AGENDA

TOWN COUNCIL

June 20, 2016

Melody Paradise, Mayor
Don Surratt, Mayor Pro Tem

COUNCIL MEMBERS:
Fred Adair
Don Funderlic
Jane Barrett
Russell Brewster

Matthew Fielder, City Manager

Special Work Session 6:30 p.m.
Council Chamber
1614 South Bowen Road

SPECIAL WORK SESSION 6:30 P.M.

Following the Scheduled Executive Session, the Council will reconvene in public session and may take any and all action necessary concerning the Executive Session.

SCHEDULED EXECUTIVE SESSION ITEMS

- The Council will convene in the City Manager's Office pursuant to the Texas Government Code for an executive session on the following items:
  1. Pursuant to Government Code Section 551.074, to deliberate the appointment, evaluation, reassignment, duties, discipline or dismissal of a public officer or employee - Discussion of Board and Commissions appointments.

1. Discuss and review major revisions to the Town of Pantego Municipal Code of Ordinances Chapter 14 Zoning.

2. Discuss, direct, and consider action on a presentation by Collier Consulting, Inc. in regards to a proposal to monitor and report on the activities and actions of the Northern Trinity Groundwater Conservation District, Groundwater Management Area 8.

ADJOURNMENT

CERTIFICATION

Prepared and posted in accordance with Chapter 551 of the Texas Government Code. I, the undersigned authority, do hereby certify that this Notice of Meeting was posted on the outside window of a display cabinet at the Town Hall of the Town of Pantego, Texas, a place of convenience and readily accessible to the general public at all times, and said Notice was posted by the following date and time: Friday, June 17, 2016 at 5:00 p.m., and remained so posted at least 72 hours before said meeting convened.

Julie Arrington, City Secretary

Auxiliary aids and services are available to a person when necessary to afford an equal opportunity to participate in Town functions and activities. Auxiliary aids and services or accommodations should be requested forty-eight (48) hours prior to the scheduled starting time by calling the City Secretary's Office at (817) 548-5852.

Complete Council Agenda and background information are available for review at the City Secretary's Office and on the Town's website: www.townofpantego.com.

AGENDA BACKGROUND

AGENDA ITEM: Discuss and review major revisions to the Town of Pantego Municipal Code of Ordinances Chapter 14 Zoning.

Date: June 20, 2016

PRESENTER:

Dennis Jobe, Community Development Director

BACKGROUND:

The Town Council last met on April 18, 2016 to follow up on Mr. Jobe's research to the various outstanding questions Council still had on the Zoning Ordinance. Council is meeting to discuss the research findings.

FISCAL IMPACT:

N/A

RECOMMENDATION:

N/A

ATTACHMENTS:

Summary of Changes
Zoning Code Redlined Update

Director's Review: _____
City Manager's Review: _____

Summary of Changes Based on Council Discussion – 4/25/16

Change 1 – Pg. 39 – remove churches from the list of allowable uses in all residential districts.

Change 2 – Pg. 39 – add “Natural Gas” to “Compression Stations” in the list of uses

Change 3 – Pg. 42 – made Table 14.06.020 consistent with Sec. 14.06.025 by adding a line for accessory building setbacks under the description of side yards.

Change 4 – Pg. 45 – changed Day Services, Adult to require an SUP in all districts.

Change 5 – Pg. 45/46 – changed gas compression and drilling facilities to allow them by SUP in the Park Row and Pioneer Parkway corridors (based on Town Attorney guidance).

Change 6 – Pg. 47 – eliminated wind driven energy systems from C-1 and C-2.

Change 7 – Pg. 49 – changed the length of a carnival/circus from fourteen to seven days.

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Pantego Zoning Code

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Article 14.01 General Provisions

Sec. 14.01.005 Title

This article shall be known, cited and referred to as the Town of Pantego Zoning Ordinance.

Sec. 14.01.010 Purpose

The zoning regulations and districts provided herein have been established in accordance with a comprehensive plan, for the purpose of promoting the health, safety and general welfare of the citizens of the Town of Pantego. They have been designed to lessen congestion in the streets; to secure safety from fire, panic and other dangers; to provide adequate light and air; to prevent the overcrowding of land; to avoid undue concentration of population; to facilitate the adequate provision of transportation, water, sewage, schools, parks and other public requirements. They have been made with reasonable consideration, among other things, for the character of district and for its peculiar suitability for particular uses and with a view to conserving the value of buildings and encouraging the most appropriate use of land throughout the town.

Sec. 14.01.015 Compliance Required

Except as hereinafter specified, no land, building, structure or premises shall hereafter be used, and no building, part thereof or other structure shall be located, erected, moved, reconstructed, extended, enlarged or altered, except in conformity with the regulations specified in this Zoning Ordinance for the district in which it is located. Such regulations include, but are not limited to: the use of the building, structure or land, including performance standards for the control of any dangerous and objectionable elements in connection with such use; the height, size and dimensions of buildings or structures; the size or dimensions of lots, yards and other open spaces surrounding buildings; and the provision, location, size, improvement and operation of off-street parking, loading and unloading spaces.

Sec. 14.01.020 Interpretation

(a) Where the regulations imposed herein are either more restrictive or less restrictive than comparable conditions imposed by any other provision of any other applicable law, ordinance, resolution, rule or regulation of any kind, the regulations which are more restrictive and impose higher standards are the requirements that shall govern.

(b) The provisions of these regulations are not intended to abrogate any easement, covenant or other private agreement, provided that where the requirements of these regulations are more restrictive or impose higher standards or regulations than such easement, covenant or other private agreement, the requirements of these regulations shall govern.

(c) The provisions of these regulations are cumulative and additional limitations upon all other laws and ordinances heretofore passed or which may be passed hereafter governing any subject matter set forth in the provisions of these regulations.

(d) Zoning Administrator Authority to Interpret the Zoning Ordinance

(1) Unless specified within a section, the Zoning Administrator shall have the authority to interpret and enforce this Zoning Ordinance.

(2) A person aggrieved by the Zoning Administrator's interpretation may appeal the interpretation to the Board of Adjustment.

Sec. 14.01.025 Rules of Construction

The language set forth in these regulations shall be interpreted in accordance with the following rules of construction.

(a) The singular number includes the plural and the plural the singular.

(b) The present tense includes the past and future tenses and the future the present.

(c) The word "shall" and "must" are mandatory while the word "may" is permissive.

(d) The masculine gender includes the feminine and neuter.

(e) If there is an expressed conflict:

(1) The text of this ordinance controls over the charts or any other graphic display in this ordinance; and

(2) The use regulations control over the district regulations in this ordinance.

Article 14.02 Definitions

Sec. 14.02.005 Terms and Words Defined

For the purpose of this article the following terms, words and phrases shall have the meanings assigned thereto as follows:

Accessory Structure. A structure, either attached or detached from the main structure, the use of which is incidental or secondary to that of the main structure on the same lot. Where an accessory structure is substantially attached to the main structure, as by a roof or common wall, the accessory structure may be deemed a part of the main structure. Accessory structures include, but are not limited to, patio covers, arbors, gazebos, outdoor kitchens, trellis and other like structures.

Accessory Use. A use which is incidental or secondary to the main use on the same property.

Adult Entertainment Establishment. Shall be as defined in the adult entertainment regulations of the Town of Pantego Code of Ordinances, Article 14.11 of this Chapter. All definitions contained in the adult entertainment regulations are incorporated herein by reference to Article 14.11 of this Chapter.

Advertising display. A display, device, sign, flag, light, figure, statue, picture, letter, word, message, symbol, plaque, or poster visible from outside the premises on which it is located and designed to inform or attract the attention of persons not on the premises. For the purposes of this Chapter, artwork that does not include lettering or logos for advertising is not advertising display.

Alcoholic Beverage Establishment. Any establishment that derives over fifty percent (50%) or more of its gross revenue on an annual basis from the sale or service of alcoholic beverages, as defined in the Texas Alcoholic Beverage Code, as amended, for on-premise consumption.

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.

Alter (sign). To change the size, shape, outline, intent, or type of sign, or to change the electrical lighting, except for the replacement of lamps not brighter than the original or the replacement of a surface panel.

Amusement Center. A public place of business, the primary use of which is devoted to the exhibition, display, or use of amusement machines. The term “amusement machine” shall mean every machine of any kind or character whatsoever, when such machine or machines dispense or are used or are capable of being used or operated for amusement or pleasure or when such machines are operated for the purpose of dispensing or affording skill or pleasure, or for any other purpose other than the vending of merchandise, music or a service such as telephone service, laundry service, etc. The term amusement machine shall mean those machines reasonably contemplated by the terms of V.T.C.A., Occupational Code, chp. 2153, but shall include all such herein defined machines regardless of whether such machines are coin-operated.

Antenna. An instrument or device consisting of wires, poles, rods, or reflecting discs, designed for transmitting or receiving any portion of the radio, microwave, or electromagnetic spectrum.

Antenna, Commercial. An antenna and its support structure used for commercial broadcasting or telecommunication purposes. This definition shall also include a satellite dish exceeding twelve feet (12') in diameter and a microwave-transmitting tower. All radiating equipment must comply with Federal Communications Commission (FCC), Environmental Protection Agency (EPA), Occupational Health and Safety Administration (OSHA), and all other applicable State and Federal regulatory agency requirements and guidelines for human safety, as they exist or may be amended. Definition includes ancillary ground equipment.

Antenna, Non-Commercial. An instrument or device consisting of wires, poles, rods, or reflecting discs and its support structure not exceeding forty feet (40') in height above the ground elevation at the base of the support structure, designed for transmitting or receiving any portion of the radio, microwave, or electromagnetic spectrum. This definition shall also include a satellite dish antenna not to exceed twelve feet (12') in diameter.

Antenna, Stealth. A Stealth Antenna is an antenna that is designed to be non-obtrusive, or virtually transparent or invisible to the surrounding neighborhood. Stealth Antennas include, but are not limited to:

(a) Antennas within a building's attic space,

(b) Antennas on the roof of a minimum three-story building and not visible from the property line of the lot on which the antenna is located,

(c) Antennas on a public utility structure, such as a water tower or high transmission line support tower, and painted/colored to match the structure,

(d) Antennas located within a structure such as a flagpole, church steeple, subdivision monument, clock tower, or similar architectural feature, and antennas located on an athletic field light pole.

Commercial Antenna

Commercial Antenna

Stealth Antenna

Non-Commercial Antenna

Antenna Support Structure. Any tower, mast, pole, tripod, box frame, or other structure utilized for the purpose of transmission, retransmission, and/or reception of electromagnetic, radio, television, or microwave signals.

Antique Shop/Used Furniture. A retail establishment engaged in the selling of works of art, furniture, or other artifacts of an earlier period~~, with all sales and storage occurring inside a building~~.

Assisted Living Facility. A facility providing residence, supervision and daily assistance for individuals, generally persons fifty-five (55) years of age or older, with common dining and recreational areas designed for the needs of the elderly. Services in these establishments include assistance with routine living functions that are non-medical in nature, such as dressing, grooming, bathing, and social and recreational services, such as meal services, transportation, housekeeping, linen and organized social activities. An assisted living facility may include an adult daycare as an accessory use.

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, passenger cars, trucks, buses, motor scooters, and motorcycles.

Automobile Repair, Major. General repair or reconditioning of engines, air-conditioning systems, and transmissions for automobiles; wrecker or towing service with on-site storage of vehicles; collision services including body, frame, or fender straightening or repair; customizing; painting; vehicle steam cleaning; tire retreading; insurance estimations with on-site storage; undercoating and rust proofing, and other similar uses.

Automobile Repair, Minor. An establishment used for the dispensing or sales of automobile fuels, lubricants, and automobile accessories; the minor repair or replacement of parts and performing state inspections and making minor repairs necessary to pass said inspection; automobile detailing; window tinting, and the sales and installation of automobile radios. Uses listed under “Automobile Repair, Major” or any other similar uses are not included.

Automobile Sales, Used. Sales of used automobiles or light load vehicles.

Automobile Sales/Leasing, New. Sales, rental, and/or leasing of new automobiles or light load vehicles, including, as accessory uses: Automobile Sales, Used; Automobile Repair, Major; and Automobile Storage.

Automobile Storage. The storage on a lot or tract of operable automobiles for the purpose of holding such vehicles for sale, lease, distribution, or storage.

Awning. A roof like structure often made of canvas or plastic, that serves as a shelter, as over a storefront, window, door, or deck.

Bank/Credit Union. An establishment for the custody, loan, exchange or issue of money, the extension of credit, and/or facilitating the transmission of funds, including automated teller machines.

Barbershop/Beauty Salon. Establishments primarily engaged in providing services generally involved in the care of the person or his apparel including, but not limited to, barber and beauty shops, tanning salons, nail salons, etc. May allow ear piercing and cosmetic tattooing as accessory uses.

Basement. A story having more than one-half (1/2) of its height below grade.

Beacon. Any light with a beam directed into the atmosphere or directed at a point which is not on the same lot or tract of land as the light source, or a light with one or more beams that rotate or move. For the purposes of this chapter, a searchlight is not considered a beacon.

Bed and Breakfast Establishment. An owner (or operator) occupied residence with up to five (5) bedrooms available for overnight guests. A Bed and Breakfast Inn may provide for guest stays up to fourteen (14) consecutive calendar days; however, it shall not offer weekly rental rates. Kitchen and dining facilities may be included to provide meals for guests only; however, no food preparation shall be permitted in guest bedrooms. A Bed and Breakfast Inn shall not include restaurants, banquet facilities, or similar services.

Billboard advertising sign. A sign which is the primary use of land (not accessory use) and which directs attention to a business, product, activity or service which is not conducted, sold, offered or located on the premises where the sign is located.

Board. The Zoning Board of Adjustment of the Town.

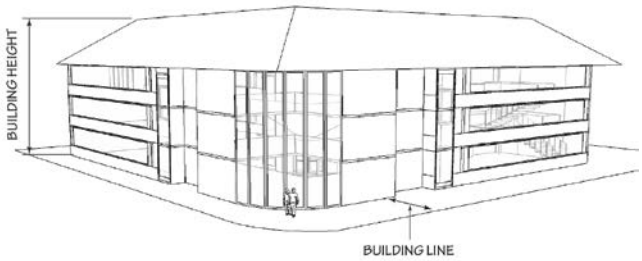
Body Art Studio. An establishment whose services include tattooing and/or body piercing. Tattooing shall mean the placing of designs, letters, figures, symbols, or other marks upon or under the skin of any person, using ink or other substances that result in the permanent coloration of the skin by means of the use of needles or other instruments designed to contact or puncture the skin. Body piercing shall mean the creation of an opening in an individual's body to insert jewelry or another decoration.

Buffer Yard. A strip of land, together with a specified amount of planting and any structures that may be required between land uses to eliminate or minimize conflict between the uses.

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

Building Height. The vertical distance between the average of the highest and lowest points of grade of that portion of the lot covered by the building to the highest point of a structure.

Building Line. A line parallel, or approximately parallel, to any front lot line at a specific distance therefrom, marking the minimum distance from the front lot line that a building may be erected.



Building Material/Hardware Sales (Major). An establishment for the sale of materials customarily used in the construction of buildings and other structures, including outside storage or display of materials or merchandise.

Building Material/Hardware Sales (Minor). An establishment for the sale of materials customarily used in the construction of buildings and other structures, without any outside storage or display of materials or merchandise.

Building Official. The designated government official whose responsibility, as it pertains to this Chapter, is to assist the Zoning Administrator in the administration and enforcement of the provisions of this Chapter. These activities may include, but are not limited to, reviewing applications for permits, corresponding and/or meeting with applicants, issuing and denying permits, inspecting, interpreting and enforcing the provisions of this Chapter.

Call Center. A facility at which a substantial portion of the activities conducted consists of telephone calls or internet communications, placed or received by workers located at that facility for the purpose of:

Comment [CJ1]: For Jim: Should we loosen these restrictions to consider online sales and like uses? Please give a little history on these requirements.

(a) Inducing persons who are not located at that facility to make a donation or make a purchase, or rent, or claim, or receive any item or any goods or any services or any real property or any personal property or any intangible item of value; or

(b) Routing or rerouting calls or internet communications to or from another location for any of the purposes described in (a); or

(c) Providing technical support to existing customers; or

Comment [CJ2]: For Jim: This is very vague.

(d) Providing customer service or assistance to existing customers; or

(e) Routing or rerouting calls or internet communications to or from existing customers in connection with technical support or customer assistance sought by such existing customers; or

(f) Any other substantially similar business operation in which a majority portion of the activities conducted at the facility consists of placing or receiving telephone calls or internet communications.

Canopy. A roof-like structure that may be self-supported, such as a gas pump island, or that projects from the wall of a building, with at least three unenclosed sides, and which overhangs a parking area, private drive or walkway.

Car Wash (Full Service). A facility where a customer can have a motorcycle, automobile and/or light load vehicle washed in exchange for financial consideration.

Car Wash (Self Service). A facility, typically coin operated, used by the customer to wash motorcycles, automobiles and/or light load vehicles.

Carport. A roofed structure providing space for the parking of motor vehicles and enclosed on not more than two sides.

Child Care Facility. A facility used for any type of group day care program, including, without limitation, nurseries for children, nursery schools for children under the minimum age for education in the public schools, kindergartens (when not a part of a public or parochial school), day camp, after-school care for school children or other similar programs, when the same involves the care of more than six persons, exclusive of persons in the immediate family of the facility operator.

Church, Place of Worship. A building used primarily for religious assembly and worship and those accessory activities which are customarily associated therewith, and the place of residence for ministers, priests, nuns, rabbis, or other religious personnel on the premises (tax exempt as defined by State law). For the purposes of this Chapter, Bible study and other similar activities that occur in a person's primary residence shall not apply to this definition.

Club, Lodge or Fraternal Organization. An organized group having a restricted membership and specific purpose related to the welfare of the members including, but not limited to, Lions, Kiwanis, Elks, Masons, Knights of Columbus, Rotary International, Shriners, or a labor union.

College, University, or Trade School. An institution established for educational purposes offering courses for study beyond the secondary education level, including trade schools and commercial schools offering training or instruction in a trade, art, or occupation.

Commercial Recreation. An enterprise providing for commercial recreational activities, services, amusements, and instruction for a fee. Uses may include, but are not limited to, bowling alleys, ice or roller skating rinks, amusement centers (as defined herein), batting cages, miniature golf, go-kart tracks, and/or practice areas.

Commission. The Planning and Zoning Commission of the Town.

Company Logo Flag. A flag containing the official logo of a company or organization located in the Town Limits.

Conditional Use. A use within a zoning district that has certain restrictions, requirements or conditions that are imposed due to the specific nature of that use.

Construction Office, Temporary. A building, structure, or storage/assembly yard used in conjunction with a development project for housing temporary supervisory or administrative functions related to development, construction, or the sale of real estate properties within the development and subject to removal at completion of construction.

Contractor Shop (Major). A construction trade type use, including: heating/air conditioning, building construction, electrical, landscaping service, plumbing and similar uses, that contains inside and outside construction and storage areas for materials, tools, products, vehicles, etc.

Contractor Shop (Minor). A construction trade type use, including: heating/air conditioning, building construction, electrical, landscaping service, plumbing and similar uses, that contains construction and storage areas for materials, tools, products, vehicles, etc. within a completely enclosed building.

Convenience Store. A retail establishment that sells a limited line of food and other consumable and non-consumable products for off-premise use or consumption. This definition may also include the dispensing or sales of motor vehicle fuels, lubricants, and accessories, but shall not include automobile repair or the sale of replacement parts.

Curbline. An imaginary line drawn along the outermost part or back of the curb and gutter on either side of a public street, or, if there is no curb and gutter, along the outermost portion of the paved roadway, or if there is no paved roadway, along the edge of the traveled portion of the roadway.

Day Services, Adult. A facility that provides services under an Adult Day Care Program on a daily or regular basis, but not overnight, to four or more elderly or handicapped persons who are not related by blood, marriage, or adoption to the owner of the facility. Adult Day Services Centers (also referred to as Adult Day Care Centers) must be licensed by the Texas Department of Human Services.

Development Review Committee. The Development Review Committee (DRC) is a reviewing body in the Town of Pantego comprised of representatives from the Public Works, Community Development, Fire, and Police Departments and City Engineer who review all development applications for compliance with Town Codes and Ordinances.

Drilling and Production of Gas/Oil and Related Activities. All activities pertaining to and associated with the development, production and operation of gas/oil within the Town, as governed by Article 4.06 “Gas Drilling and Production” of the Town Code of Ordinances.

Dry Cleaning, Major. An industrial facility where fabrics are cleaned with substantially non-aqueous organic solvents on a commercial or wholesale basis.

Dry Cleaning, Minor. A custom cleaning shop or pick-up station not exceeding three thousand (3,000) square feet of floor area, including, but not limited to, dry cleaning plants having no more than one thousand (1,000) square feet of floor area for dry cleaning equipment.

Dwelling, one-family. A building containing a single dwelling unit, and occupied by a family, but not including a boarding house or rooming house.

Dwelling, multiple. A building containing three or more dwelling units.

Dwelling, two-family. A building containing two dwelling units.

Dwelling, upper story. A dwelling unit that is constructed above the ground floor story of a multi-story building as part of a mixed use development.

Electronic message center. Any sign that utilizes changeable copy messages through internal illumination from Light Emitting Diodes (LED) or other light sources.

Emergency shelter. A child care institution which provides short-term care for children. Emergency shelter care includes the provision of food, clothing, shelter, medical care, and the formulation of a plan for continuing care outside the shelter. Current minimum standards as used by the state department of family and protective services shall apply to all emergency shelters.

Equipment/Machinery Sales/Service/Rental, Major. A building or open area used for the display, sale, service, rental, and/or storage of heavy equipment and machinery.

Equipment/Machinery Sales/Service/Rental, Minor. A building or structure used for the inside display, sale, rental, or storage of light machinery, including, but not limited to, bicycles, lawn mowers, tools, and other small machinery.

Erect. To build, construct, attach, hang, place, suspend, ~~paint~~ or affix something, including painting when in reference to a building or fence sign~~such as a sign~~.

Face, building. The area of a building that faces a street, parking area, or private drive.

Family. One or more persons occupying a dwelling unit and living as a single housekeeping unit.

~~*Feather banner/flag.* A temporary sign that is constructed of lightweight material (such as cloth, canvas or vinyl) affixed to a poll or building which is similar to a flag, except that it is longer than it is wide. A feather banner resembles a feather, in that it is tall and narrow, having more surface area vertically than horizontally when fully extended.~~

Feed Store. A building or structure used for the inside display and sales of corn, grain, and other foodstuffs for animals and livestock and including other implements and goods related to agricultural processes, but not including farm machinery.

Fitness Center. A public or private facility operated to promote physical health and fitness. Activities may include exercise, physical therapy, training, and education pertaining to health and fitness. Uses or combinations of uses or facilities would typically include, but are not limited to, game courts, weight lifting and exercise equipment, aerobics, swimming pools and spas, and running or jogging tracks.

Flag. A piece of cloth, usually rectangular, used as the symbol, standard, or emblem of a nation, state or organization that is typically flown from a pole.

Flag, Business. A piece of cloth, usually rectangular, displaying a business name and/or logo located in the Town Limits.

Flag, Government. An official flag of the United States of America, the State of Texas, or a political subdivision located in the State of Texas.

Frontage, street. The length of that part of a zoning lot that fronts a public street.

Furniture Restoration. A workshop that specializes in furniture refinishing and upholstery, including the use of all materials, tools, and chemicals associated with the use.

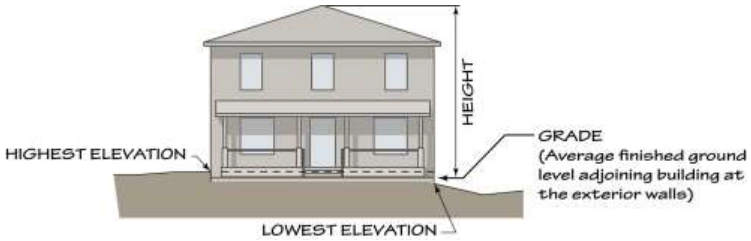
Garage, private. An accessory building, enclosed on at least three (3) sides, designed or used for the storage only of

vehicles owned and used by the occupants of the building to which it is accessory.

Garage sale. An occasional sale of merchandise that has not been purchased for resale, such as clothing and housewares, when the sale is conducted at a place of residence.

Gas Compression Facilities. A facility or site that is designed to include one of more devices, and supporting infrastructure and equipment, that raise the pressure of a compressible fluid (gas) in order for the gas to be transported through a pipeline.

Grade. A reference plane representing the average of the finished ground level adjoining the building at the exterior walls.



Grocery Store. A marketplace where foodstuffs and general household supplies are sold.

Governmental Office. A building used for the provision of governmental executive, management, administrative, and/or postal services. Governmental offices include those facilities owned and/or operated by town, special district, county, state, and federal agencies.

Gymnastics/Dance Studio. A building or portion of a building used as a place of work for a gymnast, dancer, or martial artist or for instructional classes in gymnastics, dance, or martial arts.

Hall, Dance. An establishment open to the general public for entertainment, in particular, dancing.

Hall, Reception/Banquet/Meeting. A building, facility, room, or portion thereof, which is rented, leased or otherwise made available to any person or group for a private event function, that is not open to the general public, whether or not a fee is charged.

Heavy Load Vehicle. A self-propelled vehicle, such as large recreational vehicles, tractor-trailers, buses, vans, and other similar vehicles.

Home occupation. An activity or occupation contained entirely within the enclosed area of the dwelling unit, garage, or accessory buildings and which is a customarily incidental use. The use shall be clearly incidental and subordinate to its use for residential purposes by the occupants and which uses only equipment or furniture normally found in the dwelling unit, garage or accessory building.

Hospital. An institution providing primary health services and medical or surgical care to persons, primarily inpatients, suffering from illness, disease, injury, deformity, and other abnormal physical or mental conditions, and including, as an integral part of the institution, related facilities such as laboratories, helistops, outpatient facilities, or training facilities as licensed by the State of Texas.

Hotel. A building or group of buildings used as a temporary dwelling place for individuals in exchange for financial consideration where customary hotel services such as linen, housekeeping service, and telephone are provided. Hotel room units are accessed through doorways into an internal hallway, courtyard, or lobby. Financial consideration for Hotel room units is generally calculated on a nightly basis.

Incidental Use. Any use different from the primary use but which complements and/or supplements the primary use. Incidental shall mean an area that constitutes not more than fifteen percent (15%) of the main use. An incidental use is also an accessory use.

Institution. A building occupied by a nonprofit corporation or nonprofit establishment for public use.

Kennel. A use primarily engaged in providing pet care services (except veterinary) for four (4) or more animals, such as boarding, grooming, sitting, and training pets.

*Laundromat .*A facility where patrons wash, dry, or dry-clean clothing and other fabrics in machines operated by the patron.

Loading space. An off-street space or berth used for the delivery and loading or unloading of vehicles.

Logo. A registered trademark of an organization, individual, company, or product which is commonly used in advertising to identify that organization, individual company, or product.

Lot. A parcel of land whose boundaries are designed on a plat recorded under the provisions of Article 974a, Texas Revised Civil Statutes.

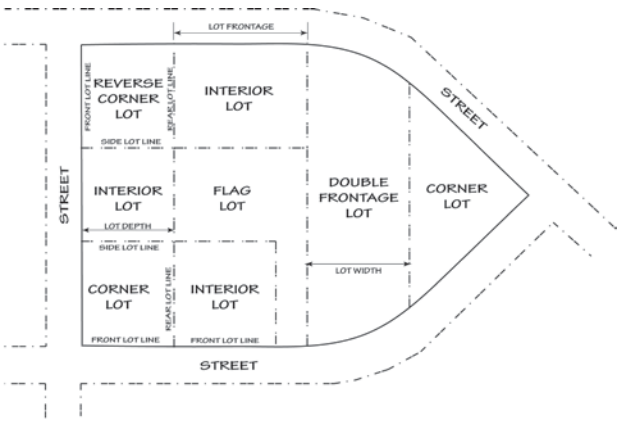
Lot, corner. A lot abutting upon two or more streets at their intersection.

Lot, double frontage. A lot having a frontage on two streets as distinguished from a corner lot.

Lot, reverse corner. A corner lot that has a front lot line perpendicular to an adjoining lot's front lot line and where the rear of the reverse corner lot abuts upon the side of another lot.

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 Tarrant County, Texas.

Lot width. The distance between the side lot lines, measured along the building setback line when one is required, and otherwise along the street line, except, however, in case of an irregularly shaped lot the width of lot shall be the average of greatest and least distances between the side lot lines.



Luminance. The brightness of a sign or a portion thereof expressed in terms of foot-candles.

Machine Shop. A workshop where metal fabrication tools, including, but not limited to, lathes, presses, and mills, are used for making, finishing, or repairing machines or machine parts.

Masonry Construction. (A) Primary Materials. Unless otherwise provided for in this Ordinance, exterior construction materials are fired brick, natural and manufactured stone, granite, marble and~~,~~ architectural concrete block~~, and 3-step stucco process~~ for all structures. (B)Other Materials. Other exterior construction materials for nonresidential structures are tilt wall concrete panels and sealed and painted concrete block.

Manufacturing/Processing/Fabrication. The fabrication, assembly, manufacturing, and packaging of finished products or parts, predominantly from previously prepared materials, but excluding basic industrial processing. Such operations shall be determined by Health, Fire, and Building officials not to be a hazard or nuisance to adjacent property or the community at large, due to the possible emission of excessive smoke, noise, gas, fumes, dust, odor, or vibration, or the danger of fire, explosion, or radiation.

Marquee. A permanent roof-like structure extending from part of the wall of a building not supported by the ground, and constructed of durable material such as metal, glass, or wood.

Massage Therapy, Licensed. 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 (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 message. Massage therapy may include the use of oil, salt glows, heat lamps, hot and cold packs, tub, shower or cabinet baths. Equivalent terms for "massage therapy" are massage, therapeutic massage. Massage and "therapeutic" do not include diagnosis, the treatment of illness or disease, or any service or procedure for which a license to practice medicine, chiropractic, physical therapy, or podiatry is required by law.

Medical Clinic. Offices for one or more physicians, surgeons, or dentists engaged in treating the sick or injured as outpatients only.

Mini-Warehouse/Self-Storage. A building(s) containing separate, individual self-storage units for rent or lease. The conduct of sales, business, or any activity other than storage shall be prohibited within any individual storage unit.

Mixed Use Development. A development or portion of a development that includes a mixture of residential and nonresidential uses in a configuration where a majority of the buildings are two or more stories tall and pedestrian oriented. Uses proposed as part of a mixed use development shall be limited to those uses permitted in the particular district in which the mixed use is being applied.

Mobile Food Service. The use of a property to contain a mobile food service use (i.e. snow cone stand, food truck, etc.) for stated time period. These uses may also be approved temporarily as part of a special event permit.

Mortuary/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.

Motor Vehicle Impound Lot. An establishment used for the temporary storage of motor vehicles removed from public or private property by impoundment pursuant to state law or town ordinance.

Municipal Uses Operated by the Town. Any area, land, building, structure, and/or facility owned, used, leased, or operated by the Town, including, but not limited to, administrative office, maintenance facility, fire station, library, ~~sewage treatment plant,~~ police station, water tower, service center and park area.

Museum/Art Gallery. A building serving as a repository for a collection of natural, scientific, artistic, or literary objects of interest, and designed to be used for viewing, with or without an admission charge, and which may include as an accessory use the sale of goods.

Nonconforming use, building or yard. A use, building or yard (i) which existed legally at the time of the passage of this ~~article~~Chapter; or (ii) which was lawful at the time it was established; and does not, by reason of design, use or dimensions, conform to the district regulations of the district in which it is situated.

Nursery, Major. An establishment for the cultivation and propagation, display, storage, and sale (retail and wholesale) of large plants, shrubs, trees, and other materials used in indoor or outdoor plantings; and the contracting for installation and/or maintenance of landscape material as an accessory use. Outdoor display and storage is permitted.

Nursery, Minor. A retail business for the display and/or sale of trees, shrubs, flowers, ornamental plants, seeds, garden and lawn supplies, and other materials used in indoor and outdoor planting, without outside storage or display.

Nursing/Convalescent Home. An institutional facility licensed by the State of Texas providing in-patient health care, personal care or rehabilitative services over a long period of time generally exceeding thirty days to persons chronically ill, aged or disabled who need on-going health supervision but not including hospitals. This use excludes the provision of surgical or emergency medical services and the provision of care for alcoholism, drug addiction, mental disease, or communicable disease.

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

Off-Street Parking. Parking on privately owned property.

Office - Administrative, Medical, or Professional. A building used for the provision of executive, management, or administrative services. Typical uses include, but are not limited to, administrative offices and services including real estate, property management, investment, medical, architect, engineer, travel, secretarial services, accounting organizations and associations, and vehicle rental office without on-site storage of fleet vehicles.

Open Ornamental Fence. Fencing constructed with wrought iron, tubular steel or similar materials and designed to allow for partial visibility from one side of the fence to the other. Open ornamental fences may have solid masonry foundations, columns, or similar features. Chain link fences are not included in this definition.

Outdoor display. An area of designated size, located on the outside of a building or structure, used for the display of merchandise, goods, wares or tangible property normally sold, rented or leased within the business on the property where the merchandise is displayed.

Outdoor storage. The keeping, in an unenclosed area, of personal or business property, goods, junk, wares, or merchandise that relate to the use of the lot but are not located in that specific spot for customer viewing or immediate sale (see outdoor display), in the same place, for a period of more than twenty-four (24) hours.

Package Sales. An establishment principally for the retail sale of alcoholic beverages, as defined in the Texas Alcoholic Beverage Code, as amended, to the general public for off-premise consumption and rendering services that are incidental to the sale of such goods.

Parking, Off-premise. A non-residential lot of property used for the parking of motor-driven vehicles serving a business on a separate lot within three hundred feet (300') of the off-premise parking lot.

Parking area. An open, unoccupied space used or required for use for parking of vehicles exclusively and in which no gasoline or vehicular accessories are sold or no other business is conducted and no fees are charged.

Parking Garage, public. A commercial building or portion thereof designed or used exclusively for storage of motor-driven vehicles.

Parking lot. An open surfaced area used exclusively for the temporary storage of motor vehicles ~~and within which motor fuels and oils may be sold and fees charged~~, but no vehicles are to be equipped, repaired, rented or sold.

Parking space. A paved area, enclosed or unenclosed, exclusive of driveways, permanently reserved for the temporary storage of one vehicle and connected with a street or alley by a surfaced driveway which affords ingress and egress for vehicles.

Pawn Shop. An establishment where money is loaned on the security of personal property pledged in the keeping of

the owners (pawnbroker).

Permitted use (principal use). The predominant or primary use of a parcel of land or lot.

Pharmacy. A retail storefront with a dispensary where medications are stored and dispensed.

Photometric Plan. A point-by-point plan depicting the intensity and location of lighting on the property.

~~*Place.* An open, unoccupied space or thoroughfare other than a street or alley permanently reserved as a principal means of access to abutting property.~~

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 or integral land use units either by a single owner or a combination of owners.

Premises. A lot, together with all buildings and structures existing thereon.

Print Shop, Major. An establishment specializing in long-run printing operations including, but not limited to, book, magazine, and newspaper publishing using engraving, die cutting, lithography, and thermography processes.

Print Shop, Minor. An establishment specializing in short-run operations to produce newsletters, flyers, resumes, maps, construction documents and plans, and similar materials using photocopying, duplicating, and blue printing processes. This definition shall include mailing and shipping services, but excludes the on-site storage of heavy load fleet vehicles.

Public. When used as an adjective, belonging to or part of a governmental entity.

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.

Recreational Vehicle Sales and Service, New/Used. Sales and/or leasing of new and/or used recreational vehicles or boats, including, as an accessory use, repair work of recreational vehicles and boats.

Recreational Vehicle Storage. An area or structure designed for the short or long-term parking or storage of recreational vehicles, boats, or heavy load vehicles.

Redevelopment. The improvement or enhancement of a previously developed property, including buildings, facilities, structures, landscaping,etc.

Restaurant/Food Service. An establishment used for the business of the preparing and/or serving of food items for on premises, human consumption (such as restaurants, cafes and cafeterias), and including also food establishments having drive-through, pickup or carryout facilities.

Retail New Goods (major). Any business selling new goods, wares or merchandise directly to the ultimate consumer for direct consumption and not for resale. For the purposes of this code, major retail uses typically encompass such businesses over three thousand square feet (3,000 ft^2)in floor area.

Retail New Goods (minor). Any business selling new goods, wares or merchandise directly to the ultimate consumer for direct consumption and not for resale. For the purposes of this code, minor retail uses typically encompass such businesses less than three thousand square feet (3,000 ft^2) in floor area.

Retail Used Goods. Any business selling used goods, wares or merchandise directly to the ultimate consumer for direct consumption and not for resale.

Retail/Service, Incidental. Any use different from the primary use but which complements and/or supplements the

primary use. Said use shall be operated for the benefit or convenience of the employees, visitors, or customers of the primary use. Incidental shall mean an area that constitutes not more than fifteen percent (15%) of the main use.

Right-of-way. The surface of, and the space above and below, any street, road, highway, freeway, tollway, lane, path, drainageway, channel, fee interest, public way or place, sidewalk, alley, boulevard, parkway, drive, fire lane or other easement now or hereafter held by the city or over which the city exercises any rights of management or control and shall include, but not be limited to, all easements now held, or hereafter held, by the city, but shall specifically excludes private property.~~entire width between the boundary lines of every publicly maintained roadway/street for the purpose of vehicular travel. This includes medians and cul-de-sac islands. For the purposes of this part, right-of-way shall mean the property fronting on, immediately adjacent to and on either side of a public street or a nonpublic street. Public right-of-way shall mean any part of a right-of-way not privately owned or controlled and which is the responsibility of the town or other similar public agency to maintain.~~

Roofline. The top edge of a peaked roof or, in the case of an extended façade or parapet, the uppermost point of said façade or parapet.

Rooming house. A building other than a hotel where lodging is provided for definite periods for compensation pursuant to previous arrangement.

School, Public/Private. A school operated by an independent school district, private or religious agency or corporation and providing elementary or secondary curriculum.

Sign. Any display, design, device, pictorial or other representation that is constructed, placed, attached, painted, erected, fastened or manufactured in any manner whatsoever so that the same shall be used for advertising and directs attention to an object, product, service, place, activity, person, institution, organization, or business. The term "sign" shall include the supporting structure but shall not include the support structure when calculating the square footage of signage permitted per lot.

Sign, Abandoned. A sign that identifies or advertises a business, lessor or owner that is no longer in existence at the location.

Sign, Building. A permanent sign that has its supporting structure depending on a building for support and includes wall signs, canopy signs, under canopy signs and outdoor menu board signs.

Sign, Canopy. A permanent sign attached to, or painted on, a canopy.

Sign, Commercial banner. A temporary sign intended to be affixed to a building or fence, constructed of plastic, cloth, canvas, vinyl or other flexible material, and which is used by its colors, characters, lettering, illustration or ornamentation to call attention to an establishment on the site. Flags are not to be considered banners for the purposes of this Chapter.

Sign, Commercial. Any sign, regardless of its location or construction, whose wording or other contents, directly or indirectly, names, advertises or calls attention to any business, product, service, institution, organization, event, cause, purpose or other activity.

Sign, Community event. A sign that solicits support for or advertises a nonprofit community use, town event, public use or social institution. Such signs may include, but not limited to seasonal holidays, school activities, charitable programs, community festivals, religious activities, or events of community interest, but not including any business sign or real estate sign.

Sign, Construction trade. A temporary sign installed to advertise a specific construction company working on a jobsite or the financing company for the project.

Sign, Dilapidated or deteriorated. A sign where any portion of the finished material, surface, or message portion of the sign is visibly faded, flaked, broken off, missing, cracked, splintered, defective, or is otherwise visibly deteriorated or in a state of disrepair so as not to substantially appear as it was intended or designed to appear when originally

constructed, or whose elements or the structural support or frame members are visibly bent, broken, dented, torn, twisted, leaning, or at angles other than those at which it was originally erected (such as may result from being blown by high winds or by the failure of a structural support).

Sign, Feather banner/flag. A temporary sign that is constructed of lightweight material (such as cloth, canvas or vinyl) affixed to a pole or building which is similar to a flag, except that it is longer than it is wide. A feather banner resembles a feather, in that it is tall and narrow, having more surface area vertically than horizontally when fully extended.

Sign, Flashing. A sign with flashing, blinking, moving, rotating or traveling lights, or with lights that changes in color or intensity, whether the sign is directly or indirectly illuminated, except for a message center.

Sign, Freestanding. The general term for any on-site sign which is independent of any other structure.

Sign, Ground. A permanent sign that has its supporting structure depending on the ground for attachment, including, but not limited to freestanding signs, pole signs, monument signs, outdoor menu message boards, electronic message boards, and traffic directional signs.

Sign, Illegal. A sign that was constructed or erected in violation of regulations that existed at the time it was built; or a sign that was in compliance with regulations when it was originally constructed or erected, but no longer complies and is declared abandoned, obsolete, or otherwise in violation of the existing regulations by the Zoning Administrator or his/her designee. Legal nonconforming signs are not considered illegal provided they comply with this Chapter.

Sign, Incidental. Any sign that has a purpose secondary to the operation of the business or use of the property that provides information rather than advertising. Examples of such signs are directional signs, hours of operation, accepted credit cards, and parking information.

Sign, Inflatable or balloon. A device filled with air or other gasses either sealed or fed with a constant air supply (fan or pressure fed) designed to attract attention to a business or event. An inflatable device includes but is not limited to a balloon that is lighter than air and tethered, a balloon that is filled with air and anchored, or another inflatable device that is set in motion by a constant air supply (air-powered device).

Sign, Manual message center. A sign or part of a sign that is designed so that characters, letters, or illustrations can be manually changed or rearranged without altering the face or surface of the sign, such as a marquee, monument sign, or a gasoline price sign.

Sign, Menu board. A permanent sign that displays menus and related prices in connection with outdoor drive-through food service windows, and may include an audible speaker and microphone integral to the sign.

Sign, Monument. A permanent ground sign constructed out of metal, brick, stone or cast concrete material supported on concrete foundation across the entire base of the structure.

Sign, Multi-tenant. A permanent ground sign that provides advertising media for certain sized multi-tenant developments.

Sign, Nonconforming. A sign that does not conform to the regulations of this or other town ordinances, but which was erected or constructed in accordance with town ordinances existing at the time of its placement or construction.

Sign, Obsolete. Any sign that no longer serves a bona fide use or purpose on a lot with or without a structure.

Sign, Pennant. A sign, usually consisting of pieces of cloth, paper, plastic or other non-rigid material that taper to a point, used for advertising purposes and attached to any structure, staff pole, line, or framing, not including business flags.

Sign, Permanent. A sign that is fixed in nature that is erected, affixed, or maintained on a premises for a period of time.

Sign, Pole. Any sign erected on a vertical framework consisting of one or more uprights supported by the ground and where there is a physical separation between the base of the sign cabinet and the ground.

Sign, Portable. A sign mounted on portable or movable frames or structures, including signs placed on, but not affixed or attached to the ground, which can be easily moved from one location to another.

Sign, Roof. A sign fastened to or resting on the roof of a structure. For purposes of this chapter, a canopy sign is not considered a roof sign.

Sign, Search light. A large outdoor lighting apparatus with reflectors for projecting a powerful beam of light of approximately parallel rays into the atmosphere to attract attention to a business or a specific location.

Sign, Temporary. Any sign, banner, pennant, portable or advertising display constructed of cloth, canvas, light fabric, cardboard, wallboard or other like materials, with or without frames, and any type sign not permanently attached to the ground, wall or building, intended to be displayed for a short period of time only.

Sign, Tenant. A building sign installed to identify a single business in a multi-tenant building or shopping center.

Sign, Under-canopy. A permanent building sign that is mounted perpendicular to an exterior wall of a building so that it is under a canopy.

Sign, Vehicle advertising. A sign that is painted, magnetic, or attached to a vehicle, intended to advertise a business or service.

Sign, Wall. Any sign attached to, mounted, or erected parallel to the face of any building or structure.

Sign, Window. A sign painted, placed, or affixed in the visible window area, intended to advertise a product or service.

Sign area. A calculation that means the area of the sign to be computed by drawing a line or lines around the sign's text and artwork in such a way as to form a rectangle oriented horizontally or vertically. The sum square footage of these figures shall be considered as the total area of the sign face. A sign may be single or double faced, i.e. have one or two sides.

Sign height. The vertical distance measured at its highest point above ground level at the base. For purposes of measurement, the natural grade shall be the elevation created by the undisturbed existing grade, or by normal site grading, when creating a development site. It shall not include any super elevation treatment.

Sign Illumination, Indirect. A source of external illumination located a distance away from the sign, but designed specifically to illuminate the sign, and which is not visible to persons viewing the sign from any normal position of view.

Sign Illumination, Internal. A source of illumination entirely within the sign which makes the contents of the sign visible at night by means of the light being transmitted through a translucent material but wherein the source of the illumination is not visible.

Sign rider. An attachment to a real estate sign "detailing" certain features of the property, such as "Four Bedroom," "Pool," "Game Room," or the agent's name.

Small Engine Repair Shop. A shop for the repair of lawnmowers, chainsaws, lawn equipment, and other small engine equipment and machinery.

Smoking establishment. A business establishment that is dedicated, in whole or in part, to the use or consumption of smoking products, including but not limited to establishments known variously as cigar lounges, hookah lounges, cigar cafes, hookah cafes, cigar bars, hookah bars, tobacco bars, cigar clubs, hookah clubs, tobacco clubs, etc. and includes any establishment that allows:

(a) The on-site purchase of smoking products or the on-site purchase or rental or furnishing of accessories intended or adapted or provided for the use or consumption of smoking products; and

(b) The on-site smoking or consumption of smoking products.

Smoking product. Tobacco, tobacco substitutes, electronic cigarettes, any similar substances, or any type of material designed, adapted, or intended to be smoked.

Solar Energy Systems. A device or combination of devices or elements that rely on direct sunlight for the following uses: heating or cooling of a structure or building; heating or pumping of water; or generating electricity. A system or device that is a 12-volt system or that generates less than 400 watts shall not be considered a solar energy system.

Specific Use. A use permitted only upon showing that such use in a specified location will comply with all conditions and standards as specified by the zoning ordinance and which may be imposed by the Planning and Zoning Commission and Town Council.

Story. That portion of a building included between the upper surface of any floor and the upper surface of the floor next above, except that the topmost story shall be that portion of a building included between the upper surfaces of the topmost floor and the ceiling or roof above.

Street. A public or private thoroughfare which affords the principal means of access to abutting property.

Street right-of-way line. A dividing line between a lot, tract or parcel of land and an abutting street.

Structure. Anything constructed or erected, the use of which requires a location on the ground, or attached to something having a location on the ground, including, but without limiting the generality of the foregoing, advertising signs, billboards, backstops for tennis courts, fences or pergolas.

Structural alterations. Any change in the supporting members of a building such as bearing walls, columns, beams or girders, or any substantial changes in the roofs or exterior walls or any other change or modification that pertains to the structural integrity of the building.

Support structure (for a sign). Any pole(s), post(s), column(s), strut(s), cable(s), or other structural fixture(s) or framework necessary to hold and secure a sign, providing that said fixture or framework is not imprinted with any picture, symbol, or work using characters in excess of one inch (1") in height, nor is internally or decoratively illuminated.

Temporary Building. An industrialized or modular building or structure without a permanent foundation shall be considered a temporary building. Membrane structures and tents shall not be considered ~~a~~ temporary buildings.

Temporary Tents/Similar Structures. Tents or similar structures that are installed on private commercial property for a special event or activity. These structures must meet all requirements of the Building Code, Fire Code and Town Code of Ordinances.

Theater (major). A building or portion of a building used primarily for showing motion pictures or for dramatic, musical, or live performance having more than ten (10) screens, stages, or combination thereof or a combined seating capacity greater than two thousand five hundred (2,500).

Theater (minor). A building or part of a building devoted to the showing of motion pictures or for dramatic, musical, or live performances, with a maximum of ten (10) screens, stages, or combination thereof or a combined seating capacity of two thousand five hundred (2,500) or less.

Town. The Town of Pantego, Texas.

Townhouse. A single-family dwelling, on a separate lot which fronts on a street, ~~a place,~~ a court, or a private access easement, which is attached to one or more similar dwellings by a common wall or walls, and which in combination

with said attached dwellings constitutes an architectural whole, one of which shall consist of not less than four (4) and not more than eight (8) townhouse units.

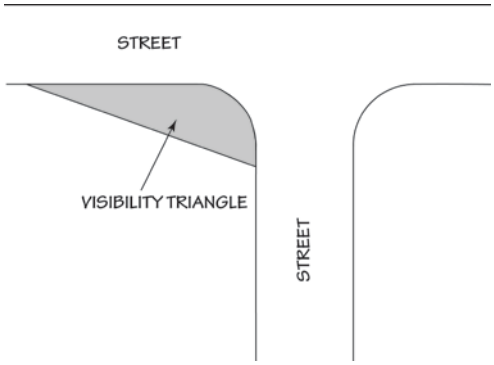
Trailer Sales/Rental. The display and offering for sale and/or rent of trailers designed to be towed by light load vehicles.

Variance. An adjustment in the application of the specific regulations of the Zoning Ordinance to a particular parcel of property which, because of special conditions or circumstances of hardship peculiar to the particular parcel, is necessary to prevent the property from being deprived of rights and privileges enjoyed by other parcels in the same vicinity and zoning district.

Veterinarian Clinic and/or Kennel, Indoor. An establishment, not including outside pens/kennels, where animals and pets are admitted for examination and medical treatment, or where domesticated animals are housed, groomed, bred, boarded, trained, or sold for commercial purposes.

Veterinarian Clinic and/or Kennel, Outdoor. An establishment with outdoor pens/kennels, where animals and pets are admitted for examination and medical treatment, or where domesticated animals are housed, groomed, bred, boarded, trained, or sold for commercial purposes.

Visibility triangle. A triangle of sight that must be provided at all intersections and driveways which shall include that portion of the private property tangent to the curb line measured fifteen feet (15')by one hundred feet (100') for ~~major~~ roads with a speed limit greater than or equal to forty miles per hour (≥40 MPH) and fifteen feet (15') by sixty feet (60') for all ~~others~~roads with a speed limit less than forty miles per hour (40 MPH).



Warehouse. A building used primarily for the storage of goods and materials.

Warehouse, with on-site principal use. A building primarily devoted to storage, warehousing, and distribution of goods, merchandise, supplies, and equipment, which includes accessory uses such as retail and wholesale sales areas, sales offices, and display areas for products sold and distributed from the storage and warehousing areas.

Wholesale Establishment. A wholesale establishment is one that offers products to other businesses to resell rather than selling directly to retail customers.

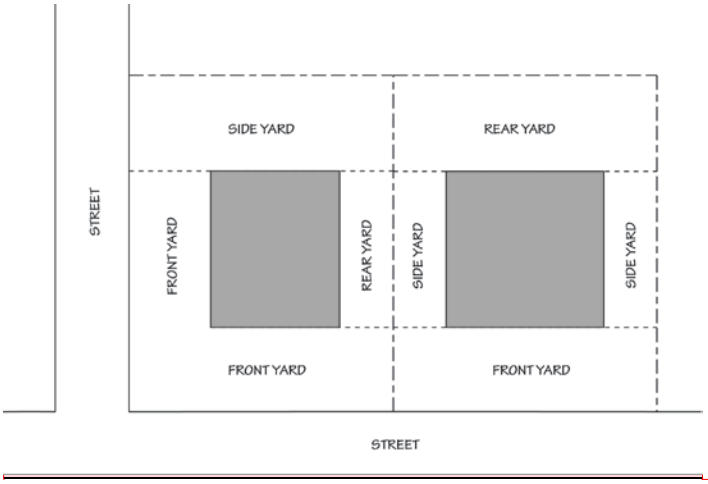
Wind Driven Energy Systems. A small wind energy conversion system (WECS) shall be defined as any device such as a wind charger, windmill, or wind turbine, which converts wind energy to a form of usable energy and is an incidental use to the primary use of a property.

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 as otherwise provided herein. In measuring a yard for the purpose of determining the width of a side yard, the depth of a front yard or the depth of a rear yard, the minimum horizontal distance between the lot line and the main building shall be used.

Yard, front. A yard extending across the front of a lot between the side lot lines, and being the minimum horizontal distance between the street right-of-way line and the main building or any projections thereof, other than projections permitted by this chapter.

Yard, rear. A yard extending across the rear of a lot between the side lot lines and being the minimum horizontal distance between the rear of the main building (other than projections permitted by this chapter) and the rear lot line.

Yard, side. A yard between the main building and the side lot line, extending from the front yard to the rear yard, and being the minimum horizontal distance between a side lot line and the main building or any projections thereof (other than projections permitted by this chapter).



Comment [CJ3]: For Jacobs, There were questions about whether the side yard on the corner lot should extend to street, or whether the front yard should continue across to the property line?

Zoning administrator. The person appointed to administer and enforce this zoning ordinance by the City Manager of the Town.

Article 14.03 Administration

Sec. 14.03.005 Zoning Administrator

14.02.001

(a) There is hereby established the office of Zoning Administrator and such duties shall be performed by the person designated by the City Manager. The Zoning Administrator shall enforce this Chapter in accordance with the provisions hereof. All department officials and public employees of the Town vested with the duty and authority to issue permits or licenses shall conform to this Chapter and shall issue no permit or license for any use, building or purpose in conflict with this Chapter. Any permit or license issued in conflict with this Chapter shall be null and void and of no effect whatsoever.

(b) The Zoning Administrator shall have the following responsibilities and powers:

(1) Enforce the provisions of this Chapter and interpret the meaning and application of its provisions, including both map and text.

(2) Inspect properties within the Town to determine compliance with regulations and to issue violation notices when necessary.

(3) Receive, review and make determinations on applications for Permits and Certificates.

(4) Issue Permits and Certificates as provided by this Chapter, and keep a record of same with notations of special conditions involved.

(5) Review and process plans pursuant to the provisions of this Chapter.

(6) Make determinations as to whether violations of this Chapter exist, determine the nature and extent thereof, and notify the owner in writing, specifying the exact nature of the violation and the manner in which it shall be corrected by the owner, pursuant to the procedures in this Chapter.

(7) Conduct inspections of buildings and uses of land to determine compliance or non-compliance with this Chapter.

(8) Maintain permanent and current records required by this Chapter, including but not limited to: the Official Zoning Map, Permits and Certificates, Specific Uses, inspection documents and records of all variances and amendments.

(9) Initiate the revocation of a permit or approval issued contrary to this Chapter.

(10) Act upon all applications within thirty (30) days of their date of filing.

(11) Examine and refer applications to the Planning and Zoning Commission when site plan review is required or as determined by this Chapter.

(12) Forward findings of fact as to alleged violations of this Chapter to the ~~City Attorney~~municipal court.

Sec. 14.03.010 Planning and Zoning Commission[1]

The Planning and Zoning Commission shall be and is established in the Town of Pantego Code of Ordinances, Chapter 1, Division 3 "Planning and Zoning Commission".

~~*(a)* Commission created. The Planning and Zoning Commission, as heretofore created and now existing as authorized by V.T.C.A., Local Government Code, sec. 211.007, is hereby perpetuated, and the terms of office of the present commission members shall not be affected hereby.~~

~~*(b)* Membership; appointment; term of office. The commission shall be composed of seven (7) members, all of whom shall be residents of the Town. Members shall be appointed by the Town Council for a term established at the time of appointment. Vacancies by reason of death, resignation or other cause shall be filled for the unexpired term of the vacating member. All members shall serve without compensation.~~

~~*(c)* Organization; meetings; procedures. The commission shall organize and elect such officers as it may deem necessary, and shall hold regular meetings within the Town. The commission shall adopt its own rules of procedure, so long as the same are consistent with state law and ordinances of the Town. The City Secretary shall be the custodian of commission records. Four (4) members shall constitute a quorum for the transaction of business.~~

~~*(d)* Powers and duties.~~

~~(1) The commission shall conduct hearings, compile information, and make recommendations to the Town Council concerning zoning matters, as provided V.T.C.A., Local Government Code, ch. 211.~~

~~(2) The commission shall compile information and make recommendations to the Town Council concerning the plan of the Town for its growth and development, and shall perform such tasks in this regard as the Town Council may from time to time assign to it.~~

~~(3) The commission shall review and make recommendations to the Town Council concerning preliminary and final plats and all replatting pursuant to the provisions of V.T.C.A., Local Government Code, chs. 211, 212,371.~~

~~(4) The commission shall review and make determination on similar uses as established in Sec. 14.04.020 "Similar Use Determination".~~

Sec. 14.03.015 Zoning Board of Adjustment[2]

(a) ~~Organization~~ The Zoning Board of Adjustment shall be and is established in the Town of Pantego Code of Ordinances, Chapter 1, Division 4 "Board of Development Appeals".

~~*(1)* Board created; membership; vacancies. There is hereby created a Board of Adjustment consisting of five (5) members and four (4) alternate members, each to be appointed by the Mayor subject to the approval of a majority of the Town Council. Members and alternates shall serve for a term established at the time of their appointment, not to exceed two (2) years. Any vacancy shall be filled in the same manner for the unexpired term.~~

[1] **State law reference–**Authority of municipality to establish planning and zoning commission, V.T.C.A., Local Government Code, sec. 211.007.

[2] **State law reference–**Establishment and authority of zoning board of adjustment, V.T.C.A., Local Government Code, sec. 211.008 et seq.

~~*(2)* Alternate members. Alternate members shall serve in the absence of one or more of the regular members of the board when requested to do so by the Zoning Administrator.~~

~~*(3)* Quorum. All cases before the board shall be heard by not less than four (4) members, and four (4) votes shall be required for any action of the board.~~

~~*(4)* Meetings; procedures. The board may adopt its own rules of procedure consistent with state law and this chapter. Meetings of the board shall be held as required, on the call of the chairman or of the mayor. The chairman may administer oaths and compel the attendance of witnesses. All meetings of the board shall be open to the public, subject to the Open Meetings Law of the State of Texas. The board shall keep minutes of its proceedings, showing the vote of each member on each matter before it, and such minutes shall be maintained in the office of the City Secretary.~~

(b) Authority of Board

(1) The board shall have the following powers:

(A) To hear and decide appeals where it is alleged there is error in any order, requirement, decision or determination made by an administrative official in the enforcement of this chapter;

(B) To hear and decide special exceptions to the terms of this chapter upon which the board is required to do so;

(C) To authorize in specific cases variances from the terms of this chapter as will not be contrary to the public interest where, due to special conditions, the literal enforcement of the provisions of this chapter will result in unnecessary hardship, so that the spirit of this chapter will be observed and substantial justice done.

(D) To interpret the intent of the zoning district map when the rules for interpretation herein contained do not apply.

(2) In exercising its powers the board may revise or reform, wholly or partly, or may modify the order, requirement, decision or determination of the official from whom the appeal is taken, all as provided in V.T.C.A., Local Government Code, ch. 211.

(c) Limitations on Authority of the 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 (SUP) authorized under Art. 14.08, Part II. “Specific Use Regulations”.

(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 Town Council, the Board shall neither hear nor grant any variances with respect to the subject property until final disposition of the zoning amendment.

(4) The Board shall not grant a variance for any parcel of property or portion thereof upon which a Site Plan, Preliminary Plat or Final Plat, if required by the Town, has not been finally acted upon by both the Planning and Zoning Commission and Town Council. All administrative remedies available to the applicant shall have been exhausted prior to the hearing by the Board.

(5) The Board shall have no power to grant variances to the Development Standards contained within this Chapter, except that the Board may consider special exceptions to the applicable Development Standards for one-family residential uses.

(d) Variances

A variance shall not be granted to relieve a self-created or personal hardship, nor for financial reason only, nor shall a variance be granted to permit any person a privilege in the use of a building or land not permitted hereunder for other buildings or land in the same district. Variances shall be determined on the basis of the following standards:

(1) Whether the property in question will yield a reasonable return or whether there can be any beneficial use of the property without the variance;

(2) Whether the variance is substantial;

(3) Whether the essential character of the neighborhood would be substantially altered or whether adjoining properties would suffer a substantial detriment as a result of the variance;

(4) Whether the variance would adversely affect the delivery of government services (*e.g.*, water, sewer, garbage);

(5) Whether the property owner purchased the property with knowledge of the zoning restriction;

(6) Whether the property owner's predicament feasibly can be obviated through some method other than a variance;

(7) Whether the spirit and intent behind the zoning requirement would be observed and substantial justice done by granting the variance.

~~*(e)*~~*(a)* Special Exceptions

(1) The Board shall have the authority to hear and allow special exceptions only for uses which are conforming, but the building structure is not.

(2) In granting a special exception, the Board shall not authorize uses that are not allowed under the terms of this chapter for the respective district.

(3) A proof of hardship is not required for granting a special exception.

(4) In granting a special exception, the Board shall not permit variances from the use district regulations which are not prevalent on other lots in the same zoning district.

(5) The Board may consider special exceptions to the Development Standards contained in this chapter for single-family residential uses that do not require a plat or site plan approval by the Planning and Zoning Commission and Town Council.

Sec. 14.03.020 Amendments and Administrative Procedures

(a) Authority to Amend Ordinance

(1) Authority. The Town Council may from time to time, after receiving a final report thereon by the Planning and Zoning Commission and after public hearings required by law, amend, supplement, or change the regulations herein provided or the boundaries of the zoning districts specified on the Zoning District Map.

(2) Initiation of Changes or Amendments

(A) An amendment to the text of this Zoning Ordinance may be proposed by the Planning and Zoning Commission, the Town Council, or any department head with responsibility for reviewing development applications.

(B) Amendments Initiated by Town Council. The Mayor or Councilmembers may request, and the Mayor may direct the City Manager~~, in compliance with the Council Relations Policy,~~ to place a potential amendment on an agenda for a discussion at a regular Town Council meeting, special meeting, or work session. If, after discussion, Council decides to further pursue the amendment, the amendment process for consideration will be as per (b) below.

(C) Amendments Initiated by Planning and Zoning Commission. The Chairman may direct the Zoning Administrator in writing or in a public meeting to place a potential amendment on an agenda for a discussion at a regular Planning and Zoning Commission meeting, special meeting, or work session. The Commission, after discussion, may recommend by majority vote that Town Council discuss the potential amendment per Subsection (B) above, and provided Council concurs with the Commission recommendation, the amendment process for consideration will be as per (b) below.

(D) Amendments Initiated by Staff – A department head may, with permission of the City Manager, place the item on an agenda for discussion at a regular meeting, special meeting or work session of the Town Council or the Planning and Zoning Commission. After hearing the petition from the department head, the Council or the Commission could initiate consideration of the potential amendment pursuant to (A) or (B) above.

(E) Any zoning district boundary amendment (also referred to as a zoning map amendment) may be proposed for consideration by the:

1. Town Council;
2. Planning and Zoning Commission; or
3. The owner or authorized agent of the real property.

(3) Planning and Zoning Commission Recommendation Required. In no case shall the Town Council act upon any zoning request prior to recommendation by the Planning and Zoning Commission.

(4) Zoning Amendment Application Submittal

(A) Each applicant for a zoning amendment shall submit a zoning change application to the Zoning Administrator on or before a scheduled submission date and shall be accompanied by payment of the appropriate fee as established by the Town.

(B) All applications received on a date other than an official submittal date shall be dated received on the next official submittal date.

(C) Applications must be complete for acceptance.

(D) To ensure the submission of adequate information, the Zoning Administrator is hereby empowered to maintain and distribute a list of specific requirements for zoning amendment applications and update, modify such requirements as deemed necessary by the Zoning Administrator.

(b) Zoning Amendments Process, Public Hearing and Notice

(1) Zoning District Change (Zoning Map Amendment)

(A) Prior to making its report to the Town Council, the Planning and Zoning Commission shall hold at least one public hearing on each application.

(B) At least eleven (11) calendar days prior to the Planning and Zoning Commission public hearing date, 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 property within two hundred feet (200') of the property in which the change in classification is proposed. This notice is served by deposit with the United States Postal Service.

(C) Notice of Town Council public hearing shall be given by publication in the official newspaper of the Town, stating the time and place of such public hearing, a minimum of sixteen (16) calendar days prior to the date of the public hearing.

(2) Zoning Text Amendment

(A) Notice of public hearings on proposed changes in the text of the Zoning Ordinance shall be accomplished by one publication not less than sixteen (16) calendar days prior to both the Planning and Zoning Commission and Town Council meetings thereto in the official newspaper of the Town.

(B) Changes in the ordinance text that do not change zoning district boundaries do not require written notification to individual property owners.

(3) Joint Public Hearing Option

Whenever an application for a Zoning Map Amendment or Zoning Text Amendment must be preceded by a public hearing before both the Planning and Zoning Commission and the Town Council, the Commission and the Council may conduct a joint public hearing (in accordance with Texas Local Government Code 211.007(b)) and take action on the application in the following manner:

(A) The Council shall establish the date of the joint public hearing by motion at a regular or special meeting;

(B) The Council shall cause notice of the joint public hearing to be provided as required by (1) and/or (2) above;

(C) The Commission and the Council shall be convened for the hearing and for any action to be taken on the petition or application; and

(D) The Commission and the Council may take action on the petition or application at the same meeting, provided that the Council shall not take action until the recommendation of the Commission has been received.

(c) *Failure to Appear*

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

(d) Planning and Zoning Commission Consideration and Report

(1) The Planning and Zoning Commission, after the public hearing is closed, may vote to approve, approve with amendments and conditions, table, or deny in whole or in part the application.

(2) The Planning and Zoning Commission may table for not more than ninety (90) calendar 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.

(3) In making their determination, the Planning and Zoning Commission shall consider, among other things, the following factors:

(A) Whether the uses permitted by the proposed change will be appropriate in the immediate area concerned and their relationship to the general area and the Town as a whole.

(B) Whether the proposed change is in accord with any existing or proposed plans for providing streets, water supply, sanitary sewers, and other utilities to the area, and shall note the findings.

(C) The amount of vacant land currently classified for similar development in the vicinity and elsewhere in the Town, and any special circumstances that may make a substantial part of such vacant land unavailable for development.

(D) The recent rate at which land is being developed in the same zoning classification as the request, particularly in the vicinity of the proposed change.

(E) How other areas designated for similar development will be, or are unlikely to be, affected if the proposed amendment is approved, and whether such designation for other areas should be modified also.

(F) Whether the request is consistent with the comprehensive plan and other master plans.

(G) Any other factors which will substantially affect the health, safety, morals, or general welfare.

(4) If the Planning and Zoning Commission denies the zoning request, it may offer reasons to the applicant for the denial.

(e) Town Council Consideration

(1) Every proposal that has received a Planning and Zoning Commission recommendation 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 same and its publication as required by law.

(2) Town Council, after the public hearing is closed, may vote to approve, approve with amendments and conditions, table, or deny in whole or in part the application.

(3) Three-Fourths Town Council Vote Required for Protested Amendments

(A) Documented Protest Requirements. Protests against proposed amendments shall be filed at least ~~seven (7)~~ five (5) calendar days before the date of the public hearings.

(B) Documented Protest Participant Requirements

1. Interior Protester: The owners, duly signed and acknowledged, of twenty percent (20%) or more of the lots or land area included within a proposed amendment boundary may participate in a documented protest for a specific case.
2. Exterior Protester: The owners, duly signed and acknowledged, of twenty percent (20%) or more of the lots or land area within a two hundred foot (200') radius of the exterior boundary of the area included in a proposed amendment may participate in a documented protest for a specific case.

(C) If a documented protest against a proposed amendment, supplement, or change to a zoning regulation or boundary has been filed with the Zoning Administrator, then such amendments shall not become effective except by the affirmative vote of three-fourths (3/4), or four (4) votes of all members of the Town Council.

(4) The Town Council may deny any request.
Upon denial of request, the same or similar request may not be resubmitted to the Town for six (6) months from the original date of denial, unless a waiver of this requirement is approved by the Town Council.

(5) Final Approval and Ordinance Adoption

(A) Approval of any zoning change or amendment, and related ordinance, by the Town Council shall be in compliance with Sec. 1.03.035"Ordinances and resolutions; minutes" of the Town Code of Ordinances.

(B) Upon approval the ordinance shall be executed by the Mayor and published as required by law.

Sec. 14.03.025 Variances from the Regulations of this Ordinance

(a) Development-Related Variance Process

(1) Development-related variances that include exceptions to Article 14.10 "Development Standards", if allowed within the guidelines, may be requested. Such variances shall be noted on the site plans. Where the Planning and Zoning Commission and Town Council finds that hardship or practical difficulties will result, it may approve the requested exceptions, provided that the exceptions will not have the effect of nullifying the intent and purposes of these regulations. In approving variances, the Planning and Zoning Commission and Town Council may require conditions and stipulations that will, in its judgment, substantially secure the objectives of the Town's standards and regulations. Variances will not be granted to relieve a self-created or personal hardship, and they will not be granted based solely on economic gain or loss. An additional fee is required for applications requesting variances.

(2) The Planning and Zoning Commission and Town Council shall take into account the nature of the proposed use of land involved and existing uses of the land in the vicinity, the number of persons who will reside or work in the proposed area, the probable effect of such variance on traffic conditions and upon the public health, safety, convenience and welfare in the vicinity. No variance shall be granted unless the Planning and Zoning Commission and Town Council finds:

(A) That there are special circumstances or conditions affecting the land involved such that the strict application of the provisions of this ordinance would deprive the applicant of the reasonable use of his land.

(B) That the granting of the variance will not be detrimental to the public health, safety or welfare, or injurious to other properties in the area.

(C) That the granting of the variance will not have the effect of preventing the orderly development of other properties in the area in accordance with the provisions of this ordinance.

(D) That the granting of the variance will not constitute a violation of any other valid ordinance of the Town.

(E) That strict compliance with the regulations, and/or that the purpose of the regulations will be served to a greater extent by the alternative proposal.

(b) Zoning Board of Adjustment Process

(1) An application to the Board shall be in writing using forms provided by the Town and be accompanied by a fee (Appendix A).

(2) The Board shall hold a public hearing no later than sixty (60) days after the date an application is filed. Notice of public hearing shall be provided to all property owners within two hundred feet (200') of the affected property at least eleven (11) days prior to the hearing.

Sec. 14.03.030 Certificate of Occupancy

A Certificate of Occupancy shall be required as established in Sec. 3.03.017 "Certificate of Occupancy" of the Town Code of Ordinances. The Building Official shall not issue a Certificate of Occupancy without confirmation of compliance with the Zoning Ordinance from the Zoning Administrator.

Sec. 14.03.035 Nonconforming Uses, Lots and Structures

(a) Purpose

(1) Within the districts established by this article or amendments thereto, there exist lots, structures, uses of land and structures, and characteristics of use which were lawful before this article was enacted, amended or otherwise made applicable to such lots, structures or uses, but which do not conform to the regulations of the district in which they are located. It is the intent of this Section to permit such nonconforming uses to continue, under regulations herein contained, until the same are removed, but not to encourage their survival.

(2) It is further the intent of this article that nonconforming uses shall not be enlarged upon, expanded or extended, nor be used as grounds for adding other structures or uses prohibited elsewhere in the same district.

(3) Nonconforming uses are hereby declared to be incompatible with the permitted uses in the districts involved.

(b) Nonconforming Status

Any use, platted lot, or structure which does not conform to the regulations of the zoning district in which it is located shall be deemed a nonconforming use or structure when:

(1) Such use, platted lot, or structure was in existence and lawfully operating at the time of the passage of the previous ordinance or this Ordinance, and has since been in regular and continuous use; or

(2) Such use, platted lot, or structure is a lawful use at the time of the adoption of any amendment to this Chapter but by such amendment is placed in a district wherein such use, platted lot, or structure is not otherwise permitted and has since been in regular and continuous use; or

(3) Such use, platted lot, or structure was in existence at the time of annexation to the Town and has since been in regular and continuous use.

(c) Continuing Lawful Use of Property and Existence of Structures

(1) The lawful use of land or lawful existence of structures at the time of the passage of this Ordinance, although such do not conform to the provisions hereof, may be continued; but if said nonconforming use or structure is discontinued or abandoned, any future use of said premises shall be in conformity with the provisions of this Ordinance.

(2) Discontinuance of a nonconforming use shall consist of the actual act or date of discontinuance of a use previously operational in a building. Abandonment of a nonconforming structure shall consist of the act or date of abandonment.

(3) When a nonconforming use or structure which does not meet the development standards in this Ordinance ceases to be used for a period of twelve (12) months, such use shall not be resumed and proof of such event shall constitute prima facie evidence of an act of abandonment. Any nonconforming use which does not involve a permanent type of structure or operation and which is moved from the premises shall be considered to have been abandoned.

(4) No nonconforming use or structure may be expanded, reoccupied with another nonconforming use, or increased except as provided herein.

(5) Conforming single-family residential uses on platted lots or unplatted tracts approved prior to this Ordinance, which may now be nonconforming due to stricter standards or right-of-way dedications/takings, shall be deemed in conformance with this Ordinance as long as the use of the lot is allowed in the respective district. Only the lot size, depth, width, and setbacks shall be allowed to be less than the regulations prescribed in the zoning district in which it is located. All other regulations of this Ordinance shall be met or the lot shall be considered nonconforming.

(d) Changing Nonconforming Uses

(1) Any nonconforming use may be changed to a conforming use, and once such change is made, the use shall not be changed back to a nonconforming use.

(2) Where a conforming use is located in a nonconforming structure, the use may be changed to another conforming use by the process outlined herein.

(3) A nonconforming use may not be changed to another nonconforming use.

(e) Expansion of Nonconforming Uses, Buildings or Structures

(1) No nonconforming use, building or structure, except when required by law or ordinance shall be enlarged, extended, reconstructed or structurally altered, unless such use is changed to a use permitted in the district. Notwithstanding anything contained herein to the contrary, an area occupied by a nonconforming use may be maintained and repaired as necessary to preserve its business vitality.

A nonconforming lot of record may be constructed upon if all other means of lot consolidation have been exhausted, if approved by the Planning and Zoning Commission. If approved, the proportional reduction of the minimum side and rear yard setbacks shall be applied as based on the percentage difference between the nonconforming lot of record and the minimum lot size required for the district in which the lot is located. The front yard setback shall not deviate from that which has been established by the district in which the lot is located or as measured at the two (2) adjacent lots.

(2) A non-residential building or structure that does not meet current area regulations or development standards may be reoccupied with a conforming use and without any expansion upon approval of a modified site plan meeting the requirements of Sec. 14.03.035(e)(4) below. This plan shall be approved by the Development Review Committee (DRC) prior to issuance of a Certificate of Occupancy.

(3) A conforming use, except for one and two-family residential uses, in a building which does not meet the area regulations or development standards in this Ordinance may be reoccupied with another conforming use upon approval of a modified site plan to determine compliance with the following:

(A) Off-street parking, driveways, and circulation requirements.

(B) Dumpster location and screening; sidewalk and landscaping requirements.

(C) Sign requirements.

(D) Building codes.

(E) Screening requirements.

(F) Drainage requirements.

Each of the above will be reviewed for compliance by the Development Review Committee (DRC) and may be approved by the Zoning Administrator if total compliance is met. The Planning and Zoning Commission shall make final approval or disapproval of a modified site plan if partial compliance is met and there is concurrence with the Town Staff's recommendations. If the Planning and Zoning Commission does not concur with Town Staff's recommendations, the modified site plan shall automatically be sent to the Town Council for approval or denial.

(4) Buildings or structures which have been vacant or abandoned for more than twelve (12)months and do not meet the current area regulations or development standards shall be allowed to reoccupy the structure with a conforming use if the procedures in Article 14.09 "Development Site Plan Review" are followed.

(f) Restoration of Nonconforming Uses or Structures

When a non-conforming building or use which does not conform to the provisions of this Chapter, is damaged for any reason, including fire, explosion, act of God or the public enemy, to the extent of fifty percent (50%) or more of its appraised value as shown on the most recent tax roll of the town, or fifty percent (50%) or more of the physical structure, whichever is most restrictive, it shall not be restored except in conformity with the regulations of the district in which it is located. When damaged by less than fifty percent (50%) of appraised value or fifty percent (50%) of the physical structure, whichever is most restrictive, a nonconforming building may be repaired or reconstructed and used as before the time of damage, provided a building permit or demolition permit has been purchased within one hundred eighty (180) days of the time such building becomes damaged, but the existing square footage or function of the nonconforming use cannot be expanded, and the above procedures in Sec. 14.03.035(e)(4)shall be met.

(g) Termination of Nonconforming Status

(1) When such use is abandoned, as hereinabove provided.

(2) When any provision of this Chapter or any other ordinance, or federal or state statute is violated with respect to a nonconforming use or nonconforming structure.

(3) When a nonconforming use or structure is changed to a conforming use or structure by rezoning.

(4) When the structure in which a nonconforming use is housed, operated or maintained is damaged to the extent of fifty percent (50%) or more of its appraised value or fifty percent (50%) or more of the physical structure as provided in Sec.14.03.035(f).

(5) When there occurs a change of use, or change of ownership of the entity operating the nonconforming use, or change of occupancy that would otherwise require a nonconforming use to obtain a new or amended certificate of occupancy or new or amended specific use permit. If a nonconforming use is located in a building owned by another entity, transfer of ownership in the building does not terminate the nonconforming use.

(6) When the building or use is found unsafe or dangerous to the public welfare by a court of competent jurisdiction.

Sec. 14.03.040 Grandfathering; Application to Existing Uses and Structures

Nothing in this Chapter shall require any change in the overall layout, plans, construction, size or designated use of any development, building, structure or part thereof for which official approval and required permits have been granted before the enactment of this Zoning Ordinance provided that the use, building or structure is legally conforming prior to the enactment of this Zoning Ordinance or any subsequent amendments that may occur.

Article 14.04 Zoning Regulations

Sec. 14.04.005 Zoning District Maps

(a) The boundaries of the zoning districts are hereby established as shown on the "zoning district map" of the Town. The zoning district map shall be maintained in two (2) forms, as follows:

(1) The City Secretary shall maintain on file the Official Zoning District Map signed by the Mayor and attested by the City Secretary, as a permanent record, reflecting the zoning districts as of the effective date of Ordinance #14-XXX. The Official Zoning District Map shall not be changed in any manner and, together with amending ordinances, shall be controlling.

(2) The Zoning Administrator shall maintain on file a Current Zoning District Map which shall be changed ~~from time to time~~ as needed when the council amends the map by ordinance ~~may by ordinance amend said map~~. The Zoning Administrator shall cause ~~said~~the map to be revised as soon as practicable after ~~said~~ changes are adopted. ~~Said~~ The map shall include the notation of the ordinance number and date of adoption of all changes thereto.

(b) The zoning district maps and all of the notations, references and other information shown thereon shall be and are hereby made a part of this article, and shall have the same force and effect as if the same were fully set forth herein.

Sec. 14.04.010 District Boundary Lines

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

(a) Boundaries indicated as approximately following the centerline of streets, highways or alleys shall be construed to follow such centerline.

(b) Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines.

(c) Boundaries indicated as approximately following town limits shall be construed as following town limits.

(d) Boundaries indicated as a parallel to or extensions of features indicated in Subsections (a) through (c) above shall be so construed. Distances not specifically indicated on the original zoning maps shall be determined by the scale of the map.

(e) 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.

(f) 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.

(g) Where physical features on the ground conflict with information shown on the Official Zoning District Map, or when there arises a question as to how or whether a parcel of property is zoned and such question cannot be resolved by the application of Subsections (a) through (f), the property shall be considered as classified, R-1 "One-Family Residential", in the same manner as provided for newly annexed territory.

Sec. 14.04.015 Newly Annexed Areas

Any territory hereafter annexed to the Town shall be in the R-1 "One-Family Residential" district as a temporary classification. Within three (3) months after such territory shall be annexed to the Town, the Council shall initiate proceedings for the determination of a permanent zoning classification therefore. No building permits shall be issued for such territory until permanent zoning has been established.

Sec. 14.04.020 Similar Use Determination

Uses other than those specifically mentioned in this Zoning Ordinance as permitted uses in each district may also be allowed therein, provided that, in the judgment of the Planning and Zoning Commission, such other uses are of a similar character to those mentioned and will have no adverse influence or no more adverse influence on adjacent properties, the neighborhood or the community than the permitted uses specifically mentioned for the district, in accordance with the following standards.

The determination as to whether a main or accessory use is similar to uses permitted by right shall be considered as an expansion of the use regulations of the district and not as a variance applying to a particular situation. Any main use found similar shall thereafter be included in the enumeration of main uses permitted by right as a text amendment as established in Sec.14.03.020 "Amendments to the Zoning Ordinance / Districts and Administrative Procedures".

(a) In the case of an accessory use, the accessory use shall thereafter be permitted as accessory by right in that district to the main use to which it is accessory. Application for similar use shall be made to the Zoning Administrator by submitting an application as set forth in Sec.14.03.020 "Amendments to the Zoning Ordinance / Districts and Administrative Procedures". The Planning and Zoning Commission shall grant or deny the similar use request utilizing the following standards:

(1) That such use is found to be compatible with the purpose statement of the district for which it is being considered.

(2) That such use is not listed in any other main classification of permitted or specific uses in the zoning ordinance, or in the case of accessory uses that the use is not listed as an accessory use to the main use in any other district;

(3) That such main use conforms to the basic characteristics of the classification to which it is to be added, and is more appropriate thereto than to any other main classification;

(4) That the use does not create dangers to the health or safety, and does not create offensive noise, vibration, dust, heat, smoke, odor, glare, or other objectionable influences to an extent greater that normally resulting from other uses listed in the classification to which it is to be added; and

(5) That such use does not create traffic to a greater extent than the other uses listed in the classification to which it is to be added.

(6) If approved by the Planning and Zoning Commission and Town Council pursuant to Sec. 14.03.020 "Amendments to the Zoning Ordinance / Districts and Administrative Procedures", the use shall be identified as a Specific Use, subject to the standards and regulations of Art. 14.08, Part II. "Specific Use Regulations", in this Zoning Ordinance unless specifically incorporated as a principal permitted or accessory permitted use.

(b) Appeals to the decision of the Planning and Zoning Commission ~~and Town Council~~ shall be made to the ~~District Court of record.~~Town Council.

Sec. 14.04.025 Non-Residential Use Restrictions

The specific uses set forth in the use regulations of the commercial and industrial districts are intended to be enumerative in nature. Requests for additions to the lists of uses therein contained shall be made by application to

the planning and zoning commission for its review and recommendation to the council. Any such recommendation, whether for or against the addition applied for, shall be forwarded to the council after public hearing in like manner to any other amendment to this article. Any amendments approved by council shall be amended to the text of the applicable commercial or industrial district for which the use was considered as a formal text amendment to this zoning ordinance.

Sec. 14.04.030 Conformity with District Regulations

(a) Limitation of use. No land shall be used except for a purpose permitted in the district in which it is located.

(b) Limitation on alteration. No building shall be erected, converted, enlarged, reconstructed or structurally altered unless the same be done in compliance with the use, height, area, parking, loading, and other regulations provided herein for the district in which the same is located.

(c) Limitation on reduction. The minimum yards, parking spaces, open spaces, and lot area required by this article for each and every building existing at the time of passage of this article or for any building hereafter erected or structurally altered, shall not be encroached upon or considered as part of the yard or parking space or open space required for any other building, nor shall any such yard, space or area be reduced below the requirements of this article therefore in the district in which such lot is located.

Article 14.05 Zoning Districts Established

Sec. 14.05.005 Districts Established

In order to classify, regulate and restrict the use of land and the location of buildings designed for specified uses; to limit the height and bulk of buildings; to determine the minimum area of yards, courts and other open spaces surrounding buildings; and, to regulate and limit the density of population, the town is hereby divided into classes of "districts." The use and area regulations shall be uniform in each district, and said districts shall have the designations listed below.

(a) Residential districts:

(1) R-1 One-Family Residential District

(2) R-2 Two-Family Residential District

(3) R-3 Multifamily Townhouse/Condo Residential District

(4) R-4 Multifamily Apartment Residential District

(b) Non-Residential districts:

(1) C-1 Commercial District

(2) C-2 Commercial District

(3) C-3 Commercial District

(4) C-4 Commercial District

(5) L-I Light Industrial District

(c) Overlay and Special Districts

(1) Planned Development

(2) Specific Use Permit

(3) Park Row Corridor

(4) Pioneer Parkway Corridor

Article 14.06 Residential District Regulations

Sec. 14.06.005 Purpose and Description of Residential Districts

(a) R-1 - One-family residential district. This district is intended to be composed exclusively of detached one-family dwellings on large to intermediate size lots. The land use in this district will occur in patterns consisting of locally traditional one-family residential neighborhoods. In addition, this district is the proper zoning classification for large areas of undeveloped land appropriate for one-family dwelling use, in order to protect and encourage the development of such areas for such use.

(b) R-2 - Two-family residential district. This district is designed for duplex dwellings on moderate size lots as an intermediate classification allowing ~~an orderly transition from a~~ for a buffer between a neighborhood of exclusively single-family detached dwellings to a higher density of other modes of multifamily living. ~~The regulations applicable to this district are intended to provide for such transition.~~

(c) R-3 Multifamily Townhouse/Condo Residential district. This district is intended to accommodate medium density multifamily and townhouse dwellings of not more than ~~eight (8)~~ four (4) dwelling units per lot as per the requirements of Sec. 14.06.020 "Residential District Standards". This area, setback and parking standards are designed to preserve the residential quality and to provide for ~~an orderly transition from~~a buffer district between lower ~~to~~ and higher density ~~of~~ residential housing districts.

(d) R-4 Multifamily Apartment Residential district. This district is designed to provide an appropriate buffer district between ~~transition from lower~~medium density multifamily and townhouse districts and commercial districts ~~to higher density multifamily areas together with townhouse developments in appropriate locations~~. Within this district there is no maximum number of dwelling units per lot, except as may be required by ~~as per~~ the requirements of Sec. 14.06.020 "Residential District Standards". The regulations of this district are intended to preserve a residential atmosphere without an overcrowding of land.

Sec. 14.06.006 Redesignation of R-5 District

The zoning district maps shall be amended to reflect the change of the district name designation from R-5 to PD (Unified Area Residential Development).

Sec. 14.06.010 Residential District Use Regulations

Land and buildings in residential districts shall be used only for the purposes indicated in Table 14.06.010.

Uses are classified as follows:

P = Permitted Use

SU = May be Approved as a Specific Use Permit

(#) = Conditional Use

TABLE 14.06.010 Residential District Uses

Type of Use	District Permitted					
	R-1	R-2	R-3	R-4	PRC	PPC
Residential Uses						
1 Family Residence	P	P	P	P	--	--
2 Family Residence	--	P	P	P	--	--
3 Family Residence	--	--	P	P	--	--
4 Family Residence	--	--	P	P	--	--
Residence, 5 or More Units	--	--	--	P	--	--
Townhouses/Condos	--	--	P	P	P	--
Home Occupations	(1)	(1)	(1)	(1)	--	--
In-Law Suite	(2)				--	--
Upper Story Residence	--	--	--	--	P	--

Community Uses	R-1	R-2	R-3	R-4	PRC	PPC
Child Care Facility	SU	SU	SU	SU	*See Table 14.07.10 for Permitted Uses and Standards*	
Church		~~P~~	~~P~~	~~P~~		
Public, Community or Government Building	P	P	P	P		
Public Library	P	P	P	P		
Public Park or Playground	P	P	P	P		
Primary or Secondary School, Public or Private		P	P	P		
Utilities						
Lines, Poles, Towers, Metering and Transmission (local) Facilities	P	P	P	P		
Non-Local Utility Facilities Including Lines, Poles, Towers, Metering, Substation and Transmission (serving other than local needs)	SU	SU	SU	SU		
Antenna, Non-Commercial	(3)	(3)	(3)	(3)		
Antenna, Stealth	(4)	(4)	(4)	(4)		
Other						
Activities, Exhibits or Storage and Display of Goods, Wares, Merchandise or Equipment Outside the House, its Attached Garage, or its Accessory Building Not Within the Scope of Home Occupations Requirements.	SU	SU	SU	SU		
Natural Gas Compression Facilities	(5)	(5)	(5)	(5)		
Drilling and Production of Natural Gas and/or Oil and activities related thereto.	(6)	(6)	(6)	(6)		
Extraction of Sand, Gravel and Other Raw Materials	SU	SU	SU	SU		
Garage Sales	(7)	(7)	(7)	(7)		
Wind Driven Energy Systems	SU	SU	SU	SU		
Solar Energy Systems	(8)	(8)	(8)	(8)		

Comment [MF4]: Should churches be left in residential districts?

Comment [CJ5]: For Jim, are we required to have this as an allowable use?

Comment [CJ6]: For Jim, are we required to have this as an allowable use?

Sec. 14.06.015 Residential District Conditional Use Standards

(a) A use is permitted in the zoning district as indicated in Table 14.06.010, if the following conditional development standards or limitations are met.

(1) Home Occupations

The following standards shall be observed in the operation of all home occupations:

(A) Other than members of the immediate family occupying such dwelling, no more than one other person may be engaged at the home occupation at any one time.

(B) Any exhibits or display of goods, wares, merchandise, or equipment when such exhibits or displays are visible from any public street or public right-of-way or from premises the person displaying the goods, wares, or merchandise has no right to occupy, shall require a Specific Use Permit. Retail sales shall meet the permit regulations for garage sales or shall require a Specific Use Permit.

(C) The home occupation shall not display nor create outside any structure any external evidence of the operation of the home occupation, nor shall there be any exterior alterations which change the character thereof as a dwelling. No on-site advertising or signs of any nature are allowed.

(D) There shall be no parking of vehicles, other than in the driveway of such premises, or along the curb immediately abutting such premises. Any parking of vehicles must be consistent with Town ordinance, particularly Chapter 12, "Traffic and Vehicles".

(E) There shall be no storage or parking on the premises or in the streets in the vicinity of the premises of tractor-trailers, semi-trucks, other heavy equipment, or commercial vehicles used in an off-premise business for which the dwelling is being used as a home occupation office except one vehicle of one-ton capacity or less.

(F) Activities are limited to the enclosed area of the house, its attached garage, or its accessory buildings.

(G) The home business shall not involve the use of any yard space (outside) for storage or display nor shall activities be conducted outside any structure without a Specific Use Permit.

(H) Customers are not allowed to conduct business at the home occupation from 8:00 p.m. through 7:00 a.m. with the exception of care of six (6) or fewer children, adults or elderly.

(I) All home occupations are subject to the nuisance, fire, animal and other applicable chapters of the Town of Pantego Code of Ordinances and to the fire, building, plumbing, electrical, mechanical, and health codes.

(J) The operation of beauty culture schools, beauty parlors, barbershops, or lawn mower or other small engine repairs shall not be permitted as a home occupation.

(K) A use not within the scope of these home occupation provisions shall be subject to the provisions of the Non-Residential zones of this article or require a Specific Use Permit.

(L) Incidental use subject to termination. A home occupation is permitted as an incidental use and is secondary to the use of a dwelling. As such, the Planning and Zoning Commission and ~~t~~Town ~~c~~Council may at any time amend this article to terminate any or all home occupations without creating nonconforming rights to the continuance of a home occupation.

(2) In-Law Suite

The construction of an in-law suite is permitted in one-family dwellings provided the following requirements are satisfied:

(A) A maximum of one (1) in-law suite is permitted per detached dwelling.

(B) An in-law suite shall not be any greater than twenty-five percent (25%) of the total gross floor area of the dwelling.

(C) The in-law suite shall be used for housing family members only. No in-law suite shall be rented to non-family members nor shall commercial use of the in-law suite be permitted.

(D) The family member residing in the in-law suite must have direct internal access to the common areas of the main dwelling unit.

(E) The in-law suite shall not have separate gas and electric utilities.

(F) The in-law suite shall not be located in any detached accessory building.

(G) Interior modifications may require review and approval by the Building Official.

(3) Antenna, Non-Commercial
(A) Antenna and/or antenna support structures shall be attached to a building.

(4) Antenna, Stealth
(A) Commercial Stealth Antennas are permitted by right in the Residential Districts only as a secondary use when the primary use on the lot is a church, school, or public utility structure.
(B) The Zoning Administrator may approve a request to install a stealth antenna when the proposed stealth antenna is of a type that is specifically listed in the definition of Antenna, Stealth.
(C) For commercial stealth antenna requests of a type that are not specifically listed in this definition, the Planning and Zoning Commission may determine if a proposed commercial antenna is a stealth antenna or not when considering Site Plan approval for the proposal.

(5) Compressor Station regulations shall include all Gathering Stations and Compressor Stations which compress natural gas and/or other hydrocarbons and associated byproducts for purposes of transporting such products through a pipeline, and are subject to the requirements in Sec. 14.10.625 "Natural Gas Compressor Stations".

(6) Drilling and Production of Natural Gas and/or Oil shall include all activities related thereto, and shall be subject to the requirements in Art. 4.06 "Gas Drilling and Production".

(7) Garage Sales
(A) A Garage Sale shall require a temporary permit approved by the Zoning Administrator.
(B) Garage Sale Permits shall be valid for no more than three (3) consecutive days.
(C) Garage Sale Permits shall be allowed no more than ~~two (2)~~ three (3) times in a calendar year.

(8) Solar Energy Systems shall be allowed in compliance with Article 3.09 "Solar Energy Systems" of the Town Code of Ordinances.

Sec. 14.06.020 Residential District Standards

(a) Unless otherwise specifically provided elsewhere in this article, the height and area requirements for primary structures in the residential districts shall be as provided in Table 14.06.020, below.

(b) Residential infill projects shall be constructed in similar architectural character to the surrounding residential dwellings and shall incorporate similar setbacks and heights to adjacent properties.

TABLE 14.06.020 Residential District Standards

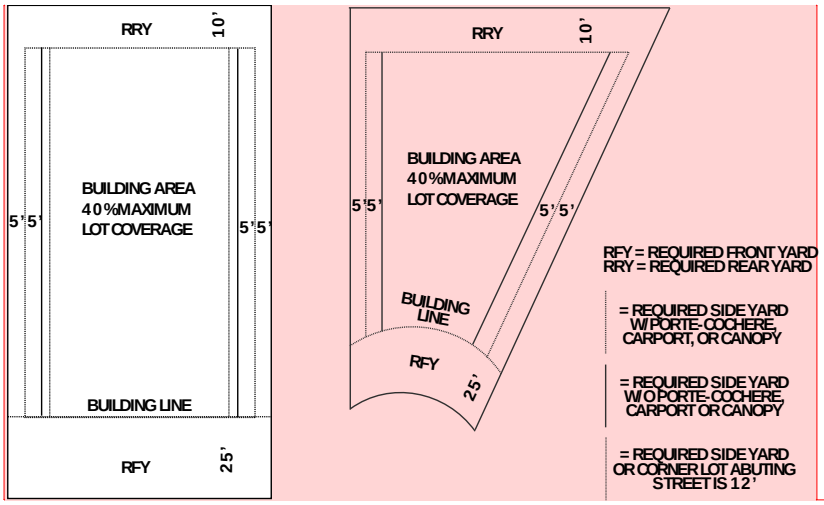
District	Max Height (in feet)	Minimum Yard (in feet)			Minimum Lot Size (in sq. ft.)	Minimum Dwelling Unit Size (in sq. ft.)	Maximum Lot Coverage (%)
		Front	Side (each yard)	Rear			
R-1	35	25	Home: 10 Accessory Structure: 5~~10~~	~~10~~15	10,000	1,600	40
R-2	35	25	Abutting R-1: 10 Other: 5	10	10,000	1,200	40
R-3	35	25	Abutting R-1: 10 Corner Lot: 12 TH Interior Lot: 0 Other: 5	35	Detached: 3,500/DU, but not less than 7,000 Town House /Condo: 2,500/DU	1 BR: 1,000 2 BR: 1,150 3 BR: 1,300 TH: 1,000	60
R-4	35	25	See R-3	35	Detached: 1,200/DU, but not less than 7,000	See R-3	60

LEGEND: DU = Dwelling unit BR = Bedroom TH = Townhouse

Comment [CJ7]: For Jacobs: Are these sizes appropriate?

Comment [CJ8]: For Jacobs: Are these sizes appropriate?

Sec. 14.06.025 Lot Coverage Illustrations



Comment [CJ9]: For Jacobs: Need to change the rear yard length, make figures clearer, remove the notes on the side, make individual figures for each district.

Article 14.07 Non-Residential Districts

Sec. 14.07.005 Purpose and Description of Non-Residential Districts

(a) C-1 - Commercial district. This district is created in order to encourage high quality office and limited service activities.

(b) C-2 - Commercial district. This district is designed to accommodate limited retail and personal service activities, in order to supply day-to-day retail and personal service needs of residents in close proximity to the neighborhoods in which they reside. The standards of this district are calculated to permit neighborhood convenience facilities compatible with adjacent residential areas which they are intended to serve.

(c) C-3 - Commercial district. This district is the area intended for general retail business facilities and personal services. This district might typically accommodate community shopping centers.

(d) C-4 - Commercial district. This district is characterized by warehousing, distribution activities. It is oriented to those activities necessitating a significant volume of motor vehicle traffic, particularly commercial vehicles. It is anticipated that areas bearing this zoning classification should be located on or in close proximity to major thoroughfares designed to accommodate substantial commercial traffic.

(e) L-I Light industrial district. The LI light industrial district is the area intended for call centers or other nonretail call centers and for manufacturing uses relating to light industries based on the recognition that within the limited land area of the town there does not exist the capacity, in terms of space or other conditions, to support heavy manufacturing uses or intense concentrations of call centers.

Sec. 14.07.010 Non-Residential Use Regulations

Land and buildings in non-residential districts shall be used only for the purposes indicated in Table 14.07.010.

P = Permitted Use

SU = May be Approved as a Specific Use Permit

(#) = Conditional Use

Comment [CJ10]: For Jacobs: Need to make sure that there is wording somewhere in this chapter that all sales and service must take place within a building unless specifically allowed by definition or conditions.

TABLE 14.07.010 Non-Residential District Uses

Type of Use	District Permitted						
Non-Residential Uses	**C-1 (Office)**	**C-2 (Light)**	**C-3 (Retail)**	**C-4 (Heavy)**	**Industrial**	**PRC**	**PPC**
Adult Entertainment Establishment	--	--	--		(1)	--	--
Alcoholic Beverage Establishment	--	--	(2)	(2)	(2)	(2)	(2)
Antenna (Commercial)	--	--	--	(3)	(3)	--	--
Antenna (Non-Commercial)	(4)	(4)	(4)	(4)	(4)	(4)	(4)
Antenna (Stealth)	(5)	(5)	(5)	(5)	(5)	(5)	(5)
Antique Shop/Used Furniture	--	--	P	P	P	P	P
Assisted Living Facility	~~SU~~--	SU	SU	SU	SU	SU	SU
Automobile Repair (Major)	--	--	--	P	P	--	--
Automobile Repair (Minor)	--	--	SU	P	P	--	SU
Automobile Sales/Leasing (New)	--	--	--	P	P	--	--
Automobile Sales (Used)	--	--	--		SU	--	--
Automobile Storage	--	--	--	SU	SU	--	--
Bank/Credit Union	~~SU~~--	P	P	P	P	P	P
Barbershop/Beauty Salon	--	P	P	P	P	P	P
Bed and Breakfast Establishment	--	SU	SU	SU	SU	~~--~~SU	~~--~~SU
Body Art Studio	--	--	--	--	(6)	--	--
Building Material/Hardware Sales (Major)	--	--	SU	P	P	--	--

Non-Residential Uses	C-1 (Office)	C-2 (Light)	C-3 (Retail)	C-4 (Heavy)	Industrial	PRC	PPC
Building Material/Hardware Sales (Minor)	--	--	P	P	P	P	P
Call Center	--	--	--		SU	--	--
Car Wash (Full Service)	--	--	~~(7)~~ -	SU (7)	SU (7)	--	~~--~~SU (7)
Car Wash (Self Service)	--	--	--	SU	SU	--	--
Child Care Facility	P	P	P	P	P	~~P~~SU	SU
Church, Place of Worship	SU	SU	P	P	P	SU	SU
Circus/Carnival (Temporary)	--	--	(8)	(8)	(8)	(8)	(8)
Club, Lodge or Fraternal Organization	SU	SU	SU	SU	SU	SU	SU
College, University or Vocational School	SU	SU	SU	SU	SU	SU	SU
Commercial Recreation	--	(9)	(9)	(9)	(9)	(9)	(9)
Construction Office (Temporary)	(10)	(10)	(10)	(10)	(10)	(10)	(10)
Contractor Shop (Major)	--	--	--	SU	P	--	--
Contractor Shop (Minor)	--	--	--	P	P	--	--
Convenience Store	--	--	(11)	(11)	(11)	(11)	(11)
Day Service, Adult	~~P~~SU	~~P~~SU	~~P~~SU	~~P~~SU	~~P~~SU	SU	SU
Drilling and Production of Gas/Oil and Related Activities	SU	SU	SU	SU	SU	~~--~~SU	~~--~~SU
Dry Cleaning (major)	--	--	--	P	P	--	--
Dry Cleaning (minor)	--	P	P	P	P	P	P
Emergency Shelter Facility	SU	SU	SU	SU	SU	SU	SU
Equipment/Machinery Sales/Service/Rental (Major)	--	--	--	SU	P	--	--
Equipment/Machinery Sales/Service/Rental (Minor)	--	--	--	P	P	--	SU
Feed Store (without outdoor)	--	--	SU	P	P	--	--
Fitness Center	--	P	P	P	P	P	P
Furniture Restoration	--	--	--	SU	P	--	--

Comment [CJ11]: For Jim: Discussion was made of allowing in C-4. Goes back to the definition questions.

Comment [CJ12]: For Jim: Can we disallow the use of gas wells in these areas?

Non-Residential Uses	C-1 (Office)	C-2 (Light)	C-3 (Retail)	C-4 (Heavy)	Industrial	PRC	PPC
Gas Compression Facilities	SU	SU	SU	SU	SU	--SU	--SU
Government Building	P	P	P	P	P	P	P
Grocery Store/Food Market	--	--	P	P	P	P	P
Gymnastics/Dance Studio	--	P	P	P	P	P	P
Hall, Dance	--	--	SU	SU	SU	SU	SU
Hall, Reception, Banquet, Meeting	--	--	P	P	P	SU	SU
Hospital	--	--	--	P	SU	--SU	--SU
Hotel	--	--	SU	P	P	SU	SU
Laundromat	--	--	P	P	P	PSU	PSU
Machine Shop	--	--	--	SU	P	--	--
Manufacturing/Processing/Fabrication	--	--	--		(12)	--	--
Massage Therapy (Licensed), Spa	--	P	P	P	P	P	P
Medical Clinic	--	P	P	P	P	SU	SU
Mini-Warehouse/Self-Storage	--	--	--	(13)	(13)	--	--
Mixed Use Development	--	--	--	--	--	P	P
Mobile Food Service	--	--	SU	SU	SU	SU	SU
Mortuary/Funeral Home	--	--	--	P	P	--	--
Motor Vehicle Impound Lot	--	--	--	--	(15)	--	--
Municipal Uses Operated by the Town	P	P	P	P	P	P	P
Museum/Art Gallery	P	P	P	P	P	P	P
Nursery (Major)	--	--	--	SU	SU	--	--
Nursery (Minor)	--	--	P	P	P	SU	SU
Nursing/Convalescent Home	SU	SU	SU	SU	SU	SU	SU
Office - Administrative/Medical/ Professional	P	P	P	P	P	SU	SU
Package Sales	--	--	(16)	(16)	(16)	(16)	(16)

Comment [CJ13]: For Jim: Can we disallow the use of gas wells in these areas?

Non-Residential Uses	C-1 (Office)	C-2 (Light)	C-3 (Retail)	C-4 (Heavy)	Industrial	PRC	PPC
Parking Garage, Public	--	--		SU	SU	SU	SU
Parking, Off-Premises	--	--	(17)	(17)	(17)	(17)	(17)
Pawnshop	--	--	--	--	P	--	--
Pharmacy	--	SU	P	P	P	P	P
Print Shop (major)	--	--	--	SU	P	--	--
Print Shop (minor)	--	P	P	P	P	SU	SU
Recreational Vehicle Storage	--	--	--	--	SU	--	--
Recreational Vehicle, Sales and Service	--	--	--	P	P	--	--
Restaurant/Food Service	--	(18)	(18)	(18)	(18)	(18)	(18)
Retail New Goods (Major)	--	SU	P	P	P	SU	P
Retail New Goods (Minor)	--	P	P	P	P	P	P
Retail Used Goods	--	--	SU	SU	SU	SU	SU
School, Public/Private	P	P	P	P	P	SU	SU
Signs	(19)	(19)	(19)	(19)	(19)	(19)	(19)
Small Engine Repair Shop	--	--	--	P	P	--	--
Smoking Establishments	--	--	--	(20)	(20)	--	(20)
Solar Energy Systems	(23)	(23)	(23)	(23)	(23)	(23)	(23)
Special Event (temporary)	(21)	(21)	(21)	(21)	(21)	(21)	(21)
Tents/Sidewalk Sales (temporary)	~~(22)~~--	(22)	(22)	(22)	(22)	(22)	(22)
Theater, Major	--	--	P	P	P	SU	SU
Theater, Minor	--	P	P	P	P	SU	SU
Trailer Sales/Rental	--	--	--	P	P	--	--
Veterinary Clinic/Kennel (indoor)	--	--	P	P	P	P	P
Veterinary Clinic/Kennel (outdoor)	--	--	--	SU	SU	--	P
Warehouse, Other	--	--	--	--	P	--	--
Warehouse, With On-Site Principal Use	--	--	--	P	P	--	--
Wholesale Establishment	--	--	--	--	P	--	--
Wind Driven Energy Systems	~~SU~~-	~~SU~~-	SU	SU	SU	SU	SU

Sec. 14.07.015 Conditional Development Standards

(a) A use is permitted in the zoning district as indicated in the Table 14.07.010, if the following conditional development standards or limitations are met.

(1) Adult Entertainment Establishment
Adult Entertainment Establishments shall be in accordance with the provisions of Art. 14.11"Adult Entertainment" of this Chapter, the adult entertainment regulations of the Town Code of Ordinances and all other provisions of the code which are applicable.

(2) Alcoholic Beverage Establishment
- *(A)* Alcoholic Beverage Establishments shall be subject to compliance with the Texas Alcoholic Beverage Code, as amended and any applicable local option elections.
- *(B)* An Alcoholic Beverage Establishment is permitted only by Specific Use Permit.
- *(C)* An Alcoholic Beverage Establishment shall be subject to the requirements of Art. 4.02 "Alcoholic Beverages" of the Town Code of Ordinances.
- *(D)* If at the time an original alcoholic beverage permit or license is granted by the Texas Alcoholic Beverage Commission for a premises, the premises satisfies the requirement regarding distance from public schools, private schools, churches, public hospitals, and/or residential zoning districts, then the premises shall be deemed to satisfy the distance requirements for all subsequent renewals of the license or permit. This shall not be the case if the Texas Alcoholic Beverage Commission revokes the license or permit.

(3) Antenna, Commercial
- *(A)* All commercial antennae and antenna support structures located on property owned by the Town shall be permitted in any district.
- *(B)* All commercial antennae and antenna support structures allowed by a Specific Use Permit shall be subject to the following regulations.
  1. Antenna support structures shall be setback a distance equal to or greater than the tower's height measured from the property lines.
  2. Antenna facilities shall be screened by a six (6) foot masonry screening wall or a six (6) foot Open Ornamental Fence with landscape screening.

(4) Antenna, Non-Commercial
All antenna and/or antenna support structures shall be attached to a building.

(5) Antenna, Stealth
- *(A)* Commercial Stealth Antennas are permitted by right in Nonresidential Districts.
- *(B)* Approval of a Listed Commercial Stealth Antenna
- *(C)* The Zoning Administrator may approve a request to install a stealth antenna when the proposed stealth antenna is of a type that is specifically listed in the definition of Antenna, Stealth.
- *(D)* Approval of an Unlisted Commercial Stealth Antenna.
- *(E)* For commercial stealth antenna requests of a type that are not specifically listed in this definition, the Planning and Zoning Commission may determine if a proposed commercial antenna is a stealth antenna or not when considering Site Plan approval for the proposal.

(6) Body Art Studio
A Body Art Studio must be set back one thousand feet (1,000'), as measured by a singular straight line (i.e., air distance), from any other Body Art Studio, Residential Zoning District, Church, Public, Private, or Parochial School, and Child Care Facility. The measurement for this distance requirement shall be in a straight line from the nearest property line of the lot where the Body Art Studio is located without regard to intervening structures or objects, to the nearest property line of the lot where the Residential Zoning District, Church, Public, Private, or Parochial School, and/or Child Care Facility is located.

(7) Car Wash (full service)
A Full Service Car Wash may be permitted as an accessory use to Convenience Store with Gas Pumps.

(8) Circus/Carnival (temporary)
A temporary Circus/Carnival event shall require permit approval from the Town Council and is subject to the following conditions:

(A) Applications for a permit shall be submitted to the Zoning Administrator no less than thirty (30) days prior to the date such temporary circus/carnival shall commence operation.

(B) The application for permit shall contain the following:
1. Name, address and telephone number of person, business or organization conducting the event.
2. Date or dates of the event.
3. A site plan showing in detail the different component parts of the event and locations, including structures, amusement rides, concessions, stages, amplification equipment, parking, sanitary facilities, etc.
4. The estimated number of persons who will be attending.
5. A written lease or agreement from the property owner stating permission to the applicant to operate the event on said property.
6. Proof of liability insurance with minimum combined limits of one million dollars ($1,000,000).
7. Any other information that the Zoning Administrator shall deem necessary under the standards for issuance.

(C) The temporary use shall not impede the normal movement of emergency access vehicles.
(D) A permit fee, listed in Appendix A of the Town Code of Ordinances, shall be required.
(E) No more than a total of two (2) events shall be allowed at the same address in any twelve (12) month period.
(F) The permit will be valid for a maximum of ~~fourteen (14)~~ seven (7)days.

(9) Commercial Recreation
Commercial Recreation establishments shall require a Specific Use Permit. Amusement Centers, as defined in Art.14.02 “Definitions”, shall also be subject to Sec.14.10.630 “Coin-Operated Machines”.

(10) Construction Office (Temporary)
A Construction Office is considered temporary and may be installed for the duration of a permitted construction project only.

(11) Convenience Store
(A) Convenience Stores shall require a Specific Use Permit.

(B) Convenience Stores approved to have alcohol sales for off-premise consumption shall be subject to the following requirements:
1. They shall be subject to compliance with the Texas Alcoholic Beverage Code, as amended and any applicable local option elections.
2. They shall be subject to the requirements of Article 4.02 “Alcoholic Beverages” of the Town Code of Ordinances.
3. If at the time an original alcoholic beverage permit or license is granted by the Texas Alcoholic Beverage Commission for a premises, the premises satisfies the requirement regarding distance from public schools, private schools, churches, public hospitals, and/or residential zoning districts, then the premises shall be deemed to satisfy the distance requirements for all subsequent renewals of the license or permit. This shall not be the case if the Texas Alcoholic Beverage Commission revokes the license or permit.

(C) Convenience Stores with Gas Pumps shall be subject to the following requirements:

1. Gas Pumps are permitted at a maximum of two corners at an intersection of two major or minor arterials;

2. Gas pumps shall be located at least two hundred fifty feet (250') from a property line of a residential lot.

3. Canopy support columns shall be fully encased with masonry materials that are complementary to that used on the main building.

4. The canopy band face shall be of a color consistent with the main structure or an accent color and may not be backlit or used as signage.

(12) Manufacturing/Processing/Fabrication

(A) These shall be conducted within enclosed buildings.

(B) The storage of raw materials and products shall be conducted within screened areas not located in a required yard.

(C) No activity shall be conducted on the premises which creates a level of noise, vibration, smoke or odor emission which, when measured at any property line of the premises, exceeds the same measure when said measurement is taken three hundred feet (300') from the premises.

(D) Food processing shall be allowed, but shall not include on-premise slaughter of animals.

(13) Mini-Warehouse/Self-Storage

Subject to the following restrictions and regulations:

(A) Set back a minimum of two hundred feet (200') from street frontage.

(B) Mini-warehouses shall be limited to "dead" storage, meaning storage of items not intended to be stored or retrieved on a daily basis.

(C) No activities other than rental of storage units and pickup and deposit of dead storage shall be allowed on the premises.

(D) No building shall exceed twelve feet (12') in height.

(E) Total lot coverage shall be limited to fifty percent (50%) of the total lot area.

(F) Minimum setback adjacent to any residential zoning district shall be twenty feet (20').

(G) Where any mini-warehouse abuts a nonresidential zoning district, side and rear yards on the district boundaries shall be not less than the required setback of such abutting property.

(H) A minimum of two points of ingress and egress shall be provided to a mini-warehouse premise. One of the points shall be considered the main entrance and the secondary entrance shall be provided for emergency access.

(I) All storage on the property shall be kept within an enclosed building.

(J) Outdoor advertising displays that do not identify the nature of the mini-warehouse itself shall not be permitted on the premises.

(K) All outdoor lights shall be shielded to direct light and glare onto the mini-warehouse premises, shall be deflected, shaded and focused away from all adjoining property, and shall be of sufficient intensity to discourage vandalism and theft.

(L) A screening device at least six feet (6') in height shall be constructed between any mini-warehouse and

adjoining residentially zoned areas. The barrier shall be of ~~stone, brick, pierced brick or block, or other permanent material of equal character, density and design~~masonry construction.

Comment [MF14]: Masonry construction includes materials such as hardy board, which looks like wood. Is this Council's intent?

(M) No door opening for any mini-warehouse storage unit shall be constructed facing any residentially zoned property.

(N) A minimum distance of thirty feet (30') shall separate units of mini-warehouse units, of which twenty-four feet (24') may be required for fire lanes as prescribed by the fire code of the town.

(O) Twenty-four (24) hour on-duty security or management personnel shall be required at the main point~~s~~ of ingress and egress to the mini-warehouse facilities. This may include a small residence for such personnel. The residence shall not be rented out or leased to any individual other than the employee providing security and management services on site. Only one such accessory residence shall be permitted.

(14) Mixed Use Development

Mixed use includes residential and non-residential units in the same building. Residential uses are excluded from the ground floor or street level store front.

(15) Motor Vehicle Pound

Shall require a Specific Use Permit and be used for the temporary storage of motor vehicles removed from public or private property by impoundment pursuant to state law or town ordinance.

(16) Package Sales

(A) Package Sales shall be subject to compliance with the Texas Alcoholic Beverage Code, as amended and any applicable local option elections.

(B) Package Sales is permitted only by Specific Use Permit.

(C) Package Sales shall be subject to the requirements of Article 4.02 "Alcoholic Beverages" of the Town Code of Ordinances.

(D) If at the time an original alcoholic beverage permit or license is granted by the Texas Alcoholic Beverage Commission for a premises, the premises satisfies the requirement regarding distance from public schools, private schools, churches, public hospitals, and/or residential zoning districts, then the premises shall be deemed to satisfy the distance requirements for all subsequent renewals of the license or permit. This shall not be the case if the Texas Alcoholic Beverage Commission revokes the license or permit.

(17) Parking, Off-Premises

Parking areas in non-residential districts on land not more than three hundred feet (300') from the property served thereby, under such conditions as will protect the character of the surrounding property shall require a Specific Use Permit.

(18) Restaurant/Food Service

~~*(A)* No drive-in facilities for on-premises, in-car consumption shall be permitted.~~

A restaurant that sells alcohol for on-premise consumption shall require a Specific Use Permit and shall adhere to the following requirements:

1. They shall be subject to compliance with the Texas Alcoholic Beverage Code, as amended and any applicable local option elections.

2. They shall be subject to the requirements of Article 4.02 "Alcoholic Beverages" of the Town Code of

Ordinances.

3. If at the time an original alcoholic beverage permit or license is granted by the Texas Alcoholic Beverage Commission for a premises, the premises satisfies the requirement regarding distance from public schools, private schools, churches, public hospitals, and/or residential zoning districts, then the premises shall be deemed to satisfy the distance requirements for all subsequent renewals of the license or permit. This shall not be the case if the Texas Alcoholic Beverage Commission revokes the license or permit.

4. If a Restaurant receives more than fifty percent (50%) or more of its gross revenue on an annual basis from the sale or service of alcoholic beverages for on-premise consumption, the use will no longer qualify as a Restaurant and will be classified and regulated by the Town as an Alcoholic Beverage Establishment.

(19) Signs

Signs shall require a Specific Use Permit when exceptions to general permitting of signage in Art.14.10, Part VIII. "Sign Regulations" are necessary for the following cases:

(A) Electronic Message Centers as required in Sec. 14.10.730 "Classifications",

(B) Signs which exceed the area or height standards of Sec.14.10.730 "Classifications", but only upon proof by the applicant that unique characteristics of topography and/or the elevation of adjacent roadways make a Specific Use Permit necessary in order for the property to enjoy sign rights equivalent to those of other properties in the same zoning classification not possessing such unique characteristics.

(20) Smoking Establishment

(A) Any smoking establishment seeking a certificate of occupancy after July 30th, 2012 must be located at least one thousand feet (1,000') from any other smoking establishment.

(B) The distance of one thousand feet (1,000') stated in subsection (A) above, shall be measured in a direct line as the crow flies from the main customer entrance of each smoking establishment, without regard to property lines, streets, walkways, walls or any other obstruction.

(21) Special Events (temporary)

Special Events, including non-profit organization events, school district events, and similar events such as political rallies, tent meetings, festivals, revivals, bazaars, etc., require permit approval from the Zoning Administrator and are subject to the following conditions:

(A) Applications for a permit shall be submitted to the Zoning Administrator no less than fourteen (14) days prior to the date such temporary special event shall commence operation.

(B) The application for permit shall contain the following:

1. Name, address and telephone number of person or organization conducting the event.

2. Date or dates of the special event.

3. A site plan showing in detail the different component parts of the special event and locations, including structures, stages, amplification equipment, parking, sanitary facilities, etc.

4. The estimated number of persons who will be attending.

5. A written lease or agreement from the property owner stating permission to the applicant to operate a special event on said property.

6. Any other information that the Zoning Administrator shall deem necessary under the standards for issuance.

(C) The temporary use shall not impede the normal movement of pedestrians or emergency access vehicles.

(D) The application shall be reviewed by the Community Development, Police and Fire Departments for security, fire and safety related issues.

(E) No more than a total of three(3) temporary uses shall be allowed at the same address in any twelve (12) month period.

(F) The permit will be valid for a maximum of fourteen (14) days.

(22) Tent/Sidewalk Sales (temporary)

Tent/Sidewalk Sales require permit approval from the Zoning Administrator and are subject to the following conditions:

(A) Applications for a permit shall be submitted to the Zoning Administrator no less than fourteen (14) days prior to the date such temporary sale shall commence operation.

(B) The application for permit shall contain the following:

1. Name, address and telephone number of person or business conducting the event.
2. Date or dates of the temporary sale.
3. A site plan showing the component parts and location of the sale.
4. A statement of the type of goods or wares to be sold.
5. A written lease or agreement from the property owner stating permission to the applicant to operate a temporary sale on said property.
6. If tents are used, a copy of the flame resistant rating information from the manufacturer.
7. Any other information that the Zoning Administrator shall deem necessary under the standards for issuance.

(C) The temporary sale shall not impede the normal movement of pedestrians or emergency access vehicles.

(D) A permit fee, listed in appendix A of the Town Code of Ordinances, shall be required.

(E) The application shall be reviewed by the Community Development, Police and Fire Departments for security, fire and safety related issues.

(F) No more than a total of three (3) temporary sales shall be allowed at the same address in any twelve (12) month period.

(G) The permit will be valid for a maximum of fourteen (14) days.

(23) Solar Energy Systems shall be allowed in compliance with Article 3.09 “Solar Energy Systems” of the Town Code of Ordinances.

Sec. 14.07.020 Non-Residential District Standards

Unless otherwise specifically provided elsewhere in this article, the height and area requirements for buildings and other structures in the Non-Residential districts shall be as provided in Table 14.07.020.

TABLE 14.07.020 Non-Residential District Standards

District	Maximum Building Height (in ft.)	Minimum Yard (in ft.)			Minimum Lot Size (in sq. ft.)	Maximum Impervious Lot Coverage (%)
		Front	Side	Rear		
C-1	17	25	10[1]	25	7,000	80
C-2	45	25	0[1]	25	7,000	95
C-3	45	25	0[1]	0[1]	7,000	90
C-4	45	25	0[1]	0[1]	7,000	90
L-I	35	25	0[1]	25	7,000	100

[1]Except when abutting residential, in which case it shall be 20', with 8' screening fence.

Article 14.08 Special and Overlay Districts

Part I. Planned Development ("PD") District

Sec. 14.08.005 General Purpose and Description

A Planned Development is a district which accommodates coordinated development that promotes new and/or innovative concepts in land utilization. It is intended to promote creative siting arrangements in order to preserve natural features, encourage the conservation of open space, buffer infill tracts and adjacent uses, and provide for development which enhances neighborhood areas. The minimum area for a Planned Development district shall be at least one (1) acre.

Sec. 14.08.010 Permitted Uses

A Planned Development must specify a base zoning district to set a guideline for establishing uses, standards and regulations. Any variances from the uses, standards and regulations of that base district must be specifically listed in the Planned Development approval ordinance. Any residential or non-residential uses in this Chapter, including those requiring Specific Use Permit, are permitted in a PD district.

Sec. 14.08.015 Specific Developments Allowed by PD

(a) Unified Area Residential Development (formerly R-5 Residential District)

(1) General Purpose and Description

Unified Area Residential Developments allow for a planned development of single-family detached dwelling units in a modified residential district that encourages flexibility in lot size, density and incorporating common open space as an integral part of the development.

	Height (in feet)	~~Area~~ Minimun Yard Setback (in feet)			Lot (in feet)				
		Front	Rear	Side	Minimum Size	Minimum Width	Minimum Depth	Maximum Coverage	Minimum Living Space
Standard	35[3]	20	10	5[4]	5,000 sq. ft.	50	90	~~50~~60%	1,200 sq. ft.

(2) A two car garage shall be required for vehicle parking and shall not be converted into living space.

(b) Residential Private Street Development

(1) General Purpose and Description

A Residential Private Street Development is a development that contains a group of lots that have no frontage on a publicly dedicated street and are accessible by way of a private street or access easement. Such subdivisions may also limit access to lots or dwelling units by the use of a gate, security guard or other active means of limiting access.

[3] Accessory Structures shall meet the requirements of Art. 14.10, Part VI "Accessory Structure and Use Regulations".

[4] Side Yards shall typically be five foot (5'), but shall always be configured so that no exterior walls of neighboring dwelling units or accessory structures are closer than ten feet (10') from each other.
No roof overhang, gutter or extension from a wall shall be allowed to extend into a neighboring property.
Exterior roof lines that fall or drain toward adjacent properties shall be storm guttered, so as not to affect the neighboring property.
Side Yards adjacent to street rights-of-way shall be a minimum of fifteen feet (15').
Access easements shall be required along side lot lines to allow for no less than a three foot (3') access adjacent to structures.

(2) A Residential Private Street Development may be approved as a PD subject to the following criteria:

(A) The development shall not cross existing or proposed public streets.

(B) The development shall not cross or disrupt an existing or proposed public pedestrian pathway, bicycle trail or otherwise significantly diminish the connectivity of the Town.

(C) The development shall not have a negative effect on vehicular traffic or negative impact on planning in the area. A traffic impact study may be required to show the impact of ~~the~~ any limited access on public streets.

Sec. 14.08.020 Planned Development Requirements

(a) Development requirements for each separate PD District shall be set forth in the amending ordinance granting the PD District and shall include, but are not limited to: uses, density, lot area, lot width, lot depth, yard depths and widths, building height, building elevations, building material coverage, floor area ration, parking access, screening, landscaping, accessory buildings, signs, lighting, hours of operation, project phasing or scheduling, management associations, and other requirements as the Town Council or Planning and Zoning Commission may deem appropriate.

(b) The uses in a PD District shall conform to the standards and regulations of the specified base district listed in the amending ordinance. All applications to the Town shall list, in a tabular format, all requested deviations from the prescribed uses, standards and regulations required within the specified base district.

Sec. 14.08.025 Application and Submittal Requirements

A "PD" zoning request shall include a Conceptual Plan and/or Final Development Plan along with a written proposal explaining all aspects of the requested "PD" including the deviation table mentioned in the previous section. These items shall be submitted to and check-listed by the Zoning Administrator prior to acceptance of the "PD" zoning request.

(a) Conceptual Plan. A Conceptual Plan shall show the intent for the use of the land within the proposed "PD" in a graphic manner, as well as the written proposal mentioned above, containing the following information:

(1) Residential Conceptual Plans shall include general use, thoroughfares, preliminary lot arrangements, size, type and location of buildings and building sites, access, density, building height, fire lanes, screening, landscape areas, project scheduling, and other pertinent information as deemed necessary.

(2) Non-Residential, Mixed Use and Multi Family Conceptual Plans shall include information in a manner to adequately illustrate the type and nature of the proposed development by providing data including, but not limited to, the type of use(s); topography; physical features of the site; existing streets, alleys and easements; location of proposed public facilities; building elevations, materials, heights and locations; signage; parking ratios; project scheduling; landscaping plans; building elevations and other information required to adequately describe the proposed development.

(3) A preliminary drainage study and/or a preliminary plat shall be submitted concurrently with the Conceptual Plan.

(4) Where existing structures are to be redeveloped within an existing development and all ordinance requirements cannot be met, the submittal shall include a list of the requirements with which the existing structures cannot comply.

(b) Final Development Plan. The Final Development Plan shall set forth the complete plans for the Planned Development District and shall conform to the approved Conceptual Plan. This final submittal shall include the following information, unless waived by the Zoning Administrator:

(1) ~~Non-residential, Multi-Family and Mixed-Use Planned Development Districts shall provide a~~A Development Site Plan with all submittal information required in ~~Article 14.09~~Section 14.09.025.

~~"Development Site Plan"~~.

~~*(2)* General topographic conditions, significant natural features, and 100-year floodplain.~~

~~*(3)* Existing uses adjacent to the site.~~

~~*(4)* The percentage of the site covered which includes all buildings, structures and paving for vehicular traffic, parking and/or maneuvering areas. Areas designated for common use which benefits all residents of the development such as walkways, bikeways, pools, playgrounds and/or clubhouses shall be excluded from the site coverage calculation.~~

~~*(5)* Existing and proposed public and private rights-of-way and walkways dedicated to public use, easements located on or adjacent to the plan area, and access points.~~

~~*(6)* The square footage and density of all proposed uses and a typical elevation of structures showing the structure character.~~

~~*(7)* The approximate location and dimensions of all parking areas, open areas and recreational areas.~~

~~*(8)* Areas reserved for common ownership with the tenant(s), person(s) or entity who will share ownership.~~

~~*(9)* Landscape plan as required in Sec. 14.09.025(a)(4). Buffer yards may be reduced when not on the periphery of a development plan.~~

~~*(10)*~~*(2)* Statement indicating that the final development plan complies with the approved concept brief and applicable zoning ordinance requirements.

Sec. 14.08.030 Design Standards and Guidelines

(a) The following design standards shall be integrated into all "PD" developments where applicable to mitigate negative impacts and to make uses compatible.

(1) Height regulations. The maximum height requirement for permissible uses in this district shall be established by the zoning requirement of the primary use of the PD and shown on the final development plan.

(2) Landscape and screening regulations. The applicant shall use the landscaping and screening standards identified in Art.14.10 "Development Standards" as a minimum for any proposed screening.

(3) Signs. Signs shall comply with the standards of Art. 14.10, Part VIII. "Sign Regulations".

(4) Parking. Minimum off-street parking requirements shall not be less than the minimum requirements for uses prescribed in Art. 14.10 "Development Standards".

(5) Bay (loading) doors. Bay doors and loading spaces shall be oriented away from adjoining streets or screened. Bay doors and loading spaces shall be screened from adjacent low density residential properties.

(6) Open space. Provisions for public, private and common open space shall be evaluated with regard to density, site coverage, and physical characteristics of the site and, if deemed necessary, required as part of the development plan. If the development includes two or more lots, based on the amount of common open space and the required maximum site coverage, the plan shall specify the maximum building site coverage for each lot.

(7) Masonry requirements. All primary buildings, regardless of size, shall be constructed of ninety percent (90%) masonry construction, exclusive of glass, and shall otherwise comply with the most recent Building Code adopted for use by the Town. For the purposes of this Part, stucco shall not be considered masonry in residential applications.

Comment [MF15]: Should Hardy Board be included as a prohibited material?

(8) Additional provision. Nothing listed shall limit the council's ability to require more restrictive standards necessary to protect the public's health, safety and welfare.

(9) Exception to minimum ~~performance~~ design standards. The requirements herein may be varied in a "PD" when unusual topographic constraints, siting requirements, preservation of existing trees, or when similar conditions create undue hardship and prevent strict compliance with this Part. In approving modifications to any existing standards or zoning classification, the ~~p~~Planning and ~~z~~Zoning ~~c~~Commission and the ~~t~~Town ~~c~~Council shall be guided by the intent of this Part and the purposes or strategies of the town's comprehensive plan.

(b) The following design guidelines should be incorporated into all developments when applicable and should be used as a basis for review:

(1) Density and coverage ~~regulations~~. Density of development and maximum site coverage should be established with due regard to site and general area characteristics including land use, zoning, topography, thoroughfares, open space opportunity and the provisions for quality construction and development standards.

(2) Lot orientation. Single-family residential lots should be designed to face away from multifamily or service related land uses. The garage and drive area of residential lots, primarily corner lots, should be oriented to the least intensive street. Single-family lots should not have access to major collector or arterial streets.

(3) Lot development. ~~Regulations should be flexible~~Flexibility should be available to allow for creative development and efficient design so long as the lot size is in keeping with the purpose and intent of this Part.

~~*(4)* Environmental performance standard. Environmental standards appropriate to make a proposed use compatible may be required on a concept brief or final development plan.~~

~~*(5)*~~*(4)* Building scale and architecture. Higher density residential and commercial structures located in or adjacent to lower density residential areas should be designed to resemble the lower density character of the neighborhood and should incorporate similar building styles and materials to fit within the neighborhood fabric.

~~*(6)*~~*(5)* Building orientation and clustering. Higher density structures located adjacent to low density uses should be oriented, designed and sited such that views overlooking the low density uses are minimized. Nonresidential uses should face away from residential uses. Clustering of units should be incorporated into medium and high density residential uses to minimize impacts on adjacent low density residential uses and to cluster open space.

~~*(7)*~~*(6)* Visual intrusions. Visual intrusions are discouraged.

~~*(8)*~~*(7)* Neighborhood entrance. One or more neighborhood entrances should be designed into residential "PD" developments. Examples include:

(A) Masonry wall or combination masonry and iron fence;

(B) Landscaped median or traffic island or enhanced entrance area;

(C) Concrete pavers with a different color and/or texture than the street;

(D) A ground sign, marker or subdivision entryway wall displaying the name of the subdivision or neighborhood.

~~*(9)*~~*(8)* Natural features. ~~Retention ponds should be used to mitigate the effects of runoff and to create a neighborhood amenity.~~ Site development should be flexible enough to retain much of the vegetation on the

Comment [MF16]: Need to define masonry to eliminated materials such as hardy board.

parcel as a resource. Natural features, such as a drainage ways, trees, and significant grade changes, should be utilized in a variety of ways to enhance the neighborhood design.

~~(10)~~(9) Access. Shared access should be used where possible and emphasis placed on efficient internal circulation. Access should be designed to discourage cut-through traffic into a neighborhood.

~~(11)~~(10) Street network. Streets should be strategically located to balance the distribution of traffic within the neighborhood, protect residential areas and discourage "cut-through" traffic between thoroughfares.

~~(12)~~(11) Pedestrian walkways. The subdivision design should provide for pedestrian activity to connect internal and external destinations. Sidewalks, crosswalks, and bridges should be provided to separate pedestrian and vehicular traffic. Walkways should be provided in various open space areas connecting to other neighborhoods and community centers.

~~(13)~~(12) Lighting. Lighting should illuminate only those areas for which it is designed. Parking lot lights shall be shielded so that residential uses are not impacted. Generally, this can be accomplished with lights that are no taller than the structures they are serving.

~~(14)~~(13) Signs. Signs should complement the establishment they advertise and should generally agree with the local architecture or neighborhood character. Signs should give a sense of place and character to a street.

~~(15)~~(14) Parking. In unique situations, Planning and Zoning may recommend and ~~t~~Town ~~c~~Council may approve parking ratios less than those required by Art. 14.10 "Development Standards" when natural features are preserved.

Sec. 14.08.035 Approvals

(a) The Town Council, by an affirmative vote of four of its members may by ordinance authorize planned developments, as provided in this part. Before granting any planned development, the application shall be referred to the Planning and Zoning Commission for study and a report concerning the effect of the proposed use on the comprehensive plan and on the character and development of the neighborhood, and a public hearing shall be held in relation thereto before the commission. Notice of such hearing shall be given in the same manner as for other amendments to the zoning ordinance.

~~(a)~~(b) Any modification to a proposed final development plan submitted after public notice is given shall be submitted to the Zoning Administrator for review and comment prior to its presentation to the Planning and Zoning Commission and/or Town Council for approval. Under no condition shall such modification constitute a more intense development proposal than the development plan given public notice. If redesigns are submitted in a manner in which time is not available for adequate review by staff, the case may be delayed and a fee for notification and re-advertising required.

~~(b)~~(c) Prior to approval on second reading, the required concept brief and/or final development plan shall be amended to reflect all stipulations as approved by the Town Council on first reading. Upon approval, the Zoning Administrator shall furnish a copy of the final development plan to the Building Official and City Secretary.

~~(c)~~(d) A concept brief and/or a final development plan shall be binding upon the owner(s) and successors of the property shown on the plan and shall control all building permits. Building permits for any partial development or construction on land contained in an approved development plan shall be in accordance with phasing approved on such development plan.

~~(d)~~(e) Prior to a permit being issued for development, the Building Official shall review the building permit application for compliance with the approved final development plan.

~~(e)~~*(f)* When common open space, common recreational areas or common area containing other amenities to the development are approved as a part of a development plan, such areas shall be retained, owned and maintained by the owner(s) of the units contained within the development or the owners' association to which they are members.

Sec. 14.08.040 Amendments to an Approved Plan

(a) An application for amendment of a concept brief and/or final development plan shall include all land originally incorporated into the Planned Development amending ordinance. Amendments to the original ordinance shall follow the same process as a new application. Notification of Public Hearing shall include all property owners within two hundred feet (200') of the "PD" as well as all property owners within the "PD" described by the original ordinance amendment, zoning such land to "PD," unless otherwise permitted in this section.

(b) A property owner may apply for an amendment to the concept brief and/or final development plan for that property only when:

(1) Such ownership constitutes a separately platted lot;

(2) There is no change to internal traffic patterns; and

(3) There is no impact on adjacent lots in the development plan.

Sec. 14.08.045 Administrative Changes

(a) Minor amendments, modifications or deletions to an approved concept brief and/or final development plan may be made by the Zoning Administrator when petitioned to do so by one with a proprietary interest in the "PD" district and where such change does not significantly:

(1) Alter the basic relationship of the proposed uses to adjacent uses;

(2) Change the uses approved;

(3) Increase approved densities, floor areas, height or site coverage;

(4) Decrease on-site parking requirements;

(5) Reduce minimum yards or setbacks; or

(6) Change traffic patterns.

(b) The Zoning Administrator shall determine if changes are minor, and any changes determined not to be minor shall require full Planning and Zoning Commission and Town Council review through an amendment process.

Sec. 14.08.050 Expiration of Plan

Comment [CJ17]: For Jim, Is there any requirement that we allow the PD to be in effect permanently, like a plat?

(a) A final development plan shall expire two (2) years from the date of Town Council approval unless:

(1) Prior to the expiration date, a building permit for a new structure or certificate of occupancy is issued for the use of the property as described on the plan, and actual construction or occupancy starts within one hundred twenty (120) days of the original building permit or certificate of occupancy issuance.

(2) If construction or work is suspended for a period of one hundred twenty (120) days after work has commenced and the expiration date has passed, the final development plan shall expire. However, the ~~t~~Town ~~c~~Council may extend the deadline for the expiration for a period of up to two (2) years.

(3) If a final development plan expires, no building permit shall be issued, and no use of land or buildings shall be made until a new final development plan, in compliance with final development plan requirements has been approved.

(b) The Town Council may, on its own authority, establish a development or expiration schedule different from the previous section as a condition of approval of a final development plan. Such schedule, when specifically approved by Town Council, may mandate that construction shall occur within a shorter or longer time and/or that construction may not begin until a certain time or performance has occurred. The conditions of the approved scheduling shall be shown on the final development plan.

Sec. 14.08.055 Fees

Fees shall be as provided in the fee ordinance and as identified in Appendix A of this code.

Part II. Specific Use Regulations

Sec. 14.08.105 Permit Issuance Procedures

(a) Purpose. The purpose of a ~~s~~Specific ~~u~~Use ~~p~~Permit is to provide the Town Council the opportunity to deny or to conditionally approve those uses for which Specific Use Permits are required. These uses may have unusual physical or operational characteristics or may be of a public or semi-public character often essential or desirable for the general convenience and welfare of the community. Because of the nature of the use, however, the importance of the uses' relationship to public planning policies, or possible adverse impact on neighboring property of the use, heightened review, evaluation, and exercise of planning judgment relative to the location and site plan of the proposed uses are required.

(b) Permit required. No land or building shall be used or occupied by any use requiring a Specific Use Permit, as specified in Art. 14.06 "Residential District Regulations" or Art. 14.07"Non-residential District Regulations", unless a Specific Use Permit has first been issued in accordance with the provisions of this section.

(c) Procedural requirements. Subject to the provisions of this section, the Town Council, by an affirmative vote of four of its members may by ordinance authorize Specific Use Permits, as provided in this section. Before granting any Specific Use Permit, the permit application shall be referred to the Planning and Zoning Commission for study and a report concerning the effect of the proposed use on the comprehensive plan and on the character and development of the neighborhood, and a public hearing shall be held in relation thereto before the commission. Notice of such hearing shall be given in the same manner as for other amendments to the zoning ordinance.

(d) Application procedures.

(1) An application for a Specific Use Permit shall be filed with the town planning department on a form prepared by the town. The application shall be accompanied by the following:

(A) A completed application form signed by the property owner;

(B) An application fee as established by the town's latest adopted "schedule of fees";

(C) A certificate stating that all town and school taxes have been paid current-to-date;

(D) A property description of the area where the Specific Use Permit is proposed to apply;

(E) A site plan complying with the requirements stated herein which will become a part of the Specific Use Permit, if approved, and;

(F) Any other material and/or information as may be required by the Planning and Zoning Commission, the Town Council or the Zoning Administrator to fulfill the purpose of this section and to ensure that the application is in compliance with the ordinances of the Town of Pantego.

(G) A site plan including all information listed in Art. 14.09, "Development Site Plan".

(2) The following additional information shall be provided prior to approval, subject to the provisions of

Sec.14.08.105(e).

(A) Any final environmental assessment and/or final environmental impact statement that may be required pursuant to state or federal statutes;

(B) Copies of studies or analyses upon which have been based projections for need or demand for the proposed facility;

(C) Copies of studies or analyses upon which alternatives have been considered and evaluated;

(D) Description of the present use, assessed value and actual value of the land affected by the proposed facility;

(E) Description of the proposed use, anticipated assessed value and supporting documentation;

(F) A description of any long term plans or master plan for the future use or development of the property;

(G) A description of the applicant's ability to obtain needed easements to serve the proposed use;

(H) A description of the type, feasibility and cost of any proposed mitigation necessary to make the proposed use compatible with current and future land use patterns;

(I) A description of any special construction requirements that may be necessary for any construction or development on the subject property;

(J) If the proposed use will result in a significant increase in traffic, a traffic impact analysis prepared by a certified professional engineer qualified in the field of traffic engineering and forecasting;

(K) A noise management plan detailing the projected noise produced by the proposed use, including, but not limited to, the projected noise volume and duration, and the noise mitigation measures proposed to be implemented.

(e) Waiver of permit requirements.

(1) Upon petition by the applicant showing that full compliance with the application requirements would be unreasonably burdensome and that the proposed building, structure, use, development or activity will have an insubstantial impact on the surrounding area, the Zoning Administrator may waive any part, or all, of the application requirements imposed by Sec.14.08.105(d)(2).

(2) The Zoning Administrator may grant such a waiver only upon finding that the information submitted is sufficient to determine that the proposed building, use, structure, development or activity will have an insubstantial impact on the surrounding area and that providing the information required by the submittal requirements is unreasonably burdensome on the applicant.

(3) The Planning and Zoning Commission and/or Town Council shall reserve the right to require any waived information to be submitted prior to approval, if deemed necessary for proper review and decision.

(f) Conditions of permit approval. A Specific Use Permit shall not be recommended for approval by the Planning and Zoning Commission unless the commission finds that all of the following conditions have been found to exist:

(1) The proposed use complies with all the requirements of the zoning district in which the Specific Use Permit is located;

(2) The proposed use as located and configured will contribute to or promote the general welfare and convenience of the Town;

(3) The benefits that the town gains from the proposed use outweigh the loss of or damage to any homes,

businesses, natural resources, agricultural lands, historical or cultural landmarks or sites, wildlife habitats, parks, or natural, scenic, or historical features of significance, and outweigh the personal and economic cost of any disruption to the lives, business and property of individuals affected by the proposed use;

Comment [CJ18]: For Jim: Is this is needed.

(4) Adequate utilities, road access, drainage and other necessary supporting facilities have been or shall be provided;

(5) The design, location and arrangement of all public and private streets, driveways, parking spaces, entrances and exits shall provide for a safe and convenient movement of vehicular and pedestrian traffic without adversely affecting the general public or adjacent developments;

(6) The issuance of the Specific Use Permit does not impede the normal and orderly development and improvement of neighboring vacant property;

(7) The location, nature and height of buildings, structures, walls and fences are not out of scale with the neighborhood;

(8) The proposed use will be compatible with and not injurious to the use and enjoyment of neighboring property, nor significantly diminish or impair property values within the vicinity;

(9) Adequate nuisance prevention measures have been or shall be taken to prevent or control offensive odors, fumes, dust, noise, vibration and visual blight;

(10) Sufficient on-site lighting is provided for adequate safety of patrons, employees and property and such lighting is adequately shielded or directed so as not to disturb or adversely affect neighboring properties;

(11) There is sufficient landscaping and screening to ensure harmony and compatibility with adjacent properties;

(12) The proposed operation is consistent with the applicant's submitted plans, master plans, projections, or where inconsistencies exist, the benefits to the community outweigh the costs;

(13) The proposed use is in accordance with the Town's comprehensive plan.

(g) Additional conditions. In authorizing a Specific Use Permit, the Planning and Zoning Commission may recommend, and the Town Council may impose, additional reasonable conditions necessary to protect the public interest and the welfare of the community, including by way of example and without limitation thereto conditions that the Specific Use Permit extend only to the applicant or for a specified term.

(h) Governmental immunity. Upon petition of the applicant, the Town Council may officially recognize that the applicant is immune from the requirements of complying with the town's zoning ordinance for a proposed building, structure, use, development or activity, (a) if required by state or federal statutes, or (b) in the absence of such statutes, upon consideration and balancing of all relative factors, including:

Comment [CJ19]: For Jim: What does this item cover specifically?

(1) The impact of zoning compliance upon a proposed building, structure, use, development or activity;

(2) The impact of a proposed building, structure, use, development or activity on the town;

(3) Whether the site selected is the most prudent and feasible location for the proposed building, structure, use, development or activity;

(4) The need of the applicant and the region for the proposed use, development or activity.

(i) Time limit. A Specific Use Permit issued under this section shall be valid for a period of two (2) years from the date of issuance and shall become null and void unless construction or use is substantially under way during the two (2) year period, or unless an extension of time is approved by the Town Council.

(j) Amendments. The procedure for amending a Specific Use Permit shall be the same as for a new application, provided, the Zoning Administrator may approve minor variations from the original permit which do not increase density, change traffic patterns, or result in an increase in external impacts on adjacent properties or neighborhoods.

Sec. 14.08.110 Term of Permit; Suspension or Revocation Conditions

(a) Any Specific Use Permit shall be valid for the period of time for which it is issued, but shall terminate upon expiration of such stated period. A ~~s~~Specific ~~u~~Use ~~p~~Permit may be revoked, suspended or modified by the ~~t~~Town ~~c~~Council if the Town Council finds, in its sole discretion and opinion that one of the following has occurred:

(1) The permit was obtained or extended by fraud or deception.

(2) One or more of the conditions imposed by the permit has not been met or has been violated.

(b) A permit may be revoked, suspended or modified only after compliance with the notice, ~~and~~ public hearing procedures and affirmative vote of four Town Council members required for issuance of the permit, ~~including~~ as well as notice and public hearing before the Planning and Zoning Commission. The decision of the Town Council shall be final and binding on all parties.

Part III - Park Row Corridor District (PRC)

Sec. 14.08.205 Purpose

The Park Row Corridor District is established to provide guidelines and regulations to ensure that the site design, physical function and appearance of the properties in this District reinforce the vision, goals and objectives of the Pantego Comprehensive Plan and Redevelopment Strategies as they relate to Redevelopment Village 1, the Park Row Drive corridor. It is the intent of the Town, in partnership with corridor property owners, to promote and require these designs as much as practical and in proportion with the amount of redevelopment being requested.

Sec. 14.08.210 Application of Standards

These guidelines and regulations shall apply to all properties located within the Park Row Corridor District as identified on the Official Zoning Map of Pantego, Texas. The guidelines and regulations shall be applied as follows:

(a) Any new development or redevelopment of property which occurs within the PRC District that ***is not*** part of a Planned Development District (PD) (*Sec. 14.08.005*) shall conform to all of the standards in *Sec. 14.08.225, Design Standards,* ***as requirements***, as applicable. Some or all of these standards may be determined by the approving body to be technically infeasible.

(b) Any new development or redevelopment which occurs within this district that ***is*** part of a Planned Development District (PD) (*Sec. 14.08.005*) shall follow all of the standards in *Sec. 14.08.225*, Design Guidelines, ***as guidelines***, as applicable.

(c) In instances of conflict between the regulations in this Section and another Section in this Zoning Code, the regulations and standards of this Section shall prevail.

Sec. 14.08.215 Development Review

The review of any development or substantial redevelopment project within the PRC District shall occur as outlined below. For the purposes of this Section, "substantial redevelopment" shall mean a 25% or greater enlargement or decrease in the gross floor area or building size for the subject parcel(s).

(a) Any new development or substantial redevelopment which occurs within this district that ***is not*** part of a Planned Development District *(Sec. 14.08.005)* shall be reviewed and approved by the Zoning Administrator to assure that the design standards of *Sec. 14.08.225*, Design Guidelines, are met.

(b) Any new development or substantial redevelopment which occurs within this district that ***is*** part of a Planned Development District shall be reviewed for general compliance of all design standards of *Sec. 14.08.225*, Design Guidelines, during the approval process specified by *Sec. 14.08.005*, Planned Development District. As part of a Planned Development District, the regulations and standards in this Section, with the exception of permitted uses, shall serve as guidelines and not requirements.

The Zoning Administrator may request the assistance of the Planning and Zoning Commission, if necessary, for additional review and input.

Sec. 14.08.220 Permitted and Conditional Uses

Permitted, specific and conditional uses are as established in Table 14.06.010, Residential District Uses and Table 14.07.010, Non-Residential District Uses.

Sec. 14.08.225 Design Standards

The following design standards shall be clearly identified on drawings, renderings, or a combination of both, submitted to the Zoning Administrator for review and approval as per the requirements of *Sec 14.08.210 – 14.08.215*. Plans and elevations shall be drawn at a scale, and noted as necessary, to adequately depict the proposed development or redevelopment project.

(a) Building Development Standards
The Design Guideline Standards of *Sec. 14.10.020* will be utilized in the review and approval of new and redeveloped buildings and structures in the PRC District. The following standards shall also be considered:

(1) Facades

A. No blank, uninterrupted façades shall be permitted where visible from a public right-of-way. The use of windows, doors and/or other architectural features shall be required at regular intervals to break up a blank wall. The use of false windows as an architectural feature may be permitted upon review by the Zoning Administrator.

B. Planting areas and landscaped beds may be permitted in place of architectural features (e.g. 20 lineal feet of landscaping for every 100 feet of building length) if the height of the landscape material is at least half the height of the building or structure upon review and approval of the Zoning Administrator.

C. Building facades shall include a repeating pattern including no less than three of the following elements: color change, texture change, material change or the inclusion of architectural features no less than 36 inches in width such as offsets, bays, marquees, etc. At least one of these elements shall repeat horizontally.

D. All sides of a building or structure that are visible from any public right-of-way or residentially zoned property shall be finished with the same materials utilized on the front façade to provide a finished faced towards all locations visible to the public.

(2) Rooflines

Rooflines visible from the public right-of-way shall have a change in height for at least every 50 lineal feet in building length unless it is a building that exceeds a length of 200 lineal feet in which the roofline shall change in height for at least every 75 feet for facades. Modifications in the roofline do not need to be uniformly spaced but shall be proportional to the massing of the building.

(3) Building Orientation
The primary building ~~entrance~~ façade shall be oriented towards Park Row Drive.

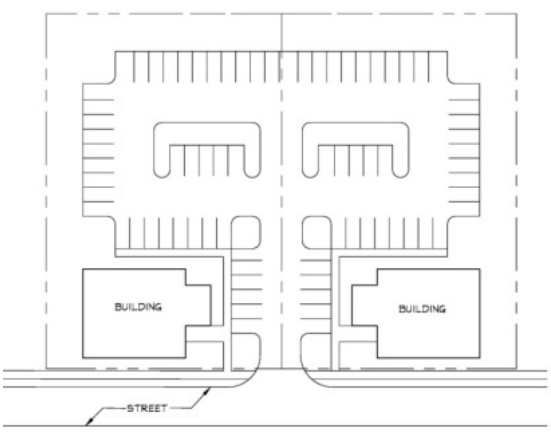
(4) Accessory Structures
Accessory structures shall be constructed of the same materials and colors as the principal building.

(b) Site Development Standards
(1) Site development standards:

Minimum Lot Size (in feet)	Minimum Yard Depth (in feet)			Maximum Height (in feet)	Maximum Impervious Lot Coverage
	Front	Side	Rear		
None	~~0~~10	0[5]	0[5]	45	90%

(2) Utilities
All on site utilities shall be located underground.

(3) Driveways
A. A maximum of one driveway opening shall be permitted for each property on each abutting street for every 250 linear feet of frontage.
B. For corner lots, the locations of the driveways shall be setback a minimum of 50 feet from the face of curb of the intersecting street or as otherwise approved by the Zoning Administrator.
C. Shared or joint access driveway openings are recommended. If the driveway opening is not shared between parcels, the minimum setback from a property line shall be 20 feet.



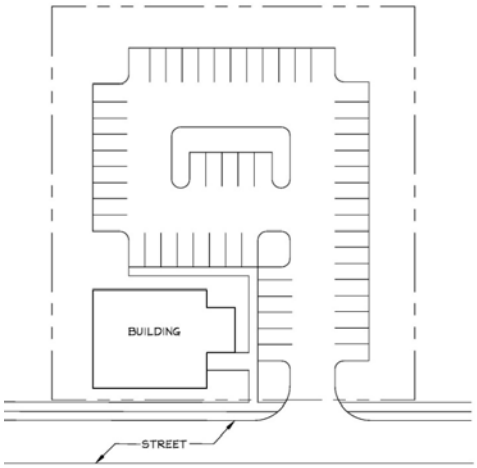
Shared/Joint Access and Shared Parking

(4) Cross Easements
As properties develop or redevelop, efforts shall be made to provide for cross easement access to adjoining properties and the consolidation of curb cuts upon development or redevelopment to the fullest extent possible.

(5) Off-Street Parking

Off-street parking shall comply with *Part IV, Off-Street Parking and Loading Requirements* and the following regulations:

A. Off-street parking shall be located to the rear or side of the property to the fullest extent possible.
B. As properties develop or redevelop, efforts shall be made to provide for the sharing of off-street parking between parcels to the fullest extent possible.
C. Any parking located between the building façade and the right-of-way shall be separated from the sidewalk by a landscaped buffer strip or screen (e.g. row of



Side and Rear Yard Parking

[5] Minimum side yard shall be zero feet unless abutting a residential district, then the minimum side yard depth shall be 20 feet with a screening fence of 8 feet in height.

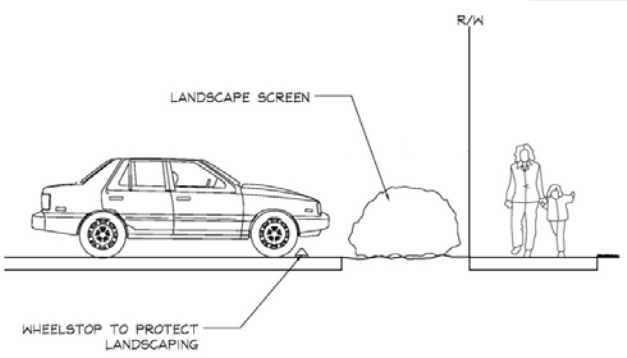
hedges, knee wall, grass strip with plantings, etc.) as much as practical.

Comment [MF20]: This needs to be further defined so that Staff is not determining what is practical.

(6) Pedestrian Access
Developed and redeveloped parcels shall provide for safe and convenient pedestrian access to the building from the public sidewalk.

(7) Outdoor Storage
Outdoor storage and service structures (dumpsters, mechanical equipment, etc.) shall be regulated as established in *Part VII, Supplemental Regulations*

(8) Signage
Commercial signage shall be limited to advertising on-premise businesses and shall comply with *Part VIII, Sign Regulations.*



Parking/Right-of-Way Separation

(9) Landscaping and Screening
Landscaping and screening shall comply with *Part II, Landscape Requirements* and *Part III, Fence and Screening Standards* and with the following requirements:

A. New and redeveloped buildings should include landscaping in the form of street trees, shrubbery along the public rights-of-way and at the front façade of the building. All street trees should be at least 3½ inch caliper and should be spaced a minimum of 25-30 feet apart.
B. Tree species should be hardy city types and be approved by the Zoning Administrator.

(10) Sidewalks and Street Lighting
Properties fronting directly on Park Row Drive should include a ten foot width sidewalk with lighting standards that match the established Park Row project style and spacing requirements. Side streets frontages should include minimum five foot width sidewalks with pedestrian lighting at an appropriate scale to light area (matching the Park Row Drive style as closely as possible). Pedestrian scale lighting should be included in the landscape easement/setback areas to provide for a safe transition from the public sidewalk to the building or parking lot.

Sec. 14.08.230 Modifications to Design Standards

Modifications to the design standards of this Article shall be requested by the applicant, in writing, to the Planning and Zoning Commission for review and approval. No modification to the design guideline(s) as they relate to the subject property for which the modification(s) were requested shall be construed to apply to this Zoning Code as a whole nor shall they be construed to apply to other properties.

Part IV - Pioneer Parkway Corridor District (PPC)

Sec. 14.08.305 Purpose

The Pioneer Parkway Corridor District is established to provide guidelines and regulations to ensure that the site design, physical function and appearance of the properties in this District reinforce the vision, goals and objectives of the Pantego Comprehensive Plan and Redevelopment Strategies as they relate to Redevelopment Village 2, the Pioneer Parkway corridor.

Sec. 14.08.310 Application of Standards

These guidelines and regulations shall apply to all properties located within the Pioneer Parkway Corridor District as identified on the Official Zoning Map of Pantego, Texas. The guidelines and regulations shall be applied as follows:

(d) Any new development or redevelopment of property which occurs within the PPC District that ***is not*** part of a Planned Development District (PD) (*Sec. 14.08.005*) shall conform to all of the standards in *Sec. 14.08.325, Design Standards,* ***as requirements***, as applicable. Some or all of these standards may be determined by the approving body to be technically infeasible.

(e) Any new development or redevelopment which occurs within this district that ***is*** part of a Planned Development District (PD) (*Sec. 14.08.005*) shall follow all of the standards in *Sec. 14.08.325*, Design Guidelines, ***as guidelines***, as applicable.

(f) In instances of conflict between the regulations in this Section and another Section in this Zoning Code, the regulations and standards of this Section shall prevail.

Sec. 14.08.315 Development Review

The review of any development or substantial redevelopment project within the PPC District shall occur as outlined below. For the purposes of this Section, "substantial redevelopment" shall mean a 25% or greater enlargement or decrease in the gross floor area or building size for the subject parcel(s).

(c) Any new development or substantial redevelopment which occurs within this district that ***is not*** part of a Planned Development District *(Sec. 14.08.005)* shall be reviewed and approved by the Zoning Administrator to assure that the design standards of *Sec. 14.08.325*, Design Guidelines, are met.

(d) Any new development or substantial redevelopment which occurs within this district that ***is*** part of a Planned Development District shall be reviewed for general compliance of all design standards of *Sec. 14.08.325*, Design Guidelines, during the approval process specified by *Sec. 14.08.005*, Planned Development District. As part of a Planned Development District, the regulations and standards in this Section, with the exception of permitted uses, shall serve as guidelines and not requirements.

The Zoning Administrator may request the assistance of the Planning and Zoning Commission, if necessary, for additional review and input.

Sec. 14.08.320 Permitted and Conditional Uses

Permitted, specific and conditional uses are as established in Table 14.06.010, Residential District Uses and Table 14.07.010, Non-Residential District Uses.

Sec. 14.08.325 Design Standards

Comment [CJ21]: For Jacobs: The 303 Corridor is more traffic oriented, but has almost exactly the same standards as Park Row Corridor. Shouldn't we consider a different development/redevelopment plan for this district?

The following design standards shall be clearly identified on drawings, renderings, or a combination of both, submitted to the Zoning Administrator for review and approval as per the requirements of *Sec 14.08.210 – 14.08.215*. Plans and elevations shall be drawn at a scale, and noted as necessary, to adequately depict the proposed development or redevelopment project.

(a) Building Development Standards
The Design Guideline Standards of *Sec. 14.10.020* will be utilized in the review and approval of new and redeveloped buildings and structures in the PPC District. The following standards shall also be considered:

(1) Facades

A. No blank, uninterrupted façades shall be permitted where visible from a public right-of-way. The use of windows, doors and/or other architectural features shall be required at regular intervals to break up a blank wall. The use of false windows as an architectural feature may be permitted upon review by the Zoning Administrator.

B. Planting areas and landscaped beds may be permitted in place of architectural features (e.g. 20 lineal feet of landscaping for every 50 feet of building length) if the height of the landscape material is at least half the height of the building or structure upon review and approval of the Zoning Administrator.

C. Building facades shall include a repeating pattern including no less than three of the following elements: color change, texture change, material change or the inclusion of architectural features no less than 36 inches in width such as offsets, bays, marquees, etc. At least one of these elements shall repeat horizontally.

D. All sides of a building or structure that are visible from any public right-of-way or residentially zoned property shall be finished with the same materials utilized on the front façade to provide a finished faced towards all locations visible to the public.

(2) Rooflines
Rooflines visible from the public right-of-way shall have a change in height for at least every 50 lineal feet in building length unless it is a building that exceeds a length of 200 lineal feet in which the roofline shall change in height for at least every 75 feet for facades. Modifications in the roofline do not need to be uniformly spaced but shall be proportional to the massing of the building.

(3) Building Orientation

A. The primary building entrance shall be oriented towards the roadway the building is primarily accessed on.

B. If the lot extends through the block and is accessible from two streets, unless both buildings providing primary entrances, the side opposite the primary building entrance shall be considered the rear of the building and shall incorporate the appropriate screening measures to effectively reduce the impact of the service, parking and rear areas of the building from the street.

(4) Accessory Structures

Accessory structures shall be constructed of the same materials and colors as the principal building.

Comment [MF22]: Need to elaborate on whether this includes roofs.

(b) Site Development Standards

(1) Site development standards:

Minimum Lot Size (in feet)	Minimum Yard Depth (in feet)			Maximum Height (in feet)	Maximum Impervious Lot Coverage
	Front	Side	Rear		
None	100	0[6]	0[1]	35	90%

(2) Utilities

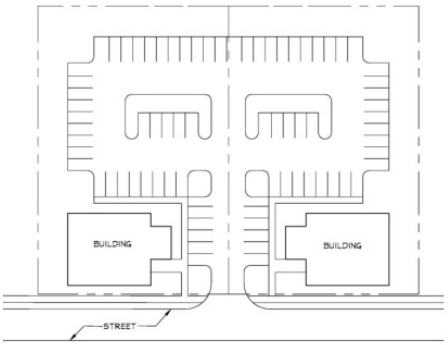
All on site utilities shall be located underground.

(3) Driveways

A. A maximum of one driveway opening shall be permitted for each property on each abutting street for every 250 linear feet of frontage.

B. For corner lots, the locations of the driveways shall be setback a minimum of 50 feet from the face of curb of the intersecting street or as otherwise approved by the Zoning Administrator.

C. Shared or joint access driveway openings are recommended. If the driveway opening is not shared between parcels, the minimum setback from a property line shall be 20 feet.



Shared/Joint Access and Shared Parking

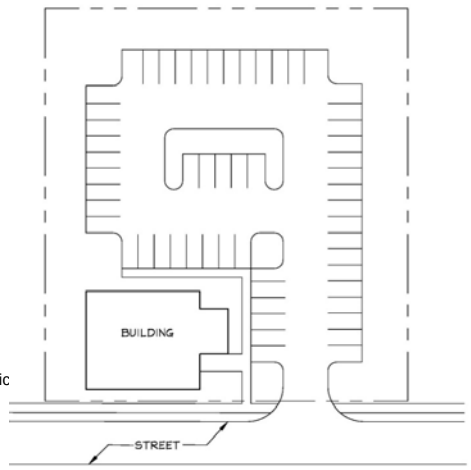
(4) Cross Easements

As properties develop or redevelop, efforts shall be made to provide for cross easement access to adjoining properties and the consolidation of curb cuts upon development or redevelopment to the fullest extent possible.

(5) Off-Street Parking

Off-street parking shall comply with *Part IV, Off-Street Parking and Loading Requirements* and the following regulations:

A. As properties develop or redevelop, efforts shall be made to provide for the sharing of off-street



[6] Minimum side yard shall be zero feet unless abutting a residential distric screening fence of 8 feet in height.

parking between parcels to the fullest extent possible.

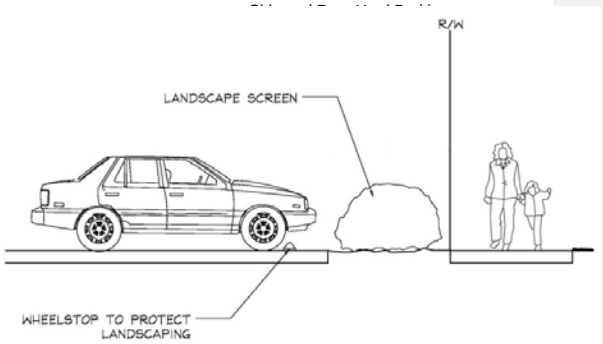
B. Any parking located between the building façade and the right-of-way shall be separated from the sidewalk by a landscaped buffer strip or screen (e.g. row of hedges, knee wall, grass strip with plantings, etc.) as much as is practical.

(6) Pedestrian Access

Developed and redeveloped parcels shall provide for safe and convenient pedestrian access to the building from the public sidewalk.

(7) Outdoor Storage

Outdoor storage and service structures (dumpsters, mechanical equipment, etc.) shall be regulated as established in *Part VII, Supplemental Regulations*.



Parking/Right-of-Way Separation

(8) Signage

Commercial signage shall be limited to advertising on-premise businesses and shall comply with *Part VIII, Sign Regulations.*

(9) Landscaping and Screening

Landscaping and screening shall comply with *Part II, Landscape Requirements* and *Part III, Fence and Screening Standards* and with the following requirements:

A. New and redeveloped buildings should include landscaping in the form of street trees ~~along~~ adjacent to the public rights-of-way and landscaping at the front of the building. All street trees should be at least 3½ inch caliper and should be spaced a minimum of 25-30 feet apart.

B. Tree species should be hardy city types and be approved by the Zoning Administrator.

(10) Sidewalks and Streetlighting

A. As properties develop or redevelop, sidewalks shall be installed at a width of 6 feet as per the direction of the Zoning Administrator.

B. Streetlighting shall be installed along Pioneer Parkway as per the direction of the Zoning Administrator.

Comment [CJ23]: For Jacobs: How would we best handle this lighting with TxDOT owning ROW? Private easements?

Sec. 14.08.330 Modifications to Design Standards

Modifications to the design standards of this Article shall be requested by the applicant, in writing, to the Planning and Zoning Commission for review and approval. No modification to the design guideline(s) as they relate to the subject property for which the modification(s) were requested shall be construed to apply to this Zoning Code as a whole nor shall they be construed to apply to other properties.

Article 14.09 Development Site Plan Review

Sec. 14.09.005 Purpose

The site plan review process is intended to promote, among other items, the efficient and harmonious use of land, safe and efficient vehicular and pedestrian circulation, parking and loading, lighting, screening, open space, landscaping, and natural features. Through Site Plan review, zoning standards and other applicable municipal standards or ordinances that may apply to specific site development can be uniformly implemented by the Planning and Zoning Commission for multifamily, mixed-use and non-residential uses.

Sec. 14.09.010 Site Plan Required

All uses, with the exception of one and two-family residential uses, shall require site plan approval prior to the issuance of a building permit or certificate of occupancy. Site Plans are divided into three categories, major developments, minor developments and modified developments. Site Plans shall be required in the following instances and categories:

(a) Major Development Site Plan

(1) All new developments; or

(2) Existing construction where:

(A) There is an increase in the number of dwelling units; or

(B) Renovations, alterations or expansions that involve an increase in existing building footprint, or impervious coverage of the site of more than twenty-five percent (25%) or is more than one thousand square feet(1,000 ft^2);or

(C) The use of an existing building is changed to a use which requires the addition of more off-street parking facilities than currently exist on the site; or

(D) There is a significant change to the exterior of the building, or group of buildings, including but not limited to: facade changes, replacement of exterior materials such as siding, change in roof lines and materials, structural changes such as removal or addition of doors or windows.

(b) Minor Development Site Plan

(1) Renovations, alterations, or expansions to an existing building that involve an increase in existing building footprint, or impervious coverage of the site of twenty-five percent (25%) or less and is not greater than one thousand square feet(1,000 ft^2); or

(2) Expansion of an existing parking lot of up to ten (10) parking spaces or up to ten percent (10%) of spaces, whichever is less; or

(3) Minor façade alterations which do not alter the existing architectural details such as painting, limited trim work, replacement of existing windows, doors, and awnings.

(c) Modified Development Site Plan

(1) Change of occupancy use classification; or

(2) Uses referenced in Section 14.03.035 “Nonconforming Uses, Lots and Structures”

Sec. 14.09.015 Site Plan Review Process

The following procedures will be utilized in the site plan review process:

(a) Development Review Committee (DRC) Review Procedure

(1) Before submitting application, the applicant is encouraged to confer with the DRC in a Pre-Application Conference to become familiar with applicable Town procedures and standards. Following the conference, the reviewing officials should confer any matters that will assist the applicant in preparing further submittals. No review fee shall be required for Pre-Application Conferences.

~~*(1)*~~*(2)* Upon submittal of a complete application, including completed application form, fee and Site Plan Submittals, the Zoning Administrator will distribute the information to the DRC for review. The DRC will complete the initial review and return all comments and requested changes to the applicant within ten (10) business days. The applicant must then revise plans and resubmit for DRC review. This process will continue until the Site Plan is in a form that can be approved.

~~*(2)*~~*(3)* If this Site Plan can be decided by the Zoning Administrator, he may approve or deny it at this point. If this Site Plan must be approved by, or is appealed to, the Planning and Zoning Commission, the process will continue to the next subsection.

(b) Planning and Zoning Commission Review Procedure

(1) When it is appropriate for a Site Plan to be forwarded to the Planning and Zoning Commission, the Zoning Administrator shall place the Site Plan on the next available Planning and Zoning Commission agenda.

(2) If this Site Plan can be decided by the Planning and Zoning Commission, they will approve, approve with modifications or deny the Site Plan. If this Site Plan requires a recommendation by the Planning and Zoning Commission, then the recommendation for approval, approval with modifications or denial will be forwarded to the Town Council on the next available agenda. The Planning and Zoning Commission may also choose to table any Site Plan for not more than ninety (90) days to receive and review additional information.

(c) Town Council Review Procedure

(1) When it is appropriate for a Site Plan to be forwarded to the Town Council, the Zoning Administrator shall request that the Site Plan be placed on the next available Town Council agenda. The Town Council will approve, approve with modifications or deny the Site Plan. The Town Council may also choose to table any Site Plan for not more than ninety (90) days to receive and review additional information.

(d) *Types of Site Plan Review Process*

(1) Major Development Site Plans shall be reviewed by the Development Review Committee (DRC). The DRC will then forward their recommendation to the Planning and Zoning Commission for approval or denial. If any variances are requested in the site plan submittal, then the approval must be forwarded to the Town Council for final approval. Any appeals of the Planning and Zoning Commission decision shall be made to the Town Council.

(2) Minor Development Site Plans shall be reviewed for compliance by the DRC and may be approved by the Zoning Administrator if total compliance is met. If any variances are requested in the site plan submittal, then the site plan must be forwarded to the Planning and Zoning Commission for approval or denial. Any appeals of the Planning and Zoning Commission decision shall be made to the Town Council.

(3) Modified Development Site Plans shall be reviewed for compliance by the DRC and may be approved by the Zoning Administrator if total compliance is met. The Planning and Zoning Commission shall make final approval or disapproval of a site plan if partial compliance is met and there is concurrence with the Town Staff's recommendations. If the Planning and Zoning Commission does not concur with Town Staff's recommendations, the site plan shall automatically be sent to the Town Council for approval or denial.

Sec. 14.09.020 Site Plan Review Standards

(a) Review and action on Site Plans shall be based on the following standards:

(1) The site plan conforms to the requirements of the Zoning Ordinance.

(2) The site plan shows that a proper relationship does exist between ~~thoroughfares~~streets, driveways and parking areas to promote safe and efficient pedestrian and vehicular traffic.

(3) All development features, including the principal buildings, open spaces, driveways and parking areas are so located and related as to minimize the possibility of any adverse effects upon adjacent development.

(4) The site plan includes adequate provision for the screening of parking areas, service areas and active recreation areas from surrounding properties by landscaping and/or ornamental walls or fences.

(5) Grading and surface drainage provisions are reviewed and approved by the Town Engineer.

(6) The design and construction standards of all private streets, driveways and parking areas are to be built following approval of plans by the Town.

(7) Maximum possible privacy for multi-family dwellings and surrounding residential properties shall be provided through good design and use of proper building materials and landscaping. Visual privacy should be provided through structural screening and landscaping treatment.

(8) The architectural design of buildings should be developed with consideration given to the relationship of adjacent development in terms of building height, mass, texture, materials, line and pattern and character and in conformance with the design guidelines of Article 14.10 "Development Standards".

(9) Building location and placement should be developed with consideration given to minimizing removal of trees and change of topography.

(10) On-site circulation shall be designed to provide for adequate fire and police protection.

(11) Off-street parking facilities shall be provided in accordance with the intent and requirements of Article 14.10 "Development Standards". In large parking areas, visual relief shall be provided through the use of trees and landscaped dividers, islands and walkways. In multi-family developments no parking or service areas shall be permitted between any street and the main building.

(12) Signs shall be provided in accordance with Article 14.10, Part VIII. "Sign Regulations".

Sec. 14.09.025 Site Plan Submittal Requirements

(a) Major and Minor Development Site Plan submittals shall meet the following submittal requirements. Plans will not be considered submitted and review will not begin until all required information is provided to the Town. Site Plans shall be prepared by a Texas-Registered Professional Architect or Texas-Registered Professional Civil Engineer. Ten (10) twenty-four inch by thirty-six inch (24" x 36") copies of the plans, collated and folded, and one digital copy shall be submitted to the Town. The overall Site Plan package shall contain the following six sheets with the corresponding information, unless waived by the Zoning Administrator:

(1) Site Plan

(A) Title block in the lower right hand corner to include:

1. Project name;

2. Name, address, telephone number and contact person of the applicant;

3. Name, address, telephone number and contact person of the owner;

4. Name, address, telephone number and contact person of the preparer (Architect or Engineer);

5. Address and/or legal description of the project;

6. Total acreage and zoning; and

7. Date of preparation and dates of revisions, if any.

(B) A summary table showing:
1. Total building square footage;
2. Number of required parking spaces and calculations; and
3. Number of provided parking spaces.

(C) Graphic Scale labeled with scale used.

(D) North arrow oriented at the top or right of sheet.

(E) Vicinity map.

(F) Distances and bearings of lots.

(G) The footprints of all buildings and structures.

(H) Setback lines as required by the respective zoning district.

(I) The names and widths of rights-of-way and pavement of existing and proposed streets and alleys.

(J) All curbs and pavement edge and lane striping on adjacent streets with dimensions.

(K) Driveway and sidewalk locations with dimensions and curve radii labeled.

(L) Parking layout, including maneuvering, loading and unloading areas.

(M) Easements, deed restrictions or other encumbrances that impact development of the lot.

(N) Location, type, material and height of:
1. Required screening walls or fences, including elevations;
2. Site lighting showing the height and location of exterior light fixtures; and
3. Signs

(O) Location and screening of trash receptacles with materials clearly identified.

(P) Zoning, legal description and owner of adjacent lots or tracts.

(Q) Location of utility boxes, cabinets and meters, which shall be located out of public view, if practical.

(2) Utility Plan
(A) All property lines and easements.

(B) The footprints of all buildings and structures.

(C) Driveway and sidewalk locations with dimensions and curve radii labeled.

(D) Parking layout, including maneuvering, loading and unloading areas.

(E) Location and size of all existing and proposed water and sewer lines.

(F) Location and size of all other utilities existing and proposed, underground or overhead.

(G) Fire protection, including locations of existing and proposed fire hydrants, fire lanes and fire lines, with all dimensions clearly designated.

(H) Distances to closest existing fire hydrants, on-site and off-site, which would provide water access for this property in the event of a fire.

(3) Grading and Drainage Plan

(A) All property lines and easements.

(B) The footprints of all buildings and structures.

(C) Driveway and sidewalk locations with dimensions and curve radii labeled.

(D) Parking layout, including maneuvering, loading and unloading areas.

(E) Existing and proposed contours.

(F) Location of existing and proposed drainage structures with sizes and dimensions.

(G) Location of the 100-year floodplain and floodway.

(H) Location of proposed improvements in relation to flood hazard areas.

(I) Elevation from mean sea level of new or substantially improved structures.

(J) Description of the extent to which any watercourse or natural drainage will be altered or relocated as a result of the proposed development.

(4) Landscape Plan

(A) Name of preparer.

(B) Date of preparation.

(C) North Arrow.

(D) Location and spacing of all plants and landscaping materials and features to be used including paving, benches, fountains, etc.

(E) Species, quantity and size of all plant material to be used.

(F) Location, size and species of all trees to be preserved.

(G) Depth of pond, if applicable.

(H) Topography.

(I) Description of provisions for maintenance.

(J) A note that states that all landscaped areas will be irrigated and that detailed irrigation plans will be submitted with construction plans.

(K) A note that landscaped areas will be maintained in accordance with Town regulations.

(5) Elevations

(A) Architectural elevations showing all sides of the proposed building and labeled north, south, east and west.

(B) The height of the proposed building clearly dimensioned.

(C) All exterior finishes and roofing materials clearly identified.

(D) One 11" x 17" sheet with all elevations in color with labels and dimensions removed.

(6) Photometric Plan

(A) All property lines and easements.

(B) The footprints of all buildings and structures.

(C) Parking layout, including maneuvering, loading and unloading areas.

(D) Type, location and height of all proposed exterior light fixtures.

(E) Anticipated light levels generated by all exterior lights across the site and ten feet (10') beyond property lines.

(7) Variance Table. If any variances are requested or required as part of a site plan approval, a table listing all requested variances shall be included in the submittal.

(b) Modified Site Plan submittals shall include plans that contain information sufficient to determine compliance with the following standards and regulations:

(1) Off-street parking, driveways, and circulation requirements.
(2) Dumpster location and screening; sidewalk and landscaping requirements.
(3) Sign requirements.
(4) Building codes.
(5) Screening requirements.
(6) Drainage requirements.

Sec. 14.09.030 Compliance with Site Plan

(a) The use, placement and dimensions of all buildings, driveways, sidewalks, parking areas, curb cuts and the installation of landscaping, fences and walks shall conform to the approved site plan.

(b) A performance bond or other financial guarantee in an appropriate amount, established by the Town Engineer, and as approved to form by the Town Attorney, shall be placed with the Town to insure that the landscaping is installed, the hard surfacing of the private drives and parking areas is installed, and that the surface water drainage is operable, all in conformance with approved plans.

Comment [CJ24]: For Jim and Jacobs, is this typical? What type of bonds should be used?

Sec. 14.09.035 Revocation of Site Plan

Approval of a site plan and any approved certificate or permit issued as a result of approval, shall be automatically revoked if construction has not begun within ~~one~~ two (~~1~~2) yea~~s~~r after the date of approval. At the expiration of ~~one~~ two (~~1~~2) years, any deposit of a performance bond or financial guarantee shall be returned to the depositor, and each reapplication thereafter shall be accompanied by the required data and fees.

Article 14.10 Development Standards

Part I. Design Guidelines

Sec. 14.10.005 Purpose

The Pantego Design Guidelines are intended to provide supplemental regulations or design standards pertaining to all uses, in order to provide for a clean, visually appealing and cohesive design element along the designated primary roadways in support of the Town of Pantego comprehensive plan. Therefore, the purpose of the regulations in this ~~Section~~ Part is to provide criteria to be used by the Town Council, Planning and Zoning Commission and Zoning Administrator when evaluating the appropriateness of proposed development and redevelopment in the Town.

Further, these provisions are established to achieve, among others, the following:

(a) Strengthen, protect, enhance and improve the existing visual and aesthetic character of the Town, and to prevent the creation or perpetuation of nuisances or blight in the Town.

(b) To ensure that each new development and redevelopment project will be both functional and attractive.

(c) To protect and improve property values.

(d) To foster and encourage creative application of design principles.

(e) To ensure that these objectives are achieved through an impartial review process which assures that each proposal complies with these guidelines.

Sec. 14.10.010 Applicability

With the exception of one and two family zoning districts, ~~A~~all regulations of this Design Guidelines Section shall apply to and control property development as identified on the Pantego Official Zoning Map. However, in the case of conflict between the provisions of a specific design Guideline and other regulations established in this Zoning Ordinance, the provisions of this Section shall prevail. The adoption of these Design Guidelines shall not have any effect on a previously approved permit, certificate or Planned Development approval during the period of validity of such approval.

Sec. 14.10.015 Certificate of Compliance

No new construction or no minor or major building improvements, as identified below, may be made to any property within an area designated for Design Guidelines, and no building permits shall be issued, until a Certificate of Compliance has been issued by the Zoning Administrator.

(a) Minor Building Improvement
- *(1)* Minor demolition of non-significant parts of principal structures;
- *(2)* Roof, cornice, window, door, step and wall repair or replacement; unless work matches the original;
- *(3)* Exterior ~~P~~painting, if there is a change in the colors from the original;
- *(4)* Curb cuts and driveways.

(b) Major Building Improvement
- *(1)* New construction;
- *(2)* Excavation or fill;
- *(3)* Demolition, except where it qualifies as a Minor Building Improvement;
- *(4)* Signs, awnings and related hardware;
- *(5)* Modifications to any facade that is visible from any public right-of-way (25% or more ofany façade);
- *(6)* Substantial expansion of existing principal structures (50% or more of the gross floor area);
- *(7)* All other improvements not determined to be minor building improvements by the Zoning Administrator.

Comment [CJ25]: Jacobs: Please change all areas throughout the chapter that are required to reference regulations and all areas that are recommended to reference guidelines.

Sec. 14.10.020 Design Guideline Standards

The following standards shall apply to the design and appearance of all new construction or building renovation (other than for one or two family residential structures). As a consideration, during any site plan review, the Planning and Zoning Commission shall determine if the proposal complies with the following standards:

(a) Building Scale and Massing

(1) Building Height

All buildings in the district shall conform to the district in which it is situated as measured from the grade line at the midpoint of the facade to the highest point of the building.

(2) Horizontal Design

(A) A building's vertical and horizontal dimensions shall be in proportion to one another without over emphasis of either dimension.

(B) Horizontally long buildings shall be visually broken up through the use of recesses or setback variations, architectural detailing, various roof heights and application of compatible building materials to cause the façade to appear as a series of proportionally correct masses.

Acceptable

Not Acceptable

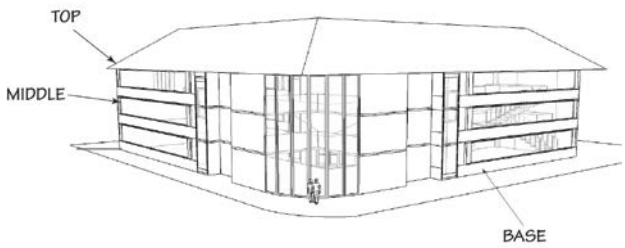
Acceptable

(C) Neighboring structures shall influence the placement of the common horizontal elements (e.g., cornice line and window height, width, and spacing) on new or infill structures.

(3) Vertical Design

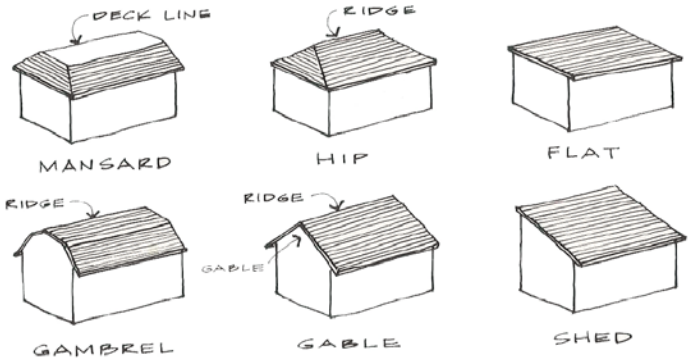
(A) Changes in vertical mass shall be used in an architecturally appropriate way to reduce the appearance of building height and bulk. The articulation of a base, middle, and top of the building shall be required.

(B) Tall single story buildings should be articulated and include fenestration and detailing that is consistent with the horizontal and vertical proportions of the building.



(4) Roofs

(A) Roof forms shall be consistent with the architectural style and proportions of the building. Types of roofs are identified below:



(B) Mansard roofs shall be reserved for use on buildings of at least three stories in height.

(C) Gambrel roofs shall be prohibited.

(D) Flat roofs with dimensional cornices or modest parapets that break up the flat roofline shall be permitted.

(E) Full projection or cantilevering of the upper portions of a flat roofed structure shall be prohibited.

(F) Façade extensions or parapets may be used on flat roofed structures to create variation and screen rooftop equipment. The following standards shall apply to faced extensions or parapets:

1. Façade extensions and/or parapets shall be included in the measurement of total building height and exterior wall height and shall not be more than one quarter (¼) of the total building height or six foot (6') whichever is less.

2. Faced extensions and/or parapets shall be applied in a consistent manner to all visible façades of a structure to create a consistent and intentional screen for rooftop equipment without the appearance of a veneer or a flat wall extended beyond the roof form when viewed in profile.

3. Exceptions may be made by the Town for rear facades that are not visible from public spaces or residential areas.

(G) When a shed roof is used at the primary or sole roof form it shall slope away from the property's frontage. Shed roofs as a primary roof form is prohibited on buildings located on corner lots.

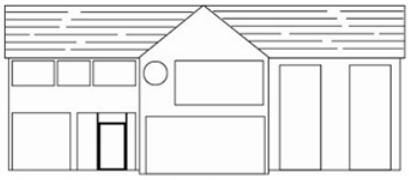
(5) Doors and Windows – Fenestration

(A) Doors and windows shall be proportional to the building in which they are installed or divided into elements which are proportional to the building façade in which they are installed (See graphic below)

Comment [MF26]: Staff is concerned that this is going to be very subjective when reviewing building plans. The Building Code requires a minimum size window in bedrooms for egress in the case of a fire.

Not Acceptable - Proportionally Too Small

Acceptable - Proportionally Correct



Not Acceptable - Proportionally Too Large

Windows and Doors - Fenestration

(B) On front and primary facades (two front facades are present on corner buildings), similar sized windows shall be placed in a regular pattern with the same top and bottom alignment along a course or floor.

(C) Transparent windows or doors shall occupy a minimum of fifty percent (50%) of the area of a primary facade

(D) Highly reflective~~Smoked~~ or mirrored glass shall not be permitted on primary facades.

(6) Materials

(A) Permitted Materials

1. All buildings shall have an exterior surface, or cladding of fifty percent (50%) of the visible façade, not including fenestration, of a permitted primary material.

2. The total area covered by permitted primary materials shall be calculated from the area of the visible plane measuring the area from grade to upper building limits, exclusive of the area occupied by visible roof surfaces.

3. Permitted primary materials shall be as defined in Table 14.10.020 Permitted Materials below.

(B) Accents and Detailing

1. Accent materials shall be applied to a maximum of twenty-five percent (25%) of the façade surface, not incliuding fenestration.

2. Detailing, trim, windows, doors, and glazing may constitute the remaining area of the façade not occupied by the primary or accent material.

3. All accents and details shall be permitted as defined in Table 14.10.020 Permitted Materials on the following page.

TABLE 14.10.020 Permitted Materials

Material	**Façade**	
~~**Material**~~	**Primary**	**Secondary**
Brick	P, A, T	P, A, T
Natural Stone	P, A, T	P, A, T
Brick Veneer	A, T	P, A, T
Stucco	P, A	P, A
Wood	A, T	P, A, T
Fiber Cement (clapboard, shingles, scallops, etc.)	A, T	P, A, T
Cast Stone	P, A, T	P, A, T
~~Vinyl Siding~~	~~X~~	~~X~~
Aluminum Siding	X	X
Decorative Concrete Masonry Unit	A	P, A
Cinderblock	X	P, A
Tilt-Up Architectural Concrete	A	P, A
Metal Trim and/or Flashing	A, T	A, T
PVC/Vinyl	A, T	A, T
Terra-Cotta	A, T	A, T, R
Glazed Brick or Glass Tile	A, T	A, T
Cast or Wrought Metal	A, T	A, T
Standing Seam Metal (Aluminum, Copper, Steel)	R	R
Slate	R	R
Asphalt or Fiberglass	R	R

Key: P- Permitted; A – Accent; T – Trim; R-Visible Roofing; X – Prohibited

(C) Prohibited Materials

Exterior materials that are prohibited include vinyl, aluminum or steel siding, corrugated steel, and highly reflective materials such as mirrored glass or chrome, or fully glazed facades.

(7) Colors

(A) Permitted

The preferred base colors used on new or renovated buildings should be the natural color of the material in the case of brick or stone, of a neutral muted palette, deep saturated hues, or muted pastels and whites. Brighter more vivid colors should be reserved for accents.

(B) Prohibited

Fluorescent, neon, day-glow, or reflective colors shall not be used in the construction of a new building or renovation of an existing building.

(8) Mechanical Equipment

(A) The materials, colors, and finishes used for screening (as required in Section 14.10.210 "Screening Requirements") roof top mechanical equipment and other surface equipment shall be consistent with the primary structure and, to the extent practicable; such screening shall be designed as an integral part of the architecture of the building.

(B) Mechanical equipment, waste receptacles, and other similar appurtenant or accessory structures shall be located to minimize the impact on the building and on surrounding parcels.

(b) Interpretive Illustrations for Design Guidelines

The Planning and Zoning Commission may request the preparation of illustrations and drawing which demonstrate the design review criteria in this Section. Such illustrations or drawings may include, but not be limited to: plan views, site plans, renderings, or photo simulation.

Part II Landscape Requirements

Sec. 14.10.105 Purpose and Intent

Landscaping, when properly designed, installed and maintained, enhances aesthetics, conserves property values, fosters a pedestrian friendly environment and protects the character of the Town. Therefore, landscaping is hereafter required of all new development.

Sec. 14.10.110 Scope

The standards and criteria contained within this ~~section~~ Part II are deemed to be minimum standards. With the exception of one and two-family zoning districts, these requirements ~~and~~ shall apply to all new developments; ~~, all Planned Developments~~ and existing developments that require building permits for additions and exterior alterations. ~~All existing developments that are required to upgrade landscaping~~ shall meet these requirements to the furthest extent practical. The provisions of ~~this Section~~ Part II shall be administered by the Zoning Administrator. The Zoning Administrator shall determine the extent of required upgrades for existing developments on a case-by-case basis depending on unique circumstances and existing conditions. These regulations may be waived only if there will be no adverse impact on current or future development and will have no adverse impact on the public health, safety, and general welfare.

Sec. 14.10.115 Permits

No permits shall be issued for any non-residential, mixed use or multi-family development until a detailed landscape plan is submitted as part of a Site Plan as required in Article 14.09 "Development Site Plan Review". A landscape plan shall be prepared by a Registered Landscape Architect; however this requirement may be waived by the Zoning Administrator for permits within existing developments. Prior to the issuance of a Certificate of Occupancy for any building or structure, all screening and landscaping shall be in place in accordance with the approved landscape plan.

Sec. 14.10.120 Maintenance

The owner, tenant and/or their agent, if any, shall be jointly and severally responsible for the maintenance of all landscaping. All required landscaping shall be maintained in a neat and orderly manner at all times. This shall include, but not to be limited to, mowing (of grass of six inches (6") or higher), edging, pruning, fertilizing, watering, weeding, and other such activities common to the maintenance of landscaping. Landscaped areas shall be kept free of trash, litter, weeds, and other such material or plants not a part of the landscaping. All plant material shall be maintained in a healthy and growing condition as is appropriate for the season of the year. Plant materials which die shall be replaced with plant material of similar variety and size, within ninety (90) days. A time extension may be granted by the Zoning Administrator if substantial evidence is presented to indicate abnormal circumstances beyond the control of the owner or his agent. Failure to maintain any landscape area in compliance with this section shall result in a violation, which could result in citations, fines and/or revocation of any issued certificate of occupancy associated with the occupancy of said area.

Sec. 14.10.125 General Standards

The following criteria and standards shall apply to all landscaping, landscape materials, and installation intended for multi-family residential and non-residential development:

(a) Development should be sensitive to its natural surroundings. The natural contours should be followed to the greatest extent possible to minimize grading. Graded slopes should be rounded and contoured to blend with the terrain.

(b) Develop attractive landscaping by incorporating the following criteria:

(1) Reduce clutter of little plants and disorganized planting.

(2) Establish patterns/spacing of trees to provide a visual rhythm, linear edge, and organization.

(3) Use a limited range of tree species to provide a unified image and cohesive character for comprehensive developments.

(4) Use specialty-landscaping themes to help distinguish special areas/developments.

(5) Use landscaping selectively to soften harsh appearance of some buildings and parking lots at sidewalks edge.

(c) Non-living organic landscaping materials such as wood chips and mulch should be used in, around, and under trees, shrubs, and other plants. Rock, crushed granite and gravel may be considered as part of a comprehensive design theme, meeting aesthetics and functional criteria.

(d) Small shrubs placed along street frontage and in visibility triangles shall be trimmed to a height no greater than three feet (3'). Ornamental trees shall be trimmed from the base up to a minimum height of three feet (3').

(e) During the months of June through August, only containerized trees may be planted, unless the Zoning Administrator authorizes an alternative.

(f) Grass seed, sod and other materials shall be clean and reasonably free of weeds and noxious pests and insects.

(g) Ground shall be prepared in a manner consistent with accepted planting procedures prior to the installation of sod, grass seed or other materials.

(h) Concrete, metal and other durable edging shall be provided between planting beds and other landscaped areas. Plastic, rubber or nondurable edging shall be prohibited.

(i) Grass areas shall be sodded, plugged, sprigged, hydro-mulched, or seeded, except that solid sod shall be used on slopes and in swales or when necessary to prevent erosion. Grass areas shall be established with complete coverage within a six (6) month period from planting, and shall be re-established, if necessary, to ensure grass coverage of all areas.

(j) Grass or ground cover planted in the street landscape setback shall extend to the street pavement or curb.

(k) Ground cover used in-lieu-of grass shall be planted in such a manner as to present a finished appearance and reasonable completed coverage within one (1) year of planting.

(l) All landscaped areas shall be irrigated in accordance with the requirements of this section. Natural areas or areas identified as "no disturbance zones" need not be irrigated.

(m) Earthen berms with small vertical differentials may have side slopes not to exceed three-to-one (3 feet of horizontal distance for each 1 foot of height). Earthen berms with larger vertical differentials shall be coordinated with the Town Engineer for appropriate slope criteria. All berms shall contain necessary drainage provisions and be approved by the Town Engineer.

(n) The Town has final approval for the placement of all trees. With the exception of street trees, trees shall be planted as far away from public utility lines as possible while still within the required landscape area, unless approved by the Zoning Administrator and Town Engineer. If approved, alternative-planting methods, such as the use of root barriers, may be required.

~~*(o)* Where overhead utilities exist or are planned, ornamental trees may be required instead of large canopy trees, at a replacement density of three ornamental trees for each canopy tree. No tree which has a mature height of twenty-five feet (25') or greater shall be planted beneath an existing or proposed overhead utility line.~~

~~*(p)* Landscaping may be situated on or within a public utility or drainage easement provided that the plantings or improvements shall first be approved by Town staff before installation, and that any public utility, including the Town, shall have the right to remove and keep removed all or part of any plantings or improvements which may endanger or interfere with its respective systems within said easement and shall not be liable for damages or replacement of such growths or improvements. A copy of the landscape easement agreement shall be provided to the Town to keep on file.~~

~~*(q)*~~*(o)* All landscaping shall be maintained in a healthy and live-growing condition at all times. The following Landscaping Maintenance Note shall be placed on each landscape plan:

> "***Landscaping Maintenance:*** *The property owner, tenant or agent, shall be responsible for the maintenance of all required landscaping in a healthy, neat, orderly and live-growing condition at all times. This shall include mowing, edging, pruning, fertilizing, irrigation, weeding, and other such activities common to the maintenance of landscaping. Landscaped areas shall be kept free of trash, litter, weeds and other such materials not a part of the landscaping. Plant materials that die shall be replaced with plant materials of similar variety and size."*

~~*(r)*~~*(p)* All landscaping installations shall meet the requirements for prevention of visual obstructions listed in Article 12.08 "Sight Obstructions" of the Town Code of Ordinances.

Sec. 14.10.130 Irrigation

(a) All ~~development, except one- and two-family residential development,~~landscaping required by this part shall be irrigated by an underground automatic system that may include a drip irrigation system. This system shall adhere to the manufacturers' specifications and the rules and regulations established by the Town.

(b) An irrigation system must be designed by an irrigator licensed by the State of Texas.

(c) All irrigation systems shall be designed, installed, maintained, altered, repaired, serviced, and operated in a

manner that will promote water conservation.

Sec. 14.10.135 Parking Lot Landscaping

(a) Landscape features or other visual barriers between all parking areas and a side or rear lot line of an adjoining residential district shall be required. Landscaping shall also be required around the perimeter of parking areas and when adjacent to a public street.

(b) In all non-residential and mixed use districts, open off-street parking may be located in a required front yard provided street landscape setback is in place. In all districts, off-street parking facilities may occupy the required side and rear yard, but not within a required buffer yard.

(c) Parking areas containing more than six thousand square feet (6,000 ft^2) of area or twenty (20) or more vehicular parking spaces, whichever is less, shall provide interior landscaping of the peninsular or island types of uncompacted, well-drained soil as well as perimeter landscaping. For each one hundred square feet (100 ft^2) or fraction thereof of parking area, at least ten square feet (10 ft^2) of contiguous landscape area shall be provided.

(d) Interior landscape requirements:

(1) Minimum area. The minimum landscape area permitted shall be sixty-four square feet (64 ft^2) with a four foot (4') minimum dimension to all trees from edge of pavement where vehicles overhang.

(2) Landscaped medians or islands with raised curbs shall be used to define parking lot entrances; the ends of all parking aisles; the location and pattern of primary internal access driveways; and to provide pedestrian refuge areas and walkways.

(3) Lot Islands. No more than ten (10) consecutive parking spaces shall be allowed without the interruption of a lot island. Lot islands shall be a minimum of nine foot (9') by twenty foot (20') which is the size of a typical parking space. Parking lot aisles should be terminated in a lot island. At least one (1) tree (minimum three inch (3") caliper) shall be planted in each lot island.

(4) Basins. Natural or landscaped detention basins may count toward the minimum square footage landscaping requirements when the basins are in the front or side yards.

(5) Vehicle overhang. Parked vehicles may hang over the interior landscaped area no more than two and one-half feet (2 ½'). Concrete or other wheel stops shall be provided to ensure no greater overhang or penetration on the landscaped area.

(6) Joint use of parking areas is encouraged. The Planning and Zoning Commission may permit parking to extend to the side or rear property line in the case of a joint parking area. The Commission may modify the foregoing requirements in specific cases where desirable or warranted, owing to unusual topography, physical conditions and the use and character of adjacent properties.

Sec. 14.10.140 Buffer Yards and Street Landscape Setbacks

(a) Buffer yards shall be included in the design of all developments that are adjacent to incompatible uses. Buffer yards shall be located within and along the outer perimeter of a lot or boundary line and entirely on private property. Buffer yards shall be a minimum of ten feet (10') wide, but may be required to increase based on particular circumstances. Only those structures used for buffering purposes shall be located within a buffer yard. The buffer yard shall not include any paved area, except for pedestrian sidewalks or paths or vehicular drives that may intersect the buffer yard and which shall be the minimum width necessary to provide pedestrian or vehicular access. Trees (minimum of one (1) every twenty-five feet (25')), shrubs, and ground cover shall be planted in the buffer yard by the developer or owner of the developing property.

(b) Street Landscape Setbacks shall be required along all property lines that have frontage on a public street. A minimum street landscape setback of ten feet (10') shall be required along all public streets. Only those

structures used for buffering purposes shall be located within a buffer yard. The street landscape setback shall not include any paved area, except for pedestrian sidewalks or paths or vehicular drives that may intersect the buffer yard and which shall be the minimum width necessary to provide pedestrian or vehicular access. Signs may be included in the street landscape setback area. Trees (minimum of one (1) every twenty-five feet (25')), shrubs, and ground cover shall be planted in the buffer yard by the developer or owner of the developing property.

(c) Curbing or other protective devices or barriers shall be installed to protect landscape buffer strips and street landscape setbacks from vehicular encroachment. In order to accommodate drainage, curbing does not have to be continuous. No automobile or other type of vehicle shall be driven on any landscape buffer strip or street landscape setback.

Part III Fence and Screening Standards

Sec. 14.10.205 Fence Requirements

(a) One- and Two-Family Residential Zoning Districts

(1) All fences shall be kept in good repair and shall not create urban blight. Dilapidated fences shall be repaired or replaced in accordance with provisions of this Chapter. Fences may be painted or stained with natural wood colors. No bright unnatural colors are allowed.

(2) Fences shall be permitted along the side or rear lot lines, to a height of not more than eight feet (8'), but no fence shall be permitted to extend past the front edge of the main building or in a required front yard.

(3) Fences for non-residential uses allowed in residential districts such as schools and churches shall be ornamental metal, masonry or a combination thereof. No wood or chain link fencing shall be allowed unless specifically approved on a site plan by the Planning and Zoning Commission.

(4) No barbed wire or electrical fencing shall be allowed that is visible and/or accessible from the public way.

(5) Wood fences shall have the finished side facing the abutting ~~property or~~ right-of-way when visible from the public way. All fence posts and structural components shall be placed on the interior of the lot.

(6) The location of fences for double frontage lots or corner lots adjacent to a street shall be in accordance with the building setback line as shown on the final plat. If a property is not platted or building line is not shown, the location of fences shall comply with the building setback requirements of the zoning district in which the property is located. The setback may be reduced to five feet (5') from the property line, if the lot backs up to the rear property line of another lot.

(b) Multi-Family and Non-Residential Districts

(1) All fences shall be kept in good repair and shall not create urban blight. Dilapidated fences shall be repaired or replaced in accordance with provisions of this Ordinance.

(2) All fencing for multi-family and non-residential districts shall be shown on the site plan for the development and be approved as part of the site plan approval.

(3) Fencing shall be constructed of wrought iron, tubular steel, masonry, live screening, or a combination thereof.

(4) Wood, barbed wire, or chain link fencing is prohibited unless specifically requested on a site plan and, after

recommendation from the Planning and Zoning Commission, approved by the Town Council. When a site plan is not applicable, the Zoning Board of Adjustment (ZBA) may consider variances to this requirement. Existing wood fencing may be maintained or replaced with cedar or redwood materials, but may not be reinstalled if removed for more than thirty (30) days.

(5) Fencing shall not exceed eight feet (8') in height unless specifically approved on a site plan by the Town Council after recommendation from the Planning and Zoning Commission.

Sec. 14.10.210 Screening Requirements

(a) Screening Wall Construction

(1) Screening walls shall be constructed as follows:

(A) Shall be constructed of masonry material such as brick, stone, concrete panels, or similar materials consistent in material, finish, and color with the primary buildings within the development or adjacent buildings or screening walls in the area.

(B) Screening walls shall be a minimum of six foot (6') in height, but an eight foot (8') wall may be required if circumstances require.

(C) The wall finish shall be consistent on both sides.

(D) Smooth-face concrete masonry units (i.e. haydite blocks) shall not be permitted as construction material for screening.

(E) The screening wall or device shall be designed and constructed to prevent any drainage or erosion problems.

(2) Screening wall plans are required to be submitted to the Town for review and permitting and shall be signed and sealed by a Structural or Civil Engineer licensed by the State of Texas.

(b) Separation of properties and districts

(1) Screening walls are required between non-residential or multi-family developments and one or two-family residential uses or zoning districts unless an open yard distance of two times the height of the non-residential or multi-family building can be attained on the non-residential or multi-family property. The responsibility for construction of the screening wall is with the multi-family or the non-residential development ~~if such development is occurring after the single family residential dwelling has been constructed~~.

(2) Screening walls are also required between multi-family and non-residential uses or zoning districts. The responsibility for construction is with the non-residential use.

(3) The owner of the property with the required screening shall be responsible for the maintenance of the screening in a structurally sound condition. This provision does not relieve abutting property owners of liability for damage caused by such owners or his affiliations.

(c) Trash, Refuse and Recycling Container Screening

(1) Trash, refuse and recycling containers shall be screened from the view of public way and adjacent property owners in all districts.

(2) Commercial-type dumpsters, recycling containers, etc. shall be screened from view on three sides with a screening wall and on the fourth side shall be installed opaque gates.

Comment [CJ27]: Jim: Is there a way to require this immediately and not allow non-conforming uses?

(3) In case the visual screening required above cannot be achieved due to topographic differences between abutting properties, or between the property and the abutting street, the developer or owner may appeal to the Board of Adjustment for a special exception.

(d) Non-Residential and Multi-Family Development Screening

(1) Outside storage areas on non-residential properties shall require screening walls to be installed that do not allow view of said area from any public way or adjacent property. Storage of material shall not exceed the height of the screening wall.

(2) Exposed conduit, ladders, utility boxes, stack pipes and drain spouts shall be painted to match the primary color or color sequence to aid in blending with the color of the building.

(3) Electrical transformers, gas meters and other service areas shall be screened from view of a public street or adjacent property.

(4) HVAC equipment on the roof shall be screened so that they are not visible from the street or the boundary of the abutting property. However, the screening of pieces of equipment individually shall not be allowed.

Part IV Off-Street Parking and Loading Requirements

Sec. 14.10.305 Purpose

The purpose of these parking and loading requirements is to prevent or alleviate the congestion of the public street, to minimize any detrimental effects of parking lots on adjacent properties, to enhance parking lots with landscape elements, to improve traffic circulation and to promote the safety and welfare of the public.

Sec. 14.10.310 Minimum parking requirements

(a) Spaces Required.

In all districts there shall be provided at the time any building or structure is erected or structurally altered or a certificate of occupancy is issued thereon, off-street parking in accordance with the requirements of Tables 14.~~09.405~~10.310 and 14.10.330.

(b) Parking Plan Required.

For any off-street parking area required under this Part IV, Off-Street Parking and Loading Requirements of twenty (20) spaces or more, a plan shall be submitted to the Zoning Administrator to review for compliance with these regulations. Any such parking plan shall show, to scale, as a minimum:

(1) The total number of parking spaces;

(2) Arrangement of parking aisles;

(3) Location of driveway entrances;

(4) Provisions for vehicular and pedestrian circulation;

(5) Location or typical location of sidewalks, wheel stops, lighting and curbs on or adjacent to the parking lot, location of utilities, barriers, shelters, and signs;

(6) Location of landscaped areas and the types and location of vegetation to be planted in them;

(7) Typical cross sections of pavement

(8) Storm water drainage facilities; and

(9) Any other relevant information requested by the zoning administrator.

(c) Rules for Interpretation.

In computing the number of such parking spaces required, the following rules shall govern:

(1) "Floor area" shall mean the gross leasable floor area designed for tenant occupancy.

(2) Where fractional spaces result, the parking spaces required shall be construed to be the nearest whole number.

(3) The parking space requirement for a use not specifically mentioned herein shall be the same as required for a use of similar nature as required by the Zoning Administrator or Planning and Zoning Commission.

(4) In the case of mixed or joint uses, the parking spaces required shall equal the sum of the requirements of the various uses computed separately, unless the allowances in Section 14.10.320 apply.

Table 14.10.310 Schedule of Off-Street Parking and Loading Requirements

SCHEDULE OF OFF-STREET PARKING AND LOADING REQUIREMENTS		
RESIDENTIAL USES	**OFF-STREET PARKING FORMULA**	**OFF-STREET LOADING FORMULA (SEE SECTION 14.10.340)**
Bed and Breakfast	• Two spaces for owner + one space for each guest room.	• None Required.
Child Care Facility (In-Home)	• See One-Family Detached Dwelling.	• None Required.
In-Law Suite	• One space in addition to the requirement of the single family dwelling.	• None Required.
Multi-Family Dwelling	• Two spaces for each dwelling unit + one additional space for each 5 dwelling units for visitor parking.	• None Required.
Nursing/Convalescent Home or Assisted Living Facility	• One space for each two resident rooms + one additional space for every 5 resident rooms.	• 1 space required.
One-Family Attached and One-Family Detached Dwelling	• Two spaces for each dwelling.	• None Required.
Two-Family Dwelling	• Two spaces for each dwelling.	• None Required.
COMMERCIAL AND INDUSTRIAL USES	**FORMULA**	**OFF-STREET LOADING FORMULA**
Adult Entertainment Establishment	• One space for each 200 sq. ft. of gross floor area.	• None Required.
Alcoholic Beverage Establishment	• One space for every three seats or one space for each 75 sq. ft. of floor area, whichever is greater.	• None Required.
Automobile/Recreational Vehicle Storage	• One space for every 10 rental spaces plus two spaces for the office.??????	• None Required
Automobile Repair	• Two spaces for each service bay + two spaces for every two fuel pumps, if applicable.	• None required.
Automobile – Sales and Service	• Two spaces for each closing room + one space per each 500 square feet of floor area.	• None Required.
Bank/Credit Union	• One space for each 200 sq. ft. of floor area + four stacking spaces for each drive-in service window.	• None required.
Building Material/Hardware Sales	• One space for 400 sq. ft. of net floor area.	• 1 space required if square footage exceeds 20,000 square feet.

Call Center	• One space for each seat	• None required
COMMERCIAL AND INDUSTRIAL USES	**FORMULA**	**OFF-STREET LOADING FORMULA**
Car Wash (Full Service)	• Three stacking spaces for each automated car wash lane.	• None required.
Car Wash (Self Service)	• Two stacking spaces for each stall + two drying spaces for each stall.	• None required.
Child Care Facility/Day Service, Adult	• One space for each 200 square feet of floor area plus sufficient space for child drop-off/loading area.	• None required.
Commercial Recreation	• Generally, one space for each three seats or one space for each 100 sq. ft. of floor area, whichever is greater. • One space for each 50 sq. ft. of pool area including deck. • One space for each 500 sq. ft. of outdoor playground area. • Four spaces per lane for a bowling alley. • Five spaces for each trail head. • Six spaces for each tennis, racquet ball or handball court. • Ten spaces for each basketball court. • Twenty spaces for each baseball, softball or soccer field.	• None required.
Convenience Store	• One space for each 300 sq. ft. of net floor area	• 1 space required.
Equipment/Machinery Sales/Service/Rental	• One space for each 1,000 square feet.	• None required.
Hall, Reception, Banquet, Meeting	• One space for each three seats or one space per 150 sq. ft. of banquet or meeting gross floor area where fixed seating is not available.	• 1 space required.
Hotel	• One space for each room + one space for each 200 sq. ft. of lobby space + one space for each 100 sq. ft. of meeting area and/or restaurant space or bar/cocktail lounge.	• 1 space required if banquet, meeting facility or restaurant on premises.
Manufacturing/Processing/ Fabrication	• One space for each 500 sq. ft. of manufacturing floor space + one space for each 200 sq. ft. of related office space.	• 1 space required plus one space per 15,000 square feet thereafter.

Medical Clinic	• Two spaces for every two examination rooms plus one space for each 100 square feet of floor area in the waiting area.	• None required.
Mini-Warehouse/Self-Storage	• One space for every 10 units plus two spaces for the office.	• None required.
COMMERCIAL AND INDUSTRIAL USES	**FORMULA**	**OFF-STREET LOADING FORMULA**
Mixed Use Development	• The sum of spaces of each use, reduced by 15%.	• 1 space required plus one space per 10,000 square feet thereafter if retail use is part of mixed use.
Mortuary/Funeral Home	• One space for each 50 sq. ft. of parlor or chapel space or one per four seats, whichever is greater, but not less than 20 spaces.	• 1 space required.
Office – Administrative/Medical/ Professional	• One space for each 400 sq. ft.	• 1 space required if office square footage exceeds 20,000 square feet.
Nursery	• One space for each 800 sq. ft. of indoor/outdoor sales space.	• None required.
Personal /Professional Services	• One space for each 300 sq. ft. of gross floor area + one space for each service or fleet vehicle parked on site	• 1 space required if service use square footage exceeds 10,000 square feet.
Recreational Vehicle - Sales and Service	• Two spaces for each closing room + one space per each 1,000 square feet of floor area.	• None Required.
Restaurant	• One space for each four seats of seating capacity	• 1 space required.
Retail	• One space for each 400 sq. ft. of gross floor area.	• 1 space required plus one space per 10,000 square feet thereafter.
Veterinary Clinic/Kennel	• Two spaces for each examination room + one space per each 300 sq. ft. of laboratory and office floor area.	• None Required.
Warehousing	• One space for each 2,000 sq. ft. of warehouse floor area + one space for each 200 sq. ft. of related office space.	• None required.
Wholesale Establishment	• One space for each 500 sq. ft. of gross floor area.	• 1 space required plus one space per 20,000 square feet thereafter.

PUBLIC AND SEMI-PUBLIC USES	• FORMULA	• OFF-STREET LOADING FORMULA
Church, Place of Worship	• One space for each five seats or bench seating in the main assembly area. • If an educational institution is part of the church, follow guidelines for respective educational institution requirements.	• None required.
Club, Lodge or Fraternal Organization	• One space for each 100 sq. ft. of floor area.	• 1 space required if use square footage exceeds 10,000 square feet.
College, University or Vocational School	• Ten spaces for every classroom + one space for every eight seats in any auditorium.	• 2 spaces required plus one space per 20,000 square feet thereafter.
Hospital	• One space for each bed + one space for each 500 sq. ft. of administrative, office and laboratory space.	• 2 spaces required plus one space per 20,000 square feet thereafter.
Library	• One space for each 400 sq. ft. of floor area.	• 1 space plus 1 space per 25,000 square feet thereafter.
Public Community or Government Building	• One space for each 400 sq. ft. of floor area for administrative use + one space for each government vehicle parked on site. • One space for each 800 square feet of indoor maintenance use.	• 1 space plus 1 space per 20,000 square feet thereafter.
Recreation or Park Facility	• One space for each 50 square feet of pool area including deck. • One space for each 500 square feet of outdoor playground area. • Four spaces for each 10 acres for unimproved recreation area. • Five spaces for each trail head. • Six spaces for each tennis, racquet ball or handball court. • Ten spaces for each basketball court. • Twenty spaces for each baseball, softball or soccer field. • Forty spaces for each football field. • One space for each 200 square feet of community center square feet	• None required.
School, Primary (Pre K-8)	• Two spaces for each classroom + one space for every eight seats in any auditorium and gymnasium.	• 1 space required.
School, Secondary (9-12)	• Ten spaces for every classroom + One space for every eight seats in any auditorium and gymnasium.	• 1 space required.

Sec. 14.10.315 Maximum Number of Spaces Permitted

In order to prevent excessive lot coverage, the artificial increase in air temperature, and excessive surface water run-off, no minimum off-street parking space requirement in Table 14.10.310, Schedule of Off-Street Parking and Loading Requirements, shall be exceeded by more than twenty-five percent (25%) unless good cause can be shown by the applicant and approved by the ~~Board of Adjustment~~the Planning and Zoning Commission and Town Council. One and Two Family Dwellings and In-Law Suites are exempt from this provision.

Sec. 14.10.320 Off-Site and Joint Parking

All parking spaces required herein shall be located on the same lot with the building or use served, except that where an increase in the number of spaces is required by a change or enlargement of use or where such spaces are provided collectively or used jointly by two (2) or more buildings or establishments, the required spaces may be located and maintained not to exceed three hundred feet (300') from the nonresidential building served, with approval by ~~Specific Use Permit~~the Planning and Zoning Commission and Town Council and provided that the parking area is situated in the same or a less restrictive zoning district than the district in which the building or use thereby served is situated.

(a) Up to fifty percent (50%) of the parking spaces required for (1) theaters, public auditoriums, bowling alleys, or cafes, and up to one hundred percent (100%) of the parking spaces required for a church or school auditorium may be provided and used jointly by (2) banks, offices, retail stores, repair shops, service establishments and similar uses not normally open, used or operated during the same hours as those listed in (1); provided however, that written agreement thereto is properly executed and filed as specified.

(b) In any case where the required parking spaces are not located on the same lot with the building or use served, or where such spaces are collectively or jointly provided and used, a written agreement thereby assuring their retention for such purposes, shall be properly drawn and executed by the parties concerned, approved as to form by the City Attorney and shall be submitted with the application for a building permit for recording, upon issuance of the certificate of occupancy, in the deed records of Tarrant County.

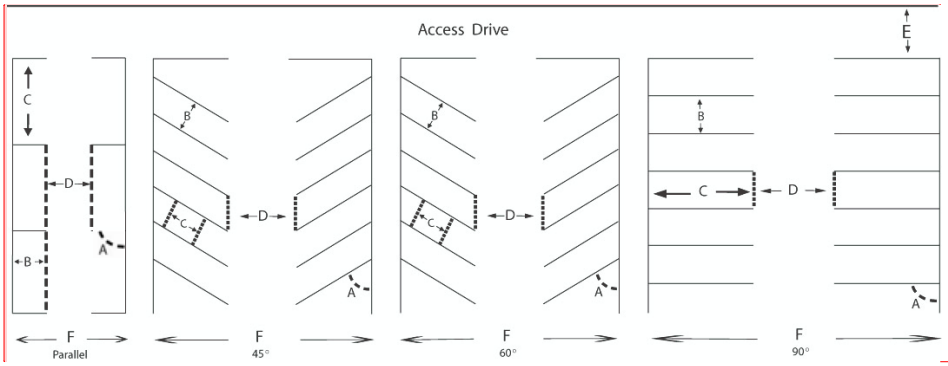
(c) No off-street parking shall be permitted in the required front yard of any residential district unless the vehicle is parked on an improved, paved surface. No vehicle shall be parked closer than fifteen feet (15") to a street intersection to ensure a safe sight distance.~~No off-street parking shall be permitted in the required front yard of any residential district except upon a driveway providing access to a garage, carport, or parking area not within the required yard or upon a circular drive having two (2) points of street access; provided no vehicle shall be parked nearer than fifteen feet (15') to a street intersection.~~

Sec. 14.10.325 Parking Lot Layout

Figure 14.10.325 is a diagram of suggested size and dimensions for parking lot layout.

FIGURE 14.10.325 Parking Lot Layout

A	B	C	D		E	F	
Parking Stall Angle (In Degrees)	Stall Width (In Feet)	Length of Stall (In Feet)	Aisle Width (In Feet)		Width of Access Drive (In Feet)	Bay Width (Center to Center Width of Two Row Bay With Aisle Between In Feet)	
			One Way	Two Way		One Way	Two Way
0	9	23	12	18	20	30	36
30-53	9	18	12	20	20	30	56
54-75	9	18	16	22	20	34	58
76-90	9	18	20	24	20	56	60



Comment [CJ28]: Jacobs is changing these figures.

Sec. 14.10.330 Handicapped Parking[7]

Handicap parking shall be provided by the owner/lessee of a property in accordance with the following criteria:

(a) Number of spaces:

Total Number of Spaces in Parking Lot	Required Minimum Number of Handicapped Accessible Spaces
1-25	1
26-50	2
51-75	3
76-100	4
101-150	5
151-200	6
201-300	7
301-400	8
401-500	9
501-1000	2 percent of total
1001 and over	20 plus 1 for each 100 spaces over 1,000

(b) Handicap parking spaces shall be thirteen feet (13') wide and eighteen feet (18') in length. A five foot (5') portion of the width shall serve as an aisle and loading/unloading area for handicapped persons. Handicap spaces may be located side by side so as to utilize a common five-foot (5') loading/unloading aisle.

(c) Handicap parking spaces shall be identified by a state-approved, pole-mounted sign at each parking space.

Sec. 14.10.335 Parking ~~Area~~Lot Design and Maintenance

(a) Grading, Marking, Pavement and Curbing

(1) Parking areas and driveways shall be graded and drained so as to dispose of all surface water, including the use of permeable surfaces if approved by the Town Engineer, without injury or nuisance to adjacent properties or the public, and improved with concrete or asphalt, in accordance with the standards of the Town.

(2) Parking spaces shall be so arranged and marked to provide for orderly and safe parking in accordance with Sec. 14.10.325"Parking Lot Layout", and shall be so improved with bumper guards or curbs to define parking spaces or the limits of paved areas.

(b) Maintenance

It shall be the responsibility of the owner, operator and lessee of the use for which the off-street parking lot is required to maintain all areas of the off-street parking area in good condition without holes and free of all trash, abandoned or junk vehicles, weeds and other rubbish.

[7] **State law reference–**Privileged parking for disabled persons, V.T.C.A., Transportation Code, ch. 681.

Sec. 14.10.340 Minimum Off-Street Loading Requirements

There shall be provided at the time any building is erected or structurally altered or a certificate of occupancy is issued thereon, off-street loading space in accordance with the requirements of Table 14.10.310.

(a) Non-residential Loading Space Required. No building or part thereof in a Non-residential district heretofore erected, which is used for any of the purposes specified above shall hereafter be enlarged or extended unless off-street loading space is provided in accordance with Table 14.10.130.

(b) Location of Facility
A loading space shall not be permitted in any required front, side or rear yard. Loading spaces may be located within any area between a building which it serves and the adjacent required yard.

(c) Access Driveways
Each required off-street loading space shall be designated for direct vehicular access by means of a driveway, or driveways, to a public street in a manner which shall least interfere with on-site traffic movements.

(d) Dimensions
Each loading space shall be not less than twelve feet (12') in width, fifty feet (50') in length, and have fourteen feet (14') of unobstructed height.

(e) Surface
All loading spaces shall be provided with a durable and dustless hard surface of asphalt, Portland cement, concrete, or other suitable materials capable of withstanding one thousand pounds per square inch (1,000 psi).

(f) Drainage
Loading areas shall be graded to drain so as to dispose of all surface water in accordance applicable stormwater regulations. No surface water from loading areas shall be permitted to accumulate or drain over a public sidewalk.

(g) Screening
Loading space that is visible from public streets or residential districts shall be screened. The screening material, upon installation, shall be at least six feet (6') in height and eighty percent (80%) opaque.

Part V. Lighting Standards

Sec. 14.10.405 Purpose

Standards for controlling lighting and glare are set forth to reduce the annoyance and inconvenience to property owners and traffic hazards to motorists. These standards are intended to allow reasonable enjoyment of adjacent and nearby property by their owners and occupants while requiring adequate levels of lighting of parking areas.

Sec. 14.10.410 Scope

The standards and criteria contained within this part are deemed to be minimum standards. With the exception of one and two-family zoning districts, these requirements shall apply to all new developments; and existing developments that require building permits for additions and exterior alterations shall meet these requirements to the furthest extent practical. The provisions of this part shall be administered by the Zoning Administrator. The Zoning Administrator shall determine the extent of required upgrades for existing developments on a case-by-case basis depending on unique circumstances and existing conditions. These regulations may be waived only if there will be no adverse impact on current or future development and will have no adverse impact on the public health, safety, and general welfare.

Sec. 14.10.415~~0~~ Outdoor Lighting

(a) Light Trespass. All areas containing outdoor lighting, including but not limited to floodlighting, security lighting, canopy or parking lot lighting shall be regulated as follows:

(1) Lighting Plan. Where a lighting plan is required by the Town, it shall consist of the following elements as a minimum:

(A) Pole height or mounting height of lighting fixtures(s);

(B) Type of luminaries;

(C) Extents of coverage (footprint);

(D) Uniformity including the maximum, average and minimum footcandles;

(E) Intensity at each property line in footcandles.

(2) Height and Number. The heights and number of light poles or mountings shall be the minimum required to achieve a safe and effective lighting level without causing glare on adjacent properties or the right-of-way.

(3) Shielding.

(A) Exterior lights shall be fully shielded to prevent visibility of the light bulb from adjacent properties. Furthermore, all external lighting shall be so designed and situated so as not to cause glare on adjacent properties.

(B) Compliance shall be achieved by utilizing fixture shielding, directional control designed into fixtures, fixture location, fixture height, fixture aim or a combination of these or other factors to mitigate light glare and trespass.

(4) Residential Protected Use. Light intensity from a nonresidential lot abutting any residential property line shall not exceed one-quarter (1/4) foot candles.

(5) Canopy Lighting. Light fixtures mounted on or under canopies or bays shall be of full cut off design, unless indirect lighting is used whereby light is directed upward and then reflected down from the ceiling of the canopy structure.

(6) Color and Glare. No outdoor lighting shall be of such an intensity or color distortion as to cause glare or to impair the vision of drivers or pedestrians.

(7) Nonconforming Lighting.

(A) Any lawful lighting fixtures located within the Town at the effective date of this Ordinance which do not conform to the provisions of this Section may continue as legal nonconforming lighting, except as provided in Subsection (B) and (C) below.

(B) Nothing in this Section shall relieve the owner or beneficial user of legal nonconforming lighting, or the owner of the property on which the legal nonconforming lighting is located, from the provisions of this Section regarding safety, maintenance, and repair. Normal maintenance, including replacing light bulbs, cleaning, or routine repair of legal nonconforming light fixtures, shall not be deemed to be a condition which triggers a loss of lawful status described below, unless such maintenance increases the nonconforming aspects of the lighting.

(C) Legal nonconforming status shall terminate under the following conditions:

1. If a light fixture is no longer used for a period of six (6) months it shall be deemed abandoned and shall not thereafter be reestablished; or

2. If a lighting fixture is structurally altered such that its nonconforming aspects increase; or

3. If a lighting fixture is relocated, replaced, or moved in any way; or the lighting fixture is damaged beyond repair.

Upon the event of any of the aforementioned, the lighting fixture(s) shall be immediately brought into compliance with this Section, or the lighting fixture(s) shall be removed.

(b) Illumination of Parking Areas

Comment [CJ29]: See Community Development Report.

Parking and circulation areas, pedestrian areas and related outdoor areas shall be illuminated to provide safety and security to users of these areas, to provide security for property, and to maintain privacy for adjacent properties.

(1) Luminaire height. The maximum luminaire height shall be twenty-five feet (25').
The Planning and Zoning Commission may approve greater heights upon a showing by the applicant that the additional height complies with both of the following standards:

(A) The additional height is necessary to efficiently illuminate outdoor areas; and

(B) The additional height will have no adverse effect on adjacent properties.

(2) Glare. Exterior lighting shall be designed and maintained so that glare is not cast on adjacent properties, regardless of use, or on adjacent streets. All luminaries shall be cut-off types which include shields or other devices which eliminate all light above an angle of eighty-five degrees (85°), as measured from the vertical axis of the light source.

(3) Lighting plan submission. Site plans submitted to the Planning and Zoning Commission may be required to include data analyses, prepared by persons competent to do so, that the proposed exterior lighting system complies with the standards in this section.

(c) Public Nuisance or Safety Issue. Lighting found by the Town to create a public safety or nuisance can be ordered removed or altered at any time upon a complaint filed by the Zoning Administrator. Such complaint will be heard before the Planning and Zoning Commission at a regularly scheduled meeting for review and a recommendation to Town Council who shall make a final determination regarding the complaint at a regularly scheduled meeting.

Part VI. Accessory Structure and Use Regulations

Sec. 14.10.505 Accessory Structure Exterior Façades and Construction

(a) Non-Residential, Mixed Use and Multifamily. The exterior facades of all accessory structures in these zoning districts shall be constructed of the same exterior construction material of the main building or structure.

(b) One and Two Family Residential. The exterior façades of all attached and detached private garages shall be constructed of the same exterior construction material as the main building or structure.

(c) Accessory structures in Non-residential districts that have exposed wood columns, such as pergolas, covered patios, etc., may allow exposed columns provided the wood is a type that is impervious to rot and that a masonry wrap of the same construction material as the main building be installed around the base of the column to a

minimum of three feet (3') above grade.

(d) Fiber cement siding may be used to fulfill masonry requirements for structures accessory to existing structures constructed entirely of wood or vinyl siding.

Sec. 14.10.510 Residential Accessory Building Regulations

(a) Accessory building and structure types. In the residential zoning districts, an accessory building is a detached building or structure that is minimally attached to the primary building that is incidental and subordinate to the primary use of the lot such as: a private garage for automobile storage, a carport, tool shed, gazebo, greenhouse as a hobby, home workshop, children's playhouse, or storage house for personal items related to primary land use of the property. Buildings or structures that are less than five feet (5') tall and/or less than thirty-five square feet (35 ft^2) in area shall be exempt from the all of the following requirements, except that all buildings and structures must comply with subsection (c)(1) "Front Yards" below.

(b) Use regulations. Accessory buildings shall not contain kitchen facilities or otherwise be designed or used as living quarters. Accessory buildings shall not have separate utility meters and all utilities must be extensions from the main dwelling.

(c) Area regulations.

(1) Front yards. Accessory buildings may not be located in front of the front building line of the primary structure.

(2) Side yards. An accessory building may not be closer than five feet (5') to the side lot line, unless such side abuts a street where a twelve foot (12') side yard and minimum six foot (6') screening fence is required.

(3) Rear yards. An accessory building may be permitted within the required rear yard, but shall be no closer than five feet (5') from the rear property line.

(4) Easements. In no case may an accessory building encroach upon a dedicated easement.

(5) Separation to other buildings. Accessory buildings or structures, except for carports, shall not be located within six feet (6') of a portion of the primary structure unless attached to the primary structure.

(6) Height. An accessory building shall not exceed:

Accessory structure	**Height as measured from grade to the highest portion of the roof or top of structure (in feet)**
Private garage	18
Carport, gazebo, greenhouse, workshop	12
Storage house, tool shed	10
Children's playhouse	8[1]
All other accessory buildings and structures	8

[1] An additional foot of height is allowed for each additional foot of setback above the required five foot (5') setback with a total increase of no more than four feet (4') for a total maximum height of twelve feet (12').

Comment [MF30]: Staff recommends 13 feet a common accessory building height.

Comment [MF31]: Staff recommends 13 feet as a common accessory building height.

Part VII. Supplemental Regulations

Sec. 14.10.605 Height Rules, Exceptions and Modifications

The regulations hereinafter set forth in this section qualify or supplement, as the case may be, the district height regulations appearing elsewhere in this article. The Fire Chief shall be consulted in cases where a height increase is requested to ensure proper fire and safety protection.

(a) The height regulations prescribed herein shall not apply to church spires or belfries, water tanks, fire towers, cooling towers, chimneys, and flagpoles.

Sec. 14.10.610 Yard Rules, Exceptions and Modifications

The regulations hereinafter set forth in this section qualify or supplement as the case may be, the district yard regulations appearing elsewhere in this article.

(a) Every part of a required yard shall be open to the sky, unobstructed by a building or structure, except for the following:

(1) Accessory buildings in a side or rear yard meeting the requirements of Part VI. "Accessory Structure and Use Regulations";

(2) The projection of sills, belt courses, cornices, and ornamental features not to exceed twenty-four inches (24") and roof eaves not to exceed thirty-six inches (36");

(3) Open fire escapes, required by law, projecting into a side or rear yard not more than five feet (5');

(4) The ordinary projection of chimneys and pilasters when placed so as not to obstruct light and ventilation;

(5) Terraces, uncovered porches and ornamental features which do not extend more than three feet (3') above the floor level of the ground story, provided these projections be a distance of at least two feet (2') from the adjacent side lot line.

(b) Except for one and two family residential districts, more than one main building may be located upon a lot or tract, but only when such buildings conform to all open space requirements around the lot for the district in which the lot or tract is located.

(c) Where a lot has frontage on two streets, such as a corner lot or double frontage lot, each frontage shall be a required front yard unless shown specifically otherwise on an approved final plat.

(d) Front Yard Measurements and Considerations

(1) The front yard shall be measured from the front property line to the front face of the building, covered porch or covered terrace.

(2) Eaves and roof extensions or a porch without posts or columns may project into the required front yard setback for a distance not to exceed three feet (3').

(3) The front yards herein established shall be adjusted in the following cases:

(A) Where forty percent (40%) or more of the frontage on the same side of a street between two intersecting streets is presently developed or may hereafter be developed with buildings that have a front yard greater or lesser in depth than herein required, but not more than five feet (5') in variation, then new buildings shall not be erected closer to the street than the average front yard so established by the existing buildings.

(B) Where forty percent (40%) or more of the frontage on the same side of a street between two intersecting streets is presently developed or may hereafter be developed with buildings that have a front yard greater or lesser in depth than herein required, and more than five feet (5') in variation, then:

1. a building that is to be erected on a parcel of land that is within one hundred feet (100') of existing buildings on both sides, the minimum front yard shall be a line drawn between the two closest front corners of the adjacent building on each side, or

2. Where a building is to be erected on a parcel of land that is within one hundred feet (100') of an existing building on one side only such building may be erected as close to the street as existing adjacent buildings.

Sec. 14.10.615 Substandard Lot Size

Where a lot at the time of the effective date of this ordinance has less area or width than herein required for lots in the district in which it is located, and the owner of such lot does not own any other adjacent parcel or tract, said lot may used for a one-family dwelling or for any other non-dwelling use permitted in the district in which it is located. In such cases, the setback requirements for the district in which the lot is located shall be proportionally applied based on the existing lot proportion to the minimum lot size identified for the district. In the case of the front yard setback, it shall either remain as required in the district in which the lot is located or it may be equal to that of the adjacent lots.

Sec. 14.10.625 Natural Gas Compressor Stations

(a) Natural gas compressor stations (the station complex) shall require a Specific Use Permit (SUP) in all districts, in accordance with Article 14.08, Part II. "Specific Use Regulations".

(1) A building permit shall be required for the station complex.

(2) The station complex shall be situated on a platted lot approved by the Town and recorded in the local county jurisdiction.

(b) A minimum building setback for all compressor station buildings and equipment shall be established and maintained for all yards at the distances specified for the zoning district adjoining the station complex as shown below.

(1) Table of building setbacks for compressor station buildings and equipment.

Adjoining Zoning District	**Required Building Setback**
(applied to both base zoning and PD districts)	(in feet - applied to all yards)
R-1	300
R-2	300
R-3	300
R-4	300
C-1	300
C-2	300
C-3	300
C-4	300
L-I	200
~~MU~~PRC	300
PPC	300

(2) Where an adjoining Planned Development (PD) district contains more than one base zoning district, the most restrictive building setback shall be applied.

(3) Where a compressor station site adjoins a street right-of-way, the required building setback along that right-of-way shall be established by the zoning district designated for the property situated on the opposite side of the right-of-way.

(c) All compressor station sites shall have screening fences along each boundary line: that fronts a dedicated public street right-of-way of any type; or that fronts a private street right-of-way dedicated for public use; or alongside rear boundaries that have any portion located within three hundred feet (300') of a residential lot. The screening ~~fence~~ wall shall be an approved masonry material ~~wrought iron type fence~~ of sufficient height and design to reasonably obscure the entire station complex from public view~~, by disguising the appearance of the station complex or making the purpose or use of the station complex inconspicuous, and shall have brick or stone columns constructed on approximate fifty foot (50') centers for such fence~~.

(d) All compressor station equipment and sound attenuation structures shall be enclosed within a building. Such building shall be designed with the following requirements:

(1) All building elevations shall have walls constructed entirely of masonry, excluding doors and windows in the elevation, if the elevation: fronts a dedicated public street right-of-way of any type; or fronts a private street right-of way dedicated for public use; or that is an elevation reasonably visible from a residential lot that is within three hundred feet (300') of the boundary of the compressor station site. Doors and windows in such walls are limited to twenty percent (20%) of the area of the elevation.

(2) Building elevations shall be constructed of at least forty percent (40%) masonry, excluding doors and windows in the elevation, if the building elevation: does not have frontage to a dedicated public street right-of way of any type; or does not front a private street right-of-way dedicated for public use; or that is not an elevation reasonably visible from a residential lot that is within three hundred feet (300') of the boundary of the compressor station site. Doors and windows in such walls are limited to twenty percent (20%) of the area of the elevation.

(3) The non-masonry exterior wall surfaces may be constructed of painted metal, stucco or cementious fiberboard material. Engineered wood paneling shall not be permitted for the finished exterior.

(4) The roof shall be sloped with a pitch of no less than five to twelve (5:12) and shall contain at least one raised structure in the form of a clearstory element or similar structure. No flat roofs shall be permitted.

(5) The architectural design of the building shall be compatible with the visual context of the surrounding development. Such buildings may be designed as a representation of, but not be limited to, the following building types:

(A) Estate residence

(B) School facility or similar institutional use

(C) Gazebo or picnic area enclosures

(D) Club house or recreational facility

(E) Retail or office building

(F) Any combination of the above as approved by the town

(G) Vehicular access to the boundaries of the station complex from the street thoroughfare shall be paved with a concrete surface at a thickness and design reasonably approved by the town engineer or designee. This provision shall also apply to those areas inside the boundaries of the station complex where vehicular traffic and parking is to occur.

~~*(6)* The operation of the equipment shall not create any noise that causes the exterior noise level to exceed the predevelopment ambient noise levels as measured within three hundred feet (300') of the compressor station building(s). The operator shall be responsible for establishing and reporting to the town the pre-development ambient noise level prior to the issuance of the building permit for the station complex.~~

~~*(7)*~~*(6)* The compressor station site shall be landscaped in a manner that is compatible with the environment and existing surrounding area.

Sec. 14.10.630 Coin-Operated Machines

No coin-operated amusement machine, as herein defined, shall be exhibited, displayed or used at any location in the Town, irrespective of zoning classification, within three hundred feet (300') of a church, school or hospital.

Sec. 14.10.635 Portable Storage Units

The purpose of these regulations is to control the use and location of portable storage units. These units are typically known by the names: PODS (Portable On-Demand Storage Units), SAM (Store and Move), SmartBox USA, and UNITS.

(a) Characteristics

These types of units are typically used for moving and temporary storage during construction. The unit is transported to a property, filled by the renter of the unit and is then transported to a new site for unpacking or stored at the facility of the portable storage unit owner.

For the purposes of this Section, the term "portable storage unit" shall mean any rentable or leasable enclosed unit of durable construction or material, generally starting at a minimum size of five feet (5') in width by seven feet (7') in height by eight feet (8') long, designed for temporary storage, which can be transported by truck, left on site or are filled and removed and stored at a central location.

(b) General Regulations

Portable storage units may be permitted as a temporary use in any zoning district as follows:

(1) Location and Timeframe

(A) Temporary Use for New Construction

If used for new construction, portable storage units are to be removed within three (3) calendar days after the unit is no longer necessary or construction is complete, whichever is sooner.

(B) Residential Districts

1. If used by an occupant of a property for moving or relocating, a portable storage unit shall only be located on a paved surface on the property (e.g. driveway).
2. The portable storage unit shall not be located on the property for a period of more than fourteen (14) consecutive days during each calendar year.

(C) Commercial and Industrial Districts

1. Portable storage units are permitted in any Non-residential district for temporary on site storage if screened from public view and not occupying required off-street parking spaces as reviewed and approved by the Zoning Administrator.

2. When permitted, a portable storage unit shall only be located on a paved surface on the property for no more than ninety (90) consecutive days. The Zoning Administrator may grant extensions if appropriate.

(2) Prohibitions

(A) No portable storage unit shall be used for human or animal occupation.

(B) Portable storage units larger than eight feet (8') in width by eight feet (8') in height by sixteen feet (16') in length shall be prohibited in the Town unless expressly permitted by the Board of Adjustments.

(C) Only one portable storage unit shall be permitted on the property at any time.

(D) No portable storage unit shall be located in or on a public right-of-way.

(E) No electrical or plumbing service shall be connected to or provided in the portable storage unit.

(F) No portable storage unit shall be placed in a manner blocking a sidewalk.

(3) Units must be Secured

Portable storage units shall be fully secured at all times including the use of a locking device on the door to prohibit unauthorized entry into the unit.

(4) Public Nuisance

The placement of any portable storage unit shall be located in such a manner on any property as not to create a public nuisance such as creating a motor vehicle visibility issue or storing hazardous materials.

Sec. 14.10.640 Dumpster, Recycling and Donation Boxes

The following requirements shall apply to all uses that utilize dumpsters, recycling and donation boxes. Dumpsters, recycling and donation boxes shall be accessory to a principal building on a lot.

(a) Dumpsters, Recycling, Trash Handling Areas and Related Service Equipment

(1) Setbacks

Dumpsters, recycling, and related service equipment shall be in compliance with the setback requirements for accessory structures as determined by the zoning district in which such structure is located. The dumpster and/or related equipment shall be located on a concrete pad constructed of sufficient strength for the equipment including vehicles that will empty the units.

(b) Donation Boxes. Donation boxes are an unmanned receptacle used for the collection of donated and secondhand goods and merchandise for the purpose of redistribution by an entity such as Goodwill, Special Olympics, Planet Aid, St. Vincent DePaul, etc.

Comment [CJ32]: Jim: Can we completely disallow the use of these?

(1) Setbacks

(A) Donation boxes shall be in compliance with the setback requirements for accessory structures as determined by the zoning district in which such structure is constructed. The donation box shall be

located on a concrete pad or paved area constructed of sufficient strength for the donation box and vehicles that will empty the units.

(B) Donation boxes may be permitted in front of a building or structure provided it is behind the minimum front yard setback line for the district in which it is located.

(C) If the donation box is located under a building awning or within ten feet (10') of a wall of a building, it may be required to have an approved fire protection system.

(2) Requirements and Maintenance

(A) Unattended donation boxes shall be maintained in good condition and appearance with no structural damage, holes, or visible rust, and shall be free of graffiti.

(B) Unattended donation boxes shall be locked or otherwise secured.

(C) Unattended donation boxes shall contain the following contact information in minimum two inch (2") type visible from the front of each unattended donation box: the name, address, and contact information (i.e., email, website, phone number, etc.) of both the permittee and operator.

(D) Unattended donation boxes shall be serviced and emptied as needed to prevent items from being located outside of the donation box.

(E) Unattended donation boxes shall be no more than eighty-two inches (82") high, fifty-six inches (56") wide and forty-nine inches (49") deep.

(F) The Town may require that the box be secured to the ground to prevent unauthorized movement.

(G) The permittee shall maintain the area surrounding the unattended donation box(es) free of any junk, debris or other material and shall be responsible to the extent provided by law for the cost to abate any violation.

(3) Notwithstanding any other provision of this code, it is unlawful for any person to place an unattended donation box:

(A) On any property used for residential purposes.

(B) On or in required parking or loading spaces.

(c) Construction dumpsters and containers

Construction dumpsters and containers are unmanned receptacles used for the collection and disposal of materials and debris generated from on-site construction activities. The following regulations shall apply:

(1) Construction dumpsters shall not be placed on a Town owned right-of-way.

(2) Construction dumpsters and containers that are associated with work that has been permitted through the Town shall be removed within three (3) calendar days after construction is complete. If a construction dumpster is not associated with work that has been permitted through the Town, the dumpster shall not remain on site for more than 14 consecutive days.

(3) As much as possible, the construction dumpster shall be placed on an improved surface and out of public view.

(4) Construction dumpsters and containers shall be procured through the Town's contracted solid waste provider.

(5) Construction dumpsters and containers shall contain the following contact information in a minimum of two inch type on at least one side of the unit: the name, address, and phone number of the unit owner.

(6) Construction dumpsters and containers shall be serviced and emptied as needed to prevent items from being located outside of the unit.

(7) The user shall maintain the area surrounding the unit free of any junk, debris or other material and shall be responsible to the extent provided by law for the cost to abate any violation.

(8) Hazardous or dangerous materials or liquids shall not be permitted in any construction dumpster or container.

(9) The construction dumpster or container shall be located in such a manner on any property as not to create a public nuisance such as creating a motor vehicle visibility issue.

Part VIII. Sign Regulations

Sec. 14.10.705 Purpose

(a) The purpose of this part is to establish regulations and minimum standards for the permitting, design, location, construction, modification, use, maintenance, and removal of signs in the town. These sign regulations are intended to promote economic activity and avoid visual clutter, which is potentially harmful to traffic and pedestrian safety, property values, business opportunities, and community appearance. It is the purpose of these regulations to protect property values within the town, to enhance the beauty of the town, and to protect the general public from damage and injury, which may be caused by the unregulated construction of signs. Pursuant to these purposes, it is the intent of this part to permit the use of signs, which are:

(1) Compatible with their surroundings;

(2) Appropriate to the activity that displays them;

(3) Expressive of the identity of individual activities and the community as a whole;

(4) Legible in the circumstances in which they are seen; and

(5) Protective of property values.

(b) Recognizing that businesses need signage to be seen and found by their customers, it is the purpose of these sign regulations to establish a hierarchy of modern, well maintained, permanent signs to assist business advertising. Businesses and others using signs should have one or more of the permanent signs in this part in use before requesting any type of temporary signs.

Sec. 14.10.710 Applicability

These regulations govern the permitting, design, location, construction, height, size, modification, use, maintenance, and removal of signs. The regulations contained in this article shall be applicable to all new signs, and shall also be applicable to all existing signs as outlined in Sec. 14.10.755 “Abandoned and Obsolete Signs”. None of the provisions of this part shall apply to government owned traffic signals and markings or any signs required by law whether owned by a unit of government or by a private party.

Sec. 14.10.715 Jurisdiction

In accordance with the Texas Local Government Code, these regulations apply to all areas within the corporate limits of the town.

Sec. 14.10.720 Permit Procedures

(a) Sign Permit Required

It is unlawful for any person to erect, repair, alter/modify, or relocate within the town any sign, except as may be authorized in Section14.10.730(c)"Signs exempt from requiring a permit", without first obtaining a sign permit from the Zoning Administrator and making payment of the fees established in Appendix A of the Town Code of Ordinances.

(b) Application and required information

Applications for sign permits shall be made upon forms provided by the Zoning Administrator, and shall contain (or have attached thereto) the following information:

(1) Name, address and telephone number of the applicant(s).

(2) Sign use classification.

(3) Location of building, structure or lot to which or upon which the sign or other advertising structure is to be attached or erected.

(4) Name of person, firm, corporation, or association erecting structure or attaching sign.

(5) Signature of the sign owner, and if different, written consent of the owner of the building, structure, or land to which or upon which the sign structure is to be erected or displayed.

(6) Zoning classification of the property.

(7) Valuation of proposed work.

(8) Such other information as the Zoning Administrator shall require to show full compliance with this and all other laws and ordinances of the Town.

(9) The Zoning Administrator may require plans to be prepared by a Texas-registered professional engineer or Texas-registered professional architect.

(10) Any electrical permits required and issued for said sign (if applicable). No sign shall be erected in violation of the town's electrical code or regulations.

(c) Plans and specifications

Scaled plans or dimensional sign detail shall be submitted in duplicate with each application for a permit and contain the following information prepared by a professional practicing within their design competency.

(1) Drawing of sign indicating the sign message or copy.

(2) Elevation plan of the building showing the proposed sign on the building, the length and height of the elevation, and any other existing signs on the elevation along with the dimensions of such signs.

(3) Site plan indicating street frontage, property lines, sign visibility triangles, proposed and existing rights-of-way, location of sign on property, relationship of proposed sign to ingress and egress points, and relationship of proposed sign to any other signs within a fifty foot (50') spacing of the proposed sign.

(4) Plans and specifications showing method of construction, method of attachment to the building or ground, size, type, height, construction materials, and such other information as the Zoning Administrator may require.

(5) ~~Copy of stress sheets and calculations showing that the structure is designed for dead load and wind pressure in any direction in the amount required by this and all other laws and ordinances of the town.~~ The Zoning Administrator may require the applicant to obtain a Texas-registered professional engineer's seal on plans, if in his reasonable discretion, plans appear to require a Texas-registered professional engineer's approval of the design due to the size, type of design, or structural appearance of the sign set forth in the plans.

(d) Signs requiring electrical wiring

Any electrical connections to signs shall require a separate electric permit. This work shall be done by a licensed electrician that is registered by the town.

(e) Sign installer registration

Any person(s), firm, corporation or business engaging in the operation of erecting, installing, servicing or maintaining signs within the town must be registered to conduct such business in the town. For the purposes of this section, persons engaging in the business of erecting, installing and maintaining signs, shall be designated as sign installers.

(1) Application. Registration shall require a completed application on a form supplied by the town.

(2) Registration requirement. No permit for the erection or alteration of a sign shall be issued to any person unless such person is registered pursuant to provisions of this section.

(3) Non-transferable registration. No registration of a sign installer shall be transferable and no holder of any license issued under provisions of this section shall allow his/her name or his/her company's name to be used by any other party under the penalty of forfeiting his/her license in addition to any fine imposed pursuant to the provisions of this section.

(4) Revocation of registration. Any registration granted under the provisions of this section may be revoked by the Zoning Administrator, or his designee, upon violation on any provision of this part. Upon revocation of registration, a new registration of that sign installer shall not be permitted for a period of six (6) months.

(f) Issuance

(1) Review. The application, plans~~, specifications, computations,~~ and other data filed by an applicant for permit shall be reviewed by the Zoning Administrator. Such plans may be reviewed by other departments of the town to verify compliance with any applicable laws under their jurisdiction. If the Zoning Administrator finds that the work described in the application for a permit and the plans, specifications, and other data filed therewith conform to the requirements of this section and other pertinent laws and ordinances, and that the required fees have been paid, a permit shall be issued to the applicant.

(2) Approved plans. When the Zoning Administrator issues the permit where plans are required, the plans and specifications shall be endorsed in writing or stamped "approved." Such approved plans and specifications shall not be changed, modified, or altered without authorization from theZoning Administrator, and all work shall be done in accordance with the approved plans.

(3) Validity of permit. The issuance of a permit or approval of plans, specifications, and computations shall not be construed to be a permit for, or an approval of, any violation of any of the provisions of this section or of any other ordinance of the town. No permit presuming to give authority to violate or cancel these provisions shall be valid. If the work authorized by a permit issued under this part has not been commenced within one hundred eighty (180) days after the date of issuance, the permit shall become null and void.

(4) Suspension or revocation. The Zoning Administrator may, in writing, suspend or revoke a permit under the provisions of this section whenever the permit is issued in error or on the basis of incorrect information supplied, or in violation of this section or any other ordinance of the town or laws of the State of Texas or the Federal Government. Such suspension or revocation shall be effective when communicated in writing to the person to whom the permit is issued, the owner of the sign, or the owner of the premises upon which the sign is located. Any signs installed under a revoked permit shall be removed by the permit holder, sign owner, or property owner within ten (10) days of written notice of the revocation.

(5) Certificate of occupancy. A business shall obtain or be in the process of obtaining a certificate of occupancy prior to the issuance of any sign permit. The name of the business shall coincide with the sign to be displayed.

(g) Inspections

(1) General. All signs for which a permit is required shall be subject to inspection by the building department. It shall be the duty of the permit applicant to cause the work to be accessible and exposed for inspection purposes. The town shall not be liable for expense incurred in the removal or replacement of any material required to allow inspection. The permit and approved plans are to be available and accessible at the job site for all inspections.

(2) Inspection requests. It shall be the duty of the person doing the work authorized by a permit to notify the building department that such work is ready for inspection.

(3) Approval required. No work shall be done on any part of the structure beyond the point indicated in such successive inspection without first obtaining the approval of the Zoning Administrator. Such approval shall be given only after an inspection shall have been made of each successive step in the construction.

(4) Fees. Required fees are set forth and established in Appendix A of the Town Code of Ordinances, subject to amendment at the discretion of the council.

(h) Appeals
Any person aggrieved by a decision of the Zoning Administrator or his/her designee, under this part, or any person seeking a variance from this part, may file an appeal with the board of adjustments in accordance with the comprehensive zoning ordinance.

Sec. 14.10.725 Authority

The Zoning Administrator or his/her designee is hereby authorized and directed to enforce all the provisions of this code.

Sec. 14.10.730 Classifications

For type of sign permitted in each district, see Table 14.10.730 located at the end of this Section.

(a) Permanent signs

(1) Building signs. These signs are painted on or attached against building fronts or parallel to the face of the building and have only one face (side). No sign may extend more than twenty-four inches (24") from any building surface to which it is attached. No sign shall project beyond the corner formed by the front and any other wall and not above the highest point of the roof or parapet. Signs atop marquees shall not extend beyond the marquees and shall be parallel to the wall from which the marquees extend. The square footage on a canopy sign attached as an awning shall count toward the maximum allowed for a building sign on the same side of that building.

(A) Maximum area - Building signs shall not cover more than twelve percent (12%) of the face of the building on which they are placed.

(B) Wording on building signs shall be limited to store and trade name and corporate logos only.

(C) Wall signs attached against building fronts or parallel to the face of the building shall be constructed of metal or other approved noncombustible material, unless otherwise approved by the Zoning Administrator.

(D) Signs with exposed neon tubing, exposed lamps, or flashing, blinking, rotating, moving, animated lights, or audible sounds are not permitted.

(E) Any box type signs shall be mounted vertically flush with the building.

(F) Electronic message center. A building sign may contain an electronic message center if approved by a Specific Use Permit. The area of an electronic message center shall be included in calculating the total sign area. On a multi-tenant property, electronic message centers will only be allowed on an anchor tenant(s). The property owner or management company shall be the applicant for the electronic message center. The electronic message center shall be no more than forty percent (40%) of the total sign area.

Electronic message centers are subject to the following restrictions:

(a) Any change in information on the sign shall not produce the illusion of moving objects, scrolling, blinking, flashing, expanding or contracting shapes, rotation or any similar visual effect of animation or movement;

(b) Any changeable copy shall not change more than every eight (8) seconds;

(c) Characters shall be a minimum of ten inches (10") in height and a maximum of forty-two inches (42") in height;

(d) Shall be allowed on major and minor arterials;

(e) Shall require a Specific Use Permit when installed within two hundred feet (200') of a residential lot;

(f) Only one electronic message center allowed per lot unless otherwise approved by a Special Use Permit; and

(g) Shall have an auto dimmer installed in the sign to reduce the nighttime brightness of the sign to 0.3 footcandles over ambient lighting conditions when measured according to Town policy.

(2) Canopy signs. A canopy sign serving as a building sign and attached to the main building as an awning shall be no greater in size than fifty percent (50%) of the face of the canopy of which it is a part or to which it is attached and shall not extend beyond the face of the canopy either vertically or horizontally. An illuminated strip may be incorporated into the canopy.

(3) Under-canopy signs. An under-canopy sign shall be no greater in size than six square feet (6 ft^2). The sign shall be no higher than the ceiling of the canopy, and no lower than seven feet (7') from grade. These signs are not to be used for freestanding canopies.

(4) Single-tenant monument signs. May be located on any street on which the single lot occupancy fronts. Single-tenant monument signs may not be used in conjunction with a pole sign. Signs shall not be wider at the top than at the lowest part of the sign, excluding supports.

(A) Maximum area. The maximum area is sixty square feet (60 ft^2)of sign message area per face.

(B) Maximum height. Signs shall have a masonry base and be no more than six feet (6') above grade.

(C) Sign location. Signs may not be located within the visibility triangle and shall not obstruct the view from driveways or parking areas. Signs shall be located at least twenty feet (20') from any property zoned residential.

(D) Spacing. A single-tenant monument sign shall be a minimum of fifty feet (50') from another single-tenant monument sign or multi-tenant sign that is on the same lot.

(E) Manual message center. A monument sign may contain a manual message center that utilizes changeable letters. The area of a manual message center shall be included in calculating the total sign area and shall not be more than forty percent (40%) of the total sign area.

(F) Electronic message center. A monument sign may contain an electronic message center. The area of an electronic message center shall be included in calculating the total sign area. The electronic message center shall be allowed to be twenty percent (20%) of the total sign area. The electronic message center may be increased up to forty percent (40%) of the total sign area if approved by Specific Use Permit.

Electronic message centers are subject to the following restrictions:

(a) Any change in information on the sign shall not produce the illusion of moving objects, scrolling, blinking, flashing, expanding or contracting shapes, rotation or any similar visual effect of animation or movement;

(b) Any changeable copy shall not change more than every eight (8) seconds;

(c) Characters shall be a minimum of ten inches (10") in height and a maximum of forty-two inches (42") in height;

(d) Shall be allowed on major and minor arterials;

(e) Shall require a Specific Use Permit when installed within two hundred feet (200') of a residential lot;

(f) Only one electronic message center allowed per lot unless otherwise approved by a Special Use Permit; and

(g) Shall have an auto dimmer installed in the sign to reduce the nighttime brightness of the sign to 0.3 footcandles over ambient lighting conditions when measured according to Town policy.

(G) Landscaping requirements. The area around the base of the sign shall be landscaped in a combination of irrigated bedding plants, shrubs, and/or flowers.

(H) Lighting. Monument signs may be illuminated only by internal lighting for sculpted non-ferrous panels or by a ground lighting source where the light and fixture are not visible from a public right-of-way.

(5) Multi-tenant monument signs. May be located on any street on which the multiple occupancy fronts. A multi-tenant sign shall not be allowed in conjunction with a pole sign on the same street frontage. A single-tenant monument sign may be used in conjunction with a multi-tenant sign if the single-tenant sign is for a separate building within a larger project.

(A) Maximum area. The total area of signage allowed shall be twenty square feet (20 ft^2) of sign area per business per side except that anchor tenants may have forty square feet (40 ft^2) per side up to a maximum of one hundred twenty square feet (120 ft^2) per side. The sign width should be in proportion to the sign height and the size of the development. The sign base should fit into one standard parking space.

(B) Maximum height. Signs shall have a masonry base and be no more than twelve feet (12') total above grade.

(C) Sign location. Shall be located no closer to any street than fifteen feet (15') behind the curbline separating the street from the business property and at least twenty feet (20') from any property zoned for residential use.

Comment [CJ33]: See Community Development Report

(D) Spacing. A multi-tenant sign should be a minimum of fifty feet (50') from another multi-tenant sign. No more than one (1) such sign on any street shall be allowed for any single building, whether it contains multiple uses or not.

(E) Manual message center. A monument sign may contain a manual message center that utilizes changeable letters. The area of a manual message center shall be included in calculating the total sign area and shall not be more than forty percent (40%) of the total sign area.

(F) Electronic message center. A multi-tenant monument sign may contain one electronic message center. The area of the electronic message center shall be included in calculating the total sign area. The property owner or management company shall be the applicant for the electronic message center. The electronic message center shall be allowed to be twenty percent (20%) of the total sign area. The electronic message center may be increased up to forty percent (40%) of the total sign area if approved by Specific Use Permit.

Electronic message centers are subject to the following restrictions:

(a) Any change in information on the sign shall not produce the illusion of moving objects, scrolling, blinking, flashing, expanding or contracting shapes, rotation or any similar visual effect of animation or movement;

(b) Any changeable copy shall not change more than every eight (8) seconds;

(c) Characters shall be a minimum of ten inches (10") in height and a maximum of forty-two inches (42") in height;

(d) Shall be allowed on major and minor arterials;

(e) Shall require a Specific Use Permit when installed within two hundred feet (200') of a residential lot;

(f) Only one electronic message center allowed per lot unless otherwise approved by a Special Use Permit; and

(g) Shall have an auto dimmer installed in the sign to reduce the nighttime brightness of the sign to 0.3 footcandles over ambient lighting conditions when measured according to Town policy.

(G) Landscaping requirements. The area around the base of the sign shall be landscaped in a combination of irrigated bedding plants, shrubs, and/or flowers.

(H) Lighting. Monument signs may be illuminated only by internal lighting for sculpted non-ferrous panels or by a ground lighting source where the light and fixture are not visible from a public right-of-way.

(6) Single-tenant pole signs. May be located on any street on which the single lot occupancy fronts. Single-tenant pole signs may not be used in conjunction with a monument sign.

(A) Maximum area. The total area of signage allowed shall be one hundred square feet (100 ft^2) per side.

(B) Maximum height. Signs shall be no more than thirty-five feet (35') total above grade.

(C) Sign location. Shall be located no closer to any street than fifteen feet (15') behind the curbline separating the street from the business property and at least twenty feet (20') from any property zoned for residential use.

(D) Spacing. A single-tenant pole sign should be a minimum of fifty feet (50') from any other pole sign. No more than one (1) such sign on any street shall be allowed for any single building.

(E) Manual message center. A pole sign may contain a manual message center that utilizes changeable letters. The area of a manual message center shall be included in calculating the total sign area and shall not be more than forty percent (40%) of the total sign area.

(F) Electronic message center. A pole sign may contain an electronic message center. The area of an electronic message center shall be included in calculating the total sign area. The electronic message center shall be allowed to be twenty percent (20%) of the total sign area. The electronic message center may be increased up to forty percent (40%) of the total sign area if approved by Specific Use Permit.

Electronic message centers are subject to the following restrictions:

(a) Any change in information on the sign shall not produce the illusion of moving objects, scrolling, blinking, flashing, expanding or contracting shapes, rotation or any similar visual effect of animation or movement;

(b) Any changeable copy shall not change more than every eight (8) seconds;

(c) Characters shall be a minimum of ten inches (10") in height and a maximum of forty-two inches (42") in height;

(d) Shall be allowed on major and minor arterials;

(e) Shall require a Specific Use Permit when installed within two hundred feet (200') of a residential lot;

(f) Only one electronic message center allowed per lot unless otherwise approved by a Special Use Permit; and

(g) Shall have an auto dimmer installed in the sign to reduce the nighttime brightness of the sign to 0.3 footcandles over ambient lighting conditions when measured according to Town policy.

(G) Landscaping requirements. The area around the base of the sign shall be landscaped in a combination of irrigated bedding plants, shrubs, and/or flowers.

(H) Lighting. Pole signs may be illuminated only by internal lighting.

(7) Multi-tenant pole signs. May be located on any street on which the multiple occupancy fronts. A multi-tenant pole sign shall not be allowed in conjunction with a multi-tenant monument sign on the same street frontage. A single-tenant monument sign may be used in conjunction with a multi-tenant pole sign if the single-tenant sign is for a separate building within a larger project.

(A) Maximum area. The total area of signage allowed shall be twenty square feet (20 ft^2) of sign area per business per side except that anchor tenants may have forty square feet (40 ft^2) per side up to a maximum of two hundred square feet (200 ft^2) per side.

(B) Maximum height. Signs shall be no more than fifty feet (50') total above grade.

(C) Sign location. Shall be located no closer to any street than fifteen feet (15') behind the curbline separating the street from the business property and at least twenty feet (20') from any property zoned for residential use.

(D) Spacing. A multi-tenant pole sign should be a minimum of fifty feet (50') from another multitenant sign. No more than one (1) such sign on any street shall be allowed for any single building, whether it contains multiple uses or not.

(E) Manual message center. A multi-tenant pole sign may contain a manual message center that utilizes changeable letters. The area of a manual message center shall be included in calculating the total sign area and shall not be more than forty percent (40%) of the total sign area.

(F) Electronic message center. A multi-tenant pole sign may contain one electronic message center. The area of the electronic message center shall be included in calculating the total sign area. The property owner or management company shall be the applicant for the electronic message center. The electronic message center shall be allowed to be twenty percent (20%) of the total sign area. The electronic message center may be increased up to forty percent (40%) of the total sign area if approved by Specific Use Permit.

Electronic message centers are subject to the following restrictions:

(a) Any change in information on the sign shall not produce the illusion of moving objects, scrolling, blinking, flashing, expanding or contracting shapes, rotation or any similar visual effect of animation or movement;

(b) Any changeable copy shall not change more than every eight (8) seconds;

(c) Characters shall be a minimum of ten inches (10") in height and a maximum of forty-two inches (42") in height;

(d) Shall be allowed on major and minor arterials;

(e) Shall require a Specific Use Permit when installed within two hundred feet (200') of a residential lot;

(f) Only one electronic message center allowed per lot unless otherwise approved by a Special Use Permit; and

(g) Shall have an auto dimmer installed in the sign to reduce the nighttime brightness of the sign to 0.3 footcandles over ambient lighting conditions when measured according to Town policy.

(G) Landscaping requirements. The area around the base of the sign shall be landscaped in a combination of irrigated bedding plants, shrubs, and/or flowers.

(H) Lighting. Pole signs may be illuminated only by internal lighting.

(8) Menu boards. Such signs may be freestanding or wall mounted.

(A) Sign area. The maximum aggregate area for a menu board shall not exceed forty-five square feet (45 ft^2).

(B) Height. The maximum sign height shall not exceed six feet (6') for freestanding signs.

(C) Sign location. The sign should be located so as not to be readable from the public right-of-way.

(D) Audible speaker and microphone. These are allowed if integral to the sign.

(9) Residential subdivision. One (1) monument or two (2) wall mounted subdivision nameplate signs per subdivision.

(A) Sign area. The sign area shall not exceed twenty square feet (20 ft^2).

(B) Height. The sign height shall not exceed five feet (5').

(C) Sign location. The sign shall not be located in the sight visibility triangle.

(10) Flags. Flags shall comply with the following additional regulations:

(A) Company logo flags require a permit and shall be allowed only in commercial zoning districts and in the R-4 residential zoning district. One company logo flag is allowed per lot. No other flags shall be used for advertising.

(B) Flags that the zoning administrator determines are not forms of advertising shall not require a permit.

(11) Fence sign

(A) A permit shall be required for a fence sign.

(B) No fence sign shall be larger than the lesser of twenty-five percent (25%) of the fence face or sixty square feet (60 ft^2) in area.

(C) Fence signs may not project out from the fence either horizontally or vertically.

(b) Temporary signs

Before requesting a temporary sign, businesses and others using signs should have one or more permanent signs in place. The Zoning Administrator may approve the use of a temporary sign without a permanent sign in special circumstances. Temporary signs shall be regulated as follows:

(1) New development signs. The purpose of a new development sign is to provide temporary identification of a new residential subdivision, or a proposed new commercial development. New development signs shall comply with the following regulations:

(A) Permit period: Permits for such signs shall be valid for a period of ~~one~~ two (~~1~~2) years, or until the completion of the project, whichever occurs first and must be removed within twenty-four (24) hours the

expiration of the permit. The permit may be renewed each year upon payment of a new fee provided that a minimum of ten percent (10%) of the lots remain vacant in a residential subdivision.

(B) One new development sign per street frontage is allowed on the site of the residential or commercial project.

(C) Maximum height: A New development sign shall not exceed fifteen feet (15') in height.

(D) Maximum area: A new development sign shall not exceed one hundred square feet (100 ft^2) in area.

(E) Illumination: A new development sign shall not be illuminated.

(2) Vehicle advertising. It shall be unlawful to attach any sign to or upon any vehicle, trailer, skid or similar mobile structure where the primary use is to provide a base for the sign itself. Businesses are expected to have building signs and ground signs for permanent identification. This provision does not restrict the identification signs and advertising on vehicles used for bona fide transportation and delivery activity.

(A) Signs attached to or upon any vehicle shall be prohibited where any such vehicle is allowed to remain parked along a right-of-way or in a required parking space in the same location or in the same vicinity for extended periods.

(B) Vehicle advertising signs shall be permanently attached to the vehicle by being painted, bolted, screwed or magnetically affixed. No sign or advertising structure shall be erected or attached to any vehicle except for those signs which are painted directly or mounted flush to the surface or mounted directly on the roof of the vehicle. No roof mounted signs shall project more than twelve inches (12") above the roof of the vehicle.

(C) Banners or signs made of cloth or similarly light materials, secured with rubber, rope, string, tape or other similar adhesives shall be prohibited for vehicular advertising.

(D) Vehicles that are in disrepair or inoperable, or that are not properly licensed, or that are currently not registered, shall not be used, parked or stored in a manner to provide advertising.

(3) Inflatable signs and balloons. Inflatable signs, including lighter-than-air balloons connected with a tether, shall be allowed in conjunction with the grand opening signage provision contained in these regulations, and once per year beyond those provisions. Inflatable signs and balloons may be used provided the following regulations are satisfied:

(A) An inflatable sign permit will be required for all inflatable and balloon signs. This permit will be valid for thirty (30) days.

(B) Not more than one inflatable sign shall be allowed on any premises.

(C) Inflatable signs and balloons when placed on a building may not exceed twenty-five feet (25') in height above the roof of the building and shall not obstruct visibility necessary for safe traffic maneuvering.

(D) Inflatable signs and balloons when placed on the ground may not exceed twenty-five feet (25') in height above the ground level and shall not be placed in the sight visibility triangle or obstruct visibility necessary for safe traffic maneuvering.

(E) Inflatable signs and balloons shall maintain a setback from any side or rear property line minimum distance equal to the height of the inflatable sign or balloon.

(F) Inflatable signs and balloons shall not be placed ~~under~~ within proximity of overhead electrical wires.

(G) Inflatable signs and balloons shall be kept in good repair and remain securely attached in such a manner to withstand wind loads.

(4) Real estate signs. The purpose of a real estate sign is to advertise the offering for sale or lease of land and/or buildings. Real estate signs shall be removed within twenty-four (24) hours of the close of a sale or lease of the property advertised. Real estate signs shall be classified as either residential, developed nonresidential, or undeveloped nonresidential.

(A) Residential real estate signs. One residential real estate sign shall be allowed for each street frontage of a residentially zoned property, and shall be regulated as follows:

1. Residential real estate signs do not require a permit.
2. Residential real estate signs shall be placed on the property offered for sale or lease.
3. The area of a residential real estate sign shall not exceed six square feet (6 ft^2). No more than three sign riders are allowed.
4. No portion of a residential real estate sign, including supports, shall exceed six feet (6') in height.
5. A residential real estate sign shall not be illuminated.
6. In addition to a residential real estate sign, one (1) "open house," or one (1) "model home," or one (1) "house for sale" sign shall be allowed on the property offered. The size and area shall not exceed that of a residential real estate sign.

(B) Developed nonresidential real estate signs. All developed nonresidential real estate signs for commercial properties shall comply with the following regulations:

1. Developed nonresidential real estate signs shall require a permit.
2. Single/multi-tenant–monument and pole. The single or multi-tenant sign serving the property to be leased or sold shall be used to advertise space for sale or lease in place of an additional ground mounted sign.
3. Building, wall, and window. One (1) developed nonresidential real estate building sign shall be allowed and placed flat against any wall of the nonresidential commercial property, except that two (2) signs shall be allowed if the building is on a corner facing two (2) streets. Such building sign shall not exceed one hundred square feet (100 ft^2) in area. One (1) window sign per window shall be allowed if used in lieu of building mounted signs. In no event shall both building signs and window signs be allowed on the same side of a building.
4. Ground mounted. One (1) ground mounted sign shall be allowed per nonresidential real estate property for each frontage, except that no more than two (2) ground signs shall be allowed in any event.
5. A developed nonresidential real estate ground sign shall not exceed fifty square feet (50 ft^2) per side in area.
6. A developed nonresidential real estate ground sign shall not exceed eight feet (8') in height.
7. A developed nonresidential real estate building sign shall not extend above the roofline.
8. A developed nonresidential real estate sign shall not be externally illuminated.
9. Ground mounted developed nonresidential real estate signs shall not be in a sight visibility triangle.

(C) Undeveloped nonresidential real estate signs. One (1) undeveloped nonresidential real estate sign per street frontage shall be allowed on an undeveloped commercial property and shall comply with the following regulations:

1. Undeveloped nonresidential real estate signs shall require a permit.
2. Undeveloped nonresidential real estate signs shall be a minimum of twenty feet (20') behind any curb or edge of pavement and ten feet (10') behind the property line.
3. Undeveloped nonresidential real estate signs shall not exceed ten feet (10') in height.
4. Undeveloped nonresidential real estate signs shall not exceed fifty square feet (50 ft^2) in area.

(5) Garage sale signs.

(A) A permit shall not be required for any garage sale sign.

(B) No more than three (3) garage sale signs shall be used per sale.

(C) Garage sale signs shall be self supported.

(D) Garage sale signs shall not exceed six square feet (6 ft^2) in area.

(E) Garage sale signs shall not exceed three feet (3') in height.

(F) Garage sale signs shall not be posted more than twenty-four (24) hours prior to the beginning of the sale and shall be removed within twenty-four (24) hours following the end of the sale.

(G) Garage sale signs shall not be illuminated.

(6) Political signs. The purpose of a political sign is to advertise a political candidate for public office, a political party, or an issue being considered for public referendum. Political signs shall comply with the following regulations:

(A) A permit fee shall not be required for political signs.

(B) A political sign shall be allowed in any zoning district.

(C) Political signs shall not be located on any utility, light, traffic signal or sign pole.

(D) Political signs shall be allowed for a period of thirty (30) days prior to any election. All political signs shall be removed no later than ten (10) days after the election or after the termination of candidacy, whichever occurs first.

(E) Political signs shall not exceed thirty-six square feet (36 ft^2) per side in area, and the height shall not exceed eight feet (8') above grade.

(F) No sign shall be erected without the permission of the property owner or person who has the right of control on such property unless such property is a polling place or early voting polling place within the meaning of Texas Election Code Sections 61.003 or 85.036, and the sign is placed in a location conforming to the 100 foot distance requirements set forth in such statutes and conforms to the requirements of subparts (C), (E), (G) and (I) of this section.

(G) Political signs shall not be located so as to cause a safety or traffic hazard.

(H) Political signs shall not be placed on public property or within public right-of-way unless such property is a polling place or early voting polling place within the meaning of Texas Election Code Sections 61.003 or 85.036, and the sign is placed in a location conforming to the 100 foot distance requirements set forth in such statutes and conforms to the requirements of subparts (C), (E), (G) and (I) of this section.

(I) A political sign shall not be illuminated.

(J) Political signs and campaign literature shall not be placed on town-owned property including, but not limited to Town Hall, Bicentennial Park, the fire station, the police department, and any town owned utility property unless such property is a polling place or early voting polling place within the meaning of Texas Election Code Sections 61.003 or 85.036, and the sign is placed in a location conforming to the 100 foot distance requirements set forth in such statutes and conforms to the requirements of subparts (C), (E), (G) and (I) of this section.

(7) Community event signs. The purpose of a community event sign is to provide temporary unlighted announcements for special events, bazaars, rallies, and similar activities of charity, religious, civic and philanthropic associations.

(A) A permit shall be required for a community event sign. No permit fee is required.

(B) Charity and civic event signs may be placed in any zoning district and any yard, but must not be placed in the right-of-way.

(C) The sign area must not exceed eight square feet (8 ft^2) in area.

(D) The sign height shall not exceed ten feet (10').

(E) Such sign shall be allowed for a period of fourteen (14) days prior to the first day of the event and shall be removed within twenty-four (24) hours following the last day of the event.

(F) No sign shall be allowed to remain for a period in excess of thirty (30) days.

(G) A minimum period of thirty (30) days shall elapse between the placement of such signs on the same property.

(8) Construction trade signs. The purpose of a construction trade sign is to provide temporary advertising for the various construction companies working at a construction site, which includes providing home improvement and/or repair at a residential property. A contractor must be registered with the town before displaying a construction trade sign. Construction trade signs shall be regulated as either residential construction trade signs or nonresidential construction trade signs.

(A) All construction trade signs shall comply with the following:

1. Construction trade signs shall be placed on the property where building activity is taking place.
2. One sign is allowed per contractor.
3. A valid building permit and contractor registration must be issued by the town before installation of a construction trade sign.
4. Construction trade signs shall not be illuminated.

(B) Residential construction trade signs shall comply with the following:

1. Residential construction trade signs shall only be allowed in residential zoning districts.
2. Residential construction trade signs shall not exceed six square feet (6 ft^2) in area.
3. Residential construction trade signs shall not exceed three feet (3') in overall height.
4. Residential construction trade signs shall be removed within twenty-four (24) hours of final building approval.

(C) Nonresidential construction trade signs shall comply with the following:

1. Nonresidential construction trade signs shall only be allowed in nonresidential zoning districts.
2. Nonresidential construction trade signs shall not exceed fifty square feet (50 ft^2) in area.
3. Nonresidential construction trade signs shall not exceed ten feet (10') in height.
4. Nonresidential construction trade signs shall be removed within twenty-four (24) hours of the issuance of a certificate of occupancy.

(9) Grand opening signage. The purpose of grand opening signage is intended to allow a new business or a business which has substantially remodeled as herein prescribed, to benefit from special advertising signage which is not usually allowed by the sign regulations. Grand opening signage is allowed in all nonresidential zoning districts. The following regulations contained within this subsection apply to grand opening signage.

(A) Upon the issuance of a certificate of occupancy, and within a one hundred eighty (180) calendar day period thereafter, a business shall be entitled to utilize the grand opening signage provisions contained in this subsection when one of the following conditions applies:

1. When a certificate of occupancy has been issued to a new business, new owner of an existing business, or to an existing business that has moved to a new address; or

2. When a certificate of occupancy has been issued to an existing business, which has been expanded or remodeled at a cost of the renovation or addition that exceeds fifty percent (50%) of the current value of the building, or lease-space, excluding the value of the land, according to the most recently approved tax roll.

(B) Approval of a grand opening signage permit by the Zoning Administrator is required and shall be valid for a period of thirty (30) consecutive calendar days. The grand opening signage permit is limited to the address noted on the certificate of occupancy and shall comply with the following requirements:

1. No permit fee shall be required for a grand opening signage permit.

2. Grand opening signage may include any combination of banners, pennants, inflatable signs and balloons, searchlights, and a portable sign, which may be in addition to any other legal sign allowed by the provisions of this part.

3. Grand opening signage shall be contained within the limits of the property of the legal business on which a certificate of occupancy has been issued and shall not extend into the town right-of-way. Signage shall not be located in any sight visibility triangle.

(10) Pennants. Pennants shall be allowed only in conjunction with the grand opening signage provisions contained in these regulations. Pennants may be used provided the following regulations are satisfied:

(A) All pennants shall maintain at least fifteen feet (15') of clearance over any vehicle maneuvering area or fire lane.

(B) Pennants shall maintain five feet (5') of clearance from any overhead electrical wire.

(C) All pennants shall be kept in good repair and remain securely attached in such a manner to withstand wind loads.

(D) Pennants shall not be attached to any utility or traffic control device pole located within a right-of-way, or project into a street right-of-way.

(11) Window signs

(A) No permit shall be required for any window signs.

(B) Window signs shall be either painted on the glass or placed inside the glass. A sign installed on the outside of the window shall be considered a building sign.

(C) Window signs may be placed so as not to obscure more than twenty-five percent (25%) of the visible window area available.

(D) Where multiple signs exist, fronting on a single elevation, seventy-five percent (75%) visibility shall be maintained for the total window area on said elevation.

(12) Commercial banner signs. The purpose of a banner sign is to supplement permanent advertising with temporary advertising messages which advertise the opening of a new business or special event. Banner signs shall comply with the following regulations:

(A) A permit shall be required for all commercial banner signs.

(B) One (1) commercial banner sign per street frontage shall be allowed for each single occupancy structure or for each store front of a multi-occupancy structure.

(C) A banner sign shall not exceed the lesser of twelve percent (12%) of the building face or fifty square feet (50 ft^2) in area.

(D) Commercial banner signs shall be attached to a building or fence and shall not project above the apparent roof or eaves line.

(E) Commercial banner signs shall be kept in good repair and remain securely attached in such a manner to withstand wind loads in accordance with the International Building Code adopted by the town.

(F) A maximum of four (4) commercial banner sign permits are allowed per business in a calendar year.

(G) A commercial banner sign permit shall be valid for thirty (30) days. Thirty (30) days must pass before an additional commercial banner sign may be permitted in the same location.

(H) A commercial banner sign must be removed from public view within twenty-four (24) hours of expiration of the permit.

(I) A sticker, supplied by the town, shall be affixed to any permitted banner.

(13) Feather banners/flags. Shall comply with the following regulations:

(A) A permit shall be required for each ~~feather banner/flag per~~ display period.

(B) Not more than two (2) feather banners/flags may be displayed per street frontage of any property.

(C) Feather banners/flags shall not exceed eleven feet (11') in height.

(D) Feather banners/flags shall be set back not less than ten feet (10') from all property lines, provided, however, that any such sign shall not be located in a visibility triangle ~~as defined in this article~~.

(E) A maximum of four (4) feather banner/flag permits are allowed per business in a calendar year.

(F) A feather banner/flag permit shall be valid for fourteen (14) days. Thirty (30) days must pass before any additional feather banners/flags may be permitted in the same location.

(G) All feather banners/flags shall be constructed of a durable all weather surface with hemmed edges and metal grommets where applicable, and be kept in good repair.

(H) Feather banners/flags shall not have any source of illumination.

(c) Signs exempt from requiring a permit

The following signs shall be exempt from permitting, but shall comply with the regulations contained in this part:

(1) A public notice or warning sign required by a federal, state, or local law, regulation, or ordinance, including historical signs and markers placed by a town, city, county, state or national historical preservation organization and official vehicle inspection station signs.

(2) Any incidental sign located inside a building which is not displayed so as to be visible from outside the building. Signs located within a covered shopping center building shall comply with the International Building Code, as adopted by the town. These generally include credit card decals, hours of operation signs, emergency contact information, and similar signs.

(3) Works of art, including barber poles attached to a building that do not include a commercial message.

(4) Telephone and other underground utility warning signs, and other safety signs not exceeding one square foot in area.

(5) Security warning, neighborhood watch or crime watch signs under two square feet in area.

(6) On-premises residential real estate signs, political signs, garage sale signs.

(7) Temporary holiday and special event decorations located in residential areas.

(8) Holiday decorations in commercial areas shall not require a permit provided:

(A) That the decorations do not have any advertising copy;

(B) That the decorations be displayed for a maximum of thirty (30) days;

(C) That any window decorations meet the window sign requirements; and

(D) That any inflatable decorations over ten feet (10') tall or mounted off of the ground shall require a permit.

Table 14.10.730 Permitted Signs

Type of Sign	District Allowed	Maximum Area (sq. ft.)	Maximum Height (ft)	Permit Required	Lighting Allowed	Duration Type	Additional Requirements
Building Sign	R-4, C-1, C-2, C-3, C-4, L-I	12% of wall	Top of parapet wall or roof	Yes	Yes	Permanent	See 14.10.730(a)(1)
Canopy Sign	R-4, C-1, C-2, C-3, C-4, L-I	12% of wall	Top of parapet wall or roof	Yes	Yes	Permanent	See 14.10.730(a)(2)
Under Canopy Sign	R-4, C-1, C-2, C-3, C-4, L-I	6	Ceiling of Canopy	Yes	No	Permanent	See 14.10.730(a)(3)
Single Tenant Monument	R-4, C-1, C-2, C-3, C-4, L-I	60	6	Yes	Yes	Permanent	See 14.10.730(a)(4)
Multi-Tenant Monument	C-1, C-2, C-3, C-4, L-I	120	12	Yes	Yes	Permanent	See 14.10.730(a)(5)
Single Tenant Pole Sign	C-2, C-3, C-4, L-I	100	35	Yes	Yes	Permanent	See 14.10.730(a)(6)
Multi-Tenant Pole Sign	C-2, C-3, C-4, L-I	200	50	Yes	Yes	Permanent	See 14.10.730(a)(7)
Menu Boards	C-2, C-3, C-4, L-I	45	6	Yes	Yes	Permanent	See 14.10.730(a)(8)
Residential Subdivision	R-1, R-2, R-3, R-4, R-5	20	5	Yes	No	Permanent	See 14.10.730(a)(9)
Company Logo Flag	R-4, C-2, C-3, C-4, L-I	60	35	Yes	No	Permanent	See 14.10.730(a)(10)
Fence Signs	C-2, C-3, C-4, L-I	60 or 25% of fence area	n/a	Yes	No	Permanent	See 14.10.730(a)(11)
New Development Signs	All Districts	100	15	Yes	No	Temporary	See 14.10.730(b)(1)
Inflatable and Balloon Signs	C-2, C-3, C-4, L-I	n/a	25	Yes	No	Temporary	See 14.10.730(b)(3)
Residential and Real Estate	All Residential	6	6	No	No	Temporary	See 14.10.730(b)(4)
Developed Nonresidential Real Estate	All Commercial	50	8	Yes	No	Temporary	See 14.10.730(b)(4)
Developed Nonresidential Real Estate	All Commercial	12% of wall face	Top of parapet wall or roof	Yes	No	Temporary	See 14.10.730(b)(4)
Undeveloped Nonresidential Real Estate	All Commercial	50	10	Yes	No	Temporary	See 14.10.730(b)(4)
Garage Sale Signs	All Residential	6	3	No	No	Temporary	See 14.10.730(b)(5)

Type of Sign	District Allowed	Maximum Area (sq. ft.)	Maximum Height (ft)	Permit Required	Lighting Allowed	Duration Type	Additional Requirements
Political Signs	All Districts	36	8	No	No	Temporary	See 14.10.730(b)(6)
Community Event Signs	All Districts	8	None	Yes, No Fee	No	Temporary	See 14.10.730(b)(7)
Construction Trade Signs	All Residential	6	3	No	No	Temporary	See 14.10.730(b)(8)
Construction Trade Signs	All Commercial	50	10	No	No	Temporary	See 14.10.730(b)(8)
Grand Opening Signage	All Commercial	Depends on Type	Depends on Type	Yes, No Fee	No	Temporary	See 14.10.730(b)(9)
Pennants	All Commercial	n/a	15 above vehicular traffic	No	No	Temporary	See 14.10.730(b)(10)
Window Signs	All Commercial	Not to Exceed	n/a	No	n/a	Temporary	See 14.10.730(b)(11)
Commercial Banner Signs	R-4, C-1, C-4, C-3, C-4, L-I	50	Top of parapet wall or roof	Yes	No	Temporary	See 14.10.730(b)(12)
Feather banner/flag	All Commercial	50	11	Yes	No	Temporary	See 14.10.730(b)(13)

Sec. 14.10.735 Prohibited

Signs not specifically allowed by this part are prohibited, including:

(a) Roof signs. See definition.

(b) Billboard advertising signs. See definition.

(c) Rotating and flashing signs. Revolving, rotating, flashing, or blinking beams or beacons of light shall be prohibited as a part of a sign display, including signs in windows, or as a device to attract attention, except as required by a governmental agency.

(d) Private signs on public property. Private signs shall be prohibited upon public property unless authorized by the town, other appropriate governmental authorities, or as provided by these regulations.

(e) Signs attached to utility poles. Signs attached to light poles, utility poles, traffic control poles, fences and trees shall be prohibited, unless authorized by the town.

(f) Display of offensive signs. Any sign deemed by the town to be in violation of this subsection shall be declared a public nuisance.

(g) Off-premises advertising shall be prohibited; unless provisions for such signs are contained in these regulations or in state law, or are approved by PD site plan for property that does not abut the nearest public street and signage can be provided as part of multi-tenant monument sign.

(h) Other signs. Any other sign not specifically allowed by this part is prohibited.

Sec. 14.10.740 General provisions

The following general provisions shall be applicable to all signs erected within the corporate limits of the town. Where a conflict may exist between a general provision and a specific regulation, the specific regulation shall have priority over the general provision.

(a) Signs in right-of-way. No sign, whether requiring a permit or not, shall be located within or project over any public right-of-way except as otherwise approved in a planned development site plan that has build to lines at the public right-of-way. This provision shall not be applicable to traffic control signs, or entrance and exit signs less than thirty inches (30") above grade placed with permission of the town.

(b) Interference with safety provisions. No sign shall be erected in such a manner that any portion of its surface or support structure will interfere in any way with the free use of any fire escape, exit, standpipe, or window, or obstruct any required ventilator or door stairway.

(c) Encroachment. A sign shall not be constructed within or project over any property line, vehicular right-of-way line, public drainage easement, public or private utility easement, without an encroachment in a mixed use zoning district or a planned development site plan that has build to lines at the public right-of-way.

(d) Lighting. Where provided for in these regulations, certain signs may be illuminated. Illumination may be internal, or indirect, as defined elsewhere in these regulations. All electrical facilities shall require separate electrical permits and shall be installed in accordance with the current National Electrical Code as adopted by the town. Lighting shall be installed so as to avoid any glare or reflection onto adjacent property, or create a traffic hazard on a street. Illuminated signs situated within one hundred feet (100') of residentially zoned property shall be shielded to minimize glare and direct visibility of the source of light from the residential area and nearby traffic.

(e) Visibility triangles. No sign, fence, screening wall, structure, hedge, tree, or shrub shall be erected, planted or maintained in such a manner so as to obstruct or interfere with a clear line of sight for the drivers of approaching motor vehicles within a visibility ~~sight~~ triangle, as defined in Article 14.02. ~~Within this triangle, vision shall be clear at elevations between thirty inches (30") and nine feet (9') above the average curb grade.~~ The placement of utility poles or traffic control devices shall be regulated by the public works director.

(f) Content. Commercial signs shall identify the name of the building or tenant, the business conducted on the premises, and may contain the site's physical address.

(g) Traffic-control conflicts. No sign or lighting permitted under these regulations shall be erected, placed or allowed to remain where such sign creates confusion, impairs hearing or vision, or otherwise distracts automotive drivers using any public street. Specifically prohibited are:

(1) High intensity bare bulb lighting or any lighting which creates a glare on any sign or signals unreadable at the normal viewing range by a driver on the public street.

(2) Signs duplicating colors, characteristics, or symbols of traffic signs or signals, or signs which cause confusion in reading such traffic signs or signals at normal viewing range.

(3) Signs or equipment, which produces noises, bells, or whistles which may be confused with the warning devices of emergency vehicles traveling in the public streets.

(h) Residential area nuisance. No sign or lighting permitted under these regulations shall be authorized where such sign or lighting, by reason of placement, lack of shielding, noise generation, or character of operation, causes material distress, discomfort or injury to persons of normal sensibilities residing on adjacent property or would interfere with the reasonable use, enjoyment, or right of privacy on his property.

Sec. 14.10.745 Maintenance

(a) Signs and sign structures, including those existing prior to the effective date of this part, shall be maintained at all times in a state of good repair, safe and secure condition, with all letters, braces, bolts, slips, supporting frame and fastenings free from deterioration, termite infestation, rot, rust or loosening, and be able to withstand at all times the dead load and wind pressure for which they were originally designed.

(b) Sign supports, structures and faces of all exterior surfaces that are covered with paint shall be regularly painted to prevent rusting, peeling or blistering surfaces.

(c) Any sign or sign support which varies, leans or lists fifteen degrees (15°) or more from horizontal or vertical original design (unless approved as part of the original design) shall be considered as requiring maintenance, and shall be repaired or removed by the owner.

(d) At no time shall a sign's internal structure or lighting be exposed unless it is actively under repair.

(e) Signs that are not maintained and allowed to become dilapidated and deteriorated will be declared illegal by the Zoning Administrator or designee. The sign will then be subject to the enforcement procedures in Section 14.10.775.

(f) All internally or externally lit signs shall be fully functional or the lighting shall be turned off until such time as the sign is fully functional.

Sec. 14.10.750 Construction Specifications

(a) Construction standards and materials

(1) The construction of all signs shall comply with the structural requirements of the current International Building Code, as adopted by the town. Any electrical installations shall comply with the current National Electrical Code as adopted by the town.

(2) All sign structures shall be painted or anodized to blend with the architecture. Any metal surfaces that are subject to rust or corrosion shall be protected by paint or some other approved treatment.

(b) Sign area measurement

(1) For all signs, allowable sign area based on building or property frontages shall apply only to each respective street frontage. The sign area allowed for all street frontages shall not be combined for use along one (1) street frontage.

(2) The maximum size area in square feet as prescribed in Section 14.10.730 shall apply to only one sign face. If the sign has more than one face, the maximum area of all faces shall be twice the area prescribed in Section 14.10.730 of this title.

(c) Symbols. Symbols which are designed as an integral part of the building structure ~~and symbols and signs which are not visible or readable from the public street~~ shall not be regulated by the sign ordinance.

Sec. 14.10.755 Abandoned and Obsolete Signs

(a) Abandoned signs

(1) The use of any permanent sign which is located on property which is vacant at the time of, or becomes vacant subsequent to, the passage of this part shall be deemed to have been abandoned.

(2) All abandoned sign lettering should be removed immediately, but shall be removed no later than ten (10) days after notification from the Zoning Administrator. In the case of a painted sign, it shall be painted over. In the case of an internally lit sign, a blank panel shall be installed. In the case of applied letters or other material, they shall be removed.

(3) If advertising copy is not removed within the stated period, the Zoning Administrator will declare the sign illegal.

(b) Obsolete signs. Any temporary sign observed to display a message pertaining to a time, event, or purpose that no longer applies shall be deemed obsolete. Obsolete signs will be declared illegal by the Zoning Administrator, and be subject to the enforcement procedures in Section 14.10.775 "Illegal Signs – Enforcement".

Sec. 14.10.760 Signs Exceeding Height or Area

In order that the town may develop in accordance with the intent and purpose of this title and in order that substantial justice may be done, signs may be erected which exceed the height and area limitations contained in Section 14.10.730 "Classifications", after approval of the same as a specific use in compliance with the terms and provisions of Article 14.08, Part II. "Specific UseRegulations", having due regard for the topography of the premises and the elevation of adjacent roadways.

Sec. 14.10.765 Continuation of Legal-Nonconforming Signs

All legal nonconforming signs, legally existing in use on the effective date of this part, will be subject to the requirements of Texas Local Government Code Chapter 216. These signs will be required to be removed in any of the following cases:

(a) The sign is rendered abandoned according to section 14.10.755 "Abandoned and Obsolete Signs" and has remained so for one (1) year.

(b) The sign is rendered abandoned according to section 14.10.755 "Abandoned and Obsolete Signs" on a lease space and has remained so for two (2) years.

(c) That no sign shall be re-established as nonconforming after damage or destruction if the estimated expense of reconstruction exceeds sixty percent (60%) of the replacement cost for the entire sign.

(d) The town may require the relocation, removal or reconstruction of any legal nonconforming sign provided the town creates a municipal board on sign control to determine the amount of compensation that must be provided to the sign owner for such changes.

Sec. 14.10.770 Unsafe and Dangerous Signs

The Zoning Administrator shall require that any sign or sign supports that are deemed unsafe, dangerous, or that pose an immediate threat to the safety of the general public be made safe by repair or removal. The Zoning Administrator shall make reasonable effort to notify and allow the owner, tenant and/or agent of the sign or sign structure to abate the unsafe, dangerous or threatening condition. The sign shall be made safe within twenty-four (24) hours of notification. Whenever the property owner, agent, or tenant fails to abate the unsafe or dangerous condition within the that time, or cannot be found for notification, the Zoning Administrator is hereby authorized to declare the sign illegal, remove or repair the sign, and require reimbursement to the town per the procedures in Section 14.10.775(b)(2) and (3).

Sec. 14.10.775 Illegal Signs–Enforcement

(a) Illegal signs and impoundment–Temporary signs. Failure to remove a temporary sign upon expiration of authorized period shall constitute a violation. Placement of a sign without a required permit shall constitute a violation. The owner, person in control of premises, or sign contractor where a temporary sign is located or placed shall be chargeable with any violation defined in this part.

(1) Any temporary sign deemed illegal shall be placed in an inventory of illegal signs.

(2) An illegal sign may be returned to the owner upon payment of a ~~penalty~~return fee, as listed in Appendix A "Fee Schedule".

(3) If owner has not claimed an illegal temporary sign within ~~thirty (30)~~fourteen (14) days of it being entered into the inventory, the sign will be the property of the town.

(4) Continued disregard for the requirements for use of temporary signs may require the town to issue a citation to the offending party.

(b) Illegal signs and impoundment–Permanent signs. The relocation, reconstruction or removal of permanent signs shall be handled by the following procedures.

(1) Correction or removal of a permanent illegal sign by town. If the owner of any lot or premises upon which a permanent illegal sign as described in this article fails to legally correct, remedy or remove such sign within thirty (30) days after initial notice to do so is given, the town may do such work as necessary to correct, remedy or remove such condition, or cause the same to be done, and pay therefore and charge the expenses and appropriate administrative costs incurred thereby to the owner of such lot. The doing of the work by the town shall not relieve such person from prosecution for failure to comply with such notice in violation of this section.

(2) Statement of expenses. The town shall deliver a detailed invoice of such expenses and administrative fees to the owner and require payment within thirty (30) days. Such expenses may be assessed against the lot or real estate upon which the work was done or the improvements made. Whenever any work is done or improvements are made by the town under the provisions of this section, and payment is not received within thirty (30) days, the Town manager or his designee on behalf of the town may file a statement of the expenses incurred thereby with the county clerk. Such statement shall give the amount of such expenses and the date or dates on which the work was done or the improvements were made.

(3) After the statement of expenses is filed, the town shall have a privileged lien on the lot or real estate, upon which the work was done or improvements made, to secure the expenses thereof. Such lien shall be second only to tax liens and liens for street improvements, and the amount thereof shall bear interest at the rate of eight percent (8%) per annum from the date of payment by the town of such expenses. For any such expenditures and interest, suit may be instituted and recovered and foreclosure of the lien may be had in the name of the town, and the statement of expenses made, or a certified copy thereof, shall be prima facie proof of the amount expended for such work or improvements. The Mayor~~Town manager or his designee is hereby authorized~~must ~~to~~ execute releases of liens upon payment thereof.

Article 14.11 Adult Entertainment

Part I. In General

Sec. 14.11.005 Adoption of Preamble

The findings contained in the preamble of this ordinance [Ordinance 95-04] are determined to be true and correct and are adopted as a part of this Article.

Sec. 14.11.010 Purpose and Intent

It is the purpose of this Article to regulate adult entertainment establishments to promote the health, safety, morals and general welfare of the citizens of the town, and to establish reasonable and uniform regulations to prevent the concentration of adult entertainment establishments within the town. The provisions of this Article have neither the purpose nor effect of imposing a limitation or restriction on the content of any communicative materials, including sexually oriented materials. Similarly, it is not the intent nor effect of this Article to restrict or deny access by adults to sexually oriented materials protected by the First Amendment or to deny access by the distributors and exhibitors of sexually oriented entertainment to their intended market.

Part II. Definitions

Sec. 14.11.105 Definitions

(a) For purposes of this Article, the word "he" shall be defined to include the word "she."

(b) Unless otherwise expressly stated, the following terms shall, for the purposes of this Article, have the meanings indicated in this section.

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

(2) *Adult bookstore or adult video store*. A commercial establishment which as its principal business purpose offers for sale or rental for any form of consideration any one or more of the following:

(A) Books, magazines, periodicals or other printed matter, or photographs, films, motion pictures, videocassettes or video reproductions, slides, or other visual representations which depict or describe "specified sexual activities" or "specified anatomical areas"; or

(B) Instruments, devices, or paraphernalia which are designed for use in connection with "specified sexual activities." This does not include items used for birth control or for prevention of sexually transmitted diseases.

(3) *Adult cabaret*. A nightclub, bar, restaurant, or similar commercial establishment which regularly features:

(A) Persons who appear in a state of nudity; or

(B) Live performances which are characterized by the exposure of "specified anatomical areas" or by "specified sexual activities"; or

(C) Films, motion pictures, videocassettes, slides, or other photographic reproductions which are characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas."

(4) *Adult entertainment establishment*.

(A) An adult arcade, adult bookstore or adult video store, adult cabaret, adult motel, adult theater, adult motion picture theater, escort agency, nude model business or sexual encounter center; and/or

(B) Any establishment whose principal business 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 in a state of nudity.

(C) The term "adult entertainment" shall not be construed to include:

1. Any business operated by or employing licensed psychologists, licensed physical therapists, registered nurses, licensed athletic trainers; or
2. Any business operated by or employing licensed physicians or licensed chiropractors engaged in practicing the healing arts; or
3. Any retail establishment whose principal business is the offering of wearing apparel for sale to customers and 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; or
5. Any business operated by or employing professionals licensed by the State of Texas in the healing arts, mental health care fields, physical therapy fields, or other health care fields determined by the State of Texas to require licensing in order to operate or conduct business.

(5) *Adult motel*. A hotel, motel or similar commercial establishment which:

(A) Offers accommodations to the public for any form of consideration; provides patrons with closed circuit television transmissions, films, motion pictures, videocassettes, slides, or other photographic reproductions which are characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas"; and has a sign visible from the public right-of-way which advertises the availability of this adult type of photographic reproductions; or

(B) Offers a sleeping room for rent for a period of time that is less than ten (10) hours; or

(C) Allows a tenant or occupant of a sleeping room to subrent the room for a period of time that is less than ten (10) hours.

(D) Evidence that a sleeping room in a hotel, motel or similar commercial establishment has been rented and vacated two (2) or more times in a period of time that is less than ten (10) hours creates a rebuttable presumption that the business is an adult motel.

(6) *Adult motion picture theater*. A commercial establishment where, for any form of consideration, films, motion pictures, videocassettes, slides, or similar photograph[ic] reproductions are regularly shown which are characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas."

(7) *Adult theater*. A theater, concert hall, auditorium, or similar commercial establishment which regularly features persons who appear in a state of nudity or live performances which are characterized by the exposure of "specified anatomical areas" or by "specified sexual activities."

(8) *Church*. A building, whether situated within the town or not, in which persons regularly assemble for religious worship intended primarily for purposes connected with such worship or for propagating a particular form of religious belief.

(9) *Customer*. Any person who:

(A) Is allowed to enter an adult entertainment establishment in return for the payment of an admission fee or any other form of consideration or gratuity; or

(B) Enters an adult entertainment establishment and purchases, rents or otherwise partakes of any merchandise, goods, entertainment or other services offered therein; or

(C) Is a member of and on the premises of an adult entertainment establishment operating as a private club.

(10) *Employee*. Any person who renders any service whatsoever to the customers of an adult entertainment establishment or who works in or about an adult entertainment establishment and who receives compensation for such service or work from the operator or owner of the adult entertainment establishment or from the customers therein.

(11) *Escort*. A person who, for consideration, agrees or offers to act as a companion or date for another person, or who agrees or offers to privately model lingerie or to privately perform a striptease for another person.

(12) *Escort agency*. A person or business association who furnishes, offers to furnish, or advertises to furnish escorts as its principal business purpose, for a fee, tip, or other consideration.

(13) *Licensed day care center*. A facility licensed by the State of Texas, whether situated within the town or not, that provides care, training, education, custody[,] treatment or supervision for more than six (6) children under fourteen (14) years of age, where such children are not related by blood, marriage or adoption to the owner or operator of the facility, for less than twenty-four (24) hours a day, regardless of whether or not the facility is operated for a profit or charges for the services it offers.

(14) *Licensee*. A person in whose name a license to operate an adult entertainment establishment has been issued, as well as any and all individuals listed as applicants on the application for a license.

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

(16) *Nudity or a state of nudity*

(A) The appearance of a human bare buttock, anus, male genitals, female genitals, or female breast; or

(B) A state of dress which fails to opaquely cover a human buttock, anus, male genitals, female genitals, or areola of the female breast; or

(C) A state of dress that is intended to create a simulation of a human bare buttock, anus, male genitals, female genitals, female breast, or areola of the female breast.

(17) *Operates or causes to be operated*. To cause to function or to put or keep in operation. A person may be found to be operating or causing to be operated an adult entertainment establishment whether or not that person is an owner, part owner, licensee or manager of the establishment.

(18) Person. An individual, proprietorship, partnership, corporation, association, or other legal entity.

(19) Principal. Over fifty percent (50%) of customers, volume of sales, stock in trade, display areas or presentation time in any three-month increment period beginning from the date of issuance of a certificate of occupancy. Stock in trade shall be measured with all titles or objects available on the premises for sale or rental including those that are identical, considered a separate title or object.

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

(21) Residential district. A residentially zoned district as defined by the zoning ordinance of the Town of Pantego.

(22) Residential use. A single-family, townhouse, duplex mobile home or multiple-family use as defined in the zoning ordinance of the Town of Pantego.

(23) Sexual encounter center. A business or commercial enterprise that, as its principal business purpose, offers for any form of consideration:

(A) Physical contact in the form of wrestling or tumbling between persons of the opposite sex; or

(B) Activities between male and female persons and/or persons of the same sex when one or more of the persons is in a state of nudity.

(24) Specified anatomical areas. Human genitals in a state of sexual arousal.

(25) Specified sexual activities. Includes any of the following:

(A) The fondling or other erotic touching of human genitals, pubic region, pubic hair, perineum, buttocks, anus, or female breasts;

(B) Sex acts, normal or perverted, actual or simulated, including intercourse, oral copulation, sodomy or bestiality;

(C) Masturbation, actual or simulated; or

(D) Excretory functions.

Part III. Location of Adult Entertainment Establishments

Sec. 14.11.205 Location

(a) An adult entertainment establishment shall be located within a specific zoning district as set forth in ~~the zoning chapter of the Pantego Municipal Code~~ this Chapter.

(b) A person commits an offense if he establishes, operates, or causes to be operated or expanded an adult entertainment establishment within one thousand feet (1,000') of:

Comment [CJ34]: Jim: Can this be changed to 1,500 feet?

(1) A church;

(2) A public or private elementary or secondary school;

(3) A boundary of a residential district;

(4) A licensed day care center;

(5) A public park; and

(6) The property line of a lot devoted to a residential use as defined in this section.

However, if there is a controlled access highway between the district boundary/property line and the adult entertainment establishment, the adult entertainment establishment must be at least five hundred feet (500') from such district boundary/property line.

(c) A person commits an offense if he establishes, operates or causes to be operated or expanded an adult entertainment establishment within one thousand feet (1,000') of any other adult entertainment establishment.

(d) A person commits an offense if he establishes, operates or causes to be operated or expanded an adult entertainment establishment in any building, structure or portion thereof containing another adult entertainment establishment.

(e) For the purposes of subsection (b), measurement shall be made in straight line, without regard to intervening structures or objects, from the nearest portion of the building or structure used as tenant space occupied for an adult entertainment establishment to the nearest property line of the premises of a church, public or private elementary or secondary school, licensed day care center, or to the nearest boundary of an affected public park, residential district, or residential lot.

(f) For purposes of subsection (c) of this section, the distance between any two adult entertainment establishments shall be measured in a straight line, without regard to intervening structures or objects, from the closest exterior wall of the structure in which each business is located or from the closest wall of the tenant space occupied as applicable.

Sec. 14.11.210 Nonconforming Uses

(a) Any adult entertainment establishment lawfully operating prior to the effective date of this Article, whichis in violation of Section 14.11.205 "Location", shall be deemed a nonconforming use. The nonconforming use will be permitted to continue for a period not to exceed three (3) years from the effective date of this Article, unless sooner terminated for any reason or voluntarily discontinued for a period of thirty (30) days or more. Such nonconforming uses shall not be increased, enlarged, extended or altered except that the use may be changed to a conforming use. If two or more adult entertainment establishments are within one thousand feet (1,000') of one another and otherwise in a permissible location, the adult entertainment establishment which was first established and continually operating at a particular location is the conforming use and the later-established business(es) is nonconforming.

(b) Notwithstanding anything contained herein to the contrary, the license and amortization appeal board may extend the amortization period hereinabove provided to a reasonable period of time for any nonconforming adult entertainment establishment upon a showing by a particular business that without an extension it will be unable to recoup its investment in the nonconforming structure.

(1) Any nonconforming adult entertainment establishment which desires an extension must register with the license and amortization appeal board as a nonconforming use no later than September 1, 1995, and must file an application for an extension of the amortization period not later than November 1, 1995. Requests for an extension of the amortization period shall be limited to one application with the license and amortization appeal board.

(2) Section 14.11.210(b) shall not apply to any establishment which has undergone a change in ownership since the effective date of this Article.

(c) An adult entertainment establishment lawfully operating as a conforming use after the effective date of this Articleis not rendered a nonconforming use by the location, subsequent to the commencement of operation of the adult entertainment establishment, of a church, public or private elementary or secondary school, public park, licensed day care center, residential use or residential zoning district within one thousand feet (1,000') of the adult entertainment establishment.

Part IV. License for Adult Entertainment Establishment

Sec. 14.11.305 License required

(a) A person commits an offense if he operates or causes to operate an adult entertainment establishment without a valid license, issued by the town for the particular type of business.

(b) An application for a license must be made on a form provided by the director of public safety. The application must be accompanied by a sketch or diagram showing the configuration of the premises, including a statement of total floor space occupied by the business. The sketch or diagram need not be professionally prepared but must be drawn to a designated scale or drawn with marked dimensions of the interior of the premises to an accuracy of plus or minus six inches (6").

(c) The applicant must be qualified according to the provisions of this part.

(d) If a person who wishes to operate an adult entertainment establishment is an individual, he must sign the application for a license as applicant. If a person who wishes to operate an adult entertainment establishment is other than an individual, each individual who has a twenty percent (20%) or greater interest in the business must sign the application for a license as applicant. Each applicant must be qualified under Section 14.11.315 "License Issuance" and each applicant shall be considered a licensee if a license is granted.

(e) The fact that a person possesses other types of state or town permits does not exempt him from the requirement of obtaining a license for an adult entertainment establishment.

(f) The provisions of this part shall apply to existing adult entertainment establishments beginning ninety (90) days after the effective date of this Article.

Sec. 14.11.310 License Application

(a) Any person, association, firm, partnership or corporation desiring to obtain an adult entertainment establishment license shall make application on a form provided by the director of public safety or his designee.

(b) All applications for a license under this part shall be accompanied by a nonrefundable application fee of five hundred dollars ($500.00). An application shall not be considered to have been filed until the fee is paid and all information required by the application form has been submitted.

Sec. 14.11.315 License Issuance

(a) The director of public safety shall approve the issuance of a license to an applicant within thirty (30) days after receipt of an application unless the director of public safety finds one (1) or more of the following to be true:

(1) The location of the adult entertainment establishment is or would be in violation of part III of this Article.

(2) The applicant failed to supply all of the information requested on the application.

(3) The applicant gave false, fraudulent, or untruthful information on the application.

(4) An applicant is under eighteen (18) years of age.

(5) An applicant or an applicant's spouse is overdue in payment to the town of taxes, fees, fines or penalties assessed against or imposed upon the applicant or the applicant's spouse in relation to an adult entertainment establishment.

(6) An applicant or an applicant's spouse has been convicted of a violation of a provision of this Articleother than the offense of operating an adult entertainment establishment without a license, within two (2) years immediately preceding the application. The fact that a conviction is being appealed shall have no effect.

(7) The license fee required by this Articlehas not been paid.

(8) The applicant has not demonstrated that the owner of the adult entertainment establishment owns or holds a lease for the property or the applicable portion thereof upon which the adult establishment will be situated or has a legally enforceable right to acquire the same.

(9) An applicant or the proposed establishment is in violation of or is not in compliance with section 14.11.320 "Inspection and Maintenance Records" or 14.11.345 "Transfer of License" of this Article.

(10) An applicant or an applicant's spouse has been convicted of a crime:

(A) Involving:

1. Any of the following offenses as described in chapter 43 of the Texas Penal Code:

a. Prostitution;
b. Promotion of prostitution;
c. Aggravated promotion of prostitution;
d. Compelling prostitution;
e. Obscenity;
f. Sale, distribution or display of harmful material to a minor;
g. Sexual performance by a child;
h. Possession of child pornography;

2. Any of the following offenses as described in chapter 21 of the Texas Penal Code:

a. Public lewdness;
b. Indecent exposure;
c. Indecency with a child;

3. Sexual assault or aggravated sexual assault as described in chapter 22 of the Texas Penal Code;

4. Incest, solicitation of a child or harboring a runaway child as described in chapter 25 of the Texas Penal Code; or

5. Criminal attempt, conspiracy or solicitation to commit any of the foregoing offenses;

(B) For which:

1. Less than two (2) years have elapsed since the date of conviction, or the date of release from the terms of probation, parole or deferred adjudication, or the date of release from confinement imposed for the conviction, whichever is the later date, if the conviction is of a misdemeanor offense;

2. Less than five (5) years have elapsed since the date of conviction, or the date of release from the terms of probation, parole or deferred adjudication, or the date of release from confinement for the conviction, whichever is the later date, if the conviction is of a felony offense; or

3. Less than five (5) years have elapsed since the date of the last conviction or the date of release from confinement for the last conviction, whichever is the later date, if the convictions are of two (2) or more misdemeanor offenses or combination of misdemeanor offenses occurring within any twenty-four (24) month period.

(b) The fact that conviction is being appealed shall have no effect on the disqualification of the applicant or applicant's spouse.

(c) An applicant who has been convicted or whose spouse has been convicted of an offense listed in Section 14.11.315(a)(10)(A) may qualify for an adult entertainment establishment license only when the time period required by Section 14.11.315(a)(10)(B) has elapsed.

(d) The license, if granted, shall state on its face the name of the person or persons to whom it is granted, the expiration date and the address of the adult entertainment establishment.

(e) The license shall be posted in a conspicuous place at or near the entrance to the adult entertainment establishment so that it may be easily read at any time.

Sec. 14.11.320 Inspection and Maintenance of Records

(a) An applicant or licensee shall permit representatives of the police department, health department, fire department and building inspections division to inspect the premises of an adult entertainment establishment for the purpose of insuring compliance with the law, at any time it is occupied or open for business.

(b) A person who operates an adult entertainment establishment or his agent or employee commits an offense if he operates the establishment without maintaining a current list of all employees employed by the business, along with a complete updated application. A valid driver's license, state identification card, or passport, all with a photo, shall be required for all employment applications.

(c) A person who operates an adult entertainment establishment or his agent or employee commits an offense if he refuses to permit a lawful inspection of the premises by a representative of the police department at any time it is occupied or on for business.

(d) The provisions of this section do not apply to areas of an adult motel which are currently being rented by a customer for use as a permanent or temporary habitation.

Sec. 14.11.325 Expiration of License

(a) Each license shall expire one (1) year from the date of issuance.

(b) A license may be renewed by submission to the director of public safety or his designee of an application on the form prescribed by such official and payment of a nonrefundable renewal processing fee of five hundred dollars ($500.00).

(c) Application for renewal shall be made at least thirty (30) days before the expiration date.

Sec. 14.11.330 Suspension

(a) The director of public safety shall suspend a license for a period not to exceed thirty (30) days if he determines that a licensee or an employee of a licensee has:

(1) Violated or is not in compliance with sections 14.11.205 "Location", 14.11.320(b) or 14.11.345"Transfer of License" of this Article;

(2) Engaged in public intoxication while on the adult entertainment establishment premises;

(3) Refused to allow inspection of the adult entertainment establishment premises as authorized by this part; or

(4) Knowingly permitted gambling by any person on the adult entertainment establishment premises.

(b) When the director of public safety is authorized to suspend a license under this section, he shall give the licensee the opportunity to pay a reinstatement fee of two hundred dollars ($200.00) rather than have the license suspended.

(1) Payment of this reinstatement fee shall be considered an administrative admission to the violation. However, this shall not be used as an admission of guilt in a criminal prosecution under this Article.

(2) If the licensee does not pay the reinstatement fee before the expiration of the third working day after notification, he loses the opportunity to pay it and the director of public safety shall impose the suspension.

(3) Each day in which a violation is permitted to continue shall constitute a separate cause for suspension.

Sec. 14.11.335 Revocation

(a) The director of public safety shall revoke a license if a cause of suspension in Section 14.11.330"Suspension" occurs and the license has been suspended or a reinstatement fee paid within the preceding twelve (12) months.

(b) The director of public safety shall revoke a license if he determines that:

(1) A licensee gave false or misleading information in the material submitted to the director of public safety during the application process; or

(2) A licensee or an employee has knowingly allowed possession, use or sale of controlled substances on the premises; or

(3) A licensee or an employee has knowingly allowed prostitution on the premises; or

(4) A licensee or an employee knowingly operated the adult entertainment establishment during a period of time when the licensee's license was suspended; or

(5) A licensee has been convicted of an offense listed in Section 14.11.315(a)(10) for which the time period required has not elapsed; or

(6) On two (2) or more occasions within a twelve-month period, an employee of the establishment committed in or on the licensed premises an offense listed in Section 14.11.315(a)(10) for which a conviction has been obtained; or

(7) A licensee or an employee has knowingly allowed any act of sexual intercourse, sodomy, oral copulation, masturbation or sexual contact to occur in or on the licensed premises. The term "sexual contact" shall have the same meaning as it is defined in section 21.01, Texas Penal Code; or

(8) A licensee is delinquent in payment to the town for hotel occupancy taxes, ad valorem taxes or sales taxes related to the adult entertainment establishment.

(c) The fact that a conviction is being appealed shall have no effect on the revocation of the license.

(d) Section 14.11.335(b)(7) does not apply to adult motels as a ground for revoking the license unless the licensee or employee knowingly allowed the act of sexual intercourse, sodomy, oral copulation, masturbation or sexual contact to occur in a public place or within public view.

(e) When the director of public safety revokes a license, the revocation shall continue for one (1) year and the licensee shall not be issued an adult entertainment establishment license for one (1) year from the date revocation became effective. If, subsequent to revocation, the director of public safety finds that the basis for the revocation has been corrected or abated, the applicant may be granted a license if at least ninety (90) days have elapsed since the date the revocation became effective. If the license was revoked under Section 14.11.335(b)(5), an applicant may not be granted another license until the appropriate number of years required under Section 14.11.315(a)(10) has elapsed.

Sec. 14.11.340 Appeal

(a) If the director of public safety is authorized to deny the issuance of a license, or suspend or revoke a license, the director of public safety shall give written notice to the applicant or licensee of such intention.

(1) The notice shall provide that the denial of issuance, suspension, or revocation shall take effect at the expiration of the third working day after notification unless the licensee provides a written response to the director of public safety before the expiration of the third working day.

(2) If a written response from the applicant or licensee is received by the director of public safety before the expiration of the third working day, the suspension, denial of issuance or revocation will be stayed pending a decision by the director of public safety. The director of public safety shall review the response before the rendering of a decision.

(3) The director of public safety shall give written notice of this decision to the applicant or licensee.

(4) The decision by the director of public safety is effective immediately and is final pending any appeal.

(5) Notice shall be deemed delivered by hand delivery to a licensee, owner or employee of the establishment or by a posting of the notice at the usual business entrance of the establishment. Notice may also be sent by certified mail, return receipt requested. Such notice shall be mailed to the address listed in the license application for receipt of notice.

(b) Upon receipt of written notice of the denial, suspension or revocation, the licensee whose application for a license has been denied or whose license has been suspended or revoked shall have the right to appeal to an appropriate court.

(c) An appeal to the appropriate court must be filed within thirty (30) days after the receipt of notice of the decision of the director of public safety or decision of the license and amortization appeal board, as applicable.

(d) The licensee shall bear the burden of proof in court.

Sec. 14.11.345 Transfer of License

(a) A person commits an offense if he transfers his license to another person or operates an adult entertainment establishment under the authority of a license at any place other than the address designated in the application.

(b) A person commits an offense if he counterfeits, forges, changes, defaces or alters a license.

Sec. 14.11.350 Exemption from Location Restrictions

(a) If the director of public safety denies the issuance of a license to an applicant because the location of the adult entertainment establishment is or would be in violation of Section 14.11.205 “Location”, then the applicant may, not later than ten (10) calendar days after receiving notice of the denial, file with the CitySecretary a written request for an exemption from the locational restrictions.

(b) If the written request is filed with the CitySecretary within the ten (10) day limit, a license and amortization appeals board shall consider the request. The City Secretary shall set a date for the hearing within sixty (60) days from the date the written request is received. If a timely request is so filed the existing license is deemed not to have expired until the decision of the board on such request.

(c) The board of adjustment as created by Article 1.05, division 4, of the Pantego Municipal Code shall serve as the license and amortization appeal board pursuant to this Article. All references in this Articleto the license and amortization appeal board are to be construed as references to the board of adjustment. The reference in Pantego Municipal Code section 1.05.112 “Powers and Duties” to a license and amortization appeal board is a reference to the board described throughout this adult entertainment Article.

(d) A hearing by the board may proceed only if three (3) of the board members or alternates are present. The board shall hear and consider evidence offered by any interested person. The formal rules of evidence do not apply.

(e) The license and amortization appeal board may grant an exemption from the locational restrictions of Section 14.11.205 “Location”, if it makes the following findings:

(1) That the location of the adult entertainment establishment will not have a detrimental effect on nearby properties or be contrary to the public safety or welfare;

(2) That the location of the adult entertainment establishment will not downgrade the property values or quality of life in the adjacent areas or encourage the development of urban blight;

(3) That the location of the adult entertainment establishment in the area will not be contrary to any program of neighborhood conservation nor will it interfere with any efforts of urban renewal or restoration; and

(4) That all other applicable provisions of this Articlewill be observed.

(f) In making the findings specified in Section 14.11.350(e), the board shall take into account among other things:

(1) Crime statistics of the location and its one thousand foot (1,000’) radius maintained by the appropriate law enforcement agency for the previous six (6) month period;

(2) Tarrant Appraisal District appraisals for the location and its one thousand foot (1,000’) radius taking into account any decline or increase in property values;

(3) Vacancy rates of residential, commercial, or office space within the surrounding one thousand foot (1,000’) radius; and

(4) Any evidence regarding the award or denial of any public or private grants for neighborhood conservation, urban renewal or restoration for any property located within a one thousand foot (1,000’) radius.

(g) The board shall grant or deny the exemption by a majority vote. Failure to reach a majority vote approving the exemption shall result in denial of the exemption. Disputes of fact shall be decided on the basis of a preponderance of the evidence. The decision of the license and amortization appeal board is final.

(h) If the board grants the exemption, the exemption is valid for one (1) year from the date of the board’s action. Upon the expiration of an exemption, the adult entertainment establishment is in violation of the locational restrictions of Section 14.11.205“Location” until the applicant applies for and receives another exemption.

(i) If the board denies the exemption, the applicant may not reapply for an exemption until at least twelve (12) months have elapsed since the date of the board’s action.

(j) The grant of an exemption does not exempt the applicant from any provisions of this Article other than the location restrictions.

Part V. Additional Regulations

Sec. 14.11.405 Additional Regulations for Adult Cabaret

(a) An employee of an adult cabaret while appearing in a state of nudity commits an offense if he touches a customer or the clothing of a customer.

(b) A customer at an adult cabaret commits an offense if he touches an employee appearing in a state of nudity or the clothing of the employee.

(c) A licensee or employee commits an offense if he permits any customer access to an area of the premises not visible from the manager's station or not visible by a walk-through of the premises without entering a closed area, excluding restrooms.

Sec. 14.11.410 Additional Regulations for Escort Agencies

(a) A person commits an offense if he employs at an escort agency any person under the age of eighteen (18) years.

(b) A person commits an offense if he acts as an escort or agrees to act as an escort for any person under the age of eighteen (18) years.

Sec. 14.11.415 Additional Regulations for Nude Model Businesses

(a) A person commits an offense if he employs at a nude model business any person under the age of eighteen (18) years.

(b) A person under the age of eighteen (18) years commits an offense if he appears in a state of nudity in or on the premises of a nude model business. It is a defense to prosecution under this subsection if the person under eighteen (18) years was in a restroom not open to public view or persons of the opposite sex.

(c) A person commits an offense if he appears in a state of nudity or knowingly allows another to appear in a state of nudity in an area of a nude model business premises which can be viewed from the public right-of-way.

(d) A person commits an offense if he places or permits a bed, sofa, or mattress in any room on the premises of a nude model business except that a sofa may be placed in a reception room open to the public.

(e) A licensee or employee commits an offense if he permits any customer access to an area of the premises not visible from the manager's station or not visible by a walk-through of the premises without entering a closed area, excluding restrooms.

Sec. 14.11.420 Additional Regulations for Adult Theaters and Adult Motion Picture Theaters

(a) A person commits an offense if he knowingly allows a person under the age of eighteen (18) years to appear in a state of nudity in or on the premises of an adult theater or adult motion picture theater.

(b) A person under the age of eighteen (18) years commits an offense if he knowingly appears in a state of nudity in or on the premises of an adult theater or adult motion picture theater.

(c) It is a defense to prosecution under subsections (a) and (b) of this section if the person under eighteen (18) years was in a restroom not open to public view or persons of the opposite sex.

Sec. 14.11.425 Regulations Pertaining to Exhibition of Sexually Explicit Films or Videos

A person who operates or causes to be operated an adult entertainment establishment other than an adult motel, which exhibits on the premises in a viewing room of less than one hundred fifty square feet (150 ft^2) of floor space, a film, videocassette, or other video reproduction which depicts specified sexual activities or specified anatomical areas, shall comply with the following requirements:

(a) Upon application for an adult entertainment establishment license, the application shall be accompanied by a diagram of the premises showing a plan thereof specifying the location of one or more manager's stations and the location of all overhead lighting fixtures and designating any portion of the premises in which patrons will not be permitted. A manager's station may not exceed thirty-two square feet (32 ft^2) of floor area. The diagram shall also designate the place at which the permit will be conspicuously posted, if granted. A professionally prepared diagram in the nature of an engineer's or architect's blueprint shall not be required; however, each diagram should be oriented to the north or to some designated street or object and should be drawn to a designated scale or with marked dimensions sufficient to show the various internal dimensions of all areas of the interior of the premises to an accuracy of plus or minus six inches (6"). The director of public safety may waive the foregoing diagram for renewal applications if the applicant adopts a diagram that was previously submitted and certifies that the configuration of the premises has not been altered since it was prepared.

(b) The application shall be sworn to be true and correct by the applicant.

(c) No alteration in the configuration or location of a manager's station may be made without the prior approval of the director of public safety or his designee.

(d) The licensee commits an offense if he permits a manager's station to be unattended by an employee at any time a customer is present on the premises.

(e) The interior of the premises shall be configured in such a manner that there is an unobstructed view from a manager's station of every area of the premises to which any customer is permitted access for any purpose excluding restrooms. Restrooms may not contain video reproduction equipment. If the premises has two (2) or more manager's stations designated, then the interior of the premises shall be configured in such a manner that there is an unobstructed view of each area of the premises to which any customer is permitted access for any purpose from at least one of the manager's stations. The view required in this subsection must be by direct line of sight from the manager's station.

(f) The licensee commits an offense if he permits access to a customer of any area of the premises that is not visible from the manager's station for any purpose excluding restrooms.

(g) The owners, operator and any agents and employees present on the premises shall ensure that the view area specified in subsection (e) remains unobstructed by any doors, walls, merchandise, display racks or other materials at all times that any customer is present in the premises and to ensure that no customer is permitted access to any area of the premises which has been designated as an area in which customers will not be permitted in the application filed pursuant to subsection (1) of this section.

(h) The premises shall be equipped with overhead lighting fixtures of sufficient intensity to illuminate every place to which customers are permitted access at an illumination of not less than one (1.0) foot-candle as measured at the floor level.

(i) The licensee commits an offense if he permits illumination of any area of the premises to which customers have access to be less than one (1.0) foot-candle.

Part VI. Enforcement

Sec. 14.11.505 Violation a Misdemeanor

Any corporation, agent or employee thereof who violates any of the provisions of this Articleshall be guilty of a misdemeanor and upon conviction thereof shall be fined an amount the maximum as prescribed by law and by ordinance of the Townfor each offense. Each day that a violation is permitted to exist shall constitute a separate offense.

Sec. 14.11.510 Defenses

(a) It is a defense to prosecution under sections 14.11.205 "Location", 14.11.305 "License Required", and 14.11.415 "Additional Regulations for Model Businesses" that a person appearing in a state of nudity did so in a modeling class operated:

(1) By a proprietary school licensed by the State of Texas; a college, junior college, or university supported entirely or partly by taxation;

(2) By a private college or university which maintains and operates educational programs in which credits are transferrable to a college, junior college, or university supported entirely or partly by taxation; or

(3) In a structure:

(A) Which has no sign or other advertising visible from the exterior of the structure indicating a nude person is available for viewing; and

(B) Where in order to participate in a class a student must enroll at least three (3) days in advance of the class; and

(C) Where no more than one nude model is on the premises at any one time.

(b) It is a defense to prosecution under section 14.11.205 "Location" and 14.11.305 "License Required" that said item of descriptive, printed, film or video material offered for sale or rental:

(1) Taken as a whole, contains serious literary, artistic, political, or scientific value; and

(2) When taken as a whole does not appeal to the prurient interest in sex.

Article 14.12 Administrative Clauses

Sec. 14.12.005 Validity and Savings Clause

(a) Validity. If any section, paragraph, subdivision, clause, phrase, or provision of this article shall be adjudged invalid or held unconstitutional, the same shall not affect the validity of this article as a whole or any part of [or]provisions thereof, other than the part so decided to be invalid or unconstitutional.

(b) Savings clause. All provisions as set forth in the existing Ordinance ~~12.01~~15-XXX, as amended, shall with the passing of this article, remain in full force and effect unless specifically prohibited or abrogated by this article.

Comment [CJ35]: Update with Ordinance # when passed.

Sec. 14.12.010 Violation, Penalty and Enforcement

Any person who shall violate any of the provisions of this article or who shall fail to comply therewith or with any of the requirements thereof, or who shall erect or alter any building, or who shall commence to erect or alter any building in violation of any detailed statement of plan submitted or approved there under, shall for each and every violation or noncompliance be deemed guilty of a misdemeanor and shall be fined not more than the maximum as prescribed by law and by ordinance of the Town, and each day such violation shall be permitted to exist shall constitute a separate offense. The owner of that building or premises or part thereof where anything in violation of this article shall be placed or shall exist, and any architect, builder, contractor, agent or corporation employed in connection therewith who may have assisted in the commission of any such violation shall each be guilty of a separate offense and upon conviction shall be subject to the penalties herein provided.

Sec. 14.12.015 Publication

The caption and penalty clause of this ordinance shall be published as prescribed by law, and [the ordinance] shall be printed in its entirety and shall be incorporated into the code of the town. Additionally, this ordinance may be published in pamphlet form.

AGENDA BACKGROUND

AGENDA ITEM: Discuss, direct, and consider action on a presentation by Colliers Consulting, Inc. in regards to a proposal to monitor and report on the activities and actions of the Northern Trinity Groundwater Conservation District, Groundwater Management Area 8.

Date: June 20, 2016

PRESENTER:

Matt Fielder, City Manager

BACKGROUND:

This item was included at the request of Council to discuss the impact of a study on the desired future conditions of the aquifers from which the Town obtains its water with representatives of Collier Consulting. Collier has previously submitted a proposal to provide information and analysis on the activities of the Groundwater Conservation District and Groundwater Management Area. The latest proposal is included. The Collier representatives will be travelling from an event in Stephenville, and will arrive at approximately 8:30 p.m.

FISCAL IMPACT:

$3,200 per year or $6,600 per year, depending on the level of involvement

RECOMMENDATION:

Staff recommends retaining Collier to attend the meetings of the Northern Trinity GCD and Groundwater Management Area 8.

ATTACHMENTS:

Collier Proposal

Director's Review: *jca*
City Manager's Review: _____

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TO: Scott Williams, Public Works Director – Town of Pantego

FROM: Aaron Collier, P.G., Vice President

DATE: May 17, 2016

SUBJECT: Proposal for Routine Groundwater Conservation District and Groundwater Management Area 8 Meeting Reports for the Town of Pantego

The following is a scope of work for Collier Consulting, Inc. (CCINC) to provide the Town of Pantego (the CLIENT), with routine reports on groundwater conservation district (GCD) meetings affecting the CLIENT.

Task 1. Attend and Report on the Northern Trinity GCD and GMA 8 Meetings.

CCINC will attend the board meetings of the Northern Trinity GCD and GMA 8 meetings (which Northern Trinity GCD is a part of). CCINC will provide the CLIENT with a summary report.

Cost = $3,200 per year

Task 2. Attend and Report on the Immediately Adjacent GCD Meetings (Upper Trinity, North Texas, and Prairielands).

CCINC will attend the board meetings of the Upper Trinity, North Texas, and Prairielands GCDs and provide the CLIENT with a summary report for each meeting. It is in the CLIENT's interest to keep abreast of adjacent GCDs' decisions and policies, since they can have a significant bearing on the policies of the Northern Trinity GCD.

Cost = $3,600 per year

CCINC staff will be available to the CLIENT via email or phone conversation to answer questions related to this project. Should any of the above listed entities exceed their regularly scheduled meetings, CCINC will notify the CLIENT and will request in writing for additional funding to attend any unscheduled meetings. Invoicing for this project will be done on a quarterly basis.

Authorizing Signature:_____ **Date:**_____