



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

**AGENDA
FOR A REGULAR MEETING
OF THE PLANNING AND ZONING COMMISSION
GRANITE SHOALS CITY HALL, 2ND FLOOR COUNCIL CHAMBER
2221 N. PHILLIPS RANCH ROAD
GRANITE SHOALS, TX 78654
TUESDAY, NOVEMBER 15, 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.

- ***Thanksgiving Holidays – City Offices will close on November 23rd at 5 PM and will re-open on Monday after Thanksgiving, 11-28-2016 at 8:00 AM.***
- ***Christmas By The Highway – Lighting Ceremony Dec. 2nd at 6 PM.***

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 October 18, 2016.

REGULAR AGENDA ITEMS:

- 2) Review options related to proposed modification to the Zoning Ordinance, Chapter 40, related to Fencing in residential zones.
(At their October 18, 2016 regular meeting, the P&Z Commissioners composed a motion and forwarded to the City Council related to fencing in Residential R-1 Zoning District. City staff requests that the Commissioners consider modifying the motion, to expand the scope of the recommendation to apply to all residential zoning districts.)
- 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. On August 16, 2016 the Commission did not address this agenda item due to time constraints. Tonight, the commissioners will review this Zoning Use 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'.)

- 4) Identify Future Agenda Items.
- 5) Adjourn.

CERTIFICATION

I certify that the foregoing agenda has been posted at Granite Shoals City Hall inside bulletin board, the new six panel outside Park Information and City Public Notice bulletin board case and the official city website at www.graniteshoals.org, a place accessible at all times, on Thursday, November 10, 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, November 15, 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.



A large, stylized handwritten signature in red ink that reads "Elaine Simpson".

Elaine Simpson, TRMC/MMC
City Secretary



**City of Granite Shoals, Texas
Planning and Zoning Commission Reg. Mtg.
Agenda Item Cover Memo
Date: November 15, 2016**

Agenda Item: 1. Meeting minutes

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

BACKGROUND

Self explanatory.



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**MEETING MINUTES
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OF THE PLANNING AND ZONING COMMISSION
GRANITE SHOALS CITY HALL, 2ND FLOOR COUNCIL CHAMBER
2221 N. PHILLIPS RANCH ROAD
GRANITE SHOALS, TX 78654
TUESDAY, OCTOBER 18, 2016 6:00 P.M.**

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

Commissioners Present:

Shannon Wilson
Susie Hardy
Shawna Williams
Paul Fletcher
Steven Dooley

Absent:

Terry Scott
Claudine Gonzales

Staff present:

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.

- **BBQ for Christmas Outreach** – Saturday, October 22 at Ryders 11AM to 3 PM
- **Early Voting for Nov. 8th Elections** – Monday, October 24th – Friday, November 4th

- **Trunk OR Treat** – Highland Lakes Elementary School – Monday, October 24, 2016 at 6 PM
- **October 28, 2016; Friday** – Public Safety Day at Highland Lakes Elementary School.
- **Fall Festival** – Presented by the Granite Shoals Faith Alliance – **updated location Veterans Park** – October 30, 2016. 1 PM – 5 PM
- **Veterans Celebration** – November 5, 2016; Saturday, Veterans Park at 11:00 AM
- **November 8, 2016 City of Granite Shoals Special Elections** – Election Day polling places will be open 7 AM to 7 PM.

City Staff Announcements/Items of Public Interest

There were no citizen comments.

APPROVAL OF MINUTES

- 1) Review and consider approval of the minutes from the Planning and Zoning Commission Regular Meeting of September 20, 2016.

Paul Fletcher motioned, and Susie Hardy seconded, to approve the September 20, 2016 P&Z Meeting minutes, as presented. The motion carried unanimously by a 5-0 vote.

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 reviewed the information from Council Members and composed another draft recommendation at their meeting on August 16, 2016. The Commissioners forwarded the September 20th version to the City Council and they considered it September 27, 2016. They discussed the following changes to refer back to P&Z:
 - *Maximum height of any residential fence will be 6 feet.*
 - *If the set back is 20 feet from the front property line, the fence may have greater than 50 percent density. Any fence less than 20 feet from property line must not be more than 50 percent density*
 - *The fence material description was good on September 20th version.*
 - *Deviation from fencing ordinance should not use a Conditional Use Permit. Council Members did not address their preferences related to variances/exceptions.*
 - *Fence permit should be required before construction. Fence permit will be \$50.00.)*

There was a brief discussion that the City Council members had reviewed the recommendations on fencing sent to them at their September 27th meeting. The City Council members were adamant that the maximum height of fencing in the residential areas shall not be higher than six feet (6'). The City Council was not amenable to the idea of having a Conditional Use Permit procedure (CUP); so this was removed from consideration. The City

Council was in agreement that a fence permit should be required, in order that the city representatives have an opportunity to discuss requirements with the property owner before they build a fence.

The Commissioners reviewed the motion from September 20, 2016.

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 [date of passage of Ordinance]

(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. Plywood is not an allowable fence material.

cd. Except as provided in subsection (p)(1)~~de~~, 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.

de. 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), and may be built to eight feet (8') in height.

b. Side yard lot lines may maintain ~~six-eight~~ 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-eight~~ feet (8').

~~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.d. 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.e. 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 determined that they would reduce the recommended maximum height of fences to six feet, per Council guidance. They would also remove the CUP reference.

Susie Hardy motioned, and Paul Fletcher seconded, to forward the recommendation back to the City Council as such:

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 [date of passage of Ordinance]

(1) Fence materials. All fences shall be constructed with new and of good quality materials. Allowable materials are wood, 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. Plywood is not an allowable fence material.

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

e. 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 (6') 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 (6').

d. 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.

e. 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.

Motion carried by a vote of 4-1. Ayes: Wilson, Hardy, Williams, and Fletcher.
Nay: Dooley.

Brittney Dooley was recognized and she noted that the current ordinance still has eight foot fences allowable in Residential 2 district, and that is the request that she brought to the Commissioners several months ago on her petition.

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 Meeting minutes from October 18, 2016, Planning and Zoning (P&Z) Commission Regular meeting*

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 Zoning Use 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 had been asked to prepare to review pages 1 -39 of the Red Line version of the Zoning Ordinance (Chapter 40 City Code).

The Commissioners reviewed from page 1 to page 12 of the red-lined version of the Zoning Ordinance. This consisted of the 'Definitions' for Chapter 40. The commissioners requested that the definitions be changed to a uniform format. The term is written in bold print, then the definition is stated, without requirements for full sentences.

The Commissioners agreed to return at the next meeting with their red-line copies, respectively, of Chapter 40.

4) Identify Future Agenda Items.

The commissioners will pick up on reviewing Chapter 40 red-line document at page 12 and will attempt to review through page 39.

5) Adjourn.

With no other items on the agenda, and no objections from the Commissioners, Chair Wilson adjourned the meeting at 7:57 PM.

The next meeting of the P&Z will be held on November 15, 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 October 18, 2016.

_____ date _____

Exhibit 'A' - Redline 10.18.16

"Red-Line" copy

Granite Shoals
Item #5
9-20-16

Working Draft -
For P&Z Commissioners to proof.

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."

Structure:
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.

Formatted: Font: Bold

Apartment house and apartments means 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.

occupied by)

~~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 Fences)

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.

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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

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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.~~

(Please in)

~~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.

look for a definition on U-net.

Parking space, private. See section ~~40-16-1~~ ?

Parking space, public. See section ~~40-16-2~~ ?

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.

→ find definition

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.

*Match
w/
transportation
chapter
verbiage
from
amended
Comp. Plan.*

The Texas Industrialized Housing and Buildings Act ~~means~~ Texas Civil Statutes 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~~ 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 derived, 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 40-20~~ 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% glassbrick, 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.

at least

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 40-48 for regulations.~~ → find correct reference.

(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.



City of Granite Shoals, Texas
Planning and Zoning Commission Reg. Mtg.
Agenda Item Cover Memo
Date: November 15, 2016

Agenda Item: 2. Fencing

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

BACKGROUND

City Staff requests that the commissioners consider expanding the scope of the fencing regulations recommendation to include not only R-1, but R-2, MH1 and MH-2 residential zoning districts.

This is the motion as made October 18th and forwarded to City Council.

City Council has not yet reviewed this version of the recommendation.

Susie Hardy motioned, and Paul Fletcher seconded, to forward the recommendation back to the City Council as such:

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 [date of passage of Ordinance]

(1) Fence materials. All fences shall be constructed with new and of good quality materials. Allowable materials are wood, 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. Plywood is not an allowable fence material.

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

e. 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 (6') 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 (6').

d. 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.

e. 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.



**City of Granite Shoals, Texas
Planning and Zoning Commission Reg. Mtg.
Agenda Item Cover Memo
Date: November 15, 2016**

Agenda Item: 3. Review of the Zoning Ordinance

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

BACKGROUND

At October 18th meeting, the Commissioners reviewed the 'red-line' version of Chapter 40, starting with definitions. The Commissioners reviewed from page 1 through page 11.

Tonight the Commissioners will pick up on page 12 and hopefully review to page 39.

11-15-18
Agenda Item #3
Zoning Ord.
review

Nov. 15, 2016
plus on
Chapter
#40
review

(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 |
| <u>Waterfront Overlay District</u> | <u>WF</u> |

- (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~~ 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."

(f) 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.~~

Formatted: listF

~~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.

(e) 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, § VIII A, 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 M~~H~~-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 (MH-1) District Zone.

(f) *Miscellaneous requirements.*

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

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

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

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

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

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

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

(5) No lighting shall be done in such a manner as to provide 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 homes~~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 DistrictZone, MH-2.

(a) *Permitted uses.* In the Mobile Home Park ~~DistrictZone, 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 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 plot of less than 2,500 square feet. LCRA requirements for septic systems may call for greater lot size. A septic system permit shall be obtained from the LCRA before construction of a building is started.
- (e) *Off-street parking.* Off-street parking shall be provided in accordance with section 40-16, at least two parking spaces for each ~~mobile home~~Manufactured Housing dwelling or trailer house.
- (f) *General requirements.*
 - (1) All ~~mobile homes~~manufactured housing shall be securely tied down, blocked and completely skirted 30 days after occupancy. This provision shall have no application to ~~mobile homes~~manufactured housing for which certificates of occupancy have been issued prior to ~~the effective date of the ordinance from which this chapter is derived.~~?
 - (2) All ~~mobile homes~~manufactured housing in the city shall comply with all regulations of the state.
- (g) *Privacy fence requirement.* All property zoned Mobile Home Park ~~District~~Zone, MH-2, which abuts property zoned residential shall have a privacy fence installed and maintained by the ~~mobile home~~manufactured housing park property owner along said abutting property line. No lighting shall be done in such a manner as to provide a 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.