



# ZONING ORDINANCE

**A complete Zoning Ordinance, current as of 5.21.2026, using Ordinance No. 215 as amended by Ordinance 215A and 215B.**

***The Following Is Not Part of the Ordinance***

**Handy Navigation Aids for PDF Copy of the  
Zoning Ordinance**

Find.....Ctrl + F

Go to Page #..... Shift+Ctrl+N

Full Page View.....Ctrl + L

Enlarge View .....Ctrl + “+”

Reduce View.....Ctrl + “-“

Escape Page View...Escape

Previous View..... Alt+Left Arrow (of previously visited page)

Next View.....Alt+Left Arrow (of previously visited page)

TABLE OF CONTENTS

Article 1 - General Provisions..... 1

    Section 1.1 Authority and Purpose ..... 1

    Section 1.2 Zoning District Map ..... 1

    Section 1.3 Zoning District Boundaries ..... 1

    Section 1.4 Compliance Required ..... 2

    Section 1.5 Conflicting Ordinances ..... 2

    Section 1.6 New and Unlisted Uses..... 2

    Section 1.7 Penalties ..... 4

Article 2 - Administration..... 5

    Section 2.1 Planning and Zoning Commission..... 5

    Section 2.2 Board of Adjustment ..... 7

    Section 2.3 Amendments ..... 14

    Section 2.4 Site Plan and Concept Plan Approvals..... 18

Article 3 - Nonconformities ..... 28

    Section 3.1 Nonconforming Lots, Uses & Structures ..... 28

    Section 3.2 Registration of Nonconformity..... 36

Article 4 - Permitted Uses ..... 37

    Section 4.1 Use of Buildings and Land ..... 37

    Section 4.2 Supplemental Standards For Land Uses ..... 52

Article 5 - Zoning Districts..... 61

    Section 5.1 Zoning Districts Established..... 61

    Section 5.2 R-AG Agricultural Residential District..... 62

    Section 5.3 R-1 Residential District ..... 64

    Section 5.4 R-E Estate Residential District ..... 66

    Section 5.5 R-20 Single Family Residential District ..... 68

    Section 5.6 R-10 Single Family Residential District ..... 70

    Section 5.7 CONV - Conservation Residential District..... 72

    Section 5.8 D- Duplex Residential District ..... 86

    Section 5.9 MF - Multiple Family Residential District ..... 88

    Section 5.10 MH - HUD-Code Manufactured Housing District ..... 91

    Section 5.11 TC – Town Center Zoning District ..... 95

Section 5.12 LR – Local Retail Zoning District..... 101

Section 5.13 C Commercial District ..... 103

Section 5.14 I - Industrial District ..... 105

Section 5.15 PD - Planned Development District ..... 107

Section 5.16 SUP - Specific Use Permits ..... 110

Section 5.17 ReservedSP (Detailed) Site Plan District ..... 113

Article 6 - Landscape and Screening Requirements ..... 115

    Section 6.1 Purpose and Applicability ..... 115

    Section 6.2 Standards ..... 116

    Section 6.3 Screening Requirements ..... 120

Article 7 - Outdoor Lighting Requirements..... 121

    Section 7.1 General and Definitions..... 121

    Section 7.2 ~~7.3~~New lighting..... 121

Article 8 - Supplemental District Regulations ..... 135

    Section 8.1 Off-Street Parking & Loading Requirements ..... 135

    Section 8.2 Unplatted Parcel or Lot Area & Building Location..... 142

    Section 8.3 Front Yard ..... 143

    Section 8.4 Side and Rear Yards ..... 143

    Section 8.5 Fencing and Required Visual Clearance ..... 144

    Section 8.6 Single Family and Duplex Construction Standards ..... 146

    Section 8.7 Multi-Family Residential Design Standards ..... 149

    Section 8.8 Non-Residential and Institutional Design Standards..... 150

    Section 8.9 Structural exceptions and alternatives to masonry standards ..... 150

    Section 8.10 Accessory Dwelling UnitBuilding & StructureUse Regulations..... 151

    Section 8.11 Home Based Business/Occupations ..... 156

    Section 8.12 Outdoor Display, Daily ..... 158

    Section 8.13 Outdoor Storage and Display (permanent) ..... 159

    Section 8.14 Refuse Facilities ..... 159

Article 9 - Definitions ..... 161

    Section 9.1 Purpose..... 161

    Section 9.2 General Definitions..... 161

    Section 9.3 ~~9.4~~ Landscaping Definitions..... 197



## Not a Part of the Final Ordinance

***The following explains the color coding and changes in the text:***

1. Existing text remains the same color, black.
2. Changes shown in red are additions to the text
3. ~~Text that has been removed is shown in red and struckout~~
4. Changes in red but highlighted with blue are statutory changes required by the last three legislatures

**Article 1 – General Provisions****Article 1 - General Provisions****Section 1.1 Authority and Purpose**

As authorized by Chapter 211 of the Texas Local Government Code, the zoning regulations and districts as herein established have been made for the purpose of promoting the public health, safety, morals, and general welfare within the Town. The zoning regulations and districts have been designed to lessen the congestion in the streets; to secure safety from fire, panic and other dangers; to ensure adequate light and air; to prevent the overcrowding of land and thus avoid undue concentration of population; and to facilitate the adequate provision of transportation, water, wastewater treatment, schools, parks and other public improvements. The zoning regulations and districts 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 protect property against blight and depreciation and encouraging the most appropriate use of land, buildings and other structures throughout the Town.

**Section 1.2 Zoning District Map**

The boundaries of zoning districts set out herein are delineated upon a zoning district map of the Town, adopted as part of this ordinance as fully as if the same were set forth herein in detail.

**1.2.A ORIGINAL ZONING DISTRICT MAP**

One (1) original copy of the Zoning District Map shall be filed in the office of the Planning and Zoning Coordinator. This copy shall be the official Zoning District Map and shall bear the signature of the Mayor and attestation of the Town Secretary. One (1) original copy of the Zoning District Map shall be filed in the office of the Town Secretary and shall be made a part of this enabling ordinance. This copy shall not be changed in any manner. In case of any question, this copy, together with amending ordinances, shall be controlling.

**1.2.B OFFICIAL ZONING DISTRICT MAP**

The Official Zoning District Map shall be maintained in the office of the Town Secretary. The Official Zoning District Map shall be used for reference and shall be maintained up to date by posting thereon all subsequent amendments and shall be identified as the Official Zoning District Map. Reproductions for informational purposes may be made of the Official Zoning District Map.

**Section 1.3 Zoning District Boundaries**

The district boundary lines shown on the Zoning District Map are usually along streets, alleys, property lines, or extensions thereof. Where uncertainty exists as to the boundaries of districts as shown on the Official Zoning Map, the following rules shall apply:

1. Boundaries indicated as approximately following the centerline of streets, highways or alleys shall be construed to follow such centerline.
2. Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines.
3. Boundaries indicated as approximately following Town limits shall be construed as following Town limits.
4. Boundaries indicated as following railroad lines shall be construed to be midway between the right-of-way lines.

## Article 1 – General Provisions

5. Boundaries indicated as parallel to, or extensions of features indicated in Subsections 1 through 4 above shall be so construed. Distances not specifically indicated on the original zoning maps shall be determined by the scale of the map.
6. Whenever any street, alley, or other public way is vacated by official action of the Town 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 way and all areas so involved shall then and henceforth be subject to all regulations of the extended districts.
7. The zoning classification applied to a tract of land adjacent to a street shall extend to the centerline of the street, unless as a condition of zoning approval, it is stated that the zoning classification shall not apply to the street.

### Section 1.4 Compliance Required

All land, buildings, structures or appurtenances thereon located within the Town, which are hereafter occupied, used, erected, altered, removed, placed, demolished, or converted shall be occupied, used, erected, altered, removed, placed, demolished or converted in conformance with the zoning regulations prescribed for the zoning district in which such land or building is located as hereinafter provided or subject to penalties as per Section 1.7, Penalties, of this Ordinance.

### Section 1.5 Conflicting Ordinances

Whenever any provision of this Ordinance imposes a greater requirement or a higher standard than is required in any State or Federal statute or any other Town ordinance or regulation, the provision of this Ordinance shall govern. Whenever any provision of any State or Federal statute or other Town ordinance or regulation imposes a greater requirement or a higher standard than is required by this Ordinance, the provision of such State or Federal statute or other Town ordinance or regulation shall govern.

### Section 1.6 New and Unlisted Uses

It is recognized that new types of land use will arise in the future, and forms of land use not presently anticipated may seek to locate in the Town. In order to provide for such changes and contingencies, a determination as to the appropriate classification of any new or unlisted form of land use in the [Principal Permitted Uses](#) Table shall be made as follows:

1. **Planning and Zoning Coordinator Determination:** ~~Standards for n~~New and unlisted uses may be interpreted and determined by the Planning and Zoning Coordinator or his/her designee as an allowed permitted use or a use requiring of a Specific Use Permit in the same zoning classification as those of a similar use utilizing the same standards and requirements of the similar use.
  - a. A person(s), City staff member, the Planning and Zoning Commission, or the City Council may initiate a request to the Zoning Coordinator or their designee for a determination of the zoning classification of new and previously unlisted uses and applicable regulations.
  - b. In making the determination, the Zoning Coordinator may request and consider all information necessary for the classification of the use and the related regulations, including, but not limited to the following:
    - (1) The zoning district or districts within which such use is most similar and should be permitted, by right or by Specific Use Permit;

## Article 1 – General Provisions

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- (2) The definitions in Article 9 and any relevant land use classification resources or manuals;
  - (3) Characteristics of the particular use in question;
  - (4) Compatibility with the uses in the various districts
  - (5) The nature of the use and whether the use involves dwelling activity, sales, services, or processing;
  - (6) The type of product sold or produced under the use;
  - (7) Whether the use has enclosed or outside storage and the amount and nature of the storage;
  - (8) Anticipated employment typically anticipated with the use;
  - (9) Transportation requirements of the use;
  - (10)The nature and time-of-occupancy and operation of the use;
  - (11)The off-street parking and loading requirements;
  - (12)The amount of noise, odor, fumes, dust, toxic materials and vibration likely to be generated;
  - (13)The requirements for public utilities such as water, wastewater, storm drainage and any special public services that may be required;
  - (14)Impervious surface coverage; and
  - (15)Any other functional, product, service, or physical facility requirements in common with or similar to uses cited as examples of use classifications.
- c. Standards for new and unlisted uses may be interpreted by the **Zoning Coordinator** ~~Administrative Official~~ or their designee as those of a similar use.
2. **Planning and Zoning Commission Recommendation:** When a determination of the appropriate zoning district and a similar use cannot be readily ascertained **by the Zoning Coordinator**, the **Zoning Coordinator** ~~Mayer or his/her designee~~ shall refer the question concerning any new or unlisted use to the Planning and Zoning Commission requesting a recommendation **or interpretation** as to the zoning classification into which such use should be placed.
- a. The Planning and Zoning Commission shall consider the nature and described performance of the proposed use and its compatibility with the uses permitted in the various districts and determine the zoning district or districts within which such use is most similar and should be permitted, by right or by Specific Use Permit.
  - b. The Planning and Zoning Commission shall transmit its findings and recommendations to the Town Council as to the classification proposed for any new or unlisted use.
  - c. **The referral of the use interpretation question shall be accompanied by a statement of facts and will include findings regarding the items listed in Subsection 1.6.1.b.**
3. **Town Council Approval:** The Town Council shall approve or disapprove the recommendation of the Planning and Zoning Commission or make such determination concerning the classification of

**Article 1 – General Provisions**

such use as is determined appropriate based upon its findings. If approved, the new or unlisted use may be interpreted as allowed in the same district as a similar use, with the same standards. If no such similar use can be found, the Town Council, may ~~shall be amended in~~ the use charts of ~~the Ordinance according to~~ Section 4.1 of this Ordinance in accordance with the procedures in Section 2.3, *Amendments*.

**Section 1.7 Penalties**

**1.7.A PENDING LITIGATION AND VIOLATIONS**

It is further the intent and declared purpose of this Ordinance that no offense committed, and no liability, penalty, or forfeiture, either civil or criminal, incurred prior to the time the existing zoning ordinance was repealed and this Ordinance adopted, shall be discharged or affected by such repeal; but prosecutions and suits for such offenses, liabilities, penalties, or forfeitures may be instituted or causes presently pending proceeded with in all respects as if such prior ordinance had not been repealed.

**1.7.B PENALTY FOR VIOLATIONS**

Any person, firm or corporation who violates, disobeys, omits, neglects or refuses to comply with or who resists the enforcement of any of the provisions of this Ordinance shall be fined, upon conviction, not more than Two Thousand Dollars (\$2,000.00) for each offense. Each day that a violation is permitted to exist shall constitute a separate offense.

The Town shall have and retain the right for injunctive relief against any person, firm or corporation who is in the process of or about to violate any section, paragraph or part of this Ordinance; such right for injunctive relief shall exist independent of the other penalty provision of this Ordinance and not in lieu thereof. The right for injunctive relief is essential to the Town that it maintain an orderly and properly planned control over all land uses thus protecting the health, morals, safety and well-being of the citizens and halting any attempt on the part of any person, firm or corporation to inflict temporary or permanent injury on the general public by a failure to comply with the terms of this Ordinance.

**1.7.C SEVERABLE**

It is hereby declared to be the intention of the Town Council that the phrases, clauses, sentences, paragraphs, and sections of this Ordinance are severable, and if any phrase, clause, sentence, paragraph or section of this Ordinance shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this Ordinance, since the same would have been enacted by the Town Council without the incorporation in this Ordinance of any such unconstitutional phrase, clause, sentence, paragraph or section.

**1.7.D PUBLICATION**

The caption of this Ordinance shall be published in accordance with the laws of the State of Texas and shall be effective immediately upon its passage and such publication.

**Article 2 - Administration****Article 2 - Administration****Section 2.1 Planning and Zoning Commission****2.1.A CREATION OF PLANNING AND ZONING COMMISSION.....**

There shall be established a Planning and Zoning Commission which shall consist of five (5) citizens from the Town of Annetta and two (2) alternate members as the Town Council in its discretion shall determine to be appropriate. The members of the Planning and Zoning Commission shall be appointed by the Town Council for a term of two (2) years beginning on November 1. The initial appointment of the Planning and Zoning Commission members by the Council shall designate which members shall serve two (2) years beginning on November 1 and which members shall serve one (1) year beginning on November 1 and on each succeeding year thereafter.

The Council shall select replacements for the Planning and Zoning Commission members whose terms have expired. Vacancies and unexpired terms shall be appointed by the Council for the remainder of the term. A majority of the members shall constitute a quorum, and the affirmative majority vote of the quorum shall be necessary for the passage of any recommendation to the Town Council. Members of the Planning and Zoning Commission may be removed at the discretion of the Council by a majority vote. Members of the Planning and Zoning Commission shall serve without compensation.

An alternate member of the Planning and Zoning Commission shall serve in the place of a regular member when the regular member is absent from the meeting of the Planning and Zoning Commission and shall have the full authority of the regular member to participate and vote on all matters brought before the Planning and Zoning Commission. When not acting in the place of an absent regular member of the Planning and Zoning Commission, alternate members may participate in the discussion and may ask questions but may not vote on the matters brought before the Planning and Zoning Commission.

**2.1.B ORGANIZATION.....**

The Planning and Zoning Commission shall keep minutes of its proceedings which shall be of public record. The Planning and Zoning Commission shall serve without compensation. Each candidate for an appointment as a member of the Planning and Zoning Commission shall meet the following requirements:

1. Shall be a registered voter of the Town;
2. Shall have resided for at least twelve (12) months preceding his appointment within the corporate limits of the Town, including territory annexed prior to his appointment;
3. Shall not be in arrears in the payment of any taxes or other liabilities due the Town. "In arrears" is defined herein to mean that payment has not been received within ninety (90) days from due date.
4. Any member or alternate member absent for two (2) regular consecutive meetings shall be deemed to have vacated such office unless such absences were:
  - d. due to sickness of the member or the member's family
  - e. with leave being first obtained from the Chairman. Vacancies of an alternate member shall be filled by appointment of the Town Council by majority vote.
5. In addition to any other qualifications prescribed by law, each member of the Planning and Zoning Commission shall continue to meet the conditions of this Ordinance, while in office, and shall reside within the Town while in office.

**Article 2 - Administration**

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**2.1.C POWERS AND DUTIES**.....

The Planning and Zoning Commission is hereby authorized to:

1. Recommend the boundaries of various zoning districts and appropriate zoning regulations to be adopted and enforced within the zoning district.
2. Inspect property and premises at reasonable hours where required in the discharge of its responsibilities under the laws of the State of Texas and of the Town.
3. Recommend to the Town Council approval or disapproval of proposed changes in this Ordinance and the zoning map;
4. Formulate and recommend to the Town Council for its adoption a comprehensive plan for the orderly growth and development of the Town and its environs and from time-to-time recommend such changes in the plan as it finds will facilitate the movement of people and goods, and the health, recreation, safety, and general welfare of the citizens of the Town.
5. Formulate a zoning plan as may be deemed best to carry out the goals of the comprehensive plan; hold public hearings and make recommendations to the Town Council relating to the creation, amendment, and implementation of zoning regulations and districts as provided in The Texas Local Government Code Sections 211.007 and 211.0075 as amended, authorizing cities and incorporated villages to pass regulations; all powers granted under said Act are specifically adopted and made a part hereof.
6. Recommend to the Town Council approval or disapproval of plans, plats or replats. The final approval or disapproval of plans plats or replats shall be made by the Town Council. Exercise all other powers of a Planning and Zoning Commission as to approval or disapproval of plans, plats or replats set out in the Texas Local Government Code as amended.
7. Study and recommend on the location, extension and planning of public rights-of-way, parks or other public places, and on the vacating or closing of same.
8. Study and recommend on the general design and location of public buildings, bridges, viaducts, street fixtures and other structures and appurtenances. Study and recommend on the design or alteration and on the location or relocation of works of art which are, or may become, the property of the Town.
9. Initiate, in the name of the Town, for consideration at public hearing all proposals: (a) for the opening, vacating or closing of public rights-of-way, parks or other public places; (b) for the change of zoning district boundaries on an area-wide basis. No fee shall be required for the filing of any such proposal in the name of the Town.
10. Formulate and recommend to the Town Council for its adoption policies and regulations consistent with the adopted Town plan governing the location and/or operation of utilities, public facilities, and services owned or under the control of the Town.
11. Recommend to the Town Council approval or disapproval of specific use permit applications.

**2.1.D PUBLIC HEARINGS**.....

The Planning and Zoning Commission is authorized to conduct public hearings jointly with the Town Council or separately as a Planning and Zoning Commission as deemed necessary and as allowed by law.

**Article 2 - Administration**

**Section 2.2 Board of Adjustment**

**2.2.A CREATION**.....

There is hereby created a Board of Adjustment to be composed of five (5) members and two (2) alternate members who shall be residents and qualified voters of the Town of Annetta and shall serve without compensation.

**2.2.B MEMBERS & TERMS OF OFFICE**.....

The Board of Adjustment shall be appointed by the Town Council in accordance with the following:

1. The members shall serve for a period of two (2) years and until their successors are duly appointed and qualified. The regular members of the Board shall be identified by place numbers 1 through 5. Places 1, 3 and 5 and the first alternate member shall be appointed to serve for two-year terms beginning on November 1 of odd numbered years. Places 2, 4 and the second alternate member shall be appointed to serve for two-year terms beginning on November 1 of even numbered years.
2. All members will be appointed by a majority vote of the Town Council. Members may be removed by a majority vote of the members of the Town Council. Board members may be reappointed after their term expires.
3. Vacancies shall be filled by an alternate member for the unexpired term of a member whose term becomes vacant. Any member absent for two (2) regular consecutive meetings shall be deemed to have vacated such office unless such absences were:
  - a. due to sickness of the member or the member's family
  - b. with leave being first obtained from the Chairman. Vacancies of an alternate member shall be filled by appointment of the Town Council by majority vote.
4. Meetings of the Board shall be held at the call of the Chairman and at such other times as the Board may determine. All meetings of the Board shall be open to the public. Four (4) members of the Board shall constitute a quorum for the conduct of business. All cases to be heard by the Board of Adjustment will always be heard by a minimum number of four (4) members. The members of the Board shall regularly attend meetings and public hearings of the Board.

**2.2.C AUTHORITY OF BOARD**.....

The Board of Adjustment shall have the authority, subject to the standards established in Section 211.009 of the Texas Local Government Code, as amended, and those established herein, to exercise the following powers and perform the following duties:

1. Hear and decide an appeal that alleges error in an order, requirement, decision, or determination made by an administrative official in the enforcement of this ordinance; and
2. Hear and decide special exceptions to the terms of this ordinance when it requires the Board to do so; and
3. Inquire into, on its own motion or upon cause presented by interested persons, **and decide to:**
  - a. require the discontinuance, abatement, vacation, demolition, **or removal of a nonconforming use, use of structure or structure, in accordance with this ordinance and TLGC Subchapter 211.019, "NONCONFORMING LAND USE," as amended; or**

**Article 2 - Administration**

- b. authorize the expansion, extension, resumption, repair, reconstruction, or other action permitted by Sections 3.1 and 2.2.F, of a nonconformity, or
  - c. hear an appeal of a determination under Section 3.1.I, REQUIREMENT TO STOP A NONCONFORMING USE, COMPENSATION FOR/AMORTIZATION in accordance with this ordinance and TLGC Subchapter 211.019, "NONCONFORMING LAND USE," as amended.
  - d. hear an appeal of the Zoning Coordinator decision, in accordance with Section 3.2, as to whether a use that failed to register is nonconforming and may be continued as such.
4. Authorize in specific cases a variance from the terms of this ordinance if the variance is not contrary to the public interest and due to special conditions, a literal enforcement of the ordinance would result in unnecessary hardship, and so that the spirit of this ordinance is observed and substantial justice is done.
  5. In exercising its authority under "1" above, the Board may reverse or affirm, in whole or in part, or modify the administrative official's order, requirement, decision, or determination from which an appeal is taken and make the correct order, requirement, decision, or determination, and for that purpose the Board has the same authority as the administrative official.
  6. ~~a.~~ The concurring vote of four (4) members of the Board is necessary to:
    - a. ~~b.~~ Reverse an order, requirement, decision, or determination of an administrative official;
    - b. ~~c.~~ Decide in favor of an applicant on a matter on which the Board is required to pass under a zoning ordinance; or
    - c. ~~d.~~ Authorize a variation from the terms of this Ordinance.

**2.2.D LIMITATIONS ON AUTHORITY OF BOARD**.....

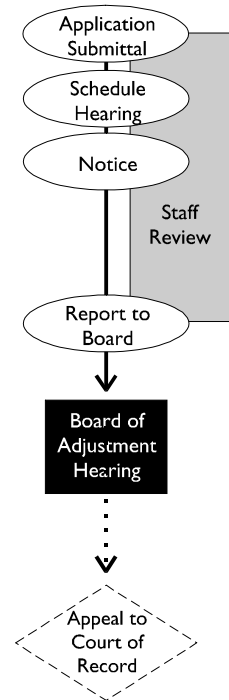
1. The Board may not grant a variance authorizing a use other than those permitted in the district for which the variance is sought.
2. The Board shall have no power to grant or modify specific use permits authorized under Section 5.12, of this Ordinance.
3. The Board shall have no power to grant a zoning amendment. In the event that a request for a zoning amendment is pending before the Planning and Zoning Commission or the Town Council, the Board shall not grant any variances with respect to the subject property until final disposition of the zoning amendment.
4. Although action may be affected by the Board, a variance for any parcel of property or portion thereof upon which a Site Plan, Preliminary Plat, or Final Plat, where required, has not been finally acted upon by both the Planning and Zoning Commission and, where required, by the Town Council, will not be deemed to be granted until said final action has been completed. All administrative remedies available to the applicant shall have been exhausted prior to a hearing by the Zoning Board of Adjustment.

**Article 2 - Administration**

**2.2.E VARIANCES**

1. In order to grant a variance from this Ordinance, the Board of Adjustment must make written findings that the variance creates undue hardship. ~~using the following criteria:~~ In exercising its authority under this Subsection and Subsection 211.009 of the Texas Local Government Code, as amended, the Board may consider the following as grounds to determine whether compliance with the ordinance as applied to a structure that is the subject of the appeal would result in unnecessary hardship:

- a. That literal enforcement of the controls will create an unnecessary hardship or practical difficulty in the development of the affected property;
- b. That the financial cost of compliance is greater than 50 percent of the appraised value of the structure as shown on the most recent appraisal roll certified to the assessor for the municipality under Section 26.01, Tax Code;
- c. That compliance would result in a loss to the lot on which the structure is located of at least 25 percent of the area on which development may physically occur;
- d. That compliance would result in the structure not being in compliance with a requirement of a municipal ordinance, building code, or other requirement;
- e. That compliance would result in the unreasonable encroachment on an adjacent property or easement; or
- f. That the municipality considers the structure to be a nonconforming structure;
- g. ~~b.~~ That the situation causing the hardship or difficulty is neither self-imposed nor generally affecting all or most properties in the same zoning district;
- h. ~~e.~~ That the relief sought will not injure the permitted use of adjacent conforming property; and
- i. ~~d.~~ That the granting of a variance will be in harmony with the spirit and purpose of this Ordinance.



2. Except as provided for by Subsection 1 above and Subsection 211.009 of the Texas Local Government Code, as amended, ~~a~~ variance shall not be granted:

- a. to relieve a self-created or personal hardship;
- b. ~~nor shall it be~~ based solely on economic gain or loss;
- c. ~~nor shall it to~~ permit any person a privilege in developing a parcel of land not permitted by this Ordinance to other parcels of land in the ~~particular~~ same zoning district;
- d. ~~No variance may be granted~~ which results in undue hardship on another parcel of land.

## **Article 2 - Administration**

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3. The applicant bears the burden of proof in establishing the facts justifying a variance.
4. Any variance authorized by the Board, either under the provisions of this Ordinance, or under the authority granted to the Board under State Law, shall authorize the issuance of:
  - a. a building permit ~~provided all other requirements in this ordinance, and the other adopted ordinances are met;~~
  - b. a Certificate of Occupancy ~~if the permit requirements and any conditions of the variance approval are met;~~
  - c. or other relief as the case may be. ~~for a period of ninety (90) days from the date of the favorable action on the part of the Board, unless the Board in its minutes shall, at the same time, grant a longer period.~~
5. If a building permit or a certificate of occupancy shall not have been applied for or issued within ~~ninety (90)~~ **one hundred eighty (180)** day period or as the Board may specifically grant, the variance shall be deemed waived; and all rights thereunder terminated. The Board may grant one (1) or more extensions to this time period upon the applicant's request and if due cause is shown.

### **2.2.F SPECIAL EXCEPTIONS**

1. The Board of Adjustment shall have the authority to hear and allow special exceptions for ~~buildings when~~ the use ~~is nonconforming~~ or development of property when the same is authorized under this ordinance, is listed below or in the district in the use chart in Article 4, "Permitted Uses," Section 4-1., "Use of Buildings and Land" that shows a use as allowed subject to a Special Exception (SE) approval. In reaching its decision the Board shall not grant the application if it finds:
  - a. That the use is not specifically allowed, with a special exception approval, under this ordinance, or;
  - b. That the locations of proposed activities and proposed improvements are not clearly defined on the site plan filed by the applicant, or
  - c. That the exception will not be wholly compatible with the use and permitted development of adjacent properties.
2. In granting a special exception, the Board of Adjustment shall not authorize uses that are not allowed under the terms of this ordinance for the respective district.
3. A proof of hardship is not required for granting a special exception.
4. The following may be permitted as Special Exceptions by the Board subject to full and complete compliance with any and all conditions listed **in this ordinance**, together with such other conditions as the Board may impose for protection of public health or safety.
  - a. **Expansion or replacement of nonconforming lots, uses or structures in accordance with Article 3, Nonconformities and TLGC Chapter 211, as amended, including:**
    - (1) ~~a.~~ Expansion of the land area of a nonconforming use, up to a maximum of ten percent (10%); or
    - (2) ~~b.~~ Expansion of the gross floor area of a nonconforming structure, up to a maximum of twenty-five percent (25%), provided that such expansion

## Article 2 - Administration

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does not decrease any existing setback and does not encroach onto adjacent property; or

- (3) ~~e.~~ Change from one nonconforming use to another, re-construction of a nonconforming structure that has been totally destroyed, or resumption of a nonconforming use previously abandoned, only upon a finding that the failure to grant the special exception deprives the property owner of substantially all use or economic value of the land.

- (4) The Board of Adjustment may authorize a Special Exception for the replacement, enlargement, expansion or repair of a nonconforming structure if such enlargement, expansion or repair will improve the condition of the structure, if it will bring the structure into closer compliance with this Ordinance, or if it will otherwise improve or enhance public health, safety or welfare. .

~~d. In granting special exceptions under this Section, the Board may impose such conditions as are necessary to protect adjacent property owners and to ensure the public health, safety and general welfare, including but not limited to conditions specifying the period during which the nonconforming use may continue to operate or exist before being brought into conformance with the standards of this Ordinance.~~

- b. ~~e.~~ To permit a public utility or public service or structure in any district, or a public utility or public service building of a ground area and of a height at variance with those provided for in the district in which such public utility or public service building is permitted to be located, when found reasonably necessary for the public health, convenience, safety, or general welfare.
- c. ~~f.~~ To grant a permit for the extension of a use, height or area regulation into an adjoining district, where the boundary line of the district divides a lot in a single ownership on the effective date of this Ordinance.
- d. ~~g.~~ Waive or reduce the parking and loading requirements in any of the districts, whenever the character or use of the building is such as to make unnecessary the full provision of parking or loading facilities, or where such regulations would impose an unreasonable hardship upon the use of the lot, as contrasted with merely granting an advantage or a convenience.
- e. ~~h.~~ In accordance with Section 8.10.B.2, may authorize a special exception for accessory buildings larger than 600 square feet and review, amend and or approve the related site plan and elevations. The Board may also grant special exceptions to adjust the maximum height to **exceed the main structure height, authorize various types of building colors, articulation, roof pitch** and facades, require various combinations of screening and landscaping in lieu of meeting those standards as required by this ordinance, and consider adding additional conditions to issuance of a building permit to reflect any relevant deed restrictions. Before granting a special exception **for an accessory building**, the Board shall make a determination that the purpose and intent of this ordinance have been preserved, adjacent properties will not be negatively impacted, and granting of the special exception is in the best interests of the health, safety and general welfare.
- f. ~~i.~~ In accordance with Section 8.10.B.3, may authorize a Special Exception to allow an accessory building in front of the main structure where, due to unique conditions,

**Article 2 - Administration**

one cannot be placed behind the main structure. In addition, the Board may allow garage doors on any size accessory structure to face the right-of-way with additional landscaping and ornamental features to ensure compatibility with the neighborhood."

\*\*\*\*Note – paragraph e h and f i added by Ordinance No. 192A, Adopted Sept 12, 2019

~~The Board of Adjustment may authorize a Special Exception for the replacement, enlargement, expansion or repair of a nonconforming structure if such enlargement, expansion or repair will improve the condition of the structure, if it will bring the structure into closer compliance with this Ordinance, or if it will otherwise improve or enhance public health, safety or welfare. \*\*\*\* Note amended by Ordinance No. 192A, Adopted Sept 12, 2019.~~

5. Any special exception authorized by the Board, either under the provisions of the Ordinance, or under the authority granted to the Board under the Statutes of the State, shall authorize the issuance of a building permit, Certificate of Occupancy or other relief as the case may be for a period of ~~ninety-one-hundred-eighty (180 90)~~ days from the date of the favorable action on the part of the Board, unless said Board in its minutes shall, at the same time, grant a longer period.
6. If a building permit or a certificate of occupancy shall not have been applied for or issued within a ~~one-hundred-eightyninety(180 90)~~ day period or as the Board may specifically grant, the special exception shall be deemed waived; and all rights thereunder terminated. The Board may grant one (1) or more extensions to this time period upon the applicant's request and if due cause is shown.

**2.2.G PROCEDURES**.....

1. Application and Fee - An application for granting a variance or special exception by the Board of Adjustment, other than an appeal, shall be in writing using forms provided by the Town and shall be accompanied by a fee as set forth in the currently adopted Town Fee Schedule. The application for a special exception shall be the same as for a zoning variance.
2. Notice and Hearing - The Board of Adjustment shall hold a public hearing ~~on a variance, special exception or appeal~~ no later than forty-five (45) days after the date the application for action or an appeal from a zoning administration decision is filed on each such application or appeal. ~~Written n~~Notice of a public hearing shall be provided to all property owners within two hundred (200') feet of the affected property ten (10) days prior to the public hearing ~~and. Notice for variances, although not required by state statute but as a matter of practice, will also be published in the official local newspaper.~~

**2.2.H APPEALS**.....

1. ~~An appeal may be taken from the decision of an administrative official by an applicant for the permit on which the decision is rendered, by any person or persons directly aggrieved by the decision or by any officer, department, board or bureau of the municipality affected by the decision.~~ Appeals to the Board of Adjustment of a decision made by the Zoning Coordinator or an administrative official:
  - a. that is not related to a specific application, address, or project may be made by any of the following persons:
    - (1) a person aggrieved by the decision; or
    - (2) any officer, department, board, or bureau of the municipality affected by the decision.

**Article 2 - Administration**

b. that is related to a specific application, address, or project may be made by any of the following persons:

- (1) a person who filed the application that is the subject of the decision;
- (2) a person who is the owner or representative of the owner of the property that is the subject of the decision; or
- (3) a person who is aggrieved by the decision and is the owner of real property within 200 feet of the property that is the subject of the decision; or
- (4) any officer, department, board, or bureau of the municipality affected by the decision.

- 2. The appellant must file with the Board and the official against whom the appeal is taken a written notice of appeal specifying the grounds for the appeal within ~~twenty (20) fifteen (15)~~ days after the decision has been rendered. The official against whom the appeal is taken shall immediately forthwith transmit to the Board all papers constituting the record of the action that is appealed.
- 3. An appeal stays all proceedings in furtherance of the action that is appealed unless the official from whom the appeal is taken certifies in writing to the Board facts supporting the official's opinion that a stay would cause imminent peril to life or property. In that case, the proceedings may be stayed only by a restraining order granted by the Board or a court of record on application, after notice to the official, if due cause is shown.
- 4. The Board shall set a reasonable time for the appeal hearing and shall give notice ~~in accordance with~~ Section 2.2.G 2 (2).
- 5. ~~An appeal of a of a nonconforming determination including a market value determination or a requirement to stop a nonconforming use must be in accordance with Subsection 3.1.I.9, "Appeals" of Section 3, "Nonconformities."~~

**2.2.I JUDICIAL REVIEW**.....

Any person or persons, jointly or severally, aggrieved by a decision of the Board of Adjustment, or any taxpayer, or any officer, department, or Board of the Town may present to a court of record a petition, duly verified, setting forth that such decision of the Board is illegal, in whole or in part, and specifying the grounds of the illegality. Such petition must be presented within ten (10) days after the date the decision is filed in the Board's office.

If a decision of denial has been rendered by the Board of Adjustment, there shall be a six (6) month holding period before any new application may be filed for consideration by the Board of Adjustment for the same request.

**Article 2 - Administration**

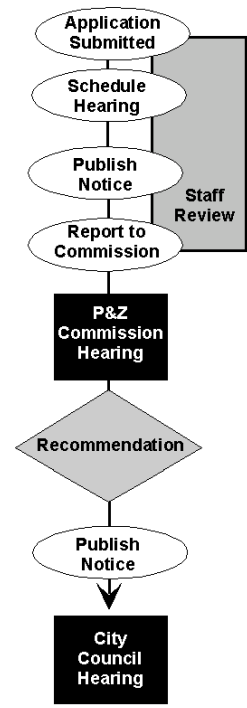
**Section 2.3 Amendments**

**2.3.A AUTHORITY TO AMEND ORDINANCE**

The Town Council may from time to time, after receiving a report thereon by the Planning and Zoning Commission and after public hearings required by law, amend, supplement, or change the regulations herein provided or the boundaries of the zoning districts specified on the Zoning Map. Any Zoning Ordinance or Zoning District boundary amendment may be ordered for consideration by the Town Council, be initiated by the Planning and Zoning Commission, or be requested by the owner of real property, or the authorized representative of an owner of real property. In no case shall the Town Council act upon any zoning request prior to recommendation by the Planning and Zoning Commission.

Consideration for a change in any district boundary line or special zoning regulation may be initiated only with written consent of the property owner, or by the Planning and Zoning Commission or Town Council on its own motion when it finds that public benefit will be derived from consideration of such matter. In the event the ownership stated on an application and that shown on the Town records are different, the applicant shall submit written proof of ownership.

Each application for zoning or for an amendment or change to the existing provisions of this Ordinance or the Zoning Map shall be made in writing and filed on a form suitable to the Planning and Zoning Coordinator and shall be accompanied by payment of the appropriate fee as set forth in the currently adopted Town Fee Schedule.



**2.3.B PUBLIC HEARING & NOTICE**

1. Prior to making its **final** report to the Town Council, the Planning and Zoning Commission shall hold at least one (1) public hearing on each application.
2. **Written Notice.** Before the tenth (10<sup>th</sup>) day before the hearing date before the Planning and Zoning Commission, written notice of each public hearing before the Planning and Zoning Commission on a proposed change in a zoning classification shall be sent to each owner, as indicated by the most recently approved Municipal Tax Roll, of real property within two hundred (200') feet of the property on which the change in classification is proposed. **Such notice may be served by using the last known address as listed on the Town tax roll and depositing the notice, postage paid, in the United States Mail. Mailed notice may be in any format that meets the requirements of Texas Local Government Code (TLGC) 211.007, including postcards and use of bulk rate postage addressed to occupant provided it meets the time limits required. ~~The notice may be served by its deposit in the municipality, property addressed with postage paid, in the United States mail.~~**
3. **ISD Written Notice.** Before the 10th day before the hearing date, written notice of each public hearing before the zoning commission on a proposed change in a zoning classification affecting residential or multifamily zoning shall be sent to each school district in which the property for which the change in classification is proposed is located. The notice may be served by its deposit in the municipality, properly addressed with postage paid, in the United States mail or by electronic delivery.
4. **Newspaper Notice.** Notice of hearings on proposed changes:
  - a. in the text of this Ordinance; or

## Article 2 - Administration

- b. of a zoning boundary; or
- c. of a “proposed comprehensive zoning change” as defined in TLGC Sec. 211.0011

shall be accomplished by one (1) publication not less than fifteen (15) days prior to the public hearing in the official newspaper or a newspaper of general circulation of the Town and published on the Town’s Internet website. Changes in the ordinance text which do not change zoning regulations and/or zoning district boundaries do not require written notification to individual property owners, except where nonconforming uses may be created in accordance with Subsection 2.3.B. or Section 211.007 of the TLGC.

5. **Additional Nonconforming Use Notice.** In addition to any notice required by this section or TLGC Section 211.007, as amended, written notice of each public hearing before the Town Council or Planning and Zoning Commission, as applicable, shall be provided regarding any proposed adoption of or change to a zoning regulation or boundary under which a current conforming use of a property is a nonconforming use if the regulation or boundary is adopted or changed. The notice must:

- a. be mailed by United States mail, in accordance with Subsection 2.3.B.2, to each owner of real or business personal property where the proposed nonconforming use is located as indicated by the most recently approved municipal tax roll and to each occupant at the tax roll address (situs) of the property not later than the 10th day before the hearing date;
- b. contain the time and place of the hearing; and
- c. include the following text in bold 14-point type or larger:

**"THE TOWN OF ANNETTA IS HOLDING A HEARING THAT WILL DETERMINE WHETHER YOU MAY LOSE THE RIGHT TO CONTINUE USING YOUR PROPERTY FOR ITS CURRENT USE. PLEASE READ THIS NOTICE CAREFULLY."**

6. **Waiver of Notice.** An owner of real or business personal property, an occupant or a tenant of a premises required to be notified under these provisions that does not receive notice as prescribed by Subsections 2.3.B.2 and 2.3.B.4 due to Town failure to mail written notice by depositing the notice, with postage paid, in the United States mail, may choose one of the following options:
- a. Waive the right to written notice on a form acceptable to the Town Attorney and signed by the person(s) required be notified; or
  - b. Not waive the right to written notification, requesting the hearing be delayed until proper notice is provided in accordance with these regulations.
  - c. If a person required to be notified failed to receive such notice yet attends the public hearing, the presumption is that the notice was in effect received. However, that person may request a continuance to prepare their remarks if they did not find out about the meeting in a timely manner.
7. **Adequate Notice Questions.** The Zoning Coordinator, when there is a question of adequate notice, may consult with the Town Attorney to help them determine whether the written notice provided was adequate, or additional notice is required and the necessity to delay the hearing until additional written notices are provided in accordance with these regulations.
8. In no case shall additional notice be required, or a hearing be delayed, if notice was properly mailed in accordance with TLGC 211.006 and 211.007, as amended, and postage paid to the addresses

## **Article 2 - Administration**

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provided in the last approved Municipal Tax roll as required and the missed notification was due to failure of the U.S. Post office to deliver such notice, or the tax roll addresses were incorrect or out of date.

### **2.3.C FAILURE TO APPEAR**.....

The Planning and Zoning Commission or Town Council may recommend denial of a zoning application if the applicant or representative fails to appear at one (1) or more hearings before the Planning and Zoning Commission.

### **2.3.D PLANNING AND ZONING COMMISSION CONSIDERATION & REPORT**

The Planning and Zoning Commission, after the public hearing is closed, shall prepare its final report and recommendations on the proposed change stating its findings, its evaluation of the request and of the relationship of the request to the Comprehensive Plan. The Planning and Zoning Commission may defer its report for not more than ninety (90) days from the time it is posted on the agenda until it has had opportunity to consider other proposed changes which may have a direct bearing thereon. In making its determination, the Planning and Zoning Commission shall consider the following factors:

1. Whether the uses permitted by the proposed change will be appropriate in the immediate area concerned and the relationship of the uses to the general area and the Town as a whole.
2. Whether the proposed change is in accord with any existing or proposed plans for providing public schools, streets, water supply, sanitary sewers, and other utilities to the area, and shall note the findings.
3. The amount of vacant land currently classified for similar development in the vicinity and elsewhere in the Town, and any special circumstances which may make a substantial part of such vacant land unavailable for development.
4. The recent rate at which land is being developed in the same zoning classification as the request, particularly in the vicinity of the proposed change.
5. How other areas designated for similar development will be, or are unlikely to be, affected if the proposed amendment is approved, and whether such designation for other areas should be modified also.
6. Any other factors which will substantially affect the health, safety, morals, or general welfare.
7. If the Planning and Zoning Commission denies the zoning request, it may offer reasons to the applicant for the denial.

### **2.3.E TOWN COUNCIL CONSIDERATION**.....

1. *Proposal Recommended for Approval by the Planning and Zoning Commission:* Every proposal which is recommended favorably by the Planning and Zoning Commission shall be automatically forwarded to the Town Council for setting and holding of public hearing thereon. No change, however, shall become effective until after the adoption of an ordinance for it and its publication as required by law.
2. *Proposal Recommended for Denial by the Planning and Zoning Commission:*
  - a. When the Planning and Zoning Commission determines that a proposal should be denied, it shall so report and recommend to the Town Council that the proposal be denied and notify the applicant.

## Article 2 - Administration

- b. ~~3. Proposals Recommended for Denial by Council:~~ When a proposed zoning request is heard by the Town Council that has been recommended for denial by the Planning and Zoning Commission, a majority vote by the Town Council shall be required for approval.
3. ~~4. Proposals Denied by Council:~~ A proposed zoning request 'denied' by the Town Council shall be automatically deemed denied "with prejudice" and shall not be filed or resubmitted to the Town for six (6) months from the original date of denial.
4. ~~5.~~The Town Council may elect, in its motion, to deny a proposed zoning request 'without prejudice'. The same or similar request may be resubmitted at any time for reconsideration by the Town (a new filing Fee as per the Town Fee Schedule must accompany the request).

### 2.3.F WRITTEN PROTEST, POSSIBLE THREE-FOURTHS VOTE REQUIRED

~~If a protest against a proposed amendment, supplement or change to a zoning regulation or boundary has been filed with the Town Secretary, duly signed and acknowledged by the owners of twenty percent (20%) or more, either of the area of the lots or land included in such a proposed change to a zoning regulation or boundary or the area of the lots or land adjoining the area covered by the proposed change and extending two hundred (200') feet there from, such amendments shall not become effective except by the affirmative vote of three fourths (3/4) of all members of the Town Council. In computing the land area above, the area of streets and alleys shall be included.~~

1. This section applies only to a proposed change to a zoning regulation or district boundary that is not a "proposed comprehensive zoning change" as defined in Section 211.0011 of the Texas Local Government Code, as amended.
2. A protest against a proposed amendment, supplement or change to a zoning regulation or boundary must be filed with the Town Secretary and must be duly signed and acknowledged by the owners of property in accordance with this section.
3. **Certain Proposed Changes Allowing More Residential Development.**
  - a. A protest of a proposed change to a zoning regulation or district boundary must be written and signed by the owners of **at least 60 percent of the area of the lots or land immediately adjoining the area** covered by the proposed change and extending 200 feet from that area if the proposed change:
    - (1) has the effect of allowing more residential development than the existing zoning regulation or district boundary; and
    - (2) does not have the effect of allowing additional commercial or industrial uses unless the additional use is limited to the first floor of any residential development and does not exceed 35 percent of the overall development.
  - b. If a proposed change to a regulation or district boundary is protested with a 60 percent petition in accordance with this Subsection, the proposed change must receive, in order to take effect, the affirmative vote of **a majority of all members** of the Council.
4. **All Other Proposed Changes.**
  - a. All other protests of a proposed change to a zoning regulation or district boundary must be written and signed by the owners of **at least 20 percent** of:

**Article 2 - Administration**

- (1) the area of the lots or land covered by the proposed change;
- (2) the lots or land immediately adjoining the area covered by the proposed change and extending 200 feet from that area.

b. If a proposed change to a regulation or district boundary is protested with a 20 percent petition in accordance with this Subsection, the proposed change must receive, in order to take effect, the affirmative vote of at **least three-fourths of all members** of the City Council.

5. **Calculation of Percentage of land area.** In computing the percentage of land area under this section:

- a. the area of streets and alleys shall be included; and
- b. the land area is not calculated individually for each tract of land subject to a proposed change in a zoning regulation or district boundary but in the aggregate for all tracts of land subject to the change.

**2.3.G FINAL APPROVAL & ORDINANCE ADOPTION**.....

Upon submittal of the zoning request by the Town Council, the applicant shall submit a metes and bounds description of the boundaries of the zoning request and a metes and bounds description of any zone contained therein, to the Town for the preparation of the amending ordinance. The amending ordinance shall be approved at the time the Town Council approves the request as submitted or as modified. The amending ordinance will not be approved until a correct property description has been prepared for the amending ordinance and the ordinance is published as required by law.

**2.3.H WITHDRAWAL**.....

Any proposal or application may be withdrawn by the proponent after the Planning and Zoning Commission makes its final report, and such proposal or application shall not be subject to the provision hereof that a period of time must pass before a new application is considered. If such proposal is withdrawn, the Town Council will not consider it. Withdrawal of an application from a public hearing or meeting agenda is at the review or decision-making authority’s discretion.

**2.3.I PRESUMPTION OF VALIDITY FOR CERTAIN CHANGES ALLOWING MORE RESIDENTIAL DEVELOPMENT.**

A change to a zoning regulation or district boundary that has the effect of allowing more residential development than the previous regulation is conclusively presumed valid and to have occurred in accordance with all applicable statutes and ordinances if an action to annul or invalidate the change has not been filed before the 60th day after the effective date of the change.

**Section 2.4 Site Plan and Concept Plan Approvals**

**2.4.A PURPOSE OF SITE PLANS**.....

This Section establishes a site plan review process for proposed nonresidential, mixed use and higher density residential developments. The purpose of the review is to ensure efficient and safe land development, harmonious use of land, compliance with appropriate design standards, safe and efficient vehicular and pedestrian circulation, adequate parking and loading, and adequate water supply, drainage and storm water management, sanitary facilities, coverage, and other utilities and services.

## **Article 2 - Administration**

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### **2.4.B APPLICABILITY**

1. Site plan review and approval shall be required for all nonresidential, mixed-use, townhouse, single-family attached, and multi-family residential projects and structures, and for any Planned Development district or Specific Use Permit. Authorized non-residential **accessory** structures within a residential zoning district are **not** subject to the site plan review and approval requirements of this division, **unless specifically required by this ordinance. Single family dwelling units and accessory structures not requiring a Special Exception or Specific Use Permit do not require site plans to be approved by the Planning and Zoning Commission or Council. However, single family and/or accessory structures are still required to submit and receive site plan approval as part of the regular building permit approval process. Approval of a site plan does not waive or amend a adopted building code requirement unless specifically addressed in an adopting ordinance.**
2. No building permit shall be issued for any of the above developments until a site plan and all other required engineering/construction plans are first approved by the Town. No certificate of occupancy shall be issued until all construction, and development conforms to the site plan and engineering/construction plans, as approved by the Town. The site plan review process shall include up to three (3) steps:
  - a. Pre-application conference;
  - b. Site plan review/approval; and
  - c. Construction of project (after Town approval of required site plan and other associated plans, including construction plat and engineering plans).

### **2.4.C EXEMPTIONS AND EXCEPTIONS**

Site plan review shall not be required for single-family residential developments, unless the proposed subdivision will include a private amenity, facility or a golf course. In these instances, site plan submission and approval will be required for the private amenity or facility, or the golf course clubhouse/hospitality area.

### **2.4.D SITE PLAN SUBMISSION REQUIREMENTS**

1. All required items and/or information for an application for a site plan must be received by the Planning and Zoning Coordinator or his/her designee in order for the application to be considered complete. Incomplete submissions will not be reviewed until all deficient items and information have been received. The site plan shall be prepared by a qualified civil engineer, land planner, architect or surveyor, at a scale no smaller than one inch equals one hundred feet (1" = 100') and on sheets twenty-four inches by thirty-six inches (24" x 36"), and it shall clearly show in detail how the site will be constructed. The site plan shall include, but not be limited to the following, **unless individual items are specifically waived by the Zoning Coordinator as being unnecessary:**
  - a. An application form, provided by the Town, with notarized signatures of the owner or his/her designated representative if the applicant is not the owner of the subject property.
  - b. Appropriate filing fee, as set forth in the currently adopted Town Fee Schedule.
  - c. Verification that all taxes and assessments on the subject property have been paid.
  - d. A title block within the lower right-hand corner of the site plan with the proposed name of the project/subdivision, the name and address of the owner/developer and the land planner, engineer architect or surveyor responsible for the plan, the scale

**Article 2 - Administration**

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- of the drawing (both written and graphic scale), the date the drawing was prepared, total site acreage, and the location of the property according to the abstract and survey records of Parker County, Texas;
- e. A vicinity or location map that shows the location of the proposed development within the Town, and in relationship to existing roadways;
  - f. The boundary survey limits of the tract and each proposed lot/tract and scale distances with north clearly indicated;
  - g. The names of adjacent additions or subdivisions or the name of the owners of record and recording information for adjacent parcels of unplatted land, including parcels on the other sides of roads, creeks, etc.;
  - h. The existing zoning and existing/proposed uses on adjacent land; the location, width and names of all existing or platted streets or other public ways within or adjacent to the tract; any existing easements, with recording information; existing buildings; railroad rights-of-way; topography (contours at two-foot intervals) with existing drainage channels or creeks, including the one hundred (100) year flood plain, if applicable; any other important natural features, such as rock outcroppings, caves, wildlife habitats, etc.; and all substantial natural vegetation;
  - i. Proposed strategies for tree preservation including showing individual trees or tree masses that will be preserved, and the techniques that will be used to protect them during construction;
  - j. The layout and width (right-of-way lines and curb lines) of existing and proposed thoroughfares, collector streets and/or intersections, and specific configuration of proposed streets, lot/tracts and blocks, proposed driveways including driveway widths and distances between driveways, proposed median openings and left turn lanes on future divided roadways and existing and planned driveways on the opposite side of divided roadways must also be shown for coordination and sharing of future median openings;
  - k. Specific locations and footprints of buildings, including but not limited to proposed nonresidential and residential densities; building heights, square footages (for multi-tenant or multi-purpose buildings, show square footage for each intended use), massing, orientation, loading/service areas (including proposed screening), recycling containers, compactors and dumpster enclosures (including proposed screening), pedestrian walkways, and parking areas (including parking ratio calculations); any proposed sites for parks, schools, public facilities, public or private open space; flood plains/drainage ways; all proposed and existing utilities and easements; drainage structures; retention/detention ponds with proposed aesthetic treatments; screening walls; fences; signage; fire lanes and fire hydrants; lighting; visibility easements; and other pertinent development related features; **required setbacks, distances from property lines, and other buildings.**
  - l. A landscape plan showing turf areas, tree types and sizes, screening walls, ornamental plantings, planting schedule (including species, planted height, spacing, container/caliper size, numbers of each plant material, etc.) any existing wooded areas, trees to be planted, and irrigation plans, if required; and
  - m. Color building façade (elevation) plans showing elevations with any attached (wall-mounted) signage to be used.

## **Article 2 - Administration**

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- n. Copies of the site plan (on 24" x 36" sheet and drawn to a known engineering scale that is large enough to be clearly legible), and other required information as may be determined by the Planning and Zoning Coordinator or his/her designee.
  - o. General layout for the required public improvements, such as water, wastewater, grading/storm drainage, water quality, fire lanes and hydrants, screening and landscaping, ~~the~~ as may be determined by the Planning and Zoning Coordinator or his/her designee.
  - p. One (1) set of all site plan pages submitted to the Town in a readily readable digital format burned onto a CD-ROM; or flash drive which will become property of the Town; or emailed as directed by the Town.
  - q. Any additional information/materials, such as plans, maps, exhibits, legal description of property, information about proposed uses, and other information as may be determined by the Planning and Zoning Coordinator or his/her designee.
  - r. If the application is for a single-family subdivision, a construction plat may qualify as a site plan, notwithstanding other information contained herein that may still be deemed as required with the application.
  - s. To ensure the submission of adequate information, the Town **may require** additional requirements for site plan review applications. Upon periodic review, the Planning and Zoning Coordinator or his/her designee shall have the authority to update such requirements for site plan and development review applications. It is the applicant's responsibility to be familiar with, and to comply with, these requirements.
2. **Extent of Area that should be Included in a Site Plan.** When the overall development project is to be developed in phases, the site plan area shall include only the portion of the overall property that is to be developed/constructed.
  3. **Effect of Review.** The site plan shall be considered authorization to proceed with construction of the site provided all other required Town approvals are obtained, including but not limited to a construction plat, engineering plans, landscape plan, building façade and elevation plans, and building permits.

### **2.4.E OFFICIAL SUBMISSION DATE AND COMPLETENESS OF APPLICATION**

1. For the purpose of this Ordinance, the "official submission date" shall be the date when a complete application for approval of a site plan which contains all elements and information required by this Ordinance is submitted to the Planning and Zoning Coordinator. No application shall be deemed officially submitted until the Planning and Zoning Coordinator or his/her designee determines that the application is complete, and a fee receipt is issued by the Town.
2. Site plan applications, which do not include all required information and materials, as referenced in this Ordinance, will be considered incomplete, and shall not be accepted for official submission by the Town; therefore, the application shall not be scheduled on a Planning and Zoning Commission agenda until the proper information is provided to Town staff by the applicant.

### **2.4.F SUPPLEMENTAL REQUIREMENTS**

The Town's staff may require other information and data for specific site plans. This data may include but is not limited to geologic information, water yields, flood data and/or hydrological studies, environmental information, traffic impact analysis, road capacities, market information, economic data for the proposed development, hours of operation, elevations and perspective drawings, lighting, materials sample board,

## **Article 2 - Administration**

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and similar information. Approval of a site plan may establish conditions for construction based upon such information.

### **2.4.G PRINCIPLES AND STANDARDS FOR SITE PLAN REVIEW AND EVALUATION**

The following criteria have been set forth as a guide for evaluating the adequacy of proposed development within the Town of Annetta, and to ensure that all developments are, to the best extent possible, constructed according to the Town's codes and ordinances. The Planning and Zoning Coordinator or his/her designee shall review the concept plan or site plan for compliance with all applicable Town ordinances **and the adopted Comprehensive Plan**; for harmony with surrounding uses and with long-range plans for the future development of the Town; for the promotion of the health, safety, order, efficiency, and economy of the Town; and for the maintenance of property values and the general welfare. Site plan review and evaluation shall be performed with respect to the following:

1. The plan's compliance with all provisions of this Ordinance and other ordinances of the Town of Annetta.
2. The impact of the development relating to the preservation of existing natural resources on the site and the impact on the natural resources of the surrounding properties and neighborhood.
3. The relationship of the development to adjacent uses in terms of harmonious design, façade and elevation treatment, setbacks, building materials, maintenance of property values, and any possible negative impacts.
4. The provision of a safe and efficient vehicular and pedestrian circulation system.
5. The design and location of off-street parking and loading facilities to ensure that all such spaces are usable and are safely and conveniently arranged.
6. The sufficient width and suitable grade and location of streets designed to accommodate prospective traffic and to provide access for firefighting and emergency equipment to buildings.
7. The coordination of streets so as to arrange a convenient system consistent with the Thoroughfare Plan of the Town, as amended.
8. The use of landscaping and screening walls to provide adequate buffers to shield lights, noise, movement, or activities from adjacent properties when necessary, and to complement and integrate the design and location of buildings into the overall site design.
9. Exterior lighting to ensure safe movement and for security purposes, which shall be arranged so as to minimize glare and reflection upon adjacent properties.
10. The location, size, accessibility, and configuration of open space areas to ensure that such areas are suitable for intended recreation and conservation uses.
11. Protection and conservation of soils from erosion by wind or water or from excavation or grading.
12. Protection and conservation of water courses and areas that are subject to flooding.
13. The adequacy of water, drainage, sewerage facilities, solid waste disposal, and other utilities necessary for essential services to residents and occupants.

### **2.4.H SITE PLAN APPROVAL PROCESS AND REVISIONS**

1. **Pre-Application Conference.** The applicant(s) may request advice and assistance of the Town officials and should consult early and informally with the Planning and Zoning Coordinator

## **Article 2 - Administration**

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- or his/her designee and other applicable administrative officers before preparing a site plan in order to save time, money and to avoid potential unnecessary delays. Prior to formal application for approval of any concept plan or site plan, the applicant(s) shall request and attend a pre-application conference with the Planning and Zoning Coordinator or his/her designee and any other pertinent Town official(s) in order to become familiar with the Town's development regulations and the development process. At the pre-application conference, the developer may be represented by his/her land planner, engineer and/or surveyor.
2. **Town Staff Review.** Upon official submission of a complete application for site plan approval, the Town shall commence technical review of the development proposal by forwarding a copy of the application to development review team members. Development review team members shall review the application and shall ascertain its compliance with these and other applicable Town ordinances. Following Town staff review of the site plan and supporting documents and following discussions with the applicant on any revisions deemed advisable and the kind and extent of improvements to be installed, the applicant shall resubmit additional copies of the corrected site plan to the Planning and Zoning Coordinator or his/her designee no later than seven (7) calendar days prior to the Planning and Zoning Commission meeting. Failure to resubmit corrected copies of the site plan back to the Town no later than seven (7) days before the Planning and Zoning Commission meeting, shall be cause for the Planning and Zoning Coordinator or his/her designee to forward the site plan application to the Planning and Zoning Commission as it was originally submitted rather than the corrected version. If, upon re-submission of the corrected site plan to the Town, the Planning and Zoning Coordinator or his/her designee determines that the application is still incomplete or not correct, the site plan application may be subject to denial.
  3. **Action by the Planning and Zoning Commission and the Town Council.** All **required** site plan applications shall be reviewed by the Planning and Zoning Commission and, if in conformance with the provisions of this Ordinance and all other applicable regulations and ordinances of the Town, the application shall then be considered for approval by the Town Council: The Planning and Zoning Commission shall review the site plan and shall recommend approval, approval subject to certain conditions, or disapproval of the site plan. If the Planning and Zoning Commission recommends approval of the site plan, with or without conditions, it will be forwarded to the Town Council for consideration. If the Planning and Zoning Commission recommends disapproval of a site plan application, the Planning and Zoning Commission shall forward the disapproval to the Town Council. The Town Council shall consider the site plan at a public meeting. The Town Council may also, where appropriate, remand the site plan application back to the Planning and Zoning Commission for reconsideration if it believes that there is a compelling reason to do so (such as the introduction of significant new facts or testimony). The Town Council shall determine final approval or disapproval of all site plan applications.
  4. Revisions to the Approved Site Plan.
    - a. **Minor Revisions/Amendment.** It is recognized that final architectural and engineering design may necessitate minor changes in an approved site plan. In such cases, the Planning and Zoning Coordinator, or his/her designee shall have the authority to approve minor modifications to an approved site plan and which shall be submitted as an "amended site plan" which substantially conforms to the previously approved site plan, provided that such modifications do not significantly change traffic circulation, building location(s) on the site, proximity of building(s) to nearby residential areas, increase the size or height of building(s), or any other conditions specifically attached as part of the Town Council's approval of the site

**Article 2 - Administration**

plan. Submission materials and requirements for approval of an amended site plan shall be as determined by the Planning and Zoning Coordinator or his/her designee. If the Planning and Zoning Coordinator or his/her designee refuses to approve an amended site plan, then the applicant shall re-submit the amended site plan as a "revised site plan" as described in Subsection b. below, whereupon the revised site plan shall be scheduled for consideration by the Planning and Zoning Commission and Town Council.

- b. *Major Revisions.* In the event of revisions that are more extensive in nature and do not conform to the description for minor amendments above, a "revised site plan" must be resubmitted, reviewed by the Planning and Zoning Coordinator or his/her designee and reconsidered by the Planning and Zoning Commission and the Town Council in accordance with the site plan review and approval procedures set forth in this Section.

**2.4.I EXPIRATION OF SITE PLAN APPROVAL**

Ordinance No. 213, as amended, regarding vested rights claims, will determine how long a site plan approval is effective. The approval of a site plan without initiation of improvements shall be effective for a period of two (2) years, in accordance with the provisions of Section 245.005 of the Texas Local Government Code, as amended. Generally, if construction of improvements shown in the site plan have been initiated, the site plan approval shall be effective for five years and if the project continues to make progress towards completion, the site plan approval is permanent, subject to any approved revisions.

**2.4.J EXTENSION AND REINSTATEMENT PROCEDURE**

1. Prior to the expiration of approval for a site plan, the applicant may submit a written petition to the Planning and Zoning Coordinator or his/her designee to extend the time for plan approval. Such petition shall be considered at a public meeting before the Planning and Zoning Commission and a recommendation forwarded to the Town Council for action, and then Town Council may grant an extension at such meeting. If no petition for extension of site plan approval is submitted, then the plan shall be deemed to have expired and shall become null and void. Any requests for site plan approval, thereafter shall be processed as a new application.
2. In determining whether to grant a request for extension, the Town Council shall take into account the reasons for the expiration, the ability of the property owner to comply with any conditions attached to the original approval, and the extent to which development regulations would apply to the site plan at that point in time. The Town Council shall either extend the site plan or deny the request, in which instance the originally approved site plan shall be deemed null and void. Any requests for site plan approval, thereafter shall be processed as a new application.

**2.4.K CONCEPT PLAN APPROVAL PROCESS AND REQUIREMENTS**

1. **Applicability.** Submission and approval of a concept plan, if required, can be the first step in the approval process for a development project, either residential or nonresidential, if the applicant prefers to do so. Town review and approval of a concept plan has many benefits for both the Town and the applicant. The applicant benefits in that he/she gains preliminary review and scrutiny as well as input and suggestions on the overall conceptual layout of the proposed development from the Town's development review team. Approval of a concept plan may also offer the applicant some level of confidence that subsequent plan submissions will be favorably received and approved with few major changes to the project's design and layout provided that the project complies with Town ordinances. For example, once the site plan and construction

## Article 2 - Administration

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- plat are submitted for a nonresidential project, unforeseen changes in site layout can prove to be expensive in terms of design and engineering costs and time lost due to major plan revisions. The Town benefits in that it is allowed to become familiar with and involved in the project early in the development process. This allows the Town to plan for and closely coordinate the provision of public facilities and services, thereby potentially avoiding future problems such as undersized utility lines, inadequate roadway capacities, unanticipated shortfalls in public services, and fiscal inefficiencies resulting from lack of planning and coordination.
- a. Submission and approval of a concept plan is mandatory for a zoning request for a Planned Development. **However, the Zoning Coordinator may authorize the submission of a much more detailed, final PD Site Plan meeting the requirements of this ordinance if they determine the Concept Plan to be unnecessary.**
  - b. Submission and approval of a concept plan is encouraged, but not required, in the following circumstances:
    - (1) ~~a~~-In conjunction with a zoning or rezoning request for a property that is intended for development;
    - (2) ~~b~~-Prior to submission of an application for a site plan and/or construction plat for a property that is intended for development; or
    - (3) ~~c~~-In conjunction with any project where a road is to be established or realigned.
2. **Purpose.** The purpose of a concept plan is to allow opportunity for the Planning and Zoning Commission and Town Council to preview various development-related aspects of the project, including proposed major thoroughfare and collector street patterns; land use patterns and trends; environmental issues and constraints; building orientation and massing; conformance with this Ordinance, Subdivision Ordinance, and other applicable plans and guidelines; and the property's relationship to adjoining subdivisions or properties. Review of a concept plan would also assist the Town in evaluating the possible impacts of the proposed development in terms of provision of essential public facilities and services, respecting and preserving important natural features and the environment, provision of open space and recreational opportunities, and protecting the general health, safety and welfare of the community.
3. **Extent of Area that Should be Included in a Concept Plan.** When the overall development project is to be developed in phases, the concept plan area shall include the entire zoned property from which the phases are being developed, as well as an approximate development schedule. Where significant natural or man-made features, such as thoroughfares or creeks, make inclusion of the entire property in the concept plan unnecessary to adequately review the items to be shown on a concept plan, the plan may include a smaller study area. Boundaries such as major thoroughfares (existing or proposed), creeks, political subdivisions, or other such natural or man-made features may be used to delineate the smaller study area.
4. **Procedures and Submission Requirements for Concept Plan Approval.** Submission of an application for concept plan approval shall be preceded by a pre-application conference with the Town. The concept plan should be prepared by a qualified civil engineer, land planner, architect or surveyor, at a scale no smaller than one inch equals two hundred feet (1" = 200') and on sheets twenty-four inches by thirty-six inches (24" x 36"). **The Concept Plan shall show the following unless a specific requirement is waived by the Zoning Coordinator as being unnecessary:**

**Article 2 - Administration**

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- a. A title block within the lower right-hand corner of the concept plan with the proposed name of the project/subdivision, the name and address of the owner/developer and the land planner, engineer architect or surveyor responsible for the design or survey, the scale of the drawing (both written and graphic scale), the date the drawing was prepared, total site acreage, and the location of the property according to the abstract and survey records of Parker County, Texas;
  - b. A vicinity or location map that shows the location of the proposed development within the Town, and in relationship to existing roadways;
  - c. The boundary survey limits of the tract and scale distances with north clearly indicated;
  - d. The names of adjacent subdivisions or the name of the owners of record and recording information for adjacent parcels of unplatted land, including parcels on the other sides of roads, creeks, etc. The concept plan shall include a depiction of all contiguous holdings of the property owners, the existing/proposed uses of the subject property, a general arrangement of future land uses, including the approximate number of lot/tracts and any residential uses anticipated, and a generalized circulation plan for the subject property;
  - e. The existing zoning and existing/proposed uses on adjacent land; the location, width and names of all existing or platted streets or other public ways within or adjacent to the tract; any existing easements, including recording information; existing buildings; railroad rights-of-way; topography (contours at five-foot intervals) with existing drainage channels or creeks, including the one hundred (100) year flood plain, if applicable; any other important natural features, such as rock outcroppings, caves, wildlife habitats, etc.; all substantial natural vegetation; and adjacent political subdivisions, corporate limits, and/or school district boundaries;
  - f. Proposed strategies for tree preservation, including showing individual trees or tree masses that will be preserved, and the techniques that will be used to protect them during construction;
  - g. The layout and width (i.e., right-of-way lines) of existing and proposed thoroughfares, collector streets and/or intersections, and a general configuration of proposed streets, lot/tracts and blocks, including proposed median openings and left turn lanes on future divided roadways and existing and planned driveways on the opposite side of divided roadways must also be shown for coordination and sharing of future median openings; and
  - h. A general arrangement of land uses and buildings, including but not limited to proposed non-residential and residential densities; building heights, square footages, massing, orientation, loading/service areas, recycling containers, compactors and dumpster enclosures, pedestrian walkways, and parking areas; any proposed sites for parks, schools, public facilities, public or private open space; flood plains/drainage ways; and other pertinent development related features.
5. **Effect of Review.** The concept plan shall be used **only** as an aid to show the anticipated layout of the proposed development, and to assess the adequacy of public facilities or services that will be needed to serve the proposed development. Any proposed use or development depicted on the concept plan shall not be deemed formal authorization or approval by the Town until a final site plan is approved for the development. If the applicant chooses to construct only the initial phase(s) of a multi-phase project designated in the concept plan, a new concept plan

**Article 2 - Administration**

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may be required for site plan approval of subsequent phases, if the proposed development layout, character, or other conditions affecting the development substantially change from one phase to the next.

**Article 3 - Nonconformities**

**Article 3 - Nonconformities**

**Section 3.1 Nonconforming Lots, Uses & Structures**

**3.1.A PURPOSE AND INTENT**.....

A building, lot of record, use of land or a **structure** or building, method or requirement for development, or other such use or structure that was lawful when commenced but which is contrary to the regulations set forth in this Ordinance because of ~~subsequent~~**future** amendments to this Ordinance, annexation into the Town, or eminent domain shall be deemed a nonconforming use. Such nonconformities are deemed to be incompatible with permitted uses and structures in the applicable zoning district and are contrary to the stated purposes of this Ordinance. With due regard for the property rights of the persons affected when considered in light of the public welfare and in view of protecting the use and enjoyment of adjacent conforming properties, it is the declared purpose of this section that nonconformities be eliminated and be required to conform to the regulations in this Ordinance. Notwithstanding the above, such nonconformities may be continued subject to the conditions and limitations set forth in this Ordinance.

**3.1.B NONCONFORMING LOTS OF RECORD**.....

Buildings or other structures may be erected on a nonconforming single lot-of-record, provided such lot has access from a street in accordance with the subdivision ordinance or other applicable ordinances. This provision shall apply even though such lot fails to meet the minimum requirements for area, width, depth, or other requirements for lots set forth in the applicable zoning district regulations; however, all other provisions of the applicable zoning district regulations shall apply. Any building or structure constructed on a nonconforming lot of record shall meet all development regulations in the zoning district unless the Board of Adjustment grants a variance(s). No building or structure shall be constructed on multiple lots. Whenever construction is desired on multiple lots, the property owner or the property owner's agent shall replat the property into a single lot.

**3.1.C NONCONFORMING USES OF LAND**.....

**A nonconforming use of land is property utilized for a use that was lawful when commenced but which is contrary to the regulations set forth in this Ordinance because of subsequent amendments to this Ordinance, annexation into the Town, or eminent domain.** A nonconforming use of land may be continued so long as it remains otherwise lawful, subject to the following provisions:

1. *Alteration in Size of Nonconforming Use.* No nonconforming use of land shall be enlarged, increased, or extended to occupy a greater area of land than was occupied at the time it became nonconforming.
2. *Moving a Nonconforming Use.* No such nonconforming use shall be moved, in whole or in part, to any portion of the same lot or parcel other than that occupied by such use at the time it became nonconforming.
3. *Exceptions.* A nonconforming use of land may be expanded or extended to provide off-street loading or off-street parking space facilities.
4. *Intensification of Nonconforming Use.* A nonconforming use of land may not be intensified from the date at which it became nonconforming. Evidence of the intensification of the use of the land includes, but is not limited to:
  - a. Adding new building or structures or expanding existing buildings or structures on the land;

### **Article 3 - Nonconformities**

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- b. Adding any equipment on the land;
- ~~e-a.~~ Adding impervious cover on the land;
- ~~e-b.~~ Adding any physical or tangible improvement to the land;
- ~~e-c.~~ Adding additional merchandise, vehicles or equipment for display on the land, or;
- ~~f-d.~~ Adding additional merchandise, vehicles or equipment for operation from, on or off of the land.

#### **3.1.D NONCONFORMING STRUCTURES OR BUILDINGS**.....

A nonconforming building is a building or structure that was that was lawful when constructed but which is contrary to the regulations set forth in this Ordinance because of subsequent amendments to this Ordinance, annexation into the Town, or eminent domain. A nonconforming building may be continued so long as it remains otherwise lawful, subject to the following provisions:

1. *Alteration in Size of Building.* No such nonconforming building may be enlarged, extended, reconstructed, repaired, or altered in a way that increases its nonconformity, but any building or portion thereof may be repaired or altered to decrease its nonconformity or to comply with Town building codes;
2. *Moving a Nonconforming Building.* Should a nonconforming building be moved for any reason for any distance whatever, it shall thereafter conform to the regulations of the zoning district in which it is located after it is moved.

#### **3.1.E NONCONFORMING USES OF BUILDINGS**.....

A nonconforming use of a building is the use of a conforming building or structure by a nonconforming use that was lawful when commenced but which is contrary to the regulations set forth in this Ordinance because of subsequent amendments to this Ordinance, annexation into the Town, or eminent domain. A nonconforming use of a building may be continued so long as it remains otherwise lawful, subject to the following provisions:

1. *Alteration in Size of Nonconforming Use of Building.* A nonconforming use of a building shall not be enlarged, extended, or altered and no occupancy of additional buildings or land by a nonconforming use shall be permitted.
2. *Moving a Nonconforming Use.* No such nonconforming use of a building shall be moved, in whole or in part, to any portion of the same lot or parcel other than that occupied by such use at the time it became nonconforming.
3. *Exceptions.* A nonconforming use of a building may be extended throughout any parts of the building that were manifestly arranged or designed for such use at the time it became nonconforming, but only if:
  - a. No structural alterations, except those allowed by law or ordinance;
  - b. No nonconforming use of the building is extended to occupy any land outside the building as it existed at the time the building became nonconforming; and
  - c. No additional dwelling units are added when the nonconforming use results from there being more dwelling units on the lot than is permissible in the district in which the building is located.

### **Article 3 - Nonconformities**

#### **3.1.F ADDITIONAL LIMITATIONS AND PROVISIONS**

1. *Change to a Conforming Structure or Use.* Any nonconformity may be changed to a conforming structure or use, and once such change is made, the structure or use shall not thereafter be changed back to a nonconforming structure or use.
2. *Accessory Structure or Use.* No nonconforming accessory structure or use shall continue after the principal structure or use shall have ceased or terminated unless the accessory structure or use shall thereafter conform to the provisions of the zoning district in which the accessory structure or use is located.
3. *Structure or Use Already Permitted.* Nothing contained in this section shall require any change in the plans, construction, or designated use of a structure or use for which a building permit was lawfully issued no more than six (6) months prior to the date the structure or use became nonconforming, provided, that such construction shall have been started at the time such structure or use became nonconforming and shall have been diligently prosecuted to completion.
4. *Expansion of Nonconforming Use or Nonconforming Building upon Approval of the Board.* The Board of Adjustment under Section 2.2, may permit a **one-time** expansion of a nonconforming use or nonconforming building not to exceed twenty-five percent (25%) of the existing area of the use or structure actually being occupied by the nonconformity, subject to the development regulations applicable in the zoning district, provided that no structures are constructed that are not allowed in the existing zoning district and provided the Board finds that the proposed use will be compatible with the surrounding area, will comport with the intent of the Comprehensive Plan, will not have a harmful effect on surrounding land uses, will not adversely affect the health, safety, and welfare of the citizens, and will not damage surrounding property values or the character of surrounding neighborhoods.
5. *Change to Other Nonconforming Use upon Approval of the Board.* The Board of Adjustment, under Section 2.2, may permit a nonconforming use to be changed to another nonconforming use permitted in the same zoning district as the existing nonconforming use, or in a more restricted zoning district, provided that no structures are constructed that are not allowed in the existing zoning district and provided the Board finds that the proposed use will be compatible with the surrounding area, will comport with the intent of the Comprehensive Plan, will not have a harmful effect on surrounding land uses, will not adversely affect the health, safety, and welfare of the citizens, and will not damage surrounding property values or the character of surrounding neighborhoods. If a nonconforming use is changed upon approval of the Board, it shall not thereafter be changed back to the previous nonconforming use or another nonconforming use except upon approval of the Board.
6. *Special Exception Structure or Use.* Any structure or use that is permitted as a special exception by the Board of Adjustment shall, upon its establishment, be considered a conforming structure or use in that district, provided that this regulation shall not be so interpreted as to waive any conditions placed on the special exception by the Board of Adjustment.
7. *Replacement of a Mobile or Manufactured Home.* A nonconforming mobile home or manufactured home previously legally permitted by and used as a dwelling in the municipality may be replaced by a HUD-code manufactured home in the municipality and shall be permitted for use of the manufactured home as a dwelling.

#### **3.1.G DESTRUCTION OF NONCONFORMITY**

1. If a nonconformity is destroyed, damaged or deteriorated to the extent that the cost to reconstruct or rebuild such nonconformity exceeds fifty (50%) percent of its replacement cost,

**Article 3 - Nonconformities**

the nonconformity may not be reconstructed or rebuilt except to conform with the provisions of this Ordinance.

2. Notwithstanding Subsection 1, above, the Board of Adjustment may, after a public hearing, authorize reconstruction or rebuilding when the destruction, damage, or deterioration amounts to fifty (50%) percent or more of the replacement cost of the structure at the time of destruction, damage, or deterioration. The Board shall consider the effect of such nonconformity on surrounding properties.
3. If the owner of a nonconformity fails to begin reconstruction of the damaged, destroyed, or deteriorated structure (when permitted to do so by the terms of this section) within six (6) months of the date of destruction, damage, or deterioration, or approval by the Board of Adjustment, the nonconformity shall be deemed to be discontinued or abandoned as provided in Section 3.1.H, below.
4. Notwithstanding anything herein to the contrary, a nonconforming single-family residence which is damaged, destroyed, or deteriorated shall be permitted to be reconstructed without the approval of the Board of Adjustment regardless of the extent of damage, destruction, or deterioration, provided that the construction complies with all current building codes and is commenced within six (6)-months after the date of damage, destruction, or deterioration. The failure of the owner to start such reconstruction within six (6) months shall forfeit the owner's right to restore or reconstruct the dwelling except in conformance with this Ordinance.
5. Replacement of nonconforming structures larger than six hundred (600) square feet will require notice to adjacent property owners in accordance with Section 2.2.G. 2 above."

~~\*\*\*\*Note added by Ordinance No. 192A, Adopted Sept 12, 2019~~

**3.1.H DISCONTINUANCE OR ABANDONMENT**.....

A nonconformity, when discontinued or abandoned, shall not be resumed and any further use shall be in conformity with the provisions of this Section. Discontinuance or abandonment shall be defined when:

1. The owner or occupant ceases to use the nonconformity in the same bona fide manner as previously used for six consecutive months, regardless of whether the owner intended or consented to the cessation of such nonconformity. **The Board of Adjustments must make the determination and take official action that a nonconforming use has been abandoned and may not be reused for such use.** Evidence that a nonconformity is not used in the same bona fide manner may include, without limitation, the following:
  - a. The structure becomes vacant **and there is no effort to sell or lease the premises;**
  - b. The use changes, ~~is temporarily prohibited,~~ or is moved from the premises;
  - c. The equipment and furnishings are removed from the premises;
  - d. Utility service to the premises is terminated;
  - e. The ~~ownership or~~ occupancy changes **to a different occupancy;**
  - f. The owner or occupant expresses an intent, through actions or statements, to discontinue or change the use; or
  - g. The structure housing the nonconforming use is destroyed by the intentional act of the owner.

### Article 3 - Nonconformities

- h. The premises are dilapidated, substandard or not maintained in a suitable condition for occupancy.
2. The owner or occupant of a nonconformity that is only on a seasonal basis ceases to use the nonconformity in the same bona fide manner as previously used during the season in which it is customarily used.
3. A nonconformity is replaced with or reconstructed to become a conforming use or structure.
4. When a nonconformity is abandoned or discontinued, all nonconforming rights shall cease, and the nonconformity shall thereafter conform to this Ordinance.

#### 3.1.I REQUIREMENT TO STOP A NONCONFORMING USE, COMPENSATION FOR/AMORTIZATION

1. **Continuance of a Nonconforming Use.** A person using a property in a manner considered to be a nonconforming use as a result of the adoption of or change to a zoning regulation or boundary may continue to use the property in the same manner unless required by a municipality to stop the nonconforming use of the property.
2. **Requirement to Stop.** As required in TLGC 211.019, as amended, a requirement imposed by the Town to stop a nonconforming use of a property under this section includes:
  - a. an official action by the Board of Adjustments ~~by the Town Council or a Board, Commission, Department, or Official of the Town;~~ and
  - b. a determination by the Board ~~Town~~ that a nonconforming use has an adverse effect or other necessary determination that the Town must make before imposing a requirement to stop a nonconforming use under applicable law; or
  - c. that the use has been discontinued or abandoned in accordance with Section 3.1.H above and must be discontinued.
3. **Board of Adjustments Requires Compliance.** The Town Council may request that the Board of Adjustment establish a compliance date for discontinuance of a nonconformity in accordance with this Section ~~and TLGC 211.019 as amended. The Board shall hold a public hearing to determine whether to establish a compliance date for discontinuance of a nonconformity. The determination shall be made only after hearing testimony from the owner, the operator, neighboring property owners, community organizations and other interested parties.~~
  - a. In determining whether to establish a compliance date or initiate an amortization proceeding, the Board of Adjustment may consider the character of the surrounding area, the degree of incompatibility of the nonconformity to the zoning district in which it is located, the effect of the nonconformity on the surrounding area, the effect of cessation of the nonconformity on the area, any other danger or nuisance to the public caused by the nonconformity, and any other factors the Board considers relevant. ~~If the Board determines that there is no public necessity for establishing a compliance date, the Board shall request that the Town Council initiate rezoning of the property to bring the nonconformity into compliance with applicable zoning regulations.~~
  - b. ~~Written notice of the hearing shall be mailed to each owner or lessee of the nonconforming property as indicated by the most recently approved municipal tax roll, at least 30 days before the hearing. Written notice of the hearing shall be mailed~~

### Article 3 - Nonconformities

~~to the owner of the use and the owner of the property at least thirty (30) days before the hearing.~~

- c. If the Board determines that there is no public necessity for establishing a compliance date, the Board:

- (1) ~~shall~~may request that the Town Council initiate rezoning of the property to bring the nonconformity into compliance with applicable zoning regulations; or
- (2) may inform the Council that the nonconformity does not warrant initiation of an amortization or discontinuance proceeding under this section.

- d. ~~If the Board determines that there is a public necessity for establishing a compliance date, the compliance date for discontinuance of a nonconformity shall be prescribed by the Board of Adjustment at a public hearing, after hearing testimony from the owner, the operator, the lessee or business owner, neighboring property owners, community organizations and other interested parties. In prescribing a reasonable amortization period for the nonconformity to give the property owner an opportunity to recover his investment from the time the nonconformity commenced, as allowed by law, the Board shall consider the following factors:~~

~~1. The owner's capital investment in structures, fixed equipment and other assets (excluding the land and any inventory and other assets that may be feasibly transferred to another site) on the property before the time the nonconformity commenced. Any such investment made after the nonconformity commenced shall not be included;~~

~~2. Any costs that are directly attributable to the establishment of a compliance date, including demolition expenses, relocation expenses, termination of leases, and discharge of mortgages;~~

~~3. Any return on investment since inception of the nonconformity, including net income and depreciation;~~

~~4. The anticipated annual recovery of investment, including net income and depreciation; and~~

~~5. Other costs and expenses attributable to the establishment of a termination date.~~

~~6. If the Board of Adjustment establishes a termination date for a nonconforming use, the nonconforming use must cease operations on that date and the owner may not operate the nonconforming use after that date, unless the nonconforming use becomes conforming.~~

4. **Written Notice to Stop.** Not later than the 10th day after the date a municipality imposes a requirement to stop a nonconforming use of a property under this section, the municipality shall give written notice by certified mail to each owner or lessee of the property, as indicated by the most recently approved municipal tax roll, who is required to stop a nonconforming use of the property of the requirement and of the remedies which an owner or lessee of the property is entitled to under this Subsection 3.1.I, "Requirement to Stop a Nonconforming Use, Compensation for/Amortization" and more specifically Subsection 3.1.I.6, "Alternative Remedies." Notice shall be sent to each owner of real or business personal property where the proposed nonconforming use is located and also sent addressed to each occupant or to "occupant" at the tax roll address (situs) of the property.

**Article 3 - Nonconformities**

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5. **Market Value Defined.** In this section, "market value" means the price the sale of the property would bring in an arms-length transaction when offered for sale by one who wishes, but is not obliged, to sell and when bought by one who is under no necessity of buying it.
6. **Alternative Remedies, Payment of Market Value or Continuance.** If the Board of Adjustments requires a property owner or lessee to stop the nonconforming use of a property, land or structure, in accordance with TLGC Section 211.019 as amended, the owner or lessee of the property is entitled to:

a. payment from the Town in an amount equal to the sum of:

- (1) the costs incurred by the owner or lessee of the property that are directly attributable to ceasing the nonconforming use of the property, including expenses related to demolition, relocation, termination of a lease, or discharge of a mortgage; and
- (2) an amount equal to the greater of, as determined by the Town, the diminution in the market value of the property, computed by subtracting the current market value of the property after the imposition of a requirement to stop the nonconforming use of the property from:
  - i. the market value of the property on the day before the date the notice was given under Subsection 3.1.1.4, "*Written Notice to Stop*," in accordance with TLGC Section 211.006 (a-1) as amended; or
  - ii. the market value of the property on the day before a person submits an application or request to the Town to require or the Town otherwise requires a person to stop using the property in a manner that is a nonconforming use as described by Subsection 3.1.C. '*Nonconforming Uses Of Land*;' or
  - iii. continued nonconforming use of the property until the owner or lessee recovers the amount determined under Subsection 3.1.1.6 above through the owner or lessee's continued business activities according to generally accepted accounting principles.

7. **Selection of Remedy.**

- a. The owner or lessee of a property that is subject to a requirement to stop a nonconforming use of the property under this section shall not later than the 30th day after the date the Town gives the notice required by Subsection 3.1.1.4, respond in writing to the Town indicating the remedy under Subsection 3.1.1.6 chosen by the owner or lessee.
- b. In the event of a conflict in the choice of remedy by the owner and a lessee of the property, the owner's choice of remedy shall control.
- c. In the event of a conflict in the choice of remedy by the owners of a property that has more than one owner, the choice of remedy made by an owner or owners holding the greater ownership interest in the property shall control.
- d. If the Town does not receive timely notice from an owner or lessee, the Town may choose the remedy provided under this section.

**Article 3 - Nonconformities**

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- e. If more than one person seeks a payment from the Town under Subsection 3.1.1.6.a, the Town shall apportion the payment between each person based on the market value of the person's interest in the property. A person may appeal the apportionment in the manner provided by this section.

**8. Cessation of Use.**

- a. **After Payment.** A person receiving a payment under Subsection 3.1.1.6.a.ii, must stop the nonconforming use not later than the 10th day after the date of the payment.
- b. **After Amortization.** A person who continues the nonconforming use under Subsection 3.1.1.6.a., must stop the nonconforming use immediately on the recovery of the amount determined under Subsection 3.1.1.6.a.

**9. Appeals**

- a. A person entitled to a remedy under this section may appeal a determination under Section 3.1.1, "Requirement to Stop or Discontinue a Nonconforming Use, Compensation for/Amortization," to the Board of Adjustment not later than the 20th day after the date the determination is made. At the hearing before the Board of Adjustment, the Town has the burden of proof to establish the correctness of its determination.
- b. A municipality or a person aggrieved by the final decision of the Board of Adjustment may seek judicial review of the decision by filing suit as provided by TLGC 211.011 not later than the 20th day after the date the final decision is made. The court shall review the decision in the manner provided by TLGC 211.011 and TLGC 211.019.
- c. A person seeking to continue a nonconforming use under Subsection 3.1.1, who appeals the decision of the Town or Board of Adjustment may continue to use the property in the same manner pending the appeal unless an official of the body that made the decision shows cause to stay the nonconforming use by certifying in writing to the Board of Adjustment or court with jurisdiction over the appeal facts supporting the official's opinion that continued nonconforming use of the property would cause imminent peril to life or property. On a showing of cause the Board of Adjustment or court with jurisdiction over the appeal may, after giving notice to the official, grant a restraining order to stay continued nonconforming use of the property.
- d. If the Board of Adjustment or court with jurisdiction over an appeal determines that an owner or lessee is entitled to a payment under this section in an amount different than the amount determined the Board of Adjustment shall order, as applicable:
  - (1) additional payment to the owner or lessee; or
  - (2) the owner or lessee to reimburse the Town; or
  - (3) an amount of time to operate the nonconforming use that is different than the amount of time initially received under Subsection 3.1.1.8, the Board of Adjustment or court shall order the Town to allow an owner or lessee to continue the nonconforming use for additional or less time.

10. **Waiver.** An owner or lessee may waive the rights and remedies provided by this section by providing to the municipality a written waiver.

**Article 3 - Nonconformities**

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**Section 3.2 Registration of Nonconformity****3.2.A REGISTRATION.**

The owner or occupant of the nonconformity shall register the nonconformity with the Chief Building Official or their designee within three months after the time it becomes nonconforming. Registration shall be confirmed by the issuance of a "Certificate of Occupancy – Nonconforming," by the Planning and Zoning Coordinator, as defined herein, which shall state specifically how the nonconformity was created, whether it was a use, use of a structure or a structure that became nonconforming, and how it does not comply with the provisions of this Ordinance or other applicable ordinances.

**3.2.B FAILURE TO REGISTER**

Failure to register such nonconformity or to receive a Certificate of Occupancy-Nonconforming within three months after the nonconformity arises shall be presumptive evidence that the nonconformity is illegal and in violation of this Ordinance. Documentation of nonconformity may be provided after the three-month time limit to the Planning and Zoning Coordinator or their designee who shall make a determination of whether the nonconforming use, use of structure, or structure was conforming to the zoning ordinance prior to the text or classification change, or the date of annexation and therefore considered nonconforming. Appeal of the Planning and Zoning Coordinator's decision of nonconformity shall be to the Board pursuant to Subsection 2.2.C, "Authority of the Board."

**Article 4 Permitted Uses****Article 4 - Permitted Uses****Section 4.1 Use of Buildings and Land****4.1.A USES PERMITTED BY DISTRICT**

Land and buildings in each of the zoning districts may be used for any of the uses indicated in the Town of Annetta use table. No land shall hereafter be used, and no building or structure shall hereafter be erected, altered, or converted, which is arranged or designed or used for other than those uses as specified herein.

*Any new or unlisted uses may be classified as to the use and the applicable zoning districts and standards in accordance with Section 1.6, *New and Unlisted Uses*.*

- |           |  |
|-----------|--|
| <b>P</b>  | <b>Permitted Use</b>   |
| <b>S</b>  | <b>Specific Use Permit Required</b>                          |
| <b>x</b>  | <b>Prohibited Use</b>  |
| <b>SE</b> | <b>Special Exception Required</b>                            |
| <b>SP</b> | <b>Site Plan Approval by Commission and Council Required</b> |

(def) means use is defined in Section 9.3

**Article 4 Permitted Uses**

<b>Abbreviated Designation</b>	<b>Zoning District Name</b>
R-AG	Agricultural and Residential District
R-1	Residential District
RE	Residential Estate District
R-20	Single Family Residential District
R-10	Single Family Residential District
CONV	Conservation Residential District
D	Duplex Residential District
MF	Multi-Family Residential District
MH	Manufactured Home Residential District
TC	Town Center District
LR	Local Retail District
C	Commercial District
I	Industrial District
PD	Planned Development District
<del>SP</del>	<del>Site Plan District</del>

**Article 4 Permitted Uses**

Town of Annetta Use Table														
"P" Permitted Use "S" Specific Use Permit Required "X" Prohibited														
DISTRICTS	RESIDENTIAL								MIXED-USE AND NON-RESIDENTIAL				SUPPLEMENTAL	
USES	R-AG	R-1	R-E	R-20	R-10	CONV	D	MF	MH	TC	LR	C	I	STANDARDS
<b>Agricultural Uses</b>														
Accessory Farming and Livestock to a Residence(def)	P	P	x	x	x	x	x	x	x	x	x	S	S	2-acre minimum parcel size as allowed in 4.2-32
Agricultural, Farming and Forestry Activities (def)	P	x	x	x	x	x	x	x	x	x	x	S	S	2-acre minimum parcel size
Animal Breeder (def)	P	S	x	x	x	x	x	x	x	x	x	x	x	
Animal Processing (def)	x	x	x	x	x	x	x	x	x	x	x	S	S	4.2, 7
Animal Production, Ranching and Livestock (def)	P	P	x	x	x	x	x	x	x	x	x	S	S	2-acre minimum parcel size, 4.2-32
Animal(s), Prohibited (Def)	x	x	x	x	x	x	x	x	x	x	x	x	x	4.2-32.
Animals, Swine (def)	S	x	x	x	x	x	x	x	x	x	x	x	x	4.2-32.
Chickens, Urban (def) (ten or less excluding roosters)	P	P	P	P	P	P	x	x	x	x	x	P	P	4.2-32.
Chickens, (def) (more than ten excluding roosters)	P	P	P	P	P	x	x	x	x	x	x	x	x	4.2-32.
Chickens, R-AG (more than ten including roosters)	P	x	x	x	x	x	x	x	x	x	x	x	x	4.2-32.
Farm, Ranch, Garden or Orchard (def)	P	P	P	S	x	P	x	x	x	x	x	x	x	4.2-3
Feed Lot(def)	x	x	x	x	x	x	x	x	x	x	x	x	S	4.2-1, 6, 7
Honey Production Operation (def)	P	P	P	P	P	P	P	P	P	P	P	P	P	33
Produce Stand (def)	SE	SE	S*	x	x	S	x	x	x	x	S	S	P	
Produce Sales (Inside) (def)	SE	SE	S*	x	x	S	x	x	x	x	S	P	P	
Stable, Commercial (def)	S	S	x	x	x	S	x	x	x	x	x	x	S	4.2-1, 8
Stable, Private (def)	P	P	P	P	P	P	x	x	x	x	x	P	P	4.2-8
Reserved														
Reserved														

**Article 4 Permitted Uses**

USES	R-AG	R-1	R-E	R-20	R-10	CONV	D	MF	MH	TC	LR	C	I	STANDARDS
<b>Residential Uses</b>														
Age- Restricted Community (Sr. Housing) (def under elderly)	x	x	x	x	x	x	P	P	x	P	x	x	x	
Assisted Living (including Independent Living) (def under elderly)	x	x	x	x	x	x	P	P	x	P	x	x	x	
Dwelling Unit, Accessory	S	S	S	S	S	P	S	S	S	x	x	x	x	1, See 8.10.A
Dwelling, Apartments (Multifamily) (def)	x	x	x	x	x	x	x	P	x	x	x	x	x	1, 8
Dwelling, Duplex (def)	x	x	x	x	x	x	P	P	x	x	x	x	x	1, 24
Dwellings, Garage Apartment (def)	S	S	S	S	S	P	x	x	x	x	x	x	x	
Dwellings, Single Family, Attached (def)	x	x	x	x	x	x	x	P	x	x	x	x	x	1, 24 or in a Planned Development
Dwellings, Single Family, Detached (def)	P	P	P	P	P	P	P	x	x	x	x	x	x	
Dwelling, Tiny Home (def)	S	S												As primary structure
Dwelling, Triplex (def)	X	X	X	X	X	X	X	P	P	X	X	X	X	1, 24
Community Home for Disabled Persons (def)	P	P	P	P	P	P	P	P	P	P	P	P	x	1
Manufactured Housing Subdivision (HUD Code) (def)	x	x	x	x	x	x	x	x	S	x	x	x	x	
Manufactured Home (HUD Code) (def)	S	S	x	x	x	x	x	x	S	x	x	x	x	1, encouraged to locate on parcels of 5 acres or more
Manufactured Home (HUD Code) in an approved park or subdivision (def)	x	x	x	x	x	x	x	x	P	x	x	x	x	
Manufactured Housing Park (HUD Code) (def)	x	x	x	x	x	x	x	x	S	x	x	x	x	1
Mobile Home (def)	x	x	x	x	x	x	x	x	x	x	x	x	x	Not Allowed
Modular Home (def)	P	P	P	P	P	P	P	x	x	x	x	x	x	Meeting same standards as single family detached dwelling
Recreational Vehicle Park (def)	x	x	x	x	x	x	x	x	S	x	x	x	x	1
Townhome	x	x	x	x	x	x	x	P	x	x	x	x	x	24

**Article 4 Permitted Uses**

USES	R-AG	R-1	R-E	R-20	R-10	CONV	D	MF	MH	TC	LR	C	I	STANDARDS
<b>Institutional and Public Uses Continued</b>														
Airplane Landing Field (def – Airport)	S	S	x	x	x	S	x	x	x	S	S	S	S	1
Athletic Stadium or Field, Public (def)	P	P	P	P	P	P	S	S	S	x	P	P	P	1
Cemetery (def)	S	S	S	S	S	S	x	x	x	x	P	P	P	1
Church (def)	P	P	P	P	P	P	P	P	P	P	P	P	P	2, 7
Civic Center (def)	P	P	P	P	P	P	P	P	P	P	P	P	P	2, 7
Community Center (def)	S	S	S	S	S	S	S	S	S	P	P	P	P	1, 7
Day Care or Child Care Center (def)	S	S	S	S	S	S	S	S	S	P	P	P	P	1
Correctional/Detention Facility (Private) (def)	x	x	x	x	x	x	x	x	x	x	x	x	S	1, 7
Correctional//Detention Facility (Public) (def)	x	x	x	x	x	x	x	x	x	x	x	x	S	1, 7
Day Care or Child Care Center, In Home (def)	S	S	S	S	S	S	S	S	S	x	x	x	x	3, 7, 10
Fairgrounds (def)	x	x	x	x	x	x	x	x	x	x	P	P	P	1
Library, Public (def)	P	P	P	P	P	P	P	P	P	P	P	P	P	
Public or Municipally Owned Facility or Uses (def)	P	P	P	P	P	P	P	P	P	P	P	P	P	
Park or Playground, Public (def)	P	P	P	P	P	P	P	P	P	P	P	P	P	
Utilities, Public and Private (def)	P	P	P	P	P	P	P	P	P	P	P	P	P	
Reserved														
<b>Educational</b>														
College or University (def)	x	x	x	x	x	x	x	x	x	x	P	P	P	
School, Private Boarding (def)	x	x	x	x	x	x	x	x	x	x	S	P	P	
School, Business or Trade (def)	x	x	x	x	x	x	x	x	x	S	S	P	P	
School, Home (def)	P	P	P	P	P	P	P	P	P	x	x	x	x	
School, Home Day (def)	S	S	S	S	S	S	S	S	S	x	x	x	x	3
School, Institutional, Rehabilitation Training (def)	x	x	x	x	x	x	x	x	x	S	P	P	P	

**Article 4 Permitted Uses**

USES	R-AG	R-1	R-E	R-20	R-10	CONV	D	MF	MH	TC	LR	C	I	STANDARDS
<b>Education Continued</b>														
School, Nursery (def)	x	x	x	x	x	xEd	x	S	S	P	P	P	P	
School, Parochial or Private (def)	S	S	S	S	S	S	S	S	S	P	P	P	P	
School, Public, Primary or Secondary (def)	P	P	P	P	P	P	P	PS	PS	P	P	P	P	1 Requires Site Plan Approval in accordance with Sec.2.4.
Reserved														
<b>Automotive, Communication and Transportation</b>														
Auto Leasing or Rental (def)	x	x	x	x	x	x	x	x	x	x	P	P	P	8
Auto Parts Sales, Enclosed (def)	x	x	x	x	x	x	x	x	x	x	P	P	P	11
Auto Parking Lot (def)	x	x	x	x	x	x	x	x	x	x	x	P	P	8
Auto Repair, Major (def)	x	x	x	x	x	x	x	x	x	x	x	P	P	8, 11, 12
Auto Repair, Minor (def)	x	x	x	x	x	x	x	x	x	x	S	P	P	1, 8, 11, 12
Auto Sales, New (def)	x	x	x	x	x	x	x	x	x	x	x	P	P	8, 12, 13
Auto Sales, Used (def)	x	x	x	x	x	x	x	x	x	x	x	S	P	8, 11, 13
Auto Service Station (def)	x	x	x	x	x	x	x	x	x	x	S	P	P	1, 5, 7, 12
Auto, Boat, Trailer, RV and or Truck Storage (def)	x	x	x	x	x	x	x	x	x	x	x	S	S	1, 7, 11, 13
Boat Sales, New (def)	x	x	x	x	x	x	x	x	x	x	x	S	S	
Boat Sales, Used and Repair (def)	x	x	x	x	x	x	x	x	x	x	x	S	S	1, 7, 12
Fuel/Natural Resource Dispensing Station (def)	S	S	x	x	x	S	x	x	x	S	S	P	P	2, 5, 7
Heliport (def)	S	S	x	x	x	S	x	x	x	S	S	S	S/P	2, 28
Helistop (def)	S	S	x	x	x	S	x	x	x	S	S	S	S/P	2,28
Motorcycle Sales and Service, New (def)	x	x	x	x	x	x	x	x	x	x	x	S	S	7, 12
Motorcycle Sales and Service, Used	x	x	x	x	x	x	x	x	x	x	x	S	S	1, 7, 12
Reserved														

**Article 4 Permitted Uses**

USES	R-AG	R-1	R-E	R-20	R-10	CONV	D	MF	MH	TC	LR	C	I	STANDARDS
<b>Automotive, Communication and Transportation, Continued</b>														
Parking Lot, Truck (def) Under Truck Parking Lot	x	x	x	x	x	x	x	x	x	x	x	S	P	7
Recreational Vehicle Sales, New (def)	x	x	x	x	x	x	x	x	x	x	x	S	P	1, 7, 13
Recreation Vehicle Sales and /or service, Used (def)	x	x	x	x	x	x	x	x	x	x	x	S	P	1, 7, 13
Terminal, Bus (def)	x	x	x	x	x	x	x	x	x	x	x	P	P	7
Terminal, Freight or Truck (def)	x	x	x	x	x	x	x	x	x	x	x	x	P	7
Terminal, Railroad or Train (def)	x	x	x	x	x	x	x	x	x	x	x	S	P	1, 7
Trailer Sales or Rental (def – need Sales)	x	x	x	x	x	x	x	x	x	x	x	P	P	7
Transportation Utility Structures and Facilities (def)	P	P	P	P	P	P	P	P	P	P	P	P	P	
Travel Trailer Sales, New	x	x	x	x	x	x	x	x	x	x	x	S	S	1, 7, 13
Travel Trailer Sales and/or Service, Used	x	x	x	x	x	x	x	x	x	x	x	S	S	1, 7, 13
Towing Company Office w/ Towed Vehicle Storage Yard	x	x	x	x	x	x	x	x	x	x	x	x	S	1, 6, 7
Towing Company Office w/out Towed Vehicle Storage Yard	x	x	x	x	x	x	x	x	x	x	x	P	P	1, 7
Truck and Bus Rental or Leasing (def)	x	x	x	x	x	x	x	x	x	x	x	S	P	7
Truck and Bus Repair and Overhaul (def)	x	x	x	x	x	x	x	x	x	x	x	x	P	7, 11, 12
Truck Sales, Heavy (def)	x	x	x	x	x	x	x	x	x	x	x	S	P	1, 7, 13
Truck Stop (def)	x	x	x	x	x	x	x	x	x	x	x	x	P	5, 7
Wrecking Yard (Junkyard) (def)	x	x	x	x	x	x	x	x	x	x	x	x	S	1, 6, 7
Reserved														
<b>Office and Professional</b>														
Bank, Savings & Loan/Credit Union (def)	x	x	x	x	x	x	x	x	x	P	P	P	P	
Credit Access Business (def) including Payday Lender, Auto Title Loans	x	x	x	x	x	x	x	x	x	x	x	S	x	

**Article 4 Permitted Uses**

USES	R-AG	R-1	R-E	R-20	R-10	CONV	D	MF	MH	TC	LR	C	I	STANDARDS
<b>Office and Professional, Continued</b>														
Office Center (def)	x	x	x	x	x	x	x	x	x	P	P	P	P	
Office, Professional, General (def)	X	X	X	X	X	X	X	x	x	P	P	P	P	3, 17
Studios, Professional (def)	x	x	x	x	x	x	x	x	x	P	P	P	P	3, 17
<b>Retail, Services and Commercial</b>														
Animal Grooming (def)	P	P	P	P	P	P	S	x	x	S	S	P	P	17
Beauty, Barber or Other Personal Care Shop (def)	x	x	x	x	x	x	x	x	x	P	P	P	P	
Bed and Breakfast, Hosted (def)	S	S	S	S	S	S	S	x	x	P	P	P	P	1, 15
Bed and Breakfast, Un-hosted (Commercial) (def)	x	x	x	x	x	x	x	x	x	P	P	P	P	1, 16
Bed and Breakfast, Un-hosted (Residential) (Also see Short Term Rental) (def)	S	S	S	S	S	S	S	x	x	P	P	P	P	1, 16
Brew-Pub (def)	x	x	x	x	x	x	x	x	x	xS	xS	xS	xS	1, 7, 35
Building Materials and Hardware Sales, Enclosed (def)	x	x	x	x	x	x	x	x	x	P	P	P	P	
Building Materials and Hardware Sales, Outside Storage (def)	x	x	x	x	x	x	x	x	x	x	S	P	P	7, 13
Carwash, Self-Serve (def)	x	x	x	x	x	x	x	x	x	S	S	P	P	1, 7
Const. Equipment Rental and/or Sales (def)	x	x	x	x	x	x	x	x	x	x	x	S	P	1, 7, 12, 13
Carwash, Full-Serve (def)	x	x	x	x	x	x	x	x	x	x	S	P	P	1, 7
Consignment/Used Merchandise Store, Indoor (def)	x	x	x	x	x	x	x	x	x	x	P	P	P	1
Consignment Store/Used Merchandise, Outdoor Activity (def)	x	x	x	x	x	x	x	x	x	x	S	P	P	1
Convenience Store w/Gas Pumps (def)	x	x	x	x	x	x	x	x	x	S	S	P	P	1, 5
Convenience Store w/out Gas Pumps (def)	x	x	x	x	x	x	x	x	x	S	P	P	P	7
Daily Outdoor Display											P	P	P	19, Section 8.12.

**Article 4 Permitted Uses**

USES	R-AG	R-1	R-E	R-20	R-10	CONV	D	MF	MH	TC	LR	C	I	STANDARDS
<b>Retail, Services and Commercial, Continued</b>														
Dry Cleaning, Pick-up/Drop-off (def)	x	x	x	x	x	x	x	x	x	P	P	P	P	
Dry Cleaning, Small Shop (def)	x	x	x	x	x	x	x	x	x	x	P	P	P	
Feed Store (def)	x	x	x	x	x	x	x	x	x	x	S	P	P	
Food Truck (def)	x	x	x	x	x	x	x	x	x	x	x	S	S	See Food Truck def.
Fraternal Organization, Lodge or Civic Club (def)	x	x	x	x	x	x	x	x	x	P	P	P	P	
Health Club, Weight and Aerobic Center (def)	x	x	x	x	x	x	x	x	x	S	P	P	P	7
Hotel, Motel (def)	x	x	x	x	x	x	x	x	x	x	S	S	S	1, 7
Kennel, without Outside pens (def)	S	S	x	x	x	S	x	x	x	x	X	P	P	
Kennel, with outside pens (def)	S	S	x	x	x	S	x	x	x	x	X	S	P	2, 7, 8, 9
Key/Locksmith Shop (def)	x	x	x	x	x	x	x	x	x	x	P	P	P	
Kiosk (def)	x	x	x	x	x	x	x	x	x	P	P	P	P	
Laundromat, Self-Serve (def)	x	x	x	x	x	x	x	x	x	x	P	P	P	
Machine Sales and Storage, Heavy (def)	x	x	x	x	x	x	x	x	x	x	x	x	P	13
Massage Establishment (def)	x	x	x	x	x	x	x	x	x	S	S	P	P	2
Mortuary or Funeral Parlor (def)	x	x	x	x	x	x	x	x	x	S	S	S	S	1
Park and Ride (def)	x	x	x	x	x	x	x	x	x	S	S	P	P	1, 7
Nursery, Retail w/Outside Storage (def)	x	x	x	x	x	x	x	x	x	x	P	P	P	7
Paint Shop (def)	x	x	x	x	x	x	x	x	x	x	x	P	P	
Pawn Shop (def)	x	x	x	x	x	x	x	x	x	x	S	P	P	1
Pet Shop (def)	x	x	x	x	x	x	x	x	x	x	P	P	P	
Public Assembly Hall (def), Banquet Hall or Event Spaces	x	x	x	x	x	x	x	x	x	S	S	S	S	7, 29
Recycling Collection Center (def)	x	x	x	x	x	x	x	x	x	x	x	P	P	
Restaurant, Café or Cafeteria (def)	x	x	x	x	x	x	x	x	x	S	P	P	P	7, 29

**Article 4 Permitted Uses**

USES	R-AG	R-1	R-E	R-20	R-10	CONV	D	MF	MH	TC	LR	C	I	STANDARDS
<b>Retail, Services and Commercial, Continued</b>														
Restaurant, Drive-In (def)	x	x	x	x	x	x	x	x	x	S	P	P	P	7
Restaurants, Incidental to Main Use (def)	x	x	x	x	x	x	x	x	x	x	P	P	P	7
Restaurant w Alcoholic Beverages (w/Alcohol Sales less than 75%)	x	x	x	x	x	x	x	x	x	x	x	x	x	35
Restaurant w Alcoholic Beverages (w/Alcohol Sales more than 75%)	x	x	x	x	x	x	x	x	x	x	x	x	x	35
Retail or Service, Incidental (def)	x	x	x	x	x	x	x	x	x	P	P	P	P	7
Retail Sales, General (def)	x	x	x	x	x	x	x	x	x	P	P	P	P	7
Service and Repair Shops, General (def)	x	x	x	x	x	x	x	x	x	P	P	P	P	
Shopping Center (def)	x	x	x	x	x	x	x	x	x	P	P	P	P	7
Short Term Rental (def)	S	S	S	S	S	S	S	P	x	x	x	x	x	1, 16
Small Engine & Appliance Repair (def)	x	x	x	x	x	x	x	x	x	x	x	P	P	2, 7
Tattoo Parlor/Body Piercing Studio (def)	x	x	x	x	x	x	x	x	x	x	X	X	S	1, 6
Tattoo Parlor, Cosmetic (def)	x	x	x	x	x	x	x	x	x	X	P	P	P	
Taxidermy Shop (def)	x	x	x	x	x	x	x	x	x	x	S	S	S	2, 7
Veterinarian Clinic, w/out outside pens (def)	S	x	x	x	x	S	x	x	x	P	P	P	P	
Veterinarian Clinic, w/outside pens (def)	S	x	x	x	x	S	x	x	x	x	S	P	P	1, 7, 9
Wedding Venue (def)	S	S	x	x	x	x	x	x	x	x	S	S	S	34
Wine Tasting Facility (Winery) (def)	S	S	S	S	S	S	x	x	x	S	S	S	S	1, 7, 35
<del>Health Club, Weight and Aerobic Center (def)</del> Reserved	x	x	x	x	x	x	x	x	x	S	P	P	P	<i>Z*****Moved to Health Club above</i>
<b>Amusement and Entertainment Uses</b>														
Adult Entertainment Enterprise (def)	x	x	x	x	x	x	x	x	x	x	x	x	S	6, 7
Amusement (Video)Arcade (def)	x	x	x	x	x	x	x	x	x	x	x	P	P	1, 7

**Article 4 Permitted Uses**

USES	R-AG	R-1	R-E	R-20	R-10	CONV	D	MF	MH	TC	LR	C	I	STANDARDS
<b>Amusement and Entertainment Uses, Continued</b>														
Amusement Center, Commercial, Enclosed (def)	x	x	x	x	x	x	x	x	x	x	x	P	P	
Amusement Center, Commercial, Outdoors (def)	x	x	x	x	x	x	x	x	x	x	x	S	S	1, 6, 7, 26, 31
Athletic Stadium or Field, Private (def)	S	S	x	x	x	S	x	x	x	x	x	S	S	1, 7
Club, Private w/Alcoholic Beverage Sales (def)	x	x	x	x	x	x	x	x	x	S	S	S	P	1, 7
Dance Hall (def)	x	x	x	x	x	x	x	x	x	x	S	S	P	1, 7
Golf Course/Country Club, Private (def)	S	S	x	x	x	S	S	S	S	x	x	x	P	1
Golf Course/Country Club, Public (def)	S	S	x	x	x	S	S	P	P	x	x	x	x	1
Park and Recreation Facility, Private (def)	S	S	S	S	S	S	S	S	S	S	S	S	S	1
Racetrack, Horse (def)	S	x	x	x	x	S	x	x	x	x	x	x	S	1, 7
Raceway, Motor (def)	x	x	x	x	x	x	x	x	x	x	x	S	S	1, 7
Recreation Center, Private (def)	x	x	x	x	x	x	x	x	x	x	S	P	P	1, 7
Theater, Indoor (def)	x	x	x	x	x	x	x	x	x	x	P	P	P	
Theater, Outdoor (def)	x	x	x	x	x	x	x	x	x	x	x	S	S	1, 6, 7
Reserved														
Reserved														
<b>Medical Services</b>														
Clinic or Office, Medical (def)	x	x	x	x	x	x	x	x	x	P	P	P	P	
Equipment Sales, Medical Aid	x	x	x	x	x	x	x	x	x	P	P	P	P	
Hospital (def)	x	x	x	x	x	x	x	x	x	S	P	P	P	
Laboratory, Medical (def)	x	x	x	x	x	x	x	x	x	S	P	P	P	
Medical Offices, Professional (def)	x	x	x	x	x	x	x	x	x	P	P	x	x	
Sanitarium (def)	x	x	x	x	x	x	x	x	x	x	S	P	P	
Reserved														

**Article 4 Permitted Uses**

USES	R-AG	R-1	R-E	R-20	R-10	CONV	D	MF	MH	TC	LR	C	I	STANDARDS
<b>Industrial and Commercial</b>														
Bakery and Confectionery Works, Commercial (def)	x	x	x	x	x	x	x	x	x	S	P	P	P	
Batching Plant, Concrete or Asphalt, Permanent (def)	x	x	x	x	x	x	x	x	x	x	x	S	S	1, 6
Book bindery	x	x	x	x	x	x	x	x	x	x	x	x	P	
Bottling works (def)	x	x	x	x	x	x	x	x	x	x	x	S	P	1
Brick/Stone Company, Sales, Enclosed (def)	x	x	x	x	x	x	x	x	x	x	x	S	P	1
Brick/Stone Company, Sales, Outside Storage (def)	x	x	x	x	x	x	x	x	x	x	x	x	S	1
Building materials and lumber storage yards & sales (def)	x	x	x	x	x	x	x	x	x	x	S	S	S	1, 7
Commercial engraving	x	x	x	x	x	x	x	x	x	x	S	S	P	1
Commercial Plant, General (def)	x	x	x	x	x	x	x	x	x	x	S	S	P	1, 7
Compressor Station (Gas Pipelines)	S	x	x	x	x	S	S	S	S	S	S	S	S	1, 22
Contractors shop or storage yard (def)	x	x	x	x	x	x	x	x	x	x	S	S	P	1, 8
Cottage Food Production (def)	P	P	P	P	P	P	P	P	P	P	P	P	P	37
Dairy products	S	x	x	x	x	S	x	x	x	x	x	P	P	
Distribution Center (def)	x	x	x	x	x	x	x	x	x	x	x	P	P	2, 7
Frozen Foods Locker	x	x	x	x	x	x	x	x	x	x	x	x	P	
Furniture Restoration	x	x	x	x	x	x	x	x	x	x	S	P	P	
Industrial Manufacturing/ Fabrication/Assembly Enclosed, Light (def)	x	x	x	x	x	x	x	x	x	x	x	P	P	
Industrial Manufacturing/ Fabrication/Assembly Light, Outside Storage (def)	x	x	x	x	x	x	x	x	x	x	x	S	P	1, 7
Industrial Manufacturing/ Fabrication/Assembly Enclosed, Heavy (def)	x	x	x	x	x	x	x	x	x	x	x	x	P	
Industrial Manufacturing/ Fabrication/Assembly Outside Storage, Heavy (def)	x	x	x	x	x	x	x	x	x	x	x	x	P	7
Reserved														

**Article 4 Permitted Uses**

USES	R-AG	R-1	R-E	R-20	R-10	CONV	D	MF	MH	TC	LR	C	I	STANDARDS
<b>Industrial and Commercial, Continued</b>														
Industrial Manufacturing/ Fabrication/Assembly High Risk	x	x	x	x	x	x	x	x	x	x	x	x	S	1, 7
Ice Company Sales- Wholesale	x	x	x	x	x	x	x	x	x	x	x	P	P	
Landfill (commercial) (def)	x	x	x	x	x	x	x	x	x	x	x	x	S	1, 6
Landscaping Service	x	x	x	x	x	x	x	x	x	x	S	P	P	1
Machine Shop	x	x	x	x	x	x	x	x	x	x	x	P	P	
Manufactured Home (HUD Code) Display, Sales and Service (def)	x	x	x	x	x	x	x	x	x	x	x	x	P	7
<del>Mini-Warehouse, See Self- Service Storage</del>														
Monuments & Headstones Sales (def)	x	x	x	x	x	x	x	x	x	x	x	P	P	
Moving Company	x	x	x	x	x	x	x	x	x	x	x	P	P	
Overnight Delivery & Service Center	x	x	x	x	x	x	x	x	x	x	S	P	P	
Paper & Chemical Supply	x	x	x	x	x	x	x	x	x	x	x	P	P	
Petroleum Extraction (Oil & Gas Mining) (def)	S	S	x	x	x	x	x	x	x	S	S	S	S	1, 22
Plaster Shop	x	x	x	x	x	x	x	x	x	x	x	x	P	
Plumbing Shop & Related Services	x	x	x	x	x	x	x	x	x	x	S	P	P	
<del>Correctional/Detention Facility (Private) (def)</del>	x	x	x	x	x	x	x	x	x	x	x	x	S	1, 7
<del>Correctional//Detention Facility (Public) (def)</del>	x	x	x	x	x	x	x	x	x	x	x	x	S	1, 7
Portable Building Sales (def)	x	x	x	x	x	x	x	x	x	x	x	P	P	1, 7
Private Utility Service Yard	x	x	x	x	x	x	x	x	x	x	x	P	P	
Recycling Center (def)	x	x	x	x	x	x	x	x	x	x	x	S	P	1
Recycling Plant (def)	x	x	x	x	x	x	x	x	x	x	x	x	P	
Refinery or Plant	x	x	x	x	x	x	x	x	x	x	x	x	S	1
<del>Reserved</del>														

**Article 4 Permitted Uses**

USES	R-AG	R-1	R-E	R-20	R-10	CONV	D	MF	MH	TC	LR	C	I	STANDARDS
<b>Industrial and Commercial, Continued</b>														
Research Laboratories, <del>Research</del> and Scientific	x	x	x	x	x	x	x	x	x	x	x	P	P	
Rock Quarries, Sand, Gravel or Earth Excavation (def)	x	x	x	x	x	x	x	x	x	x	x	x	S	1, 6, 21
Roofing & Siding Supply	x	x	x	x	x	x	x	x	x	x	x	S	P	1
Self-Service Storage or Mini-Warehouse (def)	x	x	x	x	x	x	x	x	x	x	S	SP	P	
Shooting Range, Indoor (def)	x	x	x	x	x	x	x	x	x	x	x	S	S	30
Tank Farm (def)	x	x	x	x	x	x	x	x	x	x	x	x	S	1
Terminal, Transfer Storage and Baggage (def)	x	x	x	x	x	x	x	x	x	x	x	x	P	
Tire Retreading (def)	x	x	x	x	x	x	x	x	x	x	x	x	P	
Warehouse/ Showroom w/Office (def)	x	x	x	x	x	x	x	x	x	x	S	P	P	
Warehouse, Wholesale, Enclosed (def)	x	x	x	x	x	x	x	x	x	x	x	P	P	
Warehouse, Wholesale, Outside Storage (def)	x	x	x	x	x	x	x	x	x	x	x	S	P	7
Warehouse, Chemical & Toxic Materials Storage (def)	x	x	x	x	x	x	x	x	x	x	x	x	S	2, 6, 7
Welding Shop or Company	x	x	x	x	x	x	x	x	x	x	x	x	P	
Wholesale Sales, Enclosed	x	x	x	x	x	x	x	x	x	x	x	P	P	
Wholesale Distribution Centers	x	x	x	x	x	x	x	x	x	x	x	P	P	
Wrecking, Salvage, or Reclamation, Outside (def)	x	x	x	x	x	x	x	x	x	x	x	x	S	1, 6, 7
Reserved														
Reserved														
<b>Temporary Uses</b>														
Amusement Center, Commercial, Outdoors, Temporary (def)	x	x	x	x	x	x	x	x	x	x	S	S	S	1, 7, 25, 27,30,31
Batching Plant, concrete or asphalt, Temporary (def)	x	x	x	x	x	x	x	x	x	x	x	x	S	1, 25

**Article 4 Permitted Uses**

Cargo Containers	x	x	x	x	x	x	x	x	x	x	S	S	S	18
Construction Field Office, Temporary (def)	P	P	P	P	P	P	P	P	P	P	P	P	P	25
<b>USES</b>	<b>R-AG</b>	<b>R-1</b>	<b>R-E</b>	<b>R-20</b>	<b>R-10</b>	<b>CONV</b>	<b>D</b>	<b>MF</b>	<b>MH</b>	<b>TC</b>	<b>LR</b>	<b>C</b>	<b>I</b>	<b>STANDARDS</b>
<b>Temporary Uses, Continued</b>														
Farmer's Market (def)	x	x	x	x	x	x	x	x	x	P	S	S	P	1, 7, 27
Food Truck (def), Temporary with no fixed location serving construction sites or in association with a permitted special event.	P	P	P	P	P	P	P	P	P	P	P	P	P	
General Market (def)	x	x	x	x	x	x	x	x	x	x	S	S	S	1, 7, 27
Home based business/occupation (def)	P	P	P	P	P	P	P	P	P	P*	P*	P*	P*	See Sec. 8.11, Home based business occupations
Model Home Sales Office (def)	x	x	x	x	x	x	P	P	P	x	x	x	x	24
Special Event with a Permit (def)	x	x	x	x	x	x	P	P	P	P	P	P	P	24, 25

## Article 4 Permitted Uses

### Section 4.2 Supplemental Standards For Land Uses

The following describe conditions and special regulations for uses listed in the [Permitted Uses](#) Table. Additional requirements may be added to these listed herein, by the Planning and Zoning Commission and Town Council as deemed necessary to protect the health, safety, and general welfare of the citizens of Annetta. No construction or occupancy shall commence for any permitted use until the conditions herein stated or required by the Planning and Zoning Commission have been met.

1. A site plan will be required with Specific Use Permits in accordance with Section 5.162, "Specific Use Permits."
2. A site plan in accordance with Section 2.4 will be required for either "S" or "P" designation.
3. A site plan is required with SUP.
4. A minimum site area of one (1) acre is required unless approved by a Specific Use Permit.
5. Gasoline, or other hydrocarbon fuel, service station pump islands may not be located nearer than eighteen (18') feet to the property line adjacent to a public street. An unenclosed canopy for a gasoline filling station may extend beyond the front building line but shall never be closer than ten (10') feet to the property line.
6. May not be located within three hundred (300') feet of any property zoned for a residential use or any property which is occupied by a church, public school, day care or nursing home. The measurement of distance shall be measured as a radius from the edge of the property line.
7. All outdoor lighting, including parking lot lighting, shall be directed away from any property zoned or developed for residential uses.
8. Any proposed stable or barn must be set back **fifty (50') feet on properties less than two acres and** one hundred (100') feet from the property line on all others.
9. Pens, outdoor kennels, or animal runs must be located one hundred (100') feet from any residentially zoned or used property.
10. A copy of the State Certification of licensing or registration as described in Section 42.052 of Chapter 42 - Texas Human Resources Code must be provided to the Town.
11. Shall not be used for the storage of wrecked vehicles or the dismantling of vehicles or the storage of vehicle parts.
12. All vehicles being stored for repair shall be screened from all public rights-of-way.
13. All equipment shall be stored and displayed on an improved hard surface, as defined in Article 9 – Definitions.
14. Any business which uses the operation of motor vehicles on site, such as go cart tracks, shall not be located within five hundred (500') feet from any residentially zoned or used property.
15. **Bed and Breakfast, hosted**, are subject to the following conditions:
  - a. Additional parking of one (1) space per guest bedroom will be required. Parking must be screened from view of adjacent residentially zoned property.
  - b. Food service will be limited to overnight guests of the bed and breakfast establishment and shall be prepared on site, with the exception of receptions, retreats, teas and luncheons that may be catered.

## Article 4 Permitted Uses

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- c. Receptions, retreats, teas and luncheons in the R-AG, R-1, R-E, R-20, R-10, CON, or D residential districts are limited to no more than fifty (50) guests.
- d. The architecture of the structure and the grounds of the bed and breakfast must maintain the character of the neighborhood. If alternations are made, the exterior of the structure and the grounds must remain typical of the neighborhood and give no appearance of the business establishment within.
- e. A permanent, wired, smoke alarm system meeting all Town ordinances must be installed.

### 16. Bed and Breakfast, Un-Hosted

- a. One (1) parking space per bedroom unit shall be required; however, a minimum of two (2) parking spaces is required in any case. Parking must be screened from the view of adjacent residentially zoned properties.
  - b. Food service will be limited to overnight guests of the bed and breakfast establishment and may or may not be prepared on-site.
  - c. The architecture of the structure and the grounds of the bed and breakfast must maintain the character of the neighborhood. If alternations are made, the exterior of the structure and the grounds must remain typical of the neighborhood and give no appearance of the business establishment within.
  - d. A permanent, wired, smoke alarm system meeting all fire codes must be installed.
17. Private offices and studios used as home based business/occupations within residential districts shall be subject to restrictions within Section 8.4011 of this Ordinance.
18. The number of cargo containers, the location(s) and the time period the containers are allowed will be determined by the Town Council based upon recommendations from the Planning and Zoning Commission. The time period approved may not exceed twelve (12) months, however, the approval may be renewed for additional time periods of up to twelve (12) months each.
19. Daily Outdoor Display of merchandise is allowed in accordance with Section 8.12, *Outdoor Display, Daily*. ~~in the front yard during the hours of 7:00 a.m. to 7:00 p.m. During all other hours, the items must be moved inside an enclosed building or moved to an area completely screened from public view.~~
20. Permitted on a temporary basis only, in accordance with the conditions and stipulations set forth in this Ordinance for the use and any additional condition as established by ~~Planning & Zoning and~~ Council in the issuance of the SUP or approval of a specific Planned Development (PD).
21. A topographical survey delineating pre-excitation conditions and a proposed grading plan shall be submitted.
22. Private covenants, conditions or restrictions may be filed for the property. Please refer to any filed documents, including the plat, for the development of the site.
23. Facilities shall not be constructed with sleeping facilities or allow residential use and must be removed from site upon abandonment, completion, or lack of activity of the project at the Town's discretion.
24. Only one (1) model home sales office may be permitted within any subdivision or development at a time. A Certificate of Occupancy must be issued by the Town prior to operation of the sales

## Article 4 Permitted Uses

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- office and be limited by a time period of six (6) months. All outdoor lighting, including parking lot lighting, shall be directed away from any property zoned or developed for residential uses. Hours of operation for shall be limited to 7:00 am to 7:00pm. A demolition permit must be issued by the Town prior to the office being converted to a residence.
25. **The temporary use s**shall not exceed a limitation of no greater than ninety (90) days maximum, by temporary permit only. All outdoor lighting, including parking lot lighting, shall be directed away from any property zoned or developed for residential uses. Hours of operation for shall be limited to 7:00 am to 7:00pm. Applicant shall provide a Certificate of Liability insurance in the amount of \$1,000,000. The Town of Annetta shall be named as "Additional Insured." An additional insured certificate must be received by the Town at least (30) days prior to the event date.
26. All vendor facilities shall be located on an improved hard surface. The applicant shall be responsible for drafting a site plan depicting the orderly layout of the sales and parking area. Sale of any type of meat, fish, poultry, eggs, refrigerated dairy products and home canned or packaged items shall be prohibited. Dates of operation shall be provided by the applicant. A Special Event Permit shall be submitted and approved if required by Ordinance. No SUP shall be required for Farmer's Market vending proposed under an approved Event Permit when the applicant is a community organization or a governmental entity (such as: Chamber of Commerce, Town, County, etc.) and solely for public events such as: the 4<sup>th</sup> of July Celebration, etc., located on public property. Each vendor shall be responsible for obtaining a Health Permit at least 3 days prior to the event when selling potentially hazardous food as defined within local or State regulations (cut produce, oil & garlic, etc.) and any operation or sales shall be in accordance with the Texas Food Establishment Rules.
27. All vendor facilities shall be located on an improved hard surface within a covered lease space in accordance with Article 9- Definitions. The applicant shall be responsible for drafting a site plan depicting the orderly layout of the sales and parking area. Sale of any type of meat, fish, poultry, eggs and refrigerated dairy products shall be prohibited. Signage shall be delineated on the site plan submitted with the SUP, shall be approved by Town Council and shall supersede other sign requirements contained within this or other Ordinances. No SUP shall be required for General Market vending proposed under an approved Event Permit when the applicant is a community organization or a governmental entity (such as: Chamber of Commerce, Town, County, etc.) and solely for public events such as: the 4<sup>th</sup> of July Celebration, etc., located on public property. All vendors shall provide a State Sales Tax Id. and shall be responsible for reporting sales tax to the State Comptroller as required by law. A Special Event Permit shall be submitted and approved if required by Ordinance. Each vendor shall be responsible for obtaining a Health Permit at least 3 days prior to the event when selling potentially hazardous food as defined within local or State regulations (cut produce, packaged, prepared or canned food, oil & garlic, etc.) and any operation or sales shall be in accordance with the Texas Food Establishment Rules (TFER).
28. Heliports and Helistops located at a designated governmental owned airport regulated by the Federal Aviation Administration and within an Industrial 'I' zoned district shall be considered a "Permitted Use" (P) [by-right' activity]. A Specific Use Permit (SUP) or 'S' shall be required for all other Heliports and Helistops which fall outside of this definition, and which are located within the appropriate zoned district.
29. A canopy or awning covering an order board or order menu structure for a drive-through restaurant may encroach into the side or rear commercial building setback as established for the particular zoning district of the property. The entire structure, including the support column,

## Article 4 Permitted Uses

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- must maintain a minimum five (5') foot setback from all property lines. The canopy or awning may not cantilever beyond the five (5') setback. The canopy or awning may not exceed sixty-four (64) sq. ft. and must be constructed with a single support column. Any canopies or awnings greater than sixty-four (64) sq. ft. or constructed with multiple support columns must adhere to the building setbacks for the primary structure. One (1) canopy or awning is permitted for each order board or menu structure.
30. May not be located within three hundred (300) feet of any property zoned for a residential use or any property which is occupied by a church, public school, day care or nursing home. Notwithstanding the foregoing, the distance set forth may be encroached into if persons within three hundred (300') feet owning the adjacent property zoned for a residential use or any property which is occupied by a church, public school, day care or nursing home agree in writing. In the event that one hundred percent (100%) of the adjacent property owners within three hundred (300') feet do not agree in writing then P&Z may recommend, and Town Council may approve the encroachment by an affirmative three-fourths (3/4) vote if no adverse impact is determined. The measurement of distance shall be measured as a radius from the edge of the property line.
31. Any business which uses the operation of motor vehicles on site, such as go cart tracks, or utilizes a public address (PA) system shall not be located within 500 feet from any residentially zoned or used property. Notwithstanding the foregoing, the distance set forth may be encroached into if persons within five hundred (500') feet owning the adjacent residentially zoned or used property agree in writing. In the event that one hundred percent (100%) of the adjacent property owners within five hundred (500') feet do not agree in writing then P&Z may recommend, and Town Council may approve the encroachment by an affirmative three-fourths (3/4) vote if no adverse impact is determined. The measurement of distance shall be measured as a radius from the edge of the property line.

### 32. *Animal and Livestock Regulations*

- a. **Wildlife.** A person commits an offense if they harbor, possess or otherwise has care, custody or control of a wild animal, wildlife or a dangerous wild animal (as defined in this chapter) within the town except as specifically authorized herein.
- b. **Livestock**
- (1) Prohibited.
- i A person commits an offense if he keeps, harbors, possesses or maintains livestock except as provided herein, within the Town of Annetta or on property in a district which is zoned other than R-AG, Agricultural Residential, R-1, Residential or R-E, Estate Residential, under the Town of Annetta adopted zoning ordinance.
- ii A person commits an offense if he keeps, fences, stables, pastures or otherwise maintains livestock of the Order Ungulata (excluding horses, cattle, sheep, mules and goats as provided for in this ordinance but including deer, bison and camels) on a tract or parcel of land of less than five acres.
- iii Any violation of this section 4.2, 32. Animal and Livestock Regulations is hereby declared to be a nuisance.

**Article 4 Permitted Uses**

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- (2) **R-AG Livestock.** A person maintaining livestock, as authorized by this chapter, may maintain on each full acre of land zoned R-AG, Agricultural Residential, in a secure enclosure, no more than the following:
- i three horses;
  - ii three head of cattle;
  - iii six sheep;
  - iv six goats;
  - v or any combination thereof.
  - vi Rabbits shall meet the same numerical requirements as chickens.
- (3) R-1 and R-E Livestock
- i **Less than two acres.** On a parcel of land less than two acres within the Town zoned R-1, Residential District or R-E, Estate Residential livestock, including horses, mules, cattle, goats and sheep are not allowed unless a Specific Use Permit is approved by the Council after recommendation by the Commission, with conditions of operation set out.
  - ii **Two or more ~~More than two~~ acres.** On a parcel of land ~~than than two~~ **two or more** acres in size within the Town zoned R-1, Residential District or R-E, Estate Residential District, a person maintaining livestock, as authorized by this chapter, may maintain on each full acre of land, in a secure enclosure, no more than the following:
    1. two horses;
    2. two head of cattle;
    3. six sheep;
    4. six goats;
    5. or any combination thereof.
    6. Rabbits shall meet the same requirements as chickens.
- (4) Other livestock allowed herein shall have the same number allowed per full acre of land as a similar sized animal above.
- (5) The cumulative total of animals allowed shall be based proportionally on the number of animals allowed for each full acre of land. For the purposes of equivalency and calculating how many animals of certain varieties may be placed on the same full acre of land, the following table shall be utilized:

**Article 4 Permitted Uses**

## *Table of Animal Equivalents*

One =	Horse	Cow	Sheep	Goat
Horse		1	3	3
Cow	1		3	3
Sheep				1
Goat			1	

(6) Using the table to calculate the mix of animals allowed on acreage, one horse is the equivalent of one cow. A horse or a cow is the equivalent of three sheep or three goats or other equal sized animals. (for example, on three acres of R-AG zoned land there can be three horses on the first acre, three cattle on the second acre, one horse, one cow and three goats on the third acre for a total of 11 animals)

**(7) Pasture Fencing**

- i Fencing provided for livestock must be a minimum of four feet in height at its lowest point, and on properties less than two acres shall not extend into the front yard between the main building structure and the street or street right-of-way unless otherwise provided for in this ordinance.
- ii On parcels exceeding 2 acres in size and utilized for the raising of animals, typical agricultural fencing such as welded or woven wire fencing (goat wire, chicken wire, etc.) may be utilized and located on all property lines, including in the front setback. Fences in the front setback shall be more than 75% opaque.
- iii Barbed and electrified fencing is only allowed in the R-AG and R-1 district for actual raising of livestock on more than 2 acres.

**(8) Shelter**

- i Horses and mules shall be provided with a minimum of a three-sided roofed shelter meeting the sanitation requirements of this chapter, all applicable zoning requirements, and providing adequate protection for the animal(s) from the elements.
- ii A person commits an offense if he stables, stalls or pens livestock within 100 feet of an occupied building or structure other than a

**Article 4 Permitted Uses**

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building or structure occupied or controlled by the owner of the livestock.

- iii It is an exception to applicability of this subsection that the owner of the livestock had erected and existing on the owner's property a stable, stall, pen or other secure enclosure for livestock which was, on the effective date of this chapter, situated within 100 feet of an occupied building or structure other than a building or structure occupied or controlled by the owner of the livestock. Nothing herein, however, shall be construed to except the said existing stable, stall, pen or other secure enclosure from all other requirements of this chapter.

(9) **Swine, Pigs, Potbellied Pigs or Otherwise Prohibited Animals.**

- i Swine, pigs or potbellied pigs may be allowed by a Specific Use Permit approved by the Council after recommendation by the Commission, with conditions of operation set out, if it is determined the animals will not have a detrimental effect on surrounding properties. The Specific Use Permit, if approved, shall limit the number of animals and set conditions for their maintenance and keeping. Written notice must be provided to property owners within 200 feet in accordance with the rezoning notice requirements of this ordinance, in order to determine the effect of the request on adjacent properties.
- ii It is an exception to the prohibition of swine, pigs or other livestock if the animals are kept and maintained strictly for educational purposes on the premises of an accredited secondary school or institution of higher learning.
- iii A person may keep, harbor, own, or maintain on such person's premises up to two swine or ten rabbits that would not otherwise be allowed, if the premises are larger than one acre, the person is lawfully involved in an Agricultural Youth Project under the supervision of a County Extension Agent, interest group leader or agriculture teacher employed by the independent school district and the swine or rabbits are kept no longer than twelve consecutive months or the duration of the supervised project.

- (10) **Excepted Animal Operations.** The following are excepted from application of this section provided their operations are conducted in accord with the adopted Town of Annetta ordinances including the zoning ordinance, and applicable state law and regulations: animal slaughterhouses; animal processing plants; animal rendering plants; livestock auctions; livestock shows or events; rodeos; livestock related activities or businesses; and animal shelters run by governmental entities or private animal welfare organizations.

**c. Chickens**

- (1) A person commits an offense if he keeps, harbors or maintains chickens in the town other than on a premises or in a district classified by the Town of Annetta zoning ordinance as agricultural or residential.
- (2) **R-AG Chickens.** Within areas in the town zoned R-AG, Residential Agricultural, a person may keep no more than twenty chickens, including

## Article 4 Permitted Uses

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roosters, per acre, with no more than a total of 150 chickens permitted. Additional chickens may be allowed if a Specific Use Permit is approved by the Council after recommendation by the Commission, with conditions of operation set out.

(3) **Other Residential District Urban Chickens.**

- i **One or More Acres~~More than One Acre~~.** On lots larger than one acre and within areas of the town zoned for residential use other than R-AG, a person may keep ten chicken hens per full acre, with no more than 50 chicken hens permitted without a special exception. Roosters are prohibited.
- ii **Less than One Acre.** On lots of one acre and smaller and within areas of the town zoned residential a person may keep no more than ten urban chicken hens. Roosters are prohibited.

(4) All pens, coops, or hutches for the keeping of fowl on more than one acre shall be maintained a minimum of 100 feet from any residence or commercial building, excluding the residence or commercial building of the person keeping or harboring the fowl, except as specifically provided herein. On less than one acre the minimum distance shall be 50 feet.

(5) A person who keeps, harbors or maintains urban chickens in the town shall ensure that the animal(s) in their care or custody are treated humanely by, at a minimum, providing the urban chickens with sufficient food, potable water, adequate shelter, and protection from weather. All pens, coops, hutches and exercise runs shall be completely enclosed. The pen, coop, hutch or exercise run may not be placed in the front yard of any property.

d. **Restrictive Covenants/Deed Restrictions.** It is not the intent of these animal land use regulations to supersede or invalidate existing private restrictive covenants or deed restrictions. All potential users of land are advised to check their property deed or subdivision to determine if there are private covenants or deed restrictions that apply to the raising or harboring of animals, or livestock fencing, and be advised that they may still be subject to such provisions, regardless of the Town of Annetta's regulations.

e. **Specific Use Permits for Additional Animals and Swine:**

(1) On individual requests, additional animals may be allowed within areas of the town zoned for R-AG, R-1 or R-E residential use, if a Specific Use Permit is approved by the Council after recommendation by the Commission, with conditions of operation set out. The Specific Use Permit may allow for:

- i **additional livestock**, if in the approval of a Specific Use Permit, the Council determines that the approval of the Specific Use Permit will not have a detrimental effect on surrounding properties and the Specific Use Permit limits the number of additional animals.
- ii **additional chickens** on lots larger than one acre if in the approval of a Specific Use Permit, the Council determines that the approval of the Specific Use Permit will not have a detrimental effect on surrounding properties and the Specific Use Permit limits the number of additional animals.

**Article 4 Permitted Uses**

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- iii **swine, pigs or potbellied pigs** on more than two acres, if in the approval of a Specific Use Permit, the Council determines that the approval of the Specific Use Permit will not have a detrimental effect on surrounding properties, the Specific Use Permit limits the number of animals, and sets conditions for their maintenance and keeping.
  - (2) The Council, in the approval of a Specific Use Permit, may require additional conditions to protect adjacent properties, including:
    - i the number of animals,
    - ii maintenance and keeping restrictions,
    - iii distance of pastures, pens, fencing and other animal shelters from adjacent property line,
    - iv special fencing and screening, and
    - v any other livestock or poultry conditions it deems necessary.
  - (3) Written notice of a Specific Use Permit public hearing must be provided to the owners of adjacent properties within 200 feet of the property included in the request, in accordance with the property owner notice requirements of this ordinance, in order to determine the effect of the request on adjacent properties.
- 33. **Honey Production Operation.** A “honey production operation” is not a food service establishment for purposes of this ordinance. The Town of Annetta, by state statute, cannot regulate the production of honey or honeycomb at a home production operation. ~~A honey production operation must be on a parcel or lot at least two acres in size, and all beehives must be at least 100 feet from residences on adjacent properties.~~
- 34. **Wedding Venues** shall be located on a parcel or lot of five acres or more and be at least 200 feet from residences on surrounding properties.
- 35. **Alcoholic Beverages.** The Town of Annetta is within an area that has not had an election to sell alcoholic beverages or products. Upon passage of an election where such sales are allowed, the permitted use charts of the zoning ordinance will need to be amended.
- 36. **Winery and Wine Tasting.** A winery permit from the Texas Alcoholic Beverage Commission (TABC) allows the holder to manufacture, bottle, label, and sell wine in a dry area, bypassing local option elections that prohibit general alcohol sales, provided the wine is produced by the winery or produced for them. However, the sale or dispensing of wine in a dry area is strictly limited to wine produced by the winery permit holder.
- 37. **Cottage Food Production.** In accordance with Texas Local Government Code Sec. 211.032, as amended, the Zoning Ordinance may not prohibit the use of a home for cottage food production operations. Cottage Food production must also meet the regulations of Section 8.11, *Home Based Business/Occupation*, where applicable.

**Article 5 – Zoning Districts**

**Article 5 - Zoning Districts**

**Section 5.1 Zoning Districts Established**

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

Abbreviated Designation	Zoning District Name
R-AG	Agricultural and Residential District
R-1	Residential District
RE	Residential Estate District
R-20	Single Family Residential District
R-10	Single Family Residential District
CONV	Conservation Residential District
D	Duplex Residential District
MF	Multi-Family Residential District
MH	Manufactured Home Residential District
TC	Town Center District
LR	Local Retail District
C	Commercial District
I	Industrial District
PD	Planned Development District
<b>SP</b>	<b>Site-Plan District</b>

**Article 5 – Zoning Districts**

**Section 5.2 R-AG Agricultural Residential District**

**5.2.A GENERAL PURPOSE & DESCRIPTION**

This District is intended to provide a location principally for newly annexed land prior to receiving final zoning, for undeveloped or vacant land situated on the fringe of the Town and used for agricultural purposes, or for large parcels with accessory rural or agricultural activities. Generally, the land use activities conducted in the R-AG Agricultural Residential District include rural uses or homes on large parcels that are compatible with nearby residential uses. The types of uses and the area and intensity of uses permitted in this District shall encourage and protect rural uses until further development is warranted and the appropriate change in district classification is made. The R-AG Agricultural Residential District is also intended to protect areas that may be unsuitable for development because of physical problems, lack of infrastructure, constraints, potential health or safety hazards such as flooding, as well as providing for preservation of natural open space areas.

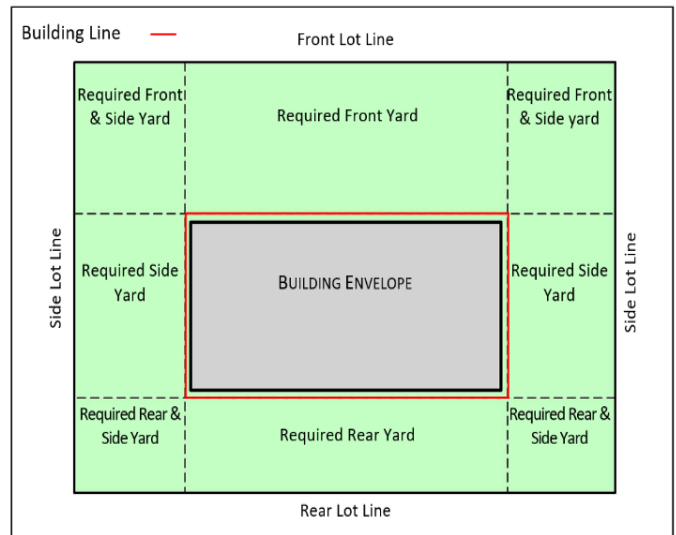
**5.2.B PERMITTED USES**

Uses permitted in the R-AG Agricultural Residential District are outlined in Article 4, [Permitted Uses](#).

**5.2.C HEIGHT; AREA, YARD, AND LOT COVERAGE REQUIREMENTS**

Height and Area Regulations R-AG Agricultural Residential District	
Maximum Height	Not to exceed 35ft. unless specified otherwise
Side Yard Setback Interior Lot Street Side	20 ft. minimum 20 ft. minimum
Rear Yard Setback	40 ft. minimum
Front Yard Setback	30 ft. minimum
Lot Size	2.0 acres minimum
Lot Depth	150 ft. minimum
Lot Width	100 ft. minimum
Dwelling Area	1,650 sq. ft. minimum
Building Coverage (Maximum)	20% of lot area – includes building footprints, accessory structures, garages but not pools
Impervious (Lot) Coverage (Maximum)	30% of lot area – includes building footprints, driveways sidewalks and pools (See definition of “Coverage, Impervious”)

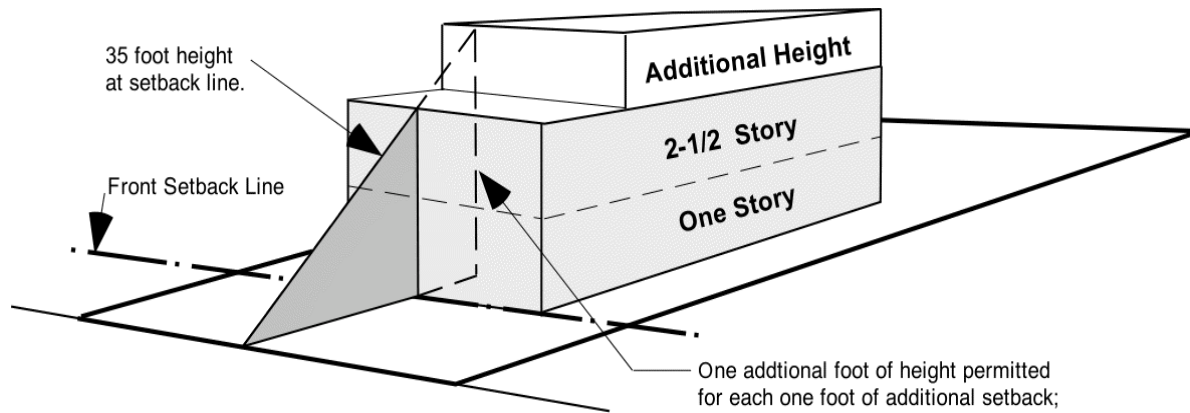
The requirements regulating the minimum lot size, minimum yard sizes (front, side, and rear), maximum building height (stories and feet), maximum percent of lot coverage by buildings and maximum impervious coverage, as pertains to this district, shall conform with the provisions provided in the Height and Area Regulations table for the R-AG Zoning District, unless specified otherwise in this ordinance.



**Article 5 – Zoning Districts**

**5.2.D ADDITIONAL HEIGHT**.....

Cooling towers, roof gables, chimneys and vent stacks may extend for an additional height not to exceed forty feet (40') above the average grade line of the building. Water standpipes and tanks, church steeples, domes, and spires, school buildings, and institutional buildings may be erected to exceed two and a half (2-1/2) stories in height, provided that one (1) additional foot shall be added to the front yards for each foot that such structures exceed two and a half (2-1/2) stories, and one additional foot shall be added to the side and rear yards for each two feet in height above thirty-five (35) feet.



**5.2.E OFF STREET PARKING AND LOADING REQUIREMENTS**.....

1. Single Family Dwelling Unit - Two (2) enclosed spaces (garage) on the same lot as the main structure
2. All other provisions of Section 8.1 [Off-Street Parking and Loading](#) Requirements shall apply.

**Article 5 – Zoning Districts**

**Section 5.3 R-1 Residential District**

**5.3.A GENERAL PURPOSE & DESCRIPTION**

The R-1 Residential District is designed to promote and encourage a suitable environment for family life on large parcels of land used only for suburban style single-family homes and their community services and facilities. This District is intended to encourage more open space, permeable surfaces, and greater setbacks with characteristics of semi-rural areas.

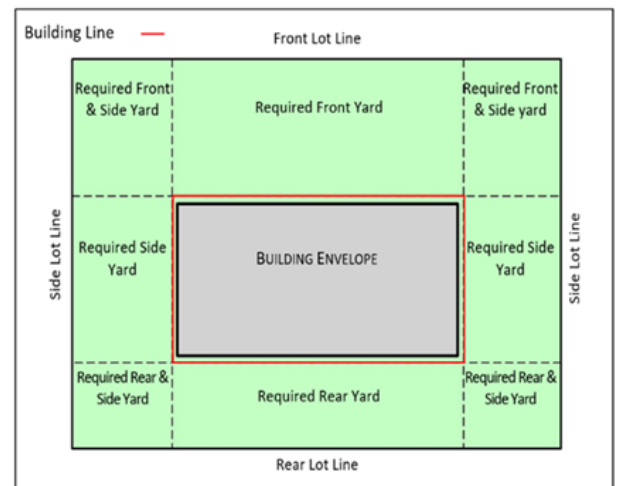
**5.3.B PERMITTED USES**

Uses permitted in the R-1 Residential District are outlined in Article 4, [Permitted Uses](#).

**5.3.C HEIGHT; AREA, YARD, AND LOT COVERAGE REQUIREMENTS**

Height and Area Regulations R-1 Residential District	
Maximum Height	Not to exceed 35 ft. unless specified otherwise
Side Yard Setback	20 ft. minimum or 10% of lot width whichever is less
Interior Lot	
Street Side	20 ft. minimum
Rear Yard Setback	40 ft. minimum or 10% of lot depth whichever is less
Front Yard Setback	30 ft. minimum or 20% of lot depth whichever is less
Lot Size	2.0 acres minimum
Lot Depth	100 ft. minimum
Lot Width	60 ft. minimum
Dwelling Area	1,650 sq. ft. minimum
Building Coverage (Maximum)	Includes building footprints, accessory structures, garages but not pools
Less than 12,000 sq ft	40% of the lot
12,001 sq ft to 2 acres	30% of the lot
More than 2 acres	20% of the lot
Impervious (Lot) Coverage (Maximum)	Includes building footprints, driveways sidewalks and pools (See definition of "Coverage, Impervious")
Less than 12,000 sq ft	50% of the lot
12,001 sq ft to 2 acres	40% of the lot
More than 2 acres	30% of the lot

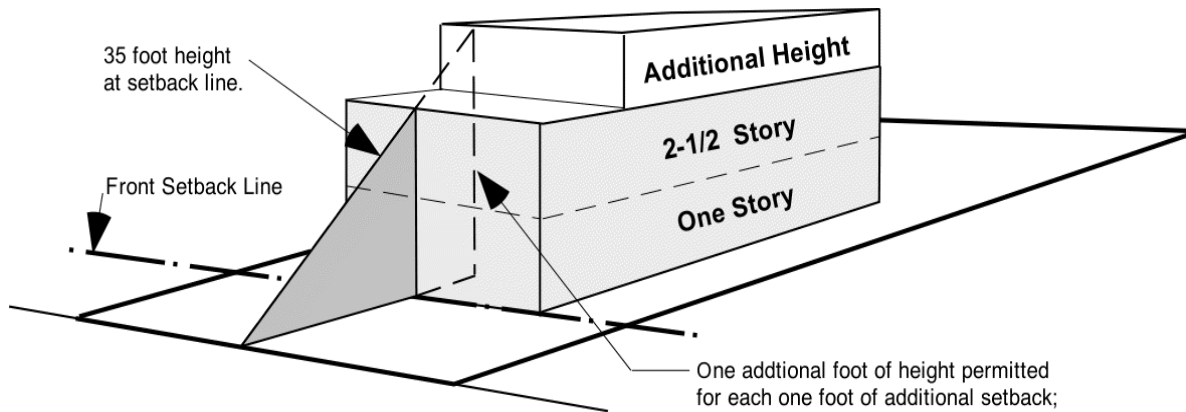
The requirements regulating the minimum lot size, minimum yard sizes (front, side, and rear), maximum building height (stories and feet) maximum percent of lot coverage, and maximum impervious coverage by buildings, as pertains to this district, shall conform with the provisions provided in the Height and Area Regulations table for the R-1 Zoning District, unless specified otherwise in this ordinance. *\*\*\*\*Note—chart and paragraph amended by Ordinance No. 192A, Adopted Sept 12, 2019*



## Article 5 – Zoning Districts

### 5.3.D ADDITIONAL HEIGHT .....

Cooling towers, roof gables, chimneys and vent stacks may extend for an additional height not to exceed forty feet (40') above the average grade line of the building. Water standpipes and tanks, church steeples, domes, and spires, school buildings, and institutional buildings may be erected to exceed two and a half (2-1/2) stories in height, provided that one (1) additional foot shall be added to the front yards for each foot that such structures exceed two and a half (2-1/2) stories, and one additional foot shall be added to the side and rear yards for each two feet in height above thirty-five (35) feet.



### 5.3.E OFF STREET PARKING AND LOADING REQUIREMENTS .....

1. Single Family Dwelling Unit - Two (2) enclosed spaces (garage) on the same lot as the main structure
2. All other provisions of Section 8.1 [Off-Street Parking and Loading](#) Requirements shall apply.

**Article 5 – Zoning Districts**

**Section 5.4 R-E Estate Residential District**

**5.4.A GENERAL PURPOSE & DESCRIPTION**

The R-E Residential Estate District is designed to promote and encourage a suitable environment for family life on large parcels of land used only for suburban style single-family homes and their community services and facilities. This District is intended to encourage more open space, permeable surfaces, and greater setbacks with characteristics of semi-rural areas.

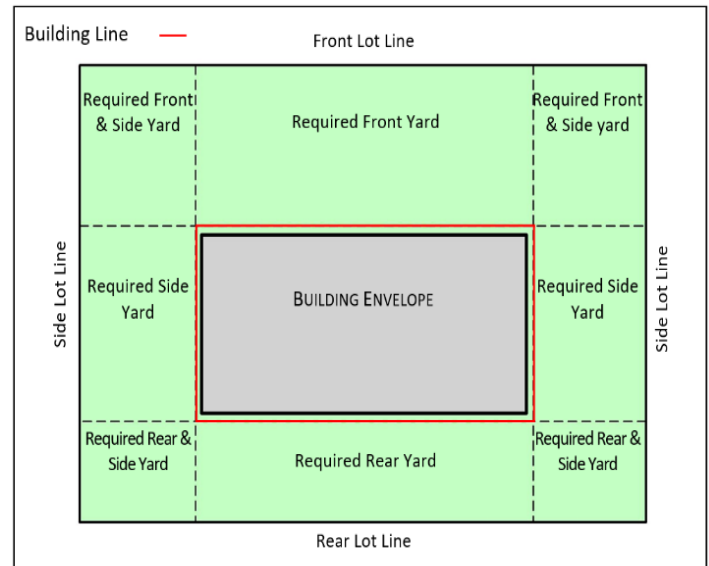
**5.4.B PERMITTED USES**

Uses permitted in the R-RE Estate Residential District are outlined in Article 4, [Permitted Uses](#).

**5.4.C HEIGHT; AREA, YARD, AND LOT COVERAGE REQUIREMENTS**

The requirements regulating the minimum lot size, minimum yard sizes (front, side, and rear), maximum building height (stories and feet), maximum percent of lot coverage by buildings and maximum impervious coverage, as pertains to this district, shall conform with the provisions provided in the Height and Area Regulations table for the R-E Zoning District, unless specified otherwise in this ordinance.

Height and Area Regulations R-E Estate Residential District	
Maximum Height	Not to exceed 35 ft. unless specified otherwise
Side Yard Setback Interior Lot Street Side	10 ft. minimum 20 ft. minimum
Rear Yard Setback	15 ft. minimum
Front Yard Setback	25 ft. minimum
Lot Size	40,000 sq. ft. minimum
Lot Depth	150 ft. minimum
Lot Width	100 ft. minimum
Dwelling Area	1,650 sq. ft. minimum
Building Coverage (Maximum)	30% of lot area – includes building footprints, accessory structures, garages but not pools
Impervious (Lot) Coverage (Maximum)	40% of lot area – includes building footprints, driveways sidewalks and pools (See definition of “Coverage, Impervious”)

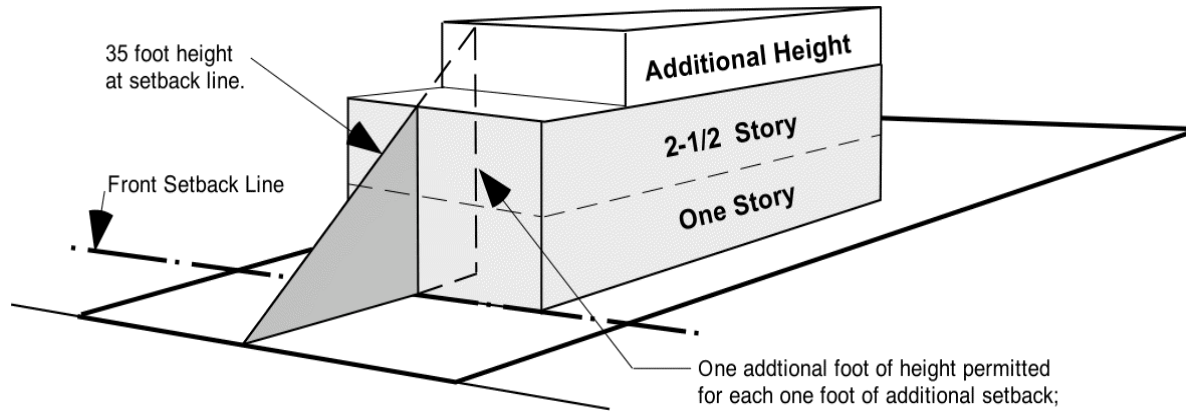


## Article 5 – Zoning Districts

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### 5.4.D ADDITIONAL HEIGHT

Cooling towers, roof gables, chimneys and vent stacks may extend for an additional height not to exceed forty feet (40') above the average grade line of the building. Water standpipes and tanks, church steeples, domes, and spires, school buildings, and institutional buildings may be erected to exceed two and a half (2-1/2) stories in height, provided that one (1) additional foot shall be added to the front yards for each foot that such structures exceed two and a half (2-1/2) stories, and one additional foot shall be added to the side and rear yards for each two feet in height above thirty-five (35) feet.



### 5.4.E OFF STREET PARKING AND LOADING REQUIREMENTS

1. Single Family Dwelling Unit - Two (2) enclosed spaces (garage) on the same lot as the main structure
2. All other provisions of Section 8.1 [Off-Street Parking and Loading](#) Requirements shall apply.

**Article 5 – Zoning Districts**

**Section 5.5 R-20 Single Family Residential District**

**5.5.A GENERAL PURPOSE & DESCRIPTION**

The R-20, Single Family Residential District will provide for development of single-family detached dwelling units on lots of not less than twenty thousand (20,000) square feet. The district was developed to reflect the annexation of existing single-family subdivisions with lots of less than 2 acres and their unique area requirements. Other uses, such as religious and educational facilities, and open spaces, may be provided to maintain a balanced, orderly, convenient and attractive residential area.

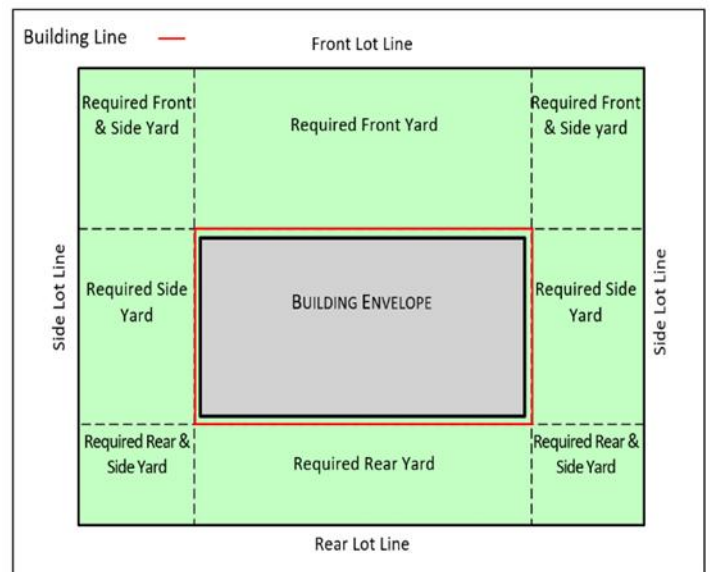
**5.5.B PERMITTED USES**

Uses permitted in the R-20 Residential District are outlined in Article 4, [Permitted Uses](#).

**5.5.C HEIGHT; AREA, YARD, AND LOT COVERAGE REQUIREMENTS**

The requirements regulating the minimum lot size, minimum yard sizes (front, side, and rear), maximum building height (stories and feet), maximum percent of lot coverage by buildings and maximum impervious coverage, as pertains to this district, shall conform with the provisions provided in the Height and Area Regulations table for the R-20 Zoning District, unless specified otherwise in this ordinance.

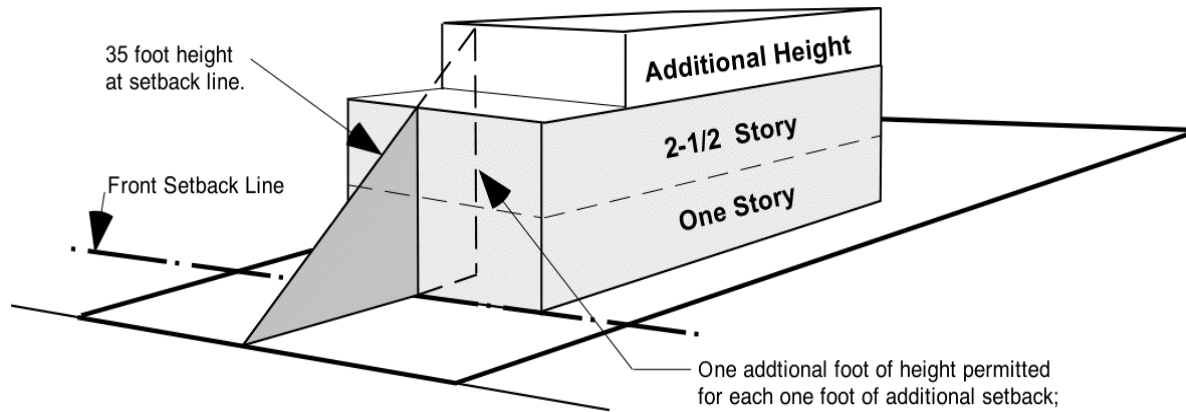
Height and Area Regulations R-20 Single Family Residential District	
Maximum Height	Not to exceed 35 ft. unless specified otherwise
Side Yard Setback Interior Lot Street Side	8 ft. minimum 15 ft. minimum
Rear Yard Setback	10 ft. minimum
Front Yard Setback	25 ft. minimum
Lot Size	20,000 sq. ft. minimum
Lot Depth	120 ft. minimum
Lot Width	100 ft. minimum
Dwelling Area	1,650 sq. ft. minimum
Building Coverage (Maximum)	30% of lot area – includes building footprints, accessory structures, garages but not pools
Impervious (Lot) Coverage (Maximum)	40% of lot area – includes building footprints, driveways sidewalks and pools (See definition of “Coverage, Impervious”)



## Article 5 – Zoning Districts

### 5.5.D ADDITIONAL HEIGHT .....

Cooling towers, roof gables, chimneys and vent stacks may extend for an additional height not to exceed forty feet (40') above the average grade line of the building. Water standpipes and tanks, church steeples, domes, and spires, school buildings, and institutional buildings may be erected to exceed two and a half (2-1/2) stories in height, provided that one (1) additional foot shall be added to the front yards for each foot that such structures exceed two and a half (2-1/2) stories, and one additional foot shall be added to the side and rear yards for each two feet in height above thirty-five (35) feet.



### 5.5.E OFF STREET PARKING AND LOADING REQUIREMENTS .....

1. Single Family Dwelling Unit - Two (2) enclosed spaces (garage) on the same lot as the main structure
2. All other provisions of Section 8.1 [Off-Street Parking and Loading](#) Requirements shall apply.

**Article 5 – Zoning Districts**

**Section 5.6 R-10 Single Family Residential District**

**5.6.A GENERAL PURPOSE & DESCRIPTION**

The R-10, Single Family Residential District will provide for development of single-family detached dwelling units on lots of not less than ten thousand (10,000) square feet. The district was developed to reflect the annexation of existing single-family subdivisions with lots of less than 2 acres and their unique area requirements. Other uses, such as religious and educational facilities, and open spaces, may be provided to maintain a balanced, orderly, convenient and attractive residential area.

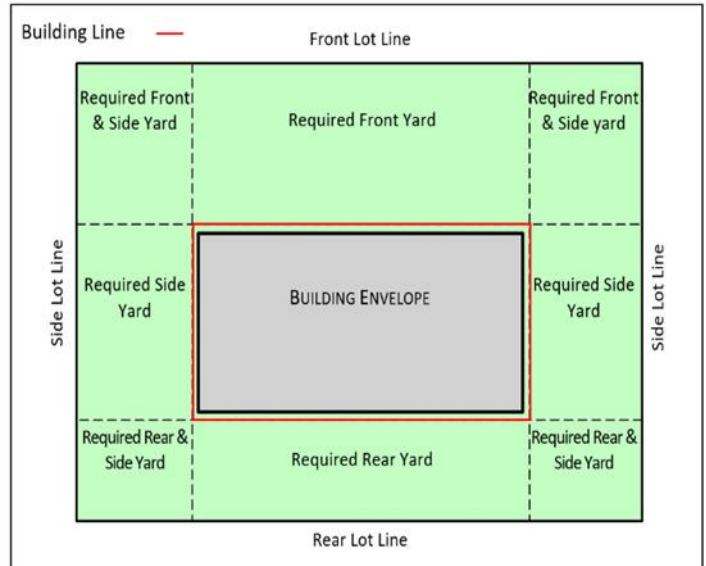
**5.6.B PERMITTED USES**

Uses permitted in the R-10 Residential District are outlined in Article 4, [Permitted Uses](#).

**5.6.C HEIGHT; AREA, YARD, AND LOT COVERAGE REQUIREMENTS**

The requirements regulating the minimum lot size, minimum yard sizes (front, side, and rear), maximum building height (stories and feet), maximum percent of lot coverage by buildings and maximum impervious coverage, as pertains to this district, shall conform with the provisions provided in the Height and Area Regulations table for the R-10 Zoning District, unless specified otherwise in this ordinance.

Height and Area Regulations R-10 Single Family Residential District	
Maximum Height	Not to exceed 35 ft. unless specified otherwise
Side Yard Setback	
Interior Lot	8 ft. minimum
Street Side	15 ft. minimum
Rear Yard Setback	10 ft. minimum
Front Yard Setback	25 ft. minimum
Lot Size	10,000 sq. ft. minimum
Lot Depth	100 ft. minimum
Lot Width	80 ft. minimum
Dwelling Area	1,650 sq. ft. minimum
Building Coverage (Maximum)	40% of lot area – includes building footprints, accessory structures, garages but not pools
Impervious (Lot) Coverage (Maximum)	50% of lot area – includes building footprints, driveways sidewalks and pools (See definition of “Coverage, Impervious”)

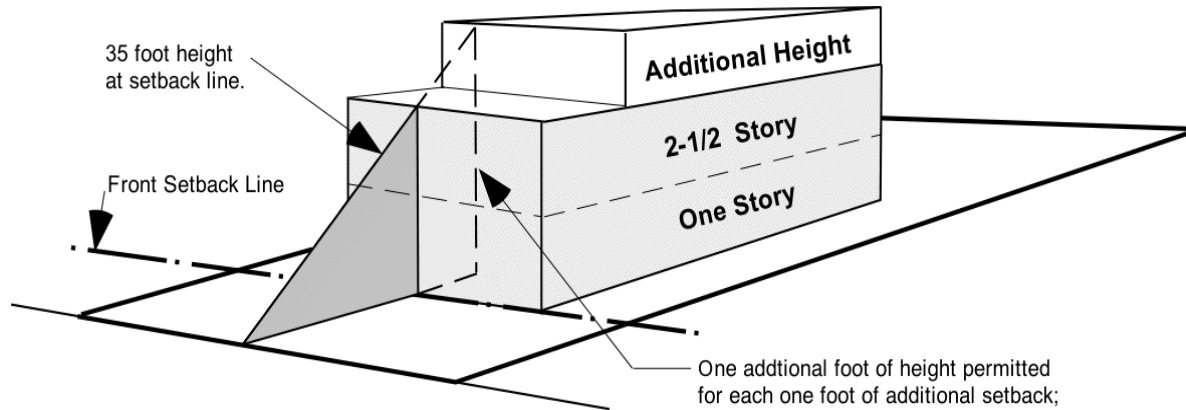


## Article 5 – Zoning Districts

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### 5.6.D ADDITIONAL HEIGHT .....

Cooling towers, roof gables, chimneys and vent stacks may extend for an additional height not to exceed forty feet (40') above the average grade line of the building. Water standpipes and tanks, church steeples, domes, and spires, school buildings, and institutional buildings may be erected to exceed two and a half (2-1/2) stories in height, provided that one (1) additional foot shall be added to the front yards for each foot that such structures exceed two and a half (2-1/2) stories, and one additional foot shall be added to the side and rear yards for each two feet in height above thirty-five (35) feet.



### 5.6.E OFF STREET PARKING AND LOADING REQUIREMENTS .....

1. Single Family Dwelling Unit - Two (2) enclosed spaces (garage) on the same lot as the main structure
2. All other provisions of Section 8.1 [Off-Street Parking and Loading](#) Requirements shall apply.

**Article 5 – Zoning Districts****Section 5.7 CONV - Conservation Residential District****5.7.A GENERAL PURPOSE & DESCRIPTION**

The purpose of the conservation development option is to preserve rural landscape character, natural resource areas, farmland, and other large areas of open land, while permitting development in an open space setting, located and designed to reduce the perceived intensity of development and provide privacy for dwellings. Specific objectives are as follows:

1. To maintain and protect the region's rural character by preserving important landscape elements, including those areas containing unique and environmentally sensitive natural features such as woodlands, hedgerows, stream corridors, wetlands, floodplains, prairies, woodlots, ridge tops, steep slopes, critical species habitat, and natural areas, by setting them aside from development.
2. To preserve scenic views and to minimize views of new development from existing streets and roadways.
3. To provide for the unified and planned development of parcels fifty (50) acres or larger in size for clustered, single-family, residential uses, incorporating large areas of permanently protected common open space.
4. To provide for greater design flexibility in the siting of dwellings and other development features than would be permitted by the application of standard subdivision regulations in order to minimize the disturbance of rural landscape elements, scenic quality, and overall aesthetic value of the landscape.
5. To increase flexibility and efficiency in the siting of services and infrastructure, by reducing street length, utility requirements, drainage requirements, and the amount of paving required for residential development, where possible.
6. To create groups of dwellings with direct visual and physical access to common open space.
7. To permit active and passive recreational use of common open space by residents of a cluster development or by the public.
8. To reduce erosion and sedimentation by retaining existing vegetation and minimizing development on steep slopes.
9. To allow for the continuation of agricultural uses in those areas best suited for such activities and when such activities are compatible with adjoining residential uses.
10. To permit various means for owning common open space and for protecting it from development in perpetuity.
11. To create an attitude of stewardship, or caring, for the land within common open space by requiring a land management, or stewardship, plan for the common open space.
12. To implement the objectives of the Town's comprehensive plan.

**5.7.B DEFINITIONS**

Specific definitions for the Conservation District development are located within Article 9, Definitions.

## **Article 5 – Zoning Districts**

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### **5.7.C PERMITTED USES**.....

Uses permitted in the CONV District are outlined in Article 4, [Permitted Uses](#).

### **5.7.D SITE ANALYSIS, DENSITY AND DIMENSIONAL STANDARDS**..

1. Site analysis required. To aid the Town in determining whether the applicant has accomplished the intent and objectives as described in this Section, and the design standards for cluster groups and common open space as described in this Section, the initial application for any development shall include a site analysis of the parcel and a concept plan for the development.
2. Review of site analysis. The applicant or his/her official representative shall submit these documents to the Planning and Zoning Coordinator for staff review, who will then submit the application with staff comments to the Planning and Zoning Commission for the purpose of obtaining early agreement on the apparent suitability of the parcel to conservation development and the completeness of the applicant's conceptual plan.
3. Specifications for site analysis. The specific requirements for the site analysis and concept plan shall include, at minimum:
  - a. A topographical map with elevation contours to scale and showing ten-foot intervals.
  - b. The location of severely constraining elements such as steep slopes (over twenty-five percent (25%)), wetlands, watercourses, intermittent streams, the one hundred (100) year floodplain, all rights-of-way and easements, karsts, caves, sinkholes and other critical environmental features.
  - c. The location of significant features such as woodlands, tree lines, open fields or meadows, scenic views, watersheds divides, existing fences or stone walls, rock outcroppings, cliffs, and existing roads or trails.
  - d. Locations of any existing structures or ruins.
  - e. The approximate location(s) and dimensions of proposed open space areas.
  - f. Configuration and location(s) of proposed housing clusters groups.
  - g. Locations of areas of low and moderate septic tank tolerant soils.
  - h. Clear identification of primary and secondary conservation zones.
4. Site inspection. After the site analysis has been prepared, Town staff shall schedule a mutually convenient date to walk the property with the applicant and his/her designer. Elected or appointed officials may be invited to this inspection. The purpose of this visit is to familiarize local officials with the property's special features, and to provide them an informal opportunity to offer guidance or, at minimum, a response to the applicant's concept plan for the development, including areas identified for preservation and areas identified for the location of housing clusters, community amenities, and infrastructure.

**Article 5 – Zoning Districts**

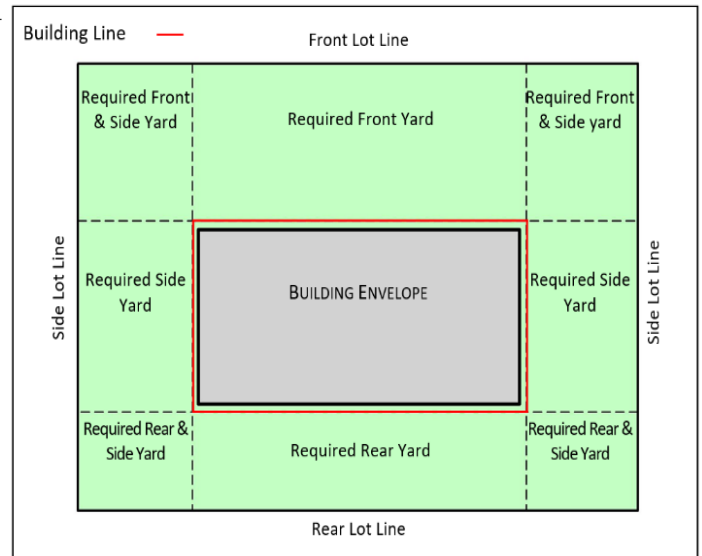
5. Density and dimensional standards. The following density and dimensional standards shall apply to residential cluster development unless specified otherwise:

Height and Area Regulations CONV Conservation Residential District		
	<b>Lots or Parcels Served by Private On-Site Waste Treatments Systems</b>	<b>Lots or Parcels Served by Centralized Sewer Facilities</b>
Maximum Density	1 dwelling unit per 1 net buildable acre	1 dwelling unit per 0.75 net buildable acre
Maximum Height	35 feet	35 feet
Minimum Lot Area	35,000 square feet	5,000 square feet
Side Yard Setback Interior Lot Street Side	5 ft. minimum 15 ft. minimum	5 ft. minimum 15 ft. minimum
Rear Yard Setback	15 ft. minimum	15 ft. minimum
Front Yard Setback	25 ft. minimum	25 ft. minimum
Lot Depth	100 ft. minimum	100 ft. minimum
Lot Width	50 ft. minimum	40 ft. minimum
Dwelling Area	1,650 sq. ft. minimum	1,650 sq. ft. minimum
Building Coverage (Maximum)	20 % of lot area - includes building footprints, accessory structures, garages but not pools	50 % of lot area - includes building footprints, accessory structures, garages but not pools
Minimum useable common (Lot) open space (percentage of gross acres)	40% of lot area - excludes building footprints, driveways sidewalks and pools (See definition of "Coverage, Impervious")	40% of lot area - excludes building footprints, driveways sidewalks and pools (See definition of "Coverage, Impervious")

6. Separation distances for cluster groups.
- a. The outer boundaries of all cluster groups shall conform to the following separation distances:
- (1) ± From existing or proposed arterial street rights-of-way, such as highways, entrance boulevards, and other major non-internal streets: two hundred (200') feet.

**Article 5 – Zoning Districts**

- (2) ~~ii~~ From existing scenic highways or rustic roads: one hundred (100') feet.
- (3) ~~iii~~ From all perimeter subdivision boundaries: one hundred (100') feet.
- (4) ~~iv~~ From cropland or pastureland: twenty-five (25') feet.
- (5) ~~v~~ From other cluster groups: one hundred (100') feet.
- (6) ~~vi~~ From wetlands, floodplains, or watercourses: one hundred fifty (150') feet.
- (7) ~~vii~~ From active recreation areas, such as courts or playing fields: one hundred (100') feet.



- b. All separation areas for cluster groups along existing streets shall be landscaped in accordance with this Section, in order to block views of new residential development, preserve scenic views, and protect rural landscape character.
- c. The dimensional standards specified in this Section may be reduced under the following circumstances:
  - (1) ~~i~~ The separation distances from existing arterial streets and the perimeter of the subdivision may be reduced by no more than fifty percent (50%) if the applicant can demonstrate that existing vegetation or topography or a combination of these form an effective visual screen.
  - (2) ~~ii~~ All other separation distances may be reduced by up to fifty percent (50%) if the applicant can demonstrate to the satisfaction of the Planning and Zoning Commission and Town Council that such reduced setbacks improve the plan's compliance with the cluster group design standards in this Section, the intent of this Section, and the objectives of the Town's comprehensive plan.

7. Calculation of site capacity.

- a. For cluster development, the calculation of site capacity, or the number of dwelling units permitted on site, shall be based on net buildable acreage. The applicant shall determine the net buildable acreage (NBA) using the following method, substantiated by sufficient plans and data to verify the calculations:

Gross acreage of site: \_\_\_\_\_ acres

From the gross acreage of the site, subtract the following:

All lands located within existing street rights-of-way: \_\_\_\_\_ acres.

**Article 5 – Zoning Districts**

- All lands located within existing utility and railway rights-of-way: \_\_\_\_ acres
- All lands located within a floodplain: \_\_\_\_ acres
- All lands located within a wetland: \_\_\_\_ acres
- All of the area located within a pond or lake: \_\_\_\_ acres
- All of the land area having a slope of 25 percent or greater: \_\_\_\_ acres
- Twenty-five percent of the area located within a woodland: \_\_\_\_ acres
- The result is the net buildable acreage (NBA): \_\_\_\_\_

b. In the calculation above, the following shall apply:

- (1) ~~i.~~ The elevation of the one hundred (100) year recurrence interval floodplain determined through floodplain studies shall be used where available. Where such flood stage data is not available, the regulatory flood elevation shall be determined by a registered professional engineer and the sealed report of the engineer setting forth the regulatory flood stage and the method of its determination shall be approved by the Town Engineer.
- (2) ~~ii.~~ Where two or more categories overlap, the overlapping acreage shall be counted only once, using the most restrictive classification.

**5.7.E DESIGN STANDARDS FOR CLUSTER GROUPS** .....

1. The following standards shall apply to all cluster groups:

- a. All dwelling units shall be grouped into cluster groups, each of which shall be surrounded by common open space.
- b. The maximum number of lots in a cluster group may be increased, and cluster groups may be assembled into larger groupings, with the approval of the Town and provided that the applicant can demonstrate that such an alternative plan is more appropriate for the development parcel and will meet both the general intent and design standards of this Section.
- c. A plat may contain one or more cluster groups.
- d. Cluster groups shall be defined by the outer perimeter of contiguous lotted areas or abutting streets, and may contain lots, streets, and cluster group open space. When the development does not include individual lots, as in a condominium, the outer perimeter shall be defined as an area encompassed by a line drawn around the units, no point of which is less than one hundred (100') feet from any unit.
- e. The outer boundaries of each cluster group shall meet the separation distance requirements specified in this Section.
- f. Cluster groups shall be defined and separated by common open space in order to provide direct access to common open space and privacy to individual lot or yard areas. Cluster groups may be separated by streets if the street right-of-way is designed as a boulevard.

2. Internal open space provided within cluster groups shall meet the following standards:

- a. Common open space located within cluster groups shall be counted toward meeting the overall forty percent (40%) open space requirement.

## Article 5 – Zoning Districts

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- b. The open space shall be configured as a cul-de-sac island, an island within a larger loop or an “eyebrow” (a semi-circular loop), an island in a boulevard street, or a common green area. Common green areas surrounded by lots on up to three sides shall be designed as a space for common use by all residents within the cluster group.
  - ~~e.a.~~ The open space shall have a minimum street frontage of one hundred twenty-five (125') feet.
  - ~~d.b.~~ Internal open space may contain parking areas, but parking areas shall not be counted toward meeting the overall forty percent (40%) open space requirement.
3. All lots in a cluster group shall abut and have access to common open space to the front or rear. Common open space across a street shall qualify for this requirement.
4. In locating cluster groups, disturbance to woodlands, hedgerows, and individual mature trees shall be minimized. However, when the objective is to preserve prime soils and large areas of contiguous land suitable for common open space or community uses, dwellings may be located within woodlands, provided that no more than twenty percent (20%) of a single wooded lot is cleared for the construction of a dwelling, driveway, garage, storage building, well, and private on-site waste treatment system.

### 5.7.F DESIGN STANDARDS FOR COMMON OPEN SPACE

1. On all parcels developed under the cluster development regulations, a minimum of forty percent (40%) of the gross land area shall be set aside as protected common open space.
  - a. This open space shall meet the following standards.
  - b. For the purposes of this subsection, gross land area includes all lands within the parcel, except existing street, railway, and utility rights-of-way.
  - c. Common open space shall comply with the following design standards:
    - (1) ~~i.~~ The location of common open space shall be consistent with the objectives of the Town’s comprehensive plan.
    - (2) ~~ii.~~ All open space areas shall be part of a larger continuous and integrated open space system within the parcel being developed. At least seventy-five percent (75%) of the common open space areas shall be contiguous to another common open space area. For the purposes of this subsection, areas shall be considered contiguous if they are within one hundred (100') feet of each other and there are no impediments to access between the areas.
    - (3) ~~iii.~~ Common open space shall, to the greatest extent possible, protect site features identified in the site inventory and analysis as having particular value in the context of preserving rural character, in compliance with the intent of this Section. Environmental corridors and isolated natural resource areas are of particular significance for protection.
    - (4) ~~iv.~~ Natural features shall generally be maintained in their natural condition, but may be managed to improve their appearance, or restore their overall condition and natural processes, as recommended by natural resource professionals and in compliance with an approved land

**Article 5 – Zoning Districts**

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stewardship plan, as described in this Section. Permitted management activities may include:

- i. ~~4~~ Woodland management.
  - ii. ~~2~~ Reforestation.
  - iii. ~~3~~ Meadow management.
  - iv. ~~4~~ Wetlands management.
  - v. ~~5~~ Stream bank protection.
  - vi. ~~6~~ Buffer area landscaping.
  - vii. ~~7~~ Wildlife management.
- (5) ~~v~~ All wetlands, floodplains, wildlife habitat areas, and slopes over twenty-five percent (25%), shall be contained in common open space.
- (6) ~~vi~~ The common open space shall maximize common boundaries with existing or future open space on adjacent lands.
- (7) ~~vii~~ To preserve scenic views, ridge tops and hilltops should be contained within common open space wherever possible. Trees shall not be removed from ridge tops or hill tops.
- (8) ~~viii~~ A minimum of fifty percent (50%) of the area of existing woodlands shall be contained within common open space. Up to twenty percent (20%) of the area of existing woodlands may be located within lots or used for residential development. This limitation may be exceeded under the following conditions:
- i. ~~4~~ The site is primarily wooded and development at the permitted density would not be possible without encroaching further into the woodlands.
  - ii. ~~2~~ Any encroachment on woodlands beyond twenty percent (20%) shall be the minimum needed to achieve the maximum permitted density, as determined by the Town.
  - iii. ~~3~~ No area of common open space shall be less than thirty (30') feet in its smallest dimension or less than 10,000 square feet in area, with the exception of landscape islands and landscaped areas separating existing house lots. Open space not meeting this standard shall not be counted toward the total required forty percent (40%) common open space.
- (9) ~~ix~~ The boundaries of common open space shall be marked, insofar as possible, by natural features wherever possible, such as hedgerows, edges of woodlands, streams, or individual large trees.
- (10) ~~xi~~ Trails in common open space that are located within fifty (50') feet of homes in cluster groups shall be identified by plantings, fences, or other landscape features.

**Article 5 – Zoning Districts**

~~(11)xii.~~ Under no circumstances shall all common open space be isolated in one area of the development. Common open space shall be distributed appropriately throughout the development to properly serve and enhance all dwelling units, cluster groups, and other common facilities.

~~(12)xiii.~~ Common open space shall include lands located along existing public streets in order to preserve existing rural landscape character as seen from these streets, and shall, in no case, contain less than the required buffer, setback area, or separation distance.

2. Safe and convenient pedestrian access and access for maintenance purposes shall be provided to common open space areas in accordance with the following:
  - a. At least one access point per cluster group shall be provided, having a width equal to or greater than the minimum width of a lot within the cluster group. This width may be reduced to no less than fifty percent (50%) feet if the applicant can demonstrate that, due to natural site constraints, meeting the lot width requirement would run counter to the objectives of this section.
  - b. Access to common open space used for agriculture may be restricted for public safety and to prevent interference with agricultural operations.
3. The following areas shall not be included in the calculation of common open space areas:
  - a. Private lot areas.
  - b. Street and highway rights-of-way, public or private.
  - c. Railway and utility rights-of-way.
  - d. Parking areas.
  - e. Areas not meeting the requirements of this Section.

**5.7.G PRESERVATION OF EXISTING VEGETATION; LANDSCAPING GENERALLY**

1. For the purpose of conserving the natural landscape and in recognition of the time value of existing vegetation, the preservation of existing vegetation shall always be preferred to the installation of new plant material.
2. Existing woodlands and hedgerows shall be retained to the maximum extent possible. Where possible, existing woodlands and hedgerows shall be incorporated into the required separation areas between cluster groups and external streets and site boundaries.
3. Suitable existing vegetation shall be credited toward the landscaping requirements of this section when, in the opinion of the Town Council, it would equal or exceeds the visual impact of the new required plant material after two years of growth.
4. All new landscaping to be installed and existing vegetation to be preserved shall be protected during its growth. New plantings shall be of drought-tolerant and native North Central Texas plant varieties, installed in a manner which preserves moisture and controls invasive weeds, using only natural and organic fertilizers.

**5.7.H STREET TREES**.....

1. Street trees shall be planted along internal streets within cluster groups.

**Article 5 – Zoning Districts**

2. Street trees may be planted, but are not required, along internal streets passing through common open space.
3. Informal arrangements are encouraged for street trees, to avoid the urban appearance that regular spacing may invoke.
4. Street trees shall be located so as not to interfere with the installation and maintenance of utilities and paths, trails, or sidewalks that may parallel the street.

**5.7.I BUFFERS**

1. A buffer area at least fifty (50') feet in width shall be established within all required separation areas between external streets and cluster groups.
2. Planted buffers within separation areas between cluster groups are encouraged to enhance privacy and a rural appearance between lots.
3. Buffers consisting of an informal arrangement of native plant species combined with infrequent mowing are strongly encouraged, to create a low-maintenance, natural landscape.
4. Increasing the edge condition between wooded areas and adjacent fields is encouraged as an aid in increasing wildlife habitat.

**5.7.J OWNERSHIP OF COMMON FACILITIES**

1. To ensure adequate planning for ownership, operation, and maintenance of common open space, recreation facilities, stormwater management facilities, common parking areas and driveways, private streets, and other common or community facilities (hereinafter referred to as “common facilities”), the following regulations shall apply.
2. The following methods may be used, either alone or in combination, to own common facilities. Common facilities shall not be transferred to another entity except for transfer to another method of ownership permitted under this subsection, and then only when there is no change in the common facilities. Ownership methods shall conform to one or more of the following:
  - a. *Homeowners’ association.* Common facilities shall be held in common ownership as undivided proportionate interests by the members of a homeowners’ association, subject to the provisions set forth herein:
    - (1) ~~i.~~ The applicant shall provide to the Town a description of the organization, including its bylaws, and all documents governing maintenance requirements and use restrictions for common facilities.
    - (2) ~~ii.~~ The organization shall be established by the owner or applicant and shall be operating, with financial subsidy by the applicant, if necessary, prior to the sale of any dwelling units in the development.
    - (3) ~~iii.~~ Membership in the organization shall be mandatory for all purchasers of dwelling units therein and their successors and assigns.
    - (4) ~~iv.~~ The organization shall be responsible for maintenance and insurance of common facilities.
    - (5) ~~v.~~ The members of the organization shall share equitably the costs of maintaining, insuring, and operating common facilities.

**Article 5 – Zoning Districts**

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- (6) ~~vi.~~–The organization shall have or hire adequate staff to administer, maintain, and operate common facilities.
  - (7) ~~vii.~~–The applicant for any cluster subdivision or development proposed to contain common facilities shall arrange with the county tax assessor a method of assessment of the common facilities which will allocate to each tax parcel in the development a share of the total assessment for such common facilities.
  - (8) ~~viii.~~–Written notice of any proposed transfer of common facilities by the homeowners' association or the assumption of maintenance of common facilities must be given to all members of the organization and to the Town at least thirty (30) days prior to such event.
- b. Condominium agreements. Common facilities shall be controlled through the use of condominium agreements. Such agreements shall be approved as to form by the Town Attorney and shall comply with the requirements of the Texas Statutes. All common open space and other common facilities shall be held as “common elements” by the unit owners in the form of undivided percentage interests in accordance with the condominium documents. An association of unit owners shall be formed to govern the affairs of the condominium and membership shall be mandatory.
- c. *Fee simple dedication to a public agency.* The Town or other public agency acceptable to the Town may, but shall not be required to, accept any portion of the common facilities, provided that:
- (1) ~~i.~~–There shall be no cost of acquisition, other than costs incidental to the transfer of ownership.
  - (2) ~~ii.~~–Any facilities so dedicated shall be accessible to the residents of the Town if the Town so chooses.
  - (3) ~~iii.~~–The Town or other public agency shall maintain such facilities.
  - (4) ~~iv.~~–The residents of the development shall hold a conservation easement on the land and facilities so dedicated, protecting the common open space from development in perpetuity.
- d. *Dedication of conservation easements to a public agency.* The Town or other public agency acceptable to the Town may, but shall not be required to, accept easements for public use of any portion of the common facilities, title of which is to remain in private ownership, provided that:
- (1) ~~i.~~ There is no cost of easement acquisition, other than costs incidental to the transfer of ownership, such as title insurance.
  - (2) ~~ii.~~–A satisfactory maintenance agreement shall be reached between the owner and the Town.
  - (3) ~~iii.~~–Lands under a Town easement may or may not be accessible to residents of the Town.

**Article 5 – Zoning Districts**

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- e. Fee simple dedication to a nonprofit conservation organization. With the approval of the Town council, an owner may dedicate any portion of the common facilities to a nonprofit conservation organization, provided that:
  - (1) ~~i.~~ The organization is acceptable to the Town.
  - (2) ~~ii.~~ The conveyance contains appropriate provisions for proper reverter or re-transfer in the event that the organization becomes unwilling or unable to continue carrying out its responsibilities.
  - (3) ~~iii.~~ A maintenance agreement acceptable to the Town is established between the owner and the organization.
- f. Dedication of conservation easements to a nonprofit conservation organization. With the approval of the Town, an owner may dedicate conservation easements on any portion of the common facilities to a nonprofit conservation organization, provided that:
  - (1) ~~i.~~ The organization is acceptable to the Town.
  - (2) ~~ii.~~ The conveyance contains appropriate provisions for proper reverter or re-transfer in the event that the organization becomes unwilling or unable to continue carrying out its responsibilities.
  - (3) ~~iii.~~ A maintenance agreement acceptable to the Town is established between the owner and the organization.
- g. Ownership retained by the original landowner. Ownership of common open space and facilities may be retained by the original landowner provided that:
  - (1) ~~i.~~ The Town and residents of the development shall hold conservation easements on the land protecting it from any further development.
  - (2) ~~ii.~~ Resident access to the land is limited only by agreement of the residents of the development, as indicated by documents signed at the time of purchase of individual dwelling units.
- h. Other methods acceptable to the Town.

**5.7.K MAINTENANCE AND OPERATION OF COMMON FACILITIES; LAND STEWARDSHIP PLAN**

- 1. A plan and narrative for the use, maintenance, and insurance of all common facilities, including provisions for funding, shall be provided to and approved by the Town prior to preliminary plat approval. Such plan shall:
  - a. Define ownership.
  - b. Establish necessary regular and periodic operation and maintenance responsibilities.
  - c. Estimate staffing needs, insurance requirements, and other associated costs and define the means for funding the same on an ongoing basis.
  - d. Include a land stewardship plan specifically focusing on the long-term management of open space lands. A draft land stewardship plan shall be submitted with a preliminary plat, and a final plan shall be submitted with the final plat. The land stewardship plan shall comply with the requirements of this Section.

**Article 5 – Zoning Districts**

- e. The applicant may be required to escrow sufficient funds for the maintenance and operation costs of common facilities for up to one (1) year.
- 2. In the event that the association established to own and maintain common areas and facilities, or any successor organization thereto, fails to properly maintain all or any portion of the aforesaid common areas or facilities, the Town may serve written notice upon such association setting forth the manner in which the association has failed to maintain the aforesaid common areas and facilities. Such notice shall set forth the nature of corrections required and the time within which the corrections shall be made. Upon failure to comply within the time specified, the association, or any successor organization, shall be considered in violation of this Section, in which case the Town shall have the right to enter the premises and take the needed corrective actions. The costs of corrective actions by the Town shall be assessed against the properties that have the right of enjoyment of the common areas and facilities.
- 3. The land stewardship plan shall include a narrative describing:
  - a. Existing conditions, including all natural, cultural, historic, and scenic elements in the landscape.
  - b. Objectives for each common open space area, including:
    - (1) ~~i.~~ The proposed end state for the area and the measures proposed for achieving the end state.
    - (2) ~~ii.~~ Proposed restoration measures, including:
      - i. ~~1.~~ Measures for correcting increasingly destructive conditions, such as erosion.
      - ii. ~~2.~~ Measures for restoring historic features.
      - iii. ~~3.~~ A maintenance and operations plan identifying activities needed to maintain the stability of the resources, including mowing schedules, weed control measures, planting schedules, and clearing and cleanup measures and schedules.

**5.7.L LEASING OF COMMON OPEN SPACE LANDS**

- 1. Common open space lands may be leased to another person or other entity for use, operation, and maintenance, provided that:
  - a. The residents of the development shall at all times have access to such leased lands, except in the case of lease for agricultural purposes, in which case the residents, with their agreement, may be restricted from accessing the lands.
  - c. The common open space lands to be leased shall be maintained for the purposes set forth in this section.
  - d. The operation of such leased open space lands may be for the benefit of the residents of the development only, or may be open to the public, if so determined by the residents.
  - e. The lease, and any transfer or assignment thereof, shall be subject to the approval of the Town.

## Article 5 – Zoning Districts

- f. Lease agreements shall be recorded in the office of the county register of deeds within thirty (30) days of their execution, and a copy of the recorded lease shall be filed with the Town.

### 5.7.M CONSERVATION OF COMMON OPEN SPACE

Common open space shall be restricted in perpetuity from further subdivision and/or land development by deed restriction, conservation easement, or other agreement in a form acceptable to the Town upon recommendation of the Town attorney and duly recorded in the office of the County register of deeds.

### 5.7.N SEWER AND WATER SUPPLY FACILITIES

1. Sewer facilities.
  - a. Sewer facilities for cluster development may consist of any system meeting the requirements of the county, the Town, and the state commission on environmental quality.
  - b. If approved by the Town Council, sewer facilities or portions thereof may be located within common open space areas.
  - c. All public community sewer facilities shall be owned, operated, and maintained by a general or special purpose unit of government.
2. Water supply facilities.
  - a. Water supply facilities may consist of any of following systems, provided they meet the requirements of the County, the Town, and the State commission on environmental quality:
    - (1) ~~i~~-Private community wells.
    - (2) ~~ii~~-Rainwater harvesting systems.
    - (3) ~~iii~~-Public water supply system.
    - (4) ~~iv~~-Private individual wells, only where neither (i) nor (iii) is available.
  - b. All public water supply facilities shall be owned, operated, and maintained by a general or special purpose unit of government.

### 5.7.O EVALUATION CRITERIA

1. The planning for a subdivision development under this section should be accomplished utilizing a four-step approach: Step 1 consists of identifying the land to be permanently protected. Step 2 involves locating the sites of housing clusters within the net buildable area. Step 3 involves “connecting the dots” with streets, utilities and informal trails. Step 4 is the drawing of individual lot lines.
2. The Planning and Zoning Commission and Town Council shall evaluate proposals for conservation developments to determine whether the proposed development:
  - a. Protects and preserves all floodplains, wetlands and steep slopes from clearing, grading, filling or construction (except as may be approved by the governing body for essential infrastructure or active or passive recreation amenities).
  - b. Preserves and maintains rural land features such as woodlands, existing fields, meadows or orchards, and preserves the natural topographical profile.

**Article 5 – Zoning Districts**

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- c. Maintains or creates an upland buffer of natural native species vegetation of not less than one hundred (100') feet in depth adjacent to wetlands and surface waters, including creeks, streams, springs, lakes and ponds.
- ~~e.a.~~ Minimizes impact on large woodlands (greater than five (5) acres), especially those containing many mature trees or significant wildlife habitat.
- ~~e.b.~~ Leaves scenic views or vistas unblocked and uninterrupted, particularly as seen from public thoroughfares.
- ~~f.c.~~ Avoids siting new construction on prominent hilltops or ridges.
- ~~g.d.~~ Protects wildlife habitat, especially areas of species which are endangered, threatened, or of special concern.
- ~~h.e.~~ Designs around and preserves sites of historic, archeological or cultural value.
- ~~i.f.~~ Protects rural roadside character and promotes public safety by not locating development with direct access to existing public roads or highways.
- ~~j.g.~~ Landscapes common areas, cul-de-sacs, community greens and roadway edges using native species trees and shrubs with high drought resistance and wildlife conservation value.
- ~~k.h.~~ Provides active recreational areas in suitable locations that offer convenient access by residents and adequate screening from adjacent house lots.
- ~~l.i.~~ Includes a pedestrian circulation system that provides safety for residents walking, jogging or bicycling within the development.
- ~~m.j.~~ Provides open space which is reasonably contiguous.

**5.7.P OFF STREET PARKING AND LOADING REQUIREMENTS.....**

1. Single Family Dwelling Unit - Two (2) enclosed spaces (garage) on the same lot as the main structure
2. All other provisions of Section 8.1 [Off-Street Parking and Loading](#) Requirements shall apply.

**Article 5 – Zoning Districts**

**Section 5.8 D- Duplex Residential District**

**5.8.A GENERAL PURPOSE & DESCRIPTION**

The D, Duplex Residential District, is intended to promote stable, quality multiple-occupancy residential development at slightly increased densities. This District may be used as a "buffer" or transition district between lower density residential areas and higher or non-residential areas, or major streets.

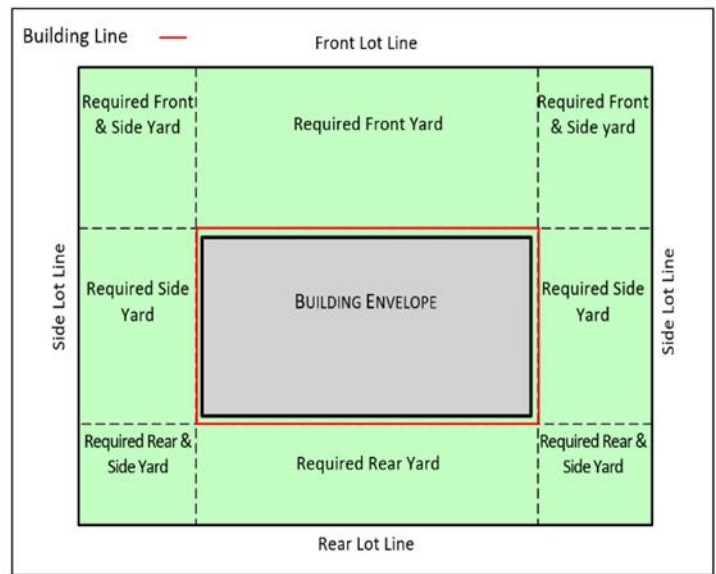
**5.8.B PERMITTED USES**

Uses permitted in the D, Duplex Residential District, are outlined in Article 4, [Permitted Uses](#).

**5.8.C HEIGHT; AREA; YARD; AND LOT COVERAGE REQUIREMENTS**

The requirements regulating the minimum lot size, minimum yard sizes (front, side, and rear), maximum building height (stories and feet), and maximum percent of lot coverage by buildings, as pertains to this district, shall conform with the provisions provided in the Height and Area Regulations table for the D Zoning District unless specified otherwise.

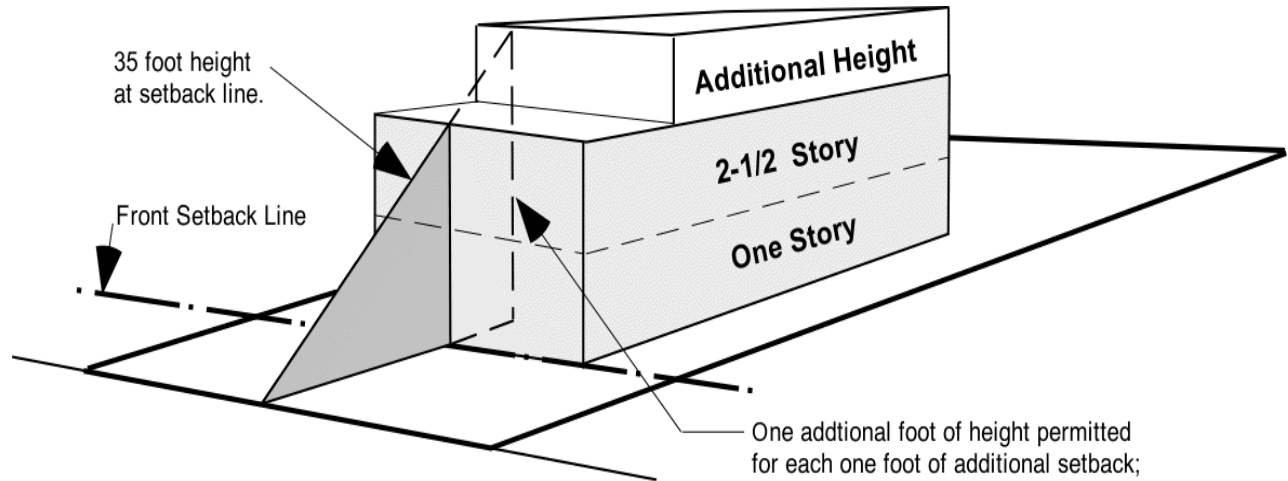
Height and Area Regulations D, Duplex Residential District	
Maximum Height	Not to exceed 35 ft.
Side Yard Setback Interior Lot Street Side	8 ft. minimum 15 ft. minimum
Rear Yard Setback	10 ft. minimum
Front Yard Setback	25 ft. minimum
Lot Size Per building	6,000 sq. ft. minimum
Lot Depth	100 ft. minimum
Lot Width	60 ft. minimum
Dwelling Area Per Unit	1,000 sq. ft. minimum
Building Coverage (Maximum)	50% of lot area includes building footprints, accessory structures, garages but not pools
Impervious (Lot) Coverage (Maximum)	70% of lot area – includes building footprints, driveways sidewalks and pools (See definition of "Coverage, Impervious")



**Article 5 – Zoning Districts**

**5.8.D ADDITIONAL HEIGHT**.....

Cooling towers, roof gables, chimneys and vent stacks may extend for an additional height not to exceed forty (40') feet above the average grade line of the building. Water standpipes and tanks, church steeples, domes, and spires, school buildings, and institutional buildings may be erected to exceed two and a half (2-1/2) stories in height, provided that one (1) additional foot shall be added to the front yards for each foot that such structures exceed two and a half (2-1/2) stories, and one additional foot shall be added to the side and rear yards for each two feet in height above thirty-five (35) feet.



**5.8.E OFF STREET PARKING AND LOADING REQUIREMENTS**.....

1. Residential Units - Two (2) spaces per dwelling unit on the same lot as the dwelling unit, with at least one of the parking spaces enclosed (garage) per unit.
2. All other provisions of Section 8.1 [Off-Street Parking and Loading](#) Requirements shall apply.

**5.8.F SPECIAL DISTRICT REQUIREMENTS**.....

All utilities shall be provided to each separate unit of each duplex in a D District such that each unit is individually metered.

**Article 5 – Zoning Districts**

**Section 5.9 MF - Multiple Family Residential District**

**5.9.A GENERAL PURPOSE & DESCRIPTION**

The MF, Multiple Family Residential District, is an attached residential district intended to provide a residential density of twenty-six (26) dwelling units per gross acre. The principal permitted land uses will include multiple family dwellings and garden apartments. Recreational, religious, health and educational uses normally located to service residential areas are also permitted in this District. This District should be located adjacent to a major street and serve as a buffer between retail/commercial development or heavy automobile traffic, and medium or low-density residential development.

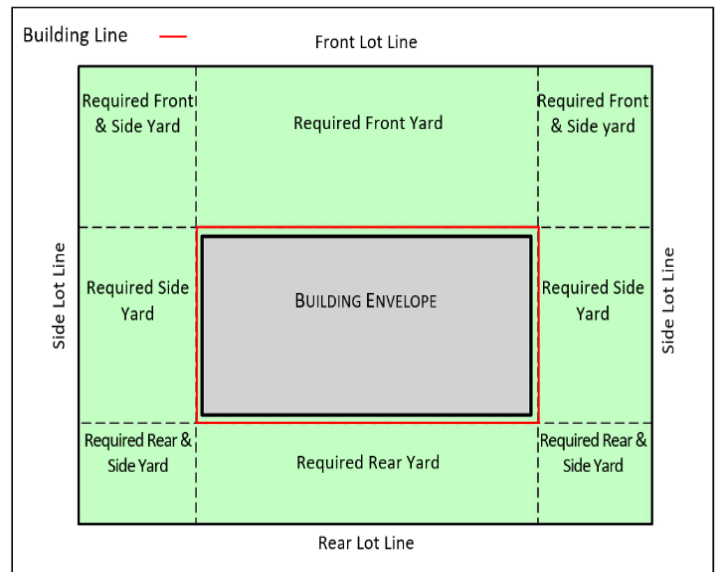
**5.9.B PERMITTED USES**

Uses permitted in the MF Multiple Family Residential District are outlined in Article 4, [Permitted Uses](#).

**5.9.C HEIGHT; AREA; YARD; AND LOT COVERAGE REQUIREMENTS**

The requirements regulating the minimum lot size, minimum yard sizes (front, side, and rear), maximum building height (stories and feet), and maximum percent of lot coverage by buildings, as pertains to this district, shall conform with the provisions provided in the Height and Area Regulations table for the MF Zoning District unless specified otherwise.

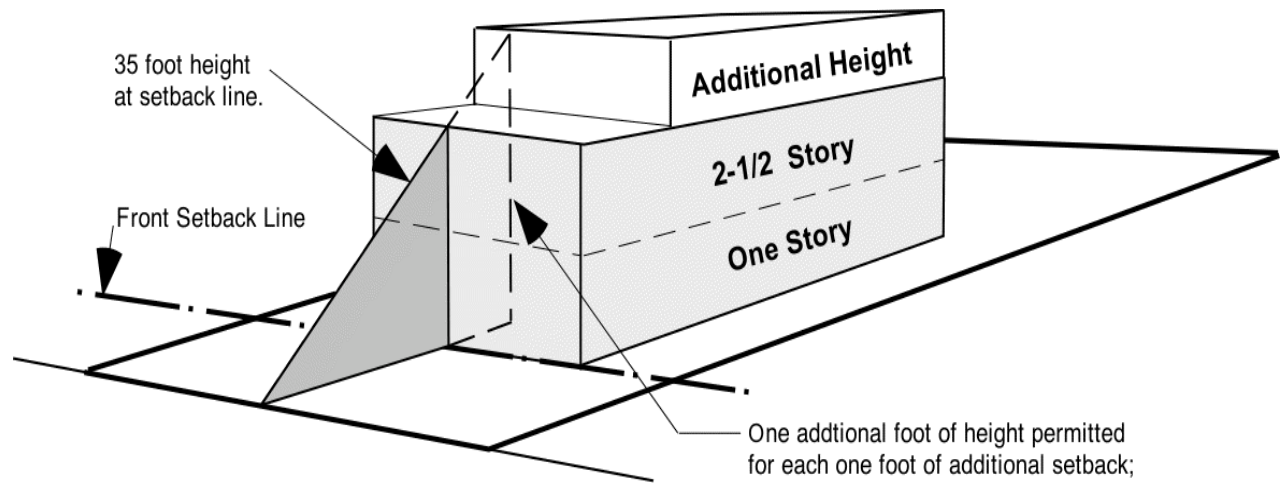
Height and Area Regulations MF Multiple Family Residential District	
Maximum Height	Not to exceed 35 ft.
Side Yard Setback	
Interior Lot	15 ft. minimum
Street Side	25 ft. minimum
Rear Yard Setback	10 ft. minimum
Front Yard Setback	25 ft. minimum
Lot Size	6,000 sq. ft. minimum
Lot Depth	120 ft. minimum
Lot Width	50 ft. minimum
Dwelling Area	
One Bedroom	575 sq. ft. minimum
Two Bedroom	675 sq. ft. minimum
Ea. Add. Bedroom	150 sq. ft. minimum
Maximum Density	26 D.U./ gross acre
Building Coverage (Maximum)	50% of lot area includes building footprints, accessory structures, garages but not pools
Impervious (Lot) Coverage (Maximum)	70% of lot area – includes building footprints, driveways, parking areas, sidewalks and pools (See definition of “Coverage, Impervious”)



**Article 5 – Zoning Districts**

**5.9.D ADDITIONAL HEIGHT**

Cooling towers, roof gables, chimneys and vent stacks may extend for an additional height not to exceed forty (40') feet above the average grade line of the building. Water standpipes and tanks, church steeples, domes, and spires, school buildings, and institutional buildings may be erected to exceed two and a half (2-1/2) stories in height, provided that one (1) additional foot shall be added to the front yards for each foot that such structures exceed two and a half (2-1/2) stories, and one additional foot shall be added to the side and rear yards for each two feet in height above thirty-five (35) feet.

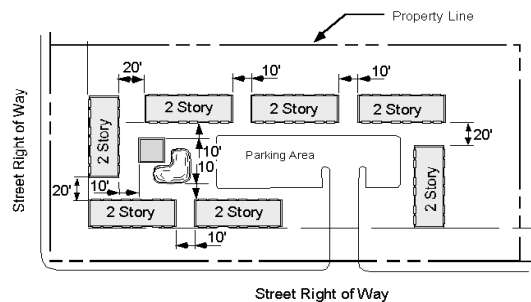


**5.9.E OFF STREET PARKING AND LOADING REQUIREMENTS**

Two (2) spaces per unit. All other provisions of Section 8.1 [Off-Street Parking and Loading](#) Requirements shall apply.

**5.9.F STRUCTURE SEPARATION**

1. From main structure to main structure with openings for doors or windows on facing facades, twenty (20') feet.
2. From main structure to main structure without openings, ten (10') feet.
3. From main structure to accessory buildings or pools, ten (10') feet.

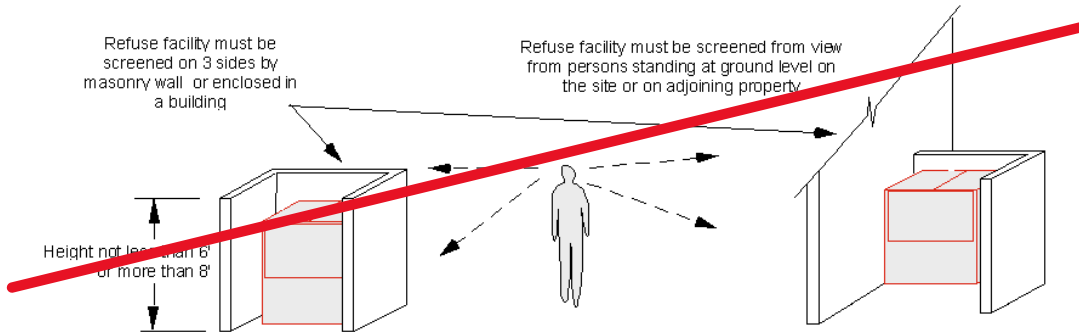


**5.9.G REFUSE FACILITIES**

1. **Refuse Facilities shall meet the requirements of Section 8.14, Refuse Facilities.**
2. Every dwelling unit shall be located within two hundred fifty (250') feet of a refuse facility, measured along the designated pedestrian and vehicular travel way. A refuse facility shall be a dumpster or other similar receptacle designed for receiving garbage in bulk or for more than one (1) dwelling.

**Article 5 – Zoning Districts**

~~3. All refuse facilities shall be screened from view on three (3) sides from persons standing at ground level on the site or immediately adjoining property, by a masonry wall not less than six (6') feet, nor more than eight (8') feet in height or by an enclosure within a building. Refuse containers shall have solid latching gates and shall be provided and maintained in a manner to satisfy local public health and sanitary regulations. Each refuse facility shall be located so as to provide safe and convenient pickup by refuse collection agencies. Repair to damaged walls and gates shall be affected within thirty (30) days of notification of such damage.~~



**5.9.H SITE PLAN REQUIREMENT**

An application for change in zoning to the MF Multi-family district shall be accompanied with a site plan that clearly illustrates the development concept of the land being rezoned. In addition, any property zoned MF that has not had a site plan approved at the time of zoning shall have a site plan approved by the Town, upon recommendation of the Planning and Zoning Commission, prior to issuing any building permit for new construction.

**5.9.I SPECIAL DISTRICT REQUIREMENTS**

1. Where a multiple family dwelling exceeding three (3) stories in height is erected, the side yard setback must be increased one (1') foot for each two (2') feet the structure exceeds three (3) stories, but no side yard need exceed fifty (50') feet as a result of this provision.
2. Where multiple family dwellings exceed three (3) stories in height, a rear yard setback equal to one (1') foot for each two (2') feet in height is required, except that such rear yard setback need not exceed fifty (50') feet as a result of this provision.

**Article 5 – Zoning Districts**

**Section 5.10 MH - HUD-Code Manufactured Housing District**

**5.10.A GENERAL PURPOSE AND DESCRIPTION**

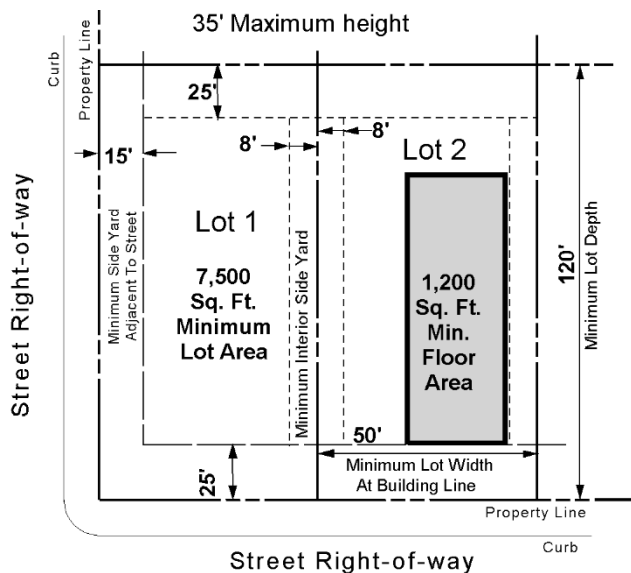
The purpose of this district is to provide adequate space and restrictions for the placement of HUD-Code manufactured homes in the Town within designated subdivisions and leased communities. This does not include mobile homes as defined in this ordinance, **which are prohibited in the Town of Annetta**. The MH, HUD-Code Manufactured Housing District, is also established to provide housing densities compatible with existing and proposed neighborhoods by providing alternative housing types both in construction and economy within the MH, HUD-Code Manufactured Housing, District. HUD-Code manufactured home shall be allowed on parcels or lots within the MH, HUD-Code Manufactured Housing District.

**5.10.B PERMITTED USES**

Uses permitted in the MH, HUD-Code Manufactured Housing District, shall be in accordance with the listed uses in Article 4, [Permitted Uses](#) Table.

**5.10.C HEIGHT; AREA; YARD; AND LOT COVERAGE REQUIREMENTS**

The requirements regulating the minimum lot size, minimum yard sizes (front, side, and rear), maximum building height (stories and feet), and maximum percent of lot coverage by buildings, as pertains to this district, shall conform with the provisions provided in the Height and Area Regulations for the MH, HUD-Code Manufactured Housing Zoning District unless specified otherwise.

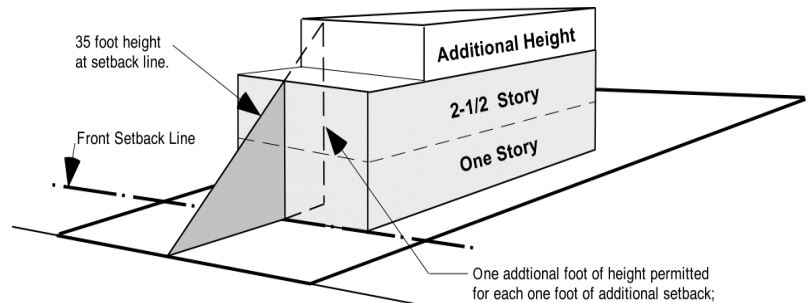


Height and Area Regulations MH, HUD-Code Manufactured Housing District	
Maximum Height	Not to exceed 35 ft.
Side Yard Setback	
Interior Lot	8 ft. minimum
Street Side	15 ft. minimum
Rear Yard Setback	25 ft. minimum
Front Yard Setback	25 ft. minimum
Lot Size	Five (5) acres min.
Lot Area (per dwelling unit)	7,500 sf
Lot Depth (per dwelling unit)	120 ft. minimum
Lot Width (per dwelling unit)	50 ft. minimum
Dwelling Unit Size	1,200 sq. ft. minimum
Building Coverage (Maximum)	50% of lot area includes building footprints, accessory structures, garages but not pools.
Impervious (Lot) Coverage (Maximum)	70% of lot area – includes building footprints, driveways sidewalks and pools (See definition of “Coverage, Impervious”).

## Article 5 – Zoning Districts

### 5.10.D ADDITIONAL HEIGHT.....

Cooling towers, roof gables, chimneys and vent stacks may extend for an additional height not to exceed forty (40') feet above the average grade line of the building. Water standpipes and tanks, church steeples, domes, and spires, school buildings, and institutional buildings may be erected to exceed two and a half (2-1/2) stories in height, provided that one (1) additional foot shall be added to the front yards for each foot that such structures exceed two and a half (2-1/2) stories, and one additional foot shall be added to the side and rear yards for each two feet in height above thirty-five (35) feet.



### 5.10.E YARD REQUIREMENTS FOR SECONDARY NON-RESIDENTIAL STRUCTURES

In the MH, HUD-Code Manufactured Housing District, no carport, garage, storage building, office, or caretaker's dwelling, laundry house, or other permitted structure may be located closer than ten (10') feet from any side or rear property line. Such structures shall also be subject to front yard requirements above.

### 5.10.F OFF STREET PARKING AND LOADING REQUIREMENTS..

Each HUD-Code Manufactured Home constructed after the effective date of this Ordinance shall contain and maintain either a detached or an attached fully enclosed garage. In no case shall such garage consist of less than four hundred and sixty-two (462) square feet of floor space with minimum interior measurements of at least twenty-one (21') feet by twenty-two (22') feet. The number of required parking spaces shall be in accordance with Section 8.1 [Off-Street Parking and Loading](#) Requirements.

### 5.10.G DEVELOPMENT AND INSTALLATION REGULATIONS.....

Any property developed within the MH, HUD-Code Manufactured Housing District, as a HUD-Code Manufactured Home or as a HUD-Code manufactured housing subdivision shall meet the following requirements:

1. HUD-Code Manufactured Homes shall have the axles, wheels, and tow bar or tongue removed and shall be secured to a permanent foundation or footing and piers, all in accordance with manufacturer's specifications.
2. HUD-Code Manufactured Homes must have a minimum of an eighteen (18") inch crawl space under all homes.
3. A concrete or asphalt surface with good drainage shall cover the area where a home is to be sited.
4. Each HUD-Code Manufactured Home site shall have a slab or patio not less than twenty (20') feet in length and six (6') feet in width, comprised of concrete, flagstone, or similar substance installed adjacent to each site.
5. HUD-Code Manufactured Homes shall have permanent steps installed at all exits.
6. Skirting shall be securely attached between the HUD-Code Manufactured Home and the ground on all sides within thirty days of home installation. Skirting materials shall consist of materials which are compatible with the design of the home and enhance its appearance. Unpainted or untreated corrugated metal, screen or wire, or lattice-type skirting is prohibited.

## **Article 5 – Zoning Districts**

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7. Construction, placement, and installation of the homes shall be in conformance with applicable federal, state, and local codes and standards, and each HUD-Code Manufactured Home shall have affixed a seal of the appropriate federal or state department.
8. Sanitation, fire protection, and underground utility services shall be provided to each lot in accordance with Town ordinances and regulations.
9. Ingress and egress to the property shall be provided in accordance with Town ordinances and regulations.
10. Drainage and garbage collection rights-of-way, fire lanes, and utility easements shall be provided as required by the Town. Such can be accomplished by designating all private interior drives within the project as easements for vehicular access and service.
11. Soil conditions, ground water level, drainage, flooding, and topography shall not create hazards to the developed portion of the property or the health and safety of the residents.
12. HUD-Code Manufactured Home subdivisions shall be developed at densities comparable to adjacent residential uses or have adequate landscape buffering or open space to provide transition of uses. Adequate landscape buffering or open space for transition purposes shall be determined on an individual site basis and shall be subject to the approval of the Town Council upon recommendation of the Planning and Zoning Commission.
13. Any structural alteration or modification of a HUD-Code Manufactured Home after it is placed on the site must be approved by the Town of Annetta. All structural additions shall comply with the Town's building codes and ordinances.

### **5.10.H SITE-BUILT ADDITIONS**

Peaked roof facades, atrium entrances, garages, porches, and patios may be added.

### **5.10.I ACCESSORY BUILDING AND STRUCTURE REGULATIONS**

Area regulations for accessory buildings or accessory structures shall be in compliance with Section 8.9, Accessory Building & Use Regulations.

### **5.10.J INTERIOR DRIVES**

1. The use of private interior drives must be approved by the Town Council upon recommendation of the Planning and Zoning Commission.
2. Such interior drives shall have a minimum easement width of fifty (50') feet and shall have a minimum paved roadway width of twenty-eight (28') feet.
3. Public interior streets shall be located within dedicated rights-of-way and shall have a minimum paved roadway width provided in accordance with the applicable standards in the Subdivision Regulations.
4. All private interior drives, entrances, and service drives shall be constructed in accordance with Town design standards and shall have a six (6") inch rolled curb and gutter of concrete meeting the street standards of the Town of Annetta. The developer shall bear the total cost of construction and maintenance of all such improvements, including curb and drainage structures that may be needed.
5. All parking areas and public streets shall be of concrete or asphalt construction, as approved by the Town Engineer.

**Article 5 – Zoning Districts**

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**5.10.K UNDERGROUND UTILITIES**

All utility lateral and service lines located within the MH District shall be installed underground.

**5.10.L OPEN SPACE AREA**

Open space designated for the use and enjoyment of all residents shall be provided within a HUD-Code Manufactured Home subdivision or lease community at the ratio of five hundred (500) square feet for each of the first twenty (20) units, and two hundred (200) square feet for each additional unit in excess of twenty (20). Designated open space shall be developed and maintained for recreational and leisure activities and shall be located within the subdivision or leased community being developed.

**5.10.M SCREENING**

A solid opaque screening wall not less than six (6') feet in height or fence of not less than eight (8') feet in height, measured at the highest finished grade, shall be provided along all perimeter property lines of a HUD-Code Manufactured Home subdivision or leased community which do not abut a dedicated street. Said screening wall or fence shall be of a decorative construction in accordance with Ordinance 78-A. This requirement can be waived or modified if natural or man-made physical features create an adequate separation or buffer from adjacent uses, as determined by the Town Council upon recommendation of the Planning and Zoning Commission. However, any request to waive this requirement shall be presented as an element of the site plan and shall be subject to approval at that time only.

**5.10.N PRESERVATION OF SITE ASSETS**

1. When developing a HUD-Code Manufactured Home Subdivision or Lease Communities, the following steps shall be taken to preserve on-site assets:
2. Suitable available topsoil and desirable existing trees, shrubs, and ground cover shall be preserved and protected where practicable.
3. Topsoil which is suitable and needed for later use in finished grading shall be stripped from areas to be occupied by structures, parking areas, streets and driveways, and from areas to be re-graded or disturbed. This topsoil shall be collected and stored on the site in convenient places for future use and shall be free of debris during construction.
4. Drainage engineering plans for drainage shall be submitted for review by the Town at the time of site plan approval. All applicable requirements of the Town shall be met.
5. HUD-Code Manufactured Home Sales: HUD-Code Manufactured Home subdivisions shall be for residential purposes only. Sales of these homes shall be limited to those which become available on the market on an individual basis. Commercial sales and promotion are not permitted.

**Article 5 – Zoning Districts**

**Section 5.11 TC – Town Center Zoning District**

**5.11.A GENERAL PURPOSE AND DESCRIPTION**

The TC - Town Center District is intended for the development of a concentrated, mixed-use focal point. The Town Center is a place for local residents to shop, conduct personal business, and reside. It is also a place where neighbors meet in pocket parks, eat at local cafes, and gather in common areas for community events and festivals, and other similar activities.

Office, retail, and service establishments should be small scale, with individual businesses not to exceed five thousand (5,000) square feet in building footprint. Multi-tenant buildings are appropriate within the Town Center and should not exceed fifteen thousand (15,000) square feet in building footprint.

Development within the TC district should contain design elements consistent with pedestrian connectivity between uses. Public pedestrian walkways and open areas in order to promote interaction among the various land uses and to create a “pedestrian friendly” environment are encouraged.

The following are key concepts that should be acknowledged through development practices within the TC district:

1. Retail uses within the TC district should be constructed in such a manner and at such a scale so as to be inviting to pedestrians and emphasize small, specialty shops, restaurants and professional offices;
2. Traffic flows within the TC district should enable people to move freely without the use of a motor vehicle by becoming integrated with the Town’s overall pedestrian network and by full integration with any Parks, Recreation and Open Space Master Plan as adopted by the Town from time to time; and
3. Outside social gathering spaces, such as small parks and courtyards, should be an integral part of the TC district.

**5.11.B PERMITTED USES**

Uses permitted in the TC Town Center district shall be in accordance with the listed uses in Article 4, [Permitted Uses](#) Table.

**Article 5 – Zoning Districts**

**5.11.C HEIGHT; AREA; YARD; AND LOT COVERAGE REQUIREMENTS**

The requirements regulating the minimum lot size, minimum yard sizes (front, side, and rear), maximum building height (stories and feet), and maximum percent of lot coverage by buildings, as pertains to this district, shall conform with the provisions provided in the Height and Area Regulations for the TC Zoning District unless specified otherwise.

**5.11.D BUILDING SIZE FOR NONRESIDENTIAL STRUCTURES**

The building footprint area shall not be less than one thousand five hundred (1,500) square feet nor be greater than twenty-five thousand (25,000) square feet. No individual shop, office or other nonresidential use allowed within the TC District may occupy a space greater than ten thousand (10,000) square feet. Buildings of up to, but not to exceed, thirty-five thousand (35,000) square feet in size may be constructed provided that for every one (1) additional square foot of building above twenty-five thousand (25,000) square feet three (3) square feet of park, improved usable open space, or plaza area that is accessible to the general public must be provided. The public open space shall be provided on the same site plan as the building receiving the credit for additional size. Any building footprint over twenty-five thousand (25,000) square feet but not exceeding thirty-five thousand (35,000) square feet, may be approved as part of the site plan approval process.

Height and Area Regulations TC District	
Maximum Height	2 Stories Not to exceed 35 ft. 1 story for accessory buildings
Side Yard Setback	
Interior Lot	None
Street Side	15 ft. minimum
Rear Yard Setback	25 ft. minimum
Front Yard Setback	10 ft minimum 25 ft. maximum
Minimum Site Size	Five (5) acres minimum
Minimum Lot Size	
Non-Residential	10,000 sq. ft.
Residential	5,000 sq. ft.
Lot Depth	100 ft. minimum
Lot Width	
Non-single family	100 ft. minimum
Single family dwelling unit)	50 ft. minimum
Dwelling Unit Size	1,200 sq. ft. minimum
Building Coverage (Maximum)	50% of lot area includes building footprints, accessory structures, garages but not pools.
Impervious (Lot) Coverage (Maximum)	80% of lot area – includes building footprints, driveways, parking areas, sidewalks and pools (See definition of “Coverage, Impervious”).

**5.11.E OFF STREET PARKING AND LOADING REQUIREMENTS**

1. All other provisions of Section 8.1 [Off-Street Parking and Loading](#) Requirements shall apply.
2. Parking shall be discouraged between the primary structure or building and front property line.

**5.11.F DESIGN CRITERIA:**

1. Consistency with Comprehensive Plan Required - Development proposals shall be consistent with the Comprehensive Plan concept for the Town Center.
2. Windows - Reflective glass shall not be used for windows; detailing for windows, doors and other openings shall be of wood, glass, anodized aluminum or painted aluminum.

## Article 5 – Zoning Districts

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3. Required Massing for Nonresidential Structures - In order to ensure the aesthetic value and visual appeal of nonresidential land uses and structures, the facades of all structures that contain ninety (90') feet or more frontage along a public street must be offset, varied and articulated, at least three (3') feet in depth for every thirty (30') feet in horizontal surface length.
4. Facade offsets shall be shown, along with calculations verifying that the building elevations meet the above requirement, on a building facade (elevation) plan submitted for Planning and Zoning Commission review and approval by the Town Council along with the Site Plan.
5. Primary Entryways - Primary entryways shall be recessed a minimum of three (3') feet from the front building facade and shall be clearly defined by an architectural or landscape feature.
6. Power Lines - New power lines to business establishments shall be placed underground.
7. Pedestrian Streetscape - Pedestrian spaces shall be treated with amenities that are selected based upon their ability to unify the streetscape. It is important that elements such as construction materials, colors, textures and fixture design complement the pedestrian space. These features shall be repeated throughout the streetscape so as to unify the district as a whole.

### 5.11.G ARCHITECTURAL DESIGN:

1. All building materials shall be established on architectural elevations and supporting information as approved by the Town.
2. Exterior Appearance:
  - a. Materials:
    - (1) ~~i.~~ One hundred percent (100%) of the cladding of exterior walls shall be of brick, stone or cast stone construction.
    - (2) ~~ii.~~ Alternative materials for exterior cladding may be authorized by special exception. Consideration of said special exception shall be limited to one or more of the following:
      - i. ~~1.~~ Use of alternative materials to provide emphasis to primary entrances. Alternative materials may provide for the appearance of wood construction for primary entryways.
      - ii. ~~2.~~ Alternative materials may be approved by the Town upon determination that the proposed materials will result in an appearance that is consistent with the purpose and intent of this section, any surrounding buildings, and the overall character of the TC District.
    - (3) ~~iii.~~ Existing, unpainted brick shall not be painted except where necessary to provide a uniform color to hide repair work.
3. Windows:
  - a. Upper facade windows shall be placed symmetrically on the facade.
  - b. Windows, other than display windows located on the ground floor, shall be rectangular with the proportion of the height being no smaller than two and one-half (2-1/2) times the width and no larger than four (4) times the width.

**Article 5 – Zoning Districts**

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- ~~(1) i-~~Windows shall be of a divided light design with a minimum of two (2) panes over two (2) panes.
    - ~~(2) ii-~~Windows shall be constructed with windowsills extending a minimum of two (2) inches from the exterior facade of the structure.
    - ~~(3) iii-~~Display Areas, Windows, or Doorways Required - A minimum of forty percent (40%) of the building facade along the ground floor and adjacent to a public street shall consist of display areas, windows, or doorways.
4. Design Features: A minimum of three (3) of the following design features must be incorporated into the front building elevation:
  - a. Bracketed dentil course constructed along the top edge of the parapet for the entire building frontage;
  - b. Secondary cornice separating the ground floor from the second floor;
  - c. Quoins located at the building corners;
  - d. Decorative masonry course integrated into the masonry facade of the parapet;
  - e. Transoms located above second- and third-story windows;
  - f. Canopies installed along that portion of the building located immediately adjacent to a public street and meeting the following standards:
    - ~~(1) i-~~Canopies shall be constructed of permanent metal material.
    - ~~(2) ii-~~Canopies shall extend along seventy-five percent (75%) of the total building frontage.
    - ~~(3) iii-~~Canopies may extend a maximum of eight (8') feet into the street right-of-way.
    - ~~(4) iv-~~A minimum clearance of eight (8') feet must be maintained above all sidewalks and a minimum clearance of fourteen (14') feet must be maintained above the street pavement.
5. Roofs: Building walls shall extend to parapets that enclose the roof area. Said parapets shall be of a sufficient height to fully screen the roof and any mechanical equipment located on the roof.
6. Gazebos and Kiosks - Gazebos and kiosks shall be permitted in interior open spaces visible from a public right-of-way. They shall be consistent with or complementary to the architectural design utilized for the primary structure.
7. Trash Storage Areas and Mechanical Equipment - Trash storage areas, mechanical equipment, and other such items shall not be visible from a public street and are prohibited between the primary structure and a public street. Trash storage areas, mechanical equipment, and similar items shall be fully screened with a masonry screening wall and constructed of like and similar masonry materials to those of the primary structure.
8. Loading and Service Areas -
  - a. Loading and service areas shall be located at the side or rear of the primary structure.

**Article 5 – Zoning Districts**

- b. When adjacent to residential uses, loading areas shall be fully screened from view by placement of a masonry wall measuring a minimum height of six (6') feet. Said wall shall be constructed of masonry materials of like and similar materials to those of the primary structure.
- 9. Landscaping and Accessory Items - Landscaping and accessory items located between the primary structure and the property line including, but not limited to, public lighting, trash bins, park benches, decorative railings/chains, public barriers, flower boxes, public fountains and statues and yard art shall be permitted in interior open spaces visible from the public right-of-way. Such landscaping and accessory items shall be complementary to the architectural style of the primary structure. For reasons of public safety, landscaping planting on public property by private individuals or businesses shall be subject to review and approval by the Town if the plantings will exceed thirty (30") inches upon maturity.
- 10. Lighting - Lighting may be used to accent architectural details, emphasize primary entrances, accent signs, illuminate sidewalks, and illuminate parking areas and service entrances for public safety concerns. Lighting should meet the criteria of Article 7, [Outdoor Lighting Requirements](#).

**5.11.H SPECIAL REQUIREMENTS**

- 1. Driveway Spacing (distance between driveways, measured edge-to-edge) shall be in accordance with Section 8.1.H, Driveways and Curb Cuts.
  - ~~a. Highway — One (1) driveway per three hundred (300') linear feet of frontage~~
  - ~~b. Arterial street — One (1) driveway per two hundred and fifty (250') linear feet of frontage~~
  - ~~c. Collector street — One (1) driveway per one hundred (100') linear feet of frontage~~
  - ~~d. Local street — One (1) driveway per fifty (50') linear feet of frontage~~
  - ~~e. Minimum distance from driveway to street corner — Fifty (50') feet, as measured from the street corner radius point of tangency.~~
- 2. Driveway Separation from Intersections (distance measured from the centerline of the rights - of-way to the pavement edge of the driveway) shall be in accordance with Section 8.1.H. Driveways and Curb Cuts.
  - ~~a. Highway intersection with another street — Three hundred (300') feet~~
  - ~~b. Arterial street intersection with another street — Two hundred and fifty (250') feet~~
  - ~~c. Collector street intersection with another street — One hundred (100') feet~~
  - ~~d. Residential street intersection with another street — Fifty (50') feet~~

**5.11.I LANDSCAPING REQUIREMENTS**

Landscaping requirements shall be provided by Article 6, [Landscaping Requirements](#).

**5.11.J OUTSIDE DISPLAY OF MERCHANDISE AND SEASONAL ITEMS**

Facilities requiring outdoor storage or display of equipment for rent or sale, open storage of materials, commodities, or equipment shall meet the requirements of Section 8.13, Outdoor Storage or Display (Permanent)

**Article 5 – Zoning Districts**

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- ~~1. Shall not be placed/located more than thirty (30') feet from the main building.~~
- ~~2. Shall not occupy any of the parking spaces that are required by this Ordinance for the primary use(s) of the property (except on a temporary basis only, which is a maximum of thirty (30) days per display and a maximum of two displays per calendar year).~~
- ~~3. Shall not pose a safety or visibility hazard, nor impede public vehicular or pedestrian circulation, either on-site or off-site, in any way.~~
- ~~4. Shall not extend into public right of way or onto adjacent property.~~
- ~~5. All outside display items shall be removed at the end of business each day (except for large seasonal items such as Christmas trees).~~
- ~~6. All merchandise shall be displayed in a neat, orderly manner, and the display area shall be maintained in a clean, litter free manner.~~
7. Open storage is prohibited

**Article 5 – Zoning Districts**

**Section 5.12 LR – Local Retail Zoning District**

**5.12.A GENERAL PURPOSE & DESCRIPTION**

The LR Local Retail District is established to create a District for retail uses intended for use by residents of nearby neighborhood areas to supply day-to-day needs and personal services. Neighborhood services should be located on a major street and generally utilize a site adjacent to one or more logical neighborhood service areas. The District can be used as a transition district between more intense uses and residential uses. Permitted uses should be compatible with adjacent residential areas.

**5.12.B PERMITTED USES**

Uses permitted in the LR District as outlined in Article 4, [Permitted Uses](#) Table.

**5.12.C HEIGHT; AREA, YARD, AND LOT COVERAGE REQUIREMENTS**

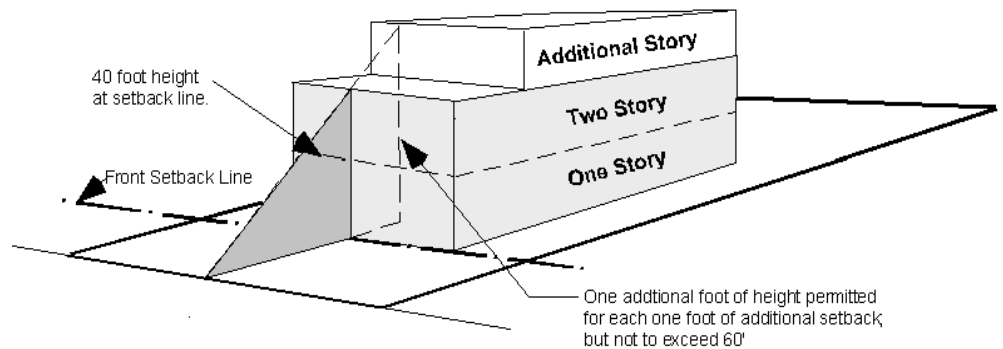
The requirements regulating the minimum lot size, minimum yard sizes (front, side, and rear) maximum building height (stories and feet), and maximum percent of lot coverage by buildings, as pertains to this district, shall conform with the provisions provided in the Height and Area Regulations table for the LR Zoning District unless specified otherwise.

Height and Area Regulations LR District	
Maximum Height	35' at front setback line. Additional height permitted according to Sec. 5.8.D
Side Yard Setback Interior Side Street Side	(See 5.8.E) 5 ft. minimum 15 ft. minimum
Rear Yard Setback	10 feet minimum
Front Yard Setback	25 feet minimum
Lot Size	6,000 sq. ft. minimum
Lot Depth	100 feet minimum
Lot Width	60 ft. minimum
Building (Lot) Coverage (Maximum)	50% of lot area, includes building footprints, accessory structures and garages

Cooling towers, roof gables, chimneys, vent stacks, or mechanical equipment rooms may project, not to exceed twelve feet (12') beyond maximum building height.

**5.12.D ADDITIONAL HEIGHT**

Additional height will be permitted in the LR District for each additional foot that a structure sets back beyond the required front setback. For each one foot of additional setback the structure will be permitted one additional foot of height; but shall not exceed a total height of sixty (60') feet.



**Article 5 – Zoning Districts**

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**5.12.E REDUCED YARD**.....

If the front of the building is dedicated totally to landscaping, the front or side yard adjacent to the street may be reduced by ten (10') feet.

**5.12.F OFF STREET PARKING AND LOADING REQUIREMENTS**.....

All other provisions of Section 8.1 [Off-Street Parking and Loading](#) Requirements shall apply.

**5.12.G LANDSCAPING REQUIREMENTS**.....

Landscaping requirements shall be provided as required by Article 6, [Landscaping Requirements](#).

**5.12.H OUTDOOR LIGHTING REQUIREMENTS**.....

Outdoor lighting requirements shall be provided as required by Article 7, [Outdoor Lighting Requirements](#).

**5.12.I OPEN STORAGE**.....

Open storage is prohibited.

**5.12.J REFUSE FACILITIES**.....

Refuse Facilities shall meet the requirements of Section 8.14, *Refuse Facilities*.

~~All refuse facilities shall be screened from view on three (3) sides from persons standing at ground level on the site or immediately adjoining property, by a masonry wall not less than six (6') feet, nor more than eight (8') feet in height or by an enclosure within a building. Refuse containers shall have solid latching gates and shall be provided and maintained in a manner to satisfy local public health and sanitary regulations. Each refuse facility shall be located so as to provide safe and convenient pickup by refuse collection agencies. Repair to damaged walls and gates shall be completed within thirty (30) days of notification of such damage.~~

**Article 5 – Zoning Districts**

**Section 5.13 C Commercial District**

**5.13.A GENERAL PURPOSE & DESCRIPTION**

The C Commercial District is established to provide locations for various types of standard general retail trade, business and service use. The shopping areas developed within a C Commercial District should utilize a shopping center concept and be limited to two stories in height. The C Commercial District and shopping areas should be located generally at the intersection of major thoroughfares and convenient to their residential trade area, with signage compatible with surrounding land use.

**5.13.B PERMITTED USES**

Uses permitted in the C District are outlined in Article 4, [Permitted Uses](#).

**5.13.C HEIGHT; AREA, YARD, AND LOT COVERAGE REQUIREMENTS**

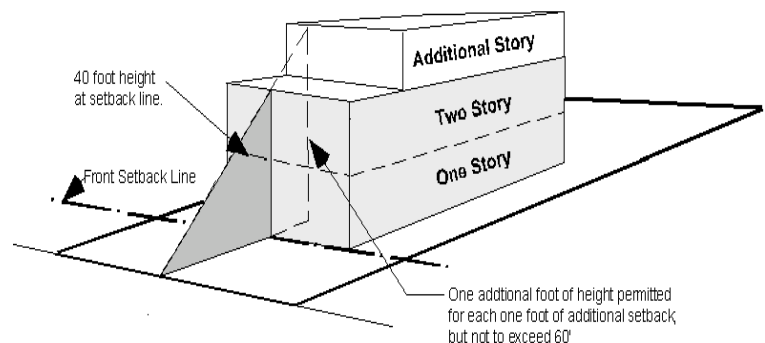
The requirements regulating the minimum lot size, minimum yard sizes (front, side, and rear), maximum building height (stories and feet), and maximum percent of lot coverage by buildings, as pertains to this district, shall conform with the provisions provided in the Height and Area Regulations table for the C Zoning District unless specified otherwise.

Cooling towers, roof gables, chimneys, vent stacks, or mechanical equipment rooms may project, not to exceed twelve (12') feet beyond maximum building height.

**5.13.D ADDITIONAL HEIGHT**

Additional height will be permitted in the C Commercial District for each additional foot that a structure sets back beyond the required front setback. For each one (1') foot of additional setback the structure will be permitted one additional foot of height; but shall not exceed a total height of sixty (60') feet.

Height and Area Regulations C District	
Maximum Height	40' at front setback line. Additional height permitted according to Sec. 5.9.D
Side Yard Setback	
Interior Side	15 ft. minimum
Street Side	15 ft. minimum
Rear Yard Setback	25 feet minimum
Front Yard Setback	25 feet minimum
Lot Size	6,000 sq. ft. minimum
Lot Depth	100 ft. minimum
Lot Width	60 ft. minimum
Building (Lot) Coverage (Maximum)	50% of lot area, includes building footprints, accessory structures, and garages



## **Article 5 – Zoning Districts**

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### **5.13.E OFF STREET PARKING AND LOADING REQUIREMENTS**

All other provisions of Section 8.1 [Off-Street Parking and Loading](#) Requirements shall apply.

### **5.13.F LANDSCAPING REQUIREMENTS**

Landscaping requirements shall be provided as required by Article 6, [Landscaping Requirements](#).

### **5.13.G OUTDOOR LIGHTING REQUIREMENTS**

Outdoor lighting requirements shall be provided as required by Article 7, [Outdoor Lighting Requirements](#).

### **5.13.H OPEN STORAGE**

Facilities requiring outdoor storage or display of equipment for rent or sale, open storage of materials, commodities, or equipment shall meet the requirements of Section 8.13, *Outdoor Storage and Display (Permanent)*. ~~the following requirements shall apply:~~

- ~~1. Material being stored shall be located behind the front building line, except where required by Section 5.1.2 SUP.~~
- ~~2. Observe all yard setback requirements.~~
- ~~3. A screening fence being a minimum of six (6') feet and not exceeding eight (8') feet in height shall be provided.~~
- ~~4. In all districts where screening of open storage is required, such screening shall be required only for those areas used for open storage. Screening of open storage areas must be solid opaque but may be of materials as approved by the Town.~~

### **5.13.I REFUSE FACILITIES**

Refuse Facilities shall meet the requirements of Section 8.14, *Refuse Facilities*.

~~Refuse facilities shall be screened and constructed as required by~~

- ~~1. All refuse facilities shall be screened from view on three (3) sides from persons standing at ground level on the site or immediately adjoining property, by a masonry wall not less than six (6') feet, nor more than eight (8') feet in height or by an enclosure within a building.~~
- ~~2. Refuse containers shall have solid latching gates and shall be provided and maintained in a manner to satisfy local public health and sanitary regulations.~~
- ~~3. The width of the front gate opening of the refuse container enclosure shall provide at least two (2') feet of clearance on both sides of the refuse container.~~
- ~~4. Each refuse facility shall be located so as to provide safe and convenient pickup by refuse collection agencies.~~
- ~~5. Repair to damaged walls and gates shall commence within thirty (30) days of notification of such damage.~~

**Article 5 – Zoning Districts**

**Section 5.14 I - Industrial District**

**5.14.A GENERAL PURPOSE & DESCRIPTION**

The I-Industrial District is intended primarily for uses in the conduct of manufacturing, assembling and fabrication, and for warehousing, wholesaling and service operations that do not depend upon frequent customer or client visits. Such uses do require accessibility to major highways, rail lines or other means of transportation.

**5.14.B PERMITTED USES**

Those uses specified in Article 4, [Permitted Uses](#). However, no permanent use of temporary dwellings, such as travel trailers or mobile homes, may be used for on-site dwelling purposes in any industrial district.

**5.14.C HEIGHT; AREA, YARD, AND LOT COVERAGE REQUIREMENTS**

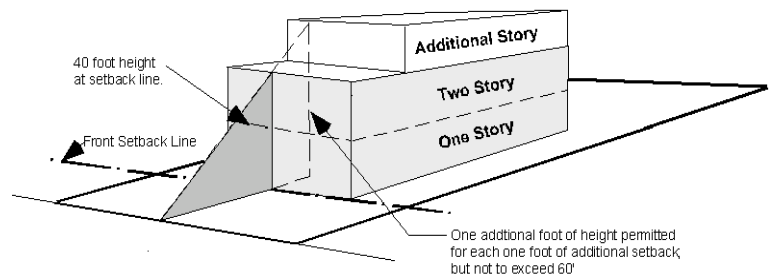
The requirements regulating the minimum lot size, minimum yard sizes (front, side, and rear), maximum building height (stories and feet), and maximum percent of lot coverage by buildings, as pertains to this district, shall conform with the provisions provided in the Height and Area Regulations table for the I-Industrial Zoning District unless specified otherwise.

Cooling towers, roof gables, chimneys, vent stacks, or mechanical equipment rooms may project, not to exceed twelve (12') feet beyond maximum building height.

Height and Area Regulations I DISTRICT	
Maximum Height	45' at front setback line. Additional height permitted according to Sec. 5.16.D
Side Yard Setback	
Interior Side	0 ft. minimum
Street Side	15 ft. minimum
Rear Yard Setback	0 feet minimum
Front Yard Setback	25 feet minimum
Lot Size	15,000 sq. ft. minimum
Lot Depth	150-ft. minimum
Lot Width	75 ft. minimum
Building (Lot) Coverage (Maximum)	80% of lot area, includes building footprints, accessory structures, and garages

**5.14.D ADDITIONAL HEIGHT**

1. Additional height will be permitted in the I - Industrial Use District for each additional foot that a structure sets back beyond the required front setback. For each one foot of additional setback the structure will be permitted one additional foot of height; but shall not exceed a total height of sixty (60') feet.
2. Additional height required for scaffolding, towers, mechanical equipment, and other structures used in the application of the industrial use, which exceed the height requirement of sixty (60') feet shall be permitted by Special Exception as granted by the Zoning Board of Adjustment.



## **Article 5 – Zoning Districts**

### **5.14.E OFF STREET PARKING AND LOADING REQUIREMENTS**

All other provisions of Section 8.1 [Off-Street Parking and Loading](#) Requirements shall apply.

### **5.14.F LANDSCAPING REQUIREMENTS**

Landscaping requirements shall be provided as required by Article 6, [Landscaping Requirements](#).

### **5.14.G OUTDOOR LIGHTING REQUIREMENTS**

Outdoor lighting requirements shall be provided as required by Article 7, [Outdoor Lighting Requirements](#).

### **5.14.H OPEN STORAGE AND OUTSIDE DISPLAY**

Facilities requiring outdoor storage or display of equipment for rent or sale, open storage of materials, commodities, or equipment shall meet the requirements of Section 8.13, *Outdoor Storage or Display (Permanent)*. ~~Except for new and used automobile dealers and similar facilities requiring outdoor display of vehicles or equipment for rent or sale, open storage of materials, commodities, or equipment the following requirements shall apply:~~

- ~~1. Material being stored shall be located behind the front building line.~~
- ~~2. Observe all yard requirements.~~
- ~~3. A screening fence being a minimum of six (6') feet and a maximum of eight (8') feet in height shall be provided or otherwise required by Ordinance 78-A.~~
- ~~4. In all districts where screening of open storage is required, such screening shall be required only for those areas used for open storage. Screening of open storage areas must be solid opaque but may be of materials as approved by the Town.~~

### **5.14.I REFUSE FACILITIES**

Refuse Facilities shall meet the requirements of Section 8.14, *Refuse Facilities*.

- ~~1. All refuse facilities shall be screened from view on three (3) sides from persons standing at ground level on the site or immediately adjoining property, by a masonry wall not less than six (6') feet, nor more than eight (8') feet in height or by an enclosure within a building.~~
- ~~2. Refuse containers shall have solid latching gates and shall be provided and maintained in a manner to satisfy local public health and sanitary regulations.~~
- ~~3. The width of the front gate opening of the refuse container enclosure shall provide at least two feet (2') of clearance on both sides of the refuse container.~~
- ~~4. Each refuse facility shall be located so as to provide safe and convenient pickup by refuse collection agencies.~~
- ~~5. Repair to damaged walls and gates shall be affected within thirty (30) days of notification of such damage.~~

### **5.14.J COMPLIANCE WITH STATE LAW & FEDERAL LAWS**

No uses shall be allowed which are prohibited by State law or which operate in excess of State or National environment or pollution standards as determined by the U.S. Environmental Protection Agency, Texas Department of Health, the Texas Natural Resource Conservation Commission, the Texas Commission on Environmental Quality, or any other federal or state regulatory body governing environmental issues or pollution standards.

**Article 5 – Zoning Districts****Section 5.15 PD - Planned Development District****5.15.A GENERAL PURPOSE & DESCRIPTION**

The Planned Development District (PD) is a district which accommodates planned associations of uses developed as integral land use units such as industrial districts, offices, commercial or service centers, shopping centers, residential developments of multiple or mixed housing including attached single-family dwellings or any appropriate combination of uses which may be planned, developed or operated as integral land use units either by a single owner or a combination of owners. A PD District may be used to permit new or innovative concepts in land utilization not permitted by other zoning districts in this Ordinance. While greater flexibility is given to allow special conditions or restrictions which would not otherwise allow the development to occur, procedures are established herein to ensure against misuse of increased flexibility.

**5.15.B PERMITTED USES**

Any use permitted in this Ordinance shall be permitted in a PD District if such use is specified in the amending Ordinance granting a PD District. The size, location, appearance, and method of operation may be specified to the extent necessary to ensure compliance with the purpose of this Ordinance.

**5.15.C PLANNED DEVELOPMENT REQUIREMENTS**

1. Development requirements for each PD District shall be set forth in the amending Ordinance granting that PD District and shall include, but may not be limited to; uses, density, lot area, lot width, lot depth, yard depths and widths, building height, building elevations, coverage, floor area ratio, parking, access, screening, landscaping, accessory buildings, signs, lighting, project phasing or scheduling, management associations, and other requirements as the Town Council and Planning and Zoning Commission may deem appropriate.
2. In the PD District, uses shall conform to the standards and regulations of the base zoning district to which it is most similar. The particular zoning district must be stated in the granting ordinance. All applications to the Town shall list all requested variances from the standard requirements set forth throughout this Ordinance (applications without this list will be considered incomplete).
3. The Ordinance granting a PD District shall include a statement as to the purpose and intent of the PD granted therein. A specific list is required of variances in each district or districts and general statement citing the reason for the PD request.
4. The Planned Development District shall conform to all other sections of this Ordinance unless specifically excluded in the granting ordinance.
5. The minimum net acreage for a planned development request shall be three (3) acres.

**5.15.D ESTABLISHMENT**

In establishing a Planned Development District in accordance with this section, the Town Council shall approve and file as part of the amending Ordinance appropriate plans and standards for each Planned Development District. To facilitate understanding of the request during the review and public hearing process, the Planning and Zoning Commission and Town Council may require a Conceptual Plan and/or a ~~Development Plan~~ **PD Site Plan**. A Concept Plan is optional and is considered as being only an informative document that does not represent documentation that initiates an approval process. The applicant may choose to forego preparation and presentation of a Concept Plan; and may submit a ~~Development Plan~~ **PD Site Plan**, that will represent a part of the official zoning application for Planned Development zoning.

**Article 5 – Zoning Districts**

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**5.15.E PLANNED DEVELOPMENT SITE PLAN (PD SITE PLAN)...**

1. This ~~PD Site Plan plan~~ shall set forth the final plans for development of the Planned Development District and ~~shall~~ **may** conform substantially to data presented on **any** previously submitted Concept Plans **approved in accordance with Sec. 2.4, "Site Plan and Concept Plan Approval."**
2. If an agreement cannot be reached by the Commission regarding whether a ~~PD Site Plan Development Plan~~ conforms to the original Concept Plan, the Planning and Zoning Commission shall follow the procedures for public hearing for zoning change before final recommendation to the Town Council of approval of the ~~PD Site Plan Development Plan~~. Approval of the ~~PD Site Plan Development Plan~~ by the Town Council shall be the basis for issuance of a building permit but does not release the applicant of the responsibility to submit plans to the Town for a building permit.
3. The ~~Development Plan~~ **PD Site Plan** may be submitted for the total area of the PD.
4. The ~~Development Plan~~ **PD Site Plan** must be recommended for approval by the Planning and Zoning Commission and approved by the Town Council as part of the zoning application and shall require public hearings and consideration as any zoning amendment.

**5.15.F CONTENTS OF THE DEVELOPMENT PLAN PD SITE PLAN.....**

1. The ~~Development Plan~~ **PD Site Plan** shall meet the requirements for submission of a Site Plan in accordance with Sec. 2.4, "Site Plan and Concept Plan Approval" and may also be required by the Planning and Zoning Coordinator to include the following, as needed:
  - a. A site inventory analysis including a scale drawing showing natural features including:
    - (1) water courses, creeks or bodies of water;
    - (2) an analysis of planned changes in such natural features as a result of the development;
    - (3) a delineation of any flood prone areas.
  - b. A scale drawing showing:
    - (1) any proposed public or private streets and alleys;
    - (2) building sites or lots;
    - (3) areas reserved as parks, parkways, playgrounds;
    - (4) utility easements;
    - (5) school sites;
    - (6) street widening and street changes;
    - (7) points of ingress and egress from existing streets;
    - (8) general location and description of existing and proposed utility services, including size of water and sewer mains;
    - (9) the location and width for all curb cuts; and

## Article 5 – Zoning Districts

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- (10) the land area of all abutting sites and the zoning classification thereof on an accurate survey of the tract with a topographical contour interval of not more than five (5') feet.
- c. A site plan for proposed building complexes showing:
  - (1) the location of separate buildings;
  - (2) the minimum distance between buildings;
  - (3) the minimum distance between building and property lines;
  - (4) street and alley lines;
  - (5) the arrangement and provision of off-street parking; and
  - (6) the size and location for ingress and egress to any nonresidential uses.
- d. A landscape plan showing:
  - (1) turf areas;
  - (2) screening walls;
  - (3) ornamental planting;
  - (4) any wooded areas; and
  - (5) trees to be planted.
- e. An architectural plan showing elevations and signage style to be used throughout the development in all districts except that single-family, and two-family may be required by the Planning and Zoning Commission or Town Council if deemed appropriate.
- f. All ~~Development~~ **PD Site Plans** may have supplemental data describing standards, regulations or other data pertinent to the development of the PD District which is to be included in the text of the amending Ordinance.

### 5.15.G PROCEDURE.....

The procedure for establishing a Planned Development District shall follow the procedure for zoning amendments as set forth in Section 2.3. This procedure is further expanded as follows for approval of Concept and **PD Site Plans**.

1. The Planning and Zoning Commission and Town Council may approve the Concept Plan **that conforms to Section 2.4.K** and the **PD Site Plan** or any section of the **PD Site Plan**, separately or jointly in public hearings. A single public hearing for the PD request is adequate when:
  - a. The applicant submits adequate data with the request for the Planned Development District to fulfill the requirement for a **PD Site Plan**; or
  - b. Information on the Conceptual Plan and attached application is sufficient to determine the appropriate use of the land and the **PD Site Plan** will not deviate substantially from it.
2. The Ordinance establishing the Planned Development District shall not be approved until the **PD Site Plan** is approved **unless specified otherwise in the adoption ordinance and a concept plan is approved as part of the ordinance approval establishing the specific Planned Development District ordinance and attached as an exhibit.**

**Article 5 – Zoning Districts**

3. The ~~Development PD Site Plan~~ may be approved in sections. When the Plan is approved in sections, then separate approvals by the Planning and Zoning Commission and Town Council for the initial and subsequent sections will be required.
4. A ~~Development PD Site Plan~~ shall be submitted for approval within twenty-four (24) months after the approval of the Conceptual Plan for some portion of the Concept Plan. If a partial ~~Development PD Site Plan~~ is not submitted ~~for the property or a portion thereof~~ within ~~twenty-four (24) months~~ ~~twelve (12) months~~, the Concept Plan is subject to review ~~and reapproval~~ by the Planning and Zoning Commission and Town Council.
5. If the project is not started within five (5) years, the Planning and Zoning Commission and Town Council may review the Concept Plan ~~for reapproval~~. If the Town determines the concept is not ~~longer~~ valid, a new Concept Plan must be approved prior to issuing a building permit for any portion of the PD District.

~~6. Although a public hearing may not be required for the Development Plan, approval by the Planning and Zoning Commission and Town Council is required.~~

**5.15.H CONSIDERATION**.....

When a PD District is being considered, a written staff report discussing the impact on planning, engineering, water utilities, electric utilities, sanitation, building inspection, tax, police, fire, and traffic may be submitted to the Planning and Zoning Commission prior to the Planning and Zoning Commission making any recommendations to the Town Council. All Planned Development Districts approved in accordance with the provisions of this Ordinance in its original form, or by subsequent amendments thereto, shall be referenced on the Zoning District Map, and a list of such Planned Development Districts, together with the category of uses permitted therein, shall be maintained as part of this Ordinance.

**5.15.I PERMITTED USES**

1. No land shall be used, and no building shall be erected for or converted to any use other than the specific use or uses authorized by an ordinance of the Town of Annetta granting a zoning amendment to an ~~Planned Development SP (Detailed) Site Plan~~ District under the terms and conditions of this Section and in accordance with the procedures set forth below. Any use not prohibited by this ordinance or other ordinances of the Town may be authorized in a ~~Planned Development n-SP (Detailed) Site Plan~~ District.; ~~provided, however, no single-family residential uses; either attached or detached, may be authorized in an SP (Detailed) Site Plan District.~~
2. ~~Similar uses which are permitted in this Ordinance may be permitted in the SP (Detailed) Site Plan District, provided a revised site plan has been submitted for recommendation to the Planning and Zoning Commission and approved by the Town Council for any such proposed similar use, upon the written application for an amendment to the SP Site Plan District previously granted. The determination of whether a use is similar shall be in the sole discretion of the Town Council.~~ A summary shall be provided in the Planned Development Ordinance which lists the proposed uses within the district. This may be text or as shown on the required site plan.

**Section 5.16 SUP - Specific Use Permits**

**5.16.A SPECIFIC USES**.....

The Town Council ~~by~~ may approve a Specific Use Permit (SUP) for a use as permitted by Article 4 as shown on the [Permitted Uses](#) Table that are harmonious and adaptable to surrounding land uses. Such application shall be processed as a zoning amendment after public hearing and proper notice to all parties

## **Article 5 – Zoning Districts**

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affected as required by law. The Planning and Zoning Commission shall consider that the uses are in general conformance with the Comprehensive Plan, the general objectives of the Town, and contain such requirements and safeguards as are necessary to protect adjoining property. The Planning and Zoning Commission and Town Council shall consider the following criteria in determining the validity of the SUP request:

1. Is the use harmonious and compatible with its surrounding existing uses or proposed uses?
2. Are the activities requested by the applicant normally associated with the requested use?
3. Is the nature of the use reasonable?
4. Has any impact on the surrounding area been mitigated?
5. Other measures as will secure and protect the public health, safety and general welfare, such as an adequate nuisance prevention for offensive odor, fumes, dust, noise and vibrations.

### **5.16.B SPECIFIC USE PERMIT REGULATIONS** .....

1. Application for a specific use permit may be made by any property owner or other person having a proprietary interest in the property for which a specific use permit is requested and by filing an application on forms provided by the Town and paying the established fee as set forth in the currently adopted Town Fee Schedule.
2. In recommending that a Specific Use Permit for the premises under consideration be granted, the Planning and Zoning Commission shall determine that such uses are harmonious and adaptable to building structures and uses of abutting property and other property in the vicinity of the premises under consideration.
3. The Planning and Zoning Commission shall make recommendations as to requirements for the paving of streets, alleys and sidewalks, the means of ingress and egress to public streets, provisions for drainage, adequate off-street parking, protective screening and open space, area or security lighting, heights of structures, and compatibility of buildings.
4. In granting a Specific Use Permit, the Town Council may impose conditions which shall be complied with by the owner or grantee before a certificate of occupancy may be issued by the Planning and Zoning Coordinator for use of the building on such property pursuant to such Specific Use Permit and such conditions precedent to the granting of the certificate of occupancy. Any special conditions shall be set forth in writing by the Town Council prior to issuance of the certificate of occupancy.
5. No Specific Use Permit shall be granted unless the applicant, owner or grantee of the Specific Use Permit shall be willing to accept and agree to be bound by and comply with the written requirements of the Specific Use Permit, as attached to the site plan drawing (or drawings) and approved by the Planning and Zoning Commission and Town Council.
6. A Specific Use Permit may be granted for a specific period of time after which the Planning and Zoning Commission may inquire into the continuation of the permit and, based upon its finding, recommend its discontinuance or an extension of the time period as set forth in the ordinance establishing the Specific Use Permit.
7. ~~If required, a~~ building permit shall be applied for and secured, ~~and construction commenced~~ within ~~two years six (6) months~~ from the time the Town Council grants the Specific Use Permit, provided however, that the Town Council may authorize an extension of this time upon recommendation by the Planning and Zoning Commission. After six (6) months from the date

## **Article 5 – Zoning Districts**

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- of approval has elapsed, the Planning and Zoning Commission and Town Council may review the site plan for continued validity. If the site plan is determined to be invalid or has expired, the property owner(s) must submit a new or revised site plan for approval prior to any construction or application for building permit for the area designated for the Specific Use Permit.
8. No building, premise, or land used under a Specific Use Permit may be enlarged, modified, structurally altered, or otherwise significantly changed unless an amendment to the Specific Use Permit is approved for such enlargement, modification, structural alteration, or change.
  9. The Board of Adjustment shall not have jurisdiction to hear, review, reverse, or modify any decision, determination, or ruling with respect to the specific land use designated by any Specific Use Permit.
  10. When the Town Council authorizes the approval of a Specific Use Permit, the Specific Use Permit shall become an amendment to this Ordinance. The Zoning Map shall be amended according to its legend to indicate that the affected area has conditional and limited uses. Said amendment is to indicate the appropriate zoning district for the approved use prefixed by an "S" designation. Specific Use Permits granted shall be indicated by numerical designation on the Zoning District Map.

### **5.16.C SPECIFIC USE PERMIT REQUIREMENTS**.....

An application for a Specific Use Permit shall be accompanied by the following:

1. the relationship of the intended use to all existing properties and land uses in all directions to a minimum distance of two hundred (200') feet;
2. a site plan, meeting the requirements of Section 2.4, "*Site Plan and Concept Approvals*," as applicable, drawn to scale and showing the general arrangement of the project;
3. off-street parking facilities;
4. size, height, construction materials, location and relationship of buildings and uses;
5. the location and construction of signs;
6. the means of ingress and egress to public streets;
7. type of visual screening such as walls, plantings and fences;
8. Adequate utilities, access roads, drainage and other necessary public improvements have been, or will be provided; and,
9. The Planning and Zoning Commission or Town Council may require additional information, operating data, studies, analysis and expert evaluation or testimony concerning the location, function and characteristics of any building or use proposed.

## Article 5 – Zoning Districts

### Section 5.17 Reserved ~~SP (Detailed) Site Plan District~~

#### 5.17.A-General Purpose and Intent

~~Ed. Note - This Section has been deleted in its entirety and merged with the Site Plan section and/or PD District. The SP Site Plan District is utilized to develop difficult sized and shaped land areas to promote new planning concepts; to develop individual or multiple land uses; and to establish land uses within a more restrictive neighborhood. No minimum land area is required for the SP (Detailed) Site Plan District.~~

#### 5.17.B-Application

~~A change in zoning to an SP (Detailed) Site Plan District shall be granted by the Town Council only upon the written application of the owner or their representative and a recommendation of the Planning and Zoning Commission. No variances to other Town ordinances, codes or regulations will be permitted. The SP (Detailed) Site Plan District allows the Town Council to approve modifications to the regulations of this Ordinance only.~~

#### 5.17.C-Site Plan

~~Applicants for the SP(Detailed) Site Plan District must file an application for site plan approval in accordance with the requirements of Section 2.4 of this Ordinance.~~

#### 5.17.D-Review and Implementation

~~1.The Planning and Zoning Commission in submitting its recommendations to the Town Council and the Town Council in making its decision shall state a list of the reasons for approval or disapproval of the application. The stated reasons shall be incorporated in any ordinance approving an application.~~

~~2.On the Official Zoning Map, and SP (Detailed) Site Plan District shall bear the designation of SP followed by the ordinance number, in parenthesis, rezoning the property to a SP (Detailed) Site Plan District~~

~~3.The Town Council may impose any condition or restriction upon the use of the property rezoned, as may be necessary to secure and protect the public health, safety, morals and general welfare and to protect adjoining property and the value thereof, including the dedication of street rights-of way for adequate flow of traffic. Such conditions and restrictions shall not be construed as conditions precedent to the approval of the SP (Detailed) Site Plan District use but shall be construed as conditions precedent to the approval of a Certificate of Occupancy.~~

~~4.A landscaping plan shall be required where such treatment is essential to the proper arrangement of the development. Such plan, when required, should include screening walls, ornamental planting, lawns and gardens, playgrounds and wooded areas that are to be retained.~~

~~5.Zero lot line development may be permitted on a common interior lot line where construction of a party wall is used. Where zero lot development is utilized, the equivalent open space and plantings (normally provided in adjoining buffer yards along the common lot line) shall be provided elsewhere within the two developing lots. The approval shall be based upon an analysis of the location, the configuration, and the impact and compatibility of the construction with adjacent land uses.~~

**Article 5 – Zoning Districts**

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**5.17.E-Development Standards**

~~The development of any SP (Detailed) Site Plan District development shall conform to all development standards of screening and buffering within Section 6.2.C and construction standards within Section 8.8.~~

**5.17.F-Variances**

~~The Board of Adjustment may grant variances of up to, but not exceeding ten percent (10%) of any required setback or lot coverage requirement established by the Town Council in the specific SP (Detailed) Site Plan District at the time of zoning of said SP (Detailed) Site Plan District. The approval shall meet the requirements in Section 2.2.E of this Ordinance.~~

**Article 6 – Landscaping Requirements**

**Article 6 - Landscape and Screening Requirements**

**Section 6.1 Purpose and Applicability**

**6.1.A PURPOSE**

1. *Generally.* The purpose of this Article is to provide for the preservation of native trees, prevent the clear-cutting of land, and provide for minimum landscaping and screening requirements, in recognition that trees, landscaping, screening, and buffering protect the health and welfare of the community. The purpose of this article is also to enhance the community’s ecological, environmental, and aesthetic qualities.
2. *Health, welfare, and general well-being.* Preserving and improving the natural environment, and maintaining a working ecological balance, are of increasing concern to the Town. The fact that the proper use of landscape elements can contribute to the processes of air purification, oxygen regeneration, water absorption, water purification, and noise, glare, and heat abatement as well as the preservation of the community’s aesthetic qualities indicates that the use of landscape elements is of benefit to the health, welfare, and general well-being of the community, and therefore it is proper that the appropriate use of such elements be required.
3. *Water conservation and drainage.* The region experiences frequent droughts and is characterized by thin-soiled rock formations; therefore, it is the purpose of this Article to encourage the use of drought-resistant vegetation and landscaping that minimizes runoff and erosion.

**6.1.B SCOPE**

This Article applies to all commercial property within the incorporated municipal boundaries of the Town for which site plan approval by the Town is required under this Ordinance.

**6.1.C DEFINITIONS**

Definitions specific to this Article are found within Article 9 Definitions.

**6.1.D APPLICABILITY**

This Article applies to all new commercial development requiring site plan approval subject to zoning requirements. All properties going through redevelopment through extension, reconstruction, resurfacing, or structural alteration must come into compliance with this Article. Site plan approval shall be conditioned on compliance with this Article.

**6.1.E DAMAGING OR REMOVING TREES**

No person shall damage or remove trees in violation of this Article.

**6.1.F ENFORCEMENT**

1. *Compliance.* Violations of the requirements of this Article will be required to come into compliance within sixty (60) days, unless a variance has been approved by the Town. Compliance with this Article may be grounds for withholding of other related pending permits for the project by the Town.
2. *Stop work order.* In the event work is not being performed in accordance with a site plan approved by this Article. The Town shall issue a stop work order and all work shall immediately

## Article 6 – Landscaping Requirements

cease. No further work shall be undertaken on the project as long as a stop work order is in effect.

### Section 6.2 Standards

#### 6.2.A GENERAL STANDARDS.....

The following criteria shall apply to all landscaping materials and installations:

1. *Quality.* All trees and shrubs used in conformance with the provisions of this Article shall have well developed leaders and tops and roots characteristic of the species, cultivar or variety and shall show evidence of proper nursery pruning. All plant materials shall be free of insects, diseases, mechanical injuries and other objectionable features at the time of planting.
2. *Coverage.* Grass, ground cover, shrubs and other living landscaping material shall be used to cover all ground. Landscaping material, such as mulch, bark, and decorative rock, can be incorporated into a landscape plan, where appropriate.
3. *Trees.* All new trees shall be of a species common to this area of North Texas, in accordance with the tree list on file with the Texas SmartScape database, managed by Texas A&M University. Caliper measurements shall be taken at a point six inches above grade. Trees shall have the following minimum characteristics:
  - a. Canopy trees grow to a minimum height of twelve (12') feet at maturity. All canopy trees shall have a minimum caliper of two inches at time of planting.
  - b. Understory trees shall have a maximum height of thirty (30') feet at maturity. All understory trees shall have a minimum caliper of one and one-half (1 1/2") inches at time of planting.
  - c. Ornamental trees shall have a minimum caliper of one (1") inch at time of planting.
  - d. Evergreen or conifer trees shall have a minimum height of twelve (12') feet at maturity. All evergreen or conifer trees shall be at least four feet in height at time of planting.
4. *Shrubs and hedges.* Shrubs shall be a minimum of eighteen (18") inches in height at time of planting. Hedges shall be planted and maintained to form a continuous, unbroken, visual screen, which will be a minimum of three feet in height within one year of planting.
5. *Ground cover.* Ground covers used in lieu of grass shall be planted in such a manner as to present a finished appearance and reasonably complete coverage.
6. *Grass.* Grass may be sodded, plugged, sprigged or seeded. In swales, berms, or other areas subject to erosion, solid sod shall be used.
7. *Xeriscape landscape plants* and materials may be considered as an alternative with drought-tolerant and native species. If decomposed/crushed granite, river rock or other similar material is used as ground cover, the number of plant materials shall be increased by fifteen percent (15%).

## **Article 6 – Landscaping Requirements**

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### **6.2.B ONE AND TWO-FAMILY RESIDENTIAL LANDSCAPING REQUIREMENTS**

Residential landscape areas shall contain two (2) canopy, understory, ornamental or evergreen trees and eight (8) shrubs per one hundred (100') linear feet, or portion thereof, of front yard street frontage. Where this street frontage is less than fifty (50') linear feet, only one canopy, understory, ornamental or evergreen tree and four shrubs are required.

### **6.2.C MULTIFAMILY AND NON-RESIDENTIAL LANDSCAPING REQUIREMENTS**

Landscape plans shall be prepared by an architect, landscape architect, land surveyor or engineer, licensed in the State of Texas. The Town may waive the requirement of preparation by a licensed professional. The interior and perimeter of parking lots and vehicular use areas, shall be landscaped in accordance with the following criteria:

1. *Interior landscaping:*

- a. A minimum of two hundred fifty (250) square feet of area for every ten (10) parking spaces shall be devoted to living landscaping, which includes grass, ground cover, plants, shrubs and trees.
- b. Where a lot has frontage on more than one (1) street, the required interior landscaping shall be distributed proportionately to the number of parking spaces located between each building line and its adjacent street line. These plantings shall be grouped in such a way as to provide visual relief to those building elevations, which are viewed by the general public.
- c. Interior landscape areas shall be protected from vehicular encroachment or overhang by way of curbs or other means approved by the Town Engineer.
- d. There shall be a minimum of one canopy, understory, or ornamental tree planted for each fifteen (15) parking spaces, or fraction thereof. For every tree planted, four (4) shrubs shall be planted. The planted areas shall be sodded or mulched.
- e. Interior planting areas shall be a minimum of one hundred (100) square feet for each understory tree and two hundred (200) square feet for each canopy tree dimensioned in such a way as to provide a suitable area for planting. Interior planting areas shall be located within seventy-five (75') feet of any parking space.

2. *Perimeter landscaping:*

- a. A minimum of one (1) canopy tree, understory, ornamental or evergreen tree and four (4) shrubs shall be required as perimeter landscaping per one hundred (100') linear feet of street frontage.
- b. Perimeter landscaping shall be located within the front and side yard setback between each building line and its adjacent street line.
- c. Where public easements or other conditions, not under the control of the developer, would not allow for the planting of trees, each required tree may be replaced by eight (8) shrubs or eight (8) perennial bed plantings, each a minimum of one (1) gallon size at planting.
- d. Where a perimeter landscape area is less than fifty (50') linear feet, only one (1) canopy, understory, ornamental or evergreen tree and two (2) shrubs are required. In lieu of the tree installation, a total of four (4) shrubs may be substituted. Required trees and shrubs may be clustered to allow for the most effective use of landscaping.

## Article 6 – Landscaping Requirements

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- e. Perimeter planting areas shall be a minimum of one hundred (100) square feet for each understory tree and two hundred (200) square feet for each canopy tree dimensioned in such a way as to provide a suitable area for planting.
- f.a. All other disturbed areas shall be landscaped with grass or other ground cover.
- g.b. Whenever an off-street parking or vehicular use area abuts a public right-of-way, a perimeter landscape area at least five (5') feet in depth shall be maintained between the abutting right-of-way and the off-street parking or vehicular use area.
- h.c. Necessary access ways from the public right-of-way shall be permitted to pass through all landscaping.
- i.d. Areas used for parking or vehicular storage which are under, on, or within buildings are exempt from these standards.

### 6.2.D EXCEPTIONS, SECURITY AND MAINTENANCE.

#### 1. Exceptions.

- a. **VisibilitySight triangle.** On a corner lot in any district, no planting, berm, fence or wall shall be placed in such a manner as to impede vision within the intersection clear sight (**visibility**) triangle of twenty-five (25') by twenty-five (25') feet **as required in Section 8.5, "Fencing and Required Visual Clearance."**
- b. **Special circumstances.** When circumstances prevent appropriate installation of landscaping, screening or fencing to satisfy these requirements, the Planning and Zoning Coordinator may approve an application, upon review providing an alternative method of compliance.
- c. **Unauthorized removal.** No required screening, landscaping, or landscape buffer shall be removed from any multi-family or non-residential property without first obtaining a permit, by submitting and obtaining approval of a landscaping plan, which provides for replacement conforming to all provisions of this section.

#### 2. Security.

- a. Landscaping to be in place prior to issuance of certificate of occupancy (CO). All landscaping and screening material, living and nonliving, shall be healthy and in place prior to issuance of the CO. If seasonal limitations prevent planting, and if security, as described herein, is provided, a CO may be issued.
- b. **Security required.** Security in the form of cash, a performance bond, cashier's check, or irrevocable letter of credit, in an amount equal to the cost of the landscaping and installation costs shall be provided by the permittee, prior to issuance of the CO. Upon completion of the landscaping, with final approval by the Planning and Zoning Coordinator, the security will be returned to the permittee. Should the permittee fail to complete the required landscaping as required by the plan submitted and approved, the Town shall use the security to complete the landscaping as required by the plan. Any excess from the security not used to complete the landscaping shall be returned to the permittee.

#### 3. Maintenance.

- a. The owner of the property shall be responsible for maintaining the landscaping required by this section. Plant material shall be maintained in a healthy and growing condition that is appropriate for the season of the year. Plant materials, which die,

## **Article 6 – Landscaping Requirements**

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- shall be replaced with healthy plant material of similar variety and meeting the size requirements contained herein.
- b. The developer, his/her successor and/or subsequent owners and their agents shall be responsible for the continued maintenance of landscaping.
  - c. Plant materials, which exhibit evidence of insects, pests, disease, and/or damage shall be appropriately treated, and dead plants properly removed and replaced within the next planting season.
  - d. All landscaping shall be subject to periodic inspection.
  - e. Should landscaping not be installed, maintained and replaced as needed to comply with the approved site plan, the owner and his/her agent shall be considered in violation of the terms of the building permit and this Article.
  - f. All required landscaped areas located within all multi-family and non-residential zoning districts shall be irrigated with an in ground, automated sprinkler or drip irrigation system that use rain and freeze sensors.
  - g. All required landscaped areas located within any one-family or two-family residential zoning district shall be irrigated with an in-ground sprinkler or drip irrigation system that use rain and freeze sensors, or have other irrigation means available, such as a water faucet, **hose bib** or bibcock.
4. *Exemption of rights-of-way and utility easements.* Public road rights-of-way and utility easements are exempt from the provisions of this section.
  5. *Existing developed areas.* As of the effective date of this ordinance, all property currently under development and not in compliance with the provisions of this Article, shall be considered legal nonconforming and allowed to continue, so long as no building permit is issued for enlargement of a structure. At the time that such a permit is issued, the following requirements shall be met:
    - a. No additional landscaping areas shall be required if existing buildings and structures are replaced with new buildings or structures, with the same total floor space, provided a building permit for replacement is applied for, within one year after the existing buildings are removed.
    - b. No additional landscaping areas shall be required, if a use expands into or is established in existing floor area that was previously unfinished or otherwise not available for occupancy.
    - c. No additional landscaping areas shall be required if:
    - d. The lot is enlarged by less than twenty-five percent (25%) of the existing lot, or by less than twenty thousand (20,000) square feet, whichever is greater; or
    - e. The new floor area is enlarged by less than twenty-five percent (25%) of the existing floor area or by less than two thousand (2,000) square feet, whichever is greater.
    - f. If the enlargement exceeds a. or b. of this section, one hundred percent (100%) of the landscape designated by the zoning district is required.
    - g. *Approved plant list.* Approved plants shall be those identified in the Texas SmartScape database, managed by Texas A&M University.

### **6.2.E TREE PRESERVATION**.....

1. A grading and tree survey shall be submitted with the site plan.

## **Article 6 – Landscaping Requirements**

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2. The tree survey shall include all existing, live, healthy trees with an eight (8") inch DBH in diameter and larger. The survey shall indicate the size (DBH) and species of tree. Trees observed to be distressed will be indicated with an asterisk on the tree list. Trees shall be represented by circles using the formula of one (1') foot of radius for every one inch of trunk diameter. Unbroken circles indicate trees that are to remain. Dashed circles indicate trees that are to be removed (including trees identified to be distressed).
3. Healthy designated trees that are eight (8") inch DBH in diameter or larger that require removal to accommodate the development shall be replaced at a ratio of 1:1, or cash-in-lieu may be paid to the Town. The amount equal to the cost of nursery stock required to replace the caliper amounts lost and the cost of installation on a per-unit basis, not to exceed one hundred dollars (\$100.00) per caliper inch or six thousand dollars (\$6,000.00) per acre (prorated for sites of more or less than one acre) for the entire site. Trees identified as distressed shall not be included in tree preservation requirements evaluation.
4. Pre- and post-construction fertilization is required for existing trees that will be or have been disturbed by construction activities, including disturbance of the critical root zone. Fertilizers must be phosphate-free.
5. The planting, preserving, and maintaining of trees which are contagiously diseased trees, or the storage of cut oak unless first determined by a certified arborist to be devoid of oak wilt or properly treated, shall be deemed a public nuisance and is prohibited.
6. During construction, measures shall be taken to protect trees, including rigid fencing, shielding, and signage, as necessary. Rigid fencing shall be placed with a radius of at least ten (10') feet from the trunk or at the critical root zone, whichever is greater, unless property lines or other features prohibit a complete radius. Rigid fencing shall consist of wood, chain-link, or other solid material approved by the Planning and Zoning Coordinator. Stakes shall be no more than six (6') feet apart and at least one and one-half (1-1/2') feet deep into the ground. Rigid fencing shall be at least three (3') feet in height.
7. Tree protection shall remain in place until final landscaping is installed as required by the site plan.
8. Parking or storing of vehicles, equipment or materials allowed within the critical root zone is prohibited.

### **6.2.F IRRIGATION REQUIREMENTS.**

1. An irrigation plan is required as part of the site plan and will be prepared by a licensed irrigator (either a licensed landscape architect or engineer). The irrigation plan should include rain/freeze sensors on all controllers. The irrigation plan should provide drip irrigation in shrub beds where appropriate and bubblers on all trees.
2. Turf grass plantings may be Buffalo, Zoysia, or Bermuda as preferred low maintenance turf grass. St. Augustine is not preferred.
3. Landscaped areas must be mulched to reduce evaporation and preserve water.

### **Section 6.3 Screening Requirements**

1. A screening fence being a minimum of six (6') feet and not exceeding eight (8') feet in height shall be provided to screen outdoor storage from public view or adjacent residential properties.

## Article 7 – Outdoor Lighting Requirements

### Article 7 - Outdoor Lighting Requirements

#### Section 7.1 General and Definitions

1. Words and phrases used in this Article shall have the meanings set forth in the Town of Annetta Lighting Ordinance, Ordinance #246. ~~Section 9.4.~~

#### Section 7.2.General

2. ~~4.Scope.~~
  - a. This Article applies within the Town limits.
  - b. Nothing herein shall be construed as preventing or limiting the Town from applying this article to the ETJ through development agreements with property owners.

#### Section 7.2 7.3New lighting

1. *General.* All outdoor lighting shall be installed in conformance with the provisions of this Article, applicable electrical codes, energy codes, and building codes, ~~and Ordinance #246, the Town of Annetta Lighting Ordinance, as amended except as provided herein.~~
2. *Prohibition.* A person commits an offense by doing the following:
  - a. Installs outdoor lighting contrary to this Article ~~and the Town of Annetta Lighting Ordinance;~~
  - b. Fails to comply with any terms or conditions set forth in a permit issued under this Article ~~and the Town of Annetta Lighting Ordinance;~~
  - ~~c. Installs outdoor lighting without obtaining a permit when the total number of the lumen outputs for all lights installed within any ninety (90) day period is greater than two thousand five hundred (2,500) lumens.~~
- ~~3.Nonresidential. All outdoor lighting installed on nonresidential properties shall conform to the standards by this article, except as provided herein.~~
- ~~4.Residential. All outdoor lighting installed on residential properties that is affixed to a construction project for which a building permit is required under this Ordinance shall conform to the standards established by this Article.~~

#### Section 7.4.Nonconforming existing lighting

- ~~1.All existing outdoor lighting that was legally installed before the enactment of this Article, that does not conform with the standards specified imposed by this Article shall be considered nonconforming. Nonconforming outdoor lighting is allowed to remain until required to be replaced pursuant to the terms of this Article.~~
- ~~2.If more than fifty percent (50%) of the total appraised value of a structure (as determined from the records of the county's appraisal district), has been destroyed, the nonconforming status expires, and the structure's previously nonconforming outdoor lighting must be removed and may only be replaced in conformity with the standards of this Article.~~

**Article 7 – Outdoor Lighting Requirements**

~~3. Nonconforming outdoor lighting shall be brought into conformance with this Article as follows:~~

~~a. Nonresidential application. All existing outdoor lighting located on a subject property that is part of an application for a rezoning application, specific use permit, subdivision approval, or a building permit for a major addition is required to be brought into conformance with this Article before final inspection, issuance of a certificate of occupancy, or final plat recordation, when applicable. For the following permits issued by the Town, the applicant shall have a maximum of ninety (90) days from date of permit issuance to bring the lighting into conformance: site development permit, sign permit for an externally or internally illuminated outdoor sign, initial alcoholic beverage permit, initial food establishment permit, and on-site sewage facility permit.~~

~~b. Residential addition or remodel. Nothing herein shall be construed to terminate a residential property's nonconforming status as a result of an addition or remodel.~~

~~c. Abandonment of nonconforming. A nonconforming structure shall be deemed abandoned as provided for in Section 3.1.H if the structure remains vacant for a continuous period of six (6) months. In that instance, the nonconforming status expires, and the structure's previously nonconforming outdoor lighting must be removed and may only be replaced in conformity with the standards of this Article.~~

~~4. It is unlawful to expand, repair or replace outdoor lighting that was previously nonconforming, but for which the prior nonconforming status has expired, been forfeited, or otherwise abandoned.~~

**Section 7.5. Shielding and total outdoor light output standards**

~~1. Governmental owned streetlights, if rated by the B-U-G classification system:~~

~~a. Shall be rated and installed with the maximum backlight component limited to the values in the following table based on location of the light fixture where the property line is considered five (5') feet beyond the actual property line.~~

~~b. Shall be rated and installed with the uplight component of zero (U0); and~~

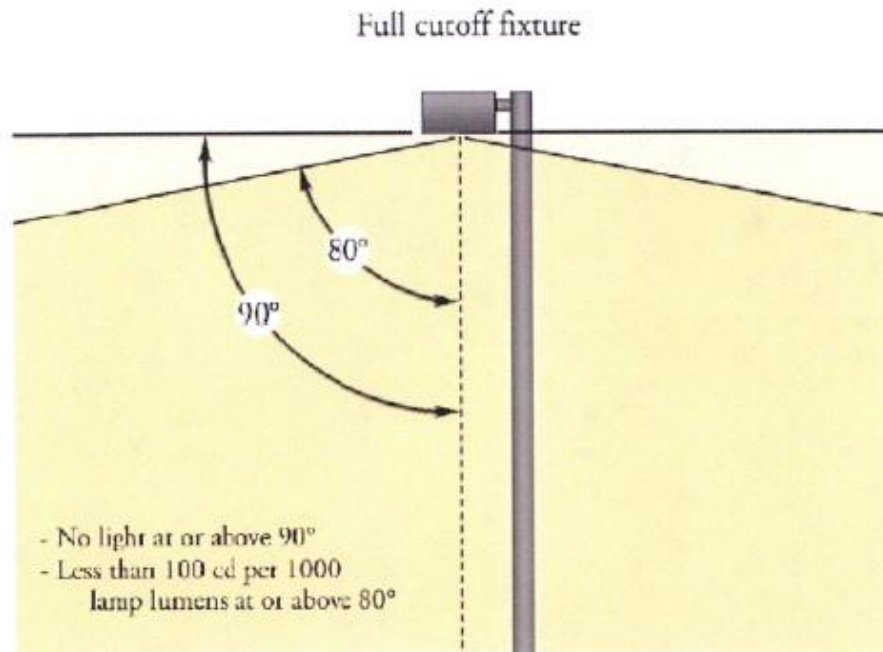
~~c. Shall be rated and installed with the glare component of no more than G1 unless four-sided external shielding is provided so that the luminous elements of the fixture are not visible from any other property. Mounting height or topography may cause the luminous elements of a G1 or G0 rated governmental owned streetlight to require additional shielding to reduce glare.~~

	<b>Governmental Owned Rating</b>
<del>Fixture is greater than 2 mounting heights from property line</del>	<del>B3</del>
<del>Fixture is 1 to less than 2 mounting heights from property line</del>	<del>B2</del>
<del>Fixture is .5 to 1 mounting heights from property line</del>	<del>B1</del>
<del>Fixture is less than 0.5 mounting height to property line</del>	<del>B0</del>

**Article 7 – Outdoor Lighting Requirements**

~~2. Governmental owned streetlights, if not rated by the B-U-G classification system, shall meet the qualifications to be full cutoff fixtures. (See figure A). Mounting height or topography may~~

~~cause the luminous elements of a~~



~~governmental owned streetlight to require additional shielding to reduce glare.~~

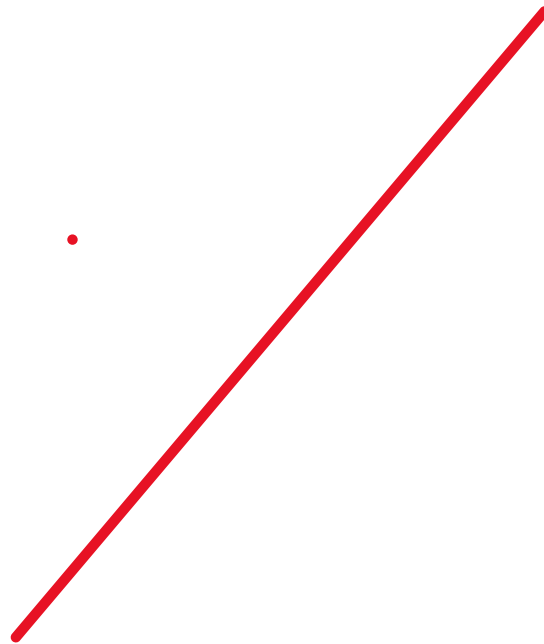


Figure A: Full cutoff fixtures do not allow any light to be emitted above the fixture. The fixture limits the light output in the first ten (10) degrees below the horizontal, to less than ten percent (10%) of the total light output.

**Article 7 – Outdoor Lighting Requirements**

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~~3.All outdoor lighting, except governmental owned streetlights, shall be shielded so that the luminous elements of the fixture are not visible from any other property. Mounting height or proximity to property lines may cause the luminous elements of a light fixture to require additional shielding (See figures B and C).~~

Article 7 – Outdoor Lighting Requirements

Figure B.

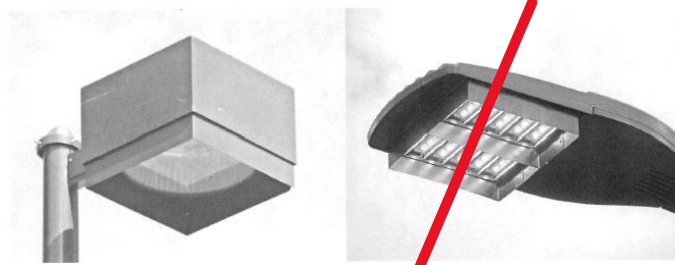


Figure C.



Figure C: The lights on the left are nonconforming. Those on the right can be used in most cases. However, the mounting height and proximity to the property line may cause the lights to need additional shielding to prevent the luminous elements from being visible from any other property. 4. Nongovernmental light fixtures, if rated by the B-U-G classification system:

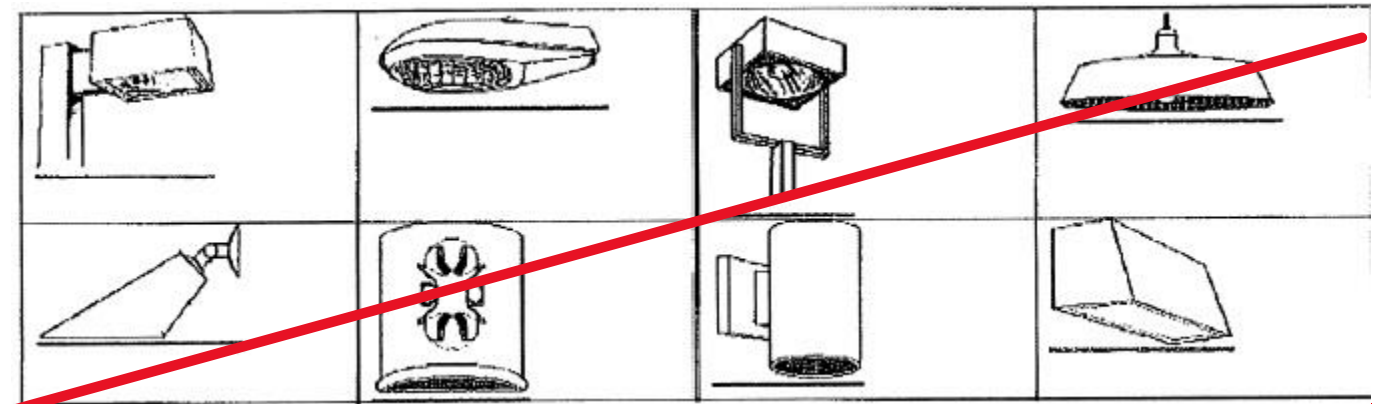
**Article 7 – Outdoor Lighting Requirements**

- ~~a. Shall be rated and installed with the maximum backlight component limited to the values in table 1 based on location of the light fixture where the property line is considered to be five (5') feet beyond the actual property line;~~
- ~~b. Shall be rated and installed with the uplight components of zero (U0), except for uplighting covered in this article;~~
- ~~c. Shall be rated and installed with the glare component no more than G0 unless four-sided external shielding is provided so that the luminous elements of the fixture are not visible from any other property; and~~
- ~~d. Shall be shielded in accordance with this Article.~~

~~5. Outdoor uplighting is prohibited, except in cases where the fixture is shielded by a roof overhang or similar structural shield and a licensed architect or engineer has stamped a prepared lighting plan that ensures that the light fixtures(s) will not cause light to extend beyond the structural shield, and except as specifically permitted in this article.~~

~~6. Outdoor lighting fixtures, except uplighting covered in subsection 5 above, are not allowed to have light escape above a horizontal plane running through the lowest point of the luminous elements. (See figures D and E).~~

**Figure D.**



~~Figure D: This figure shows examples of fixtures that may conform to the provision to not allow light to escape above a horizontal plane running through the lowest point of the luminous elements if they are closed on top and mounted such that the bottom opening is horizontal. Note that the mounting height and proximity to the property line, or internal optics may cause them to need additional shielding to prevent the luminous elements from being visible from any other property.~~

~~A practical way to determine if a light fixture will conform to the provision to not allow light to escape above a horizontal plane running through the lowest point of the luminous elements: the lamp or tube, any reflective surface or lens cover (clear or prismatic) must not be visible when viewed from above or the side.~~

**Figure E.**

**Article 7 – Outdoor Lighting Requirements**

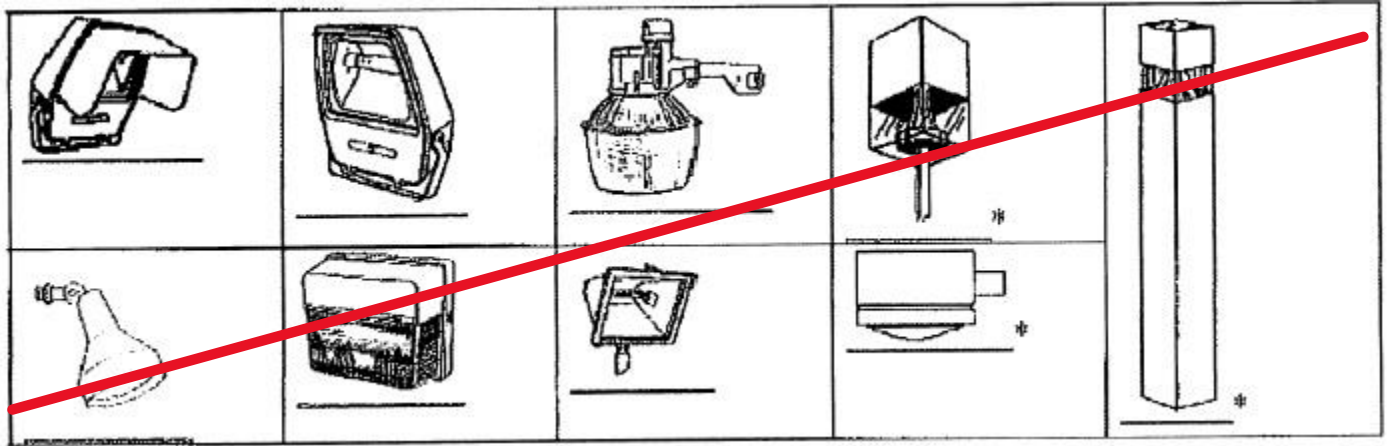


Figure E: This figure illustrates examples of fixtures that do not conform to the provision to not allow light to escape above a horizontal plane running through the lowest point of the luminous elements.

\*Note: Even though the lamps in these fixtures are shielded from direct view when viewed from the side or above, reflective surfaces within the fixtures and/or lens covers are directly visible from the side.

1. Total outdoor light output (excluding governmental owned streetlights used for illumination of public rights-of-way and outdoor recreation facilities) of any nonresidential property shall not exceed 100,000 lumens per net acre in any contiguous illuminated area. This lumen per net acre value is an upper limit and not a design goal; design goals should be the lowest levels that meet the requirement of the task.

2. Total outdoor light output (excluding governmental owned streetlights used for illumination of public rights-of-way and outdoor recreation facilities) of any residential property shall not exceed 25,000 lumens per net acre in any contiguous illuminated area.

3. Outdoor recreation facilities:

a. Lumen cap exemption:

i. Outdoor recreational facilities are not subject to the lumens per net acre limit.

ii. Outdoor lighting for sports facilities shall be designed to create minimum off site spill, glare, and sky glow while honoring the guidelines for class IV play, as defined by the Illuminating Engineering Society of North America (IESNA) publication IES RP-06 or guidelines of a recognized sports organization such as the Texas University Interscholastic League (UIL), Little League, or the United States Soccer League. To be considered a recognized sports organization, the Planning and Zoning Coordinator must first approve such organizations guidelines.

iii. Class IV levels of illumination, as defined by IESNA, are encouraged to be utilized during practices if the competition lighting is established at a higher illumination level than class IV.

b. Shielding. Fixtures used for nonaerial sports, such as track and field, shall be fully shielded. Fixtures used for aerial sports, such as baseball and softball shall be shielded to the full extent possible while also allowing the minimum of vertical

**Article 7 – Outdoor Lighting Requirements**

~~illumination needed by the players to track the ball as stated in writing by a sports lighting engineer recognized by peers as being an expert in that field. The sports lighting vendor must meet the guidelines for the specific sport and have the lowest available off-site spill, glare, and sky glow values.~~

~~c.Certification. Lighting systems for outdoor recreational facilities shall be designed and certified by an engineer registered in the state as conforming to all applicable restrictions of this Article before construction commences. Further, after installation is complete, an engineer registered in the state shall certify that the lighting system installation is consistent with the certified design.~~

~~d.Curfew. No sports facility shall be illuminated between 10:30 p.m. and sunrise, except to conclude a scheduled recreational or sporting event in progress that began prior to 9:30 p.m.~~

**Section 7.6.Lighting for outdoor signs and panels**

~~1.Outdoor internally illuminated signs (whether freestanding or building mounted) shall be constructed with an opaque background and translucent letters and symbols or with a colored background and lighter letters and symbols. (See figure F). The internally illuminated portion of the sign cannot be a light toned color such as white, cream, off-white, light tan, or light yellow unless it is part of a logo. Light toned colors such as white, cream, off-white, light tan, or light yellow are permitted in the logo only, provided that such colors in the logo shall represent not more than 33% of the total sign area permitted. Lamps used for internal illumination or backlighting of lettering shall not be included in the total outdoor light output calculation.~~







Light Background <input checked="" type="checkbox"/>	Colored Background <input checked="" type="checkbox"/>	Opaque Background <input checked="" type="checkbox"/>
		
		

Figure F: Internally illuminated signs.

~~2.Outdoor internally illuminated panels (such as illuminated canopy margins or building faces), shall be included in the total outdoor light output calculation.~~

**Section 7.7.Lighting under canopies, building overhangs, or roof eaves**

~~1.All outdoor light fixtures located under canopies, under building overhangs, or under roof eaves must conform to all provisions of this Article.~~

**Article 7 – Outdoor Lighting Requirements**

2. Outdoor light fixtures located under canopies, under building overhangs, or under roof eaves where the center of the lamp or luminaire is located at five (5') feet, but less than ten (10') feet from the nearest edge of the canopy or overhang are to be included in the total outdoor light output as though they produced only one-quarter (1/4) of the lamp's rated lumen output. (See figures G and H).

**Figure G.**

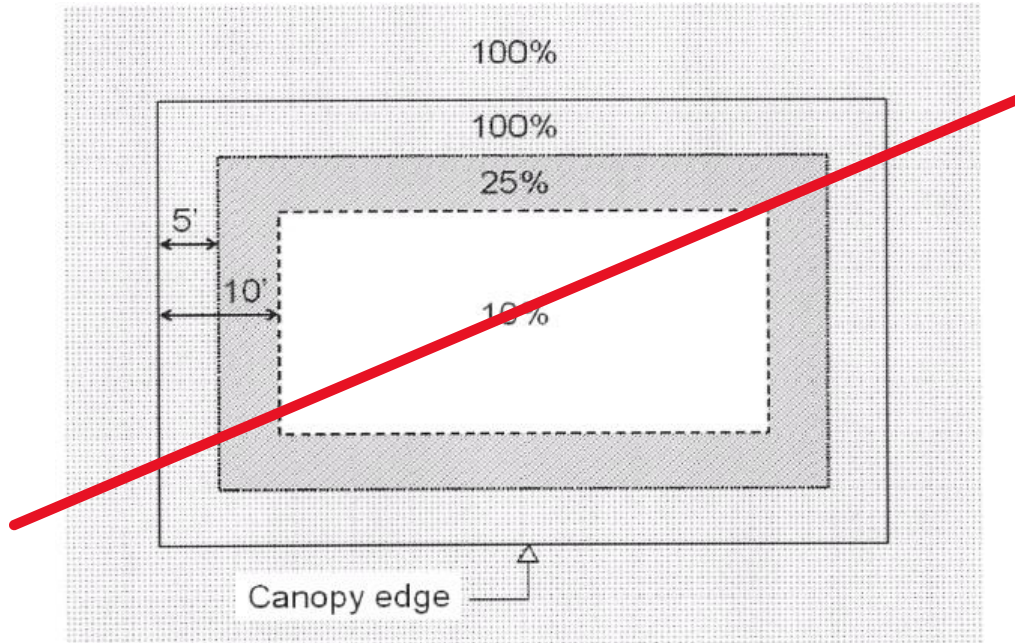


Figure G: Plan view of a canopy, showing fixture location and initial lamp output percentage counted toward total lumens.

**Figure H.**

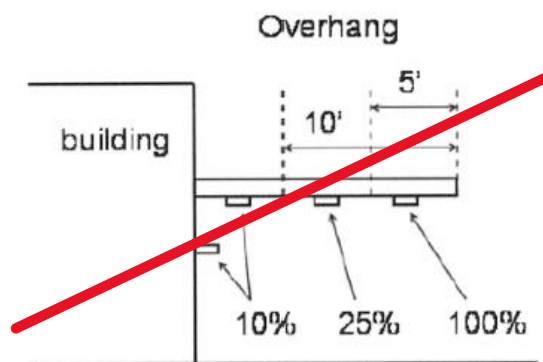


Figure H: Elevation view of a canopy or overhang attached to a building, showing location of shielded fixtures and initial lamp output percentage counted toward total lumens.

**Article 7 – Outdoor Lighting Requirements**

~~3. Outdoor light fixtures located under canopies, under building overhangs, or under roof eaves where the center of the lamp or luminaire is located ten (10') or more feet from the nearest edge of a canopy, building overhang, or eave are to be included in the total outdoor light output as though they produced only one-tenth (1/10) of the lamp's rated lumen output.~~

~~4. The total light output used for illuminating under canopies or building overhangs, defined as the sum of all under canopy initial lamp outputs in lumens, shall not exceed twenty (20) lumens per square foot under the canopy area. All lighting mounted under the canopy, including but not limited to light fixtures mounted on the lower surface of the canopy and auxiliary lighting within signage or illuminated panels under the canopy, is to be included in the total.~~

**Section 7.8. Neon Lighting**

Neon lighting is permitted, so long as lumen calculations from such lighting are included in the total outdoor light output calculations for the site. Lumens are calculated on a per foot basis, rather than per "fixture." Such lighting shall also be subject to the shielding requirements of this Article.

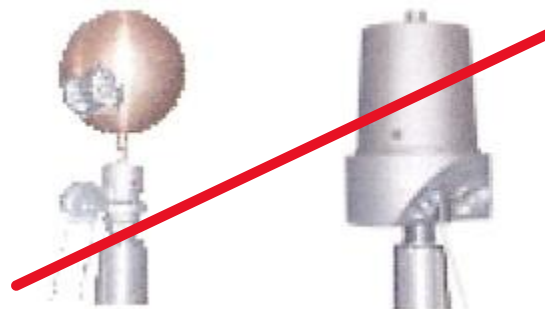
**Section 7.9. Flagpoles**

1. Lighting of up to a total of two (2) flags per property is permitted with the following conditions:

a. Flagpoles with a height greater than twenty (20') feet above ground level shall be illuminated from above, if illuminated at all. This may be achieved by utilizing a light fixture attached to the top of the flagpole or a fixture mounted above the top of the flagpole on a structure within fifteen (15) feet of the flagpole and must comply with all sections of this article except for lights such as the ones in figure I. The total number of lumens initially output from any light fixture mounted on top of or above a flagpole is limited to 800.

b. Flagpoles with a height equal to or less than twenty (20') feet above ground level may be illuminated from below. They are to be illuminated with up to two (2) spot type fixtures utilizing shields or diffusers to reduce glare, whose maximum combined lumen output is seventy-eight (78) lumens per foot of pole height, measured from the light fixture to the top of the flagpole. The fixture is to be mounted so that the lens is perpendicular to the flagpole and the light output points straight up at the flag.

**Figure I.**



**Figure I: Options for flagpole lighting.**

## Article 7 – Outdoor Lighting Requirements

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~~c. Lamps used for flagpole illumination shall be included in the total outdoor light output.~~

### Section 7.10. Lighting Curfews

~~1. Nonresidential outdoor lighting intended to be left on more than thirty (30) minutes after closing, or the completion of activities, must be reduced to twenty five percent (25%) or less of the total outdoor light output allowed.~~

~~a. Motion sensor activation may be allowed to cause the light to resume total outdoor light output allowed only when activated and to be reduced back to twenty five percent (25%) or less of total outdoor light output allowed within five (5) minutes after activation has ceased, and the light shall not be triggered by activity off the property.~~

~~b. The seventy five percent (75%) reduction in illumination may be accomplished by dimming, by turning off seventy five percent (75%) of the light fixtures, by a combination of the two, or by any other method that results in a total outdoor light output of no more than twenty five percent (25%) of the total outdoor light output allowed.~~

~~2. Illumination for all advertising signs, both externally and internally illuminated, shall be turned off by the later of closing time or 10:00 p.m., provided, however, that such signs may be turned back on prior to sunrise, but no more than one hour prior to opening.~~

~~3. Street lighting, other than at the intersection of roadways, shall utilize half night photocells or timers to turn off the lights halfway between dusk and dawn. Passive reflective roadway markings are encouraged.~~

~~4. Outdoor recreational facilities must follow the curfew as defined in Section 9.4 Lighting Definitions.~~

~~5. All outdoor lighting is encouraged to be turned off when no one is present to use the light.~~

### Section 7.11. Prohibition

~~1. The installation of any mercury vapor fixture or lamp for use as outdoor lighting is prohibited.~~

~~2. Luminaries rated at more than 3000 Kelvin (K) are prohibited with the exception of luminaries installed prior to the enactment of this revised article rated no more than 4000K, which are shielded on every side so that the source of light is not visible from any other property and the combination of all such fixtures within any ten-foot by ten-foot area does not produce more than 4100 lumens for a pole-mounted fixture or 2050 lumens for a wall-mounted fixture. Luminaries with a higher Kelvin rating are permitted if the Scotopic-to-Photopic (S/P) ratio is no greater than 1.2.~~

~~3. The installation of any barn-light style fixture for use as outdoor lighting is prohibited unless the fixture includes a full opaque reflector instead of the standard translucent lens. An example of barn-light style with and without the required opaque reflector is shown in figure J.~~

## Article 7 – Outdoor Lighting Requirements

**Figure J.**



Figure J: Acceptable shielding of barn-light style fixtures.

4. The operation of searchlights for advertising purposes is prohibited.

### Section 7.12. Submission of plans and evidence of compliance

1. All building permit applications must include an outdoor lighting plan which includes the following information:

a. The location of all existing and proposed light fixtures (may be included on the site plan):

b. A lumen calculation sheet to determine lumens per net acre. It must include the square footage of the total area to be illuminated, the light fixture catalog descriptions or ordering number, lamp types (i.e., incandescent, low pressure sodium, compact fluorescent, LED, etc.), the Kelvin rating for the lamp, the B-U-G rating for the selected fixture (if available); the number of fixtures or lamps (use the same unit corresponding to the unit used to determine how many lumens are produced), fixture or lamp initial lumens, the location from the edge of a canopy (if applicable), and mounting height of all existing and proposed lamps.

c. Manufacturer's specification sheets for all existing and proposed light fixtures.

d. Elevations with notes where light fixtures are to be installed indoors which may be seen from the exterior.

e. Site plan with specific measurements in feet for the area to be illuminated. A scale notation is not sufficient.

2. Upon receipt of residential building permit applications, Town staff shall provide the homebuilder and/or applicant with educational materials about this Article. The Town's submission of educational materials shall be prima facie evidence that the applicant has received notification of the provisions of this article.

3. Verification that a residential or commercial construction project requiring a building permit application has complied with the provisions of this Article shall occur during the final electrical inspection by the Town.

## Article 7 – Outdoor Lighting Requirements

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### Section 7.13. Exemptions

The following lighting instances are exempt from this Article:

- ~~1. Outdoor light fixtures with a maximum output of one hundred eighty (180) lumens per fixture, regardless of the number of bulbs, may be left unshielded provided the fixture has a diffuser installed, and the source of the light is not visible from any other property. The output from these fixtures shall not exceed 10% of the total outdoor light output allowed.~~
- ~~2. Outdoor light fixtures with a maximum output of three hundred sixty (360) lumens per fixture, regardless of the number of bulbs, which are shielded with a medium to dark tone lens provided said lens reduces the lumen output approximately in half, and the source of the light is not visible from any other property. The output from these fixtures shall not exceed ten (10%) percent of the total outdoor light output allowed.~~
- ~~3. Outdoor lighting for which light is produced directly by the combustion of fossil fuels.~~
- ~~4. Holiday lights as defined in this article are exempt from the requirements of this article from November 15th to January 15th during the hours from 6:00 a.m. to midnight each day, except that flashing holiday lights are prohibited on nonresidential properties. Flashing holiday lights on residential properties are discouraged. Holiday lights may be illuminated one additional seven (7) day period per calendar year.~~
- ~~5. Lighting required by law to be installed on motor vehicles.~~
- ~~6. Lighting needed during activities of law enforcement, fire and other emergency services.~~
- ~~7. Lighting employed during emergency repairs of roads and utilities may be unshielded provided the lights are positioned so they do not shine in the eyes of passing drivers.~~
- ~~8. Lighting required for the safe operation of aircraft.~~
- ~~9. Temporary lighting required to save life or property from imminent peril provided the lights are positioned so they do not shine in the eyes of passing drivers.~~
- ~~10. Festoon type low output lamps, limited to small individual bulbs on a string with a maximum output of 56 lumens within any square foot. The bulbs must have a rating of no more than 2800 Kelvin, may not be located within three (3') feet of a reflective surface such as a light colored or metal wall, and the bulbs may not be visible from any residential property within fifty (50') feet of the installed lights. The lumen output from these lamps shall be doubled for inclusion in the total outdoor light output calculations and that doubled lumen value shall not exceed twenty percent (20%) of the total outdoor light output allowed for the property.~~
- ~~11. Low intensity mini lights or rope type lights in amber, gold, yellow, cream, red, orange, or warm white wrapped on a tree, post, or other similar object provided the layers are at least six (6") inches apart. The output from these mini lights shall not exceed two percent (2%) of the total outdoor light output allowed for the property and will be included in the lumen's calculation for the total outdoor light output allowed.~~
- ~~12. Temporary lighting for theatrical, television, performance areas, events, or construction areas provided the lights are positioned so they do not shine in the eyes of passing drivers and the source of the illumination is shielded from any other property. This temporary lighting must not allow any light to be projected or reflect above the structures or trees on the property.~~
- ~~13. Lighting required by federal or state laws or regulations.~~

**Article 7 – Outdoor Lighting Requirements**

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**~~Section 7.14. Materials and methods of installation~~**

~~This Article is not intended to prohibit the use of any design, material or method of prescribed installation not specifically proscribed by this Article, provided such alternative meets or exceeds the requirements of this Article.~~

**~~Section 7.15. Compliance with building code~~**

~~All lighting installations commenced in accordance with this Article must be in compliance with the International Building Code, as adopted by the Town Council.~~

**Article 8 – Supplemental District Regulations****Article 8 - Supplemental District Regulations****Section 8.1 Off-Street Parking & Loading Requirements****8.1.A OFF-STREET PARKING GENERAL PROVISIONS**

1. All required off-street parking, except as otherwise provided in this Ordinance, shall be provided on the same site as the use the parking serves.
2. In residentially zoned areas, every means of access shall have a maximum drive width of twenty-five (25') feet at the property line.
3. **Except in the R-AG and R-1 districts on tracts over 2 acres that are being used for agricultural uses, residentially-zoned districts,** no parking space, garage, carport, or other automobile storage space shall be used **in a residential district** for the storage of any heavy load vehicle or farm equipment.
4. All required off-street parking spaces in the single-family zoning districts (R-AG, R-1, R-E, R-20, R-10, CONV, D) shall be located behind the front building line and shall be enclosed in a two or more car garage. **A carport, porte-cochere or driveway parking may not count for this requirement.**
5. In the MF Districts, parking shall be located behind the front building line.
6. In all non-residential districts, free access through to adjacent parking areas shall be provided between adjoining parcels or building sites for safety and firefighting purposes.
7. In all non-residential districts, all required parking shall be provided on an improved hard surface as defined in Section 9.2. Parking spaces shall be permanently and clearly identified by stripes, buttons, tiles, curbs, barriers, or other approved methods. Non-permanent type marking, such as paint, shall be regularly maintained to ensure continuous clear identification of the space.
8. All parking and loading spaces, and vehicle sales areas shall have wheel stops or other appropriate vehicle stopping devices to prevent vehicles from extending into any required landscaped areas, any public rights-of-way, or public sidewalk. Parking shall not be permitted to encroach upon the public right-of-way.
9. Except for single family and duplex uses, parking and loading areas shall be arranged so that vehicles shall not be required to back out of the parking or loading spaces directly onto a public right-of-way.
10. Handicap parking space(s) shall be provided according to State of Texas Program for the Elimination of Architectural Barriers and the Americans with Disabilities Act.
11. **Paving Required:**
  - a. All vehicles, recreational vehicles, mobile equipment, boat storage and trailer storage require an improved hard surface **with concrete, asphalt, brick or stone** for parking, storing and maneuvering as defined in Section 9.2.
  - b. **R-AG and R-1 properties in excess of two acres with agricultural uses or with driveways more than 100 feet long may utilize an all-weather surface such as:**

**Article 8 – Supplemental District Regulations**

- (1) an asphalt surface treatment with applications of asphaltic material covered with aggregate; or
  - (2) Engineered Aggregate – a high-quality, compacted, non-dust-producing material like crushed limestone or gravel, usually for residential driveways or specific rural scenarios.
- c. Existing agricultural, single family or duplex properties with a driveway or parking area currently using an existing all weather surface as listed in subsection b. above may remain and be utilized to meet the requirements of this ordinance. However, replacement of a main structure or significant construction of accessory structures may require paving of those areas with an improved hard surface.
12. *Recreational vehicles* shall not be used as living quarters on a permanent basis when stored on residential or commercial property within the City-Town unless specifically within an approved Recreational Vehicle Park.
13. The quantity of parking spaces provided in addition to the required parking shall not exceed twenty-five (25%) percent of the required parking amount.

**8.1.B DRIVE LANE WIDTHS AND PARKING SPACE SIZES.....**

1. Drive lanes and parking space sizes shall be required as shown in the following illustration. A driveway for access to any non-residential single parking space or to a parking lot shall not measure less than that shown in the parking layout illustration. All drive approach widths shall be no less than fifteen (15') feet wide. All two-way drive lanes shall be a minimum of twenty-four (24') feet in width.

Parking Angle	Stall Width	Stall Depth	Min. Aisle Width		Aisle Length Per Stall	Module Width	
			One-Way	Two-Way		One-Way	Two-Way
(A)	(B)	(C)	(D1)	(D2)	(E)	(F1)	(F2)
Parallel	8.0	22.0	12.0	18.0	22.0	28.0	34.0
45	9.0	19.1	12.0	24.0	12.7	50.2	62.2
60	9.0	20.1	18.0	24.0	10.4	58.2	64.2
90	9.0	18.0	24.0	24.0	9.0	60.0	60.0

2. Parking spaces shall be nine (9') feet wide by eighteen (18') feet deep for all ninety (90) degree parking spaces. Angled spaces shall be as shown in the illustration. Truck spaces shall be a minimum of forty (40') feet deep and fifty (50') feet in width. All parking space depths shall be measured from the required wheel stops or other appropriate vehicle stopping devices.

**8.1.C OFF-STREET LOADING SPACE – ALL DISTRICTS.....**

1. All retail, commercial and industrial structures shall provide and maintain an off-street area for the loading and unloading of merchandise and goods at ratios according to the following table.

Square Feet of Gross Floor Area in Structure	Maximum Required Spaces or Berths
0-4,999	None
5,000-20,000	1

**Article 8 – Supplemental District Regulations**

Each additional 20,000	1 Additional
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2. A loading space shall consist of an area of a minimum of twelve (12') feet by thirty (30') feet.
3. All drives and approaches shall provide adequate space and clearances to allow for the maneuvering of trucks on-site. Each site shall provide a designated maneuvering area for trucks.
4. No portion of a loading facility may extend onto a public right-of-way or onto an off-street parking facility elsewhere herein required.
5. Areas designated for off-street loading shall be used only for the loading and unloading of passengers, equipment, supplies or merchandise.
6. In all districts when screening of loading areas facing a street is required, screening shall be provided not less than six (6') feet in height adjacent to the loading area at the property line. Said screening shall be required along all streets except where such use was in existence at the date of adoption of this Ordinance.

**8.1.D PARKING TABLE**

Except as otherwise provided in this section, off-street parking spaces shall be provided in the following table. The parking space requirements for a use not specifically mentioned herein shall be the same as required for a use of similar nature.

<b>Schedule of Parking Requirements</b>		
Land Use	Requirements	Additional Requirements
<b>Residential Uses</b>		
Bed and Breakfast	2 spaces	1 additional space for each guest unit
Condominium, Multi-Family	2.5 / unit	None
Senior Multi-Family (age restricted, 55+)	1.5 / unit	None
Convalescent, Rest, Nursing Home	1 / 5 beds	None
Duplex	2 / unit	One Enclosed (garage)
HUD Code Manufactured Home	2 / unit	None
Mobile Home/Manufactured Housing Park, Subdivision	2 / unit	None
Retirement Home or Assisted Living	1.5 / unit	None
Single-Family Detached, Patio Home, Townhome Units	2 / unit	Both Enclosed (garage)
<b>Institutional and Public Uses</b>		
Athletic Stadium or Field	1 / 6 seats	None
Church	1 / 4 seats in the main auditorium	None

**Article 8 – Supplemental District Regulations**

<b>Schedule of Parking Requirements</b>		
<b>Land Use</b>	<b>Requirements</b>	<b>Additional Requirements</b>
Civic Center/Auditorium	1 / 4 persons of total capacity	1 per each employee
Community Center	Minimum 10, not including auditorium	1 additional space/300 sq. ft. of floor area in excess of 2000 sq. ft. plus 1 additional space/4 seats for auditoriums that are part of the building
Day Care or Day Nursery	1 / 10 pupils	1/teacher
Libraries, Museums	Min. 10	1/300 sq. ft.
<b>Educational</b>		
College or University	1 / each day student	None
Elementary School	1 / 20 students	1 per each employee
Jr. High or Middle School	1 / 15 students	1 per each employee
Senior High School	1 / 2 students	1 per each employee
<b>Amusement and Entertainment</b>		
Amusement Center, Commercial	1 / 3 guests	Or 1/100 sq. ft. of gross floor space, whichever results in more spaces
Bowling Alley	6 / lane or alley	1 per ea. Employee
Golf Course	5 / hole	None
Golf or Country Club	1 / 150 sq. ft. of floor area	Or 1/5 members, which results in more spaces
Lodge or Fraternal Organization	1 / 200 sq. ft.	None
Park and Recreational Facilities	1 / 500 sq. ft. of site area exclusive of buildings	None
Public Assembly Hall, Banquet Hall, Event Space or Wedding Venue	1 / 3 seats or bench seating spaces	None
Racetrack	1 / 500 sq. ft. of site area exclusive of buildings	None
Theater, Sports Arena, Gymnasium, Auditorium, Athletic Fields	1 / 3 seats or bench seating spaces	None
<b>Office and Professional</b>		
Office Center	1 / 250 sq. ft.	None
Office or Professional Business	1 / 250 sq. ft.	None
Real Estate Office	1 / 200 sq. ft.	None
Personal Service Stores	1 / 200 sq. ft.	None
Studios	1 / 300 sq. ft.	None

**Article 8 – Supplemental District Regulations**

<b>Schedule of Parking Requirements</b>		
<b>Land Use</b>	<b>Requirements</b>	<b>Additional Requirements</b>
<b>Retail, Services and Commercial</b>		
Antique stores	1 / 400 sq. ft.	None
Bank and Savings & Loan or Other Similar Institution	1 / 300 sq. ft.	Min. 3 stacking spaces from teller window or ATM, shall not conflict with required maneuvering
Barber/Salon	1 / 200 sq. ft.	Min. 3
Convenience Store	1 / 300 sq. ft.	None
Dry Cleaning	1 / 300 sq. ft.	None
Farmer's Market	1 space per vendor, plus 1 space for each 400 sq. ft. of market or display area.	Farmer's Market parking shall be in addition to minimum parking requirements for the primary use of the property.
General Market	1 / 600 sq. ft. of site area utilized for market	None
Furniture, Appliance Sales	Min. 2	1 additional / 300 sq. ft. of area over 1,000 sq. ft.
Grocery Store	1 / 300 sq. ft. of retail floor area	Min. 3 car stack space from any pick-up window, shall not conflict with required maneuvering
Hotel or Motel	1 space per room or suite	Plus 1/200 sq. ft. of public assembly area; and restaurants with seating capacity > 75 seats, 1 space/ 3 seats for those additional seats > 75
Kennel	1 / 300 sq. ft.	None
Laundromat	1 / 200 sq. ft.	None
Mortuary or Funeral Home	1 / 50 sq. ft. of floor space in parlors or funeral service rooms	None
Restaurant – Drive-In	1 / 150 sq. ft.	Min. 5 stacking spaces from voice order board or order window, shall not conflict with required maneuvering
Restaurant, Café, Cafeteria	1 / 2.5 seats	None
Retail Sales (other than Antique stores)	1 / 200 sq. ft.	None
Service and Repair Shops	1 / 300 sq. ft.	None

**Article 8 – Supplemental District Regulations**

<b>Schedule of Parking Requirements</b>		
<b>Land Use</b>	<b>Requirements</b>	<b>Additional Requirements</b>
Shopping Center	1 / 300 sq. ft.	None
Veterinary Clinic	1 / 300 sq. ft.	None
Weight and Aerobics, Fitness Centers	1 / 200 sq. ft.	None
Wine Tasting Facility (Winery) or Brew-Pub (Micro-Brewery)	1 / 2.5 seats or 1/300 sq. ft., whichever is greater	None
<b>Medical Uses</b>		
Clinic, Medical	1 / 150 sq. ft.	None
Hospital / Sanitarium	1/ bed or examination room	1 /employee on the largest work shift
Medical, Dental Clinic or Office	1 / 150 sq. ft.	None
<b>Automotive, Communication and Transportation</b>		
Auto or Machinery Sales (indoors)	1 / 500 sq. ft.	Or 1 / 2000 sq. ft. of lot area for outdoor uses, or whichever is greater
Auto Repair	Minimum of 5	1 / 200 sq. ft. of floor area or repair garage
Auto Service Station	Minimum of 6	None
Auto/Trailer Leasing	1 / 500 sq. ft.	None
Boat Sales, Repair, Rental	1 / 500 sq. ft.	Or 1 / 2000 sq. ft. of lot area for outdoor uses, or whichever is greater
Car Wash (full-serve, self-serve or automatic)	3 stacking spaces / wash bay	1 per each employee with a minimum of 1
Manufactured Housing Sales / Recreational Vehicle Sales	1 / 500 sq. ft.	Or 1 / 2000 sq. ft. of lot area for outdoor uses, or whichever is greater
Terminal, Bus/Train/ Truck	Minimum of 5	1 / 200 sq. ft. of floor area or repair garage
<b>Industrial and Commercial</b>		
Building Materials, Lumber Storage Yards	1 / 3 employees	Or 1 / 1,000 sq. ft. of floor area, whichever results in more spaces
Construction Equipment Rental and/or Sales	1 / 500 sq. ft.	Minimum of five provided
Industrial/Manufacturing Activities	1 / 3 employees	Or 1 / 1,000 sq. ft. of floor area, whichever results in more spaces
Mini-Manufacturing or Commercial	1 / 500 sq. ft.	1 per each employee
Mini-Warehouse (self-storage facility)	Minimum 4/complex	1 additional space/5,000 sq. ft. of storage space

**Article 8 – Supplemental District Regulations**

Schedule of Parking Requirements		
Land Use	Requirements	Additional Requirements
Portable Building Sales	1 / 500 sq. ft.	None
Showroom/Warehouse with Office	1 / 750 sq. ft.	1 per each employee
Warehouse, Wholesale	1 / 3 employees	Or 1 / 1,000 sq. ft. of floor area, whichever results in more spaces
Wrecking, Salvage, Reclamation Yard	1 / 3 employees	Or 1 / 1,000 sq. ft. of floor area, whichever results in more spaces

**8.1.E RULES FOR COMPUTING NUMBER OF PARKING SPACES**

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

1. Floor Area shall mean the gross floor area of the specific use.
2. Where fractional spaces result, the parking spaces required shall be constructed to be the nearest whole number.
3. A building that was constructed or a use that was established after the effective date of this ordinance, and which is enlarged or expanded by at least ten percent (10%) but less than fifty percent (50%), shall require only the number of off-street parking and loading spaces as would be required if such enlargement or expansion were a separate new structure or use.
4. Whenever a building or use existing prior to the effective date of this ordinance is enlarged by fifty percent (50%) or more in floor area or in the area used, said building or use shall comply with the parking requirements set forth herein.
5. In the case of mixed uses, the parking spaces required shall equal the sum of the requirements of the various uses computed separately.
6. Up to fifty percent (50%) of the parking spaces required for a theater or other place of evening entertainment (after 6:00 P.M.), or for a church, may be provided and used jointly by banks and offices, and similar uses not normally open, used, or operated during evening hours if specifically approved by the Planning and Zoning Commission. Shared parking must be on the same lot.
7. In cases where the required parking spaces are not located on the same lot with the building or use served, or where such spaces are jointly used, a written agreement thereby assuring their retention for such purposes, shall be properly drawn and executed by the parties concerned, shall be filed with the application for a building permit.

**8.1.F LOCATION OF PARKING SPACES**

All parking spaces required herein shall be located on the same lot with the building or use served, except when spaces are used jointly by two (2) or more buildings or establishments according to Section 8.1.E, the required spaces may be located a distance from the building to be served as stated below:

1. not to exceed three hundred (300') feet from an institutional building

## Article 8 – Supplemental District Regulations

2. not to exceed six hundred (600') feet from any other non-residential building

### 8.1.G FIRE LANES

Fire lane easements shall be provided in accordance with the applicable Town Fire Code.

### 8.1.H DRIVEWAYS AND CURB CUTS

1. **Driveway Spacing** (distance between driveways, measured edge-to-edge) shall be as follows:
  - a. **Highway** - One (1) driveway per three hundred (300') linear feet of frontage.
  - b. **Arterial street** including Old Annetta Road, FM-5 and Airport Road – One (1) driveway per two hundred and fifty (250') linear feet of frontage.
  - c. **New single family, duplex or other residential driveways** that back into a highway or arterial are prohibited unless no other public access is available to the lot. Circular drives may be utilized along highways or arterials discouraging backing into such facilities. The platting of new lots in subdivisions shall be designed to discourage backing into such facilities.
  - d. **Collector street** - One (1) driveway per one hundred (100') linear feet of frontage
  - e. **Local street** - One (1) driveway per fifty (50') linear feet of frontage
  - f. **Minimum distance from driveway to street corner** - Fifty (50') feet, as measured from the street corner radius point of tangency.
2. **Driveway Separation from Intersections** (distance measured from the centerline of the rights - of-way to the pavement edge of the driveway) shall be as follows:
  - a. **Driveway from a Highway intersection** - Three hundred (300') feet
  - b. **Driveway from an Arterial street intersection** - Two hundred and fifty (250') feet
  - c. **Driveway from a Collector street intersection** - One hundred (100') feet
  - d. **Driveway from a Residential street intersection** - Fifty (50') feet
3. **Street Separation from Intersections** (distance measured from the centerline of the street rights -of-way) shall be as follows:
  - a. **Highway intersection with another street** - Three hundred (300') feet
  - b. **Arterial street intersection with another street** - Two hundred and fifty (250') feet
  - c. **Collector street intersection with another street** - One hundred (100') feet
  - d. **Residential street intersection with another street** - Fifty (50') feet
4. All driveways and curb cuts shall be in accordance with the Town of Annetta Engineering Design Manual (<https://www.annetatx.org/engineering-design>)

## Section 8.2 Unplatted Parcel or Lot Area & Building Location

1. The location of dwellings and buildings shall be according to the following:

**Article 8 – Supplemental District Regulations**

- a. Only one main building for a single-family ~~or~~ two-family use, with permitted accessory structures or buildings, may be located upon a residentially zoned lot or unplatted tract without a Specific Use Permit or other authorization contained in this ordinance.
  - b. No parking area, storage area, or required open space for one building shall be computed as being the open space, yard, or area requirements for any other dwelling or other use, except as otherwise authorized herein.
2. The combining of two or more legally recorded lots in their entirety into one parcel will not be required to be replatted into one lot in accordance with the adopted Subdivision Ordinance provided all lots are permanently joined by a structure or improvements built over the property line(s) in accordance with the zoning ordinance, provided, however, that no additional right-of-way or public right-of-way or public easements must be dedicated, or public utilities or roadways must be constructed to meet the requirements of this ordinance. The common lot line between the two lots shall not be considered a lot line for side setback purposes, allowing the structure to be built over the common lot line.

**Section 8.3 Front Yard**

1. Unless otherwise provided, any building line established by a plat or ordinance approved by the Town prior to the adoption of this Ordinance that measures less than the front yard setback prescribed for the district in which the building line is located, shall comply with the building line so established by such ordinance or plat.
2. The front yard shall be measured from the property line along the public street primary frontage to:
  - a. the front face of the building,
  - b. support columns of any covered porch or covered terrace,
3. Eaves and roof extensions or a porch without posts or columns may project into the required front yard for a distance not to exceed three (3') feet.
4. Subsurface structures, platforms or slabs may not project into the front yard to a height greater than thirty-six (36") inches above the average grade of the yard.
5. When lots extend from one street to another creating a double frontage, a required front yard shall be provided on both streets unless a building line for accessory buildings has been established along one frontage by ordinance or on a plat, in which case only one required front yard must be observed.
6. Where a right-of-way easement or line has been established for future widening or opening of a street or thoroughfare upon which a lot abuts, building setbacks shall be measured from the right-of-way easement or line.

**Section 8.4 Side and Rear Yards**

1. On lots that were official lots of record prior to the effective date of this Ordinance, the minimum side yard adjacent to a side street shall comply with the minimum required side yard for the respective district.
2. Every part of a required side and rear yard shall be open and unobstructed from the ground upward except for:

**Article 8 – Supplemental District Regulations**

- a. Accessory buildings **or other structures** as permitted herein;
- b. The projection into the side and rear yard of windowsills, belt courses, cornices, and other architectural features not to exceed twelve (12") inches;
- c. Roof eaves not to exceed thirty-six (36") inches projecting into the required side and rear yard;
- d. Air conditioning compressors and similar appurtenances are permitted in the side and rear yard.
- e. In all non-residential zoning districts, cantilevered structures shall be permitted to extend 10' into the rear yard except when adjacent to a required landscape buffer.

**Section 8.5 Fencing and Required Visual Clearance**

1. **FENCING.** The following regulations are prescribed for the location and type of various fences and screening devices to be used for proposed fences, or when required in the various zoning districts or in this section in accordance with the following standards:
  - a. **Installation.** Prior to installing a fence, the person installing such fence shall obtain a permit from Town staff with sufficient information to determine that the proposed fence meets all requirements and will not encroach on adjacent properties or the right-of-way. Fences built prior to the adoption of the ordinance from which this chapter is derived will be allowed to remain provided they are not on the right-of-way.
    - (1) Prior to application for a permit or installation of a fence, the applicant shall call 811 and the Town of Annetta to identify/locate utility locations before installation.
    - (2) Fences shall also be located in accordance with the Town of Annetta Engineering Design Manual (<https://www.annetatx.org/engineering-design> )
  - b. **Fences adjacent to and parallel with Old Annetta Road, Airport Road or FM 5** shall be constructed in accordance with Ordinance No. 78- A, as amended and any fence proposed to exceed three feet in height or use alternate building materials must receive specific approval from the Council.
  - c. **Agricultural fences** shall be located and constructed in accordance with this Section and Subsection 4.2.32.b (7) *Pasture Fencing*. Barbed and electrified fencing is only allowed in accordance with such section.
  - d. **Location.**
    - (1) No private fence may be placed on property other than that owned by the proposed fence owner.
    - (2) No fence or screening device shall be placed on the public right-of-way or on any easements in the front building setback. It is the property owner's and/or fence installer's responsibility to locate the property lines and easements either by using a survey or accurately finding the property corners. Any fence installed on the right-of-way shall be

## Article 8 – Supplemental District Regulations

removed by the party responsible for the improper installation. The Town reserves the right to remove such fence.

- (3) Fences or screening devices made of wood and easily removed may be installed in easements and side yards behind the front setback line with the understanding that the user of the easement may remove such fence to gain access to the easement or their facilities. No masonry or permanent construction may be placed in such easement without the specific permission of all parties that the easement is dedicated to.
- (4) No wall or fence shall be located within any Visibility Access and Maintenance Easement or within any sight visibility triangle as defined in subsection 8.5.2 below.

### e. **Height.**

- (1) No wall or fence shall exceed a height of 8' measured from the highest of the two adjoining grades on either side of the wall or fence.
- (2) No wall, hedge or fence shall be taller than four feet (4') when located between a street and the front face of a building in any residential zoned district.
- (3) An eight foot high security fence may be topped with barbed wire when located on property zoned for nonresidential purposes.

### f. **Construction.**

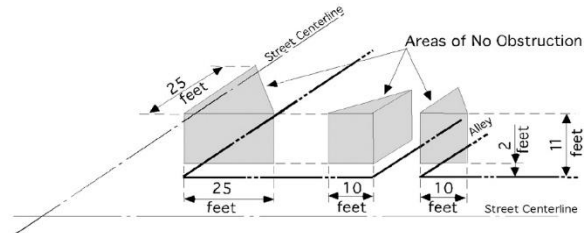
- (1) **Residential fences** shall be composed of materials recognized as standard, residential grade fencing material. Residential fencing using materials such as corrugated metal, sheet metal, or corrugated fiberglass, are prohibited and shall not be used in the construction of a residential fence.
- (2) **Commercial Fences** may also utilize corrugated metal, sheet metal, or corrugated fiberglass that is specifically designed to be utilized for fencing. Chain link fencing may be utilized on side or rear property lines when not adjacent to residential properties or public streets.
- (3) Fences using scrap materials or materials not recognized as standard fencing including pallets are expressly prohibited.
- (4) A Special Exception for use of an alternative fencing material may be applied for under Section 2.2.F and, if approved, is allowed subject to any conditions of the Special Exception.

## 2. **SIGHT VISIBILITY TRIANGLE.**

- a. At the intersection of a street with a Principal Arterial or Minor Arterial, clear vision must be maintained on adjacent property within a sight visibility triangle as defined in Part II, "Paving," Subsection 2.06, "Sight Distance at Intersections," of the *Town of Annetta Engineering Design Manual*. (<https://www.annetatx.org/engineering-design>) and more specifically described in Figure II-3, "Visibility Triangles."

**Article 8 – Supplemental District Regulations**

- b. At street intersections, clear vision must be maintained on adjacent property within a sight visibility triangle created by the property lines being measured a minimum of twenty-five (25') feet from the intersection corner of the property line in both directions.
- c. At a street intersection with an alley, clear vision must be maintained on adjacent property for ten (10') feet across any lot measured from the corner of the property line in both directions.
- d. Within any sight visibility triangle fences, walls, architectural screen, earth mounding, landscaping, etc. shall not exceed two (2') feet in height, measured from the top of the nearest curb; nor shall anything be placed, erected, planted, or allowed to grow in such a manner as to impede vision between a height of two (2') feet and eleven (11') feet above the top of the nearest curb.



**Section 8.6 Single Family and Duplex Construction Standards**

**8.6.A FOUNDATIONS**

- 1. All above-grade visible surfaces of concrete masonry or concrete foundation walls, grade beams and piers must be faced with a finish veneer of brick or stone or shall receive a stucco finish and shall be painted to blend unobtrusively with adjacent materials. Exposed aggregate concrete, or textured concrete block with an integral or applied color, may be considered in lieu of the stucco applique.
- 2. Foundation walls/grade beams must step down with the grade change of sloping sites so that its exposed surface does not exceed a vertical height of four (4') feet above finish grade at its greatest exposure; as an alternative to stepping the top of the foundation, the wall may be faced with a masonry veneer or siding similar to, and in the same plane as, the wall surface above, to minimize foundation exposure. Foundations on lots than include over twelve (12") inches of fill must have an engineered foundation plan.

**8.6.B EXTERIOR BUILDING MATERIALS**

The exterior wall material must be eighty percent (80%) brick or stone masonry, utilized exclusively, in combination with each other, or in combination with other complementary accent materials that comprise less than 20 percent, such as stucco or cementitious fiberboard.

**8.6.C ROOF PITCH, MATERIALS**

- 1. Single family residences shall have pitched roofs with a minimum pitch of eight (8') feet in twelve (12') feet and a maximum pitch of twelve (12') feet and-in twelve (12') feet.

**Article 8 – Supplemental District Regulations**

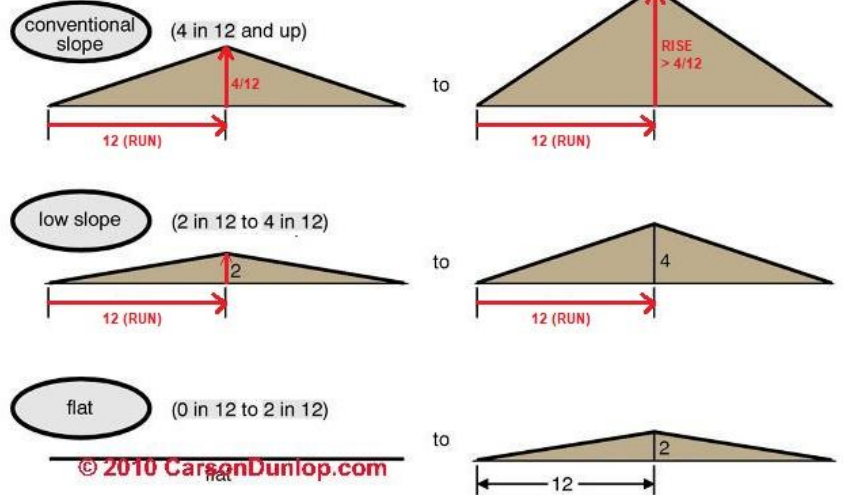
- The predominant finish material for roofs will be slate, concrete or clay tiles, and non-reflective raised seam metal roof.

- Heavyweight architectural grade asphalt shingles and other three-dimensional composition roofing products designed to resemble wood shingles in color and texture may be used.

- Alternative roofs with different materials or less pitch shall require a Special Exception in accordance with Section 2.2.F, “Special Exceptions.”

**Roof slopes**

slope=rise/run



**8.6.D CHIMNEYS**

Chimney elements shall be faced with brick or stone masonry, unless the unique or distinctive design of the residence justifies the use of an alternative finish. If zero-clearance manufactured fireplace assemblies are utilized, the chimney shall be capped in a manner which screens all manufactured flue elements, such that its finished appearance is indistinguishable from a true masonry fireplace.

**8.6.E WINDOWS, DOORS AND SKYLIGHTS**

- Highly reflective glazing material and reflective sun screening films are prohibited for use in windows, glazed doors, skylights, or for other exterior applications. In addition, all metal windows, doors, skylight frames, must be anodized or pre-finished with baked enamel, raw metal components.
- Aluminum or galvanized iron are prohibited.
- Windows shall be single hung, double hung, triple hung, or casement;
- Flush mounted windows are prohibited.
- Windows are to be placed on each wall elevation with a wall to window ratio that meets the light and air requirements of the building code.

**8.6.F BUILDING PROJECTIONS**

All projections from a residence or other structure including, but not limited to, chimney flues, vents, flashing louvers, gutter, downspouts, porch railings and exterior stairways shall match the surface from which they project, or must be painted or stained a color to blend unobtrusively with adjacent materials. Mailboxes or other structures set apart from the residence must be constructed from materials consistent with the main residence. Awnings must be muted, subdued colors that blend harmoniously with adjacent materials.

## Article 8 – Supplemental District Regulations

### 8.6.G GARAGES AND CARPORTS

1. Garages for each residence are required to be either attached or detached, accommodating at least two automobiles.
2. Carports located behind a main structure, screened from view and not facing a public street are allowed. Conventional carports in the front and side yards are prohibited without approval of a Special Exception. ~~although~~A porte cochere is allowed provided the driveway enters one end and exits the other end of the porte cochere. Any allowed carports must be in addition to the two or more space garage required in 8.1.A, "Off Street Parking General Provisions." Carports shall not be made with metal poles and/or sheet metal roofs unless approved otherwise as part of a special exception.
3. ~~2.~~Garage doors may not face directly toward the primary street frontage or a golf course except for those circumstances where constructed lot width, irregular lot shape, or other restricting features of a lot preclude the utilization of an angled or side entry approach to the garage. ~~If more than fifty percent of the lots in a block-face located between two intersecting streets contain single family homes with garage doors facing the street, the Zoning Coordinator may authorize additional lots to construct garages with doors facing the street. The Board of Adjustments may authorize a Special Exception to allow garage doors to face the street on a case by case basis, after notification of the hearing to the adjacent property owners.~~
4. ~~3.~~Wood panel or wood faced insulated sectional overhead doors with fenestration or an applied panel pattern sufficient to provide visual relief, are strongly recommended.
5. ~~4.~~When garage bays exceed two (2), the third or third and fourth doors, must occur in a secondary building plan, offset by thirty-two (32") inches minimum, to avoid a continuous interrupted wall of three or more garage doors.

### 8.6.H ARCHITECTURAL EMBELLISHMENT

1. All newly constructed single-family dwellings are required to comply with the following architectural features:
  - a. No Façade may be repeated within any adjacent lots or across the street from those lots within groupings of five (5) homes;
  - b. Concealed HVAC units, trash storage and utility meters;
  - c. If brick is used, brick shall be properly detailed. Brick shall be coursed exactly to the top and bottom of all wall openings;
  - d. If shutters are used, shutters shall be one-half the width of, and the same height of the associated opening. All shutters shall be louvered, paneled, or constructed of boards as appropriate to the style of the building. Shutters do not need to be operable;
  - e. Gutters shall be copper, galvanized steel, aluminum or painted if exposed;
  - f. Dormers shall not use siding as window jamb material;
  - g. The body of a single-window dormer shall be vertically proportioned or square;
  - h. Porch column base shall not protrude beyond the bottom edge of the porch flooring.
2. All newly constructed single-family dwellings shall contain at least four (4) of the following architectural features:

**Article 8 – Supplemental District Regulations**

- a. Stoop and portico at the front door
- b. Front porch
- c. Front porch or front stoop steps and railing
- d. Front porch roof
- e. Decorative or architectural porch railing
- f. Second story porch
- g. If brick or stucco is used, a stone base below first floor window shall be installed
- h. Trim at gable rake
- i. Decorative roof finials or ornamentation
- j. Decorative attic or gable feature greater than 3 SF in size
- k. Trim at windows and doors of the street façade
- l. Arched window head or heads (depending on architectural style) on street façade
- m. Dormer with window
- n. Window shutters on street façade
- o. Divided light windows
- p. Decorative concrete driveway

**Section 8.7 Multi-Family Residential Design Standards**

**8.7.A CONSTRUCTION STANDARDS**.....

All multi-family residential structures shall be of exterior fire-resistant construction and shall have a minimum of seventy five percent (75%) masonry construction, more-or-less equally distributed around all sides of the structure, for the first story of the structure, and a minimum of fifty percent (50%) masonry construction, more-or-less equally distributed around all sides, for any additional story above the first floor.

Areas of a multi-family structure’s façade that are devoted to windows, doors, covered porches or patios that have a minimum size of (4’) feet deep and eight (8’) feet wide (thirty [32] square feet), chimneys, breezeways, or courtyards shall not be counted as “wall surface” when calculating the masonry requirement.

**8.7.B PROHIBITED MATERIALS**.....

Concrete, concrete block, vinyl, plastic or metal exterior construction is not permitted on any multi-family or single-family attached structure.

**8.7.C ROOF MATERIALS**.....

Roof materials for a multi-family structure shall be comprised of an architectural, laminated, dimensional composition shingle (thirty [30] year minimum); flat pan standing seam metal roofing, or architectural grade metal roofing products which are stamped to appear as wood shakes, dimensional shingles, wood shingles, slate or tile; or terra cotta or slate tile. Corrugated metal, flat panel aluminum or tin materials are prohibited. If roof is not visible to the public, no pitch or parapet is required. If roof is visible to the public, a 6:12 pitch is, and parapet is required.

## **Article 8 – Supplemental District Regulations**

### **8.7.D ACCESSORY STRUCTURES.....**

Accessory structures, regardless of size, within the multi-family (MF) zoning district shall conform to the minimum exterior construction standards for the main building on the lot, tract, site, and shall be architecturally compatible with the main building.

## **Section 8.8 Non-Residential and Institutional Design Standards**

### **8.8.A CONSTRUCTION STANDARDS**

All non-residential and institutional structures in any zoning district, shall have a minimum of seventy-five percent (75%) masonry construction, more-or-less equally distributed around all sides of the building, for the first story defined as below the first-floor ceiling plate, and a minimum of fifty percent (50%) for any story above. Any façade that faces, or is visible from a public street, shall have a minimum of seventy-five percent (75%) masonry construction, and all other façades shall be comprised of not less than fifty percent (50%) masonry construction.

Areas of a non-residential or institutional structure's façade that are devoted to windows, doors, covered porches or stoops, breezeways or courtyards shall not be counted as "wall surface" when calculating the masonry requirement.

### **8.8.B METAL EXTERIOR MATERIAL USE**

Metal exterior construction is prohibited on any non-residential or institutional structure which is located within any zoning district,

### **8.8.C ROOF MATERIALS**

Roof materials for a non-residential or institutional structure that are visible from a public street shall be comprised of laminated, dimensional composition shingle (twenty-five [25] year minimum; flat pan standing seam metal roofing, or architectural grade metal roofing products which are stamped to appear as wood shakes, dimensional shingles, wood shingles, slate or tile; or terra cotta or slate tile. Corrugated metal, flat panel aluminum or tin materials are prohibited. For non-residential or institutional structures where the roof is not visible to the public, no pitch or parapet is required. If roof is visible to the public, a 6:12 pitch is, and parapet is required. Non-residential or institutional structures with a flat roof shall have highly articulated parapet that conceals the roof and any roof mounted mechanical equipment.

## **Section 8.9 Structural exceptions and alternatives to masonry standards**

1. The following structures are exempt from the masonry construction requirements.
  - a. Barns located on the lots/tracts of one (1) acre or more provided that such barns are used solely for agricultural purposes or as allowed as agricultural commercial uses.
  - b. Mobile homes and HUD-Code manufactured homes otherwise lawfully existing as of the date of this Ordinance.
  - c. Temporary construction buildings, field offices, sales offices and temporary classrooms or storage buildings for a public school. The exception shall only be provided for ~~that such~~ facilities that are legally permitted by the Town for a specific period of time, and provided that they are completely removed from the premises upon expiration of the permit or upon completion of construction, whichever occurs first.

**Article 8 – Supplemental District Regulations**

- d. Residential and non-residential structures legally in existence as of the date of this Ordinance, and any additions to such structures that do not cumulatively exceed twenty percent (20%) of the original building size as it existed on date of this Ordinance. Such additions shall be allowed to be constructed of the same exterior materials as the original building.
2. Use of Alternative Exterior Materials.
- a. All written requests for the use of alternative exterior building materials to include alternative roof material and/or roofing color and alternative roof pitch shall be clearly noted and described in detail on a color rendering of the structure’s elevation that is submitted along with the site plan or building permit for approval. The use of alternative exterior building materials, roof pitch and roof materials and/or color may be requested for multi-family, single-family attached and detached units, and non-residential structures. The Town may require submissions of an actual sample(s) of the proposed exterior finish material(s) along with the elevation(s) and the site plan.
  - b. The Planning and Zoning Commission may recommend, and the Town Council may approve, all alternative exterior construction material(s), roof pitch and roof materials and/or color if it is determined to be equivalent or better than the exterior materials, roof pitch, or roof materials and/or colors otherwise required by this Article and the Town’s Building Code as part of the site plan approval process.
  - c. Consideration for exceptions to the above exterior construction requirements shall be based only upon the following:
    - (1) ~~i~~-Architectural design, creativity and innovation;
    - (2) ~~ii~~-Compatibility with surrounding structures;
    - (3) ~~iii~~-Relative ease of maintenance of the material(s);
    - (4) ~~iv~~-Long term durability and weather-resistance of the materials(s); and
    - (5) ~~v~~-Long-term stability in property value due to the high quality of the material(s).

**Section 8.10 Accessory Dwelling Unit Building & Structure Use Regulations**

**8.10.A ACCESSORY DWELLING UNITS** .....

Accessory dwelling units in the R-AG, R-1 and R-E, zoning districts ~~shall~~ may be allowed on the same lot or tract as the main dwelling unit and used by a person or persons related to the occupants of the main dwelling unit upon meeting the following standards:

- 1. General:
  - a. Accessory dwelling units require the approval of a ~~Specific~~ Special Use Permit ~~as in accordance with required by~~ Section 5.162. A site plan and building elevations meeting town requirements shall also be submitted as part of the ~~Specific~~ Special Use Permit request. In order to implement Goal#1 of the Adopted Comprehensive Plan to promote low impact development to preserve the natural beauty and habitat of the environment and Goal #2 to promote attractive and well- designed development, the Council may require any or all of the following:

## Article 8 – Supplemental District Regulations

- (1) The accessory dwelling be constructed of the same materials in approximately the same ratios and color scheme as the primary structure;
  - (2) Accessory dwellings may be authorized to use any building material or technique that meets the building code requirements but are not similar or compatible to the main structure with the use of additional setbacks, screening with fences or with landscaped materials or a combination of all three requirements as determined by the Council; or
  - (3) The ~~City-Town~~ Council may consider existing deed restrictions and covenants on the lot or parcel requesting a ~~Specific~~~~Special~~ Use Permit and, where applicable, add some of them as additional ordinance conditions to ensure compatibility.
    - b. Accessory dwelling units may only be used by the property owner or non-paying guests of the property owner.
2. Accessory dwelling unit height, area and yard requirements shall be the same as the main structure. An accessory dwelling unit, other than a garage apartment, shall not exceed the height of the principle building on the lot it is constructed.
  3. Accessory dwelling units shall not have separate utility meters and connections unless required otherwise.
  4. All accessory dwelling units shall be separate from the main dwelling unit and must contain kitchen facilities, a bedroom(s) and a bathroom.
  5. An accessory dwelling unit may be constructed only with the issuance of a building permit.
  6. An accessory dwelling unit may be sold only with the sale of the entire property, including the main dwelling unit.
  7. All accessory dwelling units shall be constructed to the rear of the main structure.
  8. No accessory ~~dwelling units buildings~~ are permitted in the front yard ~~setback or in front of the primary structure..~~



~~\*\*\*\*Note – 8.10.A amended by Ordinance No. 192A, Adopted Sept 12, 2019~~

### 8.10.B ACCESSORY STRUCTURES IN RESIDENTIAL AND MULTI-FAMILY DISTRICTS

1. Accessory building yard requirements in the MF district shall be the same as the main building.
2. Accessory structures. Within the R-AG, R-RE, R-1, R-20, R-10, D, MF, and MH zoning shall conform with the following:
  - a. One-story accessory structures with two hundred (200) square feet or less of floor area are excluded from the construction standards for residential construction. Such structures are not required to obtain a building permit unless they are to be connected to utilities.
  - b. One-story accessory structures more than 200 square feet but less than six hundred (600) square feet of floor area may be constructed using materials compatible in

**Article 8 – Supplemental District Regulations**

- texture and color to the main structure as determined by the Building Official with the necessary building permits from the Town. The pitch of the roof of said accessory structure shall be no less than a 3 to 12 ratio in accordance with Section 8.6.B and approximately match the pitch of the main structure roof.
- c. All other accessory structures, larger than six hundred (600) square feet in floor area or more than one story 16 ft in height, **excluding accessory dwelling units requiring a Specific Use Permit approval**, shall require a Special Exception approved in accordance with Section 2.2.F of the zoning ordinance by the Board of Adjustment prior to issuance of a building permit. **No Special Exceptions for Accessory Structures may be applied for if there is an illegal or unpermitted structure on site that violates these provisions.** A site plan and building elevations meeting town requirements shall also be submitted as part of the Special Exception request. In order to implement Goal #1 of the Adopted Comprehensive Plan to promote low impact development to preserve the natural beauty and habitat of the environment and Goal #2 to promote attractive and well-designed development, the Board of Adjustment may require any or all of the following:
- (1) Accessory structure(s) be constructed of the same textures, building articulation, and roof pitch in approximately the same ratios and color scheme as the primary structure;
  - (2) Facades not facing or visible from a public right-of-way may be authorized to use any building material or technique that meets the adopted building code requirements; or
  - (3) Accessory buildings visible from a public right-of-way may be authorized to use any building material or technique that meets the building code requirements but is not similar or compatible to the main structure with the use of additional setbacks, screening with fences or with landscaped materials or a combination of all three requirements as determined by the Board of Adjustment as part of the Special Exception process.
  - (4) The pitch of the roof of said accessory structure shall be no less than a 3 to 12 ratio and approximately match the pitch of the main structure roof.
  - (5) The Board of Adjustment may consider existing deed restrictions and covenants on the lot or parcel requesting a Special Exception and where applicable, take them into consideration for additional permit conditions to ensure compatibility with the existing neighborhood.
  - (6) All other combinations of materials may be approved by Special Exception by the Board of Adjustments in accordance with Section 2.2.F of the zoning ordinance.
- d. The texture, building articulation, roof pitch and color requirements listed above shall not apply to accessory buildings less than 200 square feet, barns, or bona fide agricultural structures in the R-AG, R-E and R-1 District.

~~\*\*\*\*Note—Subsection 2.2 amended by Ordinance No. 192A, Adopted Sept 12, 2019~~

**3. Accessory Building Setbacks**

## Article 8 – Supplemental District Regulations

An accessory building shall not be permitted within a setback or utility, ~~or drainage~~ or other recorded easement, unless otherwise provided herein. Accessory buildings shall maintain the following setbacks:

- (1) **Front Setback** –
    - i. Except as provided in these regulations, no accessory buildings shall be located in front of the main structure without a Special Exception, and they may not violate any required setbacks.
    - ii. In no case, however, shall an accessory building be constructed encroaching on an easement, regardless of the setback.
    - iii. ~~(2)~~ In the R-AG, RE and R-1 zoning districts on lots at least 2 acres in size and 200 feet in depth, accessory buildings (not accessory dwellings) may be located in front of the main structure provided they do not encroach on the front setback and are built of materials, colors and textures similar to the main structure. Agricultural or ranching structures such as barns or stables located in front of the main structure may use wood or fiber cement siding materials if constructed as board and batten, shiplap or clapboard siding to achieve a rural look. Other exterior walls, including corrugated sheet metal walls will require a special exception.
  - (2) **Side Setback** –
    - i. Buildings in the side setback shall meet the requirements to match requirements listed in this section.
    - ii. An accessory building may be located in a side yard **adjacent to a building** provided it is setback **ten (10)** feet from the main structure and **five (5)** ~~four~~ feet from the adjacent property line.
    - iii. ~~(5)~~ In all other locations, the minimum side yard setback shall be **five (5)** ~~three (3')~~ feet or fifteen (15') feet for buildings adjacent to a side street.
  - (3) **Rear Setback** – ~~(6)~~ Accessory buildings shall not be located closer than **five (5)** ~~three (3')~~ feet from the rear property line.
  - (4) **Pools.** A pool is an accessory structure, and the pool wall may not be located closer than 5 feet to the adjacent property lines. Decking or flatwork may be placed up to the property line. In no case, however, may the pool wall, decking or flatwork encroach on an easement.
  - (5) ~~(3)~~ In all locations where building lines, setback lines or side yard lines are shown on recorded plats, the minimum side yard setback shall be as shown on the plat.
  - (6) ~~(4)~~ Structures exceeding fifteen (15) feet in height shall set back an additional one foot for each two feet in height above fifteen (15) feet.
4. **The total aggregate square footage of all structures** (including accessory buildings), on a lot, shall not exceed the lesser of the maximum allowed building coverage requirements ~~(including all structures)~~ as set forth in the applicable zoning district or **fifty percent (50%)** of

## Article 8 – Supplemental District Regulations

the square footage of the main structure except for buildings used for agricultural purposes on lots of more than two acres.

~~5. An accessory building shall not be permitted within a setback or utility or drainage easement, unless otherwise provided herein.~~

5. ~~9.~~ **Maximum Height.** The maximum height of an accessory building shall not exceed the height of the primary structure. Structures exceeding fifteen (15) feet in height shall be set back set back an additional one foot for each two feet in height above fifteen (15) feet from all property lines unless allowed to exceed this by Special Exception as referenced in Section 2.2.F.
6. **Maximum Number of Accessory Structures.** There shall be no more than two (2) accessory buildings per single-family lot, excluding pool cabanas as defined and a detached two car garage for a main structure that has no attached garage. Children’s playhouses, pergolas, garden structures, greenhouses, gazebos and other single story, non-enclosed structures less than 200 square feet may also be excluded from this limit. All structures must be separated by a distance of not less than ten (10) feet. The number of accessory buildings provision shall not apply to structures used for bona fide agricultural purposes on a lot or parcel containing more than 2 acres in the R-AG and R-1 District.
7. **Without Main Structure.** Accessory buildings are not permitted without a main structure ~~unless except~~ on tracts or lots of (2) acres or more and used solely for agricultural purposes. In such case, a one hundred (100’) foot front building setback from all property lines is applicable.
8. **Unplatted Property.** Adding an accessory building or structure on an unplatted residentially or agriculture zoned but undeveloped parcel is allowed provided it is adjacent to the parcel with a primary structure, and both properties are owned by the same owner(s).
9. ~~10.~~ **Garage Doors.** Garage doors on any size accessory structure including accessory dwellings shall face the interior or rear of the lot and not be visible from the right-of-way unless so authorized as part of a Special Exception with additional landscaping, exterior materials or colors and ornamental features to ensure compatibility with the neighborhood.
  - a. However, if more than fifty (50) percent of the lots facing the street between two intersecting streets already have structures with garage doors facing the street and visible from the right-of-way, the Building Official is authorized to issue a permit allowing the garage door to face the street right-of-way” *in accordance with Subsection 8.6.G, “Garages.”*
  - b. If a proposed accessory structure has a garage door that faces a public right-of-way but is screened by a minimum six foot (6’) fence or vegetation so it is not visible from and facing the public right-of-way, no Special Exception approval is required to issue a permit unless otherwise required in this ordinance.

~~\*\*\*\*Note—8.10.B amended by Ordinance No. 192A, Adopted Sept 12, 2019~~

### 8.10.C ACCESSORY, ANCILLARY AND SECONDARY STRUCTURES.....

All accessory, ancillary or secondary structures shall comply with the provisions of this Ordinance, the current building code and all other related and applicable policies and regulations. Under no circumstance shall a mobile/travel trailer, Recreational Vehicle (R.V.), semi-trailer, cargo trailer, cargo container, mobile or manufactured home or other similar mobile unit, configuration, device or structure **be permitted as an accessory, ancillary or secondary structure** unless specifically addressed by the regulations contained

## Article 8 – Supplemental District Regulations

herein. This restriction shall not include seasonal activities temporarily permitted (such as snow-cone stands, etc.) and all other applicable regulations or mobile units temporarily permitted under an approved event/festival permit..

### Section 8.11 Home Based Business/Occupations

#### 8.11.A ~~TYPICAL~~ HOME BASED BUSINESS/OCCUPATIONS.....

In connection with the operation of a dwelling, any use permitted as a home based business/occupation may be operated subject to compliance with the following conditions. Home Based Business/Occupation not complying with one or more of the following conditions must obtain approval of Specific Use Permit in accordance with Section 5.16 prior to operating such business.

1. All Home Based Business/Occupations must register with the Town of Annetta prior to operating such business, provide any sales tax or other state required business information and obtain any applicable business licenses which shall be registered but approved and not withheld.
2. In accordance with TLGC Chapter 229.902 as amended, the following shall apply:
  - a. The operation of a “no-impact home based business” as defined is an allowed use by right in any zoning district and rezoning to a non-residential use is not required.
  - b. A person that operates a “no-impact home-based business” or that owns the property where the business is operated is not required to obtain a license, permit, or other approval to operate the business.
  - c. Permits required by the International Residential Building Codes for any construction, electrical, plumbing or other improvements must still be obtained prior to any construction and to operation of the home based business. Installation of a fire sprinkler protection system is not required if the residence where the business is operated consists only of:
    - (1) a single-family detached residential structure; or
    - (2) a multi-family residential structure with not more than two residential units.
  - d. The home based business must comply with:
    - (1) all federal, state, and local laws;
    - (2) municipal fire and building codes; and
    - (3) municipal regulations related to health and sanitation; transportation or traffic control; solid or hazardous waste; or pollution and noise control.
  - e. The home based business must:
    - (1) be compatible with the residential use of the property where the business is located; and
    - (2) be secondary to the use of the property as a residential dwelling;
    - (3) not sell alcohol or illegal drugs;
    - (4) not be a structured sober living home; and

**Article 8 – Supplemental District Regulations**

(5) not be a sexually oriented business as defined by TLGC Section 243.002.

3. Short-term rental units are not considered a home based business and are subject to Annetta ordinances regulating the operation of a short-term rental unit.
4. This section does not prohibit a person from enforcing a rule or deed restriction imposed by a homeowners' association or by other private agreement.
5. Home occupations not meeting the definition of a non-impact Home Occupation must comply with the following:
  - a. ~~4.~~The use is operated in its entirety within the dwelling unit and/or other accessory structures and only by the person or persons maintaining a dwelling therein.
  - b. ~~2.~~The home based business/occupation does not have a separate entrance from outside the building to an isolated area of the house that is exclusively used for the home based business/occupation.
  - c. ~~3.~~The use does not display or create outside the building any external evidence of the operation of the home based business/occupation.
  - d. ~~4.~~The home based business/occupation does not have any employee or regular assistant not residing in the dwelling unit in which the home based business/occupation is operated or maintained, unless said employee does not perform services on the property.
  - e. ~~5.~~No traffic or parking shall be generated by such home based business/occupation that would unreasonably impact a residential neighborhood, and any need for parking generated by the conduct of such home based business/occupation shall be met off the street and other than in a required front yard.
  - f. ~~6.~~Commercial delivery service required by the home based business/occupation shall not deliver goods or products to the home more than four (4) times per month. Commercial delivery service shall be limited to vehicles with two axles.
6. ~~7.~~No home based business/occupation shall constitute a nuisance and shall not produce offensive noise, vibration, smoke, odors, or dust in excess of those normally found in residential areas. No toxic, explosive, flammable, combustible, corrosive, radioactive, or hazardous materials shall be used or stored onsite.
7. ~~8.~~No outdoor storage of any type shall be permitted with any home based business/occupation.

**8.11.B AGRICULTURAL RELATED HOME BASED BUSINESS/OCCUPATIONS.....**

1. Farmers markets are allowed provided the following criteria are met:
  - a. The use involves the sale of products that are not produced on the property or owned by the applicant prior to the sale.
  - b. Farmers markets are limited to twice a week from April to October.
  - c. The sales area shall be a minimum of two hundred fifty (250') feet from adjoining residences.
  - d. Parking for the Farmers Market shall be contained on the subject property except hard surfacing is not required. No parking shall be allowed on a public right-of-way.
  - e. Hours of operation shall be limited from sunrise to sunset.

**Article 8 – Supplemental District Regulations**

- f. All storage of products or materials prior to or after an event shall be within a building.
2. Agriculture-related businesses which are secondary to the use of the premises, provided they meet the following criteria:
  - a. The use shall be conducted entirely within the residence or an accessory structure customarily located on a farm or rural homestead with the exception of horse-related activities;
  - b. Crafts and other related products are allowed if they are incidental to the agricultural related business;
  - c. There shall be no outside storage of materials or equipment. Outside display or storage of products shall be allowed on a seasonal basis with approval of a temporary use permit from the Town;
  - d. There shall be no excessive noise, odor, dust, glare, vibrations or electrical disturbances;
  - e. One (1) on premise sign shall be allowed. The sign shall not exceed twenty-four (24) sq. feet in area, shall be non-illuminated, and shall not be placed within a vision triangle.

**Section 8.12 Outdoor Display, Daily**

Notwithstanding anything to the contrary contained herein, the open display of items intended for direct retail sales or rental in the appropriate zoning district(s) shall not be subject to the screening requirements set forth in each respective zoning district, provided such display meets all of the following conditions:

1. Items can only be displayed between the hours of 7:00 A.M. and 7:00 P.M.;
2. The area used shall not be greater than ten percent (10%) of the gross floor area of the establishment maintaining such display;
3. Items may not occupy any required parking area **or any of the parking spaces that are required by this Ordinance for the primary use(s) of the property (except on a temporary basis only, which is a maximum of thirty (30) days per display and a maximum of two displays per calendar year);**
4. Items may not be displayed in any required front, side, or rear yard setback or public right-of-way;
5. Items may not obstruct vision sight lines from any public right of way or driveway, **nor impede public vehicular or pedestrian circulation, either on-site or off-site, in any way,** be deemed a traffic hazard by the Town Engineer, or be located in any required sight visibility easements; and
6. The display area shall be within twenty (20') feet of the main building; except for special out-of-doors promotional sales, which occur behind the front building line and do not extend longer than four (4) continuous weeks, unless alternative outside display is permitted by the approval of a Specific Use Permit (SUP).
  - f. **Shall not pose a safety or visibility hazard,.**
  - g. **Shall not extend into public right-of-way or onto adjacent property.**

## Article 8 – Supplemental District Regulations

7. All outside display items shall be removed at the end of business each day (except for large seasonal items such as Christmas trees).
8. All merchandise shall be displayed in a neat, orderly manner, and the display area shall be maintained in a clean, litter-free manner.
9. Open storage is prohibited without screening from roadways and public view.

### Section 8.13 Outdoor Storage and Display (permanent)

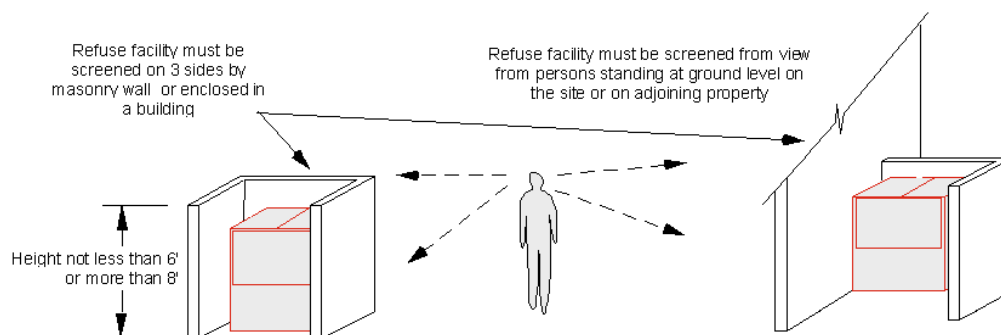
Facilities requiring outdoor storage or display of equipment for rent or sale, open storage of materials, commodities, or equipment the following requirements shall apply:

1. Material being stored shall be located behind the front building line of the structures, except where required by Section 5.16 SUP.
2. Unless otherwise specified, outdoor storage shall observe all yard setback requirements.
3. New and used automobile, boat, trailer, recreational vehicle dealers and similar facilities requiring outdoor display of vehicles or equipment for rent or sale, or equipment may be located in front of the front building line and front setback in an approved, designated display area. Storage of such vehicles and equipment being stored for repairs shall not be located in front of the main building and must be screened.
4. A screening fence in accordance with Section 6.3, *Screening Requirements*, being a minimum of six (6') feet and not exceeding eight (8') feet in height shall be provided to screen outdoor storage from public view or adjacent residential properties.
5. In all districts where screening of open storage is required, such screening shall be required only for those areas used for open storage. Screening of open storage areas must be solid opaque but may be of materials as approved by the Town.

### Section 8.14 Refuse Facilities

Excluding single family residential uses, all refuse facilities shall be screened and constructed as required.

1. All refuse facilities shall be screened from view on three (3) sides from persons standing at ground level on the site or immediately adjoining property, by a masonry wall not less than six (6') feet, nor more than eight (8') feet in height or by an enclosure within a building.



**Article 8 – Supplemental District Regulations**

2. Refuse containers shall have solid latching gates and shall be provided and maintained in a manner to satisfy local public health and sanitary regulations.
3. The width of the front gate opening of the refuse container enclosure shall provide at least two (2') feet of clearance on both sides of the refuse container.
4. Each refuse facility shall be located so as to provide safe and convenient pickup by refuse collection agencies.
5. Repair to damaged walls and gates shall commence within thirty (30) days of notification of such damage.

## Article 9 – Definitions

### Article 9 - Definitions

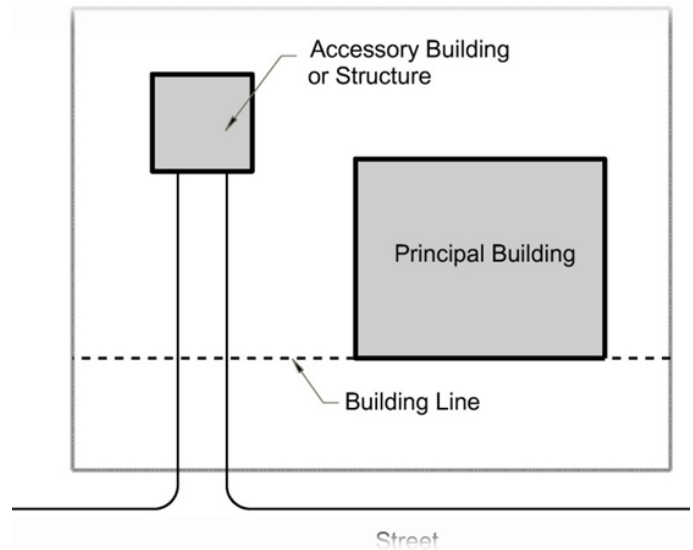
#### Section 9.1 Purpose

For the purpose of this Ordinance, certain terms and words are to be used and interpreted as defined hereinafter. Words used in the present tense shall include the future tense; words in the singular number include the plural and words in the plural number include the singular, except where the natural construction of the writing indicates otherwise. The word shall be mandatory and not directory.

#### Section 9.2 General Definitions

~~\*\*\*\*Note—Definitions amended by Ordinance No. 192A, Adopted Sept 12, 2019~~

**Accessory Building (Structure)** - A subordinate building or structure located on the same premises as the principal building for exclusive use of accessory uses as defined in "Accessory Use" but excluding accessory dwelling units, as defined. Subordinate means the square footage of the accessory dwelling-structure is less than fifty (50) percent of the main structure or does not cause lot coverage to exceed the maximum allowed in this ordinance. In a residential district, an accessory building may include but is not limited to detached garages, private workshops, storage sheds, covered porches, gazebos/cabanas/pergolas or similar uses, may not be used for commercial purposes, may not be rented and is not habitable. In commercial districts, the use of an accessory building shall be that which is incidental to and used only in conjunction with the main building and shall be required to meet all requirements of the primary building.



**Accessory Dwelling Unit (Accessory Dwelling or ADU)** - A detached subordinate secondary structure used as an independent residential dwelling located on the same lot or parcel as a stand-alone (i.e., detached) single-family home. Subordinate means the square footage of the accessory dwelling is less than fifty (50) percent of the main structure. An accessory dwelling may be used as a residence and include(s) a bedroom(s), a fully functioning kitchen and bathroom. An accessory dwelling may include pool houses and cabanas if they have a bedroom(s), a bathroom and kitchen area. A garage apartment shall be deemed an accessory structure on the lot which it is situated. Accessory dwelling units shall comply with all height, area and yard requirements of the respective zoning district. The property is defined as a "one-unit property with an accessory dwelling unit."

**Accessory Farming and Livestock** – The accessory use of a parcel for agricultural and farming activities and the raising of animals solely for the use of the property owner and not for sale or commercial purposes.

**Accessory Farming and Livestock on Urban Lots or Parcels** - The accessory use of a parcel less than 2 acres in size for agricultural and farming activities and the raising of animals solely for the use of the property owner and not for sale or commercial purposes unless a Specific Use Permit is approved by the Council after recommendation by the Commission, with conditions of operation set out.

## **Article 9 – Definitions**

**Accessory Use** - A use customarily incidental, appropriate and subordinate to the principal use of land or building(s) and located upon the same lot therewith. Accessory uses include permanently installed detached accessory structures such as porches supported by columns, greenhouses, detached garages, private workshops, play structures, gazebos/cabanos/pergolas, storage buildings or similar uses. **Accessory dwelling units, as defined, are not considered a customary “Accessory Use.”**

**Adult Entertainment Enterprise** – A movie arcade, adult bookstore, adult cabaret, adult encounter parlor, adult lounge, adult drive-in theater, adult retail store, or any combination thereof, a principal business of which is 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 less than completely and opaquely covered. The term “adult entertainment enterprise” 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 and which does not exhibit merchandise on live models; 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.

**Advertising Sign or Structure** - Any cloth, card, paper, metal, glass, wooden, plastic, plaster or stone sign or other sign, device or structure of any character whatsoever, including a statuary or place for outdoor advertising purposes on the ground or any tree, wall, bush, rock, post, fence, building or structure. The term placed shall include erecting, constructing, posting, painting, printing, tacking, mailing, gluing, sticking, carving, or otherwise fastening, affixing or making visible in any manner whatsoever. The area of an advertising structure shall be determined as the area of the largest cross-section of such structure. Neither directional, warning nor other signs posted by public officials in the course of their public duties nor merchandise or materials being offered for sale shall be construed as advertising signs for the purpose of this ordinance.

**Agricultural, Farming and Forestry Activities** - The use of an area for the production thereon of farm crops such as vegetables, fruit trees, cotton, grain and the storage of such crops on an agricultural or commercial basis. Forestry activities must be accessory to the main use of agricultural and farming activities. (See also Farming, **Honey Production Operation**, etc.)

**Airport Landing Field, Private** - A privately owned place where an aircraft can land and take off, usually equipped with hangars, facilities for refueling and repair and various accommodations for passengers.

**Airport Landing Field, Public** - A publicly owned place where an aircraft can land and take off, usually equipped with hangars, facilities for refueling and repair and various accommodations for passengers.

### **Alcoholic Beverages,**

1. **Brew-Pub (Micro-Brewery)** – An establishment that will engage in the following: 1.) Manufacture, brew, bottle, can, package and label malt liquor, ale, and beer, and; 2.) Sell or offer without charge, on the premise of the Brew Pub, to ultimate consumers for consumption on or off those premises,

## Article 9 – Definitions

malt liquor, ale or beer produced by the establishment, in or from a lawful container, to the extent the sales or offers are allowed under the establishment's other permits or licenses.

2. **Micro-Distillery** - A duly licensed establishment under the provisions of that portion of Title 3, Chapter 32, of the Texas Alcoholic Beverage Code primarily engaged in on-site distillation of spirits in quantities not to exceed 75,000 gallons per year. The distillery operation processes the ingredients to make spirits by mashing, cooking, and fermenting. The micro-distillery operation does not include the production of any other alcoholic beverage. This establishment will also sell or offer, without charge, on the premises of the Micro-Distillery, to ultimate consumers for consumption on or off those premises, spirits produced by the establishment, in or from a lawful container, to the extent the sales or offers are allowed under the establishment's other permits or licenses.
3. **Private Club** - An establishment providing alcoholic beverage service to an association of persons, and otherwise falling within the definition of, and permitted under the provisions of, that portion of Title 3, Chapter 32, of the Texas Alcoholic Beverage Code, as the same may be hereafter amended, as it pertains to the operation of private clubs. Social and dining facilities may be provided as well.

**All-Terrain Vehicle (ATV)** - A small, open motor vehicle having a seat and three or more wheels fitted with large, low pressure tires. It is designed chiefly for recreational use over roadless, rugged terrain.

**Alley** - A minor right-of-way, dedicated to public use, which affords a secondary means of vehicular access to the back or side of properties otherwise abutting a street, and which may be used for public utility purposes.

**Amusement (Video) Arcade** - Any building, room, place or establishment of any nature or kind and by whatever name called, the primary use of which is the operation of coin-operated machines that dispense or is used or is capable of being used to dispense or afford, amusement, skill, or pleasure or is operated for any purpose, other than for dispensing only, music, or service. For the purpose of this definition, "primary use" means fifty one percent (51%) or more of the gross floor area of the portion of the structure being used (not to include any area of a structure being used as storage). The term "Amusement (Video) Arcade":

1. Includes a marble machine, marble table machine, marble shooting machine, miniature racetrack machine, miniature football machine, miniature golf machine, miniature bowling machine, billiard or pool game, or machines or devices that dispense merchandise or commodities or play music in connection with or in addition to dispensing skill or pleasure; and
2. Does not include an amusement machine designed exclusively for a child, billiard tables that are not coin-operated machines, and devices designed to train persons in aphaeretic skills of golf, tennis, baseball, archery or other similar sports.

**Amusement Center, Commercial (Outdoor)** - An outdoor area or structure, open to the public which provides entertainment or amusement, including but not limited to batting cages, driving range, miniature golf, go-kart tracks, drive-in theaters, water slides and carnivals.

**Amusement Center, Commercial, (Indoor)** - An amusement or entertainment enterprise wholly enclosed and operated within a building. This includes, but is not limited to, bowling alleys, skating rinks, health clubs, racquetball clubs, bingo parlors, indoor tennis courts, gymnasiums, swimming pools and nautilus facilities.

**Animal** - Any living creature other than humans. Unless specifically indicated otherwise, the term shall include livestock, fowl, reptiles, amphibians and wildlife as well as dogs, cats and other creatures commonly owned as pets.

## **Article 9 – Definitions**

**Animal Breeder** - A facility, kennel or residence in which more than one litter of dogs or cats are bred and raised for sale.

**Animal Commercial Enterprise** - As permitted by the zoning regulations of the town, an activity or venture, with a commercial purpose, where animals are raised, trained, boarded, harbored, maintained, groomed, displayed and/or offered for sale and shall include, but is not limited to, kennels, pet shops, grooming shops, animal clinics, animal hospitals, animal research centers, zoological parks, petting zoos, livestock auctions, guard dog or obedience training centers, horse stables or riding facilities, farms or ranches, or performing animal exhibitions as defined in this chapter.

**Animal, Domestic** - Any animal normally adapted to live in intimate association with humans, or for the advantage of humans. It includes, but is not limited to, the following: dogs, cats, livestock, fowl or other tame or domesticated animal of or pertaining to the family or household which can be vaccinated against rabies with an approved rabies vaccine. All domestic animals located on land in the Town of Annetta must be vaccinated against rabies as set forth in chapter 826 of the Texas Health and Safety Code and Town Ordinance #81.

**Animal Grooming** - An establishment that offers to the general public the service of animal grooming for domestic pets. No boarding or medical care is provided.

**Animal Processing** - An establishment that offers to the general public the service of processing and packaging of red meats, fowl and or fish provided the facility complies with all state, federal and local health regulations. All processing is conducted indoors with no emission of noxious odors or noise. This definition does not include the slaughtering or boarding of live animals.

**Animal, Owner** - Any person that owns; keeps; harbors; maintains; controls; displays; possesses; has care, custody, control, possession of or a property right in an animal; or that provides premises to which the animal returns for food, shelter or care for a period of three or more consecutive days.

**Animals, Prohibited** - Any animal, the possession, harboring, keeping or other maintenance of which, is prohibited by state or federal law or the adopted Town Zoning Ordinance #84, as amended, and also including, but not limited to, the following species and/or subspecies of the following animals: venomous snakes, wild felines (including lions, tigers, ocelots, bobcats, lynx, cougars, leopards, cheetahs, jaguars, hyenas), bears, lesser pandas, ferrets born in natural habitats, binturong (Bearkat), elephants, Vietnamese pot belly pigs, miniature pigs, pigs or swine in general and/or any member of the Family Suidae unless provided for in this ordinance, apes or other such other non-domesticated species of animal not indigenous to nor common to this area.

**Animal Production, Ranching and Livestock** - The use of a site for the raising of animals or production of animal products including eggs and dairy products, on an agricultural or commercial basis. This use includes grazing, ranching, dairy farming, and poultry farming. It does not include within the **TownCity** Limits the commercial feeding of offal or garbage to swine or other animals.

**Apartment House** - See Dwelling, Multi-Family

**Assisted Living Facility.** - An establishment that provides, 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.

**Athletic Stadium or Field (Private)** - A private field(s) and structure used for sporting events with associated spectator seating, either permanent or temporary.

**Athletic Stadium or Field (Public)** - A public field(s) and structure used for sporting events with associated spectator seating, either permanent or temporary.

## **Article 9 – Definitions**

**Auto Leasing or Renting** - Storage, leasing or renting of automobiles, motorcycles, and light load vehicles.

**Auto Parking Lot or Garage** - An area or structure designed for the parking of motor vehicles.

**Auto Parts, Sales (Enclosed)** - The use of any building or other premise for the primary inside display and sale of new or used parts for automobiles, panel trucks or vans, trailers, or recreation vehicles.

**Auto Parts, Sales (Outside)** - The use of any land area for the outside display and sale of new or used parts for automobiles, panel trucks or vans, trailers, or recreational vehicles, but not including wrecking yards and junkyards.

**Auto, Boat, Trailer, RV and/or Truck Storage** - The storage or impoundment, on a lot or tract, of operable automobiles, boats, trailers, recreational vehicles and/or trucks.

**Automobile** - A self-propelled mechanical vehicle designed for use on streets and highways for the conveyance of goods and people including but not limited to the following: passenger cars, trucks, buses, motor scooters and motorcycles.

**Automobile Repair, Major** - General repair or reconditioning of engines, air-conditioning systems and transmissions for motor vehicles; wrecker service; collision services, including body, frame or fender straightening or repair; customizing; painting; vehicle steam cleaning; undercoating and rustproofing.

**Automobile Repair, Minor** - Minor repair or replacement of parts, tires, tubes, and batteries; diagnostic services; minor motor services such as grease, oil, spark plug, and filter changing; tune-ups; emergency road service; replacement of starters, alternators, hoses, brake parts; automobile washing and polishing; performing state inspections and making minor repairs necessary to pass said inspection; normal servicing of air-conditioning systems, and other similar minor services for motor vehicles except heavy load vehicles, but not including any operation named under "Automobile Repair, Major" or any other similar use.

**Automobile Sales, New** - The primary sale of new automobiles in a structure or an open lot with secondary sales of used automobiles.

**Automobile Sales, Used** - Retail sales or offering for sale of used automobiles or light load vehicles.

**Automobile Sales, Vintage** - The display and sales of automobiles in an enclosed building which are characterized by excellence, age or by an enduring classic value.

**Automobile Service Station** - Any building, land area or other premises, or portion thereof, used or intended to be used for the retail dispensing or sales of automobile fuels, lubricants, and automobile accessories, including those operations listed under Minor Automobile Repair. Vehicles which are inoperative or are being repaired may not remain parked outside an Automobile Service Station for a period greater than seven days.

**Bakery and Confectionery Works, Commercial** - A manufacturing facility for the production and distribution of baked goods and confectioneries.

**Bank, Savings and Loan, or Credit Union** - An establishment for the custody, loan, exchange or issue of money, the extension of credit, and/or facilitating the transmission of funds; to include automated teller machines and check-cashing and loan service agencies.

**Basement (Or Cellar)** - A story partly or wholly underground. For purposes of height measurement, a basement shall be counted as a story when more than one-half of its height is above the average level of the adjoining ground or when subdivided and used for commercial or dwelling purposes by other than a janitor employed on the premises.

## **Article 9 – Definitions**

**Batching Plant, Concrete or Asphalt (Permanent)** - A permanent manufacturing facility for the production of concrete or asphalt.

**Batching Plant, Concrete or Asphalt Plant (Temporary)** - A temporary manufacturing facility for the production of concrete or asphalt during construction of a project, and to be removed when the project is completed.

**Beauty, Barber or Other Personal Care Shop** - An establishment that provides personal services including haircuts, perms, color treatments, manicures, pedicures and other personal care services.

~~**Bed and Breakfast – hosted** – A dwelling occupied as a permanent residence by an owner or renter which serves breakfast and in which sleeping accommodations in not more than seven (7) rooms are provided or offered for transient guests for compensation.~~

**Bed and Breakfast Facility, hosted** – An owner-occupied establishment that is used for transient lodging with no more than seven (7) guestrooms rented for compensation and located in the principal building. The length of stay is limited to not more than fourteen (14) consecutive days. Meal service is prepared and served on-site and is limited to breakfast for overnight paying guests, only, at no additional compensation. Cooking and cooking facilities are prohibited in guestrooms.

**Bed and Breakfast Facility, Un-Hosted (Commercial)** - A dwelling unit that is used for transient lodging with no more than seven bedrooms, located in the principal building and rented for compensation. The length of stay is limited to not more than twenty-eight (28) consecutive days. Meal service may be offered on or off site and is for overnight paying guests only at no additional compensation. Cooking and cooking facilities are prohibited in guestrooms but are permitted in an area dedicated to kitchen uses.

**Bed and Breakfast Facility, Un-Hosted (Residential)** - A dwelling unit that is used for transient lodging with no more than two bedrooms, located in the principal building and rented for compensation. The length of stay is limited to not more than twenty-eight (28) consecutive days. Meal service may be offered on or off site and is for overnight paying guests only at no additional compensation. Cooking and cooking facilities are prohibited in guestrooms but are permitted in an area dedicated to kitchen uses.

**Boarding or Rooming House** - A dwelling in which meals and lodging or just lodging is furnished for compensation to more than four but fewer than twenty (20) persons. Provision for meals may be made, provided cooking is done in a central kitchen and not in individual rooms or suites.

~~**Board of Adjustments (BOARD or BOA)** - Sometimes referred to as Zoning Board of Adjustments, the Board of Adjustments is a quasi-judicial body established by the Town of Annetta under Chapter 211 of the Texas Local Government Code that is authorized, in appropriate cases and subject to appropriate conditions and safeguards, to make variances and special exceptions to the terms of the city's zoning ordinance that are consistent with the general purpose and intent of the ordinance. The Board is also authorized to hear appeals of an administrative decision and the expansion or replacement of a non-conforming use or structure in accordance with Section 2.2 of this ordinance.~~

**Boat Sales and Repair, Used** - A marine retail sales and service use in which used boats are sold and repaired.

**Boat Sales and Repair, New** – A marine retail sales and service use in which new boats are sold and repaired.

**Bottling Works** – A facility for the bottling of products for off-site retail sales.

~~**Brew-Pub (Micro-Brewery)** – See Alcoholic Beverages, Brew Pub (Micro Brewery) An establishment that will engage in the following: 1.) Manufacture, brew, bottle, can, package and label malt liquor, ale, and beer, and; 2.) Sell or offer without charge, on the premise of the Brew Pub, to ultimate consumers for consumption~~

**Article 9 – Definitions**

~~on or off those premises, malt liquor, ale or beer produced by the establishment, in or from a lawful container, to the extent the sales or offers are allowed under the establishment’s other permits or licenses.~~

**Brick/Stone Company Sales** – An area of land and/or structure used for the storage of bulk brick, stone or other masonry products offered for sale.

**Building** - Any structure greater than one hundred twenty (120) square feet intended for shelter, occupancy, housing or enclosure for persons, animals or chattel. When separated by dividing walls without openings, each portion of such structure so separated shall be deemed a separate building. (See also “Structure”)

**Building Coverage** - see Coverage, Building.

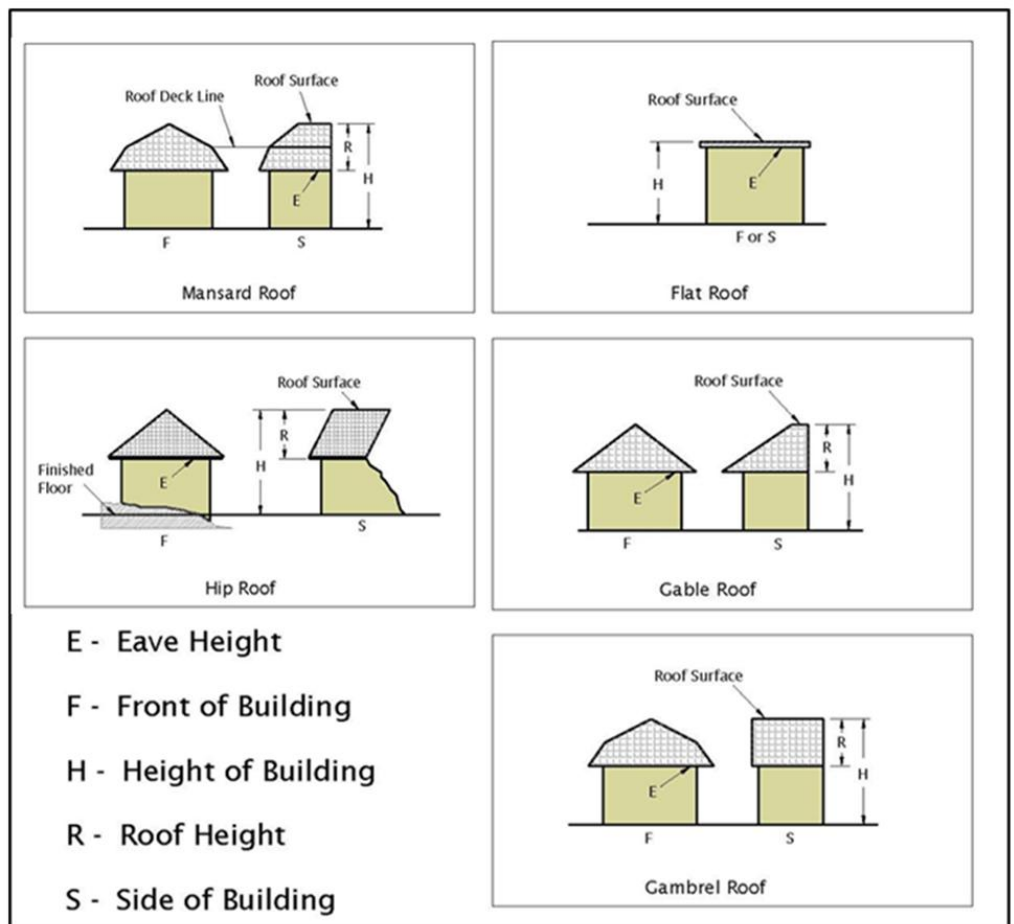
**Building Footprint** – The calculated square footage of any building or structure based upon the outline of the total area of a lot or site that is surrounded by the exterior walls of the main floor of such building or portion of building. In the absence of surrounding exterior walls, the building footprint shall be the area under the horizontal projection of the roof supported by posts or additional foundation support. Uncovered courtyards shall not be included in this definition.

**Building Height** - The vertical distance from the average grade of that portion of the lot covered by the building to the highest point of the building, excluding those features permitted for “Additional Height” in each zoning district.

**Building Line** – (Also, see “Setback, Building”) A line parallel, or approximately parallel, to any front lot line at a specific distance there from, marking the minimum distance from the front lot line that a building may be erected.

**Building, Main** - A building in which the principal use of the lot on which it is situated is conducted. In a

residential district any dwelling or attached garage shall be deemed to be a main building on the lot on which it is situated. (Also referred to as Main Structure, Primary Structure, Primary Building or if the main single-family home, Primary Residence)



## **Article 9 – Definitions**

**Building Materials and Hardware Sales, enclosed** – A facility for the sale of materials, tools, and hardware customarily used in the construction of buildings and other structures, including facilities for storage inside a building.

**Building Materials and Hardware Sales, Outside Storage** - A facility for the sale of materials, tools, and hardware customarily used in the construction of buildings and other structures, including facilities for storage outside a building and sale of ready-mix concrete from small batching plants, but subject to the following exceptions and/or provisions:

**Building Materials and Lumber Storage Yards & Sales** – Facilities for the sale and storage of building and lumber materials.

**Car Wash, Full-Service** – An area of land and/or structure with machine or hand operated facilities used principally for cleaning, washing, polishing or waxing of passenger and recreational vehicles or other light duty motor vehicles wherein all work is provided by employees of a car wash facility.

**Car Wash, Self-Service** – An area of land and/or structure with machine or hand operated facilities used principally for cleaning, washing, polishing or waxing of passenger and recreational vehicles or other light duty motor vehicles wherein the customer provides all the services.

**Caretaker/Guard Residence** - A residence located on a premise with a main non-residential use and occupied only by a caretaker or guard employed on the premises.

**Carport** - A structure open on a minimum of two sides designed or used to shelter not more than three vehicles and not to exceed twenty-four feet on its longest dimension. Also, “called covered parking area.”

**Cemetery** - Property used for the interring of the dead.

**Certificate of Occupancy** - An official certificate issued by the Town which indicates conformance with or approved conditional waiver from this Ordinance and authorizes legal use of the premises for which it is issued; may be referred to as an Occupancy Permit.

**Church** - A building for regular assembly for religious worship which is used primarily and designed for such purpose and those accessory activities which are customarily associated therewith, and the place of residence for ministers, priests, nuns or rabbis on the premises (tax exempt as defined by State law). For the purposes of this ordinance, this definition does not apply to bible study and other similar activities which occur in a person's primary residence.

**Chickens, Urban** - A species of chicken known as Gallus Domesticus, also referred to as the common chicken on lots of less than one acre, and not including roosters.

**Chickens or Chickens, Rural** – Chickens on more than one acre, including roosters.

**Civic Center** - A building or complex of buildings that house municipal offices and services, and which may include cultural, recreational, athletic, convention or entertainment facilities owned and/or operated by a governmental agency.

**Clinic/Office, Medical** - A facility primarily utilized by a health professional or unit for providing public health services including emergency services and related facilities such as laboratories, clinics and administrative offices operated in connection therewith. Typical uses would be dentist, doctor or chiropractic professional offices and clinics.

**Club, Private with Alcoholic Beverages** – See Alcoholic Beverages, Private Club. ~~An establishment providing social and dining facilities, as well as alcoholic beverage service to an association of persons, and otherwise falling with the definition of, and permitted under the provisions of, that portion of Title 3,~~

## **Article 9 – Definitions**

~~Chapter 32, of the Texas Alcoholic Beverage Code, as the same may be hereafter amended, as it pertains to the operation of private clubs.~~

**Cluster development.** A form of residential development that concentrates buildings or lots on a part of the site to allow the remaining land to be used for common open space, recreation, and preservation of environmentally sensitive features. The concentration of lots is facilitated by a reduction in lot size. A cluster development will consist of one or more cluster groups surrounded by common open space.

**Cluster group.** A group of single-family detached dwellings within a cluster development, surrounded by common open space that comprises at least 60 percent of the gross parcel area. The outer boundary of a cluster group shall be defined by the rear lot lines of the lots within the group.

**College, University** – An academic institution of higher learning accredited or recognized by the State and offering a program or series of programs of academic study leading to a recognized degree or advanced degree. Including junior and senior colleges, universities, conservatories and seminaries.

**Commercial Plant, General** - Establishments other than personal service shops for the treatment and/or processing of products as a service on a for profit basis including, but not limited to, newspaper printing, laundry plant, or cleaning and dyeing plants.

**Common element.** The common facilities in a condominium.

**Common facilities.** All the real property and improvements set aside for the common use and enjoyment of the residents of a cluster development, including, but not limited to, buildings, open space, private streets, parking areas, walkways, recreation areas, drainage easements, and any utilities that service more than one unit, such as sewer and water supply facilities.

**Common open space.** Undeveloped land within a cluster development that has been designated, dedicated, reserved, or restricted in perpetuity from further development and is set aside for the use and enjoyment by residents of the development. Common open space shall not be part of individual residential lots, and shall be substantially free of structures, but may contain such recreational facilities for residents as are shown on the approved ~~sitedevelopment~~ plan.

**Community association.** A condominium or homeowners' association

**Community Center** - A building or complex of buildings that house cultural, recreational, athletic, or entertainment facilities owned and/or operated by a governmental agency or private non-profit agency.

**Community Home for Disabled Persons** - A community-based residential home containing not more than 6 disabled persons with 2 supervisory personnel which meets the requirements of the Community Homes for the Disabled Persons Location Act, Tex. Hum. Res. Code Chapter 123.001, et seq. (Vernon 1990), as amended.

**Comprehensive Plan** - Graphic and textual form policies which govern the future development of the Town, and which consist of various components governing specific geographic areas and functions and services of the Town.

**Concept plan.** A plan furnished by the applicant and submitted to the Town, which provides a generalized view of the proposed development, site conditions and limitations, open space areas, housing cluster locations and groupings, and critical environment features of the parcel.

**Condominium.** - A type of ownership of attached or detached dwelling units, offices, or other space within a structure, as defined by the provision of Title 7, Chapter 82 Uniform Condominium Act of the Texas Property Code in which each unit is independently owned and financed by the occupant but in which all lands are commonly owned.

## **Article 9 – Definitions**

**Condominium association.** An association, whose members consist of owners of units in a condominium, which administers and maintains the common property and common elements of a condominium.

**Conservation easement.** The grant of a property right or interest from the property owner to another person, agency, unit of government, or organization stipulating that the described land shall remain in its natural, scenic, open, or wooded state, precluding future or additional development.

**Consignment/Used Merchandise Store, Indoor** – Retail sales of used wearing apparel, furniture or other merchandise. No outdoor sales, display, staging, sorting, storage or drop-off of clothing are permitted.

**Consignment/Used Merchandise Store, Outdoor Activity** – Retail sales of used wearing apparel, furniture or other merchandise where outdoor sales, display, staging, sorting, storage or drop-off of clothing is permitted.

**Construction Equipment, Rental and/or Sales** – A facility, which allows for construction related equipment sales inside the structure as the primary use and also allows for the outside display of small construction equipment on site.

**Construction Field Office, Temporary** - A permitted temporary building or structure, of either permanent or temporary construction, used as an office in connection with an active development or construction project for supporting temporary supervisory or administrative functions related to development, construction within the active development or construction project. A Construction Field Office shall not be used as a residence and shall not be constructed with sleeping facilities. RVs, motor homes or mobile homes are not permitted or defined as a Construction Field Office. Active is defined as having a PIA or Building Permit issued for the site. Upon abandonment, completion, or lack of activity of the project, such field offices shall be removed at the Chief Building Official's discretion.

**Construction Yard (Temporary)** - A storage yard or assembly yard for building materials and equipment directly related to a specific construction project and subject to removal at completion of construction.

**Contractor's Shop or Storage Yard** - A building, part of a building, or land area for the construction or storage of materials, equipment, tools, products, and vehicles.

**Convalescent, Rest or Nursing Home** - A health facility used for or customarily occupied by persons recovering from illness or suffering from infirmities of age, and furnished meals or continuing nursing care for compensation.

**Convenience Store, w/out Gas Pumps** – Any premises offering for sale prepackaged food products, household items and other convenience goods commonly associated with the same. Gasoline and/or other petroleum products are not permitted.

**Convenience Store, with Gas Pumps** – Any premises where gasoline and/or other petroleum products are sold as a principal use and in connection with the principal use, a convenience store prepackaged food product, household items and other goods commonly associated with the same.

**Correctional/Detention Facility (Public):** A public facility operated by County, State or Federal government, or by a commercial entity under contract to one of these governments utilized for the incarceration of individuals convicted of crimes where these individuals are housed until such time as they have completed their sentences. Such facilities include minimum and maximum-security prisons for adults as well as juvenile detention centers for minors.

**Correctional/Detention Facility (Private):** A private facility operated by a commercial entity that's primary business venture is to provide for the incarceration of individuals convicted of crimes where these individuals are housed until such time as they have completed their sentences. Such facilities include minimum and maximum-security prisons for adults as well as juvenile detention centers for minors.

## Article 9 – Definitions

**Cottage Food Production Operation** – In accordance with and as defined in Section 437.001, Texas Health and Safety Code, as amended; an individual, operating out of the individual's home, or a nonprofit organization that:

1. produces at the individual's home or the home of an individual who is a director or officer of the nonprofit organization, as applicable, any food other than:
  - a. meat, meat products, poultry, or poultry products;
  - b. seafood, including seafood products, fish, fish products, shellfish, and shellfish products;
  - c. ice or ice products, including shaved ice, ice cream, frozen custard, popsicles, and gelato;
  - d. low-acid canned goods;
  - e. products containing cannabidiol or tetrahydrocannabinol; or
  - f. raw milk and raw milk products;
2. has an annual gross income of \$150,000 or less from the sale of food described by Paragraph 1, as the department annually adjusts for inflation using the Consumer Price Index for All Urban Consumers (CPI-U) published by the United States Bureau of Labor Statistics or its successor in function;
3. sells the foods produced under Paragraph 1 directly to consumers or to a cottage food vendor; and
4. delivers products to the consumer or cottage food vendor at the point of sale or another location designated by the consumer or cottage food vendor. A “cottage food vendor” means a person located in this state who:
  - a. has a contractual relationship with a cottage food production operation; and
  - b. sells directly to consumers located in this state on behalf of the cottage food production operation a food other than a time and temperature control for safety food.
5. A Home Cottage food operation must meet all requirements of Health and Safety Code, Sections 437.0192-0196, as required.

**Court** - An open, unobstructed space, bounded on more than two sides by the walls of a building. An inner court is entirely surrounded by the exterior walls of a building. An outer court has one side open to a street, alley, yard, or other permanent open space.

**Coverage, Building** - The proportion of lot or site covered or permitted to be covered by a building(s) or structure(s). The percentage of the total square footage/area of a lot occupied by the base (first story or floor) of buildings located on the lot. **Also known as the “building footprint(s).”**

**Coverage, Impervious** – Equal to the percentage ratio of the total square footage of impervious coverage divided by the total square footage/area of a lot, parcel or site. Impervious coverage is a created surface that blocks absorption of stormwater creating runoff from a property. Such surfaces include brick, stone, concrete or asphalt, placed on the land to facilitate passage, for recreation purposes or decoration. Retaining walls are included as an impervious surface. Examples of impervious surfaces are patios, swimming pool **decking**, sidewalks, buildings, tennis courts, driveways, etc. **The actual surface area of a**

## **Article 9 – Definitions**

swimming pool is not considered impervious because stormwater is retained and does not run off. However, a swimming pool is considered “lot coverage.” Also referred to as lot coverage.

**Coverage, Lot** – see **Coverage, Impervious**.

**Credit Access Business:** A personal lending business including those defined in Section 393.601 of the Texas Finance Code. It also includes those credit access businesses with a license issued by the Texas Consumer Credit Commission under Chapter 393, Subchapter G of the Texas Finance Code. Includes payday lenders and auto title lenders.

**Dance Hall** - An establishment open to the general public for entertainment, in particular, dancing.

**Day Care or Child Care Center, In Home** – A private residence where care, protection, and supervision are provided on a regular schedule, at least twice a week to no more than six (6) children, including children of the adult provider.

**Day Care or Child-Care Facility** - A facility licensed, certified, or registered by the State of Texas to provide assessment, care, training, education, custody, treatment, or supervision for a child who is not related by blood, marriage, or adoption to the owner or operator of the facility, for all or part of the 24-hour day, whether or not the facility is operated for profit or charges for the services it offers. The following are child-care facilities:

1. “Child-care institution” means a child-care facility that provides care for more than 12 children for 24 hours a day, including facilities known as children’s homes, halfway houses, residential treatment centers, emergency shelters, and therapeutic camps.
2. “Foster group home” means a child-care facility that provides care for 7 to 12 children for 24 hours a day.
3. “Foster home” means a child-care facility that provides care for not more than six children for 24 hours a day.
4. “Day-care center” means a child-care facility that provides care for more than 12 children under 14 years of age for less than 24 hours a day.
5. “Group day-care home” means a child-care facility that provides care for 7 to 12 children under 14 years of age for less than 24 hours a day.
6. “Family home” means 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.

**Deed restriction.** A restriction on the use of a property set forth in the deed.

**Density bonus.** An increase in the number of dwelling units permitted within the net buildable area, in exchange for the preservation of a larger percentage of common open space in the development.

**Development rights.** A broad range of less than fee-simple ownership interests. An owner may keep fee-simple rights to his land and sell the development rights to another. The owner retains the title, but agrees to keep the land natural and undeveloped, with the right to develop resting with the holder of the development rights.

## Article 9 – Definitions

**Distribution Center** - A site or building used primarily for the temporary storage and/or distribution of goods, merchandise, supplies. This definition does not include Overnight Delivery [for distribution which is classified elsewhere in this ordinance].

**District** - Any section or sections of the Town for which the regulations governing the use of land and the use, density, bulk, height and coverage of buildings and other structures are uniform for each class or kind of building therein.

**Drive-Through Use** - A facility or structure that is designed to allow drivers to remain in their vehicles before and during an activity on the site. Drive-through facilities are a type of site development that is usually found in conjunction with a quick vehicle servicing use or other retail sales and service use. Examples include, but are not limited to, drive-through windows, menu boards, gas pump islands, car wash facilities, and quick lube or quick oil change facilities.

**Dry Cleaning Plant or Commercial Laundry** - An industrial facility where fabrics are cleaned with substantially non-aqueous organic solvents on a commercial or wholesale basis.

**Dry Cleaning, Pick Up/Drop Off** – A retail establishment providing a drop-off and pick-up point for customers to leave wearing apparel or other material in need of laundry and dry cleaning, and pick-up of items when laundered and/or dry cleaned.

**Dry Cleaning, Small Shop** - A custom cleaning shop or pick-up station not exceeding six thousand (6,000) square feet of floor area, including but not limited to dry cleaning plants having no more than one thousand, five hundred (1,500) square feet of floor area for dry cleaning equipment.

**Dwelling (General Definition)** - Any building or portion thereof, which is designed for or used as living quarters, occupied by not more than one family (See definition of "Family") ~~for one or more families and arranged, occupied or intended for residential use with a common entrance and includes facilities for:~~

1. sleeping; and
2. bathroom(s).
3. A residential use may also have food preparation facilities.

For the purposes of these regulations, manufactured homes, mobile homes, recreational vehicles, or travel trailers are not considered ~~single family detached~~ dwellings.

**Dwelling, Accessory** – see Accessory Dwelling.

**Dwelling, Duplex** - A detached dwelling designed with a common vertical wall between units and to be occupied by two families living independently of each other.

**Dwelling, Garage Apartment** – An accessory dwelling unit for one family erected in conjunction with a garage. See Accessory Dwelling.

**Dwelling, Historically Significant** - Any dwelling that is not less than fifty (50) years old and that meets the criteria for historically significant structures as established by the Texas State Historic Preservation Office.

**Dwelling, Multi-Family** - Attached dwelling units designed to be occupied by ~~four~~three or more families living independently of one another, exclusive of hotels or motels.

**Dwelling, Single Family, Attached** – "Zero lot line" developments of Patio Homes or Townhomes allowing two or more dwelling units within a structure. (See Patio Home and Townhome)

## Article 9 – Definitions

**Dwelling, Single-Family Detached** - A dwelling which is designed and constructed for occupancy by **not** more than one family (See definition of Family), ~~and~~ located on a lot or separate building tract, and having no physical connection to a building located on any other lot or tract.

**Dwelling, Single Family Zero Lot Line** - Same as Patio Home.

**Dwelling, Single or Multi-Family Above First Floor Level** - Single or multi-family dwelling units that are located above a first-floor level commercial or retail business, with each dwelling unit occupied by one family.

**Dwelling, Tiny Home** - A tiny home is a small, minimalist dwelling, typically under 400 square feet, which serves as a primary residence, focusing on efficient use of space and reduced living costs, often featuring a kitchen, bathroom, and sleeping area. , and can be built on a permanent foundation or a trailer. The following are types of Tiny Homes:

1. Tiny Home built on wheels (THOW) or a trailer for mobility. They are considered a “Recreational Vehicle” in this ordinance and shall meet the zoning, location and permitting requirements of a recreational vehicle.
2. Tiny Home built on a permanent foundation as the primary residence on the parcel or lot shall meet the requirements of this ordinance for a single family residence and provide documentation of compliance with the International Residential Code.
3. Tiny Home built on a permanent foundation as an accessory dwelling shall meet the requirements of this ordinance including requirements for obtaining a Specific Use Permit.

**Dwelling, Triplex** - A detached dwelling designed with a common vertical wall between units and to be occupied by three families living independently of each other.

**Dwelling Unit Area** - That area devoted to the living area in a residence or dwelling unit and is exclusive of porches, enclosed or open breezeways, ~~garages and un-airconditioned storage areas~~~~or closets~~, or other non-living space. The minimum dwelling unit area will generally be that space which is air conditioned.

**Dwelling Unit (Model)** -A single-family dwelling in a developing subdivision located on a legal lot of record that is limited to temporary use as a sales office for the subdivision and to provide an example of the dwellings which have been built, or which are proposed to be built in the same subdivision.

**Easement** - A grant of one (1) or more of the property rights by the property owner to and/or for the use by the public, a corporation or another person or entity.

**Elderly Housing** - A structure licensed by the Texas Department of Aging and Disability, eighty percent of whose occupants are fifty-five (55) years of age and older, and that; meets the definition of one of the three uses listed below:

1. **Elderly Housing, Assisted Living** - Services in these establishments include assistance with daily activities, such as dressing, grooming, bathing, etc.;
2. **Elderly Housing, Congregate Care Facility** - A facility for long-term residence generally for persons fifty-five (55) years of age or older, and which shall include, without limitation, common dining, social and recreational features, special safety and convenience features designed for the needs of the elderly, such as emergency call systems, grab bars and handrails, special door hardware, cabinets, appliances, passageways, and doorways designed to accommodate wheelchairs, and the provision of social services for residents which shall include at least two of the following: meals services, transportation, housekeeping, linen, and organized social activities; or

## Article 9 – Definitions

3. **Elderly Housing, Life Care Housing and Services** - A residential complex, which may contain multi-family dwellings, attached dwellings, single-family dwelling and other types of dwellings and structures designed for and principally occupied by senior citizens. Such facilities will include one of the following: a congregate meals program in a common dining area, assisted living housing, nursing home facilities, congregate care facilities, or medical facilities.

**Environmental corridor.** An area of contiguous or near-contiguous undeveloped rural land which constitutes a historic habitation or migration route for native fauna and/or flora.

**Equipment Sales, Medical** - Establishments primarily engaged in the sale of medical equipment including incidental storage, maintenance and servicing of such equipment.

**Exhibition Area** - An area or space either outside or within a building for the display of topic-specific goods or information.

**Extraterritorial Jurisdiction.** - The unincorporated area outside of and contiguous to the corporate boundaries of the Town as defined and established in accordance with Chapter 42 of the Texas Local Government Code.

**Fairgrounds** - An area where outdoor fairs, circuses or exhibitions are held.

**Family** - One or more persons related by blood, marriage, or legal adoption, or a group not to exceed four (4) persons not all related by blood or marriage, adoption or guardianship, occupying a dwelling unit and living as a single non-profit housekeeping unit, as distinguished from a group occupying a boarding or lodging house or a hotel. Living as a single housekeeping unit is evidenced by the following:

1. One major entrance shared by all residents.
2. ~~One k~~itchen facilities ~~area~~ shared by and accessible to all residents.
3. Restroom facilities shared by and accessible to all residents.
4. Bedroom(s) used by family members meeting building code requirements."

**Farm, Ranch, Garden Or Orchard** - An area used for growing usual farm products, vegetables, fruits, trees, and grain and for the raising thereon of the usual farm poultry and farm animals such as horses, cattle, and sheep and including the necessary accessory uses for raising, treating, and storing products raised on the premises, but not including the commercial feeding of offal or garbage to swine or other animals and not including any type of agriculture or husbandry specifically prohibited by ordinance or law.

~~**Feed Lot** – A lot, yard, corral, buildings or other area in which livestock are confined, primarily for the purposes of feeding and growth prior to slaughter and which is specifically designed as a confinement area where the concentration of animals is such that a vegetative cover cannot be maintained with the enclosure. The term does not include areas which are used for raising crops or other vegetation or upon which livestock are allowed to graze.~~

**Farmer's Market** - The retail sale of farm *produce* by individual vendors, for the primary purpose of selling fruits, vegetables, herbs, spices, edible seeds, nuts, live plants, flowers, and honey. The sale of any type of meat, fish or poultry, eggs, refrigerated dairy products, canned foods, packaged items and prepared foods such as salsa, pickles, cookies, etc., shall not be included in this definition.

~~**Feed Lot** – A lot, yard, corral, buildings or other area in which livestock are confined, primarily for the purposes of feeding and growth prior to slaughter and which is specifically designed as a confinement area where the concentration of animals is such that a vegetative cover cannot be maintained with the enclosure.~~

## Article 9 – Definitions

The term does not include areas which are used for raising crops or other vegetation or upon which livestock are allowed to graze.

**Feed Store** - An establishment for the selling of corn, grain and other food stuffs for animals and livestock, and including implements and goods related to agricultural processes, but not including farm machinery.

**Food Truck** – In accordance with Chapter 437, Texas Health and Safety Code (THSC), the following are included in the definition of Food Truck:

1. "Food vending vehicle" means any vehicle that has a Texas license to operate as a food service establishment and is designed to be readily movable.
2. "Mobile food vendor" means any person who has a Texas license to dispense food or beverages from a food vending vehicle for immediate service or consumption.

As per Sec. 437B.101, a mobile food vendor shall comply with all state and local laws in the jurisdiction in which the mobile food vendor operates, including all fire codes, location restrictions, and zoning codes. However, the Town may not prohibit or regulate mobile food vendors in a manner that conflicts with THSC Ch 437B.

**Flood Plain** - An area of land subject to inundation by a 100-year frequency flood, as shown on the FEMA flood plain map of the Town of Annetta.

**Floodplains.** Those lands, including the floodplain, flood fringe, floodway, and channel, subject to inundation by the one hundred (100) year recurrence interval flood or, where such data is not available, the maximum flood of record.

**Floor Area** - The total gross square feet of floor space within the outside dimensions of a building including each floor level, but excluding carports, residential garages, porches and breezeways.

**Floor Area Ratio (FAR)** - The floor area of a main building or buildings on a lot, divided by the lot area.

**Fraternal Organization Lodge, or Civic Club** - An organized group having a restricted membership and specific purpose related to the welfare of the members such as Elks, Masons, Knights of Columbus, or a labor union.

**Fuel/Natural Resource Dispensing Station** - A service facility providing for the dispensing of fuel or other natural resource(s) to the general public. The facility may be attended or unattended and may offer for sale conventional and/or alternative fuels, such as gasoline, biofuel, propane, CNG, ethanol, etc. May also include commercial water sales in areas approved by the Town of Annetta.

**Garage, Parking** - Any building, or portion thereof, used for the storage of four (4) or more automobiles in which any servicing provided is incidental to the primary storage use, and where repair facilities are not provided.

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

**Gasoline Service or Filling Station** - (See Automobile Service Station)

**General Market**- An outdoor, or partially indoor, covered premise where the main use is the sale of new and used household goods, fruits, vegetables, herbs, spices, edible seeds, nuts, live plants, flowers, honey, personal effects, tools, artwork, small household appliances, and similar merchandise, objects, or equipment, in small quantities, in broken stalls, lots or parcels, not in bulk, for the use or consumption by the immediate purchaser. The sale of any type of meat, fish or poultry, eggs and refrigerated dairy products

## Article 9 – Definitions

shall not be included in this definition, nor shall any other merchandise or equipment not permitted to be sold by right within a Light Commercial zoning district. The sale or offering of live animals is also prohibited under this definition. The term general market shall not be deemed to include wholesale sales establishments, personal service establishments or rental service establishments, but shall be deemed to include food service establishments, retail service establishments, and auction establishments.

**Golf Course/Country Club, Private** - An area of twenty (20) acres or more improved with trees, greens, fairways, hazards, and which may include a clubhouse, dining room, tennis courts and similar recreational or service uses available only to members and their guests.

**Golf Course/County Club, Public** – An area of twenty (20) acres or more improved with trees, greens, fairways, hazards, and which may include a clubhouse, dining room, tennis courts and similar recreational or service uses which is privately owned but open to the public for a fee and operated as a commercial venture.

**Halfway House** - A home for not more than six persons who have demonstrated a tendency toward alcoholism, drug abuse, antisocial or criminal conduct, together with not more than two persons providing supervision and other services to such persons, all of which live together as a single housekeeping unit.

**Health Club (Weight/Aerobic Center)** – A facility where members or nonmembers use equipment or space for the purpose of physical exercise.

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

**Hedgerow.** A row of shrubs or trees planted for enclosure or separation of fields.

**Height, Building - see Building Height.**

**Height of building.** The vertical distance measured from the average elevation of the existing grade of the building to the highest point of a flat or multi-level roof or, for gable or hip roofs, to the mean height between the eaves and the ridge. Chimneys, spires, towers, mechanical penthouses, tanks, and similar projections not intended for human occupancy shall be excluded.

**Heliport** - An area of land or water or a structural surface which is used, or intended for use, for the landing and taking off of helicopters, and any appurtenant areas which are used, or intended for use for heliport buildings and other heliport facilities.

**Helistop** – A landing pad for occasional landing and taking off of helicopters where no regularly scheduled stops occur. No temporary or permanent storage, refueling, maintenance or repairs shall take place on-site. Helicopters may only be located on the landing pad for start-up, shut-down, passenger loading or unloading and restocking of supplies. Generally, helicopters shall not be located on the landing pad for more than forty-five (45) minutes at a time.

**Home Based Business (or Occupation)** - ~~An occupation, profession, domestic craft, or economic enterprise carried out for gain which is incidental to and customarily conducted in a "residential dwelling" which is secondary to the primary use of a dwelling as a residence, conducted on the residential premises solely by an occupant of the residence. The appearance of the use and structure will remain residential in appearance and not have any significantly adverse impact on the surrounding neighborhood.~~

In accordance with TLGC Chapter 229.902, as amended, a "Home-based business" means a business that is operated:

## Article 9 – Definitions

1. from a residential property;
2. by the owner or tenant of the property; and
3. for the purpose of:
  - a. manufacturing, providing, or selling a lawful good; or
  - b. providing a lawful service.

**Home Based Business (or Occupation) – No-Impact** – In accordance with TLGC Chapter 229.902, as amended, a "No-Impact Home-based business" means a home-based business that:

1. has at any time on the property where the business is operated a total number of employees and clients or patrons of the business that does not exceed the municipal occupancy limit for the property;
2. does not generate on-street parking or a substantial increase in traffic through the area
3. operates in a manner in which none of its activities are visible from a street; and
4. does not substantially increase noise in the area or violate a municipal noise ordinance, regulation, or rule.

**Homeowners' Association.** An association combining individual home ownership with shared use, ownership, maintenance, and responsibility for common property or facilities, including private open space, within a land division or cluster development.

**Honey Production Operation** – A "Honey Production Operation" means a beekeeper that sells or distributes honey or honeycomb the beekeeper produces that is or from which is extracted pure honey as defined by Section 131.001, Texas Agriculture Code, that is raw and not blended with any other product or otherwise adulterated. A "Honey Production Operation," as defined by the Texas Health and Safety Code, Sec. 437, as amended:

1. extracts honey from honeycomb and is harvesting a raw agricultural commodity; and
2. bottles extracted honey and packages cut honeycomb as a raw agricultural commodity without necessitating any additional manufacturing or processing.

**Hospital** - An institution providing health services primarily for human inpatient medical or surgical care for the sick or injured and including related facilities such as laboratories, outpatient departments, training facilities, central services facilities, and staff offices which are an integral part of the facilities.

**Hospital for Insane/Narcotic Related Illnesses** – A facility that provides residence and/or outpatient care, with supervisory personnel, to persons regardless of legal relationship, who have demonstrated a tendency towards mental illness, alcoholism or drug abuse.

**HUD-Code Manufactured Home** - A structure constructed on or after June 15, 1976, according to the rules of the United States Department of Housing and Urban Development; built on a permanent chassis; designed for use as a dwelling with or without a permanent foundation when the structure is connected to the required utilities; transportable in one or more sections; and in the traveling mode, at least eight body feet in width or at least 40 body feet in length or, when erected on site, at least 320 square feet; includes the plumbing, heating, air conditioning, and electrical systems of the home; and does not include a recreational vehicle as defined by 24 C.F.R. Section 3282.8(g).

**Impervious Coverage** - see "Coverage, Impervious."

## **Article 9 – Definitions**

**Improved Hard Surface** – An area set aside on private property for the temporary or permanent placement of motor vehicles, trailers, equipment, merchandise and other similar tangible property, which must be comprised of concrete, brick, stone or hot-mix asphalt. ~~Brick or Stone surface may be utilized in the HPO (Historic Preservation Overlay) upon approval of the Historic Commission.~~

**Incidental Use** - Any use different from the primary use but which compliments and/or supplements the primary use. Incidental shall mean an area which constitutes not more than fifteen percent (15%) of the main use.

**Industrial Manufacturing/Fabrication/Assembly, Enclosed, Light** – Industrial and manufacturing plants including the processing or assembling of parts for production of finished equipment where the process of manufacturing or treatment of materials is such that no dust, odor, gas, smoke or noise is emitted with no outside storage.

**Industrial Manufacturing/Fabrication/Assembly, Outside Storage, Light** – Industrial and manufacturing plants including the processing or assembling of parts for production of finished equipment where the process of manufacturing or treatment of materials is such that no dust, odor, gas, smoke or noise is emitted, and not more than twenty percent (20%) of the lot or tract is used for the open storage of products, materials or equipment.

**Industrial Manufacturing/Fabrication/Assembly, Enclosed, Heavy** – Any industrial use whose operation, in the opinion of the Fire Chief, involves a much higher than average risk to public health and safety. There shall be no outside storage.

**Industrial Manufacturing/Fabrication/Assembly, Outside Storage, Heavy** – Any industrial use whose operation, in the opinion of the Fire Chief, involves a much higher than average risk to public health and safety. Outside storage is permitted.

**Industrial Park** - A large tract of land that has been planned, developed and operated as an integrated facility for a number of individual industrial uses, with special attention to circulation, parking, utility needs, aesthetics, and compatibility.

**Irrigation, Alternative** - For the purpose of Article 6 Landscape Requirements, alternative irrigation is defined as utilizing a variety of methods including but not limited to water trucks, hand watering, surface run PVC lines, rain collection systems, etc. Alternative Irrigation almost never includes underground components.

**Irrigation, Conventional** - For the purpose of Article 6 Landscape Requirements, conventional irrigation is defined as irrigation that is underground and includes any irrigation method using underground water lines for landscaping.

**Kennels (Indoor Pens)** - An establishment with indoor pens in which more than four (4) dogs or domesticated animals more than one year old are housed, groomed, bred, boarded, trained or sold for commercial purposes.

**Kennels (Outdoor Pens)** - An establishment with outdoor pens in which more than four (4) dogs or domesticated animals more than one year old are housed, groomed, bred, boarded, trained or sold for commercial purposes.

**Key/Locksmith Shop** – A shop that specializes in making, selling and repairing keys, locks and associated material.

**Kiosk** - A small, free-standing, one-story structure having a maximum floor area of three hundred fifty (350) square feet and used for commercial purposes, such as automatic teller machines or the posting of

**Article 9 – Definitions**

temporary information and/or posters, notices and announcements. If a kiosk is to be occupied, it shall have a minimum floor area of twenty-five (25) square feet.

**Laboratory, Medical** - A facility used in the research or testing of items related to the physical well-being of a human being or animal but not including manufacturing.

**Landfill (commercial)** – A commercial use for the disposal of garbage, rubbish, etc., by burying it under a shallow layer of ground.

**Landscaping** - Material such as, but not limited to, grass, groundcovers, shrubs, vines, hedges, trees or palms, and non-living durable material commonly used in landscaping, such as, but not limited to, rocks, pebbles, sand, walls or fences, but excluding paving.

**Laundromat, Self-Serve** - A facility where patrons wash, dry or dry clean clothing and other fabrics in machines operated by the patron.

**Library, Public** – Buildings and structures open for the general public, for which a fee may or may not be charged for the use of book collections.

**Light Load Vehicles** - A self-propelled vehicle having a Manufacturer's Recommended Gross Vehicle Weight (GVW) not greater than eleven thousand (11,000) pounds and having no more than two axles, such as pick-up trucks, vans, recreational vehicles (less than thirty-two [32] feet in length), campers and other similar vehicles but not including automobiles and motorcycles.

**Livestock** - Domestic animals including horses, mules, donkeys, burros, cattle, goats, sheep, llamas, emus, ostriches, rabbits and any member of the Order Ungulata (such as antelope, deer, bison and camels) regardless of age, sex, size or breed, or any crossbreeding of such species, or any domestic animal raised for business or commercial purposes or animals commonly associated with farm and ranch enterprises. Fowl, except for emus and ostriches, and exotic animals are not included in the definition of livestock”

**Loading Space** - An off-street space or berth used for the delivery and loading or unloading of vehicles.

**Lot** - Any plot of land occupied or intended to be occupied by one main building and the required parking, or a group of main buildings, and accessory building and uses, including such open spaces as are required by the ordinance, and other laws or ordinances, and having its principal on a public street or officially approved place.



**Legend**

C	Corner Lot	T	Through Lot
I	Interior Lot	L	Cul-de-Sac Lot

**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 on a street, provided that the interior angle at the intersection of such two sides is less than one hundred thirty-five degrees (135°).

**Lot Coverage** - see Coverage, Lot.

**Lot, Depth** - The mean horizontal distance between the front and rear lot lines.

**Lot, Double Frontage** - A lot having a frontage on two (2) non-intersecting streets, as distinguished from a corner lot.

**Lot, Flag or Panhandle** - A lot having access to a street by means of a parcel of land having a depth greater than its frontage and having a width less than the minimum required lot width, but not less than twenty-five (25') feet. The maximum distance of the area less than the required width from the front property line shall be one hundred ten (110') feet.

**Article 9 – Definitions**

**Lot, Interior** - A lot other than a corner lot.

**Lot, Key** - A corner lot that is so designed that the lots located directly behind it face the side street of the corner lot and are not separated by an alley.

**Lot Frontage** - That dimension of a lot or portion of a lot abutting on a street, excluding the side dimension of a corner lot.

**Lot Line, Front** - The narrower side of the lot abutting a street. Where two lot lines abutting streets are of equal length, the owner shall have a choice in designating which shall be the lot frontage. For a lot which has a boundary line which does not abut the front street line, is not a rear lot line and lies along the same general directional orientation as the front and rear lot lines, said line shall be considered a front lot line in establishing minimum setback lines.

**Lot Line, Rear** - The lot line farthest from and most parallel to the front lot line. For triangular lots, the point opposite the front lot line shall be considered the rear lot line and have a value of zero.

**Lot Line, Side** - Any lot line not the front or rear lot line.

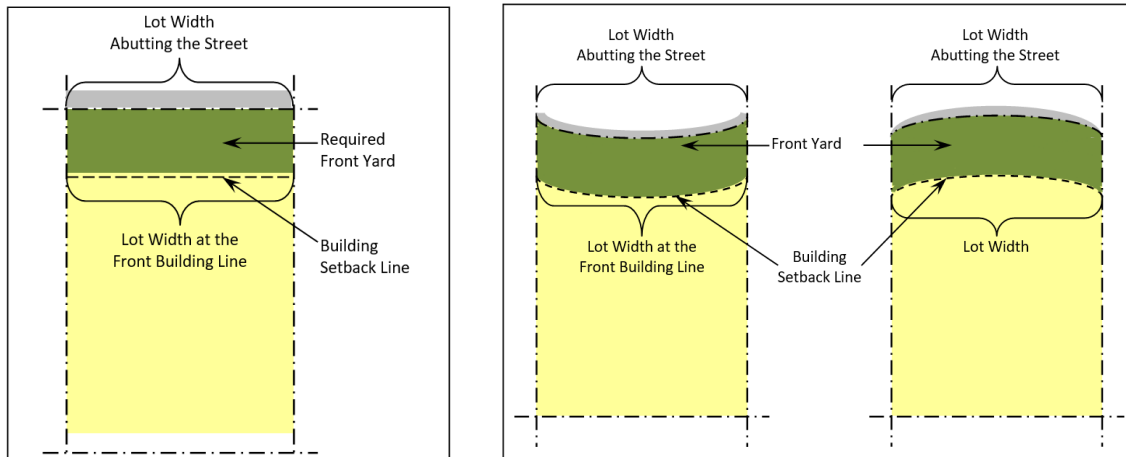
**Lot Lines or Property Lines** - The lines bounding a lot as defined herein.

**Lot of Record** - A lot, which is part of a subdivision, the plat of which has been recorded in the office of the County Clerk of Parker County or a parcel described by metes and bounds that has not been divided since the Town of Annetta was incorporated August 11th, 1979.

**Lot, Through** - A lot having its front and rear lines on different streets or having its front or rear line on a street and the other line on a river, lake, creek, or other permanent body of water.

**Lot Width** - The horizontal distance measured between side lot lines of a lot measured at right angles to its depth along a straight line parallel to the front lot line at the minimum required building setback line.

**Machine Sales and Storage, Heavy** - A building or open area, other than a right-of-way or public parking area used for the display, sale, rental or storage of heavy machinery, either machines in general or a group



of machines which function together as a unit.

**Major Thoroughfare** - A dedicated street or highway route designated as a Thoroughfare by the Thoroughfare Plan map of the Comprehensive Plan.

## Article 9 – Definitions

**Manufactured Home (HUD Code) Display, Sales and Services** - The offering for sale, storage, or display of ~~trailers or~~ manufactured homes (HUD Code) on a parcel of land but excluding the use of such facilities as dwellings either on a temporary or permanent basis.

**Manufactured Home (HUD Code Manufactured Home)** - A structure constructed on or after June 15, 1976, according to the rules of the United States Department of Housing and Urban Development, built on a permanent chassis, designed for use as a dwelling with a permanent foundation as defined in the MH District when the structure is connected to the required utilities, transportable in one or more sections, and in the traveling mode, at least eight body feet in width or at least forty (40) body feet in length or, when erected on site, at least 320 square feet. The term “HUD-Code manufactured home” includes the plumbing, heating, air conditioning, and electrical systems of the home. The term does not include a recreational vehicle or travel trailer as defined by 24 C.F.R. Section 3282.8(g).

**Manufactured Housing Park (HUD Code)** - A parcel of land not less than five (5) acres nor greater than twenty-five (25) acres which has been designed, improved, or intended to be used or rented for occupancy by one or more ~~manufactured homes mobile homes or trailer houses~~ in designated spaces.

**Manufactured Housing Subdivision (HUD Code)**- A parcel of land which has been designed, platted, improved, and is intended for the placement of individually owned ~~manufactured home mobile home~~ units on platted lots which can be purchased outright by the owners of the ~~manufactured home mobile home~~ units.

**Manufacturing** - (See “Industrial” Categories)

### Masonry Construction or Masonry-Like Construction –

1. Approved Masonry or Masonry-Like Construction for separate buildings or structures < or = to thirty thousand (30,000) sq. feet, shall be that material and form which is comprised of natural stone or brick with twenty percent (20%) minimum stone, laid-up unit-by-unit and set in mortar and shall have a required thickness of at least two inches (2”). Faux-Stone (or pre-cast stone) may be utilized in-lieu of natural stone. However, samples shall be provided to the ~~Planning and Zoning Coordinator or their designee~~ **Community Development Department** to ensure that the product and/or material meets the specifications of this ordinance. If brick is to be utilized on commercial structures, at least twenty percent (20%) of the eighty percent (80%) requirement will be natural/native or Faux-Stone.
2. Approved Masonry or Masonry-Like Construction for separate buildings and structures > than 30,000 sq. ft. shall be that material and form which is comprised of natural stone, brick, concrete tilt-wall with one (1”) inch or greater stone/rock aggregate on the exterior face, split-faced CMU or combination each, laid-up unit-by-unit and set in mortar and shall have a required thickness of at least two (2”) inches. Faux-Stone (or pre-cast stone) may be utilized in lieu of natural stone. However, samples shall be provided to the ~~Planning and Zoning Coordinator or their designee~~ **Community Development Department** to ensure that the product and/or material meets the specifications of this ordinance. At least twenty percent (20%) of the eighty percent (80%) exterior materials requirement will be natural/native or Faux-Stone.
3. This definition does not include exterior materials such as: EIFS, Stucco, smooth-faced CMU. Exposed-metal R-Panel or other similar type of construction, except that twenty percent (20%) of the building elevation sum measured to the top-plate line of the highest story may be utilized as accent coating to masonry or masonry-like as defined above.

**Massage Establishment** - Any place of business in which massage therapy is practiced by a massage therapist, as defined and licensed by State law. "Massage Therapy", as a health care service, means the manipulation of soft tissue for therapeutic purposes. The term includes, but is not limited to, effleurage

## Article 9 – Definitions

(stroking), petrissage (kneading), tapotement (percussion), compression, vibration, friction, nerve strokes, and Swedish gymnastics, either by hand or with mechanical or electrical apparatus for the purpose of body massage. Massage therapy may include the use of oil, salt glows, heat lamps, hot and cold packs, tub, shower or cabinet baths. Equivalent terms for "massage therapy" are massage and therapeutic massage. Massage and "therapeutic" do not include diagnosis, the treatment of illness or disease, or any service or procedure for which a license to practice medicine, chiropractic, physical therapy, or podiatry is required by law.

**Mausoleum** - Property used for the interring of the dead and where bodies are interred above ground in stacked vaults.

**Medical Offices, Professional** - A room or group of rooms used for the provision of executive, management, or administrative services for medically related activities.

**Mini-Warehouse** – See “Self-Service Storage”

~~**Mobile Home** – A structure that was constructed before June 15, 1976, transportable in one (1) or more sections which, in the traveling mode, is eight (8) body feet or more in width or forty (40) body feet or more in length or, when erected on site, is three hundred twenty (320) or more square feet and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities and includes the plumbing, heating, air conditioning and electrical systems.~~

**Mobile Home** - A structure that was:

1. constructed before June 15, 1976;
2. built on a permanent chassis;
3. designed for use as a dwelling with or without a permanent foundation when the structure is connected to the required utilities;
4. transportable in one or more sections; and
5. in the traveling mode, at least eight body feet in width or at least 40 body feet in length;
6. or, when erected on site, at least 320 square feet; and
7. includes the plumbing, heating, air conditioning, and electrical systems of the home

Mobile Homes are prohibited. However, a mobile home may continue to be used as a dwelling ~~after~~ ~~to~~ ~~the~~ ~~date~~ ~~of~~ ~~this~~ ~~Ordinance~~ ~~as~~ ~~long~~ ~~as~~ ~~the~~ ~~mobile~~ ~~home~~ ~~was~~ ~~previously~~ ~~legally~~ ~~permitted~~ ~~by~~ ~~and~~ ~~used~~ ~~as~~ ~~a~~ ~~dwelling~~ ~~in~~ ~~the~~ ~~Town~~. The mobile home may **only** be replaced by a HUD-Code manufactured home in the Town.

**Model Home Sales Office** – An office located in a dwelling unit within a residential subdivision under construction. Only one office shall be used for on-site sales only during the construction of the residential development at a time.

**Model Residential Unit** - See "Dwelling Unit, Model".

**Modular Home** – A prefabricated, industrialized building built in a factory to the same International Residential Code as site-built, stick-frame homes. Unlike manufactured homes built and moved on a chassis, modular homes are built in sections in a licensed factory, transported to and assembled on a permanent site-built foundation, cannot be moved once installed, and bear a specific [Texas Department of](#)

## **Article 9 – Definitions**

[Licensing and Regulation \(TDLR\) insignia/decal](#) that certifies the modular home was inspected when constructed.

**Monument and Headstone Sales** –A retail establishment offering for sale stone monuments produced off-premises.

**Mortuary or Funeral Parlor** - A place for the storage of human bodies prior to their burial or cremation, or a building used for the preparation of the deceased for burial and the display of the deceased and ceremonies connected therewith before burial or cremation.

**Motel or Hotel** - A building or group of buildings designed for and occupied as a temporary dwelling place of individuals and providing four or more room units where customary hotel services such as linen, maid service, telephone, and upkeep of furniture are provided.

**Motorcycle** - A usually two-wheeled self-propelled vehicle having one or two saddles or seats, and which may have a sidecar attached. For purposes of this ordinance, motorbikes, motor scooters, mopeds, and similar vehicles are classified as motorcycles.

**Motorcycle Sales and Service, New** - The display, sale and servicing, including repair work, of motorcycles.

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

**Municipally Owned Facilities and Uses** - Any area, land, building, structure, and/or facility owned, used, leased, or operated by the Town of Annetta, Texas.

**Net buildable acreage or net buildable area (NBA).** A calculated area upon which the density for cluster development is computed. Net buildable acreage is the area of a site remaining after subtracting all or a percentage of the following areas from the site's gross area: existing street rights-of-way, floodplains, wetlands, woodlands, ponds and lakes, steep slopes, and utility and railway rights-of-way.

**Nonconformity** – A building, lot of record, use of land or a building, method or requirement for development, or other such use or structure that was lawful when commenced but which are contrary to the regulations set forth in this Ordinance because of future amendments to this Ordinance, annexation into the Town, or eminent domain.

**Nonprofit conservation organization.** A nonprofit corporation, charitable trust, or other nonprofit organization described in section 501(c)(3) of the Internal Revenue Code, which includes the “acquisition of property or rights in property for conservation purposes” as part of its mission, as reflected in the bylaws, charter, or incorporation papers of the organization.

**Nursery, Retail w/Outside Storage** - An establishment, including a building, part of a building or open space, for the growth, display and/or sale of large plants, shrubs, and trees, and other materials used in indoor or outdoor planting.

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

**Office Center** - A building or complex of buildings used primarily for conducting the affairs of a business, profession, service, industry or government, or like activity that may include ancillary services for office workers such as a coffee shop, newspaper or candy stand.

**Office, Professional General** - A room or group of rooms used for the provision of executive, management, or administrative services. Typical uses include administrative offices, and services including real estate,

## Article 9 – Definitions

insurance, property management, investment, personnel, travel, secretarial services, telephone answering, and business offices of public utilities, organizations and associations, but excluding medical offices.

**Office-Showroom/Warehouse** - An establishment with a minimum of seventy-five percent (75%) of its total floor area devoted to storage and warehousing, but not accessible to the general public. The remaining area may include retail and wholesale sales areas, sales offices, and display areas for products sold and distributed from the storage and warehousing areas.

**Officially Approved Place of Access** - Access, other than a dedicated street, to a property which is approved by the Town of Annetta.

**Open storage of products or materials** - The keeping in an unroofed area of new or used goods, merchandise, or any materials used in the production, repair or replacement of goods related to the principal business activity of the property on which the open storage occurs. The term "open storage" shall not apply to primary uses indicated by the use chart, which customarily have open storage, such as automotive sales.

**Outside display of goods** - The display of any product, or item, offered for sale by the occupant of the main use of the property on which the display of goods occurs, in plain view of the public without screening.

**Outdoor Display, Daily** – Notwithstanding anything to the contrary contained herein, the open display of items intended for direct retail sales or rental in the appropriate zoning district(s) shall not be subject to the screening requirements set forth in each respective zoning district, provided such display meets the conditions in Section 8.12, *Outdoor Display, Daily*. ~~all of the following conditions:~~

- ~~1. Items can only be displayed between the hours of 7:00 A.M. and 7:00 P.M.;~~
- ~~2. The area used shall not be greater than ten percent (10%) of the gross floor area of the establishment maintaining such display;~~
- ~~3. Items may not occupy any required parking area;~~
- ~~4. Items may not be displayed in any required front, side, or rear yard setback or public right-of-way;~~
- ~~5. Items may not obstruct vision sight lines from any public right of way or driveway, be deemed a traffic hazard by the Town Engineer, or be located in any required sight visibility easements; and~~
- ~~6. The display area shall be within twenty (20') feet of the main building; except for special out-of-doors promotional sales, which occur behind the front building line and do not extend longer than four (4) continuous weeks, unless alternative outside display is permitted by the approval of a Specific Use Permit (SUP).~~

**Ordinance** – The Zoning Ordinance of the Town of Annetta, Texas.

**Paint Shop** - A commercial establishment where painting services are performed.

**Park and Ride** - The temporary storage of automobiles on a daily basis for persons traveling together to and from work either through carpools, vanpools, bus-pools or mass transit.

**Park or Playground, Public** - A recreation facility, recreation center, or park owned or operated by a public agency such as a Town or School District and available to the general public.

**Park or Recreation Facility, Private** - A recreation facility operated for the exclusive use of private residents or neighborhood groups and their guests, and not the general public.

## **Article 9 – Definitions**

**Parking Lot** - An off-street, ground level area, with an improved hard surface (such as concrete, brick or asphalt) for the temporary placement of motor vehicles.

**Parking Space** – An area designated for off-street parking of one vehicle in accordance with the parking size table in this ordinance nine (9') feet wide by eighteen (18') feet in depth for ninety (90) degree head-in parking.

**Pawn Shop** - An establishment where money is loaned on the security of personal property pledged in the keeping of the owners (pawnbroker). Retail sales also take place of primarily used items.

**Person** - A human individual, corporation, agency, unincorporated association, partnership, or sole proprietorship.

**Pet Shop** - A retail establishment offering small animals, fish or birds for sale as pets and where all such creatures are housed within the building.

**Petroleum Extraction (Oil & Gas Mining)** - The process of extracting petroleum from the earth.

**Planned Development District** - Planned associations of uses developed as integral land use units such as industrial parks or industrial districts, offices, commercial or service centers, shopping centers, residential developments of multiple or mixed housing, including attached single-family dwellings or any appropriate combination of uses which may be planned, developed or operated as integral land use units either by a single owner or a combination of owners.

**Planning & Zoning Commission** - A board, appointed by the Town Council, authorized to recommend changes in the zoning and other planning functions as delegated by the Town Council. Also referred to as the "Commission".

**Planning and Zoning Coordinator (Zoning Coordinator)** - A person, appointed by the Town Council, designated with the responsibility of accepting zoning requests and plats for the Town and preparing the necessary documentation for the Planning and Zoning Commission. If no appointment is made, the Town Secretary or their designee is the designated Planning and Zoning Coordinator. In the event there is no person employed by the Town to serve in that position, the term means the Mayor or his or her designee.

**Plat** - A plan of a subdivision of land creating building lots or tracts and showing all essential dimensions and other information essential to comply with the subdivision standards of the Town of Annetta and subject to approval by the Planning & Zoning Commission and Town Council and filed in the plat records of Parker County.

**Plot** - A single unit or parcel of land or a parcel of land that can be identified and referenced to a recorded plat or map.

**Pool Cabana** - A one story accessory building adjacent to a pool, typically open on at least one side adjacent to the pool.

1. Such facilities may contain outdoor cooking facilities with an enclosed shower and/or toilet facility.
2. Totally enclosed pool cabanas with cooking, shower and toilet facilities but with no sleeping facilities shall be considered an accessory structuredwelling and will require approval of a Special Exception in accordance with Subsection 2.2.F. specific-use-permit.
3. Pool cabanas with cooking, shower and toilet facilities and a bedroom(s) with be considered an accessory dwelling unit.

**Portable Building Sales** - An establishment which displays and sells structures capable of being carried and transported to another location but not including mobile homes.

## **Article 9 – Definitions**

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

**Primary conservation areas.** This category consists of wetlands, lands which are generally inundated (within ponds, lakes, creeks, etc.), and land within the 100-year floodplain or on slopes exceeding twenty-five percent (25%). These sensitive lands are deducted from the total parcel acreage to produce the net buildable acreage on which density shall be based.

**Primary Use** - The principal or predominant use of any lot or building.

**Principal Building** - ~~See Same as "Building, Main" Main Building."~~

**Printing or Reprographic Shop** - A small establishment which reproduces, in printed form, individual orders from a business profession, service, industry or government organization and occupies less than 4,000 square feet. A printing company shall be any printing business which operates in a space of 4,000 square feet.

**Produce Stand** – A partially enclosed or open-aired structure used for the retail sales and display of fresh fruits, vegetables, flowers, herbs or plants. May also involve the accessory sales of other foodstuffs such as jams, jellies, pickles, sauces or baked goods. May also include wood or other seasonal items for sale.

**Produce Sales (Inside)** – The retail sales of fresh fruits, vegetables, flowers, plants, herbs, or other foodstuffs such as jams, jellies, pickles, sauce and baked goods located within a building (which meets the architectural and building standards for construction).

**Public Assembly Hall** – A commercial assembly, special event center or banquet hall where groups gather for events, ceremonies and receptions. This excludes wedding venues and athletic event facilities.

**Public or Municipally Owned Facility or Uses-** Any building (except a building used primarily for general office purposes) which is owned, leased, primarily used and/or primarily occupied by the State of Texas, the United States, the Town of Annetta or any subdivision or agency of the State of Texas, the United States or the Town of Annetta, or by any public or quasi-public utility.

**Racetrack, Horse** – A measured course where horses are entered in competition against one another or against time, including tracks used only in the training of animals.

**Raceway, Motor** – A measured course where automobiles compete against one another or against time.

**Radio/Television Broadcasting, Without Tower-** A building or portion of a building used as a place for radio or television broadcasting.

**Railroad Track and Right-Of-Way** - The right-of-way and track used by a railroad, but not including railroad stations, sidings, team tracks, loading facilities, dockyards, or maintenance areas.

**Recreation Center, Private** - A place designed and equipped for the conduct of sports, leisure time activities and other customary and usual recreational activities.

**Recreation Vehicle Park** - A parcel of land reserved for the location of recreational vehicles for recreational, transient lodging including buildings and sites set aside for related recreational purposes.

**Recreation Vehicle Sales, New** - The primary sale of new recreation vehicles in a structure or on open lot with secondary sales of used recreation vehicles.

**Recreation Vehicle Sales and/or Service, Used** - Retail sales and/or repair or service of used recreation vehicles.

## **Article 9 – Definitions**

**Recreational Vehicle (RV)** - A portable or mobile living unit used for temporary human occupancy away from the place of permanent residence of the occupants and self-propelled (motorized). Also see heavy load vehicle.

**Recycling Center** - A facility that is not a wrecking yard in which recoverable resources, such as newspapers, glassware, and metal cans are collected, stored, flattened, crushed, or bundled, essentially by hand within a completely enclosed building.

**Recycling Collection Center** - An incidental use that serves as a drop-off point for temporary storage of recoverable resources. No processing of such items would be allowed. This facility would generally be located in a shopping center parking lot or in other public/quasi-public areas such as in churches and schools.

**Recycling Plant** - A facility that is not a junkyard and in which recoverable resources, such as newspapers, magazines, books, and other paper products; glass; metal cans; and other products, are recycled, reprocessed, and treated to return such products to a condition in which they may again be used for production.

**Refuse Facilities – Multifamily, Commercial and Industrial c**Containers that are recognized and utilized by the Town or the Town’s refuse collection service, which are used to temporarily store trash and refuse on a lot until a refuse collection truck empties them (including, but not limited to metal dumpsters, plastic refuse carts and individual plastic refuse containers).

**Residence** - Same as a dwelling; also, when used within a zoning District, an area of residential regulations.

**Residential – The use of land for dwellings and residences.**

**Residential District** - District where the primary purpose is a residential use.

**Restrictive covenant.** See “Deed restriction.”

**Retail or Service, Incidental** - The rendering of retailing or services incidental to the primary use. In the Office District, such uses include a barber or beauty shop, smoke shop, candy counter, restaurant, pharmacy or other incidental activity secondary to the primary office occupancy.

**Retail Sales, General** - This major group includes retail stores which sell a number of lines of merchandise including but not limited to dry goods, apparel and accessories, furniture and home furnishings, antiques, small wares, small appliances, hardware, and general grocery sales. The stores included in this group are known as department stores, variety stores, general merchandise stores, general stores, etc. and which may include services incidental to the sale of such goods.

**Retirement Home** – A residential complex containing multi-family dwellings designed for and principally occupied by senior citizens. Such facilities may include a congregate meals program in a common dining area but exclude institutional care such as medical or nursing care, and are distinguished from convalescent, rest or nursing homes as elsewhere defined.

**Rock Quarries, Sand, Gravel or Earth Extraction** – The process of extracting sand, gravel and stone from the earth.

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

**Sanitarium** - An institution providing health facilities for inpatient medical treatment or treatment and recuperation making use of natural therapeutic agents.

## **Article 9 – Definitions**

**School, Home** – Educational activities consisting of a defined curriculum with the purpose of satisfying the state educational requirements and said educational activities being conducted in the home of a student living in the home. Said educational activities shall be considered a part of the housekeeping activities of a family.

**School, Home Day** - Educational activities consisting of a defined curriculum with the purpose of satisfying the state educational requirements and said educational activities being conducted in the home but not necessarily in the home of the student living therein. There shall be no more than six (6) unrelated students not living in the home in which the educational activities are being conducted. The total number of students living in the home in which the activities are being conducted shall not exceed twelve (12) at any given time.

**School, Institutional, Rehabilitation Training** – A facility that provides rehabilitation and training operated or sponsored by chartered educational, religious or philanthropic organizations, but excluding uses such as trade schools, which are operated primarily on a commercial basis.

**School, Nursery** – An establishment providing for the care, supervision and protection of children.

**School, Parochial or Private** - A school under the sponsorship of a private agency or corporation or religious agency providing elementary or secondary curriculum but not including private trade or commercial schools.

**School, Private Boarding** – Any building or group of buildings with dormitories, dining rooms and other accessory uses for the boarding of students, the use of which meets state requirements for primary, secondary, or higher education and which does not secure the major part of its funding from any governmental agency.

**School, Public, Primary or Secondary** - A school under the sponsorship of an Independent School District having a curriculum generally equivalent to public elementary or secondary schools.

**Schools, Business or Trade** - Establishments, other than public or parochial schools, private primary or secondary schools, or colleges, offering training or instruction in a trade and/or an occupation.

**Seasonal Sales** - A facility or site used for the sale of merchandise which is available or needed during certain seasons of the year. Use shall generally require one (1) to three (3) months of operation and be similar to firewood sales or Christmas tree sales, seasonal plant material or other types of items for sale as may be determined by the Town Council to have seasonal characteristics.

**Secondary conservation area.** Areas totaling not less than forty percent (40%) of the remaining tract acreage, after the removal of primary conservation area acreage.

**Secure Enclosure** - A pen, cage, container, structure or building, or fence of sufficient strength and height to prevent the livestock and subject animal(s) from escaping therefrom. The enclosure must be free of defects, disrepair or any other deficiencies that would give rise to a reasonable conclusion that a dog or other animal would likely be able to escape as determined by the Planning and Zoning Coordinator or an animal control authority.

**Self-Service Storage or Mini-Warehouse** – (Also referred to as “Self-Storage”) A building or group of buildings in a controlled access and fenced area consisting of various individual, enclosed, sized industrial compartmentalized and controlled access self-contained units that are leased or owned for the storage of business and household goods, personal property, records, or contractor supplies or other items where no unit exceeds 1,000 square feet in floor area. On site occupancy of storage units for uses other than storage, such as retail sales, vehicle repairs, tire storage, manufacturing or the storage of hazardous materials or flammable liquids are prohibited.

## Article 9 – Definitions

**Separation distance.** The required dimensional distance between the outer boundary of a cluster group and another specified feature of the development.

**Servant's Quarters** - An accessory dwelling in a residential district for the sole use and occupancy of a member of the immediate family or a person or persons employed on the premises by the occupant on a full-time basis as domestic help, such as a maid, yard- man, chauffeur, cook or gardener, but not involving the rental of such facilities or the use of separate utility connections.

**Service and Repair Shops General** – Establishments primarily engaged in the provision of repair and services to individuals and households, rather than businesses, but excluding automotive equipment repair use types. Typical uses include appliance repair, shoe repair, watch and jewelry repair and repair of musical instruments, seamstress and tailor shops.

**Setback, Building** - The minimum horizontal distance between the walls of a structure (excluding steps) and the property line.

**Shooting Range, Indoor** – A completely enclosed firing range with targets for the supervised discharge of rifles or handguns for practice.

**Shopping Center** - A group of primarily retail and service commercial establishments planned, constructed and managed as a total entity with customer and employee parking provided on-site, provision for goods delivery separated from customer access, provision of aesthetically appropriate design and protection from the elements.

**Short Term Rental** - A short-term rental, often called a vacation rental, is the rental of a residential dwelling unit or accessory **dwelling unitbuilding** on a temporary basis for periods of less than 30 consecutive days. Such rental units are subject to the Town of Annetta Hotel Occupancy Tax as required.

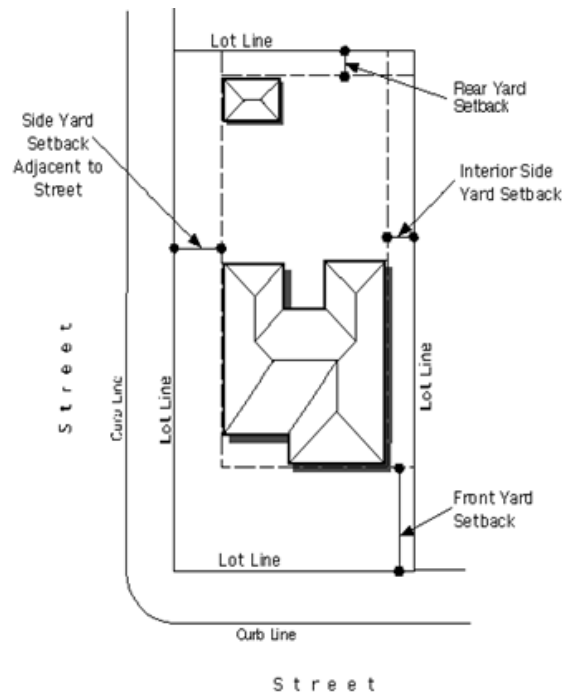
**Small Engine & Appliance Repair** - A service facility which provides for the servicing and repair of small engines, lawnmowers and other lawn related equipment, generators and household appliances, such as washers, dryers, dishwashers.

**Stable, Commercial** - A stable used for the rental of stall space or for the sale or rental of horses or mules.

**Stable, Private** - An area used solely for the owner's private purposes for the sale or keeping of horses, mules or ponies, and not kept for remuneration, hire or sale.

**Story** - The portion of a building between the surface of any floor at or above grade and the surface of the floor next above it or, if there is no floor above it, then the space between the floor and the ceiling next above it.

**Story, Half** – A space under a sloping roof that has the line of intersection of roof decking and wall face not more than three (3) feet above the top floor level and in which space the possible floor area with headroom of five (5) feet or less occupies at least forty (40) percent of the total floor area of the story directly beneath. A half-story containing "occupiable space" or independent apartment or living quarters shall be counted as a full story.



## **Article 9 – Definitions**

**Story, One** – the height in feet below the first-floor ceiling plate or eave height. On accessory structures without a ceiling plate, 12 feet or less.

**Street** - Any dedicated public thoroughfare which affords the principal means of access to abutting property.

**Street, Intersection** - Any street which joins another street at an angle, whether or not it crosses the other.

**Street tree.** A tree planted within the right-of-way of an arterial, collector, or neighborhood street and maintained by the property owners' association or condominium association.

**Street Vending, Temporary** - The sale of merchandise from a temporary facility located on public right-of-way, or private property, within a front or side yard area at disassociated periods of time. Street vending shall include any merchandise which is displayed to be sold in an open, or partially open, facility and is not designated as a seasonal item or is associated with any outside display of merchandise offered for sale by the primary use of the lot or tract on which it is located. This definition shall also include any street vendors regarding food preparation and sales to the general public. Special events sponsored by public and non-profit agencies are exempt from this definition (but will be required to register or permit with the Health Officer). Permanent Street Vending or street vending outside of this definition is strictly prohibited.

The term for the permit shall be for a period of fourteen consecutive days within a twelve-month period and must include the written consent of the property owner. A site plan or other information may be required by the **Chief Building Official Zoning Coordinator** upon the review of the temporary permit providing evidence of compliance with parking, access and maneuvering and other site or use related requirements prior to the permit.

**Structure** - Anything constructed or erected, the use of which requires location on the ground, or which is attached to something having a location on the ground (also see definition of Building).

**Structural Alterations** - Any change in the supporting members of a building, such as bearing walls or partitions, columns, beams, or girders, or any substantial change in the roof or in the exterior walls.

**Studios, Professional** - A building or portion of a building used as a place of work by professionals including but not limited to dancers, photographers, musicians or artists.

**Swine** - Pigs, hogs, potbellied pigs or any member of the Family Suidae.

**Tank Farm** – An open-air facility containing a number of above-ground, large containers for the bulk storage, in liquid or gas form, of petroleum, butane, propane or other gas products.

**Tattoo Parlor/Body Piercing Studio** - An establishment whose principle business activity, either in terms of operation or as held out to the public, is the practice of one or more of the following: (1) placing of designs, letters, figures, symbols, or other marks upon or under the skin of any person, using ink or other substances that result in the permanent coloration of the skin by means of the use of needles or other instruments designed to contact or puncture the skin; (2) creation of an opening in the body of a person for the purpose of inserting jewelry or their decoration.

**Tattoo Parlor, Cosmetic** – An establishment where trained personnel apply micro-injections of pigment to the dermal layer of skin such that facial cosmetics are applied on a permanent basis. This does not include a tattoo parlor.

**Taxidermist Shop** - A service and retail establishment for a taxidermist to practice on-site. The service shall include the art of preparing, stuffing, and mounting the skins of animals, and offering the products for sale to the general public.

## **Article 9 – Definitions**

**Terminal, Bus** - Any premises for the transient housing or parking of motor-driven busses and the loading and unloading of passengers.

**Terminal, Freight or Truck** - An area and building where cargo is stored and where trucks, including tractors and trailer units, load and unload cargo on a regular basis. May include facilities for the temporary storage of loads prior to shipment.

**Terminal, Railroad** - Any premises for the transient housing of trains and the loading and unloading of passengers.

**Terminal, Transfer Storage and Baggage** - A facility for the storage of baggage and other items in transit.

**Theater, Indoor** - A building or part of a building devoted to the showing of motion pictures, or for dramatic, musical or live performances.

**Theater, Outdoor** - An open lot with its appurtenant facilities devoted primarily to the showing of motion pictures or theatrical productions on a paid admission basis, which may include patrons seated in automobiles during the theater performance.

**Tire Retreading and Capping** - The process by which tires are treated with a new tread.

**Towing Company Office with Towed Vehicle Storage Yard** – An office used for an individual, association, corporation, or other legal, licensed entity that controls, operates, or directs the operation of one or more tow trucks over a public roadway. A tow truck is defined within the Towing Administrative Rules of the Texas Department of Licensing and Regulation. This definition shall include an area designated for the storage of towed vehicles.

**Towing Company Office without Towed Vehicle Storage Yard** – This definition shall be the same as above but shall exclude the allowance for an area designated for the storage of towed vehicles. Company vehicles, including wreckers and tow trucks shall be permitted.

**Town** – the Town of Annetta, Texas, Parker County, Texas and its extraterritorial jurisdiction.

**Town Council** – the Town Council of the Town of Annetta, Texas.

**Townhome** - A dwelling that is part of a structure containing two or more units, not to exceed eight (8), each designed for occupancy by one family with each unit attached by a common wall, a minimum of twenty (20') feet in length.

**Trailer, Hauling** - A vehicle to be pulled behind an automobile or truck which is designed for hauling animals, produce, goods or commodities, including boats.

**Trailer Rental** - The display and offering for rent of trailers designed to be towed by light load vehicles.

**Trailer, Travel or Camper** - A portable or mobile living unit used for temporary human occupancy away from the place of residence of the occupants, and not constituting the principal place of residence of the occupants, designed to be towed behind another vehicle.

**Transportation and Utility Structures and Facilities** - Permanent facilities and structures operated by companies engaged in providing transportation and utility services including but not limited to railroad track rights-of-way, sewage pumping stations, telephone exchanges, transit station turnarounds, water reservoirs and water pumping stations.

**Travel Trailer Park** – A parcel of land reserved for the location of travel trailers for recreational, transient lodging including buildings and sites set aside for related recreational purposes.

## **Article 9 – Definitions**

**Truck** - A heavy load vehicle (see definition for heavy load vehicle).

**Truck and Bus Rental Leasing** - The rental of new or used panel trucks, vans, trailers, recreational vehicles or motor-driven buses in operable condition and where no repair work is done.

**Truck and Bus Repair and Overhaul**- An establishment providing major and minor repair services to heavy load vehicles.

**Truck Parking Lot** - Area for parking heavy load vehicles.

**Truck Sales, Heavy Trucks** - The display, sale or rental of new or used heavy load vehicles in operable condition.

**Truck Stop** - Any building, land, area, or premise, or portion thereof used for the retail dispensing or sales of fuels, lubricants and accessories commonly utilized by heavy load vehicles, but not including those uses listed under Major Automobile Repair, as applying to heavy load vehicles.

**Usable Open Space** - An open area or recreational facility which is designed and intended to be used for outdoor living and/or recreation. An area of common usable open space shall have a slope not exceeding ten percent (10%), shall have no dimension of less than ten (10') feet, and may include landscaping, walks, recreational facilities, water features and decorative objects such as artwork or fountains. Usable open space shall not include rooftops; accessory buildings, **other structures** except those portions of any building designed specifically for recreational purposes; parking areas; driveways; turnaround areas; or the right-of-way or easement for streets or alleys.

**Utilities, Public and Private** – A closely regulated enterprise with a franchise for providing to the public a utility service deemed necessary for the public health, safety, and welfare. Such public services include but are not limited to water pump stations, water storage tanks, sewage treatment plants, gas regulatory stations and electrical substations.

**Variance** - An adjustment in the application of the specific regulations of this 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 Board of Adjustment of the Town of Annetta can grant a variance.

**Veterinarian Clinic, with Outside Pens** - An establishment, including outside pens, where animals and pets are admitted for examination and medical treatment.

**Veterinarian Clinic, without Pens** - An establishment, not including outside pens, where animals and pets are admitted for examination and medical treatment.

**Warehouse, Chemical & Toxic Materials Storage** – The storage of certain types and volumes of materials (as both primary and supplemental warehousing to support the primary) which would constitute a public health and safety concern as determined by local, State and Federal Fire, Building and Health Codes.

**Warehouse/ Showroom with Office** – A building used primarily for the storage of goods and materials with showroom and office space as secondary uses.

**Warehouse, Wholesale, Enclosed** - A building used primarily for the storage of goods and materials in a fully enclosed building or area.

**Warehouse, Wholesale, w/Outside Storage** - A building used primarily for the storage of goods and materials with outside storage facilities.

## **Article 9 – Definitions**

**Wedding Venues** - A commercial assembly facility specifically designed for and where groups gather for wedding ceremonies and receptions.

**Wild Animal or Wildlife** - Any non-domesticated creature (mammal, amphibian, reptile or fowl) which is of a species which is wild by nature, which is normally found in a wild state, and which is not naturally tame or gentle, or which, because of its size, vicious nature or other characteristics, constitutes a danger to human life or property including, but not limited to, all animals defined herein as prohibited animals or dangerous wild animals.

**Wine Tasting Facility (Winery)** - An establishment that manufactures, bottles, labels, and packages wine to dispense free for consumption on the winery premises or for sale to ultimate consumers for 1.) consumption on the Winery premises, and 2.) unbroken package off-premise consumption.

**Woodland.** An area of land characterized by dense or moderately dense tree covering. Overgrowths of non-native, invasive species of trees are not included in this definition.

**Wrecking Yard (Junkyard)** - Any lot upon which two or more motor vehicles of any kind, which are incapable of being operated due to condition or lack of license, have been placed for the purpose of obtaining parts for recycling or resale.

**Wrecking, Salvage, Reclamation Yard** - The reclamation and storage of used products or materials.

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

**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 and extending from the front lot line to the rear lot line and being the minimum horizontal distance between a side lot line and the outside wall of the side of the main building.

**Zero Lot Line** – A development approach in which at least one edge of the main structure on the lot is located on at least one lot line and having no yard requirement on that lot line.

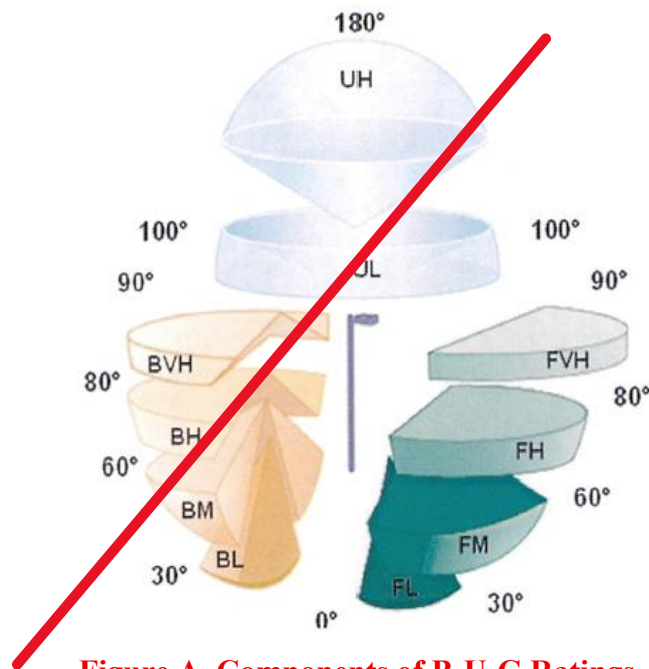
**Zoning District Map** - The official map upon which the boundaries of the various Zoning Districts are drawn, and which is an integral part of this Ordinance.

## Article 9 – Definitions

### Section 9.3 Outdoor Lighting Definitions

**Applicant.** A person or entity who submits to the Town an application for an approval required by this Ordinance. To be qualified as an applicant under Article 7, the person or entity must have sufficiently documented legal authority or proprietary interests in the land to commence and maintain proceedings under this Ordinance. To avoid confusion, the term will not include anyone other than the property owner(s), tenant(s), or a duly authorized agent and representative of the property owner. As to enforcement between tenant(s) and property owner(s) of a particular piece of property, the property owner(s) shall have ultimate liability for violations.

**B-U-G ratings.** A luminaire classification system with ratings for backlight (B), uplight (U), and glare (G). The backlight component of the rating system takes into account the amount of light in the BL, BM, BH and BVH zones depicted in figure A below. The uplight component takes into account the amount of light in the UH and UL zones. The glare component takes into account the amount of light in the FH, FVH, BH and BVH zones.



**Figure A. Components of B-U-G Ratings**

**ETJ.** The extraterritorial jurisdiction of the Town.

**Full cut-off fixtures.** Fixtures, as installed, that are designed or shielded in such a manner that all light rays emitted by the fixture, either directly from the lamps or indirectly from the fixture, are projected below a horizontal plane running through the lowest point on the fixture where light is emitted.

**Holiday lighting.** Lighting used for a specific celebration which may be one of the following types:

1. Festoon type low-output lamps, limited to small individual bulbs on a string.
2. Low-output lamps used to internally illuminate yard art.
3. Flood or spotlights producing less than two thousand (2,000) lumens each, whose light source is not visible from any other property, and which are used only as temporary lighting.

**Article 9 – Definitions**

~~**Light trespass.** Light emitted from fixtures designed or installed in a manner that unreasonably causes light to fall on a property other than the one where the light is installed, in a motor vehicle drivers’ eyes, or upwards toward the sky.~~

~~**Lighting.** Any source of light that does not include natural light emitted from celestial objects or fire. The term includes any type of lighting, fixed or movable, designed or used for outdoor illumination of buildings or homes, including lighting for billboards, streetlights, canopies, gasoline station islands, searchlights used for advertising purposes, externally or internally illuminated on- or off-premises advertising signs, and area-type lighting. The term includes luminous elements or lighting attached to structures, poles, the earth, or any other location.~~

~~**Logo.** A representation or symbol adopted by a business, organization, or an individual used to promote instant public recognition.~~

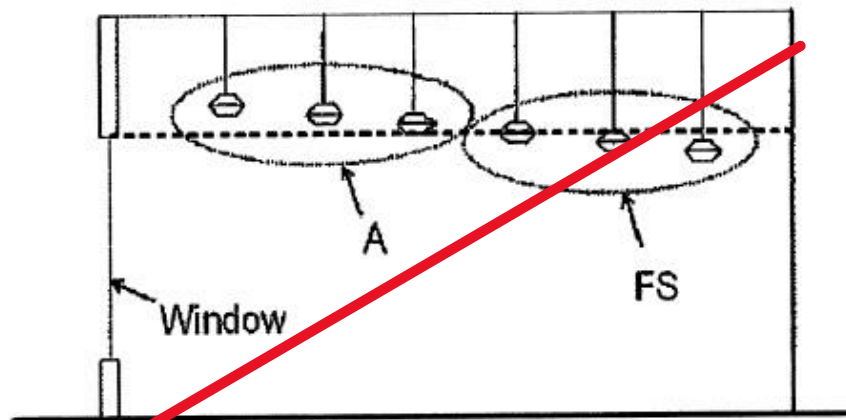
~~**Lumen.** The unit of measurement used to quantify the amount of light produced by a bulb or emitted from a fixture (as distinct from “watt,” a measure of power consumption). For the purposes of this article, the lumen output values shall be the initial lumen output ratings of a lamp as defined by the manufacturer, multiplied by the lamp efficiency. Lamp efficiency of ninety five percent (95%) shall be used for all solid-state lamps and eighty (80%) percent for all other lamps unless an alternate efficiency rating is supplied by the manufacturer. The initial lumen rating associated with a given lamp is generally indicated on its packaging or may be obtained from the manufacturer.~~

~~**Lumens per acre.** The total number of lumens produced by all lamps utilized in outdoor lighting on a property divided by the number of acres, or part of an acre, with outdoor illumination on the property.~~

~~**Luminous elements (of a light fixture).** The lamp (light bulb), any diffusing elements, and surfaces intended to reflect or refract light emitted from the lamp individually or collectively comprise the luminous elements of a light fixture (luminaire).~~

~~**Major addition.** Enlargement of twenty five percent (25%) or more of the building’s gross floor area, seating capacity, or parking spaces, either with a single construction project or cumulative series of construction projects, after the enactment of this article. The term also includes replacement of twenty five (25%) percent or more of installed outdoor lighting.~~

~~**Outdoor lighting.** Temporary or permanent lighting that is installed, located or used in such a manner to cause light rays to shine outdoors. Nonresidential fixtures that are installed indoors that cause light to shine outside are considered outdoor lighting for the intent of this Ordinance, residential fixtures installed indoors generating more than six thousand two hundred (6,200 lumens (approximately equal to a three hundred (300) watt incandescent bulb) that cause light to shine outside are also considered outdoor lighting for the intent of this article.~~



~~Figure B.~~

## Article 9 – Definitions

~~Figure B: Elevation view showing a nonresidential application of indoor lighting, labeled FS, which will be subject to this article and indoor lighting, labeled A, which is installed so that it is not subject to this article. This example presumes the structure in question is not elevated such that any of the luminaries labeled A in the figure above may be seen from any other property. If the structure is elevated such that the luminaries labeled A are visible from another property then, they are subject to this article.~~

~~**Temporary lighting.** Lighting intended for uses which by their nature are of limited duration; for example, holiday decorations, civic events, or construction projects.~~

~~**Total outdoor light output.** The total amount of light, measured in lumens, from all outdoor light fixtures within the illuminated area of a property. The lumen value to be used in the calculation is the lumen value as defined in this article. To get the total, add the lumen output attributed to each light fixture.~~

~~**Uplighting.** Lighting that is directed in such a manner as to project light rays above the horizontal plane running through the lowest point on the fixture where light is emitted.~~

### Section 9.3 **9.4 Landscaping Definitions**

**Critical Root Zone (CRZ) -** The area of undisturbed natural soil around a tree defined by a concentric circle with a radius equal to the distance from the trunk to the outermost portion of the drip line but not less than one-foot radius for each one (1") inch dbh.

**DBH (diameter at breast height) -** Diameter at breast height (dbh) is the tree trunk diameter measured in inches at a height of four and one-half (4 ½) feet above existing ground level.

1. For single-trunk trees, the width shall be measured at four and one-half feet (4 ½ ') above ground level.
2. For multi-trunk trees, combine the diameter of largest stem or trunk with one-half of the diameter of each additional stem or trunk, all measured at four and one-half feet (4 ½ ') above ground level.

**Designated tree.** Any of the following:

1. A hardwood tree having a trunk of eight (8") inches in caliper or greater measured at DBH;
2. 17A multi-trunked hardwood tree having a total trunk DBH of thirty (30") inches or more (not counting trunks less than eight (8") inches in diameter); or
3. 18A cluster of hardwood trees within a ten-foot radius circle having a total trunk DBH of forty (40") inches or more (not counting trunks less than eight (8") inches in diameter).

**Escrow.** A deposit of a cash bond.

**Extreme drought classification.** A D3 classification of drought intensity provided by the National Drought Mitigation Center, with D1 being the least intense and D4 being the most intense. D3 classification, extreme drought areas, result in major crop/pasture losses and widespread water shortages or restrictions. The National Drought Mitigation Center must be consulted to determine the classification for the region.

**Impervious, coverage.** See General Definitions, "Coverage, Impervious."

**Landscape architect.** One whose profession is the decorative and functional alteration and planting of grounds, especially at or around a building site.

## **Article 9 – Definitions**

**Landscaping.** Consists of introduced vegetation, as well as related improvements to a lot, including, but not limited to, forming and berming, irrigation systems, landscape subsurface drainage systems, site furnishings, and nonstructural retaining walls.

**Natural area.** An area where the naturally grown landscaping is left primarily undisturbed, except for the removal of poison ivy, greenbrier, and similar vegetation, oak wilt removal and/or prevention measures, and allowing for maintenance of the trees to maintain vigorous growth.

**TCEQ.** The State commission on environmental quality, or its successor agency.