



Dr. Larry Wallace Jr., Mayor
Emily Hill, Place 1
Maria Amezcua, Place 2
Dr. Christopher Harvey, Place 3
Danny Scarbrough, Place 4
Deja Hill, Mayor Pro Tem, Place 5
Valerie Dye, Place 6

**CITY COUNCIL
REGULAR MEETING
AGENDA**

Wednesday, February 19, 2020

6:00 p.m.

Manor City Hall – Council Chambers
105 E. Eggleston Street

CALL TO ORDER AND ANNOUNCE A QUORUM IS PRESENT

WORKSHOP SESSION – 6:00 P.M.

***Items discussed during Workshop Session may be continued during the Regular Session if time does not permit holding or completing discussion of the item during Workshop Session.*

A. Discussion of Regular Agenda Items

REGULAR SESSION – 7:00 P.M.

PLEDGE OF ALLEGIANCE

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 Council. To address the City Council, please complete the white card and present it to the City Secretary prior to the meeting. **No Action May be Taken by the City Council During Public Comments**

CONFLICT OF INTEREST

In accordance with Section 12.04 (Conflict of Interest) of the City Charter, “No elected or appointed officer or employee of the city shall participate in the deliberation or decision on any issue, subject or matter before the council or any board or commission, if the officer or employee has a personal financial or property interest, direct or indirect, in the issue, subject or matter that is different from that of the public at large. An interest arising from job duties, compensation or benefits payable by the city shall not constitute a personal financial interest.”

Further, in accordance with Chapter 171, Texas Local Government Code (Chapter 171), no City Council member and no City officer may vote or participate in discussion of a matter involving a business entity or real property in which the City Council member or City officer has a substantial interest (as defined by Chapter 171) and action on the matter will have a special economic effect on the business entity or real property that is distinguishable from the effect on the general public. An affidavit disclosing the conflict of interest must be filled out and filed with the City Secretary before the matter is discussed.

CONSENT AGENDA

All of the following items on the Consent Agenda are considered to be self-explanatory by the Council and will be enacted with one motion. There will be no separate discussion of these items unless requested by the Mayor or a Council 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 City Council Minutes: Lluvia T. Almaraz, City Secretary
 - February 5, 2020, Called-Special Session; and
 - February 5, 2020, Regular Meeting
2. Consideration, discussion, and possible action on the acceptance of the January 2020 Departmental Reports: Thomas Bolt, City Manager
 - Police – Ryan Phipps, Chief of Police
 - Development Services – Scott Dunlop, Assistant Dev. Services Director
 - Community Development – Debbie Charbonneau
 - Municipal Court – Sarah Friberg, Court Clerk
 - Public Works – Michael Tuley, Director of Public Works
 - Finance – Lydia Collins, Director of Finance

PUBLIC HEARING

3. Public Hearing: Conduct a public hearing upon an Ordinance rezoning 0.675 acres more or less, located at 10814 US Hwy 290 East, Manor, TX, from Light Commercial (C-1) to Medium Commercial (C-2). Scott Dunlop, Asst. Dev. Services Director

REGULAR AGENDA

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| 4. <u>First Reading:</u> Consideration, discussion, and possible action on an Ordinance rezoning 0.675 acres more or less, located at 10814 US Hwy 290 East, Manor, TX, from Light Commercial (C-1) to Medium Commercial (C-2). Applicant: Kimley-Horn and Associates. Owner: Cottonwood Holdings, LTD | Scott Dunlop,
Asst. Dev. Services
Director |
| 5. Consideration, discussion and possible action on an agreement between the City of Manor and Integral Care for participation of expanded mobile crisis outreach team. | Ryan Phipps,
Chief of Police |
| 6. Consideration, discussion, and possible action on a resolution authorizing the Manor Police Department to apply for the General Victim Assistance Grant (VOCA) funds through the Office of the Governor, Public Safety Office, Criminal Justice Division. | James Allen,
Lieutenant |
| 7. Consideration, discussion, and possible action on adopting a Continuing Disclosure Policy for the City of Manor. | Lydia Collins,
Finance Director |
| 8. Consideration, discussion, and possible action on award of a contract addendum for Design, Bidding and Construction Engineering services for the Bastrop Parsons Wastewater Improvements Project, CIP S-32. | Frank T. Phelan,
P.E.,
City Engineer |
| 9. Consideration, discussion, and possible action on Change Order No. 2 for the 2017 Water Distribution System Improvements Project. | Frank T. Phelan,
P.E.,
City Engineer |
| 10. Consideration, discussion, and possible action on Notice of Partial Assignment of Development Agreement – Shadowglen. | Scott Dunlop,
Asst. Dev. Services
Director |
| 11. Consideration, discussion, and possible action on a development agreement for the Manor Apartment Development (W2 Real Estate). | Scott Dunlop,
Asst. Dev. Services
Director |
| 12. Consideration, discussion, and possible action on a parkland fee-in-lieu for the Manor Grand Apartments. | Scott Dunlop,
Asst. Dev. Services
Director |
| 13. Consideration, discussion, and possible action on a parkland fee-in-lieu for the Grassdale Apartments. | Scott Dunlop,
Asst. Dev. Services
Director |

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| 14. <u>Second and Final Reading</u> : Consideration, discussion, and possible action on an Ordinance amending 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 |
| 15. Consideration, discussion, and possible action on an Ordinance amending Manor Code of Ordinances Chapter 2 Animal Control. | Scott Dunlop,
Asst. Dev. Services
Director |
| 16. Consideration, discussion, and possible action on an Ordinance amending Manor Code of Ordinances Chapter 3 Building Regulations. | Scott Dunlop,
Asst. Dev. Services
Director |
| 17. Consideration, discussion, and possible action on an Ordinance amending Manor Code of Ordinances Chapter 4 Business Regulations. | Scott Dunlop,
Asst. Dev. Services
Director |
| 18. Consideration, discussion, and possible action on an Ordinance amending Manor Code of Ordinances Chapter 6 Health and Sanitation. | Scott Dunlop,
Asst. Dev. Services
Director |
| 19. Consideration, discussion, and possible action on an Ordinance amending Manor Code of Ordinances Chapter 8 Offenses and Nuisances. | Scott Dunlop,
Asst. Dev. Services
Director |
| 20. Consideration, discussion, and possible action on an Ordinance amending Manor Code of Ordinances to add Chapter 15 Site Development. | Scott Dunlop,
Asst. Dev. Services
Director |

EXECUTIVE SESSION

The City Council will now Convene into executive session pursuant to the provisions of Chapter 551 Texas Government Code, in accordance with the authority contained in:

- *Section 551.076 and Section 551.089 Deliberation Regarding Security Devices or Security Audits*

OPEN SESSION

The City Council will now reconvene into Open Session pursuant to the provisions of Chapter 551 Texas Government Code and take action, if any, on item(s) discussed during Closed Executive Session.

ADJOURNMENT

In addition to any executive session already listed above, the City Council 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, February 14, 2020, 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 ltijerina@cityofmanor.org



AGENDA ITEM SUMMARY FORM

PROPOSED MEETING DATE: February 19, 2020

PREPARED BY: Lluvia T. Almaraz, City Secretary

DEPARTMENT: Administration

AGENDA ITEM DESCRIPTION:

Consideration, discussion, and possible action to approve the City Council Minutes:

- February 5, 2020, Called-Special Session; and
- February 5, 2020, Regular Meeting

BACKGROUND/SUMMARY:

PRESENTATION: ☐ YES ☒ NO

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

February 5, 2020, Called-Special Session

February 5, 2020, Regular Meeting

STAFF RECOMMENDATION:

It is City staff's recommendation that the City Council approve the City Council Minutes of the February 5, 2020, Called-Special Session; and February 5, 2020, Regular Meeting.

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



**CITY COUNCIL
CALLED SPECIAL SESSION MINUTES
FEBRUARY 5, 2020**

PRESENT:

Dr. Larry Wallace Jr., Mayor

COUNCIL MEMBERS:

Emily Hill, Place 1
Maria Amezcua, Place 2
Dr. Christopher Harvey, Place 3
Danny Scarbrough, Place 4
Deja Hill, Mayor Pro Tem, Place 5
Valerie Dye, Place 6

CITY STAFF:

Thomas Bolt, City Manager
Lluvia T. Almaraz, City Secretary
Ryan Phipps, Chief of Police
Lydia Collins, Director of Finance
Scott Dunlop, Assistant Development Services Director
Debbie Charbonneau, Community Development Manager
Michael Tuley, Public Works Director
Tracey Vasquez, HR Coordinator

SPECIAL SESSION – 6:30 P.M.

With a quorum of the Council Members present, the special session of the Manor City Council was called to order by Mayor Dr. Larry Wallace Jr. at 6:30 p.m. on Wednesday, February 5, 2020, in the Council Chambers of the Manor City Hall, 105 E. Eggleston St., Manor, Texas.

PLEDGE OF ALLEGIANCE

At the request of Mayor Dr. Wallace Jr., Chief of Police Phipps, led the Pledge of Allegiance.

PRESENTATION

State of the City Address 2020, Presented by Mayor Dr. Wallace Jr.

Mayor Dr. Wallace Jr. read the attached 2020 State of the City Address for the City of Manor, Texas.

ADJOURNMENT

The Special Session of the Manor City Council Adjourned at 6:45 p.m. on Wednesday, February 5, 2020.

These minutes approved by the Manor City Council on the 19th day of February 2020.

APPROVED:

Dr. Larry Wallace Jr.
Mayor

ATTEST:

Lluvia T. Almaraz, TRMC
City Secretary

2020 State of the City Address

What can be said about the City of Manor? In 2018, *realtor.com* acknowledged Manor as the 7th fastest growing suburb in America. In 2019, *U.S. New & World Report* classified Manor as the 20th best small suburbs to live – in America. Within one year, Manor Independent School District elevated itself from an ‘F’ assessment – based on Texas Education Agency’s 2015-16 data analysis – to a ‘B’ rating under the strategic leadership of Manor’s first African American Superintendent – and the only African American Superintendent currently in Central Texas – who has been leading tough and complex day-to-day operations within our district since 2016.

Regarding the 2.3 million recently stolen from Manor Independent School District, leadership from the District took immediate action when informed of the incident and have kept City Hall well informed to assist – as called upon. On January 10th, I personally spoke of my confidence that those associated with any misconduct would no longer be affiliated with the District and that justice would be served – given my conversations with District leadership. My confidence has not waned and given the community’s invested interest regarding justice and recovery of the money; for those unaware, Manor Independent School District released an investigation status update on February 3rd at their official website and on social media.

Nevertheless, Manor remains the breeding ground of what success against adversity looks like. Year after year, we continuously demonstrate what “it takes a village to raise a child” truly means through our conviction and sincerity in seeing the people to the left and right of us achieve. Take the 2018 Bond for 280 Million, for example, it was passed to further strengthen our school district in continuously exceeding our expectations as parents, land owners, and tax payers. In a sense, our city – the City of Manor – is the child and we – the people – are its village. Therefore, every day we must wake up with the mindset to ‘build on the foundation’ of yesterday.

Many great things were accomplished for us to enjoy by the sweat and tears of our predecessors. Yet, there is still so much more that needs to be done in honor of their vision and the needs of Manor’s future. We cannot afford a divide between old and new, ethnicity, gender, or naturalization. Nor should we ever condone belittlement if we are to remain *#DestinationManor* and *#ManorStrong*.

During this year’s Census, we project a Manor city limits and extraterritorial jurisdiction population of 20,000-plus with a glidepath to 30,500 in 2030. These numbers, however, does not include the additional 20,000-plus within the three-mile radius outside of our city limits also calling Manor their home. To effectively manage overnight growth while maintaining the cost-of-living affordability Manor’s known for, we must unite around an annual comprehensive plan with key topics implemented on a quarterly basis. Additionally, it must be said that we as elected officials we have an obligation to weigh-in on resident causes whether it is to advocate or inform solely based on the data gathered.

The key strategic areas for Manor’s 2020 comprehensive plan – are Communication & Community, Transportation, and Economic Development – respectively. Additionally, “forward thinking” and “teamwork” are the mottos guiding us to maximize our short time in office. To ensure Manor’s success on every front, we must and will be data-driven. Our ask to you is aiding us in reflecting and honoring Manor’s past while modernizing practices to meet Manor’s growth.

2020 State of the City Address

Community engagement and candid communication historically enhance morale and boost commitment. Therefore, our goal is to earn your trust based on demonstrating objectivity and reasoning before taking any action. We only ask that you remain passionate along with us as many of the ways ahead – leading to desired outcomes – require particularly collaborative agreements and approvals. We owe it to ourselves to support Manor businesses because the sales & use tax revenues generated fund city operations. As a team, our constructive criticism towards quality of life improvements will positively enable this municipality to fulfill other community needs expressed.

In keeping with our concept of a family institution, our *Communication & Community Strategy* will consist of identifying needs for committees along with identifying the right people to serve on each committee. Given this age of soundbites, a structured media platform is vital to sustaining Manor's cohesiveness especially as we expand and become a more complex city. Therefore, everything we do to manage resident needs and population growth will be based on a critical, essential, and enhancing aspect.

Although we currently leverage the Manor Journal, Manor Arts Council, Manor Chamber's Newsletter, Manor Senior High School's Media Program established by the 2016 Bond, along with news and social media outlets; we will work to establish a media coordinator position here at City Hall. In doing so, Manor will enjoy more coordinated coverage and municipality presence at events throughout the year. As we seek to stream and make accessible municipality meetings and sessions, establishment of a media coordinator is apparent.

With respect to our community, terms like affordable and minority will be defined holistically and inclusively to best represent Manor. Additionally, Manor's city limits and extraterritorial jurisdiction will be considered in union – as much as possible – from here on out. This year's U.S. Census collection is crucial because we can identify – based on Manor's demographic data – the appropriate resources, services, and programs to pursue for the appropriate housing, childcare, educational system, and library for all.

Partnerships like Huston-Tillotson University, Austin Area Urban League, African American Youth Harvest Foundation, Austin Spurs, and Austin FC are only a few of the community building relationships established specifically for Manor. As we strive to enhance Manor's many attributes, partnerships supporting high-demand needs based on verifiable data is the gold standard. Due to City Hall's current resources and workforce bandwidth, filling vacancies on Manor's charter, ethics, and board of adjustment committees – to name a few – will only assist us in better assisting everyone.

Before discussing our *transportation strategy*, I am honored to announce Manor's end of school year events will now include a Downtown Manor Parade focused on acknowledging our youth and their various accomplishments. Manor's annual end of school year events will also include a 5K Fun Run by Manor Men & Women at the new 14-acre Timmermann Park with a portion of proceeds going to Manor Independent School District special needs programs.

2020 State of the City Address

Regarding our *transportation strategy*, we started the quarter with a collaborative planning session that included Capital Area Metropolitan Organization, Texas Department of Transportation, Capital Metro, and others. In doing so, we will identify viable methods to improve road congestion while working to ensure the current congestion experienced does not increase with Manor's 2045 projected population.

It is also key to note that even with our population increase, Manor Police Department managed a 10,000-service call decrease in 2019 compared to 2018. Even with the congestion of Highway 20 & 290, FM 973, Lexington, Parsons, and various other arterials – back and side roads – throughout the city, Manor Police Departments statistics relatively stayed the same. For example, in 2018 Manor experienced 305 local crimes compared to 318 in 2019.

If I may be straightforward for a moment, even with the drastic population increase our Police Department along with the East County Sheriff Department maintained Manor's high-level-state of safety. As we look at effective ways to improve mobility, the development of hike and bike trails to and through adjacent residential areas are planned. For those uninterested or incapable of driving, maximizing transit options like Senior Access and Capital Metro become key to supporting road safety, out-of-house extracurricular activity and engagement access, and opportunities to negotiate commuter transit reimbursement plans for employers.

The only method ensuring any form of relief to road congestion occurs is a multi-approach. Therefore, coordinating with Capital Area Metropolitan Organization and Texas Department of Transportation – among others – to push for Manor's original 290 tollway extension to be reinstituted for approval; and coordinating with Capital Metro and Travis County – among others – to identify critical arterials along Manor's 290-corridor for retrofitting as limited-access roads are vital.

Unfortunately, most people are unaware that our Manor Street Department – here at City Hall – resurfaces roughly one street every two months from a portion of City Hall's general fund. As the Street Department becomes more proficient with its new machinery, we hope to do more in-house for cost efficiency. Nevertheless, money saved by expanding department capacities must be invested in relief like Capital Metro's Pick Up and Green Line services.

If we do not invest now by approving the transit system needed for Manor's future demand, we are sending a clear message that limits opportunities and increases road congestion. Whether we want light fixtures, traffic lights, road expansions, resurfacing, etc., none are overnight enhancements because they require years of assessment and coordination before any approval to implement may occur. What aids in expediting approval timelines, is for Central Texas to know the several distinguishable accomplishments Manor possesses and the many unique things Manor offers given its geographical location and Austin Metropolitan Area increased cost-of-living.

2020 State of the City Address

Thus, the necessity for an aggressive *economic development strategy* is clear. How many cities can say they are fifteen to thirty minutes from industry enticing cities like Austin, Pflugerville, Round Rock, and Cedar Park. How many cities are close to major Highways like 290, 130, 35, and 45. Or, in close proximity to reputable institutions like the University of Texas at Austin, Dell Medical School, St. Edwards University, Huston-Tillotson University, Texas State University at Round Rock, and Texas A&M Health Science Center at Round Rock.

How many people realize Manor is just fifteen minutes from the Austin Executive Airport and twenty minutes from the Austin-Bergstrom International Airport. Or, that Manor is fifteen to thirty minutes from every major and semi-pro sports team like the Austin Spurs, Austin FC, Austin Elite Rugby, Texas Stars, Round Rock Express, and ATX Polo – to name a few. When you take into account Manor's demographic population of 51.5% Hispanic, 25.7% African American, and 35.6 Caucasian per the 2018 U.S. Census Bureau, our city's location and proximity matters to the aforementioned opens a world of exposure and opportunity too few realize – and too few capitalize on.

Again, let us not forget Manor Independent School District's demographic population of roughly 65% Hispanic and 20% African American, which make Manor even more special and enticing. If not for the demographic data alone, participation in the 2020 U.S. Census is vital because that information enables the development of an effective economic strategy capable of supporting current and future resident needs. For example, the 2018 City of Manor to Overall Texas estimates tell us Manor is:

- Below in bachelors or higher education level by 9.1%
- Higher in other than English by 6.8%
- Higher in foreign-born by 5%
- Higher in average household income by \$3,998

Based on these facts, we must compare Manor's growth, opportunities, innovation, and cost of living to other geographically and demographically similar cities in addition to those local to us. In doing so, we ensure the gap of offerings remains small based on the unique needs and desires of Manor residents.

Over these next two years, our wastewater and water treatment facilities are expanding to meet and exceed demand. To further leverage local political, economic, and media entities to offset internal gaps, we are planning to establish an economic development committee. A role for this economic committee is messaging and developing targeted marketing materials based on confirmed parcels of land available, vetted land owner interests, and viable incentive programs.

In preparation for the big businesses coming – the big boom – City Hall now sponsors Breakfast Bites as Manor's official entrepreneurship development and networking group. With the intention of keeping small and family business ownership a strong revenue generating force for decades to come, we are in talks with Huston-Tillotson University's Center for Entrepreneurship & Innovation to establish a City of Manor endorsed Entrepreneurship Certification Program.

2020 State of the City Address

We are also discussing the possibility of launching a Leadership Manor Program for residents of all ages to learn more about city's like Manor operate department by department. By investing in our residents, they will in turn reinvest in Manor. Additionally, Manor's economic value increases as we – the people – become more economically savvy as a whole.

For entities like the Manor Chamber, Public Improvement District Committee, Tree Committee, and Parks Committee, they play a vital role in enhancing Manor's economic attractiveness. How we build out Timmerman Park, Las Entradas, and the remaining 60% of ShadowGlen – in example – nonverbally inform people where our interests reside. Therefore, we will ensure what receives approval reflects what the people of Manor need versus want. In example, the labor cost of curbs versus resurfacing and laying new road would exhaust allocated funds from City Hall's general account threefold.

To summarize this state of the city address, our first and second quarter is focused on clearly defining Manor's buildout plan with a work-life balanced community that is close-knit and well-informed at the forefront. For transportation, Manor must revert back to a welcoming level of mobility. Regarding economic development, establishing a structure for a competitive revenue generating balance between small and big businesses is crucial. By enacting this 2020 comprehensive plan and strategies – starting with this address – our municipality productivity and effectiveness will increase.

In closing, I would like to recognize three exceptional leaders that are renown for transforming Manor into the glory it is today. As many of you already know, the growth or decline of any city is dependent upon the cost of living, crime rates, and school system. What these individuals have done by way of those they hired, empowered, and took immediate action on has transformed Manor's climate and culture for the better. I have had the pleasure of working closely with each one of them for years on various city-level efforts and look forward to having them as part of the Manor team and senior leadership for as long as possible.

For those that served in the military or Department of Defense, you know there is no greater personal token of appreciation than being bestowed a challenge coin from your elected leader, because it is something they can only give. A challenge coin cannot be asked for and seldom authorized to be bestowed by someone other than the office holder. In my hand, is my coin of office for excellence which I designed and paid for personally.

On the front is a picture of Manor's historic water tower by skyline centered in the middle with the words City of Manor, Texas, established in 1872, and "Building On Our Foundation" encircling it. On the back, there is another Manor tower with our establishment of 1872 inscribed on it. The tower is entered between the American and Texas Flag with markers identifying it as a mayor's coin for excellence by me – Dr. Larry Wallace Jr. Unfortunately, I was unable to get Army Retired inserted on the coin due to space but I got what matters most on it.

Signed on this day of February 5, 2020.



Dr. Larry Wallace Jr., Mayor
City of Manor



**CITY COUNCIL
REGULAR SESSION MINUTES
FEBRUARY 5, 2020**

PRESENT:

Dr. Larry Wallace Jr., Mayor

COUNCIL MEMBERS:

Emily Hill, Place 1
Maria Amezcua, Place 2
Dr. Christopher Harvey, Place 3
Danny Scarbrough, Place 4
Deja Hill, Mayor Pro Tem, Place 5
Valerie Dye, Place 6

CITY STAFF:

Thomas Bolt, City Manager
Lluvia T. Almaraz, City Secretary
Scott Dunlop, Assistant Development Services Director
Ryan Phipps, Chief of Police
Lydia Collins, Director of Finance

REGULAR SESSION – 7:00 P.M.

With a quorum of the Council Members present, the regular session of the Manor City Council was called to order by Mayor Dr. Wallace Jr. at 7:00 p.m. on Wednesday, February 5, 2020, in the Council Chambers of the Manor City Hall, 105 E. Eggleston St., Manor, Texas.

PLEDGE OF ALLEGIANCE

At the request of Mayor Dr. Wallace Jr., Chief of Police Phipps, led the Pledge of Allegiance.

PRESENTATION

Tiny Library Presentation by Eagle Scout Colton Dwyer

Eagle Scout Colton Dwyer with Troop 201, Austin, Texas, introduced himself and presented the attached PowerPoint Presentation regarding Little Free Libraries within the City of Manor, Texas.

The discussion was held regarding the locations of the Little Free Libraries.

Dr. Harvey thanked Eagle Scout Dwyer for his commitment to this project regarding literacy for the community of Manor.

Eagle Scout Dwyer discussed the first proposed location for the Tiny Library and requirements needed by the City to comply with regulations.

Mayor Dr. Wallace Jr. suggested for Eagle Scout Dwyer to contact the City's Park Committee regarding his project to discuss other potential park location within the City.

The discussion was held regarding how the City Council could donate books to the Tiny Library Project.

The discussion was held regarding other resources Eagle Scout Dwyer could reach out too for further guidance and assistance within the district.

Eagle Scout Dwyer thanked the City Council for the opportunity to speak on this topic.

Mayor Dr. Wallace Jr. thanked Eagle Scout Dwyer for his commitment and presentation.

PUBLIC COMMENTS

Jessie Files along with Jeanetta Baker from the U.S. Census Bureau, Austin, Texas, spoke before City Council regarding the importance of the Census within the City. Ms. Files discussed the different ways the Census could be completed. She explained the confidentiality of the Census and encouraged everyone to participate on the upcoming U.S. Census. Ms. Baker stated the U.S. Census was currently hiring for Travis County.

Blake Tyner, 14216 James Garfield St., Manor, Texas, spoke before City Council regarding the importance of establishing a Manor Historical Society for the City of Manor, Texas. Mr. Tyner invited everyone to attend a Preliminary Meeting at St. Mary Magdalene Episcopal Church on February 17, 2020, at 7:00 p.m.

Connie Banda, 208 W. Wheeler, Manor, Texas, spoke before City Council regarding her concerns on the current street rules and street repairs within the city.

No one else appeared to speak at this time.

CONSENT AGENDA

1. Consideration, discussion, and possible action to approve the City Council Minutes:

- **January 15, 2020, Called-Special Session; and**
- **January 15, 2020, Regular Meeting**

MOTION: Upon a motion made by Council Member Amezcua and seconded by Mayor Pro Tem Hill, the Council voted seven (7) “ayes” and no (0) “nays” to approve and adopt all items on the Consent Agenda. The motion carried unanimously.

REGULAR AGENDA

2. Consideration, discussion, and possible action on an award of a construction contract for the Wilbarger Creek Wastewater Treatment and Collection System Improvements Phase 2 Project.

The City staff recommended that the City Council award a construction contract to Austin Engineering Company Inc. for the Wilbarger Creek Wastewater Treatment and Collection System Phase 2 project.

City Engineer Phelan discussed the construction contract for the Wilbarger Creek Wastewater Treatment Project. He discussed the rebid process for the project and the recommendation for Austin Engineering Company Inc.

The discussion was held regarding the cost of the project and timeline.

The discussion was held regarding the plan expansion for the development.

MOTION: Upon a motion made by Council Member Scarbrough and seconded by Council Member Dye, the Council voted seven (7) “ayes” and no (0) “nays” to award a construction contract to Austin Engineering Company Inc. for the Wilbarger Creek Wastewater Treatment and Collection System Phase 2 project. The motion carried unanimously.

3. Consideration, discussion and possible action for a variance request under Manor Code of Ordinances, Chapter 8, Article 8.03 Sex Offender Residency.

Anthony Sherron Booth, 13012 Tinker Street, Manor, Texas, spoke before City Council regarding a variance request for his residency within the city limits of Manor.

Mr. Booth discussed his personal issues and expressed his commitment to change. He is seeking for a temporary three (3) month extension for his current residency in Manor.

The discussion was held regarding the options for the variance request.

Chief Phipps discussed the current ordinance regarding Sex Offender Residency.

The discussion was held regarding the time frame for Mr. Booth to find a permanent resident.

Council Member Scarbrough expressed his concerns regarding the approval of the variance request.

The discussion was held regarding other resources Mr. Booth could reach out too regarding his home situation.

MOTION: Upon a motion made by Council Member Dye to deny the variance request under Manor Code of Ordinances, Chapter 8, Article 8.03 Sex Offender Residency. There was no second motion. The motion failed.

MOTION: Upon a motion made by Council Member Dr. Harvey and seconded by Mayor Pro Tem Hill, the Council voted four (4) “ayes” and two (2) “nays” to accept the variance request under Manor Code of Ordinances, Chapter 8, Article 8.03 Sex Offender Residency with a condition of no longer than 60 days and a condition of standards and requirements met by the Manor Police Department. Council Member Dye and Council Member Scarbrough voted against. The motion carried.

EXECUTIVE SESSION

The Manor City Council convened into executive session pursuant to the provisions of Chapter 551 Texas Government Code, in accordance with the authority contained in - *Section 551.074 Personnel Matters – Discussion of City Manager’s Evaluation*. at 8:08 p.m., on Wednesday, February 5, 2020, City Council Conference Room of the Manor City Hall, 105 E. Eggleston St., Manor, Texas.

The Executive Session was adjourned at 9:06 p.m. on Wednesday, February 5, 2020.

OPEN SESSION

The City Council reconvene into Open Session pursuant to the provisions of Chapter 551 Texas Government Code and took action on item(s) discussed during Closed Executive Session at 9:06 p.m. on Wednesday, February 5, 2020, in the Council Chambers of the Manor City Hall.

Mayor Dr. Wallace Jr. opened the floor for action to be taken on the items discussed in the Executive Session.

MOTION: Upon a motion made by Council Member Dr. Harvey and seconded by Mayor Pro Tem Hill the Council seven (7) “ayes” and no (0) “nays” to approve and accept the City Manager’s Evaluation with an amendment to Section C, Comment No. 5 to be removed. The motion carried unanimously.

ADJOURNMENT

The Regular Session of the Manor City Council Adjourned at 9:07 p.m. on Wednesday, February 5, 2020.

These minutes approved by the Manor City Council on the 19th day of February 2020.

APPROVED:

Dr. Larry Wallace Jr.
Mayor

ATTEST:

Lluvia T. Almaraz, TRMC
City Secretary

Draft Minutes

Little Free Library Proposal



Boy Scout Colton Dwyer

Eagle Scout Rank and Project

The Rank of Eagle Scout is the highest rank a Boy Scout can achieve.

To obtain the Eagle Scout Rank, each aspiring scout must complete a long list of requirements, one of the biggest being a community service project, completely supervised and organized by the scout.



Little Free Library 501 Nonprofit



The materials to build the containment unit will be provided by Little Free Library, which allows you to purchase the parts to construct the containment unit.

Any money needed to purchase parts, etc. will be funded by donations.

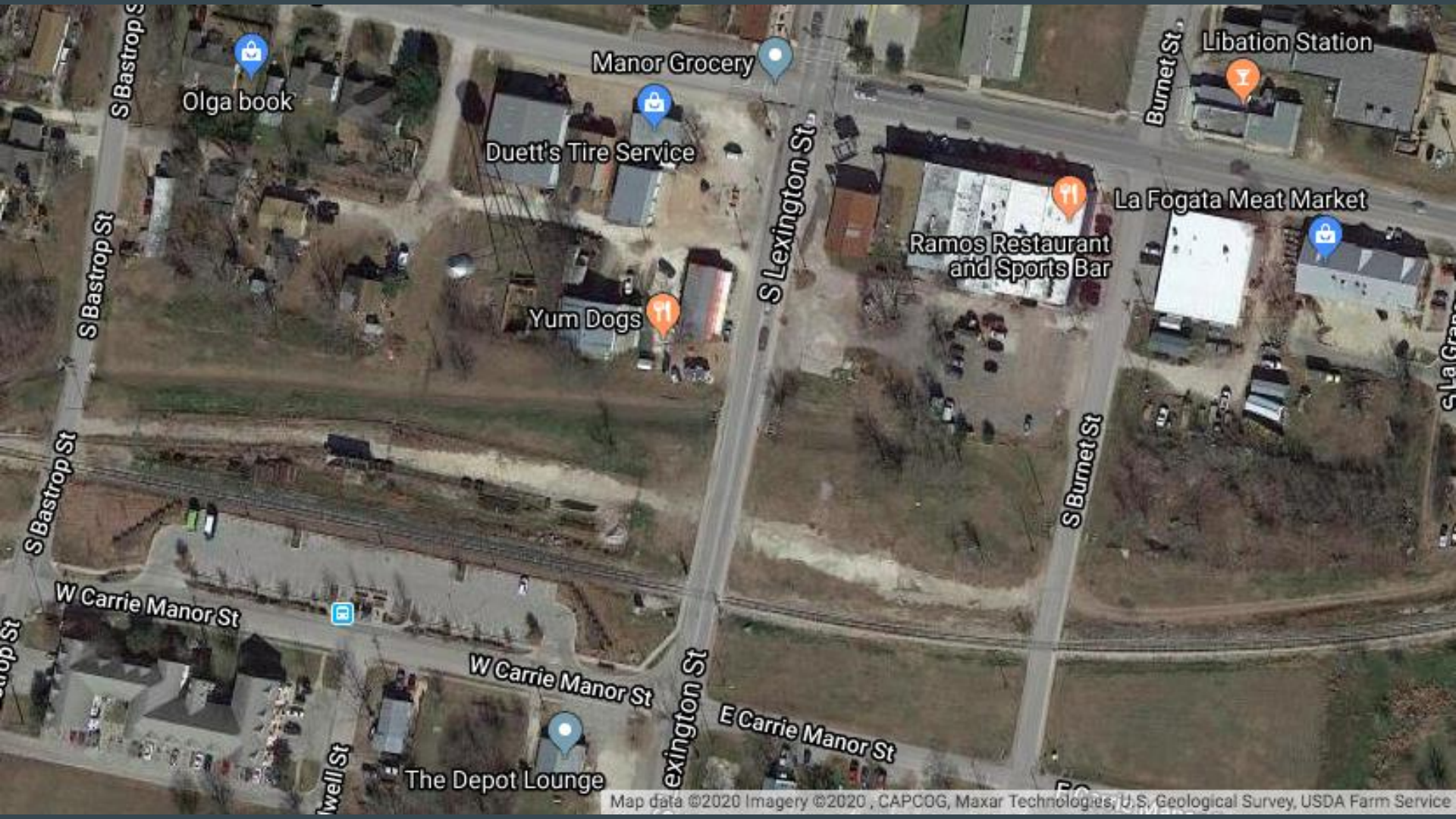
The initial deposit of books, will be collected through a book drive held at the troop as well, and the containment unit will be assembled by volunteer scouts wishing to earn service hours.

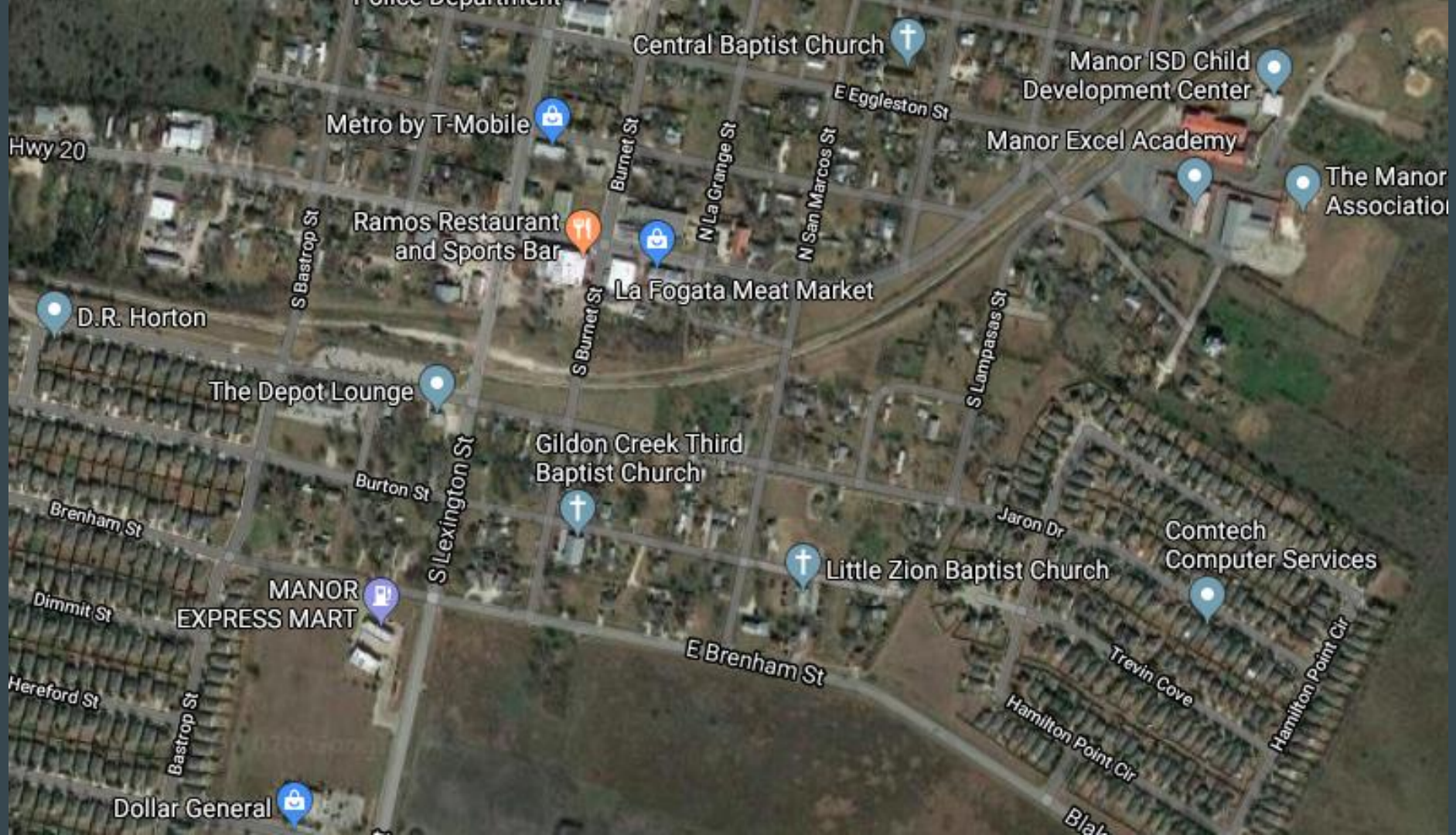
Why Little Libraries?

- Increase accessibility to books for the entire community
- Foster healthy communal traditions and discussions
- Access to books increases public literacy

Location, Location, Location

- Public Space
- Near Transportation
- Well Lit
- Safe!





Central Baptist Church

Manor ISD Child Development Center

Manor Excel Academy

The Manor Association

Metro by T-Mobile

Ramos Restaurant and Sports Bar

La Fogata Meat Market

D.R. Horton

The Depot Lounge

Gildon Creek Third Baptist Church

Little Zion Baptist Church

Comtech Computer Services

MANOR EXPRESS MART

Dollar General

What Next?



AGENDA ITEM SUMMARY FORM

PROPOSED MEETING DATE: February 19, 2020

PREPARED BY: Thomas Bolt, City Manager

DEPARTMENT: Administration

AGENDA ITEM DESCRIPTION:

Consideration, discussion, and possible action on the acceptance of the January 2020 Departmental Reports.

BACKGROUND/SUMMARY:

- Police – Ryan Phipps, Chief of Police
- Development Services – Scott Dunlop, Asst. Development Services Director
- Community Development - Debbie Charbonneau
- Municipal Court – Sarah Friberg, Court Clerk
- Public Works – Mike Tuley, Director of Public Works
- Finance – Lydia Collins, Director of Finance

PRESENTATION: ☐ YES ☒ NO

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

January 2020 Departmental Reports

STAFF RECOMMENDATION:

It is City staff's recommendation that the City Council approve and accept the January 2020 Departmental Reports.

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



Manor Police Department

Monthly Council Report

Ryan S. Phipps - Chief of Police

Date of Meeting:

1/19/2020

January 2020

Activity	Reported Month	Same month Prior year	Percentage difference	
Calls for Service	2666	1637	62.8↑	Patrol Car Rental Last Month \$1252.50 YTD \$1252.50
Average CFS per day	86	52.8	62.8↑	
Open Cases	26	15	73.3↑	
Charges Filed	55	47	17↑	
Alarm Responses	53	45	17.7↑	
Drug Cases	8	14	42.8↓	
Family Violence	18	13	38.4↑	
Arrests Fel/Misd	18Fel/37 Misd	12 Fel/35 Misd	50↑Fel/5.7↑Misd	
Animal Control	18	46	60.8↓	
Traffic Accidents	34	37	8↓	
DWI Arrests	8	10	20↓	
Traffic Violations	1235	657	88↑	
Impounds	83	112	25.8↓	
Ordinance Violations	14	42	66.6↓	
Victim Services Cases	45	30	50↑	
Total Victims Served	51	49	4↑	
Laboratory Submissions	9	10	10↓	

Notes:

*DNA- DATA NOT AVAILABLE

**DEVELOPMENT SERVICES DEPARTMENT REPORT
PROJECT VALUATION AND FEE REPORT**

January 1-31, 2020

Description	Projects	Valuation	Fees	Detail
Commercial Sign	1	\$590.00	\$193.00	
Commercial Tenant Finish-Out	2	\$374,000.00	\$3,985.50	Baylor Scott & White, Distillery
Commercial Electrical	1	\$200.00	\$172.00	
Residential Electrical	2	\$9,000.00	\$214.00	
Residential Irrigation	5	\$11,209.00	\$535.00	
Residential Foundation	1	\$11,373.00	\$97.00	
Residential Plumbing	5	\$5,442.00	\$595.00	
Residential New	65	\$18,160,453.00	\$375,926.20	
Residential Driveway	2	\$7,000.00	\$194.00	
Residential Addition	1	\$7,500.00	\$434.00	
Residential Deck/Patio	1	\$1,200.00	\$107.00	
Residential Fence	1	\$7,200.00	\$107.00	
Mechanical/HVAC	2	\$22,414.00	\$214.00	
Totals	89	\$18,617,581.00	\$382,773.70	

Total Certificate of Occupancies Issued: 59

Total Inspections(Comm & Res): 1,629

Tom Bolt, City Manager

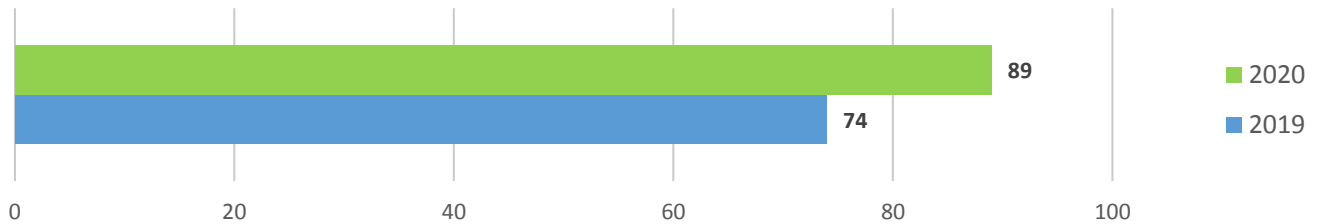




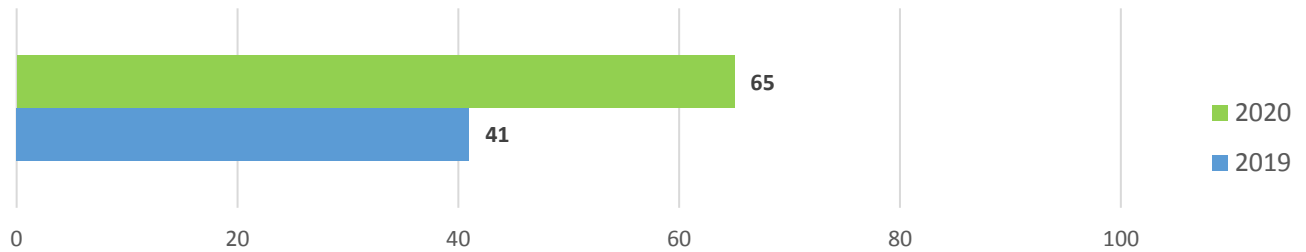
January 2020

DEPARTMENT OF DEVELOPMENT SERVICES
THOMAS BOLT, DIRECTOR

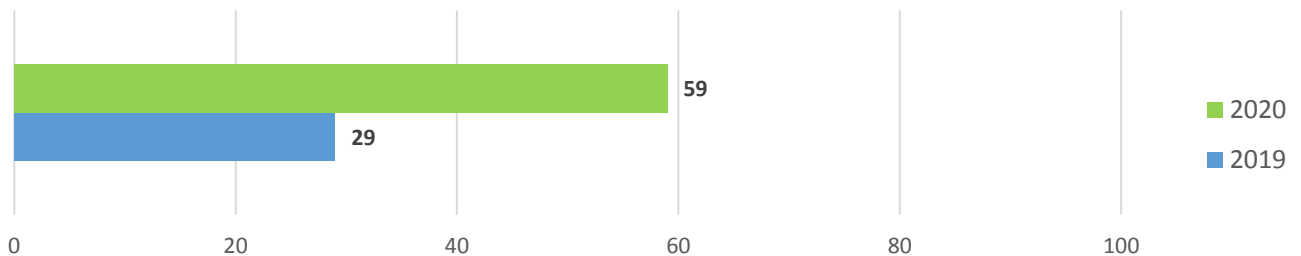
PERMITS ISSUED



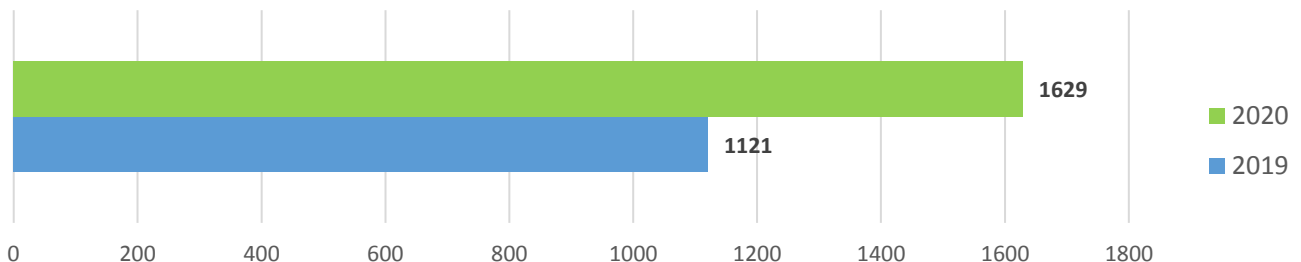
RESIDENTIAL NEW PERMITS



COs ISSUED



INSPECTIONS





MEMO

To: Mayor and City Council Members
From: Debbie Charbonneau, Community Development Manager
Date: February 19, 2020
RE: **January Monthly Report**

COMMUNITY MEETINGS

Lunch Meeting with Catherine Sak from the Texas Downtown Association
Regional Partners Meeting in Bastrop
Chamber Lunch Meeting

BUSINESS VISITS

Sam Donnelly – Frontier Bank
Karen Mazerac – Frontier Bank
Alan Butler - Butler Brothers Odd Jobs
Ray Lee - Vistoro
Jon Jackson – Globe Life

EVENTS

Breakfast Bites January Meeting
Manor Palooza Planning Meeting

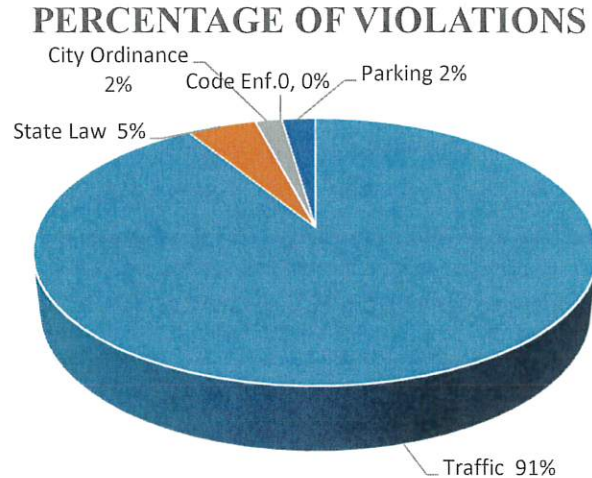
OTHER DUTIES

Texas Main Street Managers Planning Committee Conference Call regarding National Main Street Conference in Dallas from May 18 – 20, 2019
Texas Downtown Association Education Conference Call
Meeting with Daryl Whitworth from Madden Media
TACVB Mid-Winter Conference 2020 in Boerne – January 27, 2020 – January 29, 2020

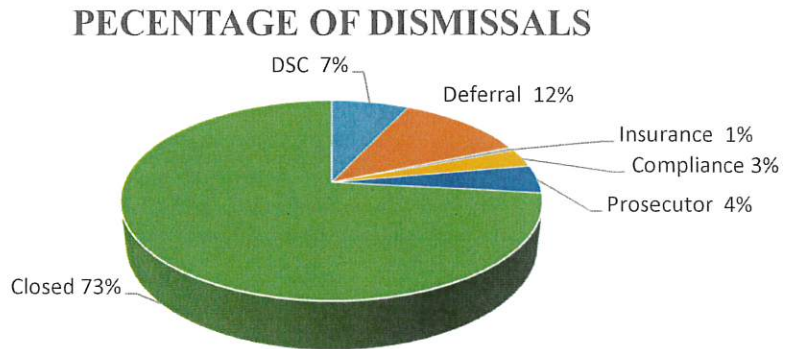
City of Manor Municipal Court

JANUARY 2020

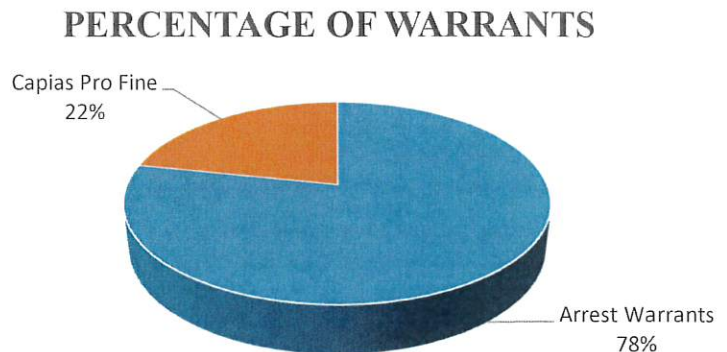
Violations Filed	Jan-20	Jan-19
Traffic	598	511
State Law	31	38
City Ordinance	12	26
Code Enforcement	0	2
Parking	15	9
Total	656	586



Dismissals	Jan-20	Jan-19
DSC	47	46
Deferral	77	66
Insurance	4	4
Compliance	19	24
Prosecutor	30	47
Closed	485	435
Total	662	622



Warrants	Jan-20	Jan-19
Arrest Warrants	173	409
Capias Pro Fine	48	28
Total	221	437



Money Collected in January 2020

Kept By City	\$52,259.46
Kept By State	\$18,159.68
Total	\$70,419.14

Money Collected in January 2019

Kept By City	\$49,490.14
Kept By State	\$27,158.35
Total	\$76,648.49



MEMO

To: Mayor and City Council Members
From: Mike Tuley, Director of Public Works
Date: February 19, 2020
RE: January Monthly Report

Public Works Department

Street and Public, Parks, and Maintenance Department

In the month of January, the Public Parks and Maintenance Department mowed all city facilities, alleys, and right of ways. They cleaned and maintained all city's facilities and parks. They performed all maintenance on city vehicles and heavy equipment. In January, the Street Department repaired streets, curbs and signs.

Water and Wastewater Department

In January, the Water Department performed daily maintenance on the water system, repaired water mains, set water meters and tested the water daily. In January, the Wastewater Department performed daily maintenance on the wastewater plant. They cleaned and unstopped wastewater mains.

Water Production & Purchase

In the month of January 31% of the water we supplied to our residents was from our wells, and we purchased 69% from EPCOR and Manville WSC. In January, the estimated population of residents in the City of Manor is 13,796. Estimated population for ShadowGlen is 4,080 residents.

Subdivision Inspections

- Street Inspections- 7
- Water Inspections- 2
- Wastewater Inspections- 4

Streets and Parks Monthly Report January 2020

Daily Duties and Projects 1-1-2020/1-31-2020

1/2/2020- What better way to start the new year than with 3 lanes on 290. After a few hiccups on correct signage and motorist getting used to the new traffic pattern, I would say it has helped congestion tremendously.

1/3/2020- Keeping all pets on a leash is very important when it comes to safety. “All pets on leash” has been added to all park rule signs for the safety of all park users.

1/7/2020- The day has finally arrived, and construction has finally begun on Greenbury playground. The swap out process does not take long once construction has begun.

1/8/2020- 100 Block of E. Browning has been in need of attention for some time now. The entire street was torn out and new asphalt was put back in place. Once the streets department is fully staffed, there is no other way but up. They have moved mountains in the last couple of years and have learned so much. With some help from contractors in the next couple of years repaving new streets, Manor streets should start looking up for par.

1/13/2020- New signs were installed at the art park stating, “park user parking only”. We are hoping this will allow parking for park users at all times. A handicap sign was also installed along with the appropriate handicap sign on the ground.

1/15/2020- If you have not taken a ride out to Greenbury Park, the time is now. The new playground looks amazing and I am very proud of it. The construction went without a hiccup. The next playgrounds that are on the radar will be the new addition playground at Hamilton Point and a full tear out/replacement at Bell Farms Park.

1/20/2020- It seems no matter how many stop signs we change out, there are always more that pop up. There are plenty of stop signs that still exist that measure 18”. The appropriate stop signs measure at 30” with a high intensity skin. Over the past 3 years, over 75 stop signs have been changed out. The longevity of the stop sign will determine which direction it is facing.

1/23/2020- If you are familiar with particle board, you will know it does not like moisture. The partitions inside Jennie Lane bathrooms have been in need of replacement. All measurements were taken to replicate the exact sizes and new solid plastic partitions were ordered. While the old partitions were removed, new epoxy was laid down on the floor awaiting the new partitions to be installed. The new solid plastic partitions will have a 25-year warranty.

1/27/2020- As we all may have heard, there will be new bocce ball courts installed at Timmermann Park. Planning and designing where these will end up is crucial seeing they will be there for a very long time. Once these are completed along with donated park benches, the park will look amazing!

Certifications and Training Classes

2 park employees were sent to irrigator school to obtain an irrigation technician license. Testing for the license will be in the month of February 2020.

3 streets employees were sent to a 2-day work zone safety class to ensure safe practices are always used in the field.

Inspections/Warranties/New subdivision Walkthroughs and Pre-Construction meetings.

Presidential Heights Phase 5- Excavation has begun on this phase. The city will continue on their regular site inspections to ensure all contractors are following the rules that are in place.

Presidential Heights Phase 3&4- Phase 3 is almost completely built out and closing on their amenity center. Phase 4 had some contractor issues along the way but seem to be back on track. Home building will begin here in the next month.

Stonewater North Phase 1&3- Homes are being built in phase 1. Phase 3 roads and utilities are in and awaiting home building.

Stonewater North Phase 2- The city had its first pre-construction meeting for phase 2. Ground-breaking has already began and moving along very fast.

Presidential Phase 7- Phase 7 is close to all homes being completed.

Lagos Phase 1- Homes are continuing to go up and regular inspections are done on a weekly basis. The subdivision has done a great job on keeping all sites clean.

Manor Commons- All roads are paved, and Timmermann Park is complete. Most of the open land is revegetated and on a weekly mowing schedule. The park is turning into a very nice area for the citizens of Manor to enjoy.

Water Monthly Report January 2020

For the month of January, the Water Department had 30 service calls, 4 repair jobs, 6 maintenance jobs, 2 inspection, and flushed all dead-end mains.

Service calls include: Low water pressure calls, meter leaks, line locates, brown water calls, disconnect water services, and connected water services.

Repairs

309 East Parsons- repaired a 2" water main break by FZ,RM,CD 1-8-20.

401 West Parsons- repaired a 2" water main break by FZ,CD,1-10-20.

401 West Parson- replaced broken meter box with new one by FZ,CD 1-10-20.

Bastrop and Brenham NE corner-repaired a 2" water main break by FZ,CD,AM 1-27-20.

Maintenance

Brenntag - ordered (4) 150 lb. cl2 bottles for clear well on Gilbert Lane by JT 1-2-20.

Aqua Tech Lab - Bac T samples -took first set of (5) Bac T samples and dropped off at aqua tech lab by RM 1-8-20.

Burnet and Burton - straighten up water valve casing by FZ,DD 1-14-20.

Clearwell - change cl2 bottle 150 lbs. by RM,JT 1-15-20.

Aqua Tech Lab - Bac T samples -took second set of 5 Bac T samples and dropped off at aqua tech lab by RM 1-21-20.

Brenham and Bastrop- locate utilities mark water main and services with blue paint so Blue Bonnet Electric could set a new pole by JT,FZ 1-29-20.

Inspections

Manor Heights Phase 1 - pre construction meeting with JL Gray Construction and PG,AV,JT 1-7-20.

ShadowGlen Section 11 - final walk thru inspection with JL Gray Construction and PG,JT,GS 1-31-20.

Wastewater Monthly Report January 2020

For the month of January, the Wastewater Department had 3 service calls, 44 repair jobs, 15 maintenance jobs and 4 inspections.

Service Calls

12705 St. Mary Dr. - sewer clog - jetted city side and cleared - called locates to make repairs where city side meets customer side by RM 1-2-20.

17205 Hamilton Point- sewer clog- jetted city side service and cleared and called locates to make repairs where city side meets customer side by CD 1-7-20.

12801 Wedding Dr.- called locates to make repairs where city side meets customer side by RM 1-13-20.

Repairs

12705 St. Mary Dr. - repaired where city side meets customer and installed a new clean out, notified customer repairs have been made by FZ,CD,AM 1-6-20.

Johnson Rd and Inselberg- repaired air relief manhole on high pressure wastewater main re set manhole and re-cement manhole by FZ,CD,AM 1-7-20.

12713 Doorbell-called line locates and repaired where city side meets customer and installed a new clean out, notified customer repairs have been made by FZ,CD,AM 1-6-20.

18401 Maxa- replaced cap and lid to sewer clean out by CD,JT 1-8-20.

18116 Skysail-replaced cap and lid to sewer clean out by CD,JT 1-8-20.

12705 Hamilton Point-called locates- excavated wastewater service where city side meets customer side city side was good, took pictures and notified customer by FZ,CD,DD 1-9-20.

12801 Wedding Drive- excavated where city side service meets customer side service, the city side service was good, and no repairs were needed, took pictures of excavated area and notified customer that the city side is good no breaks. by FZ,CD,DD 1-14-20.

Replaced cap and lid to clean out to the following streets: Carrie Manor, Abernathy, Athens, Burton, Marshall, Brenham, Dimmit, Hereford, and Liberty St. by CD,DD 1/22-1/24

12910 Johnson RD - repaired a 10" force main that was damaged while Liberty Civil Construction was trenching. Repairs were made by Liberty Civil Construction and inspected by JT,RM 1-27-20.

19612 WT Gallaway -replaced cap and lid to clean out by RM 1-30-20.

Maintenance

WWTP- changed out cl2 bottle number 1 150 lbs. by RM,AM 1-2-20.

Brenntag - ordered 6 150 lbs. cl2 bottles for wastewater plant by JT 1-2-20.

HWY 290 across HT Fitness- installed wastewater manhole sign by DD,JT 1-7-20.

12705 Hamilton Point-called line locates to make repairs where city side meets customer side by CD,JT 1-8-20.

100 Blk West Parsons-ADS flow view meter in manhole number 2 went offline- reset the ads flow view meter in manhole - flow view meter number 2 is back online by DD,AM 1-8-20.

Brenntag- ordered two 300-gallon totes of Alum for Wastewater plant by JT 1-8-20.

WWTP- sand filter pump- pulled pump to clean screen off-pump is back in operation by 1-23-20.

Presidential Glen 290 Lift Station- pump 1 fail to start alarm- pulled floats and cleaned grease off of floats pump 1 back in operation by RM, JT 1-14-20.

Capitol Bearing-ordered 50 ft of vacuum hose for Ditch witch fx 30.

Stonewater Lift Station-pump 1 fail to start alarm- pulled floats and cleaned grease off of them pump one is back in operation by RM,AM 1-22-20.

WWTP- repaired toilet in office at Wilbarger Plant by FZ,JT 1-22-20.

Brenntag- ordered 100 lb. bucket granular cl2 for WWTP by JT 1-24-20.

Stonewater Lift Station- replaced the lead float (float was bad causing it to fail to start pumps) in lift station by JT,RM 1-28-20.

Lampasas St. from John F. Nagle to Samaripa St.-hydro jet wastewater main for maintenance by CD,JT 1-28-20.

Hamilton Point circle-hydro jet wastewater main for maintenance by CD,JT 1-28-20.

Inspections

Presidential Heights Phase 2- pressure test, Vacuum test wastewater mains with Cash Construction by RM 1-6-20.

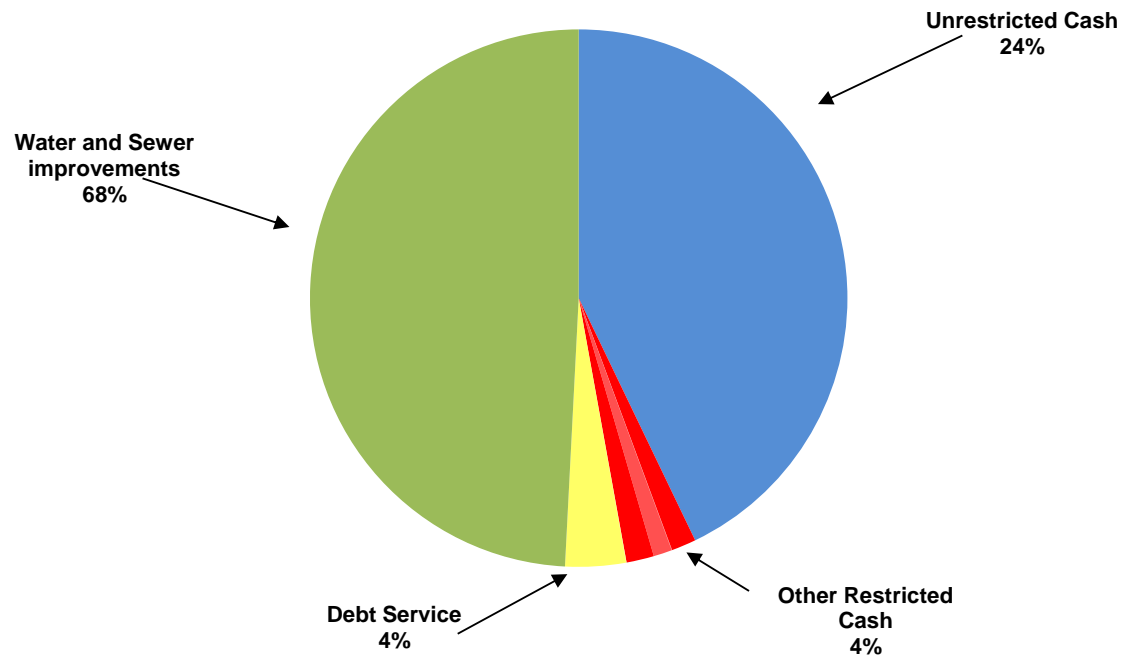
Presidential Heights Phase 2- pressure test, Vacuum test wastewater mains with Cash Construction by RM 1-9-20.

Presidential Heights Phase 2 - pulled mandrels with Cash Construction on 1-14-20.

Shadow Glen Section 11 - final walk thru inspection with JL Gray Construction by JT,PG,GS 1-31-20.

**CITY OF MANOR, TEXAS
CASH AND INVESTMENTS
As Of January, 2020**

	GENERAL FUND	UTILITY FUND	DEBT SERVICE FUND	SPECIAL REVENUE FUNDS	CAPITAL PROJECTS FUND	TOTAL
CASH AND INVESTMENTS						
Unrestricted:						
Cash for operations	\$ 8,753,757	\$ 7,760,737			\$ -	\$ 16,514,494
Restricted:						
Tourism				572,416		572,416
Court security and technology	8,768					8,768
Rose Hill PID				430,299		430,299
Customer Deposits		638,881				638,881
Park	8,900					8,900
Debt service			1,403,567			1,403,567
Capital Projects						
Water and sewer improvements		10,702,063		8,247,000		18,949,062
TOTAL CASH AND INVESTMENTS	\$ 8,771,425	\$ 19,101,681	\$ 1,403,567	\$ 9,249,714	\$ -	\$ 38,526,387



Overview of funds:

\$107,442.85 sales tax collected
 GF is in a favorable status.
 UF is in a favorable status
 DSF is in a favorable status
 CIP Fund is in a favorable status



AGENDA ITEM NO. 3

AGENDA ITEM SUMMARY FORM

PROPOSED MEETING DATE: February 19, 2020

PREPARED BY: Scott Dunlop, Assistant Development Director

DEPARTMENT: Development Services

AGENDA ITEM DESCRIPTION:

Public Hearing: Conduct a public hearing upon an Ordinance rezoning 0.675 acres more or less, located at 10814 US Hwy 290 East, Manor, TX, from Light Commercial (C-1) to Medium Commercial (C-2).

BACKGROUND/SUMMARY:

A public hearing to rezone the property where Top Liquor is located from Light Commercial (C-1) to Medium Commercial (C-2).

This item was requested to be pulled by the applicant. P&Z at their 2/12 meeting acknowledged the applicant's request and took no action.

PRESENTATION: ☐ YES ☒ NO

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

Request to pull

Map

C-1 and C-2 land use regulations

STAFF RECOMMENDATION:

It is City staff's recommendation that the City Council close the Public Hearing.

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

From: [Burke, Brett](#)
To: [Danny Burnett](#); [Scott Dunlop](#)
Subject: RE: CHL 0.625 C2 Rezoning
Date: Wednesday, January 29, 2020 11:28:33 AM

Scott, we just sat down with everyone on this. We're good with you pulling the application. No need to go to the commission.

Concerning the Las Entradas Final Plat, what is the deadline to have comments cleared and get approval at this month's P&Z. thanks,

----- ***We Are Moving!*** -----

**As of November 25th, 2019, we will be in our new location:
10814 Jollyville Road, Campus IV, Suite 200, Austin, TX 78759**

Brett Burke|Project Manager

Kimley-Horn | 10814 Jollyville Road Building 4 Suite 300 Austin, TX 78759

Direct: 512 782 0587 | Mobile: 512 689 0094

Connect with us: [Twitter](#) | [LinkedIn](#) | [Facebook](#) | [YouTube](#)

Celebrating nine years as one of FORTUNE's 100 Best Companies

-----Original Appointment-----

From: Burke, Brett

Sent: Wednesday, January 15, 2020 10:47 AM

To: Burke, Brett; Danny Burnett; Scott Dunlop

Subject: CHL 0.625 C2 Rezoning

When: Tuesday, January 21, 2020 10:00 AM-10:30 AM (UTC-06:00) Central Time (US & Canada).

Where: City of Manor

Hey Scott, Danny read the minutes from last P&Z and ready to sit down on this. Let me know if this works for you. Thanks,

----- ***We Are Moving!*** -----

**As of November 25th, 2019, we will be in our new location:
10814 Jollyville Road, Campus IV, Suite 200, Austin, TX 78759**

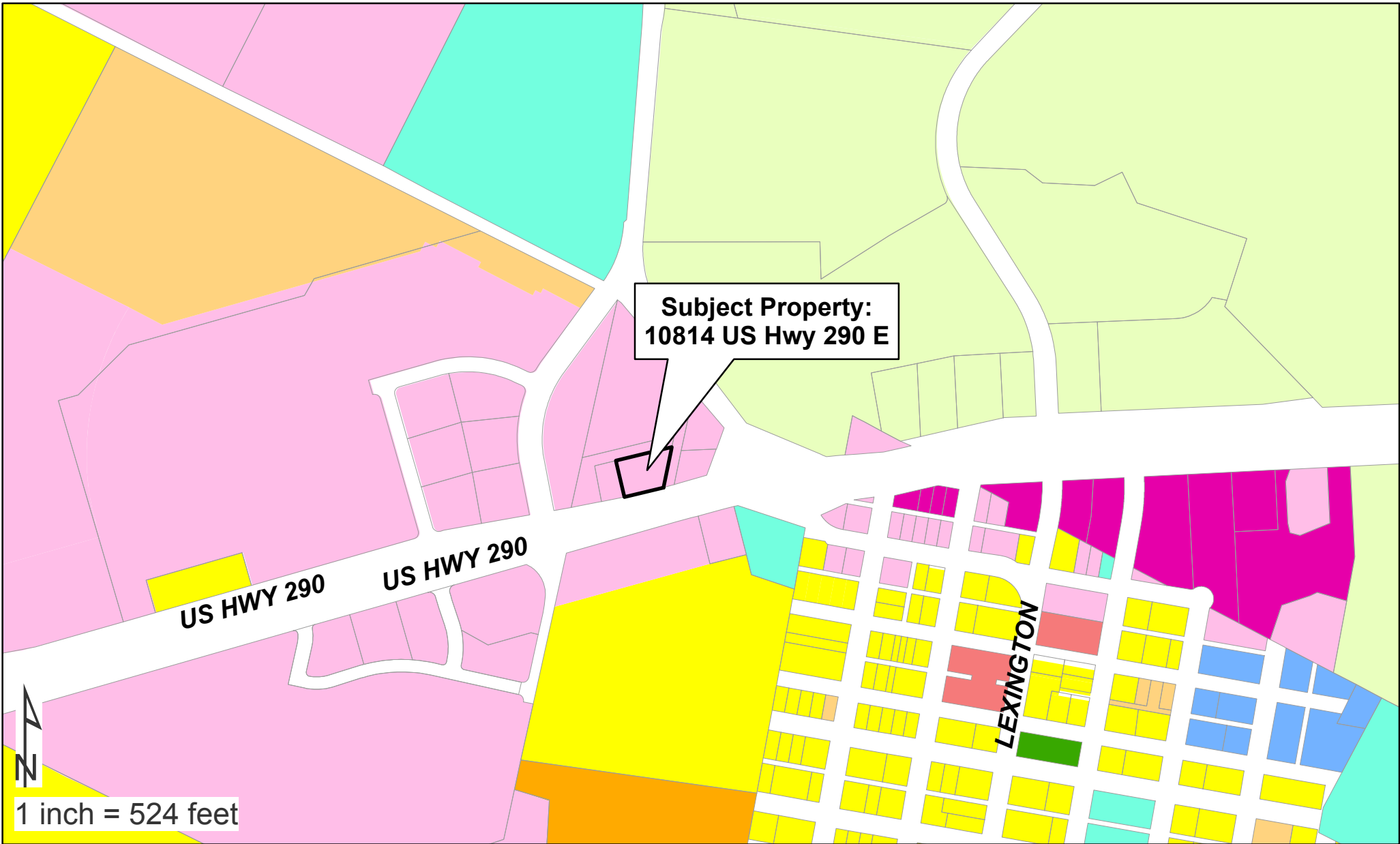
Brett Burke|Project Manager

Kimley-Horn | 10814 Jollyville Road Building 4 Suite 300 Austin, TX 78759

Direct: 512 782 0587 | Mobile: 512 689 0094

Connect with us: [Twitter](#) | [LinkedIn](#) | [Facebook](#) | [YouTube](#)

Celebrating nine years as one of FORTUNE's 100 Best Companies



Proposed Rezoning: Medium Commercial (C-2)

*Current Zoning District:
Light Commercial (C-1)*

Zone		DB - Downtown Business District
R-1 - Single Family		NB - Neighborhood Business
R-2 - Single Family		IN-1 - Light Industrial
R-3 - Multi Family		IN-2 - Heavy Industrial
R-4 - Multi Family Special		I - Institutional
M-1 - Manufactured Housing		PUD - Planned Unit Development
M-2 - Manufactured Housing Park		A - Agricultural
C-1 - Light Commercial		Manor ETJ
C-2 - Medium Commercial		

COMMERCIAL DISTRICTS

C-1

Light Commercial

This District allows a mix of commercial uses including retail, office, light commercial, and similar uses excluding residential and multifamily. Allows the retail of goods and products to which value is added on-site, including sales of goods and services outside of the primary structure.

Site Development Standards

Lot		Massing	
Minimum Lot Size	5,750 sq ft	Maximum Height	60 ft
Minimum Lot Width	50 ft	Maximum FAR	1.8
Maximum Building Coverage	60%	Minimum Setbacks:	
Maximum Building Coverage		Front Yard	25 ft
with Accessory Buildings	70%	Street Side Yard	15 ft
Landscape Requirement	15%	Side Yard	25 ft*
		Rear Yard	25 ft^

* 0 or 10 ft side yard to all C, I, IN

^ 10 ft rear yard to all C, I, IN

Permitted and Conditional Uses

Civic

College or University	Cultural Services
Communication Service Facilities	Postal Facilities
Community Events	Religious Assembly
Community Recreation	Safety Services
Private Primary and Secondary	Transportation Terminal
Education Facilities	All Other Civic Uses
Public Primary and Secondary	
Education Facilities	

C-1

Light Commercial

Commercial

Art Gallery	Game Rooms (c)
Art Workshop	General Retail Sales
Bed and Breakfast	Hotel and Motel
Business and Trade Schools	Indoor Entertainment
Club or Lodge	Indoor Sports and Recreation
Cocktail Lounge	Laundry Services
Commercial Off-Street Parking	Liquor Sales
Consumer Convenience Stores	Monument Retail Sales
Consumer Repair Services	Off-Site Accessory Parking
Counseling Services	Personal Improvement Services
Day Care Services	Personal Services
Financial Services	Pet Services
Florist - no greenhouse	Printing and Publishing
Food Court Establishment (c)	Restaurant
Food Preparation less than 2,500 sq. ft. GFA	Restaurant Drive-Through
Food Sales	Service Station (c)
Funeral Services Not Including Crematory	Theater

C-2

Medium Commercial

This District allows a mix of commercial uses including retail, office, light commercial, large format commercial, and similar uses excluding residential and multifamily. Allows the retail of goods and products to which value is added on-site, including sales of goods and services outside of the primary structure.

Site Development Standards

Lot		Massing	
Minimum Lot Size	7,500 sq ft	Maximum Height	60 ft
Minimum Lot Width	60 ft	Maximum FAR	1.8
Maximum Building Coverage	60%	Minimum Setbacks:	
Maximum Building Coverage		Front Yard	25 ft
with Accessory Buildings	70%	Street Side Yard	15 ft
Landscape Requirement	15%	Side Yard	25 ft*
		Rear Yard	25 ft^

* 0 or 10 ft side yard to all C, I, IN

^ 10 ft rear yard to all C, I, IN

Permitted and Conditional Uses

Residential

Convalescent Services

Civic

College or University	Private Primary and Secondary
Communication Service Facilities	Education Facilities
Community Events	Public Primary and Secondary
Community Recreation	Education Facilities
Cultural Services	Religious Assembly
Local Utility Services	Safety Services
Postal Facilities	Transportation Services
	All Other Civic Uses

Commercial

Administrative Offices	Food Preparation less than 5,000 sq. ft.
Administrative Services	GFA
Art Gallery	Food Sales
Art Workshop	Funeral Services
Automotive Rental	Game Rooms

C-2

Medium Commercial

Commercial

Automotive Repair Services	General Retail Sales
Automotive Sales	Hospital Services
Automotive Washing	Hotel and Motel
Aviation Services	Indoor Entertainment
Bail Bond Services	Indoor Sports and Recreation
Building Maintenance Services	Kennels
Business and Trade Schools	Laundry Services
Carriage Stable	Liquor Sales
Club or Lodge	Marina
Cocktail Lounge	Monument Retail Sales
Commercial Blood Plasma Center (c)	Off-Site Accessory Parking
Commercial Off-Street Parking	Outdoor Entertainment
Communication Services	Outdoor Sports and Entertainment
Construction Sales and Services	Pawnshop Services (c)
Consumer Convenience Stores	Personal Improvement Services
Consumer Repair Services	Personal Services
Convenience Storage	Pet Services
Counseling Services	Plant Nursery
Day Care Services	Printing and Publishing
Employee Recreation	Recreational Equipment Sales
Financial Services	Restaurant
Florist	Restaurant Drive-Through
Food Court Establishment (c)	Service Station
	Theater
	Veterinary Services

Open Space

Camp	Park and Recreation Facilities
Campground	
Cemetery	



AGENDA ITEM SUMMARY FORM

PROPOSED MEETING DATE: February 19, 2020

PREPARED BY: Scott Dunlop, Assistant Development Director

DEPARTMENT: Development Services

AGENDA ITEM DESCRIPTION:

First Reading: Consideration, discussion, and possible action on an Ordinance rezoning 0.675 acres more or less, located at 10814 US Hwy 290 East, Manor, TX, from Light Commercial (C-1) to Medium Commercial (C-2).

Applicant: Kimley-Horn and Associates. Owner: Cottonwood Holdings, LTD

BACKGROUND/SUMMARY:

This is the property where Top Liquor is currently located. The owner would like to rezone from Light Commercial (C-1) to Medium Commercial (C-2) because the development standards in C-1 are not conducive to the Medium Commercial uses they want.

This item was requested to be pulled by the applicant. P&Z at their 2/12 meeting acknowledged the applicant's request and took no action.

PRESENTATION: ☐YES ☐NO

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

Request to pull

Letter of Intent

Rezoning Map

C-1 and C-2 land use regulations

Notice Letter, Mailing Labels

STAFF RECOMMENDATION:

It is City staff's recommendation that the City Council acknowledge the applicant's request to pull the rezoning application.

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

From: [Burke, Brett](#)
To: [Danny Burnett](#); [Scott Dunlop](#)
Subject: RE: CHL 0.625 C2 Rezoning
Date: Wednesday, January 29, 2020 11:28:33 AM

Scott, we just sat down with everyone on this. We're good with you pulling the application. No need to go to the commission.

Concerning the Las Entradas Final Plat, what is the deadline to have comments cleared and get approval at this month's P&Z. thanks,

----- ***We Are Moving!*** -----

**As of November 25th, 2019, we will be in our new location:
10814 Jollyville Road, Campus IV, Suite 200, Austin, TX 78759**

Brett Burke|Project Manager

Kimley-Horn | 10814 Jollyville Road Building 4 Suite 300 Austin, TX 78759

Direct: 512 782 0587 | Mobile: 512 689 0094

Connect with us: [Twitter](#) | [LinkedIn](#) | [Facebook](#) | [YouTube](#)

Celebrating nine years as one of FORTUNE's 100 Best Companies

-----Original Appointment-----

From: Burke, Brett

Sent: Wednesday, January 15, 2020 10:47 AM

To: Burke, Brett; Danny Burnett; Scott Dunlop

Subject: CHL 0.625 C2 Rezoning

When: Tuesday, January 21, 2020 10:00 AM-10:30 AM (UTC-06:00) Central Time (US & Canada).

Where: City of Manor

Hey Scott, Danny read the minutes from last P&Z and ready to sit down on this. Let me know if this works for you. Thanks,

----- ***We Are Moving!*** -----

**As of November 25th, 2019, we will be in our new location:
10814 Jollyville Road, Campus IV, Suite 200, Austin, TX 78759**

Brett Burke|Project Manager

Kimley-Horn | 10814 Jollyville Road Building 4 Suite 300 Austin, TX 78759

Direct: 512 782 0587 | Mobile: 512 689 0094

Connect with us: [Twitter](#) | [LinkedIn](#) | [Facebook](#) | [YouTube](#)

Celebrating nine years as one of FORTUNE's 100 Best Companies

December 4, 2019

City of Manor
Attn: Scott Dunlop
105 E. Eggleston St.
Manor, Texas 78653

**Re: Manor Food Store Lot Rezoning
0.675-Acre Tract – Letter of Intent
Northeast of the Intersection of US Highway 290 and Gregg Manor Road
Manor, Texas 78653**

Dear Staff:

Please accept this Summary Letter for the above referenced project. The proposed Manor Food Store development is located along the westbound frontage of US Highway 290 in Manor, Texas. The existing property consists of a 0.675 acre developed tract.

The Owner intends to submit an application to rezone this tract of land from C-1 (Light Commercial) to C-2 (Medium Commercial).

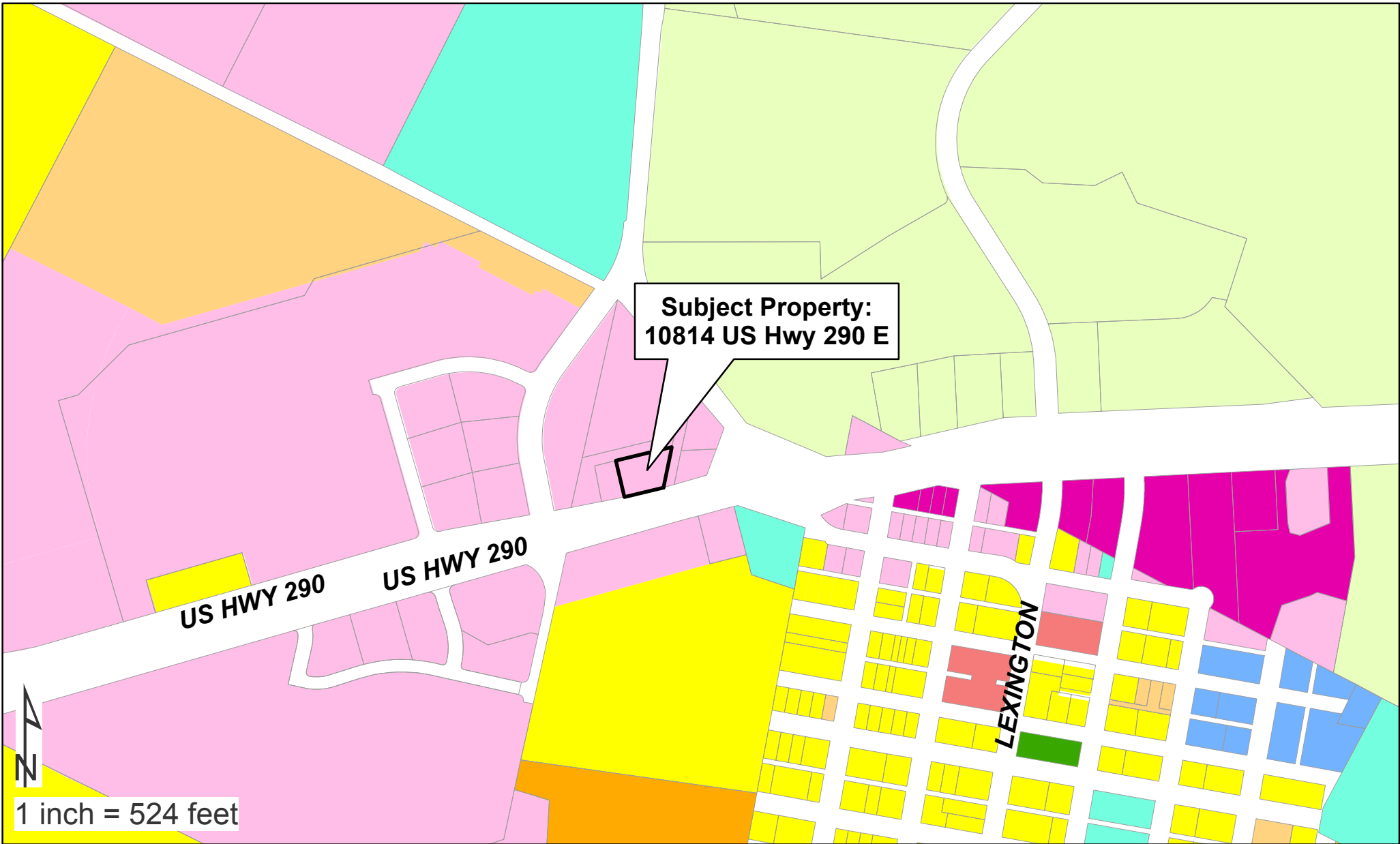
If you have any questions or comments regarding this request, please contact me at 512-350-5703.

Sincerely,

KIMLEY-HORN AND ASSOCIATES, INC.



Robert J. Smith, P.E.
Project Manager



Proposed Rezoning: Medium Commercial (C-2)

*Current Zoning District:
Light Commercial (C-1)*

Zone		DB - Downtown Business District
R-1 - Single Family		NB - Neighborhood Business
R-2 - Single Family		IN-1 - Light Industrial
R-3 - Multi Family		IN-2 - Heavy Industrial
R-4 - Multi Family Special		I - Institutional
M-1 - Manufactured Housing		PUD - Planned Unit Development
M-2 - Manufactured Housing Park		A - Agricultural
C-1 - Light Commercial		Manor ETJ
C-2 - Medium Commercial		

COMMERCIAL DISTRICTS

C-1 Light Commercial

This District allows a mix of commercial uses including retail, office, light commercial, and similar uses excluding residential and multifamily. Allows the retail of goods and products to which value is added on-site, including sales of goods and services outside of the primary structure.

Site Development Standards

Lot		Massing	
Minimum Lot Size	5,750 sq ft	Maximum Height	60 ft
Minimum Lot Width	50 ft	Maximum FAR	1.8
Maximum Building Coverage	60%	Minimum Setbacks:	
Maximum Building Coverage		Front Yard	25 ft
with Accessory Buildings	70%	Street Side Yard	15 ft
Landscape Requirement	15%	Side Yard	25 ft*
		Rear Yard	25 ft^

* 0 or 10 ft side yard to all C, I, IN

^ 10 ft rear yard to all C, I, IN

Permitted and Conditional Uses

Civic

College or University	Cultural Services
Communication Service Facilities	Postal Facilities
Community Events	Religious Assembly
Community Recreation	Safety Services
Private Primary and Secondary Education Facilities	Transportation Terminal
Public Primary and Secondary Education Facilities	All Other Civic Uses

C-1

Light Commercial

Commercial

Art Gallery	Game Rooms (c)
Art Workshop	General Retail Sales
Bed and Breakfast	Hotel and Motel
Business and Trade Schools	Indoor Entertainment
Club or Lodge	Indoor Sports and Recreation
Cocktail Lounge	Laundry Services
Commercial Off-Street Parking	Liquor Sales
Consumer Convenience Stores	Monument Retail Sales
Consumer Repair Services	Off-Site Accessory Parking
Counseling Services	Personal Improvement Services
Day Care Services	Personal Services
Financial Services	Pet Services
Florist - no greenhouse	Printing and Publishing
Food Court Establishment (c)	Restaurant
Food Preparation less than 2,500 sq. ft. GFA	Restaurant Drive-Through
Food Sales	Service Station (c)
Funeral Services Not Including Crematory	Theater

C-2

Medium Commercial

This District allows a mix of commercial uses including retail, office, light commercial, large format commercial, and similar uses excluding residential and multifamily. Allows the retail of goods and products to which value is added on-site, including sales of goods and services outside of the primary structure.

Site Development Standards

Lot		Massing	
Minimum Lot Size	7,500 sq ft	Maximum Height	60 ft
Minimum Lot Width	60 ft	Maximum FAR	1.8
Maximum Building Coverage	60%	Minimum Setbacks:	
Maximum Building Coverage		Front Yard	25 ft
with Accessory Buildings	70%	Street Side Yard	15 ft
Landscape Requirement	15%	Side Yard	25 ft*
		Rear Yard	25 ft^

* 0 or 10 ft side yard to all C, I, IN

^ 10 ft rear yard to all C, I, IN

Permitted and Conditional Uses

Residential

Convalescent Services

Civic

College or University	Private Primary and Secondary
Communication Service Facilities	Education Facilities
Community Events	Public Primary and Secondary
Community Recreation	Education Facilities
Cultural Services	Religious Assembly
Local Utility Services	Safety Services
Postal Facilities	Transportation Services
	All Other Civic Uses

Commercial

Administrative Offices	Food Preparation less than 5,000 sq. ft.
Administrative Services	GFA
Art Gallery	Food Sales
Art Workshop	Funeral Services
Automotive Rental	Game Rooms

C-2

Medium Commercial

Commercial

Automotive Repair Services	General Retail Sales
Automotive Sales	Hospital Services
Automotive Washing	Hotel and Motel
Aviation Services	Indoor Entertainment
Bail Bond Services	Indoor Sports and Recreation
Building Maintenance Services	Kennels
Business and Trade Schools	Laundry Services
Carriage Stable	Liquor Sales
Club or Lodge	Marina
Cocktail Lounge	Monument Retail Sales
Commercial Blood Plasma Center (c)	Off-Site Accessory Parking
Commercial Off-Street Parking	Outdoor Entertainment
Communication Services	Outdoor Sports and Entertainment
Construction Sales and Services	Pawnshop Services (c)
Consumer Convenience Stores	Personal Improvement Services
Consumer Repair Services	Personal Services
Convenience Storage	Pet Services
Counseling Services	Plant Nursery
Day Care Services	Printing and Publishing
Employee Recreation	Recreational Equipment Sales
Financial Services	Restaurant
Florist	Restaurant Drive-Through
Food Court Establishment (c)	Service Station
	Theater
	Veterinary Services

Open Space

Camp	Park and Recreation Facilities
Campground	
Cemetery	



DEVELOPMENT SERVICES DEPARTMENT

December 18, 2019

RE: Notification for a Rezoning Application – 10814 US Hwy 290 East

Dear Property Owner,

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

Public Hearing: Conduct a public hearing upon a Rezoning Application from Light Commercial (C-1) to Medium Commercial (C-2) on 0.675 acres more or less, located at 10814 US Hwy 290 East, Manor, TX.

The Planning and Zoning Commission will meet at 6:30PM on January 8, 2020 at 105 East Eggleston in the City Hall Council Chambers.

The City Council will meet at 7:00PM on January 15, 2020 at 105 East Eggleston Street in the City Hall Council Chambers.

You are being notified because you own property within 300 feet of the property for which this short form final plat 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*

K-N CORPORATION
1717 W 6TH ST, STE 330
AUSTIN, TX 78703-4791

K-N CORPORATION
1717 W 6TH ST, STE 330
AUSTIN, TX 78703-4791

DOAN XUAN ETAL
1411 DEXFORD DR
AUSTIN, TX 78753-1607

DOAN XUAN ETAL
1411 DEXFORD DR
AUSTIN, TX 78753-1607

9 SUNNY PARTNERS LP
2207 LAKE AUSTIN BLVD
AUSTIN, TX 78703-4547

9 SUNNY PARTNERS LP
2207 LAKE AUSTIN BLVD
AUSTIN, TX 78703-4547

HORTON JOHN E
5201 RAIN CREEK PKWY
AUSTIN, TX 78759-5641

HORTON JOHN E
5201 RAIN CREEK PKWY
AUSTIN, TX 78759-5641

COTTONWOOD HOLDINGS LTD
9900 HWY 290E
MANOR, TX 78653-9720

COTTONWOOD HOLDINGS LTD
9900 HWY 290E
MANOR, TX 78653-9720

MANOR QUICK STOP INC
ATTN: DONNIE R URBANOVSKY
PO BOX 1232
MANOR, TX 78653-1232

MANOR QUICK STOP INC
ATTN: DONNIE R URBANOVSKY
PO BOX 1232
MANOR, TX 78653-1232

JOHNSON ROBERT J & CURT D JOHN
CURT D JOHNSON &
501 W KOENIG LN
AUSTIN , TX 78751

JOHNSON ROBERT J & CURT D JOHN
CURT D JOHNSON &
501 W KOENIG LN
AUSTIN , TX 78751

LAS ENTRADAS DEVELOPMENT
CORPORATION
9900 US HIGHWAY 290 E
MANOR , TX 78653-9720

LAS ENTRADAS DEVELOPMENT
CORPORATION
9900 US HIGHWAY 290 E
MANOR , TX 78653-9720



AGENDA ITEM SUMMARY FORM

PROPOSED MEETING DATE: February 19, 2020

PREPARED BY: Ryan Phipps, Chief of Police

DEPARTMENT: Police Department

AGENDA ITEM DESCRIPTION:

Consideration, discussion and possible action on an agreement between the City of Manor and Integral Care for participation of expanded mobile crisis outreach team.

BACKGROUND/SUMMARY:

The Manor Police Departments responds to citizens in crisis and at times the citizen may not meet criteria for an emergency detention but would benefit from immediate intervention by a licensed mental health professional. MPD currently has no practice in place for the citizens who are experiencing these crisis. This agreement would provide another layer of service to those who would otherwise be left to manage their crisis without being connected to needed resources. Integral Care is the Mental Health Authority of Austin and Travis County, this agreement comes at no expense to our city. Future goal with this partnership is to have a Manor based licensed mental health professional working along side MPD every day.

PRESENTATION: ☐ YES ☒ NO

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

Agreement

STAFF RECOMMENDATION:

It is the City Staff's recommendation that the City Council approve the agreement between the City of Manor and Integral Care for participation of expanded mobile crisis outreach team.

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

MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY OF MANOR AND INTEGRAL CARE FOR PARTICIPATION OF EXPANDED MOBILE CRISIS OUTREACH TEAM

This Memorandum of Understanding (MOU) is between the City of Manor (the “CITY”) and Integral Care, to provide for cooperation between CITY and Integral Care’s Expanded Mobile Crisis Outreach Team (EMCOT).

SCOPE OF AGREEMENT

As more particularly described below, Integral Care agrees to assign, as determined in its sole judgement, such personnel as needed who are members of EMCOT (those assigned employees hereinafter referred to as “EMCOT staff member” and collectively as “EMCOT staff members”) to work with CITY to assist with calls which have a CITY title code related to mental illness including, but not limited to, Emotionally Disturbed Person and Attempted Suicide (each, a “Mental Health Call”). Each such person who is the subject of a Mental Health Call shall be referred to herein as a “Citizen.”

When encountering a Citizen who presents in psychiatric crisis during a Mental Health Call, any CITY officer, not only those certified in crisis intervention, can request timely crisis intervention from EMCOT (each, a “Crisis Intervention Call”) during EMCOT’s operating hours as shown below by paging EMCOT’s direct pager number, calling EMCOT’s direct telephone line, or by contacting the Travis County Dispatch who will then contact EMCOT.

Once an EMCOT staff member has arrived at the location subject to the Mental Health Call and conducted a preliminary psychiatric crisis evaluation, the EMCOT Staff Member will advise the CITY officer if, in the EMCOT Staff Member’s opinion, he/she is needed further or if he/she is able to leave. The forgoing notwithstanding, the determination as to whether or not the CITY officer stays on scene through the duration of the EMCOT psychiatric crisis assessment, will be within the CITY officer’s sole discretion.

CITY can also request that an EMCOT staff member provide follow-up with any Citizen who has recently been the subject of a Mental Health Call or Crisis Intervention Call (each such follow up, a “Follow-Up Referral”).

For each Follow-Up Referral, CITY will provide a written report to appropriate EMCOT Staff Members containing, at a minimum, the name, address, and relevant CITY title code (a “Report”).

EMCOT Staff Members are available to respond to any CITY request for assistance as described herein during the following hours:

- a. Monday-Friday: 6:00am-10:00pm
- b. Saturday and Sunday: 10:00am-8:00pm

The acceptance of EMCOT’s services by any Citizen is voluntary.

Integral Care may also independently follow up with and/or provide services to any Citizen and nothing in this MOU shall limit or otherwise control Integral Care's ability to provide services to any person, regardless of whether such person is a Citizen. Except as otherwise permitted or required by applicable law, rule, regulation or ordinance, Integral Care will not disclose to any third party any information regarding a Citizen.

RELEASE OF LIABILITY

CITY and Integral Care shall be responsible for the acts or omissions of their own respective employees. Nothing in this MOU waives or limits immunity or any other protection to which either party may be otherwise entitled under federal or state statutory or constitutional law. Neither CITY nor Integral Care shall be liable for any claims, damages and attorney fees arising from the breach of this MOU, willful misconduct, negligent act(s) or illegal act(s) of the other party's employees in relation to the actions taken under this MOU or otherwise. If more than one party is liable for a claim, damages or attorney fees arising from the breach of this MOU, negligent act(s), willful misconduct or illegal act(s) of those agencies' employees under this MOU, the parties shall be liable for the portion of the claims, damages and attorney fees that arise from the breach, negligent or illegal acts of that party as determined by the court adjudicating the matter or as agreed in any settlement.

NO CONFERRING OF THIRD-PARTY RIGHTS

Nothing in this MOU, express or implied, is intended to confer upon any person, other than the parties hereto, any benefits, rights, or remedies under or by reason of this MOU.

MISCELLANEOUS

If any term or provision of this MOU or the application thereof to any person or circumstances shall, to any extent, be invalid or unenforceable, the remainder of this MOU, or the application of such term or provision to persons or circumstances other than those as to which it is held invalid or enforceable, shall not be affected thereby, and each term and provision of this MOU shall be valid and enforced to the fullest extent permitted by law.

All notices, demands, requests, or other communications which may be or are required to be given, served or sent by either party to the other, shall be in writing and delivered personally or by certified mail, return receipt requested, with postage prepaid, at the address shown below for the party that will receive notice. Personally, delivered notices are deemed received upon actual receipt; notices sent by certified mail as described above are deemed received upon the earlier of actual receipt or three (3) business days after deposit of the notice with the U.S. Postal Service. A party may change the name or address for the giving of notice by written notice to the other party in accordance with the terms of this paragraph.

This MOU and all attachments referenced herein shall constitute the entire, full and complete agreement between the parties regarding the subject matter described herein, and there are no representations, inducements, promises, or agreements, oral or otherwise, between the parties not embodied herein, which are of any force or effect.

The provisions of this MOU which, by their nature, are intended to survive termination or expiration of

this MOU shall so survive.

The headings contained in this MOU are for the convenience of the parties only and shall not be deemed to affect the meaning of the provisions hereof.

The failure of either party to insist upon the strict observation or performance of any provision of this MOU or to exercise any right or remedy shall not impair or waive any such right or remedy. Every right and/or remedy given by this MOU to the parties may be exercised from time to time and as often as appropriate.

Neither party shall be responsible for its failure to fulfill, or delay in fulfilling, its obligations under this MOU during any periods of time in which such failure or delay is due to force majeure or other causes beyond its control, provided that such party shall be required to exercise commercially reasonable efforts to fulfill its obligations during any such period of time.

EFFECTIVE DATE AND TERMINATION

This MOU will become effective when signed by both parties. Either party may terminate this MOU by submitting written notice to the other party. The termination of this MOU will be effective thirty (30) days after either party receives written notice by the other of intent to terminate the MOU. If CITY objects to the participation of a particular EMCOT Staff Member pursuant to this MOU, it will provide written notice of such objection to Integral Care and that EMCOT Staff Member will be removed from assignment of duties under this MOU.

CITY OF MANOR

105 E Eggleston St., Manor, Texas 78653

BY: _____

PRINTED NAME: _____

TITLE: _____

DATE: _____

INTEGRAL CARE

1430 Collier St. Austin, Texas 78704

BY: _____

David Evans, Chief Executive Officer

DATE: _____



AGENDA ITEM SUMMARY FORM

PROPOSED MEETING DATE: February 19, 2020

PREPARED BY: James Allen, Lieutenant

DEPARTMENT: Manor Police Department

AGENDA ITEM DESCRIPTION:

Consideration, discussion, and possible action on a resolution authorizing the Manor Police Department to apply for the General Victim Assistance Grant (VOCA) funds through the Office of the Governor, Public Safety Office, Criminal Justice Division.

BACKGROUND/SUMMARY:

These funds will be used to continue the Victim Services Network Project to provide direct services to victims of crime and crisis circumstances during budget year 2020-2021.

PRESENTATION: ☐ YES ☒ NO

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

Resolution No. 2020-02

STAFF RECOMMENDATION:

It is City staff's recommendation that the City Council approve Resolution No. 2020-02 authorizing the Manor Police Department to apply for grant funds from the General Victim Assistance Grant (VOCA) through the Office of the Governor, Public Safety Office, Criminal Justice Division to continue the Victim Services Network Project.

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

RESOLUTION NO. 2020-02

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MANOR, TEXAS, AUTHORIZING THE FILING OF A GENERAL VICTIM ASSISTANCE (VOCA) GRANT APPLICATION TO THE OFFICE OF THE GOVERNOR OF TEXAS, PUBLIC SAFETY OFFICE, CRIMINAL JUSTICE DIVISION; AND AUTHORIZING THE CITY MANAGER TO ACT AS THE GRANTEE'S AUTHORIZED OFFICIAL IN ALL MATTERS PERTAINING TO THE CITY'S PARTICIPATION IN THE VOCA GRANT.

Whereas, the City of Manor finds it in the best interest of the citizens of the City of Manor, Texas to authorize the Manor Police Department to apply for grant funds for the purpose of continuing the Victim Services Network Project to provide direct services to victims of crime and crisis circumstances during budget year 2020-2021; and

Whereas, the City of Manor agrees that in the event of loss or misuse of the Criminal Justice Division funds, City of Manor assures that the funds will be returned to the Criminal Justice Division in full; and

Whereas, the City of Manor designates the City Manager as the grantee's authorized official;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MANOR, TEXAS THAT;

City of Manor, Texas approves submission of the grant application for the General Victim Assistance Grant Program (VOCA) to the Office of the Governor, Public Safety Office, Criminal Justice Division. The authorized official is given the power to apply for, accept, reject, alter or terminate the grant on behalf of the applicant agency.

PASSED AND APPROVED this 19th day of February 2020.

THE CITY OF MANOR, TEXAS

Dr. Larry Wallace Jr., Mayor

ATTEST:

Lluvia T. Almaraz,
City Secretary

Grant Number: 3295903



AGENDA ITEM SUMMARY FORM

PROPOSED MEETING DATE: February 19, 2020

PREPARED BY: Lydia Collins, Finance Director

DEPARTMENT: Finance

AGENDA ITEM DESCRIPTION:

Consideration, discussion, and possible action on adopting a Continuing Disclosure Policy for the City of Manor.

BACKGROUND/SUMMARY:

PRESENTATION: ☐ YES ☒ NO

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

Continuing Disclosure/ Material Event Policy

STAFF RECOMMENDATION:

It is City staff's recommendation that the City Council approve the Continuing Disclosure/ Material Event Notice Policy.

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



Continuing Disclosure / Material Event Notices Policy

The City of Manor, Texas ("City") is obligated to make certain finance related disclosures as a requirement of undertakings it has made in issuing debt. This policy addresses the information that the City must provide as part of these undertakings and specific events that must be disclosed within ten (10) days of occurrence. The filing of statements and notices under this policy shall be made through the Electronic Municipal Market Access ("EMMA") website at <http://www.emma.msrb.org>, and, or, in accordance with the terms of each issuance debt as negotiated by and between the City and the purchasers and holders of such debt.

Annual Statements and Filings

The City, on an annual basis, must provide the following:

- The City's audited financial statements; and
- The City must provide updated information by February 28/29 of the subsequent year (i.e., within six months of fiscal year end). If audited financial statements are not available by February 28/29, the City must provide unaudited financial statements by such date and provide audited financial statements when such statements become available.
- The City negotiates its disclosure obligations with each issuance of debt. The Department of Finance shall maintain records its disclosure obligations that apply for each of its outstanding issuances.

Notices of Specified Events

For those issuances of debt for which the City has undertaken to notify the market of the events listed under, and in accordance with, SEC Rule 15c2-12, (the "15c2-12 Debt Obligations") the City must provide notice of any of the following events if such event is material to a decision to purchase or sell the 15c2-12 Obligations. The City must make the notice within ten (10) days of the occurrence of the event:

- (1) Principal and interest payment delinquencies;
- (2) Nonpayment-related defaults;
- (3) Unscheduled draws on debt service reserves reflecting financial difficulties;
- (4) Unscheduled draws on credit enhancements reflecting financial difficulties;
- (5) Substitution of credit or liquidity providers or their failure to perform;

- (6) Adverse tax opinions or events affecting the tax-exempt status of the security;
- (7) Modifications to rights of security holders;
- (8) Obligation Calls;
- (9) Defeasances;
- (10) Release, substitution, or sale of property securing repayment of the securities;
- (11) Rating changes;
- (12) Bankruptcy, insolvency, receivership or similar event of the obligated person;
- (13) The consummation of a merger, consolidation, or acquisition involving an obligated person or the sale of all or substantially all of the assets of the obligated person, other than in the ordinary course of business, the entry into a definitive agreement to undertake such an action or the termination of a definitive agreement relating to any such actions, other than pursuant to its terms, if material;
- (14) Appointment of a successor or additional trustee or the change of name of a trustee, if material;
- (15) Incurrence of a financial obligation of the obligated person, if material, or agreement to covenants, events of default, remedies, priority rights, or other similar terms of a financial obligation of the obligated person, any of which affect security holders, if material; and
- (16) Default, event of acceleration, termination event, modification of terms, or other similar events under the terms of a financial obligation of the obligated person, any of which reflect financial difficulties.

For the purposes of the event described in item 12 above, the event is considered to occur when any of the following occur: The appointment of a receiver, fiscal agent or similar officer for an obligated person in a proceeding under the U.S. Bankruptcy Code or in any other proceeding under state or federal law in which a court or governmental authority has assumed jurisdiction over substantially all of the assets or business of the obligated person, or if such jurisdiction has been assumed by leaving the existing governing body and officials or officers in possession but subject to the supervision and orders of a court or governmental authority, or the entry of an order confirming a plan of reorganization, arrangement or liquidation by a court or governmental authority having supervision or jurisdiction over substantially all of the assets or business of the obligated person.

For the purposes of the event described in item 15 above, the incurrence of a financial obligation is considered to occur when the City enters into a “debt obligation”. A lease-purchase agreement that is entered into as a way of financing the City’s purchase of personal or real property constitutes a “debt obligation,” and therefore, is a disclosure event under this paragraph.

This policy acknowledges that item 15 above, for the purposes of Rule 15c2-12, encompasses a range of debt obligations to which it is highly unlikely that the City would be a party, namely, debt obligations associated with derivative instruments. For the purposes of certainty, the Finance Director shall consult with the City’s financial advisor as to whether any issuance of debt comes under item 15.

The City’s Finance Director should review this list at intervals that the Finance Director deems reasonable to determine whether any event has occurred that may require a filing with EMMA. All continuing disclosure and event filings can be done online at <http://www.emma.msrb.org>. Any questions regarding continuing disclosure should be directed to the City’s outside financial advisor.

CITY OF MANOR, TEXAS

By: _____
Dr. Larry Wallace Jr., Mayor

Date: _____

ATTEST:

Lluvia T. Almaraz, City Secretary



AGENDA ITEM NO. 8

AGENDA ITEM SUMMARY FORM

PROPOSED MEETING DATE: February 19, 2020

PREPARED BY: Frank T. Phelan, P.E.

DEPARTMENT: City Engineer

AGENDA ITEM DESCRIPTION:

Consideration, discussion, and possible action on award of a contract addendum for Design, Bidding and Construction Engineering services for the Bastrop Parsons Wastewater Improvements Project, CIP S-32.

BACKGROUND/SUMMARY:

Last year the City of Manor updated the City's Capital Improvements Plan (CIP) to include the proposed wastewater line to facilitate development. The proposed wastewater line is to be constructed along Bastrop and Parsons Street and will facilitate development of property within the western portion of downtown Manor and area to the west of downtown Manor. Since the project is part of the City's CIP program, it can be funded with Wastewater Impact Fee funds.

PRESENTATION: ☒ YES ☐ NO

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

Proposed contract addendum

STAFF RECOMMENDATION:

It is City staff's recommendation that the City Council award a contract addendum to Jay Engineering Company, Inc. for Design, Bidding and Construction Engineering services for the Bastrop Parsons Wastewater Improvements Project, CIP S-32.

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

EXHIBIT B

ADDENDUM NO. 56

ADDENDUM TO PROFESSIONAL SERVICES AGREEMENT

An addendum to the Professional Services Agreement between the City of Manor, Texas, as CLIENT, and Jay Engineering Company, Inc., as ENGINEER, dated October 15, 2001.

Through this addendum, CLIENT hereby authorizes ENGINEER to undertake the work assignment described in the following, said assignment to be performed within the terms and conditions defined in said Professional Services Agreement, except as modified herein.

ASSIGNMENT: **Bastrop Parsons Wastewater Improvements Project CIP S-32**

SCOPE OF SERVICES:

☐ See attached.

Scope as defined in the following: Prepare drawings, specifications, and contract documents for Bastrop Parsons Wastewater Improvements Project CIP S-32 to include approximately 1,500 LF of 12" wastewater line and manholes. Design surveys, bidding and construction phase services, inspection and testing are included herein. Boundary or easement survey work for land acquisition are not included herein but can be provided as additional services under Standard Rates.

COMPENSATION:

- ☒ Lump Sum Fee of \$62,500
- ☐ ____ (%) Preset Percent of Construction Cost (curve fee times actual construction cost)
- ☐ TSPE/ACEC Fees of Median Compensation (fee determined by actual construction cost)

CITY OF MANOR, TEXAS

JAY ENGINEERING COMPANY, INC.

By: _____

By:  _____

Date: _____

Date: February 12, 2020

Jaeco Project No. 100-083-20



AGENDA ITEM NO. 9

AGENDA ITEM SUMMARY FORM

PROPOSED MEETING DATE: February 19, 2020

PREPARED BY: Frank T. Phelan, P.E.

DEPARTMENT: City Engineer

AGENDA ITEM DESCRIPTION:

Consideration, discussion, and possible action on Change Order No. 2 for the 2017 Water Distribution System Improvements Project.

BACKGROUND/SUMMARY:

The change order is necessary to address changes in project scope resulting from Travis County drainage, bridge and roadway regrading project work.

PRESENTATION: ☒ YES ☐ NO

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

Change Order No. 2

STAFF RECOMMENDATION:

It is City staff's recommendation that the City Council approve the proposed Change Order No. 2 for the 2017 Water Distribution System Improvements Project.

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

CHANGE ORDER

ORDER NO.: 2
DATE: February 13, 2020
AGREEMENT DATE: March 21, 2018

NAME OF PROJECT: 2017 Water Distribution System Improvements

OWNER: City of Manor

CONTRACTOR: Skyblue Utilities, Inc.

The following changes are hereby made to the CONTRACT DOCUMENTS:

1. Justification:

- Item 1: Add 54 CY Change Order Item C.O.1-3, Flowable Fill per COA Specification 402S @ \$143.75/CY
- Item 2: Add 555 LF Change Order Item C.O. 2-1, 12" PVC C-900 Dr 18 Water Line Adjustment @ \$58.00/LF;
- Item 3: Add 1 LS Change Order Item C.O.2-2, Adjustment Fittings @ \$850.00/LS
- Item 4: Add 1 LS Change Order Item C.O.2-3, 2" ARV Adjustment @ \$2,991.74/LS

2. Change to CONTRACT PRICE:

Original CONTRACT PRICE: \$1,259,046.33
Current CONTRACT PRICE adjusted by previous CHANGE ORDER \$1,559,681.49
The CONTRACT PRICE due to this CHANGE ORDER will be increased or (decreased) by: \$43,794.24
New CONTRACT PRICE including this CHANGE ORDER will be: \$1,603,475.73

3. Change to CONTRACT TIME:

The CONTRACT TIME will be increased or (decreased) by 297 calendar days. The date for completion of all work will be March 31, 2020

4. Approvals Required:

To be effective, this order must be signed by all parties to the Agreement if it changes the scope or objective of the PROJECT, or as may otherwise be required by the SUPPLEMENTAL GENERAL CONDITIONS.

Recommended by: Frank T. Phelan, P.E. Signed: Frank T. Phelan

Ordered by: _____ Signed: _____

Accepted by: Skyblue Utilities Inc. Signed: Chris J. Taylor



AGENDA ITEM SUMMARY FORM

PROPOSED MEETING DATE: February 19, 2020

PREPARED BY: Scott Dunlop, Assistant Development Director

DEPARTMENT: Development Services

AGENDA ITEM DESCRIPTION:

Consideration, discussion, and possible action on a partial assignment of development agreement with ShadowGlen

BACKGROUND/SUMMARY:

This item is similar to the Assignment and Assumption Agreement City Council approved on November 6, 2019, for Manor Heights.

This partial assignment transfers ownership of Phase 3 of ShadowGlen to Catlyn Capital Corporation.

PRESENTATION: ☐ YES ☒ NO

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

Agreement

STAFF RECOMMENDATION:

It is City staff's recommendation that the City Council approve a partial assignment of development agreement with Shadowglen; and authorize the City Manager to execute the consent form.

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

February 3, 2020

City of Manor
P.O. Box 387
Manor, TX 78653
Attention: City Secretary

Re: Partial Assignment of Development Agreement

Dear City Secretary:

I represent SG Land Holdings LLC, who is the owner of the ShadowGlen subdivision in Manor, Texas. We have entered into a contract to sell Phase 3 of ShadowGlen to Catlyn Capital Corp., and in connection with such sale, we will enter into a "Partial Assignment of Development Agreement," the form of which is enclosed with this letter. The Partial Assignment of Development Agreement will be entered into at closing of the sale, which is currently scheduled for March 2, 2020.

In accordance with Section 11.01 of the Development Agreement for the ShadowGlen Subdivision (as amended, the "Development Agreement"), I am providing this written notice to the City and requesting that the City consent to the Partial Assignment of Development Agreement by signing in the space provided below. If you have any questions or would like to discuss this matter, please contact me at (949) 777-4082.

Respectfully,



Andrew P. Cook, Esq.
General Counsel

cc: Paige Saenz
Veronica Rivera

**PARTIAL ASSIGNMENT AND ASSUMPTION
OF DEVELOPMENT AGREEMENT**

THE STATE OF TEXAS §
 §
COUNTY OF TRAVIS §

This Partial Assignment and Assumption of Development Agreement (the "Partial Assignment") is executed and delivered on this the ____ day of _____, 2020, by SG LAND HOLDINGS LLC, a Delaware limited liability company ("Assignor"), to and in favor of CATLYN CAPITAL CORP., a Texas corporation ("Assignee").

A. Assignor, as successor-in-interest to 2010 ShadowGlen, LLC, is a party to that certain Development Agreement for the ShadowGlen Subdivision, dated August 24, 2012, by and among Cottonwood Holdings, Ltd. ("CHL"), 2010 ShadowGlen, LLC, Travis County Municipal Utility District No. 2, Wilbarger Creek Municipal Utility District No. 1, Wilbarger Creek Municipal Utility District No. 2, the City of Manor, Texas, as amended by that certain Addendum to Development Agreement for the ShadowGlen Subdivision (Phase 3 Property), dated March 7, 2018 (collectively, the "Development Agreement").

B. Pursuant to that certain Agreement of Sale and Purchase, dated January ____, 2020, between Assignor, as "Seller," and Assignee, as "Purchaser" (the "Purchase Agreement") concurrently herewith, Assignor is conveying to Assignee Phase 3 of the ShadowGlen subdivision, which real property is more particularly described on Exhibit "A" attached hereto and incorporated herein by this reference (the "Phase 3 Property").

C. In connection with the conveyance of the Phase 3 Property to Assignee, and subject to the terms of this Partial Assignment, Assignor desires to assign to Assignee certain of its rights and interests under the Development Agreement, as such rights and interests relate to the Phase 3 Property only, and to delegate to Assignee the obligations of Assignor under the Development Agreement relating to the Phase 3 Property, and Assignee desires to accept such assignment and assume such obligations under the Development Agreement, as more particularly provided below in this Partial Assignment.

NOW, THEREFORE, for and in consideration of the sum of Ten and No/100 Dollars (\$10.00) and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, Assignor and Assignee do hereby agree as follows:

1. Partial Assignment. Assignor hereby assigns, conveys and transfers to Assignee the rights and interests of Assignor under the Development Agreement arising from and after the date of this Partial Assignment to the extent such rights and interests relate to the Phase 3 Property, and Assignee hereby accepts such assignment. The parties intend this Partial Assignment to be a partial assignment in accordance with and subject to Section 11.01 of the Development Agreement.

2. Delegation of Obligations. Assignor hereby delegates to Assignee all of Assignor's duties and obligations under the Development Agreement arising from and after the date of this

Partial Assignment to the extent such obligations relate to the Phase 3 Property, all of which obligations are hereby assumed by Assignee (collectively, the "Obligations"), including, without limitation: (a) any indemnity obligations, to the extent applicable to the Phase 3 Property concerning claims that arise after the date hereof or to Assignee by reason of its ownership of the Phase 3 Property, (b) any obligation to follow and be bound by all applicable rules, regulations and policies, (c) any obligation to pay any fees, assessments or exactions as may be imposed by the Development Agreement applicable to the Phase 3 Property, and (d) any obligations arising under the Development Agreement by reason of a default of Assignee under the Development Agreement (with respect to any obligations assumed by Assignee hereunder).

3. Amendment to Development Agreement. Assignor and Assignee agree that any amendment to the Development Agreement after the date hereof that materially affects the Phase 3 Property shall require the approval in writing of both Assignor and Assignee. Except as provided above, Assignor shall have the right to amend the Development Agreement without the approval of Assignee.

4. Indemnification.

4.1 Assignee's Indemnity. Assignee shall defend, indemnify and hold harmless Assignor, its members, officers, agents, employees and representatives from any loss, cost, liability or expense incurred by Assignor arising out of or resulting from Assignee's breach of the Development Agreement from and after the date of this Partial Assignment, other than any damage or liability based on Assignor's breach or default under the Development Agreement.

4.2 Assignor's Indemnity. Assignor shall defend, indemnify and hold harmless Assignee, its members, officers, agents, employees and representatives from any loss, cost, liability or expense incurred by Assignee arising out of or resulting from Assignor's breach of the Development Agreement from and after the date of this Partial Assignment, other than any damage or liability based on Assignee's breach or default under the Development Agreement.

3. Entire Agreement. This Assignment constitutes the entire agreement and understanding between the parties and supersedes all prior agreements and understandings, if any, concerning the subject matter hereof.

4. Binding Effect. All of the terms, provisions, covenants and conditions set forth herein shall be binding upon and shall inure to the benefit of the parties hereto and their respective successors and assigns.

5. Headings. The headings and captions in this Assignment are for convenience only, and shall not control or affect the meaning or construction of any provision of this Assignment.

6. Counterparts; Facsimile Signatures. Facsimile signatures appearing hereon shall be deemed an original, and this Assignment may be executed in multiple counterparts, each of which shall be deemed an original and all of which together shall be a complete executed document for all purposes.

ASSIGNOR:

SG LAND HOLDINGS LLC,
a Delaware limited liability company

By: _____

Name: _____

Title: _____

Date: _____

[Notary acknowledgement attached]

ASSIGNEE:

CATLYN CAPITAL CORP.,
a Texas corporation

By: _____

Name: _____

Title: _____

Date: _____

[Notary acknowledgement attached]

CONSENT OF THE CITY OF MANOR

The City of Manor hereby consents to the Partial Assignment of Development Agreement to Catlyn Capital Corp.

City of Manor

City Manager



AGENDA ITEM SUMMARY FORM

PROPOSED MEETING DATE: February 19, 2020

PREPARED BY: Scott Dunlop, Asst. Development Director

DEPARTMENT: Development Services

AGENDA ITEM DESCRIPTION:

Consideration, discussion, and possible action on a development agreement for the Manor Apartment Development (W2 Real Estate).

BACKGROUND/SUMMARY:

This agreement applies to the approximately 10 acres behind Riata Ford. There are 4 main parts to the development agreement.

First, the DA deals with the city's wastewater project (approved by the Capital Improvement Plan Amendment) to construct a 12" wastewater line in a portion of North Bastrop and along West Parsons. This was necessary because the development could not access the 12" wastewater line in Las Entradas so they had to connect into the existing system in the older part of town. This project also relieves existing backups because the lines are at or near capacity and exceed capacity during rain events.

Second is the small extension of Gregg Manor Road to the property. The full extension of Gregg Manor Road is being done by a separate developer and the timeline for that completion did not line up with W2's timeline so W2 is undertaking constructing a portion of Gregg Manor Road to their property so main access can be taken from there rather than the existing streets in town. It will not be the full roadway section. It will be similar to what is already existing past the Riata Ford entrance but extended 350 feet to the W2 property. Full completion of the road will happen when the other developer constructs it.

Third is a 40% masonry requirement for structures in the project. Masonry is considered to be clay brick, natural stone, cultured stone, cast stone, or natural stone panels.

Fourth a platting exemption that allows them to submit subdivision plats for concurrent review.

PRESENTATION: ☐ YES ☐ NO

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

Development Agreement

STAFF RECOMMENDATION:

It is City staff's recommendation that the City Council approve a development agreement for the Manor Apartment Development (W2 Real Estate).

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

DEVELOPMENT AGREEMENT FOR THE MANOR APARTMENTS DEVELOPMENT

This Development Agreement for the Manor Apartments Development (the “Agreement”) is made and entered into, effective as of the ____ day of _____, 2020, by and between the **City of Manor, Texas**, a Texas home rule municipal corporation (the “City”), and **Manor Apartments, LLC**, a Delaware Limited Liability Company (the “Developer”). The City and the Developer are sometimes referred to herein as the "Parties." The Parties agree as follows.

Article I. Purpose; Consideration.

1.01. Purpose. The Developer owns that certain 9.973 acre tract located in Travis County, Texas, being more particularly described in **Exhibit “A”** attached hereto and incorporated herein for all purposes (the “Property”) and wishes to develop the Property as a multi-family use development (the “Project”). The Developer desires to provide for the construction of a section of Gregg Manor Road as described herein. The City desires to provide for the construction, operation and maintenance of certain wastewater improvements as described herein. The Developer desires that the City oversize the wastewater facilities described herein so that such facilities may serve customers located inside and outside the Property; and the City desires that the Developer construct a section of Gregg Manor Road.

1.02. Benefits. Developer will benefit from the certainty and assurance of the obligations related to the construction, operation, and maintenance of wastewater facilities provided for herein; and the construction of Gregg Manor Road. The City will benefit from this Agreement by virtue of the oversizing of wastewater infrastructure as provided herein; and the construction of a section of Gregg Manor Road.

1.03. Consideration. The benefits to the Parties set forth in this Article I., plus the mutual promises expressed herein, are good and valuable consideration for this Agreement, the sufficiency of which is hereby acknowledged by both Parties.

Article II. Term; Termination.

2.01. Term. The term of this Agreement shall be three (3) years from the Effective Date hereof, subject to earlier termination as provided in this Agreement.

2.02. Termination. The Parties further mutually agree that this Agreement shall be in full force and effect upon the date above first written, provided that the City may terminate this Agreement if Developer fails to comply with this Agreement or fails to meet any deadlines imposed by this Agreement or the City’s ordinances, after expiration of the cure period set forth in Section 9.01.

Article III. City’s Wastewater Line Project

3.01. Wastewater Line Project. The Wastewater Line Project consists of the construction,

installation, and extension of eight inch (8") wastewater lines, oversized to twelve inch (12") wastewater lines along North Bastrop and West Parsons Streets and connecting to the City's 18" wastewater gravity main crossing at West Parsons Street as shown and more particularly described in **Exhibit "B"** (the "Wastewater Line Project"). The Wastewater Line Project includes the wastewater lines, consisting of approximately 1,500 linear feet (LF), and those facilities and equipment required for the wastewater lines to function efficiently, to provide service to the Property, and to comply with all applicable state and local rules, regulations and standards and good design and engineering practices. If any wastewater improvements are required beyond the scope of the Wastewater Line Project, the Developer shall be responsible for all costs associated with the additional wastewater improvements. The Wastewater Line Project shall be completed no later than fifteen (15) months after the effective date.

3.02. Standards for Utility Project. The Wastewater Line Project or a phase thereof shall be referred to as the "Utility Project". The City shall contract for, fund, and pay for the design, construction and installation of the Utility Project in accordance with this Agreement, the approved construction plans, applicable local, state, and federal regulations, and good design and engineering practices. The City may construct the Utility Project in one or more phases. Each phase of the Utility Project shall be completed by the City in accordance with the procedures set forth in the City's Subdivision Ordinance.

3.03. Project Engineer. The City Engineer will serve as the Project Engineer and prepare the design, construction plans and specifications, and supporting documentation for the Utility Project in accordance with good engineering practices, the design and construction standards of all applicable state and local regulations and this Agreement. The City Engineer shall ensure that design, plans, specifications and construction of the Utility Project or a phase thereof are completed within the timeframe provided in Section 3.01. The City shall obtain City Council approval of the funding of the Utility Project or a phase thereof following receipt of impact fees paid by the developer for the Project as a Capital Improvements Plan project before the City commences work on the Utility Project. The City Engineer shall be responsible for ensuring compliance with the terms of this Agreement, including with regard to the responsibilities assigned to the Project Engineer herein.

3.04. Bidding of the Utility Project.

- (a) The Project Engineer will advertise the Utility Project for sealed competitive bids in compliance with the Texas Local Government Code based on the approved design, plans and specifications, and recommend the lowest qualified bidder/contractor to the City. Notwithstanding anything contained herein to the contrary, the City is responsible for bidding the Utility Project in compliance with Chapter 252, Texas Local Government Code. The City will utilize a unit price contract for the Utility Project.
- (b) The City Engineer shall evaluate the bids for the Utility Project to determine whether the bids are fair and balanced prior to accepting a recommendation of bid award. Any unbalanced or skewed bids, as determined by bid tabulations may be appropriately corrected or rejected by the City.

- (c) Within ten (10) business days of the City's receipt of the bids described in subsection 3.04(a), the City Engineer will recommend to the City Council approval of the bids and to proceed with the oversizing of the Utility Projects. The approval of the bid will be placed on the next available City Council agenda for action, not to exceed sixty (60) business days from the date the City received the bids.

Article IV. Gregg Manor Road Construction Project

4.01. Gregg Manor Road Construction Project. The Gregg Manor Road Construction Project consists of the construction and extension of a segment of Gregg Manor Road of approximately three hundred and fifty feet (350') by forty-five feet (45') of asphalt from the road's current southern termination to the Project as shown and more particularly described in **Exhibit "C"** (the "Road Project"). The Road Project consists of approximately 350 feet of roadway improvements including clearing and grubbing, grading, subgrade, flexible base, hot mix asphalt concrete, curbs, drainage facilities, sidewalks, lighting, water line extension and improvements and right-of-way dedication required for the road to function efficiently, for service to the City, and to comply with all applicable state and local rules, regulations and standards and good design and engineering practices.

4.02. Standards for Road Project. Developer shall contract for, fund, and pay for the design, construction and installation of the Road Project in accordance with this Agreement, the approved construction plans, applicable local, state, and federal regulations, and good design and engineering practices. The Developer shall obtain City acceptance of the Road Project in accordance with the procedures and time frames set forth in the City's Subdivision Ordinance.

4.03. Road Project Engineer. Developer will retain a licensed professional engineer to prepare the design, construction plans and specifications, and supporting documentation for the Road Project in accordance with good engineering practices, the design and construction standards of all applicable state and local regulations and this Agreement ("Road Project Engineer"). The Road Project Engineer will work and coordinate with the City Engineer to obtain the timely review and approval by Developer, the City Engineer and the Director of Development Services, or his/her designee, of the design, plans, specifications and construction of the Road Project. Developer shall be responsible for ensuring that the Road Project Engineer complies with the terms of this Agreement, including with regard to the responsibilities assigned to the Road Project Engineer herein.

Article V. Additional Agreements and Performance

5.01. The City hereby agrees:

- (a) to coordinate with the Project Engineer on specific design requirements and specifications; and to review, and to approve and sign the plans and specifications for the Utility Project in a timely and reasonable manner, as appropriate;
- (b) to review and approve the plans, specifications and bids for construction of the Utility

- Project as obtained for and on behalf of the City with such approval not to be unreasonably withheld, conditioned or delayed;
- (c) during the course of the Utility Project, to review, approve and sign necessary and appropriate change orders in a timely and reasonable manner; to perform all inspections of the Utility Project in a timely and reasonable manner; and to approve the Utility Project in a timely and reasonable manner if constructed in accordance with the City approved plans and specifications;
 - (d) after completion and final acceptance by the City of the Utility Project as constructed, to accept the Utility Project as part of the City's wastewater utility system;
 - (e) after the construction and acceptance of the Utility Project, the City will approve connections to the wastewater system, and provide such services within the completed Project on the same terms and conditions as then provided within other areas of the City;
 - (f) to coordinate with the Road Project Engineer on specific design requirements and specifications; and to review, and to approve and sign the plans and specifications for the Road Project in a timely and reasonable manner, as appropriate;
 - (g) during the course of the Road Project, to review and approve necessary and appropriate change orders in a timely and reasonable manner; to perform all observations of the Road Project in a timely and reasonable manner; and to approve the Road Project in a timely and reasonable manner if constructed in accordance with the City Subdivision Ordinance requirements;
 - (h) after completion and final acceptance by the City of the Road Project as constructed, to accept the Road Project as part of the City's transportation plan system;
 - (i) to contract with the Utility Project Engineer for the design, preparation of the plans and specifications, and the provision of the services anticipated to be performed by the Utility Project Engineer for the Utility Project pursuant to and in compliance with Article III;
 - (j) to review and approve the plans and specifications for the Utility Project (including the estimated cost of the Utility Project), identify any design errors, defects or insufficiencies, and to advise the City Engineer as to any perceived error, defect or insufficiency prior to approving any such plans and specifications; and
 - (k) to enter into a contract with an appropriate contractor approved by the City pursuant to competitive bids approved by the City and Developer for construction of the Utility Project.

5.02. Developer hereby agrees:

- (a) for itself and its grantees, successors and assigns, to pay the water and wastewater capital recovery/impact fees the City establishes by ordinance for each lot, tract, parcel or building site in the Project prior to utility service being provided to such lot, tract, parcel or building site;
- (b) to contract with the Road Project Engineer for the design, preparation of the plans and specifications, and the provision of the services anticipated to be performed by the Road Project Engineer for the Road Project pursuant to and in compliance with Article IV;
- (c) to review and approve the plans and specifications for the Road Project, identify any design errors, defects or insufficiencies, and to advise the City Engineer as to any perceived error, defect or insufficiency prior to approving any such plans and

- specifications;
- (d) to enter into a contract with an appropriate contractor for construction of the Road Project;
 - (e) to pay to the City all fees and charges provided for or established by the codes, ordinances, rules and regulations of the City, as amended from time to time, for or with respect to the development of the Property, including, but not limited to, zoning and subdivision application fees, building permit fees, water and wastewater tap and use fees and capital recovery/impact fees; and
 - (f) to pay to the City all legal fees incurred by the City in negotiating and drafting of this Agreement.

Article VI. Collection and Payment of Impact Fees

6.01. Payment of Impact Fees. Developer, its grantees, successors, assigns, and subsequent purchasers of any portion of the Property, agree that each lot, tract, parcel or building site within the Property that will be provided water and wastewater service by the City shall be required to pay the City's water and wastewater impact fees (the "Water and Wastewater Impact Fee"), established pursuant to Chapter 395 of the Texas Local Government Code, that is established by the City Capital Improvements Plan and City's Community Impact Fee Ordinance, as amended, from time to time, and that is in effect when the fee is paid. The Water and Wastewater Impact Fee shall be payable with respect to a lot, tract, parcel, or building site upon the first to occur of the following: (a) prior to the date the City awards a contract for the construction of the Wastewater Line Project; (b) the date construction of the building or structure is first commenced; (c) the date an application is made to the City for a wastewater connection to serve the building or structure; or (d) the date water and/or wastewater service is requested for the lot, tract or parcel of land.

Article VII. Development of the Project and Property.

7.01. Development. Except as modified by this Agreement, the Project, the Utility Project, the Road Project and the Property will be developed in accordance with all applicable local, state, and federal regulations, including but not limited to the City's ordinances, unless modified herein. The Property, the Project, the Utility Project and the Road Project shall be developed in accordance with this Agreement, the approved development applications submitted hereunder, all applicable local regulations as modified by this Agreement, all applicable state and federal regulations, as amended from time to time, and good engineering practices. In the event of a conflict between the timing of events required by City ordinances and this Agreement, this Agreement shall control.

7.02. Development Standards. The exterior facades of all the structures within the Project, exclusive of roofs, eaves, soffits, windows, balconies, gables, doors and trim, shall be a minimum forty percent (40%) masonry. Masonry is considered to be clay brick, natural stone, cultured stone, cast stone, or natural stone panels.

7.03 Timing of Platting. The Developer agrees to waive the submission requirements of the City's Subdivision Ordinance and the City agrees to allow concurrent review of the concept plan, preliminary plat, construction plans, and final plat. Upon each submittal the City shall have thirty (30)

days to respond to the Developer with comments citing the deficiencies of the plats and plans. After the City has determined the plats and plans meet the minimum requirements of the City's Subdivision Ordinance, and any other applicable code or regulation, the plats and plans will be heard before the applicable governing body for approval. Reviews of the plats and plans may occur concurrently, but approvals with the applicable governing body must follow the sequence set forth in the City's Subdivision Ordinance.

Article VIII. Assignment of Commitments and Obligations; Binding Agreement.

8.01. Assignment. The Developer's rights and obligations under this Agreement may be assigned in whole or part, to persons purchasing all of the Property or a part of the Property but not to an individual purchaser of lots within a recorded final plat. In the event Developer(s) assign all of their respective rights under this Agreement in conjunction with the conveyance of any unplatted portion of the Property, a written assignment of developer status must be filed of record in the Official Public Records of Williamson County, Texas in order to be effective. Any assignment of Developer's rights and obligations hereunder will not release Developer(s) of their respective obligations under this Agreement for the assigned portion of the Property until the City has approved the written assignment; provided, however, the City shall not unreasonably deny, delay, or condition its approval of the assignment.

8.02. Binding Obligations. This Agreement shall be binding upon and inure to the benefit of the parties, their successors, and assigns. Nothing in this Agreement is intended to impose the Developer's obligations on individual owners that purchase lots for their personal use.

Article IX. Default and Related Provisions

9.01. Default. Notwithstanding anything herein to the contrary, no party shall be deemed to be in default hereunder until the passage of thirty (30) business days after receipt by such party of notice of default from the other party. Upon the passage of thirty (30) business days without cure of the default, such party shall be deemed to have defaulted for purposes of this Agreement; provided that if the nature of the default is that it cannot reasonably be cured within the thirty (30) business day period, the defaulting party shall have a longer period of time as may be reasonably necessary to cure the default in question; but in no event more than sixty (60) days. In the event of default, the non-defaulting party to this Agreement may pursue the remedy of specific performance or other equitable or legal remedy not inconsistent with this Agreement or applicable state law. All remedies will be cumulative and the pursuit of one authorized remedy will not constitute an election of remedies or a waiver of the right to pursue any other authorized remedy.

9.02. Reservation of Rights. To the extent not inconsistent with this Agreement, each party reserves all rights, privileges, and immunities under applicable laws, and neither party waives any legal right or defense available under law or in equity.

9.03. Attorney's Fees. A party shall not be liable to the other party for attorney fees or costs incurred in connection with any litigation between the parties, in which a party seeks to obtain a remedy from the other party, including appeals and post judgment awards.

9.04. Waiver. Any failure by a party to insist upon strict performance by the other party of any provision of this Agreement will not, regardless of length of time during which that failure continues, be deemed a waiver of that party's right to insist upon strict compliance with all terms of this Agreement. In order to be effective as to a party, any waiver of default under this Agreement must be in writing, and a written waiver will only be effective as to the specific default and as to the specific period of time set forth in the written waiver. A written waiver will not constitute a waiver of any subsequent default, or of the right to require performance of the same or any other provision of this Agreement in the future.

9.05. Force Majeure.

- (a) The term "force majeure" as employed herein shall mean and refer to acts of God; strikes, lockouts, or other industrial disturbances; acts of public enemies, orders of any kind of the government of the United States, the State of Texas, Travis County, the City of Manor or any civil or military authority; insurrections; riots; epidemic; landslides; lightning, earthquakes; fires, hurricanes; storms, floods; washouts; droughts; arrests; restraint of government and people; civil disturbances; explosions; breakage or accidents to machinery, pipelines, or canals; or other causes not reasonably within the control of the party claiming such inability.
- (b) If, by reason of force majeure, any party hereto shall be rendered wholly or partially unable to carry out its obligations under this Agreement, then such party shall give written notice of the full particulars of such force majeure to the other party within ten (10) days after the occurrence thereof. The obligations of the party giving such notice, to the extent effected by the force majeure, shall be suspended during the continuance of the inability claimed, except as hereinafter provided, but for no longer period, and the party shall endeavor to remove or overcome such inability with all reasonable dispatch. Any force majeure attributable to the City shall extend the term of this Agreement one day for each day of the force majeure delay.
- (c) It is understood and agreed that the settlement of strikes and lockouts shall be entirely within the discretion of the party having the difficulty, and that the above requirement that any Force Majeure shall be remedied with all reasonable dispatch shall not require that the settlement be unfavorable in the judgment of the party having the difficulty.

Article X. Notices

10.01. Notice. Any notice to be given hereunder by any party to another party shall be in writing and may be affected by personal delivery or by sending said notices by registered or certified mail, return receipt requested, to the address set forth below. Notice shall be deemed given when deposited with the United States Postal Service with sufficient postage affixed.

Any notice mailed to the City shall be addressed:

City of Manor
Attn: City Manager
105 E. Eggleston Street
Manor, Texas 78653

with copy to:

The Knight Law Firm, LLP
Attn: Paige H. Saenz
223 W. Anderson Lane, Suite A105
Austin, Texas 78752

Any notice mailed to the Developer shall be addressed:

Manor Apartments, LLC
c/o W2 Real Estate Partners
Attn: Bradley Garner
4600 Triangle Ave, Unit 6102
Austin, Texas 78751
bbg@w2rep.com

With copy to:

Manor Apartments, LLC
c/o W2 Real Estate Partners
Attn: Steven M. Freche
4600 Triangle Ave, Unit 6102
Austin, Texas 78751
sfreche@w2rep.com

Any party may change the address for notice to it by giving notice of such change in accordance with the provisions of this section.

Article XI. Miscellaneous Provisions

11.01. The Parties acknowledge the mutual promises and obligations of the Parties expressed herein are good, valuable and sufficient consideration for this Agreement. The Parties further acknowledge the City and Developer voluntarily elected the benefits and obligations of this Agreement, as opposed to the benefits available were Developer to have elected to develop the Property without the benefits and obligations of this Agreement, pursuant to and in compliance with the applicable City ordinances. Therefore, save and except the right to enforce the obligations of the City to perform each and all of the City's duties and obligations under this Agreement, Developer hereby waives any and all claims or causes of action against the City Developer may

have for or with respect to any duty or obligation undertaken by Developer pursuant to this Agreement, including any benefits that may have been otherwise available to Developer but for this Agreement.

11.02. This Agreement, together with any exhibits attached hereto, constitutes the entire agreement between Parties and may not be amended except by a writing approved by the City Council of the City that is signed by all Parties and dated subsequent to the date hereof.

11.03. The terms of this Agreement are not intended to and shall not be deemed to create any partnership or joint venture among the parties. The City, its past, present and future officers, elected officials, employees and agents, do not assume any responsibilities or liabilities to any third party in connection with the development of the Property. The City enters into this Agreement in the exercise of its public duties and authority to provide for development of property within the City pursuant to its police powers and for the benefit and protection of the public health, safety, and welfare. With respect to the construction of the Utility Project or any phase thereof, this Agreement is subject to Subchapter I, Chapter 271, Texas Local Government Code.

11.04. This Agreement is not intended, nor will it be construed, to create any third-party beneficiary rights in any person or entity who is not a party, unless expressly provided otherwise herein, or in a written instrument executed by both the City and the third party. Absent a written agreement between the City and third party providing otherwise, if a default occurs with respect to an obligation of the City under this Agreement, any notice of default or action seeking a remedy for such default must be made by the Developer.

11.05. The Effective Date of this Agreement is the defined date set forth in the first paragraph.

11.06. This Agreement shall be governed by and construed in accordance with the laws of the State of Texas and shall be performable in Travis County, Texas. Venue shall lie exclusively in Travis County, Texas.

11.08. It is acknowledged and agreed by the Parties that time is of the essence in the performance of this Agreement.

11.09. Exhibits. The following exhibits are attached to this Agreement, and made a part hereof for all purposes:

Exhibit A – Property Description
Exhibit B – Wastewater Line Project
Exhibit C – Road Project

[Signature Pages follow]

EXECUTED in multiple originals this the ____ day of _____, 2020.

CITY:

City of Manor, Texas

a Texas home-rule municipal corporation

By: _____

Name: Dr. Larry Wallace Jr.

Title: Mayor

Attest:

By: _____

Name: Lluvia T. Almaraz

Title: City Secretary

THE STATE OF TEXAS §
COUNTY OF TRAVIS §

This instrument was acknowledged before me on this ____ day of _____, 2020, by Dr. Larry Wallace Jr., Mayor of the City of Manor, Texas, a Texas home-rule municipal corporation, on behalf of said corporation.

(SEAL)

Notary Public, State of Texas

DEVELOPER:

Manor Apartments, LLC,
a Delaware Limited Liability Company

By: _____

Name: _____

Title: _____

THE STATE OF TEXAS §

COUNTY OF _____ §

This instrument was acknowledged before me on this ____ day of _____, 2020, by
_____, _____ of Manor Apartments, LLC, a Delaware Limited Liability
Company, on behalf of said company.

(SEAL)

Notary Public, State of Texas

EXHIBIT “A”

**Description of Property
[attached]**

EXHIBIT A

**METES AND BOUNDS DESCRIPTION OF A
9.973 ACRE TRACT OF LAND
SITUATED IN THE JAMES MANOR SURVEY NO. 40, ABSTRACT NO. 546
TRAVIS COUNTY, TEXAS**

BEING A 9.973 ACRE TRACT OF LAND SITUATED IN THE JAMES MANOR SURVEY NO. 40, ABSTRACT NO. 546, TRAVIS COUNTY TEXAS; BEING ALL OF THAT CERTAIN CALLED 9.982 ACRE TRACT OF LAND AS DESCRIBED IN A SPECIAL WARRANTY DEED TO AWSM INVESTMENTS LLC, AND RECORDED IN DOCUMENT NO. 2017030906 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY TEXAS, (O.P.R.T.C.T.) TEXAS; SAID 9.973 ACRE TRACT BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING AT A 1/2-INCH IRON ROD FOUND MARKING THE COMMON NORTHWEST CORNER OF SAID 9.982 ACRE TRACT AND THE SOUTHWEST CORNER OF THAT CERTAIN CALLED 20.00 ACRE TRACT OF LAND AS DESCRIBED IN A SPECIAL WARRANTY DEED TO ROBERT J JOHNSON, CURT D JOHNSON, AND GERALD W BROESCHE, AND RECORDED IN DOCUMENT NO. 2003030623, O.P.R.T.C.T., SAID POINT ALSO BEING ON THE EAST LINE OF THAT CERTAIN CALLED 39.891 ACRE TRACT OF LAND DESCRIBED IN A WARRANTY DEED TO LAS ENTRADAS DEVELOPMENT CORPORATION, A TEXAS CORPORATION, AND RECORDED IN DOCUMENT NO. 2006119671, O.P.R.T.C.T., AND BEING THE NORTHWEST CORNER OF THE HEREIN DESCRIBED TRACT;

THENCE, WITH THE COMMON NORTH LINE OF SAID 9.982 ACRE TRACT AND THE SOUTH LINE OF SAID 20.00 ACRE TRACT, **SOUTH 82° 06' 06" EAST**, FOR A DISTANCE OF **954.31 FEET** TO A 1/2-INCH IRON ROD WITH AN ILLEGIBLE YELLOW CAP STAMPED "RPLS 369_" FOUND FOR THE COMMON NORTHEAST CORNER OF SAID 9.982 ACRE TRACT AND THE SOUTHEAST CORNER OF SAID 20.00 ACRE TRACT, AND BEING ON THE WEST LINE OF A SUBDIVISION CALLED ORIGINAL TOWN OF MANOR, A SUBDIVISION FILED ON JANUARY 14, 1872, AND RECORDED IN VOLUME V, PAGE 796 OF THE DEED RECORDS OF TRAVIS COUNTY TEXAS, (D.R.T.C.T.), FOR THE NORTHEAST CORNER OF THE HEREIN DESCRIBED TRACT;

THENCE, WITH THE COMMON EAST LINE OF SAID 9.982 ACRE TRACT AND THE WEST LINE OF SAID SUBDIVISION, **SOUTH 10° 17' 31" WEST**, FOR A DISTANCE OF **641.92 FEET** TO A 60D NAIL FOUND IN THE REMAINS OF A FENCE POST FOR THE COMMON SOUTHEAST CORNER OF SAID 9.982 ACRE TRACT AND THE NORTHEAST CORNER OF THAT CERTAIN CALLED 105.170 ACRE TRACT OF LAND AS DESCRIBED IN A WARRANTY DEED TO LAS ENTRADAS DEVELOPMENT CORPORATION AND RECORDED IN DOCUMENT NO. 2007002485, O.P.R.W.C.T., FOR THE SOUTHEAST CORNER OF THE HEREIN DESCRIBED TRACT;

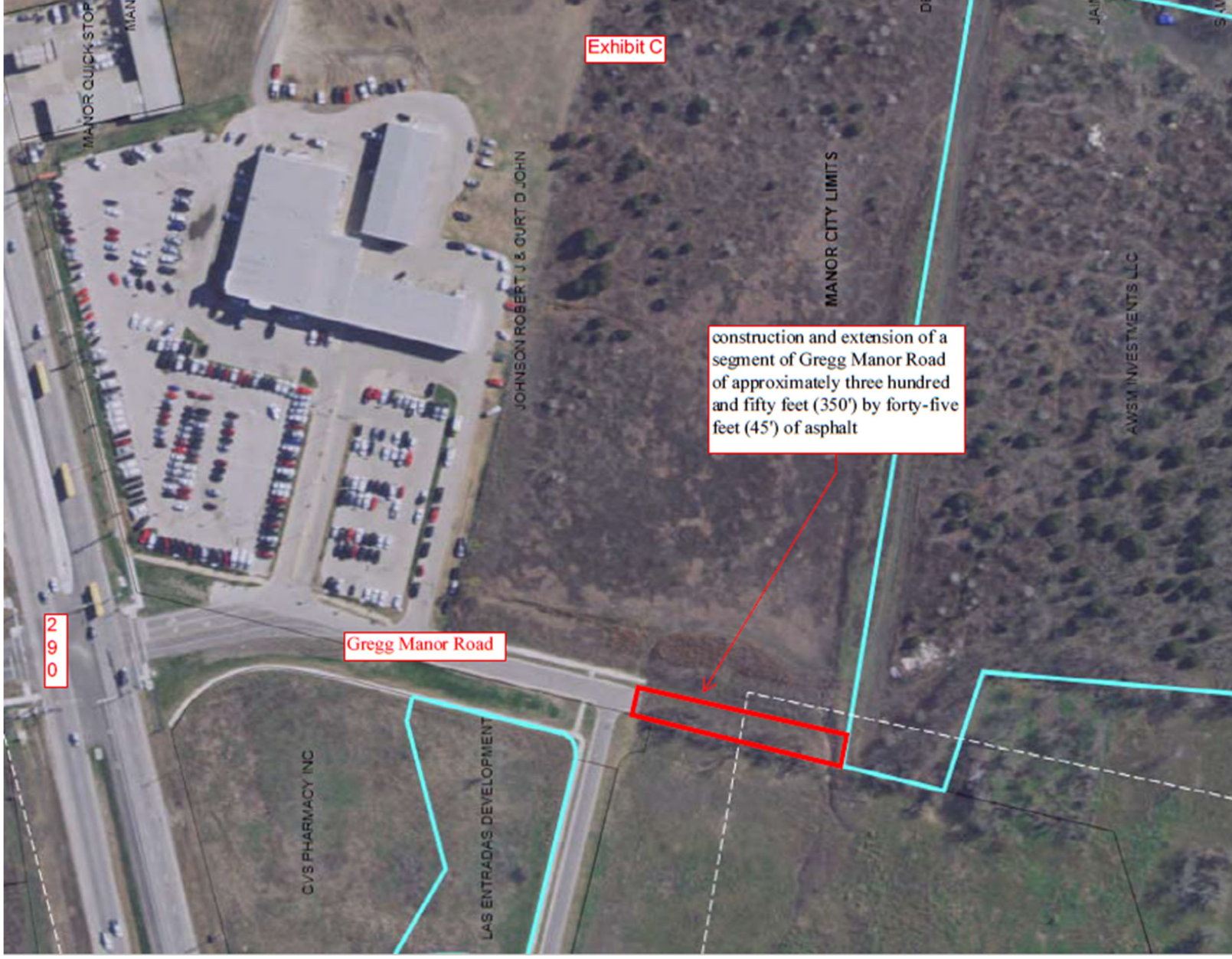
THENCE, WITH THE COMMON SOUTH LINE OF SAID 9.982 ACRE TRACT AND THE NORTH LINE OF SAID 105.170 ACRE TRACT, THE FOLLOWING FIVE (5) CALLS:

1. **NORTH 60° 17' 47" WEST**, FOR A DISTANCE OF **398.94 FEET** TO A 60D NAIL FOUND FOR AN ANGLE POINT OF THE HEREIN DESCRIBED TRACT;
2. (L-1) **NORTH 61° 34' 07" WEST**, FOR A DISTANCE OF **38.19 FEET** TO A 60D NAIL FOUND FOR AN ANGLE POINT OF THE HEREIN DESCRIBED TRACT;
3. **NORTH 81° 36' 45" WEST**, FOR A DISTANCE OF **357.88 FEET** TO A 1/2-INCH IRON ROD FOUND FOR AN ANGLE POINT OF THE HEREIN DESCRIBED TRACT;
4. **NORTH 03° 07' 00" EAST**, FOR A DISTANCE OF **335.58 FEET** TO A 1/2-INCH IRON ROD WITH ORANGE CAP STAMPED "CAPITAL" FOUND FOR AN ANGLE POINT OF THE HEREIN DESCRIBED TRACT;
5. **NORTH 73° 43' 44" WEST**, FOR A DISTANCE OF **146.86 FEET** TO A 1/2-INCH IRON ROD WITH ORANGE CAP STAMPED "CAPITAL" FOUND FOR THE WESTERNMOST CORNER OF SAID 9.982 ACRE TRACT, SAME BEING A CORNER OF SAID 105.170 ACRE TRACT, AND BEING ON THE EAST LINE OF SAID 39.891 ACRE TRACT, FOR THE WESTERNMOST CORNER HEREOF;

THENCE, WITH THE COMMON WEST LINE OF SAID 9.982 ACRE TRACT AND THE EAST LINE OF SAID 39.891 ACRE TRACT, **NORTH 12° 26' 11" EAST**, FOR A DISTANCE OF **121.33 FEET** TO THE **POINT OF BEGINNING** AND CONTAINING 9.973 ACRES OF LAND, MORE OR LESS, BASED ON THE SURVEY PERFORMED BY CP&Y, INC., ROUND ROCK, TEXAS.

EXHIBIT “B”
Wastewater Line Project
[attached]

**EXHIBIT “C”
Road Project
[attached]**



construction and extension of a segment of Gregg Manor Road of approximately three hundred and fifty feet (350') by forty-five feet (45') of asphalt



AGENDA ITEM SUMMARY FORM

PROPOSED MEETING DATE: February 19, 2020

PREPARED BY: Scott Dunlop, Assistant Development Director

DEPARTMENT: Development Services

AGENDA ITEM DESCRIPTION:

Consideration, discussion, and possible action on a parkland fee-in-lieu for the Manor Grand Apartments.

BACKGROUND/SUMMARY:

Pursuant to our zoning ordinance for Multi-Family, City Council may assess a fee-in-lieu for parkland dedication. The per dwelling unit fee in our Subdivision Ordinance is \$550. There are 271 units proposed which would be a fee of \$149,050.

PRESENTATION: ☐ YES ☒ NO

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

STAFF RECOMMENDATION:

It is City staff's recommendation that the City Council assess a parkland fee-in-lieu for the Manor Grand Apartments of \$550 per dwelling unit.

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



AGENDA ITEM SUMMARY FORM

PROPOSED MEETING DATE: February 19, 2020

PREPARED BY: Scott Dunlop, Assistant Development Director

DEPARTMENT: Development Services

AGENDA ITEM DESCRIPTION:

Consideration, discussion, and possible action on a parkland fee-in-lieu for the Grassdale Apartments.

BACKGROUND/SUMMARY:

Pursuant to our zoning ordinance for Multi-Family, City Council may assess a fee-in-lieu for parkland dedication. The per dwelling unit fee in our Subdivision Ordinance is \$550. There are 320 units proposed which would be a fee of \$176,000.

PRESENTATION: ☐ YES ☒ NO

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

STAFF RECOMMENDATION:

It is City staff's recommendation that the City Council assess a parkland fee-in-lieu for the Grassdale Apartments of \$550 per dwelling unit.

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



AGENDA ITEM SUMMARY FORM

PROPOSED MEETING DATE: February 19, 2020

PREPARED BY: Scott Dunlop, Assistant Development Director

DEPARTMENT: Development Services

AGENDA ITEM DESCRIPTION:

Second and Final Reading: Consideration, discussion, and possible action on an Ordinance amending 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 edits list

Ordinance No. 564

STAFF RECOMMENDATION:

It is City staff's recommendation that the City Council approve Ordinance No. 564 amending the Manor Code of Ordinance by Repealing Chapter 14 Zoning and Adopting a New Chapter 14 Zoning by Providing General Requirements, Zoning Districts, Zoning Regulations, and Standards for the Development and Use Land within the City.

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

Zoning Code Modifications

- Definitions (Sec. 14.01.008)
- Establishment of Zoning Districts (Sec. 14.02.003)
 - Created 4 new districts
 - Single Family Estate
 - Two-Family
 - Townhome
 - Multi-Family 15
 - Modified name of 5 districts
 - Single Family Suburban
 - Single Family Standard
 - Multi-Family 25
 - Institutional Small
 - Institutional Large
- Moved and redefined Residential Zoning Districts (Sec. 14.02.004)
- Changed/Re-formatted Residential Permitted Use Table (Sec. 14.02.005)
- Added Residential Land Use Conditions (Sec. 14.02.006)
- Revised Residential Development Standards (Lot sizes, setbacks, DU sizes) (Sec. 14.02.007)
 - Noted that lots in town start at smaller DU size
 - Added section on setback encroachments
- Moved and redefined Non-Residential Zoning Districts (Sec. 14.02.008)
- Changed/Reformatted Non-Residential Permitted Use Table (Sec. 14.02.009)
- Added Non-Residential District Conditions (Sec. 14.02.010)
- Added Non-Residential Use Conditions (Sec. 14.02.011)
- Revised Non-Residential Development Standards (Lot sized, lot areas, setbacks)
 - Added section on setback encroachments
- Moved Historic District, Municipal Parks District, MRRA, and Airport Overlay into Special Districts and Overlay division (Division IV)
- Added Accessory and Temporary Structures and Uses sections (Division V)
- Added Outdoor Storage and Display sections (Sec. 14.02.020)
- Added architectural standards (Division VI)
 - Covers things like façade/elevation differentiation, roof pitches, building articulation, windows and doors, entry articulation, garage doors, pedestrian access, amenities
- Added Specific Use Permit procedures (Article 14.03)
 - Formally Conditional Use Permits
- Revised and added to the Non-conforming section (Article 14.04)
 - Nonconforming structure (Sec. 14.04.002) – enlarged up to 50% of it's size before needing to conform, damaged greater than 50% needing to conform, vacant for more than 90 days converted to conforming use

- Nonconforming use (Sec. 14.04.003) – cannot be enlarged
- Nonconforming sites (Sec. 14.04.004) – can change to similar tenant or less intense use tenant and not conform. Change to a more intense use tenant and site has to be converted to conforming. Abandoned sites (vacant 90 days. Multi-tenant sites/buildings are vacant if less than 30% occupied.)
- Nonconforming Lots (Sec 14.04.005) – Can be developed as if conforming but cannot be further subdivided if it remains or creates nonconforming lots
- Added zoning procedures and moved PUD procedures (Secs. 14.05.002)

Provisions removed to be added elsewhere

- Site plans (added to Site Development Ord, new Chapter 15)
 - Site Development Ord:
 - Site Development Permits (minor updates)
 - Parking Standards (major updates)
 - Landscaping (major updates)
 - Signs (major updates)
 - Outdoor Lighting (no changes)
 - Wireless Transmission Facilities (new code)
- Parking Requirements (added to Site Development Ord, new Chapter 15)
- Sexually oriented businesses (added to Business Chapter 4)
- Performance standards (added to Chapter 8 Offenses and Nuisances as Environmental Standards)

ORDINANCE NO. 565

AN ORDINANCE OF THE CITY OF MANOR, TEXAS, AMENDING THE MANOR CODE OF ORDINANCES BY REPEALING CHAPTER 14 ZONING AND ADOPTING A NEW CHAPTER 14 ZONING BY PROVIDING GENERAL REQUIREMENTS, ZONING DISTRICTS, ZONING REGULATIONS, AND STANDARDS FOR THE DEVELOPMENT AND USE OF LAND WITHIN THE CITY; PROVIDING SEVERABILITY, SAVINGS CLAUSE, OPEN MEETINGS AND EFFECTIVE DATE CLAUSES; PROVIDING PENALTIES; AND PROVIDING FOR RELATED MATTERS.

WHEREAS, the ordinances of the City of Manor (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; and

WHEREAS, the City Council of the City of Manor, Texas (the “City Council”) has determined that the proposed provisions are reasonable and necessary to more effectively guide and manage the development and use of land.

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 provide reasonable regulations and requirements to promote, 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 an approach to land development 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 14.01.007 - 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 14.01.008 - 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 a 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. This term 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, or successor agency.

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 facilities 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, or successor agency, as described 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; an applicant determines are 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 listed 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; and
- (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; and
- (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, or successor agency

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 Adjustment of the City of Manor, Texas.

Board of Adjustment 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; or successor agency
 - 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, or successor agency, 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, Texas Property 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.

Diameter at Breast Height (DBH) means a standard of measure of a tree trunk measured at a height of four and one-half (4.5) feet above the natural grade, or the DBH measurement according to the latest edition of the Guide for Plant Appraisal as published by the Council of Tree and Landscape Appraisers, when the tree trunk branches out at a point lower than four and one-half (4.5) feet.

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 subsection (a) above, and may cook, prepare and assemble a full menu of food items:
 - (1) Except as provided in subsection (2) below, an unrestricted unit must be secured and completely enclosed; and
 - (2) 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.

Heritage Tree means any tree measuring twenty-five inches (25") or larger at DBH, except trees determined to be diseased or dying due to natural causes. Hackberry, Chinaberry, Chinese Tallow, Ligustrum, Mimosa, Cottonwood and Cedar (Ashe Juniper) trees are excluded from the Heritage Tree classification.

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:

- (a) Animal hospitals, animal breeding;
- (b) Clinics, hospitals;
- (c) Hospital services;
- (d) Contractors yards;
- (e) Dance studios;
- (f) Scrap and salvage services;
- (g) Massage parlors (a massage therapist licensed by the state residing on the property is allowed);
- (h) Restaurants;
- (i) Alcoholic Beverage Establishments;
- (j) Rental outlets;
- (k) Equipment sales;
- (l) Adult-oriented businesses;
- (m) Recycling centers and drop-off recycling collection facilities;

- (n) An activity requiring an H occupancy as defined in the International Building Code;
- (o) Automotive repair services; and
- (p) 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:

- (a) 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;
- (b) The use of raw material products described in subsection (a) above in the manufacture of producer or consumer goods; or
- (c) 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 (a) or (b) above.

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 successor agency, 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, or successor agency.

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 means 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 Specific 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.

Protected Tree means any tree, including a multi-trunk tree, measuring eight inches (8") or larger at DBH, except trees determined to be dead or dying by natural causes. Hackberry, Chinaberry, Chinese Tallow, Ligustrum, Mimosa, Cottonwood and Cedar (Ashe Juniper) trees are excluded from the Protected Tree classification.

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 Commission on Environmental Quality (TCEQ), or their successor agency, 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.

Streetscape Yard means a space designated within the front and streetside yards intended to enhance the pedestrian experience with improvements, including but not limited to, a sidewalk, street trees, pedestrian scale lighting, and furniture.

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) *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 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:

- (1) The structure shall comply with provisions of the Fire Code, Electrical Code and Building Code that are applicable to nursing homes;
- (2) There shall be two (2) parking spaces, plus one (1) additional space for each three (3) residents;
- (3) There shall be not less than fifty (50) square feet of living space within a sleeping room for each occupant assigned to such room;
- (4) There shall be not less than one hundred and seventy-five (175) square feet of living area in the structure for each occupant/resident of the structure, and attendant on duty; and
- (5) The structure and operations shall comply with the standards established by the Texas Department of Human Services, or successor agency, as licensing standards for personal care facilities for a Type B facility. The Home must meet all applicable State licensing requirements;
- (6) 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; and
- (7) A Personal Care Facility may not have more than fifteen (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 twenty-two (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
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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 12 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

[illegible]

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, TF, TH, MH-1, MH-2) 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 the Development Services Director. • New community 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 community home are prohibited.

	<ul style="list-style-type: none"> Safehouses and shelters for victims of domestic violence are exempt from review and spacing standards for community 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	50%	50%	50%	50%	50%	50%

Structure Lot Coverage						
Minimum Dwelling Unit Size (2A)	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, and Multi-family districts.

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 (Streetscape yard)	25'	25' (15') common lot	20' (15')	20' (15')
Interior Side Setback	NA	0' attached 15' detached	15'	15'
Exterior Side Setback to Residential (4)	7.5'	10' 25' common lot	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' common lot	25'	25'
Streetside Setback (Streetscape yard)	15'	15' (15') common lot	15' (15')	15' (15')
Rear Setback to Residential (4)	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'
Bufferyard to all SF-E, SF-1, SF-2, MH-1, MH-2, TF, TH	N/A	25' common lot	25'	25'
Maximum Principle Structure Lot Coverage	50%	50%	40%	40%
Max. Principle and Accessory Structure Lot Coverage	60%	60%	50%	50%
Minimum Dwelling Unit Size (2A)	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 may be reduced up to five hundred (500) square feet by entering into a development agreement authorized to be executed by the City Manager. 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) Properties located within the Historic District as defined in Section 14.02.031 may have minimum dwelling unit sizes five hundred (500) square feet less than indicated in the tables found in subsections (a) and (b) above, excluding properties zoned MH-1 and MH-2. Single Family Estate (SF-E), Single Family Suburban (SF-1), Single Family Standard (SF-2), Two-Family (TF) and Townhome (TH) district properties shall have a minimum of seventy percent (70%) front facade masonry and sixty percent (60%) overall façade masonry. Multi-Family 15 (MF-1) and Multi-Family (MF-2) district properties shall have a minimum of forty percent (40%) overall façade masonry. Percent calculations are based on total exterior facades excluding window and door openings. Masonry is considered stone, brick, or cement stucco and excludes cementitious planking.
- (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.
- (4) Exterior rear and exterior side setbacks between conforming Multi-Family MF-1 and MF-2 may follow exterior rear and exterior side setbacks as non-residential.
- (d) Setback Encroachments. With the exception of required bufferyard setback and streetscape landscaping areas, building setbacks can be encroached upon in a manner described in this subsection.
- (1) Driveways and vehicular use areas.
- (2) 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.
- (3) 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.

- (4) 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.
- (5) Rain barrels, cisterns and solar panels may be no closer than two (2) feet from the property line.
- (6) Accessory buildings may encroach into required setbacks according to Table 6(A). In no case shall an accessory building encroach into a drainage or public utility easement.

Table 6(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'

Sections 14.02.008 – 14.02.015 Reserved

Division III Non-Residential and Mixed-Use Districts

Section 14.02.016 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 14.02.017 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 Businesses									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)							C	C	C	C	
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									C	C	C
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		

[illegible]

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 14.02.018 Non-Residential and Mixed-Use District Conditions

Non-Residential and Mixed-Use Districts	Conditions
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 14.02.049 • 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

	<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 14.02.049
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 14.02.049
Light Industrial (IN-1)	<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 14.02.049
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 14.02.049
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 14.02.049 • 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 14.02.049 • 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.

Section 14.02.019 Non-Residential and Mixed-Use Land Use Conditions

Non-Residential and Mixed-Use Land Uses	Conditions
Adult-Oriented Businesses	<ul style="list-style-type: none"> • See Article 4.11 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 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: <ul style="list-style-type: none"> • 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.

	<ul style="list-style-type: none"> • 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 Repair (Minor)	<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 50 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. • 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.

	<ul style="list-style-type: none"> • 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
Contractor's Shop	<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. • There is no disposal of inoperable machines or wastes on-site.
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. • 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

	<ul style="list-style-type: none"> • In Neighborhood Business (NB), Downtown Business (DB), and Light Commercial (C-1) 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"> 1. Any other alternative financial service institution 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 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. • 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.• 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
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	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 • New game rooms must be established 750 feet from existing game rooms
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. • Air and vacuum facilities must be a minimum of at least 100 feet from a residential use. • Permits only automotive repair (minor) uses • 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

	<p>more than eight vehicles obtaining fuel simultaneously, unless reduced by a Specific Use Permit.</p> <ul style="list-style-type: none"> • 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"> 1. Indoor/Outdoor Pool 2. Spa/Sauna 3. Weight Room/Fitness Center 4. Playground 5. Sports Court 6. Plaza/Atrium 7. Game Room 8. Jogging Trail 9. Conference Room (1,000 square foot minimum) 10. 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. • 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

	<p>they do not abut a street or highway or a residential district.</p> <ul style="list-style-type: none"> • 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.

	<ul style="list-style-type: none"> • 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 14.02.020 Non-Residential and Mixed-Use Development Standards

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

[illegible]

(Streetscape yard)									
Exterior Side Setback to Residential	20'	25'	40'	40'	25'	40'	40'	50'	100'
Exterior Side Setback to Non-Residential	15'	10'	15'	15'	10'	15'	15'	20'	30'
Streetside Setback (Streetscape yard)	15' (15')	15' (15')	15' (15')	15' (15')	15' (15')	15' (15')	20' (15')	15' (15')	20' (15')
Rear Setback to Residential	20'	25'	30'	40'	25'	40'	40'	50'	100'
Rear Setback to Non-Residential	15'	10'	15'	15'	10'	15'	15'	30'	50'
Bufferyard to all SF-E, SF-1, SF-2, MH-1, MH-2, TF, TH	N/A	N/A	25'	25'	25'	25'	30'	40'	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 (1A)	1,000 SF (1)	1,000 SF (1)	NA
Maximum Dwelling Units	10/Acre	15/Acre	NA

(c) Non-Residential and Mixed-Use District Development Standards Table Notes

1. For Neighborhood Business (NB) and Downtown Business (DB) districts, 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 by entering in a development agreement authorized to be executed by the City Manager. 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. Neighborhood Business (NB) and Downtown Business (DB) mixed-use properties located within the Historic District as defined in Section 14.02.031 may have minimum dwelling unit sizes five hundred (500) square feet less than indicated in the tables found in subsections (a) and (b) above. Neighborhood Business (NB) district properties shall have a minimum of seventy percent (70%) front façade masonry and fifty percent (50%) overall façade masonry. Downtown Business (DB) shall have one hundred percent (100%) front and streetside façade masonry and seventy five (75%) overall façade masonry. Percent calculations are based on total exterior facades excluding window and door openings. Masonry is considered stone, brick, or cement stucco and excludes cementitious planking.
2. Institutional Small (I-1), Institutional Large (I-2), General Office (GO), Light Commercial (C-1), Medium Commercial (C-2), Heavy Commercial (C-3), Light Industrial (IN-1), and Heavy Industrial (IN-2) non-residential properties located within

the Historic District as defined in Section 14.02.031 shall have a minimum of sixty percent (60%) front façade masonry and fifty percent (50%) overall façade masonry. Percent calculations are based on total exterior facades excluding window and door openings. Masonry is considered stone, brick, or cement stucco and excludes cementitious planking.

(d) Setback Encroachments. With the exception of required bufferyard setback and streetscape landscaping areas, building setbacks can be encroached upon in a manner described in this subsection.

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; and
 - 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.

Sections 14.02.021- 14.02.030 Reserved

Division IV Special Districts and Overlays

Section 14.02.031 Historic District

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. The Historic District for the City of Manor was established by Ordinance 185-Q on September 20, 2017.

Section 14.02.032 Municipal Parks District

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:

- (a) Jennie Lane Park;
- (b) Bell Farms Park;
- (c) Carriage Hills Park;
- (d) Greenbury Village Park;
- (e) Presidential Glen Park;
- (f) Shadowglen Park;
- (g) Wilbarger Creek Park; and
- (h) Timmermann Park

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

Section 14.02.033 Manor Residential Revitalization Area

(a) Introduction

The Manor residential revitalization area (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.

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 the features in subsection (g) into a residential structure plan will assure maximum fee reimbursement.
- (2) 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.

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 14.02.034 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

The following words, terms and phrases shall have the meaning ascribed to them in this subsection except where the context indicates a different meaning:

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.

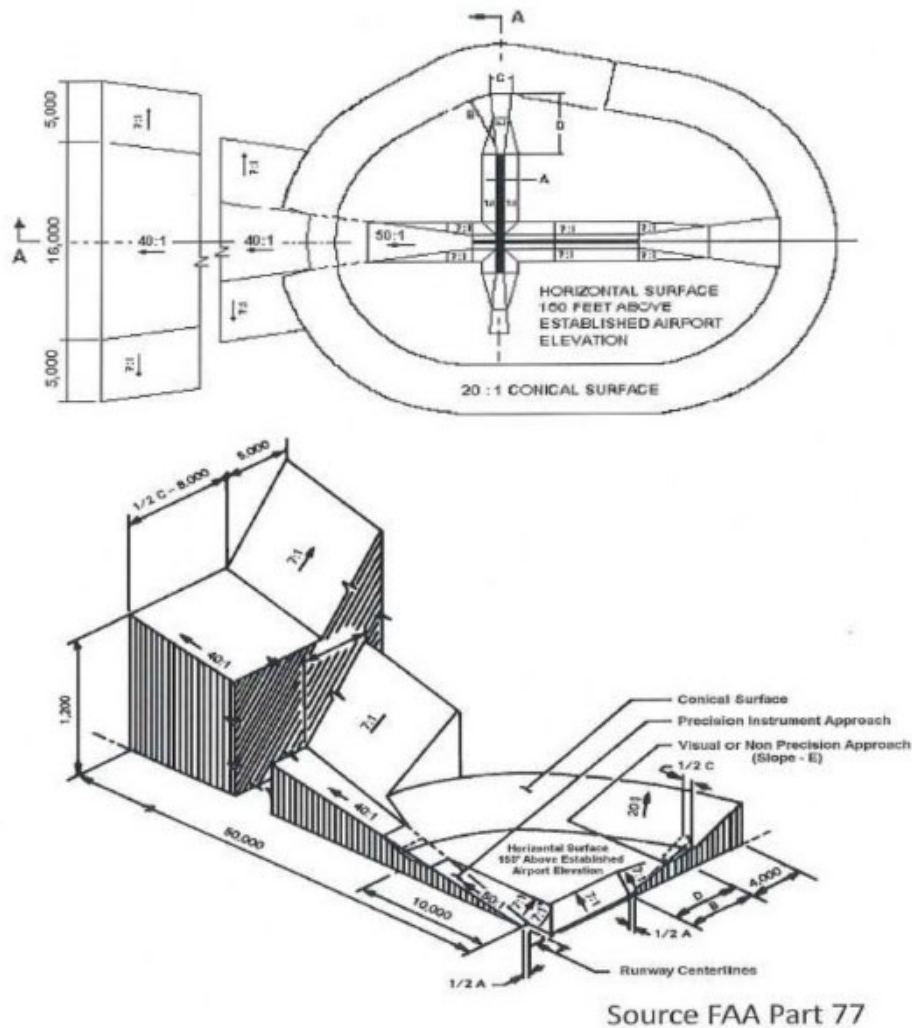
Airport Elevation — The established elevation of the highest point on the runway, either existing or planned, at the airport measured in feet above mean sea level (MSL). The airport elevation of Austin Executive Airport is 620 feet above mean sea level (MSL).

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 subsection (e) of this section. 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 subsection (d) of this section and are depicted in Figure 1, below:

Figure 1



Austin Executive Airport Board of Adjustment — The joint board of adjustment created by subsection (i) of these regulations to administer and enforce these regulations in the areas where the political subdivisions' board of adjustment does 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 subsection (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 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 (Height and Hazard 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 subsection (h) of this section, 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 subsection. 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 subsection (g) of this section, 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 subsection (e) in this section.

(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 subsection (e) of this section or change the use of property in such a way as to create a hazardous condition as described in subsection (f) of this section 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.

Sections 14.02.035 – 14.02.045 Reserved

Division V Accessory and Temporary Structures and Uses

Section 14.02.046 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.
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 14.02.047 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 14.02.048 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.
 - Q. 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.
 - C. 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.
 - D. Separate building permits shall be obtained for the temporary building or temporary outdoor storage; and the expansion, remodel or reconstruction of the existing business.
 - E. 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.
 - F. The business undergoing the expansion, remodel or reconstruction must be an existing business and not a new business, changing businesses or changing uses.
 - G. An existing site plan for the existing business must already be on file with the city.
 - H. Temporary outdoor storage uses shall also comply with the requirements provided in Section 14.02.049

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 (3) 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.
- E. 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.
- F. 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 14.02.049 Outdoor Storage and Display

(a) General

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 20% of the gross site area, 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 they cannot be stacked more than two (2) units high.

Sections 14.02.050 – 14.02.060 Reserved

Division VI Architectural Standards

Section 14.02.061 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 or uncovered 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.
 - ii. 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. Development of ten (10) or more single-family detached or two-family dwellings must have five or more elevations, or a number of elevations equal to at least ten percent (10%) of the number of lots in the development phase, whichever is more. Different trim levels on units with nearly identical floor plan are not considered different elevations. 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 14.02.062 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)

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)

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

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

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

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

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

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

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.

13. Minimum Open Space

Common lot Single Family Attached developments shall provide a minimum 1 acre per 150 dwelling units or 5% of the total site area, whichever is greater, shall be provided to satisfy recreational open space and amenity requirements. Such recreational and amenity shall be located or arranged so as to function as a recreational or amenity area and be uniformly beneficial to all of the dwelling units in the project or development. Open space required to separate structures and stormwater facilities shall not be considered to be part of the required recreational open space.

14. Amenities

All common lot single family attached 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 area, landscape lot, or facility accessible to all tenants and all amenities shall be accessible to all residents and shall be owned and maintained by the property owner.

A. Amenities for common lot single family attached 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, plus 1 additional per each 100 units above 250

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 14.02.063 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 14.02.064 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

No more than 50 linear (horizontally) feet without a minimum 5’ vertical offset
- 4. Horizontal articulation

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

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

All buildings shall be designed to have distinct characteristics every 30’.

9. Top floor articulation

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

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

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

Multi-family units shall be accessed by way of a centralized indoor corridor except that 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. Minimum Open Space

Multi-Family and Mixed-Use developments shall provide a minimum 1 acre per 150 dwelling units or 5% of the total site area, whichever is greater, shall be provided to satisfy recreational open space and amenity requirements. Such recreational and amenity shall be located or arranged so as to function as a recreational or amenity area and be uniformly beneficial to all of the dwelling units in the project or development. Open space required to separate structures and stormwater facilities shall not be considered to be part of the required recreational open space.

18. 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 area, landscape lot, or facility accessible to all tenants and all amenities shall be accessible to all residents 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, plus 1 additional per each 100 units above 250

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 14.02.065 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 14.02.066 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.

5. Building Entrance Standards

- A. 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.

- B. 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.
 - i. Minimum size of pedestrian space shall be one (1) square foot of space per 100 square feet of building floor area.
 - ii. 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.

6. Canopy Standards

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

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

7. 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.

8. Overhead Doors

- A. Overhead doors shall not be located closer than 50 feet to a conforming residential lot.

- B. 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:
 - i. 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.
 - ii. When physical site constraints prevent such orientation, the Building Official may consider alternatives when screened in accordance with this Code.

9. Loading Docks

- A. Loading docks shall not be located closer than 50 feet to a conforming residential lot.
- B. 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.
- C. Screening shall be in accordance with this Code.
- D. When physical site constraints prevent such orientation, the Building Official may consider alternatives when screened in accordance with this Code.

10. Roof Treatment

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

Sections 14.02.067 – 14.02.075 Reserved

Division VII Administration

Article 14.03 Specific Use Permits

Section 14.03.001 Applicability

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

- (a) 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. Subsections 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

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

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

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

5. Sidewalks

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

6. Incidental Site Features

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

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 fifty (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 Procedures

- (a) *Zoning Procedure.* The proposed rezoning must be consistent with the future land use element of the Comprehensive Plan or must be accompanied with a request for an amendment to the Comprehensive Plan.
 - 1. A request for a zoning amendment may be initiated by:
 - A. Recommendation of the City Council;
 - B. Recommendation of the Planning and Zoning Commission;
 - C. Recommendation of the City Manager;
 - D. Recommendation of the Director of Development Services; or
 - E. Application by the property owner or authorized agent; and payment of the required fee.

2. A public hearing shall be required before the Planning and Zoning Commission in accordance with state law and City Charter.
3. After the public hearing on the application, the Planning and Zoning Commission shall make a recommendation to the City Council with respect to such application.
4. After the Planning and Zoning Commission's recommendation is received, the City Council shall conduct a public hearing in accordance with state law. The public hearing shall be conducted within 60 days following the date of the Planning and Zoning Commission's recommendation. If a public hearing is not held before City Council within the prescribed 60 days, City Council may extend the 60 day period for a maximum of 30 days by resolution of the Council; a maximum of two 30 day extensions may be granted in this manner, or the application will be considered withdrawn.
5. Within 60 days of the public hearing before the City Council, City Council must either:
 - A. Approve by ordinance, the requested amendment as submitted;
 - B. Approve by ordinance, the amendment as recommended by the Planning and Zoning Commission;
 - C. Approve by ordinance, an alternate amendment that is a less intensive use than that which was submitted;
 - D. Deny the requested rezoning by record vote; or
 - E. Extend the 60-day period for a maximum of 30 days by a resolution of the Council; a maximum of two 30-day extensions may be granted in this manner.

If the City Council fails to approve, deny, or extend the request within 60-days after the public hearing on the request, or the delay is due in whole or part to applicant's request for extension(s), the request is deemed withdrawn and no further action shall be taken without a new zoning application being submitted.

6. A zoning map amendment to this Code requires the approval by a three-fourths vote of all members of the City Council if:
 - A. The Planning and Zoning Commission has recommended to deny the requested amendment; or
 - B. A written protest is received by the Director of Development Services against such rezoning or creation and/or amendment of an PUD District and is signed by the owners of 20 percent or more of either:
 - i. The area of the lots or land included in such proposed amendment; or

- ii. The area of the lots or land within 300 feet of the boundary of the subject area, excluding the land included in such proposed amendment. In computing the percentage of land area, the area of streets and alleys shall be included.

(b) *Planned Unit Development Procedures.*

1. Purpose and Objectives. The purpose and intent of the Planned Unit Development District is to provide a flexible, alternative procedure to encourage imaginative and innovative designs for the unified development of property in the City consistent with this Ordinance and accepted urban planning, with overall mixed-use regulations as set forth below and in accordance with the City's comprehensive plan. The PUD rules are designed:
 - A. to allow development which is harmonious with nearby areas;
 - B. to enhance and preserve areas which are unique or have outstanding scenic, environmental, cultural or historic significance;
 - C. to provide an alternative for more efficient use of land, resulting in smaller utility networks, safer streets, more open space, and lower construction and maintenance costs;
 - D. to encourage harmonious and coordinated development, considering natural features, community facilities, circulation patterns and surrounding properties and neighborhoods;
 - E. to facilitate the analysis of the effect of development upon the tax base, the local economy, population, public facilities and the environment;
 - F. to provide and result in an enhanced residential and/or work environment for those persons living and/or working within the district; and
 - G. to require the application of professional planning and design techniques to achieve overall coordinated mixed-use developments and avoid the negative effects of piecemeal, segregated or unplanned development. Toward these ends, rezoning of land and development under this district will be permitted only in accordance with the intent and purpose of the City's comprehensive plan and this Ordinance, and to that end the PUD plan must be prepared and approved in accordance with the provisions of this Ordinance.
2. Mixed-Use Development. The PUD District shall include and allow for compatible mixed uses such as compatible residential, commercial and/or industrial, within a single project within the boundaries of an approved plan area, in order to provide the flexibility required for a well-designed and innovative development that will conserve, develop, protect and utilize to their best use the natural resources of the area in a manner that ensures the safe, orderly and healthy development and expansion of the City. In order to promote such development, the PUD may be comprised of a combination of all the other zoning districts provided for in this Ordinance. The outer boundary of each such PUD Zoning District shall

be shown on a map. Said map will include a descriptive legend, the specific boundaries of the area proposed for use authorized for in any other zoning district and percentage of the total area of such PUD which will comprise each such separate use, and all notations, references and other information shown thereon, shall be adopted by Ordinance.

3. Flexible Planning. When considering a PUD, the unique nature of each proposal for a PUD may require, under proper circumstances, the departure from the strict enforcement of certain present codes and ordinances, e.g., without limitation, the width and surfacing of streets and highways, lot size, parking standards, setbacks, alleyways for public utilities, signage requirements, curbs, gutters, sidewalks and streetlights, public parks and playgrounds, drainage, school sites, storm drainage, water supply and distribution, sanitary sewers, sewage collection and treatment, single use districts, etc. Final approval of a PUD by the City Council shall constitute authority and approval for such flexible planning to the extent that the PUD as approved, departs from existing codes and ordinances. The flexibility permitted for a PUD does not imply that any standard or requirement will be varied or decreased.
4. Rules Applicable. The City Council, after public hearing and proper notice to all parties affected and after recommendation from the Commission, may attach a Planned Unit Development district designation to any tract of land equal to or greater than three acres. Under the Planned Development designation, the following rules apply:
 - A. The approval of any proposed PUD or combination of uses proposed therein shall be subject to the discretion of the City Council, and no such approval will be inferred or implied.
 - B. Permitted uses are those listed under the applicable zoning district(s) for the base zoning to be applied to the PUD (for example, the permitted uses in a PUD proposed to be developed as a retail, commercial and office development are the respective uses listed for the General Retail, Commercial and Office districts). In addition, a Planned Unit Development district may be established where the principal purpose is to serve as a transitional district, or as an extension of an existing district whereby the provision of off-street parking, screening walls, fences, open space and/or planting would create a protective transition between a lesser and more restrictive district. In approving a Planned Unit Development, additional uses may be permitted, and specific permitted uses may be prohibited from the base district.

- C. Standards required by the base zoning apply in a Planned Unit Development except that the following regulations and standards may be varied in the adoption of the Planned Unit Development; provided that the plan is consistent with sound urban planning and good engineering practices.
 - i. Front, side and rear setbacks.
 - ii. Maximum height.
 - iii. Maximum lot coverage.
 - iv. Floor area ratio.
 - v. Off-street parking requirements.
 - vi. Special district requirements pertaining to the base zoning.
 - vii. Number of dwelling units per acre.
 - viii. Accessory building regulations.
 - ix. Sign standards.
 - D. In approving a Planned Unit Development, no standards may be modified unless such modification is expressly permitted by this Ordinance, and in no case may standards be modified when such modifications are prohibited by this Ordinance.
 - E. In approving a Planned Unit Development, the City Council may require additional standards deemed necessary to create a reasonable transition to, and protection of, adjacent property and public areas, including but not limited to, light and air, orientation, type and manner of construction, setbacks, lighting, landscaping, management associations, open space and screening.
 - F. The Commission and City Council, in approving modifications to standards and regulations, shall be guided by the purpose intended by the base zoning and general intent of this Ordinance.
5. Preliminary Site Plan. A Preliminary Site Plan of the entire property within the Planned Unit Development will be considered by the Commission prior to any recommendation to, or consideration by, the City Council of the Planned Unit Development district ordinance.
- A. A Preliminary Site Plan may be approved for a portion of a Planned Unit Development district where the district is divided by a major thoroughfare, and the Preliminary Site Plan includes all the property located on one side of the street.

- B. Approval of a Preliminary Site Plan will determine the location and mix of proposed uses, proposed points of ingress and egress, parking spaces, building locations and height, lot coverage, yards and open spaces, landscaping, screening walls or fences, topography and other development and protective requirements, considered necessary to create a reasonable transition to, and protection of, the adjacent property.
- C. The Commission and/or City Council may approve, conditionally approve, request modifications, or deny approval of the Preliminary Site Plan based on evaluation of details with respect to:
- i. The plan's compliance with all provisions of this Ordinance and other ordinances of the City.
 - ii. The environmental impact of the development relating to the preservation of existing natural resources on the site and the impact on the natural resources of the surrounding properties and neighborhood.
 - iii. The relationship of the development to adjacent uses in terms of harmonious use and design, setbacks, maintenance of property values and negative impacts.
 - iv. The provision of a safe and efficient vehicular and pedestrian circulation system.
 - v. The design and location of off-street parking and loading facilities to ensure that all such spaces are usable and are safely and conveniently arranged.
 - vi. The sufficient width and suitable grade and location of streets designed to accommodate prospective traffic and to provide access for firefighting and emergency equipment to buildings.
 - vii. The coordination of streets so as to compose a convenient system consistent with the Thoroughfare Plan of the City.
 - viii. The use of landscaping and screening: (1) to provide adequate buffers to shield lights, noise, movement or activities from adjacent properties when necessary; and (2) to complement the design and location of buildings and be integrated into the overall site design.
 - ix. The location, size and configuration of open space areas to ensure that such areas are suitable for intended recreation and conservation uses.
 - x. The adequacy of water, drainage, sewerage facilities, garbage disposal and other utilities necessary for essential services to residents and occupants.

6. Final Site Plan. Following approval of the Preliminary Site Plan, or simultaneously if detailed information is available, a Final Site Plan for any portion of the Planned Unit Development may be approved. The Preliminary Site Plan establishes the general development standards according to a base district. The Final Site Plan providing all the detail required for development, subdivision, zoning and enforcement of the special conditions and regulations must be approved by ordinance prior to the zoning being in effect and construction being authorized.
7. Amendments. Consideration of amendments to a Planned Unit Development will take into consideration the effect of the proposed development on the remainder of the property, adjacent properties and the neighboring communities. Amendments to the final site plan or any planned development conditions, which are substantive, shall require public hearings in the manner required for any other zoning change.
8. Expiration. If development equal to at least 25 percent of the cost of installing streets, utilities and drainage in the PUD, or, if the PUD is approved to be developed in sections or phases, if development equal to at least 50 percent of the cost of installing streets, utilities and drainage in the first section or phase of the PUD has not occurred, on a Planned Unit Development tract or lot within two years after the date of approval, such approval shall expire; and may only be renewed after application is made therefor, notice is given and public hearings are held by the Commission and City Council to evaluate the appropriateness of the previously authorized Planned Development approval. Any such application for renewal or extension shall be considered in the same manner, and under the same rules, regulations and ordinances then in effect, as a new application for zoning.
9. Ordinance Amendment. Every Planned Unit Development district approved under the provisions of this Ordinance is considered an amendment of this Ordinance as to the property involved, and to the Master Plan. All Planned Unit Development districts will be referenced on the Zoning District Map, and a list of such Planned Unit Development districts shall be maintained as an appendix to this Ordinance.
10. Certificate of Occupancy. All Planned Unit Development district conditions and special regulations must be complied with in the PUD, or in the separate section or phase, before a certificate of occupancy is issued for the use of land or any structure which is part of a Planned Unit Development district, or, if applicable, the separate section or phase being developed.

Section 14.05.003 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 14.05.004 - Board of Adjustment

- (a) *Established.* A Board of Adjustment (hereafter in this Section, the "Board") is hereby 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. *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.
 2. *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.
 3. *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.
 4. *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.
 5. *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.

6. *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 Adjustment 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.

Section 14.05.005 - 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 14.05.006 - 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 14.05.007 - 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 14.05.008 - 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.

Section 14.05.009 - 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 14.05.010 - 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 14.05.011 - 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, word 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.

PASSED AND APPROVED on First Reading this the 20th day of November 2019.

FINALLY PASSED AND APPROVED on this the 19th day of February 2020.

THE CITY OF MANOR, TEXAS

Dr. Larry Wallace Jr.,
Mayor

ATTEST:

Lluvia T. Almaraz, TRMC
City Secretary



AGENDA ITEM SUMMARY FORM

PROPOSED MEETING DATE: February 19, 2020

PREPARED BY: Scott Dunlop, Assistant Development Director

DEPARTMENT: Development Services

AGENDA ITEM DESCRIPTION:

Consideration, discussion, and possible action on an Ordinance amending Manor Code of Ordinances Chapter 2 Animal Control.

BACKGROUND/SUMMARY:

See extended background/summary.

PRESENTATION: ☐ YES ☐ NO

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

Ordinance No. 566

STAFF RECOMMENDATION:

It is City staff's recommendation that the City Council approve Ordinance No. 566 amending Manor Code of Ordinances Chapter 2 Animal Control.

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

Item 15 – Extended Background/Summary

This Ordinance amends the Fowl and Keeping of Livestock sections of the Animal Control Ordinance to match what is in the Zoning Ordinance.

Fowl:

Previous code allowed for 10 fowl on properties .35 acres or less and no restriction on the number above .35 acres.

This Ordinance proposes for properties .50 acres or less there can be 5 fowl and for properties .50 acres or greater they can have 5 fowl plus 1 additional fowl per .50 acre. It also prohibits roosters.

Fowl and Keeping of Livestock sections:

Previously Agricultural land was exempt from the number of fowl or livestock that could be kept on the property.

This Ordinance does not apply a numeric maximum to the number of fowl or livestock on Agricultural property but does prohibit large-scale, intensive animal uses like productions/grow houses and stockyards.

ORDINANCE NO. 566

AN ORDINANCE OF THE CITY OF MANOR, TEXAS, AMENDING CHAPTER 2 ANIMAL CONTROL BY AMENDING ARTICLE 2.01 GENERAL PROVISIONS; AMENDING ARTICLE 2.04 GENERAL REGULATIONS FOR KEEPING ANIMALS; PROVIDING SEVERABILITY, SAVINGS CLAUSE, OPEN MEETINGS AND EFFECTIVE DATE CLAUSES; AND PROVIDING FOR RELATED MATTERS.

WHEREAS, the City of Manor is rapidly urbanizing into agricultural areas, and;

WHEREAS, limits to large-scale, intensive livestock uses are not explicitly prohibited within the city limits, and;

WHEREAS, large-scale, intensive livestock uses are incompatible with a growing residential population due to potentially offensive odors, noise, unsanitary conditions, and objectionable conditions;

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 to Manor Code of Ordinances Chapter 2, Article 2.01, Section 2.01.001 Definitions. Section 2.01.001 Definitions is hereby amended to add the definitions for “Production House or Grow Out House” and “Stockyard” as follows:

Production House or Grow Out House means a large, open structure used to raise a large number of fowl until slaughtering. Houses may or may not contain mechanical systems to deliver feed and water, ventilations systems, and heaters.

Stockyard means a large yard containing pens and sheds in which a large number of livestock are temporarily kept and sorted for slaughter, market, or shipping.

Section 3. Amendment to Manor Code of Ordinances Chapter 2, Article 2.04, Section 2.04.008(d) Limitations on Number of Fowl. Section 2.04.008(d) is hereby amended to read as follows:

(d) *Limitation on number of fowl*

(1) This section shall not apply to property zoned Agricultural with an agricultural tax exemption. At no time though, shall an Agricultural property contain production or grow out houses, stockyards, or similar large-scale, intensive fowl or livestock uses.

(2) It shall be unlawful to own or keep fowl within the corporate limits of the city unless the number is limited as set forth below:

(A) If the property size is .50 or less (<.50) of an acre, then the limitation of the number of fowl is five or less.

- (B) If the property size is greater than .50 (>.50) of an acre, then five fowl for the first .50 acre and 1 fowl per each additional .50 acre.
- (C) It shall be unlawful to own or keep roosters within the corporate limits of the city.
- (D) All requirements described in this article must be maintained.

Section 4. Amendment to Manor Code of Ordinances Chapter 2, Article 2.04, Section 2.04.011 Keeping of Livestock. Section 2.04.011(a) is hereby amended to read as follows:

- (a) This section shall not apply to property zoned Agricultural with an agricultural tax exemption. At no time though, shall an Agricultural property contain production or grow out houses, stockyards, or similar large-scale, intensive fowl or livestock uses.

Section 5. Repealing all Conflicting Ordinances. All ordinances or parts thereof conflicting or inconsistent with the provisions of this ordinance as adopted 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 of Manor ("City"), the terms and provisions of this ordinance shall control.

Section 6. Savings Clause. This City Council of the City of Manor, Texas hereby declares that 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 7. 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 8. Open Meetings. It is hereby officially found and determined that the meeting at which this ordinance was considered 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, Texas Government Code.

Section 9. Effective Date. This Ordinance shall take effect immediately from and after its passage and publication in accordance with the provisions of the Texas Local Government Code.

PASSED AND APPROVED THIS the 19th day of February 2020.

THE CITY OF MANOR, TEXAS

Dr. Larry Wallace Jr.,
Mayor

ATTEST:

Lluvia T. Almaraz, TRMC
City Secretary



AGENDA ITEM SUMMARY FORM

PROPOSED MEETING DATE: February 19, 2020

PREPARED BY: Scott Dunlop, Assistant Development Director

DEPARTMENT: Development Services

AGENDA ITEM DESCRIPTION:

Consideration, discussion, and possible action on an Ordinance amending Manor Code of Ordinances Chapter 3 Building Regulations.

BACKGROUND/SUMMARY:

See extended background/summary.

PRESENTATION: ☐ YES ☐ NO

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

Ordinance No. 567

STAFF RECOMMENDATION:

It is City staff's recommendation that the City Council approve Ordinance No. 567 amending Manor Code of Ordinances Chapter 3 Building Regulations.

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

Item 16 – Extended Background/Summary

This Ordinance amends the Building Regulations Ordinance

There are three sections to this ordinance and all three delete a provision from Chapter 3 because those provisions are moved to Chapter 15 Site Development.

The deleted sections are Landscaping, Signs, and Outdoor Lighting. These sections are amended and added in to Chapter 15 Site Development.

ORDINANCE NO. 567

AN ORDINANCE OF THE CITY OF MANOR, TEXAS, AMENDING CHAPTER 3 BUILDING REGULATIONS BY REPEALING ARTICLE 3.09 LANDSCAPING AND SCREENING; REPEALING ARTICLE 3.10 SIGNS; REPEALING ARTICLE 3.11 OUTDOOR LIGHTING; PROVIDING SEVERABILITY, SAVINGS CLAUSE, OPEN MEETINGS AND EFFECTIVE DATE CLAUSES; AND PROVIDING FOR RELATED MATTERS.

WHEREAS, a new Site Development Ordinance is contemplated, and;

WHEREAS, the provisions contained herein, as amended, are to be included within the Site Development Ordinance, and;

WHEREAS, the provisions contained herein must be repealed to avoid conflicting requirements with the Site Development Ordinance;

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 to Manor Code of Ordinances Chapter 3, Article 3.09 Landscaping and Screening. Article 3.09 Landscaping and Screening is hereby deleted in its entirety from Chapter 3 Building Regulations.

Section 3. Amendment to Manor Code of Ordinances Chapter 3, Article 3.10 Signs. Article 3.10 Signs is hereby deleted in its entirety from Chapter 3 Building Regulations.

Section 4. Amendment to Manor Code of Ordinances Chapter 3, Article 3.11 Outdoor Lighting. Article 3.11 Outdoor Lighting is hereby deleted in its entirety from Chapter 3 Building Regulations.

Section 5. Repealing all Conflicting Ordinances. All ordinances or parts thereof conflicting or inconsistent with the provisions of this ordinance as adopted 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 of Manor ("City"), the terms and provisions of this ordinance shall control.

Section 6. Savings Clause. This City Council of the City of Manor, Texas hereby declares that 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 7. 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 8. Open Meetings. It is hereby officially found and determined that the meeting at which this ordinance was considered 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, Texas Government Code.

Section 9. Effective Date. This Ordinance shall take effect immediately from and after its passage and publication in accordance with the provisions of the Texas Local Government Code.

PASSED AND APPROVED THIS the 19th day of February 2020.

THE CITY OF MANOR, TEXAS

Dr. Larry Wallace Jr.,
Mayor

ATTEST:

Lluvia T. Almaraz, TRMC
City Secretary



AGENDA ITEM SUMMARY FORM

PROPOSED MEETING DATE: February 19, 2020

PREPARED BY: Scott Dunlop, Assistant Development Director

DEPARTMENT: Development Services

AGENDA ITEM DESCRIPTION:

Consideration, discussion, and possible action on an Ordinance amending Manor Code of Ordinances Chapter 4 Business Regulations.

BACKGROUND/SUMMARY:

See extended background/summary

PRESENTATION: ☐ YES ☒ NO

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

Ordinance No. 568

STAFF RECOMMENDATION:

It is City staff's recommendation that the City Council approve Ordinance No 568 amending Manor Code of Ordinances Chapter 4 Business Regulations.

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

Item 17 – Extended Background/Summary

This Ordinance adds Adult Oriented Businesses to Chapter 4 Business Regulations

Adult Oriented Businesses (formerly Sexually Oriented Businesses) were a part of the zoning ordinance. Since this section deals entirely with how the business operates it is more appropriate to regulate Adult Oriented Businesses through Chapter 4 Business Regulations rather than Zoning.

None of the provisions changed other than the name and formatting.

ORDINANCE NO. 568

AN ORDINANCE OF THE CITY OF MANOR, TEXAS, AMENDING CHAPTER 4 BUSINESS REGULATIONS BY ADDING ARTICLE 4.11 ADULT ORIENTED BUSINESSES; PROVIDING SEVERABILITY, SAVINGS CLAUSE, OPEN MEETINGS AND EFFECTIVE DATE CLAUSES; AND PROVIDING FOR RELATED MATTERS.

WHEREAS, Adult Oriented Business regulations are currently contained in Chapter 14 Zoning, and;

WHEREAS, it is more appropriate to regulate the operation of Adult Oriented Businesses through Chapter 4 Business Regulations;

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 to Manor Code of Ordinances Chapter 4 Business Regulations. Chapter 4 Business Regulations is hereby amended to add Article 4.11 Adult Oriented Businesses as follows:

Article 4.11 Adult Oriented Businesses.

Section 4.11.001 Purpose and Intent.

- (a) It is the purpose of this Article of the business regulations chapter to regulate adult oriented businesses to promote the public health, safety, morals and general welfare of the citizens of the City, and to establish reasonable and uniform regulations to prevent the deleterious location and concentration of adult oriented businesses within the City. The provisions of this Ordinance have neither the purpose nor effect of imposing a limitation or restriction on the content of any communicative materials, including adult oriented materials. Similarly, it is not the intent nor effect of this Ordinance to restrict or deny access by adults to distributors and exhibitors of adult oriented entertainment to their intended market. Neither is it the intent nor effect of this Ordinance to condone or legitimize the distribution of obscene materials.

Section 4.11.002 Definitions

- (a) *Definitions.* The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:
- (1) *Adult Arcade* means any place to which the public is permitted or invited wherein coin-operated or slug-operated or electronically, electrically, or mechanically operated still or motion picture machines, projectors, or other image-producing devices are maintained to show images to five or fewer persons per machine at any one time, and where the images so displayed are distinguished or characterized by the depicting or describing of specified sexual activities or specified anatomical areas.

- (2) *Adult Bookstore* or *Adult Video Store* means a commercial establishment which, as one of its principal business purposes, offers for sale or rental for any form of consideration any one or more of the following:
- (A) Books, magazines, periodicals or other printed matter, or photographs, films, motion pictures, videocassettes or video reproductions, compact disc visual discs, digital visual discs, computer pictures, slides, or other visual representations which depict or describe specified sexual activities or specified anatomical areas; or
 - (B) Instruments, devices, or paraphernalia which are designed for use in connection with specified sexual activities.
 - (C) A commercial establishment may have other principal business purposes that do not involve the offering for sale or rental of material depicting or describing "specified sexual activities" or "specified anatomical areas" and still be categorized as an Adult Bookstore or Adult Video Store. Such other business purposes will not serve to exempt such commercial establishments from being categorized as an Adult Bookstore or Adult Video Store so long as either:
 - (i) Two percent or more of its gross revenue is derived from the sale or rental of the specified materials which depict or describe specified sexual activities or specified anatomical areas; or
 - (ii) Two percent or more of its inventory consists of the specified materials which depict or describe specified sexual activities or specified anatomical areas.
- (3) *Adult Cabaret* means a nightclub, bar, restaurant or similar commercial establishment that regularly features:
- (A) Persons who appear in a state of total nudity or semi-nudity; or
 - (B) Live performances which are characterized by the exposure of specified anatomical areas or by specified sexual activities; or
 - (C) Films, motion pictures, videocassettes, compact visual discs, digital visual discs, computer pictures, slides, or other photographic reproductions which are characterized by the depiction or description of specified sexual activities or specified anatomical areas.
- (4) *Adult Motel* means a hotel, motel or similar commercial establishment which:
- (A) Offers accommodations to the public for any form of consideration; provides patrons with closed-circuit television transmissions, films, motion pictures, videocassettes, compact visual discs, digital visual discs, computer pictures, slides or other photographic reproductions which are characterized by the depiction or description of specified sexual activities or specified anatomical areas; including those that have a sign visible from the public right-of-way which advertises the availability of this adult type of photographic reproductions; or
 - (B) Offers a sleeping room for rent for a period of time that is less than ten hours or based on an hourly rate; or
 - (C) Allows a tenant or occupant of a sleeping room to subrent the room for a period of time that is less than ten hours or based on an hourly rate.

- (5) *Adult Motion Picture Theater* means commercial establishments where, for any form of consideration, films, motion pictures, videocassettes, compact visual discs, digital visual discs, computer pictures, slides, or similar photographic reproductions are regularly shown which are characterized by the depiction or description of specified sexual activities or specified anatomical areas.
- (6) *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.
- (7) *Adult Theater* means a theater, concert hall, auditorium, or similar commercial establishment which regularly features persons who appear in a state of nudity and/or semi-nudity or live performances which are characterized by the exposure of specified anatomical areas or by specified sexual activities.
- (8) *Escort* means a person who, for consideration, agrees or offers to act as a companion, guide, or date for another person, or who agrees or offers to privately model lingerie or to privately perform a body rub, bathing of the body, or striptease for another person for the sexual arousal.
- (9) *Escort Agency* means a person or business association who furnishes, offers to furnish, or advertises to furnish escorts as one of its primary business purposes for a fee, tip or other consideration.
- (10) *Establishment* means and includes any of the following;
 - (A) The opening or commencement of any adult oriented business as a new business;
 - (B) The conversion of an existing business, whether or not an adult oriented business, to any adult oriented business;
 - (C) The addition of any adult oriented business to any other existing adult oriented business; or
 - (D) The relocation of any adult oriented business.
- (11) *Permittee* means a person in whose name a specific use permit to operate an adult oriented business has been issued and the person who owns the building and/or land on which the business is located, as well as the individual listed as an applicant on the application for a permit.
- (12) *Nude Model Studio* means any place where a person who appears in a state of nudity or displays specified anatomical areas is provided to be observed, sketched, drawn, painted, sculptured, photographed, or similarly depicted by other persons who pay money or any form of consideration.
- (13) *Nudity* or a *State of Nudity* means the appearance of a human bare buttock, anus, male genitals, female genitals, or areola of the breast.
- (14) *Person* shall mean and include an individual human, partnership, co-partnership, firm, company, limited liability partnership or other partnership or other such company, joint venture, joint stock company, trust, estate, governmental entity, association or corporation or any other legal entity, or their legal representatives, agents or assigns. The

masculine gender shall include the feminine, the singular shall include the plural where indicated by the context.

- (15) *Semi-Nude* means a state of dress in which clothing covers no more than the genitals, pubic region, and/or areola of the breast, as well as portions of the body covered by supporting straps or devices.
- (16) *Sexual Encounter Center* means a business or commercial enterprise that, as one of its primary business purposes, offers any of the following for consideration:
 - (A) Physical contact in the form of wrestling or tumbling between persons of the opposite sex; or
 - (B) Activities between male and female persons and/or persons of the same sex when one or more of the persons is in a state of nudity or semi-nude.
- (17) *Specified Anatomical Areas* means the male genitals in a state of sexual arousal and/or the vulva or more internal portion of the female genitals.
- (18) *Specified Sexual Activities* means and includes any of the following:
 - (A) The fondling or other erotic touching of human genitals, pubic region, buttocks, anus or female breasts;
 - (B) Sex acts, normal or perverted, actual or stimulated, including intercourse, oral copulation, or sodomy;
 - (C) Masturbation, actual or simulated; or
 - (D) Excretory functions as part of or in connection with any of the activities set forth in subsections (A) through (C) above.
- (19) *Substantial Enlargement of an adult oriented business* means the increase in floor area occupied by the business by more than 25 percent, as the floor area existed on the effective date of this Ordinance, or under a certificate of occupancy therefor.
- (20) *Transfer of Ownership or Control of an adult oriented business* means and includes any of the following:
 - (A) The sale, leasing or subleasing of the business;
 - (B) The transfer of securities which constitute a controlling interest in the business, whether by sale, exchange, or similar means; or
 - (C) The establishment of a trust, gift or other similar legal device which transfers the ownership or control of the business, except for transfer by bequest or other operation of law upon the death of the person possessing the ownership or control.

4.11.003 Classification.

- (a) Adult oriented businesses are classified as follows:
 - (1) Adult arcades;
 - (2) Adult bookstores or adult video stores;
 - (3) Adult cabarets;

- (4) Adult motels;
- (5) Adult motion picture theaters;
- (6) Adult theaters;
- (7) Escort agencies;
- (8) Nude model studios; and
- (9) Sexual encounter centers.

4.11.004 Location.

- (a) This Ordinance allows the opportunity for consideration of specific use permits to be issued for adult oriented businesses in the Heavy Commercial (herein "C-3") and Light Industrial (herein "IN-1") zoning districts only.
 - (1) The following uses may be permitted within the City by specific use permit only in the C-3 and IN-1 zoning districts:
 - (A) Adult arcades;
 - (B) Adult bookstores or adult video stores;
 - (C) Adult cabarets;
 - (D) Adult motels;
 - (E) Adult motion picture theaters;
 - (F) Adult theaters;
 - (G) Escort agencies;
 - (H) Nude model studios; and
 - (I) Sexual encounter centers.
 - (2) No use listed in subsection (1) above shall be established within 1,000 feet of any of the following uses in existence prior to the beginning of such business:
 - (A) A church, chapel, or other regular place of religious worship;
 - (B) A public or private day care, elementary, secondary school or institute of higher learning;
 - (C) A boundary of any residentially zoned district;
 - (D) A public park, library, or playground;
 - (E) The property line of a lot used for residential purposes; or
 - (F) Within 1,000 feet of another adult oriented business.
 - (3) For the purpose of this Section, measurement shall be made in a straight line, without regard to intervening structures or objects, from the nearest portion of the building or structure used as a part of the premises where an adult oriented business is conducted, to the nearest property line of the premises as described in (2) above; or to the nearest boundary of any residentially zoned district; or from the closest exterior wall of the

structure in which an adult oriented business is proposed to be located to the nearest exterior wall of any other adult oriented business.

- (4) For the purposes of this Section, if adult oriented businesses cannot be located within a minimum of three percent of the existing zoning districts within the City limits, including all nonconforming use adult oriented businesses, due to limitations as set forth in this Section, the City will upon written request from an applicant review the current zoning districts and shall allow zoning alterations as necessary so that a minimum of three percent of the City-wide zoning, cumulatively within the City limits, can be occupied by a specific use permitted adult oriented business, including all nonconforming use adult oriented business.

Sections 4.11.005 – 4.11.010 Reserved

Section 4.11.011 Sexually Explicit Films and Videos.

- (a) A person who operates or causes to be operated an adult oriented business, other than an adult motel, which exhibits on the premises in a viewing room of less than 150 square feet of floor space, a film, videocassette, compact visual disc, digital visual disc, computer picture, slide, or other video reproduction which depicts specified sexual activities or specified anatomical areas, shall comply with the following requirements:
 - (1) The application for a specific use permit for an adult oriented business shall be accompanied by a diagram of the premises showing a plan thereof specifying the location of one or more manager's stations and the location of all overhead lighting fixtures and designating any portion of the premises in which patrons will not be permitted. A manager's station may not exceed 32 square feet of floor area. The diagram shall also designate the place at which the permit will be conspicuously posted, if granted. A professionally prepared diagram in the nature of an engineer's or architect's blueprint shall not be required; however, each diagram should be oriented to the north or to some designated street or object and should be drawn to a designated scale or with marked dimensions sufficient to show the various internal dimensions of all areas of the interior of the premises to an accuracy of plus or minus one foot. The Building Official may waive the foregoing diagram for renewal applications if the applicant adopts a diagram that was previously submitted and certifies that the configuration of the premises is correct and has not been altered since it was prepared.
 - (2) The application shall be sworn to be true and correct by the applicant.
 - (3) No alteration in the configuration or location of a manager's station may be made without the prior approval of an amendment to the specific use permit.
 - (4) It is the duty of the owners and operator of the premises to ensure that at least one employee is on duty and situated in each manager's station at all times that any patron is present inside the premise.
 - (5) The interior of the premises shall be configured in such a manner that there is an unobstructed view from a manager's station of every area of the premises to which any patron is permitted access for any purpose excluding restrooms. Restrooms may not contain video reproduction equipment. If the premises has two or more manager's stations designated, then the interior of the premises shall be configured in such a

manner that there is an unobstructed view of each area of the premises to which any patron is permitted access for any purpose from at least one of the manager's stations. The view required in this subsection must be by direct line of sight from the manager's station.

- (6) It shall be the duty of the owners and operator, and it shall also be the duty of any agents and employees present in the premises to ensure that the view area specified in the above subsection (5) remains unobstructed by any doors, walls, merchandise, display racks or other materials at all times and to ensure that no patron is permitted access to any area of the premises which has been designated as an area in which patrons will not be permitted in the application filed pursuant to Subsection (1) of this subsection.
 - (7) No viewing room may be occupied by more than one person at any time.
 - (8) The premise shall be equipped with overhead lighting fixtures of sufficient intensity to illuminate every place to which patrons are permitted access at an illumination of not less than one (1.0) footcandle as measured at the floor level.
 - (9) It shall be the duty of the owners and operator and it shall also be the duty of any agents and employees present in the premises to ensure that the illumination described above is maintained at all times that any patron is present in the premises.
- (b) A person having a duty under subsections (1) through (9) of subsection (a) above commits a misdemeanor if he or she knowingly fails to fulfill that duty.

Section 4.11.012 Exemptions.

- (a) It is a defense to prosecution under this Section that a person appearing in a state of nudity did so in a modeling class operated:
- (1) By a proprietary school, licensed by the State of Texas; a college, junior college or university supported entirely or partly by taxation;
 - (2) By a private college or university which maintains and operates educational programs in which credits are transferable to a college, junior college, or university supported entirely or partly by taxation; or
 - (3) In a structure:
 - (A) Which has no sign visible from the exterior of the structure and no other advertising that indicates a nude person is available for viewing; and
 - (B) Where, in order to participate in a class a student must enroll at least three days in advance of the class; and
 - (C) Where no more than one nude model is on the premises at any one time.

Section 4.11.013 Permits.

- (a) All adult oriented businesses located within the City limits must have a specific use permit or qualify as a nonconforming use and have a permit to operate as provided herein. Each person having ownership interest, control or owning the property upon which the adult oriented business is to be located must have filled out an application and his or her name must appear on the permit.

Section 4.11.014 Permits Required.

- (a) A commercial establishment that is an adult oriented business as herein defined, shall at all times of operation within the City limits have a valid permit.
- (1) A person commits an offense if that person conducts business as an adult oriented business within the City unless a valid specific use permit has been issued by the City for the conduct of such business.
 - (2) A person commits an offense if that person conducts business as an adult oriented business within the City limits unless the person has a valid permit which is posted at or near the principal public entrance to the business in such a manner that it will be conspicuous to patrons who enter the premises, or behind the bar in a conspicuous manner.
 - (3) Every permittee shall have and maintain exclusive occupancy and control of the entire permitted premises in every phase of the operation of the adult oriented business on the permitted premises. A permittee commits an offense if the permittee attempts to avoid such responsibility by creating any device, scheme or plan which surrenders control of the employees, premises or business of the permittee to persons other than the permittee.

Section 4.11.015 Issuance or Denial of Any Permit.

- (a) A permit, renewal or transfer permit shall be issued unless one or more of the following conditions exists:
- (1) The applicant has located the adult oriented business in violation of this Ordinance. Unless the business is a nonconforming use as defined herein.
 - (2) The applicant(s) failed to supply all of the information required on the application.
 - (3) The applicant, or any one applicant, gave fraudulent or untruthful information on the application. This does not apply to clerical errors.
 - (4) The applicant, or any one applicant, has been convicted of a felony for which not less than ten years have elapsed since the date of conviction or the date of release from confinement imposed for the conviction, whichever is the later date, or a misdemeanor for which less than two years have elapsed since the date of conviction or the date of release from confinement imposed for the conviction, whichever date is the later date, of a crime in any state involving:
 - (A) Public lewdness, indecent exposure, or indecency with a child as described in the Texas Penal Code;
 - (B) Prohibited sexual conduct, enticing a child, harboring a runaway child, or sale or purchase of a child as described in the Texas Penal Code;
 - (C) Prostitution, promotion of prostitution, aggravated promotion of prostitution, compelling prostitution, obscenity, sale, distribution, or display of harmful material to a minor, sexual performance by a child, employment harmful to children, or possession or promotion of child pornography as defined in the Texas Penal Code;

- (D) Facilitation, attempt, conspiracy, or solicitation to commit any of the foregoing offenses; or
 - (E) Any similar offense to those described above under the criminal or penal code of another state.
- (5) Any applicant, or any one applicant, refuses to provide a complete and current NCIC and TCIC criminal history of Applicant obtained by Applicant from the Texas Department of Public Safety. The criminal history must be completed within 15 days of the date the application is submitted to the Building Official.
- (6) Permit fees are not paid in full.

Section 4.11.016 Application Requirements.

- (a) Initial permit requests for a specific use permit require each owner, having 10% or more interest in the adult oriented business, to submit a complete application and to update the application as changes in ownership occur (herein the "Applicant" or "Permittee"). The information required in this subsection must be provided with each application and, as changes occur, updated information within ten (10) days of any change in the information required in the application.
- (1) The following information must be provided on the application form:
- (A) The name, street address (and mailing address if different) of the Applicant and each and every owner with greater than ten percent ownership interest;
 - (B) Two copies each of recent photographs of the Applicant showing full face and each side face profile;
 - (C) A complete set of fingerprints on forms from the Police Department;
 - (D) A complete and current NCIC and TCIC criminal history of Applicant obtained by Applicant from the Texas Department of Public Safety. The criminal history must be completed within 15 days of the date the application is submitted to the Building Official.
 - (E) The Applicant's driver's license number, Social Security number, and, if applicable, his/her state or federally issued tax identification number;
 - (F) The name under which the establishment is to be operated and a general description of the services to be provided;
 - (G) If the Applicant intends to operate the Adult Oriented Business under a name other than that of the Applicant; he or she must state (a) the Adult Oriented Business's assumed name and (b) submit the required registration documents;
 - (H) Whether the Applicant has ever been convicted, or is awaiting trial on pending charges, of a crime specified in Section 4.11.015 (a)(4) and, if so, the nature of the offense(s) and the date, place, and jurisdiction of each offense;
 - (I) Whether the Applicant has had a previous license or specific use permit under this Ordinance or other similarly Adult Oriented Business ordinance from another City or county denied, suspended or revoked, including the name and location of the Adult Oriented Business for which the license or specific use

permit was denied, suspended or revoked, as well as the date of the denial, suspension or revocation, and whether the Applicant is or has been a partner in a partnership or an officer, director or principal stockholder of a corporation that is or was licensed under an Adult Oriented Business ordinance whose license or specific use permit has previously been denied, suspended or revoked, including the name and location of the Adult Oriented Business for which the license or specific use permit was denied, suspended or revoked, as well as the date of denial, suspension or revocation;

- (J) Whether the Applicant holds any other license or specific use permit under this Ordinance or other similar Adult Oriented Business ordinance from another City or county and, if so, the names and locations of such other licensed businesses;
 - (K) The address, and legal description of the tract of land on which the establishment is to be located;
 - (L) If the establishment is in operation, the date on which the owner(s) acquired the establishment for which the license or specific use permit is sought, and the date on which the establishment began operations as a Adult Oriented Business at the location for which the specific use permit is sought; and
 - (M) If the establishment is not in operation, the expected startup date (which must be expressed in number of days from the date of issuance of the specific use permit). If the expected startup date is to be more than ten days following the date of issuance of the specific use permit, then a detailed explanation of the construction, repair or remodeling work or other cause of the expected delay and a statement of the owner's time schedule and plan for accomplishing the construction, repair or remodeling work.
- (2) All applications for a specific use permit must include the following:
- (A) If the establishment is a State of Texas corporation, a certified copy of the articles of incorporation, together with all amendments thereto.
 - (B) If the establishment is a foreign corporation, a certified copy of the certificate of authority to transact business in this state, together with all amendments thereto.
 - (C) If the establishment is a limited partnership formed under the laws of the State of Texas, a certified copy of the certificate of limited partnership, together with all amendments thereto.
 - (D) If the establishment is a foreign limited partnership, a certified copy of the certificate of limited partnership and the qualification documents, together with all amendments thereto.
 - (E) Proof of the current fee ownership of the tract of land on which the establishment is to be situated in the form of a copy of the recorded deed along with the current address(es) and telephone number(s) of the owner(s).
 - (F) If the Person(s) identified as the fee owner(s) of the tract of land are not also the owners of the establishment, then the lease, purchase contract, purchase option contract, lease option contract or other document(s) evidencing the

legally enforceable right of the owners or proposed owners of the establishment to have or obtain the use and possession of the tract or portion thereof that is to be used for the purpose of the operation of the establishment together with the correct address and telephone number of each person with an ownership interest in the property.

- (G) If the property is owned by other than a natural person, the complete name, address and telephone of each person with an interest in the entity must be included in the application.
 - (H) A current certificate and straight-line drawing prepared within 30 days prior to application by a registered land surveyor depicting the property lines of any established use listed in Section 4.11.004(a)(2) within 1,000 feet of the property to be certified. For purposes of this Section, a use is considered existing or established if it is in existence at the time an application is submitted.
 - (I) The application must be accompanied by a sketch or diagram showing the configuration of the premises, including a statement of total floor space occupied by the business. The sketch or diagram need not be professionally prepared but must be drawn to a designated scale no smaller than one-quarter-inch equals one foot and with marked dimensions of the placement of the building on the tract of land, and the interior of the premises to an accuracy of plus or minus six inches. All locational requirements must be approved by the Building Official within 60 days from the time the application is filed.
 - (J) Any of items (1) through (9) above will not be required for a renewal application if they were previously presented and the Applicant states that the documents previously furnished to the Building Official with the original application or previous renewals thereof remain correct and current.
- (3) Every application for a specific use permit must contain a statement made under oath that:
- (A) The Applicant has personal knowledge of the information contained in the application, and that the information contained therein and furnished therewith is true and correct; and,
 - (B) The Applicant has read the provisions of this Ordinance.
- (4) The Applicant for an Adult Oriented Business specific use permit must be qualified according to the provisions of this Ordinance.
- (5) If the Applicant who wishes to operate an Adult Oriented Business is an individual, that individual must sign the application for a specific use permit as Applicant. If the Applicant who wishes to operate an Adult Oriented Business is other than an individual, each individual who has greater than a ten percent interest in the business must sign and provide all the information required by the application for a specific use permit as an Applicant and will be considered an Operator if a specific use permit is granted.
- (6) The fact that a Person possesses any other valid license, certificate or permit required by law does not exempt him from the requirement of obtaining an Adult

Oriented Business specific use permit. A Person who operates an Adult Oriented Business and possesses another business license, certificate or permit must comply with the requirements and provisions of this Ordinance as well as the requirements and provisions of the law concerning the other license, certificate or permit.

- (7) All applications must include a nonrefundable application fee in the amount provided in the fee schedule adopted by the City provided in appendix A to the Code of Ordinances. An application will not be considered to have been filed until all applicable fees are paid and all information required by the application form has been submitted.
- (8) The Applicant must supplement an application with new information received after the date the application was deemed completed. Permittees must supplement application information within ten days of any change in information provided in the application.
- (9) All Adult Oriented Businesses located within the City and in operation as a lawful use conforming to the zoning ordinance before the effective date of this Ordinance are granted a one-time waiver of the application fee. Upon satisfactory completion of the application and surrender of the existing business's current certificate of occupancy, a new specific use permit will be issued.
- (10) A copy of all applications and supporting documentation for specific use permits will be maintained by the Building Official.
- (11) Upon receipt of an application or supplemental information, the Building Official will review the application to determine if all required and necessary information has been submitted. The Building Official will issue a letter within a reasonable time after receipt of the application or supplemental information and advise the Applicant whether supplemental information must be submitted. The Applicant must provide any supplemental information within 30 days or the application will be returned and the filing fee forfeited.

Section 4.11.017 Public Notice of Pending Application.

- (a) After the Building Official has issued a letter advising the Applicant that the application is complete, the Building Official will cause signs (at least 24 inches by 36 inches in size) to be placed on the property subject to the proposed specific use permit of occupancy that provide notification by specifically stating, with letters at least three inches wide and six inches tall, "ADULT ORIENTED BUSINESS LICENSE APPLICATION PENDING." All lettering on the signs other than above described, will be at least 1 and 1/2 inches x 2 inches in size for each letter on the sign. The sign will also include the name, City and state of residence of each Applicant, the date on which the application was filed, and the time and place of the hearings. The signs will be placed on the property in sufficient quantities and locations to identify the property as being subject to a proposed adult oriented specific use permit of occupancy. One sign will be erected on each lot corner to identify the boundaries of the property in addition to one sign for each 300-foot increment of each public road or highway frontage on the property existing or any part thereof. The signs will be erected within seven days after the Building Official has issued a letter advising the Applicant that

the application is complete and will remain erected until the application has been approved or denied by the City Council.

- (b) The City will give notice of the application and scheduled public hearings by publication in two consecutive issues of the City's official newspaper. The notices will be printed in ten-point boldface type and will:
 - (1) Include the fact that an Adult Oriented Business specific use permit has been applied for;
 - (2) Include the exact location, including the street address, of the place of business for which the certificate is sought;
 - (3) Include the names of each owner of the business and, if the business is operated under an assumed name, the trade name together with the names of all owners;
 - (4) Include, if the Applicant is a corporation, the names and titles of all officers, directors and shareholders of ten percent or more of the corporation;
 - (5) Include the dates and times of the public hearings; and
 - (6) Be published at least 15 days before each public hearing.

Section 4.11.018 Renewal of Permit.

- (a) Permits shall be valid for one year from the issuance of the permit. Permits must be renewed annually by all persons having ownership interest or control of the adult oriented business and all persons owning the property upon which the adult oriented business is located. Failure to renew the permit voids the permit.

Section 4.11.019 Permit Transfers.

- (a) A permit is personal to the persons designated in the application. A permit may not be transferred except pursuant to and in compliance with this section. A transfer application must be filed within 30 days of any change of persons designated on the current permit. A transfer application shall allow continuation of business under an existing permit while a new application is being processed. Any transfer application shall require and be treated in all respects as an original permit application. In the event that a transfer application is not timely filed, then the existing permit shall be invalid for any purpose relating to the operation of business. Provided, however, that nothing in this section shall affect the nonconforming use provisions herein.

Section 4.11.020 Revocation of Permit.

- (a) Any violation of this Ordinance shall constitute grounds for revocation of a permit. A permit shall be revoked for any of the following violations:
 - (1) The permittee(s) have located the adult oriented business in violation of this Ordinance. Unless the business is a nonconforming use as defined herein.
 - (2) The permittee(s) failed to supply all of the information required on the application.
 - (3) The permittee(s) gave fraudulent or untruthful information on the application. This does not apply to clerical errors.

- (4) The permittee, or any one permittee, has been convicted of a felony for which not less than ten years have elapsed since the date of conviction or the date; of release from confinement imposed for the conviction, whichever is the later date, or a misdemeanor for which less than two years have elapsed since the date of conviction or the date of release from confinement imposed for the conviction, whichever date is the later date, of a crime in any state involving:
 - (A) Public lewdness, indecent exposure, or indecency with a child as described in the Texas Penal Code;
 - (B) Prohibited sexual conduct, enticing a child, harboring a runaway child, or sale or purchase of a child as described in the Texas Penal Code;
 - (C) Prostitution, promotion of prostitution, aggravated promotion of prostitution, compelling prostitution, obscenity, sale, distribution, or display of harmful material to a minor, sexual performance by a child, employment harmful to children, or possession or promotion of child pornography as defined in the Texas Penal Code;
 - (D) Facilitation, attempt, conspiracy, or solicitation to commit any of the foregoing offenses; or
 - (E) Any similar offense to those described above under the criminal or penal code of another state.
- (5) More than four criminal offenses are committed on the permitted premises in any consecutive 12-month period which fall in one or more of the following categories:
 - (A) Public lewdness, indecent exposure, or indecency with a child as described in the Texas Penal Code;
 - (B) Prohibited sexual conduct, enticing a child, harboring a runaway child, or sale or purchase of a child as described in the Texas Penal Code;
 - (C) Prostitution, promotion of prostitution, aggravated promotion of prostitution, compelling prostitution, obscenity, sale, distribution, or display of harmful material to a minor, sexual performance by a child, employment harmful to children, or possession or promotion of child pornography as defined in the Texas Penal Code; or,
 - (D) Facilitation, attempt, conspiracy or solicitation to commit any of the foregoing offenses.
- (6) Any person under the age of 18, not otherwise permitted by the Laws of Texas to view the material contained on the premises is permitted to enter the premises.

Section 4.11.021 Appeal.

- (a) All denials and revocations of permit applications and renewals must be appealed to the City Council.
 - (1) If an application for issuance or renewal of a permit is denied a permit or a permit is revoked, upon notice of the denial or revocation of a permit, the aggrieved

applicant or permittee shall have ten days to appeal to the decision to the City Council.

- (2) The appeal of a revocation of a permit to the City Council shall abate the revocation of the permit until such time as the City Council may hold a public hearing.

Section 4.11.022 Permit Fee.

- (a) Each application for a permit, including renewal or transfer, shall be accompanied by an application fee as provided in the fee schedule adopted by the City in appendix A to the Code of Ordinances. In addition to the fees required for an initial license, the applicant at the time of making an initial application shall pay a nonrefundable fee as provided in the fee schedule in appendix A to the Code of Ordinances for the City to conduct a survey to ensure the proposed adult oriented business is in compliance with the location restrictions set forth in Section 4.11.004. Additionally, for each applicant identified thereon, there shall be an additional fee as provided in the fee schedule in appendix A to the Code of Ordinances.

Sections 4.11.023 – 4.11.030 Reserved

Section 4.11.031 Specific Violations.

- (a) A person commits a misdemeanor if he or she:
 - (1) Operates or causes to be operated an adult oriented business without a specific use permit. All adult oriented businesses shall be located within a C-3 or IN-1 zoning district unless such business qualifies as a nonconforming use.
 - (2) Operates or causes to be operated an adult oriented business without a permit to operate an adult oriented business.
 - (3) Operates or causes to be operated an adult oriented business within 1,000 feet of any of the following uses in existence prior to the beginning of such business:
 - (A) A church, chapel, or other regular place of religious worship;
 - (B) A public or private day care, elementary, secondary school or institute of higher learning;
 - (C) A boundary of any residentially zoned district;
 - (D) A public park, library, or playground; or
 - (E) The property line of a lot used for residential purposes.
 - (4) Causes or permits the operation, establishment, substantial enlargement, or transfer of ownership or control of a adult oriented business within 1,000 feet of another adult oriented business.
 - (5) Causes or permits the operation, establishment or maintenance of more than one adult oriented business, as defined herein, in the same building, structure, or portion thereof, or the increase of floor area of any adult oriented business in any building, structure or portion thereof containing another adult oriented business.
- (b) For the purpose of Subsection (a)(3) of this section, measurement shall be made in a straight line, without regard to intervening structures or objects, from the nearest portion

of the building or structure in which any, or any part of any, adult oriented business is conducted, to the nearest property line of the premises described in Subsection (a)(3).

- (c) For purposes of Subsection (a)(4) of this section, the distance between any two adult oriented businesses shall be measured in a straight line, without regard to intervening structures or objects, from the closest exterior wall of the structure in which each business is located.

Section 4.11.032 Nonconforming Uses.

- (a) Any adult oriented business lawfully operating on the effective date of this Ordinance that is in violation of this Section shall be deemed a nonconforming use. The nonconforming use will be permitted to continue for a period not to exceed ten years, unless sooner terminated for any reason or voluntarily discontinued for a period of 30 days or more. Such nonconforming uses shall not be increased, enlarged, extended or altered except that the use may be changed to a conforming use. If two or more adult oriented businesses are within 1,000 feet of one another and otherwise in a permissible location, the adult oriented business which was first established and continually operating at a particular location is the conforming use and the later-established business is nonconforming.
- (b) An adult oriented business lawfully operating as a conforming use is not rendered a nonconforming use by the location, subsequent to the grant of a specific use permit for an adult oriented business, of a church, public or private day care, elementary or secondary school, institute of higher learning, public park, library, or playground, or a residential lot within 1,000 feet of the adult oriented business. This provision applies only to the renewal of a valid permit, and does not apply when an application for a permit is submitted after a permit and/or license has expired or has been revoked.
- (c) All nonconforming adult oriented business uses in existence at the time of passage of this Ordinance within the City limits shall have 60 days to apply for a permit to operate such adult oriented business.

Editor's note— Adult oriented business fees were omitted from this section at the request of the City and added to the fee schedule provided in appendix A to the Code of Ordinances.

State Law reference— Authority of municipality to regulate adult oriented businesses, V.T.C.A., Local Government Code, ch. 243; employment harmful to children, V.T.C.A., Penal Code, sec. 43.251; sexual offenders as owners, operators, managers or employees of adult oriented businesses, V.T.C.A., Business and Commerce Code, ch. 102.

Section 3. Repealing all Conflicting Ordinances. All ordinances or parts thereof conflicting or inconsistent with the provisions of this ordinance as adopted 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 of Manor ("City"), the terms and provisions of this ordinance shall control.

Section 4. Savings Clause. This City Council of the City of Manor, Texas hereby declares that 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 5. 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 6. Open Meetings. It is hereby officially found and determined that the meeting at which this ordinance was considered 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, Texas Government Code.

Section 7. Effective Date. This Ordinance shall take effect immediately from and after its passage and publication in accordance with the provisions of the Texas Local Government Code.

PASSED AND APPROVED THIS the 19th day of February 2020.

THE CITY OF MANOR, TEXAS

Dr. Larry Wallace Jr.,
Mayor

ATTEST:

Lluvia T. Almaraz, TRMC
City Secretary



AGENDA ITEM SUMMARY FORM

PROPOSED MEETING DATE: February 19, 2020

PREPARED BY: Scott Dunlop, Assistant Development Director

DEPARTMENT: Development Services

AGENDA ITEM DESCRIPTION:

Consideration, discussion, and possible action on an Ordinance amending Manor Code of Ordinances Chapter 6 Health and Sanitation.

BACKGROUND/SUMMARY:

See extended background/summary

PRESENTATION: ☐ YES ☒ NO

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

Ordinance No. 569

STAFF RECOMMENDATION:

It is City staff's recommendation that the City Council approve Ordinance 569 amending Manor Code of Ordinances Chapter 6 Health and Sanitation.

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

Item 18 – Extended Background/Summary

This Ordinance amends Chapter 6 Health and Sanitation

This amendment applies to the section related to Duties of Owner or Occupants which is the section of code commonly cited by Code Enforcement as “Failure to Maintain Property” when grass is allowed to grow above 12 inches, junk is left in the open, or water is allowed to stand for an extended period of time.

Added to this section is subsection (G) which deals with exterior conditions of structures. The intent is through Code Enforcement structures that are not being maintained but do not meet the qualifications for a substandard structure (health and safety issues) can receive notices indicating to the owner or occupant that the structure has deteriorated. Examples would be paint that has substantially worn off, broken windows, or missing shingles. It also adds that if repairs are begun the owner or occupant has 3 months to complete them, so structures are not in a partially repaired state. Properties that fail to resolve any issues would be subject to penalties up to \$500.

ORDINANCE NO. 569

AN ORDINANCE OF THE CITY OF MANOR, TEXAS, AMENDING CHAPTER 6, ARTICLE 6.03, DIVISION 5, SECTION 6.03.131 DUTIES OF OWNERS OR OCCUPANTS; PROVIDING SEVERABILITY, SAVINGS CLAUSE, OPEN MEETINGS AND EFFECTIVE DATE CLAUSES; AND PROVIDING FOR RELATED MATTERS.

WHEREAS, to provide a safe, healthy, orderly and aesthetically appealing community properties must be maintained to a minimum acceptable level, and;

WHEREAS, property owners or occupants have failed to maintain the exterior conditions of buildings or structures, and;

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 to Manor Code of Ordinances Chapter 6, Article 6.03, Division 5, Section 6.03.131 Duties of Owner or Occupant. Section 6.03.131 Duties of Owner or Occupant is hereby amended to read as follows:

Section 6.03.131 - Duties of Owner or Occupant

It shall be unlawful for an owner, occupant, lessee or renter (herein cumulatively referred to as "owner" or "occupant") of any lot, parcel of ground, or structure (herein "property") within the city limits to:

- (1) Fail to maintain such property:
 - (A) Free of accumulations of brush, earth and construction materials, garbage, litter, junk, refuse, rubbish, solid waste, trash, weeds, unwholesome matter and any other objectionable, unsightly, or unsanitary matter of whatsoever nature;
 - (B) Free and clear from weeds and tall grass from the line of such property, including the sidewalks, to the established curbline next adjacent thereto;
 - (C) Free of drain holes and depressions in which water collects, or to fail to regrade any lots, grounds or yards or any other property owned or controlled by the owner or occupant which shall be unwholesome or have stagnant water thereon, or which from any other cause is in such condition as to be liable to produce disease;
 - (D) Free from filth, carrion or other impure or unwholesome matter of any kind, on any portion of the property under the owner's or occupant's control, including any house, building, establishment, lot, yard or ground owned or occupied, especially any such filth, carrion or other impure or unwholesome matter that exudes any

noxious, foul or offensive odor that is detectable past or beyond the boundary of the property upon which the matter is located;

- (E) Free of discharge of sewage or hazardous wastes into the soil or subsurface soil without proper containment thereto;
 - (F) Free of graffiti or marks including, but not limited to, an inscription, slogan, drawing, painting, symbol, logo, name, character, or figure, made in any manner on public or private property, excluding commercial advertising or a mark placed in compliance with an ordinance, or state or federal law;
 - (G) Free from deteriorated exterior conditions such as, but not limited to, paint, cladding, roof materials, windows, trim, and fences. Deteriorate is falling substantially below normal wear and tear conditions and includes, but is not limited to; cracks or peeling of wall or wall finish sections, cracked or broken windows, missing roof materials, or listing or incomplete fence sections.
 - (i) Properties that undertake non-structural repairs, renovations, or modifications, such as but not limited to; painting, replacing windows, or re-shingling a roof shall complete such work within 3 months of commencing so as no property remains in a partially improved state beyond a reasonable time.
 - (H) In any manner that is inconsistent with this article;
- (2) Suffer, allow or permit any person to bring or transport onto the property any filth, carrion, decaying animal or vegetable matter, or other impure or unwholesome matter of any kind that exudes any noxious, foul or offensive odor that is detectable past or beyond the boundary of the property that is under the ownership or control of the owner or occupant; or
- (3) Operate or conduct any business or activity on the property in a manner that causes or results in any noxious, foul or offensive odor that originates on the property, or that emanates from any source that such owner or occupant has suffered, allowed or permitted to come onto the property, being detectable past or beyond the boundary of the property that is under the ownership or control of the owner or occupant.

Section 3. Repealing all Conflicting Ordinances. All ordinances or parts thereof conflicting or inconsistent with the provisions of this ordinance as adopted 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 of Manor ("City"), the terms and provisions of this ordinance shall control.

Section 4. Savings Clause. This City Council of the City of Manor, Texas hereby declares that 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 5. 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 6. Open Meetings. It is hereby officially found and determined that the meeting at which this ordinance was considered 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, Texas Government Code.

Section 7. Effective Date. This Ordinance shall take effect immediately from and after its passage and publication in accordance with the provisions of the Texas Local Government Code.

PASSED AND APPROVED THIS the 19th day of February 2020.

THE CITY OF MANOR, TEXAS

Dr. Larry Wallace Jr.,
Mayor

ATTEST:

Lluvia T. Almaraz, TRMC
City Secretary



AGENDA ITEM SUMMARY FORM

PROPOSED MEETING DATE: February 19, 2020

PREPARED BY: Scott Dunlop, Assistant Development Director

DEPARTMENT: Development Services

AGENDA ITEM DESCRIPTION:

Consideration, discussion, and possible action on an Ordinance amending Manor Code of Ordinances Chapter 8 Offenses and Nuisances.

BACKGROUND/SUMMARY:

See extended background/summary

PRESENTATION: ☐ YES ☒ NO

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

Ordinance No. 570

STAFF RECOMMENDATION:

It is City staff's recommendation that the City Council approve Ordinance No. 570 amending Manor Code of Ordinances Chapter 8 Offenses and Nuisances.

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

Item 19 – Extended Background/Summary

This Ordinance amends Chapter 8 Offenses and Nuisances

There are 2 main parts to this amendment: Noise and Environmental Performance Standards.

In the previous zoning code, there were performance standards for industrial uses specifically (i.e. dust, smoke, noise, glare, vibration, odor). The noise section was a decibel rating. In this amendment the noise section was moved from the performance standards and combined into the Noise section, so all noise nuisances are contained in one section. The decibel ratings were modified for day and night and whether it is a non-residential or residential property. The maximum allowable decibel in the previous code was 84. In this amendment it is 85, which is the maximum level determined to be safe by the National Institute for Occupational Safety and Health. The new code keeps the list of specific noises that are declared nuisances (Section 8.04.004 Specific Noises Enumerated). The noise exemptions are the same, but playground noise, roadway repair noise, and landscaping noise was added. Lastly, the procedure for Special Exceptions was added for people who wish to request a temporary exception to the noise levels, such as for a concert. The Noise section of the Ordinance was also expanded to include 600 feet outside the city limits.

As mentioned above, performance standards previously only applied to industrial properties. Moving them Chapter 8 Offenses and Nuisances allows the city to regulate any excessive dust, smoke, glare, vibration, odor, explosive material and toxic matter regardless of zoning. Also, declaring those a nuisance allows the city to extend these provisions to 5,000 outside the city limits. The performance standards are largely unchanged with the exceptions that noise was moved to the Noise section and Electromagnetic Interference was added.

ORDINANCE NO. 570

AN ORDINANCE OF THE CITY OF MANOR, TEXAS, AMENDING CHAPTER 8, ARTICLE 8.04 NOISE; ADDING ARTICLE 8.08 ENVIRONMENTAL STANDARDS; PROVIDING SEVERABILITY, SAVINGS CLAUSE, OPEN MEETINGS AND EFFECTIVE DATE CLAUSES; AND PROVIDING FOR RELATED MATTERS.

WHEREAS, environmental performance standards are contained under Chapter 14 Zoning and applicable only to Industrial zoning, and;

WHEREAS, land uses contained in non-Industrial zoning districts can produce similar noises, odors, vibrations, dust, heat, and glare as an industrial use, and;

WHEREAS, to mitigate the adverse effects of excess noise, odor, vibration, dust, heat and glare from all land uses within the City's jurisdiction regardless of the property's zoning classification Environmental Standards should be contained under Chapter 8 Offenses and Nuisances;

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 to Manor Code of Ordinances Chapter 8, Article 8.04 Noise. Article 8.04 Noise is hereby amended in its entirety to read as follows:

Article 8.04 Noise

Section 8.04.001 Applicability

- (a) This article applies to the control of all sound and noise existing within the City limits and any part of the City's extraterritorial jurisdiction within six hundred (600) feet of the City limits.
- (b) Speech or other communication, picketing or similar acts. If conduct that would otherwise violate this article consists of speech or other communication, of gathering with others to hear or observe such speech or communication, or of gathering with others to picket or otherwise express in a nonviolent manner a position on social, economic, political or religious questions, the person or persons must be ordered to move, disperse, or otherwise remedy the violation prior to arrest or citation.

Section 8.04.002 Definitions

Daytime means for nonresidential property, the continuous time period between 7:00 a.m. and 10:00 p.m. Sunday through Thursday and 7:00 a.m. and 11:00 p.m. Friday and Saturday; and for

residential property, the continuous time period between 7:00 a.m. and 10:00 p.m. each day, unless modified herein.

dB(A) means the sound pressure level in decibels as measured on a sound level meter using the A-weighting network as designated and defined by the American National Standards Institute.

dB(C) means the sound pressure level in decibels as measured on a sound level meter using the C-weighting network as designated and defined by the American National Standards Institute.

Decibel (db) means the unit of measurement for sound pressure level at a specified location.

Motor vehicle means any vehicle that is propelled or drawn on land by an engine or motor.

Nighttime means for nonresidential property, the continuous time period from 10:00 p.m. Sunday through Thursday until 7:00 a.m. of the following day and 11:00 p.m. Friday and Saturday until 7:00 a.m. of the following day; and for residential property, the continuous period from 10:00 p.m. until 7:00 a.m. of the following day, unless modified herein.

Nonresidential property means a property that is not a residential property as defined in this article.

Public right-of-way means any street, avenue, boulevard, highway, sidewalk, alley, or similar place normally accessible to the public, which is owned or controlled by any government entity.

Real property *line* means either:

- (1) The imaginary line, including its vertical extension, that separates one parcel of real from another; or
- (2) The vertical and horizontal boundaries of each unit of a multi-unit building which is under separate ownership or tenancy.

Residential property means any real property developed and used for human habitation that contains living facilities, including provisions for sleeping, eating, cooking, and sanitation, unless such premises are actually occupied and used primarily for purposes other than human habitation.

Sound equipment means a loud speaker, public address system, amplification system, musical instrument, radio, CD player, or other sound-producing device.

Sound level means the instantaneous sound pressure level measured in decibels obtained by the use of a sound level meter.

Sound level meter means an instrument which includes a microphone, amplifier, RMS detector, integrator or time averager, output meter, and weighting network used to measure sound pressure levels conforming to type 1 or type 2 standards as specified in the latest version of the American National Standards Institute specifications for sound level meters (ANSI Standard S1.4-1983).

Zoning ordinance means the zoning ordinance of the City of Manor, Texas, as set forth in Chapter 14 of the Manor Code of Ordinances, as amended.

Section 8.04.003 Restrictions on Decibel Levels

(a) Nonresidential Noise Source Maximum Decibel Levels

No person shall cause, allow, or permit the making of a noise from a nonresidential property in the City limits and any part of the City's extraterritorial jurisdiction within six hundred (600) feet of the City limits which exceeds the following sound pressure levels as measured pursuant to subsection (c) herein:

- (1) Daytime: 75 dB(A) or 85 dB(C); or
- (2) Nighttime: 65 dB(A) or 75 dB(C).

(b) Residential Noise Source Maximum Decibel Levels

No person shall cause, allow, or permit the making of a noise from a residential property in the City limits and any part of the City's extraterritorial jurisdiction within six hundred (600) feet of the City limits which exceeds the following sound pressure levels as measured pursuant to subsection (c) herein:

- (1) Daytime: 70 dB(A) or 80 dB(C); or
- (2) Nighttime: 50 dB(A) or 60 dB(C).

(c) Noise Measurement

Measurement of noise pursuant to this article shall be in accordance with this section.

- (1) Method of measurement. Noise shall be measured with a sound level meter meeting the standards prescribed by the American Standards Association. The measuring instruments shall be maintained in calibration and good working order. Prior to taking a measurement of the noise in question, the environment shall be observed to determine whether background noise is so close to the level of the sound being measured rendering a proper measurement impossible. Measurements recorded shall be taken so as to provide a proper representation of the noise being measured. The microphone shall be screened from wind and water and otherwise used in accordance with the manufacturer's specifications.
- (2) Location of measurement. Measurement of noise shall be taken along the real property line of the property where the noise is being produced at the location that is both closest to the location of the complainant's property and the origin of the noise, and if protected by sound mitigating devices, such as a wall or landscaping, also from the location closest to the origin of the noise that is not protected by sound mitigating devices, with the determinative measurement being the greater of the two.

Section 8.04.004 Specific Noises Enumerated

- (a) The playing of any television, radio, phonograph, tape player, compact disc player, musical instrument or any electrical or mechanical device in such manner or with such volume, at any time, as to annoy or disturb the quiet, comfort, or repose of persons of ordinary sensibilities in any dwelling, hotel, or other type of residence.
- (b) The continued or frequent sounding of any horn or signal device on any automobile, motorcycle, bus, streetcar, or other vehicle, except as a danger signal as required by state law; the creation by means of any such signal device of any unreasonably loud or harsh device noise for any unnecessary and unreasonable period of time.
- (c) The running of any motorized vehicle so out of repair, so loaded or in such manner as to create loud or unnecessary noise such as spinning or squealing tires, grating, grinding, jarring, or rattling noise or vibrations.
- (d) The running of any motorized vehicle without a muffler, or with an altered muffler, or with a defective muffler, sufficient to contain the sound so that a person of ordinary sensibilities nearby would not be annoyed or materially distressed.
- (e) The creation of loud and raucous noise on any street adjacent to any school or court which is in session, or adjacent to any hospital, which unreasonably interferes with the working of such institution, provided that conspicuous signs are located in such streets indicating that schools, hospitals, and courts are adjacent thereto.
- (f) The creation of a loud and excessive noise in connection with the loading or unloading of any vehicle or the opening and destruction of bales, boxes, crates, and containers.
- (g) Any loud or vociferous language, yelling, shouting, crying, hooting, whistling or singing of peddlers, hawkers or any other person in such a manner to cause a noise disturbance which annoys or disturbs the quiet, comfort or repose of ordinary persons of ordinary sensibilities in any dwelling, hotel or other type residence.
- (h) The use of any drum or other instrument or sound-amplifying equipment to produce a noise or sound of such intensity that annoys or disturbs persons of ordinary sensibilities in the immediate vicinity thereof; provided, however, that nothing herein shall be constructed to prohibit the infrequent use of a loudspeaker or amplifier for periods of short duration by a religious organization or association in the playing of music where the intensity of same does not annoy or disturb such persons.
- (i) The keeping of any animal or fowl which emits or makes a loud and raucous noise, and disturbs the comfort or repose of persons of ordinary sensibilities in the immediate vicinity thereof.
- (j) The use of any mechanical device operated by compressed air, unless the noise to be created is effectively muffled and reduced.
- (k) The sounding of any bell or gong attached to any building or premises, which is reasonably calculated to disturb a person of ordinary disposition if such person were in the vicinity thereof.

(l) Operating or permitting to be operated any refuse compacting, processing or collection vehicles in any residential district or quiet zone, or within 500 feet of any residence or quiet zone, in such a manner as to cause a noise disturbance. Furthermore, any such activity shall create a noise disturbance per se if conducted between the hours of 10:00 p.m. and 6:00 a.m. No noise disturbance shall be deemed to occur when the noise is created in the regular course of the activity for which the equipment is designed and the noise occurs for no longer than reasonably necessary to conduct the activity and the hours of operation occur between 6:01 a.m. and 9:59 p.m.

(m) Sound equipment in vehicles.

(1) No person owning, operating, occupying or in control of a motor vehicle on a street, highway, alley, park, playground, parking lot, driveway, garage, carport, yard, or carwash facility, whether public or private property, shall operate or permit the operation of any sound equipment system from within the vehicle so that the sound is plainly audible by the auditory senses, based on direct line of sight, at a distance of 30 feet or more from the vehicle. The motor vehicle may be stopped, standing, parked or moving on a street, highway, alley, park, playground, parking lot, driveway, garage, carport, yard, or carwash facility, on either public or private property.

Section 8.04.005 Declaration of Nuisance

A violation of this Article is hereby declared a nuisance.

Section 8.04.006 Exemptions

The following sources of potential noise disturbance shall be exempt from the regulations of this article:

- (1) The system was being operated to request medical or vehicular assistance or to warn of a hazardous road condition;
- (2) The vehicle was an emergency or public safety vehicle acting in the performance of lawful duties to protect the health, safety and welfare of the community;
- (3) The vehicle was owned and operated by a public utility company, including the city;
- (4) The activity, system or vehicle was used in an authorized public activity, such as a parade, fireworks, sporting event, musical production, or other activity which has the approval of the city or is sponsored or sanctioned by the city or a department of the city authorized to grant such approval;
- (5) The activities conducted on private or public school grounds, including, but not limited to, school athletic and school entertainment events which are approved, sponsored or sanctioned by the school; provided the source of the sound is on school property and does not create an unreasonable disturbance to any residential property more than 500 feet from the school property;

- (6) Safety signals, storm warning sirens or horns and the testing of such equipment, emergency vehicle sirens or horns used when responding to an emergency, and emergency pressure relief valves.
- (7) The erection, including excavation, demolition, alteration, or repair, of any building in or adjacent to a residential area other than between the hours of 7:00 a.m. and 6:00 p.m. on weekdays, and 8:00 a.m. and 6:00 p.m. on Saturdays, and 9:00 a.m. and 5:00 p.m. on Sundays, and no heavy equipment shall be used on Sundays, except in the case of urgent necessity or in the interest of public safety, for which a permit must be obtained from the city manager or his designee prior to any deviation from these hours.
- (8) Sound generated from persons of reasonable behavior playing at a park or playground;
- (9) Any utility or roadway maintenance or repairs in residential areas during the daytime and emergency repairs related to public health, safety and welfare of the residents, which are allowed at all hours;
- (10) Church bells or chimes when tolled or played at the normal times for such instruments.
- (11) Sound generated by lawn or landscaping equipment in good working order operated between the hours of 7:00 a.m. and 8:00 p.m.

Sections 8.04.007-8.04.015 Reserved

Section 8.04.016 Special Exceptions

- (a) Application. A person seeking a special exception under this section shall complete and file a written application for a special exception with the city manager's office on the form provided by the police department. An application for special exception shall include:
 - (1) The name, address, and telephone number of the applicant. If the applicant is a business, the application shall be filled out by the owner or duly authorized agent of the business and shall list the name, address, and telephone number of the business, the responsible owner of the business, and the operator of the business, if different;
 - (2) The nature and location of the noise source for which the application is made;
 - (3) The time during which the noise will be generated and the level of noise that will occur;
 - (4) A signed statement that the applicant has obtained a copy of this article and related rules and agrees to comply with this article, the related rules provided, and the terms and conditions of a special exception issued to the applicant;
 - (5) The reason for which the special exception is requested, including the hardship that will result to the applicant, his/her client, or the public if the special exception is not granted; and

- (6) A description of noise control measures to be taken for the applicant to minimize noise and the impacts occurring therefrom and the schedule under which said measures will be implemented.
- (b) Restrictions on approval of special exception. No special exception shall be approved unless the city manager and chief of police are satisfied based upon the application and other proof provided by the applicant that:
 - (1) Noise levels occurring during the period of the special exception will not constitute a danger to public health;
 - (2) Compliance with this article would impose an unreasonable hardship on the applicant or the public without greater benefits to the public; and
 - (3) The applicant has fully complied with the application procedures.
- (c) Considerations in determining whether to approve a special exception. In making the determination of whether to grant a special exception, the city manager and the chief of police shall consider:
 - (1) The character and degree of injury to, or interference with, the health and welfare or the reasonable use of property that is caused or threatened to be caused;
 - (2) The value to the community of the activity for which the special exception is sought;
 - (3) The ability of the applicant to apply the best practical noise control measures; and
 - (4) Proximity to residences at which reasonable persons would be disturbed by the noise.
- (d) Other restrictions.
 - (1) The city manager and chief of police shall consider each application on the same basis as that used for other similarly situated applicants and shall make each special exception decision free from consideration of race, sex, national origin, religion, the content of speech, or any other factors not provided for in this article;
 - (2) No special exception shall be approved for the operation of sound equipment at nighttime from a motor vehicle; and
 - (3) No special exception shall be approved if the applicant has been convicted of more than two violations under this article at the location for which the special exception is sought in the six months prior to the date on which the application is submitted.
- (e) Approval or denial of special exception.
 - (1) The city shall grant or deny the special exception within sixty (60) business days of receiving the properly completed application. An application for the same applicant or location may not be submitted for a period of sixty (60) business days following the denial of an application.

(2) If the city manager and chief of police determine a special exception should be issued pursuant to the criteria established in this section, a special exception shall be issued which states the type of sound allowed, the location at which the sound will be allowed, the maximum decibel level to be allowed, the times at which the sound will be allowed to be produced, and the expiration date of the special exception.

(f) Time and frequency limits on special exceptions. Applicant shall apply for a special exception under one or the other, but not both, of the subsections below:

(1) Multiple events. Applicants applying for a special exception for multiple events at the same site within one (1) calendar year shall apply for one (1) special exception for all events within the one (1) calendar year. A new special exception application shall be required for a new special exception to be approved for any subsequent year. Any such special exception shall terminate upon change in the owner or operator of the establishment listed on the application and a new special exception application by the new owner will be required to obtain a new special exception.

2) Single event. Special exceptions for single events shall be issued for the duration of each individual event and no such special exception for a single event shall be issued for the same location within thirty (30) business days of the date of expiration of the previous special exception.

(g) Revocation of special exception. The special exception may be revoked by the city manager and chief of police if the terms of the special exception are violated; if it is learned that there were material misrepresentations made in the special exception application; or if there is a material change in any of the circumstances relied upon by the city manager and chief of police in granting the special exception.

Section 8.04.007 Penalty

Any person, firm or corporation violating any provision of this article shall be fined in accordance with the general penalty provided in section 1.01.009 of this code for each offense, and a separate offense shall be deemed committed on each day during or on which a violation occurs or continues.

Section 3. Amendment to Manor Code of Ordinances Chapter 8 Offenses and Nuisances. Chapter 8 Offenses and Nuisances is hereby amended to add Article 8.08 Environmental Performance Standards to read as follows:

Article 8.08 Environmental Performance Standards

Section 8.08.001 General Provisions

(a) *Applicability.* The use of land, buildings, and other structures in the City and within 5,000 feet outside the corporate limits of the City (herein the “City’s Jurisdiction”) shall be established and conducted to comply with the environmental performance standards of this Article.

(b) *Compliance determination.*

- (1) **Measurement.** A determination of the existence of any objectionable element shall be made at the location of the use creating the objectionable element, unless the performance standard measurement criteria specifies another location.
- (2) **Cost of determination.**
 - (A) **Cost paid by violator.** Upon a finding of a violation of this Article by a court of competent jurisdiction, the cost for any technical study conducted by or on behalf of the City to determine the existence of an alleged violation shall be borne by those parties responsible for the violation.
 - (B) **Cost paid by City.** If it is determined that no violation exists, the costs of the determination shall be borne by the City.
- (c) **Penalty.** Any person who shall violate any provision of this Article shall be deemed guilty of a misdemeanor and upon conviction, shall be fined in accordance with the general penalty provision found in section 1.01.009 of this Code. Each day of violation shall constitute a separate offense.
- (d) **Nuisance declared.** Any violation of this Article shall constitute a nuisance and shall be abated.
- (e) **Proof of permits.** The City reserves the right to make inspections at any time to ensure compliance with all of the standards found in this Article, and may request proof of the issuance of permits from any other applicable governmental agency within the corporate and extraterritorial limits of the City.

Section 8.08.002 Exemptions

- (a) The following activities and uses are exempt from the environmental performance standards of this Article:
 - (1) Temporary construction;
 - (2) Excavation and grading associated with development for which applicable permits have been issued;
 - (3) The construction of public streets or utilities; and
 - (4) Agricultural activities, such as plowing and tilling.

Section 8.08.003 Smoke and Particulate Matter.

- (a) All uses within the City shall operate in compliance with the most current regulations of the Texas Commission on Environmental Quality (TCEQ) pertaining to the control of air pollution and any other applicable regulatory governmental agency.
- (b) No operation or use in City's Jurisdiction shall cause, create or allow the emission of air contaminants which violate State or Federal environmental laws, as referenced herein: Texas Health and Safety Code Ann Chaps. 381 and 382, Air Pollution Prevention and Control, 42 U.S.C.A. 67401, et seq.

- (c) Dust and air contaminants from open storage. Open storage and open processing operations including on-site transportation movements which are the source of windborne dust or other particulate matter, or which involve dust or other particulate air contaminant generating equipment such as used in paint spraying, grain handling, sand or gravel processing or storage, or sandblasting shall be so conducted that dust and other particulate air contaminants so generated are not transported across the boundary line of the tract on which the use is located in concentrations exceeding four grains per 1,000 cubic feet of air. All other visible emissions of air contaminants shall conform to the most current regulations of the TCEQ and any other applicable regulatory governmental agency.
- (d) All operations which involve the emission of particulate matter or other air contaminants shall register with the Fire Marshal before obtaining a certificate of occupancy.
- (e) These regulations apply, as herein provided, to:
- (1) Visible emissions from all operations.
 - (2) Particulate matter from all operations.
 - (3) Hydrocarbons and carbonyl, including but not limited to that from incineration or salvage operations.
 - (4) Sulfur dioxide from all operations. No operation shall cause, create or allow any emission of sulfur compounds calculated as sulfur dioxide from any emission point in excess of 2,000 ppm (vol.).
 - (5) Fumes and gases from all operations.
 - (6) Air contaminants which can cause injury, detriment, or annoyance to any considerable number of persons or to the public, or which endanger the comfort, repose, health or safety of any such person or to the public, or which cause or have a natural tendency to cause injury or damage to business or property.

Section 8.08.004 Odorous Matter.

- (a) No use shall be operated in the City's Jurisdiction in such a manner that the emission of odorous matter occurs in such quantity or volume as to be the source of discomfort or hazard beyond the bounding property lines of such use.
- (b) No use may be located or operated in the City's Jurisdiction which involves the emission of odorous matter from a source of operation where the odorous matter exceeds the odor threshold at the bounding property line or any point beyond the tract on which such use or operation is located. The odor threshold as herein set forth is determined by observation by the Building Official.
- (c) In any case where uncertainty may arise or where the operator or owner of an odor-emitting use may disagree with the enforcing officer or where specific measurement of odor concentration is required, the method and procedures as specified by American Society for Testing Materials, A.S.T.M.D. 1391-57, Entitled "STANDARD METHOD FOR MEASUREMENT OF ODOR IN ATMOSPHERES," will be used and a copy of A.S.T.M.D. 1391-57 is hereby incorporated by reference.

Section 8.08.005 Flammable and Explosive Materials.

(a) No use involving the manufacture or storage of compounds or products which decompose by detonation is permitted in the City's Jurisdiction except that chlorates, nitrates, perchlorates, phosphorus and similar substances and compounds in small quantities for use by industry, school laboratories, druggists or wholesalers may be permitted when approved by the Fire Marshal of the City as not presenting a fire or explosion hazard.

(b) The storage and use of all flammable liquids and materials such as pyroxylin plastics, nitrocellulose films, solvents and petroleum products is permitted only when such storage or use conforms to the standards and regulations established by City ordinance.

Section 8.08.006 Toxic and Noxious Matter.

(a) No operation or use permitted in the City's Jurisdiction may emit a concentration across the bounding property line of the tract on which such operation or use is located of toxic or noxious matter which exceeds the concentration (exposure) considered as the threshold limit for an industrial worker as such standards are set forth by the Texas State Department of Health in Threshold Limit Values Occupational Health Regulation No. 3, as such regulations exist or may later be amended.

(b) The storage use and transportation of hazardous chemicals, poisonous gases, acids or radioactive material in any district shall be subject to approval of the Fire Marshal of the City and in accordance with all applicable federal, state, and local laws, regulations, standards, and guidelines.

Section 8.08.007 Vibrations.

(a) No operation or use in the City' Jurisdiction shall at any time create earthborn vibration which when measured at the bounding property line of the source operation exceed the limits of displacement set forth in Column I of the following table. Nor may it cause, at any single-family, duplex or multifamily residence district boundary, continuous earthborn vibrations higher than the limits set forth in Column II.

(b) Discrete pulses that do not exceed one hundred (100) impulses per minute may not produce higher than twice the displacement specified in the table. As used in this section, the term "displacement" means the maximum amount of motion in any direction as determined by a three component simultaneous measuring system. "Three-component measuring system" means instrumentation that can measure earthborn vibrations in a horizontal, as well as, in a vertical plane.

(c) Vibration regulations: Any operation or activity shall not cause earthborn vibrations in excess of the values set forth in the table below. Column I shall apply at or beyond the lot line; Column II shall apply at or beyond a residence district boundary line. Vibration shall be expressed as displacement in inches and shall be measured with a three-component measuring system.

Frequency	I. Displacement	II. Displacement
(cycles per second)	(inches)	(inches)
0 to 10	.0008	.0004

10 to 20	.0005	.0002
20 to 30	.0002	.0001
30 to 40	.0002	.0001
40 and over	.0001	.0001

(d) Impact vibrations, that is, discrete pulses that do not exceed one hundred (100) pulses per minute, shall not cause in excess of twice the displacement values above.

(e) As used in this section, the term “displacement” means the maximum amount of motion in any direction as determined by a three component simultaneous measuring system. “Three-component measuring system” means instrumentation that can measure earthborn vibrations in a horizontal, as well as, vertical plane

Section 8.08.008 Glare.

(a) No use or operation in the City’s Jurisdiction may be located or conducted so as to produce intense glare or direct illumination across the bounding property line from a visible source of illumination nor may any such light be of such intensity as to create a nuisance or detract from the use and enjoyment of adjacent property.

Section 8.08.009 Electromagnetic interference.

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

Section 4. Repealing all Conflicting Ordinances. All ordinances or parts thereof conflicting or inconsistent with the provisions of this ordinance as adopted 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 of Manor (“City”), the terms and provisions of this ordinance shall control.

Section 5. Savings Clause. This City Council of the City of Manor, Texas hereby declares that 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 was considered 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, 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 the Texas Local Government Code.

PASSED AND APPROVED THIS the 19th day of February 2020.

THE CITY OF MANOR, TEXAS

Dr. Larry Wallace Jr.,
Mayor

ATTEST:

Lluvia T. Almaraz, TRMC
City Secretary



AGENDA ITEM SUMMARY FORM

PROPOSED MEETING DATE: February 19, 2020

PREPARED BY: Scott Dunlop, Assistant Development Director

DEPARTMENT: Development Services

AGENDA ITEM DESCRIPTION:

Consideration, discussion, and possible action on an Ordinance amending Manor Code of Ordinances to add Chapter 15 Site Development.

BACKGROUND/SUMMARY:

See extended background/summary.

PRESENTATION: ☐ YES ☐ NO

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

Ordinance No. 571

STAFF RECOMMENDATION:

It is City staff's recommendation that the City Council approve Ordinance No. 571 amending Manor Code of Ordinances to add Chapter 15 Site Development.

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

Item 20 – Extended Background/Summary

This Ordinance add Chapter 15 Site Development to our Code.

There are 6 main Articles:

- 15.01 Site Development
- 15.02 Parking Standards
- 15.03 Landscaping
- 15.04 Signs
- 15.05 Outdoor Lighting
- 15.06 Wireless Transmission Facilities

15.01 Site Development

This Article was largely unchanged from our current code. A section on Applicability (15.01.001(a)) was added because prior we only had policy (not written in the code) that a site development permit was required for any new impervious surface 1,000 square feet or more or if site grading was going to happen. The expiration dates was updated to 2 years to reflect State law. Lastly a General Requirements section (15.01.001(c)) was added.

15.02 Parking Standards

Prior, parking was handled as a section in the zoning ordinance and it had some small sections that minimally regulated parking lot design and included a parking calculation table. This new section greatly expands on parking lot regulations so we can have more desirable, consistent, and expected outcomes. This code has provisions for access (although portions pertaining to driveway spacing were omitted because we already follow Austin's Transportation Criteria Manual which defines though), internal circulation, and connections to adjacent developments. There are clearer rules on the construction of off-street parking, such as materials, striping, and the use of off-site accessory parking. The parking calculation table is largely unchanged but the numbers for non-single family dwellings was modified. Multi-family was amended to be consistent with approved variances to be about 1.8 spaces per unit, and standards for Senior Multi-Family and Townhouse were added. Parking space dimensions were added to be based off the width of the drive aisle and angle of the parking (it had been only 9' x 18.5'). Queuing Requirements and Loading/Unloading Requirements are largely unchanged. Bicycle facilities (i.e. bike racks) are added as required.

15.03 Landscaping Requirements

The prior landscaping code assigned a minimum percentage of a property to be landscape area, like 20% of a Multi-Family property is landscaping. From that there would need to be 2 trees for each 600 square of landscaped area and 4 shrubs. Some exceptions were added for Institutional, General Office and Multi-Family that lessened the required landscaping over 20,000 square feet. Through this calculation a minimum number of trees and shrubs would be determined. The code had that half the landscaping be between the building and the street and that no parking space was further than 50' from a tree. That was the extend of our landscaping code.

The new code maintains the minimum tree/shrub calculation for a property (15.03.005). The changes in this section are in how that landscaping is placed and how the trees are classified. This code adds 3 required areas: Streetscape Yard, Building Foundation, and Parking Lot. There is a 4th location, Bufferyards, but that is not applicable to all development. Most of the locations are on non-single family properties. Those have a separate calculation that is similar to the current code, so this mostly applies to multi-family and non-residential.

First, we had a Preferred Tree List that had 4 classes but nothing that defined what those classes meant. This code created 3 categories of trees, A, B, and C – large, medium, small along with listed shrubs and vines. In the new categories for where the minimum number trees are placed, it indicates the number of A, B, and/or C type trees as well as shrubs.

Streetscape yard is a 15' wide yard along the public rights-of-way. In this area there is required one A or B type tree per 40' and 1 C type tree per 20'.

Building Foundations are required to have a 5' minimum planting bed with 1 shrub every 4 feet and can allow for C type trees.

Surface Lots have minimum design standards for islands, peninsulas and medians. Within these there has to be 1 tree in each island and peninsula unless it extends for 2 parking spaces then 2 trees. Medians have to have 1 tree for each 30'. The type of tree is not specified because that is dependent on the size of the island, peninsula or median but the minimum size requirements for those accommodates at least a C type tree.

Bufferyards are required when a more intense use (multi-family, common lot townhome, non-residential) goes in adjacent to single family. These are additional planting above the required minimum to help minimize the impact of the development on the single-family use. It is 4 large or medium trees and 15 shrubs per 100'. It also includes a wall.

This code also expands the screening requirements for parking lots, outdoor storage, refuse containers, loading/unloading docks, detention ponds, and walk in coolers.

It adds fence construction materials based on the use of the property, such as chain link is only permitted on industrial properties.

The other large section of this code pertains to Tree Preservation. Our prior landscaping code had mitigation ratios and credited preservation of existing trees. This code expands on the types of trees that are protected and creates Heritage Trees. Single Family and Two-Family properties with certificates of occupancy are exempt from the requirements of this section. This sections generally outlines how when a person applies to develop a property, they have to submit a tree survey and if any protected trees (those greater than 8 inches) are present they have to submit a plan on how they'll be preserved or how they'll mitigated. There is a table, 15.03.036(d)(2), that has the mitigation ratios based on the size of the tree. If an applicant requests or proposes to remove a heritage tree (certain native species of 25 inches) that requires Planning Commission approval. Fees, as they currently are, are determined by City Council at time of request. Again, this will not regulate the removal of any trees on single family and two-family properties once a certificate of occupancy is issued.

15.04 Signs

Our prior sign ordinance was out of compliance with current federal law because we regulated some signs based on content (homebuilder signs, construction signs, sale/lease signs). A Supreme Court decision essentially said if you have to read a sign to regulate it that violates a person's first amendment rights and because you can only determine if a sign is homebuilder sign or similar by reading it that is a violation. Signs can be regulated in time, place, and manner (type of sign, construction, aesthetics...). There are allowances to determine if the content of the sign is commercial or non-commercial speech, if the sign is commercial if it's advertising for a product or service on- or off-site, and to determine if the sign falls under a listed exemption (such as governmental signs, traffic signs, utility signs...).

The overall sign allowances, what can be permitted on high and low-profile signs and what can be permitted attached to a building were only minorly unchanged. The changes in the sign ordinance reflect making it content neutral. As examples, when a residential property is for sale, rather than regulating sale/lease signs, the property is able to have 1 additional temporary sign that can up to 8 square feet and 8 feet high but we specifically don't regulate the content so that sign could say anything. Similarly, during elections for which candidates are running in the district the property is located in can have 1 additional temporary sign that is up to 9 square feet and 8 feet but again, we don't specifically regulate the content so that sign could say anything.

The minor changes to commercial on-site signs were we used to reduce the attached wall sign square footage multiplier by .25 if the property had a high or low profile sign but that was removed because if a person installed attached wall signs without a high or low profile sign then later wanted to install a high or low profile sign either the new high or low profile square footage would be reduced or the attached wall signs had to be reduced. This provision would have been difficult to enforce overtime and overly complicated the total allowable sign calculation. Removing it allows establishments a slight increase in attached wall signage, for example, at 100' long building in Medium Commercial with a high profile sign could have received up to 125 square feet of attached wall sign (a 1.25X multiplier). Removing it brings the multiplier to 1.5X so that building would now have 150 square feet.

Another provision that was added related to attached wall signs was providing allowances for open-air accessory structures, such as a canopy. 25% of one side of the open-air structure can be included in the calculation for attached wall signs. Example would be a service station which has a 100' long building and a 50' long canopy. When calculating the attached wall signage, the length would be 112.5' so if the multiplier is 1.5X they would get 168.75 square feet versus 150 square. It's minor but provided some extra room to allow them to install a sign on the canopy as well as building.

One of the intents of our sign ordinance is to allow a higher rate of attached wall sign instead of freestanding high or low profile signs so our freestanding sign allowances are more on the restrictive side. This is to reduce the visual clutter and driver distractions along the roadways.

Another change was related to Temporary Signs. Temporary signs were limited to 16 square feet and could be displayed either for 7 days twice a year or for 30 days once a year. Almost no one could meet those restrictions so they either didn't display a sign or people would routinely put up signs without permits. This code increases the square footage to 32 square feet because this was the most common size of individuals seeking to put a temporary signs and changes the timeframe to 2 30-day permits. It is a relaxing of the temporary sign rules, but the prior rules were overly restrictive that many people went without permits which would then have to handled through code enforcement which takes time and resources away from that department so by increasing the size and timeframe the intention is more people can get the required permits and voluntarily remove the signs at the end of the 30 days. Also, when applying for the permit we can ensure the applicants are aware signs cannot be located in the right-of-way, as many signs get placed there.

There is also an allowance for a temporary sign after a commercial establishment receives a certificate of occupancy. This is essentially a grand opening sign, but since we can't regulate the content, so if within 2 weeks of receiving a certificate of occupancy a business may apply for a temporary sign and that sign will not count against the 2 they are allowed for the year.

Changes were also made to better clarify and define the types of signs allowed or prohibited. Feather flags that did not contain advertising for example did not technically meet the definition of a sign, or if the feather flag advertised for a homebuilder it fell under the homebuilder sign regulations which only regulated the placement, height, and square footage but not the construction material. Feather flags, along with streamers, inflatables, balloons and similar are now considered Wind Devices and prohibited whether they contain advertising or not. These types of signs almost always are displayed in or adjacent to our rights-of-way which distracts drivers and visually clutters the roadway. We are a designated Scenic City and one of the key requirements of that designation is to reduce and regulate the signs in and along our rights-of-way. Flags not containing commercial advertising are not defined as a wind device and have their own set of rules for the number, size, and spacing depending on the use of the property in which they are placed.

15.05 Outdoor Lighting

This section is not changed other than formatting

15.06 Wireless Telecommunication Facilities

This is a new code that came up because Verizon had applied to collocate on the city's water tower. This code deals with where and how wireless transmission facilities can locate.

This code regulates attached, monopole, and stealth facilities.

New monopole facilities can be either up to 75' or 150' depending on zoning. All monopoles require a specific use permit. 150' tall structures are allowed with a specific use permit on Agricultural, Heavy Commercial, Light Industrial and Heavy Industrial. Towers up to 75' are allowed with a specific use permit on Multi-Family 15, Multi-Family 25, General Office, Light Commercial, Medium Commercial, Institutional Small, Institutional Large, and Open Space zoned properties.

There are also separate distances between towers. If a 75' or greater tower is proposed it must be 1,500' from another 75' or greater tower or 750' from a tower less than 75'. If a 75' or less tower is proposed it can be 750' from either greater or lesser than 75' towers.

For placement, monopoles shall be located 2x the height of the tower from a residential property line and 3x the height of the tower from the centerline of a highway, major, or minor arterial.

ORDINANCE NO. 571

AN ORDINANCE OF THE CITY OF MANOR, TEXAS, AMENDING MANOR CODE OF ORDINANCES BY ADDING CHAPTER 15 SITE DEVELOPMENT; PROVIDING SEVERABILITY, SAVINGS CLAUSE, OPEN MEETINGS AND EFFECTIVE DATE CLAUSES; AND PROVIDING FOR RELATED MATTERS.

WHEREAS, the City's Zoning Ordinance was amended, creating the need for consistency across various of chapters, articles, and sections of the City's Code of Ordinances, and;

WHEREAS, this ordinance contains provisions removed from the Zoning Ordinance, and;

WHEREAS, other provisions from the City's Code relating to site development have been incorporated here to create a more comprehensive Site Development Ordinance;

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 adds Chapter 15 Site Development to the City of Manor Code of Ordinances as follows:

Chapter 15 – Site Development

Article 15.01 Site Development Plans

Section 15.01.001 General

- (a) *Purpose.* Site development plans provide detailed graphic information and associated text indicating property boundaries, easements, land use, street access, utilities, drainage, off-street parking, lighting, signage, landscaping, vehicle and pedestrian circulation, open spaces and general conformance with the Master Plan and Ordinances of the City.
- (b) *Applicability.* Within the City corporate limits, the use of property shall not be changed, no development shall take place and no building permit shall be issued until a site development permit has been issued in accordance with this Chapter except for the following:
 - 1. Construction, alteration or addition to a single-family residential structure, or an accessory use to any such structure.
 - 2. Alteration or finish-out of an existing building when the alteration or finish-out does not increase the square footage of the building or change the building footprint as long as the following apply:

- A. The use does not change, or if the use changes, the new use does not require more parking than is currently existing and no additional parking spaces, aisles or driveways are proposed;
 - B. The alteration, finish-out or change of use is in compliance with all Codes and regulations of the City; and
 - C. The addition does not increase the degree of any existing noncompliance.
 3. Construction of a fence not within the boundary of a major corridor, but no exception is granted by this subsection for construction of a retaining wall or for a fence that may obstruct the flow of water.
 4. Brush clearing in compliance with the landscape and tree regulations of the City.
 5. Substantial restoration within a period of two (2) years of a building damaged by fire, explosion, flood, tornado, riot, act of the public enemy, or accident of any kind in accordance with Chapter 14, Article 14.04.
 6. A canopy or carport placed over existing parking spaces or other paved areas.
 7. A site grading permit may be issued by the City Engineer after review by the city Engineer and the Development Services Department (Development Services Director, or their designee).
 8. Any other minor site activity similar to those listed above and approved by the Development Services Director, or their designee.
- (c) *General requirements.* Any development subject to filing site development plans in accordance with this Chapter shall meet the following requirements, in addition to those requirements stated elsewhere in this Chapter and in the City's Code.
1. The applicant shall comply with all applicable requirements and regulations.
 2. Site development plans may not be approved on unplatted property except if the unplatted property meets the definition of a legal lot.
 3. All improvements shown on an approved set of site development plans must be completed prior to issuance of the certificate of occupancy.
 4. If site development is proposed to be constructed in phases, the applicant shall clearly identify all phases on the site plan and all other applicable materials that accompany site plan. A certificate of occupancy may be granted for a partial development if the partial development is consistent with the phasing shown on an approved site plan.
 5. The site development plans must conform to any recorded plat or filed master plan or master preliminary plan for that same property or subdivision of which it is a part.

6. Applicable fees pursuant to City ordinance shall be paid, including, but not limited to, all professional fees, engineer and attorney fees incurred by the City for or with respect to the review, processing and approval of the application for the approval of the Site Development Permit and any subsequent Building Permits. Certificates of occupancy or completion will not be issued while Site Development Permit fees remain unpaid.
7. Any person or persons seeking to appeal findings of noncompliance by the Development Services Director may be made to the Planning and Zoning Commission. Application for appeal shall be made in writing with the Development Services Department no less than thirty (30) working days after the date the Development Services Director sends comments to the applicant regarding his/her site.
8. All residential properties required to file a site development plan for review shall pay a parkland fee-in-lieu for each dwelling unit consistent with the City's Subdivision Ordinance.

Section 15.01.002 Content

- (a) *Format.* Site development plans shall be drawn on 24-inch by 36-inch sheets at a generally accepted engineering scale, and sufficient to thoroughly meet the informational requirements herein.
- (b) *Content.* Site development plans shall include all of the land proposed to be developed or improved, and any off-site improvements required to accommodate the project. Site development plans shall contain, or have attached thereto:
 - (1) A cover sheet, showing:
 - A. Names, addresses and phone numbers as applicable of the record owner and developer, if any, and all authorized agents including the architect, engineer, landscape architect and surveyor.
 - B. The proposed name of the project.
 - C. A location map showing the relation of the project to streets and other prominent features in all directions for a radius of at least one mile using a scale of one inch equals 2,000 feet. The latest edition of the USGS 7.5-minute quadrangle map is recommended.
 - D. Certification, revision and signature blocks as required by the City.
 - E. The total acreage of the property to be developed.
 - F. Current zoning district as defined by this Ordinance.
 2. An Existing Conditions Plan, showing as follows:
 - A. Boundary of existing zoning districts, if applicable.
 - B. The existing property lines, including bearings and distances, of the land being developed or improved. Property lines shall be drawn sufficiently wide to provide easy identification.

- C. The location of existing structures and improvements, if applicable.
 - D. The accurate location, Caliper and Critical Root Zone of Protected Trees 8-inch Caliper or larger, in relation to the property boundary and, if applicable, within the limits of the proposed off-site improvements. Any Protected Trees within the property boundary and off-site improvements areas must be replaced pursuant to the Mitigation Ratio of the Landscaping and Screening Section 15.03 of this Article.
 - E. Centerline of watercourses, creeks, existing drainage structures and other pertinent data shall be shown.
 - F. Lines delineating the Regulatory 100-Year Floodplain, if applicable.
 - G. Topographic data indicating one foot contour intervals. The contoured area shall extend outward from the property boundary for a distance equal to 25 percent of the distance across the tract, but not fewer than 50 feet nor more than 200 feet.
 - H. The locations, sizes and descriptions of all existing utilities, including but not limited to sewer lines, lift stations, sewer and storm sewer manholes, water lines, water storage tanks, and wells within the property, and/or adjacent thereto. Existing overhead and underground electric utilities shall also be shown.
 - I. The location, dimensions, names and descriptions of all existing or recorded streets, alleys, reservations, railroads, easements, building setbacks or other public rights-of-way within the property, intersecting or contiguous with its boundaries or forming such boundaries, as determined from existing deed and plat records. The existing right-of-way width of any boundary street to the property shall also be shown.
 - J. Location of City limit lines and/or outer border of the City's extraterritorial jurisdiction, as depicted on the City's most recent base map, if either traverses or is contiguous to the property boundary.
3. An Erosion and Sedimentation Control Plan, showing as follows:
- A. Proposed fill or other structure-elevating techniques, levees, channel modifications and detention facilities.
 - B. Existing and proposed topographic conditions with vertical intervals not greater than one foot referenced to a United States Geological Survey or Coastal and Geodetic Survey benchmark or monument.
 - C. The location, size, and character of all temporary and permanent erosion and sediment controls with specifications detailing all on-site erosion control measures which will be established and maintained during all periods of development and construction.
 - D. Contractor staging areas, vehicles access areas, temporary and permanent spoils storage areas.

- E. A plan for restoration and for the mitigation of erosion in all areas disturbed during construction.
 - F. A Storm Water Pollution Prevention Plan (SWPPP) is required to be submitted for all developments that will disturb one (1) or more acres or that propose 10,000 square feet or more of impervious cover.
4. A Site Plan, showing all visible improvements to the land, including the following:
- A. The location, dimensions, square footage, height and intended use of existing and proposed buildings on the site.
 - B. Location, number and dimensions of existing and proposed parking spaces, distinguishing between standard, handicap and van handicap spaces and calculation of applicable minimum requirements in accordance with this Ordinance.
 - C. The location, type and dimensions of proposed driveways, signs and traffic-control devices.
 - D. Compliance with the City's Transportation policies provided in the City's Subdivision Ordinance.
5. A Grading and Drainage Plan, showing as follows:
- A. A Drainage Area Map delineating areas to be served by proposed drainage improvements.
 - B. Detailed design of all drainage facilities, including typical channel or paving section, storm sewers, detention ponds and other stormwater control facilities.
 - C. Accurate cross-sections, plan and profiles of every drainage improvement proposed in a public utility easement and/or public right-of-way.
 - D. Existing and proposed topographic conditions with vertical intervals not greater than one foot referenced to a United States Geological Survey or Coastal and Geodetic Survey benchmark or monument.
 - E. Attendant documents containing design computations and any additional information required to evaluate the proposed drainage improvements.
 - F. Compliance with the City's Drainage policies provided in the City's Subdivision Ordinance.
6. A Utility Plan, showing as follows:
- A. The layout, size and specific location of proposed water mains and other related structures and in accordance with all current City standards, specifications and criteria for construction of water mains.
 - B. The location of proposed fire hydrants, valves, meters, pipe fittings and other appurtenances.
 - C. Design details showing the connection with the existing City water system.

- D. The layout, size and specific location of the proposed wastewater lines, lift stations and other related structures, and in accordance with all current City standards, specifications and criteria for construction of wastewater systems.
 - E. Plan and profile drawings for each line in public right-of-way or public utility easements, showing existing ground level elevation at centerline of pipe, pipe size and flow line elevation at all bends, drops, turns, station numbers at 50-foot intervals.
 - F. Detailed design for lift stations, special wastewater appurtenances, if applicable.
 - G. Utility demand data, and other attendant documents, to evaluate the adequacy of proposed utility improvements, and the demand on existing City utilities.
 - H. Compliance with the City's Utility policies provided in the City's Subdivision Ordinance.
7. A Building Plan, including floor, building, foundation, roof plans and elevations.
8. A Landscape Plan, showing as follows:
- A. Dimensions, types of materials, size and spacing of proposed vegetative materials, planting details and irrigation appurtenances in relation to proposed structures or other significant improvements.
 - B. The following maintenance note: The developer and subsequent owners of the landscaped property, or the manager or agent of the owner, shall be responsible for the maintenance of all landscape areas. Said areas shall be maintained so as to present a healthy, neat and orderly appearance at all times and shall be kept free of refuse and debris. All planted areas shall be provided with a readily available water supply and watered as necessary to ensure continuous healthy growth and development. Maintenance shall include the replacement of all dead plant material if that material was used to meet the requirements of the Subdivision Regulations.
 - C. Other provisions of this Article as required by Section 15.03 Landscaping and Screening.
9. An Outdoor Lighting Plan, showing the following:
- A. A photometric plan
 - B. Any outdoor lighting fixtures with manufacture specifications stating the lumen output, including those attached to any structures.
 - C. Other provisions of this Article as required by Section 15.05 Outdoor Lighting
10. Construction Details, showing (when applicable) as follows:
- A. Structural retaining walls and/or detention outlet structures.
 - B. Storm sewer manhole and covers, typical channel sections, inlets, safety end treatments and headwalls.

- C. Wastewater manholes and covers, cleanouts, grease traps, pipe bedding and backfill.
- D. Water valves, water meters, fire hydrants, thrust blocks, backflow prevention and concrete encasement.
- E. Driveways, curb and gutter, sidewalks, curb ramps, pavement sections and pavement repair.
- F. Silt fence, rock berms, stabilized construction entrance, and inlet protection.
- G. Traffic controls when working in public right-of-way.
- H. Applicable City Standard Details and Specifications.

Section 15.01.003 Procedure

- (a) *Procedure.* Site development plans for the development or improvement of land in the City limits, not otherwise governed by the City's Subdivision Ordinance, shall be submitted to the City for approval prior to the issuance of a Building Permit.
1. A complete set of Site development plans shall be submitted to City staff for review by the City Engineer at any time prior to the issuance of a Building Permit, along with the following:
 - A. Completed application forms.
 - B. A letter requesting any variances from the provisions of this Ordinance.
 - C. Any attendant documents needed to supplement the information provided on the Site development plans.
 2. City staff shall review all Site development plan submittals for completeness at the time of application. If, in the judgment of City staff, the Site development plan submittal substantially fails to meet the minimal informational requirements as outlined above, it will not be accepted for review.
 3. After reviewing the submittal for completeness and prior to releasing the Site development plan to the City Engineer for review, the initial fee filing fee shall be paid. Application submittals with unpaid filing fees shall expire at 45 days.
 4. The City Engineer shall review the Site development plans to insure compliance with this Ordinance, and other applicable City ordinances, codes, standards and specifications, and good engineering practices.
 5. Site development plans may be rejected at any time subsequent to submittal and prior to final approval for failure to meet the minimum informational requirements of this Ordinance. If, in the judgment of City staff, the Site development plan submittal substantially fails to meet the minimal informational requirements as outlined above the Site development plan shall be deemed denied. The developer shall have up to 60 days from the date the Site development plan is deemed denied to remedy all deficiencies or the Site development plan shall be rejected for filing and new filing fees will be required for subsequent submittals.

- (b) *Approval.* Within 45 days of the date the Site development plans have been released to the City Engineer, the City Engineer shall either approve or disapprove the Site development plans. If the Site development plans are disapproved, the City Engineer shall notify the applicant, in writing, of disapproval and indicate the requirements for bringing the Site development plans into compliance. If Site development plans are approved, then the City Engineer shall sign the cover sheet of the Site development plans, returning one signed copy to the applicant and retaining the other signed copy for City records.
1. Specific approvals required from other agencies shall be obtained by the owner.
 2. All improvements shown in the approved Site development plans shall be constructed pursuant to and in compliance with the approved plans, except as otherwise specifically approved.
 3. It shall be the right of the applicant seeking Site development plan approval, to appeal a decision of the City Engineer to the Commission and have a final decision rendered by the Commission.
- (c) *Revision.* Where necessary, due to unforeseen circumstances, for corrections to be made to Site development plans for which approval has already been obtained, the City Engineer shall have the authority to approve such corrections when, in his/her opinion, such changes are warranted and also in conformance with City requirements. Approval of such changes agreed to between the developer and City Engineer shall be noted by initialing and dating by both parties on the two original signed copies of the Site development plans.
- (d) *Responsibility.* Notwithstanding the approval of any Site development plans by the City Engineer or the Commission, the developer and the engineer that prepares and submits such plans and specifications shall be and remain responsible for the adequacy of the design of all such improvements; and nothing in this Ordinance shall be deemed or construed to relieve or waive the responsibility of the developer and his/her engineer for or with respect to any design, plans and specifications submitted.
- (e) *Expiration.* Unless a longer time shall be specifically established as a condition of approval, Site development plan approval shall expire 24 months following the date on which such approval became effective, unless prior to the expiration, a Building Permit is issued and construction is commenced and diligently pursued toward completion.
- (f) *Extension.* Site development plan approval may be extended if the developer submits a written request for extension and continuance of the plan as approved by the City prior to expiration. Approval of any such extension request shall be automatic one time only for a period of 12 months.

Article 15.02 Parking Standards

Section 15.02.001 General

- (a) The purpose of these regulations is to promote the public health, safety and general welfare of the city's residents and motorists. These regulations are designed to promote safe access to city streets, to reduce road accidents, to protect public investment in streets, to establish a safe and reasonable balance between street access and traffic mobility, and to assure safe and convenient access to and circulation of emergency and service vehicles within

developments. Further, it establishes minimum design standards for access and parking lots and minimum requirements for off-street parking.

Section 15.02.002 Applicability

- (a) Article 15.02 shall apply to all districts for all uses, at the time any building or structure is erected, enlarged, or increased in capacity, or at any time any other use is established on the site.
1. New Development
The off-street parking and loading standards in this Article apply to any new building constructed and to any new use established.
 2. Expansions and Alterations
The off-street parking and loading standards in this Article apply when an existing structure or use is expanded or enlarged. When a use is expanded or enlarged, additional off-street parking and loading spaces are only required to serve the enlarged or expanded area, not the entire building or use.
 3. Change in Use
The requirements of this Article apply to any development, building, or structure that undergoes a change in use.
 4. Location
Except as expressly stated in this section, all required off-street parking spaces must be located on the same lot as the principal use.

Section 15.02.003 Other Agency Permits Required

- (a) No person, firm or corporation shall construct, reconstruct, alter or repair, remove or replace any sidewalk, drive approach or any concrete work on any TxDOT or Travis County right-of-way within the city without first obtaining an approved TxDOT or Travis County permit. A copy of the approved TxDOT or Travis County permit is required for any lot taking access to a state or county roadway before the site development permit is issued.

Section 15.02.004 Access and Circulation Standards

- (a) General Standards
1. Sites, other than single family, that are expected to generate more than 2,000 trips per day must have at least one access point from a collector or arterial roadway unless otherwise supported by a Traffic Impact Analysis (TIA).
 2. No single-family dwelling, condominium, townhouse, or two-family dwelling unit may take direct access to arterial or major collector roadways if the property has alternative access. If it can only be accessed by an arterial street, or major collector

then adequate on-site maneuvering space must be provided, as vehicles will not be allowed to back directly into these roadways.

3. Driveways shall be located and designed with respect to both the public street and the onsite circulation to provide maximum safety and to minimize interference with street traffic. To ensure this, a Traffic Impact Analysis may be required at the owner's expense.
4. The owner, successor or assigns shall do all work and pay all costs in connection with the construction of access driveways and their appurtenances on the right-of-way.
5. If a curb inlet is present, there shall be ten (10) feet between the inlet opening and the edge of the driveway curb return.
6. The angle of driveway approach shall be approximately 90 degrees.
7. All driveways must be constructed within the street frontage of the subject property, as determined by extending the side property lines to the curb line. Neither the driveway nor the curb returns shall overlap adjacent property frontage without written approval from the adjacent property owner.
8. Where divided driveways are proposed, on site circulation must be designed to minimize driver confusion and reinforce the one way traffic flow on either side of the driveway median.

(b) Internal Circulation Standards

1. Internal vehicular circulation patterns must provide clear and direct paths to principal customer entrances, outlying pad sites and parking areas.
2. Major drive aisles, aisles which provide the primary access through the development and connect to the public right-of-way, shall serve as primary means of access for both vehicular and pedestrian access through the site. Major drive aisles shall:
 - A. Provide a six (6) foot sidewalk along both sides;
 - B. Create pedestrian and vehicular blocks no greater than 800 linear feet in length without an intersection of another major drive aisle;
 - C. Be owned and maintained by the property owner or a property owner's association;
 - D. Be included in a joint access easement when traversing more than one lot; and
 - E. Are subject to the parking lot design and screening standards identified in Article 15.03.
3. Internal intersections of drive aisles must have adequate sightlines and traffic controls to minimize potential accidents.
4. Entry driveways equipped with controlled access gates must provide a minimum of 50 feet of storage space measured from the gate to the property line.
5. All semicircular drop-off drives shall be designed to operate in one (1) direction only.
6. The minimum width for an internal drive or circulation aisle with no parking is 20 feet for two-way traffic and 10 feet for one-way traffic. Additional width, up to 26 feet for

two-way traffic and 15 feet for one-way traffic, may be required where traffic volumes are heavy or where obstructions or circuitous alignment necessitates a wider drive for clearance of turning vehicles. Fire Department access criteria must also be met.

7. Internal access drives must be aligned or offset by a minimum of 60 feet measured centerline to centerline.
8. All off-street parking spaces shall be accompanied by adequate automobile maneuvering area permitting full and direct ingress and egress to such parking spaces. The maneuvering area thereto shall be located entirely upon private property.
9. Dead-end parking aisles/modules restricted.
 - A. Circulation for each row of parking spaces within nonresidential parking lots shall provide at least two points of ingress or egress so as to prevent the creation of dead-end parking aisles or modules.
 - B. The Development Services Director or his/her designee may exempt the development from this requirement if the Development Services Director or his/her designee finds that:
 - i. There are special conditions unique to the property, such as lot size, shape, orientation, topography, or other physical features that are not generally characteristic of other properties in the area; and
 - ii. The undue hardship is not self-induced or created by the applicant, nor is it strictly pecuniary/financial.
 - iii. In granting the exemption, the Development Services Director or his/her designee may impose such additional conditions if necessary and desirable in the public interest.

(c) Driveway Connections to Adjacent Development

- (a) Driveway connections to adjacent development must be provided. All driveway connections must be constructed and stubbed or connected to an existing stub.
- (b) Joint access easements must be provided to ensure outparcels or adjacent developments have adequate access.
- (c) This subsection's requirement for a driveway connection may be waived by the Development Services Director when one or more of the following constraints are present:
 - A. Topographic constraints;
 - B. Environmental constraints;
 - C. Site constraints; and/or
 - D. Adjacent uses are incompatible for the purposes of mixing traffic

Section 15.02.004 Off-Street Parking Requirements**(a) General.**

1. Required off-street parking areas shall not be used for the commercial sale, repair, dismantling, servicing, storage or display of vehicles, equipment, materials, supplies or merchandise.
2. Where open land is used for manufacturing, storage, or other operations in a manner similar to indoor operations, such open land shall be added to floor space in determining the number of parking spaces required.
3. All off-street parking spaces, accompanying maneuvering areas and driveways specifically designed for licensed vehicles shall be asphalt or concrete.
4. Parking spaces must be arranged and marked and paved areas to provide for orderly and safe parking.
5. All off-street parking areas shall be so graded and drained as to dispose of all surface water accumulated within the area, and shall be so arranged and marked as to provide the orderly and safe loading or unloading, parking and storage of vehicles in accordance with stormwater, detention and water quality requirements.
6. No requirement set forth in this Chapter shall be construed to prevent collective utilization of any off-street parking facility for two (2) or more buildings or uses, providing, however, that the total number of off-street parking spaces shall not be less than the sum of the requirements for the particular individual uses computed separately in accordance with the applicable regulations for off-street parking spaces.
7. All required off-street parking spaces shall be located entirely on the same lot as the principal structure or following the requirements for off-site accessory parking herein.
 - A. Off-site parking spaces shall be located no further than an adjacent property or across one public or private right-of-way
 - B. Access to off-site parking shall not interfere with the normal movement of traffic along adjacent arterials or collectors, as specified in the transportation master plan, nor as to endanger pedestrians moving between the parking area and the structure served. Off-site parking is not allowed in any area that would require a pedestrian to cross an arterial street or higher category roadway.
 - C. To discourage the use of thoroughfares by circulating vehicles, provisions for circulation between adjacent parcels should be provided through coordinated or joint parking systems.
 - D. The off-site parking area shall remain in use as long as the parking requirement exists or until such time that adequate on-site parking is provided.

- E. In any case where required parking spaces are not located on the same property with the activity or establishment, or where such spaces are collectively or jointly provided and used, a written agreement thereby assuring their retention for such purposes shall be properly drawn and executed by the parties concerned, approved as to form by the city attorney, filed with Travis County and submitted with the application for site plan approval.
- 8. Shared Parking Agreements. The City Council may grant a special exception to allow two or more uses to share parking spaces upon showing that the particular uses in question will require parking at different times and the grantor of the shared parking must provide a letter stating their total number of available spaces on the property and the number of spaces they are permitting to be shared and the times those spaces are available to the grantee. Only properties sharing a common property boundary will be allowed to share parking. Any spaces the Council allows to be shared count toward the number of spaces each use must provide. The grantor may only share a maximum of 25 percent of their total available parking to the grantee.
- 9. Compact spaces are prohibited
- 10. The location and design of handicapped parking spaces shall be as required by ordinance and state and federal law including, but not limited to, current ADA Standards for Accessible Design.
- 11. Automotive vehicles or trailers not bearing current license plates and state motor vehicle inspection stickers, excluding racing cars, antique cars, and cars belonging to members of armed forces who are on active duty, shall be parked or stored on any residential area only in completely enclosed buildings. No vehicle, trailer or major recreational equipment shall be parked or stored on any lot except that it shall be enclosed in a building or parked on a driveway or a concrete, paved, stone pad or all-weather surface installed for such purpose and subject to the requirements herein
- 12. The maximum number of parking spaces for nonresidential use areas shall not exceed 150 percent (150%) of the parking required pursuant to the Minimum Parking Requirements of this Article.
- 13. The maximum number of parking spaces for residential use areas shall not exceed 125 percent (125%) of the parking pursuant to the Minimum Parking Requirements of this Article.
- 14. Required parking spaces and drives must be ready for use and approved by the Building Official before a Certificate of Occupancy may be issued.

(b) Reduction in Parking. The total number of required off-street parking spaces for a nonresidential use may be reduced by five percent (5%) for each of the activities listed below provided by the owners or operators, up to a maximum ten percent (10%) reduction in the total number of motor vehicle spaces:

1. Participates in an area-wide carpool/vanpool ride matching program for employees; designating at least ten percent of the employee motor vehicle parking spaces as carpool/vanpool parking and placing such spaces closer to the building than other employee parking.
2. Providing showers and lockers for employees who commute by bicycle.
3. Providing covered, secured bicycle parking racks or facilities.
4. Providing a transit facility that is approved by the local transit authority, and related amenities. Related amenities include, but are not limited to, a public plaza, pedestrian sitting areas, and additional landscaping.

(c) Rules for computing the parking requirement.

1. Where fractional spaces result, the parking spaces required shall be construed to be the next largest whole number.
2. If a use not specifically listed in the off-street parking table, the Development Services Director shall have the authority to apply the off-street parking standard specified for the list use that is deemed most similar to the proposed use or require a parking study.
3. A parking analysis shall be required for each development and shall be a part of the site development submittal. It shall include the number of employees, number of parking spaces provided, number of spaces required with proper calculations, square footage of each structure and the use of each structure. When deemed necessary, by the development services committee, an additional traffic impact analysis may be required to determine the impacts of a development on the off-site public street system. See chapter 16, transportation regulations for traffic impact analysis (TIA) requirements.
4. Area Measurements. Unless otherwise expressly stated, all square-footage-based parking and loading standards must be computed on the basis of Gross Floor Area (GFA), which for purposes of computing off-street parking requirements, means the Gross Floor Area of the building measured from the exterior faces of the exterior walls or from the centerline of walls separating two buildings. The following areas are part of GFA:
 - A. The area of each floor of the structure.
 - B. All attic space used for an active commercial use unless otherwise determined by the Development Services Director.

5. Occupancy-Based Standards. For the purpose of calculating parking requirements based on employees, students, residents or occupants, calculations must be based on the following whichever is applicable and results in the greater number of spaces:

- A. The largest number of persons working on any single shift;
- B. The maximum enrollment; or
- C. The maximum fire-rated capacity

(d) Minimum Parking Requirements

Use	Number of Parking Spaces
Amenity Center	One space for each 300 square feet of GFA and one space for each 300 square feet of GFA over 1,800 square feet GFA including pools
Amusement, Indoor	One space for each 250 square feet GFA, plus one space for each 500 square feet GFA up to 50,000 square feet, plus one space for each 1,000 square feet GFA over 50,000 square feet
Amusement, Outdoor	One space for each 250 square feet GFA plus one space for each two seats
Assisted Living	One-half space for each dwelling unit, and one and one-half space for each two employees
Auto Repair and Services	One space per 400 square feet GFA and one space for each repair bay area
Auto Sales Facilities	One space for each 500 square feet indoor facility GFA plus one space for each 1,000 square feet GFA outdoor lot area
Bars and Brewpubs	One space for each 100 square feet GFA or one space for each three seats provided, whichever is greater
Bed and Breakfast	One space for each bedroom, and one and one-half space for each two resident owners

Use	Number of Parking Spaces
Carwash (Full Service)	One space for each 200 square feet GFA
Carwash (Self Service)	One space for each facility bay
Convenience Mini-Storage, Self-Storage	One space for each 4,000 square feet GFA or one space for each two employees, whichever is greater
Day-care	Three and one-half spaces for each 1,000 square feet of GFA
Event Center	One space for each 100 square feet for assembly/event area
Financial Services	One space for each 300 square feet GFA
Food Sales	One space for each 200 square feet GFA
Funeral Home	One space for each 150 square feet GFA
Gas Stations	One space for each 400 square feet GFA
Golf Courses (commercial)	One space for each two employees, four spaces for each hole, and one space for each 200 square feet GFA
Golf Driving Range	One-half space for each tee
Health Club, Spa, Exercise Club	One space for each 200 square feet GFA
Heavy Equipment Sales	One space for each 500 square feet GFA
Hospital	One space for each 4 beds
Hotels	One space for each bedroom and one space for each two employees
Kennel	One space for each 1,000 square feet GFA
Laundromat	One space per 250 square feet GFA
Medical Clinic	One space for each 200 square feet GFA

Use	Number of Parking Spaces
Medical Office	One space for each 200 square feet GFA
Mobile Food Court	Three per mobile food establishment plus one per 100 square feet of seating area.
Nursing Home/Convalescent Home	One-half space for each bed plus one space for each two employees
Office	One space for each 250 square feet GFA
Office Showroom	One space for each 300 square feet GFA office, plus one space for each 1,000 square feet GFA showroom
Office Warehouse	One space for each 300 square feet GFA office, plus one space for each 1,000 square feet GFA warehouse
Pawnshop	One space for each 250 square feet GFA
Personal Services	One space for each 200 square feet GFA
Religious Assembly	One space for each three seats, if accessory uses provided, then parking for accessory spaces based on use
Residential dwellings: Single Family and Two-Family	Two spaces minimum for each dwelling unit, and one-half space for each additional bedroom above two
Residential dwellings: Multi-Family	One and one-half space for each 1-bedroom unit; Two spaces for each 2-bedroom unit; and Two and one-half spaces for each 3+ bedroom unit, plus additional 10 percent of total number of required spaces for guests
Residential dwelling: Multi-Family Senior (Independent Living)	One space for each dwelling unit, plus additional 5 percent of total number required spaces for guests

Use	Number of Parking Spaces
Residential dwellings: Townhouse	Two spaces for each dwelling unit plus additional 20 percent of the total number of units for guests when developed on a common lot
Restaurants, including drive-throughs	One space for each 100 square feet GFA or one space for each three seats provided, whichever is greater
Retail Sales – single tenant over 50,000 SF	One space for each 225 square feet of retail floor area
Retail Sales	One space for each 250 square feet of retail floor area
Retail Shopping Centers – mixed tenants totaling over 100,000 SF	One space for each 200 square feet of retail floor area
School, Elementary	One and one-half space for each employee, or one space for each four persons based upon maximum capacity for the largest place of assembly, whichever is greater
School, High	One and one-half spaces for each employee, plus one space for each three students enrolled in 11th and 12th grades
School, Middle	One and one-half space for each employee, or one space for each four persons based upon maximum capacity for the largest place of assembly, whichever is greater
Theater (live or motion picture)	One space for each four seats
Truck Stop	One truck space for each 10,000 square feet of site area, one vehicle space for each 200 square feet GFA
Veterinarian Clinic	One space for each 300 square feet GFA
Warehouses, manufacturing plants, industrial uses	One space for each 700 square feet indoor GFA, and one space for each 1,000 square feet outdoor facility GFA, and one space for each 2,500 square feet GFA indoor storage area
Wrecker/Towing Services	One space for each 500 square feet service building GFA

(e) Parking Space and Parking Lot Design

1. Parking Space Dimensions

- A. Accessibility. Parking spaces designated as handicapped must comply with the design and location requirements of the American National Standards Institute (A117.1) and the Texas Accessibility Standards administered by the Texas Department of Licensing and Regulation.
- B. Dimensions. All parking areas and spaces shall be provided with wheel stops for each individual parking space, or wheel stop curbing designed to prevent parked vehicles from extending beyond the property lines, damaging adjacent landscaping, walls or buildings, or overhanging sidewalk areas. Each handicapped accessible parking space without a curb stop should be furnished with a parking barrier. Barriers should not block the access aisles between handicapped accessible spaces. If the parking space is located adjacent to a sidewalk a wheel stop for each individual parking space is required in addition to any raised curb provided.

C. Minimum parking dimensions

Minimum Parking Dimensions					
Angle (Degrees)	Width (ft)	Length (ft)	Adjacent Aisle Width (ft)		
			One-Way	Two-Way	Fire Lane
90	9	19	N/A	24	26'
75	8.5	19.5	25	24	26'
60	8.5	17	18	24	26'
45	8	16	18	22	26'
Parallel	8	25	15	20	26'

2. Parking Lot Setback

- A. See Chapter 14 for distances regarding streetscape yard.
- B. Parking lots within 20 feet of a public right-of-way must have a maximum of seven contiguous spaces separated by a landscape island that is a minimum of 18 feet by 19 feet, the area of two parking stalls.
- C. Parking is discouraged along major entrance drives.

3. Drive Aisle Widths

- A. For aisles without parking spaces, Aisle widths may be reduced to 20 feet for two-way traffic and 10 feet for one-way traffic unless otherwise required by the Fire Code.

4. Parking Lot Landscaping

- A. Landscaping shall be included within surface parking lots in accordance with Article 15.03 Landscaping and Screening.

5. Parking Lot Striping

- A. All striping for parking stalls shall be minimum of four (4) inches wide of white safety traffic paint designated for such use. All other markings required to designate crosswalks, directional arrows, fire lanes, ADA accessible spaces, or service areas shall be in compliance with the State Manual of Uniform Traffic Control Devices (MUTCD) and/or the International Fire Code.

Section 15.02.005 Queuing Requirements

- (a) Queuing spaces shall be a minimum of eight by 20 feet in size. Stacking spaces may not impede on- or off-site vehicular or pedestrian movements or movements into, or out of off-street parking spaces, or fire lanes. Off-street stacking spaces shall be provided as indicated in the following table:

Activity Type	Minimum Spaces	Measured From
Automated Teller Machine	3	Teller
Auto service facility stalls, vehicle repair, and body shop stalls	2	Entrance to stall
Bank Teller Lane	4	Teller or Window
Car Wash Stall, automatic	4	Entrance to wash bay
Car Wash Stall, self-service	3	Entrance to wash bay
Gasoline Pump Island	2	Pump Island
Parking Lot, controlled access	4	Key Code Box
Pharmacy Pick-Up Window	3	Pick-Up Window
Restaurant Drive-Through	6	Order Box

	2	Order Box to pick up window
Other	As determined by the Development Services Director	

Section 15.02.006 Loading and Unloading Requirements

- (a) Off-Street loading and unloading requirements shall be provided in accordance with the following table:

Total Square Feet of Gross Floor Area in Structure	Minimum Required Spaces or Berths
0 – 10,000 square feet	None
10,001 to 50,000 square feet	1
50,001 to 100,000 square feet	2
100,001 to 200,000 square feet	3
Each additional 100,000 square feet	1 additional

(b) Loading and unloading space design standards

1. Non-residential uses shall provide and maintain off-street facilities for receiving and loading merchandise, supplies, and materials within a building or on the lot or tract.
2. Loading and unloading spaces or berths shall consist of a minimum of twelve (12) feet by forty-five (45) feet.
3. All drives and approaches shall provide adequate space and clearances to allow for maneuvering of trucks off-street. Each site shall provide a designated on-site maneuvering area for trucks. Such off-street loading space may be adjacent to a public alley or private service drive or may consist of a truck berth within the structure.
4. Loading and unloading areas shall be located so as not to restrict or interfere with the normal movement of pedestrians and vehicles along streets, sidewalks or in parking areas. Driveway placement should be such that loading and unloading activities will in no way hinder vehicle ingress or egress.
5. Child care centers and other child care facilities shall be required to provide onsite loading/unloading area, separate from the parking area and as close to the main entrance as possible. The loading/unloading area shall have one-way movement.

Section 15.02.007 Bicycle Facilities

- (a) A bicycle rack is required for each development/building providing storage capacity for a minimum of four (4) bicycles. For sites with multiple buildings a bicycle rack is required to be provided at each building. For commercial sites with buildings exceeding 50,000 s.f. a bicycle rack(s) with the capacity to provide a minimum of 8 bicycle spaces is required.
- (b) Bicycle facilities should be placed in clearly designated, safe, and convenient locations, so that no tenant entrance is greater than 100 feet from a bike facility.
- (c) Bicycle facilities must be separated from motor vehicle parking in order to protect both bicycles and vehicles from accidental damage. Facilities must be separated from the building or other walls, landscaping, other features a minimum of three (3') feet to make such facilities easy to use.
- (d) Bicycle facilities must be constructed to enable the user to secure a bicycle by locking the frame and one wheel of each bicycle. Facilities must be easily usable for both U-locks and cable locks and support the bicycle frame at two points. Facilities must be anchored securely to the ground or building.
- (e) Bicycle racks shall be shown on the site plan along with a detail of the proposed bicycle rack

Article 15.03 – Landscaping and Screening**Division I – Landscaping Requirements****Section 15.03.001 Purpose**

- (1) For the purpose of providing for the orderly, safe, attractive and healthful development of land located within the community and promoting the health, safety and general welfare of the community, it is deemed necessary to establish requirements for the installation and maintenance of landscaping elements and other means of site improvements in developed properties.
- (2) The regulations contained herein are necessary to enhance the community's ecological, environmental and aesthetic qualities.
- (3) Paved surfaces, automobiles, buildings and other improvements produce increases in air temperatures, a problem especially noticeable in this southern region, whereas plants have the opposite effect through transpiration and the creation of shade. Likewise, impervious surfaces created by development generate greater water runoff causing problems from contamination, erosion and flooding. Preserving and improving the natural environment and maintaining a working ecological balance are of increasing concern. The fact that the use of landscape elements can contribute to the processes of air purification, oxygen regeneration, water absorption, water purification, and noise, glare and heat abatement as well as the preservation of the community's aesthetic qualities

indicates that the use of landscape elements is of benefit to the health, welfare and general well-being of the community and, therefore, it is proper that the use of such elements be required.

- (4) The city experiences frequent droughts and periodic shortages of adequate water supply; therefore, it is the purpose of this section to encourage the use of drought-resistant vegetation that does not consume large quantities of water.

Section 15.03.002 Definitions

As used in this Article, all words shall have the common meaning of such word and the following terms shall have the meaning indicated below unless the context clearly indicates otherwise:

Buffer means an area within a property or site, generally adjacent to and parallel with the property line, either consisting of existing natural vegetation or created by the use of trees, shrubs, berms and/or fences, and designed to limit views and sound from the site to adjacent properties and vice versa.

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 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.

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

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.

Commission means the planning and zoning commission of the city.

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.

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.

Diameter at Breast Height (DBH) means a standard of measure of a tree trunk measured at a height of four and one-half (4.5) feet above the natural grade, or the DBH measurement according to the latest edition of the Guide for Plant Appraisal as published by the Council of Tree and Landscape Appraisers, when the tree trunk branches out at a point lower than four and one-half (4.5) feet.

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

Floodplain means that land which is lying within a stream channel or adjacent to a stream channel within which flooding frequently occurs, the elevation above sea level of which shall be as established by the city and made of record. It is land which is required to be kept open and non-urbanized in order to maintain upstream floodplain characteristics and insure continued adequate drainage of adjacent land.

Front yard means a space extending the full width of the lot between any building setback line and the front lot line, and measured perpendicular to the building at the closest point to the front lot line.

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 of the property abutting on one side between an intersecting street and the dead-end of the street.

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.

Heritage Tree means any tree measuring twenty-five inches (25") or larger at DBH, except trees determined to be diseased or dying due to natural causes. Hackberry, Chinaberry, Chinese Tallow, Ligustrum, Mimosa, Cottonwood and Cedar (Ashe Juniper) trees are excluded from the Heritage Tree classification.

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.

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.

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 [sic].

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.

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.

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.

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

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

Parking space means an area that is not a street, alley or public right-of-way that is used or designed to be used for motor vehicle parking, that is not less than nine feet by 18½ feet, exclusive of the driveways connecting said space with a street or alley. Said parking space and connecting driveway shall be durably surfaced and so arranged to permit satisfactory ingress and egress of an automobile.

Parking structure or garage means a structure devoted to the parking or storage of automobiles for a fee and may include a facility for servicing of automobiles provided such facility is primarily an internal function for use only by automobiles occupying the structure and creates no special problems of ingress or egress.

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.

Primary structure means a structure in which the principal use of the lot is conducted. For example, for single-family residential lots, the house is the primary structure.

Privacy fence means an opaque fence or screen of wood, masonry or a combination thereof at least six feet in height. A fence shall be considered opaque if it is made of opaque materials and constructed so those gaps in the fence do not exceed one-half-inch. Fences using boards placed on alternating sides of fence runners shall be considered opaque if the boards overlap at least one-half-inch and are dog-eared picketing.

Protected Tree means any tree, including a multi-trunk tree, measuring eight inches (8") or larger at DBH, except trees determined to be dead or dying by natural causes. Hackberry, Chinaberry, Chinese Tallow, Ligustrum, Mimosa, Cottonwood and Cedar (Ashe Juniper) trees are excluded from the Protected Tree classification

Rear yard means a space extending across the full width of the lot between the principal building and the rear lot line, and measured perpendicular to the building to the closest point of the rear lot line.

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

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.

Required yard means the open space between a lot line and the buildable area within which no structure shall be located except as provided for herein.

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.

Service Court means a vehicular use area associated specifically with loading docks and/or delivery receivable areas for multiple buildings or tenant spaces within one building for offices, commercial, and/or industrial uses.

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

Side yard means a space extending from the front yard to the rear yard between the setback line and the side lot line measured perpendicular from the side lot line to the closest point of the setback line.

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.

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.

Street side yard means an area between any required building setback line and the side property line abutting a public right-of-way, and measured perpendicular to the building to the closest point of the side property line abutting the right-of-way.

Tree means any self-supporting woody plant species that normally grows to an overall minimum height of 8 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.

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.

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.

Section 15.03.003 Applicability

- (a) General. The provisions of this Article shall apply to all property located within the corporate limits of the City of Manor, and when developed as any residential or non-residential use in the ETJ when governed by a development agreement.
- (b) Additions, expansions and redevelopments shall comply with this Subchapter in the following situations:
 - 1. Existing non-residential or multi-family sites when ground level additions, expansions, and/or redevelopments are equal to or greater than 25% of the existing impervious cover, at which point the entire site shall conform to the requirements of this Article.
 - 2. Existing non-residential or multi-family sites when cumulative ground level additions, expansions, and/or redevelopments total 25% or more of the existing improvements over a three (3) year period, at which point the entire site shall conform to the requirements of this Article.
 - 3. Existing non-residential or multi-family sites when the amount of parking is increased by 10% or more.
 - 4. Existing non-residential or multi-family sites with lawfully established nonconforming uses, when the use is expanded, discontinued or otherwise changed in accordance with Article 14.04.

Section 15.03.004 General Requirements**(a) Selection**

1. Plantings shall consist of a mix of native drought tolerant trees, shrubs, ornamental grasses, flowering perennials and ground cover or a similar Central Texas native plant resource approved by the Development Services Director
2. When native material is not appropriate for the intended use or appearance, the Development Services Director may consider alternatives meeting the following criteria:
 - A. Species is found within Zones 8 - 9 of the USDA Plant Hardiness Zones with preference given to species located in Zone 8b; or
 - B. Species is considered regionally adapted to heat, cold, and drought conditions, is non-invasive, and is not readily susceptible to disease or pests.
3. All new plant material shall meet the latest requirements of the American Standard for Nursery Stock (ANSI Z60.1).
4. All new plant material shall be planted and maintained in accordance with the latest edition of the American National Standards Institute requirements for Tree, Shrub, and Other Woody Plant Maintenance (ANSI A300 Parts 1 through 6).

(b) Trees

1. Type A and B Trees provided in Section 15.03.006 shall be a minimum of three-inch (3") caliper at planting.
2. Type C Trees provided in Section 15.03.006 shall be a minimum of two-inch (2") caliper at planting.
3. Trees not included on the Approved Tree List in Section 15.03.006, such as palms, may be considered by the Development Services Director if the following are met:
 - a. Species is found within Zones 8 - 9 of the USDA Plant Hardiness Zones with preference given to species located in Zone 8b; or
 - b. Species is considered regionally adapted to heat, cold, and drought conditions, is non-invasive, and is not readily susceptible to disease or pests; and
 - c. Shall be a minimum of three-inch (3") caliper at planting.
4. All trees shall be planted and maintained in accordance with the Tree Specifications provided within this Article, including but not limited to the addition of amended soil and organic mulch at time of planting, and a bubbler irrigation system as required within this Article.

C. Shrubs, Vines, Ground Cover, Perennials and Ornamentals

1. Shrubs, vines, ground cover, and perennials shall be planted within landscape planting beds to minimize the amount of irrigated lawn or turf grass.

2. Shrubs, vines, ground cover, and perennials shall be selected Section 15.03.006 or a native Central Texas variety as approved by the Development Services Director, and a minimum three (3) gallon container size at time of planting.
3. Ornamental grasses shall be a native Central Texas variety if utilized in lieu of shrubs so long as they are a minimum three (3) gallon container size at time of planting.
4. Yuccas, agaves, succulents, cacti, and sotols recognized as native or hardy to the area by the Lady Bird Johnson Wildflower Center may be considered in lieu of shrubs if they are a minimum three (3) gallon container size at time of planting.

D. Turf and Lawn Grass

1. Turf areas may be sodded, plugged, sprigged, or seeded, except in times of Stage 3 or greater drought at which time solid sod shall be utilized. Solid sod shall also be used in swales or other areas subject to erosion as determined by the City Engineer.
2. Right-of-way shall be restored and maintained with vegetative ground cover as required by the City Engineer.
3. Synthetic or artificial lawns or plants shall be prohibited.

E. Landscape Planting Beds.

1. Landscape planting beds containing native shrubs, vines, perennials and ornamentals are encouraged to minimize the amount of irrigated lawn or turf grass.
2. Irrigation within landscape beds shall be limited to a drip irrigation system as required within this Article.
3. All debris, wood chips, pavement, concrete, and rock over 2" in diameter shall be removed from the planting pit to a minimum of twenty-four (24") inch depth. The entire planting bed shall contain a minimum depth of twenty-four (24") inches of soil suitable for plant establishment and growth and may not be compacted or stabilized.
4. A native drought tolerant ground cover or an organic wood mulch shall be installed to conserve moisture in the ground and improve soil fertility. Native rock such as limestone, river rock, crushed granite or similar architectural material may be considered in landscape planting beds when used in combination with the native drought tolerant ground cover or organic mulch to enhance interest and add variety in the landscape. At no point shall an entire site's landscape planting bed be covered in rock, unless otherwise approved by the Development Services Director.
5. Landscape planting beds may be used as stormwater collection areas commonly known as rain gardens, provided the planting beds are designed to prevent loss of mulch and planting material, include plants capable of surviving wet and drought conditions, and include either engineered soils or other design measures to prevent stagnant conditions.

Section 15.03.005 Landscaping Requirements

(a) General

A minimum percentage of all lots shall be devoted to landscaping through the use of native trees and shrubs. Areas not planted with trees or shrubs should be designed with landscape beds containing native ornamental grasses, perennials, and ground cover. Integration of natural rocks, crushed granite, and wood mulch is permitted within the required landscape area, provided it is architecturally integrated into landscape beds and complimentary of plantings. The use of turf grass is permitted, but irrigated turf areas shall be limited to the to the greatest extent possible.

(b) Non-Residential Zoning Districts

The required percentage of landscape area and quantity of trees and shrubs for non-residential uses shall comply with the requirements provided in Table (d) and the following:

1. In the Agriculture district, landscaping requirements shall apply to the limits of construction, and are not applicable to agriculturally exempt appurtenances.
2. Additional plantings may be required to comply with the streetscape, building, bufferyard, screening, and parking lot landscaping requirements.

(c) Residential Zoning Districts

The required percentage of landscape area and quantity of trees and shrubs for residential uses shall comply with the requirements provided in Table (d) and the following:

1. At least half of the required trees shall be planted in the commonly perceived front yard;
2. Within a condominium development, a corner residential dwelling shall be considered a dwelling adjacent to two public streets, internal drive aisles or a combination thereof;
3. Where tree spacing constraints exist, remaining required trees may be planted within common open space areas within the development if approved by the Development Services Director;
4. Additional plantings may be required to comply with the streetscape, building, bufferyard, screening, and parking lot landscaping requirements.

(d) Minimum Required Landscaping Percentages

Zoning District	Percentage	Required Trees (3" Caliper) and Shrubs (3-gallon)

SF-E, SF-1, SF-2, TF, TH, MH-1, MH-2	Single Family Detached	30%	<p>2 Trees for properties 6,000 SF or less.</p> <p>3 Trees for properties between 6,001 and 8,750 SF</p> <p>4 Trees for properties above 8,751 SF</p> <p>All lots – 4 shrubs per 10' foundation facing a street, exception of driveway</p>
TH	Single Family Attached	30%	<p>1 Tree per each non-corner dwelling unit and 2 trees per each corner dwelling unit.</p> <p>4 shrubs per 10' of foundation facing a street or internal drive</p>
MF-1, MF-2	Multi-Family	40%	<p>2 Trees per 600 SF for first 20,000 SF of landscaped area.</p> <p>0.5 Tree per 600 SF of landscaped area above 20,000 SF</p> <p>4 shrubs per 600 SF of landscaped area</p>
I-1, I-2	Institutional Small, Institutional Large	20%	<p>1 Tree per 600 SF of landscaped area</p> <p>4 shrubs per 600 SF of landscaped area</p>
GO	General Office	30%	<p>2 Trees per 600 SF of landscaped area</p>

			4 shrubs per 600 SF of landscaped area
C-1, C-2, C-3	Light Commercial, Medium Commercial, Heavy Commercial	15%	2 Trees per 600 SF of landscaped area 4 shrubs per 600 SF of landscaped area
NB	Neighborhood Business	20%	2 Trees per 600 SF of landscaped area 4 shrubs per 600 SF of landscaped area
DB	Downtown Business	15%	2 Trees per 600 SF of landscaped area 4 shrubs per 600 SF of landscaped area
IN-1, IN-2	Light Industrial, Heavy Industrial	15%	2 Trees per 800 SF of landscaped area 4 shrubs per 800 SF of landscaped area
A, OS	Agricultural, Open Space	20%	2 Trees per 600 SF of landscaped area 4 shrubs per 600 SF of landscaped area

Section 15.03.006 Preferred Plantings List and Specifications

(a) Preferred Plantings List

Common Name	Family	Genus, Species
Type A: Large Trees (mature height 40 feet or more, recommended planting bed 400 square feet and 40 feet apart)		
American Elm	<i>Ulmaceae</i>	<i>Ulmus Americana</i>
American Sycamore	<i>Platanaceae</i>	<i>Platanus occidentalis</i>

Bald Cypress	<i>Taxodiaceae</i>	<i>Taxodium distichum</i>
Bur Oak	<i>Fagaceae</i>	<i>Quercus macrocarpa</i>
Cedar Elm	<i>Ulmaceae</i>	<i>Ulmus crassifolia</i>
Chinquapin Oak	<i>Fagaceae</i>	<i>Quercus muehlenbergii</i>
Deodar Cedar (Evergreen)	<i>Pinaceae</i>	<i>Cedrus deodara</i>
Eastern Black Walnut	<i>Juglandaceae</i>	<i>Juglans nigra</i>
Ginkgo Biloba (Not within 20' of impervious cover)	<i>Ginkgoaceae</i>	<i>Ginkgo biloba</i>
Honey-locust (Thornless)	<i>Fabaceae</i>	<i>Gleditsia tricanthos</i> var. <i>inermis</i>
Live Oak (Evergreen)	<i>Fagaceae</i>	<i>Quercus virginiana</i> (<i>fusiformis</i>)
Mexican Sycamore	<i>Platanaceae</i>	<i>Platanus mexicana</i>
Mexican White (Monterrey Oak) (Evergreen)	<i>Fagaceae</i>	<i>Quercus polymorpha</i>
Montezuma Cypress	<i>Taxodiaceae</i>	<i>Taxodium mucronatum</i>
Pecan	<i>Taxodiaceae</i>	<i>Taxodium ascendens</i>
Shumard Red Oak	<i>Fagaceae</i>	<i>Quercus shumardii</i>
Southern Catalpa	<i>Bignoniaceae</i>	<i>Catalpa bignonioides</i>
Texas (Spanish) Red Oak	<i>Fagaceae</i>	<i>Quercus buckleyi</i>
Type B: Medium Trees (mature height 25-39 feet, recommended planting bed 300 square feet and 30 feet apart)		
Anacua	<i>Boraginaceae</i>	<i>Ehretia anacua</i>
Arizona Cypress (Evergreen)	<i>Cupressaceae</i>	<i>Cupressus arizonica</i>

Bigtooth Maple	<i>Aceraceae</i>	<i>Acer grandidentatum</i>
Carolina Cherry-laurel (Evergreen)	<i>Rosaceae</i>	<i>Prunus carolinana</i>
Chinese Pistache	<i>Anacardiaceae</i>	<i>Pistacia chinensis</i>
Eastern Red Cedar (Evergreen)	<i>Cupressaceae</i>	<i>Juniperus virginiana</i>
Escarpment Black Cherry	<i>Rosaceae</i>	<i>Prunus serotina ssp. Eximia</i>
Golden Rain Tree	<i>Sapindaceae</i>	<i>Koelreuteria paniculata</i>
Huisache (Sweet Acacia)	<i>Fabaceae</i>	<i>Acacia farnesiana</i>
Japanese Black Pine	<i>Pinaceae</i>	<i>Pinus thunbergii</i>
Lacey Oak	<i>Fagaceae</i>	<i>Quercus laceyi</i>
Mesquite	<i>Fagaceae</i>	<i>Prosopis glandulosa spp.</i>
Texas (Little) Walnut	<i>Juglandaceae</i>	<i>Juglans microcarpa</i>
Texas Ash	<i>Oleaceae</i>	<i>Fraxinus texensis</i>
Western Soapberry	<i>Sapindaceae</i>	<i>Sapindus drummondii</i>
Type C: Small Trees (mature height 8-24 feet, recommended planting bed 150 square feet and 15 feet apart) – Overhead Utility Compatible		
American Smoke Tree	<i>Anacardiaceae</i>	<i>Cotinus obovatus</i>
Anacacho Orchid Tree	<i>Fabaceae</i>	<i>Bauhinia congesta</i>
Carolina Buckthorn	<i>Rhamnaceae</i>	<i>Rhamnus caroliniana</i>

Chilean Mesquite (Thornless)	<i>Fabaceae</i>	<i>Prosopis chilensis</i>
Chitalpa	<i>Bignoniaceae</i>	<i>Chilopsis x Catalpa</i>
Crape Myrtle	<i>Lythraceae</i>	<i>Lagerstromia indica</i>
Desert Willow	<i>Bignoniaceae</i>	<i>Chilopsis linearis</i>
Eve's Necklace	<i>Leguminosae</i>	<i>Sophora affinis</i>
Evergreen Sumac (Evergreen)	<i>Anacardiaceae</i>	<i>Rhus virens</i>
Flameleaf Sumac	<i>Anacardiaceae</i>	<i>Rhus copallina</i>
Goldenball Lead-tree	<i>Fabaceae</i>	<i>Leaucana retusa</i>
Loquat (Evergreen)	<i>Rosaceae</i>	<i>Eriobotrya japonica</i>
Mexican Bird of Paradise	<i>Leguminosae</i>	<i>Caesalpinia mexicana</i>
Mexican Buckeye	<i>Sapindaceae</i>	<i>Ungnadia speciosa</i>
Mexican Olive (Evergreen)	<i>Boraginaceae</i>	<i>Cordia bossieri</i>
Mexican Plum	<i>Rosaceae</i>	<i>Prunus mexicana</i>
Mexican Redbud	<i>Fabaceae</i>	<i>Cercis Canadensis</i> var. <i>mexicana</i>
Mountain Laurel (Evergreen)	<i>Leguminosae</i>	<i>Sophora secundiflora</i>
Possumhaw (Deciduous) Holly	<i>Aquifoliaceae</i>	<i>Ilex decidua</i>
Retama (Palo Verde)	<i>Fabaceae</i>	<i>Parkinsonia aculeata</i>

Rough-leaf Dogwood	<i>Cornaceae</i>	<i>Cornus drummondii</i>
Texas Madrone	<i>Ericaceae</i>	<i>Arbutus xalapensis</i>
Texas Persimmon	<i>Ebenaceae</i>	<i>Diospyros texana.</i>
Texas Pistacio (Evergreen)	<i>Anacardiaceae</i>	<i>Pistacia mexicana</i>
Texas Redbud	<i>Leguminosae</i>	<i>Cercis Canadensis var. texensis</i>
Vitex (Chaste Tree)	<i>Verbenaceae</i>	<i>Vitex agnus-castus</i>
Wax Myrtle (Evergreen)	<i>Myricaceae</i>	<i>Myrica cerifera</i>
Yaupon Holly (Evergreen)	<i>Aquifoliaceae</i>	<i>Ilex vomitoria</i>
SHRUBS		
Hollies (most varieties)		<i>Ilex sp.</i>
Elaeagnus		<i>Elaeagnus pungens</i>
Dwarf Wax Myrtle		<i>Myrica pusilla</i>
Florida Jasmine		<i>Jasminum floridum</i>
Indian Hawthorn (all varieties)		<i>Rhaphiolepis indica</i>

Red Yucca		<i>Hesperaloe parviflora</i>
Viburnum (all varieties)		<i>Viburnum sp.</i>
Moonbay Nandina		<i>Nandina moonbay</i>
Gulf Stream Nandina		<i>Nandina gulfstream</i>
Italian Jasmine		<i>Jasminum humile</i>
Mexican Buckeye		<i>Ungnadia speciosa</i>
Agarita		<i>Berberis trifoliata</i>
Muhly grass (most varieties)		<i>Muhlenbergia lindheimeri</i>
GROUND COVERS		
Holly Fern		<i>Cyrtomium falcatum</i>
Rosemary		<i>Rosmarinus officinalis</i>
Santolina (green and gray)		<i>Santolina spp.</i>
Cherry Sage		<i>Salvia Greggii</i>
Liriope		<i>Liriope muscari</i>
Mondo (monkey) Grass		<i>Ophiopogon japonicus</i>
Asian Jasmine		<i>Trachelospermum asiaticum</i>
Ajuga (carpet bugle)		<i>Ajuga reptans</i>
Star Jasmine		<i>Trachelospermum jasminoides</i>
VINES		
Cross Vines		<i>Bignonia capreolata</i>
Carolina Jessamine		<i>Gelsemium sempervirens</i>
Coral Honeysuckle		<i>Lonicera sempervirens</i>
Lady Banksiae Rose		<i>Rose Banksia</i>
Boston Ivy		<i>Parthenocissus tricuspidata</i>

(b) Tree Diversity

1. If 30 or more new trees are required, there shall be no more than 20% of any tree species, and no more than 40% of any tree genus planted on a site.
2. If 30 or fewer new trees are required, tree diversity shall be provided in accordance with the table below.
3. No more than 50 percent of the total number of new trees required on site may be Type C Trees per the table below with the exception of Single Family Attached (3 or more) developments.

Tree Diversity Table	
Number of new trees required	Minimum number of species of tree required
1-10	1
11-20	2
21-30	3

(c) Tree Spacing from Utilities and Impervious Cover

1. In order to promote healthy trees and reduce infrastructure conflicts, trees shall be located away from impervious cover and utilities as provided below and measured from the base of the tree. In addition, the recommended spacing identified per tree type in Section 15.03.006(a) Preferred Planting List shall be maintained.
2. Utility: No tree shall be planted closer than five (5) feet to an underground utility or water line, and no medium or large tree (Type A or B) shall be closer than 15 linear feet from an overhead utility unless otherwise approved by the Development Services Director.
3. Impervious Cover: No large or medium tree (Type A or B) shall be closer than four (4) feet to impervious cover, and no small tree (Type C) shall be closer than three (3) feet to impervious cover measured from the base of the tree.

Section 15.03.007 Placement of Landscaping

(a) Streetscape Yard Landscaping

Street trees help to provide a visual and audible buffer to mitigate vehicular traffic from adjacent land uses, and also assist with improving regional air quality. Street trees shall be provided in the following circumstances:

1. Non-residential, Multi-family Developments, and Townhome Condominium (Common Lot)

The streetscape yard required per zoning district in Chapter 14 shall include the street trees and shrubs required below. Trees may be planted in a non-linear or clustered fashion as long as the total number of trees otherwise required are provided, the recommended spacing requirements in Section 15.03.006(a) Preferred Planting List are generally maintained, and all trees and shrubs are planted so as to not block views of vehicles entering or exiting a development. Street yard trees and shrubs may be used to meet the overall landscaping requirements established in Section 15.03.005(d) Minimum Required Landscaping Percentages for non-residential sites.

- A. One medium or large tree (Type A or B), from among the options identified in Section 15.03.006(a) Preferred Planting List, must be planted for every 40 linear feet of street frontage when overhead utilities are absent.
- B. One small tree (Type C), from among the options identified in Section 15.03.006(a) Preferred Planting List, must be planted for every 20 linear feet of street frontage when overhead utilities are present.

(b) Building Foundation Landscaping

1. Non-residential and Multi-Family Developments

A landscape planting bed consisting of a minimum five (5) foot deep planting strip as measured at ground level extending outward from the building façade and extending at least 50 percent of the length of the building's primary facades shall be provided.

- A. One (1) shrub shall be planted every four (4) linear feet on center within the planting strip.
- B. Ornamental Type C trees may be planted within the planting strip.
- C. Shall comply with the general planting criteria as provided in 11.4.
- D. The building foundation landscaping requirements may be used to meet the overall landscaping requirements established in Section 15.03.005(d) Minimum Required Landscaping Percentages. Above ground planters, tree wells, vegetative roof systems or similar approaches may be considered when traditional building landscaping is not feasible.

2. Residential Developments

Foundation landscaping shall be provided in accordance with Section 15.03.005(d) Minimum Required Landscaping Percentages.

(c) Surface Parking Design Requirements

Landscaping is required for all off-street surface parking areas, with exception of an individual single-family dwelling driveway, and may be used to meet the overall landscaping requirements. Landscaping shall be designed as provided below without blocking views of vehicles entering or exiting at intersections within the parking lot, along adjacent streets, at driveways, and access easements. Where designated on-street parking spaces are proposed as part of a development, this provision shall apply.

1. End Islands

- A. An end or raised island at least 180 square feet in area must be located at both ends of every interior and peripheral parking row, regardless of the length of the parking row. End islands may have sidewalks through them.
- B. All end islands must be raised at least six inches, curbed and must contain a surface, the majority of which is planted or treated with enhanced paving. The soil within the planted area shall not be compacted or stabilized. An alternative end island design may be considered to address stormwater runoff if approved by the City Engineer.

2. Interior Islands

- A. All interior islands must be raised at least six inches and curbed, with the majority of the area of each island planted or treated with enhanced paving. The soil within the planted area shall not be compacted or stabilized. An alternative interior island design may be considered to address stormwater runoff if approved by the City Engineer.

3. Medians

- A. A landscape median must be raised at least six (6) inches, curbed and must contain a surface, the majority of which is planted or treated with enhanced paving. Medians shall be a minimum of ten (10) feet in width measured from back of curb to back of curb.
- B. The soil within the planted area shall not be compacted or stabilized. An alternative median design may be considered to address stormwater runoff if approved by the City Engineer.

4. Parking Rows

- A. A parking space delineated by striping or curbing may not be located more than 50 feet from a landscaped area containing a tree.
- B. A parking row adjacent to a public right of way or major drive aisle shall have a maximum of ten (10) contiguous parking spaces separated from the right of way or drive aisle by a landscape peninsula of at least 360 square feet as measured from the backs of curbs or the equivalent of two (2) parking spaces.

- C. In no case shall a parking row exceed ten (10) parking spaces without a separation of a landscape island or peninsula of at least 180 square feet as measured from the backs of curbs.
- D. There shall be no more than three (3) adjacent parking rows without a landscape median of least ten (10) feet in width measured from back of curb to back of curb. A sidewalk may be included within the landscape median if the median is expanded to ensure a minimum 10-ft wide landscape area is maintained.
- E. Landscape medians shall be utilized within parking area designs to segment large expanses of surface parking into “parking rooms” such that each parking room has no more than 200 parking spaces.
- F. All parking rows must terminate with a landscape end island or peninsula of at least 180 square feet regardless of parking row length. End islands or peninsulas may have sidewalks through them.
- G. Landscape islands, peninsulas, and medians may be utilized to accommodate innovative storm water management approaches (i.e. rain gardens) provided they are designed and certified by a registered Landscape Architect or Engineer and approved by the Development Services Director in consultation with the City Engineer. All landscape islands, peninsulas, and medians shall contain a surface, the majority of which is vegetated.
- H. Any landscape area adjacent to pavement must be protected with a concrete curb and/or an equivalent barrier such as a wheel stop.

5. Additional Landscaping Areas

- A. Pole and monument signs approved in Article 15.04 shall have a minimum of 120 square feet of landscaped area surround the base of the sign. Landscaping may contain Type C trees, shrubs, and ground cover.

(d) Required Plantings within the Landscape Islands, Peninsulas, and Medians

- 1. One (1) Tree shall be planted within each landscape island and peninsula. If a landscape island extends the length of two (2) parking spaces then two (2) trees shall be planted within the landscape island.
- 2. One (1) Tree shall be planted at least every 30 feet within a landscape median, measured from the center of each trunk.
- 3. All new trees within a parking lot must be planted in a pervious area of at least 180 square feet and with a minimum interior width of eight (8) feet.

Section 15.03.008 Credit for Tree Preservation and Mitigation

This Section applies to all developments and zoning districts within the City. Developments may receive tree credit for the preservation of Protected Trees as specified in this Article.

(a) Tree Preservation.

1. The total diameter-inch calculation of preserved Protected Trees may count towards meeting the total tree caliper inch required at a one-to-one (1:1) ratio. Except that a two-to-one (2:1) ratio (2 inches of the protected trees equates to 1 inch of tree credit) or two and one half-to-one (2.5:1) ratio shall apply to Class 3 and 4 trees as defined in Section 15.03.036. However, the landscape design shall still incorporate the minimum required plantings within the streetscape, building, parking lot, screening and bufferyard landscaping requirements where feasible.
2. Hackberry, Chinaberry, Chinese Tallow, Ligustrum, Mimosa, Cottonwood and Cedar (Ashe Juniper) trees may not count towards meeting the minimum landscape plantings required per Section 15.03.005(b) and (c).
3. Trees preserved within the regulatory 100-year floodplain shall not generate credit towards the landscaping trees required per Section 15.03.005(b) and (c).

(b) On-Site Tree Mitigation

1. When on-site tree mitigation is due to the removal of Protected Trees, tree replacement inches shall be provided at the ratio identified in Section 15.03.036.
2. Only trees identified as Type A or B with a minimum three-inch (3") caliper size per Section 15.03.006(a) Preferred Planting List shall receive credit when determining on-site mitigation. Trees providing additional caliper inches above the minimum three-inch (3") tree shall receive credit for the additional caliper inches provided.
3. If the total number of required trees and/or caliper inches cannot feasibly be planted on-site as determined by the Development Services Director, off-site tree mitigation may be used in accordance with Section 15.03.036.

Section 15.03.009 Landscaping Installation and Maintenance

Unless noted otherwise, this section applies to all development and zoning districts. All landscaping shall be installed and maintained in accordance with this Article.

(a) Maintenance

1. The current Owner and subsequent Owners of the landscaped property, or the manager or agent of the Owner, shall be responsible for presenting a healthy, neat and orderly appearance at all times, free of refuse and debris of the following:
 - a. All landscape areas and materials;
 - b. Required bufferyard areas and materials; and
 - c. Required screening materials.
2. Maintenance shall include the replacement of all dead plant material if such material was used to meet the requirements of this Subchapter. All such plant material shall be replaced within six months of notification, or by the next planting season, whichever comes first.

(b) Replacement of Trees

If a tree, for which credit has been obtained pursuant to this Article, dies or is removed new landscape plantings sufficient to equal the area credited will be required. The replacement trees or shrubs shall be of the same size and species as shown on the approved site plan or must be of equivalent size and type. Trees installed by the homeowner of a single family residential lot shall be exempt from this requirement.

C. Irrigation Standards

Irrigation shall be provided to ensure survival of the required plant material in all landscaped areas, except individual single family detached lots, and unless the site utilizes native landscaping or xeriscaping that can be established through temporary irrigation measures. One of the following irrigation methods shall be used:

1. Conventional System:

An automatic underground irrigation system with the following:

- a. Sub surface drip irrigation shall be utilized for all landscape planting beds,
 - b. A bubble type head system shall be utilized for all trees,
 - c. Spray irrigation shall be limited to turf grass areas.
- 2.** Temporary landscape areas utilizing xeriscape plants and installation techniques, including areas planted with native grasses, wildflowers, and trees may use a temporary aboveground system. Irrigation for such areas shall be limited until the plants have been fully established.
- 3.** Rain barrels, cisterns and disconnected downspouts may be used as supplemental irrigation.
- 4.** Gray water recycling systems in accordance with Texas Commission on Environmental Quality (TCEQ) standards and the International Plumbing Code adopted by the City of Manor.
- 5.** No irrigation is required for undisturbed natural areas or for preserved trees.

Section 15.03.010 Landscape Plan Requirements

(a) Non-Residential and Multi-Family

An application for site plan approval must include a Landscape Plan, a Tree Survey, a Tree Protection Plan if applicable, and Tree Replacement Plan if applicable. The landscape plan shall be prepared by a registered landscape architect and contain the following items:

1. North arrow
2. Minimum scale of one inch equals 50 feet (show scale in both written and graphic form)
3. Date of the landscape plan
4. Legend

5. Location of all plant and landscaping material to be used, including plants, paving, benches, screens, fountains, statues, earth berms, ponds, or other landscape features
6. Scientific and common names of all plant materials to be used
7. Size of all shrubs proposed (container size, planted height, etc.)
8. Size of all trees proposed (caliper size, planted height, spread, etc.)
9. Spacing of plant material where appropriate
10. Bufferyard area and required plant material, if applicable
11. Vegetative screening of parking lots, mechanical equipment, outside storage, loading and service areas, and storm water detention and water quality facilities, if applicable
12. Location, size, directional lean and species of all trees to be preserved with indication of protective fencing and preservation measures
13. Location of overhead and underground utilities within or near landscape areas
14. Applicable irrigation notes
15. Description of installation and maintenance provisions
16. Type, height, and location of all fencing or walls
17. Name and address of the person(s) responsible for the preparation of the landscape plan
18. Signature and seal of the person(s) responsible for the preparation of the landscape plan
19. General landscaping notes
20. Tree protective fencing locations and construction details, if applicable
21. Tree survey
22. Other pertinent information requested by the City Engineer or Development Services Director

(b) Residential

An application for a residential building permit shall specify the number and type of trees and shrubs on the Plot Plan in accordance with the quantities required in Section 15.03.005.

Sections 15.03.011 – 15.03.020 Reserved

Division II – Screening and Fencing Requirements

Section 15.03.021 Screening Requirements

(a) Screening of Parking lots

1. All off-street surface parking associated with non-residential and multi-family uses and districts must be screened from public rights-of-way and major drive aisles using one or more of the screening methods described in this subsection.
 - A. A vegetated berm;

- B. A planting screen utilizing evergreen shrubs.
 - C. A 3-ft tall wood picket fence, or a 3-ft tall native rock, stone, or brick wall may be permitted if used in combination with native ornamental grasses, shrubs, flowering perennials or similar; or
 - D. A combination of any of the above and trees.
- 2. Planted screening must be capable of providing a solid screen of at least 36-inches in height within two (2) years, and must be planted in a prepared bed that is at least three feet (3') in depth. Parking lot screening shrubs may be used to meet the overall landscaping requirements established in Section 15.03.005(b) and (c).
 - 3. Screening must have a visual offset of at least three feet (3') every 60 linear feet. While a physical offset is required, the use of clumped street trees within planting beds may be considered when establishing the visual offset.

(b) Screening of Mechanical Equipment

Mechanical equipment utilized in all developments shall be subject to the following screening requirements:

- 1. All ground and wall-mounted mechanical equipment (e.g., air handling equipment, compressors, duct work, transformers and elevator equipment) must be screened from public view from a street or parking area, and on a minimum of three sides.
- 2. Roof-mounted mechanical equipment must be completely screened from ground level view on all sides using a parapet wall. The parapet wall shall be provided along the full perimeter of the building and be architecturally integrated into the structure. If topography prevents full screening of the mechanical equipment through the use of a parapet wall, alternative screening of the mechanical equipment in the area where a conflict occurs may be considered by the Building Official.
- 3. Wall or ground-mounted equipment screening must consist of native evergreen vegetation, brick, stone, reinforced concrete, or other similar masonry materials.
- 4. All fence or wall posts shall be concrete-based masonry or concrete pillars.
- 5. Exposed conduit, ladders, utility boxes and drain spouts must be painted to match the color of the principal structure. Natural metallic finishes are an acceptable alternative to paint.

(c) Screening of Outdoor Storage

- 1. Outdoor storage in non-residential zoning districts, where permitted, shall only be located on the side or rear of the principal structure and must be screened from public view at ground level.

2. Outdoor storage shall be screened with a minimum eight-foot (8') tall screen consisting of one or more of the following:
 - A. A masonry wall or other material that is similar to the principal structure;
 - B. Native, evergreen shrubs planted a maximum of four (4') feet apart on center that shall create a solid screen to a minimum height of eight (8') feet within two (2) years; or
 - C. A three-foot (3') landscaped berm in conjunction with the aforementioned masonry wall or evergreen shrubs.

(d) Screening of Refuse Containers

All trash, recycling, compost and similar refuse containers for non-residential and multi-family uses and districts shall comply with the following standards and screening:

1. Containers shall be located on the side or rear of the principal structure and screened from ground level public view. Enclosure gates shall not face a public street unless otherwise approved by the Development Services Director.
2. Containers shall be located at least 50 feet away from the property line of any conforming residential use or the boundary of any residential district with exception, the distance requirement shall not be applicable when adjacent to a multi-family property or district.
3. Containers shall be located on a reinforced slab that is at least six inches thick and sloped to an internal drain which is connected to a wastewater line.
4. Containers shall be screened on all four (4) sides, using an enclosure that screens the container from view at the property line. Screening shall be at least as tall as the container(s) and comprised of materials and color schemes that are visually and aesthetically compatible with the overall project that incorporate the following:
 - A. Brick;
 - B. Stone;
 - C. Stucco;
 - D. Reinforced concrete; or
 - E. Other similar masonry materials as approved by the Development Services Director.
5. Concrete filled steel pipes (bollards) of minimum six-inch diameter shall be located around the enclosure to protect it from vehicle operations while not obstructing operations associated with the container.

6. Container enclosures shall have steel gates with spring-loaded hinges, or the equivalent, and fasteners to keep them closed. With exception of typical container operations, the container lid and enclosure doors shall be in the closed position. At no time shall a container enclosure door be left in the open position.
7. When an enclosure is located adjacent to a landscaped area, trees, shrubs, vines, perennials and ornamental plantings as permitted in this Article shall be located around the container enclosure to enhance the aesthetics. All screening and landscaping shall be maintained by the property owner at all times.
8. The ingress, egress, and approach to all container pads must conform to fire lane requirements.

(e) Screening of Loading Docks, Overhead Door, and Service Courts

This subsection shall apply to all buildings in non-residential zoning districts with a loading dock, overhead door, or service court.

- (a) Service Courts containing loading docks and delivery receivable areas for multiple office and commercial uses shall be located to the side or rear of the buildings, with the entire extent of the Service Court screened at ground level from a public street, main drive aisle and patron parking area on all sides, with exception of the access point into the Service Court.
 - A. Screening of a Service Court shall consist of a wall constructed of complimentary materials as the principal structure, and at a consistent height which substantially provides consistent screening from the highest loading dock. Landscaping shrubs and ornamental trees are encouraged to be located along the extent of the required wall to provide visual relief.
 - B. The Development Services Director may consider native evergreen trees and shrubs to be used to screen all or a portion of the Service Court if the plantings result in a solid vegetative screening of at least 8 feet tall within 2 years, the plantings or wall combination extend the entire distance otherwise required for a solid wall as required herein, and the plantings are in addition to the minimum landscaping required in Section 15.03.005.
- (b) When multiple buildings with a land use permitted in an industrial zoning district containing more than two (2) loading docks are proposed, Loading Docks from each building shall be oriented toward one another to establish a common Service Court.
- (c) At a minimum, walls commonly known as “wing walls” shall be provided to screen from ground level all Loading Docks from public view. The wall shall consist of complimentary materials as the principal structure permitted by Chapter 14, at a consistent height which substantially provides consistent screening from the highest loading dock and extending at least 50 feet from the building in order to screen the truck and trailer. If a wall is determined

to not be feasible due to site or height constraints, the Development Services Director may consider native evergreen trees and shrubs to be used provided the plantings result in a solid vegetative screening of at least 8 feet tall within 2 years, the plantings or wall combination extend the distance otherwise required for a solid wall as required herein, and the plantings shall be in addition to the landscaping required in Section 15.03.005.

(d) Where physical constraints prevent the required orientation of Overhead Doors required in Chapter 14 Division VI, the Development Services Director may consider an alternative orientation if the following is provided:

- A. Structural awnings with a depth of at least 3' 10" are provided over the extent of all overhead doors facing the public street, or
- B. Structural projections of at least 3' 10" are provided in front of the overhead doors facing the public street to reduce the visual impact of the service bay from the street.

(e) Where physical constraints prevent the required orientation of loading docks required in Chapter 14 Division VI, the Development Services Director may consider an alternative orientation if the following screening is provided:

- A. Structural projections of at least 3' 10" are provided in front of the Loading Docks to reduce the visual impact from the street; and
- B. Structural awnings with a depth of at least 3' 10" provided over the extent of aforementioned structural projections facing the public street.

(f) Screening of Storm Water Detention

Storm water detention and water quality ponds (if provided) should be located to the side or rear of a lot to minimize visibility from a public street, major drive aisle, and patron parking. All storm water detention and any water quality facilities within the city shall be screened by means of the following landscape elements:

1. One Type A or Type B tree shall be planted for every thirty (30) linear feet of the detention and/or water quality facility visible from a public street or major drive aisle; and
2. One Type C tree shall be planted for every thirty (30) linear feet of the detention and/or water quality facility visible from a public street or major drive aisle; and
3. One large shrub (minimum five (5) gallon size) shall be planted on center for every four (4) linear feet of the detention and/or water quality facility visible from a public street or major drive aisle; and
4. Wrought iron fence (minimum 4 feet in height) shall be installed around the perimeter of the detention and/or water quality facility when a fence is required to ensure safety. Plantings shall be installed in front of the fence.

Full or partial exceptions to the screening requirement may be approved by the Development Services Director if the facility is designed as a retention pond with a waterfall, fountain or similar feature used as a visual enhancement to a development.

(g) Screening of Walk-in Coolers

1. Walk-in coolers shall be structurally integrated and composed of similar masonry materials to that of the principal structure.
2. A wood board privacy fence shall not be permitted.

Section 15.03.022 Fence and Wall Standards

The following standards shall apply to all fences and walls in all zoning districts and for all uses.

- (a) Except as otherwise allowed in this Article, fences and walls shall not be taller than six (6) feet in height unless otherwise approved by the Building Official, to a maximum of 8 feet, when topographic or other site constraints exist or to enclose a hazardous facility. Fencing and walls more than thirty percent (30%) solid shall not be placed to obstruct views of vehicles or within 25 feet of an intersection as measured by forming a box from the apexes of the intersection corners.
- (b) Front yard fences are permitted on single family lots provided the fence does not exceed four (4) feet in height and if located within 25 feet of an intersection as measured by forming a box from the apexes of the intersection corners is not more than thirty percent (30%) solid.
- (c) Fences and walls shall be constructed of high quality materials, such as brick, stone, masonry fencing, stained cedar wood, and wrought iron. The table specifies which types are permitted and prohibited based on the land use:

Fencing Materials				
Use	Wood	Chain Link	Wrought Iron	Masonry Product
Single Family Detach (1)	Permitted	Prohibited	Permitted	Permitted
Single Family Attached (2)	Permitted (3)	Prohibited	Permitted	Permitted
Multi-Family	Permitted with Exception (4)	Prohibited	Permitted	Permitted
Commercial	Permitted with Exception (4)	Prohibited	Permitted	Permitted
Institutional	Permitted with Exception (4)	Prohibited	Permitted	Permitted
Industrial	Prohibited	Permitted when not visible from,	Permitted	Permitted

		and setback 100 feet from, a public right-of-way		
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(d) Fence Materials Table Notes

1. Decorative fencing may be utilized when not visible from or adjacent to the public right of way.
2. Single-Family Attached (3 or more units): Perimeter fencing adjacent to a public right-of-way with a continuous height greater than four (4) feet tall shall be prohibited.
3. Single-Family Attached (3 or more units): Use of wood shall be limited to decorative fencing not taller than four (4) feet in height.
4. Multi-Family and Commercial Use Exception: A split rail, natural wood fence may be utilized as a decorative feature and provide separation between uses if included as part of the landscape.

- (e) Where perimeter fencing is utilized for single-family attached or multi-family uses, breaks in the fence or wall shall be made to provide for pedestrian and bicycle connections to the public sidewalk and adjacent developments. Decorative gates may be provided as necessary to ensure security to the proposed development.
- (f) Except as otherwise required in this Article, the maximum length of a continuous, uninterrupted fence or wall plane is 100 feet. Breaks shall be provided through the use of natural stone or brick columns, landscaped areas, transparent sections or a change in material.
- (g) When a sound barrier is required to comply with State or Federal requirements, a perimeter fence or wall greater than six (6) feet may be considered or required by the Building Official.

Section 15.03.023 Bufferyard Standards

A bufferyard is intended to help minimize any negative effects of a commercial or multi-family use on an adjacent conforming single family residential property. The landscaping required within bufferyards shall be provided in addition to the site landscaping required in Section 15.03.005.

(a) Applicability

1. Refer to Chapter 14 for bufferyard requirements.

(b) Minimum Requirements

1. Four (4) large and/or medium evergreen trees and 15 shrubs per 100 linear feet of the site development boundary; and
2. Opaque bufferyard wall as required below; and

3. Minimum distance from the property line as established by the specific zoning district stated in Chapter 14.

(c) Existing Conditions

1. When healthy, native trees and shrubs are located within the required bufferyard, the existing trees and shrubs shall not be removed or replaced with new plantings.
2. In areas where vegetation is not present, where nuisance vegetation (i.e. poison ivy) is dominant, or where diseased or dead trees or shrubs exist, bufferyard plantings shall be required as provided above.

(d) Permitted Encroachments

1. Passive recreation including pedestrian or bike trails provided that:
 - A. None of the required plantings are eliminated;
 - B. The total depth of the bufferyard from the property line is maintained; and
 - C. All other regulations of this Article are met; and
 - D. If approved by the Development Services Director
2. Stormwater detention may be considered if:
 - A. Designed as a commonly known rain garden with engineered soils; and
 - B. None of the required plantings are eliminated; and
 - C. The total depth of the bufferyard from the property line is maintained; and
 - D. All other regulations of this Chapter are met; and
 - E. If approved by the Development Services Director

(d) Bufferyard Walls

1. Walls shall be at least six (6) feet and at most eight (8) feet tall. When the adjacent property and the bufferyard are at different elevations, the Development Services Director may require a fence or wall height, berms or other device greater than eight (8) feet to ensure adequate buffering.
2. Walls shall be placed within one (1) foot of the common property line when physically possible and preferably replace existing fence lines. In the event that there is a physical constraint that will not allow the construction of a wall on the common boundary line (including, but not limited to, the existence of a drainage way, easement, or existing vegetation), the Development Services Director may authorize the wall to be located further from the property line or an alternative screening type to be utilized.
3. Walls shall not encroach into a main drive aisle.
4. When the adjacent use is across a street, no wall shall be required.
5. When the required bufferyard plantings are tripled or there is an existing tree line proposed for preservation abutting an existing fence, the Development Services Director may allow the wall or planting requirement to be reduced.

6. A building permit is required for walls taller than six (6) feet. Walls and masonry columns shall meet the footing standards prescribed by the building code for such structures.
7. Walls may be masonry, stone, concrete, masonry fencing, or a combination of these materials, and shall be finished on both sides. Walls may be accented by brick, stone, stucco, Exterior Insulation and Finish System (EIFS), or concrete columns.

Sections 15.03.024 – 15.03.030 Reserved**Division III – Tree Preservation****Section 15.03.031 Purpose**

- (a) This Division establishes requirements for tree preservation and replacement within the City as necessary to provide for orderly and healthful development of the community through the protection of specified trees, to promote the health, safety, welfare, and quality of life for the residents of the City, to encourage the preservation of trees to provide environmental elements necessary to reduce the amount of pollutants entering streams and to provide elements crucial to establishment of the local ecosystem, to protect property values, and to avoid significant negative impacts on adjacent properties. The existing natural landscape provides superior ecological, environmental, and aesthetic qualities to the streetscape and parks and continues to help define the unique character of the City. Therefore, the City requires the preservation of the existing natural landscape to the maximum extent feasible and declares the indiscriminate clearing of land and removal of protected trees a violation of this Chapter in accordance with the terms of this Division.

Section 15.03.032 Applicability

- (a) Applicability of Provisions

Except as specifically exempted below, the provisions of this Division shall apply to all property located within the City.

1. The following properties are exempt from this Division:
 - A. Developed single-family and two-family dwelling units with certificates of occupancies.
 - B. Properties designated for agricultural purposes and uses, being limited to those properties granted an agriculture tax exemption by the applicable county tax appraisal district and, in addition, being located in an Agriculture (A) district as designated by the City, are exempt, except in relation to Section 15.06.034(h) of this Division, which shall apply; and
 - C. Capital improvements projects by the City, State or Federal government, on property or rights-of-way for which the entity owns or controls.

(b) Applicability of Development Applications

1. The provisions of this Division shall be reviewed with a preliminary plan, final plat, construction plan, site disturbance plan, site plan, and building permits, as applicable. No certificate of occupancy for in city development shall be issued until the provisions of this Division have been satisfied.

Section 15.03.033 Tree Classifications

- (a) Trees within the City are grouped in five (5) tree classes as outlined below. Classes 2-5 are considered protected tree classes and are subject to mitigation in accordance with Section 15.03.036 and shall not be removed from the site without first obtaining necessary approval under a site disturbance permit, site plan permit, construction plan, or, if required, approval from the Planning and Zoning Commission, each as applicable.
- (b) A protected tree is any tree measuring eight (8") inches or greater in diameter at breast height (referred to herein as DBH, which is 4.5 feet above natural grade) and any tree planted to satisfy the landscaping requirements of this Chapter pursuant to an approved site plan, public infrastructure construction plan, or tree replacement plan. Protected trees include multi-trunk trees, which are measured by combining the diameter of the largest stem or trunk with one-half of the diameter of each additional stem or trunk, all measured at DBH.

Tree Classification Table	
Class 1	Unprotected Trees – Trees with DBH < 8 inches (unless tree was planted to satisfy requirements of this Chapter)
Class 2	Protected Trees with DBH 8 – 17.99 inches and Trees planted to satisfy requirements of this Chapter
Class 3	Protected Trees with DBH 18 – 24.99 inches
Class 4	Protected Trees with DBH 25 inches or greater (Not Heritage Species)
Class 5	Heritage Tree – Protected Trees with DBH 25 inches or greater

- (c) Trees within the Class 1 are not considered protected unless the tree was planted to satisfy requirements of this Chapter. However, healthy trees of protected tree species with good branching structure, height, and spread similar to nursery grown trees with DBHs from 3-7.99 inches may be credited toward landscaping requirements described in this Chapter and should be preserved where possible.

(d) A heritage tree is any protected tree measuring 25” in DBH or greater of the following tree species:

1. American Elm
2. Bald Cypress
3. Bur Oak
4. Cedar Elm
5. Chinquapin Oak
6. Live Oak
7. Mexican White (Monterrey) Oak
8. Pecan
9. Shumard Red Oak
10. Texas (Spanish) Red Oak
11. Lacey Oak
12. All other Oak trees not specified
13. Texas Walnut

(e) A non-hazardous heritage tree shall not be removed unless specifically approved by the Planning and Zoning Commission as provided in 15.03.036(c) of this Division.

Section 15.03.034 General Tree Preservation Requirements

- (a) All trees are considered protected trees within classes 2-5 as described in Section 15.03.033 with the following exceptions: Chinaberry, Hackberry, Ashe juniper (Cedar), Chinese Tallow, Willow, Ligustrum, Mimosa, Cottonwood, Huisache, and any other tree that is determined to be in a hazardous condition so as to endanger the public health, safety, or welfare. The Development Services Director or their designee shall make the determination as to whether a tree is damaged, diseased, or dying due to natural or other causes.
- (b) All existing non-hazardous trees, regardless of species, located within the required bufferyard per Chapter 14 of this Code shall be considered protected.
- (c) All proposed buildings and improvements shall be oriented in a manner that allows, to the greatest extent feasible, for the preservation of the protected trees.
- (d) Tree preservation shall also be based on the hierarchy of trees indicated in Section 15.03.033, Tree Classifications with Class 5 heritage trees being at the top of the hierarchy for preservation purposes.

- (e) Parking lots shall be designed to incorporate protected trees as focal points or practical means of segmenting parking lots through preservation of existing trees within landscape islands, peninsulas, and medians.
- (f) Trees preserved shall be integrated with the design of open spaces, screening, and landscape areas.
- (g) Prior to the approval of the applicable Tree Protection, Removal or Replacement Plan where protected trees are proposed for tree removal with on-site mitigation, fiscal security is required in an amount equal to 100 percent of the mitigation value of the trees proposed for preservation per Section 15.03.036(d).
- (h) Any tree with a DBH of eight (8) inches or greater that is in a floodplain or floodway is considered protected, regardless of species, unless it is determined to be in a hazardous condition so as to endanger the public health, safety, or welfare or it affects hydraulics in the floodplain or floodway. The Development Services Director or their designee shall make the determination as to whether a tree is damaged, diseased, or dying due to natural causes and is, therefore, in a hazardous condition. The City Engineer shall make the determination as to whether a tree affects the hydraulics of the flood area.
- (i) The mowing and clearing of brush located within or under the driplines of protected trees is allowed, provided a site disturbance permit is issued and such mowing or clearing is accomplished by hand or by mechanical mowers with turf tires. Mechanical mowers with tracks shall not be used within or under driplines of protected trees.
- (j) The Development Services Director shall require a signed letter from a landscape architect or a certified landscape professional that states the development complies with:
 - 1. The tree preservation and tree removal mitigation requirements of this Division prior to issuance of a certificate of occupancy
 - 2. If required, permanent irrigation system provisions are provided. The Development Services Director or their designee has the right to inspect each site in conjunction with final inspection and at other times to ensure compliance with this Division.

Section 15.03.035 Tree Protection

- (a) All trees identified for preservation on an approved Tree Protection Plan shall be flagged and encircled with protective chain-link fencing installed along the critical root zone (CRZ) or a dripline of the tree, whichever is greater. If there are physical constraints preventing the placement of the protective fencing at the CRZ or dripline of the tree, whichever is greater, the City Engineer may allow for the fencing to encroach into the CRZ by up to fifty percent (50%), but at no point may result in a fence closer than five (5) feet from the

base of the tree. No construction, such as trenching or regrading, is to occur within an area that constitutes more than fifty percent (50%) of the CRZ for each tree being preserved. Tree protective fencing shall remain in place pursuant to the approved Tree Protection Plan throughout the construction process and may not be removed until such time the City Engineer allows for the removal of such fencing.

- (b) Grade changes shall not be permitted within the CRZ unless otherwise permitted by the City Engineer. If grading within the CRZ is approved, grading shall be done by hand or with small equipment to minimize root damage. Grade changes under specifically approved circumstances shall not allow more than six (6) inches of fill soil added or allow more than six (6) inches of existing soil to be removed from natural grade unless mitigated. Grade fills over six (6) inches or impervious overlay shall incorporate an approved permanent aeration system, permeable material, or other approved mitigation. Grade cuts exceeding six (6) inches shall incorporate retaining walls or an appropriate transition equivalent.
- (c) No grading or tree removal shall occur on a lot until the Tree Protection Plan has been approved.
- (d) Compliance with the criteria in this section shall be demonstrated in the field as well as on the applicable plan.
- (e) Tree Protection Plan adjustments made during construction must be reviewed and approved by the City Engineer prior to implementing such adjustments. An applicant who removes protected trees in violation of this Division shall be required to fully mitigate damages caused by the tree removal and is subject to penalties under Section 15.03.049 of this Chapter.

Section 15.03.036 Tree Removal

(a) Tree Removal in Conjunction with Development Applications

Any approved Tree Removal Plan associated with a development permit or construction plan approval shall remain in effect until the expiration of such development permit or construction plan, provided fiscal security is posted and maintained until the expiration of such development permit or construction plan approval, or the trees have been replaced pursuant to the approved Tree Replacement Plan, as applicable. Physical tree removal from the site may occur only after Tree Removal Plan approval. A non-hazardous heritage tree may be removed only if approved by the Planning and Zoning Commission in accordance with Section 15.03.036(c).

1. Tree Protection Plan Required

A Tree Protection Plan shall be submitted before or with the site plan or associated development application submittal and prior to the removal of any trees. The Tree Protection Plan shall include:

- A. a tree survey identifying protected trees on the site;
- B. provide for tree protective measures; and
- C. identify the trees proposed for preservation and removal. All trees shall be identified by species, diameter, condition, and mitigation ratio and value.

2. Tree Replacement Plan

If development under a proposed site plan will remove a tree with a DBH of 8" or greater, the City shall require tree mitigation in accordance with Section 15.03.036(d), Mitigation for Tree Removal, of this Division, including the planting of replacement trees or the payment of an applicable fee in-lieu, as a condition of site plan or other development application approval. The Development Services Director or City Engineer, as applicable, shall not release the construction plan, site disturbance plan, or site plan until the applicant satisfies the condition(s) of approval or posts fiscal security to ensure the condition(s) of the tree replacement will be satisfied.

3. Plan Requirements

A tree survey, Tree Replacement Plan, Tree Removal Plan and Tree Protection Plan shall be provided with the respective development application. These elements shall be incorporated into the overall sheet set for preliminary plans, construction plans, site plans, or site disturbance plans.

(b) Tree Removal Not in Conjunction with a Development Application

1. The proposed removal of any tree not associated with a development application or plan shall require a site disturbance permit with the exception of single-family and two-family lots or units. The clearing of brush and trees less than eight (8") inches shall require a site disturbance permit.
2. The site disturbance permit application shall be made by the owner of the property on which the tree(s) is located or by the owner(s)'s authorized representative. A tree survey, and a Tree Replacement Plan and Tree Protection Plan, as applicable, shall be provided with the site disturbance permit application.
3. Upon receipt of a complete application, the Development Services Director or City Engineer or their designee shall inspect the subject tree and approve or deny the application in accordance with the provisions of this section.
4. If no construction activity has occurred on the property within 60 days of site disturbance permit approval, the application shall expire.
5. A non-hazardous heritage tree may be removed only if approved by the Planning and Zoning Commission and tree replacement or payment for fee in-lieu of replanting as determined by City Council is provided per Section 15.03.036(d). The applicable Tree Replacement Plan shall reflect the heritage tree(s) requested to be removed, which shall be processed in accordance with Section 15.03.047.

6. A site disturbance permit shall not be approved or released until a Tree Replacement Plan has been approved and fiscal security has been posted, or payment of fee in-lieu has been provided in accordance with Section 15.03.036(d) Mitigation for Tree Removal.

(c) Protected Tree Removal Exceptions

1. A protected tree may be removed without tree replacement or mitigation if the tree is identified for removal in a capital improvement project which has been approved by City Council or governing jurisdiction (e.g., Travis County).
2. Existing single-family and two-family or duplex lots or units with a valid certificate of occupancy are exempt.
3. A protected tree, including a heritage tree, may be removed if the Development Services Director or their designee determines that the tree is in a hazardous condition so as to endanger the public health, safety or welfare, or the tree is found to be dead or dying by the Development Services Director or their designee (referred to herein as a hazardous tree).
4. A property owner may request authorization from the Planning and Zoning Commission to remove a heritage tree in accordance with Section 15.03.048 of this Division.

(d) Mitigation for Tree Removal

1. On-Site Mitigation

Any protected tree removed, damaged, or killed as a result of development or improper maintenance, such as excessive pruning, shall be replaced by a tree or trees of the same species or comparable alternative equal to the total number of diameter inches removed, as measured at breast height (DBH). Tree replacement on site shall be in accordance with the table below, Tree Classification - Mitigation Ratio. Replacement trees shall meet the planting criteria in this Chapter. The Development Services Director or their designee shall determine the cause of damage or death for a protected tree.

2. The Tree Classification - Mitigation Ratio Table lists the protected tree classifications based on size or designation with the applicable tree mitigation ratio for replacement caliper inches.

Tree Classification		Mitigation Ratio
Class 1	Unprotected Trees – Trees with DBH < 8 inches (unless tree was planted to satisfy requirements of this Chapter)	N/A

Class 2	Protected Trees with DBH 8 – 17.99 inches and Trees planted to satisfy requirements of this Chapter	1:1
Class 3	Protected Trees with DBH 18 – 24.99 inches	2:1
Class 4	Protected Trees with DBH 25 inches or greater (Not Heritage Species)	2.5:1
Class 5	Heritage Tree – Protected Trees with DBH 25 inches or greater	3:1

3. No protected tree shall be removed, and no replacement tree shall be planted, until the Development Services Director or City Engineer has reviewed and approved the Tree Replacement Plan and fiscal security equivalent to the replacement value, as represented in determined in 15.03.036(e), has been posted. Fiscal security will be returned once all replacement trees have been successfully planted and inspected.
4. Protected trees may be transplanted to a suitable location on the same property or off-site within the City. If off-site, no replacement on site shall be required. The developer shall comply with the generally accepted transplanting methods of the American National Standards Institute (ANSI A300 Standards), and the trees are required to survive for a period of at least one (1) year without showing any signs of decline. Posting fiscal security equivalent to the replacement value of the transplanted tree is required. Fiscal security will be returned once the one (1) year, outlined previously, has been successfully completed.

(e) Alternative Mitigation

When the Development Services Director determines that mitigation for protected tree removal by replanting trees on site is not feasible (e.g., planting capacity has been reached on site), an applicant may choose one of the following alternatives in lieu of replanting on site:

1. Plant the replacement trees with the applicable mitigation ratio identified in Section 15.03.036(d)(2) in a City park or other City-owned property as would otherwise be required on site in locations approved by the Public Works Director; or
2. Make a payment into the Tree Fund, or account for use by the City, for the planting, pruning, irrigation, and other activities associated with trees in City parks or on other City-owned property. The payment shall be based on the DBH of the protected trees removed. This payment is non-refundable.
 - A. A fee-in-lieu for tree mitigation shall be determined at time of request by the City Council

(f) Mitigation Exceptions

1. Natural Disasters and other Emergencies

If a protected tree is causing a danger or is in a hazardous condition due to a natural disaster, such as a tornado, fire, storm, flood, or other act of God that endangers public health, welfare, or safety, the requirement of this Division may be waived by the Development Services Director.

2. Dead or Diseased Trees

If the Development Services Director, with assistance from an ISA Certified Arborist engaged by the property owner, determines that based on an on-site inspection and a report from the ISA Certified Arborist a protected tree is already dead, dying, or fatally diseased, the provisions of the mitigation requirements do not apply.

Section 15.03.037 Prohibited Activities

- (a) It is unlawful for any person to remove any tree without first securing the required approvals as specified in this Division.
- (b) All development subject to this Division, including grading, trenching, and tree removal on all sites, is prohibited prior to the approval of a Tree Protection, Replacement and/or Removal Plan, as applicable.
- (c) It is unlawful for any person to damage a protected tree in any way, such as through tree topping or pollarding, excessive pruning or chemical poisoning.
- (d) Indiscriminate clearing or stripping of the natural vegetation on any lot is prohibited and is considered a violation of this Subchapter.
- (e) It is unlawful for a person to continue work on a site or lot or remove trees after a stop work order has been issued.

Section 15.03.038 – 15.03.046 Reserved

Division IV – Administration

Section 15.03.047 Permits and Enforcement

(a) Permits

With the exception of single-family residential developments, no permit shall be issued for building, paving, grading, or construction until a landscape plan meeting the specifications of this Article and created by a registered landscape architect is approved by the City Engineer or Development Services Director. Prior to the issuance of a certificate of

occupancy for any building or structure other than a single-family dwelling, all required screening and landscaping shall be in place per the approved landscape plan and a concurrence letter provided by the landscape architect.

(b) Enforcement

If at any time after the issuance of a certificate of occupancy, the landscaping that was installed does not conform to the approved landscape plan or the landscape standards, the City shall issue notice to the property owner, tenant or agent, citing the violation and describing the action required to comply with this Article. The owner, tenant or agent shall have thirty (30) days from date of said notice to comply with the approved Landscape Plan. If the landscaping is not installed within the allotted time, the property owner, tenant, or agent shall be in violation of this Article. In addition to any other remedy available to the City, the certificate of occupancy for the subject property may be revoked.

Section 15.03.048 Appeals

- (a) An applicant may appeal the decision of the Development Services Director to deny a heritage tree removal application to Planning and Zoning Commission where the Development Services Director or their designee determined the tree to be non-hazardous. Such appeal must be made in writing and received by the Development Services Director within thirty (30) days from the date of the decision on the tree removal application or official correspondence referencing the denial of the proposed heritage tree removal application. The request for appeal must set forth the specific reasons for the appeal and state the specific reasons for disagreement with the decision of the Development Services Director, including the basis for the applicant's position that the application should have been granted. In addition, a request to remove a non-hazardous heritage tree as reflected in the applicable Tree Replacement Plan, shall be forwarded to the Planning and Zoning Commission for consideration.
- (b) In each such case, the Development Services Director shall set the matter for public hearing before the Planning and Zoning Commission at the earliest possible regularly scheduled meeting of the Planning and Zoning Commission.
- (c) The Planning and Zoning Commission shall review the request and render a decision either affirming, affirming in part, conditionally affirming, or reversing the determination of the Development Services Director, or approving a non-hazardous heritage tree removal request only after determining that the heritage tree:
 - 1. Prevents substantial economically viable use of the property;
 - 2. Prevents reasonable use of or access to the property;
 - 3. Is dying or dead;
 - 4. Is diseased and restoration is not practicable, or the disease may be transmitted to other trees;

5. Poses a high risk of property damage or personal injury that cannot reasonably be mitigated without removing the tree (Reasonable mitigation may include lightening protection measures.);
6. Is located on public property, street or easement;
7. Prevents the opening of necessary vehicular traffic lanes in a street or alley; or
8. Prevents the construction of utility or drainage facilities that may not feasibly be rerouted due to physical constraints.

(d) If heritage tree removal is permitted after an appeal pursuant to the provisions of this section, the applicant shall comply with all applicable provisions of this Article, including tree mitigation, unless the appeal determines the heritage tree is hazardous.

Section 15.03.049 Penalty

- (a) Any person who shall violate any of the provisions of this article, 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 in accordance with the general penalty provided in section 1.01.009 of this code. Each day the violation exists shall constitute a separate offense. Proof of culpable mental state shall not be required to establish a violation of this article. Such penalty shall be in addition to all the other remedies provided herein.
- (b) Any person who shall remove a notice of violation or a placard posted pursuant to this article from a property prior to correction of the deficiencies indicated thereon shall be deemed guilty of a misdemeanor offense.
- (c) No certificate of occupancy 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 not in compliance with this article.
- (d) Any person who shall occupy a building, or any part thereof, without having received a certificate of occupancy, within the city limits, shall be deemed guilty of an offense and shall be liable for a fine in accordance with the general penalty provided in section 1.01.009 of this code. Each day the violation exists shall constitute a separate offense. Such penalty shall be in addition to all the other remedies provided herein.

Article 15.04 – Signs

Division I - General Provisions

Section 15.04.001 Findings

The comprehensive regulation of signs within the city is necessary for pedestrian and traffic safety, the public health, safety, and welfare of the present and future residents of the city, and for the avoidance of unnecessary clutter.

Section 15.04.002 First Amendment rights

This article shall not be construed, applied, interpreted nor enforced in a manner to violate the First Amendment rights of any person, and the Building Official shall seek the advice and recommendation of the city attorney prior to taking any action to enforce any provision of this article with respect to any non-commercial sign or speech by any person.

Section 15.04.003 Comprehensive regulation of advertising signs

The sections, provisions and regulations set forth in this article shall apply to the control, use, installation, regulation, licensing and permitting of signs within the city and its extraterritorial jurisdiction (ETJ). It is the intent of this article to provide comprehensive regulations applicable to signs placed, installed or maintained within the city and its ETJ.

Section 15.04.004 Purpose

In general the objectives of this article are to promote the health, safety, welfare, convenience, communication and the landscape quality of the public. It shall further be the purpose of this article to achieve the purposes set forth hereinafter.

1. Safety. A purpose of this article is to provide that:
 - A. No hazard is created due to collapse, wind, fire, collision, decay or abandonment of signs;
 - B. No obstruction is created to firefighting and police surveillance; and
 - C. No traffic hazard is created by confusing or distracting motorists, or by impairing the driver's ability to see pedestrians, obstacles, or other vehicles, or to read the traffic signs.
2. Communications. A purpose of this article is to promote the efficient transfer of information in sign messages by providing that:
 - A. Businesses and services may identify themselves;
 - B. Customers and other persons may locate a business or service; and
 - C. Persons exposed to signs are not overwhelmed by the number of messages presented, and are able to exercise freedom of choice to observe or ignore said messages, according to the observer's purpose.
3. Landscape quality and preservation. A purpose of this article is to protect the public welfare and to enhance the appearance and economic value of the landscape by providing signs that:
 - A. Do not interfere with scenic views;
 - B. Do not create a nuisance to persons using the public rights-of-way;
 - C. Do not constitute a nuisance to occupancy of adjacent and contiguous property by their brightness, size, height, or movement;

D. Are not detrimental to land or property value; and

E. Contribute to the special character of particular areas or districts within the city, helping the observer to understand the layout of the city and orient oneself within it.

Section 15.04.005 General provisions

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.

Section 15.04.006 Definitions

As used in this article, all words shall have the common meaning of such word and the following terms shall have the meaning indicated below unless the context clearly indicates otherwise:

Erect. To build, construct, attach, hang, place, suspend, or affix.

Façade. The principle face of a building, including parapet walls and omitted wall lines, or any part of a building which encloses or covers usable space. Where separate faces are oriented in the same direction, or in directions within 45 degrees of one another, they are to be considered as part of a single façade.

Height. The distance from the average ground level to the highest point of the sign structure.

Illuminated sign. Any sign illuminated by electric lights.

Incombustible material. Any materials which will not ignite at 1200 degrees F or below, nor shall it continue to burn or glow at that temperature.

License. An official document issued by the city that gives permission to operate a sign installation business.

Logo. A design or insignia commonly used to identify a company or product.

Non-residential. Development that occurs on commercial, office, industrial, institutional, agricultural or open space property and that does not require or provide facilities for people to live on the premises.

Off-site. Any commercial sign that advertises a business, person, activity, goods, products, or services not located on the property where the sign is installed, or that directs persons to a location other than the property where the sign is located.

On-site. The sign refers to goods, products, or services provided at a location which the sign occupies.

Permit. An official document issued by the city that allows for sign installation.

Person. An individual, partnership, firm, company, association or corporation of any kind.

Property owner. The owner of the property on which the sign is located. A lessor may have the same rights and authority as the Property Owner if given such authority through written agreement with the Property Owner.

Residential developments. Shall mean any single-family residential development with 10 or more single-family lots

Right-of-way. The area on, below, above or adjacent to a public road, highway, street, public sidewalk, alley, waterway, or utility easement in which a governmental entity has an interest.

Setback. The minimum distance from the property line to the nearest part of a building. No sign requiring a permit may encroach, project, or may be constructed on or past this line.

Sign. A structure, display, light device, painting, drawing, message, plaque, poster, or other thing that is designed, intended or used to advertise, inform or attract the attention of persons not on that premises, excluding those lights and landscape features which display words or symbols as temporary holiday decorations.

Sign, abandoned. Any sign without a valid current permit, or one which is deserted, surrendered or forsaken, unused, and/or given up for a period of sixty (60) days.

Sign, attached. Any sign attached to the face of a building or incorporated thereon, including windows, doors, and open air accessory structures to advertise businesses in that building or on that property.

Sign, billboard. Any sign that attracts attention to an object, product, service, place, activity, institution, organization or business not available or located on the lot where the sign is located. A billboard sign is considered an off-site sign.

Sign, changeable letter: A sign where the supporting frame or structure is permanent and only the letters, displays or illustrations thereon are changeable or temporary.

Sign, coordinated sign plan (master). A plan that coordinates signs designed for a multi-tenant development where there are 4 or more tenant spaces or a major homebuilder subdivision where a builder has 10 or more lots. Sign coordination shall include the wall, high and low profile, freestanding, under-canopy signs and other types of signs.

Sign, development. Any temporary sign pertaining to the development of land.

Sign, electronic. Any sign for which the text, letters, numbers, pictures or symbols forming the informational portion of the sign consists of flashing, intermittent, or moving lights, including any LED screen or any other type of video display. The definition does not include signs that have internal or indirect illumination that is kept stationary or constant in intensity and color at all times when such sign is in use or any governmental sign located with the right-of-way that functions as traffic-control device and that is described and identified in the Texas Manual on Uniform Traffic-Control Devices.

Sign, face area. The lesser of the entire area within the single, smallest rectangle enclosing the extreme limits of writing representation, emblem or any figure or similar character, together with any material or color forming an integral part of the display or used to differentiate such sign from the background against which it is placed, or the smallest area of not more than three contiguous rectangles enclosing different sections of the extreme limits of writing representation, emblem or any figure or similar character, together with any material or color forming an integral part of the display or used to differentiate such sign from the background against which it is placed.

Sign, freestanding - high profile (pole). A sign resting upon or attached to the ground by means of an integral base of one (1) or more poles or standards. The height of the high profile sign may not exceed thirty (30) feet.

Sign, freestanding - low profile (monument or ground). A sign affixed to the ground at its base, supported entirely by a base structure, and not mounted to a pole or part of a building. Pole(s) may be used to construct a monument sign so long as the poles are not visible below the sign. The height of the sign shall not exceed eight (8) feet. A low profile sign may not be located in an area that will obstruct clear view for entering or exiting a property by motor vehicle.

Sign, kiosk. A freestanding and multi-sided structure (with no more than ten sign panels) that requires city council approval for location(s) that may be in a public right-of-way or on city-owned property within the city limits and is used for the purposes of identifying local businesses, religious institutions, schools, and homebuilders with residential construction currently underway within the city limits.

Sign, marquee. Any sign erected on a marquee or fixed awning.

Sign, permanent. Any sign intended to be used and capable of being used for six (6) months or longer and is solidly attached to a building, structure, window, or the ground by means of mounting brackets, bolts, welds, or other combination of attachment methods, thereby rendering the sign non-movable or difficult to reposition without the use of machinery, cutting devices, or mechanical devices. Temporary signs and wind devices shall not be considered as permanent signs.

Sign, portable. Any sign without a permanent foundation, or otherwise permanently attached to a fixed location, that can be carried, towed, hauled, or driven and is primarily designed to be moved rather than be limited to a fixed location regardless of modifications that limit its movability.

Sign, projecting. Any sign which projects, either horizontally or vertically, from a building and which has one end attached to that building or other permanent structure.

Sign, temporary. A banner, pennant or poster constructed of paper, cloth, canvas, plastic sheet, cardboard, wallboard, plywood, or other like materials and that appears to be intended or is determined by the code official to be displayed for a limited period of time.

Sign, traffic. A sign used for traffic-control purposes.

Sign, under-canopy. A sign attached to the soffit or under the fascia of a structure, canopy, covered entrance or walkway, or marquee.

Sign, vehicle. Any sign attached to or displayed on a vehicle.

Wind device. A streamer, inflatable, tethered balloon, feather flag or similar device made of cloth, canvas, plastic or other similar flexible material, with or without a frame or other supporting structure. Devices may or may not contain a message, figure, or design attached to its surface intended to attract attention.

Window. An opening in the wall or roof of a building that is fitted with glass or other transparent material in a frame to admit light or air and allow people to see out. For the purposes of this Article, when multiple panes of glass or other transparent material and their associated frames are combined together to form a larger transparent opening, this shall be considered one window.

Sections 15.04.007-15.04.015 Reserved

Division II - Sign Regulations by Type and Location

Section 15.04.0016 Prohibited Signs

- (1) All signs are prohibited in the City and Extraterritorial jurisdiction unless:
 - A. Constructed, maintained, structurally altered, or improved pursuant to a valid permit when required under this Ordinance; and
 - B. Expressly authorized under this Ordinance.
- (2) Sign which cannot be expressly authorized include:
 - A. Signs are prohibited to be located in or projected over any public right-of-way or across the public right-of-way line extended across a railroad right-of-way, except when attached to and projecting no more than 48 inches from a building wall legally located at or near the right-of-way line in the City Limits of in the Extraterritorial Jurisdiction or are an authorized marquee sign attached to a building.
 - B. Portable signs.
 - C. Changeable electronic variable message signs (CEVMS), digital signs, and light emitting diode (LED) signs are prohibited.
 - D. Off-premise signs (including billboards) containing commercial advertising of goods or services but excluding authorized sign kiosks.
 - E. Wind devices.
 - F. Signs that blink, fluctuate, move, or rotate. Light rays must shine only upon the sign and upon the property within the premises.
 - G. Signs, papers, or other materials or paint, stencil, written name, number or otherwise mark on any sidewalk, curb, gutter, street, tree, utility pole, or other city property located on public property or within the public right-of-way, public building, public fence or public structure. This shall not prohibit the posting of governmental signs or the painting or attachment of street address numbers to curbs or sign placed with the written permission of the City.
 - H. Signs substantially similar to, or imitating, traffic or emergency signs at any location at which they may be seen from the travel lanes of any public street, roadway, or right-of-way.
 - I. Hand-held signs with a commercial message.
 - J. Signs that are taller than 42.5 feet.

- K. Signs on or displayed upon parked motor vehicles, trailers, aircraft or similar that is stationed or positioned for a period of seventy-two (72) consecutive hours or more or regularly used at a fixed location to serve the same or similar purpose as a permanent or temporary sign not affixed to a vehicle, trailer, aircraft or similar.
- L. Signs and wind devices attached to private parking light poles, sign support poles other than what has been permitted to be attached to said poles, stakes, or similar.

Section 15.04.017 Sign permits not required

The following types of signs are authorized in all zoning districts and 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. Signs required by law. Signs required to be erected pursuant by other law, including federal, state, or local law, including a sign that a property owner is required to post on the owner's property to warn of danger or to prohibit access to the property either generally or specifically; the owner must comply with the federal, state, or local law to post a sign on the property.
3. Railway signs. Signs within or on railway property and placed and/or maintained in reference to the operation of such railway.
4. Utility signs. Signs marking utility or underground communication or transmission lines.
5. Vehicle signs. Signs displayed on trucks, buses, trailers, or other vehicles that are less than thirty two (32) square feet and are being operated as motor vehicles, provided that the primary purpose of the vehicles is not for display of signs and provided that they are parked in areas appropriate to their use as vehicles, are in operable condition, and carry a current and valid license plate and state inspection tag. Vehicle signs shall conform to the following restrictions:
 - A. Vehicular signs shall contain no flashing or moving elements;
 - B. Vehicular signs shall not be attached to a vehicle so that the driver's vision is obstructed from any angle;
 - C. Signs, lights and signals used by authorized emergency vehicles shall not be restricted.
6. Signs not visible from street. Signs where no part of such sign is visible from any public street or right-of-way.
7. Unused signs. Signs being manufactured or transported, and/or properly and safely stored, and not being used, in any manner or form, for purpose of advertising.
8. Plaques. Commemorative plaques of recognized historical societies and organizations.

9. Private traffic/parking control signs. On-site signs which direct the movement of traffic on private property or warn of obstacles or overhead clearances or control parking. The sign must be less than four (4) feet in width, less than three (3) feet in height, and be placed where it will not interfere with the safe movement of vehicles or pedestrians. A parking control sign displayed on private property for the purpose of authorizing use of said private property by certain persons or designated for business use shall be a maximum of three (3) feet in height and four (4) feet in width and shall contain the following information:

A. A bright red international towing symbol which is a silhouette of a tow truck towing a vehicle on a generally white background at least four (4) inches in height located on the uppermost part of the sign.

B. Immediately below the symbol shall be the words "Towing Enforced" and the lettering shall be at least two (2) inches in height. The lettering on this portion of the sign shall be white on a bright red background.

C. The next line shall state who is authorized to park at this location, (e.g., "Except for (name of person). All Other Unauthorized Vehicles Will Be Towed at Owner's or Operator's Expense.") This lettering should be at least 1" in height and red on white background.

D. The next line must contain the telephone number of the towing company/storage facility to which an unauthorized vehicle will be removed. The lettering on this part of the sign should be at least one (1) inch in height.

These signs may be wall-mounted no higher than eight (8) feet above grade or, if mounted in a monument style, may not exceed six (6) feet in height or obstruct the view or create a traffic hazard. More than one sign for each parking area may be located where separate parking areas are provided or other locations where one sign is not visible in all areas.

10. Mailboxes and newspaper racks. Signs located on mailboxes, newspaper vending machines and curbside residential newspaper holders which identify the owner and address of the premises or the name of the newspaper sold or subscribed to are allowed, provided that such devices are not placed so as to interfere with the safe movement of pedestrians or vehicular traffic.

11. Signs on outdoor machines, devices and equipment. Signs which display the trademark, trade name, manufacturer, cost of operating or service instructions or similar information located on outdoor machines, devices, or equipment are permitted, provided they do not advertise the business where the sign is located and the sign face is not larger than the normal dimensions of the machine to which the sign is attached. This exemption includes, but is not limited to, signs on coin-operated vending machines, fuel-dispensing pumps, telephone facilities, automatic teller machines, automatic vacuum cleaners, amusement rides and similar machines, devices or equipment.

12. Athletic fields. Signs located on the field side of scoreboards and fences of athletic fields are permitted.

Section 15.04.018 On-site signs

Freestanding high, freestanding low, wall/attached, and canopy/awning sign(s) may be erected and maintained upon any property, unless otherwise prohibited or restricted herein, provided that not more than one (1) freestanding high or low sign shall be erected or maintained upon any premises not a part of a multi-tenant development. Such signs shall pertain only to the identification of a building, business, product(s), or service(s) manufactured, sold, or offered on the premises where the sign is located.

1. Freestanding high profile sign - single tenant. One freestanding high profile sign for each platted lot not part of a multiple development as hereinafter defined and regulated shall only be permitted along the frontages of the north and south sides of Hwy. 290 and on the east and west sides of North FM 973 from Hwy. 290 to Old Hwy 20 in C-1, C-2, C-3, and commercially designated areas within PUD zoned districts or for properties located in the ETJ with frontage on the north or south side of Hwy. 290 with a use consistent with C-1, C-2, or C-3 zoning. For purposes of this definition, single tenants are 3 or less tenant spaces.

A. The maximum luminance of the sign shall not be greater than 200 footlamberts. All illuminated signs shall conform to all restrictions of Article 15.05 Outdoor Lighting and lights used for external illumination of any portion of a sign shall be fully shielded.

i. Outdoor internally illuminated advertising signs shall either be constructed with an opaque background and translucent letters and symbols or with a colored (not white, cream, off-white, yellow or other light color) translucent background, with either translucent or opaque letters and symbols. Opaque means only that the material must not transmit light from the internal illumination source; the color of such opaque backgrounds is not restricted by this section.

B. It shall be supported wholly by a pole or poles.

C. Changeable electronic variable message signs (CEVMS), digital signs, and light emitting diode (LED) signs are prohibited.

D. It shall not rotate nor have any moving or mechanical parts

E. It shall not exceed thirty (30) feet in height, nor shall the lowest member of the sign, excluding the poles, be less than eight (8) feet from the finished grade at the location of the sign.

F. It shall not be located within fifty (50) feet of a residentially zoned property.

G. It shall not project over any public right-of-way or encroach upon the property of another.

H. It shall not have more than two (2) sides back to back or angled with no greater separation between sides at its widest point than four (4) feet

I. It shall have a minimum of one hundred and twenty (120) square feet of landscaped area approved at time of permitting at the base of the sign

J. It shall not be a flag

K. The face area for a high profile sign shall be determined by the length of the street frontage along which the sign is placed. When a sign is placed so as to be read from multiple frontages of the lot the most restrictive calculations apply. Frontages less than one hundred (100) feet shall only be permitted a low profile sign.

Street Frontage	Face Area Allowed
From 100' to 349'	48 square feet
From 350' to 499'	64 square feet
From 500' to 750'	80 square feet
Over 750'	96 square feet

2. Freestanding low profile sign - single tenant.

A. Commercial, industrial, institutional, and agricultural districts. One low profile (monument) sign for each platted lot not part of a multiple development as hereinafter defined and regulated shall be permitted in all commercial, industrial, institutional, and agricultural zoned districts.

i. The maximum luminance of the sign shall not be greater than 200 footlamberts. All illuminated signs shall conform to all restrictions of Article 15.05 Outdoor Lighting and lights used for external illumination of any portion of a sign shall be fully shielded.

a. Outdoor internally illuminated advertising signs shall either be constructed with an opaque background and translucent letters and symbols or with a colored (not white, cream, off-white, yellow or other light color) translucent background, with either translucent or opaque letters and symbols. Opaque means only that the material must not transmit light from the internal illumination source; the color of such opaque backgrounds is not restricted by this section.

ii. Changeable electronic variable message signs (CEVMS), digital signs, and light emitting diode (LED) signs are prohibited.

iii. It shall not exceed eight (8) feet in height nor be located in manner that will obstruct clear view for entering or exiting a property by a motor vehicle.

iv. It shall not rotate nor have any moving or mechanical parts

v. It shall not have more than two (2) sides back to back or angled with no greater separation between sides at its widest point than four (4) feet

vi. It shall have a minimum of one hundred and twenty (120) square feet of landscaped area approved at time of permitting at the base of the sign

vii. The maximum total face area shall be determined by the street frontage of the lot. Where the lot fronts on more than one (1) street, the frontage (length to be used) shall be the length of the longest side.

Street Frontage	Total Face Area Allowed
Under 100'	32 square feet
From 100' to 349''	48 square feet
From 350' to 499'	64 square feet
From 500' to 750'	80 square feet
Over 750'	96 square feet

3. Attached signs.

A. Attached signs shall be permitted for each separate establishment or enterprise occupying a building or unit thereof. The total maximum face area of attached signs permitted for establishments or enterprises occupying a building shall be related to the length of the wall of the building's principal entrance. Developments in C-1, C-2, C-3, and commercially designated areas within PUD zoned districts or for properties located in the ETJ with a use consistent with C-1, C-2, or C-3 zoning with detached open-air accessory structures, such as canopies, may calculate one side of the accessory structure length with an X-factor of 0.25 to allow for additional sign face area. Except as hereinafter provided, the total maximum face area for attached signs shall not exceed X square feet per linear foot of building frontage where X equals:

Zoning District	X = Factor
Residential districts (SF-E), (SF-1), (SF-2), (TF), (TH), (MH-1)	See section 15.04.018(13)
Multifamily residential (MF-1), (MF-2)	See section 15.04.018(14)
Manufactured housing (MH-2)	See section 15.04.018(14)

Neighborhood business (NB)	0.75 X Building Frontage
Commercial light (C-1)	2.0 X Building Frontage
Commercial medium (C-2)	1.5 X Building Frontage
Commercial heavy (C-3)	1.0 X Building Frontage
General office (GO)	1.0 X Building Frontage
Downtown business district (DBD)	2.0 X Building Frontage
Institutional Small district (I-1)	1.0 X Building Frontage
Institutional Large district (I-2)	0.5 X Building Frontage
Industrial District (IN-1), (IN-2)	1.0 X Building Frontage
Agricultural (A), Open Space (OS)	1.0 X Building Frontage If property where the sign(s) are placed has a homestead exemption as defined by Texas Tax Code Section 11.13 follow Residential district regulations of this Article section 15.04.018(13)

B. Where a building has frontal of tenant spaces on more than one side of a building, the frontage used in the calculation of total maximum attached sign face area shall be the cumulative total of building frontage of individual tenant spaces as determined by the development services department.

C. Changeable electronic variable message signs (CEVMS), digital signs, and light emitting diode (LED) signs are prohibited.

D. The area of pictorial design, illustration, and forms of humans, animals, products and trademarks shall be charged against the maximum attached sign face area.

E. It shall not project above or beyond the ends of the structure or its parapet or the highest point of the roof or roofline, whichever is higher.

F. The maximum size of any one attached sign shall not exceed two hundred and twenty-five (225) square feet.

G. Architectural elements to which signage may be attached shall be limited to the building wall surfaces, canopy, fascia, or sign bands.

H. It shall not project over forty-eight (48) inches from the face of any building to which the sign is affixed, nor project over any rights-of-way. Where an attached sign is placed in such a manner as to project a distance greater than two (2) inches into a private driveway or other private area likely to be used by vehicular traffic or where such sign is placed in such a manner as to allow passage of vehicular traffic beneath it, the sign shall have a minimum clearance of fourteen (14) feet. Where an attached sign is placed in such a manner as to allow passage of pedestrian traffic beneath it, the sign shall have a minimum clearance of eight (8) feet.

I. The maximum luminance of the sign shall not be greater than 200 footlamberts. All illuminated signs shall conform to all restrictions of Article 15.05 Outdoor Lighting and lights used for external illumination of any portion of a sign shall be fully shielded.

- i. Outdoor internally illuminated advertising signs shall either be constructed with an opaque background and translucent letters and symbols or with a colored (not white, cream, off-white, yellow or other light color) translucent background, with either translucent or opaque letters and symbols. Opaque means only that the material must not transmit light from the internal illumination source; the color of such opaque backgrounds is not restricted by this section.

J. Signs placed in windows shall not cover more than thirty (30) percent of the window in which they are placed.

4. Under-canopy/awning signs. An under-canopy sign must be installed perpendicular to the store front. Such signs:

- A. Shall be charged against the total allowable attached wall signage;
- B. Shall identify only the name and/or type of establishment and/or address;
- C. Shall not have a vertical dimension exceeding eighteen (18) inches;
- D. Shall not exceed eighteen (18) square feet in total face area or nine (9) square feet in face area for a single face;

E. Shall maintain eight (8) foot clearance to any walking surface located directly below the sign.

F. Changeable electronic variable message signs (CEVMS), digital signs, and light emitting diode (LED) signs are prohibited.

5. On-site traffic control signs.

On-site traffic-control signs not exceeding eight (8) square feet and used primarily to denote entrances and exits; shall not contain advertising or be used for such purpose and shall not exceed three (3) feet in height. On-site traffic control signs are exempt from required setbacks, provided they are not located in a manner that will obstruct clear view for entering or exiting a property by a motor vehicle. Square footage of on-site traffic controls signs will not count towards allowable site square footages. If being installed, on-site traffic control signs must be included in the diagrams submitted as part of the sign permit.

6. Restaurant menu board signs

Restaurant menu boards, detached or attached to a building, used in connection with a drive-in or drive-through, shall not attract the attention of persons not on the premises. Signs under this section shall not exceed thirty-two (32) square feet and shall be internally illuminated. This sign shall be placed at least thirty (30) feet from any public right-of-way. Square footage of restaurant menu boards will not count towards allowable site square footages. If being installed, restaurant menu board signs must be included in the diagrams submitted as part of the sign permit.

7. Temporary Signs.

Temporary signs may be displayed with the approval of a temporary sign permit. Each lot in the City is limited to two (2) temporary sign permits per calendar year with a maximum time period of no more than thirty (30) consecutive days for each permit. Temporary signs may not exceed thirty two (32) square feet in sign face area nor eight (8) feet in height when not securely attached to a permanently installed building or wall. When placed in or upon a window the sign shall not cover more than thirty (30) percent of the window in which it is placed. All such signs must be removed immediately after and upon the expiration of the maximum time period allowed. The location of these signs and devices must be approved in writing by the Building Official for safety and setback purposes and, if the adjacent property owners have and make objections to the sign, the adjacent property owners may appeal any such application to the Board of Adjustments. Displayed signs must be securely attached to permanently installed building or wall or securely attached to pipes, poles, posts or similar if the signs and supporting materials are kept in good repair. All externally illuminated signs shall conform to all restrictions of Article 15.05 Outdoor Lighting and shall be fully shielded. A temporary sign must obtain a permit and pay a temporary sign fee as required by the City fee schedule for the time the sign will be displayed. A temporary sign must have an affixed permit sticker on the sign in a location easily accessible to a code enforcement officer or other designated city official.

A. New Business Temporary Sign. Within ten (10) business days of a Certificate of

Occupancy having been issued for a commercial establishment, one temporary sign permit may be applied for and, if permitted, displayed for a period of time not to exceed thirty (30) consecutive days. The temporary sign shall not exceed thirty two (32) square feet in face area nor eight (8) feet in height when not securely attached to a permanently installed building or wall. When placed in or upon a window the sign shall not cover more than thirty (30) percent of the window in which it is placed. This sign shall not count towards the two (2) temporary sign permits allowed for each lot in a calendar year.

8. Flagpoles on Non-Residential Property

One flag per twenty-five (25) feet of frontage on a right-of-way up to a maximum of four (4) flags with non-commercial messages and four flagpoles per premises. Each flag can be a maximum of forty eight (48) square feet in area. Flagpoles shall not exceed than the maximum height allowed in the base zoning district. Flagpoles must meet the minimum yard setback requirements for a principle building or a minimum of ten feet, whichever is more restrictive. Flagpoles shall be set in a permanent foundation for which a permit shall be required. This authorization excludes flag types commonly referred to as feather flags

9. Types of Signs Allowed without a Permit on Non-Residential Property

A. Each lot may have one (1) non-commercial sign, including a pole sign, wall sign, or monument sign, that meets the requirements of this section.

- i. A non-commercial sign shall not have an area greater than sixteen (16) square feet
- ii. A non-commercial sign shall not be more than five (5) feet in height.
- B. A non-commercial sign shall not be lighted or have any moving elements.
- C. Non-commercial signs may be installed on private property only with the consent of a property owner and may not be installed in, on, or over any street or right-of-way.
- D. Non-commercial signs under this Section may not advertise the sale of goods or services.
- E. Any sign allowed under this Section for a commercial message may also contain non-commercial content.

10. Multiple developments.

A. For the purposes of this section, multiple development shall be defined as four or more office, commercial, or industrial establishments or enterprises or combinations thereof which are located in single building, or one (1) or more such offices, establishments, or enterprises or combinations thereof in two (2) or more buildings developed or to be developed as part of an integrated development.

B. A coordinated sign plan for the entire development shall be submitted to the development services department prior to application for a permit for the erection of any sign within the development. Freestanding high profile, low profile, attached/wall, canopy/awning, and permanent changeable letter signs shall be permitted. The Planning and Zoning Commission shall

approve the coordinated sign plan and the location in writing, as well as the number and size of permitted signs.

C. No owner, tenant or other user of the multiple development, or part thereof, shall erect, permit to be erected, or use any sign deviating from or not included within the approved coordinated sign plan. The certificate of occupancy shall be deemed revoked as to the entire multiple development if the sign that relates to it is not in conformance to these requirements.

11. Freestanding high profile sign - multi-tenant.

A. The coordinated sign plan shall be reviewed and approved in writing by the Planning and Zoning Commission. There may be one (1) freestanding high profile sign located at each entrance to the development. Multi-tenant freestanding signs may only be allowed along the frontages of the north and south sides of Hwy. 290 and on the east and west sides North FM 973 from Hwy. 290 to Old Hwy 20 in C-1, C-2, C-3, and commercially designated areas within PUD zoned districts. Freestanding signs approved by the Planning and Zoning Commission shall not exceed thirty-five (35) feet in height from finished grade and the lowest portion of the structure or sign, excluding poles, may not be below eight (8) feet from finished grade. It shall be located above a sign foundation with landscaping, or architectural facet incorporating some design elements found in the overall development. No sign with a moving display such as video or changing graphics displaying the name, service, or product to be sold at the location shall be allowed. Changeable electronic variable message signs (CEVMS), digital signs, and light emitting diode (LED) signs are prohibited.

12. Freestanding low profile sign - multi-tenant.

A. There may be one (1) freestanding low profile sign located at each entrance to the development. Low profile signs approved by the Planning and Zoning Commission shall not exceed twenty-five (25) feet in height from finished grade nor be located in manner that will obstruct clear view for entering or exiting a property by a motor vehicle. No sign with a moving display such as video or changing graphics displaying the name, service, or product to be sold at the location shall be allowed. Changeable electronic variable message signs (CEVMS), digital signs, and light emitting diode (LED) signs are prohibited.

13. Residential District Specific Sign Regulations. Residential districts include property zoned as SF-E, SF-1- SF-2, TF, TH, MH-1 and A as defined in Chapter 14 of the city's zoning code. For the purposes of this Section, Agricultural zoned properties with a homestead exemption, or portions of properties with a homestead exemption, as defined by Texas Tax Code Section 11.13 are considered Residential. No sign shall be permitted or allowed in a residential district unless it meets the following criteria.

A. General Regulations. When a sign is authorized on a property, the sign must not exceed four (4) square feet in area unless otherwise authorized by code or variance for a larger sign.

B. Residential Developments.

i. Residential subdivision entry signs. One low profile subdivision entry sign may be permitted at each entrance to a residential development zoned SF-E, SF-1, SF-2, TF, TH or single-family designated areas as part of a PUD.

a. The maximum luminance of the sign shall not be greater than 200 footlamberts. All illuminated signs shall conform to all restrictions of Article 15.05 Outdoor Lighting and lights used for external illumination of any portion of a sign shall be fully shielded.

b. It shall not exceed thirty-two (32) square feet in face area (per side) and sign face area shall not be located higher than eight (8) feet on a sign monument structure nor be located in manner that will obstruct clear view for entering or exiting a property by a motor vehicle.

ii. Residential subdivision neighborhood signs. Low profile signage may be permitted within a subdivision for the purposes of identifying individual neighborhoods located within the subdivision in SF-E, SF-1, SF-2, TF, TH zoned districts or single-family designated areas as part of a PUD.

a. The maximum luminance of the sign shall not be greater than 200 footlamberts. All illuminated signs shall conform to all restrictions of Article 15.05 Outdoor Lighting and lights used for external illumination of any portion of a sign shall be fully shielded.

b. It shall not exceed sixteen (16) square feet in face area (per side) and four (4) feet in structural height nor be located in a manner that will obstruct clear view for entering or exiting a property by a motor vehicle.

iii. Temporary Subdivision Entry Signs. When a subdivision has been released for construction, up to one hundred eighty (180) square feet of signage per subdivision entrance may be installed. Each sign issued under this subsection shall not exceed thirty-six (36) square feet (per side) in area or eight (8) feet in overall height and may be placed at each subdivision entrance after applying and receiving a sign permit. A sign under this subsection may be a pole sign or monument sign. A sign permitted under this subsection must be removed when the development of lots and buildings have ceased. The property owner or applicant listed on the sign permit shall be responsible for the maintenance, removal, and compliance of such signs. If a subdivision owner or homebuilder wishes to place a model home, selling point, or other temporary signs to advertise the lots within a subdivision, application for a coordinated sign plan is required.

iv. Signs on individual lots. Signs, including pole sign, wall sign or monument sign (unless specifically designated otherwise by this Ordinance), allowed at any time on any property without a permit:

a. A property owner may place one sign with a face area no larger than two (2) square feet nor exceeding eight (8) feet in height when not securely attached to a building or wall, on the property at any time.

b. A property owner may place a sign no larger than 8.5 inches by 11 inches in one window on the property at any time.

c. One additional temporary sign that may be up to nine (9) square feet in size and not exceeding eight (8) feet in height when not securely attached to building or wall, may be located on the owner's property for a period of ninety (90) days prior to an election involving candidates for a federal, state, or local office that represents the district in which the property is located or involving an issue on the ballot of an election within the district where the property is located per issue and per candidate. Any sign covered by this subsection may remain on the property up to seven (7) days after the election at issue. This section does not limit the content on the additional temporary sign.

d. A person having a legal home occupation may display one additional sign on the face of the building or porch. The sign shall be attached directly to, and parallel to, the face of the building or porch. The sign shall not exceed four (4) square feet in area, shall not be illuminated in any way, and shall not project more than six (6) inches beyond the building or porch.

e. One additional temporary sign, not exceeding eight (8) square feet in area nor eight (8) feet in height when not securely attached to a building or wall, may be located on a property without a permit when the owner consents to the placement of the sign and that property is for sale or lease or if an individual unit or units is for sale or lease. A sign posted under this section must be removed within ten (10) days following when a contract of sale has been executed or a rental agreement has been executed. This subsection does not affect the content of the sign allowed this subsection.

f. Flags are authorized to be placed on residential property without a sign permit, including two flags with non-commercial messages and one flagpole per premises shall be allowed on each lot. Each flag shall be a maximum of fifteen (15) square feet in area. Flagpoles shall not exceed than the maximum height allowed in the base zoning district. Flagpoles must meet the minimum yard setback requirements for a principle building. Flagpoles shall be set in a permanent foundation for which a permit shall be required. This authorization excludes flag types commonly referred to as feather flags.

g. General regulations for signs on individual lots

i. No sign may be placed on a residential lot without the consent of the Property Owner or a Lessor who has been given authority to place a sign on the property by written agreement of the Property Owner

ii. Other than those signs specifically authorized under this Section, a sign under this Section shall not be illuminated, electronic, digital, or contain moving elements. If lighting is allowed, it must follow the requirements of Article 15.05 Outdoor Lighting and be fully shielded.

iii. Unless otherwise specified in this Section, permitted signs may be placed anywhere on the premises except in a required side yard within the street or utility right-of-way, or within any other form of public easement.

iv. Height. The following maximum heights shall apply to signs on individual lots in a residential district:

- A. Unless otherwise specified in this Section, if ground-mounted, the top must not be over five (5) feet about the ground; and
- B. If building mounted, the sign must be flush mounted and must not project above the roof line.

v. Properties in the ETJ that are appraised as residential and that contain single family units shall comply with this Section.

14. Multi-family and Manufactured Home Specific District Sign Regulations. Multi-family and Manufactured Home districts include property zoned as MF-1, MF-2, and MH-2 as defined in Chapter 14 of the city's zoning code. No sign shall be permitted or allowed in a Multi-family or Manufactured Home District unless it meets the following standards:

A. Types of signs allowed with a permit

i. Multi-family and Manufactured Home Residential Complex Sign. One low profile multi-family residential complex sign may be permitted at each entrance to a residential complex zoned MF-1, MF-2, and MH-2 or multi-family designated areas as part of a PUD.

a. It shall not exceed thirty-two (32) square feet in face area (per side) and sign face area shall not be located higher than eight (8) feet on a sign monument structure nor be located in manner that will obstruct clear view for entering or exiting a property by a motor vehicle.

b. The maximum luminance of the sign shall not be greater than 200 footlamberts. All illuminated signs shall conform to all restrictions of Article 15.05 Outdoor Lighting and lights used for external illumination of any portion of a sign shall be fully shielded.

ii. Identification sign. There may be one (1) sign no larger than sixteen (16) square feet in sign area identifying the complex and placed flush on the wall near the office entrance or, as an alternative, one (1) hanging sign or one (1) ground sign containing no more than six (6) square feet in sign area may be erected.

B. Types of signs allowed without a permit

ii. Temporary Sign. One temporary sign, including a high-profile sign, low profile sign or attached wall sign may be located on a property without a permit when the owner consents to the placement of the sign and that entire property is for sale or lease or if an individual unit or units is for sale or lease. This subsection does not affect the content of the sign allowed under this subsection.

- a. Entire Property: One additional sign, not exceeding thirty two (32) square feet in sign area nor eight (8) feet in height when not securely attached to a building or wall, while entire property is for sale or lease. A sign posted under this section must be removed within ten (10) days following when a contract of sale has been executed or a rental agreement has been executed.
- b. Individual Unit(s): One additional sign, not exceeding nine (9) square feet in area nor eight (8) feet in height when not securely attached to a building or wall, where an individual unit or units is being offered for sale or lease. A sign posted under this section must be removed within ten (10) days following when a contract of sale has been executed or a rental agreement has been executed.

iii. Flags are authorized to be placed on Multi-Family and Manufactured Home district property without a sign permit, including two flags with non-commercial messages and one flagpole per premises shall be allowed on each lot. Each flag shall be a maximum of forty eight (48) square feet in area. Flagpoles shall not exceed than the maximum height allowed in the base zoning district. Flagpoles must meet the minimum yard setback requirements for a principle building. Flagpoles shall be set in a permanent foundation for which a permit shall be required. This authorization excludes flag types commonly referred to as feather flags

iv. Individual lessees or owners of units within a Multi-Family or Manufactured Home district may also display any sign allowed in a Residential District section 15.04.018(13)(iv), so long as:

- a. Sign is allowed by owner, in writing, of Multi-family housing or property if property is owned separately; and
- b. Sign is displayed within the area owned or leased by the individual lessee

15. Construction standards. All on-site signs shall be designed and constructed to withstand a wind pressure of not less than thirty (30) pounds per square foot of area and shall be constructed to receive dead loads as required in the building code of the city.

Section 15.04.019 - Off-site signs

1. Off-site signs. Other than sign kiosks, no off-site shall be permitted.

A. Billboard signs. Billboard signs shall not be allowed.

2. Existing billboard signs.

A. Signs in existence prior to September 20, 2017 shall not exceed forty feet (40') in height and shall not have a face area, or gross surface area greater than six hundred seventy-two (672) square feet; provided that a billboard with signs located back to back and facing opposite directions may have up to (or no more than a total of) six hundred and seventy-two (672) square feet of surface area for each of the two sign faces.

B. Existing billboards cannot be modified, upgraded, or converted to an electronic, changeable message (digital) billboard format.

C. Existing billboards cannot be relocated within or onto another property.

3. Kiosk signs.

A. Kiosk signs, approved by the city council, may be permitted in a public right-of-way. A kiosk sign approved by city council shall include a license and maintenance agreement when the kiosk is located in a state, county or city right-of-way. Such kiosk sign may be erected on property owned by the city.

B. A kiosk sign structure shall not exceed nine (9) feet in height, four (4) feet in width and shall display no more than ten (10) sign panels. Individual panels may not exceed forty (40) inches in width or ten (10) inches in height. Sign panels shall contain the following information: Name, trademark and/or logo of commercial business, new subdivision or homebuilder, directional information and a line of text which is part of a recognized trademark or logo. Sign panels may also contain the name of a governmental facility, golf course, or park and directional information. These signs shall not be illuminated nor contain tags, sign streamers or attention-getting devices or other appurtenances. Kiosk signs shall not be located where they will obstruct traffic or the views of traffic. Sign panels must be approved by the city to ensure compliance with this article and all applicable ordinances before they are erected.

Section 15.04.020 Illuminated signs

The Building Official shall not approve an application for an illuminated sign if the sign is to be installed on property zoned residential unless the sign is a residential subdivision entry sign or residential neighborhood sign. Applications for illuminated signs must comply with the outdoor lighting provisions of Article 15.05 and be fully shielded. The application for a permit for erection of a sign in which electrical wiring and connections are to be used shall be submitted to the

Building Official. The Building Official shall examine the plans and specifications respecting all wiring and connections to determine if the same complies with the electrical code of the city. In addition, all illuminated signs shall bear the Underwriters' Laboratory label or be built to comply with the Underwriters' requirements. The Building Official shall approve said permit if the plans and specifications therefor comply with the requirements of this article, and shall disapprove the application if noncompliance is found. Approval by the Building Official must be obtained prior to the approval and issuance of any sign permit by the Building Official or their designee.

Sections 15.04.021 -15.04.030 Reserved

Division III - Existing Signs

Section 15.04.031 - Maintenance and removal

1. Maintenance required. All signs shall be maintained in good and safe structural condition, shall be painted on all exterior parts, unless coated or made of rust-resistant material, and shall be maintained in good condition and appearance. Any owner failing to maintain, repair, or remove any sign that is not in good and safe structural condition, after due notice has been given by the city, shall, upon conviction, be guilty of a misdemeanor.

2. Inspection of existing signs. The Building Official shall inspect as necessary each sign regulated by this article for the purpose of ascertaining whether the sign is secure or insecure, whether it serves a useful purpose and whether it is in need of removal or repair.

3. Removal of unsafe and unlawful signs. If the Building Official shall find that any sign regulated herein is unsafe or insecure, or is a menace to the public, or is abandoned or is maintained in a dilapidated condition, or has been constructed or erected or is being maintained in violation of this article, or is not permitted as required by this article, he shall take action as follows:

A. Except as provided in the following subsections (2) and (3), the Building Official shall give the sign or property owner written notice to repair, remove or obtain a permit for such sign as applicable within ten (10) days after such notice. If the sign or property owner fails to remove, repair, or obtain a permit for such sign so as to comply with all applicable standards and regulations, the Building Official shall cause the sign to be either removed or repaired and such cost shall be charged to and paid by the sign or property owner. If such demolition or repair expenses are not paid by the sign or property owner within thirty (30) days of such billing, then such expenses shall constitute a valid lien against the property. Such notice shall also provide the sign or property owner an opportunity to bring the sign into compliance or appeal and request a hearing before the Board of Adjustments to determine whether the sign should be repaired or removed. Such appeal must be filed in writing by the sign or property owner with the city secretary within ten (10) days of the notice. After consideration of all facts, the Board of Adjustments shall rule upon the appeal.

B. The Building Official may cause any sign which is an immediate peril to persons or property to be removed summarily and without notice and the removal costs shall be paid or reimbursed to the city by the sign or property owner.

C. Any sign located in public right-of-way may be immediately removed by the Building Official without notice to the owner and the removal costs shall be paid or reimbursed to the city by the sign or property owner.

Section 15.04.032 New Annexed Signs

Signs in areas newly annexed into the City Limits or newly encompassed by an expanded ETJ shall be treated as nonconforming signs. If required for the type of existing sign, a permit shall be issued upon application.

Section 15.04.033 Nonconforming Signs

1. Nonconforming permanent signs. Nonconforming signs are generally prohibited.

A. It is the declared purpose of this section that, in time, all privately owned signs shall either conform to the provisions of this article or be removed. By the passage of this article and its amendments, no presently illegal sign shall be deemed to have been legalized unless such sign complies with all current standards under the terms of this article and all other ordinances of the city. Any sign which does not conform to all provisions of this ordinance, but which existed on the effective date of this article and was lawfully constructed or installed shall be considered as a nonconforming sign. All nonconforming signs shall be permitted in the same manner as any other legally existing sign or proposed sign; provided that no sign that was constructed or installed in violation of any state or local law, or that was originally constructed or installed without a permit that was required at the time of construction, shall be or qualify as a nonconforming sign.

B. Whenever any nonconforming sign no longer advertises a bona fide business or a business which has moved away from the site where the sign is located, or closed, and where a product was sold, or service was rendered, such sign shall be removed within sixty (60) days. If the nonconforming sign is a wall sign, the wall sign shall be removed or painted over by the owner or tenant responsible for the sign with a color that resembles or matches the rest of the wall of the building. If the owner of, or person responsible for the sign, or if the tenant closing a business, fails to remove the abandoned sign or paint over the wall sign, the owner of the premises shall be held responsible and the work shall be done within thirty (30) days following written notice to do so by the Building Official.

C. No nonconforming sign may be enlarged, altered, relocated or replaced in a way which would maintain or increase its nonconformity.

D. Any nonconforming sign damaged or altered by any means to an extent of more than fifty (50) percent of its replacement cost at the time of damage or alteration shall not be reconstructed except in conformity with the provisions of this article.

2. Nonconforming temporary, portable and wind device signs

A. Any temporary, portable or wind device sign lawfully in existence upon the effective date of this article shall be considered a nonconforming sign and will be allowed to continue for thirty (30) days or until the expiration of a permit, whichever date occurs earlier, at

which time it must be removed. Any unauthorized temporary, portable or wind device sign in existence prior to the effective date of this article shall be removed immediately.

Section 15.04.034 - Abandoned or Discontinued Signs

An abandoned or discontinued sign is a sign that advertises a business or project that has ceased operations in excess of one (1) year, unless the property is leased, in which case the sign shall be removed after two (2) years. The property owner shall remove any sign and/or sign structure that has not been advertising or promoting a going concern for a least one (1) year. For the purposes of this section, a business or project has ceased to operate when it is no longer engaged in the sale of products or services in the normal course of business.

Section 15.04.035 – Altered, Relocated, or Replaced Signs

Any sign which is altered, relocated, or replaced must be brought immediately into compliance with all provisions of this Article.

Sections 15.04.036 – 15.04.0405 Reserved

Division IV – Administration

Section 15.04.046 – Applicability of Other Codes Not in Conflict

All signs erected or maintained pursuant to the provisions of this Article shall be erected and maintained in compliance with all applicable state laws and with the building code, electrical code, property maintenance code, outdoor lighting standards, comprehensive plan, and other applicable ordinances of the City. In the event of conflict between this Article and other laws, the most restrictive standard applies.

Section 15.04.047 - Permit required; application; issuance

1. Permit required. It shall be unlawful for any person, firm or corporation to erect, maintain, or relocate any sign within the city limits or the city's ETJ without first obtaining a sign permit from the Building Official, unless such sign is exempted by this article.
2. Existing signs. The owner of a non-exempt sign that exists upon the effective date of this article and for which a sign permit was required by ordinance when the sign was installed, but for which a sign permit does not exist, shall make application for a sign permit within thirty (30) days of the effective date of this article. It shall be unlawful for the owner of any such sign that was erected without a permit that was then required by article to fail to apply for a permit within the thirty (30) days, and such failure shall further make such sign an illegal sign. Signs lawfully erected prior to the date of this article that are being properly maintained shall, if in conformance with this article, be lawful and permitted, and if not in compliance with this article shall be nonconforming signs.

3. Permit application. Applications for permits shall contain or have attached thereto the following information:

- A. Name, address, and telephone number of the applicant.
- B. Location of the building, structure, or lot on which the sign is to be attached or erected.
- C. One (1) set of plans shall be submitted showing the sign location in relation to nearby buildings or structures, signs, property lines, driveways, public streets, fences, and sidewalks.
 - i. Signs that shall be included in the plans, if being installed:
 - a. Pole or monument sign
 - b. Attached wall sign(s)
 - c. Under awning/canopy sign(s)
 - d. On-site traffic control sign(s)
 - e. Restaurant menu board sign(s)
 - f. Temporary sign(s)
- D. One (1) blueprint or drawing of the plans and specifications showing the method of construction, height, width, copy, attachment to the building or ground, all existing signs, signs to be removed, construction materials, illumination method, and such other materials, and such other application or construction information as the Building Official may require. The Building Official may require plans to be prepared by a registered professional engineer who is registered by the State of Texas or an architect licensed by the State of Texas.
- E. Copy of stress sheets and calculations showing the structure as designed for dead load and wind pressure in any direction in the amount required by this article, and all other laws and codes of the city.
- F. Name of the person, firm, corporation, or association erecting the structure.
- G. Any electrical plans and specifications.
- H. Zoning classification carried by the property or current or proposed use of the property if located in the ETJ
- I. Cost of estimated value of the sign.
- J. Such other information as the Building Official shall require showing full compliance with this article and all other applicable laws and codes of the city.

4. Permit issuance. It shall be the duty of the Building Official or their designee, upon the filing of an application for a sign permit, to examine such plans and specifications and other data and the premises upon which the erection of a sign is proposed. If it appears that the proposed structure is in compliance with all the requirements of this article, the building code, and all other laws and ordinances of the city, the Building Official or their designee shall then issue the sign permit. No permit shall be issued until substantial construction of all structures has been completed or pad sites located or identified. If the work authorized under a sign permit has not been completed within one hundred and eighty (180) days after issuance, the said permit shall become null and void.

5. Permit fee. Permit fees shall be as set forth in the fee schedule in appendix A of this code.
6. Inspection of new signs. The Building Official shall be notified by the permittee prior to the erection of the sign to verify dimensions and when erection of the sign is complete, and the official shall make an inspection to determine if the sign conforms to the permit and requirements of this ordinance.
7. Permit not required. A permit shall not be required for:
 - A. Simple routine maintenance, adjustments, replacement of light globes, etc. on existing signs.
 - B. When a sign has been damaged by fire, windstorm, or other causes, immediate work may be done to prevent damage to property or hazard to persons, and to this extent only. Notice will be given as soon as practical to the City of the work performed.
 - C. Changing a commercial message to a non-commercial message on any legal sign surface. Any sign surface on which a commercial message may contain a non-commercial message.
 - D. Changing of permitted copy of an existing and conforming sign, provided that no increase occurs with respect to either the sign area or the manner in which the sign is structurally supported. Changing of copy on a nonconforming sign is not permitted unless the new copy is in conformance with the requirements of this Ordinance.
 - E. For any sign or display exempted from the sign ordinance or permit requirement.
8. Engineer certification. All applications for a sign permit shall require scale drawings showing a site plan location and design of the sign. Projection, wall and temporary signs not over six (6) square feet in area, constructed of metal or other noncombustible material, attached securely to a building or structure and not projecting more than eighteen (18) inches beyond the building wall, structure, building line or property line, shall not require an engineer certification as to its soundness. For all other signs, a design and street location plan, containing the necessary information, shall be submitted to the Building Official to determine that such sign complies with all the applicable codes and regulations. Wind pressure and dead loads shall be shown where deemed appropriate, and the Building Official may require structural drawings designed and sealed by a civil engineer registered by the State of Texas when it cannot otherwise be determined that the sign will be structurally sound.

Section 15.04.048 Variances

The Board of Adjustments shall be empowered to vary the provisions of this article if it appears that the provisions would work a manifest injustice, considering such factors as the sign location and other pertinent factors. Such decision of the Board of Adjustments should not, however, conflict with the spirit of this article, which is one of safety, provision of adequate light, open space and air, conservation of land and building values and to encourage the most appropriate use of land. All variances to these sign regulations will require a two-thirds vote of the Board of

Adjustments to approve the variance. The Board of Adjustments may grant a variance from a requirement of this article after determining that granting the variance does not provide the applicant with a special privilege not enjoyed by others similarly situated or potentially similarly situated, and:

1. The variance is necessary because enforcement of the requirement prevents any reasonable opportunity to provide adequate signs on the site, considering the unique features of a site including its dimensions, landscaping, or topography;
2. Granting the variance will not have a substantially adverse effect on neighboring properties; or
3. Granting the variance will not substantially conflict with the purposes of this article.

Section 15.04.049 Penalty

- (a) Any person who shall violate any of the provisions of this article, or shall fail to comply therewith, or with any of the requirements thereof, shall be deemed guilty of an offense and shall be liable for a fine in accordance with the general penalty provided in section 1.01.009 of this code. Each day the violation exists shall constitute a separate offense. Proof of culpable mental state shall not be required to establish a violation of this article. Such penalty shall be in addition to all the other remedies provided herein.
- (b) Any person who shall remove a notice of violation or a placard posted pursuant to this article from a property prior to correction of the deficiencies indicated thereon shall be deemed guilty of a misdemeanor offense.
- (c) No certificate of occupancy 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 not in compliance with this article.
- (d) Any person who shall occupy a building, or any part thereof, without having received a certificate of occupancy, within the city limits, shall be deemed guilty of an offense and shall be liable for a fine in accordance with the general penalty provided in section 1.01.009 of this code. Each day the violation exists shall constitute a separate offense. Such penalty shall be in addition to all the other remedies provided herein.

Article 15.05 – Outdoor Lighting

Section 15.05.001 - Purpose and intent.

To afford every citizen the flexibility to engage in the pursuit of safe, inexpensive lighting practices for the purpose of commerce and private use without being impeded upon or impeding upon other citizens desiring a more pristine nighttime environment free from light pollution, waste, trespass, or clutter while providing nighttime safety, security and productivity. Accordingly, it is the intent of this article to encourage lighting practices and systems which will minimize light pollution, glare, light trespass, and conserve energy while maintaining nighttime safety, utility, security and productivity.

Section 15.05.002 - Applicability.

- (a) *New uses, buildings and additions.* All proposed new land uses, developments, buildings, structures, or building additions of 25 percent or more in terms of additional dwelling units, gross floor area, seating capacity, or other units of measurement specified herein, either with a single addition or cumulative additions subsequent to the effective date of this provision, September 20, 2017, shall meet the requirements of this article for the entire property. This includes additions which increase the total number of required parking spaces by 25 percent or more. For all building additions of less than 25 percent cumulative, the applicant shall only have to meet the requirements of this article for any new outdoor lighting provided.
- (b) *Change of use/intensity.* Except as provided in subsection (c) of this section, whenever the use of any existing building, structure, or premises is changed to a new use, or the intensity of use is increased through the incorporation of additional dwelling units, gross floor area, seating capacity, or other units of measurement specified herein, and which change of use or intensification of use creates a need for an increase in the total number of parking spaces of 25 percent or more, either with a single change or cumulative changes subsequent to the effective date of this provision, then all outdoor lighting facilities shall meet the requirements of this article for the entire property, to the maximum extent possible as determined by the director of development. For changes of use or intensity which require an increase in parking of less than 25 percent cumulative, the applicant shall only have to meet the requirements of this article for any new outdoor lighting provided.
- (c) Compliance for single-family residences shall be enforced on a complaint basis.

Section 15.05.003 - Conflicting regulations.

In the event of conflict between the regulations set forth in this code and any other regulations applicable to the same area, the more stringent limitation or requirement shall govern.

Section 15.05.004 - Nonconforming uses, structures or lots.

- (a) Whenever a nonconforming use, structure or lot is abandoned for a period of 180 consecutive days and then changed to a new use according to the requirements of section 3.01.008, then any existing outdoor lighting shall be reviewed and brought into compliance as necessary for the entire building, structure or premises, to the maximum extent possible as determined by the director of development.
- (b) No outdoor lighting fixture or use which was lawfully installed or implemented prior to the enactment of this article shall be required to be removed or modified except as expressly provided herein; however, no modification or replacement shall be made to a nonconforming fixture unless the fixture thereafter conforms to the provisions of this article, except that identical lamp replacement is allowed.
- (c) In the event that an outdoor lighting fixture is abandoned or is damaged to the point of requiring repairs for safe operation, the repaired or replacement fixture shall comply with the provisions of this article.

Section 15.05.005 - Approved materials and methods of construction or installation/operation.

- (a) The provisions of this article are not intended to prevent the use of any design, material or method of installation or operation not specifically prescribed by this article, provided any such alternate has been approved by the city council.
- (b) The city council may approve any such proposed alternate provided that such alternate:
 - 1. Provides at least equivalence to the applicable specific requirements of this article; and
 - 2. Is otherwise satisfactory and complies with the intent of this article.

Section 15.05.006 - Definitions.

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

Abandonment means the discontinuation of use for a period of six months.

Class 1 lighting means all outdoor lighting used for but not limited to outdoor sales or eating areas, assembly or repair areas, advertising and other signs, recreational facilities and other similar applications where color rendition is important.

Class 2 lighting means all outdoor lighting used for but not limited to illumination for walkways, roadways, equipment yards, parking lots and outdoor security where general illumination of the grounds is the primary concern.

Class 3 lighting means any outdoor lighting used for decorative effects, including but not limited to architectural illumination, flag monument lighting, and illumination of trees, bushes, etc.

Development director means the director of development for the city or his/her designated representative.

Development project means any residential, commercial, industrial or mixed use subdivision plan or individual building development or remodeling plan which is submitted to the city for approval.

Direct illumination means illumination resulting from light emitted directly from a lamp, luminary or reflector, not light diffused through translucent signs or reflected from other surfaces such as the ground or building faces.

Fully shielded fixture means that fixtures are shielded in such a manner that light rays emitted by the fixture, either directly from the lamp or indirectly from the fixture, are projected below a horizontal plane running through the lowest point on the fixture where light is emitted. See exhibit A for examples.

Installed means attached, or fixed in place, whether or not connected to a power source.

Light trespass means is spill light falling over property lines that illuminates adjacent grounds or buildings in an objectionable manner.

Lumen means is the unit used to measure the actual amount of visible light, which is produced by a lamp as defined by the manufacturer.

Luminary means the complete lighting assembly, less the support assembly.

Multi-class lighting means any outdoor lighting used for more than one purpose, such as security and decoration, when those purposes fall under the definitions for two or more lighting classes as defined for class 1, 2 and 3 lighting above.

Motion sensing security lighting means a fixture designed, and properly adjusted, to illuminate an area around a residence or other building by means of switching on a lamp when motion is detected inside the area or perimeter and switching the lamp off when the detected motion ceases.

Net acreage means the remaining ground area of a parcel after deleting all portions for proposed and existing public rights-of-way and undeveloped area.

Outdoor light fixtures means all outdoor illuminating devices, reflective surfaces, lamps and other devices, either permanently installed or portable, which are used for illumination or advertisement. Such devices shall include, but are not limited to, search, spot and floodlights for:

1. Buildings and structures.
2. Recreational areas.
3. Parking lot lighting.
4. Landscape and architectural lighting.
5. Billboards and other signs (advertising or other).
6. Street lighting, excluding antique street and pedestrian lighting as approved by the city council or such other person as they may authorize.
7. Product display area lighting.
8. Building overhangs and open canopies.
9. Security lighting.

Outdoor recreation facility means an area designed for active recreation, whether publicly or privately owned, including but not limited to parks, baseball diamonds, soccer and football fields, golf courses, tennis courts and swimming pools.

Person means and includes a corporation, company, partnership, firm, association or society, as well as an individual.

Security lighting means lighting designed to illuminate a property or grounds for the purpose of visual security. This includes fully shielded lighting designed to be left on during nighttime hours as well as motion sensing lighting fixtures.

Temporary lighting means lighting which does not conform to the provisions of this article and which will not be used for more than one 45-day period within a calendar year. Temporary lighting is intended for uses which by their nature are of limited duration; e.g. holiday decorations, civic events, or construction projects.

Total outdoor light output means the maximum total amount of light, measured in lumens, from all outdoor light fixtures on a property. For lamp types that vary in their output as they age (such as high pressure sodium and metal halide), the initial output, as defined by the manufacturer, is the value to be considered.

Unshielded fixture means a fixture that allows light to be emitted above the horizontal plane directly from the lamp or indirectly from the fixture or a reflector. See exhibit A for examples.

Watt means the unit used to measure the electrical power consumption (not the light output) of a lamp.

Section 15.05.007 - Preferred source.

Due to their high energy efficiency, long life and spectral characteristics, Light Emitting Diode (LED) lamps are the preferred illumination source throughout the city. Their use is encouraged for outdoor illumination whenever possible.

Section 15.05.008 - Lighting requirements.

- (a) Outdoor floodlighting by floodlight projection above the horizontal is prohibited except for lamps specifically exempted under subsections (k) and (q) of this section and properly adjusted motion sensing security lighting fixtures as defined in section 15.05.006.
- (b) All light fixtures which are required to be shielded shall be installed in such a manner that the shielding complies with the definition of fully shielded fixtures.
- (c) All light fixtures, including security lighting, except street lamps, shall be aimed or shielded so that the direct illumination shall be confined to the property boundaries of the source. Particular care is to be taken to assure that the direct illumination does not fall onto or across any public or private street or road. Motion sensing lighting fixtures shall be properly adjusted, according to the manufacturer's instructions, to turn off when detected motion ceases.
- (d) No new mercury vapor light fixtures or replacement equipment other than bulbs shall be sold or installed for use as outdoor lighting within the city after the effective date of this article.
- (e) Search lights, laser source lights, strobe or flashing lights, motion or illusion lights or any similar high-intensity light shall not be permitted, except in emergencies by police and fire personnel at their direction or as permitted in section 15.05.010. Does not include an approved special event permit.
- (f) Class 1 lighting, including but not limited to, sales, service, commercial, assembly, repair, maintenance, and industrial areas, may only continue in operation until 10:00 p.m., or for as long as the area is in active use. This provision is not applicable to fixtures lawfully installed or implemented prior to the adoption of the article.
- (g) Class 2 lighting shall have no time restrictions except as specified by the city council for new projects as specified herein.
- (h) Class 3 lighting, except for flagpole lighting, should be extinguished after 10:00 p.m. or when the business closes, whichever is later, except that low-wattage holiday decorations may remain on all night from November 1st to January 30th.
- (i) Multi-class lighting, except for security lights, must conform to the time limitations of the strictest class.

- (j) Except as permitted in subsections (k), (l) and (m) of this section, total outdoor light output, excluding streetlights used for illumination of public rights-of-way, of any development project shall not exceed 100,000 lumens per net acre, averaged over the entire property. No more than 5,500 lumens per net acre may be accounted for by lamps in unshielded fixtures permitted in subsection (q) of this section.
- (k) Lighting, in all cases, for all outdoor athletic fields, courts, tracks or ranges shall be considered class 1. Lighting allowed in this subsection shall be subject to approval of the city council. When the proposed lumens per acre exceeds the limits of subsection (j) of this section, the installation shall be designed to achieve no greater than the minimum luminance levels for the activity as recommended by the Illuminating Engineering Society of North America (IESNA). The installation shall also limit off-site spill (off the parcel containing the sports facility) to a maximum of 0.5 fc at any location on any nonresidential property, and 0.05 fc at any location on any residential property, as measurable from any orientation of the measuring device. Every such lighting system design shall be certified by a state-registered engineer as conforming to all applicable restrictions of this article. All events shall be scheduled so as to complete all activity by 10:00 p.m. Illumination of the playing field, court, track or range shall be permitted after 10:00 p.m. only to conclude a scheduled event that was unable to conclude before 10:00 p.m. due to unusual circumstances. Fully shielded lighting shall be required for fields designed for amateur, recreational or nonprofessional sports activity. For professional level sports facilities where fully shielded fixtures are not utilized, acceptable luminaries shall include those which:
1. Are provided with internal or external glare control louvers, or both, and installed so as to minimize uplight and off-site light trespass as required in subsection (j) of this section; and
 2. Are installed and maintained with aiming angles that permit no greater than two percent of the light emitted by each fixture to project above the horizontal.
- (l) Lighting for outdoor display lots shall be considered class 1, and shall conform to the lumens per acre limits of subsection (j) of this section except as follows:
1. All such lighting shall utilize fully shielded luminaries that are installed in a fashion that maintains the fully-shielded characteristics. When the proposed lumens per acre exceed the limits of subsection (j) of this section the installation shall be designed to achieve no greater than the minimum luminance levels for the activity as recommended by the Illuminating Engineering Society of North America (IESNA). The installation shall also limit off-site spill (off the parcel containing the display lot) to a maximum of 0.5 fc at any location on any nonresidential property, and 0.05 fc at any location on any residential property, as measurable from any orientation of the measuring device. Every such lighting system design shall be certified by a state-registered engineer as conforming to all applicable restrictions of this article. Outdoor display lot lighting exceeding the lumens per acre cap of subsection (j) of this section shall be turned off at 10:00 p.m. or within 30 minutes after closing of the business or activity whichever is later. Lighting in the outdoor display lot after this time shall be limited to class 2 lighting and shall conform to all restrictions of this article applicable for this class, including the lumens per acre caps in subsection (j) of this section.

2. Lighting allowed in this subsection shall be subject to approval of the city council.
- (m) Lighting for service station or similar canopies shall be considered class 1 lighting. All luminaries shall be flush with the lower surface of canopies and utilize flat glass or plastic covers. The total light output used for illuminating service station canopies, defined as the sum of under canopy initial bare-lamp outputs in lumens, shall not exceed 40 lumens per square foot of canopy. All lighting mounted under the canopy except internally illuminated signs, shall be included in the total. Fifty percent of the lumen output of all lamps mounted within or under a canopy, except internally illuminated signs, is included in the lumen caps in subsection (j) of this section.
- (n) Lighting used for all externally illuminated signs shall conform to all restrictions of this article and shall be fully shielded.
- (o) All site lighting not directly associated with the special uses as permitted in sections 15.05.005 and 15.05.007 shall conform to all lighting standards described in this article.
- (p) Outdoor internally illuminated advertising signs shall either be constructed with an opaque background and translucent letters and symbols or with a colored (not white, cream, off-white, yellow or other light color) translucent background, with either translucent or opaque letters and symbols. Opaque means only that the material must not transmit light from the internal illumination source; the color of such opaque backgrounds is not restricted by this section. Lamps used for internal illumination of such signs shall not be included in the lumens per net acre limit set in subsection (j) of this section.
- (q) The requirements for lamp source and shielding of light emissions for outdoor light fixtures are as follows:

Shielding use code:

A = Allowed, unshielded;

F = Allowed, fully shielded.

Lamp Type	Shielding
Class 1, 2 and 3 lighting:	
All lamp types above 2,050 lumens	F (see note 1)
All types below 2,050 lumens	A (see note 2)
All neon tube lighting	F
Lamps in motion sensing security lights (see section 15.05.006)	A (see section 15.05.006)

Note 1. Examples of lamp types of 2,050 lumens and below (the acceptability of a particular light is decided by its lumen output, not wattage. Check manufacturer's specifications):

1. 100 watt standard incandescent and less.
2. 100 watt Midbreak Tungsten-Halogen (quartz) and less.
3. 25 watt T-12 cool white fluorescent and less.
4. 18 watt low pressure sodium and less.

Note 2. Lights shall be shielded whenever feasible to minimize light spilled into the night sky or adjacent properties. Unshielded lights (all types) are limited to a maximum of 5,500 lumens per net acre (see subsection (j) of this section). Residential parcels and development projects containing one net acre or less are allowed 5,500 lumens of unshielded light (all Classes).

Section 15.05.009 - Parking lot lighting standards.

Lighting standards (poles) shall be sized in such a manner that the top of any luminary does not exceed 30 feet above adjacent grade, unless otherwise approved by the city council.

Section 15.05.010 - Infrared security lighting.

Such lighting is permitted in all zones with the following restrictions:

1. Fixed lights must be fully-shielded.
2. Moveable lights, such as spotlights attached to infrared-sensitive cameras, must be mounted such that the lights cannot be directed higher than 20 degrees below the horizontal, measured from the center of the light beam.

Section 15.05.011 - Temporary lighting permits.

- (a) The director of development may grant a permit for temporary lighting if he/she finds all of the following:
 1. The purpose for which the lighting is proposed is not intended to extend beyond 45 days;
 2. The proposed lighting is designed in such a manner as to minimize light pollution as much as is feasible;
 3. The proposed lighting will comply with the general intent of this article; and
 4. The permit will be in the public interest.
- (b) The director of development shall rule on the application within five business days from the date of submission of the request and notify the applicant in writing of his/her decision. The director of development may grant one renewal of the permit for an additional 30 days if he/she finds that, because of an unanticipated change in circumstances, a renewal would be in the public interest. The director of development is not authorized to grant more than one temporary permit and one renewal for the same property within one calendar year.
- (c) Temporary lighting permits are not required for low-wattage holiday lighting.

Section 15.05.012 - Variances.

Any person desiring to install an outdoor lighting fixture in violation of this article may apply to the board of adjustment for a variance from the regulation in question. Such variances shall be allowed only as provided by chapter 14, article 14.02, exhibit A, article IV, section 72.

Section 15.05.013 - Permits and plan review.

- (a) Whenever a person is required to obtain a building or electrical permit for outdoor lighting or signage, a conditional use permit, subdivision approval or any site development plan approval by the city, including all city projects, or whenever a person requests annexation or rezoning, the applicant shall, as a part of said application, submit sufficient information to enable the director of development to determine whether the proposed lighting will comply with this article. All applications may be subject to review and action by the city council at the discretion of the director of development or the city council.
- (b) All applications, except those for single-family residences, shall include the following:
 - 1. Site plan indicating the proposed location of all outdoor lighting fixtures;
 - 2. A description of each illuminating device, fixture, lamp, support and shield. This description may include, but is not limited to, manufacturer's catalog cuts and drawings (including sections where required), lamp types and lumen outputs;
 - 3. Photometric data, such as that furnished by manufacturers, or similar, showing the angle of cut-off of light emissions for the proposed luminaire; and
 - 4. Such other information as the director of development may determine is necessary to ensure compliance with this article.
- (c) If the director of development determines that the proposed lighting does not comply with this article, the permit shall not be issued or the plan approved.

Section 15.05.014 - Violations and enforcement.

It shall be unlawful to install or operate an outdoor light fixture in violation of this article. Any person violating any provisions of this article shall be guilty of a misdemeanor. Each and every day during which the illegal erection, maintenance and use continues is a separate offense.

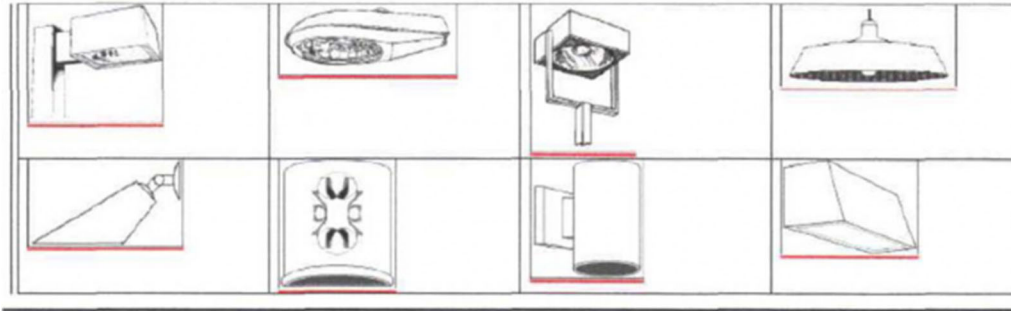
Section 15.05.015 – Penalty

- (a) Any person who shall violate any of the provisions of this article, 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 in accordance with the general penalty provided in section 1.01.009 of this code. Each day the violation exists shall constitute a separate offense. Proof of culpable mental state shall not be required to establish a violation of this article. Such penalty shall be in addition to all the other remedies provided herein.
- (b) Any person who shall remove a notice of violation or a placard posted pursuant to this article from a property prior to correction of the deficiencies indicated thereon shall be deemed guilty of a misdemeanor offense.
- (c) No certificate of occupancy 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 not in compliance with this article.

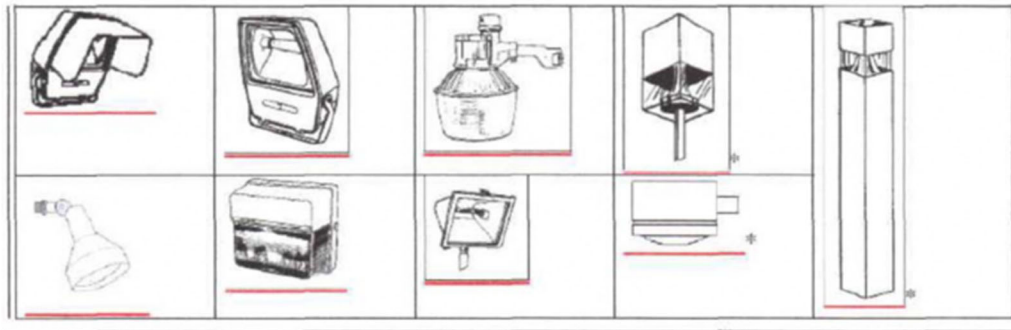
- (d) Any person who shall occupy a building, or any part thereof, without having received a certificate of occupancy, within the city limits, shall be deemed guilty of an offense and shall be liable for a fine in accordance with the general penalty provided in section 1.01.009 of this code. Each day the violation exists shall constitute a separate offense. Such penalty shall be in addition to all the other remedies provided herein.

Exhibit A. Shielded and Unshielded Light Fixtures

- (a) *Fully shielded lights.* To be fully shielded fixtures must be closed on top and mounted such that the bottom opening is horizontal.



- (b) *Fixtures not fully shielded.* Even though the lamp is shielded from direct view from the side or above, reflective surfaces within the fixture and/or lens covers are directly visible from the side.



Article 15.06 – Wireless Transmission Facilities

15.06.001 Purpose.

The purpose of this chapter is to establish minimum requirements for the siting, construction, and permitting of wireless transmission towers and antennas.

15.06.002 Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this article, except where the context clearly indicates a different meaning:

Antenna. Any exterior transmitting or receiving device mounted on a tower, building or structure and used in communications that radiate or capture electromagnetic waves, digital signals, analog signals, radio frequencies (excluding radar signals), including but not limited to wireless telecommunications signals or other communication signals.

Backhaul network. The lines that connect a provider's towers/cell sites to one or more cellular telephone switching offices, and/or long distance providers, or the public switched telephone network.

FAA. The Federal Aviation Administration.

FCC. The Federal Communications Commission.

Height. When referring to a tower or other telecommunications structure, the distance measured from the finished grade of the parcel to the highest point on the tower or other structure, including the base pad and any antenna.

Independent support structures. Structures such as water towers, church steeples, utility poles and any other structures capable of supporting a wireless communication system.

Landowner. The owner of the land upon which the tower is located.

Preexisting towers and preexisting antennas. Any tower or antenna for which a building permit or special use permit has been properly issued prior to the effective date of the ordinance codified in this chapter, including permitted towers or antennas that have not yet been constructed so long as such approval is current and not expired.

Stealth facilities. Manmade trees, clock towers, bell steeples, light poles and similar camouflaging designs that camouflage or conceal the presence of antenna or towers.

Tower. Any structure constructed to support one or more antennas for telephone, radio and other similar communication purposes. The term includes the structure and any support thereto. Tower designs include:

Monopole tower. A freestanding vertical pole fixed into the ground and/or attached to a foundation with no guy wires capable of supporting one or more mounted antennas and associated equipment.

Self-enclosed monopole tower. A *monopole tower* no larger than thirty-six (36) inches in diameter at any given point and with no externally mounted or visible antennae.

Lattice tower. A steel structure with or without guy wire support capable of supporting one or more antennas and associated equipment.

Unmanned equipment building. A building housing electronic communication equipment as an associated and permitted part of a wireless communication system.

Wireless transmission facilities. The site, structures, equipment and appurtenances used to transmit, receive, distribute, provide, or offer wireless telecommunications services. This includes but is not limited to antennas, poles, towers, cables, wires, conduits, ducts, pedestals, vaults, buildings, electronics and switching equipment.

15.06.003 Applicability.

All new towers or antennas within the city shall be subject to these regulations, except for private amateur radio (HAM) antennas, their support structures, and direct-to-home satellite receiving antennas which shall only be required to comply with the applicable provisions of the underlying zoning district in which they are located and applicable state or federal law:

15.06.004 General Requirements.

The following requirements apply to all wireless transmission facilities:

- (a) State and Federal Requirements. All towers must meet or exceed current standards and regulations of the FAA, the FCC, and any other agency of the state or federal government, with the authority to regulate towers and antennas. If such standards and regulations are changed, then the owners of the towers and antennas governed by this chapter shall bring such towers and antennas into compliance with such revised standards and regulations within six months of the effective date of such standards and regulations, unless a different compliance schedule is mandated by the controlling state or federal agency. Failure to bring towers and antennas into compliance with such revised standards and regulations shall constitute grounds for the removal of the tower or antenna at the landowner's expense.
- (b) Building Codes – Safety Standards. To ensure the structural integrity of wireless transmission facilities the owner of a tower shall ensure that it is maintained in compliance with standards contained in applicable state or local building codes. A building permit may be required by the City.

15.06.005 Siting Standards

- (a) Location Preference. Locations for new wireless transmission facilities will be considered in the following order of preference:
 - (1) Attached to an existing wireless transmission facility.
 - (2) Attached to utility infrastructure.
 - (3) Attached as a stealth wireless transmission facility to an existing building or structure in a non-residential zoning district.
 - (4) Attached to an existing building or structure in a non-residential zoning district.
 - (5) Located as a freestanding stealth wireless transmission facility in a permitted non-residential zoning district.
 - (6) Located as a self-enclosed monopole in a permitted non-residential zoning district.
 - (7) Located as a monopole in a permitted non-residential zoning district.
 - (8) Attached as a stealth wireless transmission facility to an existing non-residential building or structure in a residential zoning district.
 - (9) Attached to an existing non-residential building or structure in a residential zoning district.
 - (10) Located as a freestanding stealth wireless transmission facility on a lot of a non-residential use within a residential zoning district.

- (11) Located as a self-enclosed monopole on a lot of a non-residential use within a residential zoning district.
- (b) Setbacks. All towers and equipment shelters shall be set back from property lines according to the required setbacks of the underlying zone, unless otherwise specified herein.
- (c) Separation Distances Between Towers. Separation distances between towers shall be applicable for and measured between the proposed tower and pre-existing towers within a one-mile radius of the proposed tower. The separation distances shall be measured by drawing or following a straight line between the base of the existing tower and the proposed base, pursuant to a site plan, of the proposed tower. The separation distances (listed in linear feet) shall be as shown in the following table:

Separation Distances		
Proposed Tower Type	Existing Tower Types	
	Monopole 75 ft. in height or greater	Monopole less than 75 ft. in height
Monopole 75 ft. in height or greater	1,500 ft.	750 ft.
Monopole less than 75 ft. in height	750 ft.	750 ft.

15.06.006 Design Standards.

- (a) Height. Towers shall not exceed heights below. All antennas or other supporting equipment attached to towers are included in the calculation of height. Antennas that are attached to buildings may not exceed the height standards in the base zone in which they are located.
- (1) In Multi-Family 15 (MF-1), Multi-Family 25 (MF-2), General Office (GO), Light Commercial (C-1), Medium Commercial (C-2), Institutional Small (I-1), Institutional Large (I-2), and Open Space (OS) wireless telecommunication facilities may not exceed 75 feet in height.
 - (2) In Agricultural (A), Heavy Commercial (C-3), Light Industrial (IN-1), and Heavy Industrial (IN-2), wireless telecommunication facilities may not exceed 150 feet in height.
- (b) Color. Towers and antennas shall either maintain a galvanized steel finish or, subject to any applicable standards of the FAA, be painted colors that reduce visual obtrusiveness. Supporting electrical and mechanical equipment must also be a color that is identical to, or closely compatible with, the color of the tower structure.

- (c) Design and Building Materials. At a tower site, the design of the building and related structures shall use materials, colors, textures, screening, and landscaping that will blend them into the natural setting and surrounding buildings.
- (d) Lighting. Towers shall not be artificially lighted, unless specifically required by the FAA. If lighting is required, the lighting alternatives and design chosen must cause the least disturbance to the surrounding areas, must be shielded, and may not include intermittent or flashing lights (unless specifically required by the FAA).
- (e) Landscaping. Tower facilities shall be landscaped with a buffer of plant materials that effectively screens the view of the tower compound from property used for residences. The standard buffer shall consist of a landscaped strip at least four feet in width outside the perimeter of the compound. Existing mature tree growth and natural landforms on the site shall be preserved to the maximum extent possible.
- (f) Signage. Signage on a wireless transmission facility is limited to the information required by FCC regulations or information necessary for the operation of the facility.
- (g) Identification sign. An identification sign for each service provider responsible for the operation and maintenance of a wireless transmission facility, not larger than two square feet, shall be posted at a location from which it can be easily read from outside the perimeter of the facility and shall provide the name, address, and emergency telephone number of the responsible provider.
- (h) Security Fencing.
 - (1) The base of a tower, including all mechanical equipment and accessory structures, must be completely enclosed by a fence, wall or barrier which limits climbing access to such wireless transmission facility and any supporting systems, lines, wires, buildings or other structures. The base must be fully screened from view of residential structures, residentially zoned properties or public roadways by a substantially opaque screening fence designed and built to provide privacy.
 - (2) The fence shall be a minimum height of eight feet and consistent in color and character to surrounding structures and properties.
 - (3) The fencing shall have no openings, holes or gaps larger than four inches measured in any direction.
 - (4) The fencing may contain gates or doors allowing access to the wireless transmission facility and accessory structures for maintenance purposes; such gates or doors shall be kept completely closed and locked except for maintenance purposes and shall be located so that all gates and doors do not intrude into the public right-of-way.
 - (5) The requirements of this subsection do not apply to:
 - (A) Wireless transmission facilities located on buildings or structures that are not designed or built primarily to support wireless transmission facilities, provided that the general public has no physical access to

the facilities and adequate safety measures are taken to prevent access by unauthorized persons;

- (B) Legally existing wireless transmission facilities having security fences at least six feet in height; and
 - (C) Wireless transmission facilities with towers that are sufficiently camouflaged or disguised such that the City determines that a security fence is unnecessary and/or would cause the tower to be unnecessarily more obtrusive.
- (i) Collocation. Towers must be designed and built to accommodate a minimum of three antennas for additional users, unless the applicant demonstrates that collocation is not economically or technically feasible.
 - (j) Automation. Except as described in section 15.06.008 of this article, a wireless transmission facility shall be fully automated.

15.06.007 Prohibitions.

- (a) A wireless transmission facility with or without a tower is prohibited on existing structures designated as historic.
- (b) A wireless transmission facility is prohibited on billboard signs.
- (c) Advertising is prohibited anywhere on a wireless transmission facility.
- (d) Lattice towers are prohibited.
- (e) Guy wires are prohibited.

15.06.008 Maintenance and Inspection.

- (a) The owner or operator of a wireless transmission facility shall be responsible for the maintenance of the facility and shall maintain all buildings, structures, supporting structures, wires, fences or ground areas used in connection with a facility in a safe condition and in good working order, as required by city building, fire or any other applicable codes, regulations or ordinances or to standards that may be imposed by the City at the time of the granting of a permit. Such maintenance shall include, but shall not be limited to, maintenance of the paint, landscaping, fencing, equipment enclosure, and structural integrity. If the City finds that the facility is not being properly maintained, the city will notify the owner of the problem. If the applicant fails to correct the problem within 30 days after being notified, the City may undertake maintenance at the expense of the applicant or revoke the permit, at its sole option.
- (b) By applying for a wireless transmission facility permit under this article, the applicant specifically grants permission to the City, its duly authorized agents, officials, and employees, to enter upon the property for which a permit is sought, after first providing a reasonable attempt to notify a person designated by the applicant, except in the event of an emergency, for the purpose of making all inspections required or authorized to be made under this part of the Development Code. The City may require periodic inspections of wireless transmission facilities to ensure structural integrity

and other Code compliance. Based upon the result of an inspection, the City may require repair or removal of a facility.

15.06.009 Application Requirements.

- (a) All applications for site plan review and building permit for a wireless transmission facility shall include the following information:
 - (1) An inventory of all existing wireless transmission facilities used by the applicant within the city limits or its extra-territorial jurisdiction, including but not limited to the location, height and design of each existing facility;
 - (2) Justification that the wireless transmission facility must be located where it is proposed in order to service the applicant's service area and shall address the location preference criteria in section 15.06.05(a) of this article;
 - (3) Evidence of written contact with all wireless service providers which supply service within a quarter mile of the proposed facility. The applicant shall inquire about potential collocation opportunities at all technically feasible locations. The contacted providers shall be requested to respond in writing to the inquiry within 30 days. The applicant's letter and responses shall be included in the application as a means of demonstrating the need for the wireless transmission facility.
 - (4) If the wireless transmission facility is to be located on a lot with another principal use, the applicant shall present documentation that the owner of the property has granted an easement or entered into a lease for the proposed facility and that vehicular access is provided to the facility.
 - (5) Signature(s) of the landowner(s) on the application form or a written statement from the landowner(s) granting authorization to proceed with the permit application.
 - (6) A scaled site plan clearly indicating the location, type, and height of the proposed wireless transmission tower, on-site land uses and zoning, adjacent land uses and zoning, comprehensive plan designation of the site and surrounding properties, adjacent roadways, proposed means of access, setbacks from property lines, landscaping, elevation drawings of the proposed tower and antenna array, and any other structures, topography, parking, and any other information deemed necessary by the city administrator to be necessary to assess compliance with this chapter.
 - (7) Detailed construction plans showing the design and installation of the wireless transmission facility. These plans shall be sealed by a professional engineer and/or licensed architect, as applicable, and shall be in compliance with the National Electrical Code as amended.
 - (8) A description of the type of service offered and the consumer receiving equipment;
 - (9) Identification of the provider and backhaul provider, if different.
 - (10) Legal description of the parent tract and lease parcel (if applicable).
 - (11) The setback distance between the proposed tower and the nearest property zoned residential.

- (12) The separation distance from other towers described in the site plan in relationship to the proposed tower, the construction materials of the existing tower(s), and the owner/operator of the existing tower(s).
 - (13) A copy of the applicant's FCC license or authorization, as to whether or not aviation lighting would be required for the proposed facility.
 - (14) The application shall include a certification that the completed installation will comply with all federal, state and local standards. The applicant shall submit documentation demonstrating compliance with non-ionizing electromagnetic radiation (NIER) emission standards as set forth by the FCC.
 - (15) The applicant shall post a bond in an amount sufficient to ensure removal of a wireless telecommunications facility after the facility is no longer in service.
- (b) In addition to the information described in subsection (a), applications for site plan review and building permit of a new attached, new freestanding, or attached stealth wireless transmission facility shall address the following:
- (1) Applications for a permit to locate a wireless transmission facility in a residential zoning district must present substantial evidence which demonstrates it is not technically feasible to locate a facility in a non-residential zoning district.
 - (2) The applicant shall present documentation that the owner of the building or structure to which the wireless transmission facility will be attached has granted permission for the proposed facility to be attached and maintained.
 - (3) If the attached wireless transmission facility includes associated equipment that is ground-mounted, the applicant shall provide a site plan for the equipment.
 - (4) If the applicant is proposing to install a roof-mounted wireless transmission facility, the applicant shall be providing an engineer's certification that the roof will support the proposed facility and associated roof-mounted equipment.
 - (5) The applicant shall provide an artist's rendering of the proposed stealth wireless transmission facility, along with images of comparable structures, both of similar stealth wireless transmission facilities and of the actual structures that the facility will be mimicking.
 - (6) Applications for attached stealth wireless transmission facilities with ground-mounted associated equipment and applications for freestanding stealth wireless transmission facilities shall also include a site plan.
- (c) An engineer's analysis/report of the recommended site location area for the proposed facility. If an existing structure within the area recommended by the engineer's report provides an opportunity for collocating, reasons for not collocating shall be provided and must demonstrate at least one of the following deficiencies:

- (1) The structure is not of sufficient height to meet engineering requirements;
- (2) The structure is not of sufficient structural strength to accommodate the facility;
- (3) Electromagnetic interference for one or both facilities will result from collocation;
- (4) The radio frequency coverage objective cannot adequately be met.
- (5) A copy of that portion of the lease agreement with the landowner, or a statement from the land owner if the applicant owns the property, that includes collocation provisions (where applicable), facility removal within 90 days of abandonment and a bond to guarantee removal.

15.06.010 Facility Placement and Installation

(a) Monopoles and self-enclosed monopoles.

- (1) Monopoles and self-enclosed monopoles shall be located twice the height of the tower from a residential property line and three times (3x) the height of the tower from the centerline of a highway, expressway, and major or minor arterial.
- (2) Monopoles or self-enclosed monopoles are permitted only in the service area at the rear or side of a building.
- (3) The maximum height of associated equipment located at the base of a monopole or self-enclosed monopole shall be no more than ten feet.

(b) Attached wireless transmission facilities.

- (1) An attached wireless transmission facility may be installed on non-residential buildings and structures including schools, places of worship, municipal or governmental buildings or facilities or buildings or structures owned by a utility.
- (2) The support structure or equipment for an attached wireless transmission facility shall be mounted flush with the vertical exterior of the building or structure to which it is attached or shall project no more than twenty-four (24) inches from the surface of the building or structure to which it is attached, and shall not violate the building setback requirements of the zoning district in which the building or structure is located.
- (3) An attached wireless transmission facility shall not extend more than ten feet above the building or structure to which it is attached and shall not violate the maximum height restriction of the zoning district in which the building or structure is located. The foregoing restriction shall not apply to facilities attached to state, county and municipal structures.

- (4) Equipment associated with roof-mounted wireless transmission facilities shall be screened from public view. Screening shall utilize the same or similar materials as the principal structure. If roof decks with mechanical equipment are visible from any level of adjacent buildings, the mechanical equipment must be painted to match the finished roof material.
 - (5) Attached wireless transmission facilities that are side-mounted shall blend with the existing building's architecture and shall be painted or shielded with material that is consistent with the design features and materials of the building.
 - (6) Wireless transmission facility support structures, and equipment that is not roof-mounted or side-mounted shall be located underground, unless it is so designed and located that it is not visible from a street.
- (c) Stealth wireless transmission facilities.
- (1) A stealth wireless transmission facility may be attached to a non-residential building or structure including but not limited to, a homeowners' association amenity center, a school, a church, a municipal or governmental building or facility, an agricultural building or a building or structure owned by a utility, subject to the conditions of this article.
 - (2) The standard setbacks for each zoning district shall apply to all stealth wireless transmission facilities. To protect citizens in their homes, freestanding stealth facilities shall be placed a minimum distance equal to the height of the freestanding stealth facility away from any residential structure. No guy wires may be used.

15.06.011 Post-Construction Certification.

Within thirty (30) days after the wireless transmission facility has been constructed, the project engineer shall provide to the City a letter certifying that the facility was constructed in accordance with the approved plans.

15.06.012 Permits.

- (a) Any City permit, including the Specific Use Permit, shall become null, void and non-renewable if the permitted wireless transmission facility is not constructed within one year of the date of issuance, provided that the Specific Use Permit may be extended one time for six months if construction has commenced before expiration of the initial year.
- (b) The applicant/permittee of a wireless transmission facility shall expressly indemnify, protect, and hold the City harmless to the maximum extent allowed by law. No exceptions to this requirement shall be allowed.
- (c) Any City permit, including a Specific Use Permit, for a wireless transmission facility shall expire and the applicant must remove the wireless transmission facility if it is not put into use within 120 days after construction or if use is discontinued for a

period in excess of 120 days. If the wireless transmission facility is not so removed, the City may cause the wireless transmission facility to be removed and all expenses of removal shall be paid by the owner of the land where the wireless transmission facility is located.

- (d) The applicant shall notify the City of all changes in ownership or operation of the wireless transmission facility within thirty (30) days of the change.

15.06.013 Effective Date and Effect on Pre-Existing and Permitted Wireless Transmission Facilities.

- (a) The requirements of this part of the Code apply to all new wireless transmission facilities after the date of adoption and the expansion and/or alteration of any existing wireless transmission facilities; provided that an in-kind or smaller replacement of transmission equipment will require only a written notification to the City.
- (b) A wireless transmission facility which was in existence on the date of final passage of this part of the Development Code shall not be required to be removed or relocated in order to meet the minimum distance requirements of this Code due to subsequent platting of a residential lot nearer to the wireless transmission facility than the distance requirements of this section. However, any alteration to existing wireless transmission facilities shall require compliance with the applicable provisions of this Code.

15.06.014 Removal of Abandoned Antennas and Towers.

Any antenna or tower that is not operated for a continuous period of 12 months shall be considered abandoned, and the owner of such antenna or tower shall remove the same within 90 days of receipt of notice from the City notifying the owner of such abandonment. Failure to remove the tower or antenna within said 90 days shall be grounds to remove the tower or antenna at the landowner's expense. If there are two or more users of a single tower, then this provision shall not become effective until all users cease using the tower.

15.06.015 Enforcement.

If, upon inspection, the City concludes that a tower fails to comply with such codes and standards, then upon notice being provided to the landowner, the landowner shall have 30 days to bring such tower into compliance with such standards. Failure to bring such tower into compliance within said 30 days shall constitute grounds for removal of the tower or antennas at the landowner's expense. If a pre-existing tower suffers more than 60 percent damage of the assessed value of the tower, then these rules are in addition to the standards of the building code. Any applicable building and safety standards shall apply.

15.06.016 Penalty

- (a) Any person who shall violate any of the provisions of this article, 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 in accordance with the general penalty provided in section 1.01.009 of this code. Each day the violation exists shall constitute a separate offense.

Proof of culpable mental state shall not be required to establish a violation of this article. Such penalty shall be in addition to all the other remedies provided herein.

- (b) Any person who shall remove a notice of violation or a placard posted pursuant to this article from a property prior to correction of the deficiencies indicated thereon shall be deemed guilty of a misdemeanor offense.

Section 3. Repealing all Conflicting Ordinances. All ordinances or parts thereof conflicting or inconsistent with the provisions of this ordinance as adopted 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 of Manor ("City"), the terms and provisions of this ordinance shall control.

Section 4. Savings Clause. This City Council of the City of Manor, Texas hereby declares that 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 5. 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 6. Open Meetings. It is hereby officially found and determined that the meeting at which this ordinance was considered 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, Texas Government Code.

Section 7. Effective Date. This Ordinance shall take effect immediately from and after its passage and publication in accordance with the provisions of the Texas Local Government Code.

PASSED AND APPROVED THIS the 19th day of February 2020.

THE CITY OF MANOR, TEXAS

Dr. Larry Wallace Jr.,
Mayor

ATTEST:

Lluvia T. Almaraz, TRMC
City Secretary