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

AGENDA
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
TUESDAY, JULY 19, 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

1) Review and consider approval of the minutes from the Planning and Zoning Commission Regular Meeting of June 21, 2016.

REGULAR AGENDA ITEMS:

2) Discuss, consider and possibly take action related to forwarding a recommendation to City Council regarding modifications to Granite Shoals zoning ordinance related to fencing in residential zoning districts, as discussed at previous P&Z meetings on March 17, 2016, April 21, 2016, May 17, 2016 and June 21, 2016.

3) 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, the Board of Adjustments and also driveways. At their meetings October 15th and November 19th, and January 21th, the Commissioners reviewed parking and Drive-ways section again. February 18th the Commission reviewed the Ordinance related to signs, boat docks and Vacation Home Rentals. On March 17, 2016 the Commissioners reviewed requirements for annual inspection of Vacation Home Rentals. In April, May and June, Commissioners did not review the Ordinance due to time constraints. Tonight, the Commission will consider moving forward through the Ordinance, starting with Planned Development Districts (PD)).

4) Identify future agenda items

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 July 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 Tuesday, July 19, 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, TRMC/MMC
City Secretary

Item # 1
Meeting Minutes

City of Granite Shoals
2221 N. Phillips Ranch Road
Granite Shoals, TX 78654
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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
TUESDAY, JUNE 21, 2016
6:00 P.M.

Call to Order by Chair Shannon Wilson at 6:00 PM.

Commissioners Present:
Shannon Wilson
Susie Hardy
Shawna Williams
Steven Dooley
Terry Scott
Claudine Gonzales

Absent:
Paul Fletcher

Staff present:
Ken Nickel, City Manager
Preston Williams, Sr. Code Compliance Officer
Elaine Simpson, City Secretary - recording ---

The numbering below tracks that of the agenda, whereas the actual order of consideration may have varied.

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

- Volunteer Appreciation Reception June 28, 2016 at 5 PM
- Annual 'Open Government Training' with City Attorney, 6 PM June 30, 2016
- Meet with Mayor and drink lemonade after the Open Government Training 7:30 PM to 8:30 PM

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 May 17, 2016.

Commissioner Williams made a motion, and Commissioner Scott seconded, to approve, as presented, the meeting minutes from the P&Z Commission regular meeting of May 17, 2016. Motion carried with a unanimous vote of 6-0.

PUBLIC HEARING

2) Proposed Ordinance #691 to amend Chapter 40 of the City Code Of Ordinances, related to Non-Conforming Structures, including Sections 40-2 (Definitions), 40-6 (Single-Family Residential District, R-1), 40-8 (Multifamily Residential District, R-2), 40-10 (Mobile Home Residential District, M-1), and 40-18 (Nonconforming Buildings And Uses) of the City Of Granite Shoals Code Of Ordinances; and creating a new section 40-29 (Overlay Districts); and providing for the following: findings of fact, savings, severability, repealer, effective date, and proper notice and meeting.
    a. Hold a Public Hearing.

Chair Wilson recessed open meeting / called Public Hearing to order at 6:05 PM.

Chair Wilson adjourned Public Hearing and reconvened the regular meeting at 6:06 PM.

b. Review proposed Ordinance, discuss, consider and possibly take action to forward a recommendation to City Council regarding Ord. #691.

Commissioner Scott led an extended discussion about what he perceives now as shortcomings of this proposed ordinance. He suggested that if a gross encroachment of a setback/easement exists, this Ordinance as presented, would allow the owner of the dwelling not only to build an addition, but to continue the encroachment all the way back along the fence line, and in cases of waterfront property, this could be all the way almost to the water. Although the size of the encroachment into the setback or easement could not be expanded, the existing encroachment would be 'continued'. There was a discussion of equity involving whether it was fair to the homeowner who had no encroachments, who lived in a 'conforming' house, that if this homeowner wished to build an addition, he would have to comply with all the setbacks and

easements. However, if the neighbor next door had a pre-existing encroachment, they would be able to build an addition outside the parameters of the current setbacks and easements. Someone in the same neighborhood building a new dwelling would have to comply with the current rules as 'new construction'. This would seem to favor the owners of dwellings with these encroachments.

The Commissioners were in favor of allowing owners of non-conforming structures to build additions onto their structure. As is currently written, the Ordinance forbids anything but minor repairs from being made to a non-conforming structure with encroachments of this type. There was agreement that current regulations are too rigid; that these property owners should be given the flexibility to build an addition.

There was general agreement that with this flexibility, if the property owner still could not build an addition that was compliant with current building codes, they could take their case to the Board of Adjustments.

There was a brief discussion that in the Ordinance for Marble Falls, Texas, the owner of a non-conforming property with encroachments may build an addition, but the addition must comply to the current building codes. The owner may not build an addition that expands or continues the existing encroachment.

Jim Davant, 310 South Shorewood, Granite Shoals, TX 78654: Spoke regarding his concern that if proposed Ord. 691 is not approved, or is approved with extensive modifications to how additions may be built, the city will be back in the same difficult situation that resulted from the Zoning amendments passed in July of 2015. When the July 2015 amendments passed, the manner in which encroachments were enforced became more stringent. Instead of only encroachments on the ground, the new ordinance created a new type of violations of easement/setbacks in the 'airspace' where eaves and overhangs exist.

Commissioners Williams, Scott and Dooley expressed concerns about allowing the ability of a homeowner to continue an encroachment. Vice Chair Hardy expressed support for the proposed Ordinance, as presented. Commissioner Gonzales proposed defining 'airspace' to correct the issue.

Commissioner Scott made a motion, and Commissioner Williams seconded, to forward a favorable recommendation to City Council related to proposed Ordinance #691, with the following modifications:

At each occurrence of the paragraph wording such as on page 3 of the proposed ordinance, Section 4 and Section 5, paragraphs A and B the following changes will be made:

As currently proposed:

> *Eaves and overhangs. Eaves and overhangs may not encroach into the front yard, side yard, or rear yard except as follows:*
>
> *(A) Those portions of eaves and overhangs that extend into the front yard, side yard, or rear yard, that were in existence on [the date of amended ordinance], and that have remained in continuous existence since that date may continue; and*

(B) Eaves and overhangs described by subsection (A) may be extended within the front yard, side yard, or rear yard parallel to the corresponding lot line, but no portion of such extension may be located nearer to the lot line than the eave or overhang that was in existence on [the date of amended ordinance].

(5) Structural encroachments. A building or structure may not encroach into the front yard, side yard, or rear yard except as follows:

(A) Those portions of buildings or structures that extend into the front yard, side yard, or rear yard, that were in existence on [the date of amended ordinance], and that have remained in continuous existence since that date may continue; and

(B) Buildings or structures described by subsection (A) may be extended within the front yard, side yard, or rear yard parallel to the corresponding lot line, but no portion of such extension may be located nearer to the lot line than the building or structure that was in existence on [the date of amended ordinance].

Will read as follows:

Eaves and overhangs. Eaves and overhangs may not encroach into the front yard, side yard, or rear yard except as follows:

Those portions of eaves and overhangs that extend into the front yard, side yard, or rear yard, that were in existence on July 1, 2016 , and that have remained in continuous existence since that date may continue. Any additions to non-conforming structures must conform to same building regulations as new construction.

Structural encroachments. A building or structure may not encroach into the front yard, side yard, or rear yard except as follows:

Those portions of a building or structure that extend into the front yard, side yard, or rear yard, that were in existence on July 1, 2016, and that have remained in continuous existence since that date may continue. Any additions to non-conforming structures must conform to same building regulations as new construction.

Also, the date of July 1, 2016 was inserted into the ordinance in all occurrences of the phrase '[the date of amended ordinance]'.

Motion carried unanimously by a vote of 6-0.

This recommendation will be forwarded to City Council for their June 28th meeting.

REGULAR AGENDA ITEMS:

3) Discuss, consider and possibly take action related to forwarding a recommendation to City Council regarding modifications to Granite Shoals zoning ordinance related to

fencing in residential zoning districts, as discussed at previous P&Z meetings on March 17, 2016, April 21, 2016 and May 17, 2016.

The Commissioners noted that they had 'taken for action' to do homework last month and return with individual ideas for the 'interior fences'. There was not consensus on any one definition.

Vice-Chair Hardy suggested that the Commissioners use uniform phases. She suggested the term 'Perimeter Fence or Lot Line Fence' for referring to a normal (outside) fence, such as is discussed currently in the ordinance. It was suggested that the other 'Interior' fences be defined and should be limited; the phrase 'Special Purpose Fence' being too broad and likely to cause confusion. It was generally agreed that interior fences would be garden fence, dog run fence or a patio fence.

There was an extended philosophical discussion of the wisdom of having regulations for fencing in the Zoning Ordinance at all, considering that the city Code Compliance office doesn't issue fence permits?

Mrs. Brittney Dooley, 127 W. Stonecastle DR: She noted that when she originally requested that 'garden fencing' be allowed, she presented the Commissioners with a petition signed by her neighbors. This petition requested that 'garden fencing' (interior) be allowed up to eight feet tall (8') due to the deer issue. The petition also requested that the Zoning Ordinance for the R-1 Single Family Residential District be modified to allow the building of fences with natural (unmilled) cedar.

There was a discussion of the fence (perimeter / lot line /outside) fence, as it currently is defined in the Zoning Ordinance. The Commissioners and the City Council spent a great deal of time refining this section of the Zoning Ordinance, which was part of the July 2015 Zoning Ordinance amendment.

There was a discussion related to the question of 'was an 'interior' fence section needed?' Since there is no requirement for a fence permit, was the creation of another kind of fence 'interior', a waste of effort, as it would be as impossible to enforce as the current ordinance? The Commissioners came to the general agreement that they would like to consider two types (interior and lot line) fencing. The Commissioners took for action to return to the July P&Z meeting with suggestions for both types.

No formal action was taken.

4) 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, the Board of Adjustments and also driveways. At their meetings October 15th and November 19th, and January 21th, the Commissioners reviewed parking and Drive-ways section again. February 18th the Commission reviewed the Ordinance*

related to signs, boat docks and Vacation Home Rentals. On March 17, 2016 the Commissioners reviewed requirements for annual inspection of Vacation Home Rentals. April and May the Commissioners did not review the Ordinance. Tonight, the Commission will consider moving forward through the Ordinance, starting with Planned Development Districts (PD)).

Due to time constraints, this item was not discussed.

5) Identify future agenda items

Due to time constraints, this item was not discussed.

6) Adjourn.

With no other items on the agenda, and no objections from the Commissioners, Chair Wilson adjourned the meeting at 8:05 PM.

The next meeting of the P&Z will be held on July 19, 2016.

I, _____ Chair 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 June 21, 2016

_____ date _____

DRAFT

7/19/16 @item#2
P&Z Fencing

Granite Shoals Zoning Ordinance, as currently in effect 7- 15 - 2016

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

...

(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. ...

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 fifty percent (50%) density.~~ Front yard 10' setback no higher than 6'. } new wording

(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 district.

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~~ 6 feet.

b. Side yard lot lines shall maintain ~~5~~ 6 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~~ 6 feet and a minimum setback from the lot line of 10 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.

lot-line

6-feet, lot to set back.

reminder e-mail. for what Commissioners have taken for action.

Planning & Zoning Commission, 4-21-16

Sorry for the inconvenience, but since I cannot talk, I wanted to state my feelings on the fence ordinance we are being asked to review again.

I'm not in favor of changing the current ordinance as recently approved because this sets in motion the possibility of changing any and all ordinances based on one resident complaint. Also, in reviewing and revising the ordinances, we've tried to set standards based on what will work for a majority of the residents while still trying to make gradual improvements to the overall look of Granite Shoals.

In this case we're being asked to change the ordinance because a resident has already erected a rolled wire and rough cedar post fence that is 8 feet tall. This resident, Mr. Dooley also admitted to placing the fence on his property without inquiring about fence requirements. Once he discovered the current ordinance does not include rolled wire and rough cedar posts in allowable materials for fencing, he and his wife started a petition and enlisted the support of several other residents.

I spoke to neighbors (husband and wife) who both signed the petition. When I asked them about it, they admitted to signing it without giving much thought to the issue. When I explained the specifics of the fence in question, they agreed they would not want that type of fence next door or near their own property. I mention this because a lot of people will sign petitions just to get rid of the visitor on their doorstep, especially when the issue does not directly affect them.

Another reason I'm against changing this ordinance is that it will place an undue burden on the city's code compliance department and make them beautification police. Since there's no accounting for taste, we know that one resident might design and erect a beautiful fence made of rolled wire and rough cedar posts, and another might use the same materials with disastrous results. By being specific about the materials that are not approved for building and other projects, the city can help ensure that the outcomes will be acceptable to most residents and more pleasing to people who visit and consider moving to Granite Shoals.

Another great example of this type of issue is used materials for new construction. Our ordinance does not currently allow this because it would impossible to police the projects that used the materials in a tasteful manor and those that slapped old tin on an exterior wall to prevent leaks, etc. This matter, like this particular fencing issue, should be addressed by the Board of Adjustments.

To sum it up, to rework fencing at this time opens up a can of worms for most, if not all, of our ordinances. I don't think we should change any ordinance without giving current rules a chance to work or to give in to individual resident complaints by changing ordinances on the spot. I also don't think we educate our residents or promote our ordinances effectively enough to give them a chance to work and be accepted by residents. I'll gladly volunteer my services to help rethink web access and design/write fliers and other materials to make our ordinances more accessible to everyone.

Thanks for your time.
Shawna Riley Williams.

Vacation Home Rentals. Tonight, the Commission will consider moving forward through the Ordinance, starting with Planned Development Districts (PD)).

The Commissioners did not have time during the meeting to address this agenda item. This item was postponed to a future meeting. No formal action was taken.

4/21/16

4. Discuss, consider and possibly take action related to forwarding a recommendation to City Council regarding modifications to Granite Shoals zoning ordinance related to fencing in residential zoning districts.

Please refer to the March 17, 2016 P&Z Commission meeting minutes pages 3-6 for discussion of agenda item as considered at the last meeting.

Commissioners were asked to consider several factors at the last meeting related to the fencing issue.

There was a discussion related to whether the 'property line' fencing regulations should be modified, or whether the city needed to have two types of fencing.

There was an extended discussion regarding waterfront fencing versus off-water lot fencing.

Mrs. Britany Dooley, 127 Stonecastle: Thanked the Commissioners for the consideration they have been paying to this issue.

There was a discussion regarding the need for 8 foot fencing to be sufficient for keeping out deer.

The Commissioners determined that for 'property line' fencing, they would like to remove the 50% density in the front yard requirement. They would also like to see property line fencing be allowed to be built up to 8 foot, 'Deer Proof' height, on all sides of a dwelling. The Commissioners agreed to recommend that the fence may be constructed out of the materials now accepted, including stone, brick, etc.

In contrast to 'property line' fencing, the Commissioners decided to take for action that they would return with recommendations for special purpose fencing for fencing around gardens, dog runs and other *special purpose enclosures*.

This item will return on the next Commission meeting agenda for further discussion and possible action.

5. Discuss, consider and possibly take action related to clarifying the Commission recommendations related to driveways and parking.

Background information provided tonight is current 'red-line' version of staff interpretation of Commissions desired verbiage for Driveways section of a proposed 'General Compliance Section' for residential zoning districts.

The Commissioners postponed consideration of this item until such time as Commissioner Williams could be present.

Petition To Amend Fencing Codes

March 10, 2016

Purpose

We, the citizens of Granite Shoals, respectfully demand that the city codes under Single Family Residential District R-1, regarding allowable fence materials and fence height be amended to include the use of natural cedar posts and rolled wire deer fencing. We also demand that the maximum height be increased from 6' to 8', as it is in the Multifamily Residential District, as long as it does not obstruct anyone's view and is made mostly of transparent materials. Alternatively, that the 8' maximum height is only allowed around gardens and to be of mostly transparent material that does not obstruct views. The current codes do not support modern and economically or environmentally friendly fencing materials, nor do they take into account our rural location and the needs of gardeners to keep deer and other animals from destroying crops and vegetation. More details are as follows.

Pros Of Cedar

Natural Cedar is an attractive, locally sourced, and termite/rot resistant material. It weathers better than milled wood and is known to be much more durable. You won't worry about warping or shrinkage with this fence, also a credit to the performance of this material. Cedar is fully biodegradable and is an economically friendly choice. Natural oils in the wood act as a deterrent to rot and insect infestation, thereby helping homeowners to avoid the use of dangerous chemicals and pesticides. Aesthetically pleasing, these cedar posts blend in with our natural surroundings and don't detract from the beauty of the land.

While it seems unbelievable, cedar can help temper the extremes of winter and summer! In winter, air pockets inside the wood help block cold gusts of wind. In summer, those air pockets help dissipate heat. Cedar will not get hot to the touch in the heat of summer; it will remain cool to the touch, even in direct sunlight!

(Source:http://www.wisegeek.com/what-are-the-advantages-of-cedar-fence-posts.htm)

Pros Of Rolled Wire

Rolled wire deer fencing is a cost effective and necessary material. It is much more attractive, updated, and less obstructive to views than the other allowed materials. We do live in a rural location with a large deer population. This fencing will help encourage people to garden which will improve the quality of life of our residents.

Residents who currently have a 6' or less garden fence have had to attach unsightly extensions onto the fence to keep deer from jumping them. We would rather have a uniform 8' fence that does not obstruct views, than shorter fences with extensions added.

"Large areas often require more substantial fencing designs to achieve a level of protection similar to small areas. In general, blocks larger than 50 acres usually require eight-foot-high, woven-wire or high-tensile fencing to reliably prevent deer from entering the area if feeding pressure is high. It may be necessary to utilize this fence type on smaller areas if a landowner's tolerance for deer damage is low. Keep in mind that standard or high-tensile game fences at least 8 feet in height are the ONLY full-proof deer exclusion fences."

(Source: https://tpwd.texas.gov/publications/pwdpubs/media/pwd_bk_w7000_1196.pdf)

Closing

We all care about our community and want to improve it. We request that the city council and all of its members, committees, and volunteers always keep in mind that one of the main attractions of our area is the rustic Texas country feel of it. People come here to "get away" from the city life and relax in the beauty of nature. Let's continue to move our city forward using materials that reflect and enhance the natural beauty of our city and not turn it into just another neighborhood.

March Item #3

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: (Modular 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 (Window) 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.

(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. – Go to page 42

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.* (A) ~ Duplicate in Pg 29 & Pg 16 of Definitions

(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~~

[illegible]

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. 403, § IX, 6-24-2004)

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. or determined by city staff.

(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. 408, § X, 8-24-2004; Ord. No. 493-D, § 2.D, 8-23-2010)

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

(a) *Permitted uses.* In the Mobile Home Park ~~District~~Zone, M~~H~~-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. 405, § II, 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. 949, § II, 3-23-2004; Ord. No. 2004-4, § 2.1, 3-22-2004; Ord. No. 2015-5, § II(8), 1-14-2015)

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-O, § 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, 3-24-2004; Ord. No. 409-C, §§ 2.F, 2.G, 3-22-2010)

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.

([illegible])

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.

5-17-16

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

add to pg 24 (A)

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 parked 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'.

Parking on easements and Parking for Special events ~~[illegible]~~ parties, garage sales??

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.

Delete??

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)

Done

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)

Recommendations from City Council - Next Tuesday

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 the 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

C.M or his designee

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~~ zones:

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~~: Jones

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. STOP - January PNZ meeting

(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.

CM or his designee.

CM or designee

add back in... Engineered plans required. All plans must be approved by a ~~certified~~ engineer.

CM or designee

Private and Commercial, must conform to all LCRA regulations.

All plans for construction of boat docks must be approved by a ~~certified~~ professional engineer. Structural

(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)

ZONING USE SUMMARY TABLE

P = Permitted Use C - Conditional Use X = Not Permitted

Districts Established	R-1	R-1-D	R-2	M-1	M-2	GB-1	GB-2	I	AG	RVP	PD
Description of Districts:	Single Family Residential		Multifamily Residential	Mobile Home Residential	Mobile Home Park	General Business One	General Business Two	Industrial	Agricultural	Recreational Vehicle Park	Planned Development
RESIDENTIAL USES											
Accessory Buildings	P	x	x	P	x	x	x	x	x	x	x
Bed & Breakfast	C	x	C	C	x	C	C	x	x	x	x
Boat Docks	P	P	P	P	P	P	P	P	P	P	P
Boarding or Lodging House	x	x	P	x	x	x	x	x	x	x	x
Customary Home Occupations (millinery, dressmaker, musician, artist or beautician)	P	x	x	P	x	x	x	x	x	x	x
Dwelling, Multiple-Family (including Condominiums)	x	x	P	x	x	x	x	x	x	x	x
Dwelling, Single-Family	P	P	P	P	x	x	x	x	x	x	x
Dwelling, Two-Family	x	x	P	x	x	x	x	x	x	x	x
Hangers for Planes	P	x	x	P	x	x	x	x	x	x	x
Home Based Business	P	P	P	P	P	x	x	x	x	x	x
Mobile home and Outbuildings	x	P	x	x	x	x	x	x	x	x	x
Single Family Mobile Home	x	x	x	P	x	x	x	x	x	x	x
Mobile Home Park	x	x	x	x	P	x	x	x	x	x	x
Vacation Home Rental	x	x	P	x	x	x	x	x	x	x	x
COMMERCIAL USES											
Alcoholic Beverage Stores	x	x	x	x	x	P	x	x	x	x	x
Automotive Parts & Accessory Sales	x	x	x	x	x	P	P	x	x	x	x
Automotive Sales	x	x	x	x	x	x	P	x	x	x	x
Automotive Service	x	x	x	x	x	x	P	x	x	x	x
Bakeries	x	x	x	x	x	P	P	x	x	x	x
Banks	x	x	x	x	x	P	P	x	x	x	x
Bicycle Repair	x	x	x	x	x	x	x	x	x	x	x
Bowling Alley and Other Similar Places of Entertainment	x	x	x	x	x	P	P	x	x	x	x
Cleaning & Laundry Plant	x	x	x	x	x	x	P	x	x	x	x
Commercial Cleaning & Laundry	x	x	x	x	x	x	x	P	x	x	x
Drug Store	x	x	x	x	x	P	P	x	x	x	x
Electronic Service Centers	x	x	x	x	x	P	x	x	x	x	x
Farm Equipment, Sales & Service	x	x	x	x	x	x	P	x	x	x	x
Florist Shop	x	x	x	x	x	P	P	x	x	x	x
Fueling Station	x	x	x	x	x	x	P	x	x	x	x
Furniture Store	x	x	x	x	x	P	P	x	x	x	x
Grocery & Convenience Stores	x	x	x	x	x	P	P	x	x	x	x
Hardware Stores	x	x	x	x	x	P	P	x	x	x	x
Hotel-Motel	x	x	x	x	x	P	P	x	x	x	x
Laundries, Self Service	x	x	x	x	x	P	P	x	x	x	x
Medical Outpatient Clinics	x	x	x	x	x	P	P	x	x	x	x
Neighborhood Shops	x	x	x	x	x	P	P	x	x	x	x
Office Buildings	x	x	x	x	x	P	P	x	x	x	x
On-Site Storage Containers	x	x	x	x	x	C	C	x	x	x	x
Personal Services	x	x	x	x	x	P	P	x	x	x	x
Pharmacies	x	x	x	x	x	P	P	x	x	x	x
Printing & Copying Services	x	x	x	x	x	P	P	x	x	x	x
Radio & Television Broadcasting Studios	x	x	x	x	x	P	P	x	x	x	x

ZONING USE SUMMARY TABLE

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Districts Established	R-1	R-1-D	R-2	M-1	M-2	GB-1	GB-2	I	AG	RVP	PD
Description of Districts:	Single Family Residential		Multifamily Residential	Mobile Home Residential	Mobile Home Park	General Business One	General Business Two	Industrial	Agricultural	Recreational Vehicle Park	Planned Development
Real Estate Sales Offices	x	x	P	x	x	x	x	x	x	x	x
Recreational vehicle sales	x	x	x	x	x	P	P	x	x	x	x
Repair Facility 1	x	x	x	x	x	x	P	x	x	x	x
Repair Facility 2	x	x	x	x	x	x	x	P	x	x	x
Resort Marinas	x	x	x	x	x	P	x	x	x	x	x
Restaurant	x	x	x	x	x	P	P	x	x	x	x
Restaurant, Drive-in	x	x	x	x	x	P	P	x	x	x	x
Restaurant, Take-out	x	x	x	x	x	P	P	x	x	x	x
Retail Nurseries	x	x	x	x	x	P	P	x	x	x	x
RV, Boat & Trailer Storage	x	x	x	x	x	x	P	x	x	x	x
Swimming Pool Sales & Service	x	x	x	x	x	x	x	P	x	x	x
Temporary Buildings (related to construction work)	x	x	P	x	x	x	x	x	x	x	x
Tool and Equipment Rental	x	x	x	x	x	x	P	x	x	x	x
Truck Sales & Service	x	x	x	x	x	x	x	P	x	x	x
Video Rental Sales	x	x	x	x	x	P	P	x	x	x	x
Welding & Machine shops	x	x	x	x	x	x	P	x	x	x	x
INDUSTRIAL USES											
Contractor's Yard	x	x	x	x	x	x	x	P	x	x	x
Light Manufacturing, Fabrication, Assembly or Processing of goods or materials, products or equipment	x	x	x	x	x	x	x	P	x	x	x
Machinery, Heavy Equipment	x	x	x	x	x	x	x	P	x	x	x
Repair, Servicing, Painting, packaging or cleaning of goods, materials, products or equipment	x	x	x	x	x	x	x	P	x	x	x
Research, Development & Testing Activities	x	x	x	x	x	x	x	P	x	x	x
Warehousing & Distributing Operations	x	x	x	x	x	x	x	P	x	x	x
Wholesale Distributor	x	x	x	x	x	x	x	P	x	x	x
AGRICULTURAL USES											
Agricultural and Ranch Uses	x	x	x	x	x	x	x	x	P	x	x
Greenhouses	x	x	x	x	x	P	P	x	x	x	x
CIVIC USES											
Administrative Services	x	x	x	x	P	x	x	x	x	x	x
Clinics	x	x	P	x	x	x	x	x	x	x	x
College, Universities, Vocational Schools and Schools of Higher Learning	P	x	x	P	x	x	x	x	x	x	x
Community Buildings	P	x	P	P	x	x	x	x	x	x	x
Community Recreation	x	x	x	x	P	x	x	x	x	x	x
Country Clubs or Golf Courses	P	x	x	P	x	x	x	x	x	x	x
Day Care Services (commercial)	x	x	x	x	P	x	x	x	x	x	x
Day care services (general)	x	x	x	x	P	x	x	x	x	x	x
Day Nurseries	x	x	P	P	x	P	P	x	x	x	x
Hospital	x	x	P	x	x	x	x	x	x	x	x
Libraries	P	x	P	P	x	x	x	x	x	x	x
Local Utility Services	x	x	x	x	P	x	x	x	x	x	x
Marinas	x	x	P	x	x	x	x	x	x	x	x

ZONING USE SUMMARY TABLE

P = Permitted Use C - Conditional Use X = Not Permitted

Districts Established	R-1	R-1-D	R-2	M-1	M-2	GB-1	GB-2	I	AG	RVP	PD
Description of Districts:	Single Family Residential		Multifamily Residential	Mobile Home Residential	Mobile Home Park	General Business One	General Business Two	Industrial	Agricultural	Recreational Vehicle Park	Planned Development
Municipal Building	X	X	X	P	X	X	X	X	X	X	X
Museum	P	X	P	P	X	X	X	X	X	X	X
Nursing and Convalescent Homes	X	X	P	X	X	P	P	X	X	X	X
Parks & Playgrounds	P	X	P	P	P	X	X	X	X	X	X
Police & Fire Stations	P	X	P	P	X	X	X	X	X	X	X
Private schools	X	X	P	X	X	X	X	X	X	X	X
Public Schools (Elementary & Secondary)	X	X	P	X	X	X	X	X	X	X	X
Public Recreational Facilities (owned/operated by municipality or government agency)	P	X	P	P	X	X	X	X	X	X	X
Public Buildings & Facilities	X	X	X	X	X	X	X	P	X	X	X
Public Utilities	X	X	P	P	X	P	P	P	X	X	X
Churches & Other Places of Worship	P	X	P	P	X	X	X	X	X	X	X
Sanitariums	X	X	P	X	X	X	X	X	X	X	X
School, Business	X	X	X	X	X	P	P	X	X	X	X
School, Commercial	X	X	X	X	X	P	P	X	X	X	X
Water Supply Reservoirs, Pumping Plants	X	X	P	X	X	X	X	X	X	X	X