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

CITY OF PARKS

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, SEPTEMBER 20, 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 August 16, 2016.

PUBLIC HEARING(s)

2) Consider request from Don Sherman, on behalf of Kyle West, property owner at 905 N. Castle Hills Drive, for a re-plat of lots 425, 426, 427, 502, 503, 504 and 501 in the Mystic Castle section of Sherwood Shores subdivision, to cure existing encroachments across lot lines and easements.
    a) Hold a Public Hearing
    b) Possibly take action to forward a recommendation to the City Council upon this request.

3) Consider recommendation of Streets and Water Advisory Group (SWAG) regarding Update to Transportation Plan – 2016 section of the City of Granite Shoals Comprehensive Master Plan.
    a) Hold a Public Hearing
    b) Possibly take action to forward a recommendation to the City Council upon this request.

REGULAR AGENDA ITEMS:

4) Review information from City Council related to proposed modification to the Zoning Ordinance, Chapter 40, related to Fencing in residential zones.
(At their July 19, 2016 meeting, the Planning and Zoning Commissioners made some recommendations to forward to the City Council related to Fencing for the R-1 Single Family Residential District. City Council responded with six items of concern/questions. The Commissioners reviewed the information from Council Members and composed another draft recommendation at their meeting on August 16, 2016. The Commissioners will review this new proposal, before formatting to send to City Council.)

5) 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. During their July meeting, the commissioners proposed that no modifications be recommended to City Council regarding the Planned Development Zoning District. Commissioners requested that city staff prepare an updated version of the proposed 'Zoning Use Summary Table' as composed by City Attorney Brad Young. This Summary Table is designed to be placed at the back of the Zoning Ordinance as an attachment in order to provide more streamlined information about permitted uses. On August 16, 2016 the Commission did not address this agenda item due to time constraints. Tonight, the commissioners will review this Table document, review a 'Red-Line' version of the Zoning Ordinance with proposed modifications to date, and consider possible methods to improve and 'streamline' the Zoning Chapter incorporating 'General Compliance Section for Residential Districts'.)

6) Identify Future Agenda Items.
7) 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, September 16, 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, September 20, 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

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, AUGUST 16, 2016
6:00 P.M.

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

Commissioners Present:
Shannon Wilson
Susie Hardy
Terry Scott
Paul Fletcher
Claudine Gonzales
Shawna Williams

Absent:
Steven Dooley

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 / City Staff Announcements/Items of Public Interest

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.

Mr. Jim Davant, 310 S. Shorewood, Granite Shoals, TX: He noted that there are some 'main ideas' to keep in mind that may make it easier to consider this Fencing Ordinance item:
a.) Deer can jump over a six foot fence.
b.) Remember it is easy to look/compare/adapt the Fence Ordinances from other cities, we do not have to re-invent the wheel.
c.) Recommend that Commissioners and Council Members consider the benefits of requiring a 'fence permit'. These permits cost about $26.00 in my research (San Antonio/Sunrise Beach).
d.) Is this time and effort really warranted for one fence?

APPROVAL OF MINUTES

1) Review and consider approval of the minutes from the Planning and Zoning Commission Regular Meeting of July 19, 2016.

Commissioner Fletcher motioned, and Commissioner Williams seconded, to approve, as presented, the meeting minutes from the P&Z meeting of July 19, 2016. Motion carried with a unanimous vote of 6-0.

REGULAR AGENDA ITEMS:

2) Review information from City Council related to proposed modification to the Zoning Ordinance, Chapter 40, related to Fencing in residential zones.

(At their July 19, 2016 meeting, the Planning and Zoning Commissioners made some recommendations to forward to the City Council related to Fencing for the R-1 Single Family Residential District. City Council responded with six items of concern/questions. The Commissioners will review information from Council Members and consider making another recommendation.)

Vice Chair Hardy and City Manager Nickel updated the Commissioners on the Council discussion of the Fence Ordinance held July 26, 2016. The City Council members forwarded six areas of interest/concern back to the Commissioners about the proposed Fence Ordinance modifications from July 19th.

The Commissioners reviewed the comments and the items of concern from Council. Many of these concerns dealt with density of fencing (safety considerations) and building materials.

The Commissioners discussed the pros and cons of recommending a Fence Permit requirement. This would not have to be expensive, and it would allow the property owner to review the requirements of the Fence Ordinance when they purchased their permit. It would also allow the city to know about fences before they were built.

There were some discussions of the pros and cons of privacy fencing in the front yard.

There was a discussion of the fact that the city fence ordinances for the City of Burnet and the City of Cedar Park do not differentiate between 'Exterior' fence and 'Interior' fence. The Commissioners reconsidered their recommendation of setting two definitions. With two definitions, there will always be the possibility that a property owner will not put a fence on the

perimeter/property line, but a few inches off the property line, in order to classify the fence as an 'Interior Fence'. This would be likely if the requirements for the perimeter fencing were stricter and required materials of higher quality. One Commissioner noted that as written, the 'Interior Fencing' needs only 'to be of new and good quality materials', and this could be new, good quality tin, or t-posts, or rolled wire. These items are the type of 'agricultural' materials that previously the city prohibited because it was not in keeping with the character of property in a city limits.

There was a short discussion of asking the City Attorney for guidance.

After much debate, the Commissioners agreed without objection:
1.) To recommend that there be one set of regulations for Fencing. No Interior and Exterior.
2.) That the Commissioners would recommend to City Council that a Fence Permit requirement be added, in order to provide an opportunity for communication with a property owner when they are planning a fence.
3.) There should be no more than 50% density in the front yard for fencing.
4.) The previous version of the Fence Height recommendation (from July 19, 2016) reflects the height requirements that the Commissioners wish to recommend.
5.) There shall be an effective date, in order that there are no "Non-Conforming" fence issues.
6.) The section of the July 19, 2016 Commissioners recommendation that dealt with 'Sec. 3, Interior Fencing' should be struck out.
7.) The Commissioners would recommend to City Council that if a property owner wishes to deviate from the height, density, materials, or any other restrictions of 40.6 (p), they shall be able to apply for a Conditional Use Permit, and make their case to the P&Z Commissioners and the City Council for exceptions to the ordinance. This would accommodate the property owner who plans to use materials that are not common, and are not on the approved materials list. It would also provide an avenue for a property owner wishing to build a 'Deer Proof Fence' taller than six feet.

August 16, 2016 version:
This would change Zoning Ordinance 40.6 (p) to read:

Fencing. *Fences may be located directly on the property/lot lines. <u>A fence permit is required before the construction of any fence. The fence permit fee shall be found in the General Fee Schedule in the City Code of Ordinances.</u>*
<u>As of the date of the Ordinance</u>
(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 six feet. Front yard fencing on property line must have no more than 50 percent density. If set back 10' from the front lot line, fence may have greater than 50 percent density (i.e. solid).
b. Side yard lot lines may maintain six feet maximum height. On each side for first 10 feet back from the front yard lot line, the fence must be no greater than 50 percent density.
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, each side facing a street shall be subject to the same fence height and setback restrictions that apply to a front yard.

(3) Deviations from Fencing Regulations: A citizen desiring to secure a fence permit for a fence that deviates in any way from these restrictions, must be granted a Conditional Use Permit from City Council approving the exception(s), before a fence permit may be granted. The fee for a Conditional Use Permit shall be found in the General Fee Schedule of the Granite Shoals City Code of Ordinances.

The Commissioners did not take formal action on this item, and will return to it at their September 20th meeting.

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. During their July meeting, the commissioners proposed that no modifications be recommended to City Council regarding the Planned Development Zoning District. Commissioners requested that city staff prepare an updated version of the proposed 'Zoning Use Summary Table' as composed by City Attorney Brad Young. This Summary Table is designed to be placed at the back of the Zoning Ordinance as an attachment in order to provide more streamlined information about permitted uses. Tonight, the commissioners will review this Table document, review a 'Red-Line' version of the Zoning Ordinance with proposed modifications to date, and consider possible methods to improve and 'streamline' the Zoning Chapter incorporating 'General Compliance Section for Residential Districts'.)

The Commissioners were not able to address this item due to time constraints. It will be on the next Commission agenda.

4) Identify future agenda items:
- September P&Z Meeting, Public Hearing to be held related to recommendations received from Streets and Water Advisory Group (SWAG) about the City Comprehensive Plan, **Transportation Plan** proposed amendments.
- Hold a Public Hearing, Discuss, Consider and possibly take action upon request from Don Sherman, on behalf of Kyle West, property owner at 905 N.

Castlehills Drive, for a re-plat of several lots in Mystic Castle section of Sherwood Shores subdivision, to cure existing encroachments across lot lines and easements.

5) Adjourn.

With no other items on the agenda, and no objections from the Commissioners, Chair Wilson adjourned the meeting at 7:56 PM.

The next meeting of the P&Z will be held on September 20, 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 August 16, 2016.

_____ date _____

City of Granite Shoals

2221 N. Phillips Ranch Road
Granite Shoals, Texas 78654
(830) 598-2424 Fax: (830) 598-6538
www.graniteshoals.org

PLAT / REPLAT APPLCATION

Date: _____

Please print all the following information – Please complete the entire application

Applicant's Name: Don Sherman Phone: (830)693-3566
Email: Sherman@nctv.com
Mailing Address: 310 Main Street, Marble Falls State: Tx Zip: 78654

Owner's Name: Kyle West Phone: (432) 258-1584
Email: mekats08@yahoo.com
Mailing Address: 905 N. Castle Hills Dr., Granite Shoals State: Tx Zip: 78654

Engineer: N/A Phone: _____
Email: _____
Mailing Address: _____ State: _____ Zip: _____

Surveyor: Don Sherman Phone: (830)693-3566
Email: sherman@nctv.com
Mailing Address: 310 Main Street, Marble Falls State: Tx Zip: 78654

Legal Description of Property: Lots: Lots 425, 426, 427 and 501 502, 503, 504 Block: Mystic Castle Subdivision: Sherwood Shores
Zoning on Property: MH-1 Mobile Home Residential
Purpose of Plat/Replat Application: To cure existing encroachments across lot lines and easements.

The following must be submitted with this application:

1. **Tax Certificate showing legal owner**
2. **Survey:** Eight (8) copies of plat/replat area, 18"x24", One (1) copy at 11"x17", and One (1) copy at 8 ½"x11" sealed by a licensed surveyor

   A copy of all application materials for a minor plat shall be submitted to the City Planner for review in the same manner as a final plat, or the application shall be deemed incomplete.
3. Title and label; the plat shall be entitled and clearly state that it is a "plat" or "replat"
4. Applicant's presentation to the Planning and Zoning Commission and City Council
5. Application Fee of $150.00 Payable to The City of Granite Shoals

Owner Statement (if applicant is not the owner)

I HEREBY CERTIFY THAT THE APPLICANT LISTED ABOVE IS AN AUTHORIZED AGENT FOR ME IN MATTRS PERTAINING TO FILING THIS VOLUNTARY ANNEXATION APPLICATION.

x _____ _____ 8/8/16

Owner Signature KYLE WEST Applicant Signature DON SHERMAN Date

Print only Revised 6/21/2013

STATE OF TEXAS:
COUNTY OF BURNET:

KNOW ALL MEN BY THESE PRESENTS: THAT KYLE WEST BEING THE OWNER OF LOTS 425 THRU 427 AND 501 THRU 504 SHERWOOD SHORES , MISTIC CASTLE SECTION AS SHOWN ON PLAT RECORDED IN VOLUME 1, PAGE 150 OF THE PLAT RECORDS OF BURNET COUNTY, TEXAS. CONVEYED IN DOCUMENT NO. 201502209 OF THE OFFICIAL PUBLIC RECORDS OF BURNET COUNTY, TEXAS DO HEREBY RE-PLAT SAME AS SHOWN HEREON AND DO HEREBY ADOPT THIS PLAT OF SAID SUBDIVISION TO BE KNOWN AS "A RE-PLAT OF LOTS 425 THRU 427 AND 501 THRU 504 SHERWOOD SHORES , MISTIC CASTLE SECTION, CITY OF GRANITE SHOALS, BURNET COUNTY, TEXAS" AS THE OFFICIAL PLAT OF SAME AND DO HERBY DEDICATE THE EASEMENTS SHOWN HEREON TO THE USE OF PUBLIC UTILITY, ELECTRICAL AND TELECOMMUNICATION PROVIDERS.

KYLE WEST
905 N. CASTLEHILLS DRIVE
GRANITE SHOALS, TEXAS 78654

STATE OF TEXAS:
COUNTY OF BURNET:

BEFORE ME, A NOTARY PUBLIC IN AND FOR SAID COUNTY AND STATE OF THIS DAY PERSONALLY APPEARED KYLE WEST, KNOWN TO ME TO BE THE PERSON WHOSE NAME IS SUBSCRIBED TO THE FOREGOING INSTRUMENT AND ACKNOWLEDGED THAT HE EXECUTED THE SAME FOR THE PURPOSE AND CONSIDERATION THEREIN EXPRESSED AND IN THE CAPACITY THEREIN STATED.

GIVEN UNDER MY HAND AND SEAL OF OFFICE THIS 8th DAY OF August, 2016.

NOTARY PUBLIC IN AND FOR THE STATE OF TEXAS

CAROLYN A. CHAMBERS
My Notary ID # 4747206
Expires February 7, 2020

STATE OF TEXAS:
COUNTY OF BURNET:

I, DONALD SHERMAN, A REGISTERED PROFESSIONAL LAND SURVEYOR IN THE STATE OF TEXAS, DO HEREBY CERTIFY THAT THIS PLAT OF "A RE-PLAT OF LOTS 425 THRU 427 AND 501 THRU 504 SHERWOOD SHORES, MISTIC CASTLE SECTION , CITY OF GRANITE SHOALS, BURNET COUNTY, TEXAS", WAS PREPARED FROM AN ACTUAL SURVEY MADE ON THE GROUND UNDER MY SUPERVISION, AND THAT SAID PLAT IS A TRUE AND CORRECT REPRESENTATION OF SAME AS I LOCATED ITS COMPONENT PARTS ON THE GROUND. WITNESS MY HAND AND OFFICIAL SEAL THIS 8th DAY OF August, 2016.

DONALD SHERMAN, R.P.L.S. NO. 1877

STATE OF TEXAS
REGISTERED
DONALD SHERMAN
1877
PROFESSIONAL LAND SURVEYOR

STATE OF TEXAS:
COUNTY OF BURNET:

I, SHANNON WILSON, CHAIRPERSON OF THE PLANNING AND ZONING COMMISSION FOR THE CITY OF GRANITE SHOALS, DO HEREBY CERTIFY THAT THIS PLAT OF "A RE-PLAT OF LOTS 425 THRU 427 AND 501 THRU 504 SHERWOOD SHORES, MYSTIC CASTLE SECTION , CITY OF GRANITE SHOALS, BURNET COUNTY, TEXAS", BEING WITHIN THE CITY OF GRANITE SHOALS, DOES COMPLY WITH THE LAWS AND STATUTES OF THE STATE OF TEXAS AND THE ORDINANCES OF THE CITY OF GRANITE SHOALS, AND DO HEREBY APPROVE SAID REPLAT

APPROVED FOR RECORDATION THIS_____ DAY OF_____, 2016.

SHANNON WILSON, CHAIRPERSON PLANNING AND ZONING COMMISSSION, CITY OF GRANITE SHOALS

STATE OF TEXAS:
COUNTY OF BURNET:

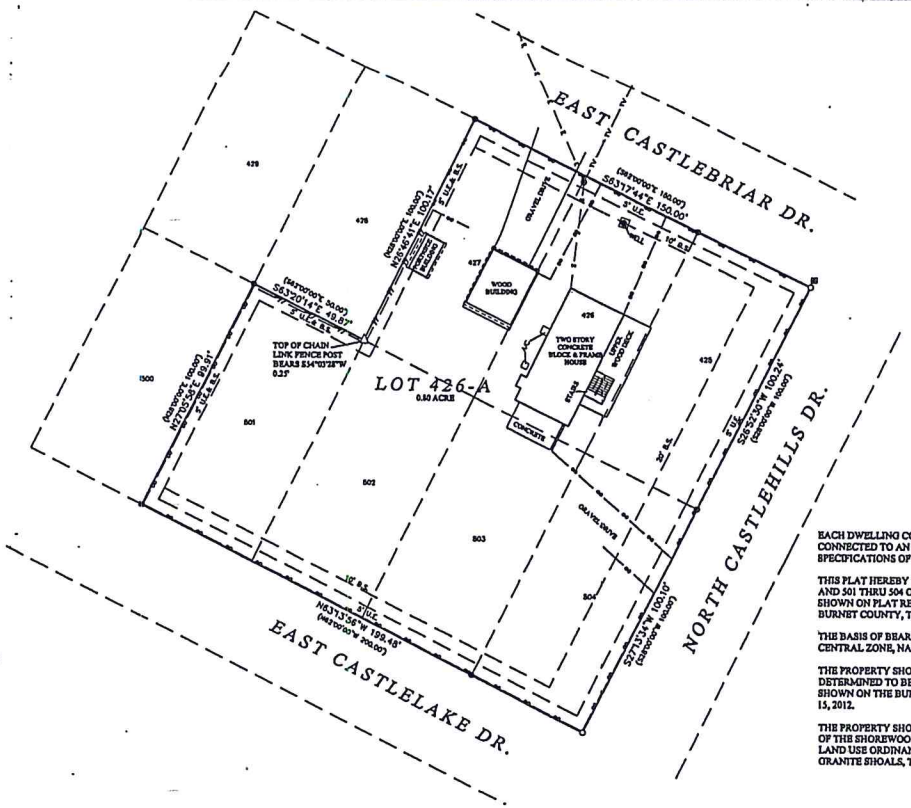
I, CARL J. BRUGGER, MAYOR FOR THE CITY OF GRANITE SHOALS, DO HEREBY CERTIFY THAT THIS PLAT OF "A RE-PLAT OF LOTS 425 THRU 427 AND 501 THRU 504 SHERWOOD SHORES, MYSTIC CASTLE SECTION , CITY OF GRANITE SHOALS, BURNET COUNTY, TEXAS", BEING WITHIN THE CITY OF GRANITE SHOALS, DOES COMPLY WITH THE LAWS AND STATUTES OF THE STATE OF TEXAS AND THE ORDINANCES OF THE CITY OF GRANITE SHOALS, AND DO HEREBY APPROVE SAID REPLAT

APPROVED FOR RECORDATION THIS_____ DAY OF_____, 2016.

CARL J. BRUGGER, MAYOR, CITY OF GRANITE SHOALS

ATTEST:
ELAINE SIMPSON, CITY SECRETARY,
CITY OF GRANITE SHOALS, TEXAS

Willis-Sherman Associates, Inc.
LAND SURVEYORS AND PLANNERS
310 MAIN • MARBLE FALLS, TEXAS • 78654
(830) 693-3566 FAX (830) 693-5362



LEGEND:
- DENOTES 1/2" ST. SK. SET WITH PLASTIC CAP STAMPED RPLS 1877
- DENOTES 1/2" ST. SK. FND. BEING A MONUMENT OF DIGNITY
- DENOTES FIRE PLUG
- DENOTES POWER POLE
- ( ) DENOTES RECORD INFORMATION

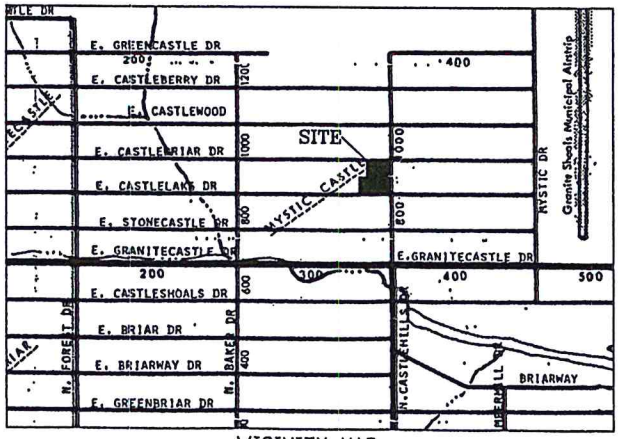
EACH DWELLING CONSTRUCTED OR PLACED ON THIS SUBDIVISION SHALL BE CONNECTED TO AN ON-SITE SEWAGE FACILITY MEETING THE PERMIT SPECIFICATIONS OF THE LOWER COLORADO RIVER AUTHORITY.

THIS PLAT HEREBY DELETES AND TAKES THE PLACE OF LOTS 425 THRU 427 AND 501 THRU 504 OF SHERWOOD SHORES, MYSTIC CASTLE SECTION AS SHOWN ON PLAT RECORDED IN VOLUME 1, PAGE 150 OF THE PLAT RECORDS OF BURNET COUNTY, TEXAS.

THE BASIS OF BEARING FOR THIS SURVEY IS THE TEXAS LAMBERT GRID, CENTRAL ZONE, NAD 83.

THE PROPERTY SHOWN HEREON IS WITHIN SHADED ZONE "X" AREAS DETERMINED TO BE INSIDE THE AREA OF 0.2% CHANCE OF ANNUAL FLOOD AS SHOWN ON THE BURNET COUNTY "FIRM" MAP NO. 48053C0560F, DATED MARCH 15, 2012.

THE PROPERTY SHOWN HEREON IS SUBJECT TO THE RESTRICTIVE COVENANTS OF THE SHOREWOOD SHORES, MYSTIC CASTLE SECTION AND ALL CURRENT LAND USE ORDINANCES AND SUBDIVISION REGULATION FOR THE CITY OF GRANITE SHOALS, TEXAS.



VICINITY MAP

ADDRESS: 905 N. CASTLEHILLS DRIVE

A REPLAT OF
LOTS 425 THRU 427 AND 501 THRU 504
SHERWOOD SHORES
MYSTIC CASTLE SECTION
CITY OF GRANITE SHOALS
BURNET COUNTY, TEXAS

OFFICE J. FINLEY	JOB NO. 14390
FIELD T. MARTINKA	FIELD BOOK NO. N/A

PLAT / REPLAT APPLCATION

The applicant or representative must be present at the scheduled hearing to answer any questions or present required information to the P&Z and Council. It is the City's policy to postpone the case when the applicant or representative fails to appear at the scheduled hearing; however, either entity is not required to postpone the application and may postpone, approve or disapprove the application with or without the applicant or representative's presence. If the applicant or representative is unable to attend the hearing, they may request a postponement of the application prior to the meeting.

I attest that this application is complete and accurate to the best of my knowledge and that the statements and exhibits submitted with this application are true and correct. The person designated as "Representative' above is authorized to process this application on my behalf. I understand that any inaccurate or incomplete information provided on this application may delay the processing and scheduling of this request.

x		8/8/16
Owner Signature	Applicant Signature	Date

Through Tax Year
2015

TAX CERTIFICATE

Certificate #
903489281

Issued By:
BURNET CENTRAL APPRAISAL DIST
223 S PIERCE
P O BOX 908
BURNET, TX 78611

Property Information

Property ID: 31879 Geo ID: 06560-0000-00426-000
Legal Acres: 0.0000
Legal Desc: S6560 MYSTIC CASTLE (SHERWOOD SHORES) LOT 425,426,427,501,502,503,& 504
Situs: 905 N CASTLEHILLS DR
DBA:
Exemptions: DP

Owner ID: 201884 100.00%
WEST KYLE
905 N CASTLEHILLS DR
GRANITE SHOALS, TX 78654

For Entities

*BURNET COUNTY
*CITY OF GRANITE SHOALS
*CO SPECIAL, ROAD & BRIDGE
*MARBLE FALLS ISD
*WATER CONSERV DIST OF CENTR

Value Information

Improvement HS:	110,707
Improvement NHS:	0
Land HS:	15,750
Land NHS:	0
Productivity Market:	0
Productivity Use:	0
Assessed Value	126,457

Current/Delinquent Taxes

This is to certify that, after a careful check of the tax records of this office, the following delinquent taxes, penalties, interest and any known costs and expenses as provided by Tax Code §33.48, are due on the described property for the following taxing unit(s):

Year	Entity	Taxable	Tax Due	Disc./P&I	Attorney Fee	Total Due
Totals:			**0.00**	**0.00**	**0.00**	**0.00**

Outstanding Litigation Fees

Fee Date	Fee Description	Amount Due
08/04/2016	TAX CERTIFICATE	10.00
	Total Fees Due:	**10.00**

Effective Date: 08/04/2016 **Total Due if paid by: 08/31/2016** **10.00**

Tax Certificate Issued for:	Taxes Paid in 2015
*CITY OF GRANITE SHOALS	658.46
*BURNET COUNTY	455.38
*CO SPECIAL, ROAD & BRIDGE	53.62
*MARBLE FALLS ISD	1,490.65
*WATER CONSERV DIST OF CENTR	11.51

If applicable, the above-described property has/is receiving special appraisal based on its use, and additional rollback taxes may become due based on the provisions of the special appraisal (Comptroller Rule 9.3040) or property omitted from the appraisal roll as described under Tax Code Section 25.21 is not included in this certificate [Tax Code Section 31.08(b)].

Pursuant to Tax Code Section 31.08, if a person transfers property accompanied by a tax certificate that erroneously indicates that no delinquent taxes, penalties or interest are due a taxing unit on the property or that fails to include property because of its omission from an appraisal roll, the unit's tax lien on the property is extinguished and the purchaser of the property is absolved of liability to the unit for delinquent taxes, penalties or interest on the property or for taxes based on omitted property. The person who was liable for the tax for the year the tax was imposed or the property was omitted remains personally liable for the tax and for any penalties or interest.

A tax certificate issued through fraud or collusion is void.

This certificate does not clear abuse of granted exemptions as defined in Section 11.43 Paragraph(1) of the Texas Property Tax Code.

May Be Subject to Court Costs if Suit is Pending

Date of Issue: 08/04/2016
Requested By: DON SHERMAN
Fee Amount: 10.00
Reference #:

Signature of Authorized Officer of Collecting Office

True Automation, Inc.

RELEASE OF EASEMENT

STATE OF TEXAS ∞
∞ KNOW ALL MEN BY THESE PRESENTS:
COUNTY OF BURNET ∞

WHEREAS, the previous owners/developers of the lots in Sherwood Shores Subdivision, Mystic Castle Section, a subdivision in Burnet County, Texas according to the map or plat thereof, heretofore granted utility easements to Pedernales Electric Cooperative, Inc., a corporation for public utility purposes covering property situated within Sherwood Shores Subdivision, Mystic Castle Section, said utility easements being recorded in Volume 1, Page 150 in the Plat Records of Burnet County, Texas; and,

WHEREAS, said utility easements referred to hereinabove include and are comprised of a strip of land being five feet (5') in width along all property lot lines within Sherwood Shores Subdivision, Mystic Castle Section, in Burnet County, Texas; and,

WHEREAS, Kyle West as current owner of Lots 425 – 427 and Lots 501 - 504 desires that the five foot (5') utility easements along each side of the common property lines between Lots 501 and 502, Lots 502 and 503, Lots 503 and 504, Lots 425 and 426, Lots 426 and 427 (except where exisiting electrical facilities may exist), Lots 427 and 502, Lots 426 and 503, and Lots 425 and 504, Sherwood Shores Subdivision, Mystic Castle Section, Burnet County, Texas be abandoned and released in order to be re-platted into Lots 426-A; and,

WHEREAS, Pedernales Electric Cooperative, Inc. provides electric service to the aforementioned area and will continue to have adequate easements to said property through the remaining public utility easements as shown on the replat;

NOW, THEREFORE, be it known that Pedernales Electric Cooperative, Inc., a corporation whose post office address is Johnson City, Texas, for and in consideration of One Dollar ($1.00), does hereby release the five foot (5') utility easements along each side of the common property lines between Lots 501 and 502, Lots 502 and 503, Lots 503 and 504, Lots 425 and 426, Lots 426 and 427 (except where electrical facilities may exist), Lots 427 and 502, Lots 426 and 503, and Lots 425 and 504, Sherwood Shores Subdivision, Mystic Castle Section, Burnet County, Texas, and referred to hereinabove.

EXECUTED: August 9, 2016

PEDERNALES ELECTRIC COOPERATIVE, INC.

BY: _____
Nathan Burns
Director, District Operations

THE STATE OF TEXAS ∞

COUNTY OF BURNET ∞

BEFORE ME, the undersigned authority, on this day personally appeared Nathan Burns, Director, District Operations of Pedernales Electric Cooperative, Inc., a corporation, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same for the purposes and consideration therein expressed, in the capacity therein stated and as the act and deed of said corporation.

GIVEN UNDER MY HAND AND SEAL OF OFFICE August 9, 2016.

RENETTA KAY JEANES
Notary Public, State of Texas
Notary ID# 3716722
My Commission Expires
OCTOBER 1, 2018

Renetta Kay Jeanes
Notary Public in and for the State of Texas

City of Granite Shoals, Texas
Planning & Zoning Regular Meeting
Agenda Item Cover Memo
Date: 9-20-2016

Agenda Item: 3. Update to Transportation Section of Comprehensive Master Plan
Prepared/Submitted By: Peggy Smith, Assistant City Manager
Department: SWAG, Streets and Water Advisory Grou[

AGENDA CAPTION

Discuss, consider and possibly take action regarding approval of recommendation to City Council to accept the Update to Transportation Plan – 2016 section of the City of Granite Shoals Comprehensive Master Plan.

BACKGROUND

The Streets and Water Advisory Group (SWAG) has considered and recommended the approval by City Council of the Update to Transportation Plan – 2016 of the City of Granite Shoals Comprehensive Master Plan at its July 2016 meeting.

Per Section 9.04 of the City's charter, proposed revisions to the Comprehensive Plan shall be presented before the Commission and at least one (1) public hearing on the proposed action shall be held.

As the City enters into the planning phase for road improvement for the major arterials, an update to the transportation section of the comprehensive master is recommended as a planning tool. In consideration for design criteria, a review of relative roles of classifications and traffic control characteristics relative to roadway providing mobility within the community to achieve the intended functions is suggested.

RECOMMENDATION

SWAG recommends the approval of the Update to Transportation Plan-2016.

ATTACHMENT(S): (IF APPROPRIATE)

List of the items behind this cover sheet:

- ***Update to Transportation Plan - 2016***
- ***Figure 4.5 Map of Arterials and Collectors – 2016 Revision***
- ***Section 3– Excerpt: Granite Shoals Transportation Plan, Recommendations***

UPDATE TO TRANSPORTATION PLAN - 2016

While the transportation plan prepared in 2010 is laudable and has significant value, this update is being prepared with a more objective assessment of Granite Shoals' current and projected short to midrange requirements and financial positions. It presents a more accurate picture of what is achievable in the near term. As part of this update, we have modified the Functional Street Classifications in the table below:

Major Arterial Street	Streets that provide a high degree of mobility, service relatively high traffic volumes, have high operational speeds, and service a significant portion of through travel or cross-town trips. Arterial roadways serve as connections between major traffic generators and land use concentrations. Currently, the only major arterial street in Granite Shoals is RR 1431.
Minor Arterial Street	Streets that provide a high degree of mobility, service moderately high traffic volumes, and support a significant portion of through travel or cross-town trips. Arterial streets serve as connections between collectors and regional highways. Existing minor arterial streets include Phillips Ranch Road, Prairie Creek Road, and Valley View Lane.
Collector Street	Serve as connections between local/residential streets and arterials serving to collect and distribute traffic to the arterial network. Collectors also serve to provide direct access to neighborhoods, commercial developments, and other local areas. Their design may involve site specific considerations. Collectors accommodate smaller volumes of traffic over shorter distances and may border or traverse neighborhood boundaries. Collector streets should be discontinuous to discourage cut-through traffic through neighborhoods. Existing streets designated as collectors include E. & W. Granitecastle and Sherwood Forest Drives to Woodland Hills, E. & W. Bluebriar Dr., Hillcrest Dr. to W. Maple Dr., Belaire Dr. (and part of Hilldale Dr.), N. & S. Baker Dr., N. & S. Lake Dr., N. Castlehills Dr., Kings Circle, Valley West, and Kingswood Dr.
Local Street	Provide direct access to abutting property and to collect/distribute traffic from individual parcels. These streets are intended for short, low volume and slow speed traffic movements. One example of a local street would be Green Acres Drive.

Table 4-1, below, describes the most important characteristics of the various functional street classes. These planning guidelines should be utilized in developing or redeveloping areas to form a basic framework for the thoroughfare system.

Table 4.1 Updated Roadway Functional Classifications and General Planning Guidelines

Roadway Type	Function	Spacing (1)	Direct Land Access	Roadway Intersection Spacing (3)	Daily Traffic Volume	Speed Limit	Planning Level of Service	Parking	Remarks
Arterial, Major	Moderate distance inter-community traffic movement. Primary function is mobility.	.5-1.5 mi. (2)	Safety controls; controlled access.	.125 - .25 mi.	>5k	50-55 mph	C-E	N/A	Four 12' lanes, undivided, w/center turn lane, striped at center and pavement edges.
Arterial, Minor	Moderate distance intra-community traffic movement. Primary function is mobility.	.5-1.5 mi. (2)	Safety controls; limited regulation .	.125 - .25 mi.	<5k	35-45 mph	C-E	N/A	"Backbone" of street system, arterials provide route and spacing continuity. Two 12' lanes, undivided, striped at center and edges.
Collector	Provide access within & between neighborhoods, connecting local streets & arterials.	.25-.5 mi. (2)	Safety controls; limited regulation .	300 feet	1-3k	30-40 mph	B-C	Limited	Two 12' lanes, undivided, striped at center. Connects locals to arterials.

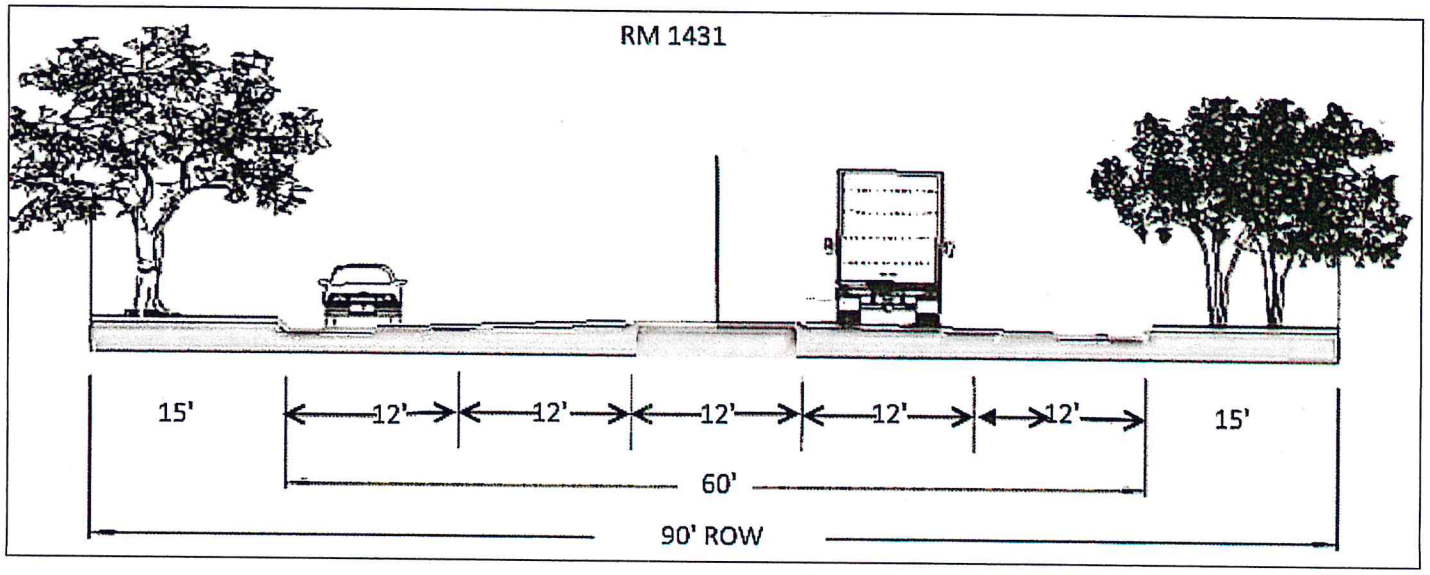
Roadway Type	Function	Spacing (1)	Direct Land Access	Roadway Intersection Spacing (3)	Daily Traffic Volume	Speed Limit	Planning Level of Service	Parking	Remarks
Local	Local access only. Connects to other local streets and collectors.	2 lot lengths (1 block)	Safety controls only.	300 feet	<100	25-30 mph	A-B	Permitted	Two 10' lanes, undivided, unstriped. Through traffic should be discouraged on locals.

(1) Spacing determination should also include consideration of (travel within the area or corridor based upon) ultimate anticipated development.

(2) Denser spacing needed for commercial and high density residential districts.

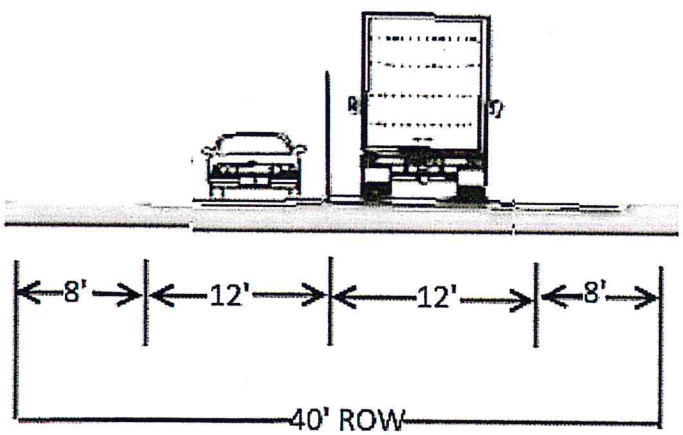
(3) Spacing and intersection design should be in accordance with state and local thoroughfare standards.

Figure 4-1. Cross Section and Classification Characteristics - Major Arterial



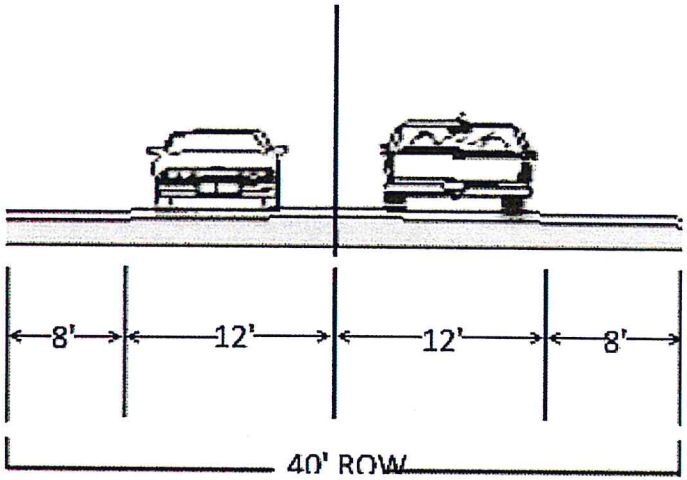
Roadway Type	Major Arterial
ROW	90'
Lanes & Width	2 @ 12'
Left-Turn Lane	Center Turn Lane, 12'
Striping	Center turn, lane divider, pavement edge
Pavement Width (edge to	60'
Median Width	N/A
Curbs & Gutters	Yes
Sidewalks	2 Optional
Parkway Width	N/A
Design Speed (mph)	50+

Figure 4-2. Cross Section and Classification Characteristics – Minor Arterial



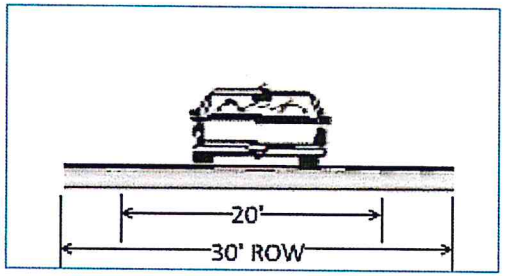
Roadway Type	Minor Arterial
ROW	40'
Lanes & Width	2 @ 12', undivided
Left-Turn Lanes	N/A
Striping	Center lane divider, edge of pavement
Pavement Width (edge to	24'
Median Width	N/A
Curbs & Gutters	Optional
Sidewalks	1 Optional
Parkway Width	N/A
Design Speed (mph)	35-45

Figure 4-3. Cross Section and Classification Characteristics - Collector



Roadway Type	Collector
ROW	40'
Lanes & Width	2 @ 12'
Left-Turn Lanes	N/A
Striping	Center lane divider
Pavement Width (edge to	24'
Median Width	N/A
Curbs & Gutters	Optional
Sidewalks	1 Optional
Parkway Width	N/A
Design Speed (mph)	30-40

Figure 4-4. Cross Section and Classification Characteristics - Local Street



Roadway Type	Local
ROW	30'
Lanes & Width	2 @ 10'
Left-Turn Lane	N/A
Striping	N/A
Pavement Width (edge to	20'
Median Width	N/A
Curbs & Gutters	N/A
Sidewalks	N/A
Parkway Width	N/A
Design Speed (mph)	25-30

Figure 4.5. Map of Arterials and Collectors – 2016 Revision

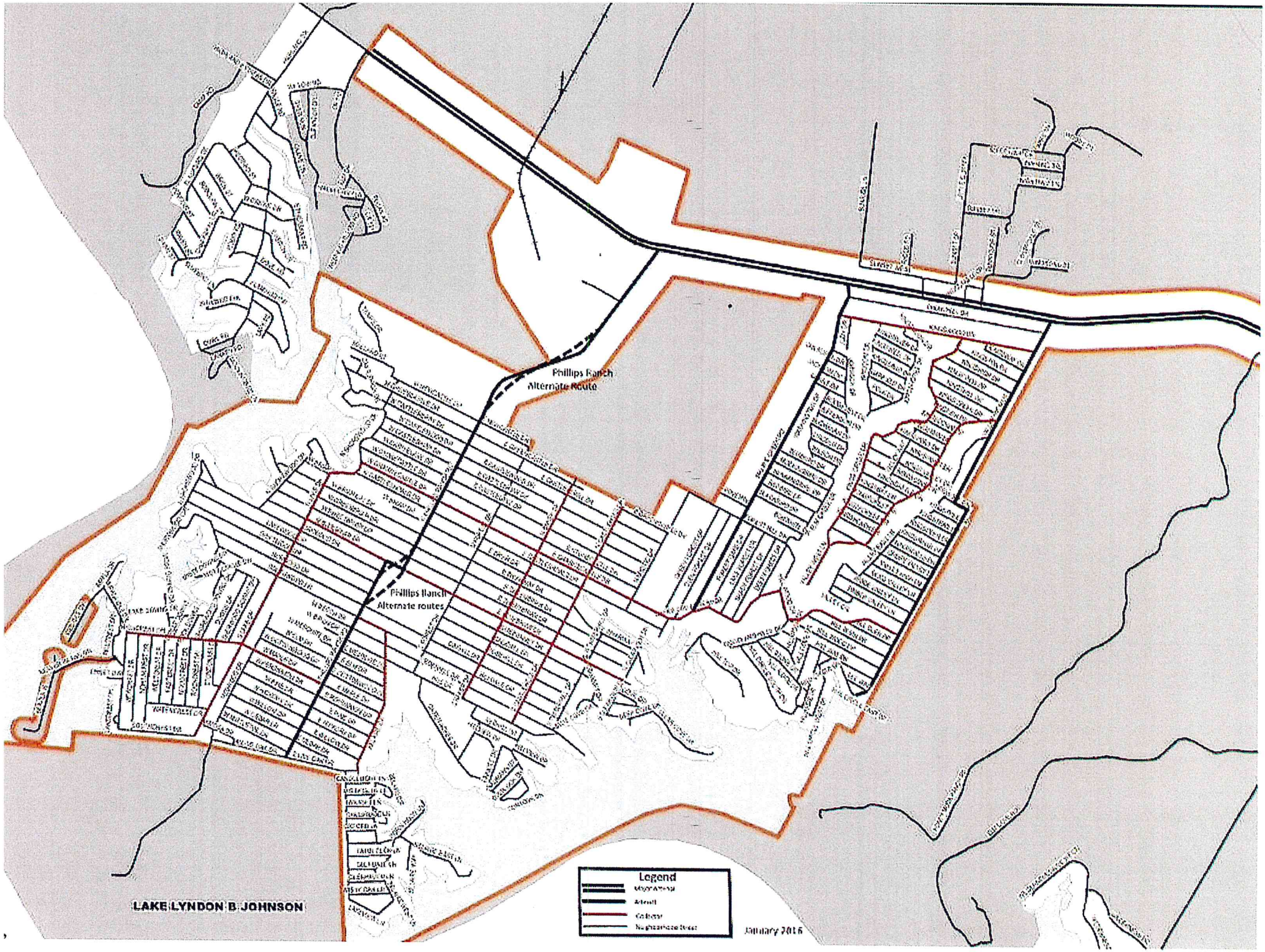
See separate map accompanying this plan.

Short Term Recommendations

Given arterial traffic volumes recorded in the 2015 survey, the conditions of Phillips Ranch Road, Prairie Creek Road, Valley View Lane, and public input, it is clear that these arterials are past due for upgrades and/or replacement. It is recommended that priorities be established for these roads, that budgetary and other financing be obtained and that these major streets be improved in phases with work completed by the year 2020.

Long Range Considerations

The Texas Department of Transportation (TXDOT) has recently approved a study regarding the feasibility/desirability of placing a bridge across the Colorado River below Wirtz Dam. At such time the bridge funding is approved and construction begun, the City should consider acquiring sufficient rights of way to construct a new major arterial street south of RM 1431 to connect North Wirtz Dam Road to the City. East of Valley View Lane, considering that there is no or limited development there, the new arterial should be built to the same standard as RM 1431, multi-lane with turn lanes, curbs and gutters. Should the arterial be extended west of Valley View Lane, existing development may restrict the roadway to the same standard as Phillips Ranch Road.


Phillips Ranch
Alternate Route
Phillips Ranch
Alternate routes
LAKE LYNDON B JOHNSON
Legend
January 2016

Recommendations

The following sections are the recommendations for the transportation system within Granite Shoals. The Transportation Plan map, shown in **Plate 3-1**, is based on a system recognizing a hierarchy of streets, continuity of existing routes, and accommodating traffic flow.

Figure 3-6. Relationship between Access and Movement

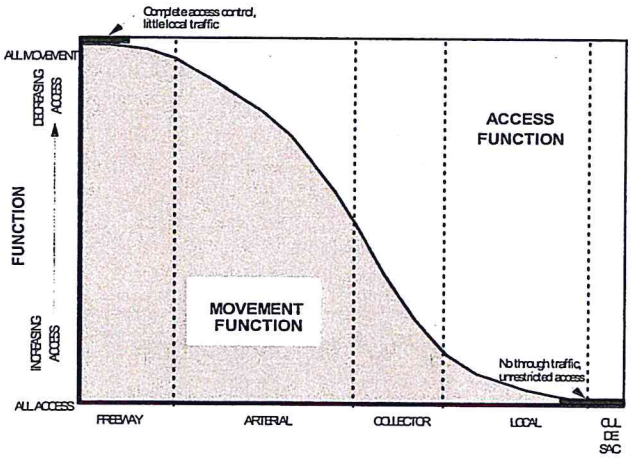
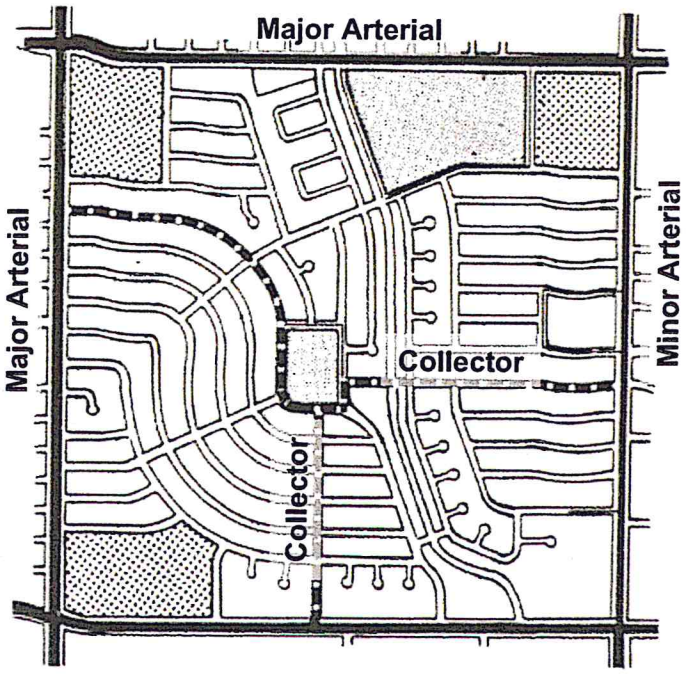


Figure 3-7. Functional Classification System



Functional Street Classification

Functional street classification recognizes that streets are part of a system having diverse origins and destinations. A typical trip involves the following stages: primary movement, transition, collection/distribution, access and termination. Functional classifications also describe and reflect a set of characteristics common to all roadways within each class. Functions range from providing mobility for through traffic and major traffic flows, to providing access to specific properties. Characteristics unique to each classification include the degree of continuity, general capacity, and traffic control characteristics. **Figure 3-6** and **Figure 3-7** illustrate the relative roles of each classification to achieve its intended function.

In short, the functional classification of streets provides for the circulation of traffic in a hierarchy of movement from one classification to the next. For each classification, there is typically a recommended set of operational and design criteria.

Transportation plans typically recognize four general classes of roadways that are based on a hierarchical function that include: freeways, arterial streets, collector streets and local/residential streets.

- ***Freeways*** are devoted entirely to traffic movement with limited or no direct land service function. Freeways are multi-lane divided roadways with a high degree of access control and grade-separated intersections. Full or partial control of access distinguishes freeways from other classes of roadways. Freeways serve large volumes of high-speed traffic, are intended to serve inter-regional trips, and typically fall under design guidelines established by TxDOT. Examples of Freeways near Granite Shoals include U.S. Highway 281 and State Highway 71.

- ***Arterial Streets*** are streets that provide a high degree of mobility, service relatively high traffic volumes, have high operational speeds, and service a significant portion of through travel or cross-town trips. Arterial roadways serve as connections between major traffic generators and land use concentrations. Minor arterials serve as connections between collectors and major arterial streets. Because direct access is a secondary function of arterial streets, access should be carefully managed. An example of an existing arterial class facility would be R.R. 1431.

- ***Collector Streets*** serve as connections between arterials and local/residential streets and serve to collect and distribute traffic to the arterial network. Collectors also serve to provide direct service to neighborhoods, commercial developments, and other local areas and their design involves site specific considerations. Collectors accommodate smaller volumes of traffic over shorter distances and may border or traverse neighborhood boundaries. Collector streets should be discontinuous to discourage cut-through traffic through neighborhoods. An example of a collector class facility would be Lake Drive.

- ***Local Streets*** are intended to provide direct access to abutting property and to collect/distribute traffic form individual parcels. These streets are intended for short, low volume and slow speed traffic movements. Right-of way for these two-lane streets is 50 feet.

Because the Freeway classification does not apply to roadways within Granite Shoals, this section will focus on Arterial Streets, Collector Streets, and Local Streets.

Table 3-1 describes the most important characteristics of the various functional street classes. These planning guidelines should be utilized in developing or redeveloping areas to form a basic framework for the thoroughfare system.

Also included in **Table 3-1** is information on the typical level-of-service each roadway class is intended to provide. Level-of-service refers to a measure of capacity that a section of roadway or intersection can accommodate during peak traffic conditions. It is defined in terms of delay with six categories ranging from "A" through "F" being assigned to reflect the relationship between the design capacity and the traffic demand upon a particular segment. As demand approaches capacity, the level of service decreases. Level of service "C" is typically recommended for design purposes.

While the above described conditions are ideal, it may not be practical or even possible to modify existing streets in already developed areas to conform to the desired design standards for all the street functional classifications. In cases where neighborhood areas are bisected by major roadways, alternative cross-sections may be applied to assure that neighborhood integrity is preserved while providing traffic access.

Table 3-1. Roadway Functional Classifications and General Planning Guidelines

Type of Roadway	Function	Spacing[1] (Miles)	Direct Land Access	Roadway Intersection Spacing[3]	Volume Ranges (vehicles/day)	Speed Limit (mph)	Planning Level of Service (LOS)	Parking	Comments
Arterial	Moderate distance inter-community, intra-metro area, traffic movement. Mobility function is primary; access function is secondary. Serves moderate or long trip lengths.	1/2 to 1 1/2[2]	Restricted – some movements may be prohibited; number and spacing of driveways controlled.	1/8 to 1/4 mile	10,000 to 40,000	30-55	C-E	None	"Backbone" of the street system. Provides route and spacing continuity with major arterials.
Collector	Provide access within and between neighborhoods.	1/4 to 1/2[2]	Safety controls; limited regulation.	300 feet	1,000 to 10,000	30-40	B-C	Limited	Two to four lanes of typically undivided traffic. Connects locals to arterials.
Local	Land access.	2 lot lengths	Safety control only.	300 feet	200 to 1,000	20-30	A-B	Permitted	Through traffic should be discouraged.

(1) Spacing determination should also include consideration of (travel within the area or corridor based upon) ultimate anticipated development.
(2) Denser spacing needed for commercial and high-density residential districts.
(3) Spacing and intersection design should be in accordance with state and local thoroughfare standards.

Table 3-2 contains information related primarily to the amount of land required to provide adequate right-of-way for each type of roadway, ranging from two lane undivided local streets to four/six lane divided arterials.

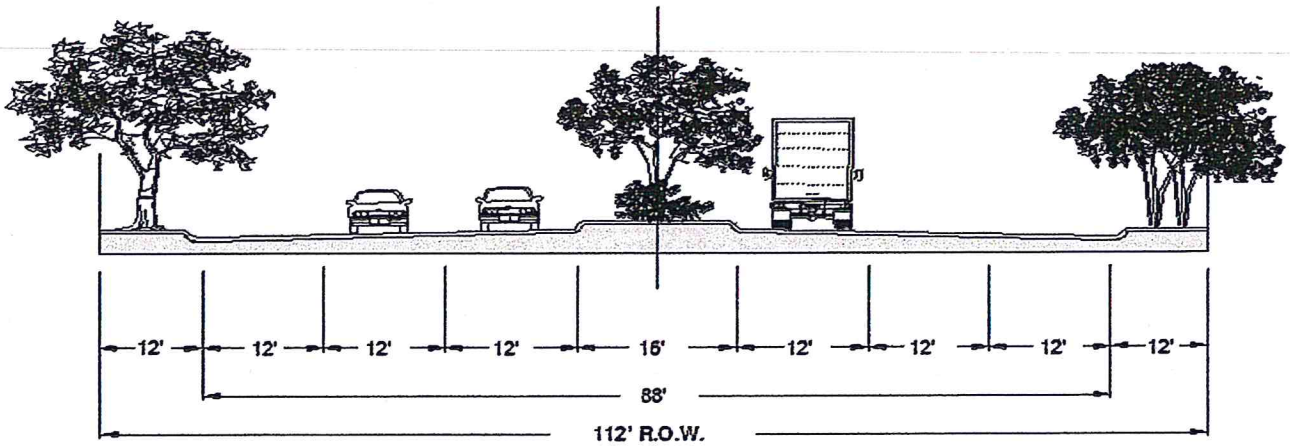
Table 3-2. Roadway Functional Classification Characteristics

Roadway Type	Arterial 4-6 lane* Divided	Collector 4 lane Undivided	Collector 2-3 lane Undivided	Local 2 lane Undivided
ROW	90' or 112'	64'-68'	60'	50'
Pavement Width (face-to-face)	2 @ 24' or 2 @ 36'	40'-48'	38'	27'
Lane Width	4/6 @ 12'	4 @ 12'	2 @ 11' (with 8' parking)	2 @ 13.5'
Left-Turn Lanes	1 @ 12'	--	--	--
Median Width	16'	--	--	--
Sidewalks	Both	Both	Both	Both
Parkway Width	12' or 13'	10'	11'	--
Design Speed (mph)	40-50	35-40	30-35	25

*Note that outside lanes are intended to provide for on-street parking.

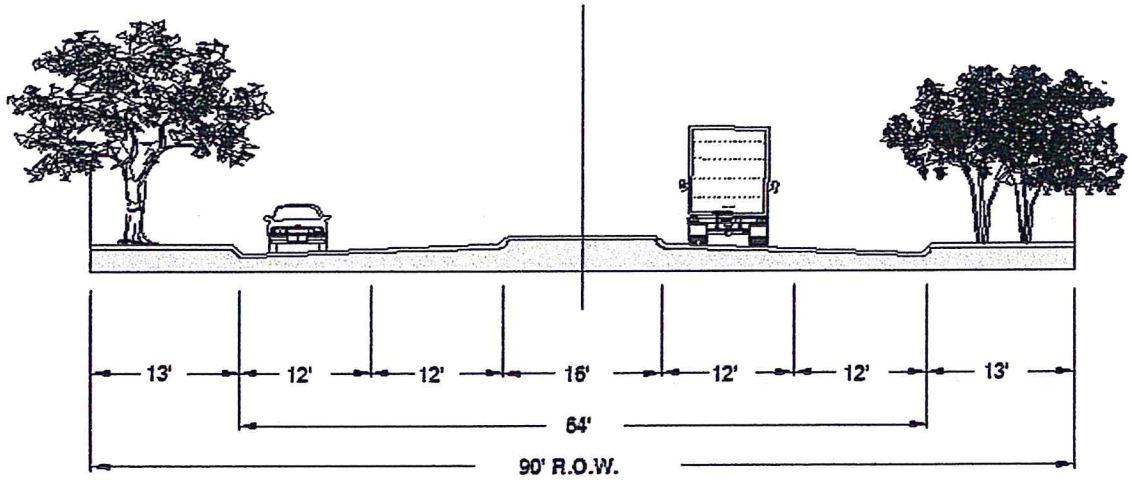
The following cross sections relate to **Table 3-2** and **Table 3-3**, providing visual examples of each type of roadway. With each figure, an example of an appropriate application is provided.

Figure 3-8. Arterial (Major)



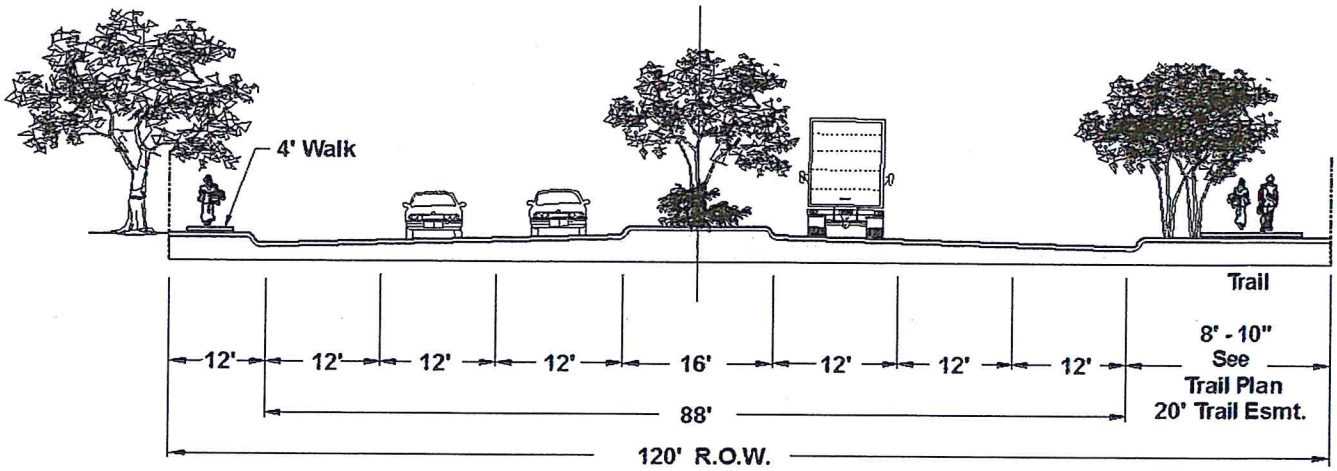
Arterial (Major): Appropriate for R.R. 1431

Figure 3-9. Arterial (Minor)



Arterial (Minor): Appropriate for C.R. 120

Figure 3-10. Arterial (Major) with Trail

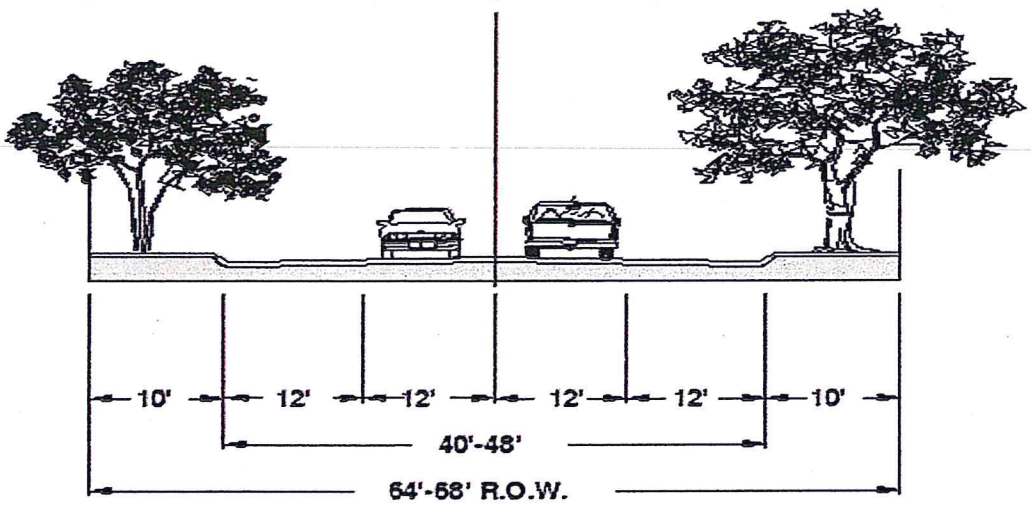


Arterial (Major) with Trail: Appropriate for middle portion of Phillips Ranch Road

*Note that outside lanes are intended to provide for on-street parking.

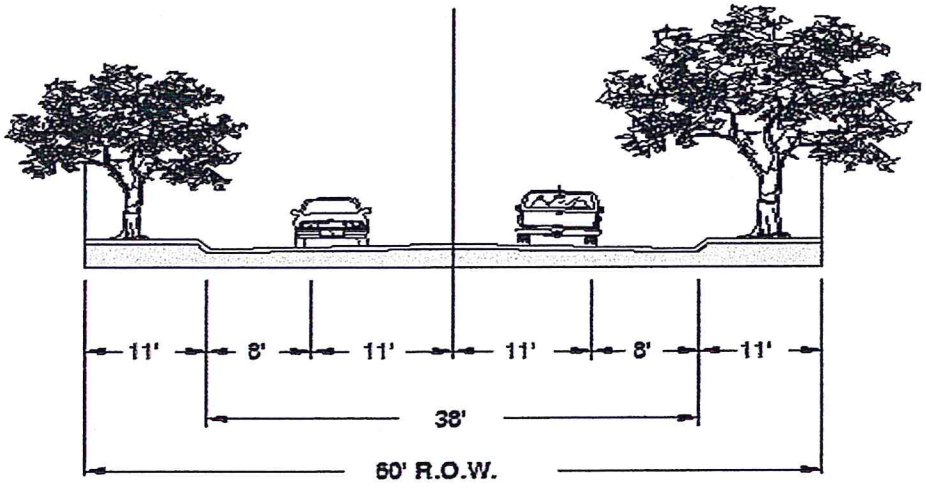
The City intends to develop Phillips Ranch Road similar to the cross section shown in **Figure 3-10**, which will require additional right-of-way. To acquire this additional right-of-way, the City will purchase any undeveloped property along the west side of the thoroughfare in order to widen the right-of-way while avoiding negative impacts on the existing businesses or homes.

Figure 3-11. Collector (Major)



Collector (Major): Appropriate for Prairie Creek Drive

Figure 3-12. Collector (Minor)



Collector (Minor): Appropriate for Greencastle Drive

693-5549.

MEADOWLAKES. Very few left! Very nice 1/3 acre culdesac lot. $33,500. Walker & Assoc. 830-693-5549.

OWNER FINANCE. 4.97 Acre parcel in gated rural subdivision. $114,900. Walker & Assoc. 830-693-5549.

Public Notices

Public Notice

REMINDER: We do Public Notices. Give us a call. 830-693-4367.

The Burnet County Emergency Service District #8 will hold a meeting at 5:45p.m. on September 19, 2016 at the Community Center in Briggs, Texas to consider adopting a proposed tax rate for tax year 2017. The proposed rate is 0.1000 per $100 of value. The proposed tax rate would increase total taxes in Burnet County Emergency Service District by 0.0012%

Public Notice

There will be a public hearing concerning the Replat of Lots 9B and 9C of granite Ridge recorded in Clerk's File No. 201408415 of the

www.cityofburnet.com – Boards and Commissions

Deadline for submission of completed applications is Wednesday, September 21, 2016

For application submission and additional information, please contact the
City Secretary's office
P.O. Box 1369
Burnet, TX 78611
512-715-3209 or by email to kdix@cityofburnet.com

The City of Granite Shoals, Texas

Public Notice

Public Hearings to be held on proposed updates to the Transportation chapter of the Granite Shoals Comprehensive Plan

The Planning and Zoning Commission of the City of Granite Shoals will hold a Public Hearing on Tuesday, September 20, 2016, during their regular monthly meeting, which is open to the public, at 6:00 p.m., at Granite Shoals City Hall, Council Chambers – 2nd floor Council Chamber, 2221 N. Phillips Ranch Road, Granite Shoals, TX 78654, to consider proposed updates to the Transportation chapter of the Granite Shoals Comprehensive Plan, as recommended by the Streets and Water Advisory Group (SWAG).

Granite Shoals City Council will hold a Public Hearing on Tuesday, September 27, 2016, during their regular meeting, which is open to the public, at 6:00 p.m., at Granite Shoals City Hall, Council Chambers – 2nd floor, 2221 N. Phillips Ranch Road, Granite Shoals, TX 78654, to consider the same proposed amendments / proposed updates to the Transportation chapter of the Granite Shoals Comprehensive Plan, as recommended by the Streets and Water Advisory Group (SWAG).

Citizens are encouraged to attend and be heard. Additional information concerning this proposed amendments are available by contacting City Hall, 2221 N. Phillips Ranch Road, Granite Shoals, Texas 78654, Office of the City Secretary, (830) 598-2424 x 303, as well as visiting the official city website at www.graniteshoals.org.

WE BUY OIL, GAS, &

Highland Lakes Newspapers

The Highlander – Burnet Bulletin

304A Highlander Circle, PO Box 1000
Marble Falls, TX 78654-1000
(830) 693-4367

PUBLISHER'S AFFIDAVIT

STATE OF TEXAS

COUNTY OF BURNET

Before me, the undersigned authority, on this day personally appeared Cheryl Michel (name) who being by me duly sworn, deposes and says that (s)he is a bona fide representative of the Highlander (name of newspaper); that said newspaper is regularly published in Burnet Llano County(ies) and generally circulated in _____ County(ies), Texas, and that the attached public notice was published in said newspaper on the following date(s), to wit: 9-2-16, 9-6-16, and that the attached is a true copy of said notice.

Cheryl Michel
Newspaper Representative's Signature

Subscribed and sworn to before me this 9th day of Sept, 2016, to certify which witness my hand and seal of office.

Sharon J Pelky
Notary Public in and for the State of Texas

SHARON J. PELKY
Notary Public, State of Texas
Comm. Expires 02-23-2020
Notary ID 11194129

Sharon J Pelky
Print or Type Name of Notary Public

My Commission Expires: 2-23-2020

Item 4. Fencing
September 20, 2016

Draft of Motion to recommend for Council Consideration -

August 16, 2016 version:
This would change Zoning Ordinance 40.6 (p) to read:

Fencing. *Fences may be located directly on the property/lot lines. A fence permit is required before the construction of any fence. The fence permit fee shall be found in the General Fee Schedule in the City Code of Ordinances.*
As of the date _____
(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 six feet. Front yard fencing on property line must have no more than 50 percent density. If set back 10' from the front lot line, fence may have greater than 50 percent density (i.e. solid).
b. Side yard lot lines may maintain six feet maximum height. On each side for first 10 feet back from the front yard lot line, the fence must be no greater than 50 percent density.
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, each side facing a street shall be subject to the same fence height and setback restrictions that apply to a front yard.

(3) Deviations from Fencing Regulations: A citizen desiring to secure a fence permit for a fence that deviates in any way from these restrictions, must be granted a Conditional Use Permit from City Council approving the exception(s), before a fence permit may be granted. The fee for a Conditional Use Permit shall be found in the General Fee Schedule of the Granite Shoals City Code of Ordinances.

City of Granite Shoals, Texas
Planning and Zoning Regular Meeting
Agenda Item Cover Memo
Date: August 16, 2016

CITY OF PARKS

Agenda Item: ***#2. Fencing Regulations***
Prepared/Submitted By: ***Elaine Simpson, for Ken Nickel, City Manager***
Department: ***Administration***

AGENDA CAPTION

2) Review information from City Council related to proposed modification to the Zoning Ordinance, Chapter 40, related to Fencing in residential zones.
(At their July 19, 2016 meeting, the Planning and Zoning Commissioners made some recommendations to forward to the City Council related to Fencing for the R-1 Single Family Residential District. City Council responded with six items of concern/questions. The Commissioners will review information from Council Members and consider making another recommendation.)

BACKGROUND

In March of 2016, the City of Granite Shoals Planning and Zoning Commission began considering possible modifications to the Fencing Section of the Zoning Ordinance, City Code, Chapter 40.6 (p).

At issue, many citizens had signed a petition to request that the Fencing section be modified for single family residential (R-1) District to allow for fencing made out of 'non-milled' cedar (a modification to the allowed materials) as well as that the height restrictions should be modified to allow for a 'Deer Proof' fence at a height of eight feet (8').

The reason for the petition/request was the fact that the property owners at 127 N. Stonecastle, were unable to keep the 'garden fence' that they built around their garden area in their back yard. This 'garden fence' is an enclosure made of natural cedar posts that are eight feet (8') high. Due to the restrictions on materials allowed for construction of fences and the height requirements, the property owners were asked to remove the fence.

The P&Z Commissioners considered this issue at their subsequent four meetings. The meeting minutes are posted on the City of Granite Shoals website at this link http://www.graniteshoals.org/AgendaCenter/Planning--Zoning-Commission-7/

At their meeting on July 19, 2016, the P&Z Commissioners made motions to recommend to City Council that the Zoning Ordinance be amended regarding these fencing regulations. Before this can be legally processed, the Ordinance

must be presented for citizens input at two Public Hearings (one at P&Z and one at City Council) and these Public Hearings must have a notice published in the newspaper of record to inform citizens that they have a right to come and speak.

The Commissioners sent the recommendations, in an informal 'draft' format for the City Council members to consider at their July 26, 2016 meeting. The recommendations of the Planning and Zoning Commissioners: to increase the allowable height for all fencing up to six feet. Perimeter fencing would be allowed another 12 inches (1') of decorative work or lighting. Solid fencing would be allowed for front yard fences up to six feet in height, if set back no less than 10 feet from the front property line. Fencing on the front property line and side fencing within the first 10 feet setback from the front property line, would still be required to be no more than 50% density. This was a safety consideration.

Regarding the question of 'Garden Enclosures' or 'Garden Fencing', the Commissioners recommended that a new section be added to the Fencing section of the ordinance for residential districts, which would allow for only four types of 'Interior Fencing' (inside the property line): Garden fencing (e.g. an enclosure to protect vegetation), landscape fencing (e.g., decorative), patio fencing (e.g., latticework fencing or trellis work) and dog runs/dog enclosures. There was an eight foot (8') height restriction placed on these interior fences. There is no list of approved materials for these interior fences.

At their meeting of July 26, 2016, the City Council considered the recommendations, and decided to refer the issue back to the P&Z Commissioners with a request to re-evaluate their recommendations, considering that the Council members had concerns about 6 questions.

At tonight's meeting, the Commissioners will review the six questions/areas of concern from the Council Members. They will review the Council comments. They will review the Fence ordinance as it is currently, and as it was pre- July 2015.

ATTACHMENT(S): (IF APPROPRIATE)

List of the items behind this cover sheet:

- ***Comments and Items of concern from Council Members related to the proposed Fencing Ordinance modification as recommended.***
- ***Excerpt from meeting minutes from the City Council Meeting of July 26, 2016, related to this item.***
- Current Fencing Regulations – R1
- Fencing Regulations pre – July 2015

Council comments related to the fence question

1.) Front fencing set at full visibility, or no more than 25% density, instead of no more than 50% density if the fence is setback less than 20 feet from property line. Full visibility may be achieved by having no more than 25% density, or, by reducing the height of the fence to five feet.

- Privacy should be a Homeowners right. I think people could live with 50% density versus no more than 25%. I also think the wording needs to be cleaned up and precise. This wording is confusing. I am definitely against lowering the fence height below 5'.

- Traffic safety for approaching vehicles along the street.
- Officer safety approaching the front of a house (imagine the difficulty of trying to rescue a downed-officer if you can't see him because of a privacy fence.
- I don't think the aesthetic of a "fortress property" is one we want to foster.

2.) Maximum height for perimeter fencing set at six feet (6'), for interior fencing eight feet (8').

- Some Homeowners may not have a perimeter fence. If they only have an interior fence for a garden then they should be allowed to protect it.

3.) Any fence constructed in the front yard setback must be full visibility.

- What is the definition of full visibility? No fence? 5' and 25% density? I need a definition of full visibility.

.

4.) ***There should be better definitions of perimeter fence versus interior fence.***

- We need some clear and concise definitions
- We shouldn't create non-conforming fences. Will need to set a specific date for compliance.

Council comments related to the fence question

5.) The list of materials allowed for building a perimeter fence should remain as it is; however, a list of allowed building materials for interior fences should be specified / established.

- I agree there should be a list of specified materials for interior fencing. Considering the fence is being put in place for deer control and not breeding dogs or cock fighting. This can be a tricky ordinance to enforce. If they don't have an exterior fence and want to put up an interior fence using exterior fencing materials and calling it a privacy fence. I see loop holes and room for taking advantage of this ordinance. I am conflicted about material specifications.

6.) A perimeter fence, if set back from the front lot line by 20 feet (20'), will be allowed to a height of six feet all around.

- I absolutely agree with this being put in the ordinance.

City Council Input regarding fences
August 9th Council meeting

	Mayor	Hisey	King	Tanner	Dillard	Holland	Morren	Average
Question 1	5	2	5	3	5	2	0	3.142857143
Question 2	4	5	5	4	4	1	0	3.285714286
Question 3	5	2	5	2	3	2	0	2.714285714
Question 4	4	5	5	5	4	5	0	4
Question 5	5	5	5	5	5	5	0	4.285714286
Question 6	5	5	5	5	2	5	0	3.857142857

Ranking
5- strongly recommended
4- support recommended
3- neutral
2- do not support
1- strongly do not support

* Morren: Keep the fence ordinance the way it is today

- Last day to call a bond election, or a referendum election, is Monday, August 22, 2016 for November 8, 2016 uniform election date.

- August 16, 2016 City meetings: The Planning and Zoning Commission recently moved their regularly scheduled meetings to the third Tuesday of each month. In August, there is a conflict between the P&Z Regular Meeting, and the City Council Budget Workshop. Council may, or may not, hold their August 16th Budget Workshop. There is nothing that must be done, statutorily, on this date.

Council determined by consensus that they would move the Budget Workshop to Monday, August 15th to be held at 6 PM.

7. CONSENT AGENDA ITEMS

The items listed are considered to be routine and non-controversial by the City Council and will be approved by one motion, There will be no separate discussion of these items unless a Councilmember so requests, in which case the item will be removed from the Consent Agenda prior to a motion and vote. The item will be considered in its normal sequence of the regular agenda.

a. Approve City Council minutes from July 12, 2016; Regular Meeting.
b. Accept the Certified tax appraisal rolls (See Exhibit 'A' to these meeting minutes)

Council Member Tanner motioned, and Mayor Pro Tem Dillard seconded, to approve, as presented, the items on the Consent Agenda. Motion carried unanimously with a 7-0 vote.

8. REGULAR AGENDA ITEMS

a. Discuss, consider and possibly take action related to the appointment of members to Boards and Committees. (City Secretary Simpson)

As there were no applications received for the Beautification Advisory Group (BAG), and that is the only Board or Committee with vacancies at this time, this item was not needed. No action was taken.

b. Discuss, and consider a recommendation received from the Planning and Zoning Commission regarding proposed modifications to Granite Shoals Zoning Ordinance (City Code, Chapter 40) related to fencing in residential zoning districts. (City Manager Ken Nickel)

There was an extended discussion of the recommended changes sent to City Council from the Planning and Zoning Commission related to fencing.

There were brief discussions related to many topics of concern, including, but not limited to:

Concern related to safety, specifically related to density of building materials, and height. City Council members expressed concerns for motorists and for emergency first responders if solid walls are allowed to be built all around a structure, especially near the front lot line.

Concerns related to materials used which may not have strength to withstand weather and will not age well. These type fences, especially if they are constructed up to 8' tall, will likely become 'saggy' looking and may collapse.

Concerns regarding waterfront property owners having sufficient room on their property to also have security/privacy fence.

There was a discussion regarding the role of the Board of Adjustments (BOA) when a fence is constructed in the city which is not in compliance with the Zoning Ordinance. If there is a unique characteristic of the lot, the BOA may be able to allow a variance. If the property owners just wish to build higher, or use un-approved materials, then the BOA would not be able to grant a variance. The BOA could not grant a variance for aesthetics related to 'architectural' reasons.

Susie Hardy, Vice Chair of the Planning and Zoning Commission: explained that P&Z wanted to be sensitive to the desires of weekend home owners. These property owners might desire to have a higher privacy fence and lock the gate when they are not in town, for security reasons.

The City Council discussed at length that they would like no more than 25% density on the front lot line, or in the front setback.

There was a discussion of the need for 'Deer Proof' fencing for protection of food gardens.

Mr. Roy Settlemyre: Spoke regarding the need for fencing to protect his garden.

Mr. Steven Dooley: Member, P&Z Commission: Spoke as the owner of the original 'offending' garden fence. He noted concerns regarding the deer coming into the garden. That is why his family built a 'Garden Fence' out of raw natural cedar (not 'milled cedar' as required by the ordinance) up to a height of eight feet.

Ms. Linda Utley, Hummingbird Dr.: Spoke regarding her concerns for residents who cannot afford to build or maintain some fences. These people do not have the means.

Mr. Jim Davant, 310 S. Shorewood: Explained that he had attended the previous few P&Z Commission meetings and had been following this issue. He noted that when the P&Z previously discussed fencing, (and City Council discussed fencing) culminating in the Amending Ordinance to the Zoning Chapter of the city code last summer, the focus was not on special enclosures such as Garden Fences, it was on regular 'Lot Line' or 'Perimeter' fencing.

Mayor Brugger called a recess from 8:35 PM to 8:50 PM.

After some more extended discussion, the City Council determined that this is not ready to go into ordinance format and go forward for Public Hearings. The Council determined to send this back to the P&Z Commissioners with a list of six concerns which they would like to see addressed, before this goes forward to Public Hearing.

List of concerns/ideas:

1.) Front fencing set at full visibility, or no more than 25% density, instead of no more than 50% density. Full visibility may be achieved by having no more than 25% density, or, by reducing the height of the fence to five feet.

2.) Maximum height for perimeter fencing set at six feet (6'), for interior fencing eight feet (8').

3.) Any fence constructed in the front yard setback must be full visibility.

4.) There should be better definitions of perimeter fence versus interior fence.

5.) The list of materials allowed for building a perimeter fence should remain as it is; however, a list of allowed building materials for interior fences should be specified/established.

6.) A perimeter fence, if set back from the front lot line by 20 feet (20'), will be allowed to a height of six feet all around.

There was no formal motion/action.

9. WORKSHOP:

Arterial road improvements (Mayor Carl Brugger, City Manager Nickel) which may include discussion of any of the following topics or other issues related to a city Arterial Road Infrastructure Improvement Project, as discussed at July 12, 2016 Regular City Council meeting.

a. Bond rates
b. Construction costs
c. Continuation of discussion of Mayor Brugger's list of 'Options' for Road Arterial Project, as discussed at previous two City Council meetings and the June 30, 2016 Meet With Mayor event.
d. Elm Creek Drainage – in general and as relates to proposed improvements to Prairie Creek Drive.
e. Financing Options.
f. Alternative projects related to arterial road improvements
g. Engineer update from Greg Haley
h. Election issues related to bond project

See Mayor Brugger's handouts, attached as Exhibit 'B' to these meeting minutes. These include: 1.) Brad Young's memo regarding the various methods of funding road maintenance and construction (flat fee on the water bills not allowed, to assess a fee, must be tied to a road use formula designed by an engineer). 2.) Mayor Brugger's Tax Rate Impact Analysis version 26-July-16 , 3 pages. 3.) Mayor Brugger's Arterial Roads 2016, Alternative proposal(s) version dated 7-26-2016 with Cost and Road measurements from Greg Haley, KC Engineering (4 pages.)

Fencing R-1 Current Ord.

Fencing in R-1 District

Current Code – after July 2015.

(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.

R-1 Fencing pre-July 2015.

(g) *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 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) 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 a private driveway on a 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) The primary dwelling at each address shall display that 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) Each location having a driveway or is used as ingress/egress onto the property shall have a driveway approach with drainage culvert, if required. The driveway drainage culvert shall be located 3½ feet to centerline of the culvert beyond the owner's property line. The maximum length of a single culvert used for any drainage purpose in a natural drainage waterway the street side easements shall be 30 feet. The minimum distance between two culverts shall be 20 feet.

(7) No residential driveways shall be located on thoroughfares.

(8) Driveways must be located on the least traveled residential street. Driveway and driveway approach shall be of concrete, asphalt material, brick, pervious block, or gravel (gravel must have concrete or brick ribbons). All concrete driveways or the concrete ribbons for asphalt or gravel driveway shall be reinforced with a minimum of three-eighths-inch rebar on 16-inch centers. The driveway approach shall be graded to match the level of the roadway and shall have a separator at the front property line.

(9) Drainage. Any and all lots having natural drainage on or across them shall be evaluated by the flood plain administrator. If engineering services are necessary, the lot owner shall pay all engineering fees. Some lots could be deemed unbuildable because of the inability to divert drainage. Lots shall not have culverts longer than 30

Elaine Simpson

From:	citysecretary@graniteshoals.org
Sent:	Thursday, August 04, 2016 5:45 PM
To:	pandzcommission@graniteshoals.org
Cc:	Ken Nickel; 'Peggy Allen-Smith'; 'Preston Williams'; 'Mike Bishop'
Subject:	First Draft of August 16th P&Z Commission agenda and information
Attachments:	CC Reg meeting 7 26 2016 meeting minutes score sheet.docx

Good afternoon, Commissioners!

Page 8-10 of the Draft City Council meeting minutes from July 26th are related to the Council's discussion of Fencing and the recommendations you as a Commission, sent to them. They had six areas of focus/concern/question. At the next City Council meeting there may be a very brief discussion of Fencing during Ken Nickel's City Manager's report. There will not be another agenda item dedicated to fencing until you commissioners have had a chance to review their input. (So, no sooner than a September Council meeting). The draft Council meeting minutes are an attachment to this email.

Per your request, I have created a new 'Red-Line Version' of the Zoning Ordinance, Chapter 40. I have posted it on the City website because it is too big to email as an attachment. You can see it at this link http://www.graniteshoals.org/DocumentCenter/View/701

Because there may be clerical errors in the Redline version, the 'Clean Copy' that is based on the Redline cannot be trusted 100%. I did, in the interest of presenting commissioners with an easier to read copy, I put the 'Clean Copy' on the website and you can see it at this link http://www.graniteshoals.org/DocumentCenter/View/703

The nifty 'Zoning Use Summary Table' that City Attorney Brad Young composed, has been updated and I've customized it to eliminate unneeded Zoning Districts. The Working Copy of it is on the website at this link. http://www.graniteshoals.org/DocumentCenter/View/700

The very, very rough draft of the August 16, 2016 P&Z Agenda is at this link http://www.graniteshoals.org/DocumentCenter/View/699

The draft meeting minutes from the last P & Z Commission meeting is posted at this link http://www.graniteshoals.org/DocumentCenter/View/698

Last, if the Commissioners agree, since Native Plants are referenced in the Zoning Ordinance, I made a copy of the recommended Native Plant list for Granite Shoals (it was composed by the Master Gardeners). It could be made into an Exhibit for the end of the Zoning Ordinance, just for reference, if Commissioners like it. http://www.graniteshoals.org/DocumentCenter/View/702

One way the Commissioners might consider streamlining the Zoning Ordinance is to create one section, that is a 'General Compliance Section for all Residential Districts'. It could say one time, the regulations for Home Based Businesses, for Exterior Lighting, for Boat Docks and any other section that is at this time duplicated over and over and over in each respective residential zoning district description. (e.g.: Home Based Businesses are discussed in R1, R2, MH1 and MH2) There is already an example of this, there is a 'General Compliance Section for all Districts' in your Zoning Ordinance Chapter 40.5. It says one time, and one time only, that in all districts the Temporary electrical meters should be installed and maintained XYZ way.... Then it has the description of the requirements for surface area on building facades. Several pages may be able to be edited out the finished Zoning Ordinance if these duplicated sections are consolidated.

Soon someone from city staff will deliver you a paper copy of the Red-line version of the Zoning Ord. and the (hopefully) Clean Copy version of the Zoning Ord. with recommended modifications thus far. I have added some definitions that I found on the Internet for Neighborhood Shops and Personal Service Businesses. These uses are currently allowed but are not defined.

Please review this information and let me know if you find errors or if you have any questions.

I won't actually post this August 16th agenda until August 12th, in case we have re-plat applications submitted between now and then. Thank you.

Thank you all so much for your patience with me.
Respectfully Submitted. Elaine

Elaine Simpson, TRMC/MMC

CITY OF PARKS

City Secretary / Human Resources Manager

City of Granite Shoals

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A "Reply to All" of this e-mail could lead to violations of the Texas Open Meetings Act. Please reply only to the sender. This email contains the thoughts and opinions of Elaine Simpson and does not necessarily represent the official policy of the City of Granite Shoals.

ATTN: ELECTED OFFICIALS and APPOINTED COMMITTEE/COMMISSION/BOARD MEMBERS This e-mail may contain information and documents being sent to all Members to review. If so, this matter will be discussed at a future meeting. Please remember that members may not engage in deliberations on any City matter by email correspondence. If

Here is the Zoning Use Summary Table.

I have drawn a square around P's (Permitted Uses), when the P&Z Commissioners have at some time in the discussion, discussed removing the use from being a Permitted Use (a use by right).

I drew the box around them to illustrate which uses will 'disappear' from the respective zoning districts, if the Commissioners remove these uses.

Thank you.

Elaine

ZONING USE SUMMARY TABLE

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

Districts Established	R-1	R-2	MH-1	MH-2	GB-1	GB-2	I	AG	PD
Description of Districts:	Single Family Residential	Multifamily Residential	Manufactured Housing Residential	Manufactured Housing Park	General Business One	General Business Two	Industrial	Agricultural	Planned Development - uses approved upon zoning
RESIDENTIAL USES									
Accessory Buildings	P	P	P	X	X	X	X	X	X
Bed & Breakfast	C	C	C	X	C	C	X	X	X
Boat Docks (waterfront property)	P	P	P	P	P	P	P	P	P
Boarding or Lodging House	X	P	X	X	X	X	X	X	X
Dwelling, Multiple-Family (including Condominiums)	X	P	X	X	X	X	X	X	X
Dwelling, Single-Family	P	P	P	X	X	X	X	X	X
Dwelling, Two-Family	X	P	X	X	X	X	X	X	X
Hangars for Planes or Hangar Homes on lots abutting the airport	P	X	P	X	X	X	X	X	X
Home Based Business	P	P	P	P	X	X	X	X	X
Single Family Manufactured Home	X	X	P	P	X	X	X	X	X
Manufactured Home Park	X	X	X	P	X	X	X	X	X
Vacation Home Rental * authorized from 2012	*	P	X	X	X	X	X	X	X
COMMERCIAL USES									
Alcoholic Beverage Stores	X	X	X	X	P	X	X	X	X
Automotive Parts & Accessory Sales	X	X	X	X	P	P	X	X	X
Automotive Sales	X	X	X	X	X	P	X	X	X
Automotive Service	X	X	X	X	X	P	X	X	X
Bakeries	X	X	X	X	P	P	X	X	X
Banks	X	X	X	X	P	P	X	X	X
Bowling Alley and Other Similar Places of Entertainment	X	X	X	X	P	P	X	X	X
Cleaning & Laundry Plant	X	X	X	X	X	P	X	X	X
Commercial Cleaning & Laundry	X	X	X	X	X	X	P	X	X
Drug Store / Pharmacy	X	X	X	X	P	P	X	X	X
Electronic Service Centers	X	X	X	X	P	X	X	X	X
Farm Equipment, Sales & Service	X	X	X	X	X	P	X	X	X
Florist Shop	X	X	X	X	P	P	X	X	X
Fueling Station	X	X	X	X	X	P	X	X	X
Furniture Store	X	X	X	X	P	P	X	X	X
Grocery & Convenience Stores	X	X	X	X	P	P	X	X	X
Hardware Stores	X	X	X	X	P	P	X	X	X
Hotel-Motel	X	X	X	X	P	P	X	X	X
Laundries, Self Service	X	X	X	X	P	P	X	X	X
Medical Outpatient Clinics	X	X	X	X	P	P	X	X	X
Neighborhood Shops	X	X	X	X	P	P	X	X	X
Office Buildings	X	X	X	X	P	P	X	X	X
New Construction built from On-Site Storage Containers	X	X	X	X	C	C	X	X	X
Personal Services	X	X	X	X	P	P	X	X	X
Printing & Copying Services	X	X	X	X	P	P	X	X	X

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Description of Districts:	Single Family Residential	Multifamily Residential	Manufactured Housing Residential	Manufactured Housing Park	General Business One	General Business Two	Industrial	Agricultural	Planned Development - uses approved upon zoning
Radio & Television Broadcasting Studios	X	X	X	X	P	P	X	X	X
Real Estate Sales Offices (temporary)	X	P	X	X	X	X	X	X	X
Recreational vehicle sales	X	X	X	X	P	P	X	X	X
Repair Facility 1	X	X	X	X	X	P	X	X	X
Repair Facility 2	X	X	X	X	X	X	P	X	X
Resort Marinas ?	X	X	X	X	P	X	X	X	X
Restaurants; Sit down, Drive Thru or Take Out	X	X	X	X	P	P	X	X	X
Retail Nurseries	X	X	X	X	P	P	X	X	X
RV, Boat & Trailer Storage (commercial)	X	X	X	X	X	P	X	X	X
Sexually Oriented Business (See City Code Chapter 10, Sec. 10.60)	X	X	X	X	X	X	X	X	X
Swimming Pool Sales & Service	X	X	X	X	X	X	P	X	X
Tattoo Parlor (See City Code Chapter 10)	X	X	X	X	X	P	X	X	X
Temporary Buildings (related to construction work)	X	P	X	X	X	X	X	X	X
Tool and Equipment Rental	X	X	X	X	X	P	X	X	X
Truck Sales & Service	X	X	X	X	X	X	P	X	X
Video Rental Sales	X	X	X	X	P	P	X	X	X
Welding & Machine shops	X	X	X	X	X	P	X	X	X
INDUSTRIAL USES									
Contractor's Yard	X	X	X	X	X	X	P	X	X
Light Manufacturing, Fabrication, Assembly or Processing of goods or materials, products or equipment	X	X	X	X	X	X	P	X	X
Machinery, Heavy Equipment	X	X	X	X	X	X	P	X	X
Repair, Servicing, Painting, packaging or cleaning of goods, materials, products or equipment	X	X	X	X	X	X	P	X	X
Research, Development & Testing Activities	X	X	X	X	X	X	P	X	X
Warehousing & Distributing Operations	X	X	X	X	X	X	P	X	X
Wholesale Distributor	X	X	X	X	X	X	P	X	X
AGRICULTURAL USES									
Agricultural and Ranch Uses	X	X	X	X	X	X	X	P	X
Greenhouses (Retail Nursery?)	X	X	X	X	P	P	X	X	X
CIVIC USES									
Administrative Services?	X	X	X	P	X	X	X	X	X
Clinics- R2? ?	X	P	X	X	X	X	X	X	X
College, Universities, Vocational Schools and Schools of Higher Learning	P	X	P	X	X	X	X	X	X
Community Buildings	P	P	P	X	X	X	X	X	X
Community Recreation	X	X	X	P	X	X	X	X	X
Country Clubs or Golf Courses									

ZONING USE SUMMARY TABLE

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

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Description of Districts:	Single Family Residential	Multifamily Residential	Manufactured Housing Residential	Manufactured Housing Park	General Business One	General Business Two	Industrial	Agricultural	Planned Development - uses approved upon zoning
Day Nurseries	X	P	P	P	P	P	X	X	X
Hospital	X	P	X	X	X	X	X	X	X
Libraries	P	P	P	X	X	X	X	X	X
Local Utility Services	X	X	X	P	X	X	X	X	X
Marinas, on the water	X	P	X	X	X	X	X	X	X
Municipal Building ?	X	X	P ?	X	X	X	X	X	X
Museum	P	P	P	X	X	X	X	X	X
Nursing and Convalescent Homes	X	P	X	X	P	P	X	X	X
Parks & Playgrounds	P	P	P	P	X	X	X	X	X
Police & Fire Stations	P	P	P	X	X	X	X	X	X
Private schools	X	P	X	X	X	X	X	X	X
Public Schools (Elementary & Secondary)	P	P	X	X	X	X	X	X	X
Public Recreational Facilities (owned/operated by municipality or government agency)	P	P	P	X	X	X	X	X	X
Public Buildings & Facilities	X	X	X	X	X	X	P	X	X
Public Utilities	X	P	P	X	P	P	P	X	X
Churches & Other Places of Worship	P	P	P	P	P	P	P	P	P
Sanitariums ?	X	P	X	X	X	X	X	X	X
School, Business	X	X	X	X	P	P	X	X	X
School, Commercial	X	X	X	X	P	P	X	X	X
Water Supply Reservoirs, Pumping Plants	?	P	X	X	X	X	X	X	X

Granite Shoals, Texas list of Native Plants familiar to local Master Gardeners.

Many items on this list would have some kind of attraction for birds, bees, butterflies, and other beneficial insects. Many would offer shelter/nesting areas for wildlife

Small Trees/Large Shrubs:

Arroyo Sweetwood (Myrospernum sousanum)
Mexican Buckeye (Ungandia speciosa)
Crepe Myrtle (Lagerstromia indica)
Desert Willow (Chilopsis linearis)
Possumhaw Holly (Ilex decidua)
Texas Mountain Laurel (Sophora secundiflora)

Shrubs:

Agarita (Berberis or Nahonia Trifoliata)
Apache Plume (Falogia paracoxa)
Barbados Cherry (Malphigia glabra)
Black Dalea (Dalea frutescens)
Elbow Bush (Forestirera pubescens)
Flame Acanthus (Aniscanthus quadrifidus – variation Wrightii)
White mist flower (Agertina havanensis)
Rosemary – either upright or prostrate/creeping
Turk's Cap (Malvaviscus arboreus – variation Drummondii)

Perennial flowers:

Calylophus (calylophous berlanderieri)
Red Columbine (Aquiliegia canadensis)
Blackfoot Daisy (Melampodium leucanthum
Damianita (Chrysactina mexicana)
Esperanza/Yellow Bells (Tecoma stans)
Fall Aster (Aster oblongifolium)
Gayfeather (Liatris mucronata)
Hymenoxys/Four Nerve Daisy (Tetraneuris scaposa)
Lantana – various
Maximilian Sunflower (Helianthus maximiliani)
Penstemon – various
Sage/Salvia – various
Skeletonleaf Goldeneye (Viguiera stenoloba)
Skullcap – various

Yuccas/Agaves/Succulents/Cacti – various

Ornamental Grasses – various, including some of the Muhly varieties

Annuals – a liberal sprinkling of native wildflowers including Bluebonnets, Indian Blanket, Blanketflower, Winecup, Lemon Mint, Tickseed, etc

If there is a space where a **vine** would be useful, we would use Crossvine or Carolina Jessamine

If **larger trees** are desired, we would use the hardiest varieties of native oak trees and cedar elm.

"Red-Line" Copy
Working Draft –
For P&Z Commissioners to proof.

Granite Shoals
Item #5
9-20-16

Updated with changes as of June 21, 2016 P&Z meeting

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

For

Chapter 40 - ZONING[1]

Footnotes:

--- (1) ---

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

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

Sec. 40-1. - Purpose.

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

(Ord. No. 409, § III, 8-24-2004)

Sec. 40-2. - Definitions.

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

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

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

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

Airport: Granite Shoals municipally owned airport, and the zoning of said airport. See **Chapter # 6 Aviation** in Granite Shoals City Code of Ordinances.

?

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

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

Board means the board of adjustment of the city.

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

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

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

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

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

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

Carport: A carport 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, built for the purpose of providing shade and some shelter for vehicles. 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.

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

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

Condominium means a legal arrangement in which a dwelling unit in an apartment building or residential development is individually owned, but in which the common areas are owned, controlled and maintained through an organization of all individual owners.

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

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

Country Club: A **country club** is a privately owned **club**, often with a closed membership, that generally offers both a variety of recreational sports and facilities for dining and entertaining. Typical athletic offerings are golf, tennis, and swimming. Not an allowed use by right in any zoning district, this use might be suitable for a Planned Development.

on internet.

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

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

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

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

Dwelling means a building or portion thereof, designed and used exclusively for residential occupancy, including single-family, two-family and multifamily dwellings, but

not including hotels, motels, lodging houses, campers or camp trailers, or any vehicle or portable structure having no permanent foundation other than wheels, jacks or skirts.

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

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

Eaves means the projecting lower edges of a roof overhanging the wall of a building.

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

Fences means barriers of posts, wire, rails, etc., used as a boundary or means of protection or confinement. Fencing may be either perimeter fencing on the property lines, or special purpose enclosures may be built in the interior of the property for specific uses. (See Interior Fence)

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

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

Garage: A building or indoor space in which to park or keep a motor vehicle, or motor vehicles. This building may be attached or detached from the dwelling. Garages and accessory buildings shall be of similar appearance in design to the main dwelling; which may be achieved with materials, color, pitch, roofline, trim or other architectural features. There is no square footage limitation on the total area of an approved garage. See specific zoning district section for allowable locations for waterfront and non-waterfront garages.

Hangar/Hangars for aircraft: A shed or shelter customarily with wide structure used for housing airplanes or airships.. Personal hangars may be constructed on any lot bordering the Granite Shoals city-owned airport, with or without a dwelling on the lot.

Hangar House: a home with attached hangar which is built on a lot that borders the Granite Shoals city-owned airport. A Hangar Home must be built to all city codes and conform to all requirements for dwellings in the zoning district in which it is built. A Hangar House may not be a shed, a lean-to, trailer, camper or any other prohibited dwelling.

Hotel means a building in which lodging or boarding and lodging are provided for more than 20 persons and offered to the public for compensation and in which ingress

and egress to and from all rooms are made through an inside lobby or office supervised by a person in charge at all hours.

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

Interior Fencing (aka Interior Enclosures) – A special and specific purpose fencing enclosure allowable for the following four uses, only: 1.) Garden fencing – for protection of plants from deer or vandalism, 2.) Patio Fencing – for decorative purposes, such as trellis-work or screening for patio or outdoor living areas, 3.) Landscape Fencing – for decorative fencing that is incorporated into the landscaping of the yard as a whole, and 4.) Pet enclosures, for example dog runs or dog pens. For height, materials, construction and other specific regulations, see Section 40. ?

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

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

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

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

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

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

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

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

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

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

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

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

Native Plants: **plants** indigenous to a given area in geologic time. This includes **plants** that have developed, have occured naturally, or have existed for many years in an area. The City believes that appropriate use of native plants is beneficial due to lower maintenance needs, regional uniqueness, biological diversity, and wildlife habitat. Some native plants may be easier to care for because they have evolved in a place over many years, developing resistance to climatic extremes, insect feeding, disease pathogens and other stresses of the local environment. A list of examples of plants native to the Granite Shoals area is included as an exhibit to this ordinance.

Neighborhood Shops: A permitted use in GB1 & GB2, these shops are customarily independently-owned, small businesses. A shop which caters to the specific interests of people in the neighborhood or likely tourists to the city. Examples might be Antique/consignment sales, donut shop, dress shop, jewelry shop, bait and tackle shop, gift shop, book store or specialty grocery store.

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

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

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

Overhang means the part of a roof or wall that extends beyond the facade of a lower wall.

Parking space, private. See section 40-16. ?

Parking space, public. See section 40-16~~.~~. ?

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

Perimeter Fence? Definition?

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

Personal Services or 'Personal-Service Activity: Any business enterprise with the primary purpose of providing personal services. Personal-service activities encompass a wide range of professions, including law, medicine, engineering, design, finance, accounting and even performing arts. An allowed use in certain districts, personal services can also include beauty parlors and nail salons.

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

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

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

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

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

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

(2) Accessory parts;

(3) Lubricant and filter changes.

Repair facility 2 means a facility that in addition to some/all of the services provided by level one repair ~~facilities,~~facilities provides repair and replacement services on drive trains for motor vehicles, powered watercraft and motorized equipment. This may include, but is not limited to, engine, transmission, and differential repairs, overhauls and replacement. Sales of motor fuels are prohibited. Sales of lubricants are permitted only to the extent required to complete repairs.

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

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

Retail Nursery / Commercial Greenhouse ?

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

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

Sexually Oriented Business: See City Code, Chapter 10 Businesses and Business regulations.

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

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

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

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

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

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

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

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

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

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

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

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

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

Waterfront Overlay District – see Section 40.29. Waterfront Overlay District is intended to preserve and enhance the quality of waterfront property along Lake Lyndon B. Johnson (Lake LBJ) within the City of Granite Shoals.

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

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

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

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

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

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

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

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

(1) Purpose. The purpose of this section is to provide control over the structures in business and industrial areas of the city so that they will complement existing

activities, structures and neighborhoods and conform to future plans of the city's growth.

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

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

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

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

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

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

b. Surface area of any building façade, facing the public roadway, must be 40% ~~glass~~brick, rock or stone. For the remaining area, these materials may be used: glass, rock, wood~~, rock, wood,~~ masonry, copper, vinyl siding, aluminum siding, ~~cement board~~cement board, or combination thereof. Wood must be properly painted, stained, protected, sealed or otherwise treated appropriate for the type of wood material used. Except for accessory storage buildings, sheets of pressed wood or plywood material are not considered acceptable as wood or masonry.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(d) Used buildings. No building which is not constructed of new materials, shall be designated for use for any purpose or in any manner moved, relocated or permanently installed within the corporate limits of the city; provided, however Texas Manufactured Housing, or Texas Industrialized Housing, no older than five years of age, and used for residential purposes in a district zoned residential, shall be exempt from this section.

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

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

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

(b) Surface area of any building façade, facing the public roadway, must be 40% brick, rock or stone. For the remaining area, these materials may be used: glass, rock, wood masonry, copper, vinyl siding, aluminum siding, cement board, or combination thereof. Wood must be properly painted, stained, protected, sealed or otherwise treated appropriate for the type of wood material used. Except for accessory storage buildings, sheets of pressed wood or plywood material are not considered acceptable as wood or masonry~~Surface area of any building façade must be glass, rock, wood, engineered wood exterior siding, masonry, copper, vinyl siding, aluminum siding, cement board or combination of these materials. Wood must be properly painted, stained, protected, sealed or otherwise treated appropriate for the type of wood material used. Corrugated metal sheets are not an acceptable siding material in residential areas.~~ Sheets of pressed wood or plywood material, not specifically engineered for use as exterior siding, are not considered acceptable except when applied to an accessory storage building.

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

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

(a) Permitted uses. In Single-Family Residential District, R-1, no building or land shall be used, and no building shall hereafter be erected or structurally altered, unless otherwise provided for in this chapter, except as illustrated on the Chart of uses at the end of Chapter 40. ~~for one or more of the following uses~~:

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

~~(2) Churches and other places of worship.~~

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

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

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

(b) Prohibited uses.

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

(2) Any other use not specifically permitted under ~~this~~ Cchapter 40 for Single-Family Residential District, R-1.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

B. Chapter 40 (Zoning), Section 40-6 (Single-Family Residential District, R-1), subsection (1) (Yard Requirements) of the City of Granite Shoals Code of Ordinances is hereby amended as follows:

"(l) *Yard requirements.*

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

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

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

(4) *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.

(5) *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.

(5) *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 nearer than ten feet to the shoreline. In no instance shall it extend beyond the original platted lot line.

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

~~(l) Yard requirements.~~

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

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

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

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

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

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

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

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

(o) Minimum dwelling requirements.

(1) Texas Industrialized housing must:

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

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

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

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

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

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

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

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

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

c. Except as provided in subsection (p)(1)d., agriculture fence materials such as pipe, drill stem, T-Post, rolled wire fence, stranded wire, barbed wire,

cow panel, corral panel, non-milled cedar posts, and all other types of agriculture fencing shall not be allowed in any residential district.

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

(2) Fence height.

a. Front yard lot line maximum height five feet.

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

c. Rear yard lot line maximum height six feet

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

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

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

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

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

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

~~(t)~~ Insert 'Residential General Compliance' for effective date March 1, 2016?:

Driveways:

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.) Size/width: The maximum width of a driveway may be the width of the adjacent garage, or twenty-five feet (25'). The minimum width of a driveway may be ten feet (10').

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

4.) Each dwelling shall have a driveway approach with drainage culvert, if required. The driveway drainage design, and placement of culverts, shall be determined by city staff.

5.) 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.

~~Driveways. Each location having a driveway for ingress/egress onto the property shall have a driveway approach with drainage culvert, if required. The driveway drainage design, and placement of culverts, shall be determined by city staff. All driveway and driveway approaches shall be constructed of concrete, asphalt material, brick, pervious block, or gravel. All concrete driveways or the concrete ribbons shall be reinforced. The driveway approach shall be graded to match the level of the roadway and shall have a separator at the front property line. Driveways may be placed over the front public utility easement only. The portion of a driveway that encroaches on an easement will be removed at the property owner's expense should the city require use of the easement for public utility purposes after the driveway has been installed.~~

(u) Drainage.

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

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

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

Sec. 40-7. - Reserved.

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

~~End of Supplement 3 to the City Code. –~~

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

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

(a) *Permitted uses.* In a Multifamily Residential ~~District~~Zone, R-2, no building or land shall be used, and no building shall be erected or structurally altered, unless otherwise provided for in this chapter except as illustrated on the Chart of uses at the end of Chapter 40.~~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.~~

~~(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:~~

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

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~~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. There is no square footage limitation on the total area of an approved garage. A single accessory building shall not exceed 500 square feet, and no more than two accessory buildings are allowed on a single lot.

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

(g) *Carports.* A carport 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 effect 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. Chapter 40 (Zoning), Section 40-8 (Multifamily Residential District, R-2), subsection (c) (Yard Requirements) of the City of Granite Shoals Code of Ordinances is hereby amended as follows:

"(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 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) *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.

(5) *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.

(5) *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 nearer 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 18 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) *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 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 (Modular 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 (windows) 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 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 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~~City Manager, or his designee'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.

Driveways:

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.

3.) Each dwelling shall have a driveway approach with drainage culvert, if required. The driveway drainage design, and placement of culverts, shall be determined by city staff.

4.) All driveway and driveway approaches shall be constructed of concrete, asphalt material, brick, pervious block, or gravel. All concrete driveways or the concrete ribbons shall be reinforced. The driveway approach shall be graded to match the level of the roadway and shall have a separator at the front property line. Driveways may be placed over the front public utility easement only. The portion of a driveway that encroaches on an easement will be removed at the property owner's expense should the city require use of the easement for public utility purposes after the driveway has been installed.

(u) *Drainage.*

(1) For only new construction that will affect the drainage patterns on the property, if city staff determines that civil engineering services are necessary, the lot owner shall pay all engineering fees. A property owner who plans to build a structure over a culvert or natural

drainage shall have the design approved by city staff. A stamp from a civil engineer shall be required before a building permit is granted.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(3) *Permit limitations.*

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

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

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

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

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

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

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

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

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

(Ord. No. 409, § IX, 8-24-2004)

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

(a) *Permitted uses.* In the ~~Mobile Home~~Manufactured Housing Residential ~~District~~ Zone, MH-1. ~~M-1~~, a building or premises may be used as illustrated on the Chart of uses at the end of Chapter 40. ~~for any of the following purposes:~~

~~(1) One single-family mobile home 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) Garages and accessory buildings. Garages and accessory buildings shall be of similar appearance in design to the main dwelling; which may be achieved with materials, color, pitch, roofline, trim or other architectural features. There is no square footage limitation on the total area of an approved garage. A single accessory building shall not exceed 500 square feet, and no more than two accessory buildings are allowed on a single lot.

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

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~~City Manager, or his designee 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

D. Chapter 40 (Zoning), Section 40-10 (Manufactured Home Residential District, MH-1), subsection (b) (Yard Requirements) of the City of Granite Shoals Code of Ordinances is hereby amended as follows:

"(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) *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.

(5) *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.

~~(5) *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 nearer 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."~~

~~(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 (M~~H~~-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 reflected or ~~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 owner's 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~~ the minimum space between two culverts shall be 20 feet, or as determined by City Staff. ~~.~~

(7)

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

Driveways:

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.) Size/width: The maximum width of a driveway may be the width of the adjacent garage, or twenty-five feet (25'). The minimum width of a driveway may be ten feet (10').

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

4.) Each dwelling shall have a driveway approach with drainage culvert, if required. The driveway drainage design, and placement of culverts, shall be determined by city staff.

5.) 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.

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

(g) *General requirements.*

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

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

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

Sec. 40-11. - ~~Mobile Home~~ Manufactured Housing Park ~~District~~Zone, 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 *Manufactured Housing park.* Site plan required in accordance with section 40-3, or for purposes as illustrated on the Chart of uses at the end of Chapter 40.~~for the following purposes~~:

~~(1) *Mobile home 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~~City Manager, or his 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.

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~~City Manager, or his designee 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, consult Waterfront Overlay district ~~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 ~~p~~lot 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, M~~H~~-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 reflected or direct ~~direct~~ glare into an adjoining residence or into a public street

that creates a driving hazard. Lighting shall be hooded or shielded. This excludes streetlights.

(Ord. No. 409, § XI, 8-24-2004)

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

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

(1) A business that is permitted must have a retail on-premises consumption permit or license and less than 50 percent of the gross receipts for the premises is from the sale or service of alcoholic beverages (TABC regulatory and penal provisions, V.T.C.A., Alcoholic Beverage Code § 109.33(f)(1)). An example of this permitted use is a full service restaurant. Upon the restaurant's annual renewal of license, a prepared written audit that shows that the gross sale of alcoholic beverages is less than 50 percent of the establishment's gross receipts and the license application will be presented to the ~~building official~~City Manager, or his designee 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~~City Manager, or his designee 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 non-permitted 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~~ except as illustrated on the Chart of uses at the end of Chapter 40.~~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 on the Chart of uses at the end of Chapter 40 ~~mentioned in this subsection~~ listed as a permitted use, shall apply for review by the planning and zoning commission via the ~~building official~~City Manager, or his designee. Any business ~~not listed above, but~~ approved as a business by the city council will be added to the approved ~~list~~Chart of Uses. Accessory buildings shall be permitted only in the rear

yard except when the lot on which the main building is located backs up to residential zones, but in no case may any accessory building occupy a public utility easement.

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

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

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

(d) *Yard requirements.*

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

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

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

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

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

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

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

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

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

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

(1) A business that is permitted must have a retail on-premises consumption permit or license and less than 50 percent of the gross receipts for the premises is from the sale or service of alcoholic beverage (TABC regulatory and penal provisions, V.T.C.A., Alcoholic Beverage Code § 109.33(f)(1)). An example of this permitted use is a full service restaurant. Upon the restaurant's annual renewal of license, a prepared written audit and the license application will be presented to the ~~building official~~City Manager, or his designee 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~~City Manager, or his designee 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~~City Manager, or his designee. No building shall hereafter be erected, or structurally

altered, unless otherwise provided for in this chapter, ~~except~~ except as illustrated on the Chart of uses at the end of Chapter 40. ~~for one or more of the following uses:~~

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

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~~(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 as appropriate for this zoning district on the illustrated Chart of uses at the end of Chapter 40 ~~in this subsection~~ shall apply for review by the planning and zoning commission via the city ~~building official~~City Manager, or his designee. Any business ~~not listed in this subsection, but~~ approved as a business by the city council will be added to the approved list. An accessory building shall be permitted only in the rear yard except when the lot on which the main building is located backs up to residential zones, but in no case may any accessory building occupy a public utility easement.

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

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

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

(d) *Yard requirements.*

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

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

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

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

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

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

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

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

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

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

(b) *Permitted uses.* Within the Industrial ~~District~~Zone, I, no building, structure, or land shall be used except as illustrated for I zoning district on the Chart of uses at the end of Chapter 40.~~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, drainage_way or watercourse shall be prohibited. The disposal of all toxic and liquid wastes shall be performed in accordance with all applicable federal and state laws and the city's most recent standards for industrial pretreatment.

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

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

(9) *Landscaping.* Uses within the Industrial ~~District~~Zone shall be landscaped and maintained in such a manner to effectively lessen the impact of parking areas, to screen storage areas from view by the general public and to provide a buffer

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

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

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

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

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

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

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

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

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

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

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

(Ord. No. 409, § XIV, 8-24-2004)

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

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

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

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

Driveways:

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.) Size/width: The maximum width of a driveway may be the width of the adjacent garage, or twenty-five feet (25'). The minimum width of a driveway may be ten feet (10').

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

4.) Each dwelling shall have a driveway approach with drainage culvert, if required. The driveway drainage design, and placement of culverts, shall be determined by city staff.

5.) 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.

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.

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. 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 not visible to the public. Tarps and/or similar covers are not considered satisfactory/allowable 'screen'.

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

e.) Non-Allowable vehicles including but not limited to semi-trucks, semi/tractor trailers, agriculture trailer, fifth-wheel trailers, goose neck box trucks, dump trucks, construction equipment of any type shall not be parked, placed, stored or located on property zoned R-1, R-2, MH-1 or MH-2, unless present/used during construction upon the property, but shall be removed immediately upon completion of such construction.

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

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

~~(a) *Off-street parking requirements.*~~

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

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

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

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

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

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

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

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

~~h. Mobile homes, trailer houses, trailer and mobile home courts. Two parking spaces for each mobile home or trailer house.~~

~~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~~City Manager, or his designee.

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

(b) *Off-street loading requirements.*

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

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

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

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

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

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

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

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

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

(Ord. No. 409, § XV, 8-24-2004)

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

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

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

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

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

(1) Where 51 percent or more of the frontage within a block is occupied or partially occupied by a building or buildings with front yards of less depth than required by this chapter, the remainder of that block front yard line shall conform with the setback requirements of this chapter.

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

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

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

(Ord. No. 409, § XVI, 8-24-2004)

~~January 21, 2016~~

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(Ord. No. 409, § XVI, 8-24-2004)

Chapter 40 (Zoning), Section 40-18 (Nonconforming buildings and uses), subsection (a) (Regulations) of the City of Granite Shoals Code of Ordinances is hereby amended as follows:

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

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

(1) Normal repairs and maintenance, interior improvements or remodeling, and exterior improvements or remodeling may be made to a nonconforming building or structure; provided, that no improvements or remodeling structural alterations shall be made that increase the noncompliance or create an additional noncompliance of all or any part of such structure. 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 90 180 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 90 180 days after the building or structure become vacant. All such buildings after 90 180 days of vacancy, shall be converted to a conforming use

(b)(6) Nonconforming buildings or structures may not be changed or expanded except as otherwise provided in this section.

(b) *Regulation of nonconforming uses of buildings or structures.* 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) *Regulation of Nonconforming Uses of LandContinuation 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 90 180 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) If a nonconforming use or portion thereof is voluntarily discontinued or changed to a conforming use, any future use of such land or building or structure upon the land shall conform to the regulations of the zoning district in which the land is located.

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

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

(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 180 days.; or

(3) A nonconforming building, or structure or land, or portion thereof, which is or hereafter becomes vacant and remains unoccupied for a period of 180 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." ~~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 manager, or his designee~~building official appointed by the city council~~. No oversight or dereliction on the part of ~~the~~ city ~~building~~ officials or on the part of any official or of employees of the city or county shall legalize, authorize, and/or excuse the violation of any of the provisions of this chapter.

(b) Permits and variances required and appeal procedures.

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

(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 Pedernales 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~~manager, or his designee, 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~~manager, or his designee. Application shall be made on forms furnished by the city manager, or his designee ~~building official~~. Every certificate of occupancy shall state that the occupancy complies with all provisions of this chapter and adopted construction codes.

(d) ~~District~~ Zoning 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 un-subdivided property, the zoning district boundary lines on the map accompanying and made a part of this chapter shall be determined by the use of the scale appearing on the map.

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

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

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

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

intended by this chapter to interfere with or abrogate or annul any easements, covenants or other agreements between parties, except that if this chapter imposes a greater restriction this chapter shall take precedence.

(Ord. No. 409, § XVIII, 8-24-2004)

Sec. 40-20. - Board of adjustment.

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

(Ord. No. 409, § XIX, 8-24-2004)

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

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

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

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

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

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

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

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

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

(b) Other remedies. In case any building or structure is erected, constructed, reconstructed, altered, repaired, converted or maintained, or any building, structure or land is used in violation of this chapter, the ~~appropriate authorities~~city manager, or his designee ~~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.~~ As established by City Council in the General Fee Ordinance.

(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~~Zone.

(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~~Zone:

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

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

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

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

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

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

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

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

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

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

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

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

(4) Sexually oriented business sign regulations.

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

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

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

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

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

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

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

b. Not to exceed 36 square feet in area.

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

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

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

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

g. Not be located:

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

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

3. So as to create an immediate physical danger.

4. On any utility pole or street sign.

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

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

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

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

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

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

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

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

1. A sketch of said sign, including dimensions.

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

3. The proposed location of such signs.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(1) Billboards.

(2) Tacked signs.

(3) Flashing signs.

(4) Traveling lighted message sign.

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

(6) Signs exceeding 20 feet in sign height.

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

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

(9) Signs that emit a noise.

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

(1) Is not more than eight feet high.

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

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

Sec. 40-25. - Boat docks.

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

(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~~City Manager, or his designee 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~~City Manager, or his designee for review. Permits will be issued at the city office by the ~~building official~~City Manager, or his designee 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~~City Manager, or his designee 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.~~Facilities, Private and Commercial' must conform to all LCRA regulations.

(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~~ 18 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),~~currently adopted code ~~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~~

February 28, 2012 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~~February 28, 2012. 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~~February 28, 2012, 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, along with proof of inspection by Fire Marshal and valid certificate of occupancy. .

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~~property owner.

(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~~terminates upon any transfer of ownership..

(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 an 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~~City Manager, or his designee 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~~City Manager, or his designee, 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)

F. Chapter 40 (Zoning), of the City of Granite Shoals Code of Ordinances is hereby amended to create a new Section 40-29 (Overlay Districts), as follows:

"Sec. 40-29. Overlay districts.

(a) *Application.* Overlay and districts shall be used in conjunction with base zoning districts. In the use of the following overlay zoning classifications, the base district shall remain in effect if it is already in existence unless changed by zoning amendment. New base districts or changes in existing base districts may be requested at the same time overlay districts are requested.

(b) *Waterfront Overlay District, WF.*

(1) *General purpose and description.* The WF, Waterfront Overlay District is intended to preserve and enhance the quality of waterfront property along Lake Lyndon B. Johnson within the City of Granite Shoals.

(2) *Limits of overlay.* Application of this overlay is limited to platted lots on which at least one lot line directly abuts Lake Lyndon B. Johnson.

(3) *Permitted uses.* Permitted uses in the WF overlay district are governed by the allowable underlying zoning districts. These permitted uses must conform to the special development standards set forth for this overlay district.

(4) *Site development standards.* The site development standards of the WF overlay district are the same as those of the underlying zoning district except as follows:

(A) *Shoreline.* Where a lot abuts Lake Lyndon B. Johnson, 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.

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

2. 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."

P&Z Commissioners interested in a chart of uses? This will remove the need for lists of uses from each district description. ? Brad Young worked up a sample chart of uses.

Clean Copy.

'8-5-2016 Clean Copy with accepted changes from Redline version through July 2016 – ES' (*Note: Due to numerous modifications the numbering and outline on this document are not 100% correct.)

Updated with changes as of June 21, 2016 P&Z meeting

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

For

Chapter 40 - ZONING[1]

Footnotes:

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

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

Sec. 40-1. - Purpose.

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

(Ord. No. 409, § III, 8-24-2004)

Sec. 40-2. - Definitions.

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

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

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

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

Airport: Granite Shoals municipally owned airport, and the zoning of said airport. See Chapter #_6 Aviation in Granite Shoals City Code of Ordinances.

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

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

Board means the board of adjustment of the city.

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

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

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

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

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

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

Carport: A carport 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, built for the purpose of providing shade and some shelter for vehicles. 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.

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

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

Condominium means a legal arrangement in which a dwelling unit in an apartment building or residential development is individually owned, but in which the common areas are owned, controlled and maintained through an organization of all individual owners.

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

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

Country Club: A country club is a privately owned club, often with a closed membership, that generally offers both a variety of recreational sports and facilities for dining and entertaining. Typical athletic offerings are golf, tennis, and swimming. Not an allowed use by right in any zoning district, this use might be suitable for a Planned Development.

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

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

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

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

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

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

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

Eaves means the projecting lower edges of a roof overhanging the wall of a building.

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

Fences: barriers of posts, wire, rails, etc., used as a boundary or means of protection or confinement. Fencing may be either perimeter fencing on the property lines, or special purpose enclosures may be built in the interior of the property for specific uses. (See Interior Fence)

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

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

Garage: A building or indoor space in which to park or keep a motor vehicle, or motor vehicles. This building may be attached or detached from the dwelling. Garages and accessory buildings shall be of similar appearance in design to the main dwelling; which may be achieved with materials, color, pitch, roofline, trim or other architectural features. There is no square footage limitation on the total area of an approved garage. See specific zoning district section for allowable locations for waterfront and non-waterfront garages.

Hangar/Hangars for aircraft: A shed or shelter customarily with wide structure used for housing airplanes or airships.. Personal hangars may be constructed on any lot bordering the Granite Shoals city-owned airport, with or without a dwelling on the lot.

Hangar House: a home with attached hangar which is built on a lot that borders the Granite Shoals city-owned airport. A Hangar Home must be built to all city codes and conform to all requirements for dwellings in the zoning district in which it is built. A Hangar House may not be a shed, a lean-to, trailer, camper or any other prohibited dwelling.

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

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

Interior Fencing (aka Interior Enclosures) – A special and specific purpose fencing enclosure allowable for the following four uses, only: 1.) Garden fencing – for protection of plants from deer or vandalism, 2.) Patio Fencing – for decorative purposes, such as trellis-work or screening for patio or outdoor living areas, 3.) Landscape Fencing – for decorative fencing that is incorporated into the landscaping of the yard as a whole, and 4.) Pet enclosures, for example dog runs or dog pens. For height, materials, construction and other specific regulations, see Section 40. ?

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

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

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

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

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

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

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

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

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

Mobile home means a structure that was constructed before June 15, 1976, transportable in one or more sections, which, in the traveling mode, is eight feet or more in width or 40 body feet or more in length, or, when erected on site, is 320 or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air conditioning and electrical systems.

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

Native Plants: plants indigenous to a given area in geologic time. This includes plants that have developed, have occurred naturally, or have existed for many years in an area. The City believes that appropriate use of native plants is beneficial due to lower maintenance needs, regional uniqueness, biological diversity, and wildlife habitat. Some native plants may be easier to care for because they have evolved in a place over many years, developing resistance to climatic extremes, insect feeding, disease pathogens and other stresses of the local environment. A list of examples of plants native to the Granite Shoals area is included as an exhibit to this ordinance. Neighborhood Shops: A permitted use in GB1 & GB2, these shops are customarily independently-owned, small businesses. A shop which caters to the specific interests of people in the neighborhood or likely tourists to the city. Examples might be Antique/consignment sales, donut shop, dress shop, jewelry shop, bait and tackle shop, gift shop, book store or specialty grocery store.

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

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

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

Overhang means the part of a roof or wall that extends beyond the facade of a lower wall.

Parking space, private. See section 40-16. ?

Parking space, public. See section 40-16. ?

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

Perimeter Fence? Definition?

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

Personal Services or Personal-Service Activity: Any business enterprise with the primary purpose of providing personal services. Personal-service activities encompass a wide range of professions, including law, medicine, engineering, design, finance, accounting and even performing arts. An allowed use in certain districts, personal services can also include beauty parlors and nail salons. Planning and zoning commission means the planning and zoning commission of the city.

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

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

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

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

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

(2) Accessory parts;

(3) Lubricant and filter changes.

Repair facility 2 means a facility that in addition to some/all of the services provided by level one repair facilities provides repair and replacement services on drive trains for motor vehicles, powered watercraft and motorized equipment. This may include, but is not limited to, engine, transmission, and differential repairs, overhauls and replacement. Sales of motor fuels are prohibited. Sales of lubricants are permitted only to the extent required to complete repairs.

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

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

Retail Nursery / Commercial Greenhouse ?

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

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

Sexually Oriented Business: See City Code, Chapter 10 Businesses and Business regulations.

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

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

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

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

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

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

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

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

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

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

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

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

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

Waterfront Overlay District – see Section 40.29. Waterfront Overlay District is intended to preserve and enhance the quality of waterfront property along Lake Lyndon B. Johnson (Lake LBJ) within the City of Granite Shoals.

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

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

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

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

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

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

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

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

    (1) Purpose. The purpose of this section is to provide control over the structures in business and industrial areas of the city so that they will complement existing

activities, structures and neighborhoods and conform to future plans of the city's growth.

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

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

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

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

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

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

b. Surface area of any building façade, facing the public roadway, must be 40% brick, rock or stone. For the remaining area, these materials may be used: glass, rock, wood masonry, copper, vinyl siding, aluminum siding, cement board, or combination thereof. Wood must be properly painted, stained, protected, sealed or otherwise treated appropriate for the type of wood material used. Except for accessory storage buildings, sheets of pressed wood or plywood material are not considered acceptable as wood or masonry.

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

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

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

1. Office uses: Fifteen percent of lot area;

2. Commercial uses: Ten percent of lot area;

3. Industrial uses: Five percent of lot area.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(d) Used buildings. No building which is not constructed of new materials, shall be designated for use for any purpose or in any manner moved, relocated or permanently installed within the corporate limits of the city; provided, however Texas Manufactured Housing, or Texas Industrialized Housing, no older than five years of age, and used for residential purposes in a district zoned residential, shall be exempt from this section.

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

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

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

(b) Surface area of any building façade, facing the public roadway, must be 40% brick, rock or stone. For the remaining area, these materials may be used: glass, rock, wood masonry, copper, vinyl siding, aluminum siding, cement board, or combination thereof. Wood must be properly painted, stained, protected, sealed or otherwise treated appropriate for the type of wood material used. Except for accessory storage buildings, sheets of pressed wood or plywood material are not considered acceptable as wood or masonry. Sheets of pressed wood or plywood material, not specifically engineered for use as exterior siding, are not considered acceptable except when applied to an accessory storage building.

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

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

(a) Permitted uses. In Single-Family Residential District, R-1, no building or land shall be used, and no building shall hereafter be erected or structurally altered, unless otherwise provided for in this chapter, except as illustrated on the Chart of uses at the end of Chapter 40. :

(b) Prohibited uses.

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

(2) Any other use not specifically permitted under Chapter 40 for Single-Family Residential District, R-1.

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

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

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

(f) Garages and accessory buildings. Garages and accessory buildings shall be of similar appearance in design to the main dwelling; which may be achieved with

materials, color, pitch, roofline, trim or other architectural features. There is no square footage limitation on the total area of an approved garage. A single accessory building shall not exceed 500 square feet, and no more than two accessory buildings are allowed on a single lot.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(k) Height regulations. No building shall exceed two stories in height, and no building shall exceed a maximum of 35 feet in height measured from the highest terrain elevation on the front side of the building. For purposes of this subsection, the "front" of the building is the side that faces the street that corresponds to the building's street address. No more than an additional five feet for chimneys, railings, satellite dishes or other features will be allowed; to 40 feet.

B. Chapter 40 (Zoning), Section 40-6 (Single-Family Residential District, R-1), subsection (1) (Yard Requirements) of the City of Granite Shoals Code of Ordinances is hereby amended as follows:

"(l) *Yard requirements.*

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

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

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

(4) 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.

(5) 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.

(5) *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 nearer than ten feet to the shoreline. In no instance shall it extend beyond the original platted lot line.

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

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

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

(o) Minimum dwelling requirements.

(1) Texas Industrialized housing must:

a. Have a value equal to or greater than the median taxable value for each single-family dwelling located within 500 feet of the lot on which the

industrialized housing is proposed to be located, as determined by the most recent certified tax appraisal roll for Burnet County.

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

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

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

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

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

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

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

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

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

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

(2) Fence height.

a. Front yard lot line maximum height five feet.

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

c. Rear yard lot line maximum height six feet

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

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

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

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

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

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

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

Driveways:

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.) Size/width: The maximum width of a driveway may be the width of the adjacent garage, or twenty-five feet (25'). The minimum width of a driveway may be ten feet (10').

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

4.) Each dwelling shall have a driveway approach with drainage culvert, if required. The driveway drainage design, and placement of culverts, shall be determined by city staff.

5.) All driveway and driveway approaches shall be constructed of concrete, asphalt material, brick, pervious block, or gravel. All concrete driveways or the concrete ribbons shall be reinforced. The driveway approach shall be graded to match the level of the roadway and shall have a separator at the front property line. Driveways may be placed over the front public utility easement only. The portion of

a driveway that encroaches on an easement will be removed at the property owner's expense should the city require use of the easement for public utility purposes after the driveway has been installed.

(u) Drainage.

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

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

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

Sec. 40-7. - Reserved.

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

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

(a) *Permitted uses.* In a Multifamily Residential 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 as illustrated on the Chart of uses at the end of Chapter 40.:

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

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

(g) *Carports.* A carport 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.

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.

(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').

C. Chapter 40 (Zoning), Section 40-8 (Multifamily Residential District, R-2), subsection (c) (Yard Requirements) of the City of Granite Shoals Code of Ordinances is hereby amended as follows:

"(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 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) 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.

(5) 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.

(5) 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 nearer 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 18 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.

(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 (Modular 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 (windows) 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 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 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 Manager, or his designee, may waive the venting requirement if, in the City Manager, or his designee'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 an easement. (2) All buildings must have an address and building number 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. (5) The primary dwelling at each address shall display that address 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.

Driveways:

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.

3.) Each dwelling shall have a driveway approach with drainage culvert, if required. The driveway drainage design, and placement of culverts, shall be determined by city staff.

4.) All driveway and driveway approaches shall be constructed of concrete, asphalt material, brick, pervious block, or gravel. All concrete driveways or the concrete ribbons shall be reinforced. The driveway approach shall be graded to match the level of the roadway and shall have a separator at the front property line. Driveways may be placed over the front public utility easement only. The portion of a driveway that encroaches on an easement will be removed at the property owner's expense should the city require use of the easement for public utility purposes after the driveway has been installed.

(u) *Drainage.*

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

(2) Any and all existing lots having natural drainage on or across them shall be evaluated by city staff. (Ord. No. 409, § VIIIA, 8-24-2004; Ord. No. 409-A, § 3, 12-7-2006)

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

(a) *Purpose.* It is the purpose of this section to provide standards for bed and breakfast facilities, and to ensure that the facility complies with the applicable health, fire, and LCRA standards. A permit request will be considered by the planning and zoning commission and city council. The procedures for a hearing concerning a bed and breakfast permit request must follow those procedures outlined in the Texas Local Government Code. Before this hearing, the applicant must present a 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 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.* 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 City Secretary, for the board of adjustment in writing within 15 days following the date of mailing of the notice of cancellation, denial, suspension or revocation to the applicant or permittee.

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

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

(Ord. No. 409, § IX, 8-24-2004)

Sec. 40-10. - Manufactured housing residential zone, MH-1.

(a) *Permitted uses.* In the Manufactured Housing Residential Zone, MH-1, a building or premises may be used as illustrated on the Chart of uses at the end of Chapter 40.

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

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

(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 Manager, or his 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.

g. Parking and vehicular traffic shall remain reasonable within the neighborhood of the home-based business.. (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 Manager, or his designee 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

D. Chapter 40 (Zoning), Section 40-10 (Manufactured Home Residential District, MH-1), subsection (b) (Yard Requirements) of the City of Granite Shoals Code of Ordinances is hereby amended as follows:

"(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) *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.

(5) *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.

(5) *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 nearer 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 Manufactured housing unit having less than 1,000 square feet of living area shall be permitted in the Manufactured housing unit (MH-1) Zone.

(f) *Miscellaneous requirements.*

(1) Porches and patios shall not be placed in, or allowed to project into a required front or side yard.

(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 reflected or 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.

?? The driveway drainage culvert shall be located 3½ feet to the centerline of the culvert beyond the owner's 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 as determined by City Staff.

(7)

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

Driveways:

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.) Size/width: The maximum width of a driveway may be the width of the adjacent garage, or twenty-five feet (25'). The minimum width of a driveway may be ten feet (10').

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

4.) Each dwelling shall have a driveway approach with drainage culvert, if required. The driveway drainage design, and placement of culverts, shall be determined by city staff.

5.) 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.

(g) *General requirements.*

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

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

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

Sec. 40-11. - Manufactured Housing Park Zone, MH-2.

(a) *Permitted uses.* In the Mobile Home Park Zone, MH-2, a building or premises may be used only for *Manufactured Housing park.* Site plan required in accordance with section 40-3, or for purposes as illustrated on the Chart of uses at the end of Chapter 40.

(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 City Manager, or his 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.

g. Parking and vehicular traffic shall remain reasonable within the neighborhood of the home-based business. ?.

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 his designee, 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, consult Waterfront Overlay district

a.

(d) *Lot requirements.* No Manufactured Housing may be placed on a lot 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, and providing at least two parking spaces for each Manufactured Housing dwelling.

(f) *General requirements.*

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

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

(g) *Privacy fence requirement.* All property zoned Mobile Home Park Zone, MH-2, which abuts property zoned residential shall have a privacy fence installed and maintained by the manufactured housing park property owner along said abutting property line.

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

(Ord. No. 409, § XI, 8-24-2004)

Sec. 40-12. - General Business 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 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 City Manager, or his designee 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 City Manager, or his designee 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 non-permitted use is a public bar.

(b) *Permitted uses.* In a General Business 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 as illustrated on the Chart of uses at the end of Chapter 40.:

Any business not found on the Chart of uses at the end of Chapter 40 listed as a permitted use, shall apply for review by the planning and zoning commission via the City Manager, or his designee. Any business approved as a business by the city council will be added to the approved Chart of Uses. 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 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 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. 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 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 Zone. All lighting in the GB-1 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 Zone, noise shall not exceed the standards set forth in this subsection. Noise shall be measured at the common boundary of the general business Zone and the residential 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 Zone abutting residential uses shall be 95 decibels.

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

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

(a) *Sale of alcoholic beverages.* In a General Business 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 Zone

until such election has been held and passed. The following applies in a General Business 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 City Manager, or his designee 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 City Manager, or his designee 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 non-permitted use is a public bar.

(b) *Permitted uses.* In a General Business 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 Manager, or his designee. No building shall hereafter be erected, or structurally altered, unless otherwise provided for in this chapter, except as illustrated on the Chart of uses at the end of Chapter 40.

(1) Any business not found mentioned as appropriate for this zoning district on the illustrated Chart of uses at the end of Chapter 40 shall apply for review by the planning and zoning commission via the City Manager, or his designee. Any business 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) *Conditional uses.* The following uses are permitted in the GB-1 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 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. 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 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 Zone. All lighting in the GB-2 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 Zone, noise shall not exceed the standards set forth in this subsection. Noise shall be measured at the common boundary of the General Business Zone Two, GB-2, and the residential 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 Zone, I, abutting residential uses shall be 95 decibels.

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

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

(a) *Purpose of Zone.* The Industrial Zone, I, is established to provide for light industrial uses that are mostly removed from existing residential and other commercial uses,

but that provides sufficient access to major transportation routes. The 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 Zone, I, no building, structure, or land shall be used except as illustrated for I zoning district on the Chart of uses at the end of Chapter 40.:

(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.

(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 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 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 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 Zone, noise shall not exceed the standards set forth in this subsection. Noise shall be measured at the common boundary of the Industrial Zone and the residential 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 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 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 Zone.

(4) *Air pollution.* All uses within the Industrial 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 Zone.

(6) *Toxic and liquid wastes.* The discharge of any toxic or liquid waste material into any outdoor area, drainage way 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 Zone. All lighting in the Industrial 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 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 Zones. Trees with a minimum one inch caliper size shall be planted and maintained every 20 feet along the buffer with a residential 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 Zone shall only be limited in areas abutting residential Zones. The height on building and other improvements shall not exceed 35 feet within the first 100 feet from any perimeter abutting a residential 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 Zone, abuts residential 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 Zone abuts residential 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 Zone is adjacent to a residential Zone or residential use, otherwise the front yard shall be 15 feet. The term "adjacent" means the nearest or closest to, even when separated by an intervening street.

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

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

(a) *Purpose and intent.* The Agricultural 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 Zones.

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

(Ord. No. 409, § XIV, 8-24-2004)

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

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

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

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

Driveways:

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.) Size/width: The maximum width of a driveway may be the width of the adjacent garage, or twenty-five feet (25'). The minimum width of a driveway may be ten feet (10').

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

4.) Each dwelling shall have a driveway approach with drainage culvert, if required. The driveway drainage design, and placement of culverts, shall be determined by city staff.

5.) 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.

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.

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. 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 not visible to the public. Tarps and/or similar covers are not considered satisfactory/allowable 'screen'.

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

e.) Non-Allowable vehicles including but not limited to semi-trucks, semi/tractor trailers, agriculture trailer, fifth-wheel trailers, goose neck box trucks, dump trucks, construction equipment of any type shall not be parked, placed, stored or located on property zoned R-1, R-2, MH-1 or MH-2, unless present/used during construction upon the property, but shall be removed immediately upon completion of such construction.

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

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

(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 Manager, or his designee.

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 Zone regulations, off-street loading spaces in accordance with the following requirements:

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

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

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

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

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

c. Whenever a building or use, existing on the effective date of the ordinance from which this chapter is derived, is enlarged by more than 50 percent in

floor area or area use, the entire building or use shall then and thereafter comply with the off-street loading requirements.

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

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

(Ord. No. 409, § XV, 8-24-2004)

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

(a) *Height, other than residential 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 Zone in which the building is located.

(b) *Front yards, other than residential 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 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)

(Ord. No. 409, § XVI, 8-24-2004)

Chapter 40 (Zoning), Section 40-18 (Nonconforming buildings and uses), subsection (a) (Regulations) of the City of Granite Shoals Code of Ordinances is hereby amended as follows:

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

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

(1) Normal repairs and maintenance, interior improvements or remodeling, and exterior improvements or remodeling may be made to a nonconforming building or structure; provided, that no improvements or remodeling structural alterations shall be made that increase the noncompliance or create an additional noncompliance of all or any part of such structure. 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 180 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 re-occupied by the use for which the building or structure was designed or intended, if so occupied within a period of 180 days after the building or structure become vacant. All such buildings after 180 days of vacancy, shall be converted to a conforming use

(b)(6) Nonconforming buildings or structures may not be changed or expanded except as otherwise provided in this section.

(b) *Regulation of nonconforming uses of buildings or structures.* 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) *Regulation of Nonconforming Uses of Land 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 180 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) If a nonconforming use or portion thereof is voluntarily discontinued or changed to a conforming use, any future use of such land or building or structure upon the land shall conform to the regulations of the zoning district in which the land is located.

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

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

(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 180 days.; or

(3) A nonconforming building, or structure or land, or portion thereof, which is or hereafter becomes vacant and remains unoccupied for a period of 180 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 manager, or his designee. No oversight or dereliction on the part of city officials or on the part of any official or of employees of the city or county shall legalize, authorize, and/or excuse the violation of any of the provisions of this chapter.

(b) Permits and variances required and appeal procedures.

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

(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 Pedernales Electric Cooperative.

The petitioner shall apply for a variance from the city manager, or his designee, 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 manager, or his designee. Application shall be made on forms furnished by the city manager, or his designee I. Every certificate of occupancy shall state that the occupancy complies with all provisions of this chapter and adopted construction codes.

(d) Zoning 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 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 un-subdivided property, the zoning district boundary lines on the map accompanying and made a part of this chapter shall be determined by the use of the scale appearing on the map.

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

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

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

(e) Interpretation. In interpreting and applying the provisions of this chapter, they shall be held to be the minimum requirements for the promotion of the public safety, health, convenience, comfort, morals prosperity and general welfare. It is not intended by this chapter to interfere with or abrogate or annul any easements, covenants or other agreements between parties, except that if this chapter imposes a greater restriction this chapter shall take precedence.

(Ord. No. 409, § XVIII, 8-24-2004)

Sec. 40-20. - Board of adjustment.

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

(Ord. No. 409, § XIX, 8-24-2004)

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

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

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

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

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

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

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

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

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

(b) Other remedies. In case any building or structure is erected, constructed, reconstructed, altered, repaired, converted or maintained, or any building, structure or land is used in violation of this chapter, the city manager, or his designee 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 As established by City Council in the General Fee Ordinance.

(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 Zone.

(1) The following signs shall be permitted in all residential 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 Manufactured Housing Park Zone:

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

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

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

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

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

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

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

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

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

d. All permanent signs located closer than 25 feet to any street or highway right-of-way shall have a minimum ground clearance of nine feet and a

maximum height of 33 feet. There shall be no projection over public property, right-of-ways or easements. No signs shall project over property lines. All signs and supporting structures will be of sound construction and of a permanent nature, advertising products and services sold only at that location.

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

(4) Sexually oriented business sign regulations.

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

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

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

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

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

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

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

b. Not to exceed 36 square feet in area.

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

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

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

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

g. Not be located:

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

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

3. So as to create an immediate physical danger.

4. On any utility pole or street sign.

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

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

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

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

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

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

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

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

1. A sketch of said sign, including dimensions.

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

3. The proposed location of such signs.

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

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

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

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

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

(1) Signs advertising real property for sale or lease must be placed on the real property which is for sale or lease. The face of such temporary signs shall not exceed five square feet on each side including sign riders such as "price reduced," "waterfront," "sale pending," etc. A second sign not to exceed five square feet is permitted on the shoreline.

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

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

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

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

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

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

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

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

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

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

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

(1) Billboards.

(2) Tacked signs.

(3) Flashing signs.

(4) Traveling lighted message sign.

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

(6) Signs exceeding 20 feet in sign height.

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

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

(9) Signs that emit a noise.

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

(1) Is not more than eight feet high.

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

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

Sec. 40-25. - Boat docks.

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

(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 City Manager, or his designee 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 City Manager, or his designee for review. Permits will be issued at the city office by the City Manager, or his designee if the application meets all city requirements.

(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 City Manager, or his designee 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) Facilities, Private and Commercial' must conform to all LCRA regulations.

(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.

(j) Special provisions. No structure on the shoreline or extending beyond shall exceed the height of 18 feet above the 825-foot elevation of Lake L.B.J.

(k) Electrical. All electrical installations for docks shall be in accordance with the currently adopted code. 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

February 28, 2012 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 February 28, 2012. 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 February 28, 2012, 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, along with proof of inspection by Fire Marshal and valid certificate of occupancy. .

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 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 property owner.

(3) Denial of registration. The city may deny registration if it appears that the documents submitted by the owner are incomplete, not valid, or that the documents produced do not show the existence of the vacation home rental use in accordance with 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 terminates upon any transfer of ownership..

(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 an 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 City Manager, or his designee 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 flood prone 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 City Manager, or his designee, 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)

F. Chapter 40 (Zoning), of the City of Granite Shoals Code of Ordinances is hereby amended to create a new Section 40-29 (Overlay Districts), as follows:

"Sec. 40-29. Overlay districts.

(a) *Application.* Overlay and districts shall be used in conjunction with base zoning districts. In the use of the following overlay zoning classifications, the base district shall remain in effect if it is already in existence unless changed by zoning amendment. New base districts or changes in existing base districts may be requested at the same time overlay districts are requested.

(b) *Waterfront Overlay District, WF.*

(1) *General purpose and description.* The WF, Waterfront Overlay District is intended to preserve and enhance the quality of waterfront property along Lake Lyndon B. Johnson within the City of Granite Shoals.

(2) *Limits of overlay.* Application of this overlay is limited to platted lots on which at least one lot line directly abuts Lake Lyndon B. Johnson.

(3) *Permitted uses.* Permitted uses in the WF overlay district are governed by the allowable underlying zoning districts. These permitted uses must conform to the special development standards set forth for this overlay district.

(4) *Site development standards.* The site development standards of the WF overlay district are the same as those of the underlying zoning district except as follows:

(A) *Shoreline*. Where a lot abuts Lake Lyndon B. Johnson, 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.

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

2. 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.