

# ZONING ORDINANCE

## City of Kaufman, Texas

**Adopted March 19, 2007  
Ordinance No. O-02-07  
Updated July 19, 2021**

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# ZONING ORDINANCE AMENDMENTS



# ZONING ORDINANCE

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# **ZONING ORDINANCE**

**City of Kaufman, Texas  
(Ordinance No. O-02-07)**

## **I. ENACTING PROVISIONS**

### **SECTION 1 ENACTING CLAUSE**

AN ORDINANCE OF THE CITY OF KAUFMAN, TEXAS, REPEALING AND REPLACING ORDINANCE NO. O-14-99, THE COMPREHENSIVE ZONING ORDINANCE, ADOPTED ON THE 22ND DAY OF MARCH, 1999, TOGETHER WITH ALL AMENDMENTS THERETO IN ITS ENTIRETY, AND ADOPTING ORDINANCE NO. O-02-07, THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF KAUFMAN, TEXAS, AS APPROVED AND ADOPTED ON THE 19 TH DAY OF MARCH, 2007, TOGETHER WITH ALL AMENDMENTS THERETO; ESTABLISHING AND PROVIDING ZONING REGULATIONS; CREATING USE DISTRICTS IN ACCORDANCE WITH THE COMPREHENSIVE PLAN APPROVED BY CITY COUNCIL; REGULATING WITHIN SUCH DISTRICTS THE HEIGHT OF BUILDINGS AND STRUCTURES, THE SIZE OF YARDS, COURTS AND OPEN SPACES, AND THE HEIGHT, BULK AND USE OF BUILDINGS AND LAND FOR COMMERCE, INDUSTRY, RESIDENCE AND OTHER PURPOSES; PROVIDING FOR SPECIFIC USE PERMITS (SUP); REPEALING THE FOLLOWING ABANDONED OR DISCONTINUED SUP ORDINANCES: O-08-99, O-10-00, O-24-00 AND O-09-04; SPECIFYING MINIMUM REQUIREMENTS FOR OFF-STREET PARKING OF MOTOR VEHICLES AND OFF-STREET LOADING AREAS; PROVIDING MINIMUM REQUIRED FLOOR AREAS FOR DWELLING UNITS AND THE TYPE OF EXTERIOR CONSTRUCTION WITHIN CERTAIN ZONING DISTRICTS; REGULATING THE DENSITY OF DWELLINGS AND OTHER STRUCTURES AND THE PERCENTAGE OF LOT THAT MAY BE OCCUPIED BY STRUCTURES; ADOPTING PERFORMANCE STANDARDS FOR INDUSTRY; ESTABLISHING THE BASIS FOR CREATING A BUILDING SITE; PROVIDING FOR SITE PLAN APPROVAL; PROVIDING FENCE AND WALL REGULATIONS; PROVIDING SPECIAL ACCESS STANDARDS; ADOPTING A ZONING DISTRICT MAP AND MAKING IT A PART OF THIS ORDINANCE, TOGETHER WITH ALL SYMBOLS, MARKINGS AND TABLES APPEARING ON SAID MAP AND WITHIN THE ORDINANCE; CREATING A PLANNING AND ZONING COMMISSION AND DEFINING ITS POWERS AND DUTIES; CREATING A BOARD OF ADJUSTMENT AND DEFINING ITS POWERS AND DUTIES; CREATING A BUILDINGS AND STANDARDS COMMISSION AND DEFINING ITS POWERS AND DUTIES; PROVIDING FOR A PENALTY FOR VIOLATION; PROVIDING FOR NON-CONFORMING USES AND A METHOD OF DISCONTINUANCE THEREOF; DEFINING CERTAIN TERMS AS USED WITHIN THIS ORDINANCE; PROVIDING FOR A CERTIFICATE OF OCCUPANCY AND COMPLIANCE; AUTHORIZING PUBLICATION OF THE DESCRIPTIVE CAPTION AND PENALTY CLAUSE; PROVIDING FOR A PENALTY NOT TO EXCEED TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH AND EVERY OFFENSE; PROVIDING A SAVINGS CLAUSE; AND PRESERVING RIGHTS IN PENDING LITIGATION REGARDING VIOLATIONS UNDER THE EXISTING ORDINANCE.

**PASSED AND APPROVED** by the City Council of the City of Kaufman, Texas on 20<sup>th</sup> day of February 2007.

**PASSED AND ADOPTED** (Second Reading) by the City Council of the City of Kaufman, Texas on the 19<sup>th</sup> day of March 2007.

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Paula Bacon  
Mayor

**ATTEST:**

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JoAnn Talbot  
City Secretary

**APPROVED AS TO FORM AND LEGALITY:**

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David Dodd  
City Attorney

## **SECTION 2        PURPOSE**

As authorized by Chapter 211 of the Texas Local Government Code, the zoning regulations and districts as herein established have been made in accordance with an adopted comprehensive plan for the purpose of promoting the public health, safety, morals and general welfare, and protecting and preserving places and areas of historical, cultural or architectural importance and significance within the City. They have been designed to lessen the congestion in the streets; to secure safety from fire, panic and other dangers; to ensure adequate light and air; to prevent the overcrowding of land and thus avoid undue concentration of population; and to facilitate the adequate provision of transportation, water, wastewater treatment, schools, parks and other public requirements. They have been made with reasonable consideration, among other things, for the character of each zoning district and its peculiar suitability for the particular uses specified; and with a view to conserving the value of buildings and encouraging the most appropriate use of land throughout the City.

## **SECTION 3        ZONING DISTRICT MAP**

The boundaries of zoning districts set out herein are delineated upon the Zoning District Map of the City, said map being adopted as a part of this Ordinance as fully as if the same were set forth herein in detail.

- 3.1** One (1) original of the Zoning District Map shall be filed in the office of the City Secretary and labeled as Ordinance No. O-02-07. This copy shall be the official Zoning District Map and shall bear the signature of the Mayor and attestation of the City Secretary. This copy shall not be changed in any manner. In case of any question, this copy, together with amending ordinances, shall be controlling. (A copy of this map at the time of adoption is located at the back of this Ordinance for reference only)
- 3.2** A copy of the original Zoning District Map shall be placed in the office of the Director of Development Services (Director). The copy shall be used for reference and shall be maintained up-to-date by posting thereon all subsequent amendments. Reproductions for informational purposes may only be made of the official Zoning District Map or this copy.

## **SECTION 4        ZONING DISTRICT BOUNDARIES**

- 4.1** The district boundary lines shown on the Zoning District Map are usually along streets, alleys, property lines, or extensions thereof. Where uncertainty exists as to the boundaries of districts as shown on the Official Zoning District Map, the following rules shall apply:
  - A.** Boundaries indicated, as approximately following the centerline of streets, highways or alleys shall be construed to follow such centerline.
  - B.** Boundaries indicated, as approximately following platted lot lines shall be construed as following such lot lines.
  - C.** Boundaries indicated, as approximately following City limits shall be construed as following City limits.
  - D.** Boundaries indicated as following railroad lines shall be construed to be midway between the right-of-way lines.

- E. Boundaries indicated as following the centerline of creeks, streams or drainage ways shall be construed to follow such centerline, and in the event of change in the centerline shall be construed to move with such centerline.
- F. Boundaries indicated as parallel to or extensions of features indicated with Subsections A through E above shall be so construed. Distances not specifically indicated on the official Zoning District Map shall be determined by the scale of the Map.
- G. Whenever any street, alley or other public way is vacated by official action of the City Council or whenever such area is franchised for building purposes, the zoning district line adjoining each side of such street, alley or other public way shall be automatically extended to the centerline of such vacated street, alley or public way and all areas so involved shall then and henceforth be subject to all regulations of the extended districts.
- H. The zoning classification applied to a tract of land adjacent to a street shall extend to the centerline of the street unless, as a condition of zoning approval, it is stated that the zoning classification shall not apply to the street.
- I. Where physical features on the ground are at variance with information shown on the official Zoning District Map, or if there arises a question as to how or whether a parcel of property is zoned and such question cannot be resolved by the application of Subsections A through H, or if the zoning of property is invalidated by a judgment of a court of competent jurisdiction, the property shall be considered classified as "A-O" (Agriculture/Open) in the same manner as provided for newly annexed territory.
- J. Zoning changes which are still valid and which were made between the effective date of the previous Zoning Ordinance (Ordinance No. 0-02-07, as amended), adopted on March 19, 2007, and the effective date of this Ordinance are indicated in approximate locations on the Zoning District Map. For exact legal descriptions, refer to adopting ordinances for each particular zoning change.

## **SECTION 5 COMPLIANCE REQUIRED**

All land, buildings, structures or appurtenances thereon located within the City of Kaufman, Texas which are hereafter occupied, used, constructed, erected, removed, placed, demolished, or converted shall be occupied, used, erected, altered, removed, placed, demolished or converted in conformance with the zoning regulations prescribed for the zoning district in which such land or building is located as hereinafter provided or subject to penalties as per Section 7.3 of this Ordinance. All of the standards and regulations prescribed herein shall be considered as the minimum requirement unless explicitly stated otherwise. Parks and Recreation projects as recommended by the Park Board and approved by the City Council may be required to meet the design requirements as specified in the "Time-Saver Standards for Landscape Architects" latest edition in lieu of specific Development Standards listed herein where appropriate to ensure the highest level of quality and safety of construction for recreational facilities.

No uses shall be allowed which are prohibited by State or Federal law or which operate in excess of State or Federal environmental, pollution or performance standards as determined by the U.S. Environmental Protection Agency (EPA), Texas Air Control Board (TACB), Texas State Department of Health (TSDH), The Texas Commission on Environmental Quality (TCEQ), or the Federal Communications Commission (FCC), as the case may be.

## **SECTION 6        ZONING UPON ANNEXATION**

- 6.1**    As soon as practical following annexation, but in no event more than one hundred and twenty (120) days thereafter, the City Council shall, on its own motion, initiate proceedings to establish the zoning on the newly annexed territory, thereupon the Director, or his designee, shall commence public notification and other standard procedures for zoning amendments as set forth in Section 10 of this Ordinance. Said proceedings to establish zoning may be undertaken concurrently with annexation procedures (i.e., notified at the same time, public hearings scheduled at the same time as annexation, etc.), however zoning approval and formal adoption of the ordinance establishing zoning must occur after annexation approval/adoption has occurred and as a separate and distinct City Council action.
- 6.2**    The initial zoning of a land parcel, whether interim in nature, by initiation of the landowner or by initiation of the City, must meet the requirements for notification and public hearings as set forth in Section 10 of this Ordinance, Section 9.04 of the City Charter, and all other applicable State laws.
- 6.3**    The owner of land to be annexed may submit an application for zoning the property simultaneously with submission of the petition for annexation, but no such annexation application may be made conditioned upon the approval of any particular zoning classification.
- 6.4**    Within an area classified as "A-O" (Agriculture/Open):
  - A.    No permit for the construction of a building or use of land shall be issued by the Building Official, or his designee, other than a permit which will allow the construction of a building or use permitted in the "A-O" district, unless and until such territory has been classified in a zoning district other than the "A-O" district by the City Council in the manner prescribed by Section 10, except as provided in Subsection B below.
  - B.    If plans and/or preparations for developing a property for a use other than those specified in the "A-O" district were already in progress prior to annexation of the property into the City of Kaufman, then the City Council may authorize construction of the project by a majority vote. Application of this subsection is contingent upon the following:
    - 1.    An application for a building permit for the proposed building/use must be made to the Building Official of the City of Kaufman (or his designee) within three (3) months after annexation of the property into the City; and
    - 2.    The applicant must be able to demonstrate that plans and other preparations for developing the property commenced prior to (i.e., were already in progress at the time of) annexation into the City.

In its deliberations, concerning authorization to proceed with construction of a project, which meets the above criteria, City Council shall take into consideration the appropriate land use for the area as shown on the City's Future Land Use Plan. Upon approval by the City Council, the City Manager (or his designee) shall notify the Building Official (or his designee) of such approval.

## **SECTION 7 PENALTIES AND NONCONFORMITIES**

**7.1 Effect of Interpretation** - In interpreting and applying the provisions of this Ordinance, they shall be held to the minimum requirements for the promotion of the public safety, health, convenience, comfort, prosperity, or general welfare. It is not intended by this Ordinance to interfere with or abrogate or annul any easements, covenants or other agreements between parties, provided, however, that where this Ordinance imposes a greater restriction upon the use of buildings or premises or upon height of buildings, or requires larger open spaces than are imposed or required by agreements, the provisions of this Ordinance shall govern.

**7.2 Preserving Rights in Pending Litigation and Violations Under Existing Ordinances** - By the passage of this Ordinance, no presently illegal use shall be deemed to have been legalized unless specifically such use falls within a use district where the actual use is a conforming use. Otherwise, such uses shall remain nonconforming uses where recognized, or an illegal use, as the case may be. It is further the intent and declared purpose of this Ordinance that no offense committed, and no liability, penalty, or forfeiture, either civil or criminal, incurred prior to the time the existing Zoning Ordinance was repealed and this Zoning Ordinance adopted, shall be discharged or affected by such repeal; but prosecutions and suits for such offenses, liabilities, penalties, or forfeitures may be instituted or causes presently pending proceeded with in all respects as if such prior ordinance had not been repealed.

**7.3 Penalty for Violations** - Any person or corporation violating any of the provisions of this Ordinance shall, upon conviction, be fined any sum not exceeding two thousand dollars (\$2,000.00) and each and every day that the provisions of this Ordinance are violated shall constitute a separate and distinct offense. In addition to the said penalty provided for, the right is hereby conferred and extended upon any property owner owning property in any district, where such property owner may be affected or invaded, by a violation of the terms of the Ordinance, to bring suit in such court or courts having jurisdiction thereof and obtain such remedies as may be available at law and equity in the protection of the rights of such property owners.

**7.4 Validity** - If any section, paragraph, subdivision, clause, phrase, or provision of this Ordinance shall be adjudged invalid or held unconstitutional, the same shall not affect the validity of this Ordinance as a whole or any part or provision thereof other than the part so decided to be invalid or unconstitutional.

## II. ADMINISTRATION

### SECTION 8 PLANNING AND ZONING COMMISSION

#### 8.1 GENERAL:

The Planning and Zoning Commission (also referred to as the "**Commission**") shall function according to the following criteria, which establish membership and operating procedures. The powers and duties of the Planning and Zoning Commission are further defined in Section 10 of this Ordinance and in the Code of Ordinances of the City of Kaufman.

#### 8.2 CREATED; MEMBERSHIP; OFFICERS; RULES & BYLAWS:

- A. There is created, in accordance with Chapter 211 of the Texas Local Government Code, and established by Ordinance No. O-15-80 of the City of Kaufman, the "Planning and Zoning Commission", hereafter sometimes referred to as the "**Commission**", which shall consist of seven (7) members who are resident citizens, taxpayers and qualified voters of the City of Kaufman.
- B. Members shall be appointed by a simple majority vote of members present of City Council before becoming a member of the Commission.
- C. All appointments to the Commission shall be for a term of three (3) years, and expiration of terms shall be staggered so that an overlapping of terms occurs (for example, in any three (3) year period, the terms of two (2) members shall expire during two (2) of those years, and the terms of three (3) members shall expire during the third year). Terms of office of certain members shall expire on the first (1st) day of November of any given year.
- D. Any vacancy(s) on the Commission shall be filled for the unexpired term(s) via appointment by a simple majority vote of the City Council for the remainder of the term(s).
- E. Members of the Planning and Zoning Commission may be removed from office at any time by a simple majority vote of the full City Council either upon its own motion or upon recommendation of the Planning and Zoning Commission. Failure to attend three (3) consecutive scheduled meetings shall be deemed as neglect and cause for removal from office, unless such absences were due to unusual circumstances beyond the member's control such as sickness of the member or someone within the member's immediate family.
- F. The members of the Commission shall regularly attend meetings and public hearings of the Commission, and shall serve without compensation.
- G. The Commission shall elect a Chairman and a Vice-Chairman from among its membership, and each officer shall hold office for one (1) year or until replaced by a simple majority vote of the full Commission. The City Manager's designee shall keep minutes of all meetings held by the Commission as well as the full record of all recommendations made by the Planning and Zoning Commission to the City Council.

H. The Commission shall have the power to make the rules, regulations and bylaws for its own government, which shall conform as nearly as possible to those governing the City Council, and the rules, regulations and bylaws shall be subject to approval by City Council. Such rules and bylaws shall include, among other items, provisions for:

1. Regular and special meetings, open to the public;
2. A record of its proceedings, to be open for inspection by the public;
3. Reporting to the governing body and the public, from time to time and annually; and
4. The holding of public hearings on its recommendations.

#### **8.3 PARLIAMENTARY PROCEDURE; QUORUM; VOTING:**

A. The Commission will follow the parliamentary procedure adopted by City Council for all boards and commissions, and procedures shall not be in conflict with the laws applicable to the Commission on the following:

1. **Quorum** - A quorum shall consist of a majority of the entire membership of the Commission (i.e. four (4) members), and any issue to be voted upon shall be resolved by \*a majority of those members present. **\*Amended June 27, 2011 by Ordinance O-07-11**
2. **Voting** - All Commission members, including the presiding Chairman, shall be entitled to one (1) vote each upon any question, a quorum being present. Issues which require a three-fourths (3/4) majority vote in order to recommend approval to the City Council shall consist of six (6) members voting in the affirmative. A Commissioner may abstain from voting on a motion only if a conflict of interest exists.
3. **Conflict of Interest** - If any member has a conflict of interest regarding any item on the Commission's agenda, he/she shall remove himself/herself from the room prior to the beginning of discussion on the item and shall refrain from discussing and voting only on the item for which a conflict exists. The official minutes of the meeting shall record which member declared a conflict of interest, the agenda item, the time he/she left the room and the time in which they returned.

#### **8.4 MEETINGS; PUBLIC RECORD:**

- A. The Planning and Zoning Commission shall meet in the Council Chamber in City Hall or in some other specified location as may be designated by the presiding Chairman and at such intervals as may be necessary to orderly and properly transact the business of the Commission but not less than once each month.
- B. Meetings shall be open to the public, and minutes shall be kept and shall be treated as public record.

#### **8.5 ESTABLISHING EXTRATERRITORIAL JURISDICTION:**

- A. Statutes of the State of Texas authorizing and empowering cities to regulate the platting and recording of subdivisions or additions within the corporate limits and establishing

extraterritorial jurisdiction are hereby adopted, and the Commission, acting through its duly authorized officials, shall have all the rights, powers, privileges and authority authorized and granted by and through said statutes pertaining to regulation of subdivisions and extraterritorial power.

- B. The Commission shall have all the rights, powers, privileges and authority authorized and granted by and through the Statutes of the State of Texas authorizing and granting cities the power of zoning as found in Chapter 211 of the Texas Local Government Code, as amended.

#### **8.6 POWERS AND DUTIES:**

- A. In general, the Planning and Zoning Commission shall be an advisory body and adjunct to the City Council, and shall make recommendations regarding amendments to the Comprehensive Plan, changes of zoning and zoning to be given to newly annexed areas, and shall make recommendations regarding the approval of plats of subdivisions as may be submitted to it for review and other planning related matters. The Planning and Zoning Commission shall conduct an annual review of the City's Comprehensive Plan and shall be prepared to make recommendations to the City Council as deemed necessary to keep the City's Comprehensive Plan current with changing conditions and trends and with the planning needs of the City. The Planning and Zoning Commission shall serve in an advisory capacity on any planning related item(s) in the City.

#### **8.7 PROCEDURE ON ZONING HEARINGS:**

- A. The procedure and process for zoning changes/amendments shall be in accordance with Section 10 of this Ordinance.

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## **SECTION 9                    ZONING BOARD OF ADJUSTMENTS (ZBA) and                                   BUILDINGS AND STANDARDS COMMISSION (BSC)**

### **9.0    ZONING BOARD OF ADJUSTMENTS (ZBA)**

**NOTE: Amended O-16-19 on 08-26-2019**

**The 2019 Legislature enacted HB 2497, which requires amendments to procedures applicable to the rules of and appellate procedures before the Zoning Board of Adjustment.**

#### **INCORPORATION OF RECITALS/AMENDMENTS.**

Amendments to amend Section 9, “Zoning Board of Adjustments (ZBA) and Buildings Standards Commission (BSC)” in accordance with new state laws affecting rules and proceedings before the Board of Adjustment in accordance with amendments to Chapter 211 of the Texas Local Government Code effective September 1, 2019.

#### **AMENDMENTS TO BOARD OF ADJUSTMENT PROCEDURES.**

Notwithstanding any other provision contained in the City’s ordinances, regulations or rules to the contrary, the following provisions apply to the adoption of or amendment to rules of the Board of Adjustment (“Board”) and to appellate procedures before the Board.

Rules of the Board of Adjustment adopted or amended on or after September 1, 2019, shall be approved by the City Council prior to becoming effective.

Appeals to the Board of Adjustment from the decision of an administrative official made on or after September 1, 2019, shall be governed by the following rules:

- An appeal of a decision by an administrative official that is not related to a specific application, address or project may be made by an aggrieved person or any officer, department, board, or bureau of the City affected by the decision.
- An appeal of a decision by an administrative official that is related to a specific application, address or project may be made by any one of the following
  - The applicant;
  - The owner or owner’s representative of the property that is the subject of the decision;
  - An aggrieved person who is the owner of property located within two hundred (200) feet of the property that is the subject of the decision; or
  - Any officer, department, board, or bureau of the City affected by the decision.

## **9.1 CREATION:**

- A. There is hereby created a Zoning Board of Adjustments (ZBA), hereafter referred to as the "Board", for the purpose, in appropriate cases and subject to appropriate conditions and safeguards, to make special exceptions to the terms of this Ordinance that are consistent with the general purpose and intent of this Ordinance. The Board shall be composed of members who are resident citizens, taxpayers and qualified voters of the City of Kaufman.

## **9.2 MEMBERS; TERMS OF OFFICE:**

- A. The Zoning Board of Adjustment shall consist of five (5) regular members, who shall be appointed by a simple majority vote of the City Council, in accordance with Sections 211.008 through 211.011 of the Texas Local Government Code, as amended. In addition, there may be up to four (4) alternate members appointed for two (2) year terms, said terms to be staggered in like manner to regular members.
- B. Regular Board members and alternate members shall serve for a term of two (2) years, and expiration of terms shall be staggered so that an overlapping of terms occurs (for example, in any two (2) year period, the terms of two (2) members shall expire during one (1) of those years, and the terms of three (3) members shall expire during the second year. In like manner, the terms of alternate members shall be two (2) and two (2) in separate years).
- C. Any vacancy(s) on the Board shall be filled for the unexpired term(s) via appointment by a simple majority vote of the City Council for the remainder of the term(s).
- D. Members of the Board may be removed from office for cause, and after a public hearing, by a simple majority vote of the full City Council. Failure to attend three (3) consecutive scheduled meetings shall be deemed as neglect and cause for removal from office, unless such absences were due to unusual circumstances beyond the member's control such as sickness of the member or someone within the member's immediate family.
- E. The members of the Board shall regularly attend meetings and public hearings of the Board, and shall serve without compensation.

## **9.3 MEETINGS:**

- A. Meetings of the Zoning Board of Adjustments shall be held at the call of the Chairman and at such other times as the Board may determine. All meetings of the Board shall be open to the public. Four (4) members of the Board shall constitute a quorum for the conduct of business. All cases to be heard by the Board will always be heard by at least seventy-five percent (75%) of the members, which constitutes four (4) members.

#### **9.4 AUTHORITY OF BOARD:**

The Board of Adjustment shall have the authority, subject to the standards established in Sections 211.008 through 211.014 of the Texas Local Government Code and those established herein, to exercise powers and to perform duties including the following:

- A. Hear and decide an appeal that alleges error in an order, requirement, decision or determination made by an administrative official in the enforcement of this Ordinance; and
- B. Authorize in specific cases a variance (see Section 9.6) from the terms of this Ordinance if the variance is not contrary to the public interest and, due to special conditions, a literal enforcement of the Ordinance would result in unnecessary hardship, and so that the spirit of this Ordinance is observed and substantial justice is done.
- C. In exercising its authority under Subsection A above, the Board may reverse or affirm, in whole or in part, or modify the administrative official's order, requirement, decision or determination from which an appeal is taken and make the correct order, requirement, decision or determination, and for that purpose the Board has the same authority as the administrative official.
- D. The concurring vote of at least seventy-five percent (75%), or four (4), members of the Board is necessary to:
  1. Reverse an order, requirement, decision or determination of an administrative official;
  2. Decide in favor of an applicant on a matter on which the Board is required to review under this Zoning Ordinance;
  3. Authorize a variance from the terms of this Zoning Ordinance; or
  4. Discontinue or terminate a nonconforming use of property.

#### **9.5 LIMITATIONS ON AUTHORITY OF BOARD:**

- A. The Board may not grant a variance authorizing a use other than those permitted in the district for which the variance is sought, except as provided in Section 9.7.
- B. The Board shall have no power to grant or modify Specific Use Permits authorized under Section 30 or to grant or modify the conditions of a Planned Development authorized under Section 29 of these regulations.
- C. The Board shall have no power to grant a zoning amendment. In the event that a request for a zoning amendment is pending before the Planning and Zoning Commission or the City Council, the Board shall neither hear nor grant any variances with respect to the subject property until final disposition of the zoning amendment.
- D. The Board shall not grant a variance for any parcel of property or portion thereof upon which a site plan, preliminary plat or final plat, where required, is pending on the agenda of the Planning and Zoning Commission and, where applicable, by the City Council. All administrative remedies available to the applicant shall have been exhausted prior to hearing by the Zoning Board of Adjustments.

## **9.6 VARIANCES:**

- A. The Zoning Board of Adjustment may authorize a variance from these regulations when, in its opinion, undue hardship will result from requiring strict compliance. In granting a variance, the Board shall prescribe only conditions that it deems necessary for or desirable to the public interest. In making the findings herein below required, the Board shall take into account the nature of the proposed use of the land involved, existing uses of land in the vicinity, the number of persons who will reside or work within the proposed use, and the probable effect such variance will have upon traffic conditions and upon the public health, safety, convenience and welfare of the community.
- B. **Conditions Required for Variance** - No variance shall be granted without first having given public notice and having held a public hearing on the variance request in accordance with Section 9.8.C or D of this Ordinance and unless the ZBA finds:
  1. That there are special circumstances or conditions (such as, but not limited to, restricted area, shape, topography or physical features) that are unique to the property affecting the development of the land involved such that the strict application of the provisions of this Ordinance would deprive the applicant of the reasonable use of his land; and
  2. That the variance is necessary for the preservation and enjoyment of a substantial property right of the applicant; and
  3. That the granting of the variance will not be detrimental to the public health, safety or welfare, and shall not adversely impact other properties in the vicinity or give the owner of a business an undue advantage over other businesses. Vicinity is defined as all properties with the same zoning classification sharing a common district boundary as the applicant and those properties within three hundred feet (300') of the subject property with a different zoning classification; and
  4. That the granting of the variance will not have the effect of preventing the orderly use of other land within the area and does not conflict with the spirit of this Ordinance, which is one of providing public safety, open space and air, preservation and enhancement of the appearance of the City and protection of property values.

Such findings of the ZBA, together with the specific facts upon which such findings are based, shall be incorporated into the official minutes of the ZBA meeting at which such variance is granted. Variances may be granted only when in harmony with the general purpose and intent of this Ordinance so that the public health, safety and welfare may be secured and substantial justice be done.

- C. **Findings of Undue Hardship** - In order to grant a variance, the Board must make written findings that an undue hardship exists, using the following criteria:
  1. That literal enforcement of the controls will create an unnecessary hardship or practical difficulty in the development of the affected property; and
  2. That the situation causing the hardship or difficulty is neither self-imposed nor generally affecting all or most properties in the same zoning district; and

3. That the relief sought will not injure the permitted use of adjacent conforming property; and
4. That the granting of a variance will be in harmony with the spirit and purpose of these regulations.

D. A variance shall not be granted to relieve a self-created or personal hardship, nor shall it be based upon economic gain or loss, nor shall it permit any person the privilege in developing a parcel of land not permitted by this Ordinance to other parcels of land in the particular zoning district. No variance may be granted which results in undue hardship upon another parcel of land.

E. The applicant bears the burden of proof in establishing the facts justifying a variance.

#### **9.7 APPEALS TO THE ZONING BOARD OF ADJUSTMENTS:**

- A. **Authority** - In addition to the authorization of variances from the terms of this Ordinance, the ZBA shall have the authority to hear and decide an appeal that alleges error in an order, requirement, decision or determination made by an administrative official in the enforcement of this Ordinance; the ZBA may reverse or affirm, in whole or in part, or may modify the administrative official's order, requirement, decision or determination from which an appeal is taken and make the correct order, requirement, decision or determination, and for that purpose, the ZBA has the same authority as the administrative official. The ZBA may also hear and decide other matters authorized by the Subdivision Ordinance and other ordinances regarding land use regulations.
- B. **Who May Appeal** - Any of the following persons may appeal to the ZBA a decision made by an administrative official:
  1. A person directly aggrieved by the decision; or
  2. Any officer, department, board or office of the municipality affected by the decision.
- C. **Procedure for Appeal** - The appellant must file with the ZBA and the official from whom the appeal is taken a written notice of appeal specifying the grounds for the appeal. The appeal must be filed within sixty (60) days after the decision has been rendered. Upon receiving the notice, the official from whom the appeal is taken shall immediately transmit to the ZBA all papers constituting the record of action that is appealed. An appeal stays all proceedings in furtherance of the action that is appealed unless the official from whom the appeal is taken certifies in writing to the ZBA facts supporting the official's opinion that a stay would cause imminent peril to life or property. In that case, the proceedings may be stayed only by a restraining order granted by the ZBA or a court of record on application, after notice to the official, if due cause is shown. The appellant party may appear at the appeal hearing in person or by agent or attorney. The Board shall decide the appeal within four (4) weeks after the written request (i.e., notice of appeal) was received, after which time the request shall be deemed automatically approved if no formal action is taken. The Board may reverse or affirm, in whole or in part, or modify the administrative official's order, requirement, decision or determination from which an appeal is taken, and make the correct order, requirement, decision or determination.

## **9.8 PROCEDURES:**

- A. **Application and Fee** - An application for a variance by the Zoning Board of Adjustments shall be made in writing using forms prescribed by the ZBA, and shall be accompanied by an application fee (as set forth in the Fee Schedule as adopted, a site plan and/or additional information as may be requested in order to properly review the application. Such information may include, but is not limited to, plat plans, site building plans, photographs, topographic contour maps, and/or other similar documents.
- B. **Review and Report by the City** - The City Manager, or his designee, shall visit the site where the proposed variance will apply and the surrounding area, and shall report his findings to the ZBA.
- C. **Notice and Public Hearing** - The Zoning Board of Adjustments shall hold a public hearing for consideration of the variance request no later than forty-five (45) days after the date the application for action, or an appeal, is filed. Notice of the public hearing shall be provided to all property owners within two hundred feet (200') of the affected property at least ten (10) days prior to the public hearing, and also published in the official local newspaper at least ten (10) days prior to the public hearing.
- D. **Action by the ZBA** - The ZBA shall not grant a variance unless it finds, based upon compelling evidence, that each of the conditions in Section 9.6 has been established. The ZBA may impose such conditions, limitations and safeguards, as it deems appropriate upon the granting of any variance. Violation of any such condition, limitation or safeguard shall constitute a violation of this Ordinance.

## **9.9 DISCONTINUANCE OR TERMINATION OF CERTAIN NONCONFORMING USES BY THE ZONING BOARD OF ADJUSTMENT:**

- A. At the direction of the City Council, the Zoning Board of Adjustment shall institute proceedings regarding the discontinuance or termination of a nonconforming use in the City of Kaufman, and after public hearing and investigation into the conditions created by the use, fire or health hazards created by the use, and any other danger or nuisance to the public due to or created by any condition or use existing on the property, require the discontinuance or termination of such use. The owner of the use under the investigation by the Zoning Board of Adjustment shall have not less than ten (10) days written notice prior to the day of the public hearing. The Zoning Board of Adjustment, after having heard from affected parties and the public, shall prescribe a reasonable time period for compliance, discontinuance and termination of the nonconforming use that allows for amortization of the owner's actual investment in the use that occurred before the time that the use became nonconforming. In prescribing said time period, the Zoning Board of Adjustment shall consider the following factors:
  1. The owner's capital investment in structures, fixed equipment, and other assets (excluding inventory and other assets that may be feasibly transferred to another site) on the property at the time the use became nonconforming;
  2. Any costs that are directly attributable to the establishment of compliance date, including demolition expenses, relocation expenses, termination of leases, and discharge of mortgages;
  3. Any return on investment since inception of the use, including net income and depreciation; and

4. The anticipated annual recovery of investment, including net income and depreciation.
- B. If the Zoning Board of Adjustment establishes an amortization (or compliance) date for a nonconforming use, the use must cease operation on that date and it may not operate thereafter unless it becomes a conforming use.
- C. For purposes of this Section, “owner” means the owner of the nonconforming use at the time of the Zoning Board of Adjustment’s determination of an amortization (or compliance) date for the nonconforming use.
- D. The Zoning Board of Adjustment shall have the power to subpoena witnesses, documents and things; administer oaths; punish for contempt; and may require the production of documents and other things, under such regulations as it may establish or deem appropriate.
- E. Notwithstanding any provision contained in Section 34 of this Zoning Ordinance, any single-family residential use of property which is nonconforming due to its location within a non-single-family zoning district is not subject to the discontinuance or termination provisions contained in this section and may be improved, expanded or enlarged by an amount no more than fifty percent (50%) of the original enclosed, habitable area of the structure, or no more than five hundred square feet (500 sf), whichever is greater, provided that the improvement, expansion or enlargement does not violate the setback or other area requirements contained in this Zoning Ordinance.

#### **9.10 FINALITY OF DECISIONS; JUDICIAL REVIEW:**

All decisions of the Zoning Board of Adjustment are final and binding. Any person aggrieved by a decision of the Zoning Board of Adjustment may seek judicial review within ten (10) days after the date the decision is filed in the Board’s office, pursuant to Section 211.011 of the Texas Local Government Code, as amended. For purposes of this Section, (i) the City Secretary’s Office is the Board’s office and (ii) any decision of the Zoning Board of Adjustment shall be deemed filed in the Board’s office on the first business day following the action taken by the Zoning Board of Adjustment. Nothing in this Section shall limit the authority of the Zoning Board of Adjustment to enter a written decision or order, and in the event a written decision or order is entered by the Zoning Board of Adjustment, the written decision or order shall be deemed filed in the Board’s office on the first business day following the date reflected on such decision or order.”

#### **9.11 BUILDINGS AND STANDARDS COMMISSION (BSC) PANEL**

#### **9.12 CREATION:**

The City Council by adoption of Ordinance O-05-05 established a Building and Standards Commission Panel, herein known as the “Panel” for the purpose, in appropriate cases and subject to appropriate conditions and safeguards to enforce the International Property Maintenance Code (as adopted), Chapter 22 Buildings and Building Regulations and Chapter 46 Fire Prevention and Protection of the City of Kaufman Code of Ordinances. That the Zoning Board of Adjustment shall also serve in the capacity of Buildings and Standards Commission, duly authorized by the City Council to conduct public hearings in accordance with Local Government Code Chapter 54 and Chapter 214 regarding dilapidated, substandard, unsafe or dangerous structures.

## **9.13 MEETINGS:**

- A. Meetings of the Buildings and Standards Commission Panel shall be held at the call of the Chairman and at such other times as the Panel may determine. All meetings of the Panel shall be open to the public. Four (4) members of the Panel shall constitute a quorum for the conduct of business. All cases to be heard by the Panel will always be heard by at least seventy-five percent (75%) of the members, which constitutes four (4) members.
- B. ZBA and BSC hearings may be held on the same meeting date under the following conditions:
  1. The Zoning Board of Adjustments shall meet first, the public hearing shall be opened by the Chairman and all actions taken, the hearing closed and the meeting adjourned prior to the Building and Standards Commission Panel meeting being opened with a minimum five (5) minute recess between meetings.
  2. Minutes of each meeting shall be recorded on separate tapes and minutes kept for each separate meeting.
  3. Each meeting shall be advertised in the newspaper of record as a separate hearing and notices for each meeting shall be sent in accordance to State Law and City Ordinances as required.
  4. A case shall not be heard by the Building and Standards Commission Panel if the property has action pending by the Planning and Zoning Commission, City Council, Zoning Board of Adjustment, or Municipal Court.

## **9.14 AUTHORITY OF PANEL:**

The Building and Standards Commission (BSC) Panel shall have the authority, subject to the standards established in Sections 214, Subchapter A – Dangerous Structures and Section 54, Subchapter C – Quasi-Judicial Enforcement of Health and Safety Ordinances of the Texas Local Government Code and those established herein, to exercise powers and to perform duties including the following:

- A. Conduct public hearings for the purpose of determining whether a structure is substandard, dilapidated, abandoned, unsafe, unfit for human habitation, repairable, and a hazard to the public health, safety and welfare; and
- B. The BSC Panel may require/order, in specific cases, a property/structure to be vacated, relocation of occupants, secured, repaired, removed or demolished; and
- C. In exercising its authority under Subchapter A above, the BSC Panel may assess civil penalties and/or fines up to the maximum allowed by State Law and City Ordinances for noncompliance upon both the property and owner(s).
- D. The BSC Panel may subpoena witnesses and compel testimony from any party with relevant information regarding the condition or facts relating to the subject property. The Director shall provide for any inspections necessary and photographic evidence needed to substantiate the condition of the property.

- E. Inspections of the property shall be conducted by the City Building Inspector and/or Fire Chief or their designees upon receiving voluntary consent of entry in writing by the owner/tenant or by obtaining an administrative search warrant.
- F. The concurring vote of at least seventy-five percent (75%), or four (4), members of the BSC Panel is necessary to:
  - 1. Issue an order, requirement, decision or confirm a determination of an administrative official;
  - 2. Decide in favor of an applicant on a matter on which the BSC Panel is required to review under this Zoning Ordinance;
  - 3. Assess civil penalties, attach liens or levy fines;
  - 4. Remand a case to be considered for a variance from the terms of this Zoning Ordinance; or
  - 5. Set dates and times for compliance, extend deadlines, postpone proceedings or to re-hear a case.

#### **9.15 LIMITATIONS ON AUTHORITY OF PANEL:**

- A. The Buildings and Standards Commission (BSC) Panel may not grant an owner/occupant permission to construct, repair, remodel or alter a structure in any way that is contrary to the adopted Codes and Ordinances. An order by the BSC Panel does not constitute a valid building permit or demolition permit, which must be obtained separately from the Development Services Department prior to proceeding with any order issued by the BSC Panel.
- B. The BSC Panel shall have no power to grant variances or modify any requirement of the Zoning Ordinance, City Ordinances or International Building Code as adopted.

#### **9.16 FINALITY OF DECISIONS; JUDICIAL REVIEW:**

All decisions of the Building and Standards Commission (BSC) Panel are final and binding. Any owner, lien holder, or mortgagee of record jointly or severally aggrieved by any decision of the BSC Panel may present a petition to a district court, duly verified, setting forth that the decision is illegal, in whole or in part, and specifying the grounds of illegality. The petition must be presented to the court within 30 calendar days after the date a copy of the final decision of the BSC Panel is personally delivered or mailed by first class mail, certified return receipt requested, to all persons to whom notice is required to be sent under Section 54.035 of the Local Government Code. For purposes of this Section, (i) the City Secretary's Office is the panel's office and (ii) any decision of the BSC shall be deemed filed in the panel's office on the first business day following the action taken by the BSC Panel. Nothing in this Section shall limit the authority of the BSC Panel to enter a written decision or order, and in the event a written decision or order is entered by the BSC Panel, the written decision or order shall be deemed filed in the panel's office on the first business day following the date reflected on such decision or order."

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## **SECTION 10            ZONING CHANGES AND AMENDMENTS TO THE                           ZONING ORDINANCE AND DISTRICTS, AND                           ADMINISTRATIVE PROCEDURES**

### **10.1 DECLARATION OF POLICY**

The City declares the enactment of these regulations governing the use and development of land, buildings, and structures as a measure necessary to the orderly development of the community. Therefore, no change shall be made in these regulations or in the boundaries of the zoning districts except:

- A. To correct any error in the regulations or map.
- B. To recognize changed or changing conditions or circumstances in a particular locality.
- C. To recognize changes in technology, the style of living, or manner of conducting business.
- D. To change the property to uses in accordance with the approved Comprehensive Plan.

### **10.2 REVIEW CRITERIA**

In making a determination regarding a requested zoning change, the Planning and Zoning Commission and City Council shall consider the following factors:

- A. Whether the uses permitted by the proposed change will be appropriate in the immediate area concerned and their relationship to the general area and the City as a whole.
- B. Whether the proposed change is in accord with any existing or proposed plans for providing public schools, streets, water supply, sanitary sewers, and other utilities to the area, and shall note the findings.
- C. The amount of vacant land currently classified for similar development in the vicinity and elsewhere in the City, and any special circumstances, which may make a substantial part of such vacant land unavailable for development.
- D. The recent rate at which land is being developed in the same zoning classification as the request, particularly in the vicinity of the proposed change.
- E. How other areas designated for similar development will be, or are unlikely to be, affected if the proposed amendment is approved.
- F. Any other factors, which will substantially affect the public health, safety, morals, or general welfare.

### **10.3 AUTHORITY TO AMEND ORDINANCE:**

The City Council may from time to time, after receiving a final report thereon by the Planning and Zoning Commission and after public hearings required by law, amend, supplement, or change the regulations herein provided or the boundaries of the zoning districts specified on the Zoning District Map. Any Ordinance regulations or zoning district boundary amendment may be ordered for consideration by the City Council, be initiated by the Planning and Zoning Commission, or be

requested by the owner of real property, or the authorized representative of an owner of real property.

Consideration for a change in any district boundary line or special zoning regulation may be initiated only by the property owner or his authorized agent (proof of such authorization must be submitted with the zoning application, per Section 10.3), or by the Planning and Zoning Commission or City Council on its own motion when it finds that public benefit will be derived from consideration of such matter. In the event the ownership stated on an application and that shown in City records are different, the applicant shall submit proof of ownership and/or verification that he is acting as an authorized agent for the property owner.

No person who owes delinquent taxes, delinquent paving assessments, impact fees, or any other delinquent debts or obligations to the City of Kaufman, and which are directly attributable to a piece of property requested for zoning shall be allowed to submit a zoning request until the taxes, assessments, debts, or obligations directly attributable to said property and owed by the owner or previous owner thereof shall have been first fully discharged by payment, or until an arrangement satisfactory to the City has been made for the payment of such debts or obligations. It shall be the applicant's responsibility to provide evidence or proof that the taxes have been paid.

#### **10.3 APPLICATION:**

- A. Each application for zoning or for an amendment or change to the existing provisions of this Zoning Ordinance shall be made in writing on an application form available at the City, filed with the City, and shall be accompanied by payment of the appropriate fee as established within the Fee Schedule as adopted of this Ordinance. The application shall also be accompanied by additional information/materials (i.e., plans, maps, exhibits, legal description of property, information about proposed uses, etc.) as deemed necessary by the Director, or his designee, in order to ensure that the request is understood.
- B. This ordinance is intended to implement the policies and recommendations contained in the Comprehensive Plan and Thoroughfare Plan. If a zoning request differs from the recommendations in these plans, the Director shall prepare the necessary revisions to the applicable plan and process concurrently with the zoning request.
- C. Applicants are strongly encouraged to request a pre-submittal meeting with staff prior to making commitments to acquire land or engaging professional services to discuss the merits of the proposed zoning change, proposed uses, ordinance requirements, availability of utilities and other services, submittal requirements, scheduling of public hearings, platting and site plan requirements, fees, etc.

#### **10.4 PUBLIC HEARING AND NOTICE:**

- A. Notice for public hearings for changes in the text of this Ordinance which do not change zoning district boundaries or zoning classifications (i.e., which do not involve a specific real property) shall be given by publishing the purpose, time and place of such hearings in the official newspaper of the City not less than fifteen (15) days prior to the date of the first public hearing and do not require written notification to individual property owners.
- B. \*For amendments or proposed changes to the Thoroughfare Plan or zoning/rezoning requests involving real property, at least one (1) public hearing on each zoning application shall be held at both the Planning and Zoning Commission and City Council, as per applicable State law (Texas Local Government Code Chapter 211, as may be amended). For proposed changes to

zoning district boundaries (including rezoning requests), written notice of the public hearings to occur before the Planning and Zoning Commission and City Council shall be sent to all owners of property, as indicated by the most recently approved City tax roll, that is located within the area of application and within three hundred feet (300') of any property affected thereby, said written notice to be sent not less than ten (10) days before the first such hearing is held. Such notice may be served by using the last known address as listed on the most recently approved tax roll and depositing the notice, postage paid, in the United States mail.

**\*Amended May 24, 2010 by Ordinance O-07-10**

- C. Notice of the both Planning and Zoning Commission and City Council public hearings shall be given together by publishing the purpose, time and place of such hearings in the official newspaper of the City not less than fifteen (15) days prior to the date of the first public hearing. The notification and advertising requirements listed above will be required to be resubmitted on applications that are tabled beyond ninety (90) days of the first scheduled public hearing.
- D. The City may, at its option, establish additional rules and procedures for public notification of proposed zoning changes and/or development proposals (e.g., site plans, plats, etc.) which may include, but not be limited to, the posting of a sign(s) on any property that is proposed for a zoning change and/or development by the applicant or its agent(s). Adherence to such rules and procedures, if established by the City, shall be the responsibility of the applicant and shall be required as part of a zoning change and/or development application.

#### **10.5 FAILURE TO APPEAR:**

Failure of the applicant or his representative to appear before the Planning and Zoning Commission or City Council for more than one (1) hearing without an approved delay by the City Manager, or his designee, shall constitute sufficient grounds for the Planning and Zoning Commission or the City Council to table or deny the application unless the City is notified in writing by the applicant at least seventy-two (72) hours prior to the hearing.

#### **10.6 PLANNING AND ZONING COMMISSION CONSIDERATION AND REPORT:**

The Planning and Zoning Commission shall function in accordance with Section 8 of this Ordinance. The Planning and Zoning Commission, after the public hearing is closed, shall prepare its report and recommendations on the proposed zoning change stating its findings, and its evaluation of the request and of the relationship of the request to the Comprehensive Plan. The Planning and Zoning Commission may defer its report for not more than ninety (90) days from the time it was posted on the agenda, or until it has had an opportunity to consider other proposed changes, which may have a direct bearing thereon, unless a postponement is requested by the applicant.

#### **10.7 RECOMMENDATIONS FOR DENIAL:**

If the Planning and Zoning Commission recommends denial of the zoning change request, it shall offer reasons to the applicant for the denial, if requested by the applicant. The Planning and Zoning Chairman shall inform the applicant of the right to receive reasons for the denial.

## **10.8 CITY COUNCIL CONSIDERATION:**

- A. Applications Forwarded from the Planning and Zoning Commission to City Council** - An application which is recommended by the Planning and Zoning Commission for denial shall be forwarded to City Council along with the Commission's reasons for denial, and ultimate approval of the request by City Council will require a three-fourths (3/4) favorable vote of all members of the City Council.
- B. City Council Action on Zoning/Rezoning or Text Amendment Requests** - After a public hearing is held before City Council regarding the zoning application, the City Council may approve the request in whole or in part, deny the request in whole or in part, table the application to a specific future meeting/date, or it may refer the application back to the Planning and Zoning Commission for further study.
  - 1. If the City Council approves the request, then this will be considered the first (1<sup>st</sup>) of two (2) readings required by the City Charter in order to adopt a proposed ordinance. (See Section 10.8 E - Final Approval and Ordinance Adoption)
  - 2. If the City Council denies the request, then no other zoning application may be filed for all or part of the subject tract of land (or for that portion of the Zoning Ordinance, in the case of a text amendment request submitted by a property owner or citizen) for a waiting period of one (1) year following the denial.
    - a. The City Council may, at its option, waive the one-year waiting period if, after due consideration of the matter at a scheduled and posted meeting, it is determined that denial of the request was based upon erroneous or omitted information, or if substantial new information pertaining to the request is discovered.
- C. Joint Hearings** -  
The City Council may hold a public hearing, after publishing the notice required in 10.4, jointly with the Planning and Zoning Commission, for zoning/rezoning and Zoning Ordinance text amendments. However, the City Council shall not take action until it has received a final report from the Planning and Zoning Commission. The City Council may, by two-thirds (2/3) vote, prescribe an alternate type of notice to be given of the time and place of the public hearing held jointly with the Planning and Zoning Commission. In that case, the notice required in 10.4 does not apply.
- D. Three-Fourths Vote** - A favorable vote of three-fourths (3/4) of all members of the City Council shall be required to approve any change in zoning when written objections are received from twenty percent (20%) of the area of the adjacent landowners which comply with the provisions of Section 211.006 of the Texas Local Government Code (commonly referred to as the "twenty percent [20%] rule"). If a protest against such proposed amendment, supplement or change has been filed with the City Secretary, duly signed and acknowledged by the owners of twenty (20%) percent or more, either of the area of the lots included in such a proposed change or those immediately adjacent to the area thereof extending two hundred feet (200') there from or of those directly opposite thereto extending two hundred feet (200') from the street frontage of such opposite lots, such amendments shall not become effective except by a three-fourths (3/4) vote of all members of the City Council.

E. **Final Approval and Ordinance Adoption** - Upon approval of the zoning request by the City Council, the applicant shall submit all related material with revisions, if necessary, to the City for the preparation of the amending ordinance. A metes and bounds description of all property, a survey (i.e., drawing) exhibit, and other appropriate exhibits that are determined necessary by the Director, or his designee, must be submitted with the zoning change request application. The zoning request shall be deemed tentatively approved at the time the City Council makes a decision to approve the request as submitted or with certain conditions. However, the zoning request does not receive final approval (become effective) until after the amending ordinance has been prepared and a second reading of the ordinance is approved by the City Council in accordance with the Charter and the ordinance is officially adopted.

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## **SECTION 11        CERTIFICATES OF OCCUPANCY, LIFE SAFETY INSPECTIONS AND COMPLIANCE**

### **11.1 CERTIFICATES OF OCCUPANCY AND LIFE SAFETY INSPECTIONS SHALL BE REQUIRED FOR ANY OF THE FOLLOWING:**

- A. Initial occupancy and use of a new building, new residential structure or structurally altered existing building (including minor renovation/rehabilitation of residential structures, as described in Subsection 11.4 below).
- B. Change in use of an existing building to a use of a different classification.
- C. Change in the use of land to a use of a different classification.
- D. Change in ownership or occupant of any existing building or structure used for nonresidential or residential purposes (including lease or rental of a portion of a structure such as an office suite or apartment).

No such use, or change of use, or change of tenant/occupant/owner shall take place until a Life Safety Inspection has been conducted by the Fire Chief and a Certificate of Occupancy therefore shall have been issued by the City. The application fee(s) for a Certificate of Occupancy shall be set forth in the Schedule of Fees Ordinance O-29-03 adopted on 12-08-03 or as amended.

### **11.2 PROCEDURE FOR NEW OR ALTERED BUILDINGS** - The Certificate of Occupancy shall be issued after the Building Official and/or Fire Chief make the required inspections and find no violations of the provisions of this Ordinance, current adopted International Code Council (ICC) requirements or other applicable regulations after such construction or alterations are complete.

### **11.3 PROCEDURE FOR A CHANGE IN BUILDING USE** - Written application for a Life Safety Inspection and Certificate of Occupancy for a change in the use of land or a change in the use of a building, or for a change from a nonconforming use to a conforming use, shall be made to said Building Official and/or Fire Chief. If the proposed use is found to be in conformity with the provisions of this Ordinance, the Certificate of Occupancy shall be issued after the application for same has been made and all required building inspections and Fire Safety Inspections are completed and approved by the Building Official, or his designee and/or Fire Chief.

- A. A written application for a Temporary Utility Release shall be submitted to the Building Official and/or the Fire Chief for his review, and shall be approved upon a finding that the building permits have been issued and construction, renovation or repair activities proposed will be beneficial to the subject structure/site and the surrounding area, and that they will not compromise the public health, safety and welfare. A Temporary Utility Release shall be valid for a period of ninety (90) days, and thirty-day extensions may be granted by the Building Official or Fire Chief or his designee, if additional time will be needed to complete the construction, renovation or repair work. Under no circumstances shall occupation of the premises be allowed during the construction, renovation or repair work, and violations of this Subsection are subject to a fine not to exceed \$500.00, and each and every day that the provisions of this Subsection are violated shall constitute a separate and distinct offense. Upon completion of the minor renovation, rehabilitation or remodeling work, and prior to occupancy of the structure/site, the property owner shall make a request building inspection and Life

Safety Inspection to be performed by the Building Official and/or Fire Chief or his designee. The Certificate of Occupancy shall be issued after all required inspections are completed and the premises found to be in compliance with this Ordinance, current adopted International Code Council (ICC) requirements and all other applicable regulations.

**11.4 CONTENTS** - Every Certificate of Occupancy shall contain the following:

- A. building permit number;
- B. the address of the building;
- C. the name and address of the owner;
- D. the name and address of lessee or occupant;
- E. a description of that portion of the building for which the Certificate is issued;
- F. a statement that the described portion of the building has been inspected for compliance with the requirements of the current adopted International Code Council (ICC) and/or Life Safety Inspection, group and division of occupancy;
- G. the name of the Building Official or Fire Chief;
- H. use (uses) allowed;
- I. maximum number of persons/occupants; and
- J. issue date of Certificate of Occupancy.

**11.5 POSTING** - The Certificate of Occupancy or Life Safety Inspection shall be posted in all nonresidential buildings in a conspicuous place on the premises and shall not be removed except by the Building Official or Fire Chief, or his designee.

**11.6 REVOCATION** - The Building Official or Fire Chief, or his designee may, in writing, suspend or revoke a Certificate of Occupancy or Life Safety Inspection issued under the provisions of this Ordinance whenever the Certificate is issued in error, or on the basis of incorrect information supplied, or when it is determined that the building or structure or portion thereof is in violation of any ordinance or regulation or any of the provision of this Ordinance or the building code and other codes adopted by the City, and any amendments thereto.

### III. ZONING DISTRICTS

#### SECTION 12

#### ZONING DISTRICTS ESTABLISHED

**12.1** The City of Kaufman, Texas is hereby divided into the following zoning districts. The use, height and area regulations as set out herein apply to each district. The districts established herein shall be known as:

<u>Abbreviated Designation</u>	<u>Zoning District Name</u>
<b>Base Districts</b>	
A-O	Agriculture/Open
SF-20	Single-Family Estate Residential-20 (minimum 20,000 square-foot lots)
SF-10	Single-Family Residential-10 (minimum 10,000 square-foot lots)
SF-8	Single-Family Residential-8 (minimum 8,000 square-foot lots)
SF-6	Single-Family Residential-6 (minimum 6,000 square-foot lots)
TH	Townhouse Residential (Patio Homes, Single-Family Attached, Two-Family or Garden Homes)
MF-1	Multi-Family Residential-1 (triplex and quadplex homes)
MF-2	Multi-Family Residential-2 (apartments)
MH	Manufactured Home
O	Office
LR	Local (Neighborhood) Retail
R	Retail (General)
CBD	Central Business District
C	Commercial
LI	Light Industrial
HC	Highway Commercial

#### Overlay Districts

PD	Planned Development
SUP	Specific Use Permit
WSC	Washington Street Corridor

**12.2** A summary of the area regulations for the following zoning districts is included in Table 12-1 of this Section.

**12.3** Certain terms and definitions used within this Ordinance can be found in Section 33.5-Definitions

## **TABLE 12-1 SUMMARY OF ZONING DISTRICT REGULATIONS**

### **City of Kaufman, Texas**

This is a chart for general comparison purposes only and is incomplete. For complete requirements see the body of the Zoning Ordinance.

<b>District</b>	<b>Minimum Lot Area</b>	<b>Minimum Dwelling Unit Size</b>	<b>Minimum Lot Width</b>	<b>Minimum Lot Depth</b>	<b>Minimum Front Yard</b>	<b>Minimum Rear Yard*</b>	<b>Minimum Side Yard*</b>	<b>Max. Building Height</b>	<b>Maximum Lot Coverage</b>
<b>A-O</b>	3 Acres	2,000 Sq. Ft.	150 Ft.	200 Ft.	50 Ft.	30 Ft.	10% of lot width up to 30 Ft.	30 Ft.	20% Main 30% w/Acc Bldgs.
<b>SF-20</b>	20,000 Sq. Ft.	2,000 Sq. Ft.	100 Ft.	150 Ft.	40 Ft.	30 Ft.	15 Ft.	30 Ft.	20%/30%
<b>SF-10</b>	10,000 Sq. Ft.	2,000 Sq. Ft.	80 Ft.	125 Ft.	35 Ft.	30 Ft.	12 Ft.	30 Ft.	20%/30%
<b>SF-8</b>	8,000 Sq. Ft.	1,600 Sq. Ft.	70 Ft.	110 Ft.	30 Ft.	25 Ft.	8 Ft.	30 Ft.	35%
<b>SF-6</b>	6,000 Sq. Ft.	1,200 Sq. Ft.	60 Ft.	100 Ft.	25 Ft.	25 Ft.	6 Ft.	30 Ft.	35%
<b>TH (PH, SFA,2F)</b>	PH- 4,500 sf SFA – 3,000 sf 2F – 3,500 sf	1,000 Sq. Ft.	PH – 45' SFA – 30' 2F – 35'	100 Ft.	25 Ft.	15 Ft.	PH - 0-10' SFA – 5' 2F – 5'	30 Ft.	50%
<b>MF-1</b>	9,000 Sq. Ft/lot 3,000 Sq. Ft./ Unit	550sf-Effic'y. 600sf-1 B.R. 800sf-2 B.R. 1,000sf-3 B.R.	90 Ft.	100 Ft.	25 Ft.	20 Ft.	15 Ft.	2.5 stories/ 30 Ft.	50% Max. – 12 D.U./acre
<b>MF-2</b>	1 Acre/lot 1,800 Sq. Ft./Unit	550sf-Effic'y. 600sf-1 B.R. 800sf-2 B.R. 1,000sf-3 B.R.	100 Ft.	125 Ft.	30 Ft.	20 Ft.	15 Ft.	3 stories/ 45 Ft.	50% Max. – 24 D.U./acre
<b>MH</b>	Min. – 3 Acres Max. – 35 Acres 4,500 Sq. Ft./Lot	1,000 Sq. Ft.	45 Ft.	100 Ft.	25 Ft./ 15 Ft.	10 Ft./ 20 Ft. between Districts	10Ft./ 20 Ft. between units	30 Ft.	50%
<b>O</b>	6,000 Sq. Ft.	N/A	60 Ft.	100 Ft.	25 Ft.	20 Ft.	15 Ft.	4 stories/ 50 Ft.	50%
<b>LR</b>	6,000 Sq. Ft. Max. – 3 Acres	N/A	60 Ft.	100 Ft.	25 Ft.	20 Ft.	15 Ft.	2.5 stories/ 30 Ft.	40%
<b>R</b>	10,000 Sq. Ft.	N/A	100 Ft.	100 Ft.	25 Ft.	20 Ft.	15 Ft.	3 stories/ 45 Ft.	40%
<b>CBD</b>	N/A	N/A	N/A	N/A	N/A	N/A	N/A	3 stories/ 45 Ft.	N/A
<b>C</b>	10,000 Sq. Ft.	N/A	100 Ft.	100 Ft.	25 Ft.	20 Ft.	15 Ft.	3 stories/ 45 Ft.	50%
<b>LI</b>	20,000 Sq. Ft.	N/A	100 Ft.	150 Ft.	25 Ft.	20 Ft.	15 Ft.	2.5 stories/ 30 Ft.	65%
<b>HC</b>	20,000 Sq. Ft.	N/A	100 Ft.	200 Ft.	50 Ft.	25 Ft.	25 Ft.	8 stories/ 100 Ft.	50%
<b>WSC</b>	10,000 Sq. Ft.	N/A	75 Ft.	100 Ft.	25 Ft.	0-15 Ft.	0-15 Ft.	3 stories/ 45 Ft.	50%

Note: See text of the Ordinance for additional or supplemental requirements.

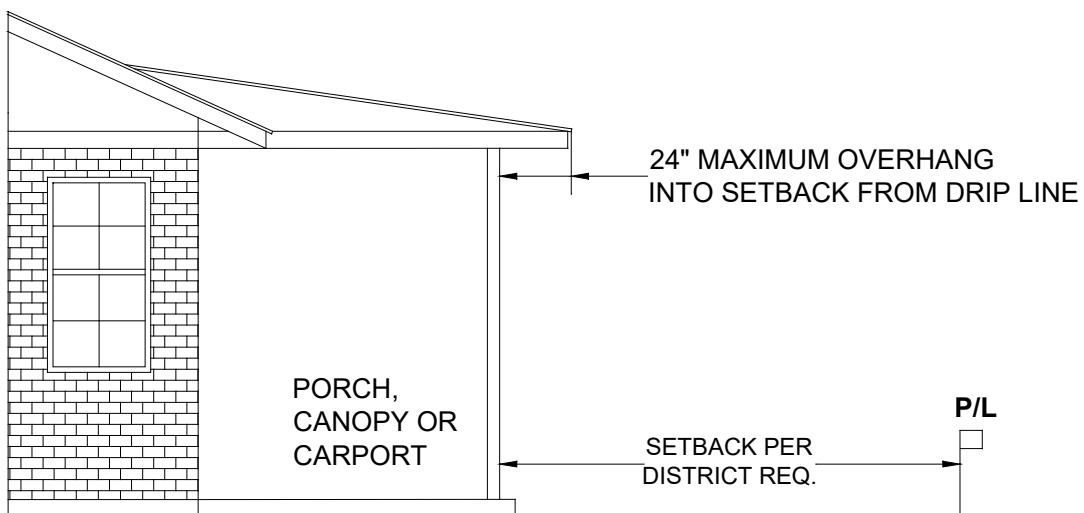
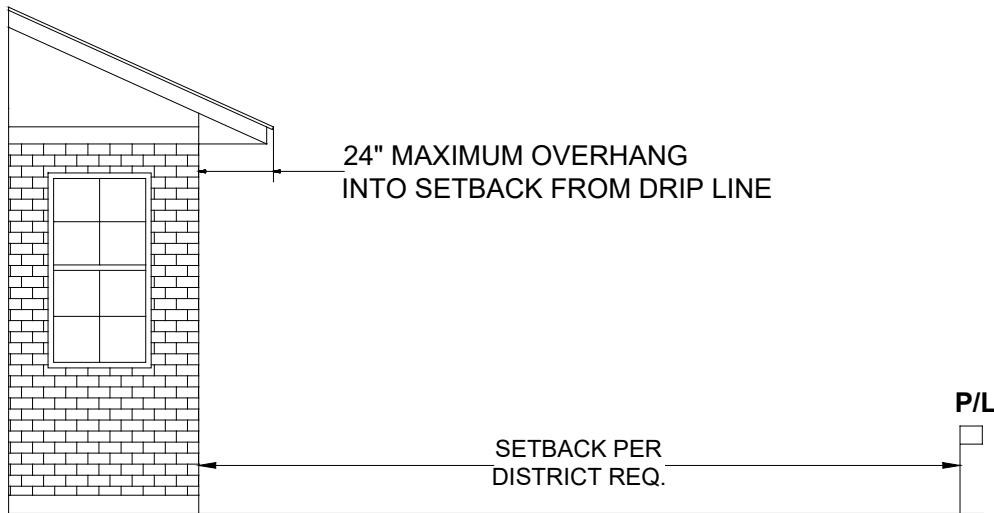
\*Additional setback distance is required when adjacent to a street, another district, etc.

**FIGURE 12.1**  
**RESIDENTIAL**  
**SETBACK DETAILS**



**FIGURE 12.2**  
**RESIDENTIAL**  
**SETBACK DETAILS**

Setbacks shall be measured from the vertical wall, facade or support column closest to the property line. The maximum allowable overhang into the setback zone is two feet (2') measured from the drip line of any canopy, porch, carport, cover, roof, eave or other architectural feature to the vertical wall, façade or support column.



## **SECTION 13        AGRICULTURE/OPEN (A-O) DISTRICT**

### **13.1    GENERAL PURPOSE AND DESCRIPTION:**

The Agriculture/Open (A-O) District is designed to permit the use of land for the propagation and cultivation of crops and similar uses of vacant land. Single-family uses on large lots are also appropriate for this district. Territory that has been newly annexed into the City is given the A-O classification until it is assigned another more permanent zoning district.

### **13.2    PERMITTED USES:**

- A. 1. Those uses specified in Section 33 (Use Charts).
2. Single-family detached dwelling.
3. Farms, barns, nurseries, greenhouses or gardens on parcels three (3) acres or larger, limited to the propagation and cultivation of plants, provided no retail business is conducted on the premises except as provided under home occupation (Section 33.5, Definitions) and except as may be permitted with a SUP.
4. Municipally-owned facilities and uses.
5. Accessory buildings and uses, customarily incidental to the above uses and located on the same lot therewith, but not involving the conduct of a retail business except as provided herein:
  - a. Accessory buildings, including a private garage, shall not occupy more than fifty percent (50%) of the minimum required rear yard. When the accessory building is directly attached to the main building, it shall be considered an integral part of the main building. Barns designed to house large animals must be located a minimum of one hundred feet (100') from any residential structure and one hundred feet (100') from any adjacent property line. See Section 37 for additional accessory use requirements.
  - b. A detached private garage used in conjunction with the main building.
  - c. Antennae (amateur or CB radio) and/or satellite dish antennae, as specified in Section 40.5.
  - d. Detached garages with living quarters (i.e., garage/accessory dwelling), detached servants (i.e., caretaker's) quarters (with a garage), or other accessory buildings such as barns, sheds, and other structures are permitted. Detached servants quarters without a garage may be permitted only by SUP, and are required to be on a lot three (3) acres or larger. No such accessory building or quarters shall be used or occupied as a place of abode or dwelling by anyone other than a bona fide caretaker, servant or farm worker actually and regularly employed by the land owner or occupant of the main building, or is a guest or family member of the owner/occupant. Only one (1) accessory dwelling unit (i.e., garage/accessory dwelling, servants/caretakers quarters, etc.) shall be allowed on any lot within the

A-O district and they shall be clearly incidental to the primary use (i.e., single-family detached residential). These accessory living structures shall not, in any case, be leased or sold.

- e. Private open space or other private recreational amenities as part of a residential subdivision and not for commercial purposes.
- 6. Swimming Pool (private).
- 7. Utilities (public).
- 8. Such uses as may be permitted under the provisions of Specific Use Permits, Section 30.

### **13.3 HEIGHT REGULATIONS:**

#### **A. Maximum Height:**

- 1. Thirty feet (30') for the main building and detached garage/accessory dwelling units.
- 2. One (1) story for other accessory buildings.
- 3. Other (see Section 40).

### **13.4 AREA REGULATIONS:**

#### **A. Size of Lots:**

- 1. **Minimum Lot Area** - Three (3) acres
- 2. **Minimum Lot Width** - One hundred fifty feet (150')
- 3. **Minimum Lot Depth** - Two hundred feet (200')

#### **B. Size of Yards:**

- 1. **Minimum Front Yard** - Fifty feet (50')
- 2. **Minimum Side Yard** - Ten percent (10%) of the lot width but need not exceed thirty feet (30'); twenty-five feet (25') from a street right-of-way for a corner lot.
- 3. **Minimum Rear Yard** - Thirty feet (30') for the main building.
- 4. **Accessory Buildings** -
  - a. To be located behind the front building line with a minimum of ten feet (10') separation between main building and accessory structure; and
  - b. A minimum of three feet (3') from any side or rear property line.
  - c. Detached garages are to be located at least ten feet (10') from the main building; and
  - d. Behind the front building line
  - e. A minimum of twenty feet (20') from the door face of the garage to the edge of pavement from any public roadway or alley; and
  - f. A minimum of three feet (3') from side or rear property lines.
  - g. Detached garages with accessory dwelling units shall be located a minimum of ten feet (10') from any property line.

- C. **Maximum Lot Coverage:** Twenty percent (20%) by main buildings; not to exceed thirty percent (30%) total impervious area including accessory buildings, driveways and parking areas.

**D. Parking Regulations**

1. **Single-Family Dwelling Unit** - A minimum of two (2) enclosed parking spaces behind the front building line on the same lot as the main structure.
2. **Other** - See Section 35, Off-Street Parking and Loading Regulations.

**E. Minimum Floor Area per Dwelling Unit** - Two thousand square feet (2,000 sf).

**13.5 SPECIAL REQUIREMENTS:**

- A. Recreational vehicles, travel trailers or motor homes may not be used for on-site dwelling purposes.
- B. Electrical fencing and barbed wire is prohibited as perimeter fencing except for containment of farm animals on three (3) or more acres.
- C. Open storage is prohibited (except for materials for the resident's personal use or consumption such as firewood, garden materials, etc.).
- D. Single-family homes with side entry garages where lot frontage is only to one (1) street (not a corner lot) shall have a minimum of twenty-five feet (25') from the door face of the garage to the side property line for maneuvering.
- E. Swimming pools shall be enclosed by a security fence not less than four feet (4') in height. All swimming pool security fences shall be constructed so as not to have openings, holes or gaps larger than inches (2") in dimension, except for doors and gates. All doors and gates shall be equipped with self-closing, self-latching devices.

**F. Other Regulations** - As established by Sections 34 through 44.

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## **SECTION 14                    SINGLE-FAMILY ESTATE RESIDENTIAL-20 (SF-20) DISTRICT**

### **14.1    GENERAL PURPOSE AND DESCRIPTION:**

The Single-Family Estate Residential-20 (SF-20) District is intended to provide for development of primarily detached, single-family residences on lots of not less than twenty thousand square feet (20,000 sf).

### **14.2    PERMITTED USES:**

- A.
  1. Those uses specified in Section 33 (Use Charts).
  2. Single-family detached dwellings.
  3. Municipally-owned facilities and uses (no open storage or repair).
  4. Real estate sales offices during the development of residential subdivisions in which the office is located until ninety-five percent (95%) of the building permits of the platted lots in the subdivision are issued. Site plan review and approval by the Director, or his designee, is required for both permanent (e.g., model home used as a sales office) and non-permanent (e.g., trailer or movable building unit) structures to be used as real estate sales offices (issuance of a temporary structure permit by the City is also required for non-permanent structures). The City may, at its option, establish additional rules and procedures for permanent and/or non-permanent structures to be used as real estate sales offices in residential zoning districts. Adherence to such rules and procedures, if established by the City, shall be the responsibility of the applicant and shall be required as part of a proposed zoning change and/or development application.
  5. Temporary field or construction office for uses incidental to construction work on the premises, which said buildings shall be removed upon the completion or abandonment of construction work or by order of the Director, or his designee. The specific time period allowed shall be specified by the Director, or his designee, upon issuance of a temporary structure permit, and site plan review and approval by the Director, or his designee, is also required. The allowed time period may be extended for an additional one (1) year period upon approval of an extension by the Director, or his designee.
  6. Accessory buildings and uses, customarily incidental to residential uses and located on the same lot therewith, but not involving the conduct of a retail business except as provided herein:
    - a. Accessory buildings, including a private garage, shall not occupy more than fifty percent (50%) of the minimum required rear yard. When the accessory building is directly attached to the main building, it shall be considered an integral part of the main building. See Section 37 for additional accessory use requirements.
    - b. A detached private garage used in conjunction with the main building.
    - c. Antennae (amateur or CB radio) and/or satellite dish antennae, as specified in Section 40.5.

- d. Detached garages with living quarters (i.e., garage/accessory dwelling), detached servants (i.e., caretaker's) quarters (with a garage), or other accessory buildings such as barns, sheds, and other structures are permitted. Detached servants quarters without a garage may be permitted only by SUP, and are required to be on a lot three (3) acres or larger. No such accessory building or quarters shall be used or occupied as a place of abode or dwelling by anyone other than a bona fide caretaker, servant or farm worker actually and regularly employed by the landowner or occupant of the main building, or is a guest or family member of the owner/occupant. Only one (1) accessory dwelling unit (i.e., garage/accessory dwelling, servants/caretakers quarters, etc.) shall be allowed on any lot within the SF-20 district, and they shall be clearly incidental to the primary use (i.e., single-family detached residential). These accessory living structures shall not, in any case, be leased or sold.
- e. Private open space or other private recreational amenities as part of a residential subdivision and not for commercial purposes.
- 7. Swimming Pool (private). Swimming pools shall be enclosed by a security fence not less than four feet (4') in height. All swimming pool security fences shall be constructed so as not to have openings, holes or gaps larger than inches (2") in dimension, except for doors and gates. All doors and gates shall be equipped with self-closing, self-latching devices.
- 8. Utilities (public).
- 9. Such uses as may be permitted under the provisions of Specific Use Permits, Section 30.

#### **14.3 HEIGHT REGULATIONS:**

- A. **Maximum Height:**
  1. Thirty feet (30') for the main building and detached garage/accessory dwelling units.
  2. One (1) story for other accessory buildings.
  3. Other (see Section 40)

#### **14.4 AREA REGULATIONS:**

- A. **Size of Lots:**
  1. **Minimum Lot Area** - Twenty thousand square feet (20,000 sf)
  2. **Minimum Lot Width** - One hundred feet (100')
  3. **Minimum Lot Depth** - One hundred fifty feet (150')
- B. **Size of Yards:**
  1. **Minimum Front Yard** - Forty feet (40')
  2. **Minimum Side Yard** - Fifteen feet (15'); twenty feet (20') on corner lots adjacent to a street
  3. **Minimum Rear Yard** - Thirty feet (30') for the main building.
  4. **Accessory Buildings** – To be located behind the front building line with a minimum of ten feet (10') separation between main building and accessory structure and a minimum of three feet (3') from any side or rear property line. Detached garages are to be located

at least ten feet (10') from the main building and behind the front building line with a minimum of twenty feet (20') from the door face of the garage to the edge of pavement from any public roadway or alley and a minimum of three feet (3') from side or rear property lines. Detached garages with accessory dwelling units shall be located a minimum of ten feet (10') from any property line.

- C. **Maximum Lot Coverage:** Twenty percent (20%) by main buildings; not to exceed thirty percent (30%) total impervious area including accessory buildings, driveways and parking areas.
- D. **Parking Regulations:**
  - 1. **Single-Family Dwelling Unit** - A minimum of two (2) enclosed parking spaces behind the front building line and on the same lot as the main structure
  - 2. **Other** - (See Section 35, Off-Street Parking and Loading Requirements)
- E. **Minimum Floor Area per Dwelling Unit** - Two thousand square feet (2,000 sf)

#### **14.5 SPECIAL REQUIREMENTS:**

- A. Recreational vehicles, travel trailers or motor homes may not be used for on-site dwelling purposes.
- B. Electrical fencing and barbed wire is prohibited as perimeter fencing except for containment of farm animals on three (3) or more acres.
- C. Open storage is prohibited (except for materials for the resident's personal use or consumption such as firewood, gardening materials, etc.).
- D. Single-family homes with side entry garages where lot frontage is only to one (1) street (not a corner lot) shall have a minimum of twenty-five feet (25') from the door face of the garage to the side property line for maneuvering.
- E. Swimming pools shall be enclosed by a security fence not less than four feet (4') in height. All swimming pool security fences shall be constructed so as not to have openings, holes or gaps larger than two inches (2") in dimension, except for doors and gates. All doors and gates shall be equipped with self-closing, self-latching devices.
- F. **Other Regulations** - As established in the Development Standards, Sections 34 through 44.

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## SECTION 15      SINGLE-FAMILY RESIDENTIAL-10 (SF-10) DISTRICT

### 15.1 GENERAL PURPOSE AND DESCRIPTION:

The Single-Family Residential-10 (SF-10) District is intended to provide for development of primarily detached, single-family residences on lots of not less than ten thousand square feet (10,000 sf).

### 15.2 PERMITTED USES:

- A. 1. Those uses specified in Section 33 (Use Charts).
2. Single-family detached dwellings.
3. Such uses as may be permitted under the provisions of Specific Use Permits, Section 30.

### 15.3 HEIGHT REGULATIONS:

- A. **Maximum Height:**
  1. Thirty feet (30') for the main building.
  2. One (1) story for accessory buildings.
  3. Other (see Section 40)

### 15.4 AREA REGULATIONS:

- A. **Size of Lots:**
  1. **Minimum Lot Area** - Ten thousand square feet (10,000 sf)
  2. **Minimum Lot Width** - Eighty feet (80')
  3. **Minimum Lot Depth** - One hundred twenty five feet (125')
- B. **Size of Yards:**
  1. **Minimum Front Yard** - Thirty-five feet (35')
  2. **Minimum Side Yard** - Twelve feet (12'); fifteen feet (15') on corner lots adjacent to a street except a key lot which will be the same as the front yard setback.
  3. **Minimum Rear Yard** - Thirty feet (30') for the main building.
  4. **Accessory Buildings** – To be located behind the front building line with a minimum of ten feet (10') separation between main building and accessory structure and a minimum of three feet (3') from any side or rear property line. Detached garages are to be located at least ten feet (10') from the main building and behind the front building line with a minimum of twenty feet (20') from the door face of the garage to the edge of pavement from any public roadway or alley and a minimum of three feet (3') from side or rear property lines. Detached garages with accessory dwelling units shall be located a minimum of ten feet (10') from any property line.
- C. **Maximum Lot Coverage:** Twenty-five percent (25%) by main buildings; not to exceed thirty-five percent (35%) total impervious area including accessory buildings, driveways and parking areas.

**D. Parking Regulations:**

1. **Single-Family Dwelling Unit** - A minimum of two (2) enclosed parking spaces behind the front building line and on the same lot as the main structure
2. **Other** - (See Section 35, Off-Street Parking and Loading Requirements)

**E. Minimum Floor Area per Dwelling Unit** - Two thousand square feet (2,000 sf).

**15.5 SPECIAL REQUIREMENTS:**

- A. Recreational vehicles, travel trailers or motor homes may not be used for on-site dwelling purposes.
- B. Electrical fencing and barbed wire is prohibited as perimeter fencing except for containment of farm animals on three (3) or more acres.
- C. Open storage is prohibited (except for materials for the resident's personal use or consumption such as firewood, gardening materials, etc.).
- D. Single-family homes with side entry garages where lot frontage is only to one (1) street (not a corner lot) shall have a minimum of twenty-five feet (25') from the door face of the garage to the side property line for maneuvering.
- E. Swimming pools shall be enclosed by a security fence not less than feet (4') in height. All swimming pool security fences shall be constructed so as not to have openings, holes or gaps larger than two inches (2") in dimension, except for doors and gates. All doors and gates shall be equipped with self-closing, self-latching devices.

**F. Other Regulations** - As established in the Development Standards, Sections 34 through 44.

## **SECTION 16        SINGLE-FAMILY RESIDENTIAL-8 (SF-8) DISTRICT**

### **16.1    GENERAL PURPOSE AND DESCRIPTION:**

The Single-Family Residential-8 (SF-8) District is designed to provide for development of primarily detached single-family residences on smaller and more compact lots or parcels of land not less than eight thousand square feet (8,000 sf).

### **16.2    PERMITTED USES:**

- A. 1. Those uses specified in Section 33 (Use Charts).
2. Single-family detached dwellings.
3. Such uses as may be permitted under the provisions of Specific Use Permits, Section 30.

### **16.3    HEIGHT REGULATIONS:**

- A. **Maximum Height:**
  1. Thirty feet (30') for the main building.
  2. One (1) story for accessory buildings.
  3. Other (see Section 40).

### **16.4    AREA REGULATIONS:**

- A. **Size of Lots:**
  1. **Minimum Lot Area** - Eight thousand square feet (8,000 sf)
  2. **Minimum Lot Width** - Seventy feet (70')
  3. **Minimum Lot Depth** - One hundred ten feet (110')
- B. **Size of Yards:**
  1. **Minimum Front Yard** - Thirty feet (30')
  2. **Minimum Side Yard** - Eight feet (8') required; fifteen feet (15') on corner lots adjacent to a street except key lots which will be the same as the front yard setback.
  3. **Minimum Rear Yard** - Twenty-five feet (25') for the main building.
  4. **Accessory Buildings** – To be located behind the front building line with a minimum of ten feet (10') separation between main building and accessory structure and a minimum of three feet (3') from any side or rear property line. Detached garages are to be located at least ten feet (10') from the main building and behind the front building line with a minimum of twenty feet (20') from the door face of the garage to the edge of pavement from any public roadway or alley and a minimum of three feet (3') from side or rear property lines. Detached garages with accessory dwelling units shall be located a minimum of ten feet (10') from any property line.
- C. **Maximum Lot Coverage:** Twenty-five percent (25%) by main buildings; not to exceed thirty-five percent (35%) total impervious area including accessory buildings, driveways and parking areas.

**D. Parking Regulations:**

1. **Single-Family Dwelling Unit** - A minimum of two (2) enclosed parking spaces behind the front building line and on the same lot as the main structure
2. **Other** - (See Section 35, Off-Street Parking and Loading Requirements)

**E. Minimum Floor Area per Dwelling Unit** - One thousand six hundred square feet (1,600 sf).

**16.5 SPECIAL REQUIREMENTS:**

- A. Recreational vehicles, travel trailers or motor homes may not be used for on-site dwelling purposes.
- B. Electrical fencing and barbed wire is prohibited as perimeter fencing except for containment of farm animals on three (3) or more acres.
- C. Open storage is prohibited (except for materials for the resident's personal use or consumption such as firewood, gardening materials, etc.).
- D. Single-family homes with side entry garages where lot frontage is only to one (1) street (not a corner lot) shall have a minimum of twenty five feet (25') from the door face of the garage to the side property line for maneuvering.
- E. Swimming pools shall be enclosed by a security fence not less than four feet (4') in height. All swimming pool security fences shall be constructed so as not to have openings, holes or gaps larger than two inches (2") in dimension, except for doors and gates. All doors and gates shall be equipped with self-closing, self-latching devices.

**F. Other Regulations** - As established in the Development Standards, Sections 34 through 44.

## **SECTION 17      SINGLE-FAMILY RESIDENTIAL – 6 (SF-6) DISTRICT**

### **17.1    GENERAL PURPOSE AND DESCRIPTION:**

The Single-Family Residential-6 (SF-6) District is designed to provide for development of primarily detached single-family residences on smaller and more compact lots or parcels of land not less than six thousand square feet (6,000 sf).

### **17.2    PERMITTED USES:**

1. Those uses specified in Section 33 (Use Charts).
2. Single-family detached dwellings.
3. Such uses as may be permitted under the provisions of Specific Use Permits, Section 30.

### **17.3    HEIGHT REGULATIONS:**

#### **A. Maximum Height:**

1. Thirty feet (30') for the main building.
2. One (1) story for accessory buildings.
3. Other (see Section 40).

### **17.4    AREA REGULATIONS:**

#### **A. Size of Lots:**

1. **Minimum Lot Area** - six thousand square feet (6,000 sf)
2. **Minimum Lot Width** - Sixty feet (60')
3. **Minimum Lot Depth** - One hundred feet (100')

#### **B. Size of Yards:**

1. **Minimum Front Yard** - Twenty-five feet (25')
2. **Minimum Side Yard** - Six feet (6') required; fifteen feet (15') on corner lots adjacent to a street
3. **Minimum Rear Yard** – Twenty-five feet (25') for the main building.
4. **Accessory Buildings** – To be located behind the front building line with a minimum of ten feet (10') separation between main building and accessory structure and a minimum of three feet (3') from any side or rear property line. Detached garages are to be located at least ten feet (10') from the main building and behind the front building line with a minimum of twenty feet (20') from the door face of the garage to the edge of pavement from any public roadway or alley and a minimum of three feet (3') from side or rear property lines. Detached garages with accessory dwelling units shall be located a minimum of ten feet (10') from any property line.

**C. Maximum Lot Coverage:** Thirty-five percent (35%) by main buildings; not to exceed forty-five percent (45%) total impervious area including accessory buildings, driveways and parking areas.

**D. Parking Regulations:**

1. **Single-Family Dwelling Unit –**
  - a. Lots platted prior to May 13, 2002 shall have a minimum of two (2) parking spaces, one (1) of which shall be covered or enclosed, both of which shall be located on the same lot as the main structure and with the curb cut and driveway to match the full width sixteen feet (16') minimum) for two (2) vehicles.
  - b. Lots platted after May 13, 2002 shall have a minimum of two (2) enclosed parking spaces, behind the front building line and on the same lot as the main structure.
2. **Other -** (See Section 35, Off-Street Parking and Loading Requirements)

**E. Minimum Floor Area per Dwelling Unit -** One thousand two hundred square feet (1,200 sf)

**17.5 SPECIAL REQUIREMENTS:**

- A. Recreational vehicles, travel trailers or motor homes may not be used for on-site dwelling purposes.
- B. Electrical fencing and barbed wire is prohibited as perimeter fencing except for containment of farm animals on three (3) or more acres.
- C. Open storage is prohibited (except for materials for the resident's personal use or consumption such as firewood, gardening materials, etc.).
- D. Single-family homes with side entry garages where lot frontage is only to one (1) street (not a corner lot) shall have a minimum of twenty five feet (25') from the door face of the garage or carport to the side property line for maneuvering.
- E. Swimming pools shall be enclosed by a security fence not less than four feet (4') in height. All swimming pool security fences shall be constructed so as not to have openings, holes or gaps larger than two inches (2") in dimension, except for doors and gates. All doors and gates shall be equipped with self-closing, self-latching devices.

**F. Other Regulations -** As established in the Development Standards, Sections 34 through 44.

## **SECTION 18**

## **TOWNHOUSE RESIDENTIAL (TH) DISTRICT – PATIO HOMES (Zero-Lot-Line), SINGLE-FAMILY ATTACHED (Townhomes), TWO-FAMILY (Duplexes), or GARDEN HOMES**

### **18.1 GENERAL PURPOSE AND DESCRIPTION:**

The Townhouse Residential (TH) District is designed to provide for flexible development of primarily attached single-family residences or zero-lot-line homes in order to preserve open space or natural areas on more compact lots (clustering) that produce environmentally and pedestrian friendly communities that are based on “Smart Growth” principles. Townhome developments shall be arranged in a clustered lot pattern with a common usable open space system that is an integral part of the development or having large yards resembling single-family detached neighborhoods.

### **18.2 PERMITTED USES:**

- A. 1. Those uses specified in Section 33 (Use Charts).
2. Single-family detached dwellings (must meet all requirements of SF-6 zoning).
3. Such uses as may be permitted under the provisions of Specific Use Permits, Section 30.

### **18.3 HEIGHT REGULATIONS:**

#### **A. Maximum Height:**

1. Thirty feet (30') for the main building.
2. One (1) story for accessory buildings.
3. Other (see Section 40).

### **18.4 AREA REGULATIONS:**

**Note:** Garden Homes by definition are clustered housing with common courtyards, private drives and open spaces with little or no private yards in which standard area regulations do not necessarily apply. These type homes are based on sound “Smart Growth” principles and area regulations may be adjusted according to the degree in which open space is preserved on a case by case basis. Waivers of the following area requirements will be considered by the City Council during preliminary plat review when adequate supporting documents are provided depicting the entire scope of the project.

#### **A. Size of Lots:**

##### **1. Minimum Lot Area –**

Patio Home (Zero-Lot-Line) - 4,500 sq. ft.

5,000 sq. ft. corner lot w/zero lot line

6,000 sq. ft. corner lot w/o zero lot line (same as SF-6)

Single Family Attached (Townhome) – 3,000 sq. ft. interior unit w/o side yard

3,500 sq. ft. exterior unit w/ side yard

4,500 sq. ft. corner lot

Two-Family (Duplex) – 3,500 sq. ft. per dwelling unit

4,500 sq. ft. if unit is on corner lot

2. **Minimum Lot Width** – Thirty feet (30'); Thirty-Five feet (35'); Forty-Five feet (45'); Fifty feet (50'); or sixty feet (60') respectively
3. **Minimum Lot Depth** - One hundred feet (100')

B. **Size of Yards:**

1. **Minimum Front Yard** - Twenty-five feet (25')
2. **Minimum Side Yard** – Patio Homes - One (1) side yard reduced to zero feet (0'); other side yard a minimum of ten feet (10') required with fifteen feet (15') required on corner lots adjacent to a street; Townhomes and Duplexes – a side yard minimum of five feet (5') on exterior units to create a minimum of ten feet (10') between buildings, fifteen feet (15') on corner lots adjacent to a street.
3. **Minimum Rear Yard** - Fifteen feet (15') for the main building; twenty feet (20') from a garage to an alley; ten feet (10') from a main building to an accessory building. Accessory buildings (other than garages) maybe placed three feet (3') from rear or side property line. (See Section 37 for additional accessory building requirements)

C. **Maximum Lot Coverage:** Forty percent (40%) by main buildings; not to exceed fifty percent (50%) total impervious area including accessory buildings, driveways and parking areas.

D. **Parking Regulations:**

1. **Each Dwelling Unit** - A minimum of two (2) parking spaces one of which must be enclosed and placed behind the front building line and on the same lot as the main structure. Carports are only allowed in lieu of an enclosed garage on in-fill lots in which existing neighboring homes were predominantly constructed without garages.
2. **Other** - (See Section 35, Off-Street Parking and Loading Requirements)

E. **Minimum Floor Area per Dwelling Unit** – One Thousand square feet (1,000 sf).

## **18.5 SPECIAL REQUIREMENTS:**

- A. On zero-lot-line Patio Homes a minimum six foot (6') wide maintenance easement shall be placed on the adjacent lot (i.e., the other side of the zero-lot-line) to enable the property owner to maintain that portion of his house which is on the zero-lot-line. Side yards and maintenance easements shall be shown on the subdivision plat. A minimum separation between patio homes of ten feet (10') shall be provided. Roof overhangs will be allowed to project into the maintenance easement a maximum of twenty-four inches (24").
- B. **Maintenance Requirements for Common Areas** - A property owners association is required for continued maintenance of common land, open space and/or facilities.
- C. **Usable Open Space Requirements** - Except as provided below, any townhouse subdivision shall provide useable open space (not flood plain) which equals or exceeds ten percent (10%) of the gross platted area, rights-of-way for collector and larger sized streets. Useable open space shall not be required for a development if it contains forty (40) or fewer lots or dwelling units, and if the property contiguous (i.e., abutting or separated only by a residential or collector size street) to the subdivision is either developed for use(s) other than patio homes or is restricted by zoning to not permit patio home development. Properties that are

separated by thoroughfares larger than a collector street and/or by drainage/utility easements in excess of sixty feet (60') in width shall not be considered as contiguous. All developments with more than forty (40) dwelling units will provide useable open space at the rate of five hundred square feet (500 sf) per unit with a minimum of twenty thousand square feet (20,000 sf).

**D. Specific Criteria for Usable Open Space** - Areas provided as usable open space shall meet the following criteria:

1. All Townhome residential lots must be located within six hundred feet (600') of a usable open space area as measured along a street. The Planning and Zoning Commission may increase this distance to one thousand two hundred feet (1,200') if the shape of the subdivision is irregular or if existing trees/vegetation on the site can be preserved by increasing the distance.
2. Individual usable open space areas shall be at least twenty thousand square feet (20,000 sf) in size. Useable open space must be a minimum of fifty feet (50') wide, and must have no slope greater than ten percent (10%). At the time of site plan and/or subdivision plat approval, the Planning and Zoning Commission or City Council may give full or partial credit for open areas that exceed the ten percent (10%) maximum slope if it is determined that such areas are environmentally or aesthetically significant and that their existence enhances the development and/or the surrounding area.
3. Pools, tennis courts, walkways, patios and similar outdoor amenities may be located within areas designated as useable open space. Areas occupied by enclosed buildings (except for gazebos and pavilions), driveways, parking lots, overhead electrical transmission lines, drainage channels and antennas may not be included in calculating useable open space.
4. Within useable open space areas, there shall be at least one (1) tree for every one thousand square feet (1,000 sf) of space. New trees planted to meet this requirement shall be a minimum three-inch (3") caliper.
5. A useable open space area must have at least two hundred fifty feet (250') of street frontage to ensure that the area is accessible to residents of the subdivision.
6. Useable open space areas must be easily viewed from adjacent streets and homes.

**E. Credit for Off-Site Open Space** - At the time of site plan and/or subdivision plat approval, the Planning and Zoning Commission or City Council may allow up to one-third (1/3) of the required open space to be credited for off-site dedicated open space (e.g., park land) that meets the development's needs in terms of adjacency, accessibility, usability, and design integration. The granting of any off-site credit for open space is a discretionary power of the Planning and Zoning Commission and/or City Council. The guidelines below may assist in considering if credit is appropriate:

1. **Adjacency** - Is at least fifteen percent (15%) of the townhouse district development's boundary adjacent to parkland?

2. **Accessibility** - Are there defined pedestrian connections between the development and the park land?
3. **Usability** - Is the park land immediately adjacent to the development suitable for use by residents?
4. **Design Integration** - Does the design of the development provide a significant visual and pedestrian connection to the park land?

F. **Landscaped Areas** - Additional common open space and landscaped areas that do not qualify as usable open space may be provided, but shall not be counted toward the usable open space requirement.

G. The elimination of a garage space by enclosing the garage with a stationary building wall shall be prohibited.

H. Recreational vehicles, travel trailers or motor homes may not be used for on-site dwelling purposes.

I. Electrical fencing and barbed wire is prohibited as perimeter fencing except for containment of farm animals on three (3) or more acres.

J. Open storage is prohibited (except for materials for the resident's personal use or consumption such as firewood, gardening materials, etc.).

K. Dwelling units with side entry garages where lot frontage is only to one (1) street (not a corner lot) shall have a minimum of twenty five feet (25') from the door face of the garage or carport to the side property line for maneuvering.

L. Swimming pools shall be enclosed by a security fence not less than four feet (4') in height. All swimming pool security fences shall be constructed so as not to have openings, holes or gaps larger than two inches (2") in dimension, except for doors and gates. All doors and gates shall be equipped with self-closing, self-latching devices.

M. **Other Regulations** - As established in the Development Standards, Sections 34 through 44.

## **SECTION 19                    MULTI-FAMILY RESIDENTIAL-1 (MF-1) DISTRICT (TRIPLEX/QUADRIPLEX/APARTMENTS)**

### **19.1    GENERAL PURPOSE AND DESCRIPTION:**

The Multi-Family Residential-1 (MF-1) District is an attached residential district on a single lot intended to provide a residential density of not more than twelve (12) dwelling units per acre. The principal permitted land uses will include low-rise, three- to six-unit modules of multi-family dwelling units. Recreational, religious, health and educational uses normally located to service residential areas are also permitted in this district. This district should be located adjacent to a major thoroughfare and serve as a buffer between retail/commercial development or heavy automobile traffic and medium or low density residential development.

### **19.2    PERMITTED USES:**

- A. 1. Those uses specified in Section 33 (Use Charts).
2. Multi-family dwelling greater than two (2) units per building, but not more than four (4) units per building.
3. Municipally-owned facilities and uses.
4. Leasing offices for the complex.
5. Temporary field or construction office for uses incidental to construction work on the premises, which said buildings shall be removed upon the completion or abandonment of construction work or by order of the Director, or his designee. The specific time period allowed shall be specified by the Director, or his designee, upon issuance of a temporary structure permit, and site plan review and approval by the Director, or his designee, is also required. The allowed time period may be extended for an additional one (1) year period upon approval of an extension by the Director, or his designee.
6. Accessory buildings and uses, customarily incidental to the above uses and located on the same lot therewith, but not involving the conduct of a retail business except as provided herein:
  - a. Covered parking areas.
  - b. Antennae (amateur or CB radio) and/or satellite dish antennae, as specified in Section 40.5.
7. Swimming Pool (private). Swimming pools shall be enclosed by a security fence not less than four feet (4') in height. All swimming pool security fences shall be constructed so as not to have openings, holes or gaps larger than two inches (2") in dimension, except for doors and gates. All doors and gates shall be equipped with self-closing, self-latching devices.

8. Common open space, community center, recreational building, and other facilities or amenities, provided they are for use by the residents and guests of the multi-family complex.
9. Such uses as may be permitted under the provisions of Specific Use Permits, Section 30.

### **19.3 HEIGHT REGULATIONS:**

#### **A. Maximum Height:**

1. Two and one-half (2½) stories or thirty feet (30') for the main building.
2. One (1) story for accessory buildings.
3. Other (Section 40).

### **19.4 AREA REGULATIONS:**

#### **A. Size of Lots:**

1. **Minimum Lot Area** - Three thousand square feet (3,000 sf) per dwelling unit, not to exceed twelve (12) dwelling units per acre (calculated on gross acreage). The minimum lot size shall be nine thousand square feet (9,000 sf).
2. **Minimum Lot Width** - Ninety feet (90')
3. **Minimum Lot Depth** - One hundred feet (100')
4. **Maximum Number of Units** - No more than four (4) units per building.

#### **B. Size of Yards:**

1. **Minimum Front Yard** - Twenty-five feet (25').
2. **Minimum Side Yard** - Fifteen feet (15'), twenty-five feet (25') if adjacent to a street.
3. **Minimum Rear Yard** - Twenty feet (20')
4. **Building Separation:**
  - a. One (1) story buildings - Ten feet (10'), for buildings with or without openings
  - b. Two-story buildings (or a two-story building adjacent to a one-story building) - Fifteen feet (15'), for buildings with or without openings

#### **C. Minimum Floor Area per Dwelling Unit:**

1. Efficiency unit - Five hundred fifty square feet (550 sf) per unit.
2. One (1) bedroom unit - Six hundred square feet (600 sf) per unit.
3. Two (2) or more bedroom unit - Eight hundred square feet (800 sf) for the first two (2) bedrooms, plus an additional two hundred square feet (200 sf) for every bedroom over two (2) (e.g., three-bedroom unit must have one thousand square feet (1,000 sf), etc.).

#### **D. Maximum Lot Coverage:** Not to exceed fifty percent (50%) total impervious area including main buildings, accessory buildings, driveways and parking areas.

#### **E. Parking Regulations:**

1. 1.75 spaces for each efficiency or one (1) bedroom unit
2. Two (2) spaces for each two (2) bedroom unit
3. Two and a half (2.5) spaces for each three (3) bedroom unit
4. Three (3) spaces for each four (4) or more bedroom unit
5. All parking areas adjacent to public streets shall be screened from view. Screening may be in the form of live plant materials, berms or brick/masonry walls.
6. See Section 35, Off-Street Parking and Loading Requirements, for additional requirements.

## **19.5 REFUSE FACILITIES:**

- A. Every multi-family dwelling unit shall be located within one hundred feet (100') of a refuse facility; measured along the designated pedestrian and vehicular travel way. A refuse facility shall be a dumpster or other similar receptacle designed for receiving garbage in bulk for more than one (1) dwelling. Refuse dumpsters shall be no closer than thirty feet (30') to any adjacent single-family property.
- B. Each refuse facility shall be screened from view on three (3) sides (gate on fourth side is optional) from persons standing at ground level on the site or immediately adjoining property, by a solid screening device constructed of materials approved by the Director, or his designee, and not less than six feet (6') in height, or by an enclosure within a building. Refuse containers shall be provided and maintained in a manner to satisfy local public health and sanitary regulations, compacting units will have a lock out device on the operating switch to prevent children from unsupervised operation of the machine. Each refuse facility shall be located so as to provide safe and convenient pickup by refuse collection agencies. (See Figure 38-1, for refuse container enclosure diagrams).

## **19.6 SPECIAL REQUIREMENTS:**

- A. Single-family or townhouse units constructed in this district shall conform to SF-6 and TH District standards, respectively.
- B. Recreational vehicles, travel trailers or motor homes may not be used for on-site dwelling purposes.
- C. Open storage is prohibited.
- D. The front door of each dwelling unit shall be no more than one hundred fifty feet (150') from a fire lane (measured by an unobstructed pathway, or route, for fire hoses).
- E. A paved walkway shall connect the front door of each ground floor unit to a parking area.
- F. Buildings shall not exceed two hundred feet (200') in length.
- G. Boats, campers, trailers and other recreational vehicles shall be prohibited unless oversize parking areas are provided as part of the approved site plan. This parking area shall not be used to meet the minimum parking requirements and shall not be visible from a public street.
- H. All buildings containing residential units shall provide signage which clearly identifies the numbers (i.e., addresses) of the units within each building. Signage shall be visible from entrances into the complex and/or from vehicular drive aisles within the complex such that each individual unit is easy to locate by visitors, delivery persons, and/or emergency personnel.
- I. All parking areas shall have appropriate lighting and positioned such that no light adversely impacts adjacent residential areas.

J. Swimming pools shall be enclosed by a security fence not less than four feet (4') in height. All swimming pool security fences shall be constructed so as not to have openings, holes or gaps larger than two inches (2") in dimension, except for doors and gates. All doors and gates shall be equipped with self-closing, self-latching devices.

K. **Other Regulations:** As established in the Development Standards, Sections 34 through 44.

#### **19.7 USABLE OPEN SPACE:**

Each lot or parcel of land which is used for triplexes, quadriplexes and/or five- to six-unit apartment buildings (i.e., MF-1 zoning) shall provide landscaping and/or usable open space (see Section 18.5 C through E.) on at least twenty percent (20%) of the lot area. Required landscaping/open space area shall be located on the same lot or parcel of land upon which the triplex/quadruplex uses are located.

## **SECTION 20                    MULTI-FAMILY RESIDENTIAL-2 (MF-2) DISTRICT (APARTMENTS)**

### **20.1    GENERAL PURPOSE AND DESCRIPTION:**

The Multi-Family Residential-2 (MF-2) District is an attached residential district intended to provide the highest residential density of twenty-four (24) dwelling units per acre. The principal permitted land uses will include low-rise multiple-family dwellings and garden apartments. Recreational, religious, health and educational uses normally located to service residential areas are also permitted in this district. This district should be located adjacent to a major thoroughfare and serve as a buffer between retail/commercial development or heavy automobile traffic and medium or low density residential development.

### **20.2    PERMITTED USES:**

- A. 1. Those uses specified in Section 33 (Use Charts).
2. Multi-family dwellings greater than four (4) units per building.
3. Municipally-owned facilities and uses.
4. Leasing offices for the apartment complex.
5. Temporary field or construction office for uses incidental to construction work on the premises, which said buildings shall be removed upon the completion or abandonment of construction work or by order of the Director, or his designee. The specific time period allowed shall be specified by the Director, or his designee, upon issuance of a temporary structure permit, and site plan review and approval by the Director, or his designee, is also required. The allowed time period may be extended for an additional one (1) year period upon approval of an extension by the Director, or his designee.
6. Accessory buildings and uses, customarily incidental to the above uses and located on the same lot therewith, but not involving the conduct of a retail business except as provided herein:
  - a. Covered parking areas.
  - b. Antennae (amateur or CB radio) or satellite dish antennae, as specified in Section 40.5.
7. Swimming Pool (private). Swimming pools shall be enclosed by a security fence not less than four feet (4') in height. All swimming pool security fences shall be constructed so as not to have openings, holes or gaps larger than two inches (2") in dimension, except for doors and gates. All doors and gates shall be equipped with self-closing, self-latching devices.

8. Common open space, community center, recreational building, and other facilities or amenities, provided they are for use by the residents and guests of the multi-family complex.
9. Such uses as may be permitted under the provisions of Specific Use Permits, Section 30.

### **20.3 HEIGHT REGULATIONS:**

#### **A. Maximum Height:**

1. Three-stories or forty-five feet (45') for the main building.
2. One (1) story for accessory buildings.
3. Other (Section 40).

### **20.4 AREA REGULATIONS:**

#### **A. Size of Lots:**

1. **Minimum Lot Area** - One thousand eight hundred square feet (1,800 sf) per dwelling unit, not to exceed twenty-four (24) dwelling units per acre (calculated on gross acreage). The minimum lot size shall be one (1) acre
2. **Minimum Lot Width** - One hundred feet (100')
3. **Minimum Lot Depth** - One hundred twenty-five feet (125')

#### **B. Size of Yards:**

1. **Minimum Front Yard** - Thirty feet (30'). All areas adjacent to a street shall be deemed front yards.
2. **Minimum Side Yard** - Fifteen feet (15'); sixty feet (60') when building is in excess of one-story in height and adjacent to a Single-Family Zoning District
3. **Minimum Rear Yard** - Twenty feet (20'); eighty feet (80') when the building is in excess of one-story and adjacent to a Single-Family Zoning District
4. **Building Separation:**
  - a. One-story buildings - Ten feet (10'), for buildings with or without openings
  - b. Two-story buildings (or a two-story building adjacent to a one-story building) - Fifteen feet (15'), for buildings with or without openings
  - c. Three-story buildings (or a three-story building adjacent to a one- or two-story building) - Twenty feet (20'), for buildings with or without openings

#### **C. Minimum Floor Area per Dwelling Unit:**

1. Efficiency unit - Five hundred fifty square feet (550 sf) per unit.
2. One-bedroom unit - Six hundred square feet (600 sf) per unit.
3. Two- or more bedroom unit - Eight hundred square feet (800 sf) for the first two (2) bedrooms, plus an additional two hundred square feet (200 sf) for every bedroom over two (2) (e.g., three-bedroom unit must have one thousand square feet (1,000 sf), etc.).

#### **D. Maximum Lot Coverage:** Not to exceed fifty percent (50%) total impervious area including main buildings, accessory buildings, driveways and parking areas.

#### **E. Parking Regulations:**

1. 1.75 spaces for each efficiency or one (1) bedroom unit
2. Two (2) spaces for each two (2) bedroom unit
3. 2.5 spaces for each three (3) bedroom unit

4. Three (3) spaces for each four (4) or more bedroom unit
5. All parking areas adjacent to public streets shall be screened from view. Screening may be in the form of live plant materials, berms or brick/masonry walls.
6. See Section 35, Off-Street Parking and Loading Requirements, for additional requirements.

## **20.5 REFUSE FACILITIES:**

- A. Every multi-family dwelling unit shall be located within two hundred and fifty feet (250') of a refuse facility; measured along the designated pedestrian and vehicular travel way. A refuse facility shall be a dumpster or other similar receptacle designed for receiving garbage in bulk for more than one (1) dwelling. Refuse dumpsters shall be no closer than thirty feet (30') to any adjacent single-family property.
- B. Each refuse facility shall be screened from view on three (3) sides (gate on fourth side is optional) from persons standing at ground level on the site or immediately adjoining property, by a solid screening device constructed of materials approved by the Director, or his designee, and not less than six feet (6') in height, or by an enclosure within a building. Refuse containers shall be provided and maintained in a manner to satisfy local public health and sanitary regulations, compacting units will have a lock out device on the operating switch to prevent children from unsupervised operation of the machine. Each refuse facility shall be located so as to provide safe and convenient pickup by refuse collection agencies. (See Figure 38-1, for refuse container enclosure diagrams).

## **20.6 SPECIAL REQUIREMENTS:**

- A. Single-family or townhouse units constructed in this district shall conform to SF-6 and TH District standards, respectively.
- B. Recreational vehicles, travel trailers or motor homes may not be used for on-site dwelling purposes.
- C. Open storage is prohibited.
- D. The front door of each dwelling unit shall be no more than one hundred fifty feet (150') from a fire lane (measured by an unobstructed pathway, or route, for fire hoses).
- E. A paved walkway shall connect the front door of each ground floor unit to a parking area.
- F. Buildings shall not exceed two hundred feet (200') in length.
- G. Boats, campers, trailers and other recreational vehicles shall be prohibited unless oversize parking areas are provided as part of the approved site plan. This parking area shall not be used to meet the minimum parking requirements and shall not be visible from a public street.
- H. All buildings containing residential units shall provide signage which clearly identifies the numbers (i.e., addresses) of the units within each building. Signage shall be visible from entrances into the complex and/or from vehicular drive aisles within the complex such that each individual unit is easy to locate by visitors, delivery persons, and/or emergency personnel.

I. All parking areas shall have appropriate lighting and positioned such that no light adversely impacts adjacent residential areas.

J. **Other Regulations:** As established in the Development Standards, Sections 34 through 44.

#### **20.7 USABLE OPEN SPACE:**

Each lot or parcel of land which is used for multi-family residential uses shall provide usable open space (see Section 18.5, subsections C. through E.) area(s) on at least twenty percent (20%) of the total lot area. Required open space area(s) shall be located on the same lot or parcel of land upon which the multi-family uses are located.

## **SECTION 21        MANUFACTURED HOME (MH) DISTRICT**

### **21.1    GENERAL PURPOSE AND DESCRIPTION:**

The Manufactured Home (MH) District is a detached residential district establishing standards for the development of HUD-code manufactured home parks and subdivisions. Manufactured home subdivisions include individually platted lots for sale within the subdivision, for the placement of manufactured home units. A manufactured home park offers spaces for the placement of manufactured home units on a lease or rental basis. The Manufactured Home district establishes area and design requirements for parks and subdivisions, as well as yard requirements for individual lots. Both parks and subdivisions provide open space and recreational areas appropriate for the acreages and number of units contained.

### **21.2    PERMITTED USES:**

- A.
  1. Those uses specified in Section 33 (Use Charts).
  2. Individually owned HUD-code manufactured homes on lots in platted manufactured home subdivisions.
  3. Manufacture, home parks for residential use providing, on a rental basis, lots for placement of HUD-code manufactured homes with utilities. Small offices, licensed child care centers, and laundromats are permitted as incidental uses within the park.
  4. Industrialized housing.
  5. Single-family detached dwellings.
  6. Municipally owned facilities and uses (no open storage or repair).
  7. Temporary field or construction office for uses incidental to construction work on the premises, which said buildings shall be removed upon the completion or abandonment of construction work or by order of the Director, or his designee. The specific time period allowed shall be specified by the Director, or his designee, upon issuance of a temporary structure permit, and site plan review and approval by the Director, or his designee, is also required. The allowed time period may be extended for an additional one (1) year period upon approval of an extension by the Director, or his designee.
  8. Accessory buildings and uses, as provided by Section 37, customarily incidental to the above uses and located on the same lot therewith, but not involving the conduct of a retail business or an accessory dwelling unit, except as provided herein:
    - a. Accessory buildings, including a private garage, shall not occupy more than fifty percent (50%) of the minimum required rear yard. When the accessory building is directly attached to the main building, it shall be considered an integral part of the main building. See Section 37 for additional accessory use requirements.

- b. A detached private garage or carport used in conjunction with the main building, located behind the front building line with a minimum of twenty feet (20') from the door face front or support columns to the edge of street or alley pavement.
- c. Antennae (amateur or CB radio) and/or satellite dish antennae, as specified in Section 40.5.
- d. Private open space or other private recreational amenities as part of a residential subdivision and not for commercial purposes.
- 9. Swimming Pool (private), including recreation or community areas. Swimming pools shall be enclosed by a security fence not less than four feet (4') in height. All swimming pool security fences shall be constructed so as not to have openings, holes or gaps larger than two inches (2") in dimension, except for doors and gates. All doors and gates shall be equipped with self-closing, self-latching devices.
- 10. Utilities (public or private).
- 11. Such uses as may be permitted under the provisions of Specific Use Permits, Section 30.

### **21.3 AREA REGULATIONS:**

- A. **Area for Manufactured Home Park** - Minimum, three (3) acres; maximum, thirty-five (35) acres.
- B. **Size of Yards** (For each space within Manufactured Home Park or Subdivision):
  - 1. **Minimum Front Yard** - Twenty-five feet (25') from a dedicated street; fifteen feet (15') from any private street or drive
  - 2. **Minimum Side Yard** - Ten feet (10'); twenty feet (20') between units; twenty feet (20') from zoning district line
  - 3. **Minimum Rear Yard** - Ten feet (10'); twenty feet (20') from any zoning district line
  - 4. If a garage is provided, the garage shall have a twenty-five foot (25') setback
- C. **Size of Lot** (For each space within a Manufactured Home Park):
  - 1. **Minimum Lot Area** - Four thousand five hundred square feet (4,500 sf) per unit
  - 2. **Minimum Lot Width** – Forty-five feet (45')
  - 3. **Minimum Lot Depth** - One hundred feet (100')
- D. **Minimum Floor Area per Dwelling Unit:** One thousand square feet (1000 sf).
- E. **Development Standards:**
  - 1. All units shall be at least twenty-five feet (25') wide (e.g., "double-wide). As of the effective date of this Ordinance all single-wide units shall be deemed nonconforming and shall not be brought into the City to occupy an existing vacant lot or to occupy a newly platted lot.
  - 2. A pitched roof having a minimum of 4:12 is required with a minimum six-inch (6") overhang.
  - 3. Manufactured housing design and construction will comply with manufactured housing construction and safety standards published by the Department of Housing and Urban Development (HUD) pursuant to the requirements of the Texas Manufactured Housing Standards Act (Vernon's Annotated Civil Statutes Art. 5221f, as amended) and all

manufactured housing will be subject to inspection by the Building Official, or his designee.

4. All manufactured housing within a subdivision shall be anchored on a solid concrete slab structure or pier and beam foundation. Any additions to the original structure, such as rooms, storage, or garages shall be constructed on a solid concrete slab.
5. Covered porches, patios and decks shall be constructed on-site, and shall not encroach into front, side or rear yard setbacks.
6. Axles and tongues shall be removed, such that the manufactured housing unit becomes permanently placed upon the site.
7. Any siding or sheathing used on housing units (or on buildings added onto housing units) shall be compatible with materials used on surrounding structures.

F. **Maximum Lot Coverage:** Not to exceed fifty percent (50%) total impervious area including main buildings, accessory buildings, driveways and parking areas.

G. **Parking Regulations:**

1. Lots platted prior to 3-22-99 shall have a minimum of two (2) spaces per unit located on the same lot as the unit served (see Section 35, Off-Street Parking and Loading).
2. Lots platted after 3-22-99 shall have a minimum of two parking spaces (one of which must be covered or enclosed) for each unit, to be located behind the front building line and to be on the same lot as the dwelling unit (i.e., on site).
3. All parking surfaces and driveways shall be on an approved all weather surface (four inches (4") of reinforced concrete or two inches (2") of asphalt paving with two inches (2") of compacted crushed rock base).

H. **Maximum Height Limit:**

1. Thirty feet (30') for the main building.
2. One (1) story for accessory buildings.
3. Other (Section 40).

## **21.4 SPECIAL REQUIREMENTS FOR MANUFACTURED HOME PARKS:**

- A. **Tenant Parking** - Each parking space shall be an approved all-weather surface, in accordance with City standards, and shall be located to eliminate interference with access to parking areas provided for other manufactured homes and for public parking in the park (see Section 35, Off-Street Parking and Loading Requirements).
- B. **Visitor and Supplemental Parking** - In addition to parking spaces required for each manufactured home unit, there shall be paved parking provided for the manufactured home community in general (see Section 35, Off-Street Parking and Loading Requirements):
  1. Two (2) visitor parking space for every three (3) manufactured home spaces.
  2. One (1) supplemental parking or vehicle storage space for the parking or storage of boats, campers and similar vehicles or equipment for every four (4) manufactured home spaces.
  3. Supplemental spaces may be located anywhere within the manufactured home community provided that no manufactured home space shall be situated further than one hundred fifty feet (150') from a visitor space.

4. Each parking space will be not less than nine feet by eighteen feet (9' X 18'), which is not to be included in the lot size.

C. **Access** - Each manufactured home community shall have direct access from a public street or an internal street. Where an internal private street provides access, the same shall be paved, in accordance with City standards, and shall be dedicated to the public as an emergency access or fire lane easement to allow for the rapid and safe movement of vehicles used in providing emergency health or public safety services. Each emergency access easement shall have a clear unobstructed width of twenty-four feet (24'), shall connect to a dedicated public street, and shall have a turning area and radii of a minimum of fifty feet (50') to permit free movement of emergency vehicles. Dead end streets are not allowed. Cul-de-sac streets shall not exceed four hundred feet (400') in length. Fire lane easements shall be maintained by the manufactured home park.

D. **Walkways** - Designated concrete walkways four feet (4') in width will be provided on both sides of roadways or streets.

E. **Street Names and Signs** - Within each manufactured home park, all streets shall be named, and manufactured homes numbered in a logical and orderly fashion. Street signs shall be of a color and size contrasting with those on public streets and roadways so that there is no confusion regarding which are private and which are public streets. These signs and numbers shall be of standard size and placement to facilitate location by emergency vehicles. Street names shall be submitted to the Director, or his designee, along with the preliminary plat application, reviewed by the appropriate City staff with respect to street naming procedures set forth within the Subdivision Ordinance, and approved by the Planning and Zoning Commission and City Council on the preliminary plat for the subdivision. The street names shall be set with preliminary plat approval, and shall not be changed on the final plat without City approval. All dwelling unit numbering (i.e., addressing) shall be assigned by the Director, or his designee.

F. **Other Signs** - Along all sections of emergency access easements, the owner or agent shall erect metal signs prohibiting parking. The sign type, size, height and location shall be in accordance with the Manual of Uniform Traffic Control Devices and approved by the City.

G. **Intersections** - Internal streets shall intersect adjoining public streets at approximately ninety degrees (90°) and at locations which will eliminate or minimize interference with traffic on those public streets.

H. **Street Lighting** - Street lighting within the manufactured home park shall be provided and maintained by the owners of the manufactured home park.

I. **Electric and Telephone Service** - All electrical distribution lines and all telephone lines shall be underground except the primary service lines to the park.

J. **Drainage and Soil Protection** - The ground surface in all parts of the park shall be graded and equipped to drain all surface water in a safe, efficient manner. Each manufactured home space shall provide adequate drainage for the placement of a manufactured home. Exposed ground surfaces in all parts of every manufactured home park shall be paved and/or covered with stone, brick paving, or other similar solid material, or protected with a vegetative growth (such as grass) capable of preventing soil erosion and eliminating dust.

**K. Fire Fighting:**

1. Approaches to all manufactured homes shall be kept clear for firefighting.
2. The owner or agent of a manufactured home park shall be responsible for the instruction of any staff in the use of the park fire protection equipment and in their specific duties in the event of a fire. Owner shall supply standard City fire hydrants located within five hundred feet (500') of all manufactured home spaces, measured along the drive or street.
3. The owner or agent of a manufactured home park shall be responsible for maintaining the entire area of the park free of dry brush, leaves and weeds in excess of twelve inches (12").

**L. Refuse Handling and Collection** - The owner or agent of a manufactured home park shall provide an adequate system of collection and safe disposal of rubbish, as approved by the City. Storage, collection and handling of refuse shall be conducted so as to create no health hazards, rodent harborage, insect breeding areas, accident or fire hazards, or air pollution, compacting units will have a lock out device on the operating switch to prevent children from unsupervised operation of the machine. Every dwelling unit shall be located within two hundred fifty feet (250') of a refuse facility measured along the designated pedestrian or vehicular travel way. There shall be available at least six (6) cubic yards of refuse containers per thirty (30) units. If trash dumpsters are used, they shall be screened as prescribed in Section 38.2(E).

**M. Anchorage of Manufactured Homes** - To insure against natural hazards such as tornados, high winds and electrical storms, anchorage for each manufactured home shall be provided according to the Building Code and State law.

**N. Skirting:**

1. All manufactured home units not attached to a permanent foundation shall provide skirting from the top of the unit's frame to grade. Skirting shall totally enclose and secure from view the unit's axles and all required anchors, footings, and piers.
2. All required skirting shall be masonry (or other material approved by the Director, or his designee), and shall be of a color similar to the materials used in the construction of the manufactured home unit such that it blends with the overall appearance of the unit.

**21.5 OTHER REQUIREMENTS:**

- A. Single-family dwellings (and their respective lots) constructed within this district shall conform to the standards as set forth in the SF-6 district (i.e., minimum six thousand square foot (6,000 sf) lot size, minimum one thousand-two hundred square foot (1,200 sf) dwelling unit size, etc.).
- B. Open storage is prohibited.
- C. **Usable Open Space Requirements** - Each parcel of land, developed under MH standards, shall provide usable open space (as defined in Section 12.5 Definitions and in Section 18.5 (C-E)) totaling ten percent (10%) of the area of the MH development.
- D. **Other Regulations** - As established in the Development Standards, Sections 34 through 44.

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## **SECTION 22                    OFFICE (O) DISTRICT**

### **22.1 GENERAL PURPOSE AND DESCRIPTION:**

The Office (O) District is established to create a flexible district for low intensity office, high technology and professional uses intended to be a regional employment center. The district can be used as a transition district between more intense uses and residential uses. If located adjacent to a residential district or property line permitted uses shall be made more compatible with adjacent residential areas by limiting heights to two and one-half (2½) stories and utilizing buffers and landscape requirements. If adjacent to other nonresidential districts the height may be increased to four (4) stories. Adaptive reuse of existing structures is encouraged. Buildings in this district should be compatible and in similar scale with adjacent residential uses or adjacent development.

### **22.2 PERMITTED USES:**

- A. 1. Those uses specified in Section 33 (Use Charts).
2. Accessory uses to the main use.
3. Professional, administrative, and general office uses.
4. Uses permitted by Specific Use Permit, according to Section 30.

### **22.3 HEIGHT REGULATIONS:**

#### **A. Maximum Height**

1. Two and one-half (2½) stories or thirty feet (30') for the main building if adjacent to a residential district.
2. Four (4) stories or fifty feet (50') for the main building if not adjacent to a residential district or property line.
3. One (1) story for accessory buildings.
4. Other (Section 40).

### **22.4 AREA REGULATIONS:**

#### **A. Size of Yards:**

1. **Minimum Front Yard:** Twenty-five feet (25'); all yards adjacent to a street shall be considered a front yard.
2. **Minimum Side Yard:** Fifteen feet (15')
3. **Minimum Rear Yard:** Twenty feet (20')
4. **Adjacent to a residential district or property line:** The side or rear setback, whichever is adjacent to a residential zoning district or property line, shall observe a setback equal to a 3:1 slope from the residential property line, three feet (3') of setback for each one foot (1') of height.

B. **Size of Lots:**

1. **Minimum Lot Size:** Six thousand square feet (6,000 sf)
2. **Minimum Lot Width -** Sixty feet (60')
3. **Minimum Lot Depth:** One hundred feet (100')

C. **Maximum Lot Coverage:** Fifty percent (50%); including accessory buildings.

## **22.5 SPECIAL REQUIREMENTS:**

- A. **Parking Requirements:** As established by Section 35, Off-Street Parking and Loading Requirements.
- B. Open storage is prohibited and service or loading areas shall not be visible from a public street or adjacent residential uses.
- C. Up to ten percent (10%) of the available floor space of any building in this district may be dedicated to retail or service uses that support the professional office uses, such as, office supplies, restaurant or daycare for employees.
- D. When any development occurs in this district it shall be the developer's/owner's responsibility to erect and maintain a solid masonry screen wall between their property and any adjacent residential property or district.(See Section 38)
- E. When a lot in this district abuts the property line of a residential use or district certain uses (as identified by an asterisk (\*) in the Use Charts - Section 33) that would otherwise be allowed in this district but are deemed incompatible with adjacent residential uses, the following restrictions shall be observed:
  1. A minimum sixty feet (60') separation between the residential property line and any structures, dumpsters, storage, drive-through lanes, loading docks, heavy vehicle parking or lighting fixtures.
  2. If the minimum separation cannot be established then those uses deemed incompatible shall not be allowed on those lots abutting a residential property line.
- F. For site plan requirements, see Section 39.
- G. Recreational vehicles, travel trailers or motor homes or other temporary/portable structures may not be used for on-site dwelling or nonresidential purposes.
- H. **Other Regulations** - As established in the Development Standards, Sections 34 through 44.

## **SECTION 23 LOCAL (NEIGHBORHOOD) RETAIL (LR) DISTRICT**

### **23.1 GENERAL PURPOSE AND DESCRIPTION:**

The Local Retail (LR) District is established as a limited retail category intended for the use of nearby neighborhood areas for the purpose of supplying day-to-day needs and personal services. Establishments should include small, freestanding retail structures, and neighborhood oriented personal service establishments. Sites zoned LR should generally utilize an existing or small corner lot within a logical neighborhood area.

### **23.2 PERMITTED USES:**

- A. 1. Those uses specified in Section 33 (Use Charts).
2. Such uses as may be permitted under the provisions of Specific Use Permits, Section 30.

### **23.3 HEIGHT REGULATIONS:**

#### **A. Maximum Height:**

1. Two and one-half (2½) stories or thirty feet (30') for the main building.
2. One (1) story for accessory buildings.
3. Other (Section 40).

### **23.4 AREA REGULATIONS:**

#### **A. Size of Lot:**

1. **Minimum Lot Area** - Six Thousand square feet (6,000 sf)
2. **Maximum Lot Area** - Three (3) acres
3. **Minimum Lot Width** - Sixty feet (60')
4. **Minimum Lot Depth** - One hundred feet (100')

#### **B. Size of Yards:**

1. **Minimum Front Yard** - Twenty-five feet (25'); all yards adjacent to a street shall be considered a front yard.
2. **Minimum Side Yard** - Fifteen feet (15'); Twenty-five feet (25') adjacent to a public street or residential lot
3. **Minimum Rear Yard** - Twenty feet (20') or twenty-five feet (25') adjacent to a residential lot

#### **C. Maximum Lot Coverage:** Forty percent (40%).

#### **D. Parking Regulations:**

1. As required by Section 35, Off-Street Parking and Loading Requirements.

## **23.5 SPECIAL REQUIREMENTS:**

- A. Open Storage is prohibited.
- B. When any development occurs in this district it shall be the developer's/owner's responsibility to erect and maintain a solid masonry screen wall between their property and any adjacent residential property or district. (See Section 38)
- C. When a lot in this district abuts the property line of a residential use or district certain uses (as identified by an asterisk (\*) in the Use Charts - Section 33) that would otherwise be allowed in this district but are deemed incompatible with adjacent residential uses, the following restrictions shall be observed:
  - 1. A minimum sixty feet (60') separation between the residential property line and any structures, dumpsters, storage, drive-through lanes, loading docks, heavy vehicle parking or lighting fixtures.
  - 2. If the minimum separation cannot be established then those uses deemed incompatible shall not be allowed on those lots abutting a residential property line.
- D. For site plan requirements, see Section 39.
- E. Recreational vehicles, travel trailers or motor homes or other temporary structures may not be used for on-site dwelling or nonresidential purposes.
- F. **Other Regulations** - As established in the Development Standards, Sections 34 through 44.

## **SECTION 24 RETAIL (R) DISTRICT**

### **24.1 GENERAL PURPOSE AND DESCRIPTION:**

The Retail (R) District is established to provide areas for neighborhood, local and regional shopping and service facilities for the retail sales of goods and services. These shopping areas should utilize established landscape and buffering requirements. The R district should be located along or at the intersection of major collectors or thoroughfares to accommodate higher traffic volumes.

### **24.2 PERMITTED USES:**

- A. 1. Those uses specified in Section 33 (Use Charts).
2. Such uses as may be permitted under the provisions of Specific Use Permits, Section 30.

### **24.3 HEIGHT REGULATIONS:**

#### **A. Maximum Height:**

1. Three (3) stories or forty-five feet (45') for the main building.
2. One (1) story for accessory buildings.
3. Other (Section 40).

### **24.4 AREA REGULATIONS:**

#### **A. Size of Lot:**

1. **Minimum Lot Area** – Ten thousand square feet (10,000 sf).
2. **Minimum Lot Width** - One hundred feet (100')
3. **Minimum Lot Depth** - One hundred feet (100')

#### **B. Size of Yards:**

1. **Minimum Front Yard** - Twenty-five feet (25')
2. **Minimum Side Yard** – Fifteen feet (15'); Twenty-five feet (25') adjacent to a street. The side or rear setback, whichever is adjacent to a residential zoning district or property line, shall observe a setback equal to a 3:1 slope from the residential property line, three feet (3') of setback for each one foot (1') of height.
3. **Interior Side Yards** - When retail uses are platted adjacent to other retail and other nonresidential uses, no side yard is required provided it complies with the building code.
4. **Minimum Rear Yard** - Twenty feet (20')

#### **C. Maximum Lot Coverage:** Forty percent (40%).

#### **D. Parking Regulations:**

1. As required by Section 35, Off-Street Parking and Loading Requirements.

## **24.5 SPECIAL REQUIREMENTS:**

- A. Open storage is prohibited; however, periodic display of seasonal items by the retail establishment on their own property (e.g., Christmas trees, pumpkins, etc.) is allowed during the appropriate time periods. Service or loading areas shall not be visible from a public street or adjacent residential uses.
- B. When any development occurs in this district it shall be the developer's/owner's responsibility to erect and maintain a solid masonry screen wall between their property and any adjacent residential property or district. (See Section 38)
- C. When a lot in this district abuts the property line of a residential use or district certain uses (as identified by an asterisk (\*) in the Use Charts - Section 33) that would otherwise be allowed in this district but are deemed incompatible with adjacent residential uses, the following restrictions shall be observed:
  - 1. A minimum sixty feet (60') separation between the residential property line and any structures, dumpsters, storage, drive-through lanes, loading docks, heavy vehicle parking or lighting fixtures.
  - 2. If the minimum separation cannot be established then those uses deemed incompatible shall not be allowed on those lots abutting a residential property line.
- D. For site plan requirements, see Section 39.
- E. Recreational vehicles, travel trailers or motor homes or other temporary structures may not be used for on-site dwelling or nonresidential purposes.
- F. **Other Regulations** - As established in the Development Standards, Sections 34 through 44.

## **SECTION 25        CENTRAL BUSINESS DISTRICT (CBD)**

### **25.1    GENERAL PURPOSE AND DESCRIPTION: Amended by O-02-14 on 04-28-2014**

The development standards in the CBD, Central Business District, are designed to maintain and encourage development and redevelopment within the central section (old downtown) of the City. Standards for vehicle parking, building setbacks, and building height are similar to those existing on developed properties in this section of the City.

### **25.2    PERMITTED USES:**

A. Uses permitted in the CBD district are outlined in Section 33 (Use Charts).

### **25.3    AREA REGULATIONS:**

#### **A. Size of Yards:**

1. **Minimum Front Yard** - none specified
2. **Minimum Side Yard** - none specified
3. **Minimum Rear Yard** - none specified

#### **B. Size of Lot:**

1. **Minimum Lot Area** - none specified
2. **Minimum Lot Width** - none specified
3. **Minimum Lot Depth** - none specified

#### **C. Height Regulations:**

##### **1. Maximum Height:**

1. Three (3) stories or forty-five feet (45') for the main building.
2. One (1) story for accessory buildings.
3. Other (Section 40).

#### **D. Maximum Lot Coverage** - none specified

#### **E. Parking Regulations:**

##### **1. For existing structures/uses (in existence prior to the effective date of this Ordinance)**

- Any existing parking, or lack of same, for any existing structure/use within the CBD district shall be considered a conforming parking arrangement. Additional parking, in accordance with Section 35.6, shall only be required for additions to an existing building or for significant expansion of an existing use (as determined by the City Planner or his designee). In the event of destruction of an existing structure within the CBD district, said structure may be rebuilt to its pre-destruction size with no requirements for additional parking provided that reconstruction commences (i.e., a building permit is applied for and issued) within one (1) year of the date of destruction. If reconstruction does not commence within the one-year time frame, or if the structure is rebuilt to exceed its pre-destruction size, then the structure's nonconforming parking status is deemed to expire and any reconstruction of the structure must provide additional parking in accordance with this Ordinance.

2. **For new structures/uses** - One (1) space per three hundred square feet (300 sf) of gross floor area, and each use shall provide a minimum of two (2) spaces. In order to preserve the character of the square, in which existing buildings were joined together with a common wall, required parking for new structures may be restricted to the rear of the building or to offsite parking on private property to be located not more than one thousand five hundred feet (1,500') from the site, in accordance with Section 35.8 of this Ordinance.

**F. Other Regulations:**

1. Open storage is prohibited in the CBD district.
2. As established in the Development Standards, Sections 34 through 44.
3. Trash receptacles must be enclosed and not visible from the front of the building. Those buildings not having alley or rear access may place a portable trash receptacle curbside on a side street to the rear of the building that is located on the square on trash pickup days only.
4. Outside Sidewalk Display. Outside sidewalk displays of retail goods, merchandise or materials shall be allowed only in the Central Business District (See Use Charts 3 and 6) in conjunction with all of the following requirements:
  - a) The display is for showcasing of finished goods, merchandise, or materials that are sold in the same retail business that occupies the main building on the lot and is not intended for additional sales space or as outside storage;
  - b) Display location shall be limited to designated sidewalk areas adjacent to the front or side of the main building;
  - c) No display shall be allowed to be located in the public right-of-way adjacent to the rear of the main building;
  - d) After approval of a Specific Use Permit by the City and subject to compliance with the conditions of the Specific Use Permit, outside sidewalk display shall be allowed in accordance with the requirements of this section provided that all of the following conditions are met:
    - i. The property owner and/or tenant enters into an encroachment agreement with the City of Kaufman;
    - ii. The property owner and/or tenant shall provide proof of insurance coverage meeting requirements specified by the City of Kaufman, including without limitation, an additional insured endorsement naming the City of Kaufman and its officials, officers, and employees as additional insured and providing a waiver of subrogation in favor of the City;
    - iii. That the display shall not extend a distance greater than five feet (5') from the front of the wall of the principal building;

- iv. That the display shall not be permitted to block windows, entrances or exits, delivery and service doors, nor impair the ability of pedestrians to have unobstructed ingress to and egress from a building or buildings;
- v. That the display shall not occupy any designated parking space or be placed in any street or alley right-of-way or thoroughfare;
- vi. That all times displays shall not interfere with pedestrian circulation in or along the sidewalk or right of way and shall comply with the American Disabilities Act (ADA), as amended;
- vii. That the display shall not be allowed on a sidewalk, which has a width that is five feet (5') or less;
- viii. That the display shall not occupy an area that is larger than thirty percent (30%) of the linear distance of the wall adjacent to the location of the sidewalk display. The distance shall be measured along the applicable front or sidewall of the main building or suite for the retail space providing the display. Each exterior wall equivalency is a standalone area and may not be combined;
- ix. That the display shall not extend to a height above seven feet (7') as measured from the sidewalk;
- x. That all displayed retail goods shall be actively for sale by the retail establishment providing the display and shall have a visible price tag;
- xi. That the display area shall be established and delineated on an approved sidewalk plan;
- xii. That prohibited items in sidewalk displays include anything expressly prohibited in the approved specific use permit. Including but not limited to vending machines, propane tank sales or rental, ice machines and other similar apparatus; and
- xiii. That no display is left out on a day that the retail establishment is closed or at any time after the retail establishment has closed on a regular business day of the retail establishment.

e) Exempted from the location requirement of Section 25.F.4.d.viii are any accessible public seating, including table and chair sets, benches, chairs, stools, rocking chairs, etc., and that are manufactured for outdoor use and exterior decorative planters.”

## **25.4 DESIGN CRITERIA**

### **A. Purpose**

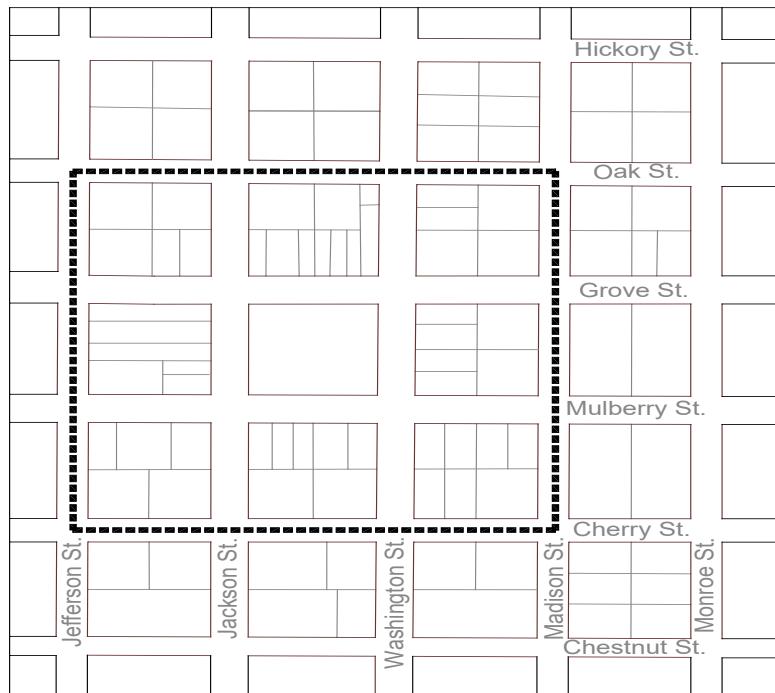
Kaufman’s downtown Central Business District (CBD) has been identified by the Comprehensive Plan as a valuable resource worthy of preservation as a unique district. This district provides development and design standards that preserve the historic and architectural character of existing development, provides for adaptive reuse of existing buildings and the compatibility of new structures and uses with the historic nature of the CBD.

## **B. Goals**

1. Historic preservation, economic development, and maintaining the pedestrian friendly character of the Central Business District shall be the primary consideration in the development design review.
2. The preservation and restoration of historically or architecturally significant buildings as well as buildings that contribute to the unique character of the CBD shall be considered as a high priority in the future development of the CBD.
3. Preservation, restoration, renovation and redevelopment should encourage and promote economic vitality, professional and business activities, tourism, and effective adaptive reuse of structures, upper floors and vacant spaces.
4. The preservation, restoration, renovation and redevelopment should encourage and promote the concept of the traditional downtown area as the origin and heart of the community as a place for people to gather as well as patronize the businesses located there.

## **C. District Boundaries**

1. The Central Business District (CBD) is generally bounded by Oak Street on the north, Cherry Street on the south, Jefferson Street on the west, and Madison Street on the east. These boundaries are shown on the map in Figure 25-1 for informational purposes.
2. The precise boundaries of the Central Business District (CBD) shall be shown on the official zoning map of the City of Kaufman. The boundaries of the CBD may be amended from time to time based on a request from area property owners, a request of the staff, the Downtown Steering Committee, the Planning and Zoning Commission, or at the pleasure of the Council. In considering a request for a change in district boundaries, the Council shall require:
  - a. Any additions to the district shall be contiguous to the existing boundaries of the district;
  - b. Any reductions in the district shall be located on the edge of the district such that a hole is not left inside the district; and
  - c. If requested by a property owner, a petition shall be presented showing owners of more than fifty percent (50%) of the land within the district, excluding streets, and owners of more than fifty percent (50%) of the building sites in the district are in support of the requested change in boundaries.



**Figure 25-1 Downtown Central Business District Boundaries**

#### D. General Provisions

1. Site plan and design review is required for new construction and substantial renovation of existing buildings within the Central Business District. Substantial renovation means:
  - a. Alterations to the exterior of existing buildings that change the placement or design of windows, doors or other exterior features of the building such as coping or pilasters;
  - b. An increase in the floor area of the building greater than ten percent (10%).
2. Interior renovation of existing buildings that do not alter the exterior appearance of the building do not require site plan and design review under the provisions of this section. (e.g., a drop ceiling that covers part of an existing window would alter the exterior appearance and require review)
3. Physical properties of an existing building such as setbacks, foot prints, height, or other similar characteristics that cannot be altered without substantial hardship are not required to meet the development or design standards within this section. All other provisions shall apply.
4. Site Plan applications submitted for review will first be considered by the Downtown Design Review Committee and a Certificate of Appropriateness issued within ten (10) days to accompany the application to the Planning and Zoning Commission and City Council for approval. If the Downtown Design Review Committee recommends denial of the application or approval with stipulations the Planning and Zoning Commission must render

a three-fourths affirmative vote to overturn the recommendations of the Committee in order to recommend approval to the City Council.

5. All new development, exterior renovations to any existing buildings, maintenance and/or preservation of any structure, shall require an exterior paint permit to be approved by the Development Services Director.
  - a. Request to appeal the requirements of Sections 25.4.F.5.a.(3) or 25.5.B.1.h shall be heard by the Planning and Zoning Commission. The Planning and Zoning Commission shall determine what appeals shall be approved, if any.
    - (1) An appeal request submittal shall include a proposed paint color combination scheme for the body, trim and accent features of the building.
    - (2) Notice of the appeal request shall be mailed ten (10) days prior to the meeting, to all property owners as listed at the Kaufman County Appraisal District, and to all the building addresses, located within the boundaries of the Central Business District.
    - (3) All appeal requests shall be placed on the next available Planning and Zoning Commission agenda.

#### **E. Mixed Use Criteria**

1. The Central Business District may contain any combination of uses shown in the Use Chart in Section 33 (Use Charts).
2. Within the CBD there are both residential and nonresidential uses, which may be located in either residential structures or commercial structures. To maintain the architectural and historic character of existing blocks where one type of structure predominates, the following regulations shall apply.
  - a. Residential uses may be in residential structures or commercial structures. Residential uses in commercial structures are only allowed if they occupy no more than fifty percent (50%) of the floor area of the building; and do not occupy the area adjacent to the street front.
  - b. Nonresidential uses may be in residential or commercial structures. Nonresidential uses in residential structures must be in those blocks where existing residential structures predominate.
  - c. In block faces within the District that are currently developed with residential structures, new construction shall be compatible residential structures. Either residential or nonresidential uses may be located in the residential structures.

- d. In block faces within the Central Business District that are currently developed with commercial structures, new construction shall be compatible commercial structures.

## **F. Central Business District Development and Design Standards**

- 1. All new development and exterior renovations to existing buildings must meet requirements provided in this section for Site Design, and Architectural Standards.
- 2. **Purpose of Central Business District Design Standards.** The purpose of these design standards is to ensure the preservation of the historic and architectural qualities, which make the CBD a unique place by permitting new development compatible with existing historic buildings and by maintaining the historic and architectural qualities of existing buildings.
  - a. Site Design Standards. The purpose of the Site Design Standards is to provide for building and parking placement compatible with existing development.
  - b. Architectural Standards. The purpose of the Architectural Standards is to provide for the preservation of existing historic and architectural qualities of downtown Kaufman, ensure new construction and all exterior renovations to existing buildings are compatible with these qualities, and to protect and promote the uniqueness of downtown as a commercial area.
- 3. **Design Standards Review.** All new development and all exterior renovations to existing buildings shall comply with the Site Design Standards included in Subsection 4, and the Architectural Standards in Subsection 5.
- 4. **Site Design Standards**
  - a. **Building Placement - Commercial Structures**
    - (1) Buildings shall be placed on the front property line. Building may be moved back from the front property line to provide for a wider sidewalks and entries, or pedestrian oriented streetscapes if: The buildings takes up an entire block face; or is located on a corner; or has a total frontage of more than fifty percent (50%) of the block face.
    - (2) New commercial structures shall be allowed only in block faces which are predominately developed with existing commercial structures, or are predominately vacant land.
    - (3) Buildings shall be placed on the side property line except when adjacent to a residential type structure in which a fifteen feet (15') minimum side yard shall be observed. Buildings may be moved back from the side property line a total of four feet (4') to provide for wider sidewalks and entries when the side property line is along a street.

- (4) Buildings that go through a block so that they have frontage on two parallel streets, shall treat each frontage as a main façade.
- (5) All service areas, dumpsters and loading shall be from the rear of the building or alley.

## **5. Architectural Design Standards**

### **a. Street Facade – Commercial Structures**

- (1) Primary street facades for nonresidential buildings in the Central Business District shall have the following basic features of existing historic buildings:
  - (a) Cornice at top of facade;
  - (b) Display windows with transom windows above and lower window panels below.
  - (c) Pilasters that divide the facade vertically and separate the display windows units into discrete visual elements.
  - (d) Second floor windows, recessed with multiple lights, lintels, and sills.
- (2) Architectural elements such as doors, windows, awnings, canopies and architectural details shall be compatible with the overall visual qualities existing within the historic buildings downtown.
- (3) Choice of Paint Colors for the Primary facades, various architectural elements, and/or details.
  - (a) Paint colors should highlight architectural details based on historic tradition for the building's type and style.
  - (b) Keep colors compatible with the building style and design.
  - (c) Loud, garish, or harsh colors and bright hues are prohibited.
  - (d) Generally no more than three colors are applied per building.
  - (e) Brick, stone or other naturally unpainted materials shall not be painted unless the material has been painted previously.

- (f) A variety of approved paint color combinations are available for reference in the Development Services Department. The approved combinations specify paint colors for the body, trim and accent areas of the building. An exterior paint permit shall be approved prior to painting any exterior portion of any building.
- (g) Exterior grade paints shall be used for exterior siding.

(4) In addition to the above, all commercial structures shall have at least two of the following desirable design features as appropriate:

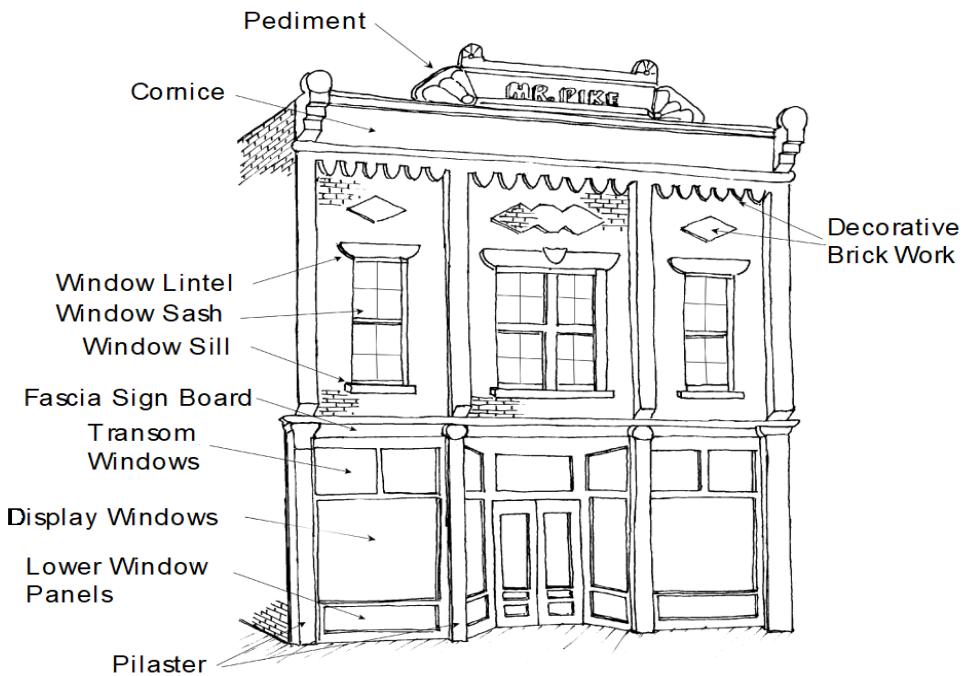
- (a) Street facades on side streets that meet the requirements for primary facades; or
- (b) Buildings on corners which create a diagonal corner cut with the entrance on the corner; or
- (c) Pediments added to the top of the facade; or
- (d) Decorative brickwork and architectural detailing on or around the cornice, fascia, pilasters, or around windows; or
- (e) Use of natural wooden doors with glass windows; or
- (f) Projecting canopies and or awnings placed over the ground floor windows and doors.

(5) Whenever possible, new additions or alterations to existing structures shall be done in such a manner that if such additions or alterations were to be removed in the future, the essential form and integrity of the original structure would be unimpaired.

(6) The distinguishing original qualities or character of a building should be preserved and the maintenance, repair, replacement, renovation or alteration of such structures should avoid removing or destroying any distinctive architectural features whenever possible.

(7) Deteriorated architectural features shall be repaired rather than replaced whenever possible. In the event replacement is necessary, the new material should match the original material being replaced in composition, design, color, texture and other visual qualities. Plastic or vinyl architectural features or siding shall not be approved.

(8) Plate glass or divided display windows should always be preserved and not covered, painted or filled in. Traditional recessed doorways with substantial wooden doors should be retained or re-installed if significant restoration is undertaken.



**Figure 25-2 Typical Features of Commercial Structures in the Central Business District**

**b. Building Proportions – Commercial Structures**

- (1) Overall height of single story commercial buildings in the Central Business District shall be between eighteen feet (18') and twenty six feet (26').
- (2) The proportion of the height to width of the facade between pilasters shall be in the range of 2.5 to 1 to 3 to 1. The basic window units shall be between 2 to 2.5 times the remaining height to the top of the cornice.
- (3) The ground floor facade shall have at least forty-fifty percent (45%) of its area in transparent windows, or doors. The second floor facade shall have at least twenty percent (20%) of its area in windows. The area of windows includes any mullions framing individual lights within the window frame.

**c. Building Materials - Commercial Structures**

- (1) The base facade materials for commercial structures within the Central Business District shall be brick or stone. Architectural details, trim, window or door framing may be wood, stone, cast stone, cast iron, or other materials compatible with the historic and architectural character of the Central Business District.

**6. Fencing – Commercial Structures**

- a. Any fencing for commercial structures within the Central Business District shall be in the rear of the building not visible from the street.

## **25.5 MAINTENANCE AND PRESERVATION**

### **A. Purpose**

Existing buildings in the Central Business District collectively create an image that is vital to the character and attractiveness of the city that must be properly maintained and preserved in order to sustain the appearance and economic vitality of the CBD.

### **B. Preservation of Architectural Features and Materials**

#### **1. Facades**

- a. Original doors, entrances, windows, cornices, friezes, parapets and wall treatments should be preserved or restored to the original design in as much as possible using proper maintenance, painting, cleaning and established restoration methods and techniques.
- b. Wood siding materials and architectural details are such an important feature of an historic building it should be restored and repaired using materials that resemble the original texture and character of the original material as much as possible, aluminum, plastic or vinyl siding or materials shall not be used.
- c. Wood materials should be painted at least every five years to prevent deterioration.
- d. Wood materials should not be sand blasted or stripped using wet or dry abrasives or power wire brushes that will damage the wood. Wood surfaces should be hand scraped and sanded before painting.
- e. Masonry materials usually do not require cleaning as aging produces a patina or color changes that creates a desirable appearance. Cleaning should only be done to halt deterioration or to remove heavy soiling and should be done with the gentlest method possible, such as low pressure water and detergents.
- f. Masonry walls built prior to 1860 were customarily painted and after this date were usually left unpainted. Surfaces that were previously painted should remain painted and unpainted surfaces should remain unpainted.
- g. Waterproofing materials may actually change the color, appearance or damage the materials and should be used with caution and tested on a small area prior to application.
- h. Choice of Paint Colors for the Primary facades, various architectural elements, and/or details.
  - 1) Paint colors should highlight architectural details based on historic tradition for the building's type and style.
  - 2) Keep colors compatible with the building style and design.
  - 3) Loud, garish, or harsh colors and bright hues are prohibited.

- 4) Generally no more than three colors are applied per building.
- 5) Brick, stone or other naturally unpainted materials shall not be painted unless the material has been painted previously.
- 6) A variety of approved paint color combinations are available for reference in the Development Services Department. The approved combinations specify paint colors for the body, trim and accent areas of the building. An exterior paint permit shall be approved prior to painting any exterior portion of any building.
- 7) Exterior grade paints shall be used for exterior siding.

## 2. **Demolition**

- a. Demolition of an existing building should only be considered as a last resort and only if the building is structurally unsafe and determined it cannot be repaired or rendered safe upon inspection by a qualified registered structural engineer or architect.
- b. If demolition reveals the side of an adjacent building that was designed never to be exposed the wall should be painted a neutral or brick color compatible with surrounding buildings. Stucco or stucco panels should only be used if the wall is too unattractive to paint.

## **SECTION 26                    COMMERCIAL (C) DISTRICT**

### **26.1   GENERAL PURPOSE AND DESCRIPTION:**

The Commercial (C) District is intended to provide a centrally located and convenient location for small scale service and commercial related establishments, such as wholesale products, welding shops, automotive repair services, upholstery shops, and other similar commercial uses. Uses in this district may utilize open storage areas that are screened from public view (see Section 38). The uses envisioned for the district will typically utilize smaller sites and have operation characteristics, which are not compatible with residential uses and some nonresidential uses. Convenient access to thoroughfares and collector streets is also a primary consideration.

### **26.2   PERMITTED USES:**

- A. 1. Those uses specified in Section 33 (Use Charts).
2. Such uses as may be permitted under provision of Specific Use Permits, Section 30.

### **26.3   HEIGHT REGULATIONS:**

- A. **Maximum Height:**
  1. Three (3) stories or forty-five feet (45') for the main building.
  2. One (1) story for accessory buildings.
  3. Other (Section 40).

### **26.4   AREA REGULATIONS:**

- A. **Size of Lot:**
  1. **Minimum Lot Area** - Ten Thousand square feet (10,000 sf)
  2. **Minimum Lot Width** - One Hundred feet (100')
  3. **Minimum Lot Depth** - One hundred feet (100')
- B. **Size of Yards:**
  1. **Minimum Front Yard** - Twenty-five feet (25')
  2. **Minimum Side Yard** - Fifteen feet (15'); twenty-five feet (25') if adjacent to a street. The side or rear setback, whichever is adjacent to a residential zoning district or property line, shall observe a setback equal to a 3:1 slope from the residential property line, three feet (3') of setback for each one foot (1') of height.
  3. **Minimum Rear Yard** - Twenty feet (20')
- C. **Maximum Lot Coverage:**
  1. Fifty percent (50%) for the main structure
- D. **Parking Regulations:** As established by Section 35, Off-Street Parking and Loading Requirements.

## **26.5 SPECIAL REQUIREMENTS:**

- A. Outside storage allowed only with Specific Use Permit and shall not be visible from any public roadway.
- B. When any development occurs in this district it shall be the developer's/owner's responsibility to erect and maintain a solid masonry screen wall between their property and any adjacent residential property or district. (See Section 38)
- C. When a lot in this district abuts the property line of a residential use or district certain uses (as identified by an asterisk (\*) in the Use Charts - Section 33) that would otherwise be allowed in this district but are deemed incompatible with adjacent residential uses, the following restrictions shall be observed:
  - 1. A minimum sixty feet (60') separation between the residential property line and any structures, dumpsters, storage, drive-through lanes, loading docks, heavy vehicle parking or lighting fixtures.
  - 2. If the minimum separation cannot be established then those uses deemed incompatible shall not be allowed on those lots abutting a residential property line.
- D. For site plan requirements, see Section 39.
- E. Recreational vehicles, travel trailers or motor homes or other temporary structures may not be used for on-site dwelling or nonresidential purposes.
- F. **Other Regulations:** As established in the Development Standards, Sections 34 through 44.

## **SECTION 27        LIGHT INDUSTRIAL (LI) DISTRICT**

### **27.1    GENERAL PURPOSE AND DESCRIPTION:**

The Light Industrial (LI) District is intended primarily for the conduct of light manufacturing, assembling and fabrication, and for warehousing, research and development, wholesaling and service operations that do not typically depend upon frequent customer or client visits. Such uses do require accessibility to major thoroughfares, major highways, and/or other means of transportation.

### **27.2    PERMITTED USES:**

- A. The following uses are permitted in the LI district, provided that such light manufacturing or industrial operations shall not disseminate dust, fumes, gas, noxious odor, smoke, glare, or other atmospheric influence beyond the boundaries of the property upon which such use is located, and which produces no noise exceeding the average intensity of noise of street traffic, as further defined by the Performance Standards (Section 41), at that point, and provided that such use does not create fire or safety hazards on surrounding property.
  1. Those uses specified in Section 33 (Use Charts).
  2. Light industrial, fabrication and manufacturing plants, including the assembling of prefabricated parts for the production of finished equipment, where the process of manufacturing or treatment of materials is such that no dust, odor, fumes, gas, smoke or noise is emitted, and not more than ten percent (10%) of the lot or tract is used for the open storage of products, materials, or equipment (see Section 38 for additional screening requirements).
  3. Certain "low risk industrial/manufacturing" or "high risk or hazardous industrial" uses may be permitted by Specific Use Permit only. In this district, "high risk or hazardous industrial use" means any industrial use whose operation, in the opinion of the City Manager (or his designee) and/or the Fire Chief, involves a much higher than average risk to public health and safety. These uses include, but are not limited to, facilities where significant amounts of radiation, radioactive materials, highly toxic chemicals or substances, or highly combustible or explosive materials are present, used, produced, stored and/or disposed of.
  4. Such uses as may be permitted under provisions of Specific Use Permits, Section 30.

### **27.3    HEIGHT REGULATIONS:**

#### **A. Maximum Height:**

1. Occupied structures/buildings - Two and one-half (2½) stories or thirty feet (30').
2. Unoccupied structures (e.g., grain silos, communications antennae, etc.) - Sixty feet (60')  
(Also see Section 40.5 for communications antennae and support structures/towers.)

## 27.4 AREA REGULATIONS:

- A. **Size of Lot:**
  - 1. **Minimum Lot Area** - Twenty thousand square feet (20,000 sf)
  - 2. **Minimum Lot Width** - One hundred feet (100')
  - 3. **Minimum Lot Depth** - One hundred fifty feet (150')
- B. **Size of Yards:**
  - 1. **Minimum Front Yard** - Twenty-five feet (25')
  - 2. **Minimum Side Yard** - Fifteen feet (15'); twenty-five feet (25') on a corner lot or adjacent to street. The side or rear setback, whichever is adjacent to a residential zoning district or property line, shall observe a setback equal to a 3:1 slope from the residential property line, three feet (3') of setback for each one foot (1') of height.
  - 3. **Minimum Rear Yard** - Twenty feet (20')
- C. **Maximum Lot Coverage:** Sixty-five percent (65%)
- D. **Parking Regulations:** As established by Section 35, Off-Street Parking and Loading Requirements.

## 27.5 SPECIAL REQUIREMENTS:

- A. Outside storage shall not be visible from any public roadway.
- B. When any development occurs in this district it shall be the developer's/owner's responsibility to erect and maintain a solid masonry screen wall between their property and any adjacent residential property or district. (See Section 38)
- C. When a lot in this district abuts the property line of a residential use or district certain uses (as identified by an asterisk (\*) in the Use Charts - Section 33) that would otherwise be allowed in this district but are deemed incompatible with adjacent residential uses, the following restrictions shall be observed:
  - 1. A minimum sixty feet (60') separation between the residential property line and any structures, dumpsters, storage, drive-through lanes, loading docks, heavy vehicle parking or lighting fixtures.
  - 2. If the minimum separation cannot be established then those uses deemed incompatible shall not be allowed on those lots abutting a residential property line.
- D. For site plan requirements, see Section 39.
- E. Recreational vehicles, travel trailers or motor homes or other temporary structures may not be used for on-site dwelling or nonresidential purposes.
- F. **Other Regulations:** As established in the Development Standards, Sections 34 through 44.

## **SECTION 28      HIGHWAY COMMERCIAL (HC) DISTRICT**

### **28.1    GENERAL PURPOSE AND DESCRIPTION:**

The Highway Commercial (HC) District is established to provide a relatively high intensity area which permits a mixture of land uses including office, retail, some types of commercial and entertainment uses, and highway-oriented uses, such as hotels, motels and restaurants, which should generally be located along high-volume thoroughfares. The characteristics of each development site should be designed in such a manner as to create an attractive appearance from U.S. Highway 175, and an impressive gateway into the community. Because these areas are major thoroughfare entry points into Kaufman, emphasis has been placed upon building arrangement, setbacks, parking and landscape treatment, which are elements that tend to influence the visual appeal of the City as viewed from the highway and which may help to attract visitors to the community. It is the intent of the HC zoning district to create an attractive and unique entrance into the City.

### **28.2    PERMITTED USES:**

- A. 1. Those uses specified in Section 33 (Use Charts).
2. Such uses as may be permitted under the provisions of Specific Use Permits, Section 30.

### **28.3    HEIGHT REGULATIONS:**

- A. **Maximum Height:**
  1. Eight (8) stories or one hundred feet (100'), increased setbacks from adjacent residentially zoned property shall be observed as described below.
  2. One (1) story for accessory buildings.
  3. Other (Section 40).

### **28.4    AREA REGULATIONS:**

- A. **Size of Lot:**
  1. **Minimum Lot Area** - Twenty thousand square feet (20,000 sf)
  2. **Minimum Lot Width** - One hundred feet (100')
  3. **Minimum Lot Depth** - Two hundred feet (200')
- B. **Size of Yards:**
  1. **Minimum Front Yard** - Fifty feet (50')
  2. **Minimum Side Yard** - Twenty-five feet (25'). The side or rear setback, whichever is adjacent to a residential zoning district or property line, shall observe a setback equal to a 3:1 slope from the residential property line, three feet (3') of setback for each one foot (1') of height.
  3. **Minimum Rear Yard** - Twenty-five feet (25')
- C. **Maximum Lot Coverage:** Fifty percent (50%).

**D. Parking Regulations:**

1. As required by Section 35, Off-Street Parking and Loading Requirements.
2. A maximum of fifty percent (50%) of the required parking shall be allowed within the front yard. No parking or loading shall be permitted within twenty feet (20') of the front property line, and then only if screened by a berm or living screen, as described in Section 36 (Landscape Requirements).

**28.5 SPECIAL REQUIREMENTS: Amended O-11-17 on 05-16-17**

- A. **Site Plan Review** - Review and approval of a site plan by the Planning and Zoning Commission and City Council (in accordance with Section 39) shall be required for any tract/lot within the HC district. No certificate of occupancy shall be issued unless all construction and development conforms to the Site Plan as approved by City Council.
- B. Building facade (i.e., elevation) plans shall be submitted for review and approval along with the Site Plan. Facade plans shall clearly show how the building(s) will look, especially as viewed from U.S. Highway 175, and will portray a reasonably accurate depiction of the materials and colors to be used. The Director (or his designee) may, as he deems appropriate, require submission of additional information and materials (possibly actual samples of materials to be used) during the Site Plan application review process.
- C. When any development occurs in this district it shall be the developer's/owner's responsibility to erect and maintain a solid masonry screen wall between their property and any adjacent residential property or district. (See Section 38)
- D. When a lot in this district abuts the property line of a residential use or district certain uses (as identified by an asterisk (\*) in the Use Charts - Section 33) that would otherwise be allowed in this district but are deemed incompatible with adjacent residential uses, the following restrictions shall be observed:
  1. A minimum sixty feet (60') separation between the residential property line and any structures, dumpsters, storage, drive-through lanes, loading docks, heavy vehicle parking or lighting fixtures.
  2. If the minimum separation cannot be established then those uses deemed incompatible shall not be allowed on those lots abutting a residential property line.
- E. Recreational vehicles, travel trailers or motor homes or other temporary structures may not be used for on-site dwelling or nonresidential purposes.
- F. Landscaping requirements shall be as set forth in Section 36. Additionally, those areas that are addressed within the "Kaufman Streetscape Plan" shall meet the standards cited therein.

**G. Other Regulations** - As established in the Development Standards, Sections 34 through 44.

## **OVERLAY AND SPECIAL DISTRICTS**

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

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## **SECTION 29        PLANNED DEVELOPMENT (PD) DISTRICT**

### **29.1 GENERAL PURPOSE AND DESCRIPTION:**

- A. The City Council of the City of Kaufman, Texas, after public hearing and proper notice to all parties affected and after recommendation from the Planning and Zoning Commission, may authorize the creation of a Planned Development overlay district.
- B. The Planned Development (PD) District is a district which accommodates planned associations of uses developed as integral land use units such as industrial districts, offices, retail, commercial or service centers, shopping centers, residential developments of multiple or mixed housing including attached single-family dwellings or any appropriate combination of uses which may be planned, developed or operated as integral land use units either by a single owner or a combination of owners. A PD district may be used to permit new or innovative concepts in land utilization not permitted by other zoning districts in this Ordinance. While greater flexibility is given to allow special conditions or restrictions, which would not otherwise allow the development to occur, procedures are established herein to ensure against misuse of increased flexibility.

### **29.2 PERMITTED USES:**

- A. An application for a PD district shall specify the base zoning district upon which the PD is based, and the use or the combination of uses proposed (particularly if any of the proposed uses are not allowed by right in the base zoning district). In selecting a base zoning district, the uses allowed in the base district must be similar or compatible with those proposed for the PD. PD designations shall not be attached to SUP requirements. Specific Use Permits allowed in a base zoning district are allowed in a PD only if specifically identified at the time of PD approval, and if specifically cited as an “additional use” (i.e., to those allowed by right in the base zoning district) in the ordinance establishing the PD.
- B. In the case of residential PD districts for single-family or townhouse categories, the proposed lot area shall be no smaller than the lot sizes allowed in the base zoning district except for minor changes in a small percentage of the lots in order to provide improved design or flexibility in the layout of the subdivision.

### **29.3 PLANNED DEVELOPMENT REQUIREMENTS:**

- A. Development requirements for each separate PD district shall be set forth in the amending ordinance granting the PD district and shall include, but may not be limited to: uses, density, lot area, lot width, lot depth, yard depths and widths, building height, building elevations, coverage, floor area ratio, parking, access, screening, landscaping, accessory buildings, signs, lighting, project phasing or scheduling, management associations, and other requirements as the City Council and Planning and Zoning Commission may deem appropriate.
- B. In the PD district, uses shall conform to the standards and regulations of the base zoning district to which it is most similar. The base zoning district shall be stated in the granting ordinance. All applications to the City shall list all requested deviations from the standard requirements set forth throughout this Ordinance (applications without this list will be considered incomplete). The Planned Development district shall conform to all other regulations of the

base zoning district, as well as all other sections of the Zoning Ordinance, unless specifically changed or excluded in the ordinance establishing the PD.

- C. The ordinance granting a PD district shall include a statement as to the purpose and intent of the PD granted therein. A specific list is required of modifications in each district or districts and general statement citing the reason for the PD request.
- D. The minimum acreage for a planned development request shall be three (3) acres.

#### **29.4 PLAN SUBMITTAL REQUIREMENTS:**

In establishing a Planned Development district in accordance with this Section, the City Council shall approve and file as part of the amending ordinance appropriate plans and standards for each Planned Development district. To facilitate understanding of the request during the review and public hearing process, the concurrent submission of a Concept Plan for a proposed non-residential, multi-family or manufactured home project, or a Land Study for a proposed residential (i.e., single- or townhouse) project, shall be required along with the PD zoning application. A detailed Site Plan may be submitted in lieu of the Concept Plan (or a Preliminary Plat in lieu of the Land Study; see the Subdivision Ordinance for submission requirements) if the applicant prefers to do so, and if the applicant wishes to expend the resources/funds necessary to prepare a complete detailed Site Plan (or Preliminary Plat) submission (i.e., detailed engineering/architectural plans, etc.; see Section 39).

- A. **Concept Plan or Land Study** - This plan shall be submitted by the applicant at the time of the PD request (for exceptions, see Section 29.5(D)). The plan shall show the applicant's intent for the use of the land within the proposed Planned Development district in a graphic manner and, as may be required, supported by written documentation of proposals and standards for development. The City may prepare application form(s), which further describe and explain the following requirements:
  - 1. **Residential Land Study** - A Land Study plan shall be submitted with any residential PD zoning request for a development comprised of single-family (detached or attached) or townhouse dwellings on individually platted lots, and shall show general uses, phasing of the development, access, thoroughfares, alleys (if proposed), preliminary lot arrangements, proposed densities, proposed screening, landscaped or private amenity areas, project scheduling, and other pertinent development data. (See the Subdivision Ordinance for application procedures and requirements for a Land Study submission.)
  - 2. **Nonresidential Concept Plan** - A Concept Plan shall be submitted with any nonresidential, multi-family, or manufactured home PD zoning request, and shall clearly show all pertinent aspects of the type and nature of the proposed development. The Concept Plan shall show the types of use(s) proposed; access, topography and boundaries of the PD area; existing physical features of the site; existing and proposed streets, alleys, easements and lot lines; location of existing or proposed public facilities; building heights and locations; parking areas and ratios; fire lanes; screening and landscaped areas; project phasing and scheduling; and other pertinent development data to adequately describe the proposed development.

- a. A detailed Site Plan shall be submitted for approval (in accordance with Subsection B below, and with Section 39 of this Ordinance) within one (1) year from the approval date of the Concept Plan for all or some portion/lot of the Planned Development covered by the overall Concept Plan. If a detailed Site Plan is not submitted within one (1) year, then the Concept Plan may be subject to review by the Planning and Zoning Commission and City Council to determine its continued validity. If the City determines that the Concept Plan is no longer valid or that the proposed development is no longer viable, then a new Concept Plan (along with a zoning application to amend the PD ordinance and its accompanying Concept Plan) must be submitted for review and approval prior to detailed Site Plan review/approval (and any subsequent issuance of a building permit) for any portion of the PD district.
- B. **Site Plan (detailed)** - Submission and approval of the detailed Site Plan shall be in accordance with Section 39 of this Ordinance, and shall accompany an application for Planned Development zoning if the applicant prefers to submit the detailed Site Plan in lieu of the required Concept Plan. The detailed Site Plan will establish the final plans for development of the Planned Development district (or any portion/lot thereof), and it shall substantially conform to the site layout and development data approved on the Concept Plan (adopted along with the PD ordinance). If a Concept Plan was previously approved for the overall PD district, then a detailed Site Plan (along with the required engineering/architectural site construction plans) may be submitted for only the sections/lots that are proposed for immediate development rather than for the entire PD. If no Concept Plan was approved with the ordinance establishing the PD, then a detailed Site Plan (along with the required engineering/architectural site construction plans) must be submitted for the entire PD, even though only portions of it are proposed for immediate development.

For any single-family or townhouse residential district (A-O, SF-20, SF-10, SF-8, SF-6, or TH), a Preliminary Plat shall qualify as the detailed Site Plan.

## **29.5 APPROVAL PROCESS AND PROCEDURE:**

- A. The procedure for establishing a Planned Development zoning district shall follow the procedures for zoning amendments as set forth in Section 10 of this Ordinance. This procedure shall be expanded to include concurrent consideration and approval (or denial) of the Concept Plan (or Land Study for a residential PD) or the detailed Site Plan (or Preliminary Plat for a residential PD), which is submitted along with the PD zoning request application. The public hearings conducted for, and the subsequent actions taken upon, the PD zoning request shall also include the accompanying Concept Plan/Land Study or detailed Site Plan/Preliminary Plat.
- B. The ordinance establishing the Planned Development zoning district shall not be approved (or adopted) until the accompanying Concept Plan/Land Study or detailed Site Plan/Preliminary Plat is approved by the City Council, and until all other procedural requirements set forth in Section 10 are satisfied.
- C. When a zoning request for a Planned Development district is being considered, a written report from the Director (or his designee) discussing the project's impact upon planning, engineering, water utilities, electric, sanitation, building inspection, tax, police, fire and traffic, as well as written comments from applicable public agencies (such as the school district and/or utility companies), may be submitted to the Planning and Zoning Commission prior to the

Commission making any recommendations to the City Council. In the event written comments and advisement are not forthcoming in a reasonable amount of time, the Commission may, at its discretion, make a recommendation to the City Council without said comments or advisement.

D. All Planned Development zoning districts approved in accordance with the provisions of this Ordinance in its original form, or by subsequent amendments thereto, shall be referenced on the Zoning District Map, and a list of such Planned Development districts, showing the uses permitted and any other special stipulations of each PD district, shall be maintained as part of this Ordinance.

## **29.6 PRIOR PLANNED DEVELOPMENT ORDINANCES REMAINING IN EFFECT:**

Prior to adoption of this Ordinance, the City Council previously established certain Planned Development districts, some of which are to be continued in full force and effect. The ordinances or parts of ordinances approved prior to this Ordinance, specified in Table 29-1, shall be carried forth in full force and effect and are the conditions, restrictions, regulations and requirements which apply to the respective Planned Development districts shown on the Zoning District Map as of the effective date of this Ordinance.

## **29.7 SPECIAL REQUIREMENTS:**

- A. For site plan requirements, see Section 39.
- B. Unless specifically addressed in the Planned Development conditions all other requirements of the base district will apply in addition to all the requirements as established in the Development Standards, Sections 34 through 44.

**Table 29-1   Planned Developments (PD)**

<b>Ordinance #</b>	<b>PD</b>	<b>Planned Developments</b>	<b>Acres</b>	<b>Location</b>
	1	Original – 1980 Zoning Map		FM 1388 and Highway 34
O-19-99	2	Millennium Business Park	78.579	Highway 175
O-35-00	3	Five Points	556.46	Highway 34 South & CR 160
O-06-01	4	North Star	87.0	Shannon, FM 987 & Hwy 175
O-25-01	5	South Rim (Kings Fort) <b>Rescinded</b>	100.99	Hwy 175 & Tabor & Highway 34 bypass
O-12-02	6	South Rim (Kings Fort) <b>Rescinded</b>	108.69	Hwy 175 & Tabor & Highway 34 bypass
O-13-02	7	South Rim (Kings Fort)	190.0	Hwy 175 & Tabor & Highway 34 bypass
O-18-02	8	Prairie Creek Estates	61.463	Rand Road
O-08-04	9	Kings Fort Medical Complex	3.2391	Pyle & Shannon
O-07-06	10	Valley Park Phase 5	3.052	Valley Park Phase 5 - Phillips Circle
O-20-09	11	First Baptist Church Revised	35.232	Highway 175 & Fair Street- 1900 Fair Street
O-11-16	11 R	First Baptist Church	38.466	Highway 175 & Fair Street- 1900 Fair Street
O-13-11	12	Robert Eldridge	2.362	106 Booker Street



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## **SECTION 30        SPECIFIC USE PERMITS (SUP)**

### **30.1    SPECIFIC USES:**

The purpose of this overlay district is to allow certain uses within base zoning districts that, under most circumstances, would not be compatible with other permitted uses but with certain conditions and development restrictions may be compatible.

The City Council by an affirmative vote may, after public hearing and proper notice to all parties affected, and after recommendations from the Planning and Zoning Commission that the uses are in general conformance with the intent of the Comprehensive Plan and with general objectives of the City, and containing such requirements and safeguards as are necessary to protect adjoining property, authorize certain uses by a Specific Use Permit (SUP). As a zoning action, issuance of an SUP shall only apply to real property (i.e., shall not be attached to any person, business entity, etc.), shall not be transferred from one property to another (i.e., shall not move if a business operation relocates), and shall not expire without proper zoning action to rescind the SUP (i.e., change the zoning to remove the SUP, with appropriate public notification, public hearing, etc.).

A zoning application for an SUP shall be accompanied by a metes and bounds description and a survey (i.e., drawing) exhibit showing the property for which the SUP is being requested, and by a site plan (see Section 39) drawn to scale and showing the general arrangement of the project, together with essential requirements such as off-street parking facilities; size, height, construction materials, and locations of buildings and the uses to be permitted; location and construction of signs; means of ingress and egress to public streets; the type of visual screening such as walls, plantings and fences; and the relationship of the intended use to all existing properties and land uses in all directions to a minimum distance of three hundred feet (300'). The City shall make available application forms specifying drawing requirements. The Director (or his designee), 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. The site plan shall be reviewed and approved along with the SUP zoning application, and in accordance with Section 39 of this Ordinance.

### **30.2    SPECIFIC USE PERMIT REGULATIONS:**

A. In recommending that a Specific Use Permit for the premises under consideration be granted, the City shall determine that such uses are harmonious and adaptable to building structures and uses of abutting property and other property in the vicinity of the premises under consideration, and shall make recommendations as to requirements for the paving of streets, alleys and sidewalks, means of ingress and egress to public streets, provisions for drainage, adequate off-street parking, screening and open space, heights of structures, and compatibility of buildings. In approving a requested SUP, the Planning and Zoning Commission and City Council may consider any or all of the following:

1. The use is harmonious and compatible with surrounding existing uses or proposed uses;
2. The activities requested by the applicant are normally associated with the permitted uses in the base district;
3. The nature of the use is reasonable;

4. Any negative impact on the surrounding area has been mitigated; and/or
5. That any additional conditions specified ensure that the intent of the district purposes are being upheld.

B. In granting a Specific Use Permit, the Planning and Zoning Commission and City Council may impose conditions which shall be complied with by the owner or grantee before a certificate of occupancy may be issued by the Building Official, or his designee, 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 writing by the City Council prior to issuance of the Certificate of Occupancy, and shall be incorporated into the amending ordinance establishing the SUP.

C. No Specific Use Permit shall be granted unless the applicant, owner and grantee of the Specific Use Permit shall be willing to accept and agree to be bound by and comply with the written requirements or conditions of the Specific Use Permit, as incorporated into the amending ordinance establishing the SUP, and as reviewed by the Planning and Zoning Commission and approved by the City Council.

D. A building permit or certificate of occupancy shall be applied for and secured within six (6) months from the time of granting the Specific Use Permit, provided however, that the City Council may authorize one (1) extension of one (1) additional six (6) month period. After a one (1) year period including the one (1) six (6) month extension, if such has been granted by City Council, has elapsed, the Planning and Zoning Commission and City Council may review the site plan for continued validity and compliance. If the site plan is determined to be invalid or no longer viable, then the applicant/property owner(s) must submit a new or revised site plan for approval prior to any construction or to application for a building permit for the area designated for the Specific Use Permit. The new site plan must be resubmitted for review and approval in accordance with Section 39 of this Ordinance. If building construction/use of an SUP has not commenced within a reasonable amount of time after one (1) year, then the City Council, at its option, may initiate proceedings to rescind said SUP for lack of use.

E. No building, premise, or land used under a Specific Use Permit may be enlarged, modified, structurally altered, or otherwise significantly changed unless an amended Specific Use Permit is granted for such enlargement, modification, structural alteration, or change.

Minor changes or alterations may be approved by the Director, or his designee.

F. The Zoning Board of Adjustments 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.

G. When the City Council authorizes granting of a Specific Use Permit, the 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 a "SUP", or "S" designation.

H. \*A time limit may be imposed as a condition upon the granting of an SUP. If a time limit has been imposed, the SUP automatically terminates when the time limit expires. Except as otherwise provided in Subsection 30.2.I.; the applicant shall go through the procedures outlined above in Subsection 30.2.A-30.2G to renew an SUP.

I. \*As part of an SUP ordinance or ordinance amendment, the city council may declare that an SUP is eligible for automatic renewal pursuant to this subsection. Automatic renewal is an alternative to the standard method of renewing an SUP by amending the SUP ordinance. In order for automatic renewal to occur, the property owner or his representative must file a complete application for automatic renewal with the director after the 180th day but before the 120th day before the expiration of the current SUP time period. If a fee is required, the application is not considered "filed" until the fee is paid.

1. Automatic renewal does not result in an amendment to the SUP ordinance. An applicant seeking to change the SUP conditions or to otherwise amend the SUP ordinance must go through the procedures outlined in Subsection (b).
2. An application for automatic renewal must be filed with the director on a form furnished by the city for that purpose. As part of the application, the property owner or his representative shall state that all existing SUP conditions have been complied with, and that no changes to the conditions or other SUP ordinance provisions are being requested.
3. Failure to timely file a complete application required under Paragraph (1) renders the SUP ineligible for automatic renewal. The city council may, however, reinstate an SUP's eligibility for future automatic renewals as part of a new SUP ordinance or ordinance amendment.
4. Upon the filing of a complete application for automatic renewal, the director shall send written notice to all owners of real property lying within two hundred feet (200') of the area governed by the SUP. The notice must state that the SUP is eligible for automatic renewal and may be automatically renewed without further notice.
5. If the owners of twenty percent (20%) or more of the land within two hundred feet (200') of the area governed by the SUP file a written protest against the automatic renewal in accordance with this paragraph, the director shall forward the application to the city plan commission and city council for further action. Written protests against an automatic renewal must be filed with the director before 5:00 p.m. of the 21st calendar day after the date the notice is mailed. A protest sent through the mail must be received by the director before the deadline. If the deadline falls on a Saturday, Sunday, or an official city holiday; then the protests must be filed before noon of the following working day. To the extent that they do not conflict with this subsection, the provisions of Section 10.8.D governing written protests in zoning cases apply to protests filed under this subsection.
6. After the deadline for filing written protests has passed, the director shall review the conditions of the SUP and determine whether the conditions have been met. If the director determines that the conditions have not been met, he shall forward the application to the city plan commission and city council for further action.
7. "Further action" as that term is used in Paragraphs (5) and (6) means that the director shall schedule the application for public hearings before both the city plan commission and the city council. Notice of the public hearings must be given as would be required by law for a change in zoning district classification. The city plan commission shall make a recommendation to the city council regarding the proposed renewal based on staff reports, field inspections, and the evidence presented at its public hearing.

8. In connection with an application that has been forwarded to it by the director pursuant to Paragraph (5) or (6), the city council may:
  - a. pass an amending ordinance to repeal the SUP's eligibility for automatic renewal, or to supplement, remove, or amend any of the conditions or other provisions in the SUP ordinance; or
  - b. take no action and thereby allow the SUP to automatically renew as a matter of law.
9. No renewal or expiration of an SUP may occur while the application is pending before the city plan commission or city council. If the application is pending at the end of the current time period stated in the SUP ordinance, the time period shall be extended as a matter of law until:
  - a. the day following the next succeeding official agenda meeting of the city council after the council makes its final decision on the application; or
  - b. if the council votes to pass an amending ordinance, until the effective date of the amending ordinance.
10. The renewal of an SUP eligible for automatic renewal occurs as a matter of law at the end of the current time period as stated in the SUP ordinance, or as extended pursuant to Subparagraph (9). Unless otherwise specified in the SUP ordinance, an automatic renewal is for the same time period as the immediately preceding time period [excluding, if applicable, extensions pursuant to Subparagraph (9)].
11. An SUP that is automatically renewed pursuant to this subsection may continue to be automatically renewed in perpetuity so long as the owner or his representative continues to timely file the applications for automatic renewal required under Section 30.2.I. Failure to timely file this application during any renewal period renders the SUP ineligible for further automatic renewal. The city council may, however, reinstate the SUP's eligibility for future automatic renewals as part of a new SUP ordinance or ordinance amendment.
12. This subsection does not impair the ability of the city plan commission or city council to call a public hearing on its own motion for the purpose of passing an amending ordinance to repeal an SUP's eligibility for automatic renewal, or to supplement, remove, or amend any of the conditions or other provisions in an SUP ordinance.

**\*Amended April 22, 2013 by Ordinance O-02-13**

### **30.3 USE REGULATIONS:**

Uses permitted by SUP are specified in Section 33 (Use Charts).

### **30.4 PRIOR SUP ORDINANCES REMAINING IN EFFECT:**

Prior to adoption of this Ordinance, the City Council had established various SUP's, some of which are to be continued in full force and effect. The permits or parts of permits approved prior to this Ordinance, and specified in Table 30-1, shall be carried forth in full force and effect and are the conditions, restrictions, regulations and requirements which apply to the respective Specific Use Permits shown on the Zoning District Map as of the effective date of this Ordinance.

### 30.5 SPECIAL REQUIREMENTS:

- A. For site plan requirements, see Section 39.
- B. Unless specifically addressed in the Specific Use Permit (SUP) conditions all other requirements of the base district will apply in addition to all the requirements as established in the Development Standards, Sections 34 through 44.

**Table 30-1 Specific Use Permits (SUP)**

<b>SUP</b>	<b>Ord #</b>	<b>Time Limit</b>	<b>Purpose</b>	<b>Address</b>
1	O-06-98	NA	Private club for alcoholic beverage sales	905 E. Mulberry Street
2	O-12-98	NA	Private club for alcoholic beverage sales	703 E. Fair Street
2R	O-07-99	NA	Private club ... <b>Repealed</b>	703 E. Fair Street.
3	O-08-99	NA	Private club for alcoholic beverage sales	703 E. Fair Street
3R	Demo	NA	Private club ... <b>Repealed</b>	703 E. Fair Street
4	O-08-00	NA	Commercial Garden Center	2813 E. Highway 175
4	O-33-00	NA	Commercial ... <b>Repealed</b>	2813 E. Highway 175
5	O-10-00	NA	Wedding Receptions	401 N. Jackson
5R	Demo	NA	Wedding ... <b>Repealed</b>	401 N. Jackson
6	O-16-00	NA	Major auto repairs	41 Oak Creek Drive
7	O-32-00	NA	Major auto repair	2813 E. Highway 175
8	O-24-00	NA	Cabinet Shop	2210 South Washington, Suite 6
9	O-25-00	NA	LP gas installation	550 WWT Plant Road
10	O-08-01	NA	Used car sales	2813 E. Highway 175
11	O-05-03	NA	Private club for alcoholic beverage sales	1917 S. Washington
12	O-09-04	NA	Private club for alcoholic beverage sales	La Pradera @ 404 E Highway 175
12A	O-15-14	2 yrs.	Amended Private club for alcoholic ...	La Pradera @ 404 E. Highway 175
13	O-27-07	NA	Ambulance Service	305 West Grove
14	O-03-08	NA	Private club for alcoholic beverage sales	9 Oak Creek Drive, Suite B & C
14A	O-18-09	NA	Amended Private club for alcoholic ...	9 Oak Creek Drive, Suite B & C
15	O-08-09	5 yrs.	Automotive Car Wash	501 S. Washington
15R	O-18-14	5 yrs.	Renewed Automotive Car Wash	501 S. Washington
16	O-08-09	5 yrs.	Minor Auto Repair	501 S. Washington
16R	O-18-14	5 yrs.	Renewed Minor Auto Repair	501 S. Washington
17	O-11-09	NA	Major Auto Repair	33 Oak Creek Drive
18	O-18-09	NA	Private club for alcoholic beverage sales	9 Oak Creek Dr., Suites B C D E
19-A	O-02-10	NA	Monument Sign Face w/more than 100 SF	850 Ed Hall Drive
19-B	O-13-10	NA	Private club for alcoholic beverage sales	101 N. Jackson Street
20	O-08-10	NA	Communications Tower	1900 E. US Hwy 175
21	O-10-10	NA	Indoor Auto Part Sales	902 S. Washington
22	O-10-11	NA	Private club for alcoholic beverage sales	2250 S. Washington
22A	O-40-17	NA	Amended Private club for alcoholic ...	2250 S. Washington
23	O-11-11	NA	Multiple Lot Shared Pole Sign	2220 S. Washington & Crossroads



## SECTION 31 WASHINGTON STREET CORRIDOR OVERLAY (WSC)

### 31.1 GENERAL PURPOSE AND DESCRIPTION: Amended by O-22-13 on 01-27-14

The intent of the creation of the Washington Street Corridor (WSC) is to provide support for the development of a **unified** area with a distinct identity as a *mixed-use* development within the City of Kaufman. It is intended to approve the aesthetics of the area as well as aide in the new development of the Corridor.

### 31.2 PERMITTED USES:

- A. Uses permitted in the WSC district are outlined in Section 33 (Use Charts).

### 31.3 AREA REGULATIONS:

#### A. Size of Yards:

1. **Minimum Front Yard** – Twenty five feet (25')
2. **Minimum Side Yard** - Fifteen feet (15') if adjacent to residential use or zone
3. **Minimum Rear Yard** - Fifteen feet (15') if adjacent to residential use or zone
4. Special set back exceptions allowed through the Site Plan process as noted in Section 39

#### B. Size of Lot:

1. Minimum Lot Area – Ten thousand (10,000) square feet
2. Minimum Lot Width – Seventy five feet (75') minimum
3. Minimum Lot Depth – One hundred feet (100') minimum

#### C. Maximum Height Regulations:

1. Three (3) stories or forty-five feet (45') for the main building.
2. One (1) story for accessory buildings.
3. Other (Section 40).

#### D. Maximum Lot Coverage – Fifty percent (50%)

#### E. Minimum Building Separation - Ten feet (10')

#### F. Parking Regulations:

1. Parking shall conform to the standards of the City of Kaufman Zoning Ordinance Section 35.
2. Parking reduction of up to fifteen percent (15%) may be allowed through the Site Plan approval process as noted in Section 39.

### 31.4

### **SPECIAL REQUIREMENTS:**

#### **A. Mixed Use Criteria**

1. Single-family living quarters are to be located above commercial business.
2. Existing Non-Conforming Land Uses will be allowed to continue until abandoned, at which time they will no longer be allowed to reoccupy any structure in this district. (See Section 34)

#### **B. Site Layout:**

1. Circulation between development sites shall be required in order to provide all development sites with street access and to smooth the flow of traffic both on site and on the public roadways. Joint access easements between development sites shall be provided.
2. One (1) curb cut shall be allowed for each seventy-five feet (75') of frontage, but curb cuts may not be closer than one hundred feet (100') centerline to centerline.

#### **C. Landscaping and Streetscaping**

1. Landscaping- each lot shall maintain a minimum of twenty percent (20%) of the site in landscaping.
  - a. The amount of landscaping may be reduced by one hundred twenty square feet (120 sf) for each additional three inch (3") caliper tree that is planted. However, in no case shall the landscape area be less than 15% of the site area. This does not include the trees, which are required for parking areas or streetscaping.
  - b. One (1) tree shall be provided for each 5 parking spaces within the parking lot area. Irrigation must be supplied for all landscaping.
2. A buffer area shall be placed adjacent to the roadway by placing a minimum three foot (3') high solid shrub hedge, berm, or combination of these, but not exceed five feet (5') in height.
  - a. In no case shall the slope of a berm exceed 3:1 unless it is being retained on the private property side of the berm.
  - b. Railroad ties shall not be used for retaining.
  - c. The three feet (3') high berm shall be used along the frontage as the screening method along the roadway, unless prevented due to unique site conditions.
  - d. The berm shall be located at least ten feet (10') from the edge of pavement.

**D. Architectural Standards**

1. Materials

- a. Materials shall conform to the standards of the City of Kaufman Zoning Ordinance, Section 40.9.
- b. Additional material allowed - 100% cementitious siding as approved by the Building Official, or his designee.

2. Design

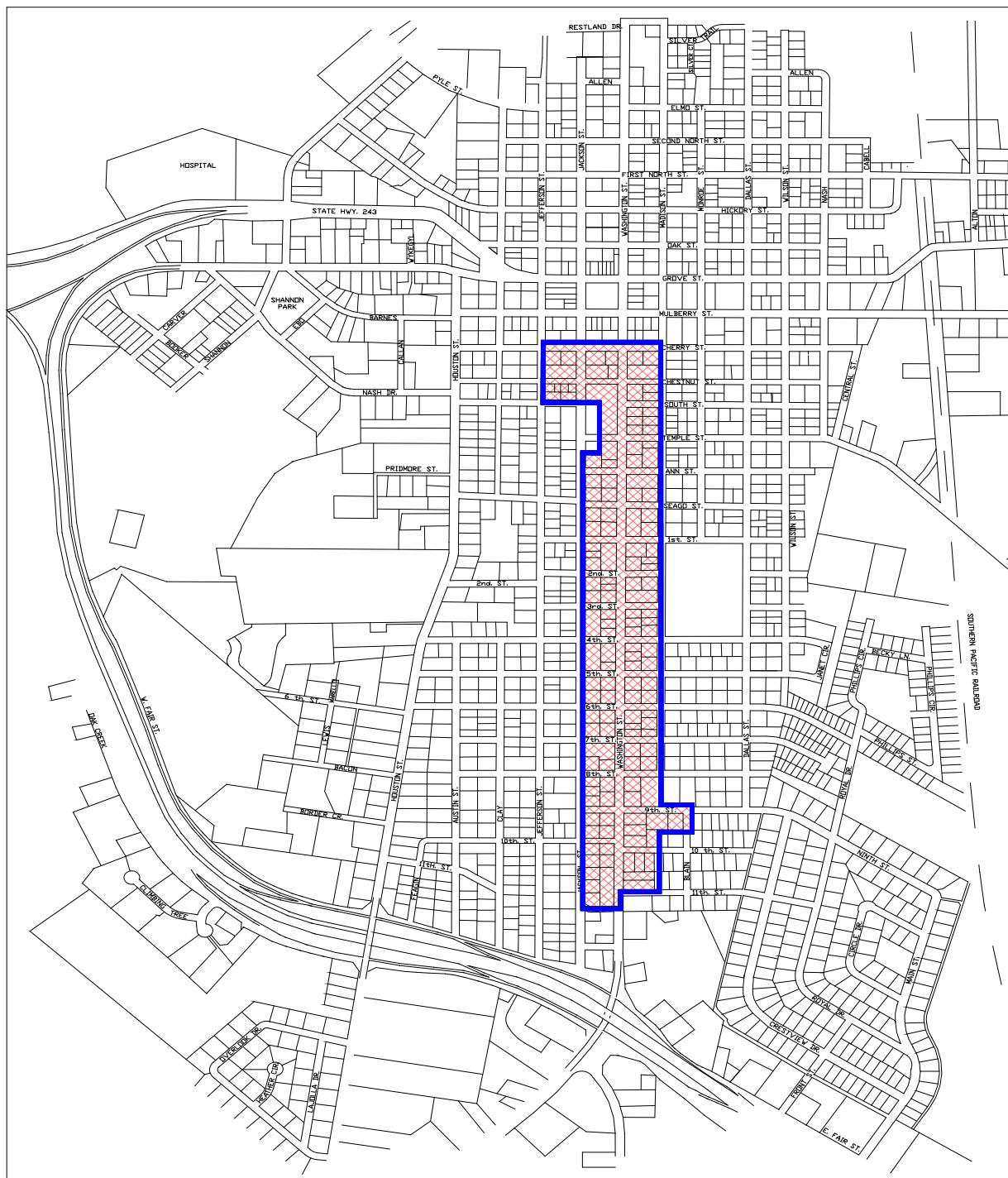
- a. Each building must contain a minimum of 2 roof pitches. Window articulation and character detail is encouraged.

**E. Utilities Shall be Located Underground.**

**F. For Site Plan Requirements, see Section 39.**

**G. Other Regulations** – see Development Standards requirements, Section 34 - 44.

# WASHINGTON STREET CORRIDOR MAP



## **SECTION 32**

**(Reserved)**

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## IV. USE REGULATIONS

### SECTION 33 USE REGULATIONS (CHARTS)

#### 33.1 GENERAL PURPOSE AND DESCRIPTION: Amended by O-23-13 on 01-27-14

A. The use of land and/or buildings shall be in accordance with those listed in the following Use Charts. No land or building shall hereafter be used and no building or structure shall be erected, altered, or converted other than for those uses specified in the zoning district in which it is located. The legend for interpreting the permitted uses in the Use Charts is:

P
S
TU

Designates use prohibited in District indicated  
Designates use permitted in District indicated  
Designates use requires a Specific Use Permit (See Section 30)  
Designates use requires a Temporary Use Permit (See Section 40.8)

B. Certain uses (as identified by an asterisk (\*) in the following Use Tables) that may otherwise be allowed in a district but are deemed incompatible with adjacent residential uses shall observe the following restrictions:

1. A minimum sixty feet (60') separation between the residential property line and any structures, dumpsters, storage, drive-through lanes, loading docks, heavy vehicle parking or lighting fixtures.
2. If the minimum separation cannot be established then those uses deemed incompatible shall not be allowed on those lots abutting a residential property line.

C. If a use is not listed, it is not allowed in any zoning district (See Section 33.3 below for adding new/unlisted uses).

**NOTE: See Definitions in Subsection 33.5 for further description of uses.**

#### 33.2 USE CHART ORGANIZATION:

1. Primary Residential Uses (See Chart 1)
2. Education, Institutional, Public, and Special Uses (See Chart 2)
3. Accessory and Incidental Uses (See Chart 3)
4. Recreational and Entertainment Uses (See Chart 4)
5. Office and Professional Uses (See Chart 5)
6. Retail and Related Service Uses (See Chart 6)
7. Automobile and Related Uses (See Chart 7)
8. Commercial Uses (See Chart 8)

9. Transportation Related Uses (See Chart 9)
10. Utility and Service Uses (See Chart 10)
11. Industrial and Related Uses (See Chart 11)
12. Washington Street Corridor Overlay (See Chart 31.1)

**33.3 CLASSIFICATION OF NEW/UNLISTED USES** - It is recognized that new types of land use will develop and forms of land use not presently anticipated may seek to locate in the City of Kaufman. In order to provide for such changes and contingencies, a determination as to the appropriate classification of any new or unlisted form of land use in the Use Charts 1-11 shall be made as follows:

**A. Initiation:**

1. Any person, City Department, the Planning and Zoning Commission, or City Council may propose zoning amendments to regulate new and previously unlisted uses.
2. A person requesting the addition of a new or unlisted use shall submit to the Director, or his designee, all information necessary for the classification of the use, including but not limited to:
  - a. The nature of the use and whether the use involves dwelling activity, sales, services, or processing;
  - b. The type of product sold or produced under the use;
  - c. Whether the use has enclosed or open storage and the amount and nature of the storage;
  - d. Anticipated employment typically anticipated with the use;
  - e. Transportation requirements;
  - f. The nature and time of occupancy and operation of the premises;
  - g. The off-street parking and loading requirements;
  - h. The amount of noise, odor, fumes, dust, toxic materials and vibration likely to be generated; and
  - i. The requirements for public utilities such as sanitary sewer and water and any special public services that may be required.
- B. The Director, or his designee, shall refer the question concerning any new or unlisted use to the Planning and Zoning Commission requesting a recommendation as to the zoning classification into which such use should be placed. The referral of the use interpretation question shall be accompanied by the statement of facts in "2" above. An amendment to this Ordinance shall be required as prescribed by Section 10.

- C. The Planning and Zoning Commission shall consider the nature and described performance of the proposed use and its compatibility with the uses permitted in the various districts and determine the zoning district or districts within which such use is most similar and should be permitted.
- D. The Planning and Zoning Commission shall transmit its findings and recommendations to the City Council as to the classification proposed for any new or unlisted use. The City Council shall approve or disapprove the recommendation of the Planning and Zoning Commission or make such determination concerning the classification of such use as is determined appropriate based upon its findings. If approved, the new or unlisted use shall be amended in the use charts of the Zoning Ordinance according to Section 10.
- E. Standards for new and unlisted uses may be interpreted by the Director, or his designee, as those of a similar use. When a determination of the appropriate zoning district cannot be readily ascertained, the same criteria outlined above ("B through D") shall be followed for determination of the appropriate district. The decision of the Director, or his designee, may be appealed according to the process outlined in "B" through "D" above and shall be processed as a change in zoning with the same applicable fees.

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## SECTION 33.4 - USE CHARTS

### CHART - 1 CITY OF KAUFMAN, TEXAS ZONING ORDINANCE

\* Must  
follow  
Sec. 33.1.B

Legend for Interpreting Schedule of Uses		
Designates use prohibited in District indicated		
Designates use permitted in District indicated		
Designates use requires a Specific Use Permit		
Designates use requires a Temporary Use Permit		

PRIMARY RESIDENTIAL USES	Definitions	AO	SF-20	SF-10	SF-8	SF-6	TH	MF-1	MF-2	MH	O	LR	R	CBD	C	LI	HC	WSC
Bed and breakfast inn or facility	22	P	S	S	S			S	S			S	P	P				P
Independent living housing for the elderly/senior	13 46 94 161						S	P	P					S				
Manufactured (HUD code) home	127									P								
Manufactured home park (see section 21)	126									P								
Multiple family dwelling (apartment)	137							P	P					P				
Patio home (zero lot line dwelling or garden home)	159						P	P										
Single family dwelling attached	203						P	P	P					P				
Single family dwelling detached	204	P	P	P	P	P	P	P	P	P				P				P
Single family dwelling located above commercial business ►																		P
Two-family dwelling (duplex)	244						P	P	P									

►Amended January 27, 2014 by Ordinance O-23-13

**CHART - 2**  
**CITY OF KAUFMAN, TEXAS**  
**ZONING ORDINANCE**

\* Must  
 follow  
 Sec. 33.1.B

**Legend for Interpreting Schedule of Uses**

	Designates use prohibited in District indicated
<b>P</b>	Designates use permitted in District indicated
<b>S</b>	Designates use requires a Specific Use Permit
<b>TU</b>	Designates use requires a Temporary Use Permit

EDUCATIONAL, INSTITUTIONAL AND SPECIAL USES	Definitions	AO	SF-20	SF-10	SF-8	SF-6	TH	MF-1	MF-2	MH	O	LR	R	CBD	C	LI	HC	WSC
Art gallery or museum	12										P	P	P	P	P	P	P	P
Assisted living facility for 7 + elderly / disabled persons	13							P	P		S	P	P		P	S	S	S
Cemetery or mausoleum	34	S	S	S	S	S	S	S	S						P			
Cemetery, animal	35																	
Church, rectory or temple	39	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
College or university	40	S	S	S	S	S	S	S	S	S	S	S	S	S	P	P	P	S
Civic/Community center (public)	39 178	P						P	P	P	P	P	P	P	P	P	P	S
Community home (6 or less disabled persons)	42	P	P	P	P	P	P	P	P	P								
Continuing care retirement community	46																	
Day care center (child care for 7+ unrelated children )	54							P	P		S	P	P		P	S	S	S
Family home (child care - 6 or less)	66	P	P	P	P	P	P	P	P	P								
Fraternal organization, lodge, union hall / civic club	77	S									S	S	P	P	P	P	P	P
Hospital	91a 91b 129										S	S	S	S	P	P	P	P
Household Care Home ►	92a							S	S						S	S		
Household Care Facility ►	92b														S	S		
Household Care Institute ►	92c														S			
Inst. for alcoholic, narcotic or psychiatric treatment	183														S	S		
Inst. of charitable or philanthropic nature	144	S	S	S	S	S	S	S	S	S	P	S	S	P	P	P	S	
Nursing, convalescent home or hospice	92b 92c 141							S	S		S		P		P	P	P	
Personal elderly care facility for 6 or less - state licensed	92a 160	P	P	P	P	P	P	P	P	P								
Rehabilitation care facility (halfway house)	182															S		
School, business	193														S	P	P	P
School, commercial trade	194														S	P	P	P
School, private (primary or secondary)	62 98 195	S	S	S	S	S	S	S	S	S	S	S	S	P	P	P	S	P
School, public or parochial	62 196	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P

►Amended November 26, 2012 by Ordinance O-16-12

**CHART - 3**  
**CITY OF KAUFMAN, TEXAS**  
**ZONING ORDINANCE**

\* Must  
 follow  
 Sec. 33.1.B

Legend for Interpreting Schedule of Uses		
Designates use prohibited in District indicated		
Designates use permitted in District indicated		
Designates use requires a Specific Use Permit		
Designates use requires a Temporary Use Permit		
P	S	TU

ACCESSORY & INCIDENTAL USES	Definitions	AO	SF-20	SF-10	SF-8	SF-6	TH	MF-1	MF-2	MH	O	LR	R	CBD	C	LI	HC	WSC
Accessory bldg. - commercial (business or industry) ►►►►	2										P	P	P		P	P	P	
Accessory building - residential	1	P	P	P	P	P	P	P	P	P								P
Caretaker's or guard's residence	31 200	P	P							P	P	P	S	S	S	S	P	P
* Festivals, carnivals or special events	32 156											T	U	T	U	T	U	T
Garage/accessory dwelling	81	P	S															
Home occupation	90	P	P	P	P	P	P	P	P	P								
Off-street parking ►►	147	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
On-street parking (subject to no parking ordinances)	149	P	P	P	P	P	P	P	P	P				P				
Outside display of retail goods (no overnight display)	150											S	P	S	P	P	P	P
Outside sidewalk displays of retail goods, merchandise or materials (with no overnight display) ►►►	151												S					
Seasonal and temporary uses	143 199	T U									T U	T U		T U	T U	T U	T U	T U
Seasonal and temporary uses (CBD only) ►	199												T U					
Temporary classrooms for church or school	227	T U																
Temporary field office or construction yard or office	226	T U																
Wedding receptions in residential districts	250	T U																

- Amended May 18, 2009 by Ordinance O-05-09
- Amended May 24, 2010 by Ordinance O-09-10
- Amended July 20, 2020 by Ordinance O-16-20
- Amended June 28, 2021 by Ordinance O-32-21

**CHART - 4**  
**CITY OF KAUFMAN, TEXAS**  
**ZONING ORDINANCE**

\* Must  
 follow  
 Sec. 33.1.B

**Legend for Interpreting Schedule of Uses**

<b>P</b>	Designates use prohibited in District indicated
<b>S</b>	Designates use permitted in District indicated
<b>TU</b>	Designates use requires a Specific Use Permit
	Designates use requires a Temporary Use Permit

RECREATIONAL AND ENTERTAINMENT USES	Definitions	AO	SF-20	SF-10	SF-8	SF-6	TH	MF-1	MF-2	MH	O	LR	R	CBD	C	LI	HC	WSC
Alcoholic beverage sales in conjunction with a restaurant (per Sec 40.10) ►	172												S	S	S	S	S	S
Amusement arcade	7												S	S	P	P		S
Amusement, commercial (indoor)	7												S	S	P	P	S	S
Amusement, commercial (outdoor)	8 32													S	S	S		
Athletic field or stadium (private)	15																	
Athletic field or stadium (public)	14	P	P	P	P	P	P	P	P					P	P	P		
Country club (private)	50	P	S	S	S	S	S	S	S	S				S	S	S		
Dance hall	52																	
Day camp for children	53	P	S	S	S	S	S	S	S	S			P		P	S	S	S
Fairgrounds or exhibition area	64	S													S			
Golf course	8 50 84	P	S	S	S	S	S	S	S	S				S	S	S		
Health, fitness, sports club (indoors only)	216												S	S	P	S	P	P
Park or playground (public)	156	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Park or playground (private) non-commercial	155	S	S	S	S	S	S	S	S	S								S
Private club (restaurant alcohol sales)	172													S	S	S	S	S
Rodeo grounds	64 156	S														S		
RV (Recreational Vehicle) park	180																	
Sexually oriented business (see code of ord. Ch. 118)	201															P		
Stable (commercial)	205	P														S		
Stable (private)	206	P	S															
Swimming pool (commercial)	216 220													S	S	S	S	
Swimming pool (private)	219 221	P	P	P	P	P	P	P	P	P								P
Tennis court (private) lighted	228	S	S	S	S	S	S	S	S	S								
Tennis court (private) no lights	228	P	P	P	P	P	P	P	P	P								P
Theater (open drive-in)	229															S		
Theater or playhouse (indoor)	230												S	S	P	P	P	P
Zoo (private)	260	S																
Zoo (public)	261	S														S		

► Amended 02-23-2015 by O-01-15

**CHART - 5**  
**CITY OF KAUFMAN, TEXAS**  
**ZONING ORDINANCE**

\* Must  
 follow  
 Sec. 33.1.B

Legend for Interpreting Schedule of Uses		
Designates use prohibited in District indicated		
Designates use permitted in District indicated		
Designates use requires a Specific Use Permit		
Designates use requires a Temporary Use Permit		
P	S	
S	TU	
TU		

OFFICE AND PROFESSIONAL USES (See definition 93)	Definitions	AO	SF-20	SF-10	SF-8	SF-6	TH	MF-1	MF-2	MH	O	LR	R	CBD	C	LI	HC	WSC
* Financial institution with drive-thru service	19										S	S	S		P	P	P	S
Financial institution without drive-thru	19										P	P	P	P	P	P	P	P
Massage therapist - state licensed	129 d										S	S	S	S	S			
Medical testing, experimental or research laboratory	102 129 197										S	S	S	P	P	P		
Medical, dental or optician clinic, laboratory or office	129										P	P	P	P	P	P	P	P
Offices, general business and professional	144 145										P	P	P	P	P	P	P	P
* Radio or television broadcasting with tower	218										S				S	P	S	
Radio or television broadcasting without tower	218										P	P	P	P	P	P	P	P
Telemarketing agency	222										P	S	P	S	P	P	P	

**CHART - 6**  
**CITY OF KAUFMAN, TEXAS**  
**ZONING ORDINANCE**

\* Must  
 follow  
 Sec. 33.1.B

Legend for Interpreting Schedule of Uses	
P	Designates use prohibited in District indicated
S	Designates use permitted in District indicated
MF-1	Designates use requires a Specific Use Permit
MF-2	Designates use requires a Temporary Use Permit

RETAIL AND SERVICE USES (See definition 93) (See definition 201)	AO	SF-20	SF-10	SF-8	SF-6	TH	MF-1	MF-2	MH	O	LR	R	CBD	C	LI	HC	WSC
* Animal humane society	96 97													S	P		
Antiques (indoors)	11									S	P	P	P	P	P	P	P
Appliance sales and repair (no outside storage)	79 188									P	P	P	P	P	P	P	P
Appliance, tool or furniture rental (indoors)	79 233									S	P	S	P	P	P	P	P
Bakery or confectionary (retail) (WSC only)	17																P
Banking, automatic teller only	19									P	P	P	P	P	P	P	P
Bldg. mat'l's, hardware/home improvement (indoor only)	27 188									P	P	P	P	P	P	P	P
*Bldg. mat'l's, hardware/ home improve (outdoor storage)	27 188									S		P	P	P			
*Commercial laundry (dry cleaning plant)	41											S	P				
Consignment shop (indoors)	11 191									S	P	P	P	P	P	P	P
*Convenience store with gasoline sales	16 47 82									S	P		P	P	S		
Convenience store without gasoline sales	47									P	P		P	P	S		
Donut, bakery or confectionery shop	17 18									S	P	P	P	P	P	P	P
Dry cleaners	41 60									S	P	P	S	P	P	P	P
*Food store greater than 7,500 sf	75 189									S	P		P	P	P	P	P
Food store less than 7,500 sf	75 189									P	P	S	P	P	P	P	P
Funeral home or mortuary	79									S		P	P	S			
Retail stores, general merchandise (indoor only) (WSC only)	188 189																P
* Retail stores, general merchandise or services greater than 7500 sf	75 188 189									S	P	S	P	P	P	P	P
Retail stores, general merchandise or services less than 7,500 sf	75 188 189									S	P	P	P	P	P	P	P
Greenhouse/ plant nursery w/outside display (retail)	140										S		P	P	P		
Kiosk	99									S	S	S		S	S	S	
Laundromat / washateria self-service	104									P	P		P	P	P		
Light equipment sales or rental (outdoor display)	204											S	P				

**CHART – 6 (Continued)**  
**CITY OF KAUFMAN, TEXAS**  
**ZONING ORDINANCE**

\* Must  
 follow  
 Sec. 33.1.B

**Legend for Interpreting Schedule of Uses**

<b>P</b>	Designates use prohibited in District indicated
<b>S</b>	Designates use permitted in District indicated
<b>TU</b>	Designates use requires a Specific Use Permit
	Designates use requires a Temporary Use Permit

RETAIL AND SERVICE USES (See definition 93) (See definition 201)	Definitions	AO	SF-20	SF-10	SF-8	SF-6	TH	MF-1	MF-2	MH	O	LR	R	CBD	C	L1	HC	WSC
Mini-warehouse	130												<b>S</b>	<b>P</b>	<b>P</b>			
Outside sidewalk displays of retail goods, merchandise or materials (with no overnight display) ►►	151													<b>S</b>				
Pawn shop	160														<b>P</b>	<b>P</b>		
Personal service use (barber/beauty shop, tailor, shoe repair, seamstress, etc.)	161 162												<b>S</b>	<b>P</b>	<b>P</b>	<b>P</b>	<b>P</b>	<b>P</b>
Pet shop and grooming	163												<b>S</b>	<b>P</b>		<b>P</b>	<b>P</b>	<b>P</b>
Pharmacy / drug store	188 189												<b>S</b>	<b>P</b>	<b>P</b>	<b>P</b>	<b>S</b>	<b>P</b>
Produce stand w/ outside display (not temporary)	173	<b>P</b>											<b>S</b>		<b>P</b>	<b>P</b>	<b>S</b>	
Recycling kiosk	181														<b>P</b>	<b>P</b>		
Restaurant without drive thru service	186												<b>S</b>	<b>P</b>	<b>P</b>	<b>P</b>	<b>P</b>	<b>P</b>
*Restaurant with drive thru service	186												<b>S</b>	<b>P</b>		<b>P</b>	<b>P</b>	<b>S</b>
Seasonal and temporary uses	199 224	<b>T</b> <b>U</b>											<b>T</b>	<b>U</b>	<b>T</b>	<b>U</b>	<b>T</b>	<b>U</b>
Studio, decorator, artist, photographer	12												<b>P</b>	<b>P</b>	<b>P</b>	<b>P</b>	<b>P</b>	<b>P</b>
Studio, music, dance or drama	86 218												<b>S</b>	<b>P</b>	<b>P</b>	<b>P</b>	<b>P</b>	<b>S</b>
Studio, tattoo or body piercing	217														<b>S</b>			
Swimming instruction as home occupation	219	<b>S</b>	<b>S</b>	<b>S</b>	<b>S</b>	<b>S</b>	<b>S</b>	<b>S</b>	<b>S</b>	<b>S</b>								
Used merchandise or second hand thrift store (inside)	11 191												<b>S</b>	<b>S</b>	<b>S</b>	<b>P</b>	<b>P</b>	<b>S</b>
Veterinarian hospital (with outside animal pens)	97 249	<b>P</b>														<b>S</b>		
Veterinarian office/hospital (inside animal pens only)	96 249	<b>P</b>													<b>S</b>	<b>P</b>		<b>P</b>
Wedding reception/private party facility	250												<b>S</b>	<b>S</b>	<b>P</b>	<b>P</b>	<b>S</b>	

► Amended 02-16-2016 by O-08-2015  
 ►► Amended 07-27-20 by Ordinance O-16-20

**CHART - 7**  
**CITY OF KAUFMAN, TEXAS**  
**ZONING ORDINANCE**

\* Must  
 follow  
 Sec. 33.1.B

**Legend for Interpreting Schedule of Uses**

<b>P</b>	Designates use prohibited in District indicated
<b>S</b>	Designates use permitted in District indicated
<b>TU</b>	Designates use requires a Specific Use Permit
	Designates use requires a Temporary Use Permit

AUTOMOBILE RELATED USES (See definition 93)	Definitions	AO	SF-20	SF-10	SF-8	SF-6	TH	MF-1	MF-2	MH	O	LR	R	CBD	C	LI	HC	WSC
Auto financing and leasing (no outdoor lot or display)	16b									<b>S</b>		<b>P</b>						
Auto glass, seat cover/ upholstery and muffler shop	16g														<b>S</b>	<b>P</b>		
*Auto painting or body repair shop	16f														<b>S</b>	<b>P</b>		
Auto parts and accessory sales (indoor)	16d											<b>P</b>	<b>P</b>	<b>P</b>	<b>P</b>	<b>P</b>	<b>P</b>	<b>S</b>
Auto rental w/ outside display	16c												<b>P</b>	<b>S</b>	<b>P</b>	<b>P</b>	<b>P</b>	
*Auto repair, major	16f													<b>S</b>	<b>P</b>	<b>S</b>		
Auto repair, minor (paint less, dent repair & accessory install)	16g											<b>S</b>	<b>P</b>	<b>S</b>	<b>P</b>	<b>P</b>	<b>S</b>	<b>S</b>
*Auto sales - new or used	16h 16i											<b>S</b>		<b>P</b>	<b>P</b>	<b>S</b>		
Auto storage or auto auction	16j														<b>S</b>			
*Boat sales	179														<b>S</b>	<b>P</b>	<b>S</b>	
*Car wash (attended)	16k											<b>S</b>	<b>P</b>		<b>P</b>	<b>P</b>	<b>S</b>	<b>S</b>
*Car wash (unattended)	16k											<b>S</b>		<b>P</b>	<b>P</b>			
*Motor fuel service station	16L 47 82											<b>P</b>	<b>P</b>	<b>S</b>	<b>P</b>	<b>P</b>	<b>S</b>	
*Motorcycle sales and repair	134											<b>S</b>		<b>P</b>	<b>P</b>			
*RV/camper sales	179													<b>S</b>	<b>P</b>			
*Tire dealership	231 232											<b>S</b>		<b>P</b>	<b>P</b>			
Wrecking yard (auto salvage)	251																	

**CHART - 8**  
**CITY OF KAUFMAN, TEXAS**  
**ZONING ORDINANCE**

\* Must  
 follow  
 Sec. 33.1.B

**Legend for Interpreting Schedule of Uses**

<b>P</b>	Designates use prohibited in District indicated
<b>S</b>	Designates use permitted in District indicated
<b>TU</b>	Designates use requires a Specific Use Permit
<b> </b>	Designates use requires a Temporary Use Permit

COMMERCIAL USES (See definition 93)	Definitions	AO	SF-20	SF-10	SF-8	SF-6	TH	MF-1	MF-2	MH	O	LR	R	CBD	C	LI	HC	WSC
*Ambulance service	6												S	S	P	S		
Bakery or confectionary (wholesale or commercial)	18											S		P	P	S	S	
Bottling works	95														S			
*Contractor shop	49													S	P	S		
*Distribution center	57 106 241													P	P			
*Feed and grain store	68											S		P	P			
*Food processing plant (no slaughtering of animals)	74														P			
*Heavy machinery, truck tractor, trailer repair	239																	
*Heavy machinery, truck tractor, trailer sales, lease or rental	87 233 240 243													P	S			
Kennel (indoor pens)	96	S												S	P			
Kennel (outdoor pens)	97	S												S				
Laboratory, scientific or research	102 129										S	S	S	S	P	P	P	
*Light manufacturing and assembly processes	74 106													S	P	P		
Manufactured or industrialized home sales	127																	
Milk depot, dairy or ice cream plant	74													S	S			
*Motel or hotel (less than 75 rooms)	132											S	S	P	P	P		
*Motel or hotel (more than 75 rooms)	132													S	P	P		
Office showroom / warehouse	58 146											S		P	P	P	S	
*Outside storage of equipment or materials (more than 24 hrs.)	151 152													S	P	S		
*Paint shop	16f 153													S	P			
Portable building sales (outdoor display)	168													S	P			
Printing or lithographic shop	48 171											S	S	S	P	P	S	
*Propane sales (retail)	175											S		P	P			
Storage or wholesale warehouse	57 95 208													S	P	P		
Taxidermist												P		P	P		S	

**CHART - 9**  
**CITY OF KAUFMAN, TEXAS**  
**ZONING ORDINANCE**

\* Must  
 follow  
 Sec. 33.1.B

Legend for Interpreting Schedule of Uses		
Designates use prohibited in District indicated		
Designates use permitted in District indicated		
Designates use requires a Specific Use Permit		
Designates use requires a Temporary Use Permit		
<b>P</b>	<b>S</b>	
<b>S</b>	<b>TU</b>	

TRANSPORTATION RELATED USES (See definition 93)	Definitions	AO	SF-20	SF-10	SF-8	SF-6	TH	MF-1	MF-2	MH	O	LR	R	CBD	C	LI	HC	WSC
Airport, heliport or landing field	4 88														<b>S</b>	<b>S</b>	<b>S</b>	
*Bus station or terminal	30														<b>S</b>	<b>P</b>	<b>P</b>	
*Hauling or storage company with outside storage	135 191 242														<b>S</b>	<b>P</b>	<b>S</b>	
Helistop	88									<b>S</b>					<b>S</b>	<b>S</b>	<b>S</b>	
*Motor freight company	135 191 242														<b>S</b>	<b>P</b>	<b>S</b>	
Off-site parking lots ► (See Section 35.8)	147 148														<b>P</b>	<b>P</b>		
*Parking lot or structure for autos (commercial)	157 158									<b>S</b>	<b>S</b>	<b>S</b>	<b>P</b>	<b>P</b>	<b>P</b>			
*Parking lot, trucks and trailers	241 242														<b>S</b>	<b>P</b>		
Public parking lot ►	157 158												<b>P</b>	<b>P</b>			<b>P</b>	
Railroad yard	237														<b>S</b>			
*Truck stop	241														<b>S</b>	<b>S</b>		

► Amended May 24, 2010 by Ordinance O-09-10

**CHART - 10**  
**CITY OF KAUFMAN, TEXAS**  
**ZONING ORDINANCE**

\* Must  
 follow  
 Sec. 33.1.B

Legend for Interpreting Schedule of Uses	
P	Designates use prohibited in District indicated
S	Designates use permitted in District indicated
MF-1	Designates use requires a Specific Use Permit
MF-2	Designates use requires a Temporary Use Permit

UTILITY, SERVICE AND OTHER USES	Definitions	AO	SF-20	SF-10	SF-8	SF-6	TH	MF-1	MF-2	MH	O	LR	R	CBD	C	LI	HC	WSC
*Animal pound (public)	96 97	P														P	P	
Antenna (commercial) (see section 40.5)	10																	
Antenna (non-commercial)	9	P	P	P	P	P	P	P	P	P								S
Electrical energy generating plant	247	S																S
Electrical substation (high voltage bulk power)	63	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	
Electrical transmission line (high voltage)	24 108 247	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	
Farm, ranch, crops or orchard	67	P																S
Fire, police or municipal buildings	69	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Franchised private utility (not listed)	76	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S
Gas line and regulating station	247	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S
Local utility line	108 247	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Municipal facility or use	39 69 138 176	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Public agency building, or facility	176	S									S	S	S	S	P	P	P	
Sewage pumping station (public)	108 237 247	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Studio for radio or television	218	S									S	S	S	P	P	P	P	
Telephone business office	144 222 223									P	P	P	P	P	P	P	P	P
Telephone exchange, switching, relay or transmitting station	223	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
*Utility shops or storage yards or buildings (public 69 & 176 or private 49)	49 69 176	S													S	P		
Water stand pipe or elevated water storage	176	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Water treatment plant	176	S														P		
Water well or pumping station	176	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P

**CHART - 11**  
**CITY OF KAUFMAN, TEXAS**  
**ZONING ORDINANCE**

\* Must  
 follow  
 Sec. 33.1.B

Legend for Interpreting Schedule of Uses		
Designates use prohibited in District indicated		
Designates use permitted in District indicated		
Designates use requires a Specific Use Permit		
Designates use requires a Temporary Use Permit		
<b>P</b>		
<b>S</b>		
<b>TU</b>		

INDUSTRIAL & RELATED USES (Section 41 applies to the following uses)	Definitions	AO	SF-20	SF-10	SF-8	SF-6	TH	MF-1	MF-2	MH	O	LR	R	CBD	C	LI	HC	WSC
Animal rendering (slaughterhouse) plant																		
Cement or hydrated plant																		
Concrete or asphalt batch plant (6 month temporary)	45	T U/ 6																
Concrete or asphalt batching plant (permanent)	44																	
High risk / hazardous industrial manufacturing not wholly enclosed within a building (see section 27.2.A)	95																	
High risk / hazardous industrial manufacturing wholly enclosed within a building (see section 27.2.A)	95															<b>S</b>		
High risk / hazardous uses which could potentially create a problem to the environment due to emissions, visual quality, odor, noise, hazard or similar factors (see section 27.2.A)																		
Low risk industrial manufacturing not wholly enclosed within a building (see section 27.2.A.2)	95 106															<b>S</b>		
*Low risk industrial manufacturing wholly enclosed within a building (see section 27.2.A.2)	95 106															<b>P</b>		
Mining, excavation, sand or gravel pits	192																	
Petroleum distribution/storage/wholesale facilities	164															<b>S</b>		
Salvage reclamation or recycling of materials	191																	
► Salvage reclamation or recycling of electronic equipment only & within a totally enclosed building. No outside storage.																<b>P</b>		
*Sand, gravel or stone materials sales or storage	192															<b>P</b>		

► Amended April 27, 2015 by Ordinance O-08-15

## SECTION 33.5 DEFINITIONS

For the purpose of these regulations, certain terms and words are to be used and interpreted as defined hereinafter. Words used in the present tense shall also include the future tense; words used in the masculine gender shall also include the feminine gender; words used in the singular number shall also include the plural number; and words in the plural number shall also include the singular number, except where the natural construction of the writing indicates otherwise. The word "shall" is mandatory and not directory. For any term or use not defined herein, Webster's Dictionary (latest edition) shall be used.

1. **ACCESSORY BUILDING (RESIDENTIAL)** - In a residential district, a subordinate building that is attached or detached and is used for a purpose that is customarily incidental to the main structure but not involving the conduct of a business. Examples may include, but are not limited to, the following: a private garage for automobile storage, tool shed, greenhouse as a hobby (no business), home workshop, children's playhouse, storage building, garden shelter, etc.
2. **ACCESSORY BUILDING (BUSINESS OR INDUSTRY)** - In the nonresidential districts, a subordinate building to the main building that does not exceed the height of the main building and does not exceed fifty percent (50%) of the floor area of the main building, and that is used for purposes directly accessory and incidental to the main use.
3. **ACCESSORY USE** - A use that is customarily incidental, appropriate and subordinate to the principal use of land or building(s) and that is located upon the same lot therewith.
4. **AIRPORT OR LANDING FIELD** - A place where aircraft can land and take off that is usually equipped with hangars, facilities for aircraft refueling and repair, and various accommodations for passengers.
5. **ALLEY** - A minor right-of-way that is dedicated to public use and which affords 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. No fences, storage or structures are allowed in alley right-of-ways.
6. **AMBULANCE SERVICE** - Provision of private (not operated by the City of Kaufman) emergency transportation which may include medical care, and which may include storage and maintenance of vehicles and boarding rooms for ambulance drivers.
7. **AMUSEMENT, COMMERCIAL (INDOOR)** - An amusement enterprise that is wholly enclosed within a building which is treated acoustically so that noise generated by the enterprise is not perceptible at the bounding property line, and that provides activities, services and/or instruction for the entertainment of customers or members, but not including amusement arcades. Uses may include, but are not limited to, the following: bowling alley, ice skating rink, martial arts club, racquetball/handball club, indoor tennis courts/club, indoor swimming pool or scuba diving facility, and other similar types of uses. Included are video arcades where more than ten percent (10%) of the public floor area is devoted to three (3) or more amusement devices that are operated for a profit, whether the same is operated in conjunction with any other business or not, including but not limited to such amusement devices as coin-operated pinball machines, video games, electronic games, shuffle boards, pool tables or other similar amusement devices.

8. **AMUSEMENT, COMMERCIAL (OUTDOOR)** - An amusement enterprise offering entertainment and/or games of skill to the general public for a fee wherein any portion of the activity takes place outdoors and including, but not limited to, a golf driving range, archery range, miniature golf course, batting cages, go-cart tracks, amusement parks, and other similar types of uses.
9. **ANTENNA (NON-COMMERCIAL/AMATEUR)** - An antenna and antenna support structure used for the purpose of transmission, retransmission, and/or reception of radio, television, electromagnetic, or microwave signals for private or personal use and not for the purpose of operating a business and/or for financial gain. Antennas located in a residential district shall be limited to thirty five feet (35') in height and shall be setback from all adjacent property lines a distance equal to its height. A satellite dish antenna not exceeding six feet (6') in diameter shall also be considered a non-commercial antenna.
10. **ANTENNA (COMMERCIAL)** - An antenna or antenna tower/support structure used for the purpose of transmission, retransmission, and/or reception of radio, television, electromagnetic, or microwave signals primarily for the purpose of operating a business and/or for financial gain (e.g., commercial broadcasting, cellular/wireless telecommunications, etc.). The antenna tower/support structure shall be setback from all adjacent property lines a distance equal to its height. A satellite dish antenna that exceeds six feet (6') in diameter shall also be considered as a commercial antenna.
11. **ANTIQUE SHOP, SALES INDOORS** - A retail establishment engaged in the selling of works of art, furniture and/or other artifacts of an earlier period, with all sales and storage occurring inside a building.
12. **ART GALLERY OR MUSEUM** - An institution for the collection, display and/or distribution of objects of art or science, and which is typically sponsored by a public or quasi-public agency and generally open to the public.
13. **ASSISTED LIVING FACILITY** - A congregate residence facility for seven (7) or more elderly (over 55 years of age) persons or disabled persons, regardless of legal relationship, who need limited assistance with daily living activities. A limited number of support services such as meals, laundry, housekeeping, transportation, social/recreational activities, hairdressing, etc. may be provided or associated with the assisted living facility. Units may be attached or detached, single- or double-occupancy, and may include limited kitchen facilities. Full-time medical or nursing care is not typically provided by the facility, but may be privately arranged for by individual residents on a part-time or temporary basis (e.g., visiting nurses, etc.). (See "Independent Living Facility")
14. **ATHLETIC FIELD OR STADIUM (PUBLIC)** - An athletic field or stadium owned and operated by a public agency (e.g., City of Kaufman, Kaufman Independent School District, etc.) for the general public including a baseball field, soccer field, golf course, football field or stadium which may be lighted for nighttime play.
15. **ATHLETIC FIELD OR STADIUM (PRIVATE)** - An athletic field or stadium owned and operated by an agency other than the City of Kaufman or the Kaufman Independent School District.

## 16. AUTOMOTIVE RELATED DEFINITIONS:

- a. **AUTOMOBILE** - A self-propelled mechanical vehicle designed for use on streets and highways for the conveyance of goods and people including but not limited to the following: passenger cars, light duty trucks and sport utility vehicles, vans and mini-vans, motor scooters and motorcycles.
- b. **AUTO FINANCE AND LEASING** – Long-term leasing of automobiles, motorcycles, and light load vehicles but no outside storage.
- c. **AUTO RENTAL** – Short-term renting or leasing of automobiles, motorcycles and light load vehicles with outside storage.
- d. **AUTO PARTS AND ACCESSORY SALES (INDOORS)** - The use of any building or other premise for the primary inside display and sale of new or used parts for automobiles, panel trucks or vans, trailers, or recreation vehicles.
- e. **AUTO REPAIR GARAGE** - An establishment providing major or minor automobile repair services to all motor vehicles except heavy load vehicles.
- f. **AUTO REPAIR, MAJOR** - General repair or reconditioning of engines, air-conditioning systems and transmissions for motor vehicles; wrecker service; collision repair services including body, frame or fender straightening or repair; customizing; painting; welding, vehicle steam cleaning; undercoating and rust proofing; those uses listed under "Automobile Repair, Minor"; and other similar uses.
- g. **AUTO REPAIR, MINOR** - Minor repair or replacement of parts, tires, tubes and batteries; diagnostic services; minor maintenance services such as grease, oil, spark plug and filter changing; tune-ups; emergency road service; replacement of starters, alternators, hoses and brake parts; automobile washing and polishing; installation of minor automobile accessories such as car alarms, radio and stereo equipment, window tinting, pin striping, cellular telephones and similar accessories; performing state inspections and making minor repairs necessary to pass said inspection; normal servicing of air-conditioning systems; and other similar minor services for motor vehicles except heavy load vehicles, but not including any operation named under "Automobile Repair, Major" or any other similar use.
- h. **AUTO SALES (NEW)** - Retail sales of new automobiles or light load vehicles, including, as a minor part of the business, the sales of used automobiles or light load vehicles and the service of new or used vehicles.
- i. **AUTO SALES (USED)** - Retail sales, or offering for sale, used automobiles or light load vehicles.
- j. **AUTO STORAGE OR AUTO AUCTION** - The storage or impoundment, on a lot or tract which is paved in accordance with parking lot paving requirements set forth in this ordinance, of operable automobiles for the purpose of holding such vehicles for sale, distribution and/or storage. This definition shall not include the storage of wrecked or inoperable vehicles (see "Wrecking Yard").

k. **CAR WASH** - Washing, waxing or cleaning of automobiles or light duty trucks.

(1) **Attended Car Wash** - The owner of the vehicle does not actually wash the vehicle. Instead, he either leaves the vehicle and comes back to retrieve it later, or he waits in a designated area while employees of the car wash facility vacuum, wash, dry, wax and/or detail the vehicle for a fee.

(2) **Unattended Car Wash** - The owner of the vehicle causes the vehicle to become washed. One type of unattended car wash facility utilizes automated self-service (drive-through/rollover) wash bays and apparatus in which the vehicle owner inserts money or tokens into a machine, drives the vehicle into the wash bay, and waits in the vehicle while it is being washed. The other type of unattended facility is comprised of wand-type self-service (open) wash bays in which the vehicle owner drives the vehicle into the wash bay, gets out of the vehicle, and hand washes the vehicle with a wand-type apparatus by depositing coins or tokens into a machine.

l. **MOTOR FUEL SERVICE STATION** - Any building, land area or other premises, or portion thereof, used or intended to be used for the retail dispensing or sales of automotive fuels, lubricants and automobile accessories, including those operations listed under "Automobile Repair, Minor". Vehicles which are inoperative or are being repaired may not remain parked outside these facilities for a period greater than forty-eight (48) hours.

17. **BAKERY OR CONFECTIONERY (RETAIL)** - A facility less than one thousand five hundred square feet (1,500 sf) for the production and/or sale of baked goods.

18. **BAKERY OR CONFECTIONERY (WHOLESALE OR COMMERCIAL)** - A manufacturing facility over one thousand five hundred square feet (1,500 sf) for the production and distribution of baked goods and confectioneries to retail outlets.

19. **BANK, SAVINGS AND LOAN, OR CREDIT UNION** - An establishment for the custody, loan, exchange and/or issue of money, the extension of credit, and/or facilitating the transmission of funds.

20. **BARN** - A structure intended for the purpose of storing farming and ranching related equipment and/or housing livestock.

21. **BASEMENT (OR CELLAR)** - A portion of a building that is partly or wholly underground. For purposes of height measurement, a basement shall be counted as a story when more than one-half (1/2) of its height is above the average level of the adjoining ground or when subdivided and used for commercial or dwelling purposes by other than a janitor employed on the premises.

22. **BED AND BREAKFAST INN OR FACILITY** - a dwelling occupied as a permanent residence by an owner or renter which serves meals and provides or offers sleeping accommodations in not more than five (5) rooms for transient guests for compensation.

23. **BLOCK** - A piece or parcel of land entirely surrounded by public highways or streets, other than alleys. In cases where the platting is incomplete or disconnected, the Director, or his designee, shall determine the outline of the block. The term Block also refers to part of the legal description of platted subdivisions which contain one or more lots of record.

24. **BUILDING** - Any structure intended for shelter, occupancy, housing or enclosure for persons, animals or chattel. When separated by dividing walls without openings, each portion of such structure so separated shall be deemed a separate building.
25. **BUILDING HEIGHT** - The vertical distance from the average line of the highest and lowest points of that portion of the lot covered by the building to the highest point of coping of a flat roof, or to the deck line of a mansard roof, or to the average height of the highest gable of a pitched or hipped roof.
26. **BUILDING LINE** - A line parallel, or approximately parallel, to any lot line at a specific distance there from, marking the minimum distance from the lot line that a building may be erected (see Figure 12.3)
27. **BUILDING MATERIALS AND HARDWARE SALES (INDOOR OR OUTDOOR)** - Materials, tools, and/or hardware customarily used in the construction of buildings and other structures, including facilities for storage of materials for retail sales. Sometimes referenced as a "home improvement center". "Outdoor" means the storage of materials and products outside of the main building.
28. **BUILDING OFFICIAL** - The inspector or administrative official charged with responsibility for issuing permits and enforcing the Zoning Ordinance and Building Code of the City of Kaufman.
29. **BUILDING SITE** - See "Lot" definition.
30. **BUS STATION OR TERMINAL** - Any premises for the transient housing and/or parking of motor-driven buses and the loading and unloading of passengers.
31. **CARETAKERS' OR GUARDS' RESIDENCE** - A residence located on a premises with a main residential or nonresidential use and occupied only by a caretaker or guard employed on the premises.
32. **CARNIVAL, CIRCUS OR TENT SERVICE (TEMPORARY)** - Outdoor or indoor commercial amusement provided on a temporary basis.
33. **CARPORT** - A structure that is open on a minimum of two (2) sides and designed or used to shelter not more than three (3) vehicles and not to exceed twenty-four feet (24') on its longest dimension. Also called "covered parking area."
34. **CEMETERY OR MAUSOLEUM** - Land used or intended to be used for the burial of the human dead and dedicated for cemetery purposes, including columbariums, crematories, mausoleums, and mortuaries when operated in conjunction with and within the boundaries of such cemetery.
35. **CEMETERY, ANIMAL** - Same as cemetery except only for the burial of dead animals.
36. **CERTIFICATE OF OCCUPANCY** - An official certificate issued by the City through the Fire Official, Building Official, or his designee which indicates conformance with the zoning regulations, fire and safety codes and building codes and which authorizes legal use of the premises for which it is issued; may be referred to as an "**Occupancy Permit**".

37. **CHURCH, RECTORY OR TEMPLE** - A building for regular assembly for religious worship which is used primarily and designed for such purpose and those accessory activities which are customarily associated therewith, and the place of residence for ministers, priests, nuns or rabbis on the premises (tax exempt as defined by State law). For the purposes of this ordinance, Bible study and other similar activities, which occur in a person's primary residence, shall not apply to this definition.
38. **CITY COUNCIL** - The governing body of the City of Kaufman, Texas.
39. **CIVIC/COMMUNITY CENTER (PUBLIC)** - A building or complex of buildings that house municipal offices and services, and which may include cultural, recreational, athletic, food service, convention and/or entertainment facilities owned and/or operated by a municipality or private nonprofit agency.
40. **COLLEGE OR UNIVERSITY** - An academic institution of higher learning, accredited or recognized by the State and covering a program or series of programs of academic study.
41. **COMMERCIAL LAUNDRY (DRY CLEANING PLANT)** - An industrial facility where fabrics are cleaned with substantially non-aqueous organic solvents on a commercial basis not open to the general public.
42. **COMMUNITY HOME** - A place where not more than six (6) physically or mentally impaired or disabled persons are provided room and board, as well as supervised care and rehabilitation by not more than two (2) persons as licensed by the Texas Department of Mental Health and Mental Retardation (also see Chapter 123 of the Human Resources Code).
43. **COMPREHENSIVE PLAN** - Document adopted by the City that consists of graphic and textual policies which govern the future development of the City and which consists of various components governing specific geographic areas and functions and services of the City. State Law requires all zoning to be in accordance with the Comprehensive Plan.
44. **CONCRETE OR ASPHALT BATCHING PLANT (PERMANENT)** - A permanent manufacturing facility for the production of concrete or asphalt.
45. **CONCRETE OR ASPHALT BATCHING PLANT (TEMPORARY)** - A temporary manufacturing facility for the production of concrete or asphalt during construction of a project, and to be removed when the project is completed.
46. **CONTINUING CARE RETIREMENT COMMUNITY** - A housing development designed to provide a full range of accommodations for older adults (55 years of age or older), including independent living, assisted living and skilled full-time nursing or medical care. Residents may move from one level to another as their needs change.
47. **CONVENIENCE STORE WITH (OR WITHOUT) GASOLINE SALES** - Retail establishment selling food for off-premises consumption and a limited selection of groceries and sundries (and possibly gasoline, if pumps are provided). Does not include or offer any automobile repair services.
48. **COPY SHOP OR PRINTING** - A general service establishment which reproduces, in printed form, individual orders from a business, profession, service, industry or government organization and occupies less than seven thousand five hundred square feet (7,500 sf).

49. **CONTRACTOR'S SHOP WITH OUTSIDE STORAGE YARD** - A building, part of a building, or land area for the storage of materials, equipment, tools, products, and vehicles that are then transported off site for the performance of maintenance, repairs, installation, assembly or construction by various tradesmen.
50. **COUNTRY CLUB (PRIVATE)** - A land area of three (3) acres or more which may include buildings, a golf course, clubhouse, dining room, swimming pool, tennis courts and similar recreational or service uses available only to members and their guests.
51. **COVERAGE** - The percentage lot area covered by all buildings located thereon, determined by dividing the square footage of the footprint of all buildings and covered structures by the total square footage of the lot.
52. **DANCE HALL** - An establishment open to the general public for dancing.
53. **DAY CAMP FOR CHILDREN** - A facility located on three (3) acres or more arranged and conducted for the organized recreation and instruction of children including outdoor activities on a daytime basis.
54. **DAY CARE CENTER/CHILD CARE CENTER** - A commercial facility or place designed for the care or training of seven (7) or more unrelated children under fourteen (14) years of age for less than 24 hours a day.
55. **DENSITY** - The total number of residential buildings allowed upon a given tract of land usually expressed in total number of units per gross acres or net acre.
56. **DETACHED** - Having no physical connection above the top of the floor line of the first floor with any other building or structure.
57. **DISTRIBUTION CENTER** - Building or facility used for the storage and distribution of wholesale items/products.
58. **DRAPEY OR FURNITURE UPHOLSTERING SHOP** - A warehouse/showroom establishment for the production, display and sale of draperies and soft coverings for furniture.
59. **DRY CLEANING SHOP OR LAUNDRY** - A custom cleaning shop not exceeding two thousand five hundred square feet (2,500 sf) of floor area which may include a drive-up window for drop off service but no self-service.
60. **DWELLING** - Any building or portion thereof, which is designed or used as living quarters for one (1) or more families.
61. **EASEMENT (ACCESS, UTILITY OR DRAINAGE)** - A grant of one (1) or more of the property rights by the property owner to and/or for the use by the public, a corporation or another person or entity, in order to prevent land from becoming isolated without access or utilities or to allow storm water to properly drain without causing flooding or standing water.
62. **EDUCATIONAL FACILITIES** - Public and private primary, secondary and post-secondary educational facilities offering instruction in the branches of learning and study required to be taught by the Texas Education Agency; and such federally funded educational programs for preschool children as the Head Start Program.

63. **ELECTRICAL SUBSTATION (HIGH VOLTAGE BULK POWER)** - A subsidiary station in which electric current is transformed.
64. **FAIRGROUNDS OR EXHIBITION AREA** - An area or space either outside or within a building for the display of topic-specific goods or information.
65. **FAMILY** – One (1) or more persons related by blood, marriage, or adoption; or a group not to exceed six (6) persons not all related by blood or marriage, adoption or guardianship, occupying a dwelling unit.
66. **FAMILY HOME (Child Care in Place of Residence)** - A facility that regularly provides care in the caretaker's own residence for not more than six (6) children under fourteen (14) years of age, excluding the caretaker's own children, and that provides care after school hours for not more than six (6) additional elementary school siblings of the other children given care. However, the number of children, including the caretaker's own, provided care at such facility shall not exceed twelve (12) at any given time. No outside employment is allowed at the facility. This facility shall conform to Chapter 42 of the Human Resources Code of the State of Texas, as amended, and in accordance with such standards as may be promulgated by the Texas Department of Human Resources.
67. **FARM, RANCH, GARDEN, CROPS OR ORCHARD** - An area used for growing usual farm products, vegetables, fruits, trees, and grain and for the raising thereon of the usual 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 or garbage to swine or other animals and not including any type of agriculture or husbandry specifically prohibited by ordinance or law.
68. **FEED AND GRAIN STORE** - An establishment for the selling of corn, grain and other food stuffs for animals and livestock, and including implements and goods related to agricultural processes, but not including farm machinery.
69. **FIRE, POLICE OR MUNICIPAL BUILDING** - Any public service building of the municipal government including a library or City Hall, but excluding storage yards, utility shops and equipment centers.
70. **FLOOD PLAIN** - An area of land subject to inundation by a 100-year frequency flood as determined using standard engineering practices and generally as shown on the FIRM Flood Insurance Rate Map of the City of Kaufman.
71. **FLOOR AREA** - The total gross square feet of floor space within the outside dimensions of a building including each floor level, but excluding carports, residential garages, and breezeways.
72. **FLOOR AREA RATIO (FAR)** - The total gross square feet of floor space within the outside dimensions of a building including each floor level of the main building or buildings on a lot, divided by the lot area.
73. **FLORIST SHOP** - An establishment for the display and retail sale of flowers, small plants and accessories.

74. **FOOD PROCESSING** - A manufacturing or light industrial use that primarily deals with the processing and packaging of food (such as dairy or grain) products that are intended for human consumption, but which are not typically sold in volume to end users on the premises. Incidental retail sales of food products (e.g., bread and baked goods, dairy products such as cheese, etc.) created and packaged on the premises may be allowed as an accessory use.

75. **FOOD STORE** - A retail business establishment that displays and sells consumable goods that are not to be eaten on the premises. Prepared food may be sold only as a secondary or accessory use.

76. **FRANCHISED PRIVATE UTILITY (NOT LISTED)** - A utility such as one distributing heat, chilled water, closed circuit television or similar service and requiring a franchise to operate in the City of Kaufman.

77. **FRATERNAL ORGANIZATION, LODGE, CIVIC CLUB, OR UNION** - An organized group having a restricted membership and specific purpose related to the welfare of the members such as Elks, Masons, Knights of Columbus, or a labor union.

78. **FUNERAL HOME OR MORTUARY** - A place for the storage of human bodies prior to their burial or cremation, or a building used for the preparation of the deceased for burial and the display of the deceased and ceremonies connected therewith before burial or cremation.

79. **FURNITURE, HOME FURNISHINGS OR APPLIANCE STORES** - This group includes dry goods retail stores selling new goods for furnishing the home including, but not limited to furniture, floor coverings, draperies, glass and chinaware, domestic stoves, refrigerators, and other household electrical and gas appliances.

80. **GARAGE, PRIVATE** - An enclosed (on at least three (3) sides) accessory building, or a part of a main building, used for storage of automobiles and used solely by the occupants and their guests. Also called "enclosed parking space."

81. **GARAGE APARTMENT/ACCESSORY DWELLING** - A residential dwelling unit attached to or over a garage but not attached to the main residential structure. A garage apartment or accessory dwelling cannot be leased, rented, occupied by or sold to a different family than that which occupies the main residential structure.

82. **GASOLINE SERVICE OR FILLING STATION** - See "Automotive Fuel Service Station".

83. **GENERAL MANUFACTURING** - See "Industrial, Manufacturing".

84. **GOLF COURSE** - An area of twenty (20) acres or more improved with trees, greens, fairways, hazards, and which may include clubhouses.

85. **GYMNASTIC OR DANCE STUDIO** - A building or portion of a building used as a place of work for a gymnast or dancer or for instructional classes in gymnastics or dance.

86. **HEAVY LOAD VEHICLE** - A self-propelled vehicle having a manufacturer's recommended Gross Vehicle Weight (GVW) of greater than 11,000 pounds (including trailers), such as large recreational vehicles (originally manufactured as RVs, not converted), tractor-trailers, buses, vans, and other similar vehicles. The term "truck" shall be construed to mean "Heavy Load Vehicle" unless specifically stated otherwise.

87. **HEAVY MACHINERY SALES AND STORAGE** - A building or open area used for the display, sale, rental or storage of heavy machinery, tractors or similar machines, or a group of machines which function together as a unit.
88. **HELIPORT** - An area of land or water or a structural surface which is used, or intended for use, for the landing and taking off of helicopters, and any appurtenant areas which are used, or intended for use for heliport buildings and other heliport facilities. (Must meet FAA AC 150/5390-2B guidelines)
89. **HELISTOP/HELIPAD** - The same as a heliport, except that no refueling, maintenance, repairs or storage of helicopters is permitted. (Must meet FAA AC 150/5390-2B guidelines)
90. **HOME OCCUPATION** - An occupation carried on in a dwelling unit, or in an accessory building to a dwelling unit, by a resident of the premises, to which the occupation is clearly incidental and secondary to the use of the premises for residential purposes (see Section 43).
- 91.a. **HOSPITAL (ACUTE CARE)** - An institution where sick or injured patients are given medical and/or surgical treatment intended to restore them to health and an active life, and which is licensed by the State of Texas.
- 91.b. **HOSPITAL (CHRONIC CARE)** - An institution where those persons suffering from illness, injury, deformity and/or deficiencies pertaining to age are given care and treatment on a prolonged or permanent basis and which is licensed by the State of Texas.
- 92.a. \* **HOUSEHOLD CARE HOME** – A dwelling unit that provides residence, care, rehabilitation and support to not more than seven (7) persons, regardless of legal relationship, who are elderly; disabled; orphaned, abandoned, or neglected children; victims of domestic violence; or rendered temporarily homeless due to fire, natural disaster, or financial setbacks, living together with no more than two caregivers as a single household. Where applicable, a household care home shall have appropriate licensing and/or registration by the State of Texas. The structure is to be constructed to match, an exterior appearance compatible with the surround residential dwellings. Residential houses shall not convert garages into additional living or sleeping area. Cannot be located within one mile from another Household Care Home, Household Care Facility and/or Household Care Institution. \*Amended November 26, 2012 by Ordinance O-16-12
- 92.b. \* **HOUSEHOLD CARE FACILITY** - A dwelling unit that provides residence, care, rehabilitation and support, but not more than twenty-five (25) persons, regardless of legal relationship, who are elderly; disabled; orphaned, abandoned, or neglected children; victims of domestic violence; or rendered temporarily homeless due to fire, natural disaster, or financial setbacks, living together with no more than two caregivers as a single household. Where applicable, a household care facility shall have appropriate licensing and/or registration by the State of Texas. The structure is to be constructed to match, an exterior appearance compatible with the surround residential dwellings. Residential houses shall not convert garages into additional living or sleeping area. Cannot be located within one mile from another Household Care Home, Household Care Facility and/or Household Care Institution. \*Amended November 26, 2012 by Ordinance O-16-12
- 92.c. \* **HOUSEHOLD CARE INSTITUTION** - A facility unit that provides residence, care, rehabilitation and support to twenty-six (26) persons or more, regardless of legal relationship, who are elderly; disabled; orphaned, abandoned, or neglected children; victims of domestic violence; or rendered temporarily homeless due to fire, natural disaster, or financial setbacks, living together

with not less than two caregivers as a single household. Where applicable, a household care institution shall have appropriate licensing and/or registration by the State of Texas. Cannot be located within one mile from another Household Care Home, Household Care Facility and/or Household Care Institution. **\*Amended November 26, 2012 by Ordinance O-16-12**

93. **INCIDENTAL OR ACCESSORY RETAIL AND SERVICE USES** - Any use different from the primary use but which complements and/or supplements the primary use (for example, a sundries shop that serves tenants of an office building or hospital). Incidental shall mean an area which constitutes not more than ten percent (10%) of the main use.
94. **INDEPENDENT LIVING FACILITY (RETIREMENT HOUSING FOR SENIORS)** - A development providing self-contained dwelling units specifically designed for the needs of the elderly. Units may be rented or owner-occupied. To qualify as retirement housing, a minimum of 85% of the total units shall have a household head 55 years of age or older. No long-term or permanent skilled nursing care or related services are provided.
95. **INDUSTRIAL, MANUFACTURING** - Establishments engaged in the manufacturing or transformation of materials into new products. These establishments are usually described as plants and factories, and characteristically use power driven machines and materials handling equipment. Manufacturing production is usually carried on for the wholesale market, rather than for direct sale to the domestic consumer.
96. **KENNELS (INDOOR PENS)** - An establishment with indoor pens in which more than four (4) dogs or domesticated animals more than one (1) year old are housed, groomed, bred, boarded, trained and/or sold for commercial purposes.
97. **KENNELS (OUTDOOR PENS)** - An establishment with outdoor pens in which more than four (4) dogs or domesticated animals more than one (1) year old are housed, groomed, bred, boarded, trained and/or sold for commercial purposes.
98. **KINDERGARTEN OR NURSERY SCHOOL (PRIVATE)** - An establishment where more than three (3) children are housed for care and/or training during the day or portion thereof.
99. **KIOSK** - A small, free-standing, one (1) story accessory structure having a maximum floor area of one hundred square feet (100 sf) and used for retail purposes, such as automatic teller machines or the posting of temporary information and/or posters, notices and announcements. If a kiosk is to be occupied, it shall have a minimum floor area of fifty square feet (50 sf).
100. **KITCHEN, RESIDENTIAL** - Generally, that portion of a residential dwelling that is devoted to the preparation and/or cooking of food for the purpose of consumption by residents of the dwelling. A kitchen, as referred to within this Ordinance, generally indicates the presence of complete cooking facilities (i.e., stove, oven, microwave oven and/or refrigerator) as differentiated from a "kitchenette" which provides very limited cooking facilities (i.e., single-burner hot plate, under-counter refrigerator, microwave oven only, etc.).
101. **LABORATORY EQUIPMENT MANUFACTURING** - A facility that makes or produces equipment or products used for research or testing.
102. **LABORATORY, SCIENTIFIC OR RESEARCH** - An establishment that engages in research, testing or evaluation of materials or products, but not medical-related (see "Medical Facilities -- Medical Laboratory").

103. **LANDSCAPING** - Material such as, but not limited to, grass, ground covers, shrubs, vines, hedges, trees or palms, and non-living durable materials that are commonly used in landscaping such as, but not limited to, rocks, pebbles, sand, walls or fences, but excluding paving.
104. **LAUNDROMAT (OR SELF-SERVE WASHATERIA)** - A facility where patrons wash, dry and/or dry clean clothing and other fabrics in coin operated machines that are operated by the patron.
105. **LIGHT LOAD VEHICLE** - A self-propelled vehicle having a manufacturer's recommended gross vehicle weight (GVW) not greater than 11,000 pounds and having no more than two (2) axles, such as pick-up trucks, sport utility vehicles, vans and mini-vans, recreational vehicles (less than thirty-two feet (32') in length), campers and other similar vehicles but not including automobiles and motorcycles.
106. **LIGHT MANUFACTURING OR INDUSTRIAL USE** - Manufacturing of finished products or parts, predominantly from previously prepared materials, including fabrication, assembly, and packaging of such products, and incidental storage, sales and distribution of such products, but excluding basic industrial processing. Includes fabrication of products by various trades such as welders, sheet metal workers, wood workers, machinists, etc. May also include establishments other than personal service shops for the treatment and/or processing of products as a service on a for-profit basis including, but not limited to, newspaper printing, laundry plant, cleaning and dyeing plants or light manufacturing
107. **LOADING SPACE** - An off-street space or berth used for the delivery and loading/unloading of vehicles.
108. **LOCAL UTILITY LINE** - The facilities provided by a municipality or a franchised utility company for distribution or collection of gas, water, surface drainage water, sewage, electric power or telephone service, including pad- and pole-mounted transformers.
109. **LOT** - A platted (as specified in Chapter 212 of the Texas Local Government Code) parcel of land that is owned by a single entity and is intended to be used, developed or built upon as a unit, and also which has access to a public street. Portions of a lot may not be sold, subdivided or ownership transferred without prior approval of a plat by the Planning and Zoning Commission and City Council.
110. **LOT AREA** - The total area, measured on a horizontal plane, included within lot lines.
111. **LOT, CORNER** - A lot which has at least two (2) adjacent sides abutting for their full lengths upon a street, provided that the interior angle at the intersection of such two (2) sides is less than one hundred thirty-five degrees (135).
112. **LOT DEPTH** - The mean horizontal distance between the front and rear lot lines.
113. **LOT, DOUBLE FRONTAGE** - A lot having frontage upon two (2) non-intersecting streets, as distinguished from a corner lot.
114. **LOT, FLAG** - A lot having access to a street by means of a parcel of land generally having a depth greater than its frontage, but not less than thirty five feet (35). Flag, or panhandle, lots are typically discouraged.
115. **LOT, INTERIOR** - A lot other than a corner lot.

116. **LOT FRONTAGE** - That dimension of a lot or portion of a lot abutting onto a street, excluding the side dimension of a corner lot.
117. **LOT LINE, FRONT** - The narrower side of the lot abutting a street. Where two (2) lot lines abutting streets are of equal length, the owner shall have a choice in designating which shall be the lot frontage. For a lot which has a boundary line which does not abut the front street line, is not a rear lot line, and lies along the same general directional orientation as the front and rear lot lines, said line shall be considered a front lot line in establishing minimum setback lines.
118. **LOT, KEY** - A corner lot whose exterior side is adjacent to the front yard of another lot.
119. **LOT LINE, REAR** - The lot line farthest from and most parallel to the front lot line. For triangular lots, the point opposite the front lot line shall be considered the rear lot line and have a value of zero.
120. **LOT LINE, SIDE** - Any lot line not the front or rear lot line.
121. **LOT LINES OR PROPERTY LINES** - The lines bounding a lot as defined herein.
122. **LOT OF RECORD** - A lot which is part of a subdivision, the plat of which has been recorded in the office of the County Clerk of Kaufman County.
123. **LOT WIDTH** - The horizontal distance measured between side lot lines parallel to the front lot line, and measured from the point on the building line, which is closest to the front lot line.
124. **MAIN (PRIMARY) BUILDING** - The building or buildings on a lot which are occupied by the primary use.
125. **MANUFACTURED HOME DISPLAY OR SALES** - The offering for sale, storage, or display of new or used manufactured housing units (e.g., HUD-Code manufactured homes or industrialized homes as defined below) on a parcel of land, but excluding the use of such facilities as dwellings either on a temporary or permanent basis.
126. **MANUFACTURED HOME PARK** - A parcel of land not less than five (5) acres, which is designed, platted, improved and intended for the long-term placement of individually owned HUD-Code manufactured home units or modular homes on platted lots which can be leased, rented or purchased outright by the owners of the manufactured home units. Facility may include a residence for the owner/manager of the premises, utility hook-ups, accessory structures, playgrounds and open space areas, fenced yard areas for pets, and other similar amenities.
127. **MANUFACTURED HOUSING** - Any one (1) of three (3) types of prefabricated housing products which are typically manufactured/assembled at a location other than the end user's permanent site, and which are regulated by the Texas Manufactured Housing Standards Act (Article 5221f and 5221f-1, V.A.C.S.). For the purpose of this Ordinance, there are three (3) types of manufactured homes:
  - a. **Mobile Home** - A movable dwelling designed to be transported on its own chassis on the highway (either intact or in major sections) by a prime mover, which is constructed with a base section so as to be independently self-supporting, and which does not require a permanent foundation for year-round living. A mobile home is also defined as any manufactured home that was constructed prior to June 15, 1976. No new or used "Mobile" homes may be brought into the City of Kaufman for the purpose of using it as a dwelling or accessory building.

- b. **HUD-Code Manufactured Home** - A movable dwelling designed to be transported on the highway (either intact or in major sections) by a prime mover, which can be used as a residential dwelling either with or without a permanent foundation. A HUD-Code manufactured home is also defined as a movable manufactured home that was constructed after June 15, 1976.
- c. **Industrialized Home (also called Modular Prefabricated Structure or Modular Home)** - A structure or building module as defined under the jurisdiction and control of the Texas Department of Labor and Standards, that is transportable in one or more sections on a temporary chassis or other conveyance device, and that is designed to be installed and used by a consumer as a fixed residence on a permanent foundation system. The term includes the plumbing, heating, air-conditioning and electrical systems contained in the structure. The term does not include mobile homes or HUD-Code manufactured homes as defined in the Texas Manufactured Housing Standards Act (Article 5221f, V.A.C.S.). Industrialized homes must meet all applicable local codes and zoning regulations that pertain to construction of traditional site constructed ("stick built") homes.

128. **MASONRY CONSTRUCTION** - That form of construction comprised of brick, stone, granite, marble, concrete, hollow clay tile, concrete block or tile, brick veneer, exterior plasters (including stucco), or other similar building units or materials or combination of these materials laid up unit by unit and set in mortar.

129. **MEDICAL FACILITIES:**

- a. **Medical Clinic or Office** - A facility or group of offices for one (1) or more physicians for the examination and treatment of ill and afflicted human outpatients provided that patients are not kept overnight except under emergency conditions.
- b. **Dental Office or Doctors Office** - Same as medical clinic.
- c. **Hospital** - An institution providing health services primarily for human inpatient medical or surgical care for the sick or injured and including related facilities such as laboratories, outpatient departments, training facilities, central services facilities, and staff offices which are an integral part of the facilities.
- d. **Massage Establishment** - Any place of business in which massage therapy is practiced by a massage therapist, as defined in the State Occupations Code Chapter 455 and licensed by State law. "Massage therapy", as a health care service, means the manipulation of soft tissue for therapeutic purposes. The term includes, but is not limited to, effleurage (stroking), petrissage (kneading), tapotement (percussion), compression, vibration, friction, nerve strokes, and Swedish gymnastics, either by hand or with mechanical or electrical apparatus for the purpose of body massage. Massage therapy may include the use of oil, salt glows, heat lamps, hot and cold packs, tub, shower or cabinet baths. Equivalent terms for "massage therapy" are massage, therapeutic massage. Massage and "therapeutic" do not include diagnosis, the treatment of illness or disease, or any service or procedure for which a license to practice medicine, chiropractic, physical therapy, or podiatry is required by law.
- e. **Public Health Center** - A facility primarily utilized by a health unit for providing public health services including related facilities such as laboratories, clinics and administrative offices operated in connection therewith.
- f. **Sanitarium** - An institution providing health facilities for inpatient medical treatment or treatment and recuperation making use of natural therapeutic agents.

- g. **Surgical Out-Patient Facility** - An establishment offering any type of surgical procedures and related care which, in the opinion of the attending physician, can be performed safely without requiring inpatient overnight hospital care and exclusive of such surgical and related care as licensed physicians ordinarily may elect to perform in their private offices.
- h. **Medical Laboratory** - An indoor establishment that includes laboratories and/or experimental equipment for medical testing, prototype design and development, and product testing.

130. **MINI-WAREHOUSE** - Small individual storage units for rent or lease, restricted solely to the storage of items. The conduct of sales, business or any other activity within the individual storage units, other than storage, shall be prohibited.

131. **MODEL HOME** - A dwelling in a developing subdivision, located on a legal lot of record, that is used temporarily as a sales office for the subdivision and to provide an example of the dwellings, which have been built, or which are proposed to be built within the same subdivision.

132. **MOTEL OR HOTEL** - A facility offering temporary lodging accommodations or guest rooms on a daily rate to the general public and providing additional services, such as restaurants, meeting rooms, housekeeping service and recreational facilities. A guest room shall be defined as a room designed for the overnight lodging of hotel guests for an established rate or fee.

133. **MOTORCYCLE** - A usually two-wheeled, self-propelled vehicle having one (1) or two (2) saddles or seats, and which may have a sidecar attached. For purposes of this Ordinance, motorbikes, all-terrain vehicles (ATVs), motor scooters, mopeds and similar vehicles are classified as motorcycles. Operation of a vehicle designed for off road use or otherwise not licensed and "street legal" on City streets and sidewalks is prohibited by City Ordinances.

134. **MOTORCYCLE SALES AND REPAIR** - The display, sale and/or servicing, including repair work, of motorcycles.

135. **MOTOR FREIGHT (HAULING/STORAGE) COMPANY** - A company using trucks or other heavy load vehicles to transport goods, equipment and similar products. Includes companies that move or provide storage for residential or commercial belongings.

136. **MOTOR VEHICLE** - Any vehicle designed to carry one (1) or more persons which is propelled or drawn by mechanical power, such as automobiles, vans, trucks, motorcycles and buses.

137. **MULTIPLE-FAMILY DWELLING (APARTMENT)** - Three (3) or more dwelling units on a single lot designed to be occupied by three (3) or more families living independently of one another, exclusive of hotels or motels.

138. **MUNICIPAL FACILITY OR USE** - Any area, land, building, structure and/or facility which is owned, used, leased or operated by the City of Kaufman, Texas.

139. **NONCONFORMING USE/STRUCTURE** - A building, structure, or use of land lawfully occupied as of the effective date of this Ordinance or amendments thereto, but which does not conform to the use regulations of the district in which it is situated.

140. **NURSERY** - A facility which is engaged in the selling of flowers, ornamental plants, shrubs, trees, seeds, garden and lawn supplies, and other materials used in planting and landscaping, and may include cultivation and propagation activities outside a building.

141. **NURSING, CONVALESCENT OR REST HOME (LONG-TERM CARE FACILITY)** - A commercial facility for residents providing primarily in-patient health care, personal care, or rehabilitative services over a long period of time to persons who are chronically ill, aged or disabled and who need ongoing health supervision but not hospitalization.
142. **OCCUPANCY** - The use or intended use of the land or buildings by proprietors or tenants.
143. **OCCASIONAL SALES** - A sale of goods or anything of value on any premises not considered a retail business establishment and zoned accordingly, lasting less than 72 hours, such as, garage sales, estate sales, rummage sales, yard sales, etc., regulated by Chapter 26, City of Kaufman Code of Ordinances, as amended.
144. **OFFICES, PROFESSIONAL AND GENERAL BUSINESS** - A room or group of rooms used for the provision of executive, management and/or administrative services. Typical uses include administrative offices and services including real estate, insurance, property management, investment, personnel, travel, secretarial services, telephone answering, and business offices of public utilities, organizations and associations, but excluding medical offices.
145. **OFFICE CENTER** - A building or complex of buildings used primarily for conducting the affairs of a business, profession, service, industry, government or similar entity, that may include ancillary services for office workers such as a coffee shop, newspaper stand, sundries shop, hair/nail salon, etc.
146. **OFFICE SHOWROOM/WAREHOUSE** - An establishment with a portion of its total floor area devoted to storage and warehousing, but not accessible to the general public. The remaining area may include retail and wholesale sales areas, sales offices, and display areas for products sold and distributed from the storage and warehousing areas.
147. **OFF-STREET PARKING SPACES** - Off-street parking spaces provided in accordance with the requirements of this Ordinance, located on the same lot or tract occupied by the main use, which vehicles may not access directly from a public right-of-way.
148. **OFF-SITE PARKING SPACES** - Off-street parking spaces located on private property on a different lot as the main use it serves when the lot on which the use is located cannot provide sufficient spaces to meet the parking requirement. Off-site parking must be within one thousand feet (1000') of the use it serves and must be approved by the City Council.
149. **ON-STREET PARKING SPACES** - On-street parking is allowed only in the Central Business District and in Residential Districts, except where "No Parking" ordinances are in effect or on any State controlled right-of-way.
150. **OUTSIDE DISPLAY** - Outside temporary display of finished goods being sold by the same retail business that occupies the main building on the lot that are specifically intended for retail sale but not displayed outside overnight. Displays may not occupy any designated parking space or be placed in any street or alley right-of-way
151. **OUTSIDE SIDEWALK DISPLAYS OF RETAIL GOODS, MERCHANDISE OR MATERIALS (with no overnight display)** is defined as the temporary showcasing, on a designated sidewalk, of finished goods, merchandise, or materials that are sold in the same retail business, that

occupies the main building on the lot. The displays of such items are allowed only during the business' operating hours. Outside sidewalk display areas are not intended as additional sales space area or as outside storage, but as a way to exhibit a selection of items sold inside the store.”.

152. **OUTSIDE STORAGE** - The permanent and/or continuous keeping, displaying or storing, outside a building, of any goods, materials, merchandise or equipment on a lot or tract for more than twenty-four (24) hours. Also referred to as “**open storage**”.
153. **PAINT SHOP** - A commercial establishment where painting services are performed (but not automotive-related painting services, which would be included under "Automobile Repair, Major"). A paint retail store would not be included in this definition but would be considered to be a dry goods store.
154. **PARCEL** - Any unplatted tract of land, or any portion of an unplatted tract of land (see "Tract").
155. **PARK OR PLAYGROUND (PRIVATE)** - A recreation facility, park or playground which is not owned by a public agency such as the City or School District, and which is operated for the exclusive use of private residents or neighborhood groups and their guests and not for use by the general public.
156. **PARK OR PLAYGROUND (PUBLIC)** - Publicly owned and operated parks, recreation areas, playgrounds, swimming pools and open spaces that are available for use by the general public without membership or affiliation. This land use shall include school facilities, state or county open space lands. Special event type uses such as rodeos, concerts, festivals and other special events may require special event permits, as set forth in Chapter 70, as amended, of the City of Kaufman Code of Ordinances.
157. **PARKING LOT** - An off-street (i.e., not on a public street or alley), ground level area, paved in accordance with City of Kaufman parking lot standards, for the short- or long-term storage of motor vehicles and open to the public without charge.
158. **PARKING LOT OR STRUCTURE, COMMERCIAL (AUTO)** - An area or structure devoted to the parking or storage of automobiles for a fee which may include, in the case of a parking structure only, a facility for servicing automobiles provided that such facility is an internal function for use only by automobiles occupying the structure and that such facility creates no special problems of ingress or egress.
159. **PATIO HOME (ZERO-LOT-LINE DWELLING)** - A single-family dwelling on a separately platted lot which is designed such that one (1) side yard is reduced to zero feet (0') in order to maximize the width and usability of the other side yard, and which permits the construction of a detached single-family dwelling with one side (i.e., wall) of such dwelling placed on the side property line. (See Section 18).
160. **PAWN SHOP** - An establishment where money is loaned on the security of personal property pledged in the keeping of the owners (pawnbroker). Retail sales of primarily used (i.e., pre-owned) items is also allowed, provided that the sale of such items complies with local, State and Federal regulations.
161. **PERSONAL CARE FACILITY** – An established residence licensed by the State which provides care for the elderly, for up to six (6) unrelated residents, regardless of legal relationship, in the

following areas: food and shelter; assistance with meals, dressing, bathing, or other personal needs; administration of medication by licensed personnel. General supervision of the physical and mental wellbeing of persons needing assistance in the facility, in order to maintain a private and independent residence or assistance in order to manage a person's personal life. Such facilities to be allowed in all residential districts by State Law.

162. **PERSONAL SERVICE USE OR CUSTOM PERSONAL SERVICES** - Establishments less than two thousand square feet (2,000 sf) in gross floor area, primarily engaged in providing services generally involving the care of the person or his apparel and including (but not limited to) barber/beauty shops, dressmaking, shoe shining and repair, tailor or seamstress services, and other similar types of uses (no outside storage).
163. **PET AND ANIMAL GROOMING SHOP** - A retail establishment offering small animals, fish and/or birds for sale as pets, where such creatures are housed within the building, and which may include the grooming of dogs, cats and similar animals.
164. **PETROLEUM DISTRIBUTION/STORAGE/WHOLESALE FACILITY** - A facility for the long-term storage and distribution of petroleum that may also involve wholesale sales, but not retail sales, of petroleum and petroleum-based products. No manufacturing or refining of petroleum or petroleum-based products occurs on the premises, only storage and/or distribution functions.
165. **PLANNED DEVELOPMENT DISTRICT** - A special overlay district that provides flexibility for innovative developers to integrate mixed uses together in such ways that is normally prohibited by straight zoning and that can assist in the implementation of the Comprehensive Plan or other development goals and objectives (such as Smart Growth principles, preservation of open space or efficient use of resources, etc.) for the benefit of the community as a whole. Planned developments are based on an underlying zoning district which remains in place except for the special or unique elements that are specifically delineated in the planned development ordinance. A planned development is not intended to be used to circumvent the basic requirements of the zoning ordinance.
166. **PLANNING AND ZONING COMMISSION** - A board which is appointed by the City Council as an advisory body, and which is authorized to recommend changes in the zoning of property and other planning functions as delegated by the City Council. Also referred to as the "**Commission**."
167. **PLAT** - A plan showing the subdivision of land, creating building lots or tracts, showing all essential dimensions and other information in compliance with the subdivision standards of the City of Kaufman, and which is approved by the City of Kaufman and recorded in the plat records of Kaufman County.
168. **PORTABLE BUILDING SALES (OUTDOOR DISPLAY)** - An establishment which displays and sells structures capable of being carried and transported to another location, but not including manufactured housing or homes.
169. **PREMISES** - Land together with any buildings or structures situated thereon, same as "Lot".
170. **PRIMARY USE** - The principal or predominant use of any lot or building.
171. **PRINTING SHOP (COMMERCIAL)** - A use which includes lithography, newspaper printing, publishing and distribution of printed materials but which does not include the recycling, reprocessing or chemical treatment of paper products.

172. **PRIVATE CLUB** - An establishment providing social and/or dining facilities which may provide alcoholic beverage service, to an association of persons, and otherwise falling within the definition of, and permitted under the provisions of, that portion of Title 3, Chapter 32, Vernon's Texas Codes Annotated, Alcoholic Beverage Code, as the same may be hereafter amended, and as it pertains to the operation of private clubs.

173. **PRODUCE STAND** - A permanent use for which the primary purpose and design is to sell fruit, nuts, vegetables and similar foods with outside displays (if totally indoors then use is defined as a food store). No cooking or on-premises consumption of produce occurs on the site.

174. **PROFESSIONAL SERVICE** - Work performed which is commonly identified as a profession, and which may be licensed by the State of Texas.

175. **PROPANE SALES** - Retail sales of gaseous substances commonly used for household purposes such as propane and/or butane; does not include the storage, sale or distribution of other types of combustible substances or alternative fuels such as containerized natural gas, liquid propane, etc.

176. **PUBLIC AGENCY BUILDING, SHOP, YARD OR FACILITY** - Any building, land, area and/or facility (including maintenance/storage yards and shops) which is owned, leased, primarily used and/or occupied by any subdivision or agency of the following: the State of Texas, the United States, or other public utility or agency. Any facility which is owned, leased, used and/or occupied by the City of Kaufman is defined as "Municipal Facility or Use".

177. **PUBLIC VIEW** - Public view means areas that can be seen from any public street.

178. **RECREATION/COMMUNITY CENTER** - A public or private facility place designed and equipped for the conduct of sports, leisure time activities, and other customary and usual recreational activities.

179. **RECREATIONAL VEHICLE/CAMPER SALES AND LEASING** - An establishment that sells, leases and/or rents new and/or used recreational vehicles, travel trailers, campers, boats/watercraft, and similar types of vehicles.

180. **RECREATIONAL VEHICLE (RV) PARK** - A parcel of land not less than five (5) acres nor greater than twenty-five (25) acres used as a commercial campground for recreational vehicles, travel trailers, and similar vehicles to reside, park, rent or lease on a temporary basis. Facility may include a residence for the owner/manager of the premises, utility hook-ups, accessory structures, playgrounds and open space areas, fenced yard areas for pets, and other similar amenities.

181. **RECYCLING KIOSK** - A small uninhabited structure (one hundred twenty square feet (120 sf) maximum) or temporary container (e.g., "igloo" or dumpster-type container) which provides a self-service location for the depositing of recyclable materials such as aluminum cans (e.g., "can banks"), glass bottles, magazines/newspapers, metal or plastic containers, etc. Recyclables are picked up periodically from the site. This definition does not include large trailers or manned collection centers.

182. **REHABILITATION CARE FACILITY (HALFWAY HOUSE)** - A dwelling unit which provides residence and care to not more than six (6) persons regardless of legal relationship who have demonstrated a tendency towards alcoholism, drug abuse, mental illness, or antisocial or criminal conduct living together with not more than two (2) supervisory personnel as a single housekeeping unit.

183. **REHABILITATION CARE INSTITUTION** - A facility which provides residence and care to seven (7) or more persons, regardless of legal relationship, who have demonstrated a tendency toward alcoholism, drug abuse, mental illness, or antisocial or criminal conduct together with supervisory personnel.

184. **RESIDENCE** - Same as a dwelling; also, when used with district, an area of residential regulations.

185. **RESIDENTIAL DISTRICT** - District where the primary purpose is residential use.

186. **RESTAURANT OR CAFETERIA (WITH DRIVE-THROUGH OR DRIVE-IN SERVICE)** - An eating establishment where vehicular traffic is primary to their business which may have indoor dining facilities as well as drive-in service where customers consume food in their vehicle including drive-through windows for pickup of food for off premise consumption.

187. **RESTAURANT OR CAFETERIA (WITH NO DRIVE-THROUGH SERVICE)** - An eating establishment where customers are primarily served at tables or are self-served, where food is consumed on the premises, and which do not have a drive-through window.

188. **RETAIL STORE/SHOP (FOR DRY GOODS)** - This major group includes retail stores which sell any number of lines of primarily new merchandise including but not limited to dry goods, apparel and accessories, furniture and home furnishings, small wares, electronics, appliances, hardware, but not food or alcoholic beverages. The stores included in this group are known as department stores, variety stores, general merchandise stores, general stores, etc. and are divided into buildings containing less than seven thousand square feet (7,500 sf) or more than seven thousand square feet (7,500 sf), which is the dividing line for fire sprinkler systems.

189. **RETAIL STORE/SHOP (FOR FOOD or ALCOHOLIC BEVERAGES)** This major group includes retail stores which sell any number of lines of primarily food products including but not limited to prepared foods, can goods, fresh produce, dairy products, bakery products, meat products, delicatessen, or alcoholic and non-alcoholic beverages. The stores included in this group are known as grocery stores, food stores, convenience stores, etc. and are divided into buildings containing less than seven thousand square feet (7,500 sf) or more than seven thousand square feet (7,500 sf) which is the dividing line for fire sprinkler systems.

190. **ROOM** - A building or portion of a building which is arranged, occupied or intended to be occupied as living or sleeping quarters but not including toilet or cooking facilities.

191. **SALVAGE OR RECLAMATION OF PRODUCTS (ALSO SEE WRECKING YARD)** - The reclamation and storage of used products or materials.

192. **SAND, GRAVEL OR STONE EXTRACTION AND/OR STORAGE** - The process of extracting and/or storing sand, gravel, stone, topsoil, compost or other products from the earth.

193. **SCHOOL, BUSINESS** - A for-profit business that offers instruction and training in a profession, service or art such as a secretarial or court reporting school, barber/beauty college or commercial art school, but not including commercial trade schools.

194. **SCHOOL, COMMERCIAL TRADE** - A for-profit business that offers vocational instruction and training in trades such as welding, brick laying, machinery operation/repair, and similar trades.

195. **SCHOOL, PRIVATE (PRIMARY OR SECONDARY)** - A school under the sponsorship of a private agency or corporation, other than a public or religious agency, which offers a curriculum that is generally equivalent to public elementary and/or secondary schools.
196. **SCHOOL, PUBLIC OR PAROCHIAL** - A school under the sponsorship of a public or religious agency which provides elementary and/or secondary curricula, but not including private business or commercial trade schools.
197. **SCIENTIFIC AND INDUSTRIAL RESEARCH LABORATORIES** - Facilities for research, including laboratories, experimental equipment, and operations involving compounding or testing of materials or equipment.
198. **SCREENING** - Shielded, concealed, and effectively hidden from the view of a person standing at ground level on an abutting site, from a public street or right-of-way or outside the area or feature so screened, by a fence, wall, hedge, berm or similar architectural or landscape feature. Dumpsters, outside storage and loading docks must be screened from view from a public roadway in addition to screen walls that are required to be erected between nonresidential uses and residential uses.
199. **SEASONAL/TEMPORARY USES** - Temporary seasonal uses include the sales of items such as Christmas trees, pumpkins, snow cones, fresh produce, and other items which are typically only available at certain times of the year for sale by individuals on private property in those Districts designated in the Use Tables (Section 33) , but not an accessory to businesses existing on the site. (Requires a Temporary Use Permit, per Section 40.8)
200. **SERVANT'S QUARTERS OR GUEST HOUSE** - An accessory dwelling in a residential district for the sole use and occupancy of a member of the immediate family or of a person or persons employed on the premises by the occupant on a full-time basis as domestic help such as a maid, nanny/governess, groundskeeper, chauffeur, cook or gardener, but not involving the rental of such facilities or the use of separate utility connections for such facilities.
201. **SEXUALLY ORIENTED BUSINESS** – As defined by State Code; also see Chapter 118 of the City Code of Ordinances as amended.
202. **SHOPPING CENTER** - A group of primarily retail and service commercial establishments that is planned, constructed and managed as a total entity, and which provides customer and employee parking on-site, unloading/delivery areas which are separated from customer access, and aesthetically appropriate design and protection from the elements.
203. **SINGLE-FAMILY DWELLING, ATTACHED (TOWNHOUSE)** - A dwelling which is joined to another dwelling at one (1) or more sides by a shared wall, which is designed for occupancy by one (1) family, and which is located on a separate lot delineated by front, side and rear lot lines which may be under individual ownership.
204. **SINGLE-FAMILY DWELLING, DETACHED** - A dwelling designed and constructed as a free-standing structure for occupancy by one (1) family, and located on a lot or separate building tract having no physical connection to a building located on any other lot or tract.
205. **SMALL ENGINE REPAIR SHOP** - Shop for the repair of lawn mowers, chain saws, lawn equipment, and other machines with one-cylinder engines.

206. **STABLE, COMMERCIAL** - A stable used for the rental of stall space or for the sale or rental of horses or mules.
207. **STABLE, PRIVATE** - An area used solely for the owner's private purposes for the keeping of horses, mules or ponies, which are not kept for remuneration, hire or sale.
208. **STORAGE OR WHOLESALE WAREHOUSE** - A building used primarily for the storage of goods and materials.
209. **STORY** - That portion of a building (above grade), other than a basement, that is included between the surface of any floor and the surface of the next floor above it or, if there is no floor above it, then the space between the floor and the ceiling above it. The average height for a story shall be defined as twelve feet (12'). The definition of a story does not include parapets, gables and other normal roof structures. In cases where the site has a significant slope, the number of stories (i.e., height) of a building shall be measured from point representing the average slope from front to back (or side to side) of the building.
210. **STORY, HALF** - A space under a sloping roof which has the line of intersection of roof decking and wall face not more than three feet (3') above the top floor level, and in which space not more than two-thirds (2/3) of the floor area is finished off for use. A half-story containing an independent apartment or self-contained living quarters shall be counted as a full story.
211. **STREET** - Any dedicated public thoroughfare which affords the principal means of access to abutting property. A street is termed a major thoroughfare or arterial when the right-of-way is greater than sixty feet (60').
212. **STREET INTERSECTION** - Any street, which joins another street at an angle, whether or not it crosses the other.
213. **STREET YARD** - The area between the building front line and the front property (i.e., right-of-way) line.
214. **STRUCTURE** - Anything constructed or erected, the use of which requires location on the ground or which is attached to something having a location on the ground (also see definition of "Building").
215. **STRUCTURAL ALTERATIONS** - Any change in the supporting members of a building, such as load-bearing walls or partitions, columns, beams or girders, or any substantial change in the roof or in the exterior walls.
216. **STUDIO, HEALTH/REDUCING/FITNESS** - Includes, but is not limited to, an establishment which provides facilities and equipment (e.g., gymnasiums, weight rooms, swimming pools/spas, exercise apparatus, instruction/classes, etc.) which are intended to promote health, fitness, weight reduction and/or similar health-related activities. Such facilities may include such accessory uses as food service, sales of sundries and apparel, and child care services, provided that such accessory uses are clearly incidental to the primary use and are for the use of studio patrons only (i.e., not the general public). No outside signage may be used to advertise accessory uses.
217. **STUDIO, TATTOO OR BODY PIERCING** - A building or portion of a building used for selling and/or applying tattoos (by injecting dyes/inks into the skin), and/or for piercing the skin with needles, jewelry or other paraphernalia, primarily for the purpose of ornamentation of the human body.

218. **STUDIO FOR RADIO AND TELEVISION** - A building or portion of a building used as a place for radio or television broadcasting.
219. **SWIMMING INSTRUCTION AS A HOME OCCUPATION** - The teaching of swimming in a private swimming pool. Within a residential district, this use is subject to the approval and issuance of a conditional use permit, which may specify operating conditions and standards and which may limit the number of students and operating times.
220. **SWIMMING POOL, COMMERCIAL** - A swimming pool with accessory facilities which is not part of the municipal or public recreational system and which is not a private swim club, but where the facilities are available for use by the general public for a fee.
221. **SWIMMING POOL, PRIVATE** - A swimming pool constructed for the exclusive use of the residents of a one-family, townhouse or multiple-family dwelling and located, fenced and built in accordance with the City of Kaufman Code of Ordinances and International Building Codes as adopted. A private swimming pool shall not be operated as a business nor maintained in a manner to be hazardous or obnoxious to adjacent property owners.
222. **TELEMARKETING CENTER** - An establishment which solicits business or the purchase of goods and/or services by telephone only. No sales of goods or services to the public occur at or on the premises. No products are stored at or on the premises.
223. **TELEPHONE AND EXCHANGE, SWITCHING/RELAY OR TRANSMITTING STATION** - A line for the transmission of telephone signals and a central office in which telephone lines are connected to permit communication but not including a business office, storage (inside or outside) or repair yards.
224. **TEMPORARY** - Short-term or seasonal uses that would not be appropriate on a permanent basis, which typically require a Temporary Use Permit (Section 40.8). See "Seasonal Uses" and "Occasional Sales".
225. **TEMPORARY BUILDING** - Any nonresidential prefabricated structure which is not originally manufactured or constructed at its use site, required on-site installation of utilities and/or foundation.
226. **TEMPORARY FIELD OFFICE OR CONSTRUCTION YARD OR OFFICE** - A structure or shelter used in connection with a development or building project for housing on the site of temporary administrative and supervisory functions and for sheltering employees and equipment. Temporary permits for one (1) year for a specific time and location as determined may be issued by the Director and shall be subject to review and renewal for reasonable cause.
227. **TEMPORARY CLASSROOMS** - A HUD Code modular, manufactured or portable building used temporarily to house students until permanent facilities can be constructed. Existing public or private schools or churches which because of growth, experience overcrowding of classroom facilities and require additional classroom space on a temporary basis until new facilities can be funded and constructed. Temporary permits for one (1) year for a specific time and location as determined may be issued by the Director and shall be subject to review and renewal for reasonable cause. Exterior façade materials shall be 100% masonry cementitious siding or siding with meets fire retardant specifications of the International Fire Code.

228. **TENNIS COURT, PRIVATE** - A surface designed and constructed for playing the game of tennis along with all fencing, nets and related appurtenances but excluding lighting for nighttime play in residential areas except as may be otherwise provided or restricted by the conditional use permit.

229. **THEATER, DRIVE-IN (OUTDOOR)** - An open lot with its appurtenant facilities devoted primarily to the showing of motion pictures or theatrical productions on a paid admission basis to patrons seated in automobiles.

230. **THEATER OR PLAYHOUSE (INDOOR)** - A building or part of a building devoted to the showing of motion pictures, or for dramatic, musical or live performances.

231. **TIRE DEALER, NO OUTSIDE STORAGE** - A retail establishment engaged in the sale and/or installation of tires for vehicles, but without open storage.

232. **TIRE DEALER, WITH OUTSIDE STORAGE** - A retail establishment engaged in the sale and/or installation of tires for vehicles, with open storage.

233. **TOOL AND MACHINERY RENTAL SHOP** - A building or a portion of a building used for the display and rental of tools, machinery and instruments.

234. **TRACT** - A single individual parcel or lot.

235. **TRAILER RENTAL** - The display and offering for rent of trailers designed to be towed by automobiles and light load vehicles.

236. **TRAILER, TRAVEL OR CAMPING** - A portable or mobile living unit which is used for temporary human occupancy away from the users' permanent place of residence, which does not constitute the users' principal place of residence, and which is designed to be towed behind another vehicle.

237. **TRANSPORTATION AND UTILITY STRUCTURES/FACILITIES** - Permanent facilities and structures operated by companies engaged in providing transportation and utility services including but not limited to railroad track rights-of-way, sewage pumping stations, telephone exchanges, transit station turnarounds, water reservoirs and water pumping stations.

238. **TRUCK** - A light or heavy load vehicle (see definitions for "Light Load Vehicle" and "Heavy Load Vehicle").

239. **TRUCK AND BUS REPAIR** - An establishment providing major and minor automotive repair services to heavy load vehicles.

240. **TRUCK AND BUS LEASING** - The rental of new or used panel trucks, vans, trailers, recreational vehicles or motor-driven buses in operable condition and where no repair work or intensive cleaning operations are performed.

241. **TRUCK STOP** - A facility for the parking, refueling and/or minor repair of heavy load tractor-trailer trucks. These facilities may also include retail sales of food and/or other items, restaurant(s), restroom/showers facilities, and/or temporary sleeping quarters.

242. **TRUCK TERMINAL** - An area and building where cargo is stored and where trucks, including tractor and trailer units, load and unload cargo on a regular basis. May include facilities for the temporary storage of loads prior to shipment.

243. **TRUCK SALES (HEAVY TRUCKS)** - The display, sale or rental of new or used heavy load vehicles in operable condition.

244. **TWO-FAMILY DWELLING (DUPLEX)** - A townhouse residential structure with two dwelling units in one (1) structure divided by a lot line, each designed to be occupied by one (1) family.

245. **USABLE OPEN SPACE** - An open area or recreational facility which is designed and intended to be used for outdoor living and/or recreation purposes. An area of usable open space shall have a slope not exceeding ten percent (10%), shall have no dimension of less than ten feet (10'), and may include landscaping, walks, recreational facilities, water features and decorative objects such as art work or fountains (see also Section 18.5(C-E)).

246. **USE** - The purpose for which land or buildings are or may be occupied in a zoning district.

247. **UTILITY DISTRIBUTION/TRANSMISSION LINES** - Facilities which serve to distribute and transmit electrical power, gas and water, including but not limited to electrical transmission lines, gas transmission lines, telephone lines and metering stations, whether operated by the City or private utility company.

248. **VARIANCE** - An adjustment in the application of the specific regulations of the Zoning Ordinance to a particular parcel of property which, because of special conditions or circumstances of hardship peculiar to the particular 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. Only the Zoning Board of Adjustment of the City of Kaufman can grant a variance.

249. **VETERINARIAN CLINIC** - An establishment where animals and pets are admitted for examination and medical treatment (also see "Kennels").

250. **WEDDING RECEPTION/PARTY FACILITY** - A use that includes a commercial party with food provided by the facility or catered, and typically available at such functions. Commercial facilities that cater for profit or rent space for private parties or wedding receptions shall be allowed only in those nonresidential districts as indicated in the Use Charts. Private wedding receptions or private parties that are conducted in residential districts that require parking of more than six (6) vehicles on public streets require a temporary use permit issued by the Director and shall be limited to four (4) permits per calendar year.

251. **WRECKING YARD (JUNKYARD OR AUTO SALVAGE)** - Any lot upon which two (2) or more motor vehicles of any kind, which are incapable of being operated due to condition or lack of license, have been placed for the purpose of obtaining parts for recycling or resale.

252. **YARD** - An open space at grade between a building and the adjoining lot lines, unoccupied and unobstructed by any portion of a structure from the ground upward, except where otherwise specifically provided in this Ordinance that the building or structure may be located in a portion of a yard required for a main building. In measuring a yard for the purpose of determining the width of the side yard, the depth of a front yard or the depth of a rear yard, the shortest horizontal distance between the lot line and the main building shall be used.

253. **YARD, FRONT** - A yard located in front of the front elevation of a building and extending across a lot between the side yard lines and being the minimum horizontal distance between the front property line and the outside wall of the main building.

254. **YARD, REAR** - The area extending across the rear of a lot measured between the lot lines and being the minimum horizontal distance between the rear lot line and the rear of the outside wall of the main building. On both corner lots and interior lots, the rear yard shall in all cases be at the opposite end of the lot from the front yard.

255. **YARD, SIDE** - The area between the building and side line of the lot and extending from the front lot line to the rear lot line and being the minimum horizontal distance between a side lot line and the outside wall of the side of the main building.

256. **ZERO-LOT-LINE DWELLING** - See "Patio Home".

257. **ZONING BOARD OF ADJUSTMENT (BOA)** - A board which is appointed by the City Council, and which is authorized to make special exceptions to the Zoning Ordinance (i.e., variances), and to hear and decide any appeals that allege error in an order, requirement, decision or determination made by an administrative official in the enforcement of the Zoning Ordinance.

258. **ZONING DISTRICT** - A classification applied to any certain land area within the City stipulating the limitations and requirements of land usage and development.

259. **ZONING DISTRICT MAP** - The official map upon which the boundaries of the various zoning districts are drawn and which is an integral part of the Zoning Ordinance. The Official Zoning District Map is maintained by the City Secretary all other copies are for reference only and are not official.

260. **ZOO (PRIVATE)** - 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.

261. **ZOO (PUBLIC)** - A publicly owned zoo or similar facility owned and operated by the City or a nonprofit zoological society where live animals, birds and reptiles are domiciled and displayed.

## **V. DEVELOPMENT STANDARDS**

### **SECTION 34        NONCONFORMING USES AND STRUCTURES**

#### **34.1 INTENT OF PROVISIONS: Amended O-14-17 on 06-24-17**

- A. Within the districts established by this Ordinance or amendments thereto, there may exist lots, structures, uses of land and structures, and characteristics of use which were lawfully in existence and operating before this Ordinance was enacted, amended or otherwise made applicable to such lots, structures or uses, but which do not now conform to the regulations of the district in which they are located. It is the intent of this Ordinance to permit such nonconforming uses to continue, as long as the conditions within this Section and other applicable sections of the Ordinance are met.
- B. It is further the intent of this Ordinance that nonconforming uses shall not be enlarged upon, expanded or extended, and shall not be used as a basis for adding other structures or uses prohibited elsewhere in the same district.
- C. Nonconforming uses are hereby declared to be incompatible with the permitted uses in the districts involved.

#### **34.2 NONCONFORMING STATUS:**

- A. Any use, platted lot, or structure, which does not conform with the regulations of this Zoning Ordinance on the effective date hereof or any amendment hereto, except as expressly provided in Subsection "C" below, shall be deemed a nonconforming use, platted lot or structure provided that:
  - 1. Such use, platted lot, or structure was in existence under and in compliance with the provisions of the immediately prior zoning ordinance; or
  - 2. Such use, platted lot, or structure was a lawful, nonconforming use, platted lot or structure under the immediately prior zoning ordinance; or
  - 3. Such use, platted lot, or structure was in existence at the time of annexation into the City, was a legal use of the land at such time, and has been in regular and continuous use since such time.
- B. Any other use, platted lot or structure which does not conform with the regulations of the zoning district in which it is located on the effective date of this Ordinance or any amendment hereto, and except as provided in Subsection "C" below, shall be deemed to be in violation of this Ordinance, and the City shall be entitled to enforce fully the terms of this Ordinance with respect to such use, platted lot or structure.
- C. The following types of platted lots shall be deemed in conformance with the provisions of this Ordinance, notwithstanding the fact that such lot does not meet the standards of this Ordinance in the district in which it is located:

1. Any vacant lot that conformed to the City's zoning district regulations at the time that it was platted; or
2. Any lot occupied by a single-family dwelling authorized under the zoning district regulations in which the lot is located.

#### **34.3 CONTINUING LAWFUL USE OF LAND AND STRUCTURES:**

- A. A nonconforming use or structure may continue to be used, operated, or occupied in accordance with the terms of the zoning regulations by which it was established, or in the case of annexed property, in accordance with the regulations under which it was created.
- B. A nonconforming structure occupied by a nonconforming use may be re-occupied by a conforming use, following abandonment of the nonconforming use.

#### **34.4 ABANDONMENT OF NONCONFORMING USES AND STRUCTURES, AND CESSATION OF USE OF STRUCTURE OR LAND:**

- A. If a nonconforming use or structure is abandoned, any future use of the premises shall be in conformity with the provisions of this Ordinance, as amended, and with any other applicable City codes or ordinances that are in effect at the time the use is resumed or the structure is reoccupied.
- B. A nonconforming use or structure shall be deemed "abandoned" in the following circumstances:
  1. The use ceases to operate for a continuous period of six (6) months (i.e., 180 calendar days);
  2. The structure remains vacant for a continuous period of six (6) months (i.e., 180 calendar days); or
  3. In the case of a temporary use, the use is moved from the premises for any length of time.

#### **34.5 CHANGING NONCONFORMING USES:**

- A. A nonconforming use shall not be changed to another nonconforming use.
- B. A nonconforming use may be changed to a conforming use provided that, once such change is made, the use shall not be changed back to a nonconforming use.
- C. A conforming use located in a non-conforming structure may be changed to another conforming use, but shall not be changed to a nonconforming use.

#### **34.6 EXPANSION OF NONCONFORMING USES AND STRUCTURES:**

- A. A nonconforming use may be extended throughout the structure in which it is located, provided that:
  1. The structure or its premises shall not be enlarged or increased in height, in floor area or in land area to accommodate extension of the nonconforming use;

2. No alteration shall be made to the structure occupied by the nonconforming use, except those alterations that are required by law to preserve the integrity of the structure and alterations that would upgrade the quality, safety or aesthetic appeal of the structure; and
3. The number of dwelling units occupying the structure shall not exceed the number of dwelling units existing at the time the use became nonconforming.

B. A non-conforming use occupying a structure shall not be extended to occupy land outside the structure.

C. A nonconforming use or structure shall not be enlarged, increased or extended to occupy a greater area of land than was occupied at the time the use or structure became nonconforming, except to provide additional off-street parking or loading areas required by this Ordinance.

#### **34.7 RECONSTRUCTION OR REPAIR OF NONCONFORMING STRUCTURE:**

- A. If fifty percent (50%) or more of the total appraised value, as determined by the Kaufman County Appraisal District, of a nonconforming structure is destroyed by fire, the elements, or some other cause, then the structure may be rebuilt only in conformity with the standards of this Ordinance.
- B. If less than fifty percent (50%) of the total appraised value, as determined by the Kaufman County Appraisal District, of a nonconforming structure is destroyed by fire, the elements, or some other cause, then the structure may be reconstructed as it was before the partial destruction but only to its original dimensions and floor area, and provided that such reconstruction is completed within one (1) year (i.e., 365 calendar days) following the event that caused the partial destruction. If reconstruction is delayed by contested insurance claims, litigation, or some other similar cause, then the one-year reconstruction period may be extended by the Development Services Department.
- C. If a nonconforming structure that is totally or partially destroyed was occupied by a nonconforming use at the time of such destruction, then the nonconforming use may be reestablished subject to the limitations on expansion set forth in Subsection 34.6 above.
- D. Any conforming structure that is totally or partially destroyed shall be reconstructed only in conformity with the standards of this Ordinance.
- E. Nothing in this Ordinance shall be construed to prohibit the upgrading, strengthening, repair or maintenance of any part of any structure, conforming or nonconforming, that is declared unsafe or uninhabitable by the proper authority, unless such repairs or maintenance are estimated to exceed fifty percent (50%) of the structure's appraised value, as determined by the Kaufman County Appraisal District, at which point the entire structure and all repairs and maintenance shall be reconstructed in conformity with the standards of this ordinance. Cost estimate documentation (bids) shall be submitted with the building permit application in order to verify compliance with this section.

**34.8 MOVING OF NONCONFORMING STRUCTURE:**

No nonconforming structure or building shall be moved in whole or in part to any other location on the lot, or to any other location or lot, unless every portion of such structure is in compliance with all the regulations of the zoning district wherein the structure is to be relocated. Such building relocation shall also require a structure relocation permit from the City, and may also require platting of the intended building site pursuant to the City's Subdivision Ordinance as well as approval of a Building Permit Plan in accordance with Section 11.2 of this Ordinance.

**34.9 NONCONFORMING LOTS:**

Nothing in this Ordinance shall be construed to prohibit the use of a lot that does not meet the minimum lot standards of the zoning district in which it is located, provided that the lot is zoned for the land use(s) intended and the lot was platted as a lot of record prior to the effective date of this Ordinance.

**34.10 RIGHT TO PROCEED PRESERVED:**

Nothing contained in this Section is intended to alter any rights that may have accrued to proceed under prior regulations, pursuant to Texas Local Government Code Section 43.002, or Sections 245.001 to 245.006.

## **SECTION 35 OFF-STREET PARKING AND LOADING REQUIREMENTS**

### **35.1 PURPOSE:**

To secure safety from fire, panic, and other dangers; to lessen congestion on public streets; to facilitate the adequate provision of transportation; to conserve the value of buildings; and to encourage the most appropriate use of land. Minimum off-street parking and loading shall be provided as set forth in the following schedules and provisions.

### **35.2 RESIDENTIAL DISTRICTS -- SPECIAL OFF-STREET PARKING PROVISIONS:**

- A. Required off-street parking shall be provided on the same lot as the main residential structure it is to serve.
- B. All vehicle parking (including motor vehicles, recreational vehicles, boats, trailers, personal watercraft, etc.) shall be on a suitably paved parking surface (defined as concrete or asphalt paving). Existing crushed rock parking areas constructed prior to the date of adoption of this ordinance may be continued to be used, however, they may not be enlarged and all new parking areas shall be constructed of concrete or asphalt paving materials. Minimum construction standards for asphalt paving are two inches (2") of compacted base and two inches (2") of rolled asphalt. Minimum construction standards for concrete paving are four inches (4") of concrete with #3 rebar on eighteen inch (18") centers. All driveways and approaches to parking spaces shall be similarly paved, except in the A-O district in which driveways over fifty feet (50') in length may be constructed of crushed rock (gravel) a minimum of six inches (6") thick.
- C. No required enclosed parking space, garage, carport, or other automobile storage space shall be converted into living space unless the required enclosed parking is provided elsewhere on the same lot which meets all other requirements of this ordinance such as, setbacks, exterior façade materials, etc.

### **35.3 NONRESIDENTIAL AND MF DISTRICTS -- SPECIAL OFF-STREET PARKING PROVISIONS:**

- A. To prevent nuisance situations, all parking area lighting shall be designed and operated so as not to reflect or shine on adjacent properties and in accordance with the Lighting and Glare Standards in Section 42.
- B. For safety and fire-fighting purposes, every parking space, covered or uncovered, shall be located within one hundred fifty feet (150') of a fire lane and all parking lots or areas must have free access for fire vehicles to travel through to adjacent nonresidential parking areas from designated fire lanes in accordance with the International Fire Code as adopted.
- C. All off-street parking, maneuvering, loading and storage areas shall be paved with concrete (asphalt paving systems may be used if engineered to withstand the same load capacity of concrete) in accordance with the parking lot paving requirements in the City's Code of Ordinances (i.e., no parking shall be permitted on grass, within landscaped areas, or on other unimproved surfaces).

1. Parking spaces shall be permanently and clearly identified by stripes, buttons, tiles, curbs, barriers, or other approved methods. Non-permanent type marking, such as paint, shall be regularly maintained to ensure continuous clear identification of the space.
- D. Each standard off-street surface parking space size shall be in accordance with the design standards as shown on Table 35-1 for space size and design. Specific parking space sizes, exclusive of aisles, driveways and maneuvering areas shall be in accordance with the following minimum sizes:
  1. Standard: Nine feet (9') by eighteen feet (18')
  2. Compact: Nine feet (9') by sixteen feet (16'); limited to a maximum of ten percent (10%) of the required number of parking spaces; must be clearly designated with appropriate signage. Compact spaces are allowed only in the Office (O) and Light Industrial (LI) Districts.
  3. Parallel: Nine feet (9') by twenty-two feet (22')

**TABLE 35-1**  
**Minimum Dimensional Standards for Parking**

**This table and the diagram below provide the minimum dimensional standards for parking areas and spaces.**

A = Parking angle in degrees

D = Minimum clear aisle width

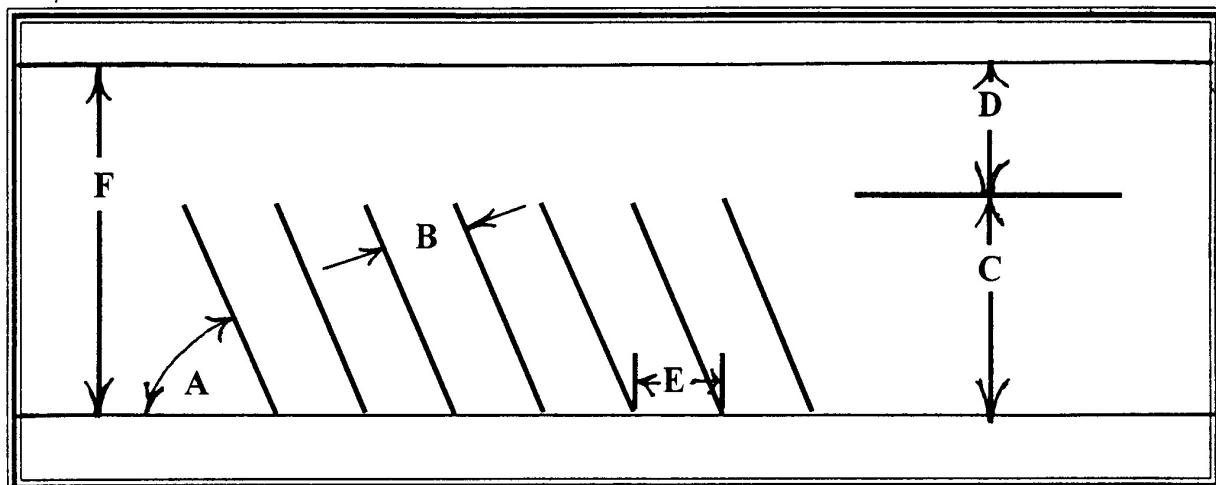
B = Minimum stall width

E = Minimum clear stall distance at bay side

C = Minimum stall depth

F = Minimum clear bay width

A	B	C	D One Way	D Two Way	E	F One Way	F Two Way
O (parallel)	9'0"	-	12'0"	20'0"	22'0"	21'0"	29'0"
45	9'0"	22'0"	15'0"	20'0"	12'9"	37'0"	42'0"
60	9'0"	21'0"	18'0"	20'0"	10'4"	39'0"	41'0"
90	9'0"	18'0"	24'0"	24'0"	9'0"	42'0"	42'0"



- E. All parking and loading spaces, and vehicle sales areas on private property shall have a vehicle stopping device installed so as to prevent parking of motor vehicles in any required landscaped areas, to prevent vehicles from hitting buildings, to protect public and/or private utility structures/facilities, and to prevent parked vehicles from overhanging a public right-of-way line, public sidewalk, or adjacent private property. An extra-wide sidewalk on private property may be permitted so as to allow encroachment of vehicle overhang while maintaining an unobstructed three foot (3') minimum sidewalk width. The requirement shall apply only where spaces are adjacent to the walks, right-of-way, and required landscaping. Parked vehicles shall not be permitted to encroach upon the public right-of-way in any case. For new construction only, all vehicle maneuvering shall take place on-site. No public right-of-way shall be used for backing or maneuvering into or from a parking space, or for circulation within the parking lot.
- F. In all nonresidential and multi-family zoning districts, the perimeter of all parking lots and driveways shall be provided with concrete curbs or other means to control traffic.
- G. Refuse storage facilities placed in a parking lot shall not be located in a designated parking or loading space. Each refuse facility shall be located so as to facilitate pickup by refuse collection agencies.
- H. Handicap parking space(s) shall be provided according to building codes, State and Federal laws, and requirements of the Americans with Disabilities Act (ADA) and must be approved by the Texas Department of Licensing and Regulation (TDLR), P.O. Box 12157, Austin, Texas, 78711 (800-803-9202). The following are general guidelines and are for reference only:

#### **ADA Parking Requirements**

<u>Total Parking in Lot</u>	<u>Required Minimum Spaces</u>
1 to 25	1
26 to 50	2
51 to 75	3
76 to 100	4
101 to 150	5
151 to 200	6
201 to 300	7
301 to 400	8
401 to 500	9
501 to 1,000	2% of total
1,001 and over	20 plus 1 for each 100 over 1,000

NOTE: Access aisles adjacent to handicapped parking spaces shall be a minimum of forty-eight inches (48").

- I. In all nonresidential and multi-family zoning categories, designated parking and loading areas shall not be used for the repair, storage, dismantling or servicing (except for normal maintenance of a private vehicle) of vehicles or equipment; or for the storage of materials or supplies, display of retail items for sale, or for any other use in conflict with the designated parking and loading areas (i.e., advertising or open storage of raw materials).

J. To ensure that all requirements set forth in this Section are carried forward, it will be the responsibility of the owner of the parking area to adequately maintain the facility. All off-street parking areas shall be kept free of trash, debris, vehicle repair operation or display and advertising uses. At no time after initial approval of the parking area layout can changes be made in the location and number of provided spaces without approval of the Director, or his designee.

1. The initial parking requirement for any site is determined by the loading requirement listed in this section for the particular proposed use approved by the City Council as part of the site plan approval process. Any subsequent change of use from the original use must meet current parking requirements for the new use. For example, a facility designed for office uses will have a parking requirement of 1 parking space per three hundred square feet (300 sf) of office space and thus it cannot be occupied later by a retail use which requires one (1) parking space per two hundred square feet (200 sf) unless additional onsite parking is provided.
2. It is recommended that projects always be designed with enough parking for the most intensive use anticipated in order that later uses will not be excluded solely on the basis of inadequate parking.

K. Off-street stacking requirements for drive-through facilities:

1. A stacking space shall be an area on a site measuring nine feet (9') by twenty feet (20') with direct forward access to a service window or station of a drive-through facility which does not constitute space for any other circulation driveway, parking space, or maneuvering area. An escape lane, of at least nine feet (9') in width and with negotiable geometric design, must be provided to allow vehicles to get out of stacking lane in the event of a stalled vehicle, fire, emergency, accidental entry, etc.
2. For financial institutions with drive-through facilities, each teller window or station, human or mechanical, shall be provided with a minimum of five (5) stacking spaces. One (1) escape lane shall be provided.
3. For each service window of a drive-through restaurant, a minimum of six (6) spaces shall be provided for the first vehicle stop (usually the menu/order board), and two (2) spaces shall be provided for each additional vehicle stop (order/pick-up windows, etc.). One (1) escape lane shall be provided from the beginning of the stacking lane to the first stop (e.g., menu/order board).
4. For retail operations (other than restaurants, banks, etc.) and kiosks that provide drive-up service (e.g., pharmacy, dry cleaners, etc.), a minimum of three (3) stacking spaces for each service window shall be provided.
5. For a full-service car wash, each vacuum or gas pump lane shall be provided with a minimum of four (4) stacking spaces. For the finish/drying area, adequate vehicle stacking and storage space must be provided to keep finished vehicles out of circulation aisles, access easements, fire lanes, streets, etc.
6. For each automated self-service (drive-through/rollover) car wash bay, a minimum of three (3) stacking spaces, in addition to the wash bay itself, shall be provided. One (1) stacking space shall be provided at the exit end of each wash bay for window-drying and other detailing.

7. For each wand-type self-service (open) car wash bay, a minimum of two (2) stacking spaces, in addition to the wash bay itself, shall be provided. One (1) stacking space shall be provided at the exit end of each wash bay for window-drying and other detailing, unless a separate area/shade structure is provided (outside of circulation aisles) for these activities.
8. For automobile quick-lube type facilities, a minimum of three (3) stacking spaces shall be provided for each service bay in addition to the service bay(s) itself.

#### **35.4 OFF-STREET LOADING SPACE -- ALL DISTRICTS:**

- A. All retail, commercial, industrial and service structures shall provide and maintain off-street facilities for receiving and loading merchandise, supplies and materials within a building or on the lot or tract. All drives and approaches shall provide adequate space and clearances to allow for the maneuvering of trucks off-street. Each site shall provide a designated on-site maneuvering area for trucks (see Figure 35-2). 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. Such off-street loading space or truck berth shall consist of a minimum area of ten feet by forty-five feet (10' x 45'), and such spaces or berths shall be provided in accordance with the following schedule:

<u>Total Square Feet of Gross Floor Area in Structure</u>	<u>Minimum Required Spaces or Berths</u>
0 to 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. In all zoning districts except LI, loading docks or service/delivery entrances shall not be constructed facing any public street, and shall not be visible from any public street. In the LI district, loading docks or service/delivery entrances (which may include overhead rolling steel doors) may be constructed facing a public street if they are set back a minimum of seventy-five feet (75') from the right-of-way line of the street, and if they are visually screened from the roadway (using a "line of sight" which is measured from a vertical height of five feet (5') at the right-of-way line of the roadway). Screening shall be subject to the following standards:

1. Screening shall be a brick/masonry wall not less than six feet (6') in height.
2. A living screen or a living screen with berm of equal height may be substituted upon approval (on the site plan) by the Planning and Zoning Commission and City Council. Living screen materials shall be in accordance with the City of Kaufman's approved plant list (see Figure 36-2), or as may be otherwise approved by the Planning and Zoning Commission and City Council on the site plan.
3. Screening shall be provided for a linear distance equal to the length of the area where the loading docks/service areas are exposed to the public street.

- C. Loading docks for any establishment which customarily receives goods between the hours of 9:00 p.m. and 8:00 a.m. and is adjacent to a residential use or district shall be designed and constructed so as to enclose the loading operation on three sides, in order to reduce the effects of the noise of the operation on adjacent residences.
- D. Kindergartens, elementary schools, day schools, and similar child training and care establishments shall provide one (1) paved off-street pedestrian loading and unloading space for an automobile on a through, "circular" drive for each ten (10) students cared for excluding child care in a residence. An additional lane shall also be required to allow pass by or through traffic to move while automobiles waiting or parked to pick up children occupy loading/unloading areas.

### **35.5 PARKING ACCESS FROM A PUBLIC STREET -- ALL DISTRICTS:**

- A. In the approval of a detailed Site Plan, design consideration shall be given to providing entrance/exit drives which extend into the site to provide adequate queuing of vehicles on the site.
- B. In all Districts (except all Single-Family and Townhouse zoning districts) building plans shall provide for entrance/exit drive(s) appropriately designed and located to minimize traffic congestion or conflict within the site and with adjoining public streets as approved by the Director, or his designee.
  - 1. Based upon analysis by the City, if projected volumes of traffic entering or leaving a development are likely to interfere with the projected peak traffic flow volumes on adjoining streets, additional right-of-way and paving in the form of a deceleration lane or turn lane may be required of a developer in order to reduce such interference.
  - 2. The determination of additional right-of-way or paving requirements shall be made at the time the final site plan is submitted for approval.
- C. Vehicular access to non-residential uses shall not be permitted from alleys serving residential areas.
- D. Parking space configuration, location, arrangement, size and circulation in all Districts shall be constructed according to Figure 35.1.

### **35.6 PARKING REQUIREMENTS BASED UPON USE:**

- A. In all districts, there shall be provided at the time any building or structure is constructed, enlarged, or occupied by a different use which has a greater parking requirement, off-street parking spaces in accordance with the following requirements:
  - 1. **Automobile parts sales:** One (1) space per five hundred square feet (500 sf) of indoor floor area plus one (1) space for each two thousand square feet (2,000 sf) of outside sales area.

2. **Automobile sales or service:** See Motor-Vehicle Sales.
3. **Bank, savings and loan, or similar institution:** One (1) space per two hundred square feet (200 sf) of gross floor area in addition to required stacking spaces. (see Subsection 35.3 K.)
4. **Bed and breakfast facility:** One (1) space per guest room in addition to the requirements for a normal residential use.
5. **Bowling alley or center:** Six (6) parking spaces for each alley or lane.
6. **Bus or truck repair, storage area, or garage:** One (1) space for each five hundred square feet (500 sf) of floor area and repair garage with a minimum of five (5) spaces.
7. **Business or professional office (general):** One (1) space per three hundred square feet (300 sf) of gross floor area except as otherwise specified herein.
8. **Car wash (self-serve):** One (1) space per washing bay or stall in addition to the washing areas/stalls themselves and required stacking spaces.
9. **Car wash (full service):** One (1) space per one hundred fifty square feet (150 sf) of floor area in addition to the required stacking spaces. (see Subsection 35.3 K.)
10. **Central Business District:** For new structures one (1) space per three hundred square feet (300 sf) of gross floor area, and each use shall provide a minimum of two (2) spaces. Other parking requirements for offsite parking or for existing uses per Section 25.3.E.
11. **Church, rectory, or other place of worship:** One (1) parking space for each three (3) seats in the main auditorium/sanctuary. (see Subsection 35.7(B))
12. **College or university:** One (1) space per three (3) day students (based upon maximum occupancy and/or enrollment numbers).
13. **Commercial amusement (indoor):** One (1) space per one-hundred square feet (100 sf) of gross floor area, or as follows:
  - a. Racquetball or handball courts - Three (3) spaces for each court.
  - b. Indoor tennis courts - Six (6) spaces for each court.
  - c. Gymnasium, skating rinks, and martial arts schools - One (1) space for each three (3) seats at a maximum seating capacity (based upon maximum occupancy), plus one (1) space for each two hundred square feet (200 sf).
  - d. Swimming pool - One (1) space for each one hundred square feet (100 sf) of gross water surface and deck area.
  - e. Weight lifting or exercise areas - One (1) space for each one hundred square feet (100 sf).

- f. Indoor jogging or running tracks - One (1) space for each one hundred linear feet (100 lf).
- g. Motion picture theaters (which do not include live performances): a) one (1) space per three and one-half (3½) seats for single-screen theaters; b) one (1) space per five (5) seats for motion picture theaters with two (2) or more screens. (See Subsection 35.7(B))
- h. Amusement Center - One (1) space for each game table and one (1) space for each amusement device.
- i. All areas for subsidiary uses not listed above or in other parts of this Section (such as restaurants, office, etc.), shall be calculated in with the minimum specified for those individual uses.

14. **Commercial amusement (outdoor):** Ten (10) spaces plus one (1) space for each five hundred square feet (500 sf) over five thousand square feet (5,000 sf) of building and recreational area.

15. **Commercial use:** One (1) space per two hundred fifty square feet (250 sf) of floor area.

16. **Community center, library, museum or art gallery:** Ten (10) parking spaces plus one (1) additional space for each three hundred square feet (300 sf) of floor area in excess of two thousand square feet (2,000 sf). If an auditorium is included as a part of the building, its floor area shall be deducted from the total and additional parking provided on the basis of one (1) space for each four (4) seats that it contains. (see Subsection 35.7(B))

17. **Convenience store (with gasoline pumps):** One (1) space per two hundred square feet (200 sf) of floor area, plus one (1) space for each gasoline pump unit (a unit may have up to six (6) nozzles for gasoline disbursement). Spaces within pump areas qualify as spaces for the parking requirement. If no gasoline sales are provided, then the parking requirements shall be the same as for a retail store. Adequate space shall be provided for waiting, stacking, and maneuvering automobiles for refueling. (See also Section 40.2(E))

18. **Dance/aerobics studio or assembly/exhibition hall without fixed seats:** One (1) parking space for each one hundred square feet (100 sf) of floor area thereof.

19. **Day nursery:** One (1) space per ten (10) pupils (based upon maximum occupancy and/or licensing capacity), plus one (1) space per teacher, plus one (1) space for each bus or van.

20. **Defensive driving school/class:** One (1) space for each classroom seat. (see Subsection 35.7(B))

21. **Fraternity, sorority or dormitory:** One (1) parking space for each two (2) beds on campus, and one and one-half (1½) spaces for each two (2) beds in off-campus projects.

22. **Furniture or appliance store, hardware store, wholesale establishments, clothing or shoe repair or service:** Two (2) parking spaces plus one (1) additional parking space for each three hundred square feet (300 sf) of floor area over one thousand square feet (1,000 sf).

23. **Gasoline station:** One (1) space per two hundred square feet (200 sf) of floor area, plus one (1) space for each gasoline pump unit (a unit may have up to six (6) nozzles for gasoline disbursement). Spaces within pump areas qualify as spaces for the parking requirement. Adequate space shall be provided for waiting, stacking, and maneuvering automobiles for refueling. (See also Section 40.2(E))
24. **Golf course:** Four (4) parking spaces per hole or green plus requirements for retail, office, and club house areas and one (1) space per each two (2) employees.
25. **Golf driving range:** One and one-half (1½) spaces for each driving tee.
26. **Health club, health spa or exercise club:** One (1) space per one hundred fifty square feet (150 sf) of floor area.
27. **Hospital:** One (1) space for each two (2) beds or examination room, whichever is applicable; plus one (1) space for every two (2) employees during periods of full occupancy.
28. **Hotel or Motel:** One (1) space per room for the first two hundred fifty (250) rooms and .75 space per room for each room over two hundred fifty (250), plus one (1) space per five (5) restaurant/lounge area seats (based upon maximum occupancy), plus one (1) space per one hundred twenty-five square feet (125 sf) of meeting/conference areas.
  - a. One and one-tenth (1.1) spaces per room which contains kitchenette facilities, plus parking for restaurant and meeting areas per ratio stated in this paragraph.
  - b. Two (2) spaces per guest room provided with full kitchen facilities plus parking for restaurant and meeting areas per the ratio stated in this paragraph.
  - c. One (1) space for every two (2) employees during peak (i.e., busiest) time periods when the hotel/motel is fully occupied.
29. **Industrial (light) uses:** One (1) space for each one thousand square feet (1,000 sf) of floor area.
30. **Institutions of a philanthropic nature:** Ten (10) spaces plus one (1) space for each employee.
31. **Library or museum:** Ten (10) spaces plus one (1) space for every three hundred square feet (300 sf).
32. **Lodge or fraternal organization:** One (1) space per two hundred square feet (200 sf).
33. **Lumber yard/Home Improvement Center:** One (1) space per four hundred square feet (400 sf) display area, plus one (1) space per one thousand square feet (1,000 sf) of warehouse.
34. **Machinery or heavy equipment sales:** One (1) space per five hundred square feet (500 sf) of gross floor area.
35. **Manufactured home or manufactured home park:** Two (2) spaces for each manufactured home unit, plus visitor/supplemental parking in accordance with Subsection 21.4(B), plus additional spaces as required herein for accessory uses.

36. **Manufacturing, processing or repairing:** One (1) space for each two (2) employees or one (1) space for each one thousand square feet (1,000 sf) of total floor area, whichever is greater.
37. **Medical or dental office:** One (1) space per two hundred square feet (200 sf) of floor area. Facilities over twenty thousand square feet (20,000 sf) shall use the parking standards set forth for hospitals.
38. **Mini-warehouse:** Four (4) spaces per establishment plus one (1) additional space per ten thousand square feet (10,000 sf) of storage area.
39. **Mortuary or funeral home:** One (1) parking space for each two hundred square feet (200 sf) of floor space in slumber rooms, parlors or individual funeral service rooms, or one (1) space for each three (3) seats in the auditorium/sanctuary (see Subsection 35.7(B)), whichever is greater. Adequate on-site stacking spaces shall also be provided for the organization and forming of processions such that these activities do not cause excessive or extended traffic congestion/delays on a public roadway.
40. **Motor-vehicle sales and new or used car lots:** One (1) parking space for each five hundred square feet (500 sf) of sales floor/office and other indoor uses, plus one (1) parking space for each one thousand square feet (1,000 sf) of exterior lot area used for storage, sales and parking areas, plus one (1) parking space per repair bay in service areas (indoors or outdoors), plus one (1) parking space per service/towing vehicle to be stored on-site.
41. **Nursing home, convalescent home, or home for the aged:** One (1) space per six (6) beds; plus one (1) parking space for each three hundred square feet (300 sf) of floor area devoted to offices, cafeterias, exercise/therapeutic rooms, and other similar ancillary uses; plus one (1) space for every two (2) employees at full occupancy.
42. **Office (administrative or professional):** One (1) space for each three hundred square feet (300 sf) of floor area.
43. **Outdoor display:** One (1) space for each six hundred square feet (600 sf) of open sales/display area.
44. **Places of public assembly not listed:** One (1) space for each three (3) seats provided. (see Subsection 35.7(B))
45. **Real estate office:** One (1) space for each two hundred square feet (200 sf).
46. **Restaurant, private club, night club, cafe or similar recreation or amusement establishment:** One (1) parking space for each one hundred square feet (100 sf) of seating/waiting area, or one (1) space for every three (3) seats under maximum seating arrangement (i.e., occupancy), whichever is greater; required parking spaces are in addition to any stacking spaces that may be required for drive-through facilities. (see Subsection 35.3 K.)
47. **Retail or personal service establishment, except as otherwise specified herein:** One (1) space per two hundred square feet (200 sf) of gross floor area in addition to any required stacking spaces for drive-through facilities. (see Subsection 35.3 K.)
48. **Retirement housing for the elderly (independent living):** One and one-half (1-1/2) spaces for each dwelling unit, plus any additional spaces for accessory retail, office, service or recreational uses.

49. **Rooming or boarding house:** One (1) parking space for each sleeping room, plus one (1) parking space for each host resident or employee during maximum (i.e., peak) shift.
50. **Sanitarium or similar institution:** One (1) parking space for each six (6) beds, plus one (1) parking space for every two (2) employees at maximum (i.e., peak) shift and full occupancy.
51. **School, elementary (grades K-6):** One (1) parking space for each fifteen (15) students (design capacity).
52. **School, secondary or middle (grades 7-8):** One (1) parking space for each twelve (12) students (design capacity).
53. **School, high school (grades 9-12):** One (1) space for each three (3) students, faculty and staff (design capacity).
54. **Storage or warehousing:** One (1) space for each two (2) employees or one (1) space for each one thousand square feet (1,000 sf) of total floor area, whichever is greater.
55. **Telemarketing:** One (1) space for each two hundred fifty square feet (250 sf) of space.
56. **Theater, indoor or outdoor (live performances), sports arena, stadium, gymnasium or auditorium (except school auditorium):** One (1) parking space for each three (3) seats or bench seating spaces. (see Subsection 35.7(B))
57. **Truck stops:** One (1) truck parking space for each ten thousand square feet (10,000 sf) of site area plus one (1) vehicle parking space per two hundred square feet (200 sf) of building area.
58. **Veterinarian clinic:** One (1) space per three hundred square feet (300 sf) of gross floor space.
59. **Warehouse or wholesale type uses:** One (1) space for five thousand square feet (5,000 sf) of gross floor area.

### **35.7 RULES FOR COMPUTING NUMBER OF PARKING SPACES:**

In computing the number of parking spaces required for each of the above uses, the following rules shall govern:

- A. **"Floor Area"** shall mean the gross floor area of the specific use.
- B. **"Seat"** shall be interpreted as follows:
  1. For fixed (e.g., church pews, grandstands, benches, etc.) seating, one (1) seat equals 1.75 feet of length;
  2. For flexible (e.g., folding chairs, etc.) seating areas, one (1) seat equals eight square feet (8 sf) of floor area occupied by such seating area (includes aisles).
- C. Where fractional spaces result, the parking spaces required shall be constructed up to the next whole number.

- D. The parking space requirements for a new or unlisted use not specifically mentioned herein shall be the same as required for a use of similar nature. If the proposed use is not similar to any of the uses listed herein, a determination shall be made by the Director, or his designee, in accordance with the requirements for the most closely related use specified in this Section.
- E. Whenever a building or use is changed or enlarged in floor area, number of employees, number of dwelling units, seating capacity or otherwise, to create a need for an increase of ten percent (10%) or more in the number of existing parking spaces, such spaces shall be provided on the basis of the enlargement or change.
- F. For buildings, which have mixed uses within the same structure (such as retail and office); the parking requirement shall be calculated for the most intensive use. In cases where the design of the interior of the structure is not practical for alteration, or the building is divided into suites under separate lease or ownership, the parking requirement may be calculated for each use within a structure for buildings over seven thousand five hundred square feet (7,500'). The common parking lot for the entire site, as in a strip shopping center, must contain the total number of required spaces for all of the uses combined without sharing or designating the same parking space for more than one use.
- G. **Shared parking** may be allowed in the case of mixed uses (different buildings) under the following conditions. Up to fifty percent (50%) of the parking spaces required for a theater or other place of evening entertainment (after 6:00 p.m.), or for a church, may be provided and used jointly by banks, offices, and similar uses not normally open, used, or operated during evening hours. Shared parking must be on the same parking lot. Reduction due to shared parking shall be determined by the Director, or his designee. To assure retention of the shared parking spaces, each property owner shall properly draw and execute a document expressing the same and shall file this agreement with the City of Kaufman.
- H. **Compact Car Spaces** - In the Office (O), Commercial (C), Light Industrial (LI) and Highway Commercial (HC) Districts only, compact car parking spaces may be permitted when approved as part of a detailed site plan by the Planning and Zoning Commission, providing one (1) of the following conditions apply:
  - 1. Where it is necessary to preserve the natural landscape and native trees, a maximum of ten percent (10%) of required parking may be designed for compact cars.
  - 2. On parking lots larger than fifty (50) spaces involving large industrial buildings, single tenant retail shopping centers or large office spaces, a maximum of ten percent (10%) of the required parking may be for compact cars.

### **35.8 LOCATION OF PARKING SPACES:**

All parking spaces required herein shall be located on the same lot with the building or use served, except as follows:

- A. Where an increase in the number of spaces is required by a change or enlargement of use or where such spaces are provided collectively or used jointly by two (2) or more buildings or establishments, the required spaces may be located on the same lot not more than six hundred feet (600') from any nonresidential building served.

B. Where the required parking spaces are not located on the same lot with the building or use served, i.e. off-site parking, or where such spaces are collectively or jointly provided and used, approval by the Planning and Zoning Commission and City Council is required according to the following criteria:

1. Off-site parking may be permitted \*only in a Commercial or Light Industrial zoning district and be on an immediately contiguous lot or tract, or on a lot or tract within one hundred fifty feet (150'), or one thousand feet (1,000') from the CBD zoning district, of such building or structure providing: **\*Amended June 14, 2010 by Ordinance O-09-10**
  - a. That a permanent easement of the parking facilities in favor of the premises to be benefited shall be dedicated and recorded as a condition of such use, or
  - b. That a long-term Remote Parking Lease Agreement be provided upon approval by the City as a condition of such use.

### **35.9 USE OF REQUIRED PARKING SPACES, NON-RESIDENTIAL DISTRICTS:**

Required off-street parking and loading spaces shall be used only for these respective purposes and shall not be used for refuse containers, cart corrals, recycling kiosks, storage or permanent display of boats, trailers, campers, motor vehicles or other goods, materials, or products for sale.

### **35.10 FIRE LANES:**

Fire lanes shall be provided in all multi-family (and in some single-family attached) and nonresidential developments, as required by the adopted Fire Code of the City (also see the Subdivision Ordinance for certain fire lane regulations).

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## **SECTION 36        LANDSCAPE REQUIREMENTS**

### **36.1 PURPOSE: Amended by O-10-14 on 05-19-14**

Landscaping is accepted as adding value to property and is in the interest of the general welfare of the City. Therefore, landscaping is hereafter required of new development, except single-family and agricultural uses, adjacent to public streets. Single-family uses are generally not required to provide extensive landscaping at the time of development because they rarely fail to comply with the requirements set forth herein. Streetscaping (within the right-of-way) or landscaping in common areas or dedicated parks in new residential subdivisions must have prior approval of the Director (or his designee) as to locations and plant variety selections.

### **36.2 SCOPE AND ENFORCEMENT:**

The standards and criteria contained within this Section are deemed to be minimum standards and shall apply to all new, or altered (exceeding thirty percent (30%) of the original floor area), construction occurring within the City, except that single-family or townhouse dwellings shall be exempt (see Subdivision Regulations or Section 18 for single-family development requirements). Additionally, any use requiring a Specific Use Permit or a PD zoning designation must comply with these landscape standards. The provisions of this Section shall be administered by the Director, or his designee. The landscape standards in this Section apply only to nonresidential and multi-family parcels.

If at any time after the issuance of a certificate of occupancy, the approved landscaping is found to be in nonconformance to the standards and criteria of this Section, the Director (or his designee) shall issue notice to the owner, citing the violation and describing what action is required to comply with this Section. The owner, tenant or agent shall have thirty (30) days from date of said notice to restore the landscaping as required. If the landscaping is not restored within the allotted time, such person shall be in violation of this Ordinance.

### **36.3 PERMITS:**

No permits shall be issued for building, paving, grading or construction until a detailed landscape plan is submitted and approved by the Director, or his designee, along with the site plan and engineering/construction plans. A conceptual or generalized landscape plan shall be required as part of the site plan submission, as required in Section 39. Prior to the issuance of a certificate of occupancy for any building or structure, all screening and landscaping shall be in place in accordance with the landscape plan.

In any case in which a certificate of occupancy is sought at a season of the year in which the Director (or his designee) determines that it would be impractical to plant trees, shrubs or grass, or to lay turf, a temporary certificate of occupancy may be issued provided a letter of agreement from the property owner is provided stating when the installation shall occur. All landscaping required by the landscaping plan shall be installed within six (6) months of the date of the issuance of the certificate of occupancy.

### **36.4 LANDSCAPE PLAN:**

Prior to the issuance of a building, paving, grading or construction permit for any use other than single-family detached or townhouse dwellings, a landscape plan shall be submitted to the Director, or his designee. The Director, or his designee, shall review such plans and shall approve it if the plans are in accordance with the criteria of these regulations. If the plans are not in accord, they shall be disapproved and shall be accompanied by a written statement setting forth the changes necessary for compliance.

Landscaping plans shall be prepared by a person knowledgeable in plant material usage and landscape design (e.g., landscape architect, landscape contractor, landscape designer, etc.) and shall contain the following minimum information:

- A. Minimum scale of one inch (1") equals fifty feet (50'); show scale in both written and graphic form.
- B. Location, size and species of all trees to be preserved (do not use "tree stamps" unless they indicate true size and location of trees).
- C. Location of all plant and landscaping material to be used, including plants, paving, benches, screens, fountains, statues, earthen berms, ponds (to include depth of water), topography of site, or other landscape features
- D. Species, cultivars, or varieties of all plant material to be used.
- E. Size of all plant material to be used (container size, planted height, etc.)
- F. Spacing of plant material where appropriate
- G. Layout and description of irrigation, sprinkler, or water systems including location of water sources
- H. Description of maintenance provision.
- I. Person(s) responsible for the preparation of the landscape plan.
- J. North arrow/symbol.
- K. Date of the landscape plan.

### **36.5 GENERAL STANDARDS:**

The following criteria and standards shall apply to landscape materials and installation:

- A. All required landscaped open areas shall be completely covered with living plant material. Landscaping materials such as wood chips and gravel may be used under trees, shrubs and other plants, but shall not comprise a significant portion of the total landscaped area. Any additional landscaped (i.e., pervious) areas that are in excess of the required landscaped area shall also be covered with living plant material, such as turf grass or other ground cover (i.e., shall be "greenscaped" rather than being covered with gravel or other unattractive surfacing).

- B. Plant materials shall conform to the standards of the approved plant list for the City of Kaufman (see—Figure 36-2 in this Section) or as approved by the Director (or his designee), and the American Standard for Nursery Stock. Grass seed, sod and other material shall be clean and reasonably free of weeds and noxious pests and insects.
- C. Trees shall have an average spread of crown of greater than fifteen feet (15') at maturity. Trees having a lesser average mature crown of fifteen feet (15') may be substituted by grouping the same so as to create the equivalent of fifteen feet (15') crown of spread. Large trees shall be a minimum of two inches (2") in caliper (measured twelve inches (12") above the ground and seven feet (7') in height at time of planting. Small trees shall be a minimum of one inch (1") in caliper and five feet (5') in height.
- D. Shrubs not of the dwarf variety shall be a minimum of two feet (2') in height when measured immediately after planting. Hedges, where installed for screening purposes, shall be planted and maintained so as to form a continuous, unbroken, solid visual screen, which will be three feet (3') high within two (2) years after time of planting.
- E. Vines not intended as ground cover shall be a minimum of two feet (2') in height immediately after planting and may be used in conjunction with fences, screens, or walls to meet landscape screening requirements as set forth.
- F. Grass areas shall be sodded, plugged, sprigged, hydro-mulched or seeded except that solid sod shall be used in swales, earthen berms or other areas subject to erosion. If grass seed is planted due to seasonal considerations that is of a temporary nature to prevent erosion (i.e. rye grass) then a permanent variety must be over seeded and established within six (6) months of the original seeding.
- G. Ground covers used in lieu of grass in whole and in part shall be planted in such a manner as to present a finished appearance and reasonably completed coverage within one (1) year of planting.
- H. All required landscaped open space shall be provided with adequate and inconspicuous irrigation systems. Areas totaling less than ten square feet (10 sf) may be irrigated by other methods.
- I. Any trees preserved on a site meeting the herein specifications may be credited toward meeting the tree requirement of any landscaping provision of this Section according to the following table:

<u>Diameter of Existing Tree</u>	<u>Credit Against Tree Requirement</u>
3" to 6"	1.0 tree
6" to 10"	1.5 trees
10" to 15"	2.0 trees
15" or more	3.0 trees

1. Due to their limited height, size and value as quality shade trees, mesquite and hackberry trees will receive only fifty percent (50%) of the above credit for tree preservation. All other existing trees may receive credit if they are not on the City's approved plant material list but approved by the Director, or his designee.
2. Should any required tree designated for preservation in the landscape plan die, the owner shall replace the tree with a two inch (2") minimum caliper tree in accordance with the credits listed above.
3. Tree circumference shall be measured four and one-half feet (4½') above natural grade.
4. No living trees greater than eight inches (8") in caliper may be cut, destroyed or damaged on the development site until approved as part of the site plan requirements in this Ordinance.
5. However, certain nuisance, hazardous, diseased, or noxious trees may be required to be removed in the preparation of the site for construction as determined by a site inspection by the Director or his designee and shall not require mitigation.

J. Earthen berms shall have side slopes not to exceed thirty-three and three-tenths percent (33.3%) (three feet (3') of horizontal distance for each one foot (1') of height). All berms shall contain necessary drainage provisions as may be required by the City's engineer.

### **36.6 MINIMUM LANDSCAPING REQUIREMENTS FOR NONRESIDENTIAL AND MULTI-FAMILY USES:**

A Landscape Area Percentage - For all nonresidential and multi-family uses, at least fifteen percent (15%) of the street yard shall be devoted to living landscaped area. No area shall be maintained with bare soil. All ground surfaces not used for buildings, sidewalks, roadways, or other impermeable surfaces shall be covered with a combination of live grass, turf, shrubbery, trees, ground cover, flowering plants and appropriate mulching (see Figure 36-3). The street yard shall be defined as the area between the building front and the front property line.

1. For gasoline service stations, the requirement is a minimum of fifteen percent (15%) landscaped area for the entire site, including a six hundred square foot (600 sf) landscaped area at the street intersection corner (if any), which can be counted toward the fifteen percent (15%) requirement. Gasoline service stations shall be landscaped in accordance with Section 36.6.A, 36.6.B and 36.6.C.

B Landscape Buffer Yard/Interior Parkway – All required landscape buffer yards shall contain a combination of grass, turf, shrubbery, trees, ground cover, flowering plants and appropriate mulching (see Figure 36-3). Such landscaping shall screen off-street parking and vehicular use areas from the public right-of-way. The interior parkway is defined as that area on private property between the street right-of-way line and the curb of the parking area or building area. The landscaped portion of interior parkways may be included in the required landscape area percentage required in Section 36.6.A.

1. A minimum ten foot (10') landscape buffer yard (interior parkway) adjacent to right-of-way of any major thoroughfare street is required. Corner lots fronting two (2) major thoroughfares shall be required to observe the ten foot (10') buffer yard on both street frontages.
2. All other street frontages shall observe a minimum five foot (5') landscape buffer yard.
3. Required Trees - Developers shall be required to plant one (1) large tree per forty linear feet (40 lf) or portion thereof of street frontage. Trees may be grouped or clustered to facilitate site design.
4. Required Shrubs – A minimum of ten (10) shrubs, a minimum two feet (2') in height, shall be planted per fifty linear feet (50 lf) or fraction thereof, of street frontage.

C. Parking Lots and Vehicular Use Area Landscaping - All parking lots and vehicular use areas, outside the landscape buffer yard/interior parkway, shall be screened from all abutting properties and/or public rights-of-way with a wall, fence, hedge, berm or other durable landscape barrier. Any living barrier shall be established in a two feet (2') minimum width planting strip. Plants and materials used in living barriers shall be at least thirty inches (30") high at the time of planting and shall be of a type and species that will attain a minimum height of three feet (3') one (1) year after planting.

1. Within parking lots, landscape areas should be located to define parking areas and assist in clarifying appropriate traffic and pedestrian circulation patterns and/or to accommodate the preservation of existing trees. Where existing trees on a site are being preserved, the Planning and Zoning Commission may authorize an alternative design layout, for any parking lot landscaping requirement in Section 36.6.C provided that such alternative design is necessary to allow the preservation, and long-term protection, of desirable existing trees on the site.
2. Landscape areas within parking lots should generally be at least one (1) parking space in size, with no landscape area less than fifty square feet (50 sf) in area. Landscape areas shall be no less than five feet (5') wide and shall equal a total of at least sixteen square feet (16 sf) per parking space.
3. There shall be a landscaped area with at least one (1) tree within sixty feet (60') of every parking space. There shall be a minimum of one (1) tree planted in the parking area for every ten (10) parking spaces within parking lots with more than twenty (20) spaces.
4. The remainder shall be landscaped with a combination of shrubs grass, turf, ground cover, flowering plants and other appropriate material not to exceed three feet (3') in height.

5. A landscape island shall be located at the terminus of all parking rows, and shall contain at least one (1) tree.
6. All landscape areas shall be protected by a monolithic curb and/or wheel stops and remain free of trash, litter, and car bumper overhangs.
7. Wall structures shall be masonry. There shall be a continuous concrete mow edge with a minimum of twelve inches (12") on the side of a wall facing the street right of way. Masonry wall shall be constructed to the standards in the Public Works Design Manual.
8. A maximum thirty inch (30") high earth berm with 1:3 (one vertical to 3 horizontal) slopes set within a minimum twenty feet (20') wide parking lot edge shall be provided between the property line and the edge of the parking lot. The entire length of the berm shall be vegetated with live plant materials.
9. Screening shall not extend into any visibility triangle.

D. All existing trees, which are to be preserved, shall be provided with a permeable surface under the existing drip line of the tree. All new trees shall be provided with a permeable surface under the drip line a minimum of four feet (4') by four feet (4').

E. A minimum of fifty percent (50%) of the total trees required for the property shall be large trees as specified on the approved plant list. Only shrubs and groundcovers (i.e., no trees) shall be used under existing or proposed overhead utility lines or over buried utilities.

F. Necessary driveways from the public right-of-way shall be permitted through all required landscaping in accordance with City regulations.

### **36.7 TREE PRESERVATION:**

During any construction or land development, the developer shall clearly mark all trees to be maintained and may be required to erect and maintain protective barriers around all such trees or groups of trees. The developer shall not allow the movement of equipment or the storage of equipment, materials, debris or fill to be placed within the drip line of any trees.

During the construction stage of development, the developer shall not allow cleaning of equipment or material under the canopy of any tree or group of trees to remain. Neither shall the developer allow the disposal of any waste material such as, but not limited to, paint, oil, solvents, asphalt, concrete, mortar, etc., under the canopy of any tree or groups of trees to remain.

No attachment or wires of any kind, other than those of a protective nature, shall be attached to any tree.

### **36.8 MAINTENANCE:**

The owner, tenant and/or their agent, if any, shall be jointly and severally responsible for the maintenance of all landscaping. All required landscaping shall be maintained in a neat and orderly manner at all times.

- A. This shall include, but not to be limited to, mowing (of grass of six inches (6") or higher), edging, pruning, fertilizing, watering, weeding, and other such activities common to the maintenance of landscaping.
- B. Landscaped areas shall be kept free of trash, litter, weeds, and other such material or plants not a part of the landscaping.
- C. All plant material shall be maintained in a healthy and growing condition as is appropriate for the season of the year. Plant materials, which die, shall be replaced with plant material of similar variety and size, within ninety (90) days. Trees with a trunk diameter in excess of six inches (6") measured twenty-four inches (24") above the ground may be replaced with ones of similar variety having a trunk diameter of no less than three inches (3") measured twenty-four inches (24") above the ground. A time extension may be granted by the Director, or his designee, if substantial evidence is presented to indicate abnormal circumstances beyond the control of the owner or his agent.

Failure to maintain any landscape area in compliance with this Section is considered a violation of this Section and may be subject to penalties of Section 7.

### **36.9 SIGHT DISTANCE AND VISIBILITY:**

Rigid compliance with these landscaping requirements shall not be such as to cause visibility obstructions and/or blind corners at intersections. Visibility clearance shall be provided such that no landscaping, fence, wall, architectural screen, earth mounding (berms), signs, etc. shall obstruct the vision of a motor vehicle operator approaching any street, alley or driveway intersection as provided herein. Whenever an intersection of two (2) or more public rights-of-way occurs, a triangular visibility area, as described below, shall be created. Landscaping within the triangular visibility area shall be designed to provide unobstructed cross-visibility at a level between thirty inches (30") and six feet (6'). A drive access serving large vehicles, such as delivery trucks, shall provide an unobstructed cross-visibility at a level between thirty inches (30") and nine feet (9'). Trees may be permitted in this area provided they are trimmed in such a manner that no limbs or foliage extend into the cross-visibility area. The triangular areas are:

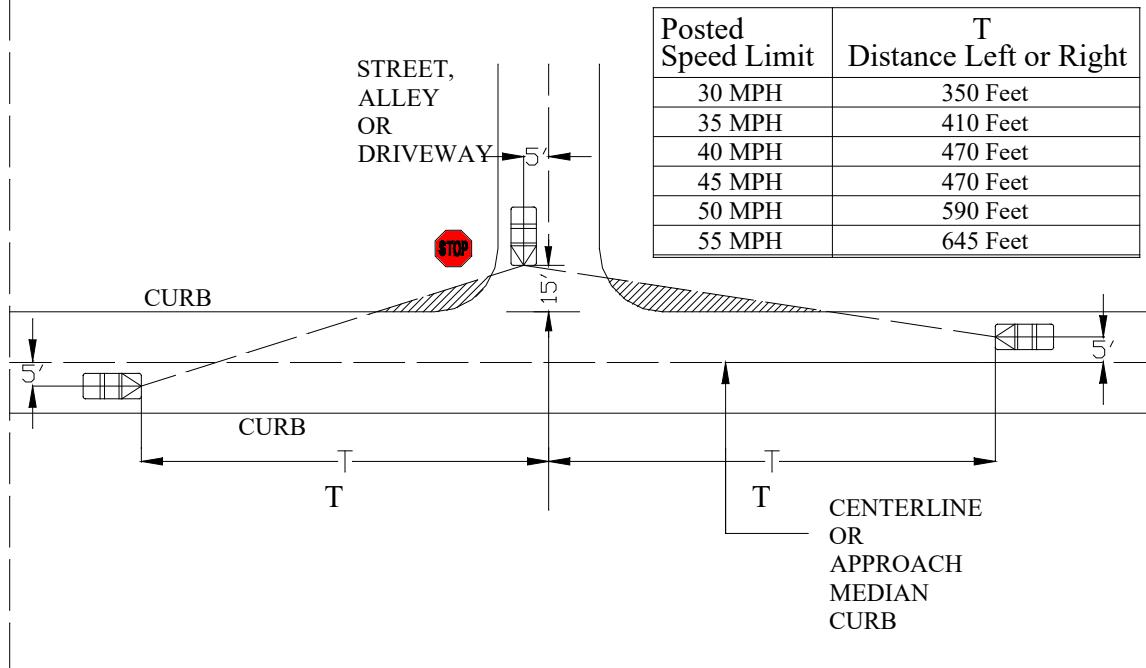
- A. The areas of property on both sides of the intersection of a street, alley or driveway shall have a triangular visibility area as prescribed in Exhibit A of this Section based on the design speed of the public thoroughfare.

B. Landscaping, such as trees, berms or hardscape, which constitute a hazard to vehicles shall not be located closer than six feet (6') from the back of curb of any public right-of-way. Grass and other low groundcovers may extend to the curb, however, in no case shall irrigation water be allowed to spray or spill onto any public thoroughfare. In the event other visibility obstructions are apparent in the proposed landscape plan, as determined by the Director, or his designee, the requirements set forth herein may be reduced to the extent to remove the conflict.

## Visibility Triangle

### Figure 36-1

The horizontal visibility triangle area at the intersection of a street, alley or driveway shall remain clear of any man-made or natural items between an elevation of 2.5 feet and 6.0 feet above the pavement measured at the gutter line according to the distance "T" as shown on the Exhibit.



**FIGURE 36-2 RECOMMENDED PLANT LIST**

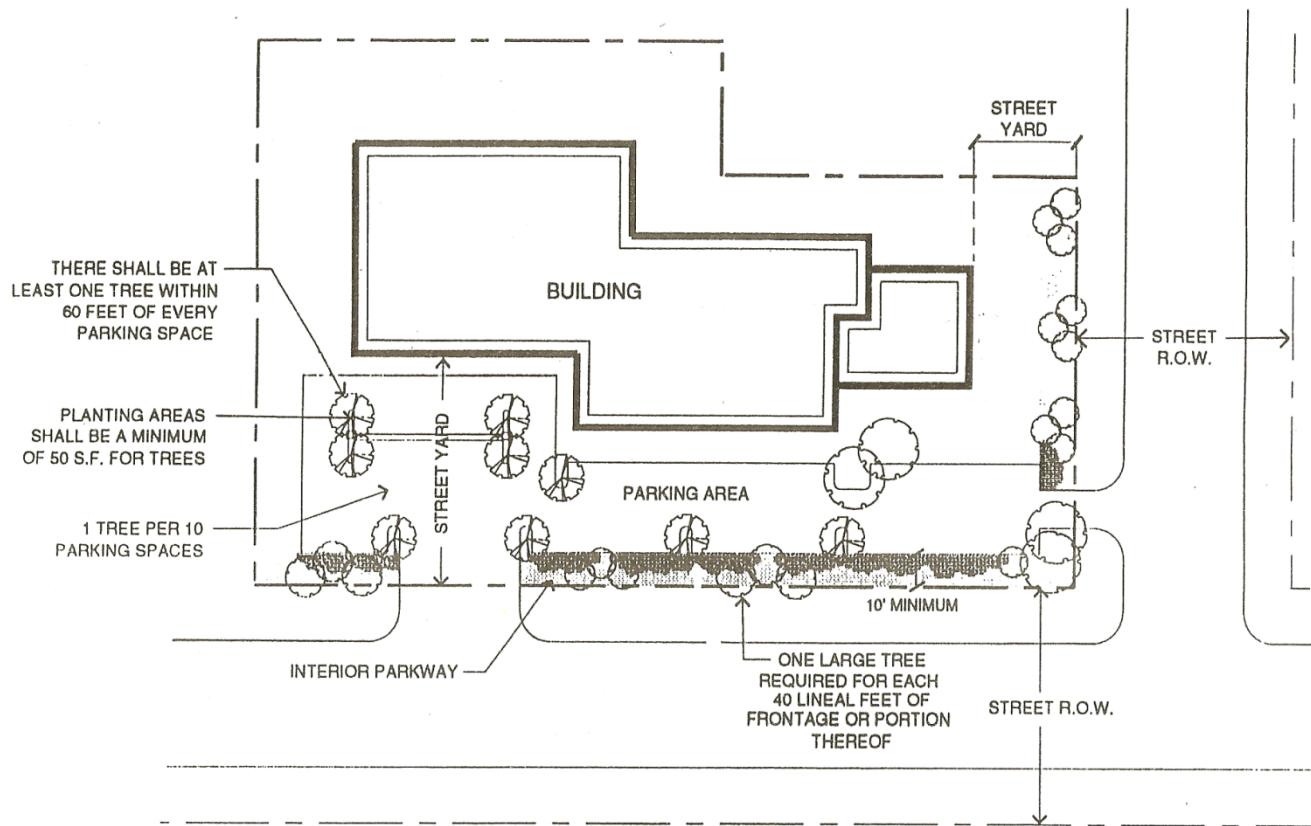
Large Trees	Medium Trees	Small Trees
Bald Cypress	Aristocrat Pear	Austrian Black Pine
Bur Oak	Big tooth maple	Crape Myrtle
Caddo Maple	Capital Pear	Dessert Willow
Cedar Elm	Chanticleer Pear	Eldarica Pine
Chinquapin Oak	Chinese Pistachio	Eve's Necklace
Live Oak	Chitalpa	Japanese Black Pine
Pecan	Cleveland Select Pear	Little Gem Magnolia
Shumard Red Oak	Golden Rain Tree	Mexican Plum
Southern Magnolia	Lacebark Elm	Possumhaw Holly
Sweetgum	Redspire Pear	Redbud
Texas Ash	Savannah Holly	Wax Myrtle
Texas Persimmon	Texas Red Oak	Yaupon Holly
<b>Small Evergreen Shrubs</b>	<b>Large Evergreen Shrubs</b>	<b>Deciduous Shrubs</b>
(Acceptable for low [5' or less] screening)	(Acceptable as noted for 6' screening)	Crepe Myrtle
Barberry	Burford Holly	Flowering Quince
Chinese Holly	Dwarf Wax Myrtle	Rose of Sharon
Cleyera	Eleagnus	Spirea
Dwarf Abelia	Juniper (large varieties)	Sumac
Dwarf Burford Holly	Leyland Cypress	
Dwarf Burning Bush	Nellie R. Stevens Holly	
Dwarf Indian Hawthorne	Red Tip Photinia	
Dwarf Yaupon Holly	Sweet Viburnum	
Japanese Boxwood	Variegated Ligustrum	
Juniper (dwarf varieties)	Waxleaf Ligustrum	
Nandina	Willowleaf Holly	
Texas Sage (Ceniza)		
	<b>Turfgrasses</b>	<b>Ground Cover</b>
	<b>Bermuda Grass</b>	Asian Jasmine
	<b>Buffalo Grass</b>	English Ivy
	<b>Zoysiagrass</b>	Honeysuckle
		Liriope
		Monkey Grass
		Trailing Juniper
		Vinca
		Vinca (Periwinkle)

**Notes:** Plants are preferred, which due to their lower water demand are designated in "Landscape Water Conservation as Xeriscape" published by the Texas Agricultural Extension Service.

Additional plant material may be approved as appropriate.

**NOTE: The following trees are considered to be nuisance trees and are strongly advised not to be planted in the City of Kaufman:** Cottonwood, Silver Maple, Arizona Ash, Fruitless Mulberry, Black Willow, Chinese Tallow, Bradford Pear, and Sycamore. (These are fast growing, short-lived species which have weak branch structure and many other disease, insect and root problems.)

**Figure 36-3**



**LANDSCAPE REQUIREMENTS**

**Example**

**Figure 36-3**

## **SECTION 37 ACCESSORY BUILDING AND USE REGULATIONS**

### **37.1 GENERAL STANDARDS AND REQUIREMENTS**

- A. In a single-family or multi-family district, an accessory building is a subordinate or incidental building, attached to or detached from the main building, not used for commercial purposes and not rented. Accessory buildings shall be located toward the rear portion of the property.
- B. In nonresidential districts, an accessory building is a subordinate building, the use of which is secondary to and supportive of the main building. Accessory buildings shall not be permitted without a main building or primary use being in existence. Accessory buildings should, wherever possible, be located toward the rear portion of the property.

### **37.2 ACCESSORY DWELLINGS**

Accessory dwelling units in the "A-O" District shall be allowed as an incidental residential use of a building on the same lot as the main dwelling unit and used by the same person or persons of the immediate family, and meet the following standards:

- A. The accessory dwelling unit must be constructed to the rear of the main dwelling, separate from the main dwelling.
- B. The accessory dwelling unit may be constructed only with the issuance of a Building Permit and shall be constructed out of the same material as the main structure.
- C. The accessory dwelling unit may not be sold separately from sale of the entire property, including the main dwelling unit, and shall not be rented, leased or sublet.
- D. Setback requirements shall be the same as for the main structure.
- E. Accessory dwellings are not permitted without the main or primary structure.

### **37.3 PERMITTED USES – ACCESSORY DWELLINGS**

Accessory dwellings (including garage/accessory dwellings and detached units) may be permitted in residential zoning districts (see regulations for the specific district, and the Use Charts, Section 33), and shall conform to the height limitations of the main structure. No such accessory dwelling or quarters shall be used or occupied as a place of abode or residence by anyone other than a bona fide caretaker, servant or farm worker actually and regularly employed by the land owner or occupant of the main building, or is a guest or family member of the owner/occupant. Only one (1) accessory dwelling unit (i.e., garage/accessory dwelling, servants/caretakers quarters, etc.) shall be allowed on any lot within a residential zoning district, and they shall be clearly incidental to the primary use. These accessory living structures shall not, in any case, be rented, leased or sold.

### **37.4 AREA REGULATIONS FOR ACCESSORY BUILDINGS IN RESIDENTIAL AND MULTI-FAMILY DISTRICTS:**

#### **A. Size of Yards:**

- 1. **Front Yard:** Detached front accessory buildings shall be prohibited in front of the main building.

2. **Side Yard:** There shall be a side yard not less than three feet (3') from any side lot line, or alley line for any accessory building provided that such building is separated from the main building by a minimum distance of ten feet (10'). In the case of an accessory building being closer than ten feet (10') to the main building, the minimum side yard requirements for the main building shall be observed. Accessory buildings adjacent to a side street shall have a side yard not less than fifteen feet (15'). Garages or carports located and arranged so as to be entered from the side yard shall have a minimum distance of twenty feet (20') from the side lot line, alley line, or alley easement line. Carports or garages arranged to be entered from the side yard, facing a public street, shall have a minimum distance equal to the required front yard for the main building.
3. **Rear Yard:** There shall be a rear yard not less than three feet (3') from any lot line or alley line, or alley easement line, except that:
  - a. Where apartments are permitted, the main building and all accessory buildings shall not cover more than sixty percent (60%) of that portion of the lot lying to the rear of a line erected joining the midpoint of one (1) side lot line with the midpoint of the opposite side lot line;
  - b. Carports, garages, or other accessory buildings, located within the rear portion of a lot as heretofore described, constructed closer than ten feet (10') to the main building, shall have a rear yard equivalent to the rear yard requirement for the main building; or
  - c. Accessory buildings constructed ten feet (10') or more from the main building shall have a rear yard of three feet (3'). If an alley exists, accessory buildings may be located within three feet (3') of a rear lot line if the maximum (e.g., ridge) height of the building is no greater than eight feet (8') and if a solid fence or wall of the same height is built on the rear lot line to screen the building from property located to the rear. Garages or carports that are arranged so as to be entered by a motor vehicle from an alley or rear alley easement shall be set back from the rear property line or alley easement line a minimum distance of twenty feet (20').
4. Carports shall be measured from the posts supporting the roof nearest to the street or alley. (See Figure 12.2).
5. Accessory buildings are not permitted without a main structure.
6. Accessory buildings shall not exceed one (1) story in height. Garage/accessory dwelling units are allowed up to thirty feet (30') in height or two (2) stories whichever is less only in the AO and SF-20 residential districts. Garage/accessory dwelling units up to two (2) stories may be permitted in other single-family residential districts (see Section 33) by SUP if there is no adverse impact upon adjacent properties.
7. Metal accessory buildings less than two hundred and forty square feet (240 sf) are permitted but shall not be used as an enclosed parking area or garage. Accessory buildings over 240 SF or if used for enclosed parking shall conform to the exterior façade of the main building. Agriculture-Open (A-O) uses shall be exempt from this requirement.

## **SECTION 38 FENCING, WALLS AND SCREENING REQUIREMENTS**

### **38.1 PURPOSE:**

To encourage the most appropriate use of land and conserve and protect the privacy and value of adjacent permitted uses. Regulations are prescribed for the location and type of various screening devices to be used when required in the various zoning districts or in this Section in accordance with the following standards.

### **38.2 PERMIT REQUIRED**

It shall be unlawful for any owner or person in control of such premises, or his agent or contractor to construct a new fence, extend an existing fence line on any lot without having first obtained a fence permit from the Development Services Department. The repair or replacement of fence material already in existence shall be deemed normal routine maintenance and does not require a permit.

### **38.3 SCREENING OF NONRESIDENTIAL, MULTI-FAMILY RESIDENTIAL AND MANUFACTURED HOME PARKS:**

- A. In the event that any new multi-family, non-residential uses, or manufactured home parks side or back upon a single-family detached, townhouse or residential PD District, or in the event that any new non-residential district sides or backs to a multiple-family District, a solid masonry screening wall of not less than six feet (6'), nor more than eight feet (8'), in height shall be erected on the property line separating these districts. The purpose of the screening wall or fence is to provide a visual and protective barrier between incompatible uses.
  1. The owner of the multi-family property shall be responsible for and shall build and maintain the required wall on the property line dividing the property from the single-family or townhouse residential district. This construction requirement applies only when multi-family is adjacent to single-family residential uses.
  2. When screening is required between nonresidential and residential uses, it shall be the responsibility of the nonresidential use to construct and maintain the screening wall.
  3. Any screening wall or fence required under the provisions of this Section, under a Specific Use Permit, Planned Development District, or other requirement shall be constructed of masonry, brick, stone, reinforced concrete, or other similar suitable permanent materials, which do not contain openings. All wall or fence openings shall be equipped with gates equal in height and screening characteristics to the wall or fence.
  4. Alternative equivalent screening may be approved through the site plan approval process, Section 39. \*Alternative equivalent screening does not include a chain link fence. Alternative equivalent screening is:

- a. \*A minimum six foot (6') cedar shadow box fence (staggered pickets on each side), with a top cap with a landscape buffer area. All support posts shall be galvanized metal
  - (1) A minimum five foot (5') landscape buffer area must be provided along the entire internal length of the perimeter of the fence.
  - (2) The landscape buffer area shall include one (1) large tree, as defined in Section 36, Figure 36-2, per forty linear feet (40 lf) or portion thereof landscape buffer area.
  - (3) The landscape buffer area shall be provided with adequate and inconspicuous irrigation systems.
  - (4) All landscaping and perimeter screening trees shall be maintained in a healthy living condition.
- b. \*A landscaped earthen berm, as defined in Section 36.5.J with a minimum height of three feet (3').
  - (1) The earthen berm shall include, one (1) large tree, as defined in Section 36, Figure 36-2, per forty linear feet (40 lf) or portion thereof along the entire length.
  - (2) The earthen berm shall include large evergreen shrubs, as defined in Section 36, Figure 36-2, not of the dwarf variety, to be planted in between the large trees required in Section 38.3.A.4.b.i. Matured shrubs shall provide optimal screening.
  - (3) All trees and shrubs shall be strategically placed to provide optimal landscaped screening
  - (4) The landscaped buffer area shall be provided with adequate and inconspicuous irrigation systems.
  - (5) All the landscaping and perimeter screening trees and shrubs shall be maintained in a healthy living condition.
- c. \*A minimum six foot (6') wrought iron fence with large evergreen shrubs, as defined in Section 36, Figure 36-2, not of the dwarf variety, planted adjacent to the fence, so at the time of maturity will form a solid landscaped screen bordering the fence.
  - (1) The landscaped buffer area shall be provided with adequate and inconspicuous irrigation systems.
  - (2) All landscaping and screening shrubs shall be maintained in a healthy living condition.

B. All required \*masonry screening walls shall be equally finished on both sides of the wall and designed by a structural engineer/architect whose seal appears on the construction drawings submitted to the City for the building permit.

- C. Open storage of materials, commodities or equipment (see Section 33, Zoning Districts permitting outside storage) shall be screened with a minimum six foot (6') fence or wall. See Section 33.5 for a definition of outside storage.
- D. In districts permitting open storage, screening shall be required only for those areas used for open storage. A six foot (6') screening fence or wall shall be provided and maintained at the property line adjacent to the area to be screened by one (1) or a combination of the following methods:
  - 1. Solid masonry (brick, stone, concrete block or concrete panels)
  - 2. Chain link with solid landscape screening
  - 3. Wrought iron with solid landscape screening
  - 4. Alternate equivalent screening may be approved through the site plan approval process under Section 39.

No outside storage may exceed the height of the fence. Outside storage exceeding eight feet (8') shall require a Specific Use Permit.

- E. Plans and specifications for screening and/or fencing around ground-mounted utility structures (e.g., transformers, natural gas regulating stations, etc.) shall be approved in writing by the affected utility company, and shall be submitted, along with an approval letter/document from the utility company, to the Director (or his designee) for review and approval prior to construction of said screening/fencing.
- F. Materials for security and privacy fences in Nonresidential Districts shall be designed specifically for permanent fencing use and with a life span of 5 years or more (not for the purposes of required screen walls). These products include chain link, ornamental iron, wrought iron, metal tubing, or masonry products. Barbed wire may be placed on the top of a security fence if there is at least six feet (6') between the ground and the lowest strand. Barbed wire may not protrude outward across any property, easement or right-of-way. Vinyl and wood fence products are not permitted in nonresidential districts.

**\*Amended June 27, 2011 by Ordinance O-06-11**

#### **38.4 FENCES IN RESIDENTIAL AREAS:**

- A. Any fence or wall located to the rear of the minimum required front yard line shall not exceed eight feet (8') in height.

- B. Except as provided by (C) below, no fence or wall shall be permitted in front yard of any single-family or townhouse structure except platted lots within the Agriculture/Open district where the fence may be constructed to the front property line. No fence shall be erected in any front yard or side yard, which is adjacent to a public street. No residential fence shall be closer than twenty feet (20') to a public street except in cases where the side or rear building line of the yards on continuous corner lots adjoin the fence may be constructed out to the property line of said side yard.
- C. Decorative fences with openings not less than fifty percent (50%) of the fence area and not exceeding three feet (3') in height are permitted in front yards. Chain link, woven wire mesh or similar materials are not considered decorative fencing.
- D. See Section 36.8 for sight visibility requirements.
- E. Materials for security and privacy fences shall be designed specifically for permanent fencing use and with a life span of three (3) years or more. These products include chain link, ornamental iron, wrought iron, metal tubing, heavy duty vinyl, and wood.
- F. Gates designed for vehicular access shall be set back from the property line a minimum of twenty feet (20').
- G. Fences around swimming pools shall comply with the Standard Swimming Pool Code.
- H. Special purpose fencing, such as fencing around tennis courts, is permitted.

### **38.5 PROHIBITED FENCES AND MATERIALS:**

- A. No fence or any part of such fence shall be constructed upon or caused to protrude over any adjacent properties. If any fence is constructed on an adjacent property, the owner or person in control of such premises will be notified by mail to remove the fence. After ten (10) days of the receipt of the notification, if the fence is not removed the owner or person in control of such premises, will be deemed in violation of this ordinance.
- B. No fence or any part of such fence shall alter the natural drainage or planned drainage on any lot.
- C. All fences must be maintained in a plane so as not to overhang on a separate lot.
- D. No fence shall be located within any easement or alleys except by prior written approval of those agencies having interest in such easement.
- E. No fence shall be electrically charged.
- F. Materials prohibited are products such as wood, metal or plastic that is not specifically designed as fencing material. These products include aluminum, barbed wire, chain, chicken/hog wire, corrugated metal, electric fence, fiberglass panels, metal panels, netting, paneling, paper, plywood, razor ribbon wire, rope, string, temporary barrier fencing, used or second-hand material, welded wire fabrics, wire fabrics and any material that could be deemed a public safety hazard.

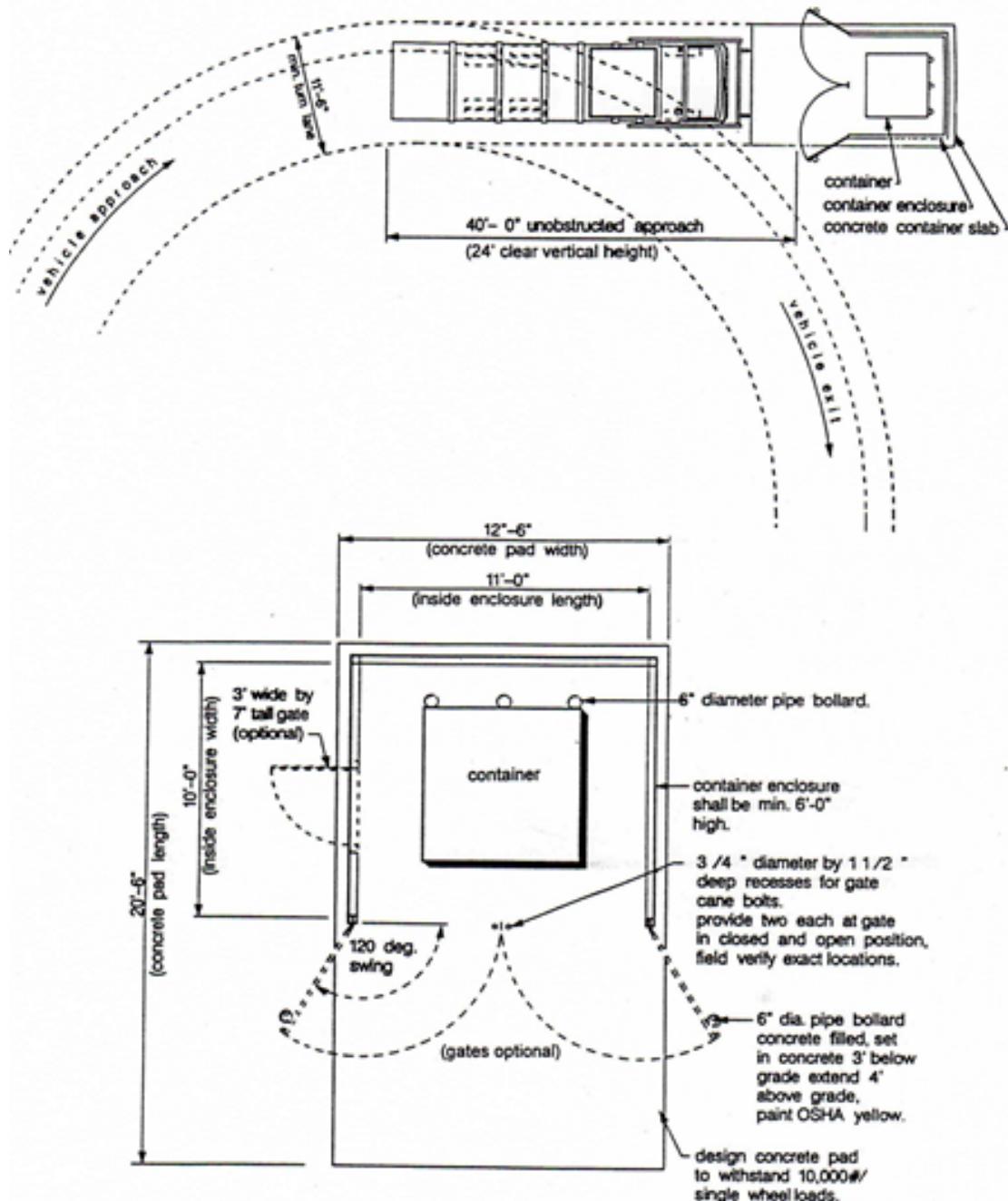
G. Exceptions: Barbed wire is permitted for fencing when:

1. Used for farm or ranching purposes on undeveloped land over three (3) acres in size.
2. In rear and side yards in industrial zoned districts when the following conditions are met:
  - a. All strands of barbed wire must be a minimum of six feet (6') above ground level.
  - b. All barbed wire fences must be located a minimum of three hundred feet (300') from any residential zoned districts.

### **38.6 DUMPSTER/REFUSE STORAGE AREAS:**

Dumpster/refuse storage areas which are not within a screened rear service area and which are visible from a public right-of-way for all nonresidential, multi-family and manufactured home park uses shall be visually screened by a minimum six foot (6') solid masonry wall on at least three (3) sides (see Figure 38-1) for refuse container enclosure diagrams). The fourth side, which is to be used for garbage pickup service, may provide an optional gate to secure the refuse storage area. \*The screening walls for the dumpster of new developments shall match the main structure. Alternate equivalent screening methods may be approved through the site plan approval process, Section 39. Each refuse facility shall be located so as to facilitate pickup by refuse collection agencies. Adequate reinforced paved areas shall be provided for refuse facilities and their approaches for loading and unloading. Compactors located in accessible areas shall have a lock-out device installed on the operating switch to prevent unauthorized operation (such as by children).

**\*Amended June 27, 2011 by Ordinance O-06-11**



## SECTION 39 SITE PLAN REVIEW

### 39.1 SITE PLAN REVIEW:

- A. **Purpose** - This Section establishes a site plan review process for proposed nonresidential and multi-family residential developments. The purpose of the review is to ensure efficient and safe land development, harmonious use of land, compliance with appropriate design standards, safe and efficient vehicular and pedestrian circulation, parking and loading, and adequate water supply, drainage and storm water management, sanitary facilities, and other utilities and services.
- B. **Applicability** - Site plan review and approval shall be required for the following:
  - 1. Any new nonresidential development.
  - 2. Any new multi-family development or manufactured home park.
  - 3. Any redevelopment, additions or alterations of existing sites or structures that exceeds ten percent (10%) of the gross floor area, changes to a use that increases the parking requirement by more than ten percent (10%) of the existing parking or materially changes the traffic circulation.
  - 4. Any nonconforming structure that has been abandoned for more than 6 months or any structure that has been damaged by fire, storms or other disaster beyond the control of the owner (exceeding fifty percent (50%) of its appraised value) must undergo site plan review and approval as well as meeting the criteria set forth in this Ordinance before reoccupation, repairs or restoration.
  - 5. No building permit shall be issued for any of the above developments until a site plan and all other required engineering/construction plans are first approved by the City. No certificate of occupancy shall be issued until all construction and development conforms to the site plan and engineering/construction plans, as approved by the City. A public hearing requiring notification as specified by State Law is not required on a site plan unless it is prepared in conjunction with a zoning request for a Planned Development or an SUP.
- C. **Exemptions and exceptions** - Site plan review shall not be required for single-family detached or townhouse residential developments (plats serve as a site plan for single-family developments), except as provided in Section B.5. above, unless the proposed subdivision will include a private amenity/facility comprised of one (1) or more buildings (e.g., a private recreation/swimming facility, etc.) or a golf course, or unless the proposed subdivision will have private (i.e., not public) streets. In these instances, site plan submission and approval (in accordance with this Section) will be required for the private amenity/facility, the golf course clubhouse/hospitality area, and the gated (i.e., restricted access) entrances.
- D. **Site plan submission requirements** - The site plan submission shall be comprised of the following: (all required items/information must be received by the Director, or his designee, in order for a site plan/development review submission to be considered complete -- incomplete submissions will not be reviewed until all deficient items/information has been received).

1. Application form (to be provided by the City) signed by the owner or his designated representative (if the applicant is not the owner of the subject property, then he shall submit verification in the form of a notarized statement that he is acting as an authorized agent for the property owner).
2. Filing fee (as established in the Fee Schedule as adopted).
3. Verification that all taxes and assessments on the subject property have been paid (see Subsection E below).
4. Two (2) full size copies (24x36) of the initial submittal of site plan with elevation drawings of any façade facing a public roadway, drawn to a known engineering scale that is large enough to be clearly legible, shall be submitted for review by City staff. After review, markups shall be returned to the applicant for revisions. After the required revisions have been made by the applicant, two (2) full size copies and eleven (11) reduced copies (11x17) of the revised drawings shall be submitted no later than one (1) week prior to the regularly scheduled Planning and Zoning Commission meeting in order to be placed on the Agenda.
5. After approval by the Planning and Zoning Commission an additional eleven (11) reduced copies (11x17) may be required to be submitted for the City Council packets. Any alterations or additional requirements requested by the P&Z Commission shall be incorporated into the drawings submitted for the City Council
6. Two (2) complete sets of engineering/construction plans (including the approved site plan and plat) for all site work and for all required public improvements (e.g., water, wastewater, grading/storm drainage, streets, alleys, fire lanes and hydrants, etc.).
7. A final plat/replat submission (as per the Subdivision Ordinance) will also be required to be submitted along with the Site Plan, if the property has not yet been platted, requires lot reconfiguration, or if additional easements or rights-of-way will need to be established for the proposed development.
8. Two (2) complete sets of construction documents including landscaping and irrigation plans shall be submitted for review by the Building Official (or his designee) prior to issuance of the building permit.
9. Any additional information/materials (i.e., plans, maps, exhibits, legal description of property, information about proposed uses, etc.) as deemed necessary by the Director, or his designee, in order to ensure that the request is understood.

E. No person who owes delinquent taxes, delinquent paving assessments, impact fees, or any other delinquent debts or obligations to the City of Kaufman, and which are directly attributable to a piece of property shall be allowed to submit an application for site plan/development review until the taxes, assessments, debts, or obligations directly attributable to said property and owed by the owner or previous owner thereof shall have been first fully paid, or until an arrangement satisfactory to the City has been made for the payment of such debts or obligations. It shall be the applicant's responsibility to provide evidence or proof that the taxes have been paid.

F. **Site plan details** - The site plan and accompanying engineering/construction plans shall contain sufficient information relative to site design and construction to clearly show the extent of the proposed development/ construction, and shall include but not be limited to the following:

1. The Site Plan drawing will include graphic scale, north arrow, location map, site summary (lot size, percent lot coverage, percent landscaping required, percent landscaping provided, parking required, parking provided, etc.) and legend. Title block shall be located in the lower right hand corner of the drawing with the name of the project, lot and block number and name of subdivision, address, phase number if applicable, P D or SUP ordinance number if applicable, zoning, names, addresses and phone numbers of owner, developer, architect, designer, engineer as applicable, and date.
2. A site inventory analysis including major existing vegetation, natural water courses, creeks or bodies of water, and an analysis of planned changes in such natural features as a result of the development. This shall include a delineation of any flood prone areas.
3. Any existing and proposed public/private streets and alleys; building sites or lots; any areas reserved as parks, parkways, playgrounds, utility easements or school sites; any proposed street widening and street changes (i.e., median cuts and turn lanes); the points of ingress and egress from existing/proposed streets (any access drives or changes affecting State controlled rights-of-way must have tentative approval of TxDOT before the site plan application will be placed on the P&Z agenda); location and description of existing and proposed utility services, including size of water and sewer mains and laterals, and storm drainage structures (including grading); the location and width for all driveway openings; topography at no more than two foot (2') contours; and existing development on all abutting sites and the zoning classification thereof.
4. Placement of all buildings on the site, showing the building footprints and setback lines, and all property lines, street curb lines, alley lines, easements, screening walls, signage, any service/delivery areas for trucks, fire lanes, fire hydrants, and parking areas (including parking space counts and a schedule of parking ratios used for the various proposed uses).
5. A landscape plan showing turf areas, screening walls, ornamental plantings, any existing wooded areas and trees to be planted.
6. Building facade (i.e., elevation) plans showing elevations with any attached (i.e., wall-mounted) signage to be used, as determined appropriate by the Director, or his designee.

Provision of the above items shall conform to the principles and standards of this Ordinance. To ensure the submission of adequate information, the City is hereby empowered to maintain and distribute a separate list of specific requirements for site plan review applications. Upon periodic review, the Director (or his designee) shall have the authority to update such requirements for site plan/development review applications.

G. **Supplemental requirements** - The City's staff may require other information and data for specific site plans. This data may include but is not limited to geologic information, water yields, flood data, environmental information, traffic impact analysis, road capacities, market information, economic data for the proposed development, hours of operation, elevations and perspective drawings, lighting, and similar information. Approval of a site plan may establish conditions for construction based upon such information.

H. **Principles and standards for site plan review and evaluation** - The following criteria have been set forth as a guide for evaluating the adequacy of proposed development within the City of Kaufman, and to ensure that all developments are, to the best extent possible, constructed according to the City's codes and ordinances.

I. The Director, or his designee, shall review the site plan for compliance with all applicable City ordinances and with the Comprehensive Plan; for harmony with surrounding uses and with long-range plans for the future development of Kaufman; for the promotion of the health, safety, order, efficiency, and economy of the City; and for the maintenance of property values and the general welfare.

Site plan review and evaluation by the Director, or his designee, shall be performed with respect to the following:

1. The site plan's compliance with all provisions of the Zoning Ordinance and other ordinances of the City of Kaufman including but not limited to off-street parking and loading, lighting, open space, and the generation of objectionable smoke, fumes, noise, odors, dust, glare, vibration, or heat.
2. The 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.
3. The relationship of the development to adjacent uses in terms of harmonious design, setbacks, maintenance of property values, and any possible negative impacts.
4. The provision of a safe and efficient vehicular and pedestrian circulation system.
5. 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.
6. 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.
7. The coordination of streets so as to arrange a convenient system consistent with the Thoroughfare Plan of the City of Kaufman.
8. The use of landscaping and screening to provide adequate buffers to shield lights, noise, movement, or activities from adjacent properties when necessary, and to complement and integrate the design and location of buildings into the overall site design.
9. Exterior lighting to ensure safe movement and for security purposes, which shall be arranged so as to minimize glare and reflection upon adjacent properties.
10. The location, size, and configuration of open space areas to ensure that such areas are suitable for intended recreation and conservation uses.

11. Protection and conservation of soils from erosion by wind or water or from excavation or grading.
12. Protection and conservation of water courses and areas subject to flooding.
13. The adequacy of water, drainage, sewerage facilities, solid waste disposal, and other utilities necessary for essential services to residents and occupants.

### **39.2 APPROVAL PROCESS:**

- A. The Director (or his designee) shall review and evaluate all site plan submissions, and shall make a recommendation to the Planning and Zoning Commission to approve the site plan, to approve the site plan with conditions or stipulations, or to deny the site plan for certain reasons. The Director, or his designee, may prepare a written report/evaluation of the site plan/development application, which may include background information on the subject property, its zoning history, development and zoning patterns surrounding the site, discussion of any issues or concerns, and a staff recommendation as described above. The staff report/evaluation should be made available to members of the Planning and Zoning Commission prior to the meeting date on which the application will be considered in order to allow time for review and for site visitation, if necessary.
- B. The Director, or his designee, shall schedule consideration of the site plan on the regular agenda of the Planning and Zoning Commission within thirty (30) days after the submission is received (or, in the case of an incomplete submission, after the submission is deemed complete). The Planning and Zoning Commission shall review the site plan and shall forward its recommendation to approve the site plan, to approve the site plan with conditions or stipulations, or to deny the site plan to the City Council. The site plan shall then be scheduled for consideration by the City Council at their next possible meeting. The City Council shall determine final approval or disapproval of all site plans.
- C. **Effect of site plan approval** - If development of a lot with an approved site plan has not commenced (i.e., a building permit has not been applied for or issued) within one (1) year of the date of final City Council approval of the site plan, then the site plan shall be deemed to have expired. Resubmission of the site plan (i.e., following expiration as described herein) shall be in accordance with site plan submission and review procedures then in effect and shall be accompanied by all required items/information (including payment of filing fees), and reconsideration of the site plan shall take into account all changes to applicable ordinances which may have occurred since prior approval of the site plan.

### **39.3 REVISIONS TO THE APPROVED SITE PLAN:**

- A. **Minor revisions/amendment** - It is recognized that final architectural and engineering design may necessitate minor changes in the approved site plan. In such cases, the Director, or his designee, shall have the authority to approve minor modifications to an approved site plan (which shall be submitted as an "amended site plan" which substantially conforms to the previously approved site plan), provided that such modifications do not materially change traffic

circulation, building location(s) on the site, proximity of building(s) to nearby residential areas, the size or height (i.e., enlargement of buildings), or any other conditions specifically attached as part of City Council's approval of the site plan. Submission materials and requirements for approval of an amended site plan shall be as determined by the Director, or his designee.

- B. **Major revisions** - In the event of revisions that are more extensive in nature (i.e., do not conform to the description for minor amendments above), a "revised site plan" must be resubmitted, reviewed by the Director (or his designee), and reconsidered by the Planning and Zoning Commission and City Council in accordance with the procedures set forth in this Section.

## SECTION 40        SUPPLEMENTAL REGULATIONS

### 40.1 SETBACKS AND LOTS

- A. **Measuring Setbacks** - All setback measurements shall be made in accordance with Figures 12.1 and 12.2.
- B. **Configuration of Lots** - Wherever possible, flag lots (i.e., lots with minimal, or panhandle type, frontage) shall be avoided. Similarly, through (i.e., double frontage) lots (particularly within residential zoning districts) shall also be avoided wherever possible. (Also see Subdivision Ordinance for regulations pertaining to the configuration of lots.)

### 40.2 FRONT YARD:

- A. On all corner lots, the front yard setback shall be observed along the frontage of both intersecting streets, unless approved specifically otherwise on a final plat. Where single-family and townhouse lots have double frontage, extending from one (1) street to another, or are on a corner, a required front yard shall be provided on both streets unless a side or rear yard building line has been established along one (1) frontage on the plat, in which event only one (1) required front yard need be observed. The side and/or rear yards in the case of single-family and townhouse uses shall be identified and the front of the structure shall not face the side or rear yard.
- B. Where the frontage on one (1) side of a street between two (2) intersecting streets is divided by two (2) or more zoning districts, the front yard shall comply with the requirements of the most restrictive district for the entire frontage (see Figure 12.1).
- C. The front yard shall be measured from the property line to the front face of the building, to the nearest supporting member of a covered porch or terrace, or to any attached accessory building. Eaves and roof extensions or a porch without posts or columns may project into the required front yard for a distance not to exceed twenty-four inches (24"), and surface structures, platforms, porches, decks or slabs may not project into the front yard to a height greater than thirty inches (30") above the average grade of the yard (see Figure 12.2).
- D. Minimum lot widths for lots with predominate frontage on the curved radius of a street (e.g., cul-de-sac or "eyebrow" portion of a street) shall be measured as the linear distance of the curved front building line, and shall be shown on the subdivision plat. Lot widths for all lots shall be as set forth in the respective zoning district for each lot.
- E. Gasoline service station pump islands that parallel a public street may be located a minimum of eighteen feet (18') to the property line adjacent to a public street. For pump islands that are perpendicular or diagonal to a public street, the setback shall be thirty feet (30') in order to prevent vehicles stacking out into the street while waiting for a pump position. Pump islands may extend beyond the front building line as described above (provided that all other requirements of this Ordinance are met), but shall not be closer than fifteen feet (15') to any property line that is not adjacent to a public street.

F. Where a future right-of-way line has been established for future widening or opening of a street or thoroughfare, upon which a lot abuts, then the front, side, or rear yard shall be measured from the future right-of-way line.

#### **40.3 SIDE YARDS:**

- A. On corner lots used for single-family dwellings, normal lots shall observe a fifteen feet (15') side yard adjacent to the side street and on a "key" lot the side yard adjacent to the side street will be equal to the front yard setback of the adjacent house (see Figure 12-1). Interior side yards between houses shall be no less than that specified in each district. On lots, which were official lots of record prior to the effective date of this Ordinance, the minimum side yard adjacent to a side street or interior side yards between houses shall comply with the minimum required side yard for the respective district in the Ordinance in effect at the time of platting.
- B. Every part of a required side yard shall be open and unobstructed except for the ordinary projections of window sills, belt courses, cornices, and other architectural features not to exceed twelve inches (12") into the required side yard, and roof eaves projecting not to exceed twenty-four inches (24") into the required side yard (see Figure 12-2). Air conditioning compressors and similar equipment are permitted in the side yard.
- C. Where a future right-of-way line has been established for future widening or opening of a street or thoroughfare, upon which a lot abuts, then the front, side, or rear yard shall be measured from the future right-of-way line.

#### **40.4 SPECIAL HEIGHT REGULATIONS:**

In the districts where the height of buildings is restricted to two (2) or two and one-half (2½) stories (maximum of thirty feet (30')), cooling towers may extend for an additional height not to exceed fifteen feet (15') above the roof line of the building. Architectural features normally associated with churches, schools, public buildings or other institutional buildings such as, steeples, domes, finials, bell towers and spires, may be erected to exceed the two (2) or two and one-half (2½) story height limit of thirty feet (30'), as specified in the particular zoning district, by no more than fifty percent (50%) of the allowed maximum height of the building.

#### **40.5 COMMUNICATIONS ANTENNAS AND SUPPORT STRUCTURES/TOWERS:**

- A. In all residential zoning districts (A-O, SF-20, SF-10, SF-8, SF-6, TH, MF-1, MF-2 and MH), commercial antennas and antenna support structures are prohibited, except as specified within this Section.
  1. A commercial antenna may be attached to a utility structure (e.g., electrical transmission/distribution tower, elevated water storage tank, etc.) exceeding fifty feet (50') in height, provided that the antenna does not extend more than ten feet (10') above the height of the utility structure (see 40.5(C) below).
  2. A commercial antenna may be placed wholly within any building permitted in the zoning district (see 40.5(C) below). A commercial antenna may be mounted flush to the exterior of a building/structure if it is painted and/or disguised to integrate into the overall architectural design and is not readily visible/identifiable as an antenna from public roadways or neighboring residential properties.

B. In nonresidential zoning districts (O, LR, R, CBD, C, LI and HC), commercial antennas and antenna support structures are allowed as follows:

1. Commercial antenna support structures are allowed by right if they do not exceed the maximum building height allowed for the zoning district in which they are located. Structures in excess of the height allowed in the zoning district may be allowed by Specific Use Permit (SUP). In all nonresidential zoning districts, antenna support structures must meet the setback requirements from residential districts.
2. A commercial antenna may be attached to a utility structure (e.g., electrical transmission/distribution tower, elevated water storage tank, etc.) exceeding fifty feet (50') in height, provided that the antenna does not extend more than ten feet (10') above the height of the utility structure (see 40.5(C) below).
3. A commercial antenna may be placed wholly within any building permitted in the zoning district (see 40.5(C) below). A commercial antenna may be mounted flush to the exterior of a building/structure if it is painted and/or disguised to integrate into the overall architectural design and is not readily visible/identifiable as an antenna from public roadways or neighboring residential properties.

C. No commercial antenna support structure shall be closer to any residential district boundary line or residential dwelling than a distance equal to twice the height of the support structure. Such setback/distance shall be measured as the shortest possible distance in a straight line from the structure to the closest point of a residential district boundary line or residential dwelling. Setbacks from residentially zoned property do not apply to antennae attached to utility structures exceeding fifty feet (50') in height, or to antennae placed wholly within or mounted upon a building.

D. No amateur or commercial antenna, antenna support structure, microwave reflector/antenna, or associated foundations or support wires or appurtenances shall be located within any required setback area for the front, side or rear yards (see Figure 12.1).

E. Antennae (amateur or commercial) shall not interfere with radio or television reception of adjoining property owners, and shall comply with all regulations of the Federal Communications Commission (FCC). In no manner shall the use of such equipment infringe upon adjoining property owners.

F. Satellite dishes and other similar antennas shall be permitted on the roof of a building, as long as satellite dishes do not exceed three feet (3') in diameter and antennas do not extend over twelve feet (12') above the roof of the building. Any parabolic or satellite dish antenna over three feet (3') in diameter, but not exceeding twelve feet (12') in diameter, may be mounted on the roof if a letter stating its structural stability is written by a registered architect or engineer and submitted to the Director, or his designee. Roof-mounted antennae that comply with the above do not require additional yard setbacks or setbacks from residential areas or dwellings.

G. Only one (1) satellite dish shall be permitted per residential lot or primary structure, except that a maximum of two (2) dishes shall be allowed if both units are three feet (3') or less in diameter. Satellite dishes in any residential district shall not exceed twelve feet (12') in diameter, and must be permitted by the Director, or his designee.

- H. All commercial signs, flags, lights and attachments other than those required for communications operations, structural stability, or as required for flight visibility by the Federal Aviation Administration (FAA) and FCC shall be prohibited on any antenna or antenna support structure.
- I. All publicly owned antennae or antenna support structures shall be permitted in any district (e.g., public safety communications, etc.).

#### **40.6 MINIMUM DWELLING UNIT AREA:**

Minimum dwelling unit areas specified in this Ordinance shall be computed exclusive of breezeways, garages, open porches, carports and accessory buildings.

#### **40.7 OPEN STORAGE AREAS:**

- A. Open storage of materials, commodities or equipment shall be located behind the front building line, screened from view from a public right-of-way and observe all setback requirements for an accessory building. This standard does not apply to outside display of merchandise for sale by a retail business (see definition of outside display in Section 33.5. The \*open storage of building materials, stone, brick, sand, gravel or other such materials shall not exceed fifteen feet (15') in height except as permitted in a temporary concrete batch plant or construction site.
- B. \*All open storage areas, within Single Family and Multi Family Districts and any residential uses, shall be allowed with the following limitations:
  - 1. Limited to a total square footage footprint of five percent (5%) of the total property,
  - 2. Must be located behind the front building line,
  - 3. Observe the same setback requirements as an accessory building,
  - 4. Cannot be located within any utility easements or public right-of-ways,
  - 5. Must be completely screened from public and adjacent property views, at all times, by utilizing any combination of the following:
    - a. A minimum six foot (6') solid wooden fence not to exceed eight feet (8'),
    - b. An existing house on the same lot,
    - c. An existing storage building on the same lot,
    - d. Such screening shall be maintained at all times.

**\*Amended April 22, 2013 by Ordinance O-06-13**

## **40.8 TEMPORARY USE PERMIT:**

The following temporary uses may be allowed under the conditions and for the time specified upon permit application review by the Director or his designee and payment of the required fee. Applications must be submitted ten (10) days prior to the proposed start date of the Temporary Use.

### **A. Temporary Use Defined**

Temporary uses shall include short-term or seasonal uses that would not be appropriate on a permanent basis. Temporary uses are identified in Chart 3 Accessory and Incidental Use Charts and in Section 33.5 Definitions. In addition, the following uses and activities shall be considered temporary uses:

1. **Fundraising Activities by Not-for-Profit Agencies.** Fundraising or noncommercial events for nonprofit educational, community service or religious organizations where the public is invited to participate in the activities and which last longer than 24 hours. Temporary uses of a religious or philosophical nature, including tents, by organizations not normally conducting business for profit may be allowed for a period of their actual duration, up to a maximum of thirty (30) days, except that two (2) extensions of up to fifteen (15) days may be possible upon application and approval. An alternate method for permitting fundraising or other non-profit temporary activities is to submit an annual schedule of proposed events to be held on noncontiguous days (such as certain weekends or Holidays, etc.) for a total not to exceed thirty (30) days in any one (1) calendar year.
2. **Special and Seasonal Sales Events.** Significant commercial activities lasting not longer than thirty (30) days (except that a maximum of two (2) extensions of up to thirty (30) days may be granted upon application and approval) intended to sell, lease, rent or promote specific merchandise, services or product lines, including but not limited to warehouse sales, tent sales, trade shows, flea markets, farmer's markets, Christmas tree lot sales, product demonstrations or sales of food, produce, art work or other goods. (This does not include peddlers and solicitors or occasional sales such as garage, estate, rummage, or yard sales which are regulated under separate Ordinances (see Chapters 26 and 74, City Code of Ordinances).
3. **Entertainment or Amusement Events.** Short-term cultural and entertainment events including public or private events lasting more than 48 hours but not longer than fifteen (15) days (except that a maximum of two (2) extensions of up to five (5) days may be granted upon application and approval) intended primarily for entertainment or amusement, such as concerts, plays or other theatrical productions, circuses, fairs, carnivals or festivals.
4. **\*Central Business District (CBD) Special and Seasonal Sales Events** allowed with specified locations and time limitations. **\*Amended May 18, 2009 by Ordinance O-05-09**
  - a. Farmer's market including: plants, food, and produce in accordance with the Texas Health and Sanitation Regulations

(1) Farmer's markets are allowed only on weekends starting on Friday at 5:00 p.m. and ending on Sunday by 6:00 p.m. throughout the entire year.

(2) An association may apply for a group Temporary Use Permit or an individual may apply for an individual Temporary Use Permit. A date and time schedule of the farmer's market shall be included with the Temporary Use Permit.

(3) A farmer's market shall be located on a private lot or on South Jackson and East Grove Streets.

b. Homemade arts and craft works market

(1) Homemade arts and craft works markets are allowed on weekends starting on Friday at 5:00 p.m. and ending on Sunday by 6:00 p.m. throughout the entire year.

(2) An association may apply for a group Temporary Use Permit or an individual may apply for an individual Temporary Use Permit. A date and time schedule of the homemade arts and craft works market shall be included with the Temporary Use Permit.

(3) A homemade arts and craft works market shall be located on a private lot or on South Jackson Street.

c. Pumpkin patch, Christmas tree lots, Valentine's Day flowers sale lots, etc.

(1) Such lot sales are allowed for a maximum of thirty (30) days.

(2) Such lot sales shall be located on a private lot or on South Jackson Street.

d. **\*\* Special Food and Drink Sales.** Significant commercial activities related to the sale, lease, or promotion of sales of food and/or drinks (collectively in this subparagraph "Food Sales") may operate under the authority of a Temporary Use Permit issued by the City for a maximum period of six (6) consecutive months during a twelve (12) month period, except that one (1) extension of time for a period up to six (6) months during a twelve (12) month period may be granted upon submission of an application to the City Council and the Council's subsequent approval. **\*\*Amended November 25, 2019 by Ordinance O-30-19**

(1) All applications for permit submitted for Sales utilizing mobile food units, trailers and/or push carts shall include a written letter of permission from the owner of the property upon which such Food Sales are to take place

evidencing that the applicant has obtained the consent of the property owner to operate from that location.

- (2) Food Sales shall be conducted only on private property. Food Sales shall not be permitted upon public property, including without limitation, parks, rights of way and medians, unless otherwise authorized in writing by the City.
- (3) All owners and/or operators of mobile food units, trailers and/or push carts from which Food Sales occur or which are utilized in conjunction with Food Sales shall first obtain a health permit from the City prior to receiving a Temporary Use Permit.
- (4) No mobile food unit, trailer and/or push cart, portions thereof, or related accessories, including without limitation, benches, tables or chairs, shall be located in any sight visibility triangle as that term is defined in the City's Subdivision Regulations or other ordinance.
- (5) Mobile food unit, trailer and/or push cart shall not be allowed to utilize flashing, strobing or blinking lights at any time of day or night.
- (6) Mobile food units, trailers and/or push carts shall not be operated by any person during a City event without such person first obtaining written permission from the City of Kaufman and all applicable permits.
- (7) No person owning or operating a mobile food unit, trailer and/or push cart shall utilize any sound amplification device that, when operated, violates Section 42-1, "Noise" or Section 102-5, "Sound Amplification on Vehicles" of the City of Kaufman Code of Ordinances, as amended from time to time.
- (8) Mobile food units and towing vehicles may park on an unimproved surface, including grass or some other non-impervious surface). Disconnected towing vehicles and/or employee vehicles associated with the operation of a mobile food unit shall only park on an approved paved surface. Customer vehicles shall not be operated or parked on an unimproved surface.
- (9) Garbage storage containers shall be maintained in an accessible location for each mobile food unit, trailer or push cart at such location and in such number sufficient to contain all trash and garbage generated by the vendor. All garbage storage containers shall be removed from the site daily by the owner/operator.
- (10) No mobile food unit, trailer and/or push cart shall be located within one hundred (100) feet of an existing fixed business that sells, distributes, or offers for sale or distribution any food or beverages similar to those to be

sold, distributed, or offered for sale by the owner or operator of a mobile food unit, trailer, and/or push cart.

- (11) Toilet facilities shall be designated and shall be conveniently located and accessible to employees of the each mobile food unit, trailer and/or push carts during all hours of operation of such business. Each owner or operator of a mobile food unit, trailer and/or push cart shall provide the City with a written letter of permission from the owner of the toilet facilities designated by such person as required by this section evidencing that the owner or operator has obtained the consent of the property owner authorizing the shared use of the toilet facilities and that also states the hours of availability of the toilet facilities.

#### **B. Application**

An application for a Temporary Use Permit shall be submitted to the Director or his designee at least 10 working days before the requested start date for a temporary use and shall include the following:

1. A written description of the proposed use or event, the duration of the use or event, the hours of operation, anticipated attendance, and any building or structures, signs or attention-attracting devices used in conjunction with the event
2. A written description of how the temporary use complies with the review criteria in D, below.
3. A plan showing the location of proposed structures, including onsite restrooms and trash receptacles, parking areas, activities, signs and attention attracting devices in relation to existing buildings, parking areas, streets and property lines.
4. A letter from the property owner agreeing to the temporary use.
5. Any additional information required by the Director.

#### **C. Review and Action by the Director**

The Director shall make a determination whether to approve, approve with conditions, or deny the permit within 5 working days after the date of application. Any applicant denied a permit by the Director shall be notified in writing of the reasons for the denial and of the opportunity to appeal to the Zoning Board of Adjustment.

#### **D. Review Criteria**

Temporary uses shall comply with the following requirements:

1. Land Use Compatibility. The temporary use must be compatible with the purpose and intent of this ordinance. 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 detrimental to the public health, safety or welfare, or

injurious to property or improvements in the immediate vicinity of the temporary use, given the type of activity, its location on the site, and its relationship to parking and access points.

2. Compliance with Other Regulations. The temporary use shall conform in all respects to all other applicable City regulations and standards.
3. Restoration of Site. 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. The applicant shall be responsible for ensuring the restoration of the site.
4. Hours of Operation and Duration. The hours of operation and duration of the temporary use shall be consistent with the intent of the event or use and compatible with the surrounding land uses and shall be established by the Director at the time of approval of the temporary use permit.
5. Traffic Circulation. The temporary use shall not cause undue traffic congestion given anticipated attendance and the capacity of adjacent streets, intersections and traffic controls.
6. 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(s).
7. Public Conveniences and Litter Control. Adequate onsite rest room facilities and litter control may 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.
8. 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.
9. Signs. The Director shall review all signage, although a sign permit is not required. The Director may approve the temporary use of attention attracting devices.

#### **E. Additional Conditions**

The Director may establish additional conditions 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 or buffering, and guarantees for site restoration and cleanup following the temporary use.

1. A temporary building or structure may be used as an office incidental to construction work if such building is located upon the same property as the site under construction and does not provide for a use that is not incidental to construction on the premises. Such buildings or structures shall be removed following final acceptance of the construction by the City. No longer than thirty (30) days maximum shall be allowed for removal of such buildings or structures.
2. A temporary facility, or a permanent residential structure located on any platted lot in an approved residential subdivision may be used as a construction office, or a sales office, or for display purposes. No more than one (1) office and no more than four (4) display facilities shall be allowed for any purposes in any subdivision. Such temporary uses shall be allowed for a period of up to one (1) year, with extensions upon application and approval, of up to six (6) months possible, provided construction remains continuous and no more than ten (10) lots remain unsold in the subdivision. No more than two (2) such extensions shall be granted.
3. Temporary sales of seasonal products such as firewood, Christmas trees, plants, fruits and vegetables, and the like may be allowed during their normal and generally accepted season for a period of up to thirty (30) days, except that a maximum of two (2) extensions of up to thirty (30) days may be possible upon application and approval. All vendors selling food products must first obtain a health permit from the City prior to receiving a Temporary Use Permit.
4. The Director, or his designee, in approving or denying such applications, shall consider the nature of the use; existing uses in the surrounding areas, noise, dust; light and traffic generated; health and sanitary conditions; and compliance with other regulations of this Ordinance. The Director, or his designee, shall have the right to revoke any temporary use at any time or to deny any extension upon finding that a hazard or nuisance shall exist by continuing such use; after which revocation or denial such temporary use shall immediately cease and shall be removed within two (2) days of such finding.

#### **F. Appeals**

A denial of a temporary use permit by the Director may be appealed to the Zoning Board of Adjustment. The appeal shall be made by submitting an application for a variance to the Director with the required fee as listed in the Fee Schedule, Ordinance O-29-03, as amended.

## 40.9 BUILDING FAÇADE REQUIREMENT:

**NOTE: Amended O-16-19 on 08-26-2019**

**The 2019 Legislature enacted HB 2439, prohibiting municipal regulation of materials used for construction and renovation of residential and commercial buildings in certain instances and subject to certain exceptions.**

### INCORPORATION OF RECITALS/AMENDMENTS.

Amendments to provide for compliance with new state laws affecting materials used in the construction or renovation of residential and commercial buildings and providing exemptions in accordance with Chapter 3000, Texas Government Code effective September 1, 2019; and

### DEFINITIONS.

**“Building Code(s)”** means any and all of the codes adopted by the City of Kaufman as set forth in Zoning Ordinance No. O-02-07 as amended, or in the Code of Ordinances of the City of Kaufman, as amended, including local amendments thereto, as currently existing or as later adopted or amended.

**“City”** means City of Kaufman, Texas.

**“Commercial Building”** means a building for the use or occupation of people for a public purpose or economic gain, or a residence if the building is a multi-family residence that is not defined as a residential building.

**“National Model Code”** means a publication that is developed, promulgated, and periodically updated at a national level by organizations consisting of industry and government fire and building safety officials through a legislative or consensus process and that is intended for consideration by units of government as local law. “National Model Code” includes the International Residential Code, the National Electrical Code and the International Building Code.

**“Official”** means an official responsible for enforcement of the City’s Zoning Ordinance or Building Codes, as designated by City Charter, ordinance or other authorization of the City.

**“Residential Building”** means a building having the character of a one-family or two-family dwelling or a multiple single-family dwelling that is not more than three (3) stories high with separate means of egress, including the accessory structures of the dwelling and that does not have the character of a facility used for the accommodation of transient guests or a structure in which medical, rehabilitative, or assisted living services are provided in connection with the occupancy of the structure.

**“Zoning Ordinance”** means the Zoning Ordinance of the City of Kaufman, Texas, Ordinance No. O-02-07, including provisions adopted and codified as Chapter 118, “Zoning” of the Code of Ordinances of the City of Kaufman, as currently existing or as later adopted or amended.

### PROHIBITIONS ON ENFORCEMENT.

An official responsible for enforcement of the City’s Zoning Ordinance or Building Codes, as designated by City Charter, ordinance or other authorization of the City, shall not:

- Prohibit or limit, directly or indirectly, the use or installation of a building product or material in the construction, renovation, maintenance, or other alteration of a residential or commercial building if the building product or material is approved for use by a National Model Code published within the last three (3) code cycles that applies to the construction, renovation, maintenance, or other alteration of the building; or
- Enforce a standard for a building product, material, or aesthetic method in construction, renovation, maintenance, or other alteration of a residential or commercial building if the standard is more stringent than a standard for the product, material, or aesthetic method under a National Model Code published within the last three code cycles that applies to the construction, renovation, maintenance, or other alteration of the building.

An applicant who proposes to use a building material, product or aesthetic method in the construction or alteration of a residential or commercial building that is prohibited or limited by the City's adopted Zoning Ordinance or building codes, as amended, or that is less stringent than the standard established by such Ordinance or building codes, as amended, shall identify each provision in a National Model Code published within the last three code cycles that approves the use of such building material, product or aesthetic method, as a necessary requirement of the application.

An applicant may agree in writing to employ a building material, product or aesthetic method for use in the construction or alteration of a residential or commercial building that otherwise cannot be enforced under subsection (a).

**EXEMPTIONS FOR ORDINANCES, REQUIREMENTS AND PROGRAMS.** See Ordinance O-16-19 for more details.

**EXEMPTIONS FOR BUILDINGS.** See Ordinance O-16-19 for more details.

**APPEAL TO PROHIBITIONS ON ENFORCEMENT, ORDINANCES, REQUIREMENTS, PROGRAMS, AND BUILDING.** See Ordinance O-16-19 for more details.

**A. Building Materials: Amended O-37-17 on 12-18-2017 NOTE: Amended O-16-19 on 08-26-2019 see notes prior to Section 40.9A**

As applicable to meeting the minimum requirements for the building façade requirements within each zoning district; all building material must be applied using the recommended standards from the manufacturer. The following masonry materials are permitted:

1. **Brick** – A kiln fired clay or slate material of severe-weather grade.
2. **Stone** – Includes naturally occurring granite, marble, limestone, slate river rock, and other similar hard and durable all-weather stone that is used in exterior building construction. Cast or manufactured stone products may also be used provided that such products yield a stone-like appearance and they are highly durable and maintenance-free.
3. **Burnished Block** – Grinded to reveal the aggregate matrix within the block.

4. **Decorative Concrete Block (CMU)** – Textured finish such as split-face, indented, hammered, fluted, ribbed or similar architectural finish. Lightweight concrete block is not acceptable. Smooth or untextured finished concrete blocks are not permitted on any side(s) of the building facing a public or private street.
5. **Textured Concrete Panels** – Textured finish with an appearance of face brick or stone. Smooth or untextured finished concrete panels are not permitted on any side(s) of the building facing a public or private street.
6. **Tilt Wall Panels** – Textured finish. Smooth or untextured finished tilt-wall panels are not permitted on any side(s) of the building facing a public or private street.
7. **Stucco** – Concrete-plastering with cement plaster.
8. **Glass Block** – Any type used as an exterior building material.
9. **Cementitious Siding, Cement Based Planks or Paneling** - Fabricated cement panels.
10. **Exterior Insulation and Finish System (EIFS)** – May be utilized as an architectural accent material not to exceed fifty percent (50%) of any exterior surface and may not be used on any primary load-bearing structural wall surface. To be installed four feet (4') above ground level.

B. **Minimum Building Façade Standards:** **NOTE: Amended O-16-19 on 08-26-2019 see notes prior to Section 40.9A**

The standards and criteria contained within this subsection are minimum building façade standards and shall apply to all new building construction.

1. **Residential** - Residential-zoning districts include the following: Single Family (SF-6), Single Family (SF-8), Single Family (SF-10), Single Family (SF-20), Townhouse (TH) and Agriculture-Open (A-O).
  - a. The exterior building façade of all new structures in residential zoning districts shall have a minimum of seventy five percent (75%) masonry.
  - b. The masonry shall be equally distributed around the building. No single wall face of any structure should contain less than fifty percent (50%) masonry construction.
  - c. Areas of a façade that are devoted to windows, doors, fascia, or soffit shall not be counted as “wall surface” when calculating the building façade requirement.
  - d. Accessory buildings over 240 SF or if used for enclosed parking shall conform to the exterior façade of the main building. Agriculture-Open (A-O) uses shall be exempt from this requirement.
  - e. CMU, concrete panels, metal panels, and tilt wall panels are not permitted as a building façade material on any single-family or townhouse residential structure.

- f. Infill residential construction that is designed to be neo-traditional or match an architectural style that uses a lap siding product other than masonry may use an alternative material upon approval of the City Council during plat approval or by the Building Official in instances where the property is already platted. Alternative façade materials will only be approved in areas in which the architecture of at least sixty percent (60%) of the homes within three hundred feet (300') of the subject property on the same street are constructed with other than masonry materials.

2. **Multifamily** – Multifamily zoning districts include the following: Multifamily (MF-1) and Multifamily (MF-2).

- a. The exterior building façade of all new structures in multifamily zoning districts shall have a minimum of seventy five percent (75%) masonry materials on the first floor and fifty percent (50%) on any other floor.
- b. Areas of a façade that are devoted to windows, doors, fascia, or soffit shall not be counted as “wall surface” when calculating the building façade requirement.
- c. All accessory buildings shall conform to the exterior façade of the main building.

3. **Nonresidential** – Nonresidential zoning districts include the following: Office (O), Local Retail (LR), Retail (R), Central Business District (CBD), Highway Commercial (HC), Commercial District (C) and Light Industrial (LI).

- a. The exterior building wall of all new structures in the above listed zoning districts shall have a minimum of seventy-five percent (75%) masonry materials.
- b. The masonry shall be equally distributed around the building. No single wall face of any structure shall contain less than fifty percent (50%) masonry construction.
- c. Areas of a façade that are devoted to windows, doors, fascia, or soffit shall not be counted as “wall surface” when calculating the building façade requirement.
- d. All accessory buildings shall conform to the exterior façade of the main building.

4. **Special Exceptions:**

- a. State and federally registered historic structures are exempt from the building façade requirements.
- b. Temporary buildings such as construction buildings, field offices and home builder sales offices are exempt from the building façade requirements.

**40.10 SALE OF ALCOHOLIC BEVERAGES: ► Amended 02-23-2015 by O-01-15**

**A. Sale of Alcoholic Beverages:**

Notwithstanding any other provisions of this Ordinance the storage, possession, sale, serving, or consumption of alcoholic beverages, except for the consumption of the occupants or owners of the premises and their guests at no charge, when permitted by the laws of the State of Texas, shall be regulated and governed by the following use regulations, and requirements:

1. Definitions: For the purpose of this Ordinance, the following words and phrases shall have the meanings ascribed to them as follows:
  - a. **Alcoholic Beverage** means alcohol, or any beverage containing more than one-half of one percent (.05%) of alcohol by volume, which is capable of use for beverage purposes, either alone or when diluted.
  - b. **Restaurant** shall mean a restaurant or eating establishment whose gross sales in Kaufman from food on an annual basis at the location represent at least fifty percent (50%) of total sales with a Specific Use Permit as set out in Section 30.
  - c. **Private Club** shall mean as defined in Section 33.5.171 and shall be regulated through this Ordinance, existing and future Specific Use Permits and State Law.
2. The storage, possession, sale or serving of alcoholic beverages by any party for on premise consumption, shall be illegal unless on property zoned specifically for that purpose as a Specific Use Permit in accordance with and pursuant to Section 30 of this Ordinance.
3. A Certificate of Occupancy shall be issued after the Building Official and/or Fire Chief makes the required inspections and the party complies with all aspects of this Zoning Ordinance and all other applicable Ordinances. No Certificate of Occupancy may be assigned or transferred and same is valid only as to the recipient. No party may operate a restaurant or private club that is zoned pursuant to Section 40.10 and Section 30 of this Ordinance without a valid and current Certificate of Occupancy.

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## SECTION 41 PERFORMANCE STANDARDS

### 41.1 PURPOSE:

In all zoning districts, any use indicated in the permitted use list shall conform in operation, location, and construction to the performance standards as administered by County, State, or Federal agencies. All uses, including those which may be allowed by PD or SUP, shall conform in operation, location, and construction to appropriate performance standards for noise, smoke, and particulate matter, odorous matter, fire, or explosive hazard material, toxic and noxious matter, vibration, and glare.

### 41.2 FEDERAL AND STATE LAWS:

All Federal and State pollution, noise, and requirements for toxic waste disposal shall be observed.

### 41.3 NOISE:

At no point at the bounding property line of any use shall the sound pressure level of any operation or plant exceed the decibel limits specified in the Octave Band groups designated in the following table:

A. Maximum Permissible Daytime\* Octave Band:

Decibel Limits at the Bounding Property Line\*\*

Octave Band (cps)	37 75	75 150	150 300	300 600	600 1200	1200 2400	2400 4800	4800 9600	A Scale
Decibel Band Limit (db. re 0.0002 Microbar)	86	76	70	65	63	58	55	53	65

*Note -- "A scale" levels are provided for monitoring purposes only and are not applicable to detailed sound analysis.*

\* "Daytime" shall refer to the hours between sunrise and sunset on any given day.

\*\* "Bounding Property Line" shall be interpreted as being at the near side of any street, alley, stream, or other permanently dedicated open space from the noise source when such open space exists between the property line of the noise source and adjacent property. When no such open space exists, the common line between two(2) parcels of property shall be interpreted as the bounding property line.

B. The following corrections shall be made to the table of octave band-decibel limits in determining compliance with the noise level standards.

When noise is present at nighttime, subtract (-7db.)

When noise contains strong pure-tone components or is impulsive, that is when meter changes at 10 decibels or more per second, subtract (-7db.)

When noise is present for not more than the following, add (+10db):

- ½ minute in any ½ hour period
- 1 minute in any 1 hour period
- 10 minutes in any 2 hour period
- 20 minutes in any 4 hour period

- C. Measurement of noise shall be made with a sound level meter on octave band analyzer meeting the standards prescribed by the American Standards Association.
- D. Exemptions - The following uses and activities shall be exempt from the noise level regulations herein specified.
  - 1. Noises not directly under control of the property user.
  - 2. Noises emanating from construction and maintenance activities between the hours of 7:00 a.m. and 7:00 p.m. (daylight hours).
  - 3. Noises of safety signals, warning devices and emergency pressure relief valves.
  - 4. Transient noise of moving sources such as automobiles, trucks, and airplanes.

#### **41.4 SMOKE AND PARTICULATE MATTER:**

No operation or use shall cause, create, or allow the emission for more than three (3) minutes in any one (1) hour of air contaminants, which at the emission point or within the bounds of the property are:

- A. Of such opacity as to obscure an observer's view to a degree equal to or greater than does smoke or contaminants in the standard prescribed by the ASTM except that, when the presence of uncombined water is the only reason for failure to comply or when such contaminants are emitted inside a building which prevents their escape into the atmosphere, the standards specified in 3-1302-1 and 3-1302-2 shall not apply.
- B. The emission of particulate matter from all sources shall not exceed 0.5 pounds per acre of property within the plant site per any one (1) hour.
- C. Open storage and open processing operations, including on-site transportation movements which are the source of wind or air borne dust or other particulate matter; or which involves dust or other particulate air contaminants, generating equipment such as used in paint spraying, grain handling, sand or gravel processing or storage or sand blasting shall be so conducted that dust and other particulate matter so generated are not transported across the boundary line of the tract on which the use is located in concentrations exceeding four (4) grains per one thousand cubic feet (1,000 cf) of air.

#### **41.5 ODOROUS MATTER:**

- A. No use shall be located or operated 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.
- B. The odor threshold as herein set forth shall be determined by observation by a person or persons. 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 specified by American Society for Testing Materials A.S.T.M.D. 1391-57 entitled "Standard Method for Measurement of Odor in Atmospheres" shall be used and a copy of A.S.T.M.D. 1391-57 is hereby incorporated by reference.

#### **41.6 FIRE OR EXPLOSIVE HAZARD MATERIAL:**

- A. No use involving the manufacture or storage of compounds or products which decompose by detonation shall be permitted 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 Chief of the City of Kaufman.
- B. The storage and use of all flammable liquids and materials such as pyroxylin plastics, nitrocellulose film, solvents, and petroleum products shall be permitted only when such storage or use conforms to the standards and regulations of the City of Kaufman Fire Code or are approved by the Fire Chief.

#### **41.7 TOXIC AND NOXIOUS MATTER:**

- A. No operation or use shall 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 will exceed ten percent (10%) of 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," a copy of which is hereby incorporated by reference.
- B. All industrial/commercial establishments that have a commercial sewer or wastewater tap into the City's wastewater treatment system must submit an Industrial/Commercial Wastewater Discharge Permit Application in accordance with Chapter 106 of the City of Kaufman Code of Ordinances with the appropriate fee to the Public Works Director.

#### **41.8 VIBRATION:**

No operation or use shall at any time create earth borne vibrations which when measured at the bounding property line of the source operation exceed the limits of displacement set forth in the following table in the frequency ranges specified:

<u>Frequency Cycles Per Second</u>	<u>Displacement in Inches</u>
0 to 10	0.0010
10 to 20	0.0008
20 to 30	0.0005
30 to 40	0.0004
40 and over	0.0003

## **SECTION 42        LIGHTING AND GLARE STANDARDS**

### **42.1 PURPOSE:**

Standards for controlling lighting and glare are set forth to reduce the annoyance and inconvenience to property owners and traffic hazards to motorists. These standards are intended to allow reasonable enjoyment of adjacent and nearby property by their owners and occupants while requiring adequate levels of lighting of parking areas. Parks and Recreation facilities shall adhere to the lighting standards as specified in the "Time Saver Standards for Landscape Architects" latest edition in lieu of the following criteria.

### **42.2 NONRESIDENTIAL SITE LIGHTING AND GLARE STANDARDS:**

- A. Any use shall be operated so as not to produce obnoxious and intense glare or direct illumination across the bounding property line from a visible source of illumination of such intensity as to create a nuisance or detract from the use or enjoyment of adjacent property. All outside lights shall be made up of a light source and reflector so selected that acting together, the light beam is controlled and not directed across any bounding property line above a height of three feet (3'). The allowable maximum intensity measured at the property line of a residential use in a residential district shall be 0.3 foot candles. Light poles shall be placed on the site a setback equal to its height from all adjacent residential property.
- B. All off-street parking areas for non-residential uses in non-residential districts, which are used after dark, shall be illuminated beginning one-half ( $\frac{1}{2}$ ) hour after sunset and continuing throughout the hours of business operation. If only a portion of a parking area is offered for use after dark, only that part is required to be illuminated in accordance with these standards. However, the portion offered for use shall be clearly designated. Lighting within the parking areas shall meet the following minimum requirements:

#### **1. Intensity:**

- a. Minimum at any point on the parking area surface to be at least 0.6 foot candles initial, and at least 0.3 foot candles maintained or one-third (1/3) of the average, whichever is greater.
- b. Illumination shall not exceed an average of one foot (1) candle at ground level and shall distribute not more than 0.3 foot candles of light upon any adjacent residential land use or zoned area at the property line.

#### **2. Height:**

- a. On tracts or lots over three (3) acres in size, the maximum height for poles with lights is thirty-five feet (35').
- b. On tracts or lots less than three (3) acres, the maximum height of poles with lights is thirty-five feet (35').

- c. Special lighting or lighting higher than thirty-five feet (35') may be approved as specifically noted on a site plan.

#### **42.3 RESIDENTIAL LIGHTING AND GLARE STANDARDS:**

- A. Residential lighting for security and night recreation use is permitted in all residential districts provided the following requirements are met:
  1. Direct lighting over ten feet (10') in height is shielded from adjacent property.
  2. No light source shall exceed thirty-five feet (35') in height. Street lights and other traffic safety lighting are exempt from this standard.
  3. Lighting shall not directly shine on adjacent dwellings.

#### **42.4 LUMINAIRES:**

Light sources shall be of a down-light type, indirect, diffused, or shielded type luminaires installed and maintained so as to reduce glare effect and consequent interference with use of adjacent properties and boundary streets. Bare bulbs above seventy-five (75) watts and strings of lamps are prohibited, except for temporary lighting as provided in Section 42.5 below.

#### **42.5 SPECIAL OR TEMPORARY LIGHTING -- LOW WATTAGE:**

Bare bulbs or strings of lamps are prohibited, except during holidays special lighting shall be permitted for a maximum time period of forty-five (45) days for each holiday used.

## **SECTION 43        HOME OCCUPATION REGULATIONS**

### **43.1 PURPOSE:**

Standards for controlling home occupations are set forth to minimize annoyance and inconvenience to neighboring property owners within residential areas. These standards are intended to allow reasonable and comfortable enjoyment of adjacent and nearby property by their owners and by occupants of neighboring residential dwellings, while providing opportunities for the pursuit of home-based businesses.

### **43.2 SPECIAL PROVISIONS FOR HOME OCCUPATIONS:**

- A. Home occupations shall be permitted as accessory use in single-family residential zoning districts (i.e., A-O, SF-20, SF-10, SF-8, SF-6, TH, MF-1, MF-2 and MH) provided that they comply with all restrictions herein;
- B. The occupation shall produce no alteration or change in the character or exterior appearance of the principal building from that of a residential dwelling, and performance of the occupation activity shall not be visible from the street;
- C. Such use shall be incidental and secondary to the use of the premises for residential purposes, and shall not utilize floor area exceeding twenty percent (20%) of the combined gross floor area of dwelling unit and any accessory building(s) that are used for the home occupation (in no case shall the combined floor area utilized for a home occupation exceed five hundred square feet (500 sf));
- D. The occupation shall not employ more than one (1) person who is not a member of the household in which the home occupation occurs;
- E. Not more than two (2) patron or business-related vehicles shall be present at one time, and the proprietor shall provide adequate off-street parking on the property where the use is located;
- F. The operation of such an occupation shall be between the hours of 8:00 a.m. and 6:00 p.m. for outdoor activities, and between 8:00 a.m. and 10:00 p.m. for indoor activities;
- G. One (1) commercial vehicle, capacity of one-ton or less (according to the manufacturer's classification), may be used or parked on the property in connection with the home occupation, but said vehicle may not be parked in the street;
- H. The occupation activity shall not increase vehicular traffic flow beyond what normally occurs within a residential district, and shall not require regular and frequent deliveries by large delivery trucks or vehicles with a rated capacity in excess of one and one-half tons, according to the manufacturer's classification;
- I. There shall be no outside storage, including trailers, or outside display related to the home occupation use;

- J. No mechanical or electrical equipment shall be employed on the premises other than that which is customarily found in a home environment, and that which is customarily associated with a hobby or avocation which is conducted solely for pleasure and not for profit or financial gain;
- K. The home occupation shall not generate noise, vibration, glare, fumes/odors, heat or electrical interference beyond what normally occurs within a residential district;
- L. The occupation shall not require the use of chemicals on the property that are obnoxious or hazardous to the welfare of the neighborhood;
- M. The home occupation shall not involve the use of advertising signs or window displays, or any other device that calls attention to the business use of the premises through audio and/or visual means;
- N. The occupation shall not offer a ready inventory of any commodity for sale on the premises unless the commodity is made/assembled on-site (e.g., arts and crafts items, handmade clothing, etc.); and
- O. The occupation shall not be harmful or detrimental to the health, welfare and safety of the neighborhood, nor shall it interfere with the comfortable enjoyment of life, property and recreation by residents of the area.

### **43.3 APPLICABILITY OF OTHER REGULATIONS:**

Home occupations shall also be subject to any and all other provisions of local, State and Federal regulations and laws that govern such uses.

### **43.4 USES ALLOWED AS HOME OCCUPATIONS:**

Subject to the provisions of Section 43.2 above, home occupations may include the following uses:

- A. Office facility of an accountant, architect, landscape architect, attorney, engineer, consultant, insurance agent, Realtor, broker, or similar profession;
- B. Author, artist or sculptor;
- C. Dressmaker, seamstress or tailor;
- D. Music/dance teacher, or similar types of instruction, provided that instruction shall be limited to no more than one (1) pupil at a time;
- E. Individual tutoring and home schooling;
- F. Millinery;
- G. Office facility of a minister, rabbi, priest or other clergyman;
- H. Home crafts, such as rug weaving, model making, etc.;

- I. Office facility of a salesman, sales or manufacturer's representative, etc., provided that no retail or wholesale transactions or provision of services are personally and physically made on the premises;
- J. Repair shop for small electrical appliances, cameras, watches/clocks, and other small items, provided that the items can be carried by one person without using special equipment, and provided that the items are not equipped with an internal combustion engine;
- K. Food preparation establishments such as cake making/decorating or catering, provided that there is no on-premises consumption by customers, and provided that all aspects of the business comply with all State and local health regulations;
- L. Registered Family Homes (see definition in Subsection 33.5), in compliance with applicable State laws, which are incorporated herein by reference, with no more than six (6) children;
- M. Barber shop/beauty salon or manicure studio, provided that no more than one (1) customer is served at a time;
- N. Swimming lessons and water safety instruction, provided that such instruction involves no more than six (6) pupils at any one time; and
- O. Bed and Breakfast Facility (see definition in Subsection 33.5), provided that no more than five (5) guests are accommodated/served at a time.

### **43.5 USES PROHIBITED AS HOME OCCUPATIONS:**

Home occupations shall not, in any event, be deemed to include the following uses:

- A. Animal hospitals or clinics, commercial stables, or kennels;
- B. Schooling or instruction, except swimming/water safety classes and home schooling, with more than one (1) pupil at a time;
- C. Restaurants or on-premises food or beverage (including Private Clubs) consumption of any kind;
- D. Automobile, boat or trailer paint or repair shop; small engine or motorcycle repair shop; welding shop; large household appliance repair shop; or other similar type of business;
- E. Office facility for a doctor, dentist, veterinarian or other medical-related profession;
- F. On-premises retail or wholesale sales of any kind, except for items that are produced entirely on the premises in conformance with this Ordinance, and except for occasional garage sales;
- G. Commercial clothing laundering or cleaning;
- H. Mortuaries or funeral homes;

- I. Trailer, vehicle, tool or equipment rentals;
- J. Repair shops or services, except as specifically provided in Section 43.4 above;
- K. Drapery or furniture upholstery shops;
- L. Antique, gift or specialty shops;
- M. Repair shops for any items having internal combustion engines; and
- N. Any use that would be defined by the Building Code as an Assembly, Factory/Industrial, Hazardous, Institutional or Mercantile occupancy.

#### **43.6 HOME OCCUPATION USES NOT CLASSIFIED:**

Any use that is not either expressly allowed nor expressly prohibited by Sections 43.4 and 44.5, respectively, is considered prohibited, unless and until such use is classified by amendment to this Ordinance by the Kaufman City Council, subsequent to an affirmative recommendation by the Planning and Zoning Commission.

#### **43.7 EFFECT OF THIS SECTION UPON EXISTING HOME OCCUPATIONS:**

- A. Any home occupation that was legally in existence as of the effective date of this Ordinance and that is not in full conformity with the provisions herein shall be deemed a legal nonconforming use, and is subject to the provisions of Section 34 and provided that the home occupation use is not in violation of any other local, State or Federal law or regulation on that date. Proof of the existence of such home occupation use prior to the effective date of this Ordinance shall be required.
- B. Any home occupation that was legally in existence as of the effective date of this Ordinance and that conforms with (i.e., is not in violation of) the provisions herein shall be hereby authorized to continue.

## **SECTION 44            SIGN REGULATIONS \*Amended August 25, 2008 by Ordinance O-12-08**

### **44.1 PURPOSE:**

Signs are an important component of the urban built environment, providing important information, and directions to community residents and visitors. The general objectives of these standards are to promote health, safety, welfare, convenience, and enjoyment of the public.

However:

- A. The uncontrolled proliferation of signs is hazardous to users of streets and highways within the City of Kaufman and will adversely affect the safety and efficiency of the City's transportation network; and;
- B. Unless the location, number, setback, lighting, and size of signs are regulated, the scattering of the signs throughout the City would be detrimental to the preservation of scenic resources and so to the economic base of the City; and;
- C. The proliferation of signs in the City has an adverse effect on adjacent property values; and;
- D. The orderly and uniform regulation of signs is a substantial factor in guiding the attractive and aesthetic development of properties in accordance with the comprehensive plan and thereby avoiding detrimental impacts of signs on the appearance of the City.

### **44.2 INTENT:**

- A. To protect the safety and efficiency of the City's transportation network by reducing the confusion or distraction to motorists and enhancing the motorist's ability to see pedestrians, obstacles, other vehicles, and traffic signs;
- B. To preserve, protect, and enhance areas of historical, architectural, cultural, aesthetic, and economic value regardless of whether they are natural or manmade;
- C. To protect the value of adjacent and nearby properties, in particular, residentially zoned properties from the impact of lighting, size, height, movement, and location of signs;
- D. To enhance the image of the City, which is conveyed to tourists and visitors by controlling the location, number, and size of signs;
- E. To integrate sign regulations more effectively with other regulations by establishing regulations for setbacks, height, and spacing to allow for lighting, ventilation, and preservation of views in a manner consistent with land uses in the various zoning districts; and;
- F. To preserve and enhance the appearance of the City and the public interest in aesthetics, and to control and reduce visual clutter and blight.
- G. To incorporate the sign standards and regulations for all approved Planned Development Districts. Alternate sign specifications may be approved with a Planned Development District, but any signs not specified will follow the existing Sign Regulations.

#### 44.3 DEFINITIONS:

A. The following words or terms used in Section 44, Sign Regulations shall be defined and interpreted as follows. Interpretations of meaning shall be made by the Director of Development Services or his/her designee.

1. **Alter** means to change the size, shape or outline; type of material; or type of sign; or to change the electrical lighting, except for the replacement of lamps not brighter than the original or the replacement of a surface panel.
2. **Attach** means to stick, tack, bolt, nail or otherwise affix a sign to any object; to paint, stencil, write, or otherwise mark on an object.
3. **Awning** means an architectural projection that provides weather protection, identity and decoration, and is supported by the building to which it is attached. It is composed of a lightweight rigid or retractable skeleton structure over which a thin cover is attached which may be of fabric or other materials, and may be illuminated.
4. **Banner** means a sign composed of cloth, plastic, paper, canvas or other light fabric.
5. **Building** means a structure which has a roof supported by columns, wall or air for the shelter, support, or enclosure of persons, animal or chattel.
6. **Canopy** means a roof-like structure which shelters a use such as, but not restricted to, a gasoline pump island, and is supported by either one (1) or more columns or by the building to which it is accessory to and is open on two (2) or more sides.
7. **Dilapidated or Deteriorated Condition** means any sign:
  - a. Where elements of the surface or background can be seen as viewed from the normal viewing distance (intended viewing distance), to have portions of the finished material or paint flaked, broken off, or missing, or otherwise not in harmony with the rest of the surface; or
  - b. Where the structural support or frame or sign panels are visibly bent, broken, dented, or torn as to constitute an unsightly, hazardous or harmful condition; or
  - c. Where the sign, or its elements, are twisted or leaning or at angles other than those at which it was originally erected (such as may result from being blown or the failure of a structural support); or
  - d. Where the message or wording can no longer be clearly read by a person under normal viewing conditions; or
  - e. Where the sign or its elements are not in compliance with the regulations of the National Electrical Code and/or the International Building Code currently adopted by the City.
8. **Director** means the Development Services official for the City of Kaufman or his/her designee overseeing the issuance of permits.

9. **Erect** means to build, construct, attach, hang, place, suspend or affix, and shall also include the painting of signs on the exterior surface of a building, structure, or sign face.
10. **Facing or surface** means the surface of the sign upon, against or through which the message is displayed or illustrated on the sign.
11. **Flag** means a piece of cloth, canvas, or other light fabric, usually rectangular in shape, containing a distinctive design or message which is used as a symbol or to signal or attract attention. Any flag over one hundred square feet (100 sf) in size located on private property is considered to be a sign.
12. **Illuminated Sign** means any sign which has characters, letters, figures, or designs illuminated by electric lights, luminous tubes or other means that are specifically placed to draw attention to, or to provide night time viewing of, the subject matter on the sign face.
13. **Incidental** means information on a sign that is incidental to the operation of the business such as, but not limited to, hours of operation, accepted credit cards and parking information.
14. **Incombustible Material** means any material which will not ignite at or below a temperature of 1,200 degrees Fahrenheit, and will not continue to burn or glow at that temperature.
15. **Logo** means any design or insignia of a company or product which is commonly used in advertising to identify that company or product.
16. **Pennant** means any lightweight plastic, fabric, or other material, whether or not containing a message of any kind, suspended from a rope, wire or string, usually in a series, designed to move in the wind.
17. **Premises** means a lot or unplatted tract, or a combination of contiguous lots and/or unplatted tracts of land where the lot, tract, or combination of lots and/or tracts is under single ownership and is reflected in the plat or deed records of the City and County.
18. **Public Right-of-Way** means a dedicated road or street including the easement for that road or street or public utility corridor.
19. **Roof** means any exterior surface of a structure that has a slope of less than 60 degrees and shall also include the top most portion of any structure.
20. **Searchlight** means an apparatus capable of projecting a beam or beams of light in excess of 1 million peak candlepower.
21. **Sight Visibility Triangle** means where one (1) street, alley or driveway intersects with another, the triangular area formed by extending two (2) curb lines a distance based on the design speed of the streets (see Section 36.9.B., Figure 36-1) from their point of intersection, and connecting these points with an imaginary line, thereby making a triangle.

22. **Sign** means any device, flag, banner, light, figure, picture, letter word, message, symbol, plaque, or poster designed to inform or attract the attention of persons, but does not include the structural elements that support the sign such as steel support members or a masonry base or column.
23. **Sign, Advertising**, means a sign which temporarily or periodically promotes any item, product, commodity, or service being offered on the premises on which such signs are located.
24. **Sign Area** means:
  - a. For signs mounted on buildings: the area within a regular rectangular/geometric shape that fully encloses the lettering or symbols associated with a business.
  - b. For signs not mounted on buildings: the sign area is the actual area of the face of the sign that is fully enclosed by a regular square, rectangular, triangular, or circular shape, less the support structure.
  - c. In the event two (2) or more signs share a single structure, each sign or panel may be considered separately for square footage purposes, except that the combined footage of such signs cannot exceed the total square footage allowed for the sign. The total sign area (square footage) limit is applied separately to the signage on the building and signage in the yard such as pole/pylon or monument signs.
25. **Sign, Attached** means any sign attached to, applied on, or supported by, any part of a building (such as a wall, roof, window, canopy, awning, arcade, or marquee) which encloses or covers usable space. Neon tubing attached directly to a wall surface shall be considered a "wall sign" when forming a border for the subject matter, or when directing attention to the subject matter or when forming letters, logos, or pictorial designs.
26. **Sign, Awning** means a sign attached to an awning.
27. **Sign, Bandit** also known as new home builder's sign means a temporary sign to advertise the location of new residential subdivisions.
28. **Sign, Billboard** means a large outdoor advertising sign or structure, which is designed, intended, or used to advertise or inform. If any part of the advertising or information contents is visible from any place on the main traveled way of a regulated highway. The sign may also include extensions and/or embellishments on, or attached to, the structure. Also known as hoarding and bulletin boards.
29. **Sign, Canopy** means a sign attached to a canopy.
30. **Sign, Changeable Message** means a sign whose face is designed and constructed in a manner capable of changing messages through a system of removable characters or panels attached to the face of the sign or changed by electronic means. A changeable message sign with animation, strobe lights, beacon lights, rotating or revolving sign structures are not allowed.

31. **Sign, Development** means a temporary on-site sign providing identification or information pertaining to a residential or commercial development and may include the builder, property owner, architect, contractor, engineer, landscape architect, decorator, or mortgagee, within that development, but shall not include a subdivision marketing sign.
32. **Sign, Directional** means any on-site sign to direct the public to entrances, exits and services located on the property on which the sign is located.
33. **Sign, Directory** means a sign listing occupants within shopping centers, industrial, retail, office and commercial developments. Directory sign also means a permanent on-site sign identifying the buildings in the development or providing information on their location.
34. **Sign, Garage Sale** means any sign for the sale of personal household goods in a residential zoning district or on the property of a nonprofit organization.
35. **Sign, Home Improvement** means any on-site sign that displays the name of a roofing, fence, pool painting, landscape or other home improvement contractor.
36. **Sign, Inflatable** means any hollow sign expanded or enlarged by the use of air or gas.
37. **Sign, Institutional** means a permanent on-site monument sign used to identify governmental and municipal agencies, public schools, churches, or similar public institutions, and used to communicate messages of public importance to the general public.
38. **Sign, Menu Board** means an on-site sign that displays a menu and pricing for food services and may include an audible speaker and microphone integral to the sign.
39. **Sign, Model Home** means any sign identifying a new home, either furnished or unfurnished, as being a builder's or contractor's model open to the public for inspection.
40. **Sign, Movement Control** means a sign providing direction or traffic flow information for persons or vehicles located on the same premises as the sign. Movement Control Signs shall not advertise or otherwise draw attention to the premises, an individual, business, commodity, service, activity or product.
41. **Sign, Monument** means any detached sign made from masonry, concrete materials, treated wood or plastic provided that a masonry or metal base is incorporated into the sign, with no separation between the base of the sign and grade. Maximum of ten feet (10') tall.
42. **Sign, Nonconforming** means a sign and its supporting structure which does not conform to all or part of the provisions of this Ordinance, and:
  - a. Was in existence and lawfully erected prior to the effective date of this Ordinance;
  - b. Was in existence and lawfully located and used in accordance with the provisions of the prior ordinance applicable thereto, or which was considered legally nonconforming there under, and has since been in continuous or regular use; or
  - c. Was in existence, located, and used on the premises at the time it was annexed into Kaufman and has since been in regular and continuous use.

43. **Sign, Obsolete** means any sign that no longer serves a bona fide use or purpose.
44. **Sign, Off-Premise** means a sign displaying advertising that pertains to a business, person, organization, activity, event, place, service or product not principally located or primarily manufactured or sold on the lot on which the sign is located.
45. **Sign, Pole/Pylon** means any sign erected on a vertical framework consisting of one (1) or more uprights supported by the ground and where there is a physical separation between the base of the sign and the ground. Has to be over ten feet (10') tall or it will be classified as a monument sign.
46. **Sign, Political** means a sign:
  - a. Relating to the election of a person to a public office,
  - b. Relating to a political party,
  - c. Relating to a matter to be voted upon at an election called by a public body,
  - d. Containing primarily a political message.
47. **Sign, Portable** means a sign that is not securely connected to the ground in such a way that it can easily be moved from one location to another and is not a vehicular sign.
48. **Sign, Projecting** means any sign which is attached to and supported by a building or wall and which projects outward from the building or wall, generally at a right angle.
49. **Sign, Promotional** means any type of sign used for special promotions including, but not limited to, grand openings, anniversary celebrations, sales, and other such events. Promotional signs include, but are not limited to, banners, pennants, streamers, balloons, flags, bunting, inflatable signs and other similar signs.
50. **Sign, Protective (Warning)** means signs that identify or warn of any security devices located on the premises, including guard dogs.
51. **Sign, Public** means any sign that identifies a park, entrance to the City, place of interest within the City, any City sponsored event or any municipally-owned facility and is erected by or at the direction of a City official. A municipally-owned sign does not include traffic or street identification signs.
52. **Sign, Real Estate** means any on-site temporary sign pertaining to the sale or rental of property and advertising property only for the use for which it is legally zoned.
53. **Sign, Subdivision** means any permanent on-site sign identifying a subdivision located in a residential zoning district.
54. **Sign, Temporary Religious** means a sign that advertises the name of and provides direction to a religious organization or group that is temporarily operating in a school or other facility.

55. **Sign, Wall** means a sign fastened to a wall of a building or structure in such a manner where the wall becomes the supporting structure of the sign, or forms the background surface of the sign, and which does not project more than twelve inches (12") from such building. This includes window signs located on the external (outside) surface of the window.
56. **Sign, Window** means any sign, any painted on sign, banner, poster or display located on the internal (inside) surface of the window of any establishment for the purpose of advertising services, products or sales available within such establishment or which announces the opening of such establishment.
57. **Sign, Yard** means any sign that publicizes the arrival of a newborn, a birthday, a personal special event or the participation of a family member in a school activity or sport. Yard signs shall also include signs that advertise the presence of a home security system.
58. **Sign Support** means any pole, post, strut, cable or other structural fixture or framework necessary to hold and secure a sign, providing that said fixture or framework is not imprinted with any picture, symbol or word using characters in excess of one inch (1") in height, nor is internally or decoratively illuminated.
59. **Sign, Vehicular** means any sign on a vehicle parked temporarily, incidental to its principal use for transportation. This definition shall not include signs being transported to a site for permanent erection.
60. **Sign Setback** means the horizontal distance between a sign and the front or side property line, as measured from that part of the sign, including its extremities and supports, nearest to any point on any imaginary vertical plane projecting vertically from the front or side property line.
61. **Wall** means any exterior surface of a structure that has a slope of sixty degrees (60°) or more.
62. **Zoning District, Non-Residential** means any zoning district designated by the Zoning Ordinance of the City of Kaufman as O, LR, R, CBD, C, WSC, LI, or HC including SUP and PD.
63. **Zoning District, Residential** means any zoning district designated by the Zoning Ordinance of the City of Kaufman as A-O, SF-20, SF-10, SF-8, SF-6, TH, MF-1, MF-2 or MH including SUP and PD.

#### **44.4 ADMINISTRATION:**

The provisions of this Ordinance shall be administered by the Director, or his/her designee.

- A. **Permits:** No sign shall be erected, constructed, relocated, altered, repaired or maintained except as provided in this Ordinance until a permit for such has been issued by the City of Kaufman and the fee paid, except as otherwise provided in this Ordinance. Permit fees are contained in the Code of Ordinances as amended. A permit for a sign shall expire if the work is not commenced within ninety (90) days from the date of issuance of such permit.

B. **Electrical Permit:** Where signs contain electrical wiring and connections, an electrical permit must also be obtained by a licensed electrician in addition to the permit for the sign. No sign shall be erected in violation of the City's electrical code or regulations.

C. **Not to Issue to Persons Previously Failing to Pay Fees:** The City shall not issue a permit under the provisions of this Ordinance to any person, business, entity, organization or activity who has previously failed or refused to pay any fees or costs assessed against him under the provisions of this Ordinance.

D. **Easements and Right-Of-Way:** No sign shall be located in any easement or in any right-of-way, except for bandit signs. No sign shall overhang into any utility easement or right-of-way, except for projecting signs in the Central Business District (CBD).

E. **Applications:** All applications for permits shall include each of the following:

1. A completed permit application.
2. A drawing of the proposed sign and all existing signs maintained on the lot including sign dimensions, height, total square footage, type of construction materials, amount of changeable copy and any additional necessary information.
3. A drawing of the lot plan or building facade indicating the proposed location of the sign, and specifications including all required setbacks and separations.

F. **Work Started Without a Permit:** No sign requiring a permit may be erected or installed without first having a permit. If any work, for which a permit is required by this Ordinance, has been commenced without first obtaining a permit may be subject to fines or double fees, in addition the following shall apply:

1. **Inspection:** A special inspection to determine compliance shall be made before a permit may be issued for the work. Work found to be in violation of any codes shall be demolished before a permit will be issued for the proper work to be done.
2. **Investigation Fee:** In addition to the permit fee, an investigation fee shall be collected whether or not a permit is then or subsequently issued. The investigation fee shall be equal to the amount of the permit fee required by this City. The payment of the investigation fee shall not exempt any person from compliance with all other provisions of this Ordinance nor from any other penalty prescribed by law.
3. **Permit Revocable:** The City may suspend or revoke any permit issued under the provisions of this Ordinance whenever it shall be determined that the permit is issued:
  - a. in error; or
  - b. on the basis of incorrect or false information supplied; or
  - c. in violation of any of the provisions of this Ordinance; or
  - d. in violation any other Ordinance of this City or laws of this State or the Federal government.

- e. The suspension or revocation shall be effective when communicated in writing to the person to whom the permit is issued, the sign owner, or to the property owner upon whose property the sign is located.
- f. Any signs installed or existing under a revoked permit shall be removed by the permit holder, sign owner, or property owner within ten (10) days of written notice of the revocation.

**G. Nonconforming Existing Signs**

1. Any legal sign existing at the time this ordinance was adopted but does not comply with the requirements herein shall be deemed a legally nonconforming sign. Any sign that was erected prior to this ordinance that was not in compliance with the previous Ordinance O-14-99 as amended or without a proper permit shall be considered an illegal sign and will be subject to removal at the owner's own expense.
2. Any nonconforming sign and/or its supporting structure, which is destroyed, damaged, dilapidated or deteriorated, shall not be replaced, repaired or renovated, in whole or in part, if such replacement, repair or renovation costs exceed fifty percent (50%) of the cost of a new sign unless it is brought into compliance with all the provisions of this ordinance.
3. Permits granted prior to the passage of this Ordinance which have expired shall be renewed only if the applicant complies with all provisions of this Ordinance.
4. No sign or supporting structure that is lawfully repaired, reproduced, or renovated as a nonconforming sign shall be increased in area or height.
5. Notwithstanding any other provision of this Ordinance, any sign which is a legally existing nonconforming sign hereunder may be relocated on the same lot or tract of land, if the sign is required to be removed from its present location because the property upon which the sign is located is acquired by any governmental agency or other entity which has or could have acquired the property through the exercise of its power of eminent domain. Such relocated sign shall be placed, insofar as possible, as to comply with all the provisions of this Ordinance.

**H. Inspection:** The City may inspect annually, or at such other times as it deems necessary, each sign regulated by this Ordinance for the purpose of ascertaining whether the same complies with provisions of this Ordinance, is secure or insecure, whether it still serves a useful purpose, and whether it is in need of removal or repair.

**I. Removal of Obsolete Signs:** Any sign which the City determines no longer serves a bona fide use or does not conform to this Ordinance shall be removed by the owner, agent or person having the beneficial use of the land, buildings or structure upon which the sign is located within ten (10) days after written notification to do so from the City.

**J. Removal or Repair of Dilapidated or Deteriorated Signs:** If the City shall determine that, any sign exists in a dilapidated or deteriorated condition, or is a menace to the public, shall be given written notice to the person or persons responsible for the sign. The permit holder, owner, agent or person having the beneficial use of the premises shall remove or repair the sign within ten (10) days after the notice. The City may remove or have removed, without notice, and assess the owner for the costs, any sign which is an immediate peril to persons or property.

**K. Removal of Illegally Erected Signs:**

1. Any temporary sign that is erected, constructed or otherwise displayed, which the City determines to be in violation of this Ordinance, may be removed by City personnel. Any such sign removed by City personnel may be held for a period of twenty-four (24) hours and upon expiration of that time may be disposed. The owner may retrieve the sign during the above allotted time for a fee as adopted in the City Code of Ordinances as amended. Any illegal sign picked up by a Code Enforcement officer is considered evidence and shall not be returned to the owner and shall be disposed of according to State statutes concerning the handling of evidence. The City is not required to notify the permit holder or owner of the sign that it has been picked up or that disposal of the sign is imminent.
2. For permanent signs, the sign must be removed by the permit holder, owner of the sign, or owner of the property on which the sign is located within a reasonable time period as determined by the City. Upon failure to comply with the notice or to file an appeal of the decision in accordance with this Ordinance, the City is authorized to cause the removal of the sign and assess the permit holder, owner of the sign and/or owner of the property for the costs of removal.

**L. Removal Expenses:** Any sign required to be removed by the City, shall be removed by the permit holder, sign owner, or property owner within ten (10) days after written notification to do so. Upon failure to comply with the notice, the City may enter the property upon which the sign is located to cause the removal of the sign. The owner of the land, building or structure to which the sign is attached or upon which it is erected and the owner of the sign and the holder of the sign permit are jointly and severally liable for any expense incident to removal.

**M. Sign Variances:** will be processed according to the procedures set forth in Section 9 of this Ordinance.

**N. Compliance Required; Exceptions: \*Amended April 26, 2021 by Ordinance O-18-29**

1. It shall be unlawful for any person to violate the provisions of this section or the size, location, and setback requirements in section 44.7, except as permitted by subsection 2, below.
2. This section and the size, location, and setback requirements in section 44.7 shall not apply to:
  - a. Signs erected by or on behalf of the City that contain a portion of messaging dedicated to the operation of City services, public safety, and/or health and the general welfare, regardless of whether such sign contains off-premises messaging;
  - b. Signs required by federal, state or local law;
  - c. Signs containing government messages that are approved by the City on any sign, both on and off City property;

- d. Signs related to City activities and/or sponsorship. These include but are not limited to municipal banners, special event signs, kiosks, monument signs, government awareness signs, etc.;
- e. Any sign specifically authorized by the City Council as a result of a compromise of litigation or other lawful disputed claim; and
- f. A sign required to be located by federal, state or local law in order to enforce a property owner's rights.

#### **44.5 PROHIBITED SIGNS:**

Any sign which is not specifically allowed by this Ordinance shall be prohibited. In addition, the following types of signs are expressly prohibited within the City of Kaufman:

- A. **Signs Imitating Traffic or Emergency Signs:** Signs may not contain any combination of forms, words, colors, or lights, which imitate standard public traffic regulatory, emergency signs, or signals.
- B. **Portable Signs:** Portable signs, unless specifically allowed by this Ordinance.
- C. **Signs Violating other Laws or Ordinances:** Signs erected in violation of any ordinance adopted by the City of Kaufman or any state or federal law. (e.g. traffic visibility requirements, zoning, building code, or electrical code).
- D. **Signs Attached to Trees or Utility Poles:** Signs attached to, painted or maintained upon any tree or public utility pole or public utility structure.
- E. **Signs on Sidewalks, Curbs, Gutters or Streets:** Signs attached to or painted on any sidewalk, curb, gutter, or street (except street address numbers or no parking).
- F. **Changeable Message Sign:** Signs with animation, strobe lights, beacon lights, rotating or revolving sign structures are not allowed.
- G. **Off-Premise Signs:** Off-Premise signs, unless specifically allowed by this Ordinance.
- H. **Signs Attached to or Painted on a Fence, or Railing:** Signs attached to or painted on the outside of a fence, wall or railing, unless specifically allowed by this Ordinance.  
**Exception:** Signs identifying the manufacturer of a fence or similar product, provided that the sign does not exceed one and one-half square feet (1-1/2 sf).
- I. **Signs Causing a Nuisance or Hazard Because of Illumination:** Signs illuminated to an intensity to cause glare or brightness to a degree that could constitute a safety hazard or nuisance.

- J. **Signs Attached to a Vehicle:** Signs placed on or affixed to vehicles and/or trailers that are parked on a public right-of-way, public property, or private property so as to be visible from a public right-of-way where the apparent purpose is to advertise a product or direct people to a business or activity located on the same or nearby property shall be prohibited. However, this is not in any way intended to prohibit signs placed on or affixed to vehicles and trailers, such as lettering on motor vehicles, where the sign is incidental to the primary use of the vehicle or trailer.
- K. **Three-Dimensional Objects:** The use of old cars, airplanes, boats or other objects mounted atop a pole/pylon, monument, roof or wall exceeding the restrictions on projection or thickness shall be prohibited.
- L. **Billboard Sign:** Billboard signs unless specifically allowed by this ordinance.

**NOTE:** No variances or special exceptions shall be granted to allow any prohibited sign.

#### **44.6 EXEMPT SIGNS:**

A permit shall not be required for the following signs, provided however, such signs shall otherwise comply with all other applicable sections of this Ordinance.

- A. **Nameplates:** Nameplates, or signs reflecting the name of a building or structure (i.e., a fence or the name of the company that built or designed the building or structure, not exceeding one and a half square feet (1-1/2 sf) in area.
- B. **Building Identification/Memorial/Historic Plaques:** Memorial signs, plaques or tablets, names of buildings and date of erection, when cut into any masonry surface or when constructed of bronze or other incombustible materials.
- C. **Traffic:** Traffic or street signs, legal notices, railroad crossing signs, danger, and emergency, temporary or non-advertising signs as may be approved by the Director or his/her designee.
- D. **Signs Inside a Building:** Signs located inside a building and which are not displayed so as to be visible from outside the building. Signs located in covered mall buildings shall comply with the current building code and electrical code.
- E. **Changeable Message:** Changing out the text of a sign for previously permitted signs designed to provide a changeable message area.
- F. **Movement Control Signs:** Movement Control Signs may be erected and may be attached or detached and shall be erected in the minimal number required to give adequate direction to pedestrians or motorists; provided that such signs shall comply with all other applicable regulations of this Ordinance. Movement Control Signs shall be on premise signs only or if approved by the Director of Development Services they may be placed within platted subdivisions. Movement Control Sign shall comply with the following regulations:
  1. Each sign shall not exceed five square feet (5 sf) in effective area.

2. If a sign is an attached sign, as defined, the text shall not exceed six inches (6") in height.
3. Each sign shall convey a bona fide message which directs vehicular or pedestrian movement within or onto the lot, or platted subdivision, in which the sign is located.

G. **Protective (Warning) Signs:** The occupant of a premise may erect a maximum of two (2) Protective (Warning) Signs per street front, in accordance with the following regulations:

1. Each sign shall not exceed six square feet (6 sf) in effective area.
2. Detached signs shall not exceed three feet (3') in height.

H. **Government (Public) Signs:** Flags, insignia, legal notices, or informational, directional or traffic signs which are legally required or necessary to the essential functions of government agencies. Also, exempt are decorative displays for holidays or public demonstrations which do not contain advertising and are not used as such.

I. **Holiday Lights and Decorations:**

1. **Central Business District (CBD):** Commercial grade holiday lights and decorations are allowed year round. Such lighting and decorations shall be kept in good repair. All maintenance should be accomplished within a reasonable time.
2. Temporary lights and holiday decorations displayed ninety (90) days or less shall be exempt from the terms of this ordinance.

J. **Political Signs:** Political signs shall be allowed without obtaining a permit under the following conditions:

1. Are on private real property with consent of the property owner; and
2. Are not greater than thirty two square feet (32 sf); and
3. Are not taller than eight feet (8') measured from the ground to the highest point of the sign; and
4. Are not illuminated; and
5. Do not have any moving elements or parts.
6. A sign not meeting each of the above requirements; or containing primarily a political message placed on a sign normally available for rent or purchase to carry commercial advertising or other messages that are not primarily political, is not exempt from the requirements of obtaining a permit, assuming the sign is otherwise allowed by this Ordinance.

K. **Special Event or Public Announcement Signs:** Signs providing public information concerning special events, bazaars, rallies, or other similar activities sponsored by non-profit organizations including charitable, religious, philanthropic, educational, recreational or civic institutions with the following regulations:

1. Signs shall be located on private property and the organization shall have permission from the property owner to place the sign on their property. (Signs of this type can be off-premise signs and are exempt from Section 44.5 G)
2. Maximum sign area: one-hundred square feet (100 sf).
3. Maximum height of the sign: eight feet (8').
4. A maximum of six (6) off-premise signs may be located in the City at a given time advertising the non-profit organization function.
5. The advertised function must occur within the corporate limits of the City of Kaufman, it's ETJ, or an adjacent municipality and be sponsored by a non-profit organization located within the City of Kaufman.
6. Signs shall not be located on a residential premise.

**L. Garage Sale Signs:**

1. Garage sale signs shall not be erected earlier than noon the Thursday before the sale and shall be removed no later than 6:00 p.m. the Sunday following the sale.
2. Garage sale signs shall be located only on private property with the consent of the property owner. In no case will signs be attached to public signs or utility poles.
3. On lots where a sidewalk exists within the street right-of-way, signs shall be located between the sidewalk and the structure - but no closer than three feet (3') from the sidewalk. On lots where no sidewalk exists within the street right-of-way, the sign shall be located at least ten feet (10') from the edge of the street.
4. Garage sale signs shall not exceed two square feet (2 sf) in area.
5. Boxes are not allowed to be used as garage sale signs.

**M. Estate Sale Signs:**

1. Estate sale signs shall not be erected earlier than noon the Thursday before the sale and shall be removed no later than 6:00 p.m. the Sunday following the sale.
2. Estate Sale Signs shall be located only on the subject private property.
3. Estate Sale Signs shall not include an address of the subject private property.
4. Estate Sale Signs shall include the date of the estate sale.

**N. Home Improvement or New Home Signs:**

1. Home improvement signs may be erected that display the name of a roofing, fence, pool, landscape or other home improvement contractor currently providing such services on the premises.

2. A home improvement sign is allowed only on the lot on which the improvement is occurring.
3. On lots where a sidewalk exists within the street right-of-way, signs shall be located between the sidewalk and the structure - but no closer than three feet (3') from the sidewalk. On lots where no sidewalk exists within the street right-of-way, the sign shall be located at least ten feet (10') from the edge of the street.
4. The home improvement sign shall be removed thirty (30) days after it is erected or upon the completion of the work, whichever occurs first.
5. Home improvement signs shall not exceed six square feet (6 sf) in area.
6. A maximum of one (1) home improvement sign shall be allowed on the lot at any one time.

**O. Temporary Religious Signs:**

1. Temporary religious signs may be erected during times of worship provided the sign is placed no earlier than two (2) hours prior to worship and is removed no later than two (2) hours after worship.
2. Signs shall be located only on private property with the consent of the property owner.
3. On lots where a sidewalk exists within the street right-of-way, signs shall be located between the sidewalk and the structure - but no closer than three feet (3') from the sidewalk. On lots where no sidewalk exists within the street right-of-way, the sign shall be located at least ten feet (10') from the edge of the street.
4. Signs shall not exceed thirty-two square feet (32 sf) in area.

**P. Yard Signs – Identifying Home Security Systems or Birth Announcements, etc.:**

1. Signs shall be located only on lots containing an occupied single-family, townhouse or multi-family dwelling.
2. On lots where a sidewalk exists within the street right-of-way, signs shall be located between the sidewalk and the structure - but no closer than three feet (3') from the sidewalk. On lots where no sidewalk exists within the street right-of-way, the sign shall be located at least ten feet (10') from the edge of the street.
3. Signs shall not exceed six square feet (6 sf) in area.

**Q. Signs Utilized by Pedestrians:**

1. Any sign held, worn or carried by a person for the purposes of advertising or otherwise drawing attention to an individual, business, commodity, service, activity or product, or a person dressed in a costume for such purposes, shall be located at least six feet (6') from the street pavement of any right-of-way, and located on the property where the event, activity or thing that the sign advertises or draws attention to occurs or is located.

2. Under no circumstances shall a person carrying a hand held sign be allowed in a median or within fifty feet (50') of an intersection. Children under the age of 18 carrying signs shall be accompanied by an adult over the age of 21 and must be located at least fifteen feet (15') from the street pavement, including for fundraising events.

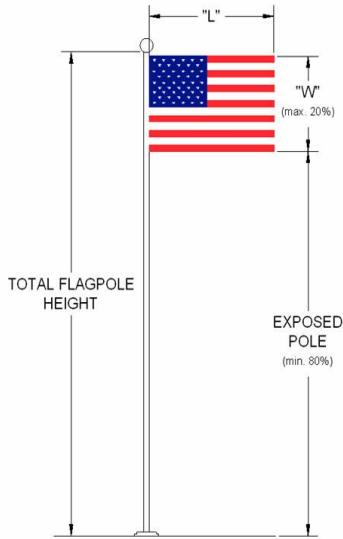
**R. Signs Advertising the Sale of a Vehicle:**

1. Non-Residential Districts: A maximum of two (2) vehicles may be parked, on a suitably paved surface, with signs attached, advertising the sale of the vehicle. Vehicles may be parked on private property, within fifty feet (50') of the public right-of-way, at any one location. Permission of the property owner is required before advertising the vehicles.
2. Residential Districts: A maximum of two (2) vehicles may be parked, on a suitably paved surface, at the vehicle owner's residence, or on the street adjacent to the residence, advertising the sale of the vehicles and provided the vehicles are registered to the person residing at the residence.
3. Exception: Businesses which have as their primary use automotive sales either new or used are exempt from this section.

**44.7 GENERAL SIGN REGULATIONS:**

**A. Flags:** All flags shall conform to the following regulations:

1. Nothing in this Ordinance shall be construed to prevent the display of the United States, Texas, County or Kaufman flag. No permit or permit fee is required to display a flag unless the flag is over one hundred square feet (100 sf) in size. Any flag over one hundred square feet (100 sf), located on private property, shall be considered a sign and will require a permit.
2. Businesses may erect a maximum of three (3) flag poles for a U.S., State and Corporate flag per location, for a bona fide company or corporate office located within the City of Kaufman.
3. Setback Requirements - Flag poles shall be located at least fifteen feet (15') from any property line.
4. Flag Pole Height and Size Restrictions:
  - a. The maximum height of a flag pole is limited to the maximum height allowed for a sign in each non-residential zoning district.
  - b. The maximum height of a flag pole is limited to twenty five feet (25') in all residential districts except that institutional uses located in residential districts, such as, schools or churches may increase the height to thirty five feet (35').
  - c. Flags shall be appropriately sized in proportion to the height of the pole and the width of the flag shall not exceed twenty percent (20%) of the height of the flag pole according to the following standards:



### Flag Size Ratio Standards

>20 feet – Maximum Flag Size – 3' x 5'
20-30 feet – Maximum Flag Size – 4' x 6'
30-40 feet – Maximum Flag Size – 6' x 10'
40-50 feet – Maximum Flag Size – 8' x 12'
50-60 feet – Maximum Flag Size – 10' x 15'
60-70 feet – Maximum Flag Size – 12' x 18'
75 feet – Maximum Flag Size – 15' x 22'

5. No flag or flag pole may be located within any easement.
6. All flags shall be maintained in good condition and shall not be allowed to become faded, torn or frayed.

B. **Obscenity:** No person shall display on any sign any obscene or indecent matter as defined by the Texas Penal Code, or any matter soliciting or promoting unlawful conduct. Any sign which does contain any obscene, indecent or immoral matter shall be removed within twenty-four (24) hours of notice. The owner or person in control of the property on which the sign is located shall be responsible for compliance with this Section.

C. **Obsolete Signs:** A sign becomes obsolete when the purpose it relates to has been abandoned or inactive for a period of six (6) months. The owner of the property on which the sign is located shall be responsible for removal of the sign within thirty (30) days of obsolescence.

1. All signs relating to a product no longer available for purchase by the public and all signs relating to a business which has closed or moved away shall be removed or the advertising copy shall be removed.
2. Painted wall signs shall be painted over with a color that resembles or matches the wall and does not allow the sign message to be visible after over painting.
3. Painted interior and exterior window shall be cleaned and cleared.

D. **Maintenance of Signs:** All signs shall be maintained in good condition. Signs which are damaged in any way, rusty or have peeling paint do not meet minimum maintenance criteria. Such signs shall be brought into compliance, or the sign must be removed, no later than the tenth (10th) day after written notice of such violation is sent to the property owner, permit holder or person in control of the property, via certified mail. The owner of the property, permit holder or person in control of the property on which the sign is located, shall be jointly and severally responsible for compliance with this subsection.

**E. Wind Pressure and Dead Load Requirements:** All signs shall be designed and constructed to withstand a wind pressure of not less than thirty pounds (30 lbs.) per square foot of area, and shall be constructed to receive dead loads as required by the building code and regulations of the City of Kaufman. Any sign which stands at a height of twenty five feet (25') or more shall be engineered and an engineer's seal affixed to the drawings submitted for a permit.

**F. Obstructing Doors, Windows, or Fire Escapes:** It shall be unlawful to erect, relocate, or maintain a sign in any manner that prevents free ingress to or egress from any door, window or fire escape, or to attach any sign to a standpipe or fire escape.

**G. Placement of Advertising Matter:**

1. No person shall place on or suspend from any building, light fixture, pole, structure, sidewalk, parkway, driveway or parking area, any goods, wares, merchandise or other advertising object or structure for the purpose of advertising such items other than a sign, as defined, regulated and prescribed by this Ordinance, except as otherwise allowed by this Ordinance or another ordinance.
2. No person, firm, corporation or association of persons shall paste, stick, tack, nail or otherwise attach or affix any advertisement, handbill, placard, printed, pictured or written matter or thing for political advertising or other advertising purposes upon any fence, railing, sidewalk or public telephone, electric or other utility pole, or any other public property, including trees thereon or to knowingly cause or to permit the same to be done for his benefit.
3. It shall be unlawful for any person to scatter or throw any handbills, circulars, cards, tear sheets or any other advertising device of any description, along or upon any street or sidewalk in the City of Kaufman.

**H. Signs Prohibited On or Over Public Property:** No portion of any sign shall be erected on or over public property, or in the right-of-way of any thoroughfare within the City, unless the same is erected by the City or with the permission of the City for public purposes, except for projecting signs in the Central Business District and bandit signs.

**I. Illumination of Signs:**

1. No sign shall be illuminated to such intensity or in such a manner as to cause a glare or brightness to a degree that it constitutes a hazard or nuisance.
2. A sign in a residential district, where allowed by this Ordinance, may be illuminated. Any illumination shall be located so as not to produce intense glare or direct illumination across the bounding property line. Internal illumination shall not exceed 40 watts per every twenty five square feet (25 sf) or any portion thereof of the sign face.

**J. Searchlights:** Searchlights may be permitted in accordance with any applicable regulations. A permit for use of an advertising searchlight may be granted under the following additional regulations:

1. **Allowed Location:** A searchlight shall be located a minimum distance of fifty feet (50') from a public right-of-way and positioned so as to project all beams at a minimum angle of thirty degrees (30°) from grade level.

2. **Allowed Light Intensity:** The maximum light intensity generated by searchlights on any premises may not exceed a total of 1.6 million foot candlepower. No more than four (4) beams of light may be projected from any premises.
3. **Public Safety Issues:** All searchlights must be designed and maintained so as to prevent beam rays of light from being directed at any portion of the rights-of-way or adjoining property, and no light shall be of such intensity or brilliance to cause glare to or impair the vision of the driver of any vehicle, or to create greater than 0.5 foot candles at four feet (4') height at the property line.
4. **Hours of Operation:** No advertising searchlight may be operated between the hours of 11:00 pm and 7:00 a.m.
5. **Time Limit:** No advertising searchlight may be operated on a premise for more than seven (7) consecutive days. No permit for an advertising searchlight may be issued for any business entity for which a permit has been issued for a searchlight on the same premises within the six (6) months preceding the date of the permit application.

#### **44.8 ATTACHED SIGN REGULATIONS:**

Unless otherwise specifically provided, the regulations set forth in this Section shall be applicable to all attached signs that are allowed under this Ordinance.

##### **A. Wall Signs:**

1. **Installation Requirements:**
  - a. All signs and their words shall be mounted parallel to the building surface to which they are attached, and shall project no more than twelve inches (12") from that surface.
  - b. Wall signs shall not extend above the wall or building surface to which the sign is attached.
  - c. Banner signs shall not be utilized as permanent wall signs, but only as Promotional Signs as specifically allowed.
2. **Maximum Sign Area:** Wall signs shall not exceed the following area schedules:
  - a. A wall sign in the Office (O), Local Retail (LR), Retail (R), Commercial (C), Light Industrial (LI), and Highway Commercial (HC) Districts shall be limited to fifteen percent (15%) per wall face. No wall signs shall be located on the side or rear wall of a building where the sign would face an adjacent residential zoning district. Signs in excess of fifteen percent (15%) per wall face, shall have an approved Specific Use Permit (SUP) in accordance with Section 30.
  - b. **Exceptions:** Buildings over one hundred thousand square feet (100,000 sf) shall be limited to ten percent (10%) per wall face. No wall signs shall be located on the side or rear wall of a building where the sign would face an adjacent residential zoning district. Signs in excess of ten percent (10%) per wall face, shall have an approved Specific Use Permit (SUP) in accordance with Section 30.

- c. A wall sign in the Central Business District (CBD) shall be limited to fifty square feet (50 sf) per street frontage. Signs or murals in excess of fifty square feet (50 sf) and painted directly or indirectly on a wall shall have an approved Specific Use Permit (SUP) in accordance with Section 30.
- d. A wall sign in the Washington Street Corridor (WSC) shall be limited to five percent (5%) of each wall face. No wall signs shall be located on the side or rear wall of a building where the sign would face an adjacent residential zoning district.
- e. A wall sign in the Agriculture/Open (A-O), Single Family Residential – 20 (SF-20), Single Family Residential – 10 (SF-10), Single Family Residential - 8 (SF-8), Single Family Residential – 6 (SF-6), Townhouse Residential (TH), Multi-Family Residential – 1 (MF-1), Multi-Family Residential – 2 (MF-2) and Manufactured Home (MH) Districts shall be limited to ten percent (10%) of each wall facing a public street only, for institutions such as schools, churches, places of worship, parks, playgrounds, civic uses, and all uses allowed in MF-1 and MF-2.
- f. **Changeable Message:** An attached changeable message sign shall be limited to fifty percent (50%) of the area allowed for attached wall sign.
- g. **Illumination:** Wall signs may be illuminated utilizing internal, external or neon lighting.

B. **Attached Roof Signs:** Roof sign shall only be allowed in non-residential districts. Attached roof signs shall meet the following regulations:

- 1. **Maximum Height:** The top of a roof sign shall not project above the allowable building height for the zoning district in which it is located. A roof sign shall not project more than fifteen feet (15') above the roof line of the building.
- 2. **Maximum Sign Area:** The area of the roof sign shall be limited by the maximum size allowed in paragraph A.2. above. The roof sign and any wall signs combined together cannot exceed the maximum total square footage allowed in paragraph A.2. above.
- 3. **Maximum Number of Signs:** One (1) roof sign per building.
- 4. **Illumination:** Roof signs may be illuminated utilizing internal, external or neon lighting.

C. **Window Signs:** Window signs do not require a permit or a permit fee. Window signs shall only be allowed in non-residential districts and the Multi-Family 1 (MF-1) and Multi-Family 2 (MF-2) Districts. Window Signs shall meet the following regulations:

- 1. **Maximum Area:** Window signs must not obscure more than twenty-five percent (25%) of the window area per facade. The sign area shall be measured by drawing a rectangular or square box around the sign elements, then multiplying the height by the width. For signs whose shape is irregular, the box must enclose all elements of the sign.
- 2. **Restrictions:** No illuminated window signs shall be allowed within two feet (2') of the window surface, except for open / closed signs.

D. **Awning Signs:** Awning signs shall only be allowed in non-residential districts and the Multi-Family 1 (MF-1) and Multi-Family 2 (MF-2) Districts. Awning signs shall meet the following regulations:

1. **Maximum Size:** An awning may extend the full length of the wall of the building to which it is attached and shall be no more than six feet (6') in height and shall not be placed less than eight feet (8') above the sidewalk.
2. **Restrictions:** Artwork or copy on awning signs shall be limited to a business name and/or logo.
3. **Maximum Area:** The artwork or copy for an awning sign shall not exceed twenty percent (20%) of the area of the awning and shall extend for no more than sixty percent (60%) of the length of the awning.
4. **Illumination:** Awning signs may be illuminated utilizing only internal lighting.

E. **Projecting Signs:** Projecting signs shall only be allowed in the Central Business District (CBD). Projecting signs shall meet the following regulations:

1. **Restrictions:** Signs shall be constructed of noncombustible material.
2. **Maximum Projection:** Signs shall not project more than six feet (6'), measured from the building face and shall not be closer than two feet (2') from the back of the curb line.
3. **Height Restriction:** Signs shall be at least eight feet (8') above the sidewalk and shall not exceed the height of the building facade.
4. **Illumination:** Projecting signs may be illuminated utilizing only internal or neon lighting.
5. **Conformance:** Signs shall be compatible in design, shape, and material with the architectural and historic character of the building.
6. **Maximum Area:** Signs shall not exceed eighteen square feet (18 sf) per sign face.

F. **Canopy Sign:** Canopy signs shall only be allowed in non-residential districts and the Multi-Family 1 (MF-1) and Multi-Family 2 (MF-2) Districts. Canopy signs shall meet the following regulations:

1. **Location:** A canopy sign may be attached to, or be an integral part of the canopy face.
2. **Restrictions:** A canopy sign may consist of only the name and/or logo of the business at the location of the canopy.
3. **Maximum Area:** The artwork or copy on a canopy sign shall not exceed ten percent (10%) of the face of the canopy, or a maximum of twenty five square feet (25 sf), whichever is greater.
4. **Illumination:** Canopy signs may be illuminated utilizing only internal lighting.

#### **44.9 MONUMENT SIGN REGULATIONS:**

All Monument Signs shall be compatible with the colors and materials of the building that is located on the same lot as the sign. Sculpted aluminum sign panels and plastic panel signs are allowed to be utilized on Monument Signs. Monument signs shall meet the following regulations:

**A. Monument Sign Regulations in Non-Residential Zoning Districts and Multi-Family 1 (MF-1) and Multi-Family 2 (MF-2) District:**

1. **Maximum size:** one-hundred square feet (100 sf) and no more than eighteen inches (18") thick face to face. Any monument sign larger than one-hundred square feet (100 sf) shall require an approved Specific Use Permit (SUP) in accordance with Section 30.
2. **Maximum height:** ten feet (10')
3. **Setbacks:**
  - a. Five feet (5') from the front property line (measured from the nearest portion of the sign on a vertical plane, i.e. no overhang).
  - b. Fifteen feet (15') from property lines other than those property lines fronting the street right-of-way and shall not be placed in the sight visibility triangle of any driveway, alley or street intersection.
  - c. Two-hundred-fifty feet (250') separation from any other monument/pole/pylon sign on the same property, measured along the right-of-way. Any signs closer than two-hundred-fifty feet (250') shall require an approved (SUP) in accordance with Section 30.
4. **Maximum Number of Monument Signs:**
  - a. The maximum number of monument signs allowed is one (1) per street frontage, as long as the sign separation requirements of Section 44.9.A.3.c. above are met.
  - b. Any additional monument signs shall require an approved Specific Use Permit (SUP) in accordance with Section 30.
5. **Changeable Message Signs:** Signs may include a maximum area of thirty two square feet (32 sf) that incorporates changeable messages or lettering, as defined, in the sign face. A changeable message sign with animation, strobe lights, beacon lights, rotating or revolving sign structures are not allowed.

**B. Monument Sign Regulations in the Washington Street Corridor District and Institutional Signs in Agriculture/Open (A-O), Single Family Residential – 20 (SF-20), Single Family Residential – 10 (SF-10), Single Family Residential - 8 (SF-8), Single Family Residential – 6 (SF-6), Townhouse Residential (TH), and/or Manufactured Home (MH) Districts:**

1. Signs shall not obstruct the visibility of traffic entering or leaving the public roadway. Only monument signs will be allowed as follows:

- a. Twenty-five square feet (25 sf) for lot width of one-hundred-forty-nine feet (149') and less.
  - b. Fifty square feet (50 sf) for lot width greater than one-hundred-fifty feet (150').
2. Height limit of six feet (6'). A series of contiguous properties may combine signage and square feet into a single monument sign. However each individual property would not be allowed their own individual monument sign in addition to the combined sign. Signs shall be spaced a minimum of seventy-five feet (75') apart and twenty-five feet (25') from another lot.
3. Monument Signs are free standing signs located adjacent to the sidewalk independent of the building. Monument signs shall be set onto a base present a solid, attractive and well-proportioned appearance that complements the building design and materials. Monument signs are not visibly supported by poles or posts and which is attached directly to the ground and does not exceed six feet (6') in height measured from the normal sidewalk grade or highest adjacent existing grade.
4. Prohibited signs in the Washington Street Corridor are; single pole/pylon signs, portable signs, window signs, painted windows, billboards, and banners, except for fifteen (15) day grand opening.

C. **Material Regulations:** All monument sign bases shall be constructed of the same material as the front building facade on the same site or shall be compatible in design with treated wood, stone or brick. The sign support shall be constructed or covered with the same masonry material as the principal building, or stone, or brick. Totally encased sculpted aluminum or plastic sign panels shall be allowed. All sign text and graphic elements shall be limited to a minimum of six inches (6") from the outer limits of the sign structure.

D. **Illumination:** Monument signs can be illuminated by a ground lighting source where the light itself and supporting structure are screened from public right-of-way, except, signs with sculpted aluminum panels, cut-out letters, or other type of raised lettering may be back lit using internal lighting.

E. **Location:** No monument sign shall be placed in the sight visibility triangle of any driveway, alley or street intersection.

#### **44.10 POLE/PYLON SIGN REGULATIONS:**

**A. Maximum Size:**

1. One-hundred-fifty square feet (150 sf) for multiple tenants (more than two (2) tenants) in the Office (O), Local Retail (LR), Retail (R), Commercial (C), Highway Commercial (HC) and Light Industrial (LI) Districts.
2. One-hundred square feet (100 sf) for single one or two (1 or 2) tenants in the Office (O), Local Retail (LR), Retail (R), Commercial (C), Highway Commercial (HC) and Light Industrial (LI) Districts.

3. **Exceptions:** Maximum sign size for properties located within four-hundred-fifty feet (450') of the US Highway 175 right-of-way:
  - a. **Multi Tenants:** in the Highway Commercial (HC) Light Industrial (LI) and Commercial (C) Districts: Two-hundred square feet (200 sf).
  - b. **Single Tenant:** in the Highway Commercial (HC) Light Industrial (LI) and Commercial (C) Districts: One-hundred-fifty square feet (150 sf).

**B. Sign Separation Requirement:**

1. Two-hundred-fifty feet (250') separation from any other pole/pylon or monument sign on the same property, measured along the right-of-way in the Local Retail (LR), Office (O), Retail (R), Commercial (C), Light Industrial (LI) Districts, and Highway Commercial (HC) District.
2. Any signs closer than two-hundred-fifty feet (250') from any other pole/pylon or monument sign, on the same property, measured along the right-of-way, shall require an approved Specific Use Permit (SUP) in accordance with Section 30.

**C. Maximum Number of Pole/Pylon Signs:**

1. The maximum number of pole/pylon allowed is one (1) per street frontage, as long as the sign separation requirements of Section 44.10.B.1. above are met.
2. Any additional pole/pylon signs shall require an approved Specific Use Permit (SUP) in accordance with Section 30.

**D. Height:**

1. Maximum height in the Local Retail (LR), Office (O), and Retail (R) Districts is twenty-five feet (25') (may be increased one foot (1') in height for each foot of additional front yard setback beyond the minimum up to a maximum of thirty-five feet (35')).
2. Maximum height in the Commercial (C), Highway Commercial (HC) and Light Industrial (LI) Districts is thirty-five feet (35') (may be increased one foot (1') in height for each foot of additional front yard setback, beyond the minimum up to a maximum of fifty feet (50')).
3. Maximum height for properties located within four hundred fifty feet (450') of the US Highway 175 right-of-way in the Light Industrial (LI), Highway Commercial (HC) and Commercial (C) Districts is seventy-five feet (75') with an additional one foot (1') of front yard setback for each foot of height over fifty feet (50').
4. Sign heights may be limited if located near residential property (See Section 44.10.E)

**E. Setbacks:**

1. In the Local Retail (LR), Office (O), and Retail (R) Districts the minimum front setback is five feet (5') from the front property line (measured from the nearest portion of the sign on a vertical plane, i.e. no overhang), twenty feet (20') from adjacent property lines and thirty-five feet (35') from any residential property line.
2. In the Commercial (C), Highway Commercial (HC) and Light Industrial (LI) Districts the minimum front setback is ten feet (10') from the front property line (measured from the nearest portion of the sign on a vertical plane, i.e. no overhang), twenty feet (20') from adjacent property lines and fifty feet (50') from any residential property line.
3. For Signs over fifty feet (50') located within four-hundred-fifty feet (450') of U.S. Highway 175:
  - a. Minimum front setback of fifteen feet (15') from the front property line (measured from the nearest portion of the sign on a vertical plane, i.e. no overhang).
  - b. Minimum side yard setback of fifty feet (50') from adjacent property lines or two (2) times the height of the sign from any residential property line in the Highway Commercial (HC), Commercial (C) and Light Industrial (LI) Districts.

**F. Changeable Message Signs:** Signs may include a maximum area of thirty-two square feet (32 sf) that incorporates changeable messages or lettering, as defined, in the sign face. A changeable message sign with animation, strobe lights, beacon lights, rotating or revolving sign structures are not allowed.

**G. Gasoline Pricing Signs:** The Gasoline Pricing Sign shall be integral to the permitted sign for the site, subject to the following limitations:

1. The pricing display light may scroll, flash, or change.
2. The pricing display may not exceed one-half (1/2) of the gross sign area per sign face.
3. Only one (1) pricing display is allowed per street frontage.

**H. Illumination:** Pole/pylon signs may be illuminated utilizing only internal lighting.

**I. Location:** No pole/pylon sign shall be placed in the sight visibility triangle of any driveway, alley or street intersection.

**J. \*Multiple Lot Pole/Pylon Signage:** A pole/pylon sign designed to be shared by two or more lots, with connecting property lines, located within four-hundred-fifty feet (450') of the US. Highway 175 right-of-way.

1. Shall be in accordance with Section 44.10.A through Section 44.10.J
2. Shall have an approved Specific Use Permit in accordance with Section 30.

**\*Amended May 23, 2011 by Ordinance O-05-11**

#### **44.11 OTHER TYPES OF SIGNS:**

This Section provides standards for specific types of other permanent signs permitted by this Ordinance.

- A. **Menu Board Signs:** Menu board signs shall only be allowed in non-residential districts. Menu board signs shall meet the following regulations:
  1. **Sign Types:** Menu board signs may be attached wall or monument signs.
  2. **Maximum Height:** Six feet (6')
  3. **Maximum Area:** Twenty-four square feet (24 sf). Only one (1) sign face is allowed per sign.
  4. **Sign Locations:** All menu board signs shall be located at the side or rear of the principal building. If two (2) signs are erected they shall be at least twelve feet (12') apart.
  5. **Illumination:** Only internal illumination may be utilized for the sign panel.
  6. **Sign Setbacks:** Menu board signs shall be located at least fifteen feet (15') from any property line.
- B. **Subdivision Entry Signs:** Subdivision entry signs shall only be allowed in residential districts. Subdivision entry signs must meet the following regulations:
  1. **Sign Types:** Subdivision entry signs may be an attached wall signs at the subdivision entrance or on a monument sign.
  2. **Restrictions:** Attached wall signs may not project above the top of the wall/fence on which they are attached.
  3. **Maximum Area:** The maximum sign area for either an attached wall sign or monument sign is thirty- six square feet (36 sf).
  4. **Maximum Number:** Only one (1) monument sign or two (2) attached wall signs may be placed at each subdivision entrance. A monument sign may have the subdivision name on both sides.
  5. **Location:**
    - a. Monument signs may be located in the median, at the street entrance, if approved by the City Council in an approved plat, and with a developer's agreement.

- b. Shall not be placed in the sight visibility triangle of any driveway, alley or street intersection.

6. **Maximum Height:**

- a. **Monument Signs:** Six feet (6') to the finished top.
- b. **Wall Signs:** Six feet (6') or less.

7. No Changeable Message Signs allowed.

C. **Directory Signs:** Directory signs shall only be allowed in non-residential districts. Directory signs shall meet the following regulations:

1. **Sign Types:** Directory signs may be either attached wall or monument sign.
2. **Location:** Directory signs shall be located at a safe distance from the entry drive and the public right-of-way, as determined by the Director of Development Services or a designee.
3. **Maximum Number:** Only one (1) directory sign is allowed per street entrance.

#### **44.12 REGULATIONS FOR TEMPORARY SIGNS \*Amended March 24, 2009 by O-04-09**

A. **Promotional Signage:** Businesses that erect signs under the provisions of this Section shall not display a sign that states "Going out of Business", "Quitting Business" or similar message more than one time. Promotional signs are subject to the following regulations:

1. **Permit Requirements:** All promotional signage requires a permit. Promotional signs will be considered as a group and not as each individual sign, streamer, banner, etc.
2. **Promotional Signage Types:** Promotional signage may include banners, flags, pennants, streamers, balloons, inflatable signs. Additionally, a maximum of two (2) banners are allowed, in addition to flags, pennants, streamers, balloons, inflatable or other promotional signage per permit. Any device over fifteen feet (15') in height shall be limited to one (1) per two-hundred-fifty feet (250') of street frontage.
3. Definitions:
  - a. A calendar year, for the purposes of this section, is defined as the period of each year beginning on January 1 at 12:01 a.m. of that year, and ending on December 31 at 12:00 midnight of that same year.
  - b. A quarter year, for the purposes of this section, is defined as that period of three (3) months separated as follows:
    - (1) Quarter 1: January 1 – March 31
    - (2) Quarter 2: April 1 – June 30
    - (3) Quarter 3: July 1 – September 30
    - (4) Quarter 4: October 1 – December 31

4. Time Limitations: Promotional signage is allowed subject to the following options:

- a. **PROMOTIONAL SIGN OPTION D30:** Promotional signage is allowed for thirty (30) consecutive days, commencing from the first day the signage is displayed, at the permitted business location, and must be removed thirty (30) days after the date first displayed.
  - (1) An extra thirty (30) day “Grand Opening” extension is automatically granted to a new operating business (determined by issuance of a Certificate of Occupancy and/or a Fire and Safety Inspection), allowing the business to maintain the promotional signage for a total of sixty (60) consecutive days.
  - (2) Any subsequent permits, under this option, are limited to thirty (30) consecutive days each and cannot be issued more than once per quarter year, nor within thirty (30) days of each other.
- b. **PROMOTIONAL SIGN OPTION Y104:** Promotional signage is allowed every Saturday and Sunday for twelve (12) consecutive months, commencing on the first day the promotional signage is displayed, and terminating on the one (1) year anniversary of the first day the promotional signage was displayed.
  - (1) The promotional signage cannot be displayed before 5:00 p.m. each Friday nor displayed after 9:00 a.m. on the following Monday, of the same weekend during the permitted twelve (12) consecutive months.
  - (2) This option does not allow any promotional signage between 9:00 a.m. Monday and 4:59 p.m. on the following Friday.
- c. **PROMOTIONAL SIGN OPTION Y100:** Promotional signage is allowed for one hundred (100) consecutive days, per calendar year, commencing on the first day the signage is displayed and terminating on the one hundredth (100<sup>th</sup>) day from the first date the promotional signage was displayed.
  - (1) Under this option, the one hundred (100) day consecutive display period must be scheduled in advance. A change in the schedule must be approved by the Development Services Department, no less than 48 hours in advance.
  - (2) Only one (1) Y100 display period is allowed per calendar year.
  - (3) No other promotional signage is allowed the remainder of the year.
- d. **PROMOTIONAL SIGN OPTION Y36:** Promotional signage is allowed for any three (3) days per month, for a period of twelve (12) consecutive months, commencing on the first day the signage is displayed and terminating on the one (1) year anniversary of the first date the promotional signage was displayed.
  - (1) Under this option, all days the signage is to be displayed must be scheduled in advance, with the Development Services Department. A change in the schedule must be approved, no less than forty-eight (48) hours in advance. Inclement weather is the only exception to the scheduling requirement of forty-eight (48) hours.

- e. A legal business eligible for promotional signage shall include any non-residential or any multi-family residential use for which the City of Kaufman has issued a certificate of occupancy and/or a fire and safety inspection.
- 5. **Maximum Height:** Any device described as promotional signage shall not exceed an overall height of forty feet (40') measured from ground.
- 6. **Setbacks:** The following setbacks apply. However, the setbacks may be increased for any promotional signage found by the City to block traffic visibility or constitute a traffic hazard.
  - a. Fifteen feet (15') from the front property line.
  - b. Forty feet (40') from property lines other than those property lines fronting the street right-of-way. Properties that are unable to meet this setback requirement, due to the existing lot width, will be reviewed, at the time of permit issuance, to determine a location that meets the spirit of the setback requirement. Such locations must not create a traffic hazard or impede the visibility of any adjacent promotional signage.

**Maximum Area:** One-hundred square feet (100 SF)

- 7. **Maximum Height:** Eight feet (8')

#### **44.13 NEW HOME BUILDER'S SIGNS (BANDIT SIGNS):**

No sign may be erected within the public right-of-way unless an annual permit was received for the sign prior to installation and the following conditions are met:

- A. **Permits:**
  - 1. A bandit sign may not be erected unless a permit has been obtained and the proper permit fee paid. Bandit signs may then be placed in the City of Kaufman right-of-way only. A valid permit issued by the City of Kaufman does not entitle a person to place signs on State controlled right-of-way (i.e. US 175, SH 34, SH 243).
  - 2. No bandit sign shall be placed on private property without the private property owner's written consent.
  - 3. Any permit issued under this section shall expire on December 31 of the year it was issued.
  - 4. Any bandit distributors (one (1) or more persons, agent, company, builder, entity, group or corporation, or any of the foregoing that are associated or related) placing signs in the public right-of-way without a valid permit shall have all rights revoked for a thirty (30) day period.
- B. **Time Limit:** Bandit signs shall be placed within the right-of-way only between the hours of noon (12:00 p.m.) Friday and 9:00 p.m. Sunday.
- C. **Location:** Bandit signs located in the right-of-way shall comply with the following location regulations.

1. Bandit signs shall not be placed within any median.
2. Bandit signs shall be a minimum of five feet (5') from the adjacent edge of curb or pavement, which includes improved surfaces and shoulders.
3. Bandit signs shall not be placed within fifty feet (50') of any street intersection or within twenty-five feet (25') of any alley or curb cut. Additionally, no sign may be placed within any defined sight visibility triangle or in any manner that may obstruct traffic visibility.
4. Bandit signs shall not encroach upon or obstruct any designated sidewalk or pedestrian way.
5. Bandit signs shall not be placed within a right-of-way that is adjacent to a dwelling premise.

D. **Size:** Bandit signs located within the right-of-way shall not exceed six square feet (6 sf).

E. **Height:** Bandit signs located within the right-of-way shall not exceed a total height of three feet (3').

F. **Number of Signs:** The maximum number of bandit signs that may be placed under a single permit shall be limited to twenty-five (25) signs. The maximum number of permits that can be issued to any bandit distributor is four (4) bandit permits, for a total not to exceed one-hundred 100 signs. A company may not send multiple employees to get four (4) bandit permits each.

G. **Removal of Unpermitted Bandit Signs:** Unpermitted bandit signs, or bandit signs in violation of this Ordinance, may be immediately removed from the right-of-way. Bandit signs may be disposed of as set forth in this Ordinance.

H. **Permit Fee:** The annual permit fee for bandit signs, erected in the right-of-way, between January 1 and December 31 of any one (1) year, shall be set forth in the Fee Schedule in the Code of Ordinances.

**END OF DOCUMENT**