent size which are compatible with and complementary to related buildings and uses, and harmonious with their surroundings.
- (d) Recognize that the principal intent of commercial signs, to meet the purpose of these requirements and serve the public interest, should be for identification of an establishment on the premises, and not for advertising special events, brand names or off-premise activities, as these can be advertised more appropriately by other methods.
- (e) Eliminate potential conflicts between business signs and traffic control signs, thereby minimizing the potential for confusion and hazardous consequences.
- (f) Enable the public to locate goods, services and facilities without undue difficulty and confusion by restricting the number and placement of signs.
- (g) Prevent placement of signs which will conceal or obscure signs of adjacent uses.
- (h) Prevent off-premise signs from conflicting with other land uses.
- (i) Prevent signs that are potentially dangerous to the public due to structural deficiencies or disrepair.

### Section 12.02 Scope of Requirements

A sign shall not hereafter be erected, re-erected, constructed, altered or maintained without receiving the proper sign permit, except as provided by section 12.03.

### Section 12.03 Signs Not Requiring Permit

A sign of the following type shall be permitted without the issuance of a sign permit, subject to all other requirements of this Article.

- (a) **Device Signs.** Permanent signs on vending machines or other containers, provided that the sign area of each device shall not exceed three (3) square feet.
- (b) **Flags.** Flags provided there shall be no more than three (3) flags per lot, the maximum size of each flag shall be 50 square feet, and the flag poles comply with height limitations of Article (2.09).



- (c) **Employment Signs.** "Help wanted" signs soliciting employees for the place of business where posted, provided that the maximum total area for all such signs shall not exceed six (8) square feet.
- (d) **Enclosed Signs.** Any sign that is located completely within a building and is not visible from the outside.
- (e) **Historical Signs.** Plaques or signs designating a building or premises as a historic structure or premises not to exceed six (12) square feet.
- (f) **Incidental Signs.** Signs affixed to buildings of commercial businesses that do not exceed three (4) square feet.
- (g) **Murals.** Murals shall be allowed after review and approval by Planning and Zoning Commission.
- (h) **Identification Signs.** Signs for the sole purpose of identifying an assigned house number, owner name, occupant, or building name. Identification signs of two (2) square foot in surface display area shall not be counted in the total sign area allowed on the premises, however, such signs larger than one (1) square foot shall be counted in the computation of total sign area otherwise allowed by this Ordinance.
- (i) **Public Signs.** Public signs, including the authorized signs of a government body or public utility, including traffic signs, legal notices, railroad crossing signs, warnings of a hazard, historical landmark or building designation signs, and similar signs.

**Non-Commercial signs on Residential Property.** Non-commercial signs on residential property shall be permitted provided they are setback a minimum of ten (10) feet from the public right-of-way or any lot line and are limited to (32) square feet and do not exceed (3) signs per lot.

- (a) **Traffic Control Signs.** Signs directing and guiding traffic and parking on private property, but bearing no advertising, including logos. Driveway entry/exit signs shall only be allowed as an exempt sign under this section where there are one-way drives or restricted turning movements that require signage to direct motorists;
- (b) **Warning signs.** "No Trespassing" and other types of warning signs are allowed in all areas; not to exceed three (3) square feet per sign.
- (c) **Window Signs.** Window signs shall be permitted in all non-residential districts, up to 20% of the glass surface provided:
  - (1) The area of permanent window signs shall be counted in determining compliance with requirements for total area of wall signs.
  - (2) Window signs that are faded, yellowed, ripped, or otherwise damaged shall be removed immediately.

#### Section 12.04 Signs Requiring a Permit

- (a) The following signs require a permit under table 12.4. The number, display area, and height of signs within the non-residential zoning districts are provided below and its accompanying set of additional requirements.

Table 12.1 Specific Sign Requirements

Type of Sign	Max. Height	Max. Size (1)	Max. Number	Additional Requirements
<b>Awning</b>	Must not exceed height of building	25% of awning up to a maximum of 50 sq. ft.	1 per awning	(2)
<b>Billboard</b>	30 ft.	672 sq. ft.		(3)
<b>Business Center</b>	12 ft.	72 sq. ft. per face	1 per street frontage	(4)
<b>Development and Subdivision Entry</b>	4 ft.	20 sq. ft. per face	1 per entrance	(5)
<b>Gasoline Price</b>	12 ft.	12 sq. ft. per face	1 per street frontage	(6)
<b>Home Occupation</b>	--	3 sq. ft.	--	--
<b>Menu Boards (i.e. A-frame; Sandwich Boards)</b>	5 ft.	16 sq. ft. per side	1 per entrance	--
<b>Monument or Ground</b>	6 ft.	72 sq. ft. per side	1 per street frontage	(7)
<b>Multiple family development signs</b>	4 ft. unless on wall	12 sq. ft.		
<b>Parking lot</b>	12 ft.	12 sq. ft. per side	1 per parking lot	--
<b>Pole Sign</b>	30 ft.	200 sq. ft. per side	1 per street frontage	(8)
<b>Wall Mount Sign</b>	Must not exceed height of building	10% of wall up to a maximum of 140 sq. ft.	1 per façade facing a street or public right-of-way	(9)

(b) Signs noted in Table 12.1 shall comply with the following requirements:

- (1) The Planning and Zoning Commission may permit a fifteen 15% increase in the allowable sign area where the site has shared access with an adjoining site in accordance with Article 10 Site Development Provisions.
- (2) **Awnings.** Awnings may project over the public sidewalk, provided they are a minimum of eight (8) feet above the sidewalk and do not obstruct the public.
- (3) **Billboard.** Billboards must be approved and permitted by TXDOT prior to the City of Bells approval and shall only be permitted locally where in compliance with all of the following requirements:

- (a) **Districts Allowed.** Billboards are allowed only in the following districts: M1-Light Industrial and C2-General Commercial zoning districts and only along State Highways.

- (b) **Location.** Billboards shall be constructed so that its principal view is fully screened from an interchange area involving merging traffic. Any billboard shall comply with the following:
1. The billboard must be constructed in such a manner as to be viewed from the State Highway and not from local roadways, alley roads, traffic intersections, or residential areas.
  2. The premises must have a roadway easement such that the persons maintaining and servicing the sign may reach the site without danger.
- (c) **Size and Configuration.** A billboard shall be constructed according to applicable building requirements, codes, and zoning regulations, including the following:
1. The maximum height shall be 30 feet above median ground level within a 500 feet radius of the site.
  2. The maximum sign surface area shall be 672 square feet.
  3. Billboards shall be back to back or a "v" design; for a "v" design maximum separation between sign ends shall be 20 feet.
  4. Side-by-side or deck/stacked structures shall not be permitted.
  5. Billboards shall be prohibited from:
    - i. Extending above the tree line or horizon when viewed from any portion of the roadway that it faces.
    - ii. Being located on or over the roofs of buildings.
    - iii. Projecting over any public easement or right-of-way.
- (d) **Spacing and Separation.** A billboard shall maintain all of the following spacing and setback requirements:
1. At least 300 feet from any residential zoning district, historic district or outdoor park/recreational facility measured from property lines.
  2. At least 300 feet from any park, school, church, hospital, cemetery, or government building measured from property lines.
  3. The application shall include a certified site plan showing compliance with the spacing and separation distances required by this Article.
- (e) **Setbacks.** Billboards shall comply with all setback requirements for an accessory structure in the district in which they are located.
- (f) **Limitations on Movement.** A billboard shall be prohibited from having moving, flashing, oscillating or other distracting parts visible to drivers or vehicles. Rotating signs shall not be permitted.
- (g) **Illumination.** A billboard may be illuminated subject to all of the following requirements:

1. Illumination must be directed in such a manner that all incidental light generated falls on the sign face.
  2. All lights must be shielded such that the light is not visible to traffic or surrounding homes or businesses.
  3. The use of animated electrical signage shall be prohibited.
  4. Billboards within 400 feet of any residential district may not be illuminated between the hours of 10:00 p.m. and 7:00 a.m.
- (h) **Non-used billboards.** Any billboard not in use shall have the unused surface display a scenic view, consistent with the area scenery or a public service display.
- (i) **Maintenance and Unsafe Conditions.** Any billboard that collapses, topples or disintegrates shall be made safe within 20 days of the event or the site shall be cleared of the debris.
- (j) **State Compliance Required.** All billboards shall comply with applicable requirements and conditions the State of Texas. A billboard permit shall be first obtained from TXDOT prior to City of Bells permit.
- (k) **Identification Plate.** The framework, foundations or superstructure of the billboard shall have a metal identification plate, as defined, firmly attached thereto.
- (4) **Business Centers.** Each business center with at least 150 feet of major road frontage may be allowed one (1) on-premises freestanding business center sign, subject to the following:
- (a) May be directly or indirectly illuminated.
  - (b) May be double-faced.
  - (c) Shall not reduce the number of signs or sign area otherwise allowed for the premises included within the business center but shall prohibit any other freestanding signs from being located within the business center.
- (5) **Community, Neighborhood, Development Entry Signs**
- (a) Freestanding signs of low-profile design.
  - (b) May be directly or indirectly illuminated.
- (6) **Gasoline Service Stations.** Each gasoline service station may be allowed the following signs in addition to the signs otherwise allowed by this Article:
- (a) Gasoline pump signs not exceeding three (3) square feet per pump.
  - (b) Signage on the canopy, which shall be counted toward determining compliance with the requirements for total allowable area of wall signs allowed on the parcel.
  - (c) May contain up to two (2) pump island signs located on the structural supports identifying "self-serve" and "full-serve" operations, provided that such signs do not exceed four (4) square feet in area.
- (7) **Monument or Ground Signs.** Monument signs shall have a brick base and landscaping around the base of the sign.

- (8) **Real Estate Development Signs.** Permits for real estate development signs shall be issued for one (1) year and may be renewed on annual basis.
- (9) **Wall Signs**
- (a) Sign shall not extend more than 11 inches perpendicular to the surface of the building wall area upon which it is painted, erected, or fastened. Wall signs may extend over a public sidewalk, provided they have a minimum 10-foot clearance from the sidewalk to the bottom of the sign.
- (b) For businesses that face directly onto adjacent public street right-of-way, the maximum allowable wall sign area may be increased as indicated in the table below:

Distance of Sign from ROW Line	Allowable Sign Area
0 - 200 ft.	150 sq. ft.
201 - 300 ft.	250 sq. ft.
401-500 ft.	300 sq. ft.
501-600 ft.	400 sq. ft.
601 ft. +	600 sq. ft.

- (c) Wall signs may be directly or indirectly illuminated.
- (d) No sign shall project more than 48 inches into a public way, sidewalk, or dedicated easement. Any such projecting sign shall be oriented so that the face surfaces of the sign are perpendicular to the face of the wall from which it projects, provided, however, that a sign projecting from a point at which two walls converge to form a corner in any direction. Projecting signs shall not exceed 2 ½ inches in thickness and be no larger than 16 square feet. The projecting sign must be a minimum of 10 feet from the sidewalk to the bottom of the projecting sign.

### Section 12.05 Prohibited Signs

The following devices and locations are specifically prohibited:

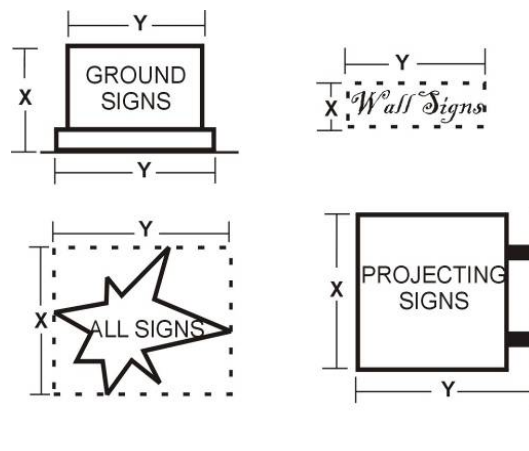
- (a) **Unspecified Signs.** Any signs not expressly permitted are prohibited.
- (b) **Commercial Vehicles used as Signs.** Unlicensed or inoperable stationary or abandoned motor vehicles, trailers or water craft parked on public or private property used specifically for signage and not for the intended use of the vehicle are prohibited. No commercial vehicle may be parked on a business or industrial premise for a time period exceeding 72 hours for the intended purpose of advertising a product or serving as a business sign.
- (c) **Double Signs.** Double-wide sign structures, that is, a single sign structure on which two or more billboards, or other type of signs, are placed or located side-by-side and facing the same direction are prohibited. A double stack, or deck sign structure, that is, a structure on which two signs are placed on one pole or structure, such that one sign is above the other and facing the same direction.
- (d) **Emergency Vehicles Simulation Signs.** Signs that simulate or could in any way be confused with the lighting of emergency vehicles or traffic signals are prohibited.

- (e) **High Intensity/Flashing Light Signs.** Signs that blink, flash, are animated by lighting in any fashion or have the appearance of traffic safety signs, or lights, or municipal vehicle warnings from a distance are prohibited.
- (f) **Illuminated Signs Adjacent to Residential.** Illuminated signs within 100 feet of a residential zoned district are prohibited unless it is designed to not reflect or shine light onto the residential district.
- (g) **Moving/Streaming Signs.** Rotating signs or signs having moving members or parts, or appearance of movement are prohibited.
- (h) **Snipe Signs.** Signs attached to any utility pole, light standard, street tree or any other public facility located within the public right-of-way are prohibited.
- (i) **Off-Premise Signs.** Signs, except for billboards, which identify a use or advertises products and services not available on the premises on which the sign is located (e.g. garage sale signs, residential open house signs, signs providing directions to a business) are prohibited.
- (j) **Portable Signs.** Portable signs are prohibited except where expressly allowed in this article.
- (k) **Roof Signs.** Signs erected above the roof line of a building are prohibited.
- (l) **Signs that Confuse Traffic.** Signs that make use of the words "Stop", "Look", "Go", "Slow", "Caution", or "Danger", or any other words, phrases, symbols, or characters, in such a manner as to interfere with, mislead, or confuse traffic are prohibited.
- (m) **Signs that Obstruct Access.** Signs that prevent free and unobstructed access to any door, window, fire escape, or other required exit are prohibited.
- (n) **Signs that Obstruct Vision.** Signs located in such a manner as to obstruct or otherwise interfere with an official traffic sign, signal or device or obstruct or interfere with a driver's view of approaching, merging or intersecting traffic are prohibited.
- (o) **Signs Located in Public Right-of-Way.** Signs located in, encroaching upon or overhanging public rights-of-way are prohibited, except awning, marquee and wall signs overhanging the sidewalk, as permitted in section 12.04.
- (p) **Structurally Unsafe Signs.** Signs which are deemed structurally unsafe or are constructed in violation of the requirements of any adopted Construction Code are prohibited.

### Section 12.06 General Provisions for Permitted Signs

Signs which are permitted as accessory uses serving a commercial or informational purpose may be permitted subject to the requirements of this section.

- (a) **Determination of Sign Display Area.** No sign shall exceed the maximum sign display area allowed for a district. The sign display area is to be expressed in square feet, computed to the nearest tenth of a square foot, and shall be computed as follows:
  - (1) **Single-Faced Sign.** The allowable area for a single-faced sign shall be measured by calculating the square footage of the sign face by enclosing the most protruding points or edges of a sign within a parallelogram or rectangle, including any frame.



- (2) **Wall Signs.** Where a sign consists of individual letters and/or a logo affixed directly to a building, the area of the sign shall be computed by measuring the area of the envelope required to enclose the lettering and logo.
  - (3) **Double-Face Signs.** Where a sign has two (2) or more faces, the area of only the larger face shall be considered when calculating maximum size, provided all faces are part of the same structure.
- (b) **Setbacks.** All freestanding signs, unless otherwise provided for, shall be set back as follows. This distance shall be measured from the nearest edge of the sign, measured at a vertical line perpendicular to the ground to the right-of-way.
- (1) Signs shall be set back a minimum of one (1) foot from any public road right-of-way or easement.
- (c) **Design Requirements**
- (1) **Architectural Features.** All signs shall be placed in a manner that does not obstruct or intrude upon architectural features of a building.
  - (2) **Materials.** Sign materials shall be designed to complement the original construction materials and architectural style of the building façade to promote an overall unified and aesthetic effect as permitted in the various zoning districts.
- (d) **Illumination**
- (1) **General Requirements.** Signs may be illuminated only by steady, stationary, shielded light sources using approved electrical devices directed solely at the sign, or internal to it. Signage lighting shall be subject to the lighting intensity limits specified in Article 10-Site Development Provisions.
  - (2) **Non-glare, Shielded Lighting.** Use of glaring undiffused lights or bulbs shall be prohibited. Lights shall be shaded and/or shielded downward so as not to project onto adjoining properties or thoroughfares.
  - (3) **Traffic Hazards.** Sign illumination that could distract motorists or otherwise create a traffic hazard shall be prohibited.
  - (4) **Illumination by Other Sources.** Illumination by bare bulbs, luminous tubing/neon or flames is prohibited, except that bare bulbs are permitted on theater marquees.
  - (5) **Electronic Changeable Message Sign.** Electronic changeable message signs illuminated by Light-Emitting Diode (LED) or other similar method shall be permitted, subject to the following requirements:
    - (a) Electronic changeable message signs shall only be permitted in non-residential zoning districts.
    - (b) Only one (1) electronic changeable message sign shall be permitted per business.
    - (c) Electronic changeable message signs that are greater than 12 square feet in area shall not be located with 600 feet any other electronic changeable message sign greater than 12 square feet in area on the same parcel.
    - (d) Electronic changeable message signs shall not exceed the following illuminative brightness:

Time of Day	Brightness	
	Within 500 feet of Residential District or Use	At least 500 feet from Residential District or Use
Night Time	500 nits (cd/m <sup>2</sup> )	1,250 nits (cd/m <sup>2</sup> )
Day Time	3,500 nits (cd/m <sup>2</sup> )	5,000 nits (cd/m <sup>2</sup> )

- (e) The message on an electronic changeable message sign shall remain static a minimum of twenty (20) seconds and shall not take longer than one (1) second to change. If the sign is within 500 feet of a residential use or zoning district, the message shall remain static/unchanged from dusk until dawn.
- (f) Electronic changeable message signs shall not contain any blinking, flashing, or animated parts nor have the appearance of having any movement or animation. The lettering and/or message components being displayed at any given time shall not change, flash or fade to another color. The changeable message sign shall have a default design that will freeze the sign in a dark or blank position if a malfunction occurs.
- (g) Conversion of an existing sign to a changeable message signs shall require a permit under this article. Electronic changeable message signs may not be added to a nonconforming sign.
- (6) **Wiring.** Underground wiring shall be required for all illuminated signs not attached to a building.
- (a) If a sign is illuminated by light beamed or reflected upon it, direct rays of light shall not beam upon any part of any existing residential area nor into a residential district.
- (e) **Construction Requirements.** The following construction requirements apply to all permanent signs.
- (1) **Fastenings.** All signs must be erected in such a manner and with such materials to remain safe and secure during the period of use and all bolts, cables, and other parts of such signs shall be kept painted and free from corrosion. No sign may be placed upon a tree or utility pole/snipe signs, except signs of a unit of government or utility.
- (2) **Support Location.** No pole, cable or support of any nature shall be placed on any publicly owned property, road right-of-way, or proposed road right-of-way.
- (3) **Sign Safety**
- (a) All signs erected, constructed, reconstructed, altered or moved shall be constructed in such a manner and of such materials so that they shall be able to withstand wind pressure of at least 20 pounds per square foot.
- (b) All signs shall be erected so that any part including cables, guys, etc. shall have a minimum clearance of four (4) feet from any electrical conductor, electric light pole, road lamp, traffic light, or other public utility pole or standard.
- (c) All signs shall be designed to comply with minimum wind pressure and other requirements set forth in the adopted building code. Signs with electrical connections shall comply with electrical code requirements, including the application, inspection, and approval of an electrical permit.



- (4) **Safety Triangle.** No sign shall be located within, project into, or overhang the triangular area formed at the intersection of any two road right-of-way lines or a driveway approach, as required by Article 12.

#### Section 12.07 **Sign permits**

- (a) A sign permit shall be required prior to installing, changing the height, increasing the area or structurally altering any sign for which a permit is required. Before such a permit is issued, an inspection shall be made to determine that the sign location complies with the provisions of this article.
- (b) As a condition to approval of a sign permit, all signs to be located along state road right-of-way shall obtain the proper state sign permit or written non-objection from the Texas Department of Transportation, and a copy shall be provided to the Planning and Zoning Commission.
- (c) For an off-premise sign, written consent of the property's owner or legal representative shall be submitted with the application for a sign permit.
- (d) The sign permit shall be valid for a period of 180 days. The sign must be installed within that time period or the permit shall expire, provided the Planning and Zoning Commission may grant an extension for an additional 90 days. When a sign permit is issued in connection with an improvement location permit for a structure on the site, the sign permit validity shall run concurrent with the improvement location permit.
- (e) No permit shall be required for ordinary servicing or repainting of an existing sign message, cleaning of a sign, or changing the message on the sign where the sign is designed for such changes (such as lettering on a marquee or numbers on a gasoline price sign). A permit shall not be required for signs which are stated as being allowable without a permit.

#### Section 12.08 **Application Procedure**

- (a) **Application Form.** Application for a permit for a sign shall be filed with the City Secretary and shall provide the following information:
  - (1) Name, address, and telephone number of the applicant.
  - (2) Location of the building, structure, or lot on which the sign is to be attached or erected.
  - (3) Position of the sign in relation to buildings, structures, and property lines within 100 feet of the proposed sign.
  - (4) Plans showing the dimensions, materials, method of construction, and attachment to the building or in the ground.
  - (5) Copies of stress sheets and calculations, if deemed necessary, showing the structure as designed for dead load and wind pressure.
  - (6) Name and address of the person, firm, or corporation owning, erecting, and maintaining the sign.
  - (7) Information concerning required electrical connections.
  - (8) Written consent of the owner or lessee of the premises upon which the sign is to be erected.
  - (9) Other information required by the City Secretary to make the determination that the sign is in compliance with all applicable laws and regulations.
- (b) **Application Review**
  - (1) **Location Improvement Permit Review.** All locations for placement of a sign submitted in conjunction with the proposed construction of a new building or addition to an existing

- building shall be reviewed as a part of the required location improvement permit review. The location, size and height of all existing and proposed signs must be shown on the site plan.
- (2) **Planning and Zoning Commission Review.** The Planning and Zoning Commission shall review the sign permit application for any sign proposed on a site or existing building where no other new construction is proposed.
  - (3) **Issuance of a Permit.** Following review and approval of a sign application, the Planning and Zoning Commission shall have the authority to issue a sign permit upon payment by the applicant of the required fees.
  - (4) **Denial of a Permit.** The Planning and Zoning Commission shall deny the application for any sign that does not comply with the requirements of this article.

### Section 12.09 Sign Inspection and Maintenance

#### (a) Sign Inspection

- (1) **Responsibility for Compliance.** The owner of any property on which a sign is located is declared to be responsible for the permit, erection, inspection, safety, condition, and removal of a sign.
- (2) **Inspection of New Signs.** All signs for which a permit has been issued shall be inspected by the Permitting Vendor when erected. Approval shall be granted only if the sign has been constructed in compliance with the approved plans and applicable requirements of other ordinances and codes.
- (3) **Inspection before Enclosure.** In cases where fastenings or anchorages are to be eventually bricked in or otherwise enclosed, the sign erector/contractor shall advise the Permitting Vendor when such fastenings are to be installed so that inspection may be completed before enclosure.
- (4) **Inspection of Existing Signs.** The City Code Enforcement Officer may, at such times as deemed necessary, inspect any sign allowed under this section, and if upon inspection a sign is found to be unsafe or in a condition that does not comply with all the provisions of this section, the City Code Enforcement Officer shall give notice of that condition to the owner of the sign and state the necessary repairs or alterations to be made, or require removal of the sign if not remedied by the owner.

#### (b) Sign Maintenance

- (1) **Maintenance of Signs.** All signs for which a permit is required, and all supports therefore shall:
  - (a) Be kept in compliance with the plans and specifications filed and approved for issuance of the construction permit.
  - (b) Be kept and maintained in a safe condition, consistent with adopted building and mechanical codes.
  - (c) At all times conform to all the provisions of this article.

#### (c) Obsolete Signs

- (1) Signs which are no longer functional, in disrepair, or are abandoned for more than 60 days, shall be removed, at the expense of the property owner or sign owner on which the sign is located, within 30 days following notice of non-compliance. The owner shall be notified by certified mail.

- (2) A sign which no longer identifies a use, product, business or entity located on the property, but is otherwise in conformity with the other provisions of this ordinance, may remain in place if the sign face is completely covered or obscured by a blank panel attached within the frame of the sign. In such case, the sign shall be permitted to remain for a period not to exceed 120 days. Following expiration of the 120 days, the sign shall be removed, unless identifying a new use, product, business or entity located on the property.

(d) **Legal Nonconforming Sign**

- (1) **Status.** Any sign lawfully existing at the time of the adoption of this article that does not fully comply with all provisions of this ordinance shall be considered a legal nonconforming sign and may be permitted to remain as long as the sign is properly maintained and not detrimental to the health, safety and welfare of the community, except as herein provided.
- (2) **Continuance.** The nonconforming sign may continue as long as it is not destroyed, abandoned, or discontinued under 12.09(c) above. A sign damaged in excess of 50% of its replacement cost is considered destroyed and shall be removed by the property owner. If the sign is not removed, the City of Bells may remove the sign.
- (3) **Restrictions.** A nonconforming sign shall not be altered or reconstructed, unless the alteration or reconstruction is in compliance with the provisions of this article. For the purpose of this article only, the terms "altered" or "reconstructed" shall not include any of the following:
  - (a) Normal maintenance.
  - (b) Changing of surface sign space to a lesser or equal area.
  - (c) Ornamental molding, frames, trellises, or ornamental features or landscaping below the base line.
  - (d) The addition, construction, installation, or changing of electrical wiring or electrical devices.
  - (e) Changing backgrounds, letters, figures, or characters, or other embellishments.
- (4) **Nonconforming Changeable Copy Signs.** The message on a nonconforming changeable copy sign or nonconforming bulletin board sign may be changed provided that the change does not create any greater nonconformity. Conversion of a nonconforming sign to an electronic changeable message sign shall not be permitted.
- (5) **Substitution.** A nonconforming sign may not be replaced with another nonconforming sign.

### Section 12.10 Fees

Any application for a sign permit or other request for action pursuant to the regulations set forth in this Article shall be subject to and accompanied by a fee as established by the City of Bells. Such fees shall be collected in advance of any application review, inspection, or issuance of any permit or approval. Upon notification of deficient payment of fees, the City Secretary shall cause any permits to be suspended and reject applications for new permits directly associated with the request.

(This page intentionally left blank)

## Article 13: Accessory Structures and Uses

### Section 13.01 Accessory Structures

- (a) The following accessory uses are permitted in any lot yard within any zoning district:
- (1) Arbors or trellises,
  - (2) Air conditioning and mechanical equipment shelters/enclosures,
  - (3) Boardwalks,
  - (4) Driveways,
  - (5) Fences and hedges,
  - (6) Flagpoles,
  - (7) Garden,
  - (8) Lampposts,
  - (9) Landscaping,
  - (10) Lawn furniture, such as benches, sundials, birdbaths, and similar architectural features,
  - (11) Mailboxes,
  - (12) Ornamental/landscaping lights,
  - (13) Play equipment and playhouses,
  - (14) Public utility installations for local service (such as poles, lines, hydrants, pump enclosures, and telephone booths, lift stations, generators),
  - (15) Retaining walls,
  - (16) Sidewalks,
  - (17) Steps,
  - (18) Streets,
  - (19) Terraces, patios, and outdoor fireplaces,
  - (20) Tennis courts, private,
  - (21) Trees, shrubs and flowers
- (b) Other accessory buildings, structures, and uses shall be permitted based upon the regulations of this article.

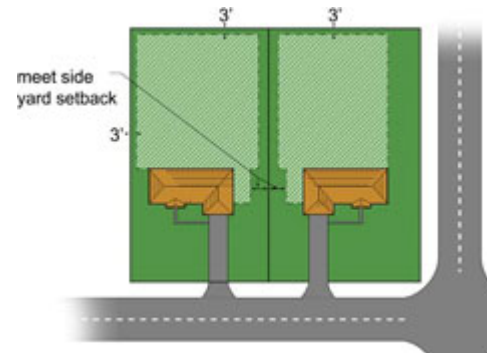
### Section 13.02 Residential Accessory Buildings

The following regulations shall apply to buildings accessory to residential uses, such as garages, storage sheds, pole barns, gazebos and roofed buildings. These regulations do not apply to commercial, office, institutional or industrial accessory buildings.

- (a) **Relation to Principal Building.** Detached garages, storage buildings, gazebos or other accessory structures shall not be constructed on a lot unless a residence already exists on the lot. An accessory building may be located on an adjacent lot that is under the same ownership and contiguous with the lot containing the residence.
- (b) **Number of Accessory Buildings.** There shall be no more than one (1) detached accessory building per lot, including adjacent lots or lots across the street. One (1) gazebo and one (1) shed less than 100 square feet may be permitted in addition to the accessory building.
- (c) **Locations for Detached Accessory Buildings.** Detached accessory buildings, storage sheds and gazebos shall only be located as follows:

Table 13.1 Accessory Building Locations Setback (1,2)

Locations Permitted	Minimum Setback from Lot Line
Front Yard	Not Permitted (3)
Side Yard	Zoning District Setback
Rear Yard	3 Feet from Rear Lot Line 3 Feet from Side Lot Line
Corner Lot Side-Street Yard	Front Yard setback of Zoning District



- (1) Accessory buildings shall not be located within a dedicated easement or right-of-way.
- (2) Detached accessory buildings shall be setback a minimum of 5-feet from the principal residential building. Each accessory structure must stand on its own and may not be constructed or attached to any other structure

- (b) **Height Limitations.** The maximum height of detached accessory buildings shall be one (1) story and 16 feet. Attic storage shall be permitted, provided the space shall only be utilized for storage.
- (c) **Use.** Accessory buildings shall not be occupied for residential, domicile or dwelling purposes. Accessory buildings shall not have plumbing for sewer or water. This restriction shall not apply where a special use has been granted for an accessory dwelling.
- (d) **Attached Garages.** Garages that are structurally attached to a principal building by connection of walls or a roof shall be subject to, and must conform to, all regulations of this Ordinance applicable to the principal building, including setbacks and lot coverage. Attached garages shall not exceed the height of the living portion of the principal structure/residence.

**Section 13.03 Porches, Decks, and Patios**

- (a) **Front Yard.** An open, unenclosed porch, patio or terrace may project into a required front yard setback for a distance not exceeding 12 feet, including side streets on corner lots. The porch may have a roof and railing; however, a porch that is enclosed by walls or windows shall be subject to the front yard setback applicable to the principal building, as set out in the applicable zoning district.
- (b) **Side Yard.** Decks and porches must not be closer to an interior side lot line than the minimum required side yard setbacks that apply to the principal structure on the property, as set out in the applicable zoning district.
- (c) **Rear Yard.** Decks, open, unenclosed and uncovered porches, patios and terraces may project into a required rear yard setback for a distance not exceeding 10 feet.
- (d) **Second-Story Decks.** **Second** story decks, including any walkway connecting the second story deck to a first story deck, a ground-level deck, or a deck located above a walk-out basement, may extend into the rear yard setback, provided it does not extend more than 10 feet from the rear of the dwelling.
- (e) **Privacy Fences and Screens.** Any privacy fence or privacy screen attached to a deck or porch shall be permitted in the side or rear yard, not exceeding six (6) feet in height measured from the ground below.

**Section 13.04 Pools and Hot Tubs**

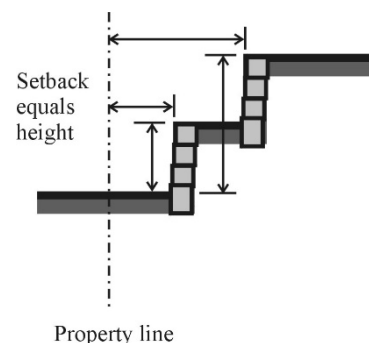
- (a) **Location.** Swimming pools, spas, hot tubs and similar devices shall not be located in any front yard. Swimming pools, spas, hot tubs and similar devices shall be setback at least 10 feet from the rear lot line and meet the side yard setback of the zoning district it is within.
- (b) **Security Fencing.** All outdoor swimming pools, shall be enclosed by a fence as follows:
  - (1) Swimming pools above and below the surface of the surrounding land shall be completely enclosed by a fence. The fence shall be equipped with a gate at all points of entry unless entry is directly from the main or accessory structure. All gates and doors shall be equipped with self-closing and self-latching devices and at least 4 feet in height.
  - (2) The more strict of the Zoning Ordinance or International Building Code adopted will be enforced.

**Section 13.05 Fences and Walls**

- (a) **All Zoning Districts**
  - (1) Fences shall not be allowed in front yards
  - (2) All exposed posts of a fence shall be located on the inside of the property they are intended to fence with the finished side of the fence facing out.
  - (3) Fences and walls shall not be erected within any public right-of-way or easement.
- (b) **Fences in Residential Zoning Districts**
  - (1) Fences shall not be allowed within front yards, unless it's a decorative wooden picket or split rail fence, with a maximum height of three (3) feet.
  - (2) Fences and walls located within the side or rear yard shall not exceed a height of (6) feet.
  - (3) Fences and walls shall be constructed of materials such as wood, metal, brick, stone, vinyl having the appearance of wood. The finished side of any fencing shall face outward towards the street or neighboring properties.
  - (4) Fences shall not contain barbed wire, electric current or charge of electricity.
  - (5) Subsection (b) shall not apply to security fences surrounding utility, institutional or public uses.
- (c) **Non-Residential Districts**
  - (1) Fences and walls shall be permitted in the side and rear yard in any nonresidential district.
  - (2) Fences and walls in the nonresidential districts shall not exceed eight (10) feet in height.
  - (3) Fences and walls shall be constructed of materials such as wood, metal, brick, stone or vinyl having the appearance of wood. Poured concrete, concrete block or other similar materials may only be used for walls not facing a street or residential district. The finished side of the fence shall face outward towards the street or neighboring property.

(d) **Retaining Walls**

- (1) Retaining walls shall not be located closer than two (2) feet to any property line. Grades at the property line shall not be changed.
- (2) The maximum height of any retaining wall shall be four (4) feet. Where taller walls are required, the retaining wall shall be stepped or tiered.
- (3) Retaining walls shall be setback from all lot lines and shorelines a distance equal to their height. For stepped or



tiered retaining walls, each tier shall be setback so that the cumulative total height of all tiers equals the setback of the top tier.

- (4) The Planning and Zoning Commission may approve taller retaining walls than allowed in paragraph (2) above and reduce the setbacks from that which is required in paragraph (1) or (3) above. They may also grant approval for such retaining wall, following a public hearing under section (2.09), based upon the following criteria:
  - (a) Steep topography on the site prevents development of the lot within the limits set for the retaining wall height and setback. The decrease in setback or increase in height shall be the minimum possible to provide for a reasonable building site on the lot.
  - (b) Views from adjacent property shall not be obstructed as a result of the increased retaining wall height or decreased setback, above and beyond the obstruction that would be caused by alternative construction methods.
  - (c) The impact to topography and woodlands shall be no more than the impact from development of the site with a greater number of lower, tiered retaining walls or other alternative construction methods.
  - (d) Adequate emergency access is provided around the building site.
- (5) Retaining walls shall be constructed of stone, brick, interlocking decorative concrete block, wood or other similar quality material approved by the Planning and Zoning Commission. The use of broken concrete or slag for retaining walls shall not be permitted.

#### Section 13.06 **Recreational Vehicles and Equipment**

- (a) On a residential lot, a resident may store recreational vehicles and equipment, such as motor homes, trailers, ATVs, and watercraft, in garages or other accessory structures. Recreational vehicles or equipment may be stored outdoors in the side or rear yard; provided the recreational vehicle or equipment is owned by the resident of the dwelling on that lot and the vehicle or equipment is located a minimum of five (3) feet from the side or rear lot line.
- (b) In a residential district, recreational vehicles and equipment may only be stored outdoors on the same lot as the owner's principal dwelling.
- (c) Recreational vehicles and equipment shall not be parked or stored on a public right-of-way.
- (d) Recreational vehicles and equipment shall not be permanently affixed to the ground as a principal or accessory structure on a lot in any district. All recreational equipment parked or stored shall not be connected to sanitary facilities. Motor homes, travel trailers, or camping trailers shall not be occupied for dwelling purposes, except in a lawfully established mobile home park or campsite.
- (e) Tents shall not be erected, used, or maintained on any lot, except small tents that are customarily used for recreation purposes and are located on the same lot as a dwelling. Temporary use of tents for religious, amusement and recreation, business, or manufacturing purposes shall be permitted when a permit has been issued by the Planning and Zoning Commission and Permitting Vendor in accordance with provisions set forth in article (13.01).
- (f) Boats may be parked or stored in the open when customary in the operations of a lawfully established principal use, and one boat may be stored or parked on a lot containing a dwelling provided that it shall be located in side, rear or waterfront yard setback a minimum of five (5) feet from all lot lines; provided it is owned by the resident of the dwelling of said lot (13.06 a). There shall be no major repair, disassembly, or rebuilding operations conducted on the lot.



**Section 13.07 Parking of Semi-Trucks, Shipping Containers and Construction Equipment**

- (a) The storage or parking of semi-tractor trucks and/or semi-trailers, bulldozers, earth carriers, cranes or any other similar equipment or machinery in residential district is prohibited with the exception of the following:
- (1) Semi-trailers, shipping containers and other types of storage units may not be parked or stored in a residential zoning district, except when a resident is moving into or out of a dwelling.
  - (2) Construction vehicles may be parked while in use for approved construction on the property only while a current building permit is in effect or during other site landscaping or utility work not subject to a building permit. Such vehicles shall only be parked on the property while in use for a construction project that is being diligently carried on toward completion.
- (b) In all nonresidential districts, semi-trailers may not remain on any property longer than 30 days while being parked, stored, repaired, or sold. Only one (1) such semi-trailer may be parked, stored, repaired, or sold in any 12-month period. Only properly approved semi-trailer dealers operating in properly zoned districts are exempt from this requirement. Storage of semi-trailers, shipping containers and other types of storage units shall only be permitted in the industrial districts as an accessory use to an approved industrial use.
- (c) City Ordinance No 01152019A regarding Semi Trucks on City Streets shall take precedence.

**Section 13.08 Entranceways**

In all zoning districts, entranceway structures, including but not limited to walls, columns and gates marking entrances to subdivisions, multiple-family housing projects, business centers and industrial and office parks may be permitted and may be located in a required yard.

**Section 13.09 Non-Residential Accessory Buildings**

Storage buildings and other buildings that are accessory to a non-residential use shall be permitted subject to the same restrictions as the principal use and building. Accessory buildings for commercial, office, institutional or industrial uses shall be subject to the same district dimensional requirements (setbacks and height) as the principal building.

**Section 13.10 Tents/Canopies**

Any tents or canopies shall be subject to the following requirements:

- (a) The location shall comply with corner clearance regulations under Article 2.
- (b) The location shall not decrease parking below the minimum parking requirements under Article 11.
- (c) The location shall not block maneuvering lanes.

## Article 14: Use Regulations

### Section 14.01 Residential

The following requirements shall be required for the specified use:

(a) **Residential Dwellings**

(1) **All Types of Residential Dwellings.** All site-built dwellings shall meet the following requirements:

(a) **Minimum Floor Area.** The dwelling shall meet the minimum square footage requirements for the zoning district in which it is to be located and must be 20 feet in width by 40 feet in length. The width or length of the dwelling may be reduced where the building will be two (2) stories in height and meet the minimum floor area requirement of the zoning district.

(b) **Roof.** The home shall have a roof with a minimum rise of 3:12, composed of a material customarily used on site-built residential dwellings, such as fiberglass, shake, asphalt, slate, metal or tile, which shall be installed onto a surface appropriately pitched for the materials used.

### Temporary Use; Permits for Manufactured Homes.

i. **Circumstances for Permit Issuance.** Subject to conditions, fees, and standards otherwise required by this title, a temporary use permit may be issued:

1. To an applicant to use a manufactured or manufactured home as a construction office at a job site;
2. To an applicant whose own health or health of another necessitates care, and emergency situations where the facts show that an unnecessary hardship would occur if not permitted to locate a manufactured or manufactured home adjacent to the residence of one who is able to provide care or in need of care; or
3. If a home is burned, a manufactured home could be placed on the property by order of the Planning and Zoning Commission prior to the granting of the variance.
4. No more than one (1) manufactured home should be allowed on a parcel of land.

ii. **Length of Permit.** A temporary use permit may be issued, at the discretion of the plan commission, for a period not to exceed twelve (12) months.

iii. **Permit Expiration.** At the time the temporary permit expires, the manufactured or manufactured home and all appurtenances shall be removed from the property unless a variance has been granted by the Planning and Zoning Commission for additional time.

iv. **Utility Requirements.** Manufactured or manufactured homes used for temporary uses shall have an approved water supply, sewage disposal system, and utility connections, where appropriate, and at the discretion of the Planning and Zoning Commission.

(b) **Home occupations**

- (1) The regulations of this section apply to home occupations that are accessory to a residential use.
- (2) The home occupation shall be incidental and secondary to the use of the dwelling for living purposes and does not occupy more than one-fourth of the floor area of a story, cellar, or accessory structure.
- (3) There shall be no signs, display, or activity that will indicate from the exterior that the building is being used, in part, for any purpose other than that of a dwelling, except one sign, not to exceed 2' x 3'.
- (4) There shall be no services rendered that require receipt and delivery of merchandise, goods, or equipment by other than a passenger motor vehicle or by licensed commercial delivery service provider.
- (5) All activity, including storage, shall be conducted completely within the dwelling unit, attached garage, or detached garage.
- (6) There shall be no perceptible noise, odor, smoke, electrical interference, or vibration emanating from the structure between the hours of 7:00 p.m. and 7:00 a.m. local time.

(c) **Roadside Stands**

- (1) The stand shall be located at a safe distance from the traveled way, and not within a road ROW or easement without a permit.

(d) **Mobile Homes**

- (1) Newly placed or moved in Mobile homes shall be barred from the City of Bells of as a permanent dwelling outside of a temporary work trailer or temporary housing due to an act of god while their home is being repaired or replaced.
- (2) Replacement of Non-Conforming HUD-Code Manufactured Home
  - (a) Notwithstanding any of the provisions of this section, a non-conforming HUD- Code manufactured home may be exchanged or replaced by another HUD-Code manufactured home, provided the newly located residential unit is owner- occupied.

### Section 14.02 **Retail Trade**

The following requirements shall be complied with for the specified use:

(a) **Retail Uses with More Than 30,000 Square Feet of Floor Area**

- (1) The design of the center shall ensure that vehicular circulation patterns will minimize conflicts between vehicles and pedestrians on-site.
- (2) Internal drives defined by the ends of aisles shall have raised curbed landscape islands at appropriate locations to define circulation paths and control movements through the parking lot.
- (3) Any outlots shall have shared access and circulation with the main shopping center.
- (4) A minimum buffer/setback of 20 feet shall be provided between the parking lot or loading area and any adjacent residential district landscaped in accordance with Article 11.

- (5) Loading facilities which serve the commercial establishment in the principal building shall be screened from public view.
  - (6) Any outlots shall have access, circulation and parking designed to complement the entire site.
- (b) **Drive-Through Accessory to a Retail Use**
- (1) The drive-through facility must be attached to the structure.
  - (2) The drive-through facility shall be located on the side or rear elevation of the building to minimize visibility from the roadway. The site shall be oriented so that drive-through lanes and pickup windows are not a prominent feature of the building.
  - (3) The drive-through service shall be screened from adjacent residential land uses by a solid screening wall in accordance with Article 10, such that it will not impact the use and enjoyment of the residential land use.
  - (4) Clear identification and delineation between the drive-through facility and the parking lot shall be provided.
  - (5) There shall be a minimum of three (3) stacking spaces.
  - (6) Each drive-through facility shall provide an escape lane to allow other vehicles to pass those waiting to be served. The Planning and Zoning Commission may waive the requirement for an escape lane where it can be demonstrated that such a waiver will not result in an adverse effect on public safety or the convenience of patrons of the facility.
- (c) **Planned Neighborhood Shopping Center Residential Zoning Districts**
- (1) A special use shall be required for a planned neighborhood shopping center in the residential zoning districts to provide day-to-day convenience shopping to adjoining residential neighborhoods.
  - (2) The site shall have frontage and access to major thoroughfare.
  - (3) The total commercial floor area shall be no more than 20,000 square feet.
  - (4) Uses shall be limited to those permitted in the C1 district.
  - (5) Architectural and sign treatment shall be compatible with the character of the surrounding residential area in terms of building materials and scale.

#### Section 14.03 **Services**

- (a) **Pawnshops**
- (1) The site shall not be within 1,000 feet of an adult regulated use or another pawnshop.
- (b) **Tattoo Establishment**
- (1) The site shall not be within 100 feet of a residential district.
  - (2) The site shall not be within 1,000 feet of an adult regulated use.
  - (3) The use shall not operate after 10:00 PM.

#### Section 14.04 **Motor Vehicle Dealers and Service**

The following requirements shall be complied with for the specified use:

- (a) **Vehicle Service and Repair, Major and Minor**
- (1) All repair work shall be conducted completely within an enclosed building.
  - (2) Storage of wrecked, partially dismantled, or other derelict vehicles is prohibited, unless such storage is required under police or court order. Vehicles awaiting repair shall not be stored

outdoors for more than ten (10) days and shall be screened with an eight (8) foot high screen wall in accordance with Article 10.

- (3) There shall be no outdoor storage or display of vehicle components and parts, supplies, or equipment or other merchandise, except within an area defined on the site plan which extends no more than 10 feet beyond the building.

(b) **Automobile Wash**

- (1) The site shall have sufficient road frontage to be able to meet all of the driveway access spacing requirements of Article 11.04.
- (2) All washing facilities shall be within a completely enclosed building.
- (3) Where adjoining a residential district, a solid screening wall shall be erected along any common lot line in accordance with Article 10.
- (4) Vacuuming and drying may be located outside the building but shall not be in the required front yard and shall be set back at least 40 feet from any residential district.
- (5) All cars required to wait for access to the facilities shall be provided stacking spaces fully off the street right-of-way which does not conflict with vehicle maneuvering areas to access gasoline pumps or vacuums.

(c) **Vehicle Service Stations and Truck Stops**

- (1) The site shall have sufficient road frontage to be able to meet all of the driveway access spacing requirements of Article 11.04.
- (2) Pump islands shall be a minimum of 20 feet from any public right of way or lot line, and at least 50 feet from any residential lot line.
- (3) Where adjoining residentially zoned or used property, a solid screening wall shall be erected along any common lot line in accordance with Article 10.
- (4) Access driveways shall meet the standards of Article 11.04; turning movements may be restricted in consideration of traffic conditions. Only one (1) driveway shall be permitted from each street.
- (5) All vehicle service and repair shall comply with Section 14.04(a) above.
- (6) The design and materials of the canopy shall be compatible with the principal building. The proposed clearance of any canopy shall be noted on the site plan. Canopy lighting shall be recessed such that the light source cannot be seen from off site.

### Section 14.05 **Accommodation and Food Services**

The following requirements shall be complied with for the specified use:

(a) **Bed & Breakfast Inns**

- (1) The regulations of this section only apply to bed & breakfast inns located in residential districts. When located in nonresidential districts, the requirements applicable to hotels shall apply.
- (2) The inn shall be a private residence, owned by the innkeeper and the residence in which the innkeeper resides while renting the rooms to transient guests.
- (3) An inn located in a residential zoning district shall not be permitted to operate a restaurant that is open to the general public and may only offer breakfast to the guests.
- (4) The inn shall be operated in its entirety within the principal dwelling and not within any accessory building, except for incidental storage in use of a residential type garage.

- (5) There shall be no exterior evidence, other than a permitted sign, to indicate that the residence is being utilized for any purpose other than that of a dwelling.
- (6) There shall be no alteration or construction not customarily found in residential dwellings; except modifications as recommended by the fire department such as fire protection and fire suppression equipment.
- (7) The inn shall be inspected by the fire department and the Grayson County Health Department for compliance with fire code and health code requirements prior to operation.
- (8) Guests are not allowed to stay longer than 14 consecutive days or 30 days in any one calendar year at any tourist home/bed and breakfast location.
- (9) Sufficient off-street parking shall be required as for commercial lodging establishments. Existing buildings and structures that contribute towards the residential character of the site shall be retained and incorporated into the site design to the maximum extent practical. All required parking for any bed and breakfast inn shall be screened from adjacent residential uses.

(b) **Restaurants with Drive-Through Service**

- (1) The drive-through facility shall be located on the side or rear elevation of the building to minimize visibility from the public or private roadway. The site shall be oriented so that drive-through lanes and pickup windows are not a prominent feature of the building.
- (2) The drive-through service shall be screened from adjacent residential land uses by a solid screening wall in accordance with Article 10, such that it will not impact the use and enjoyment of the residential land use.
- (3) Clear identification and delineation between the drive-through facility and the parking lot shall be provided.
- (4) There shall be a minimum of 10 stacking spaces.
- (5) Each drive-through facility shall provide an escape lane to allow other vehicles to pass those waiting to be served.
- (6) Only one (1) access shall be provided onto any street.
- (7) Where the restaurant is constructed adjacent to other commercial uses, a direct vehicular access connection shall be established with the adjoining property if possible.

(c) **Restaurants in Industrial Districts**

- (1) The restaurant shall be located within an office structure or industrial building or shall be located in a freestanding building as part of an overall industrial or office park.
- (2) The restaurant shall be planned as a part of an overall plan for development and shall be part of a service establishment complex for such development.
- (3) The restaurant shall comprise not more than 20% of the land area of an overall development.
- (4) There shall be no more than one (1) restaurant in a freestanding building per business park.
- (5) Drive-in or drive-through restaurants shall be prohibited.

(d) **Mobile Food Vendors and Food Truck Parks**

(1) **Violation; Penalty.**

- (a) Unless exempted from the provisions of this article, it shall be unlawful for a person to engage in, transact or conduct the business or occupation of a Mobile Food Unit vending

within the City without first having obtained a Mobile Food Unit Permit with the City Clerk's Office or to violate any provision of this ordinance

- (b) Any person, firm, entity or corporation who violates any provision of this Ordinance shall be deemed guilty of a misdemeanor, and upon conviction, therefore, shall be fined in accordance with State Law. Each continuing day's violation shall constitute a separate offense. The penal provisions imposed under this Ordinance shall not preclude Bells from filing suit to enjoin the violation. Bells retains all legal rights and remedies available to it pursuant to local, state, and federal law.

**(2) Categories of mobile food units and where allowed.**

- (a) Unrestricted Mobile Food Unit. Unrestricted Mobile Food Units must have access to an approved commissary on a daily basis for servicing. These units may operate on private property at one or more locations depending upon owner's permission and must comply with all City of Bells ordinances, rules, and regulations.
- (b) Restricted Mobile Food Unit. Under this type of permit, no open food preparation or handling may occur. All food items including beverages and condiments must be prepackaged at an approved food establishment or come prepackaged from an approved source. These units may operate on private property at one or more locations depending upon owner's permission and must comply with all City of Bells ordinances, rules, and regulations.
- (c) Limited-Service Mobile Food Unit. Under this type of permit, the Mobile Food Unit may only operate as indicated:
  - 1. Ice Cream Trucks or Push Carts serving packaged, frozen treats. These units are only allowed to drive through neighborhoods and stop for only a brief period of time to serve their product.
  - 2. Mobile Vending Food Units selling whole fruits and raw vegetables. These Units may set up for a brief period of time at private locations with the property owner's permission or may drive through neighborhoods and stop for only a brief period of time to serve their product.
  - 3. Trucks selling packed frozen steaks, chicken, seafood, and frozen foods. These units can only sell their products door to door and are limited to neighborhoods and local businesses.

Mobile food units are prohibited from operating in a zoning district contrary to the Zoning Districts defined in this City's Code of Ordinances.

**(3) Vehicle Requirements**

A Mobile Food Unit, in addition to any requirements of the Grayson County Health Department, shall:

- (a) Maintain the vehicle in a clean, undamaged condition, both inside and outside, and in good working order, in compliance with any and all other City's ordinances
- (b) Keep all required permits or copies of permits on the vehicle or Mobile Food Unit at all times.

- (c) Display on the vehicle current license plates and current vehicle safety inspection information in accordance with current State Law. Display on the vehicle's windshield, the appropriate permit is-sued by the City of Bells showing that the Mobile Food Unit is permitted to operate within the city limits.
- (d) Display copies of the Texas Sales and Use Tax Permit and the Grayson County Health Department Permit on the vehicle at all times.
- (e) Only serve or distribute food as specified on the permit issued by the Grayson County Health Department. This permit must be displayed on the vehicle.
- (f) Central Preparation Facility/Commissary: All Unrestricted Mobile Food Units must work with a Central Preparation Facility or Commissary under the jurisdiction of the Grayson County Health Department.
  - 1. Ice Cream Trucks or Push Carts serving packaged, frozen treats. These units are only allowed to drive through neighborhoods and stop for only a brief period of time to serve their product.
  - 2. The central preparation facility, commissary, or other fixed food service establishment, used as a base of operation for a mobile food unit, must be constructed and operating in compliance with this Chapter and the Grayson County Health Department.
  - 3. The servicing area must include overhead protection for any supplying, cleaning, or servicing operation; a location for the flushing and draining of liquid waste separate from the location provided for water service and the loading and unloading of food and related supplies; and a surface constructed of a smooth nonabsorbent material, including, but not limited to concrete or machine-laid asphalt, that is maintained in good repair, kept clean, and graded to drain.
  - 4. Servicing Methods and Equipment: Potable water servicing equipment must be installed according to all applicable City Ordinance, county, state, and federal law, and stored and handled in a way that protect the water and equipment from contamination.
    - i. The liquid waste retention tank for a mobile food unit must be thoroughly flushed and drained during the servicing operation.
    - ii. All liquid waste must be discharged to a sanitary sewerage disposal system constructed and operated according to all applicable city ordinances, county, state, and federal law.
    - iii. Liquid waste may not be discharged from a Mobile Food Unit while the Mobile Food Unit is in motion.
  - 5. Site cleanup. A service site must be left in a clean, waste-free condition.
  - 6. Food preparation and services. Food may not be prepared or served while the mobile food unit is in motion or in an area that exposes any person present to a health or safety hazard.
  - 7. A mobile food unit may not serve, sell, or distribute any food or beverage if the food central preparation facility or commissary does not supply, clean, or service the mobile food unit in accordance with this section.



**(4) Mobile Food Unit Operating Requirements**

- (a) Any person operating a motor vehicle as a mobile food unit must have at least one person who is a currently licensed driver with a valid driver's license with the vehicle at all times.
- (b) Waste containers (inside and outside the unit) shall be durable, easily cleanable, insect-proof, rodent-proof, nonabsorbent to liquids, leak-proof and lined with a plastic bag. Containers shall have tight fitting lids and must be maintained on each mobile food unit in a number sufficient to contain all trash and garbage generated by the unit. There shall be at least one waste container outside the unit and have sufficient capacity to accommodate all garbage and refuse that accumulates. Before the mobile food unit leaves a vending site, all trash and garbage must be removed from the site. Excessive trash and garbage shall not be allowed to accumulate inside or around the mobile food unit. All trash and garbage must be disposed of in an approved garbage receptacle.
- (c) A mobile food unit must comply with the City of Bells Zoning Requirements governing mobile food units. Each mobile food unit shall:
  - 1. Operate in approved areas with appropriate zoning designation;
  - 2. Operate with approved permits;
  - 3. May not sell or serve food on any public street, sidewalk, or other public right of way without appropriate permits from the City of Bells and Grayson County;
  - 4. Outside walking, driving and parking areas shall be on an Improved Surface;
  - 5. Operate according to approved itinerary;
  - 6. Mobile Food Units must not obstruct traffic movement, fire lanes and drive aisles;
  - 7. Mobile Food Units shall not impede access to the entrance or driveway of any adjacent building;
  - 8. Mobile Food Units cannot impair visibility or safety onsite; and
  - 9. When out of service be parked at the approved central preparation facility, commissary, or other location in compliance with city ordinance and/or county, state and federal law.
- (d) A mobile food unit must have written authorization from the owner or person in control of each premise from which the mobile food unit will sell or serve food. The authorization must include the specific dates and times during which the unit is authorized to be present on the premise. A current copy of each authorization must be maintained on file with the City of Bells City Clerk's office, as well as in the mobile food unit files for review by inspectors.
- (e) Adequate separate toilet facilities must either be provided on the mobile unit or be available at a nearby permanent facility. If a nearby toilet is used, a separate written agreement granting permission for the mobile food unit employees to access the toilet facilities must be obtained from the owner or person in control of the facilities if the mobile food unit will be at the same location for more than two (2) hours.
- (f) No cooking may be conducted while the vehicle is in motion.
- (g) Covers with secure latches for deep fryers, steam tables and similar equipment must be provided and installed while the vehicle is in motion.

- (h) Shall follow all additional requirements of the Grayson County Health Department which are not included in this Chapter.
- (5) **Structural requirements for Unrestricted Mobile Food Units.**
- (a) Unrestricted mobile food units must have a potable water system under pressure that is equipped with a permanently installed water supply tank of sufficient capacity to furnish enough hot and cold water for food preparation, utensil cleaning and sanitizing, and handwashing.
- (b) The water supply tank must be equipped with a water inlet that is located where it will not be contaminated by waste discharge, road dust, oil or grease. Any unauthorized connection to the City's public water system and/or the dumping or release of grease into the City's sanitary sewer system shall be prohibited. An Unrestricted Mobile Food Unit may, with approval from the Director of Public Works, connect to the City's water supply provided the mobile food establishment has proper backflow devices installed. All backflow devices must be installed and maintained in conjunction with the City's Code of Ordinances.
- (c) If liquid waste results from the operation of a mobile food unit, it must have a liquid waste retention system that is equipped with a permanently installed retention tank of at least fifteen (15%) percent larger capacity than the potable water supply tank, is equipped with servicing connections that are located lower than the water inlet to prevent contamination of the potable water system and are of a different size or type than the connection used for supplying potable water to the unit and is properly sloped to drain and collect all potential liquid waste.
- (d) Floors must be constructed of a smooth, durable material such as durable grades of acid resistant linoleum, or better grades of tile. No carpet is allowed. All junctures between floor and walls, equipment and shelves shall be sealed and covered. Equipment and shelves must be elevated a minimum of six (6) inches or sealed to floor. All service lines and pipes must be installed off the floor to allow for easy cleaning.
- (e) Interior walls, wall coverings and ceilings shall be smooth, non-absorbent with easily cleanable surfaces. All other exposed wood surfaces must be smooth, sealed, or painted with epoxy type products. All edges must be protected, covered, or beveled. Studs, joists, and rafters shall not be exposed.
- (f) The cab of the vehicle must be physically separated from the food preparation area, and the seats designated for the cook and any passengers must be located outside of the food preparation area. Aisle space must be unobstructed and at least thirty (30) inches wide.
- (g) All equipment and utensils must meet or exceed the standards published by the National Sanitation Foundation.
- (h) All equipment must be placed, installed, stored, and secured on the unit in a manner that allows for thorough cleaning and sanitizing around the equipment and prevents movement of the equipment when the unit is in motion. Counter-mounted equipment must be sealed directly to the countertop or securely installed to provide a four-inch

clearance under the equipment. Floor mounted equipment must be sealed directly to the floor or securely installed to provide a six (6) inch clearance under the equipment.

- (i) The unit must be equipped with a three-compartment sink with two drainboards, both made of eighteen (18) gauge stainless steel. The sink must have hot and cold water from an approved source. The sink must be of sufficient depth to completely immerse the largest piece of equipment used in the unit.
  - (j) The unit must be equipped with a separate hand sink that must be fully accessible and separated from the ware washing by a splashguard and have a mixing valve or a combination faucet, and hot and cold water. Handwashing sinks are required to have a soap and paper towel dispenser in close proximity.
  - (k) Outer openings of the unit, including but not limited to service windows, doors, pop-up vents, and sunroofs, must be insect and rodent proof. Screens must be tightly fitted and in good repair with a maximum of 16 mesh per square inch. Entrance doors and service windows to the food preparation area must be self-closing and must be kept closed when not in use.
  - (l) The unit must be equipped with a power source, approved by the City of Bells that is capable of handling the power demands of the unit and equipment when the unit is stopped or in motion. The power source must be permanently installed in an area that is completely separated from food preparation and food storage areas and must be accessible for proper cleaning and maintenance.
  - (m) Light bulbs and tubes must be covered and completely enclosed in plastic safety shields or the equivalent.
- (6) **Application and Review Process.**  
Any person desiring to engage in, transact or conduct the business or occupation of a Mobile Food Unit vending within the City shall apply for a Mobile Food Unit Permit with the City Clerk's Office. Upon receipt of a completed application, the City Clerk shall obtain approval of said application from the City's third party compliance inspector for both structural and fire compliance, Chief of Police, and Grayson County Health Department. Upon payment of the permit fee and approvals of officials set forth above, the City Clerk shall deliver to such Mobile Food Unit a permit which shall show the issuance and expiration date, name of Mobile Food Unit and description of Mobile Food Unit. The Mobile Food Unit permit shall be valid for one-year from the date of issuance.  
The application for a Mobile Food Unit shall include:
- (a) Applicant's Name and date of birth, Mobile Unit business name, type of business, business address, telephone number, and email address;
  - (b) Additional responsible party name and phone number;
  - (c) Description of the nature of the business and the character of food or beverage to be offered for sale;
  - (d) Number of employees, together with credentials establishing the exact relationship;
  - (e) The entire length of time for which the right to do business is desired and hours of operation;

- (f) Description of Mobile Food Unit type, motor vehicle make/model/year, color, plate number and issuing state and Vehicle Identification Number (VIN);
  - (g) Vehicle insurance issuance company name and policy number (together with a copy of current proof of insurance);
  - (h) Copy of business liability insurance;
  - (i) Applicant's last business occupation, last place of residence, and license number and place of issuance or license of motor vehicle, if any, used in applicant's business;
  - (j) Acceptable personal identification containing a current photo of applicant, such as a driver's license, passport, or other government issued identification;
  - (k) Proof that the applicant has received a state limited sales and use tax permit;
  - (l) Current Grayson County Health Department Permit;
  - (m) Description of property from which food or beverages are to be displayed, including street name and address number, legal description or designation of the property as shown on the current tax records of the county tax appraisal district, with the name, contact information and tax billing address of the owner of the property;
  - (n) A statement signed by the owner of the property acknowledging that said owner has reviewed the completed application forms and has granted permission to the applicant for the use of the property for the purpose set forth and for the time duration stated;
  - (o) Date or dates and approximate hours that food or beverages will be displayed or sold during the period the license shall be in force and effect;
  - (p) A statement as to whether or not the applicant has been convicted of any crime, misdemeanor or violation of any provision of this code, the nature of the offense and the punishment or penalty assessed therefor;
  - (q) The place where the food or beverages are proposed to be sold, or orders taken for the sale thereof, are produced, where such food or beverages are located at the time such application is filed, and the proposed method of delivery; and
  - (r) Applicable permit fee.
- (7) **City's Third Party Compliance Inspectors Requirements.**  
Any person desiring to engage in, transact or conduct the business or occupation of a Mobile Food Unit vending within the City shall adhere to the following requirements:
- (a) Present a valid invoice from a Certified Master Plumber indicating an annual pressure/ gas test has been successfully completed. This will be required for initial permitting in addition to ongoing permit renewal.
  - (b) Installed Liquefied Petroleum Gas (hereinafter LPG) piping shall be of an approved, labeled and listed type for use with the cooking appliances. Rubber type hoses shall not be allowed. All piping shall be in accordance with the most recently published National Fire Protection Association 58 and shall be protected against physical damage.
  - (c) Maintain within a Mobile Food Unit a maximum of 200 gallons LPG located within a vented compartment: containers shall not be ahead of the front axle or beyond the rear bumper of the vehicle. An ASME tank is required for permanently installed tanks.

- (d) Maintain within a Mobile Food Unit a maximum of 200 gallons LPG located outside but mounted upon the trailer in a protected location: containers shall not extend beyond the rear bumper.
- (e) LPG cylinders shall not exceed 100 pounds.
- (f) LPG cylinders shall have an approved label and listed shut-off valve.
- (g) All LPG cylinders shall be protected from damage and secured with a solid bracket.
- (h) The storage of LPG cylinders inside trucks and/ or trailers is prohibited.
- (i) All valves must be turned off when appliances/ cylinders are not in use.
- (j) "No Smoking" signs shall be posted. Additionally, the signage should be visible near any propane containers.
- (k) Electrical:
  - 1. Extension cords shall not be utilized, nor are they a substitute for permanent wiring.
  - 2. An appropriately sized power supply cord with corresponding connections will be allowed. The cord will be sized according to the vehicle's electrical demands.
  - 3. Appliances shall be plugged directly into electrical outlets.
  - 4. All electrical outlets within six feet of a wet location shall be Ground Fault Circuit
  - 5. Interrupter (hereinafter GFCI) protected. All exterior outlets shall be GFCI protected.
- (l) Fire Extinguishers:
  - 1. All fire extinguishers require an annual inspection by a Texas licensed fire extinguisher company. Required extinguishers must be properly mounted and readily accessible.
  - 2. At least one portable extinguisher of the 2A10BC rating shall be accessible to the interior of the mobile food unit/trailer.
  - 3. Units utilizing oil/grease fryers are required to have a Class K fire extinguisher on the unit.
- (m) Fire Suppression System:
  - 1. Mobile Food Units which perform cooking operations that produce grease laden vapors shall have a Type 1 hood with ventilation.
  - 2. Type 1 hoods shall be protected by a UL 3200 or UL 300A fixed fire extinguishing system.
  - 3. A Biannual system inspection is required for all fire suppression systems by a Texas licensed fire suppression company.
  - 4. All cooking Surfaces and hoods are to be kept clean to prevent grease build- up.
- (n) Cooking Equipment and Appliances:
  - 1. All cooking appliances shall be of an approved type, listed and labeled for the intended use. Propane appliance can be approved by the following testing labs: UL, CSA, CGA, AGA and/ or ETL.
  - 2. Cooking appliances shall have an approved, labeled and listed on- off valve.

3. All appliances shall be installed according to the manufacturer's instructions.
4. Water heaters or hot water tanks shall be installed in accordance with the International Plumbing Code and manufacturer' s installation instructions and shall include venting of the tank.

(o) Fire Lanes and Fire Access and Driveways:

1. Mobile Food Units shall not park in marked fire lanes. They shall not block fire department access or driveways that serve as access.
2. Prohibited Cooking:
3. Solid fuel cooking is prohibited with the following exception: The cooking device is listed and approved for mobile food cooking applications.
4. Coleman Stove or equivalents are prohibited.

**(8) License fees; duration; exemptions.**

- (a) Every person, unless otherwise exempt, and before engaging in the business or occupation of a Mobile Food Unit in the city, shall pay, in advance, to the city clerk, a city license fee in an amount determined by the city council, as the same may be determined from time to time.
- (b) Licenses issued under this paragraph shall expire twelve (12) months following the date of issuance.
- (c) This licensing procedure, application, and fee shall not apply to:
  1. The sale of whole vegetables, whole fruits or other cultivated produce; and
  2. Permitted Farmers Market that runs from April through October.

**(9) Suspension of license; appeal; revocation**

- (a) In the event of any violation of this ordinance, the Mobile Food Unit shall be subject to suspension or revocation of their Mobile Food Unit permit. With regard to violations involving public health or welfare as determined by the Regulatory Authority, shall cease operations immediately and the Regulatory Authority shall have the right to shut down operations.
- (b) A denial or revocation of a Mobile Food Unit permit may be appealed as set forth herein. Within seventy-two (72) hours from the time of revocation or denial of the Mobile Food Unit permit, the vendor may appeal the revocation to the City Administrator, who shall have the authority to rein-state or revoke the license. Upon receiving notice of appeal, the City Administrator shall set a date for hearing the appeal, such date to be within seven (7) days of receipt of notice of appeal. In the event there is no appeal within seventy-two (72) hours from the time of suspension of the license, the license shall be revoked. In the event of revocation of a Mobile Food Unit permit, vendor shall immediately cease all operations and remove all food or beverages, equipment, vehicles, and related items from the location for which the license had been granted.

**(10) Waiver for Special Events**

- (a) The provisions of any ordinance making it illegal for Mobile Food Units or Food Truck Parks to operate in City Parks or other City property may be waived by the Mayor, Chief of Police, or the City Council upon petition from any group or for a City-sponsored event, by issue of a Special Waiver to temporarily allow the use of Mobile Food Units or Food Truck Parks, if after, he/she/they, determines that vendor ordinance and health department conditions are met.

**Section 14.06 Finance, Insurance, Real Estate, Professional, Scientific, and Technical Services**

The following requirements shall be complied with for the specified use:

**(a) Banks with Drive-Through Tellers**

- (1) The drive-through facility shall be located on the side or rear elevation of the building to minimize visibility from the public or private roadway.
- (2) The drive-through service for teller stations and automated teller machines (ATM), including any associated lighting, shall be screened from adjacent residential land uses by a solid screening wall in accordance with Article 10, such that it will not impact the use and enjoyment of the residential land use.
- (3) Clear identification and delineation between the drive-through facility and the parking lot shall be provided.
- (4) There shall be a minimum of four (4) stacking spaces for the first drive-through lane and three (3) stacking spaces for each additional lane.
- (5) The drive-through facility shall provide an escape lane to allow other vehicles to pass those waiting to be served. The Planning and Zoning Commission may waive the requirement for an escape lane where it can be demonstrated that such a waiver will not result in an adverse effect on public safety or the convenience of patrons of the facility.

**Section 14.07 Health Care and Social Assistance**

The following requirements shall be complied with for the specified use:

**(a) Day Care Centers, Commercial/Preschools**

- (1) There shall be a minimum of 100 square feet of outdoor play area per child on site at any given time.
- (2) The minimum side and rear yard setback shall be 20 feet.
- (3) A minimum 20-foot buffer/setback shall be provided between the parking lot and any adjacent residential use landscaped in accordance with Article 10.
- (4) The day care center or preschool shall be inspected by the fire department and the Grayson County Health Department and Texas Department of State Health Services for compliance with fire code and health code requirements prior to operation.

**(b) Funeral Homes/Mortuaries**

- (1) An off-street vehicle assembly area shall be provided to be used in support of funeral processions and activities. This area shall be in addition to the required off-street parking and its related maneuvering area.

- (2) If a crematory is included as part of a funeral home/mortuary, it shall meet the following requirements:
  - (a) Crematories shall be setback 100 feet from any lot line adjoining a residentially zoned or used lot.
  - (b) All required state permits, licenses and certifications shall be obtained.
  - (c) Crematories shall not emit any noticeable odor or particulates.
  - (d) Crematories shall have emission stacks covered or shrouded with materials safe for such uses and that are compatible in design and architecture with the existing funeral home and the building housing the crematory. The crematory facility and emission stack shall be compatible with surrounding properties.
- (c) **Group Home**
  - (1) Group Homes be developed in a multiple-family or cluster housing form with full facilities for self-sufficiency in each individual unit. A community center for this overall development may be provided.
  - (2) Group Homes may be developed in a multiple-family housing form with central dining facilities provided as a basic service to each unit. A community center for the overall development shall be provided to support recreational and social activities.
  - (3) Group Homes shall be inspected by the fire department and the Grayson County Health Department and Texas Department of State Health Services for compliance with fire code and health code requirements prior to occupancy.
  - (4) Applicants for a special use permit to operate a group home must submit documentation that the applicant has obtained any and all necessary state licenses permitting the applicant to operate such group home.

#### Section 14.08 Entertainment and Recreation

The following requirements shall be complied with for the specified use:

- (a) **Adult Regulated Use**
  - (1) Regulations for these uses are necessary to insure the potential adverse effects will not contribute to the blighting, deteriorating, and/or down grading of the area in which they are located and surrounding neighborhoods. The control or regulation of these uses is for the purpose of preventing their overcrowding in a particular location and requires, instead, their disbursal in appropriate locations to minimize their adverse impact on any specific neighborhood.
  - (2) The prohibition against the establishment of more than one adult regulated use, within 500 feet of another adult regulated use or other incompatible uses, serves to avoid the concentration of such uses; avoids the deleterious effects of blight and devaluation of both business and residential property; and prevents the harmful effect of blight and devaluation of recreation, educational and/or religious uses.
  - (3) Concern for, and pride in, the orderly planning and development of the neighborhood and area should be encouraged and fostered in those persons who comprise the business and residential segments of that neighborhood and area.
  - (4) The following constitute adult regulated uses, as defined in the definition Article within this ordinance.



- (a) Adult arcade;
  - (b) Adult bookstore, adult video store or adult novelty store;
  - (c) Adult cabaret;
  - (d) Adult massage parlor;
  - (e) Adult motel;
  - (f) Adult motion picture theater;
  - (g) Adult theater;
  - (h) Escort agency; or
  - (i) Nudist colony;
  - (j) Nude model studio
- (5) Sensitive Use Separation. Any adult regulated use/building shall be at least 500 feet from a residential zoning district and at least 500 feet from any of the following. Distance limitations shall be measured along a straight line forming the shortest distance between any portion of the subject parcel and parcels zoned residential or occupied by uses specified herein.
- (a) Another existing adult regulated use;
  - (b) Public, private or parochial school;
  - (c) Public Library;
  - (d) Park, playground or other recreation facility which admits minors;
  - (e) Commercial Day care center or nursery schools;
  - (f) Church, temple or other similar place of worship;
  - (g) Any establishment having a liquor license;
  - (h) Hotels, motels or bed and breakfast inns; and
  - (i) Dance clubs, ice- or roller-skating rinks, movie theaters and other similar uses which typically cater to teenagers.
  - (j) Any establishment having a liquor license
- (6) Any adult regulated use/building offering material described in this Ordinance shall comply with the following performance standards:
- (a) That any display of adult oriented material be shielded from public view either placed behind a counter, or by providing a separately established room which would have restricted access controlled by the owner or employees;
  - (b) That all access to adult orientated material be restricted to persons 18 years of age or older;
  - (c) That signage be posted regarding the restrictions to this type of material; and
  - (d) That the location of the counter or room be limited to an area away from the main entry.
- (7) Site and building requirements:
- (a) Building size shall not exceed 5,000 square feet of gross floor area.

- (b) The building and site shall be designed, constructed and maintained so material such as a display, decoration or sign depicting, describing, or relating to specific sexual activities or specified anatomical areas, as defined in this Ordinance, cannot be observed by pedestrians or motorists on a public right of way or from an adjacent land use. No exterior door or window on the premises shall be kept open at any time while the business is in operation.
  - (c) The use shall be located within a freestanding building. A shared/common wall is not considered a free-standing building.
  - (d) The building shall provide sufficient sound absorbing insulation so noise generated inside the premises shall not be audible anywhere on any adjacent property or public right of way.
  - (e) The Planning and Zoning Commission may require a wall, fence or berm in conjunction with landscaping to provide an appropriate screen in consideration of views from public streets, adjacent properties and surrounding land uses.
  - (f) Access shall be from a major thoroughfare.
  - (g) Any adult regulated use, which allows customers to remain on the premises while viewing live, filmed or recorded entertainment or while using or consuming the products or services supplied on the premises shall provide at least one security guard on duty outside the premises. The security guard shall patrol the grounds and parking areas at all times while the business is in operation.
- (b) **Commercial Outdoor Recreation Facilities Such as Batting Cages, Driving Ranges and Putt-Putt Golf**
- (1) The minimum front, side and rear yard building setbacks shall be 40 feet, which shall apply to all buildings, recreation activity areas, spectator seating and any other structural appurtenances.
  - (2) Devices for the transmission of broadcasting of voices or music shall be so directed as to prevent sound from being audible beyond the lot lines of the site.
  - (3) Whenever any such use abuts a residential district or use, a transitional buffer area shall be provided between all operations, buildings and structures, including fences, and the residential property. Landscaping, walls and/or fences shall be required as part of this buffer as determined by the Planning and Zoning Commission based upon the nature of the use and the noise impact that the use may have on surrounding uses.
  - (4) Storage buildings; restroom facilities; facilities for the sale and consumption of food, beverages and refreshments; and other similar accessory uses shall comply with all standards of the City of Bells.

#### Section 14.09 **Civic, Religious, Social Assistance Organizations**

- (a) **Churches, Chapels, Temples, Synagogues and Similar Places of Worship**
- (1) The regulations of this section only apply to churches, chapels, temples, synagogues and similar places of worship.
  - (2) The minimum front, side and rear yard building setbacks shall be 25 feet.
  - (3) Off-street parking spaces and circulation aisles shall not be located within 25 feet of the front lot line.

### Section 14.10 Warehousing

- (a) Minimum building and parking setback shall be 40 feet from any public street right-of-way line or any adjacent residential zoning district.
- (b) Where self-storage warehouses are being developed through a condominium or subdivision for sale of individual storage buildings or units, building shall be spaced a minimum of 10 feet from all other buildings and shall be setback a minimum of 10 feet from the internal circulation road.
- (c) The front yard and any side yards adjacent to residential districts shall include wrought iron or similar decorative fencing and evergreen plantings spaced a maximum of 10 feet on-center.
- (d) All storage shall be within completely enclosed buildings or structures, unless a separate special exception approval is granted for commercial outdoor storage on the premises by Planning and Zoning Commission
- (e) The use shall be limited to storage only. The premises shall not be used for operating any other business or repairing of any vehicles, except truck rental may be approved as an accessory use.
- (f) No storage of combustible or flammable liquids, combustible fibers, or explosive materials as defined in the fire prevention code, or toxic materials, shall be permitted within the self-storage buildings or upon the premises.

### Section 14.11 Utilities

The following requirements shall be complied with for the specified use:

- (a) **Power Generation Plants**
  - (1) The development and operation of the power plant shall meet all state, and federal requirements. All required permits shall be kept up-to-date.
  - (2) All surface or sub-surface water intake and discharge must meet county, state and federal agency requirements.
  - (3) Air emissions must meet all state and federal agency requirements. Odor, smoke, fumes and dust shall be controlled so as not to cause a public nuisance or hazard. The effects of air pollution, noise, and vibrations shall be minimized on adjacent properties.
  - (4) Chimneys, cooling towers or stacks may exceed the height limits of the district; provided they are setback from any non-industrially zoned property a distance at least equal to their height and meet all requirements of Federal Aviation Administration.
  - (5) On-site storage of all materials shall be indicated on the site plan and shall meet all setback requirements of the district. Outdoor storage areas shall be screened by a minimum six (6) foot tall solid screening wall in accordance with Article 10. Any stockpiles of materials shall be contained to prevent dust, erosion and pollution of adjacent properties and watercourses.
- (b) **Wind Energy Conversion Systems (WECS)**
  - (1) **Single Accessory WECS.** A WECS to service the energy needs of the property where the structure is located may be allowed with special exception approval in all districts, subject to the following requirements:
    - (a) Only one (1) WECS shall be permitted per parcel or lot.
    - (b) The tower shall not be higher than 45 feet. The height of the overall WECS with the blade in the vertical position shall not exceed 50 feet above ground level. The allowable height may be further limited in order to meet setbacks in paragraph c below.

- (c) All towers shall be set back a distance at least equal to one and a half (1 ½) times the WECS height from all property lines. The height shall be measured to the top of the blade at its highest point.
  - (d) The blade diameter (tip to tip) shall not exceed 15 feet.
  - (e) The minimum blade or rotor clearance from the ground shall be 20 feet for a horizontal-axis WECS and 10 feet for a vertical-axis WECS. The minimum blade or rotor clearance from a building or utility line shall be 20 feet.
  - (f) All WECS shall be equipped with both a manual brake and automatic braking systems, or governing device capable of keeping the WECS operation in high winds within 80% of its survival wind speed.
  - (g) All WECS shall be adequately anchored to prevent their being knocked down by high winds with the stamp of a qualified structural engineer.
  - (h) A WECS shall be constructed with a tubular tower. Lattice towers and guy wires shall be prohibited.
  - (i) Towers shall not have permanent attached tower climbing devices.
  - (j) A WECS shall be painted a non-obtrusive (light color such as white, beige or light gray) color that is non-reflective. No striping or color shall be visible on the blades or tower.
  - (k) All distribution lines from the WECS to the building and the electrical grid connection shall be underground. The generator and all other electrical equipment, and controls shall be enclosed within the nacelle, tower pole or within a building.
  - (l) Excess power may be sold back to the local electric utility provider. In the case of WECS to be interconnected with the power grid of the local electric utility, the applicant shall provide proof of written notice to the utility of the proposed interconnection and the utility's response. The resident shall comply with all requirements of the servicing utility if the WECS is interfaced with the utility grid. The utility will install appropriate electric metering (for sellback and non-sellback) and the customer will be required to install a disconnecting device adjacent to the electric meter(s).
  - (m) Noise emissions from the operation of a WECS shall not exceed 60 decibels on the DBA scale, as measured at the nearest property line or road. Manufacturer's specifications indicating the operating noise levels of the WECS at full RPM shall be provided with the application. The Planning and Zoning Commission may require the owner to pay for a sound evaluation by a qualified professional following installation to determine compliance with the requirements of this section.
- (2) **Commercial WECS.** WECS larger than those allowed in (1) above, wind farms and WECS Testing Facilities associated with the commercial application of a WECS may be allowed as a special use within the M1-Industrial District, subject to the following requirements:
- (a) All applications for special use approval shall be accompanied by the following information, in addition to the site plan required by Article (14.11 (2)):
    - 1. Location and height of all proposed buildings, structures, electrical lines, towers, security fencing, and other above ground structures associated with the WECS.

2. Locations and height of all adjacent buildings, structures, and above ground utilities located within 200 feet of the exterior boundaries of the lot or parcel where the proposed WECS will be located. Specific distances to other on-site buildings, structures, and utilities shall also be provided.
  3. The location of all existing and proposed overhead and underground electrical transmission or distribution lines shall be shown.
  4. Existing and proposed setbacks for the WECS from all structures located on the property where the WECS will be located.
  5. The site plan submittal shall contain a written description of the procedures to be used to maintain the WECS. The description shall include maintenance schedules, types of maintenance to be performed, and removal procedures and schedules in the event the WECS becomes obsolete or is abandoned.
  6. A copy of the manufacturer's installation instructions and blueprints shall be provided to the City of Bells.
  7. Drawings and engineering calculations shall be certified by a registered engineer licensed in the State of Texas.
  8. A noise modeling and analysis report showing noise levels at property lines at full RPM.
  9. A shadow flicker analysis shall be prepared if there is any residential buildings or public roadways within 1,000 feet of the proposed system.
- (b) The permitted maximum total height of a WECS shall be 200 feet (with the blade in the vertical position).
1. A WECS shall be designed at a height that will not require aviation hazard lighting by the FAA. A determination of no hazard letter issued by the FAA shall demonstrate that lighting is not required prior to approval of the special use. If construction of the WECS requires FAA approval or review, then a final decision must be provided before the Planning and Zoning Commission may conduct any public hearing on a request for special exception.
- (c) A WECS shall be constructed with a tubular tower, not a lattice tower.
- (d) The setback for placement of a WECS shall be equal to one and a half (1 ½) times the height of the WECS from each property line and any public road right-of-way. This may be reduced from an adjacent property that also contains a WECS, provided the spacing requirement of paragraph f below is met.
- (e) A commercial WECS shall be setback a minimum of 1,000 feet from any residential subdivision or school.
- (f) The minimum distance between two (2) WECS shall be equal to the combined height of both WECS.

- (g) Blade arcs created by a WECS shall have a minimum of 135 feet of clearance over and from any structure, adjoining property or tree. The minimum blade or rotor clearance above ground level shall be at least 20 feet.
- (h) Each WECS shall be equipped with both a manual and automatic braking device capable of stopping the WECS operation in high winds within 80% of design limits of the rotor.
- (i) To prevent unauthorized climbing, WECS must provide an anti-climb device and/or fencing with clearly displayed adequate warning and no trespassing signage.
- (j) Each WECS shall have one (1) sign, not to exceed two (2) square feet in area, posted at the base of the tower. The sign shall contain high voltage warning, emergency numbers and emergency shutdown procedures. If the facility is fenced, signs shall be placed on the fence.
- (k) A lighting plan for each WECS shall be approved by the City of Bells. The lighting plan must describe all lighting that will be utilized, including any lighting that may be required by the FAA. The plan shall include, but is not limited to, the number and location of lights, light color and whether any lights will be flashing. Strobe lights are discouraged and must be shielded from the ground if allowed. All efforts shall be made not to affect any resident with any strobe effect.
- (l) A WECS shall be painted a non-obtrusive color (light environmental color such as white, beige or gray) that is non-reflective. The wind turbine base and blades shall be of a color consistent with all other turbines in the area. No striping of color or advertisement shall be visible on the blades or tower.
- (m) All distribution lines from the WECS to the electrical grid connection shall be installed underground.
- (n) WECS shall be designed, constructed and operated so as not to cause radio and television interference. In the event that electromagnetic interference is experienced, the applicant must provide alternate service to each individual resident or property owner affected.
- (o) Noise emissions from the operation of a WECS shall not exceed 60 decibels on the DBA scale, as measured at the nearest property line or road. Equipment shall be placed so that the WECS will not exceed the maximum permitted sound pressure levels. After installation of the WECS, sound pressure level measurements shall be done by a third party, qualified professional according to the procedures in the most current version of ANSI S12.18. All sound pressure levels shall be measured with a sound meter that meets or exceeds the most current version of ANSI S1.4 specifications for a Type II sound meter. Documentation of the sound pressure level measurements shall be provided Planning and Zoning Commission within 60 days of the commercial operation of the project.
- (p) A shadow flicker analysis shall be prepared if there is any residential building or public roadway within 1,000 feet of the proposed system. Shadow flicker caused by wind turbines is defined as alternating changes in light intensity due to the moving blade shadows cast on the ground and objects. The analysis shall identify the locations of shadow flicker that may be caused by the WECS blade rotation and the expected durations of the flicker at these locations from sun-rise to sun-set over the course of a year. The analysis shall identify problem areas where shadow flicker may affect residents,

livestock, and traffic. The analysis shall also show measures that shall be taken to eliminate or mitigate the problems.

- (q) WECS must be kept and maintained in good repair and condition at all times. If a WECS is not maintained in operational and reasonable condition or poses a potential safety hazard, the applicant shall take expeditious action to correct the situation. The applicant shall keep a maintenance log on each WECS, which the City of Bells can review on a monthly basis.
  - (r) Any WECS not used for six (6) successive months or longer shall be deemed to be abandoned and shall be promptly dismantled and removed from the property. All above and below ground materials must be removed. The ground must be restored to its original condition within 60 days of removal.
  - (s) Any public roads that will be used for transporting WECS equipment shall be identified with the application. The City of Bells engineer shall approve the proposed routes on any City of Bells road and the City of Bells engineer and police chief shall approve the proposed routes on any street. Any road damage caused by the transportation of WECS equipment shall be repaired to the satisfaction of the City of Bells engineer. A performance guarantee for road repair shall be required.
  - (t) If a special use is approved pursuant to this section, a performance guarantee shall be required which will be furnished by the applicant to the City of Bells in order to ensure full compliance with this subsection and any conditions of approval. At a minimum, the performance guarantee shall be in an amount determined by the City of Bells to be sufficient to have the WECS fully removed and the land returned to its original state should the structure or structures become abandoned, dangerous or obsolete, or not in compliance with this Ordinance or the special use approval. The performance guarantee shall be kept in full force and effect during the entire time the WECS exists.
- (c) **Wireless Communication Facilities and Services**
- (1) **Purpose.** The regulations of this Section are intended to conform to federal and state laws and administrative rules governing facilities needed to operate wireless communication systems and to set forth procedures and standards for review and approval for the location of such facilities within the City of Bells.
    - (a) It is the intent to reasonably regulate the location and design of such facilities to retain the integrity of neighborhoods and the character, property values and aesthetic quality of the City of Bells.
    - (b) Given the increase in the number of wireless communication facilities requested as a result of the new technology and the Federal Telecommunications Act of 1996, it is the policy that all users should collocate attached wireless communication facilities and wireless communication towers, where practicable. Collocation is proposed in order to assure the most economic use of land and to prevent the proliferation of duplicative structures.
    - (c) In recognition of the concern that technological advances may render certain wireless communication facilities obsolete or unnecessary in the future, requirements are set forth for the removal of unused or unnecessary facilities in a timely manner and provide security for removal.

- (2) **Zoning Districts and Approval Process for Wireless Communication Facilities.** Wireless Communication facilities may be located, as follows:

**Table 14.1 Wireless Communications Facilities**

Type/Location of Wireless Communication Facility	Districts Permitted	Approval Procedure
<b>Colocation on Existing Structure</b>		
Attached to an existing building or structure that will not be materially altered or changed in appearance	All districts, except on lots occupied by a single-family residential use	Approval by the Planning and Zoning Commission
Attached to an existing utility structure that will not be modified or materially alter the pole or impair sight lines or compromise safety	All districts	Approval by the Planning and Zoning Commission
Collocation upon an existing wireless communication facility	All districts	Approval by the Planning and Zoning Commission
<b>New Wireless Communication Tower</b>		
Monopole up to 60 feet in height	In districts or on civic, educational, public, and religious sites in all districts	Special use and site plan required. Petition heard by the Planning and Zoning Commission
Monopole up to 150 feet in height	C1, C2, M1	Special use and site plan required. Petition heard Planning and Zoning Commission
Lattice tower up to 150 feet in height where it can be demonstrated that a monopole is not feasible	M1	Special use and site plan required. Petition heard by the Planning and Zoning Commission

- (3) **Application Requirements – Colocation.** The following information shall be provided with the application, in addition to the other site plan submittal requirements for an attached wireless communications facility collocated on an existing structure:
- The name, address and phone number of the person to contact for engineering, maintenance and other notice purposes. This information shall be continuously updated during all times the facility is on the premises.
  - The owner and/or operator of the existing tower or structure copies of approval from the owner of such tower or structure to collocate the wireless communication structure on the owner's tower or structure.
  - Legal description of the parent tract and leased parcel (if applicable).
  - Elevation drawings and construction details of all existing and proposed wireless communication facilities, including accessory structures and equipment shelters.



- (e) The reason or purpose for the wireless communication facility with specific reference to the provider's coverage, capacity and/or quality needs, goals and objectives.
  - (f) Identification of the entities providing the backhaul network for the tower described in the application and other cellular sites owned or operated by the applicant in the City of Bells.
  - (g) The structural capacity and whether it can accommodate the facility, as proposed or modified.
  - (h) Limits and type of fencing, the method of screening and location and type of illumination.
  - (i) A description of compliance with this section and all applicable federal, state or local laws.
  - (j) A description of performance guarantee, as described in section 16.07 of this Ordinance, to be posted upon issuance of a building permit to ensure removal of the facility if it is abandoned or is no longer needed.
  - (k) Verification that the applicant has received all concurrent licenses and permits required by other agencies and governments with jurisdiction over the design, construction, location and operation of the wireless communication facility.
- (4) **Application Requirements for New Wireless Communication Tower.** The following information shall be provided with the application to construct any new wireless communication tower, in addition to the submittal requirements in subsection (3) above:
- (a) A description of performance guarantee to be posted at the time of receiving a permit for the facility to ensure removal of the facility when it is abandoned or is no longer needed. The applicant shall demonstrate that funds will be available to the City of Bells for removal of any structure used for wireless communication in an amount which reasonably reflects the cost of removal of the facility and restoration of the property or structure upon which the facility is located or placed. Adequate funds shall also be provided to cover the City of Bells administrative costs in the event that the applicant or its successor does not remove the Wireless Communication Facility in a timely manner.
  - (b) Inventory all existing towers, antennas, or sites approved for towers that are within two (2) miles of the proposed site, including specific information about the location, height, and design of each tower.
  - (c) In recognition of the policy to promote collocation, a written agreement, transferable to all successors and assigns, that the operator shall make space available on the facility for collocation, which includes space on the tower for state, county and City of Bells emergency service infrastructure.
  - (d) A description of the suitability of the use of existing towers, other structures or alternative technology not requiring the use of towers or structures to provide the services to be provided through the use of the proposed new tower.
  - (e) Prior to issuing an improvement location permit, a signed certification by a professional structural engineer licensed by the State of Texas shall be provided to the City of Bells that describes the manner in which the proposed structure will fall in the event of damage, accident or injury (i.e. "fall zone"), and that the designated setback area shall

accommodate the structure in the event it falls or breaks and will provide a reasonable buffer in the event the structure fails.

- (f) A determination of no hazard letter issued by the FAA shall demonstrate that lighting is not required prior to the special use approval. If construction, and or use of the telecommunications requires FAA approval or review, then a final decision from either the FAA approving the granting of such permit must be provided before the Plan Commission may conduct any public hearing on a request for special use.
- (5) **Design Standards Applicable to All Facilities.** All wireless communication facilities shall be constructed and maintained in accordance with the following standards:
- (a) Facilities shall be located and designed to be harmonious with the surrounding areas. Wireless communication facilities, including all related equipment and appurtenances, shall be a color that blends with the surroundings of the pole, structure tower or infrastructure upon which the wireless communication facility is mounted.
  - (b) Minimum six (6) foot tall fencing shall be provided for protection of the tower and associated equipment and for security from children and other persons who may otherwise access the facilities. A brick wall may be substituted for the required fencing.
  - (c) Landscaping shall be provided to screen the structure base, accessory buildings and enclosure from adjacent uses and public rights-of-way.
  - (d) Accessory buildings shall be a maximum of 10 feet high and shall be set back in accordance with the requirements for principal buildings in the respective zoning district.
  - (e) All attached wireless communication facilities proposed on the roof of a building shall be designed, constructed and maintained to be architecturally compatible with the principal building. The height of the wireless communication facilities shall not exceed the maximum height of the district plus the allowable exceptions to the height limits contained in Article 2. The equipment to make the unit functional may be located within the principal building or may be an accessory building. If proposed as an accessory building, it shall conform to all district requirements for principal buildings, including yard setbacks.
  - (f) The requirements of the Federal Aviation Administration, and Federal Communication Commission shall be noted.
  - (g) If an antenna is installed on a structure other than a tower, the antenna and supporting electrical and mechanical equipment must be of a neutral color that is identical to, or closely compatible with, the color of the supporting structure so as to make the antenna and related equipment as visually unobtrusive as possible.
- (6) **Design Standards Applicable to New Towers.** In addition to the design standards in subsection (5) above, all wireless communication towers shall be constructed and maintained in accordance with the following standards:
- (a) **Feasible Collocation.** Siting or placement of new wireless communications facilities or towers shall be in accordance with the following hierarchy. The order of ranking shall be: (1) co-location first, (2) existing structure or building utilization, (3) new wireless communications facility tower location last. If a new tower is proposed, the applicant

must have substantial evidence that a higher ranked alternative is not feasible or available. A permit for the construction and use of a new wireless communication facility shall not be granted until the applicant demonstrates a feasible collocation is not available for the coverage area and capacity needs.

- (b) **Collocation Agreement.** All new and modified wireless communication facilities shall be designed and constructed to accommodate collocation, with a written agreement in a format approved by the City of Bells attorney. Any tower that is 150 feet or taller shall be capable of co-location of at least four (4) additional users. Any tower that is less than 150 feet shall be capable of co-location of at least two (2) additional users. The tower owner shall make space available for collocation of emergency communication equipment if requested by the City of Bells.
- (c) **Height.**
1. The maximum height for a new wireless communication tower shall be 199 feet.
  2. A new wireless communication tower shall be designed at a height that will not require aviation hazard lighting by the FAA or 200 feet.
  3. The applicant shall demonstrate that the requested height of the new or modified tower and antenna shall be the minimum height necessary for reasonable communication, including additional height to accommodate future collocation where appropriate.
- (d) **Tower Setbacks.** The wireless communication tower shall be setback from all non-residential property lines a distance at least equal to one-half ( $\frac{1}{2}$ ) the height of the tower, from all residential property lines a distance at least equal to the height of the tower and from all street right-of-way lines a distance at least equal to the height of the tower.
- (e) **Guy Wires.** All towers shall be self-supporting and guy wires shall be prohibited.
- (f) **Accessory Structure Setback.** Accessory structures must satisfy the minimum zoning district building setback requirements.
- (g) **Access.** There shall be unobstructed access to the tower, for operation, maintenance, repair and inspection purposes, which may be provided through or over an easement. This access shall have a width and location determined by such factors as: the location of adjacent thoroughfares and traffic and circulation within the site; utilities needed to service the tower and any attendant facilities; the location of buildings and parking facilities; proximity to residential districts and minimizing disturbance to the natural landscape; and the type of equipment which will need to access the site.
- (h) **Soils Report.** The tower shall be constructed in accordance with all applicable building codes and shall include the submission of a soils report from a geotechnical engineer, licensed in the State of Texas. This soils report shall include soil borings and statements confirming the suitability of soil conditions for the proposed use.
- (i) **Color.** Towers shall be painted a neutral color so as to reduce visual obtrusiveness or be constructed of galvanized steel.
- (j) **Lighting.** Towers shall not be artificially lighted and shall not exceed a height that requires aviation hazard lighting.

(7) **Collocation**

- (a) **Statement of Policy.** It is the policy to minimize the overall number of newly established locations for wireless communication facilities and towers throughout the City of Bells by encouraging the use of existing structures. If a provider fails or refuses to permit collocation on a facility owned or controlled by it, where collocation is feasible, the result will be that a new and unnecessary additional structure will be required, in contradiction with policy. Collocation shall be required unless an applicant demonstrates that collocation is not feasible.
- (b) **Antennas on Existing Towers.** An antenna which is attached to an existing tower may be approved by the Planning and Zoning Commission and, to minimize adverse visual impacts associated with the proliferation and clustering of towers, collocation of antennas by more than one carrier on existing towers shall take precedence over the construction of new towers, provided such collation is accomplished in a manner consistent with the following:
1. A tower which is modified or reconstructed to accommodate the collocation of an additional antenna shall be of the same tower type as the existing tower, unless the Planning and Zoning Commission allows reconstruction as a monopole.
  2. An existing tower may be modified or rebuilt to a taller height, not to exceed 15 feet over the tower's existing height, to accommodate the collocation of an additional antenna with approval by the Planning and Zoning Commission. A height increase of more than 15 feet shall require approval by the Planning and Zoning Commission.
- (c) **Antennas Mounted on Structures or Rooftops.** Wireless communication antennas placed on the roofs of buildings may be approved by the Planning and Zoning Commission, if the principal use is a conforming and the building is a conforming structure. The antenna shall not exceed the height of its supporting structure by more than 12 feet.
- (d) **Antennas Mounted on Utility Structures.** Wireless communication antennas attached to utility structures such as water towers or electrical transmission line towers may be approved by the Planning and Zoning Commission. The equipment cabinet or structure used in association with antennas shall be located in accordance with the Ordinance requirements for accessory structures.
- (8) **Variances.** The Planning and Zoning Commission may consider a variance from the standards of this Section, based upon a finding that one or more of the following factors exist, as appropriate for the type of variance requested:
- (a) **Location.** The applicant must demonstrate that a location within a district or location in accordance with the standards of this Section cannot reasonably meet the coverage or capacity needs of the applicant.
  - (b) **Tower Setback.** The applicant has provided engineering information documenting that the tower is self-collapsing and that the setback designated area would accommodate

the structure should it fall or break and would provide a reasonable buffer in the event the structure fails.

- (c) **Height.** The height requested is due to signal interference due to topography, tall buildings, masses of trees, or other obstructions, or would reduce the number of towers to the benefit of the cities and county.
  - (d) **Mitigation.** The applicant has proposed means to mitigate any negative impacts through provision for future collocation, if found to be appropriate by the City of Bells and special design of the facility and site.
  - (e) **Design.** The wireless communication and accessory facilities shall be designed to be compatible with the existing character of the proposed site, neighborhood and general area such as a steeple, bell tower, or similar form.
- (9) **Removal.** Wireless communication facilities shall be removed by the owner if the facility is no longer in use. The facilities must be removed within a year of the end of use. A performance guarantee shall be provided to the City of Bells at the time of receiving an improvement location permit for the facility to ensure removal of the facility when it is abandoned or is no longer needed. The applicant shall demonstrate that funds will be available to the City of Bells for removal of any structure used for wireless communication in an amount which reasonably reflects the cost of removal of the facility and restoration of the property or structure upon which the facility is located or placed. Adequate funds shall also be provided to cover the City of Bells' administrative costs in the event that the applicant or its successor does not remove the Wireless Communication Facility in a timeframe stated above.
- (10) **Conflicts with state and federal law.** In the event this article conflicts with state or federal law, the telecommunications provider shall comply with the ordinance to the maximum extent possible.

#### Section 14.12 **Construction**

The following requirements shall be complied with for the specified use:

- (a) **Contractors' Place of Business Outdoor Storage**
  - (1) Outdoor storage shall be located in the side or rear yard of the lot and setback a minimum of 30 feet from any adjacent residential district. Outdoor storage areas shall be screened by a minimum six (6) foot tall solid screening wall in accordance with Article 10.
  - (2) Any stockpiles of soil, fertilizer or similar loosely packaged materials shall be sufficiently covered or contained to prevent dust or blowing of materials.
  - (3) The height of all material and equipment stored within 10 feet of the screening wall or fence shall not exceed the height of the screening wall or fence.
  - (4) All loading and truck maneuvering shall be accommodated on-site.

#### Section 14.13 **Waste Processing and Disposal**

The following requirements shall be complied with for the specified use:

- (a) **Processing, Storage, Transfer Stations or Incineration of Solid Waste, Hazardous Waste or Medical Waste**

- (1) All processing, storage or transfer of wastes shall be within an enclosed building. There shall not be any outdoor storage of wastes.
- (2) The location, size and layout of the site, and its relation to streets giving access to it, shall be such that traffic to and from the use will not conflict with the normal traffic of the area.
- (3) No portion of any structure, facility, access drive, parking area or storage area shall be located within 500 feet of a residential district.
- (4) All roads on the premises shall be paved with concrete or an asphalt hard surface.
- (5) Storing or disposing of any kind shall not pollute a water supply or contaminate surrounding land to the extent that public health is endangered. The surface water detained on the site shall be purified of contaminants before leaving the site or must be disposed of in accordance with the requirements of the health department. All storage, processing and disposal areas shall be a minimum of 100 feet from any wetland, drain stream or body of water.
- (6) Emission of smoke, dirt, dust and fly ash shall be controlled through the use of electrostatic precipitator or other equipment of equal or better efficiency, which shall meet all applicable Federal, State and local air pollution control regulations.
- (7) The City of Bells may impose such reasonable conditions as it deems necessary to protect the public health, safety and general welfare from excessive noises, excessive traffic patterns, obnoxious and unhealthy odors, and any detrimental effects from the general operation of the use.

(b) **Recycling Facility, Non-Hazardous**

- (1) The location, size and layout of the site, and its relation to streets giving access to it, shall be such that traffic to and from the use will not conflict with the normal traffic of the area.
- (2) The location, size, intensity, site layout and periods of operation must be designated to eliminate any possible nuisance that might be noxious to the occupants of any other nearby properties and uses, whether by reason of odor, dust, noise, fumes, vibration, smoke or lights.
- (3) Stacking area for a minimum of five (5) vehicles must be provided on site. Any area used for parking or unloading materials must be screened with a minimum six (6) foot tall wall or solid fence to prevent materials from leaving the unloading area.
- (4) Storing or disposing of any kind shall not pollute a water supply or contaminate surrounding land to the extent that public or environmental health is endangered. All storage, processing and disposal areas shall be a minimum of 50 feet from any wetland, drain stream or body of water.
- (5) Depositing, storing or disposing of garbage or wastes shall not attract vermin, insects or other pests or allow the wastes to become a breeding place for mosquitoes, flies or other disease-carrying insects. Offensive odors shall not interfere with the enjoyment of adjacent property owners and/tenants.
- (6) All sides of the site shall be landscaped with a buffer zone A in accordance with Article 10.
- (7) The City of Bells may impose such reasonable conditions as it deems necessary to protect the public health, safety and general welfare from excessive noises, excessive traffic patterns, obnoxious and unhealthy odors, and any detrimental effects from the general operation of the use.

(c) **Salvage Yards**

- (1) The minimum lot area shall be 5 acres.
- (2) A minimum setback of 1,000 feet shall be provided from any adjacent residential district.
- (3) The location, size, intensity, site layout and periods of operation must be designated to eliminate any possible nuisance that might be noxious to the occupants of any other nearby permitted uses, whether by reason of odor, dust, noise, fumes, vibration, smoke or lights.
- (4) The entire site must be screened with a minimum eight (8) foot tall wall or solid fence. Material shall not be stacked higher than the screening enclosure. All material shall be screened so as to not be visible from any public road and/or view.
- (5) Any area used for parking or unloading materials must be located within the site. Parking of trucks and loading or unloading of materials in the public road right-of-way shall be prohibited.
- (6) Storage or disposal of any kind shall not pollute a water supply or contaminate surrounding land to the extent that public health is endangered. The surface water detained on the site shall be purified of contaminants before leaving the site or must be disposed of in accordance with the requirements of the health department. All storage, processing and disposal areas shall be a minimum of 100 feet from any wetland, drain stream or body of water.
- (7) The City of Bells may impose such reasonable conditions as it deems necessary to protect the public health, safety and general welfare from excessive noises, excessive traffic patterns, obnoxious and unhealthy odors, and any detrimental effects from the general operation of the use.

#### Section 14.14 Mining

The following requirements shall be complied with for the specified use:

(a) **Mineral and Non-Mineral Extraction & General Mining Operations**

- (1) **Application.** The following additional information shall be included with the special use and site plan applications:
  - (a) Report by a qualified soil scientist, soils engineer or geologist regarding the effect the proposed operation will have upon the watershed of the area, with particular attention being devoted to the water table, and, if water bodies are to be created, the anticipated permanence of such.
  - (b) A soil erosion control plan prepared.
  - (c) A detailed description of the method of operation including an operations and restoration plan for the extraction of the natural resource deposits. The operations and restoration plan shall include the following:
    1. A progressive cell unit mining plan that divides the mining area into sections and delineates the progressive mining proposal on the extractive resources available.
    2. A transportation plan showing access to the site, proposed truck traffic and planned on-site roads. The applicant shall submit these proposed routings for review relative to the physical and design capabilities of these routes to accommodate the potential traffic.

3. A stockpiling plan which shows how top soil will be stripped and stored on the site as well as the stockpiling of extracted sand or gravel.
  4. A vegetation plan which shows the staging of restoration through the grading process as well as replacing the top soil and the planting of appropriate native grasses, trees and shrubs.
  5. End use plan which shows the ultimate use of the property once restored to its original condition.
  6. A detailed explanation of how the applicant intends to comply with the operating requirements of this section.
- (2) **Operations.** The removal of sand, gravel, limestone, peat or similar materials by excavation, stripping, mining or otherwise taking, and including on-site operations appurtenant to the taking, including washing, grading, sorting, (excluding grinding operations) shall be carried on within the limits of an area approved for such activities. All extractions from new pits begun subsequent to the effective date of this Ordinance shall be washed, graded, and further processed and/or stored within the limits of the area approved, and no natural resource extracted outside the limits of this area shall be brought in for washing, grading, or further processing. Resource related industries including, but not limited to: gravel grinding operations, concrete mixing plants and asphalt batching plants shall not be permitted as a part of the operation unless the activity is located in a Zoning District which would permit such a use.
- (3) **Setbacks.** Excavation, washing and stockpiling of extracted material shall not be conducted closer than 150 feet to the outer boundary of the area approved for extractive operation. The setback area shall not be used for any activity in conjunction with the extractive operation, except access roads, public notice signs and signs identifying the operation. Landscaping shall be provided in the setback area as required by the Planning and Zoning Commission. To reduce the effects of airborne dust, dirt, and noise, all equipment for loading, weighing, and other operations structures shall not be built closer than 300 feet from any public street right-of-way or from any adjoining residentially zoned district.
- (4) **Access.** All means of access to the property shall be from major thoroughfares. No access shall be allowed from residential streets. All private access roads shall be treated so as to create a dust-free surface for a distance of 300 feet from any public access road. Arrangements shall also be made to minimize dust on public access routes traveled in the City of Bells.
- (5) **Fencing.** Any excavation operation that results in standing water for a period of at least one (1) month during the year or slopes as described below shall be subject to the following safety requirements:
- (a) Where slopes steeper than 30 degrees exist for a period of one (1) month or more, access to such slopes shall be barred by a cyclone fence or similarly effective barrier at least six (6) feet high, at least 50 feet outside the edge of the excavation, with suitable gates controlling access to the excavation area.



- (b) Where collections of water are one (1) foot or more in depth for any period of at least one (1) month and occupying an area of 200 square feet or more, access to such collections shall be fenced, as required in subparagraph a above.
- (c) Instances where the extractive area is situated in marginal land areas consisting of swamp land, or is bounded by natural bodies of water, the fence shall be required only on those sides accessible to public rights-of-way or as the Planning and Zoning Commission may determine as requiring fencing so as to secure safety. The Planning and Zoning Commission may require the posting of signs "KEEP OUT – DANGER," as needed.
- (6) **Slopes.** Finished slopes of the excavation site shall not exceed a minimum of five (5) feet to one (1) foot (five feet horizontal to one foot vertical) and where ponded water results from the operations, this slope must be maintained and extended into the water to a depth of five (5) feet. These slopes shall be established as the work in any one section of the excavation is completed and proceeds to the next section. Sufficient top soil shall be stockpiled on the site so the entire area may be covered with a minimum of six (6) inches of top soil when excavating operations are completed. The replacement of top soil shall be made immediately following termination of excavating operations. In order to prevent erosion of slopes, all replaced top soil shall immediately be planted with native grasses or other native plant material acceptable to the Planning and Zoning Commission.
- (7) **Hours of Operation.** Extraction and material processing activities permitted in the plant area shall be limited to the hours of 7:00 A.M. to 7:00 P.M., except in the following situations:
  - (a) Where required by public authorities;
  - (b) Where work requires a continuous flow of materials;
  - (c) Where necessary due to public emergencies;
  - (d) Where any necessary and reasonable repairs to equipment are required.

#### Section 14.15 **Tire Sales/Storage**

The following requirements shall be complied with for the specified use:

- (a) Tires stored outside shall be neatly stacked; no stack shall be higher than 6 feet;
- (b) All applicable sections of the City of Bells Zoning Ordinance shall apply, specifically, fencing requirements, parking standards, lighting and all developmental standards within;
- (c) All applicable state and international building codes shall apply, including but not limited to ICC Fire Code 903.2.92- for the storage of tires and fire suppression.

#### Section 14.16 **Sale of Alcoholic Beverages**

The following requirements shall be complied with for the specified use:

- (a) **Sale of Alcoholic Beverages Near a Church, School, or Public Hospital**
  - (a) No person, as defined by the Texas Alcoholic Beverage Code shall sell alcoholic beverages if the place of business is within three hundred (300) feet of a church, public or private school, or public hospital except as provided by the Texas Alcoholic Beverage Code.
  - (b) The sale of alcoholic beverages is also prohibited within one thousand (1,000) feet of a private school if the city council adopts by resolution a request for the one thousand (1,000) foot separation from the governing body of a private school.

- (c) For an Alcoholic Beverage Establishment, as defined herein, the distance requirement in Section 14.16 (a) is two thousand six hundred forty (2,640) feet instead of three hundred (300) feet.
- (2) The measurement of the distance between the place of business where alcoholic beverages are sold, and the church or public hospital shall be along the property lines of the street fronts and from the front door to front door, and in direct line across intersections.
- (3) The measurement of the distance between the place of business where alcoholic beverages are sold, and the public or private school shall be:
  - (a) In a direct line from the property line of the public or private school to the property line of the place of business, and in a direct line across intersections; or
  - (b) If a permit or license holder is located on or above the fifth story of a multistory building, in a direct line from the property line of the public or private school to the property line of the place of business, in a direct line across intersections, and vertically up the building at the property line to the base of the floor in which the permit or license holder is located.
- (4) Subsection (1)(b) does not apply to the holder of:
  - (a) A retail on-premises consumption permit or license if less than 50 percent of the gross receipts for the premises is from the sale or service of alcoholic beverages;
  - (b) A retail off-premises consumption permit or license if less than 50 percent of the gross receipts for the premises, excluding the sale of items subject to the motor fuels tax, is from the sale or service of alcoholic beverages; or
  - (c) A wholesaler's distributor's, brewer's, distiller's and rectifier's, winery, wine bottler's or manufacturer's permit or license, or any other license or permit held by a wholesaler or manufacturer as those words are ordinarily used and understood in Chapter 102 of the Texas Alcoholic Beverage Code; or
  - (d) A license or permit issued under Chapter 27 (temporary wine and beer retailer's permit), 31 (caterer's permit), or 72 (temporary license) of the Texas Alcoholic Beverage Code who is operating on the premises of a private school; or
  - (e) A license or permit covering a premise where minors are prohibited from entering under Section 109.53 of the Texas Alcoholic Beverage Code and that is located within 1,000 feet of a private school.
- (5) Subsection (1)(a) does not apply to the holder of:
  - (a) A license or permit who also holds a food and beverage certificate issued by the Texas Alcoholic Beverage Commission covering a premise that is located within 300 feet of a private school; or
  - (b) A license or permit covering a premise where minors are prohibited from entering under Section 109.53 of the Texas Alcoholic Beverage Code and that is located within 300 feet of a private school.
- (6) In this Ordinance, "private school" means a private school, including a parochial school, that:

- (a) Offers a course of instruction for students in one or more grades from kindergarten through grade 12; and
  - (b) Has more than 100 students enrolled and attending courses at a single location.
- (7) The City Council may grant variances to the requirements of this section if the City Council determines that enforcement of the regulation in a particular instance:
  - (a) Is not in the best interest of the public,
  - (b) Constitutes waste or inefficient use of land or other resources,
  - (c) Creates an undue hardship on an applicant for a license or permit,
  - (d) Does not serve its intended purpose,
  - (e) Is not effective or necessary, or
  - (f) Any other reason the City Council, after consideration of the health, safety, and welfare of the public and the equities of the situation, determines is in the best interest of the community.
- (b) **Sales Near Day-Care Center or Child-Care Facility**
  - (1) This Section applies only to a permit or license holder under Chapter 25 (wine and beer retailer's permit), 28 (mixed beverage permit), 32 (private club registration permit), 69 (retail dealer's on-premise license), or 74 (brewpub license) of the Texas Alcoholic Beverage Code who does not hold a food and beverage certificate.
  - (2) Except as provided by this Section (14.16)(a), the provisions of Section (14.16)(a) of this Ordinance relating to a public school also apply to a day-care center and a child-care facility as those terms are defined by Section 42.002, Texas Human Resources Code.
  - (3) This section does not apply to a permit or license holder who sells alcoholic beverages if:
    - (a) The permit or license holder and the day-care center or child-care facility are located on different stories of a multistory building; or
    - (b) The permit or license holder and the day-care center or child-care facility are located in separate buildings and either the permit or license holder or the day-care center or child-care facility is located on the second story or higher of a multistory building.
  - (4) This section does not apply to a family home, specialized child-care home, or agency foster homes as those terms are defined by Section 42.002, Texas Human Resources Code.
- (c) **Beer Sales**
  - (1) Beer sales are not permitted in residential zoning districts.
- (d) **Signs, Banners and Hours of Operation**
  - (1) Signs (including banners) specifically related to the sale of alcoholic beverages shall be governed by the Texas Alcoholic Beverage Code, as amended, and any applicable Texas Alcoholic Beverage Commission regulations, as amended. Any applicable City sign regulations shall also govern signage, without regard to content.
  - (2) The hours of operation, including days of the week and open and closing times, shall be as governed by the Texas Alcoholic Beverage Code, as amended, and any applicable Texas Alcoholic Beverage Commissions regulations, as amended.

**Section 14.17 Alcohol in City Parks****(a) Consumption of Alcoholic Beverages Prohibited**

- (1) The City hereby prohibits the consumption of alcoholic beverages by any individual on all City park property within its corporate limits.

**(b) Possession of Open Containers on City Park Property**

- (1) The City hereby prohibits the possession of any open container of an alcoholic beverage by any individual on all City park property within its corporate limits.

**(c) Waivers for Special Events**

- (1) The provisions of any ordinance making it illegal to possess or consume alcoholic beverages on City park property may be waived by the Mayor, Chief of Police or the City Council upon petition from any group or for a city-sponsored event, by issue of a special waiver to allow alcoholic beverages if, after review, he/she determines that the following conditions and circumstances exist:

- (a) The alcohol use will be in connection with a planned and scheduled event anticipated to involve twenty (20) or more people;
- (b) Appropriate security is provided by the permittee to ensure that laws governing legal age for drinking and public intoxication will not be violated and that public property at the site of the event is safeguarded; and
- (c) A deposit in an amount established by rules and regulations for the applicable public property is posted.

- (2) Any such waiver which has been issued must be available at the site of the event and must be produced for inspection upon request by any law enforcement official.
- (3) The mayor or his/her designated representative shall develop rules and regulations for conducting of such event within the framework of the policy stated in this section and shall ensure that waiver applicants are fully cognizant of same at the time a permit is issued.
- (4) Applicants who have been denied a waiver by the Mayor, Chief of Police or their designated representative may appeal to the City Council providing such appeal is made within sufficient time to be placed on a City Council meeting agenda.
- (5) Possession or consumption of alcoholic beverages near homeless shelter or substance abuse center.
- (6) Pursuant to state law, it shall be unlawful for a person to possess an open container containing an alcoholic beverage, or to consume an alcoholic beverage, on a public street, public alley or public sidewalk, within one thousand (1,000) feet of the property line of a homeless shelter or a substance abuse treatment center. Special temporary events, activities, and festivals authorized by Article 14.17 (3) of this Ordinance are exempt from this Article 14.17 (4).

**(d) Penalty**

- (1) Any person, firm, corporation or business entity violating this Ordinance, or any portion thereof shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be subject to a fine not to exceed five hundred dollars (\$500.00). Each continuing days' violation under this Ordinance shall constitute a separate offense. The penal provisions imposed

under this Ordinance does not preclude Bells from filing suit to enjoin the violation. Bells retains all legal rights and remedies available to it pursuant to local, state and federal law.

## Article 15: Planned Unit Development

### Section 15.01 Intent

- (a) The Planned Unit Development (PUD) standards are a supplementary list of "overlay" zoning district standards which apply to properties simultaneously with one (1) or more of the other zoning districts established in this Ordinance, hereinafter referred to as the "underlying" zoning district(s).
- (b) The PUD standards are provided as a design option, intended to permit flexibility in the regulation of land development; to encourage innovation in land use, form of ownership, and variety in design, layout, and type of structures constructed; to achieve economy and efficiency in the use of land; to preserve significant natural, historical, and architectural features and open space; to promote efficient provision of public services and utilities; to minimize adverse traffic impacts; to provide better housing, employment, and shopping opportunities particularly suited to residents; to encourage development of convenient recreational facilities; and to encourage the use and improvement of existing sites when the uniform regulations contained in other zoning districts alone do not provide adequate protection and safeguards for the site or its surrounding areas.
- (c) In order to encourage PUD developments on specific properties, these standards may allow the Planning and Zoning Commission and City Council to relax or waive one (1) or more of the requirements of the underlying district through approval of a PUD ordinance. The PUD also allows the developer the opportunity to mix compatible uses or residential types on a single property, allows clustering to reduce construction costs, and may enhance marketability through the preservation of significant natural, historical, and architectural features.

### Section 15.02 Qualifying Conditions

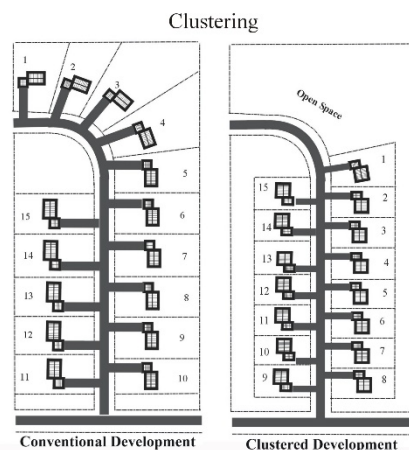
- (a) **Demonstrated Benefit.** The PUD shall provide two (2) or more of the following benefits in 15.02(a)(1-5) not possible under the requirements of another zoning district, as determined by the plan commission:
  - (1) Preservation of significant natural land feature or sensitive ecological areas.
  - (2) A complementary mixture of uses or a variety of housing types that provides a benefit to the community over conventional development.
  - (3) Common open space for passive or active recreational use.
  - (4) Off-site mitigation to community impacts resulting from the development, such as public roadway improvements to maintain or improve roadway level of service.
  - (5) Redevelopment of an outdated urban site or brownfield site where creative design can address unique site constraints.
- (b) **Availability and Capacity of Public Services.** The proposed type and density of use(s) shall not result in an unreasonable increase in the use of public services, public facilities, and utility capacities.
- (c) **Compatibility with the Comprehensive plan.** The proposed PUD shall be compatible with the overall goals and recommendations as proposed in the City of Bells comprehensive plan.
- (d) **Compatibility with the PUD Purpose.** The proposed PUD shall be consistent with the intent of this Article and spirit of this Ordinance.

- (e) **Development Impact.** The proposed PUD shall not impede the continued use or development of surrounding properties for uses that are permitted in this Ordinance.

### Section 15.03 Permitted Uses

Principal uses permitted under the PUD standards are based on the underlying zoning district(s).

- (a) All permitted uses and special uses of the underlying district(s) shall be permitted unless otherwise specified in the PUD ordinance
- (b) In addition to those uses otherwise permitted, a mixture of single and multiple-family dwellings on a planned basis, through the use of attached dwellings, apartment buildings, zero lot line configurations, and/or other similar building configurations; or any combination of these residential uses may be permitted within any PUD.
- (1) Residential density shall be determined by a conventional development plan that illustrates how the site could be developed as a conventional subdivision, meeting all applicable zoning and subdivision requirements. The plan commission shall review the design and determine the number of buildable lots that could be feasibly constructed, taking into consideration any wetlands or other non-buildable land. This number shall be the maximum number of dwelling units allowable for the PUD. Where the underlying zoning is multiple family, density shall be determined based upon the underlying zoning district density limits. Portions of the site that are currently zoned for a non-residential use or are proposed to be developed with only non-residential uses shall not be included in the plan used to determine density.
- (2) Once the density has been determined, residential units may be clustered on smaller lots on a portion of the site, with the remaining land area being preserved as open space.
- (3) A density bonus of up to 25% may be granted where the development will provide for infill development/redevelopment, create a walkable neighborhood and be in accordance with the City of Bells comprehensive plan.
- (c) For a PUD in a residential district that has an area of at least 10 acres, up to 20% of the total site acreage may be developed with uses permitted in the C1 District. Such uses must front a public street and be developed in conjunction with, or following, development of the residential uses.
- (d) For a PUD in a C1, C2, MF district, residential uses, such as residential apartments on a second floor above retail or office uses, may be permitted in a mixed-use PUD, also in acres of at least 10 acres, up to 20% of total site acreage maybe developed in conjunction with, or following, development of the commercial uses.



### Section 15.04 Requirements

- (a) **Base Zoning Regulations.** Unless modified by the Planning and Zoning Commission and City Council, according to the PUD standards, all Zoning Ordinance requirements for the zoning district shall remain in full force.
- (b) **Regulatory Flexibility.** To encourage flexibility and creativity consistent with the PUD concept, the Planning and Zoning Commission may grant specific departures from the requirements of the

zoning ordinance as a part of the approval process through the PUD ordinance. Development standards for lot area, lot width, building height, setbacks, off-street parking, general provisions, subdivision regulations or other zoning ordinance provisions may be modified, provided that such modifications result in enhanced buffering from adjacent land uses or public rights-of-way, preservation of natural features or creation of a walkable neighborhood. Minimum standards for improvements, such as road construction, sewage, water, and drainage may not be reduced as a part of the PUD ordinance.

- (c) **Approval of Modifications.** Any regulatory modification shall be approved with the PUD overlay district and preliminary site plan through a finding by the Planning and Zoning Commission that the deviation shall result in a higher quality of development than would be possible using conventional zoning standards. This provision shall not preclude an individual lot owner from seeking a variance following final approval of the PUD, provided such variance does not involve alterations to open space areas, as shown on the approved PUD site plan or the requirements of the article.
- (d) **Table of Modifications.** A table shall be provided on the preliminary PUD site plan that specifically details all deviations from the established zoning district's development standards for lot area, lot width, building height, and setbacks, off-street parking regulations, general provisions, subdivision regulations or other zoning ordinance provisions which would otherwise be applicable to the uses and development proposed in the absence of this PUD article. This specification should include Ordinance provisions, from which deviations are sought, and the reasons and mechanisms to be utilized for the protection of the public health, safety, and welfare in lieu of the regulations from which deviations are sought.

#### Section 15.05 Open Space

- (a) **Open Space Requirement.** All PUDs shall set aside a minimum of 15% of the total site area as common open space (including residential and non-residential areas).
  - (1) Common open space shall be planned in locations visible and accessible to all in the PUD. The common open space may either be centrally located, along the road frontage of the development, located to preserve natural features. Open space shall be situated to maximize the preservation of existing high-quality natural areas.
  - (2) Land area use to meet the minimum 15% open space requirement shall be usable and not include stormwater detention/retention basins, wetlands, open water or other unbuildable areas. These areas may be preserved as common open space but must be in addition to the 15% usable land area.
  - (3) On urban infill sites within the City of Bells, open space may be in the form of parks, gardens and other green space, pedestrian plazas or walkways.
- (b) **Open Space Protection.** The dedicated open space shall be set aside in perpetuity by the developer through a conservation easement.
  - (1) The conservation easement shall assure that the open space will be protected from all forms of development, except as shown on an approved site plan, and shall never be changed to another use.
  - (2) The dedicated open space shall be maintained by parties who have an ownership interest in the open space. A maintenance agreement shall be recorded with approval of the final site plan.



- (3) The dedicated open space shall forever remain open space, subject only to uses on the approved site plan. Any change in use of the open space from what is shown on the approved site plan shall require plan commission approval and shall not diminish compliance with the requirements of this ordinance.
- (4) The open space or a conservation easement for the open space may be conveyed to a conservation organization or to a public agency for recreational or conservation use; however, any conveyance to a public agency shall be at the owner's discretion and expense.

### Section 15.06 **Application and Review Procedure for Preliminary and Final PUD**

The application process for a PUD involves two (2) steps for review of a preliminary and final PUD. The procedures are described below.

- (a) **Pre-application Meeting.** The applicant shall meet with the Planning and Zoning Commission to review the PUD requirements and ensure that application materials are complete. A pre-application workshop with the Planning and Zoning Commission may be requested by the applicant to discuss the appropriateness of the PUD concept, solicit feedback, and receive requests for additional materials supporting the proposal. An applicant desiring such a workshop shall request placement on the Planning and Zoning Commission agenda.
- (b) **Application.** The applicant shall submit the preliminary PUD site plan, meeting the requirements of Section 15.06, at least 15 days prior to the meeting at which the Planning and Zoning Commission shall first review the request.
- (c) **Governmental Department Review.** The following agencies shall review the application prior to the Planning and Zoning Commission hearing and recommend changes or sign-off that they do not have concerns with the application.
  - (1) City of Bells Engineer
  - (2) Fire Department
  - (3) Public Works
  - (4) Grayson County Health Department
  - (5) Utility providers (water, sewer) if applicable
  - (6) School District Board
- (d) **Public Hearing.** The Planning and Zoning Commission shall review the preliminary PUD site plan and shall conduct a public hearing. Legal notice shall be provided to the public by the petitioner consistent with the requirements of the State of Texas. Public notice setting forth the time and place shall be given at least 10 days before the date of the hearing in a newspaper of general circulation by the community. Notification shall also be provided by certified letter at least 10 days before the date of the hearing to all abutting properties in all directions from the subject property and properties across the street. At the public hearing, the petitioner shall provide proof that he has conformed to the above by proof of publication and return-receipt mail or personal sign-off on delivery of notices. The cost of such notices shall be borne by the petitioner.
- (e) **Planning and Zoning Commission.** During this review, the Planning and Zoning Commission may request additional materials supporting the PUD proposal, or recommend modifications or conditions based on the standards of Section 15.08 and comments from the Governmental Department Agencies. Once the Planning and Zoning Commission is satisfied that all of the required information has been provided, the Planning and Zoning Commission shall forward the

PUD overlay district and preliminary site plan to the City Council with a favorable recommendation, an unfavorable recommendation based upon the standards of this article.

- (f) **City Council.** The City Council may vote on the proposed PUD overlay district within 90 days of its certification by the Planning and Zoning Commission. The City Council may either approve or deny the PUD overlay district. The City Council may also seek modifications or additions to any written commitments.
- (g) **Commitments.** Any commitments attached to the approval of the preliminary PUD site plan shall be made part of the approval and shall be reflected in the final PUD site plan. The City of Bells attorney, as applicable, shall prepare the written commitments based on the City Council action. The applicant shall reimburse the City of Bells attorney, as applicable, for all costs related to the preparation of the written commitments. The shall be signed by the City Council and the applicant and recorded in the County Recorder's office. The commitments must be recorded prior to submitting an application for final site plan approval.
- (h) **Effect of Approval.** Approval of the PUD overlay district and preliminary site plan shall be effective for a period of one (1) year. If a final PUD site plan for at least the first phase of the project is not submitted within one (1) year of the preliminary approval, or an extension applied for, the preliminary PUD site plan shall expire, and a new application must then be filed and processed. The one (1) year period for preliminary PUD approval may be extended for one (1) year, if applied for by the petitioner prior to expiration and granted by the Planning and Zoning Commission. If a preliminary PUD is allowed to expire, the Planning and Zoning Commission and City Council shall take action to remove the overlay district from the zoning for the site.
- (i) **Phased PUD.** If the approved preliminary PUD site plan indicated that the proposed development was to occur in phases, final PUD site plan approval may be granted on each phase of the development, provided that each phase contains all the necessary components to insure protection of significant natural, historical, and architectural features, and the health, safety, and welfare of the users of the PUD and the residents of the surrounding area. Roads, utilities and other infrastructure for each phase shall be designed to fully operate in accordance with the City of Bells, as applicable, engineering standards and not be dependent upon the completion of subsequent phases. Subsequent phases shall also follow the process for final PUD site plan outlined in this Article.
- (j) **Final Site Plan.** The applicant shall submit the final PUD site plan for any or all phases of, the approved preliminary PUD site plan at least 30 days prior to the Planning and Zoning Commission meeting at which the Planning and Zoning Commission shall first review the request. If the PUD is being developed as a subdivision, then all requirements of the subdivision regulations shall be met, and the final PUD application shall also include a primary plat. The primary plat shall be reviewed concurrently with the requirements of this article.
- (k) **Checkpoint Agency Review.** The agencies in Section 15.06(c) shall review the final site plan for compliance with applicable federal, state, and local ordinances and standards prior to the Planning and Zoning Commission review. The agency official shall state any items that need to be address prior to approval or sign-off that the final site plan is acceptable.
- (l) **Planning and Zoning Commission Review.** Upon submission of all required materials and fees, the Planning and Zoning Commission shall review the final PUD site plan and shall take final action on the final PUD site plan, in accordance with the standards and regulations of this ordinance.

- (m) **Conditions.** If the final PUD site plan was approved with conditions, the applicant shall submit a revised final PUD site plan to the Planning and Zoning Commission for approval prior to submitting construction plans.
- (n) **Final Approval.** Approval of the final PUD site plan shall be effective for a period of two (2) years. If construction has not begun on the first phase of the project within two (2) years of the final PUD approval, the right to develop under the PUD site plan shall terminate and a new application must then be filed and processed. If a final PUD is allowed to expire, the Planning and Zoning Commission and City Council shall take action to remove the overlay district from the zoning for the site.

**Section 15.07 Preliminary PUD Site Plan Submittal Requirements**

The preliminary PUD site plan shall set forth the proposed uses to be developed in the PUD. The following specific information shall be provided in the preliminary PUD site plan submittal:

- (a) **Proof of Ownership.** Current proof of ownership of the land to be utilized or evidence of a contractual ability to acquire the land, such as an option or purchase agreement with written authorization from the owner.
- (b) **Written Documentation.** Written documentation that the preliminary PUD site plan meets the standards of Section 14.08.
- (c) **Application Form and Fees.** A completed application form, supplied by the Planning and Zoning Commission, and an application/review fee; a separate escrow deposit shall be required for administrative charges to review the PUD submittal per the approved City fee schedule.
- (d) **Preliminary PUD Site Plan.** Sheet size of submitted drawings shall be at least 24 inches by 36 inches, with graphics at an engineer’s scale of one (1) inch equals 20 feet for sites of 10 acres or less; and up to one (1) inch equals 100 feet or less for sites over 10 acres.

Cover Sheet
Applicant's name.
Name of the development.
Preparer's name and professional seal of architect, engineer or surveyor, licensed in the State of Texas.
Date of preparation and any revisions.
North arrow and legend.
Property lines and dimensions.
Complete and current legal description and size of property in acres.
Small location sketch of the subject site and area within one-half (1/2) mile, and scale.
Zoning and current land use of applicant’s property and all abutting properties and of properties across any public or private street from the PUD site.
Lot lines and all structures on the property and within 100 feet of the PUD property lines.
Location of any vehicle access points on both sides of the street within 100 feet of the PUD site along roads where vehicle access to the PUD is proposed.
PUD Site Plan
Existing locations of all natural, historical, and architectural features, existing drainage patterns, surface water bodies, floodplain areas, wetlands, meadows and woodlands.

---

Existing and proposed topography at five (5) foot contour intervals, and a general description of grades within 100 feet of the site.

---

Dimensions of existing and proposed right-of-way lines, names of abutting public roads, proposed access driveways and parking areas, and existing and proposed pedestrian paths.

---

Existing buildings, utility services, and any public or private easements, noting those which will remain, and which are to be removed.

---

Layout and typical dimensions of proposed lots, footprints, and dimensions of proposed buildings and structures.

---

Proposed uses with the acreage allotted to each use. For developments with residential components: the number, type, and density of proposed housing units.

---

General engineering information for utilities and drainage.

---

General location and type of landscaping proposed (evergreen, deciduous, annuals, perennials, berm, etc.) noting existing trees and landscaping to be retained.

---

Size, type, and location of proposed identification signs.

---

- (e) **PUD Development Ordinance.** A draft written PUD Ordinance specifying all the terms and understandings of the PUD. The content of the ordinance shall be based on the extent of the proposed development, but shall, at a minimum, provide the following:

---

A survey of the acreage comprising the proposed development.

---

The manner of ownership of the developed land.

---

The amount, manner of ownership, and proposed method of dedication or mechanism to protect any areas designated as common areas or open space.

---

Land use description including list of proposed uses, residential density, dwelling types, lot dimensions, setbacks and other dimensional standards.

---

Description of improvements to common areas, recreational facilities and non-motorized pathways, including a plan for continued maintenance responsibility.

---

General description of any improvements to roads or utilities. The cost of installing and maintaining all roads and the necessary utilities shall be assured by a means satisfactory to the Planning and Zoning Commission.

---

Provision assuring that open space areas shown on the plan for use by the public or residents of the development will be irrevocably committed for that purpose. The Planning and Zoning Commission may require conveyances or other documents to be placed in escrow to accomplish this. The cost of installing and maintaining all open space amenities shall be assured by a means satisfactory to the Planning and Zoning Commission.

---

Provisions for the future financing of any improvements shown on the plan for site improvements, open space areas and common areas which are to be included within the development and that maintenance of such improvements.

---

Provisions to ensure adequate protection of natural features.

---

The preliminary PUD site plan shall be incorporated by reference and attached as an exhibit.

---

- (f) **Multi-Phased PUD.** If a multi-phase PUD is proposed, the areas included in each phase shall be identified. For residential uses identify the number, type, and density of proposed housing units within each phase.
- (g) **Additional Information.** Any additional graphics or written materials requested by the Planning and Zoning Commission to assist in determining the appropriateness of the PUD such as, but not limited to: aerial photography; market studies; impact on public primary and secondary schools and utilities; traffic impact study; impact on significant natural, historical, and architectural features and drainage; impact on the general area and adjacent property; description of how property could be developed under the regulations of the underlying district; preliminary architectural sketches; and estimated construction cost.

#### Section 15.08 **PUD Site Plan Standards for Approval**

Based upon the following standards, the Planning and Zoning Commission may deny, approve, or approve with conditions the proposed preliminary PUD site plan, subject to approval of the PUD ordinance by the City Council.

- (a) The PUD shall meet the qualifying conditions of section 15.02.
- (b) The PUD must be consistent with the comprehensive plan.
- (c) The uses must have a beneficial effect, in terms of public health, safety, welfare, or convenience, on present and future potential surrounding land uses. The uses proposed must not adversely affect the public utility and circulation system, surrounding properties, or the environment.
- (d) Any modifications to the dimensional standards of this Ordinance, such as lot sizes, setbacks, height limits, required facilities, buffers, open space, permitted sign area, and other similar dimensional standards shall be reviewed and approved by the Planning and Zoning Commission.
- (e) Any increase in the density requirements of the underlying zoning district must be approved by the Planning and Zoning Commission and be included under review of the preliminary PUD site plan and in the PUD ordinance.
- (f) The number and dimensions of off-street parking shall be sufficient to meet the minimum required by Article 10. However, where warranted by overlapping or shared parking arrangements, the Planning and Zoning Commission may reduce the required number of parking spaces in the PUD ordinance.
- (g) All roads and parking areas within the PUD shall meet the minimum design standards, unless modified by the Planning and Zoning Commission and City Council in the PUD ordinance.
- (h) Safe, convenient, uncongested, and well defined vehicular and pedestrian circulation within and to the site shall be provided.
- (i) Landscaping shall be preserved and/or provided to ensure that proposed uses will be adequately buffered from one another and from surrounding public and private property. Plantings and other landscape features shall meet or exceed the standards of Article 10-Development Provisions.
- (j) Judicious effort shall be used to preserve significant natural, historical, and architectural features and the integrity of the land.
- (k) Adequate water and sewer facilities shall be available or shall be provided by the developer as part of the site development.

**Section 15.09 Final PUD Site Plan Submittal Requirements**

The final PUD site plan shall include all the following information, unless the Planning and Zoning Commission determines that some of the required information is not reasonably necessary for the consideration of the PUD:

- (a) All information required for site plan submittal in accordance with section 15.03.
- (b) Any additional graphics or written materials requested by the Planning and Zoning Commission to assist in determining the impacts of the proposed PUD site plan, including, but not limited to, economic or market studies; impact on public utilities; traffic impacts; impact on significant natural, historical, and architectural features and drainage; impact on the general area and adjacent property; and estimated construction cost
- (c) A written version of the approved of PUD ordinance specific to the PUD. Such document shall include provisions for site layout, access, vehicular and pedestrian circulation, parking, screening, building design and architecture, landscaping, open space, lighting, and signage. The PUD ordinance shall also include any variations to the dimensional standards of this Ordinance, such as density, lot sizes, setbacks, height limits, required facilities, buffers, open space, permitted sign area, and other similar dimensional standards.

**Section 15.10 Final PUD Site Plan Standards for Approval**

The Planning and Zoning Commission shall use the standards for approval in Section 15.08 and any design requirements developed specifically for the PUD, in reviewing the final PUD site plan.

**Section 15.11 Deviations from Approved Final PUD Site Plan**

- (a) Minor deviations and amendments from the approved final PUD site plan and associated PUD ordinance shall be reviewed and approved by the Planning and Zoning Commission. The following minor modifications can be approved by the Planning and Zoning Commission without the need for a new preliminary PUD site plan:
  - (1) For residential buildings, the size of structures may be reduced; or increased by five percent (5%), provided the overall density of units does not increase and the minimum square footage requirements are met.
  - (2) Gross floor area of non-residential buildings may be decreased; or increased by up to five percent (5%).
  - (3) Floor plans may be changed if consistent with the character of the use.
  - (4) Horizontal and/or vertical elevations may be altered by up to five percent (5%).
  - (5) Relocation of a building by up to five (5) feet, if consistent with required setbacks and other standards.
  - (6) Designated "Areas not to be disturbed" may be increased.
  - (7) Improvements or slight relocation of site access or circulation, such as inclusion of deceleration lanes, boulevards, curbing, pedestrian/bicycle paths, etc.
  - (8) Changes of building materials to another of higher quality.
  - (9) Internal rearrangement of parking lot which does not affect the number of parking spaces or alter access locations or design or reduce stormwater management capacity.
- (b) If the Planning and Zoning Commission determines that the modifications to the final PUD site plan significantly alter the intent of the preliminary PUD site plan, a new submittal illustrating the

modification shall be required and must be approved by the City Council as a new preliminary PUD site plan.

- (c) Any deviation from the approved final PUD site plan that is not approved shall be considered a violation of this Article and shall invalidate this PUD article. The Planning and Zoning Commission and City Council shall take action to remove the overlay district in the event that the PUD is invalidated.

## Article 16: Permitting

### Section 16.01 General Requirements

No permit pertaining to the use of land or permits as required by building codes for the erection, enlargement, or structural alteration of a building or structure shall be issued by an officer, department, or employee of The City of Bells until permits have been examined by the Permitting Vendor and the Planning and Zoning Commission, indicating that the applications comply with the provisions of this chapter.

### Section 16.02 Permit Materials

This provision is applicable to any structure, including accessory structures, whose ground floor area exceeds 144 square feet, or any additions to existing structures where the change will enlarge the ground floor area of the structure, regardless of the size of the addition and when concerning electrical and plumbing. However, it does not apply to any interior alterations or any exterior change which does not alter the ground floor area. The applicant for a building permit shall submit the following materials as required:

Activity/Use	Permit
Single family detached and double family dwellings	Sketch plan
Multiple family dwellings	Site plan
Non-residential building/structure	Site plan
Establishment of a new conditional use	Site plan
Planned Unit Development	Site plan
Construction solely on the building interior that does not increase usable floor area	Exempt
Cosmetic (non-structural) changes to any structure including the replacement of windows in existing openings, re-roofing, the installation of siding material, and repainting	Exempt
Wireless communication facility-cell towers	Site plan
Change in use to an existing building to a similar or less intensive use, as determined by the Planning and Zoning Commission based upon the classification of uses in the district	Exempt
Change in use to an existing building to a more intensive use, as determined by the Planning and Zoning Commission	Sketch plan
Temporary uses including large tents for events, buildings, structures, awnings and seasonal events	Sketch plan
Temporary storage/accessory structures	Sketch plan
Accessory commercial or industrial outdoor storage	Site plan
New parking lot/loading area or change in driveway access for a non-residential use	Site plan
Expanding an existing parking lot or paving an existing gravel parking lot	Site plan
Resurfacing of existing parking lot without increasing number of spaces	Exempt
Residential driveways and sidewalks that are located entirely on private property	Sketch plan



Activity/Use	Permit
Construction, relocation or erection of signs, retaining walls, fences, walls, waste receptacle, sidewalks, antennas, lights, poles, cooling/heating or other mechanical equipment for any nonresidential use	Sketch plan
All fences (landscaping, privacy or security) and all retaining walls	Sketch plan
Residential TV towers, satellite dishes, and other similar structures	Exempt
Modifications to comply with accessibility/ADA requirements	Exempt
Mineral extraction	Site plan
Private ponds	Sketch plan
(a) Major activities such as commercial or industrial uses require a full engineered site plan. Minor activities such as single-family residential dwellings may provide a less detailed sketch plan, provided the level of detail is sufficient to demonstrate compliance with this ordinance.	
(b) All construction activity shall be subject to the building permit and inspection requirements of the Building Code, in addition to the requirements of this ordinance. A drawing shall be provided to the Planning and Zoning Commission prior to commencement of any excavation, directional boring, or other subsurface disturbance.	

**Section 16.03 Site/Sketch Plan Requirements**

The application for a permit shall be accompanied by the following:

- (a) A description of the proposed development and legal description of the property site.
- (b) A dimensioned site plan or sketch plan, drawn to scale showing existing and proposed structure locations and existing and proposed land grades. Engineered site plans must include all of the information listed below. Sketch plans shall include the information noted with an “x;” provided the level of detail is sufficient to demonstrate compliance with this ordinance.

Site Plan/Sketch Plan Information	Sketch Plan	Site Plan
Name, address and seal of professional engineer or land surveyor who prepared the site plan	X	X
The address of the parcel	X	X
Photograph of existing site conditions	X	X
Property survey showing topography, existing structures, utilities and elevation	X	X
Property boundaries, including dimensions	X	X
Net lot area (exclusive of any road right-of-way, or submerged land)	X	X
Drawing scale and a north arrow	X	X
Site location map showing the subject property, adjacent streets, and the nearest intersection	--	X
Zoning of site and adjacent land	X	X
Rights-of-way (with street name and classification labeled) and easements	X	X
Drainage courses, floodplains, lakes, streams and wetlands	X	X

<b>Site Plan/Sketch Plan Information</b>	<b>Sketch Plan</b>	<b>Site Plan</b>
Required setbacks and yard areas	X	X
Adjacent buildings, structures or pavement within 100 feet of site, including buildings and decks on adjacent waterfront lots	X	X
All existing and proposed structures or other site improvement with the dimensions of such improvements	X	X
Height of all existing structures and proposed	X	X
Distances from all proposed structures to the property lines	X	X
Utility information including water mains, water service leads, fire hydrants and sewer lines	--	X
Location of any existing or proposed driveway and/or parking areas	X	X
Parking space dimensions, number of required and provided parking spaces, driving aisle widths, pavement materials, curb locations	--	X
Driveway widths, intersection radii, pavement materials, curb locations, deceleration tapers, and distances to the nearest drives on the same and opposite side of the street	--	X
Location of any drive-through facilities, including vehicle stacking spaces and point of service	--	X
Location of any loading areas	--	X
Sidewalks (public and private) including construction details and accessible ramp details;	--	X
Landscaping, with plant materials labeled according to size at planting and species	--	X
Permanent or occasional outdoor storage, sales, and/or display	X	X
Fences or walls	X	X
Photometric plan and detailed specifications for all exterior lighting fixtures	--	X
Waste containers and a detail demonstrating how they are to be enclosed	X	X
Location, type, and dimensions of any storm water structures, stormwater landscaping, conduits, or detention/retention ponds that are located on, cross, or adjoin the subject property	--	X
General grades on-site sufficient to determine proper drainage	X	X
Flood hazard areas, including the finished floor elevation, base flood elevation, and flood protection grade for all structures;	X	X
(c) All plans shall be based on an accurate survey prepared by a licensed land surveyor.		
(d) A letter of approval from a licensed surveyor relative to drainage plan and setbacks from legal drains.		
(e) A letter of air space approval, if so applicable.		
(f) The Planning and Zoning Commission shall have discretion as to what information shall be required in order to determine conformity with the zoning ordinance. Any additional site/sketch plan requirements may be waived.		

**Section 16.04 Permit Review**

- (a) Upon receipt of an application for a permit and site plan/sketch plan, it shall be reviewed by all applicable departments, including planning, engineering, fire, water and sewer, as applicable or site plan review committee. The departments shall provide their recommendations to the Planning and Zoning Commission as to whether the application complies with this ordinance, other ordinances and other applicable building, and engineering codes. Based upon department reviews and the Planning and Zoning Commission shall determine if the site plan/sketch plan complies with the requirements of this ordinance.
- (b) If the application for a permit is approved, the applicant shall post the permit on the property in question in plain sight.
- (c) All necessary building permits shall be obtained prior to commencing construction.
- (d) Buildings shall be completed for issuance of an occupancy certificate within one (1) year from the initiation of construction, or a building permit extension must be obtained.

**Section 16.05 Occupancy Certificate**

- (a) Any land, vacant on the effective date of this chapter, and any building, structure, or addition or major alteration thereto, constructed after the effective date of this chapter shall not be used or occupied until an occupancy certificate has been issued by the Permitting Vendor. No new use shall be made of any land, building, or structure until an occupancy certificate has been issued.
- (b) Every application for a building permit shall be deemed to be an application for an occupancy certificate. Every application for an occupancy certificate for a new use of land or existing building or structure where no building permit is required shall be made to the Permitting Vendor.
- (c) Time of issuance.
  - (1) An occupancy certificate shall be issued only after the Permitting Vendor has inspected the premises and finds:
    - (a) The premises to be in compliance with all applicable regulations of the zoning district in which it is located; and
    - (b) That the use or building or structure is in conformance with the plans and specifications for which the building permit was issued.
- (d) The Permitting Vendor may issue only one temporary occupancy certificate for each application for a building permit as follows:
  - (1) For a period not to exceed six (6) months from the date of its issuance, and with provisions, if required, for an extension of not more than a total of three additional months;
  - (2) That the portion of the land, building, or structure for which the temporary occupancy certificate is issued has been completed and meets the requirements as set forth above, and the remaining portion of the land, building, or structure is in the process of completion.
  - (3) Temporary extensions shall be made only in extenuating circumstances and at the discretion of the Planning and Zoning Commission.
- (e) Every occupancy certificate shall be dated, shall state that the use or occupancy complies with the provisions of this chapter and shall be signed by the City Administrator.

**Section 16.06 Records**

A record of each improvement location permit and each occupancy certificate shall be kept by City Secretary. Upon request, a copy shall be furnished to any person having proprietary interest in the structure concerned.

**Section 16.07 Performance Guarantees**

- (a) Where required by this ordinance or as a condition of approval for a permit under this ordinance, a guarantee in a form acceptable to the City of Bells, such as a bond, cash deposit, certified check or irrevocable bank letter of credit shall be provided.
- (b) In instances where all required improvements are not completed, and a temporary certificate of occupancy is requested, the estimated cost of completing the improvements shall be provided in the form of a guarantee acceptable to the City of Bells, such as a bond, cash deposit, certified check or irrevocable bank letter of credit.
- (c) The guarantee shall include a schedule and breakdown of itemized costs assigned to the different improvements. Monies may be released to the applicant in proportion to work completed on the different elements after inspection of work and approval of the Permitting Vendor. Any partial release of funds shall not reduce the amount of the remaining guarantee to less than ten percent (10%) of the original amount, which shall be retained by the City of Bells until all work has been completed and subsequently inspected and approved by the Permitting Vendor.

## Article 17: Nonconforming

### Section 17.01 Nonconforming Uses

A use of a building or premises, lawfully existing at the time it was established, but is made nonconforming by the passage of a new ordinance or amendment, may be continued, although such use no longer conforms to all provisions of the ordinance or amendments to this ordinance, subject to the following provisions of the section.

- (a) A nonconforming use may be extended throughout a building provided no structural alterations are made therein, except those required by law.
- (b) A nonconforming use may be changed to another nonconforming use of the same or greater restrictions, provided no structural changes are made in the building. Whenever a nonconforming use has been changed to a conforming use or to a use permitted in a district of greater restrictions, it shall not thereafter be changed to a nonconforming use or a less restricted one.
- (c) No building shall be erected upon any premises devoted to a nonconforming use, except in conformance with regulations of this ordinance.
- (d) When a building containing a nonconforming use is damaged by any means or in any manner, it may be restored, within one (1) year, provided that its original use is not changed, and size of the building has not increased.
- (e) In the event that a nonconforming use of any building or land is abandoned or discontinued for a period of one (1) year, the use shall thereafter conform to the uses permitted in the district in which it is located.

### Section 17.02 Nonconforming Structures and Buildings

Structures and buildings that are existing and lawful on the effective date of this ordinance or amendments thereto, may be continued even though the structure or building does not conform with the dimensional or other provisions of this ordinance, subject to the following provisions of this section.

- (a) If a nonconforming structure or building is altered or modified so as to eliminate, remove or lessen any or all of its nonconforming characteristics, then the nonconforming characteristics shall not be later re-established or increased to expand the nonconformity.
- (b) In the event that any nonconforming structure or building is damaged by any means or in any manner, it may be restored, within one (1) year, provided that its original use is not changed, and size is not increased to expand the nonconformity.
- (c) In the event a nonconforming residential structure or building is damaged by fire or other natural cause, the residential structure may be reconstructed on the same foundation provided the first-floor footprint and the total floor area does not exceed the size of the previous residence.
- (d) If a non-conforming structure or a structure containing a non-conforming use becomes physically unsafe due to lack of maintenance and repairs and is declared as such by the City of Bells, it shall not thereafter be restored, repaired, or rebuilt except in full conformity with the regulations in the zoning district in which it is located.
- (e) A building that is nonconforming may be altered or rehabilitated if that activity will make the building conform to the regulations of this zoning ordinance and the building code.
- (f) A residential nonconforming building may be expanded provided the expansion will be within required setbacks; other dimensional, bulk requirements are met (spacing between structures,

height, maximum lot coverage, etc.). (Example: a home with a nonconforming front yard setback may be expanded in the rear so long as the rear yard setback remains conforming and maximum lot coverage is not exceeded). The addition must comply with all building code requirements.

Additional height above the nonconforming portion of the building shall not be permitted.

- (g) Nonresidential nonconforming buildings shall not be expanded, unless a variance is obtained from the Planning and Zoning Commission.
- (h) Nonconforming structures and buildings shall not be enlarged nor altered in a way which increases the nonconformity within the provisions of this ordinance or beyond the limits set in this section, unless approved by the Planning and Zoning Commission.

### Section 17.03 **Nonconforming Lots**

- (a) In any zoning district, notwithstanding limitations imposed by other provisions of this ordinance, where an existing lot of record fails to meet the requirements of this ordinance for minimum lot area, minimum lot width or both, of the zoning district in which it is located, the lot may be used for the permitted uses of the zoning district, including permitted accessory uses, provided other requirements of the zoning district in which the lot is located are met. The lot must be an existing lot of record, created prior to the effective date of the original zoning ordinance or the amendment that made the lot nonconforming.
- (b) A principal building and customary accessory buildings for a permitted use may be erected on any single lot of record existing at the effective date of this zoning ordinance, provided all other standards of the zoning ordinance are met. This provision shall apply even though the lot fails to meet the requirements for area or width, or both, that are generally applicable in the district, provided that the buildings are in conformance with all other applicable yard setback, minimum floor area, maximum height and access requirements for the district in which they are located.
- (c) Where there are multiple contiguous nonconforming lots under single ownership they may be combined and used as a single lot.

### Section 17.04 **Nonconforming Sites**

The City of Bells may permit improvements and minor modifications to a conforming use and building on a site that does not meet all of the various site improvement related regulations of this zoning ordinance. This section is intended to allow gradual compliance with the site related requirements for sites which predate the various zoning ordinance standards for landscaping, paving, lighting and other non-safety items in proportion to the amount of expansion or improvement proposed. Improvements or expansions may be permitted by the Planning and Zoning Commission during site plan review without a complete upgrade of all site elements under the following conditions:

- (a) The applicant is proposing reasonable site improvements on the overall site in relation to the scale and construction cost of the building improvements or expansion.
- (b) The applicant has addressed safety related site issues on the overall site.
- (c) The improvements or minor expansion will not increase noncompliance with site requirements.

### Section 17.05 **Nonconformity Resulting In Right-Of-Way Acquisition**

Where a nonconforming front yard setback, parking lot setback is created as a result of additional road right-of-way width being acquired by the county or state, the building or parking lot may be improved or expanded without the need to obtain a variance from the Planning and Zoning Commission, provided the following conditions are met:

- (a) The building or parking lot complied with the front yard setback prior to the acquisition of the additional road right-of-way.
- (b) The building or parking lot expansion will not reduce the remaining depth of the front yard setback.
- (c) All other ordinance requirements are met, and necessary approvals obtained.

## Article 18: Definitions

### Section 18.01 Constructions of Language

#### (a) Interpretations

- (1) If the meaning of this Ordinance is unclear in a particular circumstance, then the individual or body charged with interpreting or applying the Ordinance shall construe the provision to carry out the intent of the Ordinance, if the intent can be discerned from other provisions of the Ordinance or law.
- (2) All words and phrases shall be construed and understood according to the common preferred use of the language; but technical words and phrases that may have acquired a peculiar and appropriate meaning in the law shall be construed and understood according to that peculiar and appropriate meaning.
- (3) Whenever a word or term defined hereinafter in the text of this Ordinance, its meaning shall be construed as defined herein. Words or terms not herein defined shall have the meaning customarily assigned to them.
- (4) The definitions contained in this Article are for the purposes of this Ordinance.

#### (b) Terms

- (1) The word "shall" is always mandatory and not discretionary. The word "may" is permissive.
- (2) The terms "Ordinance" shall be understood to include the term "as amended" where the context is appropriate.
- (3) The terms "abutting" or "adjacent to" include property along the lot lines of the subject site, including those in another community, but do not include lands separated by a public street right-of-way.
- (4) A "building" or "structure" includes any part thereof.
- (5) The word "build" includes to "erect" or "construct."
- (6) The word "person" includes an individual, a corporation, a partnership, an incorporated association, or any other similar entity. A masculine term shall include the feminine version of the term and vice versa.
- (7) The phrase "used for" includes "arranged for," "intended for," "occupied for," and "maintained for."
- (8) Unless the context clearly indicates the contrary, the conjunctions noted below shall be interpreted as follows.
  - (a) "And" indicates that all connected items, conditions, provisions, or events shall apply.
  - (b) "Or," indicates that the connected items, conditions, provisions or events may apply separately or in combination.
  - (c) "Either...or" indicates that the connected items, conditions, provisions or events shall apply separately, not in combination.
- (c) The particular shall control the general. For terms used in this Ordinance the use of a general term shall not be taken to be the same as the use of any other specific term.
- (d) Words used in the present tense shall include the future; words used in the singular number shall include the plural; and the plural the singular, unless the context clearly indicates otherwise.
- (e) Computing the number of days, the first day is excluded and the last day is included. If the last day of any period during which an application, filing, or request is required to be made to the city,



county or other governmental agency is a Saturday, Sunday, or legal holiday, the period is extended to include the next day which is not a Saturday, Sunday, or legal holiday.

- (f) All measurements shall be to the nearest integer, unless otherwise specified herein.
- (g) Unless the context clearly indicates to the contrary, where an illustration accompanies any item in this Ordinance, the written text shall have precedence over the illustration.

### Section 18.02 **Definitions "A"**

For the purpose of this title, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

**Abandoned.** Cessation of the use of a structure or land, with the intent to abandon the use at that location. The intent to abandon may be demonstrated by records indicating that the address is vacant or occupied by another use, the utility service associated with the use has been disconnected, the telephone number associated with the use as disconnected/moved to another location or the business associated with the use has moved to another location or been discontinued.

**Abuts or abutting.** Having a common property line or district line.

**Access management.** A technique to improve traffic operations and decrease the potential for accidents along major thoroughfares through the control of driveway locations and design; consideration of the relationship of traffic activity for properties adjacent to, and across from, one another; and the promotion of alternatives to direct access.

**Accessory building or use.** A subordinate building located on the same lot with the main building, or a subordinate use of land, either of which is incidental to the main building or to the principal use of the land. An **accessory building or use** includes, but is not limited to:

- (a) A children's playhouse, garden house, or private greenhouse;
- (b) A detached garage, shed, or building for domestic storage;
- (c) Incinerators incidental to residential use;
- (d) Storage of merchandise normally carried in stock on the same lot with any retail, service, or business use, unless that storage is prohibited by district regulations;
- (e) Storage of goods used in, or produced by, manufacturing activities on the same lot or parcel of ground with those activities, unless that storage is prohibited by district regulations;
- (f) A non-paying guest house or rooms for guests within an accessory building, if those facilities are used for the occasional housing of guests of occupants of the principal building and not for permanent occupancy by others as housekeeping units;
- (g) Servants quarters, if part of an accessory garage and solely for occupancy by a servant or household employee of the occupants of the principal dwelling and the family of that servant or employee;
- (h) Off-street motor vehicle parking area and loading and unloading facilities;
- (i) Signs, other than advertising signs, as permitted and regulated in each district incorporated in this title;
- (j) Swimming pool, if private and being incidental to use by the owner and guests; and
- (k) Public utility communication, electric, gas, water, and sewer lines, their supports, and incidental equipment.

**Accessory equipment building.** A structure used to house equipment for the operation, maintenance, or repair of a wireless communications tower, including electronic receiving and relay equipment.

**Accessory living quarters.** Living quarters within an accessory building for the sole use of persons employed on the premises, such as quarters having no kitchen facilities and not rented or otherwise used as a separate dwelling.

**Acreage.** Any tract or parcel of land which has not been subdivided and platted.

**Adjacent.** To lie near or close to; in the neighborhood or vicinity of, including across a public right-of-way, stream, river or railroad.

**Adjacent property owners, owner, or interested party.** The owners of record of each lot or parcel of real estate abutting the tract of real estate that is the subject of the application, petition, or matter upon which a public hearing is to be held before the City Council and Planning and Zoning Commission. The owners of record shall be according to the real estate master file as maintained by the auditor of the county or city, at the time of the filing of an application or petition,

**Adjoining.** Touching or contiguous, as distinguished from lying near or adjacent.

**Adult regulated use.** The following definitions shall apply to adult regulated uses:

- (a) **Adult arcade.** Any place to which the public is permitted or invited wherein cash-operated, credit-operated, coin-operated or slug-operated or electronically, internet or mechanically controlled still or motion picture machines, projectors or other image producing devices are maintained to show images and where the images so displayed are distinguished or characterized by the depicting or describing of "sexually explicit activities" or "specified anatomical areas".
- (b) **Adult bookstore or adult video store.** A commercial establishment which offers for sale or rental for any form of consideration, as one of its principal business purposes, any one or more of the following:
  - (1) Books, computer diskettes, tapes or hard drives, magazines, periodicals or other printed matter or photographs, films, motion pictures, video matter or photographs, cassettes or video reproductions, slides or other visual representation which depict or describe "sexually explicit activities" or "specified anatomical areas"; or
  - (2) Instruments, devices or paraphernalia which are designed for use in connection with "sexually explicit activities"; or
  - (3) Items, materials, gimmicks, or paraphernalia depicting, displaying, advertising or packaged as "sexually explicit activities" or depict or describe "specified anatomical areas".
  - (4) For purposes of this chapter, "principal business purpose" means:
    - (a) The devotion of a significant or substantial portion of its stock-in-trade or interior floor space, meaning at least 30% of the floor area; or
    - (b) The receipt of 50% or more of its revenues from the sale of the items listed above; or
    - (c) The devotion of a significant or substantial portion of its advertising expenditures to the promotion of the sale, rental or viewing of books, magazines, periodicals or other printed matter, or photographs, film, motion pictures, video cassettes, compact discs, slides or other visual representations, items, materials, gimmicks, or paraphernalia which are

characterized by the depiction, description, display, advertising or packaging of "sexually explicit activities" or "specified anatomical areas".

- (d) An establishment may have other principal business purposes that do not involve the offering for sale, rental or viewing of materials depicting or describing "sexually explicit activities" or "specified anatomical areas", and still be characterized as an adult bookstore, adult novelty or retail store or adult video store. Such other business purposes will not serve to exempt such establishment from being categorized as an adult bookstore, adult novelty store or adult video store, so long as the establishment falls within the definition of an adult bookstore, adult novelty store or adult video store as set forth above.
- (c) **Adult cabaret.** A nightclub, bar, restaurant or similar commercial establishment, whether or not alcohol is served, which regularly features:
- (1) Persons who appear in a state of restricted nudity; or
  - (2) Live performance which are characterized by the partial exposure of "specified anatomical areas"; or
  - (3) Films, motion pictures, video cassettes, compact discs, slides or other photographic reproductions which are characterized by the depiction or description of "sexually explicit activities" or "specified anatomical areas".
- (d) **Adult massage parlor.** Any place where, for any form of consideration or gratuity, massage, alcohol rub, administration of fomentations, electric or magnetic treatments, or any other manipulation of the human body which occurs as part of or in connection with specified sexual activities, or where any person providing such treatment, manipulation, or service related thereto, exposes his or her specified anatomical areas. The definition of sexually oriented business shall not include the practice of massage in any licensed hospital, nor by a licensed chiropractor or osteopath, nor by any nurse or technician working under the supervision of a licensed physician, surgeon, chiropractor or osteopath, nor by trainers for any amateur, semi-professional or professional athlete or athletic team or school athletic program nor a therapeutic massage practitioner. An **adult massage parlor** is considered a sexually oriented business for purposes of these regulations.
- (e) **Adult motel.** A hotel, motel or similar commercial establishment which:
- (1) Offers accommodations to the public for any form of consideration and provides patrons with closed-circuit television transmission, films, motion pictures, video cassettes, compact discs, slides or other photographic reproductions which are regularly characterized by the depiction or description of "sexually explicit activities" or "specified anatomical areas"; and which advertises the availability of this adult type of material by means of a sign, visible from the public right-of-way, or by means of any off-premises advertising, including, but not limited to, newspapers, magazines, pamphlets or leaflets, radio, internet or television; or
  - (2) Permits patrons to be filmed or photographed performing "sexually explicit activities" or displaying "specified anatomical areas" for electric transmission over the world wide web; or
  - (3) Offers a sleeping room for rent for a period of time that is less than 10 hours; or allows a tenant or occupant of a sleeping room to sub-rent the room for a period of time that is less than 10 hours.

- (f) **Adult motion picture theater.** A commercial establishment where, for any form of consideration, films, motion pictures, video cassettes, compact discs, slides or similar photographic reproductions are regularly shown which are characterized by the depiction or description of "sexually explicit activities" or "specified anatomical areas."
- (g) **Adult theater.** A theater, concert hall, auditorium or similar commercial establishment which regularly features persons who appear in a state of nudity or live performances which are characterized by the exposure of "specified anatomical areas" or by the performance of "sexually explicit activities." This
- (h) definition does not include a theater which features occasional live nude performances with serious literary, artistic or political value and which has no adverse secondary effects.
- (i) **Escort.** A person who, for consideration in any form, agrees or offers to act as a companion, guide or date for another person, or who agrees or offers to privately perform as an entertainer, including, but not limited to, the modeling of lingerie, the removal of clothing and the performance of a dance or skit. Under this definition, "privately" shall mean a performance for an individual or that individual's guests.
- (j) **Escort agency.** A person or business association that furnishes, offers to furnish or advertises to furnish escorts as one of its primary business purposes, for a fee, tip or other consideration.
- (k) **Nudist colony.** A resort, camp, park or other facility where clothing is optional, and people can visit the facility in a state of nudity.
- (l) **Nude model studio.** Any place where a person appears in a state of nudity or displays "specific anatomical areas" and is provided money or any form of consideration to be observed, sketched, drawn, painted, sculpted, photographed or similarly depicted by other persons. This includes modeling studios that provide for nude modeling on an occasional basis, but it does not include a modeling studio whose primary function is to provide art classes as part of a college, university or educational institution and which is certified by the state of Texas.
- (m) **Nudity.** The appearance of a human bare buttock, anus, male genitals, female genitals or female breasts.
- (n) **Peep booth.** An adult motion picture theater with a viewing room or cubical of less than 150 square feet of floor space.
- (o) **Principal owner.** Any person owning, directly or beneficially: 10% or more of a corporation's equity securities; 10% or more of the membership interests in a limited liability company; or in the case of any other legal entity, 10% or more of the ownership interests in the entity.
- (p) **Private room.** A room in a hotel/motel that is not a peep booth, has a bed and a bath in the room or adjacent room, and is used primarily for lodging.
- (q) **Semi-nude.** A state of dress in which clothing covers no more than the genitals, pubic region and areola of the female breast, as well as portions of the body covered by supporting straps or devices.
- (r) **Sexually explicit activities.** Any of the following: the fondling or other erotic touching of human genitals, pubic region, buttocks, anus or female breasts; or sex acts, normal or perverted, actual or simulated, including, but not limited to, intercourse, oral copulation or sodomy; or masturbation, actual or simulated; or any activity intended to arouse, appeal to or gratify a person's lust, passions or sexual desires; or the display of human genitals in a state of sexual stimulation, arousal or tumescence; or the display of excretory function as part of or in connection with any of the activity set forth above.

- (s) **Specified anatomical areas.** Any of the following: less than completely and opaquely covered human genitals, pubic region or pubic hair, buttock, or female breast or breasts of any portion thereof that is situated below a point immediately above the top of the areola, or any combination of the foregoing; or human genitals in a state of sexual arousal, even if opaquely and completely covered.

**Adverse Impact.** Any activity that would destroy, harm, impair, diminish or degrade the value, utility or function of a natural resource.

**Advertising device.** An advertising sign, billboard, or poster panel which directs attention to a business, commodity, service, or entertainment not exclusively related to the premises where the sign is located or to which it is affixed. However, this does not include those advertising signs, billboards, or poster panels which direct attention to the business on the premises or to a brand name of a product or commodity with which the business is specifically identified and which is sold on the premises.

**Agricultural building.** A structure utilized for the keeping of livestock, storage, or raising of agricultural products or storage of agricultural equipment.

**Agricultural land use.** The use of land for the production of animal or plant life, including forestry, pasturing or yarding livestock, and planting, growing, cultivating, and harvesting crops for human or livestock consumption.

**Agriculture.** The use of land for agricultural purposes with the intent of selling any products produced by this type of activity. Agricultural uses include farming, dairying, pasturage, apiculture, horticulture, floriculture, viticulture, and animal and poultry husbandry, and the necessary accessory uses for packing, treating, or storing the products. The operation of any accessory uses shall be secondary to that of the normal agricultural activities. The agricultural use does not include the operation or maintenance of a commercial stockyard or feedlot (confined feeding operation).

**Alcoholic Beverage.** Alcohol, or any beverage containing more than one-half of one percent of alcohol by volume, which is capable of use for beverage purposes, either alone or when diluted.

**Alcoholic Beverage Establishment.** Any establishment that derives seventy-five (75) percent or more of its gross revenue on a quarterly basis from the sale or service of alcoholic beverages, as defined in the Texas Alcoholic Beverage Code, as amended, for on-premise consumption.

**Alcoholic Beverage Store.** Any establishment, place of business, or person principally engaged in the selling of alcoholic beverages, as defined in the Texas Alcoholic Beverage Code, as amended to the general public for off-premise personal or household consumption and rendering services or selling other products that are incidental to the alcoholic beverage sales, including but not limited to package stores.

**Alteration.** Any change, addition, or modification in construction, or any change in the structural members of a building, such as load bearing walls, columns, beams, or girders.

**Anchoring system.** An approved system of straps, cables, turnbuckles, chains, ties, or other approved materials used to secure a manufactured or mobile home.

### **Animal**

- (a) **Domesticated Animal/Pet.** Any animal that is commonly considered capable of being trained or is capable of adapting to living in a human environment and being of use to human beings, and

which is not likely to bite without provocation, nor cause death, maiming or illness to human beings, including: dogs, cats (domesticated), birds (caged), fish, turtles, rodents (bred, such as a gerbils, rabbits, hamsters or guinea pigs) and lizards (non-poisonous). Wild, vicious, or exotic animals shall not be considered domesticated.

- (b) **Exotic or Vicious Animal.** Any animal of a species not indigenous to the State of Texas and not a domesticated animal, including any hybrid animal that is part exotic animal; or any animal which, irrespective of geographic origin, is of wild or predatory character, or which because of size, aggressive or vicious characteristics would constitute an unreasonable danger to human life or property if not kept, maintained or confined in a safe and secure manner, including any hybrid animal that is part exotic animal; or any animal that attacks, bites, or injures human beings or other domesticated animals without adequate provocation, or which because of temperament, conditioning, or training, has a known propensity to attack, bite, or injure human beings or domesticated animals.
- (c) **Livestock.** Any of various bird or animal breeds, long ago domesticated by man so as to live and breed in a tame, docile, tractable condition useful to man, including animals such as: horses, ponies, mules, donkeys, cattle, sheep, goats, buffaloes, lama, swine, chickens, ducks, geese and turkeys.

**Ansi/nfpa 501: a standard for installation of manufactured homes.** Model national standards (including all authorized successor documents) for installation of manufactured and mobile homes, as adopted and copyrighted by the National Fire Protection Association and the Manufactured Housing Institute.

**Apartment.** See *dwelling, apartment*.

**Applicant.** The owner, or his or her representative, of land which is proposed to be developed, subdivided, or rezoned or for which a variance is sought, or their designated representative.

**Arcade.** A commercial recreation business, usually conducted indoors, which provides mechanical and/or electronic games for entertainment.

**Automobile car wash.** A commercial building, or portion thereof, containing facilities for washing vehicles or other items using production line methods, or other mechanical devices including the use of steam cleaning or high-pressure equipment.

**Automobile repair.**

- (a) **Major.** Engine rebuilding, or major reconditioning, collision service, body, frame, or fender straightening, or repair and overall painting of vehicles, or trailers;
- (b) **Minor.** Incidental repairs, replacement of parts, and motor service to motor vehicles, such as oil changes, and lubrication, tune-ups, wheel alignment, replacement of mufflers, exhaust systems, brakes, shock absorbers, batteries, pumps, belts, hoses, air filters, and windshield wipers, radiator cleaning, and flushing; auto detailing, sale/installation of automobile accessories such as tires, radios, and air conditioners, but not including any operation included above under automobile repair, major.

**Automobile service station.** A building, or portion thereof, or premises used for dispensing or offering for sale, at retail, gasoline when stored only in underground tanks, kerosene, lubrication oil, or grease, for operation of automobiles, and where tires, batteries, and similar automobile accessories may be offered

for sale on the premises at retail. Minor vehicle repair services and installation customarily incidental thereto may also be performed if enclosed in a building. However, **automobile service stations** do not include **open sales lots**, as defined herein, or vehicle wash establishments.

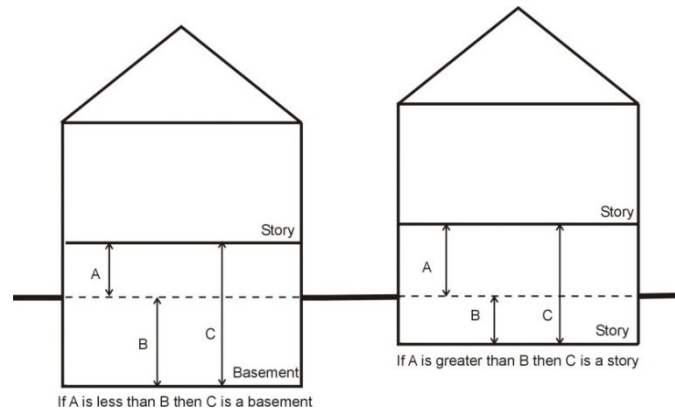
**Awning.** A roof-like structure which projects from the wall of a building.

### Section 18.03 Definitions "B"

For the purpose of this title, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

**Basement or cellar.** A story partly or wholly underground but having more than one-half of its clear height below finished grade. If more than one-half its clear height is above grade, it shall be considered a story for the purposes of height measurement.

**Bed and breakfast.** A residential building, or portion thereof, (other than a hotel, apartment hotel, or motel) containing lodging rooms for accommodation of persons who are not members of the keeper's family and where lodging and/or meals are provided by pre-arrangement, for definite periods of time and for compensation.



**Block.** A tract of land bounded by streets, public or institutionally owned lands, railroad rights-of-way, rivers and lakes, and other lines of demarcation.

**Boarding stable.** A building or structure designed, arranged, used, or intended to be used for housing saddle horses or ponies where horse owners pay a fee to keep their horses.

**Bond.** Any form of security, including a cash deposit, surety bond, collateral, property, or instrument of credit, in an amount and form satisfactory to the Planning and Zoning Commission. All bonds shall be approved by the Planning and Zoning Commission whenever a bond is required by these regulations.

**Brewpub.** An establishment required to hold a distiller's and rectifier's permit under Chapter 14 of the Texas Alcoholic Beverage Code, as amended.

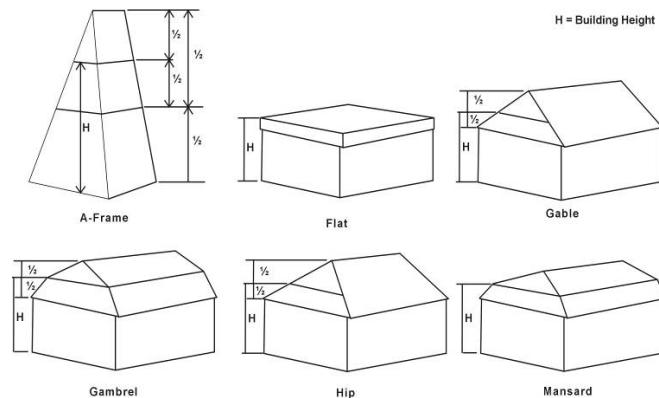
**Buffer.** A landscaped or naturally vegetated area established or managed to provide separation between adjacent land uses.

**Buffer Strip.** An area of required space adjacent to the boundary of a natural feature or property, not less in width than is designated in this article, which consists of native vegetation appropriate to the feature to which it is adjacent.

**Building.** A structure built for the support, enclosure, shelter, or protection of persons, animals, or chattels, or affixed to the land.

- (a) **Building, detached.** A building, surrounded by open space on the same lot with, but no structural attachment to, another structure.

- (b) **Building, principal.** The main or dominant building in which is conducted the principal use of the lot on which the building is located.
- (c) **Building, residential.** A building which is arranged, designed, used, or intended to be used for residential occupancy by one or more families or lodgers and which includes, but is not limited to, the following types:
- (1) Single-family detached dwellings;
  - (2) Two-family dwellings;
  - (3) Single-family or two-family attached and semi-detached dwellings developed initially under single ownership or unified control
  - (4) Multiple-family dwellings; and
  - (5) Mixed-use buildings with residential uses on upper floors above non-residential uses.
- (d) **Building, semi-detached.** A building having one party wall in common with an adjacent building.
- (e) **Building, temporary.** Any building not designed to be permanently located at the place where it is, or where it is intended to be temporarily placed or affixed.



**Building height.** The vertical distance from the average grade around the building foundation to the highest point of the roof surface for a flat roof, to the deck line of a mansard roof, and the midpoint between the peak and eave of a pitched roof. Chimneys, spires, elevator penthouses, tanks, and similar projections that do not include usable floor space shall not be included in calculating the height. This definition and method of measuring building height shall apply to all structures including principal buildings and accessory structures.

**Building line.** A horizontal line generally parallel to a front, rear, or side lot line which is located at the point of the foundation of a principal building nearest to the front, rear, or side lot line.

**Building permit.** An official document or certification issued by the building official authorizing performance of a specified activity that complies with all provisions of this title and the building code.

**Bulk.** The term used to indicate the size and setback of buildings or structures, and their location with respect to one another, and includes the size and height of buildings, the location of exterior walls, the floor area ratio, the open space allocated to buildings, and the lot area and lot width.

**Business.** An occupation, employment, or enterprise which occupies time, attention, labor, and materials, or wherein merchandise is exhibited or sold, or where services are offered.

#### Section 18.04 Definitions "C"

For the purpose of this title, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

**Capacity in persons.** The maximum number of persons that can avail themselves of the services or goods of an establishment or use at any one time, with reasonable comfort and safety.



**Carport.** An open-sided roofed automobile shelter formed by the extension of a roof from the side of a building.

**Cemetery.** Land or structure used or intended to be used for the lawful disposition of the remains of a deceased individual in the earth, a mausoleum, a garden crypt, a columbarium, or scattering garden area, including crematories, mausoleums, and mortuaries if operated in connection with and within the boundaries of a cemetery.

**Certificate of compliance.** A document issued by the proper authority stating that the plans for a proposed use meet all applicable codes and regulations.

**Certificate of occupancy.** A certificate stating that the occupancy and use of land or a building or structure referred to therein complies with the provisions of this title, and any other ordinance adopted by the county or city relating to a building code.

**Chief of Police.** The term "Chief of Police" shall mean the Chief of Police of the City of Bells, or the Chief of Police's designee for purposes of this ordinance.

**Church, temple or similar place of worship.** A building used for public worship where regular organized services are held.

**City Park.** Any property, real or personal, which the City owns in fee simple or holds title to or has a right of access to including all property which has been donated or leased or purchased by the City that is used for park purposes.

**City Planner.** The term "City Planner" shall mean the City Planner of the City of Bells, or the City Planner's designee for the purposes of this ordinance.

**City Administrator.** The term "City Administrator" shall mean the City Administrator of the City of Bells, or the City Administrator's designee for purposes of this ordinance.

**Club or lodge, private.** A private association of persons who are bona fide members paying annual dues, which owns, hires, or leases a building, or portion thereof, the use of the premises being restricted to members and their guests. The affairs and management of a private club or lodge are conducted by a board of directors, executive committee, or similar body chosen by the members.

**Co-location.** The use of a wireless telecommunications facility by more than one wireless communications provider.

**Commitments.** Restrictions and guidelines placed upon a property's use or development and recorded in the office of the county recorder to take effect upon adoption of an amendment to the zoning map or upon granting approval for a special exception, contingent use, or variance from the terms of this ordinance.

**Common ownership.** The ownership of real property by family members, shareholders, business partners, corporations, or any other legal entity with the intent to develop under a common scheme or plan.

**Compensatory Mitigation:** See: "**Flood-Related Definitions.**"

**Comprehensive plan.** see "**County land development plan.**"

**Condominium.** Ownership in common with others of a parcel of land and certain parts of a building thereon which would normally be used by all the occupants, such as yards, foundation, basements, floors, walls, hallways, stairways, elevators, and all other related common elements, together with individual ownership in fee of a particular unit or portion of the building.

**Conforming building or structure.** Any building or structure which complies with all the regulations of this title or of any amendment hereto governing the zoning district in which the building or structure is located.

**Conservation.** The planned management of a natural resource to prevent its exploitation, destruction or neglect.

**Consumption.** The act of introducing an alcoholic beverage into the body.

**Contractor.** Any person, firm, or corporation engaged in the business of general contractor, roofing, insulation, electrical, plumbing, sewage, well installation, heating, ventilation, air conditioning, or other ancillary contracting, excepting those individuals doing work on their own residence.

**Contractor's yard.** A site on which a building or construction contractor stores equipment, tools, vehicles, building materials, and other appurtenances used in or associated with building or construction. A contractor's yard may include outdoor or indoor storage, or a combination of both.

**Conservation easement.** A legal agreement in which the landowner retains ownership of private property but conveys certain specifically identified rights to a land conservation organization or a public body.

**Construction.** Any act or process that is carried out under a current and valid building permit consisting of on-site erection, fabrication, installation, alteration, demolition, or removal of any structure, facilities or addition thereto, including related activities. Construction implies a diligent continuance of action toward completion, and any construction that has ceased due to expiration of a permit shall be considered inactive.

**Convenience store.** A small retail store that is designed and stocked to sell primarily food, beverages and other household supplies to customers who purchase relatively few items. It may be designed to attract, and depend upon, a large volume of transient traffic. The store may or may not also sell gasoline and other automotive supplies.

**Corner lot.** See "**Lot, corner.**"

**Court.** An open unoccupied space bounded on two or more sides by the exterior walls of a building or by exterior walls and lot lines.

#### Section 18.05 Definitions "D"

For the purpose of this title, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

**Day care centers, commercial.** A child care use licensed to care for more than 12 children from a provider:

While unattended by a parent, legal guardian, or custodian;

- (a) For regular compensation; and

- (b) For more than four (4) hours but less than twenty-four (24) hours in each of ten (10) consecutive days per year, excluding intervening Saturdays, Sundays, and holidays. licensed for 12 or fewer children.

**Day care homes, residential.** A residential structure in which at least six (6) and not more than 12 children plus three (3) children during the school year only who are enrolled in at least grade one (1) at any time receive child care from a provider:

- (a) While unattended by a parent, legal guardian, or custodian;
- (b) For regular compensation; and
- (c) For more than four (4) hours but less than twenty-four (24) hours in each of ten (10) consecutive days per year, excluding intervening Saturdays, Sundays, and holidays. licensed for 12 or fewer children.
- (d) A child for whom a provider of care in the child care home is a parent, stepparent, guardian, custodian, or other relative and who is at least seven (7) years of age; or who is at least fourteen (14) years of age and does not require child care; shall not be counted in determining whether the child care home is within the limit set forth in subsection (a).

**Decibel.** A unit of measurement of the intensity (loudness) of sound. Sound level meters, which are employed to measure the intensity of sound, are calibrated in decibels.

**Developer.** Any person engaged in developing or improving a lot or group of lots or structures thereon for use or occupancy.

**Development.**

- (a) Any improvement or change to property brought about by human activity (man-made), including, but not limited to:
  - (1) Construction, reconstruction, or placement of a building or any addition to a building valued at more than \$1,000;
  - (2) Installing a manufactured home on a site, preparing a site for a manufactured home, or installing a recreational vehicle on a site for more than 180 days;
  - (3) Installing utilities, erection of walls and fences, construction of roads, or similar projects;
  - (4) Construction of flood control structures such as levees, dikes, dams, channel improvements, and the like;
  - (5) Mining, dredging, filling, grading, excavation, or drilling operations;
  - (6) Construction and/or reconstruction of bridges or culverts;
  - (7) Storage of materials; and
  - (8) Any other activity that might change the direction, height, or velocity of flood waters or surface waters.
- (b) **Development** does not include activities such as the maintenance of existing buildings and facilities such as painting, re-roofing, resurfacing roads, or gardening, plowing, and similar agricultural practices that do not involve filling, grading, excavation, or the construction of permanent buildings.

**Diameter at Breast Height (DBH).** The diameter of the trunk of a tree (including the bark) measured in inches at point four and one-half (4.5) feet above the ground level. This point of measurement is used for established and mature trees.

**Distillery.** An establishment required to hold a distiller's and rectifier's permit under Chapter 14 of the Texas Alcoholic Beverage Code, as amended.

**District.** A geographical area within which certain uniform regulations and requirements or various combinations thereof apply under the provisions of this title.

**Domesticated Animal/Pet.** See: "**Animal.**"

**Drive-in establishment.** An establishment which offers merchandise, service, or entertainment to persons in parked motor vehicles. A drive-in restaurant is distinct from a drive-through restaurant in that the majority of drive-in patrons consume food and beverages while in the vehicle and parked on the premises.

**Drive-through establishment.** An establishment where persons in motor vehicles wait in line to obtain merchandise from a service window.

**Driveway.** An approach and private vehicle travel way providing access from a street to private property.

**Driveway (Improved).** A gravel or other hard surface approach and private vehicle travel way providing access from a street to private property that is not dirt, grass or hard packed earth.

**Dwelling.** A permanent building, or portion thereof, designed or used exclusively for residential occupancy, including single-family dwellings, two-family dwellings, and multiple-family dwellings, but not including hotels or lodging houses.

- (a) **Apartment dwelling.** An apartment is an attached dwelling unit with party or common walls, contained in a building with other dwelling units or sharing the occupancy of a building with other than a residential use. Apartments are commonly accessed by a common stair landing or walkway. Apartments are typically rented by the occupants but may be condominiums. Apartment buildings often may have a central heating system and other central utility connections. Apartments typically do not have their own yard space.
- (b) **Multiple-family.** A building, or portion thereof, used or designed as residences for three (3) or more families living independently of each other and each doing their own cooking in the building, with the number of families in residence not exceeding the number of dwelling units provided. This definition includes three-family houses, four-family houses, and apartment houses.
- (c) **Single-family.** A detached building or manufactured home designed exclusively for the complete living accommodations of one (1) family and containing one (1) dwelling unit only.
- (d) **Single-family, attached/townhouse.** A self-contained single dwelling unit attached to a similar single dwelling unit with party or common walls, designed as part of a series of three (3) or more dwelling units, each with: a separate entryway with direct access to the outdoors at ground level, a separate garage, separate utility connections and defined front, and rear yards. Single-family attached townhouses may also be known as row houses, clustered single-family dwellings or stack ranches. Any three (3) or more attached dwellings not meeting the above criteria shall be considered a multiple-family dwelling.
- (e) **Two-family.** A detached building designed for or occupied exclusively by two (2) families living independently of each other. May also be termed as a duplex.

**Dwelling unit.** A single unit providing complete, independent living facilities for one or more persons, including provisions for living, sleeping, eating, cooking, and sanitation.

### Section 18.06 **Definitions “E”**

For the purpose of this title, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

**Easement.** An authorization or grant by a property owner for right of access or passage for limited use of private land by another person or for a defined public or quasi-public purpose.

**Ecosystem.** A system made up of a community of organisms and its interrelated physical and chemical environment.

**Enforcement official.** Officials for city, duly appointed and designated as the enforcement official responsible for administering the terms of this ordinance and supporting the functions of the Planning and Zoning Commission.

**Erosion.** The detachment and movement of soil, sediment, or rock fragments by water, wind, ice, or gravity.

**Erosion control measure.** A practice or a combination of practices to control erosion and resulting sedimentation.

**Erosion control plan.** A written description of pertinent information concerning erosion control measures designed to meet the requirements of this title as submitted with a site plan or subdivision application.

**Essential services.** The erection, construction, alteration, or maintenance of public utilities of underground, surface or overhead distribution of gas, electrical, cable TV, fuel, steam, or water transmission or distribution systems, collection, communication, supply or disposal systems, including mains, drains, sewers, pipes, conduits, wires, cables, transformers, splice boxes, police call boxes, fire alarm boxes, traffic signals, hydrants, towers, poles, and other similar equipment, and accessories in connection therewith but not including buildings or storage yards.

### Section 18.07 **Definitions “F”**

For the purpose of this title, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

**Family.** One person or two or more persons each related to the other by blood, marriage, or legal adoption, or a group of not more than four (4) persons not all so related, together with his or their domestic servants, maintaining a common household in a dwelling unit. In addition, a family may include not more than two (2) roomers, boarders, or permanent guests, whether or not gratuitous.

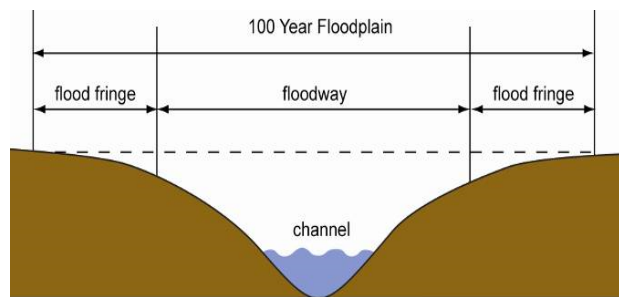
**Fence.** A barrier of wood, masonry, stone, wire, chain-link, barbed wire, metal or any other manufactured material or combination of materials, used to prevent, or control entrance, confine within, mark a boundary or screen.

**Fill material.** Any solid material, when placed in a wetland or lake, that displaces water or reduces water holding capacity.

**Fire Marshal.** The term “Fire Marshal” shall mean the Fire Marshal of Grayson County, or the Fire Marshal’s designee for purposes of this ordinance.

### **Flood-Related Definitions**

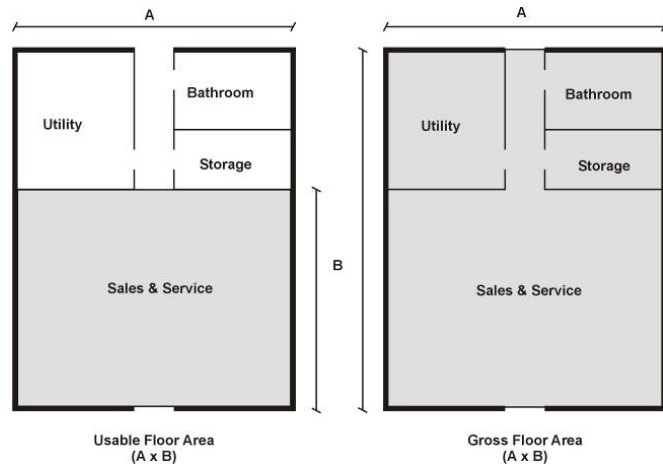
- (a) **Compensatory Mitigation.** Replacement of floodplain acreage, functions and values to compensate for floodplain areas that were subjected to human disturbance.
- (b) **Critical facilities.** Facilities that if impacted by flood, can have a community-wide impact on public health, safety and welfare, including schools, nursing homes, hospitals, police, fire, and emergency response installations, installations which produce, use or store hazardous materials or hazardous waste.
- (c) **FEMA.** Federal Emergency Management Agency.
- (d) **FHBM.** Flood Hazard Boundary Map. A FHBM is defined by FEMA as a map based on approximate data that identifies, in general, the SFHAs within a community. A FHBM is used in the NFIP's Emergency Program for floodplain management and insurance purposes.
- (e) **Floodplain.** The channel proper and the areas adjoining any wetland, lake or watercourse that have been or hereafter may be covered by the regulatory flood. The floodplain includes both the floodway and the floodway fringe districts. Floodplains are generally relatively flat lowlands next to a watercourse. For the purposes of this document, all SFHAs are considered floodplains, defined by the 100-year flood as delineated on FEMA Flood Insurance Rate Maps.
- (f) **Floodway.** The channel of a river, stream or other watercourse and the land areas of the floodplain adjoining the channel that are reasonably required to efficiently carry and discharge the flood water or flood flow of a river or stream and must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height.
- (g) **Floodway Fringe.** The portions of the floodplain lying outside of the floodway.
- (h) **Flood Protection Grade (FPG).** The elevation of the regulatory flood plus two (2) feet at any given location in the Special Flood Hazard Area or 100-year floodplain.
- (i) **Letter of Map Amendment (LOMA).** An amendment to the currently effective FEMA map that establishes that a property is not located in a Special Flood Hazard Area (SFHA). A LOMA is only issued by FEMA. See: "Flood-Related Definitions."
- (j) **Letter of Map Revision (LOMR).** An official revision to the currently effective FEMA map. It is issued by FEMA and changes flood zones, delineations and elevations.
- (k) **National Flood Insurance Program (NFIP).** A program managed by FEMA, to identify and map flood hazard areas, assist with community floodplain management programs, and to provide flood insurance to participating communities that are located within a SFHA.
- (l) **Regulatory Flood.** Flood having a one percent probability of being equaled or exceeded in any given year, as calculated by a method and procedure that is acceptable to and approved by FEMA.
- (m) **Special Flood Hazard Area (SFHA).** The land area covered by the floodwaters of the regulatory flood on NFIP maps. The SFHA is the area where the NFIP's floodplain management regulations must be enforced and the area where the mandatory purchase of flood insurance applies. The SFHA includes Zones A, AO and AH. The SFHAs are generally identified as such on the Flood Insurance Rate Map of the City of Bells prepared by the FEMA.



**Floor area.**

**Gross floor area (GFA).** The area within the perimeter of the outside walls of the building under consideration, without deduction for hallways, stairs, closets/ storage rooms, thickness of walls, columns, or other features.

- (a) **Residential floor area.** For the purposes of computing the minimum allowable floor area in a residential dwelling unit, the sum of the horizontal areas of each story of the building shall be measured from the exterior faces of the exterior wall. The floor area measurement is exclusive of areas of basements, unfinished attics, attached garages, breezeways, and enclosed or unenclosed porches.



- (b) **Usable floor area (UFA).** That area used for or intended to be used for the sale of merchandise or services, or for use to serve patrons, clients or customers. Such floor area which is used or intended to be used principally for the storage of merchandise, or areas such as hallways, stairways, elevator shafts, utilities space or sanitary facilities, shall be excluded from this computation of UFA. Measurement of UFA shall be the sum of the horizontal areas of the several floors of the building, measured from the exterior faces of the exterior walls. When a detailed floor plan is not available, a factor of 80% shall be used to estimate the useable floor area for purposes of calculating parking requirements and other standards based on useable floor area.

**Food Truck Park.** An area designed to accommodate two (2) or more mobile food units and offering food and/or beverages for sale to the public as the primary use of the property. Food truck parks must provide a paved surface for truck parking and access to refuse collection containers, and must provide restroom facilities.

**Foot-candle.** A unit of illumination, equivalent to the illumination at all points which are one foot distant from a uniform point source of one candlepower.

**Foster care home.** As defined by the state department of social service, homes which provide congregate living arrangements for non-family members.

**Foundation siding or skirting.** A type of wainscoting constructed of fire and weather resistant material, such as aluminum, asbestos board, treated pressed wood, or other approved materials enclosing the entire undercarriage of a manufactured or mobile home.

**Freight terminal.** A building or area in which freight brought by motor truck or railroad freight cars is assembled or stored for routing in intrastate or interstate shipment by motor trucks or railroad freight cars.

**Frequency.** Signifies the number of oscillations per second in a sound wave and is an index of the pitch of the resulting sound.

**Frontage.** All of the property of the lot fronting on a street, road, or highway as measured between the side lot lines and as measured along the front lot line unless a public right-of-way easement exists, then along the easement line of the parcel or lot.

**Funeral home.** A business that provides burial and funeral services for the deceased and their families. These services may include a prepared wake and funeral, the provision of a chapel for the funeral and a crematory.

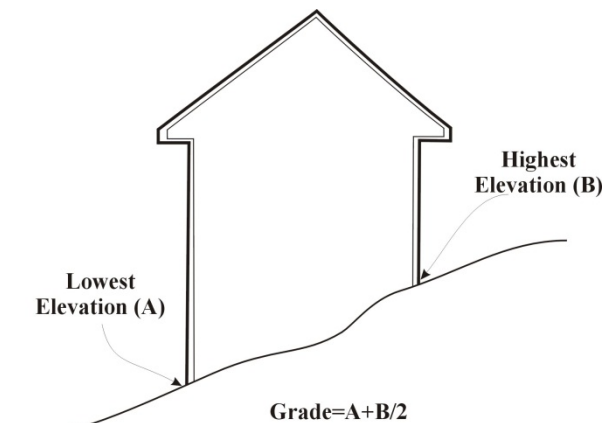
### Section 18.08 Definitions "G"

For the purpose of this title, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

**Garage.** An accessory building or an accessory portion of the principal building, including a carport, which is intended for or used for storing the private passenger vehicles of the family or families residing upon the premises. No business, service, or industry connected directly or indirectly with the motor vehicles is carried on.

**Grade.** The arithmetic average of the lowest and highest pre-construction grade elevations within the boundaries of the foundation line of a building or structure.

- (a) For construction on a vacant lot, the pre-construction grade shall be the undisturbed average grade of the proposed building site, before it is altered by land clearing, beaming or preparation for construction.
- (b) For additions to existing buildings, the pre-construction grade shall be the average grade within the boundaries of the foundation line of the building and the undisturbed land area proposed to be covered by an addition.



**Ground floor area.** The area of a building in square feet, as measured in a horizontal plane at the ground floor level within the largest outside dimensions, exclusive of open porches, breezeways, terraces, garages, and exterior stairways.

**Group homes.** A residential facility licensed by the State of Texas that provides residential services for not more than four (4) unrelated individuals and such staff, as are sufficient to manage the home, but not including a halfway house.

### Section 18.09 Definitions "H"

For the purpose of this title, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

**Halfway house.** A facility used to house persons who have been recently released from prison for the purpose of reintegration with society, while still providing monitoring and support.

**Home occupation.** Any gainful occupation or profession conducted within a dwelling unit by a member of the family residing in the dwelling unit which is incidental and secondary to the use of the dwelling unit for residential purposes.



**Homeless Shelter.** A supervised public or privately-operated shelter or other facility that is designed to provide temporary living accommodations to individuals who lack a fixed regular and adequate residence.

**Hospital.** An institution where sick or injured persons are given medical care and, in the course of same, are housed overnight, fed and provided nursing and related services. This definition shall include any related, accessory facilities such as laboratories, outpatient departments, training facilities, central service facilities and staff offices which are integral parts of the facility.

**Hotel (motel).** A building or structure under a single management that provides rental rooms or suites intended primarily as sleeping accommodations for public rental on a daily basis for registered guests. A hotel or motel shall maintain a central, internal lobby. A hotel or motel shall provide daily room cleaning and linen changes for its guests, and may include supportive areas such as meeting rooms, incidental retail sales and commercial services, central kitchen facilities, dining rooms, restaurants, lounges, office areas, swimming pools, recreational facilities, spas, and fitness/exercise areas and other similar services and amenities intended principally as services for registered guests.

**Hotel-minium.** A structure meeting the definition of a hotel (motel), and in addition allows for individually-owned units with full kitchen facilities.

#### Section 18.10 Definitions "I"

For the purpose of this title, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

**Impact fee.** A fee imposed on a development to help finance the cost of improvements or services.

**Impervious surface.** Any man-made material which covers the surface of land and substantially reduces the infiltration of storm water to a rate of five percent (5%) or less. Impervious surfaces include but are not limited to pavement, buildings, and structures.

**Improved Surface.** The term "Improved Surface" shall mean concrete, asphalt or other City approved surface for purposes of this ordinance.

**Improvement location permit.** A permit stating that the proposed erection, construction, enlargement, or moving of a building or structure referred to therein complies with the provisions of this ordinance.

**Individual sewage disposal system.** A septic tank, seepage tile sewage disposal system, or any other approved sewage treatment device.

**Indoor recreation facility.** An establishment which provides indoor exercise facilities and/or indoor court and field sports facilities, and which may include spectator seating in conjunction with the sports facilities such as skating rinks, swimming pools, indoor golf facilities, pool or billiard halls and bowling alleys. Auditoriums and stadiums are not included.

**Industrial waste facility.** Any facility used for the storage, transportation, reclamation, or disposal of any waste classified as hazardous or toxic by the united states environmental protection agency.

**Industry, heavy.** Manufacturing, processing, assembling, storing, testing, and similar industrial uses which are generally major operations and extensive in character; which require large sites, open storage and service areas, extensive services and facilities, and ready access to regional transportation; and which normally generate some nuisances such as smoke, noise, vibration, dust, glare, air pollution, and water

pollution, but not beyond the district boundary. Waste is limited to wastes other than those classified as hazardous or toxic by the United States Environmental Protection Agency.

**Industry, light.** Manufacturing or other industrial uses which are usually controlled operations; relatively clean, quiet, and free of objectionable or hazardous elements such as smoke, noise, odor, or dust; operating and storing within enclosed structures; and generating little industrial traffic and no nuisances. Waste disposal is limited to wastes other than those classified as hazardous or toxic by the United States Environmental Protection Agency.

**Interested party.** The interested parties shall include, but are not limited to, the appellant and the county or city's official or body whose order, decision, or determination is being appealed, the applicant for the relief being sought, and adjacent property owners. This also includes any individual who addresses the Planning and Zoning Commission and City Council favoring or opposed to a matter.

**Invasive Plant Species.** Predominantly non-native, non-indigenous, alien tree, shrub, vine, or herbaceous species that grow or reproduce aggressively, usually because they have no natural predators, and which can so dominate an ecosystem that they kill off or drive out many indigenous plant species. Invasive trees, shrubs, vines, or herbaceous species.

#### Section 18.11 Definitions "J"

For the purpose of this title, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

**Junk.** For the purpose of this ordinance, the term "junk" shall mean any motor vehicles, machinery, appliances, product, or merchandise with parts missing or scrap metals or other scrap materials that are damaged, deteriorated, or are in a condition which cannot be used for the purpose for which the product was manufactured.

**Junk yard.** See "**Salvage yard.**"

#### Section 18.12 Definitions "K"

For the purpose of this title, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

**Kennel.** Any premises, or portion thereof, on which more than four dogs, cats, or other household domestic animals over four months of age are kept, or on which more than two of these animals are maintained, boarded, bred, or cared for, in return for remuneration, or are kept for the purpose of sale.

#### Section 18.13 Definitions "L"

For the purpose of this title, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

**Laboratory.** A facility devoted to experimental study, testing, or analysis. Manufacturing, assembly, or packaging of products shall not be conducted within this facility.

**Land disturbing activity.** Any man-made change of the land surface, including removing vegetative cover, excavating, filling, transporting, and grading. In the context of this title, it includes only non-agricultural land disturbing activities on sites which also require a local improvement location permit or an approved subdivision plat.

**Letter of Map Amendment (LOMA).** See: "**Flood-Related Definitions.**"

**Letter of Map Revision (LOMR).** See: "**Flood-Related Definitions.**"

**Livestock.** See: "**Animal.**"

Loading and unloading space, off-street. An open, hard-surfaced area of land other than a street or public way, which is principally used for the standing, loading, and unloading of motor trucks, tractors, and trailers to avoid undue interference with the public use of streets and alleys.

**Locker plants.** A facility for the cold storage and preservation of food in separate and individual compartments that are offered to the public for cold storage of privately-owned food, including meat processing.

**Lodger or roomer.** Any person, not the principal tenant or a family member of the principal tenant, who resides in a living unit and who pays remuneration to the principal tenant, as distinguished from a guest who does not pay remuneration to the principal tenant.

**Lodging room.** A room rented as sleeping and living quarters, but without cooking facilities and with or without an individual bathroom. In a suite of rooms without cooking facilities, each room which provides sleeping accommodations shall be counted as one lodging room for the purpose of this title.

**Lot.**

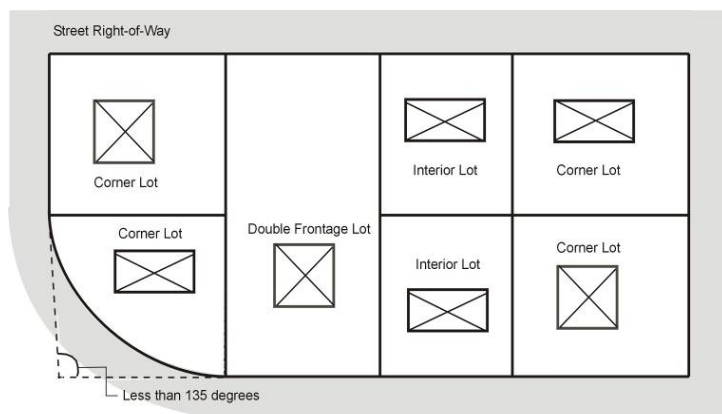
- (a) **Lot.** A legally described parcel of land occupied, or intended to be occupied, by a building or a group of buildings, or utilized for the principal and accessory uses, together with such yards and open spaces as are required under the provisions of this ordinance. For purposes of meeting the dimensional standards of this ordinance, a lot does not include public rights-of-way or private road easements but does include access easements for a service drive. A lot may consist of:
- (1) A single lot of record;
  - (2) A portion of a lot of record;
  - (3) A combination of complete lots of record, of complete lots of record and portions of lots of record, or of portions of lots of record; or
  - (4) A parcel of land described by metes and bounds.

- (b) **Lot, corner.** A lot situated at the intersection of two streets, the interior angle of that intersection not exceeding 135 degrees. (the narrowest part of a lot having frontage on a street is the front of the lot.)

- (c) **Lot, double frontage or through.** A lot, other than a corner lot, which fronts on two more or less parallel streets.

- (d) **Lot, interior.** A lot other than a corner lot or a through lot.

- (e) **Lot, reverse corner.** A corner lot where the side lot line adjoining a street is substantially a continuation of the front line of an adjacent interior lot.



- (f) **Lot, zoning.** A single tract of land located within a single block, which (at the time of filing for a building permit) is designated by its owner or developer as a tract to be used, developed, or built upon as a unit, under single ownership or unified control. A zoning lot may or may not coincide with a lot of record.

**Lot area, gross.** The area of a horizontal plane bounded by the front, side and rear lot lines, but not including any area occupied by a public road right-of-way or the waters of a lake, river.

**Lot coverage.** The percentage of the lot area that is occupied by buildings or structures, including accessory buildings or structures.

- (a) **Building lot coverage.** The percent of the lot area that is covered by buildings.
- (b) **Impermeable surface coverage.** The percent of the lot area that is covered by buildings plus other impermeable surfaces, such as pavement, decks and pools.

**Lot depth.** The average distance between the front lot line and the rear lot line of a lot.

**Lot frontage.** See "Frontage."

**Lot line.**

- (a) **Front lot line.** The boundary of a lot which is along an existing or dedicated public street or, where no public street exists, is along a public way. On a corner lot the lot line having the shortest length abutting a street line shall be the front lot line, unless otherwise determined by the Planning and Zoning Commission.
- (b) **Rear lot line.** The boundary of a lot which is most distant from, and is, or is most nearly, parallel to the front lot line.
- (c) **Side lot line.** Any boundary of a lot which is not a front or rear lot line.

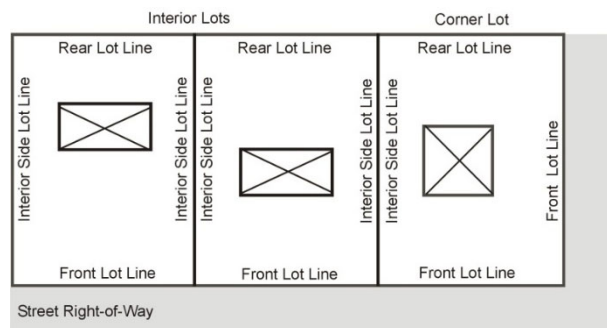
**Lot of record.** A lot which is part of a subdivision, the plat of which has been recorded in the office of the county recorder, or a parcel of land, described by metes and bounds, the deed to which was recorded in the office of the recorder prior to the adoption of this title.

**Lot width.** The horizontal distance between the side lot lines, measured at the two (2) points where the minimum required front setback line intersects the side lot lines.

**Section 18.14 Definitions "M"**

For the purpose of this title, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

**Manufactured home.** A dwelling unit designed and built in a factory, which bears a seal certifying that it was built in compliance with the federal Manufactured Housing Construction and Safety Standards Law and certified by the state. Also, a structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when attached to the required utilities. The term MANUFACTURED HOME does not include a recreational vehicle.



**Manufactured home subdivision.** A parcel of land platted for subdivision according to all requirements of the subdivision and zoning ordinances, designed or intended for lots to be conveyed by deed to individual owners for residential occupancy primarily by manufactured homes.

**Manufactured housing construction and safety standard codes.** Title VI of the 1974 Housing and Community Development Act (42 USC 5401 et seq.), as amended (previously known as the Federal Mobile Home Construction and Safety Act), rules and regulations adopted thereunder (including information supplied by the home manufacturer, which has been stamped and approved by a Design Approval Primary Inspection Agency, an agent of the U.S. Department of Housing and Urban Development pursuant to HUD rules), and regulations and interpretations of that code by the state Administrative Building Council; all of which became effective for mobile and manufactured home construction on June 15, 1976.

**Marquee or canopy.** A roof-like structure of a permanent nature which projects from the wall of a building.

**Medical or dental clinic.** A building, or portion thereof, the principal use of which is for medical or dental study and/or treatment and in which the services of at least two professionals in the medical or dental fields of practice are provided.

**Mineral extraction.** Includes mining, quarrying, and removal of earth materials.

**Mobile Food Unit.** A Mobile Food Unit shall be defined herein as a unit designed to be readily movable and from which food or beverages are prepared and offered for sale. Mobile food units in the city are further divided into one of the following categories:

- (a) **Unrestricted Mobile Food Unit.** An unrestricted mobile food unit is defined as a commercially manufactured towed trailer or motorized self-contained food service operation or establishment designed to be readily movable in which ready to eat food is cooked, wrapped, packaged, processed, or portioned for service, sale, or distribution.
- (b) **Restricted Mobile Food Unit.** A restricted mobile food unit is defined as a commercially manufactured towed trailer or motorized self-contained food service operation or establishment designed to be readily movable in which only food that is prewrapped, bottled, or otherwise packaged in individual servings is sold.
- (c) **Limited-Service Mobile Food Unit.** A limited-service mobile food unit is defined as any mobile food unit that is not a Restricted or Unrestricted Mobile Food Unit. This type of mobile unit, with limited food handling, sells only packaged food from ingredients with a low potential for creating a food-borne hazard. The term includes the following types of mobile food vending operations:
  - (1) Ice Cream Trucks or Push Carts serving packaged, frozen treats.
  - (2) Mobile Vending Food Units selling whole fruits and raw vegetables.
  - (3) Truck selling packed frozen steaks, chicken, seafood, and frozen foods.

**Mobile home.** A detached transportable structure larger than 320 square feet and designed to be used as a single-family residential dwelling with all of the following characteristics:

- (a) Certified in a factory and fabricated
- (b) Designed to be transported after fabrication on its own wheel; and

- (c) Arriving at the site where it is to be occupied as a dwelling complete, including the major appliances, and ready for occupancy, except for minor and incidental unpacking and assembly operations, location on foundation supports, connection to the utilities, and the like.

**Manufactured home park.** Any parcel or tract of land licensed under the control of any persons, upon which three or more occupied manufactured homes are harbored on a continual or non-recreational basis, or which is offered to the public for that purpose, regardless of whether a charge is made therefor, together with any building, structure, enclosure, street, equipment, or facility used or intended for use incident to the harboring or occupancy of manufactured homes.

**Manufactured home tie downs.** Sufficient anchorage to resist flotation, collapse, or lateral movement of any mobile home. At a minimum, this anchorage shall consist of:

- (a) Over-the-top ties to be provided at each of the four corners of the manufactured home, with two additional ties per side at intermediate locations, with manufactured homes less than 50 feet long requiring only one additional tie per side;
- (b) Frame ties to be provided at each corner of the home with five additional ties per side at intermediate points, with manufactured homes less than 50 feet long requiring four additional ties per side;
- (c) All components of the anchoring system to be capable of carrying a force of 4,800 pounds; and
- (d) Additions to the manufactured home to be similarly anchored.

**Modular home.** A housing unit designed, built, and certified in a factory for use as a principal residence. It is to be constructed complete with the necessary plumbing, heating, and electrical systems. It is designed to be transported by means other than its own undercarriage to a prepared site and becomes suitable for permanent occupancy after proper installation of foundation supports and connection to utility service.

**Monopole.** A support structure constructed of a single, self-supporting hollow metal tube securely anchored to a foundation.

**Motel.** See "hotel/motel."

**Motor vehicle.** A passenger vehicle, truck, truck-trailer, or semi-trailer propelled or drawn by mechanical power.

#### Section 18.15 Definitions "N"

For the purpose of this title, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

**National Flood Insurance Program (NFIP):** See: "**Flood-Related Definitions.**"

**National wetlands inventory or NWI.** A series of maps produced by the Fish and Wildlife Service of the U.S. Department of the Interior, in coordination with the maps produced by the U.S. Geologic Survey, showing the location and classification of certain identified wetlands in standard topographic areas.

**Non-access easement.** A public easement along a public road right-of-way which restricts or prohibits direct access from the property to the roadway.

**Non-conforming building or structure.** A legally established building or structure, or portion of a structure, existing at the effective date of this code, or subsequent amendment thereto, that could not be

built under the terms of this title by reasons of restrictions on lot size, height, yards, location on the lot, or other requirements concerning the structure.

**Non-conforming use.** A legally established use of land, buildings, or structures which does not comply with all of the regulations of this title or of any amendment hereto governing use for the zoning district in which that use is located.

**Noxious matter or materials.** Matter or material which is capable of causing injury to living organisms by chemical reaction or is capable of causing detrimental effects upon the physical or economic well-being of individuals.

**Nursing home.** A home for the care of aged, chronically ill, children, infirm, or incurable persons, or a place of rest for those persons suffering bodily disorders, in which three or more persons not members of the family residing on the premises, are received and provided with food, shelter, and care, but not including hospitals, clinics, or similar institutions devoted primarily to the diagnosis and treatment of disease or injury, maternity cases, or mental illness. A nursing home also includes rehabilitation housing for released mental or alcoholic patients where medical treatment is not provided and no longer deemed necessary.

**Nursery, plant materials.** Land, buildings, structures, or the combination thereof for the storage, cultivation, or transplanting of live trees, shrubs, or plants offered for retail sale on the premises including products used for gardening and landscaping.

**Nuisance.** An offensive, annoying, unpleasant, or obnoxious thing or practice, a cause or source of annoyance, especially a continuing or repeating invasion of any physical characteristics of activity or use across a property line which can be perceived by or affects a human being, or the generation of an excessive or concentrated movement of people or things, such as, but not limited to: noise, dust, smoke, odor, glare, fumes, flashes, vibration, shock waves, heat, electronic or atomic radiation, objectionable effluent, noise of congregation of people and traffic.

#### Section 18.16 Definitions "O"

For the purpose of this title, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

**Occupancy permit.** A required permit allowing the use of a building or structure after it has been determined that all the requirements of applicable ordinances have been met.

**Odorous matter.** Matter or material that yields an odor which is offensive in any way.

**Official thoroughfare plan.** The part of the County land development plan now or hereafter adopted, which includes a major thoroughfare and highway plan and sets forth the location, alignment, dimensions, identification, and classification of existing and proposed streets, highways, and other thoroughfares.

**Off-site.** Restoration or creation of a wetland at a location not adjacent to, or within 25 feet of, a previous wetland.

**One- and two-family dwelling code, Texas.** The nationally-recognized model building code prepared by the Council of American Building Officials, adopted by the state Administrative Building Council (ABC)

as mandated through P.L. 360, Acts of 1971, and which includes those supplements and amendments promulgated by the ABC.

**Open Container.** An alcoholic beverage container that is not sealed.

**Open sales lot (yard, garage, roadside, or similar).** Land used or occupied for the purpose of buying or selling merchandise stored or displayed out-of-doors. The merchandise includes, but is not limited to, passenger cars, trucks, motor scooters, motorcycles, boats, and monuments.

**Ordinary High-Water Mark (OHWM):** Uppermost elevation on bank or shore influenced by prolonged contact with surface water, evidence of which is found in distinctive marks left by surface water. Such marks can include water lines on trees, erosion scour line, debris deposits, destruction of terrestrial vegetation, transition point from wetland to terrestrial vegetation.

**Outdoor recreation.** Outdoor recreation includes one or more of the following uses: riding clubs, polo fields, horse shows, hunter trials, and other equestrian sports; conservation clubs; girl scout and boy scout lodges or clubhouses; private parks or playgrounds; archery ranges; and other outdoor recreation uses, and accessory uses, buildings, and structures such as off-street parking and loading facilities, administration, maintenance, and clubhouse buildings.

**Owner.** Any individual, firm, association, syndicate, co-partnership, or corporation having sufficient proprietary interest in the land sought to be subdivided to commence and maintain proceedings to subdivide the same under this title.

#### Section 18.17 Definitions "P"

For the purpose of this title, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

**Parcel.** A separate division of land individually described, surveyed, and of record to show the actual boundaries of the property.

**Parcel of property.** A single tract or plot of land.

**Parking space.** An area reserved for the parking of one motor vehicle, unenclosed or enclosed in a building.

**Particulate matter.** Dust, smoke, or any other form of airborne pollution in the form of minute separate particles.

**Performance guarantee.** A security, in the form of cash deposit, certified check, irrevocable bank letter of credit, or surety bond, in an amount sufficient to cover the estimated cost of improvements required as part of an application for development that is deposited with the municipality to ensure that said improvements are satisfactorily completed.

**Performance standard.** Criteria established to control smoke and particulate matter, noise, odor, toxic or noxious matter, vibration, fire and explosion hazards, glare or heat, or radiation hazards generated by or inherent in uses of land or buildings.

**Permanent foundation.** Any structural system for transposing loads from a structure to the earth at a depth below the established frost line without exceeding the safe bearing capacity of the supporting soil.



**Permanent perimeter enclosure.** A permanent perimeter structural system completely enclosing the space between the floor joists of the home and the ground.

**Permitting Vendor.** A vendor selected by and currently reviewing and issuing permits on behalf of the City. The review of ordinances, building standards, and compliance will be the responsibility of the Permitting Vendor.

**Person.** Includes a corporation, firm, partnership, association, organization, or any other group which acts as a unit.

**Philanthropic and eleemosynary institutions.** Centers operated by philanthropic or non-profit institutions that assist individuals with social needs, such as shelters and rehabilitation centers. These centers may provide temporary housing, meals, counseling, health services, education, job placement assistance and leisure-time activities. Adult care facilities, community centers, hospitals, medical centers, medical/psychiatric offices, shelters for abused women/children and government health/social services facilities are not regulated under the requirements of "philanthropic and eleemosynary institutions." Churches or other places of worship that provide community outreach services are also not regulated under this definition, unless they operated an onsite homeless shelter.

**Planning and Zoning Commission.** The Planning and Zoning Commission have the following duties: to formulate and recommend the adoption of plans for the conservation of resources and community betterment, participate in the preparation of a comprehensive plan for the development of the county, approve proposed subdivisions, hear rezoning petitions, authorize the preparation of public road maps, and administer this ordinance.

**Planned unit development or PUD.** A tract of land developed under single ownership or control, the development of which is unique, incorporating some or all, but not limited to, the following attributes: a variety of uses, varied density of development, reduced right-of-way width, dedicated open space, and zero lot line development.

**Plat.**

- (a) A map representing a tract of land showing the boundaries and location of individual properties and streets; or
- (b) A map of a subdivision or site plan.

**Plat, final.** A map or chart indicating the subdivision or re-subdivision of land, intended to be filed for record.

**Plat, preliminary.** The preliminary drawing or drawings, described in these regulations, indicating the proposed manner or layout of the subdivision to be submitted to the Planning and Zoning Commission for approval.

**Porch.** A roofed-over structure, projecting out from the wall or walls of a main structure, with a portion of it commonly open to the weather.

**Possession.** Care, custody, control, or management over an item, whether physically on the person or otherwise.

**Practical alternative.** An alternative to a proposed project that would accomplish the basic purpose of the project and avoid, or have less adverse impact on, a wetland or lake.

**Private Club.** An establishment required to hold a Private Club permit under Chapter 32 of or 33 of the Texas Alcoholic Beverage Code, as amended. A Private Club does not include an establishment that holds a food and beverage certificate under the Texas Alcoholic Beverage Code, as amended.

**Private road.** A non-dedicated road serving more than one (1) parcel for access.

**Private sewer.** A disposal system which is not constructed, installed, maintained, operated, or owned by a municipality, taxing district established for that purpose, or a utility under the jurisdiction of the Public Services Commission of the state.

**Private water.** A water supply which is not constructed, installed, maintained, operated, or owned by a municipality, taxing district established for that purpose, or a utility under the jurisdiction of the Public Services Commission of the state.

**Property lines.** Legally defined lot lines bounding a lot.

**Protected Natural Resource Area.** Include wetlands, streams, floodplains, riparian zones, and other natural resource features regulated by local, state and/or federal regulation.

**Public improvement.** Any drainage ditch, roadway, parkway, sidewalk, pedestrian way, tree lawn, off-street parking area, lot improvement, or other facility for which the local government may ultimately assume the responsibility for maintenance and operation, or which may affect an improvement for which local government responsibility is established.

**Public property.** The term "Public Property" shall mean any property open or devoted to public use or owned by the City of Bells, including, but not limited to, sidewalks, streets, rights-of-ways, parks and municipal buildings. This definition does not include property owned by any county entity.

**Public Right-of-Way.** The term "public rights-of-way" shall mean the surface, the air space above the surface, and the area below the surface of any public street, highway, lane, path, alley, sidewalk, boulevard, drive, bridge, tunnel, parkway, waterway, easement, or similar property in which the City of the State of Texas now or thereafter holds any property interest, which, consistent with the purposes for which it is dedicated, may be used for the purpose installing and maintaining a person's facilities. Nothing in this article or in any permit shall be deemed to be a representation or guarantee by the City that its interest or other right to control the use of such property is sufficient to permit its use for such purposes. The holder of a permit shall be deemed to gain only those rights to use as are properly in the city and as the City may have the undisputed right and power to give.

**Public sewer.** A sewage disposal system which is constructed, installed, maintained, operated, and owned by a municipality or taxing district established for that purpose.

**Public utility.** A firm, corporation, municipal department, or board duly authorized to furnish or furnishing under regulation to the public: electricity, gas, steam, communication (including CATV), transportation, drainage, sewer, or water.

**Public water.** A water supply system which is constructed, installed, maintained, operated, and owned by a municipality, taxing district established for that purpose, or a utility under the jurisdiction of the Public Services Commission of the state.

**Public Works Director.** The term “Public Works Director” shall mean the Public Works Director of the City of Bells, or the Public Works Director’s designee for purposes of this ordinance.

#### Section 18.18 Reserved for Future Use “Q”

#### Section 18.19 Definitions “R”

For the purpose of this title, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

**Railroad right-of-way.** A strip of land with tracks and auxiliary facilities for track operation, but not including depots, loading platforms, stations, train sheds, warehouses, car shops, car yards, locomotive shops, or water towers.

**Recreational campground.** An area of land on which two or more recreational vehicles, including campers, tents, RVs, or other similar temporary recreational structures, are regularly accommodated with or without charge, including any building, structure, or fixture of equipment that is used or intended to be used in connection with providing these accommodations.

**Recreational vehicle.** Commonly referred to as an RV. A vehicle used for travel, camping recreation, and vacation use.

- (a) This type of vehicle is:
  - (1) Built on a single chassis;
  - (2) Four-hundred square feet or less when measured at the largest horizontal projections;
  - (3) Designed to be self-propelled or permanently towable by a light duty truck; and
  - (4) Designed primarily not for use as a permanent dwelling, but as temporary living quarters for recreational camping, travel, or seasonal use.
- (b) An RV may include, but is not limited to:
  - (1) **Motor home.** A self-propelled vehicle with a dwelling constructed as an integral part of the vehicle, or so altered.
  - (2) **Pick-up coach.** A structure designed to be mounted on a truck chassis or cut-down car.
  - (3) **Travel or camping trailer.** A vehicle or other portable structure that is designed to move on the highway and designed or used as a dwelling.

**Recycling facility.** See “*waste disposal management and reduction.*”

**Regulatory Flood.** See: “*Flood-Related Definitions.*”

**Regulatory Authority.** The term “Regulatory Authority” shall mean either Grayson County or the City of Bells for the purpose of this ordinance.

**Research laboratory.** A building or group of buildings in which are located facilities for scientific research, investigation, testing, or experimentation, but not facilities for the manufacture or sale of products, except as incidental to the main purpose of the laboratory.

**Resubdivision.** A change in a map of an approved or recorded subdivision plat so that the change affects any street layout on the map or area reserved thereon for public use, or any lot line; or if it affects any map or plan legally recorded prior to the adoption of any regulations controlling subdivisions.

**Restaurant.** Any establishment whose principal business is the sale of food and beverages to the customer in a ready-to-consume state, and whose method of operation is characteristic of a carry-out, drive-in, drive-through, fast food, standard restaurant, or bar/lounge, or combination thereof, as defined below:

- (a) **Carry-out restaurant.** A business establishment whose method of operation involves sale of food, beverages, and/or frozen desserts in disposable or edible containers or wrappers in a ready-to-consume state for consumption primarily off the premises.
- (b) **Delicatessen.** A restaurant typically offering both carry-out and seating of sandwiches and other foods and beverages. A delicatessen also typically offers meats, cheese and prepared foods on a retail basis.
- (c) **Drive-in restaurant.** A business establishment whose method of operation involves delivery of prepared food so as to allow its consumption in a motor vehicle or elsewhere on the premises, but outside of an enclosed building. A drive-in restaurant may also have interior seating.
- (d) **Drive-thru restaurant.** A business establishment whose method of operation involves the delivery of the prepared food to the customer in a motor vehicle, typically through a drive-through window, for consumption off the premises. A drive-thru restaurant may also have interior seating.
- (e) **Standard restaurant.** A business establishment whose method of operation involves either the delivery of prepared food by waiters and waitresses to customers seated at tables within a building or the prepared food is acquired by customers at a cafeteria line and is subsequently consumed by the customers at tables within a completely enclosed building. Restaurants may include accessory outdoor seating.
- (f) **Tavern/bar.** An establishment licensed to serve alcoholic beverages on the premises.  
Taverns/bars may include accessory outdoor seating.

**Rezone.** To change the zoning classification of particular lots or parcels of land, otherwise known as a map amendment.

**Right-of-way.** A strip of land occupied or intended to be occupied by a street, crosswalk, railroad, road, electric transmission line, oil or gas pipeline, water main, sanitary or storm sewer main, shade trees, or for another special use. The usage of the term right-of-way for land platting purposes shall mean that every right-of-way hereafter established and shown on a secondary plat is to be separate and distinct from the lots or parcels adjoining the right-of-way and not included within the dimensions or areas of the lots or parcels. Rights-of-way intended for streets, crosswalks, water mains, sanitary sewers, storm drains, shade trees, or any other use involving maintenance by a public agency, shall be dedicated to public use by the maker of the plat(s) on which the rights-of-way are established.

**Riparian:** Lands adjacent to waterways and lakes, that are influenced by the adjacent water body by overbank flooding and changes in elevation of the water table.

**Riparian or wetland buffer.** An area surrounding a watercourse, floodplain or wetland, containing trees and other vegetation that intercepts surface water runoff, wastewater, subsurface flow, and/or groundwater flows from upland sources. Riparian and wetland buffers help process and remove nutrients, sediment, organic matter, pesticides, or other pollutants from runoff and subsurface flow. This transition area between aquatic and terrestrial environments can also provide wildlife habitat, control water temperature, attenuate flood flows, and provide opportunities for passive recreation.

**Roadside stand.** A structure for the display and sale of agricultural products, with no space for customers within the structure itself.

**Roadway.** That portion of a street which is used or intended to be used for the travel of vehicles. See also "street."

**Roadway or Street (Improved).** Asphaltic, concrete or other hard surfaces but not including gravel, grass or hard earthen surfaces.

**Runoff.** The portion of precipitation from such sources as rainfall, snow melt, or irrigation water that flows over the ground surface.

### Section 18.20 Definitions "S"

For the purpose of this title, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

**Salvage yard.** An open area where waste or used materials are bought, sold, exchanged, stored, baled, packed, disassembled or handled. Such waste and used materials include, but are not limited to, motor vehicles, vehicles, machinery or equipment drawn or operated by being attached to motor vehicles, mechanical units which are not in running or operable condition, scrap iron, other metals, paper, rags, rubber tires, and bottles. It does not include residential, commercial or municipal "garbage" which is defined as animal, vegetable or mineral refuse. Any lot containing three (3) or more unlicensed vehicles shall be considered a salvage yard.

**Self-storage facility.** A building or group of buildings in a controlled-access and fenced compound that contains varying sizes of individual, compartmentalized, and controlled-access stalls or lockers for the storage of customer's goods or wares.

**Setback.** The minimum horizontal distance between a lot line and the wall of a building or structure.

**Shopping center.** A structure or group of structures located on the same lot or parcel which is developed in accordance with an overall plan and designed and built as an interrelated project that provides a variety of commercial uses and common off-street parking, pedestrian access and vehicular movements. Buildings constructed on outlots shall not be considered part of the shopping center unless access and parking easements are provided.

**Sight distance.** The length of roadway visible to the driver. Generally related to the distance or time (perception/reaction time) sufficient for the driver to execute a maneuver (turn from driveway or side street, stop or pass) without striking another vehicle or object in the roadway.

**Sign.** A name, identification, description, display, or illustration which is affixed to, or represented directly or indirectly upon a building, structure, or piece of land and which directs attention to an object, product, place, activity, person, institution, organization, or business.

- (a) **Billboard.** A structure or accessory structure that advertises or directs attention to a business, commodity, service, entertainment or any other subject matter not located or carried on the parcel of real estate where any such sign is located or in the building or structure to which the sign is affixed.

- (b) **Business sign.** A sign which directs attention to a business, commodity, service, or entertainment related to the premises where the sign is located or to which it is affixed.
- (c) **Electrical reader board.** Sign which contains a traveling message or a message which appears to be traveling and usually in a horizontal manner.
- (d) **Flashing sign.** An illuminated sign on which the artificial light is not maintained stationary or constant in intensity and color at all times when the sign is in use. A revolving, illuminated sign shall be considered to be a flashing sign.
- (e) **Gross area of sign:**
  - (1) The entire area within a single continuous perimeter enclosing the extreme limits of the sign and in no case passing through or between any adjacent elements of same.
  - (2) The perimeter shall not include any structural elements lying outside the limits of the sign and not forming an integral part of the display.
- (f) **Ground/monument sign.** A three-dimensional, base mounted freestanding display sign, that is supported by uprights or braces in or upon the ground surface or mounted on a base and consisting of two (2) or more sides extending up from the base, and upon which a message, business, group of businesses or center name is affixed.
- (g) **Identification sign.** A sign which directs attention to a residence, a business, commodity, service, entertainment, or other activity conducted on the lot upon which the sign is located.
- (h) **Nameplate sign.** Non-illuminated sign flush with the front of the building indicating the name or address of a building, or the name of an occupant thereof and the practice of a permitted occupation therein.
- (i) **Pole or pylon sign.** A type of freestanding sign that is elevated above the ground on poles or braces and not attached to any building or other structure.
- (j) **Reader board sign.** A sign whereon provision is made for letters or characters to be placed in or upon the surface area either manually or electronically to provide a message that may be changed periodically
- (k) **Roof sign.** A sign erected, constructed, and maintained above the roof of any building.
- (l) **Wall sign.** A sign attached to, painted on or erected against the wall of a building with the sign face in a parallel plane to the plane of the building.
- (m) **Window Signs.** A sign attached to a window or glass door and any sign on the interior of a window that is visible from the outside of the window, including signs not attached to the window.

**Site plan.** A drawing to scale which must be furnished to the Permitting Vendor when application is made for an improvement location permit and which shows size and location of all existing and proposed buildings, all adjacent streets and highways, size of all entrances and exits from the land, and a legal description of the land. For some uses a landscape development plan must be included.

**Small Cell 5G.** A Small Cell 5G wireless facility is a facility that meets both of the following qualifications: (i) each antenna is located inside an enclosure of no more than 6 cubic feet in volume or, in the case of an antenna that has exposed elements, the antenna and all of its exposed elements could fit within an imaginary enclosure of no more than 6 cubic feet; and (ii) all other wireless equipment attached directly to a utility pole associated with the facility is cumulatively no more than 25 cubic feet in volume. The following types of associated ancillary equipment are not included in the calculation of equipment volume: electric meter, concealment elements, telecommunications demarcation box, ground-based

enclosures, grounding equipment, power transfer switch, cut-off switch, and vertical cable runs for the connection of power and other services.

**Special uses.** Those uses of land which are not essentially incompatible with the uses permitted in a zoning district but possess characteristics or locational qualities which require individual review and restriction by Planning and Zoning Commission.

**Special Flood Hazard Area (SFHA):** See: "**Flood-Related Definitions.**"

**Spot zoning.** The rezoning of a lot or parcel of land to benefit an owner for a use incompatible with surrounding land uses and that does not further the county land development plan.

**Sprawl.** Uncontrolled growth, usually of a low-density nature, in previously rural areas and some distance from existing development and infrastructure.

**Stable.** A building or structure designed, arranged, used, or intended to be used for housing saddle horses or ponies. See also: "Boarding Stable."

**Stockyards.** A yard for livestock; especially an enclosure, usually with pens, and the like, in which cattle, hogs, sheep, or horses are kept temporarily before being slaughtered or sent to market.

**Story.** That portion of a building, other than a cellar, included between the surface of any floor and the surface of the floor next above it or, if there be no floor above it, then the space between the floor and the ceiling next above it. The floor of a story may have split levels provided that there is not more than four (4) feet difference in elevation between the different levels of the floor. A mezzanine floor shall be counted as a story when it covers over one-third the area of the floor next below it, or if the vertical distance from the floor next below it to the floor next above it is 17 feet or more. A basement shall be counted as a story if it is 50% or more above the average grade.

**Story, half.** A partial story under a gable, hip, or gambrel roof, the wall plates of which on at least two opposite exterior walls are not more than three feet above the floor of the story, except that any partial story used for residence purposes, other than for a janitor or caretaker or his family, or by a family occupying the floor immediately below it, shall be deemed a full story.

**Street or road.** A right-of-way, other than an alley, dedicated or otherwise legally established to the public use, usually affording the principal means of access to abutting property. A street may be designated as a highway, thoroughfare, parkway, boulevard, road, avenue, lane, drive, or other appropriate name.

- (a) **Cul-de-sac street.** A street with a single common ingress and egress and with a turn-around at the end.
- (b) **Highway, limited access.** A freeway, or expressway, providing a for through traffic, to which abutting lands have no legal right to have direct access, and all access is at defined points determined by the public road agency having jurisdiction over that roadway.
- (c) **Minor street.** A local roadway, the primary function of which is to provide direct access to residential, commercial, industrial, or other abutting real estate.
- (d) **Major thoroughfare.** All arterial streets, county primary roads, major city streets and state highways.

**Stormwater-related Definitions:**

- (a) **Accelerated erosion. Erosion** caused by development activities that exceeds the natural processes by which the surface of the land is worn away by the action of water, wind, or chemical action.
- (b) **Applicant.** A property owner or agent of a property owner who has filed an application for a stormwater management permit.
- (c) **Best Management Practices (BMPs)** Structural measures (wetlands, ponds, infiltration basins, etc.) or non-structural measures (low impact development planning, restrictive zoning, reduced impervious areas, etc.). BMPs are designed for the benefit of water quality and quantity.
- (d) **Building.** Any structure, either temporary or permanent, having walls and a roof, designed for the shelter of any person, animal, or property, and occupying more than 100 square feet of area.
- (e) **Channel.** A natural or artificial watercourse with a definite bed and banks that conducts flowing water continuously or periodically.
- (f) **Clean Water Act (CWA).** The federal Water Pollution Control Act (33 U.S.C. § 1251 et seq.), and any subsequent amendments thereto.
- (g) **Construction Activity.** Activities subject to a stormwater management permit. These include construction projects resulting in land disturbance of  $\frac{1}{4}$  acre or more. Such activities include but are not limited to clearing and grubbing, grading, excavating, and demolition. This term does not include routine ditch or road maintenance, minor landscaping projects, agricultural land disturbing activities, forest harvesting activities, or individual building lots within a larger permitted project.
- (h) **Detention.** The temporary storage of storm runoff in a stormwater BMP (Best Management Practices) with the goals of controlling peak discharge rates and providing settling and filtration of pollutants.
- (i) **Detention facility.** A detention basin or alternative structure designed for the purpose of temporary storage of stream flow or surface runoff, and gradual release of stored water at controlled rates.
- (j) **Drainage easement.** A legal right granted by a landowner to a grantee allowing the use of private land for stormwater management purposes.
- (k) **Erosion and sediment control plan (ESCP).** A plan that is designed to minimize the erosion and sediment runoff at a site during construction activities.
- (l) **Hotspot.** An area where land use or activities generate highly contaminated runoff, with concentrations of pollutants in excess of those typically found in stormwater.
- (m) **Hydrologic soil group (HSG).** The Natural Resource Conservation Service classification system in which soils are categorized into four runoff potential groups according to texture and drainage capacity. The groups are HSG-A, B, C, and D. Runoff volume for a given rainfall depth increases, and infiltration capacity decreases, From HSG A to D.
- (n) **Illicit Connections.** Either of the following:
  - (1) A stormwater conveyance system that allows an illicit discharge to enter the storm drainage system or the MS4. Such systems include but not limited to any conveyances that allow any non-stormwater discharge, and any connections to the storm drainage system, MS4, or receiving waters from indoor drains and sinks. Such systems are illicit regardless of whether said drain or connection had been previously allowed, permitted, or approved. Or,
  - (2) Any conveyance connected from a commercial or industrial land use to the storm drainage system, MS4, or receiving water that has not been documented in plans, maps, or equivalent records and approved.



- (o) **Illicit Discharge.** An unapproved direct or indirect non-stormwater or pollutant discharge to the storm drainage system or receiving waters.
- (p) **Invasive Plant Species.** Predominantly non-native, non-indigenous, alien tree, shrub, vine, or herbaceous species that grow or reproduce aggressively, usually because they have no natural predators, and which can so dominate an ecosystem that they kill off or drive out many indigenous plant species.
- (q) **Impervious cover.** Surfaces that cannot effectively infiltrate rainfall (e.g., building rooftops, pavement, sidewalks, driveways, etc.).
- (r) **Industrial stormwater permit.** A National Pollutant Discharge Elimination System (NPDES) permit issued to a commercial industry or group of industries, which regulates the pollutant levels associated with industrial stormwater discharges or specifies on-site pollution control strategies.
- (s) **Infiltration.** The process of percolating stormwater into the subsoil.
- (t) **Infiltration facility.** Any structure or device designed to infiltrate retained water to the subsurface. These facilities may be above grade or below grade.
- (u) **Land disturbance activity.** Any activity which changes the volume or peak flow discharge rate of rainfall runoff from the land surface. This may include the grading, digging, cutting, scraping, or excavating of soil, placement of fill materials, paving, construction, substantial removal of vegetation, or any activity which bares soil or rock or involves the diversion or piping of any natural or man-made watercourse.
- (v) **Low Impact Development (LID).** Development strategy that encourages maintaining existing drainage patterns while minimizing changes to existing topography. LID often employs distributed, localized storage of stormwater, disconnection of directly connected impervious surfaces to the site outlet, and incorporation of public education into the long-term plan for stormwater management.
- (w) **Maintenance agreement.** A legally recorded document that acts as a property deed restriction, and that provides for long-term maintenance of stormwater management practices.
- (x) **Maximum Extent Practicable (MEP).** The statutory standard that establishes the level of pollutant reductions that operators of regulated MS4s must achieve.
- (y) **Municipal Separate Storm Sewer System (MS4).** A stormwater conveyance system which is owned or operated by a state, city, town, county, tribe, district, association, or other public body or a designated and approved management agency under Section 208 of the Clean Water Act, that discharges into waters of the United States (40 CFR 122.26(b)(8)).
- (z) **National Pollutant Discharge Elimination System (NPDES) Stormwater Discharge Permit.** A permit issued by EPA (or by a state under authority delegated pursuant to 33 USC § 1342(b)) that authorizes the discharge of pollutants to waters of the United States, whether the permit is applicable on an individual, group, or general area-wide basis.
- (aa) **Non-point source pollution.** Pollution from any source other than discernible, confined, and discrete conveyances, including but not be limited to pollutants from agricultural, silvicultural, mining, construction, subsurface disposal and urban runoff sources.
- (bb) **Notice of Intent (NOI).** A written notification indicating an entity's intention to comply with the terms of a specified general permit rule in lieu of applying for an individual NPDES stormwater discharge permit.
- (cc) **Pollutant.** Anything that causes or contributes to pollution. **Pollutants** may include, but are not limited to: paints, varnishes, and solvents; oil and other automotive fluids; non-hazardous liquid and solid wastes; yard wastes, including grass, brush, leaves, and limbs; refuse, rubbish, garbage,

litter, or other discarded or abandoned objects, ordinances, and accumulations; floatables, pesticides, herbicides, and fertilizers; hazardous substances and wastes; sewage, fecal coliform and pathogens; dissolved and particulate metals; animal wastes; wastes and residues that result from constructing a building or structure; soil and sediments; and noxious or offensive matter of any kind.

- (dd) **Recharge.** Replenishment of underground water reserves.
- (ee) **Redevelopment.** Any construction, alteration or improvement equal to or greater than 43,560 square feet (one acre) in areas where existing land use is high density commercial, industrial, institutional or multi-family residential.
- (ff) **Stormwater Conveyance Systems.** System of surface and subsurface drainage systems, catch basins, and other drainage structures including retention and detention BMPs, vegetated swales, municipal streets, catch basins, curbs, gutters, roads with subsurface drainage systems, reservoirs, pumped piping systems and other drainage structures or watercourses.
- (gg) **Stormwater management.** The use of structural or non-structural practices, physical and biological measures that are designed to reduce stormwater runoff pollutant loads, discharge volumes and peak flow discharge rates. Goals of stormwater management include avoiding detrimental changes in the hydrology, water quality and temperature of receiving waters that affect habitat and ecological function and minimizing flash floods.
- (hh) **Stormwater Pollution Prevention Plan (SWPPP).** A document that describes the best management practices and activities to be implemented by an entity to identify sources of pollution or contamination at a site, and actions that will be taken to eliminate or reduce pollutant discharges to stormwater, stormwater conveyance systems, and/or receiving waters to the maximum extent practicable.
- (ii) **Watercourse.** A permanent or intermittent stream or other body of water, either natural or man-made, which gathers or carries surface water.
- (jj) **Structural alteration.** A change, other than incidental repairs, which would prolong the life of the supporting members of a building, such as the addition, removal, or alteration of bearing walls, columns, beams, girders, or foundations.

**Structure.** Anything constructed or erected, the use of which requires location above the ground or attached to something having location on the ground. A structure will include buildings, fences, walls, decks, towers, pools, gazebos, play structures, tree house, and other similar above ground structures.

**Subdivision.** The division of land by deed or other recorded instrument. A subdivision shall be deemed to have occurred on any land, vacant or improved, that is divided into three (3) or more lots, parcels, sites, units, plots or interests for the purpose of offer, sale, lease, mortgage or development, either on the installment plan or upon any and all other plans, terms and conditions, including re-subdivision and the granting of access easements. However, this regulation shall not apply to the following:

- (a) An allocation of land by a court decree for the distribution of property;
- (b) The unwilling sale of land as a result of legal condemnations as defined and allowed in the Texas State Law.

**Support system.** A pad or a combination of footings, piers, caps, plates, and shims, which, when properly installed, support the manufactured or mobile home.

### Section 18.21 Definitions "T"

For the purpose of this title, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

**Tattoo establishment.** Any place or establishment which is operated for the principal business or primary purpose of marking the skin with indelible pigment or other such substance so as to produce a permanent design, mark or similar feature on the skin.

**Tavern/bar.** A building where liquors are sold to be consumed on the premises and where entertainment may or may not be provided.

**Terrace, open.** A level and rather narrow plane, or platform, which for the purpose of this title is located adjacent to one or more faces of the principal structure and which is constructed not more than four feet in height above the average level of the adjoining ground.

**Travel trailer park.** An area of land on which two or more travel trailers are regularly accommodated with or without charge, including any building or other structure, fixture, or equipment that is used or intended to be used in connection with providing that accommodation.

**Truck stop.** Any building, premises or land in which or upon which a business, service or industry involving the maintenance, servicing, storage or repair of commercial vehicles is conducted or rendered including the dispensing of motor fuel or other petroleum products directly into motor vehicles, the sale of accessories or equipment for trucks and similar commercial vehicles. A truck stop may include overnight accommodations and restaurant facilities solely for use of truck crews.

**Truck terminal or yard, commercial.** Any land use with or without buildings for, but not limited to parking, storage, maintenance, or transfer station for commercial trucks, tractors, truck trailers, and other commercial vehicles.

### Section 18.22 Definitions "U"

For the purpose of this title, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

**Use (of property).** The purpose or activity for which the land or building thereon is designed, arranged, or intended, or for which it is occupied or maintained. This includes any manner of performance of activity or operation with respect to the performance standards of this title. Uses are classified under the following major categories:

- (a) **Residential**, which includes single-family, two-family, multiple-family and manufactured homes.
- (b) **Agriculture**, which includes all farming, livestock and forestry.
- (c) **Commercial**, which includes all retail trade uses, motor vehicle service, lodging accommodation, food services, other services and entertainment/recreational businesses.
- (d) **Office**, which includes administrative offices and buildings, used for finance, insurance, legal, real estate, professional, scientific, technical, health care, and social assistance uses.
- (e) **Institutional**, which includes all religious, civic, social, and similar organizations, educational services and public uses.
- (f) **Industrial**, which includes all manufacturing, transportation, warehousing, utilities (generation/treatment plants), waste processing/disposal, construction contractors and mining/mineral extraction uses.

**Use, permitted.** A use which may be lawfully established in a particular district or districts, provided that it conforms with all requirements, regulations, and performance standards, if any, of the district.

**Use, principal.** The main use of land or buildings, as distinguished from a subordinate or accessory use. May be either a permitted use or a special exception use.

### Section 18.23 Definitions "V"

For the purpose of this title, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

**Variance.** A deviation, authorized by the Planning and Zoning Commission, from the strict application of the specific requirements of zoning as it pertains to use, building, frontages, access, lot size, setbacks, or other developments as it pertains to specific property.

**Veterinary clinic.** An institution which is licensed to provide for the care, diagnosis, and treatment of sick or injured animals, including those in need of medical or surgical attention. A veterinary clinic may include customary pens or cages for the overnight boarding of animals and such related facilities as laboratories, testing services, and offices.

### Section 18.24 Definitions "W"

For the purpose of this title, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

**Warehouse.** A building used for long-term and short-term storage and wholesale of manufactured products, supplies, and equipment related to the operation of a single business and material for "just in time" delivery to a manufacturing facility. The use will include truck loading and unloading, provided the area dedicated to the outdoor storage of trucks and trailers is no more than the area of the warehouse building.

#### **Waste.**

- (a) **Hazardous waste.** Regulated by the Resources Conservation and Recovery Act (RCRA, 1976) (42 USC 6901) and its amendments; any waste that is "corrosive, ignitable, reactive, or toxic" or poses a substantial threat to human health and environment when improperly managed.
- (b) **Industrial solid waste.** Generally, consists of materials such as wastewater treatment sludge (waste with most of the water removed; semi-liquid), agricultural wastes, plastics, oil, paint, metal, or coal ash, and is managed on-site in landfills, surface impoundments, land application units, and waste piles and/or off-site land facilities, discharged to wastewater treatment plants and to surface waters.
- (c) **Municipal solid waste.** The refuse discarded by households, institutions, and commercial establishments (as distinguished from hazardous wastes and sludge), and which is disposed of in landfills, by incineration, or is composted, recycled, or reused.
- (d) **Yard waste.** Plant clippings, pruning, and other discarded materials from yards and gardens; also called yard rubbish.

**Waste disposal management and reduction.** Techniques which include but are not limited to:

- (a) **Collection center or inter-mediate processing facility.** A light industrial facility for collecting secondary materials, usually from the public, and reselling to brokers, processing centers, or

manufacturing. Collection centers may or may not buy material, can be permanent or mobile, and do no processing of materials for resale.

- (b) **Composting.** The controlled decay of organic matter, producing a nutrient-rich mulch or organic soil, thus removing part of the waste going to landfills and incinerator.
- (c) **Incineration.** A process technology which reduces the amount (particularly by volume) of wastes, the residues of which must then be managed and disposed of properly.
- (d) **Landfill, sanitary.** An engineering project for refuse disposal in which the waste is dumped in accordance with a preconceived plan, compacted, and covered during and at the end of each day.
- (e) **Processing center.** A heavy industrial facility that buys secondary material, usually from brokers, collection centers, and various post-consumer waste facilities, to use on-site for the remanufacturing of products.
- (f) **Recycling.** The process by which materials otherwise destined for disposal are retrieved and remanufactured into new products. Recycling involves four steps:
  - (1) Separating recyclable material from the waste stream;
  - (2) Processing recyclable materials so that they can substitute for virgin materials in the manufacture of products;
  - (3) Producing a marketable commodity using the recycled material; and
  - (4) Consumer purchase and use of recycled products.
- (g) **Transfer station.** An inter-mediate facility where collected refuse is deposited for transfer to the final disposal site.

**Watershed.** All land and water within the confines of a drainage divide (a ridge separating two drainage basins).

**Wetland.** Those areas that are inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions, including swamps, marshes, bogs, and similar areas. Any area meeting the official wetland definition of the US Army Corps of Engineers, the US Environmental Protection Agency, or the Texas Council on Environmental Quality, shall be considered a wetland for the purposes of this Ordinance. In the event the definition of a wetland conflicts between any of these agencies, the more restrictive definition shall apply.

**Wetland delineation.** The determination as to whether an area is a wetland. Reference shall be made to and guided by, and field observations shall be conducted in accordance with, the methods set forth and described in the most recent legislation for: Federal Interagency Committee for Wetlands Delineation, and subsequent amendments; Federal Manual for Identifying and Delineating Jurisdictional Wetlands; U.S. Army Corps of Engineers; U.S. Environmental Protection Agency; U.S. Fish and Wildlife Service; and U.S.D.A. Soil Conservation Service, Washington D.C. (Cooperative technical publication, 76 pages, plus appendices.)

**Wetland maps.** The portion of the National Wetlands Inventory which includes the county and cities, and which shows wetlands and lakes located with the City of Bells.

- (a) The National Wetlands Inventory, as periodically updated, is incorporated herein by reference. These maps are intended as a preliminary guide, as only the general location of wetlands may be shown.

**Wholesale establishment.** A business establishment engaged in selling to retailers or jobbers rather than consumers.

**Winery.** An establishment required to hold a winery permit under Chapter 16 of the Texas Alcoholic Beverage Code, as amended.

**Wireless communications.** The technology by which communications or radio signals are transmitted or received from one communication source to another, which may include mobile units, land-based units, or satellite, whether radio, digital, telephone, or television not otherwise exempted by federal regulation.

**Wireless communications antenna.** The physical device through which wireless communications signals are transmitted or received.

**Wireless communications facility.** A facility consisting of the equipment and structures involved in receiving and transmitting wireless communications signals.

**Wireless communications tower.** A structure intended to support equipment used to transmit and/or receive wireless communications signals, including monopoles and self-supporting lattice towers.

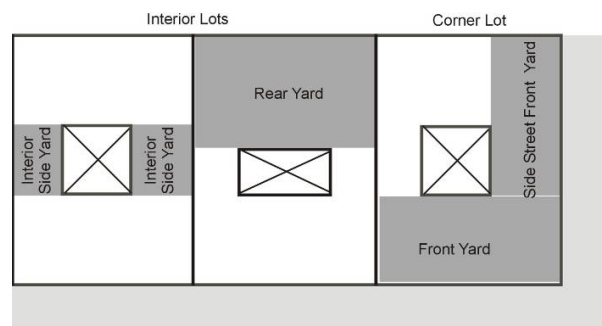
### Section 18.25 Reserved for Future Use "X"

### Section 18.26 Definitions "Y"

For the purpose of this title, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

**Yard.** An open space on the same lot with a building or structure unoccupied and unobstructed from its lowest level to the sky, except as otherwise permitted. A yard extends along a lot line, and to a depth or width specified in the yard requirements for the zoning district in which the lot is located and shall not include that part in use as or to be used as a street.

- (a) **Front yard.** A yard between the front line of the building and the street right-of-way, extending along the full length of the front lot line between the side lot lines, which shall not include that part in use or to be used as a street. On a corner lot, the front yard shall be along the street right of way that the front of the building faces or the shorter of the two front lot lines. The side street front yard shall also be considered a front lot line but may be distinguished with separate requirements in the district.
- (b) **Interior side yard.** A side yard which is located immediately adjacent to another lot or to an alley separating the side yard from another lot.
- (c) **Rear yard.** A yard between the rear line of the building and the rear lot line, extending along the full length of the rear lot line between the side lot lines. In the case of a corner lot, the rear yard will be opposite the street frontage that the building faces or the shorter of the two front lot lines, but there shall be only one (1) rear yard.



- (d) **Required yard.** That portion of a lot that meets the required minimum front, side, or rear setback of the zoning district in which the property is located.
- (e) **Side yard.** A yard extending along a side lot line from the front yard to the rear yard.

#### Section 18.27 **Definitions “Z”**

For the purpose of this title, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

**Zero lot line.** The location of a building on a lot in such a manner that one or more of the building’s sides rest directly on a lot line.

**Zoning.** The delineation of districts and the establishment of regulations governing the use, placement, spacing, and size of land and buildings.

**Zoning district(s).** A section or sections of the territory of the county and cities, for which the regulations and requirements governing use, lot, bulk of buildings, and premises are uniform.

**Zoning map.** The map or maps that are a part of the zoning ordinance and delineate the boundaries of zoning districts.

**Zoning Ordinance.** An ordinance adopted by the City of Bells which contains and zoning maps which divide the jurisdiction of the Planning and Zoning Commission into districts, with regulations, requirements, and procedures for the establishment of the land use controls.

## Article 19: Planning and Zoning Commission

### Section 19.01 Organization and Appointment

There is hereby created a Planning and Zoning Commission which shall be organized, appointed by the Mayor and confirmed by the City Council and function as follows:

- (a) **Membership.** The Planning and Zoning Commission shall consist of five (5) members who are residents of Grayson County, or reside in a place that is within ten (10) miles of the City's boundaries and is in a county bordering Grayson County, however, the majority shall be residents of the City of Bells, each to serve for a term of two (2) years and removable for cause by the appointing authority upon written charges and after public hearing. Appointees shall fill positions which shall be designated by place numbers (e.g., place 1, place 2, etc.). Vacancies shall be filled for the unexpired term of any member whose place becomes vacant for any cause in the same manner as the original appointment was made.
- (b) **Terms.** The terms of members filling places 1, 3, and 5 shall expire on June 30 of each odd-numbered year and the terms of members filling places 2 and 4 shall expire on June 30 of each even-numbered year. Planning and Zoning Commission members may be appointed to succeed themselves. Vacancies shall be filled for unexpired terms, but no members shall be appointed for a term in excess of two (2) years. Newly-appointed members shall be installed at the first regular Planning and Zoning Commission meeting after their appointment.
- (c) **Organization.** The Planning and Zoning Commission shall hold an organizational meeting in each quarter. The commission shall meet on-call and shall designate the time and place of its meetings. The Planning and Zoning Commission shall adopt its own rules of procedure and keep a record of its proceedings consistent when the provisions of this ordinance and the requirements of law. The Planning and Zoning Commission shall elect a chairman from its own membership at its annual organizational meeting.
- (d) **Quorum and Compensation.** A quorum for the conduct of business shall consist of three members Planning and Zoning Commission. The members shall serve without compensation, except for reimbursement of authorized expenses attendant to the performance of their duties.

### Section 19.02 Duties and Authority

The Planning and Zoning Commission is hereby charged with the duty and invested with the authority to:

Formulate and recommend to the City Council for its adoption a city plan for the orderly growth and development of the city and its environs and from time to time 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.

Formulate a zoning plan as may be deemed best to carry out the goals of the city plan; hold public hearings and make recommendations to the City Council relating to the creation, amendment, and implementation of zoning regulations and districts as authorized under state law.

- (a) Exercise all powers of a Planning and Zoning Commission as to approval or disapproval of plans, plats, or replats as authorized under state law.
- (b) Study and recommend the location, extension, and planning of public rights-of-way, parks, or other public places, and on the vacating or closing of same.



- (c) Study and make recommendations regarding the general design and location of public buildings, bridges, viaducts, street fixtures, and other structures and appurtenances.
- (d) Initiate, in the name of the city, proposals for the opening, vacating, or closing of public rights-of-way, parks, or other public places and for the change of zoning district boundaries on the area-wide basis.
- (e) Formulate and recommend to the City Council for its adoption policies and regulations consistent with the adopted city plan governing the location and/or operation of utilities, public facilities, and services owned or under the control of the city.
- (f) Submit quarterly a progress report to the City Council summarizing its activities for the past quarter and a proposed work program for the upcoming quarter.

## Article 20: **Changes and Adjustments to all Zoning Ordinances and Districts and Administrative Procedures**

### Section 20.01 **Declaration of Policy**

The City declares the enactment of these regulations governing the use and development of land, buildings, and structures to be a measure necessary to the orderly development of the community. Therefore, no change shall be made in these regulations or in the boundaries of the zoning districts except:

- (a) To correct any error in the regulations or map.
- (b) To recognize changed or changing conditions or circumstances in a particular locality by application process for zoning change, variance or special use permit.
- (c) To recognize changes in technology, style of living, or manner of doing business.

### Section 20.02 **Authority to Amend Ordinance**

The City Council may from time to time, after public hearings required by law, amend supplement, or change the regulations herein provided or the classification or boundaries of the zoning districts. Any amendment, supplement, or change to the text of the Zoning Ordinance and/or the zoning map any change in the classification or boundaries of the zoning districts may be ordered for consideration by the City Council, may be initiated by the Planning and Zoning Commission, the City Council, or may be requested by the owner of the affected real property or the authorized representative of an owner of affected real property.

### Section 20.03 **Public Hearing and Notice**

- (a) Upon filing of an application for an amendment to the zoning ordinance via: zoning change, variance or special use permit and map, the Planning and Zoning Commission and City Council shall hold a public hearing on said application.
- (b) Written notice of such hearings shall be sent to the owner of the property or his agent and to all owners of real property lying within two hundred (200) feet of the property on which the change in classification is proposed, such notice, mailed first-class return receipt requested, to be given not less than ten (10) days before the date of such hearing, to all owners who have rendered their said property for City taxes as the ownership appears on the last approved City tax roll. Such notice may be served by depositing the same, properly addressed and postage paid, in the City Post Office. Where property lying within two hundred (200) feet of the property proposed to be changed is located in territory which was annexed to the City after the final date for making the renditions which are included on the last approved City tax roll, notice to such owners shall be given by one publication in the official newspaper at least fifteen (15) days before the time of the hearing. Also, the City Secretary shall have the property, lot or tract posted with a sign at least eighteen (18) by twenty-four (24) inches in size which shall state "Zoning change Requested for information call City Hall" and the telephone number shall be listed. Failure of owners to receive notice of hearing shall in no way affect the validity of the action taken.

**Section 20.04 Action of the Planning and Zoning Commission**

- (a) If, at the conclusion of the hearing, the Planning and Zoning Commission recommends amendment of this ordinance to the City Council, said recommendation shall be by resolution of the Planning and Zoning Commission carried by the affirmative votes of not less than a majority of its total membership present and voting. A copy of any recommended amendment shall be submitted to the City Council and shall be accompanied by a report of findings, summary of hearing and any other pertinent data.
- (b) The Planning and Zoning Commission may recommend denial of an application with or without prejudice against the applicant to refile the application. If the Commission recommends the denied with prejudice, then it shall be deemed that said application is being recommended for denial without prejudice against refiling. If it is later determined by the Commission that there has been a sufficient change in circumstances regarding the property or in the zoning application itself, it may waive the waiting period and grant a new hearing. Newly annexed land which has been given Agricultural zoning is exempt from the one (1) year waiting period.

**Section 20.05 Action of the City Council**

- (a) If the Planning and Zoning Commission has recommended approval or denial of an application, the City Council shall set said application for public hearing and shall give notice of the time and place of the hearing by one (1) publication in the official newspaper at least fifteen (15) days prior to such hearing, and in addition shall send written notices to the owner of the property or his agent, and to all property owners of real property lying within two hundred (200) feet of the subject property pursuant to Section 20.03(b).
- (b) If the Planning and Zoning Commission has recommended to the City Council that a proposed amendment be disapproved, the City Council may refuse to adopt the amendment by a simple majority vote of the Councilmen present and voting. However, in order to adopt the amendment which has been recommended for disapproval by the Planning and Zoning Commission, the amendment shall not become effective except by the favorable vote of a simple majority of all members of the City Council of the City of Bells present and voting.
- (c) When the Planning and Zoning Commission has recommended to the City Council that a proposed amendment be approved, the City Council may disapprove the petition or application for amendment by a simple majority vote of the City Councilmen present and voting. In the event of a tie vote of the City Councilmen present and voting, the Mayor may cast the deciding vote.
- (d) In the case of a protest against an amendment to the ordinance signed by the owners of twenty percent (20%) or more either of the area of the lots or land immediately adjoining the area included in the proposed change and extending two hundred (200) feet from that area, such amendment shall not become effective except by the favorable vote of a simple majority of all members of the City Council of the City of Bells.
- (e) In making its determination, the City Council shall consider the following factors:
  - (1) Whether the uses permitted by the proposed change will be appropriate in the immediate area concerned and their relationship to the general area and the city as a whole.
  - (2) Whether the proposed change is in accord with any existing or proposed plans for providing public schools, streets, water supply, sanitary sewers and other utilities to the area and shall note the findings.

- (3) The amount of vacant land currently classified for similar development in the vicinity and elsewhere in the city, and any special circumstances which make a substantial part of such vacant land unsuitable for development.
  - (4) The recent rate at which land is being developed in the same zoning classification as the request, particularly in the vicinity of the proposed changes.
  - (5) The manner in which other areas designated for similar development will be, or are likely to be, affected if the proposed amendment is approved, and whether such designation for other areas should also be modified.
  - (6) Any factors which will substantially affect the public health, safety, morals, or general welfare.
- (f) In considering a motion to deny a zoning application, or upon voting to deny a zoning application, the City Council shall further consider whether said application shall be denied with or without prejudice against refiling. If the City Council shall deny the application and fail to clearly state the same is being denied with prejudice, then it shall be deemed that said application is being denied without prejudice against refiling. If an application is denied with prejudice, no application may be filed for all or part of the subject tract of land for a period of one (1) year from the date of denial by the City Council. If it is determined by the Planning and Zoning Commission that there has been a sufficient change in circumstances regarding the property or in the zoning application itself, it may waive the waiting period and grant a new hearing. Newly annexed land which has been given Agricultural zoning is exempt from the one (1) year waiting period.

#### **Section 20.06 Effect of Denial of Petition**

In case the application for an amendment to the Zoning Ordinance is denied by the City Council, said application shall not be eligible for reconsideration for one (1) year subsequent to such denial. A new application affecting or including all or part of the same property must be substantially different from the application denied, in the opinion of the Planning and Zoning Commission, to be eligible for consideration within one (1) year of the denial of the original application.

In the event of a reapplication affecting the same land is for a zone that will permit the same use of the property as that which would have been permitted under the denied application, the same shall not be considered to be substantially different from the application denied.

#### **Section 20.07 Final Approval and Ordinance Adoption**

If the amending ordinance is not approved within six (6) months from the time of its original consideration, the zoning request, at the option of the City Council, may be recalled for a new public hearing.

#### **Section 20.08 Changes in Zoning Regulations**

Amendments to the Zoning Ordinance not involving a particular property but involving change in the zoning regulations generally do not require notice to individual property owners. In such cases, notice of the required public hearing shall be given by publication in the official newspaper of the city, stating the time and location of the public hearing, which time shall not be earlier than fifteen (15) days from the date of such publication.

## Article 21: Board of Adjustment; Variances and Appeals

### Section 21.01 Creation

There is hereby created a board of adjustment (BA), also referred to as the "board," for the purpose, in appropriate cases and subject to appropriate conditions and safeguards, to grant variances from certain specific and literal terms of this ordinance that are consistent with the general purpose and intent of this ordinance. The board shall be composed of members who are resident citizens and qualified voters of the city. As a Type A general-law municipality, the City Council is granted authority to act as the board of adjustment (BA).

### Section 21.02 Members; Terms of Office

- (a) The board of adjustment shall consist of the city council or seven (7) appointed members, five (5) regular and two (2) alternates, who are resident citizens and qualified voters of the city. When appointed, one (1) alternate member shall be nominated by the city council as a group and one (1) alternate member shall be nominated for appointment by the mayor. Board members shall be appointed by a simple majority vote of the city council, in accordance with Texas Local Gov't Code, sections 211.008–211.011, as amended.
- (b) Regular board members and alternate members shall serve for a term of 2 years, and expiration of terms shall be staggered so that an overlapping of terms occurs, such as in any 2-year period, the terms of 3 members shall expire during one of those years, and the terms of 4 members shall expire during the second year. Terms of office shall expire on the first day of November of any given year.
- (c) If a vacancy occurs on the commission, the city council or mayor who originally appointed that member or his or her successor shall appoint a person, with approval of the city council, to fill the unexpired term at the first regular meeting of the city council following notification of the vacancy.
- (d) Removal of board members. The city council may by majority vote remove a board member for lack of confidence, incompetence, corruption, misconduct, or malfeasance. In addition, upon recommendation of the board of adjustment, the city council by super-majority vote may remove any board member who misses three (3) consecutive meetings within a twelve (12) month period of time or four (4) meetings within a twelve (12) month time period. For the purpose of this meeting attendance requirement, it shall be considered a missed meeting for any board member who leaves a meeting prior to the completion of all action items on the posted agenda for a meeting, for any other reason than to avoid a potential conflict of interest. Any board member who is removed shall not be considered for appointment to a board by the city council for a period of six (6) months from the date of their removal.
- (e) The members of the board shall serve without compensation.
- (f) The board shall elect a chairperson and a vice-chairperson from among its membership, and each officer shall hold office for one year or until replaced by a simple majority vote of the full board. The director or his or her designee shall keep minutes of all meetings held by the board.

### Section 21.03 Meetings

Meetings of the board of adjustment shall be held at the call of the chairperson and at other times as the board may determine. All meetings of the board shall be open to the public. Closed meetings (such as executive session) shall be permitted as authorized by law. Four members of the board shall constitute a quorum for the conduct of business. All cases to be heard by the board will always be heard by at least 75% of the members, which constitutes 4 members.

### Section 21.04 Authority of the Board

The board of adjustment shall have the authority, subject to the standards established in Texas Local Gov't Code, sections 211.008–211.011, and those established herein, to exercise powers and to perform duties including the following:

- (a) Hear and decide an appeal that alleges error in an order, requirement, decision, or determination made by an administrative official in the enforcement of this ordinance, another zoning ordinance, the subdivision ordinance, and other city ordinances granting appellate jurisdiction to the board;
- (b) Authorize in specific cases a variance (see subsection (f) below) from the terms of this ordinance if the variance is not contrary to the public interest and, due to special conditions, a literal enforcement of this ordinance would result in unnecessary hardship, and so that the spirit of this article is observed and substantial justice is done;
- (c) In exercising its authority under subsection (d)(1) above, the board may reverse or affirm, in whole or in part, or modify the administrative official's order, requirement, decision, or determination from which an appeal is taken and make the correct order, requirement, decision, or determination, and for that purpose the board has the same authority as the administrative official; and
- (d) The concurring vote of 75 percent of the members of the board is necessary to:
  - (1) Reverse an order, requirement, decision, or determination of an administrative official;
  - (2) Decide in favor of an applicant on a matter on which the board is required to review by ordinance; or
  - (3) Authorize a variance from the strict and literal terms of this article.

### Section 21.05 Limitations on Authority of Board

- (a) The board may not grant a variance authorizing a use other than those permitted in the district for which the variance is sought, except as provided in subsection (f) below. Generally, the board is not authorized to grant use variances.
- (b) The board shall have no power to grant or modify conditional use permits authorized under these regulations.
- (c) The board shall have no power to grant a zoning amendment. In the event that a request for a zoning amendment is pending before the planning and zoning commission or the city council, the board shall neither hear nor grant any variances with respect to the subject property until final disposition of the zoning amendment.
- (d) The board shall not grant a variance for any parcel of property or portion thereof upon which a site plan, preliminary plat, or final plat, where required, is pending on the agenda of the planning and zoning commission and, where applicable, by the city council. All administrative remedies available to the applicant shall have been exhausted prior to hearing by the board of adjustment.

**Section 21.06 Variances**

- (a) A variance is the relief from strict application of any term or provision of this article when such strict application would cause an undue hardship. The hardship must be due to the nature of the land or tract of land, and cannot be solely economic in nature. Under no circumstances can a variance be issued to allow any use other than those set forth in the zoning district in question.
- (b) The board of adjustment may authorize a variance from these regulations when, in its opinion, undue hardship will result from requiring strict compliance. In granting a variance, the board shall prescribe only conditions that it deems necessary for or desirable to the public interest. In making the findings hereinbelow required, the board shall take into account the following:
  - (1) The nature of the proposed use of the land involved;
  - (2) Any existing uses of land in the vicinity; and
  - (3) The probable effect such variance will have upon traffic conditions and upon the public health, safety, convenience and welfare of the community.
- (c) No variance shall be granted without first having given public notice and having held a public hearing on the variance request in accordance herewith and unless the board of adjustment makes specific findings as follows:
  - (1) That there are special circumstances or conditions affecting the property involved such that the strict application of the provisions of this article would (i) deprive the applicant of the reasonable use of the property; and (ii) create an unnecessary hardship in the development of the property;
  - (2) That such circumstances or conditions are (i) not self-imposed; (ii) not based solely on economic gain or loss; and (iii) do not generally affect most properties in the vicinity of the property;
  - (3) The variance is necessary for the preservation and enjoyment of a substantial property right of the applicant;
  - (4) The variance if granted will not:
    - (a) Adversely affect the public health, safety or welfare;
    - (b) Be contrary to the public interest; and
    - (c) Be injurious to or adversely affect the orderly use of other property within the area.
  - (5) The property involved is otherwise in compliance with all other applicable city ordinances, rules, and regulations; and
  - (6) The granting of the variance will be in harmony with the spirit and purpose of this article.
- (d) In making the finding required in subsection (3)(E) above, the board may rely solely on a representation by the city administrator. If the city administrator's representation is that the property is not in compliance with any city ordinance, it shall specify such noncompliance (the "noncompliance"). In the event that the board can make the findings required to grant a variance but for the noncompliance, it may grant a variance to the applicant conditioned upon the property coming into compliance within 90 days of such conditional grant, or within such longer period as may be specified by the board of adjustment. The applicant shall take no action based upon such variance until the expiration of such period. If the city administrator does not determine that the noncompliance has been cured within such period the variance shall expire automatically.
- (e) The applicant bears the burden of proof in establishing the facts justifying a variance.

- (f) A building permit shall be applied for (if required) and construction initiated within one year of the issuance of a variance. If this condition is not met, the variance shall expire automatically unless extended by the BA. No development right (if any) shall vest in an expired variance.

#### Section 21.07 Appeals to the Board of Adjustment

- (a) **Authority.** In addition to the authorization of variances from the terms of this article, the BA shall have the authority to hear and decide an appeal that alleges error in an order, requirement, decision, or determination made by an administrative official in the enforcement of this article. The BA may reverse or affirm, in whole or in part, or may modify the administrative official's order, requirement, decision, or determination from which an appeal is taken and make the correct order, requirement, decision, or determination, and for that purpose, the BA has the same authority as the administrative official. The BA may also hear and decide other matters authorized by this code and other ordinances regarding land use regulations.
- (b) **Who May Appeal.** Any of the following persons may appeal to the BA a decision made by an administrative official:
  - (1) A person directly aggrieved by the decision; or
  - (2) Any officer, department, board, or office of the municipality affected by the decision.
- (c) **Procedure for Appeal.** The appellant must file with the BA and the administrative official from whom the appeal is taken a written notice of appeal specifying the grounds for the appeal. The appeal must be filed within 60 days after the decision has been rendered. Upon receiving the notice, the official from whom the appeal is taken shall immediately transmit to the BA all papers constituting the record of action that is appealed. An appeal stays all proceedings in furtherance of the action that is appealed unless the official from whom the appeal is taken certifies in writing to the BA facts supporting the official's opinion that a stay would cause imminent peril to life or property. In that case, the proceedings may be stayed only by a restraining order granted by the BA or a court of record on application, after notice to the official, if due cause is shown. The appealing party may appear at the appeal hearing in person or by agent or attorney. The board shall decide the appeal within 4 weeks after a public hearing is concluded, after which time the request shall be deemed automatically approved if no formal action is taken. The board may reverse or affirm, in whole or in part, or modify the administrative official's order, requirement, decision, or determination from which an appeal is taken, and make the correct order, requirement, decision, or determination.

#### Section 21.08 Procedures

- (a) **Application and Fee.** An application for a variance by the board of adjustment shall be made in writing using forms prescribed by the BA, and shall be accompanied by an application fee (as adopted by the city from time to time and maintained on file), a site plan, and additional information as may be requested in order to properly review the application. This information may include, but is not limited to, plat plans, site building plans, photographs, topographic contour maps, and other similar documents.
- (b) **Review and Report by the City.** The mayor or the mayor's designee shall visit the site where the proposed variance will apply and the surrounding area, and shall report his or her findings to the BA.
- (c) **Notice and Public Hearing.** The board of adjustment shall hold a public hearing for consideration of the variance request no later than 45 days after the date the application for



action, or an appeal, is filed. Notice of the public hearing shall be provided to all property owners within 200 feet of the affected property at least 10 days prior to the public hearing, and also published in the official local newspaper at least 10 days prior to the public hearing.

- (d) **Action by the BA.** The BA shall not grant a variance unless it finds, based upon compelling evidence, that each of the conditions in subsection (f) above has been established. The BA may impose conditions, limitations, and safeguards as it deems appropriate upon the granting of any variance. Violation of any such condition, limitation, or safeguard shall constitute a violation of this article.

#### Section 21.09 **Finality of Decisions; Judicial Review**

All decisions of the BA are final and binding. However, any person aggrieved by a decision of the BA may present a verified petition to a court of record which states that the decision of the BA is illegal, in whole or in part, and specifying the grounds of the illegality. This petition must be presented within 10 days after the date the decision is filed in the BA's office. Subject to the provisions of Texas Local Gov't Code, section 211.011, only a court of record may reverse, affirm, or modify a decision of the BA.

**State law reference**—Establishment and authority of zoning board of adjustment, V.T.C.A., Local Government Code, sec. 211.008 et seq.