



Julie Leonard, Place 1
Jacob Hammersmith, Place 2
Philip Tryon, Place 3
Isaac Rowe, Place 4
Lian Stutsman, Vice-Chair, Place 5
Keith Miller, Place 6
LaKesha Small, Place 7

**PLANNING AND ZONING COMMISSION
REGULAR MEETING
AGENDA**

Wednesday, November 13, 2019

6:30 p.m.

Manor City Hall – Council Chambers
105 E. Eggleston Street

CALL TO ORDER AND ANNOUNCE A QUORUM IS PRESENT

PUBLIC COMMENTS

Comments will be taken from the audience on non-agenda related topics for a length of time, not to exceed three (3) minutes per person. Comments on specific agenda items must be made when the item comes before the Commission. To address the Planning and Zoning Commission, please complete the white card and present it to the City staff prior to the meeting. **No Action May be Taken by the Planning and Zoning Commission During Public Comments**

CONSENT AGENDA

All of the following items on the Consent Agenda are considered to be self-explanatory by the Planning and Zoning Commission and will be enacted with one motion. There will be no separate discussion of these items unless requested by the Chairperson or a Commission Member; in which event, the item will be removed from the consent agenda and considered separately.

1. Consideration, discussion, and possible action to approve the Planning and Zoning Commission Minutes of the October 16, 2019 Special Called Meeting. Scott Dunlop,
Asst. Dev. Services
Director

PUBLIC HEARINGS

2. Public Hearing: Conduct a public hearing regarding an amendment to the Manor Code of Ordinances Chapter 14 Zoning to amend sections General including Application, and Definitions; Zoning District and Regulations including General Requirements and Limitations, Zoning of Annexed Areas, and Establishment of Zoning Districts; Construction Plans; Conditional Use Scott Dunlop,
Asst. Dev. Services
Director

Permits; Nonconforming Uses; Sexually Oriented Businesses; and other related matters.

REGULAR AGENDA

- | | | |
|----|--|--|
| 3. | Consideration, discussion, and possible action upon a Concept Plan for the Manor Commons SE Commercial, nineteen (19) lots on 73 acres more or less, located near US Hwy 290 E and FM 973 N, Manor, TX. | Scott Dunlop,
Asst. Dev. Services
Director |
| 4. | Consideration, discussion, and possible action on a Coordinated Sign Plan for 201 East Parsons Street, Manor, TX. Applicant: Hunter Heights, LLC. Owner: Hunter Heights, LLC. | Scott Dunlop,
Asst. Dev. Services
Director |
| 5. | Consideration, discussion, and possible action on an amendment to the Manor Code of Ordinances Chapter 14 Zoning to amend sections General including Application, and Definitions; Zoning District and Regulations including General Requirements and Limitations, Zoning of Annexed Areas, and Establishment of Zoning Districts; Construction Plans; Conditional Use Permits; Nonconforming Uses; Sexually Oriented Businesses; and other related matters. | Scott Dunlop,
Asst. Dev. Services
Director |

ADJOURNMENT

In addition to any executive session already listed above, the Planning and Zoning Commission reserves the right to adjourn into executive session at any time during the course of this meeting to discuss any of the matters listed above, as authorized by Texas Government Code Section §551.071 (Consultation with Attorney), §551.072 (Deliberations regarding Real Property), §551.073 (Deliberations regarding Gifts and Donations), §551.074 (Personnel Matters), §551.076 (Deliberations regarding Security Devices) and §551.087 (Deliberations regarding Economic Development Negotiations).

POSTING CERTIFICATION

I, the undersigned authority do hereby certify that this Notice of Meeting was posted on the bulletin board, at the City Hall of the City of Manor, Texas, a place convenient and readily accessible to the general public at all times and said Notice was posted on the following date and time: Friday, November 8, 2019, by 5:00 p.m. and remained so posted continuously for at least 72 hours preceding the scheduled time of said meeting.

/s/ Lluvia T. Almaraz, TRMC
City Secretary for the City of Manor, Texas

NOTICE OF ASSISTANCE AT PUBLIC MEETINGS:

The City of Manor is committed to compliance with the Americans with Disabilities Act. Manor City Hall and the Council Chambers are wheelchair accessible and accessible parking spaces are available. Requests for accommodations or interpretive services must be made 48 hours prior to this meeting. Please contact the City Secretary at 512.272.5555 or e-mail lalmaraz@cityofmanor.org



AGENDA ITEM NO. ¹_____

AGENDA ITEM SUMMARY FORM

PROPOSED MEETING DATE: November 13, 2019

PREPARED BY: Scott Dunlop, Assistant Development Director

DEPARTMENT: Development Services

AGENDA ITEM DESCRIPTION:

Consideration, discussion, and possible action to approve the Planning and Zoning Commission Minutes of the October 16, 2019 Special Called Meeting.

BACKGROUND/SUMMARY:

PRESENTATION: ☐YES ☐NO

ATTACHMENTS: ☐YES (IF YES, LIST IN ORDER TO BE PRESENTED) ☐NO

Draft minutes

STAFF RECOMMENDATION:

It is City staff's recommendation that the Planning Commission approve the Minutes of the October 16, 2019 Special Called Meeting.

PLANNING & ZONING COMMISSION: ☐RECOMMENDED APPROVAL ☐DISAPPROVAL ☐NONE



Julie Leonard, Place 1
Jacob Hammersmith, Place 2
Philip Tryon, Place 3
Isaac Rowe, Place 4
Lian Stutsman, Vice-Chair, Place 5
Keith Miller, Place 6
LaKesha Small, Place 7

PLANNING AND ZONING COMMISSION CALLED SPECIAL SESSION MINUTES

Wednesday, October 16, 2019

6:30 p.m.

**Manor City Hall – Council Chambers
105 E. Eggleston Street**

COMMISSIONERS

PRESENT:

Place 1: Julie Leonard
Place 2: Jacob Hammersmith
Place 3: Philip Tryon
Place 5: Lian Stutsman, Vice-Chairperson
Place 7: LaKesha Small

ABSENT:

Place 4: Isaac Rowe
Place 6: Keith Miller

CITY STAFF PRESENT:

Scott Dunlop, Assistant Development Services Director
Frank Phelan, City Engineer
Veronica Rivera, City Attorney

REGULAR SESSION – 6:30 P.M.

With a quorum of the Planning and Zoning (P&Z) Commission present, the regular session of the Manor P&Z Commission was called to order by Vice-Chair Stutsman at 6:30 p.m. on Wednesday, October 16, 2019, in the Council Chambers of the Manor City Hall, 105 E. Eggleston Street, Manor, Texas.

PUBLIC COMMENTS

No one appeared to speak at this time.

CONSENT AGENDA

1. **Consideration, discussion, and possible action to approve the Planning and Zoning Commission Minutes of the September 11, 2019, Regular Meeting.**

MOTION: Upon a motion made by Commissioner Leonard and seconded by Commissioner Hammersmith the P&Z Commission voted five (5) For and none (0) Against to approve the Consent Agenda. The motion carried unanimously.

PUBLIC HEARINGS

2. **Public Hearing: Consideration, discussion, and possible action upon a Concept Plan for the Manor Commons SE Commercial, nineteen (19) lots on 73 acres more or less, located near US Hwy 290 E and FM 973 N, Manor, TX.**

Vice-Chair Stutsman opened the public hearing.

The City staff's recommendation was that the P&Z Commission deny a Concept Plan for the Manor Commons SE Commercial, nineteen (19) lots on 73 acres more or less, located near US Hwy 290 E and FM 973 N, Manor, TX.

No one spoke on the item.

MOTION: Upon a motion made by Commissioner Hammersmith and seconded by Vice-Chair Stutsman the P&Z Commission voted five (5) For and none (0) Against to close the Public Hearing. The motion carried unanimously.

Assistant Development Director Dunlop discussed the new State rules for subdivision and the reason for denial being the concept plan had not been approved by city engineers.

MOTION: Upon a motion made by Commissioner Tryon and seconded by Chairperson Hammersmith the P&Z Commission voted five (5) For and none (0) Against to deny a Concept Plan for the Manor Commons SE Commercial, nineteen (19) lots on 73 acres more or less, located near US Hwy 290 E and FM 973 N, Manor, TX. The motion carried unanimously.

3. **Public Hearing: Consideration, discussion, and possible action on a Preliminary Plat for the Manor Heights Subdivision Phase 2, two hundred seventy-eight (278) lots on 111 acres more or less, located near US Hwy 290 E and Old Kimbro Road, Manor, TX. Applicant: Kimley-Horn & Associates. Owner: Sky Village Kimbro Estates, LLC.**

Assistant Development Director requested Item 3 and Item 4 be opened at the same time because they are related to each other.

Vice-Chair Stutsman opened the public hearing for Public Hearing Items 3 and 4.

The City staff's recommendation was that the P&Z Commission approve a Preliminary Plat for the Manor Heights Subdivision Phase 2, two hundred seventy-eight (278) lots on 111 acres more or less, located near US Hwy 290 E and Old Kimbro Road, Manor, TX.

The City staff's recommendation was that the P&Z Commission approve a Preliminary Plat for the Manor Heights Subdivision Phase 3, two hundred ninety-one (291) lots on 147 acres more or less, located near US Hwy 290 E and Old Kimbro Road, Manor, TX.

No one spoke on the items.

MOTION: Upon a motion made by Commissioner Hammersmith and seconded by Commissioner Leonard the P&Z Commission voted five (5) For and none (0) Against to close Public Hearings on Item 3 and Item 4. The motion carried unanimously.

Assistant Development Director Dunlop discussed the Preliminary Plats and that they had been approved by city engineers.

MOTION: Upon a motion made by Commissioner Leonard and seconded by Commissioner Tryon the P&Z Commission voted five (5) For and none (0) Against to approve a Preliminary Plat for the Manor Heights Subdivision Phase 2, two hundred seventy-eight (278) lots on 111 acres more or less, located near US Hwy 290 E and Old Kimbro Road, Manor, TX and to approve a Preliminary Plat for the Manor Heights Subdivision Phase 3, two hundred ninety-one (291) lots on 147 acres more or less, located near US Hwy 290 E and Old Kimbro Road, Manor, TX.. The motion carried unanimously.

4. **Public Hearing:** Consideration, discussion, and possible action upon a Preliminary Plat for the Manor Heights Subdivision Phase 3, two hundred ninety-one (291) lots on 147 acres more or less, located near US Hwy 290 E and Old Kimbro Road, Manor, TX. Applicant: Kimley-Horn & Associates. Owner: Sky Village Kimbro Estates, LLC.

Actions taken under Public Hearing Item 3.

5. **Public Hearing:** Consideration, discussion and possible action on a rezoning request for 30.86 acres of land more or less out of the Greenbury Gates Survey No. 63 Abstract No. 315, and being located at 13119 US Hwy 290 East, Manor, TX, from ETJ/Interim Agricultural to Medium Commercial (C-2). Applicant: Kimley-Horn & Associates. Owner: Gordon Weir.

Vice-Chair Stutsman opened the public hearing.

Uriel Taverna, 12921 Pealing Way, opposed
Kameron Kyte, 13021 Tinker Street, opposed
Tara K., 13021 Tinker Street, opposed
Candra Wolcott, 12904 Pealing Way, opposed
Brandon Perry, 12929 Carillon Way, opposed
Harvey Morales, 12929 Carillon Way, opposed
Nicholas Cozano, 13320 Pine Needle Street, opposed
Veronica Cozano, 13320 Pine Needle Street, opposed
Stacie Svanda, 12900 Tinker Street, opposed
Alondra Hernadez, 12601 Casting Drive, opposed
Janine Wise, 13325 Ring Drive, opposed
Cristal Almaguer, 12760 Saint Mary Drive, opposed
Brandon Bosserman, 12908 Carillon Way, opposed
Victoria Van Patten, 12828 Door Bell Drive, opposed
Maxwell Nisus, 12828 Door Bell Drive, opposed
Casey Carver, 12917 Pealing Way, opposed
Brandon Robinson, Carriage Hills, opposed
Andrew Meyers, 12856 Saint Mary Drive, opposed
Martha Byram, 12629 Casting Drive, opposed
Tyler Burke, 12701 Wedding Drive, opposed
David Gonzales, 13005 Carillon Way, opposed

Residents spoke in opposition to the rezone request due to the potential increase in crime, increased traffic, stormwater runoff effecting already damaged and eroding areas, potential runoff/intrusions from septic fields into and onto adjacent properties, the transient nature of the residents/people staying in the park, decreased property values and the proposed street connection to Bell Farms.

MOTION: Upon a motion made by Commissioner Hammersmith and seconded by Vice-Chair Stutsman the P&Z Commission voted five (5) For and none (0) Against to close the Public Hearings. The motion carried unanimously.

Assistant Development Director Dunlop discussed the history of the project and how it is currently in Manor's ETJ where the city lacks land use regulations. He further discussed the city is requiring the development to connect to city wastewater services and to annex into the city limits, but the development retained vested rights so after annexation the use could continue. He spoke to a development agreement that was in negotiations that would describe how the property could develop.

MOTION: Upon a motion made by Chairperson Hammersmith and seconded by Commissioner Leonard the P&Z Commission voted five (5) For and none (0) Against to deny a rezoning request for 30.86 acres of land more or less out of the Greenbury Gates Survey No. 63 Abstract No. 315, and being located at 13119 US Hwy 290 East, Manor, TX, from ETJ/Interim Agricultural to Medium Commercial (C-2). The motion carried unanimously.

ADJOURNMENT

MOTION: Upon a motion made by Vice-Chair Stutsman and seconded by Commissioner Tryon the P&Z Commission voted five (5) For and none (0) Against to adjourn the regular session of the Manor P&Z Commission at 6:55 p.m. on Wednesday, October 16, 2019. The motion carried unanimously.

These minutes approved by the Manor P&Z Commission on the 13th day of November 2019.

APPROVED:

Lian Stutsman
Vice-Chairperson

ATTEST:

Lluvia T. Almaraz, TRMC
City Secretary



AGENDA ITEM SUMMARY FORM

PROPOSED MEETING DATE: November 13, 2019

PREPARED BY: Scott Dunlop, Assistant Development Director

DEPARTMENT: Development Services

AGENDA ITEM DESCRIPTION:

Public Hearing: Conduct a public hearing regarding an amendment to the Manor Code of Ordinances Chapter 14 Zoning to amend sections General including Application, and Definitions; Zoning District and Regulations including General Requirements and Limitations, Zoning of Annexed Areas, and Establishment of Zoning Districts; Construction Plans; Conditional Use Permits; Nonconforming Uses; Sexually Oriented Businesses; and other related matters.

BACKGROUND/SUMMARY:

See Item 5

PRESENTATION: ☐ YES ☐ NO

ATTACHMENTS: ☐ YES (IF YES, LIST IN ORDER TO BE PRESENTED) ☐ NO

Ord. attached as back to Item 5

STAFF RECOMMENDATION:

It is City staff's recommendation that the Planning Commission conduct a public hearing regarding an amendment to the Manor Code of Ordinances Chapter 14 Zoning to amend sections General including Application, and Definitions; Zoning District and Regulations including General Requirements and Limitations, Zoning of Annexed Areas, and Establishment of Zoning Districts; Construction Plans; Conditional Use Permits; Nonconforming Uses; Sexually Oriented Businesses; and other related matters.

PLANNING & ZONING COMMISSION: ☐ RECOMMENDED APPROVAL ☐ DISAPPROVAL ☐ NONE



AGENDA ITEM NO. ³_____

AGENDA ITEM SUMMARY FORM

PROPOSED MEETING DATE: November 13, 2019

PREPARED BY: Scott Dunlop, Assistant Development Director

DEPARTMENT: Development Services

AGENDA ITEM DESCRIPTION:

Consideration, discussion, and possible action upon a Concept Plan for the Manor Commons SE Commercial, nineteen (19) lots on 73 acres more or less, located near US Hwy 290 E and FM 973 N, Manor, TX.

BACKGROUND/SUMMARY:

Currently this item has not been approved by our engineers.

PRESENTATION: ☐YES ☐NO

ATTACHMENTS: ☐YES (IF YES, LIST IN ORDER TO BE PRESENTED) ☐NO

Plat

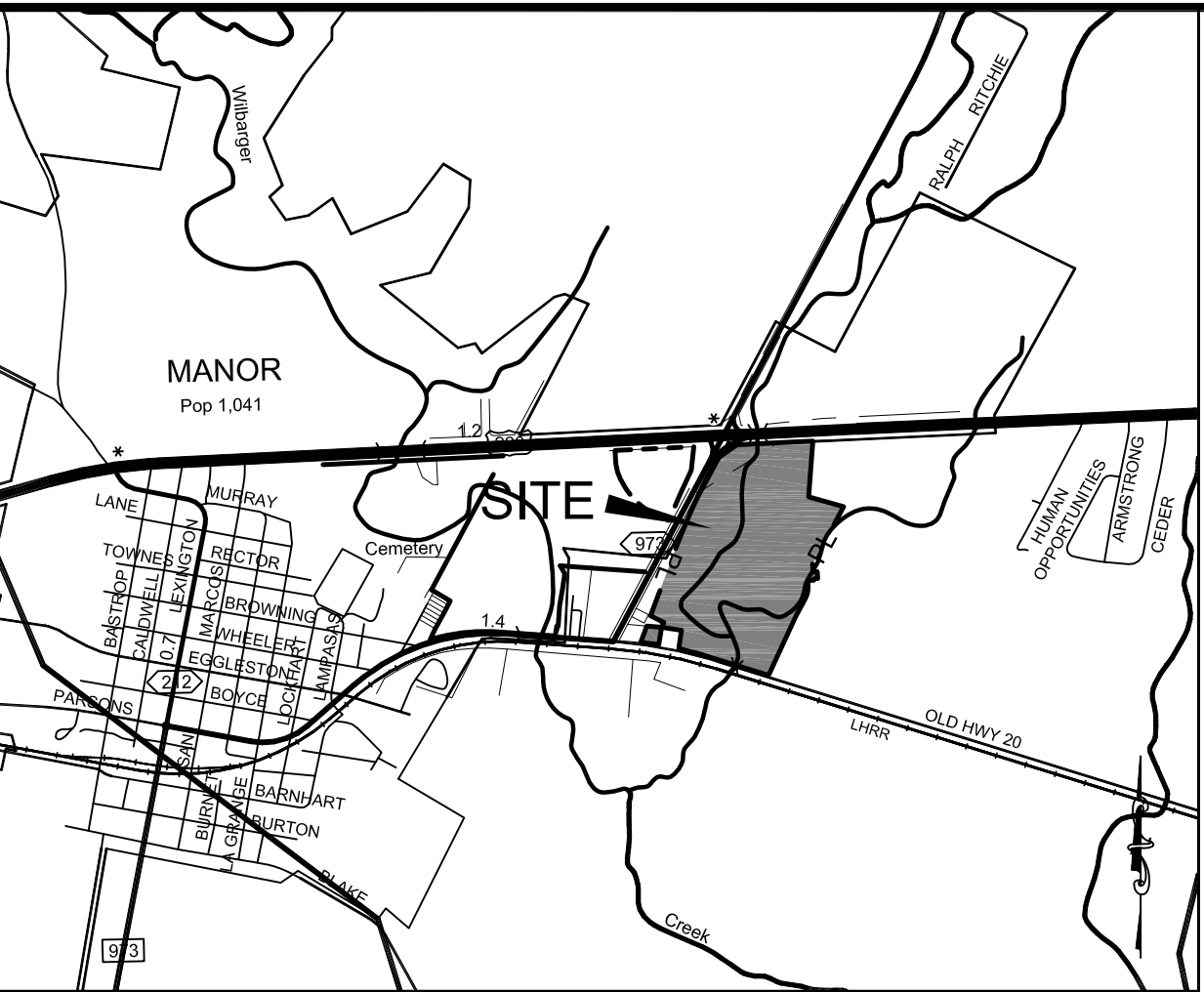
Notice Letter

Mailing Labels

STAFF RECOMMENDATION:

It is City staff's recommendation that the Planning Commission deny a Concept Plan for the Manor Commons SE Commercial, nineteen (19) lots on 73 acres more or less, located near US Hwy 290 E and FM 973 N, Manor, TX.

PLANNING & ZONING COMMISSION: ☐RECOMMENDED APPROVAL ☐DISAPPROVAL ☐NONE



Owner 3.017 Acres Greenview Development 973, L.P. Document No. 2009176562
3.62 Acres Greenview Development 973, L.P. Document No. 2006207224
2.50 Acres Greenview Development 973, L.P. Document No. 2005187926
39.15 Acres Remainder Greenview Development 973, L.P. Document No. 2005187773
Approximately 28,609 out of the 104.61 Acres Greenview Development Greenbury, L.P.
Document No. 2005237215
Barth Timmermann
501 VALE STREET
AUSTIN, TEXAS
78746
(512)479-6614
(512)479-6577 (FAX)

Engineer: Matthew Mitchell, P.E.
ALM Engineering, Inc.
925 S. Capital of TX Hwy.
Ste. B220
West Lake Hills, Texas 78746
512-431-9600
almeng@sbcglobal.net

Surveyor: Holt Carson, RPLS No. 5166
HOLT CARSON, INC.
1904 Fortview Road
Austin, Texas 78704
(512) 442-0990

Total Number of Blocks: 2
Total Number of Lots: 19
Total Acreage: 73.248 AC

A portion of this property is located in Zone "AE", as defined in the map revision to FIRM Panel No. 48453C0485J, Travis County, Texas, dated April 11, 2016.
A CLOMR has been approved for modification of the floodplain contained within this study under Case # 16-06-1566R.
A LOMR will be submitted following completion of the Flood Plain Modifications.

LINEAR FEET OF NEW STREETS: Water and Wastewater Provider : CITY OF MANOR
RING ROAD - ASBUILT 1650 LF 105 E Eggleston St.
Submittal Date: 105 E Eggleston St.
ZONING: Manor Commons P.U.D. 13805 TX-95,
Coupland, TX 78615

RESIDENTIAL WATER EAST OF PARK : MANVILLE W.S.C.
13805 TX-95,
Coupland, TX 78615

Electrical Supply BLUEBONNET ELECTRIC COOP
3198 East Austin St.
P.O. Box 240
Giddings, TX 78942

Gas Supply Atmos Energy
823 Congress Av. #600
Austin, TX 78701-2435
1-888-288-6700

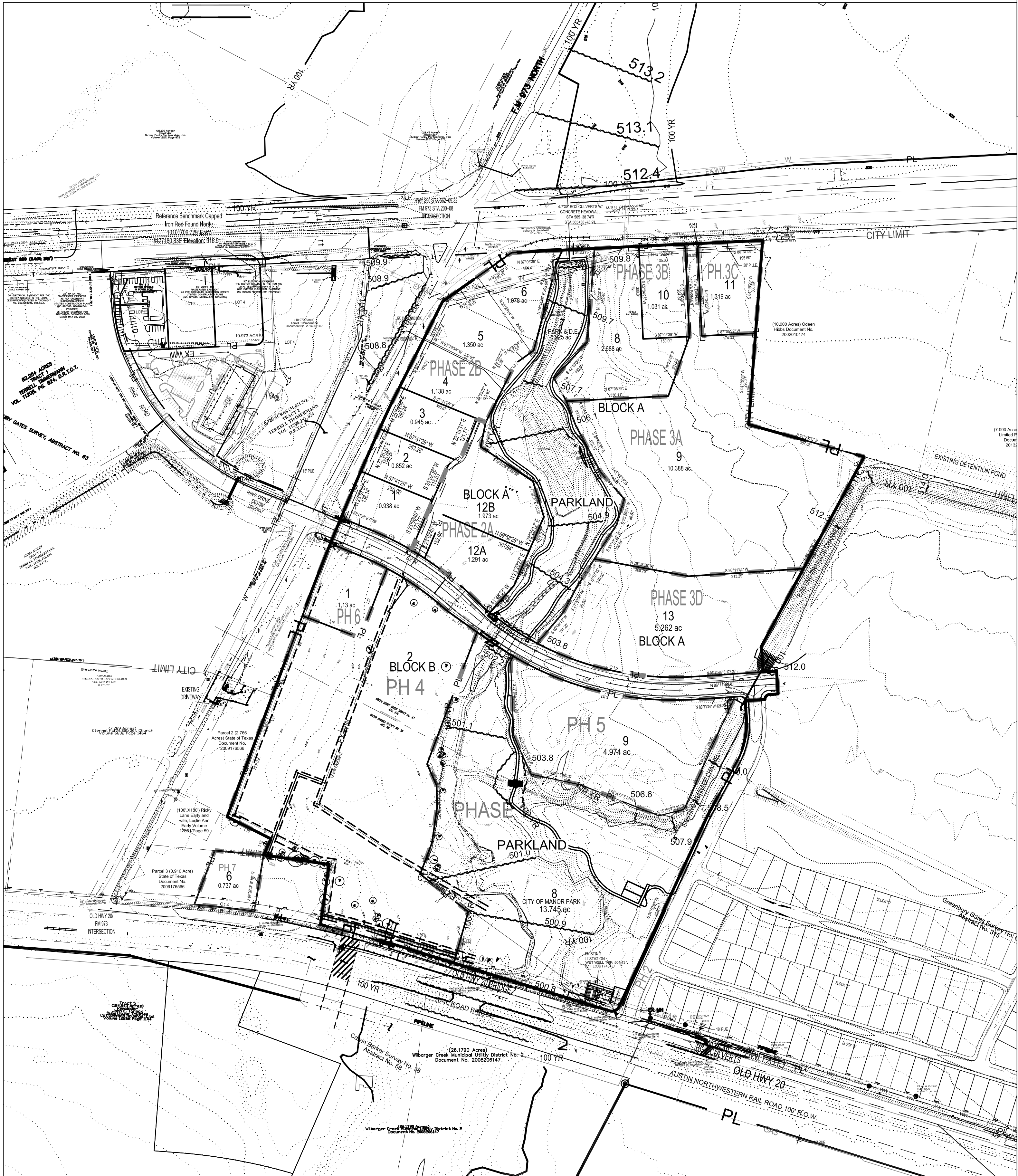
ESTIMATED PHASE DATES
PHASE 1 - 2019 COMPLETED
PHASE 2A - 2019
PHASE 2B - 2020
PHASE 3A - 2019
PHASE 3B - 2021
PHASE 3C - 2021
PHASE 4 - 2019
PHASE 5 - 2022
PHASE 6 - 2020
PHASE 7 - 2022

GENERAL NOTES:
1.) Water and wastewater systems servint this subdivision shall be designed and installed in accordance with the City of Manor and State Health Department plans and Specifications and specifications shall be submitted to the City of Manor, Water and Wastewater Department for review.
2.) All water and wastewater construction must be inspected by the City of Manor.
3.) No lot in this subdivision shall be occupied until connected to the City of Manor water and wastewater.
4.) Prior to construction, a site development permit must be obtained from the City of Manor.
5.) Prior to Construction on lots in this subdivision, drainage plans will be submitted to the City of Manor for review.
6.) The property owners or assigns shall maintain all drainage easements on private property.
7.) The property owner shall provide for access to drainage easements as may be necessary and shall not prohibit access by governmental authorities.
8.) All building set-back lines shall be in accordance with the City of Manor current Zoning Ordinance.
9.) This subdivision is located within the City of Manor Corporated City Limits as of this date January 2015.

REVISIONS/CORRECTIONS				
Number	Description	Revised (R) Add (A) Void (V) Sheet No. 1	Total # Sheets in Plan Set	REVISION DATE
1	SPLIT LOT 12, BLK A TO 10A/12B & COMBINE LOT 2-6A7, BLK B INTO ONE LOT	R1	1	9/30/2019

MANOR SE COMMERCIAL CONCEPT PLAN - NOT FOR RECORDATION REVISION #1

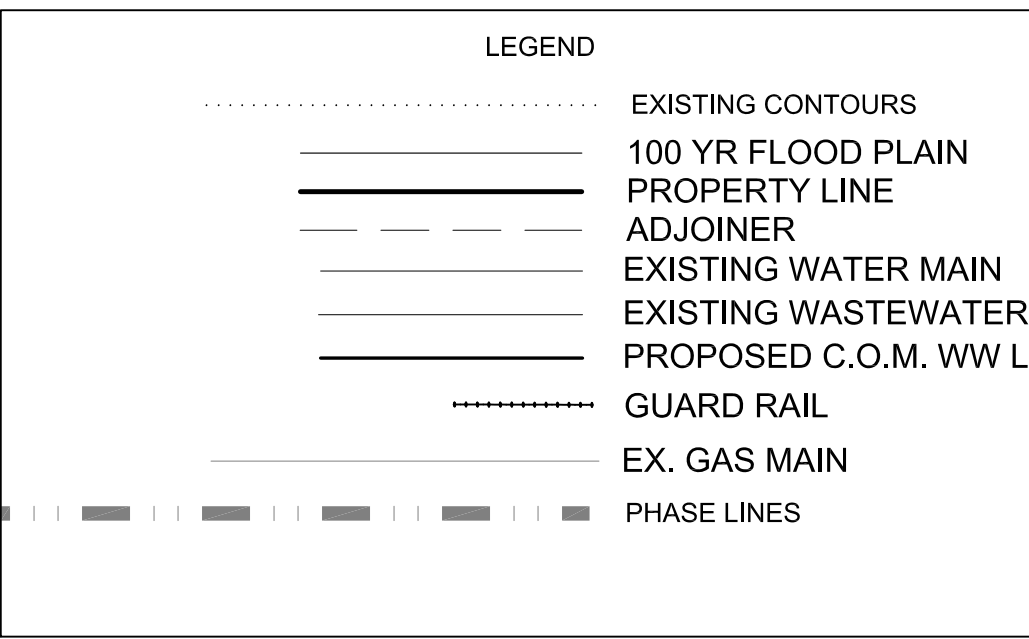
SUBMITTAL DATE: September 3, 2019



LINE	DISTANCE	BEARING
L1	219.47	S21°05'35"W
L2	236.54	S20°27'25"W
L3	76.46	S23°49'58"E
L4	72.27	S00°49'14"E
L5	113.38	S08°12'04"W
L6	108.42	S20°32'02"W
L7	197.23	S51°59'16"E
L8	145.21	S15°38'22"W
L9	26.59	S15°38'22"W
L10	252.55	N72°52'09"W
L11	3.13	S23°37'21"W
L12	30.75	N72°59'19"W
L13	195.93	N08°16'32"E
L14	214.34	N81°40'04"W
L15	57.17	N24°46'02"E
L16	158.70	N63°10'08"W
L17	684.96	N20°29'43"E
L18	199.71	S88°54'03"E
L19	240.86	N21°20'10"E
L20	121.63	S54°32'45"E
L21	50.76	S54°32'45"E
L22	77.84	N67°42'19"W
L23	90.15	N22°25'53"E

NUMBER	CHORD DIRECTION	RADIUS	ARC LENGTH	CHORD LENGTH
C1	N74°36'57"W	2635.35	165.47	165.44
C2	N20°31'18"E	9910.07	9.08	9.08
C3	S44°48'36"E	955.07	235.87	235.07
C4	N64°45'57"W	955.07	97.47	97.35
C5	S66°59'07"W	25.07	39.35	35.42
C6	N21°11'53"E	9910.07	224.83	224.82
C7	N22°15'14"E	9910.07	140.49	140.49
C8	S65°49'56"E	1045.07	431.72	428.68
C10	S50°28'11"E	958.00	31.47	31.47
C11	S56°52'24"E	958.00	182.67	182.39
C12	S78°04'13"E	958.00	526.16	519.57
C13	N76°44'05"W	1032.00	614.91	605.86
C14	N83°23'14"W	2635.35	195.23	195.18
C15	N70°45'31"W	1000.00	804.45	782.94
C17	S26°38'58"W	332.00	20.92	20.91
C18	S65°59'13"W	15.00	21.54	19.74
C21	S47°45'50"E	15.00	23.49	21.16
C27	S22°28'40"E	25.00	39.46	35.49
C28	S63°44'44"E	1045.00	143.93	143.82
C29	S51°53'54"E	1045.00	288.22	287.31
C30	S42°15'34"W	15.00	23.65	21.27

MANOR COMMERCIAL WW LINE A			
BLOCK A	AC	1500 GPD/AC	LUE'S
1	0.939	1408	5.2
2	0.852	1278	4.7
3	0.945	1418	5.3
4	1.138	1708	6.3
12A	1.330	1995	7.4
12B	3.286	50 units @ 0.5	40.0
BLOCK B			
1	1.408	2110	7.8
2	13.213	306 units @ 0.5	153.0
6	0.742	1113	4.1
WW LUES			
23	850		233.9
290 GRAVITY MAIN			
BLOCK A	AC	1500 GPD/AC	LUE'S
5	1.350	2025	7.5
6	1.078	1618	6.0
8	1.789	2683	9.8
9	200 UNITS @ 0.7 LUE/LUNIT		140.0
10	1.043	1564	5.8
11	2.671	4006	14.8
WW LUES			
			163.9
WATER LUES			
CITY OF MANOR			277.8
MANVILLE W.S.C.			140.0



CITY OF MANOR ACKNOWLEDGEMENTS

THIS CONCEPT PLAN HAS BEEN SUBMITTED TO AND CONSIDERED BY THE PLANNING AND ZONING COMMISSION OF THE CITY OF MANOR, TEXAS, AND IS HEREBY RECOMMENDED FOR APPROVAL BY THE CITY COUNCIL ON THIS THE ____ OF ____, 20__ A.D.

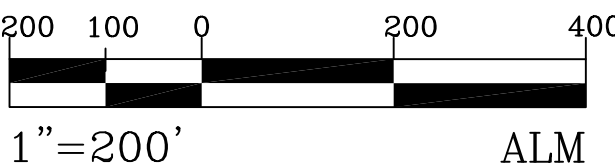
APPROVED: WILLIAM MYERS, CHAIRPERSON ATTEST: CITY SECRETARY

ACCEPTED AND APPROVED FOR RECORD BY THE CITY COUNCIL, CITY OF MANOR, TEXAS, ON THIS THE ____ OF ____, 20__ A.D.

APPROVED: HONORABLE MAYOR RITA G. JONSE ATTEST: CITY SECRETARY
MAYOR OF THE CITY OF MANOR, TEXAS

MANOR SE COMMERCIAL
CONCEPT PLAN
NOT FOR RECORDATION

MANOR,
TRAVIS COUNTY,
TEXAS
ALM ENGINEERING, INC. F-3565
CONSULTING ENGINEERS
1705 S. Capital of TX Hwy, Ste. 150
Austin, Texas, 78746.



ALM ENGINEERING, INC.
CONSULTING ENGINEERS
925 S Capital of TX Hwy, Ste. B220,
West Lake Hills, Texas 78746
(512) 431-9600 • almeng@sbcglobal.net

STATE OF TEXAS
MATTHEW MITCHELL
83335
LICENSED PROFESSIONAL ENGINEER

9-3-2019

CONCEPT PLAN
MANOR SE COMMERCIAL
FM 973
MANOR, TX

DATE	REVISION	#
9/3/2019	SITE	
	MM	
	CHECKED BY: MM	



DEVELOPMENT SERVICES DEPARTMENT

September 23, 2019

RE: Notification for a Concept Plan – Revised Manor Commons SE Commercial

Dear Property Owner,

The City of Manor Planning and Zoning Commission and City Council will be conducting a special and a regularly scheduled meeting for the purpose of considering and acting upon on a concept plan. The request will be posted on the agenda as follows:

Consideration, discussion, and possible action upon a Concept Plan for the Manor Commons SE Commercial, nineteen (19) lots on 73 acres more or less, located near US Hwy 290 E and FM 973 N, Manor, TX.

The Planning and Zoning Commission will meet at 6:30PM on October 16, 2019 at 105 East Eggleston in the City Hall Council Chambers.

The City Council will meet at 7:00PM on October 16, 2019 at 105 East Eggleston in the City Hall Council Chambers.

You are being notified because you own property within 300 feet of the property for which this concept plan has been filed.

If you have no interest in the case there is no need for you to attend. You may address any comments to me at the address or phone number below. Any communications I receive will be made available to the Commissioners during the discussion of this item.

Sincerely,


Scott Dunlop,
Assistant Development Director

sdunlop@cityofmanor.org
512-272-5555 ext. 5

105 E. EGGLESTON STREET • P.O. BOX 387 • MANOR, TEXAS 78653
(T) 512.272.5555 • (F) 512.272.8636 • WWW.CITYOFMANOR.ORG

PACESETTER HOMES, LLC
14400 THE LAKES BLVD.
BLD C, STE 200
PFLUGERVILLE, TX 78660

CUBE HHF LP
5 OLD LANCASTER RD
MALVERN, PA 19355

HIBBS ODEEN
PO BOX 14332
AUSTIN , TX 78761-4332

GREENVIEW DEVELOPMENT 157 L P
501 VALE ST
AUSTIN , TX 78746

GREENVIEW DEVELOPMENT 157 LP
% BARTH TIMMERMAN
501 VALE ST
AUSTIN , TX 78746

WILBARGER CREEK MUD NO 2
% ARMBURST & BROWN LLP
100 CONGRESS AVE STE 1300
AUSTIN , TX 78701-2744

WILBARGER CREEK MUD NO 2
% ARMBURST & BROWN LLP
100 CONGRESS AVE STE 1300
AUSTIN , TX 78701-2744

COTTONWOOD HOLDINGS LTD
% DWYER REALTY COMPANIES
9900 US HIGHWAY 290 E
MANOR , TX 78653-9720

PARKER JODIE M & JOYCE F
12211 OLD HIGHWAY 20
MANOR , TX 78653-4506

GREENVIEW DEVELOPMENT 973 L P
% BARTH TIMMERMANN
501 VALE ST
AUSTIN , TX 78746

EARLY RICKY LANE & LESLIE ANN
101 OAK BREEZE CV
GEORGETOWN , TX 78633-5608

EARLY RICKY LANE & LESLIE ANN
101 OAK BREEZE CV
GEORGETOWN , TX 78633-5608

ETERNAL FAITH BAPTIST CHURCH
12720 FM 973
MANOR , TX 78653-5151

TIMMERMANN GERALDINE
PO BOX 4784
AUSTIN, TX 78765

GREENVIEW DEVELOPMENT 973 L P
% BARTH TIMMERMANN
501 VALE ST
AUSTIN , TX 78746

BUTLER FAMILY PARTNERSHIP LTD
PO BOX 9190
AUSTIN , TX 78766-9190

BUTLER FAMILY PARTNERSHIP LTD
PO BOX 9190
AUSTIN , TX 78766-9190

BUTLER FAMILY PARTNERSHIP LTD
PO BOX 9190
AUSTIN , TX 78766-9190

TIMMERMANN TERRELL
PO BOX 4784
AUSTIN, TX 78765-4784

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GREENVIEW DEVELOPMENT 973 L P
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501 VALE ST
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501 VALE ST
AUSTIN , TX 78746



AGENDA ITEM SUMMARY FORM

PROPOSED MEETING DATE: November 13, 2019

PREPARED BY: Scott Dunlop, Assistant Development Director

DEPARTMENT: Development Services

AGENDA ITEM DESCRIPTION:

Consideration, discussion, and possible action on a Coordinated Sign Plan for 201 East Parsons Street, Manor, TX.
Applicant: Hunter Heights, LLC. Owner: Hunter Heights, LLC.

BACKGROUND/SUMMARY:

This is the old city hall buildings. Since the building contains 4 tenants our ordinance requires they obtain a coordinated sign plan for each tenant space. This sign plan allows up to 24 sq ft. or 1.75 x their tenant frontage for a non-illuminated painted wooden sign in the locations shown on the application.

PRESENTATION: ☐ YES ☐ NO

ATTACHMENTS: ☐ YES (IF YES, LIST IN ORDER TO BE PRESENTED) ☐ NO

Sign plan

STAFF RECOMMENDATION:

It is City staff's recommendation that the Planning Commission approve a Coordinated Sign Plan for 201 East Parsons Street, Manor, TX.

PLANNING & ZONING COMMISSION: ☐ RECOMMENDED APPROVAL ☐ DISAPPROVAL ☐ NONE

UNIFORM SIGN PLAN
OLD MANOR CITY HALL AND POLICE DEPT.
201 PARSONS ST , MANOR , TX 78653

ORIGINALLY DESIGN
October 30, 2019

CONTACT INFORMATION:

For the puposes of this criteria “Hunter Heights LLC” shall henceforth be known as “Landlord”.
All signage materials, artwork and submittals shall be forwarded for review and approval to Landlord.

Hunter Heights LLC
P.O. Box 80154
Austin Tx 78708

GENERAL:

All signs erected or maintained pursuant to the provisions of this article shall be erected and maintained in compliance with all applicable federal, state, and local laws and regulations, and the building code, electrical code and other applicable ordinances of the city. In the event of conflict between this article and other laws, the most restrictive standard applies.

Storefront signage can not exceed 1.75 sq.ft per linear feet per tenant per Downtown business district (DBD) City requirements. 1.75 × Building Frontage if low profile sign is permitted.

Signage for each tenant to be 1” thick wood painted graphics. Each tenant panel should be exactly calculated per City requirement square footage.

SIGNS NOT REGULATED

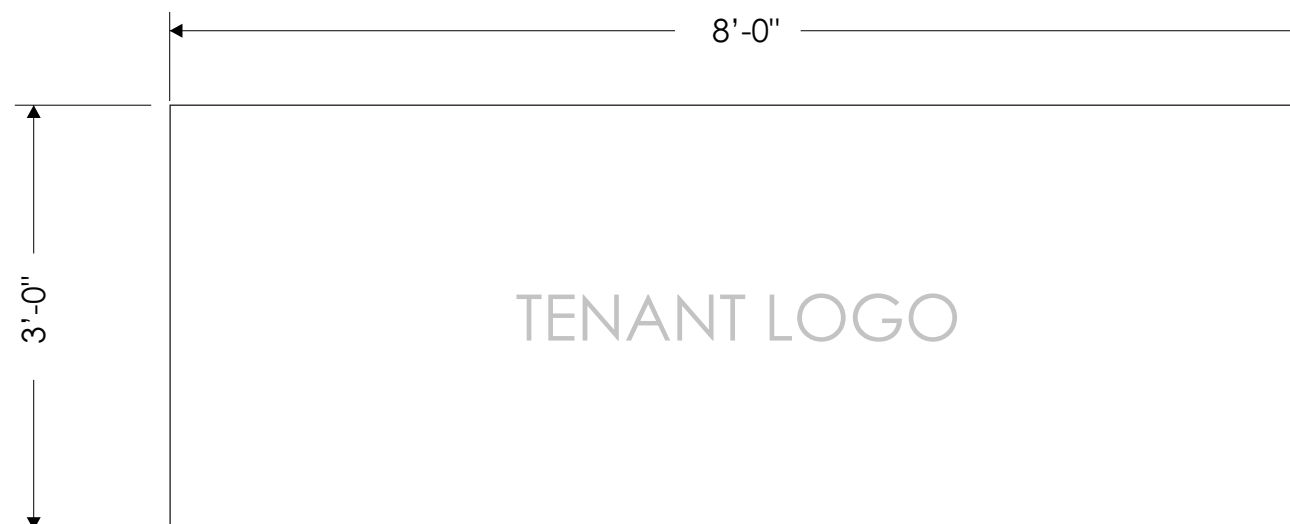
The following types of signs shall be exempt from the permitting provisions of this article. However, regulations regarding sign location in a public right-of-way or public access easement shall apply. It is further specifically provided that the building official may, based upon the size, materials used in construction, and other relevant factors, require the owner of any sign to show evidence of structural soundness and compliance with the safety requirements of this article:

- (1) Governmental signs. Signs erected or maintained pursuant to the discharge of any governmental function; required by law, ordinance, or governmental regulation; or located on property owned, leased or under control of the federal or state government.
- (2) Holiday signs. Temporary signs containing only holiday messages and no commercial advertising.
- (3) Plaques. Commemorative plaques of recognized historical societies and organizations

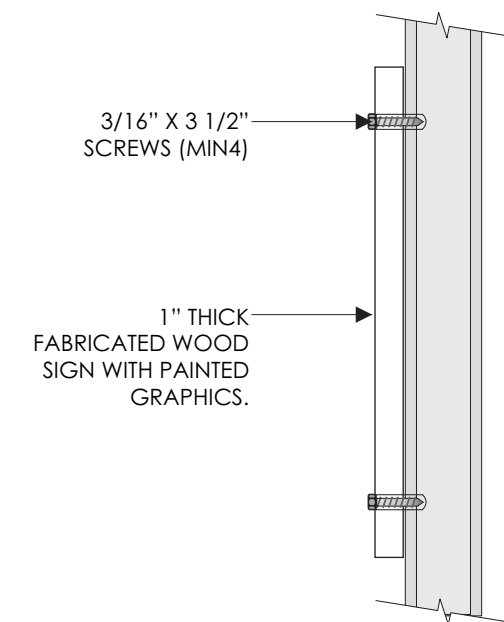
A / TENANT WALL SIGNAGE- NON-ILLUMIANTED WOOD SIGN

FONT: PER CUSTOMER ART
SQ. FT: NTE 1.75 SF PER LINEAR FOOT OF FRONTAGE

- SIGN TO DISPLAY TENANT NAME, LOGO OR COMBINATION OF TENANT'S PREFERENCE
- 1" THICK FABRICATED WOOD SIGN PAINTED GRAPHICS
- CIRCULAR SIGNAGE IS ACCEPTABLE ON BUILDING AS LONG AS ITS MADE FROM WOOD.
- VARIATIONS MUST CONFORM TO CITY OF MANOR SIGN CRITERIA AND WILL BE CONSIDERED AT LANDLORD'S SOLE DISCRETION

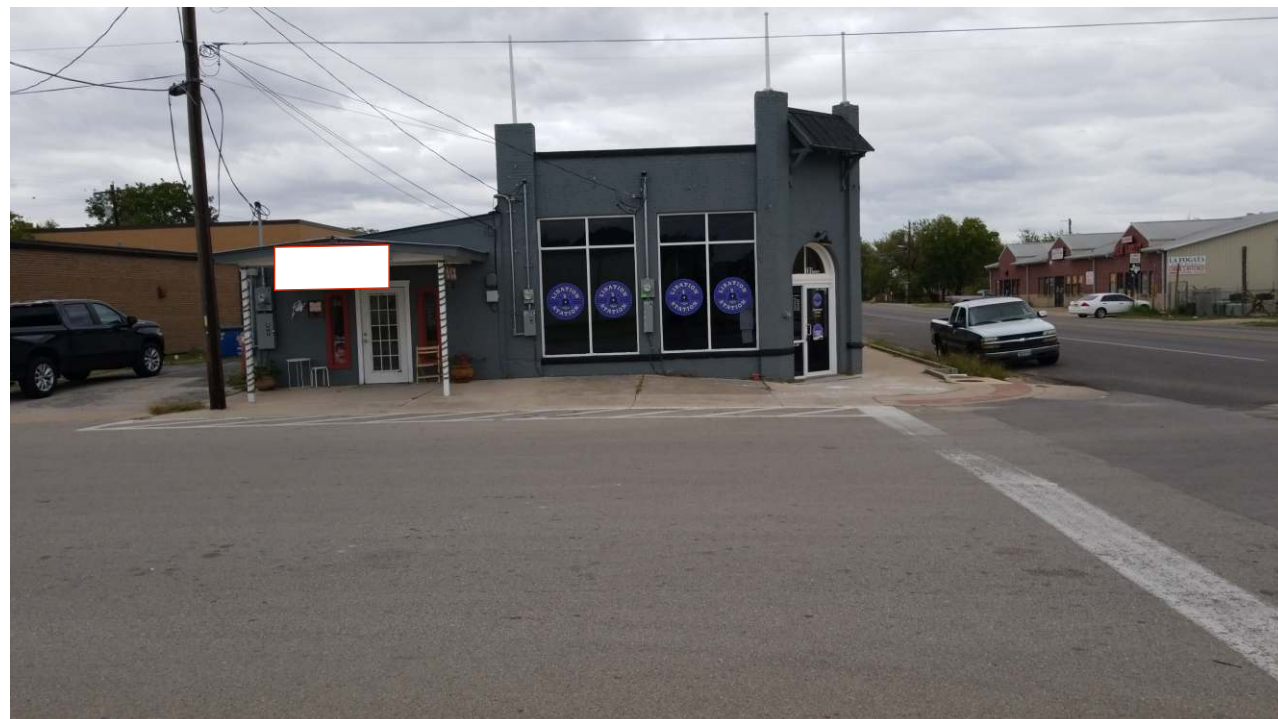


A / SCALE- 24 SQUARE FEET



A / SIDE VIEW

A / TENANT WALL SIGNAGE- LOCATIONS





AGENDA ITEM SUMMARY FORM

PROPOSED MEETING DATE: November 13, 2019

PREPARED BY: Scott Dunlop, Assistant Development Director

DEPARTMENT: Development Services

AGENDA ITEM DESCRIPTION:

Consideration, discussion, and possible action on an amendment to the Manor Code of Ordinances Chapter 14 Zoning to amend sections General including Application, and Definitions; Zoning District and Regulations including General Requirements and Limitations, Zoning of Annexed Areas, and Establishment of Zoning Districts; Construction Plans; Conditional Use Permits; Nonconforming Uses; Sexually Oriented Businesses; and other related matters.

BACKGROUND/SUMMARY:

This amendment rewrites a majority of our zoning ordinance. Permitted uses within each zoning category didn't change much, but various conditions were added to certain types of uses. Development standards (setback, building size, etc.) were changed for all uses. New zoning categories are Single Family Estate, Two-Family, Townhome, and Multi-family 15. Modified zones are Single Family Suburban, Single Family Standard, Multi-family 25, Institutional Small and Institutional Large. Also added were sections on architectural standards, outdoor storage, and temporary uses. Conditional uses were changed to Specific Use Permits with a modified section and the nonconformities section was modified. Over half the definitions were written and updated. Sections that will be added to existing or new ordinances are the Sexually Oriented Business, parking reqs., and construction plans.

PRESENTATION: ☐ YES ☐ NO

ATTACHMENTS: ☐ YES (IF YES, LIST IN ORDER TO BE PRESENTED) ☐ NO

Ordinance

STAFF RECOMMENDATION:

It is City staff's recommendation that the Planning Commission approve an amendment to the Manor Code of Ordinances Chapter 14 Zoning to amend sections General including Application, and Definitions; Zoning District and Regulations including General Requirements and Limitations, Zoning of Annexed Areas, and Establishment of Zoning Districts; Construction Plans; Conditional Use Permits; Nonconforming Uses; Sexually Oriented Businesses; and other related matters.

PLANNING & ZONING COMMISSION: ☐ RECOMMENDED APPROVAL ☐ DISAPPROVAL ☐ NONE

ORDINANCE NO.

AN ORDINANCE OF THE CITY OF MANOR, TEXAS, PROVIDING ZONING DISTRICTS, ZONING REGULATIONS, AND STANDARDS FOR THE DEVELOPMENT AND USE OF LAND WITHIN THE CITY; PROVIDING SEVERABILITY, OPEN MEETINGS AND EFFECTIVE DATE CLAUSES; PROVIDING PENALTIES; AND PROVIDING FOR RELATED MATTERS.

WHEREAS, the ordinances of the City establishing zoning districts within the City limits should be amended to better provide an attractive living environment and to protect the health, safety, morals and welfare of the present and future residents of the City;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MANOR, TEXAS, THAT:

Section 1. Findings. The foregoing recitals are hereby found to be true and correct and are hereby adopted by the City Council and made a part hereof for all purposes as findings of fact.

Section 2. Amendment of the Code of Ordinances. The City Council hereby amends Chapter 14, Zoning, of the City of Manor Code of Ordinances to repeal Chapter 14 Zoning in its entirety and replace it with the following:

Chapter 14 Zoning

Article 14.01 - General

Section 14.01.001 - Authority

This Ordinance is adopted pursuant to the police powers of the City of Manor and under the authority of the Constitution and general laws of the State of Texas, including particularly Chapter 211 of the Texas Local Government Code.

Section 14.01.002 - Title

This Ordinance shall be known, and may be cited, as the Zoning Ordinance of the City of Manor, Texas.

Section 14.01.003 - General Purpose and Intent

Purpose. The primary purposes of this Ordinance are to promote the public health, safety, morals and the general welfare of the City and its present and future residents; provide reasonable regulations and requirements to protect, preserve, improve and provide for the public health, safety, morals and general welfare of the present and future citizens of the City; and to establish a framework of zoning guidelines and criteria which will provide for and support the development of a quality living and work environment by incorporating provisions requiring all future

development and redevelopment to provide a compatible plan for residential, commercial and industrial uses, while providing reasonable protections for both the public and persons having an ownership interest in property affected by these regulations. This Ordinance should be administered and applied to result in development superior to that otherwise achievable and to promote the following purposes:

- (a) Assist the safe, orderly, healthful and coordinated development of the City;
- (b) Conserve existing and future neighborhoods;
- (c) Protect and conserve the value of real property throughout the community;
- (d) Conserve, develop, protect, and utilize natural resources, as appropriate and consistent with the public interest, to enhance the preservation of the environment;
- (e) Protect and preserve places and areas of historical and cultural importance and significance to the community;
- (f) Prevent the overcrowding of land and avoid undue concentration of population or land uses, thereby encouraging high quality development and innovative design;
- (g) Lessen congestion in the streets and provide convenient, safe and efficient circulation of vehicular and pedestrian traffic;
- (h) Facilitate the adequate and efficient provision of transportation, water, wastewater, schools, parks, emergency and recreational facilities, and other public requirements;
- (i) Promote economic development through an efficient and practical means by which development will promote a prosperous economic environment;
- (j) Promote compatible residential, commercial and industrial uses to harmoniously relate future development and redevelopment to the existing community and facilitate the development of adjoining properties;
- (k) Standardize the procedure and requirements for zoning, building permits and certificates of occupancy to provide administrative efficiency and property owner rights; and
- (l) Provide the context for the appropriate reconciliation of any differences of interest among property owners, developers, neighborhoods and the City.

Section 14.01.004 - Jurisdiction and Intent

The requirements of this Ordinance shall apply to all property within the City; provide for the implementation of the site development regulations; provide a voluntary guide for the development of property within the extraterritorial jurisdiction in order that such property may be developed in a manner consistent with neighboring areas and existing or planned infrastructure; and be construed and applied in a manner to give effect to the City of Manor Master Plan. This Ordinance has been made with reasonable consideration among other things, for the character of the district and its peculiar suitability for the uses specified, and with a view to conserving the value of

buildings and encouraging the most appropriate use of land throughout the City consistent with the City of Manor Master Plan. Nothing herein shall be construed to grant a "permanent" zoning.

The intent of this Ordinance is to supplement the minimum standards for the development of land within the City as contained in the City's Subdivision Ordinance, applicable building, plumbing and electrical codes, and City Standard Details and Specifications. If only the minimum standards are followed, as expressed by the various ordinances regulating land development, a standardization of development will occur. Such will produce a monotonous urban setting and is not encouraged.

Section 14.01.005 - Application

The provisions of this Ordinance shall, except as specifically provided otherwise in this Ordinance, apply to all land within the jurisdiction of the City.

Section 14.01.006 - Exemptions; Prior Applications or Approvals

The provisions of this Ordinance shall not be applied or construed in violation of Chapter 245 of the Texas Local Government Code and the City of Manor's Subdivision Ordinance.

Section 14.01.006 - Enforcement of Regulations

- (a) No building permit, certificate of occupancy, plumbing permit, electrical permit, or utility tap shall be issued by the City for or with respect to any lot, tract or parcel of land within the City limits that is developed, or proposed to be developed, after the effective date of this Ordinance, until all applicable requirements of this Ordinance have been satisfied and accepted by the City.
- (b) This Ordinance may be further enforced by injunction and other judicial proceedings, either at law or in equity; and, in lieu of or in addition to any other authorized enforcement or action taken, any person who violates any term or provision of this ordinance, with respect to any land or development within the City, by fine and penalties as provided herein.

Section 14.01.007 - Definitions.

- (a) The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning. Words used in the present tense include the future tense. Words used in the plural number include the singular, and words in the singular include the plural. The word "shall" is always mandatory. The word "herein" means in this Ordinance. The word "regulations" means the provisions of any applicable ordinance, regulation or policy. The word "person" means any human being or legal entity and includes a corporation, a partnership and an incorporated or unincorporated association. The words "used or occupied" as applied to any land or building shall be construed to include the words intended, arranged, or designed to be used or occupied.

Any definition not expressly prescribed herein shall, until defined by ordinance, be construed in accordance with customary usage in municipal planning and engineering practices.

- (b) Any definition not expressly prescribed herein shall, until such time as defined by ordinance, be construed in accordance with customary usage in municipal planning, as determined by the Director of Development Services, and in accordance with best engineering practices.

Access means a way of approaching or entering a property.

Accessory Structure (non-residential) means structure which is on the same parcel of property as the principal structure and the use of which is incidental to the use of the principal structure. Includes, but is not limited to, storage facilities, detached garages, parking structures or enclosures, and other similar buildings or structures.

Accessory Structure (residential) means a subordinate building detached and on the same parcel as the principle structure and used for a purpose customarily incidental to the principle structure such as a private garage for automobile storage, tool house, bath or greenhouse as a hobby (no business), home workshop, children's playhouse, storage house or garden shelter, but not involving the conduct of a business or occupancy by any long-term or paying guests.

Accessory Use means a use that is customarily a part of the principal use, a use which is clearly incidental, subordinate and secondary to the permitted use, and which does not change the character thereof. See: Accessory Structure.

Adjacent means abutting and directly connected to or bordering.

Adult day care means a facility that provides services under an adult day care program on a daily or regular basis, but not overnight, to four (4) or more elderly or handicapped persons who are not related by blood, marriage or adoption to the owner of the facility. Adult day care centers must be licensed by the Texas Department of Human Services.

Adult Oriented Business means an adult arcade, adult bookstore or adult video store, adult cabaret, adult motel, adult motion picture theater, adult theater, escort agency, nude model studio, or sexual encounter center or other commercial enterprise the primary business of which is the offering of service or the selling, renting, or exhibiting of devices or any other items intended to provide sexual stimulation or sexual gratification to the customer.

Agriculture means husbandry and keeping of farm animals, crop production, horse stables and greenhouses, and other similar uses normally associated with agriculture.

Alcoholic Beverages means any beverage containing more than one-half of one percent alcohol by volume that is consumed diluted or undiluted as a beverage for sale. Beer, wine and liquor are common forms of alcoholic beverages.

Alcoholic Beverage Sales — Off-Premises means the use of a site for the retail sale of alcoholic beverages for which the use receives more than 50 percent of its gross revenue on a quarterly basis from the sale of alcoholic beverages for off-premises consumption.

Alcoholic Beverage Establishment means a business whose revenue (51 percent or above of gross sales) comes from the sale of beer, wine, or other alcoholic beverages for on-premises consumption and which requires a license under Texas state regulations. *Alley* means a minor right-of-way, dedicated to public use, which gives a secondary means of vehicular access to the back or side of properties otherwise abutting a street and which may be used for public utility purposes.

Amortization means a method of eliminating nonconforming uses by requiring the termination of the nonconforming use after a specified period.

Amusement (Indoor) means participatory and spectator-oriented recreation and entertainment uses conducted within an enclosed building. Typical uses include bowling alleys, game arcades, pool halls, dance halls, music venues, and movie or other theaters. This use is distinct from an Event Center.

Amusement (Outdoor) means participatory and spectator-oriented recreation and entertainment uses conducted in open, partially enclosed, or screened facilities. Typical uses include sports arenas, racing facilities, amusement parks, golf driving ranges, miniature golf courses, live music venues, amplified live music performed in association with a restaurant or bar, carnivals, expositions, and zoos.

Amusement Redemption Machine means any electronic, electromechanical, or mechanical contrivance designed, made, and adopted for bona fide amusement purposes that rewards the player exclusively with noncash merchandise, prizes, toys, or novelties, or a representation of value redeemable for those items, that have a wholesale value available from a single play of the game or device of not more than ten times the amount charged to play the game or device once, or \$5.00, whichever amount is less.

Animal(s) means any animate being that is not a human.

Annexation means the incorporation of land area into the City with a resulting change in the boundaries of the City.

Antique Shop means a business that sells items whose value is greater than the original purchase price because of age or intrinsic value. Excludes pawnshops.

Apartment See – Dwelling (Multiple family)

Applicant means a person applying for zoning approval under this Ordinance.

Approval means the final approval in a series of required actions. For instance, the approval date of a planned unit development zoning application is the date of Council approval of the Final Site Plan.

Art Studio or Gallery means a building where objects of art are created or displayed for the public enrichment or where said art objects are displayed for sale, including the teaching of painting and/or sculpting.

Assisted living, congregate, or respite care means an institution which provides food and shelter to four (4) or more elderly persons or adults who are unrelated to the proprietor of the establishment, as well as personal care services or administration of medication. These may also provide assistance with or supervision of the administration of medication or skilled nursing services. These facilities must be licensed by the Texas Department of Aging and Disability Services and further defined in Texas Health and Safety Code, chapter 247, Assisted Living Facilities

Attendant Building means a building used to house the workplace of the manager or attendant of a public or private parking lot.

Attendant Documents means materials needed to address the specific requirements of this Ordinance, which the applicant feels necessary to explain the submittal.

Automotive Repair (Major) means a business specializing in major repair of motor vehicles entirely within an enclosed building, including any use listing below, as well as any use not listed as minor vehicle servicing:

- (a) Auto glass, seat cover and muffler shop;
- (b) Auto painting or body rebuilding shop;
- (c) Tire retreading and capping;
- (d) Body, fender, clutch, transmission, differential, axle, spring and frame repairs;
- (e) Major overhauling of engines requiring removal therefrom of cylinder head or crankcase pan and any associated engine rebuilding;
- (f) Repair of radiator requiring removal from the vehicle;
- (g) Repair of truck, trailer, farm or industrial equipment, or other machinery/supplies;
- (h) Brake work, other than minor maintenance such as disc pad replacement and minor brake adjustment.

Automotive Repair (Minor) means a business specializing in minor, routine, periodic, preventive maintenance of a motor vehicle conducted entirely within an enclosed building, including the following:

- (a) Servicing of spark plugs, batteries, distributors and distributor parts and including minor engine tune-ups;
- (b) Tire servicing and flat repair but not recapping or regrooving;
- (c) Radiator cleaning and flushing (on vehicle);
- (d) Fuel pump, oil pump and related maintenance;
- (e) Minor servicing of carburetors;
- (f) Emergency wiring repairs;
- (g) Minor motor adjustment not involving removal of head or crankcase;
- (h) Quick oil and filter change;
- (i) Servicing hoses, fan belts, brake fluid, light bulbs, fuses, floor mats, seat belts, windshield wipers, mirrors, and installation of vehicle accessories such as radios;
- (j) Lubrication, greasing and washing;
- (k) Disc pad replacement and minor brake adjustment.

Automotive Sales and Rental means one or more buildings and area other than a street, alley, or other public place, used for the display and retail sale or rental of new or used vehicles under the Texas Motor Vehicle Registration Act, with repair and renovation authorized entirely within an enclosed building, and temporary storage of vehicles for repairs or renovation not to exceed 90 days. New or used automotive sales requires the registration of the business with the Texas Department of Motor Vehicles.

Bar – See alcoholic beverage establishment

Bed and Breakfast means an establishment engaged in providing rooms or groups of rooms in a dwelling unit for temporary lodging for overnight guests on a paying basis. Or means a historic or otherwise architecturally unique building where lodging is provided by prearrangement for definite periods, for compensation, for not more than seven rooms to let and where breakfast is included in the rates charged to guests.

Billboard means a sign advertising product not made, sold, used or served on the premises displaying such sign, or a sign having a height greater than 12 feet or a width greater than 18 feet, including supports.

Block means a parcel of land, intended to be used for urban purposes, which is entirely surrounded by public streets, highways, railroad right-of-way, public walks, parks or green strips, rural land, drainage channels, or a combination thereof; or if the same word is used as a term of measurement, it shall mean the distance along one side of a street between the nearest two streets which intersect said street on said side.

Board means the Board of Adjustments of the City of Manor, Texas.

Board of Adjustments means a committee appointed by the Council to consider appeals from certain administrative actions pursuant to Section 211.008 of the Texas Local Government Code and that is given the authority set forth in this Ordinance and in Section 211.009 of the Texas Local Government Code.

Boat salvage yard means a business that is operated from a fixed location and is predominately engaged in the dismantling and reuse or resale of used boat parts, or any other motorized waterborne vehicles or instrumentality used to transport persons or property upon any waterway, and the safe disposal of those vehicles, including the resale of those vehicles.

Brewery, micro means a facility that produces less than 15,000 barrels (17,600 hectoliters) of beer per year with more than 75% of its beer sold off-site. Microbreweries sell to the public by one or more of the following methods: the traditional three-tier system (brewer to wholesaler to retailer to consumer); the two-tier system (brewer to retailer to consumer); and, directly to the consumer through carry outs and/or on-site tap-room or restaurant sales.

Brewery, regional means a facility that produces between 15,000 and 6,000,000 barrels of beer annually.

Brewpub means a restaurant-brewery that sells more than 25% of its beer on site for on premise consumption. The beer is brewed primarily for sale in the restaurant and bar. The beer is often dispensed directly from the brewery's storage tanks. Where allowed by law, brewpubs often sell beer "to go" and/or distribute to offsite accounts. A company is re-categorized as a microbrewery if its off-site (distributed) beer sales exceed 75%.

Buffer means a barrier constructed of wood, masonry, vegetation, and/or other landscape material in such a manner that adjacent uses will be separated to such a degree that objectionable noise, heat, glare, visual clutter, dust, loss of privacy, air circulation, and other negative externalities shall be abated.

Building means any structure designed or built for the support, enclosure, shelter, or protection of persons, animals, chattels or property of any kind. When subdivided in a manner sufficient to prevent the spread of fire, each portion so subdivided may be deemed a separate building.

Building Area means the gross area covered by a structure when placed on the lot.

Building Ordinance means the building codes and related ordinances of the City providing standards, requirements and regulations for site development and the construction and erection of buildings and structures within the City, including, but not limited to, the electrical code,

plumbing code, building code and minimum housing code, adopted by the City Council from time to time.

Building Permit means a permit issued by the City which is required prior to commencing construction or reconstruction of any structure.

Building Plot means the land, lot, lots or tract of land upon which a building or buildings are located, or upon which they are to be constructed, including yards.

Building Setback Line means a line or lines designating the interior limit of the area of a lot within which structures may be erected. The building lines generally provide the boundaries of the buildable area of any given lot and no structure or building may be erected between a building and the corresponding lot line.

Business Support Services means activities primarily associated with providing services not elsewhere classified, to business enterprises on a fee contract basis, including but not limited to advertising, printing and mailing services; janitorial, office or business equipment rental, leasing, or repair; or the provision of services used by office, professional, and services establishments.

Cafe or Cafeteria means a commercial establishment where snacks or meals are vended for consumption indoors or on the premises.

Caliper means the trunk diameter of a tree at three feet above natural grade.

Carport means a structure with one or more sides, covered with a roof and constructed specifically for the storage of one or more motor vehicles.

Cemetery means land used or intended to be used for the interment of human remains and dedicated for cemetery purposes, including crematories, mausoleums, columbarium and mortuaries when operated in conjunction with and within the boundary of such cemetery.

Centerline of a Waterway means the centerline of the waterway and refers to existing topographically defined channels. If not readily discernible, the centerline shall be determined by (first) the low flow line, or (second) the center of the two year floodplain.

Child Care Center (Intermediate) means a facility (including nonresidential structures) which provides custodial care and supervision for less than 24 hours a day for between seven and 12 children, excluding foster and group homes. The facility must contain a minimum 150 square feet of floor area for each child.

Child Care Center (Large) means a facility where over 12 children receive custodial care and supervision for less than 24 hours a day, excluding foster and group homes.

Child Care Center (Small) means a private residence where the occupant provides custodial care and supervision during daylight hours for a maximum six children at any one time. The maximum of six children includes the family's natural or adopted children under the age of 14. The residence must contain a minimum 150 square feet of floor area for each child. This use shall exclude a family/group home.

Child Care or Child Development Facilities means any children's home, orphanage, institution, private home, residence or other place, whether public, parochial or private, operated for profit or not, which keeps, cares for, has custody of or is attended by four or more children under 16 years of age at any one time, who are not members of the immediate family or any natural person operating any such place, during any part or all of the 24 hours in a day. Also, any institution, home or other place, whether public, parochial or private, conducted for profit or not, which keeps, cares for, has custody of or is attended by any number of children, under sixteen years of age, who are not members of the immediate family of any natural person operating such a place, who are mentally or physically handicapped, under medical or social supervision, and not within a hospital, 24 hours a day.

Church or Rectory means a place of worship and religious training of recognized religions including on-site housing of ministers, rabbis, priests, nuns and similar staff personnel.

City means the City of Manor, Texas.

City Administrator means the Mayor of the City, or other chief administrative officer designated by ordinance, or his or her designated representative.

City Building Official or Building Official means the designated Building Official for the City or his or her designated representative.

City Council or Council means the City Council of the City.

City Engineer means the City Engineer for the City or his or her designated representative.

City Limits or Within the City means the, or within the, incorporated boundaries of the City.

City Staff means the officers, employees and agents of the City assigned and designated from time to time by the City Administrator and/or Council, including but not limited to the City Engineer, to review, comment and/or report on zoning applications.

City Standard Details and Specifications means a library of City-approved drawings and technical data representing typical drainage, transportation, erosion and sedimentation control, and utility appurtenances to be constructed for City acceptance.

Clothing Manufacture means cutting, sewing and forming garments, millinery and accessories, when no noise, dust, vibration, odor or other undesirable or obnoxious condition is created to affect adjacent property.

Club or lodge means a building or portion thereof or premises used or operated for a social, educational or recreational purpose, but not primarily for profit or to render a service which is customarily carried on as a business.

Cold Storage Plant means a commercial establishment where food or other commodities are stored either in lockers, rented or leased, or in vaults in bulk for distribution to the home or to commercial businesses. No slaughtering of animals or fowl is allowed on the premises.

Commercial Off-Street Parking means the use of a site for the parking of motor vehicles on a temporary basis within a privately owned off-street parking facility. This use includes, but is not limited to, commercial parking lots and garages and excludes parking as an accessory use.

Commercial Vehicles means any vehicle having axle or gross weight limit as established by Section 621.101, Texas Transportation Code, that is not a passenger car or light pickup truck.

Commission means the Planning and Zoning Commission of the City.

Common Area means privately owned land and improvements within a townhouse, condominium, planned development, or community unit development including buildings, common open space, central services and utilities, streets, walks, parking areas, fencing and screening walls, landscaping, and any other elements and facilities under common ownership and available for the use of all owners or tenants.

Common Open Space means that portion of the common area which is designated for outdoor recreation area, private park, play lot, plaza, athletic court, swimming pool, fountain, stream or pond, ornamental landscaping or natural vegetation offering visual amenity, and which is open to general view and conveniently accessible to pedestrians within the project.

Communication Services or Facilities means the use of a site for the provision of broadcasting or information relay services through electronic and telephonic mechanism but excludes major utility services and wireless transmission facilities as defined herein. This use includes, but is not limited to, television, film, or sound recording studios, telecommunication service centers, and telegraph service offices.

Community home means an entity protected by the Texas Community Homes for Disabled Persons Act (Texas Human Resources Code, chapter 123, *Community Homes for Persons with Disabilities*); including:

- A. A community-based residential home operated by:

1. The Texas Department of Mental Health and Mental Retardation;
 2. A community center organized under Texas Health and Safety Code, chapter 534, subchapter A, *Community Services*, that provides services to persons with disabilities;
 3. An entity subject to the Texas Business Organizations Code, chapter 22; or
 4. An entity certified by the Texas Department of Human Services as a provider under the medical assistance program serving persons in intermediate care facilities for persons with mental retardation; or
- B. An assisted living facility licensed under Texas Health and Safety Code, chapter 247, *Assisted Living Facilities*, provided that the exterior structure retains compatibility with the surrounding residential dwellings.

Community Center (Private) means a recreational facility, including both indoor and outdoor facilities, for use by residents and guests of a particular residential community development, subdivision, planned unit development, or membership group.

Community Center (Public) means a building and grounds owned or leased and operated by a governmental body for the social, recreational, health or welfare of the community served.

Comprehensive or Master Plan means the comprehensive plan of the City and adjoining areas adopted by the commission and approved by the City Council, including all its revisions as defined by Chapter 213 of the Texas Local Government Code. The plan may indicate the general locations recommended for various land uses, transportation routes, public and private buildings, streets, parks, and other public and private developments and improvements, to include detailed plans for water and sewer facilities. Such plan is the overall development plan for the community adopted to provide long-range development policies and may include all specified individual elements thereof among which are the plans for land intensities; land subdivision; circulation; and community facilities, utilities and services. The comprehensive or master plan does not constitute zoning regulations or establish zoning district boundaries.

Condominium means a building or group of buildings in which dwelling units are owned individually, while the structure and common areas and facilities are owned by all the owners on a proportional, individual basis in compliance with the Texas Uniform Condominium Act, Chapt. 82, Tex. Prop. Code, with individual apartments or units having separate sleeping, living and kitchen facilities.

Construction and Equipment Sales, Major means a building or open area used for the sale, rental, or indoor and outdoor storage of heavy equipment and machinery including, but not limited to, forklifts, bulldozers, cranes, skid steers and other similar equipment.

Construction and Equipment Sales, Minor means a building or structure used for the inside display, sale, rental, or storage of light machinery, including, but not limited to lawn mowers, tools, and other small machinery.

Construction Plans means the maps, drawings, plans and specifications indicating the proposed location and design of improvements to be installed as part of a development and sealed by a Licensed Professional Engineer or Architect.

Construction Services means a commercial use that displays or stockpiles large-scale intensive outdoor operations and contracting equipment, machinery, and other materials.

Consumer Convenience Services means the use of a site for the provision of convenient and limited services to individuals in access-controlled facilities that make 24-hour operation possible. This use includes, but is not limited to, the renting of private postal and safety deposit boxes to individuals and automated banking machines.

Consumer Repair Services means the use of a site for the provision of repair services to individuals or households rather than firms. This use includes, but is not limited to, repair service or shops for appliance, lamps or light fixtures, small tool, watch, jewelry repair shops, and musical instrument repair shops, all contained within an enclosed structure, and excludes automotive repair services, equipment repair services, and service stations.

Contiguous means adjacent property whose property lines are separated by only a street, alley, easement, right-of-way or buffer.

Contractor's Shop means a building, part of a building, or land area for the construction or storage (inside or out) of materials, tools, products, and vehicle fleets.

Convenience Store – See General Retail Sales (Convenience)

Corner Lot means a lot located at the intersection of and abutting on two or more streets.

Country Club means an area of 20 acres or more containing a golf course and a clubhouse and available only to private specific membership, such a club may contain adjunct facilities such as private club, dining room, swimming pool, tennis courts and similar recreational or service facilities.

County means Travis County, Texas.

County Appraisal District means the Travis Central Appraisal District.

Court means an open, unoccupied space, bounded on more than two sides by the walls of a building. An inner court is a court entirely surrounded by the exterior walls of a building. An outer court is a court having one side open to a street, alley, yard or other open space.

Critical Root Zone means a circular area around a Significant Tree equal to one foot in radius for each one inch caliper, and the center of the circular area located at the trunk.

Data center means a facility housing a collection of computer servers and associated components, such as telecommunication, storage and backup systems that supply information to a single or multiple end users off-site. Facilities typically require large amounts of electricity, strict temperature control and security, and will generally have few employees present on-site.

Day Camp means a facility arranged and conducted for the organized recreation and instruction of children including outdoor activities on a daytime basis.

Design District means an area that is zoned, or otherwise designated by municipal code, and for which the City maintains and enforces unique design and aesthetic standards on a uniform and nondiscretionary basis.

Developed Area means that portion of a lot, easement, or parcel upon which a building, structure, pavement or other improvements have been placed.

Developer means the legal owner of land to be improved and/or subdivided or his/her authorized representative.

Development means the construction or placement of any buildings, utilities, access, roads or other structures, excavation, mining, dredging, grading, filling, clearing or removing vegetation, or the deposit of refuse, waste or fill. Lawn and yard care, including mowing of tall weeds and grass, gardening, tree care and maintenance, removal of trees or other vegetation damaged by natural forces, and ranching and farming shall not constitute development. Utility, drainage, and street repair, and any construction maintenance and installation which does not require land disturbance or result in additional impervious cover, shall also not constitute development.

Distillery, Micro means a facility that produces less than 52,500 cases (4,725 hectoliters) of liquor or other spirits per year with 75% or more of its liquor sold off-site. Micro-distilleries sell to the public by one or more of the following methods: the traditional three-tier system (distiller to wholesaler to retailer to consumer); the two-tier system (distiller to retailer to consumer); and, directly to the consumer through on-site and/or carry out sales.

Distillery, Regional means a facility that produces more than 52,500 cases (4,725 hectoliters) of liquor or other spirits annually.

District means a zoned section or sections of the City for which regulations governing the use of buildings and premises, the height of buildings, the size of yards, and the intensity of use are uniform.

Dormitory means any structure specifically designed to house student tenants associated with a university, college or school.

Double Frontage Lot. See: Reverse Frontage Lot.

Drainageway. See: Waterway.

Drive Approach means a paved surface connecting the street to a lot line.

Driveway means the surface connecting a drive approach with a parking space, parking lot, loading dock or garage. Properties of less than two acres shall construct driveways of concrete, asphalt or similar material. Properties of more than two acres shall pave the driveway with all-weather surface.

Dwelling (Multiple-Family) means a residential structure consisting of three or more self-contained dwelling units sharing common walls and/or floors/ceilings with one or more units. Units may have a single access from a shared hallway or walkway, either enclosed or open directly to the outside.

Dwelling (Single-Family Attached) means a dwelling unit which is joined to one other dwelling unit on one or more sides by a party wall or abutting separate wall and each unit is designed for occupancy by not more than one family and is located on a single lot owned and fee simple.

Dwelling (Single-Family Detached) means a detached building having accommodations for occupancy by not more than one family.

Dwelling (Two-Family) or Duplex means a detached building designed and constructed with two separate dwelling units under a single roof for occupancy by two families.

Dwelling Unit means a building or portion of it designed and used for residential occupancy by a single household and that includes exclusive sleeping, cooking, eating and sanitation facilities. A building containing more than one set of cooking facilities is a multi-dwelling unit structure. The term "dwelling unit" does not include hotels, motels, lodging houses, sheds or similar accessory structures, campers or camp trailers, any recreational vehicle, or vehicle or portable structure having no permanent foundation other than wheels, jacks, or skirtings

Easement means a grant by the property owner of the use of a strip of land for stated purposes.

Environment means the aggregate of social and physical conditions that influence the life of the individual and/or community.

Event Center means a facility consisting of multi-purpose rooms, outdoor courtyards, or recreational facilities used for hosting social gatherings such as weddings, parties, receptions, and meetings.

Extraterritorial Jurisdiction or *ETJ* means that geographic area outside the corporate boundaries of the City as established pursuant to Sections 42.021 and 42.022 of the Texas Local Government Code.

Family means any number of individuals living together as a single housekeeping unit, in which not more than four individuals are unrelated by blood, marriage, adoption, or guardianship, and occupying a dwelling unit.

Farm, Ranch, Garden or Orchard means an area of three acres or more which is used for the primary purpose of growing of vegetables, fruits, trees, hay, livestock feed and/or grain, and/or for the raising thereon of poultry and farm animals such as horses, cattle and sheep and including the necessary accessory uses for raising, treating and storing products raised on the premises, but not including the commercial feeding of offal and garbage to swine and other animals and not including any type of agriculture or husbandry specifically prohibited by ordinance or law.

Financial services means an establishment for the custody, loan, exchange or issue of money, the extension of credit and/or facilitating the transmission of funds, including automated teller machines such as a bank or credit union. This definition does not include pawnshops, check cashing businesses, payday advance businesses, money transfer businesses or other similar services.

Financial Services, Alternative means a check cashing business, payday advance or loan business, bail bonds business, money transfer business, precious metal dealer, or car title loan business. At no time may an alternative finance service be permitted as an accessory use unless specifically provided for within the definition of the specific alternative financial service use.

Floodplain means a channel of a waterway and the adjacent land area subject to inundation during the design storm.

Floor Area means the total square feet of floor space within the outside dimensions of a building, including each floor level, but excluding cellars, carports or garages.

Floor Area Ratio (FAR) means the maximum square footage of total floor area permitted for each square foot of land area. The ratio between the total square feet of floor area in all

buildings located on a lot and the total square feet of land in the lot or tract on which the buildings are located.

Food Court Establishment means a premise designed to accommodate three or more mobile food units that qualify as one the following:

- (a) A restricted unit that offers only prepackaged food in individual servings, beverages that are not potentially hazardous and are dispensed from covered urns or other protected vessels, and packaged frozen foods; preparation, assembly or cooking of foods is not allowed; or
- (b) An unrestricted unit that may serve food as allowed in (a), and may cook, prepare and assemble a full menu of food items:
 - (i) Except as provided in subsection (ii) below, an unrestricted unit must be secured and completely enclosed; and
 - (ii) Foods such as hot dogs, coffee, or shaved ice, or food with prior approval from the health authority, may be served from vehicles with three sides and a cover.

Food Preparation means the use of a site for production of prepared food for wholesale distribution. The use includes, but is not limited to, wholesale bakeries, commercial kitchens, and specialty food processing or packaging shops, the products may be sold on-site, but excludes the on-site slaughter of animals and commercial production of ice.

Food Sales means the use of a site for the retail sale of food, alcohol, or household products for home consumption. This use includes, but is not limited to, grocery stores, delicatessens, meat markets, retail bakeries, and candy shops. Revenue from alcohol sales for off-premise consumption exceeding 51% of gross sales are considered liquor stores.

Filing Date means, with respect to zoning applications, the date of the first public hearing before the Commission regarding such zoning application.

Frontage means that side of a lot, parcel or tract of land abutting a street right-of-way and ordinarily regarded as the frontal orientation of the lot.

Frontage Block means all the property on one side of a street between two intersecting streets (crossing or terminating), measured along the line of the street, or if the street is dead-ended, then all the property abutting on one side between an intersecting street and the dead-end of the street.

Game Room means a building, facility, or other place that is open to the public and whose primary purpose is entertainment and contains one or more operational amusement redemption machines.

Gasoline Station (Full Service) means a place where gasoline, other fuels, oil and grease and/or accessories are sold and dispensed to the retail motor vehicle trade, and where one or more of the following activities are conducted: motor vehicles are serviced and repaired; stored batteries are recharged and cared for; or vehicle tires are stored, serviced or exchanged.

Gasoline Station (Limited Service) means a place where the services provided are limited to the retail sale, either self-service or attendant dispensed, of gasoline, other fuels and petroleum products for the motor vehicle trade.

General Retail Sales (Convenience) means a retail establishment that sells primarily food products, household items, newspapers and magazines, candy, and beverages, and a limited amount of freshly prepared foods such as sandwiches and salads.

General Retail Sales (General) means stores selling, leasing, or renting direct to the ultimate consumer goods such as consumer, home, and business merchandise including alcoholic beverages, antiques, appliances, art, art supplies, baked goods, bicycles, books, cameras, carpet and floor coverings, crafts, clothing, computers, convenience goods, dry goods, electronic equipment, fabric, flowers, furniture, garden supplies, gifts, groceries, hardware, home improvements, household products, jewelry, medical supplies, musical instruments, pet food and/or pets, pharmaceuticals, photo finishing, picture frames, plants, prepared foods, printed material, produce, sporting goods, stationery, vehicle parts, and videos.

Golf Course (Commercial) means a golf course or driving range privately owned but open to the public for a fee and operated as a commercial venture.

Governing Body means the City Council of the City.

Grade means the slope of a road, street, other public way or utility line specified in terms of percent; the topographic relief of a parcel of land; the average elevation at ground level of the buildable area of a lot or parcel of land.

Grading means any stripping, cutting, filling or stockpiling of earth or land, including the land in its cut or filled condition.

Half Story means a partial story under a gable, hip or gambrel roof, the wall plates of which on at least two opposite exterior walls are not more than five feet above the floor of such story, except that any partial story used for residence purposes, other than by a family occupying the floor immediately below it, shall be deemed a full story.

Halfway House means a residence operated as a single dwelling, licensed or operated by a governmental or nonprofit agency, where drug users, moderate and high risk (level 2 and 3) and civil commitment sex offenders, the dangerous mentally ill, or convicted felons are placed immediately after their release from a primary institution such as a prison, hospital or rehabilitation

facility. Authorized supervisory personnel are on the premises. A halfway house allows the persons to begin reintegration with society, while still providing monitoring and support.

Height means the vertical distance from the highest point on a structure to the average ground elevation where the foundation meets ground.

Heliport means landing facility for rotary wing aircraft subject to regularly scheduled use and may include fueling or servicing facilities for such craft.

Helistop means a landing pad for occasional and infrequent use by rotary wing aircraft not exceeding a gross weight of 6,000 pounds.

Historic District means an area, urban or rural, defined or designated as an historic district by City council, state, or federal authority and which may contain within definable geographic boundaries one or more buildings, objects, sites or structures designated as exceptional or significant historic landmarks or clusters, as defined herein, including their accessory buildings, fences and other appurtenances, and natural resources having historical, architectural, archaeological, and cultural significance, and which may have within its boundaries other buildings, objects, sites, or structures, that, while not of such historical, architectural, archaeological or cultural significance as to be designated landmarks, nevertheless contribute to the overall visual setting of or characteristics of the landmark or landmarks located within the district.

Home Occupation means a commercial use that is accessory to a residential use carried on in the home. A home occupation is subject to the following: (a) it is limited to occupants of the dwelling unit except that one person who is not an occupant may participate in a medical, professional, administrative, or business office if off-street parking is provided for such person; (b) the occupation shall be conducted entirely within a dwelling unit which is the bona fide residence of the practitioner(s) or one approved, accessory structure not exceeding 25 percent of the ground floor area of the residential structure located on the same lot; (c) the residential character of the lot and dwelling must be maintained. An occupation that requires a structural alteration of the dwelling to comply with a nonresidential construction code is prohibited. This prohibition does not apply to modifications to comply with accessibility requirements; (d) the occupation shall not produce external: noise, vibration, smoke, dust, heat, glare, odor, fumes, electrical interference or waste runoff outside the dwelling unit, garage or on the property surrounding the dwelling unit; (e) the parking of a commercial vehicle identifying the business on the premises or on a street adjacent to residentially zoned property is prohibited; (f) equipment or materials associated with the occupation must not be visible from locations off the premises; (g) the transfer of merchandise directly to a customer on the premises is permitted; however, no more than four vehicle trips each day of customer-related vehicular traffic is allowed, and (h) advertising a home occupation by a sign on the premises is permitted but the sign area shall not

exceed established limits for the district in which the property is located. The following uses are prohibited as Home Occupations:

1. Animal hospitals, animal breeding;
2. Clinics, hospitals;
3. Hospital services;
4. Contractors yards;
5. Dance studios;
6. Scrap and salvage services;
7. Massage parlors (a massage therapist licensed by the state residing on the property is allowed);
8. Restaurants;
9. Alcoholic Beverage Establishments;
10. Rental outlets;
11. Equipment sales;
12. Adult-oriented businesses;
13. Recycling centers and drop-off recycling collection facilities;
14. An activity requiring an H occupancy as defined in the International Building Code;
15. Automotive repair services;
16. Businesses involving the repair of any type of internal combustion engine, including equipment repair services.

Homeowners' or Unit Owners' Association means any association or organization of co-owners within a condominium or townhouse project, including the Council of Co-Owners or a Condominium or Townhouse Management Association, or the owners of lots within a subdivision; organized for the primary purpose of managing and maintaining the common areas and common open space in any such project, or otherwise owned by the association. An organization, association, or other entity formed and controlled by the developer, project owner or general partner for this purpose will be included in this definition.

Hospital services means an institution providing primary health services, psychiatric services, and medical or surgical care to persons primarily on an inpatient basis. The use differs from medical clinics in that it may require stays for longer than 24 hours. Includes the following land uses: cancer center; birthing center; general hospital; private psychiatric hospital; niche hospital; special hospital; and trauma facilities as defined in the Texas Administrative Code.

Hotel means a facility offering transient lodging accommodations on a daily rate to the general public with units accessed via internal hallways and which can provide additional services,

such as meeting rooms, restaurants and recreational facilities. A hotel facility may offer suites, which include kitchen facilities, sitting rooms, and bedrooms.

Impervious Cover means roads, parking areas, buildings, swimming pools, rooftop landscapes and other construction limiting the absorption of water by covering the natural land surface; this shall include, but not be limited to, all streets and pavement within the development.

Improvements means any street, alley, roadway, barricade, sidewalk, bikeway, pedestrian way, water line system, wastewater system, storm drainage network, public park land, landscaping, or other facility or portion thereof for which the local government may ultimately assume responsibility for maintenance and operation or which may affect an improvement for which local government responsibility is established.

Incinerator means a furnace or apparatus for burning waste materials such as trash wood and other flammable items for the purpose of reducing their weight and bulk.

Industrial Use, Heavy means a use engaged in the basic processing and manufacturing of materials or products or parts, predominantly from extracted raw materials, or a use engaged in storage of, or manufacturing processes using flammable or explosive materials, or storage or manufacturing processes that potentially involve hazardous or commonly recognized offensive conditions.

Industrial Use, Light means a use engaged in the manufacture of finished products or parts predominantly from previously prepared materials, including processing, fabrication, assembly, treatment, packaging, incidental storage, sales and distribution of such products, but excluding basic industrial processing.

Industrialized Home means a residential structure that is designed for the occupancy of one or more families, constructed in one or more modules or constructed using one or more modular components built at a location other than the permanent site, designed to be used as a permanent residential structure when the module or modular component is transported to the permanent site and erected or installed on permanent foundation system. Structures include plumbing, heating, air conditioning, and electrical systems. This term does not include housing constructed of a sectional or panelized system that does not use a modular component, or a ready built home constructed in a manner in which the entire living area is contained in a single unit or section at a temporary location for a purpose of selling and moving the home to another location.

Interior Lot means a lot other than a corner lot and, bounded by a street on only one side.

Kennel means a place in which five or more dogs or cats at least six months of age are kept, boarded or trained, by the owners of the dogs or cats or by persons providing facilities and care with or without compensation.

Laundry services means an establishment engaged in providing laundering, dry cleaning, or dyeing services. Typical uses shall include bulk laundry and cleaning plants, and linen supply services.

Laundry Services (self) means an establishment providing customers with self-service laundry and/or dry cleaning services and does not include a commercial laundry or cleaning plant.

Legal Lot means a lot recorded in the Official County Records pursuant to and in compliance with the subdivision regulations and/or state law in effect at the time of the creation of the lot.

Liquor Sales means the use of a site for the retail sale of alcoholic beverages for off-premises consumption. This use includes liquor stores and bottle shops.

Livestock Auction means barns, pens and sheds for the temporary holding and sale of livestock.

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

Local Health District means the Travis County Health District.

Lot means a separate parcel of land, created by the division or subdivision of a block or other parcel, intended as a unit for transfer of ownership, or for development, or for occupancy and/or use, platted in compliance with state law. See also: Legal Lot.

Lot Depth means the average horizontal distance between the front and rear lot lines.

Lot Lines means the lines bounding a lot as defined herein.

Lot Width means the average horizontal distance at the front building setback line of a lot.

Manufactured Home means a structure constructed on or after June 15, 1976, according to the rules of the United States Department of Housing and Urban Development, 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. Does not include recreational vehicles or mobile homes.

Manufactured Home Park means a unified development for manufactured housing spaces arranged on a tract of land in compliance with the Subdivision Ordinance and this Ordinance,

with the individual lots or parcels being held under a common ownership and rented or leased to the occupants.

Manufactured Home Subdivision means a unified development for manufactured housing spaces arranged on a tract of land in compliance with the Subdivision Ordinance and this Ordinance, with the individual lots or parcels being developed and sold to occupant owners.

Master Plan - see: Comprehensive Plan.

Medical Clinic means the use of the site for the provision of medical, psychiatric, or surgical services on an outpatient basis. These facilities can be differentiated from a medical office in that such facilities would be primarily open to and operated for the general, walk-in public, and would not normally require an appointment. This use includes ambulatory surgical centers (ASC); end-stage renal disease facility (dialysis); outpatient services; and freestanding emergency medical care facility.

Medical office – see: Office, Medical

Metal recycling entity means a business that is operated from a fixed location and is predominately engaged in the following, excluding used automotive parts recycling and boat salvage businesses:

- (1) Performing the manufacturing process by which scrap, used, or obsolete ferrous or nonferrous metal is converted into raw material products consisting of prepared grades and having an existing or potential economic value, by a method that in part requires the use of powered tools and equipment, including processes that involve processing, sorting, cutting, classifying, cleaning, baling, wrapping, shredding, shearing, or changing the physical form of that metal;
- (2) The use of raw material products described under subsection (1) in the manufacture of producer or consumer goods; or
- (3) Purchasing or otherwise acquiring scrap, used, or obsolete ferrous or nonferrous metals for the eventual use of the metal for the purposes described by subsection (1) or (2).

Mini-Storage Warehouse means an establishment offering small, individual storage units for rent or lease and are restricted solely to the storage of items such as motor vehicles, trailers, boats, bulky household goods and various personal property. There is no conduct of sales, business or any other activity within the individual storage units.

Mobile Food Unit means a food establishment operating from a vehicle or any portable structure on a trailer or wheels, that meets all the requirements of this ordinance and applicable local and state regulations.

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 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. Does not include manufactured homes or recreational vehicles. Any mobile home not constituting an existing conforming or nonconforming use is prohibited within the City limits.

Modular Component means a structural part of housing or building constructed at a location other than the building site in a manner that prevents the construction from being adequately inspected for code compliance at the building site without (1) damage; or (2) removal and reconstruction of a part of the housing or building.

Multiple Building Complex means more than one principal building on a building plot or lot

Municipal Park means an area that is zoned or otherwise designated by municipal code as a public park for the purpose of recreational activity.

Natural Channel means the topography of a waterway prior to construction, or installation of improvements thereof.

Natural Drainage means a stormwater runoff conveyance system not altered by development.

Natural State means substantially the same conditions of the land that existed prior to its development, including but not limited to the same type, quality, quantity and distribution of soils, ground cover, vegetation and topographic features.

Neighborhood means the area of the City characterized by residential land uses which is bounded by physical (such as river, major street, lack of access, buffer) and/or political features (such as voting districts, subdivision boundaries).

Neighborhood Park means a publicly owned parcel of land, within a subdivision, dedicated solely for recreational uses and maintained by the City or under authority granted by the City.

Neighborhood Park (Private) means a privately owned parcel of land, within a subdivision, dedicated solely for recreational use by persons in such subdivision and their guests, and maintained by the residents of said subdivision.

Nonconforming Lot means a lot, the area, dimensions, or location of which was lawful prior to the adoption, revision or amendment of the zoning ordinance, but which fails by reason of

such adoption, revision or amendment to conform to the present requirements of the zoning district.

Nonconforming Structure or Building means a structure or building the size, dimensions or location of which was lawful prior to the adoption, revision or amendment of the zoning ordinance, but which fails by reason of such adoption, revision or amendment, to conform to the present requirements of the zoning district.

Nonconforming Use means any building, structure or land lawfully occupied by a use or lawfully existing at the time of passage of this Ordinance or Amendments thereto, which does not, by reason of design or use, conform after the passage of this Ordinance or Amendments with the regulations of the Ordinance or Amendment.

Nursing or convalescent home means an institution which provides food and shelter to four (4) or more persons who are unrelated to the proprietor of the establishment; as well as minor treatment under the direction and supervision of a physician licensed by the Texas Medical Board, or other services that meet some need beyond the basic provision of food, shelter, and laundry. These are licensed by the Texas Board of Human Services and further defined in chapter 242 of the Texas Health and Safety Code.

Occupancy means the use or intended use of land or a building by any person.

Office, Government means the use of a site for the provision of government services, included administrative and management services. This use includes, but is not limited to, offices pertaining to government services such as secretarial, economic development, financial, legal, public works and utilities.

Office, Medical means the use of the site for the consultation, diagnosis, therapeutic, preventative, or corrective personal treatment by doctors, dentists, or similar practitioners of medical and healing arts for humans, medical or dental laboratories. These facilities can be differentiated from a medical clinic in that such facilities primarily operate on an appointment basis, are generally not open to the general walk-in public, and offer specialized services or attention.

Office, Professional means the use of a site for the provision of administrative, executive, consulting, management, or professional services. This use includes administrative offices and services including law, architecture, real estate, accounting, insurance, property management, personal and/or family counseling, investment, travel, and secretarial services.

Office/ Showroom means a building that primarily consists of sales offices and sample display areas for products and/or services delivered or performed off-premises. Catalog and telephone sales facilities are appropriate. Incidental retail sales of products associated with the primary products and/or services are permitted. Warehousing facilities shall not exceed 50% of the total floor area. This definition does not include contractor's shop and storage yard.

Office/ Warehouse means a building, or a portion of a building which is a structurally separate and functionally distinct unit, primarily devoted to storage, warehousing and distribution of goods, merchandise, supplies, and equipment. Accessory uses may include retail and wholesale sales areas, sales offices, and display areas for products sold and distributed from the storage and warehousing areas.

Official County Records means the Official Records of Travis County, Texas.

Off-Site Accessory Parking means the use of a site for the provision of parking spaces, together with driveways, aisles, turning and maneuvering areas, clearances, and similar features, located on a different site from the principal use. The principal use shall be located no further than an adjacent property or across one public or private right-of-way.

Off -Site Improvements means any required improvement that lies outside of the property being developed.

Off-Street Parking Space Vehicular parking outside the street right-of-way that has adequate drives, aisles, and turning and maneuvering areas for access and usability.

On-Street Parking Space means vehicular parking contained on the street pavement (public and private streets) located outside the primary travel way, which spaces shall be designated and located parallel or at an angle to the street centerline.

One Hundred (100) Year Floodplain. See: Regulatory 100-year floodplain.

Open Space means an area included in any side, rear or front yard or any unoccupied space on the lot that is open and unobstructed to the sky except for the ordinary projections of cornices, eaves, porches and plant material.

Open or Outdoor Storage means the keeping, in an unroofed area, of any goods, junk, material or merchandise, in the same place for more than 24 hours.

Overland Drainage means stormwater runoff which is not confined by any natural or man-made channel such as a creek, drainage ditch, storm sewer, or the like.

Park or Playground means an open recreation facility or park owned and operated by a public agency such as the City or the school district and available to the general public for neighborhood use, but not involving lighted athletic fields for nighttime play.

Parking Lot means a paved parking area to accommodate the vehicles which utilize any multiple-family, retail, commercial, office, business or industrial property.

Parking Structure or Garage means a structure designed to accommodate vehicular parking spaces that are fully or partially enclosed or located on the deck surface of a building. The phrase includes freestanding parking structures, deck parking, and parking pedestals under buildings.

Pasturage means land used primarily for the grazing of animal stock.

Paved Area means an area surfaced with asphalt, concrete or similar pavement, providing an all-weather surface. Gravel is not an acceptable paved surface.

Pawnbroker means a person engaged in the business of (a) lending money on the security of pledged goods; or (b) purchasing goods on condition that the goods may be redeemed or repurchased by the seller for a fixed price within a fixed period as defined by the state of Texas Finance Code Chapter 371, as amended.

Pawnshop means a location at which or premises in which a pawnbroker regularly conducts business as defined by the State of Texas Finance Code Chapter 371, as amended.

Performance Standard means a set of criteria or limits relating to nuisance elements which a particular use or process may not exceed.

Permit Issuing Authority means the Building Official or other City officer, employee or agent designated by lawful authority to issue the applicable permit.

Permitted Use means a use specifically allowed in the applicable zoning districts without the necessity of obtaining a Special Use Permit.

Personal Improvement Services means the use of a site for the provision of informational, instructional, personal improvement, and similar services of a nonprofessional nature. This use includes, but is not limited to, photography studios, driving schools, health or physical fitness studios, reducing salons, dance studios, and handicraft or hobby instruction.

Personal services means an establishment engaged in providing services of a personal nature. Typical uses shall include beauty and barber shops, tailor, and shoe repair services.

Pet Store means the use of a site for the retail sale of small animals customarily used as household pets, grooming and sale of pet products.

Pharmacy means a use where medicines are compounded or dispensed under the supervision of a licensed pharmacist.

Planned Unit Development means a zoning district which permits development of three acres or more under single or multiple ownership pursuant to a master plan and which requires specific approval by the City Council. It is a development of land under unified control, planned

and developed in a single development operation or a programmed phasing of developments, including streets, utilities, lots or building sites, structures, open spaces and other improvements. This district may permit mixed uses of land (e.g. industrial, commercial, residential) within a single or multiple subdivision as part of or pursuant to a Master Plan which seeks to minimize adverse impacts when development occurs to protect the environment and nearby neighborhoods.

Planting Area means any area designed for landscape planting having a minimum of ten square feet of actual plantable area and a minimum inside dimension on any side of 18 inches.

Playfield or Stadium means an athletic field or stadium owned and operated by a public agency for the general public including a baseball field, golf course, football field or stadium which may be lighted for nighttime play.

Postal facilities means postal services, including post office, bulk mail processing, or sorting centers operated by the United States Postal Service or a private postal service.

Printing and Publishing means the use of a site for the reproduction, printing, cutting, or binding of written or graphic material. The use is limited to printing equipment typically used in a business office.

Privacy Fence means A construction, not considered a structure, which is designed for screening or enclosing and constructed of wood or masonry or a combination thereof at least six feet in height.

Private Club means an establishment required to have a state license for the sale of alcoholic beverages on-premises to its members.

Private Garage means an accessory building housing vehicles owned and used by occupants of the main building.

Product development services (general) means development and testing of non-hazardous products related to research services. See: Research Services (general).

Product development services (hazard) means development and testing of products related to research services, which products could pose a health or safety risk outside of the structure in which the services are provided. See: Research Services (hazard).

Property Owners' Association, (POA), means an incorporated, nonprofit organization operating under recorded land agreements through which (a) each lot and/or homeowner in a subdivision or planned unit development or PUD is automatically a member, (b) each lot is automatically subject to a charge for a proportionate share of the expenses for the organization's

activities, such as maintaining common property, and (c) the charge, if unpaid, becomes a lien against the property.

Public means, with respect to land and interests in land within the City limits, the City; with respect to land and interests in land within the ETJ limits, the general public; and, with respect to the provision of any services or products by a business establishment, the general public.

Public Grounds or Building means a facility such as office buildings, and maintenance yards and shops required by branches of local, state or federal government for service to an area such as highway department yard or a City, county or school service center.

Public Use means places of noncommercial public assembly or administrative functions where the primary activity is contained within a building(s), including but not limited to schools and government buildings.

Railroad Spur or Siding means a siding for spotting and unloading or loading boxcars or other railroad cars and which area is connected to a public street by a drive for access.

Railroad Tracks means the right-of-way for railroad tracks, and includes siding, spurs, loading facilities, docks, yards or maintenance areas, and does not include passenger stations.

Recreational vehicle, RV means a unit which contains facilities or equipment either for sleeping or temporary living quarters, or both, and which has its own motive power or is designed to be mounted on or towed by another motor vehicle. The term “recreational vehicle” includes, but is not limited to, a motor home, truck camper, travel trailer and camping trailer; provided, however, that a recreational vehicle does not include a boat, a mobile home, or a manufactured home.

Recreational vehicle park, RV park means any lot, tract or parcel of land used in whole or part to provide facilities or accommodations for two (2) or more recreational vehicles used by transients as living or sleeping quarters for the a periods of time authorized by ordinance, and with or without compensation.

Recreational Vehicles Sales, Service and Rental means sales, leasing and/or rental of new and/or used recreational vehicles or boats, including, as an accessory use, repair work of recreational vehicles and boats.

Recyclable Materials means materials including, but not limited to, scrap steel, aluminum cans, appliances, paper, batteries, glass bottles, motor vehicles, motor vehicle parts and machinery that have no economic value except as composition or salvage material.

Recycling Collection Use means use of property as a location where glass, paper, plastics and/or aluminum cans only are deposited in containers, with no sorting or processing on-site, and usually occurring as an accessory use on the property.

Recycling Operation means the collection, buying, storage, or processing of recyclable materials such as glass, paper, plastics, liquids, wood or metals, which are then sorted or processed for use or shipment for the purpose of reuse and manufacture, excluding smelters and refining operations.

Recycling Operations (Indoor) means a recycling operation which is fully enclosed within permanent walls and roof of a building or, if windows and doors are present, which is capable of enclosure to ensure compliance with the required performance standards in the IN-1 or IN-2 districts as appropriate. The outside storage of recyclable materials in conjunction with the recycling operation inside a building is prohibited in an IN-1 district. A dust collection system may be located outside the main building.

Recycling Operations (Outdoor) means a recycling operation that occurs in the open, or partially within a building and partially in the open.

Regulatory 100-Year Floodplain means the 100-year floodplain as defined by the Federal Emergency Management Act (FEMA).

Religious Assembly means regular organized religious worship or religious education in a permanent or temporary building. The use excludes private primary or secondary educational facilities, community recreational facilities, day care facilities, and parking facilities. A property tax exemption is prima facie evidence of religious assembly use.

Replacement Trees means new landscape trees to be planted by the developer to replace Significant Trees removed during the development of property. A list of approved Replacement Trees can be obtained at the office of the City.

Research services (general) means establishments engaged in research of an industrial or scientific nature not involving or requiring the use of any biological, chemical or other agent that could cause a hazard to adjacent property. Typical uses include electronics research laboratories, and development and testing of computer software packages.

Research services (hazard) means establishments engaged in research of an industrial or scientific nature involving or requiring the use of biological, chemical or other agents capable of causing a hazard to property or persons outside the structure in which conducted.

Reserve Strip means a narrow strip of property usually separating a parcel of land from a roadway or utility line easement, that is characterized by limited depth which will not support development and which is intended to prevent access to the roadway or utility easement from adjacent property and which are prohibited by these regulations unless their control is given to the City.

Restaurant means the use of a site for the preparation and retail sale of food and beverages for on-premises consumption, including the on-premises sale and consumption of alcoholic beverages as an accessory use (must be less than 51 percent of gross sales). The use does not include drive-in or drive-through facilities.

Restaurant, Drive-in or Drive-through means a restaurant which contains a drive-in or drive-through facility, primarily serves food that is prepared and packaged within five (5) minutes and customarily serves food in disposable containers.

Reverse Frontage Lot means a double frontage lot which is to be developed with the rear yard abutting a major street and with the primary means of ingress and egress provided on a minor street.

Right-of-Way means a strip of land occupied or intended to be occupied by street, crosswalk, railroad, road, electric transmission line, or oil or gas pipeline, water main, sanitary or storm sewer main, or for other similar purpose or use. The usage of the term "right-of-way" for land platting purposes shall mean that every right-of-way hereinafter established and shown on the Final Plat is to be separate and distinct from the lots or parcels adjoining such right-of-way and not included within the dimensions or areas of such lots or parcels. Right-of-way intended for streets, crosswalks, water mains, wastewater lines, storm drains, or any other use involving maintenance by a public agency shall be dedicated to the public by the maker of the plat where such right-of-way is established.

Safety services means a facility to conduct public safety and emergency services, including police and fire protection services and emergency medical and ambulance services.

Same Ownership means ownership by the same person, corporation, firm, entity, partnership, or unincorporated association; or ownership by different corporations, firms, partnerships, entities, or unincorporated associations in which a stockholder, partner, or associate or a member of his or her family owns an interest in each corporation, firm, partnership, entity, or unincorporated association.

School, Boarding means facilities offering education services that meet state requirements for primary, secondary, or higher education and provide dormitories, dining facilities, and other accessory uses for the boarding of students.

School, Business or Trade means a school offering instruction and training in a service or art such as a secretarial school, barber college, beauty school, commercial art school, or dance or music school.

School, College or University means an educational institution of higher learning, offering general and specialized courses that are certified by the State Board of Higher Education, or by a

recognized accrediting agency, and that lead to a degree. Facilities may include student dorms or housing, sports facilities, theaters, and maintenance facilities.

School, Public means facilities that are used to provide instruction or education by primary schools or secondary schools that are in a public school district or are institutions of higher education that receive public funding. Does not include trade or business schools.

School, Private or Parochial means an educational institution having a curriculum equivalent to public schools and meets the same license and certification requirements of public schools. A private or parochial school shall not include specialty schools, such as dancing, music, beauty, mechanical, trade swimming, or commercial schools.

Setback, Front means a setback extending the full width of a lot between the street lot line and the front building setback line and establishing the required front yard.

Setback, Rear means a setback extending the full width of the lot in the area between the rear lot line and the rear building setback line and establishing the required rear yard.

Setback, Side means a setback extending the full length of the lot in the area between a side lot line and a side building setback line and establishing the required side yard.

Setback, Streetside means a setback extending the full width of a lot between the street lot line and a side building setback line and establishing the required streetside yard.

Setback Line or Building Setback Line means a line that marks the setback distance from the building property line, and establishes the minimum required front, side or rear yard space of a building plot. No structure, as defined in this section, can be constructed or placed within the setback line or building setback line.

Shooting Range, Indoor means a public or private facility where a pistol, rifle, silhouette, or other similar range is used for discharging firearms for a sporting event, practice, instruction in the use of the firearms or the testing of firearms.

Shopping Center means a composite arrangement of shops and stores which provides a variety of goods and services to the general public, when developed as an integral unit.

Shrub means any self-supporting woody evergreen and/or deciduous species.

Sidewalk means that portion of a street between the curb line and the adjacent property line intended for the use of pedestrians.

Sign means any device or surface on which letters, illustrations, designs, figures, or symbols are painted, printed, stamped, raised, projected, illuminated, or in any manner outlined or attached and used for advertising purposes.

Significant Tree means a living tree that the City desires to preserve to the greatest extent possible. All trees larger than eight inches in caliper are significant trees.

Site Plan means a plan showing the use of the land, to include locations of buildings, drives, sidewalks, parking facilities, temporary and permanent erosion/sedimentation controls, and other structures to be constructed.

Slope means the vertical change in grade divided by the horizontal distance over which that vertical change occurred. The slope is usually given as a percentage.

Smoke Shop or Tobacco Store means any premises dedicated to the display, sale, distribution, delivery, offering, furnishing, or marketing of tobacco, tobacco products, or tobacco paraphernalia; provided, however, that any grocery store, supermarket, convenience store or similar retail use that only sells conventional cigars, cigarettes or tobacco as an ancillary sale shall not be defined as a “smoke shop or tobacco store.” This use includes the display, sale, distribution, delivering, offering, furnishing, or marketing of cannabidiol (CBD) products and paraphernalia.

Stable means an accessory building for quartering horses for private use of the resident when the stable building is set back from all adjacent property lines at least 50 feet, is at least 100 feet from any adjacent residence and when the site contains minimum area of one acre.

Stable, Riding means an accessory building for quartering horses for commercial or private riding lessons, boarding, training or renting of horses when the stable building is set back from all adjacent property lines at least 150 feet, contains a minimum of three acres of land

State Health Department means the Texas Department of Health or the Texas Natural Resource Conservation Commission (TNRCC), as applicable.

Storage and Distribution means an establishment offering wholesaling, storage and warehousing services of non-hazardous materials in enclosed structures.

Story means that portion of a building, other than a cellar, included between the surface of any floor and the surface of the floor next above it or, if there is no floor above it, then the space between the floor and the ceiling next above it.

Street means any public or private right-of-way that affords the primary means of vehicular access to abutting property.

Street Line means that line limiting the right-of-way of the street and being identical with the property line of persons owning property fronting on the streets.

Structural Alterations means any change in the supporting members of a building, such as loadbearing walls or partitions, columns, beams or girders, or any complete rebuilding of the roof or the exterior walls.

Structural Integrity means the ability of a structure to maintain stability against normal forces experienced by said structure.

Structure means any building, or anything constructed or erected on the ground or which is attached to something located on the ground. Structures include, but are not limited to, buildings, telecommunication towers, sheds, and permanent signs. Sidewalks, paving and parking areas shall not be considered structures.

Structure, Principal means a building in which is conducted the principal use(s) of the lot on which it is located or, in a group development, of the building site on which it is located. *Subdivision* means the division or redivision of land into two or more lots, tracts, sites or parcels for the purpose of development, laying out any addition to the City, or for laying out any subdivision or building lots, or any lot, street, alley, access easement, public utility easement, park or other portion intended for use by the public, or for the use of any owner, purchaser, occupant, person or entity.

Swimming Pool (Commercial) means a swimming pool with accessory facilities that is not a part of the municipal or public recreational system or a private swim club and that is available to the general public for a fee.

Swimming Pool (Private) means a swimming pool constructed for the exclusive use of the residents of a single-family, duplex, multi-plex or multifamily dwelling, or other residential dwelling, located and fenced in accordance with City regulations and not operated as a business or maintained in a manner to be hazardous or obnoxious to adjacent property owners.

Temporary Field or Construction Office means a structure or shelter used in connection with a development or building project, for housing on-site the temporary administrative and supervisory functions, and for sheltering employees and equipment, related to the development.

Theater means the use of a site for presentation of plays, motion pictures, or other dramatic performances within a building.

Townhouse means a residential structure consisting of three or more dwelling units sharing one or more wall(s) with an abutting unit, each unit occupying space from ground to roof and having front and rear walls open directly to the outside for access.

Townhouse, Common Lot means a townhouse development having more than one dwelling unit per lot.

Townhouse, Single-Lot means a townhouse development having only one dwelling unit per lot.

Traffic Impact Analysis (TIA) means a study of the impacts of a development on the City's transportation system.

Transportation Terminal means the use of a site for the provision of a facility for the loading, unloading, or interchange of passengers, baggage, or incidental freight or package express between modes of transportation, and includes bus terminals, railroad stations, airport terminals, and public transit facilities.

Tree means any self-supporting woody plant species that normally grows to an overall minimum height of 15 feet.

Tree Survey means a scaled drawing accurately showing the location, Caliper and Critical Root Zone of Significant Trees in relation to the property boundaries.

Truck and Trailer Sales and Rental means a facility offering sales and rental services for commercial trucks, including tractor and trailer units, to the general public. This definition does not include sales of consumer automobiles or trucks, or light duty fleet vehicles such as small trucks and vans.

Truck Stop means a gasoline station also providing major or minor automobile repair to commercial vehicles.

Upholstery Shop means a business establishment engaged in the installation of soft covering material such as fabric and underlayment for furniture and other objects. Except however, with respect to motor vehicles, it shall only include interior upholstering. In no event shall an upholstery shop include the manufacture or building of furniture or other objects.

Urbanization means the process of constructing public improvements required to support suburban or urban land use.

Used automotive parts recycling means the dismantling and reuse or resale of used automotive parts and the safe disposal of salvage motor vehicles or nonrepairable motor vehicles, including the resale of those vehicles.

Utility Services, Minor means the facilities provided by a municipality or a franchised utility company for the distribution or collection of gas, water, surface drainage water, sewage, electric power, telephone or cable service and involving only ground-mounted mechanical equipment.

Utility Services, Major means primary substations, generating plants, water treatment plants, wastewater treatment plants and similar facilities.

Variance means an adjustment in the application of the specific regulations of this ordinance to a parcel of property that, because of special conditions or circumstances peculiar to the parcel, is necessary to prevent the property from being deprived of rights and privileges enjoyed by other parcels in the same vicinity and zoning district.

Vehicle storage facility means a garage, parking lot, or other facility owned or operated by a person or business, other than a governmental entity, for storing or parking ten or more motor vehicles, including motorized waterborne vehicles, per year. This definition does not include businesses with the primary purpose of vehicle sales on the property within the corporate limits of the city, such as automotive dealerships.

Veterinary Services, Large means a use in which large animals such as horses, goats, and livestock are admitted for examination and medical treatment. This use does not include medical care for small animals such as dogs, cats, and birds.

Veterinary Services, Small means a use in which household pets, such as dogs, cats, and birds are admitted for examination and medical treatment, with all activities and work indoors. The use does not include medical care for large animals or livestock.

Vines means any woody or herbaceous plants, which may cling by twining, by means of aerial rootlets or by means of tendrils or which, may simply sprawl over the ground or other plants.

Warehouse means an establishment engaged in the storage of merchandise or commodities in an enclosed structure.

Watershed means area from which stormwater drains into a given basin, river or creek.

Waterway means any natural or man-made channel conducting stormwater from a two-year storm event at a depth of eight inches or more and at a rate of 15 cubic feet per second or more. Street pavement shall in no instance be considered a waterway.

Wireless Transmission Facility (WTF) means an unstaffed facility composed of one or more of the following components: antenna, equipment enclosure, security barrier, and/or communication tower. The facility is used for the transmission and reception of radio, microwave, or electromagnetic signals used for commercial communication by a wireless communication service provider.

Wireless Transmission Facility (WTF), Attached means a wireless transmission facility (WTF) that is attached to a monopole, self-enclosed monopole, building or other permanent structure.

Wireless Transmission Facility (WTF), Monopole means a wireless transmission facility constructed as a freestanding structure which consists of a single vertical pole, fixed into the

ground and/or attached to a foundation with no guy wires, containing one or more externally mounted antennas and associated ground based equipment and supporting utilities.

Wireless Transmission Facility (WTF), Stealth means manmade trees, clock towers, bell steeples, light poles and similar camouflaging designs that camouflage or conceal the presence of antenna or towers.

Working Days means Monday through Friday exclusive of City-recognized holidays.

Yard means a required open space at grade between the building setback lines and the adjoining lot lines, unoccupied and unobstructed by any portion of a structure from the ground upward, except as otherwise provided herein.

Yard, Front means a yard extending across the front of a lot between the side property boundaries and being the minimum horizontal distance between the street easement line and the front setback line. On corner lots the front yard shall be considered as parallel to the street upon which the yard has its least dimension.

Yard, Rear means a yard extending across the rear of a lot and being the required minimum horizontal distance between the rear lot line and the rear setback line.

Yard, Side Exterior means a yard extending from the required front yard to the required rear yard and being the minimum horizontal distance between a side lot line and the side or streetside setback line.

Yard, Side Interior means the minimum spacing distance between two or more structures constructed on a common lot as a single development.

Zero-lot-line lot means a single-family lot that has a side wall along or near one of the lot lines so that a usable yard of a minimum of ten feet from the side lot line to the building line is created on the other side of the lot.

Zoning means the division of a municipality into districts to achieve compatible land use relationships, and the associated establishment of regulations governing the use, placement, spacing and size of land and buildings in order to achieve that compatibility as defined in Chapter 211 of the Texas Local Government Code.

Zoning Map means the official certified map showing the division of the City into districts, which is a part of this zoning ordinance.

Zoning (Spot) means the zoning or rezoning of a lot or parcel of land to benefit an owner for a use incompatible with surrounding uses and not for the purpose or effect of furthering the comprehensive plan.

Zoning (Strip) means, typically, commercial and/or retail zoning proposed to accommodate commercial or retail development, fronting a portion of a major street, usually one lot deep.

Zoo (Private) means a facility housing and displaying live animals, reptiles or birds, privately owned and operated for a fee or for the promotion of some other enterprise.

Zoo (Public) means a publicly owned zoo or similar facility owned and operated by a governmental entity or nonprofit zoological society where live animals, birds and reptiles are domiciled and displayed.

Article 14.02 – Zoning Districts and Regulations

Division I General

Section 14.02.001 - General Requirements and Limitations

- (a) *Conformity to Zoning District Required.* No building shall be erected and no existing buildings 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 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. Furthermore, no open space surrounding any building shall be encroached upon by a structure or reduced in any manner, unless the same shall conform to the regulations hereinafter designated for the District in which such building or open space is located.
- (b) *Signs and Billboards.* No sign or billboard shall be erected, moved, altered, added to, enlarged, painted, or modified unless it shall conform to the provisions of this Ordinance and all applicable City ordinances governing the placement, location, permitting, construction and maintenance of signs. Except as otherwise expressly authorized by ordinance, all off-premises signs and billboards are expressly prohibited.
- (c) *Structures and Buildings.* No building, structure or accessory structure shall be erected, converted or enlarged, nor shall any such existing building or structure be structurally altered or rebuilt, nor shall any open space surrounding any building be encroached upon or reduced in any manner, unless the same shall be done and completed in a manner to comply with all applicable City codes and ordinances, and such work and structure shall:
 - (1) Conform to the setback, building site area, building location and land use regulations hereinafter designated for the district in which such building or open space is located.
 - (2) Not exceed the height limit herein established for the district in which such building is located, except as specifically authorized as follows:
 - (A) The height limits prescribed herein shall not apply to church spires, belfries, monuments, tanks, water and fire towers, stage towers, scenery lofts, cooling towers, ornamental towers and spires, chimneys, elevator bulkheads, smokestacks, necessary

public or private utilities, conveyors, and necessary mechanical appurtenances. The height limits and other applicable regulations for television, radio and communications towers and antennas may be established by separate ordinance.

- (d) *Accessory Structures and Uses.* Accessory structures designed, constructed and located for a use permitted in the district, in compliance with this Ordinance and all other applicable City ordinances, are permitted in each zoning district.
- (e) *Conformity to Construction Plan Requirements.* No structure or building shall be erected, converted, enlarged, reconstructed or structurally altered unless Construction Plans meeting the requirements of this Ordinance have been approved by the City Engineer and/or City Building Official.
- (f) *Conformity to Parking and Loading Space Requirements.* No structure or building shall be erected, converted, enlarged, reconstructed or structurally altered unless it shall conform to the off-street parking and loading requirements of all applicable Ordinances.
- (g) *Conformity to Landscaping and Screening Requirements.* No building or structure shall be erected, converted, enlarged, reconstructed, or structurally altered unless it shall conform to the landscaping and screening requirements of all applicable Ordinances.
- (h) *Conformity to Building Setback Requirements.* No yard or other open space provided around any structure or building for the purpose of complying with provisions of this section shall be considered as providing a yard or open space for a building on any other lot.
- (i) *Outdoor Lighting.* All outdoor lighting shall be installed and maintained in compliance with all applicable City ordinances. Such lighting shall be located and maintained in a manner as to not be directed onto any public street or adjacent property; provided that such lighting may be directed directly down upon a public street as provided for streetlights.
 - (1) *Multifamily and Business.* Outdoor lighting for multifamily, general retail, commercial, office, institutional, and industrial uses will be in accordance with the provisions of all applicable Ordinances and the City building codes. A lighting plan shall be included with the site plan submitted for a building permit.
 - (2) *Residential.* Outdoor lighting on residential property will be installed in accordance with applicable City ordinances. It will be located so as not to be directed directly upon adjoining property or create a nuisance for adjoining property owners. Lighting used for security purposes, which will be operated during night hours will be located as close as is practicable to main dwellings.
- (j) *Height and Placement Requirements.* Except as otherwise specifically provided in this Ordinance, no building shall be erected or maintained within the required building setbacks set forth herein, or which exceeds the height limits specified in this Ordinance.

(k) *Lot Coverage.* The maximum percentage of lot area which may hereafter be covered by the main building(s) and all accessory buildings shall not exceed that set forth in this Ordinance. Open off-street parking and loading areas shall not be considered as lot coverage under this subsection.

(l) *Uses Noncumulative.* Uses within each District are restricted solely to those uses expressly permitted in each District and are not cumulative unless so stated.

(m) *Exceptions.* Nothing in this section shall prohibit the approval of a comprehensive zero-lot-line residential development or other innovative housing development in compliance with the other terms and provisions of this Ordinance.

(n) *Mandated Exceptions.* To the extent required by state or federal law, a Personal Care Facility is an additional permitted use in any zoning district; provided that:

(1) Homes and residential units not designated and constructed in compliance with the ordinance and code requirements applicable to multiple-occupancy residential buildings and nursing homes, shall meet the following requirements:

(A) The structure shall comply with provisions of the Fire Code, Electrical Code and Building Code that are applicable to nursing homes;

(B) There shall be two parking spaces, plus one additional space for each three residents;

(C) There shall be not less than 50 square feet of living space within a sleeping room for each occupant assigned to such room;

(D) There shall be not less than 175 square feet of living area in the structure for each occupant/resident of the structure, and attendant on duty; and

(E) The structure and operations shall comply with the standards established by the Texas Department of Human Services as licensing standards for personal care facilities for a Type B facility. The Home must meet all applicable State licensing requirements;

(F) A Personal Care Facility must have at least one paid staff member on duty 24 hours per day, and one supervisor for each six residents during waking hours;

(G) A Personal Care Facility may not have more than 15 residents.

Section 14.02.002 - Zoning of Annexed Areas

(a) *Interim Zoning District.* All territory hereafter annexed to the City shall be automatically classified as Agricultural District "A", pending subsequent action by the Commission and Council for permanent zoning; provided that upon application, by either the City or the property owner of the land being annexed, for zoning other than Agricultural, notice may be given and hearings held in compliance with Chapter 211 of the Texas Local Government Code

and, upon annexation, such property may be permanently zoned as determined by the City Council after considering the Commission's recommendation.

Section 14.02.003 - Establishment of Zoning Districts

- (a) *The City is hereby divided into 22 zoning districts.* The use, height, and area regulations as set out herein shall be uniform in each district. The districts established shall be known as:

Zoning Districts		
District Name		Prior District Name
Residential Zoning Districts		
Agricultural	A	
Single-Family Estate	SF-E	
Single-Family Suburban	SF-1	R-1
Single-Family Standard	SF-2	R-2
Two-Family Residential	TF	
Townhome	TH	
Multi-Family 15	MF-1	
Multi-Family 25	MF-2	R-3/R-4
Manufactured Home	MH-1	M-1
Manufactured Home Park	MH-2	M-2
Non-Residential Zoning Districts		
Open Space	OS	
Institutional - Small	I-1	I
Institutional - Large	I-2	I
General Office	GO	
Light Commercial	C-1	
Medium Commercial	C-2	

Heavy Commercial	C-3	
Light Industrial	IN-1	
Heavy Industrial	IN-2	
Mixed-Use Zoning Districts		
Neighborhood Business	NB	
Downtown Business	DB	DBD
Planned Unit Development	PUD	

(b) *Zoning Map.* The location and boundaries of the Districts herein established are shown upon the Zoning Map, which is hereby incorporated and made a part of this Ordinance; provided that such uses as listed but not shown on the zoning map are provided for future growth and use upon amendment of the Comprehensive Plan. The City Building Official maintains the Zoning Map together with all notations, references and other information shown thereon and all amendments thereto.

(c) *District Boundaries.* Where uncertainty exists with respect to the boundaries of the established districts as shown on the Zoning Map, the following rules shall apply:

- (1) Where district boundaries are indicated as approximately following the centerlines of streets or highways, street lines or highway right-of-way lines shall be construed to be said boundaries.
- (2) Where district boundaries are so indicated that they approximately follow the lot lines, such lot lines shall be construed to be said boundaries.
- (3) Where district boundaries are so indicated that they are approximately parallel to the centerlines or street lines of streets, or the centerlines of right-of-way lines of highways such district boundaries shall be construed as being parallel thereto and at such distance therefrom as indicated on the Zoning Map. If no distance is given, such dimension shall be determined using the scale on said Zoning Map.
- (4) In subdivided property, the district boundary lines on the Zoning Map shall be determined by use of the scale appearing on the map.
- (5) If a district boundary line divides a property into two parts, the district boundary line shall be construed to be the property line nearest the district line as shown.
- (6) Whenever any street, alley or other public way is vacated by the City Council, the zoning district shall be automatically extended to the center of such vacation and all area included

in the vacation shall then and henceforth be subject to all regulations of the districts as extended.

- (7) Where the streets on the ground differ from the streets shown on the Zoning Map, those on the ground shall control.

Division II Residential Districts

Section 14.02.004 - Residential Zoning Districts

(a) Residential Districts Defined

Residential Districts	Purpose
Agricultural (A)	The Agricultural District is intended to be used principally for agriculture and those other related uses that are an integral part of the agricultural operation. This District is intended to preserve the larger tracts of land for future economic development in accordance with the Master Plan, while in the interim, permitting agricultural uses on the land to continue.
Single-Family Estate (SF-E)	The Single-Family Estate District is intended to establish and preserve areas of low-intensity land use primarily devoted to large lot single-family residential development.
Single-Family Suburban (SF-1)	The Single-Family Suburban District is intended to serve low density, traditional suburban housing types and provided with necessary facilities and services.
Single-Family Standard (SF-2)	The Single-Family Standard District is intended to serve moderately higher density traditional suburban housing types and provided with necessary facilities and services.
Two-Family (TF)	The Two-Family District allows for duplexes or other similar two-unit housing types and should serve as a low to medium density neighborhood providing a transition to more intense land uses.
Townhome (TH)	The Townhome District is intended to establish and preserve areas of medium intensity land use devoted to moderate density residential development with up to 10 units per acre. This district often provides a transition

	between lower intensity residential uses and more intensive uses. Townhouses may be developed in either a common-lot or single-lot (fee simple) configuration.
Multi-Family 15 (MF-1)	The Multi-Family 15 District serves as a low to moderate density multi-family development with up to 15 units per acre and having access off a primary or major thoroughfare and providing a transition to more intense land uses.
Multi-Family 25 (MF-2)	The Multi-Family 25 District serves as a high-density multi-family development with up to 25 units per acre and having access off a major thoroughfare. This district can serve as a buffer to more intense land uses but should not abut single-family districts.
Manufactured Home (MH-1)	The Manufactured Home District is intended to provide for individual lots with a single manufactured dwelling unit per lot.
Manufactured Home Park (MH-2)	The Manufactured Home Park District allows for a lot to be held under single ownership with spaces rented or leased to individual tenant occupants. Parks must consist of at least 20 dwelling units.

Section 14.02.005 Residential Land Use Table

(a) Residential Land Uses in Residential Zoning Districts

Residential Uses	Zoning Districts									
	A	SF-E	SF-1	SF-2	TF	TH	MF-1	MF-2	MH-1	MH-2
Assisted Living							P	P		
Community Home		C	C	C					C	C
Condominium					P	P	P	P		
Manufactured Home									P	P

Multi-Family							P	P		
Nursing Home							P	P		
Single Family Attached (2 units)					P					
Single Family Attached (3 or more units)						P	P	P		
Single Family Detached	P	P	P	P						

(b) Non-Residential Land Uses in Residential Zoning Districts

Non-Residential Uses	Zoning Districts									
	A	SF-E	SF-1	SF-2	TF	TH	MF-1	MF-2	MH-1	MH-2
Agricultural	C	C	C	C					C	
Amenity Center		C	C	C	C	C	P	P	C	C
Bed and Breakfast	C/S	C/S	C/S	C/S						
Campground	S									
Child Care Center (Small)	S	S	S	S	S	S				
Golf Course/Country Club	P	P	P	P						
Government Facilities	P	P	P	P	P	P	P	P	P	P
Home Occupation	C	C	C	C	C	C	C	C	C	C
Kennel	C									
Park/Playground	P	P	P	P	P	P	P	P	P	P
Religious Assembly	P	P	P	P	P	P	P	P	P	P
School, Private or Parochial	S	S	S	S	S	S	S	S	S	S
School, Public	P	P	P	P	P	P	P	P	P	P

Utility Services, Minor	P	P	P	P	P	P	P	P	P	P
Wireless Transmission Facilities (WTF), Attached	C/S						C/S	C/S		
Wireless Transmission Facilities (WTF), Monopole	C/S						C/S	C/S		
Wireless Transmission Facilities (WTF), Stealth	C/S	C/S	C/S	C/S	C/S	C/S	C/S	C/S	C/S	C/S

Section 14.02.006 Residential Land Use Conditions Table

Residential Land Use	Conditions
Agriculture	<ul style="list-style-type: none"> • See Article 2.04 General Regulations for Keeping Animals. • In residential zones (SF-E, SF-1, SF-2, MH-1) no more than 30% of a property can be dedicated to agricultural uses.
Amenity Center	<ul style="list-style-type: none"> • Must take access from at least one collector or arterial street. • The pool and all buildings must be located at least 100 feet from all residential property lines.
Bed and Breakfast	<ul style="list-style-type: none"> • A maximum of six guest rooms shall be provided in any one bed and breakfast establishment. • No food preparation, except beverages, is allowed within individual guest rooms. • Meal service shall be provided to overnight guests only. • Preparation and service of food for guests shall conform to all applicable regulations of the state and the city.
Community Home	<ul style="list-style-type: none"> • Community homes of up to six residents are permitted by right in the SF-E, SF-1, SF-2, MH-1 and MH-2 districts, subject to review and confirmation of spacing by Development Services staff.

	<ul style="list-style-type: none"> • New group homes must be placed at least 750 ft. from other established group homes. • Appearance and residential character of the structure cannot be altered, either through use of colors, materials, construction (except provisions for the physically handicapped) and lighting; emission of sound, noise, vibration and electromagnetic interference; or outdoor storage. • Signs identifying the property as a group home are prohibited. • Safehouses and shelters for victims of domestic violence are exempt from review and spacing standards for group homes.
Home Occupation	<ul style="list-style-type: none"> • See Section 14.01.008 Definitions for Home Occupation
Kennel	<ul style="list-style-type: none"> • See Article 2.03 Kennels and Multiple Animal Ownership. • Additional conditions for kennels established adjacent to residential areas: • Animals must be kept in a clean, safe and humane environment. • Boarding and activity areas must be located where they will have minimal impact on nearby residential areas. • Noise and odor cannot be more significant than what would be expected for a normal resident with a companion animal.
Wireless Transmission Facilities (Attached, Monopole, Stealth)	<ul style="list-style-type: none"> • See Article 15.06 Wireless Transmission Facilities • Wireless Transmission Facilities in residential zones (SF-E, SF-1, SF-2, TF, TH, MH-1, MH-2) only permits attached stealth facilities on non-residential structures such as, but not limited to, amenity centers, religious assembly buildings, governmental facilities, and public, private or parochial schools. • Exempted from minimum lot sizes.

Section 14.02.007 Residential Development Standards

(a) General development regulations for Single Family districts, Manufactured Home districts, and Agricultural district.

Residential Regulations	A	SF-E	SF-1	SF-2	MH-1	MH-2
Minimum Lot Area	5 Acres	½ Acre	8,750 SF	7,500 SF	7,200 SF	5 Acres
Minimum Lot Width Corner Lots + 10'	200'	90' (1)	70' (1)	60' (1)	60' (1)	200'
Front Setback	25'	30'	25'	25'	25'	25'
Interior Side Setback	NA	NA	NA	NA	NA	20'
Exterior Side Setback to Residential	20' Single family 50' Agricultural Structures	15'	7.5'	7.5	7.5	20'
Exterior Side Setback to Non-Residential	25'	30'	10'	10'	10'	20'
Streetside Setback	15'	15'	15'	15'	15'	15'
Rear Setback to Residential	20' Single family 50' Agricultural Structures	20'	20'	10'	10'	20'
Rear Setback to Non-Residential	25'	30'	25'	15'	15'	25'

Maximum Height	35'	35'	35'	35'	25'	25'
Maximum Principle Structure Lot Coverage	40%	40%	40%	40%	40%	40%
Max. Principle and Accessory Structure Lot Coverage	50%	50%	50%	50%	50%	50%
Minimum Dwelling Unit Size	1,700 SF (2)	2,000 SF (2)	2,000 SF (2)	1,700 SF (2)	650 SF	650 SF
Maximum Dwelling Units	1	1	1	1	1	8/Acre
Maximum Units per Structure	1	1	1	1	1	1

(b) General development regulations for Two-Family district, Townhome district, Multi-family districts, and Planned Unit Development district.

Residential Regulations	TF	TH	MF-1	MF-2
Minimum Lot Area	8,750 SF	3,000 SF per unit single lot ½ Acre common lot	10,000 SF	1 Acre
Minimum Lot Width Corner Lots + 10'	70' (1)	30' single lot (1) 125' common lot	100'	200'
Front Setback	25'	25'	20'	20'
Interior Side Setback	NA	0' attached 15' detached	15'	15'

Exterior Side Setback to Residential	7.5'	10'	1-story: 25' 2-story: 50' 3-story: 80'	1-story: 25' 2-story: 50' 3-story: 80'
Exterior Side Setback to Non-Residential	10'	15'	25'	25'
Streetside Setback	15'	15'	15'	15'
Rear Setback to Residential	20'	20'	1-story: 25' 2-story: 50' 3-story: 80'	1-story: 25' 2-story: 50' 3-story: 80'
Rear Setback to Non-Residential	25'	25'	25'	25'
Maximum Height	35'	35'	45'	45'
Maximum Principle Structure Lot Coverage	50%	50%	40%	40%
Max. Principle and Accessory Structure Lot Coverage	60%	60%	50%	50%
Minimum Dwelling Unit Size	1,500 SF (2)	1,500 SF (2)	1,000 SF (2)	1,000 SF (2)
Maximum Dwelling Units	2	12/Acre	15/Acre	25/Acre
Maximum Units per Structure	2	6	NA	NA

(c) Residential Development Standards Table Notes

- (1) Cul-de-sac lot widths shall be measured at the building setback line and be equal to the minimum lot width.
- (2) For every ten percent (10%) of total exterior façade area that is masonry, one hundred (100) square feet of unit size can be reduced up to five hundred (500) square feet. Total

exterior façade area does not include the area of windows and doors. Masonry is considered stone, brick, or cement stucco, and excludes cementitious planking.

(A) SF-1 and SF-2 lots platted prior to effective date of this Ordinance and having 5,750 square feet or less of area have minimum dwelling unit sizes of 1,700 sf and 1,500 sf, respectively.

- (3) On approval by the Commission, SF-1 and SF-2 lots platted prior to 1980 having approximately 5,750 square feet of lot area may request approval of reduced setbacks from one or more of the setback requirements for the zoning district. The Commission shall consider the adjoining lot uses to determine whether reduction of the setback requirements is appropriate. Upon approval of building plans, the setbacks may be not less than five-foot (5') side yard, ten foot (10') rear yard, fifteen foot (15') street side yard setback and twenty foot (20') front yard setback. Lots owned by the same person may be combined into one building site.

(d) Setback Encroachments

- (1) Driveways and vehicular use areas.
- (2) Fences and walls.
- (3) Stairways, balconies, covered porches, mechanical equipment, bay or box windows or other building extensions approved by the Building Official that do not intrude more than six (6) feet into the rear or street setback, provided they remain outside of all easements.
- (4) A private, single-family swimming pool may have the edge of water located no closer than three (3) feet to a rear or side property line, provided the pool remains outside of all easements.
- (5) With the exception of the provision listed above every part of a required setback or court shall be open from its lowest point vertically to the sky, unobstructed, except for the ordinary projections of sills, belt courses, cornices, chimneys, buttresses, ornamental features, and eaves.
- (6) Rain barrels, cisterns and solar panels may be no closer than two (2) feet from the property line.
- (7) Accessory buildings may encroach into required setbacks according to Table 7(A). In no case shall an accessory building encroach into a drainage or public utility easement.

(A) Residential Accessory Building Setback Table

Type of Accessory Building	Distance from Property Boundary			
	Street	Rear	Side	Street Side

Detached Garage	25'	7.5'	5'	15'
Accessory Structures 120 sf and over, excluding detached garage	25'	7.5'	5'	15'
Accessory Structure under 120 sf	25'	5'	5'	5'

Division III Non-Residential and Mixed-Use Districts

Section 14.02.008 Non-Residential and Mixed-Use Districts Defined

(a) Non-Residential Districts

Non-Residential Districts	Purpose
Open Space (OS)	The Open Space District is a tract of land provided as a general benefit for the community. Common open space must be usable for recreational purposes or must provide visual, aesthetic and environmental amenities. The uses authorized for the common open space should be appropriate to the scale and character of the surrounding development considering its size, density, expected population, topography, and the number and type of dwellings to be provided.
Institutional – Small (I-1)	The Institutional Small District is intended to provide appropriate areas for uses that provide important community services but do not generate large volumes of traffic and the principle structure is typically less than 15,000 square feet.
Institutional – Large (I-2)	The Institutional Large District is intended to provide appropriate areas for uses that provide important community services often requiring large amounts of land and generate heavier traffic volumes necessitating the need to be along major arterials. This use also includes the provision of major utility services.
General Office (GO)	The General Office District is established to provide for office buildings and businesses that support large office complexes. This district permits uses that serve the community as a whole and provides regional employment opportunities. This district should be located along arterial roadways; it can also provide for transitional uses between neighborhoods and more intensive commercial and regional activities.

Light Commercial (C-1)	The Light Commercial District allows a mix of low-intensity commercial uses that are intended to serve a larger area of the community than NB uses. Light Commercial uses should be located along or at the intersections of major roadways.
Medium Commercial (C-2)	The Medium Commercial District is intended for moderately dense commercial development, such as large-format retailers and malls, serving local and regional needs. Medium Commercial uses should be located along or the intersections of major roadways to accommodate the traffic generated.
Heavy Commercial (C-3)	The Heavy Commercial District allows for a mix of large-format commercial uses and Light Industrial uses and is intended to serve as employment centers for the community and region. Heavy Commercial uses should have direct frontage along major highways.
Light Industrial (IN-1)	The Light Industrial District is intended for lower intensity assembly, manufacturing, research, or warehousing uses and where the main functions of the use occur indoors. Limited outdoor storage and display is permitted. Light Industrial uses should be located along major roadways, but not directly along US Hwy 290.
Heavy Industrial (IN-2)	The Heavy Industrial District is intended for large-scale, intense industrial uses that generate high traffic volumes, can operate with multiple shifts, utilized heavy machinery indoors or outdoors, and can cause excessive noise, dust, light, or vibrations. This district should be located away from residential uses and along major roadways, but not directly along US Hwy 290.

(b) Mixed-Use Districts

Mixed-Use Districts	Purpose
Neighborhood Business (NB)	The Neighborhood Business Districts is intended as a low-intensity mix of commercial and residential uses,

	excluding single-family residential and manufactured home residential, and being located at or near single-family and multifamily residential development and along a primary collector or greater roadway. Building scale and site development should be cohesive with adjacent residential. This district can serve as a transition to more intense commercial uses.
Downtown Business (DB)	The Downtown Business district allows the retail sale of goods, products, and services to which value may have been added on-site. This district encourages dense development in an area that may be served by public transportation and serve as a destination area.
Planned Unit Development (PUD)	The Planned Unit Development District shall include and allow for compatible mixed uses such as residential, commercial and/or industrial within a single project boundary. The district provides for flexible design requirements that conserve, develop, protect and utilize to their best use the natural resources of the area in a manner that ensures a safe, orderly and healthy development.

Section 14.02.009 Non-Residential and Mixed-Use Districts Land Use Table

(a) Residential Land Uses in Non-Residential and Mixed-Use Zoning Districts

Residential Uses	Zoning Districts										
	OS	I-1	I-2	GO	NB	DB	C-1	C-2	C-3	IN-1	IN-2
Assisted Living		P	P								
Condominium					C	C					
Nursing Home		P	P								
Multi-Family					C	C					

(b) Non-Residential Uses in Non-Residential and Mixed-Use Zoning Districts

Non-Residential Uses	Zoning Districts										
	OS	I-1	I-2	GO	NB	DB	C-1	C-2	C-3	IN-1	IN-2
Adult Day Care		P	P					P	P		
Adult-Oriented Use									C/S	C/S	
Alcoholic Beverage Establishment					S	P	P	P	P		
Amusement (Indoor)							C	C	C		
Amusement (Outdoor)								C	C		
Antique Shop					P	P	P	P	P		
Art Studio or Gallery		P	P		P	P	P	P	P	P	
Automobile Repair (Major)								C	C	C	C
Automobile Repair (Minor)							P	P	P	P	
Automobile Sales and Rental								C	C		
Automobile Washing								C	C		
Brewery, Micro								P	P	P	P
Brewery, Regional									P	P	P
Brewpub						P	P	P	P		
Business Support Services					P	P	P	P	P		
Campground	S	S	S								
Cemetery	S	P	P								
Child Care Center (Intermediate)		P	P	P	P	P	P	P	P		
Child Care Center (Large)		P	P	P	P	P	P	P	P		
Club or Lodge		P	P	P	P	P	P	P	P		

Commercial Off-Street Parking						C	C	C	C		
Communication Services or Facilities				P			P	P	P	P	
Construction and Equipment Sales (Major)									P	P	
Construction and Equipment Sales (Minor)								P	P	P	
Construction Services								C	C	C	C
Consumer Repair Services					P	P	P	P	P		
Contractor's Shop								P	P	P	
Data Center				P					P	P	
Day Camp	S	P	P								
Distillery, Micro								P	P	P	P
Distillery, Regional									P	P	P
Event Center		P	P		C/S	C/S	C/S	P	P		
Financial Services				C	C	C	C	C	C		
Financial Services, Alternative								C	C		
Florist					C	C	C	C	C		
Food Court Establishment								C/S	C/S	C/S	
Food Preparation						C	C	C	C	C	C
Food Sales					C	C	C	C	C		
Funeral Services		C	C		C	C	C	C	C	C	C
Game Room								C/S	C/S	C/S	

Gasoline Station (Full-Service)								C	C		
Gasoline Station (Limited)					C/S		C/S	C	C		
General Retail Sales (Convenience)				P	P	P	P	P	P		
General Retail Sales (General)					P	P	P	P	P		
Golf Course/Country Club	S										
Governmental Facilities	P	P	P	P	P	P	P	P	P	P	P
Hospital Services		P	P	P							
Hotel					C/S	C	C	C	C		
Industrial Use, Light									P	P	
Industrial Use, Heavy											P
Kennel								C	C	C	
Laundry Services								P	P	P	P
Laundry Services (Self)					P	P	P	P	P		
Liquor Sales					P	P	P	P	P		
Medical Clinic		P	P	P	P	P					
Metal Recycling Entity											C
Mini-Storage Warehouse								C	C	C	
Offices, Government		P	P	P	P	P	P	P	P	P	P
Offices, Medical		P	P	P	P	P					
Offices, Professional		P	P	P	P	P					
Offices, Showroom									P	P	
Offices, Warehouse									C	C	C

Off-Site Accessory Parking		P	P	P		P	P	P	P	P	P
Pawnshop								C/S	C/S	C/S	
Personal Improvement Services					P	P	P	P	P		
Personal Services					P	P	P	P	P		
Printing and Publishing				C	C	C	C	C	C		
Product Development Services (General)				P					P	P	
Product Development Services (Hazard)											P
Recreational Vehicle Park								C/S	C/S		
Recreational Vehicle Sales, Service, and Rental								C	C	C	
Recycling Operation (Indoor)										P	P
Recycling Operation (Outdoor)											C
Religious Assembly	P	P	P	P	P	P	P	P	P	P	P
Research Services (General)				P					P	P	
Research Services (Hazard)											P
Restaurant				P	P	P	P	P	P		
Restaurant – Drive In or Drive Through							C	C	C		
School, Boarding		P	P				P	P	P		
School, Business or Trade		P	P				P	P	P		
School, College or University		P	P					P	P		

School, Private or Parochial		P	P				P	P	P		
School, Public		P	P				P	P	P		
Shooting Range, Indoor									P	P	
Smoke Shop or Tobacco Store								P	P		
Theater							P	P	P		
Transportation Terminal								C	C	C	C
Truck and Trailer Sales and Rental								C	C	C	
Truck Stop									P	P	
Utility Services, Major			C							C	C
Utility Services, Minor	P	P	P	P	P	P	P	P	P	P	P
Vehicle Storage Facility									C	C	
Veterinary Services, Large								C	C		
Veterinary Services, Small					C	C	C	C	C		
Wireless Transmission Facilities (WTF), Attached	C	C	C	C	C/S	C/S	C	C	C	C	C
Wireless Transmission Facilities (WTF) Monopole	C/S	C/S	C/S	C/S			C/S	C/S	C/S	C/S	C/S
Wireless Transmission Facilities (WTF), Stealth	C	C	C	C	C/S	C/S	C	C	C	C	C
Zoo, Private								P	P		

Section 14.02.010 Non-Residential and Mixed-Use District Conditions

Non-Residential and Mixed-Use Districts	Conditions
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Institutional Small (I-1)	<ul style="list-style-type: none"> • Uses be conducted entirely within an enclosed building except for customary outdoor recreational uses and off-site accessory parking.
Institutional Large (I-2)	<ul style="list-style-type: none"> • Uses be conducted entirely within an enclosed building except for customary outdoor recreational uses and off-site accessory parking.
Light Commercial (C-1)	<ul style="list-style-type: none"> • Uses be conducted entirely within an enclosed building except for delivery, gasoline sales, dining and patio areas associated with a restaurant, food and beverage sale use, and mobile food vendors • Outdoor displays must be in accordance with Section 14.02.020 • Merchandise be new, first-hand and sold on premises, except for antique shops. • Establishments located on property that is within 300 feet of any property zoned for residential use when the commercial use is first established may not be open to the general public before 5:00 a.m. and must be closed to the general public by 12:00 a.m. except for commercial uses located on US Hwy 290.
Medium Commercial (C-2)	<ul style="list-style-type: none"> • Uses be conducted primarily within an enclosed building except for customary outdoor uses on an area that is improved with concrete, asphalt, or another all-weather surface. • Outdoor displays and storage must be in accordance with Section 14.02.020
Heavy Commercial (C-3)	<ul style="list-style-type: none"> • Uses be conducted primarily within an enclosed building except for customary outdoor uses on an area that is improved with concrete, asphalt, or another all-weather surface. • Outdoor displays and storage must be in accordance with Section 14.02.020
Light Industrial (IN-1)	<ul style="list-style-type: none"> • Uses be conducted primarily within an enclosed building except for customary outdoor uses on

	<p>an area that is improved with concrete, asphalt, or another all-weather surface.</p> <ul style="list-style-type: none"> • Outdoor displays and storage must be in accordance with Section 14.02.020
Heavy Industrial (IN-2)	<ul style="list-style-type: none"> • Uses be conducted primarily within an enclosed building except for customary outdoor uses on an area that is improved with concrete, asphalt, or another all-weather surface. • Outdoor displays and storage must be in accordance with Section 14.02.020
Neighborhood Business (NB)	<ul style="list-style-type: none"> • Uses be conducted entirely within an enclosed building except for delivery, gasoline sales, dining and patio areas associated with a restaurant, food and beverage sale use. • Outdoor displays and storage must be in accordance with Section 14.02.020 • Merchandise be new, first-hand and sold on premises, except for antique shops. • Establishments located on property that is within 300 feet of any property zoned for residential use when the commercial use is first established may not be open to the general public before 5:00 a.m. and must be closed to the general public by 12:00 a.m. except for commercial uses located on US Hwy 290.
Downtown Business (DB)	<ul style="list-style-type: none"> • Uses be conducted entirely within an enclosed building except for delivery, gasoline sales, dining and patio areas associated with a restaurant, food and beverage sale use. • Outdoor displays and storage must be in accordance with Section 14.02.020 • Merchandise be new, first-hand and sold on premises, except for antique shops. • Establishments located on property that is within 300 feet of any property zoned for residential use when the commercial use is first established may not be open to the general public before 5:00 a.m. and must be closed to

	the general public by 12:00 a.m. except for commercial uses located on US Hwy 290.
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Section 14.02.011 Non-Residential and Mixed-Use Land Use Conditions

Non-Residential and Mixed-Use Land Uses	Conditions
Adult-Oriented Uses	<ul style="list-style-type: none"> • See Article 4.10 Adult-Oriented Businesses
Amusement (Indoors)	<ul style="list-style-type: none"> • The discharge of firearms is prohibited.
Amusement (Outdoors)	<ul style="list-style-type: none"> • Outdoor recreation facilities next within 300 ft. of residential zoning districts, places of residence such as nursing homes and extended care facilities, and lodging establishments must meet the following conditions: • Must be screened and buffered to minimize their impact. • May operate only between 9:00 AM and 9:00 PM. • Cannot have loudspeakers or equipment that emits audible signals such as beeps, buzzers and bells that would be audible off the site.
Automotive Repair (Major)	<ul style="list-style-type: none"> • All activities shall be conducted within an enclosed building. • All damaged vehicles shall be enclosed behind a minimum six-foot screening fence. • Buildings shall not be less than 100 feet from the boundary of any SF-E, SF-1, SF-2, TF, TH, MF-1, MF-2, MH-1 and MH-2 district. • No facilities shall be permitted to have bay doors facing an SF-E, SF-1, SF-2, TF, TH, MF-1, MF-2, MH-1 and MH-2 district.
Automotive Sales and Rental	<ul style="list-style-type: none"> • Repairs shall be performed only within a principal building. • Screening shall be provided along all lot lines abutting or adjacent to residentially zoned or developed property, to block any view of the use, its operations and stored materials and equipment from all points on such residential property when viewed from a point six feet above ground level.

	<ul style="list-style-type: none"> • Outdoor display of vehicles shall be set back a minimum of 20 feet from all lot lines abutting residentially zoned or developed property. • Automobiles displayed for sale or rent or stored before or after repairs shall have all four wheels parked on a paved area.
Automobile Washing	<ul style="list-style-type: none"> • Automatic or full-service only. • There are no more than three (3) car washing bays. • All mechanical equipment, excluding vacuum units is enclosed within a building. • The building shall not be less than 100 feet from any residential property line. • The entrance and exit of the bay shall face as few residential properties as possible. • All facilities are designed and configured such that any outdoor spraying preparation or drying activities are directed away from any abutting residential district. • Bay access is oriented to prevent headlights from shining onto any street or abutting a residential district. • If self-service vacuums are provided, a minimum of one (1) parking space per vacuum is required, which will not interfere with site circulation, driveways, or fire lanes. • Access is taken from a collector or higher classification roadway.
Commercial Off-Street Parking	<ul style="list-style-type: none"> • Trucks, truck-tractors, and semi-trailers may not be parked in commercial off-street parking lots except for panel trucks, pickup trucks, school buses and those motor vehicles necessary and accessory to the operation of uses permitted in the zoning district. • No commercial off-street parking lot may be used as a towing service storage yard or as a vehicle storage yard.
Condominium	<ul style="list-style-type: none"> • Permitted only as part of mixed-use buildings with ground floor commercial uses and residential uses on a second floor or in the rear of the building. • Residential uses shall be accessed separately from the commercial uses
Construction Services	<ul style="list-style-type: none"> • Liquids, gels, and pastes (e.g., paints, sealers, etc.) are stored only in enclosed buildings. • There is no storage of explosives. • There is storage of no more than 50 gallons of motor fuel.

	<ul style="list-style-type: none"> There is no disposal of inoperable machines or wastes on-site.
Event Center	<ul style="list-style-type: none"> Event Centers in Neighborhood Business (NB) and Downtown Business (DB) districts are limited to 10,000 sf, unless modified by a Specific Use Permit. Event Centers in Light Commercial (C-1) are limited to 25,000 sf, unless modified by a Specific Use Permit In Neighborhood Business (NB), Downtown Business (DB), and C-1 Light Commercial outdoor activities can occur between 8:00 a.m. and 10:00 p.m. when located within 300 feet of a residential use, unless modified by a Specific Use Permit.
Financial Services	<ul style="list-style-type: none"> Drive-through facilities are prohibited in the Neighborhood Business (NB) and Downtown Business (DB) districts. Drive-through facilities are not adjacent to or within 100 feet of a residential zoning district.
Financial Services, Alternative	<ul style="list-style-type: none"> Every portion of the boundary of the site in which the use is located (subject site) shall be a minimum of seven hundred fifty (750) feet from the nearest property line of all of the following uses: <ol style="list-style-type: none"> Any other alternative financial service institution Residential use or district School, public or private Religious Assembly For the purposes of this section, the measurement of the 750-foot distance shall be made in a straight line, without regard to intervening structures or objects, from the nearest portion of the property line of the subject site to the nearest portion of the property line of an existing alternative financial service, residential use or district, school or religious assembly. In addition, the measurement of the 750-foot distance shall also include existing alternative financial service, residential use or district, school or religious assembly that are located in an adjoining city or unincorporated area and that are within 750-foot distance of the nearest property line of the subject site.
Florist	<ul style="list-style-type: none"> In Neighborhood Business (NB), Downtown Business (DB), and Light Commercial (C-1) greenhouses are prohibited.

	<ul style="list-style-type: none"> • The area containing the plants and other accessory materials or products, e.g. soil, mulch, sod, pots and containers, etc., is enclosed within a fenced area. • Stacked materials do not exceed the height of a screening fence. • Where permitted, greenhouses are placed to the rear of the property.
Food Court Establishments	<ul style="list-style-type: none"> • Food Court Establishments shall only be permitted along an arterial roadway. • Food Court Establishments shall only be permitted on a property having frontage on two rights-of-way or having sufficient lot width to accommodate two driveways meeting current transportation criteria for the City of Manor. • Food Court Establishments are not permitted within 300 feet of any property that permits a residential use. • Facilities providing for permanent seating, including picnic tables, canopies, restrooms, and dumpster enclosures shall be provided as required by the City of Manor City Council. • Access must be approved by any right-of-way authority with jurisdiction to approve right-of-way access. • There shall be on-premise parking areas sufficient to accommodate staffing needs and required seating areas. • Parking areas must be an improved surface area which may consist of decomposed granite or similar construction. • Proposed parking areas may not interfere with any existing commercial activities to include parking already being conducted upon the property. • Food Court Establishments are not permitted within 500 feet of any other authorized and permitted Food Court Establishment. A site plan shall be submitted with the Specific Use Permit application indicating mobile food units and other structure locations, including but not limited to restroom facilities, dumpster enclosures, on-premise parking, and other structures such as site-built canopies or other shelters.

	<ul style="list-style-type: none"> • Only mobile food units that hold valid permits from the Austin Public Health Services Division and the City of Manor may be located in a Food Court Establishment. • Food Court Establishments shall comply with the approved site plan, applicable local and state regulations, and any other conditions of the Specific Use Permit.
Food Preparation	<ul style="list-style-type: none"> • All food preparation occurs fully within an enclosed building • Limited to 10,000 square feet in Downtown Business (DB) and 15,000 square feet in Light Commercial (C-1).
Food Sales	<ul style="list-style-type: none"> • Limited to 24,000 square feet in the Neighborhood Business (NB) district. • In all permitted districts, only Gas Station Limited uses allowed as an accessory use. • Gasoline sales must follow all conditions for Gas Station Limited sales and obtain Specific Use Permits where applicable for the district.
Funeral Services	<ul style="list-style-type: none"> • Cremation services shall be prohibited.
Game Room	<ul style="list-style-type: none"> • See Article 4.06 Game Rooms and Amusement Redemption Machines
Gas Station, Full Service	<ul style="list-style-type: none"> • Permitted only within 200 feet of the right-of-way lines of intersecting streets. • Permitted at a maximum of two corners at an intersection of two arterial streets; and a maximum of one corner of an intersection with a collector or local street. • In the Neighborhood Business (NB) and Light Commercial (C-1) district, gas pumps are limited to no more than eight vehicles obtaining fuel simultaneously, unless reduced by a Specific Use Permit. • Air and vacuum facilities must be a minimum of at least 100 feet from a residential use. • Permits only automotive repair (minor) uses

	<ul style="list-style-type: none"> Automobile Washing facilities shall follow conditions of that use
Gas Station, Limited	<ul style="list-style-type: none"> Permitted only within 200 feet of the right-of-way lines of intersecting streets. Permitted at a maximum of two corners at an intersection of two arterial streets; and a maximum of one corner of an intersection with a collector or local street. In the Neighborhood Business (NB) and Light Commercial (C-1) district, gas pumps are limited to no more than eight vehicles obtaining fuel simultaneously, unless reduced by a Specific Use Permit. Air and vacuum facilities must be a minimum of at least 100 feet from a residential use.
Hotel	<ul style="list-style-type: none"> External balconies must be set back at least 200 feet from any residential zoning district. Must provide staff on-site 24 hours a day. All guest rooms must be accessed through internal hallways, lobby, or courtyard. Must provide at least three amenities from the list below: <ol style="list-style-type: none"> Indoor/Outdoor Pool Spa/Sauna Weight Room/Fitness Center Playground Sports Court Plaza/Atrium Game Room Jogging Trail Conference Room (1,000 square foot minimum) Full-service restaurant (minimum seating capacity of 35)
Kennel	<ul style="list-style-type: none"> See Article 2.03 Kennels and Multiple Animal Ownership. Additional conditions for kennels established adjacent to residential areas: Animals must be kept in a clean, safe and humane environment.

	<ul style="list-style-type: none"> • Boarding and activity areas must be located where they will have minimal impact on nearby residential areas. • Noise and odor cannot be more significant than what would be expected for a normal resident with a companion animal.
Metal Recycling Entity	<ul style="list-style-type: none"> • See Article 4.09 Used Automotive Parts Recyclers, Boat Salvage Yards, Vehicle Storage Facilities, and Metal Recycling Entities
Mini-Storage Warehouse	<ul style="list-style-type: none"> • The site is a minimum of four (4) acres, which includes an office, enclosed individual self-storage lease space, and may include a caretaker residence and outdoor parking lease spaces for boats, RVs, trucks, and trailers, excluding storage of wrecked or inoperable vehicles, comprising no more than 20 percent of the gross site area. • Any buildings with exterior access to the storage facilities do not exceed 12 feet in height, which may be increased to 16 feet for buildings built solely for boats and recreational vehicles. • Any buildings with interior access to the storage facilities have a maximum height of 30 feet. • Individual storage units cannot exceed 2,000 cubic feet, excluding units used to store boats, RVs, trucks, and trailers. • A six (6) foot privacy fence encloses the entire area that includes the self-storage use, with exception of the office and its customer and employee parking. • Any outdoor storage/parking of boats, RVs, trailers, etc. is located a minimum of 20 feet from any property line. • If a caretaker residence is part of the use, it is in connection with the office at the entry to the development and is: <ol style="list-style-type: none"> 1. A minimum of 800 square feet. 2. Has a pitched roof. 3. Has a maximum height of 30 feet. • See Article 4.09 Used Automotive Parts Recyclers, Boat Salvage Yards, Vehicle Storage Facilities, and Metal Recycling Entities

Multi-Family	<ul style="list-style-type: none"> • Permitted only as part of mixed-use buildings with ground floor commercial uses and residential uses on a second floor or in the rear of the building. • Residential uses shall be accessed separately from the commercial uses
Offices, Warehouse	<ul style="list-style-type: none"> • It is not located within 600 feet from the lot line of a residential district measured along a straight line between the closest district boundary lines. • Truck bays and loading docks are located perpendicular to the public right-of-way and on an interior side or rear elevation of the building, provided they do not abut a street or highway or a residential district. • Access is taken from a collector or higher classification roadway.
Pawnshop	<ul style="list-style-type: none"> • Every portion of the boundary of the site in which the use is located (subject site) shall be a minimum of seven hundred fifty (750) feet from the nearest property line of all of the following uses: <ol style="list-style-type: none"> 1. Any other pawnshop 2. Residential use or district 3. School, public or private 4. Religious Assembly • For the purposes of this section, the measurement of the 750-foot distance shall be made in a straight line, without regard to intervening structures or objects, from the nearest portion of the property line of the subject site to the nearest portion of the property line of an existing pawnshop, residential use or district, school or religious assembly. • In addition, the measurement of the 750-foot distance shall also include existing pawnshop, residential use or district, school or religious assembly that are located in an adjoining city or unincorporated area and that are within 750-foot distance of the nearest property line of the subject site.
Printing and Publishing	<ul style="list-style-type: none"> • The use may not exceed 2,500 square feet of gross floor area in NB and DB districts • The wholesale distribution of goods is prohibited.
Recreational Vehicle Park	<ul style="list-style-type: none"> • See Article 4.10 Recreational Vehicle Parks

Recreational Vehicle Sales and Rental	<ul style="list-style-type: none"> • The areas used for sale, rental and interim storage areas must be wholly enclosed within a structure or otherwise fully screened from view from adjacent residential areas, public rights-of-ways, and parkland.
Recycling Operation (outdoor)	<ul style="list-style-type: none"> • The facility shall be visually screened from any adjacent roadways, residential districts and any other nonindustrial uses by an eight-foot perimeter fence. • All recycling bins shall be enclosed behind a minimum eight (8) foot screening fence. • All manufacturing or production of goods or energy from solid, liquid or sanitary waste or recycled materials shall be conducted in an enclosed building. • Accessory buildings shall be set back more than 100 feet from single-family and two-family lots • See Article 4.09 Used Automotive Parts Recyclers and Boat Salvage Yards for specific use conditions.
Restaurant – Drive-In or Drive Through	<ul style="list-style-type: none"> • Drive-in or through aisles are allowed only in the rear of building or on sides of buildings provided that the service window and any associated speaker box are located at least 200 feet from any residential district or are screened by another structure from the residential district.
Transportation Terminal	<ul style="list-style-type: none"> • It is not located within 1,000 feet from the lot line of a residential district measured along a straight line between the closest residential district boundary line and the terminal property line. • Canopies are connected to or integrated into the architectural design of the building in terms of color, cladding, roofing, and roof pitch, if provided. • The truck circulation for a truck wash facility is directed away from the circulation for the rest of the terminal site. • If a truck wash is included, a stacking lane for the truck wash includes a 12-foot wide “escape lane” to bypass the truck wash, if provided.
Truck and Trailer Sales and Rental	<ul style="list-style-type: none"> • The areas used for sale, rental and interim storage areas must be wholly enclosed within a structure or otherwise fully screened from view from adjacent

	residential areas, public rights-of-ways, and parkland.
Utility Services, Major	<ul style="list-style-type: none"> • All facilities must be screened from view from adjacent residential areas and public rights-of-way with an opaque screen 8-foot fence and vegetation with a mature height of 8 feet or greater • Exempt from minimum lot size requirements
Vehicle Storage Facility	<ul style="list-style-type: none"> • See Article 4.09 Used Automotive Parts Recyclers, Boat Salvage Yards, Vehicle Storage Facilities, and Metal Recycling Entities
Veterinary Services, Large	<ul style="list-style-type: none"> • Corrals and stables may be provided solely incidental to animal hospital use and for convalescing livestock • Cremation services shall be prohibited. • Buildings used to treat and house animals are setback 100 feet from any residential use • Any docks and animal shoots are placed in an interior or rear yard provided that such yard does not face a public street or a residential zoning district
Veterinary Services, Small	<ul style="list-style-type: none"> • Kennel facilities shall be limited to indoors and incidental to animals being treated at the facility. • Cremation services shall be prohibited. • If the use is located in a multi-tenant or mixed-use building, ventilation systems are installed to prevent odors and allergens from circulating to other parts of the building and the space is sound attenuated such that the sound is not audible to any other space.
Wireless Transmission Facilities (Attached, Monopole, Stealth)	<ul style="list-style-type: none"> • See Article 15.06 Wireless Transmission Facilities • Exempted from minimum lot sizes

Section 14.02.012 Non-Residential and Mixed-Use Development Standards

(a) General development regulations for Non-Residential districts.

Non-Residential Regulations	OS	I-1	I-2	GO	C-1	C-2	C-3	IN-1	IN-2
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Minimum Lot Area	NA	7,500 SF	½ Acre	15,000 SF	7,500	½ Acre	½ Acre	½ Acre	1 Acre
Minimum Lot Width Corner Lots + 10'	NA	60'	100'	100'	60'	100'	200'	100'	200'
Front Setback	20'	20'	20'	20'	20'	20'	20'	20'	20'
Exterior Side Setback to Residential	20'	20'	40'	40'	25'	40'	40'	50'	100'
Exterior Side Setback to Non-Residential	15'	10'	15'	15'	0' attached 10' detached	0' attached 10' detached	0' attached 10' detached	20'	30'
Streetside Setback	15'	15'	15'	15'	15'	15'	20'	15'	20'
Rear Setback to Residential	20'	20'	30'	40'	25'	40'	40'	50'	100'
Rear Setback to Non-Residential	15'	10'	15'	15'	0' attached 10' detached	0' attached 10' detached	0' attached 10' detached	30'	50'
Maximum Height	35'	35'	60'	60'	45'	60'	60'	60'	100'
Maximum Principle Structure Lot Coverage	20%	50%	60%	60%	60%	60%	60%	50%	60%
Max. Principle and Accessory	30%	60%	70%	70%	70%	70%	70%	60%	70%

Structure Lot Coverage									
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(b) General development regulations for Mixed-Use districts.

Mixed-Use Regulations	NB	DB	PUD
Minimum Lot Area	7,500 SF	6,000	25 Acres
Minimum Lot Width Corner Lots + 10'	60'	50'	NA
Front Setback	20'	0'	NA
Exterior Side Setback to Residential	20'	20'	NA
Exterior Side Setback to Non-Residential	10'	0' attached 10' detached	NA
Streetside Setback	15'	0'	NA
Rear Setback to Residential	20'	20'	NA
Rear Setback to Non-Residential	10'	0' attached 10' detached	NA
Maximum Height	35'	60'	NA
Maximum Principle	40%	95%	NA

Structure Lot Coverage			
Max. Principle and Accessory Structure Lot Coverage	50%	95%	NA
Minimum Dwelling Unit Size	1,000 SF (1)	1,000 SF (1)	NA
Maximum Dwelling Units	10/Acre	15/Acre	NA

(c) Mixed-Use District Development Standards Table Notes

1. For every ten percent (10%) of total exterior façade area that is masonry, one hundred (100) square feet of residential dwelling unit size can be reduced up to five hundred (500) square feet. Total exterior façade area does not include the area of windows and doors. Masonry is considered stone, brick, or cement stucco, and excludes cementitious planking.

(d) Setback Encroachments

1. Accessory buildings may not encroach into required building setbacks.
2. The following are permitted in required building setbacks provided that they comply with all other standards of this and other applicable codes:
 - A. Landscaping
 - B. Vehicular use areas
 - C. Fences and walls that are not part of a structure
 - D. Every part of a required setback or court shall be open from its lowest point vertically to the sky, unobstructed, except for the ordinary projections of sills, belt courses, cornices, chimneys, buttresses, ornamental features, and eaves
 - E. An open fire escape may project into a required side yard up to one-half the width of such yard, or up to four feet from the building, whichever encroaches less. Fire escapes may project up to four (4') feet into a rear yard
 - F. Rain barrels, cisterns, and solar panels may be no closer than 2' from the property line

- G. Dumpsters may encroach no more than 10' into the side or rear setback but at no time may they encroach into the front setback or within a setback adjacent to single family.

Division IV Special Districts and Overlays

Section 14.02.013 Historic District

- (a) The Historic District for the City of Manor is defined as all properties within the boundaries of Old Manor, more approximately described as: Beginning at Highway 290 at Gilleland Creek east along Highway 290 to Wilbarger Creek then south along Wilbarger Creek to Old Highway 20 (Loop 212) then south to the intersection of the City of Manor boundary then south to the boundaries of Hamilton Point Subdivision (excluding Hamilton Point Subdivision) west then south to Blake Manor Road then Brenham Street to Bastrop Street then north to the Cap Metro Rail Line then west to Gilleland Creek and then north along Gilleland Creek to Highway 290.

Section 14.02.014 Municipal Parks District

- (a) Municipal Parks shall be defined as any parkland or open space designated by the City of Manor for the purpose of recreational activity. The following parks are designated as Municipal Parks:
1. Jennie Lane Park.
 2. Bell Farms Park.
 3. Carriage Hills Park.
 4. Greenbury Village Park.
 5. Presidential Glen Park.
 6. Shadowglen Park.
 7. Wilbarger Creek Park.
 8. Timmermann Park

*For an up to date list of Municipal Parks, please contact the City Secretary.

Section 14.02.015 Manor Residential Revitalization Area

- (a) Introduction

The MRRA is a voluntary program that provides a residential property owner with a financial incentive for new development that meets the guidelines outlined in this document.

The MRRA is defined as all residentially zoned properties within the boundaries of Old Manor more approximately described as Beginning at Highway 290 at Gilleland Creek east along Hwy. 290 to Wilbarger Creek then south along Wilbarger Creek to Old Highway 20 (Loop 212) then

south to the intersection of the City of Manor boundary then south to the boundaries of Hamilton Point Subdivision (excluding Hamilton Point Subdivision) west then south to Blake Manor Road then Brenham Street to Bastrop Street then north to the Cap Metro Rail Line then west to Gilleland Creek and then north along Gilleland Creek to Highway 290.

(b) Purpose

The purpose of a revitalization area is to encourage infill development along with assuring continuity between existing residential development and future redevelopment of Manor's oldest residential area. The program provides incentives to improve the quality of construction and diversity of home styles within the boundaries of the residential area. The program too, through conservation and maintenance will promote a sense of permanence. The City would like to stabilize and protect property values, promote new development, encourage appropriate redevelopment, support continued economic vitality, and protect desirable and unique physical features. The voluntary incorporation of architectural guidelines in design for renovations or redevelopment within the residential zone boundaries will enhance the area.

(c) Requirements and Incentives

Each applicant is assigned points or partial points as determined by the Director of Development Services when compared to the MRRA architectural checklist. The number of points earned for incorporating design features into the project equates to percentage of the overall building permit fee(s) that may be reimbursed. Example: 100 points or more will result in a 100% reimbursement of building permit fees, 85 points would result in an 85% reimbursement of the overall building permit fee(s). Impact fees may not be reimbursed.

1. How do the incentives work?

Each building permit application within the MRRA shall be reviewed and assessed points or partial points for incorporating specific design elements as described in the architectural checklist. A minimum of 85 points must be achieved to be accepted for fee reimbursement under this program.

Other than recommended setback variances as outlined in the City of Manor Zoning Ordinance, no other variance(s) may be sought for development under this program.

(d) Building Permit Fee(s) Reimbursement Process

1. The residential property owner is required to set up a pre-construction meeting with the Director of Development Services or an appointed designee to determine if the proposed plans qualify for a refund of all or a portion of the building permit fee(s).
2. Qualification is based on location and incorporation of some or all of the specific architectural guidelines in the proposed development.
3. If a project is recommended for a fee reimbursement, payment in full of all regular building permit fees shall be collected by the City of Manor.

4. Upon the completion of the project and issuance of a Certificate of Occupancy the applicant shall request reimbursement of the building permit fees recommended for reimbursement.
5. The Director of Development Services shall initiate the reimbursement process.
6. A certificate of occupancy must be issued prior to any reimbursement.
7. Any change in the actual construction without prior plan review and approval may result in the loss of all or a portion of the fee(s) originally anticipated to be reimbursed.
8. Failure to comply with the approved plan or the inability to secure a Certificate of Occupancy will result in a forfeiture of the reimbursement.

At the completion of the process an applicant may appeal the city's decision to withhold refund of all or a portion of the building permit fee(s) through the City Council.

(e) Residential Style Guidelines

1. Any property in the MRRA may choose the "residential style" for architectural guidelines as long as it fits into the overall compatibility and character of the area. It is the overall theme of the area that the MRRA is designed to preserve. The reimbursement policy encourages new development with diversity and compatibility and does not seek to make every new home look identical.
2. A visual survey of the neighborhood to identify its character, the key existing residential design elements and the overall definition should be conducted prior to determining compatibility. In defining the residential style, some important structural elements were noted and are identified as priorities. These include few front facade garages, large covered porches, wood windows with casing or lintels and sills, and architectural variety. No specific period style is specified with the definition or residential style. From block to block there are a variety of styles and periods.
3. The residential style guidelines are designed to promote both new construction on vacant lots and redevelopment of residential lots either undeveloped or developed with manufactured homes. Architectural Compatibility is not intended to include features found in manufactured residential structures. While manufactured homes may be replaced in accordance with other rules and regulations, replacement manufactured homes are not considered to be candidates for building permit fee(s) refund.

(f) Architectural Requirements.

1. Compatibility: In addition to the structural elements noted above, the scale of a building is important in maintaining the compatibility and character of the neighborhood. The scale of a building is the size or the building relative to other buildings in terms of its height, width, and setback. New development should be similar in scale with existing development. Similar in scale is intended to mean comparable in height, width and

setbacks. Where a residential block has been developed with manufactured homes, similar scale shall mean comparable to a block in close proximity developed with non-manufactured structures.

2. Foundation: Foundations should be constructed of poured concrete with appropriate reinforcement as may be required by building codes. Pier and beam construction may receive some points when conditions warrant this type of foundation construction method. Any installation requiring a fastening or tie-down type of attachment will be assigned a negative point allowance.
3. Facades: Facades shall be constructed of unpainted brick, stone, stucco or classic (The percentage of wood washboard siding combined with stone, stucco, or brick shall equate to the points that may be assigned for the facade) washboard siding to the extent feasible with the exception of windows, doors, shutters and other ornamental trim. Washboard siding consists of wood or hardyplank applied horizontally so that sections overlap with grain running lengthwise, the lower edge of the section is thicker than the upper edge. Use of other facade materials may result in a reduction of credit toward construction fee reduction.
4. Porches: Redevelopment in the reimbursement zone encourages designs that incorporate large front porches. A front porch with 100 square feet or more shall receive more credit than the minimum size of 60 square feet when calculating construction fee reduction.
5. Roof: Pitch should be compatible with architectural styles. Clay, ceramic tile, raised profile composite shingles, composition shingles and metal roofs are acceptable. Standard composite sheets and tar layers with gravel or slag coating are discouraged and will result in a loss of credit towards building permit fee reduction.
6. Garage/Carports: The revitalization zone discourages front facade garages and may assign negative points. Detached garages constructed in the same materials and similar roof design as the residential structure is a preferred design and may be awarded points. A side or rear entry garage is an acceptable alternative and may be assigned points for fee reduction. Carports dependent on design and materials may be assigned points similarly to side or rear entry garages.
7. Windows: Non-metal windows are preferred. Windows may be metal if painted or clad in a nonmetallic color. Windows should have casing or stone sills and lintels. Metal lintels will not result in a negative point assignment.

(g) Architectural Point Accumulation Checklist.

Design Feature	Possible points	Points awarded	Comments
COMPATIBILITY			
Roof, scale, setback, height similar to other development in the area (1)	20		
Roof, scale, setback height not similar to other development in the area	-30		
*Two story construction	30		
FOUNDATION			
Poured concrete/slab (1)	25		
Pier and Beam	10—20		
Other requiring a tie-down or fastening device(s) not typically associated with either slab or pier and beam installations	-30		
FACADE			
Stone or unpainted brick (1)	25		
Classic washboard wood or stucco w/partial stone or unpainted brick	15		
Hardyplank installed with grain placed horizontally	10		
Vinyl siding w/partial stucco, stone, unpainted brick	5		
FRONT PORCH			
Covered — 100 square feet (1)	15		
Covered — 60 square feet	10		

Uncovered	0		
None	-10		
GARAGE/CARPORTS			
Detached same materials as house (1)	15		
Side or rear entry	10		
Front entry	-30		
WINDOWS			
Non-metal (1)	15		
Metal (painted nonmetallic color)	10		
Metal	-20		
Casing or shutters	5		
Stone lintels or wood sills	5		
FENCE			
ORNAMENTAL (4 feet or less in height)	5		

(h) Architectural Point Accumulation Checklist Notes

- (1) Incorporating all these features into a residential structure plan will assure maximum fee reimbursement.
 - A. The total number of points that may be assigned is 160. A minimum point score of 85 must be achieved before a reimbursement of building permit fees may be considered. Each point earned will correspond equally with a percentage point towards either a reduction of the building permit fees. Where a project achieves 100 points or higher a 100 percent reimbursement in building permit fees may be authorized.
 - B. Example: A development achieving a total point score of 75 may not be considered for fee reimbursement. A development achieving a point score of 95 may receive a reimbursement of 95% of the building permit fees.

Section 14.02.016 Austin Executive Joint Airport Zoning Board Hazard Regulations

(a) Purpose

The purpose of this overlay district is to minimize hazard and public nuisance associated with the airport, which is found to serve an essential community purpose, by regulating and restricting the height of structures and objects of natural growth and otherwise regulating the use of property in the vicinity of the Austin Executive Airport by creating appropriate zones and boundaries. This district is necessary in the interest of and to protect the public health, safety, and general welfare.

(b) Definitions

As used in these regulations, unless the context otherwise requires:

Administrative Agency — An agency so designated by each Political Subdivision under Section 241.031 of the Texas Local Government Code, as amended, to administer and enforce these regulations in each Political Subdivision's respective jurisdiction.

Airport — Austin Executive Airport located in Travis County, Texas, including the ultimate development of that facility.

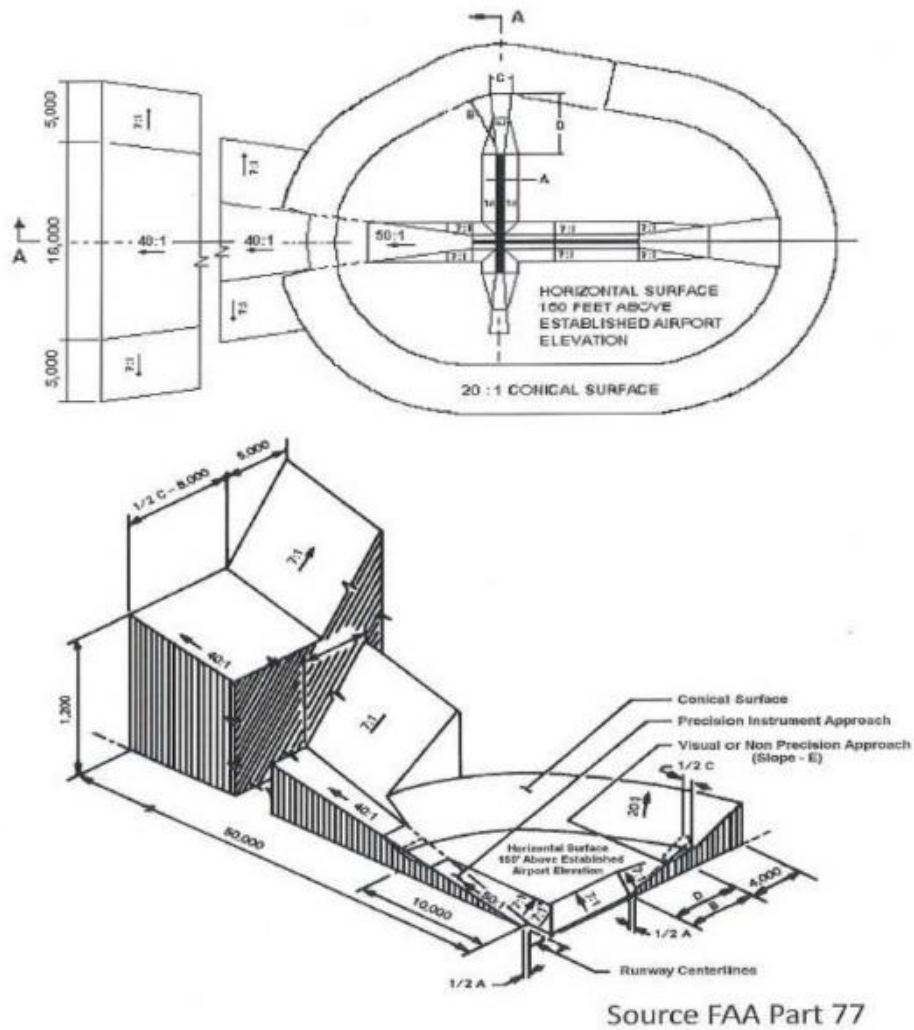
Airport Elevation — The established elevation of the highest point on the runway, either existing or planned, at the airport measured in feet above mean sea level (MSL). The airport elevation of Austin Executive Airport is 620 feet above mean sea level (MSL).

Airport Hazard — Any structure, tree, or use of land which obstructs the airspace required for the flight of aircraft or obstructs or interferes with the control, tracking, and/or data acquisition in the landing, takeoff, or flight at an airport or any installation or facility relating to flight, tracking, and/or data acquisition of the flight craft; is hazardous to, interferes with, or obstructs such landing, takeoff, or flight of aircraft; or is hazardous to or interferes with tracking and/or data acquisition pertaining to flight and flight vehicles.

Approach Surface — A surface longitudinally centered on the extended runway centerline, extending outward and upward from each end of the primary surface and at the same slope as the approach zone height limitation slope set forth in Section (e) of these regulations. In plan, the perimeter of the approach surface coincides with the perimeter of the approach zone.

Approach, Conical, Horizontal, and Transitional Zones — These zones are set forth in Section (d) of these regulations and are depicted in Figure 1, below:

Figure 1



Austin Executive Airport Board of Adjustment — The joint board of adjustment created by Section (i) of these regulations to administer and enforce these regulations in the areas where the Political Subdivisions' Board of Adjustments do not have jurisdiction.

Board of Adjustment — A board of adjustment so designated by each Political Subdivision under Section 241.032 of the Local Government Code, as amended, to administer and enforce these regulations in each respective Political Subdivision's jurisdiction.

Conical Surface — A surface extending outward and upward from the periphery of the horizontal surface at a slope of 20 feet horizontally for each one foot vertically for a horizontal distance of 4,000 feet.

Hazard to Air Navigation — An obstruction or use of land determined to have a substantial adverse effect on the safe and efficient utilization of navigable airspace.

Height — For the purpose of determining the height limits in all zones set forth in these regulations and shown on the hazard zoning map, the datum shall be height above mean sea level (MSL) elevation as measured in feet.

Horizontal Surface — A horizontal plane 150 feet above the established airport elevation which in plan coincides with the perimeter of the horizontal zone.

Nonconforming Use, Structure, or Tree — Any structure, tree, or use of land which is inconsistent with the provisions of these regulations and which is existing as of the effective date of these regulations.

Nonprecision Instrument Runway — A runway having an existing instrument approach procedure utilizing air navigation facilities or other equipment that provides only horizontal guidance or area type navigation equipment. This also includes a runway for which a nonprecision instrument approach procedure has been approved or planned.

Planned Runway 13/34 is considered a nonprecision instrument runway.

Obstruction — Any structure, tree, or other object, including a mobile object, which exceeds a limiting height set forth in Section (e) of these regulations or is an airport hazard.

Other than Utility Runway — A runway designed for and intended to be used by propeller driven aircraft of more than 12,500 pounds maximum gross weight and jet powered aircraft. Runway 13/31 at Austin Executive Airport is considered an other than utility runway.

Person — An individual, firm, partnership, corporation, company, association, joint stock association, or body politic and includes a trustee, receiver, assignee, administrator, executor, guardian, or an other representative.

Precision Instrument Runway — A runway having an existing instrument approach procedure utilizing air navigation facilities or other equipment which provide both horizontal and vertical guidance. This also includes a runway for which a precision instrument approach procedure has been approved or planned. Runway 13/31 at Austin Executive Airport is considered a precision instrument runway.

Primary Surface — A 7,400-foot-wide surface longitudinally centered on the runway extending the full length of the ultimate runway configuration plus 200 feet beyond each ultimate end of the runway. The elevation of any point on the primary surface is the same as the nearest point on the existing or ultimate runway centerline.

Runway — A defined area on the airport prepared for the landing and taking off of aircraft along its length. The current length of Runway 13/31 at Austin Executive Airport is 6,025 feet. The length of the ultimate runway configuration of Runway 13/31 at Austin Executive Airport is 7,500 feet. The length of the ultimate parallel 16/34 is 1,550 feet.

Structure — An object, including a mobile object, constructed or installed by man including, but not limited to, buildings, towers, cranes, smokestacks, poles, earth formations, overhead

power lines, and traverse ways. Traverse ways are considered to be the heights set forth in 14 C.F.R. Part 77.23.

Transitional Surfaces — Surfaces extending perpendicular to the runway centerline and the extended runway centerline outward from the edges of the primary surface and the approach surfaces at a slope of seven feet horizontally for each one foot vertically to where they intersect the horizontal surface. Transitional surfaces for those portions of the precision approach surface which extend through and beyond the limits of the conical surface extend at a slope of seven feet horizontally for each one foot vertically for a distance of 5,000 feet measured horizontally from either edge of the approach surface and perpendicular to the extended runway centerline.

Tree — Any type of flora and an object of natural growth.

(c) Administrative Agency

The Administrative Agency of each Political Subdivision shall be responsible for the administration and enforcement of the regulations prescribed herein.

(d) Zones

In order to carry out the provisions of these regulations, there are hereby created and established certain zones which include all of the land lying beneath the approach surfaces, conical surface, horizontal surface, and transitional surfaces as they apply to the airport. Such surfaces are shown on the Austin Executive Airport Hazard Zoning Map prepared by KSA Engineers, dated April 2015, which is incorporated in and made a part of these regulations. An area located in more than one of the following zones is considered to be only in the zone with the more restrictive height limitation. The various zones are hereby established and defined as follows:

1. *Approach Zones* — Approach zones are hereby established beneath the approach surfaces at each end of Runway 13/31 at the airport for other than utility runway. The approach surface shall have an inner edge width of 550 feet, which coincides with the width of the primary surface, at a distance of 200 feet beyond each runway end, widening thereafter uniformly to a width of 16,000 feet at a horizontal distance of 50,000 feet beyond the end of the primary surface. The centerline of the approach surface is the continuation of the centerline of the runway.
2. *Conical Zone* — A conical zone is hereby established beneath the conical surface at the airport which extends outward from the periphery of the horizontal surface for a horizontal distance of 4,000 feet.
3. *Horizontal Zone* — A horizontal zone is hereby established beneath the horizontal surface at the airport which is a plane 150 feet above the established airport elevation, the perimeter of which is constructed by swinging arcs of 10,000 feet radii from the center of each end of the primary surface and connecting the adjacent arcs by lines tangent to those arcs.

4. *Transitional Zones* — Transitional zones are hereby established beneath the transitional surfaces at the airport. Transitional surfaces, symmetrically located on either side of the runway, have variable widths as shown on the Austin Executive Airport Height and Hazard Zoning Map prepared by KSA Engineers, dated April 2015, which is incorporated in and made a part of these regulations. Transitional surfaces extend outward perpendicular to the runway centerline and the extended runway centerline from the periphery of the primary surface and the approach surfaces to where they intersect the horizontal surface. Where the precision instrument runway approach surface projects through and beyond the conical surface, there are hereby established transitional zones beginning at the sides of and at the same elevation as the approach surface and extending for a horizontal distance of 5,000 feet as measured perpendicular to the extended runway centerline.

(e) Height Limitations.

Except as otherwise provided in Section (h) of these regulations, no structure shall be erected, altered, or replaced and no tree shall be allowed to grow in any zone created by these regulations to a height in excess of the applicable height limitations herein established for such zone except as provided in Paragraph 5 of this Section. The Airport Hazard Zones described in this section are depicted on an airport height and hazard zoning sheet on file with the Austin Executive Airport. Official notifications will be provided to each political subdivision if changes are made to the official Height and Hazard map. Such applicable height limitations are hereby established for each of the zones in question as follows:

1. *Approach Zones* — Slope one foot in height for each 40 feet in horizontal distance beginning at the end of and at the same elevation as the primary surface and extending to a point 50,000 feet beyond the end of the primary surface.
2. *Conical Zone* — Slopes one foot in height for each 20 feet in horizontal distance beginning at the periphery of the horizontal zone and at 150 feet above the airport elevation and extending to a height of 350 feet above the airport elevation, or to a height of 970 feet above mean sea level.
3. *Horizontal Zone* — Established at 150 feet above the airport elevation, or at a height of 770 feet above mean sea level.
4. *Transitional Zones* — Slope one foot in height for each seven feet in horizontal distance beginning at the sides of and at the same elevations as the primary surface and the approach surfaces.
5. *Excepted Height Limitation* — None

(f) Land Use Restrictions

Except as provided in Section (g) of these regulations, no use may be made of land or water within any zone established by these regulations in such a manner as to create electrical

interference with navigational signals or radio communications between the airport and aircraft, make it difficult for pilots to distinguish between airport lights and others, result in glare in the eyes of pilots using the airport, impair visibility in the vicinity of the airport, create potential bird strike hazards such as, but not limited to, waste, construction, and demolition landfills, and new large bodies of water (localized wetland, ponds, and stormwater retention ponds greater than or equal to one acre), or otherwise in any way endanger or interfere with the landing, taking off, or maneuvering of aircraft intending to use the airport. Localized wetlands, ponds, and retention ponds greater than or equal to one acre will be subject to evaluation by Austin Executive Airport to review and if appropriate, issue a letter of no objection.

(g) Nonconforming Uses, Structures, and Trees

1. *Nonconforming Uses* — Nothing contained in these regulations shall be construed as requiring changes in or interference with the continuance of any nonconforming use of land. Existing nonconforming uses are Lake Pflugerville and 1849 Park water storage and irrigation.
2. *Nonconforming Structures* — Nothing contained in these regulations shall be construed as to require the removal, lowering, or other change to any existing nonconforming structure including all phases or elements of a multiphase structure the construction of which was begun prior to the effective date of these regulations and is diligently prosecuted.
3. *Nonconforming Trees* — Nothing in these regulations shall be construed as to require the removal, lowering, or other change to any nonconforming tree. However, any nonconforming tree which grows to a greater height than it was as of the effective date of these regulations is subject to the provisions of these regulations as described in Section (e) hereinabove.

(h) Permits and Variances

1. *Permits* — Any person who desires to replace, rebuild, substantially change, or repair a nonconforming structure or replace or replant a nonconforming tree is required to apply for a permit. No permit shall be granted which would allow the establishment of an airport hazard or allow a nonconforming structure or tree to exceed its original height or become a greater hazard to air navigation than it was at the time of the adoption of these regulations. Applications for a permit shall be submitted to the Administrative Agency which has jurisdiction over the permit application.
2. *Variances* — Any person who desires to erect, substantially change, or increase the height of any structure or establish or allow the growth of any tree which would exceed the height limitations set forth in Section (e) of these regulations or change the use of property in such a way as to create a hazardous condition as described in Section (f) of these regulations is required to apply for a variance with the Austin Executive Airport

Board of Adjustment or Board of Adjustment, as the case may be. The application for variance must be accompanied by a determination from the Federal Aviation Administration under 14 C.F.R. Part 77 as to the effect of the proposal on the operation of air navigation facilities and the safe, efficient use of navigable airspace. Variances shall be allowed where it is duly found that a literal application or enforcement of the regulations will result in practical difficulty or unnecessary hardship and the granting of relief would result in substantial justice, not be contrary to the public interest, and be in accordance with the spirit of these regulations.

3. *Requirements and Reasonable Conditions*

- A. Any permit granted may, at the discretion of the Administrative Agency, impose a requirement to allow the installation and maintenance of any markers or lights to indicate to flyers the presence of an airport hazard.
- B. Any variance granted may, at the discretion of the Austin Executive Airport Board of Adjustment or Board of Adjustment, impose any reasonable conditions as may be necessary to accomplish the purpose of these regulations.

(i) Austin Executive Airport Board of Adjustment

- 1. The Austin Executive Airport Board of Adjustment is hereby created to administer and enforce these regulations in the areas not within the jurisdiction of the Political Subdivisions' Boards of Adjustment.
- 2. The Austin Executive Airport Board of Adjustment shall:
 - A. Hear and decide appeals from any order, requirement, decision, or determination on made by the Administrative Agency in the administration or enforcement of these regulations;
 - B. Hear and decide special exceptions to the terms of these regulations when the board is required to do so; and
 - C. Hear and decide specific variances.
- 3. The Austin Executive Airport Board of Adjustment shall be comprised of five members and one alternate member appointed by the Political Subdivisions. The terms for the members shall be two years. The members shall elect a chairman from one of the members. The Austin Executive Board of Adjustment shall adopt rules for its governance and procedure in harmony with the provisions of these regulations. Meetings of the Austin Executive Board of Adjustment shall be held at the call of the chairman and at such times as the Austin Executive Board of Adjustment may determine. The chairman, or in his/her absence the acting chairman, may administer oaths and compel the attendance of witnesses. All hearings of the Austin Executive Board of Adjustment shall be public. The Austin Executive Board of Adjustment shall

keep minutes of its proceedings showing the vote of each member upon each question or if any member is absent or fails to vote, indicating such fact and shall keep records of its examinations and other official actions, all of which shall immediately be filed in the office of the Austin Executive Board of Adjustment or in the office of appropriate Administrative Agency. All such records shall be public records.

4. The Austin Executive Airport Board of Adjustment shall make written findings of fact and conclusions of law stating the facts upon which it relied when making its legal conclusions in determining special exceptions and variances.
5. The concurring vote of four members of the Austin Executive Airport Board of Adjustment shall be necessary to decide in favor of the applicant on any matter upon which it is required to pass under these regulations, or to effect any variance to these regulations.
6. The Political Subdivision appointing a member to the Austin Executive Board of Adjustment may remove that member for cause on a written charge after a public hearing. A Political Subdivision shall fill any vacancy on the board for the unexpired term for a member assigned to that Political Subdivision.
7. Austin Executive Airport is the official recordkeeper of all the Austin Executive Airport Board of Adjustment files and minutes.

(j) Appeals

1. A person aggrieved or a taxpayer affected by a decision of an Administrative Agency or a Political Subdivision or the Austin Executive Joint Airport Zoning Board that believes the decision of an Administrative Agency is an improper application of these regulations may appeal the decision to a Board of Adjustment or the Austin Executive Airport Board of Adjustment, as the case may be. For the purpose of Sections (j) and (k) of these regulations, the Board of Adjustment and the Austin Executive Airport Board of Adjustment are collectively referred to as Board of Adjustment.
2. All appeals hereunder must be taken within a reasonable time as provided by the rules of the Board of Adjustment by filing a notice of appeal with the Board of Adjustment and the appropriate Administrative Agency specifying the grounds for the appeal. The Administrative Agency shall forthwith transmit to the Board of Adjustment all papers constituting the record upon which the action appealed was taken.
3. An appeal shall stay all proceedings in furtherance of the action appealed unless the Administrative Agency certifies in writing to the Board of Adjustment that by reason of the facts stated in the certificate, a stay would, in the opinion of the Administrative Agency, cause imminent peril to life or property. In such case, proceedings shall not be stayed except by order of the Board of Adjustment on notice to the administrative agency and on due cause shown.

4. The Board of Adjustment shall fix a reasonable time for hearing appeals, give public notice and due notice to the parties in interest, and decide the same within a reasonable time. Upon the hearing, any party may appear in person, by agent, and/or by attorney.
5. The Board of Adjustment may reverse or affirm, in whole or in part, or modify the Administrative Agency's order, requirement, decision, or determination from which an appeal is taken and make the correct order, requirement, decision, or determination, and for this purpose the Board of Adjustment has the same authority as the Administrative Agency. The concurring vote of four members of the Board of Adjustment shall be necessary to reverse any order, requirement, decision, or determination of the Administrative Agency.
6. The Board of Adjustment shall make written finding of fact and conclusions of law stating the facts upon which it relied when making its legal conclusions in reversing, affirming, or modifying any order, requirement, decision, or determination which comes before it under the provisions of these regulations.

(k) Judicial Review

A person aggrieved or a taxpayer affected by a decision of a Board of Adjustment of a Political Subdivision or the Austin Executive Airport Zoning Board that believes the decision of a Board of Adjustment is illegal may present to a court of record a petition stating that the decision of the Board of Adjustment is illegal and specifying the grounds of the illegality as provided by and in accordance with the provisions of Section 241.041 of the Texas Local Government Code, as amended. This same right of appeal is extended to each Administrative Agency.

(l) Enforcement and Remedies

Each Political Subdivision and the Austin Executive Airport Zoning Board may institute in a court of competent jurisdiction an action to prevent, restrain, correct, or abate any violation of Chapter 241 of the Local Government Code, these regulations, or any order or ruling made in connection with their administration or enforcement of these regulations.

(m) Conflicting Regulations

Where there exists a conflict between any of the regulations or limitations prescribed herein and any other regulation applicable to the same area, whether the conflict be with respect to the height of structures or trees, the use of land, or any other matter, the more stringent limitation or requirement shall control.

(n) Severability

If any of the provisions of these regulations or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or application of these regulations which can be given effect without the invalid provision or application and to this end, the provisions of these regulations are declared to be severable.

(o) Adherence with State Laws.

Any actions brought forth by any person or taxpayer as a result of the administration, enforcement, or the contesting these regulations will be in accordance with the provisions of Chapter 241 of the Texas Local Government Code, as amended, and other applicable State laws.

(p) Immunity Clause.

No elected or non-elected, person, employee, officer, member or agent of political subdivision, Austin Executive Joint Airport Zoning Board and Austin Executive Airport Board of Adjustment shall have (a) any personal liability with respect to any of the provisions of this Ordinance, Regulation, or (b) any liability for any consequential damages resulting from the exercise by political subdivision or Austin Executive Joint Airport Zoning Board of any its duties herein.

Division V Accessory and Temporary Structures and Uses

Section 14.02.017 Accessory Structures

Accessory Structures are allowed in conjunction with principal structures that have already been built and are subject to the following criteria:

(a) General

1. Accessory structures equal to or less than 120 square feet and not requiring or having installed electrical, plumbing, or mechanical systems do not require a permit.
2. Accessory structures, with the exception of carports, may encroach into required yards according to each zoning districts permitted encroachment allowances.
3. No accessory structure may be constructed upon a lot until the construction of the principal structure has been commenced, unless the accessory structure is necessary for the material storage and construction of the principal structure, and only when approved by the Building Official.
4. No accessory structure may be used unless the principal structure is also being used, as permitted in 14.02.013(b).
5. No accessory structure shall exceed the height of the principal structure to which it is accessory.
6. Accessory structures shall not be located in front of the principal building or use.
7. An accessory structure may not be rented, sublet, or sold separately from the sale of the entire property.
8. Temporary, pre-assembled, or assembled on-site carports are prohibited in all districts.
9. Accessory structures shall be architecturally consistent with the principle structure.

(b) Single-Family and Two-Family Residential Uses

1. A lot being used for residential purposes may have no more than one shed, workshop or similar type of accessory structure per dwelling unit. An unattached garage and/or carport shall be exempt from the per lot accessory structure calculation.
2. Accessory structures may not exceed twenty-five (25%) percent of the gross floor area of the first floor of the principal structure.
3. Carports are permitted in A, SF-E, SF-1, SF-2, TF, TH, MH-1, and MH-2 zoning districts. Residential accessory carports shall comply with the following standards. Carports structurally integrated into the residence's initial building plan and architecturally consistent with the principal structure's design are permitted but must also meet the following standards.
 - A. Shall contain a paved surface underneath and leading to the carport structure.
 - B. Shall meet all building setbacks applicable to the principal structure.
 - C. Subject property shall not have any covenants, conditions, or restrictions prohibiting carports. If such property has such restriction but allows for exceptions if permitted by the homeowner's association architectural review, the Building Official may consider such request consistent with the provisions stated herein.
 - D. Shall consist of similar architectural theme and constructed of materials consistent with the principal structure, including but not limited to support posts and roofing materials.
 - E. The carport shall be generally located to the side or rear of the principal structure. A carport shall not be located between the principal structure and the public right-of-way, unless the carport is architecturally integrated into the overall design of the principal structure, and only when approved by the Building Official.

(c) Multi-family Uses

1. Accessory carports are permitted when structurally integrated in the principal structure or free-standing structures with similar architectural materials and design of the principal structure.
2. Accessory structures shall comply with the architectural standards of the district consistent with the principal structures.

(d) Commercial and Industrial Uses

1. Accessory carports and accessory structures are permitted and shall comply with the architectural standards applicable to such zoning districts.

(e) Agricultural Uses

1. Accessory carports and accessory structures associated with agricultural land uses are permitted.

Section 14.02.018 Accessory Uses

Accessory uses are allowed with permitted uses that have already been built or are under construction and are subject to the following criteria:

- (a) The use or structure is subordinate to the primary use and serves the primary use or the principal structure;
- (b) The accessory use is subordinate in area, extent and purpose to the primary use served;
- (c) The accessory use contributes to the comfort, convenience or necessity of occupants of the primary use;
- (d) A use that is prohibited in a zoning district shall not be permitted as an accessory use in the district, except for outdoor storage; and
- (e) Accessory uses located in residential districts shall not be used for commercial purposes other than ancillary to the permitted home occupations.

Section 14.02.019 Temporary Uses and Structures

- (a) The temporary uses below are allowed which require certain controls in order to ensure compatibility with other uses in the district within which they are proposed for location. The temporary uses permitted are:

- 1. Temporary sales of seasonal products

Temporary sales of seasonal products may be allowed subject to the following provisions:

- A. Issuance of permits for temporary outdoor sales of seasonal products shall be limited to areas with a base zoning of Agricultural (A), Neighborhood Business (NB), Downtown Business (DB), Light Commercial (C-1), Medium Commercial (C-2), Heavy Commercial (C-3) or any public or religious assembly property.
- B. Proposed operations shall be subject to approval by a temporary permit issued by the Building Official with a maximum duration of 45 consecutive days per calendar year except for shaved ice operations which are limited to 120 days per calendar year.
- C. Shade structures, seating, trash receptacles and similar associated appurtenances shall be provided, but not be located within or cause interference with required parking spaces, driveways, alleys, fire lanes, public roads or sidewalks.
- D. During hours of operation, the permit holder shall be responsible for providing a trash receptacle for use by customers and shall ensure the area is kept clear of litter and debris at all times.
- E. A drive thru shall not be permitted.
- F. Signage must be provided in accordance with City Ordinances.
- G. With exception of white or colored string lights, exterior lighting shall be downcast and shielded so that the light source is not directly visible to passersby.

- H. The operation shall be generally self-sufficient with regards to water, sewer and electricity. Temporary connections to potable water and sanitary sewer are prohibited. Electricity shall be from a generator or an approved electrical outlet via an approved portable cord that is in conformance with the Electrical Code as adopted by the City.
- I. Off street parking must be provided on an improved surface and must not utilize more than 5 percent of the required spaces for any permanent businesses located on site.
- J. Health permits and any other applicable county, state or federal permits shall be prominently displayed at all times.
- K. Unless otherwise said within, approval of a temporary permit for said operation shall not exempt the use or permit holder from all applicable City ordinances including, but not limited to nuisance, noise, signage, lighting, etc.
- L. The application for a temporary use shall also display a true copy of the sales tax permit required by state law which designates the point of sale. If the City is not the designated point of sale for sales tax purposes, such information shall be noted on the application.
- M. All tents or similar temporary structures that are greater than 10'x10', 100 square feet or greater or are enclosed shall be approved by the fire marshal, prior to erection and inspected once constructed.
- N. Temporary Food Vendor Permits issued in conjunction with a temporary event or use must additionally follow the regulations of Article 4.03 Peddlers, Solicitors, Food Vendors, Special Events, and Outdoor Sales.
- O. Sales of Christmas trees may not begin prior to November 15th and must be cleaned and vacated by January 1st.
- P. A general site plan is required with an application showing the following:
 - i. Adequate parking
 - ii. Site location
 - iii. Improved parking and driveway surfaces and must not interfere with the parking required for the existing retail or commercial use.
- 17. This provision does not apply to temporary outdoor services such as mobile blood banks, mammography screening, eye screening, or similar medical services.
- 2. Religious revival tents
 - A. All tents or similar temporary structures that are greater than 10'x10', 100 square feet or greater or are enclosed shall be approved by the fire marshal, prior to erection and inspected once constructed.
 - B. The location of the tent must be approved by the Building Official prior to erection.
- 3. Use of temporary buildings or temporary outdoor storage during expansion, remodeling or reconstruction

- A. The temporary buildings or the temporary outdoor storage can only be used to accommodate staff, equipment or inventory displaced by the expansion, remodel or reconstruction.
 - B. The location of the temporary building or temporary outdoor storage must be shown on a site plan; and reviewed and approved by the Building Official. The location requirements are as follows:
 - i. The placement of temporary outdoor storage shall not conflict with any vehicle circulation.
 - ii. The placement of temporary outdoor storage shall not conflict with any public utilities, easements or rights-of-way.
 - iii. If an alternative location exists, the temporary outdoor storage shall not be placed within the street yard.
 - iv. The location of the temporary building or temporary outdoor storage shall meet the accessory building requirements for that zoning district.
 - v. Upon review and approval by the Building Official, a temporary use permit shall be applied for all temporary buildings and temporary outdoor storage used during the expansion, remodeling or reconstruction of an existing business.
 - vi. Separate building permits shall be obtained for the temporary building or temporary outdoor storage; and the expansion, remodel or reconstruction of the existing business.
 - vii. The temporary building or temporary outdoor storage shall be removed no later than 45 days after the issuance of the certificate of occupancy for the building permit related to the expansion, remodel or reconstruction of the existing business.
 - viii. The business undergoing the expansion, remodel or reconstruction must be an existing business and not a new business, changing businesses or changing uses.
 - ix. An existing site plan for the existing business must already be on file with the city.
 - x. Temporary outdoor storage uses shall also comply with the requirements provided in Section 14.02.16
4. Temporary portable storage units.

- A. Temporary portable storage units are prohibited in any right-of-way or easement and must be located on an improved surface such as a paved driveway or parking lot.
 - B. Temporary portable storage units shall not remain on any residential lot for more than seven consecutive days.
 - C. Industrial shipping containers, sometimes known as conexes, are prohibited in any residential or mixed-use zoning district except during construction, expansion, or remodeling as noted in subsection (e) above.
5. Temporary facilities for manufacturing concrete or concrete products
- A. Temporary facilities for manufacturing concrete or concrete products may be located in any zoning districts where they are directly associated with construction in the area. Retail sales of concrete products shall be prohibited in conjunction with temporary concrete plants. The production site must be returned to its preconstruction state following completion of the associated project.
6. Farmers' Markets
- Temporary outdoor sales of products in an unrefined state, by a State Certified farmers' market may be operated for a maximum of two days per week and are permitted with the following provisions:
- A. Farmers markets shall be permitted on public properties and civic spaces approved by the Building Official, and private property within the Agricultural (A), Neighborhood Business (NB), Downtown Business (DB), and Light Commercial (C-1) districts.
 - B. The market is not required to be located within a paved parking lot but should be accessible to a paved parking lot for use by visitors of the market. When located within a paved parking lot, the market shall not occupy more than 10 percent of the required number of parking spaces on private property. The market may not be located within drive aisles, fire lanes or parking setbacks, and in no case shall the market be located within the public right-of-way.
 - C. Any signage must comply with applicable City Ordinances.
 - D. The market must be approved by the City prior to location or sales.
7. Temporary Residential Sales Offices and Model Homes
- The following regulations shall apply to the conduct of temporary residential sales offices and model homes within residential zoning districts:
- A. Temporary residential sales offices and model homes may be located within a residential district as part of an ongoing residential development; however, they shall only be located on the periphery of a subdivision or at the entrance to a subdivision.

- B. Temporary residential sales offices, not otherwise serving as a model home, are not subject to design standards of this Chapter.
- C. Must be either a model home or temporary structure that will operate for a period of time determined by the operator and the Building Official.
- D. Any temporary residential sales office or model home shall be removed or converted to a use permitted within the district when certificates of occupancy have been issued to 95 percent of the associated residential units or when use as a sales office or model home has ceased whichever is earlier.
- E. Model homes for new subdivisions shall only be occupied for residential habitation after all business activities have ceased and upon sale of the home.

8. Nonprofit Seasonal Fundraisers

Seasonal fundraising or noncommercial events for nonprofit religious, educational or community service organizations where the public is invited to participate in the activities and which last longer than 72 hours, but not longer than 45 days. This description shall not preclude the use of existing religious institutions or other not-for-profit facilities for events conducted entirely within a building with the following provisions:

- A. This article shall apply to only seasonal or periodic fundraisers conducted by nonprofit or charitable institutions. At least eighty (80) percent of the net proceeds from each fundraiser must go directly to the nonprofit group or charitable cause represented. Examples of fundraiser events permitted under this article are pumpkin sales, booster club carwashes, and public school sponsored concessions.
- B. Solicitation in the public right-of-way, including street medians, is prohibited.
- C. The sale of used clothing and/or accessories, used furniture, used household and/or sporting goods is prohibited except for place of worship or school sponsored events located and managed at the school or place of worship location that is benefiting from the proceeds.
- D. Proper County and City permits are required for any nonprofit charitable fundraiser selling/handling onsite prepared food to ensure the health, safety and welfare of the volunteers and of the public. These provisions do not apply to the sale of prepackaged, sealed food(s) (example, Girl Scout cookies). Any sponsor or organization making application for permit approval to conduct a fundraiser shall submit a written application for a permit that shall include:
 - i. The name and address of the applicant.
 - ii. The application shall show satisfactory written proof of the applicant's authority to represent the organization or sponsor the applicant represents.
 - iii. The name and address of the sponsor or organization represented by the applicant.
 - iv. The kinds of goods to be sold or services to be offered at the event.

- v. The dates and times of the event.
 - vi. The location of the event and the traffic access and circulation planned.
 - vii. Evidence that the required conditions of this article have been met.
5. Any fundraiser shall provide evidence to the city, upon request, that the following regulations have been met:
- i. Written permission from the property owner for the dates, times, and activities approved by the owner to be conducted on the premises.
 - ii. A temporary access barrier is provided when necessary to prohibit pedestrian or vehicular traffic from imposing on any adjacent residential uses and approved by the fire marshal.
6. Nonprofit festivals shall provide the following site facilities for the duration of the event:
- i. Adequate, available off-street parking.
 - ii. A safe access driveway and traffic circulation plan approved by the Police Department and Building Official.
 - iii. Electrical permits, plumbing permits, sign permits, and other permits as applicable that are required by code.
 - iv. Health permits (food handlers), any other county, state, or federal permits are prominently displayed.
 - v. Bathroom facilities for employees/volunteers.
 - vi. Handicapped accessibility compliance when applicable.
- (b) Temporary use permits.
1. Applicability
- Before temporary uses are permitted on private or public property, applicants shall obtain a temporary use permit from the Building Official that outlines conditions of operations to protect the public, health, safety and welfare. Temporary uses are prohibited in public rights-of-way.
- (c) Temporary uses types.
1. Temporary uses shall be deemed to include short-term or seasonal uses that are not otherwise allowed by the zoning district regulations of this Code. Commercial events and those not sponsored or held by a nonprofit are considered Special Events and follow the provisions of Section 1.12.006 of this Code.
- (d) Review and action by the Building Official.

1. Application should be made at least 15 days in advance of the requested start date for a temporary use.
2. The Building Official shall determine whether to approve, approve with conditions, or disapprove the permit within ten days after the date of application and shall determine the length of time that the permit is valid. Permits requested for a temporary building or temporary outdoor storage during expansions, remodeling or reconstruction as provided for in this section shall be valid for a period of up to one year and an extension may be requested from the Building Official for a period not to exceed one additional year prior to the expiration of the original temporary use permit issued. All other permits shall be valid for a period between one and 45 days.
3. Where an application has been disapproved by the Building Official, the applicant shall be notified in writing of the reasons for the disapproval.

(e) Temporary use approval criteria. Temporary uses shall comply with the following standards:

1. Land use compatibility. The temporary use shall be compatible with the purpose and intent of this Code and the zoning district in which it will be located. The temporary use shall not impair the normal, safe and effective operation of a permanent use on the same site. The temporary use shall not endanger or be materially detrimental to the public health, safety or welfare, or injurious to property or improvements in the immediate vicinity of the temporary use, given the nature of the activity, its location on the site, and its relationship to parking and access points.
2. Compliance with other regulations. A building permit or temporary certificate of occupancy may be required before any structure used in conjunction with the temporary use is constructed or modified. All structures and the site as a whole shall meet all applicable building code, zoning district, and fire code standards and shall be promptly removed upon the cessation of the use or event. Upon cessation of the event or use, the site shall be returned to its previous condition (including the removal of all trash, debris, signage, attention attracting devices or other evidence of the special event or use).
3. Hours of operation and duration. The duration and hours of operation of the temporary use shall be consistent with the intent of the event or use and compatible with the surrounding land uses. The duration and hours of operation shall be established by the Building Official at the time of approval of the temporary use permit.
4. Traffic circulation. The temporary use shall not cause undue traffic congestion or accident potential, as determined by the city traffic engineer and/or Police Department, given

anticipated attendance and the existing design of adjacent streets, intersections and traffic controls.

5. Off-street parking. Adequate off-street parking shall be provided for the temporary use, and it shall not create a parking shortage for any of the other existing uses on the site.
 6. Public conveniences and litter control. On-site restroom facilities are required. Adequate on-site solid waste containers may also be required. The applicant shall provide a written guarantee that all litter generated by the event or use shall be removed at no expense to the city.
 7. Appearance and nuisances. The temporary use shall be compatible in intensity, appearance and operation with surrounding land uses in the area, and it shall not impair the usefulness, enjoyment or value of adjacent property due to the generation of excessive noise, dust, smoke, glare, spillover lighting, or other forms of environmental or visual pollution.
 8. Signs and attention-attracting devices. The Building Official shall review all signage in conjunction with the issuance of the permit. The Building Official may approve signs and the temporary use of attention attracting devices that conform to the signage requirements of this Code.
 9. Other conditions. The Building Official may establish any additional conditions deemed necessary to ensure land use compatibility and to minimize potential adverse impacts on nearby uses, including but not limited to, time and frequency of operation, temporary arrangements for parking and traffic circulation, requirements for screening/buffering, and guarantees for site restoration and cleanup following the temporary use
- (f) Expiration and lapse of approval. If the use described in the temporary use permit has not begun within 60 days from the date of issuance, the temporary use permit shall expire and be of no further effect.

Section 14.02.020 Outdoor Storage and Display

(a) General

1. Outdoor storage and display is allowed in certain nonresidential and mixed-use districts in accordance with this section. Any merchandise, material or equipment situated outdoors shall be subject to the requirements of this section.

(b) Permitted outdoor storage and display table

Permitted Outdoor Storage and Display Table					
Category	NB, DB	C-1, C-2	C-3	I-1, I-2, GO	IN-1, IN-2
Outdoor Display	X	X	X		X
Limited Outdoor Storage	X	X	X		X
General Outdoor Storage			X		X
Temporary Outdoor Storage	X	X	X	X	X

(c) Outdoor Display

Outdoor display is the display of items actively for sale and shall adhere to the following standards:

1. Outdoor display of merchandise shall not occupy any required parking spaces, landscape area, pedestrian accessibility or fire lane.
2. Outdoor display shall not extend into public right-of-way or onto adjacent property and must be kept within 15 feet of the principal structure.
3. Outdoor display shall be displayed in a neat and orderly manner and maintained in a clean, litter-free manner.
4. Outdoor display may not be located on the roof of any structure.
5. The outdoor display area shall not exceed ten (10) percent of the square footage of the principal structure or 500 square feet, whichever is less with the following exceptions:
 - A. Outdoor home accessory sales are exempt from this requirement.
 - B. Passenger vehicle rental - Outdoor display of passenger vehicles for rent is exempt from this requirement. This does not include vehicles used for moving.
 - C. Moving vehicle rental – Rental of vehicles utilized for moving of goods, personal or commercial, are limited to a maximum of eight (8) parking spaces.
6. All sales of such merchandise shall be consummated indoors, and no cash register or package-wrapping counter shall be located outdoors.
7. The maximum height of merchandise shall not exceed four (4) feet except for vehicle rental.
8. Outdoor display is not required to be screened.

9. Automotive parts and accessories shall not remain outdoors for more than 12 consecutive hours or will otherwise be required to follow the standards for outdoor storage.

(d) Limited outdoor storage

1. Limited outdoor storage is temporary storage of goods in individual packaging and not in storage containers. Organic materials in plastic packaging are considered limited outdoor storage.
2. Limited outdoor storage shall be screened from view outside the site by a solid wall at least six (6) feet in height. Limited outdoor storage in the IN-1 and IN-2 districts is exempt from the screening requirements provided that district buffering standards have been met.
3. Limited outdoor storage shall not be allowed in any off-street parking spaces.
4. In the NB, DB, and C-1 districts, limited outdoor storage shall not be allowed in the street yard.

(e) General and temporary outdoor storage

Outdoor storage is the storage of products or goods on a temporary to permanent basis. Passenger vehicle rental is exempt from these requirements. All other uses providing outdoor storage shall adhere to the following standards:

1. Outdoor storage areas are allowed for the purpose of storing goods for a nonresidential enterprise. All outdoor storage areas shall meet each required district building setback lines.
2. The location of outdoor storage areas shall be limited to the side or rear of the primary structure to which the facility belongs and a minimum 4' from the principal building. At no point shall materials be located in front of any portion of the principal building.
3. A six (6) foot wall is required to screen outdoor storage when the property is located adjacent to property zoned more restrictive than the subject site, or when the storage is visible from a public right of way. This requirement is in addition to the screening requirements of this Code, except where there is conflict this provision controls.
4. Outdoor storage shall be prohibited on the roofs of structures.

5. The outdoor storage area shall not encroach upon the required off-street parking, pedestrian access, fire lanes and maneuvering areas of the site.
6. The outdoor storage area is limited to a maximum 1% of the square footage of the principal structure or tenant space, whichever is less, within NB, DB, C-1, and C-2 districts with the following exceptions:
 - (A) Mini storage facilities which may provide for outside storage of vehicles (automobiles and recreational vehicles) are limited to a maximum area of 25% of the square footage of all structures on site, if the aforementioned screening is provided.
 - (B) Accessory use of vehicle storage is exempt from the limitation on area as long as all other provisions for outdoor storage are met. For example, trucks utilizing for moving, fleet vehicles or vehicles receiving auto repair.
7. General outdoor storage also includes items stored in shipping containers, conexes, and semi-trailers not attached to a truck. Shipping containers, conexes, and semi-trailers may only be stacked in the IN-2 district, in which case cannot be stacked more than two (2) units high.

Division VI Architectural Standards

Section 14.02.021 Single Family Detached and Two Family

(a) Purpose and Applicability

1. The purpose of this section is to provide building standards to achieve quality design and development outcomes that reflect positively on the community and its character and values.
2. This section applies to all dwelling units constructed in Agricultural (A), Single Family Estate (SF-E), Single Family Suburban (SF-1), Single Family Standard (SF-2) and Two Family (TF) districts.
 - A. Reconstructions, remodels, or additions to Single-Family detached and Two Family structures constructed prior to the effective date of this Chapter shall be exempted from the provisions of this Section when then reconstruction, remodel, or addition does not modify the structure's exterior or the reconstruction, remodel, or addition is less than 25% of the structures gross floor area.

(b) Single-Family detached and Two-Family dwellings architectural standards

1. General Criteria

- A. Covered rear patios or decks of a minimum of one-hundred square feet (100 SF) are required on all floor plans.
- B. All windows and doors shall have trim.
- C. The principle dwelling shall have at least a fully enclosed two (2) car garage. The garage may be attached or detached.
 - i. New housing development must avoid front elevations resulting in a streetscape dominated by the sight of garage doors. A front-loading garage, or the area including the garage door and 4 ft. around the garage door, whichever is wider, may occupy no more than 50% of the house linear frontage, and may protrude no more than 6 ft. from the longest front wall.
- D. Façades must be articulated by using color, arrangement, or change in materials to emphasize the façade elements. Exterior wall planes may be varied in height, depth or direction. Design elements and detailing, including the presence of windows and window treatments (for walls that face the public right-of way), trim detailing, and exterior wall materials, must be continued completely around the structure. Doors and windows must be detailed to add visual interest to the façade.
- E. Second-story window and door locations are encouraged to be offset from dwelling to dwelling to protect privacy.
- F. Front doors and windows shall be provided along the primary façade and oriented to face the public street.
- G. Dwellings are encouraged to be aligned on an east-west axis so that the long side of the building faces north and south while the short ends face east and west. When the long sides of a building face south or west, windows located along those sides are encouraged to be externally shaded using extended roof overhangs, building projections, window recesses or similar structural means to assist in minimizing summer solar admission and improving passive cooling. Buildings are encouraged to be designed to maximize photovoltaic potential.

(c) Elevation Differentiation

1. A proposed dwelling unit within two lots on the same or opposite side of the street shall differ from another dwelling unit in at least three (3) of the six (6) criteria listed below, unless the dwelling units differ with respect to the number of full stories, in which case one (1) criterion from the list below in addition to the number of full stories shall be different.
 - A. Building materials
 - B. Building material color
 - C. The proposed dwelling unit is served by a different type or size garage as set forth in subsections a. through d. below.
 - i. Front-load garage;
 - ii. Side entry garage;
 - iii. Detached garage;
 - iv. Angled garage
 - D. The proposed dwelling unit differs in the number of full stories as set forth in subsections i. or ii. below:
 - i. Single story; or
 - ii. Two story
 - E. The proposed dwelling unit has a different roof type as set forth in subsections i. through iv. below.
 - i. Gable;
 - ii. Hip;
 - iii. Combination of both;
 - iv. Roof types i, ii or iii with the longest ridge rotated 90 degrees
 - F. The proposed dwelling unit has variation in the articulation of the front facade as set forth in i. through iii. below.
 - i. Garage setback from the front facade of at least four feet;
 - ii. Covered, open walled porch of at least six (6) feet in depth extending at least one-third of the entire width of the front facade; or
 - iii. Other articulation of the front facade at least four feet in depth, extending at least one-third of the width of the front facade

(d) Industrialized Homes

1. This subsection applies to industrialized or modular homes, as defined in this chapter, that are constructed in Agricultural (A), Single Family Estate (SF-E), Single Family Suburban (SF-1), Single Family Standard (SF-2), and Two Family (TF) districts.
2. The home must meet the following criteria:
 - 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 home is proposed to be located, as determined by the most recent certified tax appraisal roll of Travis County; and

- B. Have exterior siding, roofing, roof pitch, foundation fascia, and fenestration compatible with the single family dwellings located within 500 feet of the lot on which the industrialized home is proposed to be located; and
- C. Comply with municipal aesthetics standards, building setbacks, side and rear yard offsets, subdivision control, architectural landscaping, square footage, and other site requirements applicable to single family dwellings
- D. Designed only for erection or installation on a site-built permanent foundation and is not designed to be moved after installation
- E. Designed and manufactured to conform to a nationally recognized model building code or an equivalent local code, or with a state or local modular building code recognized as generally equivalent to building codes for site-built housing; or to the manufacturer's knowledge, is not intended for use other than on a site-built permanent foundation.

Section 14.02.022 Single Family Attached

(a) Purpose and Applicability

- 1. The purpose of this section is to provide building standards to achieve quality design and development outcomes that reflect positively on the community and its character and values.
- 2. This section applies to all Townhome (TH) districts and attached townhome or rowhouse style developments of three or more attached units in the Multi-Family 15 (MF-1) and Multi-Family 25 (MF-2) districts.
- 3. The term "primary façade" shall apply to all facades facing a public street, public or private park, or any major drive aisle.

(b) Single family attached architectural standards

- 1. Roof pitch styles
 - A. Pitch roof – minimum 6:12
 - B. Flat roof – require parapet screening
 - C. Shed roof, porch roof and arcade roofs – minimum 2:12
- 2. Roof articulation (excluding flat roofs) – 2 of the following

- A. 2 roof materials
 - B. Chimneys
 - C. Dormers along public facades (1/20')
 - D. Eaves that overhang a minimum of 24" with a minimum fascia depth of 8"
 - E. Three or more roof slope planes per primary façade
3. Building articulation (applicable to each unit per building)
 - A. Primary façades of each dwelling unit shall be designed to have at least one vertical and horizontal wall projection or recess to provide variation and interest throughout the building. Projections or recesses shall be designed with at least one foot of relief and should be used to create shade and cast shadows on the façade.
 4. Transparency (windows and doors)
 - A. The primary facade shall have at least 3 full size windows. Windows should be designed to be operable and allow for cross ventilation.
 5. Window and door treatment
 - A. Trim shall be provided to accent all windows and doors appropriate to style of structure.
 6. Window articulation (applicable to overall building, not per unit)
 - A. All primary façades of a building containing a dwelling unit entry shall include at least one of the following window articulation elements per building:
 - i. Veranda, terrace, porch or balcony (accessible for single units) minimum 2' deep
 - ii. Trellis
 - iii. Shed roof awning
 - iv. 20" projection
 - v. Bay window
 - vi. Bow window
 - vii. Transom windows
 - viii. Arched windows
 - ix. Gable windows
 - x. Shutters
 7. Façade repetition
 - A. Each dwelling unit within a single structure shall be designed to have distinct architectural characteristics which visually separate it from the other dwelling units in the structure and may include differing materials.

8. Top floor articulation

- A. When a flat roof is utilized, a distinctive finish, consisting of a cornice, banding or other architectural termination shall be provided.

9. Building and entry orientation

- A. All buildings shall be oriented so that each dwelling unit shall have its main pedestrian entrance fronting onto a public street, a common open space with a landscaped courtyard, or a private street if part of a condominium project. All buildings and units near an arterial or collector level public street shall be oriented and have the primary facade front and face the public street. At no time shall dwelling units front a parking lot. A pedestrian pathway shall connect all building entrances to a public sidewalk.

10. Solar orientation and passive cooling

- A. Buildings are encouraged to be aligned on an east-west axis so that the long side of the building faces north and south while the short ends face east to west. When the long sides of a building face south or west, windows located along those sides are encouraged to be externally shaded using extended roof overhangs, building projections, window recesses or similar structural means to assist in minimizing summer solar admission and improving passive cooling. Buildings are encouraged to be designed to maximize photovoltaic potential.

11. Entry articulation

- A. Entry shall be covered or inset with distinct architectural detail such as: a covered, open walled porch, portico, arcade, or other similar element. Covered, open walled porches shall have at least six (6) feet in depth extending at least one-third of the entire width of the front façade of the dwelling unit.

12. Garage standards

- A. One (1), 12'x20' (inside dimensions) garage parking space shall be provided per unit.
- B. Dwelling units located along the perimeter of a subdivision may have a garage face a public right-of-way (front loaded) provided the garage does not face a collector or arterial road, the garage does not extend past the front façade of the dwelling unit, the garage door(s) maintains an architectural theme of the unit, and the garage door(s) do not constitute more than 40% of the primary facade of a dwelling unit. A dwelling unit within the same

development, located across a local street, and facing an aforementioned front loaded dwelling unit, may also be front loaded.

- C. Garages shall have same materials and mix as the primary residential structure façade.

Section 14.02.023 Manufactured Home

(a) Purpose and Applicability

1. The purpose of this section is to provide building standards to achieve quality design and development outcomes that reflect positively on the community and its character and values.
2. This section applies to the Manufactured Home (MH-1) and Manufactured Home Park (MH-1) districts and any Manufactured Home placed outside the MH-1 and MH-2.

(b) Manufactured Home architectural standards

1. No outside horizontal dimension must be less than 14 ft., except extensions comprising no more than 50% of the total enclosed floor area.
2. Houses must be skirted in 90 days of installation with material that is compatible with the design and exterior materials of the primary structure.
3. Houses must be tied down securely in conformance to applicable regulations before occupancy
4. Houses must be of adequate quality and safe design, as certified by a label stating the unit is constructed in conformance to the federal Manufactured home Construction and Safety Standards in effect on the date of manufacture, or other applicable standards required by state and federal law. Manufactured houses without certification, but meeting all other standards, may be accepted as safe and quality construction provided:
 - A. Electrical material, devices, appliances and equipment are in safe condition.
 - B. Mechanical systems including space and water heating are in safe condition.
 - C. Plumbing, gas piping, and wastewater systems are in safe condition.
5. Houses must be in sound structural condition. Structures that show evidence of fire damage are not acceptable.
6. Manufactured houses must be installed by a party licensed by the State of Texas in conformance to state law, or the frame must be supported by and tied to a foundation system capable of safely supporting loads imposed as determined by the character of the soil. Minimum acceptable foundation design must be a series of 8 in. grout-filled

concrete block piers spaced no more than 8 ft. on center and bearing on 1 ft. x 1 ft. solid concrete footings. A tie-down and anchoring system separate and apart from the foundation must be provided as recommended by the manufacturer, if different from the foundation ties.

7. Axle and hitch assemblies must be removed on placement on the foundation.
8. Electrical power supply must be from a meter installation on the building, or from a permanently installed meter.
9. Garage and carport additions must cover a paved parking area, be connected to the street with a paved driveway, meet setback standards, and have roof and siding material compatible with the primary structure.
10. Living area additions must meet the minimum building setback standards, have roof and siding material that is compatible with the host structure, and meet setback standards.
11. The house must be sited on level ground. All walls and floors must be level.

Section 14.02.024 Multi-Family and Mixed-Use

(a) Purpose and applicability

1. The purpose of this section is to provide building standards to achieve quality design and development outcomes that reflect positively on the community and its character and values.
2. This section applies to multi-family and mixed-use developments in the Neighborhood Business (NB), Downtown Business (DB), Multi-Family 15 (MF-1), and Multi-Family 25 (MF-2) districts.
3. The term “primary façade” shall apply to all facades facing a public street, public or private park, or any major drive aisle.

(b) Multi-Family and Mixed-Use architectural standards

1. Roof pitch styles
 - A. Pitch roof – minimum 6:12
 - B. Flat roof – require parapet screening
 - C. Shed roof, porch roof and arcade roofs – minimum 2:12

2. Roof articulation (excluding flat roofs) – 2 of the following
 - A. 2 roof materials
 - B. Chimneys
 - C. Dormers along public facades (1/20')
 - D. Eaves that overhang a minimum of 24" with a minimum fascia depth of 8"
 - E. Three or more roof slope planes per primary façade
3. Vertical articulation
 - A. No more than 50 linear (horizontally) feet without a minimum 5' vertical offset
4. Horizontal articulation
 - A. No more than 50 linear (horizontally) feet without a minimum 5' horizontal offset
5. Transparency (windows and doors)
 - A. Each residential floor on a primary façade shall contain 25% doors and windows.
 - B. Each non-residential floor on a primary façade shall contain 50% doors and windows.
6. Window and door treatment
 - A. Trim shall be provided to accent all windows and doors appropriate to style of structure.
7. Window articulation
 - A. 25% of primary façades windows shall include one of the following:
 - i. Veranda, terrace, porch or balcony (accessible for single units) minimum 4' deep
 - ii. Trellis
 - iii. Shed roof awning
 - iv. 20" projection
 - v. Bay window
 - vi. Bow window
 - vii. Transom windows
 - viii. Arched windows
 - ix. Gable windows
 - x. Oval or round windows
 - xi. Shutters
8. Façade repetition

- A. All buildings shall be designed to have distinct characteristics every 30’.
- 9. Top floor articulation
 - A. When a flat roof is utilized, a distinctive finish, consisting of a cornice, banding or other architectural termination shall be provided.
- 10. Building orientation
 - A. All buildings containing ground floor or second story residential dwelling units, located along the perimeter of the development and/or adjacent to public right of way, shall have the primary façade front and face the public right-of-way.
 - B. All other buildings shall be designed as liner buildings located adjacent to and fronting the public right of way, primary internal drive aisles, or wrapped around a structured parking garage. Buildings shall not be oriented toward a surface parking lot with more than one row of parking along an internal drive aisle without perimeter liner buildings, and only as approved by the Building Official.
- 11. Primary entrance location
 - A. Pedestrian building entrances shall be directly accessible from a public sidewalk or a common open space with a landscaped courtyard.
- 12. Solar orientation and passive cooling
 - A. Buildings are encouraged to be aligned on an east-west axis so that the long side of the building faces north and south while the short ends face east to west. When the long sides of a building face south or west, windows located along those sides are encouraged to be externally shaded using extended roof overhangs, building projections, window recesses or similar structural means to assist in minimizing summer solar admission and improving passive cooling. Buildings are encouraged to be designed to maximize photovoltaic potential.
- 13. Entry articulation
 - A. Mixed use structures shall have a minimum 6’ inset for the width of the entry (minimum 8’ wide).
 - B. All ground floor entries shall be covered with distinct architectural detail such as: porch, portico, arcade, awning, or other similar shading element.
- 14. Building access

- A. Multi-family units shall be accessed by way of a centralized indoor corridor except:
 - i. Exterior stairwells may be considered if they are oriented toward a central landscaped courtyard and/or screened via evergreen landscaping from any public street or required bufferyard. The stairwell structure shall be architecturally integrated into the building with appropriately sized cutouts to allow for visibility, ventilation, and protection from natural elements.

15. Garage standards

- A. Multi-family uses shall provide one (1), 12'x20' (inside dimensions) garage parking space per 2 units, except when structured parking is provided. Vertical mixed use structures shall be exempt from the garage requirement.
- B. 50% of the required garage spaces for Multi-Family structures shall be integrated into primary residential structures.
- C. All shall have same materials and mix as facades of the primary residential structure.
- D. Parking lots shall not be permitted between a structure and a required buffer. Structures containing the remaining required garage spaces not integrated into the primary structure may be permitted between a structure and a required buffer.

16. Interior pedestrian access and off-site connectivity

- A. Minimum 4' sidewalks required from all parking and public areas to entryways of all units.
- B. When provided, perimeter fencing along a public right-of-way shall include one pedestrian gate accessible for every two buildings. The pedestrian gate may be a controlled access gate for the tenants to utilize.
- C. A pedestrian pathway with a minimum 4' width shall connect all pedestrian building entrances to the pedestrian gates and to the public sidewalk.

17. Amenities

All multi-family and mixed use developments shall require at least one private amenity, selected from the list below, for every fifty (50) or more dwelling units.

The amenities shall be located on a private open space or landscape lot and shall be owned and maintained by the property owner.

A. Amenities for multi-family and mixed-use structures

Number of Dwelling Units	Minimum Number of Amenities
0 – 49	0
50 – 99	1
100 – 149	2
150 – 199	3
200 – 249	4
250 or more	5

B. Amenities

Playground equipment meeting minimum guidelines by the National Playground Safety Institute with a covered shade structure
Dog park (not smaller than 2,500 sq. ft) with minimum depth of twenty-five (25) feet, fenced, and containing a pet drinking fountain
Covered picnic area to contain no fewer than two (2) tables with seating and two (2) grills
Swimming pool
Splash pad
Tennis or racquet ball court
Basketball court
Volleyball court
Community garden or orchard with irrigation (minimum 800 sq. ft)
Gazebo, band stand or outdoor amphitheater
Amenity center with social room for resident use
Private fitness facility

Kitchen available for resident use
Billiards or similar
Theater or similar media room
As approved by the Building Official

Section 14.02.025 Office, Commercial, Institutional

(a) Purpose and applicability

1. The purpose of this section is to provide building standards to achieve quality design and development outcomes that reflect positively on the community and its character and values.
2. This section applies to office, commercial, and institutional developments in the General Office (GO), Light Commercial (C-1), Medium Commercial (C-2), Heavy Commercial (C-3), Small Institutional (I-1), and Large Institutional (I-2) districts.
3. The term “primary façade” shall apply to all facades facing a public street, public or private park, or any major drive aisle.

(b) Office, Commercial, and Institutional architectural standards

1. Site arrangement and building orientation
 - A. Commercial developments adjoining residential developments should be of an appropriate scale, setback and building height. Multi-story commercial buildings should incorporate lower scale, single-story elements and/or greater setbacks adjacent to existing residential developments.
 - B. Pad sites for buildings should be located as close as possible to the intersections of arterial roads whenever possible. Structures located closer to the intersections provide a strong visual and pedestrian relationship to the street while taking into account the queuing requirements for any drive-through services. Parking and store entrances along with associated services may be located behind the structures.
 - C. Gas Canopies, drive-through lanes, service functions and accessory structures should be located away from the intersections.
 - D. Design projects to minimize pedestrian and vehicular convergence. Where pedestrian circulation paths cross vehicular routes, provide a change in paving

materials, textures or colors to emphasize the areas where they intersect. These areas should be identified by use of decorative bollards to increase visibility and improve aesthetic appeal.

- E. Design convenient pedestrian and bicycle access to and throughout the development.
 - F. Pedestrian focal points should have enhanced pedestrian paving such as decorative scored concrete, stained concrete, exposed aggregate or other decorative walking surfaces.
 - G. For developments ten (10) acres or larger, the following standards additionally apply:
 - i. The site's buildings should be organized so that the layout encourages functional pedestrian spaces, plazas and amenities between and in front of the buildings.
 - ii. Provide direct pedestrian and bike access to connect future and existing developments, if applicable.
 - iii. Design pedestrian amenities that allow for use and enjoyment of outdoor areas as a development focal point or centralized amenity. These may include a mix of pedestrian scaled lighting, tables, drinking fountains, benches, seating walls, shade trees, raised landscape planters, berms, clock towers, water features, specimen trees, potted plants, information kiosks, botanical exhibits and art exhibits or features.
 - iv. Design sites to accommodate bus stops in the development of shopping centers on arterial streets where future transit service may become available.
 - v. Provide convenient bicycle parking in locations that do not interfere with pedestrian circulation. Place bicycle parking racks or area in several locations within the development.
 - vi. Provide for continuation of pedestrian access when commercial developments are located adjacent to existing planned open space.
2. Architectural elements
- A. All buildings shall be designed to incorporate no less than four (4) of the architectural elements from the list below. Buildings or multitenant buildings over

50,000 square feet shall include no less than five (5) of the referenced architectural elements. Buildings or multitenant buildings over 100,000 square feet shall include no less than six (6) of the referenced architectural elements:

- i. Canopies, awnings, or porticos;
- ii. Arcades;
- iii. Pitched roof forms;
- iv. Arches;
- v. Display windows;
- vi. Architectural details (such as tile work and moldings) integrated into the building facade;
- vii. Articulated ground floor levels or base;
- viii. Articulated cornice line;
- ix. A minimum of two building materials, differentiated by texture, color, or material; and
- x. Other architectural features approved by the Building Official or designee.

B. Common Development

All buildings within a common development shall have similar architectural styles and materials. This shall include all buildings situated on lots included within an approved preliminary plan.

C. Facade Finish

All nonresidential buildings shall be architecturally finished on all four sides with same materials, detailing, and features.

D. Articulation Standards

Any primary façade shall include projections or recesses and vertical variations in the roof line in accordance with the horizontal and vertical articulation requirements set forth below.

i. Horizontal Articulation

- a. A building facade may not extend for a distance greater than three times its average height without a perpendicular offset of at least ten percent of such building height.
- b. The total length of all façade walls in a single plane may not exceed 60 percent of the total façade length.
- c. Regardless of façade length, all primary facades shall have at least one horizontal offset of the required percentage.

ii. Vertical Articulation

- a. A horizontal wall may not extend for a distance greater than three times its height without a change in elevation of at least 15 percent of such height.

- b. The total length of all vertical elevation changes in the roofline shall be no less than 20 percent and no more than 40 percent of the total facade length.
- c. Regardless of the façade length, all primary facades shall have at least one vertical elevation change.
- d. Flat roofs with a parapet wall are permitted, provided the roofline meets the vertical articulation requirements.

E. Building Entrance Standards

- i. Any front building entrance shall be set back from a drive aisle a minimum distance of 15 feet.
- ii. Single-use or multitenant buildings over 50,000 square feet in size shall provide clearly defined, highly visible customer or employee entrances with the integration of awnings or similar architectural features.
- iii. New or renovated commercial buildings shall have outdoor plazas, courtyards, or other pedestrian spaces at their main entrances.
 - a. Minimum size of pedestrian space shall be one (1) square foot of space per 100 square feet of building floor area or a minimum of 100 square feet of pedestrian space; whichever is greater.
- a. All pedestrian spaces shall incorporate at least four (4) of the following:
 - a. Decorative landscape planters or wing walls that incorporate landscape areas.
 - b. Pedestrian scale lighting, bollard, or other accent lighting.
 - c. Special paving, such as colored/stained and sealed concrete, stamped concrete, brick or other unit paver.
 - d. Public art with a valuation of at least .05% of the total construction cost.
 - e. Seating such as benches, tables with attached seats, or low seating walls.
 - f. Architectural water structures, features, or fountains.
 - g. Other amenity approved by the Building Official.

F. Canopy Standards

The following provisions apply to canopies associated with an ATM canopy, gas station canopy, drive-thru canopy, carport, and other similar auto oriented canopies.

- i. Canopies shall be constructed of roof building material consistent with that of the principal building.
- ii. Canopies shall have pitched roofs, unless attached to the principal building utilizing a parapet roof type.
- iii. Canopy columns shall be fully encased with material that is complimentary to that used on the principal building.

- iv. The canopy band face shall be color consistent with the principal structure's exterior building materials and shall not be backlit or used as signage except that the business name may be displayed on the canopy band.
- v. Canopies shall be no higher than the principal building. In no case shall the canopy height exceed 20 feet.

G. Drive-Thru

Drive-thru facilities shall be located to the side or rear of the structure, unless site constraints limit such orientation, as determined by the Building Official.

H. Overhead Doors

- i. Overhead doors shall not be located closer than 50 feet to a conforming residential lot.
- ii. Overhead doors shall be oriented to the side or rear of the structure and not front or face a public right-of-way or public street with the following exceptions:
 - a. An automotive use with a maximum of four (4) single, service bays may orient toward a public street only when structural awnings of at least 3' 10" are provided over the extent of the overhead doors, or equivalent structural projections are provided in front of the overhead doors to reduce the visual impact of the service bays from the street.
 - b. A roll up, garage type door installed in a restaurant or bar may be permitted to face a public street if it is architecturally integrated into the building and provides a pedestrian connection with a covered outdoor patio area.
 - c. When physical site constraints prevent such orientation, the Building Official may consider alternatives when screened in accordance with this Code.

I. Loading Docks

- i. Loading docks shall not be located closer than 50 feet to a conforming residential lot.
- ii. Loading docks shall be oriented to the side or rear of buildings, and oriented to not front the public right-of-way, not be visible or face a public street, main drive aisle, or patron parking lot.
- iii. Screening shall be in accordance with this Code.
- iv. When physical site constraints prevent such orientation, the Building Official may consider alternatives when screened in accordance with this Code.

J. Service Court

- i. When multiple offices, commercial and industrial uses are planned, loading docks and delivery receivable areas shall be consolidated into common service courts located to the side or rear of the buildings.
- ii. The access point into the service court shall be minimized in width in order to substantially screen the service court from a public street, main drive aisle or patron parking area, but allow for necessary vehicle maneuverability.
- iii. Service courts shall be screened in accordance with this Code.

K. Roof Treatment

- i. Pitched roofs shall have a minimum pitch of 4:12. Long unarticulated roofs are not permitted.
- ii. Parapets shall be used to conceal roof-mounted mechanical equipment on flat roofs on all sides.
- iii. Where overhanging eaves are used, overhangs shall be no less than two (2) feet beyond the overhanging walls.
 - a. Gable and hip roofs shall be symmetrically pitched between 4:12 and 8:12.
 - b. Shed roofs, porch roofs, and arcade roofs subordinate and attached to the primary structure, shall be pitched between 2:12 and 6:12.

Section 14.02.026 Industrial

(a) Purpose and applicability

- 1. The purpose of this section is to provide building standards to achieve quality design and development outcomes that reflect positively on the community and its character and values.
- 2. This section applies to industrial developments in the Light Industrial (IN-1) and Heavy Industrial (IN-2) districts and any Light Industrial use in the Heavy Commercial (C-3) district as approved by the Building Official.
- 3. The term “primary façade” shall apply to all facades facing a public street, public or private park, or any major drive aisle.

(b) Industrial architectural standards

1. Architectural Elements

- A. All buildings shall be designed to incorporate no less than four of the architectural elements from the list below. Buildings or multi-tenant buildings over 50,000 square feet shall include a minimum of five of the referenced architectural elements. Buildings or multitenant buildings over 100,000 square feet shall include a minimum of six of the referenced architectural elements:
 - i. Canopies, awnings, or porticos;

- ii. Arcades;
- iii. Pitched roof forms;
- iv. Arches;
- v. Minimum of 10% fenestration on primary facades;
- vi. Architectural integrated into the building facade;
- vii. Articulated ground floor levels or base;
- viii. Articulated cornice line;
- ix. Integrated planters or wing walls that incorporate landscape and sitting areas;
- x. A minimum of two building materials, differentiated by texture, color, or material; and
- xi. Other architectural features approved by the Building Official or designee.

2. Common Development

- A. All buildings within a common development shall have similar architectural styles and materials. This shall include all buildings situated on lots included within an approved preliminary plan.

3. Facade Finish

- A. All nonresidential buildings shall be architecturally finished on all four sides with same materials, detailing, and features.

4. Articulation Standards

Any primary façade shall include projections or recesses and vertical variations in the roof line in accordance with the horizontal and vertical articulation requirements set forth below.

A. Horizontal Articulation.

- i. The total length of all façade walls in a single plane shall not exceed 60 percent of the total façade length without a horizontal wall offset a minimum of two (2) feet in depth and ten (10) feet in length parallel to the average façade plane. Regardless of façade length, all primary facades shall have at least one horizontal wall offset of a projection or recess.
- ii. Single-use or multitenant buildings between 15,000 and 49,000 square feet in size shall provide horizontal wall projections and/or recesses, a minimum offset of five (5) feet in depth and fifteen (15) feet in length parallel to the average façade plane at all building entrances fronting public right-of-way and along a primary facade.
- iii. Single-use or multitenant buildings equal to or more than 50,000 square feet in gross floor area shall provide horizontal wall projections and/or recesses, at a minimum offset of ten (10) feet in depth and thirty (30) feet in length parallel to the average façade plane at all customer entrances fronting a public right-of-way and along a primary façade.

B. Vertical Articulation.

- i. Regardless of the façade length, all primary facades shall have at least one vertical elevation change without a vertical roof-line offset a minimum of two (2) feet in height and ten (10) feet in length.
- ii. Flat roofs with a parapet wall are permitted, provided the roofline meets the vertical articulation requirements.

E. Building Entrance Standards

- i. Single-use or multitenant buildings over 50,000 square feet in size shall provide clearly defined, highly visible building entrances with the integration of awnings or similar architectural feature, fronting public right-of-way or along a primary façade.
- ii. Single-use or multitenant buildings over 50,000 square feet in size shall have outdoor plazas, courtyards, or other pedestrian spaces at their main entrances.
 - a. Minimum size of pedestrian space shall be one (1) square foot of space per 100 square feet of building floor area.
 - b. All pedestrian spaces shall incorporate at least four (4) of the following:
 - 1. Decorative landscape planters or wing walls that incorporate Landscape Areas.
 - 2. Pedestrian scale lighting, bollard, or other accent lighting.
 - 3. Special paving, such as colored/stained and sealed concrete, stamped concrete, brick or other unit paver.
 - 4. Public art with a valuation of at least .05% of the total construction cost.
 - 5. Seating such as benches, tables with attached seats, or low seating walls.
 - 6. Architectural water structures, features, or fountains.
 - 7. Other amenity approved by the Building Official.

F. Canopy Standards

The following provisions apply to canopies associated with service stations, drive thru facilities and other auto-oriented canopies.

- i. Canopies shall be constructed of roof building material consistent with that of the principal building.
- ii. Canopy columns shall be fully encased with material that is complimentary to that used on the principal building.
- iii. Canopies shall be no higher than the principal building. In no case shall the canopy height exceed 20 feet.

- iv. The canopy band face must be of a color consistent with the main structure or a complimentary accent color and may not be backlit or used as signage.

G. Drive-Thru

Drive-thru facilities shall be located to the side or rear of the structure, unless site constraints limit such orientation as determined by the Building Official.

H. Overhead Doors

- i. Overhead doors shall not be located closer than 50 feet to a conforming residential lot.
- ii. Overhead doors shall be oriented to the side or rear of the structure and not front or face a public right-of-way or public street with the following exceptions:
 - a. An automotive use with a maximum of four (4) single, service bays may orient toward a public street only when structural awnings of at least 3' 10" are provided over the extent of the overhead doors, or equivalent structural projections are provided in front of the overhead doors to reduce the visual impact of the service bays from the street.
 - b. When physical site constraints prevent such orientation, the Building Official may consider alternatives when screened in accordance with this Code.

I. Loading Docks

- i. Loading docks shall not be located closer than 50 feet to a conforming residential lot.
- ii. Loading docks shall be oriented to the side or rear of buildings, and oriented to not front the public right-of-way, a public street, major drive aisle, or patron parking lot.
- iii. Screening shall be in accordance with this Code.
- iv. When physical site constraints prevent such orientation, the Building Official may consider alternatives when screened in accordance with this Code.

J. Roof Treatment

- i. Parapets shall be used to conceal roof-mounted mechanical equipment on all sides.
- ii. Where overhanging eaves are used, overhangs shall be no less one (1) foot beyond the overhanging walls.
 - a. Gable and hip roofs shall be symmetrically pitched between 4:12 and 8:12.
 - b. Shed roofs, porch roofs, and arcade roofs subordinate and attached to the primary structure, shall be pitched between 2:12 and 6:12.

Division VII Administration

Article 14.03 Specific Use Permits

Section 14.03.001 Applicability

- (a) An applicant may submit an application for those land uses listed as permitted by specific use permits (SUP), under the particular zoning districts in Article 14.02 of this Code.

Section 14.03.002 Process

- (b) The process for a SUP is outlined below. An application for a SUP will be scheduled for action once staff and the applicant have had the opportunity to review and finalize the requirements of the SUP. Dates for public hearings and action will be scheduled once review of the application is complete. Sections 2 and 3 may be repeated until all comments are addressed or the applicant submits a written request for the proposal to be reviewed by the Planning and Zoning Commission.
 - 1. A Pre-Development Meeting is required to discuss the proposed development and to determine whether the property and proposal meet the criteria for a SUP at the proposed location.
 - 2. Upon application submittal, the Director of Development Services will review the application and submit comments to the applicant not later than ten (10) business days following the date that the application was submitted.
 - 3. The applicant can revise the proposal based on the Director's comments.
 - 4. The application will be scheduled for public hearing by the Planning and Zoning Commission with appropriate notifications, once:
 - A. All comments from the Director of Development Services have been addressed; or
 - B. The applicant submits a written request for the proposal to be reviewed by the Planning and Zoning Commission.
 - 5. The Planning and Zoning Commission shall consider the application following a public hearing and provide a recommendation with any associated conditions to City Council. The Planning and Zoning Commission shall determine if the application meets the requirements outlined in Section 14.03.004 and Article 14.02.
 - 6. The City Council must conduct a public hearing and act on the proposed creation of a SUP according to the criteria outlined in Sections 14.03.003 through 14.03.005.
 - 7. If approved, the City staff must amend the Official Zoning Map to indicate a SUP has been approved.

8. Land within the SUP can then be used or developed in conformance with the adopted standards.

Section 14.03.003 Application Requirements

- (a) When requesting a special use permit, the applicant shall submit a completed application including the following:
 1. A completed application;
 2. The street address, location, and legal description of the subject property;
 3. A certified boundary survey of the land area subject to the request, along with an indication of the existing zoning, predominant existing uses, and existing zoning designations within 300 feet in all directions of the boundary of the land area subject to the request;
 4. Mailing labels of the legal mailing addresses of the surrounding property owners within 300 feet of the exterior boundary of the parcel proposed to be considered;
 5. A tax certificate from the county treasurer showing the status of all current taxes due on such parcel;
 6. A statement by the applicant explaining the rationale for the SUP request;
 7. A concept plan including:
 - A. Number and location of access points to the property, proposed structures and uses with particular reference to automotive, bicycle, transit and pedestrian safety and convenience; traffic flow and control; emergency access; and location of off-street parking, loading spaces, and service areas;
 - B. General compatibility and appropriateness of the permitted use in relationship to other nearby properties and uses, including consideration of lighting, signage, and hours of operation, screening/buffering, landscaping, noise/odors, and other factors;
 - C. Compliance with the goals and objectives of the Comprehensive Plan
 8. The required fee in accordance with Appendix A of this Code; and
 9. Any additional information that may be deemed to be appropriate and necessary to demonstrate that the SUP, if granted, would be compatible with surrounding development.

Section 14.03.004 Consideration

- (a) The City Council by an affirmative vote may, after public hearing and proper notice to all parties affected, and after receipt of recommendations from the Planning and Zoning Commission that address whether the uses are in general conformance with the Comprehensive Plan, general objectives of the City and are subject to such requirements

and safeguards as are necessary to protect adjoining property, authorize the application, which shall be accompanied by: a proposed Site Plan drawn to scale and showing the general arrangement of the project, together with essential requirements such as off-street parking facilities; size, height, construction materials, and locations of buildings and the uses to be permitted; location and special requirements of signs; means of ingress and egress to public streets; the type of visual screening such as walls, plantings and fences; and the relationship of the intended use to all existing properties and land uses in all directions to a minimum distance of 300 feet. The Planning and Zoning Commission or City Council may require additional information or drawings (such as building floor plans), operating data and expert evaluation or testimony concerning the location, function and characteristics of any building or use proposed.

Section 14.03.005 Criteria for Approval

- (a) In recommending that a specific use permit for the premises under consideration be granted, the Planning and Zoning Commission shall determine that such proposed use(s) are harmonious and adaptable to building structures and uses of abutting property and other property in the vicinity of the premises under consideration, and shall make recommendations as to requirements for the paving of streets, alleys and sidewalks, means of ingress and egress to public streets, provisions for drainage, adequate off-street parking, protective screening and open space, area or security lighting, heights of structures and compatibility of buildings. The Planning and Zoning Commission and City Council shall consider the following criteria in determining the appropriateness of the specific use permit request:
1. Whether the use is harmonious and compatible with its surrounding existing uses or proposed uses;
 2. Whether the activities requested by the applicant are normally associated with the requested use;
 3. Whether the nature of the use is reasonable; and
 4. Whether any adverse impact on the surrounding area has been mitigated.

Section 14.03.006 Considerations of Permit

- (a) In granting a specific use permit, the City Council may impose conditions that the owner or grantee must comply with before the Building Official may issue a Certificate of Occupancy for use of the building on such property pursuant to such specific use permit and such conditions precedent to the granting of the certificate of occupancy. Any special conditions shall be set forth in the ordinance approving the SUP. The Building Official and/or Director of Development Services shall verify compliance with such conditions prior to issuance of the certificate of occupancy.

1. No specific use permit shall be granted unless the applicant, owner and grantee of the specific use permit are willing to accept and agree to be bound by and comply with the written requirements of the specific use permit, as attached to the site plan drawing (or drawings).
2. A building, premises, or land used under a specific use permit may be enlarged, modified, structurally altered, or otherwise changed provided these changes do not:
 - A. Increase the height of structures, including antenna support structures;
 - B. Increase building square footage from its size at the time the original specific use permit was granted by more than 10 percent;
 - C. Reduce the distance between a building or noise-generating activity on the property and an adjacent, off-site residential use. This provision shall not apply if the property and the residential use are separated by a major thoroughfare depicted on the City's Transportation Master Plan; or
 - D. Reduce the amount of landscape area by more than 10 percent, as indicated in the approved specific use permit.
 - E. All other enlargements, modifications, structural alterations, or changes shall require the approval of a specific use permit amendment. Antennas may be placed on a tower with an existing specific use permit without approval of a specific use permit amendment subject to approval of a final plat and site plan for the property.
- (b) The Board of Adjustment shall not have jurisdiction to hear, review, reverse, or modify any decision, determination or ruling with respect to the specific land use designated by any specific use permit.
- (c) When the City Council authorizes granting of a specific use permit, the Official Zoning District Map shall be amended according to its legend to indicate that the affected area has conditional and limited uses, and said amendment is to indicate the appropriate zoning district for the approved use and prefixed by an "S" designation. Specific use permits granted shall be indicated by numerical designation on the Zoning District Map.
- (d) Upon holding a properly notified public hearing, the City Council may amend, change or rescind a specific use permit if:
 1. There is a violation and conviction of any of the provisions of this Chapter or any provision of the City code that occurs on the property for which the specific use permit is granted;
 2. The building, premises, or land used under a specific use permit is enlarged, modified, structurally altered, or otherwise significantly changed without approval of an

amended specific use permit for such enlargement, modification, structural alteration or change;

3. Violation of any provision of the terms or conditions of a specific use permit;
4. The specific use permit was obtained by fraud or with deception; or
5. A site development permit has not been secured for the development within twenty-four (24) months from the date of approval by the City Council. If a site development permit has been approved, the specific use permit will remain valid until such time the approved site development permit has expired. Once a site, governed by a SUP, has received a Certificate of Occupancy, the SUP shall remain in full force and effect provided the conditions of the SUP are satisfied and maintained.

Article 14.04 Nonconforming Structures, Lots, Sites, and Uses

Section 14.04.001 General

- (a) Except as specified in this section, any use, building or structure existing at the time of enactment of this chapter or classification amendment applicable to its use, may be continued even though such use, building or structure may not conform with the provisions of this chapter for the district in which it is located; provided, however, that this section shall not apply to any use, building or structure established in violation of this chapter or ordinance previously in effect in the city.
- (b) A structure, lot, site, or use that is in violation of the requirements of this Code and was constructed or established since the adoption of this Code without the necessary approvals, permits, or authorizations from the City is considered illegal nonconforming. In addition, a structure, lot, site, or use that was constructed or established at any time prior to the adoption of this Code that was not in compliance with the then applicable regulations is considered illegal nonconforming. The owner and/or operator of an illegal nonconforming structure, lot, site, or use shall be subject to actions and penalties allowed by this Code and all other applicable City ordinances and shall be required to correct the nonconforming situation to come into conformance with all applicable standards and regulations of this Code.
- (c) Prior to the issuance of any building or development permit, all nonconforming buildings, structures, sites, and uses shall be removed or brought into compliance with all provisions of the code except as specified in this Article.

Section 14.04.002 Nonconforming Structures

- (a) Normal repairs and maintenance may be made to a nonconforming building or structure; provided that no structure alterations shall be made except those required by law or ordinance or those necessary for installing or enclosing required sanitary facilities, such as toilets and bathrooms.
- (b) Unless otherwise provided, a nonconforming building or structure shall not be added to or enlarged in any manner unless such additions and enlargements meet the requirements as follows:
 - 1. A legal nonconforming structure may be expanded or enlarged up to fifty percent (50%) of its size, provided the use is permitted by right within the respective district, the expansion is in accordance with the architectural and building height requirements, and there are no further encroachments into the required building setbacks established in this Chapter. If the expansion is equal to or less than two hundred (200) square feet, the Building Official may allow for a deviation in architectural building materials in order to maintain architectural consistency.
 - 2. A legal nonconforming structure may be expanded or enlarged in excess of fifty percent (50%) of its size provided that all provisions of this Code shall be applicable to the existing structure or structures as well as any new construction on the lot or parcel. For the existing structure, where it is determined that all provisions of this Code cannot be reasonably met or conformance with all requirements of this Code will cause the expansion or creation of another nonconformity, the applicant may request approval of a variance by the Board of Adjustment. Any expansion or enlargement under this section is subject to applicable setback requirements in place at the time of the expansion or enlargement, regardless of encroachment of the existing legal nonconforming structure into the applicable setback area.
 - 3. For purposes of determining the expansion or enlargement of a nonconforming structure, the square footage of all previous expansions under this section shall be cumulative and the square footage of the original structure shall be the original size for purposes of the calculation.
 - 4. All expansion or enlargement of structures under this section shall be in compliance with all applicable regulations of the zoning district in which such structure is located. In no event may the expansion or enlargement result in the increase of any existing nonconformity or the creation of any new nonconformity.
- (c) A nonconforming building or structure shall not be moved in whole or in part unless every portion of such building or structure is made to conform to all regulations of the district in which it is to be located.

- (d) If a nonconforming building or structure has been damaged or destroyed to an extent greater than 50 percent of its fair market value (as determined by the most recent appraised value of the appraisal district in which the building or structure is located), such building or structure and its use, if repaired or replaced, shall conform to all regulations of the district in which it is located, and it shall be treated as a new building.
- (e) Where the Building Official determines that a nonconforming building or structure has been damaged or destroyed to an extent greater than 50 percent of its fair market value (as determined by the most recent appraised value of the appraisal district in which the building or structure is located) and denies a building permit for reconstruction on the basis of a nonconforming use, an applicant for a permit shall have the right of appeal to city council within 15 days after receipt of notification of such action. The applicant shall be advised by the city secretary of the time and place of the hearing at which the appeal will be considered, and that the applicant shall have the right to attend and be heard as to reasons for filing the appeal. In determining the time and place of the hearing the city secretary shall cause a public notification to be published in the official newspaper describing the requested development, a minimum of ten days prior to the hearing; and cause certified letters to be sent to all property owners within 200 feet of the boundary of the parcel of land for which the building permit is being applied for. In determining whether to allow the issuance of a building permit, the city council shall determine that each of the following standards has been met:
1. It will not be contrary to the public interest.
 2. It will be in harmony with adjacent land uses.
 3. It will not adversely affect the public health, safety and welfare.
- (f) A vacant, nonconforming building or structure lawfully constructed before the date of enactment of this section may be occupied by a use for which the building or structure was designed or intended, if so occupied within a period of 90 days after the effective date of the ordinance from which this section is derived. The use of a nonconforming building or structure lawfully constructed before the date of enactment of this section which becomes vacant after the effective date of the ordinance from which this section is derived, may be re-occupied by the use for which the building or structure was designed or intended, if so occupied within a period of 90 days after the building or structure becomes vacant. All such buildings, after 90 days of vacancy, shall be converted to a conforming use.

Section 14.04.003 Nonconforming Uses

The nonconforming use of a building or structure may be continued as hereinafter provided:

- (a) The nonconforming use of a building or structure may not be changed to a use which does not conform to the requirements of the district in which it is situated.
- (b) A nonconforming use of a conforming building or structure shall not be enlarged, expanded, or increased into any other portion of such conforming building, structure, or lot, nor changed except to a conforming use. If such nonconforming use or portion thereof is voluntarily discontinued or changed to a conforming use, any future use of such building, structure or portion thereof shall conform to the regulations of the district in which such building or structure is located.
- (c) A legal nonconforming use shall be considered enlarged, expanded, or increased if there is:
 - 1. An increase square footage of the building housing the nonconforming use;
 - 2. An expansion of the square footage occupied by a nonconforming use within an existing building;
 - 3. Occupation of a greater portion of the tract on which the use is located;
 - 4. Construction of additional buildings associated with the nonconforming use; or
 - 5. An increase the scope, volume, or intensity of the use in a significant way.

Section 14.04.004 Nonconforming Sites

A nonconforming site is one where one or more existing site improvements, including but not limited to parking areas, sidewalks and landscaping, do not conform to one or more of the regulations of this Code applicable to the property. Those nonconforming sites lawfully existing on the effective date of this Code shall be considered legal nonconforming sites. The continuation of a nonconforming site can be continued as hereinafter provided:

- (a) A legally nonconforming site shall be maintained in accordance with the codes in effect when the site was constructed or as deemed necessary by the Planning Director for the general safety and welfare of the occupant and the public. Any repairs or maintenance required by the Planning Director shall not be construed as to allow an addition to or expansion of a nonconforming site. Except as otherwise provided for in this Subchapter; no repair or maintenance may result in the expansion of any existing nonconformity or the creation of any new nonconformity. Maintenance of a site includes maintenance of landscaping, pavement, lighting, and detention ponds.
- (b) A change in the tenant of a legal nonconforming site may cause the site to lose its legal nonconforming status based on the following provisions. For the continuation of the existing legal nonconforming site, where it is determined that all provisions of this Code cannot be reasonably met or conformance with all requirements of this Code will cause the

expansion or creation of another nonconformity, the applicant may request a variance from the Board of Adjustment.

1. Tenant with Same Use

A change in tenant of a legal nonconforming site to a tenant with the same use, as listed in the land use tables of this Chapter, is permitted without any required changes to the nonconforming site; provided the restrictions below are met.

- A. The use shall not increase the amount of impervious cover, the amount of outside storage, or the amount of space for outdoor business operations previously existing,
- B. The average daily vehicle trips generated by the new use shall be less than or equal to the previous use.
- C. The use shall not produce more noise, vibration, dust, odor, fumes, glare, or smoke than the previous use.
- D. The site shall be maintained and in conformance with any site plan or regulations in effect when the site was established or last improved. This includes the replacement of any dead plants or trees, the restriping of parking spaces, and the repaving of deteriorated pavement.
- E. The use shall meet all limitations or requirements of this Chapter for such use without alteration to the site.

2. Tenant with Similar or Less Intense Use

A change in tenant of a legal nonconforming site to a tenant with a similar or less intense use as the previous tenant may be allowed without any required changes to a nonconforming site; provided the restrictions below are met.

- A. The new use shall have a parking requirement less than or equal to the previous use.
- B. The new use shall not increase the amount of outside storage or activities previously existing.
- C. The average daily vehicle trips generated by the new use shall be less than or equal to the previous use.
- D. The new use shall not produce more noise, vibration, dust, odor, fumes, glare, or smoke than the previous use.
- E. The site shall be maintained and in conformance with any site plan or regulations in effect when the site was established or last improved. This includes, but is not limited to, the replacement of any dead plants or trees, the re-striping of parking spaces, and the repaving of deteriorated pavement.

- F. The new use shall meet all limitations or requirements of this Chapter for such use without alteration to the site.

3. Tenant with More Intense Use

Any change in tenant that does not meet the provisions of the preceding categories shall be determined to be a change in use. A change in tenant of a legal nonconforming site to a tenant with a different use as the previous tenant shall be governed under the provisions of Section 14.04.004(c) Abandonment of a Non-conforming Site in terms of the required site improvements prior to a certificate of occupancy.

(c) Abandonment of a Non-conforming Site

In the event a nonconforming site is determined to be abandoned, the site shall be altered to conform to all applicable requirements of this Code, as outlined below, upon re-occupancy. However, a variance may be granted by the Board of Adjustment, if it is determined that conformance with all requirements of this Code will cause the expansion or creation of another nonconformity or where it is determined that all provisions of this Code cannot be reasonably met. Refer to Section 14.04.006 for determination of abandonment.

1. Parking and Parking Lot Design

An abandoned site shall be altered to provide parking numbers and parking lot design in conformance with the following.

- A. All required parking spaces for the subject use must be provided. Construction of additional required parking spaces shall be in conformance with this Code. If the additional spaces required cannot be met on site, the applicant may request the requirement be met off-site pursuant to this Code.
- B. All deteriorated pavement, as determined by the City Engineer, must be repaved in accordance with this Code, and Transportation Criteria Design Manual, as applicable.
- C. All existing parking spaces and maneuvering areas shall be re-striped to be in conformance with the dimensional requirements of this Code.
- D. Those nonconforming parking spaces that have direct access to public right-of-way shall be removed and those spaces replaced elsewhere on the site if those spaces are necessary to meet the minimum parking requirements. This provision does not apply to any on-street parking spaces otherwise approved by the City Engineer.

2. Driveways

- A. An abandoned site containing driveways not conforming to the number, spacing, or width requirements of this Code shall be altered to be in conformance with such. Nothing herein shall be construed as to require the removal of all driveway access to a property.

3. Landscaping

- A. An abandoned site shall be altered to conform to all applicable landscaping, bufferyards, and screening requirements of this Code. Any area on site that is available for landscaping shall be so utilized to meet these requirements. When the City grants permission, the owner or operator of the site may also use areas within the public right-of-way to satisfy landscape planting requirements provided that such landscaping does not conflict with existing or proposed utilities. Where landscaping in accordance with the provisions of this Code cannot be reasonably met, the applicant may request the Building Official consider an alternative plan that meets the intent of the requirements.

4. Land Use Conditions

- A. The abandoned site shall be altered to conform to all applicable land use conditions established in this Chapter for the new use.

5. Sidewalks

- A. An abandoned site that does not have sidewalks in conformance with this Code shall be altered to include such.

6. Incidental Site Features

- A. All incidental nonconforming site features including fences, dumpster enclosures, and exterior lighting must be altered to conform to the provisions of this Code.

Section 14.04.005 Nonconforming Lots

- (a) A nonconforming lot is a lot of record that does not meet the minimum area or dimensional requirements of the zoning district in which the lot is located. Those nonconforming lots lawfully existing on the effective date or applicability of this Code or subsequent amendments thereto shall be considered legal nonconforming lots.
- (b) A legal nonconforming lot may continue to exist indefinitely and may be developed and used as if it were a conforming lot, provided the proposed use is permitted and all development standards of the applicable zoning district of this Code are met. This provision does not preclude a landowner from seeking a variance or other exception from zoning requirements under other sections of this Code.

- (c) No new division of any legal nonconforming lot or parcel shall be made that:
 - 1. Increases the level of existing nonconformity;
 - 2. Leaves any lot, parcel, or remnant with width or area below the requirements stated in this Code; or
 - 3. Creates any new nonconforming situation.

Section 14.04.006 Abandonment

- (a) The nonconforming use of building, structure, or land which has been abandoned for a period of 90 days shall not thereafter be returned to such nonconforming use. A nonconforming use shall be considered abandoned when:
 - 1. The building, structure, activity or land has been unoccupied or out of use;
 - 2. One or more utility accounts have been discontinued;
 - 3. Utility meters are removed;
 - 4. Taxes are delinquent on the property;
 - 5. The site or structure has not been maintained;
 - 6. The unit has not been made available for occupancy;
 - 7. The characteristic equipment and furnishings of a nonconforming use have been removed from the premises; or
 - 8. A nonconforming use has been replaced by a conforming use.
- (b) All the buildings, activities, and operations maintained on a lot are generally to be considered as a whole for the purposes of determining abandonment. A multi-tenant site, building or shopping center shall be considered occupied for the purposes of this Subchapter, provided it remains at least 30% occupied. The failure to rent one space in a nonconforming building or on a nonconforming site shall not result in a loss of the right to rent space thereafter so long as the building or site as a whole is continuously maintained and at least 30% of the units remain rented.
- (c) The time period for determining abandonment shall exclude any period of discontinuance of use caused by government actions impeding access to the premises without any contributing cause by the owner of the legal nonconforming use, site, or structure.

Section 14.04.007 Change in District Boundaries

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

Section 14.04.008 Termination of Nonconformities

- (a) Removal or destruction of a structure containing a nonconforming use shall eliminate the nonconforming use status. Destruction for the purpose of this subsection is defined as damage equal to more than 50 percent of the replacement cost of the structure.
- (b) A nonconforming use shall terminate upon any sale or conveyance of the property, excluding residential uses that have not been deemed abandoned.

Article 14.05 Administration

Section 14.05.001 General

The City Building Official shall administer the provisions of this Ordinance, and in furtherance of such authority, the City Building Official shall:

- (a) *Records.* Maintain permanent and current records with respect to this Ordinance, including amendments thereto.
- (b) *Applications.* Receive, file, and review all zoning applications to determine whether such plats comply with this Ordinance.
- (c) *Commission.* Forward zoning applications to the Commission as required by this Ordinance, together with its recommendations thereon.
- (d) *Council.* Forward zoning applications to the Council, together with the recommendations of the Commission and the City staff.
- (e) *Implementation.* Make such other determinations and decisions as may be required of the City by this Ordinance, the Commission or the Council; and enforce and implement this Ordinance and the final decisions by the Commission and City Council.

Section 14.05.002 Ordinance Interpretation

In the interpretation and application of the terms and provisions of this Ordinance, the following regulations shall govern:

- (a) *Liberally Construed.* In the City's interpretation and application, the provisions of this Ordinance shall be regarded as minimum requirements for the protection of the public health, safety, comfort, convenience, prosperity, morals and welfare. This Ordinance shall be regarded as remedial and shall be liberally construed to further its underlying purposes.
- (b) *Highest Standards Govern.* Whenever a provision of this Ordinance and any other provision of this Ordinance, or any provision in any other law, ordinance, resolution, rule or regulation of any kind contains any restrictions covering the same subject matter, whichever restrictions are more restrictive or impose higher standards or requirements shall govern.

- (c) *Resolution of Conflicting Interpretations.* Where there arises a question concerning the meaning or intent of a provision of this Ordinance, a written decision setting forth the manner in which said provision shall be interpreted and administered is encouraged. In the event any interested party takes exception to such a decision the matter may be appealed to the Commission and, as appropriate, to the Council whose decision shall be final.
- (d) *Written Decisions Binding.* Any final written decision made as provided in subsection (c) above shall be archived and shall govern interpretation of this Ordinance until such time as an amendment of this Ordinance shall nullify such decision, or the decision is overruled or rescinded by the City Council.
- (e) *State Law.* The terms, provisions and conditions of this Ordinance shall be interpreted and applied in a manner consistent with state law and Chapter 211 of the Texas Local Government Code.
- (f) *Master Plan.* All zoning applications shall conform to the Master Plan for the community and be consistent with all the elements thereof.
 - 1. Where the proposed zoning application is inconsistent with one or more of the elements of the Master Plan, the developer may petition the City for amendment to the particular element or elements of the Master Plan either prior to, or concurrent with, submitting a request for subdivision plat or development plan approval. Inconsistency with the provisions of the Master Plan shall be grounds for disapproval of the zoning application by the City.
 - 2. Where the proposed zoning is for a zoning district or category provided for in this Ordinance but that is not included on the Master Plan existing on the date of this Ordinance, or not existing on the date of such application, the applicant shall propose an amendment to the Master Plan and provide information and documentation in support of such amendment.
- (g) *Consistency with the Subdivision Ordinance.* All development projects within the corporate limits of the City shall be in conformance with the City's Subdivision Ordinance. Where the proposed development requires a zoning classification or approval other than that currently applying to the property to be developed, the developer shall make appropriate application to secure the necessary zoning classification or approval required for the proposed development would comply with this Ordinance.

Section 14.05.003 - Board of Adjustments

- (a) *Established.* A Board of Adjustments (hereafter in this Section, the "Board") is established in accordance with the provisions of Section 211.008 of the Texas Local Government Code, regarding the zoning of cities and with the powers and duties as provided in said code.
- (b) *Organization and Procedure.*

1. *Establishment.* A Board of Adjustment is hereby established in accordance with the provisions of Section 211.008, Tex. Loc. Gov't. Code.
 2. *Regular Membership.* The Board shall consist of five citizens, each to be appointed or reappointed by the mayor and confirmed by the City Council. Each member of the Board shall be removable for cause by the City Council upon written charges and after a public hearing. Vacancies shall be filled for the unexpired term of the member whose term becomes vacant. The Board shall elect its own chair, who shall serve for a period of one year or until his or her successor is elected.
 3. *Alternate Members.* The Board shall also consist of not more than four alternate members, who will serve in the absence of one or more regular members when requested to do so by the Mayor or City Manager. Alternate members shall be appointed in the same manner as regular members; shall serve for the same period as a regular member; and are subject to removal in the same manner as a regular member. Vacancies among the alternate members shall be filled in the same manner as vacancies among the regular members.
 4. *Meetings.* Meetings of the Board shall be held at the call of the chair and at such other times as the Board may determine. The Board chair shall have a vote on all matters.
 5. *Hearings.* The hearings of the Board of Adjustment shall be posted as provided in to Chapt. 551, Tex. Gov't. Code and shall be public, provided that upon the advice and consent of the City Attorney the Board may go into executive session pursuant to Chapt. 551, Tex. Gov't. Code.
 6. *Quorum.* Four members of the regular board or a combination of members of the present regular board members and alternate members of a minimum of four members shall constitute a quorum.
 7. *Rules and Regulations.* The Board shall keep minutes of its proceedings, showing the vote of each member upon each question, or, if absent or failing to vote, indicating such fact and such minutes shall be immediately filed in the office of the Board and shall be a public record. The Board of Adjustments shall act by resolution in which four members must concur. The Board shall adopt rules in accordance and consistent with this Ordinance as necessary and required. A copy of any such rules shall be furnished. All rules and regulations shall operate uniformly in all cases and all resolutions and orders shall be in accordance therewith.
- (c) *Conflict.* If a discrepancy between the requirements, standards or procedures of Chapter 211, Tex. Loc. Gov't Code and this section exist, Chapter 211, Tex. Loc. Gov't Code, shall control.
- (d) *Appeals.*
1. *Procedure.* Any person aggrieved by a decision of an administrative officer in the enforcement of Chapter 211 of the Texas Local Government Code, or this Ordinance, or

any officer, department, board or bureau of the City affected by any such decision by an administrative officer, may appeal such decision to the Board. Such appeal shall be made by filing with the office of the Board and the officer whose action is being appealed, a notice of appeal specifying the grounds thereof. The appeal must be filed within 10 business days of the decision for which complaint is made. The officer from which the appeal is taken shall forthwith transmit to the Board all the papers constituting the record upon which the action appealed from is taken.

2. *Stay of Proceedings.* An appeal shall stay all proceedings in furtherance of the action appealed from, unless the officer whose decision is appealed shall certify to the Board that by reason of facts stated in the certificate, a stay would, in his or her opinion, cause imminent peril to life or property, in which case proceedings shall not be stayed other than by restraining order granted for just cause by the Board, or by a court of record, after notice to the officer from whom the appeal is taken.
3. *Notice of Hearing on Appeal.* The Board shall fix a reasonable time for the hearing of the appeal or other matter referred to it and shall give public notice of the hearing and due notice to the parties in interest.
4. *Decision by Board.* The Board shall decide appeals within a reasonable time. Any party to the appeal may appear in person or by agent or attorney at any hearing. The Board may accept evidence from all parties it determines are appropriate to make a determination. The concurring vote of four members of the Board is necessary to:
 - A Reverse an order, requirement, decision, or determination of an administrative official;
 - B Decide in favor of an applicant on a matter on which the Board is required to pass under this Ordinance; or,
 - C Authorize a variation from or special exception to the terms of this Ordinance.
5. *Findings of the Board.* In the absence of specifically made and filed findings of the Board, the minutes including the formal vote therein of the Board shall constitute the formal findings of the Board.

(e) *Powers and Duties of the Board.*

1. *Appeals Based on Error.* The Board shall have the power to hear and decide appeals where it is alleged there is error in any order, requirement, decision or determination made by an administrative official in the enforcement of Chapter 211 of the Texas Local Government Code. The Board may reverse or affirm, in whole or in part, or modify the administrative official's order, requirement or decision, and make the correct order, requirement, decision or determination on the matter appealed from and shall make such order, requirement, decision or determination as in its opinion ought to be made, and to

that end, shall have only the same powers of the officer or department from whom the appeal is taken.

- 2 *Special Exceptions.* The Board shall have the power to hear and decide special exceptions to the terms of this Ordinance when this Ordinance requires the Board to do so. Such special exceptions shall be limited to the following, as well as any other specifically enumerated rights to grant special exceptions:

- A To permit a public utility or public service use or structure in any district as necessary to house equipment, pumps, switching gear and similar devices only, required for the provision of the utility service or a public utility or public service building of a ground area and of a height at variance with those provided for in the district in which such public utility or public service building is permitted to be located, when found reasonably necessary for the provision of utility service and the public health, convenience, safety or general welfare.

- B Authorize a special exception for the parking and loading requirements in any of the districts whenever the character or use of the building is such as to make unnecessary the full provision of parking or loading facilities, and where the topography or unusual shape of the lot and regulations would impose an unreasonable hardship upon the use of the lot, as contrasted with merely granting an advantage or a convenience.

- (f) *Variances.* The Board shall have the power to authorize upon appeal in specific cases such variance from the terms of this Ordinance as will not be contrary to the public interest, where, owing to special conditions, a literal enforcement of the provisions of this Ordinance will result in unnecessary hardship, and so that the spirit of this Ordinance shall be observed and substantial justice done, including the following:

1. *Yard and Setback.* Permit a variance in the yard requirements of any district where there are unusual and practical difficulties or unnecessary hardship in the carrying out of these provisions due to an irregular shape of the lot, topography or other conditions; provided that such variance will not significantly affect any adjoining property or the general welfare.

2. *Structures.* Authorize upon appeal, whenever a property owner can show that a strict application of the terms of this Ordinance relating to the construction or alteration of a building or structure or the use of land will impose unusual and practical difficulties or particular hardship, such variances from the strict application of the terms of this Ordinance as are in harmony with its general purpose and intent, but only when the Board is satisfied that a granting of such variance will not merely serve as a convenience to the applicant, but will alleviate some demonstrable and unusual hardship or difficulty so great as to warrant a variance as established by this Ordinance, and at the same time, the surrounding property will be properly protected; provided that the Board shall not in any

event permit a use on any property that is not permitted within the Zoning category for which such property is zoned.

- (g) *Changes.* The Board shall have no authority to change any provision of this Ordinance and its jurisdiction is limited to unique circumstances demonstrating hardship and borderline cases which may arise from time to time.

State Law reference— Establishment and authority of zoning board of adjustment, V.T.C.A., Local Government Code, sec. 211.008 et seq.

Section 14.05.004 - Conditions for Issuing a Building Permit

No building permit shall be issued for any new structure or change, improvement or alteration of any existing structure, on any lot or tract of land and no municipal utility service will be furnished to such lot or tract which does not comply with the provisions of this Ordinance and all applicable elements of the Master Plan, except as herein exempted, or upon the written application and approval of a variance.

Section 14.05.005 - Certificates of Occupancy

- (a) *Policy and Application.* Certificates of occupancy shall be required for any of the following:

1. Occupancy and use of any structure or building hereafter erected or structurally altered, unless otherwise required.
2. Change in use of an existing building to a use of a different classification.
3. No occupancy of any new, or altered portion of any, structure or building, or any such building or structure for which there is a change of use, shall take place until a Certificate of Occupancy therefor shall have been issued by the City Building Official.

- (b) *Procedure.*

1. *New and Altered Structures.* Written application for a Certificate of Occupancy for a new building, or for an existing building which is to be altered, shall be made at the same time as the application for the Building Permit for such building. Said Certificate shall be issued within three days after a written request for the same has been made to said City Building Official or his agent after the erection or alteration of such building or part thereof has been completed in conformity with the provisions of this Ordinance and all applicable City codes and ordinances.
2. *Change in Use.* Written application for a Certificate of Occupancy for the use of vacant land, or for a change in the use of land or a building, or for a change in a nonconforming use, as herein provided shall be made to said City Building Official. If the proposed use is in conformity with the provisions of this Ordinance, the Certificate of Occupancy shall be issued within three days after the application for same has been made.

- (c) *Approval.* Every Certificate of Occupancy shall state that the building or the proposed use of a building or land complies with all provisions of law. A record of all Certificates of Occupancy shall be kept on file in the office of the City Building Official or his agent and copies shall be furnished on request to any person having proprietary or tenancy interests in the building or land affected.
- (d) *Temporary Certificate of Occupancy.* Pending the issuance of a regular Certificate of Occupancy, a temporary certificate may be issued by the City Building Official for a period not exceeding six months, during the completion of alterations or during partial occupancy of a building pending its completion. Such temporary certificates shall not be construed as in any way altering the respective rights, duties or obligations of the owners, or of the City, relating to the use or occupancy of the premises or any other matter covered by this Ordinance.
- (e) *Nonconforming Uses.* A Certificate of Occupancy shall be required for all lawful nonconforming uses of land or buildings created by adoption of this Ordinance. Application for such Certificate of Occupancy for a nonconforming use shall be filed with the City Building Official by the owner or lessee of the building or land occupied by such nonconforming use within one year of the effective date of this Ordinance. It shall be the duty of the City Building Official to issue a Certificate of Occupancy for a lawful nonconforming use, and the refusal of the City Building Official to issue a Certificate of Occupancy for such nonconforming use shall be evidence that said nonconforming use was either illegal or did not lawfully exist at the effective date of this Ordinance.

Section 14.05.006 - Fees

To defray the costs of administering this Ordinance, the applicant seeking plat approvals shall pay to the City, at the time of submittal, the prescribed fees as set forth in the current administrative fee schedule approved by the Council, and on file in the office of the City. When applications require review, actions or inspections by an Engineer or the City Attorney, such reasonable and necessary costs shall be reimbursed from the applicant to the City.

Section 14.05.007 - Amendments

- (a) The Council may, from time to time, adopt, amend and make public rules and regulations for the administration of this Ordinance. This Ordinance may be enlarged or amended by the Council after public hearing, due notice of which shall be given as required by law. The Council may further modify and establish district boundaries and zoning classifications in accordance with the process set forth in state law.
- (b) The affirmative vote of at least three-fourths of all members of the City Council is required to overrule a recommendation by the Commission that a proposed change to a zoning regulation or boundary should be denied.

Section 14.05.008 - Violations

Except as otherwise provided for in this Ordinance, it shall be unlawful for any person, firm or corporation to develop, improve or sell any lot, parcel, tract or block of land within the City's territorial jurisdiction, regardless of the size or shape of said lot, parcel, tract or block, unless such lot, parcel, tract or block of land conforms with this Ordinance.

Section 14.05.009 - Enforcement

- (a) *Administrative Action.* The Building Official, City Engineer and/or the City Administrator shall enforce this Ordinance by appropriate administrative action, including but not limited to the rejection of plans, maps, plats and specifications not found to be in compliance with this Ordinance and good engineering practices, and the issuance of stop work orders.
- (b) *Court Proceedings.* Upon the request of the City Council, the City Attorney shall file an action in the district courts to enjoin the violation or threatened violation of this Ordinance, or to obtain declaratory judgment, and to seek and recover court costs and attorney fees, and/or to recover damages in an amount sufficient for the City to undertake any construction or other activity necessary to bring about compliance with a requirement regarding the property and established pursuant to this Ordinance.

Section 14.05.010 - Penalty

Any person who shall violate any of the provisions of this Ordinance, or shall fail to comply therewith, or with any of the requirements thereof, within the City limits shall be deemed guilty of an offense and shall be liable for a fine not to exceed the sum of \$2,000.00. Each day the violation exists shall constitute a separate offense. Such penalty shall be in addition to all the other remedies provided herein.

Section 3. Construction

The terms and provisions of this Ordinance shall not be construed in a manner to conflict with Chapter 211 of the Texas Local Government Code and if any term or provision of this Ordinance shall appear to conflict with any term, provision or condition of Chapter 211, such Ordinance term or provision shall be read, interpreted and construed in a manner consistent with and not in conflict with such Chapter, and, if possible, in a manner to give effect to both. The standard and accepted rules of statutory construction shall govern in construing the terms and provisions of this Ordinance.

Section 4. Repealing all Conflicting Ordinances

Manor Code of Ordinances Chapter 14 Zoning is hereby amended in its entirety and all ordinances or parts thereof conflicting or inconsistent with the provisions of this Ordinance as adopted and amended herein, are hereby amended to the extent of such conflict. In the event of a conflict or inconsistency between this Ordinance and any other code or ordinance of the City, the terms and provisions of this Ordinance shall govern.

Section 5. Savings Clause

This City Council of the City of Manor, Texas hereby declares if any section, subsection, paragraph, sentence, clause, phrase, work or portion of this Ordinance is declared invalid, or unconstitutional, by a court of competent jurisdiction, that, in such event that it would have passed and ordained any and all remaining portions of this ordinance without the inclusion of that portion or portions which may be so found to be unconstitutional or invalid, and declares that its intent is to make no portion of this Ordinance dependent upon the validity of any portion thereof, and that all said remaining portions shall continue in full force and effect.

Section 6. Severability

If any provision of this Ordinance or the application of any provision to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of the ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are declared to be severable.

Section 7. Open Meetings

It is hereby officially found and determined that the meeting at which this Ordinance is passed was open to the public as required and that public notice of the time, place and purpose of said meeting was given as required by the Open Meetings Act, Chapter 551 of the Texas Government Code.

Section 8. Effective Date

This Ordinance shall take effect immediately from and after its passage and publication in accordance with the provisions of Chapter 52 of the Texas Local Government Code.