



City of Weatherford
Title XII. Zoning Ordinance

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CHAPTER 1 – GENERAL PROVISIONS

SEC. 12-1-100. TITLE AND INTENT

Contents of Section:

- A. Title.
- B. Intent.
- C. Severability.
- D. How to Read These Regulations.

A. Title. This ordinance shall be known and may be cited as the City of Weatherford Zoning Ordinance.

B. Intent. 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 General Plan or Comprehensive Plan for the purpose of promoting the public health, safety, morals, and general welfare, and for protecting and preserving places and areas of historical, cultural, and/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 enable the adequate provision of transportation, water, wastewater treatment, schools, parks, and other public facilities. 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.

C. Severability.

1. The provisions of this title are hereby declared to be severable. If any Court of competent jurisdiction rules for any reason that any chapter, section, subsection, sentence, clause, phrase, or other portion of this title is invalid, that ruling shall not affect any portion of this title not specifically included in the judgment. If any Court of competent jurisdiction rules invalid the application of any provision of this title to a particular property, building, structure, improvement, development, or use, that ruling shall not affect the application of the same provision of this title to any property, building, other structure, or use not specifically included in the judgment.
2. The provisions of this title are hereby declared to be valid and enforceable, notwithstanding inadvertent or clerical error. Any such error as may exist shall not affect the validity or intent of the associated provisions, nor that of the remainder of the provisions herein.

D. How to Read These Regulations.

1. *Conflicts.* When a conflict arises between multiple provisions of this title, the more restrictive provision shall govern. When it cannot be determined which provision is more restrictive, the more specific provision shall govern.
2. *Definitions.* Words used in this title have their normal dictionary meaning unless they are defined in the Definitions section below or elsewhere in the Official City Code of the City of Weatherford, in which case they have the specific meaning stated therein. Words and terms

defined in two or more titles shall be read in harmony unless there exists an irreconcilable conflict, in which case the definition contained in this title shall govern.

3. *Usage.* The following rules shall be applied in construing, interpreting, or otherwise defining the terms used in this title:
 - a. All words used in the plural tense include the singular tense unless the context clearly indicates otherwise. The reverse is also true.
 - b. All words used in the present tense include the future tense. The reverse is also true.
 - c. The words “must,” “shall,” and “will” indicate mandatory requirements.
 - d. The word “may” is permissive or optional.
 - e. The words “may not,” “prohibited,” and “shall not” indicate that a particular activity is not allowed and that such activity is a violation of this title. There are no exceptions to prohibitions stated as such except where a procedure for such exception is clearly provided.
 - f. When used with numbers, “at least x,” “up to x,” “not more than x,” and “a maximum of x” all include x.
 - g. Unless the context clearly indicates otherwise, “and” indicates that all connected items or provisions apply, whereas “or” and “either... or” indicate that the connected items or provisions apply singularly but not in combination.
 - h. Lists of items preceded by the phrase “including the following,” “such as,” or similar language are not limited to just those items. The lists are intended to provide examples and not to be exhaustive of all possibilities.
4. *Determinations.* Determinations regarding conflicts, definitions, ambiguities, or usage will be made by the Planning Director. The Planning Director may refer any such determination or other matter of interpretation to the Planning and Zoning Commission.
5. *Relationship to Other Regulations.* No provisions of this title shall be construed as to supersede, waive, or alter any state or federal regulations. Any references made to other such regulations do not imply any responsibility by the city for their enforcement. All development within the City of Weatherford shall comply with all other applicable state and federal regulations.

SEC. 12.1.101. APPLICATION OF ZONING REGULATIONS

Contents of Section:

- A. Implementation of Comprehensive Plan.
- B. Compliance Required.
- C. Zoning Map.
- D. Zoning Districts.
- E. Zoning Boundary Interpretation.
- F. Zoning Upon Annexation.

A. Implementation of Comprehensive Plan. This title implements the goals and policies of the Comprehensive Plan of the City of Weatherford, known as the “General Plan,” especially as these pertain to land use and development. All standards and procedures contained herein shall be applied in accordance with the General Plan. No changes to this title or to the Zoning Map established by its adoption (see section C below) shall be made except when such change is determined by the City Council to further the goals and policies of the General Plan.

B. Compliance Required.

1. All land, buildings, structures, or appurtenances thereon located within the city which are hereafter occupied, used, constructed, erected, removed, placed, demolished, and/or converted shall be occupied, used, erected, altered, removed, placed, demolished, and/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 such shall be subject to penalties as per this ordinance. All of the standards and regulations prescribed herein shall be considered as the minimum requirements unless explicitly stated otherwise.
2. 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), Texas Commission on Environmental Quality (TCEQ), Federal Aviation Administration (FAA), Federal Communications Commission (FCC), or any other applicable state or federal agency, as the case may be.
3. No lot upon which a building has been erected shall later be so reduced in area that the setbacks, yards, and/or open spaces shall be smaller than those required by this ordinance, nor shall a part of a yard or other open space required by this ordinance for any building/lot be included as a part of a yard or other open space similarly required for another building/lot.

C. Zoning Map.

1. The City of Weatherford is hereby divided into zones, or districts, and the boundaries of zoning districts set out herein are delineated upon the zoning map of the city, which may also be cited as the “Zoning Map.” This map has been adopted as a part of this ordinance as fully as if the same were set forth herein in detail.
2. One original copy of the zoning map shall be filed in the office of the City Secretary and labeled as the “Official Zoning Map of the City of Weatherford, Texas.” This copy shall be the official zoning map. In case of any question, this copy, together with amending ordinances, shall govern.

3. A copy of the Zoning Map shall be placed in the office of the Planning Director. The map copy shall be used for reference and shall be kept up-to-date. Reproductions for informational purposes may only be made of the Official Zoning Map.
 4. In order to provide and maintain a current-to-date and accurate map of all zoning district boundaries, the city shall maintain electronic mapping files or other similar Geographic Information System (GIS) files of the Official Zoning Map with all approved amendments.
 5. The Zoning Map may be amended from time to time by the adoption of an ordinance amending this ordinance. The Zoning Map shall be periodically updated to reflect these amendments. In the event of a discrepancy between the Zoning Map and an amending ordinance, the amending ordinance shall govern, and the person challenging the accuracy of the Map has the burden of presenting the Official Zoning Map, together with the ordinances amending the Map, to prove the inaccuracy of the updated copy.
- D. Zoning Districts.** The boundaries of zoning districts set out herein are delineated upon the Zoning Map of the City, adopted as part of this ordinance as fully as if the same were set forth herein in detail.
- E. Zoning Boundary Interpretation.** The zoning district boundary lines shown on the Zoning Map are usually along centerlines of streets and property lines, or extensions thereof. Where uncertainty exists as to the boundaries of districts as shown on the Zoning Map, the following rules shall apply:
1. Boundaries shown as approximately following platted lot lines shall be construed as following such lot lines.
 2. Boundaries shown as approximately following city limits shall be construed as following such city limits.
 3. Boundaries indicated as approximately following the centerline of streets, highways, or alleys shall be construed to follow such centerline. Zoning classifications applied to a tract of land adjacent to a street right-of-way shall extend to the centerline of the street.
 4. Boundaries indicated as approximately following railroad lines shall be construed to be midway between the right-of-way lines.
 5. Boundaries shown as following shorelines shall be construed to follow such shorelines, and in the event of change, the shoreline shall be construed as moving with the actual shoreline.
 6. Boundaries shown as parallel to, or extensions of, features described in this section shall be so construed. Distances not specifically indicated on the zoning map shall be determined by the scale of the map.
 7. 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.
 8. Where physical features on the ground are at variance with information shown on the zoning 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 this section, then the Zoning Board of Adjustment shall interpret the zoning district boundaries.

9. If the zoning of property is invalidated by a judgment of a Court of competent jurisdiction, the property shall be considered classified as AG Agricultural in the same manner as provided for newly annexed territory.

F. Zoning Upon Annexation.

1. As soon as practical following annexation of property by the city, the City Manager or property owners of the annexed area shall initiate proceedings to establish AG Agricultural or another appropriate zoning classification requested by the property owners on the newly annexed territory. Thereupon, the City Manager shall commence public notification and other standard procedures for zoning amendments as set forth in 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 and adoption have occurred, and as a separate and distinct action by the City Council.
2. The initial zoning of a tract, whether it is 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 this ordinance and all other applicable state laws.
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.
4. Within an area classified as AG Agricultural:
 - a. No permit for the construction of a building or use of land shall be issued by the Building Official other than a permit to allow the construction of a building or use permitted in the AG district, unless and until such territory has been classified in a zoning district other than the AG district by the City Council in the manner prescribed herein.
 - b. If plans and preparations for developing a property for a use other than those specified in the AG district were already in progress prior to annexation of the property into the city, then the City Council may authorize construction of the project by a majority vote. Application of this subsection is contingent upon the following:
 1. The city and the owner of the property enter into a development agreement prior to the annexation of the property as provided in Section 212.172, Texas Local Government Code. Then the City Council may authorize construction of a project in accordance with the terms of the development agreement.

SEC. 12-1-102. ZONING OFFICIALS

Contents of Section:

- A. Planning Director.
- B. Planning and Zoning Commission.
- C. City Council.
- D. Zoning Board of Adjustment.

A. Planning Director.

1. The Planning Director, or designee, is responsible for taking the following actions with regards to application under these regulations:
 - a. Accepting applications for submittal, determining completeness, filing, and processing.
 - b. Reviewing and making recommendations concerning applications, and preparing reports to and advising City Council or any board or commission with the responsibility to make recommendations or decide the outcome of those applications.
 - c. Coordinating with other city departments concerning applications or petitions.
 - d. Promulgating additional or modified policies, standards, and administrative rules that apply to these regulations and applications.
 - e. Initiating enforcement actions concerning compliance with the standards applicable to applications and the conditions imposed thereon.
 - f. Providing written reports to the Planning and Zoning Commissions on a regular basis as required.
2. *Determinations.* Determinations regarding conflicts, definitions, ambiguities, or usage will be made by the Planning Director. The Planning Director may refer any such determination or other matter of interpretation to the Planning and Zoning Commission.
 - a. The decision of the Planning Director shall be appealable to the Zoning Board of Adjustment.

B. Planning and Zoning Commission.

1. The Planning and Zoning Commission shall have the powers and duties as provided for in the Weatherford Municipal Code, the City Charter, and as authorized elsewhere within the Texas Local Government Code. Specifically, the Planning and Zoning Commission shall:
 - a. Review and approve, approve with conditions, or disapprove applications, and shall submit such recommendations to the City Council.
 - b. Make such determinations, decisions, or recommendations as may be required from time to time by these regulations.

C. City Council.

1. The City Council shall have all powers and authority derived from the Texas Local Government Code, the City Charter, and as described in these regulations.
 - a. In addition to the Planning and Zoning Commission, the City Council shall review and approve, approve with conditions, or disapprove applications as outlined in these regulations.

- b. City Council may from time to time amend, supplement, or change by ordinance the text of these regulations on its own initiative or upon petition for a text amendment, following review and recommendation by the Planning and Zoning Commission.
- 2. City Council shall delegate to the Planning Director, or designee, the ability to approve or approve with conditions Site Plans and special use permits. If approval or approval with conditions cannot be granted, the submittal will be referred to the Planning and Zoning Commission for recommendation and City Council for approval.

D. Zoning Board of Adjustment.

- 1. The Zoning Board of Adjustment shall have the powers and duties as provided for in this regulation as authorized. More specifically the Zoning Board of Adjustment shall:
 - a. Review and approve, approve with conditions, or disapprove applications.
 - b. Make such determinations, decisions, or recommendations as may be required from time to time by these regulations.

CHAPTER 2 – ZONING PROCEDURES

SEC. 12-2-100. COMPREHENSIVE PLAN AMENDMENT

Contents of Section:

- A. Purpose.
- B. Comprehensive Plan Map Amendment.
- C. Land Use and Development Element Text Amendment.
- D. Amendment Procedure.

- A. Purpose.** The City Council may amend the Comprehensive Plan of the City of Weatherford, known as the “General Plan,” to revise or refine the goals and policies adopted therein. A request for consideration of any amendment pertaining to the Land Use and Development Element of the General Plan shall be subject to the procedures herein.
- B. Comprehensive Plan Map Amendment.** An amendment to the Comprehensive Plan map may be made when it is determined by the City Council that the goals and policies of the Land Use and Development Element of the General Plan will be furthered by the assignment of a different place type to a particular area or areas.
- C. Land Use and Development Element Text Amendment.** An amendment to the text of the Land Use and Development Element of the General Plan may be made when it is determined by the City Council that the vision for the city, adopted within the General Plan, will be furthered by adjustment to the policies or specifics contained within the Land Use and Development for its implementation.
- D. Amendment Procedure.**
 - 1. A request for an amendment to the Land Use and Development Element may be initiated by a member of the public, city staff, or the Planning and Zoning Commission, either alone or concurrent with a request for a zoning map or zoning text amendment.
 - 2. Upon petition of a member of the public or city staff, or upon its own initiative, the Planning and Zoning Commission may recommend that the City Council amend the Land Use and Development Element of the General Plan upon findings that one or more of the following considerations merits such amendment:
 - a. A consistent pattern of activity or development, or a technological or social innovation, which is not consistent with or not anticipated by the Land Use and Development Element as adopted, supports reconsideration of the place types as constituted or their designation to one or more areas on the General Plan map.
 - b. Changes in the economic, demographic, or infrastructure facts underlying the development projections on which the Land Use and Development Element is based require that its goals and policies be adjusted.
 - c. A consistent expression of community values differs significantly from the vision for the city’s future adopted in the General Plan.
 - 1. A catastrophic event or other unforeseen circumstance requires an immediate change to facilitate development to ensure the security, health, or fiscal integrity of the city.

2. One or more of the assumptions which informed the assignment of a place type to a particular area on the map was made in error, and a correction is necessary to implement the goals and policies of the General Plan.
3. The City Council may amend the Land Use and Development Element of the General Plan by a favorable vote of the majority of the members present. When so amended, the Planning Director shall make such changes to the text or the map as indicated.

SEC. 12-2-101. ZONING AMENDMENT

Contents of Section:

- A. Purpose.
- B. Zoning Text Amendment.
- C. Zoning Map Amendment.
- D. Periodic Zoning Map Update
- E. Amendment Procedure.
- F. Effect of Approval.
- G. Reapplication Following Disapproval.

- A. **Purpose.** The purpose of this section is to establish the procedures and limitations under which this title may be amended.
- B. **Zoning Text Amendment.** The City Council may amend, supplement, suspend, or repeal this title or the provisions herein, subject to the procedures and limitations herein and in accordance with all applicable state laws, upon a determination that:
 - 1. Such change will further the goals and policies of the Land Use and Development Element of the General Plan;
 - 2. A catastrophic event or other unforeseen circumstance requires an immediate change to facilitate development to ensure the security, health, or fiscal integrity of the city; or
 - 3. An error was made in the drafting or adoption of this title or any of its provisions that requires correction.
- C. **Zoning Map Amendment.** The City Council may amend the zoning map established by adoption of this title, subject to the procedures and limitations herein and in accordance with all applicable state laws, upon a determination that:
 - 1. The goals and policies of the Land Use and Development Element of the General Plan will be furthered by the assignment of a different zoning district to a particular area or areas;
 - 2. An amendment to the General Plan map has created an incompatibility with the assigned zoning district that can be resolved by the assignment of a different zoning district;
 - 3. A catastrophic event or other unforeseen circumstance requires an immediate change to facilitate development to ensure the security, health, or fiscal integrity of the city; or
 - 4. An error was made in the assignment of a zoning district that requires correction.
- D. **Periodic Zoning Map Update.**
 - 1. The Planning Director shall, annually or as otherwise directed by the Planning and Zoning Commission or City Council, conduct a review of the zoning map and determine whether one or more of the conditions described in subsection C above exists to such extent that the goals and policies of the General Plan are impeded.
 - 2. Upon a determination that such conditions exist, the Planning Director shall cause hearings to be scheduled before the Planning and Zoning Commission and City Council for consideration of one or more amendments to correct the conditions. The public shall be duly notified of the hearings by publishing the purpose, time, and place of the public hearing in the official newspaper of the city before the fifteenth (15th) calendar day

prior to the date of the first hearing and by publishing a second such notice prior to the date of the hearing before the City Council.

3. If the Planning and Zoning Commission recommends, and the City Council approves, amendments to the zoning map, the Planning Director shall update the zoning map.
4. The owner of any property affected by a periodic zoning map update shall have 90 days following adoption of the updated map to request an amendment to the zoning map for the affected property at no cost. The request shall be subject to the amendment procedure below.

E. Amendment Procedure.

1. *Applicant.* A request for an amendment to this title or to the Zoning Map established by its adoption may be initiated by any of the following:
 - a. The Planning and Zoning Commission.
 - b. City staff, either under the direction of the City Council or Planning and Zoning Commission or upon a discovery of error or professional judgment that an amendment is warranted.
 - c. The owner(s) of real property or properties subject to the request, provided that no person who owes delinquent taxes, delinquent paving assessments, impact fees, or any other delinquent debts or obligations to the city, and which are directly attributable to a piece of property requested for zoning, shall be allowed to submit a request for a zoning amendment until the taxes, assessments, fees, 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 taxes, assessments, debts or obligations. It shall be each owner's responsibility to provide credible documentation that all amounts owed have been paid.
2. *Pre-application Meeting.* Any property owner(s) or authorized representative initiating an application for zoning amendment shall first request a pre-application meeting with the Planning Director. At the meeting, the Director and other city staff will provide information and early assistance on the application and approval process.
3. *Application.* Any person, whether an owner of real property or city staff acting on behalf of the City of Weatherford, requesting a zoning amendment shall submit sufficient documentation to the Planning Director to initiate the required procedures and inform the Director and the Planning and Zoning Commission in their reports and recommendations to the City Council. At a minimum, the application shall include:
 - a. Completed application form. When a person who is not city staff acting on behalf of the City of Weatherford requests a Zoning Map amendment for one or more properties, the application shall bear the notarized signature(s) of the owner(s) of record of any and all properties subject to the request and be accompanied by the current deed(s) of record of other evidence of ownership acceptable to the Director.
 - b. Applicable fee.
 - c. A written narrative that includes all of the following:
 1. *Summary.* Describe the purpose of the amendment and its intended outcomes. If a development project is proposed, describe the types and

densities of dwellings and other land uses, buildings, necessary public improvements, and all distinguishing features of the project.

2. *Compatibility.* Evaluate the relationship between the intended outcomes of the proposed amendment and the surrounding community or the city altogether.
 3. *General Plan Statement.* Explain how the proposed amendment furthers the goals and policies of the General Plan.
- d. A survey or complete legal description of any property subject to a zoning map amendment request.
 - e. If a development project is proposed with a Zoning Map amendment, provide a conceptual Site Plan, elevation drawings, construction details, or other graphics as needed to convey the location, mass, dimensions, appearance, and use of all project elements, as well as their relationship to the existing built and natural environment.
 - f. If any subdivision of land is proposed as a part of a development project on property subject to a proposed Zoning Map amendment, an application for preliminary plat shall be submitted concurrently with the requested amendment.
4. *Completeness Review.* Upon receipt of an application for zoning amendment, the Planning Director shall review all materials submitted to ensure that the application is complete for purposes of scheduling the hearings and reporting staff findings and recommendation. The Director shall not file any incomplete or inadequate application with the Planning and Zoning Commission or City Council for consideration.
 5. *Public Notice.* Upon a determination of complete application, the Planning Director shall cause hearings to be scheduled before the Planning and Zoning Commission and City Council for consideration of the request. The public shall be duly notified of the hearings as follows:
 - a. For proposed Zoning Map amendments, notice of the public hearing to occur before the Planning and Zoning Commission shall be accomplished by publishing the purpose, time, and place of the public hearing in the official newspaper of the city before the fifteenth (15th) calendar day prior to the date of the public hearing. Written notice of each public hearing shall also be sent to each owner, as indicated by the most recently approved city tax roll, of real property within 200 feet thereof, said written notice to be sent before the tenth (10th) calendar day prior to the date 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.
 - b. For proposed zoning text amendments, notice of the public hearing to occur before the Planning and Zoning Commission shall be accomplished by publishing the purpose, time, and place of the public hearing in the official newspaper of the city before the fifteenth (15th) calendar day prior to the date of the public hearing. Changes in the ordinance text that do not change zoning district boundaries or otherwise amend the Zoning Map (i.e., which do not involve specific real property) do not require written notification to individual property owners.
 6. *Staff Report.* The Planning Director shall report on the substantial facts of the request and shall submit a recommendation of approval or disapproval, based upon findings

pertaining to the determination criteria above, to the Planning and Zoning Commission and City Council.

7. *Planning and Zoning Commission.* Upon receipt of the staff report and recommendation, and upon due notice as specified above, the Planning and Zoning Commission shall hold a public hearing to receive testimony prior to deliberating on the proposed amendment. After closing the public hearing and deliberating as necessary, the Planning and Zoning Commission shall pass a motion to recommend approval or disapproval to the City Council based upon findings pertaining to the determination criteria above.
 8. *City Council.* Upon receipt of the staff report and the recommendations of staff and the Planning and Zoning Commission, and upon due notice as specified above, the City Council shall hold a public hearing to receive testimony prior to deliberating on the proposed amendment. After closing the public hearing and deliberating as necessary, the City Council shall pass a motion to approve or disapprove the request based upon findings pertaining to the determination criteria above. In addition to those criteria, failure of an applicant or designated representative to appear before the City Council shall constitute sufficient grounds to disapprove the request. For zoning amendment requests involving real property, 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 in accordance with the provisions of Section 211.006 of the Texas Local Government Code. In all other instances, a favorable vote of the majority of the City Council shall pass a motion to approve or disapprove a proposed amendment.
- F. **Effect of Approval.** Approval by the City Council of a zoning amendment constitutes adoption of the ordinance describing the subject properties, the procedures followed to comply with local and state law, and the effect of the approval on the text or map of this title. The City Manager shall cause the text and/or map to be updated in accordance with the orders in the adopting ordinance.
- G. **Reapplication Following Disapproval.** Applications that have been disapproved, excluding applications disapproved solely on procedural grounds, may not be resubmitted for the same or a substantially similar proposal unless one or more of the following are met:
1. Twelve (12) months have passed since the passage of the motion to disapprove by the City Council;
 2. Substantial changes have been made to the application that resolve all findings for disapproval of the application; or
 3. General Plan goals and policies, or other standards or provisions of this title, relative to the findings of the disapproval of the application have changed.

SEC. 12-2-102. DEVELOPMENT REVIEW PROCEDURES

Contents of Section:

- A. Purpose.
- B. Zoning
- C. Subdivision Plat.
- D. Site Development Permit (SDP)
- E. Site Plan Review.
- F. Building Permit.
- G. Expedited Site Review
- H. Commercial Development Process Chart

A. Purpose.

1. The purpose of these Development Review Procedures is to establish the requirements and coordinated processes for permitting development of property in accordance with all applicable regulations and administrative rules. These procedures are adopted to promote, among other items, the efficient and harmonious use of land, adequacy and managed extension of public infrastructure, safe and efficient vehicular and pedestrian circulation, parking and loading, lighting, screening, open space, landscaping, and natural features.
2. Assigned staff is responsible to review all applications for plat, site development permit, site plan review, and building permits for conformance with all regulations and design standards as well as compatibility with the General Plan of the city, adjacent properties, and the character of the surrounding neighborhood. Administrative officials are authorized to require supplemental documentation set forth in the appropriate application(s) or as indicated by the Planning Director, the Chief Building Official, or the City Engineer in order to ensure that the procedures fulfill their purpose to implement the intent of this title and the adopted policies of the General Plan.
3. The procedures in this section are generally ordered chronologically. It is the intent of this section and the policy of the office of Development & Neighborhood Services that each process is completed in its entirety prior to the initiation of the subsequent process, except where certain allowances for concurrent or expedited review are provided below.

B. Zoning. No portion of any property within the city shall be developed, nor any plat approved, nor any permit issued for any such development, prior to the assignment of a zoning district to that property.

C. Subdivision Plat. All requirements of the most current Subdivision Regulations adopted by the City, including platting as necessary, shall be met prior to any development. Any request for a zoning map amendment on unplatted property shall be accompanied by a complete application for preliminary, final, or minor plat. Likewise, any property proposed for subdivision shall be assigned a zoning district and shall be subject to the standards for such district.

D. Site Development Permit (SDP). Following approval of a preliminary plat through the respective approval process outlined in the Subdivision Regulations, a site development permit application shall be requested for the installation, upgrade, or extension of any public infrastructure required for any final or minor plat. If the City Engineer determines that all required public infrastructure is available and adequate to serve the proposed plat, a site development permit is not required and the applicant may proceed to site plan review (for multifamily and

nonresidential development) or building permit submittal (for one or two-family residential development subject to the filing of the approved plat with the county).

1. *Application.* A site development permit application shall be submitted through the Development & Neighborhood Services Department using a form provided by the Director. A site development permit may be submitted concurrently with a final plat application. In addition to the application form and applicable fee, the submittal shall include all of the following in order to be accepted as complete:
 - a. *Tree Permit Requirement.* An application satisfying the requirements for a tree permit as specified in the Landscaping and Tree Preservation section of this title shall be submitted concurrent to any site development permit application when the scope of public improvements requires tree removal. The two permits shall only be approved in conjunction, and no work shall be performed under either permit prior to issuance of both permits. Compliance with all provisions pertaining to tree preservation and protection is required during development.
 - b. *Engineering Completeness Checklists.* The City Engineer and the Director will conduct a completeness review to ensure that all applicable items are included. All engineering documents on the completeness checklist shall be provided or indicated as not required with appropriate commentary. Incomplete applications will not be accepted for review.
 - c. *Civil Plans.* A complete set of site development construction plans for all required public infrastructure improvements, prepared in accordance with the standards provided in the Engineering Design and Construction Manual (EDCM) by a professional engineer licensed by the State of Texas. Required sheets and the details thereupon shall be as specified on the Engineering checklists for water, wastewater, storm sewer or other regional drainage improvements, streets and sidewalks, and other public infrastructure construction.
 - d. *Traffic Impact Analysis (TIA).* The applicant shall determine the number of trips anticipated to be generated by the development using the method established in the Institute of Transportation Engineers (ITE) manual. If the number of trips exceeds 500 per day, a Traffic Impact Analysis shall be submitted with the application. If the number of trips is 500 or fewer per day, the calculations shall be submitted with the application for confirmation by the City Engineer.
 - e. *Geotechnical Report.* If retaining walls or new streets are included in the scope of work, a geotechnical report shall be prepared by a professional engineer licensed by the State of Texas to document the conditions of the soils and provide recommendations for retaining wall design, street pavement, and subgrade preparation. At the discretion of the City Engineer, a geotechnical report may be submitted after grading has occurred, but prior to the improvements being constructed.
 - f. *Downstream Drainage Assessment.* A report that documents the drainage impacts due to increased storm water runoff caused by a development, prepared in accordance with the requirements of the EDCM by a professional engineer licensed in the State of Texas, is required for any development that proposes 5,000 or more square feet of additional impervious surfaces.
 - g. *Flood Study.* A report, prepared in accordance with the requirements of the City's Flood Damage Prevention regulations and EDCM by a professional engineer licensed in the State of Texas, documenting impacts on any Special Flood Hazard Areas as determined

by the Federal Emergency Management Agency and best available information from existing flood studies.

2. *SDP Review Process.* Upon a determination of complete application, the City Engineer, Planning Director, and other staff as applicable will review all submittal elements against the relevant approval criteria in this title, other ordinances, and the EDCM. An SDP review is five (5) to ten (10) calendar days but may be longer dependent upon the complexity of the development proposal. The Planning Director may issue a site development permit when all of the following are satisfied:
 - a. Findings by all reviewers that applicable criteria are met.
 - b. Approval of the civil plans by the City Engineer.
 - c. Payment of inspection fees as required.
 - d. Preconstruction meeting if required by the City Engineer.
3. *Effect of Approval.* Upon approval of the site development permit and tree permit (if required), the public improvements may be constructed as proposed and the applicant may request site plan review according to the procedure below.

E. Site Plan Review. Following approval of a site development permit or upon determination that the requirements of the Subdivision Regulations and the EDCM pertaining to availability and adequacy of public infrastructure are met, an applicant shall apply for site plan review for any multifamily or nonresidential development. Except as provided in the expedited development review process below, an application for site plan review will not be accepted unless a determination is made that the requirements of the preceding steps in the development review process (i.e., zoning, subdivision plat, and site development permit) have been met.

1. *Application.* The Site Plan Review application shall be submitted through the Development & Neighborhood Services Department using a form provided by the Director. In addition to the application form, the submittal shall include all of the following information, prepared on a single sheet of appropriate size or on multiple sheets as necessary, in order to be accepted as complete:
 - a. All sheets shall be stamped by an architect or engineer licensed by the State of Texas unless otherwise authorized by the Planning Director for minor alterations to preexisting sites or structures.
 - b. Site address and vicinity map.
 - c. A title block including the date of submittal, name, contact information, north arrow indicator, scale of drawing, and key to any symbols used on the plan(s).
 - d. Lot area (sq. ft and acres) and lot dimensions.
 - e. Location and size of existing and proposed structure(s) on the site with sufficient dimensions to indicate distances between buildings, property lines, parking areas, required setbacks, and other elements of the site plan.
 - f. Building elevations, including dimensions of structures, amenities, and screening of exterior storage or equipment as applicable.
 - g. Location and layout of parking areas, including typical dimensions of spaces and drive aisles, ADA accessible parking and curb stops, loading areas, parking

requirement calculations, and location of ingress and egress. Where parking lot lighting is required, such lighting shall be shown on the site plan.

- h. Location and size of sign(s). (Include elevations or other drawings of proposed design on separate sheets if available.)
 - i. Landscaping, including planting specifications and schedule, screening and buffer yards where required, and tree protection measures.
 - j. Location of all existing recorded easements and all required or proposed utility and drainage easements, conforming to applicable Engineering Design and Construction Manual (EDCM) requirements and all fire and building codes.
 - k. Location of utility service lines and meter sizes servicing existing and proposed structure(s) on the lot.
 - l. Solid waste pickup locations with associated screening.
 - m. Proposed grading and drainage plans. Use arrows to indicate direction of proposed drainage for minor ground disturbance or present detailed grading and drainage plans for disturbances greater than 5,000 square feet. Stormwater Pollution Prevention Plan (SWPPP) compliant with city and state standards may also be required.
 - n. Additional documents may be required by the Director, including, but not limited to:
 - 1. List of waivers from requirements of the Subdivision Regulations or Engineering Design and Construction Manual (EDCM) previously granted by the City Engineer or other approval authority.
 - 2. Traffic Impact Analysis. The applicant shall determine the number of trips anticipated to be generated by the development using the method established in the Institute of Transportation Engineers (ITE) manual. If the number of trips exceeds 500 per day, a Traffic Impact Analysis shall be submitted with the application. If the number of trips is 500 or fewer per day, the calculations shall be submitted with the application for confirmation by the City Engineer. This requirement may be waived if the required information was provided and accepted by the City Engineer during Site Development Permit review.
 - 3. If a project was not accounted for in the drainage assessment for previous development on the subject site, a new downstream drainage assessment will be required if more than 5,000 square feet of impervious area is proposed.
 - 4. Parking lot lighting and photometric plans may be required for developments adjacent to residential areas.
 - 5. Other additional permit applications as required.
2. *Review Process.*
- a. Planning Staff will determine the completeness, accuracy, and sufficiency of the application.
 - b. Upon a determination of complete application, the City Engineer, Planning Director, and other staff as applicable will review all submittal elements against the relevant approval criteria in this title, other ordinances, and the EDCM.

- c. A typical site plan review process is five (5) to seven (7) calendar days but may be longer dependent upon the complexity of the development proposal.
- d. Fees. No fee will be charged for the first review of a Site Plan or follow-up review after initial comments (if required). However, a fee will be assessed if a third review is required. If, after the third review, all comments have still not been corrected on the Site Plan, then an escalating charge will be assessed for each subsequent review.
- e. The site plan will be accepted upon findings by all reviewers that applicable criteria are met.

3. *Effect of Approval.*

- a. Upon approval of the site plan and associated documents, the applicant may apply for nonresidential or commercial construction permits. The site plan review procedure in no way relieves the applicant from compliance with or approval under the provisions of the Zoning Regulations, Subdivision Regulations, Building Codes, and/or other regulations which pertain to or govern the proposed development. Approval of a site plan allows the applicant to apply for a building permit.
- b. *Time limitations on approvals.* If the owner has obtained site plan approval but fails to obtain a building permit within 180 days from the date of approval of the site plan, the site plan approval shall be deemed to have expired, and the owner shall be required to resubmit a new plan for approval.

F. Building Permit.

- 1. No building or other structure shall be erected, moved, added to, or structurally altered without a permit issued by the Building Official. A building permit shall not be issued except in conformity with the provisions of this ordinance, nor until all appropriate plans have been approved by the city according to the procedures herein. Specifically, a building permit shall not be issued until:
 - a. The property is properly zoned for the intended use.
 - b. A final plat has been recorded for the subject property, or the Director has determined that platting is not required (applies to certain properties zoned for one-family residential development only).
 - c. All required public infrastructure improvements are approved, constructed, and accepted by the city.
 - d. A site plan (for multifamily and nonresidential development) or detailed plot plan (for one-or-two-family residential development) is approved by the Director.
 - e. A tree permit is issued for any tree removal proposed with the subject development.
 - f. All required construction plans are submitted and approved.
- 2. The Director will review the building permit submittal for compliance with the approved site plan. A final submittal may vary by up to ten percent (10%) from the approved plan without requiring the resubmittal of a revised site plan.
- 3. Final inspections shall be conducted by the appropriate staff to confirm completion and compliance with all requirements of platting, site development permit, site plan, and building permit approvals. No certificate of occupancy shall be issued until all improvements

and construction have been completed according to plans approved under the procedures herein.

G. Expedited Site Review. An applicant may request the expedited site review process for concurrent review of the site development permit, site plan review, and building permit applications.

1. Applicability. The expedited site review process may be granted by the Director for projects which meet all the following conditions:
 - a. A final plat is approved for the property.
 - b. All tenants, or a tenant occupying greater than 50% of the floor area of a proposed multifamily or nonresidential development, are known. For purposes of this requirement, all multifamily development meets the criterion.
 - c. The request is received in writing by the Director prior to the submittal of any application materials.
2. Applicant agreement. If the Director accepts the request for expedited site review, the applicant will meet with city staff to discuss review procedures, expedited process fees, and the conditions which must be met to advance through each stage of the development process. A signed agreement may be required prior to acceptance of any applications under the expedited process.

H. Commercial Development Process Chart. The chart below describes the general flow path of the commercial development process from the initial pre-planning meeting to the issuance of a Certificate of Occupancy.

DRC= Development Review Committee Meeting / SDP = Site Development Permit / SPL = Site Plan Review / ROW = Right-of-Way Permit

STEP	Location requiring Preliminary Plat	Location requiring Minor Plat		Location already platted	
1	Pre-Application Meeting – will determine need for Developers Agreements & Public Infrastructure				
2	Preliminary Plat application	Minor Plat application		DRC – determine if SDP required	
3	DRC	DRC – determine if SDP required		If SDP required for public infrastructure choose YES	
4	Submit SDP	If SDP required for public infrastructure choose YES		YES Submit SDP	No Submit SPL*
5	Tree Permit	YES Submit SDP	No Submit SPL*	Tree Permit	Tree Permit
6	Final Plat application	Tree Permit	Tree Permit	Submit SPL	ROW & Grading Permit
7	Submit SPL	Submit SPL	ROW & Grading Permit	ROW & Grading Permit	Building Permits
8	ROW & Grading Permit	ROW & Grading Permit	Building Permits	Building Permits	Inspections
9	Building Permits	Building Permits	Inspections	Inspections	3 rd Party documentation
10	Inspections	Inspections	3rd Party documentation	3rd Party documentation	Certificate of Occupancy
11	3rd Party documentation submittal	3rd Party documentation	Certificate of Occupancy	Certificate of Occupancy	Certificate of Occupancy
12	Certificate of Occupancy	Certificate of Occupancy			

*If during Site Plan Review a Traffic Impact Analysis (TIA) is required, an SDP will be required if that TIA requires street improvements

SEC. 12-2-103. SPECIAL USE PERMIT

Contents of Section:

- A. Purpose.
- B. Applicability
- C. Effect.
- D. Procedures.
- E. Standards.
- F. Enlargement, Modification, or Structural Alteration
- G. Appeal.

A. Purpose. A special use permit is a request to allow a use, which is generally compatible with a zoning district, provided that the use will not cause an adverse impact on adjacent property or properties in the area but has operating or physical characteristics that require special considerations and conditions.

B. Applicability. A special use permit is required to use or develop within city limits for any use designated “special” in the zoning district in which the property is located.

C. Effect.

1. A special use permit may be approved administratively by the Planning Director or their designee.
2. Approval of a special use permit shall authorize only the particular use for which the special use permit is issued.
3. A special use permit is limited to the applicant and is nontransferable.
4. After giving a thirty (30) day written notice, and upon holding a properly notified public hearing following the thirty (30) day written notice, the City Council may amend, change, or rescind a special use permit after recommendation by the Planning Director and Planning and Zoning Commission if any of the following provisions have been met:
 - a. There is a violation and conviction of any of the provisions of this ordinance or any ordinance of the city that occurs on the property for which the special use permit is granted;
 - b. The building, premise, or land uses under a special use permit is enlarged, modified, structurally altered, or otherwise significantly changed without approval of a separate special use permit for such enlargement, modification, structural alteration, or change;
 - c. Violation of any provision of the terms or conditions of a special use permit;
 - d. The special use permit was transferred to a different applicant/occupant than originally applied;
 - e. Ad valorem taxes on the property are delinquent by more than six (6) months;
 - f. More than six (6) calls for public service from any combination of Police, Fire, Health or Code Enforcement in a thirty (30) day consecutive time period;
 - g. The special use permit was obtained by fraud or with deception; or

- h. Where the applicant disagrees with any portion of the recommendation, the applicant shall cite the reasons for the disagreement. The advertisement of a zoning change or special use permit shall be initiated by staff upon receipt of applicant's written response to staff's recommendation. The response shall indicate whether the applicant agrees or disagrees with the staff recommendation. Where the applicant disagrees with any portion of the recommendation, the applicant shall cite the reasons for the disagreement.

D. Procedures.

- 1. The applicant shall submit a completed application and Site Plan with applicable fees and other supporting documentation or details as indicated by the Planning Director.
- 2. Upon receipt of a completed application and Site Plan, the Planning Director or their designee, will review the application and make a determination to approve, approve with conditions, or deny application.

E. Standards.

- 1. When considering applications for a special use permit, the Planning Director or their designee shall, on the basis of the Site Plan and other information submitted, evaluate the impact of the special use on, and the compatibility of the use with, surrounding properties and neighborhoods to ensure the appropriateness of the use at a particular location. The Planning Director or their designee shall specifically consider the extent to which:
 - a. The use will not cause an adverse impact on adjacent property or properties in the area.
 - b. The use will be in compliance with the Comprehensive Plan, Zoning Ordinance, and the laws of the city.
 - c. Any conditions placed upon the use will mitigate potential adverse impacts on the area and conditions as outlined in the special use permit additionally may include:
 - 1. Architectural compatibility of buildings.
 - 2. Adequate ingress and egress to property and proposed structures thereon with reference to vehicular and pedestrian safety and convenience.
 - 3. Off-street parking and loading areas.
 - 4. Refuse and service areas.
 - 5. Area or security lighting.
 - 6. Protective screening, landscaping, and open space.
 - 7. Intensity of the use.
 - 8. Adequate traffic circulation required to contain all stacking activity on the site.
 - d. The use is harmonious with the character of the surrounding neighborhood.
 - e. No variances, special exceptions, or waivers will be considered or granted unless specifically allowed by the zoning regulations without prior approval from Zoning Board of Adjustment or City Council.

- f. All conditions shall be set forth in writing and provided upon issuance of a special use permit. In granting a special use permit, the Planning Director may impose conditions which shall be complied with by the applicant/occupant before a certificate of occupancy may be issued by the Building Official.
 - F. **Enlargement, Modification, or Structural Alteration.** Enlargements, modifications, structural alterations, or changes of more than ten percent 10% of the original special use permit will require the approval of a new special use permit.
- G. **Appeal.** The Zoning Board of Adjustment shall not have jurisdiction to hear, review, reverse, or modify any decision, determination, or ruling with respect to the special land use designated by any special use permit. All appeals will follow the conditional use permit procedure for notifications and will be heard and be given a recommendation by the Planning and Zoning Commission and the final determination will be made by the City Council based on the standards established in this section.

SEC. 12-2-104. CONDITIONAL USE PERMIT

Contents of Section:

- A. Purpose.
- B. Applicability
- C. Effect.
- D. Procedures.
- E. Standards.

A. Purpose. To allow the establishment of uses which may be suitable only in certain locations in a zoning district or only when subject to detailed standards and conditions that assure compatibility with adjoining uses and may require from the applicant any plans, information, operational data, and expert evaluation concerning the location, function, and characteristics of the proposed use or buildings.

B. Applicability. A conditional use permit is required to use or develop property within city limits for any use designated as a conditional use in the zoning district in which the property is located.

C. Effect.

1. Approval of a conditional use permit shall authorize only the particular use for which the conditional use permit is issued.
2. No use authorized by a conditional use permit shall be enlarged, extended, or relocated, nor may the number of dwelling units be increased, unless application is made or approval of a new conditional use permit in accordance with the procedures set forth in this subsection.
3. Development of the use shall not be carried out until the applicant has secured all the permits and approvals required by these zoning regulations, the City Code of Ordinances, and any permits required by regional, state, and federal agencies.
4. If the use is abandoned or discontinued for one-hundred and eighty (180) consecutive days, then the terms of the conditional use permit are void.
5. The Zoning Board of Adjustment shall not have jurisdiction to hear, review, reverse, or modify any decision, determination, or ruling with respect to the specific land use designated by any conditional use permit.

D. Procedures.

1. Conditional use shall only be approved by the adoption of an ordinance following notice and hearing procedures herein.
2. Upon receipt of a recommendation from the Planning Director, the Planning and Zoning Commission shall conduct a public hearing in order to formulate its recommendations to the City Council on the conditional use permit application. Following the public hearing, the Planning and Zoning Commission shall recommend approval, approval subject to modification, denial of the proposal to the City Council, or tabling the application to gather additional information. If the appropriateness of the use cannot be assured at the location, the Planning and Zoning Commission shall recommend denial of the application as being incompatible with existing uses or with other uses permitted by right in the district.

3. The City Council shall be the final decision maker on applications for conditional use permits. Following a public hearing and consideration of the Planning and Zoning Commission recommendation, the City Council shall approve, modify, or deny the proposal for a conditional use permit in accordance with this ordinance. If the appropriateness of the use cannot be assured at the location, the application for conditional use permit shall be denied as being incompatible with existing uses or with other uses permitted by right in the zoning district.

E. Standards.

1. When considering applications for a conditional use permit, the Planning and Zoning Commission and the City Council shall, on the basis of the Site Plan and other information submitted, evaluate the impact of the conditional use on, and the compatibility of the use with, surrounding properties and neighborhoods to ensure the appropriateness of the use at a particular location. The Planning and Zoning Commission and the City Council shall specifically consider the extent to which:
 - a. The proposed use at the specified location is consistent with the policies embodied in the adopted Comprehensive Plan.
 - b. The proposed use is consistent with the general purpose and intent of the applicable zoning district regulations.
 - c. The proposed use meets all supplemental standards specifically applicable to the use as set forth in this ordinance.
 - d. The proposed use is compatible with and preserves the character and integrity of adjacent development and neighborhoods and, as required by the particular circumstances, includes improvements or modifications either on-site or within the public rights-of-way to mitigate development-related adverse impacts, including but not limited to:
 1. Adequate ingress and egress to property and proposed structures thereon with particular reference to vehicular and pedestrian safety and convenience and access in case of fire.
 2. Off-street parking and loading areas.
 3. Refuse and service areas.
 4. Utilities with reference to location, availability, and compatibility.
 5. Screening and buffering features to minimize visual impacts and/or set-backs from adjacent uses.
 6. Control of signs, if any, and proposed exterior lighting with reference to glare, traffic safety, economic effect, compatibility, and harmony with properties in the district.
 7. Required yards and open space.
 8. Height and bulk of structures.
 9. Hours of operation.
 10. Architectural exterior construction material and building design.

11. Roadway adjustments, traffic control devices or mechanisms, and access restrictions to control traffic flow or divert traffic as may be needed to reduce or eliminate development-generated traffic on neighborhood streets.
 - e. The proposed use is not materially detrimental to the public health, safety, convenience, and welfare, and does not result in material damage or prejudice to other property in the vicinity.
 - f. When a conditional use permit is requested for remodel of a nonconforming, nonresidential use, the applicant shall bear the burden of demonstrating that the proposed work will improve the nonconformity with respect to the aforementioned standards. Any nonconformity that is approved to be enlarged, changed, altered, or repaired must also adhere to any supplemental conditional use standards as outlined within the applicable regulations for that zoning district.
2. In approving the application, the Planning and Zoning Commission may recommend, and the City Council shall impose, such conditions as are reasonably necessary to assure compliance with these standards and the purpose and intent of this subsection, in accordance with the procedures in this ordinance. Any conditions imposed shall be set forth in the ordinance approving the conditional use. The city shall maintain a record of such approved conditional uses and conditions attached thereto.
3. The foregoing standards of development shall not be subject to variances that otherwise could be granted by the Zoning Board of Adjustment, nor may conditions imposed by the City Council subsequently be waived or varied by the Zoning Board of Adjustment.
- F. *Amendment.* No proposed or existing building, premise, or land use authorized as a conditional use may be established, enlarged, modified, structurally altered, or otherwise changed from that approved in the conditional use permit, unless such amendment is authorized in accordance with the standards and procedures set forth in this subsection, and the conditional use permit is amended accordingly.

SEC. 12-2-105. - NONCONFORMITIES

Contents of Section:

- A. Scope.
 - B. Purpose.
 - C. Rules of Nonconformity
 - D. Repairs and Maintenance.
 - E. Amortization
- A. Scope.** A nonconformity is a structure, sign, use, lot, or any other site feature that was lawful when established but does not meet current zoning ordinances or becomes noncompliant with current zoning regulations by subsequent amendments to this ordinance or by other governmental action. The date of nonconformity shall be the first date the prior lawful use was made noncompliant by the adoption of the revised zoning regulations or by governmental action.
- B. Purpose.** It is the purpose of this ordinance that nonconformities shall be eventually discontinued and the use of such premises shall be required to conform to the regulations prescribed herein, having due regard for the investment in such nonconformity.
- C. Rules of Nonconformity.** Where a nonconformity exists at the effective date of adoption of this ordinance, the nonconformity may be continued so long as it remains otherwise lawful, subject to the provisions in this section. Except as hereinafter provided, no nonconformity of any type, shall be enlarged, changed, altered, or repaired, except in conformity with the regulations in this section.
1. Nothing in this ordinance shall be interpreted as authorization for, or approval of, the continuance of the use of land, a lot, or any building or other structure, that was in violation of a zoning regulation in effect at the time of construction or commencement of the use. Any land use, structure or lot established in violation of the provisions of this ordinance, any prior zoning ordinance, or any subsequent amendments to this ordinance, shall not be considered a legal nonconformity and shall not be entitled to the provisions, remedies, and safeguards provided by this section. The owner shall bear the burden of proof and production to establish that the nonconformity was conforming with the zoning regulations in effect at the time of construction or commencement of the nonconforming status.
 2. No structure, which has been damaged by any casualty, act of God, or public enemy, to the extent of more than fifty percent (50%) of the fair market value of the structure, shall be restored, except in conformity with all city rules and regulations, including this zoning ordinance. Should there be question as to the structural value, the same shall be determined by three (3) appraisers, one of whom shall be selected by the Governing Body, one by the owner and the third by the two so appointed. The decision of the appraisers or a majority of them shall be final and binding upon all concerned for the purpose of determining whether

the damaged property may be restored. The cost of such appraisals shall be paid by the property owner.

3. To maintain its nonconforming status, a nonconformity must remain in regular and continuous use. If any nonconformity shall be discontinued or abandoned such use shall not be resumed, and any subsequent use of the property shall conform to the regulations specified by this ordinance for the district in which such property is located. Discontinuance or Abandonment occurs when there is a closure or cessation of a use or occupancy of a structure for a period of 180 consecutive days, irrespective of whether the owner has an intent to abandon the use.

D. Repairs and Maintenance.

1. Routine maintenance and repair may be permitted unless the property is deemed or declared to be unsafe by the Building Official. Such repairs shall not be construed to mean major remodeling, restoration or replacement. Such repairs will not usually extend the life of the structure and will not exceed \$5000 or 10% of the total appraised value by the Parker County Appraisal District, whichever is greater. Such repairs shall not increase the degree of nonconformance. The maintenance and repair of any structure under these circumstances shall not be a basis to extend the life of the nonconformity and shall not be considered for purposes of allowing the owner a reasonable opportunity to recoup their original investment.
2. Remodeling may be permitted for residential structures by the Planning Director as long as it does not increase the degree of nonconformance, and the remodeled portion conforms with all applicable City Codes and Regulations. Remodeling may be permitted for nonresidential uses by Conditional Use Permit only as outlined in these regulations.

E. Amortization.

1. *Determination.* The Board of Adjustment shall, from time to time, on its own motion, or upon direction of the City Council, inquire into the existence, continuation or maintenance of any nonconformity within the City. If the Board of Adjustment or the City Council determines that amortization of a nonconformity is appropriate, the board shall take specific action to abate, remove, limit or terminate any nonconformity under a reasonable plan whereby the owner's investment in the nonconformity can be recouped through amortization over a definite period of time, taking into consideration the general character of the neighborhood and the necessity for all property to conform to the regulations of this ordinance.

2. *Public Hearing.* The Board of Adjustment shall conduct a hearing for the purpose of determining a date certain for termination of the nonconformity or removal of the nonconforming structure, or both, with respect to the property. At least ten (10) days prior notice of such hearing shall be given to the property owner.
3. *Effective Date.* The date established for termination of the nonconformity or removal of the nonconforming structure shall give the property owner a reasonable opportunity to recover its investment in the nonconformity from the date of nonconformity. The Board of Adjustment may order the immediate termination of a nonconformity if the Board determines that the owner's investment in the nonconformity has been recouped through amortization over time. Alternatively, if the Board determines that the owner's investment in the nonconformity has not been recouped through amortization at the time of the hearing, the Board may order the termination of the nonconformity on such future date by which the Board determines the owner's investment in the nonconformity will be recouped through amortization.
4. *Recoupment of Investment.* The Board of Adjustment shall measure the reasonableness of the opportunity for recoupment of the property owner's investment by conditions existing on the date of nonconformity.
5. *Factors.* The following factors shall be considered by the Board of Adjustment in determining a reasonable amortization period:
 - i. The owner's capital investment in structures, fixed equipment, and other assets that cannot reasonably be used in conformance with the zoning district regulations (excluding inventory and other assets that may be feasibly transferred to another site) made on the property before the date of nonconformity. Costs of replacements, improvements or additions made after the date of nonconformity shall not be included. Costs of the land or structures that reasonably can be used for a conforming use shall not be included.
 - ii. Any costs that are directly attributable to the establishment of a compliance date, including demolition expenses and relocation expenses.
 - iii. Any return on or recovery of investment, including net income and depreciation, and any profit or loss realized on the investment, and whether a reasonable period of time has been given for the recoupment of investment based on standard practices in the industry.
 - iv. General character of the neighborhood in proximity to the nonconformity; any adverse impacts, including diminishment of value, of

the nonconformity on the surrounding property and neighborhood if the nonconformity were to continue; the property rights both of the owner of the nonconformity and the owners of adjacent and nearby properties; and the desirability for all property within the city to conform to the regulations of the zoning ordinance.

6. *Burden of Proof.* The City will bear the burden of proof and persuasion on the desirability for all property to conform to the regulations of the zoning ordinance, the general character of the neighborhood in proximity to the nonconformity, the adverse impacts, if any, of the nonconformity on the surrounding property and neighborhood, and the property rights of the owners of adjacent and nearby properties. The owner of the nonconformity will bear the burden of proof and persuasion on the owner's property rights, the investment of the owner in the nonconformity, and any return on or recovery of investment, including net income and depreciation, and any profit or loss realized on the investment in the nonconformity.
7. *Compliance.* Once the Board of Adjustment establishes a compliance date for a nonconformity, the use must cease operations on or before that date and it may not operate thereafter except in compliance with the applicable zoning district regulations.
8. *Removal of Structures.* If the Board of Adjustment establishes a termination date for a nonconforming structure, the structure must be completely removed from the property by that date, by demolition or otherwise, and such structure may not be reconstructed or relocated in any other location in the city where it would not be in conformance with all provisions of the zoning ordinance.

CHAPTER 3 – ZONING DISTRICTS

SEC. 12-3-100 “AG” AGRICULTURE

Contents of Section:

- A. Purpose.
- B. Permitted Uses.
- C. Special Uses.
- D. Conditional Uses.
- E. Design Standards.

A. Purpose.

The Agriculture (AG) district is established for purpose of regulating existing country living and open areas that are desirable to single-family detached homes and agricultural pursuits. This land use district allows for a range of agricultural pursuits, including the sale of agriculture products raised on the premises. In the AG district, no building or premises shall be used, configured, erected, or altered except in conformity with the following use, area, height regulations, and specific conditional and special uses. This district is used in areas designated in the General Plan as Cluster Residential, Rural Living, and Ranching and Agricultural.

B. Permitted Uses.

Permitted Uses		
A-F	G-N	O-Z
All Agricultural Uses – including a farm dwelling and accessory buildings Cemetery and/or Mausoleum Childcare Home – licensed and registered Church/Temple/Place of Worship/Rectory/Parsonage Community Home	Group Home – with four (4) or less residents living as one (1) housekeeping unit Hobby Farm – garden, crops, orchard, vineyard, ranch, greenhouse, livestock, stable	Park and/or Playground Registered Family Home – with six (6) or less full-time children (child care in place of residence) School – K-12

C. Special Uses.

Special Uses		
A-F	G-N	O-Z
Concrete or Asphalt Mixing/Batching Plant – temporary Day Care	Golf Course Government Building or Use Private Utility Facilities or Electrical Substation	Orphanage School – college or university Veterinarian Clinic – indoor kennels, minimum lot size two (2) acres

D. Conditional Uses.

Conditional Uses		
A-F	G-N	O-Z
Accessory Dwelling/Security Guard Residence – non-rental Amusement/Recreation, Commercial – minimum lot size two (2) acres Bed and Breakfast Inn/Boarding/Rooming House Commercial, Non-municipal Treatment Plant and/or Storage Facilities Feedlot, Cattle, Swine, or Poultry – minimum lot size ten (10) acres Food and Grain Store / Farm Supply Store	Greenhouse, Plant Farm Nursery – wholesale, minimum lot size ten (10) acres Livestock and Large Animal Clinic/ Veterinarian – minimum lot size two (2) acres Mining/Mineral Extraction – surface exploration and extraction of hydrocarbons (non-drilling), minimum lot size ten (10) acres	Rehabilitation Care Facility – halfway house Shelter/Care Facility Taxidermist Tower – radio, television, and communications towers Transfer Station – refuse/pick-up Veterinarian Clinic – outdoor kennels or pens, minimum lot size 2 acres Winery

E. Design Standards.

1. Height Regulations.

a. No structure shall exceed:

1. 45 feet in height for the main building/house.
2. 50 feet for agricultural structures (e.g., barns, silos, water towers, windmills).
3. A conditional use permit may be issued for agricultural structures greater than 50 feet in height.

2. Area and Yard Regulations.

a. Front Yard.

1. In all locations where setback lines are shown on a recorded plat, the minimum setback or front yard shall be as shown on the plat, however the minimum setback shall be no less than 50 feet.
2. No accessory structures shall be located in front yards.

b. Side Yard.

1. In all locations where setback lines, are shown on a recorded plat the minimum side yard shall be as shown on the plat, however the minimum setback shall be no less than 20 feet.

c. Rear Yard.

1. There shall be a rear yard with a depth of not less than 25 feet.

3. Lot Area.

1. The lot area shall be no less than 2 acres.

SEC. 12-3-200 “RE” RESIDENTIAL ESTATE

Contents of Section:

- A. Purpose.
- B. Permitted Uses.
- C. Special Uses.
- D. Conditional Uses.
- E. Design Standards.

A. Purpose. The Residential Estate (RE district) is established for the purpose of regulating large lot, single-family residential detached homes, compatible accessory uses, certain public facilities, and specific conditional and special uses. This district is also designed to protect and preserve existing development of similar character. In the RE district, no building or premises shall be used, configured, erected, or altered except in conformity with the following use, area, and height regulations. This district is used in areas designated in the General Plan as Suburban Living, Estate Residential, Cluster Residential, Ranching and Agricultural.

B. Permitted Uses.

Permitted Uses		
A-F	G-N	O-Z
Accessory Residential Use Building/Structure – subordinate in height, size and area to the primary structure Childcare Home – licensed and registered Church/Temple/Place of Worship/Rectory/Parsonage Community Home Customary Accessory Uses – located on the same lot with a principle use and which do not include activity or use unrelated to the principle use	Group Home – with four (4) or less residents living as one (1) housekeeping unit Hobby Farm – garden, crops, orchard, vineyard, ranch, greenhouse, livestock, stable	School – K-12 Swimming Pool – private, use by membership

C. Special Uses.

Special Uses		
A-F	G-N	O-Z
Accessory Dwelling Unit – subordinate in height, size and area to the primary structure	Golf Course Government Building or Use	Private Utility Facilities or Electrical Substation

D. Conditional Uses.

Conditional Uses		
A-F	G-N	O-Z
<i>Bed and Breakfast Inn/ Boarding/Rooming House</i> <i>Cemetery and/or Mausoleum</i> <i>Civic/Community Center</i> <i>Country Club</i>	<i>Horse Riding Academy, Rental, Horse Racing, and/or Training</i>	<i>Park and/or Playground – private</i> <i>School – college or university</i> <i>Telephone Exchange/Switching Station</i>

E. Design Standards.

1. *Height Regulations.* No structure shall exceed 45 feet in height.
2. *Area and Yard Regulations.*
 - a. *Front Yard.*
 1. The front yard is determined as the yard that has the front door facing the street right-of-way, whether a public or private street.
 2. In all locations where setback lines are shown on a recorded plat, the minimum setback or front yard shall be as shown on the plat; however the minimum setback shall be no less than 20 feet.
 3. No accessory structures shall be located in front yards.
 - b. *Side Yard.*
 1. In all locations where setback lines are shown on a recorded plat, the minimum side yard shall be as shown on the plat; however the minimum setback shall be no less than 5 feet.
 2. There shall be a side yard on the street side of the structure of no less than 20 feet.
 - c. *Rear Yard.*
 1. There shall be a rear yard with a depth of not less than 20 feet from the main building.
3. *Lot Area.*
 - a. The lot area shall be no less than 21,000 square feet.
 - b. The minimum lot width shall be 100 feet.
 - c. The minimum lot depth shall be 210 feet.
4. *Front Entrance.*
 - a. The front entrance of the home must be forward of any front entry garage door.
5. *Garage Criteria.*
 - a. *Front Entry Garages.*
 1. Front loading garages shall have a minimum driveway depth of 36 feet.
 2. Front loading garages shall have a minimum driveway width of 20 feet.

b. Side Entry Garages.

1. Side entry garages shall have a minimum driveway depth of 24 feet.
2. Side entry garages shall have a minimum driveway width of 20 feet.
3. There shall be a side yard between the outside edge of the driveway and the property line of no less than 5 feet in width.
4. There shall be a minimum driveway width of 30 feet from the outside edge of the driveway to garage entrance to allow for sufficient turning radius and safe ingress/egress (Ref. Figure A).

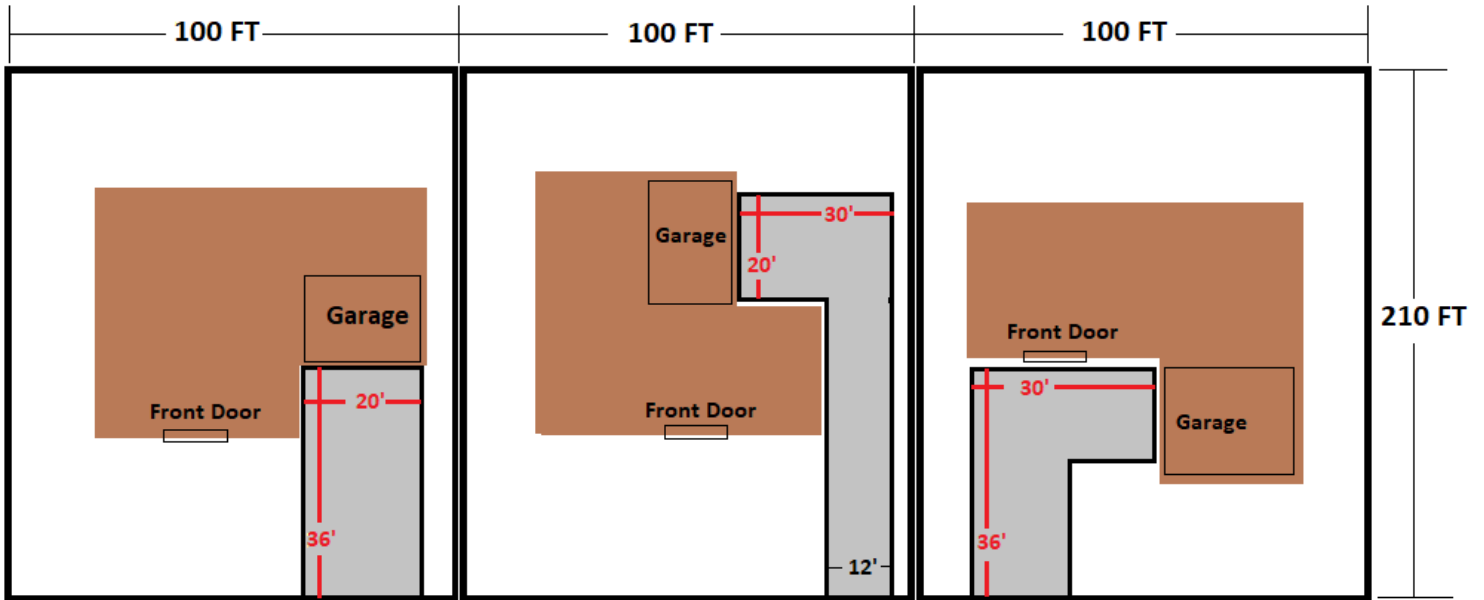


Figure A. Front Entry Garage example (left) and Side Entry Garage example (right).

c. Rear Entry Garages.

1. Rear entry garages shall have a minimum driveway depth of 24 feet.
2. Side entry garages shall have a minimum driveway width of 20 feet.
3. Rear entry garages should typically be associated with an alley entrance.

SEC. 12-3-201 “SF 8.5” SINGLE-FAMILY 8.5 RESIDENTIAL**Contents of Section:**

- A. Purpose.
- B. Permitted Uses.
- C. Special Uses.
- D. Conditional Uses.
- E. Design Standards.

A. Purpose. The Single-Family 8.5 Residential (SF 8.5) district is established for the purpose of new single-family subdivision developments of one-family detached dwellings and compatible accessory uses, certain public facilities, and specific conditional and special uses. This district is also designed to protect and preserve existing development and character of the neighborhood. In the SF 8.5 district, no building or premises shall be used, configured, erected, or altered except in conformity with the following use, area, and height regulations. This district is used in areas designated in the General Plan as Suburban Living and Cluster Residential.

B. Permitted Uses.

Permitted Uses		
A-B	C-F	G-Z
Accessory Residential Use Building/Structure – subordinate in height, size, and area to the primary structure	Childcare Home – licensed and registered Church/Temple/Place of Worship/Rector/Parsonage Community Home Customary Accessory Uses – located on the same lot with a principle use and which do not include activity or use unrelated to the principle use	Government Building or Use Group Home – with four (4) or less residents living as one (1) housekeeping unit Park and/or Playground School – college or university School – K-12 Swimming Pool – private, use by membership

C. Special Uses.

Special Uses		
A-F	G-N	O-Z
Accessory Dwelling Unit – subordinate in height, size, and area to the primary structure Cemetery and/or Mausoleum	Golf Course	Private Utility Facilities or Electrical Substation Telephone Exchange/Switching Station

D. Conditional Uses.

Conditional Uses		
A-F	G-N	O-Z
<i>Bed and Breakfast Inn/ Boarding/Rooming House</i> <i>Civic/Community Center</i> <i>Country Club</i>		

E. Design Standards.

1. Height Regulations.
 - a. 40 feet in height for the main building/house.
2. Area regulations.
 - a. *Front Entrance.*
 1. The front entrance of the home must be forward of any front entry garage door.
 - b. *Front Yard.*
 1. The front yard is determined as the yard that has the front door facing the street right-of-way whether a public or private street.
 2. In all locations where setback lines are shown on a recorded plat, the minimum setback or front yard shall be as shown on the plat, however the minimum setback shall be no less than 20 feet.
 3. No accessory structures shall be located in front yards.
 - c. *Side Yard.*
 1. In all locations where setback lines are shown on a recorded plat the minimum side yard shall be as shown on the plat, however the minimum setback shall be no less than 5 feet.
 2. There shall be a side yard on the street side of the structure of no less than 20 feet.
 - d. *Rear Yard.*
 1. There shall be a rear yard with a depth of not less than 20 feet for the main building.
 - e. *Lot Area.*
 1. The lot area shall be no less than 8,500 square feet.
 2. The minimum lot width shall be 85 feet. Corner lots shall provide an additional 15 feet in width.
 3. The minimum lot depth shall be 100 feet.
 - f. *Garage Criteria.* A two (2) car garage is required.
 1. Front Entry Garages.
 1. Front loading garages shall have a minimum driveway depth of 36 feet.
 2. Front loading garages shall have a minimum driveway width of 20 feet.

2. Side Entry Garages.

1. Side entry garages shall have a minimum driveway depth of 24 feet.
2. Side entry garages shall have a minimum driveway width of 20 feet.
3. There shall a side yard between the outside edge of the driveway and the property line of no less than 5 feet in width.
4. There shall be a minimum driveway width of 30 feet from the outside edge of the driveway to garage entrance to allow for sufficient turning radius and safe ingress/egress (Ref. Figure B).
5. Side entry garages may be single car garages.

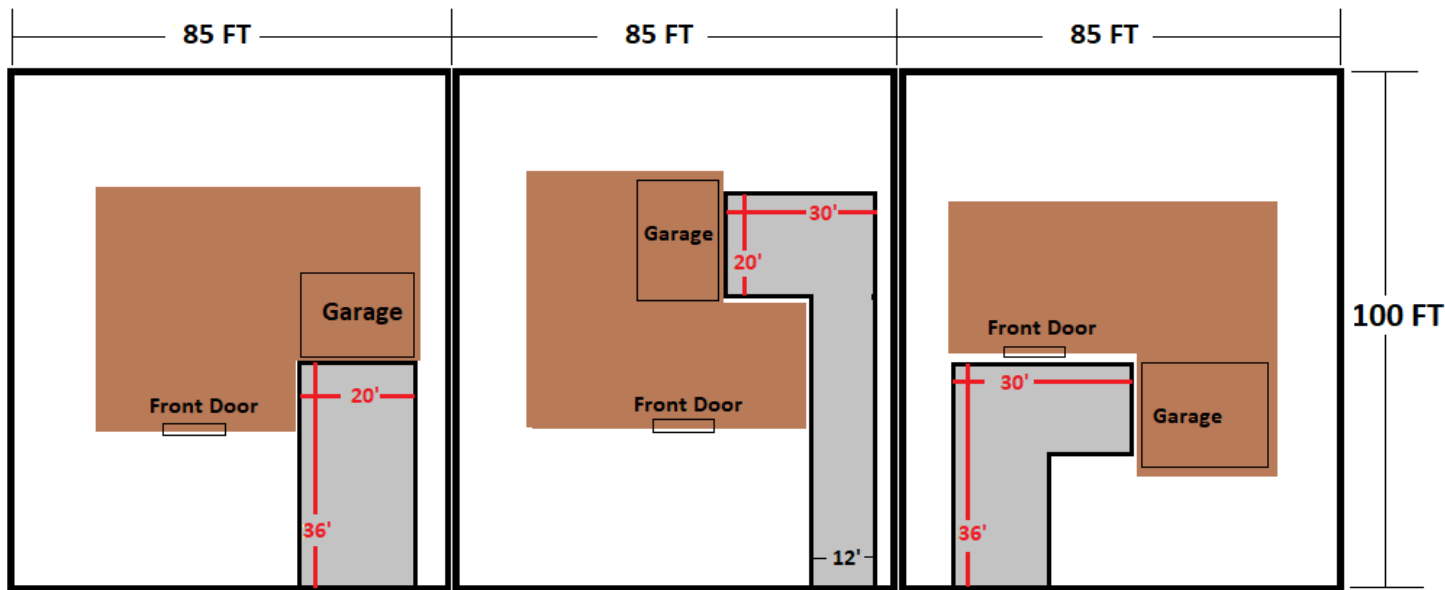


Figure B. Front Entry Garage example (left) and Side Entry Garage example (right).

3. Rear Entry Garages.

- a. Rear entry garage shall have a minimum driveway depth of 24 feet.
- b. Side entry garages shall have a minimum driveway width of 20 feet.
- c. Rear entry garages should typically be associated with an alley entrance.

SEC. 12-3-202 “SF 7.5” SINGLE-FAMILY 7.5 RESIDENTIAL

Contents of Section:

- A. Purpose.
- B. Permitted Uses.
- C. Special Uses.
- D. Conditional Uses.
- E. Design Standards.

A. Purpose. The Single-Family 7.5 Residential (SF 7.5) district is established for the purpose of new single-family subdivision developments of one-family detached dwellings and compatible accessory uses, certain public facilities, and specific conditional and special uses. This district is also designed to protect and preserve the existing development and character of a neighborhood. In the SF 7.5 district, no building or premises shall be used, configured, erected or altered except in conformity with the following use, area, and height regulations. This district is used in areas designated in the General Plan as Suburban Living and Cluster Residential.

B. Permitted Uses.

Permitted Uses		
A-B	C-F	G-Z
Accessory Residential Use Building/Structure – subordinate in height, size, and area to the primary structure	Childcare Home – licensed and registered Church/Temple/Place of Worship/Rectory/Parsonage Community Home Customary Accessory Uses – located on the same lot with a principle use and which do not include activity or use unrelated to the principle use	Government Building or Use Group Home – with four (4) or less residents living as one (1) housekeeping unit Park and/or Playground School – college or university School – K-12 Swimming Pool – private, use by membership

C. Special Uses.

Special Uses		
A-B	C-N	O-Z
Accessory Dwelling Unit – subordinate in height, size, and area to the primary structure	Cemetery and/or Mausoleum Golf Course	Telephone Exchange/Switching Station

D. Conditional Uses.

Conditional Uses		
A-B	C-N	O-Z
<i>Bed and Breakfast Inn/ Boarding/Rooming House</i>	<i>Civic/Community Center Country Club</i>	

E. Design Standards.

1. *Height Regulations.*

1. 40 feet in height for main building/house.

2. *Area and Yard Regulations.*

a. *Front Yard.*

1. The front yard is determined as the yard that has the front door facing the street right-of-way, whether a public or private street.
2. In all locations where setback lines are shown on a recorded plat, the minimum setback or front yard shall be as shown on the plat, however the minimum setback shall be no less than 20 feet.
3. No accessory structures shall be located in front yards.

b. *Side Yard.*

1. In all locations where setback lines are shown on a recorded plat, the minimum side yard shall be as shown on the plat, however the minimum setback shall be no less than 5 feet.
2. There shall be a side yard on the street side of the structure of no less than 20 feet.

c. *Rear Yard.*

1. There shall be a rear yard with a depth of not less than 20 feet from the main building.

3. *Lot Area.*

- a. The lot area shall be no less than 7,500 square feet.
- b. The minimum lot width shall be 75 feet. Corner lots shall provide an additional 15 feet in width.
- c. The minimum lot depth shall be 100 feet.

4. *Front Entrance.*

- a. The front entrance of the home must be forward of any garage door.

5. *Garage Criteria.* A two (2) car garage is required.

a. *Front Entry Garages.*

1. Front loading garages shall have a minimum driveway depth of 36 feet.
2. Front loading garages shall have a minimum driveway width of 20 feet.

b. Side Entry Garages.

1. Side entry garages shall have a minimum driveway depth of 24 feet.
2. Side entry garages shall have a minimum driveway width of 20 feet.
3. There shall be a side yard between the outside edge of the driveway and the property line of no less than 5 feet in width.
4. There shall be a minimum driveway width of 30 feet from the outside edge of the driveway to garage entrance to allow for sufficient turning radius and safe ingress/egress (Ref. Figure C).
5. Side entry garages may be single car garages.

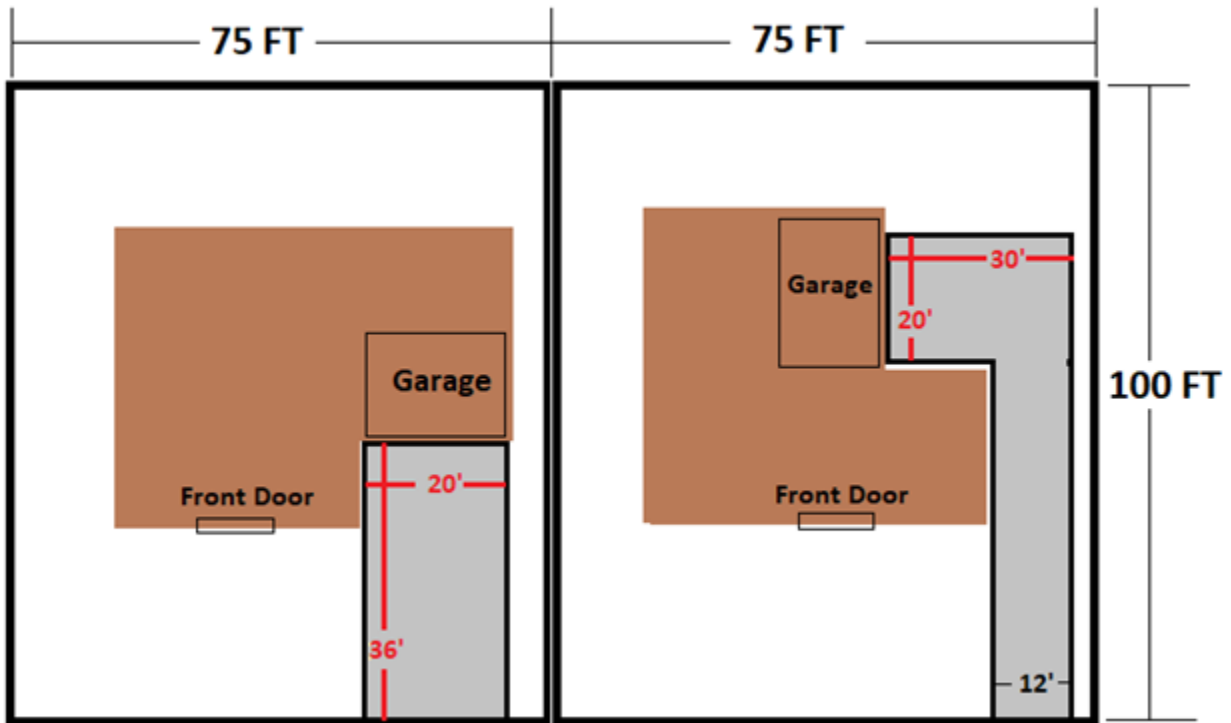


Figure C. Front Entry Garage example (left) and Side Entry Garage example (right)

c. Rear Entry Garages.

1. Rear entry garage shall have a minimum driveway depth of 24 feet.
2. Side entry garages shall have a minimum driveway width of 20 feet.
3. Rear entry garages should typically be associated with an alley entrance.

SEC. 12-3-203 “R1” ONE-FAMILY RESIDENTIAL

Contents of Section:

- A. Purpose.
- B. Permitted Uses.
- C. Special Uses.
- D. Conditional Uses.
- E. Design Standards.

A. Purpose.

The One-Family Residential (R1) district is established for the purpose of single-family residential detached homes, compatible accessory uses, certain public facilities, and specific conditional and special uses. This district is also designed to protect and preserve existing development of similar character. In the R1 district, no building or premises shall be used, configured, erected, or altered except in conformity with the following use, area, and height regulations. This district is used in areas designated in the General Plan as Urban Living, Entertainment Center.

B. Permitted Uses.

Permitted Uses		
A-B	C-F	G-Z
Accessory Residential Use Building/Structure – subordinate in height, size, and area to the primary structure	Childcare Home – licensed and registered Church/Temple/Place of Worship/Rectory/Parsonage Community Home Customary Accessory Uses – located on the same lot with a principle use and which do not include activity or uses unrelated to the principle use	Group Home – with four (4) or less residents living as one (1) housekeeping unit Park and/or Playground School – K-12 Swimming Pool – private, use by membership

C. Special Uses.

Special Uses		
A-F	G-N	O-Z
Accessory Dwelling Unit – subordinate in height, size, and area to the primary structure	Golf Course Government Building or Use	Private Utility Facilities or Electrical Substation

D. Conditional Uses.

Conditional Uses		
A-B	C-N	O-Z
<i>Bed and Breakfast Inn/ Boarding/Rooming House</i>	<i>Cemetery and/or Mausoleum Civic/Community Center Country Club</i>	<i>School – college or university Telephone Exchange/Switching Station</i>

E. Design Standards.

1. *Height Regulations.*
 - a. No structure shall exceed 35 feet in height.
2. *Area and Yard Regulations.*
 - a. *Front Yard.*
 1. The front yard is determined as the yard that has the front door facing the street right-of-way, whether a public or private street.
 2. In all locations where setback lines are shown on a recorded plat, the minimum setback or front yard shall be as shown on the plat; however, the minimum setback shall be no less than 20 feet.
 3. No accessory structures shall be located in front yards.
 - b. *Side Yard.*
 1. In all locations where setback lines are shown on a recorded plat, the minimum side yard shall be as shown on the plat; however, the minimum setback shall be no less than 5 feet.
 2. There shall be a side yard on the street side of the structure of no less than 15 feet.
 - c. *Rear Yard.*
 1. There shall be a rear yard with a depth of not less than 15 feet from the main building.
3. *Lot Area.*
 - a. The lot area shall be no less than 6,000 square feet.
 - b. The minimum lot width shall be 60 feet. Corner lots shall provide an additional 15 feet in width.
 - c. The minimum lot depth shall be 100 feet.
4. *Garage.* A two (2) car garage is required. For lots with less than fifty (50) feet of frontage a single car garage may be approved by the Director.

SEC. 12-3-204 "R2" TWO-FAMILY RESIDENTIAL

Contents of Section:

- A. Purpose.
- B. Permitted Uses.
- C. Special Uses.
- D. Conditional Uses.
- E. Design Standards.

A. Purpose.

The Two-Family Residential (R2) district is established for the purpose of one-family residential, two-family residential attached homes, commonly referred to as duplexes, townhouse compatible accessory uses, certain public facilities, and specific conditional uses. This district is also designed to protect and preserve existing development of similar character. In the R2 district, no building or premises shall be used, configured, erected, or altered except in conformity with the following use, area, and height regulations. This district is a legacy district that is not intended to be added to or expanded. No additional rezoning applications will be considered for rezoning to this district from the adoption of this regulation.

B. Permitted Uses.

Permitted Uses		
A-B	C-F	G-Z
Accessory Residential Use Building/Structure – subordinate in height, size, and area to the primary structure	Childcare Home – licensed and registered Church/Temple/Place of Worship/Rectory/Parsonage Community Home Customary Accessory Uses – located on the same lot with a principle use and which do not include activity or use unrelated to the principle use	Group Home – with four (4) or less residents living as one (1) housekeeping unit Park and/or Playground Registered Family Home – with six (6) or less full-time children School – K-12 Swimming Pool – private, use by membership

C. Special Uses.

Special Uses		
A-F	G-N	O-Z
Accessory Dwelling Unit – subordinate in height, size, and area to the primary structure	Golf Course Government Building or Use	Private Utility Facilities or Electrical Substation

D. Conditional Uses.

Conditional Uses		
A-B	C-N	O-Z
<i>Bed and Breakfast Inn/ Boarding/Rooming House</i>	<i>Cemetery and/or Mausoleum Civic/Community Center Country Club</i>	<i>School – college or university Telephone Exchange/Switching Station</i>

E. Design Standards.

1. Height Regulations.

- a. No structure shall exceed 35 feet in height.

2. Area and Yard Regulations – One-family Detached Lots.

a. Front Yard.

1. In all locations where setback lines are shown on a recorded plat, the minimum setback or front yard shall be as shown on the plat; however, the minimum setback shall be no less than 25 feet.
2. No accessory structures shall be located in front yards.

b. Side Yard.

1. In all other locations there shall be a side yard on each side of the structures of no less than 5 feet in width.
2. The minimum side yard setback to a street shall be 15 feet.

c. Rear Yard.

1. There shall be a rear yard with a depth of not less than 25 feet for the main building.

d. Lot Area.

1. The lot area shall be no less than 8,400 square feet.
2. The minimum lot width shall be 70 feet. Corner lots shall provide an additional 15 feet in width.
3. The minimum lot depth shall be 110 feet.

3. Area and Yard Regulations – One-family Attached Lots.

a. Front Yard.

1. In all other locations the minimum front yard setback shall be 15 feet for main building and 20 feet with front-facing garage.
2. No accessory structures shall be located in front yards.

b. Side Yard.

1. *Zero lot line patio home.* There shall be a minimum interior side yard on one side of the structure(s) of no less than 10 feet in width. The adjacent side shall have a side yard of zero feet.

2. *Townhouse.* There shall be a side yard of zero feet in width where the units join.
 3. The minimum side yard setback to a street shall be 15 feet.
- c. *Rear Yard.*
 1. There shall be a rear yard with a depth of not less than 20 feet for the main building or rear-facing garage.
- d. *Lot Area.*
 1. The lot area shall be no less than 4,200 square feet.
 2. The minimum lot width shall be 35 feet. Corner lots shall provide an additional 15 feet in width.
 3. The minimum lot depth shall be 110 feet.
4. *Area and Yard Regulations – Two-family Lots.*
 - a. *Front Yard.*
 1. In all other locations, the minimum front yard setback shall be 25 feet.
 2. No accessory structures shall be located in front yards.
 - b. *Side Yard.*
 1. In all other locations, there shall be a side yard on each side of the structures of no less than 5 feet in width.
 2. The minimum side yard setback to a street shall be 15 feet.
 - c. *Rear Yard.*
 1. There shall be a rear yard with a depth of not less than 25 feet for the main building.
 - d. *Lot Area.*
 1. The lot area shall be no less than 8,400 square feet for each two-family lot (4,200 square feet minimum for each dwelling unit).
 2. The minimum lot width shall be 70 feet for each two-family lot (35 feet minimum for each dwelling unit). Corner lots shall provide an additional 15 feet in width.
 3. The minimum lot depth shall be 110 feet.

SEC. 12-3-205 “R3” MULTIFAMILY RESIDENTIAL

Contents of Section:

- A. Purpose.
- B. Permitted Uses.
- C. Conditional Uses.
- D. Design Standards.

A. Purpose.

The Multifamily Residential (R3) district is established for the purpose of one-family attached dwellings (townhomes, patio homes), two-family, and multifamily dwellings (duplexes, triplexes, fourplexes/quads, cottage housing, and apartments), along with compatible accessory, special, and conditional uses. This district is also designed to protect and preserve existing developments of similar character. In the R3 district, no building or premises shall be used, configured, erected, or altered except in conformity with the following use, area, and height regulations. This district is used in areas designated in the General Plan as Urban Living, Entertainment Center, and Regional Activity Center.

B. Permitted Uses.

Permitted Uses		
A-F	G-N	O-Z
<i>Accessory Residential Use Building/Structure</i> <i>Church/Temple/Place of Worship/Rectory/Parsonage</i> <i>Civic/Community Center</i>	<i>Government Building or Use</i> <i>Group Home</i> – with four (4) or less residents living as one (1) housekeeping unit	<i>Park and/or Playground</i> <i>Registered Family Home</i> – with six (6) or less full-time children <i>School</i> – K-12 <i>Swimming Pool</i> – private, use by membership

C. Conditional Uses.

Conditional Uses		
A-F	G-N	O-Z
<i>Bed and Breakfast Inn/Boarding/Rooming House</i>		<i>Private Utility Facilities or Electrical Substation</i> <i>Telephone Exchange/Switching Station</i>

D. Design Standards.

1. Lots containing four dwellings or fewer (one-family attached, duplex, triplex, fourplex/quad).
 - a. *Height Regulations.*
 1. Primary structures (i.e., structures containing dwelling units) shall not exceed 45 feet in height for the main building/house.
 - b. *Area and Yard Regulations.*

1. *Setback from Streets.*

- a. In all locations adjacent to existing or future local or collector streets, primary structures shall be set back a minimum of 25 feet from the right-of-way.
- b. In all locations adjacent to existing or future arterial streets, primary structures shall be set back a minimum of 50 feet from the right-of-way.

2. *Front Yard.*

- a. The required front yard setback shall be no less than 25 feet.
- b. In no case shall the minimum front yard setback be reduced to less than building lines, setback lines, or front yard lines shown on a recorded plat.

3. *Side Yard.*

- a. For attached one-family dwellings, no minimum side yard setback is required where the units join.
- b. The side yard setback adjacent to any property zoned for one-family detached residential use or containing an existing one-family detached dwelling shall be a minimum of 15 feet.
- c. In all other locations, the side yard setback shall be a minimum of 5 feet.
- d. In no case shall the minimum side yard setback be reduced to less than building lines, setback lines, or side yard lines shown on a recorded plat.

4. *Rear Yard.*

- a. The rear yard setback adjacent to any property zoned for one-family detached residential use or containing an existing one-family detached dwelling shall be a minimum of 25 feet.
- b. In all other locations, the rear yard setback shall be a minimum of 15 feet.
- c. In no case shall the minimum rear yard setback be reduced to less than building lines, setback lines, or rear yard lines shown on a recorded plat.

5. *Lot Area.*

- a. The lot area shall be a minimum of 3,500 square feet for each dwelling unit.
- b. The minimum lot width shall be 35 feet for one-family attached dwellings and 70 feet for duplex, triplex, or fourplex/quad dwellings. Corner lots shall provide an additional 15 feet in width.
- c. The minimum lot depth shall be 100 feet.

6. *Accessory Structures.*

- a. Accessory structures shall be subordinate in height and floor area to all primary structures, may not be located in front yards, and shall be set back a minimum of 5 feet from side and rear lot lines.

2. Lots containing five dwellings or greater (apartments, cottage housing).

a. *Height Regulations.*

- 1. Primary structures (i.e., structures containing dwelling units) shall not exceed 3 stories or 45 feet in height, except a structure may exceed this limit up to a maximum of 4

stories or 60 feet in height provided it is set back a distance equal to or greater than the building height from any adjacent property zoned for one-family residential use or containing an existing one-family dwelling.

b. *Setback from Streets.*

1. In all locations adjacent to existing or future local or collector streets, primary structures shall be set back a minimum of 25 feet from the right-of-way.
2. In all locations adjacent to existing or future arterial streets, primary structures shall be set back a minimum of 50 feet from the right-of-way.

c. *Front Yard.*

1. The required front yard setback shall be no less than the following, based on the height of primary structures:
 - a. One or two stories: 25 feet.
 - b. Three or four stories: 35 feet.
 - c. In no case shall the minimum front yard setback be reduced to less than building lines, setback lines, or front yard lines shown on a recorded plat.

d. *Side and Rear Yards.*

1. Structures up to 45 feet in height shall be set back a minimum of 25 feet from any adjacent property zoned for one-family residential use or containing an existing one-family dwelling.
2. Structures exceeding 45 feet in height shall be set back a distance equal to or greater than the building height from any adjacent property zoned for one-family residential use or containing an existing one-family dwelling.
3. In all other locations, the side and rear yard shall be a minimum of 15 feet.
4. In no case shall the minimum side or rear yard setback be reduced to less than building lines, setback lines, or side or rear yard lines shown on a recorded plat.

e. *Accessory Buildings.*

1. Accessory buildings including detached garages, carports, clubhouses, gazebos, recreational facilities, mail kiosks, laundry facilities, and maintenance sheds shall not exceed 25 feet in height, may not be located in front yards, and shall be set back a minimum of 5 feet from side and rear lot lines.

f. *Lot Area.*

1. The lot area shall be no less than 11,000 square feet.
2. The minimum lot width shall be 100 feet.
3. The minimum lot depth shall be 110 feet.
4. The maximum density shall be 30 units per acre.

g. *Building Features.*

1. Buildings shall not exceed 200 feet in length.
2. Horizontal separation between units shall be double 2" x 4" stud walls with insulation and sound deadening with a minimum of 60 STC.

3. Ceiling/floor separation between units shall be poured gypcrete or other masonry type/sound deadening product.
- h. *Dwelling Unit Variety.*
1. One-bedroom and efficiency units may not exceed 50% of the total units.
 2. A minimum of 15% of units above the first 20 units shall be three-bedroom units.
 3. Minimum average living area:

Table 1. Minimum Average Living Area.

Unit Type	Minimum Floor Area	Average Floor Area
Efficiency	400	[none]
One-bedroom	600	700
Two-bedroom	700	800
Three-bedroom	1100	[none]

- i. *Dwelling Unit Features.*
1. All units shall have a clothes washer and dryer or connections for their installation.
 2. All units shall have a dishwasher and garbage disposal in the kitchen.
 3. All units shall have individual HVAC systems with central air conditioning and heat. Individual window units are not permitted.
- j. *Site Features.*
1. Security gates shall be provided at all entrances to a complex with two (2) or more buildings. A leasing office or any other areas open to the public shall provide standard parking and a turnaround outside of the gates. All gates shall be installed with an entry device approved by the Fire Department to facilitate emergency access.
 2. A main entrance feature consistent with the architectural and landscape themes of the development shall be provided.
 3. Green spaces, trails, playgrounds, pools, and other amenities shall be integrated into the multifamily development, be made accessible by walkable pathways, and be linked to a public sidewalk or the city's trail system.
 4. Community mail areas shall be contained within a building equipped with internal lighting.
 5. Refuse containers shall be provided within 600 feet of all dwelling units, shall be screened with a solid wall no less than 6 feet in height, and shall be located on concrete pads for pickup.
 6. Storage and utility areas shall be indoors or screened on all sides by a solid wall no less than 6 feet in height.
- k. *Amenities.*

1. For each 8 units, or portion thereof, in the development, an amenity approved by the director shall be provided. Amenities may include, but are not limited to, the following:
 - a. Community room or detached clubhouse with kitchen facilities.
 - b. Fitness center.
 - c. Swimming pool with covered deck areas or cabana.
 - d. Playground with equipment constructed, installed, and maintained to community park standards.
 - e. Paved trail a minimum of 6 feet in width, and 300 feet in length, and not immediately adjacent to parking areas or streets (except for connections to public sidewalks or internal walkways).
 - f. Community laundry center.
- l. *Off-street Parking and Access Requirements.*
 1. All required tenant parking spaces shall be provided within 600 feet of the dwelling units they will serve. Spaces shall be assigned to individual units.
 2. All tenant parking shall be located in rear or side yards of the primary structure(s), except as specifically allowed in the approved Site Plan. Visitor parking in front of the office or recreation/amenity center and outside of any security fencing is allowed.
 3. Tenant parking shall be enclosed or covered as follows:
 - a. A minimum of 15% of required tenant parking shall be enclosed in garages.
 - b. An additional 60% of required tenant parking shall be covered by carports.
 - c. Detached garages and carports shall be consistent in their construction with the primary dwelling structures.
 4. Boats, campers, trailers, and other recreational vehicles shall be prohibited unless oversize parking areas are provided in garage or carport structures and are entirely screened from view from any adjacent property and the public right-of-way. This parking area shall not be used to meet the minimum parking requirements.
 5. All parking areas, driveways, and vehicular circulation areas shall be constructed of concrete.
 6. All parking areas, driveways, and vehicular circulation areas shall have appropriate lighting and shall be positioned such that lights are shielded and do not adversely impact adjacent properties. All driveways shall be lighted from sunset to sunrise with a minimum intensity of 2 foot-candles' illumination. Lighting shall be of the same architectural style and character as the primary structures.
 7. Walkways shall be provided to meet all of the following specifications:
 - a. A walkway no less than 5 feet in width shall connect the front door of each ground floor unit (or each entrance to a structure with interior dwelling unit entries) to the parking area, to all community amenities, and to a public sidewalk.
 - b. Walkways installed to meet these requirements shall be constructed of concrete.
 - c. Walkways shall be illuminated from sunset to sunrise.

SEC. 12-3-206 “RL” RESIDENTIAL LAKE LOT

Contents of Section:

- A. Purpose.
- B. Permitted Uses.
- C. Special Uses.
- D. Conditional Uses.
- E. Development Standards for Manufactured Home Parks.
- F. Area Regulations.

A. Purpose.

The Residential Lake Lot (RL) district is established for the purpose of preserving the character and natural beauty of the Lake Weatherford area, and for the development of single-family detached dwellings, compatible uses, certain public facilities, and specific conditional uses. This district is also designed to protect and preserve the character of the area. In the RL district, no building or premises shall be used, configured, erected, or altered except in conformity with the following use, area, and height regulations, or as outline by any city issued license/lease agreement.

B. Permitted Uses.

Permitted Uses		
A-B	C-F	G-Z
Accessory Residential Use Building/Structure – subordinate in height, size, and area to the primary structure, including docks and decks	Childcare Home – licensed and registered Church/Temple/Place of Worship/Rectory/Parsonage Community Home Customary Accessory Uses – located on the same lot with a principle use and which do not include activity or use unrelated to the principle use	Group Home – with four (4) or less residents living as one (1) housekeeping unit Park and/or Playground School – K-12 Swimming Pool – private, use by membership

C. Special Uses.

Special Uses		
A-F	G-N	O-Z
Accessory Dwelling Unit – subordinate in height, size, and area to the primary structure	Golf Course Government Building or Use	Private Utility Facilities or Electrical Substation

D. Conditional Uses.

Conditional Uses		
A-F	G-N	O-Z
<i>Bed and Breakfast Inn/ Boarding/Rooming House</i> <i>Cemetery and/or Mausoleum</i> <i>Civic/Community Center</i> <i>Country Club</i> <i>Day Care</i>	<i>Horse Riding Academy</i> – rental <i>Marina or Wharf</i>	<i>Eating Establishment</i> <i>School</i> – college or university <i>Telephone Exchange/Switching Station</i>

E. Design Standards.

1. Height Regulations.

- a. No structure shall exceed 40 feet in height.

2. Area and Design Regulations.

- a. For the purposes of this section, it shall be generally understood that the area leased from the city shall be all of the area extending from full pool (lake) elevation of 896 feet to the edge of street pavement.

b. Front yard.

1. On all lake lots, the front yard shall be that area adjacent to the shoreline. There shall be a front yard having a depth of not less than 25 feet for the main building as measured from the full pool (lake) elevation of 896 feet.

c. Side Yard.

1. There shall be a side yard on each side of the structures of no less than 5 feet in width.
2. Side yard shall extend from the full (lake) pool conservation elevation of 896 feet to the edge of pavement of the adjoining right-of-way.

d. Rear Yard.

1. The minimum rear yard setback shall be 35 feet as measured from the centerline of the adjoining right-of-way.

3. Garage. A two (2) car garage is required. For lots with less than fifty (50) feet of frontage a single car garage may be approved by the Director.

SEC. 12-3-207 “MH” MANUFACTURED HOME PARK

Contents of Section:

- A. Purpose.
- B. Definitions.
- C. Permitted Uses.
- D. Conditional Uses.
- E. Development Standards for Manufactured Home Parks.
- F. Area Regulations.

A. Purpose.

1. The Manufactured Home Park (MH) district is established for the purpose of providing residential environments within the city for the accommodation of manufactured homes within a Manufactured Home Park under one ownership, or one parcel designated as a Manufactured Home Park. Manufactured homes shall not be used for dwelling purposes, except in a Manufactured Home Park, as authorized in these regulations. Manufactured Home Parks are prohibited in any district other than those authorized in these regulations. In the MH district, no building or premises shall be used, configured, erected, or altered except in conformity with the following use, area, and height regulations.
2. As a prerequisite to the development or redevelopment of a Manufactured Home Park, a detailed Site Plan shall be prepared. The submittal of property/Park covenants and Park rules is required with the Site Plan application.

B. Definitions.

Manufactured Home. A factory-built home or structure, federally regulated by the HUD Code, placed on a site upon a permanent foundation unless located in a Manufactured Home Park, which may be placed according to manufacturer’s specifications.

Mobile Home or Structure. A factory-built home or structure built prior to June 15, 1976.

C. Permitted Uses.

Permitted Uses		
A-F	G-N	O-Z
Accessory to Residential Use Buildings – less than 400 square feet, one story Childcare Home – licensed and registered Church/Temple/Place of Worship/Rectory/Parsonage Community Home	Day Care/ Pre-School Municipal Facility or Public Utility Park and/or Playground Park offices and Attendant/Manager Residence	Recreational and Service Facilities – for the occupants of the Park only (e.g. club house, storage rental units, swimming pool, laundromat, storm shelters, sanitary facilities, and maintenance buildings) School – K-12

D. Conditional Uses.

Conditional Uses		
A-F	G-N	O-Z
		<i>Private Utility Facilities or Electrical Substation</i>

E. Development Standards for Manufactured Home Parks.

1. *Water and Wastewater.* Water and wastewater systems are required to be connected to public systems. Adequate provision shall be made for public water supply, wastewater, fire protection, and other necessary facilities to satisfy state and local codes, regulations, and specifications.
2. *Minimum Lots.* Minimum number of lots completed and ready for occupancy before first occupancy is permitted: 20 Manufactured Home lots.
3. *Density of Homes.* There shall be no more than 1 Manufactured Home per Park space.
4. *Lot Identification.* Each lot within the Manufactured Home Park shall be numbered in an orderly fashion and in a sequential and consistent manner throughout the Manufactured Home Park as approved by the city. The lot number and address shall be displayed on the lot and be visible at all times from the street, and minimum size of lettering shall be 6 inches.
5. *Skirting.* Every Manufactured Home within the Park shall have skirting made of fire-resistant material matching the primary structure.
6. *Insulation.* Every Manufactured Home controlled by this regulation shall meet all installation requirements including but not limited to anchoring, foundation, tie-down, and support requirements as per state law and/or federal law, or as required by local building code.
7. *Storm Shelter.* A storm shelter shall be provided by the Park owner. Further, each new Manufactured Home Park will provide a storm shelter for the Park residents or a storm shelter for each individual lot. The storm shelter shall be constructed to accommodate the population of the Park, which is established as 3 persons per household/Manufactured Home space, times 4 square feet per person. The facility shall have adequate fresh air during occupancy and be accessible to the Park residents during all storm notices involving the emergency siren notification system or the emergency broadcast notification system where the citizens are instructed to take shelter.
8. *Off-Street Parking.* There shall be provided at least 2 off-street parking spaces to be located on the Manufactured Home space. There shall be no on-street parking within the Park except for moving trucks/vans, emergency vehicles, or for temporary (15 minute) loading/unloading of vehicles. In addition, there shall be provided 1 ½ visitors' off-street parking spaces for every 2 Manufactured Homes. Visitor parking spaces shall be located within convenient walking distances to Home spaces. (On-street parking will need to be increased if visitor parking is eliminated).
9. *Signs.* One non-animated or non-flashing identification sign shall be allowed in conformance with state and local codes, ordinances, and specifications.
10. *Management.* Each Manufactured Home Park or non-conforming Mobile Home Park shall be operated in a sanitary, orderly, and efficient manner, and shall maintain a neat appearance at all times. No damaged or deteriorated Manufactured Homes or Mobile

Homes shall be permitted to remain. Suitable and effective rules for regulating the outside storage of equipment, removal of wheels, installation of skirting, collection of trash and garbage, and attachment of appurtenances to the Manufactured Homes shall be continually enforced by Manufactured Home Park owners. All drives, playground areas and equipment, lawn and trees, and any recreation or accessory buildings shall be maintained at a level at least equal to the average residential neighborhood in the city. All portions of the Manufactured Home Park shall be open and accessible to fire, law enforcement, and other emergency and protective vehicles and personnel, including city, state inspectors, and utility meter readers.

11. *Duration.* No space shall be rented for residential use of a Manufactured Home in any Park except for periods of 30 days or more.

12. *Height Regulations.* No structure shall exceed 35 feet in height.

F. Area Regulations.

1. Front Yard.

- a. In all locations where building lines, setback lines, or front yard lines are shown on recorded plats, the minimum setback or front yard shall be as shown on the plat.
- b. In all other locations, the minimum front yard setback shall be 20 feet.
- c. No accessory structures shall be located in front yards.

2. Side Yard.

- a. In all locations where building lines or side lines on corner lots are shown on recorded plats, the minimum side yard shall be as shown on the plat.
- b. In all other locations, there shall be a side yard on each side of the structure of no less than 5 feet in width.
- c. The minimum side yard setback to a street or private drive shall be 15 feet.

3. Rear Yard.

- a. There shall be a rear yard with a depth of not less than 15 feet for the main building.

4. Lot Area.

- a. The lot area shall be no less than 6,600 square feet.
- b. The minimum lot width shall be 60 feet.
- c. The minimum lot depth shall be 110 feet.

SEC. 12-3-300 “CBD” CENTRAL BUSINESS DISTRICT

Contents of Section:

- A. Purpose.
- B. Permitted Uses.
- C. Special Uses.
- D. Conditional Uses.
- E. Design Standards.

A. Purpose. The development standards in the CBD, Central Business district, are designed to maintain and encourage development and redevelopment within the historic original business district of the city. Uses should promote a pedestrian-friendly downtown environment with active streetscapes conducive to special events. Design standards for the district are intended to regulate development such that historic structures are preserved and new structures look similar to existing. They are also intended to preserve and enhance the community's heritage and the unique character of the city's original business district. In the Central Business District, no building or premises shall be used, configured, erected, or altered except in conformity with the following use, area, and height regulations. This district is used in areas designated in the General Plan as Historic Downtown (HD).

B. Permitted Uses.

Permitted Uses		
A-F	G-N	O-Z
Accessory Building/Structure Accessory Outside Display – against or within 15 ft. of building Amusement, Commercial – indoor Antique Shop/Consignment Shop/Used Merchandise Apartments – above first floor Apparel Shop/ Tailor, Seamstress or Dressmaker – retail only Art Gallery/Museum/Dealer/ Artist Studio Bakery – retail, eating establishment, no drive-thru Bank, Savings and Loan, or Credit Union – no motor bank services Barber/Beauty Shop	Church/Temple/Place of Worship/Rectory/Parsonage Clinic, Medical, Counseling and/or Dental Offices Convenience Store – without gasoline sales Dance/Drama/Art & Craft/Cooking/Music Schools Drinking Establishment Eating Establishment/ Restaurant – with no drive-thru service Food Truck – non-special event General Retail/Merchandise Stores – no outside storage Gym/Health Club/Martial Arts Liquor Store Farmer’s Market	Microbrewery/Micro-distillery Municipal Facility or Public Utility Office, Professional and General Business Parking Lot or Garage Permanent Food Truck Court Personal Services Photography Studio Studio for Radio and/or Television – no tower(s) Theater – motion picture, drive-in, live, performing arts, or dinner theater

C. Special Uses

Special Uses		
A-F	G-N	O-Z
Accessory Dwelling Unit – subordinate in height, size and area to the primary structure Bed and Breakfast Inn Community Garden Convenience Store – without gasoline sales	Day Care Live-Work Residence	Museum Park and/or Playground Pet and Bird Shops – retail only Pet Grooming

D. Conditional Uses.

Conditional Uses		
A-E	F-N	O-Z
Auction House – no auto, livestock Civic Club, Halls and Lodges	Funeral Home, Mortuary, Crematory Hotel/Motel Library	Transit or Passenger Terminal Wedding Chapel

E. Design Standards.

1. *Height Regulations.* No structure shall exceed 2 stories or 35 feet.
2. *Area Regulations.*
 - a. *Size of Lot.*
 1. Minimum lot area—None specified.
 2. Minimum lot width—None specified.
 3. Minimum lot depth—None specified.
 - b. *Size of Yards.*
 1. Minimum front yard—None specified.
 2. Minimum side yard—None specified.
 3. Minimum rear yard—None specified.
 4. *Maximum lot coverage* —100 percent including main and accessory buildings.
 5. *Maximum floor-area-ratio (FAR)* —Three to one (3:1).
3. *Special Requirements.*
 - a. For site redevelopment or new construction, 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 the road(s) upon which the property faces and/or sides, and will portray a reasonably accurate

depiction of the materials and colors to be used. Architectural style and scale of new/renovated buildings within the CBD district shall be compatible with the styles and scale of other adjacent buildings and shall be historically accurate to the greatest extent possible in order to preserve the unique character of the downtown area.

- b. The City Manager may, as they deem appropriate, require submission of additional information and materials (including actual samples of materials to be used) during the Site Plan review process.
- c. *Design Standards for the CBD District.*
 - 1. False fronts or parapets may be added to existing buildings in order to add character and detail to simple facades.
 - 2. Predominant exterior finish colors shall be of fired brick, similar to that which is present on adjacent existing buildings. Other masonry materials may also be considered during Site Plan review. Trim (e.g., lintels, sills, door jambs, cornices and other similar items) shall be brick, cast stone, stone, cast or wrought iron, or concrete, and colors shall be complementary to the predominant facade colors. Accent colors for friezes, doors and door frames, window frames and mullions, signage, awnings, moldings and other similar features shall be colors that are complementary to, and compatible with, the spirit and intent of the downtown streetscape (bright or fluorescent colors which were not typically used in early Texas downtowns shall not be used).
 - 3. Reflective glass shall not be used for windows. Detailing for windows, doors, and other openings shall be of wood, glass, or a metal material that is complementary to the period or building style.
 - 4. Facade openings shall comprise at least 40% of the building's facade area.
 - 5. Awnings/canopies:
 - a. *Ratios.* Awnings shall be at an appropriate scale to the building size and configuration. They shall not extend above the roofline of any single-story structure, or above the top of the second floor of any multi-story structure at the awnings' highest points. Awnings shall not completely obstruct any windows on the building.
 - b. *Projection.* Since awnings must extend beyond the building face, a reasonable amount of projection shall be allowed. No awning shall extend over a public street, nor shall any footings or support structure be placed closer than 2 feet from the back of the curb adjacent to any public street. An awning shall have a minimum clearance of 8 feet above the public sidewalk.
 - c. *Colors and Materials.* A mixture of colors is recommended, but no more than 3 different colors shall be used for awnings on a single building facade (excluding business logo, which may have more colors). Materials shall be of cloth, canvas, or another material that is complementary to the period or building style. Metal or plastic shall be prohibited).

- d. *Movement.* Except for slight movements that are normal for fabric canopies (i.e., along fringe, etc.), no movement shall be allowed for awnings and canopy structures.
- 6. New utility lines to business establishments shall be placed underground.
- 7. Pedestrian spaces shall be treated with amenities that are selected based upon their ability to unify the streetscape with the area's historic past. It is important that elements such as construction materials, colors, textures, and fixture design complement the area's historic qualities. These features shall be repeated throughout the streetscape so as to unify the district as a whole.
- 8. Planters, window boxes, street furniture, and other streetscape furnishings shall be complementary to the historical time frame of the CBD area, and shall be located not more than five feet from the building front/facade.
- 9. Open storage is prohibited in the CBD district.
- 10. Outside display of merchandise and/or seasonal items (e.g., Christmas trees, pumpkins, etc.) shall:
 - a. Not be placed/located more than 12 feet from the main building.
 - b. Not occupy any on-street or off-street parking spaces.
 - c. Not pose a safety or visibility hazard, nor impede public vehicular or pedestrian circulation, either on-site or off-site, in any way. (I.e., sidewalk sales cannot block the sidewalk or extend out into the street.)
 - d. Only be located in front of the property/business that is selling the item(s).
 - e. Be removed at the end of business each day (except for large seasonal items such as Christmas trees).
 - f. Be displayed in a neat, orderly manner, and the display area shall be maintained in a clean, litter-free manner.
- 11. The architectural design of buildings and sites shall strive to achieve the following objectives:
 - a. Architectural compatibility,
 - b. Human scale design,
 - c. Integration of uses,
 - d. Encouragement of pedestrian activity,
 - e. Buildings that relate to, and are oriented toward, the pedestrian areas and surrounding buildings, and
 - f. Buildings that contain special architectural features to signify entrances.
- 12. All building materials shall be depicted on architectural elevations and supporting information.

SEC. 12-3-301 “CN” CENTRAL NEIGHBORHOOD

Contents of Section:

- A. Purpose.
- B. Permitted Uses.
- C. Conditional Uses.
- D. Design Standards.
- E. Special Requirements.

- A. **Purpose.** The CN Central Neighborhood district is intended to accommodate a mix of residential and complementary commercial uses in a historic neighborhood environment adjacent to the city’s historic downtown district and major commercial corridors. Design standards for the district are intended to regulate development such that historic structures are preserved either as single-family residences or appropriate reuse as neighborhood-serving commercial, and such that new structures are consistent with the community feel. Permitted uses include household living and offices, retail shops, or restaurants which are sustainable within a limited trade area or as a supplement to nearby corridors. Uses exceeding 7,500 square feet or requiring substantial off-street parking may be approved with a conditional use permit. In the Central Neighborhood district, no building or premises shall be used, configured, erected, or altered except in conformity with the following use, area, and height regulations.

B. Permitted Uses.

Permitted Uses		
A-C	D-L	M-Z
Accessory Building/Structure Accessory Outside Display – against or within 5 ft. of building Antique Shop/Consignment Shop/Used Merchandise Apartments – above first floor Apparel Shop/Tailor, Seamstress or Dressmaker (retail only) Art Gallery/Museum/Dealer/Artist Studio Bakery Bank, Savings and Loan, or Credit Union – no motor bank services Barber/Beauty Shop Clinic, Medical, Counseling and/or Dental Offices	Dance/Drama/Music Schools – performing Arts) Drinking Establishment – licensed as a Brewpub Drinking Establishment – licensed for retail on-premise consumption Eating Establishment/Restaurant – with no drive-thru service Electronic Goods – retail only Florist Shop – retail only Food Truck – non-special event General Retail/Merchandise Stores – no outside storage Gift or Card Shop – retail only Health Club – indoor Hobby, Handicraft and/or Crafts Store – retail only	Mailing Service – private Martial Arts Municipal Facility or Public Utility Office, Professional and General Business Park and/or Playground – public, municipal Photography Studio Satellite Dish, Earth – private, less than 3 inches diameter Shoe/Boot Repair Shop – retail Studio for Radio and/or Television – no tower(s) Tailor, Seamstress or Dressmaker – retail only Travel Agency Used Merchandise Video Rental/Sales

Permitted Uses (continued)		
A-C	D-L	M-Z
Consignment Shop Convenience Store – without gasoline sales Copy, Photocopy, Duplicating Shop	Household Living – single-family attached, single-family detached Jewelry Store Live-Work Residence – building owner occupied and non-rental Locksmith	

C. Special Uses

Special Uses		
A-B	C-H	I-Z
Accessory Dwelling Unit – subordinate in height, size, and area to the primary structure		

D. Conditional Uses

Conditional Uses		
A-B	C-H	I-Z
Adult Day Care Assisted Living Facility – continuing care retirement community Bank, Savings and Loan, or Credit Union – no Motor Bank services	Day Care Church/Temple/Place of Worship/Rectory/Parsonage Civic Club, Halls and Lodges Credit Agency Food Truck Court – more than 1 Grocery or Food Store Household Living – 2+ units, excluding apartments above first floor	Institution of Religious, Educational or Philanthropic Nature – not meeting Church, Temple, Place of Worship definition Library School – business (e.g., Barber/Beauty/Cosmetology) Wedding Chapel

E. Design Standards.

1. Height Regulations.

- No structure shall exceed 35 feet in height for the main building.

2. Area and Yard Regulations.

a. Size of Lot.

- Minimum lot area—5,000 square feet.

2. Minimum lot width—50 feet.
3. Minimum lot depth—100 feet.
- b. *Size of Yard.*
 1. Minimum front yard—15 feet.
 2. Minimum side yard—5 feet.
 3. Minimum side yard adjacent to a public street—15 feet.
 4. Minimum rear yard—15 feet.
- c. *Maximum Lot Coverage* —80% including main and accessory buildings.
- d. *Maximum Floor-Area-Ratio (FAR)* — 0.5:1 commercial, 2:1 total.

F. Special Requirements.

1. For nonresidential conversions, exterior renovations, or new construction, 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 the road(s) upon which the property faces and/or sides, and will portray a reasonably accurate depiction of the materials and colors to be used. Architectural style and scale of new/renovated buildings within the CN district shall be compatible with the styles and scale of other adjacent buildings in order to preserve the unique character of the historic neighborhood.
2. *Design Standards for the CN District.*
 - a. False fronts or parapets may be added to existing buildings in order to add character and detail to simple facades.
 - b. Facade openings shall comprise at least 40% of a new commercial building's facade area. At least one such opening shall be an entrance connected by a walkway to the right-of-way.
 - c. Driveways or parking areas shall not comprise more than 24 feet or 40% of the street frontage, whichever is greater.
 - d. Awnings and other canopies.
 1. *Ratios.* Awnings and other canopies visible from other properties or the public right-of-way shall be at an appropriate scale to the building size and shall not completely obstruct any windows or significant architectural features. They shall not extend above the roofline of any single-story structure or above the top of the second floor of any multi-story structure.
 2. *Projection.* No awning or canopy shall extend more than 5 feet outward from the building face/surface, except that a canopy over a porch or outdoor seating area may extend no more than 10 feet into a required front or rear yard setback and no more than 5 feet into a required street side setback.
 3. *Colors and Materials.* A mixture of colors is recommended, but no more than three different colors shall be used for awnings on a single building facade (excluding business logo, which may have more colors). Materials shall be of

cloth, canvas, or another material that is complementary to the period or building style. Metal or plastic shall be prohibited.

4. *Movement.* Except for slight movements that are normal for fabric canopies (i.e., along fringe, etc.), no movement shall be allowed for awnings and canopy structures.
- e. New utility lines to business establishments shall be placed underground.
- f. Pedestrian spaces shall be treated with amenities that are selected based upon their ability to unify the streetscape with the area's historic past. It is important that elements such as construction materials, colors, textures, and fixture designs complement the area's historic qualities. These features shall be repeated throughout the streetscape so as to unify the district as a whole.
- g. Planters, window boxes, street furniture, and other streetscape furnishings shall not be located in any public right-of-way.
- h. Open storage is prohibited in the CN district.
- i. Outside display of merchandise and/or seasonal items is limited to 100 square feet and shall not encroach on any public right-of-way. All items on display during business hours shall be removed at the end of each business day. All merchandise shall be displayed in a neat, orderly manner, and the display area shall be maintained in a clean, litter-free manner.
- j. All commercial uses shall be limited to a maximum of 10,000 square feet and 0.5:1 FAR.
- k. The architectural design of buildings and sites shall strive to achieve the following objectives:
 1. Scale new structures and commercial conversions to historic single-family residences;
 2. Encourage pedestrian activity;
 3. Relate to, and orient toward, pedestrian areas and surrounding buildings; and
 4. Signify entrances with special architectural features.

SEC. 12-3-302 “C1” GENERAL COMMERCIAL

Contents of Section:

- A. Purpose.
- B. Permitted Uses.
- C. Special Uses.
- D. Conditional Uses.
- E. Design Standards.

A. Purpose. The General Commercial (C1) district is intended to accommodate commercial uses with a neighborhood or citywide trade area as well as a range of civic and institutional uses, located predominantly along the city’s arterial thoroughfares. In the General Commercial district, no building or premises shall be used, configured, erected, or altered except in conformity with the following use, area, and height regulations. This district is used in areas designated in the General Plan as Community Commercial (CC), Employment Mix (EM), Entertainment Center (EC), Professional Campus (PC), and Urban Living (UL).

B. Permitted Uses.

Permitted Uses		
A-B	C-G	H-Z
Accessory Building/Structure Accessory Outside Display – against or within 15 feet of building Amusement, Commercial Antique Shop/Consignment Shop/Used Merchandise Appliance Repair/ Small Engine, Saw Filing, Mower Sharpening (No outside storage) Art Gallery/Museum/Dealer/Artist Studio Bank, Savings and Loan, or Credit Union /ATM Barber/Beauty Shop	Catering Service Church/Temple/Place of Worship Civic/Community Center Civic Club, Halls, and Lodges Clinic, Medical, Counseling, and/or Dental Offices Containers (shipping) or Metal/Modular Pods – for accessory storage for an allowed use, not occupying required parking or encroaching on required setbacks, and screened or not visible from any adjacent right-of-way Contractor's Office/Facilities – no outside storage including vehicles Convenience Store/ Gasoline/Fueling Station Dance/Drama/Art & Craft/ Cooking/ Music Schools/ Day Care	Gym/Health Club/Martial Arts Hospital Liquor Store Municipal Facility or Utility Use Office, Professional and General Business Other Accessory Outside Display – not on right of way or in required parking, less than 36 sq. ft. in area Personal Services Pet and Animal Grooming Shop – no outside kennels/ Pet and Bird Shops School – college or university School – K-12 Security Systems Installation Company State Vehicle Inspection Studio for Radio and/or Movie/Television – no tower(s)

Permitted Uses (continued)		
A-B	C-G	H-Z
	Drinking Establishment Eating Establishment/Restaurant – with dine-in or thru service Emergency/Urgent Care, Ambulance Services/EMS Exhibition Hall Food Truck General Retail/Merchandise Stores Government Building or Use Grocery or Food Store	Theater – motion picture, drive-in, live, performing arts, or dinner theater Veterinarian Clinic-Indoor Kennels Winery/Distillery/Brewery

C. Special Uses.

Special Uses		
A-B	C-E	F-Z
Amusement, Commercial – temporary, allowed only by Special Event Permit for up to 10 days (e.g., carnival, haunted house) Auto Parts Store – primary	Bed and Breakfast Inn Concrete or Asphalt Mixing/Batching Plant – temporary	Food Truck Court – more than one (1)

D. Conditional Uses.

Conditional Uses		
A-B	C-M	N-Z
All-Terrain Vehicle (Go-Carts) Dealer/Sales Assisted Living/Nursing Facility Auction House – no auto, livestock Auto Accessories – retail sales and indoor installation only Auto/Motor Vehicle Rental	Dance Hall/Dancing Facility Feed and Grain Store/Farm Supply Store Food Establishment Kiosk (Walk-up or Drive thru)/ Other services kiosk Funeral Home, Mortuary, Crematory	Natural Gas Compressor Station Outdoor Sales as a Primary Use Pawn Shop Plumbing Shop Portable Building Sales

Conditional Uses (continued)		
A-B	C-M	N-Z
Auto Repair/Body Repair/Painting/Glass Repair and Tint/ Auto Modifications Auto Sales and Service Automobile Wash (ref. Section E.3 below) Bail Bonds Billiard/Pool Facility – three (3) or more tables Boats and Personal Watercraft Sales and Repair Building Material Sales/Lumber Yard Caretaker's/Security Guard Residence Carpenter, Cabinet, Woodworking Shop Cemetery and/or Mausoleum Check Cashing Service, Payday Lender, Car Title Loans	Golf Course Heating and Air-Conditioning Sales/Services Helipad, Helistop, Heliport Home Improvement Center w/hardware, building materials, outside storage Hotel/Motel (ref. Section E.3 below) Institution for Alcoholic, Narcotic, or Psychiatric Patients Maintenance and Repair Service for Buildings/Janitorial Market, Farmer's, Produce – primarily retail Mini-Warehouse/Self Storage – non-occupied except for storage (ref. Section E.3 below) Motorcycle Sales/Dealer/Repairs	Publishing and Printing Company Quick Lube/Oil Change/Minor Inspection Recreational Vehicle (RV) Storage Rehabilitation Care Facility – halfway house Shelter/Care Facility Sign Shop Stone Monuments and Gravestones Tattoo or Body Piercing Studio Taxidermist Tool and Machinery Rental – with outdoor storage Tower – radio, television, and communications Transit or Passenger Terminal Wedding Chapel Welding Shop Wood Working Shops

E. Design Standards

1. *Height Regulations.*
 - a. No structure shall exceed 45 feet in height for the main building.
2. *Area Regulations.*
 - a. *Front Yard.*
 1. In all locations where building lines, setback lines, or front yard lines are shown on recorded plats, the minimum setback or front yard shall be as shown on the plat.
 2. In all other locations, the minimum front yard setback shall be 25 feet.
 3. No accessory structures shall be located in front yards.
 - b. *Side Yard.*

1. In all locations where building lines, or side lines on corner lots, are shown on recorded plats, the minimum side yard shall be as shown on the plat.
 2. In all other locations, there shall be a side yard on each side of the structures of no less than 5 feet in width. Except when retail uses are platted adjacent to other retail uses and integrated into an overall shopping center site (i.e., lots/lease spaces abutting one another), no side yard is required provided it complies with the building code.
 3. Corner lots shall have a side yard on the street side of the structure of no less than 20 feet.
- c. *Rear Yard.*
1. There shall be a rear yard with a depth of not less than 10 feet for the main building.
- d. *Lot Area.*
1. Lot area—None specified.
 2. Minimum lot width—None specified.
 3. Minimum lot depth—None specified.

3. *Supplemental Conditional Use Standards*

- a. *Automobile Wash.* Shall not be authorized within a two (2) mile radius of a pre-existing automobile wash.
- b. *Mini-Warehouse/Self Storage*
 1. Shall not be authorized within a three (3) mile radius of a pre-existing Mini-Warehouse/Self storage facility
 2. Sixty (60) percent of the units must be temperature controlled with air-conditioning and heating
 3. Shall have a minimum lot size of two (2) acres.
- c. *Hotel/Motel*
 1. All rooms shall have internal entry only, no individual outside entry into rooms.
 2. Shall be a minimum of two (2) stories in height.

SEC. 12-3-303 “C2” INTERSTATE COMMERCIAL

Contents of Section:

- A. Purpose.
- B. Permitted Uses.
- C. Special Uses.
- D. Conditional Uses.
- E. Design Standards.

A. Purpose. The Interstate Commercial (C2) district is intended to accommodate commercial uses with a regionwide trade area along the Interstate 20 freeway corridor. Uses within the C2 district are typically within multitenant or big-box developments. Access to and from the Interstate for shoppers, travelers, and freight vehicles may be prioritized. Limited building trades or heavy truck uses may be approved with a conditional use permit. In the Interstate Commercial district, no building or premises shall be used, configured, erected, or altered except in conformity with the following use, area, and height regulations. This district is predominantly used in areas designated in the General Plan as Regional Activity Center (RAC).

B. Permitted Uses.

Permitted Uses		
A-C	D-L	M-Z
Accessory Building/Structure Accessory Outside Display – against or within 15 feet of building All-Terrain Vehicle (go-carts) Dealer/Sales Amusement, Commercial Antique Shop/Consignment Shop/Used Merchandise Appliance Repair/Small Engine, Saw Filing, Mower Sharpening – no outside storage Art Gallery/Museum /Dealer/Artist Studio Auto/Motor Vehicle Rental Bank, Savings and Loan, Credit Union, ATM Barber/Beauty Shop	Dance/Drama/Art & Craft/Cooking/Music Schools Day Care Drinking Establishment Eating Establishment/ Restaurant – with drive-in or thru service Emergency/Urgent Care, Ambulance Services/EMS Electrical Substation – public utility Exhibition Hall Feed & Grain Store/Farm Supply Store Food Truck General Retail/Merchandise Stores Governmental Building or Use Greenhouse, Plant Farm Nursery	Municipal Facility or Use Museum Nursing, Skilled, Convalescent Facility Office, Professional and General Business Other Accessory Outside Display – not on right of way or in required parking, less than 36 sq. ft. in area Parking Lot or Garage Personal Services Pet and Animal Grooming Shop – no outside kennels/pet and bird shops Plumbing Shop Publishing and Printing Company Quick Lube/Oil Change/Minor Inspection

Permitted Uses (continued)		
A-C	D-L	M-Z
Catering Service Church/Temple/Place of Worship Civic Center – municipal Civic Club, Halls and Lodges Clinic, Medical, Counseling and/or Dental Offices Community Center Containers (shipping) or Metal/Modular Pods – for accessory storage for an allowed use, not occupying required parking or encroaching on required setbacks and screened or not visible from any adjacent right of way Contractor's Office/Facilities , – no outside storage including vehicles Convenience Store/Gasoline/Fueling Station	Grocery or Food Store Gym/Health Club/Martial Arts Hospital Laundromat/Laundry/Dry Cleaning Library Liquor Store	School – college or university School – K-12 Scientific and Industrial Research Laboratories – non-hazardous Security Systems Installation Company State Vehicle Inspection Studio for Radio and/or Movie/Television – no tower(s) Theater – motion picture, drive-in, live, performing arts, or dinner theater Transit or Passenger Terminal Veterinarian Clinic – indoor kennels

C. Special Uses.

Special Uses		
A-B	C-E	F-Z
Amusement, Commercial – temporary, allowed only by Special Event Permit for up to 10 days (e.g., carnival, haunted house) Auto Parts Store – primary	Concrete or Asphalt Mixing/Batching Plant – temporary	Food Truck Court – more than one (1) Wholesale Trade Winery/Distillery/Brewery

D. Conditional Uses.

Conditional Uses		
A-E	F-N	O-Z
Auction House Automobile Wash (ref. Section E.3 below) Auto Repair/Body Repair/Painting/Glass Repair and Tint/ Auto Modifications Auto Sales and Service Auto Wrecker Service Bail Bonds Billiard/Pool Facility – three or more tables Boats and Personal Watercraft Sales and Repair Building Material Sales/Lumber Yard Bulk Grain and/or Feed Storage Caretaker's/Security Guard Residence Carpenter, Cabinet, Woodworking Shop Check Cashing Service, Payday Lender, Car Title Loans Construction Contractor with Storage Yard Dance Hall/Dancing Facility Distribution Center Drilling and Production of Natural Gas and/or Oil – and activities related thereto Exterminator Service/Company – no outdoor sales or storage	Heating & Air-Conditioning Sales/Services Helipad, Helistop, Heliport Home Improvement Center – with hardware, building materials, outside storage Horse Riding Academy – rental Hotel/Motel (ref. Section E.3 below) Institution for Alcoholic, Narcotic, or Psychiatric Patients Livestock and Large Animal Clinic/Veterinarian Machine Shop Maintenance & Repair Service for Buildings/Janitorial Manufactured Home Display or Sales – new or used Market – open air, flea Mini-Warehouse/Self Storage (ref. Section E.3 below) Motor Freight Transportation, Storage, Depot or Terminal Motorcycle Sales/Dealer/Motorcycle Repairs Moving and Storage Company Natural Gas Compressor Station Outdoor Sales as a Primary Use Pawn Shop	Sheet Metal Shop Shelter/Care Facility Sign Shop Stables, Commercial, Principal Use Stone Monuments and Gravestones Taxidermist Tool and Machinery Rental – with outdoor storage Tower – radio, television, and communications towers Transfer Station – refuse/pick-up Truck Stop/Terminal/Wash/Weigh Station Truck Sales, Repairs, and Services – heavy trucks Truck/Bus Parking, Storage, Leasing Veterinarian Clinic – outdoor kennels or pens Warehousing, Distribution, Storage Welding Shop Wood Working Shops

Conditional Uses (continued)		
A-E	F-N	O-Z
Food Establishment Kiosk – walk-up or drive thru/ other services kiosk Funeral Home, Mortuary, Crematory Furniture Manufacture	Recreational Vehicle (RV) Display or Sales – new or used, or repair Recreational Vehicle (RV) Storage Recreational Vehicle Park/Campground Recycling and/or Drop Off Kiosk, Bin or Reverse Vending Machine – main or accessory use Rehabilitation Care Facility – halfway house Refinishing, Restoring and Painting Shop – non-auto	

E. Design Standards

1. Height Regulations.

- a. No structure shall exceed 45 feet in height for the main building.

2. Area Regulations.

a. Front Yard.

1. In all locations where building lines, setback lines, or front yard lines are shown on recorded plats, the minimum setback or front yard shall be as shown on the plat.
2. In all other locations, the minimum front yard setback shall be 25 feet.
3. No accessory structures shall be located in front yards.

b. Side Yard.

1. In all locations where building lines, or side lines on corner lots, are shown on recorded plats, the minimum side yard shall be as shown on the plat.
2. In all other locations there shall be a side yard on each side of the structures (interior) of no less than ten feet in width. Except, when retail uses are platted adjacent to other retail uses and integrated into an overall shopping center site (i.e., lots/lease spaces abutting one another), no side yard is required provided it complies with the City's Building Code.
3. For corner lots, there shall be a side yard on the street side of the structure of no less than 20 feet.

- c. *Rear Yard.*
 - 1. There shall be a rear yard having a depth of not less than 10 feet for the main building.
 - d. *Lot Area.*
 - 1. Lot area—None specified.
 - 2. Minimum lot width—None specified.
 - 3. Minimum lot depth—None specified.
3. *Supplemental Conditional Use Standards*
- d. *Automobile Wash.* Shall not be authorized within a two (2) mile radius of a pre-existing automobile wash.
 - e. *Mini-Warehouse/Self Storage*
 - 1. Shall not be authorized within a three (3) mile radius of a pre-existing Mini-Warehouse/Self storage facility
 - 2. Sixty (60) percent of the units must be temperature controlled with air-conditioning and heating
 - 3. Shall have a minimum lot size of two (2) acres.
 - f. *Hotel/Motel*
 - 1. All rooms shall have internal entry only, no individual outside entry into rooms.
 - 2. Shall be a minimum of two (2) stories in height.

SEC. 12-3-304 “C3” HEAVY COMMERCIAL**Contents of Section:**

- A. Purpose.
- B. Permitted Uses.
- C. Special Uses.
- D. Conditional Uses.
- E. Design Standards.

A. Purpose. The Heavy Commercial (C3) district is intended to accommodate commercial uses related to the building trades, research and development, light manufacturing, and the storage and transport of finished products at a range of scales from neighborhood-supporting to regional. Access to and from the thoroughfares for freight vehicles may be prioritized. Uses requiring extensive noise or other impact mitigation may be approved with a special use or conditional use permit. In the Heavy Commercial district, no building or premises shall be used, configured, erected, or altered except in conformity with the following use, area, and height regulations. This district is used in areas designated in the General Plan as Manufacturing and Warehouse (MW).

B. Permitted Uses.

Permitted Uses		
A-F	G-N	O-Z
<i>Accessory Building/Structure</i>	<i>Day Care</i>	<i>Office Showroom/Warehouse</i>
<i>Accessory Outside Display</i> – against or within 15 feet of building	<i>Drilling and Production of Natural Gas and/or Oil</i> – and activities related thereto	<i>Office, Professional and General Business</i>
<i>All-Terrain Vehicle (go-carts) Dealer/Sales</i>	<i>Drinking Establishment</i>	<i>Parking Lot or Garage</i>
<i>Amusement, Commercial</i>	<i>Eating Establishment/ Restaurant</i> – with drive-in or thru service)	<i>Pawn Shop</i>
<i>Antique Shop/Consignment Shop/Used Merchandise</i>	<i>Electric Power/Generating Plant</i>	<i>Pet and Animal Grooming Shop</i>
<i>Appliance Repair/Small Engine, Saw Filing, Mower Sharpening</i> – no outside storage	<i>Emergency/Urgent Care, Ambulance Services/EMS</i>	<i>Pet and Bird Shops</i> – retail only
<i>Art Gallery/Museum/Dealer/ Artist Studio</i>	<i>Exhibition Hall</i>	<i>Plumbing Shop</i>
<i>Auction House</i> – no auto, livestock	<i>Exterminator Service/Company</i>	<i>Portable Building Sales</i>
<i>Auto Repair/Body Repair/Painting/Glass Repair and Tint/ Auto Modifications</i>	<i>Feed & Grain Store/Farm Supply Store</i>	<i>Publishing and Printing Company</i>
<i>Auto Sales and Service</i>	<i>Food Truck</i> – non-special event	<i>Quick Lube/Oil Change/Minor Inspection</i>
	<i>General Retail/Merchandise Stores</i> – no outside storage	<i>Refinishing, Restoring and Painting</i> – non-auto shop
		<i>School</i> – college or university

Permitted Uses (continued)		
A-F	G-N	O-Z
Auto/Motor Vehicle Rental Bail Bonds Bakery – wholesale Bank, Savings and Loan, Credit Union, ATM Barber/Beauty Shop Billiard/Pool Facility Boat, Watercraft Repair Boats and Personal Watercraft Sales – new/indoor repair Building Material Sales/Lumber Yard Canvas and Related Products Manufacture Catering Service Church/Temple/Place of Worship Commercial Laundry Cold Storage Plants/Locker Commercial Animal Enterprise Communication Equipment Sales/Service Construction Contractor with Storage Yard Containers (shipping) or Metal/Modular Pods – for accessory storage for an allowed use, not occupying required parking or encroaching on required setbacks and screened or not visible from any adjacent right of way Contractor's Office/Facilities Convenience Store/Gasoline/Fueling Station	Government Building or Use Grocery or Food Store Gym/Health Club/Martial Arts Heating & Air-Conditioning Sales/Services Helipad, Helistop, Heliport Home Improvement Center – with hardware, building materials, outside storage Laundromat/Washateria/Self-Service Laundry/Dry Cleaning – retail only, drop off/pick up Liquor Store Machine Shop Maintenance & Repair Service for Buildings/Janitorial Manufactured Home Display or Sales Meat and Fish Market e Motor Freight Transportation – storage, depot or terminal Motorcycle Sales/Dealer/Motorcycle Repairs Moving and Storage Company Municipal Facility or Use	School – K-12 Scientific and Industrial Research Laboratories – non-Hazardous Security Systems Installation Company Sheet Metal Shop Sign Shop State Vehicle Inspection Tattoo or Body Piercing Studio, Primary Use Theater – motion picture, drive-in, live, performing arts, or dinner theater Tool and Machinery Rental (with Outdoor Storage) Transit or Passenger Terminal Truck Sales, Repairs, Storage and Services – heavy trucks Truck Stop/Terminal/Wash/Weigh Station Upholstery Shop – non-auto Veterinarian Clinic – indoor kennels Welding Shop Wholesale Trade Wood Working Shops

C. Special Uses.

Special Uses		
A-B	C-E	F-Z
Amusement, Commercial – temporary, allowed only by Special Event Permit for up to 10 days (e.g., carnival, haunted house) Auto Parts Store – primary	Concrete or Asphalt Mixing/Batching Plant – temporary	Food Truck Court – more than one (1) Winery/Distillery/Brewery

D. Conditional Uses.

Conditional Uses		
A-D	E-Q	R-Z
Agriculture/Dairy/Food Product Processing Auto Impound/Inoperable Vehicle Holding Yard Automobile Wash (ref. Section E.3 below) der-Motors, Transmissions, Alternators, etc. Auto Storage or Auto Auction, Wholesale Auto Sales Auto Wrecker Service Bag Manufacturing Boat, Watercraft Outside Storage Bottling Works Caretaker's/Security Guard Residence Carpenter, Cabinet, Woodworking Shop Cemetery and/or Mausoleum Ceramic Products Manufacture Clothing/Apparel/Footwear Manufacture Coffin Manufacture	Electronic/ Fixtures / Machinery/ Metal Assembly/ Manufacture Enameling and Painting Farm Products, Food Wholesale Funeral Home, Mortuary, Crematory Furniture/Office Equipment Manufacture Heavy Machinery Sales and Storage Hotel/Motel (ref. Section E.3 below) Institution for Alcoholic, Narcotic, or Psychiatric Patients Iron Works (Ornamental) Livestock and Large Animal Clinic/Veterinarian Lumber and Building Materials – used (storage and/or sales) Market - Open Air, Flea Mattress - Making and Renovating Mini-Warehouse/Self Storage (ref. Section E.3 below)	Outdoor Sales as a Primary Use Railroad Yards – round house or shop Recreational Vehicle (RV) Display or Sales (New or Used) or Repair Recreational Vehicle (RV) Storage Recycling and/or Drop Off Kiosk, Bin or Reverse Vending Machine – main or accessory use Rehabilitation Care Facility – halfway house Sand, Gravel, or Stone Storage – including sales Shelter/Care Facility Stone and Metal Engraving/ Working/ Finishing Storage of Cement, Sands and Gravel Textile Products Manufacture Tower – radio, television, and communications towers Transfer Station – refuse/pick-up

Conditional Uses (continued)		
A-D	E-Q	R-Z
Cutlery, Hand tools and General Hardware Manufacture Distribution Center Dyeing Plant	Natural Gas Compressor Station Orthopedic, Prosthetic, Surgical Appliances and Supplies Manufacture Penal, Correctional Institution, Jail Petroleum Distribution/Storage	Veterinarian Clinic – outdoor kennels or pens Warehouse Storage Wood Products Manufacture

E. Design Standards,

4. *Height Regulations.* No structure shall exceed 45 feet in height for the main building.
5. *Area Regulations.*
 - a. *Front Yard.*
 1. In all locations where building lines, setback lines, or front yard lines are shown on recorded plats, the minimum setback or front yard shall be as shown on the plat.
 2. In all other locations, the minimum front yard setback shall be 25 feet.
 3. No accessory structures shall be located in front yards.
 - b. *Side Yard.*
 1. In all locations where building lines, or side lines on corner lots, are shown on recorded plats, the minimum side yard shall be as shown on the plat.
 2. In all other locations there shall be a side yard on each side of the structure of no less than 5 feet in width. Except when retail uses are platted adjacent to other retail uses and integrated into an overall shopping center site (i.e., lots/lease spaces abutting one another), no side yard is required provided it complies with the City's Building Code.
 3. For corner lots, there shall be a side yard on the street side of the structure of no less than 20 feet.
 - c. *Rear Yard.*
 1. There shall be a rear yard having a depth of not less than 20 feet for the main building.
 - d. *Lot Area.*
 1. The lot area shall be no less than 11,250 square feet.
 2. The minimum lot width shall be 75 feet.
 3. The minimum lot depth shall be 150 feet.
6. *Supplemental Conditional Use Standards*
 - g. *Automobile Wash.* Shall not be authorized within a two (2) mile radius of a pre-existing automobile wash.
 - h. *Mini-Warehouse/Self Storage*

1. Shall not be authorized within a three (3) mile radius of a pre-existing Mini-Warehouse/Self storage facility
2. Sixty (60) percent of the units must be temperature controlled with air-conditioning and heating
3. Shall have a minimum lot size of two (2) acres.

i. Hotel/Motel

1. All rooms shall have internal entry only, no individual outside entry into rooms.
2. Shall be a minimum of two (2) stories in height.

SEC. 12-3-305 “I” INDUSTRIAL DISTRICT

Contents of Section:

- A. Purpose.
- B. Permitted Uses.
- C. Special Uses.
- D. Conditional Uses.
- E. Design Standards.

A. Purpose. The Industrial (I) district is intended to accommodate areas in the city where industrial manufacturing and other firms can engage in processing, manufacturing, and related activities protected from the encroachment of commercial and residential uses. Access to and from major thoroughfares for freight vehicles is prioritized. This district is intended to allow extensive obnoxious sounds, glare, dust, or odor. In the Industrial district, no building or premises shall be used, configured, erected, or altered except in conformity with the following use, area, and height regulations. This district is used in areas designated in the General Plan as Manufacturing and Warehouse (MW).

B. Permitted Uses.

Permitted Uses		
A-F	G-N	O-Z
<i>Accessory Building/Structure</i>	<i>Eating Establishment/ Restaurant – with Drive-In or Thru Service</i>	<i>Parking Lot or Garage</i>
<i>Agriculture Product Processing</i>	<i>Electro-plating/Electro-typing</i>	<i>Plumbing Shop</i>
<i>Aircraft Parts/Repair and Manufacturing</i>	<i>Enameling and Painting</i>	<i>Portable Building Sales</i>
<i>Appliance Repair/Small Engine, Saw Filing, Mower Sharpening</i>	<i>Engraving Plant</i>	<i>Publishing and Printing Company</i>
<i>Automobile Wash</i>	<i>Exterminator Service/Company</i>	<i>Refinishing, Restoring and Painting (non-auto) Shop</i>
<i>Bakery – Wholesale</i>	<i>Farm Products, Food Wholesale</i>	<i>Rehabilitation Care Facility – Halfway House</i>
<i>Bottling Works</i>	<i>Feed and Grain Store/Farm Supply Store</i>	<i>Sand, Gravel, or Stone Storage</i>
<i>Building Material Sales/Lumber Yard</i>	<i>Flour and Other Grain Mills</i>	<i>Scientific and Industrial Research Laboratories</i>
<i>Bulk Grain and/or Feed Storage</i>	<i>Food Truck – non-special event</i>	<i>Security Systems Installation Company</i>
<i>Caretaker's/Security Guard Residence</i>	<i>Government Building or Use</i>	<i>Sheet Metal Shop</i>
<i>Cleaning Plant – Commercial Laundry, Carpets, and Rugs</i>	<i>Gym/Health Club /Martial Arts</i>	<i>Sign Shop</i>
<i>Cold Storage Plants/Locker</i>	<i>Heating and Air-Conditioning Sales/Services</i>	<i>Tire Retreading and Recapping</i>
<i>Communication Equipment Sales/Service</i>	<i>Institution for Alcoholic, Narcotic, or Psychiatric Patients</i>	<i>Tool and Machinery Rental – with outdoor storage</i>
<i>Construction Contractor with Storage Yard</i>	<i>Iron Works – ornamental</i>	<i>Truck Manufacture, Repair, Sales and Services</i>

Permitted Uses (continued)		
A-F	G-N	O-Z
Containers (shipping) or Metal/Modular Pods – for accessory storage Contractor's Office/Facility Convenience Store/ Gasoline/ Fueling Station Distribution Center Drinking Establishment Dyeing Plant Emergency/Urgent Care, Ambulance Services/EMS	Light Assembly/Manufacturing Livestock and Large Animal Clinic/Veterinarian Lumber and Building Materials Machine Shop Maintenance and Repair Service for Buildings/Janitorial Manufactured Home Sales Stone and Metal Engraving/ Working/ Finishing Mini-Warehouse/Self Storage Mirror Re-silvering Moving and Storage Company Municipal Facility or Use Office Showroom/Warehouse Outdoor Sales as a Primary Use	Truck Stop/Terminal/Wash Truck/Bus Parking, Storage, Leasing Upholstery Shop Warehouse – storage or wholesale warehouse Warehousing, Distribution, Storage Water Distillation Welding Shop Wholesale Trade Wood Working Shops

C. Special Uses.

Special Uses		
A-C	D-N	O-Z
Amusement, Commercial – temporary, allowed only by Special Event Permit for up to 10 days (e.g., carnival, haunted house) Concrete or Asphalt Mixing/Batching Plant – temporary	Day Care Heavy Machinery Sales and Storage	Recreational Vehicle (RV) Display or Sales – new or used, or repair Recreational Vehicle (RV) Storage Winery/Distillery/Brewery

D. Conditional Uses.

Conditional Uses		
A-E	F-N	O-Z
Airport / Heliport All-Terrain Vehicle (go-carts) Dealer/Sales Animal Processing and Slaughter	Canning and Preserving Factory Concrete or Asphalt Mixing/Batching Plant (Permanent)	Penal, Correctional Institution, Jail Petroleum and Petroleum Products Refining/ Distribution/Storage

Conditional Uses (continued)		
A-F	G-N	O-Z
Auto Dealer/Sales Auto Impound/Inoperable Vehicle Holding Yard – public/private Auto Parts and Accessories Auto Repair/Body Repair/Painting/Glass Repair and Tint/Auto Modifications Auto Salvage and Wrecking Yard Auto Service Station w/accessory fuel sales, wrecker services Auto Storage or Auto Auction, Wholesale Auto Sales Auto Wrecker Service Boat, Watercraft Outside Storage Boat, Watercraft Repair Boats and Personal Watercraft Sales – new/indoor repair	Drilling and Production of Natural Gas and/or Oil – and activities related thereto Food Processing Foundry - all types Hazardous/Chemical Manufacturing Heavy Assembly/Manufacturing Landfill Leather/Fur/Hide Tanning and Finishing Lumber Mill/Yard Metal Forging/Stamping/Roll/Draw/ Extrude Mining/ Mineral Extraction Motorcycle Sales/Dealer/ Motorcycle Repairs Natural Gas Compressor Station	Plastic, Rubber Products Fabrication/ Assembly/ Molding/Casting/ Shaping Plating, Galvanizing, Chroming Recycling and/or Drop Off Kiosk, Bin or Reverse Vending Machine Reduction of Fats, Ores, Metals, Garbage, Offal, Etc.; Rendering Plant Salvage Facility Solar Farm Stables, Commercial Surface Exploration and Extraction of Hydrocarbons – non-drilling Tower – radio, television, and communications towers Transfer Station – refuse/pick-up

E. Design Standards.

1. *Height Regulations* —None specified.
2. *Area Regulations.*
 - a. *Front Yard.*
 1. In all locations where building lines, setback lines, or front yard lines are shown on recorded plats, the minimum setback or front yard shall be as shown on the plat.
 2. In all other locations, the minimum front yard setback shall be 50 feet.
 3. No accessory structures shall be located in front yards.
 - b. *Side Yard.*
 1. In all locations where building lines or side lines on corner lots are shown on recorded plats, the minimum side yard shall be as shown on the plat.
 2. In all other locations, there shall be a side yard on each side of the structure of no less than 25 feet in width.
 3. Corner lots shall have a side yard on the street side of the structure of no less than 25 feet.

c. *Rear Yard.*

1. There shall be a rear yard with a depth of not less than 25 feet for the main building.

d. *Lot Area.*

1. Lot area—None specified.
 - a. Minimum lot width—None specified.
 - b. Minimum lot depth—None specified.

SEC. 12-3-400 “CC” CORRIDOR COMMERCIAL OVERLAY

Contents of Section:

- A. Purpose.
- B. Design Standards.

A. Purpose. In the CC Corridor Commercial overlay, no building or premises shall be used, configured, erected, or altered except in conformity with the following use, area, height regulations, and design standards. The Corridor Commercial Overlay applies to properties with frontage along the following corridors:

US 180 (Fort Worth HWY) from Santa Fe Drive to FM 730 (Azle HWY)

US 180 (Palo Pinto Street) from Alamo Street to Bowie Street

FM 51 (North Main Street) from the railroad ROW to Ric Williamson HWY

FM 51 (South Main Street) from Columbia Street to College Park Drive

B. Design Standards

1. *Height Regulations.* No structure shall exceed 45 feet in height for the main building. All buildings in the Commercial Corridor Overlay must have a minimum height of 20 feet which also must include at least 5 feet of a solid parapet to cover any roof top units or equipment as applicable, not to exceed 45 feet in height. The minimum height can be achieved with a front façade. Parapets or architectural designs such as arches may be used to achieve the front height requirement (Figure D and E).



Figure D. Façade with architectural designs.



Figure E. Façade with parapets.

2. *Area Regulations.*

a. *Front Yard.*

1. In all locations where building lines, setback lines, or front yard lines are shown on recorded plats, the minimum setback or front yard shall be as shown on the plat.
2. In all other locations, the minimum front yard setback shall be 15 feet.
 - a. No accessory structures shall be located in front yards.

b. *Side Yard.*

1. For corner lots, there shall be a side yard on the street side of the structure of no less than 15 feet.
- a. *Rear yard.* There shall be a rear yard having a depth of not less than 10 feet for the main building.

3. *Additional Design Standards Within the Corridor Commercial Overlay.*

- a. *Parking:* For new development 75% of required parking shall be located behind the front yard setback of all properties within the Corridor Commercial Overlay. For redevelopment utilizing the existing structure, no new parking should increase the proportion of parking in the front setback.
- b. *Building style:* Structures that incorporate the cities western heritage are strongly encouraged. The use of facades as seen in Figures D and E are encouraged for all new development.

SEC. 12-3-401 "HP" HISTORIC PRESERVATION OVERLAY

Contents of Section:

- A. General Purpose and Description
- B. Definitions.
- C. Historic Preservation Overlay Criteria.
- D. Historic Preservation Overlay Designation.
- E. Administration.

A. General Purpose and Description.

1. The City Council of Weatherford hereby declares that as a matter of public policy, the protection, enhancement, and perpetuation of landmarks or districts of historical and cultural importance and significance is necessary to promote the economic, cultural, educational, and general welfare of the public. It is recognized that the City of Weatherford represents the unique confluence of time and place that shaped the identity of generations of citizens, collectively and individually, and preceded significant historic, architectural, and cultural resources that constitute our heritage.
2. This section establishes the procedure to request and designate a historic preservation overlay (HP). The HP overlay, through separate ordinance, will provide design criteria for the redevelopment, revitalization, and preservation of specific sites, neighborhoods and commercial areas.
3. A historic preservation overlay recognizes the city's desire to promote and protect the health, safety, economic, cultural, educational, and general welfare of the public through the protection, enhancement, and perpetuation of one or more districts of historical, archeological, and cultural importance and significance.
4. The City Council may designate sites, buildings, structures, landscapes, and objects as within a historic preservation overlay along with the public rights-of-way in and surrounding them and define, amend, and delineate the boundaries thereof by adopting a historic preservation overlay.
5. The purposes of historic preservation overlay are to:
 - a. Protect and enhance the landmarks, districts, and resources which represent distinctive elements of Weatherford's historic, architectural, archeological, and cultural heritage.
 - b. Strengthen and foster civic pride in the accomplishments of the past through neighborhood conservation.
 - c. Protect and enhance Weatherford's attractiveness to visitors and the support and stimulus to the economy thereby provided.
 - d. Ensure the harmonious, orderly, and efficient growth and development of the city.
 - e. Stabilize and promote the economy of the city through the continued use, preservation, and revitalization of its historic resources.
 - f. Encourage the stabilization, restoration, and improvement of historic properties and their values.

- g. Strengthen civic pride and cultural stability through neighborhood conservation.
 - 6. Separate ordinances are required to designate each historic preservation overlay. Ordinances designating each overlay shall identify the designated boundaries, applicable designation criteria, and design standards for that overlay.
 - 7. Nothing contained in this section or in the designation of property as being in a historic preservation overlay shall affect the present legal use of property. Use classifications as to all property which may be included in a historic preservation overlay shall continue to be governed by the general zoning ordinance and the procedures therein established. In no case, however, shall any use be permitted which requires the demolition, razing, remodeling, or alteration of any buildings or structures in such a historic preservation overlay so as to adversely affect the character of the area and buildings within the historic preservation overlay, except upon compliance with the terms of this section.
 - 8. If there is a conflict between the regulations in a historic preservation overlay ordinance and the regulations of the underlying zoning district, the regulations contained in the historic preservation overlay ordinance control. If there is a conflict between the regulations contained in a historic preservation overlay ordinance and these regulations, the regulations contained in the historic preservation overlay ordinance control.
 - 9. It is not the intent of the Historic Preservation Commission, Planning and Zoning Commission, or City Council to place individual property owners involuntarily in a historic preservation overlay or be subject to design guidelines except in circumstances when the future of a high-priority, single property site, as designated by the adopted historic resources survey, becomes threatened. The City Council may initiate historic preservation overlay designation without consent of the owners of the property in accordance with subsection D.3 below.
- B. Definitions.** Terms shall be as defined in the City of Weatherford Code of Ordinances, either in the Definitions section of this title or in Appendix 1, Definitions, Chapter 13, Historic Preservation, of Title IV, Building and Property Maintenance Regulations and Historic Preservation and unless specifically noted otherwise, are standard throughout this section.
- C. Historic Preservation Overlay Criteria.** A historic preservation overlay may be established on one or more properties, the majority of which are more than fifty (50) years old, to preserve places and areas of historical, cultural, or architectural importance and significance if the place or area has one or more of the following characteristics:
- 1. *History, Heritage, and Culture.* Represents the historical development, ethnic heritage, or cultural characteristics of the city, state, or country.
 - 2. *Historic Event.* Location as or association with the site of a significant historic event.
 - 3. *Significant Persons.* Identification with a person or persons who significantly contributed to the culture and development of the city, state, or country.
 - 4. *Architecture.* Embodiment of distinguishing characteristics of an architectural style, landscape design, method of construction, exceptional craftsmanship, architectural innovation, or contains details which represent folk or ethnic art.
 - 5. *Architect or Master Builder.* Represents the work of an architect, designer, or master builder whose individual work has influenced the development of the city, state or country.

6. *Historic Context.* Relationship to other distinctive buildings, sites, or areas which are eligible for preservation based on historic, cultural, or architectural characteristics.
7. *Unique Visual Feature.* Unique location of singular physical characteristics representing an established and familiar visual feature of a neighborhood, community, or the city that is a source of pride or cultural significance.
8. *Archeological.* Archeological or paleontological value, in that it has produced or can be expected to produce data-affecting theories of historic or prehistoric interest.
9. *National and State Recognition.* Eligible for or designated as a National Historic Landmark, recorded State Historic Landmark, State Archeological Landmark, American Civil Engineering Landmark, or eligible for inclusion in the National Register of Historic Places.
10. *Historic Education.* Represents an era of architectural, social, or economic history that allows an understanding of how the place or area was used by past generations.

D. Historic Preservation Overlay Designation.

a. *Multi Property Overlay Initiation.*

1. The procedure for adopting an ordinance to establish or amend a multi-property historic preservation overlay may be initiated by any of the following:
 1. Owner(s) of the property
 2. Historic Preservation Commission
 3. Planning and Zoning Commission
 4. City Council.
2. The procedure for establishing or amending a historic preservation overlay may be initiated by the city or by at least fifty-one percent (51%) of the property owners of the potential overlay. City Council shall make a determination, upon recommendation of the Historic Preservation Commission and Planning and Zoning Commission, which of the remaining forty-nine percent (49%) is threatened and shall be included in the historic preservation overlay. For historic preservation overlay requests, 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 in accordance with the provisions of V.T.C.A., Local Government Code, § 211.006 (commonly referred to as the “20 percent rule”) which provides for a written petition, in opposition to the zoning overlay, of the owners of more than twenty percent (20%) of the property being rezoned or within 200 feet of the rezoning.
3. At any time after designation, property owners may request the Historic Preservation Commission, Planning and Zoning Commission, or City Council to initiate an amendment to remove their particular property from the historic preservation overlay. This process will require an amendment to the overlay as well as to the zoning map to remove the historic preservation overlay designation in accordance with the procedures outlined for zoning map amendments in this title.

b. *Single Property Overlay Initiation.*

1. The procedure for adopting an ordinance to establish or amend a single property historic preservation overlay is followed by any of the parties below:
 1. Owner(s) of the property
 2. Historic Preservation Commission
 3. Planning and Zoning Commission
 4. City Council
2. Requests for a single property historic preservation overlay designation or amendment must have the concurrence of the owner located within the boundaries of the proposed single property historic preservation overlay, except in accordance with the “Single Property Overlay Initiation, High Priority Resources” subsection below.
3. At any time after designation, property owners may request the Historic Preservation Commission, Planning and Zoning Commission, or City Council to initiate an amendment to remove their particular property from the historic preservation overlay. This process will require an amendment to the overlay as well as to the zoning map to remove the historic preservation overlay designation in accordance with the procedures outlined for zoning map amendments in this title.

c. *Single Property Overlay Initiation, High Priority Resources.*

1. In circumstances when the future of a high priority single property site, as designated by the adopted historic resources survey, becomes threatened, the City Council may initiate historic preservation overlay designation without consent of the owner of the property.
2. Within thirty (30) days of such initiation, City Council shall hold a public hearing and determine if the historic preservation overlay designation process is to be continued or withdrawn.
3. If City Council withdraws the original designation, the property is no longer affected by the initiation of designation.
4. If City Council determines to proceed with the designation, the property will be subject to the public hearing procedure stated below.

d. *Initiation of Designation.*

1. The historic preservation overlay designation procedure is considered to be initiated immediately when the City Council, Planning and Zoning Commission, or Historic Preservation Commission votes to initiate it or, in the case of initiation by the property owner(s), when the completed designation report is filed with the Planning Director.
2. Upon initiation of the historic preservation overlay designation procedure, the Director shall immediately notify the Building Official. The Building Official shall not accept any application for a permit to alter, demolish, or remove any structure or site subject to the initiated designation, unless a certificate of appropriateness or certificate for demolition or removal has been issued.

e. *Designation Report.*

1. Requests by property owners shall be made on a designation report obtained from the Planning Director. Completed designation reports shall be returned to the Director for processing. For purposes of this section, the Historic Preservation Officer is the administrative official with original jurisdiction to review an application for completeness. The information shall include but not be limited to:
 1. A statement of the historical, cultural, and architectural significance of the place or area proposed for historic designation, including the criteria in subsections 12-3-12(b)(3)a—j upon which the designation is based.
 2. A description, photographs, and map of the boundaries of the proposed historic preservation overlay.
- f. *Public Hearing Procedure.*
 1. These provisions pertaining to the designation of historic preservation overlays constitute a part of the comprehensive zoning ordinance of the city. Application and notification procedures shall coincide with provisions pertaining to zoning map amendments and applicable state laws. Owners of properties within a proposed historic preservation overlay shall be notified in accordance with those notification procedures at least ten days prior to the Planning and Zoning Commission hearing on the recommended designation.
 2. At all public hearings, owners, interested parties, and technical experts may present testimony or documentary evidence which will become part of a record regarding the historic, architectural, or cultural importance of the proposed historic preservation overlay.
2. *Planning and Zoning Commission.*
 1. The Planning and Zoning Commission shall give notice and conduct its hearing on the proposed designation within thirty (30) days upon receipt of such recommendation from the Historic Preservation Commission or as directed by the City Council.
 2. Upon recommendation of the Planning and Zoning Commission, the proposed historic preservation overlay shall be submitted to the City Council.
3. *City Council.*
 1. City Council shall give notice and conduct its hearing on the proposed designation within thirty (30) days upon receipt of the recommendation of the Planning and Zoning Commission.
 2. Upon designation of a building, object, site, or structure as a historic preservation overlay, City Council shall cause the designation to be recorded in the Parker County official public records of real property, the City of Weatherford tax records, and the Parker County Appraisal District as well as the official zoning maps of the city. All zoning maps should indicate the designated historic preservation overlay with an appropriate mark or designation.
4. Certificate of appropriateness and certificate for demolition or removal in an overlay district required.

5. Prior to the commencement of any work or repairs in a historic preservation overlay, the property owner shall consult the Historic Preservation Officer to determine the necessary requirements for the proposed work.
6. Unless a certificate of appropriateness or a certificate of demolition has been approved by the city in accordance with Title IV, Chapter 13, Historic Preservation, this subsection and the regulations and design guidelines contained in a historic preservation overlay ordinance, no person or entity shall construct, reconstruct, alter, change, expand, remove, demolish, or fail to maintain any building, object, site, landscape, architectural feature, or group of such within a historic preservation overlay.
7. No building permit shall be issued for such proposed work until a certificate of appropriateness or a certificate of demolition has first been issued in accordance with this section and Title IV, Chapter 13, Historic Preservation. The certificate of appropriateness or certificate of demolition shall be in addition to and not in lieu of any building permit that may otherwise be required.

E. Administration.

1. Enforcement.

- a. All work performed pursuant to a certificate of appropriateness issued under this section shall conform to all its requirements. It shall be the duty of the Planning Director to inspect periodically to assure such compliance.

2. Penalties.

- a. Any person who adversely affects or demolishes a structure on property subject to the pending designation or in a historic preservation overlay in violation of this section is liable pursuant to V.T.C.A. Local Government Code § 315.006 for damages to restore or replicate the structure to its appearance and setting prior to the violation, using as many of the original materials as possible. No pending designation certificates of appropriateness, certificates of appropriateness, or building permits will be issued for construction on the site except to restore or replicate the structure.
- b. When these restrictions become applicable to a site, the Planning Director shall cause to be filed a verified notice in the county deed records and these restrictions shall be binding on future owners of the property. These restrictions are in addition to any fines imposed.
- c. Prosecution in municipal court of competent jurisdiction for an offense under this section does not prevent the use of other enforcement remedies or procedures provided by other city ordinances or state or federal laws applicable to the person charged with or the conduct involved in the offense.

SEC. 12-3-402 “P” PLANNED UNIT DEVELOPMENT OVERLAY

Contents of Section:

- A. Purpose.
- B. Applicability.
- C. Procedure.
- D. Approval Effect.

A. Purpose. The Planned Unit development (P) overlay is applied to accommodate flexibility with respect to certain development standards applicable to a base zoning district in order to achieve higher-quality, innovative, or mixed-use developments. A Planned Unit Development overlay differs from an administrative adjustment or variance in that the latter procedures are intended to allow relief from standards which constitute a hardship or irreconcilable impediment to otherwise permitted development, whereas the Planned Unit Development procedure is intended to facilitate exceptional development that will benefit the public above and beyond what is possible with strict adherence to the standards.

B. Applicability. This section applies to all new requests for planned unit development and substantial changes to existing planned unit developments. A Planned Unit Development overlay may be applied to a base zoning district for adjustments to the following development standards and subdivision requirements:

1. Minimum front, rear, or side yard setback.
2. Minimum lot size.
3. Maximum dwelling units per acre (may be averaged over multiple properties or transferred across zoning districts within the overall project area).
4. Uses permitted (may be transferred across zoning districts within the overall project area).
5. Maximum building height.
6. Maximum floor-area ratio.
7. Maximum lot coverage.
8. Minimum landscape planting.
9. Minimum right-of-way width.
10. Minimum or maximum block length.
11. Standard street section or construction details.

C. Procedure. A property owner or owners may request a Planned Unit Development overlay by filing a complete application with the Planning Director.

1. *Pre-application Meeting.* The property owner(s) or authorized representative shall request a pre-application meeting with the Planning Director. At the meeting, the Director and other city staff will provide information and early assistance on the application and approval process.
2. *Application Requirements.*
 - a. Completed application form.

- b. Applicable fee.
 - c. A written narrative that includes all of the following:
 - 1. *Summary.* Describe the overall land use pattern, development scale, vehicle and pedestrian circulation, infrastructure, types and densities of dwellings and other uses, and all unique or unusual features of the project.
 - 2. *Adjustments.* Address all proposed adjustments from base zoning district and subdivision requirements, including the reasons why each adjustment is necessary. Address any uses proposed where not allowed in the underlying base zone by demonstrating the need for or benefit of each such use. These statements shall be accompanied by a table that lists each base zoning district and compares all applicable development standards, allowed uses, and subdivision requirement with the proposed adjusted standards, uses, and subdivision requirements in a side-by-side column format.
 - 3. *Compatibility.* Evaluate the relationship between the proposed Planned Unit Development and the surrounding community. Explain how the proposal integrates with and responds to existing development patterns through a discussion about the arrangement, location, and massing of all proposed buildings, uses, and site improvements, including streets and paths.
 - 4. *Impacts.* Account for any adverse impacts of the proposal on adjacent properties or the surrounding community that would not occur if the site developed according to the base zoning district standards. Describe all protections or measures proposed to mitigate the anticipated impacts.
 - 5. *Benefits.* Provide a detailed statement of all public benefits, which may include contributions to citywide goals and policies as well as all those features, amenities, or protections that in some way exceed the minimum standards of this title to the benefit of the general public or to the residents, customers, and employees of the planned unit development. A successful public benefits statement will make specific reference to the policies and goals contained within the Comprehensive Plan and explain why the applicant believes the public benefits from the proposal are sufficient to warrant the type and amount of flexibility requested. Ad valorem tax revenues or other financial projections are not considered public benefits for purposes of this section.
 - d. Conceptual Site Plan, elevation drawings, construction details, and other graphics as needed to convey the location, mass, dimensions, appearance, and use of all project elements, as well as their relationship to the existing built and natural environment. The boundaries of the area proposed for inclusion within the planned unit development shall be clearly indicated.
 - e. Any studies, reports, or analyses prepared to support the statements made in the project narrative.
 - f. If any subdivision of land is proposed as a part of the Planned Unit Development, an application for preliminary plat shall be submitted concurrently with the request for the Planned Unit Development overlay.
3. *Approval process.* A request for a Planned Unit Development overlay will be processed through the zoning map amendment procedure described in this title.

4. *Approval criteria.* The Director and the Planning and Zoning Commission shall make a recommendation to the City Council, and the City Council may approve, approve with conditions, or disapprove the request, based upon findings concerning the following approval criteria, as applicable:
- a. All required information is provided and sufficient to effectively evaluate the proposed development.
 - b. Utilities, transportation infrastructure, and other public facilities are available and adequate to serve the proposed development at the time of occupancy.
 - c. The proposed development is compatible with and thoughtfully integrated into the surrounding community, particularly where adjacent to existing historic and residential neighborhoods.
 - d. Auto-oriented or other high-intensity uses are concentrated away from edges which are adjacent to existing historic and residential neighborhoods.
 - e. The proposed development contributes to citywide goals and policies and includes features, amenities, or protections which benefit the general public or the residents, customers, and employees of the Planned Unit Development, and such benefits are sufficient to warrant the type and amount of flexibility requested.
 - f. Buildings, streets, and other improvements are designed and located to preserve heritage trees and other significant natural features to the greatest extent possible.
 - g. Impacts from the proposed development are mitigated to the extent practicable.
 - h. Adjustments to right-of-way, block, or street standards do not result in unsafe conditions.
 - i. All applicable development standards and requirements are met, except as adjusted.
 - j. Proposed adjustments are within the following limits:
 - 1. Maximum number of dwelling units within the project area does not exceed the maximum allowed by the base zoning district standard.
 - 2. Maximum building height does not exceed the base zoning district standard by more than 50 percent (50%).
 - 3. Maximum floor-area ratio does not exceed the base zoning district standard by more than 50 percent (50%).
 - 4. Minimum landscape requirements are not reduced by more than 10 percent (10%).

D. Approval Effect.

- 1. The adopting ordinance designating an approved Planned Unit Development overlay shall identify the designated boundaries and include the concept plan, base zoning district(s), and standards adjusted for that overlay.
- 2. Upon approval of a Planned Unit Development overlay by the City Council, the Planning Director shall cause the designation to be recorded on the official zoning maps of the city.
- 3. All development within the area designated by the Planned Unit Development overlay shall be subject to the approved development standards and concept plan applicable to it. If there is a conflict between the requirements indicated in the adopting ordinance and the regulations of

the underlying zoning district, the regulations contained in the adopting ordinance shall govern.

4. Administrative adjustments to any quantitative standards adopted within a Planned Unit Development shall be limited to 10 percent (10%). The Zoning Board of Adjustments shall not grant any variances from the standards adopted within a Planned Unit Development or relief from required adherence to the concept plan.

SEC. 12-3-500 “PD” PLANNED DEVELOPMENT

Contents of Section:

- A. Purpose.
- B. Pre-application Review.
- C. Application of Planned Development District Provisions.
- D. Design Standards.
- E. Application Process.

A. Purpose.

- a. The purpose of the Planned Development (PD) regulations are to encourage flexibility in the use and development of land in order to promote its most appropriate use, to provide a high level of urban amenities, to preserve the quality of the natural environment, and to provide flexibility in the development of land subject to development standards coordinated with the provisions of necessary public services and facilities. This district is a legacy district that is not intended to be added to or expanded. No additional rezoning applications will be considered for rezoning to this district from the adoption of this regulation.

B. Pre-application Review.

- 1. Prior to making an application to the Planning and Zoning Commission, the application shall be reviewed by the Development Review Committee. There is no fee for this review. DRC review is for the purpose of providing information to the applicant prior to their entering into binding contractual commitments or incurring substantial expense in the preparation of plans, surveys, or other data.

C. Application of Planned Development District Provisions.

- 1. An application for a PD district is considered the same as a zoning change and is therefore made to the Planning and Zoning Commission and City Council in the same manner that an application for zoning change is made according to this ordinance.
 - a. The application for PD zoning shall be accompanied by a development Site Plan, the appropriate filing fee, and a list of supplemental development regulations, which will become a part of the amending ordinance and be referenced on the zoning map. Changes in the development Site Plan or supplemental development regulations shall be considered the same as changes in the zoning map. The proposed application and Site Plan shall be processed as required except that minor changes, which do not cause any of the following circumstances to occur, may be authorized by the City Manager (or their designee):
 - 1. A 5% or greater increase in the gross floor areas of structures.
 - 2. Any substantial and material changes in external effects on adjacent property, such as noise, heat, light, glare, and vibration.
 - 3. A 10% or greater increase in the height of structures.
 - 4. A 10% or greater reduction in the originally approved setbacks from property lines.
 - 5. A 5% or greater reduction in the ratio of off-street parking and loading space.

6. A change in the size, height, lighting, flashing, animation, or orientation of originally approved signs, which were approved as part of the PD approval as a sign plan.
- b. The City Manager shall prepare a written report analyzing the development Site Plan which shall be given to the Planning and Zoning Commission and the applicant prior to the public hearing. Upon recommendation for approval by the Planning and Zoning Commission to the City Council, the request will be presented to the City Council for a first reading and a final reading.
- c. Approval of a PD district shall constitute an amendment to the Zoning Ordinance. Designation of a property as a PD district, in accordance with an approved development plan, shall supersede all existing and prior zoning classifications. Such property shall, for zoning purposes, be identified by the letters "PD" followed by an identifying number assigned by the City Manager.

D. Design Standards.

1. All planned development districts shall, at a minimum, satisfy the following standards and requirements:
 - a. *Uses permitted.* The development plan shall specify, both for the project as a whole and/or for subareas within the project, as appropriate, permitted principal and accessory uses, conditional uses, and prohibited uses. The City Council may include or exclude uses from the development plan or include uses with attached conditions as appropriate to achieve the intent of these provisions.
 1. In making its determinations of the uses to be permitted within the PD District, City Council may consider the compatibility and relationship of uses within the project, the compatibility and relationship of permitted uses adjoining or in proximity to the PD District, the appropriateness of permitted uses for the area in general, their overall impact on the community, and the consistency of the permitted uses with other adopted plans and policies.
 - b. *Intensity of Development.* The development plan shall contain provisions to regulate the intensity of development within the PD district. Such provisions may apply to the project as a whole or to subareas within the project, as appropriate.
 1. For non-residential development, the intensity of development may be regulated by:
 - a. Specifying an appropriate floor area ratio(s) (FAR).
 - b. Specifying maximum square footage or gross leasable area.
 - c. Specifying setbacks, height, and bulk restrictions.
 - d. A combination of such restrictions for the project as a whole or for components or subareas within the project.
2. For residential development, the density of residential dwelling units within a PD District shall be computed in accordance with a formula identified as part of a development plan. The density formula shall be accompanied by supporting documentation and logic behind the density formula.
3. The permitted number of dwelling units may be distributed in any manner over the residential portion of the project consistent with the intent and provisions of this ordinance.

The development plan shall specify distribution of residential density for the project as a whole or for subareas within the project as appropriate. In making its determination regarding the distribution of residential densities, the City Council may consider compatibility of residential densities with other uses within the district as well as outside the district, the impact of residential densities on public facilities and services, and the consistency with the master plan, the Comprehensive Plan, and/or other adopted plans and policies.

4. *Bulk, Area, and Height Requirements.* The development plan shall specify bulk, area, and height restrictions for the project as a whole and for subareas and/or components of the project as appropriate. City Council may impose alternate or additional standards or restrictions to achieve the intent of this ordinance. In making its determination regarding such standards or restrictions, City Council may consider the character and scale of the proposed development as it relates to other uses and structures both within the district and outside the district, the general character and scale of similar developments within the area of the proposal, and the consistency with adopted plans and policies.
5. *Public Facilities.* The development plan shall specify conditions, restrictions, and standards relating to the timely provisions of necessary public facilities as appropriate. City Council may impose conditions, restrictions, and standards as appropriate to achieve the intent of this title. In making its determination regarding such conditions, restrictions, and standards, City Council may consider the adequacy of existing facilities, the timely provision of adequate facilities, and the overall cost to the community.
6. *Access to Public Thoroughfares.* The development plan shall specify the location and general design of ingress and egress to the project along with access restrictions as appropriate. City Council may impose such access standards and restrictions as necessary to protect the integrity and function of the city's thoroughfare system and to otherwise achieve the intent of this title. In making its determination regarding access standards and restriction, City Council may consider the classification and function of the thoroughfare system, existing and projected traffic volumes, the condition and design of the affected thoroughfares, the effect of the proposed development on traffic flow and circulation patterns on other adopted plans and policies.
7. *Off-street Parking and Loading Requirements.* Unless specifically modified by the development plan, the off-street parking and loading requirements contained within the zoning regulations shall apply. Reductions in off-street parking and loading standards shall be approved only if it can be demonstrated that parking demand will be less due to density and/or occupancy characteristics of the project and/or the availability of public transportation.
8. *Signs.* Unless specifically modified by the development plan, the sign regulations contained within these zoning regulations shall apply. Modifications to the sign regulations shall be approved only if the general intent to the sign regulations regarding size, location, illumination, structural integrity, and relation to surrounding uses is satisfied.
9. *Perimeter Treatment.* The development plan shall specify any special treatment of perimeter areas designed to mitigate the impact of the project upon adjoining properties and/or to achieve an appropriate transition between land uses and densities. City Council may impose those standards and requirements for perimeter treatment if it deems

necessary to protect adjoining properties from adverse effects and to achieve an appropriate transition of land uses and densities.

E. Application Process.

1. *Procedure.* Applications for Planned Development (PD) district designation shall be processed pursuant to a three-step review process as specified in this subsection.
 - a. The three-step procedure shall include:
 1. A pre-application conference (Development Review Committee).
 2. A preliminary development plan (Planning and Zoning Commission).
 3. A final development plan (City Council).
2. *Pre-application Conference.* The pre-application conference is an informal procedure to assist the applicant in meeting various requirements of the city and to provide an early preview of the application.
3. *Preliminary Development Plan.* Upon satisfying the pre-application conference requirement, an applicant may submit an application to the Planning and Zoning Commission.
 - a. The following information shall, at a minimum, be included in the application:
 1. A legal description of the site proposed for PD designation, including a statement regarding present ownership and present zoning.
 2. A master conceptual plan that indicates parcel, tract, or lot locations and dimensions; density per gross and per net acres in the development and in each land use component, if appropriate; the intensity of land use in the development and each land use component, if appropriate; the amount of land in common area open space, recreation use, or public use, if appropriate; and the treatment of project boundaries.
 3. Written text which includes supporting graphics describing the overall concept of the plan; the uses included and any limitations upon uses; building types and prototypical site layouts, if appropriate; provisions for maintenance of common areas; any proposed agreements, dedications, or easements; any proposed private covenants and restrictions; and any other information required by this subsection or pertinent to a determination of compliance with this subsection.
 4. A circulation plan that indicates roads adjoining the property, the location of access from public roads into the project, and vehicular and pedestrian circulation systems within the project. The circulation plan may be included as part of the master conceptual plan.
 5. An improvement plan that indicates water supply and distribution facilities as well as the source of the water supply, wastewater collection, and disposal including method and location of discharge, methods, and facilities for the management of stormwater runoff, improvements to streets and roads, and any other physical improvements required to support the project.
 6. A statistical summary that indicates the number of acres in the project; the number of acres allocated to each land use within the project; the gross and net residential density within the project and within each land use component of

the project; and floor area, floor area ratios, open space ratios, and other data relating the intensity of the development to the site size and location.

7. A parking analysis showing that the total parking demand for uses in the planned development district does not exceed the total supply of available parking spaces.
- b. The following elements are optional at the request of the Planning and Zoning Commission:
 1. A sign plan which indicates the location, size, design, and other pertinent provisions relating to signs within the project.
 2. A parking plan which shows the number of parking spaces as well as their general location and design.
 3. An environmental impact statement indicating possible problem areas within the site and solutions to these problems, as intended by the developer.
4. *Final Development Plan.* City Council, after public hearing and proper notice to all parties affected, and after recommendation from the Planning and Zoning Commission, shall review the planned development zoning request for final approval.

CHAPTER 4 – SUPPLEMENTAL DESIGN REQUIREMENTS

SEC. 12-4-100 EXTERIOR CONSTRUCTION AND DESIGN REQUIREMENTS

Contents of Section:

- A. Masonry Requirements.
- B. Construction Standards.

A. Masonry Requirements. Masonry construction shall include all construction of stone material, brick material, concrete masonry units, or concrete panel construction, which is composed of solid, cavity, faced, or veneered-wall construction.

1. The following materials will be considered masonry for the purpose of this ordinance:
 - a. *Stone material:* May consist of granite, marble, limestone, slate, river rock, and other hard and durable, naturally-occurring, all-weather stone. Cut stone and dimensioned stone techniques are acceptable.
 - b. *Brick material:* Shall be hard fired (kiln fired) clay or slate material which meets the latest version of ASTM Standard C216, Standard Specification for Facing Brick, and shall be Severe Weather (SW) grade, and Type FBA, FBS, or better.
 - c. *Concrete masonry units:* Shall meet the latest version of the following applicable specifications: ASTM C90, Standard Specification for Hollow Load Bearing Concrete Masonry Units; ASTM C145, Standard Specification for Solid Load Bearing Masonry Units; and ASTM C129, Standard Specification for Hollow and Solid Nonload Bearing Units. Concrete masonry units shall have an indented, hammered, split-face finish or other similar architectural finish as approved by the City Manager. Lightweight concrete block or cinder block construction is not acceptable as an exterior finish.
 - d. *Cementitious composition reinforced panel construction:* Is allowed but shall not be considered as masonry for the purposes of calculating the masonry percentage required for exterior finishes under this ordinance.
 - e. *Concrete panel finish, pre-cast panel, tilt wall:* Shall be painted, fluted, or finished with an architectural finish. Exposed aggregate, smooth, or untextured concrete finishes are not acceptable unless painted.
 - f. *Copper.*
 - g. *Rustic wood:* When used as part of a historic appearing exterior. Such exterior may be approved as part of (12) below.
 - h. *Stucco.*
 - i. *Tile.*
 - j. *Other stone materials:* As approved by the City Manager (or their designee).
 - k. *Glass:* Not used as part of a window or door.
2. Strict adherence to the Masonry Requirements should not be such as to prevent architectural creativity for alterations or repairs, or for structures that are designed to

meet franchise affiliation. Alternative exterior materials that meet the intent of this ordinance may be approved by the City Manager (or their designee).

B. Construction Standards. The standards and criteria contained within this section are deemed to be minimum standards and shall apply to all new, altered, or repaired construction occurring within the city.

1. Residential

- a. All one-family dwellings, two-family dwellings, and townhouses shall be of exterior construction having at least 75 percent of the total exterior walls above grade level and below the first floor plate line, excluding doors and windows, constructed of masonry as listed in (A) above.
- b. Alterations, repairs, additions, or new residences located in a subdivision and/or within the same block in which more than 50 percent of the lots have been developed with primary structures that do not meet the masonry requirements herein may be allowed, provided the exterior construction is deemed compatible with the majority of the structures in the area. Appeals to determine compatibility shall be to the City Council upon recommendation of the Planning and Zoning Commission.
- c. All principal buildings and structures located in multifamily dwelling districts shall be of exterior construction having at least 75 percent of the total exterior walls, excluding doors and windows, constructed of masonry as listed in (A) above.

2. Nonresidential

- a. All nonresidential structures shall be of exterior construction having at least 75 percent of the total exterior walls above grade level, excluding doors and windows, constructed of the following materials, as defined above.

3. Exemptions

- a. One-story detached accessory structures used as tool and storage sheds, playhouses, and similar uses, provided the floor area does not exceed 200 square feet and in non-residential areas screened in accordance with this ordinance from a public right of way. In Residential Estate (RE) and One-Family Residential (R-1) zoned districts, such buildings within 50 feet of a right-of-way shall also be screened in accordance with this ordinance.
- b. Provided the construction closely matches the aesthetics of the main structure, additions to the main structure and accessory buildings exceeding 200 square feet, which are located on a premise in which the main structure is not in compliance with the exterior masonry requirements as contained herein. The exemption applies only to a maximum square footage of all future additions that does not exceed 50 percent of the main structure's square footage at the time of the first addition permitted after the effective date of this ordinance.
- d. In Commercial 3 (C-3) and Industrial (I) zoning districts, exterior walls that are not visible from a public right-of-way may be constructed of alternative materials that do not meet the masonry requirements and such exterior wall(s) shall be excluded from the calculations in meeting the masonry requirements.
- e. Accessory structures on property of two acres or more, located in Agricultural Districts (AG), provided that such structures are used solely for agricultural purposes.

SEC. 12-4-101 SIGNS

Contents of Section:

- A. Purpose.
- B. Applicability.
- C. Hierarchy of Regulations.
- D. Definitions.
- E. Exemptions.
- F. Prohibited Signs.
- G. General Rules for Reading and Applying the Code Language.
- H. Sign Face Area.
- I. Height of Signs.
- J. Standards in Residential Zones.
- K. Standards in Commercial and Industrial Zones.
- L. Additional Standards in All Zones.
- M. Electronic Message Centers.
- N. Sign Illumination Standards.
- O. Nonconforming Signs.
- P. Electrical Regulations Applying to all Permanent and Temporary On-Premise Signs.
- Q. Construction and Structural Requirements
- R. Maintenance Requirements.
- S. Permits and Registration.
- T. Inspection.
- U. Enforcement.
- V. Fees.

A. Purpose. These regulations balance the need to protect public safety and welfare, the need for a well maintained and attractive community, and the need for adequate identification, communication, and advertising. The regulations for signs have the following specific objectives:

1. To promote the safety of persons and property by providing that signs do not:
 - a. Create a hazard due to collapse, fire, collision, decay, or abandonment.
 - b. Obstruct firefighting or police observation abilities.
 - c. Create traffic hazards by confusing or distracting pedestrians, bicyclists, and motorists, or by impairing the operator's ability to see pedestrians, other vehicles, or traffic signs.
 - d. Become obstacles that hinder free passage along streets or sidewalks to pedestrians, bicyclists, or motorists.
2. To protect the public welfare and to enhance the appearance and economic value of the landscape, by:
 - a. Recognizing that visual clutter leads to a decline in the community's appearance, property values, and the effectiveness of the signs.
 - b. Encouraging a better aesthetic environment by enhancing the appearance of the city's major corridors and downtown area.

- c. Not interfering with scenic views.
 - d. Not creating a nuisance to persons using the public rights-of-way.
 - e. Not creating a nuisance to occupants of adjacent and contiguous property by their brightness, size, height, or movement.
 - f. Ensuring signs are not detrimental to land or property values.
 - g. Not contributing to visual blight or clutter, and are similar in construction materials, and style as that of the structure or tract of land.
3. To promote the efficient transfer of information in sign messages provided that:
- a. Those signs which provide public safety messages and information are given priority.
 - b. Businesses and services can identify themselves.
 - c. Customers and other persons can locate a business or service.
 - d. No person or group is arbitrarily denied the use of the sight lines from the public rights-of-way for communication purposes.
 - e. Persons exposed to signs are not overwhelmed by the number of messages presented and are able to exercise freedom of choice to observe or pay no attention to such messages, according to the observer's purpose.
 - f. The right of free speech is preserved and exercised through the use of signs.
4. To promote the stated purposes of the International Building Code, as adopted and modified by the city, which are expressly incorporated herein.
- B. Applicability.** The requirements of this section apply to all signs, sign structures, awnings, and other types of sign devices located within the city, except as specified below:
- 1. Signs and sign structures located in the city that cannot be seen from a public roadway are not subject to the size, height, location, and number regulations listed herein. These signs must however comply with safety and construction as outlined in the applicable Building Code.
- C. Hierarchy of Regulations.**
- 1. Where there is a conflict between specific sign regulations and the base or general sign regulations of this Code, the specific sign regulations supersede the base sign regulations.
 - 2. Where there is a conflict between a land use regulation and a structural regulation, or other conflicts not otherwise addressed by this section, the most restrictive applies.
- D. Definitions.** For purposes of this section of the Zoning Ordinance, the following words, terms, and phrases shall have the meanings indicated. Definitions of other terms used within this section may be found elsewhere in the Zoning Ordinance. Words, terms, and phrases not defined herein or elsewhere in the zoning ordinance shall be construed to have the meaning given by common and ordinary use and shall be interpreted within the context of the sentence or section in which they appear.

Abandoned sign. A sign that no longer identifies or advertises an ongoing business, product, location, service, idea, or activity conducted on the premises on which the sign is located.

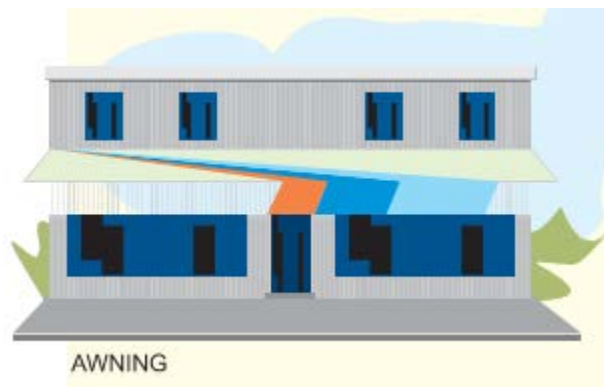
Alteration. A change in the size or shape of an existing sign. Copy or color change of an existing sign is not an alteration. Changing or replacing a sign face or panel is not an alteration.

Animated sign. A sign employing actual motion, the illusion of motion, or light and/or color changes achieved through mechanical, electrical, or electronic means. Animated signs, which are differentiated from changeable signs as defined and regulated by this Code, include the following types:

1. *Environmentally activated.* Animated signs or devices motivated by wind, thermal changes, or other natural environmental input. Includes spinners, pinwheels, pennant strings, and/or other devices or displays that respond to naturally occurring external motivation.
2. *Mechanically activated.* Animated signs characterized by repetitive and/or rotation activated by a mechanical system powered by electric motors or other mechanically-induced means.
3. *Electrically activated.* Animated signs producing the illusion of movement by means of electronic, electrical, or electromechanical input and/or illumination capable of simulating movement through employment of a cycle of repetitive flashing in phases of four (4) seconds or less or through the use of patterned illusionary movement (simulated movement through alternating or sequential activation of illuminated elements).

Architectural projection. Any projection from a building that is decorative and/or functional and not intended for occupancy, and that extends beyond the face of an exterior wall of a building but that does not include signs as defined herein. See also: Awning; Back-lit Awning; and Canopy, Attached and Freestanding.

Awning sign. A sign displayed on or attached flat against the surface or surfaces of an awning. An awning that contains a “sign” section or copy area shall comply with the applicable sign area requirements for parallel signs. Only the sign or copy area displayed on an awning shall be used to determine the permitted sign area. The entire awning shall not be included in a sign area calculation. See also: Wall or Fascia sign.

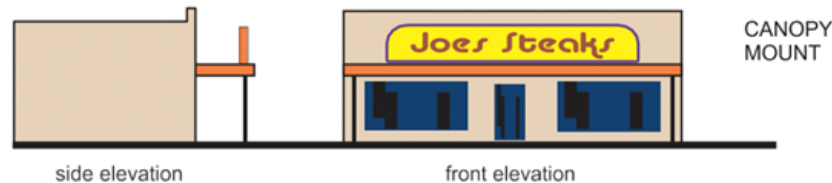


Banner. A temporary flexible substrate on which copy or graphics may be displayed.

Bench sign. A sign applied or affixed to the seat or back of a bench.

Billboard. A sign designed for the purpose of off-premise advertising or commercial outdoor advertising. Billboards signs are prohibited.

Canopy sign. A sign affixed to the visible surface(s) of an attached or freestanding canopy. May be internally or externally illuminated. Similar to a Marquee sign.



Changeable sign. A sign with the capability of content change by means of manual or remote input, including the following types:

1. **Manually Activated.** Changeable sign where the message copy or content can be changed manually on a display surface.
2. **Electrically Activated.** Changeable sign where the message copy or content can be changed by means of remote, electrically energized on-off switching combinations of alphabetic or pictographic components arranged on a display surface. Illumination may be integral to the components, such as characterized by lamps or other light-emitting devices, or it may be from an external light source designed to reflect off the changeable component display. See also: Electronic Message Center.

Channel letter (internally illuminated). A dimensional letter with a back, sides, and a translucent front face capable of transmitting light from an internal light source within the letter.

Directional sign. Any sign that is designed and erected for the purpose of providing direction and/or orientation for pedestrian or vehicular traffic.

Electronic message center or sign (EMC). An electrically activated, changeable sign whose variable message and/or graphic presentation capability can be electronically programmed by computer from a remote location. EMCs typically use light emitting diodes (LEDs) as a lighting source. See also, these following terms principally associated with EMCs: Display time, Dissolve, Dynamic frame effect, Fade, Frame, Frame effect, Scroll, Transition, and Travel.

Illuminance. The amount of light falling upon a real or imaginary surface, commonly called "light level" or "illumination."

Illuminated sign. A sign characterized by the use of artificial light, either projecting through its surface(s)—internally or trans-illuminated, or reflecting off its surface(s)—externally illuminated.

Marquee sign. See Canopy sign.

Monument sign. A freestanding sign that is constructed with brick or covered in masonry. Monument signs are limited to 12 feet in height and 15 feet in width.



Multiple-faced sign. A sign containing three (3) or more faces.

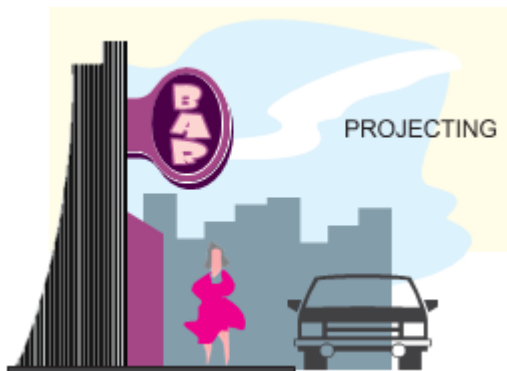
On-premise sign. A sign erected, maintained, or used in the outdoor environment for the purpose of the display of messages appurtenant to the use of, products sold on, or the sale or lease of, the property on which it is displayed.

Pole sign. A sign principally supported by one or more columns, poles, or braces placed in or upon the ground. May also be referenced as a pylon sign.



Portable sign. Any cord-connected sign not permanently attached to the ground that can be removed without the use of tools.

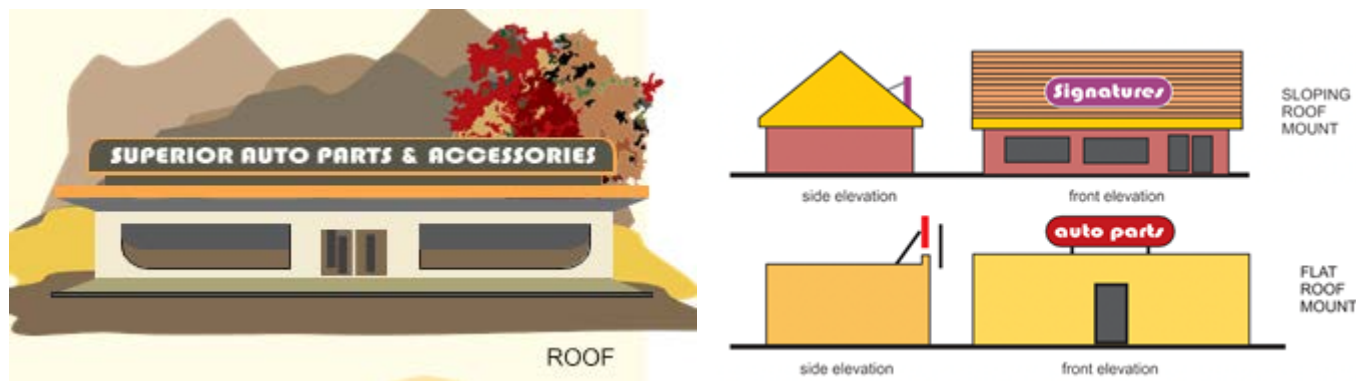
Projecting sign. A sign other than a wall sign that is attached to or projects more than 18 inches from a building face or wall or from a structure whose primary purpose is other than the support of a sign..



Pylon sign. See Pole sign

Revolving sign. A sign that has the capability to revolve three hundred and sixty degrees (360°) about an axis.

Roof sign. A sign mounted on the main roof portion of a building or on the uppermost edge of a parapet wall of a building and which is wholly or partially supported by such building. Signs mounted on mansard facades, pent eaves, and architectural projections such as canopies or marquees shall not be considered to be roof signs.



Sign. Any device visible from a public place whose essential purpose and design is to convey either commercial or noncommercial messages by means of graphic presentation of alphabetic or pictorial symbols or representations. Noncommercial flags or any other flags displayed from flagpoles or staffs will not be considered to be signs.

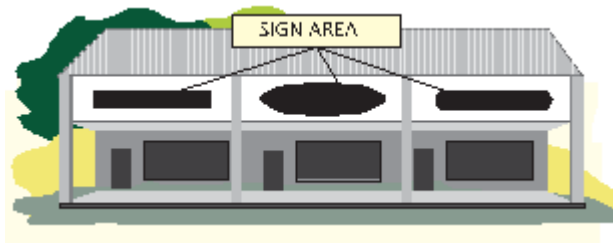
Sign Structure. Any structure designed for the support of a sign.

Sign area. The area of the smallest geometric figure, or the sum of the combination of regular geometric figures, which comprise the sign face. The area of any double-sided or “V” shaped sign shall be the area of the largest single face only. The area of a sphere shall be computed as the area of a circle. The area of all other multiple-sided signs shall be computed as fifty percent (50%) of the sum of the area of all faces of the sign.



Sign face. The surface upon, against, or through which the sign copy is displayed or illustrated, not including structural supports, architectural features of a building or sign structure, nonstructural thematic or decorative trim, or any areas that are separated from the background surface upon which the sign copy is displayed by a distinct delineation, such as a reveal or border.

1. In the case of panel or cabinet type signs, the sign face shall include the entire area of the sign panel, cabinet, or face substrate upon which the sign copy is displayed or illustrated, but not open space between separate panels or cabinets.
2. In the case of signs painted on a building or individual letters or graphic elements affixed to a building or structure, the sign face shall comprise the sum of the geometric figures or combination of regular geometric figures drawn closest to the edge of the letters or separate graphic elements comprising the sign copy, but not the open space between separate groupings of sign copy on the same building or structure.



3. In the case of sign copy enclosed within a painted or illuminated border or displayed on a background contrasting in color with the color of the building or structure, the sign face shall comprise the area within the contrasting background or within the painted or illuminated border.

Special event sign. A temporary sign pertaining to any civic, patriotic, or special event of general public interest.

Temporary sign. A sign intended to display either commercial or noncommercial messages of a transitory or temporary nature. Portable signs or any sign not permanently embedded in the ground or not permanently affixed to a building or sign structure that is permanently embedded in the ground, are considered temporary signs.

V sign. A sign containing two faces of equal size, positioned at an interior angle subtending less than one hundred seventy-nine degrees (179°) at the point of juncture of the individual faces.

Wall or fascia sign. A sign that is in any manner affixed to any exterior wall of a building or structure and that projects not more than 18 inches from the building or structure wall. Also includes signs affixed to architectural projections that extend away from a building, provided the copy area of such signs remain on a parallel plane to the face of the building facade or to the face or faces of the architectural projection to which it is affixed.



E. Exemptions. The following are exempt from permit, fee requirements, and the regulations of this Code:

1. Signs which are not visible from a public roadway. However, these signs must comply with any building and construction provisions enacted by the city.
2. Signs inside a building.
3. Signs carved into a building or raised in integral relief on a building.
4. Signs required by federal or state law.
5. Flags (not to exceed six (6) on any lot) and pennants on a string.
6. Signs required by municipal authority.
7. Painted and/or applied wall accents and decorations.
8. Illuminated building accents and decorations.
9. Public art, including original art murals. Murals are not considered advertisement.
10. Name and address – up to two (2) signs indicating address, number, and/or name of occupants of the premises that do not exceed 2 square feet in area per side, and do not include any commercial advertising or other identification.
11. Decals and/or logos affixed to windows or door glass panels, such as those indicating membership in a business group or identifying credit cards accepted at the establishment.
12. Handicapped parking space signs not exceeding 2 square feet in area reserving parking for handicapped individuals.
13. On-premise private drive signs are limited to one (1) per driveway entrance, not exceeding 2 square feet in area.
14. Public signs erected by government agencies or utilities, including traffic, utility, safety, railroad crossing, and identification signs for public facilities and any signs erected by the city.
15. On-premise security and warning signs regulating the use of the premises, such as “no trespassing,” “no hunting,” and “no soliciting” signs. These signs shall not exceed one (1)

sign that is 2 square feet in area in residential areas and one (1) sign that is 5 square feet in area in commercial and industrial zones. These limitations shall not apply to the posting of conventional "no trespassing" signs in accordance with state law.

16. Seasonal signs (e.g., political, real estate, holiday). No more than two (2) seasonal signs may be displayed on any property at the same time, each sign is limited to eight (8) square feet in size for residential uses and twenty-four (24) square feet in size for nonresidential uses. The typical display time for a seasonal sign is sixty (60) days or less.

F. Prohibited Signs. The following signs are prohibited:

1. Signs containing strobe lights.
2. Abandoned sign structures, as defined by this code.
3. Signs placed on or painted on a motor vehicle or trailer parked with the primary purpose of providing signage not otherwise allowed by the Code. Any sign displayed on a parked trailer or truck or other vehicle where the primary purpose of the vehicle is to advertise a product, service business, or other activity is prohibited. This regulation shall permit the use of business logos, identification, or advertising on vehicles primarily and actively used for business purposes and/or personal transportation.
4. Signs on fences, fence posts, railings, gutters, standpipes, fire escapes, courtesy benches or any other device on which to sit, sidewalks, curbs (except house numbers), or any other public facility.
5. Signs attached to rocks or any natural growth, such as trees, shrubs, or other natural foliage.
6. Signs constructed of nondurable material including, but not limited to, paper or cardboard.
7. Signs that imitate or resemble official traffic lights, signs, or signals, or signs that interfere with the effectiveness of any official traffic light, sign, or signal.
8. An environmentally activated sign or other display with actual mechanical motion powered by natural, manual, mechanical, electrical or other means, including but not limited to pennant strings, streamers, spinners, propellers, and search lights.
9. Flashing signs (see Definitions). For the purposes of this code, a sign that has a change rate or dwell time of four (4) seconds or longer does not fit within the prohibition noted herein.
10. Signs and other objects which are inflated, including but not limited to, balloons. Balloons may be permitted in temporary non-commercial situations, for instance, they are permitted for special occasions at a residence.
11. - Any posters and handbills affixed to any structures, trees, or other natural vegetation, rocks or poles.
12. Any sign which may be confused with or obstructs the view of any authorized traffic sign or signal, obstructs the sight-distance triangle at any road intersection, or extends into the public right-of-way.
13. Signs which prevent free ingress or egress from any door, window, fire escape, or that prevent free access from one part of a roof to any other part. No sign other than a safety sign shall be attached to a stand-pipe or fire escape.

14. No sign which emits smoke, visible vapors, particles, sound, or odor shall be permitted. Open flames used to attract public attention to a place of business or to an advertising sign shall not be permitted.
15. Billboards.
16. No mirror device shall be used as part of a sign.
17. A-frame signs, except as defined in Section L.3.c.
18. Signs that are obscene as defined by § 43.21 of the Texas Penal Code.

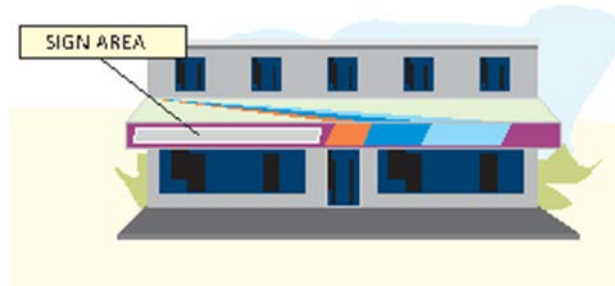
G. General Rules for Reading and Applying the Code Language.

1. Literal readings of the code language will be used. Regulations are no more or less strict than as stated. Application of the regulations that are consistent with the rules of this code are non-discretionary actions of the Code Officer to implement the code. The action of the Code Officer is final.
2. Where the code is silent, or where the rules of this code do not provide a basis for concluding that a sign is allowed, the sign is prohibited.

H. Sign Face Area.

1. *Sign Cabinets.* The area of sign faces enclosed in frames or cabinets is determined based on the outer dimensions of the frame or cabinet.
2. *Double-sided Signs.* Only one (1) side of a double-sided sign is counted in determining the area of sign faces. Where the two (2) sides are not of equal size, the larger of the two (2) sides is used for the determination of sign area. The area of multiple-faced signs in which the interior angle formed by the faces is greater than ninety-one degrees (91°) shall be expressed as the sum of the areas of all the faces, except for multiple-faced signs containing faces that are configured back to back, in which case the area of the faces configured back to back will be calculated according to the rule for double-sided signs.
3. *Round, Oval, and Irregularly Shaped Signs.* To be measured based on the appropriate mathematical formula to obtain the sign area for a circle, an oval or irregularly shaped sign.
4. *Calculating Sign Area.*
 - a. For square or rectangular signs, the area shall be measured by multiplying the length by the height of the outside edges of the sign frame
 - b. For irregular shaped signs, the area shall be measured by calculating the area of rectangles, triangles, or a combination thereof measured from the outside edges of the sign frame necessary to enclose the sign face.
 - c. For signs composed of only letters, words, or symbols, the area shall be measured or determined by the area included within imaginary straight lines drawn around the entire copy or grouping of such letters, words, or symbols.
 - d. For signs with two or more faces, the area of a double-faced sign is calculated using the area of one side only. The area of all other multiple-sided signs shall be computed as 50 percent (50%) of the sum of the area of all faces of the sign.

5. *Awnings and Marquees.* When graphics or sign copy is incorporated into an awning, the sign area is determined by computing the area of a standard imaginary geometric shape or combination of shapes drawn around the sign copy area or graphics. When the ends of awnings or marquees are parallel and contain graphics or sign copy, only one side is counted in addition to the sign face area on the front.



I. Height of Signs.

1. The overall height of a freestanding sign or sign structure is measured from the lowest point of the ground directly below the sign to the highest point of the freestanding sign or sign structure.
2. *Exception.* Where a freestanding sign or sign structure is mounted along a roadway that has a higher grade level as compared to the grade level directly below the freestanding sign or sign structure, then the freestanding sign or structure's height will be measured from the roadway grade level nearest the sign to the highest point of the freestanding sign or sign structure. See Figure F.

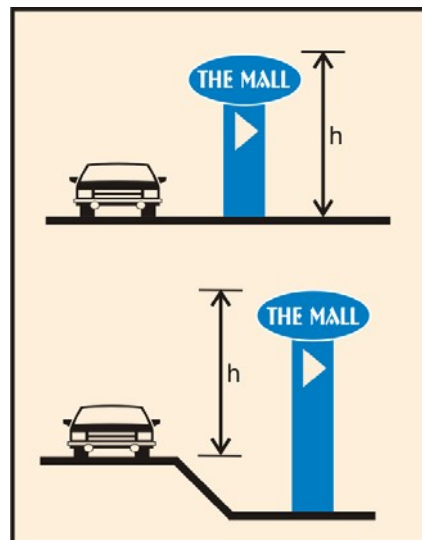


Figure F. Height of freestanding signs.

J. Standards in Residential Zones.

1. General standards for permanent, on-premise signs in the Residential, Apartment, Multi-family, Agricultural, and Sub-Division Development Zones are described below.
2. All single-family residential properties that are located in Residential Zoning Districts are permitted signs not to exceed 8 square feet in total sign area per road frontage. Corner lots and lots with frontage on more than one street are entitled to 8 square feet per frontage.

This sign area allowance covers but is not limited to address signs, home occupation signs, lawn signs, real estate signs, contractor signs, and political signs. Signs may be freestanding, mounted to a permanent building structure, or displayed in a window. Trees, rocks, or other naturally occurring landscape features may not be used to support a residential sign.

3. Subdivisions, apartments, multi-family dwellings, and condominium complexes are permitted a freestanding sign not to exceed 32 square feet, and further provided that one (1) such sign shall be permitted for each separate street and/or separate building frontage occupied by the subdivision, apartment, or condominium complex and/or for each means of entrance to or exit from the subdivision, apartment, or condominium complex.
4. For properties located in a Residential Zone as described above, other directional, incidental, and/or accessory signs are also permitted to be located within the subdivision, complex, or multi-family residential development. Such directional, incidental, and/or accessory signs shall not exceed 6 square feet in sign area and 6 feet in height (if freestanding).
5. Electronic Message Centers (EMC's) are allowed by special exception only, on properties with permitted non-residential uses in a Residential Zone. They are prohibited on residential properties and on subdivision, apartment, multi-family dwellings, and condominium properties.
6. Animated signs as defined by this Code are prohibited in Residential Zones.
7. Roof signs as defined by this Code are prohibited in Residential Zones.

K. Standards in Commercial and Industrial Zones.

1. The standards for permanent signs in Commercial and Industrial Zones are as follows. All such signs must conform to the regulations of this section.
2. Any signs permitted in a Residential Zone are permitted in Commercial and Industrial Zones.
3. Signs on Commercial and Industrial properties as regulated by reference to types noted below.
 - a. *Monument and Pole Signs.*
 1. Monument signs shall be limited to two (2) per property, not to exceed 180 square feet in sign area unless otherwise permitted by these regulations. A minimum distance of 150 lineal feet shall exist between any monument or pole signs. One (1) pole sign not to exceed 20 feet in height and 180 square feet in area, may be authorized in lieu of an otherwise allowed monument sign. In no case shall two (2) pole signs exist on the same lot. A pole sign in lieu of a monument sign will not be authorized in the following districts; CBD Central Business District, CN Central Neighborhood, and within the Commercial Corridor Overlay
 2. *Height.* Monument signs shall not exceed 12 feet in height above existing finish grade level. Pole signs shall not exceed 20 feet unless specified herein. Pole signs are prohibited in all Residential Districts, CBD Central Business District, CN Central Neighborhood, and within the Commercial Corridor Overlay. A business situated in a nonresidential zoning district that has frontage directly along Interstate 20 or within 500 feet of the Interstate may have one free standing pole sign that shall not exceed 40 feet in height and 400 square feet in sign area.

3. *Location.* Pole and monument signs shall not intrude into any public right-of-way and all structures, supports and sign faces shall be a minimum of five feet from any property line. The distance between such signs shall be a minimum of 150 lineal feet and the signs must be principally placed on different property lines (e.g. north and east property line, or east and west property lines).
4. *Vehicles used as a monument sign.* A vehicle may be converted into a monument sign if it is a model year of 1969 or older, does not exceed fifteen and a half (15.5) feet in length, does not exceed six (6) feet in width, does not exceed six (6) feet in height, is placed on a masonry platform with a minimum of thirty (30) inches in height but not to exceed thirty-six (36) inches in height, is anchored to the platform to withstand minimum sustained (three[3] seconds) wind gusts of ninety (90) miles per hour, has no shattered glass or windows, the motor and all fluids have been removed, and has no flat tires.

b. Building Signs.

1. Building signs include wall or fascia signs, roof signs, and signs otherwise permanently applied to walls or other building surfaces.
2. Within nonresidential zoning districts, total signage allowed shall not exceed 10 square feet per lineal foot of building frontage. Accessory structures not housing primary business activity shall not be included in the calculation of maximum allowable signage.
3. In addition to other signs allowed under this subsection, a business situated in a nonresidential zoning district may have either one projecting sign or one awning sign. Projecting signs and awning signs shall not exceed 12 square feet in area.
 - a. Graphic treatment and/or embellishment in the form of striping, patterns, or valances shall be permitted on the face or side surfaces of any awning or backlit awning without restriction, and the area of any such graphic treatment and/or embellishment shall not be calculated as a component of permitted area.
 - b. Projecting signs shall be limited to one (1) per building facade on which any such sign is mounted except for a use that fronts on more than one (1) street, in which case, one (1) such sign shall be permitted per facade for each separate street frontage.
 - c. No projecting sign shall extend in a vertical dimension above the highest architectural point of the facade to which it is mounted in excess of twenty-five percent (25%) of the vertical dimension of the facade itself.
 - d. Projecting signs extending over a public sidewalk shall be limited to a projection distance not to exceed two-thirds (2/3) of the width of the sidewalk.
- c. Canopy and Marquee Signs.* In addition to other signs allowed under this subsection, a business situated in a nonresidential zoning district may have one canopy or marquee sign. A canopy or marquee sign shall not exceed 12 square feet in sign area.
 1. Canopy signs, marquee signs and signs on Architectural Projections are signs that are mounted to either structures that project off the face of the building more than

eighteen (18) inches or signs that are mounted to a freestanding structure not attached to a building that creates a canopy or covering over an area below.

2. Signs affixed or applied in an essentially flat plane to the face of a building or freestanding canopy, marquee, or architectural projection provided that the copy area of any such sign, as defined herein, does not exceed an area equal to forty percent (40%) of the product of the height and length of the face area of the canopy, marquee, or architectural projection to which such sign is affixed or applied, or fifteen percent (15%) of the building façade to which it is attached, whichever is greater.
3. Graphic treatment in the form of striping or patterns shall be permitted on the face of any building or freestanding canopy, marquee, or architectural projection without restriction, and the area of any such graphic treatment shall not be calculated as a component of permitted copy area.
- d. *Wall Signs.* A business situated in a nonresidential zoning district shall be allowed wall signage for each side of its building. Wall signs shall not project more than 18 inches from the building wall. The total sign area permitted for all wall signs on a wall fronting a street or a wall housing the primary entrance to the business, shall not exceed twenty percent (20%) of the wall face. The total sign area of all other walls shall not exceed ten percent of the wall face. Window signs shall be considered as part of the total wall sign area permitted and shall not exceed twenty-five percent (25%) of the window area.
- e. *Roof Signs.* A business situated in a nonresidential zoning district may have one roof sign, not to exceed 30 square feet in sign area, in lieu of an otherwise permitted free-standing sign.
- f. *Roof Sign Special Consideration.* A business situated in a nonresidential zoning district that has frontage directly along an Interstate may have one roof sign, not to exceed 50 square feet in sign area, in lieu of an otherwise permitted free-standing sign.

L. Additional Standards in All Zones.

1. These regulations apply to all signs regulated by this code.
2. All signs and sign structures must be erected and attached totally on or within the site or property to which they refer, behind any applicable legal right of way.
3. Exceptions for signs extending into the right-of-way:
 - a. Projecting signs: in a Downtown or Central Business District, projecting over a public sidewalk.
 - b. Awnings and marquees: in a Downtown or Central Business District, projecting over a public sidewalk.
 - c. A-frame signs. A-frame signs may be used in a Downtown or Central Business District if they meet the following standards:
 1. The sign is entirely outside the street or roadway;
 2. The sign is no larger than 10 square feet;
 3. The sign does not obstruct a continuous through pedestrian zone of at least 6 feet in width.

4. The sign does not obstruct pedestrian and wheelchair access from the sidewalk to any of the following:
 - a. transit stop areas;
 - b. designated disabled parking spaces;
 - c. disabled access ramps; or
 - d. building exits including fire escapes.
4. *Pole and Monument Signs.* Freestanding signs may not extend into the right-of-way.
5. *Fascia or Wall Signs.*
 - a. Vertical extensions: Fascia or wall signs may not extend above the top of the building wall upon which they are mounted.
 - b. Horizontal extensions: Fascia or wall signs may not extend more than 18 inches out from the wall or structure to which they are attached.
6. *Pitched Roof Signs.*
 - a. Vertical extensions: A pitched roof sign may not extend above the roofline.
 - b. Placement and angle: Pitched roof signs must be parallel to the building face. They may not extend beyond the building wall.
 - c. Support structures: Support structures must be designed so that there is no visible support structure above the sign.
 - d. Projecting signs. Projecting signs are not allowed on rooftops or on pitched roofs. Projecting signs may not extend over a right-of-way unless they are located in a Downtown or Central Business District.
7. *Directional Signs.*
 - a. General standards: Directional signs that meet the standards of this subsection are allowed in all zones and are not counted in the total square footage of permanent signage allowed on any property or site.
 - b. Size: Freestanding directional signs may be up to 6 square feet in area and 96 inches in height. Fascia directional signs may be up to 16 square feet in area.
 - c. Directional signs in any zone may have internal or external illumination.
8. *Permanent Banners.*
 - a. General: Banners used as permanent wall signs are allowed in all Commercial and Industrial Zones and will be included in the total square footage of permanent signage allowed on the site. The banner must have a permanent frame to which it is attached.
 - b. Standards: Permanent banners are subject to the standards for either fascia signs or projecting signs depending on how the banner is supported or anchored.
9. *Temporary Signs.*
 - a. Signs that meet the standards of this subsection are exempt from the standards for permanent signs and are not counted in the total square footage of signage allowed on

any particular property or site. signs that do not meet the standards of this subsection are subject to the standards for permanent signs.

- b. Temporary signs may not have external or internal illumination.
- c. Temporary banners are subject to the following regulations:
 - 1. In all Residential Zones, temporary banners are not permitted on sites with houses, duplexes, and attached houses. Exception: banners for holidays, religious commemoration, and special family events.
 - 2. In the Commercial, and Industrial Zones, one banner no larger than 32 square feet in size is permitted per property or, on a multi-use property, per storefront. Only one (1) of these banners may be hung on each building wall or on each separate structure.
 - 3. One feather flag type banner not to exceed 15 feet is allowed per business in addition to a temporary banner. In no case may a site or storefront have more than two (2) temporary signs.
 - 4. In no case shall a temporary banner be larger than 32 square feet in size.
 - 5. A temporary banner may be displayed no longer than 90 days per calendar year.
 - 6. Banners that do not meet the regulations of this subparagraph, must meet the standards for permanent signs.
- d. Temporary Wall or Fascia signs. One (1) temporary wall sign is allowed per street frontage in the Commercial and Industrial Zones. Temporary wall signs may be up to 32 square feet in area. Temporary wall signs may not extend above roof lines. Extensions into the right-of-way are prohibited. A temporary wall sign may be displayed no longer than 90 days per calendar year.
- e. Temporary Freestanding or Portable signs. One (1) temporary freestanding sign is allowed per property in the Commercial Zones and is not counted in the total square footage of permanent signage allowed on the site. Temporary freestanding signs may be up to 32 square feet in area. Extensions into the right-of-way are prohibited. A temporary freestanding sign may be displayed no longer than 90 days per calendar year.

M. Electronic Message Centers.

- 1. In Commercial, and Industrial Zones, Electronic Message Centers (EMCs) are permitted.
- 2. Additional general EMC regulations:
 - a) An EMC sign may be a portion of a building sign or freestanding sign or may comprise the entire sign area.
 - b) All EMC signs shall have automatic dimming controls, either by photocell (hardwired) or via software settings, in order to bring the EMC lighting level at night into compliance with Section N of this Code "sign Illumination Standards."
- 3. EMC regulations by Zone
 - a) In Residential Zones, EMC signs are permitted only in certain circumstances by Special Exception in accordance with Section J.5of this Code. They are otherwise prohibited in Residential Zones.

- b) In Residential Zones, where permitted, EMC signs shall have a minimum display time of 12 seconds. The transition time between messages and/or message frames is limited to one (1) second.
- c) In Residential Zones, where permitted, the following EMC display features and functions are prohibited: scrolling, traveling, flashing, spinning, rotating, fade, dissolve, any other moving effects, and all dynamic frame effects or patterns of illusionary movement or simulated movement.
- d) In Commercial and Industrial Zones, EMC signs shall have a minimum display time of 8 seconds. The transition time between messages and/or message frames is limited to 3 seconds and these transitions may employ fade, dissolve, and or other transition effects.
- e) In Commercial and Industrial Zones, the following EMC display features and functions are prohibited: continuous scrolling and/or traveling, flashing, spinning, rotating, and similar moving effects, and all dynamic frame effects or patterns of illusionary movement or simulating movement.

N. Sign Illumination Standards. Signs may be illuminated consistent with the following standards:

- 1. A sign in any district may be illuminated at night. signs that are illuminated at night may not exceed a maximum luminance level of 750 cd/m² or Nits, regardless of the method of illumination.
- 2. Signs that have external illumination, whether the lighting is mounted above or below the sign face or panel, shall have lighting fixtures or luminaires that are fully shielded.
- 3. All illuminated signs must comply with the maximum luminance level of 750 cd/m² or Nits at least one-half hour before Apparent Sunset, as determined by the National Oceanic and Atmospheric Administration (NOAA), US Department of Commerce, for the specific geographic location and date. All illuminated signs must comply with this maximum luminance level throughout the night, if the sign is energized, until Apparent Sunrise, as determined by the NOAA, at which time the sign may resume luminance levels appropriate for daylight conditions, when required or appropriate.
- 4. On-premise signs do not constitute a form of outdoor lighting at night and are exempt from any other outdoor lighting regulations that the city has adopted or will adopt in the future.

O. Nonconforming Signs.

- 1. Nonconforming permanent signs may continue to exist after passage of this Code. Nonconforming signs will be removed and changed in accordance with the provisions of this Code.
- 2. Permanent signs and sign structures that are moved, removed, replaced, or structurally altered must be brought into conformance with the sign regulations. However, nonconforming signs required to be moved because of public right-of-way improvements may be re-established. Removable faces or sign panel inserts in a cabinet style sign may also be changed by right, and such change does not constitute a structural alteration nor trigger loss of nonconforming status.
- 3. Nonconforming temporary signs must be removed within two (2) months of the passage of this Code.
- 4. Ownership. The status of a nonconforming sign is not affected by changes in ownership.

5. Once a sign is altered to conform or is replaced with a conforming sign, the nonconforming rights for that sign are lost and a nonconforming sign may not be re-established.
6. Destruction. When a sign or sign structure is removed or intentionally destroyed, replacement signs and sign structures must comply with the current standards.

P. Electrical Regulations Applying to all Permanent and Temporary On-Premise Signs.

1. All on-premise electric signs, outline lighting systems and skeleton neon lighting systems shall be manufactured and installed in compliance with NFPA 70, the National Electric Code (NEC).
2. The Listing label number for all signs shall be provided on the sign Permit Application, or, if the sign has not been manufactured yet, through Nationally Recognized Testing Laboratory (NRTL) validation: A NRTL file number from the sign manufacturer shall be provided for all electric signs on the sign Permit Application.
3. The Code Officer shall have the authority to immediately remove any sign that is not in conformance with this section, or to have said sign removed, at the owner's expense.

Q. Construction and Structural Requirements.

1. Structural Standards.
 - a) Signs, sign structures, sign foundations and methods to attach and anchor signs must be designed and constructed in accordance with applicable provisions of the Building Code adopted by the city. All signs and their foundations and attachments must be designed for the appropriate dead, wind and snow loads for the geographic area in question.
 - b) The supports and foundations used in construction for all signs and sign structures must be located outside of any rights-of-way.
 - c) Welds of sign structures and sections of sign structures must be welded in accordance with the Building Code.
2. *Engineering Standards.*
 - a) Signs, sign structures, sign foundations and anchorages to a building must be individually designed in accordance with the Building Code and the provisions of this sign Code.
 - b) When the Building Code of the city, or any Building Code enacted after passage of this sign Code, calls for sealed sign design construction plans to be submitted as a part of any sign permit application, this requirement is not compulsory as it relates to on-premise signs regulated under this sign Code.
3. *Clearances.*
 - a) Vision clearance areas: Vision clearance areas are triangular- shaped areas located at the intersection of any combination of rights- of-way, alleys or driveways. The sides of the triangle extend 25 feet from the intersection of the right-of-way, alley or driveway in either/each direction. No sign may be installed within this clear sight triangle.
 - b) Vehicle area clearances: In areas outside of rights-of-way, when a sign or awning extends over an area in which vehicles travel or are parked, the bottom of the structure must be at least 14 feet above the ground. Vehicle areas include driveways, alleys, parking areas, and loading and maneuvering areas.

- c) Pedestrian area clearances. When a sign or awning extends more than twelve (12) inches over a sidewalk, walkway, or other space used by pedestrians, the bottom of the structure must be at least 8 feet above the ground.
- d) Clearances from fire escapes, means of egress or standpipes. signs, sign structures and awnings are prohibited from being erected in any manner that interferes in any way with the free use of any fire escape, means of egress or standpipe. Attaching signs, sign structures or awnings to a fire escape is prohibited.
- e) Obstruction of windows and ventilation. signs, sign structures and awnings are prohibited from being installed in any way that obstructs any building openings to such an extent that light, ventilation or exhaust are reduced to a level below that required by either the Building Code, Plumbing Regulations, Heating and Ventilating Regulations or Housing and Maintenance Regulations.

R. Maintenance Requirements.

- 1. Signs, sign structures and awnings, together with their supports, braces, guys, anchors and electrical components must be maintained in a proper state of repair. The Code Officer may order the removal of any sign, sign structure or awning that is not maintained in accordance to this Code.
- 2. Dangerous Structures and Equipment. signs, sign structures or awnings that are dangerous must be taken down and removed or made safe as the Code Officer or Building Official deems necessary. signs may be deemed dangerous for one or more of the following reasons:
 - a) Whenever a sign structure or its foundation, a sign's attachments to a building, or a building to which a sign is attached is damaged by fire, earthquake, wind, flood or by any other cause, to such an extent that the structural strength or stability is materially less than it was before the catastrophe and is less than the minimum requirements of the Building Code.
 - b) Whenever any portion or member of a sign, sign structure or awning is likely to fail, or become detached or dislodged, or to collapse and thereby injure persons or property.
 - c) Whenever any portion or member of a sign, sign structure or awning is likely to partially or completely collapse as a result of any cause, including, dilapidation, deterioration, or decay; faulty construction or wiring; or removal, movement or instability of any portion of the ground or building necessary for supporting such structure.
 - d) Whenever a sign, sign structure or awning is structurally or electrically unsafe or otherwise hazardous to human life or safety by reason of inadequate maintenance, dilapidation, obsolescence, fire hazard, disaster, damage or abandonment.
 - e) All signs, sign structures and awnings determined after inspection by the Code Officer to be dangerous must be abated by repair, rehabilitation, demolition or removal.

S. Permits and Registration.

- 1. *Permits Required.* Unless specifically exempted, a permit must be obtained from the director of planning and development to erect, alter, renovate, or demolish any sign or sign structure within the city and its extraterritorial jurisdiction and in accordance with other ordinances of

- the city. Exemptions from the necessity of securing a permit, however, shall not be construed to relieve the owner of the sign from responsibility for its erection and maintenance in a safe manner and in a manner in accordance with all the other provisions of this ordinance. A permit shall not be required for the ordinary maintenance and repair of a sign or sign structure for which a permit has previously been issued under this section. Ordinary maintenance and repair shall not include additions to, alteration of, replacement of or relocation of any sign or sign structure.
2. *Sign Permit Application.* Before any permit is granted for the erection of a sign or sign structure requiring such permit, construction documents shall be filed with the director of planning and development showing the dimensions, materials and required details of construction, including loads, stresses, anchorage and any other pertinent data. The permit application shall be accompanied by a written consent of the owner or lessee of the premise upon which the sign is to be erected and by engineering calculations signed and sealed by a registered design professional where required.
 3. Applications shall provide the following information in order to be considered complete:
 - a) The type of sign and cost of sign construction.
 - b) The street address of the property upon which the sign is to be located. In the absence of a street address, a method of location acceptable to the city shall be used.
 - c) Sign details to include a technical drawing or picture of the sign which includes shape and dimensions, text size and design, artwork, and proposed colors. Additionally, a scaled elevation of the size and height of the proposed sign from ground level and adjacent street level shall be provided.
 - d) The square foot area per sign and the aggregate square foot area if there is more than one sign face.
 - e) The gross floor area of all building(s) on the property.
 - f) The name(s) and address(es) of the owner(s) of the real property upon which the sign is to be located.
 - g) Written consent of the property owner, or his authorized agent, granting permission for the placement and/or maintenance of the sign on the property.
 - h) The name, address and phone number of the sign contractor.
 - i) For free-standing signs, a Site Plan drawn to scale, showing the proposed location of all primary and accessory free-standing sign(s) on the property. The Site Plan shall include, at a minimum, a closed boundary survey of the property, gross acreage, the proposed sign location, street right-of-way lines, public and/or private easements, driveway locations and parking spaces.
 - j) For wall signs, two sets of building elevations, mounting details and weight of signs.
 - k) When required by the Building Official, plans for certain signs shall be prepared by a registered professional engineer.
 4. *Changes to Signs.* No sign shall be structurally altered, enlarged or relocated except in conformity to the provisions in this section, nor until a proper permit, if required, has been secured. The changing or maintenance of movable parts or components of an approved sign that is designed for such changes, or the changing of copy, business names, lettering, sign

faces, colors, display and/or graphic matter, or the content of any sign shall not be deemed a structural alteration.

5. *Expiration of Permit.* Every permit issued shall become invalid unless the work on the site authorized by such permit is commenced within 180 days after its issuance, or if the work authorized on the site by such permit is suspended or abandoned for a period of 180 days after the time the work is commenced. The Building Official is authorized to grant, in writing one or more extensions of time, for periods not more than 180 days each. The extension shall be requested in writing and justifiable cause demonstrated.

T. Inspection. Construction or work for which a permit is required shall be subject to inspection by the director of planning and development and such construction or work shall remain accessible and exposed for inspection purposes until approved. It shall be the duty of the permit applicant to cause the work to remain accessible and exposed for inspection purposes. Neither the director of Development & Neighborhood Services nor the city shall be liable for expense entailed in the removal or replacement of any material require to allow inspection. Approval as a result of an inspection shall not be construed to authorize a violation of the provisions of this section or of any other ordinances or regulations of the city. Inspections presuming to give authority to violate or waive the provisions of this section or any other ordinances of the city shall not be valid.

1. *Footing and Foundation Inspection.* Footing and foundation inspections shall be made after excavations for footings are complete and any required reinforcing steel is in place. For concrete foundations, any required forms shall be in place prior to inspection.
2. *Other Inspections.* In addition to the inspections specified above, the Building Official is authorized to make or require other inspections of any construction work to ascertain compliance with the provisions of this section, any other ordinances or regulations of the city and other laws that are enforced by the department of building safety.

U. Enforcement.

1. *Removal or Securing of Sign.* The director of planning and development or other authorized representative of the city may immediately remove or secure a sign without notice in the following circumstances constituting a violation of this section:
 - a) The sign is prohibited under this section and constitutes an immediate threat to persons or property.
 - b) The sign is prohibited under this section and is a classified as a temporary sign.
 - c) The sign is nonconforming or otherwise authorized under this section, but in its present condition constitutes an immediate threat to persons or property.
 - d) The sign is a political sign and is not removed within 15 days following the election to which it pertains.
 - e) The sign is a garage sale sign and is not removed within 24 hours after the date of the sale.
 - f) The city is not required to store these signs which may be immediately destroyed.
2. *Notice and Hearing Following Removal or Securing of Sign.* With the exception of the summary removal of political signs and garage sale signs as provided herein, following summary removal of a sign pursuant to this subsection, the director of planning and

development shall give written notice to the owner of the sign or the owner of the property on which the sign was placed of such person's right to appeal the decision of the city regarding removal or securing of the sign. The person(s) so notified shall provide the city written notice of appeal of the director of planning and development's determination within ten days of receipt of notice, setting forth the reasons in detail why the director of planning and development's determination was in error. Failure to provide written notice of appeal within the ten-day period provided herein shall constitute a waiver of the right to appeal the removal or other action.

3. For purposes of this subsection, the director of planning and development shall be deemed to have given written notice by either personal delivery of or the mailing of said notice, by United States Postal Service certified mail, to the entity or person identified on the sign made the subject of the notice; or to the person or entity identified on the sign for purposes of notice; or to the owner of the property on which the sign was placed or displayed.
4. *Removal of Sign Following Notice.*
 - a) A sign may be removed by the city following 15 days written notice from the director of planning and development, or other official authorized herein, to the owner of the sign or the owner of the property on which the sign is located, upon determination of one of the following:
 1. The sign is prohibited under this section, but is not subject to summary removal under this section, and the sign is not a nonconforming sign;
 2. There is no sign permit as required under this section authorizing the sign;
 3. The sign did not comply with the sign regulations in effect on the date it was erected, or was otherwise unlawful on such date;
 4. The sign has been destroyed; for purposes of this provision, a sign is considered destroyed whenever the cost to repair it exceeds 60 percent of the cost of erecting a new sign of the same type at the same location on the date of the damage.
 5. Any condition occurs which would have been cause for removal of the sign under the sign regulations in effect when the sign was erected.
 - b) If the sign owner does not remove the sign or give written notice of his/her intent to obtain a permit authorizing the sign, or repair or reconstruct the sign in accordance with the terms in the notice within such 15-day period, the director of planning and development may enter the property upon which such sign is located, and cause the removal of the sign. The director of planning and development may specify a reasonable amount of time for the sign owner to obtain a sign permit, or repair or reconstruct the sign to meet the requirements of this section.
 - c) The sign owner or the owner of the property on which the sign is erected may appeal the determination of the director of planning and development or other authorized person under this subsection to the City Council within ten days following receipt of the notice of the violation.
 - d) *Responsibility for Costs of Removal.* Whenever the city lawfully removes or causes a sign to be removed under this section, the sign permit holder, if any, the owner of the sign and the owner of the property on which the sign is erected shall be jointly and severally liable to the city for any expenses incurred in removal of the sign.

V. Fees.

1. *Permit Fees.* Permit fees to erect, alter, replace or relocate a sign shall be in accordance with the fee schedule adopted by the city. Whenever any work for which a permit is required by this section has been commenced without first obtaining said permit, a special investigation shall be made to determine compliance with this section before a permit may be issued for such work. An investigation fee, in addition to the permit 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.

FORMULAE: COMMON GEOMETRIC SHAPES

Even the most complex sign backgrounds are simply combinations of various geometric shapes. Included here are useful formulae to assist in the computation of the areas of common shapes. Some of these formulae utilize the Greek letter pi, designated as the symbol π . The approximate numerical value of π is 3.1416.



CIRCLE

The AREA of a circle is found by multiplying the square of its radius (radius is the distance from the center to the outer edge or circumference) by π (3.1416). **Area = πr^2**



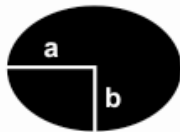
SQUARE, RECTANGLE, PARALLELOGRAM

The AREA of a square, rectangle, or parallelogram (all four sided figures with two pair of parallel sides) is found by multiplying the length by the width. **Area = $L \times W$**



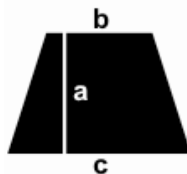
TRIANGLE

The AREA of a triangle (three sided figure) is found by multiplying one-half of the base times the height. **Area = $\frac{1}{2} (b \times h)$**



ELLIPSE

The AREA of an ellipse is found by multiplying half the length of the major axis by half the length of the minor axis, then multiplying the result by π (3.1416). **Area = $\pi (a \times b)$**



TRAPEZOID

A four sided figure with only one pair of parallel sides. The AREA equals one-half the product of its altitude (a) multiplied by the sum of its bases (the bases are the two parallel sides - b and c). **Area = $\frac{1}{2} a (b+c)$**



REGULAR POLYGONS

Polygons are figures bounded by straight lines called sides. The AREA of a polygon equals the number of triangles within it times the area of each triangle. See formula for triangle. **Area = $\frac{1}{2} (b \times h) \times \text{number of triangles}$**

Figure G. Common Geometric Shapes.

SEC. 12-4-102 LANDSCAPING AND TREE PRESERVATION

Contents of Section:

- A. Purpose.
- B. Applicability.
- C. Landscape Quantity Standards.
- D. Landscape Quality Standards.
- E. Tree Preservation.
- F. Landscape and Tree Manual.

A. Purpose. The purposes of the landscaping regulations, tree preservation regulations, and of the administrative rules adopted for their implementation are to:

1. Enhance quality of life and community character within Weatherford's neighborhoods and built environment, especially through the preservation and addition of pleasant streetscapes;
2. Facilitate site design and construction such that they preserve mature trees and natural areas;
3. Maximize the aesthetic, environmental, and economic value of development;
4. Mitigate the impacts of development on air quality, groundwater recharge, storm water runoff, noise, and glare;
5. Protect healthy, quality trees and promote the natural ecological environment of the city;
6. Regulate the removal of trees when necessary; and
7. Enable administrative rulemaking pursuant to Title I, Chapter 8 of the Official City Code of the City of Weatherford to adopt and amend landscape and tree preservation related administrative rules located in the Landscape and Tree Manual.

B. Applicability.

1. Landscaping requirements apply to all new and existing development within the City of Weatherford and shall be met according to the following schedule:
 - a. *Full compliance.* All quantitative standards shall be met at one hundred percent (100%) whenever any of the following occurs:
 1. Construction of any new primary structure.
 2. Expansion of a primary structure, where such expansion increases the floor area by fifty percent (50%) or greater or adds an additional story.
 3. Increase in the number of off-street parking spaces by five (5) spaces or fifty percent (50%), whichever is greater.
 4. Ground disturbance greater than or equal to 10,000 square feet.
 - b. *Incremental compliance.* All quantitative standards shall be met proportionally whenever any of the following occurs. The requirements for incremental compliance shall apply to each successive instance until all quantitative requirements are met at one hundred percent (100%).

1. Expansion of a primary structure, where such expansion increases the floor area by less than fifty percent (50%), in which case requirements shall be applied to the new floor area only. For example, an increase in floor area of ten percent (10%) requires that a minimum of ten percent (10%) of the planting quantities specified herein shall be provided.
 2. Increase in the number of off-street parking spaces by fewer than five (5) spaces or fifty percent (50%), whichever is greater.
 3. Ground disturbance less than 10,000 square feet, when such disturbance exceeds 1,000 square feet or results in the removal of existing landscaping.
- c. *Exceptions.* Landscaping standards shall not be applied to the following:
1. Expansion of a one-family or two-family dwelling.
 2. Ground disturbances on property with a one-family or two-family dwelling.
 3. Renovations or repairs which do not increase floor area.
 4. Accessory structures.
 5. Properties within the AG Agricultural District.
 6. Properties within the CBD Central Business District and CN Central Neighborhood district, upon a determination by the Historic Preservation Officer that the purposes of this section and of historic preservation are met by existing conditions or proposed exterior treatments that are compatible with the character of adjacent structures or properties.
2. Tree preservation regulations apply to all trees and all land within the City of Weatherford and shall be met whenever any of the following occurs:
- a. A tree is planted.
 - b. A tree is pruned.
 - c. A tree is removed.
 - d. A tree is within the development impact area of a project site.
 - e. *Exceptions.* Tree permits are not required to remove trees in any of the following situations:
 1. Any tree which is located on property less than one (1) acre on which there is an occupied one-family or two-family residence, or is located within 100 feet of an occupied one-family residence on property larger than one (1) acre, and which is neither a heritage tree nor a flood plain tree as defined by this title.
 2. Any tree which is located on the property of a commercial plant or tree nursery and which has been planted for the purpose of sale to the public in the ordinary course of the nursery's business.
 3. Any tree which, due to some catastrophe, is disrupting or will disrupt a public utility service, or which presents a danger to the public. Pruning or removal shall be performed by the city or utility, or agent thereof, and shall be limited to the extent necessary to restore and maintain reliable service or public safety.

4. Park trees, as defined by this title, when the City of Weatherford or its agent is performing maintenance of the city's parks or making improvements to the city's parks for enhanced landscaping, habitat or native species restoration, or pathways.
5. Trees within the public right-of-way, when the City of Weatherford or its agent is improving a public street to implement the City of Weatherford Thoroughfare Plan or when removal is necessary to complete repairs or improvements in accordance with the city's Engineering Design and Construction Manual (EDCM).

C. Landscape Quantity Standards.

1. Landscape is required to be installed in the quantities and locations specified in the following tables, when full or incremental compliance is required as indicated above.
2. The landscape types – L1, L2, L3 – refer to the plants and other treatments detailed in the Landscape and Tree Manual.

Table 2. Landscape Requirements.

LANDSCAPE REQUIREMENTS			
	TOTAL LANDSCAPE AREA (L1+L2+L3)	L2: SHRUBS & GROUNDCOVERS	L3: TREES
		A MINIMUM OF 50% OF ALL REQUIRED L2 AND L3 MUST BE PLANTED IN THE STREETSCAPE AREA (defined as the area between the building and the street)	
LAND USE			
COMMERCIAL	25% of lot area	250 plants per acre	6 trees per acre (first 10 acres) 1 tree each additional acre
INDUSTRIAL	15% of lot area	150 plants per acre	6 trees per acre (first 5 acres) 1 tree each additional acre
ONE OR TWO-FAMILY RESIDENTIAL	10% of lot area	20 plants per dwelling	10 caliper inches OR 1 6" tree
MULTIFAMILY RESIDENTIAL	20% of lot area	250 plants per acre	6 trees per acre (first 10 acres) 1 tree each additional acre
ACCESSORY PARKING: MULTIFAMILY AND NON-RESIDENTIAL	648 square feet per required parking island	N / A	2 canopy, 2 ornamental trees per island; 1 tree per 12 spaces total

D. Landscape Quality Standards.

1. All landscaping shall be designed, planted or otherwise installed, irrigated where required, and maintained according to the standards provided herein and in the Landscape and Tree Manual.
2. Plant materials shall be selected and planted in accordance with nursery industry standards.
3. Applicable landscape plans shall be provided and approved prior to issuance of construction permits. Plans shall be prepared in accordance with the standards provided in the Landscape and Tree Manual.
 - a. A Landscape Plan is required when multifamily or nonresidential landscape standards apply, when a buffer yard is required, or when alternatives to landscape standards are proposed.
 - b. A Tree Protection Plan is required whenever trees are preserved during development.
 - c. A Tree Removal Plan is required whenever a tree permit is required as provided below.

4. L2 and L3 landscape preserved or planted to meet the requirements of this section shall be chosen from the Preferred Plant List provided in the Landscape and Tree Manual unless another species included in the Texas SmartScape plant database is approved by the Planning Director. L3 trees planted to meet the requirements in Table 2 above shall be selected from the canopy trees in the Preferred Plant List, except for ornamental parking lot trees, which are to be selected from the ornamental trees list. Nuisance species identified on the Nuisance Tree List in the Landscape and Tree Manual shall not be preserved or planted in any required landscape area.
5. L1 treatments may include approved L2 ground cover or shrubs, lawn, mulch, bark, decorative rock, outdoor furniture, art installations, and other landscape or hardscape features, and shall present a finished, orderly appearance and reasonably complete coverage of the landscape area. Creativity in combining multiple, complementary elements is encouraged.
6. No required landscape may be removed from multifamily or nonresidential development without an approved Landscape Plan, which provides for replacement conforming to all provisions of this section. Replacement of individual shrubs or small areas of living ground cover which have become damaged or diseased, or are dead, with identical materials which meet all specifications and planting requirements in the Landscape and Tree Manual is exempted from the Landscape Plan requirement.
7. Required landscaping shall be installed and shall pass inspection by the Director prior to the issuance of a certificate of occupancy (CO), unless seasonal limitations or other special circumstances prevent planting. In such circumstances, a schedule for completion and security in the form of cash, performance bond, cashier's check, or irrevocable letter of credit equal to the cost of the landscaping and installation costs shall be provided. Any such deferral shall be limited to the minimum extent necessary and shall be at the discretion of the Director. Should the permittee fail to complete the required landscaping as required by the plan submitted and approved, the city shall use the security to complete the landscaping as required by the plan.
8. Plant materials which exhibit evidence of insects, pests, disease, and/or damage shall be appropriately treated.
9. Plant materials which die shall be replaced with healthy plant material meeting all specifications and planting requirements provided herein and in the Landscape and Tree Manual within six (6) months.
10. The owner of the property shall be responsible to maintain all required landscaping. The maintenance requirement runs with the land over the life of the development until such time as new development occurs which is subject to review under these requirements.

E. Tree Preservation.

1. *Tree Permit Process.* Except as otherwise exempted above, a person must obtain a tree permit from the Director before removing or altering any tree in the City of Weatherford.
 - a. *Administrative Review Procedures.* The Director shall be responsible for reviewing all requests for tree permits submitted in accordance with the requirements specified herein and in the Landscape and Tree Manual.

1. *Submittal Requirements.* Any person applying for an administrative tree permit shall provide sufficient information to demonstrate that one or more of the relevant approval criteria is met. The Director may require additional documentation, including the report of a tree care professional, in order to determine that a criterion is met. At a minimum, administrative tree permit applications shall:
 - a. A complete application form.
 - b. Include a Tree Removal Plan prepared in accordance with the standards in the Landscape and Tree Manual.
 - c. Include a Tree Mitigation Plan prepared in accordance with the standards herein and in the Landscape and Tree Manual.
 - d. Address the relevant approval criteria in sufficient detail for review.
2. *Approval Criteria.* The Director shall approve an application for a tree permit to remove a tree if any one of the following criteria is met:
 - a. The tree is dead.
 - b. The tree is in an advanced state of decline with insufficient live foliage, branches, roots, or other tissue to sustain life.
 - c. The tree is infested with pests or disease that if left untreated will cause the tree to die or enter an advanced state of decline or will cause other trees to die or enter an advanced state of decline.
 - d. The tree is a hazard tree as defined by this title and presents a credible hazard to persons or property requiring immediate removal to abate.
 - e. The tree is listed on the Nuisance Tree List in the Landscape and Tree Manual.
 - f. The tree roots are causing verifiable damage to buildings, utilities, or pavement, and a tree care professional certifies that root pruning or other mitigation will not prevent further damage or will cause the tree to die or enter an advanced state of decline.
 - g. The tree location conflicts with areas of public street widening or extension as shown in the City of Weatherford Thoroughfare Plan.
 - h. The tree presents a significant fire risk to a dwelling or limits emergency access for rescue workers, and the risk or access issue cannot be abated through pruning or other means that results in tree retention.
 - i. The tree is a stand-grown tree and is not a heritage tree, and an arborist or forester determines that selective thinning will promote overall stand health.
 - j. The tree is located on a property zoned AG Agricultural and must be removed as part of an agricultural use.
 - k. The tree must be removed for new development, and a Tree Mitigation Plan which satisfies all mitigation requirements has been submitted.
3. *Director's Determination.* The Director's determination shall address the relevant approval criteria. The Director shall approve, approve with conditions, or deny the requested tree permit in writing based on the relevant approval criteria.

4. *Emergency Tree Permit.* If a hazard tree presents such a clear and present danger to persons, structures, infrastructure, or utilities that there is insufficient time to obtain a permit, a person may remove such a tree prior to obtaining a tree permit. The person completing the removal shall submit a retroactive permit application, including documentation of the hazard, no later than five (5) days after commencing such removal. If the emergency is found not to be credible, the permit shall be denied and the person who removed the tree shall be found in violation of this title.
- b. *Discretionary Review Procedures.* An applicant may request discretionary review either upon initial application or on appeal to the Director's determination on an administrative tree removal permit. The Planning and Zoning Commission shall be responsible for reviewing all requests for a discretionary tree permit. The decision of the Planning and Zoning Commission shall be final.
 1. *Submittal Requirements.* All discretionary tree permit review applications shall:
 - a. Include a complete application form.
 - b. Include a Tree Removal Plan prepared in accordance with the standards in the Landscape and Tree Manual.
 - c. Include a Tree Mitigation Plan prepared in accordance with the standards in the Landscape and Tree Manual.
 - d. Include a narrative addressing the approval criteria for discretionary tree permit approval or the administrative approval criteria.
 - e. Be accompanied by the required fee.
 2. *Approval criteria.* The Planning and Zoning Commission shall approve, approve with conditions, or deny the requested tree permit based upon a determination of whether or not the proposal satisfies the purposes of this section. Relevant considerations for the Commission's findings may include but are not limited to:
 - a. The quality of trees proposed for removal.
 - b. Solar access to the subject property.
 - c. Views from or within the subject property.
 - d. Contributions to the natural environment and community amenities.
 - e. Overall project aesthetics.
 3. *Approval.* If the Planning and Zoning Commission approves or approves with conditions a proposal through discretionary review, the Director shall issue a tree permit in accordance with the Planning and Zoning Commission's determination.
 4. *Expiration.* An approved tree permit issued in connection with a building permit or site development permit shall be valid for the period of that permit's validity (i.e., until the permit expires, the improvements are accepted, or a certificate of occupancy is issued). All other tree permits shall expire one year after issuance. Nothing shall prevent a person from submitting another application for a tree permit if the conditions or circumstances have changed, if a new plan is proposed, or if discretionary review or appeal of the Director's determination is sought.

2. *Mitigation.* It is a condition of all approved tree permits that removal shall be mitigated in accordance with the mitigation schedule below and the applicable planting standards in the Landscape and Tree Manual. The Planning and Zoning Commission may condition the approval of a discretionary tree permit on alternative mitigation measures.
 - a. *Removal and Mitigation Standards.*
 1. Tree removal shall be conducted in a manner consistent with tree care industry standards.
 2. When removing required landscape trees, stumps shall be removed below the surface of the ground so that the top of the stump shall not project above the surface of the ground.
 - b. *Mitigation Schedule.* The removal of trees under permit shall be mitigated as follows:
 1. Heritage trees as defined by this title shall be mitigated by planting replacement trees with a total number of caliper inches at the time of planting equal to the total number of caliper inches removed.
 2. Streetscape trees as defined by this title, which are not heritage trees and which are greater than or equal to 6-inch caliper, shall be mitigated by planting one (1) replacement tree (minimum 3-inch caliper) for each such tree removed.
 3. Unless exempted below, all trees, which are not heritage trees or streetscape trees, and which are greater than or equal to 6-inch caliper, shall be mitigated by planting one (1) inch for each twenty caliper inches removed.
 - c. *Exemptions.* No mitigation is required for the following:
 1. Any tree that is dead, diseased, or in an advanced state of decline.
 2. Any tree listed on the Nuisance Tree List in the Landscape and Tree Manual.
 3. Any tree removed for selective thinning within a stand of trees, as proposed by an arborist or forester.
 4. Any tree removed for agricultural use. However, if the agricultural use is discontinued within three (3) years following issuance, the owner of the land shall be required to provide mitigation in accordance with the schedule above. This requirement runs with the land.
 5. Any tree, which is not a heritage tree, located within a proposed building pad associated with new development.
 - d. Replacement trees shall be selected from the canopy trees on the Preferred Species List and shall be planted and maintained in accordance with all applicable standards in the Landscape and Tree Manual.
 - e. Replacement trees required as mitigation shall be planted in the same or nearby location. If the planting standards in the Landscape and Tree Manual preclude planting a replacement tree within the same or nearby location as the tree that was removed, the Director or the Planning and Zoning Commission may require the applicant to plant a replacement tree in another location on the property or plant a replacement tree on public property.

- f. Replacement trees required as mitigation for removal associated with new development shall be planted prior to issuance of a certificate of occupancy. All other replacement trees shall be planted within one year following issuance of a tree permit.
- g. If the Planning and Zoning Commission approves an alternative plan for mitigation under a discretionary tree permit, the alternative plan for mitigation shall specify whether and how any mitigation requirements herein apply.
- h. Mitigation requirements shall remain with the land regardless of ownership.

3. *Tree Protection.*

- a. When any permit is requested which includes ground disturbance in its scope of work, and any trees within twenty-five feet of the development impact area are to be preserved, the application shall be accompanied by a tree protection plan satisfying the standards in the Landscape and Tree Manual.
- b. Tree protection measures satisfying the standards in the Landscape and Tree Manual shall be in place prior to and throughout all construction activities for all trees to be preserved within twenty-five feet of the development impact area.

4. *Violations.*

- a. Violations of any these provisions or failure to comply with their requirements shall constitute a Class C misdemeanor. Violations may include, but are not limited to:
 - i. Removal or alteration of a tree without an approved tree permit, unless exempted.
 - ii. Failure to plant a replacement as required for mitigation.
 - iii. Failure to establish and maintain tree protection measures as required.
 - iv. Failure to plant or maintain any tree subject to the planting and maintenance standards specified in the Landscape and Tree Manual according to such standards.
 - v. Committing an act or omission resulting in a hazard tree or allowing a hazard tree to exist on a property for which the person is owner or a responsible party.
- b. Each calendar day a violation persists shall be considered a separate offense.
- c. Each removal or alteration of a tree in violation of this section, and each hazard tree caused, shall be considered a separate offense.

F. *Landscape and Tree Manual.*

- 1. The City Manager is authorized to adopt and amend administrative rules to implement the details of landscape and tree related regulations in this section. These administrative rules shall be adopted by the City Council pursuant to Title I, Chapter 8 and may be amended by the City Manager without further action by the City Council.
- 2. The administrative rules shall be known collectively as the Landscape and Tree Manual.
- 3. The Landscape and Tree Manual shall include the following:
 - a. Specifications for all types of required landscape.
 - b. A preferred plant list to incentivize the preservation and planting of desirable species suitable for flourishing in Weatherford.

- c. A nuisance tree list to establish tree species which are undesirable or harmful to desirable tree species and should therefore be exempt from the protections provided herein.
- d. Landscape and tree protection, planting, and maintenance standards based on sound scientific principles to ensure plants are provided adequate spacing, soil volume, and protection during development to grow to maturity and thrive, and to ensure trees do not disrupt other vegetation, the built environment, or functioning streets and pathways.
- e. Landscape and tree plan standards so that submittal requirements, measurements, calculations, and other requirements are clearly explained.
- f. Heritage tree designation standards for the identification of valuable trees.

SEC. 12-4-103 SCREENING AND BUFFERING

Contents of Section:

- A. Purpose.
- B. Applicability.
- C. Exception
- D. Screening.
- E. Buffering.
- F. General Provisions.
- G. Landscape and Tree Manual.

A. Purpose. The purposes of the Screening and Buffering regulations and of the administrative rules adopted for their implementation are to:

1. Soften or screen the visual impact of large structures, parking and other paved areas, mechanical equipment, trash receptacles, and other unsightly features.
2. Provide privacy between residential and nonresidential uses.
3. Mitigate the visual, auditory, and other impacts of nonresidential uses on the character of adjacent properties and streetscapes.

B. Applicability. Screening and buffering standards apply to all new and existing development and shall be met whenever any of the following occurs:

1. New construction, including expansions or renovations which increase the floor area of an existing multifamily or nonresidential use.
2. Any change in use on property zoned for nonresidential uses.
3. Installation of trash or other receptacles outside of a multifamily or nonresidential use.
4. Installation of mechanical equipment outside of structures in all zones and for all uses, including on rooftops.

C. Exception. The Central Business District and Central Neighborhood zoning districts are exempt from the buffering requirements of this section.

D. Screening.

1. Screening shall be provided in the locations and quantities specified in the tables below.
2. All screening shall be designed, planted or otherwise installed, and maintained according to the standards provided herein and in the Landscape and Tree Manual. Trees or shrubs preserved or planted to meet screening requirements shall achieve the applicable sight obstruction within one year of planting.
3. Screening shall not encroach on the sight visibility triangle at intersecting streets or preclude visibility during ingress or egress of driveways and parking lots. The standard clear sight triangle for private drives will normally be 15 feet and the standard clear sight triangle for intersection of streets is 25 feet.

Table 3. Landscape Requirements.

SCREENING REQUIREMENTS			
	PARKING AREAS	LOADING AREAS	OUTSIDE EQUIPMENT
LAND USE			
COMMERCIAL	\$1 adjacent to street	\$2 or \$3	\$3
INDUSTRIAL	\$1 adjacent to street	\$2 or \$3	\$3
ONE OR TWO-FAMILY RESIDENTIAL	N / A	N / A	\$1, \$2, or \$3
MULTIFAMILY RESIDENTIAL	\$1 adjacent to street	\$2 or \$3	\$3

E. Buffering.

1. Buffer yards shall be provided where specified in the table below to the extent indicated.
2. Buffer yards shall be landscaped and screened according to the standards provided herein and in the Landscape and Tree Manual. Plants preserved or planted to meet screening requirements shall achieve the applicable sight obstruction within one year of planting.
3. When a buffer yard is required, a landscape plan prepared according to the standards in the Landscape and Tree Manual shall be submitted to the Planning Director. The plan shall show the location, dimensions, and materials provided to meet applicable requirements.

Table 4. Buffer Yard Requirements.

BUFFER YARD REQUIREMENTS								
	SUBJECT LAND USE							
	COMMERCIAL		INDUSTRIAL		ONE OR TWO-FAMILY RESIDENTIAL		MULTIFAMILY RESIDENTIAL	
	BUFFER YARD	SCREENING	BUFFER YARD	SCREENING	BUFFER YARD	SCREENING	BUFFER YARD	SCREENING
ADJACENT LAND USE:								
COMMERCIAL	N / A	N / A	30'	\$2	N / A	N / A	10'	\$1
INDUSTRIAL	10'	N / A	10'	\$2	N / A	N / A	10'	\$1
ONE OR TWO-FAMILY RESIDENTIAL	20'	\$2	50'	\$2	N / A	N / A	20'	\$2
MULTIFAMILY RESIDENTIAL	10'	\$1	50'	\$2	N / A	N / A	10'	\$1
PUBLIC RIGHT-OF-WAY	10'	\$1	20'	\$1	10'	N / A	10'	\$1

F. General Provisions.

1. The Planning Director may approve encroachments through required screening or within required buffer yards to the minimum extent necessary for vehicular or pedestrian access from an abutting property or right-of-way.
2. All living screening and all landscape within buffer yards shall be irrigated according to the standards provided in the Landscape and Tree Manual.

G. Landscape and Tree Manual.

1. The City Manager is authorized to adopt and amend administrative rules to implement the details of the regulations in this section. These administrative rules shall be adopted by the

City Council pursuant to Title I, Chapter 8, and may be amended by the City Manager without further action by the City Council.

2. The administrative rules shall be published in the Landscape and Tree Manual.

SEC. 12-4-104 FENCING AND WALLS

Contents of Section:

- A. Purpose.
- B. Definition.
- C. Applicability.
- D. Permit.
- E. Fences for One- and Two-family Residential Uses.
- F. Fences for Multifamily and Nonresidential Uses.
- G. General Provisions.

A. Purpose. The purpose of the fence and wall regulations is to ensure the safe and attractive placement and maintenance of fences and walls.

B. Definition. For the purposes of this subsection, the following special definition shall apply:

Fence. A free-standing structure of metal, masonry, glass, wood, or any combination thereof, specifically engineered or designed for use as a fence, resting on or partially buried in the ground and rising above ground level and used for confinement, screening, or partition purposes. All materials used for fencing shall meet the requirements of the manufacturer's intended use and specifications and Building Code specifically relating to wind and gust thresholds and construction materials.

C. Applicability. Fence and wall standards apply to the installation, replacement, relocation, or repair of any new or existing fence or wall within the city.

D. Permit. A permit is required prior to the installation, replacement, relocation, or repair of any new or existing fence or wall, excluding routine repair or replacement of materials on an existing fence or wall previously approved under permit with the same materials.

E. Fences for One- and Two-family Residential Uses.

1. No fence or wall shall be erected in any front yard which is adjacent to a public street, except fences or walls less than five (5) feet in height with a maximum opacity of 50 percent (50%). A masonry or stone wall with a height of three (3) feet or less is not subject to the maximum opacity requirement.
2. In a rear or side yard that is internal and not adjacent to a public street, a fence or wall not more than eight (8) feet in height may be placed within the rear or side yard setback and may encroach on an easement.
3. In a rear or side yard adjacent to a public street, a fence or wall not more than eight (8) feet in height may be placed within the rear or side yard setback but may not encroach upon an easement. The fence or wall may be placed in the rear or side yard provided it is not along a block face on which the adjacent lot or lots has front yard setbacks along the same street and such fence will visually be in front of the front yard setback line of the adjacent lots. In this case, the fence or wall shall not encroach on the side or rear setback.
4. Corner lot fences or walls existing as of November 30, 2012, that encroach on an easement along a side or rear yard in violation of this ordinance shall still be considered to be illegal. The owner shall provide access to any enclosed easement for repairs, maintenance, or utility locates. If access is needed for any utility or drainage work, the city may remove the fence. Any replacement fencing must be reconstructed outside the easement at the owner's expense.

F. Fences for Multifamily and Nonresidential Uses.

1. No fence or wall shall be erected in any front yard or side yard which is adjacent to a public street, except fences or walls less than eight (8) feet in height with a maximum opacity of 50 percent (50%), unless greater opacity is required to meet the screening provisions of this title. A masonry or stone wall with a height of three (3) feet or less is not subject to the maximum opacity requirement.
2. Any fence or wall located to the rear of the minimum required front yard line or side yard line adjacent to a public street shall not exceed eight (8) feet in height.

G. General Provisions.

1. Fences shall be wood, masonry, stone, or other materials that meet wind threshold requirements and as approved by the Planning Director. R-Panel is not an approved fence material. No barbed wire or electrical fencing shall be allowed except as used for farm or ranching purposes on undeveloped land over two acres in size. Chain link, woven wire, or mesh (e.g. chicken wire) are not authorized in the front yard of any property or any side yard that is adjacent to a public street.
2. Fences and walls shall not encroach on the sight visibility triangle at intersecting streets or preclude visibility during ingress or egress of driveways and parking lots. Sight visibility is required at all intersections via sight visibility triangles as described in the Engineering Design and Construction Manual (EDCM) for the City of Weatherford.
3. Prior to construction or relocation of any fence or wall, the property owner or contractor shall cause all municipal and franchise utilities (water, wastewater, electric, gas, telecommunications, and other utilities) to locate any existing facilities within or near the project area.
4. Fences and walls located within setbacks or easements shall not interfere with the use and access to any utilities installed therein. Any such materials may be removed if access is needed for any city utility obstructed by a fence or wall within a required setback or easement. The owner of any such fence or wall will not be compensated if removal of a fence or wall is necessary.
5. Retaining walls exceeding four feet in height and any wall with a surcharge must be engineered and sealed plans shall be provided. A surcharge is any added weight above the retaining wall like a parking lot, driveway, swimming pool or accessory structure.
6. Special purpose fencing for agricultural uses or fencing around outdoor athletic or special event facilities may be permitted by the Planning Director upon receiving findings that the intent of all requirements contained herein are met by the proposal.
7. In a rear yard that is directly adjacent to Interstate 20 or an access road that parallels and connects with the Interstate, the City Council may approve a conditional use permit to construct a sound-absorbing fence exceeding eight (8) feet in height. The Planning Director shall not recommend approval unless findings are made that all of the following criteria are met:
 - a. The applicant shall submit an application for a conditional use permit to the Planning Director and pay the applicable fee.
 - b. The applicant shall demonstrate that over 60dB of noise pollution is present at the primary structure on the subject site which can be attributed to the Interstate.

- c. The applicant shall provide technical design specifications or other documentation certified by an engineer demonstrating that the erecting of a specifically designed, sound absorbing fence or wall will reduce the noise pollution, as measured at the primary structure, by at least 10dB.
- d. The applicant shall provide structural and architectural specifications for the construction of the fence or wall, sealed by an engineer, demonstrating that current building codes are met and that the proposed fence or wall is structurally sound.
- e. The proposed fence or wall will not reduce driver safety or create a hazard. It will not adversely affect the safe and enjoyable use of other properties by reflecting light or sound and will not create visual blight visible from adjacent properties or the public right-of-way.

SEC. 12-4-105 PARKING AND LOADING

Contents of Section:

- A. Purpose.
- B. Applicability.
- C. Parking – Quality Standards,
- D. Parking – Quantity Standards.
- E. Drive-thru Design Requirements.
- F. Loading Space Requirements.

A. Purpose.

1. The purposes of the parking standards are to:
 - a. Protect and promote the desired neighborhood and aesthetic character and development patterns of the City of Weatherford and its General Plan;
 - b. Provide for parking areas that are safe and efficient for motor vehicles, pedestrians, and other modes of transportation and adequate to the needs of all land uses; and
 - c. Establish reductions and alternatives to parking quantity standards to respond to special circumstances and facilitate innovative solutions that fulfil the purposes of this section.
2. The purpose of the loading standards is to provide for the safe and efficient transport of goods by vehicle to and from nonresidential uses while protecting the neighborhood and aesthetic character of surrounding properties.

B. Applicability.

1. Parking standards apply to all new and existing development and shall be met whenever any of the following occurs:
 - a. New construction, including expansion which increases the floor area of an existing structure or use by fifty percent or greater. For purposes of calculation, all expansions shall be considered together with any other expansions during the previous two-year period.
 - b. Change in use which increases the minimum parking required by ten percent or more.
 - c. Construction, reconstruction, alteration, or enlargement of a parking lot or garage.
 - d. *Exceptions.*
 1. Parking quantity standards shall not apply in the CBD Central Business District.
 2. Parking quantity standards for all uses except dwellings shall not apply in the CN Central Neighborhood district.
 3. Any parking quality standards provided in Chapter 3 of this title, Zoning Districts, which conflict with the standards of this section, shall govern.
2. Loading standards apply to all new and existing multifamily and nonresidential development and shall be met whenever any of the following occurs:
 - a. New construction, including expansion which increases the floor area of a nonresidential structure or use by fifty percent or greater. For purposes of calculation, all expansions shall be considered together with any other expansions during the previous two-year period.
 - b. Change in use to a nonresidential use.

- c. Ground disturbance exceeding 5,000 square feet, when a site is nonconforming with respect to loading standards and the Planning Director determines that the scope of work could reasonably include the addition or modification of loading space to achieve compliance.

C. Parking – Quality Standards.

1. Location.

- a. All required parking shall be located on the same site as the primary use and structure to be served, except as provided in a shared parking agreement approved in accordance with the provisions below.
- b. Parking areas shall not encroach on any public right-of-way. Drive aisles for onsite circulation and/or maneuvering into or from an off-street parking space shall likewise be provided outside of the public right-of-way, except when an improved alley is approved for this purpose by the Planning Director.
- c. Driveways and drive aisles for site ingress, egress, and interior circulation shall provide adequate vehicle queuing space to prevent hazards and traffic congestion within the site and adjoining public streets. Driveway and approach design are subject to approval by the Planning Director and the City Engineer. An applicant may request that an alternative to the Planning Director's determination be approved by the City Council upon a recommendation by the Planning and Zoning Commission.
- d. Parking areas adjacent to a public right-of-way, including streets, sidewalks, and multiuse paths or trails, shall incorporate walkways connecting the right-of-way to the building. Walkways shall have a minimum width of four (4) feet, be separated from the parking area by stopping devices, and connect the right-of-way to a building entrance by the shortest reasonable route.

2. Construction.

- a. All parking, aisles, driveways, and approaches shall be located on an approved all-weather surface adequate to support the anticipated loads and traffic for the intended use. No motor vehicles may be parked on unimproved surfaces such as dirt, grass, or gravel.
- b. Parking areas and aisles shall be graded to drain into onsite landscape areas or, when approved by the City Engineer, into a storm water detention or conveyance facility.
- c. Stopping devices shall be provided for all multifamily residential and nonresidential parking spaces. Acceptable stopping devices include concrete curbs and wheel stops. When a curb provided for the required stopping device is adjacent to a required pedestrian walkway, that walkway shall be no less than six (6) feet in width to allow for vehicle overhang.
- d. The perimeter of all parking areas and driveways for multifamily and nonresidential development shall be provided with concrete curbs or other methods approved by the City Engineer to control vehicle movements to, from, and within the site. Curbs may have intermittent gaps to allow storm water to pass into adjacent landscape areas.
- e. All multifamily residential and nonresidential parking spaces shall be permanently and clearly identified by stripes, buttons, tiles, curbs, or barriers. Alternative methods are subject to approval by the Director. Impermanent markings, such as by paint, shall be regularly maintained to ensure continuous clear identification of the space.

3. *Dimensional Requirements.*

- a. Motor vehicle parking spaces and drive aisles shall be designed to meet the following minimum dimensions, exclusive of any columns, signs, or other features:

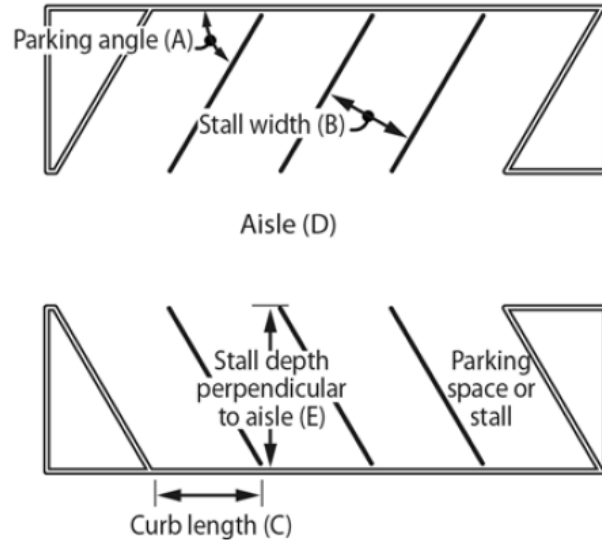


Figure H. Parking Layout.

Table 5. Parking dimension requirements.

Parking Angle (A)	Stall Width (B)	Curb Length (C)	One Way Aisle Width (D)	Two Way Aisle Width (D)	Stall Depth (E)
0°	22 ft.	22 ft.	12 ft.	20 ft.	8 ft.
30°	9 ft.	18 ft.	13 ft.	21 ft.	16 ft. 9 in.
45°	9 ft.	12 ft. 8 in.	13 ft.	21 ft.	19 ft.
60°	9 ft.	10 ft. 5 in.	18 ft.	22 ft.	20 ft. 1 in.
90°	9 ft.	9 ft.	24 ft.	24 ft.	18 ft.
90° Compact	8 ft.	8 ft.	24 ft.	24 ft.	16 ft.

- b. Motorcycle parking spaces shall measure a minimum of four feet by eight (4x8) feet and shall be provided with adequate unobstructed maneuvering areas to permit easy access to the space.
- c. Bicycle parking spaces, when installed to meet any requirements of this title, shall measure a minimum of two feet by seven (2x7) feet, be separated from adjacent parking and drive aisles by a curb or other stopping device, and be constructed of one or more among the following types of bicycle parking facilities:

1. A rack that secures the frame and wheel with a lock.
 2. An enclosed bike locker.
 3. A fenced, covered, and locked or attended bike storage area.
4. *Accessible Parking Spaces for Persons with Disabilities.*
- a. Parking spaces shall be provided and reserved for the physically disabled in a proportional amount not less than that required by the Americans with Disabilities Act (ADA) and Texas Accessibility Standards (TAS).
 - b. Each accessible parking space shall be marked on the pavement by the symbol of accessibility and designated as reserved by a vertically mounted or suspended sign showing the symbol of accessibility and all language required to meet standards provided by the ADA, TAS, and other applicable federal and state laws.
 - c. Parking space and access aisle dimensions shall be as provided in the TAS.
 - d. Accessible parking spaces serving a particular building shall be located at the shortest possible distance along an accessible route from an accessible entrance.
 - e. In multitenant development, accessible parking spaces shall be dispersed so as to provide the average shortest possible distance along accessible routes to all accessible entrances.
 - f. Where a parking garage or lot is the primary use serving multiple sites or a neighborhood, accessible parking spaces shall be located on the ground level and dispersed so as to provide the shortest possible distance along accessible routes from each accessible entrance.
5. *Fire lanes.* Fire lanes shall be provided in accordance with the currently adopted version of the International Fire Code and are subject to approval by the fire marshal.
6. *Lighting.* Lighting shall be provided for multifamily and nonresidential parking in accordance with the performance standards section of this title.

D. Parking – Quantity Standards.

1. *General Provisions.*
- a. When new construction or a change in use is proposed, the applicant shall provide information concerning each proposed new or expanded use. The Planning Director shall determine the minimum parking required using the parking ratios provided below. Appeals to the Planning Director's determination may be made to the Zoning Board of Adjustments.
 - b. When new construction is proposed with no specified use, the Planning Director shall determine the number of spaces required from the available information indicating the use or uses which may occupy the property. In no instance shall fewer than three (3) spaces be provided.
 - c. Parking for accessory uses is not calculated independently of the primary use when determining minimum parking requirements, except as specified in the table below or when the accessory use is a restaurant or assembly space, in which case that area of such accessory use shall be subject to the minimum requirements for that use category.

- d. When calculation of minimum parking required results in a fractional space, one space shall be provided for that fraction. Fractional spaces above 100 spaces may be omitted.
- e. Uses involving the repair, sales, or parts installation of motor vehicles shall provide the required parking indicated below for customers and employees in addition to any spaces or bays where repair, sales, or parts installation occurs.
- f. In mixed-use and multitenant developments, the minimum parking required is calculated as follows unless a shared parking agreement is approved by the Planning Director:
 1. The nonresidential use category with the largest floor area shall provide 100 percent (100%) of the minimum parking required for its use category.
 2. The nonresidential use category with the second-largest floor area shall provide 90 percent (90%) of the minimum parking required for its use category.
 3. All other nonresidential use categories shall provide 80 percent (80%) of the minimum parking required for their use categories.
 4. Residential uses in mixed-use developments shall provide 100 percent (100%) of the minimum parking required for multifamily dwelling units.
2. *Minimum Parking Requirements.* Parking shall be provided in accordance with the following ratios. Unless otherwise indicated, the ratio is based on interior floor area, measured in square feet, and is exclusive of loading areas.

Table 6. Minimum Parking Requirements.

Use Category	Minimum Parking Requirement
<i>Residential</i>	
One-Family, two-family, three-family, four-family and townhomes	4:per Dwelling
Multifamily (5 units and above)	2 per Dwelling
<i>Civic</i>	
Basic Utilities	1:1,000
Colleges	8:Classroom AND 1:400 Office
Community Services	1:400 AND 1:4 seats in largest assembly area
Cultural Institutions	1:500
Day Care	3:Classroom
Emergency Services	1:400
Medical Centers	1.5:Bed

Table 6. Minimum Parking Requirements (continued).

Use Category (continued)	Minimum Parking Requirement
<i>Civic (continued)</i>	
Parks and Open Areas	1:10,000 AND 30:Athletic Field
Religious Institutions	1:4 seats in largest assembly area
Schools	8:Classroom AND 1:4 seats in largest assembly area
Social/Fraternal Clubs/Lodges	1:400 OR 1:4 seats in largest assembly area
<i>Commercial</i>	
Animal-Related Commercial	1:5 stalls (min. 4 spaces)
Bulk Sales	1:1,000 (min. 5 spaces)
Commercial Lodging	1:Guest Room AND 1:Floor
Custom Arts and Crafts	1:500(min. 4 spaces)
Eating and Drinking Establishments	1:200 OR 1:3 seats (whichever is greater)
Indoor Entertainment	1:300(min. 4 spaces)
Major Event Entertainment	1:4 seats
Motor Vehicle Sales/Rental	1:1,000 (min. 3 spaces)
Motor Vehicle Servicing/Repair	1:500 (min. 3 spaces)
Medical Office	1:300
Office	1:400(min. 3 spaces)
Outdoor Entertainment	1:1,000
Outdoor Sales	1:1,000 OR 1:Vendor (whichever is greater, min. 5 spaces)

Table 6. Minimum Parking Requirements (continued).

Use Category (continued)	Minimum Parking Requirement
<i>Commercial (continued)</i>	
Personal Services	1:300(min. 3 spaces)
Recreational Vehicle Park/Campground	1.5:Vehicle/Camp Site
Retail	1:400(min. 4 spaces)
Self-Service Storage	1:30 units (min. 5 spaces)
Vehicle Fuel Sales	1:Fuel Pump AND 1:400 C-store
<i>Industrial</i>	
Industrial	1:1,000(min. 4 spaces)
Research and Development	1:1,000(min. 4 spaces)
Warehouse/Freight Movement	1:10,000 AND 1:400 Office(min. 4 spaces)
Waste-Related	1:acre (min. 6 spaces)
Wholesale and Equipment Rental	1:1,000(min. 4 spaces)
<i>Other</i>	
Agriculture	Min 2 spaces
Aviation and Passenger Terminals	1:500
Cemeteries	1:10,000 (min. 3 spaces)
Detention Facilities	1:4 beds
Mining	1:acre
Wireless Communication Facilities	1:Tower

3. *Parking Mitigation Strategies.* Upon calculating the minimum parking required for a use or multiple uses, the Planning Director may reduce the total number of spaces that must be provided to meet the purposes of this section when one or more of the parking mitigation strategies below is employed. The maximum reduction for all of these provisions in combination is thirty percent (30%). No other reductions or variances from minimum parking requirements shall be granted.
 - a. Minimum parking requirements may be reduced by ten percent (10%) when an L2 or L3 landscape requirement is exceeded by at least twenty-five percent (25%). For example, if forty (40) plants are required for L2 landscape and at least fifty (50) are provided, the number of parking spaces required may be reduced by ten percent (10%). Likewise, if six (12) trees are required and at least fifteen (15) are provided, the ten percent (10%)

reduction may be granted. The additional landscape shall meet all applicable specifications in the Landscape and Tree Manual.

- b. Minimum parking requirements may be reduced by twenty percent (20%) when all parking and loading areas are located behind the wall nearest to the street of the building or buildings containing the uses for which the parking is required, when all parking and loading areas extend over less than 40 percent (40%) of the overall lot width, and when a paved walkway connects the public right-of-way to a building entrance (facing the same right-of-way) within 50 feet.
 - c. Minimum parking requirements may be reduced by one (1) space for every two (2) motorcycle parking spaces provided, up to a maximum reduction of three (3) spaces. Motorcycle parking shall meet all quality standards of this section.
 - d. Minimum parking requirements may be reduced by one (1) space if a minimum of four (4) bicycle parking spaces are provided within 50 feet of a building entrance. Bicycle parking shall meet all quality standards of this section.
 - e. Minimum parking requirements for assembly uses (i.e., any use for which a parking ratio of 1:4 seats applies) may be reduced by five (5) spaces when a dedicated rideshare and taxi pickup/drop-off space measuring a minimum of 9 feet by 18 feet (or 22 feet by 8 feet for a parallel space) is provided within 50 feet of a building entrance. The pickup/drop-off space shall not be located within any required drive aisle or fire lane. This reduction shall not result in fewer than ten (10) spaces being provided.
4. *Shared Parking Agreement.*
- a. Parking areas may be shared by multiple tenants, buildings, or properties to meet the minimum parking requirements subject to the following requirements and approval by the Planning Director:
 - 1. Shared parking is intended for mixed-use developments and uses which have varying peak parking demands and are located near enough to one another to share parking facilities. Sufficient information shall be provided to the Planning Director to demonstrate that the all uses will at all times on all days meet the proportion of the minimum parking requirements specified in the following demand table:

Table 7: Shared Parking Calculations.

USE	MON-FRI 8AM - 6PM	MON-FRI 6PM - 12 AM	MON-FRI 12AM - 8 AM	SAT-SUN 8AM - 6PM	SAT-SUN 6PM - 12 AM	SAT-SUN 12AM - 8AM
Residential	60%	100%	100%	80%	100%	100%
Office	100%	20%	5%	5%	5%	5%
Retail	90%	80%	5%	100%	80%	5%
Lodging	70%	100%	100%	70%	100%	100%
Restaurant	70%	100%	80%	80%	100%	80%
Recreation	40%	100%	80%	80%	100%	80%
Church	20%	20%	5%	100%	50%	5%
Civic	100%	20%	5%	50%	50%	5%
Industrial	100%	20%	5%	5%	5%	5%

2. The unadjusted minimum number of parking spaces shall be provided within 500 feet of the primary entrance for each use. A parking shuttle may substitute for this requirement.
3. Parking spaces shall not be separated from any use they serve by a highway or arterial road unless a grade-separated pedestrian walkway is provided to cross the roadway. A parking shuttle may substitute for this requirement.
4. Shared parking areas spanning multiple properties shall be connected by an approved combination of pedestrian walkways and public sidewalks to ensure the safe and efficient movement of pedestrians among them.
5. Shared parking agreements spanning multiple properties shall be written into a form of agreement acceptable to the city attorney, signed by all owners of record, and recorded in the office of the Parker County Clerk.
6. Change or expansion of a use subject to a shared parking agreement shall require amendment to the agreement and is subject to approval by the Director.

E. Drive-thru Design Requirements.

1. Stacking lanes. All uses with drive-thru facilities shall provide stacking lanes for inbound vehicles designed so that vehicles queued in stacking lanes do not interfere with vehicle or pedestrian circulation onsite, on adjacent properties, or within public rights-of-way.
2. Stacking lanes shall be separated from other internal driveways by raised medians, curbs, buttons, bollards, landscape islands, or distinctive pavement.
3. Stacking lanes for all drive-thru uses shall have a minimum width of nine (9) feet.
4. Stacking lane minimum length shall be determined according to the use as follows:
 - a. Bank and automated personal service kiosk: five (5) spaces for each lane.
 - b. Car wash: five (5) spaces for each lane.
 - c. Funeral home/mortuary: five (5) spaces.

- d. Motor vehicle repair: two (2) spaces for each lane.
 - e. Restaurant: nine (9) spaces for each lane with a minimum of seven (7) spaces behind the order board.
 - f. Retail and personal services: three (3) spaces for each lane.
 - g. Truck wash: 325 feet for each lane.
 - h. Truck Fueling/Truck Repair/Truck Scales: 195 feet for each lane.
- 5. Restaurants providing a single drive-thru lane shall also provide an escape lane with a minimum width of eight feet alongside the stacking lane.
 - 6. Restaurants providing drive-thru service shall indicate a minimum of one parking spot per lane for customers waiting for an order to be completed.
 - 7. Directional signage and pavement markings shall be provided to indicate the flow of vehicles to and through the drive-thru facility, subject to the applicable sign regulations.

F. Loading Space Requirements

- 1. Loading spaces shall be provided for all multifamily, nonresidential, and mixed-use buildings for the exclusive purpose of loading and unloading of goods.
- 2. Loading spaces shall be paved and maintained in a smooth condition suitable for the heaviest vehicle loads using them.
- 3. Location:
 - a. Loading spaces shall be provided with a means of unobstructed access to a public street or alley allowing the vehicle both ingress and egress in a forward motion.
 - b. Loading spaces shall not interfere with typical movements of vehicles and pedestrians onsite or in the public right-of-way.
 - c. Type A loading spaces shall not be located in a front yard setback and shall be screened from any adjacent right-of-way or property zoned for residential uses.
- 4. Dimensional Standards.
 - a. Type A loading spaces shall have a minimum width of 14 feet, a minimum length of 35 feet, and a minimum vertical clearance of 14 feet.
 - b. Type B loading spaces shall have a minimum width of 9 feet, a minimum length of 20 feet, and a minimum vertical clearance of 10 feet.
- 5. Minimum loading spaces required:

Table 8. Minimum Loading Space Requirements.

Use	Gross Floor Area (Square Feet)	Minimum Required Spaces or Berths
Nonresidential	0—10,000	0
	10,001—20,000	1 Type B
	20,001—50,000	1 Type A
	50,001—100,000	2 Type A
	100,001+	3 Type A
Use	Dwelling Units	Minimum Required Spaces or Berths
Multifamily	0—20	0
	21—100	1 Type B
	101+	1 Type A

SEC. 12-4-106 OUTSIDE DISPLAY AND STORAGE

Contents of Section:

- A. Purpose.
- B. Applicability.
- C. Outside Storage Standards.
- D. Outside Display Standards.

A. Purpose. The purposes of these outside storage and display standards are to:

1. Protect and promote the desired neighborhood character and development patterns of the City of Weatherford and its General Plan.
2. Ensure that outside storage and display areas are sufficient for the needs of the full range of multifamily residential and nonresidential uses and are provided in an orderly and attractive manner consistent with other exterior features.

B. Applicability. Outside storage and display standards apply to all new and existing development in zoning districts which permit multifamily residential and nonresidential uses. This section does not apply to the storage or display of motor vehicles, seasonal outdoor sales or to plants for sale as part of a commercial nursery.

C. Outside Storage Standards. The storage of bulk merchandise, equipment, or goods not directly or immediately available for purchase by the public outside of buildings shall be limited to goods which are related to the primary activity on the site and is subject to the following restrictions:

1. Outside storage is not permitted in the CBD or CN zoning districts.
2. Outside storage in the C1 and C2 zoning districts, and outside storage accessory to multifamily residential uses in all zoning districts shall not be located forward of the front (i.e., street-facing) walls of the primary building(s) and shall be enclosed by a wall, fence, one or more structures, landscaping, or a combination thereof sufficient to screen it from view from any public right-of-way or adjacent property. Outside storage shall be limited to five percent (5%) of the total area of the lot.
3. Outside storage in the C3 and I zoning districts shall be enclosed by a wall, fence, one or more structures, landscaping, or a combination thereof, sufficient to screen it from view from any public right-of-way or adjacent property. Outside storage shall be limited to fifty percent (50%) of the total area of the lot.
4. Outside storage in all districts and for all uses shall not encroach on any required parking space, driveway, drive aisle, pedestrian path, or public right-of-way including streets, alleys, sidewalks, and multiuse paths or trails, nor shall any storage area or item stored thereupon pose a safety or visibility hazard, nor impede public vehicular or pedestrian circulation, either on-site or off-site, in any way.
5. Outside storage in all districts and for all uses shall not be located on a rooftop.
6. Outside storage shall be on an approved all-weather surface adequate to support the anticipated materials, except that outside storage of unfinished or waste-related materials in the C3 and I zoning districts may be on unimproved surfaces such as dirt, grass, or loose gravel only when drainage into an onsite stormwater collection and treatment facility is provided.

D. Outside Display Standards. The display of merchandise, excluding large/bulk items (which are considered outside storage) for sale to the public outside of buildings is subject to the following restrictions:

1. Outside display is not permitted in the CBD or CN zoning districts, or for residential uses in any district, except as provided in the Design Standards for each district.
2. Outside display shall not encroach on any required parking space, driveway, drive aisle, pedestrian path, or public right-of-way including streets, alleys, sidewalks, and multiuse paths or trails, nor shall any display area or item displayed thereupon pose a safety or visibility hazard, nor impede public vehicular or pedestrian circulation, either on-site or off-site, in any way.
3. Outside display in the C1 and C2 zoning districts is limited to 200 square feet and shall be within 15 feet of the building containing the use to which the outside display is accessory, unless otherwise approved under a Conditional Use Permit. All items on display during business hours shall be removed or screened from view at the end of each business day, except for large/bulk items, which shall be secured.
4. Outside display in the C3 and I zoning districts is limited to fifty percent (50%) of the total area of the lot.
5. All items on display shall be displayed in a neat, orderly manner, and the display area shall remain clean and free of litter at all times.

SEC. 12-4-107 PERFORMANCE STANDARDS

Contents of Section:

- A. Purpose.
- B. Noise.
- C. Odorous Matter.
- D. Fire or Explosive Hazard Material.
- E. Toxic and Noxious Matter.
- F. Vibration.
- G. Lighting and Glare Standards.

A. 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, and/or federal agencies. All uses, including those that may be allowed by conditional use, unless expressly provided for otherwise, shall conform in operation, location, and construction to appropriate performance standards for noise, smoke, and particulate matter, odorous matter, fire, explosive hazard material, toxic and noxious matter, vibration, and glare. All federal and state pollution, noise, and requirements for toxic waste disposal shall be observed.

B. 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:

Table 9. Maximum Permissible Daytime Octave Band**

Decibel Limits at the Bounding Property Line									
Octave Band	37	75	150	300	600	1200	2400	4800	A**
(cps)	75	150	300	600	1200	2400	4800	9600	Scale**
Decibel Band Limit (db re 0.0002 Microbars)	86	76	70	65	63	58	55	53	65

* *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.

** *Daytime* shall refer to the hours between sunrise and sunset on any given day.

*** "A scale" levels are provided for monitoring purposes only and are not applicable to detailed sound analysis.

1. *Corrections.* The following corrections shall be made to the table of octave band-decibel limits in determining compliance with the noise level standards:
 - a. When noise is present at nighttime, subtract (-7db.)
 - b. When noise contains strong pure-tone components or is impulsive, that is when meter changes at ten decibels or more per second, subtract (-7db.)

- c. When noise is present for not more than the following, add (+10db):
 1. 1 minute in any 1-hour period
 2. 10 minutes in any 2-hour period
 3. 20 minutes in any 4-hour period
2. *Measurement.* Measurement of noise shall be made with a sound level meter with an octave band analyzer meeting the standards prescribed by the American Standards Association.
3. *Exemptions.* The following uses and activities shall be exempt from the noise level regulations herein specified:
 - a. Noises not directly under control of the property user.
 - b. Noises emanating from construction and maintenance activities between the hours of 7:00 a.m. and 7:00 p.m. (daylight hours).
 - c. Noises of safety signals, warning devices, and emergency pressure relief valves.
 - d. Transient noise of moving sources such as automobiles, trucks, and airplanes.
 - e. Smoke and particulate matter. No operation or use shall cause, create, or allow the emission for more than three minutes in any one 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 American Society for Testing Materials (ASTM) except the standards specified in A.S.T.M.D. 3-1302-1 and 3-1302-2 shall not apply 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.
 - b. The emission of particulate matter from all sources shall not exceed one-half ($\frac{1}{2}$) pounds per acre of property within the plant site per any one (1) hour.
 - c. Open storage and open processing operations shall be so conducted that dust and other particulate matter generated are not transported across the boundary line of the tract on which the use is located in concentrations exceeding four (4) grains per 1,000 cubic feet of air, 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, and generating equipment such as used in paint spraying, grain handling, sand and gravel processing or storage, or sand blasting.

C. Odorous Matter.

1. 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.
2. The odor threshold as herein set forth shall be determined by observation by any person or persons. 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. A copy of A.S.T.M.D. 1391-57 is available at the Development & Neighborhood Services office for reference.

D. Fire or Explosive Hazard Material.

1. 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 Weatherford.
2. 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 Weatherford Fire Code or are approved by the Fire Chief.

E. Toxic and Noxious Matter.

1. No operation or use shall emit a concentration of toxic or noxious matter which will exceed ten (10) percent of the concentration (exposure) considered as the threshold limit for an industrial worker across the bounding property line of the tract on which such operation or use is located. 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 available at the Development & Neighborhood Services office for reference.

F. Vibration.

1. No operation or use shall at any time create earthborne 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:

Table 10. Vibration Displacement Limits

Frequency Cycles Per Second	Displacement in Inches
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

G. Lighting and Glare Standards.

1. 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.

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 3 feet. The allowable maximum intensity measured at the property line of a residential use in a residential district shall be 0.25 foot candles.
- b. Light poles shall be placed on the site a setback equal to its height from all adjacent residential property.
- c. All off-street parking areas for non-residential uses in non-residential districts that are used after dark shall be illuminated beginning thirty (30) minutes 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:

3. *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 1 foot candle at ground level and shall distribute not more than 0.25 foot candles of light upon any adjacent, residentially zoned area.

4. *Height.*

- a. The maximum height for poles with lights is 35 feet.

5. *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 10 feet in height is shielded from adjacent property.
 2. No light source shall exceed 25 feet in height. Streetlights and other traffic safety lighting are exempt from this standard.
 3. Lighting shall not directly shine on adjacent dwellings.

6. *Luminaires.*

- a. 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 75 watts and strings of lamps are prohibited, except for temporary lighting as provided in 46.5 below.

7. Special or Temporary Lighting—Low Wattage.

- a. 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 city-recognized holiday.

CHAPTER 5 – SUPPLEMENTAL USE REQUIREMENTS

SEC. 12-5-100 TEMPORARY USE REQUIREMENTS

Contents of Section:

- A. Purpose.
- B. Applicability.
- C. Exemptions.
- D. Construction Facilities.
- E. Garage Sales.
- F. Quantity Standards.
- G. Seasonal Outdoor Sales.
- H. Special Event.
- I. Temporary Buildings.

A. Purpose. The purposes of these temporary use regulations are to:

1. Provide for appropriate, limited activities which are not typically permanent uses;
2. Facilitate construction and moving activities through the responsible placement of temporary buildings and containers;
3. Promote entrepreneurship and activate commercial areas through the safe and orderly operation of mobile vending units, seasonal sales, and special events on private property; and
4. Protect the desired character of neighborhoods surrounding temporary uses.

B. Applicability. These provisions apply to the conduct of business or other activities from a fixed location on private property. Temporary uses typically do not exceed 30 days or the duration of a single project or event. Temporary uses include the following:

1. Construction facilities.
2. Garage sales.
3. Mobile (itinerant) vendors.
4. Seasonal outdoor sales.
5. Special events.

C. Exemptions. These provisions do not apply to:

1. Outside display and storage as regulated elsewhere in this title.
2. Outdoor sales as a primary use.
3. Company picnics or other gatherings for employees and their families.
4. Grand opening celebrations.
5. Events sponsored by a public agency or occurring on public property.
6. Facilities related to public infrastructure projects.
7. Itinerant vendors operating on the First Monday Trade Days site during a designated First Monday Trade Days weekend. Such vendors shall register with the Director of Parks,

Recreation, and Special Events and pay the required fee to operate as a First Monday Trade Days vendor.

D. Construction Facilities.

1. *Applicability.* Storage of materials used for construction of a building, including the contractor's temporary office (excluding public works projects).
2. *Construction Yard or Office Requirements.*
 - a. Construction yards shall be located on the building site or immediately adjacent thereto. Approved construction yard use shall be permitted only during the construction period and thirty (30) days thereafter.
 - b. When not attended construction yards shall be secured from entry by children and general public.
 - c. All materials, dirt, drainage, and runoff shall be kept inside construction yard.
 - d. Construction yards shall have a sign with the name and contact information of the person responsible for the yard and the construction site.
 - e. Construction yards prohibited in public right-of-way unless approved in writing from City of Weatherford engineering department.
 - f. Real estate sales offices during the development of residential subdivisions in which the office is located until eighty percent (80%) of the building permits of the platted lots in the subdivision are issued.
3. *Temporary Portable Storage Containers.*
 - a. *Applicability.* Temporary buildings and temporary building material storage areas to be used for construction purposes only, may be permitted in accordance with a permit issued by the Building Official and subject to periodic renewal by the Building Official for cause shown. Upon completion or abandonment of construction or expiration of permit, such field offices/buildings and material storage areas shall be removed to the satisfaction of the Building Official.
 - b. *Requirements.* Temporary portable storage containers may be permitted with a temporary container permit in accordance with the following stipulations:
 1. A temporary container permit must be applied for by the owner of the property upon which the portable storage container is proposed to be located. The application shall require an exhibit showing the proposed location for the structure and the duration of its intended use. The permit application and associated fees shall be submitted through the offices of planning and development.
 2. Temporary portable storage containers shall not be permitted on lots without a main structure.
 3. No portable storage container shall have dimensions greater than 16 feet in length, eight feet in height or eight feet in width, nor contain more than 1,024 cubic feet.
 4. All portable storage containers shall be in a condition free from rust, peeling paint, and other forms of deterioration.
 5. All portable storage containers must include a "placard" not less than one square foot which is clearly visible from the right-of-way which includes the container identification

number, date of its placement on the property, date that removal will be required, permit number, and local telephone number.

6. Portable storage containers shall only be located on an improved surface.
7. Portable storage containers shall not be placed in required landscaped areas, open areas, retention basins, drive aisles, fire lanes, loading zones, required parking spaces, or other locations that may cause hazardous conditions, constitute a threat to public safety, or create a condition detrimental to surrounding land uses and development.
8. Portable storage containers shall be a minimum ten feet from any property line.
9. Portable storage containers shall be allowed for no more than a total of 15 days in any consecutive six-month period, unless the property owner has a valid remodel permit or seasonal portable container permit, at which time the unit may remain on the property for the duration of the permit. No more than one portable storage container shall be allowed per site.
10. When not attended containers shall be secured from entry by children and general public.
11. Hazardous material shall not be stored in these containers. Such materials may be identified, reviewed, and determined to be hazardous by the City of Weatherford Fire Marshall.

E. Garage Sales.

1. *Applicability.* These regulations apply to all residential garage sales, block sales, and estate sales as defined herein.
2. *Requirements.*
 - a. Garage sales as defined, shall be:
 1. Allowed in any residential zoning district and Commercial district that has an existing residential use.
 2. Limited to two per year per residence address.
 3. Shall not exceed three consecutive days per sale.
 4. Shall be limited to daylight hours only.
 - b. No permit is required, unless otherwise specified, to conduct a garage sale that meets the following requirements:
 1. Only used personal property which is owned, utilized, or maintained by an individual or members of a residence or family and acquired in the normal course of living in or maintaining a residence may be sold.
 2. New merchandise or merchandise which was purchased for resale or obtained on consignment may not be sold at a garage sale, as defined.
 3. No personal property or garage sale items can be displayed in the public right-of way, on a sidewalk or in the parkway or street.
 - c. Garage sale signs are allowed subject to the sign code, and to the following:
 1. Two signs are permitted, not to exceed two square feet, upon the property where the sale is taking place.

2. No more than four directional signs, not larger than two square feet, may be placed on private property with the owner's consent.
3. In no case shall signs be placed in any public right-of-way or nailed or attached to public signs or utility poles.
4. Garage sale signs may be posted 24 hours before the sale but must be removed within 24 hours after the sale.

F. Seasonal Outdoor Sales.

1. *Requirements.* These temporary uses shall be permitted as follows:
 - a. They shall only be permitted in the Agricultural, Commercial and Industrial districts.
 - b. The duration of a seasonal outdoor sales event shall not exceed two events per year for each property. No event shall be allowed for more than 45 days
 - c. Adequate parking and sanitary restroom facilities shall be made available to the public.
 - d. All sites will meet minimum codes for building, fire and life safety.
 - e. No tent or similar structure shall be erected in any required setbacks or easements. Tents shall conform to the applicable Fire Code and building codes and no tent shall be erected without first obtaining a permit.

G. Special Event.

1. *Applicability.* These regulations apply to all events conducted wholly or partially on public property. Special Events includes parades, festivals, protests, marches, marathons, demonstrations, concerts, ceremonies, carnivals/circus, fairs, fireworks/pyrotechnics, and/or processions.
2. *Requirements.* All special events as defined in this ordinance shall require the completion and submittal of a special events application to the department of parks, recreation, and special events.

H. Temporary Buildings.

1. Temporary buildings and temporary building material storage areas, to be used for construction purposes only, may be permitted in accordance with a permit issued by the Building Official and subject to periodic renewal by the Building Official for cause shown. Upon completion or abandonment of construction or expiration of permit, such field offices/buildings and material storage areas shall be removed to the satisfaction of the Building Official.
2. Temporary portable buildings, including overseas shipping containers, cargo or freight containers, portable on demand storage (PODS), and portable storage units (PSUs), may be permitted with a temporary container permit in accordance with the following stipulations:
 - a. A temporary container permit must be applied for by the owner of the property upon which the portable storage container is proposed to be located. The application shall require an exhibit showing the proposed location for the structure and the duration of its intended use. The permit application and associated fees shall be submitted through the offices of planning and development.
 - b. Temporary portable storage containers shall not be permitted on lots without a main structure.

- c. No portable storage container shall have dimensions greater than 16 feet in length, 8 feet in height, or 8 feet in width, nor contain more than 1,024 cubic feet.
- d. All portable storage containers shall be in a condition free from rust, peeling paint, and other forms of deterioration.
- e. All portable storage containers must include a “placard” not less than 1 square foot that is clearly visible from the right-of-way, which includes the container identification number, date of its placement on the property, date that removal will be required, permit number, and local telephone number.
- f. Portable storage containers shall only be located on an improved surface.
- g. Portable storage containers shall not be placed in required landscaped areas, open areas, retention basins, drive aisles, fire lanes, loading zones, required parking spaces, or other locations that may cause hazardous conditions, constitute a threat to public safety, or create a condition detrimental to surrounding land uses and development.
- h. Portable storage containers shall be a minimum 10 feet from any property line.
- i. Portable storage containers shall be allowed for no more than a total of 15 days in any consecutive 6-month period, unless the property owner has a valid remodel permit or seasonal portable container permit, at which time the unit may remain on the property for the duration of the permit. No more than one portable storage container shall be allowed per site.
- j. When not attended, containers shall be secured from entry by children and general public.
- k. Hazardous material shall not be stored in these containers. Such materials may be identified, reviewed, and determined to be hazardous by the City of Weatherford Fire Marshall.
- l. A seasonal portable container permit may be applied for during the months of October through December, allowing up to five (5) storage containers per site. This permit and associated fees shall be required to be updated annually. All other requirements stated above must be met by all portable storage containers.

SEC. 12-5-101 FOOD TRUCKS

Contents of Section:

- A. Purpose.
- B. Applicability.
- C. Food Truck Standards.
- D. Food Truck Court Standards.

A. Purpose. The purposes of the food truck and food truck court standards are to:

- 1. Promote entrepreneurship and activate commercial areas through the safe and attractive use of food trucks on private property; and
- 2. Protect the desired character of neighborhoods surrounding food truck courts.

B. Applicability.

- 1. Food Trucks. These regulations apply to food trucks conducting business within the corporate limits of the City of Weatherford.
- 2. Food Truck Courts. Food Truck court standards apply whenever three (3) or more food trucks are operated upon a single property that has been designated as a permanent food court and shall be met upon approval of a special use permit for the establishment of such a court.
- 3. *Exceptions.* Operation of food trucks at an approved special event, on City property, including the First Monday Trade Days site, is subject to all requirements, fees, and permits applicable to the event, but is not subject to Food Truck Permit requirements, however a Food Establishment Permit is always required.

C. Food Truck Standards.

1. Permits Required.

a. Food Establishment Permit

- i. All food trucks must have an approved Food Establishment Permit prior to serving any food within the corporate limits of the City of Weatherford.
- ii. A Food Establishment Permit will be issued to all food trucks on a yearly basis after the submission of a Food Establishment Permit application to the Planning Director. Prior to each yearly renewal, the Food Truck operator/owner must provide proof to the Director of two (2) passed health inspections that occurred during the past twelve (12) months within the State of Texas.

b. Food Truck Permit

- i. All food trucks shall have an approved Food Truck Permit in addition to a Food Establishment Permit to operate on private property for the duration specified on the permit unless operating under an approved special event permit.

- ii. Application for a food truck shall be made on a form provided by the Director and shall include all information required thereupon and any applicable fees.

2. Quality Standards.

- a. Food trucks shall be located only on property for which eating establishments are an approved use.
- b. Food trucks shall be operable vehicles with current registration and verifiable insurance.
- c. Food trucks and all required parking shall be located on an approved all-weather surface adequate to support the anticipated loads and traffic for the intended use. No food truck may be parked on unimproved surfaces such as dirt, grass, or loose gravel.
- d. All sites containing a food truck shall provide a continuous, unobstructed, all-weather surface route to a public street for the food truck as well as other motor vehicles and pedestrians accessing the site.
- e. Parking areas shall not encroach on any public right-of-way, including streets, sidewalks, or multiuse paths or trails. Drive aisles and queueing lanes for onsite circulation and/or maneuvering shall likewise be provided outside of the public right-of-way.
- f. All food truck and parking areas shall be illuminated when operated during any hours between sunset and sunrise and are subject to the performance standards of this title.

3. Quantity Standards.

- a. A maximum of two (2) permits may be issued for food trucks at one time on any property unless otherwise approved by a special event permit.
- b. Minimum parking requirements. A minimum of two off-street parking spaces shall be provided for each food truck, except that food truck courts shall be required to meet the minimum parking for Eating and Drinking Establishments provided in the Parking and Loading section of this title. These requirements shall not apply in the CBD Central Business District and CN Central Neighborhood District.

D. Food Truck Court Standards.

1. The Planning Director may issue permits for food trucks exceeding two (2) upon a single property through a special event permit or a special use permit for a food truck court.
2. The property owner shall apply for a special use permit using a form provided by the Development & Neighborhood Services Department and shall include all information required and any applicable fees. The required application shall be supplemented with a site plan, drawn to scale, indicating the location and dimensions of all proposed food trucks or spaces on the site, all required parking spaces, any proposed common dining or activity area, and all other required or proposed elements of the development proposal.
3. All quality provisions applicable to food trucks shall also apply to food truck courts.
4. Food truck courts shall provide an accessible restroom facility that is available to all vendors and patrons during all hours of operation. The facility may be located in a permanent structure on the same or adjacent site if an executed agreement is provided in a form acceptable to the City Attorney.

5. Food truck courts shall provide a common dining or activity area of sufficient size and seating to accommodate the proposed number and type of vendors onsite. The common area shall be closed and all exterior furniture and features secured outside of business hours.
6. Minimum parking requirements for food truck courts shall be determined by the area or number of seats in the common dining or activity area and using the ratio for Eating and Drinking Establishments.

SEC. 12-5-102 ACCESSORY STRUCTURES AND ACCESSORY DWELLING UNITS

Contents of Section:

- A. Purpose
- B. Description.
- C. Accessory Structure Standards
- D. Accessory Dwelling Unit Standards

A. Purpose. To establish standards for the use of Accessory Structures and Accessory Dwelling Units.

B. Description.

Accessory structures are located on the same premise that is customarily incidental, detached and subordinate to the primary structure. Accessory structures are not permitted for habitation.

Accessory dwelling units are accessory structures with a kitchen (or kitchenette). Accessory dwelling units are permitted as an incidental residential use of a building on the same lot as the main dwelling unit.

C. Accessory Structure Standards

1. An accessory structure must be subordinate in size and height to the primary structure in size and may not be used for commercial purposes in residential districts.
2. No accessory structure will be permitted on any lot without an existing primary structure and established land use. Accessory structures should whenever possible be located toward the rear of the property.
3. Setbacks
 - a. Front Yard. Accessory structures are prohibited in front of the main building.
 - b. Side Yard.
 - i. In all locations where building lines, setback lines or side yard lines are shown on recorded plats, the minimum setback or side yard shall be as shown on the plat.
 - ii. In all other locations, the minimum side yard setback shall be three feet
 - iii. The minimum side yard setback to a street shall be 15 feet.
 - c. Rear Yard. There shall be a rear yard having a depth of not less than three feet.

D. Accessory Dwelling Unit Standards

1. The primary residence shall be occupied by the property owner.
2. The accessory dwelling unit shall be subordinate to the primary structure in height, and size and in accordance with Table 11.
3. The minimum lot size for an accessory dwelling unit is 6,000 square feet.
4. There is a limit of one (1) accessory dwelling unit per lot.
5. Occupancy is limited to regulations as per the adopted Building Code.

6. Lot must contain enough parking for primary dwelling unit to meet off street parking requirement and one space for accessory dwelling unit.
7. Separate utility meters are prohibited. Lots in the R1 Zoning district with two lots and separate meters as of the writing of this ordinance may continue as legal non-conforming until the meter is turned off for more than 180 days. The meter at that point must be registered to the property owner when it is turned on again.

Table 11. Accessory Dwelling Units

Lot Size	ADU Max Square Footage
6,000 - 8,500	10 percent of lot size
8,501 and up	1,000 sq. ft.

SEC. 12-5-103 HOME OCCUPATIONS

Contents of Section:

- A. Purpose.
- B. Requirements.
- C. Effect Upon Existing Home Occupations.

A. Purpose. Standards for governing home occupations are set forth to minimize possible impacts on neighboring property owners within residential areas. These standards are intended to allow reasonable and comfortable enjoyment of property by owners in the pursuit of home-based businesses while also ensuring reasonable comfort to occupants in neighboring dwellings.

B. Requirements. Home occupations shall be permitted as accessory to a residential use provided that they comply with the following requirements:

1. Permitted home occupations are typically telephone/internet sales, food cottages permitted by Texas state law, accountants, contractors, photographers, dressmakers, handcrafters, tailors, hairstylists, interior designers, surveyors, clergymen, artists, physicians, licensed massage therapists, authors, consultants, licensed child care providers, and the like.
2. The following are prohibited as home occupations:
 - a. Clinics, hospitals (including animal hospitals and animal breeding);
 - b. Contractor yards;
 - c. Tattoo parlors, micro-blading, and the like;
 - d. Scrap and salvage services;
 - e. Unlicensed massage parlors or any kind of massage performed in a bedroom;
 - f. Restaurants (including bars and cocktail lounges);
 - g. Rental outlets;
 - h. Equipment sales;
 - i. Sexually oriented businesses;
 - j. Recycling centers (including drop-off recycling collection facilities);
 - k. Automotive repair services;
 - l. Businesses involving the repair of any type of internal combustion engine, including equipment repair services;
 - m. Short term rentals such as AirBnB and the like;
 - n. Any kind of gaming or gambling business;
 - o. Fireworks or flammable materials of any kind;
 - p. Any type of food cottage prohibited by Texas State law; and
 - q. Any unlisted uses determined to be prohibited by the Planning Director .
3. The residential character of the dwelling shall not be changed by said use.

4. Such use shall be incidental and secondary to the main use of the premises and shall not utilize floor area exceeding twenty percent (20%) of the combined gross floor area of the 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 500 square feet.)
5. The occupation shall not employ more than one person who is not a member of the household in which the home occupation occurs.
6. Not more than two (2) business-related or patron vehicles shall be present at one time, and the proprietor shall provide adequate off-street parking on the property where the use is located.
7. The operation shall be conducted entirely within the dwelling and/or accessory structure and the hours of operation shall fall between 8:00 a.m. and 8:00 p.m.
8. One commercial vehicle, capacity of one (1) ton or less (according to the manufacturer's classification) and less than twenty-two (22) feet long, may be parked on the property in connection with the home occupation.
9. 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 (1.5) tons (according to the manufacturer's classification).
10. The home occupation shall not generate noise, vibration, glare, fumes/odors, heat, or electrical interference beyond what normally occurs within a residential district.
11. No signs shall be displayed in conjunction with the home occupation (except as authorized by the sign ordinance) and there shall be no advertising using the home address.
12. No outside storage or display is permitted on the property.

C. Effect Upon Existing Home Occupations.

1. 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. The legal nonconforming use shall be authorized to continue provided that the home occupation use was not in violation of any other local, state, or federal law or regulation on that date. The burden of proof is upon the owner to provide evidence that the home occupation existed prior to these regulations

SEC. 12-5-104 COMMUNICATION FACILITIES

Contents of Section:

- A. Applicability.
- B. Permit Requirements.
- C. Height Requirements.
- D. Area, Yard, and Lot Requirements.
- E. Additional Regulations
- F. Abandonment.
- G. Decommissioning Plan.
- H. Enforcement.
- I. Penalties.

A. Applicability.

1. These regulations apply to all commercial and amateur communication antennae, support structures, and towers unless exempted below.
2. Direct broadcast satellite (DBS) reception devices, broadband radio service provider (formerly multi-channel multi-point distribution service (MMDS)) reception devices, and television broadcast station (TVBS) reception devices as defined by the Federal Communications Commission (FCC) meeting the following requirements do not require a conditional use approval unless mounted on a pole or mast higher than 12 feet above the roofline:
 - a. A “dish” antenna that is 1 meter (39.37 inches) or less in diameter and is designed to receive direct broadcast satellite service, including direct-to-home satellite service, or to receive or transmit fixed wireless signals via satellite.
 - b. An antenna that is 1 meter or less in diameter or diagonal measurement and is designed to receive video programming services via broadband radio service (wireless cable) or to receive or transmit fixed wireless signals other than via satellite.
 - c. In a non-residential zoning district, an antenna that is 2 meters or less in diameter.
 - d. An antenna that is designed to receive local television broadcast signals.
 - e. Antennas used for AM/FM radio, amateur (“ham”) radio, Citizen's Band (“CB”) radio, or Digital Audio Radio Services (“DARS”) concealed behind or located within attics, eaves, gutters, or roofing components of the building and do not exceed a height 12 feet above the roofline.
3. Communication antennas, support structures, and towers legally installed before adoption of these regulations which could not be built under the terms of this section by reason of restrictions on area, lot coverage, height, yard, site location on the lot, or other requirements concerning the structure, may be continued so long as they remain otherwise lawful, subject to the provisions of this ordinance regarding nonconforming structures.
4. Antennae and support structures may be considered as either principal or accessory uses.
5. Antenna installations shall comply with all other requirements of this ordinance and the Code of Ordinances of the city with the exception of those specifically cited within this subsection.

B. Permit Requirements.

1. A building permit is required to erect or install an antenna, antenna support structure, and related structures/equipment. All installations shall comply with applicable federal, state, and local building codes and the standards published by the Electronic Industries Association (EIA).
2. A Site Plan, shown at a scale of 1 inch equals 40 feet, shall be submitted along with the building permit application. The Site Plan shall illustrate:
 - a. Property lines and physical dimensions of the property.
 - b. Location, heights, dimensions, setbacks, trees (exceeding 6 inches in diameter, at a point 4 ½ feet above the ground) on the lot, and types of existing structures on the property.
 - c. Location and size of adjacent buildings and easements within the required fall zone.
 - d. Location of the proposed wind system and any accessories.
3. Rights-of-way of any adjacent public road.
4. Foundation drawings and details with a registered Texas Engineer stamp.
5. Tower drawings and details with a registered Texas Engineer stamp.
6. Decommission plan.

C. Height Requirements. Nothing in this section shall be construed to limit the height of communication antennas, support structures, or towers beyond what is sufficient to accommodate amateur service communications. Owners of certain antenna structures more than 60.96 meters (200 feet) above ground level at the site or located near or at a public use airport must notify the Federal Aviation Administration and register with the FCC as required by federal law.

D. Area, Yard, and Lot Requirements.

1. No commercial antenna support structure shall be closer to any residential district boundary line or residential dwelling than a distance equal to 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 public utility structures that exceed 50 feet in height, or to antennae placed wholly within or mounted upon a building.
2. 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.
3. Only one (1) amateur antenna/support structure shall be permitted per residential lot, except that a maximum of two (2) satellite dishes may be allowed if both units are no larger than 1 meter (39 inches) in diameter. Only one (1) will be allowed if it is over 1 meter in diameter. Satellite dishes in any residential district shall not exceed 12 feet in diameter and must be permitted by the City Manager (or their designee).

E. Additional Regulations

1. All antennae and support structures must meet or exceed the current standards and regulations of the Federal Communications Commission (FCC), the Federal Aviation Administration (FAA), and/or all other applicable federal, state, and local authorities. If those standards change, then the owner/user of an antenna or support structure must bring the antenna/structure into compliance within six (6) months or as otherwise required by the applicable regulating authority.
2. Antennae (amateur or commercial) shall not create electromagnetic or other interference with the city's and the county's radio frequencies and public safety operations, as required by the FCC. Antennae also shall not interfere with radio or television reception of nearby property owners. In no manner shall the use of such equipment infringe upon adjoining property owners.
3. No antenna or support structure shall be located so as to create a visual obstruction within critical visibility areas (such as at street intersections or where a private driveway enters a roadway) or a traffic safety problem.
4. Safeguards shall be utilized to prevent unauthorized access to an antenna installation. Safeguards include certain devices identified/recommended by the manufacturer of the antenna or support structure, such as a fence, a climbing guard, or other commercially available safety devices. Climbing spikes or other similar climbing devices, if utilized, shall be removed immediately following use.
5. Temporary antennae shall only be allowed in the following instances:
 - a. In conjunction with a festival, carnival, rodeo, or other special event/activity.
 - b. In case of an emergency (severe weather, etc.) or a news coverage event.
 - c. When needed to restore service on a temporary basis after failure of an antenna installation. The city must be notified within seventy-two (72) hours of the placement of a temporary antenna. If the temporary antenna will be needed for more than seven (7) days, then the owner/user must apply for and acquire a permit for the temporary installation on or before the eighth (8th) day following initial placement of the antenna.
6. Colocation is greatly encouraged by the city.
 - a. All new support structures over 50 feet in height shall be constructed to support antennae for at least two (2) carriers, unless the structure is an alternative or stealth design, or the support structure is replacing an existing utility structure or light standard. Sufficient area for associated structures and equipment shall also be provided.
 - b. A support structure which is modified or reconstructed in order to accommodate colocation shall be of the same type, design, and height as the existing structure, and it may be moved on the same property within 50 feet of its original location provided that it is not moved any closer to residentially zoned property. If the structure was allowed by CUP, then its new location shall be within the physical/land boundaries of the CUP. The original support structure shall be removed from the property within ninety (90) days following completion of the new structure.

- c. Where an additional antenna is to be attached to an existing support structure that already has an antenna mounted upon it, the new antenna shall comply with and be compatible with the design of the existing antenna on the colocated structure.
7. Support buildings and equipment storage areas/buildings shall be screened from public view if mounted on a rooftop. When ground mounted, they shall meet all applicable front, side, and rear yard setback requirements, and shall be screened from public view by a dense, opaque evergreen landscaped screen with an initial planting height of 3 feet, and which will attain an ultimate height of 6 feet at maturity. A 6-foot solid masonry wall may be used in lieu of the landscaped screen, provided exterior finish materials are compatible with nearby structures. The use of a wood fence for screening is prohibited and wrought iron or chain link may only be used in conjunction with a landscaped screen as specified above.
8. Satellite dishes and other similar antennae shall be permitted on the roof of a building, as long as a letter certifying the structural stability of the roof/building, written and sealed by a registered architect or engineer, is submitted to the City Manager prior to any approval of a roof-mounted antenna.
9. All commercial signs, flags, lights, and attachments other than those required for emergency identification, communications operations, structural stability, or as required for flight visibility by the FAA and/or FCC shall be prohibited on any antenna or antenna support structure. However, lights may remain or be placed upon light standards that are altered or replaced in order for them to serve as antenna support structures provided that lights are not commercial in nature, and provided that lights are placed/replaced as the same size, configuration, number of bulbs, degree of luminance, etc. as they previously existed prior to support structure modification/replacement.
10. Any publicly owned antennae or antenna support structures (public safety communications, etc.) shall be permitted in any zoning district.

F. Abandonment.

1. A communication antenna, support structure, or tower that is out of service for a continuous 12-month period will be deemed to have been abandoned. The city may issue a notice of abandonment to the owner of a communication antenna, support structure, or tower that is deemed to have been abandoned. The owner shall have the right to respond to the notice of abandonment within thirty (30) days from postmark date. The city shall withdraw the notice of abandonment and shall notify the owner that the notice has been withdrawn if the owner provides information that demonstrates the communication antenna, support structure, or tower has not been abandoned.
2. If a communication antenna, support structure, or tower is determined to be abandoned, the owner shall remove the communication antenna, support structure, or tower, at the owner's sole expense, within sixty (60) days of postmark date of the notice of abandonment. If the owner fails to remove the communication antenna, support structure, or tower, the city may pursue a legal action to have the communication antenna, support structure, or tower removed at the owner's expense.

G. Decommissioning Plan. The permit application must contain a decommissioning plan to ensure the project is properly decommissioned upon abandonment. At a minimum, the decommissioning plan shall include:

1. Provisions for the removal of all structures and accessories, within one-hundred and eighty (180) days after facility abandonment.
2. Provisions for the restoration of the soil and vegetation within two-hundred and seventy (270) days after abandonment.

H. Enforcement.

1. The ordinance shall be administered by the Director of Planning and Development (or their designee).
2. The Director of Planning and Development (or their designee) may enter any property, for which a building permit has been issued under this ordinance, to conduct an inspection to determine whether the conditions stated in the permit have been met.
3. The Director of Planning and Development (or their designee) may issue orders to abate any violation of this ordinance.

I. Penalties.

1. Any person who fails to comply with any provision of this ordinance, or any building permit issued pursuant to this ordinance, shall be subject to enforcement and penalties as stipulated in the Weatherford City Code.
2. Nothing in this section shall be construed to prevent the City of Weatherford from using any other lawful means to enforce this ordinance.

SEC. 12-5-105 WIND ENERGY FACILITIES

Contents of Section:

- A. Purpose.
- B. Permit Requirements.
- C. Height Requirements.
- D. Area, Yard, and Lot Requirements. Location and Setbacks.
- E. Additional Regulations for Wind Energy Systems.
- F. Noise.
- G. Abandonment.
- H. Decommissioning Plan.

A. Purpose. This subsection is to promote the safe, effective, and efficient use of wind energy systems (WES) and to promote the supply of wind energy sources by establishing standards and procedures, by which the installation and operation of wind energy systems shall be governed within the City of Weatherford.

B. Permit Requirements.

1. A building permit shall be required for the installation of any small wind energy system. For wind energy systems which have a rated capacity greater than 100 kilowatts (kW), conditional use approval in accordance with this ordinance shall be required.
2. A Site Plan, showing a scale of 1 inch equals 40 feet, shall be submitted with the building permit application. The Site Plan shall include:
 - a. Property lines and physical dimensions of the property.
 - b. Location, heights, dimensions, setbacks, trees (exceeding 6 inches in diameter, at a point 4 ½ feet above the ground) on the lot, and types of existing structures on the property.
 - c. Location and size of adjacent buildings and easements within the required fall zone.
 - d. Location of the proposed wind system and any accessories.
3. Rights-of-way of any adjacent public street.
4. Notice to utility company on grid interconnected system.
 - a. No grid interconnected wind energy conversion system shall be installed until evidence has been provided to the City Utilities Director that the appropriate electric power provider has been informed of the customer's intent to install a grid-connected, customer-owned, wind energy system and that the customer's system meets the utility's approved specifications for interconnection.
 - b. Off-grid systems are exempt from this requirement.
5. Applicant shall provide documentation from the dealer or manufacturer that the wind energy conversion has been successfully operated in atmospheric conditions similar to the conditions within the City of Weatherford. The wind energy system shall be warranted against any system failures reasonably expected in severe weather operation conditions.
6. Foundation drawings and details with a registered Texas Engineer stamp.
7. Tower drawings and details with a registered Texas Engineer stamp.

8. A decommissioning plan meeting the requirements of the subsection shall be submitted with the application.

C. Height Requirements.

1. The maximum height for a wind energy system, measuring from ground level to the tip of a wind generator blade when the blade is at its highest point, shall be limited to a maximum of 66 feet.
2. Regardless of the height of the pole, the tip of the blade shall not be located closer to the ground than 12 feet.

D. Area, Yard, and Lot Requirements. Location and Setbacks.

1. A wind energy system (WES) may only exist as an accessory structure. A WES shall not be erected on a lot until a primary structure has been constructed or is under construction as part of a current building permit.
2. A WES shall be located in the rear yard and shall be located in the center of the fall zone.
3. All WES towers shall be monopole.
4. Guyed towers are prohibited.
5. No part of the WES may extend into, or across, any recorded public easement unless authorized by the easement holder.
6. The entire fall zone must be located on the same lot as the tower and shall be clear of any habitable residential structures and/or occupiable commercial structures.

E. Additional Regulations for Wind Energy Systems.

1. A WES, including tower, shall comply with all city adopted codes and ordinances.
2. Each WES that connects to the electric utility, shall comply with all regulations of the Public Utility Commission of Texas and any additional requirements of the utility company having jurisdiction.
3. Each WES, shall be installed in conformance with the current version of the National Electrical Code, as adopted by the city. All equipment shall be approved, listed and labeled by a nationally-recognized electrical listing agency. Where a conflict exists between the installation guidelines of the manufacturer and the current version of the National Electrical Code, the installation guidelines of the manufacturer shall apply.
4. Each WES shall be grounded to protect against natural lightning strikes, in conformance with the current version of the National Electrical Code, as adopted by the city.
5. Each WES shall be equipped with manual and automatic over speed controls.
6. Each WES shall be designed and constructed to prevent any type of electromagnetic interference.
7. WES rotors shall have rotor diameters not greater than 18 feet.
8. The minimum distance between towers shall be 100 feet.
9. A wind tower and generator shall not be artificially lighted, unless such lighting is required by the Federal Aviation Administration.

10. A minimum of one (1) informational/warning sign, with one (1) such sign located at the base of the tower, shall be installed. Each sign shall be a minimum of 2 square feet and a maximum of 4 square feet in area. Each sign shall contain, at a minimum, the manufacturer's or installer's identification, appropriate warnings, emergency phone numbers or owner identification, and emergency shutdown procedures.

11. Promotional, personal, or advertisement signs are prohibited on the WES.

F. Noise. With the exception of short-term intervals during utility outages and/or severe wind storms, noise levels from a WES shall not exceed 60 dBA, measured at the nearest property line.

G. Abandonment.

1. A WES that is out of service for a continuous 12-month period will be deemed to have been abandoned. The city may issue a notice of abandonment to the owner of a WES that is deemed to have been abandoned. The owner shall have the right to respond to the notice of abandonment within thirty (30) days from postmark date. The city shall withdraw the notice of abandonment and shall notify the owner that the notice has been withdrawn if the owner provides information that demonstrates the WES has not been abandoned.
2. If a WES is determined to be abandoned, the owner of the WES shall remove the wind generator from the tower, at the owner's sole expense, within sixty (60) days of postmark date of the notice of abandonment. If the owner fails to remove the wind generator from the tower, the city may pursue a legal action to have the wind generator removed at the owner's expense.

H. Decommissioning Plan. The permit application must contain a decommissioning plan to ensure the project is properly decommissioned upon facility abandonment. At a minimum, the decommissioning plan shall include:

1. Provisions for the removal of all structures and underground and above ground cabling within one-hundred and eighty (180) days after facility abandonment.
2. Provisions for the restoration of the soil and vegetation within two-hundred and seventy (270) days after facility abandonment.

SEC. 12-5-106 OIL AND GAS FACILITIES

Contents of Section:

- A. Oil and Gas Well Drilling.
- B. Natural Gas Compressor Stations.

A. Oil and Gas Well Drilling.

1. The drilling and production of natural gas and/or oil, and activities related thereto shall be subject to the oil and gas well regulations of the city, set forth in Chapter 9, Title IX of the Official City Code of the City of Weatherford. It shall be unlawful and an offense for any person acting either for themselves or acting as an agent, employee, independent contractor, or servant for any person to participate in oil, gas, or other hydrocarbons production activity within the corporate limits of the city without a permit having first been issued, as provided for by the terms of said Chapter.

B. Natural Gas Compressor Stations.

1. Natural gas compressor stations shall require a conditional use permit in all districts.
 - a) A building permit shall be required for the compressor station.
 - b) The compressor station shall be situated on a platted lot approved by the city and recorded in the county records.
2. For the purpose of maintaining a visual buffer zone adjacent to dissimilar land uses, a minimum building setback for all compressor station buildings and equipment shall be established and maintained for all yards at the distances specified for the zoning district adjoining the compressor station as shown below.

Table 12. Building Setbacks for Compressor Station Buildings and Equipment.

Adjoining Zoning District (applied to both base zoning and PD districts)	Required Building Setback (in feet - applied to all yards)
AG	500
RE	500
RL	500
R1	500
R2	500
R3	500

Table 12. Building Setbacks for Compressor Station Buildings and Equipment (continued).

Adjoining Zoning District (continued)	Required Building Setback (continued)
CBD	200
C1	200
C2	200
I	100

- a. Where an adjoining planned development (PD) district contains more than one base zoning district, the most restrictive building setback shall be applied.
 - b. Where a compressor station site adjoins a street right-of-way, the required building setback along that right-of-way shall be established by the zoning district designated for the property situated on the opposite side of the right-of-way.
3. A wrought iron type fence of sufficient height to obscure the entire station complex from public view shall be required along boundary lines that front a dedicated public street right-of-way of any type or that front a private street right-of way dedicated for public use. Brick or stone columns shall be constructed on approximate 50-foot centers for such fence.
4. All compressor station equipment and sound attenuation structures shall be enclosed within a building. Such building shall be designed with the following elements:
 - a. A 4-foot-high masonry bulkhead wall shall be constructed on at least the two (2) building facades most visible to the public.
 - b. At least two (2) building facades, specifically those most visible to the public, shall be constructed with a brick or stone accent that is at least 20 feet in width and extends vertically to the roofline of the building and terminates with a sloped or arched profile.
 - c. The roof shall be sloped with a pitch of no less than 5:12 and shall contain at least one (1) raised structure in the form of a cupola, steeple tower, clearstory element, or similar structure. No flat roofs shall be permitted.
 - d. The non-masonry wall surfaces may be constructed of painted metal, stucco, or cementitious fiberboard material. Engineered wood paneling shall not be permitted for the finished exterior.
 - e. The architectural design of the building shall be compatible with the visual context of the surrounding development. The building may be designed as a representation of, but not be limited to, the following building types:
 1. Barn structure or equestrian facility.
 2. Estate residence.

3. School facility or similar institutional use.
 4. Gazebo or picnic area enclosures.
 5. Club house or recreational facility.
 6. Retail or office building.
 7. Any combination of the above as approved by the city.
5. Vehicular access to the boundaries of the compressor station site from the street thoroughfare shall be paved with a concrete surface with a thickness and design approved by the City Engineer or their designee. This provision shall also apply to those areas inside the boundaries of the compressor station site where vehicular traffic and parking is to occur.
 6. The operation of the equipment shall not create any noise that causes the exterior noise level to exceed the pre-development ambient noise levels as measured within 300 feet of the compressor station building(s). The operator shall be responsible for establishing and reporting to the city the pre-development ambient noise level prior to the issuance of the building permit for the compressor station.
 7. The compressor station site shall be landscaped in a manner that is compatible with the environment and existing surrounding area.

SEC. 12-5-107 SEXUALLY ORIENTED BUSINESS

Contents of Section:

- A. Purpose.
- B. Findings.
- C. Hours of operation.
- D. Location.
- E. Nonconforming uses.
- F. License required.
- G. Same, application.
- H. Same, issuance.
- I. License for nonconforming sexually oriented business.
- J. Inspection and maintenance of records.
- K. Expiration of license.
- L. Suspension.
- M. Revocation.
- N. Appeal.
- O. Transfer.
- P. Additional regulations, adult cabarets.
- Q. Additional regulations, public nudity.
- R. Prohibition of nudity in certain commercial establishments.
- S. Same, escort agencies.
- T. Same, nude model businesses.
- U. Same, adult theaters and adult motion picture theaters.
- V. Same, adult motels.
- W. Regulations pertaining to exhibition of sexually explicit films or videos
- X. Additional regulations for sexually oriented businesses.
- Y. Employee permits.
- Z. Defenses.
- AA. Location appeal board, exemptions from location restrictions.
- BB. Defenses.
- CC. Location appeal board, exemptions from location restrictions.

A. Purpose. It is the purpose of this section to regulate sexually oriented businesses to promote the health, safety, morals, and general welfare of the citizens of the city, and to establish reasonable and uniform regulations to prevent the concentration of sexually oriented businesses within the city. The provisions of this section have neither the purpose nor effect of imposing a limitation or restriction on the content of any communicative materials, including sexually oriented materials. Similarly, it is neither the intent nor effect of this section to restrict or deny access by adults to sexually oriented materials protected by the First Amendment or to deny access by the distributors and exhibitors of sexually oriented entertainment to their intended market.

B. Findings.

1. In adopting these regulations, the City Council has relied on numerous studies, reports, and findings regarding the harmful effects of sexually oriented businesses on surrounding land uses and on reported court cases and the factual findings reviewed by those courts.

2. These regulations were developed using evidence from hearings concerning the adverse secondary effects of sexually oriented businesses on the communities where they are located. Evidence was also considered from studies, reports, and findings that were made available to the City Council. Those findings came from the following cases: *City of Renton v. Playtime Theatres, Inc.*, 475 U.S. 41 (1986); *Young v. American Mini Theatres*, 427 U.S. 50 (1976); *FW/PBS, Inc. v. City of Dallas*, 493 U.S. 215 (1990); *City of Erie v. Pap's A.M.*, 529 U.S. 277, 120 S. Ct. 1382 (2002); *City of Los Angeles v. Alameda Books, Inc.*, 535 U.S. 425 (2002); *Woodall v. City of El Paso (Woodall I)*, 959 F.2d 1305 (5th Cir. 1992); *Woodall v. City of El Paso (Woodall II)*, 49 F.3d 1120 (5th Cir. 1995); *Lakeland Lounge of Jackson, Inc. v. City of Jackson*, 973 F.2d 1255 (5th Cir. 1992); *Topanga Press, Inc. v. City of Los Angeles*, 989 F.2d 1524 (9th Cir. 1993); *Baby Dolls Topless Saloons, Inc. v. City of Dallas*, 295 F.3d 471 (5th Cir. 2002); *LLEH, Inc. v. Wichita County, Texas*, 289 F.3d 358 (5th Cir. 2002); *Mitchell v. Commission on Adult Entertainment*, 10 F.3d 123 (3d Cir. 1993); *Encore Videos, Inc. v. City of San Antonio*, 330 F.3d 288 (5th Cir. 2003); *Lady J. Lingerie, Inc. v. City of Jacksonville*, 176 F.3d 1358 (11th Cir. 1999); *N.W. Enters. Inc. v. City of Houston*, 352 F.3d 162, on rehearing 372 F.3d 333 (5th Cir. 2004); *Fantasy Ranch, Inc. v. Tazz Man, Inc.*, No. 3:03 CV 0089 R, 2004 WL 1779014 (N.D. Tex. Aug. 9, 2004); *Hang On, Inc. v. City of Arlington*, 65 F.3d 1248 (5th Cir. 1995); *Robinson v. City of Longview*, 936 S.W.2d 413 (Tex. App.BTyler 1996, no writ); *People of the State of Illinois v. The Lion's Den, Inc.*, Circuit Court of the Fourth Judicial Circuit, Effingham County, Illinois, filed June 10, 2005; *Illinois One News, Inc. v. City of Marshall*, 2006 WL 449018 (S.D. Ill. 2006); *Fantasy Ranch, Inc. v. City of Arlington*, --- F.3d---, 2006 WL 2147559 (5th Cir. Aug. 2, 2006).
3. Studies, reports and findings regarding the harmful secondary effects of sexually oriented businesses on surrounding land uses have been presented to and reviewed by the City Council and made part of the public record, and were conducted by: the City of Amarillo, Texas; the City of Austin, Texas; the City of Beaumont, Texas; the City of Dallas, Texas; the City of El Paso, Texas; the City of Fort Worth, Texas; the City of Houston, Texas; the City of Indianapolis, Indiana; the City of Kennedale, Texas; the Attorney General of the State of Minnesota; the City of Garden Grove, California; the City of Los Angeles, California; the Attorney General's Commission on Pornography; the City of Sioux City, Iowa; the City of Las Vegas, Nevada; and the City of Oklahoma City, Oklahoma; and publications written by recognized experts .
4. The City Council finds that the cities represented in the relevant studies, reports, and findings mentioned above have similar community characteristics to those of the city in relevant respects.
5. The City Council finds, based on the above studies, reports, and findings, as well as the Attorney General's Commission on Pornography, that sexually oriented businesses have a deleterious effect on both the existing businesses around them and the surrounding residential areas adjacent to them, causing increased crime and the downgrading of property values. Municipal regulation aimed at reducing adverse secondary effects is the most effective and appropriate mechanism to make the owners of these establishments responsible for the activities that occur on their premises.
6. The City Council finds, based in part upon the results of the Survey of Fort Worth and Dallas Appraisers, September 2004, that sexually oriented businesses that engage in only retail sales or rental of sexually oriented adult merchandise for off-premise use have adverse effects on surrounding property values and the ability of surrounding properties to sell or develop, similar to the adverse effects generated by sexually oriented businesses which offer on-site adult entertainment.

7. The City Council finds, based in part upon the reports/affidavit of Dr. Richard McCleary to the City of Kennedale, Texas, and Sioux City, Iowa, that sexually oriented businesses that engage in only retail sales or rental of sexually oriented adult merchandise for off-premise use cause public safety or crime-related adverse effects on the surrounding community, similar to the adverse effects generated by sexually oriented businesses which offer on-site adult entertainment.
 8. The City Council finds, based on the above studies, reports, and findings presented to the City Council that it is reasonably likely that these adverse secondary effects will occur in the City of Weatherford, Texas, without clear zoning codes for sexually oriented businesses.
 9. The City Council desires to minimize and control the adverse secondary effects of sexually oriented businesses and thereby protect the health, safety, and welfare of the citizenry; protect the citizens from increased crime; preserve the quality of life; preserve and protect property values and the character of surrounding neighborhoods; and deter the spread of urban blight.
 10. The city has a legitimate and substantial governmental interest in limiting the detrimental secondary effects associated with sexually oriented businesses as a means of promoting the public health, safety, and welfare.
 11. The City Council finds that a reasonable number of locations are available within the city limits and within surrounding areas for the operation of sexually oriented businesses including sexually oriented businesses that engage in only retail sales or rental of sexually oriented adult merchandise for off-premise use.
 12. The City Council finds that these amendments have neither the purpose nor effect of imposing a limitation or restriction on the content of any communicative materials, including sexually oriented materials, nor do these amendments have the effect of restricting or denying access by adults to sexually oriented materials protected by the First Amendment, or deny access by the distributors and exhibitors of sexually oriented entertainment to their intended market.
- B. Hours of Operation.** No sexually oriented business, except for an adult motel, may remain open at any time between the hours of 12:00 a.m. (midnight) and 8:00 a.m. on weekdays and Saturdays, and 12:00 a.m. (midnight) and 2:00 p.m. on Sundays.
- C. Location.** A person commits an offense if they establish, operate or cause to be operated, or expand a sexually oriented business at a location other than the following:
1. LOT 3, BLOCK C HOBSON INDUSTRIAL PARK, SECTION II, an addition to the City of Weatherford, Parker County, Texas, according to the plat recorded in Plat Cabinet B, Slide 063, Parker County Plat Records, Parker County, Texas.
 2. LOT 3, FT. WORTH - SPRING STREET RETAIL ADDITION, an addition to the City of Weatherford, Parker County, Texas, according to the plat recorded in Plat Cabinet B, Slide 621, Parker County Plat Records, Parker County, Texas.
 3. LOT 1, GROTE SUBDIVISION, an addition to the City of Weatherford, Parker County, Texas, according to the plat recorded in Plat Cabinet B, Slide 671, Parker County Plat Records, Parker County, Texas.
- D. Nonconforming Uses.**
1. Any sexually oriented business that is in violation of subsection E or any other location requirement of any other city ordinances, that was legally operating on the effective date of

adoption or amendment of such ordinance or regulation, shall be deemed a nonconforming use and the provisions of this ordinance shall apply, except if two or more sexually oriented businesses are within 1,000 feet of each other, or are located in the same building or structure, and otherwise in a permissible location. The sexually oriented business that was first established and continually operating as a sexually oriented business at a particular location (regardless of which business was first located in the city), even if operating under a different name, ownership, or selling different sexually oriented merchandise or services, is the conforming use and the later-established business is nonconforming.

2. The provisions of this subsection shall also apply to legally operating sexually oriented businesses made nonconforming by annexation into the city limits.
3. Any sexually oriented business that is lawfully operating within the city as a conforming use on or after the effective date of this ordinance, shall not be rendered a nonconforming use by the subsequent location of a protected use listed in subsection E within 1,000 feet of the sexually oriented business.
4. Nonconforming sexually oriented businesses shall be subject to amortization under the procedures set forth herein.
5. Notwithstanding anything contained in this ordinance to the contrary, a nonconforming sexually oriented business shall be required to meet all applicable requirements of this ordinance except locational requirements established by subsections E 1 through E 3 and the prohibition on nudity established herein within 60 days of the date that it becomes nonconforming. The Zoning Board of Adjustment may grant a nonconforming sexually oriented business an extension if the business shows, upon written application, that meeting these requirements within 60 days imposes an unnecessary hardship on the business.

E. License Required.

1. A person commits an offense if they operate or cause to be operated a sexually oriented business without a valid sexually oriented business license or nonconforming sexually oriented business license issued by the city for the particular type of business.
2. The applicant must be qualified according to the provisions of this ordinance.
3. The fact that a person possesses other types of state or city permits or licenses does not exempt the person from the requirement of obtaining a license for a sexually oriented business.

F. Same, Application.

1. Any person desiring to obtain a sexually oriented business license shall make application on a form provided by the chief of police. The application must:
 - a. Be accompanied by a diagram of the premises showing a plan of the premises, specifying the location of all overhead lighting fixtures, designating any portion of the premises in which customers will not be permitted, and specifying the location of all manager's stations, if applicable. The diagram shall designate the place at which the license will be conspicuously displayed, if granted. A professionally prepared diagram in the nature of an engineer's or architect's blueprint shall not be required; however, each diagram should be oriented to the north or to some designated street or object and should be drawn to a designated scale or with marked dimensions sufficient to show the various internal dimensions of all areas of the interior of the premises to an accuracy of plus or minus six inches.

- b. Contain all information required pursuant to these regulations and be supported by any necessary documentation.
 - c. Include a current list of all employees or prospective employees, along with copies of complete updated employment application, valid driver's license, state identification card, or passport containing a photograph of the employee.
 - d. Contain any other information requested by the chief of police in order to assist the chief in deciding whether to grant the license.
 - e. Be sworn to be true and correct by the applicant.
2. If a person who wishes to operate a sexually oriented business is an individual, they must sign the application for a license as applicant. If a person who wishes to operate a sexually oriented business is other than an individual, each individual who has a 20 percent or greater interest in the business must sign the application for a license as applicant. Each applicant must be qualified under these regulations and each applicant shall be considered a licensee if a license is granted.
 3. All applications for a license under this section shall be accompanied by a nonrefundable application fee of \$500.00. An application shall not be considered to have been filed until the fee is paid and all information required by the application form has been submitted.
 4. The chief of police may obtain criminal history record information maintained by the Texas Department of Public Safety from the Texas Department of Public Safety for any person required to sign the application under this section.

G. Same, Issuance.

1. The chief of police shall approve the issuance of a license to an applicant within 30 days after filing of an application unless the chief of police finds one or more of the following to be true:
 - a. The location of the sexually oriented business is or will be in violation of subsection 5 and no exemption has been granted under subsection BB.
 - b. The applicant failed to supply all of the information requested on the application.
 - c. The applicant gave false, fraudulent, or untruthful information on the application.
 - d. An applicant is under 18 years of age.
 - e. An applicant or an applicant's spouse is overdue in payment to the city of taxes, fees, fines, or penalties assessed against or imposed upon the applicant or the applicant's spouse in relation to a sexually oriented business.
 - f. An applicant or an applicant's spouse has been convicted of a violation of a provision of this section, other than the offense of operating a sexually oriented business without a license, within two years immediately preceding the application. The fact that a conviction is being appealed shall have no effect on the denial of a license.
 - g. The application or renewal fee required by this section has not been paid.
 - h. The applicant has not demonstrated that the owner of the sexually oriented business owns or holds a lease for the property or the applicable portion thereof within which the sexually oriented business will be situated or has a legally enforceable right to acquire the same.

- i. An applicant or the proposed establishment is in violation of or is not in compliance with subsection K or P.
- j. An applicant or an applicant's spouse has been convicted of a crime:
 - 1. Involving:
 - a. Any of the following offenses as described in V.T.C.A., Penal Code ch. 43:
 - 1. Prostitution:
 - a. Promotion of prostitution
 - b. Aggravated promotion of prostitution
 - c. Compelling prostitution
 - d. Obscenity
 - e. Sale, distribution, or display of harmful material to a minor
 - f. Sexual performance by a child
 - g. Possession of child pornography.
 - b. Any of the following offenses as described in V.T.C.A., Penal Code ch. 21:
 - 1. Public lewdness;
 - 2. Indecent exposure; or
 - 3. Indecency with a child.
 - c. Sexual assault or aggravated sexual assault as described in V.T.C.A., Penal Code ch. 22.
 - d. Incest (prohibited sexual conduct), enticing a child, or harboring a runaway child as described in V.T.C.A., Penal Code, ch. 25.
 - e. Possession or distribution of a controlled substance.
 - f. Criminal attempt, conspiracy, or solicitation to commit any of the foregoing offenses.
 - 2. For which:
 - a. Less than two years have elapsed since the date of conviction, or the date of release from the terms of probation, parole, or deferred adjudication, or the date of release from confinement imposed for the conviction, whichever is the later date, if the conviction is of a misdemeanor offense;
 - b. Less than five years have elapsed since the date of conviction, or the date of release from the terms of probation, parole, or deferred adjudication, or the date of release from confinement imposed for the conviction, whichever is the later date, if the conviction is of a felony offense; or
 - c. Less than five years have elapsed since the date of the last conviction or the date of release from confinement for the last conviction, whichever is the later date, if the convictions are of two or more misdemeanor offenses or combination of misdemeanor offenses occurring within any two-year period.

3. For an existing business, the business is in violation of any other applicable requirement of this section.
4. The fact that a conviction of the applicant or applicant's spouse is being appealed shall have no effect on the disqualification.
5. The license, if granted, shall state on its face the name of the person or persons to whom it is granted, the expiration date, and the address of the sexually oriented business.
6. The license shall be posted in a conspicuous place at or near the entrance to the sexually oriented business so that it may be easily read at any time.

H. License for Nonconforming Sexually Oriented Business.

1. Notwithstanding anything contained in this section to the contrary, the chief of police shall issue a nonconforming sexually oriented business license to a nonconforming sexually oriented business under subsection F if the chief of police finds:
 - a. A proper application for a license has been made in accordance with this section;
 - b. The applicant would qualify for a license under the provisions of subsection I,1,b. through I,1,k.;
 - c. The sexually oriented business is a nonconforming use under the provisions of subsection F;
 - d. The building in which the applicant proposes to locate the sexually oriented business is not a dangerous or substandard building pursuant to applicable ordinances of the city; and
 - e. The sexually oriented business complies with all other requirements of this section.
2. A nonconforming sexually oriented business license issued under this section shall be subject to expiration, suspension, revocation, appeal, transfer, and all other requirements of this section that are applicable to sexually oriented business licenses.
3. The issuance of a nonconforming sexually oriented business license shall not be deemed to make the sexually oriented business a legal use or to grant any other rights or waivers other than to allow the nonconforming sexually oriented business to operate in compliance with these regulations.

I. Inspection and Maintenance of Records.

1. An applicant or licensee shall permit representatives of the police department, health department, fire department, and building inspections division to inspect the premises of a sexually oriented business for the purpose of assuring compliance with the law, at any time during the 30-day application period or after it is occupied or open for business. The provisions of this subsection do not apply to areas of an adult motel which are currently being rented by a customer for use as a permanent or temporary habitation.
2. A person who operates a sexually oriented business, or their agent or employee, commits an offense if they refuse to permit a lawful inspection of the premises by a representative of the police department, health department, fire department, or building inspections division at any time during the 30-day application period or after it is occupied or open for business.
3. A person who operates a sexually oriented business, or their agent or employee, commits an offense if they operate the establishment without maintaining a current list of all employees employed by the business, along with a complete updated employment application. Each

employment application shall include a copy of a valid driver's license, state identification card, or passport, all with a photo.

J. Expiration of License.

1. Each license shall expire one year from the date of issuance.
2. A license may be renewed by submission to the chief of police of an application on the form prescribed by the chief of police and payment of a nonrefundable renewal processing fee of \$500.00.
3. Application for renewal shall be made at least 30 days before the expiration date of the license. If application is made less than 30 days before the expiration date and the new license is granted after the expiration of the previous license, the new license shall still expire in one year from the previous expiration date.

K. Suspension.

1. The chief of police shall suspend a license for a period not to exceed 30 days if they determine that a licensee or an employee or spouse of a licensee:
 - a. Has violated or is not in compliance with subsection K;
 - b. Is in a state of public intoxication while on the sexually oriented business premises;
 - c. Knowingly permits gambling by any person on the sexually oriented business premises; or
 - d. Is delinquent in payment to the city for taxes, fees, fines, or penalties assessed against or imposed on the licensee or the licensee's employee or spouse in relation to a sexually oriented business.
2. When the chief of police is authorized to suspend a license under this subsection, they shall give the licensee the opportunity to pay a reinstatement fee of \$200.00 rather than have the license suspended. In addition to and included as a part of the reinstatement fee, a licensee whose license is suspended for a violation of subsection M,1,d. must pay all delinquent taxes, fees, fines, or penalties before the license will be reinstated.
 - a. Payment of this reinstatement fee shall be considered an administrative admission of the violation. However, this shall not be used as an admission of guilt in a criminal prosecution under this section.
 - b. If the licensee does not pay the reinstatement fee before the expiration of the third working day after notification, they lose the opportunity to pay it and the chief of police shall impose the suspension.
 - c. Each day in which a violation is permitted to continue shall constitute a separate cause for suspension.

L. Revocation.

1. The chief of police shall revoke a license if a cause of suspension in subsection M occurs and the license has been suspended or a reinstatement fee paid within the preceding 12 months.
2. The chief of police shall revoke a license if they determine that:
 - a. One or more statements contained in subsection I,1 is true;
 - b. The licensee violated or is not in compliance with subsection E or P;

- c. The licensee or an employee of the licensee knowingly allowed possession, use, or sale of a controlled substance on the sexually oriented business premises;
 - d. The licensee or an employee of the licensee knowingly allowed prostitution on the sexually oriented business premises;
 - e. The licensee or an employee of the licensee knowingly operated the sexually oriented business during a period of time when the licensee's license was suspended;
 - f. On two or more occasions within a 12-month period, an employee of the licensee committed in or on the sexually oriented business premises an offense listed in subsection I,1,j. for which a conviction or a deferred adjudication or other form of probation has been obtained; or
 - g. The licensee or an employee of the licensee knowingly allowed any act of sexual intercourse, sodomy, oral copulation, masturbation, or sexual contact to occur in or on the sexually oriented business premises. The term "sexual contact" shall have the same meaning as it is defined in V.T.C.A., Penal Code § 21.01.
- 3. The fact that a conviction is being appealed shall have no effect on the revocation of the license.
 - 4. Subsection N,2,g. does not apply to adult motels as a ground for revoking the license unless the licensee or employee knowingly allowed the act of sexual intercourse, sodomy, oral copulation, masturbation, or sexual contact to occur in a public place or within public view.
 - 5. When the chief of police revokes a license, the revocation shall continue for one year and the licensee shall not be issued a sexually oriented business license for one year from the date revocation became effective. If, subsequent to revocation, the chief of police finds that the basis for the revocation has been corrected or abated, the applicant may be granted a license if at least 90 days have elapsed since the date the revocation became effective. If the license was revoked under subsection N,2,a. for an offense listed in subsection I,1,j. for which the time period required has not elapsed, an applicant may not be granted another license until the appropriate number of years required under subsection I,1,j. has elapsed.

M. Appeal.

- 1. If the chief of police is authorized to deny the issuance of a license or to suspend or revoke a license as provided in this section, the chief of police shall give written notice to the applicant or licensee of such intention and the basis for the denial, suspension, or revocation.
 - a. The notice of intent shall provide that the denial of issuance, or the suspension or revocation shall be effective at the expiration of the third working day after the chief of police gave the notification, unless the applicant or licensee provides a written response to the chief of police before the expiration of the third working day.
 - b. If the chief of police receives a timely written response from the applicant or licensee, the denial of issuance, or the suspension or revocation will be stayed pending a final decision by the chief of police.
- 2. The chief of police may request from the applicant or licensee any additional information necessary to finally decide whether to deny, suspend, or revoke a license.
- 3. After reviewing the written response from and any additional information submitted by the applicant or licensee, the chief of police shall render a final written decision. The chief of police

shall deliver this final decision to the applicant or licensee by hand delivery or by certified mail, return receipt requested, to the address provided on the application.

4. The final decision by the chief of police shall be final and effective immediately.
5. Upon receipt of written notice of denial, suspension, or revocation, the applicant or licensee shall have the right to appeal to district court. If the chief of police denies, suspends, or revokes the license because the location of the sexually oriented business is or would be in violation of the locational requirements of subsection E, the applicant may request an exemption from the location appeal board pursuant to subsection BB.
6. The appeal to district court must be filed within 30 days after:
 - a. The applicant or licensee receives notice of the chief of police's decision; or
 - b. The location appeal board denies the exemption.
7. The licensee or applicant shall bear the burden of proof in court.

N. Transfer.

1. A person commits an offense if they transfer their license to another person or operate a sexually oriented business under the authority of a license at any place other than the address designated in the application.
2. A person commits an offense if they counterfeit, forge, change, deface, or alter a license.

O. Additional Regulations, Adult Cabarets.

1. An employee of an adult cabaret, while appearing in a state of nudity or simulated nudity, commits an offense if they touch a customer or the clothing of a customer.
2. A customer at an adult cabaret commits an offense if they touch an employee appearing in a state of nudity or simulated nudity.
3. Each adult cabaret shall have a manager's station, which shall not exceed 32 square feet of floor area. A licensee or employee of an adult cabaret commits an offense if they permit any customer access to an area of the premises not visible from the manager's station or not visible by a walk-through of the premises without entering a closed area, excluding restrooms. The view required in this subsection shall be by direct line of sight. The view shall be deemed insufficient if clear visibility of such line of sight must be attained by using flashlights or spotlights in addition to overhead house lighting.
4. No employee of an adult cabaret may appear in an area of the business visible to patrons or customers unless the employee completely and opaquely covers their genitals, pubic region, pubic hair; anus; and, if female, her areolae. In addition, the employee is subject to the requirements of subsection R.
5. No licensee, owner, operator, or manager of an adult cabaret shall permit an employee to violate subsection 4 above.
6. A licensee, operator, or employee commits an offense if the licensee, operator, or employee appears in a state of nudity or knowingly allows another to appear in a state of nudity in an area of the adult cabaret which can be viewed from the public right-of-way.

7. A licensee shall designate and appoint one or more managers to manage, direct, and control the premises and operations of an adult cabaret. At least one manager shall be on the premises at any time the adult cabaret is open for business.
8. A licensee or manager commits an offense if the adult cabaret fails to display the floor markings as required in subsection R,4.
9. An operator or a manager appointed under this section shall at all times have the duty to ensure that each employee in the adult cabaret has been instructed to commit no act which would constitute a violation of this ordinance or which would provide grounds, or part of the grounds, for suspension or revocation of a license issued under this section.

P. Additional Regulations, Public Nudity.

1. A licensee, operator, or employee commits an offense if the licensee, operator, or employee appears in a state of nudity or knowingly allows another person to appear in a state of nudity in a sexually oriented business, unless the person is an employee who, while in a state of nudity, is on a stage (on which no patron or customer is present) that is at least 18 inches above the floor, and that is at least six feet from any patron or customer.
2. It is an offense for an employee, while in a state of nudity in a sexually oriented business, to receive directly any pay or gratuity from any patron or customer, or for any patron or customer to pay or give any gratuity directly to any employee, while that employee is in a state of nudity in a sexually oriented business. Such gratuity or pay may be provided to such an employee through a tip receptacle, located more than six feet from the nearest point of the performance stage where the employee is in a state of nudity, or may be paid to an employee that is not in a state of nudity, as part of the customer's bill.
3. A licensee or operator commits an offense if the licensee or operator fails to display a sign on the interior of the sexually oriented business premises notifying patrons and customers and employees of the prohibitions described in this subsection. The sign must be prominently and continuously displayed where patrons or customers enter the premises, and immediately adjacent to each performance stage, and must state in letters at least two inches high:
TOUCHING OR TIPPING AN EMPLOYEE WHO IS IN A STATE OF NUDITY IS A CRIME
(MISDEMEANOR) PUNISHABLE BY A FINE OF UP TO \$2,000.00. PATRONS SHALL REMAIN AT LEAST SIX FEET FROM ALL PERFORMANCE STAGES. The chief of police may also require, at the time of issuance or renewal of the license, the licensee to display the sign in a language other than English if they determine that a substantial portion of the expected patrons or customers speak the other language as their familiar language. Upon notification, a licensee commits an offense if the sign does not contain this language in the required language, in addition to English.
4. A licensee or operator commits an offense if the licensee or operator fails to prominently and continuously display a glow-in-the-dark line on the floor of the sexually oriented business, at least two inches wide, marking a distance of six feet from each performance stage on which an employee in a state of nudity may appear in accordance with subsection 1 above.

Q. Prohibition of Nudity in Certain Commercial Establishments.

1. *Purpose.* The purpose of this section is to prohibit certain acts of commercial exploitation of human sexuality in commercial establishments where alcoholic beverages are served or offered for sale for consumption on the premises, or permitted to be consumed on the premises, and to reduce the likelihood of criminal activity, moral degradation, disturbances of the peace, and

good order of the community, and to prohibit lewd and unlawful activity such as prostitution and the proliferation of controlled substances, all of which may occur when such commercial exploitation is permitted in such places, and to promote the preservation of property values of neighborhoods and adjacent properties.

2. *Prohibition.*

- a. No person shall appear in a state of nudity or simulated nudity in any commercial establishment at which alcoholic beverages are served or offered for sale for consumption on the premises or which are permitted to be consumed on the premises.
- b. No licensee, owner, operator, or manager of any commercial establishment at which alcoholic beverages are served or offered for sale for consumption on the premises, or are permitted to be consumed on the premises, shall permit any person to appear in a state of nudity.

3. *Nonconforming Uses.* Any business that was legally operating on the effective date of adoption or amendment of this ordinance shall be deemed a nonconforming use as to the prohibition established in this subsection and shall be subject to the provisions of the zoning ordinance.

R. Same, escort agencies.

1. A person commits an offense if they employ at an escort agency any person under the age of 18 years.
2. A person commits an offense if they act as an escort or agrees to act as an escort for any person under the age of 18 years.

S. Same, nude model businesses.

1. A person commits an offense if they employ at a nude model business any person under the age of 18 years.
2. A person under the age of 18 years commits an offense if they appear in a state of nudity or simulated nudity in or on the premises of a nude model business.
3. A person commits an offense if they appear in a state of nudity or simulated nudity, or knowingly allow another to appear in a state of nudity or simulated nudity, in an area of a nude model business premises which can be viewed from the public right-of-way.
4. A person commits an offense if they place or permit a bed, sofa, or mattress in any room on the premises of a nude model business except that a sofa may be placed in a reception room open to the public.
5. A licensee or employee of a nude model business commits an offense if they permit any customer access to an area of the premises not visible from the manager's station or not visible by a walk through of the premises without entering a closed area, excluding restrooms.
6. An employee of a nude model business, while appearing in a state of nudity or simulated nudity, commits an offense if they touch a customer or the clothing of a customer.
7. A customer at a nude model business commits an offense if they touch an employee appearing in a state of nudity or simulated nudity.

T. Same, adult theaters and adult motion picture theaters.

1. A person commits an offense if they knowingly allow a person under the age of 18 years to appear in a state of nudity or simulated nudity in or on the premises of an adult theater or adult motion picture theater.
2. A person under the age of 18 years commits an offense if they knowingly appear in a state of nudity or simulated nudity in or on the premises of an adult theater or adult motion picture theater.

U. Same, adult motels.

1. Evidence that a sleeping room in a hotel, motel, or similar commercial establishment has been rented and vacated two or more times in a period of time that is less than ten hours creates a rebuttable presumption that the establishment is an adult motel.
2. A person commits an offense if, as the person in control of a sleeping room in a hotel, motel, or similar commercial establishment that does not have a sexually oriented business license, rents or sub-rents a sleeping room to a person and, within ten hours from the time the room is rented, they rent or sub-rent the same sleeping room again.
3. For purposes of subsection 1 above, the terms "rent" or "sub-rent" mean the act of permitting a room to be occupied for any form of consideration.

V. Regulations pertaining to exhibition of sexually explicit films or videos. A sexually oriented business, other than an adult motel, which exhibits on the premises in a viewing room of less than 150 square feet of floor space, a film, video cassette, or other video reproduction which depicts specified sexual activities or specified anatomical areas, shall comply with the following requirements:

1. Upon application for a sexually oriented business license, the application shall be accompanied by a diagram of the premises as required by subsection H,1,a. The diagram shall show the location of the manager's stations. A manager's station shall not exceed 32 square feet of floor area.
2. No alteration in the configuration or location of a manager's station may be made without the prior approval of the chief of police.
3. The licensee commits an offense if they permit a manager's station to be unattended by a designated manager at any time a customer is present on the premises.
4. The interior of the premises shall be configured in such a manner that there is an unobstructed view from a manager's station of every area of the premises to which any customer is permitted access for any purpose, excluding restrooms. Restrooms may not contain video reproduction equipment. If the premises has two or more manager's stations designated, then the interior of the premises shall be configured in such a manner that there is an unobstructed view of each area of the premises to which any customer is permitted access for any purpose, excluding restrooms, from at least one of the manager's stations. The view required in this subsection must be by direct line of sight from the manager's station. The view shall be deemed insufficient if clear visibility of such line of sight must be attained by using flashlights or spotlights in addition to overhead house lighting.

5. The licensee or manager commits an offense if they permit access to a customer of any area of the premises that is not visible from the manager's station for any purpose, excluding restrooms.
6. The owner, operator, and any agents and employees present on the premises shall ensure that the view area specified in subsection 5 above, remains unobstructed by any doors, walls, merchandise, display racks, or other materials at all times that any customer is present in the premises and to ensure that no customer is permitted access to any area of the premises which has been designated as an area in which customers will not be permitted in the application filed pursuant to subsection 1 above.
7. No viewing rooms or booths of less than 150 square feet of floor space shall be occupied by more than one person at any time.
8. No licensee or manager shall allow openings or holes of any kind to exist between adjacent or adjoining viewing rooms or booths.
9. No person shall make or attempt to make an opening or hole of any kind between adjacent or adjoining viewing rooms and booths.
10. The licensee and any manager shall have a duty, during each business day, regularly to inspect the walls of all viewing rooms or booths to determine if any openings or holes exist.
11. The licensee or any manager commits an offense if they permit any patron or customer access to a viewing room or booth where any opening or hole exists into an adjacent or adjoining viewing room or booth.
12. This subsection shall not prohibit conduits for plumbing, heating, air conditioning, ventilation or electrical service, if the conduits are screened or otherwise configured so as to prevent their use as openings that would permit any portion of a human body to penetrate the wall or barrier separating viewing rooms or booths.

W. Additional regulations for sexually oriented businesses.

1. Public and employee restrooms in a sexually oriented business shall not, at any time, contain or be used for sexually oriented business activity, video reproduction equipment, or sexually oriented merchandise.
2. An adult arcade, adult bookstore, adult video store, adult novelty store, adult service establishment, adult cabaret, adult theater, adult motion picture theater, nude model business, sex parlor, and sexual encounter center shall at all times maintain at least one legible sign posted in a conspicuous place at each public entrance easily visible by all persons prior to entry into the establishment with lettering of at least one inch in height in English and Spanish which contains the following statement: "THIS IS A SEXUALLY ORIENTED BUSINESS ESTABLISHMENT WHICH REGULARLY FEATURES [description of the type of activity licensed to be conducted]. IF NUDITY OR ACTIVITY OF A SEXUAL NATURE OFFENDS YOU, DO NOT ENTER. NO PERSONS UNDER EIGHTEEN YEARS OF AGE ALLOWED ENTRY" [or "NO PERSON UNDER TWENTY-ONE YEARS OF AGE ALLOWED ENTRY" (if alcohol is served)].
3. The premises of any sexually oriented business shall be equipped with overhead lighting fixtures of sufficient intensity to illuminate every place to which customers are permitted access at an illumination of not less than 20 footcandles.

4. During hours of darkness when a sexually oriented business is in operation, all required parking and all outdoor areas to which pedestrians have access on the premises of the sexually oriented business shall be lighted to an intensity of not less than five footcandles measured at ground level.
5. No models, mannequins, pictures, drawings, sketches, or other live, simulated, pictorial, or graphic displays of nudity or simulated nudity shall be allowed in a manner that is visible to the public from any street, sidewalk, or other public place.
6. The licensee commits an offense if they violate subsection 3, 4, or 5 above.

X. Employee permits.

1. *Permit Required.*
 - a. It shall be unlawful for any person who does not hold a permit to act as a manager or employee of a sexually oriented business.
 - b. It shall be the duty of the licensee, operator, and owner of each sexually oriented business to ensure that no person acts as a manager or employee of a sexually oriented business unless that person holds a permit.
2. *Issuance of Permits.*
 - a. Any person who desires to obtain an original or renewal permit shall make application in person at the offices of the police department between the hours of 8:00 a.m. and 12:00 p.m., Monday through Friday, city-observed holidays excepted. The application shall be made under oath upon a form prescribed by the chief of police and shall include:
 1. The name, home street address, and mailing address (if different) of the applicant;
 2. Proof of the date of birth of the applicant and the identity of the applicant, including at least one photographic identity card issued by a governmental agency;
 3. A list of any criminal charges pending, convictions, and time of service in jail or prison as related to any applicable offense that is specified in these regulations; and
 4. One passport-type photograph of the applicant of a size specified by the chief of police, which shall become part of the photographic identity card if a permit is issued.
 - b. Each application shall be accompanied by a nonrefundable processing fee of \$60.00. Each applicant shall be required to provide fingerprints to be used to verify the applicant's identity and criminal history information. Each applicant shall sign a waiver and authorization form authorizing the chief of police to request on behalf of the applicant criminal history reports from the Texas Department of Public Safety and any appropriate federal agency.
 - c. The chief of police shall issue the permit within ten days from the date of filing of the application unless they find that the application is incomplete or that the applicant has been convicted of or spent time in jail or prison for an offense specified in the applicable provisions herein within the time specified therein. If the application is not granted, then the applicant shall be given written notice of the grounds and of their right to provide a written response as provided by herein, within ten days from the date of filing of the application.

- d. Each permit issued by the chief of police shall consist of either one or two photographic identification cards.
 - 1. Each employee of a sexually oriented business shall have an identification card, called a personal card.
 - 2. If a sexually oriented business is required by provisions herein to have an on-site manager, then each employee of such a business shall have a second identification card, called an on-site card.
 - e. If the chief of police fails to issue or deny a permit application within the time specified in subsection 2,c. above, then the applicant shall, upon written request, be immediately issued a temporary permit which shall be valid until the third day after the applicant is given notice of the decision of the chief of police.
 - f. If any personal card or on-site card is lost or stolen, the holder thereof shall immediately notify the chief of police and request a replacement, which shall be issued for a fee of \$35.00 within three days following verification of the identity of the holder.
 - g. No permit application shall be accepted nor shall a permit be issued to any person who does not provide proof that they are at least 18 years old. Any permit issued by virtue of any misrepresentation or error to any person under age 18 shall be void.
 - h. The chief of police may obtain criminal history record information maintained by the Texas Department of Public Safety from the Texas Department of Public Safety for any person required to obtain a permit under this section.
3. *Term, Transfer, Amendment.*
- a. A permit is valid for two years from the date of its issuance.
 - b. A permit is personal to the named permit holder and is not valid for use by any other person.
 - c. Each permit holder shall notify the police department of their new address within ten days following any change of their address.
4. *Display.*
- a. Each manager or employee shall conspicuously display their personal card upon their person at all times while acting as a manager or employee of a sexually oriented business.
 - b. Each manager or employee who is required under this section to have an on-site card shall provide their on-site card to the manager or on-site manager in charge of the sexually oriented business to hold while the manager or employee is on the premises.
 - c. In any prosecution under subsection Z,1 above, it shall be presumed that the actor did not have a permit unless the permit was in display as required under subsection a above.
5. *Revocation.* In the event that the chief of police has reasonable grounds to believe that any permit holder has been convicted of or spent time in jail or prison for an offense as specified in the applicable provision herein within the time specified therein, then the chief of police may revoke the permit under the procedures set out in herein.
6. *Appeals.* If the chief of police is authorized to deny the issuance of a permit, or revoke a permit as provided in this section, the applicant or permittee may appeal the decision of the chief of police in accordance with the procedures herein.

- Y. Defenses.** It is a defense to prosecution under subsections R and U that a person appearing in a state of nudity or simulated nudity did so in a modeling class operated:
1. By a proprietary school licensed by the state or a college, junior college, or university supported entirely or partly by taxation;
 2. By a private college or university which maintains and operates educational programs in which credits are transferrable to a college, junior college, or university supported entirely or partly by taxation; or
 3. In a structure:
 - a. Which has no sign or other advertising visible from the exterior of the structure indicating a nude or simulated nude person is available for viewing;
 - b. Where, in order to participate in a class, a student must enroll at least three days in advance of the class; and
 - c. Where no more than one nude or simulated nude model is on the premises at any one time.
- Z. Location Appeal Board, Exemptions from Location Restrictions.**
1. The Zoning Board of Adjustment shall serve as a location appeal board, and shall have the power to rule on the appropriate disposition of applications for exemptions from the location restrictions for sexually oriented businesses set forth in subsection E. The location appeal board shall follow the rules and procedures set forth in this subsection.
 2. If the chief of police denies the issuance of a license to an applicant because the location of the sexually oriented business is in violation of subsection E, then the applicant may, not later than ten calendar days after receiving notice of the denial, file with the city secretary a written request for an exemption from the location restrictions.
 3. If the written request is filed with the city secretary within the ten-day limit, the location appeal board shall consider the request. The city secretary shall set a date for the hearing within 60 days from the date the written request is received.
 4. The location appeal board shall hear and consider evidence offered by any interested person. The formal rules of evidence do not apply.
 5. The location appeal board may grant an exemption from the location restrictions of subsection E if it makes the following findings:
 - a. That the location of the sexually oriented business will not have a detrimental effect on nearby properties or be contrary to public safety or welfare;
 - b. That the location of the sexually oriented business will not downgrade the property values or quality of life in the adjacent areas or encourage the development of urban blight;
 - c. That the location of the sexually oriented business will not be contrary to any program of neighborhood conservation nor will it interfere with any efforts of urban renewal or restoration; and
 - d. That all other applicable provisions of this section will be observed.
 6. In making the findings specified in subsection BB,5, the board shall take into account, among other things:

- a. Crime statistics of the location and its 800-foot radius, without regard to city boundaries, maintained by the appropriate law enforcement agency for the previous six-month period;
 - b. Parker County Appraisal District appraisals for the location and its 1,000-foot radius, without regard to city boundaries, taking into account any decline or increase in property values;
 - c. Vacancy rates of residential, commercial, or office space within the surrounding 1,000-foot radius, without regard to city boundaries; and
 - d. Any evidence regarding the award or denial of any public or private grants for neighborhood conservation, urban renewal, or restoration for any property located within a 1,000-foot radius, without regard to city boundaries.
7. The board shall grant or deny the exemption by a majority vote. Failure to reach a majority vote approving the exemption shall result in denial of the exemption. Disputes of fact shall be decided on the basis of a preponderance of the evidence. The decision of the license appeal board is final.
8. If the board grants the exemption, the exemption is valid for one year from the date of the board's action. Upon the expiration of an exemption, the sexually oriented business is in violation of the locational restrictions of subsection BB, 5 until the applicant applies for and receives another exemption.
9. If the board denies the exemption, the applicant may not reapply for an exemption until at least 12 months have elapsed since the date of the board's action.
10. The grant of an exemption does not exempt the applicant from any provisions of this section other than the locational restrictions.

CHAPTER 6 – INTERPRETATION

SEC. 12-6-100 DEFINITIONS

Contents of Section:

- A. Purpose
- B. Definitions.

A. Purpose.

For the purpose of these regulations, certain terms and words are to be used and interpreted as defined hereinafter. For any term or use not defined herein, Webster's Dictionary (latest edition) shall be used.

B. Definitions (in alphabetical order)

A

Accessory dwelling unit. Accessory dwelling units are accessory structures with a kitchen (or kitchenette). Accessory dwelling units permitted as an incidental residential use of a building on the same lot as the main dwelling unit.

Accessory structure. A structure located on the same premise that is customarily incidental, detached, and subordinate to the primary structure or use.

Accessory use. A use that is customarily incidental, appropriate, and subordinate to the principal use of land or building(s).

Adult arcade. Any place to which the public is permitted or invited, wherein coin-operated, token-operated, or electronic, electrically or mechanically controlled, still or motion picture machines, projectors, or other image-producing devices are maintained to show images to five or fewer persons per machine at any one time, and where the images so displayed are distinguished or characterized by an emphasis on matter depicting or describing specified sexual activities or specified anatomical areas.

Adult bookstore. A commercial establishment which, as one of its business purposes, offers books, magazines, periodicals, other printed matters, or any combination thereof for sale or rental, and for any form of consideration, which are distinguished or characterized by an emphasis on matters depicting or describing specified sexual activities or specified anatomical areas.

Adult cabaret. A nightclub, bar, restaurant, or similar commercial establishment which regularly features persons who appear in a state of nudity or give live performances which are distinguished or characterized by an emphasis on the exposure of specified anatomical areas or by an emphasis on specified sexual activities.

Adult motel. A hotel, motel, or similar commercial establishment which:

1. Offers accommodations to the public, for any form of consideration, and provides patrons with closed-circuit television transmissions, films, motion pictures, video cassettes, slides, or other pornographic reproductions which are distinguished or characterized by an emphasis on matters depicting or describing specified sexual activities or specified anatomical areas and has a sign visible from the public right-of-way which advertises the availability of this adult type of photographic reproductions;
2. Offers a sleeping room for rent for a period of time that is less than ten hours; or

3. Allows a tenant or occupant of a sleeping room to sub-rent the room for a period of time that is less than ten hours.

Adult movie theater. A commercial establishment where films, motion pictures, video cassettes, video reproductions, slides, other visual representations, or any combination thereof, are regularly shown, for any form of consideration, which are distinguished or characterized by an emphasis on matters depicting or describing specified sexual activities or specified anatomical areas.

Adult novelty store. A commercial establishment which, as one of its business purposes, offers for sale or rental any one or more of the following for any form of consideration:

1. Books, magazines, periodicals, other printed matter, photographs, films, motion pictures, videocassettes, video reproductions, slides, objects, or other visual representations which depict or describe specified sexual activities or specified anatomical areas; or
2. Instruments, devices, or paraphernalia which are designed or manufactured for use in connection with specified sexual activities. This does not include items used for birth control or for prevention of sexually transmitted diseases.

Adult service establishment. A commercial establishment which offers services or sells products to customers and in which one or more of the employees or the customer appears in a state of nudity or simulated nudity.

Adult video store. A commercial establishment which, as one of its business purposes, offers for sale or rental photographs, films, motion pictures, video cassettes, video reproductions, slides, other visual representations, or any combination thereof, for any form of consideration, which are distinguished or characterized by an emphasis on matters depicting or describing specified sexual activities or specified anatomical areas.

Alley. A public or private right-of-way primarily designed to serve as secondary access roadway to the side or rear of those properties whose principal frontage is on some other street.

Alter; alters; alteration. Any act which causes or may reasonably be expected to cause a tree to die.

Alteration includes, but is not limited to: damage inflicted up the tree's root system by machinery, storage of materials, or the compaction of soil above the root system of a tree; a change in the natural grade above the root system of a tree; an application of herbicidal or other lethal chemicals; excessive pruning; placement of non-permeable pavement over the root system of a tree; and trenching within the critical root zone. A tree shall be considered to be altered if less than 75 percent of the critical root zone is maintained at undisturbed natural grade, or more than 25 percent of the canopy is removed, or the tree is disfigured to the extent that its survival is threatened.

Antenna. The arrangement of wires or metal rods used in transmission, retransmission, and/or reception of radio, television, electromagnetic, or microwave signals (including microwave reflectors/antennae).

1. Commercial: An antenna or antenna 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 (commercial broadcasting, cellular/wireless telecommunications, etc.). A satellite dish antenna that exceeds 6 feet in diameter shall also be considered as a commercial antenna.
2. Non-commercial/amateur: An antenna or 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. A satellite dish antenna not exceeding 6 feet in diameter shall also be considered as a non-commercial antenna.

Antenna support structure. An antenna support structure is any tower, mast, pole, tripod, box frame, or other structure utilized for the purpose of supporting one or more antennae or microwave reflectors.

Antenna, temporary or mobile. An antenna and any associated support structure/equipment (including, but not limited to, a support pole, a vehicle, etc.) that is placed and/or used on a temporary basis only, usually in conjunction with a special event, news coverage, or emergency situation, or in case of equipment failure or temporary augmentation of permanent communications equipment.

Applicant. The owner of record of a property, the agent or lessee thereof, or a person holding a bona fide contract to purchase the property with approval of the property owner (or their authorized representative(s), who requests action under the provisions of this title.

Arborist. A person certified by the International Society of Arboriculture as a certified arborist.

Assisted living facility. An establishment that furnishes, in one or more facilities, food and shelter to four or more persons who are unrelated to the proprietor of the establishment and provides personal care services

B

Block. A unit of land bounded by streets or by a combination of street right-of-way and public lands, railroad right-of-way, shorelines of waterways, or boundary lines of municipalities that typically contains individual lots.

Block sale. The term means an informal, irregularly scheduled event for the sale of used goods by private individuals, in which “block sales” or a number of garage sales are allowed within the same street block so that sellers are not required to obtain business licenses or collect sales tax. A block sale as defined will have to comply with the requirements of a garage unless a special event permit is obtained from the city.

Brewpub. A combination retail, wholesale, and manufacturing business that brews and serves beer and/or food.

Building. Any structure used or intended for supporting or sheltering any use or occupancy.

Building line. A line beyond which a building shall not extend, except as specifically provided by law. Typically established by plat. Distinguished from, and may supersede, required yards and other setback lines established by this ordinance.

Building, main or primary. A building or buildings in which the principal use of the lot on which it is situated is conducted. In a residential district, a dwelling shall be deemed to be a main building on the lot on which it is situated. Where two dwellings exist on one lot, the building in which the largest dwelling is situated is the primary building. Where three or more dwellings exist on one lot, all buildings in which dwellings are situated are considered primary buildings.

Building Official. The officer or other designated authority (or their designee) charged with the administration and enforcement of the Building Code.

Building pad. The actual foundation area of a building and a reasonable area not to exceed six feet around the foundation necessary for construction and grade transitions.

Building permit. Written authorization as required by the current Building Code, issued by the Building Official for the erection, construction, reconstruction, alteration, repair, conversion, demolition, moving, or maintenance of any building, structure, or improvement to a given lot or tract of land or portion

thereof, and which allows construction to proceed in accordance with construction documents approved by the Building Official.

C

Caliper. A measure, or a tool for measuring, of the size of a tree. For purposes of this title, caliper size shall be the diameter at breast height (DBH) as defined below.

Canopy. The area above ground which is covered by the trunk, branches, and foliage of a tree or stand of trees' crowns.

Carport. A structure that is open on a minimum of two sides and designed or used to shelter vehicles. Carports are not included in the definition of structured or garage parking.

Cemetery or mausoleum. A place that is used or intended to be used for interment and that includes a graveyard, burial park, or mausoleum

Certificate of occupancy. An official certificate issued by the city through the Building Official which indicates conformance with the zoning regulations and building codes and which authorizes legal use of the premises for which it is issued.

City. The City of Weatherford, Texas, its governing body, administrative departments, or officials designated to carry out the responsibilities of this title.

City Council. The governing body of the city.

City Engineer. The city official appointed to review and make recommendations or determinations with regard to the provision of public facilities and management of the flood plain.

City Manager. The City Manager of the city or their designee.

Comprehensive (general) plan. A plan prepared and adopted by the City Council, and including any part of such plan separately adopted and any amendment to such plan, or parts thereof, setting forth goals, policies, and guidelines intended to direct the present and future development of the city.

Continuing care facility. A place in which a person provides continuing care to an individual.

Critical root zone. The area of undisturbed natural soil around a tree defined by a circle extending from the root flare at ground level with a radius equal to one foot for every one inch DBH.

Customer. Any person who:

1. Is allowed to enter a business in return for the payment of an admission fee or any other form of consideration or gratuity; or
2. Enters a business and purchases, rents, or otherwise partakes of any merchandise, goods, entertainment, or other services offered therein; or
3. Is a member of and on the premises of a business operating as a private club.

D

Detached. Having no physical connection with any other building or structure.

Development. Any human-initiated change to improved or unimproved real estate, including, but not limited to, new construction or the enlargement of any exterior dimension of a building or other structure, and the installation of any type of site improvement, including offsite features, such as street median openings and clearing of vegetation, but not including bona fide agricultural activities. When used as a

noun within this ordinance, the term “development” shall be construed to also include subdivisions, redevelopments, and land disturbing activities.

Development impact area. Area on a site or right-of-way associated with a site affected by any and all site or right-of-way improvements, including, but not limited to, buildings, structures, walls, parking and loading areas, street improvements, paved and graveled areas, utilities, irrigation, equipment storage, construction parking, storm water management, and landscaping. The development impact area also refers to areas of grading (cutting or filling), stockpiling, demolition, tree removal, trenching, boring, and any other activities that require excavation or soil disturbance.

Diameter at breast height (DBH). The diameter of the trunk of a tree measured 4½ feet above mean ground level at the base of the trunk. If the tree splits into multiple trunks below 4½ feet, the DBH is the sum of the diameter of each trunk measured 4½ feet above mean ground level. If the tree has excessive swelling at 4½ feet, the DBH is the diameter of the narrowest point beneath the swelling.

Drinking establishment. A retail business that serves alcoholic beverages for on-premise consumption.

Drip line. Whichever is greater of: (1) a vertical line run through the outermost portion of the canopy of a tree and extending to the ground, or (2) if the tree is damaged or deformed, a circular area with a radius of one-half the height of the tree extending outward from the tree.

Dwelling. Any building or portion thereof, which is designed or used exclusively for residential purposes.

Dwelling, multifamily. A building or portion of a building having suitable accommodations for three or more families, living independently of each other, who may or may not have joint uses of utilities, halls, yards, etc. This term includes premises occupied more or less permanently for residential purposes in which rooms are occupied in apartments, suites, or groups, such as apartment buildings and other dwellings similarly occupied.

Dwelling, one-family. A detached building used exclusively for residential purposes having suitable accommodations for only one family.

Dwelling, two-family. A detached building used exclusively for residential purposes and designed for or occupied by two families living independently of each other. Also known as a duplex.

E

Easement. A grant by a property owner to the public, a corporation, or persons, of the use of designated land area for specific purposes, such as access of persons, utilities or services within which the owner of the property shall not erect any permanent structures.

Employee. Any person who renders any service whatsoever to the customers of a business or who works in or about a business and who receives compensation for such service or work from the operator or owner of the business or from its customers.

Escort. A person who agrees or offers to act as a companion or date for another person or who agrees or offers to privately model lingerie or to privately perform a striptease for another person, for any form of consideration.

Escort agency. A person or business association who, as one of its principal business purposes, furnishes, offers to furnish, or advertises to furnish escorts, or any combination thereof, for a fee, tip, or other consideration.

Estate sale. The term means an informal, irregularly scheduled event for the sale of the used goods of an estate of a deceased person or persons. An estate sale as defined will have to comply with the

requirements of a garage sale permit. A professional auctioneer or firm that specializes in estate sales may also be used.

F

Fall zone. An area surrounding a proposed wind energy system or wireless communications tower, circular in shape, with a radius equal to the height of the tower.

Family. One or more persons related by blood, marriage, or adoption; or a group not to exceed four persons not all related by blood or marriage, adoption or guardianship, occupying a dwelling unit.

Family home. A home that provides regular care in the caretaker's own residence for not more than six children under 14 years of age, excluding children who are related to the caretaker, and that provides care after school hours for not more than six additional elementary school children, but the total number of children, including children who are related to the caretaker, does not exceed 12 at any given time. The term does not include a home that provides care exclusively for any number of children who are related to the caretaker.

Flood plain tree. Any tree within an area identified as flood plain on the City of Weatherford's Interactive Web Map, unless a flood study is provided for a site, in which case the latter will determine the boundaries of the flood plain.

Food truck (also known as mobile food unit). A mobile vending unit equipped with facilities to store, prepare, display, serve, or sell food including, but not limited to, catering trucks, trailers, push carts, and roadside vendors. A mobile food unit does not include a stand or a booth. A roadside food vendor is classified as a mobile food unit. The terms food truck and mobile food unit shall be interchangeable.

Forester. A person certified by the Society of American Foresters as a certified forester.

G

Garage sale. The term means the offer or sale of personal property open to the public, conducted from or on a premise in any residential zone, typically in the garage, carport, driveway, yard, or porch of the home of the seller. The term "garage sale" includes, but is not limited to, all sales advertised as or called yard sale, lawn sale, porch sale, attic sale, patio sale, estate sale, moving sale, flea market (unless otherwise permitted in a commercial or industrial district), rummage sale or various other sales where personal property is sold. Lemonade stands and the like are exempt from the requirements of this ordinance.

Grading. Generally described as any stripping, cutting, filling, or stockpiling of earth or land or combination thereof; or any leveling to a smooth horizontal or sloping surface on a property; to create new grades. Specifically, the City defines grading in the following types:

Excavation. The mechanical removal of earth material for the installation or improvement of public infrastructure within an easement or public right-of-way.

Preliminary grading or grubbing. The clearance of shrubs, grasses, or natural vegetation not exceeding six (6) inches in solid depth and not to exceed one (1) acre in area.

Final grading. Any land disturbing activity as generally defined above impacting one (1) acre or more, or a soil disturbing activity greater than 5000 square feet or that alters drainage patterns as part of a commercial or residential development.

H

Hazard tree. (1) Any tree or tree part that poses an imminent or immediate threat to persons or property requiring immediate remedial action up to and including removal. (2) Any tree or tree part that has been determined to be hazardous by a certified arborist or certified forester.

Hazard tree abatement. The process of eliminating a hazard caused by a hazard tree through pruning, removal, or other means in a manner that complies with all applicable rules and procedures.

Hazard tree owner. The property owner or responsible party of the land from which a hazard tree originates. A responsible party includes a person, persons, or entity who:

1. Owns the hazard tree;
2. Is the entity or person acting as agent of the owner and is responsible for the hazard tree's maintenance or management;
3. Is any person occupying the property with the hazard tree, including lessee or tenant; or
4. Is the person who is alleged to have committed the act(s) or omission(s) resulting in the hazard tree or who allowed the hazard tree to exist on the property.

Heavy load vehicle. A self-propelled vehicle having a manufacturer's recommended gross vehicle weight (GVW) of greater than 16,000 pounds, including trailers. The term "truck" shall be construed to mean "heavy load vehicle," unless specifically stated otherwise.

Height. Measured from existing grade to the highest point of the structure, except for features such as chimney, flues, and stacks or similar roof components.

Heritage tree. (1) A tree with a DBH of 20 inches or greater, which is of a species native or adapted to North Central Texas, as identified by the Texas SmartScape plant database. (2) Any tree or stand of trees of landmark importance due to age, size, species, horticultural quality, or historic significance that has been designated through the Heritage Tree Designation Procedure in the Landscape and Tree Manual.

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, which occupation is clearly incidental and secondary to the use of the premises for residential purposes.

Hospice. A business or organization licensed to provide hospice services, including a person who owns or operates a residential unit or an inpatient unit.

Hotel/Motel. A building containing guest rooms, rented for less than 30 days, and designed to be used for sleeping purposes, which provides a common entrance, lobby, halls, and stairways.

I

Itinerant vendor. Any person, firm, corporation or other entity, including any agents or employees of any person, firm, corporation or other entity, who engages in the temporary business of selling, offering to sell or soliciting orders for goods or services of any kind from a fixed location on private property within the corporate limits of the City of Weatherford, Texas. Itinerant vendors do not include peddlers or solicitors, which are regulated under separate title.

J

K

Kiosk. A small, stand-alone structure, that is used to vend merchandise or services, or for providing information, either by posting or on a computer screen.

L

Landscape. Any planting or planted area preserved, installed, or maintained as required by the landscaping provisions of this title.

Landscape, L1. Supplemental landscape, which may include such treatments as approved L2 ground cover or shrubs, lawn, mulch, bark, decorative rock, outdoor furniture, art installations, and other landscape or hardscape features, and which present a finished, orderly appearance and reasonably complete coverage of the landscape area.

Landscape, L2. Shrubs and ornamental ground covers selected from the evergreen shrub, perennial or seasonal flowering plant, or ornamental grass species on the Preferred Plant List in the Landscape and Tree Manual. Shrubs include woody plant material smaller than a tree with several stems rising at or near the ground, installed for buffering, aesthetic, or other purposes. Ornamental ground covers include low growing, spreading plants, ornamental grasses covering open soil for aesthetic, storm water management, or other purposes.

Landscape, L3. Trees, installed for shade, buffering, aesthetic, or other purposes, provided in appropriate quantity and proportion as required, and selected from among the canopy trees in the Preferred Plant List provided in the Landscape and Tree Manual.

Licensee. A person in whose name a license to operate a sexually oriented business has been issued, as well as any and all individuals listed as applicants on the application for a license.

Light load vehicle. A self-propelled vehicle having a manufacturer's recommended gross vehicle weight (GVW) not greater than 16,000 pounds and having no more than two axles.

Lot. A platted parcel of land that is occupied or intended to be occupied by one main building, or a group of main buildings, and any accessory building(s) having principal frontage upon a public street and including parking, landscaping, and open space, as are required by this ordinance.

Lot area. The total area, measured on a horizontal plane, included within lot lines.

Lot, corner. A lot which has at least two adjacent sides abutting for their full lengths upon a street, provided that the interior angle at the intersection of such two sides is less than 135 degrees.

Lot depth. The mean horizontal distance between the front and rear lot lines.

Lot, double frontage. A lot having frontage upon two non-intersecting streets, as distinguished from a corner lot.

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 35 feet. Flag or panhandle lots are typically discouraged.

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

Lot frontage. That dimension of a lot or portion of a lot abutting onto a street, excluding the side dimension of a corner lot.

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 that is closest to the front lot line.

M

Manager. Any person who:

1. Supervises, directs, or manages any employee of a business; or

2. Is charged by the licensee, owner, or operator with directly supervising the operation of the business and with monitoring and observing all areas of the enterprise to which customers are admitted at all times during which the enterprise is open for business or customers are on the premises.

Manufactured home. A structure that: 1) was constructed on or after June 15, 1976, according to the rules of the United States Department of Housing and Urban Development; 2) was built on a permanent chassis; 3) was designed for use as a dwelling with or without a permanent foundation when the structure is connected to the required utilities; 4) is transportable in one or more sections; 5) includes the plumbing, heating, air conditioning, and electrical systems of the home; and 6) does not include a recreational vehicle.

Mobile home. A structure that: 1) was constructed before June 15, 1976; 2) was built on a permanent chassis; 3) was designed for use as a dwelling with or without a permanent foundation when the structure is connected to the required utilities; 4) is transportable in one or more sections

Mobile vending unit. A motor vehicle or vehicle-mounted unit – licensed, insured, and operable for transport on public streets – engaged in the temporary business of selling, offering to sell, or soliciting orders for goods or services of any kind

Modular Home or Structure. A home or structure that is modular in nature and may be partially or completely fabricated off site designed and constructed to the currently adopted building code of the city placed on a site upon a permanent foundation, to be used for residential, commercial, educational, or industrial purposes.

Motor vehicle. Any vehicle designed to carry one or more persons which is propelled or drawn by mechanical power, such as automobiles, vans, trucks, motorcycles, and buses.

N

Nude modeling studio. Any place where a person who appears in a state of nudity or displays specified anatomical areas is provided or allowed to be observed, sketched, drawn, painted, sculptured, photographed, or similarly depicted by other persons who pay money or any form of consideration.

Nudity or state of nudity. Less than completely and opaquely covered:

1. Human genitals, pubic region, or pubic hair;
2. All portions of a female breast below a point immediately above the top of the areola continuing downward to the lowest portion of the breast;
3. Human buttock; or
4. Any combination of the above.

Nuisance tree. Any tree included on the Nuisance Tree List in the Landscape and Tree Manual.

Nursery industry standards. Generally accepted industry standards for plant materials detailed in the most current version of the American Standard for Nursery Stock. In addition, nursery industry standards shall include adherence to all applicable regulations and administrative rules for the selection and planting of any plant materials to meet the requirements of this title.

O

Occupancy. The use or intended use of land or buildings by proprietors or tenants.

Open grown tree. Any tree that has grown and established without significant competition from other trees for light, space, and nutrients (i.e., any tree that is not a stand grown tree).

Operated or causes to be operated. To cause to function or to put or keep in operation. A person may be found to be operating or causing to be operated a business establishment or other use whether or not that person is an owner, part owner, licensee, or manager of the establishment or use.

Over speed controls. Mechanisms to limit the speed of the blade rotation on a wind energy system.

P

Parcel. Any unplatted tract of land or any portion of an unplatted tract of land (also see “Tract”).

Park/playground. An area of land set aside for public or private use as a piece of land with few or no buildings that is maintained for recreational and ornamental purposes.

Park tree. Any tree, shrub, or other woody vegetation in a public park or other areas owned by or under the management of the City of Weatherford to which the public has free access as a park.

Parking lot tree. Any tree used to meet the requirements for parking lot landscaping.

Parsonage. A single-family resident *allowed as an accessory dwelling unit on the same lot as a Church, Temple, or Place of Worship. Temporary, mobile, or manufactured dwellings are not considered a parsonage.*

Person. An individual, firm, association, organization, partnership, trust, foundation, company, or corporation.

Personal Services. Establishments oriented towards the provision of customer services in a manner typically necessitating no more than one consumer visit per service transaction. (examples include photography studios, tax services, massage services, and copy centers)

Planning Director. Director of Development & Neighborhood Services or other person appointed by the City Manager to administer the provisions of this title. Unless otherwise indicated, references to the Planning Director also include staff designated by the Planning Director to carry out the responsibilities stated herein.

Preferred tree. Any tree included on the Preferred Plant List in the Landscape and Tree Manual.

Premises. Land together with any buildings or structures situated thereon.

Protection fencing. Fencing placed to meet the Tree Protection Standards in the Landscape and Tree Manual.

Public right-of-way. Land in which title is held in the name of government entity, or which is dedicated for public ownership, on which public facilities, including streets, sidewalks, pathways or utilities may be located, and which generally lies between property lines on either side of such facilities. For purposes of landscape and tree related regulations and administrative rules, public right-of-way includes public access easements established for the benefit of the City of Weatherford.

Q

R

Recreational Vehicle (RV)- A vehicular type unit primarily designed as temporary living quarters for recreational, camping, or travel use, which either has its own motive power or is mounted on or drawn by another vehicle. Recreational Vehicles are not an authorized residence within the City.

Regularly. Featuring, promoting, or advertising a happening or occurrence on a recurring basis.

Residential use. Any use of a dwelling or dwellings for household living.

Retail. Firms involve in the sale, leasing, and rental of new or used products to the general public. (examples include apparel shops, electronic goods, household products, and pharmacies)

S

Screening. Any wall, fence, or other built feature, or any berm, trees, or shrubs densely planted so as to form a hedge or living wall, or any approved combination thereof, which effectively restricts the view and/or access between adjoining areas in accordance with all applicable standards in the Landscape and Tree Manual.

Screening, S1. A screen installed for limited sight-obstruction or access control purposes. S1 screening is achieved with shrubs, landscape berm, or other plants to a minimum height of 3'-0", except that screening around parking lots in streetscape areas may be a masonry wall with a height of 3'-0" to 4'-0" in height consistent with the architecture of the main building or within a coherent hardscape theme.

Screening, S2. A screen installed to eliminate clear sight lines between areas with minimal breaks where necessary for controlled access and to maintain required visibility triangles. S2 screening is achieved with a berm or fencing such as wood, masonry, or other materials as approved by the Planning Director, along with evergreen shrubs densely planted so as to form a solid hedge or living wall.

Screening, S3. A screen installed to eliminate clear sight lines to any mechanical equipment, trash bins, loading areas, or storage areas on all sides. S3 screening is a solid plane which is architecturally consistent with the structure on or adjacent to which it is installed.

Seasonal Outdoor Sales. Includes pumpkin patches, tree lots, haunted houses, produce stands, holiday sales and the like.

Setback. The minimum required horizontal distance between the outside wall of any structure and the lot lines of the lot on which it is located (see figure below).

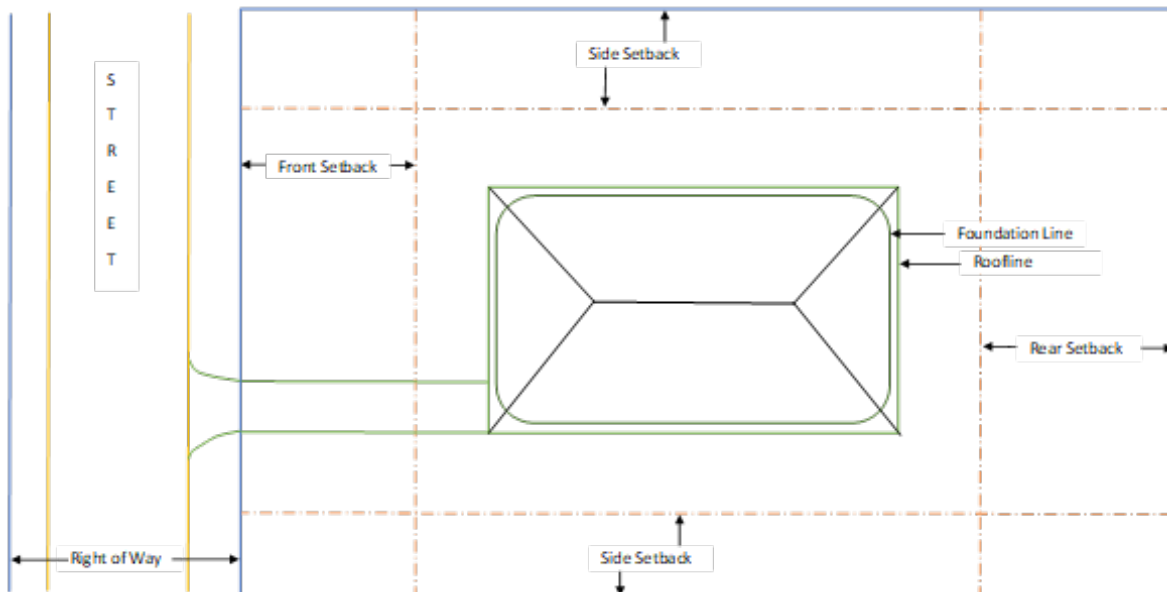


Figure I. Minimum Setback Distance.

Sex parlor. An establishment that is operated for the purpose of giving massages, at the establishment or on a home-call basis, which are intended to provide sexual stimulation or sexual gratification in combination with a massage.

Sexual encounter center. A business or commercial enterprise that offers, for any form of consideration, physical contact in the form of wrestling or tumbling between persons of the opposite sex, or activities between male and female persons and/or persons of the same sex, when one or more of the persons is in a state of nudity or simulated nudity.

Sexually oriented business. An adult arcade, adult bookstore, adult cabaret, adult novelty store, adult motel, adult movie theater, adult service establishment, adult video store, sex parlor, sexual encounter center, nude modeling studio, or other commercial enterprise, or any combination thereof, which devotes a significant or substantial portion of its business to the offering of a service or the selling, renting, or exhibiting of devices or any other items intended to provide sexual stimulation or sexual gratification to its customers, and which is distinguished by or characterized by an emphasis on matter depicting, describing, or relating to specified sexual activities or specified anatomical areas, or whose employees or customers appear in a state of nudity. As used in this definition, "significant or substantial portion" shall be construed with reference to all relevant factors, including but not limited to the following:

1. Whether the business uses advertising or signage identifying the business as having sexually explicit merchandise or services for sale, rental, or viewing, including the use of terms such as "adult," "sex," or "XXX;"
2. The proportion of retail floor space, display areas, presentation time, or stock in trade devoted to sexually explicit content (Stock in trade shall be measured with all titles or objects available on the premises for sale or rental, including those that are identical considered as a separate title or object.);
3. The percentage of the business's overall sales or revenues attributable to sexually explicit content; and
4. The percentage of sales or revenues attributable to sexually explicit content within each category of merchandise, including books, magazines, movies for rental, movies for sale, movies for on-site viewing, performances, sexual paraphernalia, or other products or services.

The term "sexually oriented business" shall not be construed to include:

1. Any business operated by or employing licensed psychologists, licensed physical therapists, registered massage therapists, registered nurses, or licensed athletic trainers engaged in practicing such licensed professions;
2. Any business operated by or employing licensed physicians or licensed chiropractors engaged in practicing the healing arts;
3. Any retail establishment whose principal business is the offering of wearing apparel for sale to customers, which does not exhibit merchandise on live models, and which does not offer for sale or rental any:
 - a. Materials of any kind containing depictions of specified anatomical areas; or
 - b. Instruments, devices, or paraphernalia which are designed or manufactured for use in connection with specified sexual activities; or
4. Any activity conducted or sponsored by any Texas independent school district, licensed or accredited private school, or public or private college or university.

Simulated nudity. A state of dress in which any device or covering is worn and exposed to view that simulates any part of the genitals, buttocks, anus, pubic region, or areola of the female breast.

Small wind energy system. A wind turbine, a tower, and associated control or conversion electronics which has a rated capacity of not more than 100 kilowatts (kW) and which is intended to primarily reduce the on-site consumption of utility power.

Soil volume. Soil which contains existing, new, or amended soil with the physical, chemical, and biological properties necessary to support the growth of a tree. If covered by pavement, the soil shall also support the loadbearing requirements and engineering standards of the overlying pavement.

Specified anatomical areas. Human genitals, pubic regions, buttocks, and female breast below a point immediately above the top of the areola.

Specified sexual activities. Any of the following:

1. The fondling or other erotic touching of human genitals, pubic region, pubic hair, perineum, buttocks, anus, or female breasts;
2. Sex acts, normal or perverted, actual or simulated, including intercourse, oral copulation, sodomy, or bestiality;
3. Masturbation, actual or simulated; or
4. Excretory functions.

Stand (of trees). A distinct area of stand grown trees with contiguous canopies which form a visual and/or biological unit.

Stand grown tree. Any tree that has grown and established in close association with other trees and, as a result, has experienced significant competition for light, space, and nutrients from other trees (i.e., any tree that is not an open grown tree).

Story. That portion of a building included between the upper surface of a floor and the upper surface of the floor or roof next above.

Street. Any dedicated public thoroughfare that 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 60 feet.

Street intersection. Any street that joins another street at an angle, whether or not it crosses the other.

Streetscape. The area above the ground between the face of a building and the edge of the adjacent vehicular traffic or parking lanes. The principal streetscape components are curbs, sidewalks, street trees, landscaping areas and features, bicycle racks, litter containers, benches, and street lights. Treatments may also include parking areas, pathways, or other paved surfaces, bollards, signs, utility boxes or other infrastructure.

Streetscape tree. (1) Any tree within public right-of-way under City of Weatherford jurisdiction. (2) Any tree within an existing or proposed streetscape area as defined above or within a front yard setback. (3) Any tree which was planted or preserved as a streetscape tree in order to meet a landscape or mitigation requirement.

Subdivision. The division of any lot, tract, or parcel of land into two or more lots for the purpose, whether immediate or future, of offer, sale, or lease or for the purpose of development. Subdivision includes the division or development of land, whether by deed, metes and bounds description, devise, intestacy, lease, map, plat, or other recorded instrument. Subdivision also refers to the land so divided, as the context may indicate.

T

Temporary. A period of 30 days or less, unless otherwise specified within these regulations.

Temporary portable buildings. Include overseas shipping containers, cargo or freight containers, PODS “portable on demand storage,” and PSU’s “portable storage units.”

Thinning. A tree removal practice that reduces tree density and competition between trees in a stand. Thinning concentrates growth on fewer, high-quality trees and generally enhances tree health.

Tower. A self-supporting engineered structure of tubular or open steel lattice construction which is anchored in the ground with suitable foundation.

Townhouse. A one-family dwelling unit constructed in a group of three (3) or more attached units separated by property lines in which each unit extends from foundation to roof and with open space on at least two (2) sides.

Transfer station. A facility where solid waste materials, including yard waste, demolition materials, and household refuse are transferred from small vehicles to large trucks for efficient transport to landfills, recycling centers, and other disposal sites.

Tree. Any self-supporting woody perennial plant with single or multiple trunks which will normally attain a trunk diameter at breast height of at least two inches and an overall height of at least 15 feet at maturity, and which is primarily referred to as a tree in scientific and tree care industry literature.

Tree care industry standards. Generally accepted industry standards for tree care practices detailed in the most current version of the American National Standards Institute (ANSI) A300 Standards for Tree Care Operations. In addition, tree care industry standards shall include adherence to all applicable regulations and administrative rules for the completion of any tree care operation.

Tree care professional. Any certified arborist, certified forester, or other person certified by a credible professional organization for the evaluation and performance of tree planting, maintenance, pruning, protection, or removal, as the situation may require.

Tree owner. Any person, persons, or entity with an interest in land, or a lessee, tenant, agent, employee, or other person acting on behalf of the owner, or a person, persons, or entity with responsibility for the maintenance or management of trees on a site.

Tree removal. The cutting, altering, topping, or other act on a tree that removes 50% or more of a crown, trunk, or root system of a tree, or any action which results in the loss of aesthetic or physiological viability of a tree or causes the tree to fall or to become a hazard tree.

Tree topping. The severe cutting back of limbs to stubs larger than three inches in diameter within the tree’s crown to such a degree as to remove the normal canopy and disfigure the tree; also, tree removal which results from that act of tree topping.

U

Use. The purpose for which land or buildings are or may be occupied in a zoning district.

Utilities. Any facility or structure which provides services to the general public including but not limited to electric, gas, telephone, water, and television cable systems.

V

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 Adjustments can grant a variance for only the items as specified in this title.

W

Wind energy system. Equipment that converts and then stores or transfers energy from the wind into useable forms of energy. This equipment includes any base, blade, foundation, generator, nacelle, rotor, tower, transformer, vane, wire, inverter, batteries, or other components used in the system. The height of such system in its totality is measured as the vertical distance from ground level to the tip of a wind generator blade, when the blade is at its highest point.

Wind generator. Blades and associated mechanical and electrical conversion components mounted on top of a tower or other engineered support structure.

Wireless communications facility. Any antenna, microwave reflector, or other equipment that is used for communications operations, as well as any tower, building, or other support structure utilized for the purpose of supporting such equipment. The height of a wireless communications facility in its totality is measured as the vertical distance from ground level to the highest point on the support structure or other structure(s), including the base pad and the communications equipment.

X

Y

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.

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.

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.

Yard, side. The area between the building and sideline of the lot, 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.

Z

Zoning district. A classification applied to any certain land area within the city stipulating the limitations and requirements of land use and development.

CHAPTER 7 – ENFORCEMENT

SEC. 12-7-100 ENFORCEMENT PROCEDURES

Contents of Section:

- A. Enforcement Activities.
- B. Responsible Parties.
- C. Offenses.

A. Enforcement Activities. The provisions of the zoning ordinance may be enforced by any officers or employees of the city who are authorized to issue citations, including but not limited to employees of the Planning and Development department, Building Inspections department, and Police Department and their duly authorized designees. These authorized persons shall have the right to enter any premises at any reasonable time for the purpose of making inspections of structures or premises necessary to carry out the enforcement of this ordinance.

A. Responsible Parties. The owner or owners of any structure, premises, or part thereof, where anything in violation of this ordinance shall be placed or shall exist, any architect, builder, contractor, agent, person, or corporation employed in connection therewith, and who may have assisted in the commission of any such violation, shall be subject to prosecution for violation of the provisions of this ordinance and shall, upon conviction, be fined as herein provided. As provided herein, the term “person” shall be defined to include any of the above responsible parties.

B. Offenses.

1. A person commits an offense if they erect, construct, reconstruct, alter, repair, convert or maintain a use, sign, or structure in violation of any applicable provision of this ordinance.
2. A person commits an offense if they fail to maintain any property, sign, or structure in accord with the applicable requirements of this ordinance.
3. A person commits an offense if they fail to cease and desist work after issuance and notice of a stop work order duly issued by the Director of Planning and Development, Building Official or other duly authorized officer or employee of the city.
4. Each and every day that a violation of this ordinance continues shall constitute a distinct and separate offense for which prosecution may be had.
 - a. *Fines and Penalties.* A person who violates any provision of this ordinance shall be punished, upon conviction, by a fine not to exceed \$2,000.00.
 - b. *General Remedies.* The city may institute any appropriate action or proceedings to prevent or abate any illegal activity under this ordinance, including but not limited to revocation of permits, removal of the illegal use or structure, and institution of legal action in a court of competent jurisdiction.
 - c. *Stop Work Orders.*
 1. Whenever any construction activity is being done contrary to any requirements of this ordinance or contrary to the terms of an approved permit, the Director of Planning and Development, Building Official, or other authorized officer or employee of the city may order the work stopped by notice in writing, served on the

property owner or authorized agent. Notice shall be given before the order shall be effective, except when the order must be effective immediately to protect and preserve the public health, safety, or general welfare. Any person so notified of a stop work order shall immediately cease and desist from further construction or work on the subject project, until corrected by compliance and authorized by the Director of Planning and Development, Building Official, or other authorized officer or employee of the city to proceed with the work. This effect and prohibition of a stop work order shall extend throughout any period of appeal of the said order.

2. The owner or authorized agent may appeal a stop work order to the Director of Planning and Development or Building Official by giving written notice within five (5) working days of the issuance of the stop work order. The Director of Planning and Development or Building Official shall hear the appeal within five (5) working days of receiving the notice of appeal.
- d. *Municipal Court Actions.* The City Attorney is authorized to prosecute violations of this ordinance in the municipal court of the city.
 - e. *Civil Court Actions.* The city attorney is authorized to file and prosecute an action at law or in equity, where permitted under the laws of Texas, in a court of competent jurisdiction to enforce the provisions of this ordinance. Civil enforcement may include, but is not limited to, seeking injunctive relief, civil penalties, action for repair, or demolition of a structure. The initiation of one form of enforcement action by the City Attorney will not preclude the City Attorney from initiating any other form of enforcement action or from pursuing criminal prosecution of violations.
 - f. *Property Owner's Right to Bring Suit.* In addition to the city's right to enforce any provisions of this ordinance, 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 this ordinance, to bring suit in any court having jurisdiction thereof and obtain such remedies as may be available at law and equity for the protection of the rights of such property owners.