City of Granite Shoals
2221 N. Phillips Ranch Road
Granite Shoals, TX 78654
(830) 598-2424 fax (830) 598-6538
www.graniteshoals.org

**FOR A REGULAR MEETING**
**OF THE PLANNING AND ZONING COMMISSION**
**GRANITE SHOALS CITY HALL, 2ND FLOOR COUNCIL CHAMBER**
**2221 N. PHILLIPS RANCH ROAD**
**GRANITE SHOALS, TX 78654**
**THURSDAY, JANUARY 21, 2016**
**6:00 P.M.**

*Commissioners will consider and may take action on any or all of the following items:*

Call meeting to order

Public comment and announcements

*At this time, any person with business before the Commission not scheduled on the agenda may speak to the Commission. No formal action can be taken on these items at this meeting. No discussion or deliberation can occur. Comments regarding specific agenda items should occur when the item is called. Anyone wishing to speak under this agenda item must complete a Comment Card and submit to the Chair or the Secretary, prior to addressing the Commission.*

City Staff Announcements/Items of Public Interest

APPROVAL OF MINUTES / HOUSEKEEPING ITEMS

1. a. Review and consider approval of the minutes from the Planning and Zoning Commission Regular Meeting of November 19, 2015.
   b. Consider Commission accomplishments for 2015 and set priorities and direction for new year 2016.

REGULAR AGENDA ITEMS

2. Continue to review and discuss the Granite Shoals Zoning Ordinance, as supplemented.
*(The P&Z Commissioners have been reviewing the entire Zoning Ordinance, which is Chapter 40 in the city code. At their meeting on June 18, 2015, the Commissioners reviewed sections 40.8 through 40.11, at their July 16th meeting they reviewed Section 40.12 General Business District GB-1 through Section 40.14 Industrial District item d. #9. At their August 20, 2015 meeting, the Commissioners resumed reviewing Industrial District and reviewed through 40.17 Height and area restrictions, generally. September 17th, the Commissioners discussed regulations of non-conforming structures, Administration, and the Board of Adjustments and also discussed driveways. October 15th and November 19th, the Commissioners reviewed parking and Drive-ways section again. Tonight, they will consider moving forward through the Ordinance.)*

3. Discuss, consider and possibly take action related to reviewing and sending recommendations to City Council related to issues with the Non-Conforming Ordinance.

4. Identify future agenda items
   - Non-conforming Ordinance
   - Annexation Plan for the City
   - Review of draft amendment to the City Comprehensive Plan for Road Improvements – review proposal and Streets and Water Advisory Group recommendations at future meeting.

5. Adjourn.

CERTIFICATION

*I certify that the foregoing agenda has been posted at Granite Shoals City Hall inside bulletin board, the new six panel outside Park Information and City Public Notice bulletin board case and the official city website at www.graniteshoals.org , a place accessible at all times, on Friday, January 15, 2016 before 6:00 PM and will remain there continuously from such time until after the conclusion of the P&Z Meeting on the night of Thursday, January 21, 2016.*

*City Hall Council Chambers is wheelchair accessible and accessible parking spaces are available. Requests for accommodations or interpretive services must be made 8 hours prior to this meeting. Please contact the City Secretary at (830) 598-2424 for further information.*

Elaine Simpson

*Elaine Simpson, TRMC/MMC*
*City Secretary*

**City of Granite Shoals, Texas**
**Planning and Zoning Commission Reg. Mtg.**
**Agenda Item Cover Memo**
**Date: January 21, 2016**

**Agenda Item:** APPROVAL OF MINUTES / HOUSEKEEPING ITEMS

1. a. Review and consider approval of the minutes from the Planning and Zoning Commission Regular Meeting of November 19, 2015.
   b. Consider Commission accomplishments for 2015 and set priorities and direction for new year 2016.

**Prepared/Submitted By:** ***Ken Nickel, City Manager***
**Department:** ***Administration***

## BACKGROUND

APPROVAL OF MINUTES / HOUSEKEEPING ITEMS

1. a. Review and consider approval of the minutes from the Planning and Zoning Commission Regular Meeting of November 19, 2015.
   b. Consider Commission accomplishments for 2015 and set priorities and direction for new year 2016.

***a.) The meeting minutes from November 19, 2015 are short as there was no formal action taken after the approval of the meeting minutes. Ken's handwritten notes have been attached as Exhibit 'A'.***

***b.) The other City Council advisory Boards and Committees have been reviewing their 'accomplishments' from calendar year 2015 and re-evaluating the committees priorities and goals for 2016. The Parks Advisory Committee and the Streets and Water Advisory Group (SWAG) have already completed this process.***

***City staff believes that here at the beginning of the calendar year, with the newly supplemented City Code now available, is an opportune time to assess where the Commission stands and make plans for the coming year.***

***Since September 2013 the P&Z Commissioners have been reviewing the entire Zoning Ordinance – Chapter 40 of the City Code. Much progress has been made, culminating in Ord. 663, adopted in July 2015, which updated several sections of the Zoning Ordinance, including R-1 Residential Zoning.***

***The Commissioners also accomplished the following:***
***Rezoning(s):***
***Ord. 670, 9/22/2015 -Three newly annexed properties were zoned R-1.***
***Ord. 677, 10/27/2015 -The entire length of FM 1431 through the Business Corridor of the City, from Valley View in the East to the Railroad tracks in the West side, were zoned GB-2. This uniform zoning was a long-term goal of the P&Z to simplify the process of bringing a business into the city.***

***Improvement of processes and procedures in the Development Department:***

***Ord. 661, 3/10/2015 and***

***Ord. 673, 11/10/2015 - Establishing procedures for the Approval of simple re-plats by the City Manager. These new procedures allow the property owner to get approval of a simple re-plat at the city staff level, and no longer have to present requests at the P&Z Commission and the City Council. This saves money, effort and time for the property owner during a project.***

***Ord. 673, 9/22/2015 and***

***Ord. 676, 11/10/2015 – Both these Ordinances contributed positively for the citizens and property owners because they established procedures for a property owner to request a Release of City Utility Easement, without the need for a complete re-plat if the re-plat was not necessary.***

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# MEETING MINUTES
# FOR A REGULAR MEETING
# OF THE PLANNING AND ZONING COMMISSION
# GRANITE SHOALS CITY HALL, 2ND FLOOR COUNCIL CHAMBER
# 2221 N. PHILLIPS RANCH ROAD
# GRANITE SHOALS, TX 78654
# THURSDAY, NOVEMBER 19, 2015 6:00 P.M.

Shannon Wilson; Chair, called to order the regular meeting of the Planning and Zoning Commission of the City of Granite Shoals at 6:00 p.m., Granite Shoals City Hall, 2221 N. Phillips Ranch Road, Granite Shoals, Texas.

Present:
Claudine Gonzales
Susie Hardy, Vice-Chair
Shannon Wilson, Chair
Terry Scott

Absent:
Shawna Williams
Paul Fletcher

City Staff:
City Manager Ken Nickel
Preston Williams, Code Compliance Officer
Elaine Simpson, City Secretary (recording)

*Commissioners will consider and may take action on any or all of the following items:*

Public comment and announcements

*At this time, any person with business before the Commission not scheduled on the agenda may speak to the Commission. No formal action can be taken on these items at this meeting. No discussion or deliberation can occur. Comments regarding specific agenda items should occur when the item is called. Anyone wishing to speak under this agenda item must complete a Comment Card and submit to the Chairman prior to addressing the Commission.*

City staff noted Items of Interest including upcoming Dumpster Day on November 21, 2015, Christmas By the Highway Display opening December 4th and The Florida Boys in concert also on Dec. 4th.

There were no citizen comments.

APPROVAL OF MINUTES

1. Review and consider approval of the minutes from the Planning and Zoning Commission Regular Meeting of October 15, 2015.

Motion to approve, as presented, the meeting minutes from 10-15-2015 was made by Commissioner Scott, and seconded by Commissioner Gonzales. Motion passed by a unanimous vote of 4-0.

REGULAR AGENDA ITEMS

2. Continue to review and discuss the Granite Shoals Zoning Ordinance, as supplemented. *(The P&Z Commissioners have been reviewing the entire Zoning Ordinance, which is Chapter 40 in the city code. At their meeting on June 18, 2015, the Commissioners reviewed sections 40.8 through 40.11, at their July 16th meeting they reviewed Section 40.12 General Business District GB-1 through Section 40.14 Industrial District item d. #9. At their August 20, 2015 meeting, the Commissioners resumed reviewing Industrial District and reviewed through 40.17 Height and area restrictions, generally. September 17th, the Commissioners discussed regulations of non-conforming structures, Administration, and the Board of Adjustments and also discussed driveways. October 15th,the Commissioners reviewed parking and Drive-ways section again. Tonight, they will consider moving forward through the Ordinance.)*

City staff provided the 'red line' version of the Zoning Ord. from 40.8 to 40.17. These sections have been reviewed and proposed modifications are on this 'red-line' document. The proposed modifications have been done from June 2015 through Oct. 2015 by P&Z Commissioners.

Commissioners made no specific recommended changes to the document.

Commissioners discussed, allowed uses in R-2.
Garage and Accessory Building(s) allowed in R-2.
Driveways.
Garages.

3. Discuss, consider and possibly take action to recommend to City Council a modification of the Zoning Ordinance, Chapter 40 of the Code of Ordinances, related to 'Country Club' as an allowed land use.

There was no action taken on this item.

4. Identify future agenda items

Commissioners determined to pick up where they left off on the review of the Zoning Ordinance.

5. Adjourn.

The next meeting of the P&Z will be held on December 17, 2015.

I, _____ Chairman of the Planning and Zoning Commission for the City of Granite Shoals, Texas, certify that the attached are true and correct minutes taken from recordings and notes of the Planning and Zoning Commission Regular meeting held on November 19, 2015.

_____ date _____

Non-Conforming

P & Z Mtg. Minutes
11-19-15
Exhibit 'A'

Sec. 40-8. - Multifamily Residential ~~District~~Zone, R-2.

(a) *Permitted uses.* In a Multifamily Residential ~~District~~Zone, R-2, no building or land shall be used, and no building shall be erected or structurally altered, unless otherwise provided for in this chapter except for one or more of the following uses:

MIN - under roof

~~(1) Single-family dwellings.~~

(2) Two-family dwellings.

(3) Multiple family dwellings, including condominiums.

(4) Boardinghouse or lodginghouse.

(5) Churches or other places of worship.

~~(6) Day nurseries.~~

~~(7) Hospitals, clinics and sanitariums, except a criminal, mental or animal hospital.~~

(8) Marinas, on the water.

~~(9) Nursing and convalescent homes.~~

9) MIN under roof is 12,000 sf.

~~(10) Parks, playgrounds, community buildings and other public recreational facilities, owned and/or operated by the city or other governmental agency.~~

~~(11) Public buildings, including libraries, museums, police and fire stations; elementary schools and secondary schools.~~

~~(12) Schools, private, with a curriculum equivalent to that of a public elementary or secondary school.~~

~~(13) Real estate sales office during the development of residential subdivisions, but not to exceed two years from the date the final plat is filed in the county plat records.~~

(14) Temporary buildings for uses incidental to construction work on the premises, which shall be removed upon the completion or abandonment of construction work.

Keep ✓ (15) Water supply reservoirs and pumping plants, and public utilities when screened from public streets.

(16) An approved private detached garage, ~~or an approved single accessory building~~, not to exceed 700 square feet, may be constructed ~~on an approved lot, on~~:

~~a. The lot where the existing primary residence is located;~~ ✓ Split Zoning

~~b. Any lot on the same subdivision and section which is owned by the same person who owns the lot where the primary dwelling is located.~~

*Garages and ~~accessory buildings~~.* Garages and ~~accessory buildings~~ shall be of similar appearance in design to the main dwelling; which may be achieved with materials, color, pitch, roofline, trim or other architectural features. ~~A~~ single accessory building shall not exceed 500 square feet, and no more than two accessory buildings are allowed on a single lot.

(1) *All property except waterfront property.* All garages and accessory buildings are allowed on the lot adjacent or contiguous to or on the lot on which the primary residence is located.

(2) *Waterfront property.* For waterfront lots, the garage or accessory building may be permitted to be built after January 1, 2016, located on a lot that is directly across the street from the lot upon which the primary dwelling is located ~~or on a lot that is~~

(1)

adjacent to either side, but not the rear, of the lot directly across the street from the lot upon which the primary dwelling is located. Any such lot on which a garage or accessory building is located must be tied with an affidavit filed at Burnet County to the lot upon which the primary dwelling is located. Off-site accessory buildings must be on the same street as the lot upon which the primary dwelling is located or on an intersecting street.

(g) *Carports ~~and Recreational Vehicle (RV) covers~~*. A carport or RV cover is a site-built structure with at least two open sides, similar in color and design to the main dwelling and adjacent to the main dwelling. A property owner may construct a carport or RV cover on a lot where the main dwelling is located, ~~or on a lot adjacent or connected to the main dwelling.~~ No temporary or portable carports are permitted. Temporary or portable carports are carports built from a kit. Examples would be: Carolina Carports, Eagle Carports, King Canopy, etc., or carports made from materials similar to the material provided in kits.

~~The use described in subsection (a)(16)a or b of this section is hereby approved without the necessity of obtaining a replat.~~ If the property owner wishes to construct a garage or an accessory building in excess of 700 square feet, the property owner may apply for a specific use permit Such permit may be reviewed by the planning and zoning commission, and approved or denied by the city council, if it determines that the structure as designed is appropriate for the area, taking into account, the materials used, the affect on adjacent property, the site plan, the ability to convert the property into residential use, the ability to use the property for commercial purposes, and other relevant factors as determined by the city council.

(17)

*Home-based business*. A Home-based business is an office in a residential dwelling that occupies no more than twenty-five percent (25%) of the total floor area of that dwelling. It is operated by one or more of the residents of that particular dwelling and employs no more than two nonresidents.

(1) The home-based business is conducted entirely within a dwelling which is the bona fide residence of the practitioner or within an accessory building located on the same property as the dwelling (not to include a driveway, yard or outside area).

(2) The residential character of the lot and dwelling shall be maintained. Neither the interior nor the exterior of the dwelling shall be structurally altered so as to require compliance with nonresidential construction codes to accommodate the home business. No outdoor storage of material related to the home-based business shall be permitted.

(3) No equipment or materials associated with the home business shall be displayed or stored where visible from anywhere off the premises.

(4) The business shall emit no external noise, vibration, smoke, dust, odor, heat, glare, fumes, electrical interference or waste runoff outside the dwelling unit or on the property surrounding the dwelling.

(5) Outside signs shall be regulated by the city sign ordinance.

(6) Child day care as a home-based business shall only be permitted on presentation to the City Manager or City Manager's designee of valid permits and licenses as required by the state, and shall be limited to no more than six children other than children living

c. Exterior Lighting. No lighting shall be done in such a manner as to provide a direct or reflected glare into a nearby residence or into a public street that creates a driving hazard. Lighting shall be hooded or shielded. This excludes streetlights. ~~No lighting shall be done in such a manner as to provide a direct glare into an adjoining residence or into a public street that creates a driving hazard. Lighting shall be hooded or shielded.~~

(d) *Lot requirements.* No residence shall be constructed on any lot containing less than 5,000 square feet. The Lower Colorado River Authority may call for septic systems requiring a greater lot size. A septic system permit shall be obtained from the LCRA before construction of a building is started.

(e) *Off-street parking.*

(1) *Permitted residential uses.* Off-street parking spaces shall be provided in accordance with the requirements set forth in section 40-16

(2) *Permitted nonresidential uses.* Off-street parking spaces shall be provided in accordance with the requirements set forth in section 40-16

(f) *Minimum dwelling requirements.*

(1) Industrialized housing must: Modulee Home Reference

a. Have a value equal to or greater than the median taxable value for each single-family dwelling located within 500 feet of the lot on which the industrialized housing is proposed to be located, as determined by the most recent certified tax appraisal roll for each county in which the properties are located.

b. Have exterior siding, roofing, roof pitch, foundation fascia and fenestration compatible with the single-family dwellings located within 500 feet of the lot on which the industrialized housing is proposed to be located.

c. Comply with city aesthetic standards, building setbacks, side and rear yard offsets, subdivision control, architectural landscaping, square footage and other site requirements applicable to single-family dwellings.

d. Be securely fixed to a permanent foundation and installed in accordance to the manufacturers specifications. If the typical manufacturers foundation is not approved by local authority, a licensed state professional engineer shall design a foundation for this unique home and site.

(2) No residential dwelling shall be constructed ~~or moved in~~ which contains fewer than 1,200 square feet within the living area; the dwelling shall have a minimum of 16 inches of roof overhang with a vented soffit. The ~~city's building official~~City Manager, or his designee, may waive the venting requirement if, in the building official's judgment, the additional venting is not required for public safety or health reasons.

(g) *Miscellaneous requirements.*

(1) Porches and patios shall not be placed in or allowed to project into ~~a required front or side yard.~~an easement. Columns, posts and supporting structures shall not project into a front or side yard more than one foot. A roof overhang may not project into a front or side yard more than three feet.

(2) All buildings must have an address and building number ~~if applicable.~~as required by city ordinance.

(3)

*Fencing* – Fences may be located directly on the property/lot lines, i.e. front, side(s) and rear yard lot lines. Front yard fencing must have no more than fifty percent (50%) density.

Proposal - Granite

## Residential Off Street Parking Requirements

a) ~~-~~

b) Required off-street parking areas shall be used solely for the parking of licensed motor vehicles in operable condition. Drive ways or garages will be the only approved area for parking in residential districts. ~~No parking on yards shall be allowed at any time i.e. (grass, dirt, or granite)~~

c) No more than a combination of ~~3~~ 4 allowable vehicles shall be parked on a residential driveway at one time. Vehicles that may be parked on a residential driveway are passenger cars, pickup trucks, service vehicles (2-ton payload capacity maximum), boats, and personal water craft. All other allowed vehicles must be parked on the rear half of property, ~~screened from public view and the screening must comply with the fence requirements in residential districts~~. Tarps and /or similar covers are not considered an allowable screen.

d) No more than ~~three~~ Two utility trailers visible from public view may be parked on the rear half of the lot and stored in a neat and orderly manner.

e) Non-Allowable vehicles including but not limited to semi-trucks, semi/tractor trailers, agriculture trailers, fifth-wheel trailers, goose neck box trucks, dump trucks construction equipment of any type shall not be parked, placed, stored, or located on property zoned R-1, R-2, MH-1, or MH-2 unless otherwise provided in this section.

f) One recreational vehicle (RV) including but not limited to motor homes, campers, travel trailers, or any other vehicle designed for human habitation shall be parked and/or stored on the rear half of the property and such vehicle shall not be occupied or used for any reason.

g) Parking in the public right of way may be permitted. At no time shall traffic, view or services be obstructed.

**Exception:** Non-Allowable vehicles and/or equipment may be used, parked and stored in R-1, R-2, MH-1 or MH-2 during construction, but shall be removed immediately upon the completion of such construction.

4 Visable Vehicles

4

CITY OF PARKS

# City of Granite Shoals, Texas
# Planning and Zoning Commission Reg. Mtg.
# Agenda Item Cover Memo
# Date: January 21, 2016

**Agenda Item:** 2. Continue to review and discuss the Granite Shoals Zoning Ordinance, as supplemented.

*(The P&Z Commissioners have been reviewing the entire Zoning Ordinance, which is Chapter 40 in the city code. At their meeting on June 18, 2015, the Commissioners reviewed sections 40.8 through 40.11, at their July 16th meeting they reviewed Section 40.12 General Business District GB-1 through Section 40.14 Industrial District item d. #9. At their August 20, 2015 meeting, the Commissioners resumed reviewing Industrial District and reviewed through 40.17 Height and area restrictions, generally. September 17th, the Commissioners discussed regulations of non-conforming structures, Administration, and the Board of Adjustments and also discussed driveways. October 15th and November 19th, the Commissioners reviewed parking and Drive-ways section again. Tonight, they will consider moving forward through the Ordinance.)*

**Prepared/Submitted By:** ***Ken Nickel, City Manager***
**Department:** ***Administration***

## BACKGROUND

***The Zoning Ordinance has recently been supplemented into the City Code, with changes resulting primarily from Ord. 663, adopted July 2015. This information has been printed for the Commissioners.***

***The document then picks up after Section 40.7 (that is where Ord. 663 ended). From there, is a 'red-line' version of the Zoning Ordinance from Section 40-8 to 40-17. This includes the sections of the Zoning Ordinance which have been considered by the P&Z from June 2015 through October 2015.***

***Please review this 'red-line' version to verify it conforms to the proposed changes from your notes.***

***If there are any discrepancies, please report them to staff.***

***This is the entire Zoning Ord. Chapter 40. Please continue to bring it to P&Z meetings as the Commission continues the review project.***

Supplement #3 -City of Granite Shoals, Texas - Zoning Ordinance - City Code

For

# Chapter 40 - ZONING[1]

Footnotes:

--- (1) ---

Federal law reference—Preservation of local zoning authority concerning wireless telecommunications facilities, 47 USC 322(c)(7); limited federal preemption of state and local zoning laws affecting amateur radio facilities, Memorandum Opinion and Order, PRB-1, 101 FCC 2d 952 (1985) and 47 CFR 97.15(b); Religious Land Use and Institutionalized Persons Act, 42 USC 2000cc et seq.

**State Law reference**— Municipal zoning authority, V.T.C.A., Local Government Code § 211.001 et seq.; zoning commission, V.T.C.A., Local Government Code § 211.007; comprehensive plan, V.T.C.A., Local Government Code § 213.002; board of adjustment, V.T.C.A., Local Government Code §§ 211.008—211.013; zoning districts, V.T.C.A., Local Government Code § 211.005; regulation of political signs by municipality, V.T.C.A., Local Government Code § 216.903; municipality may regulate parking on private property, V.T.C.A., Local Government Code § 431.001; regulation of amateur radio antennas by municipalities, V.T.C.A., Local Government Code § 250.002; Texas Religious Freedom Act, V.T.C.A., Civil Practice and Remedies Code § 110.001 et seq.

## Sec. 40-1. - Purpose.

This chapter is enacted for the purpose of promoting health, safety, morals and the general welfare of the community, in accordance with a comprehensive plan designed to lessen congestion in the streets; to secure safety from fire, panic and other dangers; to promote health and the general welfare; to provide adequate light and air; to prevent the overcrowding of land; to avoid undue concentration of population; and to facilitate the adequate provision of transportation, water, sewage, schools, parks and other public requirements.

(Ord. No. 409, § III, 8-24-2004)

## Sec. 40-2. - Definitions.

(a) Generally. For the purpose of this chapter, certain terms and words are hereby defined; terms not defined in this section shall be construed in accordance with adopted building codes or customary usage and meaning.

(b) Specifically. Where necessary for a reasonable construction of this chapter, words used in the present tense shall include the future; the singular number shall include the future; the singular number shall include the plural and the plural the singular. The term "building" shall include the term "structure"; the term "shall" is mandatory and not directive; the term "lot" includes the term "plot."

Accessory buildings and uses means a subordinate building or portion of the main building, the use of which is incidental to that of the dominate use of the main building or land, including bona fide servants quarters.

Accessory structure means a detached, subordinate structure, the use of which is clearly incidental to the principle structure and use of the land.

Apartment house and apartments mean a building, or portion thereof, which is designed or occupied as the home or residence of more than two families living independently of each other and doing their own cooking in the said building, and shall include flats and other multifamily dwellings.

Bed and breakfast means a family residence where rooms are rented to transient guests on an overnight basis, serving primarily breakfast to those particular guests.

Board means the board of adjustment of the city.

Boardinghouse means a building other than a hotel, where lodging or meals for five or more persons are served for compensation.

Building means any structure built for the support, shelter or enclosure of persons, animals, chattels or moveable property of any kind.

Building area means the total area enclosed by a line formed by the outside surface of all walls at the foundation line.

Building height means the vertical distance from the highest point of the property to the highest point of the structure.

Building line means a line behind which all buildings must be built, such line generally parallel to the front, side or back line.

Building lot means a tract of land which, at the time of filing for a building permit, is intended by its owner or developer to be used, developed or built upon as a unit, under single ownership or control. It shall front upon dedicated streets.

City means the City of Granite Shoals, Texas, a home-rule city.

Commercial recreation means buildings designed for, or occupied by, bowling alleys, health clubs, swimming pools, ice skating, billiards, indoor and outdoor theaters and other similar recreational activities operated as a commercial enterprise.

Condominium means a legal arrangement in which a dwelling unit in an apartment building or residential development is individually owned, but in which the common

areas are owned, controlled and maintained through an organization of all individual owners.

Contractor means a person that contracts or subcontracts to perform work or provide services or supplies, including but not limited to, general contractor, road contractor, lath, plaster or masonry contractor, plumbing contractor, electrician, and truck hauling.

Contractor's yard means an area and/or building used to store equipment, trucks and motor vehicles, construction supplies, building equipment and raw materials customarily required in the construction trades of a contractor engaged in building or other construction businesses, including but not limited to plumbing, electrical, structural, finish, demolition, transportation, masonry, excavating or other construction work. The term "contractor's yard" may include an office that shares the site. Normal maintenance of equipment is allowed. The definition of a contractor's yard shall not apply to those instances where materials stored are to be used within 180 days for the improvement of a residence or business on the property where it is to be constructed.

Day nursery means an agency, organization or individual providing daytime care of six or more children not related by blood or marriage to, or not the legal wards or foster children of the attendant adult.

District means a zoning district which is a part of the city, wherein the regulations of this chapter are uniform.

Driveway means a private roadway to a, garage, carport, or dwelling, and is located entirely within the property owner's property.

Driveway approach means that portion of a driveway that extends from the property line to the primary road surface, which should include the approved drainage culvert.

Dwelling means a building or portion thereof, designed and used exclusively for residential occupancy, including single-family, two-family and multifamily dwellings, but not including hotels, motels, lodginghouses, campers or camp trailers, or any vehicle or portable structure having no permanent foundation other than wheels, jacks or skirts.

Dwelling, multifamily, means a building or portion thereof constructed for the occupancy of two or more families living independently of one another, and doing their own cooking in the building.

Dwelling, single-family, means one or more habitable rooms which are designed to be occupied by one family with facilities for living, sleeping, cooking and eating.

Enclosed storage means area surrounded by a solid fence or wall to a height of six or more feet which effectively screens the contents from view and protects from the spread of fire and vandalism.

Fences means barriers of posts, wire, rails, etc., used as a boundary or means of protection or confinement.

Firewall means a masonry wall, eight inches or more in width, which is continuous from foundation through the roof and is without openings other than fire proof doors.

Fueling station means a facility where fuels for motor vehicles, powered watercraft and motorized equipment are sold and dispensed at retail. Such fuels may include, but are not be limited to, gasoline, E85 and other ethanol blends, diesel, biodiesel, compressed gases, and other motor fuels. Fueling stations may also sell fuel additives and lubricants, but maintenance/repair services are prohibited.

Hotel means a building in which lodging or boarding and lodging are provided for more than 20 persons and offered to the public for compensation and in which ingress and egress to and from all rooms are made through an inside lobby or office supervised by a person in charge at all hours.

HUD-Code manufactured home means a structure constructed on or after June 15, 1976, according to the rules of HUD, transportable in one or more sections, which, in the traveling mode, is eight body feet or more in width or 40 body feet or more in length, or, when erected on site, is 320 or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air-conditioning, and electrical systems. The term does not include a recreational vehicle as that term is defined by 24 CFR 3282.8(g).

Loading space means an off-street space for the parking of a vehicle while loading or unloading merchandise or materials.

Lodginghouse means a building, other than a hotel, where lodging without meals for five or more persons is provided for compensation.

Lot means a tract or parcel of land on which a building of primary use may be built along with an accessory building incident to it, having a frontage on a dedicated street.

Lot, corner, means a lot situated at the intersection of two streets.

Lot, interior, means a lot other than a corner lot.

Lot line, front, means that boundary of a building lot which is also the line of an existing or dedicated street Upon corner lots, either street line may be selected as the front lot line provided a front and rear yard are established adjacent and opposite, respectively to the front lot line.

Lot of record means a lot which is part of a subdivision, the plat of which has been recorded in the office of the county clerk; or a parcel of land, the deed of which was recorded in the office of the county clerk.

Lot, through, means a lot other than a corner lot, with frontage on two streets. On a through lot, both street lines shall be deemed front lot lines. Two back to back corner lots may be a through lot.

Marina means any structure or combination of structures designed for the mooring of boats, a marine fuel facility, and the sale of related merchandise allowed within the General Business One District, GBI. Sale of alcoholic beverages may be applicable.

Mobile home means a structure that was constructed before June 15, 1976, transportable in one or more sections, which, in the traveling mode, is eight feet or more in width or 40 body feet or more in length, or, when erected on site, is 320 or more

square feet, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air conditioning and electrical systems.

Motel means a building or a group of buildings which contains living or sleeping accommodations used primarily to serve each living or sleeping unit.

Nonconforming building means any building or part thereof lawfully existing or occupied at the effective date of the ordinance from which this chapter is derived which does not comply with the regulations of the zoning district in which it is located.

Nonconforming use means any use lawfully existing after the passage of this chapter, which does not comply with the regulations of the zoning district in which it is located.

On-site storage container means a portable storage container designed and constructed as a standardized, reusable vessel intended to be loaded on a truck, rail car or ship and modified to be used for storage purposes. Examples include, but are not limited to, Conex boxes or any other portable storage container.

Parking space, private. See section 40-16.

Parking space, public. See section 40-16.

Paved areas means an area surfaced with asphalt, concrete or similar all weather surface. See section 40-16(d)(1).

Person means a natural person, his heirs, executors, administrators or assigns, and also includes a firm, partnership or corporation, its or their successors and/or assigns, or the agent of any of the aforesaid.

Planning and zoning commission means the planning and zoning commission of the city.

Privacy fence means a fence constructed of wood slats, chainlink with slats, masonry or similar material, and so constructed and maintained as to virtually prevent vision through it.

Public use means any use controlled by the city, county, state, federal or any other governmental entity or agency.

Public utility means an organization supplying but not limited to water, electricity, transportation, sewage treatment and disposal, solid waste collection and disposal.

Repair facility 1 means a facility that may sell at retail motor fuels as identified above, and may sell and/or install some/all of the following repair/replacement products for motor vehicles, powered watercraft and motorized equipment:

(1) Tires, wheels, brakes, batteries, exhaust and suspension parts;

(2) Accessory parts;

(3) Lubricant and filter changes.

Repair facility 2 means a facility that in addition to some/all of the services provided by level one repair facilities, provides repair and replacement services on drive trains for

motor vehicles, powered watercraft and motorized equipment. This may include, but is not limited to, engine, transmission, and differential repairs, overhauls and replacement. Sales of motor fuels are prohibited. Sales of lubricants are permitted only to the extent required to complete repairs.

Resort complex means a commercial enterprise located on acreage with appropriate landscaping and green space. It may have the following facilities located within its borders; lodging, conference centers, dining and bar facilities, swimming pools, marinas, tennis courts and service/support buildings.

Restaurants and bars mean a retail establishment primarily engaged in the sale of prepared food and drinks for consumption on the premises.

RV or recreational vehicle means vehicular-type portable structure without permanent foundation that can be towed, hauled, or driven and primarily designed as a temporary living accommodation for recreational, camping, and travel use and including, but not limited to, travel trailers, truck campers, camping trailers, and self-propelled motor homes.

RV, watercraft and trailer storage (commercial) means the storage of one or more recreational vehicles, watercraft or trailers for a fee or other compensation.

Signs means any device or surface on which letters illustrations, designs, figures or symbols are painted, printed, stamped, raised, projected or in any manner outlined or attached and used for advertising purposes. Sign regulations are located in section 40-24.

Site plan means a plan to scale, showing uses and structures proposed for a parcel of land as required by the regulations involved. It includes lot lines, streets, sewer and water lines, building sites, reserved open space, buildings, major landscape features, both natural and manmade and the locations of proposed utility lines.

Street means a right-of way, whether public or private and however designated, which provides vehicular access to adjacent land. Streets may be of the following categories:

(1) Major thoroughfares, also known as arterial streets or primary thoroughfares, which provide vehicular movement from one neighborhood to another or to distant points within the city, and including freeways or highways leading to other communities.

(2) Collector streets, also known as feeder streets or secondary thoroughfares, which provide vehicular circulation within neighborhoods, and from local streets to major thoroughfares.

(3) Local residential streets, also known as minor thoroughfares or streets, which primarily provide direct vehicular access to abutting residential property.

(4) Private streets are streets which are owned and maintained by an individual or group of individuals and are not dedicated to the public.

Structurally altered means any addition or repair to any building which changes its basic structure, size, shape or outward appearance, or changes the plumbing, wiring or sewer connections of the building.

Texas industrialized housing means building structures bearing a decal with white background, blue star, blue lettering, two inches by four inches. The insignia decal bears blue border and lettering and state map outlined in red. These structures are manufactured to meet requirements as set forth in the Texas Industrialized Housing and Buildings Act, Texas Civil Statutes 5221F-1, chapter 70, rules and regulations, and Texas Department of Licensing and Regulation, Texas Civil Statutes, article 9100, do meet the requirements of an R-1 single-family residence for zoning purposes.

Texas manufactured housing means structures bearing a red Housing and Urban Development Seal, and/or manufactured as set forth by the Texas Manufactured Housing Act, Texas Civil Statutes, article 5221F, and Administrative Rules, and Texas Department of Licensing and Regulation, Texas Civil Statutes, article 9100, are mobile homes and do not meet the requirements of an R-1 single-family residence for zoning purposes.

The Texas Industrialized Housing and Buildings Act means Texas Civil Statues 5221F, chapter 70, rules and regulations, and state department of licensing and regulation, Texas Civil Statutes article 9100 are incorporated into the ordinance from which this chapter is deriver, as attachment A.

The Texas Manufactured Housing Act means Texas Civil Statutes, article 5221F, and administrative rules and state department of licensing and regulation, Texas Civil Statute, article 9100, is incorporated into the ordinance from which this chapter is deriver, as attachment B.

Vacation home rental means a dwelling unit (as defined in this section) intended for permanent occupancy that is occupied for transient use by any person other than the primary owner for any form of compensation and for a period of less than 27 consecutive days. The term "vacation home rental" does not include a bed and breakfast permitted and operated in accordance with this chapter.

Wholesale distributor means a distributor that sells motor fuels and lubricants at a wholesale level. No maintenance/repair services are provided.

Yard means an open space, on the same building lot with a building, unoccupied and unobstructed by any portion of a structure from the ground upward, except as otherwise provided.

Yard, dominant side, means the widest side yard of a lot.

Yard, rear, means the part of the lot between a line projected the full width of a lot along the rear wall of the main building on said lot.

Yard, subordinate side, means the narrowest side yard of a lot.

(Ord. No. 409, § IV, 8-24-2004; Ord. No. 409-C, § II.A, 8-13-2008; Ord. No. 409-D, § 2.A, 6-22-2010; Ord. No. 409-E, § 2, 2-28-2012; Ord. No. 614, § II(B), 8-27-2013; Ord. No. 629, § II(A), 1-14-2014; Ord. No. 650, § 2(A), 7-22-2014)

Sec. 40-3. - General compliance for General Business I (GB-1), General Business II (GB-2) and Industrial Districts (I).

(a) No building shall be erected and no existing building shall be moved, structurally altered, added to or enlarged, nor shall any land, building or premises be used, or designated for use for any purpose or in any manner other than provided for hereinafter in the zoning district in which the building, land or premises is located; provided, however, that necessary structural repairs may be made where health and safety are endangered.

(1) Purpose. The purpose of this section is to provide control over the structures in business and industrial areas of the city so that they will complement existing activities, structures and neighborhoods and conform to future plans of the city's growth.

(2) Review. An applicant for a building permit for new construction or remodeling on any property zoned General Business One (GB-1), General Business Two (GB-2) or Industrial District (I) must submit to the city manager or city manager's designee for review description of the activity to be conducted, the location, building plans, site plans with dimensions, drawings and specifications.

(3) Approval. Approval will be given based upon the appropriateness to the specific activity at the specific location with regard to existing activities, structures and neighborhoods and to the plans of the city.

(4) Rejection. If the review results in a rejection of the submitted plans, the city manager or city manager's designee will send a letter of rejection to the applicant within five business days after rejection is given stating the specific reasons for the rejection. The applicant may modify the plans accordingly and resubmit the new plans to the city manager or city manager's designee at any time after this notice is received.

(5) Appeals. Any person may appeal the city manager or city manager's designee's decision (rejection) to the board of adjustments.

(6) Design guidelines. The following will be used as guidelines in determining the acceptability of submitted designs:

a. All plans submitted, must comply with the building codes in effect for the city at the time said plans are submitted.

b. Surface area of any building façade must be glass, rock, wood, masonry, copper, vinyl siding, aluminum siding, cement board, or combination thereof. Wood must be properly painted, stained, protected, sealed or otherwise treated appropriate for the type of wood material used. Except for accessory storage buildings, sheets of pressed wood or plywood material are not considered acceptable as wood or masonry.

c. Masonry buildings may use brick, stone, stucco and similar materials. If concrete or cinder block is used, it must be textured and painted, or coated with stucco or a similar material.

d. Driveways and parking areas must be graded and paved or graveled with a dust-free material (includes granite gravel).

e. Minimum landscaped open space must be provided as follows:

1. Office uses: Fifteen percent of lot area;
2. Commercial uses: Ten percent of lot area;
3. Industrial uses: Five percent of lot area.

Said area must be landscaped with grass, shrubs, trees, flowers, native vegetation or drought-resistant plants.

f. Material used on the framing or exterior surfaces of any structure must be new and of good quality. Antique, reclaimed or recycled material may be used on interior surfaces at the property owner's discretion.

g. All heating and air conditioning equipment shall be screened from the view from any public street.

h. Rear yards shall be required, only in the instance when the property abuts, along its rear lot line, property zoned and used for residential purposes, in which case a ten-foot rear yard shall be provided between GB uses and Residential uses, and not less than a 20-foot (rear yard between Industrial uses and Residential uses.

i. Outside storage and trash receptacles shall be enclosed from view of the general public by a solid fence constructed of either masonry or wood. The fence shall be a minimum of six feet tall. Where an industrial (I) use property abuts a residential use a solid fence with a minimum height of eight feet shall be provided along the entire common boundary. No outside storage or trash receptacle shall be higher than the height of screening. All screening shall be maintained in a safe and sightly condition at all times. All GB-1, GB-2 or I district trash dumpsters shall be serviced from owner's property.

(7) Nonconforming building and uses. Refer to section 40-18 for regulations.

(8) Compliance and violations. Compliance by the applicant to the plans submitted and approved, will be determined by the city manager or city manager's designee. Should the city manager or city manager's designee determine that the actual construction varies from the approved plans, the city manager or city manager's designee may issue a violation and the applicant may be subject to a fine.

(b) No building shall be erected, nor shall any existing building be structurally altered, enlarged or rebuilt, nor shall any open space surrounding any building be encroached upon or reduced in any manner, unless the same shall conform to the regulations hereinafter designated for the zoning district in which such building or open space is located.

(c) No yard or other open space provided around any building for the purpose of complying with provisions of this chapter shall be considered as providing a yard or open space for a building on any other lot.

(Ord. No. 409, § V, 8-24-2004; Ord. No. 409-D, § 2.B, 6-22-2010; Ord. No. 663, § II, 7-28-2015)

Sec. 40-4. - Establishment of zoning districts and boundaries, and governing building codes.

(a) Districts established. For the purpose of this chapter, the city is hereby divided into districts as follows:

| | |
|---|---|
| Single-Family Residential District | R-1 |
| Multifamily Residential District | R-2 |
| Manufactured Home Residential District | MH-1 |
| Manufactured Home Park District | MH-2 |
| General Business District One | GB-1 |
| General Business District Two | GB-2 |
| Industrial District | I |
| Agricultural District | AG |
| Planned Development District | PD |

(b) Zoning map. The location and boundaries of the districts herein established are shown upon the official zoning map, which is hereby incorporated into this chapter. The zoning map is maintained at city hall.

(c) Permitted uses are listed for the various districts. Uses not specifically listed are prohibited.

(d) Used buildings. No building which is not constructed of new materials, shall be designated for use for any purpose or in any manner moved, relocated or permanently installed within the corporate limits of the city; provided, however Texas Manufactured Housing, or Texas Industrialized Housing, no older than five

years of age, and used for residential purposes in a district zoned residential, shall be exempt from this section.

(Ord. No. 409, § VI, 8-24-2004; Ord. No. 409-A, § 4, 12-7-2006; Ord. No. 663, § II, 7-28-2015)

Sec. 40-5. - General compliance for all districts.

(a) Temporary electrical meters should be installed and maintained in a safe manner, Pedernales Electric Cooperative (PEC), should be consulted for specific safety requirements at installation.

(b) Surface area of any building façade must be glass, rock, wood, engineered wood exterior siding, masonry, copper, vinyl siding, aluminum siding, cement board or combination of these materials. Wood must be properly painted, stained, protected, sealed or otherwise treated appropriate for the type of wood material used. Corrugated metal sheets are not an acceptable siding material in residential areas. Sheets of pressed wood or plywood material, not specifically engineered for use as exterior siding, are not considered acceptable except when applied to an accessory storage building.

(Ord. No. 409-C, § II.B, 8-13-2008; Ord. No. 663, § II, 7-28-2015)

Sec. 40-6. - Single-Family Residential District, R-1.

(a) Permitted uses. In Single-Family Residential District, R-1, no building or land shall be used, and no building shall hereafter be erected or structurally altered, unless otherwise provided for in this chapter, except for one or more of the following uses:

(1) Single-family dwellings.

(2) Churches and other places of worship.

(3) Colleges, universities, vocational schools and schools of higher learning.

(4) Parks, playgrounds, community buildings and other public recreational facilities owned and/or operated by the municipality or other governmental agency.

(5) Public buildings including libraries, museums, police and fire, and primary or secondary schools.

(b) Prohibited uses.

(1) Use of a recreational vehicle, tent, lean-to, shack, or temporary structure of any nature for residential occupancy.

(2) Any other use not specifically permitted under this chapter for Single-Family Residential District, R-1.

(c) Building permit. A city building permit must be obtained prior to all construction, alteration or demolition.

(d) Repairs. Repairs may be made with the approval of the city manager or city manager's designee without a permit. If the permitted facility is located off-site from the principal residence then the application shall provide the legal description of both properties.

(e) Approval. The owner, contractor, architect or engineer authorized to represent the owner shall submit an application on a form prescribed by the city for approval, plans which show dimensions and specifications and the proposed construction to be done, and pay any application fee, if adopted by the city council, to the city manager or city manager's designee for review. If the permitted facility is located off-site from the principal residence, then the building permit shall be valid so long as the properties are in conformance with the city building codes and the ownership of the two properties is the same. If the ownership of a property changes, the building permit automatically terminates and a new application will be required.

(f) Garages and accessory buildings. Garages and accessory buildings shall be of similar appearance in design to the main dwelling; which may be achieved with materials, color, pitch, roofline, trim or other architectural features. There is no square footage limitation on the total area of an approved garage. A single accessory building shall not exceed 500 square feet, and no more than two accessory buildings are allowed on a single lot.

(1) All property except waterfront property. All garages and accessory buildings are allowed on the lot adjacent or contiguous to or on the lot on which the primary residence is located.

(2) Waterfront property. For waterfront lots, the garage or accessory building may be permitted to be built after January 1, 2016, located on a lot that is directly across the street from the lot upon which the primary dwelling is located or on a lot that is adjacent to either side, but not the rear, of the lot directly across the street from the lot upon which the primary dwelling is located. Any such lot on which a garage or accessory building is located must be tied with an affidavit filed at Burnet County to the lot upon which the primary dwelling is located. Off-site accessory buildings must be on the same street as the lot upon which the primary dwelling is located or on an intersecting street.

(g) Carports and recreational vehicle (RV) covers. A carport or RV cover is a site-built structure with at least two open sides, similar in color and design to the main dwelling and adjacent to the main dwelling. A property owner may construct a carport or RV cover on a lot where the main dwelling is located or on a lot adjacent or connected to the main dwelling. No temporary or portable carports are permitted. Temporary or portable carports are carports built from a kit. Examples would be: Carolina Carports, Eagle Carports, King Canopy, etc., or carports made from materials similar to the material provided in kits.

(h) Residential accessory buildings. Accessory buildings shall be located on the rear half of the lot and shall be located a minimum of five feet from the main building, and shall comply with the side and side street and rear yard requirements.

(i) Hangars for aircraft. Personal hangars may be constructed on any lot bordering the Granite Shoals city-owned airstrip, with or without a dwelling on the lot.

(j) Home-based business. A Home-based business is an office in a residential dwelling that occupies no more than 25 percent of the total floor area of that dwelling. It is operated by one or more of the residents of that particular dwelling and employs no more than two nonresidents.

(1) The home-based business is conducted entirely within a dwelling which is the bona fide residence of the practitioner or within an accessory building located on the same property as the dwelling (not to include a driveway, yard or outside area).

(2) The residential character of the lot and dwelling shall be maintained. Neither the interior nor the exterior of the dwelling shall be structurally altered so as to require compliance with nonresidential construction codes to accommodate the home business. No outdoor storage of material related to the home-based business shall be permitted.

(3) No equipment or materials associated with the home business shall be displayed or stored where visible from anywhere off the premises.

(4) The business shall emit no external noise, vibration, smoke, dust, odor, heat, glare, fumes, electrical interference or waste runoff outside the dwelling unit or on the property surrounding the dwelling.

(5) Outside signs shall be regulated by the city sign ordinance.

(6) Child day care as a home-based business shall only be permitted on presentation to the city manager or city manager's designee of valid permits and licenses as required by the state, and shall be limited to no more than six children other than children living with and related to the applicant, and shall be limited to 12 consecutive hours per 24-hour period.

(7) Parking and vehicular traffic shall remain reasonable within the neighborhood of the home-based business. No more than two vehicles related to the home-based business may be visible from anywhere off premises.

(8) The following businesses or occupations shall not be allowed in residential neighborhoods as home-based businesses, including but not limited to: Animal hospitals, animal breeding, clinics, hospitals, contractor's yards, dancing schools, junkyards, restaurants, rental outlets, vehicle repair shops or massage parlors. The decision of this city to recognize the importance and validity of home-based businesses in no way should be construed to open the way for a variety of borderline businesses to function in residential areas. The city manager or city manager's designee should be contacted with any concerns about a business. If necessary the concerns regarding the business must be presented to the planning and zoning commission and then to city council for resolution before the home based business can begin operation.

(k) Height regulations. No building shall exceed two stories in height, and no building shall exceed a maximum of 35 feet in height measured from the highest terrain

elevation on the front side of the building. For purposes of this subsection, the "front" of the building is the side that faces the street that corresponds to the building's street address. No more than an additional five feet for chimneys, railings, satellite dishes or other features will be allowed; to 40 feet.

(l) Yard requirements.

(1) Front yard. There shall be a front yard having a depth of not less than 20 feet.

(2) Side yard. All lots shall have a side yard of not less than five feet on each side, provided that on a corner lot the side yard on the street side of the lot shall be not less than ten feet and shall extend from front to rear of the lot. Sidewalk/flatwork may be located in the side yard only if all easements have been released from the side yard area where the sidewalk/flatwork is located.

(3) Rear yard. All lots shall have a rear yard of not less than five feet.

(4) Shoreline. Where a lot abuts Lake Lyndon B. Johnson or other waterway designated by the city, the following setback and other requirements in relation to the shoreline shall be used. The shoreline shall usually be the water's edge, under normal conditions, existing as of the date of the requested building permit.

a. No main or accessory building, except as otherwise specified, shall be located closer than ten feet to the shoreline. In no instance shall it extend beyond the original platted lot line.

b. A boat dock shall not exceed 18 feet in height (as measured from an 825-foot lake level). No boat dock shall be closer than five feet to any extended side property line.

(m) Lot requirements. No residence shall be constructed on any lot containing fewer than 5,000 square feet. Lower Colorado River Authority (LCRA) requirements for septic system may call for greater lot size. A septic system permit shall be obtained from the LCRA before construction of a building is started.

(n) Off-street parking. No 18-wheelers, truck tractors, dump trucks, large commercial box trucks, goose-neck trailers or tractor rigs, or any vehicle which requires a class "A" or class "B" Texas Driver's license to operate, may be parked off-street in any district zoned for residential use. Permitted off-street parking spaces shall be provided in accordance with section 40-16.

(o) Minimum dwelling requirements.

(1) Texas Industrialized housing must:

a. Have a value equal to or greater than the median taxable value for each single-family dwelling located within 500 feet of the lot on which the industrialized housing is proposed to be located, as determined by the most recent certified tax appraisal roll for Burnet County.

b. Have exterior siding, roofing, roof pitch, foundation fascia and fenestration compatible with the single-family dwellings located within 500 feet of the lot on which the industrialized housing is proposed to be located.

c. Comply with city building setbacks, side and rear yard offsets, subdivision control, square footage and other site requirements applicable to single-family dwellings.

d. Be securely fixed to a permanent foundation and installed in accordance to the manufacturers' specifications. If the typical manufacturer's foundation is not approved by local authority, a licensed state professional engineer shall design a foundation for this unique home and site.

(2) No residential dwelling shall be constructed, or moved in, which contains fewer than 1,200 square feet of living area (excluding garage); provided, however, that the owner of a residential dwelling that contains fewer than 1,200 square feet of living area may add a garage without expanding the living area of the residential dwelling as long as the residential dwelling complies with other provisions of this chapter. Any new home construction, permitted after January 1, 2016, shall be required to include a minimum of a one-car enclosed garage; which may be attached or detached. For purposes of this subsection, the term "new home construction" does not include renovations, remodeling, or additions. The dwelling shall have a minimum of 16 inches of roof overhang with a vented soffit. The city manager or city manager's designee may waive the venting requirement if, in his judgment, the additional venting is not required for public safety or health reasons.

(p) Fencing. Fences may be located directly on the property/lot lines, i.e. front, side(s) and rear yard lot lines. Front yard fencing must have no more than 50 percent density.

(1) Fence materials. All fences shall be constructed with new and of good quality materials. Allowable materials are milled wood, split-rails, masonry, rock, stone, chain link and/or wrought iron.

a. Chain link fences are required to have a top rail, bottom guide wire and traditional chain link fence hardware.

b. Cinder block shall not be considered a masonry product.

c. Except as provided in subsection (p)(1)d., agriculture fence materials such as pipe, drill stem, T-Post, rolled wire fence, stranded wire, barbed wire, cow panel, corral panel, non-milled cedar posts, and all other types of agriculture fencing shall not be allowed in any residential district.

d. Sheets of galvanized welded wire panels of 20 feet or less, framed in wood, metal or masonry are allowed.

(2) Fence height.

a. Front yard lot line maximum height five feet.

b. Side yard lot lines shall maintain five feet maximum height, 20 feet back from the front yard lot line, and may increase to six feet maximum height to the rear yard lot line.

c. Rear yard lot line maximum height six feet

d. All posts, pillars, columns, arches, decorative tops, lights, and gates shall not exceed allowed fence heights by greater than 12 inches (one foot).

e. For through lots (street to street), each parallel side of the lot facing a street shall be subject to the same fence height and setback restrictions that apply to a front yard.

f. For corner lots, the side of the lot that faces the street that corresponds to the building's street address shall be considered the front yard, and the side of the lot that faces the intersecting street shall be subject to a maximum fence height of five feet and a minimum setback from the lot line of ten feet.

(q) Easements. No structure, or portion thereof, including sidewalk/flatwork, may encroach on any easement.

(r) House addresses. The primary dwelling at each address shall display that address so as to be readable from the street, conforming to city ordinance.

(s) Exterior lighting. No lighting shall be done in such a manner as to provide a direct or reflected glare into a nearby residence or into a public street that creates a driving hazard. Lighting shall be hooded or shielded. This excludes streetlights.

(t) Driveways. Each location having a driveway for ingress/egress onto the property shall have a driveway approach with drainage culvert, if required. The driveway drainage design, and placement of culverts, shall be determined by city staff. All driveway and driveway approaches shall be constructed of concrete, asphalt material, brick, pervious block, or gravel. All concrete driveways or the concrete ribbons shall be reinforced. The driveway approach shall be graded to match the level of the roadway and shall have a separator at the front property line. Driveways may be placed over the front public utility easement only. The portion of a driveway that encroaches on an easement will be removed at the property owner's expense should the city require use of the easement for public utility purposes after the driveway has been installed.

(u) Drainage.

(1) For only new construction that will affect the drainage patterns on the property, if city staff determines that civil engineering services are necessary, the lot owner shall pay all engineering fees. A property owner who plans to build a structure over a culvert or natural drainage shall have the design approved by city staff. A stamp from a civil engineer shall be required before a building permit is granted.

(2) Any and all existing lots having natural drainage on or across them shall be evaluated by city staff.

(Ord. No. 409, § VII, 8-24-2004; Ord. No. 409A, § 2, 12-7-2006; Ord. No. 409-C, §§ II.C—II.E, 8-13-2008; Ord. No. 651, § II, 7-22-2014; Ord. No. 663, § II, 7-28-2015)

Sec. 40-7. - Reserved.

**Editor's note**— Ord. No. 663, § II, adopted July 28, 2015, repealed § 40-7, which pertained to a single-family residential district, R-1D and derived from Ord. No. 409, adopted August 24, 2004.

End of Supplement 3 to the City Code. –

Following is Zoning Ordinance, Chapter 40, with recommended changes from P&Z from June to Oct. 2015.

Sec. 40-8. - Multifamily Residential ~~District~~Zone, R-2.

(a) *Permitted uses.* In a Multifamily Residential ~~District~~Zone, R-2, no building or land shall be used, and no building shall be erected or structurally altered, unless otherwise provided for in this chapter except for one or more of the following uses:

~~(1) Single-family dwellings.~~

(2) Two-family dwellings.

(3) Multiple family dwellings, including condominiums.

(4) Boardinghouse or lodginghouse.

(5) Churches or other places of worship.

~~(6) Day nurseries.~~

~~(7) Hospitals, clinics and sanitariums, except a criminal, mental or animal hospital.~~

(8) Marinas, on the water.

~~(9) Nursing and convalescent homes.~~

~~(10) Parks, playgrounds, community buildings and other public recreational facilities, owned and/or operated by the city or other governmental agency.~~

~~(11) Public buildings, including libraries, museums, police and fire stations; elementary schools and secondary schools.~~

~~(12) Schools, private, with a curriculum equivalent to that of a public elementary or secondary school.~~

~~(13)Real estate sales office during the development of residential subdivisions, but not to exceed two years from the date the final plat is filed in the county plat records.~~

(14) Temporary buildings for uses incidental to construction work on the premises, which shall be removed upon the completion or abandonment of construction work.

(15) Water supply reservoirs and pumping plants, and public utilities when screened from public streets.

(16) An approved private detached garage, or an approved single accessory building, not to exceed 700 square feet, may be constructed ~~or moved onto:~~ on:

a. The lot where the existing primary residence is located.

~~b. Any lot on the same subdivision and section which is owned by the same person who owns the lot where the primary dwelling is located.~~

*Garages and accessory buildings.* Garages and accessory buildings shall be of similar appearance in design to the main dwelling; which may be achieved with materials, color, pitch, roofline, trim or other architectural features. A single accessory building shall not exceed 500 square feet, and no more than two accessory buildings are allowed on a single lot.

(1) *All property except waterfront property.* All garages and accessory buildings are allowed on the lot adjacent or contiguous to or on the lot on which the primary residence is located.

(2) *Waterfront property.* For waterfront lots, the garage or accessory building may be permitted to be built after January 1, 2016, located on a lot that is directly across the street from the lot upon which the primary dwelling is located or on a lot that is adjacent to either side, but not the rear, of the lot directly across the street from the lot upon which the primary dwelling is located. Any such lot on which a garage or accessory building is located must be tied with an affidavit filed at Burnet County to the lot upon which the primary dwelling is located. Off-site accessory buildings must be on the same street as the lot upon which the primary dwelling is located or on an intersecting street.

(g) *Carports and Recreational Vehicle (RV) covers.* A carport or RV cover is a site-built structure with at least two open sides, similar in color and design to the main dwelling and adjacent to the main dwelling. A property owner may construct a carport or RV cover on a lot where the main dwelling is located or on a lot adjacent or connected to the main dwelling. No temporary or portable carports are permitted. Temporary or portable carports are carports built from a kit. Examples would be: Carolina Carports, Eagle Carports, King Canopy, etc., or carports made from materials similar to the material provided in kits.

~~The use described in subsection (a)(16)a or b of this section is hereby approved without the necessity of obtaining a replat.~~ If the property owner wishes to construct a garage or an accessory building in excess of 700 square feet, the property owner may apply for a specific use permit Such permit may be reviewed by the planning and zoning commission, and approved or denied by the city council, if it determines that the structure as designed is appropriate for the area, taking into account, the materials used, the affect on adjacent property, the site plan, the ability to convert the property into residential use, the

ability to use the property for commercial purposes, and other relevant factors as determined by the city council.

(17)

*Home-based business*. A Home-based business is an office in a residential dwelling that occupies no more than twenty-five percent (25%) of the total floor area of that dwelling. It is operated by one or more of the residents of that particular dwelling and employs no more than two nonresidents.

(1) The home-based business is conducted entirely within a dwelling which is the bona fide residence of the practitioner or within an accessory building located on the same property as the dwelling (not to include a driveway, yard or outside area).

(2) The residential character of the lot and dwelling shall be maintained. Neither the interior nor the exterior of the dwelling shall be structurally altered so as to require compliance with nonresidential construction codes to accommodate the home business. No outdoor storage of material related to the home-based business shall be permitted.

(3) No equipment or materials associated with the home business shall be displayed or stored where visible from anywhere off the premises.

(4) The business shall emit no external noise, vibration, smoke, dust, odor, heat, glare, fumes, electrical interference or waste runoff outside the dwelling unit or on the property surrounding the dwelling.

(5) Outside signs shall be regulated by the city sign ordinance.

(6) Child day care as a home-based business shall only be permitted on presentation to the City Manager or City Manager's designee of valid permits and licenses as required by the state, and shall be limited to no more than six children other than children living with and related to the applicant, and shall be limited to 12 consecutive hours per 24-hour period.

(7) Parking and vehicular traffic shall remain reasonable within the neighborhood of the home-based business. No more than two (2) vehicles related to the home-based business may be visible from anywhere off premises.

(8) The following businesses or occupations shall not be allowed in residential neighborhoods as home-based businesses, including but not limited to: animal hospitals, animal breeding, clinics, hospitals, contractor's yards, dancing schools, junkyards, restaurants, rental outlets, vehicle repair shops or massage parlors. The decision of this city to recognize the importance and validity of home-based businesses in no way should be construed to open the way for a variety of borderline businesses to function in residential areas. The City Manager or City Manager's designee should be contacted with any concerns about a business. If necessary the concerns regarding the business must be presented to the Planning and Zoning Commission and then to City Council for resolution before the home based business can begin operation. ~~Home-based business. An office in a residential dwelling that occupies more than 25 percent, but not more than 35 percent of the total floor area of that dwelling. It is~~

~~operated by one or more of the residents of that particular dwelling, employing no more than two nonresidents.~~

~~a. The home-based business is conducted entirely within a dwelling unit which is the bona fide residence of the practitioner or within an accessory building (not to include a driveway, yard or outside area).~~

~~b. The residential character of the lot and dwelling shall be maintained. Neither the interior nor the exterior of the dwelling shall be structurally altered so as to require compliance with nonresidential construction codes to accommodate the home occupation. No outdoor storage of material related to the home-based business shall be permitted.~~

~~c. No equipment or materials associated with the home occupation shall be displayed or stored where visible from anywhere off the premises.~~

~~d. The business produces no external noise, vibration, smoke, dust, odor, heat, glare, fumes, electrical interference or waste runoff outside the dwelling unit or on the property surrounding the dwelling unit.~~

~~e. Outside signs shall be regulated by the city sign ordinance.~~

~~f. Child day care as a home-based business shall only be permitted on presentation to the building official of valid permits and licenses as required by the state, and shall be limited to no more than six children other than children living with and related to the applicant, and shall be limited to 12 consecutive hours per 24-hour period.~~

~~g. Parking and vehicular traffic shall remain reasonable within the neighborhood of the home-based business. Abuse of this privilege may be appealed through the marshal's department for adjudication. (See section 40-16.)~~

~~The following business or occupations shall not be allowed in residential neighborhoods as home-based businesses, including but not limited to: animal hospitals, animal breeding, clinics, hospitals, contractor's yards, dancing schools, junkyards, restaurants, rental outlets, vehicle repair shops or message parlors. The decision of this city to recognize the importance and validity of home-based businesses in no way should be construed to open the way for a variety of borderline businesses to function in residential areas. The city building official should be contacted with any questions about a business, and if he cannot resolve it, then that business must and shall be petitioned to the city council via the planning and zoning commission before it can go into business.~~

(18)Bed and breakfast. Refer to section 40-9

(b) *Height regulations.*

*Height regulations.* No building shall exceed two (2) stories in height, and no building shall exceed a maximum of thirty-five (35) feet in height measured from the highest terrain elevation on the front side of the building. For purposes of this subsection, the "front" of the building is the side that faces the street that corresponds to the building's street address. No

more than an additional five (5) feet for chimneys, railings, satellite dishes or other features will be allowed; to forty feet. (40').

~~No building shall exceed 30 feet in height.~~

(c) *Yard requirements.*

(1) *Front yard.* There shall be a front yard having a depth of not less than 20 feet.

(2) *Side yard.* All lots shall have a side yard of not less than five feet on each side, provided that on a corner lot the side yard on the street side of the lot shall be not less than ten feet and shall extend from front to rear of the lot. Sidewalk/flatwork may be located in the side yard only if all easements have been released from the side yard area where the sidewalk/flatwork is located.

(3) *Rear yard.* All lots shall have a rear yard of not less than five feet.

(4) *Shoreline.* Where a lot abuts Lake Lyndon B. Johnson or other waterway designated by the city, the following setback and other requirements in relation to the shoreline shall be used. The shoreline shall usually be the water's edge, under normal conditions, existing as of the date of the requested building permit.

a. No main or accessory building, except as otherwise specified, shall be located closer than 10 feet to the shoreline. In no instance shall it extend beyond the original platted lot line.

b. A boat dock shall not exceed 18 feet in height (as measured from an 825-foot lake level). No boat dock shall be closer than five feet to any extended side property line.~~(1) *Front yard.* There shall be a front yard having a depth of not less than 20 feet.~~

~~(2) *Side yard.* All lots shall have a side yard on each side of not less than five feet on each side, provided that on a corner lot the side yard on the street side of the lot shall not be less than ten feet and shall extend from front to rear of the lot.~~

~~(3) *Rear yard.* All lots shall have a rear yard of not less than five feet.~~

~~(4) *Shoreline.* Where a lot abuts Lake Lyndon B. Johnson or other waterway designated by the city, the following setback and other requirements in relation to the shoreline shall be used. The shoreline shall usually be the water's edge, under normal conditions, existing as of the date of the requested building permit.~~

~~a. No main or accessory building, except as otherwise specified, shall be located closer than 20 feet to the shoreline. In no instance shall the main building extend beyond the original platted lot line.~~

~~b. A boat dock or a boat storage building not to exceed 16 feet in height (as measured from an 825-foot lake level), and no more than 200 square feet of storage area, without living quarters, is not required to have any setback from the shoreline. No boat dock or boat house shall be closer than five feet to any side property line.~~

c. Exterior Lighting. No lighting shall be done in such a manner as to provide a direct or reflected glare into a nearby residence or into a public street that creates a driving hazard. Lighting shall be hooded or shielded. This excludes streetlights.~~No lighting shall be done in such a manner as to provide a direct glare into an adjoining residence or into a public street that creates a driving hazard. Lighting shall be hooded or shielded.~~

(d) *Lot requirements.* No residence shall be constructed on any lot containing less than 5,000 square feet. The Lower Colorado River Authority may call for septic systems requiring a greater lot size. A septic system permit shall be obtained from the LCRA before construction of a building is started.

(e) *Off-street parking.*

(1) *Permitted residential uses.* Off-street parking spaces shall be provided in accordance with the requirements set forth in section 40-16

(2) *Permitted nonresidential uses.* Off-street parking spaces shall be provided in accordance with the requirements set forth in section 40-16

(f) *Minimum dwelling requirements.*

(1) Industrialized housing must:

a. Have a value equal to or greater than the median taxable value for each single-family dwelling located within 500 feet of the lot on which the industrialized housing is proposed to be located, as determined by the most recent certified tax appraisal roll for each county in which the properties are located.

b. Have exterior siding, roofing, roof pitch, foundation fascia and fenestration compatible with the single-family dwellings located within 500 feet of the lot on which the industrialized housing is proposed to be located.

c. Comply with city aesthetic standards, building setbacks, side and rear yard offsets, subdivision control, architectural landscaping, square footage and other site requirements applicable to single-family dwellings.

d. Be securely fixed to a permanent foundation and installed in accordance to the manufacturers specifications. If the typical manufacturers foundation is not approved by local authority, a licensed state professional engineer shall design a foundation for this unique home and site.

(2) No residential dwelling shall be constructed ~~or moved in~~ which contains fewer than 1,200 square feet within the living area; the dwelling shall have a minimum of 16 inches of roof overhang with a vented soffit. The ~~city's building official~~City Manager, or his designee, may waive the venting requirement if, in the building official's judgment, the additional venting is not required for public safety or health reasons.

(g) *Miscellaneous requirements.*

(1) Porches and patios shall not be placed in or allowed to project into ~~a required front or side yard.~~an easement. Columns, posts and supporting structures shall not project into a front or side yard more than one foot. A roof overhang may not project into a front or side yard more than three feet.

(2) All buildings must have an address and building number ~~if applicable.~~as required by city ordinance.

(3)

*Fencing* – Fences may be located directly on the property/lot lines, i.e. front, side(s) and rear yard lot lines. Front yard fencing must have no more than fifty percent (50%) density.

(1) Fence Materials All fences shall be constructed with new and of good quality materials. Allowable materials are milled wood, split-rails, masonry, rock, stone, chain-link and/or wrought iron.

a. Chain link fences are required to have a top rail, bottom guide wire and traditional chain link fence hardware.

b. Cinder block shall not be considered a masonry product.

c. Except as provided in subsection (1) d., agriculture fence materials such as pipe, drill stem, T-Post, rolled wire fence, stranded wire, barbed wire, cow panel, corral panel, non-milled cedar posts, and all other types of agriculture fencing shall not be allowed in any residential Zone.

d. Sheets of galvanized welded wire panels of twenty feet (20') or less, framed in wood, metal or masonry are allowed.

(2) Fence Height:

a. Front yard lot line maximum height 5-feet.

b. Side yard lot lines shall maintain 5-feet maximum height, 20 feet back from the front yard lot line, and may increase to 6-feet maximum height to the rear yard lot line.

c. Rear yard lot line maximum height 6-feet

d. All posts, pillars, columns, arches, decorative tops, lights, and gates shall not exceed allowed fence heights by greater than twelve inches (1 foot).

e. For through lots (street to street), each parallel side of the lot facing a street shall be subject to the same fence height and setback restrictions that apply to a front yard.

f. For corner lots, the side of the lot that faces the street that corresponds to the building's street address shall be considered the front yard, and the side of the lot that faces the intersecting street shall be subject to a maximum fence height of 5 feet and a minimum setback from the lot line of 10 feet. ~~Privacy fences and/or obstructing vegetation more than four feet high shall not be placed:~~

~~a. Along a front property line;~~

~~b. Within 20 feet of the corner, on corner lots;~~

~~c. Parallel to private driveway on side lot line that hinders drivers visibility.~~

~~(4) See through chainlink fences shall not be more than four feet high along front lot lines. Deer-proof fences may be erected not higher than eight feet on each side and back lot lines, and five feet on front lot lines.~~

(5) The primary dwelling at each address shall display that address ~~so as to be readable from the street~~ as required by city ordinance. ~~.~~

(6)

*Exterior Lighting.* No lighting shall be done in such a manner as to provide a direct or reflected glare into a nearby residence or into a public street that creates a driving hazard. Lighting shall be hooded or shielded. This excludes streetlights.

(t) *Driveways.* Each location having a driveway for ingress/egress onto the property shall have a driveway approach with drainage culvert, if required. The driveway drainage design, and placement of culverts, shall be determined by city staff. All driveway and driveway approaches shall be constructed of concrete, asphalt material, brick, pervious block, or gravel. All concrete driveways or the concrete ribbons shall be reinforced. The driveway approach shall be graded to match the level of the roadway and shall have a separator at the front property line. Driveways may be placed over the front public utility easement only. The portion of a driveway that encroaches on an easement will be removed at the property owner's expense should the city require use of the easement for public utility purposes after the driveway has been installed.

(u) *Drainage.*

(1) For only new construction that will affect the drainage patterns on the property, if city staff determines that civil engineering services are necessary, the lot owner shall pay all engineering fees. A property owner who plans to build a structure over a culvert or natural drainage shall have the design approved by city staff. A stamp from a civil engineer shall be required before a building permit is granted.

(2) Any and all existing lots having natural drainage on or across them shall be evaluated by city staff. ~~No lighting shall be done in such a manner as to provide a direct glare into an adjoining residence or into a public street that creates a driving hazard. Lighting shall be hooded or shielded. This excludes streetlights.~~

~~(7) The driveway drainage culvert shall be located 3½ feet to the centerline of the culvert beyond the owners property line. The maximum length of a single culvert used for any drainage purpose in a natural drainage waterway on private property or in the utility easements shall be 30 feet. The maximum length of all culverts used for any drainage on two building lots 10,000 square feet shall be 40 feet. The minimum space between two culverts shall be 20 feet.~~

~~(8) Driveway material may be of concrete, asphalt or gravel. All concrete driveways shall be reinforced with three eighths inch rebar on 16 inch centers. Concrete driveways shall not extend beyond the property line, unless the roadway is concrete. The extension of the driveway to the roadway shall be of material to~~

~~match existing roadway and shall be graded to match the level of the roadway at that point~~

(Ord. No. 409, § VIIIA, 8-24-2004; Ord. No. 409-A, § 3, 12-7-2006)

Sec. 40-9. - Bed and breakfast facilities.

(a) *Purpose.* It is the purpose of this section to provide standards for bed and breakfast facilities, and to ensure that the facility complies with the applicable health, fire, and LCRA standards. A permit request will be considered by the planning and zoning commission and city council. The procedures for a hearing concerning a bed and breakfast permit request must follow those procedures outlined in the Texas Local Government Code. Before this hearing, the applicant must present a ~~plot~~ plat of the property with all requirements for a bed and breakfast as outlined in this section.

(b) *Standards.* Bed and breakfasts shall comply with all standards of the zoning ~~district~~Zone it is in plus the following special standards:

(1) Breakfast for guests shall be the only meal served.

(2) No cooking shall be permitted within the rooms. Outside grills are permitted.

(3) No long-term rental of rooms past 14 days are permitted.

(4) All bed and breakfasts shall comply with the applicable local and state health, fire and LCRA codes. The facility shall be connected to the city water system

(5) No more than four bedrooms for guests will be allowed in R-1 and MH-1 zones.

(6) Guestrooms must be in the residence of the operator or in accessory buildings on the same premises.

(7) A bed and breakfast may be operated only by a bona fide resident in or at his home. Such operator must be present (living in the home) while the bed and breakfast is in operation.

(8) See the sign ordinance regarding signs for bed and breakfast.

(9) Off-street parking. See section 40-16(a)(1)r.

(c) *Application procedures for a conditional use permit.* The application for a conditional use permit for a bed and breakfast shall be submitted on a form obtained at the city hall. It shall be signed by the owner of the property and shall have attached to it the current state department of water resources, private individual sewage disposal system license.

(1) *Fee.* ~~A one time administrative fee of $25.00 is required. If a hearing is required, the fee will be $100.00.~~Refer to General Fee Ordinance.

(2) *Inspections.* The facility may be inspected, in order to ensure that it complies with applicable building, health and fire codes.

(3) *Permit limitations.*

a. Once a conditional use permit has been issued for a bed and breakfast, it shall not be transferred to another location or owner.

b. The conditional use permit shall be valid only for so long as the bed and breakfast complies with the requirements of this chapter.

c. The city may immediately revoke or suspend the permit or deny either the issuance or renewal thereof, if it is found that:

1. The applicant or permittee has violated or failed to meet any of the provisions of this chapter or conditions of the permit.

2. Any required licenses have been suspended, revoked or canceled upon denial, suspension, or revocation. The city shall notify the applicant or permittee in writing of the action taken and the reasons thereof. After giving notice by certified mail, if the bed and breakfast has not been removed within 30 days, the city may cause the closure of any bed and breakfast found in violation of this chapter.

(4) *Appeals.* Any person aggrieved by the decision of the city under this section, may appeal the notice of cancellation, denial or suspension.

a. Appeals shall be submitted to the chairman of the board of adjustment in writing within 15 days following the date of mailing of the notice of cancellation, denial, suspension or revocation to the applicant or permittee.

b. The board of adjustment shall hear the appeal at its next possible meeting and thereupon make a recommendation to the city council to uphold, reverse or modify the decision, based upon the requirements of this chapter.

c. Any further appeal shall be to the county district court.

(Ord. No. 409, § IX, 8-24-2004)

Sec. 40-10. - ~~Mobile home~~Manufactured housing residential ~~district~~zone, ~~M-1.~~ MH-1.

(a) *Permitted uses.* In the ~~Mobile Home~~Manufactured Housing Residential ~~District~~ Zone, MH-1. ~~M-1~~, a building or premises may be used for any of the following purposes:

(1) One single-family ~~mobile home~~Manufactured housing unit per lot.

(2) Churches.

(3) Day nurseries.

(4) Municipal building.

(5) Public utilities.

(6) Any use allowed under section 40-6

(7) Hangers for planes with or without a dwelling on lots bordering the airstrip.

(8) An approved private detached garage, or an approved single accessory building, not to exceed 700 square feet, may be constructed or moved onto:

a. The lot where the existing primary residence is located

b. Any lot on the same subdivision and section which is owned by the same person who owns the lot where the primary dwelling is located.

The use described in subsection (a)(8)a or b of this section is hereby approved without the necessity of obtaining a replat. If the property owner wishes to construct a garage or an accessory building in excess of 700 square feet, the property owner may apply for a specific use permit Such permit may be reviewed by the planning and zoning commission, and approved or denied by the city council, if it determines that the structure as designed is appropriate for the area, taking into account, the materials used, the affect on adjacent property, the site plan, the ability to convert the property into residential use, the ability to use the property for commercial purposes, and other relevant factors as determined by the city council.

(9) Home-based business. An office in a residential dwelling that occupies more than 25 percent, but not more than 35 percent of the total floor area of that dwelling. It is operated by one or more of the residents of that particular dwelling, employing no more than two nonresidents.

a. The home-based business is conducted entirely within a dwelling unit which is the bona fide residence of the practitioner or within an accessory building located on the same property as the dwelling (not to include a driveway, yard or outside area).

b. The residential character of the lot and dwelling shall be maintained. Neither the interior nor the exterior of the dwelling shall be structurally altered so as to require compliance with nonresidential construction codes to accommodate the home occupation. No outdoor storage of material related to the home-based business shall be permitted.

c. No equipment or materials associated with the home occupation shall be displayed or stored where visible from anywhere off the premises.

d. The business produces no external noise, vibration, smoke, dust, odor, heat, glare, fumes, electrical interference or waste runoff outside the dwelling unit or on the property surrounding the dwelling unit

e. Outside signs shall be regulated by the city sign ordinance.

f. Child day care as a home-based business shall only be permitted on presentation to the city building official of valid permits and licenses as required by the state, and shall be limited to no more than six children other than children living with and related to the applicant, and shall be limited to 12 consecutive hours per 24-hour period.

g. Parking and vehicular traffic shall remain reasonable within the neighborhood of the home-based business. ~~Abuse of this privilege may be appealed through the marshal's department for adjudication~~. (See section 40-16.)

(10) The following businesses or occupations shall not be allowed in residential neighborhoods as home-based businesses, including but not limited to: animal hospitals, animal breeding, clinics, hospitals, contractor's rental outlets, contractor's yards, vehicle repair shops or massage parlors.

(11) The decision of this city to recognize the importance and validity of home-based businesses in no way should be construed to open the way for a variety of borderline businesses to function in residential areas. The city building official should be contacted with any questions about a business, and if he cannot resolve it, then that business must and shall be petitioned to the city council, via the planning and zoning commission before it can go into business.

(12) Bed and breakfasts. See section 40-9

(b) *Yard requirements.*

(1) *Front yard.* There shall be a front yard having a depth of not less than 20 feet.

(2) *Side yard.* All lots shall have a side yard of not less than five feet on each side. On a corner lot, the side yard on the street side of the lot shall be not less than ten feet and shall extend from the front to the rear of the lot.

(3) *Rear yard.* All lots shall have a rear yard of not less than five feet.

(4) *Shoreline.* Where a lot abuts Lake Lyndon B. Johnson or other waterway designated by the city, the following setback and other requirements in relation to the shoreline shall be used. The shoreline shall usually be the water's edge, under normal conditions, existing as of the date of the requested building permit.

a. No main or accessory building, except as otherwise specified, shall be located closer than 20 feet to the shoreline. In no instance shall it extend beyond the original platted lot line.

b. A boat dock or a boat storage building not to exceed 16 feet in height, (as measured from an 825-foot lake level), and no more than 200 square feet of storage area. No boat dock or a boat storage building shall be closer than five feet to any side property line.

(c) *Lot requirements.* No residence shall be constructed on any lot containing less than 5,000 square feet LCRA requirements for septic systems may call for a greater lot size. A septic system permit shall be obtained from the LCRA before construction of a building is started.

(d) *Off-street parking.* Off-street parking spaces shall be provided in accordance with section 40-16

(e) *Minimum dwelling requirements.* No ~~mobile home~~Manufactured housing unit having less than 1,000 square feet of living area shall be permitted in the ~~Mobile Home~~Manufactured housing unit (MH-1) ~~District~~ Zone.

(f) *Miscellaneous requirements.*

(1) Porches and patios shall not be placed in, or allowed to project into a required front or side yard. Columns, posts and supporting structures may project into a front or side yard not more than one foot and a roof overhang may not project into a front or side yard more than three feet.

(2) Privacy fences and/or obstructing vegetation more than four feet high shall not be placed:

a. Along a front property line.

b. Within 20 feet of the corner, on corner lots.

c. Parallel to private driveway on side lot line that hinders drivers visibility.

(3) See through chainlink fences shall not be more than four feet high along front lot lines. Deer-proof fences may be erected not higher than eight feet on each side and back lot lines, and five feet on front lot lines.

(4) All residences shall display an address so as to be readable from the street.

(5) No lighting shall be done in such a manner as to provide a direct glare into an adjoining residence or into a public street that creates a driving hazard. Lighting shall be hooded or shielded. This excludes streetlights.

(6) The driveway drainage culvert shall be located 3½ feet to the centerline of the culvert beyond the owners property line. The maximum length of a single culvert used for any drainage purpose in a natural drainage waterway on private property or in the utility easements shall be 30 feet. The maximum length of all culverts used for any drainage on two building lots 10,000 square feet shall be 40 feet The minimum space between two culverts shall be 20 feet.

(7) Driveway material may be of concrete, asphalt or gravel. All concrete driveways shall be reinforced with three-eighths-inch rebar on 16-inch centers. Concrete driveways shall not extend beyond the property line, unless the roadway is concrete. The extension of the driveway to the roadway shall be of material to match existing roadway and shall be graded to match the level of the roadway at that point

(g) *General requirements.*

(1) All ~~mobile home~~manufactured housing units shall be securely tied down, blocked and completely skirted 30 days after occupancy. This provision shall have no application to ~~mobile homes~~manufactured housing for which certificates of occupancy have been issued prior to the effective date of the ordinance from which this chapter is derived.

(2) All ~~mobile homes~~manufactured housing in the city shall comply with all regulations of the state.

(Ord. No. 409, § X, 8-24-2004; Ord. No. 409-D, § 2.C, 6-22-2010)

Sec. 40-11. - ~~Mobile Home~~ Manufactured Housing Park ~~District~~Zone, MH-2.

(a) *Permitted uses.* In the Mobile Home Park ~~District~~Zone, MH-2, a building or premises may be used only for the following purposes:

(1) ~~*Mobile home*~~*Manufactured Housing park.* Site plan required in accordance with section 40-3

(2) *Civic.*

a. Administrative services.

b. Community recreation.

c. Day care (limited).

d. Local utility services.

e. Parks and recreation.

(3) *Home-based business.* An office in a residential dwelling that occupies more than 25 percent, but not more than 35 percent of the total floor area of that dwelling. It is operated by one or more of the residents of that particular dwelling, employing no more than two nonresidents.

a. The home-based business is conducted entirely within a dwelling unit which is the bona fide residence of the practitioner or within an accessory building located on the same property as the dwelling (not to include a driveway, yard or outside area).

b. The residential character of the lot and dwelling shall be maintained. Neither the interior nor the exterior of the dwelling shall be structurally altered so as to require compliance with nonresidential construction codes to accommodate the home occupation. No outdoor storage of material related to the home-based business shall be permitted.

c. No equipment or materials associated with the home occupation are displayed or stored where visible from anywhere off-premises.

d. The business produces no external noise, vibration, smoke, dust, odor, heat, glare, fumes, electrical interference or waste runoff outside the dwelling unit or on the property surrounding the dwelling unit

e. Outside signs shall be regulated by the city sign ordinance.

f. Child day care as a home-based business shall only be permitted on presentation to the building official of valid permits and licenses as required by the state, and shall be limited to no more than six children other than children living with and related to the applicant, and shall be limited to 12 consecutive hours per 24-hour period.

g. Parking and vehicular traffic shall remain reasonable within the neighborhood of the home-based business. Abuse of this privilege may be appealed through the marshal's department for adjudication.

The following businesses or occupations shall not be allowed in residential neighborhoods as home-based businesses, including but not limited to: animal

hospitals, animal breeding, clinics, hospitals, contractor's yards, dancing schools, junkyards, restaurants, rental outlets, vehicle repair shops, or massage parlors. The decision of this city to recognize the importance and validity of home-based businesses in no way should be construed to open the way for a variety of borderline businesses to function in residential areas. The city building official should be contacted with any questions about a business, and if he cannot resolve it, then that business must and shall be petitioned to the city council, via the planning and zoning commission before it can go into business.

(b) *Height requirement.* No building shall exceed 30 feet in height.

(c) *Yard requirements.*

(1) *Front yard.* All buildings shall have a 20-foot setback from all street and highway rights-of-way.

(2) *Side yard.* There shall be no side yard requirement on one sideline and a 12-foot side yard on the other, except when zone M-2 borders a residential zone, then a 20-foot side yard shall be required on the side abutting the residentially zoned property.

(3) *Rear yard.* In no case shall a building occupy any part of a public utility easement

(4) *Shoreline.* Where a lot abuts Lake Lyndon B. Johnson or other waterway designated by the city, the following setback and other requirements in relation to the shoreline shall be used. The shoreline shall usually be the water's edge, under normal conditions, existing as of the date of the requested building permit.

a. No main or accessory building, except as otherwise specified, shall be located closer than 20 feet to the shoreline. In no instance shall the main building extend beyond the original platted lot line.

b. A boat dock or a boat storage building not to exceed 16 feet in height, (as measured from an 825-foot lake level), and no more than 200 square feet of storage area. No boat dock or a boat storage building shall be closer than five feet to any side property line.

(d) *Lot requirements.* No ~~mobile home~~Manufactured Housing may be placed on a plot of less than 2,500 square feet. LCRA requirements for septic systems may call for greater lot size. A septic system permit shall be obtained from the LCRA before construction of a building is started.

(e) *Off-street parking.* Off-street parking shall be provided in accordance with section 40-16, at least two parking spaces for each ~~mobile home~~Manufactured Housing dwelling ~~or trailer house~~.

(f) *General requirements.*

(1) All ~~mobile homes~~manufactured housing shall be securely tied down, blocked and completely skirted 30 days after occupancy. This provision shall have no application to ~~mobile homes~~manufactured housing for which certificates of

occupancy have been issued prior to the effective date of the ordinance from which this chapter is derived.

(2) All ~~mobile homes~~manufactured housing in the city shall comply with all regulations of the state.

(g) *Privacy fence requirement.* All property zoned Mobile Home Park ~~District~~Zone, MH-2, which abuts property zoned residential shall have a privacy fence installed and maintained by the ~~mobile home~~manufactured housing park property owner along said abutting property line. No lighting shall be done in such a manner as to provide a direct glare into an adjoining residence or into a public street that creates a driving hazard. Lighting shall be hooded or shielded. This excludes streetlights.

(Ord. No. 409, § XI, 8-24-2004)

Sec. 40-12. - General Business ~~District~~Zone One, GB-1.

(a) *Sale of alcoholic beverages.* A local option election was held on May 21, 1977, permitting the sale of alcoholic beverages, including mixed beverages within the city limits. At the time of the approval of this chapter, this applies to all areas of General Business, GB-1, with the exception of that tract of land annexed by Ordinance No. 270, dated September 1992. This tract of land is zoned General Business One, GB-1, but a local option election has not been held for it. The following applies in a General Business ~~District~~Zone One, GB-1:

(1) A business that is permitted must have a retail on-premises consumption permit or license and less than 50 percent of the gross receipts for the premises is from the sale or service of alcoholic beverages (TABC regulatory and penal provisions, V.T.C.A., Alcoholic Beverage Code § 109.33(f)(1)). An example of this permitted use is a full service restaurant Upon the restaurant's annual renewal of license, a prepared written audit that shows that the gross sale of alcoholic beverages is less than 50 percent of the establishment's gross receipts and the license application will be presented to the building official prior to TABC renewal.

(2) A business that is permitted must have a retail off-premises consumption permit or license and 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 (TABC regulatory and penal provisions, V.T.C.A., Alcoholic Beverage Code § 109.57(d)(2)). An example of this is a full service grocery store. Upon the store's annual renewal of license, a prepared written audit that shows that the gross sale of alcoholic beverages is less than 50 percent of the establishment's gross receipts less exclusions and the license application will be presented to the building official prior to TABC renewal.

(3) A business that is permitted must have a retail off-premises consumption permit or license, in accordance with TABC Regulatory and Penal Provisions. An example of this permitted use is an alcoholic beverage store.

(4) No establishment will be permitted that derives 75 percent or more of the establishment's gross revenue from the on-premises sale of alcoholic

beverages (TABC regulatory and penal provisions, V.T.C.A., Alcoholic Beverage Code § 109.57(d)(2)). An example of this nonpermitted use is a public bar.

(b) *Permitted uses.* In a General Business ~~District~~Zone One, GB-1, no building or land shall be used and no building shall hereafter be erected or structurally altered, unless otherwise provided for in this chapter, except for one or more of the following uses:

~~(1) Automobile parts and accessory sales.~~

(2) Bakeries.

(3) Banks.

(4) Business or commercial schools.

(5) Day nursery.

~~(6) Drive-in restaurants, bowling alley and other similar places of entertainment.~~

(7) Drug store.

(8) Electronic service centers.

(9) Florist shop.

(10) Furniture store.

(11) Grocery and convenience stores.

(12) Greenhouses and retail nurseries.

(13) Hardware stores.

(14) Medical outpatient clinics.

~~(15) Hotels, motels,~~ bed and breakfasts.

~~(16) Self-service laundries.~~

~~(17) Nursing homes.~~

(18) Office buildings.

~~(19) Personal service and neighborhood shops.~~

(20) Pharmacies.

(21) Printing and copying services.

~~(22) Public utilities.~~

~~(23) Radio and television broadcasting studios.~~

(24) Recreational vehicle sales.

~~(25) Video rental sales.~~

(26) Restaurants and other food service facilities that comply with this chapter.

(27) Alcoholic beverage stores that comply with this chapter.

(28)Resort marinas that comply with this chapter.

Any business not found mentioned in this subsection shall apply for review by the planning and zoning commission via the building official. Any business not listed above, but approved as a business by the city council will be added to the approved list Accessory buildings shall be permitted only in the rear yard except when the lot on which the main building is located backs up to residential zones, but in no case may any accessory building occupy a public utility easement.

(b-1) *Conditional uses.* The following uses are permitted in the GB-1 ~~district~~Zone as conditional uses only if the property owner first obtains a conditional use permit as provided by this chapter:

(1) New construction using new or used on-site storage containers as a building material.

(c) *Height.* No building shall be less than ten feet or more than ~~25~~ 30 feet in height.

(d) *Yard requirements.*

(1) A front yard of not less than ten feet in depth shall be provided. More space may be required under section 40-16, parking.

(2) No rear yard shall be required, except when the property abuts, along its rear lot line, property zoned residential. Then a rear yard of not less than ten feet must be provided, and the subject property shall have a privacy fence installed and maintained by the commercial property owner along the rear property line where the abutment exists. In no case shall a building occupy any part of a public utility easement. Outside storage and trash receptacles shall be enclosed from view of the general public by a solid fence constructed of either masonry or wood. The fence shall be a minimum of six feet tall. ~~Where a light industrial use abuts a residential district, a solid fence with a minimum height of eight feet shall be provided along the entire common boundary of the light industrial use and the residential district~~. No outside storage or trash receptacle shall be higher than the height of screening. All screening shall be maintained in a safe and sightly condition at all times. All commercial trash dumpsters shall be serviced from owner's property. All nonconforming commercial dumpsters must be in compliance within 90 days after the effective date of the ordinance from which this chapter is derived.

(e) *Off-street parking.* The number of spaces shall not be less than that specified in section 40-16

(f) *Loading space requirements.* Loading space shall conform to the provisions of section 40-16

(g) *Portable and temporary buildings.* A p~~P~~ortable ~~and~~ or temporary building~~s shall be permitted, subject to compliance with all applicable ordinances related thereto; provided that a portable or temporary building~~ of less than 500 square feet shall be allowed only when incidental to the construction of a permanent structure and shall be removed when the permanent structure is completed.

(h) *Lighting.* No use, operation, facility, premises or parking area shall be lighted in such a manner as to provide direct glare into an adjoining residential ~~district~~Zone. All lighting in the GB-1 ~~district~~Zone shall be hooded or shielded so that the light source is not directly visible from residential areas and public streets to avoid a hazard.

(i) *Noise.* Where a general business use abuts a residential ~~district~~Zone, noise shall not exceed the standards set forth in this subsection. Noise shall be measured at the common boundary of the general business ~~district~~Zone and the residential ~~district~~Zone. Measurement of sound shall be done with an A-weighted filter constructed in accordance with the specifications of the American National Standards Institute. The maximum permitted sound levels measured in decibels for the Industrial ~~District~~Zone abutting residential uses shall be 95 decibels.

(Ord. No. 409, § XII, 8-24-2004; Ord. No. 409-D, § 2.D, 6-22-2010; Ord. No. 629, § II(B), 1-14-2014)

Sec. 40-13. - General Business ~~District~~Zone Two, GB-2.

(a) *Sale of alcoholic beverages.* In a General Business ~~District~~Zone Two, GB-2, the following regulations will apply to the sale of alcoholic beverages, provided that a local option election has been passed. There will be no sale of alcoholic beverages in this ~~district~~Zone until such election has been held and passed. The following applies in a General Business ~~District~~Zone Two, GB-2:

(1) A business that is permitted must have a retail on-premises consumption permit or license and less than 50 percent of the gross receipts for the premises is from the sale or service of alcoholic beverage (TABC regulatory and penal provisions, V.T.C.A., Alcoholic Beverage Code § 109.33(f)(1)). An example of this permitted use is a full service restaurant. Upon the restaurant's annual renewal of license, a prepared written audit and the license application will be presented to the building official prior to TABC renewal.

(2) A business that is permitted must have a retail off-premises consumption permit or license and 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 (TABC regulatory and penal provisions, V.T.C.A., Alcoholic Beverage Code § 109.57(d)(2)). An example of this is a full service grocery store. Upon the store's annual renewal of license, a prepared written audit that shows that the gross sale of alcoholic beverages is less than 50 percent of the establishment's gross receipt and the license application will be presented to the building official prior to TABC renewal.

(3) No establishment will be permitted that derives 75 percent or more of the establishment's gross revenue from the on-premises sale of alcoholic beverage. (TABC regulatory and penal provisions, V.T.C.A., Alcoholic Beverage Code § 109.57(d)(2).) An example of this nonpermitted use is a public bar.

(b) *Permitted uses.* In a General Business ~~District~~Zone Two, GB-2, all businesses that require state-mandated licenses and inspections (i.e., restaurants, day nurseries,

medical clinic, etc.) shall have those permits prior to opening for business and maintain same. All newly constructed businesses and expanded "grandfathered" businesses shall present a prepared site plan to the city building official. No building shall hereafter be erected, or structurally altered, unless otherwise provided for in this chapter, except for one or more of the following uses:

(1) Automobile sales and service. (1) Automobile parts and accessory sales.

(2) Automobile parts and accessory sales.

(3) Bakeries.

(4) Banks.

(5) Business or commercial schools.

(6) Cleaning and laundry plant.

(7) Day nursery.

(8) Drive-in restaurants, bowling alley and other similar places of entertainment.

(9) Drugstore.

(10) Farm equipment sales and service.

(11) Florist shop.

(12) Fueling station.

(13) Furniture store.

(14) Grocery and convenience stores.

(15) Greenhouses and retail nurseries.

(16) Hardware stores, including the sale of building materials.

(17) Machine or welding shop.

(18) Medical outpatient clinics.

(19) Hotels, motels, ~~bed and breakfast.~~

(20) Self-service laundries.

(21) Nursing home.

(22) Office buildings.

~~(23) Personal service and neighborhood shops.~~

(24) Pharmacies.

(25) Printing and copying services.

(26) Public utilities.

(27) Radio and television broadcasting studios.

(28)Repair facility 1.

(29)Restaurants.

(30)Recreational vehicle sales.

(31)RV, boat and trailer storage (commercial).

(32)Tool and equipment rental.

~~(33)Video rental sales.~~

Any business not found mentioned in this subsection shall apply for review by the planning and zoning commission via the city building official. Any business not listed in this subsection, but approved as a business by the city council will be added to the approved list. An accessory building shall be permitted only in the rear yard except when the lot on which the main building is located backs up to residential zones, but in no case may any accessory building occupy a public utility easement.

(b-1) *Conditional uses.* The following uses are permitted in the GB-1 ~~district~~Zone as conditional uses only if the property owner first obtains a conditional use permit as provided by this chapter:

(1) New construction using new or used on-site storage containers as a building material.

(c) *Height regulation.* No building shall be less than ten feet or more than ~~45~~ 30 feet in height.

(d) *Yard requirements.*

(1) A front yard of not less than 25 feet in depth shall be provided. More space may be required under section 40-16, parking.

(2) No rear yard shall be required, except when the property abuts, along its rear lot line, property zoned residential. Then a rear yard of not less than ten feet shall be provided, and the subject property shall have a privacy fence installed and maintained by the commercial property owner along the rear property line where the abutment exists. In no case shall a building occupy any part of a public utility easement. Outside storage and trash receptacles shall be enclosed from view of the general public by a solid fence constructed of either masonry or wood. The fence shall be a minimum of six feet tall. ~~Where a light industrial use abuts a residential district, a solid fence with a minimum height of eight feet shall be provided along the entire common boundary of the light industrial use and the residential district.~~ No outside storage or trash receptacle shall be higher than the height of screening. All screening shall be maintained in a safe and sightly condition at all times. All commercial trash dumpsters shall be serviced from owner's property. All nonconforming commercial dumpsters must be in compliance within 90 days after the effective date of the ordinance from which this chapter is derived.

(e) *Off-street parking.* The number of spaces shall not be less than that specified in section 40-16

(f) *Loading space requirements.* Loading space shall conform to the provisions of section 40-16

(g) *Portable and temporary buildings.* ~~Portable and temporary buildings shall be permitted, subject to compliance with all applicable ordinances related thereto.~~ A portable or temporary building of less than 500 square feet shall be allowed only when incidental to the construction of a permanent structure, and shall be removed when the permanent structure is completed.

(h) *Lighting.* No premises or parking area shall be lighted in such a manner as to provide direct glare into an adjoining residential ~~district~~Zone. All lighting in the GB-2 ~~district~~Zone shall be hooded or shielded so that the light source is not directly visible from residential areas and public street, to avoid a hazard.

(i) *Noise.* Where a general business use abuts a residential ~~district~~Zone, noise shall not exceed the standards set forth in this subsection. Noise shall be measured at the common boundary of the General Business ~~District~~Zone Two, GB-2, and the residential ~~district~~Zone. Measurement of sound shall be done with an A-weighted filter constructed in accordance with the specifications of the American National Standards Institute. The maximum permitted sound levels measured in decibels for the Industrial ~~District~~Zone, I, abutting residential uses shall be 95 decibels.

(Ord. No. 409, § XIIA, 8-24-2004; Ord. No. 409-D, § 2.E, 6-22-2010; Ord. No. 629, § II(C), 1-14-2014; Ord. No. 650, § 2(B), 7-22-2014)

Sec. 40-14. - Industrial ~~District~~Zone, I.

(a) *Purpose of ~~district~~Zone.* The Industrial ~~District~~Zone, I, is established to provide for light industrial uses ~~that can meet applicable performance standards in areas~~ that are mostly removed from existing residential and other commercial uses, but that provides sufficient access to major transportation routes. The ~~district~~Zone is intended to accommodate a wide variety of commercial services and light-intensity industries involving manufacturing operations provided that such use does not constitute a nuisance to surrounding property or residents. Further, such uses shall not be noxious or offensive due to odors, smoke, dust, noise, fumes or vibrations.

(b) *Permitted uses.* Within the Industrial ~~District~~Zone, I, no building, structure, or land shall be used for any purpose other than the following:

(1) Light manufacturing, fabrication, assembly or processing of goods or materials, products or equipment.

(2) Public buildings and facilities.

(3) Public utilities.

(4) Repair, servicing, painting, packaging or cleaning of goods, materials, products, or equipment.

(5) Research, development and testing activities.

(6) Warehousing and distributing operations.

(7) Contractor's yard.

(8) Swimming pool sales and service.

(9) Machinery, heavy equipment or truck sales and service.

(10) Commercial cleaning and laundry.

(11) Wholesale distributor.

(12) Repair facility 2.

~~(13) Other uses similar to the stated permitted uses, consistent with the purpose and intent of the district and in compliance with the performance standards for this district.~~

(c) *Accessory uses.* Accessory uses shall be permitted in a main building or in a separate on-premises facility provided that such ancillary use is demonstrably related to the permitted principal use and provided primarily for the convenience, use and service of occupants of that principal use. Accessory uses shall include the following:

(1) Office, administrative or sales facilities incidental to or in support of any of the principal permitted uses.

(2) Facilities provided for the benefit of employees including cafeteria, day care facilities, employee training and meeting areas, and recreation facilities.

(3) Facilities for the safety, security and operation of the principal permitted use including site security offices, firefighting facilities, first aid stations and caretaker facilities.

(4) Portable or temporary buildings shall be permitted, subject to all applicable ordinances related thereto. A portable or temporary building of less than 500 square feet shall be allowed only when incidental to the construction of a permanent structure, and shall be removed when the permanent structure is completed.

~~(5) Other accessory uses customarily incidental to any permitted principal use.~~

(d) *Performance standards.* It is the intent of this section to prevent any use or operation, including those permitted by this chapter, from creating a dangerous, injurious, noxious or unreasonably objectionable condition so as to adversely affect areas outside of the ~~district~~Zone. Specifically, all uses shall operate in conformance with the following standards set forth in this subsection:

(1) *Screening.* No more than 50 percent of the lot or tract shall be used for the open storage of products, materials or equipment. Outside storage and trash receptacles shall not be located in the front yard setback, and shall be enclosed from view of the general public by a solid or equally screened gate or fence constructed of either brick, metal, stone, masonry or wood. The fence shall be a minimum of six feet tall. Where an industrial use abuts a residential ~~district~~Zone, a solid fence with a minimum height of eight feet shall be provided along the entire common boundary of the industrial use and the residential ~~district~~Zone. No outside storage or trash receptacle shall be higher than the height of

screening. All screening shall be maintained in a safe and sightly condition at all times. All commercial dumpsters shall be serviced from owner's property. All nonconforming commercial dumpsters must be in compliance within 90 days after the effective date of the ordinance from which this subsection is derived. A required screening wall or fence may not have more than ten square inches of openings in any given square foot of surface. Access through required screening may be provided only by a solid gate equaling the height of the screening.

(2) *Noise.* Where an industrial use abuts a residential ~~district~~Zone, noise shall not exceed the standards set forth in this subsection. Noise shall be measured at the common boundary of the Industrial ~~District~~Zone and the residential ~~district~~Zone. The measurement of sound shall be done with an A-weighted filter constructed in accordance with the specifications of the American National Standards Institute. The maximum permitted sound levels measured in decibels for the Industrial ~~District~~Zone abutting residential uses shall be 95 decibels. Noise above this standard will be permitted only five seconds, twice per hour, and only four times per day between 9:00 a.m. to 6:00 pm, on workdays only. Impact noise shall be measured using the fast response of the sound meter. Noise resulting from ~~temporary~~ construction activity shall be exempted from this section.

(3) *Vibration.* All machines shall be mounted so as to minimize vibration and no vibration shall be produced which is discernible without the aid of instruments at the boundary of the Industrial ~~District~~Zone.

(4) *Air pollution.* All uses within the Industrial ~~District~~Zone shall operate in compliance with the most current revision of the regulations of the state air control board pertaining to the control of air pollution.

(5) *Noxious odors.* The emission of any odors which are discernible without the aid of instruments shall be prohibited beyond the boundaries of the Industrial ~~District~~Zone.

(6) *Toxic and liquid wastes.* The discharge of any toxic or liquid waste material into any outdoor area, drainageway or watercourse shall be prohibited. The disposal of all toxic and liquid wastes shall be performed in accordance with all applicable federal and state laws and the city's most recent standards for industrial pretreatment.

(7) *Electromagnetic interference.* No use or operation shall be conducted which adversely affects the performance of electromagnetic devices or receivers of electronic signals, including televisions and radios, outside of the boundaries of the property on which the operation occurs.

(8) *Lighting.* No premises or parking area shall be lighted in such a manner as to provide direct glare into an adjoining residential ~~district~~Zone. All lighting in the Industrial ~~District~~Zone shall be hooded or shielded so that the light source is not directly visible from residential areas and public streets to avoid a hazard.

(9) *Landscaping.* Uses within the Industrial ~~District~~Zone shall be landscaped and maintained in such a manner to effectively lessen the impact of parking areas, to screen storage areas from view by the general public and to provide a buffer between Industrial uses and abutting residential uses. A ten-foot buffer strip shall be maintained between all parking areas, roads, or storage areas and abutting residential ~~district~~Zones. Trees with a minimum one inch caliper size shall be planted and maintained every 20 feet along the buffer with a residential ~~district~~Zone. Parking, loading areas and outdoor storage area which are visible from the public right-of-way shall be buffered by a row of evergreen shrubs planted at the perimeter of such areas. A landscaped street yard shall be maintained along a minimum of five feet of the property, excluding access driveways, parallel to and immediately behind the right -of-way line of a dedicated public street. One tree, with a minimum one inch caliper shall be planted and maintained for each 20 feet of frontage along the public right-of-way.

(e) *Height, area and setback requirements.*

(1) *Height.* The height of buildings in the Industrial ~~District~~Zone shall only be limited in areas abutting residential ~~district~~Zones. The height on building and other improvements shall not exceed 35 feet within the first 100 feet from any perimeter abutting a residential ~~district~~Zone.

(2) *Area.* The ground level square footage of all buildings and improvements other than street and parking areas shall not exceed 60 percent of the total area of each lot.

(3) *Side yard.* A side yard of 20 feet shall be required when property zoned Industrial ~~District~~Zone, abuts residential ~~district~~Zones, said side yard to be adjacent to such residentially zoned property. Otherwise, no side yard shall be required on one side, and a minimum side yard of 12 feet shall be required on the other. In no case may a building occupy any part of a public utility easement.

(4) *Rear yard.* A rear yard of 20 feet shall be required when property zoned Industrial ~~District~~Zone abuts residential ~~district~~Zones, otherwise the rear yard shall be 15 feet.

(5) *Front yard.* A front yard of 20 feet shall be required when property zoned Industrial ~~District~~Zone is adjacent to a residential ~~district~~Zone or residential use, otherwise the front yard shall be 15 feet. The term "adjacent" means the nearest or closest to, even when separated by an intervening street.

(Ord. No. 409, § XIII, 8-24-2004; Ord. No. 409-D, §§ 2.F, 2.G, 6-22-2010)

Sec. 40-15. - Agricultural ~~District~~Zone, AG.

(a) *Purpose and intent.* The Agricultural ~~District~~Zone, AG, is intended to be used primarily in areas where agricultural/ranch uses are in use at annexation. The area might be annexed in order to qualify for city water, prior to platting for one of the various city ~~district~~Zones.

(b) *Permitted uses.* In view of the potential directional growth of the city, permitted uses will vary according to the newly annexed area, and shall be treated on a case by case basis.

(Ord. No. 409, § XIV, 8-24-2004)

Sec. 40-16. - Off-street parking and loading space requirements.

Revise definition of driveway, from the definition section of the Zoning Ordinance. In Zoning Ord. 40-2. Definitions: (third paragraph from the bottom of page CD40:4 Supp.1)

*Driveway means a private roadway to a garage, carport or dwelling and is located entirely within the property owner's property.*

Insert 'Residential General Compliance' for effective date March 1, 2016:

1.) Each dwelling shall have at least one designated driveway. All must be adjacent to or connected to the main dwelling, garage or carport. Circle driveways are permitted.

2.) Driveways are for parking of vehicles only. No open storage of any kind will be permitted on driveways.

a.) Required off-street parking areas shall be used solely for the parking of licensed motor vehicles in operable condition. Driveways, carports or garages will be the only approved area for parking in residential districts. No parking on yards shall be allowed at any time (e.g. grass, dirt or granite).

b.) All residential off street parking shall be on an improved driveway meeting the city's driveway standards.

c.) No more than a combination of 4 allowable vehicles shall be parked on residential driveways. (note: this needs to be clarified and verified to conform to Sec. 40.16) Vehicles that may be parked on residential driveways are: passenger cars, pickup trucks, service vehicles (2 ton payload capacity maximum), boats, personal water craft and motorcycles. All other allowed vehicles must be parking on the rear half of the property, screened from public view and the screening must comply with the fence requirements for residential districts. Tarps and/or similar covers are not considered satisfactory/allowable 'screen'.

d.) No more than three utility trailers visible from public view may be parking on the rear half of the lot and stored in a neat and orderly manner.

e.) One recreational vehicle (RV) including but not limited to motor homes, campers, travel trailers or any other vehicle designed for human habitation shall be parking and/or stored on the rear half of the property and screened from view.

(a) *Off-street parking requirements.*

(1) When any building or structure is erected, or an existing building is enlarged by 50 percent or more in floor area, off-street parking spaces shall be provided in accordance with the following requirements:

a. Business or professional office. Studio, bank, medical or dental clinic or similar use: Three parking spaces, plus one additional parking space for each 200 square feet of floor area over 500 square feet.

b. Church or other place of worship. One parking space for each four seats in the main auditorium.

c. Community center, library, museum, or art gallery. Ten parking spaces, plus one additional space for each 300 square feet of floor area in excess of 2,000 square feet. If an auditorium is included as a part of the building, its floor area shall be deducted from the total and additional parking provided on the basis of one space for each four seats that it contains.

d. Dwellings. Two parking spaces for each single-family dwelling. For two-family and multifamily dwellings, 2½ parking spaces for each dwelling unit or one parking space for each bedroom whichever is greater.

e. Furniture or appliance store, hardware store, wholesale establishments, machinery or equipment sales and service, clothing or shoe repair or service shop or similar use. Two parking spaces, plus one additional parking space for each 300 square feet of floor area over 1,000 feet.

f. Hotel. One parking space for each sleeping room or suite, plus one space for each 200 square feet of commercial floor area contained therein, including but not limited to, restaurants, newsstands and cigar stores.

g. Manufacturing and industrial establishment, research or testing laboratory, warehouse, printing or plumbing shop or similar establishments. One parking space for each two employees of the maximum working shift plus spaces to accommodate all trucks and other vehicles used in connection therewith, but not less than one parking space for each 600 square feet of floor area.

h. ~~Mobile homes~~Manufactured housing, trailer houses, trailer and ~~mobile home courts~~manufactured housing parks. Two parking spaces for each ~~mobile home or trailer house~~manufactured housing unit. ~~.~~

i. Motor vehicle salesrooms and used car lots. One parking space for each 800 square feet of sales floor or lot area, whichever is greater.

j. Lodge or country club. One parking space for each 150 square feet of floor area or for every five members, whichever is greater.

k. Retail store or personal service establishment, except as otherwise specified herein. One parking space for each 200 square feet of floor area.

l. Restaurant, cafe or similar recreation or amusement establishment. One parking space for each two seats or one parking space for each 100 square feet of floor area, whichever is greater.

m. Roominghouse or boardinghouse. One parking space for each two sleeping rooms.

n. School, elementary. One parking space for each four seats in the auditorium or main assembly room or two spaces for each classroom, whichever is greater.

o. School, secondary or college. One parking space for each four seats in the main auditorium or ten spaces for each classroom, whichever is greater.

p. Theater, auditorium (except school), sports arena, stadium or gymnasium. One parking space for each four seats or bench seating spaces.

q. Tourist cabin or motel. One parking space for each sleeping room or suite plus one space for each 200 square feet of commercial floor area contained therein, including but not limited to, restaurants, newsstands and cigar stores.

r. Bed and breakfast. Off-street parking shall be provided for the resident and a minimum of one space for each guest room.

s. Home-based businesses. Owner shall provide on site parking for employees and visitors.

(2) The following rules shall be applied in computing the number of off-street parking spaces required for each of the above uses:

a. The term "floor area" means the gross floor area of the specific use.

b. Fractional spaces shall be rounded to the next higher whole space.

c. Buildings or structures containing mixed uses shall provide off-street parking space equal to the sum of various uses computed separately.

d. The off-street parking requirements for a use not specifically listed herein shall be the same as required for a use of a similar nature as determined by the city building official.

(3) All required off-street parking spaces shall be located on the same lot as the building or use served, except as follows:

a. When an increase in the number of off-street parking spaces is required by a change or enlargement of use, or where off-street parking spaces are provided collectively or used jointly by two or more buildings or establishments, the required off-street parking spaces may be located at a distance not to exceed 300 feet from an institutional building served, or 500 feet from any other nonresidential building served; provided, however, that a written agreement thereto is properly executed, filed and approved by the board of adjustment as provided in subsection (a)(3)d of this section. Distances shall be measured along a public street or alley.

b. Not more than 50 percent of the off-street parking spaces required for theaters, bowling alleys, restaurants or similar uses may be provided and used jointly by uses not normally open, used or operated during the same hours as those listed; provided, however, that a written agreement thereto is properly executed and filed as provided in subsection (a)(3)d of this section.

c. Not more than 80 percent of the of-street parking spaces required for a church, school auditorium or similar use may be provided and used jointly by uses not normally open, used or operated during the same hours as those listed; thereto is properly executed filed and approved as provided in subsection (a)(3)d of this section.

d. When the required off-street parking spaces are not located on the same lot with the building or use served, or when the required off-street parking spaces are provided collectively or used jointly by two or more establishments, a written agreement which assures the retention of such spaces for this purpose shall be drawn and executed by the parties concerned, approved as to form by the city attorney, and filed with the application for a building permit or certificate of occupancy if a change in use is involved. Such agreement then shall be submitted to the board of adjustment who shall, after a hearing hereon, approve or deny on-site parking.

(4) Size of parking spaces.

a. All parking spaces, shall contain a minimum of 166½ square feet and shall be approximately nine feet in width and 18½ feet in depth. All parking spaces, parking or maneuvering aisles and driveways shall be of a surface material approved by the city building official.

b. A maximum of 25 percent of the required number of parking spaces may be compact size, measuring 7½ feet in width and 15 feet in depth. Such compact spaces shall be located in groups of at least five spaces per group, and shall be conspicuously identified by appropriate signs and markings.

(b) *Off-street loading requirements.*

(1) Any use that receives or distributes materials or merchandise by vehicle shall provide, when required by use ~~district~~Zone regulations, off-street loading spaces in accordance with the following requirements:

a. Industrial ~~District~~Zone uses. one loading space for each 10,000 ~~)~~square feet of floor area.

b. General Business ~~District~~Zone One and Two uses. One loading space for each 5,000 square feet of floor area for the first 15,000 square feet of floored area.

(2) The following rules shall be applied in computing the number of off-street loading spaces required:

a. Floor area shall mean the gross floor area of use.

b. Fractional spaces shall be rounded to the next higher whole space.

c. Whenever a building or use, existing on the effective date of the ordinance from which this chapter is derived, is enlarged by more than 50 percent in floor area or area use, the entire building or use shall then and thereafter comply with the off-street loading requirements.

(3) The required off-street loading spaces shall be located on the same lot as the building or use served.

(4) A loading space shall contain a minimum of 420 feet and shall be approximately 12 feet in width and 35 feet in length. All loading spaces, maneuvering aisles and driveways shall be paved.

(Ord. No. 409, § XV, 8-24-2004)

Sec. 40-17. - Height and area regulations generally.

(a) *Height, other than residential ~~district~~Zones.*

(1) The height regulations prescribed herein shall not apply to television and radio tower, church spires, belfries, monuments, tanks, water and fire towers, stage towers, scenery lofts, cooling towers, ornamental towers and spires, chimneys, elevator bulkheads, smokestacks, necessary public or private utilities, conveyors, flagpoles and necessary mechanical appurtenances.

(2) Public or semi-public service buildings, hospitals, institutions or schools, where permitted, may be erected to a height not exceeding 45 feet and churches and other places of worship may be erected to a height not exceeding 75 feet when each of the required yards is increased by one foot for each two feet of additional building height above the height regulations for the ~~district~~Zone in which the building is located.

(b) *Front yards, other than residential ~~district~~Zones.*

(1) Where 51 percent or more of the frontage within a block is occupied or partially occupied by a building or buildings with front yards of less depth than required

by this chapter, the remainder of that block front yard line shall conform with the setback requirements of this chapter.

(2) No solid fence, structure or vegetation placed or allowed to grow within 20 feet each way from a corner or intersecting street right-of-way lines shall exceed four feet in height. A four-foot see through fence is allowed.

(3) Open or unenclosed terraces, porches or roof eaves or extensions may project into the required front yard for a distance not to exceed four feet; provided, however, no supporting structure for such projections may be located within the required front yard. An unenclosed canopy for a gasoline filling station may extend into the required front yard; provided, such extension shall not be closer than ten feet to a lot line.

(c) *Rear yard, other than residential ~~district~~Zones.* An accessory building not exceeding 20 feet in height nor closer than ten feet to any rear or side lot line may be located in the required rear yard. Such accessory building must not occupy more than 25 percent of the rear yard area calculated for any given lot using the required yard and lot dimension. An unenclosed parking space shall not occupy more than 80 percent of the calculated rear yard areas.

(Ord. No. 409, § XVI, 8-24-2004)

January 21, 2016 -

(Ord. No. 409, § XVI, 8-24-2004)

Sec. 40-18. - Nonconforming buildings and uses.

(a) Regulations. The lawful use of any building, structure or land existing on the effective date of the ordinance from which this chapter is derived may be continued, although such use does not conform with the provisions of this chapter. However, the right to continue such nonconforming use shall be subject to the following regulations:

(1) Normal repairs and maintenance may be made to a nonconforming building or structure; provided, that no structural alterations shall be made except those required by law or ordinance or those necessary for installing or enclosing required sanitary facilities, such as toilets and bathrooms.

(2) Unless otherwise provided, a nonconforming building or structure shall not be added to or enlarged in any manner unless such additions and enlargements are made to conform to all of the requirements of the zoning district in which such building or structure is located.

(3) A nonconforming building or structure shall not be moved in whole or in part unless every portion of such building or structure is made to conform to all regulations of the zoning district in which it is to be located.

(4) If a nonconforming building or structure is damaged or destroyed to an extent of less than 60 percent of its fair market value by fire, explosion, act of God or the public enemy, then restoration or new construction shall be permitted. If destruction is greater than 60 percent of its fair market value, such building or structure and its use, if repaired or replaced, shall conform to all regulations of the zoning district in which it is located, and it shall be treated as a new building.

(5) A vacant, nonconforming building or structure lawfully constructed before the day of enactment of the ordinance from which this chapter is derived may be occupied by a use for which the building or structure was designed or intended, if so occupied within a period of 90 days after the effective date of the ordinance from which this chapter is derived. The use of a nonconforming building or structure lawfully constructed before the date of enactment of the ordinance from which this chapter is derived which becomes vacant after the effective date of said, may be reoccupied by the use for which the building or structure was designed or intended, if so occupied within a period of 90 days after the building or structure become vacant. All such buildings after 90 days of vacancy, shall be converted to a conforming use.

(b) Nonconforming buildings may not be changed or expanded. The nonconforming use of a building or structure may be continued as hereinafter provided:

(1) The nonconforming use of a building or structure may not be changed to a use which does not conform to the requirements of the zoning district in which it is located.

(2) A nonconforming use of a conforming building or structure shall not be extended or expanded into any other portion of such conforming building or structure, nor changed except to a conforming use. If such nonconforming use or portion thereof is voluntarily discontinued or changed to a conforming use, any future use of such building or structure or portion thereof shall conform to the regulations of the zoning district in which such building or structure is located.

(c) Continuation of existing uses. The nonconforming use of land existing at the time of the effective date of the ordinance from which this chapter is derived may continue as hereinafter provided.

(1) Nonconforming use of land shall not be expanded, extended or changed to some other use not in compliance with the regulations of the zoning district in which the land is situated.

(2) If a nonconforming use of land or any portion thereof, is voluntarily discontinued for a period of 90 days any future use of such land or portion thereof shall be in conformity with the regulations of the zoning district in which such land or portion thereof is located.

(3) Any sign, billboard or poster panel which lawfully existed and was maintained at the time of the effective date of the ordinance from which this chapter is derived, may be continued, although such uses do not conform with the

provision of this chapter; provided, however, that no structural alterations are made thereto.

(d) Abandonment. The nonconforming use of a building, structure or land which has been abandoned shall not thereafter be returned to such nonconforming use. A nonconforming use shall be considered abandoned when:

(1) The intent of the owner to discontinue the use is apparent.

(2) The characteristic equipment and furnishings of the nonconforming use have been removed from the premises and have not been replaced by similar equipment within 90 days.

(3) A nonconforming building, structure or land, or portion thereof, which is or hereafter becomes vacant and remains unoccupied for a period of 90 days.

(4) A nonconforming use has been replaced by a conforming use.

(e) Change in zoning district boundaries. Wherever the boundaries of a zoning district shall be changed so as to transfer an area from one zoning district to another zoning district, or when the boundaries of zoning districts are changed as the result of annexation of new territory, or changed in the regulations or restrictions of this chapter, the foregoing provisions relating to nonconforming uses shall also apply to any uses existing therein which may be or become nonconforming.

(Ord. No. 409, § XVII, 8-24-2004)

Sec. 40-19. - Administration.

(a) Enforcement. This chapter shall be enforced by the city building official appointed by the city council. No oversight or dereliction on the part of the city building official or on the part of any official or of employees of the city or county shall legalize, authorize, and/or excuse the violation of any of the provisions of this chapter.

(b) Permits and variances required and appeal procedures.

(1) The construction, alteration or repair, removal or reconstruction of any structure or any part thereof as provided, or as restricted herein, shall not be commenced until after the issuance of a written permit for the same by the city building official, and full compliance with the provisions herein. This permit shall be valid for one year unless otherwise noted by the city building official.

(2) Variance. In order to be granted a variance for setbacks on all property lines, the petitioner will have acquired in writing a release of utility easements from Pedemales Electric Cooperative and Verizon Telephone, Inc., and from the adjacent property line owners.

The petitioner shall apply for a variance from the city building official, who shall file a written report on each variance. He shall inspect the property, and present the report, along with the variance, for the concurrence of the mayor. Should the mayor decide that this particular variance requires the additional study and approval of the planning and

zoning commission and the city council then the mayor shall send the request for the variance to those two bodies.

(c) Building permit and certificate of occupancy. It shall be unlawful for any person, firm or corporation to commence the construction, enlargement or structural alteration of any building or structure in the city, without first applying for and securing a building permit. All new buildings or structures and all extensive (50 percent or more of area) remodeling of existing structures or buildings must secure a certificate of occupancy from the city building official. Application shall be made on forms furnished by the city building official. Every certificate of occupancy shall state that the occupancy complies with all provisions of this chapter and adopted construction codes.

(d) District boundaries. Where uncertainty exists, with respect to the boundaries of the various zoning districts as shown on the zoning district map accompanying and made a part of this chapter, the following rules apply:

(1) The zoning district boundaries are either street or alley centerlines unless otherwise shown. Where the zoning districts designated on the map accompanying and made a part of this chapter are bound approximately by the street or alley centerline, the street or alley centerlines shall be construed to be the boundary of the zoning district.

(2) Where the zoning district boundaries are not otherwise indicated, and where the property has been or may hereafter be divided into blocks and lots, the zoning district boundaries shall be construed to be the lot lines, and where the zoning districts designated by the zoning district map accompanying and made a part of this chapter, are bound approximately by lot lines, the lot lines shall be construed to be the boundary of the zoning districts unless the boundaries are otherwise indicated on the map.

(3) In unsubdivided property, the zoning district boundary lines on the map accompanying and made a part of this chapter shall be determined by the use of the scale appearing on the map.

(4) Whenever any street, alley or other public way is vacated by official action of the city council, the zoning district adjoining each side of such street, alley or public way shall be automatically extended to the center of such vacation and all area included in the vacation shall therefore be subject to all regulations of the extended zoning districts.

(5) Where the streets or alleys on the ground differ from the streets or alleys as shown on the official zoning map, the street or alleys on the ground shall take precedence.

(6) If none of the boundaries set forth in this subsection apply, the board of adjustment shall determine the location of the zoning district boundary.

(e) Interpretation. In interpreting and applying the provisions of this chapter, they shall be held to be the minimum requirements for the promotion of the public safety, health, convenience, comfort, morals prosperity and general welfare. It is not intended by this chapter to interfere with or abrogate or annul any easements,

covenants or other agreements between parties, except that if this chapter imposes a greater restriction this chapter shall take precedence.

(Ord. No. 409, § XVIII, 8-24-2004)

Sec. 40-20. - Board of adjustment.

The mayor, with the concurrence of the city council, shall appoint a board of adjustment when required. The board shall carry out its assignment and be bound by the V.T.C.A., Local Government Code §§ 211.008 through 211.014.

(Ord. No. 409, § XIX, 8-24-2004)

Sec. 40-21. - Annexation and zoning of annexed areas.

(a) Annexation by the city, whether it be voluntary or involuntary shall be carried out in accordance with the procedures outlined in the Texas Local Government Code.

(b) The owner of land to be annexed may submit an application to zone the property simultaneously with submission of the petition for annexation, but no such annexation application may be made conditioned upon the approval of any particular zoning classification. Zoning approval and formal adoption of the ordinance establishing zoning must occur after annexation approval and adoption has occurred and as a separate and distinct action by the city council.

(c) If the zoning of the property was not approved concurrently with the annexation proceedings, it shall be automatically zoned Agricultural District, AG, until it is rezoned to another zoning classification. It is anticipated that agriculture zoned land will eventually be rezoned to another more permanent, urban zoning classification in the future.

(d) As soon as practical following annexation, but in no event more than 120 days thereafter, the city council shall, on its own motion or by application from the property owners of the annexed area, initiate proceedings to establish zoning on the newly annexed territory.

(e) The initial zoning of a land parcel after annexation, whether by initiation of the landowner or by initiation of the city, shall meet the requirements for notification and public hearings as set forth in this ordinance and all other applicable state laws.

(Ord. No. 409, § XX, 8-24-2004; Ord. No. 409-C, § II.F, 8-13-2008)

Sec. 40-22. - Violation, penalties and fines.

(a) Any person found to be violating this chapter is guilty of a misdemeanor and, upon conviction, is subject to a fine as provided by section 1-10 of this Code.

(b) Other remedies. In case any building or structure is erected, constructed, reconstructed, altered, repaired, converted or maintained, or any building, structure

or land is used in violation of this chapter, the appropriate authorities of the city, in addition to other remedies, may institute appropriate action or proceedings to prevent such unlawful erection, construction, reconstruction, alteration, conversion, maintenance, or use, to correct or abate such violation, or to prevent the occupancy of such building, structure or land.

(c) Any person found to be violating this chapter is guilty of a misdemeanor and, upon conviction, is subject to a fine as provided by section 1-10 of this Code.

(Ord. No. 409, § XXI, 8-24-2004; Ord. No. 619, §§ II(O), II(P), 9-10-2013)

Sec. 40-23. - Changes and amendments to the zoning ordinance.

(a) General authority. The city council may from time to time, by ordinance, amend, supplement, change, modify or repeal the boundaries of the various zoning districts and the regulations herein established. Before taking any such action, the city council shall submit the same to the planning and zoning commission for its recommendations and report.

(b) Procedure before the planning and zoning commission.

(1) No action to amend, supplement, change, modify or repeal the zoning ordinance shall be final until there has been a public zoning hearing thereon with public notice or such hearing as required by the Texas Local Government Code.

(2) The planning and zoning commission shall hold a public hearing and review in accordance with the procedures outlined in the current edition of the Texas Local Government Code in that particular chapter regarding "Regulations of land use, structures, businesses and related activities."

(c) Procedure before the city council. The city council shall also follow the guidelines stated in the Texas Local Government Code when considering a change in the zoning ordinance.

(d) Fees for requesting a change in zoning. An applicant requesting an amendment, supplement, change or modification of this chapter, or requesting a hearing before the board of adjustment, which required the sending of notices, shall pay a fee for the filing, processing and legal notification of adjacent property owners as prescribed in ordinance No. 248.

(Ord. No. 409, § XXII, 8-24-2004)

Sec. 40-24. - Signs.

(a) Jurisdiction. The provisions of this section shall apply within the city limits, and within the extraterritorial jurisdiction (ETJ) of the city. All signs erected within the extraterritorial jurisdiction of the City of Granite Shoals shall be erected in accordance with the standards imposed for property inside the city limits. A sign

shall not include numbers indicating the address of a residential structure or signs erected by a governmental entity in compliance with applicable law.

(b) Definitions. The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in the subsection, except where the context clearly indicates a different meaning:

Allowable means permissible to do.

Banner means a sign intended to be hung without frames. Flags of governmental jurisdiction and flags carrying the emblem of a business or institution are not to be considered banners for the purpose of this section.

Billboard means a sign that is designed for changeable copy, within fixed sign face, which advertises a business, organizations, event, person, place or thing not located on the same site (or property) as the billboard.

Construction sign means a sign temporarily placed on a construction site identifying the project, and/or owner, developer, contractor, or architect, and may include other information regarding the project. A construction sign shall be limited to no more than eight square feet.

Damaged sign means a sign, which is unsafe, unsecured, disfigured, or broken.

Detached sign means an on-premises sign that is not a wall sign.

District means zoning district of the City of Granite Shoals, Texas wherein the regulations of this section are uniform.

Election campaign sign means any temporary sign used to advertise a political candidate's or party's bid for elective office or that contains primarily a political message.

Externally illuminated sign means a sign illuminated in any manner by an artificial light source which is detached from the sign.

Flashing sign means a sign with lights which illuminate intermittently (for example, a sign with blinking or moving lights) regardless of wattage, whether directly or indirectly illuminated, except for time and temperature signs.

Ground clearance means the distance between the bottom of the sign and the average established ground level below sign.

Internally illuminated sign means a sign illuminated in any manner by an artificial light source as an integral part of the sign. This includes but is not limited to neon type signs.

Nonconforming sign means a sign that does not conform to the regulations of this section, but which was placed or constructed in accordance with city ordinances existing at the time of its placement or construction.

On-premises sign means a sign located on the property where the goods or services it advertises are sold or provided.

Permit means a written authority or warrant.

Portable sign means a sign which may be carried, wheeled, or moved about.

Real estate sign means a sign which is used to offer property for sale or lease.

Sign means any letters, figures, symbols, trademarks, or devices designed, intended or used to advertise or inform including the frame or mounting structure.

Sign height means the vertical distance between the highest part of the sign or its supporting structure, whichever is higher, and the average established ground level beneath the sign, unless curb elevation is higher than the ground level, in which case the height shall be measured from curb level.

Tacked sign means a sign made of any material when such sign is tacked, nailed, posted, pasted, glued or otherwise attached to trees, poles, stakes, fences, or other objects, and the advertising matter appearing thereon is not applicable to the use of the premise upon which or adjacent to the area at which such sign is located.

Temporary sign means a sign which is to be used for only a limited time.

Traveling lighted message sign means a sign which utilizes lights to form letters, words, figures, symbols, etc., and on which the letters, words, figures, symbols, etc. are changed more often than once every four minutes.

Unattached sign means a portable sign which is easily carried, wheeled, or moved about without having to detach the sign from a secure anchoring device. Such signs are considered to be unattached if they can reasonably be expected to be blown about in high winds that may cause injuries to pedestrians or become traffic hazards.

Wall sign means a sign mounted permanently to the structure.

(c) Signs permitted by district.

(1) The following signs shall be permitted in all residential districts:

a. Churches may display a sign showing names, activities and services therein provided. Such sign shall be limited to 36 square feet and shall be no higher or wider than eight feet. Any such sign located closer than 25 feet to any street right-of-way shall have a minimum clearance of nine feet from the finished grade with a maximum height not to exceed 20 feet. There shall be no projections over public property, right-of-ways or easements.

b. During construction of a building, one unilluminated sign shall be permitted. Such sign shall be removed immediately upon completion of the building, or upon expiration of the building permit.

c. A person having a legal home based business, other than a bed and breakfast, may display a name plate on the face of the building or porch. It shall be attached directly to and parallel to the face of the building or porch. It shall not exceed one square foot in area and shall not be illuminated in any way. A permit is required. No other sign or advertising device, pertaining to a home based business shall be mounted or displayed on any residential unit.

d. A bed and breakfast shall be permitted to have one on premise sign. This sign shall not exceed one square foot in area. It shall not include the word "hotel" or "motel." It shall not be internally illuminated, but may be externally illuminated.

e. Temporary signs pursuant to subsection (d) of this section.

(2) The following signs are permitted in a mobile home park district:

a. An on premise sign advertising the mobile home park. The sign shall be a permanent sign of not more than 36 square feet in total area and no higher or wider than eight feet. A permit is required.

b. All permanent signs located closer than 25 feet to any street or highway right-of-way shall have a minimum ground clearance of nine feet and a maximum height of 20 feet. Signs and supporting structures will be of sound construction and of a permanent nature, advertising products and services sold only at that location. There shall be no projections over public property, right-of-way or easements.

(3) The following signs are permitted in all non-residential districts:

a. Each business may have one wall sign. This sign may not extend above the roof line of the building, nor may it extend horizontally beyond the wall to which it is attached.

b. Each business may have one detached sign located on the business premises. The total area of this sign shall not exceed 115 square feet, shall be no wider than eight feet, and shall have a maximum height of 33 feet from the normal grade elevation measured at the street on which the business is located to the highest part of the sign or the structure on which the sign is placed. There shall be no projection over public property, right-of-ways or easement.

c. In addition to the detached sign permitted in subsection (b), a business may add one additional sign for the purpose of displaying the price of goods or services offered for sale at the business, which may include the price of various grades of fuel offered for sale at the business. An additional pricing sign under this paragraph must satisfy the following requirements:

1. The additional sign may not exceed 75 square feet;

2. The additional sign must be located on the same structure as the detached sign described by subsection (b); and

3. The additional sign must be located immediately below the detached sign described by subsection (b).

d. All permanent signs located closer than 25 feet to any street or highway right-of-way shall have a minimum ground clearance of nine feet and a maximum height of 33 feet. There shall be no projection over public property, right-of-ways or easements. No signs shall project over property lines. All signs and supporting structures will be of sound construction and

of a permanent nature, advertising products and services sold only at that location.

e. During construction of a building, one unilluminated construction sign shall be allowed. Such signs shall be removed immediately upon completion of the building, or upon expiration of the building permit.

(4) Sexually oriented business sign regulations.

a. Notwithstanding any other city ordinance to the contrary, it shall be unlawful for the owner or operator of any sexually oriented business to erect, construct, or maintain any sign except as provided herein.

b. Each sexually oriented business may have no more than two permanent signs. These signs shall comply with subsection (c)(3)c of this section.

c. Signs shall contain no photographs, silhouettes, drawings, or pictorial representations of any kind, and may contain only the name of the enterprise.

d. Each letter forming a word on a primary sign shall be the same print, type, size and color. The background behind such lettering on the display surface of a primary sign shall be of uniform and solid color.

(d) Temporary signs permitted by district. Temporary signs shall be permitted subject to the following:

(1) Any sign, poster or advertisement put up under a permit granted pursuant to this section shall:

a. Not remain for a period of more than five consecutive days; however, signs pertaining to fresh garden produce during the growing season may remain for 45 consecutive days.

b. Not to exceed 36 square feet in area.

c. If a permit is required, display the permit number issued for said sign(s) in the lower left hand corner of said sign.

d. Not exceed four square feet in area for garage sale and produce signs.

e. Be constructed so as to have its own support structure.

f. Be fabricated of materials designed to withstand the elements for the permitted time period.

g. Not be located:

1. Anywhere within the city's right-of-way.

2. So as to block the view of traffic or interfere with vehicular or pedestrian traffic.

3. So as to create an immediate physical danger.

4. On any utility pole or street sign.

(2) Allowable temporary signs. The following temporary signs shall be authorized upon application and issuance of a permit by the city:

a. Temporary signs advertising the opening or relocation of a business, provided that such signs shall only be permissible for a maximum period of 30 days before and 15 days after such opening or relocation.

b. Temporary signs advertising special events, provided that the permit allowing such signs will be effective for a maximum period of 30 days before and 15 days after such event.

c. Banners and other temporary signs attached and parallel to a wall of the structure.

d. Banners above public streets or highways in such locations as may be approved by the code compliance officer, provided that such banners shall not be displayed in excess of 60 days.

e. Garage sale signs, or similar signs, advertising a temporary event.

(3) Except as otherwise permitted herein, no sign shall be constructed, placed or installed unless a permit for such sign is issued by the city.

a. A person seeking a permit shall file an application with the city upon such forms as the city shall from time to time establish which shall include:

1. A sketch of said sign, including dimensions.

2. A statement setting forth the materials to be used.

3. The proposed location of such signs.

4. A fee shall be charged for signs described in subsection (d)(2) of this section in the sum of $5.00 for up to five signs and $1.00 for each additional sign.

b. The fee for all other sign permit applications shall be determined by separate ordinances.

c. Any sign, poster, or advertisement of any nature which does not comply with this section, shall be removed by the city as directed by the city manager.

(e) Damaged signs. Damaged signs must be repaired or removed within 30 working days following the date of notice to repair given by the code compliance officer, to the party responsible for such sign. Such 30-day period shall be extended provided that a bona fide work order bearing a delivery date for repairs is submitted to the code compliance officer within a 30-day period. The 30-day period shall be extended until seven days after the day shown on the work order.

(f) Temporary sign advertising "for sale" of real property.

(1) Signs advertising real property for sale or lease must be placed on the real property which is for sale or lease. The face of such temporary signs shall not exceed five square feet on each side including sign riders such as "price

reduced," "waterfront," "sale pending," etc. A second sign not to exceed five square feet is permitted on the shoreline.

a. Residential. A banner or sign not to exceed 36 square feet advertising property for sale is permitted on a boat dock if located in a residential zone.

b. Commercial. A third banner or sign not to exceed 36 square feet advertising property for sale is permitted if located in a commercial zone.

(2) Each sign must be constructed so as to have its own support structure and must be made of materials calculated to withstand the weather.

(3) Signs may be in place for as long as the property is offered for sale. Signs must be removed promptly upon closing of the sale of the property.

(4) This type sign does not require a permit.

(g) Non-conforming signs. Any sign not in compliance with the provisions of this section shall be considered to be non-conforming.

(1) Non-conforming temporary signs. All such signs must be removed within 90 days after the effective date of the ordinance from which this section is derived.

(2) Maintenance and replacement of non-conforming permanent signs.

a. Ordinary maintenance of all signs, except non-conforming signs, is allowed without the necessity of obtaining a permit. Ordinary maintenance shall mean the refurbishment of signs as they exist with no substantial alteration. Replacement or reconstruction of any part of any sign is not ordinary maintenance.

b. Non-conforming signs which have been damaged, blown down or otherwise destroyed or dismantled for any purpose other than maintenance operations, may be replaced only if the cost of repairing the sign does not exceed 60 percent of the market value cost of erecting a new sign of the same type at the same location. Evidence of the cost of repair market value and cost of erection of a new sign shall be submitted to the code compliance officer at the time of application for the repair permit but such evidence shall not be conclusive of the code compliance officer's decision in issuing or not issuing a repair permit. The property owner may appeal the code compliance officer's decision to the city manager.

(h) Prohibited signs. All other signs not expressly permitted are prohibited, including but not limited to the following:

(1) Billboards.

(2) Tacked signs.

(3) Flashing signs.

(4) Traveling lighted message sign.

(5) Off-premise signs (excluding signs in subsection (d)(2) of this section).

(6) Signs exceeding 20 feet in sign height.

(7) Multiple signs may not be arrayed together so as to violate the size restriction stated herein.

(8) Signs in the city right-of-way.

(9) Signs that emit a noise.

(i) Election campaign signs. Election campaign signs are allowed only on private property and when the sign:

(1) Is not more than eight feet high.

(2) Has an effective area less than thirty-six square feet.

(Ord. No. 409-B, 6-2007; Ord. No. 409-C, § II.G, 8-13-2008; Ord. No. 640, § 2, 3-25-2014; Ord. No. 644, § 2, 6-10-2014; Ord. No. 655, § II, 12-2-2014)

Sec. 40-25. - Boat docks.

(a) Construction. The purpose of this section is to regulate and control the construction, alteration, repair or demolition of boat docks, piers, retaining walls, ramps, or any structure on the shoreline or extending into the waterways of Lake L.B.J. within the city; to establish appropriate standard to protect the health, welfare, and safety of the community; and to establish penalties for violations of the provisions.

(b) Building permit. A city building permit must be obtained for all construction, alteration or demolition. Minor repairs may be made with the approval of the building official without a permit providing they do not violate any provision of this section.

(c) Approval. The owner, contractor, architect or engineer authorized to represent the owner shall submit an application on a form prescribed by the city for approval, plans and specifications, or the proposed construction to be done, and pay any application fee, if adopted by the city council, to the building official for review. Permits will be issued at the city office by the building official if the application meets all city requirements.

(d) Code. All construction methods, and building materials used must comply with minimum requirements set forth in the International Building Code, 2006 edition, and subsequent additions, or subsequent code or building regulations adopted by the city.

(e) Inspection. Existing boat docks, piers, ramps, slips, retaining walls, or other structures on the shoreline or extending into the lake or waterway are subject to inspection by the building official and if found to be unsafe, unsanitary, or a hazard to navigation, the owner will be advised to bring the structure up to compliance with this section within 60 days.

(f) Private facilities. No private pier, boat docks, ramps, slip or other structure will have any type of living facilities, kitchen, toilets or urinals, except if a special permit is approved by the city council.

(g) Commercial facilities. Commercial piers, boat docks, slips, ramps, incidental to the use of the lot from which they are extended, are permitted provided they do not include living facilities, kitchens, toilets or any fixture requiring connection to a waste disposal system, providing they do not violate other provisions of this section.

(h) Zoning. Boat docks are a permitted use in all zoning districts on waterfront lots.

(i) Special permits. Requests to permit the additional use of the structure to include any type of living facilities, kitchen, toilets or urinals shall be submitted on an application form prescribed by the city and referred to the planning and zoning commission for recommendation, and final decision to approve or disapprove shall be decided by the city council as any other special permit application.

(j) Special provisions. No structure on the shoreline or extending beyond shall exceed the height of 16 feet above the 825-foot elevation of Lake L.B.J.

(k) Electrical. All electrical installations for docks shall be in accordance with the National Electrical Code (NEC), with particular attention given to articles 250, 339, 553, and 555, and with the National Electrical Safety Code (NESC). Electrical systems should be designed and installed by a licensed electrician. Wiring methods, equipment and materials should be listed and approved for use in wet and damp locations.

(l) Property line. No type of structure shall be less than five feet from a line projected from the intersection of the water front property line and the side property lines of the adjacent lots.

(m) Waterway. No structure of any kind shall be erected, altered, enlarged, anchored or replaced that may hinder the free navigation of any waterway.

(n) Piers, boat docks, slips. No pier, boat dock, or slip shall be erected or placed beyond the banks or shoreline of any water way or canal whose width is less than 35 feet from bank to bank. Nor shall any such structure be erected or placed in any canal or water way extending to a point which when any similar structure should be erected or placed from the opposite bank to the same extent will provide less than 30 feet of obstructed passage for boats.

(Ord. No. 409-B, 6-2007; Ord. No. 409-C, § II.G, 8-13-2008)

Sec. 40-26. - Vacation home rental use.

(a) Zoning districts allowed. Vacation home rentals are allowed in the R-2 district only, except as provided by subsection (b) of this section.

(b) Existing vacation home rentals. A vacation home rental that is located in a zoning district that does not permit vacation home rental uses and that was in existence as of the date of this ordinance may continue, provided that it satisfies the following requirements:

(1) Registration. The property owner (or their authorized agent) shall register the vacation home rental with the city within 30 days of the effective date of the

ordinance from which this section is derived. Registration shall require full disclosure of the complete ownership of the property. Requirements for registration are as follows:

a. The applicant shall prove that the vacation home rental use was established prior to the effective date of the ordinance from which this section is derived, and that the use has been continuously maintained during that time by presenting proof of reporting/payment to the city of the hotel occupancy tax (HOT) filed in 2011.

b. There shall be an annual re-registration that will establish the continuous proof of reporting/payment of the city hotel occupancy tax for the prior year. A $150.00 annual application fee is required at the time of the filing of a registration form and at each renewal.

c. Address, legal description, and number of bedrooms of the property being used as a vacation home rental.

d. Any additional information that may be requested by the city necessary to make an informed decision regarding the application.

e. Contact information. Name, address and phone number of the homeowner and any management company authorized to by the owner commissioned to maintain this property.

(2) Burden of proof. The burden of establishing that a vacation home rental use was in existence prior to the effective date of the ordinance from which this section is derived rests entirely upon the person claiming such status.

(3) Denial of registration. The city may deny registration if it appears that the documents submitted by the owner or authorized agent are incomplete, not valid, or that the documents produced do not show the existence of the vacation home rental use in accordance with of this section. The city may also deny registration based on valid nuisance complaints filed with the city.

(4) Revocation. The city will, in writing, suspend or revoke a registration issued under the provisions of this section, whenever the registration is issued in error, or on the basis of incorrect information supplied, or when it is determined that the building or structure, or portion thereof is in violation of any ordinance of the city or applicable regulations.

(5) Signage. No signage is allowed, other than the premises address.

(6) Transferability. Registration of a vacation home rental does not transfer from one property owner to another.

(7) Abandonment and termination of a vacation home use.

a. A vacation home use is deemed abandoned and the right to operate the existing use shall terminate immediately if any of the following occur:

1. The hotel occupancy tax (HOT) has not been reported for two consecutive reporting periods of 90 days each.

2. Discontinuance or abandonment shall be conclusively deemed to have occurred irrespective of the intent of the property owner if any portion of the structure in which the existing use is located is dilapidated, substandard, or is not maintained in a suitable condition for occupancy during a continuous period of 120 days, unless a building permit is obtained.

b. A property owner may not resume an abandoned or otherwise terminated existing vacation home use.

c. Destruction of existing vacation home use. The right to operate and maintain any existing use shall terminate and shall cease to exist whenever the structure or any portion of the structure in which the existing use is operated and maintained is damaged or destroyed by fire, the elements or other intentional acts of the owner, operator, or third party, if the destruction amounts to 60 percent or more of its fair market value as determined by the tax appraisal roll, not including the value of the land, on the date of such damage or destruction. If the owner of a existing use fails to begin reconstruction of the destroyed building, when permitted to do so by city ordinances within 120 days of the date of destruction, the existing use shall be deemed to be discontinued or abandoned, and shall no longer be authorized to continue.

(Ord. No. 409-E, § 3, 2-28-2012)

Sec. 40-27. - Planned Development District, PD.

(a) Purpose. The Planned Development District, PD, is a district that accommodates planned associations of uses developed as integral land use units such as industrial districts, offices, retail, commercial or service centers, shopping centers, residential developments of multiple or mixed housing including attached single-family dwellings or any appropriate combination of uses that may be planned, developed or operated as integral land use units either by a single owner or a combination of owners. A PD district may be used to permit new or innovative concepts in land utilizations not permitted by other zoning districts in this section. While greater flexibility is given to allow special conditions or restrictions which would not otherwise allow the development to occur, procedures are established herein to ensure against misuse of increased flexibility.

(b) Permitted uses. An application for a PD district shall specify the base district (i.e., residential, retail, commercial) and the use or the combination of uses proposed. Uses that may be permitted in a PD are specified in the provisions of the zoning ordinance relating to each base district and must be specified if not permitted in the base district. In the case of residential PD district for single-family or duplex categories, the proposed lot area shall be no smaller than the lot sizes allowed in the base zoning district except for minor changes in a small percentage of the lots in order to provide improved design. In selecting a base zoning district, the uses allowed in the base district must be similar to or compatible with those allowed in

the PD district. PD designations shall not be attached to conditional use permit requirements. Conditional use permits allowed in a base zoning district are allowed in a PD district only if specifically identified at the time of PD approval.

(c) Planned development requirements. Development requirements for each separate PD district shall be set forth in the amending ordinance granting the PD district and shall include, but may 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, project phasing or scheduling, management associations and other requirements as the city council and the planning and zoning commission may deem appropriate.

(1) In the PD district, uses shall conform to the standards and regulations of the base zoning district to which it is most similar. The base zoning district shall be stated in the granting ordinance.

(2) 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 modifications in each district or districts and a general statement citing the reason for the PD request.

(3) The minimum acreage for a planned development district request shall be one acre.

(4) In establishing a Planned Development District, PD, the city council shall approve and file as part of the amending ordinance appropriate plans and standards for each Planned Development District, PD. To facilitate understanding of the request during the review and public hearing process, the planning and zoning commission and city council shall require a conceptual plan of the proposed project. A detailed site plan may be submitted in lieu of the conceptual plan.

(d) Conceptual and detailed site plan. This plan shall be submitted by the applicant at the time of the PD request. The plan shall show the intent for the use of the land within the proposed Planned Development District, PD, in a graphic manner and as may be required, supported by written documentation of proposals and standards for development. The city may prepare application forms that further describe and explain the following requirements:

(1) Residential conceptual plan. A conceptual plan for residential land use shall show general use, thoroughfares and preliminary lot arrangements. For residential development (such as multifamily) which does not propose individual 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, project scheduling, and other pertinent development data.

(2) Nonresidential conceptual plan. A conceptual plan for uses other than residential uses shall forth the land use proposals in a manner to adequately detail the type and nature of the proposed development. Data that may be submitted by the applicant, or required by the planning and zoning commission

or city council, may include but is not limited to the types of uses, topography and boundary of the PD area, physical features of the site, existing streets, alleys and easements, location of future public facilities, building height and location, parking ratios, project scheduling and other information to adequately describe the proposed development and to provide data for approval, which is to be used in drafting the final detailed site plan.

(3) Detailed site plan. This plan shall set forth the final plans for development of the Planned Development District, PD, and shall conform to the data presented and approved on the conceptual plan. Approval of the detailed site plan shall be the basis for issuance of a building permit, but does not release the applicant of the responsibility to submit plans to the building official for a building permit. For any residential district, a preliminary plat may qualify as the detailed site plan. The detailed site plan may be submitted for the total area of the PD or for any sections or part as approved on the conceptual plan. The detailed site plan shall include:

a. A site inventory analysis including a scale drawing showing major existing vegetation, natural watercourses, creeks or bodies of water and an analysis of planned changes in such natural features as a result of the development. This shall include delineation of any floodprone areas.

b. A 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/drive approaches and the land area of all abutting sites and the zoning classification thereof on an accurate survey of the tract with a topographical contour interval or not more than five feet.

c. A site plan for proposed building complexes showing the location of separate buildings and the minimum distance between buildings, and between building 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.

d. A landscape plan showing turf areas, screening walls, ornamental planting, wooded areas and trees to be planted.

e. Architectural drawings (elevations, etc.) showing elevations and signage style to be used throughout the development in all districts (except single-family and two-family dwellings) may be required by the planning and zoning commission or the city council if deemed appropriate.

f. All detailed site plans may have supplemental data describing standards, regulations or other data pertinent to the development of the Planned Development District, PD, as appropriate to adequately explain or

understand the request and is to be included in the text of the amendment to the zoning ordinance incorporating the PD district.

(e) Approval process and procedure. The process for establishing a Planned Development District, PD, shall be as follows:

(1) The planning and zoning commission or the city council may approve the conceptual plan or detailed site plan or any section of the plan, separately or jointly, in public hearings. One public hearing at the planning and zoning commission and one at the city council for the PD district request is adequate when:

a. The applicant submits adequate data with the request for the Planning Development District, PD, to fulfill the requirement for a detailed site plan; or

b. Information on the conceptual plan and attached application is sufficient to determine the appropriate use of the land and the development plan will not deviate from it.

(2) The conceptual plan must be approved by the planning and zoning commission and city council prior to approval of the detailed site plan.

(3) Conceptual and/or detailed site plan approval.

a. The detailed site plan may be approved in sections. When a detailed site plan is approved in sections, then separate approvals by the planning and zoning commission and city council for the initial and subsequent sections will be required.

b. A detailed site plan shall be submitted for approval within one year from the approval of the conceptual plan for some portion of the conceptual plan. If a partial site plan is not submitted within one year, the conceptual plan is subject to review by the planning and zoning commission and city council. If some portion of the entire project is not started within two years, the planning and zoning commission and city council may review the original conceptual plan to ensure its continued validity. If the city determines the concept is not valid, a new conceptual plan must be approved prior issuing a building permit for any portion of the PD district.

c. Although a public hearing may not be required for the detailed site plan, approval by the planning and zoning commission and city council is still required.

(f) Written report from city manager concerning impact. When a PD district is being considered, a written report from the city manager discussing the impact on planning, engineering, water utilities, electric, sanitation, building inspection, tax, police, fire, and traffic and written comments from the applicable public agendas (such as the school district and utility companies) may be submitted to the planning and zoning commission prior to the commission making any recommendations to the city council.

(g) Approved PD districts referenced on zoning map. All Planned Development Districts, PD, approved in accordance with the provisions of this section in its original form, or by subsequent amendments thereto, shall be referenced on the zoning district map, and a list of such PD districts, together with the category of uses permitted therein, shall be maintained as part of this section.

(Ord. No. 409-F, § 2, 3-27-2012)

Sec. 40-28. - Conditional use permit.

(a) Conditional uses.

(1) The purpose of the conditional use permit (CUP) process is to allow certain uses that are not specified, permitted uses within a zoning district. To be considered for a CUP, the requested use must be listed under "conditional uses" within the specific zoning district. Possible conditional uses, if any, are listed in each zoning district.

(2) The city council by an affirmative vote may, after public hearing and proper notice to all parties affected, and after recommendations from the planning and zoning commission that the uses are in general conformance with the intent of the comprehensive plan and with general objectives of the city, and containing such requirements and safeguards as are necessary to protect adjoining property, authorize certain uses by a CUP. As a zoning action, issuance of a CUP shall only apply to real property (such as shall not be attached to any person, business entity, or the like), shall not be transferred from one property to another (such as shall not move if a business operation relocates), and shall not expire without proper zoning action to rescind the CUP (such as change the zoning to remove the CUP, with appropriate public notification, public hearing, and the like).

(3) A zoning application for a CUP shall be accompanied by a metes and bounds description and a survey or scale drawing showing the property for which the CUP is being requested, and by a development plan drawn to scale and showing the general arrangement of the project, together with essential requirements such as off-street parking facilities; size, height, construction materials, and locations of buildings and the uses to be permitted; location and construction of signs; means of ingress and egress to public streets; the type of visual screening such as walls, plantings, and fences; and the relationship of the intended use to all existing properties and land uses in all directions to a minimum distance of 200 feet. The city manager or his or her designee, the planning and zoning commission, or the city council may require additional information or drawings (such as building floor plans), operating data, and expert evaluation or testimony concerning the location, function, and characteristics of any building or use proposed. The development plan shall be reviewed and approved along with the CUP zoning application.

(b) Conditional use permit regulations.

(1) In recommending that a conditional use permit for the premises under consideration be granted, the city shall determine that the uses are harmonious and adaptable to building structures and uses of abutting property and other property in the vicinity of the premises under consideration, and shall make recommendations as to requirements for the paving of streets, alleys, and sidewalks, means of ingress and egress to public streets, provisions for drainage, adequate off-street parking, screening, and open space, heights of structures, and compatibility of buildings. In approving a requested CUP, the planning and zoning commission and the city council may consider any or all of the following:

a. The use is harmonious and compatible with surrounding existing uses or proposed uses, and does not more adversely affect an adjoining site than would a permitted use;

b. The architecture, facade, and signage designs of the use are harmonious with those of adjacent uses;

c. The use requested by the applicant is set forth as a conditional use in the zoning district;

d. The nature of the use is reasonable;

e. The conditional use does not adversely affect the safety or convenience of vehicular or pedestrian circulation, including reasonably anticipated traffic and uses in the area;

f. The conditional use does not adversely affect an adjacent property by its resulting traffic through the location, or its lighting, or its type of sign; and

g. Any additional conditions specified, if any, ensure that the intent and purposes of the base district are being upheld.

(2) In granting a conditional use permit, the planning and zoning commission and the city council may impose conditions that shall be complied with by the owner or grantee before a certificate of occupancy may be issued by the building official, or his or her designee, for use of the building on that property pursuant to the conditional use permit and the conditions precedent to the granting of the certificate of occupancy. Any special conditions shall be set forth in writing by the city council prior to issuance of the certificate of occupancy, and shall be incorporated into the amending ordinance establishing the CUP.

(3) No conditional use permit shall be granted unless the applicant, owner, and grantee of the conditional use permit shall be willing to accept and agree to be bound by and comply with the written requirements or conditions of the conditional use permit, as incorporated into the amending ordinance establishing the CUP, and as reviewed by the planning and zoning commission and approved by the city council.

(4) A building permit or certificate of occupancy shall be applied for and secured within one year from the time of granting the conditional use permit; provided, however, that the city council may authorize one extension of one additional

year. After the one-year period (and the one-year extension, if it has been granted by the city council) has elapsed, the planning and zoning commission and the city council may review the development plan for continued validity and compliance. If the development plan is determined to be invalid or no longer viable, then the applicant and property owner(s) must submit a new or revised development plan for approval prior to any construction or to application for a building permit for the area designated for the conditional use permit. If building construction or use of a CUP has not commenced within a reasonable amount of time after two years, then the city council, at its option, may initiate proceedings to rescind the CUP for lack of use. No development right, if any, shall vest in a CUP that has expired or is no longer valid.

(5) No building, premises, or land used under a conditional use permit may be enlarged, modified, structurally altered, or otherwise significantly changed unless an amended conditional use permit is granted for that enlargement, modification, structural alteration, or change. Minor changes or alterations may be approved by the city manager or his or her designee.

(6) The board of adjustment shall not have jurisdiction to hear, review, reverse, or modify any decision, determination, or ruling with respect to the specific land use designated by any conditional use permit.

(7) When the city council authorizes granting of a conditional use permit, the zoning district map shall be amended to indicate that the affected area has conditional and limited uses, and the amendment is to indicate the appropriate zoning district for the approved use and prefixed by a CUP designation.

(Ord. No. 629, § II(D), 1-14-2014)

CITY OF PARKS

**City of Granite Shoals, Texas**
**Planning and Zoning Commission Reg. Mtg.**
**Agenda Item Cover Memo**
**Date: January 21, 2016**

**Agenda Item:** 3. Discuss, consider and possibly take action related to reviewing and sending recommendations to City Council related to issues with the Non-Conforming Ordinance.

**Prepared/Submitted By:** ***Ken Nickel, City Manager***
**Department:** ***Administration***

## BACKGROUND

3. Discuss, consider and possibly take action related to reviewing and sending recommendations to City Council related to issues with the Non-Conforming Ordinance.

***Attached are summaries from the PowerPoint presentations presented to the City Council at their 1-12-2016 Regular Meeting during a discussion of Non-conforming Ordinances.***

***City Staff will brief the Commissioners on this issue.***

**Nonconforming Building and Uses**

**Exhibit 'A' Jan 12, 2016**

**City Council Meeting minutes**

**Ordinance No. 409 – Granite Shoals Zoning Ordinance**

- **Sec. 40-18. - Nonconforming buildings and uses.**
- (a) Regulations. The lawful use of any building, structure or land existing on the effective date of the ordinance from which this chapter is derived may be continued, although such use does not conform with the provisions of this chapter . However, the right to continue such nonconforming use shall be subject to the following regulations:
- (1) Normal repairs and maintenance may be made to a nonconforming building or structure; provided, that no structural alterations shall be made except those required by law or ordinance or those necessary for installing or enclosing required sanitary facilities, such as toilets and bathrooms.
- (2) Unless otherwise provided, a nonconforming building or structure shall not be added to or enlarged in any manner unless such additions and enlargements are made to conform to all of the requirements of the zoning district in which such building or structure is located.
- **Sec. 40-18. - Nonconforming buildings and uses.**
- (3) A nonconforming building or structure shall not be moved in whole or in part unless every portion of such building or structure is made to conform to all regulations of the zoning district in which it is to be located.
- (4) If a nonconforming building or structure is damaged or destroyed to an extent of less than 60 percent of its fair market value by fire, explosion, act of God or the public enemy, then restoration or new construction shall be permitted. If destruction is greater than 60 percent of its fair market value, such building or structure and its use, if repaired or replaced, shall conform to all regulations of the zoning district in which it is located, and it shall be treated as a new building.
- **Sec. 40-18. - Nonconforming buildings and uses.**

(5) A vacant, nonconforming building or structure lawfully constructed before the day of enactment of the ordinance from which this chapter is derived may be occupied by a use for which the building or structure was designed or intended, if so occupied within a period of 90 days after the effective date of the ordinance from which this chapter is derived. The use of a nonconforming building or structure lawfully constructed before the date of enactment of the ordinance from which this chapter is derived which becomes vacant after the effective date of said, may be reoccupied by the use for which the building or structure was designed or intended, if so occupied within a period of 90 days after the building or structure become vacant. All such buildings after 90 days of vacancy, shall be converted to a conforming use.

- **Sec. 40-18. - Nonconforming buildings and uses.**

b) Nonconforming buildings may not be changed or expanded. The nonconforming use of a building or structure may be continued as hereinafter provided:

(1) The nonconforming use of a building or structure may not be changed to a use which does not conform to the requirements of the zoning district in which it is located.

(2) A nonconforming use of a conforming building or structure shall not be extended or expanded into any other portion of such conforming building or structure, nor changed except to a conforming use. If such nonconforming use or portion thereof is voluntarily discontinued or changed to a

conforming use, any future use of such building or structure or portion thereof shall conform to the regulations of the zoning district in which such building or structure is located.

- **Sec. 40-18. - Nonconforming buildings and uses.**

(c) Continuation of existing uses. The nonconforming use of land existing at the time of the effective date of the ordinance from which this chapter is derived may continue as hereinafter provided.

(1) Nonconforming use of land shall not be expanded, extended or changed to some other use not in compliance with the regulations of the zoning district in which the land is situated.

(2) If a nonconforming use of land or any portion thereof, is voluntarily discontinued for a period of 90 days any future use of such land or portion thereof shall be in conformity with the regulations of the zoning district in which such land or portion thereof is located.

(3) Any sign, billboard or poster panel which lawfully existed and was maintained at the time of the effective date of the ordinance from which this chapter is derived, may be continued, although such uses do not conform with the provision of this chapter; provided, however, that no structural alterations are made thereto.

- **Sec. 40-18. - Nonconforming buildings and uses.**

(d) Abandonment. The nonconforming use of a building, structure or land which has been abandoned shall not thereafter be returned to such nonconforming use. A nonconforming use shall be considered abandoned when:

(1) The intent of the owner to discontinue the use is apparent.

(2) The characteristic equipment and furnishings of the nonconforming use have been removed from the premises and have not been replaced by similar equipment within 90 days.

(3) A nonconforming building, structure or land, or portion thereof, which is or hereafter becomes vacant and remains unoccupied for a period of 90 days.

(4) A nonconforming use has been replaced by a conforming use.

- **Sec. 40-18. - Nonconforming buildings and uses.**

(e) Change in zoning district boundaries. Wherever the boundaries of a zoning district shall be changed so as to transfer an area from one zoning district to another zoning district, or when the boundaries of zoning districts are changed as the result of annexation of new territory, or changed in the regulations or restrictions of this chapter, the foregoing provisions relating to nonconforming uses shall also apply to any uses existing therein which may be or become nonconforming.

*(Ord. No. 409, § XVII, 8-24-2004)*

**Role of City Attorney/Team Approach**

Training for city staff

Consult with staff on individual cases

Advise Zoning Board of Adjustment

January 12, 2016

Exhibit 'B' January 12, 2016 City Council meeting minutes

Nonconforming Ordinance Granite Shoals January 2016

Understanding the ordinance

How it affects property owners

How it affects city moving forward

2012 resident survey

Council priority

Top response was "clean up Granite Shoals" at 20%

What is Nonconforming Use? (Sec. 4-18)

Doing something in a particularly zoned district that is not allowed in that district.

GB-2 business in a GB-1 district

M-1 in an R-1 district

What is nonconforming structure?
(Sec. 4-18)

Size of structure. Must meet minimum standards.

Location of structure(s) on property. (Ordinance 663)

Encroaching into public utility easement(s) with any portion of structure.

Encroaching into front, rear and/or side yard setbacks.

How are nonconforming use and structure issues being enforced?

**Strictly to the minimum standards of the law/ordinances.**

Consistency, consistency, consistency.

What can be done with or to nonconforming structures?

They can be brought into compliance.

Normal maintenance and repairs can be performed.

Replace roof

Replace *material that has been lost to* rot

Replace windows and doors (like for like)

Paint, etc.

Internal remodeling if permits are NOT required for:

Plumbing

Electrical

Building for structural alterations – these permits will be granted in order to perform projects for needed upgrades for safety reasons (e.g. 'upgrade aluminum wiring with copper wiring').

CITY OF PARKS

**City of Granite Shoals, Texas**
**Planning and Zoning Commission Reg. Mtg.**
**Agenda Item Cover Memo**
**Date: January 21, 2016**

**Agenda Item:** 4. Identify future agenda items

- Non-conforming Ordinance
- Annexation Plan for the City
- Review of draft amendment to the City Comprehensive Plan for Road Improvements – review proposal and Streets and Water Advisory Group recommendations at future meeting.

**Prepared/Submitted By:** ***Ken Nickel, City Manager***
**Department:** ***Administration***

**BACKGROUND**

4. Identify future agenda items
   - Non-conforming Ordinance
   - Annexation Plan for the City
   - Review of draft amendment to the City Comprehensive Plan for Road Improvements – review proposal and Streets and Water Advisory Group recommendations at future meeting.